



CITY COUNCIL MEETING MINUTES

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

Anne McEnery-Ogle, Mayor

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

July 18, 2022

WORKSHOPS

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

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

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

https://www.cvtv.org/vid_link/34789?startStreamAt=0&stopStreamAt=7461

4:00 - 6:00 pm Transportation System Plan

Rebecca Kennedy, Deputy Community Development Director, 360-487-7896

Summary

Staff led Council through a discussion of the Transportation System Plan Update, including the final goals, policies, projects and programs.

COUNCIL DINNER/ADMINISTRATIVE UPDATES

REGULAR COUNCIL MEETING

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

Vancouver City Council meeting minutes are a record of the action taken by Council. To view the CVTV video recording, including presentations, testimony and discussion, for this meeting please visit: https://www.cvtv.org/vid_link/34791?startStreamAt=0&stopStreamAt=4901 Electronic audio recording of City Council meetings are kept on file in the office of the City Clerk for a period of six years.

Pledge of Allegiance

Call to Order and Roll Call

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

Present: Councilmembers Harless, Perez, Fox, Paulsen, Stober, and Hansen

Absent: None

Councilmember Harless attended the meeting remotely.

Councilmember Paulsen motioned to excuse Mayor McEnerny-Ogle from the Council meeting, seconded by Councilmember Hansen, and carried unanimously to approve the absence.

Approval of Minutes

Minutes - April 25, 2022

Motion by Councilmember Hansen, seconded by Councilmember Paulsen, and carried unanimously to approve the meeting minutes of April 25, 2022.

Community Communications

Mayor Pro Tem Stober opened Community Communication and received testimony from the following community members regarding Consent Agenda Items 1-2:

- Kimberlee Elbon, La Center, WA

There being no further testimony, Mayor Pro Tem Stober closed Community Communication.

Consent Agenda (Items 1-2)

Motion by Councilmember Paulsen, seconded by Councilmember Fox, and carried unanimously to approve the Consent Agenda.

1. Member Removal and Appointments to Parks and Recreation Advisory Commission

The Parks and Recreation Advisory Commission is a 10-member volunteer group made up of City residents, two school district representatives and a liaison from the Parks Foundation of Clark County.

The commission advises Vancouver City Council and city staff on needs, plans and programs necessary to provide an adequate system of parks, open space, playgrounds, facilities and recreation services to the residents of Vancouver.

Mayor McEnemy-Ogle recently interviewed six candidates, including one incumbent, to fill three seats. Due to a non-responsive commission member, with the Council's approval, the mayor also recommends appointment to a fourth seat.

Request: Remove Anne Marie Barber from the Parks and Recreation Advisory Commission and approve the reappointment of Devan Rostorfer with a term expiring July 31, 2025; the appointment of Micheil MacCutcheon with a term beginning July 31, 2022 and expiring July 31, 2025; the appointment of Juli Link and Jeremy Robbins with terms beginning immediately and expiring July 31, 2023.

Mayor

Motion approved the request.

2. Approval of Claim Vouchers

Request: Approve claim vouchers for July 18, 2022.

Motion approved claim vouchers in the amount of \$8,245,073.31.

Public Hearings (Item 3-4)

3. **Amendments to VMC 8.22 - Camping**

Staff Report: 090-22

AN ORDINANCE of the City of Vancouver, Washington renaming Chapter 8.22 of the Vancouver Municipal Code, protecting certain areas that are particularly vulnerable to a dangerous wildfire event by prohibiting camping and outside habitation in those areas; amending VMC 8.22.010 "Findings", VMC 8.22.020 "Purpose", VMC 8.22.030 "Definitions", VMC 8.22.040 "Unlawful Camping", VMC 8.22.050 "Unlawful Storage of Personal Property in Public Places", VMC 8.22.070 "Permit"; providing for severability; and providing for an immediate effective date.

In September 2021, Council approved amendments to VMC 8.22 to support the establishment of the Safe Stay Communities by further specifying times during which it is unlawful to camp or occupy camping facilities in publicly owned places. At the time Council was told that their action preserved the broadest range of policy options for the Council's future consideration relative to public camping. At this time, staff are suggesting additional amendments to Chapter 8.22 to further address the broader impacts of homelessness.

One issue of great concern to both individuals experiencing homelessness and the greater Vancouver community is the danger posed by fire. The Vancouver Fire Department has observed a substantial increase in the amount of outside fire ignitions over the last several years, an increase of almost 600% since 2016. The Burnt Bridge Creek drainage is particularly vulnerable to a dangerous wildfire event. The area would fit the parameters of what is commonly understood as the wildland urban interface. Heavy vegetation, limited access, and limited water supply with residences in proximity, all contributes to a potentially serious wildfire condition that could endanger life and property. The steep slopes coupled with the usual afternoon onshore winds, has the potential to allow an uncontrolled wildfire to not only threaten the lives of anyone recreating or residing in the canyon, but could also damage or destroy homes adjacent to the Burnt Bridge Creek trail system. Figures 8.22-1 and 8.22-2 of the Ordinance are maps showing the proposed additional Camping and Outside Habitation Impact Areas.

These new additions would have the same limitations that already exist in the established Camping and Outside Habitation Impact Areas.

Request: On July 18, 2022, subject to second reading and public hearing, approve the ordinance.

Aaron Lande, Program and Policy Development Manager,
360-487-8612

Mayor Pro Tem Stober read the title of the ordinance into the record.

Aaron Lande, Program and Policy Development Manager, provided an overview of the Amendments to the Vancouver Municipal Code section 8.22 - Camping. Council discussed the item with staff at length.

Mayor Pro Tem Stober opened the public hearing and received testimony from the following community members:

- Kimberlee Elbon, La Center, WA
- Greg Duvic, Vancouver
- Joanita Munoz, Vancouver

There being no further testimony, Mayor Pro Tem Stober closed the public hearing.

Motion by Councilmember Paulsen, seconded by Councilmember Hansen, and carried unanimously to approve Ordinance M-4379.

4. **A Resolution expressing the City Council's support for a Clark County Sales Tax Proposition, which would increase sales taxes throughout Clark County, including in the City of Vancouver, by one-tenth of 1% and would provide funding for public safety and criminal justice programs: Clark County Proposition 11**

Staff Report: 091-22

A RESOLUTION expressing the City Council's support for a Clark County Sales Tax Proposition 11, which, if approved by voters, would authorize a one-tenth of 1% sales and use tax throughout Clark County to be used for public safety and criminal justice purposes pursuant to RCW 82.14.450.

*Clark County Proposition 11
Ballot Title:*

Proposition 11

Sales and Use Tax of 0.1% for Public Safety and Criminal Justice Purposes

The Clark County Council adopted Resolution 2022-05-03 proposing a sales and use tax pursuant to RCW 82.14.450. If approved, a one-tenth of 1% sales and use tax will be implemented. The revenue will be split between Clark County (60%) and the cities within Clark County (40%) and used for public safety and criminal justice purposes pursuant to RCW

82.14.450. Clark County will use its revenue share for public safety and criminal justice purposes, including but not limited to, funding a body worn camera program, increased staffing for the Sheriff's Office, and other expenses.

Should this proposition be approved?

The sales tax that the Clark County Council has placed on the August ballot (Proposition 11) is authorized by RCW 82.14.450: Sales and use tax for counties and cities. State law allows this tax to be imposed – subject to a vote of the electorate - by either cities or counties at a rate of up to 0.3%. Depending on who imposes the tax first, there are revenue sharing requirements under state statute. Under the approach chosen by the County, 60% of the revenues are retained by the County and 40% are distributed to cities within the county on a per capita basis.

The statute that authorizes this tax does not allow for cities to “opt out”, nor does it preclude the City from seeking voter approval of its own tax under the same statute PROVIDED the combined tax rate of City and County does not exceed 0.3%. If the City chose to pursue a future voter approved measure to implement this tax under the same statute, it would be subject to revenue sharing provisions that require 15% of proceeds to be shared with the County, and 85% retained by the City.

If passed by voters, this would raise the total sales tax rate in the City of Vancouver to 8.6%, with a distribution breakdown as follows:

Jurisdiction	Rate %
State of Washington	6.5
City of Vancouver – General	1.0
City of Vancouver – Affordable Housing	0.1
CTran	0.7
Clark County (includes the newly proposed 0.1%)	0.3
TOTAL	8.6

Note: A total of 15% of the City's sales tax revenue is shared with Clark County for administrative purposes.

Estimated Revenues

The County estimates a total annual revenue of \$12 million in 2023, of which 40% - or \$4.8 million, would be distributed to cities on a per capita basis. The County estimates the portion of revenues that would be distributed to Vancouver in 2023 would be approximately \$3.38 million. A spreadsheet of these estimates prepared by Clark County is linked for Council's reference. If Vancouver were to impose a 0.1% sales tax on its own, it would yield approximately \$5.8 million annually, or more than the city's per capita share of this proposal. A spreadsheet reflecting this comparison for all communities in Clark County is attached for council's reference.

Limits on Use

One-third of all revenues generated by this sales tax must be used solely for criminal justice purposes, fire protection purposes, or both. All other revenues may be used for any other lawful government purpose. Under this statute, "criminal justice purposes" has the same meaning as provided in RCW 82.14.340, which reads:

Criminal justice purposes are defined as activities that substantially assist the criminal justice system, which may include circumstances where ancillary benefit to the civil justice system occurs, and which includes domestic violence services such as those provided by domestic violence programs, community advocates, and legal advocates, as defined in RCW 70.123.020. After May 13, 2021, through December 31, 2023, criminal justice purposes includes local government programs which have a reasonable relationship to reducing the numbers of people interacting with the criminal justice system including, but not limited to, reducing homelessness or improving behavioral health.

PROPOSITION 11

Sales and Use Tax of 0.1% for Public Safety and Criminal Justice Purposes

The Clark County Council adopted Resolution 2022-05-03 proposing a sales and use tax pursuant to RCW 82.14.450. If approved, a one-tenth of 1% sales and use tax will be implemented. The revenue will be split between Clark County (60%) and the cities within Clark County (40%) and used for public safety and criminal justice purposes pursuant to RCW 82.14.450. Clark County will use its revenue share for public safety and criminal justice purposes, including but not limited to, funding a body worn camera program, increased staffing for the Sheriff's Office, and other expenses.

Should this proposition be approved?

Request: On July 18, 2022, following a public hearing, adopt a resolution approving the proposed resolution supporting Proposition 11.

Eric Holmes, City Manager, 360-487-8640; Jonathan Young, City Attorney, 360-487-8500

Eric Holmes, City Manager, and Jonathan Young, City Attorney, provided an overview of the Resolution for a Clark County Sales Tax Proposition. Council discussed the item with staff at length. Council proposed minor changes to the resolution in the second Whereas statement and the sixth Whereas statement.

Mayor Pro Tem Stober opened the public hearing and received testimony from the following community members:

- Kimberlee Elbon, La Center, WA
- Greg Duvic, Vancouver

There being no further testimony, Mayor Pro Tem Stober closed the public hearing.

Motion by Councilmember Hansen, seconded by Councilmember Fox, and carried 4-2 to approve Resolution M-4177, as amended. Councilmembers Perez and Paulsen voted No.

Communications

A. From the Council

B. From the Mayor

C. From the City Manager

Executive Session: Re Labor Strategy (1 hour)

Mayor Pro Tem Stober announced the Council would be entering executive session from 7:51-9:06 p.m. for the purpose of discussing labor strategy.

Anne McEnery-Ogle, Mayor

Attest:

Natasha Ramras, City Clerk

Adjournment

9:06 p.m.

DATE: July 18, 2022

TO: Vancouver City Council

FROM: Joanita Munoz, Northcrest Neighborhood

Thank you for your concern about the fire risk along Burnt Bridge Creek. This is a reminder about the fire on April 17, 2021.

On this night the reported peak wind speed was only 8 mph. But earlier on April 12, it was 21 mph. With flames reaching an estimated 25-30 feet, it could have been more serious on the 12th. The campers on the hillside would be at risk as well as the private properties along the ridge. I have not studied fire science, but just by watching the news I believe the possibility of the fire racing uphill puts many homes in danger.

It is necessary to note that the fire on the 17th, was not for the purpose of heat or cooking. Apparently, it was arson. The man who set up that campsite was not at the site at the time of the fire.



From: [Garry](#)
To: [City Council](#)
Subject: Submission: City Council Contact Form
Date: Thursday, July 14, 2022 3:38:46 PM

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City Council Contact Form

Submitted date: Thursday, July 14, 2022 - 3:38pm

Contact Information

First name:

Garry

Last name:

Beneke

Email address:

[REDACTED]

Street address:

[REDACTED]

ZIP code:

98661

Inquiry Information

Subject:

Share an opinion about a City project or initiative

Recipient:

All of Council

Message:

Your constituents have voted NO 3 times that I know of to NOT bring light rail from Portland to Vancouver. Just like with that homeless center on Grand you ignore the will of the people that put you in office. Personally, I have had enough. We don't need a new bridge, we need a third crossing. In my opinion all Vancouver officials that voted for light rail should be re-called and replaced with people willing to work for the voting taxpayers instead of against them. None of will ever get my familys vote should any of you run for election again for any office.

Garry Beneke

Upload a file:

From: [REDACTED]
To: [City Council](#)
Subject: Saving the Park-Harper's Playground
Date: Thursday, July 14, 2022 7:33:56 AM

[You don't often get email from kristihoff@comcast.net. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

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

Good morning,

We are very concerned about Harper's Playground and we are expressing our hope that the city of Vancouver and the Fire Chief will work with the citizens in the community to save this playground. It was with much love and effort by the family and so many others to make it all possible.

The city of Vancouver has failed to keep their promise in the contract to maintain the park over the past 5 years. They were allotted \$15,000. A year to do so. It would be mostly a cosmetic fix to bring it back to a good standard and much needed. The "bones" of the structure are still sound.

Thank you for hearing our concerns.
Kristine Hoff

Sent from my iPhone

From: [Lawrence](#)
To: [City Council](#)
Subject: Submission: City Council Contact Form
Date: Wednesday, July 13, 2022 4:13:33 PM

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City Council Contact Form

Submitted date: Wednesday, July 13, 2022 - 4:13pm

Contact Information

First name:

Lawrence

Last name:

Kee

Email address:

[REDACTED]

Street address:

[REDACTED]

ZIP code:

98683

Inquiry Information

Subject:

Recipient:

All of Council

Message:

Do something about the homeless on the streets!
I don't care what you do or where you move them!
Get them off the streets!

Upload a file:

From: [Ginny Lensing](#)
To: [City Council](#)
Subject: Chelsea Anderson Memorial Playground
Date: Tuesday, July 12, 2022 3:14:54 PM

You don't often get email from ginny.lensing@gmail.com. [Learn why this is important](#)

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To Whom It May Concern:

I have recently heard about the planned removal of the structure of the Chelsea Anderson playground.

This deeply saddens me. I remember clearly the day the playground was dedicated. It was so wonderful to see all the effort put in by firemen and all the donations put to such a wonderful project in memory of the tragedy of little Chelsea.

I don't know how much effort was put into trying to save this wonderful playground but it seems that the construction of the Harper's playground has just taken over. Instead of wiping out the entire Chelsea playground it seems that some kind of compromise could be worked out so that both playgrounds could be used side by side. I think the Harper's playground is also a wonderful project, but not to the demise of the Chelsea structure.

At the very least, it seems the name, Chelsea Anderson Memorial playground, should remain.

To tear out the structure and rename the entire playground seems disrespectful to all the people involved in the hard work in getting the Chelsea playground there in the first place.

Respectfully,
Ginny Lensing

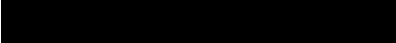
From: [Glynda Hamilton](#)
To: [City Council](#)
Subject: Chelsea park
Date: Tuesday, July 12, 2022 2:47:24 PM

You don't often get email from glyndahaha@gmail.com. [Learn why this is important](#)

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

I am writing to encourage you to save Chelsea park. Because the city neglected to maintain it there is every reason the city should do everything it can to re[air what needs repairing and save its original parts. Adding to it is a good idea of course, but tearing it down is a ridiculous waste of money.

Glynda Hamilton



From: [Mark](#)
To: [City Council](#)
Subject: Submission: City Council Contact Form
Date: Tuesday, July 12, 2022 2:42:44 PM

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City Council Contact Form

Submitted date: Tuesday, July 12, 2022 - 2:42pm

Contact Information

First name:

Mark

Last name:

Muenster



Street address:



ZIP code:

98663

Inquiry Information

Subject:

Share an opinion about a City project or initiative

Recipient:

All of Council

Message:

July 12, 2022

Vancouver City Council

Dear Councilors:

Earlier this year, I sent a letter to the council regarding a proposal for a subsidy program for solar

power collectors for homeowners. As a satisfied owner of a small solar array, I can vouch for the fact that it does significantly reduce my power bill, especially in the summer. Small scale solar electric generation would also be a great way for the City to attempt to meet its ambitious goals for carbon-footprint reduction in the short term.

The main barrier for homeowners who would like to install solar is the significant up-front costs of a system. While Federal tax credits and the state power rebate are some help in meeting these costs, they are definitely not enough by themselves, and also come well after the fact of installation.

Seattle City Light had a program in the 1980s to assist homeowners with some of the up-front costs of solar hot water systems, which was the predominant home solar model at the time. I know it was certainly a motivating factor in my decision to install solar hot water back then. The same would be true if the City would create a subsidy program to the installation of solar electricity generating panels. A side benefit would be increased business for Washington based panel manufacturers and local solar contractors.

I would be happy to talk with any of you further about this topic.

Sincerely yours,

Mark W. Muenster
Attorney at Law

Upload a file:

From: [Mark](#)
To: [City Council](#)
Subject: Submission: City Council Contact Form
Date: Tuesday, July 12, 2022 2:40:31 PM

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City Council Contact Form

Submitted date: Tuesday, July 12, 2022 - 2:40pm

Contact Information

First name:

Mark

Last name:

Muenster

Email address:

[REDACTED]

Street address:

[REDACTED]

ZIP code:

98663

Inquiry Information

Subject:

Share an opinion about a City project or initiative

Recipient:

All of Council

Message:

July 12, 2022

Vancouver City Council

Dear Councilors:

Like many people in the City, especially dog owners, I was happy when the City passed its fireworks

ban a few years ago. Unfortunately, it does not seem to have had much of an impact in stopping the barrage of noise. This year was no exception.

The Columbian reported that the Fire Marshall was not issuing any citations for violations, opting for what was termed a "pro-active" approach.

People who want to discharge fireworks illegally in defiance of the ban are not going to be dissuaded by this approach. In preparation for next year's 4th of July holiday season, the City should allocate sufficient funds for a vigorous program of enforcement, including whatever overtime would be necessary to have personnel on the ground to investigate complaints and enforce the ordinance.

Sincerely yours,

Mark W. Muenster
Attorney at Law

Upload a file:

From: [Sharon Sherlock](#)
To: [City Council](#)
Subject: Chelsea Anderson Memorial Park
Date: Tuesday, July 12, 2022 2:27:14 PM

You don't often get email from shortsherlock53@gmail.com. [Learn why this is important](#)

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

To whom it may concern;

Please do a thorough investigation to the public's concern over losing the Chelsea Anderson memorial park. It sounds like there are unanswered questions and some things that may not have been done right. Thank you for giving this message consideration.

Sharon Sherlock

From: [Marilynne Kinner](#)
To: [City Council](#)
Cc: [Sue Replogle](#)
Subject: Saving the Park - Harper's Playground
Date: Tuesday, July 12, 2022 2:13:02 PM

You don't often get email from marilynne.kinner@gmail.com. [Learn why this is important](#)

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Hello!

I watched the segment regarding the Harper's Playground on Katu News last night. I would like to say that I hope the city of Vancouver will be willing to work with the community to save this little playground. It has meant so much to the family to see the community enjoy using the playground.

Folks in the community say that the park has been completely neglected for at least the last 5 years. The City of Vancouver has failed to abide by the contract to maintain the park. They have had \$15,000 a year allotted to do so. Most of the work needed to fix it is cosmetic, and it desperately needs it, after years of neglect, but the strength of the structure is still very sound.

Thank you for caring.

Marilynne Kinner - A Concerned Friend of Vancouver Parks

From: [REDACTED]
To: [City Council](#)
Subject: Chelsea's memorial Park
Date: Tuesday, July 12, 2022 1:50:20 PM

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

Good afternoon,

I am writing to you ask that you reconsider tearing Chelsea's park down. It has been a wonderful source of fun and family time for many years.

Many citizens view it as a landmark.

Couldn't a possible resolution be to make the necessary repairs and modifications?

This park is dear to my heart as Chelsea and her family are like family to us and have been for many years.

Thank you for your time,

John and Cindi Schroeder

[Sent from the all new AOL app for iOS](#)

From: [Paula Elliott](#)
To: [City Council](#)
Subject: Chelsea Park
Date: Tuesday, July 12, 2022 1:29:18 PM

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

First...thanks for your willingness to hear and hopefully understand why I feel so very strongly about the plan to tear down Chelsea's Memorial Park.

I have so many questions and would've loved to have had the opportunity to sit together around a table and share my concerns and hear from those who are making the decision to tear the Memorial down.

I don't believe anyone in either camp is against the new "inclusion park" concept. But my opposition comes with tearing down and completely rebuilding rather than making a few changes and adding elements that would make the existing park to meet the needs of a more diverse groups of children.

It seems unbelievable to me that this park that was in fact built by public servants (Fire Departments from all over Clark County) and paid for with private monies and was built to be a "lasting memory" of Chelsea.

Is the City considering how heart wrenching this is for all of Chelsea's family and friends. To simply plow it under!

It's my understanding that there had been \$15,000 set aside for improvements and updates needed for Chelsea's Park. If in-fact that is the case why wasn't that money used to meet those needs? Where are those funds?

As I listened to the reasoning that was given for not keeping the existing park on the KATU news ... it sounded as though there aren't any companies that could repair or replace any equipment. That begs the question how multiple schools, in many school districts continue to use equipment that is certainly older than that in Chelsea's Park.

I would like the City of Vanc Parks to relook at the current plan and sit down with those who have a vested interest in this park before things move forward.

Thank you for allowing me to share the reasons for my opposition in this matter.

Sincerely,
Paula Elliott

Sent from my iPhone

From: [Gary](#)
To: [City Council](#)
Subject: Submission: City Council Contact Form
Date: Tuesday, July 12, 2022 10:54:22 AM

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City Council Contact Form

Submitted date: Tuesday, July 12, 2022 - 10:54am

Contact Information

First name:

Gary

Last name:

Fetters

Email address:

[REDACTED]

Street address:

[REDACTED]

ZIP code:

98662

Inquiry Information

Subject:

Share an opinion about a City project or initiative

Recipient:

All of Council

Message:

I wish to thank everyone behind the scenes that have revitalized the city. My wife and i have lived in East Vancouver since 1991 and in the past liked the sleepy downtown but always went to Portland to dine and play. Not any more, Portland is not safe and Vancouver is alive once more. We are in our mid 60s and love the water front from the Marina South of I5 to down town. We are big fans of the outdoor concerts and have attended and will continue to attend the Water Front concerts on Fridays and the Tech Center concerts on Sundays. Both are well organized, the parking is easy, the atmosphere is one of community fun. Thanks for all the hard work to make Vancouver fun, interesting, exciting and safe.

Sincerely Gary and Elizabeth Fetters

Upload a file:

From: [Lex](#)
To: [City Council](#)
Subject: Submission: City Council Contact Form
Date: Tuesday, July 12, 2022 1:22:37 AM

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City Council Contact Form

Submitted date: Tuesday, July 12, 2022 - 1:22am

Contact Information

First name:

Lex

Last name:

Loeb

Email address:

[REDACTED]

Street address:

[REDACTED]

ZIP code:

97201

Inquiry Information

Subject:

Share an opinion about a City project or initiative

Recipient:

All of Council

Message:

It is getting to be time to reconsider the present direction of the I-5 Columbia River Crossing is taking. We have a major bottleneck on the newer i205 bridge and that won't just come to an end when the old i5 bridge gets replaced. It won't mater if it has 10 lanes 12 lanes it is going to be a bottleneck almost immediately. You want to fix it? think three bridges. Yes the old I-5 bridge can last another 100 years if painted and cared for but it would be better to leave it for local traffic and if you really want light rail running run it over that old bridge. To build the new bridge think Siphon Lock. You don't have to elevate the bridge all the way across to reach the 200 ft span if you have a siphon lock. What a siphon lock does is let the ships and barges pass under the bridge by lowering the water, draining

it to a lower part of the river, Some locks take ships up but this one takes them down and that channel gets dug on dry land on the shore and not in the river basin itself. The bridge can still use the counterweights to rise for slower local traffic. The new bridge never has to rise. If you wanted to you can convert the use of the counterweights to displacing water in the siphon lock. I don't think I invented a siphon lock and think there are other examples elsewhere. Having three bridges is going to be much better if we ever have a major earthquake as all three might not fail at once. 1 out of three is better odds to have at least one survive. And a 4th emergency bridge should also be considered and that is a number of barges with road bed on top of them that can give access across the river anywhere when needed. The siphon lock could save a lot of money by building a long structure closer to the river mean high tide level. It is no small engineering project either. You can also install turbines to generate a bit of electricity when you siphon out the water.

Upload a file:

From: [Patty](#)
To: [City Council](#)
Subject: Submission: City Council Contact Form
Date: Sunday, July 17, 2022 11:25:11 AM

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City Council Contact Form

Submitted date: Sunday, July 17, 2022 - 11:25am

Contact Information

First name:

Patty

Last name:

Brucker

Email address:

[REDACTED]

Street address:

[REDACTED]

ZIP code:

[REDACTED]

Inquiry Information

Subject:

Share an opinion about a City project or initiative

Recipient:

All of Council

Message:

Are Fireworks Legal in Vancouver, Washington?

No, fireworks are NOT legal in the City of Vancouver

In 2015, the Vancouver City Council approved a fireworks ordinance (M-4137) that went into effect in October 2016. This ordinance made the sale and use of consumer fireworks inside the city limits of Vancouver a crime. This is a complete ban that includes all types of fireworks.

Civil fines start at \$500 for violating this law.

Leading up to July 4th 2022 and for literally a week after, fireworks exploded with impunity within the City of Vancouver.

Ordinance M-4137 has existed for 6 years, yet the Fire Marshal refuses to enforce the law, instead opting for educating the public. There comes a time when the City needs to admit that this "education" is not working.

In February voters passed the Fire Department's levy, adding additional burden for property owners, increasing the amount of property taxes we now have to pay along with skyrocketing prices due to inflation. Perhaps we might have been spared at least a portion of this amount if the City and the Fire Department had chosen instead to enforce this law.

With civil fines starting at \$500.00, the 750+ complaints received this year would have added a minimum \$375,000.00 to the City coffers. Ignoring this fact is simply bad business, and places additional financial burden on homeowners.

When the City Council creates laws, they are expected to be followed, and if not followed they are expected to be enforced. In this country we have The Rule of Law. Either no one is above the law, or everyone is above the law. Which is it in Vancouver?

Upload a file:

From: [Jean M. Avery](#)
To: [City Council](#)
Cc: [Small, Rebecca](#); [Ray, Charles](#)
Subject: Public comment on Climate Action Plan
Date: Saturday, July 16, 2022 6:46:30 AM

You don't often get email from jeanmavery@gmail.com. [Learn why this is important](#)

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

To Madam Mayor and City Council

From: Jean M. Avery, Vancouver resident and volunteer with the City, Watershed Alliance, Vancouver Audubon, Sierra Club, Columbia Land Trust (past)

Congratulations on undertaking the ambitious Climate Action Plan for our City. I have a few comments to share:

Re: Transportation. While it is laudable to promote walking and biking, there are parts of the City that are not biker-friendly or walker-accessible. For example:

- I gave away my bike, because there are very few dedicated bike paths, and I don't like to bike on a street with cars.
- Waterfront walking paths are lovely, but they are not accessible to all. For example, there is no public transit to get to the new waterfront or to the area by Beaches restaurant. Older residents, people with disabilities, and families without cars would have difficulty getting to these beautiful walkways.
- Limited public transportation is also an equity issue -- for folks who don't own a car or can't afford parking fees.

Re: Tree Canopy: While I applaud the City's goal to increase tree canopy, I observe the opposite: trees are being cut down by developers, while the city seemingly allows mature trees to be destroyed. For example:

- The Vancouver Innovation Center (VIC) development in Fishers Landing includes "34 acres of natural and urban open spaces," with a forest of mature Douglas Fir trees assessed to be 50 years old and healthy. In spite of the developer's promise to place a covenant on the forested acreage, the approved Development Agreement (Section 6.11) states otherwise: "Approximately 21 acres of the forested grove will be removed to accommodate development of a new public street; residential, office, and commercial buildings; and parking." [The attached photo shows the forested area of the proposed VIC development.]

-- Ironically, one of the city's major "hot spots" is just north of this Fishers Landing location. Removing mature trees would exacerbate the heat problem.

-- Why not convert the VIC forest to a lovely walk-through grove, like the Village

Woods Open Space? [See attached photo.]

- At the June 6 meeting, City Council voted down specific references to tree canopy in the CAP Early Action Plan. Why? As I stated to Urban Forestry at their June 15 meeting, it would "add some teeth" to the city's tree canopy plans if Urban Forestry included specific recommendations from the Climate Action Plan.
- I have been attending Urban Forestry meetings and events, and appreciate their work. I understand that Urban Forestry is also responsible for updating codes that would preserve existing trees. Why are these codes not protecting trees when developers are allowed to remove them?

Re: Greenspaces: While it makes sense to build taller buildings to increase housing density, there must be green spaces near these areas for recreation, cleaner air, and shade. I notice that Clark County may be moving in the direction of decreasing allowable green spaces; I hope Vancouver will prioritize green spaces in all residential areas.

Thank you for taking my comments.





From: [Jana](#)
To: [City Council](#)
Subject: Submission: City Council Contact Form
Date: Thursday, July 14, 2022 6:33:41 PM

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



City Council Contact Form

Submitted date: Thursday, July 14, 2022 - 6:33pm

Contact Information

First name:

Jana

Last name:

Erdman

Email address:

[REDACTED]

Street address:

[REDACTED]

ZIP code:

97217

Inquiry Information

Subject:

Share an opinion about a City project or initiative

Recipient:

All of Council

Message:

The I5 bridge need replacing, like 10 years ago. I know it's no one's fault and also no one can decide how to pay for it apparently but it's getting SO bad. No other city of this size would allow a bottleneck of such proportions to exist. All portland and Vancouver people would benefit greatly. I think many people would be okay with construction setbacks just knowing it was going to get so much better! Thank you all!

Upload a file:

From: [City of Vancouver - Office of the City Manager](#)
To: [Dollar, Sarah](#)
Subject: FW: I am writing to ask you to withhold your approval of the Interstate Bridge Locally Preferred Alternative
Date: Wednesday, July 13, 2022 5:01:06 PM

Hey Sarah,

This just came in through the CMO inbox. It was likely meant for public comment on 7/11. Not sure if you include these in the future... especially since it's addressed to Eric and not Council. So, forwarding on in case you need to include this somewhere.

Thanks!

Stephanie Obotette | Support Specialist II
Pronouns: She/Her

P.O. Box 1995 • Vancouver, WA 98668-1995
P: 360.487.8621 | F: 360.487.8625
www.cityofvancouver.us | www.cityofvancouver.us/socialmedia

-----Original Message-----

From: [REDACTED]
Sent: Monday, July 11, 2022 3:50 PM
To: City of Vancouver - Office of the City Manager <CMO@cityofvancouver.us>
Subject: I am writing to ask you to withhold your approval of the Interstate Bridge Locally Preferred Alternative

[You don't often get email from ted@everyactionadvocacy.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

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

Dear City Manager Eric Holmes,

I am asking you to vote no or delay the vote on the modified LPA proposal for the IBR project until the project commits to include analysis of an additional alternative - a lift bridge or tunnel - in the Environmental Impact Statement. As one of the key decision makers it is your responsibility to ensure that this project is as good as it can be. The tall bridge alternative falls short in many ways. It will have steep grades and at its current proposed height of 116 ft it would be very difficult to cross by walking, biking or rolling, and would also be challenging for freight. The tall bridge is not phaseable and without a recent cost estimate is financially risky. Finally, the Coast Guard has stated that they need a bridge with a minimum height of 178 feet which is 62 feet taller than the current proposal and will have a major impact on accessibility and funding. We need to consider other bridge alternatives as an insurance policy.

Many IBR partners have stated that we need to compromise, and that this bridge alternative is the best compromise. I question this since no other alternatives have been seriously considered for more than a decade and we are still unaware of so many key factors for the proposed alternative. How can we know the high bridge alternative is the best option until we know the real cost of the bridge and its environmental impacts compared to other alternatives? I understand the need for a new I-5 bridge, and I believe that our region needs a bridge that meets our needs, fiscally and environmentally.

We need to analyze an alternative that:

- * Has gentler grades for freight and people walking, rolling and biking
- * Provides insurance against the Coast Guard requiring clearances higher than 116 feet
- * Can be split into phases that can be prioritized against other pressing regional needs

Please vote no or to postpone until the project commits to analyzing an additional alternative in the EIS.

This message facilitated by the Just Crossing Alliance.

Sincerely,

Ted Sarvata



Vancouver, WA 98682-6144

From: [City of Vancouver - Office of the City Manager](#)
To: [Dollar, Sarah](#)
Subject: FW: Decision on IBR Locally Preferred Alternative is backwards in EIS process
Date: Tuesday, July 12, 2022 9:14:59 AM

Forwarding on this comment from the cmo inbox.

Thanks,

City Manager's Office

CITY OF VANCOUVER

P.O. Box 1995 • Vancouver, WA 98668-1995

P: 360.487.8600 | F: 360.487.8625

www.cityofvancouver.us

From: Tim Gould [REDACTED]
Sent: Tuesday, July 12, 2022 8:18 AM
To: City of Vancouver - Office of the City Manager <CMO@cityofvancouver.us>
Subject: Decision on IBR Locally Preferred Alternative is backwards in EIS process

You don't often get email from timg.sierraclub@gmail.com. [Learn why this is important](#)

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

Mayor and City Council members:

Your decision to move ahead with approval of the modified locally preferred alternative (LPA) for the Interstate Bridge Replacement (IBR) project is unfortunate and deserves to be rescinded at the next available opportunity. By approving the LPA without an alternative bridge design to be carried forward in an Environmental Impact Statement (EIS), you have endorsed a backwards approach that assumes a high-span bridge is the best option. The EIS is not a “box checking” exercise, but is meant to inform the design decision and should evaluate at least two alternatives. A lift bridge alternative, for example, and slimmer footprint without full crossing auxiliary lanes, should be studied in environmental review to produce better outcomes.

Some issues of concern with the modified LPA include:

1. The LPA presents mobility equity issues. Steepness of the high bridge will discourage and complicate use by pedestrians and cyclists.
2. Construction of the modified LPA does not lend itself to phasing. We need a project that can be split into phases that can be individually completed with available funding, and be considered relative to other pressing regional needs.

3. No complete, current financial plan is available for the IBR project. An investment grade financial analysis is needed to provide more realistic information, and help decision makers understand the tradeoffs in LPA decisions.

4. The impacts on climate, air quality and regional development patterns of a project of this scale warrant environmental review of more than one alternative.

I urge the Council to rescind its approval of the modified LPA, and require the EIS to also consider a phased approach with a lift bridge or tunnel option in addition to the high bridge design.

Sincerely,
Tim Gould
Transportation & Land Use Chair
Sierra Club Washington

Anne McEnery-Ogle, Mayor

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

July 25, 2022

WORKSHOPS

Vancouver Community Library - Columbia Room - 901 C Street,
Vancouver WA

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

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

https://www.cvtv.org/vid_link/34803?startStreamAt=0&stopStreamAt=7302

**4:00 - 5:00 pm Fort Vancouver Regional Library Facility Reuse
Study Proposal**

Stacey Donovan, Parks, Recreation, and Cultural Services, 360-487-8630

Summary

Staff led Council through a discussion of the Fort Vancouver Regional Library Facility Reuse Study Proposal.

5:00 - 6:00 pm Housing Strategy Update

Patrick Quinton, Economic Development Director, 360-487-7845

Summary

Staff led Council through a discussion of the Housing Strategy Update.

COUNCIL DINNER/ADMINISTRATIVE UPDATES

COUNCIL CONSENT AGENDA MEETING

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

Vancouver City Council meeting minutes are a record of the action taken by Council. To view the CVTV video recording, including presentations, testimony and discussion, for this meeting please visit: https://www.cvtv.org/vid_link/34805?startStreamAt=0&stopStreamAt=813 Electronic audio recording of City Council meetings are kept on file in the office of the City Clerk for a period of six years.

Pledge of Allegiance

Call to Order and Roll Call

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

Present: Councilmembers Perez, Fox, Paulsen, and Hansen

Absent: Councilmembers Harless, Stober, and Mayor McEnerny-Ogle

Councilmember Paulsen motioned to excuse Councilmember Harless, Stober, and Mayor McEnerny-Ogle from the Council meeting, seconded by Councilmember Fox, and carried unanimously to approve the absence.

Community Communications

Councilmember Hansen opened Community Communication and received testimony from the following community members regarding Items 1-3:

- Jonathan Fluker, Vancouver
- Kimberlee Elbon, La Center, WA

There being no further testimony, Councilmember Hansen closed Community Communication.

Consent Agenda (Items 1-3)

Council requested Item 1 to be pulled.

Motion by Councilmember Paulsen, seconded by Councilmember Perez to approve Items 2 and 3 of the Consent Agenda.

Council briefly discussed Item 1 with staff.

Motion by Councilmember Paulsen, seconded by Councilmember Perez to approve Item 1 of the Consent Agenda.

1. **Approval of a contract with Journal Technologies for criminal case management, analysis and reporting**

Staff Report: 081-22

The Vancouver City Attorney's Office prosecutes over four thousand misdemeanor cases per year. The case management software presently used by the City Attorney's Office is owned by Clark County. It provides very limited functionality in the way of criminal case reporting; it is no longer supported by the vendor and it is in the midst of being replaced by Clark County.

In the summer of 2020, the City Attorney's Office conducted a Request for Proposals (RFP). Journal Technologies was among the finalists and was rated highly for its functionality and ability to be customized to meet individual agency needs. However, the sudden onset of the COVID-19 pandemic led to the implementation of temporary cost containment measures and the City Attorney's RFP was abandoned. In 2021, the Clark County Prosecuting Attorney's Office selected Journal Technologies as its criminal case tracking vendor and entered into a contract after a competitive public procurement process. The Vancouver City Attorney's Office then commenced direct negotiations with Journal Technologies to explore the possibility of 'piggy-backing' off the County's procurement process. Entering into a contract with the same vendor as the Clark County Prosecutor would allow the City to leverage efficiencies in implementation time and cost.

Additionally, using the same case tracking system as the County will increase ease of collaboration at the joint City/County Domestic Violence Prosecution Center.

The total cost of implementing the new system is \$300,000, which includes the following material deal points:

- *Creation of all necessary interfaces to connect to police records systems used by the Vancouver Police Department – reducing the need for redundant data entry.*
- *Secured access, user licenses, and training for all appropriate City users.*
- *Guaranteed accessibility with negotiated service credits for periods of unavailability after Go-Live.*
- *Vendor's source code to be maintained in escrow for the benefit of the City.*
- *Approved plans for return of City-data in the event of termination or non-renewal.*

The City will also be responsible for payments of annual data storage fees (\$40,000) and user licenses (\$50,000) for each year the contract is in place.

Request: Authorize the City Manager or designee to execute a contract with Journal Technologies for criminal case management, analysis and reporting.

Jonathan Young, City Attorney, 360-487-8500

Motion approved the request.

2. Appointment to the Parking Advisory Committee

The Parking Advisory Committee advises City Council on policy issues related to all city-owned on-street and off-street parking facilities, and makes recommendations on facilities and parking regulations.

A recruitment was recently conducted for three vacancies on this committee. After review of applications from interested candidates, including one incumbent, Council Committee 2 recommends the reappointment of incumbent Kurt Stonex with a term that would begin immediately and expire July 1, 2026.

Request: Reappoint Kurt Stonex to the Parking Advisory Committee, term beginning immediately and expiring July 1, 2026.

Council Committee 2

Motion approved the request.

3. **Approval of Claim Vouchers**

Request: Approve claim vouchers for July 25, 2022.

Motion approved claim vouchers in the amount of \$4,628,641.71.

Adjournment

6:42 p.m.

Community Communication Forum (immediately following Council Consent Agenda Meeting)

Councilmember Hansen opened the Community Communication Forum Pilot and received testimony from the following community members:

- Melissa Dodge, Vancouver
- Melissa Mchargue-Mason, Vancouver
- Peter Simmons, Vancouver
- Alana Simmons, Vancouver
- Carmen DeLeon, Vancouver
- Tina Barrows, Vancouver
- Glen Yung, Vancouver
- Kathy Neary, Vancouver
- Katherine Whitney, Vancouver
- Laurel Pascual, Vancouver
- Wynn Grcich, Vancouver
- Janie Wilson, Vancouver
- Kimberlee Elbon, La Center, WA

There being no further testimony, Councilmember Hansen closed the Community Communication Forum Pilot.

Anne McEnery-Ogle, Mayor

Attest:

Natasha Ramras, City Clerk

From: [REDACTED]
To: [Dollar, Sarah](#)
Subject: Comment for City Council Community Forum 7/25/22
Date: Monday, July 25, 2022 10:41:12 AM
Attachments: [Bracchi city council 7 25 22.pdf](#)

Please see attached

Thanks. Peter

From: Dollar, Sarah <Sarah.Dollar@cityofvancouver.us>
Sent: Thursday, July 21, 2022 9:18 AM
To: PETER BRACCHI [REDACTED]
[REDACTED] >
Subject: RE: Remote Council testimony registration

Hello Mr. Bracchi,

Great question! Yes, you can definitely submit your written comments ahead of time. Please make sure to get them in by noon on Monday, July 25, 2022, to make sure I can put them with the other written comments and get them to Council before the meeting.

Thank you,

Sarah Dollar | Assistant to the City Council
CITY OF VANCOUVER, WASHINGTON
City Manager's Office
Pronouns: She/Her/Hers
www.cityofvancouver.us

From: PETER BRACCHI <peterbracchi@aol.com>
Sent: Thursday, July 21, 2022 9:15 AM
To: Dollar, Sarah <Sarah.Dollar@cityofvancouver.us>
Subject: Re: Remote Council testimony registration

Thank you for the information.

can I still submit my written information that will parallel my speaking Contant And will it be distributed to counsel prior to the meeting?

Thanks Peter

On Jul 21, 2022, at 7:25 AM, Dollar, Sarah <Sarah.Dollar@cityofvancouver.us> wrote:

Good Morning Mr. Bracchi,

Thank you for filling out our online registration form. Our in person Community Communication Forum will have sign up cards at the Vancouver Community Library inside the Columbia Room. We are not taking registration via our online testimony form for the Community Communication Forum. It will only be for the Consent agenda on 7/25. We will open registration up beginning at 4 pm and it will remain open until the Community Communication Forum is finished. If you have any questions about sign up when you arrive at the Library, either myself or another staff member can help you get signed up.

Thank you,

Sarah Dollar | Assistant to the City Council
CITY OF VANCOUVER, WASHINGTON
City Manager's Office
Pronouns: She/Her/Hers
www.cityofvancouver.us

From: Peter Bracchi <noreply@cityofvancouver.us>
Sent: Wednesday, July 20, 2022 9:17 PM
To: Dollar, Sarah <Sarah.Dollar@cityofvancouver.us>
Subject: Remote Council testimony registration

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

City of Vancouver, Washington



Remote Council testimony registration

Date submitted: Wednesday, July 20, 2022 - 9:16pm

Submission

Meeting date:

Name:

Peter Bracchi

Organization:

Address:

[REDACTED]

City:

Vancouver

State:

Washington

Email:

[REDACTED]

Phone:

Topic I wish to speak about:

Citizen forum

I plan to attend the Council meeting:

In Person

Peter Bracchi

Vancouver WA 98663

City Council 7/25/22

July 25, 2022, City Council Meeting Community Forum

Request to meet with any City Council member to Discuss the Funding and the Long Term Responsibilities for Arnold Park.

My request to meet with the CMO, Mayor and Park Director were denied.

Please Contact me by Email at [REDACTED]

From: Cook, Nena <Nena.Cook@cityofvancouver.us>
Sent: Thursday, July 21, 2022 9:20 AM
To: [REDACTED]
Subject: RE: Meeting Request to Review Washington State Recreation and Conservation Office Grant 86-054

Mr. Bracchi,

I would be happy to meet with you to discuss these issues. If I haven't successfully addressed your questions/concerns at our meeting, we can discuss next steps. Please let me know when you are available. Thank you.

From: [REDACTED]
Sent: Monday, July 18, 2022 10:21 PM
To: Cook, Nena <Nena.Cook@cityofvancouver.us>
Subject: Meeting Request to Review Washington State Recreation and Conservation Office Grant 86-054

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

Hi Nena,

I would like to Meet with the Mayor, Julie Hannon and Mr. Holmes to discuss RCO Grant 86-054 and the lack of the City fulfilling and abiding by this grant's Contracts/legal agreements.

Please review the attached document from the Washington State Recreation and Conservation Office and follow the link for Grant 86-054

There are 16 documents to view, some are legal contracts for land acquisition

Respectfully,

Peter Bracchi

Sharp, Justine (RCO)

From: RCO-Director (RCO)
Sent: Tuesday, September 01, 2015 4:35 PM
To: tim.leavitt@cityofvancouver.us
Cc: eric.holmes@cityofvancouver.us; julie.hannon@cityofvancouver.us;
monica.tubberville@cityofvancouver.us
Subject: Long-term Obligations for Grants from the Washington State Recreation and Conservation Office
Attachments: City of Vancouver 2015 Sponsor Notice.pdf; RCO Long-term Obligations.pdf

Natural Resources Building
P.O. Box 40917
Olympia, WA 98504-0917

1111 Washington St. S.E.
Olympia, WA 98501



STATE OF WASHINGTON

RECREATION AND CONSERVATION OFFICE

(360) 902-3000
TTY: (360) 902-1996
Fax: (360) 902-3026

E-mail: Info@rco.wa.gov
Web site: www.rco.wa.gov

VIA EMAIL

September 1, 2015

TO: **The Honorable Timothy D. Leavitt**
City of Vancouver

CC: Eric Holmes, City Manager
Julie Hannon, Parks and Recreation Director
Monica Tubberville, Park Planner

FROM: Kaleen Cottingham, Director
Washington State Recreation and Conservation Office

RE: Long-term Obligations for Grants from the Washington State Recreation and Conservation Office
(formerly the Interagency Committee for Outdoor Recreation, IAC)

Since 1964, the Washington State Recreation and Conservation Office (RCO) has awarded grants to state agencies, counties, cities, special purpose districts, and non-profit organizations for parks, open space, farmland, critical habitat for wildlife, trails, boating facilities, and other recreation and conservation projects.

Your organization received one or more grants from RCO at some time in the past. The grant award comes with a long-term obligation for your organization to maintain the project area as originally funded. Attached is a fact sheet that provides some basic information about RCO grant obligations. It is your responsibility to know your project areas that are protected with RCO grant restrictions and to manage them accordingly. Additional information on long-term obligations may be found on our Web site (http://www.rco.wa.gov/grants/long_term_obligations.shtml.)

We are aware the joint city-county parks and recreation department has been dissolved. Attached is a list of grants awarded to the city, the county, and the joint parks and recreation department that come with these long-term obligations. You can access information about each specific grant award by clicking on the link in the first column, which will take you to RCO's Project Snapshot. For projects no longer under your jurisdiction, please submit a request to

transfer the project agreement and the long-term obligations to the respective jurisdiction now owning and managing the funded site/s.

RCO conducts periodic inspections of its funded projects to ensure the long-term obligations are maintained. You will receive an inspection report when this occurs. RCO grants staff also may contact your organization if any issues arise from the inspection. Some common issues that we find in our inspections include a change in the use of the project area from what was originally funded by the grant, a transfer or sale of the project area to another organization, or lack of site management. If you are aware of any potential issues, please be proactive and notify RCO so that we can work with you to address any compliance issues.

Failure to comply with long-term obligations for an RCO grant has certain consequences for your organization to mitigate for the loss of grant-assisted land or facilities. This may require the appraisal of the property and the purchase of similar replacement property or development of replacement facilities equal to the grant expended. It also may jeopardize future RCO grant funding for your organization.

Please share this letter with your staff who manage the project areas that have received RCO grants. For more information on RCO grant obligations, please send an e-mail to Myra Barker, Compliance Specialist, at RCOStewardship@rco.wa.gov or call (360) 902-2976. I look forward to working with you to protect and steward RCO's investment in parks and other recreational amenities, open space, farmland, and wildlife habitat.

Information on RCO's current grant funding opportunities can be found on [our Web site](#). I encourage you to consider applying for grants to expand or improve project areas that have received RCO funding in the past.

Kaleen Cottingham / Director / Recreation and Conservation Office / 360.902.3000



RCO Grants with Long-term Obligations City of Vancouver

Project # and Project Snapshot	Project Type ¹	Project Name	Project Areas	Grant Program ²	Project Sponsor Contact
68-111	A	Franklin Neighborhood Park	Franklin Neighborhood Park (#1)	HUD	Monica Tubberville, Park Planner
70-029	D	Marine Park 70	Marine Park (Vancouver) (#1)	BFP - LOCAL	Monica Tubberville, Park Planner
71-050	D	Marine Park #2	Marine Park (Vancouver) (#1)	BONDS	Monica Tubberville, Park Planner
75-014	D	Wintler Park	Wintler Park (#1)	BONDS	Monica Tubberville, Park Planner
75-047	A	Burnt Bridge Creek	Burnt Bridge Creek (#1)	BONDS	Monica Tubberville, Park Planner
78-076	D	Marine Park #3	Marine Park (Vancouver) (#1)	BFP - LOCAL	Monica Tubberville, Park Planner
80-9041	D	David Douglas Park	David Douglas Park (#1)	LWCF	Monica Tubberville, Park Planner
82-054	D	Leverich Park	Leverich Park (#1)	BONDS	Monica Tubberville, Park Planner
84-9015	D	Waterworks Park #1	Waterworks Park (#1)	LWCF	Monica Tubberville, Park Planner
86-054	A	Burnt Bridge Creek Acquisition	Burnt Bridge Creek (#1)	LWCF	Monica Tubberville, Park Planner
87-079	A	Burnt Bridge Creek Acquisition #2	Burnt Bridge Creek (#1)	BONDS	Monica Tubberville, Park Planner
91-193	A	Bagley Community Park Acquisition	Bagley Community Park (#1)	WWRP - LP	Monica Tubberville, Park Planner
92-334	D	Bagley Community Park Development	Bagley Community Park (#1)	WWRP - LP	Monica Tubberville, Park Planner
92-388	D	Columbia River Transient Moorage	Columbia River Transient Moorage (Vanc) (#1)	BFP - LOCAL	Monica Tubberville, Park Planner
93-9843	D	Waterfront Promenade Ramp		ALEA	Monica Tubberville, Park Planner
95-052	D	Columbia Street Promenade Extension		ALEA	Monica Tubberville, Park Planner
95-1001	D	Tidewater Cover Trail	Worksite #1 (#1)	ALEA	Monica Tubberville, Park Planner

RCO Grants with Long-term Obligations City of Vancouver

Project # and Project Snapshot	Project Type ¹	Project Name	Project Areas	Grant Program ²	Project Sponsor Contact
95-1002	D	Renaissance Trail - Wintler Park Improv.	Worksite #1 (#1)	ALEA	Monica Tubberville, Park Planner
98-1293	A	Lalonde Creek Park	Lalonde Creek Park (#1)	WWRP - LP	Monica Tubberville, Park Planner
99-1762	C	East Fork Lewis River Greenway	East Frok Lewis River Greenway (#1)	ALEA	Monica Tubberville, Park Planner
00-1494	D	Fisher Basin	Fisher Basin Development (#1)	WWRP - LP	Monica Tubberville, Park Planner
00-1496	D	Burnt Bridge Creek Trail	Multiple	WWRP - TR	Monica Tubberville, Park Planner
00-1498	D	Felida Park	Felida Park (#1)	WWRP - LP	Monica Tubberville, Park Planner
02-1167	A	Lynch Park	Lynch Park Acquisition (#1)	WWRP - LP	Monica Tubberville, Park Planner
02-1183	A	Maple Crest Park	Maple Crest Park Acquisition (#1)	WWRP - LP	Monica Tubberville, Park Planner
02-1196	D	Haagen Park	Haagen Park Development (#1)	WWRP - LP	Monica Tubberville, Park Planner
03-1029	D	Burnt Bridge Creek Trail Phase 2	Burnt Bridge Creek Trail Phase 2 (#1)	LWCF	Monica Tubberville, Park Planner
03-1138	A	Hockinson Park	Hockinson Park Acquisition (#1)	WWRP - LP	Monica Tubberville, Park Planner
04-1332	A	Lakeshore Park	Lakeshore Park (#1)	WWRP - LP	Monica Tubberville, Park Planner
04-1341	A	Mount Vista Park	Mount Vista Park (#1)	WWRP - LP	Monica Tubberville, Park Planner
04-1408	D	Gretchen Fraser Neighborhood Park	East Mill Plain Park (#1)	WWRP - LP	Monica Tubberville, Park Planner
06-1932	D	Marine Park Phase 4	Marine Park Water Access (#1)	WWRP - WA	Monica Tubberville, Park Planner
06-2015	A	South Fishers Landing Park Acquisition	South Fishers Landing Park Acquisition (#1)	WWRP - LP	Monica Tubberville, Park Planner
06-2021	A	Mackie Park Acquisition	Mackie Park Acquisition (#1)	WWRP - LP	Monica Tubberville, Park Planner
06-2023	A	East Image Park Acquisition	East Image Park Acquisition (#1)	WWRP - LP	Monica Tubberville, Park Planner
06-2032	D	Fairgrounds Community Park - Phase 1	Fairgrounds Community Park (#1)	WWRP - LP	Monica Tubberville, Park Planner

RCO Grants with Long-term Obligations City of Vancouver

Project # and Project Snapshot	Project Type ¹	Project Name	Project Areas	Grant Program ²	Project Sponsor Contact
10-1187	A	Rose Village Neighborhood Park Acquisition	Rose Villiage (#1)	WWRP - LP	Monica Tubberville, Park Planner
12-1491	A	John Ball Park Acquisition	John Ball Park (#1)	WWRP - LP	Monica Tubberville, Park Planner

Note: This list of projects and associated project areas is based upon RCO's PRISM data as of August 2015. A project agreement may contain more than one worksite or park. Please review your project agreement for details. Your project agreement can be found by following the Project Snapshot link.

¹Project Types: A=Acquisition, C=Combination, D=Development

²Grant Programs:
ALEA=Aquatic Lands Enhancement Account
BFP-LOCAL=Boating Facilities Program, Local Agency Category
BONDS=State
HUD=Department of Housing and Urban Development
LWCF=Land and Water Conservation Fund
WWRP-LP=Washington Wildlife and Recreation Program, Local Parks Category
WWRP-TR=Washington Wildlife and Recreation Program, Trails Category
WWRP-WA=Washington Wildlife and Recreation Program, Water Access Category

Long-Term Grant Responsibilities



Long-Term Obligations

Grant recipients have long-term obligations for land purchased, developed, or restored with RCO grants. When an element of the project no longer meets the terms in the grant contract or the site no longer meets the original function of the grant, the grant recipient must check with RCO about resolving the issue.

These responsibilities are described primarily in the project agreement and RCO's *Manual 7 Long-Term Obligations*. RCO and the grant recipient must inspect funded sites to ensure these obligations are upheld.

Types of Changes

There are two ways a site or structure may no longer meet the terms of the contract or the original function of the grant: Element change or conversion.

Element Change

- Minor element changes do not conform to the project agreement but have no negative impact on the recreational opportunity. Example: A 15-car parking lot funded in 1995 is reduced to an 11-car lot to make room for a new park feature.
- Major element changes do not conform to the project agreement and negatively affect, but do not

eliminate the recreational opportunity. Example: A tennis court funded in 1995 has been turned into a skate park.

- Exceptions include acts of extraordinary vandalism or arson, acts of nature such as floods or earthquake, and obsolescence (structure past its useful life).

Remedy

May require an amendment to the project agreement, approval from the Recreation and Conservation Funding Board or Salmon Recovery Funding Board, or remediation.

Conversion

A conversion occurs when:

- All or part of the property is conveyed for an ineligible use, or to an ineligible third party.
- Public or private uses impair the original purpose of the grant.
- Non-eligible, indoor facilities are constructed.
- Public use is terminated for more than 180 consecutive days.

Remedy

If RCO assisted with acquiring the site, it must be replaced with new property of equal utility and market value in today's dollars. If RCO assisted with development or restoration of the site, it must be replaced with new facilities or restoration of equal function.

Long-term Obligations

- Maintain the funded site and structures as originally funded.
- For recreation projects, maintain public outdoor recreation opportunities in a safe and attractive manner and at reasonable hours and times of the year.
- For habitat projects, manage and maintain the habitat values or functions.

Please Contact RCO

before you significantly alter a grant-funded site or facility to see if your plans are compatible with the project agreement and RCO policies.

Recreation and
Conservation Office (RCO)
www.rco.wa.gov
E-mail: RCO MI Stewardship@rco.wa.gov
Telephone: (360) 902-3000
TDD: (360) 902-1996



From: [City of Vancouver - Office of the City Manager](#)
To: [Dollar, Sarah](#)
Subject: FW: Written comments for City Council meeting
Date: Friday, July 22, 2022 8:49:14 AM
Attachments: [08022022 CAP workshop testimony.pdf](#)

Hi Sarah,

Please see the attached public comment for the August 1st council meeting.

Thanks,

City Manager's Office
CITY OF VANCOUVER
P.O. Box 1995 • Vancouver, WA 98668-1995
P: 360.487.8600 | F: 360.487.8625
www.cityofvancouver.us

-----Original Message-----

From: [REDACTED]
Sent: Thursday, July 21, 2022 12:18 PM
To: City of Vancouver - Office of the City Manager <CMO@cityofvancouver.us>
Subject: Written comments for City Council meeting

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Hi,

I wanted to share the following written testimony for the City Council's upcoming Climate Action Plan Workshop on August 1st.

Thanks,

Jayne Haygood

The Power of Parks to Propel Vancouver's Climate Action Plan

Thank you Mayor and City Councilors,

I am grateful for this opportunity to discuss the vital role our parks and green spaces have with regards to Vancouver's Climate Action Plan. The impacts of climate change will be detrimental to all of us unless significant action is taken immediately. I applaud your desire to be carbon neutral by 2040 and appreciate the work that you are doing to protect Vancouver and its citizens.

Our parks and green spaces will be a critical component in our strategies to combat the effects of global warming. By utilizing, incorporating and rethinking "parks", we are positioned to become a leader in tackling the immense challenge that lies ahead of us. The following are some suggestions on how to prioritize our parks to maximize their environmental benefits.

First, we must better manage our unusable spaces and rethink "parks". Examples of unusable spaces are areas under power lines, along hillsides, alleys/unaccepted streets, vacant lots, rooftops and below billboards. By reclaiming this land and putting it to use as linear parks (lush green spaces with bike paths or walking paths), solar panel sites (hillsides), etc. we can increase our alternative transportation opportunities as well as provide additional and much needed green space. If we allow ourselves to rethink what a park is, we can begin to visualize parks on rooftops (think of the old FVRL headquarters) or in old vacant lots/buildings. An example of this is in Seattle where they are creating the Mini Mart City Park by "transforming a former gas station into a pocket park and arts-oriented community center..." <https://www.minimartcitypark.com/> Another example is The High Line in Manhattan, a public park built on an old rail line that was destined for demolition but has instead been transformed into a truly remarkable public space, arts venue, and community resource. <https://www.thehighline.org/> And as our city assesses those spaces deemed "brownfield" we have the opportunity to turn polluted land into park land. We will rewild the unusable and reclaim the ramshackle.

Next, we need to make our existing parks and green spaces even "greener". As someone who owns an electric vehicle, it is miserable to sit in a parking lot waiting 30 minutes for my car to charge. By providing electric car charging stations at our parks citizens and visitors could enjoy the outdoors, exercise on equipment, or take a leisurely stroll while their car charges rather than waiting and baking inside their car. Our shelters could have solar panels that power the charging stations. As we expand our thinking of parks and go greener, we could include fruit orchards in our city parks system which not only increases our tree canopy, but it can also help offset the impacts of the urban heat island and provide food resources for our community. The city can be a role model in no-grass landscaping on their city-owned properties. These no-grass lawns can provide demonstrations/examples of how to landscape naturally—without pesticides and with native plants. Each city building location could have a particular natural lawn theme (drought tolerant, native plants, alternative lawns, pollinator, edible landscaping, etc.) in which citizens could visit and it could provide educational outreach should they wish to transform their own lawns. Lead by example!

Finally, we must prioritize trees. In Vancouver, our "sense of place" is reinforced by our tree-lined skylines. Supporting Vancouver's Urban Forestry Department in this initiative is imperative as trees are one of the main tools we have available to help offset carbon emissions. It may be time to rethink what "tree canopy" means. We must recognize that every tree is different and provides a vast range in environmental benefits with regards to climate reduction. Unfortunately, many of our street trees have been topped/halved to accommodate power lines. This topping dramatically decreases the full environmental benefits of that tree. However, with regards to our tree canopy, it is considered at the same percentage as a non-topped tree. Ask

anyone in Urban Forestry and they will chant the mantra, “right tree, right place”. We must ensure that we are protecting those existing “right trees” which are in the “right place”, but also begin to replace those that aren’t. We should plan ahead and recognize that the temperatures are expected to continue rising and therefore we should be planting trees now that are drought tolerant and best suited to adapt to their changing environment. Although the city tree canopy plays a major role in limiting the affects of climate change, our city *forests* are truly one of our greatest assets, not only for their marvelous beauty, but also since their lush density amplifies their environmental and climate cooling contributions. Please make preservation of these city owned forests a priority that will ensure their benefits for generations to come. Is there a way the city can encourage the preservation of these city forests with regards to private land ownership?

By rethinking our definition of parks, “greening” our existing parks/green spaces, and prioritizing trees, we can position ourselves to be a global leader in climate action preparedness. It is a critical time in our lives to create this much needed change, and I will gladly help however I can. Please feel free to contact me if you wish to discuss these ideas further.

Sincerely,

ood

A black rectangular redaction box covering the signature of the sender.

From: [Dollar, Sarah](#)
To: [Dollar, Sarah](#)
Subject: FW: Comments for August 8 Council Workshop
Date: Monday, July 25, 2022 10:58:05 AM

Sarah Dollar | Assistant to the City Council
CITY OF VANCOUVER, WASHINGTON
City Manager's Office
Pronouns: She/Her/Hers
www.cityofvancouver.us

From: Kathy Romanowski [REDACTED]
Sent: Monday, July 25, 2022 10:47 AM
To: City Council <council@cityofvancouver.us>
Subject: Comments for August 8 Council Workshop

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This is in regards to the use of natural gas in our city. I feel it is not wise to take away options for the citizens of Vancouver. We should be able to choose between generated electricity and natural gas. We have enough burdens, please don't add to them by taking away our right to choose. Natural gas, like generated electricity, is clean.

Thank you for your time regarding my concerns.

Kathy Romanowski
[REDACTED]
Vancouver, WA 98684

[Sent from Yahoo Mail on Android](#)

From: [Mike Nettleingham](#)
To: [City of Vancouver - Office of the City Manager](#); [City Council](#)
Subject: Comments for August 8 Council Workshop
Date: Sunday, July 24, 2022 8:09:30 AM

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Hello,

Please take 5 minutes and watch a replay of Sunday July 24 “GPS” by Fareed Zakaria on CNN. Natural Gas is not the low hanging fruit that will slow down climate change to an appreciable amount. At this point in time I would liken it to throwing very expensive ice cubes at the sun. Be careful of being penny wise and pound foolish and maintain Vancouver’s history of being Fiscally Conservative.

Suggestions to “electrify everything” put reliability at risk without advancing emissions reductions goals any differently than innovatively using the gas system already in place.

Best Regards and Thank You for listening,
Mike Nettleingham

From: [REDACTED]
To: [City of Vancouver - Office of the City Manager](#); [City Council](#)
Subject: Public Comment - Vancouver's Climate Action Plan & City Council Mtg 8/8/22
Date: Sunday, July 24, 2022 10:08:07 AM
Importance: High

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Public Comment Regarding Vancouver City Council meeting on August 8, 2022
Attn. City Councilors

I have written previously, more than once, to express my viewpoint and strong opposition to any ban of natural gas for new construction in the Council's Climate Action Plan. My husband and I over our 35 year marriage have built three new homes in Vancouver and have depended on natural gas for cooking, heating our home and heating our hot water. Having sold our latest home a year ago and now in retirement, we plan to build or buy a new downsized home in the next year or so and it is imperative that natural gas service be available to new construction. I have no doubt that thousands of other Clark County residents feel the same.

Don't put all our eggs in one basket - electrifying everything and banning natural gas is not the answer. Natural gas is clean, safe, efficient and affordable, and I believe the majority of people in our community would agree that a diversified energy system is stronger and more reliable.

Please vote NO on any proposal to ban natural gas.

Kathleen Cantrell Price

[REDACTED]

Vancouver, WA 98684

[REDACTED]

[REDACTED]

From: [Kathe W.](#)
To: [City of Vancouver - Office of the City Manager](#); [City Council](#)
Subject: Comments for August 8 Council Workshop
Date: Sunday, July 24, 2022 10:22:36 AM

Some people who received this message don't often get email from katheworsley@gmail.com.
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Vehicles that are powered by EV batteries are NOT a diversified energy system fundamentally stronger, more affordable, and more reliable. Read below:

At one time, “Saving the Environment” and “Fighting Climate Change” were synonymous. That is no longer true. The quest for Clean Energy through electric vehicles (EVs) epitomizes “the end justifies the means.”

According to the International Energy Agency (IEA), an electric vehicle requires six times the mineral inputs of a comparable internal combustion engine vehicle (ICE). EV batteries are very heavy and are made with some exotic, expensive, toxic, and flammable materials.

The primary metals in EV batteries include Nickel, Lithium, Cobalt, Copper and Rare Earth metals (Neodymium and Dysprosium). The mining of these materials, their use in manufacturing and their ultimate disposal all present significant environmental challenges. Ninety percent of the ICE lead-acid batteries are recycled while only five percent of the EV lithium-ion batteries are.

Oil has been so demonized that we tend to overlook some of its positive traits as a power source relative to the battery

power of EVs. The power for an internal combustion engine, oil, is a homogeneous commodity found abundantly around the world (*especially in our own backyard*). In 2019, the four top oil producing nations were the United States, Russia, Saudi Arabia, and Canada. In contrast, the power for EVs is dependent on a mixture of diverse commodities from just a handful of third world countries.

In spite of the environmental hysteria about oil drilling, the surface area disturbed is relatively small since the oil is extracted from under the ground. In contrast, many of the materials prominent in the clean energy revolution are obtained through open-pit horizontal mining which is extremely damaging to wide areas of the environment.

This is why we need to be careful about requiring everyone's cars to be dependent on EV batteries. I would hope that the City of Vancouver and the state of Washington will be thoughtful about what decisions they make.

Katherine Worsley

, Vancouver WA 98683

From: [MICHAEL AND ANITA SHAW](#)
To: [City of Vancouver - Office of the City Manager](#); [City Council](#)
Subject: Comments for August 8 Council Workshop
Date: Sunday, July 24, 2022 7:52:25 PM

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We need a diversified energy system. Natural gas should be an important part of that. Thank you. Anita Shaw

From: [Steven TJ](#)
To: [City of Vancouver - Office of the City Manager](#); [City Council](#)
Subject: Comments for August 8 Council Workshop
Date: Sunday, July 24, 2022 8:59:45 PM

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Good evening :)

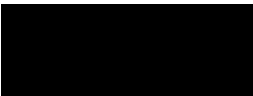
As a City of Vancouver resident, I'd like to chime in with my opinion regarding the proposed Vancouver's Climate Action Plan.

I strongly believe that the best plan is a diversified energy plan, one that includes both the use of electricity, and the use of natural gas.

That's my take; thanks for listening . . .

Steve

Steve Jossi

, Vancouver, WA 98661

From: [Mariah Kimble](#)
To: [City of Vancouver - Office of the City Manager](#); [City Council](#)
Subject: Comments for August 8 Council Workshop
Date: Saturday, July 23, 2022 6:50:27 AM

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Please do not ban natural gas. It is wanted and needed. There are so many reasons which I will not go into as I am sure you have heard it before.

Mariah Kimble

Sent from my iPhone

From: [Joseph Titone](#)
To: [City of Vancouver - Office of the City Manager](#); [City Council](#)
Subject: energy
Date: Saturday, July 23, 2022 7:35:14 AM

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I favor diversified energy. It's not wise to put all our eggs in one basket. I live here in Vancouver. Thank you.

From: [Bradd Hill](#)
To: [City of Vancouver - Office of the City Manager](#); [City Council](#)
Subject: Comments for August 8 Council Workshop
Date: Saturday, July 23, 2022 8:16:22 AM

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Vancouver needs multiple sources of power! Living with only electricity, until we have nuclear power as backup, will not give us the reliability that we need. We need natural gas to provide reliability and stability!!

Bradd Hill

 Vancouver, WA 98683

From: [chaunceymorton](#)
To: [City of Vancouver - Office of the City Manager](#); [City Council](#)
Subject: Comments for August 8 Council Workshop
Date: Saturday, July 23, 2022 9:39:33 AM

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My home converted natural gas in 2002. my utilities have been reduced 45%. Eliminating Natural Gas is enormous mistake. Chinese windmills are not the answer. Please reconsider. Crm

From: [Audrey Carlson](#)
To: [City of Vancouver - Office of the City Manager](#); [City Council](#)
Subject: Comments for August 8 Council Workshop
Date: Saturday, July 23, 2022 9:55:46 AM

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I would like to ask that our natural resource of natural gas, remain in place. While the intent may be good to try to make things better, cutting out natural gas is not a good idea. It is a very long term idea at best. Most of the world uses gas, and coal and trying to cut it out so quickly in our own living environment will create nothing but huge problems in the short and long term for us. These problems will come at a huge cost, and added unneeded discomfort to our citizens. All of us are currently bearing a huge burden of cost with the inflation, and other costs that have been placed on us. It has been proven in various states in our country, that this new green deal and effort isn't cost effective, successful, productive, or needed. Yet you continue to push it. We have plenty of resources to maintain what our citizens need for a very long time, and at a very reasonable cost. Cutting out our natural gas needs to be tabled for a time in the very far future, and not be placed as a burden on the tax payers at the present time.

Thank you.

From: [Vaughn Teuscher](#)
To: [City of Vancouver - Office of the City Manager](#); [City Council](#)
Subject: Comments for August 8 Council Workshop
Date: Saturday, July 23, 2022 10:53:41 AM

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City Council,

I am very concerned with the city of Vancouver climate action plan. I feel it is better to have a diversified energy plan using both electricity and natural gas rather than rely on electricity alone which will drive up costs and won't provide the needs of our community. We've already invested how many millions of dollars in the natural gas back up for electricity through Clark PUD, my brother in law just retired as Chief of Finance of Clark PUD and I remember him discussing all the concerns they had over the years with providing for our community at reasonable rates. Please listen to the voice of the people which I'm sure the majority will agree and not try to go off on an agenda which will reduce supply and as demand goes up simply won't work. The infrastructure we have for clean energy natural gas is working as our energy costs are far better than California and the rest of many parts of the nation and especially with future electrification of vehicles and other things we will need a diversified plan and backups as we certainly don't want the problems CA and Texas have had as of late with rolling blackout and shut downs of their electrical grid. These are my feeling for the City Council as they meet to discuss. Thank You, Dr. Vaughn Teuscher

From: [Michelle Breshears](#)
To: [City of Vancouver - Office of the City Manager](#); [City Council](#)
Subject: "Electrify Everything" - Comments
Date: Saturday, July 23, 2022 12:26:37 PM

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As a business owner that has three locations in the Vancouver area, having gas as an option is very important. Suggestions to “electrify everything” put reliability at risk without advancing emissions reductions goals any differently than innovatively using the gas system already in place. We do not want to see Vancouver electrify everything.

Michelle Breshears

Controller

The Cinnamon Bums Inc

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

From: [Pam Swegles](#)
To: [City of Vancouver - Office of the City Manager](#); [City Council](#)
Subject: Comments for August 8 Council Workshop
Date: Saturday, July 23, 2022 2:56:39 PM

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I think that to try to convert all of the city to electricity is very shortsighted. First of all there should be a diversity of energy available for residents and the city as a whole. Areas that have converted to all electrical have had problems. Second a lot of the current residents could not afford to convert their home to all electrical. It is expensive and not all residents have the funds available to make a conversion. Hasn't the city ever heard the term "if it ain't broke don't fix it"? Gas works and is cost effective. The country is not ready to move away from all fossil fuels and then to suffer brown outs because the electrical system is not ready to handle the demand. The city could not even handle the electrical demand if people really started buying electrical cars. How are they going to handle everything going electrical? Do all you political folks really want to turn off your air-conditioning in the summer? I doubt it.

I think overall we may need to move from fossil fuels, but the technology is not yet ready for it. Do the city a favor and wait until it is ready for it. Additionally some households will need help with conversion and they should be considered and maybe assisted.

Thank you

Pam Swegles

From: [Lois Cook](#)
To: [City of Vancouver - Office of the City Manager](#); [City Council](#)
Subject: Comments for August 8 Council Workshop
Date: Saturday, July 23, 2022 3:04:20 PM
Attachments: [APG LOGO Horiz. for web full-color PNG Transparent-Background TINY.png](#)

You don't often get email from lois@americasphoneguys.com. [Learn why this is important](#)

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Hello Vancouver City Council Members,

I am writing today to express my deep concern for the city of Vancouver moving forward with a plan to completely eliminate the use of natural gas and electrify everything. I am in favor of doing all we can to combat climate change. My husband & I are owners of a small business here in Vancouver in the tech related field of telecommunications. I have lived here in Vancouver since 1992.

I believe we are heading down a dangerous path if we eliminate the use of natural gas and rely solely on electricity. Our state doesn't get enough sunlight and is also working towards removal of dams. We are setting ourselves up for failure in the long-term. Additionally, having had my business affected by a cyber attack on the country's telecom backbone systems last year in the 3rd quarter it worries me greatly that we would rely on a single energy source. A diversified source would provide much better security, adaptability and affordability for all.

Moving towards an all electric system is in my mind a huge mistake and will lead only to larger and more severe issues. Please do not move forward with this plan and look for better options.

Sincerely,

Lois C. Cook



www.AmericasPhoneGuys.com

WA

From: [Gennadiy Tsybikov](#)
To: [City of Vancouver - Office of the City Manager](#); [City Council](#)
Subject: Comments for August 8 Council Workshop
Date: Saturday, July 23, 2022 3:04:51 PM

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Hello,

As a consumer of natural gas and electricity, I find it very important to have at least two energy sources. If electricity goes out I can always rely on gas to stay warm and prepare food for my family. I can also control which source of energy I can use based on current prices, so I can save money by doing that.

Vancouver resident
Gennadiy Tsybikov

From: [Larry Stewart](#)
To: [City of Vancouver - Office of the City Manager](#); [City Council](#)
Subject: My Comments for August 8 Council Workshop
Date: Saturday, July 23, 2022 3:05:42 PM

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As a retired BPA employee I am well aware of how fortunate we are to live in this region with hydro power. but we all know it is not infinite, and more likely to decrease than increase.

In 2015 I purchased 100 shares of the Clark PUD solar project, but know it can only augment the requirements of our region. Don't impose restrictions on residential gas usage until after there is proof that the risk of no heat or cooling is one day in a decade or 100 years. Use the science that insurance companies use to assess the risks you are suggesting we will have, and then tell us what it is and what the basis is for determining the risk.

Solar and wind are nice to have when there is sufficient sun and wind to augment the demand. Eliminating the option of gas heat and cooling on demand 24x7 is an unnecessary risk to our community, Will the legacy of the council be that you imposed restrictions and because of that the public was put at risk of harm when there is not adequate wind or solar, and the BPA power system cannot meet the region's requirements for electricity?

From: [Albert Sze](#)
To: [City of Vancouver - Office of the City Manager](#); [City Council](#)
Subject: Comment for July 29, 2022 meeting
Date: Saturday, July 23, 2022 4:22:34 PM

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Gas distribution system is below grade and is a lot safer from any kind of attacks or interference from weather, fire, down trees etc. The further we should go is all electrical with gas fired backup generator. It is unsafe for old folks like me that may require equipment to operate 24/7 to keep alive.

Thank you for listening

Albert Sze

From: [The Butlers](#)
To: [City of Vancouver - Office of the City Manager](#); [City Council](#)
Cc: [The Butlers](#)
Subject: Comments for August 8 Council Workshop
Date: Saturday, July 23, 2022 4:58:36 PM

Some people who received this message don't often get email from jdbutler07@gmail.com. [Learn why this is important](#)

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I agree that climate change action is needed; however, it must be balanced to what the people need to exist. It does no good to outlaw oil, coal, nuclear, natural gas, and hydroelectric power when no proper replacement is available. Coal, nuclear, and oil are already gone or pretty much gone and many dams are in danger.

Not everyone can switch to an electric car if the resources to power (and buy) them are gone. I believe, natural gas is a fairly clean resource when used in highly efficient equipment. In addition, many homes already have it to heat homes and water.

A balance should be in effect that resources taken away are balanced by new resources to take their place.

Thanks for this opportunity to opine on the subject.

Respectfully,

John Butler



Vancouver WA 98684

From: [klmstw](#)
To: [City of Vancouver - Office of the City Manager](#); [City Council](#)
Subject: Comments for August 8 Council Workshop
Date: Saturday, July 23, 2022 7:52:18 PM

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Dear Council

I'll keep this brief. I'm writing to emphasize the importance of diversified energy. Please keep natural gas as an energy option. Although Clark Public Utilities does an amazing job keeping the electricity flowing, we need both sources.

Thank you
Karen Watkins

Sent from my T-Mobile 4G LTE Device

From: [David Malland](#)
To: [City of Vancouver - Office of the City Manager](#)
Cc: [HUGH JONSON](#); [BONNIE JONSON](#)
Subject: ZERO DIESEL EMISSIONS 1837 hrs 23 JULY, 2022
Date: Saturday, July 23, 2022 7:54:58 PM

[You don't often get email from [REDACTED]. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

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

VANCOUVER MAYOR: THERES AN INVENTION IN WASHINGTON STATE WITH OVER TWENTY YEARS OF R & D AND NINE U.S. PATENTS THAT CONVERTS MOST DIESEL ENGINES TO ZERO EMISSIONS AND SINCE COLD PLASMA CONSUMES ALL (100%) OF THE FUEL, IT ALSO INCREASES MILEAGE! A CURRENT EXAMPLE IS OUR STOCK FREIGHTLINER WITH 8+ MPG BEFORE.....AND 12+ MPG NOW (AFTER INSTALLATION).

THATS HUGE.....AND IS CERTIFIED BY WASHINGTON STATE, THE BOEING COMPANY, AND THE CALIFORNIA AIR RESOURCES BOARD (CARB). THE TOUGHEST AIR QUALITY REGULATORS IN THE WORLD, CARB STATED (AND DOCUMENTED) "IT MAY BE MADE, SOLD, AND DISTRIBUTED IN CALIFORNIA ".

>

> YOU SHOULD SPEAK WITH THE INVENTOR TO BETTER UNDERSTAND HOW IT WORKS AND HOW IT ACTUALLY PERFORMS. (YOU COULD INSTALL IT ON ONE TRUCK, DIESEL CAR, CITY PARK TRACTOR, OR GENERATOR TO PROVE IT'S EFFICACY). THE INVENTOR IS HUGH JONSON, A HIGHLY DECORATED VIETNAM PURPLE HEART RECIPIENT, AND EX-POW MILITARY BROTHER OF MINE WHO SERIOUSLY DESERVES YOUR ATTENTION.

>

> THIS IS A WASHINGTON STATE EMISSIONS AND CALIFORNIA AIR RESOURCES BOARD (CARB) CERTIFIED INVENTION THAT ELIMINATES EXPENSIVE FILTERS AND PRODUCES ZERO DIESEL EMISSIONS, THAT I PERSONALLY ENDORSE.

>> THREE GOOD REASONS TO CALL ARE; 1. YOUR MISSION STATEMENT PROMOTES "WORKING WITH PRIVATE SECTOR ENTITIES WITH PROVEN TECHNOLOGY" THAT YOU NEED FOR YOUR CITY; (THATS US)!

>> 2. OUR COMMANDER-IN-CHIEF'S GOAL IS "ZERO EMISSIONS ON ALL GOVERNMENT VEHICLES BY 2030",(YOU CURRENTLY HAVE NO (NO) VIABLE SOLUTION FOR YOUR CITY); AND 3. WE ARE READY TO PRESENT OUR ZERO DIESEL EMISSIONS SYSTEM AND ANSWER ALL OF YOUR QUESTIONS IN PERSON. THANK YOU.

>> SINCERELY, DAVE MALLAND COMMAND MASTER CHIEF, U.S. COAST GUARD (39 YEARS, RET.)

>> P.S. : FOR OUR PRESENTATION OR QUESTIONS; PLEASE CONTACT MR. HUGH JONSON DIRECTLY AT:

>> [REDACTED] (SEATTLE TIME) OR



From: [ken59644](#)
To: [City of Vancouver - Office of the City Manager](#); [City Council](#)
Subject: Comments for August 8 Council Workshop
Date: Saturday, July 23, 2022 8:09:45 PM

[You don't often get email from [REDACTED]. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

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

Putting homeowners into a situation where natural gas is not a choice is asinine. We need diversified energy choices. Please consider using incentives for homeowners to install solar or wind power at their homes but leave the choices alone.

Best regards,

Ken Townsend

DATE: July 18, 2022

TO: Vancouver City Council

FROM: Joanita Munoz, Northcrest Neighborhood

Thank you for your concern about the fire risk along Burnt Bridge Creek. This is a reminder about the fire on April 17, 2021.

On this night the reported peak wind speed was only 8 mph. But earlier on April 12, it was 21 mph. With flames reaching an estimated 25-30 feet, it could have been more serious on the 12th. The campers on the hillside would be at risk as well as the private properties along the ridge. I have not studied fire science, but just by watching the news I believe the possibility of the fire racing uphill puts many homes in danger.

It is necessary to note that the fire on the 17th, was not for the purpose of heat or cooking. Apparently, it was arson. The man who set up that campsite was not at the site at the time of the fire.





From: Vrbo <noreply@accounts.homeaway.com>
Sent: Saturday, July 2, 2022 6:50 AM
To: Janie Wilson [REDACTED]
Subject: Washington short-term rental notification



Notification of Washington short-term rental laws.

Janie,

Vrbo is required by the State of Washington to notify you that...

1. Your current insurance coverage may not include liability protection, defense costs or first-party coverage when your property is used for short-term rental stays.
2. You are responsible for collecting and remitting all applicable local, state, and federal taxes unless the platform does this on your behalf.
3. Washington law requires that you do each of the following:
 - a. Comply with RCW 19.27.530 and applicable rules regarding installing carbon monoxide alarms.
 - b. Post the following in a conspicuous place inside your unit:
 - a. Your unit's street address
 - b. Emergency contact information for police, fire or emergency medical services (i.e. 911).
 - c. Your unit's floor plan with fire exits and escape routes marked
 - d. Your unit's maximum occupancy limit
 - e. Your contact information or the information for your designated contact

To read more about the short-term rental bill, [click here](#).

Thank you,
The Vrbo Team

We're here to help. Visit our [Help Centre](#) for useful info and FAQs.

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City of Vancouver STR Discussion 7 25 2022

State of Washington RCW 64.37.010 (9)(a) Defines Short Term Rentals as “a lodging use, that is not a hotel or motel or bed and breakfast, in which a dwelling unit, or portion thereof, that is offered or provided to a guest by a short-term rental operator for a fee for fewer than thirty consecutive nights.” As recognized by the State of Washington STR’s do not fall into the category of a hotel/motel and therefore cannot be limited to commercial zones nor subjected to the same inspections and regulations as a hotel and should not be subject to operation fees to cover inspection costs.

Peter Van Nortwick Clark County Assessor May 3, 2022

“During 2021, property values continued to increase in Clark County. Low inventory continued as an issue pushing residential values even higher. New Construction was strong through the beginning of 2021, but toward the end of the year supply chain issues begun to show an impact on the new construction marketplace.”

Vancouver, WA



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COVID-19 is diagnosed with a viral test. This may also be called a PCR test or antigen test. It looks for evidence of the virus in your breathing passages or lungs (respiratory system).

The test is most often done on a sample from the nose, throat, or lungs. It's sometimes done on a sample of saliva. One way a sample is collected is by putting a long swab into the back of your nose.

How is it treated?

Mild cases of COVID-19 can be treated at home. Serious cases need treatment in the hospital. Treatment may include medicines to reduce symptoms, plus breathing support such as oxygen therapy or a ventilator. Some people may be placed on their belly to help their oxygen levels.

Treatments that may help people who have COVID-19 include:

Antiviral medicines.

These medicines treat viral infections. Remdesivir is an example.

Immune-based therapy.

These medicines help the immune system fight COVID-19. Examples include monoclonal antibodies.

Blood thinners.

These medicines help prevent blood clots. People with severe illness are at risk for blood clots.

How can you protect yourself and others?

- Get vaccinated.
- Avoid sick people.
- Cover your mouth with a tissue when you cough or sneeze.
- Wash your hands often, especially after you cough or sneeze. Use soap and water, and scrub for at least 20 seconds. If soap and water aren't available, use an alcohol-based hand sanitizer.
- Avoid touching your mouth, nose, and eyes.

Be sure to follow all instructions from the CDC and your local health authorities. Here are some examples of specific precautions you may need to take.

- If you are not fully vaccinated:
 - Wear a mask if you have to go to public areas.
 - Avoid crowds and try to stay at least 6 feet away from other people.
- If you have been exposed to the virus and are not fully vaccinated:
 - Stay home. Don't go to school, work, or public areas. And don't use public transportation, ride-shares, or taxis unless you have no choice.
 - Wear a mask if you have to go to public areas, like the pharmacy.
- Even if you're fully vaccinated, there's still a small chance you can get and spread COVID-19. If you live in an area where COVID-19 is spreading quickly, wear a mask if you have to go to indoor public areas. You might also want to wear a mask in crowded outdoor areas if you:
 - Have certain health conditions.
 - Live with someone who has a compromised immune system.
 - Live with someone who is not fully vaccinated.
- If you have been exposed and you are fully vaccinated:
 - Talk to your doctor. You may need a COVID-19 test.



Reducing PFAS in Drinking Water with Treatment Technologies

Published August 23, 2018



Per- and Polyfluorinated substances (PFAS) are a group of man-made chemicals that persist in the environment. These chemicals have been used for decades in consumer products to make them non-stick and water resistant. They are also found in firefighting foams and are applied in many industrial processes. Unfortunately, the characteristics that make them useful are the reason they persist in the environment and can bioaccumulate, or build up, in our bodies and the bodies of animals.

PFAS also dissolve in water, and combined with their chemical properties mean traditional drinking water treatment technologies are not able to remove them. Therefore, EPA researchers have been studying a variety of technologies at bench-, pilot-, and full-scale levels to determine which methods work best to remove PFAS from drinking water.

Certain technologies have been found to remove PFAS from drinking water, especially Perfluorooctanoic acid (PFOA) and Perfluorooctanesulfonic acid (PFOS), which are the most studied of these chemicals. Those technologies include activated carbon adsorption, ion exchange resins, and high-pressure membranes. These technologies can be used in drinking water treatment facilities, in water systems in hospitals or individual buildings, or even in homes

at the point-of-entry, where water enters the home, or the point-of-use, such as in a kitchen sink or a shower.

Activated Carbon Treatment

Activated carbon treatment is the most studied treatment for PFAS removal. Activated carbon is commonly used to adsorb natural organic compounds, taste and odor compounds, and synthetic organic chemicals in drinking water treatment systems. Adsorption is both the physical and chemical process of accumulating a substance, such as PFAS, at the interface between liquid and solids phases. Activated carbon is an effective adsorbent because it is a highly porous material and provides a large surface area to which contaminants may adsorb. Activated carbon (GAC) is made from organic materials with high carbon contents such as wood, lignite, and coal; and is often used in granular form called granular activated carbon (GAC).

GAC has been shown to effectively remove PFAS from drinking water when it is used in a flow through filter mode after particulates have already been removed. EPA researcher Thomas Speth says, “GAC can be 100 percent effective for a period of time, depending on the type of carbon used, the depth of the bed of carbon, flow rate of the water, the specific PFAS you need to remove, temperature, and the degree and type of organic matter as well as other contaminants, or constituents, in the water.”

For example, GAC works well on longer-chain PFAS like PFOA and PFOS, but shorter chain PFAS like Perfluorobutanesulfonic acid (PFBS) and Perfluorobutyrate (PFBA) do not adsorb as well.

Another type of activated carbon treatment is powdered activated carbon (PAC) which is the same material as GAC, but it is smaller in size, powder like. Because of the small particle size, PAC cannot be used in a flow through bed, but can be added directly to the water and then removed with the other natural particulates in the clarification stage (conventional water treatment or low-pressure membranes - microfiltration or ultrafiltration). Used in this way, PAC is not as efficient or economical as GAC at removing PFAS. Speth says, “Even at very high PAC doses with the very best carbon, it is unlikely to remove a high percentage PFAS; however, it can be used for modest percent removals. If used, however, there is an additional problem with what to do with the sludge that contains adsorbed PFAS.”

Ion Exchange Treatment

Another treatment option is anion exchange treatment, or resins. Ion exchange resins are made up of highly porous, polymeric material that is acid, base, and water insoluble. The tiny beads that make up the resin are made from hydrocarbons. There are two broad categories of ion exchange resins: cationic and anionic. The negatively charged cationic exchange resins (CER) are effective for removing positively-charged contaminants and positively charged anion exchange resins (AER) are effective for removing negatively charged contaminants, like PFAS. Ion exchange resins are like tiny powerful magnets that attract and hold the contaminated materials from passing through the water system. Negatively charged ions of PFAS are attracted to the positively charged anion resins. AER has shown to have a high capacity for many PFAS;

however, it is typically more expensive than GAC. Of the different types of AER resins, perhaps the most promising is an AER in a single use mode followed by incineration of the resin. One benefit of this treatment technology is that there is no need for resin regeneration so there is no contaminant waste stream to handle, treat, or dispose.

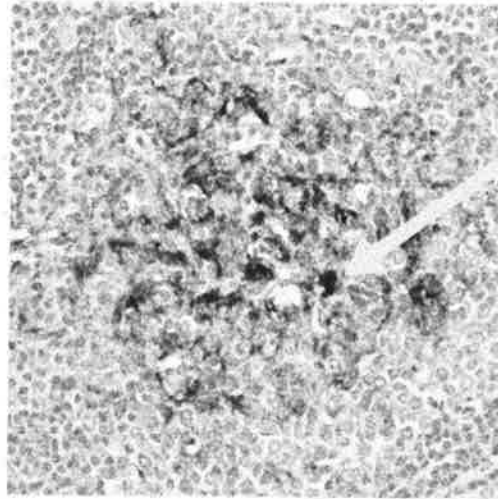
Like GAC, AER removes 100 percent of the PFAS for a time that is dictated by the choice of resin, bed depth, flow rate, which PFAS need to be removed, and the degree and type of background organic matter and other contaminants of constituents.

High-pressure Membranes

High-pressure membranes, such as nanofiltration or reverse osmosis, have been extremely effective at removing PFAS. Reverse osmosis membranes are tighter than nanofiltration membranes. This technology depends on membrane permeability. A standard difference between the two is that a nanofiltration membrane will reject hardness to a high degree, but pass sodium chloride; whereas reverse osmosis membrane will reject all salts to a high degree. This also allows nanofiltration to remove particles while retaining minerals that reverse osmosis would likely remove.

Research shows that these types of membranes are typically more than 90 percent effective at removing a wide range of PFAS, including shorter chain PFAS. With both high pressure membrane types, approximately 80 Percent of the feed water, the water coming into the membrane, passes through the membrane to the effluent (treated water). Approximately 20 percent of the feedwater is retained as a high-strength concentrated waste. A high-strength waste stream at 20 percent of the feed flow can be difficult to treat or dispose, especially for a contaminant such as PFAS, according to Speth. Perhaps this technology is best suited as a point of use technology for a homeowner, since the volume of water being treated is much smaller and the waste stream could be disposed of more easily with less cause for concern.

Infectious Creutzfeldt-Jakob Disease



Creutzfeldt-Jakob disease
(prion disease)

HEALTH 1+1

PREMIUM HEALTH SCIENCE

Rare Brain Disease Developed After COVID Vaccination Has a Surprisingly High Mortality Rate

BY XIAOXU SEAN LIN AND HEALTH 1+1 TIME JUNE 16, 2022 PRINT

Recently, adverse brain and neurological events brought about by vaccination are gradually attracting the attention of scientists. What adverse neurological events are known to be induced by vaccination?

In May 2022, several French and Swiss neurologists and virologists published a preprint research report of their study. In this study, they found a rare brain disease with an extremely high mortality rate, which emerged after COVID-19 vaccination. The original report was recently retracted and resubmitted by the authors.

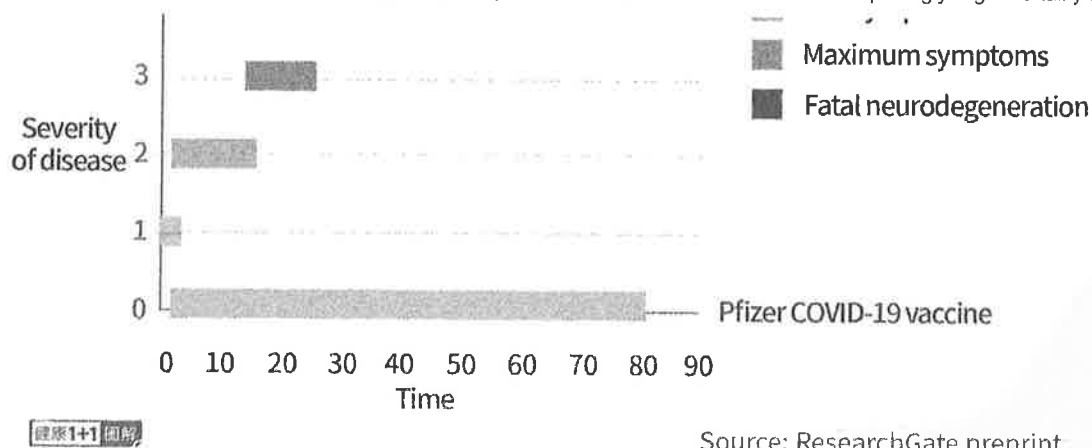
A 72-year-old woman developed a prion disease called Creutzfeldt-Jakob disease 14 days after her second dose of the Pfizer COVID-19 vaccine. When her symptoms persisted until the 10th week, fatal neurodegeneration occurred.

A New Type of Prion Disease Emerged After COVID-19 Vaccination

72-year-old woman

4

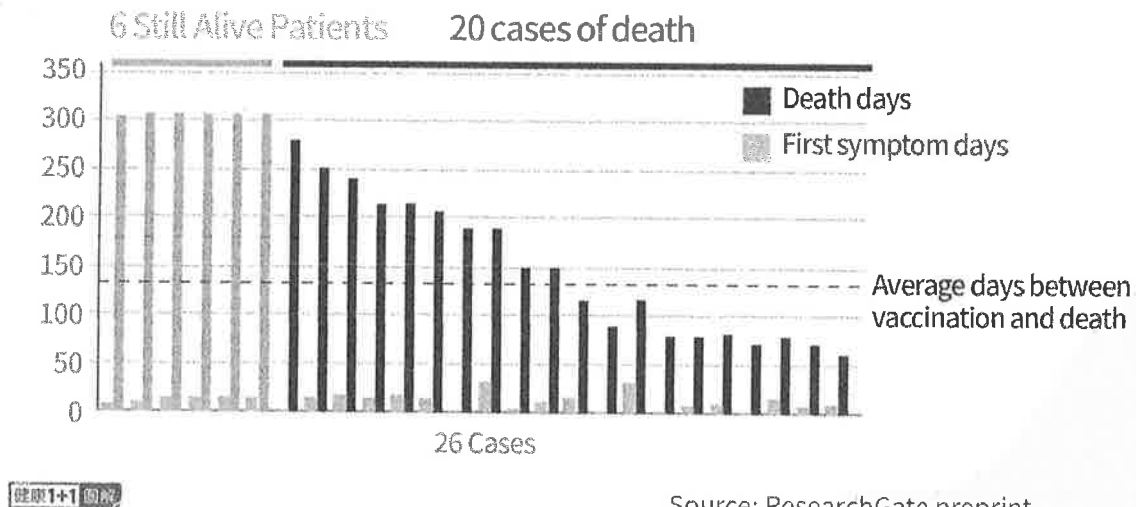
First symptoms



This phenomenon is very surprising, because the progression of prion disease in the past was generally slow and long-lasting, and it rarely developed into a severe disease within a few months.

This report specifically analyzed 26 cases of prion disease after COVID vaccination with Pfizer, Moderna, and AZ vaccines respectively, and it found that the average time from vaccination to the onset of disease, serious deterioration, and even death was 3 to 4 months. This shows that the progression of this disease is quite different from the conventional prion disease in the past.

26 Cases of New Prion Disease after COVID-19 Vaccination



The Mysterious Prion Disease

Prions are not a kind of infectious viruses, but a type of infectious protein.

Prion diseases were discovered in the 18th century, but they occurred mostly in animals. At that time, the medical community discovered a disease called Scrapie, as many sheep with this disease were rubbing their backs hard on the wall and rocks due to itchiness, so much that their fleece would fall off. It was later discovered that the itching sensation was actually brought about by their affected brain nerves.

It was not until the emergence of mad cow disease in the UK, which attracted the attention of the public, that people first noticed a strange characteristic of prion diseases. That is, we know that viruses, bacteria, and other common microorganisms allow diseases to spread, but prion diseases are caused by misfolded proteins that spread throughout the body, transmitting their misfolded shape onto normal variants of the same protein. At that time, it was an unknown mode of disease transmission.

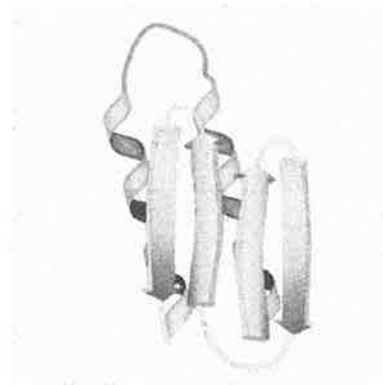
The traditional understanding of the prion disease mechanism is that the alpha helices structures in normal proteins become diseased and then become beta sheets in a striated configuration.

Traditional Prion Disease

Normal proteins



Prions



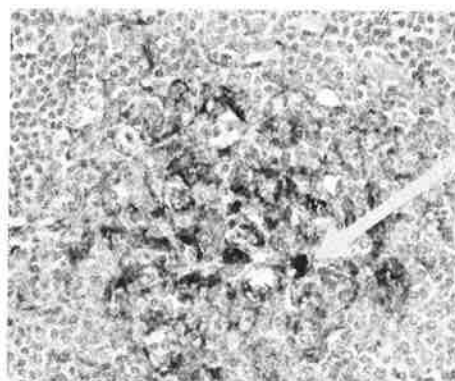
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(Health 1+1)

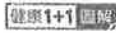
As aforementioned, after the prion diseases appear in cattle and sheep, some cellular tissues in their brains will decay and hollow out, resulting in a sponge-like brain. And this is a visible pathological change.

In layman's terms, this pathological mechanism is protein denaturation. It is similar to when leaving milk at room temperature for a long time, the proteins in the milk will settle out and become dregs. However, the deterioration of milk is generally caused by external factors, whereas the progression of prion diseases takes a long time, and the mechanism of creating "sponge brains" is not very clear.

Infectious Creutzfeldt-Jakob Disease



Creutzfeldt-Jakob disease
(prion disease)



From this, people at least recognize that the pathological changes in the body are not inseparable from clear external pathogens, and that the proteins in the body can also produce pathological changes and induce other proteins to do so.

Is There a Link Between Prion Disease and Vaccination?

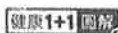
Theoretically speaking, the phenomenon of prion disease after vaccination observed in France should have occurred in other countries as well, and it was just first exposed in France.

A study published in the journal *Microorganisms* focused on a gene segment of the SARS-CoV-2 spike protein contained in the vaccine and analyzed the structure of the spike protein.

Scientists analyzed the amino acids with prion-like characteristics and found that amino acids 473 to 510 of the SARS-CoV-2 spike protein have prion-like characteristics.

Prion-like Components in Spike Protein

Spike Protein		
	Prion region	Log-likelihood ratio
SARS-CoV-2	Receptor binding domain 473-510	4.856
SARS-CoV	HR1 region 900-910	4.426
MERS	—	4.49
Human coronavirus OC43	—	2.828



Resource: *Microorganisms*

The researchers also compared the SARS-CoV virus and found that it had a similar region that could cause prion pathology, but it was less likely than the SARS-CoV-2 (which causes the COVID-19 illness) to induce prion pathology. However, other coronaviruses are much less likely to induce prion disease.

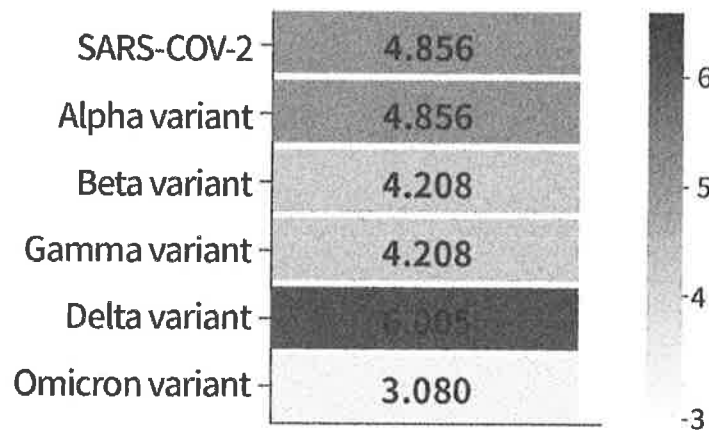
The researchers further focused on the changes in amino acids that may cause prion disease. Traditionally, prion diseases mainly occurred in a glycine-rich motif (GxxxG); now it has been found that if a large amount of amino acids glutamine (N) and/or asparagine (Q) are present in the region of the SARS-CoV-2 spike protein, so that the likelihood of developing this disease actually increases. So this region has become a region where prion disease is very likely to occur.

Coincidentally, this region also happens to be the region where the spike protein binds to the ACE2 receptor.

There may also be a region on the human ACE2 receptor where prion disease may occur, and this region happens to interact with with the one on the spike protein. Therefore, these two regions can interact with each other.

In addition, by comparing Alpha, Beta, Delta and Omicron variants, a very special phenomenon is discovered. That is, only the Omicron variants are not prone to prion pathology. This may also be one of the reasons for the overall reduced pathogenicity of the Omicron variants.

Prion-like Components in Different Variants



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Resource: Microorganisms

The French and Swiss neurologists and virologists further discovered that there are also prion-like components in the Pfizer and Moderna mRNA vaccines, as the genetic sequence of the spike gene used in the mRNA vaccines were based on the original Wuhan wild type SARS-CoV-2 and the region 473–510 is kept the same.

Prion-like Components in Two mRNA Vaccines

Variant/Vaccine	Prion Region (473-510)
SARS-CoV-2 (Wuhan)	Yes
Alpha (UK)	Yes
Beta (South Africa)	Yes
Gamma (Brazil)	Yes
Delta (India)	Yes
Pfizer mRNA Vaccine	Yes

Moderna mRNA Vaccine

Yes

BatRaTG13

No

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Source: ResearchGate preprint

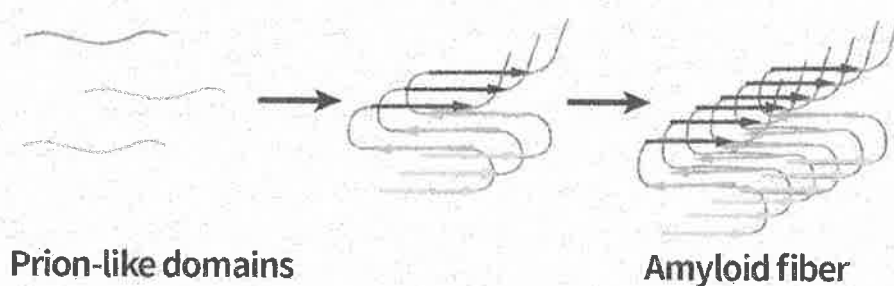
What Caused the Rapid Deterioration Prion Disease Cases After Vaccination?

As mentioned earlier, the analysis of 26 cases in France showed that the prion disease developed after the COVID-19 vaccination is different from the conventional prion diseases: its mortality rate is significantly higher, reaching 77 percent; and the time from onset to death is also much shorter. Why is this?

We first need to understand how the prion mutations of individual proteins affect the entire cellular tissue. The International Journal of Molecular Sciences provides us with two possible explanations.

The first one involves the structural conversion of proteins from a soluble form into insoluble amyloid aggregates.

What Caused the Rapid Deterioration of Prion Disease Cases After Vaccination?



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Source: International Journal of Molecular Sciences

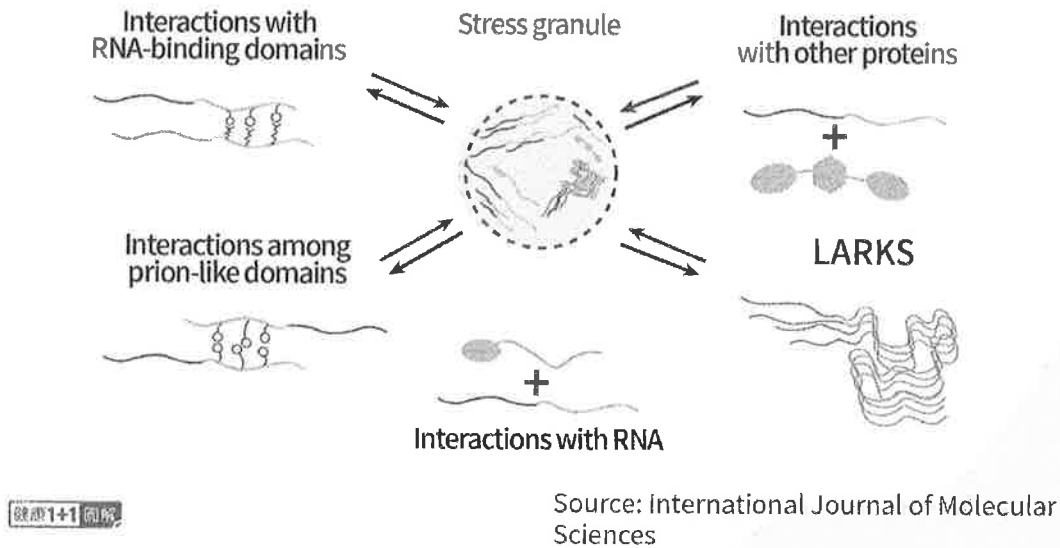
The disease-causing prion induces changes in other proteins in its vicinity. These disease-causing proteins fold upon each other to form an amyloid-like structure. The length of this process depends on the characteristics of the beta sheets and whether or not the surrounding proteins have contributed to the pathological factors.

The other way to form prion involves stress granules.

When human cells are exposed to external stresses, such as physical or chemical stresses, stress granules are formed in the cells. A stress granule contains RNA and proteins bound to RNA, but without membranes and it resembles a cotton ball.

The length of formation time for stress granules is related to many factors.

What Caused the Rapid Deterioration of Prion Disease Cases After Vaccination?



One potential mechanism scenario is that when exogenous mRNA enters human cells in abundance in the case of mRNA vaccination, the cells are put into a stress mode, which would trigger many intracellular mechanisms to provoke abnormal intracellular RNA-RNA and RNA-protein binding. If the foreign proteins had the tendency to transform into prions, it is more likely that the surrounding RNA-bound proteins would be gathered together to form stress granules.

In the sequence of the virus originally discovered in Wuhan, the amino acid 473–510 region of the viral spike protein tends to develop prion disease. The current mRNA vaccines also contain such a region, so it seems that these vaccines are even more dangerous than the Omicron variants in this regard. However, because the overall chance of prion diseases happening after vaccination is very rare, it is still not clear what exactly triggered these patients to have prion diseases developing in a short 3–4 months.

Other Adverse Neurological Events After Vaccination

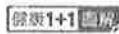
There have also been concerns about the neurological effects of the COVID-19 vaccines. In addition to the prion diseases we mentioned earlier, what other adverse neurological events can the vaccines cause?

A Thai study published in the journal BMC Neuroscience analyzed 385 people who received the SinoVac vaccine, and found that 19 of them had symptoms of neurological disorders, including unilateral numbness of the head, headaches, and heartaches. The study also analyzed the neurological damage caused by the vaccines and found that more than half of the people showed symptoms of motor deficits.

Neurological Symptoms after Vaccinating Inactivated Vaccine

Characteristics	Number of cases (19)
Neurological symptoms	
Unilateral numbness	18 (94.7%)
Headache at the initial	10 (52.6%)
Headache during the course	17 (89.5%)
Unilateral Weakness	9 (47.4%)

Nausea/vomiting	4(21.1%)
Perioral numbness	3(15.8%)
Neurological deficits	
Sensory deficits	15(79%)
Motor deficits	10(52.6%)
Tongue deviation	5(26.3%)



Source: BMC Neuroscience

In addition, these neurological symptoms appeared very quickly after vaccination. In 52.6 percent of the cases, symptoms appeared within one hour of the vaccine injection. This phenomenon was not studied in depth in the paper, but this is very alarming—how does an inactivated vaccine injected into the muscles affect the brain or spinal cord in such a short period of time? This is worth further study.

The recovery times vary widely, from one to three days for some people, to one to two weeks or more for others.

How did the vaccine cause these neurological symptoms? One possibility is that it is a reversible cerebrovascular constriction syndrome. And there are features that fit this description, such as a female predominance and recurrent abnormal headaches. However, there are also features that do not fit, such as thunderclap headaches.

Another possibility is migraines. The numbness around the mouth and transient unilateral weakness are consistent with migraines, and 50 percent of people with such symptoms have a history of migraines. Nevertheless, there are some symptoms that are not consistent with migraines.

The exact cause of these symptoms is not yet known.

Another vaccine-induced neurological disorder of great concern is Guillain-Barre Syndrome (GBS). This disease has been listed as one of the side effects of the Johnson & Johnson (Janssen) vaccine.

It is known that the SARS-CoV-2 virus itself can cause neurological pathology. So, is it possible that the vaccine could make the viral mRNA or other proteins enter the brain or nervous system and affect the nerve sphingolipids? At present, we know very little about the neurological side effects of the COVID-19 vaccines. And according to the regular timeline for vaccine development, long term further research will be needed to study neurological impacts. Therefore, we need to stay vigilant about vaccine's neurological adverse events when the reports and studies in this field are still vastly demanded.



Xiaoxu Sean Lin

Follow

Dr. Xiaoxu Sean Lin is an assistant professor in Biomedical Science Department at Feitian College - Middletown NY. Dr. Lin is also a frequent analyst and commentator for Epoch Media Group, VOA, and RFA. Dr. Lin is a veteran who served as a U.S. Army microbiologist. Dr. Lin is also a member of Committee of Present Danger: China.



Fourth Plain Blvd and Fort Vancouver Way Safety and Mobility Project

Project Update
City Council Workshop
October 3, 2022



Rebecca Kennedy, Deputy Director, CDD, City of Vancouver
Ryan Farncomb, Consultant Project Manager, Parametrix

Agenda

- Project overview
- Community Feedback Summary
- Alternatives Review and Discussion
- Next Steps



Presentation Purpose

- Review proposed design for Phase I of the Fourth Plain & Fort Vancouver Way Safety & Mobility Project
- Review community engagement and feedback received through process
- Confirm approach and provide feedback in advance of a resolution on final design for Phase I on 10/24

Project Overview

The Fourth Plain Blvd and Fort Vancouver Way Safety and Mobility Study is:

- **Looking at ways to make the streets safer for everyone** – including people who drive, walk, ride a bike, use a mobility device, or ride the bus
- Considering how to **repurpose existing road space** to make the corridor safer for all
- **Identifying other potential safety improvements**

Project Overview

- We are talking with community about both Fourth Plain Blvd and Fort Vancouver Way at the same time since the two corridors are connected and serve similar users.
- Final decision on lane reconfigurations will be made after community feedback is collected (underway now, complete in October)

Project Construction Phases

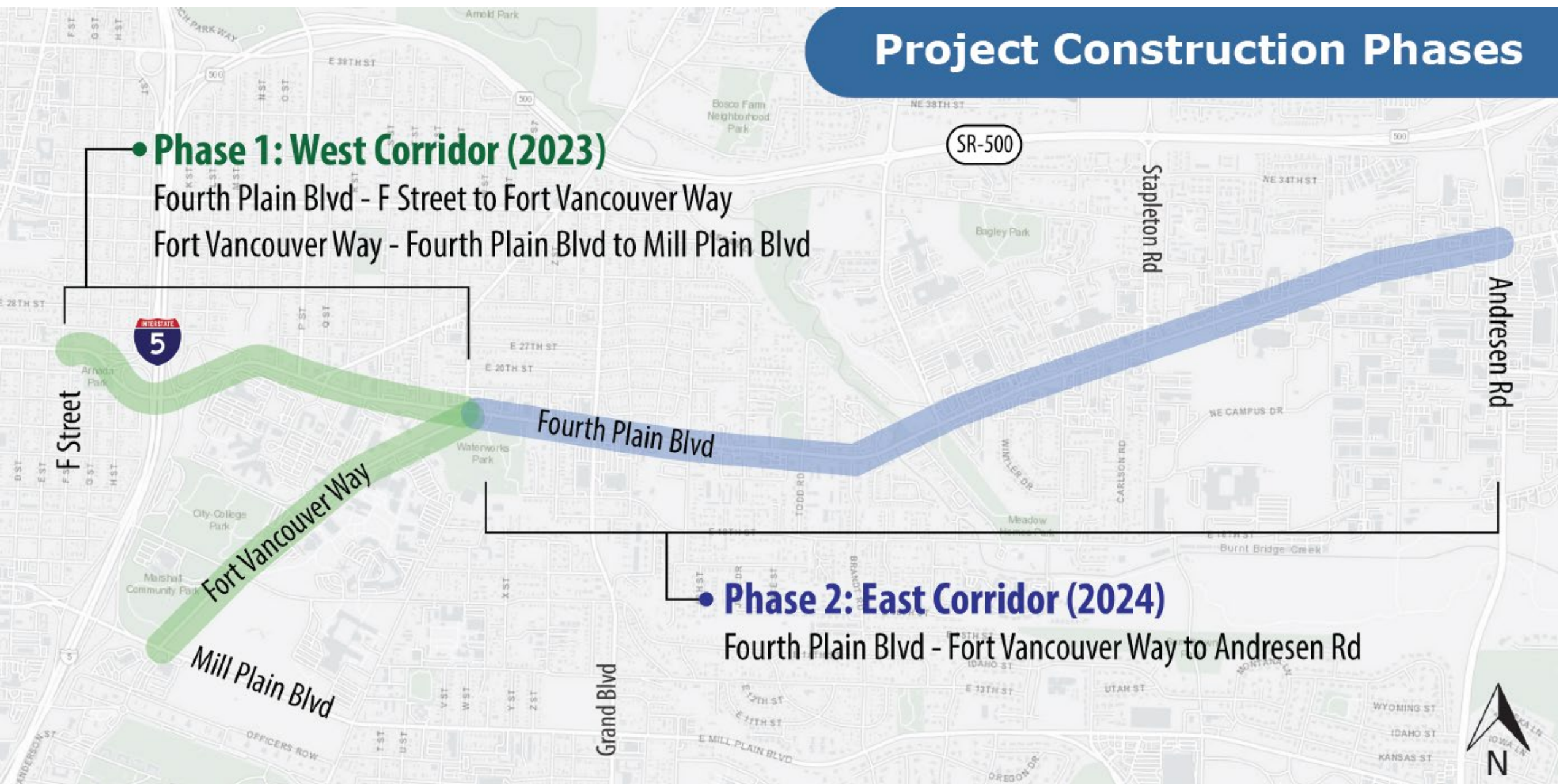
• Phase 1: West Corridor (2023)

Fourth Plain Blvd - F Street to Fort Vancouver Way

Fort Vancouver Way - Fourth Plain Blvd to Mill Plain Blvd

• Phase 2: East Corridor (2024)

Fourth Plain Blvd - Fort Vancouver Way to Andresen Rd



Prior Review

Transportation and Mobility Commission

April 5, 2022

- Issues on Fourth Plain
- Traffic analysis results

June 7, 2022

- Issues on Fort Vancouver Way
- Traffic analysis results

September 6, 2022

- Reviewed Phase 1 alternatives

Council

July 19, 2021

- Reviewed project scope and goal
- Funded planning process

December 20, 2021

- Project timeline update

July 11, 2022

- Council workshop
- Feedback on outreach process, issues in both corridors

How does ARPA funding relate to this project?

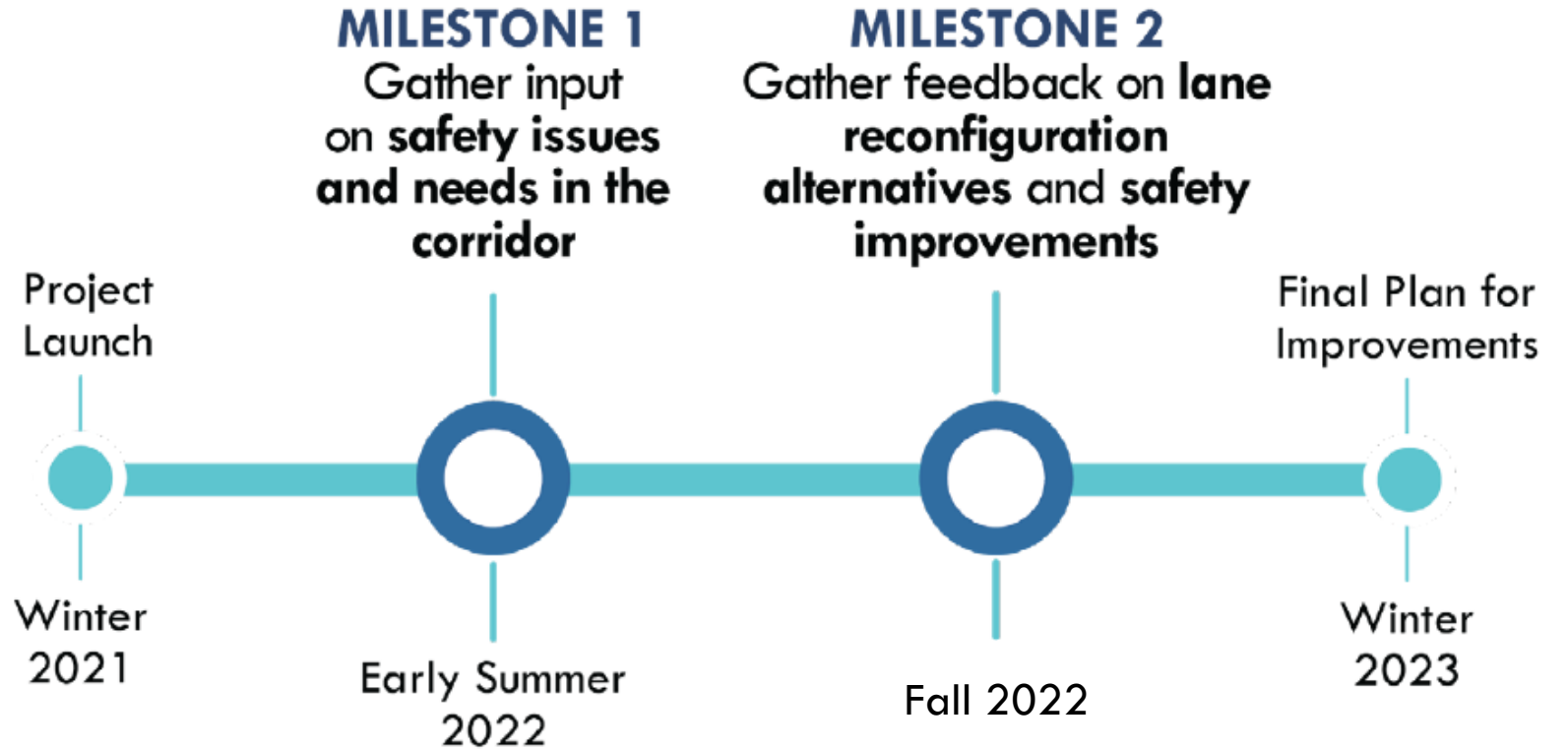
- Staff are working to develop a ten-year Investment Strategy
- Will guide short-term investment of ARPA funds and longer-term programmatic investments
- ARPA presents opportunities to implement additional **transportation safety, mobility, and access enhancements** – pending discussion of community priorities.
- Robust community conversation upcoming to define investments

How does ARPA funding relate to this project?

Additional transportation investments could include:

- Streetscape enhancements, such as landscaping and undergrounding utilities
- Sidewalk improvements
- Cycling facility improvements
- Street lighting
- Driveway consolidation
- Additional crossing improvements

Outreach Update





Outreach events in May and June





Vancouver, Washington City Government

June 12 · 🌐



What's your go-to way to travel Fourth Plain Boulevard? Use reactions or comments to tell us! 🚗🚶🚲



We're planning a road makeover to make Fourth Plain Blvd and Fort Vancouver Way safer and more comfortable – no matter how you get around. We invite you to share your ideas and weigh in via our online open house this June: <https://bit.ly/3IKFgfP>



Victor Caesar and 80 others

12 Comments 5 Shares

Section 3: Share Your Feedback

Now that you've learned more about the *Safety and Mobility Project*, the City would like to hear your feedback.

Please complete the brief survey below to provide your input on current safety, access, and mobility needs along Fourth Plain Blvd and Fort Vancouver Way.

[Haga clic aquí si prefiere realizar la encuesta en español.](#)

Are there intersections along Fourth Plain Blvd or Fort Vancouver Way where crossing the street feels dangerous? If so, where?

List any places on these streets where crossing the street feels dangerous

1000

What has been your experience traveling along these streets?

1000

Fourth Plain Blvd and Fort Vancouver Way Safety and Mobility Project Survey

Online engagement examples



Elevating underrepresented voices

Engagement activities conducted:

- Engagement planning focused on understanding the issues and needs from people who aren't always heard – and who are often most impacted
- Deliberate work to engage in the most prevalent languages in the corridor
- Worked to engage with people “where they are”
 - Many underrepresented communities do not participate in traditional ways like online or in-person open houses.
 - Conducted canvassing to talk directly with people and business owners in the corridor
 - Showed up to, and engaged at existing community events

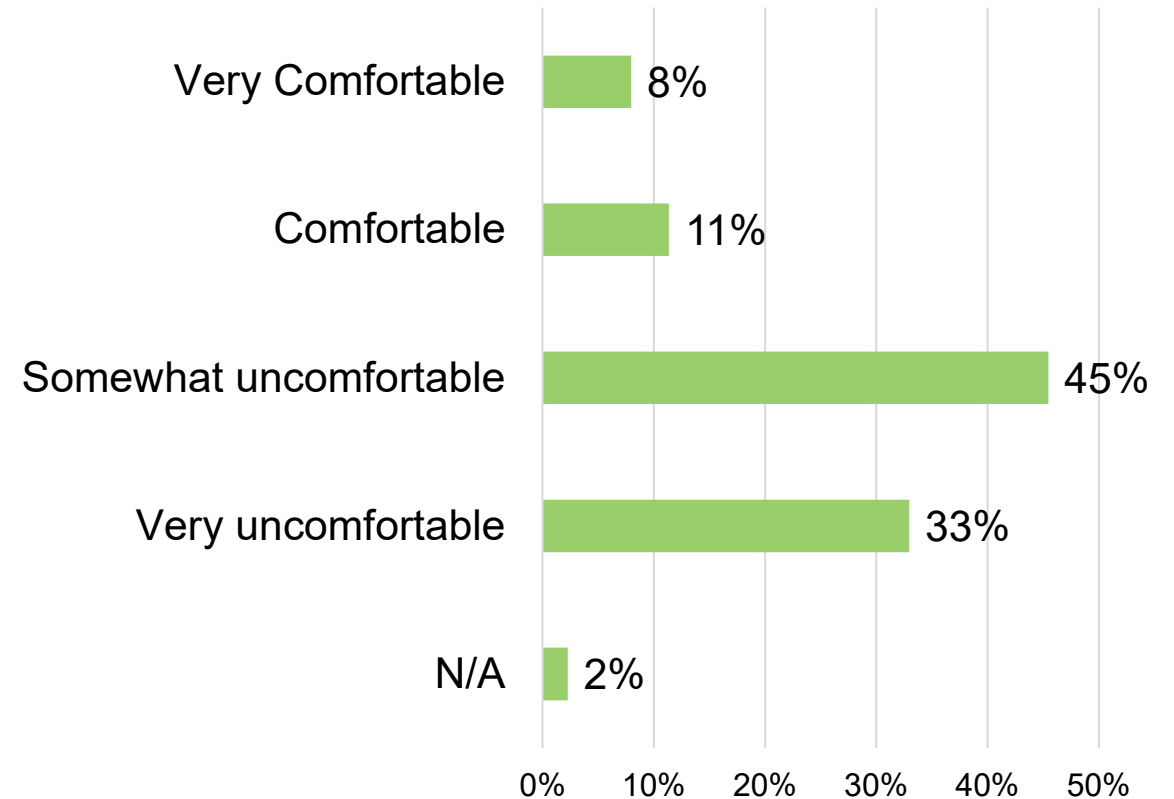
Community Feedback Summary – Phase 1

Feedback themes:

Most people feel unsafe walking and biking along both streets.

- Most respondents were either somewhat uncomfortable (45%) or very uncomfortable (33%) walking.
- Approximately 80% of respondents said they felt very uncomfortable bicycling.

How comfortable do you feel walking on Fourth Plain and Fort Vancouver Way?



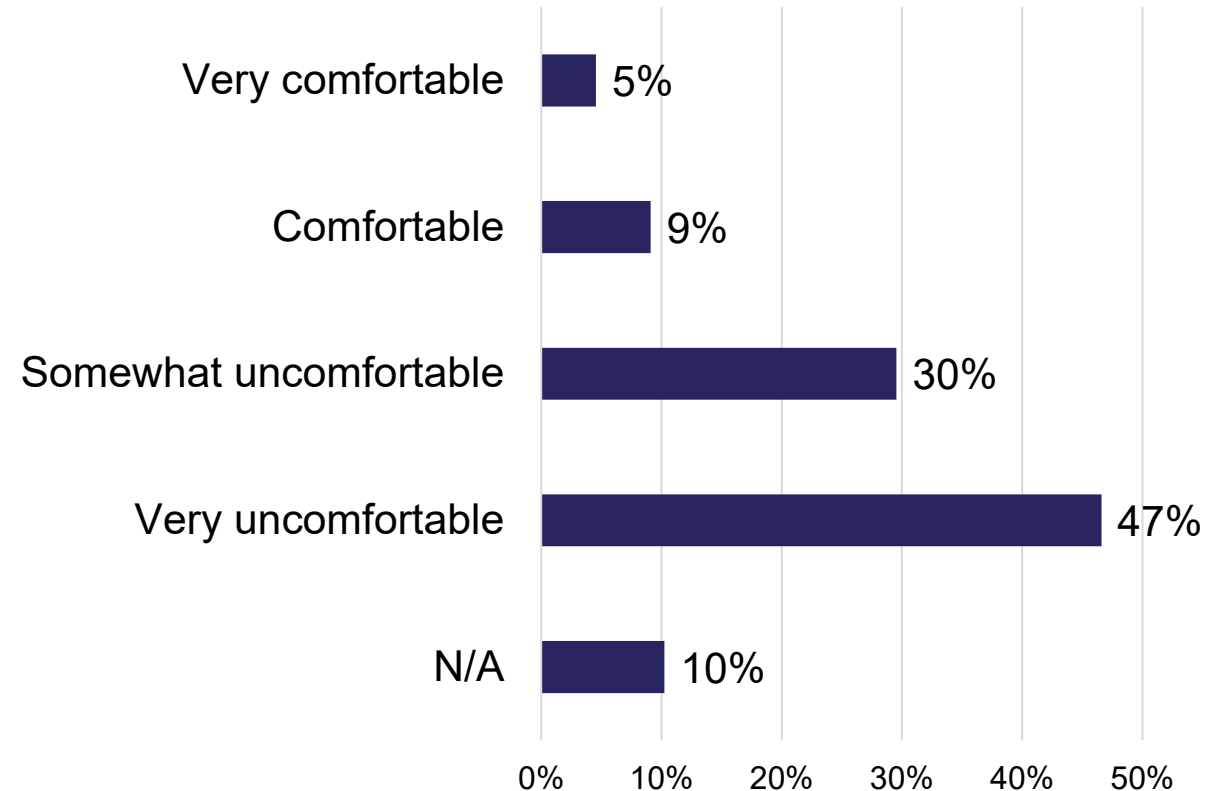
Community Feedback Summary – Phase 1

Feedback themes:

Most people feel unsafe walking and bicycling to access transit.

- Survey respondents shared they felt somewhat uncomfortable (45%) or very uncomfortable (33%) walking and bicycling to access transit.
- Only 1 out of every 5 respondents feels safe walking, biking, or accessing transit.

How safe do you feel walking or biking these streets to access transit?



Community Feedback –

Phase 2 is Happening Now!

- **Online open house** and BeHeard survey are now live: <https://www.beheardvancouver.org/fourth-plain-fort-vancouver-mobility>
- **Past events:**
 - LULAC Mercado – talked to 80 people
 - Multicultural Resource Fair – talked to 30+
 - Vancouver Farmers Market
 - Focus groups – in-depth conversations about solutions



Community Feedback Summary – Phase 2

In-Person Outreach at LULAC Mercado 9/17

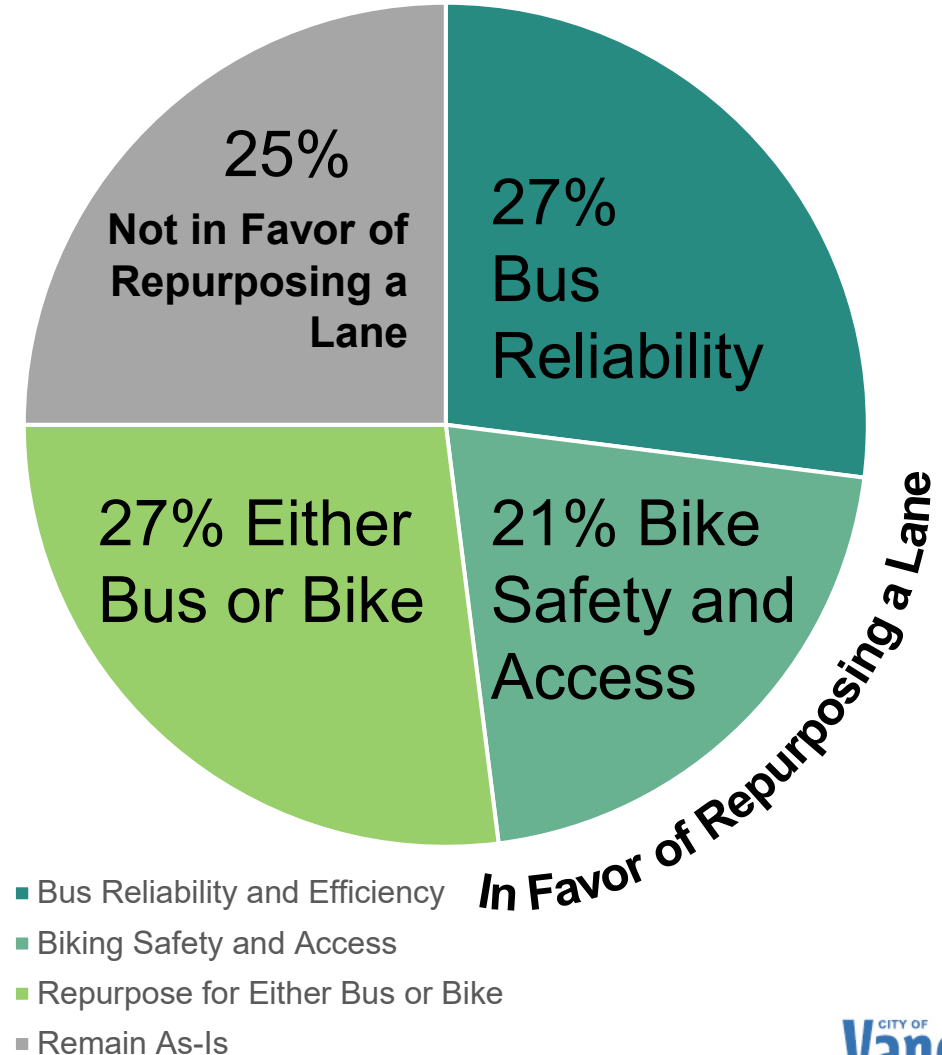
Feedback themes:

About 75% of people responded favorably for repurposing a lane.

Spoke to 82 people.

Some comments included:

- “Would be in line with other roads in the city”
- “It would be ideal, especially for bikes”
- “Good idea...best used for bikes”
- “Will allow for more safety, give people a space if they don’t drive”
- “Very favorable for mobility for those who don’t drive”



Engagement Process Outcomes

- Important for helping City Council, TMC, City staff, and project team understand community's preferences and issues.
- Feedback directly informed design options development.
 - *Example: cycling alternatives on Fourth Plain*
- Captured corridor needs that may not be addressed by the immediate project but could be addressed in the future as funding allows.
- Helps ensure all voices are heard.
- Engagement is a two-way street: opportunity to inform and educate community about the issues and plans to address them.

Design Options Review



Project Construction Phases

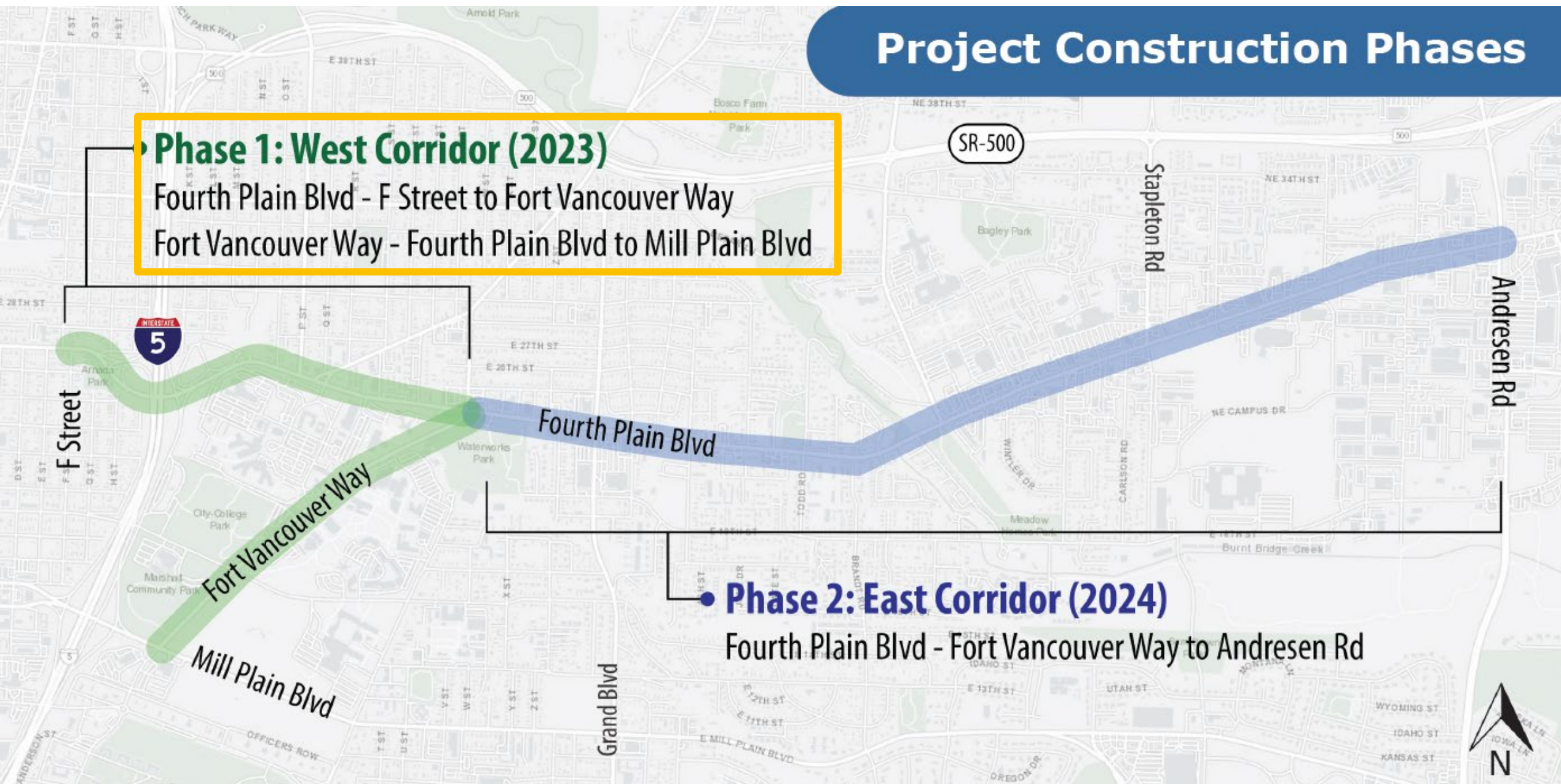
Phase 1: West Corridor (2023)

Fourth Plain Blvd - F Street to Fort Vancouver Way

Fort Vancouver Way - Fourth Plain Blvd to Mill Plain Blvd

Phase 2: East Corridor (2024)

Fourth Plain Blvd - Fort Vancouver Way to Andresen Rd



Design Options Review

- The project team has developed design options for Fourth Plain Blvd and Fort Vancouver Way. **Phase 1 is the focus tonight.**
 - Design Options are different approaches that address needs.
- **Phase 1 design options** were reviewed by the TMC on September 6th. Feedback included:
 - Emphasize transit and cycling solutions in the corridors
 - Mixed opinions on alternative that included on-street parking on Ft. Vancouver Way between Mill Plain and McLoughlin
 - Strong support for cycle track proposal on Fourth Plain between F Street and Ft. Vancouver Way
 - Preference for consistent treatment along Ft. Vancouver Way to the extent possible

BAT Lane

Business Access and Transit Lane

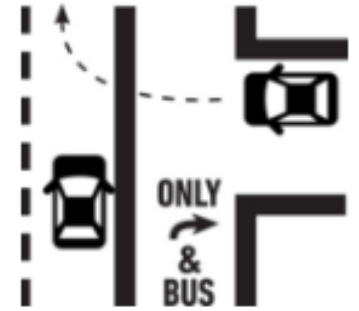
Bus Access Only

Unless when entering a business or making a turn.



Turning onto the Street from a Business

Cars should be turning into the nearest through traffic lane.



Bus Only Lane

Only buses are permitted to use this lane.



Look For Signage Indicating Lane Use

Painted words on the road or overhead signs.



Do Not Travel In the BAT Lane

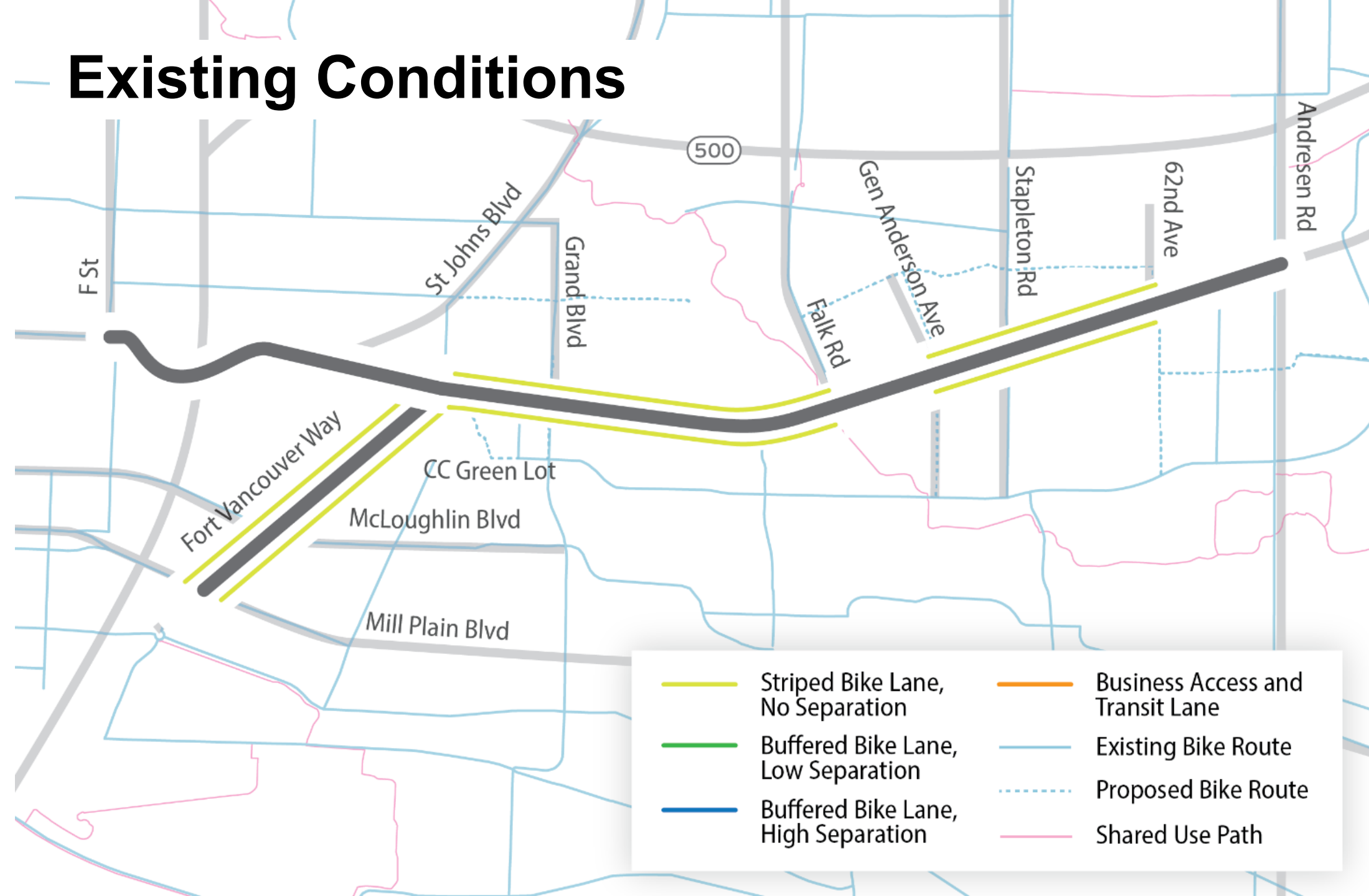
Travel in this lane is limited to one city block and should be used for right turn access only.



Do Not Park in the Bus Only Lane



Existing Conditions



Corridor Constraints

- This project by itself can address many, but not all, corridor needs and issues.
- There are important constraints and tradeoffs.
 - **Constraints** include:
 - Working within the existing “curb to curb” pavement. Some parts of the corridors are narrower than others.
 - Prior obligations made by CTRAN as part of the funding agreement for The Vine with the federal government.
 - Available funding.

Other Improvement Needs

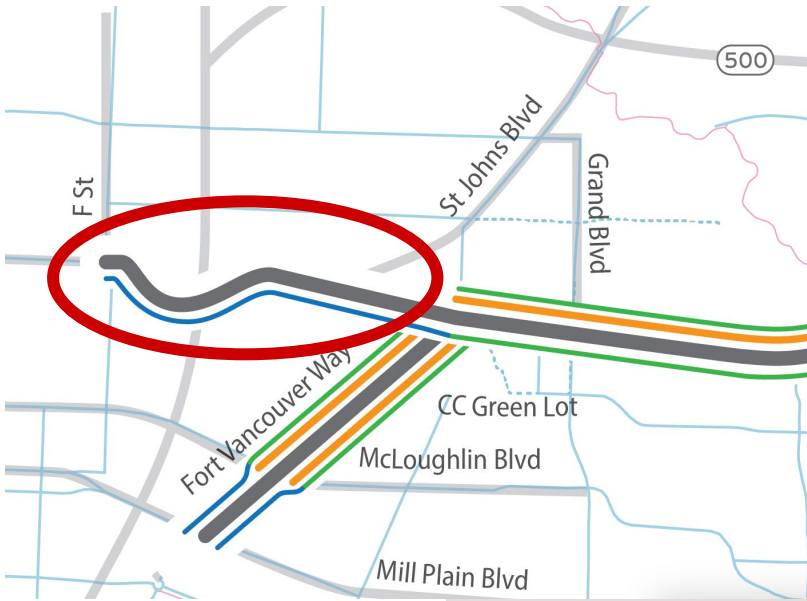
Based on prior planning, TMC and Council feedback, and public engagement, the following needs have been identified. These may be advanced as funding allows.

- Corridor beautification/streetscape enhancements (landscaping, public art, street trees)
- Additional marked crossings
 - NOTE: City has funded two new improved crossings at Neals Lane and just east of Ft. Vancouver Way
- Sidewalk widening
- Improved streetlighting
- Traffic calming on Fourth Plain
- Traffic calming on nearby routes to address potential traffic diversion. The City is evaluating opportunities to add traffic calming through future projects where conditions indicate they will be effective. This will also be included in post-project implementation to determine if additional tools are needed to address diversion.

Phase 1 Design Options: deeper dive



Cycle Track Concept

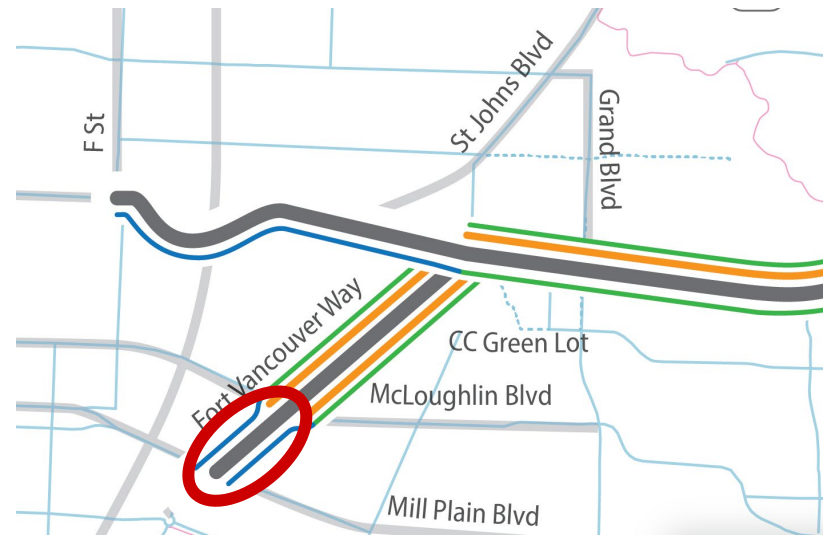


Fourth Plain Blvd

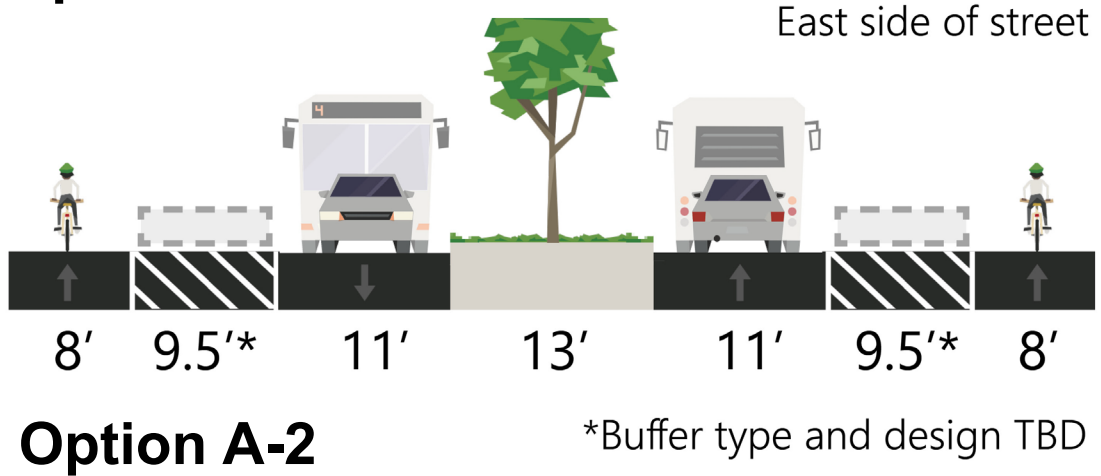
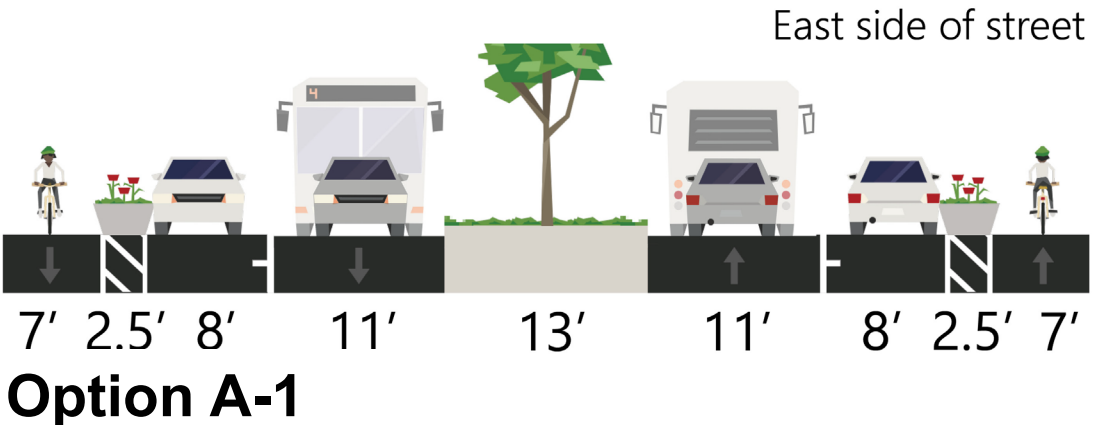
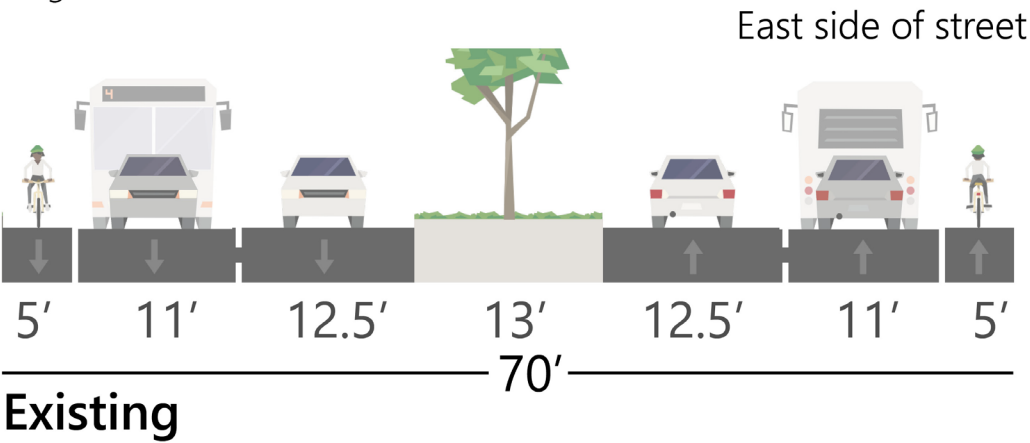
F Street to Ft. Vancouver Way

Fort Vancouver Way

Mill Plain Blvd to McLoughlin Blvd

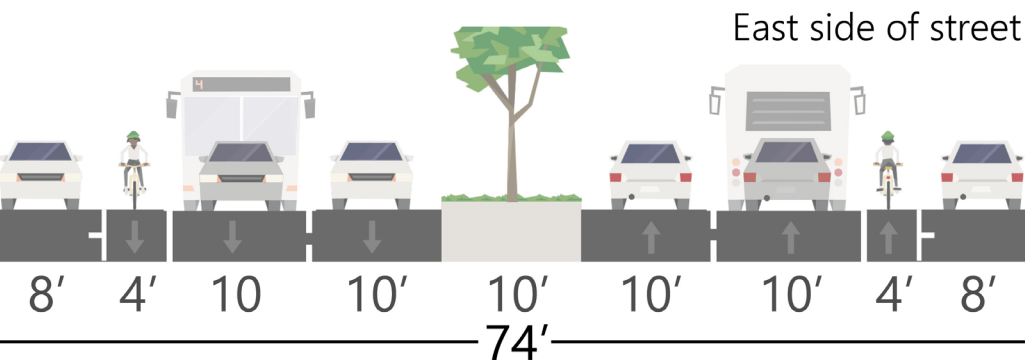
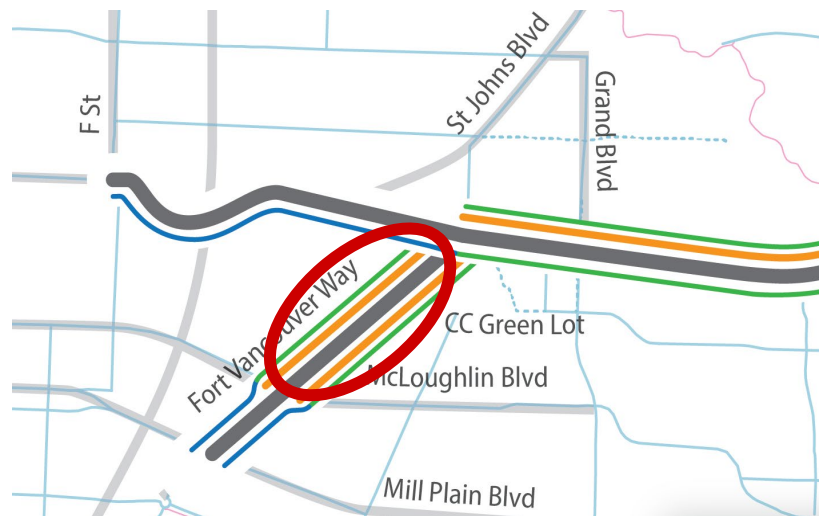


Looking north



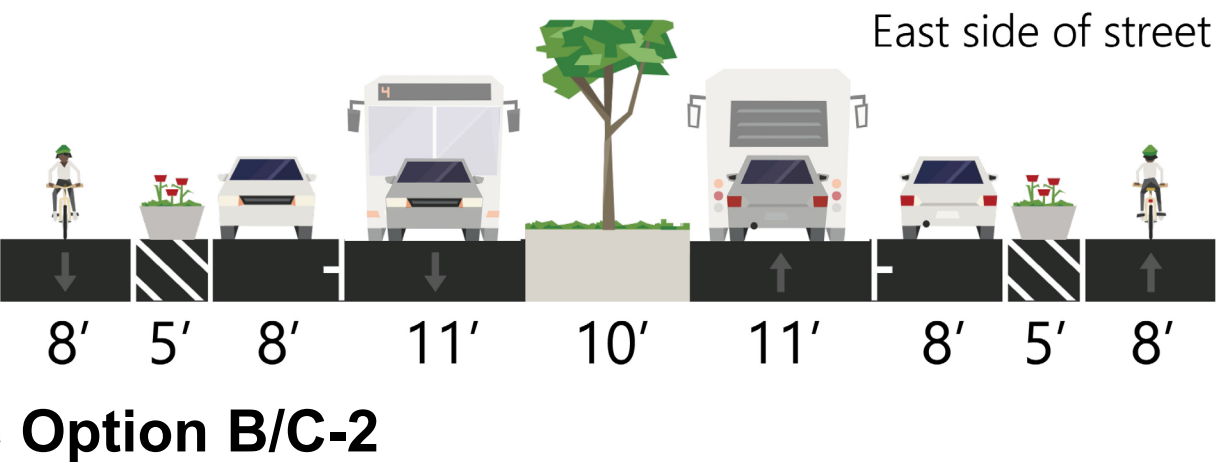
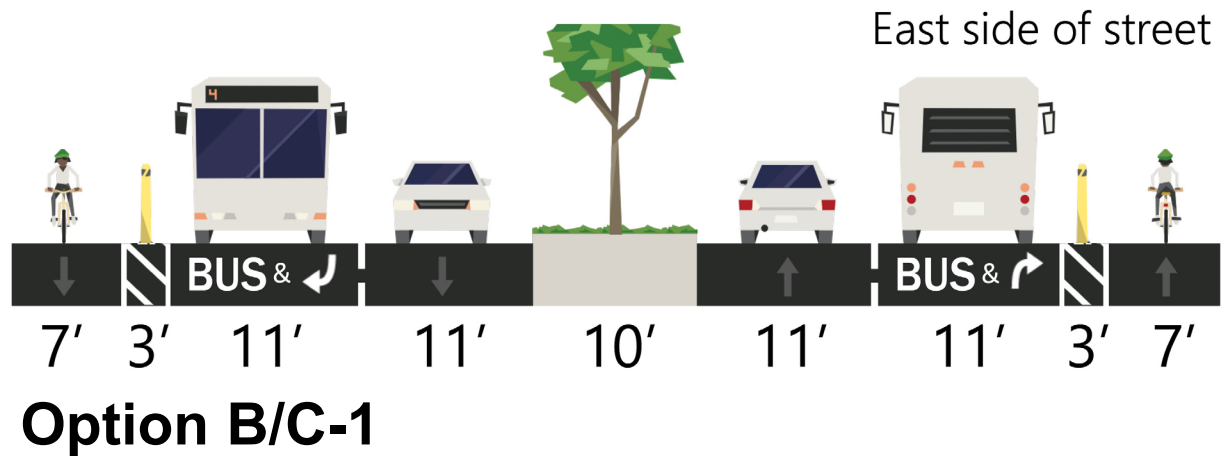
Fort Vancouver Way

McLoughlin Blvd to Fourth Plain Blvd



Existing

Note: Existing on-street parking is inconsistent.



Parking Utilization Study

Conducted parking utilization study in mid-September

- **Fort Vancouver Way, McLoughlin Blvd, and Marshall Center Parking Lot**
- Parking utilization information was collected hourly from 8am - 6pm on Wednesday and Thursday, and from 9am – 3pm on Saturday

Parking utilization showed:

- Parking use was generally "low" or "moderate"
- Segment with highest utilization was between McLoughlin and Plain Blvd.
- Most parking spots occupied were RV/trailers that remained in the same location throughout observation
- Very low usage between Yellow Lot and Fourth Plain Blvd
- Ample off-street parking options adjacent to Fort Vancouver Way

Ft. Vancouver Way – Parking Utilization Study



Fort Vancouver Way

- 41-78%
- 0-70%
- 0-14%
- 0-31%

McLoughlin Blvd

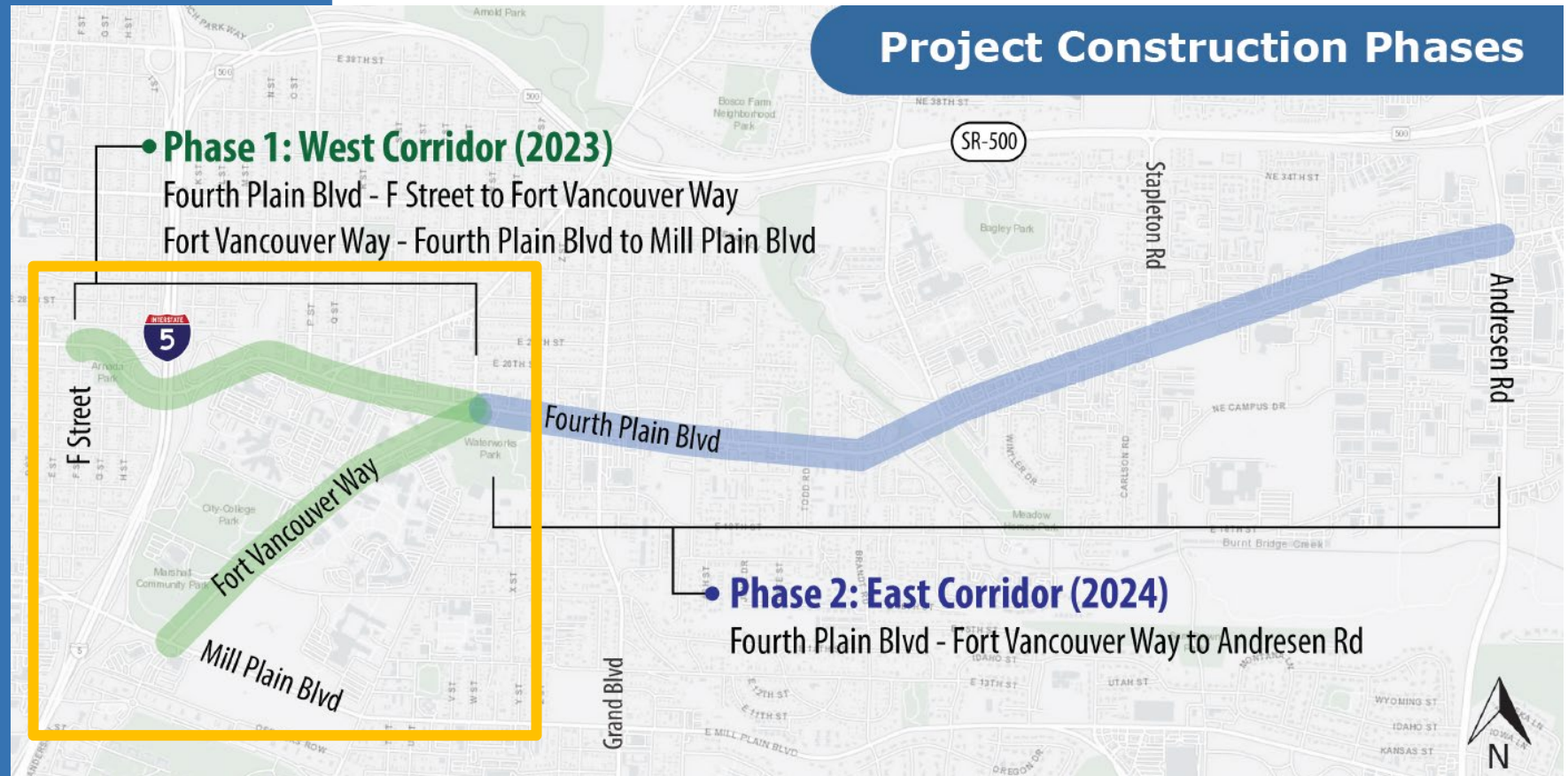
- 0-54%
- 1-44%
- 0-24%

Parking Considerations

- Our utilization study supports Clark College staff's anecdotal notes that on-street parking is not needed along Ft. Vancouver Way and may be removed without significant parking constraints
- Marshall Center and surrounding facilities have approx. 200 total spaces and parking on south-side of McLoughlin. Four back-in spots used regularly, others along McLoughlin less frequently
- Director of Marshall Center notes that parking demand is somewhat low because of park closures and Clark College hybrid schedules
- Parks staff noted that a recent large events have not strained existing parking, and anticipate that existing lots will accommodate new visitors to Harpers Playground

Preliminary Recommendations

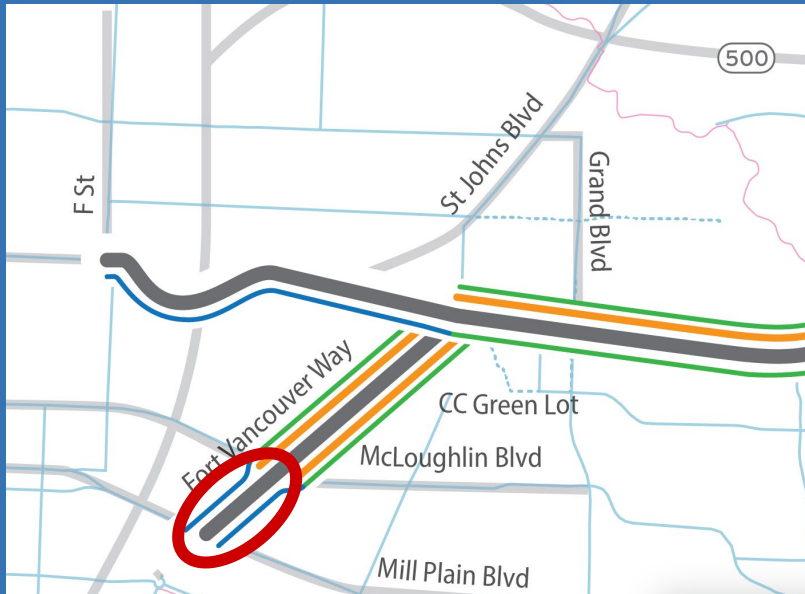
- Staff recommendations for Phase 1 – the western corridor segments that will be repaved in 2023.



Evaluation

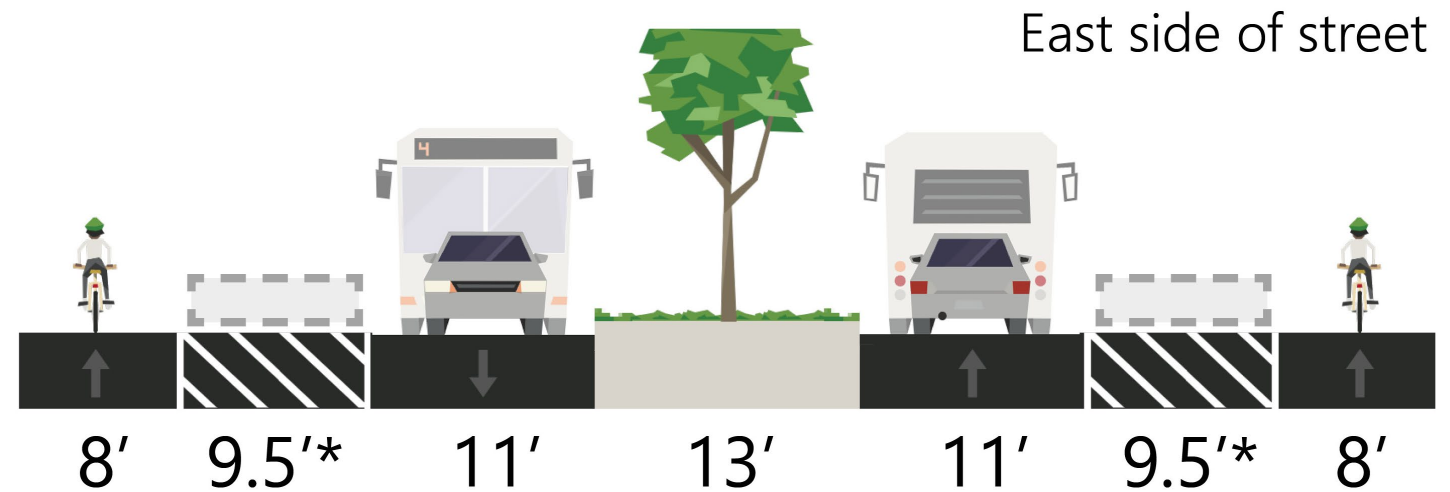
- Previously developed evaluation framework – Council provided comment in July
- Evaluation framework aids selection of the preferred alternatives
- Alternatives scored as follows:
 - Best addresses criterion or provides greatest benefit
 - ◐ Partially addresses criterion or is neutral
 - Does not address or poorly addresses criterion

Preliminary Recommendation



Ft. Vancouver Way Between Mill Plain and McLoughlin

- Add buffered mobility lanes between Mill Plain and McLoughlin



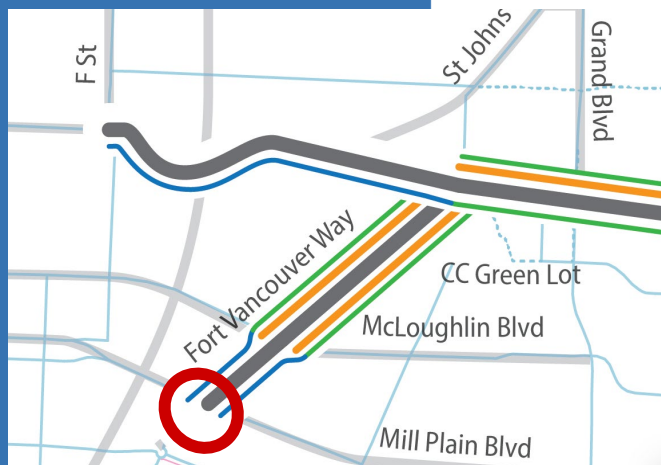
Option A-2

*Buffer type and design TBD

Preliminary Recommendation

Ft. Vancouver Way Between Mill Plain and McLoughlin

- Retain two “receiving lanes” for left turns from Mill Plain onto Ft. Vancouver Way, then transition to buffered mobility lane



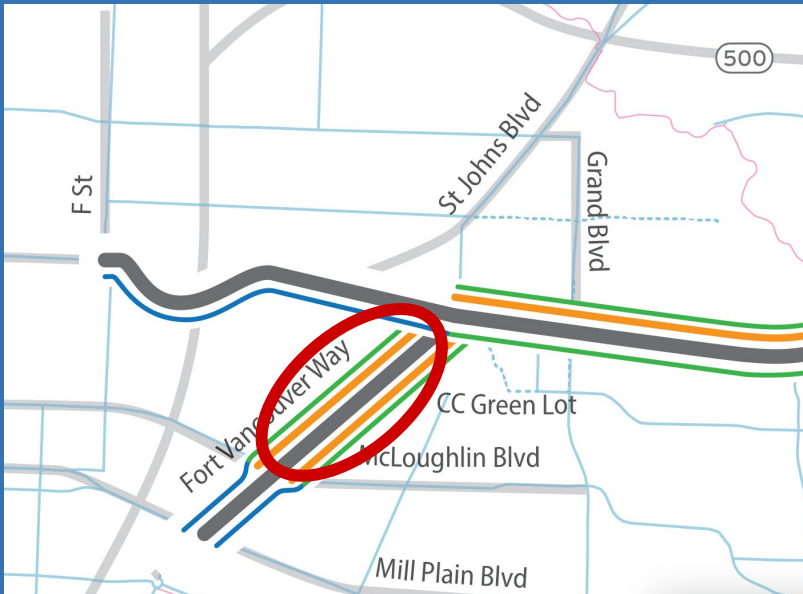
Evaluation – Ft. Vancouver Way

Mill Plain to McLoughlin

Criteria	No Build (do nothing)	Option 1 On-street parking emphasis and mobility lanes	Option 2 Mobility lanes priority
Mobility improvement for people walking, using a mobility device, bicycling, or using the bus	○	◐	●
Safety improvement for all users of the corridor	○	●	●
Greenhouse gas (GHG) reduction	○	◐	●
Equitable outcomes	○	●	◐
Access to businesses, jobs, services, parks and recreation, education	○	●	●



Preliminary Recommendation



Ft. Vancouver Way between McLoughlin and Fourth Plain

- Prioritize cycling and transit modes
- Add buffered mobility lanes and BAT lanes
- Remove on-street parking north of McLoughlin

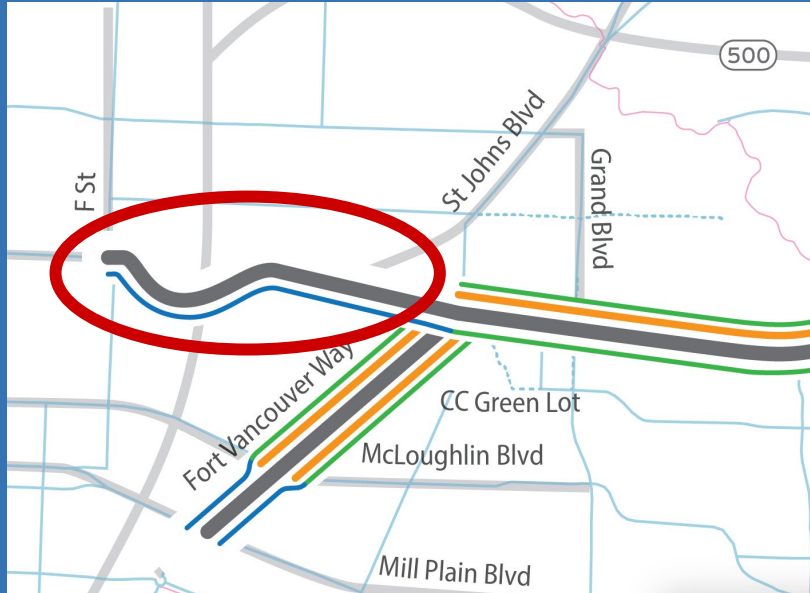


Evaluation – Ft. Vancouver Way

McLoughlin to Fourth Plain

Criteria	No Build (do nothing)	Option 1 Mobility lanes and transit priority emphasis	Option 2 On-street parking emphasis and mobility lanes
Mobility improvement for people walking, using a mobility device, bicycling, or using the bus	○	●	◐
Safety improvement for all users of the corridor	○	●	●
Greenhouse gas (GHG) reduction	○	●	◐
Equitable outcomes	○	●	●
Access to businesses, jobs, services, parks and recreation, education	○	●	●

Preliminary Recommendation



Fourth Plain, F Street to Ft. Vancouver Way

- Implement **two-way cycle track** on south side of Fourth Plain



South
Side of
Street

Evaluation – Fourth Plain

Criteria	No Build (do nothing)	Cycle Track Concept
Mobility improvement for people walking, using a mobility device, bicycling, or using the bus	☐	☒
Safety improvement for all users of the corridor	☐	☒
Greenhouse gas (GHG) reduction	☐	☒
Equitable outcomes	☐	☒
Access to businesses, jobs, services, parks and recreation, education	☐	☒

Next Steps

- **Second phase of outreach is underway!**
Website updates, an online open house, and multiple in-person events are planned.

www.BeHeardVancouver.com

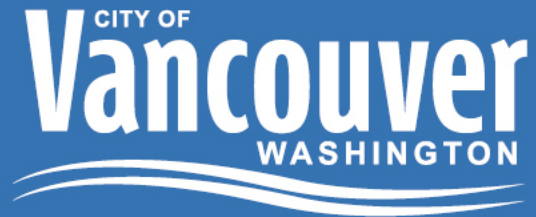
- City staff will continue coordination with TMC, CTRAN, WSDOT and Clark College.
- Refine design options based on feedback and determine the final Phase 1 recommendation; Return to Council October 24th for final design resolution.
- **We will return to Council to discuss Phase 2 in-depth** (Fourth Plain from Ft. Vancouver Way to Andresen) early next year.

Presentation Purpose

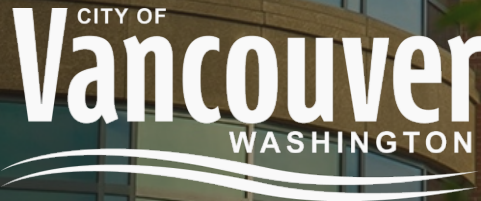
Feedback on recommended design for Phase I of the Fourth Plain & Fort Vancouver Way Safety & Mobility Project:

- Fourth Plain between F Street and Ft. Vancouver Way
- Ft. Vancouver Way between Mill Plain and Fourth Plain
- Provide policy direction and confirm approach on recommended design in advance of resolution endorsing final Phase I design on 10/24

Thank You



2023 Legislative Session Agenda Input



October 3rd, 2022

Brian Enslow, Arbutus Consulting
w/ Aaron Lande, Policy and Program Manager

Objectives for Today's Workshop

Staff are seeking clear Council direction on several key potential legislative issues in advance of the 2023 Session.

Staff will incorporate guidance from this workshop into the development of the 2023 State Legislative Agenda.

Primary Results Do Not Suggest Major Shake Up

The August primary election results are an early indicator that Republicans in Washington do not appear likely to gain the majority in either the House or the Senate.

At this time it appears prudent to take a deeper dive on issues that appear to be central to Senate and House Democrats respectively.

Climate Context

We will continue to see an emphasis on climate-related Legislation focused on moving away from fossil fuels to cleaner renewable energy from appliances to building codes to land use, etc.

You can expect the 2023 session will build upon the types of climate bills introduced during the 2022 session that work towards eliminating fossil fuels from our daily lives.

Climate: Energy Reach Code

Issue:

HB 1770 would have created an optional residential energy code for cities to consider in order to accelerate emissions reduction.

The Code would have provided a maximum and minimum level of energy efficiency for residential buildings and the minimum level of energy efficiency for nonresidential buildings.

Question:

- Do you support the option for cities to adopt a more stringent energy code than the state baseline for residential development?

Climate: Energy Efficiency

Issue:

In April of this year the Washington State Building Codes Council adopted stringent revised energy codes to go into effect in 2023 requiring most new commercial buildings and large multi-family buildings to install electric heat pumps.

We expect to see legislation that would extend the electric requirement to new single-family dwellings.

Question:

- **Do you support an extension of the electric heat pump requirement to new single family residential dwellings?**

Climate: Electrification

Issue:

In September, Governor Inslee announced that Washington state will follow California and prohibit the sale of new gas-powered vehicles by 2035.

As well as passenger vehicles there will be efforts this session to advance the electrification of medium and heavy-duty trucks and buses as well.

Questions:

- Do you support mandating a transition to ZEVs for heavy-duty vehicles?
- Would you require state support for these efforts?

Housing Supply and Affordability Context

Support for addressing Washington State's homelessness and affordable housing crisis notably gains momentum each year, but significant policy changes in this arena are yet to cross the finish line.

City's will face significant political pressure from all sides to be part of the solution.

Middle Housing

Issue:

HB 1782 would have required Vancouver to authorize the development of all middle housing types (quadplexes, cottage homes, cohousing, etc.) on all lots over 4,500 square feet zoned for detached single-family residential use and within 0.5 miles of a major transit stop, based on walking distance.

Questions:

- Would you prefer a statewide preemption of all cities? Or...
- a “menu-style” approach where a baseline is required but cities would have some flexibility? Or...
- a Middle Housing approach that aligns with the City’s climate and housing supply/affordability goals?

Rent Restrictions

Issue:

Attempting to curb ever-rising home prices, local and state lawmakers across the U.S. have a renewed interest in rent control measures. These proposals, which would generally allow landlords to increase monthly rents by no more than 2% to 10% annually, are on the legislative agenda in more than a dozen states. Both Oregon and California have recently passed statewide rent control measures on older multifamily units that incorporates inflation factors.

Questions:

- **Would you support a repeal of the preemption on local rent control? Or...**
- **Statewide rent control on select multifamily housing similar to Oregon and California?**

Public Safety Context

Much of the police reform clarification priorities on the statewide law enforcement agenda were accomplished during the 2022 session.

We expect the impact and implementation of those reforms to continue to be examined and adjusted moving forward but do not expect major policy changes this year.

Blake Decision

Issue:

The 2021 Legislature adopted SB 5476 as a response to the Court's decision on Blake. SB 5476 included misdemeanor criminal penalties for possession. The authority to charge an individual with a misdemeanor charge of possession of a controlled substance will expire July 1, 2023, when state law will automatically revert to the current language but, it is not entirely clear what this intends.

Questions:

- **Would you support Legislation that affirms the Blake decision and “continues” the decriminalization of felony possession of narcotics?**
- **If so, would you also support extending decriminalization to misdemeanor possession as well?**

Next Steps:

November 8th general election results will further inform agenda considerations.

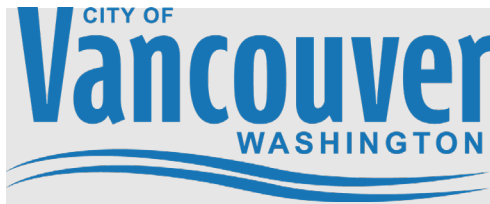
Staff will present 2023 Legislative Agenda to the Council on December 12th.

Final Thoughts?

VANCOUVER
CITY HALL

CITY OF
Vancouver
WASHINGTON

Brian Enslow, Arbutus Consulting
360.489.8121
brian@arbutusllc.com



MEMORANDUM

DATE: October 3, 2022

TO: Mayor and City Council

FROM: Eric Holmes, City Manager
Aaron Lande, Policy and Program Manager
Brian Enslow, Washington State Contract Lobbyist

RE: **2023 Legislative Session Agenda Input**

The purpose of this Memo is to:

- Provide an update on August Primary Results
- Highlight policy questions needing further direction from Council to guide the development of the State Legislative Agenda

August Primary: Results Do Not Suggest Major Shake Up

The August primary election results are an early indicator that Republicans in Washington do not appear likely to gain the majority in either the House or the Senate. If the primary election results hold in November, the result would be nearly identical margins with a Democrat majority of 28-21 in the Senate and 57-41 in the House for the 2023 Session.

Clearly a lot can change in the months leading up to November; we do have to be prepared for all possible outcomes. That being said, at this time it appears prudent to take a deeper dive on issues that appear to be central to Senate and House Democrats respectively.

Climate

We will continue to see an emphasis on climate-related legislation focused on moving away from fossil fuels to cleaner renewable energy from appliances to building codes to land use, etc. You can expect the 2023 session will build upon the types of climate bills introduced during the 2022 session that work towards eliminating fossil fuels from our daily lives.

Energy Code Changes/Energy Incentives

Last session the House Passed HB 1770, which would have created an optional residential energy code for cities to consider in order to accelerate emissions reduction requirements in the current state energy code. The Code provides a maximum and minimum level of energy efficiency for residential buildings

and the minimum level of energy efficiency for nonresidential buildings. The bill failed to pass the Senate and will be brought back this session.

Introduced by the request of the Governor, HB 1767 would have allowed a utility to help buy or replace energy inefficient equipment, with the goal of reducing rates for everyone or defraying rate increases. The language in the bill required that the appliance swap provided net benefits to the utility. In other words, as the swap of equipment ultimately reduced the overall cost to ratepayers, it would not have been considered a gift of public resources (as the swapping out for equipment would provide a public benefit). HB 1767 failed to pass last year and will be debated again in 2023.

During the September 19th Workshop on Climate the Council stated support for the role of public utilities to help businesses and individual homeowners replace older and less efficient equipment. We will look for opportunities to support these policies moving forward.

In April of this year the Washington State Building Codes Council (BCC) adopted stringent revised energy codes to go into effect in 2023 requiring most new commercial buildings and large multi-family buildings to install electric heat pumps, essentially banning natural gas in these buildings. This rule adoption was particularly unusual because just a few months prior to the BCC rule adoption, the 2022 Legislature chose not to adopt similarly proposed legislation. It is likely we will see measures on both sides of this issue. Expect legislation introduced that would limit the authority of the BCC to adopt energy codes without the approval of the Legislature as well as legislation that would look to extend the electric requirement to new single-family dwellings. During the 2023 session there will be opportunities for Council to demonstrate support of the BCC's role in policy setting, including but not limited to, committee testimony, written comments, direct communication with Legislators, etc.

HB 1766 was introduced to modify the regulations of gas companies to achieve reductions in greenhouse gas emissions. Specifically, the bill stated beginning in 2025, a gas company may not offer new service to any customer located outside of the area it is authorized to provide service in as of July 1, 2022, unless the Washington State Utilities and Transportation Commission (UTC) finds that this extension of service is: (1) consistent with the gas company's Clean Heat Transition Plan; and (2) does not result in a net increase in GHG emissions over the expected useful life of the gas plant to be installed in the expanded area.

Questions for the Council on Energy Code/Incentives:

- Council, at the most recent climate workshop, confirmed that the city should advocate for a more stringent statewide energy code for new residential development and for the city to follow the statewide energy code. Do you support the option for cities to adopt a more stringent energy code than the state baseline for residential development?
- Do you support an extension of the electric heat pump requirement to new single family residential dwellings?

Electrification Of Public Works and Parks

There have been significant developments this interim with respect to climate policy and gas-power vehicles and equipment. In September, Governor Inslee announced that Washington state will follow California and prohibit the sale of new gas-powered vehicles by 2035. The policy requires 100% of new sales of passenger cars, trucks, and SUVs in the state to be powered by electricity or hydrogen by 2035,

with one-fifth allowed to be plug-in hybrids. The specific regulations for Washington state are yet to be created.

As well as passenger vehicles there will be efforts this session to advance the electrification of medium and heavy-duty trucks and buses as well through the use of financial incentives and grant programs.

In August, Seattle City Councilmember Alex Pedersen introduced new legislation that would phase out the use of gas-powered leaf blowers in Seattle. The law would require the city government to transition from gas-powered to electric-powered leaf blowers by January 2025. Seattle businesses and residents would need to make the transition by January 2027. Other U.S. cities, including Washington, D.C. and Burlington, Vermont, as well as the state of California, have already taken steps toward implementing their own leaf blower bans.

During the September 19th Workshop on Climate the Council stated support for a ban on private and commercial use of two-stroke engines. We will look for opportunities to support these policies moving forward.

There was State Legislation introduced last year that would have created a tax credit program and a gradual phase out of leaf blowers statewide.

Questions for the Council on Electrification:

- Recognizing support for a ban on two-stroke engines; would you advocate for/insist on state funding?
- Do you support prioritization of Climate Commitment Act Dollars on transitioning to ZEVs for heavy-duty vehicles, over such other items as multi-modal infrastructure or incentives for residential heat pumps, etc.?

Middle Housing

Support for addressing Washington State's homelessness and affordable housing crisis notably gains momentum each year, but significant policy changes in this arena are yet to cross the finish line.

Statewide Zoning Mandates

Missing middle legislation, particularly HB 1782 had considerable activity last session until it eventually stalled in the House. HB 1782 would have required Vancouver to authorize the development of all middle housing types (quadplexes, cottage homes, cohousing, etc.) on all lots over 4,500 square feet zoned for detached single-family residential use and within 0.5 miles of a major transit stop, based on walking distance. The legislation would also allow for the development of duplexes and attached and detached ADUs on all other lots over 4,500 square feet zoned for single-family residential use, and for the development of triplexes on corner lots exceeding 5,000 square feet. This legislation will be back in 2023.

Accessory dwelling unit (ADU) legislation, HB 1660, managed to pass out of the House in 2022 before it stalled in the Senate. Housing advocates have expressed strong support for this type of legislation which allows for ADUs on all single-family zoned residential properties.

Questions for the Council on Middle Housing:

- Would you support statewide preemption in this space if it ensured that all jurisdictions in the state helped address the need for housing? Or...
- Would you support a “menu-style” approach where a baseline is required statewide, but cities would have some flexibility within the requirements? Or...
- Would you support a Middle Housing approach that aligns with the City’s climate and housing supply/affordability goals?
- Would funding for planning efforts need to be included?

Rent restrictions

Attempting to curb ever-rising home prices, local and state lawmakers across the U.S. have a renewed interest in rent control measures. These proposals, which would generally allow landlords to increase monthly rents by no more than 2% to 10% annually, are on the legislative agenda in more than a dozen states. Both Oregon and California have recently passed statewide rent control measures on older multifamily units that incorporates inflation factors.

In Washington, cities are preempted from passing rent control laws. Under RCW 365.21.830, the “imposition of controls on rent is of statewide significance and is preempted by the state. No city . . . may enact . . . provisions which regulate the amount of rent to be charged for residential property.”

Opponents of rent control purport that rent controls hurt housing markets more than they helped tenants by discouraging new development and disincentivizing apartment maintenance.

Questions for the Council on Rent Control:

- Would you support legislation that creates statewide rent control on multifamily housing similar to what Oregon and California have enacted?
- Would you support or prefer that the legislature repeal the preemption on local rent control; so that the city could consider its own approach?

Public Safety

Much of the police reform clarification priorities on the statewide law enforcement agenda were accomplished during the 2022 session. We expect the impact and implementation of those reforms to continue to be examined and adjusted moving forward but do not expect major policy changes this year.

Blake Decision Response (possession of controlled substances)

On February 25th, 2021, the Washington State Supreme Court issued a ruling in *State of Washington v. Shannon Blake*, determining that Washington state’s strict liability drug possession statute exceeds the Legislature’s police power. The Court struck down the statute, which had been in place since 1971.

In response, the 2021 Legislature adopted SB 5476. As passed, SB 5476 included misdemeanor criminal penalties for possession, established a committee to make recommendations for managing the long-term impacts of *Blake*, invested in substance misuse prevention efforts and law enforcement training, and appropriated tens of millions of dollars to help meet the cost of vacating felony convictions.

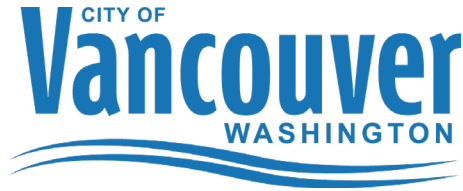
The legislation requires law enforcement officers who encounter an individual in possession of a controlled substance to offer a diversion to seek a substance use disorder assessment and treatment services, when recommended. The first two interactions by law enforcement must result in a diversion.

The authority to charge an individual with a misdemeanor charge of possession of a controlled substance will expire July 1, 2023, when state law will automatically revert to the current language but, it is not entirely clear what this intends. This provision was included to provide time for the committee to make recommendations, due by December 2022, and allow the 2023 Legislature time to enact the recommendations.

Questions for the Council on Blake Decision:

- Would you support Legislation that affirms the Blake decision and “continues” the decriminalization of felony possession of narcotics? If so, would you also support extending decriminalization to misdemeanor possession as well?
- Or conversely, would you like to see the Blake decision overturned and have felony possession of narcotics “reinstated” as crime?

Attachment A: Draft letter to State Building Code Council re: proposed changes to energy code for residential and low-rise multifamily housing.



October 3, 2022

Anthony Doan, Council Chair
State Building Code Council
PO Box 41449
Olympia, WA 98504-1449

RE: Proposed updates to the residential and low-rise multifamily building energy code

Chair Doan,

The Vancouver City Council supports the proposed changes to the state building energy code for residential and low-rise multifamily buildings. In Washington State, buildings account for over one-fourth of all greenhouse gas emissions and are the fastest growing sector of emissions while in the City of Vancouver, our last greenhouse gas inventory showed buildings accounting for roughly one-third of the community's total emissions.

These proposed code changes align with and support the City Council's preliminary climate goals of an 80% reduction in community greenhouse gas emissions by 2030 and zero emissions by 2040. We ask the State Building Code Council to approve these code changes.

Sincerely,

A handwritten signature in black ink that reads "Anne McEnery-Ogle". The signature is written in a cursive, flowing style.

Anne McEnery-Ogle, Mayor, Vancouver WA

CC: Mayor Pro Tem Ty Stober; Councilmember Bart Hansen; Councilmember Erik Paulsen; Councilmember Sarah Fox; Councilmember Diana Perez; Councilmember Kim Harless; Eric Holmes, City Manager



Staff Report: 134-22

TO: Mayor and City Council

FROM: Eric Holmes, City Manager

DATE: 10/3/2022

SUBJECT Partial Easement Release - Water

Key Points

- Partial release of an existing City of Vancouver Water easement under Auditors File Number 5508911 WEAS. 2,257 square feet of encumbered private property.
- Staff is recommending no collection of compensation for the area of easement to be released.

Strategic Plan Alignment

Goal 1, Objective 1.2: Ensure our infrastructure, including buildings and utilities, is safe, environmentally responsible and well maintained

Present Situation

The property owners have constructed new water main and recorded appropriate easements around those mains, thus allowing for abandonment of a short section of existing water main, and the existing water easement over the existing main. The property owners are requesting the release of the portion of the original easement over the vacated water main, to allow for new building construction and removing any encumbrance.

Advantage(s)

Releasing unnecessary easements reduces parcel encumbrance.

Disadvantage(s)

None

Budget Impact

None

Prior Council Review

None

Action Requested

Authorize the City Manager or their designee to sign the attached easement release.

Tracy Tuntland, Technical Engineering Supervisor, 360-487-7168

ATTACHMENTS:

- ▣ Attachment A - Property Owner Letter of Request to Release Water Easement
- ▣ Attachment B - Legal of Sketch of Evergreen Crossing property Exhibit A
- ▣ Attachment C - Ex Water Easement Legal and Sketch Exhibit B
- ▣ Attachment D - Water Easement Legal and Sketch of area to Release Exhibit C & D
- ▣ Attachment E - Water Easement Partial Release Form



Hurley Development
275 W. 3rd. St., Suite 300
Vancouver, WA 98660

August 4, 2022

Tracy L. Tuntland
City of Vancouver Engineering Services
Water Engineering
4500 SE Columbia Way
Vancouver, WA 98661

Dear Tracy,

I'm requesting partial release of an existing water easement at the Evergreen Crossing property described as "EXHIBIT A" attached. The legal description of the existing water easement is attached as "EXHIBIT C". I'm requesting partial vacation of a portion of the easement legally described as the "EXHIBIT B" attached to avoid a conflict with a future building on Parcel 986055125. The 8" water main was moved out of the portion of the easement shown on "EXHIBIT B" with ENG-74208 project construction. The existing routing of the 8" water main around the perimeter of the property is shown on the WATER PLAN attached as "ECW - Asbuilts Phase 1 10-09-2020"

Thank you and please contact me with any questions or concerns,

A handwritten signature in black ink, appearing to read 'M. Jamie Fisher', is written over a horizontal line.

Jamie Fisher
Development Manager
Hurley Development



BEND, OR
2777 NW Lolo Drive, Suite 150
Bend, OR 97703
(541) 317-8429
www.aks-eng.com

KEIZER, OR
3700 River Road N, Suite 1
Keizer, OR 97303
(503) 400-6028

TUALATIN, OR
12965 SW Herman Road, Suite 100
Tualatin, OR 97062
(503) 563-6151

VANCOUVER, WA
9600 NE 126th Avenue, Suite 2520
Vancouver, WA 98682
(360) 882-0419

EXHIBIT A **LEGAL DESCRIPTION**

Lot 10 of "Binding Site Plan Evergreen Crossing Site B Lot 8" (ROS 69-186), being a portion of the John Calder DLC, in the Southeast Quarter of Section 11, Township 2 North, Range 2 East, Willamette Meridian, City of Vancouver, Clark County, Washington.



Lot 10 (AKS Job #5044)
Legal Description

July 25, 2022
Page 1 of 1

NARRATIVE AND BASIS OF BEARINGS

THE PURPOSE OF THIS BINDING SITE PLAN IS TO DIVIDE LOT 8 OF "EVERGREEN CROSSING SITE B BINDING SITE PLAN" INTO 2 LOTS AS SHOWN.

THE BASIS OF BEARINGS IS THE EAST LINE OF SAID LOT 8 PER SURVEY BOOK 69 PAGE 72, AS SHOWN.

MONUMENTS, BEARINGS, AND DISTANCES PER SURVEY BOOK 69, PAGE 72 WERE HELD TO ESTABLISH THE BOUNDARY OF SAID LOT 8.

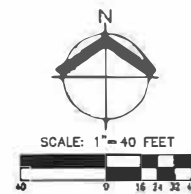
A 3-SECOND TRIMBLE S6 TOTAL STATION INSTRUMENT WAS USED FOR THIS SURVEY. ALL TRAVERSES MEET THE STANDARDS CONTAINED IN WAC 332-130-090.

BINDING SITE PLAN EVERGREEN CROSSING SITE B LOT 8

ALL FUTURE DEVELOPMENT SHALL CONFORM TO THE REVISED STAFF REPORT AND DECISION AS OUTLINED IN THE EVERGREEN CROSSING WEST POST DECISION REVIEW - SITE B LOT 8, PRJ2002-00858/LUP-75578, DATED: NOVEMBER 5, 2019

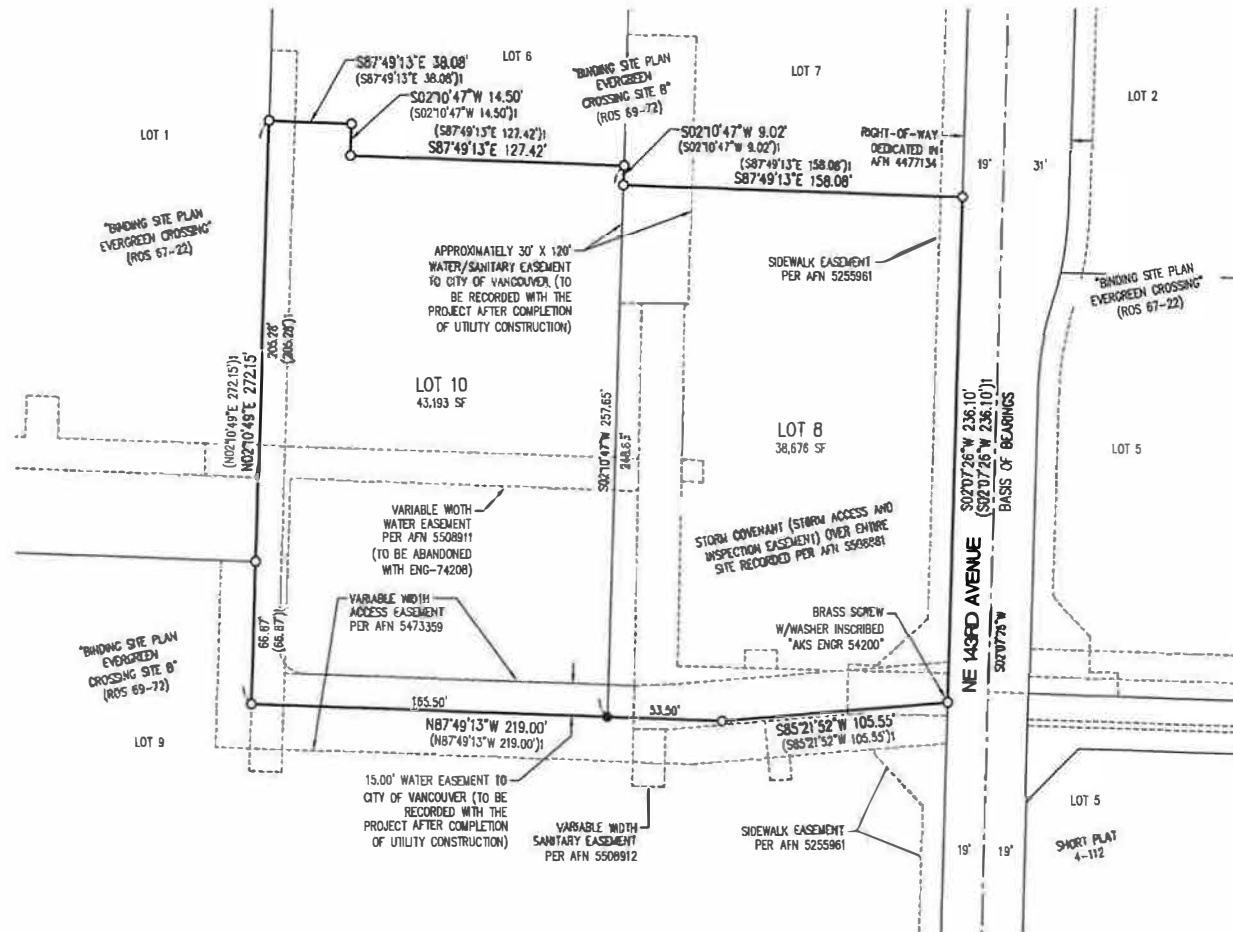
SURVEY REFERENCES

- (1) RECORD INFORMATION PER RECORD OF SURVEY BOOK 69 PAGE 72
- (2) RECORD INFORMATION PER RECORD OF SURVEY BOOK 67 PAGE 22



RECORD OF SURVEY

BINDING SITE PLAN
BEING A PORTION OF THE JOHN CALDER DLC IN THE
NE 1/4 AND THE SE 1/4 OF SECTION 11,
TOWNSHIP 2 NORTH, RANGE 2 EAST, W.M.,
CITY OF VANCOUVER, CLARK COUNTY, WASHINGTON
DECEMBER 30, 2019



LEGEND

- SET 1/2" X 24" REBAR W/PC STAMPED "AKS ENGR 54200"
- FOUND 1/2" REBAR W/PC STAMPED "AKS ENGR 54200"; HELD; PER ROS 69-72 (TIED 4-17-2019)
- AFN AUDITOR'S FILE NUMBER
- SF SQUARE FEET
- CDV CITY OF VANCOUVER
- ROS RECORD OF SURVEY
- W/PC WITH YELLOW PLASTIC CAP
- (1) RECORD DATA PER SURVEY REFERENCES

CITY OF VANCOUVER COMMUNITY AND ECONOMIC DEVELOPMENT

APPROVED BY: *Chris Eiken* 1/15/2020
DATE

CLARK COUNTY AUDITOR'S CERTIFICATE

FILED FOR RECORD THIS 22 DAY OF
JANUARY 2020 AT
8:55 AM, IN BOOK 69 OF
SURVEYS AT PAGE 186 AT THE REQUEST OF
AKS ENGINEERING & FORESTRY.

Carl J. Schmitt
DEPUTY COUNTY AUDITOR

SURVEYOR'S CERTIFICATE

THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE REQUIREMENTS OF THE SURVEY RECORDING ACT AT THE REQUEST OF TEN TALENTS INVESTMENTS 23, LLC IN AUGUST 2019.

[Signature] 1-15-2020
PROFESSIONAL LAND SURVEYOR DATE



REFERENCE DEED

STATUTORY WARRANTY DEED
438 LLC
TO
TEN TALENTS INVESTMENTS 23, LLC
AFN 5637275
(08/15/2019)

TITLE REPORT COMMITMENT

FURNISHED BY FIDELITY NATIONAL TITLE COMPANY AS COMMITMENT
NO. 612851819 WITH AN EFFECTIVE DATE OF AUGUST 15, 2019.

JOB NAME: EVERGREEN CROSSING	AKS ENGINEERING & FORESTRY, LLC 9600 NE 126TH AVE STE 2520 VANCOUVER, WA 98682 P: 360.882.0419 F: 360.882.0426 aks-eng.com
JOB NUMBER: 5044	
DRAWN BY: JOH	
CHECKED BY: JOH	
DRAWING NO.: 5044 BSP POR LOT 8	ENGINEERING · SURVEYING · NATURAL RESOURCES FORESTRY · PLANNING · LANDSCAPE ARCHITECTURE

BK 69 PG 186



AKS ENGINEERING & FORESTRY, LLC
9600 NE 126th Avenue, Suite 2520, Vancouver, WA 98682
P: (360) 882-0419 F: (360) 882-0426

OFFICES IN: VANCOUVER, WA - TUALATIN, OR - KEIZER, OR - BEND, OR

EXHIBIT B
LEGAL DESCRIPTION
FOR
EVERGREEN CROSSING

PUBLIC WATER EASEMENT ACROSS LOT 1 AND LOT 6 (SURVEY 67-22)

Located within Lots 1 and 6 of Binding Site Plan recorded in Book 67 of Surveys, Page 22 being a portion of the Southwest quarter and the Southeast quarter of Section 11, Township 2 North, Range 2 East, Willamette Meridian, Clark County, Washington, described as follows:

BEGINNING at a 1/2" Rebar marking the Southeast corner of Lot 1 of that Binding Site Plan recorded in Book 67 of surveys, Page 22, Clark County Auditor's Records;

Thence North 02° 10' 49" East, along the East line of Lot 1 (Survey 67-22), for a distance of 38.98 feet;

Thence North 87° 57' 48" West, leaving said East line, for a distance of 24.40 feet;

Thence North 02° 02' 12" East, for a distance of 15.00 feet;

Thence South 87° 57' 48" East, for a distance of 201.02 feet;

Thence North 01° 34' 13" East, for a distance of 71.95 feet;

Thence South 88° 25' 47" East, for a distance of 20.00 feet;

Thence South 01° 34' 13" West, for a distance of 72.12 feet;

Thence South 88° 25' 47" East, for a distance of 10.00 feet;

Thence North 01° 34' 13" East, for a distance of 10.00 feet;

Thence South 88° 25' 47" East, for a distance of 10.00 feet;

Thence South 01° 34' 13" West, for a distance of 86.34 feet;

Thence South 88° 25' 47" East, for a distance of 31.25 feet;



Water Easement - Lot 1 & 6 (AKS Job #5044)
Legal Description

March 28, 2018
Page 1

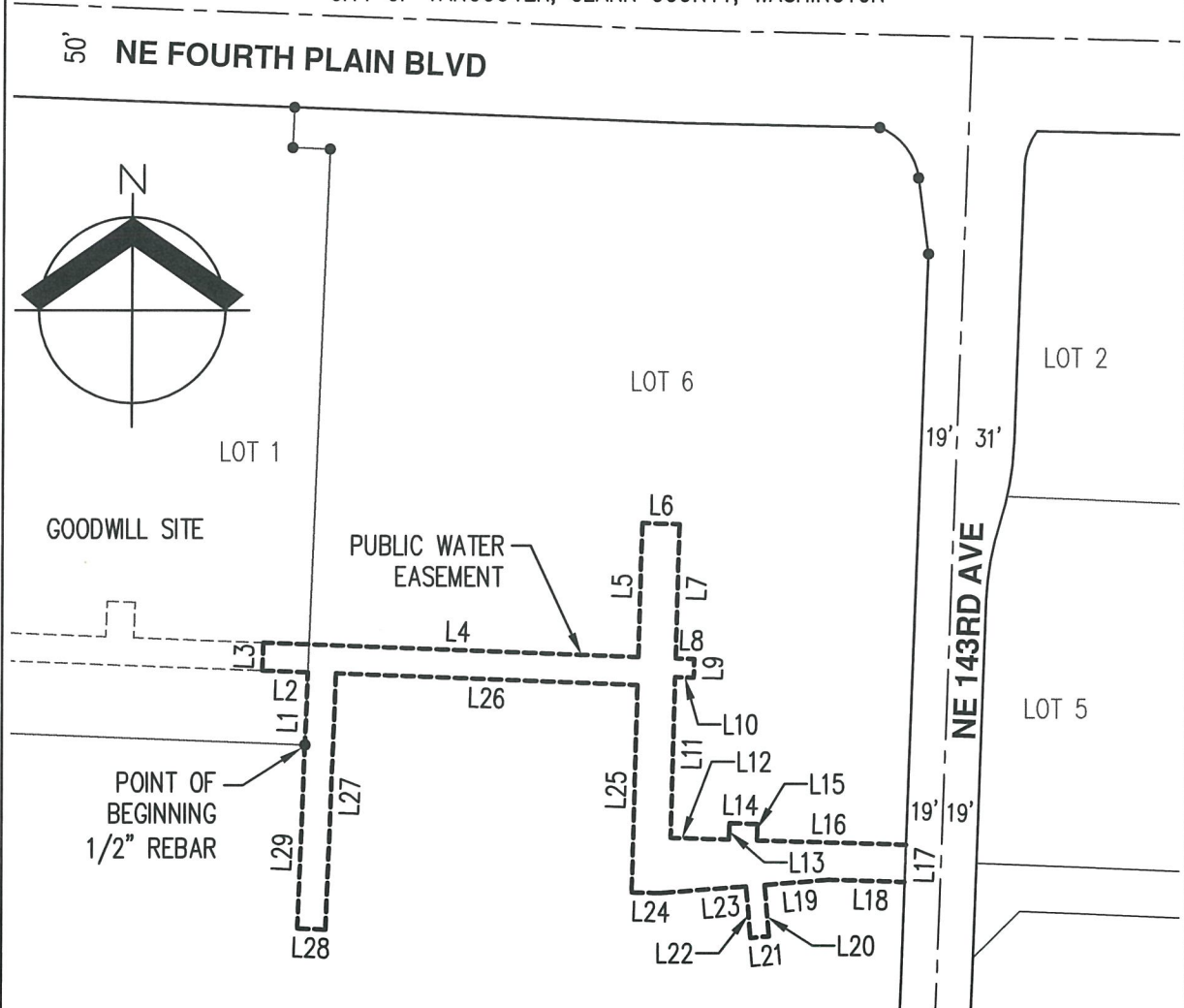
Thence North 01° 34' 13" East, for a distance of 8.83 feet;
Thence South 88° 25' 47" East, for a distance of 15.00 feet;
Thence South 01° 34' 13" West, for a distance of 8.83 feet;
Thence South 88° 25' 47" East, for a distance of 79.94 feet;
Thence South 02° 07' 26" West, for a distance of 20.00 feet;
Thence North 88° 25' 47" West, for a distance of 40.77 feet;
Thence South 85° 21' 52" West, for a distance of 34.38 feet;
Thence South 04° 38' 08" East, for a distance of 27.78 feet;
Thence South 85° 21' 52" West, for a distance of 10.00 feet;
Thence North 04° 38' 08" West, for a distance of 27.78 feet;
Thence South 85° 21' 52" West, for a distance of 46.38 feet;
Thence North 88° 25' 47" West, for a distance of 15.00 feet;
Thence North 01° 34' 13" East, for a distance of 111.31 feet;
Thence North 87° 57' 48" West, for a distance of 161.74 feet;
Thence South 02° 10' 49" West, for a distance of 137.63 feet;
Thence North 87° 50' 35" West, for a distance of 15.00 feet;
Thence North 02° 10' 49" East, for a distance of 98.62
feet to the **POINT OF BEGINNING**.

Contains approximately 12,471 square-feet



SKETCH SHOWING PUBLIC WATER EASEMENT

LOCATED WITHIN LOTS 1 & 6 OF BINDING SITE PLAN RECORDED IN SURVEY BOOK 67 PAGE 22
BEING A PORTION OF THE SW 1/4 AND THE SE 1/4 OF SECTION 11, T2N, R2E, W.M.
CITY OF VANCOUVER, CLARK COUNTY, WASHINGTON



- MONUMENT AS NOTED
ROS 67-22

SCALE: 1"=100 FEET



DATE: 03-28-2018

PUBLIC WATER EASEMENT

DRAWN BY: BJA	CHECKED BY: CAB	DWG: 5044EXH ESMT-WAT6	JOB: 5044
---------------	-----------------	------------------------	-----------

AKS ENGINEERING & FORESTRY, LLC
9600 NE 126TH AVE, SUITE 2520
VANCOUVER, WA 98682 www.aks-eng.com
PHONE: 360.882.0419 FAX: 360.882.0426



SKETCH SHOWING PUBLIC WATER EASEMENT

LOCATED WITHIN LOTS 1 & 6 OF BINDING SITE PLAN RECORDED IN SURVEY BOOK 67 PAGE 22
BEING A PORTION OF THE SW 1/4 AND THE SE 1/4 OF SECTION 11, T2N, R2E, W.M.
CITY OF VANCOUVER, CLARK COUNTY, WASHINGTON

LINE TABLE		
LINE	DIRECTION	LENGTH
L1	N02°10'49"E	38.98'
L2	N87°57'48"W	24.40'
L3	N02°02'12"E	15.00'
L4	S87°57'48"E	201.02'
L5	N01°34'13"E	71.95'
L6	S88°25'47"E	20.00'
L7	S01°34'13"W	72.12'
L8	S88°25'47"E	10.00'
L9	N01°34'13"E	10.00'
L10	S88°25'47"E	10.00'
L11	S01°34'13"W	86.34'
L12	S88°25'47"E	31.25'
L13	N01°34'13"E	8.83'
L14	S88°25'47"E	15.00'
L15	S01°34'13"W	8.83'

LINE TABLE		
LINE	DIRECTION	LENGTH
L16	S88°25'47"E	79.94'
L17	S02°07'26"W	20.00'
L18	N88°25'47"W	40.77'
L19	S85°21'52"W	34.38'
L20	S04°38'08"E	27.78'
L21	S85°21'52"W	10.00'
L22	N04°38'08"W	27.78'
L23	S85°21'52"W	46.38'
L24	N88°25'47"W	15.00'
L25	N01°34'13"E	111.31'
L26	N87°57'48"W	161.74'
L27	S02°10'49"W	137.63'
L28	N87°50'35"W	15.00'
L29	N02°10'49"E	98.62'



DATE: 03-28-2018

PUBLIC WATER EASEMENT			
DRAWN BY: BJA	CHECKED BY: CAB	DWG: 5044EXH ESMT-WAT6	JOB: 5044
AKS ENGINEERING & FORESTRY, LLC			
9600 NE 126TH AVE, SUITE 2520			
VANCOUVER, WA 98682 www.aks-eng.com			
PHONE: 360.882.0419 FAX: 360.882.0426			





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www.aks-eng.com

KEIZER, OR
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(503) 563-6151

VANCOUVER, WA
9600 NE 126th Avenue, Suite 2520
Vancouver, WA 98682
(360) 882-0419

EXHIBIT C
LEGAL DESCRIPTION
PORTION OF WATER EASEMENT

A portion of Lot 10 of "Binding Site Plan Evergreen Crossing Site B Lot 8" (ROS 69-186), being a portion of the John Calder DLC, in the Southeast Quarter of Section 11, Township 2 North, Range 2 East, Willamette Meridian, City of Vancouver, Clark County, Washington described as follows:

COMMENCING at the southeast corner of Lot 1 of "Binding Site Plan Evergreen Crossing" (ROS 67-22); thence along the east line of said Lot 1 North 02°10'49" East 53.98 feet to the north line of the Water Easement per Auditor's File Number 5508911; thence along said north line South 87°57'48" East 15.00 feet to the **POINT OF BEGINNING**; thence continuing along said north line South 87°57'48" East 150.50 feet to the west line of Lot 8 of "Binding Site Plan Evergreen Crossing Site B Lot 8"; thence along said west line South 02°10'47" West 15.00 feet to the south line of said easement; thence along said south line North 87°57'48" West 150.50 feet; thence North 02°10'49" East 15.00 feet to the **POINT OF BEGINNING**.

The above described tract contains approximately 2,257 square feet.

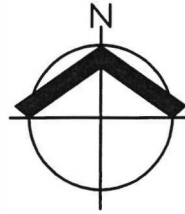


Por. Water Easement (AKS Job #5044)
Legal Description

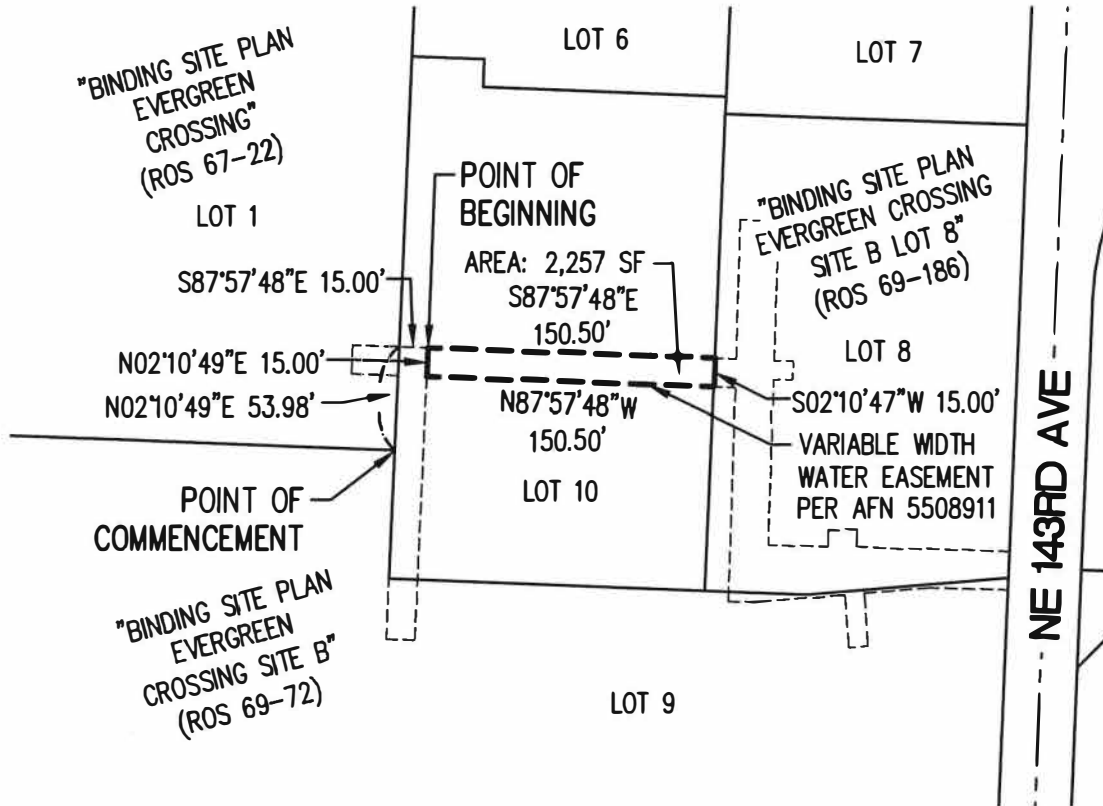
July 25, 2022
Page 1 of 1

EXHIBIT D

A PORTION OF LOT 10 OF "BINDING SITE PLAN EVERGREEN CROSSING SITE B LOT 8" (ROS 69-186), BEING A PORTION OF THE JOHN CALDER DLC, IN THE SE 1/4 OF SECTION 11, TOWNSHIP 2 NORTH, RANGE 2 EAST, W.M., CITY OF VANCOUVER, CLARK COUNTY, WASHINGTON



SCALE: 1"=100 FEET



LEGEND

AFN AUDITOR'S FILE NUMBER
BSP BINDING SITE PLAN
SF SQUARE FEET

DATE: 07/25/2022



PORTION OF WATER EASEMENT

DRAWN BY: CJC CHECKED BY: JOH DWG: 5044 20220722 EXH WATER JOB: 5044

AKS ENGINEERING & FORESTRY, LLC
9600 NE 126TH AVE, SUITE 2520
VANCOUVER, WA 98682
360.882.0419 WWW.AKS-ENG.COM



RECORD AND RETURN TO:
City of Vancouver
City Clerk's Office
P O Box 1995
Vancouver, WA 98668-1995

PARTIAL RELEASE OF WATER LINE EASEMENT

KNOW ALL MEN BY THESE PRESENT: That City of Vancouver, a municipal corporation of the state of Washington, for and in consideration of one dollar (\$1.00) and other good and valuable consideration does hereby release a portion of the Water line easement described as follows:

A portion of a fifteen (15) foot wide water line easement as dedicated per Lot 10 of Binding Site Plan Evergreen Crossing Site B Lot 8 as recorded in Book 69 of Surveys, Page 186. Clark County records attached hereto as Exhibits "A" and "B" and "C" and "D" (8 pages total). Description of the portion of the easement to be released is attached hereto as Exhibit "C" and depicted in Sketch as Exhibit "D", provided by AKS Engineering and Forestry.

Executed this 3rd day of October, 2022.

CITY OF VANCOUVER

Eric Holmes, City Manager

Approved as to form:

Attest:

E. Bronson Potter, City Attorney

R. Lloyd Tyler, City Clerk
Carrie Lewellen, Interim City Clerk

State of Washington)
 :ss.
County of Clark)

I certify that I know or have satisfactory evidence that Eric Holmes is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it as City Manager of City of Vancouver, a municipal corporation, to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated this _____ day of _____, 2018.

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



Staff Report: 135-22

TO: Mayor and City Council

FROM: Eric Holmes, City Manager

DATE: 10/3/2022

SUBJECT The NW Lavina St Water Main Replacement project (BID# 22-21) - Final Construction Acceptance

Key Points

- 2,850 feet of new water main to improve fire flow was constructed.
- 600 feet of new sewer to replace aging pipes was constructed.
- Interdepartmental coordination constructs utility improvements in advance of repaving the streets.
- Accepts construction improvements to facilitate the release of the contractor's bond.

Strategic Plan Alignment

Goal 1, Objective 1.2: Ensure our infrastructure, including buildings and utilities, is safe, environmentally responsible, and well maintained

Present Situation

McDonald Excavating, Inc. of Washougal, Washington has completed construction of approximately 2,850 linear feet of new water main in Northwest Lavina Street, Northwest Rose Street, Northwest 40th Street, and Northwest 41st Street. The new water mains were installed to address pressure deficiencies in meeting the minimum fire flow for the area as identified in the 2015 Comprehensive Water System Plan. In addition, 600 feet of sewer was installed to replace aging and substandard sanitary sewer mains within the project area. Interdepartmental coordination between the utility and transportation groups provided for the utility installation in advance of repaving the streets.

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

TOTAL CONTRACT COSTS	
Labor, Equipment and Material	\$645,549.97
Sales Tax	\$54,871.74

Total	\$700,421.71
Retainage	BOND

The original bid amount was \$700,650.39 compared to a final amount of \$700,421.71.

McDonald Excavating exceeded the 3% Apprenticeship Utilization goal for the project with 4% by using apprentices for 56 hours of the 1454.5 hours worked.

Advantage(s)

1. Improved pressure and fire flow.
2. Increased water and sewer system integrity and reliability.
3. Completes the City's contractual and statutory process for accepting the project.
4. Formal project acceptance allows for closure on third-party bond claims and facilitates release of the Contractor's bond.

Disadvantage(s)

None

Budget Impact

The funds for this project were approved in the 2021-2022 Water Capital Budget under PRJ100505 and 2021-2022 Sewer Capital Budget as project PRJ100694.

Prior Council Review

- Approved in the 2015 Comprehensive Water System Plan
- Approved in the 2021-2022 Water Capital Budget
- Approved in the 2021-2022 Sewer Capital Budget
- Staff Report 060-22, award of bid for Northwest Lavina St Water Main Replacement project on May 2, 2022

Action Requested

On October 3, 2022, accept the NW Lavina St Water Main Replacement project as constructed by McDonald Excavating, Inc. of Washougal, Washington, and authorize release of bond, subject to receipt of all documentation required by law.

Michelle Henry, Senior Civil Engineer, 360-487-7155



Staff Report: 136-22

TO: Mayor and City Council

FROM: Eric Holmes, City Manager

DATE: 10/3/2022

SUBJECT Water Station 1 Phase 2 Reservoir and Security Upgrades project (BID #19-01) - Final Construction Acceptance

Key Points

- Water Station 1 is essential to the City's water system in providing safe, clean drinking water.
- This project has been completed and is the second phase of a three phase facility master plan to:
 - Replace aging facilities to ensure reliability, increase resiliency, and meet current standards.
 - Increase capacity to meet current and future water needs.
 - Increase security of the site and improve protection of a vital resource.
- Accepting the construction improvements facilitates the release of the contractor's bond.

Strategic Plan Alignment

Goal 1: Ensure our built urban environment is on of the safest, most environmentally responsible and well maintained in the Pacific Northwest

Goal 1, Objective 1.2: Ensure our infrastructure, including buildings and utilities, is safe, environmentally responsible and well maintained

Goal 1, Action 1.2.1: Build a new, state-of-the-art water facility at Water Station 1

Present Situation

Water Station 1 is a 24.5-acre site, owned by the Water Utility, located on the southeast corner of East Fort Vancouver and Fourth Plain Boulevard. The Water Station 1 site has been used for water production since the late 1800's and is currently the City's most prolific water production facility, capable of pumping 34 million gallons per day. Water Station 1 currently operates around the clock to produce safe clean drinking water for the City's water service area that spans across the city limits and beyond. The site is the backbone of the City's water supply system.

To maintain this essential resource, a three-phase facility master plan was developed for Water Station 1 and approved to; 1) replace aging facilities to ensure reliability, increase efficiency, and meet current standards, 2) increase capacity and delivery capabilities necessary to meet future water needs, and 3) increase security of the site and improve protection for this vital water resource. Phase 1 of the three-phase plan was completed in 2019. This project, Phase 2, started in late 2019 and constructed three new water storage reservoirs, replacing the water reservoirs built in the early 1900's. The new seismic resilient water storage facilities increased water storage on the site from 5.25 million gallons to 9.0 million gallons. The project has improved access to the site, installed hi-security steel fencing to separate drinking water facilities from publicly accessible spaces, added surveillance cameras and intrusion alarms, added and retrofitted existing site lighting with LED fixtures that provide well-lit pathways, and improved bike connection points through and around the site. The project also restored historical site features and constructed a Water Station 1 site monument from salvaged wood beams taken from the original 1-million-gallon reservoir. Phase 3 of the project will replace three of the older wells and is scheduled for bid opening later this year with construction in 2023.

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

TOTAL CONTRACT COSTS	
Labor, Equipment and Material	\$19,403,027.28
Sales Tax	\$1,634,625.15
Total	\$21,037,653.43
Retainage	\$970,151.36

The original bid amount was \$20,501,041.60 compared to a final amount of \$21,037,653.43, for less than a 3% increase. The increase can be mostly attributed to modifications identified as needed during construction that were not easily identified prior, including pandemic related issues. Apprenticeship utilization required was 8% and the contractor exceeded this with 9.4% by using apprentices 6,359 hours of the total 67,302.6 hours worked.

Advantage(s)

1. Provided seismically resilient water storage, replacing aging facilities.
2. Provided additional storage to meet the city's current and future water demands.
3. Added site security improvements.
4. Improved pedestrian and bike circulation around fenced water facilities.
5. Completes the City's contractual and statutory process for accepting the project.
6. Formal project acceptance allows for closure on third-party claims and facilitates release of the contractor's bond.

Disadvantage(s)

None

Budget Impact

The funds for this project were budgeted in the Water Capital Budgets, 2019-2020 and 2021-2022.

Prior Council Review

1. Council Workshop on December 8, 2014, Water Station 1 Project Overview.
2. Council Workshop on February 25, 2019, Water Station 1 Project Update.
3. Approved in the 2019-2020 and 2021-2022 Water Capital Improvement Budgets.
4. Staff Report 042-19;
5. Council Approved Bid Award on April 8, 2019.

Action Requested

On October 3, 2022, accept the Water Station 1 Phase 2 project as constructed by Rotschy Inc. of Vancouver, Washington, and authorize the release of bond, subject to receipt of all documentation required by law.

Michelle Henry, Senior Civil Engineer, 360-487-7155



Staff Report: 137-22

TO: Mayor and City Council

FROM: Eric Holmes, City Manager

DATE: 10/3/2022

SUBJECT Bid Award for the Vancouver Low Rezone Water Main Installation - E Reserve - 13th to 17th project, per ITB 22-34

Key Points

- The project addresses pressure deficiencies identified in the 2015 Water System Plan.
- Two of seventeen water service connections within the project currently have pressures below the State's minimum requirement for 30 psi at the meter.
- After construction, all residents along the project route will experience an increase in water pressure.
- Six bids were received and Halme Excavating, Inc. was the lowest responsible bidder.

Strategic Plan Alignment

Goal 1, Objective 1.2: Ensure our infrastructure, including buildings and utilities, is safe, environmentally responsible and well maintained

Present Situation

The project addresses pressure deficiencies to existing water services along the project route that were identified in the 2015 Comprehensive Water System Plan as having low water pressures. The Washington Department of Health requires a minimum water pressure of 30 pounds per square inch (30 psi) be provided by the City at the water service connection to the meter. Approximately 1,450 linear feet of new ductile iron water main with a new fire hydrant will be installed in East Reserve Street, between East 13th Street and East 17th Street, to extend water to the area from a higher water pressure zone within the water system. This project will transfer a total of seventeen single-family and multi-family service connections from a lower water pressure zone onto a higher one. Two of the seventeen water services to be transferred were identified as having pressures below the State's minimum requirement and the others are only slightly above. Those residents currently experiencing low water pressures will experience higher water pressures once the project has been completed.

On August 30, 2022, the City received six bids for the subject project. The bids ranged between

\$359,401.37 and \$645,089.90. The low bidder was responsive. The bids were as follows:

Summary of Bids	
Bidder	Amount
Halme Excavating, Inc., Battle Ground, WA	\$359,401.37
Parker Pacific Development, Lake Oswego, OR	\$383,124.07
Advanced Excavating Specialists, LLC, Kelso, WA	\$388,511.65
Raz Construction Company, Ridgefield, WA	\$423,150.00
Nutter Corporation, Vancouver, WA	\$432,146.82
Odyssey Contracting, LLC, Yacolt, WA	\$645,089.90
Engineer's Estimate	\$350,000.00

Halme Excavating, Inc. of Battle Ground, Washington, is the lowest responsive bidder, and has successfully completed similar utility construction projects during the last three years. The Engineer's Estimate is below the threshold for an Apprenticeship Utilization goal, there will be no requirement of apprentice hours on this project.

Advantage(s)

1. Improves pressure and fire flow.
2. Complies with State regulatory requirements.

Disadvantage(s)

Temporary traffic disturbances and inconvenience to neighboring properties, unavoidable during construction.

Budget Impact

The funds for this project were identified in the 2021-2022 Water Capital Budget as project number PRJ100496.

Prior Council Review

Approved in the 2021-2022 Water Capital Budget.

Action Requested

On October 3, 2022, award a construction contract for the Vancouver Low Rezone Water Main Installation - E Reserve - 13th to 17th project (ITB 22-34) to the lowest responsive and responsible bidder, Halme Excavating, Inc. of Battle Ground, Washington, at their bid price of \$359,401.37, which includes Washington State sales tax, and authorize the City Manager or designee to execute the same; and authorize the City Manager to approve any legal action necessary to enforce the terms of the same.

Michelle Henry, Senior Civil Engineer, 360-487-7155

ATTACHMENTS:

- ▯ Contract



CONTRACT # C-101015

ITB 22-34: Vancouver Low Rezone Water Main Installation – E Reserve St – 13th to 17th

THIS CONTRACT is entered into by and between the City of Vancouver, a municipal corporation under the laws of the State of Washington, hereinafter referred to as "City," and Halme Excavating, Inc. hereinafter referred to as "Contractor," whose address is 22514 NE 72nd Ave., Battle Ground, WA 98604, hereinafter referred to "Parties."

WHEREAS, the City desires to engage the Contractor to provide public work and other related services for Vancouver Low Rezone Water Main Installation – E Reserve St – 13th to 17th . Contractor has agreed to offer its services to perform said work per the City issued Invitation to Bid (ITB) No. 22-34 and all addenda thereto, Contractor's bid to said ITB, the Project Plans and Special Provisions, and City Council's approval on _____ per Staff Report No. _____; and

WHEREAS, the Contractor has represented by entering into this Contract that it is fully qualified to perform the work to which it will be assigned in a competent and professional manner, and to the standards required by the City.

1. **STATEMENT OF WORK:** The Contractor hereby agrees to furnish all materials, labor, tools, machinery and implements of every description necessary to complete the work in a professional manner within the time limits stated in this Contract for the construction and installation of the following improvements and will make all necessary arrangements for the obtaining of permits from the United States, State of Washington, and/or any of its agencies as may be necessary to do the work required and covered by this Contract.

This Contract provides for the furnishment and installation of approximately 600 linear feet of 8-inch, 35 linear feet of 6-inch, and 830 linear feet of 4-inch zinc coated ductile iron water main. Also, furnish and install a fire hydrant assembly, fittings, valves, and all appurtenances, and provide pavement restoration and other work, all in accordance with the attached Contract Plans, these Contract Provisions, and the Standard Specifications.

The contract work shall be fully complete within 30 Working Days from the Notice to Proceed.

2. **EFFECTIVE DATE:** This Contract is effective as of the last signature dated below.
3. **E-VERIFY PROGRAM:** Contractor shall register and enter into a Memorandum of Understanding (MOU) with the Department of Homeland Security E-Verify program within sixty (60) days after execution of this Agreement. Contractor shall ensure all Contractor employees and any sub-contractor(s) assigned to perform work under this Agreement are eligible to work in the United States. Contractor shall provide verification of compliance upon City request. Failure by Contractor to comply with this subsection shall be considered a material breach.

- 4. CONTRACTOR RESPONSIBILITIES FOR SUBCONTRACTORS:** The Contractor shall include the language of this section in all tier subcontracts, and shall require each of its subcontractors to include the same language of this section in each of their subcontracts, adjusting only as necessary the terms used for the contracting parties. The requirements of this section apply to all subcontractors regardless of tier. The Contractor shall require all subcontractors to comply with all relevant federal, state and municipal laws, rules and regulations whatsoever.

At the time of subcontract execution, the Contractor shall verify that all tier subcontractors meet the following bidder responsibility criteria:

1. Have a current certificate of registration in compliance with chapter 18.27 RCW, which must have been in effect at the time of subcontract bid submittal;
 2. Have a current Washington Unified Business Identifier (UBI) number;
 3. Have received training on the requirements related to public works and prevailing wage as required by RCW 39.04.350;
 4. Within the three-year period immediately preceding the date of the bid solicitation, not have been determined by a final and binding citation and notice of assessment issued by the department of labor and industries or through a civil judgment entered by a court of limited or general jurisdiction to have willfully violated, as defined in RCW 49.48.082, any provision of chapter 49.46, 49.48, or 49.52 RCW.
 5. If applicable, have:
 - i. Have Industrial Insurance (workers' compensation) coverage for the subcontractor's employees working in Washington, as required in Title 51 RCW;
 - ii. A Washington Employment Security Department reference number, as required in Title 50 RCW;
 - iii. A Washington Department of Revenue state excise tax registration number, as required in Title 82 RCW;
 - iv. An electrical contractor license, if required by Chapter 19.28 RCW;
 - v. An elevator contractor license, if required by Chapter 70.87 RCW.
 6. Not be disqualified from bidding on any public works contract under RCW 39.06.010 or 39.12.065 (3).
- 5. DELINQUENT STATE TAXES:** The Contractor shall not owe delinquent taxes to the Washington State Department of Revenue without a payment plan approved by the Department of Revenue.
- 6. COMPENSATION AND SCHEDULE OF PAYMENTS:** In consideration of the promises and agreements of the Contractor as set forth herein, and in consideration of the faithful performance and furnishing of the work and materials required by this Contract to the satisfaction of the City, the City agrees to pay to the Contractor in the manner and at the times provided hereinafter and in the Contract Documents, and in accordance with the ordinances of the City of Vancouver and the laws of the State of Washington, the following sum as indicated, which amount does includes 8.5% Washington State Sales Tax (if applicable) \$359,401.37.

The amount finally to be paid is, however, variable upon the work actually performed and final payment will be made upon the basis of the amount of work performed and the materials furnished, and at the lump sum or unit prices fixed in the Contractor's Proposal and as modified by any and all approved Change Orders.

- 7. CONTRACTOR'S INSURANCE:** The Contractor agrees to procure insurance coverage as required below:

COVERAGE	LIMITS OF LIABILITY
I. Commercial General Liability:	
Policy shall include Bodily Injury, Property Damage, Personal Injury and Broad Form Contractual Liability	
Each Occurrence	\$1,000,000
General Aggregate Per Occurrence	\$2,000,000
Products & Completed Operations Aggregate	\$2,000,000
Personal and Advertising Injury	\$1,000,000
Blanket Contractual Liability	\$1,000,000
II. Commercial Automobile Liability	
Policy shall include Bodily Injury and Property Damage, for any owned, Hired, and/or Non-owned vehicles used in the operation, installation and maintenance of facilities under this agreement.	
Combined Single Limit	\$1,000,000
III. Workers' Compensation (applicable to the State of Washington)	
Per Occurrence	Statutory
Employer's Liability	\$1,000,000
Disease Each Employee	\$1,000,000
Disease Policy Limit	\$1,000,000
Each Claim	\$1,000,000
Annual Aggregate	\$2,000,000
IV. Pollution Legal Liability	
Each Claim	\$1,000,000
Annual Aggregate	\$2,000,000
V. Builders Risk	
Builder's "All Risk" Property Insurance	Contract Value
a. Coverage to include personal property of others in the care, custody and control of the contractor. Coverage should be written for 100% of the completed value.	
b. For additions or repairs of existing building structures, coverage to include contractor's interest in improvements, repairs, additions, alterations to completed buildings and subject to items described in "a".	

- 8. CONTRACTOR'S BOND:** The Contractor agrees that before it undertakes performance of this Contract, it will file with the City of Vancouver a Performance Bond and Payment Bond, in the forms prescribed by the City of Vancouver, in the full amount of the Contract price with a company authorized to do business in the State of Washington as a surety. The bonds shall comply with the laws of the State of Washington, and especially with the provisions of Chapter 39.08 RCW.

9. DISPUTE RESOLUTION: In the event of a dispute between the Parties which cannot be resolved by the contract managers, the Contractor and the City shall review such dispute and may attempt to resolve the dispute. Any controversy or claim arising out of or relating to this Contract or the alleged breach of this Contract that cannot be resolved by the Parties within 30 days of receipt of written notice may be submitted to mediation. If the dispute is not resolved through mediation, it shall be submitted to binding arbitration in accordance with the rules and procedures set forth in Chapter 7.04A RCW. The Parties agree to pay their own attorneys' fees and expenses.

10. EMPLOYMENT OF LABOR: The Contractor agrees that all persons employed by Contractor and by any of its subcontractors and any of their lower tier contractors in work performed pursuant to this Contract shall not be employed in excess of eight (8) hours in any one day, except as provided or allowed by Chapter 49.28 RCW and WAC 296-127 and any amendment thereto.

11. PAYMENT OF LABOR: The Contractor agrees that all laborers, workers, or mechanics employed by it or by any subcontractor in the performance of this Contract will be paid not less than the prevailing rate of wage for an hours work, in accordance with the provisions of the Chapter 39.12 RCW, and all rules and regulations promulgated pursuant thereto. The State of Washington prevailing wage rates applicable for this public works project, which is located in Clark County, may be found at the following website address of the Department of Labor and Industries: <https://fortress.wa.gov/Lni/wagelookup/prvWagelookup.aspx>. The prevailing wage rates in effect at the time of the bid submittal deadline shall apply for the duration of the project, no matter how long it lasts. However, if the Contract is awarded more than six months after the bids were due, the prevailing wage rates in effect on the award date shall apply.

In case any dispute arises as to what the prevailing rates of wages for work of a similar nature are and such dispute cannot be adjusted by the parties involved, the matter shall be referred to the director of the Department of Labor and Industries of the State of Washington for arbitration, and the director's decision shall be final, conclusive and binding on all parties involved in the dispute.

12. PAYMENT TO THE CONTRACTOR: Progress payments to the Contractor shall be made within 30 days of a fully executed Pay Estimate and are in compliance with all contractual requirements. A sum equal to 5% may be reserved and retained from monies earned by the Contractor in accordance with Chapter 60.28 RCW. The City reserves the right to require Contractor to correct any submitted or paid erroneous invoices according to the rates set forth herein. City and Contractor agree that any amount paid in error by City does not constitute a change in the agreed upon amount; Contractor agrees to issue a refund of any overages paid in error by the City.

Release of the retained percentage or the retainage bond shall be in accordance with Chapter 60.28 RCW. Every person performing labor or furnishing supplies toward the completion of said improvement of work shall have a lien upon said monies so reserved; provided, that such notice of the lien of such claimant shall be given in the manner provided in RCW 39.08.030 and within the time provided in Chapter 60.28 RCW as now existing and in accordance with any amendments that may hereafter be made thereto.

No payment shall be made to the Contractor, however, until the Contractor and all subcontractors who have performed work shall have filed and received approval of a Statement of Intent to Pay Prevailing Wage as required by RCW 39.12.040 from the Washington State Department a Labor and Industries. Said Contractor and all subcontractors shall also keep accurate payroll records for

three years from the date of acceptance as described in RCW 39.12.120. A Contractor and all subcontractors shall, file a copy of its certified payroll records using the Department of Labor and Industries online system on a monthly basis. A Contractor's noncompliance with this section shall constitute a violation of RCW 39.12.050.

- 13. INDEMNIFICATION:** Contractor agrees to indemnify, defend, save and hold harmless the City, its officials, employees and agents from any and all liability, including but not limited to demands, claims, causes of action, suits or judgments, claims of copyright or patent infringement, including costs, attorney fees and expenses incurred in connection therewith, or whatsoever kind or nature, arising out of, or in connection with, or incident to, the performance of services by Contractor pursuant to this Contract.

In the event that any suit based on such a claim, demand, loss, damage, cost, or cause of action is brought against the Contractor, the City retains the right to participate in said suit.

This indemnity and hold harmless shall include any claim made against the City by an employee of Contractor or subcontractor or agent of the Contractor, even if Contractor is thus otherwise immune from liability pursuant to the workers' compensation statute, Title 51 RCW. To the extent that such liability arises from the concurrent negligence of both the City and the Contractor, such cost, fees and expenses shall be shared between the City and the Contractor in proportion to their relative degrees of negligence. This indemnity and hold harmless shall NOT apply in the case where liability arises from the sole negligence of the City. Contractor specifically acknowledges that the provisions contained herein have been mutually negotiated by the Parties and it is the intent of the Parties that Contractor provide the broadest scope of indemnity permitted by RCW 4.24.115.

- 14. OWNERSHIP OF RECORDS AND DOCUMENTS:** Any and all work product prepared by the Contractor in the course of performing this Contract shall immediately become the property of the City. In consideration of the compensation provided for by this Contract, the Contractor hereby further assigns all copyright interests in such work product to the City. A copy may be retained by the Contractor. Previously owned intellectual property of Contractor or any third party, and any know-how, methodologies or processes used by Contractor to provide the services or project deliverables under this Contract shall remain property of the original City.

- 15. PUBLIC DISCLOSURE COMPLIANCE:** The parties acknowledge that the City is an "agency" within the meaning of the Washington Public Records Act, Chapter 42.56 RCW, and that materials submitted by the Contractor to the City become public record. Such records may be subject to public disclosure, in whole or part and may be required to be released by the City in the event of a request for disclosure. In the event the City receives a public record request for any data or deliverable that is provided to the City and that is licensed from the Contractor, the City shall notify the Contractor of such request and withhold disclosure of such information for not less than five (5) business days, to permit the Contractor to seek judicial protection of such information, provided that the Contractor shall be responsible for attorney fees and costs in such action and shall save and hold harmless the City from any costs, attorney fees or penalty assessment under Chapter 42.17 RCW for withholding or delaying public disclosure of such information.

- 16. AMENDMENTS:** All changes to this Contract, including changes to the statement of work and compensation, must be made by written Change Order and/or Amendment and signed by all parties to this Contract.
- 17. AUTHORIZATION AND COMPLIANCE WITH THE LAW:** The Contractor certifies that the person signing the Contract is legally authorized to enter into this binding Contract and that the Contractor shall fully comply with all relevant, federal, state and municipal laws, rules, regulations and policies.
- 18. RELATION OF PARTIES:** The Contractor, its subcontractors, agents and employees are independent contractors performing services for The City and are not employees of City; shall not, as a result of this Contract, accrue leave, retirement, insurance, bonding or any other benefits afforded to City employees; and, shall not have the authority to bind the City in any way except as may be specifically provided in the Statement of Work.
- 19. JURISDICTION/VENUE:** In the event that any litigation should arise concerning the construction or interpretation of the terms and/or conditions of this Contract, the venue of such action of litigation shall be in the Superior Court of the State of Washington in and for the County of Clark. This Contract shall be governed by the law of the State of Washington.
- 20. COOPERATIVE PURCHASING:** The Washington State Inter-local Cooperation Act, Chapter 39.34 RCW, authorizes public agencies to cooperatively purchase goods and services if all parties agree. By having executed this Contract, the Contractor agrees that other public agencies may purchase goods and services under this solicitation or contract at their own cost and without the City of Vancouver incurring any financial or legal liability for such purchases. The City of Vancouver agrees to allow other public agencies to purchase goods and services under this solicitation or contract, provided that the City of Vancouver is not held financially or legally liable for purchases and that any public agency purchasing under such solicitation or contract file a copy of this invitation and such contract in accordance with RCW 39.34.040.
- 21. ASSIGNMENT:** This Contract is binding on each party, its successors, assigns, and legal representatives and may not, under any circumstances, be assigned or transferred by either party without the other party's express written authorization.
- 22. TERMINATION FOR CONVENIENCE:** The City, at its sole discretion, may terminate this Contract for convenience at any time for any reason deemed appropriate. Termination is effective immediately upon notice of termination given by the City.
- In the event this Contract is terminated prior to the completion of Work, Contractor will only be paid for the Work completed at the time of termination of the Contract.
- 23. TERMINATION FOR CAUSE:** In the event the Contractor is, or has been, in violation of the terms of this Contract, including the solicitation, the City reserves the right, upon written notice to the Contractor, to cancel, terminate, or suspend this contract in whole or in part for default. Termination shall be effected by serving a notice of termination on the Contractor setting forth the manner in which the Contractor is in default. The Contractor will be paid only the contract price for services performed in accordance with the manner of performance set forth in the Contract.

If it is later determined by the City that the Contractor had an excusable reason for not performing, such as a strike, fire, or flood, or events which are not the fault of or are beyond the control of the Contractor, the City after setting up a new delivery or performance schedule, may allow the Contractor to continue work or treat the termination as a termination for convenience.

- 24. OPPORTUNITY TO CURE:** The City at its sole discretion may in lieu of a termination allow the Contractor to cure the defect(s), by providing a "Notice to Cure" to Contractor setting forth the remedies sought by City and the deadline to accomplish the remedies. If the Contractor fails to remedy to the City's satisfaction the breach or default of any of the terms, covenants, or conditions of this Contract within the time stated time, the City shall have the right to terminate the Contract without any further obligation to the Contractor. Any such termination for default shall not in any way operate to preclude the City from also pursuing all available remedies against the Contractor and its sureties for said breach or default, including but not limited to termination of this Contract for convenience.
- 25. WAIVER AND REMEDIES:** City's failure to enforce the terms or conditions herein or to exercise any right or privilege, or the City's waiver of any breach hereunder shall not thereafter waive any other term, condition, or privilege, whether of the same or similar type. Remedies under this Contract are cumulative; the use of one remedy shall not be taken to exclude or waive the right to use another.
- 26. ENTIRETY OF CONTRACT:** This Contract incorporates all the agreements, covenants and understanding between the parties hereto and are merged into this written Contract. No prior agreement or prior understanding, verbal or otherwise, of the parties or their agents shall be valid or enforceable unless set forth in this Contract.
- 27. USE OF CITY'S NAME:** Contractor may not use any of City's name, trademark, service marks, or logo in connection with the services contemplated by this Contract or otherwise without the prior written permission of City, which permission may be withheld for any or no reason and may be subject to certain conditions.
- 28. NON-DISCRIMINATION AND EQUAL EMPLOYMENT OPPORTUNITY:** During the term of this Contract, Contractor will not discriminate against any employee or applicant for employment in accordance with RCW Chapter 49.60, including, but not limited to creed, religion, race, color, age, sex, marital status, sexual orientation, sexual identity, pregnancy, military status, political ideology, ancestry, national origin, or the presence of any sensory, mental or physical disability, unless based upon a bona fide occupational qualification. The Contractor will take affirmative action to ensure that applicants and employees are treated fairly, without regard to their creed, religion, race, color, sex, national origin, or the presence of any sensory, mental or physical disability. Such action shall include all terms and conditions of employment, compensation, and benefits, including apprenticeship.
- 29. BINDING EFFECT:** The provisions, covenants and conditions in this Contract bind the parties, their legal heirs, representatives, successors, and assigns.
- 30. RATIFICATION:** Acts taken pursuant to this Contract but prior to its effective date are hereby ratified and confirmed.

31. INCORPORATED CONTRACT DOCUMENTS AND ORDER OF PRECEDENCE: The complete Contract includes these parts listed in this section below, which are incorporated by this reference as if fully as set forth herein. Any inconsistency in the parts of the contract shall be resolved by following this order of precedence (e.g., 1 presiding over 2, 2 over 3, 3 over 4, and so forth):

1. Amendments to the Contract,
2. This Contract,
3. Addenda to the Solicitation,
4. The Solicitation,
5. Contractor's Proposal,
6. Special Provisions,
7. Contract Plan Set,
8. City of Vancouver Amendments to the specified WSDOT Standard Specifications,
9. General Conditions for Facility Construction,
10. City of Vancouver Standard Plans,
11. WSDOT Amendments to the WSDOT Standard Specifications,
12. WSDOT Standard Specifications,
13. WSDOT Standard Plans.

32. NOTICES: Whenever in this written Contract written notices are to be given or made, they may be sent by certified mail to the following people at the addresses as shown herein unless a different address is designated in writing or delivered to the respective party hereto.

Anna Vogel
City of Vancouver
415 W 6th St.
PO Box 1995
Vancouver WA 98668-1995

Pekka O. Halme
Halme Excavating, Inc.
22514 NE 72nd Ave.
Battle Ground, WA 98604

By signing below, Contractor accepts the terms and conditions of this Contract and specifically acknowledges and agrees that the provisions contained herein have been mutually negotiated by the Parties.

CITY OF VANCOUVER
A municipal corporation

CONTRACTOR:
Halme Excavating, Inc.

Eric Holmes, City Manager

Signature

Date

Printed Name /Title

Attest:

Date

Natasha Ramras, City Clerk

Approved as to form:

Jonathan Young, City Attorney



Staff Report: 138-22

TO: Mayor and City Council

FROM: Eric Holmes, City Manager

DATE: 10/3/2022

SUBJECT Approval of Professional Services Agreement with TCF Architecture for architectural and engineering design services Phase 1 for the new Public Works Operations Campus

Key Points

- The City has successfully used large scale design and engineering consultant professional service agreements (contracts) to deliver capital projects.
- An extensive competitive request for qualifications process was completed.
- The proposed design services contract will be organized in phases. Phase 1 will take the project through pre-design development and 30% design (schematic design). This approval request authorizes Phase 1 only.
- The Phase 1 contract amount of \$2,790,352 is a small percentage of the total project estimate, which has a possible range of \$155,000,000-\$165,000,000 (in 2024 dollars).
- Phase 1 is structured as not to exceed value contract. Billings will be hourly and in an "Earned Value" format based on agreed tasks and against the not to exceed value.
- The design services solicited, for the majority, are in areas that are not performed by existing City staff. Specifically, the fields of architecture, interior design, equipment design, as well as structural, electrical, plumbing and mechanical engineering.

Strategic Plan Alignment

Goal 1: Ensure our built urban environment is one of the safest, most environmentally responsible and well maintained in the Pacific Northwest

Goal 1, Objective 1.2: Ensure our infrastructure, including buildings and utilities, is safe, environmentally responsible and well maintained

Present Situation

A 2018 analysis determined that the existing site and location of the Public Works Operations Center was not suitable to remain and expand for future uses due primarily to seismic vulnerabilities. In 2019, a new site was chosen that would serve the existing and future City of

Vancouver and its utility customers. Through 2020 and 2021, concept basis of design functions and service levels were validated for the new site and location. Governing policies and project goals were also established during this time. 2022 began the development of the project delivery plan and project delivery team structure.

As a key facility, the New Operations Campus will support the Public Works department in meeting service levels demands, providing for efficiency of operations, modernizing services, and serving as an Emergency Operations Center (EOC). Development and use of the new Operations Campus will achieve multiple City of Vancouver policy and strategic planning objectives.

The contract proposed provides a depth of professional and technical services to support the City's delivery of a new public works operations campus. TCF, the lead architecture firm, has completed multiple public works and maintenance facilities in the state of Washington for agencies which include Pierce County, Mason County, Sound Transit, and Chelan County.

Advantage(s)

- Allows the City to continue to move forward with a high priority project and community need.
- Adds qualified team members with strong relevant experience.
- Provides maximum flexibility to the City to deliver this capital project given its size and duration.
- The proposed contract arrangement allows the City to correctly balance internal and external resources and expertise sets based on this project and other concurrent needs of the City of Vancouver.

Disadvantage(s)

- Failure to approve would delay or not move forward the design of the new Public Works Operations Campus.
- Failure to approve may hinder future plans of the City, which is facing tremendous growth, which translates to needs for alternate facility locations and strong emergency response capacity.

Budget Impact

The contract value is within the 2021-2022 and 2023-2024 Biennium Budgets.

Prior Council Review

- June 27, 2022 Memo Public Work Operations Campus Update
- December 20, 2021 Public Hearing – Annexation of Future Operations Center
- September 27, 2021 City Council Consent Agenda – Project Charter

Action Requested

Authorize the City Manager, or designee, to enter into a professional services agreement and any amendments with TCF Architecture of Tacoma, WA for the provision of architectural and engineering design services in an amount not to exceed \$2,970,352 for Phase 1 of this contract.

Jean Singer, Capital Projects Manager, 360-487-7755; Lisa Brandl, Deputy City Manager,

360-487-8500; *Lon Pluckhahn, Deputy City Manager, 360-487-8500*

ATTACHMENTS:

- ▣ TCF Architecture Contract with Attachments



**CITY OF VANCOUVER
SERVICES AGREEMENT
No. C-101028**

This Services Agreement (hereinafter referred to as the “Agreement”) is entered into by and between the City of Vancouver, Washington, a municipal corporation organized under the laws of the State of Washington, (hereinafter referred to as the "City") and TCF Architecture (hereinafter referred to as the "Contractor"). For the purpose of this agreement, the term “Contractor” shall mean “Design Professional.” The City and Contractor may be collectively referred to herein as the “parties” or individually as a “party”.

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

WHEREAS, the City advertised and issued a Request for Qualifications, numbered 13-22 (hereinafter referred to as the “solicitation”) and after evaluation of the Contractor’s responsive proposal, found the Contractor be capable of performing the required services; and

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

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

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

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

2. **COMPENSATION:** Payment to the Contractor for the work described in this Agreement shall not exceed \$2,9,74,576.00 USD.

This payment shall be maximum compensation for the work and for all supervision, labor, materials, supplies, equipment and incidentals necessary to complete the work as set forth herein, and it shall not be exceeded without the City's prior written authorization in the form of a negotiated and executed amendment. It is specifically understood and agreed that no additional or different work shall be performed by Contractor, and Contractor agrees that the City's prior written authorization in the form of a negotiated and executed amendment is a condition precedent to the City's obligation to pay for such additional or different work.

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

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

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

The City reserves the right to correct any invoices paid in error. The Contractor shall be paid according to the rates set forth in Attachment "A.1", incorporated herein by this reference, and made a part of this Agreement as if fully set forth herein.

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

4. **TERM OF AGREEMENT:** The term of this Agreement shall commence on October 10, 2022 and continue until October 9, 2027. Unless directed otherwise by the City, Contractor shall perform the work in accordance with any schedules made a part of this Agreement.
5. **PROFESSIONAL STANDARD:** Contractor and all subcontractors will exercise that degree of care in performing the work in accordance with that prevailing among firms of comparable standing when performing similar services for projects similar to the project in the jurisdiction where the project is located (“Professional Standard”). Contractor will promptly correct or re-perform work not meeting the Professional Standard without additional compensation.
6. **ORDER OF PRECEDENCE:** Where there is a conflict among or between any of these documents, the controlling documents shall be the first listed in the following sequence: Amendments to this Agreement; this Agreement and its attachments; Contract Purchase Orders; and the City’s solicitation.
7. **RELATION OF PARTIES:** The Contractor, and its subcontractors, agents, employees, or other vendors contracted by the Contractor to provide services or other work for the purpose of meeting the Contractor’s obligations under this agreement (collectively referred to as “subcontractors”), are independent contractors performing professional services for the City and are not employees of the City. The Contractor and its subcontractors shall not, as a result of this Agreement, accrue leave, retirement, insurance, bonding or any other rights, privileges, or benefits afforded to City employees. The Contractor and its subcontractors shall not have the authority to bind City in any way except as may be specifically provided herein.
8. **E-VERIFY:** The Contractor shall enter into and register a Memorandum of Understanding with the Department of Homeland Security E-Verify program within sixty (60) days after execution of this Agreement. The Contractor shall ensure all Contractor employees and any subcontractors assigned to perform work under this Agreement are eligible to work in the United States. The Contractor shall provide verification of compliance upon the request of the City. Failure by the Contractor to comply with this subsection shall be considered a material breach.
9. **DELAYS AND EXTENSIONS OF TIME:** If the Contractor is delayed at any time in the progress of the work covered by this Agreement, by any causes beyond Contractor's control, Contractor shall give written notice no later than seven (7) calendar days after the event giving rise to the delay. Such written notice shall be a condition precedent to the City’s grant of an extension of the time for performance. The time for performance may be extended by such time as shall be mutually agreed upon by the Contractor and the City and shall be incorporated in a written amendment to this Agreement. Any request for an extension of time shall be made in writing to the City in accordance with this paragraph.

10. OWNERSHIP OF RECORDS AND DOCUMENTS: Any and all work product prepared by the Contractor and its subcontractors in the course of performing this Contract shall immediately become the exclusive property of the City upon payment for the associated task and shall be delivered to the City upon request in such format(s) as the City may require. In consideration of the compensation provided for by this Agreement, the Contractor hereby further assigns all copyright, trademark and other intellectual property interests in such work product to the City. A copy of each work product may be retained by the Contractor. If any of the work product contains previously developed intellectual property of the Contractor or its subcontractors that is or could be protected by federal copyright, patent, or trademark laws, or state trade secret laws, Contractor hereby grants to the City a perpetual, royalty-free, fully paid-up, transferable, nonexclusive and irrevocable license to copy, reproduce, perform, dispose of, use and re-use, in whole or in part, and to authorize others to do so for the benefit of City, all such work product. The City accepts all risk for its own reuse of the work products, beyond intended purpose of the work products specifically with respect to this project, without prior written approval of the Contractor. Contractor will cause a provision equivalent to this paragraph to be included in all contracts with its subcontractors.

11. TERMINATION FOR PUBLIC CONVENIENCE: The City, at its sole discretion, may terminate this contract for convenience at any time for any reason deemed appropriate. Termination is effective immediately upon notice of termination given by the City.

In the event this Agreement is terminated prior to the completion of work, the Contractor will only be paid for the portion of the work completed at the time of termination of the Agreement. Under no circumstances shall the Contractor be entitled to compensation, including but not limited to markup, overhead, and profit, for work not performed.

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

If the Agreement is terminated for default, the Contractor shall not be entitled to receive any further payments under the Agreement until all work called for has been fully performed. Any extra cost or damage to the City resulting from such default(s) arising from a violation of the Professional Standard shall be deducted from any money due or coming due to the Contractor. The Contractor shall bear any extra expenses incurred by the City in completing the work, and all damage sustained, or which may be sustained by the City by reason of such default.

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

13. OPPORTUNITY TO CURE: The City at its sole discretion may in lieu of a termination allow the Contractor to cure the defect(s), by providing a “Notice to Cure” to Contractor setting forth the remedies sought by City and the deadline to accomplish the remedies. If the Contractor fails to remedy to the City’s satisfaction the breach or default of any of the terms, covenants, or conditions of this Contract within the time required by the City, the City shall have the right to terminate the Contract without any further obligation to the Contractor. Any such termination for default shall not in any way operate to preclude the City from also pursuing all available remedies against the Contractor and its sureties for said breach or default, including but not limited to termination of this Contract for convenience.

14. TERMINATION OBLIGATIONS: Without limiting the City’s rights, remedies or defenses, upon any type of termination, City may order any or all of the following by written notice: (i) cease services as directed by the City in the notice; (ii) take actions necessary, or that the City may direct, for the protection and preservation of the work and work product; (iii) except for services directed to be performed prior to the effective date of termination stated in the notice, terminate all existing subcontracts and enter into no further such contracts; (iv) assign any or all subcontracts as directed in the notice (Contractor shall ensure that all subcontracts are assignable as directed by the City); and Contractor shall deliver to the City all work product (in their current stage of completion) and related documents and information so that the City may complete the design with another appropriate design professional.

15. COMPLIANCE WITH THE LAW: In accordance with the Professional Standard, the Contractor agrees to comply with all relevant, Federal, State, and Municipal laws, rules, policies, regulations or ordinances in the performance of work under this Agreement. The Contractor shall design the project so that it will not (when built as designed) be in violation of any applicable laws, codes, regulations or ordinances in effect (or which could reasonably be expected to come into effect) at the time the Contractor delivers the final complete design for the project. Without limiting the preceding sentence, the project as designed in the final complete design must be in compliance with the design and new construction requirements of the Americans with Disabilities Act, to the extent applicable. All designs shall accommodate adequate construction tolerances to permit construction of the project in accordance with the foregoing requirements as they exist at the time of final complete design and submittal of the final construction documents to the local jurisdiction. To the extent there is any inconsistency between the applicable foregoing federal, state or local laws, Contractor shall address that inconsistency by designing the project to conform to the specific requirements that provide the greatest accessibility for persons with disabilities.

16. CITY BUSINESS AND OCCUPATION LICENSE: The Contractor will be required to obtain a business license when contracting with the City unless allowable exemptions apply. The Contractor shall contact the State of Washington Business License Service (BLS) at: <http://bls.dor.wa.gov/file.aspx>, or by phone at 800-451-7985, or go to www.bls.dor.wa.gov/cities/vancouver.aspx or www.cityofvancouver.us/businesslicense, to determine whether a business license is required pursuant to the Vancouver Municipal Code (VMC) Chapter 5.04.

17. LIABILITY AND HOLD HARMLESS: The Contractor agrees to indemnify, defend, save and hold harmless the City, its officials, and employees and agents from any and all liability, demands, claims, damages, losses, expenses, penalties, causes of action, suits or judgments, and costs (including but not limited to costs and expenses, including reasonable attorney fees and expenses) of whatsoever kind or nature (including patent infringement or copyright claims) to the extent caused by the negligent performance, negligent acts or omissions, or willful misconduct of Contractor and its subcontractors, and any person or entity for whose acts or omissions any of them are responsible, or by the failure of any such party to perform as required by this Agreement.

Contractor has no obligation under this Agreement to indemnify any indemnitee against liability for damages arising out of bodily injury to persons or damage to property caused by or resulting from the sole negligence of that indemnitee or its agents or employees. Contractor's obligation under the Agreement to indemnify any indemnitee against liability for damages arising out of bodily injury to persons or damage to property caused by or resulting from the concurrent negligence of (a) the indemnitee or its agents or employees, and (b) Contractor or its agents or employees shall be valid and enforceable only to the extent of the negligence of Contractor or its agents or employees.

This indemnity and hold harmless shall include any claim made against the City by an employee of Contractor or subcontractor or agent even if Contractor, as an employer, is thus otherwise immune from liability pursuant to the workers' compensation statute, Title 51 Revised Code of Washington (RCW), except to the extent that such liability arises from the concurrent negligence of both the City and the Contractor, such costs, fees and expenses shall be shared between the City and the Contractor in proportion to their relative degrees of negligence. Contractor specifically and expressly waives any immunity under Industrial Insurance, Title 51 (RCW).

The Contractor specifically acknowledges the provisions contained herein have been mutually negotiated by the parties and it is the intent of the parties that the Contractor provide the broadest scope of indemnity permitted by RCW 4.24.115. The Contractor and its subcontractors are independent contractors and the Contractor is responsible for the acts and

omissions, and the safety, of its employees and subcontractors, and its subcontractor's employees.

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

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

COVERAGE	LIMITS OF LIABILITY
I. Commercial General Liability:	
Policy shall include Bodily Injury, Property Damage, Personal Injury and Broad Form Contractual Liability	
Each Occurrence	\$2,000,000
General Aggregate Per Occurrence	\$5,000,000
Products & Completed Operations Aggregate	\$5,000,000
Personal and Advertising Injury	\$2,000,000
Blanket Contractual Liability	\$2,000,000
II. Commercial Automobile Liability	
Policy shall include Bodily Injury and Property Damage, for any owned, Hired, and/or Non-owned vehicles used in the operation, installation and maintenance of facilities under this agreement.	
Combined Single Limit	\$1,000,000
III. Workers' Compensation (applicable to the State of Washington)	
Per Occurrence	
Employer's Liability	\$1,000,000
Disease Each Employee	\$1,000,000
Disease Policy Limit	\$1,000,000
Each Claim	\$1,000,000
Annual Aggregate	\$1,000,000
IV. Professional Liability	
Policy shall include coverage against any and all claims for damages to person or property which may arise out of the performance of this Contract whether such work shall be by the Contractor, subcontractor or anyone directly or indirectly employed by either the Contractor or a subcontractor	\$5,000,000

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

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

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

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

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

For the City:
Anna Vogel
City of Vancouver
415 W 6th Street
P O Box 1995
Vancouver WA 98668-1995
Email: anna.vogel@cityofvancouver.us

For the Contractor:
Randy Cook
TCF Architecture
902 N. 2nd Street
Tacoma, WA 98403
Email: randy@tcfarchitecture.com

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

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

notify the Contractor of such request and withhold disclosure of such information for not less than five (5) business days, to permit the Contractor to seek judicial protection of such information, provided that the Contractor shall be responsible for attorney fees and costs in such action and shall save and hold harmless the City from any costs, attorney fees or penalty assessment under RCW 42.56.550 for withholding or delaying public disclosure of such information.

- 26. DEBARMENT:** The Contractor certifies that that it is not presently debarred, suspended, proposed for debarment, and declared ineligible or voluntarily excluded from covered transactions by any Federal, State or local department or agency.
- 27. NONDISCRIMINATION:** The City of Vancouver, WA is an equal opportunity employer. In the performance of this Agreement, the Contractor will not discriminate against any employee or applicant for employment on the grounds of race, creed, color, national origin, sex, sexual orientation, marital status, age or the presence of any sensory, mental or physical handicap.
- 28. REVIEW BY CITY OF CONTRACTOR'S WORK:** Review or approval by the City or its agents of Contractor's work, work product, design services or contract administration services (or any other products or services under this Agreement) ("Contractor Services") shall not relieve Contractor of its sole liability for any damages resulting from or arising out of defects or deficiencies in the Contractor Services, except where the City expressly directs such defective or deficient Contractor Services and Contractor files a written objection thereto.
- 29. SEVERABILITY:** If any term or provision of this Agreement is to any extent held invalid or unenforceable, and if the provisions of the Agreement that are essential to each party's interests otherwise remain valid and enforceable, then (i) the remaining terms and provisions of the Agreement will not be affected thereby, (ii) each term and provision of the Agreement will be valid and be enforced to the fullest extent permitted by law, and (iii) the court will give the offending provision the fullest meaning and effect permitted by law.
- 30. SURVIVAL OF TERMS:** All obligations created by the Agreement and imposed by law survive suspension or termination of the Agreement except those obligations relating to continuing performance of terminated work and payment for terminated work. Provisions that expressly survive suspension or termination include, but are not limited to, those relating to indemnity, warranty, insurance, and dispute resolution. Contractor shall remain liable for all completed work despite any suspension or termination.
- 31. NO ATTORNEY FEES:** To the extent permitted by law, the parties to this Agreement expressly waive and release any rights either has to recover costs and expenses, including attorney fees and costs and, expert fees and costs, incurred in connection with any and all disputes or claims of any kind arising out of the Agreement, including, without limitation, any rights to recover such fees

and costs granted by any federal or state statute, regulation, or rule, including, but not limited to, prompt payment statutes. This waiver and release applies to any and all claims of any kind, regardless of legal or equitable theory, and applies to fees and costs incurred before, during and after any mediation, arbitration, or court proceeding. Contractor shall include an equivalent waiver and release in each of its subcontract agreements on the project, and shall indemnify, defend, reimburse and hold the City harmless against any claims for fees or costs and against any damages resulting from the failure to do so. This paragraph shall not be interpreted to prohibit recovery of costs and expenses, including attorney fees, as indemnity damages as described in the indemnity clause(s) of this Agreement.

If applicable law prevents either party's or both parties' full waiver of costs and expenses, including attorney fees, as provided in the paragraph above, then the above paragraph shall be inapplicable and the prevailing party in any dispute shall be awarded their costs and expenses, including attorney fees and costs and expert fees and costs, incurred pre-trial or arbitration, during trial or arbitration, upon any appeal, petition for reconsideration or petition for review, and upon any bankruptcy, insolvency or collection.

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

CITY OF VANCOUVER

A municipal corporation

CONTRACTOR:

TCF Architecture

Eric Holmes, City Manager

Signature

Date

Printed Name /Title

Attest:

Date

Natasha Ramras, City Clerk

Approved as to form:

Jonathan Young, City Attorney

September 19, 2022

EXHIBIT A

Ms. Jean Singer
Facilities Capital Projects Manager
Public Works
City of Vancouver
Vancouver, WA 98668-1995

RE: CITY OF VANCOUVER – NEW OPERATIONS CENTER
TCF Project No. 2022-016
SCOPE & FEE PROPOSAL FOR PROFESSIONAL SERVICES - PHASE 1 WORK SCOPE: Predesign-SD-1

Dear Jean:

On behalf of TCF Architecture (hereafter, “Contractor”, as defined in the Professional Services Agreement), and our sub-consulting design team partners, we want to thank you and the City of Vancouver (hereafter “City”) for the opportunity and privilege to provide you with Professional Predesign (Phase 1A) and Preliminary Schematic Design (Phase 1B) Services, together referring to the Phase 1 work scope, for the new Operations Center Project. This letter provides descriptions of our proposed Phase 1 work tasks and deliverables as discussed and developed with you and the Project Advisory Team.

Exhibit A.1, attached to this letter, is the Master Fee Schedule for the Phase 1 Scope of Services, itemizing all fee budgets associated with each task for each team member. TCF will contract with various specialty consultants in the development of the work. Each consultant has provided a proposal to TCF with associated fee budgets, summarized in Exhibit A.1. All work for Phase 1 will be performed on an hourly basis.

CONSULTING TEAM MEMBERS

The firms listed below will be under direct contract to the Contractor and will each have specific roles and responsibilities for the delivery of work scope under this proposal package. The term “Design Team” is occasionally used in this document, referring to the full team.

- | | | |
|---------------|--------------------------------|-------------------------------|
| ▪ Exhibit C.1 | Civil Engineering: | MacKay Sposito |
| ▪ Exhibit C.1 | Landscape Architecture: | MacKay Sposito |
| ▪ Exhibit C.2 | Structural Engineering: | PCS Structural Solutions |
| ▪ Exhibit C.3 | HVAC/Plumbing/Fire Protection: | Interface Engineering |
| ▪ Exhibit C.3 | Electrical and Low Voltage: | Interface Engineering |
| ▪ Exhibit C.4 | Traffic Engineering: | WSP (Portland, OR Office) |
| ▪ Exhibit C.4 | Equipment / Operations: | WSP (Houston, TX Office) |
| ▪ Exhibit C.5 | Cost Estimating: | RC Cost Group |
| ▪ Exhibit C.6 | Geotechnical & Environmental: | NV5 |
| ▪ Exhibit C.7 | Office Systems: | OpenSquare (Rates Only) |
| ▪ Exhibit C.8 | Sustainable Water Systems: | 2020 Engineering (Rates Only) |

- | | | |
|----------------|--|-------------------------------|
| ▪ Exhibit C.9 | Community Outreach: | Point North (Rates Only) |
| ▪ Exhibit C.10 | Environmental Graphics: | Jinger Hendricks (Rates Only) |
| ▪ Exhibit C.11 | Cultural Resources Consulting: | AINW (Rates Only) |
| ▪ Exhibit C.12 | Elevator Consulting: | Lerch Bates (Rates Only) |
| ▪ Exhibit C.13 | Envelope Consulting: | ABBAE (Rates Only) |
| ▪ Others | Other specialty disciplines may be added by future amendment | |

PHASE 1 SCOPE OF SERVICES (PREDESIGN THROUGH PRELIMINARY SCHEMATIC DESIGN (SD-1))

The Contractor shall provide the scope activities and deliverables described herein.

PHASE 1A - PREDESIGN

1 – PROJECT ADMINISTRATION

1A - General Project Management

Contract management, consultant management & coordination, schedule development and management, development of communication plan, and on-going communication, information management, and correspondence between TCF and the City.

.01 Project Management Portal

- Provide management and hosting of a Project Portal using Smartsheet. Stakeholders will be provided access to appropriate "Worksheets" or "Templates" within Smartsheet including the Project Schedule, Project Management Log, Project Library, and other Worksheets as developed to manage and track project information.

.02 - Project Schedule:

- Provide a preliminary Project Schedule in Smartsheet establishing primary project activities and major deliverables to be provided through Predesign and SD-1
- Provide an updated Project Schedule at the completion of the Predesign Phase and again at the completion of SD-1. Note: Periodic schedule updates may be made by the Contractor throughout the progress of the work.
- Provide monthly status updates with monthly invoices for work completed.
- Set-up, maintenance, and administration of all "Worksheets" within the Smartsheet Project Portal.

.03 - Internal Stakeholder Management

- Assistance to the City to identify internal Stakeholder groups and teams.
- Estimation of approximate time commitments for key staff positions to participate throughout the Phase 1 work.

1B – Data Gathering and Project Library

.01 - City-Provided Documentation

The City will provide the Contractor with all available project information created previous to the Contractor's work, as relevant and germane to the Project.

- Survey in AutoCAD format
- Updated documents beyond the Master Plan documents as provided during the RFQ process.

.02 - Gathering and Review of City-Provided Documentation

- Organize and host a Project Library in Smartsheet for City-provided project documents and all other documents as developed and created throughout the course of the work.
- Review of City-provided documents for familiarity and for use of such documents in the development of the Phase 1 work.

1C – Project Delivery Plan

- Prepare a preliminary draft Project Delivery Plan based on known Project information at the outset of the Project including the City's existing Project Charter document.
- At a minimum the Plan will summarize the overall Project scope, articulate and expand upon the City's Project Vision, Purpose, and Goals, define all levels of the Team structure, and describe how the overall project will be managed with respect to stakeholder engagement, team and stakeholder communication, evaluation of alternatives, the decision-making process, and other Project elements as determined collectively between the Design Team and the City's Management Team.
- Conduct a video-conference call meeting with the City's Management Team to review the draft Project Delivery Plan.
- Provide updated Draft Project Delivery Plan with City edits and comments.
- At the conclusion of the Predesign Phase, update the Project Delivery Plan to include refined Project information.

2 – PROGRAMMING AND DESIGN CRITERIA

2A – Facility Tours

.01 - Tour Existing City Operations Facilities

- Coordinate with the City to organize and participate in a tour of the existing Operations facilities. Design Team participants will include the architect's core team, civil engineer, mechanical engineer, plumbing engineer, electrical engineer, low voltage systems designer, and equipment consultant.
- Document observations and City participant comments in Smartsheet along with representative photographs.

.02 - Tour Other MOA Facilities

- Organize and facilitate a one-day tour of three existing MOA facilities including Mason County PUD's John's Prairie Operations Center (Shelton, WA), Pierce County's Central Maintenance Facility (CMF, Frederickson, WA), and Pierce County's Sewer and Traffic Operations Facility (STOP, Puyallup, WA).
- Prepare summary of comments received from City participants along with photographs organized by facility and program area.
- Note: Quantity of participants may be limited depending on the policies of the host facilities.

2B – Pre-Workshop Preparation and Stakeholder Engagement

Conduct research and interactive activities with key City Stakeholders via remote communication prior to the facilitation of in-person workshops and meetings for the purposes of building baseline documentation and guiding the City's Stakeholders in their own efforts to prepare for the in-person meetings.

To help facilitate the engagement of City participants, maximizing opportunities for equitable and inclusive involvement, project input will be solicited in a variety of formats

- Primers and Questionnaires: Prior to video conference calls and in-person workshops, key project information and relevant questions to the topics being covered will be issued to team participants and others who may also desire to contribute to particular topics. Primers will typically focus on broad-based, goal-oriented input, while questionnaires will typically be more detailed for those engaged in specific programmatic topics.

(Note: See Task 3 - Site Investigations - and Task 4 – Sustainability - for other Pre-workshop videoconferences and project activities that will take place prior to in-person workshops and meetings.)

.01 - Warehousing and Inventory Management

Note: See Exhibit C.4 for additional detailed description of scope activities associated with Tasks 2B .01-.03.

- Coordinate and conduct a videoconference call with the Warehousing and Inventory Management City Stakeholder Team to review current City practices for procurement, new inventory storage, records and file management, chemical and hazardous materials storage across all Operations Divisions.
- Discuss potential approaches for consolidated warehousing and inventory management.
- As part of Task 2A, the Contractor will meet with City staff and review the City's existing inventory storage methods and confirm approximate quantities and types of new inventory storage.
- Develop a preliminary analysis of considerations for the City to consider with regard to consolidated inventory management.
- Documentation from this task will be used in the subsequent in-person programming workshops where program spaces for all types of storage and inventory management will be further discussed and evaluated.

.02 - Fleet Maintenance Program

- Coordinate and conduct a videoconference with the City's Equipment Services key staff to review the overall fleet maintenance program, program information developed in the previous master plan, and discuss the City's vision and goals for the future.
- Program requirements for Equipment Services inventory management (including records and files) may be initially discussed under 2B.01, and further developed specific to the fleet maintenance program.
- Documentation from this task will be used in the subsequent in-person programming workshops with the Equipment Services Program Team.

.03 - Fuel Systems Management

- Coordinate and conduct a videoconference with the City's Equipment Services key staff to review the City's current approach to fleet fueling and the overall management of fuel systems.

- Prepare a preliminary analysis to address current and future considerations and implications of various fuel types and systems relative to operational resilience, sustainability, and cost.

.04 - Office and Work Environment Standards

- Coordinate and conduct a videoconference with the City's Office Standards Stakeholder Team to review the City's current office standards, review other example office standards and metrics, and review model approaches for office work environments accommodating a range of work types.

.05 - Diversity, Equity, and Inclusion (DEI) / Human-Centric Design

- Coordinate and conduct a videoconference with the City's DEI Stakeholder Team to review current City policies and goals relative to DEI considerations.
- Utilize the "Universal Design" framework for addressing topics of inclusive, equitable human-centric design.

2C – Programming Workshops

Prepare for and conduct in-person programming and design criteria sessions with the City's internal Stakeholder Teams, exploring and confirming all functional spaces, square footages, diagrammatic space layouts, operational workflow diagrams, adjacency configurations, and the identification of preliminary design criteria for each functional space or area.

- The sessions will take place over several days (during a single week) and will be scheduled and organized in blocks of 2-3 hours each, to be attended by members of the Design Team and the City's Stakeholder Teams as identified in the City Stakeholder Teams Roster.
- Other videoconference calls may be conducted prior to and following the in-person meetings as needed to confirm data and other information with key Stakeholders.
- Notes from each meeting or videoconference will be recorded and organized in Smartsheet by topics.
- See also Exhibit C.4 for detailed work scope by Equipment and Operational Planning Sub-consultant.

.01 - Shared Functions Teams In-Person Workshops

Conduct in-person workshop sessions with City's Shared Functions stakeholder teams as identified in the City Stakeholder Teams Roster.

.02 – Departmental Teams In-Person Workshops

Conduct in-person workshop sessions with each of the City' Departmental Stakeholder Teams as identified in the City Stakeholder Teams Roster.

2D – Space Program

.01 - Personnel Analysis: Existing and Projected Growth

- Review the City's current list of personnel to be included in the Program, and develop a spreadsheet document accounting for each FTE, organized by department
- Based on input from each department and other city staff projections, further develop the Personnel Analysis to include projected FTE increased over 10-, 20-, and 30-year projections.
- Note: The City will provide growth projection metrics based on Level of Service data tied to water utility service boundaries.

.02 - Parking Analysis: Existing and Projected Growth

- Review the vehicle and equipment list provided by the City and develop a spreadsheet (Parking Analysis) listing the vehicle/equipment number, year, make, model, description, VIN number (if available), description, and fuel-type. The list will be organized by Department.
- The Parking Analysis will be translated into the Space Program for determining programmatic requirements.
- The City will provide the most current Excel-based vehicle inventory for all vehicles intended to be domiciled and/or maintained at the facility.

.03 - Space Program

Prepare Draft and Final Space Program

- Prepare a draft Space Program in Excel format, organized by space type (heated and enclosed office, shop, and storage areas); covered areas, and open areas.
- The Space Program will provide recommended square footage and approximate space proportion, space quantity, primary adjacencies, general space criteria, and clear working height dimensions.
- Spaces will be identified with a numeric designation for reference to the Room Data Sheets (Task 2E).
- Based on review comments from the City's Stakeholder Teams, prepare a final Space Program incorporating review comments.

2E - Design Criteria

The Contractor shall prepare a Draft Programmatic Design Criteria document for City review. Following review by the City, a final Programmatic Design Criteria document will be prepared.

- See also Exhibit C.4 for detailed work scope by Equipment and Operational Planning Sub-consultant.

.01 - Preliminary Room Data Sheets

Prepare Draft and final Room Data Sheets

- Prepare Room Data Sheets for each primary building area, space, or room consisting of two and/or three-dimensional diagrams with key dimensional information, diagrammatic equipment and furnishings configurations, and other unique and relevant programmatic information.
- The Room Data Sheets will also summarize basic building system information to be accommodated in each area, space, or room including architectural (floor, wall and ceiling characteristics, door and window requirements, etc.); HVAC requirements (heating, cooling, ventilation); plumbing and piping requirements; electrical requirements (power and lighting); low voltage systems requirements (data-comm, audio-visual, security, other special systems); appliances, furnishings, and equipment.
- Based on review comments from the City's Stakeholder Teams, prepare final Room Data sheets incorporating review comments.

.02 – Preliminary Owners Performance Requirements (OPR's)

The Contractor shall conduct meetings with the City's OPR Team to review specific site and building systems for performance requirements and standards, identifying initial OPR criteria and metrics for all site and building systems, consistent with the City's Project Charter, and organized as summarized below. Prepare Draft OPR documents followed by final OPR documents incorporating City review comments.

Volume 1: Architectural, Structural, Equipment Systems

- Finish performance for flooring, walls and ceiling systems for each type of space.
- Exterior envelope performance for window and wall systems. (Note: Energy Conservation Analysis work completed under previous work scope will be further reviewed and modified as determined.)
- Signage Systems, restroom accessories.
- Structural Systems: Main office building, operations buildings, canopy storage structures.
- Equipment Systems (Preliminary Equipment List for shop equipment, storage systems, etc.)
- Vehicle Parking Analysis identifying all City-owned vehicles and other rolling stock to be located at the facility, along with specific parking requirements for stall size, covered, open or heated.

Volume 2 - HVAC, Plumbing, Electrical and Specialty Systems

- Building heating, cooling and ventilating systems, controls and equipment, including performance requirements for environmental comfort, humidity control, hours of operation, etc.
- Building plumbing and wet systems.
- Building electrical systems (general power, lighting, emergency power, etc.).
- Data-Communications and Audio-visual Systems .
- Security systems.
- Fire Protection Systems.
- Updated Preliminary Equipment List.
- Preliminary Energy Analysis Report setting preliminary Energy Use Intensity (EUI) Goal and proposing potential strategies to achieve goals.

Volume 3 – Site Systems

- Earthwork: Clearing, grading.
- Stormwater Management Systems: Conveyance, pre-treatment, retention.
- Wet Utility Systems (domestic water, fire flow water, sanitary sewer).
- Dry Utility Systems (electrical power distribution, site lighting, data-communications distribution).
- Landscaping & Irrigation.
- Hardscaping and pedestrian systems.
- On-site surfacing for driveways, parking areas, etc.
- Perimeter security fencing and gates.
- Off-Site Systems: streets and sidewalks, utilities, trails, etc.

TASK 3 – SITE INVESTIGATIONS & REGULATORY ANALYSIS

3A – Surveying

.01 - Coordination with City Survey Group

- Provide direction to City Survey staff for additional survey data and information needed for survey updating.

3B - Traffic Engineering

.01- Traffic Study (See Exhibit C.4 for detailed work scope)

- Provide updated trip generation data and comparative analysis with the traffic study information from the previous development approved by Clark County.
- Communicate with Clark County and the City to review data and confirm potential transportation improvement requirements.

- Provide budgetary estimating for off-site work associated with traffic improvements associated with the new development.

3C – Geotechnical (See Exhibit C.6 for detailed work scope)

.01 - Field Services

- Provide field services for borings and test pits to collect geotechnical data necessary for determining rainwater infiltration rates, soil bearing capacities, roadway section design recommendations, retaining wall design recommendations, and recommendations for wet soils weather work.

.02 – Geotechnical Report

- Prepare a report providing the interpretation of soils data and recommendations for rainwater infiltration rates, soil bearing capacities for foundation support, roadway section design recommendations, seismic design parameters, retaining wall design recommendations, and recommendations for wet soils weather work.
- Assist the Design Team with recommendations as needed during the development of site concepts as related to geotechnical considerations.

3D – Environmental (See Exhibit C.6 for detailed work scope.)

.01 - Level 1 Environmental Review

- Prepare a Phase 1 Environmental Assessment (ESA) to confirm historic uses
- Prepare a report providing findings and identification and evaluation of potential data gaps, and conclusions and recommendations regarding conditions indicative of releases or threatened releases of hazardous substances.

3E – Utilities (See Exhibits C.1 and C.3 for other detailed work scope descriptions.)

.01 - Water:

- Investigate water availability to the site including fire flow capacity. Obtain a letter of water availability, determine connection charges.
- Provide summary report as part of a collective Utilities Investigation Report.

.02 - Sewer:

- Investigate sewer availability, connection charges, and other relevant information to inform discussions, design strategies, alternatives, and decisions throughout other work scope tasks.
- Provide summary report as part of a collective Utilities Investigation Report.

.03 - Electrical:

- Investigate and research existing electrical distribution and power grid capacity with Clark Public Utilities. Inquiries to Clark PUD will include understanding known or planned projects that may impact the overall grid capacity for the Operations site.
- Prepare a summary of key data and information to inform discussions, design strategies, alternatives, and decisions throughout other work scope tasks.
- Provide summary report as part of a collective Utilities Investigation Report.

.04 - Natural Gas:

- Investigate natural gas availability, connection charges, and other relevant information to inform discussions, design strategies, alternatives, and decisions throughout other work scope tasks.
- Provide summary report as part of a collective Utilities Investigation Report.

.05 - Communications/Data:

- Investigate cable and fiber availability, connection charges, and other relevant information to inform discussions, design strategies (including connecting the new campus to the Downtown facilities), alternatives, and decisions throughout other work scope tasks.
- Provide summary report as part of a collective Utilities Investigation Report.

3F – Storm Water Management

.01 - Investigations and Research

- Investigate and research storm water management regulations, permitting requirements, and other data and information to inform site design discussions and alternatives.
- Provide a preliminary summary of findings report or memorandum.

3G – Regulatory Research and Process

.01 - Land Use Development Review and Research

- Confirm land use and building permit requirements, timeframes, and permit costs.
- Engage the City's planning, environmental, engineering, building and fire departments in a preliminary site plan review meeting to review site development questions and obtain initial comments and feedback regarding City requirements.
- Engage Clark County in preliminary discussions, building on discussions already in motion between the City and the County regarding transportation requirements. In particular, work with the County representatives to confirm the deletion of any requirements for the internal roadway previously required in the County's master plan.
- Develop a preliminary SEPA checklist as a guide to inform site development discussions, and as the precursor to the eventual final SEPA checklist that will be completed for formal site plan review.

.02 – Building Code Review and Research

- Prepare initial building code review summarizing primary life safety code, accessibility, and plumbing code information for each structure. (Note: these code items are key elements in driving initial predesign phase decisions regarding building design.)
- Discuss and confirm City's desired upgrades to seismic Risk Level.
- Meet with City of Vancouver planning and building staff to review proposed preliminary site and building development plans and confirm key building code interpretations.
- Summary of land use permit requirements, time frames and anticipated permit fee costs.

TASK 4 – SUSTAINABILITY

4A – Sustainability Goals and Benchmarking Approach

.01 – Sustainability Goals Development

- Organize and conduct an initial meeting with the City’s Sustainability Stakeholder Team to review and discuss the City’s sustainability goals, policies for green building, carbon neutrality, energy and water conservation, and other sustainable goals and outcomes. Of primary review and incorporation into the Project will be the City’s Climate Action Plan (published March 7, 2022), particularly goals for increasing tree canopy and carbon reduction through maximum electrification of the facility.
- Supplementing the City’s Climate Action Plan, the process for evaluating sustainability strategies for the Project will utilize the AIA’s Committee on the Environment (COTE) 10-point Framework for Design Excellence categories: Design for Integration, Design for Community, Design for Ecology, Design for Water, Design for Economy, Design for Energy, Design for Wellness, Design for Resources, Design for Change, and Design for Discovery.
- Discussions from this meeting will inform other stakeholder and program team discussions.
- Conduct up to two other videoconference meetings with key City staff for follow-up and additional assessment of sustainability information as the planning process progresses.

.02 – Sustainability Certification Approach and Research

- Based on discussions and goal setting with the City’s Sustainability Team, assist the City in determining a preferred benchmarking program for the project such as LEED, Green Globes, Envision, or other program.
- Based on the selected program’s assessment and scoring system, prepare a preliminary “scorecard” to identify initial anticipated benchmarking goals for the project.

4B – Sustainability Strategies and Analysis

.01 – Preliminary Energy Analysis

- Initial Energy Use Intensity (EUI) targets for each building.
- Analysis of energy strategies with emphasis on electrification strategies.

.02 – Ground Source Heat Exchange Investigations

- Provide soil conductivity testing to determine the anticipated level of soil conductivity performance for a geo-exchange well system.
- Provide an energy and cost benefit analysis for a geo-exchange system.
- An estimate for test boring on site is included under Reimbursables.

.03 – PV / BESS Analysis

- PV Systems Analysis: Prepare an analysis of photovoltaic (PV) energy production potential for the site including total output potential, first cost, life cycle costs and payback, summary of incentives, and other options and considerations.
- Battery Electric Storage Systems: Prepare an analysis of back-up power strategies including PV system back-up.

.04 – Daylighting Analysis

- Review parameters and metric for daylighting strategies for the main office building and operations buildings.

.05 – Carbon Analysis

- Explore materials alternatives for superstructure, cladding, and other materials for embodied carbon using “Tally” program.
- In addition to sustainable goals related to carbon reduction, evaluate materials alternatives with respect to materials availability, cost, maintenance, and other factors.

.06 - Mechanical Systems LCCA

- Perform a Life Cycle Cost Analysis comparing alternative HVAC systems.

.07 – Water Resources Analysis

- Prepare a water sustainability analysis, identifying all water usage anticipated on the site, compared with the annual water rainfall on site.
- Develop alternative strategies for water conservation and reuse.
- Prepare life cycle cost analysis for potential strategies.

TASK 5 – CONCEPTUAL DESIGN

5A – Preliminary Building Layout Alternatives

.01 - Program Assignments to Buildings

- Based on design criteria and information developed during Task 4, prepare updated preliminary site plan configuration drawings showing building locations, driveways, and other general site features.
- Based on design criteria information developed during Task 4, prepare preliminary building floor plans and other graphics as needed to convey design concepts.

.02 - Building Massing Studies

- Develop alternative building massing studies for each building, considering clear height for programmatic requirements and the exploration of upper stories for area efficiencies, land use optimization, and consolidation of functional adjacencies both horizontally and vertically.
- Preparation of building massing studies will assist in the development of daylighting studies in Task 5.

5B – Preliminary Site Layout Alternatives

.01 - Preliminary Site Configuration Alternatives

- Develop alternative approaches to site layouts exploring optimum workflow circulation, safety, growth potential, operational resilience, sustainability strategies, neighbor compatibility, and cost economy.
- Develop preliminary Civil systems layouts, exploring optimization, resilience, sustainability and economy for major site systems, particularly storm water management and utilities systems distribution.

5C – Conceptual Design Workshops

.01 - Alternatives Review Workshop

- Schedule and conduct an in-person workshop to review the conceptual layout alternatives with City staff as determined by the Management Teams and Advisory Committee.
- The workshop is intended to identify a preferred alternative for site configuration and general building footprint configurations.

.02 - Preferred Site and Building Layout Configurations

- Based on feedback from the Site Layout Alternatives, prepare the preferred conceptual site layout.
- Prepare an updated preliminary site-civil layout for the preferred site alternative.
- Note: If further evaluation is required to reach consensus on a preferred site layout alternative, additional exploration will be provided, and a follow-up videoconference will be scheduled to review such additional information. This additional site layout exploration may be competed under the SD1 Phase 1B work.

TASK 6 – COST AND BUDGET MANAGEMENT

6A – Cost Modeling

.01 - Preliminary Cost Model

- Develop a Cost Model structure for use in assessing anticipated ranges of costs. Engage the Management Team to consider alignment with City asset management strategies where appropriate.
- Using a Target Value Design (TVD) approach, prepare an initial Cost Model as part of the site and building alternatives exploration.

.02 - Cost Model Review

- Conduct a Design Team workshop to review the preliminary cost model and determine adjustments and updates as needed prior to meeting with the City. Issue the preliminary cost model to the Management Team for review prior to the video conference noted below.
- Conduct a video conference cost model review workshop with the City's Management Team and Advisory Team. The Cost Model will allow for initial discussions of major systems and design elements in relationship to total project costs.
- Prepare an updated Cost Model based on discussions and City input.

.03 - Major Systems Comparative Analysis

- Meet with the Management Team and members of the OPR Team to review and confirm the Project elements that will be evaluated within a comparative analysis process, and the criteria that will be considered for each analysis.
- Prepare basic cost-benefit comparisons for major systems including pavement surfacing (concrete vs asphalt); superstructure (steel (including pre-engineered vs custom steel), concrete, wood, hybrid); and building envelope systems.
- Note: HVAC life cycle cost analysis is included under Task 4, Sustainability.

6B – Predesign Cost Estimating

.01 – Preferred Concept Predesign Cost Estimate

- Based on the preferred alternative layout for the site and buildings, prepare a Predesign level cost estimate accounting for all elements of the Project.
- The estimate will be organized to identify construction costs for each building and all site and off-site work, accounting for general contractor overhead and profit, design contingencies, future escalation factors, Owner's management reserve contingencies, equipment and furnishings, and other elements as determined.

6C – Budget Development

- Develop a full Project Budget accounting for Soft Costs including sales tax, professional services, permitting costs, utilities connections, construction phase services, and other costs as identified. Engage the Management Team in the process of developing the Project Budget structure to ensure alignment with City management needs.
- Facilitate an in-person review meeting to discuss the estimated costs, determine potential cost saving alternatives, and confirm a tentative Project Budget.

TASK 7 – COMMUNITY OUTREACH

.01 - Technical Advisory Group

- Prepare and assemble data and materials for the City's use in presenting Project information to a Technical Advisory Group.

.01 – Other Outreach Assistance

- Prepare data and graphic materials as needed for outreach purposes conducted by the City.

TASK 8 – GC/CM ASSISTANCE

.01 – GC/CM Process Assistance

- Assist the City in evaluating the GC/CM delivery method for the project as needed and requested.

TASK 9 – PREDESIGN REPORT

9A – Draft Predesign Report

Provide a draft Predesign Report in electronic .pdf format collecting and presenting all Predesign documentation. The report package will include:

- A Summary Report providing a comprehensive narrative of the project including project history and background, purpose, mission and goals, City benefit for service levels, program, conceptual design, project budget, sustainability strategies and metrics, human-centric/DEI approach, and other categories as appropriate.
- Appendices providing all final Predesign Deliverables
- Assistance to Public Works for presenting the documentation and recommendations to the City Council.

9B – Final Predesign Report and Transition to Phase 1B

- Based on feedback from the City, prepare a final Predesign report in .pdf format incorporating the City's review comments.
- Meet with the Management Team to confirm direction for proceeding into Phase 1B, updating the Project Schedule, confirming the Project Budget, and confirming adjustments to be made to the Project Delivery Plan.

PHASE 1B - SCHEMATIC DESIGN 1 (SD1)

1 – PROJECT ADMINISTRATION

1A - General Project Management

- Provide on-going, day to day management of the Project including normal correspondence, coordination with Design Team members, coordination with the City's Project Manager, scheduling of activities, and Smartsheet documentation management.
- Provide an updated Project Schedule in Smartsheet identifying in greater detail, key project activities and major deliverables through SD-1, and activities and key preliminary milestones for the full project through design, construction documents, permitting and construction.
- Provide monthly status updates with each monthly invoice for work completed.

1B – Updated Project Delivery Plan

- Based on feedback under Phase 1 Task 9B, provide an updated Project Delivery Plan incorporating the findings and conclusions, adjusting project goals as needed, formalizing the Project Budget, refining the Project Schedule, and defining the overall Project Scope.
- The updated Project Delivery Plan will be issued to all Design Team members and City Stakeholder Teams, providing Project definition as the Project advances to the subsequent phases.

2 – SCHEMATIC 1 BUILDING DESIGN

2A – SD1 Building Design

Note: All work under Task 2 for building design will coincide with the work scope identified under Task 3 for site design

.01 - Alternative Architectural Design Concepts

- The Design Team will develop up to two alternative architectural building designs conveying architectural character, materiality, massing, etc.
- Drawings will include floor plans, building sections and elevations, two- and three-dimensional drawings and graphics (see Task 2F), and other drawings as needed to convey initial design intent.
- Provide architectural design narratives to convey design intent and inspiration for each concept.
- Design graphics will illustrate floor plan layouts including departmental and functional adjacencies, furnishing and equipment layouts, vertical circulation, access points, operational workflow, and other design information.
- See Task 2G for Design Review Meetings.

.02 – Updated Building Design (SD1)

- Based on the feedback from the initial SD1 concept review meetings, further refine the floor plan layouts and architectural character studies for each building.
- Prepare comparative analysis between competing designs if needed, including cost/value differences, sustainable feature differences, and other criteria as determined with the City.

03 – Refined Architectural Design

- Based on discussions and conclusions from the Management Team and Advisory Committee meeting, (Task 2G) prepare a final package of SD1 design documents including drawings, narratives, and a summary of overall project design relative to project goals.

2B – Updated Program Document

- Based on the SD1 refined drawings and discussions with the City's Stakeholder Teams, refine the space program and room data sheets accordingly.
- As needed, provide final refinements to the Program if changed criteria assumptions and metrics are discovered.

2C – Building Basis of Design Narratives

- Conduct up to two videoconference meetings with each of the OPR Stakeholder groups to review the Predesign OPR documents and further discuss building and site systems in context with the emerging SD1 design.
- Provide preliminary "Basis of Design" narratives for each building and site system to further define the intended systems, materials, and products to be carried forward into the next design phase, and for updated cost estimating:
 - Structural Systems
 - Architectural Systems
 - HVAC Systems
 - Plumbing Systems
 - Electrical Systems
 - Low Voltage Systems (Data/Comm, Security, Audio Visual)
 - Shop Equipment and Storage Systems
 - Elevator Conveying Systems
 - Furnishings
 - Environmental Graphics
 - Appliances

2D – Updated Equipment List

- Conduct up to two videoconference meetings with the Equipment Services and Shared Functions Stakeholder Teams to review the Predesign Phase Equipment List in context with the emerging SD1 design drawings.
- Based on input and feedback from the City's Stakeholder Program Teams, provide an updated Preliminary Equipment List identifying all shop equipment, storage systems, and fueling and washing systems, organized by functional area and including preliminary cost data.
- Identify each equipment item as either Owner-Furnished/Owner-Installed (OF/OI); Owner Furnished/Contractor Installed (OF/CI), or Contractor Furnished/Contractor Installed (CF/CI).

2E - Updated Office Standards

- Conduct one in person meeting and up to three videoconference meetings with the Office Standards and DEI Stakeholders Teams.
- Based on input and feedback from the City's Stakeholder Teams, provide an updated Office Standards document.
- Comments and feedback will be documented in Smartsheet.

2F – Renderings and Graphics

- Revit and Lumion, develop two dimensional and three-dimensional architectural design graphics conveying design character as architectural design concepts are explored.
- Provide use of virtual reality tools as part of the in-person SD1 design workshops.

2G – Design Review Meetings

.01 - Initial SD1 In-Person Design Review Meetings

- Schedule and conduct in-person design review sessions in a selected week, to meet with the various Stakeholder Teams for the review of the alternative designs. Stakeholder Teams will include the Advisory Team, Program Teams, Sustainability Team, OPR Teams, and DEI/Office Standards Team(s).
- Engage each Stakeholder Team in the process of evaluating the alternative designs with respect to the Project Goals and the criteria established in the Predesign Phase.
- Confirm design decision-making process for advancing forward with a preferred design.
- Note: At this stage, floor plans, building massing, building heights and stories, and other operational features may be decided upon while the architectural expression may yet require further development and Stakeholder input.

.02 – Follow-up SD1 Design Meetings

- Schedule and conduct in-person design review sessions in a selected week to meet with the various Stakeholder Teams to review the updated design and comparative documentation.
- Based on the discussions and feedback from each Stakeholder Team, meet with the Management Team and Advisory Committee to evaluate the integration of all information and determine if the project design can meet or improve upon the Project Goals established in the updated Project Delivery Plan.
- Conduct follow-up videoconference meetings as needed with Stakeholder representatives to provide additional clarity or review preliminary updates.

3 – SCHEMATIC 1 SITE DESIGN

3A – SD1 Architectural Site Design

- Concurrent with the building design work described under SD1 Task 2, up to two alternative site plan layouts will be explored unless a preferred site layout is already selected in the Predesign Phase.
- The site layouts will further develop and consider the preliminary site exploration developed in the Predesign Phase for the full property.

3B – SD1 Civil and Landscape Site Design

- Prepare preliminary site plan drawings exploring and integrating site-civil systems with the site plan concepts.
- Drawings will explore preliminary storm water management approaches, mass grading, wet and dry utilities distribution, and surfacing considerations.

3C – Site Basis of Design Narratives

- Earthwork: Clearing, grading.
- Stormwater Management Systems: Conveyance, pre-treatment, retention.
- Wet Utility Systems (domestic water, fire flow water, sanitary sewer).
- Dry Utility Systems (electrical power distribution, site lighting, data-communications distribution).
- Landscaping & Irrigation.
- Hardscaping and pedestrian systems.
- On-site surfacing for driveways and parking areas.
- Perimeter security fencing and gates.
- Off-Site Systems: streets and sidewalks, utilities, and trails.

3D – Design Review Meetings

- See Task 2G. Preliminary site design review meetings will generally run concurrent with the building design review meetings.
- Conduct follow-up videoconference meetings as needed to further clarify and refine information associated with the site plan process.

4 – SUSTAINABILITY

4A - Benchmarking Scorecard

- Depending on the direction determined under the Phase 1 Task 4 work, provide an initial “scorecard” or other benchmarking summary establishing goal levels for key sustainability criteria.

4B – Updated Energy Study

- Based on data developed from the emerging SD1 design for each building and the site, provide an updated Energy Study incorporating:
 - Daylighting analysis.
 - Updated Energy EUI analysis with selected energy strategies.
 - Calculated Net Zero energy and carbon level analysis towards the 2030 Challenge goals.
 - Updated PV/BESS analysis.
 - Updated geo-exchange analysis.
 - Emphasis on carbon-neutral design and campus electrification.

4C – Sustainability Report

- Consolidating all Sustainability information, documentation, recommendations, and decisions, prepare a Sustainability Report.

- Identify how the project will be designed to address the stated goals and policies of the City’s Green Building Policy and Climate Action Plan, with particular emphasis on addressing the topics of tree canopy and campus electrification.

4D – Updated Carbon Analysis

- Based on the emerging SD1 design concepts, provide an updated analysis of embodied carbon represented throughout the various buildings using “Tally”.
- Conduct a videoconference meeting with the Sustainability Stakeholder Team to review findings of the Tally program.

5 – REGULATORY

5A - Pre-Application Process

- Assemble conceptual site plan, conceptual utility plan and storm plan in ACAD
- Prepare and submit Pre-application packets for City and County.
- Attend Pre-application Conferences with the Agencies.
- Review Pre-application notes and discuss with team.

5B – Additional Regulatory Investigation

- Coordinate additional discussions with Agency staff regarding the need for interagency agreements addressing approval requirements of transferred/annexed property.
- Discuss Road Modification history and requirements with County transportation staff.
- Continue development of SEPA Checklist in preparation for SEPA submittal under Phase 2 work scope.

5C - Code Analysis and Compliance

- As the SD1 design progresses, prepare an updated preliminary building code analysis using the 2018 International Building Code (IBC) and all other codes as adopted by the City of Vancouver.
- Confirm when the City intends to adopt the 2021 IBC.

6 – COST AND BUDGET MANAGEMENT

6A – Target Value Design Analysis

- As part of the on-going development of the SD1 design documents, as the Project design progresses, provide review of design options during regular Management Team meetings relative to cost Target Values, adjusting the cost model in preparation for the SD1 Cost Estimate.

6B – Updated Comprehensive Project Cost Estimate

- Based on the SD1 design confirmed with the City’s Management Team through the design process, prepare a comprehensive cost estimate for all site work, off-site work, buildings, soft costs, contingencies.
- Engage the Management Team in structuring the Comprehensive Project Estimate as appropriate and practical to align with and consider executed City budget and expenditure categories and line items.
- Provide market escalation analysis and incorporate escalation adjustments into the estimate.

6C – Project Budget Confirmation

- Conduct an in-person scope and cost review workshop with the City's Management Team and other Stakeholders as determined. This meeting is intended provide confirmation of the overall scope of the project, conceptual architectural design, and Project Budget.

7 – COMMUNITY OUTREACH

7A – Technical Advisory Committee

- Within the available fee budget, assist the City as needed and requested to meet with and communicate with a Technical Advisory Committee.

7B – Outreach Materials

- Within the available fee budget, provide graphics, data, and narratives as requested for the City to use in its community outreach efforts.

8 – GC/CM ASSISTANCE

8A – PRC Process Assistance

- Within the available fee budget, assist the City in the process of pursuing PRC approval for GC/CM project delivery.
- It is assumed that the City will secure a third-party Owner's Representative firm to lead the process of PRC approvals.
- Ideally, a GC/CM entity will be selected and become a part of the Project Team prior to the completion of the SD1 Phase work.

9 – SD 1 FINAL DELIVERABLES & APPROVALS

SD1 Documents

- Assemble a final draft package of all SD1 documents.
- SD Report: Prepare a written report summarizing the SD1 work and providing an overall summary of the project scope, schedule, budget, and approach to meeting or improving upon the City's goals.
- Conduct a videoconference with the City's Management Team and Project Sponsors to review the SD1 final draft report, address questions, and determine next steps.
- The City will review the final draft SD1 documents and provide written comments for incorporation into a Final SD1 deliverable.

SD1 Presentation – Transition to Phase 2 Scope

- Based on comments received from the City, prepare a final SD1 package of documents.
- Participate in a presentation to the City Council if requested.
- Confirm next steps for moving forward into the Phase 2 work scope.

CITY OF VANCOUVER
Operations Center
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TASK NO.	PROJECT TASKS	TCF Architecture	SubConsultant Team Members (Contracted under TCF- See Separate Exhibits for Detailed Work Scope)													TOTALS
			Exhibit C.1 MacKay Sposito (Civil-Ldsc)	Exhibit C.2 PCS (Structural)	Exhibit C.3 Interface (MEP/FP)	Exhibit C.4 WSP (Equip/Ops/ Traffic)	Exhibit C.5 RCCG (Cost Est.)	Exhibit C.6 NV5 (Geotech- Enviro)	Exhibit C.7 Open Square (Office Systems)	Exhibit C.8 2020 Eng. (Water Systems)	Exhibit C.9 Point North (Outreach)	Exhibit C.10 Hendricks (Enviro Graphics)	Exhibit C.11 AINW (Cultural Resources)	Exhibit C.12 Lerch Bates (Elevator)	Exhibit C.13 ABBAAE (Envelope)	

PHASE 1A - PREDESIGN

TASK 1 - PROJECT ADMINISTRATION & DATA GATHERING																
1A	General Project Management:		\$54,100	\$5,220												
1B	Data Gathering - Research - Project Library		\$11,180	\$4,620		\$12,800	\$2,579									
1C	Project Delivery Plan - Draft and Updates		\$14,250	\$2,900		\$3,910										
	Travel Time Budget		\$7,980													
	SUBTOTAL		\$87,510	\$12,740	\$0	\$16,710	\$2,579	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$119,539

TASK 2 - PROGRAMMING & DESIGN CRITERIA																
2A	Facility Tours		\$7,950	\$2,180		\$4,800	\$10,187									
2B	Pre-Workshop Preparation		\$52,700	\$1,955		\$3,340	\$7,623		\$5,000							
2C	Program Workshops and Follow-ups		\$60,000	\$6,615		\$20,480	\$21,228		\$3,000							
2D	Space Program		\$24,500				\$15,414		\$1,000							
2E	Design Criteria		\$51,900	\$2,960	\$4,320	\$11,960	\$35,245		\$11,000							
	Travel Time Budget		\$7,360	\$1,700		\$5,440										
	SUBTOTAL		\$204,410	\$15,410	\$4,320	\$46,020	\$89,697	\$0	\$0	\$20,000	\$0	\$0	\$0	\$0	\$0	\$379,857

TASK 3 - SITE INVESTIGATIONS AND REGULATORY PROCESS																
3A	Survey Coordination with City		\$310	\$1,480												
3B	Traffic Engineering		\$3,760	\$1,050		\$9,582										
3C	Geotechnical - Field Investigations and Report		\$2,240	\$1,160				\$69,325								
3D	Environmental - Phase 1		\$1,580	\$1,160				\$4,100					\$3,000			
3E	Utilities Investigations - Research		\$1,860													
3E.01	Water		\$0	\$740		\$1,510										
3E.02	Sewer		\$0	\$740												
3E.03	Electrical		\$0			\$1,380										
3E.04	Natural Gas		\$0	\$370		\$840										
3E.05	Data/Comm		\$0			\$1,380										
3F	Storm Water Management - Investigations & Research		\$620	\$6,040												
3G	Regulatory Research and Process		\$11,000	\$6,330		\$1,570										
	Travel Time Budget		\$1,940	\$370												
	SUBTOTAL		\$23,310	\$19,440	\$0	\$6,680	\$9,582	\$0	\$73,425	\$0	\$0	\$0	\$3,000	\$0	\$0	\$135,437

TASK 4 - SUSTAINABILITY																
4A	Sustainability Goals and Benchmarking Approach		\$14,120	\$3,780		\$2,880				\$1,500						
4B	Sustainability Strategies and Analysis		\$28,060	\$2,300	\$2,160					\$1,500					\$3,000	
4B.01	Preliminary Energy Analysis Study		\$1,600			\$13,120										
4B.02	Ground Source Heat Exchange Investigations/Analysis (See Reimb Line for On-site Drilling Budget)		\$1,600			\$10,000										
4B.03	PV/BESS Analysis		\$1,600			\$5,520										
4B.04	Preliminary Daylighting Analysis		\$1,600			\$6,060										
4B.05	Carbon Analysis		\$6,200	\$1,280	\$500											
4B.06	HVAC Systems LCCA		\$1,600			\$11,160										
4B.07	Water Resources Analysis		\$1,600			\$2,380				\$5,000						
	Travel Time Budget		\$1,700													
	SUBTOTAL		\$59,680	\$6,080	\$3,440	\$51,620	\$0	\$0	\$0	\$0	\$8,000	\$0	\$0	\$0	\$3,000	\$131,820

CITY OF VANCOUVER
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TASK NO.	PROJECT TASKS		TCF Architecture	SubConsultant Team Members (Contracted under TCF- See Separate Exhibits for Detailed Work Scope)													TOTALS
				Exhibit C.1 MacKay Sposito (Civil-Ldsc)	Exhibit C.2 PCS (Structural)	Exhibit C.3 Interface (MEP/FP)	Exhibit C.4 WSP (Equip/Ops/ Traffic)	Exhibit C.5 RCCG (Cost Est.)	Exhibit C.6 NV5 (Geotech- Enviro)	Exhibit C.7 Open Square (Office Systems)	Exhibit C.8 2020 Eng. (Water Systems)	Exhibit C.9 Point North (Outreach)	Exhibit C.10 Hendricks (Enviro Graphics)	Exhibit C.11 AINW (Cultural Resources)	Exhibit C.12 Lerch Bates (Elevator)	Exhibit C.13 ABBAAE (Envelope)	
TASK 5 - CONCEPTUAL DESIGN																	
5A	Preliminary Building Layouts		\$41,160		\$21,760	\$5,820	\$21,211										
5B	Preliminary Site Layouts		\$24,620	\$31,770		\$2,980	\$16,117										
5C	Site & Bldg Alternatives Workshop and Follow-up		\$33,580	\$8,810		\$4,260	\$31,894										
	Travel Time Budget		\$6,360			\$1,420											
	SUBTOTAL		\$105,720	\$40,580	\$21,760	\$14,480	\$69,222	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$251,762
TASK 6 - COST BUDGETING AND MANAGEMENT																	
6A	Cost Modeling and Target Value Design Process		\$0														
6A.01	Cost Model Structure and Prelim Modeling		\$11,480	\$4,600	\$2,160	\$3,520	\$7,000										
6A.02	Cost Model Review Workshop		\$8,840	\$1,480		\$2,560	\$1,086										
6A.03	Comparative Estimating for Major Systems		\$3,820	\$1,480		\$5,980	\$6,000										
6B	Pre-design Estimating		\$5,780	\$4,380		\$1,420	\$6,624	\$13,825									
6C	Project Budget Development Process		\$6,160	\$2,940													
	Travel Time Budget		\$1,820														
	SUBTOTAL		\$37,900	\$14,880	\$2,160	\$13,480	\$7,710	\$26,825	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$102,955
TASK 7 - COMMUNITY OUTREACH ASSISTANCE																	
7A	Technical Advisory Group - Assistance		\$1,820														
7B	Preparation of Outreach Materials		\$8,100	\$2,730							\$10,000						
	Travel Time Budget		\$0														
	SUBTOTAL		\$9,920	\$2,730	\$0	\$0	\$0	\$0	\$0	\$0	\$10,000	\$0	\$0	\$0	\$0	\$0	\$22,650
TASK 8 - GC/CM ASSISTANCE																	
8A	GC/CM Process Assistance		\$5,460														
	Travel Time Budget		\$0														
	SUBTOTAL		\$5,460	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$5,460
TASK 9 - PREDESIGN DELIVERABLES, PRESENTATIONS																	
9A	Draft Pre-design Report / Presentation		\$16,000			\$3,000	\$2,497										
9B	Final Pre-design Report / Presentation		\$6,960			\$1,220	\$2,497										
	Travel Time Budget		\$3,020			\$500											
	SUBTOTAL		\$25,980	\$0	\$0	\$4,720	\$4,994	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$35,694
SUBTOTAL PER TEAM MEMBER - ALL TASKS			\$559,890	\$111,860	\$31,680	\$153,710	\$183,784	\$26,825	\$73,425	\$20,000	\$8,000	\$10,000	\$0	\$3,000	\$0	\$3,000	\$1,185,174
REIMBURSABLE EXPENSE BUDGETS			\$12,500	\$1,000	\$500	\$53,000	\$16,598	\$0	\$500	\$500	\$500	\$500	\$0	\$500	\$0	\$0	\$86,098
SUBTOTAL PER FIRM - (Incl Sub-Cons. Reimb Exp Budgets)				\$112,860	\$32,180	\$206,710	\$200,382	\$26,825	\$73,925	\$20,500	\$8,500	\$10,500	\$0	\$3,500	\$0	\$3,000	\$1,271,272
TCFA MARKUP ON CONSULTANT SERVICES (10%)			N/A	\$11,286	\$3,218	\$20,671	\$20,038	\$2,683	\$7,393	\$2,050	\$850	\$1,050	\$0	\$350	\$0	\$300	\$69,888
TOTAL PER FIRM - ALL TASKS (Incl. Mark-ups)			\$572,390	\$124,146	\$35,398	\$227,381	\$220,420	\$29,508	\$81,318	\$22,550	\$9,350	\$11,550	\$0	\$3,850	\$0	\$3,300	\$1,341,160
TOTAL PHASE 1A PREDESIGN FEE BUDGET (Not To Exceed)																	\$1,341,160

CITY OF VANCOUVER
Operations Center
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TASK NO.	PROJECT TASKS	TCF Architecture	SubConsultant Team Members (Contracted under TCF- See Separate Exhibits for Detailed Work Scope)												TOTALS
			Exhibit C.1 MacKay Sposito (Civil-Ldsc)	Exhibit C.2 PCS (Structural)	Exhibit C.3 Interface (MEP/FP)	Exhibit C.4 WSP (Equip/Ops/ Traffic)	Exhibit C.5 RCCG (Cost Est.)	Exhibit C.6 NV5 (Geotech- Enviro)	Exhibit C.7 Open Square (Office Systems)	Exhibit C.8 2020 Eng. (Water Systems)	Exhibit C.9 Point North (Outreach)	Exhibit C.10 Hendricks (Enviro Graphics)	Exhibit C.11 AINW (Cultural Resources)	Exhibit C.12 Lerch Bates (Elevator)	Exhibit C.13 ABBAAE (Envelope)

PHASE 1B - SCHEMATIC DESIGN 1 (SD1)

TASK 1 - PROJECT ADMINISTRATION & DATA GATHERING																
1A	General Project Management:		\$36,900	\$5,484		\$9,520										
1B	Project Delivery Plan - Draft and Updates		\$7,050			\$4,080										
	Travel Time Budget		\$3,800													
	SUBTOTAL		\$47,750	\$5,484	\$0	\$13,600	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$66,834

TASK 2 - SCHEMATIC 1 BUILDING DESIGN																
2A	SD1 Building Design		\$336,050		\$77,440	\$14,300	\$28,899									
2B	Updated Program Document		\$8,300			\$1,480	\$15,471									
2C	Basis of Design Narratives		\$12,940	\$5,000		\$90,000	\$39,687							\$4,000	\$3,000	
2D	Updated Equipment List		\$1,550				\$11,782									
2E	Updated Office Standards		\$18,020						\$5,000							
2F	Renderings and Graphics		\$23,630													
2G	Design review Meetings		\$43,900		\$8,880	\$40,000	\$15,934		\$5,000							
	Travel Time Budget		\$9,940			\$6,320										
	SUBTOTAL		\$454,330	\$0	\$91,320	\$152,100	\$111,773	\$0	\$0	\$10,000	\$0	\$0	\$0	\$4,000	\$3,000	\$826,523

TASK 3 - SCHEMATIC 1 SITE DESIGN																
3A	SD1 Architectural Site Design		\$64,200				\$16,542									
3B	SD1 Civil and Landscape Design		\$3,960	\$53,426												
3C	Site Systems Basis of Design		\$620	\$2,288		\$14,994				\$2,000						
3D	Design Review Meetings		\$3,260	\$9,468		\$12,240	\$4,484									
	Travel Time Budget		\$1,440			\$2,960										
	SUBTOTAL		\$73,480	\$65,182	\$0	\$30,194	\$21,026	\$0	\$0	\$0	\$2,000	\$0	\$0	\$0	\$0	\$191,882

TASK 4 - SUSTAINABILITY																
4A	Benchmarking Scorecard		\$17,220	\$2,268		\$5,440				\$1,500						
4B	Updated Energy Study (Incl Daylighting, PV,)		\$2,860			\$30,480										
4C	Sustainability Report		\$15,560	\$5,139		\$15,088				\$1,500						
4D	Updated Carbon Analysis		\$7,240		\$2,380	\$1,000										
	Travel Time Budget		\$540			\$1,000				\$1,500						
	SUBTOTAL		\$43,420	\$7,407	\$2,380	\$53,008	\$0	\$0	\$0	\$0	\$4,500	\$0	\$0	\$0	\$0	\$110,715

TASK 5 - REGULATORY																
5A	Pre-Application Process (City and County)		\$14,220	\$8,503												
5B	Preliminary SEPA Checklist - Landuse Submittal Documents		\$3,730	\$4,430									\$2,000			
5C	Code Analysis and Compliance Research		\$13,870		\$1,600	\$11,864										
	Travel Time Budget		\$0													
	SUBTOTAL		\$31,820	\$12,933	\$1,600	\$11,864	\$0	\$0	\$0	\$0	\$0	\$0	\$2,000	\$0	\$0	\$60,217

TASK 6 - COST BUDGETING AND MANAGEMENT																
6A	Target Value Design Analysis		\$21,780	\$3,326	\$3,200	\$20,080		\$9,250								
6B	Updated Comprehensive Project Estimate		\$9,750	\$2,550		\$2,840		\$35,890								
6C	Project Budget Confirmation Process		\$4,500	\$3,348		\$740										
	Travel Time Budget		\$1,240													
	SUBTOTAL		\$37,270	\$9,224	\$3,200	\$23,660	\$0	\$45,140	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$118,494

CITY OF VANCOUVER
Operations Center
(VPOC)

EXHIBIT "A.1"
MASTER FEE SCHEDULE

TASK NO.	PROJECT TASKS		TCF Architecture	SubConsultant Team Members (Contracted under TCF- See Separate Exhibits for Detailed Work Scope)												TOTALS	
				Exhibit C.1 MacKay Sposito (Civil-Ldsc)	Exhibit C.2 PCS (Structural)	Exhibit C.3 Interface (MEP/FP)	Exhibit C.4 WSP (Equip/Ops/ Traffic)	Exhibit C.5 RCCG (Cost Est.)	Exhibit C.6 NV5 (Geotech- Enviro)	Exhibit C.7 Open Square (Office Systems)	Exhibit C.8 2020 Eng. (Water Systems)	Exhibit C.9 Point North (Outreach)	Exhibit C.10 Hendricks (Enviro Graphics)	Exhibit C.11 AINW (Cultural Resources)	Exhibit C.12 Lerch Bates (Elevator)		Exhibit C.13 ABBAAE (Envelope)
TASK 7 - COMMUNITY OUTREACH ASSISTANCE																	
7A	Techninical Advisory Group - Assistance		\$1,240														
7B	Preparation of Outreach Materials		\$9,360	\$5,466								\$5,000	\$3,000				
	Travel Time Budget		\$0	\$761													
	SUBTOTAL		\$10,600	\$6,227	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$5,000	\$3,000	\$0	\$0	\$0	\$24,827
TASK 8 - GC/CM ASSISTANCE																	
8A	PRC Process Assistance		\$7,300														
8B	GC/CM Selection Process Assistance		\$3,720														
	Travel Time Budget		\$1,900														
	SUBTOTAL		\$12,920	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$12,920
TASK 9 - SD1 DELIVERABLES, PRESENTATIONS & APPROVALS																	
9A	SD1 Deliverables Report Package		\$58,980	\$3,252		\$4,026	\$7,594										
9B	SD1 - Presentation - Transition to Phase 2 Scope		\$6,360	\$2,404		\$1,960	\$4,371										
	General Meetings - Unassigned		\$12,980	\$19,400													
	Travel Time Budget		\$6,680			\$1,480											
	SUBTOTAL		\$85,000	\$25,056	\$0	\$7,466	\$11,965	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$129,487
SUBTOTAL PER TEAM MEMBER - ALL TASKS			\$796,590	\$131,513	\$98,500	\$291,892	\$144,764	\$45,140	\$0	\$10,000	\$6,500	\$5,000	\$3,000	\$2,000	\$4,000	\$3,000	\$1,541,899
REIMBURSABLE EXPENSE BUDGETS			\$12,500	\$1,000	\$500	\$1,000	\$0	\$0	\$500	\$500	\$500				\$0	\$0	\$16,500
SUBTOTAL PER FIRM - (Incl Sub-Cons. Reimb Exp Budgets)				\$132,513	\$99,000	\$292,892	\$144,764	\$45,140	\$500	\$10,500	\$7,000	\$5,000	\$3,000	\$2,000	\$4,000	\$3,000	\$1,558,399
TCFA MARKUP ON CONSULTANT SERVICES (10%)			N/A	\$13,251	\$9,900	\$29,289	\$14,476	\$4,514	\$50	\$1,050	\$700	\$500	\$300	\$200	\$400	\$300	\$74,931
TOTAL PHASE 1B PER FIRM - ALL TASKS (Incl. Mark-ups)			\$809,090	\$145,764	\$108,900	\$322,181	\$159,240	\$49,654	\$550	\$11,550	\$7,700	\$5,500	\$3,300	\$2,200	\$4,400	\$3,300	\$1,633,330
SUMMARY OF COMBINED LABOR FEE BUDGETS			\$1,356,480	\$243,373	\$130,180	\$445,602	\$328,548	\$71,965	\$73,425	\$30,000	\$14,500	\$15,000	\$3,000	\$5,000	\$4,000	\$6,000	\$2,727,073
TOTAL COMBINED PHASE 1 REIMBURSABLES FEE BUDGET			\$25,000	\$2,000	\$1,000	\$54,000	\$16,598	\$0	\$1,000	\$1,000	\$1,000	\$500	\$0	\$500	\$0	\$0	\$102,598
TOTAL COMBINED PHASE 1 MARK-UPS				\$24,537	\$13,118	\$49,960	\$34,515	\$7,197	\$7,443	\$3,100	\$1,550	\$1,550	\$300	\$550	\$400	\$600	\$144,819
COMBINED PHASE 1 BUDGET (Hourly Not To Exceed)																	\$2,974,490

TASK NO.	PROJECT TASKS	TCF Architecture Architecture / Planning Project Management													
		Managing Principal Randy	Principal Mark	Architect / Designer 9 Scott	Architect/ Designer 8 Gail	Architect / Designer 7 Kyle	Architect/ Designer 6 Ryan	Architect/ Designer 5	Architect/ Designer 4	Architect/ Designer 2 Kristin	Architect/ Designer 3 TBD	Architect 2 Jeremy	Designer 2 TBD	Project Coordinator Teta	Admin Assistant
PHASE 1A - PREDESIGN															
TASK 1 - PROJECT ADMINISTRATION															
1A	General Project Management:	80					120							100	
1B	Data Gathering - Research - Project Library	10				12	40								
1C	Project Delivery Plan - Draft and Updates	20			20	10	20								
	Travel Time Budget	20			4	4	4								
	HOURS	130	0	0	24	26	184	0	0	0	0	0	0	100	0
	HOURLY RATE	\$300	\$275	\$185	\$175	\$165	\$155	\$145	\$135	\$125	\$125	\$115	\$115	\$115	\$95
	FEES	\$39,000	\$0	\$0	\$4,200	\$4,290	\$28,520	\$0	\$0	\$0	\$0	\$0	\$0	\$11,500	\$0
	SUBTOTAL	\$87,510.00													
TASK 2 - PROGRAMMING AND DESIGN CRITERIA															
2A	Facility Tours	10			10	10	10								
2B	Pre-Workshop Preparation	40			80	60	60			60					
2C	Program Workshops and Follow-ups	40			80	80	40			80			40		
2D	Space Program	10			40	20	40			40					
2E	Design Criteria	20			60	120	40			20			60		
	Travel Time Budget	8			8	8	8			8					
	HOURS	128	0	0	278	298	198	0	0	208	0	0	100	0	0
	HOURLY RATE	\$300	\$275	\$185	\$175	\$165	\$155	\$145	\$135	\$125	\$125	\$115	\$115	\$115	\$95
	FEES	\$38,400	\$0	\$0	\$48,650	\$49,170	\$30,690	\$0	\$0	\$26,000	\$0	\$0	\$11,500	\$0	\$0
	SUBTOTAL	\$204,410													
TASK 3 - SITE INVESTIGATIONS AND REGULATORY PROCESS															
3A	Survey Coordination with City						2								
3B	Traffic Engineering	4				8	8								
3C	Geotechnical - Field Investigations and Report	1				8	4								
3D	Environmental - Phase 1	1				4	4								
3E	Utilities Investigations - Research						12								
3E.01	Water														
3E.02	Sewer														
3E.03	Electrical														
3E.04	Natural Gas														
3E.05	Data/Comm														
3F	Storm Water Management - Investigations & Research						4								
3G	Regulatory Research and Process	2			4	40	20								
	Travel Time Budget					8	4								
	HOURS	8	0	0	4	68	58	0	0	0	0	0	0	0	0
	HOURLY RATE	\$300	\$275	\$185	\$175	\$165	\$155	\$145	\$135	\$125	\$125	\$115	\$115	\$115	\$95

PHASE 1 DESIGN SCOPE
Predesign Through SD1

City of Vancouver
Operations Center

EXHIBIT A.1a
TCF Architecture
Hours-Rates-Fee Budgets

	FEES		\$2,400	\$0	\$0	\$700	\$11,220	\$8,990	\$0	\$0	\$0	\$0	\$0	\$0	\$0	
	SUBTOTAL		\$23,310													
TASK 4 - SUSTAINABILITY																
4A	Sustainability Goals and Benchmarking Approach		20					4			60					
4B	Sustainability Strategies and Analysis		30				12	16			80			40		
4B.01	Preliminary Energy Analysis Study		2								8					
4B.02	Ground Source Heat Exchange Investigations/Analysis		2								8					
4B.03	PV/BESS Analysis		2								8					
4B.04	Daylighting Analysis		2								8					
4B.05	Carbon Analysis		2								8		40			
4B.06	HVAC Systems LCCA		2								8					
4B.07	Water Resources		2								8					
	Travel Time Budget		4								4					
	HOURS		68	0	0	0	12	20	0	0	200	0	40	40	0	0
	HOURLY RATE		\$300	\$275	\$185	\$175	\$165	\$155	\$145	\$135	\$125	\$125	\$115	\$115	\$115	\$95
	FEES		\$20,400	\$0	\$0	\$0	\$1,980	\$3,100	\$0	\$0	\$25,000	\$0	\$4,600	\$4,600	\$0	\$0
	SUBTOTAL		\$59,680													
TASK 5 - CONCEPTUAL DESIGN																
5A	Preliminary Building Layouts		16		20	12	60	12			40		40	80		
5B	Preliminary Site Layouts		16		12	8	40				40			40		
5C	Site & Bldg Alternatives Workshop and Follow-up		16		8	40	40	40			60					
	Travel Time Budget		8			8	8	8								
	HOURS		56	0	40	68	148	60	0	0	140	0	40	120	0	0
	HOURLY RATE		\$300	\$275	\$185	\$175	\$165	\$155	\$145	\$135	\$125	\$125	\$115	\$115	\$115	\$95
	FEES		\$16,800	\$0	\$7,400	\$11,900	\$24,420	\$9,300	\$0	\$0	\$17,500	\$0	\$4,600	\$13,800	\$0	\$0
	SUBTOTAL		\$105,720													
TASK 6 - COST AND BUDGET MANAGEMENT																
6A	Cost Modeling and Target Value Design Process															
6A.01	Cost Model Structure and Prelim Modeling		8			8	24	24								
6A.02	Cost Model Review and Updates		8				24	16								
6A.03	Comparative Estimating for Major Systems		2				12	8								
6B	Predesign Estimating		4			4	16	8								
6C	Project Budget Development Process		12				8	8								
	Travel Time Budget		4					4								
	HOURS		38	0	0	12	84	68	0	0	0	0	0	0	0	0
	HOURLY RATE		\$300	\$275	\$185	\$175	\$165	\$155	\$145	\$135	\$125	\$125	\$115	\$115	\$115	\$95
	FEES		\$11,400	\$0	\$0	\$2,100	\$13,860	\$10,540	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
	SUBTOTAL		\$37,900													

TASK 7 - COMMUNITY OUTREACH																
7A	Technincal Advisory Group - Assistance		4				4									
7B	Preparation of Outreach Materials		2			8				12			40			
	Travel Time Budget															
	HOURS		6	0	0	8	0	4	0	0	12	0	0	40	0	0
	HOURLY RATE		\$300	\$275	\$185	\$175	\$165	\$155	\$145	\$135	\$125	\$125	\$115	\$115	\$115	\$95
	FEES		\$1,800	\$0	\$0	\$1,400	\$0	\$620	\$0	\$0	\$1,500	\$0	\$0	\$4,600	\$0	\$0
	SUBTOTAL		\$9,920													
TASK 8 - GC/CM ASSISTANCE																
8A	GC/CM Process Assistance		12					12								
	Travel Time Budget															
	HOURS		12	0	0	0	0	12	0	0	0	0	0	0	0	0
	HOURLY RATE		\$300	\$275	\$185	\$175	\$165	\$155	\$145	\$135	\$125	\$125	\$115	\$115	\$115	\$95
	FEES		\$3,600	\$0	\$0	\$0	\$0	\$1,860	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
	SUBTOTAL		\$5,460													
TASK 9 - PREDESIGN REPORT, PRESENTATIONS & OTHER TASKS																
9A	Draft Predesign Report / Presentation		12			20	4	20			8			16	20	
9B	Final Predesign Report / Presentation		8			8		8			8			8		
	Travel Time		8					4								
	HOURS		28	0	0	28	4	32	0	0	16	0	0	24	20	0
	HOURLY RATE		\$300	\$275	\$185	\$175	\$165	\$155	\$145	\$135	\$125	\$125	\$115	\$115	\$115	\$95
	FEES		\$8,400	\$0	\$0	\$4,900	\$660	\$4,960	\$0	\$0	\$2,000	\$0	\$0	\$2,760	\$2,300	\$0
	SUBTOTAL		\$25,980													
SUBTOTAL ALL TASKS			\$559,890													
REIMBURSABLE EXPENSE BUDGETS			\$12,500													
TCFA MARKUP ON CONSULTANT SERVICES (10%)			N/A													
TOTAL PHASE 1A - PREDESIGN			\$572,390													

PHASE 1A SUMMARY															
17	Predesign Summary of Hours	474	0	40	422	640	636	0	0	576	0	80	324	120	0
	Average hrs/Week	28	0	2	25	38	37	0	0	34	0	5	19	7	0
	Approx % of Avail Time (Sept-Jan) 17 Weeks	72.92%	0.00%	6.15%	64.92%	98.46%	97.85%	0.00%	0.00%	88.62%	0.00%	12.31%	49.85%	18.46%	0.00%

PHASE 1B - SCHEMATIC DESIGN 1 (SD1)															
TASK 1 - PROJECT ADMINISTRATION															
1A	General Project Management:	20					100							80	40
1B	Project Delivery Plan Updates	4			10		24								
	Travel Time Budget	8					8								
	HOURS	32	0	0	10	0	132	0	0	0	0	0	0	80	40
	HOURLY RATE	\$310	\$285	\$195	\$185	\$175	\$165	\$155	\$145	\$135	\$135	\$125	\$125	\$125	\$105
	FEES	\$9,920	\$0	\$0	\$1,850	\$0	\$21,780	\$0	\$0	\$0	\$0	\$0	\$0	\$10,000	\$4,200
	SUBTOTAL	\$47,750													
TASK 2 - SCHEMATIC 1 BUILDING DESIGN															
2A	SD1 Building Design	20		120	200	120	50	80	500	200	80	40	900		
2B	Updated Program Document	2			16	4	8			20					
2C	Basis of Design Narratives	4			24	24	12			8					
2D	Updated Equipment List	1				4				4					
2E	Updated Office Standards	2			40								80		
2F	Renderings and Graphics	1		16	20							12	120		
2G	Design Review Meetings	20		20	80	40	40			40					
	Travel Time Budget	8		4	12	12	8			4		4			
	HOURS	58	0	160	392	204	118	80	500	276	80	56	1,100	0	0
	HOURLY RATE	\$310	\$285	\$195	\$185	\$175	\$165	\$155	\$145	\$135	\$135	\$125	\$125	\$125	\$105
	FEES	\$17,980	\$0	\$31,200	\$72,520	\$35,700	\$19,470	\$12,400	\$72,500	\$37,260	\$10,800	\$7,000	\$137,500	\$0	\$0
	SUBTOTAL	\$454,330													
TASK 3 - SCHEMATIC 1 SITE DESIGN															
3A	SD1 Architectural Site Design	10		40		80	40			20			240		
3B	SD1 Civil and Landscape Design	4				8	8								
3C	Site Systems Basis of Design	2													
3D	Design Review Meetings	8		4											
	Travel Time Budget				4	4									
	HOURS	24	0	44	4	92	48	0	0	20	0	0	240	0	0
	HOURLY RATE	\$310	\$285	\$195	\$185	\$175	\$165	\$155	\$145	\$135	\$135	\$125	\$125	\$125	\$105
	FEES	\$7,440	\$0	\$8,580	\$740	\$16,100	\$7,920	\$0	\$0	\$2,700	\$0	\$0	\$30,000	\$0	\$0
	SUBTOTAL	\$73,480													
TASK 4 - SUSTAINABILITY															
4A	Benchmarking Scorecard	4			8	8				60			40		
4B	Updated Energy Study (Incl Daylighting, PV,)	4								12					
4C	Sustainability Report - Meetings	16								60			20		
4D	Updated Carbon Analysis	2								12		40			
	Travel Time Budget									4					
	HOURS	26	0	0	8	8	0	0	0	148	0	40	60	0	0
	HOURLY RATE	\$310	\$285	\$195	\$185	\$175	\$165	\$155	\$145	\$135	\$135	\$125	\$125	\$125	\$105
	FEES	\$8,060	\$0	\$0	\$1,480	\$1,400	\$0	\$0	\$0	\$19,980	\$0	\$5,000	\$7,500	\$0	\$0
	SUBTOTAL	\$43,420													

TASK 5 - REGULATORY															
5A	Pre-Application Process		2				40	40							
5B	SEPA Checklist - Landuse Submittal Documents		1				12	8							
5C	Building Code Analysis		1			8	40	12	20						
	Travel Time Budget														
	HOURS		4	0	0	8	92	60	20	0	0	0	0	0	0
	HOURLY RATE		\$310	\$285	\$195	\$185	\$175	\$165	\$155	\$145	\$135	\$135	\$125	\$125	\$125
	FEES		\$1,240	\$0	\$0	\$1,480	\$16,100	\$9,900	\$3,100	\$0	\$0	\$0	\$0	\$0	\$0
	SUBTOTAL		\$31,820												
TASK 6 - COST AND BUDGET MANAGEMENT															
6A	Target Value Design Analysis		8		4	12	40	40			20				
6B	Updated Comprehensive Project Estimate		8			12	10	20							
6C	Project Budget Confirmation Process		8				4	8							
	Travel Time Budget		4												
	HOURS		28	0	4	24	54	68	0	0	20	0	0	0	0
	HOURLY RATE		\$310	\$285	\$195	\$185	\$175	\$165	\$155	\$145	\$135	\$135	\$125	\$125	\$125
	FEES		\$8,680	\$0	\$780	\$4,440	\$9,450	\$11,220	\$0	\$0	\$2,700	\$0	\$0	\$0	\$0
	SUBTOTAL		\$37,270												
TASK 7 - COMMUNITY OUTREACH															
7A	Technincal Advisory Group - Assistance		4												
7B	Preparation of Outreach Materials					20		4						40	
	Travel Time Budget														
	HOURS		4	0	0	20	0	4	0	0	0	0	0	40	0
	HOURLY RATE		\$310	\$285	\$195	\$185	\$175	\$165	\$155	\$145	\$135	\$135	\$125	\$125	\$125
	FEES		\$1,240	\$0	\$0	\$3,700	\$0	\$660	\$0	\$0	\$0	\$0	\$0	\$5,000	\$0
	SUBTOTAL		\$10,600												
TASK 8 - GC/CM ASSISTANCE															
8A	PRC Process Assistance		8				20	8							
8B	GC/CM Selection Process Assistance		12												
	Travel Time Budget		4					4							
	HOURS		24	0	0	0	20	12	0	0	0	0	0	0	0
	HOURLY RATE		\$310	\$285	\$195	\$185	\$175	\$165	\$155	\$145	\$135	\$135	\$125	\$125	\$125
	FEES		\$7,440	\$0	\$0	\$0	\$3,500	\$1,980	\$0	\$0	\$0	\$0	\$0	\$0	\$0
	SUBTOTAL		\$12,920												

TASK 9 - SD1 FINAL DELIVERABLES, PRESENTATIONS & APPROVALS															
9A	SD1 Deliverables Report Package		4		4	16	40	40			40			240	40
9B	SD1 - Presentation - Transition to Phase 2 Scope		12					16							
9C	General Meetings - Unassigned		8			20	20	20							
	Travel Time		8			8	8	8							
	HOURS		32	0	4	44	68	84	0	0	40	0	0	240	40
	HOURLY RATE		\$310	\$285	\$195	\$185	\$175	\$165	\$155	\$145	\$135	\$135	\$125	\$125	\$105
	FEES		\$9,920	\$0	\$780	\$8,140	\$11,900	\$13,860	\$0	\$0	\$5,400	\$0	\$0	\$30,000	\$5,000
	SUBTOTAL		\$85,000												
SUBTOTAL PER TEAM MEMBER - ALL TASKS			\$796,590												
REIMBURSABLE EXPENSE BUDGETS			\$12,500												
SUBTOTAL PER TEAM MEMBER -															
TCFA MARKUP ON CONSULTANT SERVICES (10%)			N/A												
TOTAL PHASE 1B - SCHEMATIC DESIGN 1			\$809,090												
TOTAL PHASE 1A AND PHASE 1B FEE BUDGET			\$1,356,480.00												

PHASE 1B (SD1) SUMMARY															
	SD1 Summary of Hours	232	0	212	510	538	526	100	500	504	80	96	1,680	120	40
13	Average hrs/Week	18	0	16	39	41	40	8	38	39	6	7	129	9	3
550	Approx % of Avail Time (Jan-Mar) 13 Weeks	42.18%	0.00%	38.55%	92.73%	97.82%	95.64%	18.18%	90.91%	91.64%	14.55%	17.45%	305.45%	21.82%	7.27%

HOURS SUMMARY		RANDY	MARK	SCOTT	GAIL	KYLE	RYAN	TBD	TBD	KRISTIN	TBD	JEREMY	TBD	TETA	
		706	0	252	932	1,178	1,162	100	500	1,080	80	176	2,004	240	40
30	Average hrs per week over 30 weeks	24	0	8	31	39	39	3	17	36	3	6	67	8	1
1200	Percentage Available	58.83%	0.00%	21.00%	77.67%	98.17%	96.83%	8.33%	41.67%	90.00%	6.67%	14.67%	167.00%	20.00%	3.33%
Total Fee Budget Value per person		\$214,120	\$0	\$48,740	\$168,200	\$199,750	\$185,370	\$15,500	\$72,500	\$140,040	\$10,800	\$21,200	\$247,260	\$28,800	\$4,200
Travel Time		84	0	4	44	52	60	0	0	20	0	4	0	0	0
4 Bill at 4 hours per round trip - total trips:		21	0	1	11	13	15	0	0	5	0	1	0	0	0

REIMBURSABLES BUDGET				
Travel				
Mileage	Rnd Trips	Total Miles	\$/Mile	Total
300	25	7500	\$0.625	\$4,688
Hotel				
Night Stays	Cost/Night			Total
100	\$150			\$15,000
Meals				
Meal Qty				Total
200	\$25			\$5,000
Printing / Misc				1000
TOTAL REIMB BUDGET				\$24,688

2022 Hourly Rate and Reimbursable Expense Schedule

Effective: January 1, 2022 through December, 2022

Description	Rates
TCF Personnel:	
Principal-In-Charge - Managing Principal	\$300.00 / hour
Principal	\$275.00 / hour
Associate Principal	\$205.00 / hour
Designer / Architect 9	\$185.00 / hour
Designer / Architect 8	\$175.00 / hour
Designer / Architect 7	\$165.00 / hour
Designer / Architect 6	\$155.00 / hour
Designer / Architect 5	\$145.00 / hour
Designer / Architect 4	\$135.00 / hour
Designer / Architect 3	\$125.00 / hour
Designer / Architect 2	\$115.00 / hour
Designer / Architect 1	\$105.00 / hour
Graphic Designer	\$155.00 / hour
Project Coordinator	\$115.00 / hour
Administrative Support	\$95.00 / hour
Subconsultant Services:	
Subconsultant Services Contracted Through TCF	Direct Cost plus 10%
Reimbursable Expenses:	
Mileage	Current Federal Rate
Other Expenses: (Meals, air travel, per diem, reproductions, shipping, postage, etc.)	Direct Cost plus 10%

2023 Hourly Rate and Reimbursable Expense Schedule

Effective: January 1, 2023 through December, 2023

Description	Rates
TCF Personnel:	
Principal-In-Charge - Managing Principal	\$310.00 / hour
Principal	\$285.00 / hour
Associate Principal	\$215.00 / hour
Designer / Architect 9	\$195.00 / hour
Designer / Architect 8	\$185.00 / hour
Designer / Architect 7	\$175.00 / hour
Designer / Architect 6	\$165.00 / hour
Designer / Architect 5	\$155.00 / hour
Designer / Architect 4	\$145.00 / hour
Designer / Architect 3	\$135.00 / hour
Designer / Architect 2	\$125.00 / hour
Designer / Architect 1	\$115.00 / hour
Graphic Designer	\$165.00 / hour
Project Coordinator	\$125.00 / hour
Administrative Support	\$105.00 / hour
Subconsultant Services:	
Subconsultant Services Contracted Through TCF	Direct Cost plus 10%
Reimbursable Expenses:	
Mileage	Current Federal Rate
Other Expenses: (Meals, air travel, per diem, reproductions, shipping, postage, etc.)	Direct Cost plus 10%

Notes:

1. TCF Personnel Categories: Categories are based on experience and job responsibilities. Not all personnel are licensed architects.
2. Rate may be adjusted at the beginning of each calendar year. Rates will not be increased by more than 10% for any one category for a year for any project under contract.
3. Billing rates may, on occasion, be blended to approximately reflect specific personnel as well as specific tasks and services rendered.

CONSULTANT EXHIBITS

Exhibit C.1	Civil Engineering	MacKay Sposito
Exhibit C.1	Landscape Architecture	MacKay Sposito
Exhibit C.2	Structural Engineering	PCS Structural Solutions
Exhibit C.3	HVAC/Plumbing/Fire Protection	Interface Engineering
Exhibit C.3	Electrical & Low Voltage	Interface Engineering
Exhibit C.4	Traffic Engineering	WSP (Portland, OR Office)
Exhibit C.4	Equipment / Operations	WSP (Houston, TX Office)
Exhibit C.5	Cost Estimating	RC Cost Group
Exhibit C.6	Geotechnical & Environmental	NV5
Exhibit C.7	Office Systems	Open Square (Rates)
Exhibit C.8	Sustainable Water Systems	2020 Engineering (Rates)
Exhibit C.9	Community Outreach	PointNorth (Rates)
Exhibit C.10	Environmental Graphics	Jinger Hendricks Design Studio (Rates)
Exhibit C.11	Cultural Resource Consulting	AINW (Rates)
Exhibit C.12	Elevator Consulting	Lerch Bates (Rates)
Exhibit C.13	Envelope Consulting	ABBAE (Rates)

July 25, 2022

TCF Architecture
Attn: Randy Cook,
Managing Principal
902 North Second St.
Tacoma, WA 98403

RE: DRAFT PROPOSAL FOR PROFESSIONAL LAND USE PLANNING, CIVIL ENGINEER, AND LANDSCAPE ARCHITECTURE SERVICES FOR PHASE I OF THE VANCOUVER OPERATIONS CENTER IN VANCOUVER, WASHINGTON

Dear Randy:

We are pleased to offer this proposal for Land Use Planning and Professional Engineering Services you requested for the first phase of the development of the Vancouver Operations Center in Vancouver, Washington. Phase I encompasses Predesign through phase 1 of Schematic Design.

This proposal, along with the attachment, represents our proposal to provide these professional services. We appreciate the opportunity to provide this proposal for your consideration.

If you have any questions or concerns, please feel free to call.

Sincerely,
MacKay Sposito

Jason Irving, PE
Senior Engineer & Principal

Scope of Work

(Exhibit "A")

City of Vancouver

Engineering and Related Services Operations Center Replacement - Phase I Predesign through SD-1

PHASE 1A PROFESSIONAL PREDESIGN

1.1 TASK 1 - PROJECT ADMINISTRATION

- o Review existing documentation;
- o Participate in Project Delivery Plan;
- o Project budget review and management;
- o Contract administration;
- o Project scheduling;
- o Monthly progress status reports;

1.2 TASK 2 - PROGRAMMING

- o Participate in a tour of the existing Operations Facilities;
- o Assist in workshop preparation;
- o Participate in Program Workshops and follow-ups (up to 30 hrs);
- o Participate in Preliminary Owners Performance Requirements meeting for Volume-3 Site Systems;

1.3 TASK 3 - SITE INVESTIGATIONS AND REGULATORY PROCESS

- o Review site topography/survey (by City) and perform field assessment;
- o Review traffic study and research impacts to site plan;
- o Coordinate geotechnical test pit locations; review and comment on geotechnical report;
- o Review Phase I Environmental report;
- o Research availability and capacity of existing water/sewer systems including fire flow;
- o Obtain letter of water availability, and determine water/sewer connection charges;
- o Research stormwater regulations and permitting requirements;
- o Review jurisdictional permit history;
- o Research land use permitting tracks and regulatory codes;
- o Research building permit requirements;
- o Prepare a preliminary SEPA checklist for in-house review and to inform preapplications;

1.4 TASK 4 - SUSTAINABILITY GOALS

- Participate in Sustainability Goals Workshop and meetings (up to 20 hrs);
- Participate in the development of sustainability strategies as needed (up to 12 hrs);

1.5 TASK 5 - CONCEPTUAL DESIGN

- Prepare site plan base / digital model (based on survey CAD and surface files provided by City);

- Develop stormwater strategies;
- Develop preliminary Civil system distribution options;
- Develop schematic Landscape concepts
- Attend follow up meeting with Berger
- Develop up to three (3) conceptual site layouts;
- Participate in site alternatives exploration workshop;
- Develop preferred concept based on review;
- Participate in one further evaluation cycle and plan development as needed;

1.6 TASK 6 - COST AND BUDGET MANAGEMENT

- Contribute to the development of a Cost Model structure;
- Participate in workshops to review preliminary Cost Model;
- Provide any needed updates following preliminary model review;
- Contribute to basic cost-benefit comparisons for major systems;
- Prepare a Predesign-level cost estimate accounting for all civil and landscape project elements;

1.7 TASK 7 - COMMUNITY OUTREACH

- Prepare data and graphic materials needed for outreach purposes conducted by the City;

Phase 1A Deliverables:

- Monthly administration reports
- Comments on Project Delivery Plan
- Traffic and circulation review memo
- Phase I Environmental review memo
- Program diagrams for workshops, with followup revised diagrams and notes
- Initiate draft of Volume 3 OPRs
- Field assessment of City survey
- Comments on geotechnical report
- Water/sewer capacity report
- Water availability letter
- Sewer connection charge calculation
- Land permitting track report
- Building permit requirements memo
- Stormwater requirements and strategies memo
- Preliminary draft of SEPA checklist
- Sustainability goals commentary
- Site plan base/digital model
- Preliminary civil strategies for stormwater, water, sewer
- Conceptual site layouts (up to three)
- Preferred concept plan
- Components for Cost Model structure including cost-benefit comparisons
- Predesign-level cost estimate for civil, landscape and planning

PHASE 1B SCHEMATIC DESIGN (SD1) INCL. PRELIMINARY LAND USE

1.8 TASK 3 - SCHEMATIC 1 SITE DESIGN

- Prepare Preliminary Storm Drainage, Grading and Erosion Control Plans;
- Prepare Preliminary Technical Information Report (TIR);
- Prepare Preliminary Utility Plans (water and sanitary sewer);
- Participate in development of Early Site Work Phasing Plan;
- Prepare Preliminary Landscape Plans
- Prepare Engineering Basis of Design narrative
- Prepare Landscape Basis of Design narrative
- Finalize Phase I Schematic Design plans and assemble package for first review
- Participate in Schematic Design meetings (4 meetings at 3hrs each for ENG and LS)

1.9 TASK 4 - SUSTAINABILITY

- Participate in evaluation of benchmarking scorecard
- Contribute to development of sustainability report

1.10 TASK 5 - REGULATORY

5A-Pre-Application Process

- Assemble conceptual site plan, conceptual utility plan and storm plan in ACAD;
- Prepare and submit Pre-application packets for City and County;
- Attend Preapplication Conferences with the Agencies;
- Review Preapplication notes and discuss with team;

5B-Additional Regulatory Investigation

- Coordinate additional discussions with Agency staff regarding the need for interagency agreements addressing approval requirements of transferred/annexed property;
- Discuss any Road Modification history and requirements with County transportation staff;
- Continue development of SEPA Checklist;

1.11 TASK 6 - COST AND BUDGET MANAGEMENT

- Participate in Target Value Design Analysis;
- Update civil and landscape portions of Comprehensive Project Estimate;
- Participate in project budget confirmation process;

1.12 TASK 7 - COMMUNITY OUTREACH

- Prepare updated data and graphic materials needed for outreach purposes conducted by the City;

1.13 TASK 9 - SD1 FINAL DELIVERABLES

- Prepare civil and landscape portions of SD1 Deliverables Report Package;
- Participate in SD1 Presentation discussion of transition to Phase 2 Scope;

1.14 GENERAL MEETINGS

- Additional meeting time to be assigned as needed

Phase 1B Deliverables:

- Preliminary Storm Drainage TIR report and plan
- Preliminary Grading and Erosion Control plans
- Preliminary Utility plans (water/sewer)
- Early Site Work Phasing plan
- Preliminary Landscape plans
- Preliminary Basis of Design narratives for engineering and landscape
- Preliminary SD1 design package sufficient for use at preapplications
- Preapplication packages for City and County
- Sustainability report sections
- Comments on agency agreements and road modifications
- Second draft of SEPA checklist
- Updates to project estimates
- Outreach materials for City community outreach program

Fees

(Exhibit "B") Fees
City of Vancouver
Engineering and Related Services Operations Center Replacement

-- -Please see attached Fee Schedule Excel Worksheet---

Application and/or submittal fees are not included in the fee amount.

MacKay Sposito will bill you on a Time & Materials basis. You will be invoiced monthly for our services and reimbursable expenses as the work progresses. Our fees are based upon payment within 30 days and continuous progress of the project.

Approvals and Permits:

- Preapplication Conference (City of Vancouver)
- Preapplication Conference (Clark County)

Assumptions:

- This scope assumes the project will generally follow the CVOP Project Schedule as of July 19, 2022;
- Work will be based on adequate survey work provided by the City of Vancouver;
- Sufficient survey data, CAD files, and any required updates/additions will be provided by the City;
- All meetings will be held virtually or locally (Vancouver, WA);
- This scope assumes utilities are available to the site;
- Traffic engineering work and improvements in the rights-of-way will be performed by others;
- Civil and landscape design will be in accordance with City of Vancouver standards;
- MacKay Sposito shall not be responsible for changes to the documents required by the jurisdiction based upon rules, regulations, codes or requirements of the jurisdiction that are not written regulations or correspondence from the jurisdiction. Changes required due to unwritten rules, regulations, codes or requirements by the jurisdiction shall be considered additional services that are not part of this contract;

Excluded Services and Services Provided by Others:

- Land Surveying Services
- Building Permits;
- ROW Permitting;
- Preparation and processing of any appeals;
- Preparation and processing of any Variance Requests;
- Preparation and processing of any Road Modifications;
- Traffic Engineering;
- Geotechnical Services;

- Arborist Services;
- Street Lighting design;
- Lighting/Electrical design;
- Design of fencing, retaining walls, or sound walls;
- Off-site Improvements other than frontage improvements;
- Design of electrical, telecommunications, gas, or cable television services;

TASK NO.	PROJECT TASKS	MACKAY SPOSITO Civil Engineering Landscape Architecture Land Use/Planning								
		Principle in Charge	Project Manager - Design	Senior Planner	Planner	Project Engineer	Design Tech IV	Planning Tech	LA Project Manager	Landscape Architect II

PHASE 1A - PREDESIGN (2022)

TASK 1 - PROJECT ADMINISTRATION										
1A	General Project Management:		12	8					8	
1B	Data Gathering - Research - Project Library		4	3	6	4			4	6
1C	Project Delivery Plan - Draft and Updates		2	6	2	2			2	2
	Travel Time Budget									
	HOURS	0	18	17	8	6	0	0	14	8
	HOURLY RATE	\$260.00	\$195.00	\$200.00	\$165.00	\$185.00	\$145.00	\$130.00	\$160.00	\$145.00
	FEES	\$0.00	\$3,510.00	\$3,400.00	\$1,320.00	\$1,110.00	\$0.00	\$0.00	\$2,240.00	\$1,160.00
	SUBTOTAL					\$12,740.00				

TASK 2 - PROGRAMMING										
2A	Facility Tours		4		4	4				
2B	Pre-Workshop Preparation		3		3	3			2	
2C	Program Workshops and Follow-ups		3	3	10	10			3	10
2D	Space Program									
2E	Design Criteria		4	4		4			4	
	Travel Time Budget		2		2	2			2	2
	HOURS	0	16	7	19	23	0	0	11	12
	HOURLY RATE	\$260.00	\$195.00	\$200.00	\$165.00	\$185.00	\$145.00	\$130.00	\$160.00	\$145.00
	FEES	\$0.00	\$3,120.00	\$1,400.00	\$3,135.00	\$4,255.00	\$0.00	\$0.00	\$1,760.00	\$1,740.00
	SUBTOTAL					\$15,410.00				

TASK 3 - SITE INVESTIGATIONS AND REGULATORY PROCESS										
3A	Survey Coordination with City					8				
3B	Traffic Engineering				3	3				
3C	Geotechnical - Field Investigations and Report		2	2		2				
3D	Environmental - Phase 1 Report Review		2	2		2				
3E	Utilities Investigations - Research									
3E.01	Water					4				
3E.02	Sewer					4				
3E.03	Electrical									
3E.04	Natural Gas					2				
3E.05	Data/Comm									
3F	Storm Water Management - Investigations & Research		12			20				
3G	Regulatory Research and Process		2	2	12	8		16		
	Travel Time Budget					2				
	HOURS	0	18	6	15	55	0	16	0	0
	HOURLY RATE	\$260.00	\$195.00	\$200.00	\$165.00	\$185.00	\$145.00	\$130.00	\$160.00	\$145.00
	FEES	\$0.00	\$3,510.00	\$1,200.00	\$2,475.00	\$10,175.00	\$0.00	\$2,080.00	\$0.00	\$0.00
	SUBTOTAL					\$19,440.00				

TASK 4 - SUSTAINABILITY										
4A	Sustainability Goals and Benchmarking Approach				4	12			2	4
4B	Sustainability Strategies and Analysis				4	4			2	4
4B.01	Preliminary Energy Analysis Study									
4B.02	Ground Source Heat Exchange Investigations/Analysis									
4B.03	PV/BESS Analysis									
4B.04	Daylighting Analysis									
4B.05	Carbon Analysis									
4B.06	HVAC Systems LCCA									
	Travel Time Budget									
	HOURS	0	0	0	8	16	0	0	4	8
	HOURLY RATE	\$260.00	\$195.00	\$200.00	\$165.00	\$185.00	\$145.00	\$130.00	\$160.00	\$145.00
	FEES	\$0.00	\$0.00	\$0.00	\$1,320.00	\$2,960.00	\$0.00	\$0.00	\$640.00	\$1,160.00
	SUBTOTAL					\$6,080.00				

TASK 5 - CONCEPTUAL DESIGN										
5A	Preliminary Building Layouts				4	12			2	4
5B	Preliminary Site Layouts		16	8	60	40	30		12	24

5C	Site & Bldg Alternatives Workshop and Follow-up		4	4	6	16			6	16
	Travel Time Budget									
	HOURS	0	20	12	66	56	30	0	18	40
	HOURLY RATE	\$260.00	\$195.00	\$200.00	\$165.00	\$185.00	\$145.00	\$130.00	\$160.00	\$145.00
	FEES	\$0.00	\$3,900.00	\$2,400.00	\$10,890.00	\$10,360.00	\$4,350.00	\$0.00	\$2,880.00	\$5,800.00
	SUBTOTAL	\$40,580.00								

TASK 6 - COST AND BUDGET MANAGEMENT

6A	Cost Modeling and Target Value Design Process		4			10	4		2	2
6A.01	Cost Model Structure and Prelim Modeling		4							
6A.02	Cost Model Review Workshop		2	2		2			2	
6A.03	Comparative Estimating for Major Systems					8				
6B	Predesign Estimating		4			16			4	
6C	Project Budget Development Process		8			4			4	
	Travel Time Budget									
	HOURS	0	22	2	0	40	4	0	12	2
	HOURLY RATE	\$260.00	\$195.00	\$200.00	\$165.00	\$185.00	\$145.00	\$130.00	\$160.00	\$145.00
	FEES	\$0.00	\$4,290.00	\$400.00	\$0.00	\$7,400.00	\$580.00	\$0.00	\$1,920.00	\$290.00
	SUBTOTAL	\$14,880.00								

TASK 7 - COMMUNITY OUTREACH										
7A	Technincal Advisory Group - Assistance									
7B	Preparation of Outreach Materials				4	4			2	2
	Travel Time Budget									
	HOURS	0	0	0	4	4	0	0	2	2
	HOURLY RATE	\$260.00	\$195.00	\$200.00	\$165.00	\$185.00	\$145.00	\$130.00	\$160.00	\$145.00
	FEES	\$0.00	\$0.00	\$0.00	\$660.00	\$740.00	\$0.00	\$0.00	\$320.00	\$290.00
	SUBTOTAL	\$2,730.00								
TASK 8 - GC/CM ASSISTANCE										
8A	GC/CM Process Assistance									
	Travel Time Budget									
	HOURS	0	0	0	0	0	0	0	0	0
	HOURLY RATE	\$260.00	\$195.00	\$200.00	\$165.00	\$185.00	\$145.00	\$130.00	\$160.00	\$145.00
	FEES	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
	SUBTOTAL	\$0.00								
TASK 9 - PREDESIGN REPORT, PRESENTATIONS & OTHER TASKS										
9A	Draft Predesign Report / Presentation									
9B	Final Predesign Report / Presentation									
	Travel Time									
	HOURS	0	0	0	0	0	0	0	0	0
	HOURLY RATE	\$260.00	\$195.00	\$200.00	\$165.00	\$185.00	\$145.00	\$130.00	\$160.00	\$145.00
	FEES	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
	SUBTOTAL	\$0.00								
SUBTOTAL PER TEAM MEMBER - ALL TASKS		\$111,860.00								
REIMBURSABLE EXPENSE BUDGETS		\$0.00								

Landscape Designer III	
0	0
\$120.00	\$0.00
Up	\$0.00
0	0
\$120.00	\$0.00
\$0.00	\$0.00
0	0
\$120.00	\$0.00
\$0.00	\$0.00
0	0
\$120.00	\$0.00
\$0.00	\$0.00

0	0
\$120.00	\$0.00
\$0.00	\$0.00
0	0
\$120.00	\$0.00
\$0.00	\$0.00

6	
6	0
\$120.00	\$0.00
\$720.00	\$0.00
0	0
\$120.00	\$0.00
\$0.00	\$0.00
0	0
\$120.00	\$0.00
\$0.00	\$0.00

MacKay Sposito

2022-2023 SW Washington Rates

Updated 9/14/2022

	2022	2023		2022	2023
Senior Principal	\$315	\$331	Project Manager – Survey	\$180	\$189
Principal	\$260	\$273	Land Surveyor IV	\$160	\$168
Engineering Manager	\$220	\$231	Land Surveyor III	\$150	\$158
Project Engineer	\$185	\$194	Land Surveyor II	\$140	\$147
Engineer IV	\$170	\$179	Land Surveyor I	\$130	\$137
Engineer III	\$155	\$163	Survey Technician IV	\$130	\$137
Engineer II	\$140	\$147	Survey Technician III	\$115	\$121
Engineer I	\$120	\$126	Survey Technician II	\$105	\$110
Project Manager – Design	\$195	\$205	Survey Technician I	\$95	\$100
Project Controls Manager	\$225	\$236	Survey Aid	\$75	\$79
Contract Administrator	\$165	\$173	Survey Party Chief	\$140	\$147
Project Coordinator II	\$130	\$137	Survey Instrument Person	\$100	\$105
Project Coordinator I	\$120	\$126	GIS Mapping Specialist	\$140	\$147
Design Technician IV	\$145	\$152	GIS Mapping Specialist II	\$150	\$158
Design Technician III	\$135	\$142	Senior Construction Manager	\$220	\$231
Design Technician II	\$125	\$131	Construction Manager	\$185	\$194
Design Technician I	\$105	\$110	Construction Inspector V	\$195	\$205
Landscape Manager	\$190	\$200	Construction Inspector IV	\$165	\$173
Project Manager – Landscape	\$160	\$168	Construction Inspector III	\$140	\$147
Landscape Architect II	\$145	\$152	Construction Inspector II	\$130	\$137
Landscape Architect I	\$125	\$131	Construction Inspector I	\$115	\$121
Landscape Designer III	\$120	\$126	Public Involvement Associate/Mgr.	\$150	\$158
Landscape Designer II	\$110	\$116	Public Involvement Coordinator	\$100	\$105
Landscape Designer I	\$100	\$105	Creative Designer	\$95	\$100
Planning Director	\$235	\$247	Stormwater Analyst	\$130	\$137
Planning Manager	\$210	\$221	Environmental Manager II	\$175	\$184
Senior Planner	\$200	\$210	Environmental Manager I	\$160	\$168
Planner	\$165	\$173	Environmental Specialist III	\$155	\$163
Planning Technician	\$130	\$137	Environmental Specialist II	\$125	\$131
Land Development Assistant	\$95	\$100	Environmental Specialist I	\$110	\$116
Accounting Manager	\$195	\$205	Natural Resource Specialist IV	\$140	\$147
Project Accountant	\$135	\$142	Natural Resource Specialist III	\$130	\$137
Administrative Manager	\$135	\$142	Natural Resource Specialist II	\$115	\$121
Administrative Assistant	\$95	\$100	Natural Resource Specialist I	\$105	\$110
Clerical	\$84	\$88	UAV Pilot	\$145	\$152
Survey Manager	\$200	\$210			

The above rates cover salaries, overhead and profit. All other materials and expenses will be billed on an actual cost plus 10% basis. Overtime rates will be 1.5 times unless otherwise negotiated. These rates will be adjusted annually or as necessary to reflect market conditions. Sub-Consultants costs will be on actual cost plus 10% to compensate MacKay Sposito for Business Occupation Tax and administrative costs.

Per diem rates for travel within the continental United States will be billed in accordance with the rates published by the Office of Governmentwide Policy, General Services Administration (GSA) for the applicable fiscal year. Mileage will be billed in accordance with standard mileage rates published by the Internal Revenue Service.

Engineering categories are in accordance with ASCE Classifications. Rates detailed above do not apply to Federal or State contracts with specific Wage Determinations or mandated prevailing wage/fringe benefits minimum.

Seattle	1011 Western Avenue, Suite 810 Seattle, WA 98104 206.292.5076
Tacoma	1250 Pacific Avenue, Suite 701 Tacoma, WA 98402 253.383.2797
Portland	101 SW Main Street, Suite 280 Portland, OR 97204 503.232.3746
www.pcs-structural.com	

September 19, 2022

TCF Architecture
902 N 2nd St
Tacoma, WA 98403

ATTN: Randy Cook

RE: *Vancouver Public Works Operations Center
Structural Engineering/Consultation Proposal
Phase 1 – Predesign through Schematic Design 1*

Dear Randy:

Thank you for this opportunity to propose our Phase 1 Structural Engineering services for the Vancouver Public Works Operations Center project in Vancouver, Washington.

SCOPE OF SERVICES

We will provide all Structural Engineering services including recommendations regarding basic structural materials and systems, analysis and development of conceptual design solutions as required for Phase 1 of this project. Phase 1 includes predesign services and preliminary schematic design services.

Our scope of services and resulting fees are based on the following:

- Three to four story, 80,000+ square foot Crew and Office Building.
- Fleet Building.
- Warehouse and Storage Building.
- Shops Building.
- Fuel and Wash Building.
- Open Canopy Structures.
- The MACC is estimated to be about \$120 million.
- Deliverables will include structural narratives, and schematic level foundation and framing plans.
- Basic structural modeling using Revit 2023 or earlier version is included for development of conceptual structural designs.
- It is assumed that the schedule for Phase 1 will last until early 2023.

TCF Architecture
Randy Cook
*Vancouver Public Works Operations Center
Structural Engineering/Consultation Proposal
Phase 1 – Predesign through Schematic Design 1*

- We will assist and coordinate structural design criteria for the building, including the building Risk Category, special loading criteria, and special vibration criteria. We will coordinate and review requirements for the geotechnical engineering study. Predesign Tasks 2 and 3.
- We will use the Tally plug-in for Revit to assist in evaluating environmental impacts of structural materials. Predesign and SD Tasks 4.
- For predesign we will recommend basic structural information for preliminary building concepts, layout and cost estimating. Predesign Tasks 5 and 6.
- Schematic Design level structural concepts for each building including framing systems, lateral systems and foundations. We will provide schematic level drawings and structural narratives. SD Tasks 2 and 9.
- Coordination and assistance with other disciplines and the cost estimator for predesign and SD tasks.

FEES

Our fee proposal is based on the Guidelines for Determining Architect/Engineer Fees for Public Works Projects, and on similar projects that we have previously completed. Our fees are determined by the estimated hours and billing rates for various tasks that we will perform for Phase 1 of this project. The expected level of work for this phase is consistent with approximately 75% of a full SD package, and our fee reflects that percentage.

Our fee for Phase 1 of this project will be **\$137,540**. Billing will be on an Hourly Not to Exceed (HNTE) basis. The fee amount may be modified only with prior written approval if the scope of services is changed.

Thank you for this opportunity to be of continued service. If there are any questions regarding this proposal, please feel free to call. We look forward to hearing from you.

Very truly yours,

PCS STRUCTURAL SOLUTIONS

A handwritten signature in blue ink, appearing to read "Jack J. Pinkard".

Jack J. Pinkard, S.E.
Senior Principal

JJPmap
22-634

HOURLY RATES EFFECTIVE May 1, 2022
(Subject to Change After November 1, 2022)

Associate Principal and Principal	\$185.00
..... to	
.....	\$250.00
Project Manager/Associate Engineer	\$155.00
..... to	
.....	\$195.00
Design Engineer/Project Engineer	\$115.00
..... to	
.....	\$165.00
CAD/BIM Technician	\$100.00
..... to	
.....	\$170.00
Clerical	\$75.00
..... to	
.....	\$120.00

HOURLY RATES EFFECTIVE January 1, 2023

Associate Principal and Principal	\$205.00
..... to	
.....	\$275.00
Project Manager/Associate Engineer	\$170.00
..... to	
.....	\$215.00
Design Engineer/Project Engineer	\$125.00
..... to	
.....	\$185.00
CAD/BIM Technician	\$110.00
..... to	
.....	\$190.00
Clerical	\$85.00
..... to	
.....	\$140.00

TASK NO.	PROJECT TASKS	PCS STRUCTURAL SOLUTIONS Structural Engineering										
		Principal in Charge	Project Manager	Project Engineer	Design Engineer	Director of BIM	BIM Tech	Sustainability SME	TITLE	TITLE	TITLE	TITLE
PHASE 1A - PREDESIGN												
TASK 1 - PROJECT ADMINISTRATION												
1A	General Project Management:											
1B	Data Gathering - Research - Project Library											
1C	Project Delivery Plan - Draft and Updates											
	Travel Time Budget											
	HOURS	0	0	0	0	0	0	0	0	0	0	0
	HOURLY RATE	\$220.00	\$160.00	\$160.00	\$125.00	\$170.00	\$130.00	\$160.00	\$0.00	\$0.00	\$0.00	\$0.00
	FEES	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
	SUBTOTAL	\$0.00										
TASK 2 - PROGRAMMING												
2A	Facility Tours											
2B	Pre-Workshop Preparation											
2C	Program Workshops and Follow-ups											
2D	Space Program											
2E	Design Criteria	8	16									
	Travel Time Budget											
	HOURS	8	16	0	0	0	0	0	0	0	0	0
	HOURLY RATE	\$220.00	\$160.00	\$160.00	\$125.00	\$170.00	\$130.00	\$160.00	\$0.00	\$0.00	\$0.00	\$0.00
	FEES	\$1,760.00	\$2,560.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
	SUBTOTAL	\$4,320.00										
TASK 3 - SITE INVESTIGATIONS AND REGULATORY PROCESS												
3A	Survey Coordination with City											
3B	Traffic Engineering											
3C	Geotechnical - Field Investigations and Report											
3D	Environmental - Phase 1											
3E	Utilities Investigations - Research											
3E.01	Water											
3E.02	Sewer											
3E.03	Electrical											
3E.04	Natural Gas											
3E.05	Data/Comm											
3F	Storm Water Management - Investigations & Research											
3G	Regulatory Research and Process											
	Travel Time Budget											
	HOURS	0	0	0	0	0	0	0	0	0	0	0
	HOURLY RATE	\$220.00	\$160.00	\$160.00	\$125.00	\$170.00	\$130.00	\$160.00	\$0.00	\$0.00	\$0.00	\$0.00
	FEES	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
	SUBTOTAL	\$0.00										
TASK 4 - SUSTAINABILITY												
4A	Sustainability Goals and Benchmarking Approach											
4B	Sustainability Strategies and Analysis	4	4					4				
4B.01	Preliminary Energy Analysis Study											
4B.02	Ground Source Heat Exchange Investigations/Analysis											
4B.03	PV/BESS Analysis											
4B.04	Daylighting Analysis											
4B.05	Carbon Analysis		4					4				
4B.06	HVAC Systems LCCA											
	Travel Time Budget											
	HOURS	4	8	0	0	0	0	8	0	0	0	0
	HOURLY RATE	\$220.00	\$160.00	\$160.00	\$125.00	\$170.00	\$130.00	\$160.00	\$0.00	\$0.00	\$0.00	\$0.00
	FEES	\$880.00	\$1,280.00	\$0.00	\$0.00	\$0.00	\$0.00	\$1,280.00	\$0.00	\$0.00	\$0.00	\$0.00
	SUBTOTAL	\$3,440.00										
TASK 5 - CONCEPTUAL DESIGN												
5A	Preliminary Building Layouts	40	40			8	40					
5B	Preliminary Site Layouts											
5C	Site & Bldg Alternatives Workshop and Follow-up											

	Travel Time Budget											
	HOURS	40	40	0	0	8	40	0	0	0	0	0
	HOURLY RATE	\$220.00	\$160.00	\$160.00	\$125.00	\$170.00	\$130.00	\$160.00	\$0.00	\$0.00	\$0.00	\$0.00
	FEES	\$8,800.00	\$6,400.00	\$0.00	\$0.00	\$1,360.00	\$5,200.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
	SUBTOTAL	\$21,760.00										

TASK 6 - COST AND BUDGET MANAGEMENT

6A	Cost Modeling and Target Value Design Process											
6A.01	Cost Model Structure and Prelim Modeling	4	8									
6A.02	Cost Model Review Workshop											
6A.03	Comparative Estimating for Major Systems											
6B	Predesign Estimating											
6C	Project Budget Development Process											
	Travel Time Budget											
	HOURS	4	8	0	0	0	0	0	0	0	0	0
	HOURLY RATE	\$220.00	\$160.00	\$160.00	\$125.00	\$170.00	\$130.00	\$160.00	\$0.00	\$0.00	\$0.00	\$0.00
	FEES	\$880.00	\$1,280.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
	SUBTOTAL	\$2,160.00										

TASK 7 - COMMUNITY OUTREACH												
7A	Technincal Advisory Group - Assistance											
7B	Preparation of Outreach Materials											
	Travel Time Budget											
	HOURS	0	0	0	0	0	0	0	0	0	0	0
	HOURLY RATE	\$220.00	\$160.00	\$160.00	\$125.00	\$170.00	\$130.00	\$160.00	\$0.00	\$0.00	\$0.00	\$0.00
	FEES	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
	SUBTOTAL	\$0.00										
TASK 8 - GC/CM ASSISTANCE												
8A	GC/CM Process Assistance											
	Travel Time Budget											
	HOURS	0	0	0	0	0	0	0	0	0	0	0
	HOURLY RATE	\$220.00	\$160.00	\$160.00	\$125.00	\$170.00	\$130.00	\$160.00	\$0.00	\$0.00	\$0.00	\$0.00
	FEES	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
	SUBTOTAL	\$0.00										
TASK 9 - PREDESIGN REPORT, PRESENTATIONS & OTHER TASKS												
9A	Draft Predesign Report / Presentation	0	0									
9B	Final Predesign Report / Presentation											
	Travel Time Budget											
	HOURS	0	0	0	0	0	0	0	0	0	0	0
	HOURLY RATE	\$220.00	\$160.00	\$160.00	\$125.00	\$170.00	\$130.00	\$160.00	\$0.00	\$0.00	\$0.00	\$0.00
	FEES	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
	SUBTOTAL	\$0.00										
SUBTOTAL PER TEAM MEMBER - ALL TASKS		\$31,680.00										
REIMBURSABLE EXPENSE BUDGETS		\$0.00										
TOTAL PHASE 1A - PREDESIGN		\$31,680.00										

PHASE 1B - SCHEMATIC DESIGN 1 (SD1)												
TASK 1 - PROJECT ADMINISTRATION												
1A	General Project Management:											
1B	Data Gathering - Research - Project Library											
1C	Project Delivery Plan - Draft and Updates											
	Travel Time Budget											
	HOURS	0	0	0	0	0	0	0	0	0	0	0
	HOURLY RATE	\$230.00	\$170.00	\$170.00	\$135.00	\$180.00	\$140.00	\$170.00	\$0.00	\$0.00	\$0.00	\$0.00
	FEES	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
	SUBTOTAL	\$0.00										
TASK 2 - SCHEMATIC 1 BUILDING DESIGN												
2A	SD1 Building Design	80	200	40		8	120					
2B	Updated Program Document											
2C	Basis of Design Narratives	4	24									
2D	Updated Equipment List											
2E	Updated Office Standards											
2F	Renderings and Graphics											
2G	Design review Meetings	16	24				8					
	Travel Time Budget											
	HOURS	100	248	40	0	8	128	0	0	0	0	0
	HOURLY RATE	\$230.00	\$170.00	\$170.00	\$135.00	\$180.00	\$140.00	\$170.00	\$0.00	\$0.00	\$0.00	\$0.00
	FEES	\$23,000.00	\$42,160.00	\$6,800.00	\$0.00	\$1,440.00	\$17,920.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
	SUBTOTAL	\$91,320.00										
TASK 3 - SCHEMATIC 1 SITE DESIGN												
3A	SD1 Architectural Site Design											
3B	SD1 Civil and Landscape Design											
3C	Site Systems Basis of Design											
3D	Design Review Meetings											
	Travel Time Budget											
	HOURS	0	0	0	0	0	0	0	0	0	0	0
	HOURLY RATE	\$230.00	\$170.00	\$170.00	\$135.00	\$180.00	\$140.00	\$170.00	\$0.00	\$0.00	\$0.00	\$0.00
	FEES	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
	SUBTOTAL	\$0.00										
TASK 4 - SUSTAINABILITY												
4A	Benchmarking Scorecard											
4B	Updated Energy Study (Incl Daylighting, PV,)											
4C	Sustainability Report											
4D	Updated Carbon Analysis	2	4				4	4				
	Travel Time Budget											
	HOURS	2	4	0	0	0	4	4	0	0	0	0

HOURLY RATE		\$230.00	\$170.00	\$170.00	\$135.00	\$180.00	\$140.00	\$170.00	\$0.00	\$0.00	\$0.00	\$0.00
FEES		\$460.00	\$680.00	\$0.00	\$0.00	\$0.00	\$560.00	\$680.00	\$0.00	\$0.00	\$0.00	\$0.00
SUBTOTAL		\$2,380.00										
TASK 5 - REGULATORY												
5A	Pre-Application Process											
5B	SEPA Checklist - Landuse Submittal Documents											
5C	Building Code Analysis	4	4									
	Travel Time Budget											
	HOURS	4	4	0	0	0	0	0	0	0	0	0
	HOURLY RATE	\$230.00	\$170.00	\$170.00	\$135.00	\$180.00	\$140.00	\$170.00	\$0.00	\$0.00	\$0.00	\$0.00
	FEES	\$920.00	\$680.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
SUBTOTAL		\$1,600.00										
TASK 6 - COST AND BUDGET MANAGEMENT												
6A	Target Value Design Analysis	8	8									
6B	Updated Comprehensive Project Estimate											
6C	Project Budget Confirmation Process											
	Travel Time Budget											
	HOURS	8	8	0	0	0	0	0	0	0	0	0
	HOURLY RATE	\$230.00	\$170.00	\$170.00	\$135.00	\$180.00	\$140.00	\$170.00	\$0.00	\$0.00	\$0.00	\$0.00
	FEES	\$1,840.00	\$1,360.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
SUBTOTAL		\$3,200.00										
TASK 7 - COMMUNITY OUTREACH												
7A	Technincal Advisory Group - Assistance											
7B	Preparation of Outreach Materials											
	Travel Time Budget											
	HOURS	0	0	0	0	0	0	0	0	0	0	0
	HOURLY RATE	\$230.00	\$170.00	\$170.00	\$135.00	\$180.00	\$140.00	\$170.00	\$0.00	\$0.00	\$0.00	\$0.00
	FEES	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
SUBTOTAL		\$0.00										
TASK 8 - GC/CM ASSISTANCE												
8A	PRC Process Assistance											
8B	GC/CM Selection Process Assistance											
	Travel Time Budget											
	HOURS	0	0	0	0	0	0	0	0	0	0	0
	HOURLY RATE	\$230.00	\$170.00	\$170.00	\$135.00	\$180.00	\$140.00	\$170.00	\$0.00	\$0.00	\$0.00	\$0.00
	FEES	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
SUBTOTAL		\$0.00										
TASK 9 - SD1 FINAL DELIVERABLES												
9A	SD1 Deliverables Report Package											
9B	SD1 - Presentation - Transition to Phase 2 Scope											
	Travel Time											
	HOURS	0	0	0	0	0	0	0	0	0	0	0
	HOURLY RATE	\$230.00	\$170.00	\$170.00	\$135.00	\$180.00	\$140.00	\$170.00	\$0.00	\$0.00	\$0.00	\$0.00
	FEES	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
SUBTOTAL		\$0.00										
SUBTOTAL PER TEAM MEMBER - ALL TASKS		\$98,500.00										
REIMBURSABLE EXPENSE BUDGETS		\$0.00										
TOTAL PHASE 1B - SCHEMATIC DESIGN 1		\$98,500.00										

CHICAGO
HONOLULU
LOS ANGELES
PORTLAND
SAN FRANCISCO
SEATTLE
WASHINGTON, DC

July 20, 2022

Randy Cook
TCF Architecture
902 N Second
Tacoma, WA 98403Re: City of Vancouver New Operations Center Phase 1 Predesign & SD1
Professional Services Proposal

Dear Randy:

Thank you for the opportunity to provide you with our proposal for the referenced project. Your project is important to us and we have made an effort to address detailed scopes for all disciplines.

PROJECT DESCRIPTION

Project Owner

City of Vancouver

Project Location

Vancouver, Washington

Building/Project Description

Buildings to include new office, warehouse, shops, fleet services, fuel station and wash bays.

PROJECT SCHEDULE

October 2022 to April 2023

ENGINEERING SERVICES DESCRIPTION

Our scope of services is listed below for the following disciplines: mechanical, electrical, plumbing, fire sprinkler, fire alarm, data telecom, technical security, and A/V systems.

PHASE 1A - PREDESIGN**1 – PROJECT ADMINISTRATION**

1B – Data Gathering and Project Library**.02 - Gathering and Review of City-Provided Documentation**

- Review of City-provided documents for familiarity and for use of such documents in the development of the Phase 1 work.

1C – Project Delivery Plan

- Prepare a preliminary draft Project Delivery Plan based on known information at the outset of the Project including the City's existing Project Charter document.

Mechanical and Electrical Engineering
Building Technologies
Commissioning
Energy Consulting
Fire/Life Safety
Lighting Design
Sustainable Design

- Attend a video-conference call meeting with the City's Advisory Committee to review the draft Project Delivery Plan.
- Update the Draft Project Delivery Plan with City edits and comments.

2 – PROGRAMMING AND DESIGN CRITERIA

2A – Facility Tours

.01 - Tour Existing City Operations Facilities

- Participate in a tour of the existing Operations facilities.
- Prepare tour notes and photos.

.02 - Tour Other MOA Facilities

- Participate in tours of Mason County PUD and Pierce County Maintenance facility.
- Prepare tour notes and photos.

2B – Pre-Workshop Preparation

Conduct research and interactive activities with key City Stakeholders via remote communication prior to the facilitation of in-person workshops and meetings for the purposes of building baseline documentation and guiding the City's Stakeholders in their own efforts to prepare for the in-person meetings.

.02 - Fleet Maintenance Program

- Participate in a videoconference with the City's Equipment Services key staff to review the overall fleet maintenance program, program information developed in the previous master plan, and discuss the City's vision and goals for the future
- Documentation from this task will be used in the subsequent in-person programming workshops with the Equipment Services Program Team.

.03 - Fuel Systems Management

- Participate in a videoconference with the City's Equipment Services key staff to review the City's current approach to fleet fueling and the overall management of fuel systems.
- Prepare a preliminary analysis to address current and future considerations and implications of various fuel types and systems relative to operational resilience, sustainability, and cost.

2C – Programming Workshops

Participate in an in-person programming and design criteria sessions with the City's internal Stakeholder Teams and identify preliminary design criteria for building systems for each functional space or area.

- The sessions will take place over several days and will be scheduled and organized in blocks of 2-3 hours each, to be attended by members of the Design Team and the City's Stakeholder Teams as identified in the City Stakeholder Teams Roster. (Exhibit A.01)
- Other videoconference calls may be conducted prior to and following the in-person meetings.

- Notes from each meeting or videoconference will be recorded and organized in Smartsheet by topics.

.01 - Shared Functions Teams In-Person Workshops

Conduct in-person workshop sessions with City's Shared Functions stakeholder teams as identified in the City Stakeholder Teams Roster.

.02 – Departmental Teams In-Person Workshops

Conduct in-person workshop sessions with each of the City's Departmental Stakeholder Teams as identified in the City Stakeholder Teams Roster.

2E - Design Criteria

The Contractor shall prepare a Draft Programmatic Design Criteria document for City review. Following review by the City, a final Programmatic Design Criteria document will be prepared.

.02 – Preliminary Owners Performance Requirements (OPR's)

Participate in meetings with the City's OPR Team to review specific site and building systems for performance requirements and standards, identifying initial OPR criteria and metrics for all site and building systems, organized as follows:

Volume 2 - HVAC, Plumbing, Electrical and Specialty Systems

- Building heating, cooling and ventilating systems, controls and equipment, including performance requirements for environmental comfort, humidity control, hours of operation, etc.
- Building plumbing and wet systems.
- Building electrical systems (general power, lighting, emergency power, etc.).
- Data-Communications and Audio-visual Systems
- Security systems
- Fire Protection Systems
- Updated Preliminary Equipment List.
- Preliminary Energy Analysis Report setting preliminary Energy Use Intensity (EUI) Goal and proposing potential strategies to achieve goals.

Volume 3 – Site Systems

- Wet Utility Systems (Domestic water, fire flow water, sanitary sewer).
- Dry Utility Systems (electrical power distribution, site lighting, data-communications distribution).

TASK 3 – SITE INVESTIGATIONS & REGULATORY ANALYSIS

3E – Utilities

.01 - Water:

- Estimate water and fire flowrates required based on building size and use.

.02 - Sewer:

- Estimate sewer pipe sizes and flows per building.

.03 - Electrical:

- Investigate and research existing and future planned electrical distribution and power grid capacity with Clark Public Utilities.

.04 - Natural gas:

- Investigate availability of gas service pipe size and pressure.

.05 - Communications/Data:

- Investigate service provider options.

3G – Regulatory Research and Process**.02 – Building Code Review and Research**

- Prepare initial building code review summarizing mechanical, electrical, fire protection, and plumbing code information for each structure. (Note: these code items are key elements in driving initial predesign phase decisions regarding building design).
- Discuss and confirm City's desired upgrades to seismic Risk Level.

TASK 4 – SUSTAINABILITY

4A – Sustainability Goals and Benchmarking Approach**.01 – Sustainability Goals Development**

- Participate in a meeting with the City's Sustainability Stakeholder Team to review and discuss the City's initial sustainability goals, policies for green building, carbon neutrality, energy and water conservation, and other sustainable outcomes.
- This initial process will utilize the AIA's Committee on the Environment (COTE) 10-point Framework for Design Excellence categories: Design for Integration, Design for Community, Design for Ecology, Design for Water, Design for Economy, Design for Energy, Design for Wellness, Design for Resources, Design for Change, and Design for Discovery.
- Discussions from this meeting will inform other stakeholder and program team discussions.
- Up to two other videoconference meetings with key City staff for follow-up and additional assessment of sustainability information as the planning process progresses.

.02 – Sustainability Certification Approach and Research

- Based on discussions and goal setting with the City's Sustainability Team, assist the City in determining a preferred benchmarking program for the project such as LEED, Green Globes, or other programs.

- Based on the selected program's assessment and scoring system, prepare a preliminary "scorecard" to identify initial anticipated benchmarking goals for the project.

4B – Sustainability Strategies and Analysis

.01 – Preliminary Energy Analysis

- Initial Energy Use Intensity (EUI) targets for each building.
- Analysis of energy strategies

.02 – Ground Source Heat Exchange Investigations

- Provide a ground test bore to determine the anticipated level of soil conductivity, stable ground temperature, diffusivity, and cost of drilling for a closed loop ground coupled geo-exchange system.
- Provide an energy and cost benefit analysis for a geo-exchange system.

.03 – PV / BESS Analysis

- PV Systems Analysis: Prepare an analysis of photovoltaic (PV) energy production potential for the site including total output potential, first cost, life cycle costs and payback, summary of incentives, and other options and considerations.
- Battery Electric Storage Systems: Prepare an analysis to determine feasibility of a battery system to replace diesel generators.

.04 – Daylighting Analysis

- Provide criteria to explore a range of daylighting strategies for the main office building and operations buildings.

.05 – Carbon Analysis

- Provide TCF with the building operational carbon inputs to be used in the Tally" program.

.06 - Mechanical Systems LCCA

- Perform a Life Cycle Cost Analysis comparing alternative HVAC systems.

.07 – Water Resources Analysis

- Develop alternative strategies for water conservation and reuse.
- Prepare life cycle cost analysis for potential strategies.

TASK 5 – CONCEPTUAL DESIGN

5A – Preliminary Building Layout Alternatives

.01 - Program Assignments to Buildings

- Based on design criteria and information developed during Task 4, provide footprints of MEP systems for an updated preliminary site plan.

- Based on design criteria information developed during Task 4, prepare preliminary MEPFT space requirements to be used in building floor plans to convey design concepts.

.02 - Building Massing Studies

- Collaborate with TCF on alternative building massing studies for each building to take advantage of daylighting, passive solar, active solar and natural ventilation.
- Massing studies will assist in the development of daylighting studies in Task 5 as well as energy studies.

5B – Preliminary Site Layout Alternatives

.01 - Preliminary Site Configuration Alternatives

- Develop alternative approaches to site layouts exploring electrical infrastructure and sustainability strategies.

5C – Conceptual Design Workshops

.01 - Alternatives Review Workshop

- Participate in an in-person workshop to review the conceptual layout alternatives with City staff as determined by the Advisory Committee.
- The workshop is intended to identify a preferred alternative for site configuration and general building footprint configurations.

TASK 6 – COST AND BUDGET MANAGEMENT

6A – Cost Modeling

.02 - Cost Model Review

- Participate in a Design Team workshop to review the preliminary cost model and determine adjustments and updates as needed prior to meeting with the City.
- Participate in a cost model review workshop with the City's Advisory Team. The Cost Model will allow for initial discussions of major systems and design elements in relationship to total project costs.

.03 - Major Systems Comparative Analysis

- Prepare basic cost-benefit comparisons for major systems including electrical and building envelope systems.
- Note: HVAC life cycle cost analysis is included under Task 4, Sustainability.

6B – Predesign Cost Estimating

.01 – Preferred Concept Predesign Cost Estimate

- Provide MEPFT input on the preferred alternative layout for the site and buildings.

TASK 9 – PREDESIGN REPORT

9A – Draft Predesign Report

Provide a draft Predesign Report in electronic .pdf format collecting and presenting all Predesign documentation. The report package will include:

- A Summary Report providing a comprehensive narrative of the project including goals, conceptual design, and sustainability strategies.

9B – Final Predesign Report

Final report incorporating City's review comments into a pdf electronic format for final submittal to the City.

PHASE 1B - SCHEMATIC DESIGN 1 (SD1)**1 – PROJECT ADMINISTRATION**

1B – Data Gathering and Research

Using the data gathered in the predesign, research MEPFT options to be used in the schematic design.

1B – Project delivery plan

Using the data gathered in the predesign provide an update to the project delivery plan.

2 – SCHEMATIC 1 BUILDING DESIGN

2A – SD1 Building Design

Develop schematic level design for each building on the campus. Level of design will explore:

- MEPFT space needs.

2B – Updated Program Document

- As needed, provide final refinements to the Program if changed criteria assumptions and metrics are discovered.

2C – Building Basis of Design Narratives

Provide detailed narratives for each building system to further define the intended systems, materials, and products to be carried forward into the next design phase, and for updated cost estimating.

- HVAC Systems
- Plumbing Systems
- Electrical Systems
- Fire protection systems
- Low Voltage Systems (Data/Comm, Security, Audio Visual)
- Renewable energy systems

3 – SCHEMATIC 1 SITE DESIGN

3C – Site Basis of Design Narratives

- Provide detailed narratives of all MEPFT site systems which will be carried forward in the next phase of design and for cost estimating.

3D – Design Review Meetings

- Participate in design review meetings with stakeholder to discuss systems being proposed for feedback.

4 – SUSTAINABILITY

4A – Benchmarking scorecard

Develop an energy benchmarking matrix for each of the buildings comparing code buildings to our proposed design buildings and compare to the 2030 challenge goal and net zero energy.

4B – Energy, daylighting, and photovoltaic (PV) studies

- Develop an energy analysis for each of the buildings which estimates the energy consumption of the building including all the proposed energy conservation strategies and renewable systems.
- Develop daylight modeling of select spaces and buildings to help reduce glare and inform placement and type of glass and shading devices.
- Develop a PV analysis which lays out the PV panels and predicts renewable power generation. Coordinate with Clark PUD on the amount of renewable energy produced which would feed the electrical grid in a net metering arrangement. Provide an update to the cost estimator.

4C – Sustainability report

- Develop a sustainability report which includes project sustainability goals, energy/water/air quality strategies proposed and a path to net zero energy and water.

5 – REGULATORY

5C - Building Code Analysis

- Provide a preliminary envelope energy code check to ensure the design is on track to comply with the state energy code.

6 – COST AND BUDGET MANAGEMENT

6A – Target Value Design Analysis

- Compare project goals to system selection and resulting first cost and life cycle costs and refine proposed systems giving the highest value.

6B – Updated Comprehensive Project Cost Estimate

- Provide input to the cost estimate for MEPFT systems.

6C – Project Budget Confirmation

- Provide input to the costs estimate and provide any remaining information needed.

9 – SD 1 FINAL DELIVERABLES

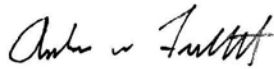
9A – SD1 deliverable report package

- Assemble all final documents to be included in the final report.

FEE

Please refer to the VPOC Phase 1 fee schedule dated 7-20-2022 for labor and reimbursable fees.
If you have any questions, please contact this office.

Sincerely,



Andy Frichtl, PE, LEED AP
Managing Principal

TASK NO.	PROJECT TASKS	INTERFACE ENGINEERS MEP/FP/Low Voltage Engineering Sustainable Design										
		Senior Mechanical Principal	Mechanical Principal	Electrical Principal	Mechanical Associate Principal	Electrical Associate Principal	Mechanical Associate	Electrical Associate	Senior Engineer	Engineer	Revit	Admin
PHASE 1A - PREDESIGN												
TASK 1 - PROJECT ADMINISTRATION												
1A	General Project Management:											
1B	Data Gathering - Research - Project Library	12	16	16	4	4	2	2				
1C	Project Delivery Plan - Draft and Updates	6	1	6	1	1	1	1				
	Travel Time Budget											
	HOURS	18	17	22	5	5	3	3	0	0	0	0
	HOURLY RATE	\$250.00	\$230.00	\$230.00	\$210.00	\$210.00	\$190.00	\$190.00	\$170.00	\$150.00	\$120.00	\$100.00
	FEES	\$4,500.00	\$3,910.00	\$5,060.00	\$1,050.00	\$1,050.00	\$570.00	\$570.00	\$0.00	\$0.00	\$0.00	\$0.00
	SUBTOTAL	\$16,710.00										
TASK 2 - PROGRAMMING												
2A	Facility Tours	10		10								
2B	Pre-Workshop Preparation	6	2	6								
2C	Program Workshops and Follow-ups	16	16	16	16		16		16			
2D	Space Program											
2E	Design Criteria	8	12	12	6		6		12			
	Travel Time Budget	8	2	8	2		2		2			
	HOURS	48	32	52	24	0	24	0	30	0	0	0
	HOURLY RATE	\$ 250	\$ 230	\$ 230	\$ 210	\$ 210	\$ 190	\$ 190	\$ 170	\$ 150	\$ 120	\$ 100
	FEES	\$ 12,000	\$ 7,360	\$ 11,960	\$ 5,040	\$ -	\$ 4,560	\$ -	\$ 5,100	\$ -	\$ -	\$ -
	SUBTOTAL	\$46,020.00										
TASK 3 - SITE INVESTIGATIONS AND REGULATORY PROCESS												
3A	Survey Coordination with City											
3B	Traffic Engineering											
3C	Geotechnical - Field Investigations and Report											
3D	Environmental - Phase 1											
3E	Utilities Investigations - Research											
3E.01	Water	1			6							
3E.02	Sewer											
3E.03	Electrical			6								
3E.04	Natural Gas				4							
3E.05	Data/Comm			6								
3F	Storm Water Management - Investigations & Research											
3G	Regulatory Research and Process	1	2	2	1		1					
	Travel Time Budget											
	HOURS	2	2	14	11	0	1	0	0	0	0	0
	HOURLY RATE	\$250.00	\$230.00	\$230.00	\$210.00	\$210.00	\$190.00	\$190.00	\$170.00	\$150.00	\$120.00	\$100.00
	FEES	\$500.00	\$460.00	\$3,220.00	\$2,310.00	\$0.00	\$190.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
	SUBTOTAL	\$6,680.00										
TASK 4 - SUSTAINABILITY												
4A	Sustainability Goals and Benchmarking Approach	6		6								
4B	Sustainability Strategies and Analysis											
4B.01	Preliminary Energy Analysis Study	12	38	6								
4B.02	Ground Source Heat Exchange Investigations/Analysis	40										
4B.03	PV/BESS Analysis			24								
4B.04	Daylighting Analysis/criteria	4	20	2								
4B.05	Carbon Analysis	2										
4B.06	HVAC Systems LCCA	6	40	2								
4B.07	Water Resources	6	6									
	Travel Time Budget											
	HOURS	76	104	40	0	0	0	0	0	0	0	0
	HOURLY RATE	\$250	\$230	\$230	\$210	\$210	\$190	\$190	\$170	\$150	\$120	\$100
	FEES	\$19,000	\$23,920	\$9,200	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
	SUBTOTAL	\$52,120										
TASK 5 - CONCEPTUAL DESIGN												
5A	Preliminary Building Layouts	4	8	6	2	2	2	2				
5B	Preliminary Site Layouts	2	2	4			4		2			

5C	Site & Bldg Alternatives Workshop and Follow-up	6	6	6								
	Travel Time Budget	2	2	2								
	HOURS	14	18	18	2	2	6	2	2	0	0	0
	HOURLY RATE	\$250.00	\$230.00	\$230.00	\$210.00	\$210.00	\$190.00	\$190.00	\$170.00	\$150.00	\$120.00	\$100.00
	FEES	\$3,500.00	\$4,140.00	\$4,140.00	\$420.00	\$420.00	\$1,140.00	\$380.00	\$340.00	\$0.00	\$0.00	\$0.00
	SUBTOTAL	\$14,480.00										

TASK 6 - COST AND BUDGET MANAGEMENT

6A	Cost Modeling and Target Value Design Process											
6A.01	Cost Model Structure and Prelim Modeling	4	2	4	2		2		2			
6A.02	Cost Model Review Workshop	2	2	2	2		2		2			
6A.03	Comparative Estimating for Major Systems	12	2	6	2		2		2			
6B	Predesign Estimating	2	2	2								
6C	Project Budget Development Process											
	Travel Time Budget											
	HOURS	20	8	14	6	0	6	0	6	0	0	0
	HOURLY RATE	\$250.00	\$230.00	\$230.00	\$210.00	\$210.00	\$190.00	\$190.00	\$170.00	\$150.00	\$120.00	\$100.00
	FEES	\$5,000.00	\$1,840.00	\$3,220.00	\$1,260.00	\$0.00	\$1,140.00	\$0.00	\$1,020.00	\$0.00	\$0.00	\$0.00
	SUBTOTAL	\$13,480.00										

TASK 7 - COMMUNITY OUTREACH												
7A	Technincal Advisory Group - Assistance											
7B	Preparation of Outreach Materials											
	Travel Time Budget											
	HOURS	0	0	0	0	0	0	0	0	0	0	0
	HOURLY RATE	\$250.00	\$230.00	\$230.00	\$210.00	\$210.00	\$190.00	\$190.00	\$170.00	\$150.00	\$120.00	\$100.00
	FEES	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
	SUBTOTAL	\$0.00										
TASK 8 - GC/CM ASSISTANCE												
8A	GC/CM Process Assistance											
	Travel Time Budget											
	HOURS	0	0	0	0	0	0	0	0	0	0	0
	HOURLY RATE	\$250.00	\$230.00	\$230.00	\$210.00	\$210.00	\$190.00	\$190.00	\$170.00	\$150.00	\$120.00	\$100.00
	FEES	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
	SUBTOTAL	\$0.00										
TASK 9 - PREDESIGN REPORT, PRESENTATIONS & OTHER TASKS												
9A	Draft Predesign Report / Presentation	4	3	2	1				1		1	2
9B	Final Predesign Report / Presentation	1	1	1	1		1		0		1	1
	Travel Time	2	2	2	2							
	HOURS	7	6	5	4	0	1	0	1	0	2	3
	HOURLY RATE	\$250.00	\$230.00	\$230.00	\$210.00	\$210.00	\$190.00	\$190.00	\$170.00	\$150.00	\$120.00	\$100.00
	FEES	\$1,800.00	\$1,320.00	\$1,220.00	\$780.00	\$0.00	\$190.00	\$0.00	\$250.00	\$0.00	\$220.00	\$260.00
	SUBTOTAL	\$6,040.00										
SUBTOTAL PER TEAM MEMBER - ALL TASKS		\$155,530.00										
REIMBURSABLE EXPENSE BUDGETS		\$53,000.00										
TOTAL PHASE 1A - PREDESIGN		\$208,530.00										

PHASE 1B - SCHEMATIC DESIGN 1 (SD1)												
TASK 1 - PROJECT ADMINISTRATION												
1A	General Project Management:											
1B	Data Gathering - Research - Project Library	12	8	8	4	4	2	2				
1C	Project Delivery Plan - Draft and Updates	6	1	6	1	1	1	1				
	Travel Time Budget											
	HOURS	18	9	14	5	5	3	3	0	0	0	0
	HOURLY RATE	\$260.00	\$240.00	\$240.00	\$220.00	\$220.00	\$200.00	\$200.00	\$180.00	\$156.00	\$125.00	\$104.00
	FEES	\$4,680.00	\$2,160.00	\$3,360.00	\$1,100.00	\$1,100.00	\$600.00	\$600.00	\$0.00	\$0.00	\$0.00	\$0.00
	SUBTOTAL	\$13,600.00										
TASK 2 - SCHEMATIC 1 BUILDING DESIGN												
2A	SD1 Building Design	12	16	16	4	6	2	2			4	
2B	Updated Program Document	2	2	2								
2C	Basis of Design Narratives	50	90	75	50	40	30	32				50
2D	Updated Equipment List											
2E	Updated Office Standards											
2F	Renderings and Graphics											
2G	Design review Meetings	30	30	30	21	21	21.5	21.3				
	Travel Time Budget	4	4	4	4	4	4	4				
	HOURS	98	142	127	79	71	58	59	0	0	4	50
	HOURLY RATE	\$260	\$240	\$240	\$220	\$220	\$200	\$200	\$180	\$156	\$125	\$104
	FEES	\$25,480	\$34,080	\$30,480	\$17,380	\$15,620	\$11,500	\$11,860	\$0	\$0	\$500	\$5,200
	SUBTOTAL	\$152,100										
TASK 3 - SCHEMATIC 1 SITE DESIGN												
3A	SD1 Architectural Site Design											
3B	SD1 Civil and Landscape Design											
3C	Site Systems Basis of Design	10	14	12	8	4	8	4			4	6
3D	Design Review Meetings	12	12	12	4	4	4	4				
	Travel Time Budget	4	4	4								
	HOURS	26	30	28	12	8	12	8	0	0	4	6
	HOURLY RATE	\$260	\$240	\$240	\$220	\$220	\$200	\$200	\$180	\$156	\$125	\$104
	FEES	\$6,760	\$7,200	\$6,720	\$2,640	\$1,760	\$2,400	\$1,600	\$0	\$0	\$496	\$624
	SUBTOTAL	\$30,200										
TASK 4 - SUSTAINABILITY												
4A	Benchmarking Scorecard	8	10	4								
4B	Updated Energy Study (Incl Daylighting, PV,)	36	80	8								
4C	Sustainability Report	20	32	4								12
4D	Updated Carbon Analysis	2	2									
	Travel Time Budget	2	2									
	HOURS	68	126	16	0	0	0	0	0	0	0	12

		\$260	\$240	\$240	\$220	\$220	\$200	\$200	\$180	\$156	\$125	\$104
FEES		\$17,680	\$30,240	\$3,840	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$1,248
SUBTOTAL		\$53,008										
TASK 5 - REGULATORY												
5A	Pre-Application Process											
5B	SEPA Checklist - Landuse Submittal Documents											
5C	Building Code Analysis	2	20	8	4					24		
	Travel Time Budget											
	HOURS	2	20	8	4	0	0	0	0	24	0	0
	HOURLY RATE	\$260.00	\$240.00	\$240.00	\$220.00	\$220.00	\$200.00	\$200.00	\$180.00	\$156.00	\$125.00	\$104.00
	FEES	\$520.00	\$4,800.00	\$1,920.00	\$880.00	\$0.00	\$0.00	\$0.00	\$0.00	\$3,744.00	\$0.00	\$0.00
SUBTOTAL		\$11,864.00										
TASK 6 - COST AND BUDGET MANAGEMENT												
6A	Target Value Design Analysis	24	20	20	6	6	4	4				
6B	Updated Comprehensive Project Estimate	4	2	2	1	1	1	1				
6C	Project Budget Confirmation Process	1	1	1								
	Travel Time Budget											
	HOURS	29	23	23	7	7	5	5	0	0	0	0
	HOURLY RATE	\$260.00	\$240.00	\$240.00	\$220.00	\$220.00	\$200.00	\$200.00	\$180.00	\$156.00	\$125.00	\$104.00
	FEES	\$7,540.00	\$5,520.00	\$5,520.00	\$1,540.00	\$1,540.00	\$1,000.00	\$1,000.00	\$0.00	\$0.00	\$0.00	\$0.00
SUBTOTAL		\$23,660.00										
TASK 7 - COMMUNITY OUTREACH												
7A	Technincal Advisory Group - Assistance											
7B	Preparation of Outreach Materials											
	Travel Time Budget											
	HOURS	0	0	0	0	0	0	0	0	0	0	0
	HOURLY RATE	\$260.00	\$240.00	\$240.00	\$220.00	\$220.00	\$200.00	\$200.00	\$180.00	\$156.00	\$125.00	\$104.00
	FEES	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
SUBTOTAL		\$0.00										
TASK 8 - GC/CM ASSISTANCE												
8A	PRC Process Assistance											
8B	GC/CM Selection Process Assistance											
	Travel Time Budget											
	HOURS	0	0	0	0	0	0	0	0	0	0	0
	HOURLY RATE	\$260.00	\$240.00	\$240.00	\$220.00	\$220.00	\$200.00	\$200.00	\$180.00	\$156.00	\$125.00	\$104.00
	FEES	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
SUBTOTAL		\$0.00										
TASK 9 - SD1 FINAL DELIVERABLES												
9A	SD1 Deliverables Report Package	1	3	3	2	2	2	2	1		1	3
9B	SD1 - Presentation - Transition to Phase 2 Scope	2	3	3								0
	Travel Time	2	2	2								
	HOURS	5	8	8	2	2	2	2	1	0	1	3
	HOURLY RATE	\$260.00	\$240.00	\$240.00	\$220.00	\$220.00	\$200.00	\$200.00	\$180.00	\$156.00	\$125.00	\$104.00
	FEES	\$1,300.00	\$1,920.00	\$1,920.00	\$440.00	\$440.00	\$400.00	\$400.00	\$180.00	\$0.00	\$125.00	\$354.64
SUBTOTAL		\$7,480										
SUBTOTAL PER TEAM MEMBER - ALL TASKS		\$291,912										
REIMBURSABLE EXPENSE BUDGETS		\$3,000.00										
TOTAL PHASE 1B - SCHEMATIC DESIGN 1		\$294,911.89										

2022 RATES

Senior Principal:	\$250/Hour
Principal:	\$230/Hour
Associate Principal:	\$210/Hour
Associate/Project Manager:	\$190/Hour
Sr. Engineer/Designer:	\$170/Hour
Engineer/Designer:	\$150/Hour
Revit Designer/Drafter	\$120/Hour
Administrative:	\$100/Hour

2023 RATES

Senior Principal:	\$260/Hour
Principal:	\$240/Hour
Associate Principal:	\$220/Hour
Associate/Project Manager:	\$200/Hour
Sr. Engineer/Designer:	\$180/Hour
Engineer/Designer:	\$156/Hour
Revit Designer/Drafter	\$125/Hour
Administrative:	\$104/Hour

July 23, 2022

**RE: CITY OF VANCOUVER – NEW OPERATIONS CENTER
TCF Project No. 2022-016
WSP SCOPE & FEE PROPOSAL FOR PROFESSIONAL SERVICES -PHASE 1 WORK SCOPE**

PHASE 1 SCOPE OF SERVICES (PREDESIGN THROUGH PRELIMINARY SCHEMATIC DESIGN (SD-1))

The Contractor shall provide the scope activities and deliverables described herein.

PHASE 1A - PREDESIGN

1 – PROJECT ADMINISTRATION

1A - General Project Management

WSP will include project management hours for Phase 1A (Predesign) under Tasks 2 (Programming and Design Criteria), Task 3B (Traffic Engineering), Task 5 (Conceptual Design), and Task 6B (Pre-Design Cost Estimating)

1B – Data Gathering and Project Library

.01 - City Provided Documentation

No WSP Involvement

.02 - Gathering and Review of City-Provided Documentation

WSP will complete the following task items under Phase 1A, Task 1B.02:

- Review of City-provided documents for familiarity and for use of such documents in the development of the Phase 1 work.

WSP Deliverables for Phase 1A, Task 1B: Questions, if any, that result from the review of documents.

1C – Project Delivery Plan

No WSP Involvement

2 – PROGRAMMING AND DESIGN CRITERIA

2A – Facility Tours

.01 - Tour Existing City Operations Facilities

WSP will complete the following task items under Phase 1A, Task 2A.01:

- Participate in a tour of existing Operations facilities.
- Photographically document the shops and storage areas in the existing Operations facilities.
- Based on observations and discussions during the tour, prepare a programming questionnaire(s) for City stakeholder response prior to the pre-workshop preparation (Phase 1A, Task 2B) and programming workshops (Phase 1A, Task 2C).

.02 - Tour Other MOA Facilities

WSP will complete the following task items under Phase 1A, Task 2A.02:

- Participate in a tour of other MOA facilities in the southern Washington/northern Oregon area.
- Photographically document the shops and storage areas in the other MOA facilities toured.

WSP Assumptions for Phase 1A, Task 2A

- Tours of existing City Operations facilities will take place on one day.
- Tours of other MOA facilities (see Phase 1A, Task 2A.02) will take place over a two-day period immediately before or after the tour of the existing City Operations facilities (i.e. all tours will take place during the same trip to minimize travel expenses).

WSP Deliverables for Phase 1A, Task 2A

- Notes with photographic documentation of existing City Operations facilities and other MOA Facilities.
- Programming questionnaire(s).

2B – Pre-Workshop Preparation

Conduct research and interactive activities with key City Stakeholders via remote communication prior to the facilitation of in-person workshops and meetings for the purposes of building baseline documentation and guiding the City's Stakeholders in their own efforts to prepare for the in-person meetings.

.01 - Warehousing and Inventory Management

WSP will complete the following task items under Phase 1A, Task 2B.01:

- Conduct a videoconference call with the Warehousing and Inventory Management City Stakeholder Team to review current City practices for procurement, new inventory storage and management for all Operations departments.
- Discuss potential approaches for consolidated warehousing and inventory management.
- As part of Task 2A, meet with City staff and review the City's existing inventory storage methods and confirm approximate quantities and types of new inventory storage.
- Develop a preliminary analysis of considerations for the City to consider regarding consolidated inventory management.
- Documentation from this task will be used in the subsequent in-person programming workshops where types of storage and inventory management will be further discussed and evaluated.

.02 - Fleet Maintenance Program

WSP will complete the following task items under Phase 1A, Task 2B.02:

- Conduct a videoconference with the City's Equipment Services key staff to review the overall fleet maintenance program, program information developed in the previous master plan, and discuss the City's vision and goals for the future
- Documentation from this task will be used in the subsequent in-person programming workshops with the Equipment Services Program Team.

.03 - Fuel Systems Management

WSP will complete the following task items under Phase 1A, Task 2B.03:

- Conduct a videoconference with the City's Equipment Services key staff to review the City's current approach to fleet fueling and the overall management of fuel systems.
- Prepare a preliminary analysis to address current and future considerations and implications of various fuel types and systems relative to operational resilience, sustainability, and cost.

.04 - Office and Work Environment Standards

No WSP Involvement

.05 - Diversity, Equity, and Inclusion (DEI) / Human-Centric Design

No WSP Involvement

WSP Assumptions for Phase 1A, Task 2B

- No travel is anticipated for Phase 1A, Task 2B.
- Video conference (3 total) will average 4 hours each.
- Fueling may include a range of fuels including gasoline, diesel, CNG/RNG, propane, electric, and hydrogen.

WSP Deliverables for Phase 1A, Task 2B

- Meeting notes of each video conference (3 total) and preliminary analysis as indicated.

2C – Programming Workshops

WSP will complete the following task items under Phase 1A, Task 2C:

- Prepare for and participate in on-site (in-person) programming and design criteria sessions with the City's internal Stakeholder Teams, exploring and confirming all functional spaces, square footages, diagrammatic space layouts, operational workflow diagrams, adjacency configurations, and the identification of preliminary design criteria for each functional space or area.
- The sessions will take place over several days and will be scheduled and organized in blocks of 2-3 hours each, to be attended by members of the Design Team and the City's Stakeholder Teams as identified in the City Stakeholder Teams Roster. (Exhibit A.01)
- Other videoconference calls may be conducted prior to and following the in-person meetings as needed to clarify program requirements.
- Review and comment on TCF Architecture prepared notes from each meeting or videoconference.

.01 - Shared Functions Teams In-Person Workshops

WSP will complete the following task items under Phase 1A, Task 2C.01:

- Participate in on-site (in-person) workshop sessions with City's Shared Functions stakeholder teams as identified in the City Stakeholder Teams Roster.

.02 – Departmental Teams In-Person Workshops

WSP will complete the following task items under Phase 1A, Task 2C.02:

- Participate in on-site (in-person) workshop sessions with each of the City's Departmental Stakeholder Teams as identified in the City Stakeholder Teams Roster.

WSP Assumptions for Phase 1A, Task 2C

- All programming workshops will take place during one week and will be attended by two WSP staff.
- Up to four other videoconferences (average 1-hour each).

WSP Deliverables for Phase 1A, Task 2C

- Review comments on TCF Architecture prepared notes from each meeting or videoconference.

2D – Space Program

.01 - Personnel Analysis: Existing and Projected Growth

WSP will complete the following task items under Phase 1A, Task 2D.01:

- Review and comment on the Personnel Analysis developed by TCF Architecture.

.02 - Parking Analysis: Existing and Projected Growth

WSP will complete the following task items under Phase 1A, Task 2D.02:

- Review the vehicle and equipment list provided by the City and develop a spreadsheet listing the vehicle/equipment number, year, make, model, description, VIN number (if available), description, and type fuel. The list will be organized by Department.
- Conduct a videoconference with the appropriate City stakeholders to:
 - ✓ Identify vehicles/equipment that are typically connected (i.e. truck, trailer, equipment item on the trailer).
 - ✓ Identify size parking space needed for each vehicle/equipment (including combinations).
 - ✓ Identify type of parking (enclosed/heated, enclosed/unheated, canopy covered, outdoor) to be provided for each vehicle/equipment.
 - ✓ Identify additional vehicles/equipment to be accommodated (i.e. growth).
- Add the information identified during the meeting with City Stakeholders to the vehicle and equipment list spreadsheet.
- Coordinate the parking analysis with the Space Program developed in Phase 1A, Task 2D.03.
- Note that this list will also be used to calculate the type and quantity of repair bays needed in the Vehicle Maintenance Facility.

.03 - Space Program

Based on the programming workshops, TCF Architecture will develop a detailed space program that will:

- Identify functional areas to be located at the new facility.
- Identify space requirements for all administrative, maintenance, and operations functions in the project including:
 - ✓ Requirements for shared spaces, offices, mechanic areas, and crew areas.
 - ✓ Quantity, size, and type of repair bays.
 - ✓ Requirements for all shops.
 - ✓ Requirements for parts storage and warehousing.
 - ✓ Storage requirements for toolboxes and portable equipment.
 - ✓ Requirements for mechanical and electrical support space.
- Identify parking requirements for City vehicles and equipment, employee, visitor, and delivery vehicles.

WSP will complete the following task items under Phase 1A, Task 2D.03:

- Provide input to the space program for all shop areas, storage/warehouse areas, fuel and wash, vehicle parking, and yard areas, using the TCF Architecture developed space program format.
- Participate in a series of video conferences (up to 4) with the City's Departmental Stakeholder Teams as identified in the City Stakeholder Teams Roster to review the draft Space Program.

WSP Assumptions for Phase 1A, Task 2D

- No travel is anticipated for Phase 1A, Task 2D.
- TCF Architecture will provide the space program spreadsheet format.

WSP Deliverables for Phase 1A, Task 2D

- Vehicle/Equipment List and Parking Analysis
- Input to the draft Space Program.
- Input to the final Space Program.

2E - Design Criteria

TCF Architecture will prepare a Draft Programmatic Design Criteria document for City review. Following review by the City, a final Programmatic Design Criteria document will be prepared.

.01 - Preliminary Room Data Sheets

WSP will complete the following task items under Phase 1A, Task 2E.01:

- Prepare Room Data Sheets for all areas related to shops, storage and warehouse, fuel, wash, and yard areas. Each Room Data Sheet will include:
 - ✓ Room layout (two and/or 3-dimensional diagrams) with key dimensional information, diagrammatic equipment and furnishings configurations, and other unique and relevant programmatic information.
 - ✓ Narrative summary of basic building system information to be accommodated in each area, space, or room including architectural requirements (clearances, floor, wall and ceiling finishes, door and window requirements, etc.); HVAC requirements (heating, cooling, ventilation); plumbing and piping requirements; electrical requirements (power and lighting levels); low voltage systems requirements (data-comm, audio-visual, security, other special systems); appliances, furnishings, and equipment.

.02 – Preliminary Owners Performance Requirements (OPR's)

Volume 1: Architectural, Structural, Equipment Systems

WSP will complete the following task items under Phase 1A, Task 2E.02 Under Volume 1:

- An inventory of existing shop equipment was done in August 2017 (almost 5 years ago). WSP will conduct an on-site review of the inventory of existing shop equipment by functional area and will update the inventory as needed. The updated inventory will include description, quantity, manufacturer, model number, utility requirements and condition. It will indicate which items are recommended for reuse in the new facility.
- Develop Preliminary Maintenance Equipment List based on the draft Design Criteria. Equipment shall be listed by functional area and include a description, price, quantity, dimensions, and general utility requirements for each equipment item. The list will incorporate equipment items identified

as reusable on the Equipment Inventory. The Preliminary Equipment List will be reviewed with the City stakeholders during the conceptual design workshops in Phase 1A, Task 5C.

- Review and comment on the Design Criteria Document prepared by TCF Architecture.

Volume 2 - HVAC, Plumbing, Electrical and Specialty Systems

No WSP Involvement

Volume 3 – Site Systems

No WSP Involvement

WSP Assumptions for Phase 1A, Task 2E

- TCF Architecture will provide the room data sheet format.
- TCF Architecture will prepare the Design Criteria Document
- The equipment inventory will be done during a two-day trip with two people. This may be combined with another trip, if possible, to save on travel cost.

WSP Deliverables for Phase 1A, Task 2E

- Room data sheets for all areas related to shops, storage and warehouse, fuel, wash, and yard areas.
- Review comments on the Design Criteria document.
- Inventory of existing shop equipment.
- Preliminary shop equipment list.

TASK 3 – SITE INVESTIGATIONS & REGULATORY ANALYSIS

3A – Surveying

No WSP Involvement

3B - Traffic Engineering

.01 - Traffic Study

WSP will complete the following task items under Phase 1A, Task 3B.01:

- Perform Trip Generation for updated site plan for one development scenario using the most current edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual and by the guidelines specified in the ITE Trip Generation Handbook.
- Comparative analysis with the trip generation estimates from the Transportation Impact Study for the Lechner Campus Master Plan approved by Clark County, Washington.
- Communicate with Clark County and the City to review data and confirm potential transportation improvement requirements.
- Provide strategic guidance on site circulation
- Prepare phase 2 scope of work for the traffic impact analysis study
- Provide high-level cost estimates for traffic improvements associated with the new development.
- Attend pre-app meeting and document a summary memo of traffic impact analysis methods and assumptions based on input from the City.

WSP Assumptions for Phase 1A, Task 3B

- Prime consultant to provide updated site plan and development assumptions

WSP Deliverables for Phase 1A, Task 3B

- Draft and Final Trip generation memo including assumptions and comparison with previous study
- Traffic impact analysis methods and assumptions summary memo
- Phase 2 traffic impact analysis study scope of work and fee estimate

3C – Geotechnical

No WSP Involvement

3D – Environmental

No WSP Involvement

3E – Utilities

No WSP Involvement

3F – Storm Water Management

No WSP Involvement

3G – Regulatory Research and Process

No WSP Involvement

TASK 4 – SUSTAINABILITY

4A – Sustainability Goals and Benchmarking Approach

No WSP Involvement

4B – Sustainability Strategies and Analysis

No WSP Involvement

TASK 5 – CONCEPTUAL DESIGN

5A – Preliminary Building Layout Alternatives

Note that Task 5A is to be done in preparation for Task 5C (Conceptual Design Workshops). The preliminary building layout alternatives will be developed remotely (not on-site) in coordination with TCF Architecture.

.01 - Program Assignments to Buildings

WSP will complete the following task items under Phase 1A, Task 5A.01:

- Based on design criteria and information developed during Task 4, assist TCF Architecture to prepare updated preliminary site plan configuration drawings showing building locations, driveways, and other general site features.
- Based on design criteria information developed during Task 4, assist TCF Architecture to prepare preliminary building floor plans to convey design concepts.

.02 - Building Massing Studies

No WSP Involvement

5B – Preliminary Site Layout Alternatives

Note that Task 5B is to be done in preparation for Task 5C (Conceptual Design Workshops). The preliminary site layout alternatives will be developed remotely (not on-site) in coordination with TCF Architecture.

.01 - Preliminary Site Configuration Alternatives

WSP will complete the following task items under Phase 1A, Task 5B.01:

- Assist TCF Architecture to develop alternative approaches to site layouts exploring optimum workflow circulation, safety, growth potential, operational resilience, sustainability strategies, and cost economy.

5C – Conceptual Design Workshops

.01 - Alternatives Review Workshop

WSP will complete the following task items under Phase 1A, Task 5C.01:

- Participate in a one week on-site (in-person) workshop to review and refine the conceptual layout alternatives with City staff as determined by the Advisory Committee. The conceptual layouts will be refined based on City comments during the workshop. After an initial meeting to review the concepts on Day 1 of the workshop, it is anticipated that the design team will meet with City staff each afternoon to review the refined layouts.
- The workshop is intended to identify a preferred alternative for site configuration and general building footprint configurations.

.02 - Preferred Site and Building Layout Configurations

WSP will complete the following task items under Phase 1A, Task 5C.02:

- Assist TCF Architecture (remotely) to refine the preferred alternative site and building layouts.

WSP Assumptions for Phase 1A, Task 5

- Preliminary building layout alternatives (Task 5A) and site layout alternatives (Task 5B) will be developed remotely (not on-site) in coordination with TCF Architecture
- The on-site (in-person) conceptual design workshop will be a four to five-day workshop with two WSP staff participating.

WSP Deliverables for Phase 1A, Task 5

- Site and building layout sketches.
- Review comments on site and building drawings prepared by TCF Architecture.

TASK 6 – COST AND BUDGET MANAGEMENT

6A – Cost Modeling

.01 - Preliminary Cost Model

No WSP Involvement

.02 - Cost Model Review

WSP will complete the following task items under Phase 1A, Task 6A.02:

- Participate in a videoconference with the Design Team to review the preliminary cost model and determine adjustments and updates as needed prior to meeting with the City.
- Participate in a videoconference with the City's Advisory Team to review the cost model. The Cost Model will allow for initial discussions of major systems and design elements in relationship to total project costs.

.03 - Major Systems Comparative Analysis

No WSP Involvement

6B – Predesign Cost Estimating

.01 – Preferred Concept Predesign Cost Estimate

WSP will complete the following task items under Phase 1A, Task 6B.01:

- Update the Preliminary Shop Equipment List and Cost Estimate based on review comments received from the City on the Preliminary Shop Equipment List.

6C – Preliminary Project Budget

No WSP Involvement

WSP Assumptions for Phase 1A, Task 6

- No travel is anticipated for Phase 1A, Task 6.

WSP Deliverables for Phase 1A, Task 6

- Updated Preliminary Shop Equipment List and Cost Estimate.

TASK 7 – COMMUNITY OUTREACH

No WSP Involvement

TASK 8 – GC/CM ASSISTANCE

No WSP Involvement

TASK 9 – PREDESIGN REPORT

9A – Draft Predesign Report

WSP will complete the following task items under Phase 1A, Task 9A:

- Review and comment on the draft Predesign Report developed by TCF Architecture.

9B – Final Predesign Report

WSP will complete the following task items under Phase 1A, Task 9B:

- Review and comment on the City's review comments on the draft Predesign Report
- Review and comment on the final Predesign Report developed by TCF Architecture.

WSP Assumptions for Phase 1A, Task 9

- No travel is anticipated for Phase 1A, Task 9.

WSP Deliverables for Phase 1A, Task 9

- Review comments on the draft and final Predesign Report developed by TCF Architecture.

PHASE 1B - SCHEMATIC DESIGN 1 (SD1)

1 – PROJECT ADMINISTRATION

1A - General Project Management

WSP will include project management hours for Phase 1B (Schematic Design 1) under Tasks 2 (Schematic 1 Building Design) and Task 6B (Updated Comprehensive Project Cost Estimate)

2 – SCHEMATIC 1 BUILDING DESIGN

2A – SD1 Building Design

WSP will complete the following task items under Phase 1B, Task 2A:

- Assist TCF Architecture (remotely) with refinement of the building layouts and operational workflow.
- Develop initial maintenance equipment layouts that provide an efficient, cost effective, safe industrial workflow through the facility. All functional areas identified in the equipment list to be included.

2B – Updated Program Document

WSP will complete the following task items under Phase 1B, Task 2B:

- Based on the SD1 refined drawings and discussions with the City, refine the space program, room data sheets, and design criteria related to shop areas, storage/warehouse areas, fuel and wash, vehicle parking, and yard areas.
- Review and comment on the updated Program Document prepared by TCF Architecture.

2C – Building Basis of Design Narratives

WSP will complete the following task items under Phase 1B, Task 2C:

- Prepare a brief narrative of shop equipment and storage systems.
- Obtain brochures and cutsheets on maintenance equipment shown on the updated Preliminary Shop Equipment List (approximately 100 items).
- Develop an equipment utility matrix to assure coordination of equipment utility requirements with mechanical, electrical, and plumbing disciplines.
- Note that the narrative will be supported by the updated equipment list (Phase 1B, Task 2D), the equipment utility matrix, and the equipment cutsheets and together will constitute the Equipment Information Document.

2D – Updated Equipment List

WSP will complete the following task items under Phase 1B, Task 2D:

- Update the Preliminary Shop Equipment List and Cost Estimate based on the SD1 Building Design.

2E - Updated Office Standards

No WSP Involvement

2F – Renderings and Graphics

No WSP Involvement

WSP Assumptions for Phase 1B, Task 2

- No travel is anticipated for Phase 1B, Task 2.
- Equipment layouts will be prepared on CAD or Revit backgrounds provided by TCF Architecture.

WSP Deliverables for Phase 1B, Task 2

- Input to the updated Program Document
- Equipment Information Document (including cost estimate)
- Initial maintenance equipment layout drawings
- Review comments on the updated Program Document and SD1 drawings

3 – SCHEMATIC 1 SITE DESIGN

3A – SD1 Architectural Site Design

WSP will complete the following task items under Phase 1B, Task 3A:

- Assist TCF Architecture (remotely) with refinement of the site layouts and operational workflow.

3B – SD1 Civil and Landscape Site Design

No WSP Involvement

3C – Site Basis of Design Narratives

No WSP Involvement

3D – Design Review Meetings

WSP will complete the following task items under Phase 1B, Task 3D:

- Participate in up to six (6) virtual design review meetings.

WSP Assumptions for Phase 1B, Task 3

- No travel is anticipated for Phase 1B, Task 3.

WSP Deliverables for Phase 1B, Task 3

- Sketches and review comments

4 – SUSTAINABILITY

No WSP Involvement

5 – REGULATORY

No WSP Involvement

6 – COST AND BUDGET MANAGEMENT

6A – Target Value Design Analysis

No WSP Involvement

6B – Updated Comprehensive Project Cost Estimate

See Phase 1B, Task 2D for the updated Shop Equipment List and Cost Estimate to be incorporated into the updated comprehensive project cost estimate developed by RC Cost Group.

WSP Assumptions for Phase 1B, Task 6

- No travel is anticipated for Phase 1B, Task 6.

WSP Deliverables for Phase 1B, Task 6

- See Phase 1B, Task 2

6C – Project Budget Confirmation

No WSP Involvement

7 – COMMUNITY OUTREACH

No WSP Involvement

8 – GC/CM ASSISTANCE

No WSP Involvement

9 – SD 1 FINAL DELIVERABLES

WSP will complete the following task items under Phase 1B, Task 9:

- Review and comment on the SD1 final deliverables developed by TCF Architecture, with specific focus on compliance with approved design criteria and operational/functional aspects of the project.

WSP Assumptions for Phase 1B, Task 9

- No travel is anticipated for Phase 1B, Task 9.

WSP Deliverables for Phase 1B, Task 9

- Review comments

CITY OF VANCOUVER - NEW OPERATIONS CENTER WSP FEE PROPOSAL - PHASE 1		This fee proposal is based on the WSP Scope of Services dated July 23, 2022								July 23, 2022 (Revised September 19, 2022)			
TASK NO.	PROJECT TASKS	WSP Equipment and Operational Planning Traffic Engineering											
		Principal M. Probst	Lead P. Gedda	Equip. Spec. C. Els	Associate Various	QA/QC M. Martin	Traffic Lead A. Carringula	Traffic QA M. Dolata	Traffic Engr. Various	Proj. Acct. V. Huynh	TITLE	TITLE	
PHASE 1A - PREDESIGN													
TASK 1 - PROJECT ADMINISTRATION													
1A	General Project Management:	NO WSP INVOLVEMENT											
1B	Data Gathering - Research - Project Library	2	4		2		2		2	4			
1C	Project Delivery Plan - Draft and Updates	NO WSP INVOLVEMENT											
	Project Administration - Project Setup												
	HOURS	2	4	0	2	0	2	0	2	4	0	0	
	HOURLY RATE	\$318.35	\$149.64	\$172.12	\$107.90	\$172.12	\$173.02	\$214.23	\$120.60	\$135.22	\$0.00	\$0.00	
	FEES	\$636.70	\$598.56	\$0.00	\$215.80	\$0.00	\$346.04	\$0.00	\$241.20	\$540.88	\$0.00	\$0.00	
	SUBTOTAL	\$2,579.18											
TASK 2 - PROGRAMMING													
2A	Facility Tours & Documentation	32											
2B	Pre-Workshop Preparation	16	16							1			
2C	Program Workshops and Follow-ups	48	10		40					1			
2D	Space Program												
2D.01	Personnel Analysis	2								1			
2D.02	Parking Analysis	12	6			1				1			
2D.03	Space Program	24	10			2				1			
2E	Design Criteria												
2E.01	Room Data Sheets	8	18		56	4				1			
2E.02	Inventory of Existing Shop Equipment	2	24	2	60					1			
2E.02	Preliminary Maintenance Equipment List	2	16	24	40	2				1			
	Project Administration												
	HOURS	146	100	26	196	9	0	0	0	8	0	0	
	HOURLY RATE	\$318.35	\$149.64	\$172.12	\$107.90	\$172.12	\$173.02	\$214.23	\$120.60	\$135.22	\$0.00	\$0.00	
	FEES	\$46,479.10	\$14,964.00	\$4,475.12	\$21,148.40	\$1,549.08	\$0.00	\$0.00	\$0.00	\$1,081.76	\$0.00	\$0.00	
	SUBTOTAL	\$89,697.46											
TASK 3 - SITE INVESTIGATIONS AND REGULATORY PROCESS													
3A	Survey Coordination with City	NO WSP INVOLVEMENT											
3B	Traffic Engineering		1				24	6	32	1			
3C	Geotechnical - Field Investigations and Report	NO WSP INVOLVEMENT											
3D	Environmental - Phase 1	NO WSP INVOLVEMENT											
3E	Utilities Investigations - Research	NO WSP INVOLVEMENT											
3E.01	Water	NO WSP INVOLVEMENT											
3E.02	Sewer	NO WSP INVOLVEMENT											
3E.03	Electrical	NO WSP INVOLVEMENT											
3E.04	Natural Gas	NO WSP INVOLVEMENT											
3E.05	Data/Comm	NO WSP INVOLVEMENT											
3F	Storm Water Management - Investigations & Research	NO WSP INVOLVEMENT											
3G	Regulatory Research and Process	NO WSP INVOLVEMENT											
	Project Administration												
	HOURS	0	1	0	0	0	24	6	32	1	0	0	
	HOURLY RATE	\$318.35	\$149.64	\$172.12	\$107.90	\$172.12	\$173.02	\$214.23	\$120.60	\$135.22	\$0.00	\$0.00	
	FEES	\$0.00	\$149.64	\$0.00	\$0.00	\$0.00	\$4,152.48	\$1,285.38	\$3,859.20	\$135.22	\$0.00	\$0.00	
	SUBTOTAL	\$9,581.92											
TASK 4 - SUSTAINABILITY													
NO WSP INVOLVEMENT													

TASK NO.	PROJECT TASKS	WSP										
		Equipment and Operational Planning Traffic Engineering										
		Principal M. Probst	Lead P. Gedda	Equip. Spec. C. Els	Associate Various	QA/QC M. Martin	Traffic Lead A. Carringula	Traffic QA M. Dolata	Traffic Engr. Various	Proj. Acct. V. Huynh	TITLE	TITLE
TASK 5 - CONCEPTUAL DESIGN												
5A	Preliminary Building Layouts	40	26		40					2		
5B	Preliminary Site Layouts	24	26		40					2		
5C	Site & Bldg Alternatives Workshop and Follow-up	60	26		80					2		
	Project Administration											
	HOURS	124	78	0	160	0	0	0	0	6	0	0
	HOURLY RATE	\$318.35	\$149.64	\$172.12	\$107.90	\$172.12	\$173.02	\$214.23	\$120.60	\$135.22	\$0.00	\$0.00
	FEES	\$39,475.40	\$11,671.92	\$0.00	\$17,264.00	\$0.00	\$0.00	\$0.00	\$0.00	\$811.32	\$0.00	\$0.00
	SUBTOTAL						\$69,222.64					
TASK 6 - COST AND BUDGET MANAGEMENT												
6A	Cost Modeling and Target Value Design Process											
6A.01	Cost Model Structure and Prelim Modeling					NO WSP INVOLVEMENT						
6A.02	Cost Model Review Workshop	2	3									
6A.03	Major Systems Comparative Analysis					NO WSP INVOLVEMENT						
6B	Predesign Estimating	2	8	12	24					1		
6C	Project Budget Development Process					NO WSP INVOLVEMENT						
	Project Administration											
	HOURS	4	11	12	24	0	0	0	0	1	0	0
	HOURLY RATE	\$318.35	\$149.64	\$172.12	\$107.90	\$172.12	\$173.02	\$214.23	\$120.60	\$135.22	\$0.00	\$0.00
	FEES	\$1,273.40	\$1,646.04	\$2,065.44	\$2,589.60	\$0.00	\$0.00	\$0.00	\$0.00	\$135.22	\$0.00	\$0.00
	SUBTOTAL						\$7,709.70					
TASK 7 - COMMUNITY OUTREACH												
NO WSP INVOLVEMENT												
TASK 8 - GC/CM ASSISTANCE												
NO WSP INVOLVEMENT												
TASK 9 - PREDESIGN REPORT, PRESENTATIONS & OTHER TASKS												
9A	Draft Predesign Report / Presentation	4	6		0	1.5				0.5		
9B	Final Predesign Report / Presentation	4	6		0	1.5				0.5		
	Project Administration											
	HOURS	8	12	0	0	3	0	0	0	1	0	0
	HOURLY RATE	\$318.35	\$149.64	\$172.12	\$107.90	\$172.12	\$173.02	\$214.23	\$120.60	\$135.22	\$0.00	\$0.00
	FEES	\$2,546.80	\$1,795.68	\$0.00	\$0.00	\$516.36	\$0.00	\$0.00	\$0.00	\$135.22	\$0.00	\$0.00
	SUBTOTAL						\$4,994.06					
SUBTOTAL PER TEAM MEMBER - ALL TASKS		\$183,784.96										
REIMBURSABLE EXPENSES (see detailed breakdown)		\$16,598.00										
TOTAL PHASE 1A - PREDESIGN		\$200,382.96										
Phase 1A Reimbursable Expenses Breakdown		Airfare (roundtrip)	Hotel (days)	Food (days)	Car Rental (days)	Mileage (miles)	Parking (days)	TOTAL				
		\$1,200.00	\$150.00	\$50.00	\$120.00	\$0.63	\$24.00					
	Facility Tours	1	3	3	3	80	3					
	Programming Workshops	2	10	10	5	160	10					
	Equipment Inventory	2	4	4	2	160	4					
	Conceptual Design Workshop	2	10	10	5	160	10					
	Subtotal	7	27	27	15	560	27					
	Total Phase 1A Reimbursable Expenses	\$8,400.00	\$4,050.00	\$1,350.00	\$1,800.00	\$350.00	\$648.00	\$16,598.00				

TASK NO.	PROJECT TASKS	WSP										
		Equipment and Operational Planning Traffic Engineering										
		Principal M. Probst	Lead P. Gedda	Equip. Spec. C. Els	Associate Various	QA/QC M. Martin	Traffic Lead A. Carringula	Traffic QA M. Dolata	Traffic Engr. Various	Proj. Acct. V. Huynh	TITLE	TITLE
PHASE 1B - SCHEMATIC DESIGN 1 (SD1)												
TASK 1 - PROJECT ADMINISTRATION		NO WSP INVOLVEMENT										
TASK 2 - SCHEMATIC 1 BUILDING DESIGN												
2A	SD1 Building Design (incl. Equip Layouts)	40	42		80					2		
2B	Updated Program Document	16	26		40	8				2		
2C	Basis of Design Narratives/Cuts/Matrix	24	42	40	160					2		
2D	Updated Equipment List	8	10	16	40					2		
2E	Updated Office Standards	NO WSP INVOLVEMENT										
2F	Renderings and Graphics	NO WSP INVOLVEMENT										
2G	Design Review Meetings	16	40		40							
	Project Administration											
	HOURS	104	160	56	360	8	0	0	0	8	0	0
	HOURLY RATE	\$329.49	\$154.88	\$178.14	\$111.68	\$178.14	\$179.08	\$221.73	\$124.82	\$139.95	\$0.00	\$0.00
	FEES	\$34,266.96	\$24,780.80	\$9,975.84	\$40,204.80	\$1,425.12	\$0.00	\$0.00	\$0.00	\$1,119.60	\$0.00	\$0.00
	SUBTOTAL	\$111,773.12										
TASK 3 - SCHEMATIC 1 SITE DESIGN												
3A	SD1 Architectural Site Design	24	26		40					1		
3B	SD1 Civil and Landscape Design	NO WSP INVOLVEMENT										
3C	Site Systems Basis of Design	NO WSP INVOLVEMENT										
3D	Design Review Meetings	4	8		16					1		
	Project Administration											
	HOURS	28	34	0	56	0	0	0	0	2	0	0
	HOURLY RATE	\$329.49	\$154.88	\$178.14	\$111.68	\$178.14	\$179.08	\$221.73	\$124.82	\$139.95	\$0.00	\$0.00
	FEES	\$9,225.72	\$5,265.92	\$0.00	\$6,254.08	\$0.00	\$0.00	\$0.00	\$0.00	\$279.90	\$0.00	\$0.00
	SUBTOTAL	\$21,025.62										
TASK 4 - SUSTAINABILITY		NO WSP INVOLVEMENT										
TASK 5 - REGULATORY		NO WSP INVOLVEMENT										
TASK 6 - COST AND BUDGET MANAGEMENT												
6A	Target Value Design Analysis											
6B	Updated Comprehensive Project Estimate	SEE PHASE 1B, TASK 2D										
6C	Project Budget Confirmation Process	NO WSP INVOLVEMENT										
	Project Administration											
	HOURS	0	0	0	0	0	0	0	0	0	0	0
	HOURLY RATE	\$329.49	\$154.88	\$178.14	\$111.68	\$178.14	\$179.08	\$221.73	\$124.82	\$139.95	\$0.00	\$0.00
	FEES	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
	SUBTOTAL	\$0.00										

TASK NO.	PROJECT TASKS	WSP Equipment and Operational Planning Traffic Engineering										
		Principal M. Probst	Lead P. Gedda	Equip. Spec. C. Els	Associate Various	QA/QC M. Martin	Traffic Lead A. Carringula	Traffic QA M. Dolata	Traffic Engr. Various	Proj. Acct. V. Huynh	TITLE	TITLE
TASK 7 - COMMUNITY OUTREACH												
NO WSP INVOLVEMENT												
TASK 8 - GC/CM ASSISTANCE												
NO WSP INVOLVEMENT												
TASK 9 - SD1 FINAL DELIVERABLES												
9A	SD1 Deliverables Report Package	12	18			4				1		
9B	SD1 - Presentation - Transition to Phase 2 Scope	8	8			2				1		
	Project Administration											
	HOURS	20	26	0	0	6	0	0	0	2	0	0
	HOURLY RATE	\$329.49	\$154.88	\$178.14	\$111.68	\$178.14	\$179.08	\$221.73	\$124.82	\$139.95	\$0.00	\$0.00
	FEES	\$6,589.80	\$4,026.88	\$0.00	\$0.00	\$1,068.84	\$0.00	\$0.00	\$0.00	\$279.90	\$0.00	\$0.00
	SUBTOTAL	\$11,965.42										
SUBTOTAL PER TEAM MEMBER - ALL TASKS		\$144,764.16										
REIMBURSABLE EXPENSES (see detailed breakdown)		\$0.00										
TOTAL PHASE 1B - SCHEMATIC DESIGN 1		\$144,764.16										
Phase 1B Reimbursable Expenses Breakdown		Airfare (roundtrip)	Hotel (days)	Food (days)	Car Rental (days)	Mileage (miles)	Parking (days)	TOTAL				
		\$1,200.00	\$150.00	\$50.00	\$120.00	\$0.63	\$24.00					
	Subtotal	-	-	-	-	-	-					
	Total Phase 1A Reimbursable Expenses	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00				
SUMMARY		TOTAL										
Phase 1A: Predesign												
1	Project Administration	\$2,579										
2	Programming and Design Criteria	\$89,697										
3	Site Investigation & Regulatory Analysis (Traffic)	\$9,582										
4	Sustainability	\$0										
5	Conceptual Design	\$69,223										
6	Cost and Budget Management	\$7,710										
7	Community Outreach	\$0										
8	GC/CM Assistance	\$0										
9	Predesign Report	\$4,994										
	Reimbursable Expenses	\$16,598										
	Total Phase 1A (Predesign)	\$200,383										
Phase 1B: Schematic Design 1 (SD1)												
1	Project Administration	\$ -										
2	SD1 Building Design	\$ 111,773										
3	Schematic 1 Site Design	\$ 21,026										
4	Sustainability	\$ -										
5	Regulatory	\$ -										
6	Cost and Budget Management	\$ -										
7	Community Outreach	\$ -										
8	GC/CM Assistance	\$ -										
9	SD1 Final Deliverables	\$ 11,965										
	Reimbursable Expenses	\$ -										
	Total Phase 1B (Schematic Design 1)	\$ 144,764										
TOTAL PHASE 1 (Phase 1A + Phase 1B)		\$ 345,147										



Proposal

CLIENT TCF Architecture, PLLC

DATE July 25th, 2022

CLIENT CONTACT Randy Cook

PROJECT City of Vancouver Operations Center

Dear Randy,

Please see below our proposal for providing cost consulting services for the City of Vancouver Operations Center Project. It is our understanding the project will consist of the following scope of work.

- Administration Building
- Shop / Warehouse Building
- Equipment / Storage Buildings
- Canopies
- Site Development

Provide cost consulting services at the following design stages:

- Phase 1A: Pre-Design
- Phase 1B: Schematic Design

2.1 Cost Estimate

The cost estimate will be based on the measurement of quantities from drawings and provided information and priced in accordance with these drawings, specifications and descriptions of the work. All sections will be estimated in detail based upon the information available. It is our understanding sitework costs will be provided by the design team engineers for incorporation into the overall report following review by RC Cost Group.

2.2 Format

The estimates will be presented in elemental format or that determined by the project team.

2.3 Exclusions

Any design work or estimating beyond the above stated services and scope and beyond the site.

2.4 Meetings / Follow Up / Estimate Review

We have assumed for this fee proposal for (3) hours of meetings, conference calls and follow up.

2.5 Project Staffing Assignment

- Andy Cluness (25+ Years' Experience) – Lead Estimator
- Mark Richardson (28+ Years' Experience) – Senior Estimator
- John Perry (35+ Years' Experience) – Senior Estimator
- Neil Watson (28 Years' Experience) – Lead MEP Estimator

3a. Basic Services Fees

Our Not Too Exceed Hourly fee for cost estimating services are \$71,965 for the following services:

- **PHASE 1A: Pre-Design = \$26,825 (145 Hours x \$185/Hr.)**
 - Internal Kick-Off Meetings / Report Preparation: 4 Hours
 - Cost Modelling: 36 Hours
 - Comparative Estimating Major Systems: 30 Hours
 - Pre-Design Estimate: 60 Hours
 - Design Team Meetings, Conference Calls, Follow Up: 10 Hours
 - Internal Estimating QA/QC: 5 Hours
- **PHASE 1B: Schematic Design = \$45,140 (244 Hours x \$185/Hr.)**
 - Internal Kick-Off Meeting / Report Preparation: 4 Hours
 - Target Value Analysis / Options Estimating: 40 Hours
 - Schematic Design Estimating: Architectural / Structural: 100 Hours
 - Schematic Design Estimating: MEP Systems: 65 Hours
 - Schematic Design Estimating: Civil / Landscape: 20 Hours
 - Design Team Meetings, Conference Calls, Follow Up: 10 Hours
 - Internal Estimating QA/QC: 5 Hours

4. Expenses

Direct reimbursable expenditures if appropriate will be charged in accordance with the prime agreement or Our Hourly rates for miscellaneous additional services will be billed as reimbursable at \$185/Hr. Flights and Accommodations will be billed at Cost + 10%. *We are not anticipating expenses for this project.*

5. Payment

We will invoice on completion of each phase for payment net thirty (30) days. This proposal remains open for acceptance for a period of three months after which time the writer should be consulted for verification of scope and fees.

6. Project Schedule

Based on our understanding of the current schedule that if successful in our proposal we would receive the documents on the following dates for the formal submittals of our service:

Documents to RC Cost Group

Per Schedule

Complete Cost Plan

Per Schedule

We look forward to the opportunity of working with you on this important project and if you have any questions regarding this proposal or the fee structure, please give us a call. Thank you.

Yours Truly,



Andrew Cluness, Managing Partner

RC Cost Group, INC.

Confirmation of Agreement:

This letter correctly sets out the scope and fees for services to be provided by RC Cost Group, Inc. for this project.

_____ SIGNATURE OF AUTHORIZED OFFICER	_____ TITLE OF AUTHORIZED OFFICER	_____ DATE
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GEOTECHNICAL ENGINEERING

BACKGROUND

Based on experience in the area, groundwater well logs, and review of historical information, the subsurface conditions at the site are generally expected to consist of coarse-grained flood deposits consisting of sand and gravel with variable proportions of silt and clay. The flood deposits likely extend 60 to 100 feet below the existing ground surface and are underlain by the Pliocene-aged Troutdale Formation consisting of dense to very dense gravel with variable proportions of silt, sand, and clay. Based on mapping on the Clark County GIS website and monitoring well data at adjacent properties, groundwater is likely 15 to 30 feet BGS. This could be perched groundwater and the “true” groundwater table may be deeper.

The site is located adjacent to the Leichner landfill. Based on previous studies at the site, refuse burning and landfilling may have occurred along the northern portion of the site. Additionally, a stormwater pond was present in the north central portion of the site in the 1980's. Excavations by others in these disturbed areas indicate that fills of more than 9 feet in thickness are present in two areas. Refuse and large concrete debris is present within the fill.

Development of the site will consist of a 2- to 4-story office building with a total area of 100,000 square feet, warehouse and trade shops, covered parking, equipment buildings, and paved and non-paved parking. The office building will likely be concrete or metal construction and other structures will likely be steel framed. We anticipate maximum column and wall loads for the office will be less than 500 kips and 8 kips per foot. The ancillary steel framed structures will likely be light and less than 100 kips and 4 kips per foot, respectively. Floor slab loading will likely vary from 150 to 400 psf.

Based on the discussion above, the following are the key geotechnical considerations for the site.

- Based on the anticipated soil and groundwater conditions at the site, the subsurface soils may be subject to liquefaction during a seismic event. Liquefaction potential will depend on the density of the subsurface soils and the groundwater depth. Explorations, groundwater measurements, and analysis will be required to determine liquefaction potential at the site.
- Foundation types for the buildings will be based on the presence of liquefiable soils and seismic settlement tolerances of the structures. If liquefiable soils are present and the seismic settlements are less than building tolerances, the buildings can likely be supported on conventional spread footings bearing on firm native soils. If the seismic settlement as a result of liquefaction is greater than building tolerances, the buildings will likely need to be supported on conventional spread footings on soil improvements consisting of stone columns, rammed aggregate piers, or cement deep soil mix columns. Deep foundations may also be suitable to support buildings.
- The fill in the northern portion of the site is not suitable to support buildings. The fill will need to be completely removed to native soil and backfilled with structural fill or buildings will need to be constructed on intermediate or deep foundations that extend through the fill and bear in native soil. Installation of intermediate or deep foundations through fill may be difficult due to the presence of large construction debris. Parking areas can likely be supported on the fill in the City is willing to accept a minor risk of pavement distress that could require ongoing maintenance.

- Due to the high percentage of deleterious material the fill in the northern portion of the site will not be suitable for use as structural fill. Additionally, this material will need to be analyzed for contaminants and disposed of appropriate facilities.
- A topsoil/tilled zone from agricultural processes is likely present in the upper 12 to 24 inches in portions of the site. In general, the topsoil/tilled zone is unconsolidated and will provide poor support for foundations, fills, floor slabs, and pavement. In areas where the topsoil/tilled zone will not be removed by site cuts, the full depth of the topsoil zone will need to be improved by scarifying and re-compacting or cement amending.
- The moisture content of the native soil likely above that required for adequate compaction. Moisture conditioning (drying) will be required to use the material as structural fill. Therefore, native soil will likely only be suitable for use as fill in the summer months. The native soil could also be cement treated and used a structural fill over a longer time period during the year.
- On-site infiltration systems are likely viable at the site. We anticipate infiltration will be slow to moderate. Infiltration testing will be required to confirm feasibility of infiltration systems at the site.
- The fine-grained soil present on this site is easily disturbed. If not carefully executed, site preparation, utility trench work, and roadway excavation can create extensive soft areas and significant repair costs can result. Granular haul roads and staging areas will be necessary for support of construction traffic during the rainy season or when the moisture content of the surficial soil is more than a few percentage points above optimum. As an alternative to thickened crushed rock sections, haul roads and utility work zones may be constructed using cement-amended subgrades overlain by a crushed rock wearing surface.

Geotechnical explorations are required at the site to evaluate liquefaction, fill depths, and to provide recommendations for design and construction of the project.

Typical exploration options for similar projects include test pits, cone penetrometer tests (CPTs), and borings. Test pits are completed using a backhoe and involve excavating a hole to depths typically between 10 and 15 feet BGS. Test pits create a large disturbance area and provide less refined engineering properties when compared with borings. Test pits can be completed quicker than borings and expose more soil for a better evaluation of shallow subsurface soil conditions, such as fill and agricultural zone/topsoil thicknesses. Because test pits are typically loosely backfilled upon completion, they can result in soft and muddy areas that may require excavation and re-compaction if building foundations or structures are planned within their footprint.

Borings create a hole less than 6 inches in diameter and can be completed using a drill mounted to a truck/track rig or small trailer. The truck/track rig is a more expensive method but is necessary for mud-rotary drilling methods to advance through sands with gravel. Index properties (blow counts) obtained during the boring process can be directly correlated to engineering strength parameters, which can be used to refine analyses and potentially provide cost savings for projects. In addition, borings can be advanced to much greater depths than test pits.

A CPT is a probe which measures tip pressure, sleeve friction, and pore pressures as it is pushed into the ground (no soil samples are collected) to collect in situ subsurface soil information. A geophone on the CPT can also measure shear wave velocities through the soil. CPTs are less expensive than

borings and provide data useful for liquefaction analyses and can also provide index properties for foundation design. CPTs are not capable of advancing through gravelly soil.

We propose to complete drilled borings in the office and building areas and test pits in covered parking and general parking areas. CPTs will not be completed at the site due to the presence of gravelly soil that CPTs will not be able to advance through. Dynamic cone penetrometer testing will be completed in several of the test pits to provide subgrade modulus that can be used in pavement design. We will also complete infiltration testing in test pits in the locations and depths requested by the design team. Finally, we will install two vibrating wire piezometers in two of the deep borings to measure groundwater levels at the site. Our detailed scope of work for Phase 1 of the project is provided below.

SCOPE

Field Work Coordination

NV5 will perform the following tasks prior to explorations.

- Prepare an exploration plan for the project. The plan will show the proposed exploration locations, anticipated termination depths, and other pertinent information. The exploration plan shall be submitted to the City for review and approval prior to commencement of exploration operations.
- Upon approval of exploration locations, we will call private and public utility locates to clear exploration locations.

Field Exploration

- Complete the following explorations at the site:
 - o 7 drilled borings in building areas to depths between 50 and 100 feet BGS or practical refusal.
 - o Excavate up to 30 test pits at the site to depths up to 15 feet BGS.
- Maintain a detailed log of each exploration, visually classify the soil encountered, obtain soil samples as appropriate for the soil conditions encountered, and observe groundwater conditions in each exploration.
- Complete up to 8 infiltration tests in the test pits in the locations requested by the design team.
- Install vibrating wire piezometers in two of the borings to measure groundwater levels at the site.
- Complete DCP testing in up to 6 of the test pits to determine subgrade modulus for pavement design.

Laboratory Testing

- NV5 will perform all necessary laboratory tests to complete analysis and provide design and construction recommendations. Our specific scope will include:
 - Up to 40 moisture content tests.
 - Up to 30 percent fines (material passing the No. 200 sieve).
 - Up to one consolidation tests
 - Up to ten organic content tests
 - Up to three Atterberg limits tests
 - Up to 8 cation exchange tests

Meetings

- We will attend up to 3 meetings with the City of Vancouver and/or the design team for the project.

Geotechnical Report Preparation

- NV5 will prepare a draft geotechnical report summarizing all results of the field exploration and laboratory testing program and analysis results, conclusions, recommendations and comments including the following:
 - o Summary of liquefaction and lateral spreading potential at the site and mitigation alternatives (if necessary).
 - o Recommendations for site preparation, grading and drainage, stripping depths, fill type for imported material, compaction criteria, trench excavation and backfill, use of on-site soil, and wet/dry weather earthwork.
 - o Recommendations for foundation support of the buildings.
 - o Recommendations for preparing floor slab subgrade design criteria for retaining walls (if needed), including lateral earth pressures, backfill, compaction, and drainage.
 - o Recommendations for managing identified groundwater conditions that may affect the performance of structures or pavements.
 - o Infiltration testing results and recommendation
 - o Asphalt and Portland cement concrete paving sections for onsite roadways and parking areas.
 - o Code-based seismic design parameters (a site-specific ground motions analysis can be performed for an additional fee, if required).
- NV5 will incorporate review comments from the design and ownership teams into the final Geotechnical Report and provide it prior to 90% design level.

Geotechnical Deliverables

- Draft exploration plan
- Final exploration plan
- Draft geotechnical report
- Final geotechnical report prior to 90% design level

ENVIRONMENTAL SERVICES

SCOPE OF SERVICES

The purpose of the Phase I ESA is to undertake all appropriate inquiries into prior ownership and uses of the subject property so that a prospective property purchaser may potentially claim protection from the Comprehensive Environmental Response, Compensation, and Liability Act and/or state liability as an innocent landowner, a bona fide prospective purchaser, or a contiguous property owner. The standards and practices for all appropriate inquiries are specified in Title 40, Chapter I of the Code of Federal Regulations (CFR) Part 312. In addition, ASTM developed ASTM E1527-13 to define good commercial and customary practice for conducting a Phase I ESA. Our scope of services for the Phase I ESA also incorporates procedures as prescribed in the new ASTM E1527-21 Standard.

Our scope of services for the Phase I ESA, which will be conducted under the supervision of an

environmental professional, complies with both standards and will consist of the following:

- Review a current U.S. Geological Survey (USGS) topographic map to identify the general physical setting of the subject property.
- Review readily available previous environmental reports prepared for the subject property.
- Review federal, tribal, state, and local environmental records for listings of known or suspected environmental conditions at the subject property and nearby properties as specified in 40 CFR Part 312, ASTM E1527-13, and ASTM E1527-21.
- Review reasonably ascertainable standard historical sources, including aerial photographs, USGS topographic maps, local street directories, fire insurance maps, available online property information (including building department records, property tax information, and zoning/land use records), and other historical sources (as appropriate) to identify development history on and adjacent to the subject property relative to the possible use, generation, storage, release, or disposal of hazardous substances.
- Interview a key site manager, the current and past owners, and occupants of the subject property (as provided by the City of Vancouver) and state and/or local government officials, as available.
- Conduct a visual reconnaissance of the subject property and adjacent properties to observe conditions indicative of releases or threatened releases of hazardous substances on, at, in, or adjacent to the subject property.
- Prepare a report that presents our findings, identifies and evaluates data gaps, and provides conclusions and recommendations regarding conditions indicative of releases or threatened releases of hazardous substances that could impact the subject property. NV5 will submit an electronic file (PDF) of the report. Hard copies can be provided upon request.

Our scope of services does not include completion of an environmental compliance audit; an evaluation for the presence of polychlorinated biphenyls in light ballasts; a survey for asbestos, lead-based paint, radon gas, toxic mold, or urea-formaldehyde insulation; or a wetlands determination or delineation.

Our scope of services also does not include visiting regulatory agencies to conduct a detailed review of regulatory agency files for the subject property or other listed sites. If the subject property or adjoining properties are listed on any of the ASTM-specified regulatory databases, a detailed file review may be required. If a detailed file review is warranted, NV5 will contact you and provide a cost estimate for completing the review.

USER-PROVIDED INFORMATION

Please provide us with contact information for the individual with whom we should arrange access to the subject property for our site reconnaissance. If available, please also provide NV5 with contact information for past and current owners and occupants of the subject property and any previously completed environmental reports regarding the subject property.

In order to qualify for one of the landowner liability protections offered by the Small Business Liability Relief and Brownfields Revitalization Act, the information in the attached Phase I ESA User Questionnaire, which includes the following, must be provided by the User of the report:

- The results of a search for the existence of environmental cleanup liens against the subject property that are filed or recorded under federal, tribal, state, or local law
- Information related to activity and land use limitations, such as engineering and institutional controls, that are in place on the subject property or have been filed or recorded in a registry
- Specialized knowledge or experience that is material to conditions indicative of releases or threatened releases of hazardous substances that could impact the subject property
- A record of a significant reduction in the purchase price of the subject property due to its environmental condition
- Commonly known or reasonably ascertainable information regarding the subject property (such as past uses; the presence of chemicals, spills, or chemical releases; or environmental cleanups)
- The degree of obviousness of the presence or likely presence of contamination at the subject property and the ability to detect contamination by appropriate investigation

Project Number:		Vancouver Ops Geotech Scope						
Site Name:								
Estimated Project Duration:		0	Weeks					
Project Budget Summary		Labor	Expense			Subcontractor	Misc	Total
		Professional	Equip	Reimburse	Lab	12.00%		
Item	Description							
1	Field work Coordination: NV5	972	0	0	0		3	975
2	FWC: Utility locate Sub		0	0	0	672	3	675
3	Field Exploration Boring Sub		0	0	0	32,144	6	32,150
4	Field Exploration: Test Pit Sub		0	0	0	6,720	30	6,750
5	Field Exploration : NV5 staff and	13,680	1,238	0	0		32	14,950
6	Lab		0	0	4,778		22	4,800
7	Meetings	1,410	0	0	0		15	1,425
8	Draft Report	5,220	0	0	0		5	5,225
9	Final Report	1,485	0	0	0		15	1,500
10	PM	872	0	0	0		3	875
11			0	0	0			
12			0	0	0			
13			0	0	0			
		23,639	1,238		4,778	39,536	134	69,325

Suggested Itemization

1	Research/Scoping (Proposal)
2	Field
3	Subcontractor: Test Pit
4	Subcontractor: Drilling
5	Subcontractor: CPT
6	Subcontractor: GeoProbe
7	Subcontractor: Utility Locate
8	Subcontractor: Flagging
9	Subcontractor: Lab
10	Lab
11	Analysis
12	Report
13	Project Management
14	Specifications
15	

Project Number:		Vancouver-43-01						NV5	
Site Name:		New Public Works Operations Campus						Envir Ph1	
Estimated Project Duration:		3	Weeks						
Project Budget Summary		Labor	Expense			Subcontractor	Misc	Total	
Item	Description	Professional	Equip	Reimburse	Lab	12.00%			
1	Phase I Field	666	41	0	0			707	
2	Phase I Research	444	0	0	0	392		836	
3	Phase I Report	2,639	0	0	0			2,639	
4	Write Off		0	0	0			-82	
5	Travel Time		0	0	0				
6			0	0	0				
7			0	0	0				
8			0	0	0				
9			0	0	0				
10			0	0	0				
11			0	0	0				
12			0	0	0				
13			0	0	0				
		3,749	41			392		4,100	

NV5 HOURLY RATES		
TITLE	2022	2023
Senior Principal	\$245.00	\$257.25
Principal	\$235.00	\$246.75
Senior Associate	\$214.00	\$224.70
Associate	\$201.00	\$211.05
Senior Project Manager	\$184.00	\$193.20
Project Manager II	\$172.00	\$180.60
Project Manager I	\$162.00	\$170.10
Senior Technical Specialist	\$183.00	\$192.15
Technical Specialist II	\$168.00	\$176.40
Technical Specialist I	\$152.00	\$159.60
Staff III	\$140.00	\$147.00
Staff II	\$127.00	\$133.35
Staff I	\$111.00	\$116.55
Senior CAD Technician	\$118.00	\$123.90
CAD	\$106.00	\$111.30
Senior Technician	\$106.00	\$111.30
Tech II	\$100.00	\$105.00
Tech I	\$ 87.00	\$ 91.35
Senior Project Assistant/Tech Editor	\$102.00	\$107.10
Project Assistant / Tech Editor	\$ 95.00	\$ 99.75
Support Staff	\$ 81.00	\$ 85.05

**Attachment A - Service Rates 01/2022**

Design	
Architectural Director/ Principal	\$ 175
Architectural Senior Interior Design	\$ 135
Architectural Mid-Level Interior Design	\$ 125
Architectural Associate Interior Design	\$ 95
Architectural Management	
Project Manager	\$ 120
Associate Project Manager	\$ 95
Implementation	
Furniture Project Management	\$ 95
Installation	\$ 65



Attachment A - Service Rates 01/2023

Design	
Architectural Director/ Principal	\$ 175
Architectural Senior Interior Design	\$ 145
Architectural Mid-Level Interior Design	\$ 130
Architectural Associate Interior Design	\$ 105
Architectural Management	
Project Manager	\$ 125
Associate Project Manager	\$ 105
Implementation	
Furniture Project Management	\$ 95
Installation	\$ 65

2020 ENGINEERING

KEY PERSONNEL & BILLING RATES

2022

Key Team Member	Assignment	Hourly Rate
Mark Buehrer, PE	Principal Engineer	\$225
Joel Cameron, PE	Project Engineer	\$160
Matthew Kulp, PE	Project Manager/Engineer	\$150
Clare Yurchak, EIT	Project Manager/Engineer	\$125
Jesse Kulp	Environmental Scientist	\$115
Jessie Buehrer	Project Administration	\$75

Expenses:

Mileage (per IRS Guidelines)	62.5 cents per mile
Travel (i.e., ferry, air, hotel, meals)	Cost
Postage & Shipping	Cost
Half Size Color Plots	\$2.00/sheet (11X17)
Half Size Black & White Plots	\$1.00/sheet (11X17)
Outside Photocopies and Binding	Cost plus 15%
Report Binders	\$25.00 per inch notebook
Depositions, Court Appearances	Double hourly rate
Project Specific Equipment	Cost plus 15%
Sub-consultant Services	Cost plus 15%

Notes:

1) Included Reimbursables: Typical invoiced totals are inclusive of all of the usual costs associated with our consulting services. This includes items such as telephone calls, faxes, emails, “normal” amount of copies of memos, letters, reports, and drawings, USPS postage, bookkeeping and administrative costs. Only direct reimbursables as defined as “Expenses” above will be billed on our monthly invoices.

2) All accounts are due in 30 days. Invoices not paid within 60 days of the invoice date will be subject to a late charge of 1% per month. If payment is not received within 90 days of the invoice date, all subsequent services and/or issuance of documents may be postponed until receipt of payment, unless special arrangements are made prior to providing services.

3) Rates: Hourly billing rates are in effect for six months of contracted services.



2020 ENGINEERING, Inc.
 1010 C Street, Bellingham, WA 98225
 360.671.2020 | www.2020engineering.com

2020 ENGINEERING

KEY PERSONNEL & BILLING RATES

2023

Key Team Member	Assignment	Hourly Rate
Mark Buehrer, PE	Principal Engineer	\$250
Joel Cameron, PE	Project Engineer	\$175
Matthew Kulp, PE	Project Manager/Engineer	\$165
Clare Yurchak, EIT	Project Manager/Engineer	\$140
Jesse Kulp	Environmental Scientist	\$130
Jessie Buehrer	Project Administration	\$85

Expenses:

Mileage (current IRS Guidelines)	62.5 cents per mile
Travel (i.e., ferry, air, hotel, meals)	Cost
Postage & Shipping	Cost
Half Size Color Plots	\$2.00/sheet (11X17)
Half Size Black & White Plots	\$1.00/sheet (11X17)
Outside Photocopies and Binding	Cost plus 15%
Report Binders	\$25.00 per inch notebook
Depositions, Court Appearances	Double hourly rate
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Notes:

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2) All accounts are due in 30 days. Invoices not paid within 60 days of the invoice date will be subject to a late charge of 1% per month. If payment is not received within 90 days of the invoice date, all subsequent services and/or issuance of documents may be postponed until receipt of payment, unless special arrangements are made prior to providing services.

3) Rates: Hourly billing rates are in effect for six months of contracted services.



2020 ENGINEERING, Inc.
 1010 C Street, Bellingham, WA 98225
 360.671.2020 | www.2020engineering.com

PointNorth Rate Sheet



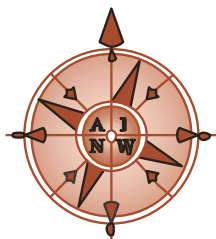
POINTNORTH

	2022	2023
Vice President / Principal	\$225.00	\$236.00
Director	\$155.00	\$163.00
Project Manager	\$125.00	\$131.00
Project Coordinator	\$85.00	\$89.00
Specialist	\$75.00	\$79.00



Hourly Rates:

Personnel	Position	2022 Rate	2023 Rate
Jinger Hendricks	Graphic Designer	\$100	\$110



Archaeological Investigations Northwest, Inc.

3510 N.E. 122nd Ave. • Portland, Oregon 97230
Phone (503) 761-6605 • Fax (503) 761-6620

Vancouver Phone (360) 696-7473
E-mail: ainw@ainw.com
Web: www.ainw.com

Date: August 15, 2022

From: Jo Reese, President

Re: AINW Billing Rates for 2022 & 2023

The following represents AINW's billing rates for the 2022 and 2023 calendar years, effective January 1 of each year.

LABOR RATES	Effective 2022	Effective 2023
• PI-Project Manager/Senior Archaeologist		
Jo Reese, M.A., R.P.A.	\$208.46	\$218.88
John L. Fagan, Ph.D., R.P.A.	\$208.46	\$218.88
Terry L. Ozbun, M.A., R.P.A.	\$189.80	\$199.28
• PM/Senior Archaeologist, M.A./M.S./Ph.D.	\$153.60	\$161.28
• PM/Sr. Architectural Historian/Sr. Historian	\$153.60	\$161.28
• Historian or Architectural Historian	\$101.78	\$106.88
• Assist. PM/Supervising Archaeologist	\$114.86	\$120.60
• Supervising Archaeologist III	\$114.86	\$120.60
• Supervising Archaeologist II	\$102.04	\$107.14
• Supervising Archaeologist I	\$87.77	\$92.16
• Superv. Archaeo./Residue Analyst	\$112.49	\$118.12
Cam Walker, Ph.D.		
• Technical Staff		
• GIS-Graphics		
Senior Level Staff	\$153.60	\$161.28
Other Professionals	\$101.78	\$106.88
• Staff Archaeologist, B.A./B.S.	\$81.40	\$85.48
• Field and Lab Archaeologist Assistant	\$69.50	\$72.98
• Project Admin./Proj. Assist./Research	\$88.32	\$92.74

Please anticipate that *hours in excess of 8 for fieldwork days, as well as Saturdays/Sundays*, for monitoring may be billed at 1.5 times the regular rate *when overtime has been incurred*.

EXPENSES (Examples of expenses: all are at cost with no mark-up):

Mileage reimbursement (personal vehicles) at federal rate: currently \$0.625 per mile.

Rented vehicles at cost + fuel

AINW equipment truck @ \$65.00 to \$58.00 per day + fuel

Examples of other out-of-pocket and expenses include research fees, portable toilet, backhoe & operator, stakes, etc.

**CITY OF VANCOUVER OPERATIONS CENTER
VANCOUVER, WASHINGTON**

**VERTICAL TRANSPORTATION
CONSULTING PROPOSAL**

SEPTEMBER 19, 2022

PREPARED FOR:

Randy Cook, AIA, LEED® AP
Managing Principal
TCF Architecture
902 N 2nd Street
Tacoma, WA 98403
randy@tcfarchitecture.com
P: 253.572.3993

PREPARED BY:

Chris Amistadi
Consultant

Chris.Amistadi@LerchBates.com
M: 971.303.0141

Lerch Bates Project № 0100038379-01

I. VERTICAL AND HORIZONTAL TRANSPORTATION CONSULTING

Lerch Bates Inc. (Lerch Bates) agrees to provide TCF Architecture (Client) with the following consulting services for an estimated 2-3 elevators for Phase 1 design services:

- A. Phase 1 (Pre-Design and Schematic Design):
1. Consult with the design team to discuss the concept design, project program, and design requirements. Unique requirements of the project, the anticipated occupancy, and their influence on the vertical transportation systems are identified at this time.
 2. Establish the appropriate elevator performance criteria based on project program requirements. Criteria will consider peak traffic patterns, average waiting time, average interval, and handling capacity.
 3. Utilize the performance criteria and projected populations to conduct a vertical and horizontal transportation analysis. Select and recommend the ideal solution based upon the provided analysis results. Evaluate up to two design options.
 4. Submit a report based upon the analysis and preliminary planning indicated on the architectural concept drawings. Summary Report shall include:
 - a. Definitions of the established design criteria and terms.
 - b. Summary of criteria to obtain proper levels of vertical transportation service.
 - c. Results of analysis calculations.
 - d. Recommended solutions.
 5. Submit preliminary equipment layout information based upon the equipment application selected, including core arrangements with dimensions on 8½" X 11" sheets, .pdf file, (not-to-scale): including hoistway, pit, and overhead dimensions together.
 6. Lerch Bates drawings are to be used solely for design team reference and coordination and are not to be used for fabrication or construction of the project.
 7. Phase 1 services include teleconferences with the Client. Weekly project team conference calls will only be attended on as needed basis.

II. FEES AND EXPENSES

- A. Not-to-Exceed (NTE) Fee for Phase 1 Services will be \$4,000 based on the hourly rates listed below:

Category	2022 and 2023 Rates
Regional Manager	\$350
Senior Consultant	\$325
Consultant	\$300
Project Manager	\$260
CADD Designer	\$225
Administrative	\$150

- B. Reimbursable Expenses -Travel expense, lodging, meals, parking, all mileage charged at standard per mile rates, document reproduction, photographic reproduction, all mailing costs, special document handling, any applicable local service/sales tax, and other authorized expenses are not included in the Agreement fee and will be billed at cost.

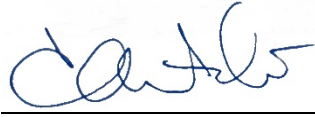
FOR: TCF ARCHITECTURE

FOR: LERCH BATES INC.

ACCEPTED

ACCEPTED

BY: _____

BY:  _____

Chris Amistadi

TITLE: _____

TITLE: Consultant

DATE: _____

DATE: September 19, 2022



EXHIBIT A
ABB
Standard Schedule of Fees
(Updated September 2022)

When Fees for services are based on the actual hours worked on the project by position, the billing rates will be in accordance with the following schedule:

Position	Rate	Position	Rate
Principal I	\$ 330.00	Building Technologist I	\$ 190.00
Principal II	\$ 350.00	Building Technologist II	\$ 200.00
Principal III	\$ 400.00	Building Technologist III	\$ 210.00
Principal IV	\$ 430.00	Field Monitor I	\$ 150.00
Associate I	\$ 250.00	Field Monitor II	\$ 170.00
Associate II	\$ 260.00	Field Monitor III	\$ 180.00
Associate III	\$ 290.00	Field Monitor (Part-Time)	\$ 190.00
Associate IV	\$ 310.00	CAD Graphics Specialist I	\$ 170.00
Consultant I	\$ 210.00	CAD Graphics Specialist II	\$ 180.00
Consultant II	\$ 230.00	CAD Graphics Specialist III	\$ 190.00
Consultant III	\$ 250.00	Admin Services	\$ 130.00
Consultant IV	\$ 280.00	Forensic Document Specialist	\$ 200.00
Construction Manager I	\$ 200.00	IT Consultant	\$ 200.00
Construction Manager II	\$ 220.00		
Construction Manager III	\$ 240.00		
Executive Project Manager	\$ 280.00		



Staff Report: 139-22

TO: Mayor and City Council

FROM: Eric Holmes, City Manager

DATE: 10/3/2022

SUBJECT Accept U.S. Department Of Justice Grant Award for Police Camera Program

Key Points

- Vancouver has been awarded \$1.5 million from the U.S. Department of Justice (USDOJ) to help implement a police camera program.
- Congressional delegation support for a federal budget earmark was authorized in March 2022, which led to an invitational grant process with the USDOJ in June.
- This federal award will allow Vancouver to accelerate the timeline for implementation, while providing City leaders with time to plan and budget for longer-term sustainability and ongoing costs.
- Grant funding has been approved for the purchase and implementation of a police camera system, which may include cameras and accessories, hardware and software, infrastructure and connectivity, and data management and storage.
- This project is part of a larger citywide initiative to update and revitalize community policing and provide a safer community.

Strategic Plan Alignment

Goal 2: Provide effective, innovative and well-resourced police, fire and emergency medical services

Present Situation

City leaders have engaged community members, staff and stakeholders in establishing the foundation for a police camera program as part of a greater citywide initiative to enhance community policing and public safety.

While the Vancouver Police Department does not currently have local resources budgeted to implement this project without federal assistance, City leaders have moved forward in response to strong community support, and we are excited to announce that this grant award will make it possible for the City of Vancouver to purchase and launch a police camera system this fall.

In order to demonstrate responsiveness to community priorities and implement this project in the swiftest responsible manner, the City of Vancouver committed locally-funded staffing and

resources to provide timely, inclusive, and transparent processes to ensure due diligence and prepare for successful deployment.

After a two-year public engagement process that has embedded community members, staff and stakeholders at each stage, key accomplishments currently in place include network design and infrastructure improvements, program and policy development, ratification of labor contract changes, and competitive procurement processes, which are nearing completion.

This Vancouver Police Camera Program is a key investment that will help to improve police-community interactions and provide a professional level of service that is consistent with industry best practices and the expectations of our community. We welcome this opportunity to enhance the safety of police officers and the public, while contributing to a climate of trust and transparency.

This federal grant will not supplant or replace local funds, but will instead accelerate project implementation by increasing the City's current budget available for this project, while also leveraging local resources by providing City leaders with time to plan and budget for the local funding needed to ensure longer-term program sustainability and ongoing costs.

Advantage(s)

Accepting this federal grant award will:

- Provide \$1.5 million to assist Vancouver with purchasing and implementing a police camera program this fall.
- Serve as a financial bridge accelerating project launch, while providing Vancouver leaders with time to plan and budget for the resources needed to ensure longer-term sustainability.
- Enhance community policing and public safety by investing in new measures to foster transparency and trust.

Disadvantage(s)

None, aside from routine grant monitoring and compliance.

Budget Impact

The 2023-24 City Manager's Recommended budget will include an appropriation for the grant related expenditures and the local match.

Prior Council Review

None. However, this project has been briefly addressed during a City Council Workshop Federal Legislative Agenda Update on January 25, 2021, and City Manager Communications on September 12, 2022.

Action Requested

Authorize the City Manager or designee to execute this grant award with the United States Department of Justice to accept funding for police cameras and take any and all action necessary to enforce the terms thereof.

Troy Price, Assistant Police Chief, 360-487-7472; Katherine Nye, IT Technical Services Manager, 360-487-7660; Taylor Hallvik, Assistant City Attorney, 360-487-8521; Sara Baynard-Cooke, Assistant City Attorney, 360-487-8542; Brenda Tryon, Police Management Analyst,

360-487-7497

ATTACHMENTS:

- ▣ USDOJ Grant Award

✓ Award Letter

September 30, 2022

Dear James McElvain,

On behalf of Attorney General Merrick B. Garland, it is my pleasure to inform you the Office of Community Oriented Policing Services (the COPS Office) has approved the application submitted by CITY OF VANCOUVER for an award under the funding opportunity entitled 2022 FY 2022 COPS Technology and Equipment Program Invitational Solicitation. The approved award amount is \$1,500,000.

Review the Award Instrument below carefully and familiarize yourself with all conditions and requirements before accepting your award. The Award Instrument includes the Award Offer (Award Information, Project Information, Financial Information, and Award Conditions) and Award Acceptance. For COPS Office and OVW funding the Award Offer also includes any Other Award Documents.

Please note that award requirements include not only the conditions and limitations set forth in the Award Offer, but also compliance with assurances and certifications that relate to conduct during the period of performance for the award. These requirements encompass financial, administrative, and programmatic matters, as well as other important matters (e.g., specific restrictions on use of funds). Therefore, all key staff should receive the award conditions, the assurances and certifications, and the application as approved by the COPS Office, so that they understand the award requirements. Information on all pertinent award requirements also must be provided to any subrecipient of the award.

Should you accept the award and then fail to comply with an award requirement, DOJ will pursue appropriate remedies for non-compliance, which may include termination of the award and/or a requirement to repay award funds.

Prior to accepting the award, your Entity Administrator must assign a Financial Manager, Grant Award Administrator, and Authorized Representative(s) in the Justice Grants System (JustGrants). The Entity Administrator will need to ensure the assigned Authorized Representative(s) is current and has the legal authority to accept awards and bind the entity to the award terms and conditions. To accept the award, the Authorized Representative(s) must accept all parts of the Award Offer in the Justice Grants System (JustGrants), including by executing the required declaration and certification, within 45 days from the award date.

To access your funds, you will need to enroll in the Automated Standard Application for Payments (ASAP) system, if you haven't already completed the enrollment process in ASAP. The Entity Administrator should have already received an email from ASAP to initiate this process.

Congratulations, and we look forward to working with you.

ROBERT CHAPMAN
Acting Director

Office for Civil Rights Notice for All Recipients

The Office for Civil Rights (OCR), Office of Justice Programs (OJP), U.S. Department of Justice (DOJ) has been delegated the responsibility for ensuring that recipients of federal financial assistance from the OJP, the Office of Community Oriented Policing Services (COPS), and the Office on Violence Against Women (OVW) are not engaged in discrimination prohibited by law. Several federal civil rights laws, such as Title VI of the Civil Rights Act of 1964 and Section 504 of the

Rehabilitation Act of 1973, require recipients of federal financial assistance to give assurances that they will comply with those laws. Taken together, these civil rights laws prohibit recipients of federal financial assistance from DOJ from discriminating in services and employment because of race, color, national origin, religion, disability, sex, and, for grants authorized under the Violence Against Women Act, sexual orientation and gender identity. Recipients are also prohibited from discriminating in services because of age. For a complete review of these civil rights laws and nondiscrimination requirements, in connection with DOJ awards, see <https://ojp.gov/funding/Explore/LegalOverview/CivilRightsRequirements.htm>.

Under the delegation of authority, the OCR investigates allegations of discrimination against recipients from individuals, entities, or groups. In addition, the OCR conducts limited compliance reviews and audits based on regulatory criteria. These reviews and audits permit the OCR to evaluate whether recipients of financial assistance from the Department are providing services in a nondiscriminatory manner to their service population or have employment practices that meet equal-opportunity standards.

If you are a recipient of grant awards under the Omnibus Crime Control and Safe Streets Act or the Juvenile Justice and Delinquency Prevention Act and your agency is part of a criminal justice system, there are two additional obligations that may apply in connection with the awards: (1) complying with the regulation relating to Equal Employment Opportunity Programs (EEOPs); and (2) submitting findings of discrimination to OCR. For additional information regarding the EEOP requirement, see 28 CFR Part 42, subpart E, and for additional information regarding requirements when there is an adverse finding, see 28 C.F.R. §§ 42.204(c), .205(c)(5).

The OCR is available to help you and your organization meet the civil rights requirements that are associated with DOJ grant funding. If you would like the OCR to assist you in fulfilling your organization's civil rights or nondiscrimination responsibilities as a recipient of federal financial assistance, please do not hesitate to contact the OCR at askOCR@ojp.usdoj.gov.

✓ Award Information

This award is offered subject to the conditions or limitations set forth in the Award Information, Project Information, Financial Information, and Award Conditions.

Recipient Information

Recipient Name

CITY OF VANCOUVER

UEI

TM9CHABUP4B2

ORI Number

WA00603

Street 1

Street 2

415 W 6TH ST

City

VANCOUVER

Zip/Postal Code

98660

County/Parish

State/U.S. Territory

Washington

Country

United States

Province



Award Details

Federal Award Date

9/30/22

Award Type

Initial

Award Number

15JCOPS-22-GG-01549-TECP

Supplement Number

00

Federal Award Amount

\$1,500,000.00

Funding Instrument Type

Grant

Assistance Listing Number Assistance Listings Program Title

16.710

Public Safety Partnership and Community Policing Grants

Statutory Authority

The Public Safety Partnership and Community Policing Act of 1994, 34 U.S.C. § 10381 et seq.

☐

I have read and understand the information presented in this section of the Federal Award Instrument.

✓ **Project Information**

This award is offered subject to the conditions or limitations set forth in the Award Information, Project Information, Financial Information, and Award Conditions.

Solicitation Title

2022 FY 2022 COPS Technology and
Equipment Program Invitational Solicitation

Awarding Agency

COPS

Application Number

GRANT13651325

Grant Manager Name

VERLENA BRAXTON

Phone Number

800-421-6770

E-mail Address

VERLENA.BRAXTON@USDOJ.GOV

Project Title

FY22 COPS Technology and Equipment Program (Congressionally Directed Spending)

**Performance Period Start
Date**

03/15/2022

**Performance Period End
Date**

03/31/2024

Budget Period Start Date

03/15/2022

Budget Period End Date

03/31/2024

Project Description

The FY 2022 COPS Office Technology and Equipment Program (TEP) Invitational Solicitation is an invitation-only grant program designed to develop and acquire effective equipment, technologies, and interoperable communications that assist in responding to and preventing crime.

The objective is to provide funding for projects which improve police effectiveness and the flow of information among law enforcement agencies, local government service providers, and the communities they serve. Funding shall be used for the projects, and in the amounts, specified under the heading "Community Oriented Policing Services, Technology and Equipment Community Projects/ COPS Law Enforcement Technology and Equipment" in the Joint Explanatory Statement – Division B, which is incorporated by reference into Public Law 117-103.

☐ I have read and understand the information presented in this section of the Federal Award Instrument.

Financial Information

This award is offered subject to the conditions or limitations set forth in the Award Information, Project Information, Financial Information, and Award Conditions.

A financial analysis of budgeted costs has been completed. All costs listed in the approved budget below were programmatically approved based on the final proposed detailed budget and budget narratives submitted by your agency to the COPS Office. Any adjustments or edits to the proposed budget are explained below.

Budget Clearance Date: 8/23/22 4:37 PM

Comments

Budget Summary needed for Procurement Contacts Category

Budget Category	Proposed Budget	Change	Approved Budget	Percentages
Sworn Officer Positions	\$0.00	\$0.00	\$0.00	
Civilian or Non-Sworn Personnel		\$0.00	\$0.00	
Travel	\$0.00	\$0.00	\$0.00	
Equipment	\$0.00	\$0.00	\$0.00	
Supplies	\$0.00	\$0.00	\$0.00	
SubAwards	\$0.00	\$0.00	\$0.00	
Procurement Contracts	\$1,500,000.00	\$0.00	\$1,500,000.00	
Other Costs	\$0.00	\$0.00	\$0.00	
Indirect Costs	\$0.00	\$0.00	\$0.00	
Total Project Costs	\$1,500,000.00	\$0.00	\$1,500,000.00	

Federal Funds:	\$1,500,000.00	100.00%
Match Amount:	\$0.00	0.00%
Program Income:	\$0.00	0.00%

Budget Detail Summary View

Budget Category

- Sworn Officer
- Civilian Personnel
- Travel
- Equipment
- Supplies
- SubAwards
- Procurement Contracts
- Other Costs
- Indirect Costs

☐ I have read and understand the information presented in this section of the Federal Award Instrument.

Other Award Documents

No other award documents have been added.

Award Conditions

This award is offered subject to the conditions or limitations set forth in the Award Information, Project Information, Financial Information, and Award Conditions.

Restrictions on Internal Confidentiality Agreements: No recipient or subrecipient under this award, or entity that receives a contract or subcontract with any funds under this award, may require any employee or contractor to sign an internal confidentiality agreement or statement that prohibits or otherwise restricts the lawful reporting of waste, fraud, or abuse to an investigative or law enforcement representative of a federal department or agency authorized to receive such information. Consolidated Appropriations Act, 2022, Public Law 117-103, Division E, Title VII, Section 742.

2

Duplicative Funding: The recipient understands and agrees to notify the COPS Office if it receives, from any other source, funding for the same item or service also funded under this award.

3

Contract Provision: All contracts made by the award recipients under the federal award must contain the provisions required under 2 C.F.R. Part 200, Appendix II to Part 200—Contract Provisions for Non-Federal Entity Contracts Under Federal Awards. Please see appendices in the Award Owner's Manual for a full text of the contract provisions.

4

Award Monitoring Activities: Federal law requires that recipients receiving federal funding from the COPS Office must be monitored to ensure compliance with their award conditions and other applicable statutes and regulations. The COPS Office is also interested in tracking the progress of our programs and the advancement of community policing. Both aspects of award implementation—compliance and programmatic benefits—are part of the monitoring process coordinated by the U.S. Department of Justice. Award monitoring activities conducted by the COPS Office include site visits, enhanced office-based grant reviews, alleged noncompliance reviews, financial and programmatic reporting, and audit resolution. As a COPS Office award recipient, you agree to cooperate with and respond to any requests for information pertaining to your award. This includes all financial records, such as general accounting ledgers and all supporting documents. All information pertinent to the implementation of the award is subject to agency review throughout the life of the award, during the close-out process and for three-years after the submission of the final expenditure report. 34 U.S.C. § 10385(a) and 2 C.F.R. §§ 200.334 and 200.337.

5

Authorized Representative Responsibility: The recipient understands that, in accepting this award, the Authorized Representatives declare and certify, among other things, that they possess the requisite legal authority to accept the award on behalf of the recipient entity and, in so doing, accept (or adopt) all material requirements throughout the period of performance under this award. The recipient further understands, and agrees, that it will not assign anyone to the role of Authorized Representative during the period of performance under the award without first ensuring that the individual has the requisite legal authority.

6

Termination: Recipient understands and agrees that the COPS Office may terminate funding, in whole or in part, for the following reasons:

- (1) When the recipient fails to comply with the terms and conditions of a Federal award.
 - (2) When an award no longer effectuates the program goals or agency priorities, to the extent such termination is authorized by law.
 - (3) When the recipient agrees to the termination and termination conditions.
 - (4) When the recipient provides the COPS Office written notification requesting termination including the reasons, effective date, and the portion of the award to be terminated. The COPS Office may terminate the entire award if the remaining portion will not accomplish the purposes of the award.
 - (5) Pursuant to any other termination provisions included in the award.
2. C.F.R. § 200.340.



Award Owner's Manual: The recipient agrees to comply with the terms and conditions in the applicable 2022 COPS Office Program Award Owner's Manual; DOJ Grants Financial Guide; COPS Office statute (34 U.S.C. § 10381, et seq.) as applicable; Students, Teachers, and Officers Preventing (STOP) School Violence Act of 2018 (34 U.S.C. § 10551, et seq.) as applicable; the requirements of 2 C.F.R. Part 200 (Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards) as adopted by the U.S. Department of Justice in 2 C.F.R. § 2800.101; 48 C.F.R. Part 31 (FAR Part 31) as applicable (Contract Cost Principles and Procedures); the Cooperative Agreement as applicable; representations made in the application; and all other applicable program requirements, laws, orders, regulations, or circulars.



Assurances and Certifications: The recipient acknowledges its agreement to comply with the Assurances and Certifications forms that were signed as part of its application.



Federal Civil Rights: The Applicant understands that the federal statutes and regulations applicable to the award (if any) made by the Department based on the application specifically include statutes and regulations pertaining to civil rights and nondiscrimination, and, in addition—

a. the Applicant understands that the applicable statutes pertaining to civil rights will include section 601 of the Civil Rights Act of 1964 (42 U.S.C. § 2000d); section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794); section 901 of the Education Amendments of 1972 (20 U.S.C. § 1681); and section 303 of the Age Discrimination Act of 1975 (42 U.S.C. § 6102);

b. the Applicant understands that the applicable statutes pertaining to nondiscrimination may include section 809(c) of Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. § 10228(c)); section 1407(e) of the Victims of Crime Act of 1984 (34 U.S.C. § 20110(e)); section 299A(b) of the Juvenile Justice and Delinquency Prevention Act of 2002 (34 U.S.C. § 11182(b)); and that the grant condition set out at section 40002(b)(13) of the Violence Against Women Act (34 U.S.C. § 12291(b)(13)), which will apply to all awards made by the Office on Violence Against Women, also may apply to an award made otherwise;

c. the Applicant understands that it must require any subrecipient to comply with all such applicable statutes (and associated regulations); and

d. on behalf of the Applicant, I make the specific assurances set out in 28 C.F.R. §§ 42.105 and 42.204.

The Applicant also understands that (in addition to any applicable program-specific regulations and to applicable federal regulations that pertain to civil rights and nondiscrimination) the federal regulations applicable to the award (if any) made by the Department based on the application may include, but are not limited to, 2 C.F.R. Part 2800 (the DOJ "Part 200 Uniform Requirements") and 28 C.F.R. Parts 22 (confidentiality - research and statistical information), 23 (criminal intelligence systems), 38 (regarding faith-based or religious organizations participating in federal financial assistance programs), and 46 (human subjects protection).



Mandatory Disclosure: Recipients and subrecipients must timely disclose in writing to the Federal awarding agency or pass-through entity, as applicable, all federal criminal law violations involving fraud, bribery, or gratuity that may potentially affect the awarded federal funding. Recipients that receive an award over \$500,000 must also report certain civil, criminal, or administrative proceedings in SAM and are required to comply with the Term and Condition for Recipient Integrity and Performance Matters as set out in 2 C.F.R. Part 200, Appendix XII to Part 200. Failure to make required disclosures can result in any of the remedies, including suspension and debarment, described in 2 C.F.R. § 200.339. 2 C.F.R. § 200.113.



Enhancement of Contractor Protection from Reprisal for Disclosure of Certain Information: Recipients and subrecipients agree not to discharge, demote, or otherwise discriminate against an employee as reprisal for

the employee disclosing information that he or she reasonably believes is evidence of gross mismanagement of a federal contract or award, a gross waste of federal funds, an abuse of authority relating to a federal contract or award, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a Federal contract (including the competition for or negotiation of a contract) or award. Recipients and subrecipients also agree to provide to their employees in writing (in the predominant native language of the workforce) of the rights and remedies provided in 41 U.S.C. § 4712. Please see appendices in the Award Owner's Manual for a full text of the statute.

12

False Statements: False statements or claims made in connection with COPS Office awards may result in fines, imprisonment, debarment from participating in federal awards or contracts, and/or any other remedy available by law. 31 U.S.C. § 3729-3733.

13

System for Award Management (SAM) and Universal Identifier Requirements: The recipient agrees to comply with the following requirements of 2 C.F.R. Part 25, Appendix A to Part 25 – Award Term:

I. System for Award Management and Universal Identifier Requirements

A. Requirement for System for Award Management

Unless you are exempted from this requirement under 2 CFR 25.110, you as the recipient must maintain current information in the SAM. This includes information on your immediate and highest level owner and subsidiaries, as well as on all of your predecessors that have been awarded a Federal contract or Federal financial assistance within the last three years, if applicable, until you submit the final financial report required under this Federal award or receive the final payment, whichever is later. This requires that you review and update the information at least annually after the initial registration, and more frequently if required by changes in your information or another Federal award term.

B. Requirement for Unique Entity Identifier

If you are authorized to make subawards under this Federal award, you:

1. Must notify potential subrecipients that no entity (see definition in paragraph C of this award term) may receive a subaward from you until the entity has provided its Unique Entity Identifier to you.
2. May not make a subaward to an entity unless the entity has provided its Unique Entity Identifier to you. Subrecipients are not required to obtain an active SAM registration, but must obtain a Unique Entity Identifier.

C. Definitions

For purposes of this term:

1. System for Award Management (SAM) means the Federal repository into which a recipient must provide information required for the conduct of business as a recipient. Additional information about registration procedures may be found at the SAM internet site (currently at <https://www.sam.gov>).
2. Unique Entity Identifier means the identifier assigned by SAM to uniquely identify business entities.
3. Entity includes non-Federal entities as defined at 2 CFR 200.1 and also includes all of the following, for purposes of this part:
 - a. A foreign organization;
 - b. A foreign public entity;
 - c. A domestic for-profit organization; and
 - d. A Federal agency.
4. Subaward has the meaning given in 2 CFR 200.1.

5. Subrecipient has the meaning given in 2 CFR 200.1.

14

Reporting Subawards and Executive Compensation

The recipient agrees to comply with the following requirements of 2 C.F.R. Part 170, Appendix A to Part 170 – Award Term:

I. Reporting Subawards and Executive Compensation

a. Reporting of first-tier subawards.

Applicability. Unless you are exempt as provided in paragraph d. of this award term, you must report each action that equals or exceeds \$30,000 in Federal funds for a subaward to a non-Federal entity or Federal agency (see definitions in paragraph e. of this award term).

2. Where and when to report.

i. The non-Federal entity or Federal agency must report each obligating action described in paragraph a.1. of this award term to <http://www.fsrs.gov>.

ii. For subaward information, report no later than the end of the month following the month in which the obligation was made. (For example, if the obligation was made on November 7, 2010, the obligation must be reported by no later than December 31, 2010.)

3. What to report. You must report the information about each obligating action that the submission instructions posted at <http://www.fsrs.gov> specify.

b. Reporting total compensation of recipient executives for non-Federal entities.

1. Applicability and what to report. You must report total compensation for each of your five most highly compensated executives for the preceding completed fiscal year, if—

i. The total Federal funding authorized to date under this Federal award equals or exceeds \$30,000 as defined in 2 CFR 170.320;

ii. in the preceding fiscal year, you received—

(A) 80 percent or more of your annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards), and

(B) \$25,000,000 or more in annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); and,

iii. The public does not have access to information about the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at <http://www.sec.gov/answers/execomp.htm>.)

2. Where and when to report. You must report executive total compensation described in paragraph b.1. of this award term:

i. As part of your registration profile at <https://www.sam.gov>.

ii. By the end of the month following the month in which this award is made, and annually thereafter.

c. Reporting of Total Compensation of Subrecipient Executives.

1. Applicability and what to report. Unless you are exempt as provided in paragraph d. of this award term, for each first-tier non-Federal entity subrecipient under this award, you shall report the names and total compensation of each of the subrecipient's five most highly compensated executives for the subrecipient's preceding completed fiscal year, if—

i. in the subrecipient's preceding fiscal year, the subrecipient received—

(A) 80 percent or more of its annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards) and,

(B) \$25,000,000 or more in annual gross revenues from Federal procurement contracts (and subcontracts), and Federal financial assistance subject to the Transparency Act (and subawards); and

ii. The public does not have access to information about the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at <http://www.sec.gov/answers/execomp.htm>.)

2. Where and when to report. You must report subrecipient executive total compensation described in paragraph c.1. of this award term:

i. To the recipient.

ii. By the end of the month following the month during which you make the subaward. For example, if a subaward is obligated on any date during the month of October of a given year (i.e., between October 1 and 31), you must report any required compensation information of the subrecipient by November 30 of that year.

d. Exemptions.

If, in the previous tax year, you had gross income, from all sources, under \$300,000, you are exempt from the requirements to report:

i. Subawards, and

ii. The total compensation of the five most highly compensated executives of any subrecipient.

e. Definitions. For purposes of this award term:

1. Federal Agency means a Federal agency as defined at 5 U.S.C. 551(1) and further clarified by 5 U.S.C. 552(f).

2. Non-Federal entity means all of the following, as defined in 2 CFR part 25:

i. A Governmental organization, which is a State, local government, or Indian tribe;

ii. A foreign public entity;

iii. A domestic or foreign nonprofit organization; and,

iv. A domestic or foreign for-profit organization

3. Executive means officers, managing partners, or any other employees in management positions.

4. Subaward:

i. This term means a legal instrument to provide support for the performance of any portion of the substantive project or program for which you received this award and that you as the recipient award to an eligible subrecipient.

ii. The term does not include your procurement of property and services needed to carry out the project or program (for further explanation, see 2 CFR 200.331).

iii. A subaward may be provided through any legal agreement, including an agreement that you or a subrecipient considers a contract.

5. Subrecipient means a non-Federal entity or Federal agency that:

i. Receives a subaward from you (the recipient) under this award; and

ii. Is accountable to you for the use of the Federal funds provided by the subaward.

6. Total compensation means the cash and noncash dollar value earned by the executive during the recipient's or subrecipient's preceding fiscal year and includes the following (for more information see 17 CFR 229.402(c)(2)).

15

Equal Employment Opportunity Plan (EEOP): All recipients of funding from the COPS Office must comply with the federal regulations pertaining to the development and implementation of an Equal Employment Opportunity Plan. 28 C.F.R. Part 42 subpart E.

16

Reports/Performance Goals: To assist the COPS Office in monitoring and tracking the performance of your award, your agency will be responsible for submitting semi-annual programmatic performance reports that describe project activities during the reporting period and quarterly Federal Financial Reports using Standard Form 425 (SF-425). 2 C.F.R. §§ 200.328 - 200.329. The performance report is used to track your agency's progress toward implementing community policing strategies and to collect data to gauge the effectiveness of increasing your agency's community policing capacity through COPS Office funding. The Federal Financial Report is used to track the expenditures of the recipient's award funds on a cumulative basis throughout the life of the award.

17

Recipient Integrity and Performance Matters: For awards over \$500,000, the recipient agrees to comply with the following requirements of 2 C.F.R. Part 200, Appendix XII to Part 200 – Award Term and Condition for Recipient Integrity and Performance Matters:

A. Reporting of Matters Related to Recipient Integrity and Performance

1. General Reporting Requirement

If the total value of your currently active grants, cooperative agreements, and procurement contracts from all Federal awarding agencies exceeds \$10,000,000 for any period of time during the period of performance of this Federal award, then you as the recipient during that period of time must maintain the currency of information reported to the System for Award Management (SAM) that is made available in the designated integrity and performance system (currently the Federal Awardee Performance and Integrity Information System (FAPIIS)) about civil, criminal, or administrative proceedings described in paragraph 2 of this award term and condition. This is a statutory requirement under section 872 of Public Law 110-417, as amended (41 U.S.C. 2313). As required by section 3010 of Public Law 111-212, all information posted in the designated integrity and performance system on or after April 15, 2011, except past performance reviews required for Federal procurement contracts, will be publicly available.

2. Proceedings About Which You Must Report

Submit the information required about each proceeding that:

a. Is in connection with the award or performance of a grant, cooperative agreement, or procurement contract from the Federal Government;

b. Reached its final disposition during the most recent five-year period; and

c. Is one of the following:

(1) A criminal proceeding that resulted in a conviction, as defined in paragraph 5 of this award term and condition;

(2) A civil proceeding that resulted in a finding of fault and liability and payment of a monetary fine, penalty, reimbursement, restitution, or damages of \$5,000 or more;

(3) An administrative proceeding, as defined in paragraph 5. of this award term and condition, that resulted in a finding of fault and liability and your payment of either a monetary fine or penalty of \$5,000 or more or reimbursement, restitution, or damages in excess of \$100,000; or

(4) Any other criminal, civil, or administrative proceeding if:

(i) It could have led to an outcome described in paragraph 2.c.(1), (2), or (3) of this award term and condition;

(ii) It had a different disposition arrived at by consent or compromise with an acknowledgment of fault on your part; and

(iii) The requirement in this award term and condition to disclose information about the proceeding does not conflict with applicable laws and regulations.

3. Reporting Procedures

Enter in the SAM Entity Management area the information that SAM requires about each proceeding described in paragraph 2 of this award term and condition. You do not need to submit the information a second time under assistance awards that you received if you already provided the information through SAM because you were required to do so under Federal procurement contracts that you were awarded.

4. Reporting Frequency

During any period of time when you are subject to the requirement in paragraph 1 of this award term and condition, you must report proceedings information through SAM for the most recent five year period, either to report new information about any proceeding(s) that you have not reported previously or affirm that there is no new information to report. Recipients that have Federal contract, grant, and cooperative agreement awards with a cumulative total value greater than \$10,000,000 must disclose semiannually any information about the criminal, civil, and administrative proceedings.

5. Definitions

For purposes of this award term and condition:

a. Administrative proceeding means a non-judicial process that is adjudicatory in nature in order to make a determination of fault or liability (e.g., Securities and Exchange Commission Administrative proceedings, Civilian Board of Contract Appeals proceedings, and Armed Services Board of Contract Appeals proceedings). This includes proceedings at the Federal and State level but only in connection with performance of a Federal contract or grant. It does not include audits, site visits, corrective plans, or inspection of deliverables.

b. Conviction, for purposes of this award term and condition, means a judgment or conviction of a criminal offense by any court of competent jurisdiction, whether entered upon a verdict or a plea, and includes a conviction entered upon a plea of nolo contendere.

c. Total value of currently active grants, cooperative agreements, and procurement contracts includes—

(1) Only the Federal share of the funding under any Federal award with a recipient cost share or match; and

(2) The value of all expected funding increments under a Federal award and options, even if not yet exercised.

18

Debarment and Suspension: The recipient agrees not to award federal funds under this program to any party which is debarred or suspended from participation in federal assistance programs. 2 C.F.R. Part 180 (Government-wide Nonprocurement Debarment and Suspension) and 2 C.F.R. Part 2867 (DOJ Nonprocurement Debarment and Suspension).

19

Employment Eligibility: The recipient agrees to complete and keep on file, as appropriate, the Department of Homeland Security, U.S. Citizenship and Immigration Services (USCIS) Employment Eligibility Verification Form (I-9). This form is to be used by recipients of federal funds to verify that persons are eligible to work in the United States. Immigration Reform and Control Act of 1986 (IRCA), Public Law 99-603.

20

Conflict of Interest: Recipients and subrecipients must disclose in writing to the COPS Office or pass-through entity, as applicable, any potential conflict of interest affecting the awarded federal funding in 2 C.F.R. § 200.112.

21

Additional High-Risk Recipient Requirements: The recipient agrees to comply with any additional requirements that may be imposed during the award performance period if the awarding agency determines that the recipient is a high-risk recipient. 2 C.F.R. § 200.208.

22

State Information Technology Point of Contact: The recipient agrees to ensure that the appropriate State Information Technology Point of Contact receives written notification regarding any technology or information-sharing project funded by this award during the obligation and expenditure period. This is to facilitate communication among local and state governmental entities regarding various information technology projects being conducted with these award funds. In addition, the recipient agrees to maintain an administrative file documenting the meeting of this requirement. For a list of State Information Technology Points of Contact, go to <https://it.ojp.gov/technology-contacts>.

23

Requirement to report actual or imminent breach of personally identifiable information (PII).

The recipient (and any subrecipient at any tier) must have written procedures in place to respond in the event of an actual or imminent breach (as defined in OMB M-17-12) if it (or a subrecipient)-- 1) creates, collects, uses, processes, stores, maintains, disseminates, discloses, or disposes of personally identifiable information (PII) (as defined in 2 C.F.R. 200.1) within the scope of a COPS Office grant-funded program or activity, or 2) uses or operates a Federal information system (as defined in OMB Circular A-130). The recipient's breach procedures must include a requirement to report actual or imminent breach of PII to the recipient's COPS Office Program Manager no later than 24 hours after an occurrence of an actual breach, or the detection of an imminent breach.

24

Community Policing: Community policing activities to be initiated or enhanced by your agency were identified and described in your award application. All equipment, technology, training, and civilian positions awarded under the TEP award must be linked to the implementation or enhancement of community policing. 34 U.S.C. § 10382 (c)(10).

25

Contracts and/or MOUs with Other Jurisdictions: Items funded under this award must only be used for law enforcement activities or services that benefit your agency and the population that it serves and cannot be utilized by other agencies unless the items benefit the population that your agency serves.

26

Criminal Intelligence Systems: Recipients using award funds to operate an interjurisdictional criminal intelligence system must comply with the operating principles of 28 C.F.R. Part 23. At the time of application, the recipient assured the COPS Office that it will comply with the requirements of 28 C.F.R. Part 23.

27

Prohibition on Certain Telecommunications and Video Surveillance Services or Equipment: Recipient agrees that it, and its subrecipients, will not use award funds to extend, renew, or enter into any contract to procure or obtain any covered telecommunication and video surveillance services or equipment as described in 2 CFR §200.216. Covered services and equipment include telecommunications or video surveillance services or equipment produced or provided by Huawei Technologies Company or ZTE Corporation (or any subsidiary or affiliate of such entities); Hytera Communications Corporation, Hangzhou Hikvision Digital Technology Company, or Dahua Technology Company (or any subsidiary or affiliate of such entities); or an entity that the Secretary of Defense, in consultation with the Director of the National Intelligence or the Director of the Federal Bureau of Investigation, reasonably believes to be an entity owned or controlled by, or otherwise connected to, the government of China. The use of award funds on covered telecommunications or video surveillance services or equipment are unallowable.

2. C.F.R. § § 200.216 & 471. See also Section 889 of the John S. McCain National Defense Authorization Act of Fiscal Year 2019, Public Law 115-232.

28

Travel Costs: Travel costs for transportation, lodging and subsistence, and related items are allowable with prior approval from the COPS Office. Payment for allowable travel costs will be in accordance with 2 C.F.R. § 200.475.

29

The Paperwork Reduction Act Clearance and Privacy Act Review: Recipient agrees, if required, to submit all surveys, interview protocols, and other information collections to the COPS Office for submission to the Office of Management and Budget (OMB) for clearance under the Paperwork Reduction Act (PRA). Before submission to OMB, all information collections that request personally identifiable information must be reviewed by the COPS Office to ensure compliance with the Privacy Act. The Privacy Act compliance review and the PRA clearance process may take several months to complete. 44 U.S.C. §§ 3501-3520 and 5 U.S.C. § 552a.

30

Supplementing, not Supplanting: State, local, and tribal government recipients must use award funds to supplement, and not supplant, state, local, or Bureau of Indian Affairs (BIA) funds that are already committed or otherwise would have been committed for award purposes (hiring, training, purchases, and/or activities) during the award period. In other words, state, local, and tribal government recipients may not use COPS Office funds to supplant (replace) state, local, or BIA funds that would have been dedicated to the COPS Office-funded item(s) in the absence of the COPS Office award. 34 U.S.C. § 10384(a).

31

Sole Source Justification: Recipients who have been awarded funding for the procurement of an item (or group of items) or service in excess of \$250,000 and who plan to seek approval for use of a noncompetitive procurement process must provide a written sole source justification to the COPS Office for approval prior to obligating, expending, or drawing down award funds for that item or service. 2 C.F.R. § 200.325(b)(2).

32

Evaluations: The COPS Office may conduct monitoring or sponsor national evaluations of its award programs. The recipient agrees to cooperate with the monitors and evaluators. 34 U.S.C. § 10385(b).

33

News Media: The recipient agrees to comply with the COPS Office policy on contact with the news media. The policy establishes the COPS Office Communications Division as the principal point of contact for the news media for issues relevant to the COPS Office or parameters of this award. The recipient agrees to refer all media inquiries on these topics directly to the COPS Office Communications Division at 202-514-9079.

34

Computer Network Requirement: The recipient understands and agrees that no award funds may be used to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography. Nothing in this requirement limits the use of funds necessary for any federal, state, tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, or adjudication activities. Consolidated Appropriations Act, 2022, Public Law 117-103, Division B, Title V, Section 527.

35

Modifications: Award modifications are evaluated on a case-by-case basis in accordance with 2 C.F.R. § 200.308(f). For federal awards in excess of \$250,000, any modification request involving the reallocation of funding between budget categories that exceed or are expected to exceed 10 percent (10%) of the total approved budget requires prior written approval by the COPS Office. Regardless of the federal award amount or budget modification percentage, any reallocation of funding is limited to approved budget categories. In addition, any budget modification that changes the scope of the project requires prior written approval by the COPS Office.

36

Allowable Costs: The funding under this award is for the payment of approved costs for program-specific purposes. The allowable costs approved for your agency's award are limited to those listed in your agency's award package. In accordance with 2 C.F.R. § 200.400(g), the recipient must forgo any profit or management fee. Your agency may not use award funds for any costs not identified as allowable in the award package.

37

Extensions: Recipients may request an extension of the award period to receive additional time to implement their award program. Such extensions do not provide additional funding. Only those recipients that can provide a reasonable justification for delays will be granted no-cost extensions. Extension requests must be received prior to the end date of the award. 2 C.F.R. §§ 200.308(e)(2) and 200.309.

38

Domestic preferences for procurements: Recipient agrees that it, and its subrecipients, to the greatest extent practicable, will provide a preference for the purchase, acquisition, or use of goods, products, and materials produced in, and services offered in, the United States. 2 C.F.R. § 200.322 and Executive Order 14005, Ensuring the Future is Made in All of America by All of America's Workers, January 25, 2021.

Compliance with National Environmental Policy Act and related statutes: Upon request, the recipient must assist the COPS Office in complying with the National Environmental Policy Act (NEPA), the National Historic Preservation Act, and other related federal environmental impact analyses requirements in the use of these award funds. Accordingly, the recipient agrees to determine if new construction or renovation or remodeling of a property will be funded by the grant, and if so, agrees to comply with all NEPA requirements prior to obligating, expending, or drawing down award funds for any award purposes. The recipient understands and agrees that complying with NEPA may require the preparation of an environmental study, including an Environmental Assessment (EA) and/or an Environmental Impact Statement (EIS), as directed by the COPS Office. The NEPA compliance process may take several months to complete. 42 U.S.C. §§ 4321 et seq.

☐ *I have read and understand the information presented in this section of the Federal Award Instrument.*

✓ Award Acceptance

Declaration and Certification to the U.S. Department of Justice as to Acceptance

By checking the declaration and certification box below, I--

A. Declare to the U.S. Department of Justice (DOJ), under penalty of perjury, that I have authority to make this declaration and certification on behalf of the applicant.

B. Certify to DOJ, under penalty of perjury, on behalf of myself and the applicant, to the best of my knowledge and belief, that the following are true as of the date of this award acceptance: (1) I have conducted or there was conducted (including by applicant's legal counsel as appropriate and made available to me) a diligent review of all terms and conditions of, and all supporting materials submitted in connection with, this award, including any assurances and certifications (including anything submitted in connection therewith by a person on behalf of the applicant before, after, or at the time of the application submission and any materials that accompany this acceptance and certification); and (2) I have the legal authority to accept this award on behalf of the applicant.

C. Accept this award on behalf of the applicant.

D. Declare the following to DOJ, under penalty of perjury, on behalf of myself and the applicant: (1) I understand that, in taking (or not taking) any action pursuant to this declaration and certification, DOJ will rely upon this declaration and certification as a material representation; and (2) I understand that any materially false, fictitious, or fraudulent information or statement in this declaration and certification (or concealment or omission of a material fact as to either) may be the subject of criminal prosecution (including under 18 U.S.C. §§ 1001 and/or 1621, and/or 34 U.S.C. §§ 10271-10273), and also may subject me and the applicant to civil penalties and administrative remedies under the federal False Claims Act (including under 31 U.S.C. §§ 3729-3730 and/or §§ 3801-3812) or otherwise.

Agency Approval

Title of Approving Official
Acting Director

Name of Approving Official
ROBERT CHAPMAN

Signed Date And Time
9/7/22 8:55 PM

Authorized Representative

◀

▶



Staff Report: 140-22

TO: Mayor and City Council

FROM: Eric Holmes, City Manager

DATE: 10/3/2022

SUBJECT Transportation System Plan Goals and Prioritization Framework

Key Points

- The City is updating the Transportation System Plan (TSP) and desires that it reflect core Council priorities for advancing safety, equity and climate action.
- In December 2021, the City Council established a chartering process to guide the Transportation System Plan update, including key project milestones at which Council will consider and affirm via resolution final policy directives to be included in the Plan.
- City Council received an updated set of six TSP goals at their July 18th work session and affirmed that they reflected Councilmembers direction at an April 25th work session, ongoing input from the City's Transportation and Mobility Commission, and community values and needs as identified through engagement efforts that occurred in the second half of 2021. Council also affirmed the primacy of safety, equity and climate action goals, and the understanding that other goals support and enhance these key priorities.
- The TSP team presented a draft recommended project prioritization framework to City Council during their September 12th work session that will prioritize projects within the Transportation System Plan for short-term implementation via inclusion in the Transportation Improvement Program (TIP), medium-term implementation list, and long-term implementation via the City's 20-year Capital Facilities Plan (CFP). Council affirmed the proposed framework and clarified their desire to not to rank projects using numerical scores and to allow for Council discretion when creating the final prioritized list of projects for inclusion in the Transportation Improvement Program.

Strategic Plan Alignment

Goal 1: Ensure our built environment is the safest, most environmentally responsible and well maintained in the Pacific Northwest

Objective 1.1: Develop and maintain a safe, balanced and innovative transportation system that will meet the needs of future generations

Goal 6: Facilitate the creation of neighborhoods where residents can walk or bike to essential amenities and services- “20-minute neighborhoods”

Goal 8: Strengthen commercial, retail, and community districts throughout the city

Present Situation

The City began updating the Transportation System Plan (TSP) in 2020 and project staff have met with Council on several occasions to present information, review outreach, discuss values and goals, review policies, projects, and programs, and to discuss how the TSP goals provide a framework for prioritizing projects for inclusion in the Transportation Improvement Program and other project lists.

The TSP Update chartering process dictates that Council affirm the Transportation System Plan goals and Prioritization Framework via resolution.

Goal Language Inputs

The Transportation System Plan goals were derived from input by Council, direction from the Transportation and Mobility Commission, and values and needs shared by the community through engagement activities. The City Council has clearly and repeatedly affirmed safety, equity and climate action as guiding policy priorities through TSP-specific feedback, in the current biennial budget process, as well as many other forums.

Between May and September of 2021, the TSP project team conducted multiple rounds of public engagement around the community’s ‘transportation values’. Engaging in discussion around values helped distill community priorities that could be shaped into Plan goals. Some examples of the engagement held over summer/fall of 2021 include:

- Interactive Google Jamboard activities (online whiteboarding activity);
- Six small group discussions focused on engaging equity communities, including BIPOC, disabled, and low-income communities;
- Six in-person events such as tabling at farmers markets, movies in the park, party in the park events and engaging in a ‘transportation values wheel exercise’;
- A transportation values survey open for three months, and translated into Spanish, Vietnamese, and Russian; and
- A BeHeard project website and open house page.

Prioritization Framework Inputs

The purpose of the prioritization framework is to categorize projects in the twenty-year TSP into short-, medium-, and long-term implementation buckets. Projects selected for short-term implementation will be added to the six-year Transportation Improvement Program (TIP). The proposed framework evaluates the projects in two phases:

- Geographic screening: where is it most important to invest in transportation infrastructure?
- Implementation screening: when should investments be made?

Inputs into the geographic screening include criteria such as equity, safety, climate and transportation choice factors. The second implementation screen considers feasibility when

assessing the timelines and includes considerations of cost, funding and coordination opportunities, potential environmental or right-of-way impacts, and ability to secure 'quick wins' to close network gaps.

While the framework will be used by staff to make recommendations on project prioritization, ultimately Council will use discretion and may weigh other considerations for the phasing and implementation of projects.

Advantage(s)

The stated Transportation System Goals align with priorities previously established by Council in their budget documents, strategic plan, complete streets policy, and other documents. The goals reflect themes and values heard from the public around making it easier to walk, bike, or roll, addressing traffic safety and network barriers, reducing rush hour congestion and improving the transit experience.

Approving a prioritization framework will provide a transparent, consistent set of criteria and considerations to apply to projects when staff are making their recommendations for which projects are advanced to the TIP, and for Council review and decision making when determining the projects included in the adopted TIP annually, while also leaving room for Council discretion to advance any project they identify as a priority.

Disadvantage(s)

Elevating key goals and incorporating them in to the prioritization framework necessarily means that projects that do not meet or less closely align with key priorities will not advance.

Budget Impact

None. These are organizing frameworks that do not have direct budget implications.

Prior Council Review

- August 24, 2020: Received an intro to the TSP Update
- June 14, 2021: Reviewed existing conditions work, discussed council values and the TSP, reviewed public outreach plans
- December 20, 2021: Approved Project Chartering Process
- April 25, 2022: Reviewed Transportation System Plan Goals
- July 18, 2022: Reviewed and discussed the 'Big Ideas', and Draft Policies, Projects and Programs
- September 12, 2022: Reviewed modal networks and draft Project Prioritization Framework

Action Requested

Approve the resolution confirming the transportation system plan goals project prioritization framework.

Kate Drennan, Principal Transportation Planner, 360-487-7959

ATTACHMENTS:

- ▣ Resolution: Council Resolution for Transportation System Plan Goals and Project Prioritization Framework (October 3, 2022)
- ▣ Presentation: Transportation System Plan Update (September 2022)
- ▣ Memo: TSP Draft Project Prioritization Memo (August 2022)
- ▣ Presentation: Transportation System Plan Update (July 2022)
- ▣ Presentation: Vancouver Moves Participation Summary (October 2021)
- ▣ Resolution: TSP Chartering Process (December 2021)
- ▣ Memo: TSP Chartering Process (December 2021)

10/3/2022

RESOLUTION NO. _____

A RESOLUTION confirming the Transportation System Plan update goals and the direction of the Project Prioritization Framework used to prioritize future project lists, including transportation projects in the City’s 20-year Capital Facilities Plan (CFP) and 6-year Transportation Improvement Program (TIP); and

WHEREAS, goal one of the City’s 2016-2021 Strategic Plan is to “Ensure our built environment is one of the safest, most environmentally responsible and well maintained in the Pacific Northwest” and included Objective 1.1 which stated: “Develop and maintain a safe, balanced, and innovative transportation system that will meet the needs of future generations”; and

WHEREAS, The City adopted a Complete Streets policy in 2017 with the vision and intent of providing safe, accessible streets for all users, ages and abilities regardless of their preferred mode of travel; and

WHEREAS, City Council identified safety, equity and climate action as guiding priorities in developing the 2023-24 biennial budget and when setting goals for the update to the City’s Transportation System Plan; and

WHEREAS, City Council affirmed in a workshop on June 14, 2021 that the City values of climate, equity and safety should guide the Transportation System Plan Update process;

WHEREAS, City Council adopted a resolution guiding the Transportation System Plan Chartering Process that includes affirmation via resolution at key steps in the update process, including for the project goals and prioritization framework; and

WHEREAS, the Vancouver Moves outreach team conducted multiple rounds of outreach to ask the public about their ‘transportation values’ to help draft the transportation system plan goals, including community roundtables in May – September of 2021 and six small group discussions focused on engaging equity communities, including BIPOC, disabled, and low-income communities; held six in-person events from August – September 2021 using a transportation values wheel exercise; and conducted surveys in English, Spanish, Vietnamese, and Russian between August – October of 2021 around transportation values to shape the draft Goals; and

WHEREAS, the outreach team heard the following themes and ‘values’ during the outreach events and surveys that were incorporated into the transportation goals, including “make it easier to walk, bike, or roll; address traffic safety; address network barriers and provide more direct connections; reduce congestion during rush hour; and make transit a better experience; and

WHEREAS, the City Council affirmed during a workshop on July 18th, 2022 that the Transportation System Plan goal statements reflect City Priorities, with safety, equity and climate action forming the top tier of goals, and the feedback of the Council, Transportation and Mobility Commission, and the community; and

WHEREAS, the Vancouver Transportation System Plan (TSP) will identify transportation projects, policies, and programs for the next twenty years and infrastructure projects included in the plan will feed into the transportation element of the City’s 20-year Capital Facilities Plan and into the Six-year Transportation Improvement Program (TIP); and

WHEREAS, the Vancouver Transportation System Plan will provide a prioritization framework to evaluate transportation projects in two phases for consideration by the City Council in order to group projects into near-term (TIP), medium-term, and long-term time frames; and

WHEREAS, phase one of the screening uses the lens of equity, safety, climate, and transportation choice by conducting a geographic analysis that applies the City's equity index score, accounts for crash rates and type, considers access to essential places, and accounts for future growth to shape where it is most important to invest in transportation infrastructure; and

WHEREAS, a second prioritization phase would consider when, e.g.- what timeframe to build projects by considering cost and potential funding opportunities, the ability to coordinate with the pavement or sidewalk maintenance programs, potential environmental or right-of-way impacts that could be costly and require a lengthy process, and where 'quick wins' could be achieved by closing gaps in otherwise continues mobility facilities; and

WHEREAS, the two prioritization phases will not create quantitative project scores, but will guide staff in their recommendations for project phasing, and provide information for City Council to use in their consideration when providing direction as to which transportation system plan projects are advanced into the 6-year financially constrained Transportation Improvement Program (TIP);

NOW, THEREFORE,

BE IT RESOLVED BY THE CITY OF VANCOUVER:

- The Vancouver Transportation System Plan shall include the following goals:
 - 1. Transportation Choice:** People in Vancouver have multiple comfortable, convenient options to get where they need to go.

2. **Safety:** Our transportation system keeps people safe when they walk, roll, bicycle, take transit, or drive.
3. **Climate:** Our transportation system helps to reduce our impact on the climate and our natural environment.
4. **Equity:** Transportation in Vancouver supports the needs of all and counteracts historic and current inequities.
5. **Regional Connectivity:** People and goods flow seamlessly through the region, advancing our shared prosperity.
6. **Maintaining Our Assets:** We take good care of our transportation infrastructure and invest strategically in new tools that help us operate the system better.

AND

- The Vancouver Transportation System Plan shall include a Project Prioritization Framework that uses a two-phased approach focused on where in City investment is most needed based on equity, safety, climate and transportation choice factors; and what timeframe is most feasible considering cost, funding and coordination opportunities, potential environmental or right-of-way impacts, and ability to secure ‘quick wins’ to close network gaps, to guide recommendations on project prioritization for the Transportation Improvement Program; and that this Framework is intended to provide guidance for Council decision making but in no way precludes any transportation priority the Council may wish to advance.

ADOPTED at a Regular Meeting of the Vancouver City Council this __ day of _____, 2022.

Attest:

Anne McEnery-Ogle, Mayor

Natasha Ramras, City Clerk

Approved as to form:

Jonathan Young, City Attorney



Transportation System Plan Update

Council Workshop
September 12, 2022



Rebecca Kennedy, Deputy Director, Community Development Department
Thomas Brennan, Consultant Project Manager, Nelson\Nygaard Consulting
Stephanie Wright, Nelson\Nygaard Consulting

Agenda

- Project Objectives
- Draft Big Ideas #5 and 6 and Policies, Programs, & Projects
- Draft Modal Networks
- Draft Prioritization Framework
- Next Steps



Presentation Purpose

Update on Transportation System Plan and feedback requested

Big Ideas

- Finish initial review of Big Ideas #5 and #6 and associated Policies, Programs, & Projects; Council feedback and discussion

Modal Networks

- Review draft modal networks approach and initial findings; Council questions and direction on approach

Prioritization

- Review draft project prioritization methodology; Council questions and direction on approach

Prior Council Review

Aug 24, 2020

- Intro to TSP Update

Jun 14, 2021

- Existing conditions
- City council values and the TSP
- Public outreach

Dec 20, 2021

- Project Chartering Process

Apr 25, 2022

- TSP goals

July 18, 2022

- Big Ideas
- Draft Policies, Projects and Programs (PPP)

Project Objectives & Schedule



Outcomes



**Project
Development
Process**

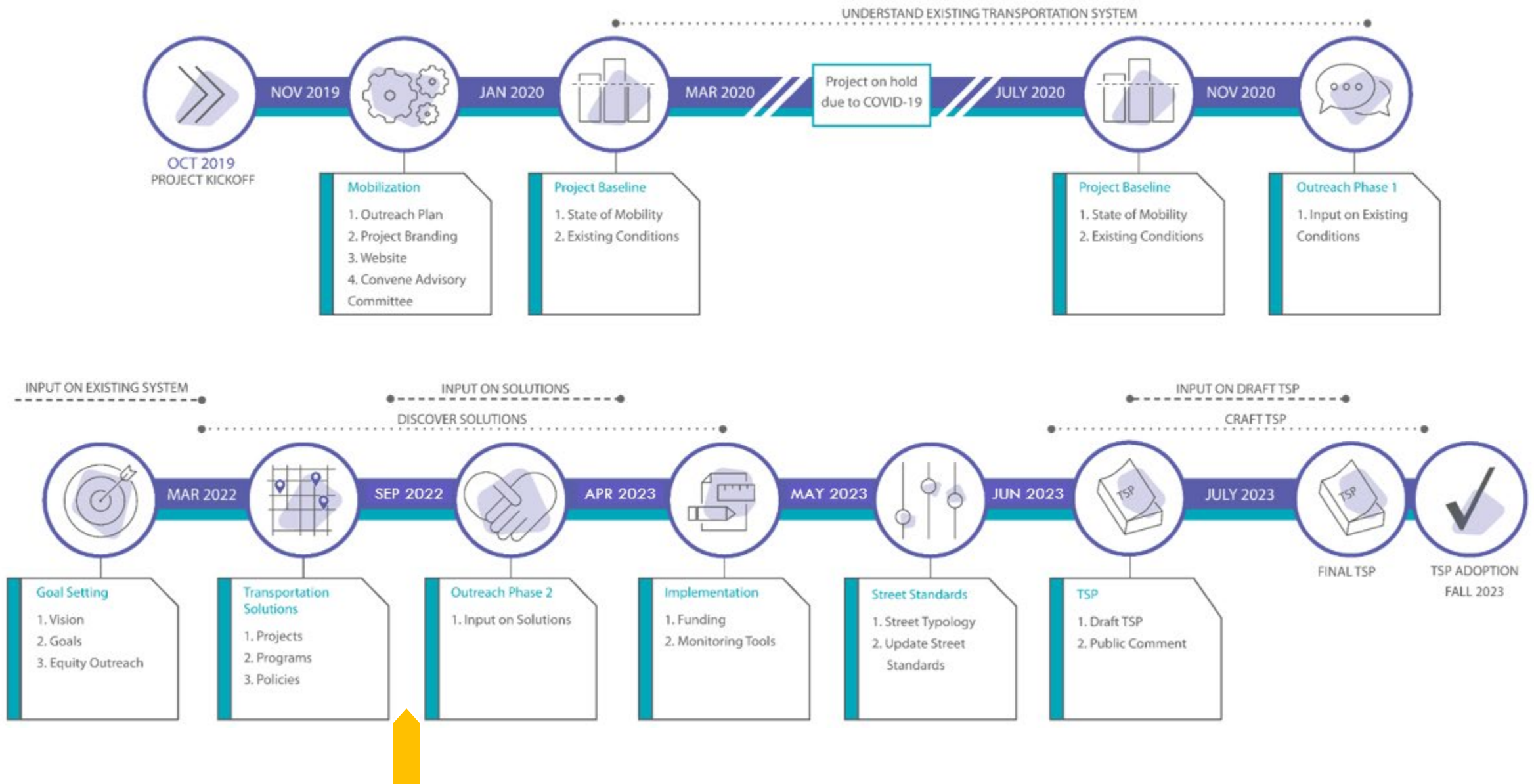


**Comprehensive
Plan Integration**

TSP Outcomes:

- Maintain quality of life in a time of growth
- Diversify transportation options
- Prioritize Safety
- Respond to community priorities
- Build support for multimodal streets



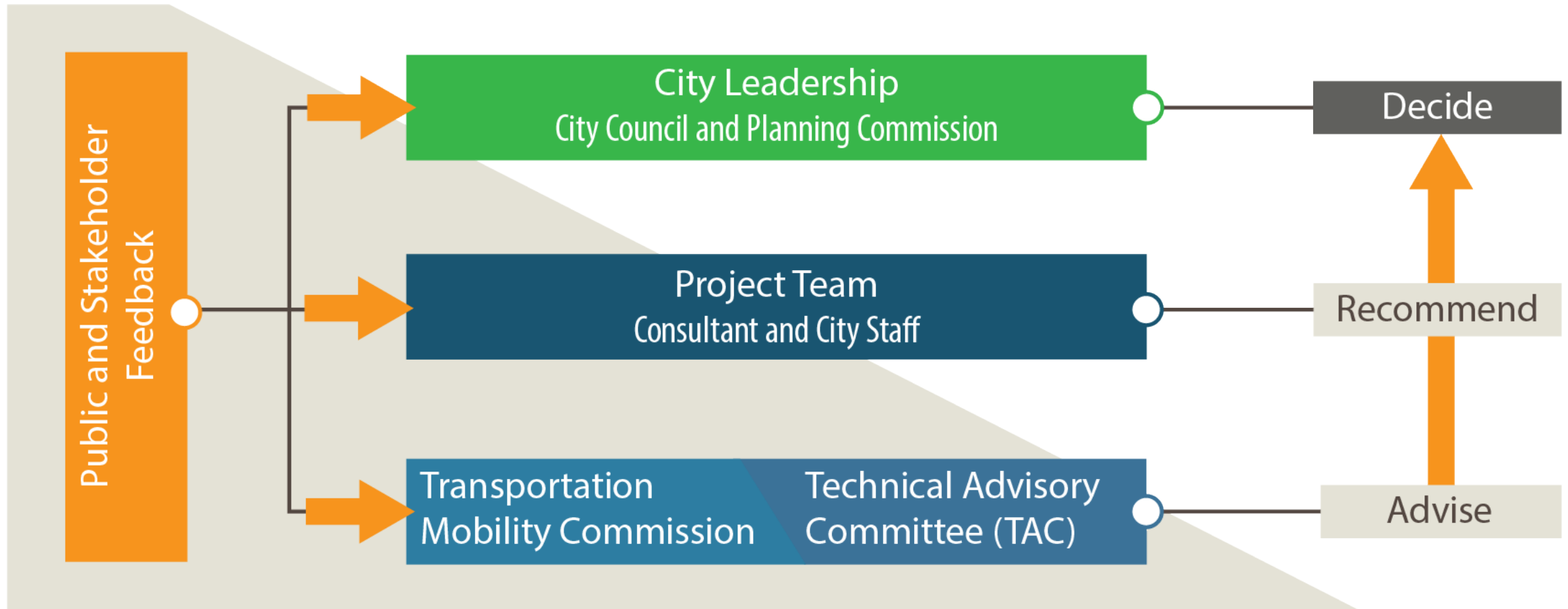


Transportation System Plan Update — 7

Project Development Process



Project Groups

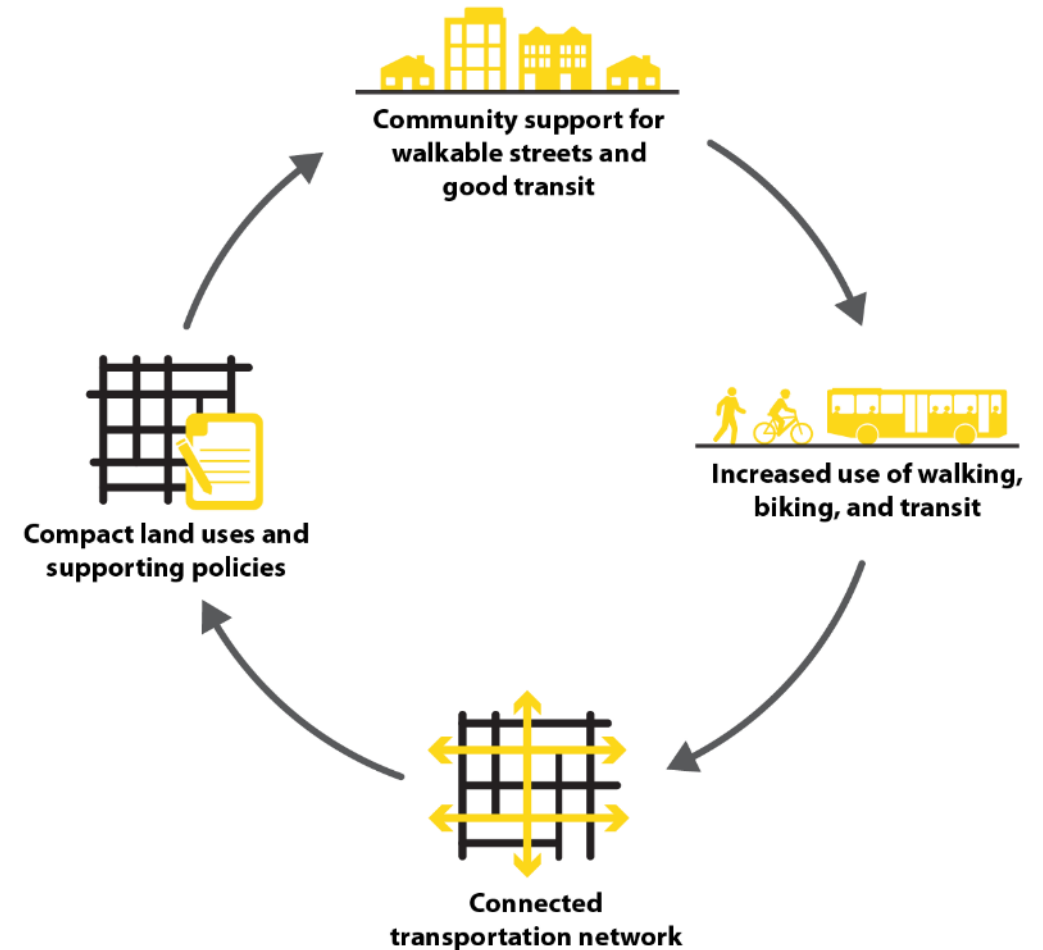


TSP Chartering Process

Project Phase	Elements	Council and TMC Action	Completed Dates/Tentative Dates
Project Baseline	- State of mobility - Existing conditions - Vulnerability analysis - Community input	TMC review	Jan 5, 2021; Mar 2, 2021; Jun 1, 2021; Jul 6, 2021
		Council workshop	Jun 14, 2021
Values and Goals	- Enhanced Transit Corridor analysis - Community input on project values and associated project opportunities	TMC review	Sep 7, 2021; Jan 4, 2022
		Council workshop	Apr 25, 2022
Final Goals and Priorities	- TSP Goals - Project prioritization process	TMC review	Mar 1, 2022; Jul 5, 2022; Sep 6, 2022
		Council workshop	Jul 18, 2022; Sep 12, 2022
		Council resolution	September 26, 2022
Solutions	- Policies, projects and programs - Modal networks	TMC review	Jul 5, 2022; Sep 6, 2022; Dec 6, 2022
		Council workshop	Jul 18, 2022; Sep 12, 2022; Nov 28, 2022
		Council resolution	December 12, 2022
Implementation	- Street typology and standards update - Pedestrian crossing policy - Performance measures - Funding recommendations	TMC review	April 2023; May 2023
		Council workshop	April 2023; May 2023
		Council resolution	May/June 2023
Plan Adoption	- Review of draft plan - Community input on draft plan - Plan adoption	TMC action item	July 2023; September 2023
		Council workshop	July 2023; September 2023
		Council resolution	September 2023

Comprehensive Plan Integration

- Land use and transportation must be integrated to achieve climate, equity, and safety goals
- Comprehensive Plan update process kicking off October/November 2022
- TSP timeline extended to align key aspects of Comprehensive Plan:
 - Goals, policies, programs, projects, and other implementation
 - Primary areas to focus growth (nodes)
 - Necessary land use changes to support overall vision
 - Modal networks
 - Street typology



DRAFT Big Ideas & Policies, Programs and Projects



Updates



**Make Growth a
Benefit for All**



**Embrace the
Future**

Updates since 7/18/22 Council Work Session

Mobility Lane

- Replacing all "bike lane" statements with "mobility lane."

Street Connectivity

- Restrict cul-de-sacs moving forward.
- Call out apartment complexes for connectivity.

Green Materials & Practices

- Add PPP around asphalt alternatives and green practices like reduced pesticide use.

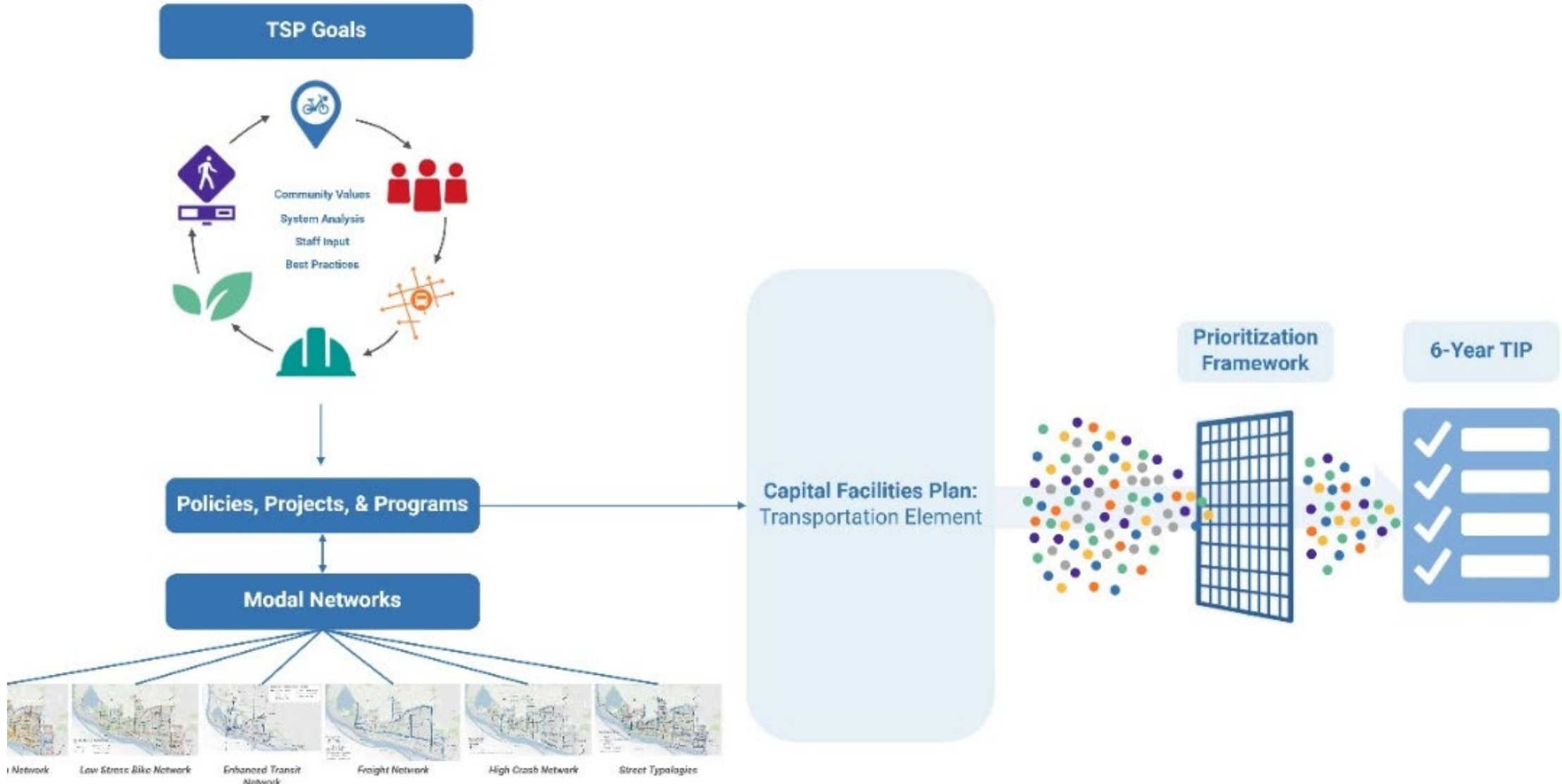
Critical Sidewalk Gaps

- Add to PPP the need for increased sidewalk maintenance funding.

Bike/Walk Routes During Construction

- Add PPP to update standards to require provision of bicycle and walking access during construction.

From Goals to Policies, Programs and Projects



Draft Final TSP Goals

- Updated Goals Framework reflect community, TAC, TMC and Council feedback.

TRANSPORTATION CHOICE



People in Vancouver have multiple comfortable, convenient options to get where they need to go.

1

SAFETY



Our transportation system keeps people safe when they walk, roll, bicycle, take transit, or drive.

2

CLIMATE



Our transportation system helps to reduce our impact on the climate and natural environment.

3

EQUITY



Transportation in Vancouver supports the needs of all and counteracts historic and current inequities.

4

REGIONAL CONNECTIVITY



People and goods flow seamlessly through the region, advancing our shared prosperity.

5

MAINTAINING OUR ASSETS



We take good care of our transportation infrastructure and invest strategically in new tools that help us operate the system better.

6

Draft Big Ideas

- Transformative ideas for the future of transportation in Vancouver
- Each big idea helps achieve our goals and objectives
- Each big idea has **policies, programs, and projects** associated with it

Support Thriving Neighborhoods

Create Complete Corridors

Connect People to Transit

Build Low-Stress Networks

Make Growth a Benefit for All

Embrace the Future

5. Make Growth a Benefit for All

Manage growth and development to support multiple transportation options and advance climate goals.

EQUITY



Coordinate with Comprehensive Plan to mitigate displacement

SAFETY



Leverage development to help build safe multimodal facilities

CLIMATE



Encourage walking, bicycling, and transit with expanded transportation demand management programs



Big Idea
**Make Growth
a Benefit for
All**

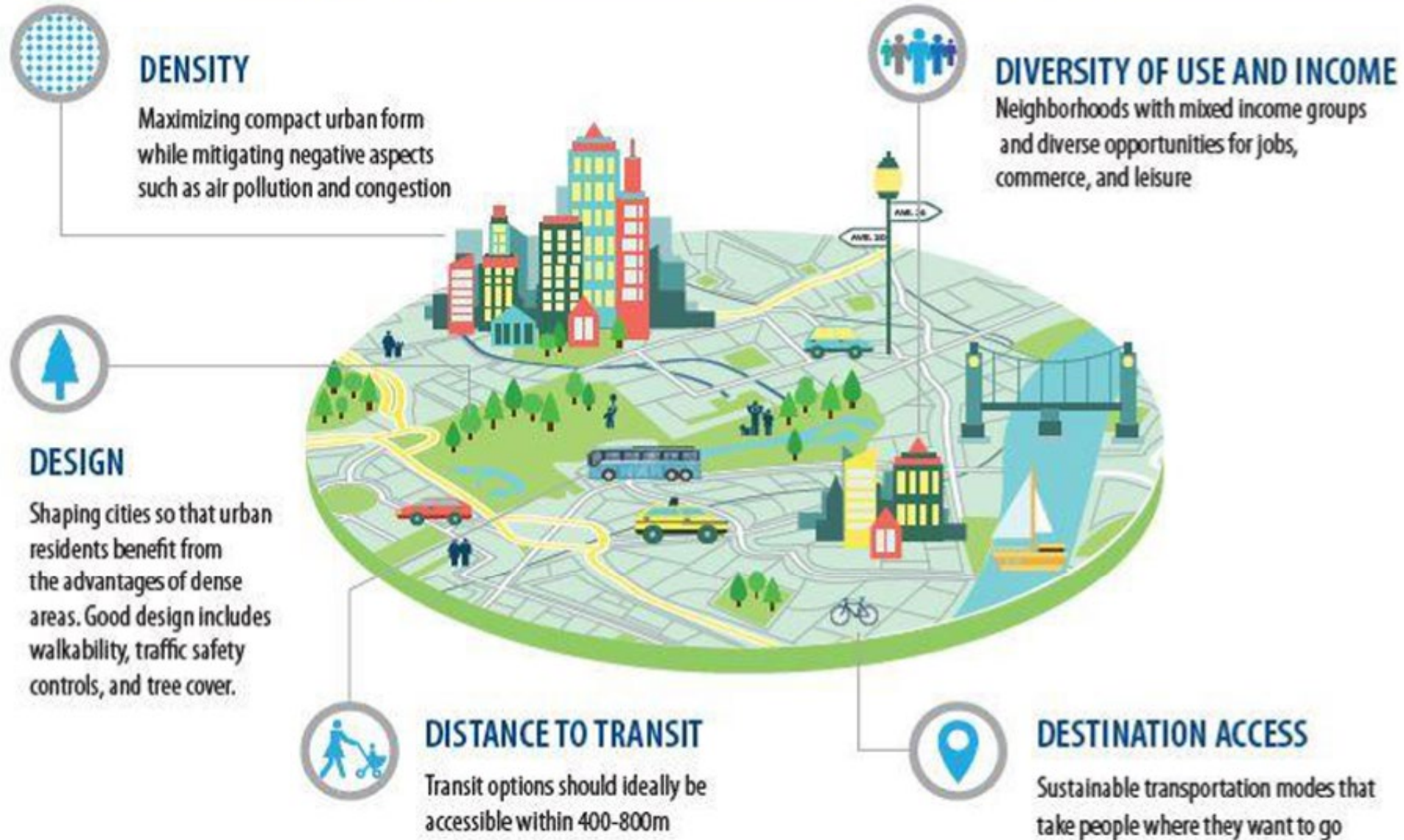
Development Review

Work with development community to establish a shared set of requirements and expectations for how development can support transportation.

Draft Programs & Projects:

- Concurrency
- Transportation Impact Fees
- Frontage Requirements
- Sidewalk Widths
- Transit Oriented Development

Outcome: Mutually Supportive Land Use and Transportation





Big Idea Make Growth a Benefit for All

Parking Management

Update parking codes and policies to reduce the amount of space dedicated to parking and make the cost of parking clear to users.

Draft Programs & Projects:

- Parking Space Requirements
- Residential Parking
- Downtown Parking Strategies





Big Idea
**Make Growth
a Benefit for
All**

Transportation Demand Management

Actively use demand management to encourage behavior change to more walking, biking, and transit trips.

Draft Programs & Projects:

- Expand Commute Trip Reduction
- TDM Coordinator
- Universal Transit Pass
- Demand Management as Development Mitigation

Other Policies and Programs

Downtown Circulator

Work with C-TRAN to develop a concept for a downtown circulator between major destinations.

Growth Centers

Adopt a hierarchy of growth centers such as regional centers and local centers. Use as a prioritization factor for transportation projects.

Anti-Displacement

Work across city departments to develop a set of anti-displacement policies and programs tied to transportation investments.

How well do these policies, programs,
and projects support Council and
community goals?

6. Embrace the Future

Prepare for future mobility and data needs.

EQUITY



Adopt equity-focused policies for emerging mobility and pricing strategies

SAFETY



Put safety at the center of data collection, monitoring, and emerging mobility policy

CLIMATE



Facilitate the transition to electric vehicles and support mobility options (bikeshare, scooters)



Big Idea Embrace the Future

Data Collection & Monitoring

Use data to track travel pattern changes over time

Draft Programs & Projects:

- Active Transportation Counts
- Location-Based Services
- Online System Dashboard
- Collision Dashboard



Big Idea Embrace the Future

Technology for System Management

Embrace technology as a way of managing the transportation system without expanding capacity.

Draft Programs & Projects:

- Signal Modernization
- Transportation Management Control Center
- Broadband/5G



Big Idea Embrace the Future

Electric / Autonomous Vehicles

Set city policy around EV/AV usage and role in achieving climate goals.

Draft Programs & Projects:

- Vehicle Miles Traveled (VMT) Reduction
- City Fleet



It is important to understand the issues related to equitable access to mobility, gentrification, and access as EV use and charging expands



Big Idea Embrace the Future

Emerging Mobility

Update city policies to: allow emerging mobility vendors; create data standards and sharing agreements; require equitable access to services both geographically and through reduced costs for people with low incomes.

Draft Programs & Projects:

- Bike & Scooter Share
- Mobility as a Service
- Dynamic Curb Management
- TNC Policy
- Goods Delivery
- Mobility Hubs



*New mobility investments should support
City goals and values (SDOT example)*

Other Policies and Programs

Mode Targets

Adopt targets for increased mode share for walking, bicycling, micromobility and transit to meet goal of zero carbon emissions by 2040 & create tools to manage (i.e., app-based community trip logs)

On-Street Parking Pricing & Congestion Pricing

Explore pricing as a tool to manage demand and generate transportation funding. This could include the expansion of managed/paid parking areas, demand-based parking rate setting, demand-based or time of day pricing along the city's key corridors, etc.

Light Pollution

Retrofit existing lighting infrastructure in neighborhoods to reduce light pollution. For example, fixtures with hoods or other designs that cast light downward.

How well do these policies, programs,
and projects support Council and
community goals?

Modal Networks



**Low-Stress Active
Transportation
Networks**



**Enhanced Transit
Network**



**Street Network and
Complete
Corridors**

Modal Networks and the TSP

- The TSP provides facility selection policies, design standards, and targets
- Designated networks define the long-term vision and lead to capital projects
- Prioritization (next section) identifies highest priority locations and determines phasing

Modal Networks

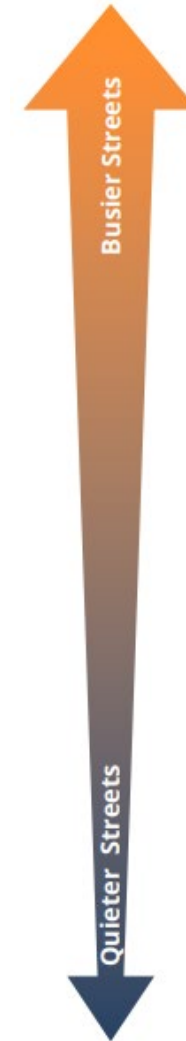
- Walking and Rolling
- Mobility (Bicycle and Small Mobility)
- Transit
- Freight (TBD)
- Complete Corridors

Low-Stress Walking & Rolling

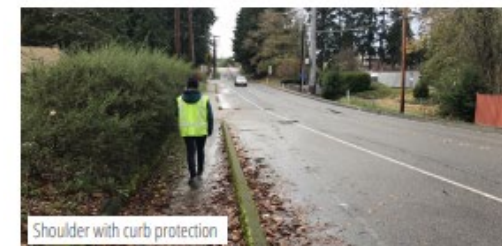
- Objective: Ensure safe walking access to parks, schools, multimodal hubs, and other community services and destinations.
- Designated pedestrian corridors and centers help us define:
 - Where to develop facilities
 - How to select and design facilities

Low-Stress Walking – Along the Street

- **Today:** Wider sidewalks are required in downtown (12') and subarea plan areas; 5-6' sidewalks everywhere else
- **TSP Policy Framework**
 - **Facility selection:** Choose a more robust facility as traffic speed and volumes increase
 - **Design:** Require wider sidewalks in places with more pedestrian destinations and future growth areas; Expand frontage improvement requirements



WALKING FACILITIES



Low-Stress Walking – Crossing the Street

- **Today:** City Pedestrian Crossing Improvement Policy last updated in 2010
 - Location and design of crossing improvements is based partly on existing pedestrian volumes
 - Design toolbox needs update to include more recent design treatments
- **TSP Policy Framework:**
 - **Location:** Locate enhanced crossings where there are destinations; adopt desired crossing spacing maximums for corridors
 - **Facility selection and design:** Design crossings based on traffic speed and volumes, roadway width, and school zones

Walking & Rolling Network Development

- Pedestrian Centers (in development) are areas with:
 - A high density of both population and employment
 - A mix of existing and planned land uses that enable short trips between places where people live, work, play, shop, attend school, or access transit
 - The presence of essential office/retail/commercial/social destinations that people should be able to access by walking and rolling
 - Comprehensive Plan Center or Corridor designation (previously adopted and in update)

Walking & Rolling Network Development

- Pedestrian Corridors are streets with:
 - Existing C-TRAN service
 - Planned or potential future enhanced transit service
 - Concentrations of destinations
 - Existing or future Neighborhood Greenway designation
 - Comprehensive Plan Corridor designation

Draft Future Low-Stress Walking & Rolling Network

Proposed Pedestrian Network

- Vancouver City Limits
- Vancouver UGA
- Pedestrian Corridors
- Neighborhood Greenways
- Pedestrian Ways

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 Vancouver City Limits
 Vancouver UGA
 Pedestrian Corridors
 Neighborhood Greenways
 Pedestrian Ways

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-  Vancouver City Limits
 Vancouver UGA
 Pedestrian Corridors
 Neighborhood Greenways
 Pedestrian Ways

Low-Stress Mobility

- Objective: Build a well-connected, high-quality bicycle and small mobility network.
- The designated low-stress network helps us define:
 - Where to develop facilities
 - How to select and design facilities

Bicycle & Small Mobility Network Today

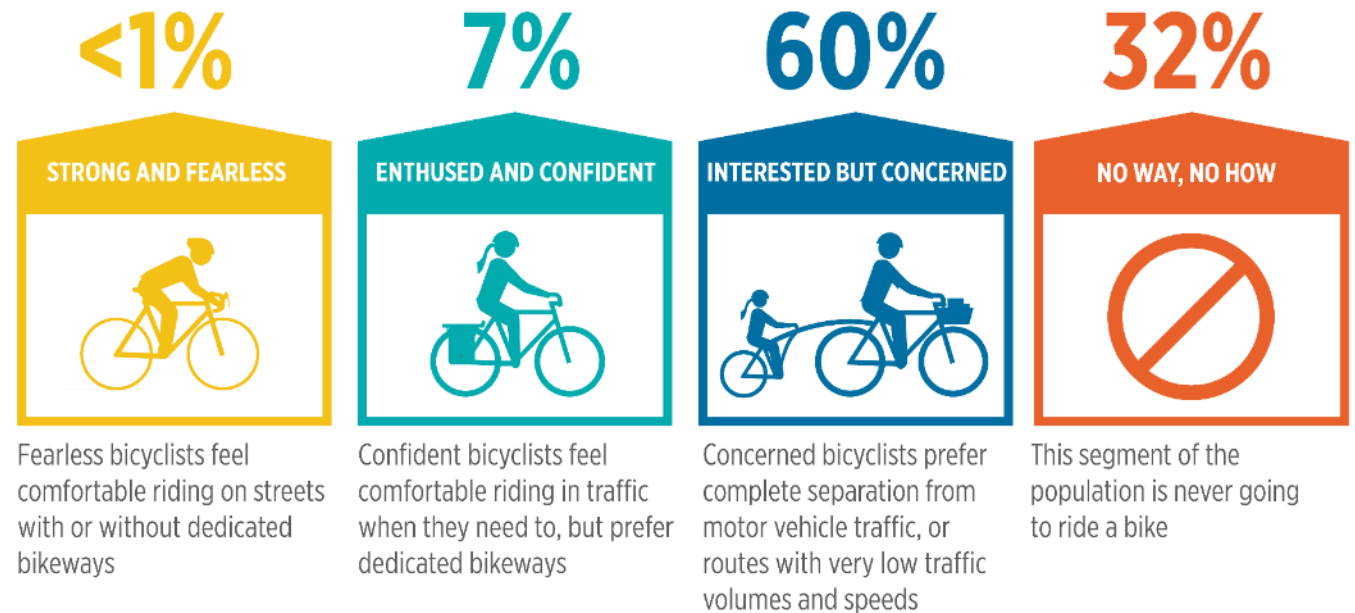


Low-Stress Bicycle & Small Mobility Network

- **TSP Policy Framework:**

- **Location:** Aim for a citywide network with a low-stress facility approximately every half mile
- **Facility selection and design:** Design facilities to be comfortable for all ages and abilities regardless of mode of travel based on the speed, volume, and width of the street

TYPES OF BICYCLISTS



This research has not yet been conducted for people who use other types of small mobility

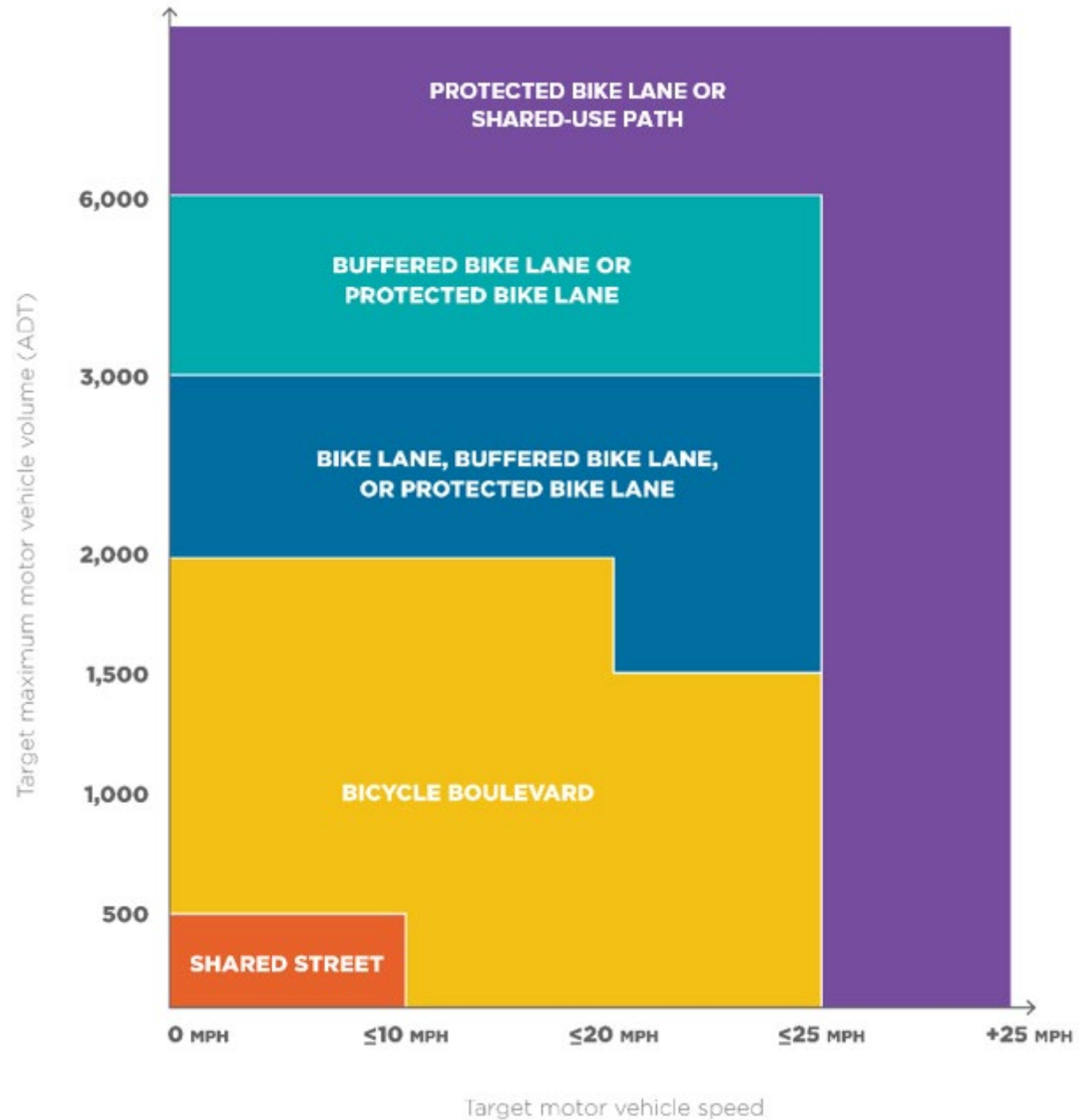
What Does a Low-Stress Facility Look Like?

- On streets with very low traffic volumes and speeds, neighborhood greenways combine shared lane markings, traffic calming, wayfinding signs, and crossing improvements at major streets
- On streets with high volumes and/or speeds, shared-use paths or protected lanes with a vertical separation element provide a low-stress experience
- On medium-sized streets, striped or buffered lanes can be low-stress; on larger streets they are comfortable for confident or fearless riders



Selecting a Facility

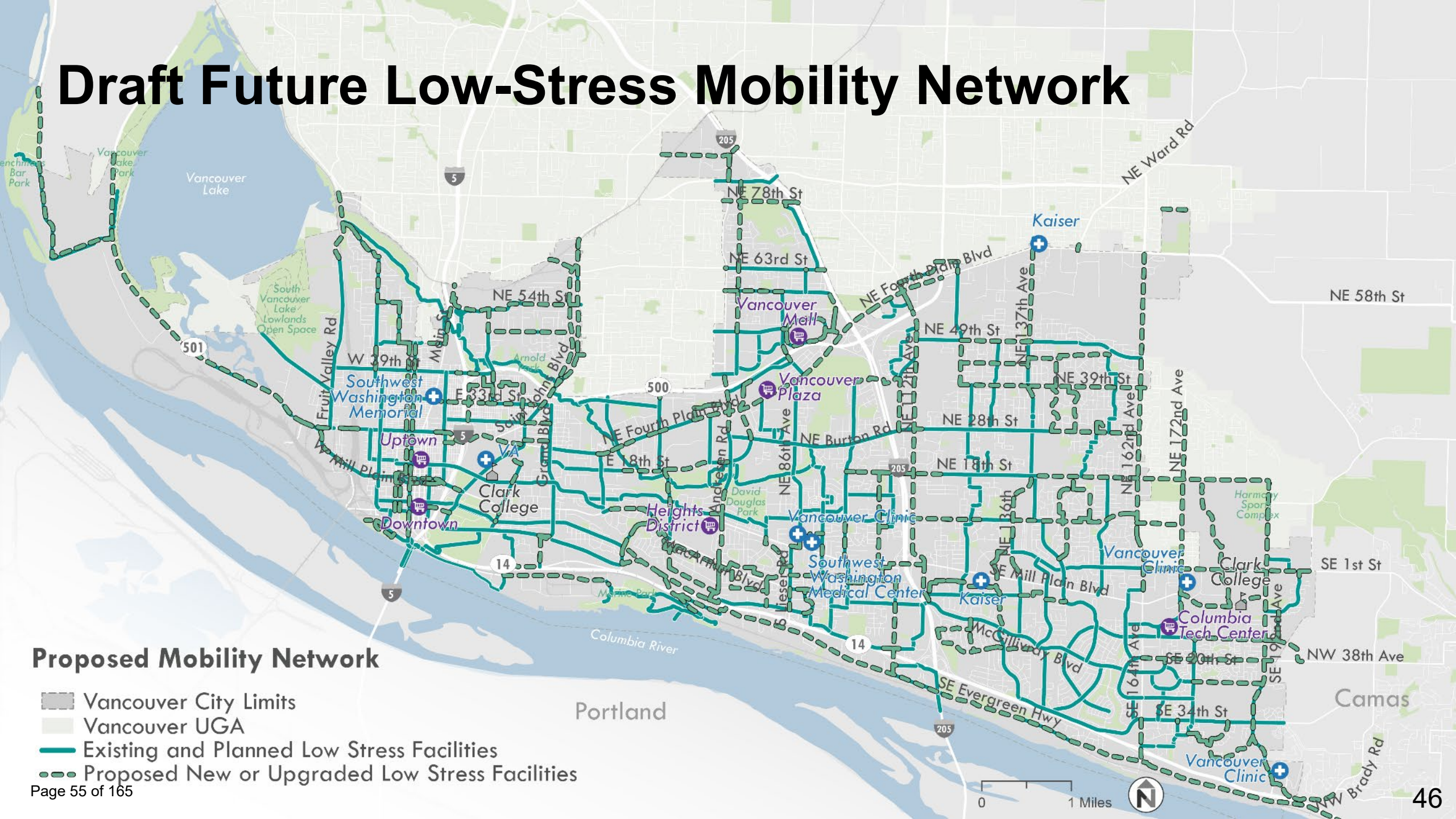
- NACTO guidance based on motor vehicle speed and volume



Low-Stress Mobility Network Development

- Determine which parts of the existing network are already low-stress
- Locate missing segments and crossings needed to create a low-stress network with approximately half-mile spacing citywide
 - Existing facilities that are high-stress
 - Places where there is no existing facility

Draft Future Low-Stress Mobility Network



Future Low-Stress Mobility Network

- 140 miles of existing low-stress facilities
- 65 miles of existing facilities that will need to be redesigned to become low-stress
- 36 miles of proposed new facilities
 - 28 miles are already low-stress neighborhood streets
 - 8 miles are major streets

Planned Projects on the Future Low-Stress Mobility Network

- Proposed new facilities on major streets
 - Fourth Plain Blvd (Project in process)
 - NE 112th Ave (Planned Complete Streets project)
- Proposed facility upgrades
 - St Johns/St James (Future Complete Streets project)
 - NE 18th St, NE 28th St, NE 192nd Ave (TIP Projects)

How will my ride improve?

Neighborhood greenways with enhanced crossings



Before



After (example)

How will my ride improve?

Protected lanes



Before

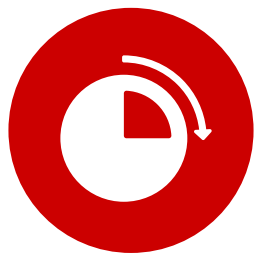


After (example)

Enhanced Transit

- Objective: Optimize transit speed, reliability and access.
- The enhanced transit network helps us define:
 - Where the City can work with C-TRAN to support transit speed and reliability
 - Where the City should focus on station access improvements like pedestrian crossings and sidewalks

Transit Roles and Responsibilities



Provide Frequent Service

✓ C-TRAN

City of Vancouver



Keep Buses Moving

C-TRAN

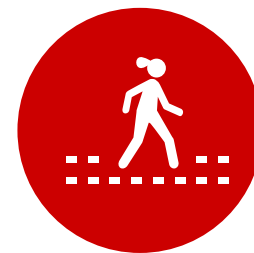
✓ City of Vancouver



Supportive Land Use

C-TRAN

✓ City of Vancouver



Safe, Comfortable Access

✓ C-TRAN

✓ City of Vancouver

Enhanced Transit Network Development

- Network inputs:
 - Frequent transit service
 - Equity
 - Essential trips (transit use during COVID restrictions)
 - City Equity Index
 - Regional Growth
 - Population and Employment projections
 - Local Growth Priorities
 - Centers & Corridors identified in the Vancouver Comprehensive Plan (will be updated once new centers/corridors identified through update process)
 - Congestion
 - Where buses are delayed

Complete Corridors

- Objective: Increase the number of transportation options available to people in all of Vancouver's neighborhoods.
- The complete corridor network helps us define:
 - Which corridors are critical connections for all modes
 - Where our long-term multimodal street design projects may be

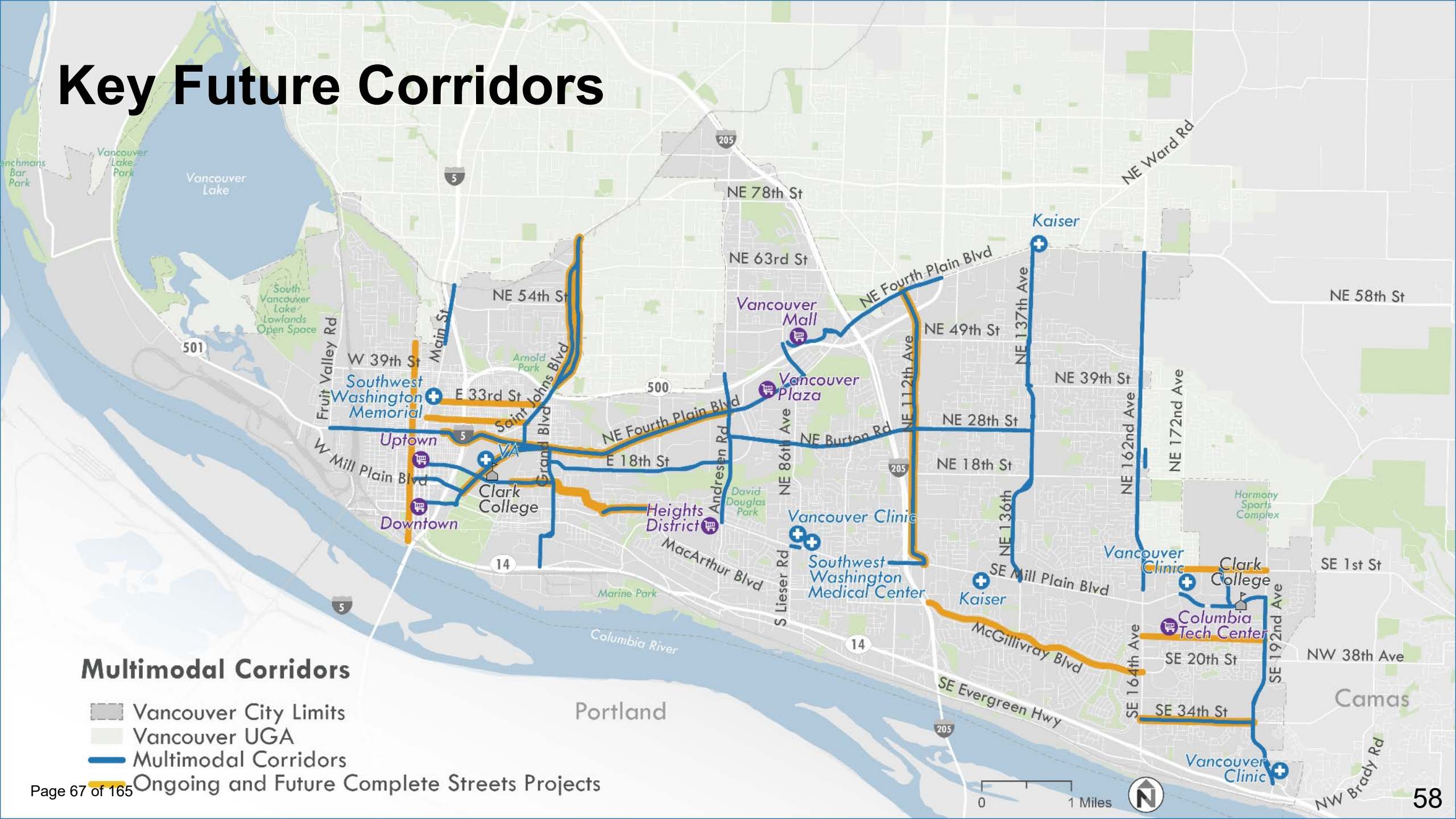
Street Network and Complete Corridors

- Complete Streets, Safety and Mobility, and TIP projects are identified for the next six years
 - Include multimodal suite of improvements
- In the next twenty years, where are Vancouver's Complete Streets and Safety and Mobility corridors?
 - Can include parallel routes for some modes, where available

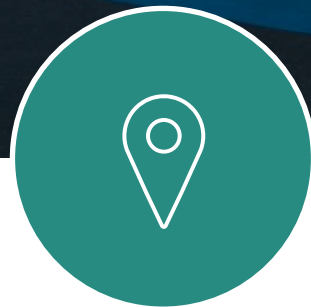
Complete Corridor Network Development

- Inputs:
 - Enhanced transit network
 - Low-stress walking & rolling network
 - Low-stress mobility network
 - Twelve concurrency corridors

Key Future Corridors



Draft Prioritization Framework



**Where should we
invest?**



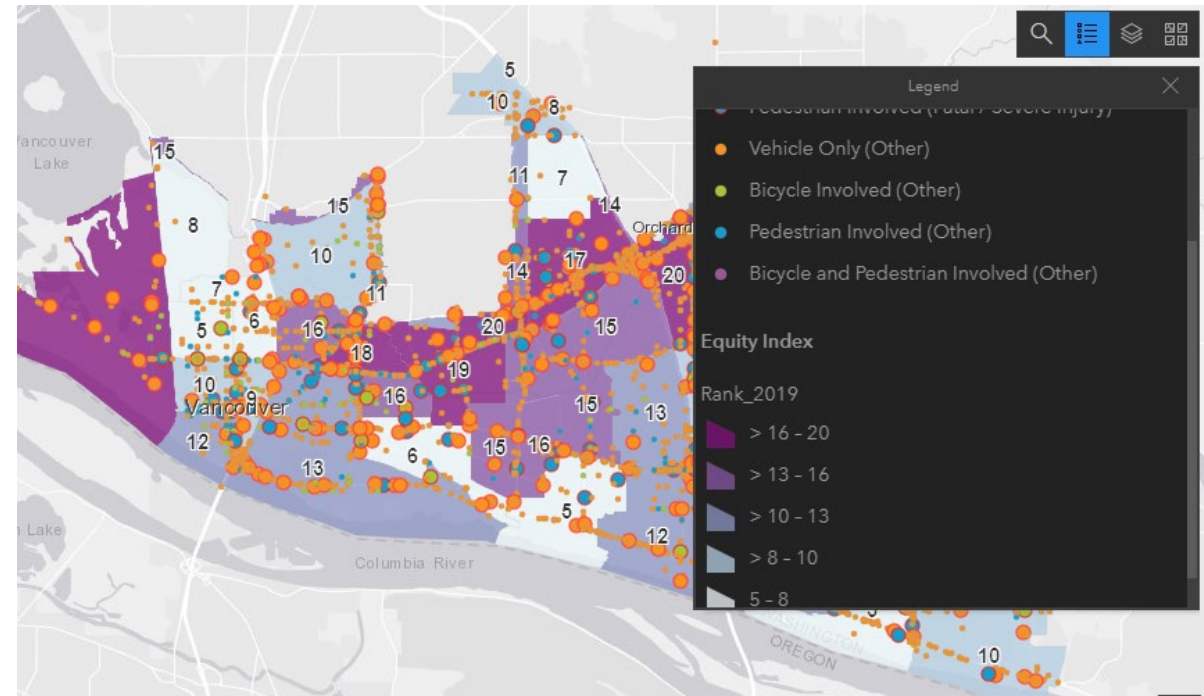
**When should we
invest?**

Prioritizing Capital Projects

- Infrastructure projects identified in the TSP will feed into:
 - Transportation element of City's 20-year Capital Facilities Plan
 - Six-year Transportation Improvement Program (TIP)
- Prioritization identifies which 20-year projects should be included in the TIP

Where should we invest?

- Project locations evaluated on:
 - Equity
 - City Equity index
 - Safety
 - Collision history
 - Transportation choice
 - Density of essential places
 - Climate
 - Future growth areas



Geographic screening results

- Project locations grouped in three categories based on evaluation:
 - High priority location
 - Medium priority location
 - Lower priority location

When should we invest?

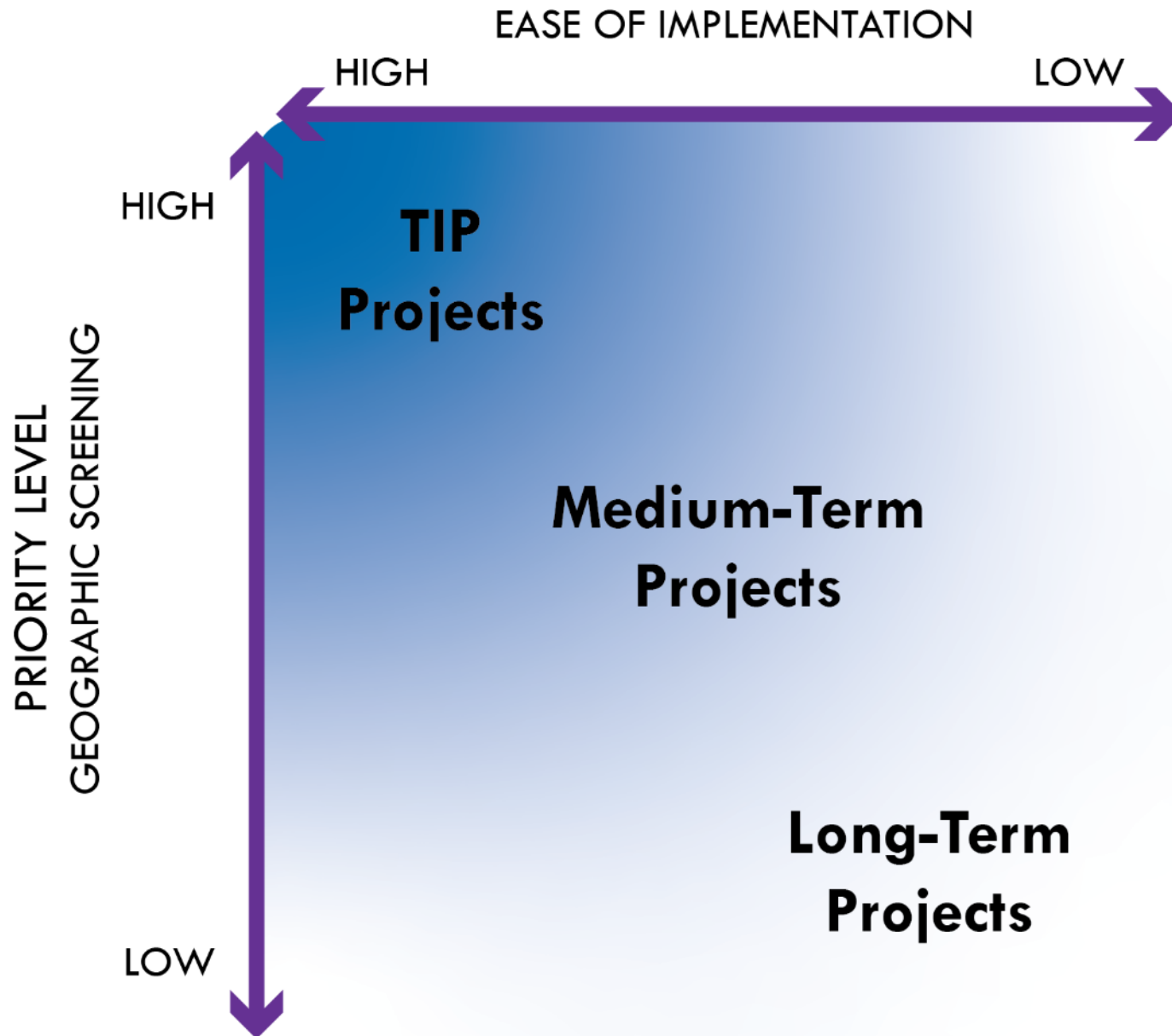
- Projects evaluated on:
 - Project cost and funding opportunities
 - Coordination opportunities
 - Interagency, pavement and sidewalk maintenance
 - Environmental and right-of-way impacts
 - Quick wins
 - Projects that fill gaps

Implementation screening results

- Projects grouped in three categories based on evaluation:
 - Easiest to implement
 - Moderately easy to implement
 - Challenging to implement

Final prioritized project list

Geographic (Rows) and Implementation (Columns) Screening Result	Easy to Implement	Moderately Easy to Implement	Challenging to Implement
High Priority	TIP	Medium-Term	Medium-Term
Medium Priority	Medium-Term	Long-Term	Long-Term
Lower Priority	Long-Term	Long-Term	Potentially remove from 20-year list



Next Steps



**Council
Engagement**

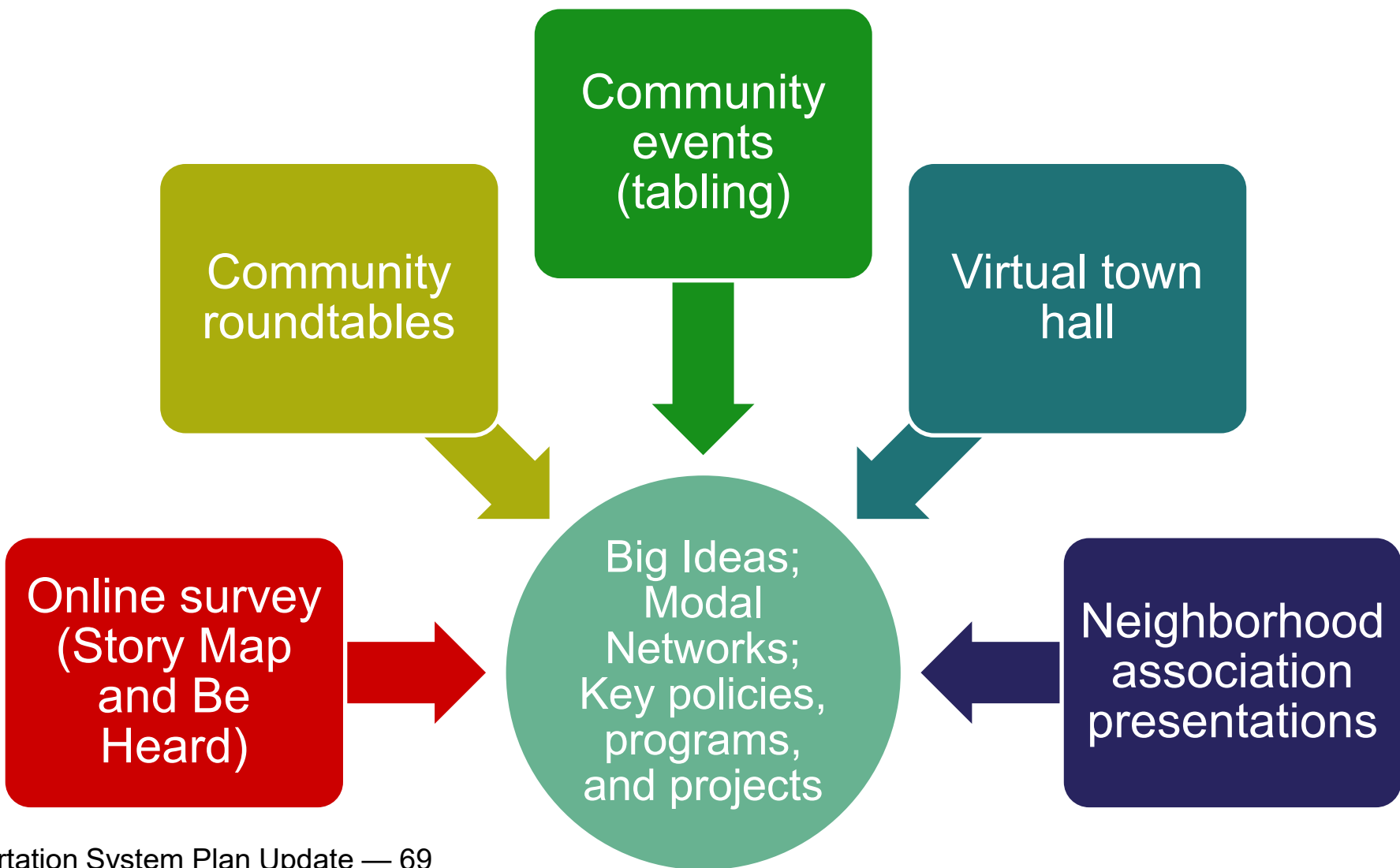


**Community
Engagement**

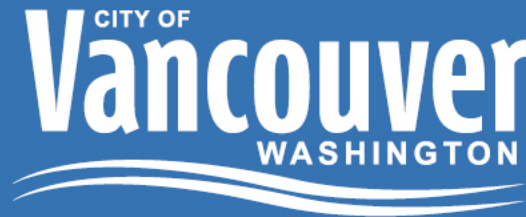
Council Engagement

- Council resolution confirming goals and project prioritization on September 26, 2022
- Return to Council for second review of networks, policies, and programs on November 28, 2022
- Resolution confirming networks and PPP on December 12, 2022
- Jan. 2023-July 2023: Street typology, pedestrian crossing policy, TSP implementation

Community Engagement, Sept/Oct 2022



Thank You



DATE: August 30, 2022

TO: Mayor McEnerny-Ogle and Councilmembers

FROM: Eric Holmes, City Manager

CC: Rebecca Kennedy, Ryan Lopossa, Emily Benoit, Kate Drennan

RE: **TSP Draft Project Prioritization Framework**

Introduction

The Vancouver Transportation System Plan (TSP) will identify transportation projects, policies, and programs for the next twenty years. Infrastructure projects included in the plan will feed into the transportation element of the City's 20-year Capital Facilities Plan and into the Six-year Transportation Improvement Program (TIP). To identify which of the twenty-year projects should be included in the six-year program, the TSP includes a prioritization framework. The proposed draft prioritization framework evaluates transportation projects in two phases:

- Geographic screening: **where** is it most important to invest in transportation infrastructure?
- Implementation screening: **when** should investments be made?

This evaluation is intended to provide a starting point for grouping projects into near-term (TIP), medium-term, and long-term time frames. Other considerations may also influence the ultimate phasing and implementation of projects.

Phase One: Geographic Screening

The geographic screening identifies **where** in Vancouver it is most important to invest in transportation infrastructure, based on Equity, Safety, Climate and Transportation Choice goals. This geographic analysis uses existing spatial datasets and can be carried out using Geographic Information Systems (GIS). Recommended criteria for this phase of screening are:

- Equity Index score
- Crash rate and type
- Access to essential places
- Future growth

The datasets are overlaid to produce a combined score, by segment, for Vancouver’s entire transportation network. Previously planned projects are assigned a score based on the score of the street segment(s) they fall on. Shared-use paths can be assigned the score of the nearest parallel street that they provide an alternative route to. New projects can be created for the highest-priority areas by overlaying the TSP’s modal networks with the prioritized network. For example, a corridor with a high prioritization score that falls on the low-stress bicycle and small mobility network and is within a pedestrian center could become a Complete Streets project with new pedestrian crossings, new or upgraded sidewalks and curb ramps, and protected mobility lanes. Figure 1 provides a high-level summary of the proposed criteria and related goals for the geographic prioritization phase.

This phase of screening will result in three tiers of priority: high, medium, and low.

Figure 1 Proposed Geographic Screening Framework

Criteria	Description	Related TSP Goals
Equity Index score	Quantitative analysis: based on City Equity Index	Equity
Collision rate and type	Quantitative analysis: based on rate and type of injury or fatality of crashes	Safety
Access to essential places	Quantitative analysis: based on density of key destinations identified in Vancouver’s Essential Places dataset	Climate, Transportation Choice
Future growth areas	Quantitative analysis: based on projected jobs and residents from regional model and/or identified growth centers	Climate, Transportation Choice

Phase Two: Implementation Screening

The second phase of screening identifies **when** proposed projects should be implemented. The criteria in this phase are primarily qualitative, and consider factors related to feasibility, funding, coordination, and impacts. It is anticipated that this second phase will result in projects being sorted into the following categories:

- Easy to implement
- Moderately easy to implement
- Challenging to implement

Figure 2 summarizes the proposed implementation screening criteria.

Figure 2 Proposed Implementation Screening Framework

Criteria	Description	Related TSP Goals
Cost and funding opportunities	Quantitative assessment: planning-level cost and level of existing or potential grant funding	Maintenance
Coordination	Qualitative assessment: opportunity to support another agency's project; opportunity to coordinate with pavement or sidewalk maintenance program	Regional Connectivity, Maintenance
Environmental and ROW impacts	Qualitative assessment: NEPA/SEPA and ESA requirements; impact to wetlands, habitat or aquatic resources; impact to cultural resources; need to acquire ROW	Climate
Quick wins	Qualitative assessment: project fills a gap in an otherwise continuous mobility (e.g., pedestrian, bicycle and small mobility, or transit) facility (including crossings and linear gaps of less than ¼-mile)	Safety, Transportation Choice

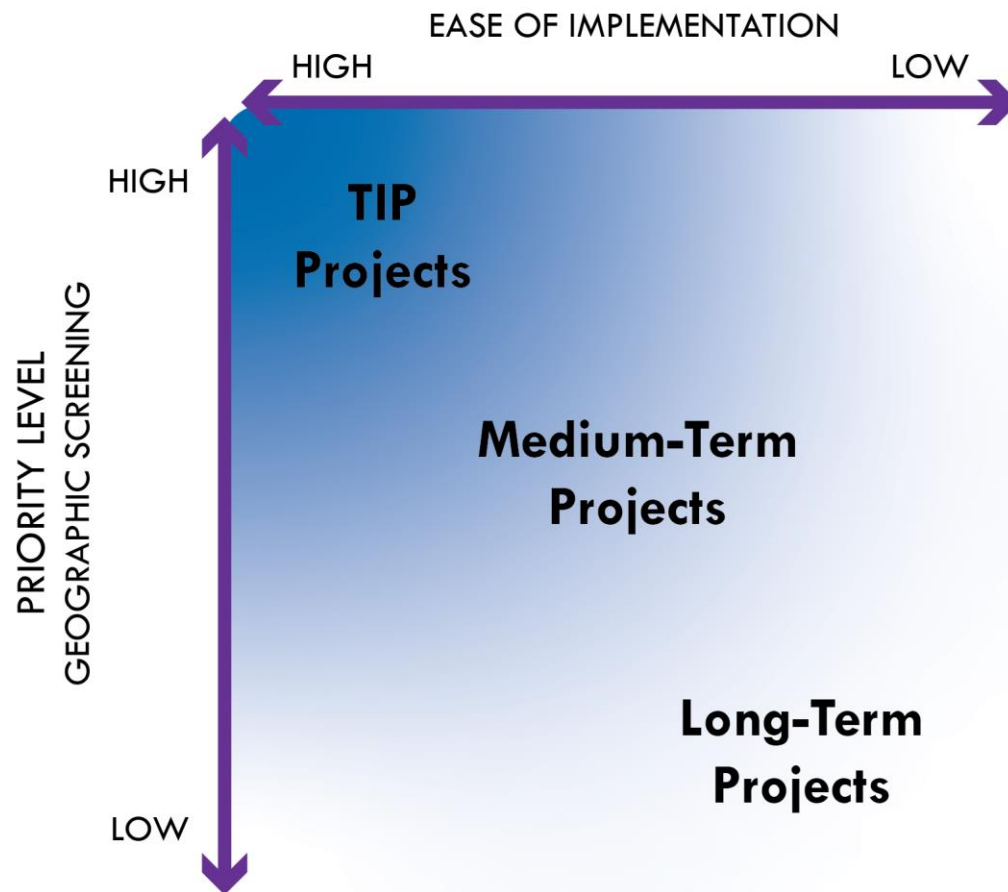
Final Prioritized Project Lists

The results of the Phase 1 and Phase 2 screening will be combined to assign all proposed transportation projects to the TIP (six-year), medium-term (six to ten year), or long-term (ten to twenty year) project list. The matrix in Figure 3 demonstrates one way this could be done. In reality, the boundaries between the project lists may not be as clearly defined. For example, projects that provide high benefits in high priority areas may be advanced into the TIP list despite implementation challenges. The graphic in Figure 4 illustrated this concept.

Figure 3 Final Project Categorization (Table)

Phase 1 (Rows) and Phase 2 (Columns) Screening Result	Easy to Implement	Moderately Easy to Implement	Challenging to Implement
High Priority	TIP	Medium-Term	Medium-Term
Medium Priority	Medium-Term	Long-Term	Long-Term
Low Priority	Long-Term	Long-Term	Remove from list

Figure 4 Final Project Categorization (Graphic)



Implementation

The City currently has in place an “interim project prioritization process” for the Transportation Improvement Program, which was developed at the request of Council and intended to provide a system for ranking projects while the TSP process was underway. The updated proposal outlined in this memo includes some of the key rating factors included in the interim process (e.g., equity considerations, safety data, and ability to implement, etc.), and updates it to reflect TSP goals as well as more recent analysis staff have developed in support of the City’s equity toolkit. It also reflects broad based community engagement and feedback received through TSP and other project outreach.

Given the time it will take to review and develop the geospatial and other tools needed to finalize and implement the proposed new framework, staff anticipate that the interim TIP prioritization process will need to be used for one additional year, for the development of the 2024-2029 TIP that begins in fall 2022 and is completed in June 2023. The inaugural year for the new prioritization framework is anticipated as part of the 2025-2030 TIP, which will be developed starting in the fall of 2023.



Transportation System Plan Update

City Council, July 18, 2022

Rebecca Kennedy, Deputy Director, Community Development Department

Stephanie Wright, Project Manager, Nelson Nygaard

Agenda

- 1 **Final Goals**
- 2 **Draft Big Ideas and Policies, Programs, & Projects**
- 3 **Next Steps**



Image Source: Visit Vancouver

Target Outcomes

- 1 **Confirm Final Goals**
- 2 **Provide initial feedback, comments and questions on Big Ideas and Policies, Programs, & Projects**



1

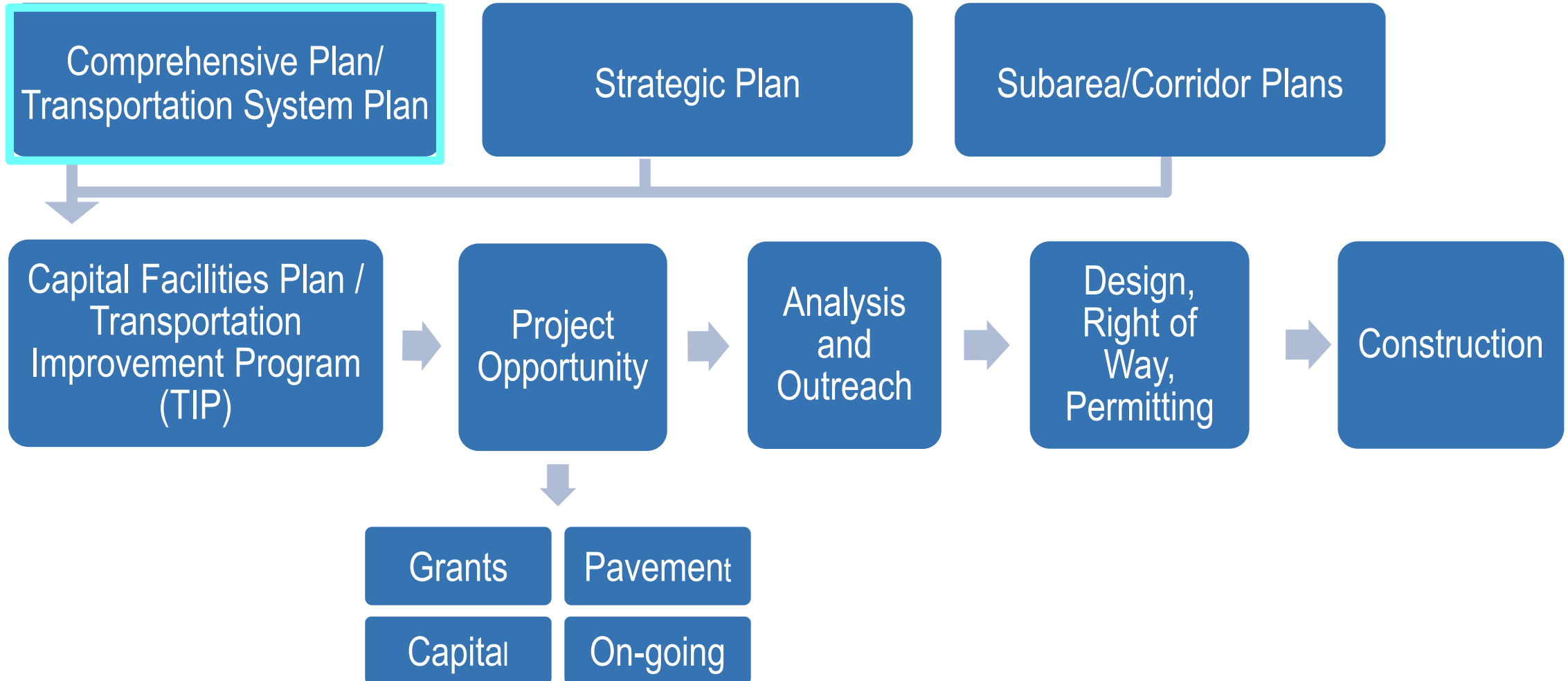
Project Objectives & Schedule

TSP Outcomes:

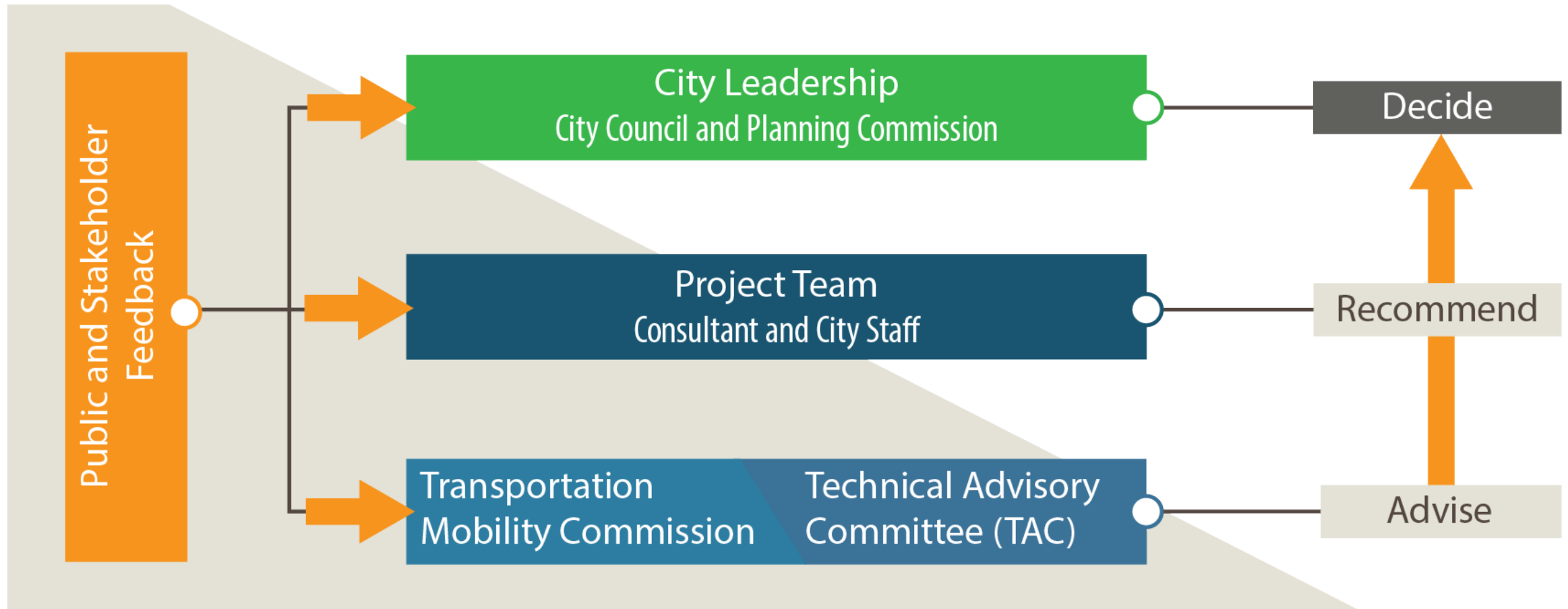
- Maintain quality of life in a time of growth
- Diversify transportation options
- Prioritize Safety
- Respond to community priorities
- Build support for multimodal streets



Project Development Process



Project Groups



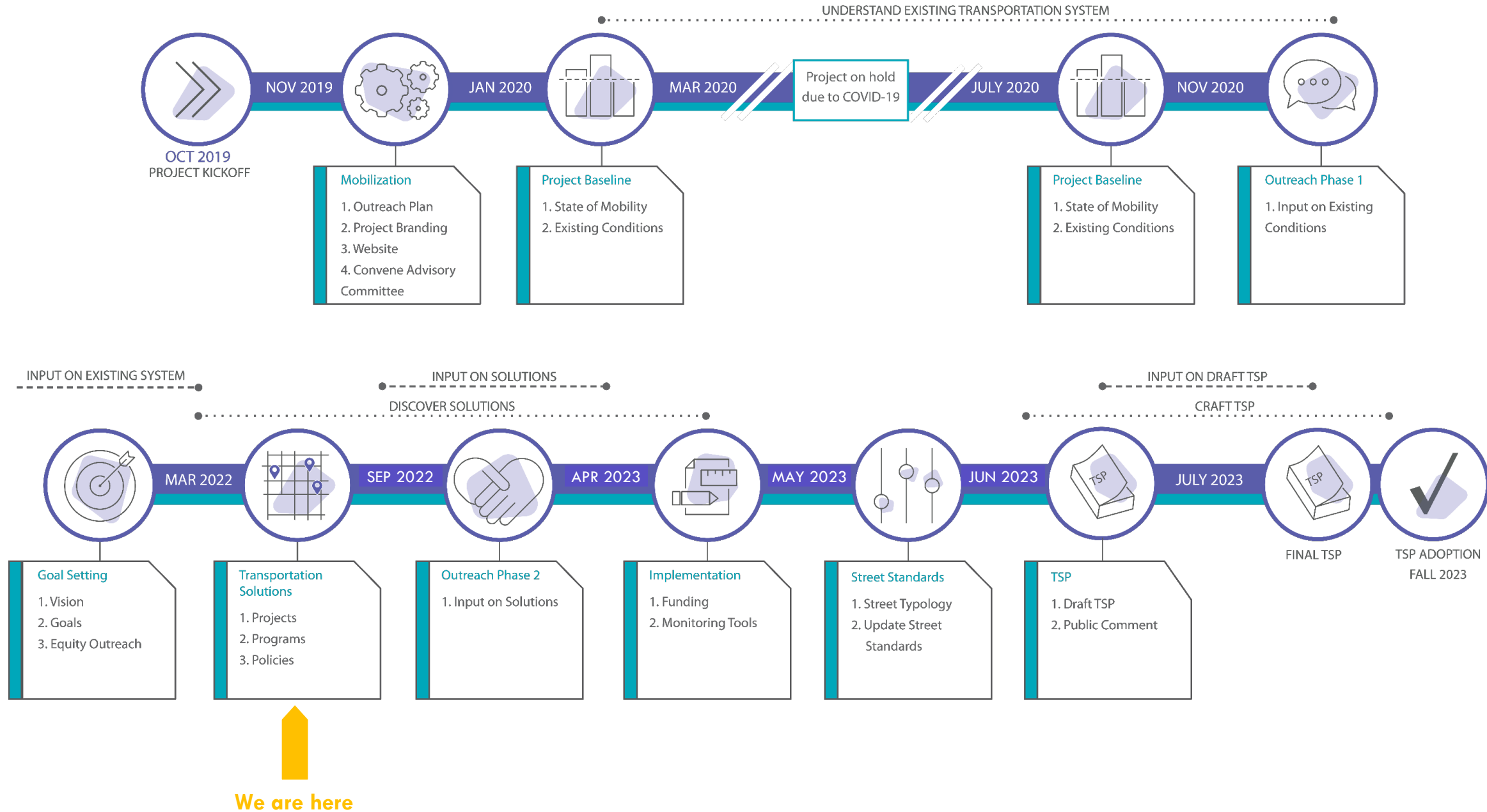
Previous Council and TMC Review

Transportation Mobility Commission

Date	Topic
Jan 5, 2021	Project intro
Mar 2, 2021	Existing conditions and community outreach
Jun 1, 2021	Equity analysis
Jul 6, 2021	Collision dashboard, public outreach (continued/deferred from previous meeting)
Sep 7, 2021	Why a TSP? (refresher), community transportation values
Jan 4, 2022	Enhanced transit, equity analysis update, opportunities (travel patterns), values outreach results
Mar 1, 2022	Draft goals framework
Jul 5, 2022	Revised goals; draft policies, programs, and projects

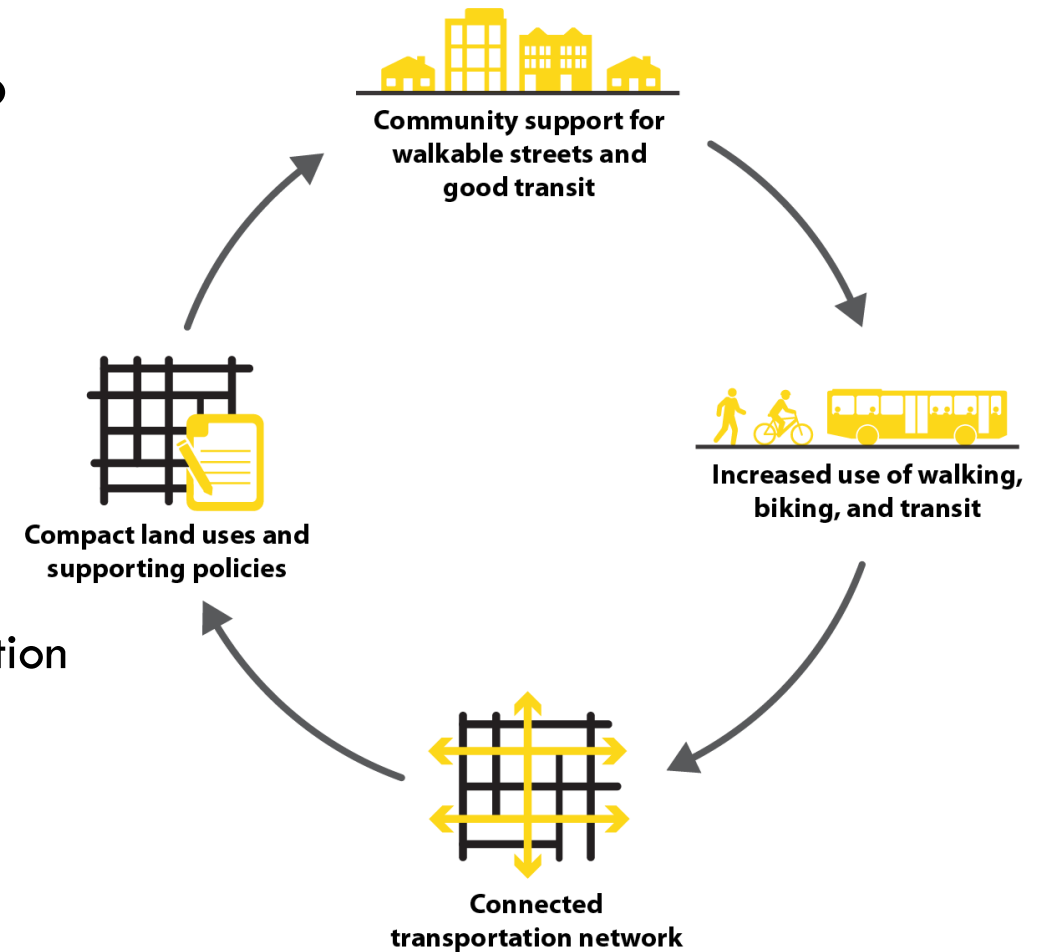
City Council

Date	Topic
Aug 24, 2020	Intro to Vancouver Moves, review findings from Citywide Transportation System Safety Analysis
Jun 14, 2021	Existing conditions, city council values and the TSP (equity analysis, crash dashboard, transportation values), public outreach
Dec 20, 2021	Project Chartering Process
Apr 25, 2022	TSP goals



Comprehensive Plan Integration

- Land use and transportation must be integrated to achieve climate, equity, and safety goals
- Comprehensive Plan update process kicking off October/November 2022
- TSP timeline extended to align key aspects of Comprehensive Plan:
 - Goals, policies, programs, projects, and other implementation
 - Primary areas to focus growth (nodes)
 - Necessary land use changes to support overall vision
 - Modal networks
 - Street typology



TSP Chartering Process

Project Phase	Elements	Representative Council and TMC Action	Completed Dates/Tentative Dates
Project Baseline	- State of mobility - Existing conditions - Vulnerability analysis - Community input on existing conditions	TMC review	Jan 5, 2021; Mar 2, 2021; Jun 1, 2021; Jul 6, 2021
		Council workshop	Jun 14, 2021
Values and Goals	- Enhanced Transit Corridor analysis - Community input on project values and associated project opportunities	TMC review	Sep 7, 2021; Jan 4, 2022
		Council workshop	Apr 25, 2022
Final Goals and Priorities	- TSP Goals - Project prioritization process	TMC review	Mar 1, 2022; Jul 5, 2022; Sep 6, 2022
		Council workshop	Jul 18, 2022; Sep 12, 2022
		Council resolution	September 2022
Solutions	- Polices, projects and programs - Modal networks	TMC review	Jul 5, 2022; Sep 6, 2022; Dec 6, 2022
		Council workshop	Jul 18, 2022; Sep 12, 2022; Nov 28, 2022
		Council resolution	December 2022/January 2023
Implementation	- Street typology and standards update - Pedestrian crossing policy - Performance measures - Funding recommendations	TMC review	April 2023; May 2023
		Council workshop	April 2023; May 2023
		Council resolution	May/June 2023
Plan Adoption	- Review of draft plan - Community input on draft plan - Plan adoption	TMC action item	July 2023; September 2023
		Council workshop	July 2023; September 2023
		Council resolution	September 2023

2

Goals Update

Draft Final Goals

Updated Goals Framework reflect community, TAC, TMC and Council feedback.

TRANSPORTATION CHOICE



People in Vancouver have multiple comfortable, convenient options to get where they need to go.

1

SAFETY



Our transportation system keeps people safe when they walk, roll, bicycle, take transit, or drive.

2

CLIMATE



Our transportation system helps to reduce our impact on the climate and natural environment.

3

EQUITY



Transportation in Vancouver supports the needs of all and counteracts historic and current inequities.

4

REGIONAL CONNECTIVITY



People and goods flow seamlessly through the region, advancing our shared prosperity.

5

MAINTAINING OUR ASSETS

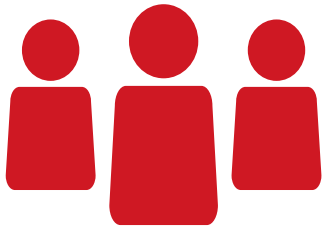


We take good care of our transportation infrastructure and invest strategically in new tools that help us operate the system better.

6

Council Universal Policy Priorities

EQUITY



SAFETY



CLIMATE

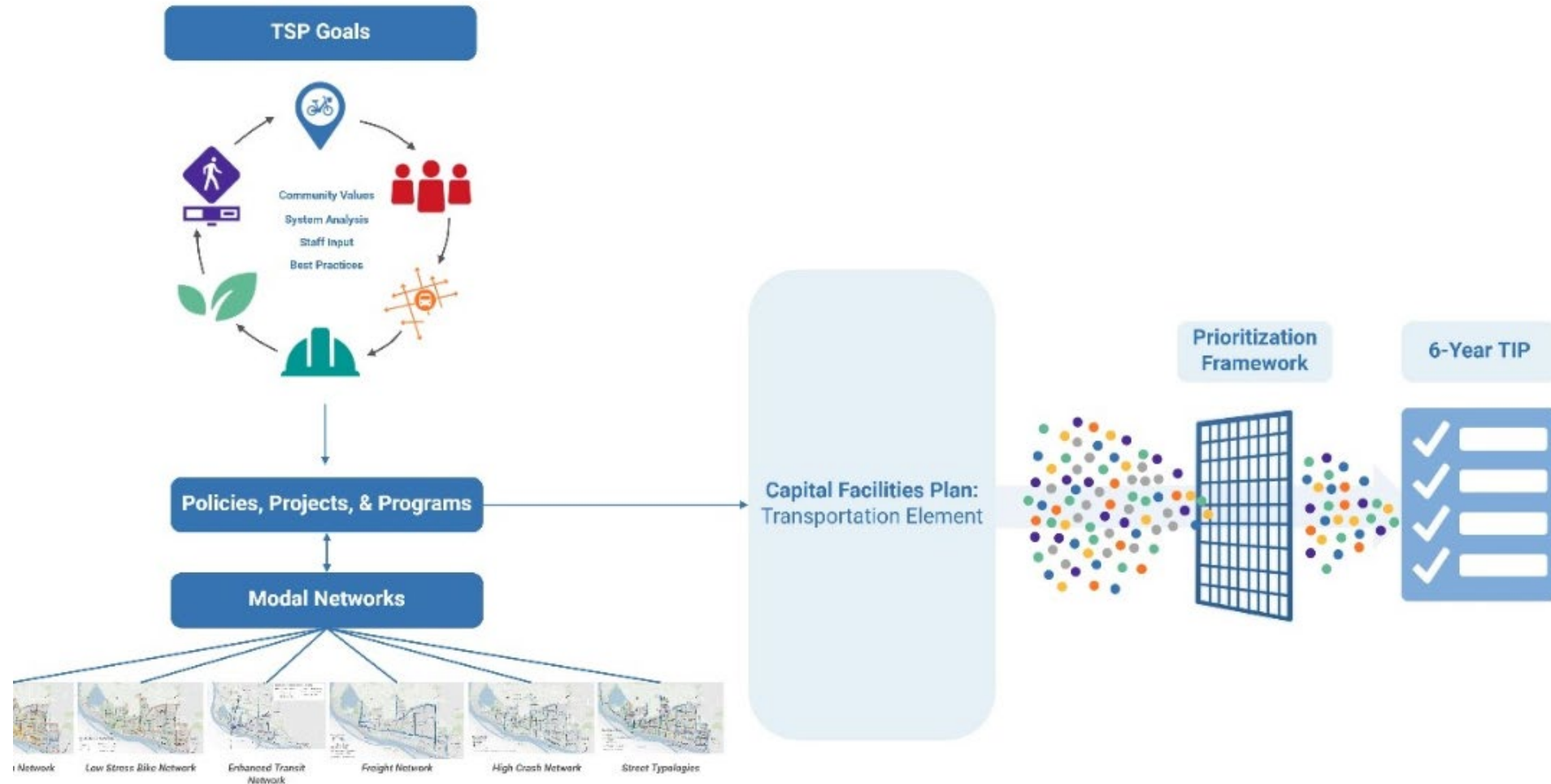


3

DRAFT

Big Ideas & Policies, Programs and Projects

From Goals to Policies, Programs and Projects



Public Input – Themes

- **Make it easier to walk, bike, or roll**
 - Improve the non-motorized network
 - Exercise and walking to neighborhood parks
 - The main barriers to cycling comfortably in the City are **inadequate existing bike lanes, aggressive drivers, a lack of bike lanes** in some places, and **unsafe crossings**.
- **Addressing traffic safety** is the most important improvement to the City's walking, cycling, and rolling network
- **Address network barriers** and provide more **direction connections**
- **Reduce congestion during rush hour**
- **Make transit a better experience:**
 - Increase frequency and reliability of C-TRAN services
 - Expand The Vine BRT
 - Bus lanes and signals to speed up transit travel times
 - Make it easier to walk to the bus
 - Improve bus stops (shelters, seating, lighting)

Draft Big Ideas

- Transformative ideas for the future of transportation in Vancouver
- Each big idea helps achieve our goals and objectives
- Each big idea has **policies, programs, and projects** associated with it

Support Thriving Neighborhoods

Create Complete Corridors

Connect People to Transit

Build Low-Stress Networks

Make Growth a Benefit for All

Embrace the Future

Goals - Big Ideas - Policies, Programs, & Projects

TSP GOALS



Idea 1

Supporting PPP



Idea 2

Supporting PPP



Idea 3

Supporting PPP



1. Support Thriving Neighborhoods

Support multiple convenient transportation options and connections in all of Vancouver's neighborhoods.

EQUITY



Prioritize neighborhoods with a high concentration of low-income and people of color (using City Equity Index)

SAFETY



Prioritize vulnerable users with improved biking and walking connections

CLIMATE



Make biking, walking, and transit more attractive for short trips



Big Idea Support Thriving Neighborhoods

15-Minute Neighborhoods

Create bicycling and walking connections that support access to basic day-to-day services within a 15-minute walk of Vancouverites' homes.

Draft Programs & Projects:

- Neighborhood Traffic Calming
- Safe Routes to School



Source: The Urbanist



Big Idea Support Thriving Neighborhoods

Street Connectivity

Adopt connectivity standards applied to development, capital, maintenance, and planning projects including maximum block length, cul-de-sac connections, and multiple access points.

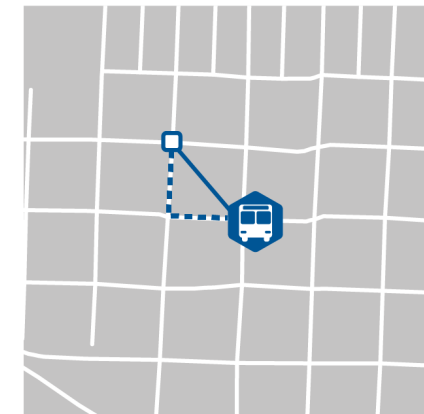
Draft Programs & Projects:

- Block Size
- Cul-de-sac Connections
- Connectivity Standards

Street Network Types

Grid Example Hough

— Crow-fly distance: 400 ft.
- - - Street Network distance: 553 ft.

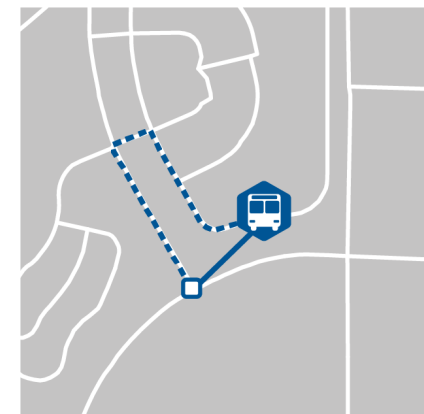


302 intersections per sq. mile

A well-connected, grid-like, street network enables shorter and more direct walking connections and is easier to serve cost-effectively with transit.

Curvilinear Example

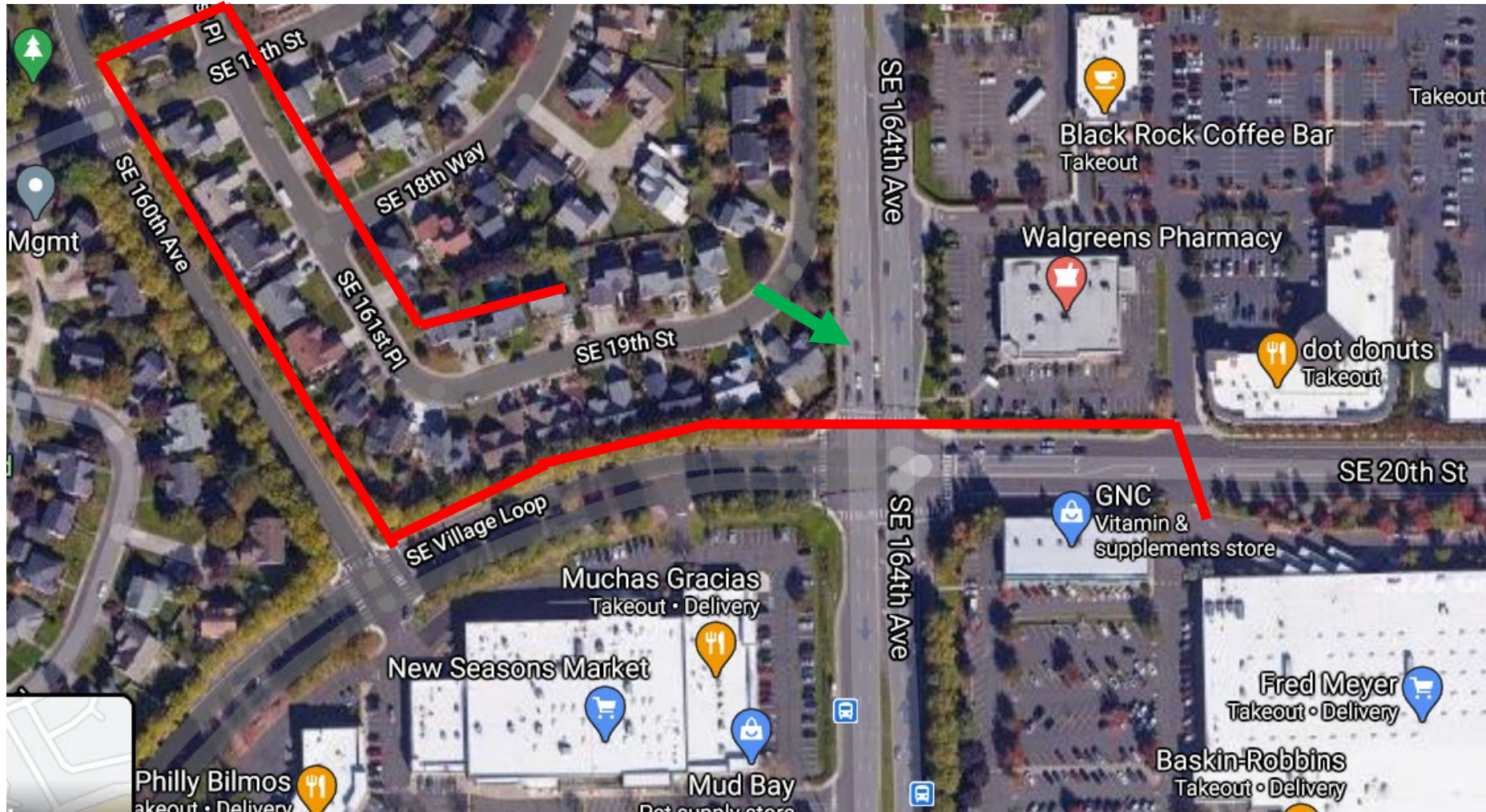
— Crow-fly distance: 400 ft.
- - - Street Network distance: 1,502 ft.



140 intersections per sq. mile

A disconnected street network results in long walking distances and less efficient transit operations.

Outcome: Neighborhood Connectivity





Big Idea Support Thriving Neighborhoods

Green Streets

Reduce the climate impact of the transportation network

Draft Programs & Projects:

- Street Trees
- Surface Parking
- Stormwater Management



Clark County Green Streets Project on NE 99th St



Big Idea Support Thriving Neighborhoods

Community Streets

Encourage community use of street space

Draft Programs & Projects:

- Open Streets
- Street Art



Communities around the U.S. started using streets for civic life, walking, and cycling during the pandemic.

**How well do these policies, programs,
and projects support Council and
community goals?**

2. Create Complete Corridors

Create complete corridors that connect growth areas, support business, serve transit, and increase safety for all modes.

EQUITY



Prioritize corridor improvements in areas with a high concentration of low-income and people of color (using City Equity Index)

SAFETY



Design major streets for vulnerable users using proven safety countermeasures

CLIMATE



Dedicate more street space to low/zero-emission modes



Big Idea Create Complete Corridors

Complete Corridor Planning

Create a framework for planning and designing for pedestrians, transit, bicyclists, freight, and motor vehicles on major streets.

Draft Programs & Projects:

- Street Typologies
- Street Space Allocation



[Olympia, WA Complete Corridors Program](#) – project at 7th Ave and Plum St along a pilot corridor

Outcome: Corridors that Support All Modes





Big Idea Create Complete Corridors

Update Street Standards

Update street standards to integrate the latest best practices from NACTO, WSDOT, AASHTO, and MUTCD in terms of facility selection and design, traffic control, and signage and striping. Adopt into standard plans and municipal code Title 11.

Draft Programs & Projects:

- Pedestrian Crossing Policy
- Bicycle Facility Selection and Design Guidelines
- Signs and Striping
- Access Management

Highlighted PPP



Big Idea Create Complete Corridors

People-Based Metrics

Plan, design, and evaluate projects and developments using people-focused metrics including person movement and travel impacts from different user perspectives. Include design threshold updates and post-project evaluation metrics.

Draft Programs & Projects:

- TIP Prioritization
- Paving List
- Traffic Impact Analysis & Concurrency





Big Idea Create Complete Corridors

Vision Zero

Adopt a Vision Zero policy to eliminate serious traffic fatalities by 2040.

Draft Programs & Projects:

- High-Crash Corridors
- Street User Education
- Automated Enforcement
- Pedestrian-Scale Lighting
- Multimodal Safety Projects



Westside Bike Mobility Project, Rendering from Jan 2021



Big Idea Create Complete Corridors

Project Delivery

Deliver maintenance, capital, and development projects in an effective, efficient manner with clear and transparent communication to the community.

Draft Programs & Projects:

- Cross-Department Project Managers
- Project Development Mapping
- Community Organizers
- Communications Toolkit

Other Policies and Programs

Functional Classification Update

Update functional classifications. Reduce classifications on certain streets to provide design standards flexibility (e.g. reducing speed limits, reducing design vehicle).

Green Wave

Coordinate signals along the city's key corridors and freight routes to create a green wave. Signals are used to achieve steady progression and control speed - speeds should be set low along pedestrian priority corridors. Install truck detection.

**How well do these policies, programs,
and projects support Council and
community goals?**

3. Connect People to Transit

Support transit use with stop access improvements, partnering with C-TRAN on bus speed and reliability, and transit-supportive land use strategies.

EQUITY



Focus on routes that serve people who depend on transit

SAFETY



Make transit access safer with pedestrian improvements near stops

CLIMATE



Encourage a shift from driving to transit by enhancing the transit experience

Outcome: Partner to Invest in Enhanced Transit

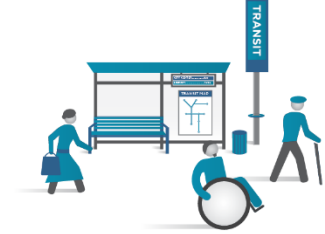
①

Frequent
Network



⑤

High-Quality
Stops



②

Information for
Passengers



⑥

Affordable Fare
Programs



③

Safe, Convenient
Access



⑦

Land Use
Coordination



④

First-Last Mile
Connections



⑧

Outreach and
Awareness





Big Idea Connect People to Transit

Access to Transit

Prioritize sidewalk and crosswalk gaps adjacent to transit stops, particularly along equity routes, and identify first/last mile barriers to major transit stops to address on an ongoing basis.

Draft Programs & Projects:

- Access Gaps
- Stop Improvements



Bus stop at NW Lincoln & 51st, missing a sidewalk and more than 200 ft to a marked crosswalk

Page 122 of 165





Big Idea Connect People to Transit

Enhanced Transit Corridors

Designate a set of Enhanced Transit Corridors based on demand, growth potential, and connections between destinations. Maintain a map of ETC to be used as a criteria in project prioritization and development review.

Draft Programs & Projects:

- Network of Bus Rapid Transit (The Vine)
- Speed and Reliability Designs
- Equity Corridors



Enhanced transit stop in Alameda County, CA





Big Idea
**Connect People
to Transit**

Transit and Land Use

Support transit through compact land uses and policies that incentivize transit use.

Draft Programs & Projects:

- Transit Overlay District
- Densities along Transit Corridors

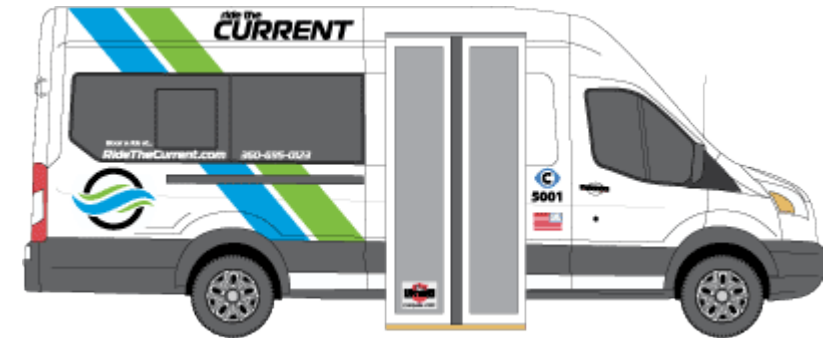
Highlighted PPP



Big Idea Connect People to Transit

Microtransit

Integrate shared and emerging mobility technology and tools with C-TRAN micro-transit zones to provide a suite of mobility options, especially in lower-density areas without high-frequency transit.



**How well do these policies, programs,
and projects support Council and
community goals?**

4. Build Low-Stress Networks

Provide a low-stress bicycling and walking experience on key corridors that connects Vancouver's neighborhoods and destinations.

EQUITY



Provide more low-cost options; focus on completing the network in areas with a high concentration of low-income and people of color

SAFETY



Design bicycling and walking routes to be safe and comfortable for people of all ages and abilities

CLIMATE



Encourage a shift from driving to walking and/or bicycling by making these options more attractive



Big Idea Build Low-Stress Networks

Low-Stress Bicycle Network

Adopt a city-wide low-stress long-term bike network overlaid onto the existing network. Follow density standards, aiming for a low-stress facility every 0.5 miles.

Draft Programs & Projects:

- Bicycle Facility Selection and Design Guidelines
- Bicycle Map
- Bicycle Parking
- Critical Bicycling Gaps

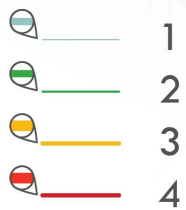


[Fort Collins, CO](#) has established a bicycling program, *FC Bikes*, that includes a low-stress network, a cycling map, learning resources, and a bike-to-work day.

Many existing bicycle lanes are high-stress



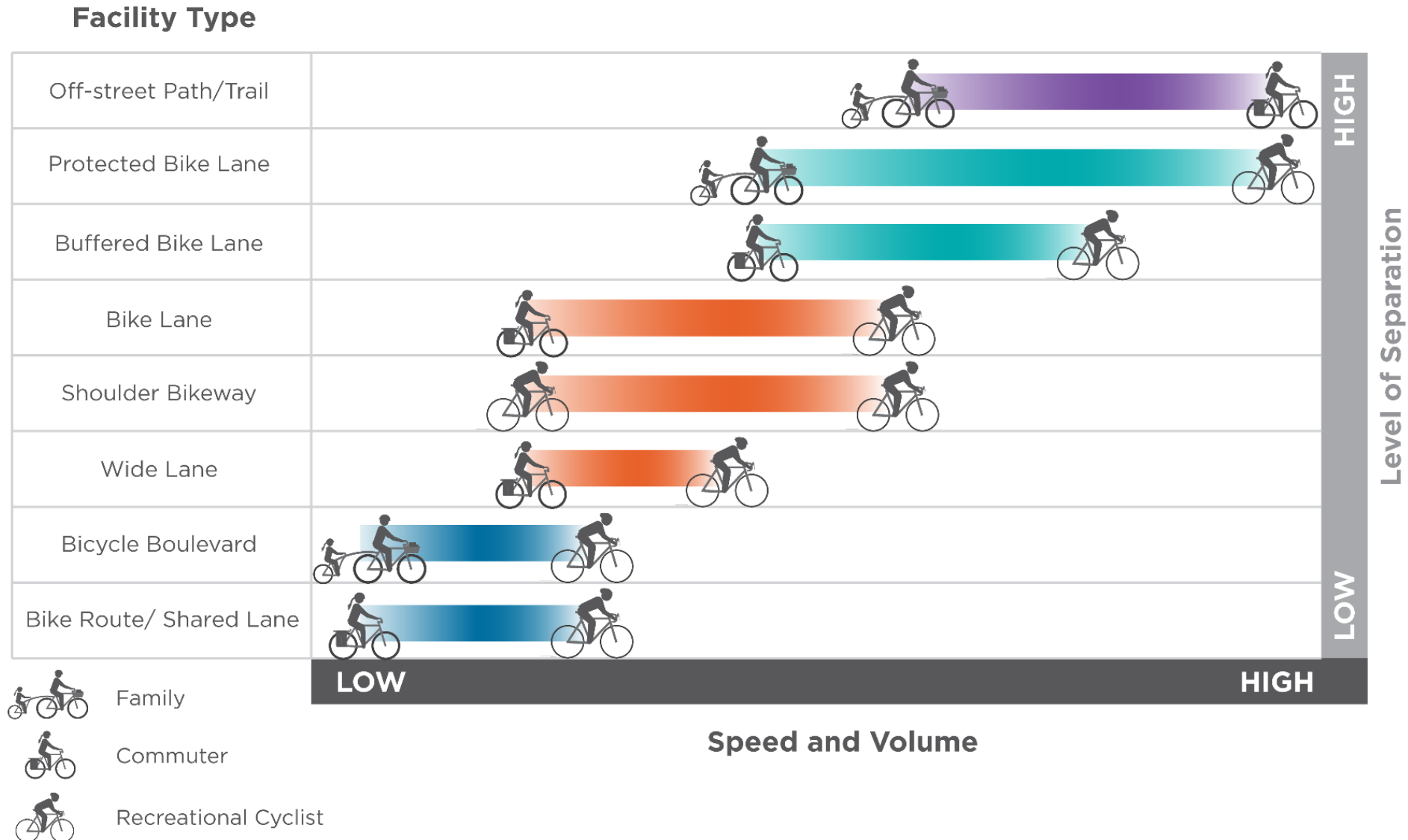
Bicycling Level of Traffic Stress



Vancouver City Limits
Vancouver UGA

Data Source: City of Vancouver

Outcome: Design for All Ages and Abilities





Big Idea Build Low-Stress Networks

Pedestrian Priority Streets

Adopt a network of corridors prioritized for walking based on land use, transit access, and urban centers.

Draft Programs & Projects:

- Sidewalk Facility Selection
- Critical Sidewalk Gaps

Tacoma, WA has developed [pedestrian and bicycle design guidelines](#) as a part of their [Mobility Master Plan](#)

7. Shoulder Bikeways

Design Summary

Typically found in less-dense areas, shoulder bikeways are paved roadways with striped shoulders (4'+) wide enough for bicycle travel. Shoulder bikeways often, but not always, include signage alerting motorists to expect bicycle travel along the roadway. Shoulder bikeways should be considered a temporary treatment, with full bike lanes planned for construction when the roadway is widened or completed with curb and gutter. This type of treatment is not typical in urban areas and should only be used where constraints exist.

The choice of bike lane facilities, whether bike lanes should be striped or if a road should be a shared-use roadway, can be a simple quantitative matter of the speed and volume of traffic on the roadway. It can also be a much more complicated analysis that includes consideration of facility users, key connections, type of traffic, as well as other qualitative factors. The table to the right provides guidance for making facility type decisions.

Discussion

In many cases, the opportunity to develop a full standard bike lane on a street where it is desirable may be many years. It is possible to stripe the shoulder in lieu of bike lanes if the area is 50 percent of the desirable bike lane width and the outside lane width can be reduced to the AASHTO minimum. If the available bike lane width is 2/3 of the desirable bike lane width, the full bike lane treatment of signs, legends, and an 8" bike lane line would be provided. Where feasible, extra width should be provided with pavement resurfacing jobs, but not exceeding desirable bike lane widths.

Wide Outside Lanes

A wide outside lane may be sufficient accommodation for bicyclists on streets with insufficient width for bike lanes but which do have space available to provide a wider (14'-16') outside travel lane.



Shoulder bikeways are appropriate along wide roads where vehicles can avoid passing close to bicyclists

Context for Shoulder Bikeways vs. Bike Lanes

Variable	Effect on Need for Bike Lanes
1. Land Use Indicators	
Urban Center, CBD	Decreases
Suburban	Increases
Buildings at back of sidewalk	Decreases
Buildings set back from roadway (parking lots front street)	Increases
On Street Parking	Decreases
Short block length	Decreases
Long block length	Increases
2. Traffic speed/volume indicators	
Signal coordination timed at higher than posted speeds	Increases
Signal coordination timed at lower than posted speeds	Decreases
Peak Hourly Traffic Volume > 10%	Increases
3. Roadway characteristics	
Wide roadway / multiple travel lanes	Increases
Steep grades: uphill	Increases
Steep grades: downhill	Decreases
4. Bicycling demand indicators	
Popular Route to School	Increases
Provides continuity of bike lanes, routing or trail	Increases
Other high-use indicators	Increases



Big Idea Build Low-Stress Networks

Bicycling & Walking Programming

Complement infrastructure with robust programming that encourages and educates people about the benefits of, how, and where to bicycle.

Draft Programs & Projects:

- Active Transportation Staffing
- TMC Subcommittee
- Bicycling Programs
- Wayfinding



FC Moves

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Fort Collins, CO developed [FC Moves](#), a city department that exists to advance mobility solutions to increase walking, bicycling, transit use, shared and environmentally sustainable modes



Big Idea Build Low-Stress Networks

Manage Motor Vehicle Speeds

Higher motor vehicle speeds are associated with a greater risk of fatality and severe injury for people walking and bicycling who are involved in crashes. Design streets in a way that encourages slower speed and develop a policy framework to lower speed limits.

Draft Programs & Projects:

- Framework for lowering posted speeds
- Street design for lower speeds

Washington Examples:

- [Shoreline Speed Limits](#): lowered speed limits on arterials based on historical speed data and studies (e.g. from 35 to 30mph on select roadways)
- [Spokane Traffic Calming Program](#): roadway narrowing, traffic circles, pavement markings, signage for lower speeds

**How well do these policies, programs,
and projects support Council and
community goals?**

5. Make Growth a Benefit for All

Manage growth and development to support multiple transportation options and advance climate goals.

EQUITY



Coordinate with Comprehensive Plan to mitigate displacement

SAFETY



Leverage development to help build safe multimodal facilities

CLIMATE



Encourage walking, bicycling, and transit with expanded transportation demand management programs



Big Idea

Make Growth a Benefit for All

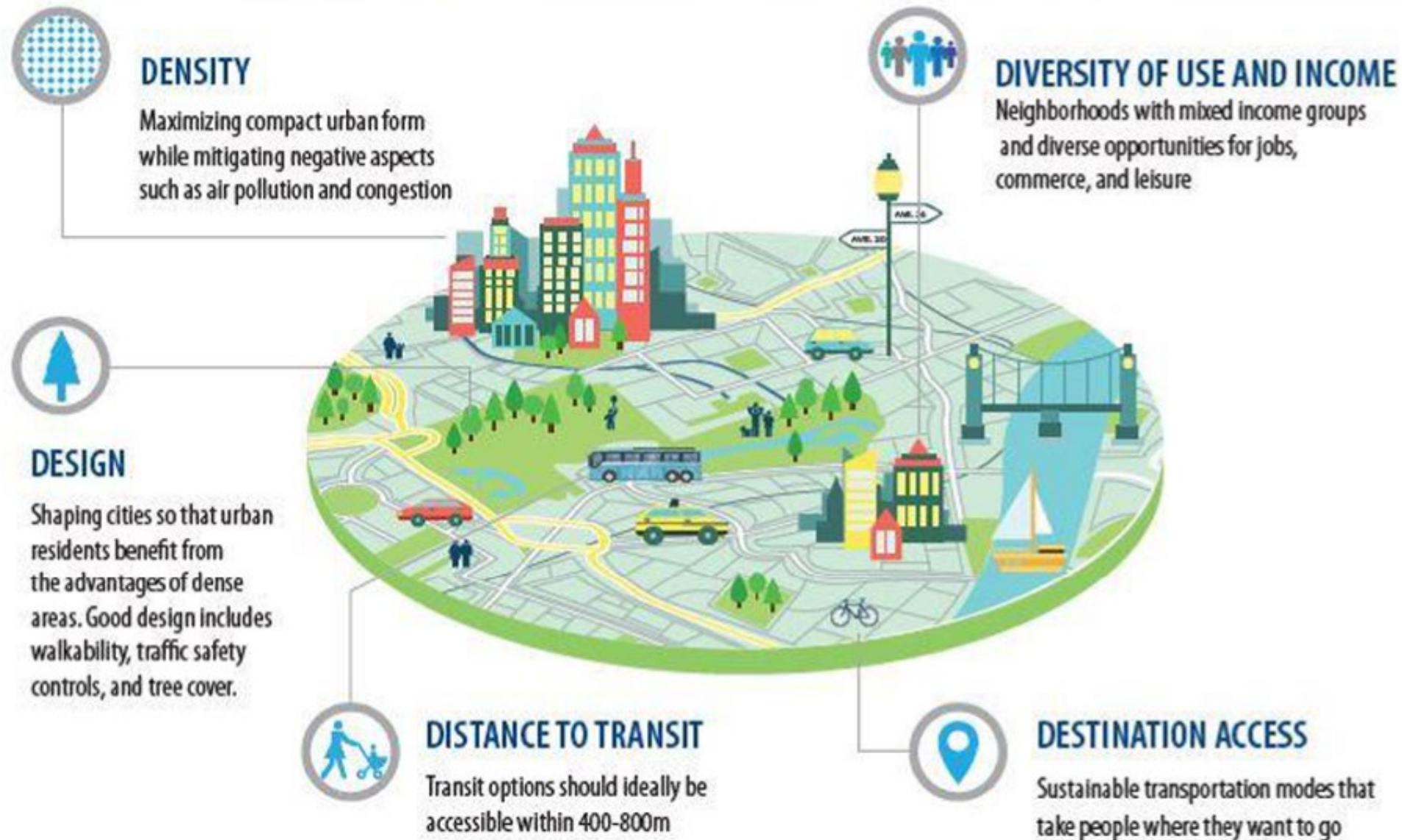
Development Review

Work with development community to establish a shared set of requirements and expectations for how development can support transportation.

Draft Programs & Projects:

- Concurrency
- Transportation Impact Fees
- Frontage Requirements
- Sidewalk Widths
- Transit Oriented Development

Outcome: Mutually Supportive Land Use and Transportation





Big Idea Make Growth a Benefit for All

Parking Management

Update parking codes and policies to reduce the amount of space dedicated to parking and make the cost of parking clear to users.

Draft Programs & Projects:

- Parking Space Requirements
- Residential Parking
- Downtown Parking Strategies





Big Idea
**Make Growth a
Benefit for All**

Transportation Demand Management

Actively use demand management to encourage behavior change to more walking, biking, and transit trips.

Draft Programs & Projects:

- Expand Commute Trip Reduction
- TDM Coordinator
- Universal Transit Pass
- Demand Management as Development Mitigation

Other Policies and Programs

Downtown Circulator

Work with C-TRAN to develop a concept for a downtown circulator between major destinations.

Growth Centers

Adopt a hierarchy of growth centers such as regional centers and local centers. Use as a prioritization factor for transportation projects.

Anti-Displacement

Work across city departments to develop a set of anti-displacement policies and programs (BIPOC business tax credits, city-owned incubator space, mortgage assistance, freezing property taxes for existing homeowners, etc.) tied to transportation investments.

**How well do these policies, programs,
and projects support Council and
community goals?**

6. Embrace the Future

Prepare for future mobility and data needs.

EQUITY



Adopt equity-focused policies for emerging mobility and pricing strategies

SAFETY



Put safety at the center of data collection, monitoring, and emerging mobility policy

CLIMATE



Facilitate the transition to electric vehicles and support micro-mobility options (bikeshare, scooters)



Big Idea Embrace the Future

Data Collection & Monitoring

Use data to track travel pattern changes over time

Draft Programs & Projects:

- Active Transportation Counts
- Location-Based Services
- Online System Dashboard
- Collision Dashboard



Big Idea Embrace the Future

Technology for System Management

Embrace technology as a way of managing the transportation system without expanding capacity.

Draft Programs & Projects:

- Signal Modernization
- Transportation Management Control Center
- Broadband/5G



Big Idea Embrace the Future

Electric / Autonomous Vehicles

Set city policy around EV/AV usage and role in achieving climate goals.

Draft Programs & Projects:

- Vehicle Miles Traveled Reduction
- City Fleet



It is important to understand the issues related to equitable access to mobility, gentrification, and access as EV use and charging expands



Big Idea Embrace the Future

Emerging Mobility

Update city policies to: allow emerging mobility vendors; create data standards and sharing agreements; require equitable access to services both geographically and through reduced costs for people with low incomes.

Draft Programs & Projects:

- Bike & Scooter Share
- Mobility as a Service
- Dynamic Curb Management
- TNC Policy
- Goods Delivery
- Mobility Hubs



New mobility investments should support City goals and values (SDOT example)

Other Policies and Programs

Mode Targets

Adopt targets for increased mode share for walking, bicycling, and transit to meet goal of zero carbon emissions by 2040 & create tools to manage (i.e., app based community trip logs)

On-Street Parking Pricing & Congestion Pricing

Explore pricing as a tool to manage demand and generate transportation funding. Expand paid on-street parking. Explore policy implications of demand-based charging along the city's key corridors.

Light Pollution

Retrofit existing lighting. Adopt low-spectrum LEDs pointed downward in neighborhoods. Retrofit X% of city street lights per year.

**How well do these policies, programs,
and projects support Council and
community goals?**



TMC Feedback

- **Support Thriving Neighborhoods:** Regional coordination between Vancouver, Clark County, and broader Metro region is important for success of safety, climate, and equity goals.
- **Create Complete Corridors:** Human-centric placemaking will take collaboration across parks, maintenance, security, landscaping, and lighting.
- **Connect People with Transit:** Encourage employers and developers to provide transit access.
- **Build Low-Stress Networks:** Prioritize bicycle education for vehicle drivers. Add physical protection and increase width of bike lanes.
- **Make Growth a Benefit for All:** Create safe bike parking, e-bike and EV charging stations. Emphasize that developers benefit from transportation investments.
- **Embrace the Future:** Accommodate different devices with different speeds (e.g. skateboards). Prepare for accommodating aging population. Maintenance is important for the future.

What's Missing?

- Do these strategies support people with different mobility needs, including walkers, bikers, transit users, people using mobility devices, youth, and elderly people?
- What are issues that come to mind in operationalizing these ideas?

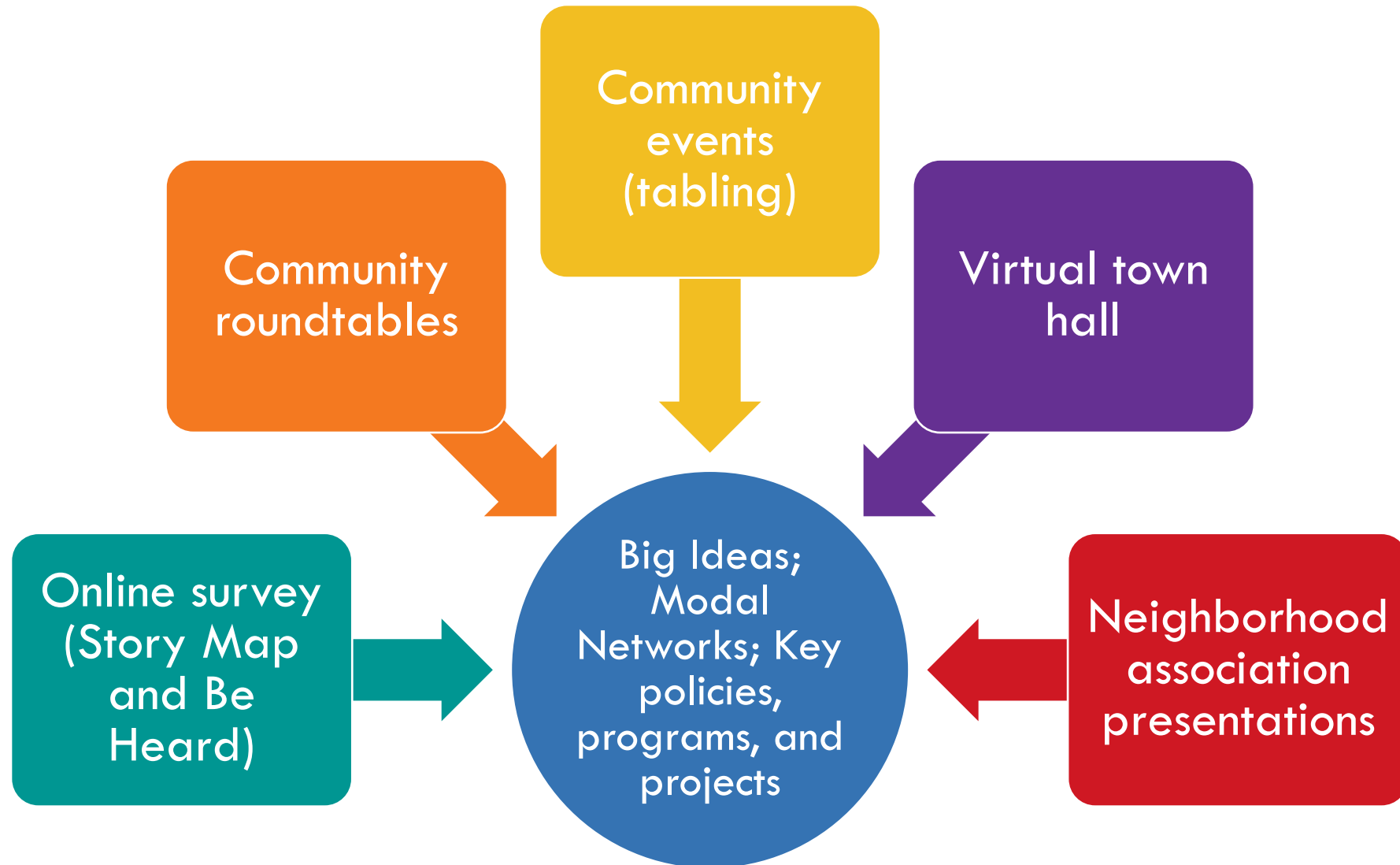
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Next Steps

Next Steps

- PPP Engagement and Refinement
 - Return to TMC for further review of updated policies, projects and programs on September 6, 2022
 - Continue coordination with internal stakeholders and agency partners through the project Technical Advisory Committee (TAC)
 - Public outreach & engagement in September & October
- Council workshop on project prioritization and modal networks on Sept 12, 2022
- Resolution confirming goals and project prioritization following workshop, date TBD
- Return to Council for second review of refined networks and PPP on November 28, 2022
- Resolution confirming networks and PPP following workshop, date TBD
- Jan. 2022-July 2023: Street typology, pedestrian crossing policy, TSP implementation

Community Engagement, Fall 2022



Additional Discussion & Questions

Thank you!



vancouvermoves@cityofvancouver.us

www.beheardvancouver.org/vancouvermoves

Summary of Activities



Community Roundtables: May – Sept 2021

- Public feedback to support development of TSP draft goals and equity analysis
- Interactive Google Jamboard Activity – “Transportation Values Wheel”
- Six (6) small group discussions focused on engaging equity communities, including BIPOC, disabled, and low-income communities



In-Person Events – Aug – Sept 2021

- Transportation Values Wheel Exercise



Transportation Values Survey: Aug – Oct 2021

- Online launch of Transportation Values Survey to support development of TSP goals and future solutions
- Multiple choice and open-ended format
- Translated into Spanish, Vietnamese, and Russian

In-Person Outreach Events

Event	Date
East Vancouver Farmers Market	Aug 5, 2021
Movies in the Park	Aug 6, 2021
Downtown Farmers Market	Aug 14, 2021
Party in the Park	Aug 19, 2021
Party in the Park	Aug 26, 2021
Downtown Farmers Market	Sept 25, 2021



12/20/21

RESOLUTION NO. M-4161

A RESOLUTION confirming the approach for analyzing underserved focus areas, the collision dashboard, and integration of Council values of equity, safety, and climate change into the Transportation System Plan.

WHEREAS, the Washington State Growth Management Act requires the City ensure capital facilities and transportation plans are consistent with land use and growth targets; and

WHEREAS, the City of Vancouver is required to have a transportation element of the Comprehensive Plan; and

WHEREAS, the City's last Transportation System Plan was adopted in 2004; and

WHEREAS, factors such as increases in population, changes in land use, improved mobility options, advancements in technology, and the evolution of transportation best practices have led the City to identify the TSP update as a high priority; and

WHEREAS, completion of subarea plans such as the Vancouver City Center Vision Plan (VCCV), Section 30 Subarea Plan, the Heights District Plan, and Westside Mobility Strategy, as well as the adoption of the City's Complete Streets policy, have established new policy and guidance that need to be incorporated more comprehensively into the City's TSP in order to provide consistent policy implementation; and

WHEREAS, goal one of the City's 2016-2021 Strategic Plan is to "Ensure our built environment is one of the safest, most environmentally responsible and well maintained in the

Pacific Northwest” which included Objective 1.1 which stated: “Develop and maintain a safe, balanced, and innovative transportation system that will meet the needs of future generations”; and

WHEREAS, in 2016 the City Council adopted a Complete Streets Policy that applies to all public and private street design, construction and retrofit projects, and requires the use of best practices for facility design that is safe for all users regardless of age, ability or mode of travel, and directs staff to update City policies, guides and manuals to implement the policy and to evaluate all projects for compliance with the policy; and;

WHEREAS, City Council identified decision-making values in March of 2021 that include building a healthy, thriving, equitable, resilient and sustainable community, and building on the city’s heritage of pioneering and courageous decision-making by boldly working toward a shared vision for Vancouver; and

WHEREAS, The Transportation System Plan will provide a framework to guide transportation investments over the next 20 years in accordance with the community’s vision and goals through a robust, equitable, and collaborative process with stakeholders and the community to help improve safety, mobility, and quality of life for City residents;

NOW, THEREFORE,

BE IT RESOLVED BY THE CITY OF VANCOUVER:

The Vancouver City Council hereby confirms its support for inclusion of the following elements of the Transportation System Plan:

- Use of the City’s Vulnerability Index as described in the attached staff report and detailed project memo as the baseline data for understanding and supporting equitable investment in historically underserved areas as well as broad investments in the overall transportation

system, in alignment with goals and policies developed through the TSP Update for a 20-year time horizon; and

- Publication of a collision dashboard that provides the public access to collision data from all traffic-related collisions collected by Washington State Department of Transportation (WSDOT) through the Washington State Patrol and Vancouver Police Department since 2015 (Non-traffic collisions such as collisions on private property have been excluded from the datasets) that provides the data we need to lead with safety; and
- Other City Council decision-making values to guide the goals, visions, and policies of the Transportation System Plan that include but are not limited to an engagement process designed to foster civic participation and engage diverse voices, policies and programs that proactively address climate change, forward looking investments that provide a legacy for future generations, and manage growth and technology to benefit the community

ADOPTED at a Regular Meeting of the Vancouver City Council this 20th day of December, 2021.

Attest:

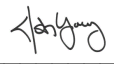
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Natasha Ramras, City Clerk

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Anne McEnerny-Ogle, Mayor

Approved as to form:

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Jonathan Young, City Attorney

RESOLUTION - 3

DATE: December 20, 2021

TO: City Council

FROM: Eric Homes, City Manager

RE: **Transportation System Plan- Project Process, Policymaker Review, and Integrating Equity and Safety**

CC: Chad Eiken, Director, CDD; Rebecca Kennedy, Deputy Director, CDD; Jennifer Campos, Principal Transportation Planner, CDD; Jennifer Belknap-Williams, Director, PW; Ryan Lopossa, Streets and Transportation Manager, PW

Intent

Update Council on the status of the citywide Transportation System Plan (TSP) that is currently underway, including recommendations made by City Council at a June 14, 2021 workshop on the integration of City values of climate, equity, and safety into the TSP process, in preparation for continued review of project milestones and anticipated plan adoption in late 2022.

Background

On June 14, 2021 staff provided a review of the Transportation System Plan (TSP) purpose and key deliverables, an update on the community engagement process to date, and an overview of the existing conditions analysis. Based on Council feedback and direction at that workshop, staff have refined project processes and analyses, and are returning to Council for review and consideration of endorsement via resolution. Adoption of the resolution is the first Council review milestone and part of the formal project chartering process, and confirms the approach for integrating equity and safety into the TSP, specifically as it relates to the underserved areas/vulnerability analysis, the collision dashboard, and existing conditions.

Updates and additional information included in this reflect Council feedback and discussion at the June workshop and include the following three items:

- Update on the methodology for the citywide vulnerability index, which will be overlaid in the future with transportation specific information (collision history; multimodal infrastructure like sidewalks, curb ramps and mobility lanes; school and park walking routes; etc.) to create an Underserved Areas tool to help guide future transportation investments.
- Community engagement tools to improve participation in the east side of the city
- Information on how transportation capital expenditures on projects have been historically distributed geographically throughout the city

Underserved Areas Analysis Tool

City Council has identified equity as a primary value for guiding future transportation system investments, and the Transportation System Plan will update policies and project and program guidelines to direct resources to historically underserved areas as well as meet overall system needs over a 20-year time horizon.

One element of this work, which was presented at the June 14 Council workshop, is the development a census-based tool for identifying geographic equity focus areas which include both social vulnerability as well as transportation system characteristics like collision history, the presence of lack of multimodal and safety infrastructure (sidewalks, curb ramps and mobility lanes), proximity to key destinations like schools and parks and other factors that can help inform where transportation investments are made. Once integrated, all this information will constitute the Underserved Areas Analysis Tool that policymakers and staff will use to inform future transportation investment decisions.

At the June workshop, staff outlined a methodology for understanding social vulnerability geographically based on the following data points:

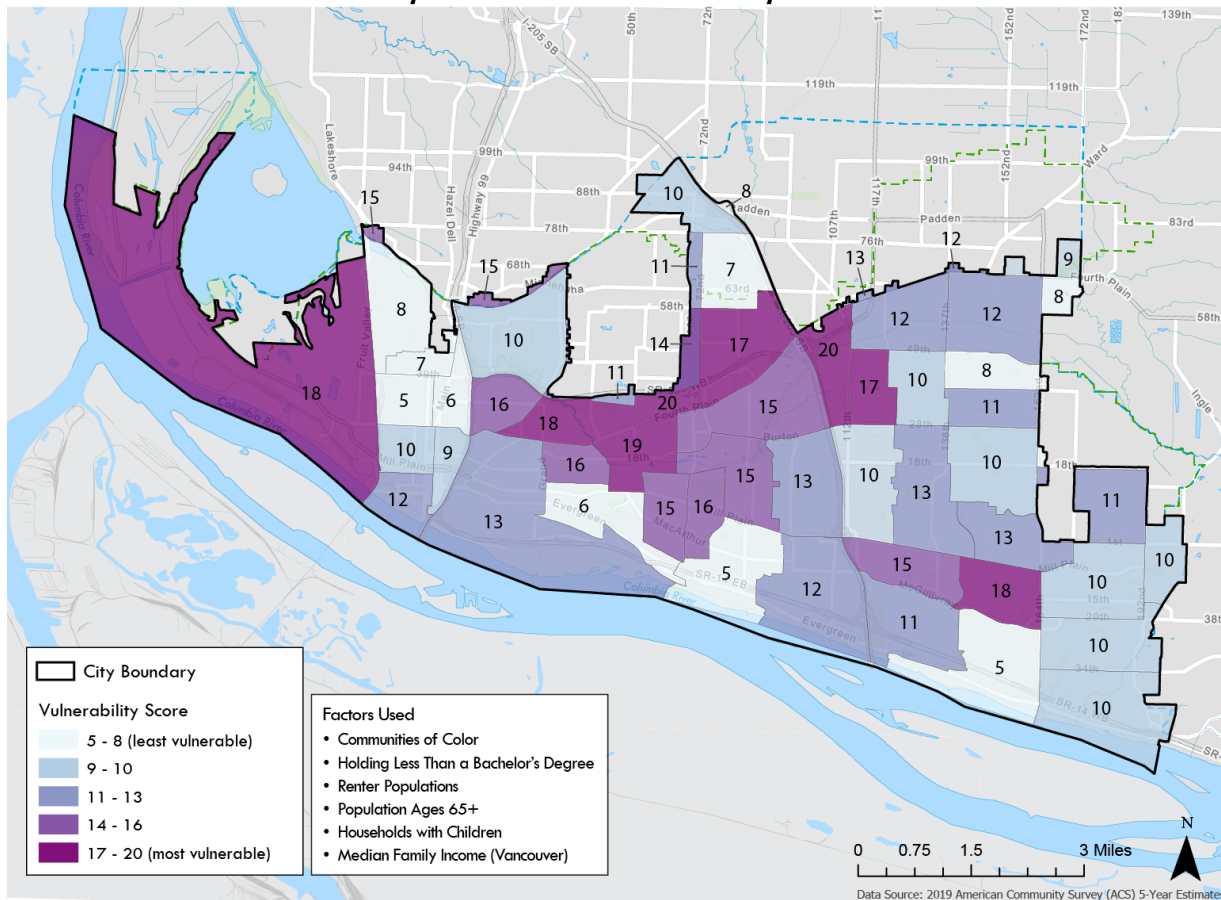
- Percentage of residents that are people of color (non-white and/or Hispanic/Latino)
- Percentage of renters
- Median family income
- Percentage of residents with at least a bachelor's degree

In response to Council feedback on the previous methodology and map indicating areas of vulnerability, and in alignment with parallel efforts to develop a citywide Vulnerability Index that all disciplines and departments can use to understand the equity implications of investment decisions, the TSP methodology has been updated to reflect the citywide process. This was previously presented to Council as part of the American Rescue Plan Action (ARPA) funding Investment Methodology on December 15, and includes the following data points by census block group:

- Percentage of residents that are people of color (non-white and/or Hispanic/Latino)
- Percentage of renters
- Median family income
- Percentage of residents with at least a bachelor's degree
- Percentage households with children (new)
- Percentage of residents that are 65 and over (new)

These various demographic markers are combined into overall vulnerability index, which provides a way to ensure projects serve vulnerable residents as well as overall systems that benefit the entire community. To ensure consistency with other citywide efforts and ensure equitable transportation investments in the future, the TSP will utilize the citywide Vulnerability Index to understand the implications of policy and investment decisions. The Vulnerability Index map is included below.

City of Vancouver Vulnerability Index



Geographically Distributed Community Engagement

As part of the review of the community engagement process that took place through June 2021, several Council members were interested in ways that the project team can better engage residents on the east side of the city. Based on this feedback staff utilized several tools as the public engagement process continued into September:

- Boosting of Facebook posts for geographic areas on the east side of the City, which resulted in a significant number of new responses for the online survey from that area.
- Ensuring dissemination of information about the survey was delivered through established connections such as newsletters, email lists, neighborhood associations and leaders, Nextdoor, etc.
- Tabling at events such as the east side Farmer's Market and a Party in the Park at Oakbrook Park (other events were cancelled due to excessive heat) that allowed staff to provide several different alternatives to taking the online survey.

The on-going pandemic has continued to make community engagement challenging, and the project team continues to adapt by changing methods as needed and finding new opportunities for outreach. The next major phase of community engagement for the TSP will start in late winter 2022 and the project team is committed to working with the community to provide the most equitable and extensive outreach as possible.

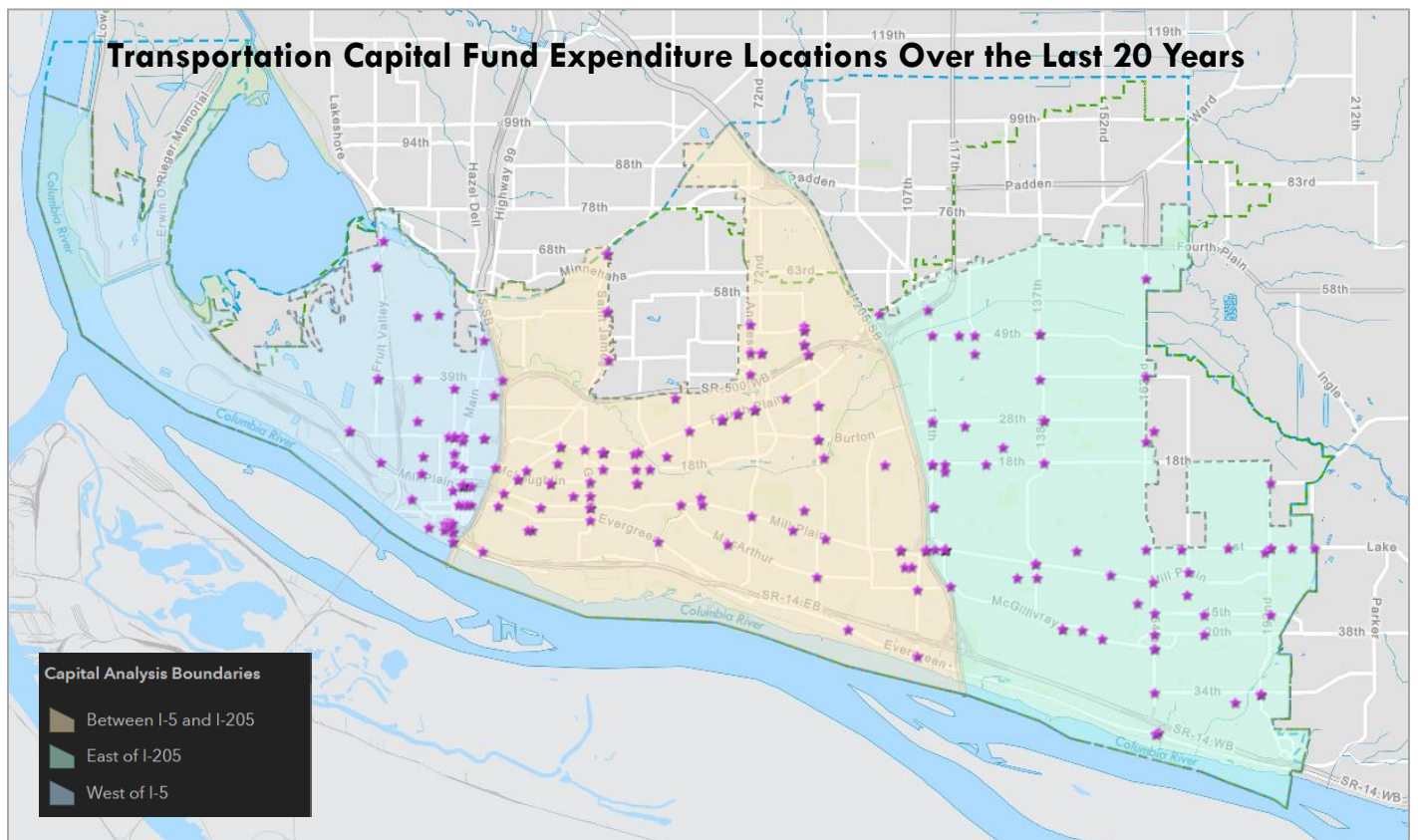
Historical Transportation Capital Project Expenditures

Staff developed a GIS analysis tool that provides the opportunity to quantify and visualize the transportation capital expenditures the City has made through capital funds 330 and 331 in the last 20 years. The analysis does not include on-going programs such as pavement management, and signal controller upgrades, nor does it include the cost for planning initiatives. It provides the cost for stand-alone capital projects such as street improvements (urban upgrades, new street extensions, etc.), the installation of a new signal, sidewalk infill, and bike lane projects. All costs for the project – grant funds if applicable and local funds – are included in the project totals.

The following is a breakdown of the number of projects and associated costs for the 3 sections of using boundary area that are typically used by the City's pavement program to define service areas:

- West of I-5: 56 projects for a total of \$86,317,153
- Between I-5 and I-205: 90 projects for a total cost of \$68,069,668
- East of I-205: 75 projects for a total cost of \$102,485,461

Cumulative this is a total of 222 projects at a cost of \$256,872,282. Locations of the projects are shown on the following map.



Transportation System Plan Next Steps

As outlined in the June 14, 2021 Council workshop, the process for the TPS will involve numerous touchpoints with City Council and review by the TMC. The following table provides an outline of the remaining project phases and their associated proposed timelines. Information for all phases will be shared with City Council during periodic updates, workshops, and resolution adoption. It is anticipated for the plan to be adopted by the end of 2022.

Project Phase	Elements	Representative Council and TMC Action	Tentative Timeline
Project Baseline - 1	• State of mobility • Existing conditions • Vulnerability analysis • Community input on existing conditions	TMC review Council resolution	In process
Project Baseline - 2	• Enhanced Transit Corridor analysis • Project opportunities • Community input on project values	TMC review Council resolution	January March – April
Goals and Solutions	• Vision, goals, and policies • Project prioritization process • Program development • Community input on proposed policies and solutions	TMC review Council resolution	May June - July
Implementation	• Street standards update • Performance measures • Pedestrian crossing policy • Funding recommendations	TMC review Council resolution	July July - August
Plan Adoption	• Review of draft plan • Community input on draft plan • Plan adoption	TMC action item Council resolution	September October - December



Staff Report: 141-22

TO: Mayor and City Council

FROM: Eric Holmes, City Manager

DATE: 10/3/2022

SUBJECT Amend Transportation and Mobility Commission term end date to coincide with the end of the calendar year

Present Situation

The City Council established the Transportation and Mobility Commission (TMC) on January 6, 2020 to provide advice to City Council, the City Manager and City staff on programs, policies, and large capital projects related to the public right-of-way. The initial end date of member terms was set as October 6 of the year in which the term expires.

The current proposal recommends extending all current Commission term expiration dates to the end of the calendar year in which the term expires and applying the end of year expiration date to all future Commissioner terms.

Action Requested

Set term end date for all Transportation & Mobility Commission seats to December 31 of the calendar year in which the term ends, to better align with workplan and project schedules, alignment with other commissions that have interrelated responsibilities, and onboarding needs.

Rebecca Kennedy, Deputy Community Development Director, 360-487-7896

ATTACHMENTS:

- ▣ TMC Consent Memo
- ▣ Ordinance Establishing TMC M-4290

DATE: October 3, 2022

TO: Mayor and City Council

CC: Eric Holmes, Alicia Sojourner, Amanda Delapena, Shannon Ripp, David Galazin

FROM: Rebecca Kennedy, Deputy Director, Community Development Department

RE: **Change Term end dates for Transportation & Mobility Commission to correspond to end of calendar year**

The City Council established the Transportation and Mobility Commission (TMC) on January 6, 2020 to provide advice to City Council, the City Manager and City staff on programs, policies, and large capital projects related to the public right-of-way. The initial end date of member terms was set as October 6 of the year in which the term expires.

The current proposal recommends extending all current Commission term expiration dates to the end of the calendar year in which the term expires, and applying the end of year expiration date to all future Commissioner terms. This is recommended for several reasons:

- End of year term expirations align better with workplan and project schedules. Many projects—including Complete Streets projects, wrap up design at the end of the year, in advance of upcoming paving or other implementation work the following year. This change would allow sitting Commissioners to finish their review and recommendation for these types of projects, which represent a significant amount of their workload and require numerous workshops prior to hearing. This change would also avoid the need to brief newly appointed Commissioners in detail on projects that are at the end of their development process and accounted for many workshops and discussions that they did not participate in.
- Like the item above, extension of terms to expire at the end of the calendar year will better align onboarding of new members with project timelines and the cadence of the annual work program, and will allow new members to begin their project review early in the project development process. In addition, this change ensures that new members are able to participate in the annual TMC retreat process.
- End of the year terms expirations align with the current Planning Commission schedule, with which the TMC has overlapping responsibilities. For example, the TMC is the primary body reviewing the annual 6-year Transportation Improvement Program and the currently underway update to the Transportation System Plan, but the Planning Commission adopts these by reference into the Comprehensive Plan each year.

TMC Term Dates**Oct. 3, 2022****Page 2 of 2****Action requested:**

Set term end date for all Transportation & Mobility Commission seats to December 31 of the calendar year in which the term ends, to better align with workplan and project schedules, alignment with other commissions that have interrelated responsibilities, and onboarding needs.

Staff Contact:

- Rebecca Kennedy, Deputy Director, Community Development, Rebecca.Kennedy@cityofvancouver.us
- Alicia Sojourner, Director, Diversity, Equity & Inclusion, Alicia.Sojourner@cityofvancouver.us

Attachment(s):

1. Ordinance M-4290 - Establishing the Transportation & Mobility Commission

12/09/19
01/06/20

ORDINANCE NO. M- 4290

AN ORDINANCE establishing a Transportation and Mobility Commission under Title 11 of the Vancouver Municipal Code; adding a new Chapter 11.75; and providing for severability and an effective date.

WHEREAS, the City is experiencing significant growth which has led to increasingly complex transportation projects and competing uses of the public right-of-way; and

WHEREAS, City Council recognizes the need to balance competing demands for the public right-of-way and the need to evolve the transportation system to more efficiently move people throughout the City; and

WHEREAS, City Council has recognized a need to develop a Transportation and Mobility Commission, comprised of members of the community with diverse interests, experiences, and transportation needs, with the purpose of providing advice to City Council on transportation programs, policies and projects.

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF VANCOUVER:

Section 1. A new Chapter 11.75 is added to the Vancouver Municipal Code to read as follows:

Chapter 11.75

TRANSPORTATION AND MOBILITY COMMISSION

Sections

11.75.010	Establishment and Purpose
11.75.020	Representative Membership
11.75.030	Authority and Responsibilities
11.75.040	Meetings and Voting

11.75.010 Establishment and Purpose

- A. ***Establishment.*** A Vancouver Transportation and Mobility Commission is hereby established, comprised of eleven (11) members in accordance with VMC 11.75.020.
- B. ***Purpose.*** The Transportation and Mobility Commission will advise and make recommendations to City Council and/or the City Manager as authorized under VMC 11.75.030 for the purpose of ensuring that transportation policy and projects adhere to the Transportation System Plan, the Vancouver Strategic Plan, and Vancouver's Complete Streets Policy. The Transportation and Mobility Commission shall provide informed decisions that are based on a review of information including competing transportation and mobility needs and concerns, with a goal toward developing a transportation system that is one of the safest, environmentally responsible, and well-maintained in the Pacific Northwest.

11.75.020 Representation and Membership Terms

A. Representation.

- (1) The Transportation and Mobility Commission shall consist of eleven (11) volunteer members, who are residents of the City or Vancouver Urban Growth Area. No more than two members of the Transportation and Mobility Commission may represent the Urban Growth Area.
- (2) Membership representatives shall include the following:
 - a.
 - i. Youth – between the ages of sixteen and nineteen
 - ii. Person with a disability
 - iii. Person 65+ or older
 - iv. Member of an active neighborhood association
 - v. Person with expertise or experience with the movement of freight
 - vi. Person with expertise or experience in the transportation field, such as in transportation planning or engineering
 - vii. At large member

b. The remaining members shall use the listed mode of transportation as their primary mode of transportation:

- viii. Transit
- ix. Cycling
- x. Walking
- xi. Driving

(3) In selecting members for appointment to the Transportation and Mobility Commission, the mayor and City Council shall seek to encompass a diversity of perspectives concerning transportation and mobility interests, including geographic and socio-economic diversity.

B. *Membership Terms.*

(1) *Initial Board.* When the Transportation and Mobility Commission is first established, the Mayor, with City Council approval, shall appointment members with terms as follows:

- (a) Four members shall serve a one-year term, which shall include the Youth Appointment;
- (b) Four members shall serve a two-year term; and
- (c) Three members shall serve a three-year term.

(2) *Subsequent Appointments.* All subsequent appointments shall be for three years, with the exception that the Youth Appointment shall serve for only one year. All members may serve for a maximum of two consecutive terms. If a Youth Appointment Member no longer qualifies for a Youth Appointment following the first term, he or she may apply as a non-Youth Appointment Member and may serve for an additional two consecutive terms (for a maximum of seven consecutive years). A member may reapply for appointment after not being on the Transportation and Mobility Commission for at least one year.

(3) *Vacancies.* Vacancies that occur before the expiration of a term will be filled for the remainder of the term.

(4) *Member Removal.* Members may be removed by the Mayor with the concurrence of City Council for any reason.

11.75.030 Authority and Responsibilities

A. ***Role of the Commission.*** The Transportation and Mobility Commission shall act in a policy advisory capacity to the City Council and/or the City Manager in order to support efforts to create and maintain a transportation system that enhances the economic, social and environmental quality of life in Vancouver now and into the future.

B. ***Recommendations.*** The Transportation and Mobility Commission shall provide recommendations to City Council and/or the City Manager concerning:

- (1) Amendments to Title 11 of the Vancouver Municipal Code (VMC).
- (2) The Transportation System Plan (TSP) and Amendments to the Complete Streets Policy.
- (3) Updates to transportation programs, including but not limited to the following programs: the Six Year Transportation Improvement Program (TIP), sidewalk management, pavement management, transportation demand management, and transportation safety, accessibility, and mobility.
- (4) Transportation projects in the public right-of-way that exceed two million dollars (\$2,000,000) in estimated project costs, or projects of area-wide significance, even if the two million dollar threshold is not met.
- (5) Other transportation-related matters as directed by City Council.

C. ***Technical Advisory Groups.*** The Transportation and Mobility Commission may appoint technical advisory groups (TAGs) to which it may assign specific responsibilities. Such TAGs shall make no recommendations except to the Transportation and Mobility Commission as directed.

D. ***Limitations on Responsibility.*** The Transportation and Mobility Commission is not responsible for traffic operations, street maintenance, or other activities where staff has received direction and authority from City Council.

11.75.040 Meetings and Voting

A. ***Meetings.*** The Transportation and Mobility Commission will meet a minimum of four times per year, but may meet more frequently if needed.

B. ***Voting.*** All actions of the Transportation and Mobility Commission shall be determined by a majority vote in a meeting at which a quorum is present. A majority of total appointed membership of the Transportation and Mobility Commission, excluding vacancies, shall constitute a quorum.

C. ***Chair and Vice-chair.*** At the first meeting of the Transportation and Mobility Commission, and then in each December of every year thereafter, the Transportation and Mobility Commission shall appoint a Chair and Vice-Chair. The term of office for each officer shall run until the subsequent election; provided, that vacancies caused by resignation or removal shall be filled for the remaining term of office.

D. **Bylaws.** The Transportation and Mobility Commission shall adopt bylaws that govern the transaction of its business at the first meeting of the Commission. The Transportation and Mobility Commission may thereafter amend the bylaws or repeal and replace the bylaws. The bylaws may contain any provisions for the regulation and management of the affairs of the Transportation and Mobility Commission not inconsistent with law or this Chapter. As necessary and appropriate, the City Council may amend the bylaws by ordinance.

E. **Public Meetings.** All Transportation and Mobility Commission meetings will be conducted in accordance with the Open Public Meetings Act, Chapter 42.30 RCW. Written and audio records of Transportation and Mobility Commission meetings and actions shall be kept by City staff and be made public.

Section 2. Severability. If any clause, sentence, paragraph, section, or part of this ordinance or the application thereof to any person or circumstance shall be adjudged by any court of competent jurisdiction to be invalid, such order or judgment shall be confined in its operation to the controversy in which it was rendered and shall not effect or invalidate the remainder of any parts thereof to any person or circumstances and to this end the provisions of each clause, sentence, paragraph, section or part of this law are hereby declared to be severable.

Section 3. Effective Date. This ordinance shall be effective thirty (30) days after final passage.

Read first time: December 9, 2019

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

Nays: Councilmembers None

Absent: Councilmembers None

Read second time: January 6, 2020

PASSED by the following vote: 7-0

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

Nays: Councilmembers None

Absent: Councilmembers None

SIGNED this 6th day of January, 2020.

DocuSigned by:



58CB15C0632F403...

Anne McEnerny-Ogle, Mayor

Attest:

DocuSigned by:



BCF0734E40E94AE...

Natasha Ramras, City Clerk

Approved as to form:

DocuSigned by:



9A7D02E31F694A2...

Jonathan Young, City Attorney

SUMMARY

ORDINANCE NO. M-4290

AN ORDINANCE establishing a Transportation and Mobility Commission under Title 11 of the Vancouver Municipal Code; adding a new Chapter 11.75; and providing for severability and an effective date.

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



Staff Report: 142-22

TO: Mayor and City Council

FROM: Eric Holmes, City Manager

DATE: 10/3/2022

SUBJECT Proposed Settlement of Lawsuit By Kara Brandon

Key Points

- Kara Brandon, the biological daughter of William Abbe, filed a lawsuit in 2021 seeking damages related to officer-involved shooting of William Abbe
- Ms. Brandon and the City participated in mediation on September 13 to determine whether the lawsuit could be settled for an agreed amount.
- The parties reached an agreement to settle the matter for \$725,000, less than 20% of the amount claimed prior to litigation.

Strategic Plan Alignment

N/A

Present Situation

On October 26, 2021, Kara Brandon filed a lawsuit in the United States District Court for the Western District of Washington against the City of Vancouver and three police officers. The lawsuit sought monetary damages from the City for the death of William Abbe, who was shot and killed by VPD officers on April 28, 2020. Ms. Brandon is Mr. Abbe's biological daughter and had been appointed the personal representative of his estate. Prior to filing the lawsuit, she filed a tort claim with the City demanding \$5 million.

The settlement does not concede any wrongdoing by the involved officers or the department. The three involved officers were all cleared of wrongdoing after an independent review by the Thurston County Prosecuting Attorney's Office. However, both the City and Ms. Brandon agreed that juries can reach different conclusions based on the same evidence.

One component of the federal court's scheduling order was a requirement to engage in mediation. The parties did so on September 13, 2022, before mediator Chris Anderson, and reached an agreed resolution that would, subject to City Council approval, require payment by the City to Ms. Brandon in the amount of \$725,000 in exchange for dismissal and release of all claims related to

the April 28, 2020, incident. This amount is less than 20 percent of the original amount claimed prior to litigation, and is significantly less than what many other jurisdictions have paid to settle similar claims.

The terms of the settlement are encompassed in the attached settlement agreement. Ms. Brandon's attorney has agreed to the terms expressed therein.

Advantage(s)

- Completely extinguishes the City's and officers' potential liability for the incident, thereby avoiding a potentially much larger verdict.
- Enables the City and Department to move forward without concern of costly litigation and appeals that would last years.

Disadvantage(s)

- Precludes a complete defense verdict and finding of no liability by a jury

Budget Impact

Sufficient cash exists in the Risk Fund to fund the cost associated with the proposed settlement. The budget for 2022 will be adjusted in the Fall Supplemental of 2022 to accommodate.

Prior Council Review

The case was discussed in Executive Session on August 8, 2022.

Action Requested

Authorize the City Manager, City Attorney, and/or designees to execute all agreements and documentation to resolve the lawsuit and claim brought by Kara Brandon for the terms expressed in the attached settlement agreement.

Dan Lloyd, Assistant City Attorney III, 360-487-8500

ATTACHMENTS:

- ▢ Settlement Agreement (unsigned)

SETTLEMENT AGREEMENT AND RELEASE

This Settlement Agreement and Release (hereinafter the “Agreement”) is entered into by and among KARA BRANDON, as an individual and also as the duly authorized personal representative of the ESTATE OF WILLIAM EDWARD ABBE (hereinafter “Plaintiff”); and THE CITY OF VANCOUVER, a Washington municipal corporation, on its own behalf and also, pursuant to chapter 2.46 of the Vancouver Municipal Code, on behalf of all current and former City employees and officials (hereinafter collectively “City” or “Defendant”). Plaintiff and Defendant are referred to collectively as “the Parties.”

I. Background

A. Claims, Parties & Lawsuit. On or about April 28, 2020, William Edward Abbe was shot and killed by Vancouver Police Officers [hereinafter “Incident”]. On or about July 16, 2021, Plaintiff, the daughter of William Edward Abbe, was appointed by the Clark County Superior Court to be the personal representative of the Estate of William Edward Abbe (Clark County Superior Court Cause No. 21-4-00792-06). On or about August 6, 2021, Plaintiff filed a tort claim with the City pursuant to Section 4.96.020 of the Revised Code of Washington (RCW) [hereinafter “Claim”], asserting that the City was liable for William Abbe’s death. On October 26, 2021, Plaintiff filed a lawsuit in the United States District Court for the Western District of Washington under Cause Number 3:21-cv-05790-LK against the City and three of the City’s police officers [hereinafter “Lawsuit”]. Defendant denies Plaintiff’s allegations of wrongdoing.

B. Full and Final Settlement. The parties to this Agreement desire to settle and resolve, fully and finally, all claims of all parties to this Agreement which have been alleged or could have been alleged in the Claim, Lawsuit, or otherwise relating to the Incident or in prosecuting or defending the same.

C. Denial of Liability. This Agreement expresses the full and complete settlement of any and all claims among the parties hereto. Liability for such claims is expressly denied by the City.

D. Representation by Plaintiff Regarding Medicare Benefits. Plaintiff represents that Medicare has not made any conditional payments for either her medical care or William Abbe’s medical care, and that she is not Medicare eligible and does not expect to be so eligible within three (3) years of the date of this Agreement. Consequently, Medicare has no interest in this Settlement.

II. Agreements

Based on the foregoing recitals, the parties to this Agreement hereby individually and mutually agree as follows:

A. Obligations of Plaintiff. In consideration for the payments, releases, and other agreements by the other parties to this Agreement, Plaintiff hereby agrees to be obligated to the following:

INITIALS _____

Release: Plaintiff, on her behalf and also on behalf of all statutory beneficiaries of the Estate of William Edward Abbe, does hereby release and fully discharge Defendant and its insurers, agents, lawyers, officers and directors, elected and appointed officials, servants, employees, heirs, executors, administrators, and assigns of any such released persons or entities, past and present (collectively referred to herein as “Released Parties”), from any and all manner of claims, demands, complaints, liabilities, obligations, damages, causes of action or suits, whether known or unknown, whether suspected or unsuspected, which Plaintiff, and her or the Estate of William Abbe’s beneficiaries, heirs, executors, administrators, or assigns may have as against the Released Parties, arising from or in any way connected to the Incident, Claim and/or Lawsuit, and/or facts described therein, and/or events that precede the effective date of this Agreement. This release includes, but is not limited to, all claims, demands, complaints, liabilities, obligations, damages, causes of action or suits, whether known or unknown, and whether suspected or unsuspected. This release extends to all matters alleged or asserted by Plaintiff and/or any other potential party to the Lawsuit, and shall fully absolve and release the Released Parties from any liability relating to acts preceding the date of this Agreement, and such acts shall not serve as a basis for any future claim of liability.

Release and Indemnification Re: Past and Future Medicare Benefits. Plaintiff acknowledges the representation in Part I.D. of this Agreement as true. As a condition of the settlement and release, Plaintiff represents and warrants that as of the date of this Agreement, she has provided the Defendant all information she knows about any and all Medicare rights to recovery as of this date. Plaintiff agrees to reimburse, indemnify and hold harmless each and every one of the Released Parties (as defined in the preceding paragraph), with respect to all known and unknown Medicare rights to recovery related to the Incident for which the federal government may seek repayment as well as any fine or penalty the federal government may seek resulting from the sufficiency and or accuracy of the information Plaintiff has provided to Defendant regarding Medicare rights to recovery known as of this date.

Plaintiff further knowingly, voluntarily, and intelligently waives any and all private causes of action that may exist under to 42 U.S.C. § 1395y(b)(3) and any corresponding regulations, and hereby release and hold harmless the Defendants and Released Parties from the same. Plaintiff further agrees to release, indemnify, and hold harmless the Released Parties from any and all claims, liens, penalties, and any other actions or liabilities relating to past and future medical treatment or care attributable to the Incident, including all past and future liens and interests of Medicare. In the event that any suit or other proceeding is brought on account of Medicare’s current or future liens, Plaintiff agrees to pay all costs, expenses, and attorney fees incurred in the Released Parties (including their insurers’ and attorneys’) defense of such claims and actions. Plaintiff further agrees to indemnify and hold harmless the Released Parties, their insurers and attorneys from any and

all adverse consequences in the event this settlement or notice to Medicare results in the loss of right to Medicare benefits to the extent Plaintiff otherwise would have been entitled to said benefits in the absence of this agreement.

Tax Consequences: Plaintiff agrees to be fully responsible for all tax liability, if any exists, that may result from the consideration(s) offered herein. Plaintiff agrees that Defendant has not offered or provided her with any tax advice in relation to this Agreement.

B. Obligations of Defendants. In consideration for the payments, releases, and other agreements by the other parties to this Agreement, Defendants agrees to be obligated to the following:

Payment to Plaintiff by City: Defendant City shall pay the total sum of Seven Hundred Twenty-Five Thousand Dollars and Zero Cents (\$725,000.00) to Plaintiff. Payment shall be by wire transfer payable to “Angus Lee Law Firm, PLLC”, Tax ID 47-2442151. The transfer of funds shall occur within fourteen (14) days after the Vancouver City Council approves this Settlement as provided in Paragraph II.H below.

C. Obligations of all Parties: The Parties mutually agree to be obligated to the following:

1. Waiver of Right to Bring Future Claims and Mutual Release: The Parties hereby release each other from and waive their rights to bring all claims, counterclaims, and cross-claims that relate to the Incident, Claim, and/or Lawsuit, including but not limited to claims for contribution under chapter 4.22 RCW. Each party shall bear its own costs, attorney fees, and other expenses of litigation in connection with any claims relating to the Lawsuit and/or the pursuit or defense of any claim released herein.
2. Stipulation to Dismiss Lawsuit with Prejudice: The Parties, through their respective counsel, agree to execute a stipulation and order of dismissal of all claims in the Lawsuit and agree that such dismissal will be prejudice and without costs awarded to either side. Such dismissal shall be made pursuant to Federal Rule of Civil Procedure 41. Any claim advanced within the Lawsuit, or any claim which could have been advanced, shall not be refiled.

3. Confidentiality: In response to any inquiries regarding this Settlement Agreement and Release from the media, the Parties agree to provide a joint statement in substantially the form below:

A human life was lost and everyone involved in this case on both sides recognizes the significance of that loss. Every human life is important and has dignity. Both parties agree that settlement is in the best interest of all involved. The City of Vancouver will not make any further statement on this matter and Mr. Abbe's daughter wishes to avoid media contact so that she can move forward with her life. Both sides asks that media respect her wishes in that regard.

The parties recognize this Agreement is not exempt from disclosure under Washington's Public Records Act, ch. 42.56 RCW, and is not exempt from production in response to a subpoena or similar judicial process. Other than as provided in this Paragraph II.C.3, the Parties will keep this settlement and its terms confidential.

D. Voluntary Signatures: IT IS UNDERSTOOD AND AGREED THAT THIS AGREEMENT HAS BEEN EXECUTED KNOWINGLY AND VOLUNTARILY AND THAT EACH PARTY TO THIS AGREEMENT HAS HAD FULL OPPORTUNITY FOR LEGAL COUNSEL PRIOR TO SIGNING THIS AGREEMENT. THIS AGREEMENT CONTAINS ALL MATERIAL TERMS AND CONDITIONS OF SETTLEMENT OF THE PARTIES HERETO. THE TERMS OF THIS AGREEMENT ARE CONTRACTUAL AND NOT MERELY A RECITAL. EACH PARTY TO THIS AGREEMENT AGREES THAT IT HAS HAD THE OPPORTUNITY TO READ THIS AGREEMENT, HAS HAD IT FULLY EXPLAINED TO HIM OR HER BY HIS OR HER COUNSEL, UNDERSTANDS AND APPRECIATES ITS WORDS AND TERMS AND THEIR EFFECT, AND SIGNS THIS AGREEMENT VOLUNTARILY OF HIS OR HER OWN FREE WILL AND ACCORD.

E. Entire Understanding: This Agreement sets forth the entire agreement of the parties and may be modified only by written instrument duly executed by each party. This Agreement supersedes and replaces any prior written agreement between the Parties.

F. Binding Effect: This Agreement is binding upon and inures to the benefit of the parties hereto and their respective heirs, legatees, representatives, successors, transferees, employees, insurers, representatives, agents, and assigns.

G. Counterpart Signatures: The parties agree that this Agreement may be executed in counterparts. The parties further agree that a copy or facsimile reproduction of a signature shall have the same force and effect and be deemed the equivalent to an original.

H. Authorization and Acceptance by City Council: Per Washington's Open Public Meetings Act, chapter 42.30 RCW, this Agreement does not take effect until the Vancouver City Manager executes it on authorization granted by the Vancouver City Council in open session.

I, KARA BRANDON, STATE THAT I HAVE COMPLETELY READ THE TERMS OF THIS AGREEMENT, CONSISTING OF SIX PAGES (INCLUDING SIGNATURE PAGES), AND THAT THOSE TERMS ARE FULLY UNDERSTOOD AND VOLUNTARILY ACCEPTED.

KARA BRANDON, Plaintiff

STATE OF Washington)
)ss:
County of Clark)

I hereby certify that I know or have satisfactory evidence that KARA BRANDON is the person who appeared before me as individual and also as the duly authorized personal representative of the Estate of William Edward Abbe, and said person signed this instrument, and on oath acknowledged it as the personal representative of the Estate of William Edward Abbe to be her free and voluntary act for the uses and purposes mentioned in the instrument.

Signed and sworn to before me on _____, 2022 by KARA BRANDON.

NOTARY PUBLIC in and for the State of Washington,

My appointment expires: _____

[notary seal]

Approved as to form:

D. Angus Lee, WSBA #36473
Attorney for Plaintiff

INITIALS _____

	)	ERIC HOLMES, City Manager For the CITY OF VANCOUVER, Defendant
STATE OF Washington	)	
	)ss:	
County of Clark	)	

Signed and sworn to before me on, _____, 2022 by ERIC HOLMES.

My appointment expires: _____

Approved as to form:

By: _____
Daniel G. Lloyd, WSBA #34221
Assistant City Attorney
Attorney for Defendants

Page 8 of 8

VOUCHER APPROVAL

We, the undersigned council members of the City of Vancouver, Clark County, Washington, do hereby certify that the merchandise or services hereinafter specified have been received and that the vouchers listed below are approved for payment in the amount of:

\$ 6,639,696.03 this 3rd day of October 2022.

DocuSigned by:
Anne McEnerny-Ogle
MAYOR

Natasha Ramras
AUDITING OFFICER

DocuSigned by:
Ty Stubb
COUNCILMEMBER

DocuSigned by:
[Signature]
COUNCILMEMBER

DATE	INCLUSIVE CHECK NUMBERS	CHECK TOTAL
September 19, 2022 - September 25, 2022	Accounts Payable Checks (see attached)	\$ 3,148,074.22
September 19, 2022 - September 25, 2022	Hansen City Payments (see attached)	\$ 88,233.90
September 19, 2022 - September 25, 2022	Visa Refunds (see attached)	\$ 2,617.60
September 19, 2022 - September 25, 2022	Payroll Checks (see attached)	\$ 3,400,770.31
TOTAL		\$ 6,639,696.03

INVOICE PAYMENTS REPORT

<u>Payment Category</u>	<u>Payment Type</u>	<u>Check Number</u>	<u>Payment Date</u>	<u>Payment Amount</u>	<u>Payment Payee</u>	<u>Payment Memo if applicable</u>
Supplier Payment	Manual Wire	No Reference	9/1/2022	14,265.61	Athlactron Holding	
Supplier Payment	Manual Wire	No Reference	9/13/2022	8,686.29	Bank Of America N.A. - Remit-To: Charlotte NC	
Supplier Payment	Manual Wire	No Reference	9/19/2022	562,669.15	Clark County - Remit-To: Clark County - Treasurer Vancouver	
Supplier Payment	Manual Wire	No Reference	9/20/2022	174,857.05	Blue Cross Blue Shield of Oregon	
Supplier Payment	Manual Wire	No Reference	9/20/2022	21,258.98	Washington Dental Service	
Supplier Payment	Manual Wire	No Reference	9/22/2022	15,846.59	Liberty Mutual Group Inc.	
Supplier Payment	Manual Wire	No Reference	9/22/2022	1,329.00	State of Washington Department of Licensing - Remit-To: DOL - Seattle Remit	
Supplier Payment	Manual Wire	No Reference	9/23/2022	7,532.17	ICMA 401A	
Supplier Payment	Manual Wire	No Reference	9/23/2022	245,524.87	ICMA Corp	
Supplier Payment	Manual Wire	No Reference	9/23/2022	683.00	Oregon SDU	
Supplier Payment	Manual Wire	No Reference	9/23/2022	48,179.66	State of Washington Department of Retirement System (PERS)	
Supplier Payment	Manual Wire	No Reference	9/23/2022	963.28	Vancouver Fire Command Officers	
Supplier Payment	Manual Wire	No Reference	9/23/2022	24,661.98	Vancouver Firefighters Union Health & Welfare Trust	
Supplier Payment	Manual Wire	No Reference	9/23/2022	5,467.16	Washington SDU	
Supplier Payment	Manual Wire	No Reference	9/23/2022	20,100.00	Washington State Firefighters	
Supplier Payment	Manual Wire	No Reference	9/23/2022	18,512.32	Western States Health & Welfare Trust	
			Manual Wire Total	1,170,537.11		
Supplier Payment	EFT	EFT-00162361	9/22/2022	5,905.91	HDR Engineering Inc - Remit-To: HDR Engineering - Chicago	
Supplier Payment	EFT	EFT-00162362	9/22/2022	4,666.23	North Side Electric Inc	
Supplier Payment	EFT	EFT-00162363	9/22/2022	581.52	Pitney Bowes Inc	
Supplier Payment	EFT	EFT-00162364	9/22/2022	6,750.00	Arbutus Consulting LLC	
Supplier Payment	EFT	EFT-00162365	9/22/2022	300.00	Rotschy Inc	
Supplier Payment	EFT	EFT-00162366	9/22/2022	4,775.00	MacKay Sposito Inc	
Supplier Payment	EFT	EFT-00162367	9/22/2022	3,340.00	Economic Consultants Oregon Ltd	
Supplier Payment	EFT	EFT-00162368	9/22/2022	53,437.80	EGM, Inc.	
Supplier Payment	EFT	EFT-00162369	9/22/2022	8,463.74	Living Hope Church	
Supplier Payment	EFT	EFT-00162370	9/22/2022	3,162.43	Eagle Newspaper Inc	
Supplier Payment	EFT	EFT-00162371	9/22/2022	2,711.49	Del Sol Inc	
Supplier Payment	EFT	EFT-00162372	9/22/2022	61,935.36	Jacobs Engineering Group Inc	
Supplier Payment	EFT	EFT-00162373	9/22/2022	1,518.43	Workforce Southwest Washington	
Supplier Payment	EFT	EFT-00162374	9/22/2022	57,472.00	Angelo Property Co., LP - Remit-To: Angelo Property Co., LP	
Supplier Payment	EFT	EFT-00162375	9/22/2022	828.00	Universal Field Services Inc	
Supplier Payment	EFT	EFT-00162376	9/22/2022	169.95	Praxair Distribution Inc	
Supplier Payment	EFT	EFT-00162377	9/22/2022	175,126.03	Halme Excavating Inc	
Supplier Payment	EFT	EFT-00162378	9/22/2022	113,633.75	Share Inc	
Supplier Payment	EFT	EFT-00162379	9/22/2022	1,381.83	Waxie's Enterprises Inc	
Supplier Payment	EFT	EFT-00162380	9/22/2022	24,062.59	Consolidated Electrical Distribution	
Supplier Payment	EFT	EFT-00162381	9/22/2022	3,200.75	Terracon Consultants Inc	
Supplier Payment	EFT	EFT-00162382	9/22/2022	40.73	Ziply Fiber	
Supplier Payment	EFT	EFT-00165929	9/23/2022	13,178.41	Allegiance Benefit Plan Management Inc	
Supplier Payment	EFT	EFT-00165930	9/23/2022	950.40	Vancouver Command Guild	
Supplier Payment	EFT	EFT-00165931	9/23/2022	24,625.17	IAFF Local #452	
Supplier Payment	EFT	EFT-00165932	9/23/2022	148.68	Legal Shield	
Supplier Payment	EFT	EFT-00165933	9/23/2022	10,384.07	Vancouver Police Officer Guild	

INVOICE PAYMENTS REPORT

<u>Payment Category</u>	<u>Payment Type</u>	<u>Check Number</u>	<u>Payment Date</u>	<u>Payment Amount</u>	<u>Payment Payee</u>	<u>Payment Memo if applicable</u>
			EFT Total	582,750.27		
Cash Advance Payment	Direct Deposit	EFT-00162345	9/22/2022	158.50	Joseph Graaff	Travel Advance
Cash Advance Payment	Direct Deposit	EFT-00162346	9/22/2022	206.50	Sean Suarez	Travel Advance
Cash Advance Payment	Direct Deposit	EFT-00162347	9/22/2022	185.50	Sean Donaldson	Travel Advance
Cash Advance Payment	Direct Deposit	EFT-00162348	9/22/2022	158.50	Brian Viles	Travel Advance
Cash Advance Payment	Direct Deposit	EFT-00162349	9/22/2022	235.50	Robert Block	Travel Advance
Cash Advance Payment	Direct Deposit	EFT-00162350	9/22/2022	265.50	Nathan Leek	Travel Advance
Cash Advance Payment	Direct Deposit	EFT-00162351	9/22/2022	90.00	Morgan Wells	Travel Advance
Cash Advance Payment	Direct Deposit	EFT-00162352	9/22/2022	265.50	Jean Singer	Travel Advance
Expense Payment	Direct Deposit	EFT-00162353	9/22/2022	19.00	Ty Stober	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00162354	9/22/2022	22.10	Robert Givens	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00162355	9/22/2022	201.25	Kaleb Carmony	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00162356	9/22/2022	71.00	Rebecca Small	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00162357	9/22/2022	212.10	Arunbir Singh	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00162358	9/22/2022	49.25	Vlad Ghip	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00162359	9/22/2022	201.25	Nick Johnson	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00162360	9/22/2022	1,622.28	Emily Benoit	Employee Reimbursement
			Direct Deposit Total	3,963.73		
Miscellaneous Payment	Check	6205	9/21/2022	309.00	Antoinette Lopes	LUP-82803 (jobsite: 2701 Washington Street)
Miscellaneous Payment	Check	6206	9/21/2022	500.00	Blanca Enciso Aguilar (Inactive)	Damage Deposit Refund
Miscellaneous Payment	Check	6207	9/21/2022	68.64	Capstone Solutions Inc	MPE-325872 (jobsite: 2305 SE 146th Avenue)
Miscellaneous Payment	Check	6208	9/21/2022	61.47	Elevate NW Electric	MPE-318645 (jobsite: 5116 NE 76TH AVE)
Miscellaneous Payment	Check	6209	9/21/2022	55.00	Fazzolari Custom Homes Inc	RES-326553 (jobsite: 5535 E Evergreen Blvd Unit 7405)
Miscellaneous Payment	Check	6210	9/21/2022	437.60	James Geddes	RES-325582
Miscellaneous Payment	Check	6211	9/21/2022	61.47	Metro Overhead Door Inc	MPE-318353
Miscellaneous Payment	Check	6212	9/21/2022	86.40	Point Monitor Corporation	FRI-318406
Miscellaneous Payment	Check	6213	9/21/2022	1.75	Professional Credit Service	REFUND - inv# 25723
Miscellaneous Payment	Check	6214	9/21/2022	250.00	Special Olympics of SW Washington	Damage Deposit Refund
Miscellaneous Payment	Check	6215	9/21/2022	30.00	Susan L Davis (Inactive)	Voucher #2009827.030

INVOICE PAYMENTS REPORT

<u>Payment Category</u>	<u>Payment Type</u>	<u>Check Number</u>	<u>Payment Date</u>	<u>Payment Amount</u>	<u>Payment Payee</u>	<u>Payment Memo if applicable</u>
Miscellaneous Payment	Check	6216	9/21/2022	178.93	Wire Nutz Electrical Svcs LLC	RES-326480
Ad Hoc Payment	Check	6217	9/21/2022	609.26	Appleby,Mark	Utility Refunds: 0064020300-08
Ad Hoc Payment	Check	6218	9/21/2022	102.28	Ballard,Demetria	Utility Refunds: 0104100016-05
Ad Hoc Payment	Check	6219	9/21/2022	54.86	Bristow,Nicholas	Utility Refunds: 0000005788-03
Ad Hoc Payment	Check	6220	9/21/2022	154.00	Bruno or Sharon Bianco	Utility Refunds: 0000008979-03 Consolidated refund created from multiple refunds
Ad Hoc Payment	Check	6221	9/21/2022	39.31	Chavez,Tara or Carlos	Utility Refunds: 0028004700-26
Ad Hoc Payment	Check	6222	9/21/2022	112.19	Cheng Ting or Hsiu Li Chiang Shih	Utility Refunds: 0080012000-10
Ad Hoc Payment	Check	6223	9/21/2022	140.02	Elston,Jack	Utility Refunds: 0130002522-01
Ad Hoc Payment	Check	6224	9/21/2022	103.38	Estate of Joan Chernova	Utility Refunds: 0000002512-01
Ad Hoc Payment	Check	6225	9/21/2022	169.18	Forgacs,Scott	Utility Refunds: 0128000296-06 Consolidated refund created from multiple refunds
Ad Hoc Payment	Check	6226	9/21/2022	101.96	Gordon or Andrea Noren	Utility Refunds: 0000007447-02
Ad Hoc Payment	Check	6227	9/21/2022	291.28	Gorsline,Lyonie	Utility Refunds: 0149001240-12
Ad Hoc Payment	Check	6228	9/21/2022	38.81	Hong,Wen Yu	Utility Refunds: 0080012000-10
Ad Hoc Payment	Check	6229	9/21/2022	356.66	Kelly Guan or Kevin Ye	Utility Refunds: 0101001608-03
Ad Hoc Payment	Check	6230	9/21/2022	232.02	Leake,James or Melinda	Utility Refunds: 0126006500-01
Ad Hoc Payment	Check	6231	9/21/2022	384.88	Mar Investments Enterprises	Utility Refunds: 0070002138-02 Consolidated refund created from multiple refunds
Ad Hoc Payment	Check	6232	9/21/2022	565.22	McDonald Excavating Inc	Utility Refunds: 0000006963-07
Ad Hoc Payment	Check	6233	9/21/2022	265.52	Nancy J Darrah Testamentary Trust	Utility Refunds: 0020021405-02
Ad Hoc Payment	Check	6234	9/21/2022	80.07	NEI Relocation Company	Utility Refunds: 0000003327-04
Ad Hoc Payment	Check	6235	9/21/2022	136.00	Peterson,Lisa or David	Utility Refunds: 0116031020-02 Consolidated refund created from multiple refunds
Ad Hoc Payment	Check	6236	9/21/2022	20.44	Portman,Natasha	Utility Refunds: 0000001617-04
Ad Hoc Payment	Check	6237	9/21/2022	113.19	Ridenour,Brenda or Randy	Utility Refunds: 0092001100-12
Ad Hoc Payment	Check	6238	9/21/2022	218.00	Scott Forgacs or Brianna Forgacs	Utility Refunds: 0128000296-06
Ad Hoc Payment	Check	6239	9/21/2022	41.70	Silveria,Paul	Utility Refunds: 0084015076-03
Ad Hoc Payment	Check	6240	9/21/2022	47.20	Silveria,Paul	Utility Refunds: 0098023700-05
Ad Hoc Payment	Check	6241	9/21/2022	84.64	Snapp,Michelle	Utility Refunds: 0015003510-02
Ad Hoc Payment	Check	6242	9/21/2022	50.27	Timothy or Theresa McGuigan	Utility Refunds: 0000004919-02
Ad Hoc Payment	Check	6243	9/21/2022	5,729.57	TOUCHMARK	Utility Refunds: 0500005569-01 Consolidated refund created from multiple refunds
Ad Hoc Payment	Check	6244	9/21/2022	545.52	TOUCHMARK	Utility Refunds: 0500005077-01 Consolidated refund created from multiple refunds
Ad Hoc Payment	Check	6245	9/21/2022	559.32	Walker,Shannon	Utility Refunds: 0000002251-03
Ad Hoc Payment	Check	6246	9/21/2022	120.00	Zhang,Hui	Utility Refunds: 0000008593-03 Consolidated refund created from multiple refunds
Supplier Payment	Check	6247	9/21/2022	5,197.50	Action Onsite Inc	
Supplier Payment	Check	6248	9/21/2022	437.36	Airgas, Inc	
Supplier Payment	Check	6249	9/21/2022	279.00	Allegiance Benefit Plan Management Inc	
Supplier Payment	Check	6250	9/21/2022	200.00	American Medical Response Northwest Inc - Remit-To: AMR - Vancouver	
Supplier Payment	Check	6251	9/21/2022	275.00	American Payroll Institute, Inc.	
Supplier Payment	Check	6252	9/21/2022	136.00	American Sani-Can	
Supplier Payment	Check	6253	9/21/2022	138.07	Aramark Uniform & Career Apparel LLC - Remit-To: Aramark - Pasadena	
Supplier Payment	Check	6254	9/21/2022	12,987.45	Arborscape Ltd Inc	
Supplier Payment	Check	6255	9/21/2022	3,353.75	BERK Consulting, Inc	
Supplier Payment	Check	6256	9/21/2022	3,140.62	BHC Consultants LLC	
Supplier Payment	Check	6257	9/21/2022	18,695.88	Brightview Holdings Inc	

INVOICE PAYMENTS REPORT

<u>Payment Category</u>	<u>Payment Type</u>	<u>Check Number</u>	<u>Payment Date</u>	<u>Payment Amount</u>	<u>Payment Payee</u>	<u>Payment Memo if applicable</u>
Supplier Payment	Check	6258	9/21/2022	10,159.35	Brown & Wilson Partnership LLC	
Supplier Payment	Check	6259	9/21/2022	75,000.00	Cascade Fire Equipment	
Supplier Payment	Check	6260	9/21/2022	15,797.14	CECO Inc	
Supplier Payment	Check	6261	9/21/2022	42.08	Cellco Partnership - Remit-To: Cellco - Dallas	
Supplier Payment	Check	6262	9/21/2022	15,536.38	CFM Strategic Communications, Inc.	
Supplier Payment	Check	6263	9/21/2022	750.00	Chanmi Development LLC	
Supplier Payment	Check	6264	9/21/2022	1,460.13	Chicago Title Company of WA	
Supplier Payment	Check	6265	9/21/2022	3,366.52	Clark County - Remit-To: Clark County - Treasurer Vancouver	
Supplier Payment	Check	6266	9/21/2022	364.09	Clark Public Utility District No. 1	
Supplier Payment	Check	6267	9/21/2022	602.42	Clark Public Utility District No. 1	
Supplier Payment	Check	6268	9/21/2022	692.87	Clark Public Utility District No. 1	
Supplier Payment	Check	6269	9/21/2022	828.90	Clark Public Utility District No. 1	
Supplier Payment	Check	6270	9/21/2022	535.81	Clark Public Utility District No. 1	
Supplier Payment	Check	6271	9/21/2022	481,003.82	Clark Public Utility District No. 1	
Supplier Payment	Check	6272	9/21/2022	2,574.11	Clark Public Utility District No. 1	
Supplier Payment	Check	6273	9/21/2022	42,520.98	Clary Longview LLC	
Supplier Payment	Check	6274	9/21/2022	3,888.10	Code Publishing Co	
Supplier Payment	Check	6275	9/21/2022	3,392.02	Columbia Resource Company	
Supplier Payment	Check	6276	9/21/2022	245.11	Comcast Holdings Corporation - Remit-To: Comcast Business - City of Industry	
Supplier Payment	Check	6277	9/21/2022	95.88	Comcast Holdings Corporation - Remit-To: Comcast Business - City of Industry	
Supplier Payment	Check	6278	9/21/2022	113.55	Comcast Holdings Corporation - Remit-To: Comcast Business - City of Industry	
Supplier Payment	Check	6279	9/21/2022	118.55	Comcast Holdings Corporation - Remit-To: Comcast Business - City of Industry	
Supplier Payment	Check	6280	9/21/2022	118.55	Comcast Holdings Corporation - Remit-To: Comcast Business - City of Industry	
Supplier Payment	Check	6281	9/21/2022	188.29	Comcast Holdings Corporation - Remit-To: Comcast Business - City of Industry	
Supplier Payment	Check	6282	9/21/2022	151.11	Comcast Holdings Corporation - Remit-To: Comcast Business - City of Industry	
Supplier Payment	Check	6283	9/21/2022	108.29	Comcast Holdings Corporation - Remit-To: Comcast Business - City of Industry	
Supplier Payment	Check	6284	9/21/2022	193.29	Comcast Holdings Corporation - Remit-To: Comcast Business - City of Industry	
Supplier Payment	Check	6285	9/21/2022	113.55	Comcast Holdings Corporation - Remit-To: Comcast Business - City of Industry	
Supplier Payment	Check	6286	9/21/2022	19,438.48	Comcast Holdings Corporation - Remit-To: Comcast Holdings Corporation - Philadelphia	
Supplier Payment	Check	6287	9/21/2022	211.18	Corporate Translation Services Inc	
Supplier Payment	Check	6288	9/21/2022	3,401.40	CyberSource Corporation - Remit-To: CyberSource - Los Angeles	
Supplier Payment	Check	6289	9/21/2022	440.10	Distinctive Landscape LLC	
Supplier Payment	Check	6290	9/21/2022	1,731.85	Epic Land Solutions, Inc.	
Supplier Payment	Check	6291	9/21/2022	275.00	ERF Company Inc	
Supplier Payment	Check	6292	9/21/2022	2,348.90	Eric Atwell	
Supplier Payment	Check	6293	9/21/2022	8,935.28	Esther Short Commons LLP	
Supplier Payment	Check	6294	9/21/2022	188.00	Evergreen Orchards LLC	
Supplier Payment	Check	6295	9/21/2022	900.00	Evergreen School District 114	
Supplier Payment	Check	6296	9/21/2022	2,173.75	FFA Architecture and Interiors, Inc	
Supplier Payment	Check	6297	9/21/2022	17,355.67	General Pacific Inc	

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Supplier Payment	Check	6298	9/21/2022	667.94	Genuine Parts Company - Remit-To: NAPA - Vancouver	
Supplier Payment	Check	6299	9/21/2022	1,020.75	Gray & Osborne Inc	
Supplier Payment	Check	6300	9/21/2022	16,837.50	GSI Water Solutions, Inc.	
Supplier Payment	Check	6301	9/21/2022	63,873.79	Halbert Construction Services LLC	
Supplier Payment	Check	6302	9/21/2022	11,059.93	H D Fowler Company Inc	
Supplier Payment	Check	6303	9/21/2022	11,353.90	Herrera Environmental Consultants Inc	
Supplier Payment	Check	6304	9/21/2022	585.00	International Municipal Lawyers Association, Inc.	
Supplier Payment	Check	6305	9/21/2022	13,567.50	J.S. Held LLC	
Supplier Payment	Check	6306	9/21/2022	50.00	J D Fulwiler & Company Insurance Inc.	
Supplier Payment	Check	6307	9/21/2022	66,479.74	Kar-Gor Inc	
Supplier Payment	Check	6308	9/21/2022	40,691.06	KBT Distributing LLC	
Supplier Payment	Check	6309	9/21/2022	4,042.90	Keller Associates Inc	
Supplier Payment	Check	6310	9/21/2022	550.00	Kelley Connect Co	
Supplier Payment	Check	6311	9/21/2022	12,720.50	Kennedy Jenks Consultants - Remit-To: Kennedy Jenks Consulting	
Supplier Payment	Check	6312	9/21/2022	4,517.51	Kittelson & Associates Inc	
Supplier Payment	Check	6313	9/21/2022	4,860.00	Kramer Gehlen & Associates	
Supplier Payment	Check	6314	9/21/2022	6,493.06	Lasko Printing Specialties Inc	
Supplier Payment	Check	6315	9/21/2022	389.48	MacKay Meters inc	
Supplier Payment	Check	6316	9/21/2022	4,304.92	Mascott Equipment Co	
Supplier Payment	Check	6317	9/21/2022	1,049.74	Mini Mix Concrete Inc	
Supplier Payment	Check	6318	9/21/2022	20,433.00	Murraysmith Inc	
Supplier Payment	Check	6319	9/21/2022	600.00	Nagra & Atwal Corporation	
Supplier Payment	Check	6320	9/21/2022	4,626.88	National Park Service - Remit-To: National Park Service - Pearson Lease	
Supplier Payment	Check	6321	9/21/2022	1,677.82	Northwest Natural Gas Company - Remit-To: NW Natural - Portland	
Supplier Payment	Check	6322	9/21/2022	7,397.53	Northwest Staffing Resources Inc - Remit-To: NW Staffing - Portland	
Supplier Payment	Check	6323	9/21/2022	9,026.04	Owen Equipment Co - Remit-To: Supplier Owen Equipment Co	
Supplier Payment	Check	6324	9/21/2022	2,078.60	Pacific Northwest Pollution Prevention Resources Center	
Supplier Payment	Check	6325	9/21/2022	937.50	PathologyExpert, Inc.	
Supplier Payment	Check	6326	9/21/2022	15,497.88	PBS Engineering and Environmental Inc	
Supplier Payment	Check	6327	9/21/2022	167,631.70	PC Specialists Inc - Remit-To: TIG - San Diego	
Supplier Payment	Check	6328	9/21/2022	150.00	Portland Adventist Medical Center	
Supplier Payment	Check	6329	9/21/2022	12,013.93	Qwest Corporation - Remit-To: Qwest Corp- Seattle	
Supplier Payment	Check	6330	9/21/2022	744.66	RH2 Engineering, Inc.	
Supplier Payment	Check	6331	9/21/2022	891.54	Software House International SHI - Remit-To: SHI - Dallas	
Supplier Payment	Check	6332	9/21/2022	620.62	Speed's Towing of Vancouver	
Supplier Payment	Check	6333	9/21/2022	521.84	State of Washington Department of Transportation	
Supplier Payment	Check	6334	9/21/2022	20.72	Stericycle Inc	
Supplier Payment	Check	6335	9/21/2022	4,250.00	Superior Fence & Construction, Inc.	
Supplier Payment	Check	6336	9/21/2022	16,154.56	SwiftComply US OpCo Inc	
Supplier Payment	Check	6337	9/21/2022	14,447.84	The ADT Security Corporation	
Supplier Payment	Check	6338	9/21/2022	12,195.31	The Salvation Army	

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Supplier Payment	Check	6339	9/21/2022	181.84	Tierra Right of Way Services LTD	
Supplier Payment	Check	6340	9/21/2022	683.56	Towing & Recovering Services Inc	
Supplier Payment	Check	6341	9/21/2022	505.07	Triple J Enterprises	
Supplier Payment	Check	6342	9/21/2022	125.00	Tyler Markarian	
Supplier Payment	Check	6343	9/21/2022	504.00	Vancouver Aire LLC	
Supplier Payment	Check	6344	9/21/2022	162.76	W.B. Sprague Co. Inc.	
Supplier Payment	Check	6345	9/21/2022	353.62	Walter E Nelson Company	
Supplier Payment	Check	6346	9/21/2022	15,317.36	Waste Connections of Washington - Remit-To: Waste Connections - Vancouver	
Supplier Payment	Check	6347	9/21/2022	5,675.66	Western Water Works Supply Co Inc	
Supplier Payment	Check	6348	9/21/2022	400.00	Willis Towers Watson Insurance Services West inc	
Supplier Payment	Check	6349	9/21/2022	52.94	XPO Logistics Enterprise Services, Inc - Remit-To: XPO - Portland	
Supplier Payment	Check	6350	9/21/2022	2,282.68	Zayo Group Holding Inc - Remit-To: Zayo Group Holding Inc	
Supplier Payment	Check	6351	9/23/2022	7,132.48	Aflac	
Supplier Payment	Check	6352	9/23/2022	5,277.19	AFSCME Local #307	
Supplier Payment	Check	6353	9/23/2022	650.00	IAM Local #1374	
Supplier Payment	Check	6354	9/23/2022	8,383.43	Life Insurance Company of North America	
Supplier Payment	Check	6355	9/23/2022	475.00	MFS Service Center Inc	
Supplier Payment	Check	6356	9/23/2022	375.00	OPEIU Local #11	
Supplier Payment	Check	6357	9/23/2022	4,021.45	OPEIU Local #11	
Supplier Payment	Check	6358	9/23/2022	672.00	Teamsters Local #58	
Supplier Payment	Check	6359	9/23/2022	280.00	UA Local #290	
Supplier Payment	Check	6360	9/23/2022	3,331.50	Western Conference of Teamsters	
Supplier Payment	Check	6361	9/23/2022	1,239.24	Western Metal Industry Pension Plan	
			Check Total	1,390,823.11		
			Manual Wire Total	1,170,537.11		
			Direct Deposit Total	3,963.73		
			EFT Total	582,750.27		
			09/26/222	88,233.90	City Payments	Posted 09-19-22 to 09-25-22
			Hansen Total	88,233.90		
			9/26/2022	1,807.43	Miscellaneous	Parks Class Refunds FCC 09-19-22 to 09-25-22
			9/26/2022	810.17	Miscellaneous	Parks Class Refunds MCC 09-19-22 to 09-25-22
			VISA Total	2,617.60		
			Payroll Total	3,400,770.31		
			GRAND TOTAL	6,639,696.03		

City of Vancouver
Payroll Council Report
September 19, 2022 - September 25, 2022

Check No.	Date	Explanation	Amount
658 - 689	09/23/22	September 23rd Payroll	\$ 15,911.59
164156 - 165928	09/23/22	September 23rd Direct Deposits	\$ 3,384,858.72

\$ 3,400,770.31



Staff Report: 132-22

TO: Mayor and City Council

FROM: Eric Holmes, City Manager

DATE: 10/3/2022

SUBJECT Fossil Fuel Code Changes

Key Points

- The proposed code amendments seek to protect the public health and safety, environment, and foster a transition to cleaner fuels in alignment with the City's Climate Action goals;
- New bulk fossil fuel facilities, coal energy-generating facilities, and solid fuel yards would be prohibited in all zoning districts;
- Existing bulk fossil fuel facilities could be upgraded and maintained to ensure safe operations;
- Cleaner fuels would be specifically defined to include a number of types of liquid or gaseous fuels produced from renewable sources or that have low or no emissions;
- Capacity of existing bulk fossil fuel facilities could be expanded by 15% if switched to cleaner fuels, upgraded to seismic standards, and subject to approval of fire and spill response plans, among other requirements;
- Small fossil fuel storage and handling facilities of less than 60,000 gallons would be allowed in the IH, Heavy Industrial District, as a conditional use, and small cleaner fuel storage and handling facilities would be allowed in the IH District as a limited use;
- New cleaner fuel facilities of up to one million gallons capacity may be allowed by conditional use permit in the IH District in order to support the City's Climate Action Strategy and a transition away from fossil fuels

Strategic Plan Alignment

Goal 1: Ensure that our built urban environment is the safest, most environmentally responsible and well maintained in the Pacific Northwest

Action 2.2.1: Pursue strategies at the local, state and federal levels to preserve and enhance community safety by minimizing the opportunity for and mitigating the impact of transport of volatile commodities, such as crude oil and coal, through the City

Present Situation

In June 2020, City Council enacted a six-month moratorium on new or expanded large-scale fossil fuel facilities, based on concerns about potential impacts to local public and environmental health and safety and to climate change. It has been enacted to allow time to update the land use code standards for such uses and to align them with other planning efforts currently underway, such as the Vancouver Strategic Plan update, Climate Action Plan, and other Title 20 code amendments. The moratorium was extended four times by the City Council and is currently scheduled to expire on November 6, 2022.

Over the past two years, staff has consulted with fossil fuel industry experts, and engaged in a series of meetings with environmental advocates and fuel industry stakeholders including the Port of Vancouver and numerous representatives from several existing bulk fuel facilities, as well as the Planning Commission and City Council. Planning staff have tried where possible to incorporate input on specific code language to make the ordinance clearer and to balance the stated objectives of the Council with industry and environmental perspectives.

Six large oil storage or transshipment facilities exist in the City of Vancouver, four within the Port of Vancouver, one further west at Tidewater Barge, and one near Fruit Valley Road. Five of the facilities are within the IH, Heavy Industrial District and one is within the IL, Light Industrial District. All are located within areas susceptible to liquefaction in the event of an earthquake. All are located within the Fruit Valley Neighborhood in a census tract is identified by the State Department of Health being vulnerable to adverse health outcomes from environmental exposure due to lower median incomes, higher percentage of persons below the poverty line, higher percentage of Hispanic and non-white residents, and lower education attainment. Fruit Valley may be disproportionately impacted by the proposed ordinance because it contains most of the heavy industrially-zoned land in the City and is adjacent to a major railroad line; however, the ordinance attempts to address these issues by providing for extensive public review of individual applications to site a cleaner fuel facility and attaching stringent development standards related to health, safety and environmental protection.

The proposed ordinance has the potential to improve safety of existing facilities through seismic upgrades, and any new facilities would be heavily scrutinized for potential environmental or neighborhood impacts. A major improvement is that the proposed ordinance would ban new bulk fossil fuel facilities, coal energy facilities and solid fuel storage uses that would have been allowed in the IH District. Existing bulk fossil fuel facilities would be allowed to convert to cleaner fuels with minimal process and, as an incentive to transition away from fossil fuels, could expand capacity by up to 15% provided the facility meets seismic codes and other standards.

New small fossil fuel facilities less than 60,000 gallons total would be allowed in the IH Heavy Industrial District as a conditional use, which requires a public hearing to consider specific impacts. New small cleaner fuel facilities less than 60,000 gallons total would be allowed as a limited use in the IH District, subject to administrative approval (no hearing). Both categories of small fuel facility uses would additionally be required to comply with an extensive list of development standards to reduce impacts, including:

- Minimum 1,000' buffer from residential zoning
- Construction to seismic standards; approval of fire response and spill control plans
- Greenhouse gas (GHG) emission study required
- Financial assurance in case of accident required
- Annual report to City regarding capacity, shipment activity/type required
- Permit oversight by the Southwest Washington Clean Air Agency and WA Department of Ecology

Following a public hearing on September 13, 2022, the Planning Commission voted 3-1 to recommend approval of the proposed ordinance to City Council.

Advantage(s)

- Ordinance will codify land use regulations that prohibit bulk fossil fuel facilities and other related uses, which is an identified outcome of the moratorium;
- Ordinance will allow existing fossil fuel facilities to be maintained and upgraded, and an allowed modest increase in capacity is intended to incentivize a conversion to cleaner fuel and upgrade to seismic standards;
- Ordinance will allow for cleaner fuel storage and handling facilities subject to extensive public review and specific development standards in order to promote a transition to cleaner fuels locally.

Disadvantage(s)

New cleaner fuels, which are considered better for the climate than fossil fuels, nonetheless have similar properties and risks from fire and spills; however, the proposed development standards will reduce the likelihood of impacts to the community.

Budget Impact

No budget impact anticipated.

Prior Council Review

- June 8, 2020: Initial six month moratorium enacted
- December 7, 2020: Moratorium extended
- May 17, 2021: Moratorium extended
- December 8, 2021: Moratorium extended
- May 23, 2022: Moratorium extended
- August 1, 2022 Workshop
- September 12, 2022 Workshop
- September 26, 2022 Consent Agenda

Action Requested

On October 3, 2022, subject to second reading and public hearing, approve the ordinance.

Chad Eiken, Community Development Director, 360-487-7882

ATTACHMENTS:

- ▣ Staff presentation
- ▣ Fossil Fuel CC Staff Report
- ▣ Exhibit A: Ordinance, Fossil Fuel Code Amendments
- ▣ Exhibit B Initial Moratorium Ordinance
- ▣ Exhibit C Initial SEPA DNS August 2021

- ▣ Exhibit D SEPA Revised Checklist August 2022
- ▣ Exhibit E SEPA Comment WSPA
- ▣ Exhibit F SEPA Comment ACE
- ▣ Exhibit G SEPA Comment POV
- ▣ Exhibit H City Responses to SEPA Comments
- ▣ Exhibit I Public Comments (Compiled)
- ▣ Exhibit J: Draft Planning Commission Minutes 13Sep2022

Fossil Fuel Facilities Proposed Code Changes

October 3, 2022
City Council
Public Hearing

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

BERK Consulting
Lisa Grueter
Jason Hennessy

Presentation Overview

- Fossil Fuel Moratorium Background
- Prior Council and PC Review
- Proposed Code Changes
- Existing Facilities
- Key Policy Issues
- Summary of Public Comments
- Staff Analysis
- Planning Commission Recommendation



Fossil Fuel Facility Moratorium Background

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

Prior Council and Planning Commission Review

June 2020 City Council enacted moratorium	May 25, 2021 Planning Commission workshop	July 27, 2021 Planning Commission workshop	March 8, 2022 Planning Commission workshop
June 6, 2022 City Council extension of moratorium	July 12, 2022 Planning Commission workshop	August 1, 2022 Sept. 12, 2022 City Council workshops	Sept. 13, 2022 Planning Commission public hearing

Proposed Fossil Fuel Code Changes (VMC Title 20)



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

- Bulk Fossil Fuel
- Cleaner Fuel
- Small Fossil and Cleaner Fuel

Add definition of Cleaner Fuel

Liquid or gaseous fuels produced from renewable sources or that have low or no emissions...(with 7 specific types)

Proposed Fossil Fuel Ordinance (VMC Title 20)

Bulk Fossil Fuel Facilities

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

Cleaner Fuel Facilities

- Allows new Cleaner Fuel Facilities up to 1M gallons total capacity in the IH District subject to conditional use permit and specific development standards

Small Fossil and Cleaner Fuel Facilities

- <60,000 gallons capacity
- Small cleaner fuel facilities allowed in the IH Heavy Industrial District as limited use subject to specific standards
- Small fossil fuel facilities allowed in IH District as conditional use subject to special conditions

Proposed Fossil Fuel Code Changes (VMC Title 20)



Add new Special Use Standards as VMC 20.895.110

For new or expanded bulk (cleaner fuel) facilities:

- Seismic upgrades required
- Spill and fire response plans
- Located at least 1,000 feet from residential zoning district
- Greenhouse gas assessment
- Financial assurance in case of accident
- Annual report regarding type and quantities of fuel

Proposed Fossil Fuel Code Changes (VMC Title 20)

Code “Clean-up” Amendments

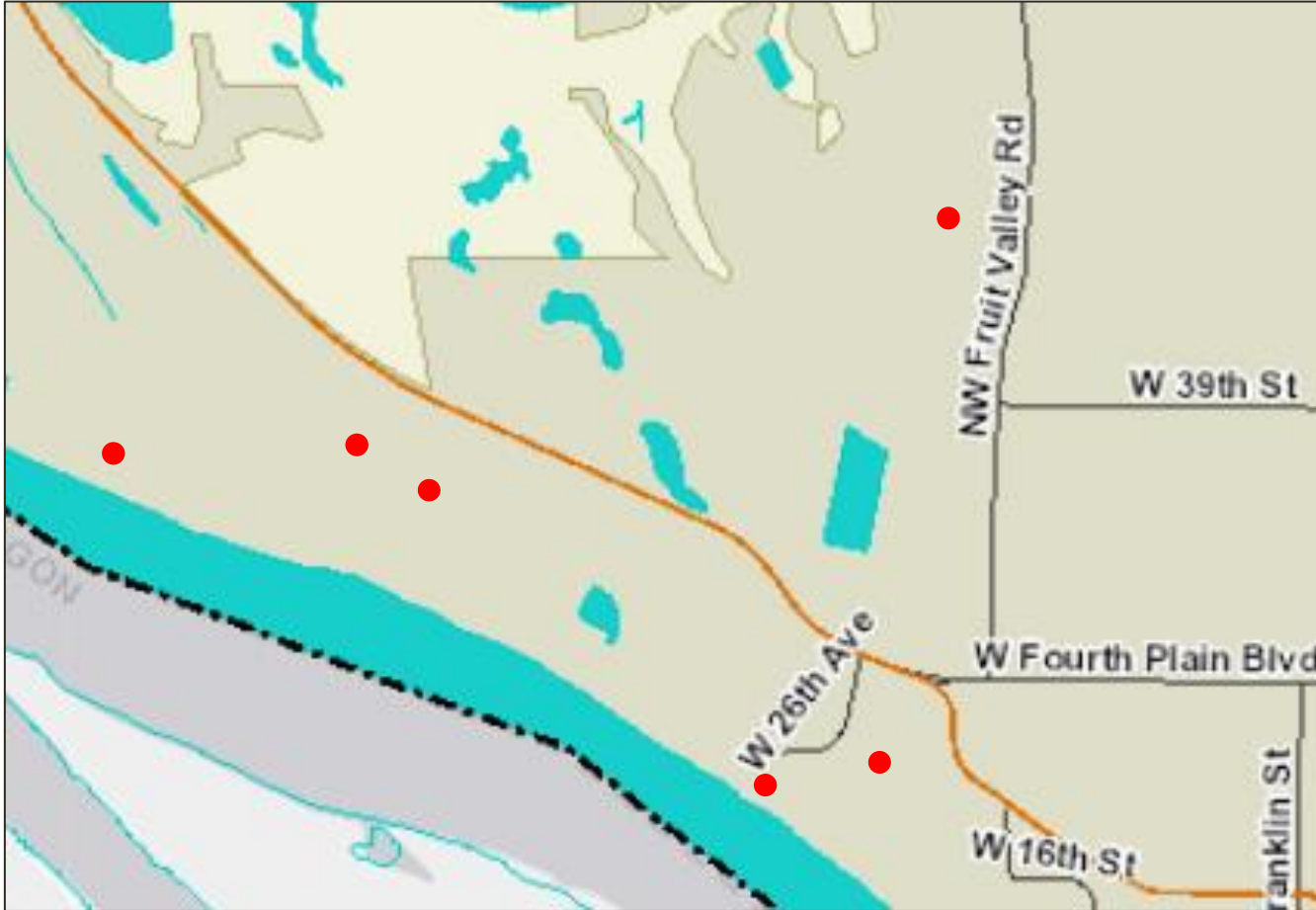
- Delete solid fuel (e.g., coal) storage yards from Industrial Services land use description
- Delete reference to coal-fired electricity generation facility as an example of major utility facilities
- Delete use category “bulk crude storage” to be replaced by bulk fossil fuel storage and handling facilities

Proposed Fossil Fuel Code Changes (VMC Title 20)

Changes to Initial Public Draft in response to Comments Received

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

Existing Bulk Fossil Fuel Facilities



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

Existing Bulk Fossil Fuel Facilities

Trillium CNG a.k.a.

NuStar Annex located at
5420 NW Fruit Valley Rd.

- Compressed Natural Gas Facility
- Zoned IL, Light Industrial



Existing Bulk Fossil Fuel Facilities

Tidewater Barge Lines (Class 1)

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



Existing Bulk Fossil Fuel Facilities



NGL Energy Partners

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

TriStar Fuel Transfer Facility

- Container loading and unloading services for propane and butane

Existing Bulk Fossil Fuel Facilities

Tesoro (Class 1)

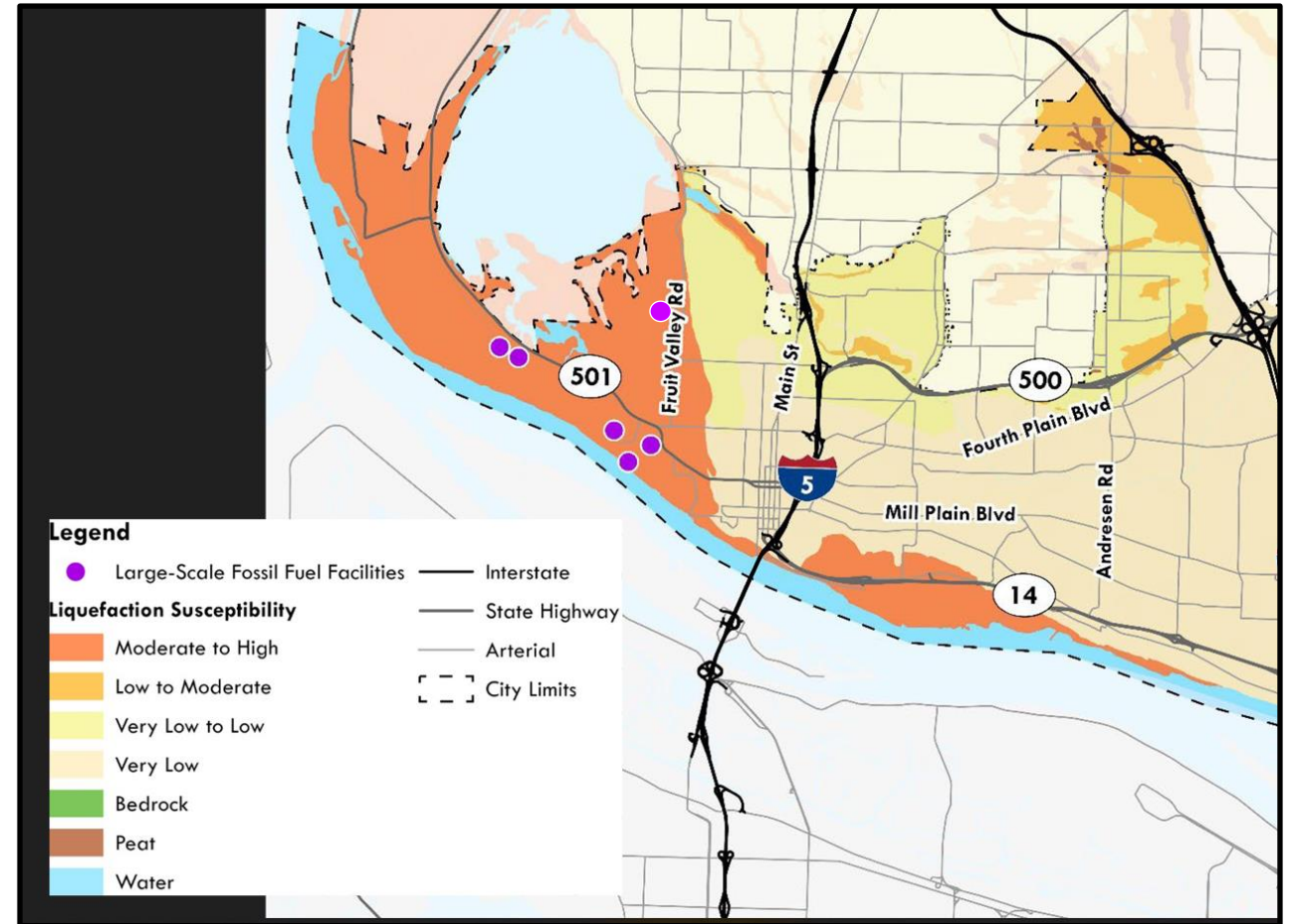
- 6.4 M gal diesel
- 5.1 M gal gasoline
- Misc. ethanol, B-1, less than 20 K gal

NuStar Energy (Class 1)

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

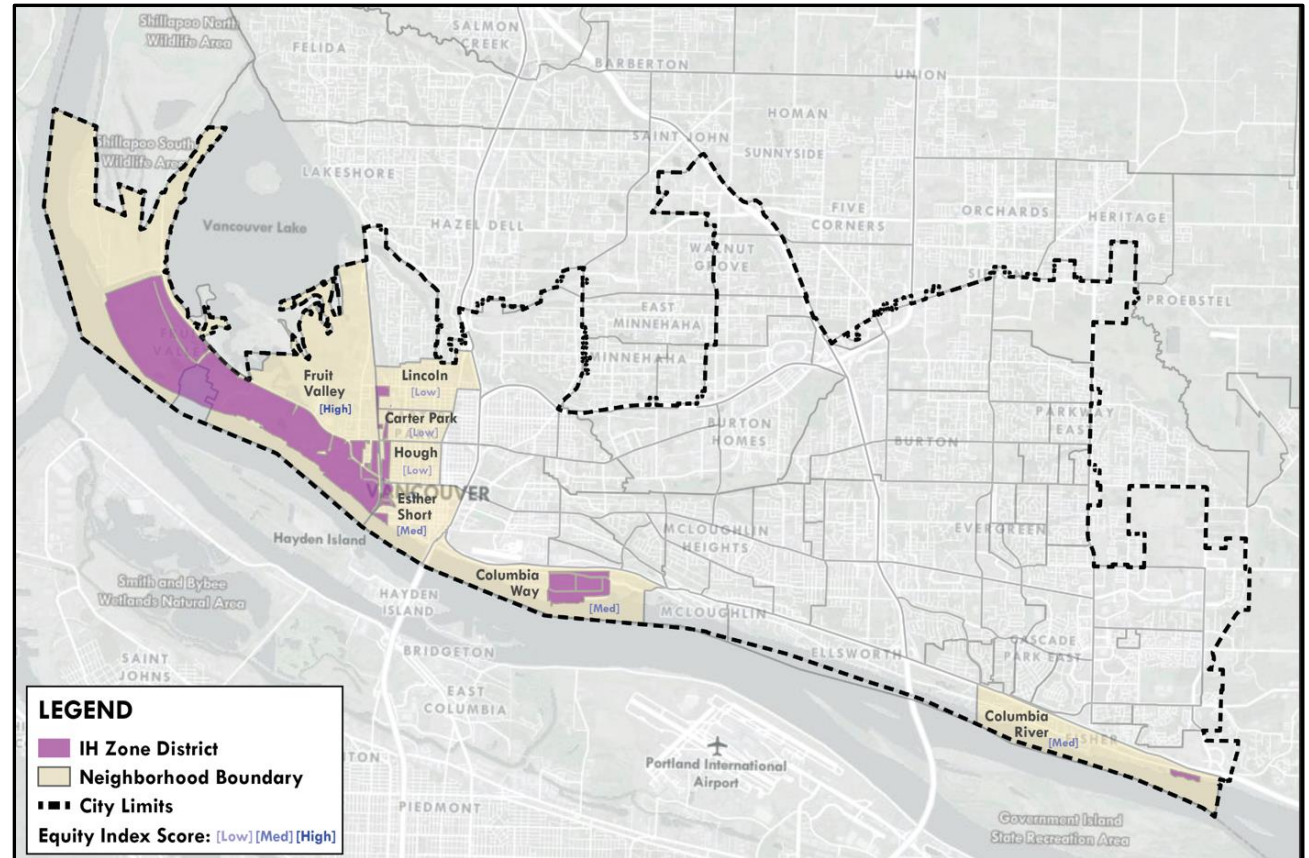
Liquefaction Susceptibility Map

- All six existing bulk facilities are located in an area of unconsolidated soils
- Moderate to high susceptibility to liquefaction impacts in the event of an earthquake
- All new facilities would need to be designed and built to seismic standards; upgrades to existing structures allowed

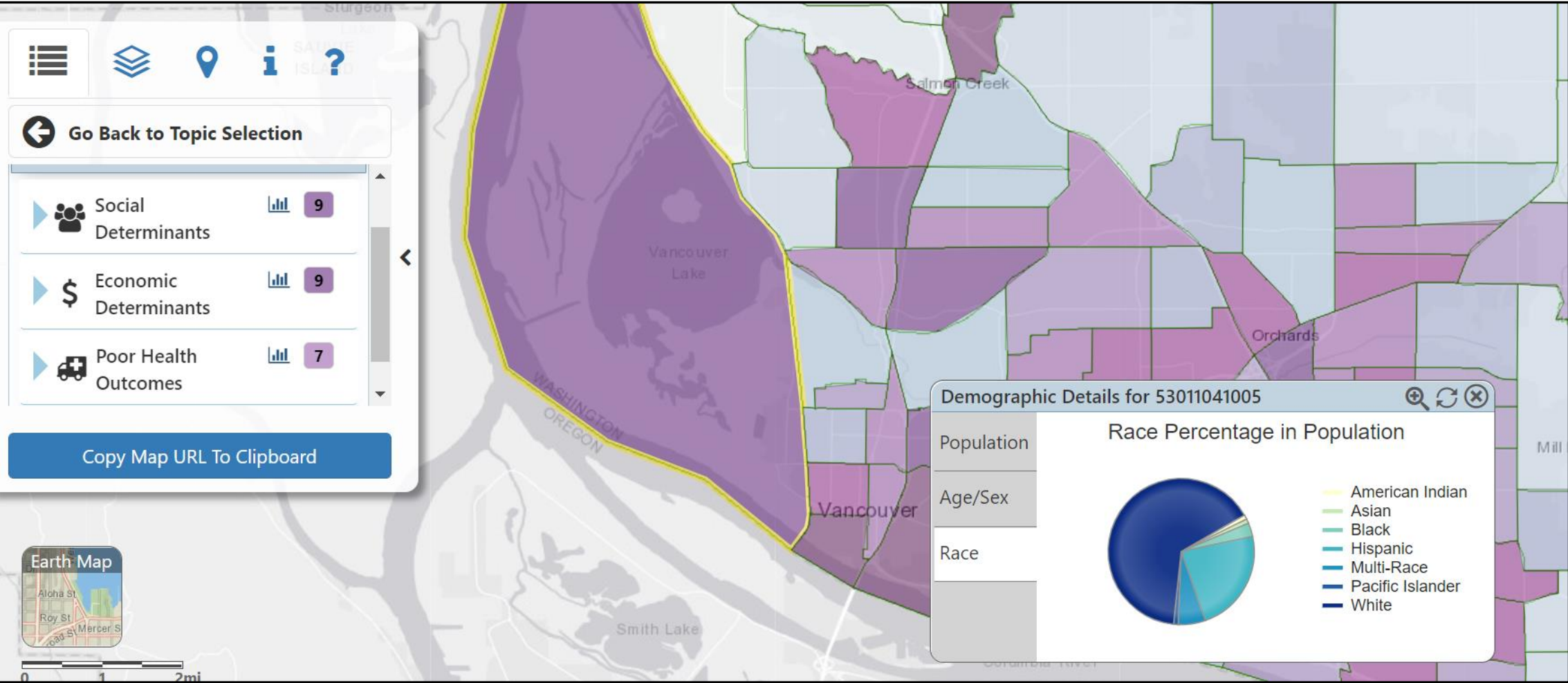


Heavy Industrial (IH) District and Equity Map

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



Health Disparities Index [Source: WA State Dept. of Health]



Health Disparities Discussion

- Fruit Valley Neighborhood includes the Port and most of the land zoned for heavy industrial uses in the city
- In addition to having a vulnerable population, the census tract for FVNA ranks medium to high for environmental exposures and environmental effects
- Other neighborhoods also have high equity and poor health outcomes. Evaluating this in the upcoming Comp Plan Update/Climate Action Plan is a high priority
- New cleaner fuel facilities would be heavily scrutinized for impacts, and development standards are intended to minimize potential health and environmental impacts

Key Land Use Policy Issues

1. Should small fuel facilities (< 60,000 gallons) be allowed in the IH District as a limited use with specific development standards instead of a conditional use? (PC said yes to cleaner fuels as limited use, fossil fuels as a conditional use)
2. Should new cleaner fuel facilities of up to 1 million gallons be allowed in the IH District as a conditional use subject to specific development standards? (PC said yes)

Limited Use vs. Conditional Use Permit

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

Stakeholder Outreach

- Port of Vancouver and NuStar (tenant)
- Western States Petroleum Association (WSPA)
- Tidewater
- SW Washington Beyond Fossil Fuel Task Force
- Friends of the Gorge
- Physicians for Social Responsibility
- NW Natural
- Columbia Riverkeeper (ACE)
- Washington Environmental Council (ACE)
- Stand Up to Oil Coalition (ACE)
- Sierra Club Loo Wit (ACE)
- Fruit Valley Neighborhood Association



Summary of Public Comments

Environmental advocates

- Emphasis should be on public safety over climate action
- Should not allow new cleaner fuel facilities until more is known about impacts to community
- If allowed, should only be by conditional use

Fuel-industry related advocates

- Concern about City regulating a commodity (fuel)
- Conditional use permit will inhibit innovation and transition to cleaner fuels
- GHG emission study would go beyond direct facility
- Annual report requirement may disclose proprietary information

SEPA

(State Environmental Policy Act)

- Prior SEPA completed in 2021, withdrawn to allow for further analysis
- New SEPA DNS issued in August 2022
- Three SEPA Comment Letters Received by deadline:
 - Washington State Petroleum Association
 - Port of Vancouver
 - ACE
- Deadline to File SEPA Procedural Appeal was 9/13/22; no appeal was filed

Staff Analysis & Summary

Proposed Fossil Fuel Code Changes

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

Planning Commission Recommendation

9.13.22 Public Hearing



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



Next Steps

- October 3: City Council Public Hearing; Council Adoption of Ordinance
- November 5: Ordinance takes effect
- November 8: Moratorium expires

Questions and Discussion

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

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



TO: City Council
FROM: Chad Eiken, Director, Community Development; Bryan Snodgrass, Principal Planner, Community Development
SUBJECT: **City Council Staff Report: Fossil Fuel Ordinance**

Report Date: 9/26/2022
Hearing Date: 10/3/2022
Proposal: Updates to VMC Title 20, Land Use and Development Code, regarding the regulation of fossil fuel uses
Location: Heavy Industrial and Light Industrial Districts
Proponent/Applicant: Community Development Department
City Staff: Chad Eiken, CDD Director; Bryan Snodgrass, Principal Planner
Recommendation: Adoption of ordinance amending VMC 20.150, VMC 20.160, VMC 20.410, VMC 20.420, VMC 20.430, VMC 20.440, VMC 20.450, and VMC 20.895 in regard to the regulation of fossil fuel storage and handling uses and development standards

I. PRIOR CITY COUNCIL REVIEW:

The City Council has held five public hearings on the moratorium on new or expanded bulk fossil fuel facilities since June of 2020, four of which were related to proposed extensions of the initial moratorium. Two public workshops have been held on the proposed code changes, on August 1, 2022 and September 12, 2022.

II. BACKGROUND AND REVIEW PROCESS:

Moratorium

In June 2020, City Council enacted a six-month moratorium on new or expanded large-scale fossil fuel facilities, based on concerns about potential impacts to local public and environmental health and safety and to climate change. It has been enacted to allow time to update the land use code standards for such uses and to align them with other planning efforts currently underway, such as the Vancouver Strategic Plan update, Climate Action Plan, and other Title 20 code amendments

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

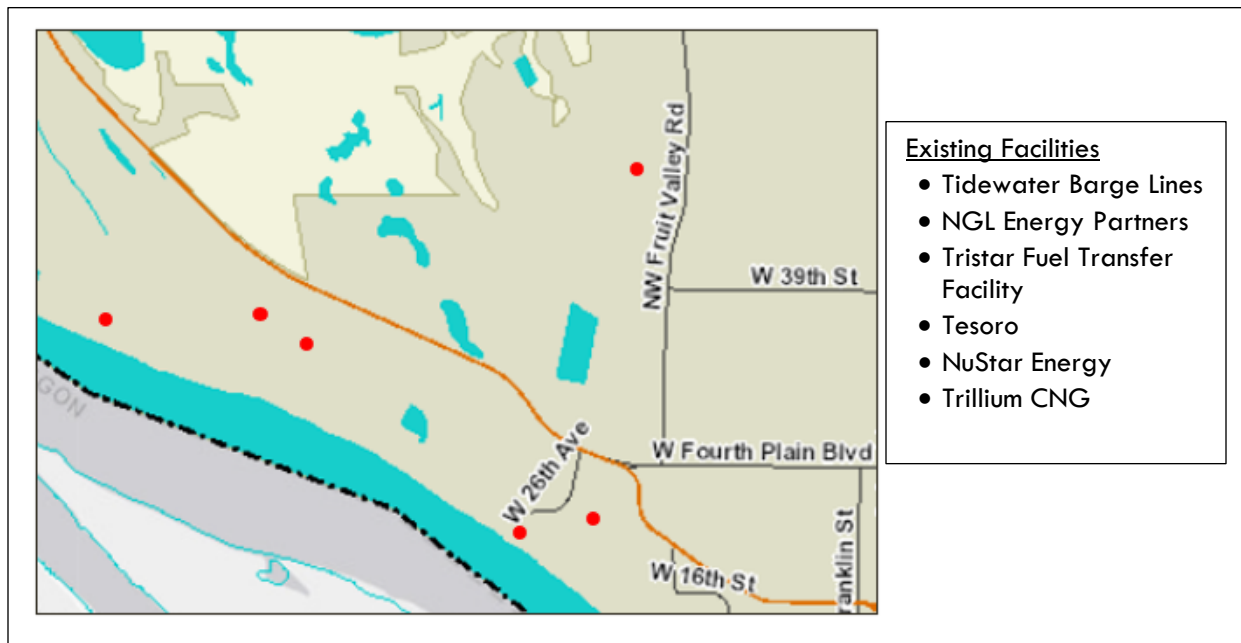
The current fossil fuel facility moratorium follows a narrower crude oil facility moratorium and subsequent update to zoning code standards adopted in 2014. That moratorium and zoning prohibition was spurred by a proposed large scale crude oil transshipment terminal proposed at the Port of Vancouver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

The current moratorium, which was extended by City Council on June 8, 2022 will expire on November 6, unless extended by City Council.

Existing Bulk Fossil Fuel Facilities

Six existing facilities fit the proposed definition of bulk fossil fuel storage and handling, shown on the map below. All of the facilities are located on the west side of Vancouver, with one on private property west of the Port of Vancouver, four facilities in the Port of Vancouver, and one facility on private property west of Fruit Valley Road, north of W. 39th Street. All are on lands with moderate to high liquefaction susceptibility in the event of an earthquake. One facility (Trillium CNG) is located within the IL, Light Industrial District and the other five facilities are located within the IH, Heavy Industrial District.

Map 1: Location of Existing Bulk Fossil Fuel Facilities in Vancouver



Code Development

The stated objective of the moratorium is to allow time for staff to propose changes to VMC Title 20, Land Use and Development Code, to regulate bulk fossil uses and for such changes to be adopted by City Council. At various public meetings on the moratorium proposed code changes, Council's direction to staff was to: a) prohibit new large-scale fossil fuel facilities in all zoning districts; provide definitions for regulated fossil fuels and large-scale facilities consistent with moratorium; consider whether expansion of existing large-scale fossil fuel facilities should be

allowed and, if so, what standards should apply; and finally, to make the regulations as simple as possible.

Over the past two years, staff has consulted with fossil fuel industry experts, and engaged in a series of meetings with environmental advocates and fuel industry stakeholders including the Port of Vancouver and numerous representatives from several existing bulk fuel facilities, as well as the Planning Commission and City Council. Planning staff have tried where possible to incorporate input on specific code language to make the ordinance clearer and to balance the stated objectives of the Council with industry and environmental perspectives.

The proposed code changes will accomplish several key objectives which are in alignment with the intent of the moratorium and prior Council direction:

- New bulk fossil fuel facilities would be prohibited in all zoning districts;
- Existing bulk fossil fuel facilities could be upgraded and maintained to ensure safe operations;
- Cleaner fuels would be specifically defined to include a number of types of liquid or gaseous fuels produced from renewable sources or that have low or no emissions;
- Capacity of existing bulk fossil fuel facilities could be expanded by 15% if switched to cleaner fuels, upgraded to seismic standards, and subject to approval of fire and spill response plans, among other requirements;
- Small fossil fuel storage and handling facilities of less than 60,000 gallons would be allowed in the IH, Heavy Industrial District, as a conditional use, and small cleaner fuel storage and handling facilities would be allowed in the IH District as a limited use;
- New cleaner fuel facilities of up to one million gallons capacity may be allowed by conditional use permit in the IH District in order to support the City's Climate Action Strategy and a transition away from fossil fuels;
- The proposed code changes have been drafted to be as simple and easy to follow as possible.

III. SUMMARY OF PROPOSAL:

(Note: Full text can be found in Exhibit A)

- A. Amend VMC 20.150 Definitions to delete the definition for Bulk Crude Storage, which will be replaced by a new definition, Bulk Fossil Fuel;
- B. Amend VMC 20.150 Definitions to add a new definition for Cleaner Fuels to include liquid or gaseous fuels produced from renewable sources or that have low or no emissions;
- C. Amend VMC 20.150 Definitions to include a new definition of petroleum;
- D. Amend VMC 20.160 Use Classifications to delete "fuel oil distributions and solid fuel yards from the Industrial Services use classification;
- E. Amend VMC 20.160 Use Classifications to delete "biomass and coal energy generation facilities" from the definition of Major Utility Facilities;
- F. Amend VMC 20.160 Use Classifications to add a new definition for Bulk Fossil Fuel Storage and Handling Facility;
- G. Amend VMC 20.160 Use Classifications to add a new definition for Cleaner Fuels Storage and Handling Facility;

- H. Amend VMC 20.160 Use Classifications to add a new definition for Small Fossil Fuel or Cleaner Fuel Storage and Distribution Facilities;
- I. Amend Residential and Commercial/Mixed Use Tables at VMC 20.410.030-1, 20.420.030-1, 20.430 to add Bulk Fossil Fuel Storage and Handling Facilities, Cleaner Fuel Storage and Handling Facilities, and Small Fossil Fuel and Cleaner Fuels Storage and Distribution Facilities and indicate that such uses are prohibited in all zoning districts;
- J. Amend VMC 20.440.030-1 Industrial District Use Table to add Bulk Fossil Fuel Storage and Handling Facilities, as prohibited in the OCI, Office Commercial Industrial, and ECX, Employment Center Mixed Use Districts and allowed as a permitted use (existing only), limited use (conversions) and conditional use (minor expansion) in the IL, Light Industrial District and IH, Heavy Industrial District with a footnote directing to additional development standards in a new section VMC 20.895.110;
- K. Amend VMC 20.440.030-1 Industrial District Use Table to add Cleaner Fuel Storage and Handling Facilities, as prohibited in the OCI, IL and ECX Districts and allowed as a conditional use in the IH District with a footnote directing to additional development standards in a new section VMC 20.895.110;
- L. Amend VMC 20.440.030-1 Industrial District Use Table to show Small Fossil Fuel and Cleaner Fuels Storage and Distribution Facilities as prohibited uses in the OCI, IL, and ECX Districts;
- M. Amend VMC 20.440.030-1 Industrial District Use Table to show Small Fossil Fuel Facilities as allowed by conditional use permit in the IH District and Small Cleaner Fuel Storage and Distribution Facilities as a limited use in the IH District, with a footnote directing to additional development standards in a new section VMC 20.895.110;
- N. Amend VMC 20.440.030-1 Industrial District Use Table, footnote 33, to state that coal-fired electricity generating plants are prohibited in all districts;
- O. Amend VMC 20.440.030-1 Industrial District Use Table by adding a new footnote 34 that states new bulk fossil fuel facilities are prohibited, maintenance and safety improvements to existing facilities are allowed subject to requirements in VMC 20.895.110, and the requirements for conversion of existing bulk facilities to cleaner fuels, including the allowance to expand by up to 15% of baseline capacity subject to a conditional use permit and compliance with standards in VMC 20.895.110;
- P. Amend VMC 20.440.030-1 Industrial District Use Table by adding a new footnote 37 that references the development standards in VMC 20.895.110;
- Q. Amend Open Space Districts Use Table at VMC 20.450.030-1 to add Bulk Fossil Fuel Storage and Handling Facilities, Cleaner Fuel Storage and Handling Facilities, and Small Fossil Fuel and Cleaner Fuels Storage and Distribution Facilities and indicate that such uses are prohibited in all zoning districts;
- R. Amend VMC 20.895 Miscellaneous Special Use Standards to add a new section .110 "Fossil Fuel or Cleaner Fuel Storage and Handling" with a purpose statement, applicability to the three types of fuel storage and handling uses, standards for non-capacity improvements, standards for new or expanded small fossil fuel or cleaner fuel storage and distribution facilities, standards for bulk fossil fuel storage and handling facility expansions, statement that says new bulk facilities are prohibited regardless of size, standards for cleaner fuels storage and handling facilities (new or expansion) to include maximum 15% increase in capacity if converted to cleaner fuels, facility must be upgraded to seismic standards, submission of a greenhouse gas emissions impact study, submission of financial assurance in case of accidents, submission of an annual

report regarding storage capacity and shipment information, and no new facility may be located closer than 1,000 feet to any residential zoning district.

IV. REVIEW CRITERIA AND FINDINGS:

A. VMC 20.285.090 Zoning Code Text Amendments

Approval criteria for Zoning Code text amendments

Proposed zoning or development regulation text changes shall be considered based on the following:

- 1. The proposed change is consistent with the comprehensive plan; and*
- 2. The proposed change is necessary to further the public interest based on present needs and conditions.*

B. Applicable Vancouver Comprehensive Plan Policies

EN-1 Environmental protection

Protect, sustain, and provide for healthy and diverse ecosystems

EN-2 Stewardship

Demonstrate and promote environmental stewardship and education

EN-3 Energy Conservation

Promote and facilitate energy conservation and alternative energy sources and generation

EN-5 Environmental coordination

Coordinate environmental policies and programs. Continue to consolidate environmental regulations

EN-8 Water quality and quantity

Enhance and protect surface water, stormwater, and groundwater quality from septic discharge, impervious surface runoff, improper waste disposal, and other potential contaminant sources.

EN-10 Air quality

Protect and enhance air quality, in coordination with local and regional agencies and organizations

EN-11 Hazard areas

Manage development in geologically hazardous areas and floodplains to protect public health and safety

C. SEPA Determination

Pursuant to the State Environmental Policy Act (SEPA) and WAC 197-11, the City of Vancouver as lead agency has determined that the proposed Fossil Fuel Code Amendments will not have a probable significant adverse impact on the environment. A Determination of Nonsignificance (DNS) was published on August 15, 2022 in the Columbian with a 14-day comment period, which expired on August 30, 2022. Copies were emailed to state and local agencies, media representatives, concerned citizens whose names were on the master SEPA list, stakeholders and neighborhood associations. Three comment letters were received by the close of the comment period, as follows:

- Western States Petroleum Association (WSPA), dated August 30, 2022
- Alliance for Community Engagement, dated August 30, 2022
- Port of Vancouver, dated August 30, 2022

Copies of the three comment letters are attached to this staff report as Exhibits E-G. The City's consultant prepared a response to the comments received (Exhibit H).

The deadline for filing a procedural appeal of the SEPA determination was 5:00 pm on September 13, 2022. No procedural appeal was filed by the deadline. Substantive SEPA appeals shall be filed in writing within 14 calendar days of the issuance of Council's decision.

D. **Staff Analysis and Findings**

Compliance with Applicable Review Criteria

The approval criteria in VMC 20.285.090 include: a) *the proposed change is consistent with applicable Comprehensive Plan policies*, and b) *that the proposed text amendment is necessary to further the public interest based on present needs and conditions*. As described above the applicable policies in the Comprehensive Plan are all in regard to environmental protection, conservation, and stewardship. The proposed code changes are consistent with these policies in that no new bulk fossil fuel facilities will be allowed, and minor expansions of existing facilities will only be allowed if the facility is brought up to seismic standards and will be used for cleaner fuels only. There is the potential for environmental impacts from allowing new or expanded cleaner fuel facilities due to risk of fire and explosion, spills, and emissions, however as outlined in the SEPA Determination, such impacts will be addressed on a case-by-case basis as an application is reviewed, and impacts from the code change were found to be nonsignificant. The proposed text amendment will address a stated objective of the moratorium on large fossil fuel projects which is to ban all new bulk fossil fuel storage and handling facilities and implement development standards for other types of fuel facilities, and this is seen as an urgent issue based on current needs and conditions. In summary, the proposed code changes meet the approval criteria of VMC 20.285.090.

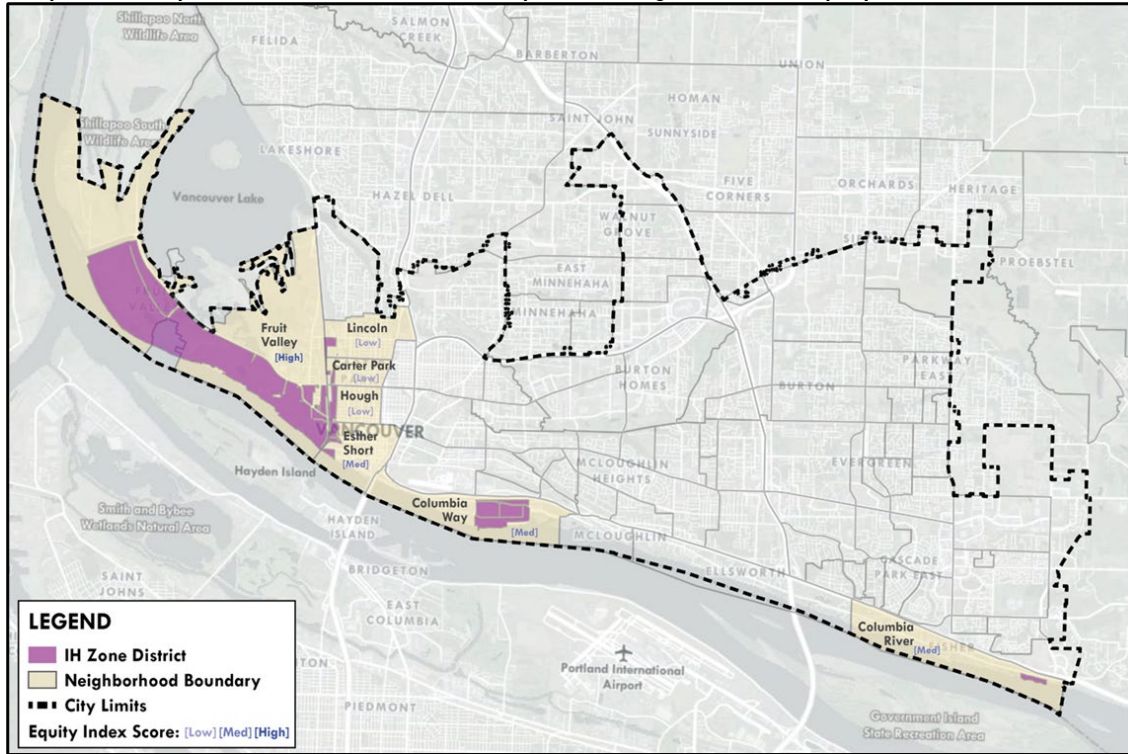
Equity Analysis

The draft code would allow expansions of existing bulk fossil fuel facilities in a limited way, small fossil fuel facilities of up to 60,000 gallons per site, and potentially new cleaner fuel facilities of up to 1 million gallons per site, in the IH, Heavy Industrial District. Most of the City's Heavy Industrial District is within the Fruit Valley Neighborhood, which includes the Port of Vancouver and industrial properties along Fruit Valley Road. Smaller areas of Heavy Industrial zoning exist further to the east in the Columbia Business Center south of Columbia Way, and a small property near the Columbia River due south of SE 192nd Avenue.

Five existing bulk fossil fuel facilities are located in the IH, Heavy Industrial District and one existing bulk fossil fuel facility located in the IL, Light Industrial District. All six facilities are located in the Fruit Valley Neighborhood, which is a neighborhood that has a high Equity Index Score due to lower median incomes (\$46,667 FV vs. \$63,617 citywide), higher percentage of persons below the poverty line (14.9% vs. 12.7%), higher percentage of Hispanic and non-white residents (26% vs. 13.9%), and lower education attainment (84.4% high school or higher

vs. 91.2%). Areas with high equity scores are typically in need of extra resources in order to support a thriving community, and additionally tend to have historically suffered from a lack of investment (or conversely, outright disinvestment) of services and/or infrastructure.

Map 2: Heavy Industrial Districts and Adjacent Neighborhood Equity Scores



While it is clear that the Fruit Valley Neighborhood is from an equity standpoint more vulnerable to adverse effects from fuel-related uses such as risk of fire, explosion, emissions, etc. (as well as from other industrial uses), it is important to understand the net changes resulting from the proposed code changes. For example, no new bulk fossil fuel facilities will be allowed. Minor increases in capacity to existing facilities would be allowed, but only if the facility is brought up to current seismic standards and approval of fire and spill response plans is obtained, which is more protective of the neighborhood than the current situation. New small fossil fuel facilities (with about the same capacity as most gas stations) would be allowed but would have to meet a long list of development standards, including a prohibition on any new facility that is closer than 1,000 feet (nearly a quarter of a mile) from any residential zoning district and compliance with seismic codes. The proposed ordinance would allow new cleaner fuel facilities of up to 1 million gallons, but such facilities would also be subject to the same long list of development standards and the spacing requirement from residentially-zoned properties. All new or expanded fossil fuel facilities would be subject to the highest level of local public review through a conditional use permit process as well as an environmental review for specific impacts to nearby uses.

The proposed code changes contemplate the maximum amount of public notice and opportunity to comment on all proposed new fuel storage and handling uses (large and small), through the

conditional use permit process. The conditional use permit process involves review by the City's Hearings Examiner on the merits of the application at a public hearing and is a process that allows for specific impacts from a proposed use to be understood and for conditions of approval to be placed on the use. Examples of other conditional uses in the IH, Heavy Industrial District include regional parks, research and development uses, retail uses between 40,000 and 60,000 square feet, office uses between 40,000 and 60,000 square feet, cemeteries, heliports, and detention and post-detention facilities.

Advocates from the environmental community have expressed support for requiring all new and expanded facilities to be reviewed under a conditional use permit process to allow for specific analysis of impacts to nearby properties.

The Port and several tenants which currently handle fuel products have advocated for less process and greater certainty for the approval of small fossil/cleaner fuel facilities by making them a *limited use*, which does not involve a public hearing but would be subject to the proposed development standards such as complying with seismic codes, obtaining approval of a fire response plan and spill response plan, being located no closer than 1,000 feet to any residential district, etc. The City's Climate Action Team, which is working on the City's Climate Action Strategy (on a parallel track to the Fossil Fuel Code Changes), has also expressed support for less process for small cleaner fuel uses in order to foster a transition away from traditional fossil fuels.

The Planning Commission indicated that in order to incentivize small cleaner fuel facilities without compromising public safety, small cleaner fuel facilities should be allowed as a limited use while retaining small fossil fuel facilities as a conditional use in the IH District.

The first draft of proposed fossil fuel code changes placed greater emphasis on public safety than climate action and included a prohibition on new cleaner fuel facilities since such fuels, while better from an emissions standpoint, have similar flammable properties as traditional fossil fuels and can also negatively impact surface and groundwater in the event of a major spill.

Throughout the City's public outreach process, staff heard from several stakeholders including the City's Climate Action Team that the code changes should allow a pathway for cleaner fuel facilities in order to support a transition away from less-climate friendly fossil fuel sources. In response to this issue and based on input from the City Council and Planning Commission, the draft ordinance would allow new cleaner fuel facilities up to 1 million gallons, subject to a conditional use permit (CUP) and specific development standards including minimum distance from a residential district, compliance with seismic codes, approval of spill and fire response plans, approval of a greenhouse gas (GHG) emissions study, financial assurance in the event of an accident, and an annual report requirement to the City regarding type and quantity of fuels received or shipped by the facility.

Participants from the environmental community expressed support for not allowing new cleaner fuel facilities at all, in order to promote public safety and minimize potential risks to the environment, and to allow for more advancements in the "new fuel" economy and technology to occur.

The recommended allowance for large new cleaner fuel facilities in the IH, Heavy Industrial District subject to a conditional use permit would create a pathway by which alternative, lower-carbon fuels could be made available as substitutes for the standard gasoline and diesel that is used by consumers today. According to research by the City's Climate Action Team, today, over 95% of registered vehicles in the State of Washington are non-electric; even if all new vehicle sales in America were 100% electric by 2035, the research suggests that it will still take around 30 years for all of the existing fossil fuel vehicles to cycle off of the roads. Making low-carbon alternatives to standard gas and diesel available would enable Vancouver to make significant carbon reductions and air quality improvements immediately, instead of relying solely on the steady (but slow) transition to electrification. (This approach is encoded into WA state law via the Clean Fuels Standard, which goes into effect in January of 2023) Additionally, Option B would enable the use of hydrogen fuels – a growing zero-emission technology already widespread in California that offers a clean substitution for the most heavily polluting vehicles on the road – while Option A would not.

Allowing for new cleaner fuels is supported by the City's Climate Action Team, Port, WSPA, and tenants in the Port which currently handle fossil fuels, however some proponents of allowing cleaner fuel facilities feel the proposed regulations – in particular the requirement for a conditional use permit - would be too restrictive, which may create an unintentional barrier to a transition away from fossil fuels.

Given the Council's clear commitment regarding advancing its Climate Action Strategy, staff believes that a more forward-looking approach is to allow new cleaner fuel storage and handling facilities in the IH District as currently proposed. As more information becomes available regarding specific types of cleaner fuel that are more (or less) desirable, the ordinance could always be revisited at a future date. Regarding whether the approach is too restrictive (by requiring a CUP), planning staff have concluded that a conditional use permit process is appropriate, since the exact size, location, type of fuel and potential specific impacts to nearby properties would not be known until an application is submitted, and given the proposed maximum size and potential impacts from such facilities, the public should have an opportunity to weigh in on such applications at a public hearing.

V. PLANNING COMMISSION REVIEW AND RECOMMENDATION:

The Planning Commission held a total of five public workshops at which proposed changes to the development code were discussed. Following a public hearing on September 13, 2022, the Commission voted 3-1 to recommend Council approval of the proposed code changes which are now in ordinance format. A copy of the draft minutes from the September 13, 2022 public hearing is attached as Exhibit J.

VI. RECOMMENDED ACTION: Adoption of the proposed ordinance to VMC Title 20 Land Use and Development Code per Exhibit A.

City of Vancouver Staff
Chad Eiken, CDD Director, (360) 487-7882

Bryan Snodgrass, Principal Planner (360) 487-7946
Becky Coutinho, Associate Planner (360) 487-7899

Attachments:

- Exhibit A Ordinance Amending VMC Title 20, Land Use and Development Code, regarding Fossil Fuel Uses and Development Standards
- Exhibit B Initial Moratorium Ordinance
- Exhibit C SEPA Determination of Nonsignificance (DNS)
- Exhibit D Initial SEPA Checklist dated August 16, 2021
- Exhibit E SEPA Comment Letter from Western States Petroleum Association dated August 30, 2022
- Exhibit F SEPA Comment Letter from Alliance for Community Engagement, dated August 30, 2022
- Exhibit G SEPA Comment Letter from Port of Vancouver, dated August 30, 2022
- Exhibit H Revised SEPA DNS dated September 6, 2022 with City Response to SEPA Comments
- Exhibit I Public Comments Received
- Exhibit J Draft Planning Commission Minutes of 9/13/22 Public Hearing

09/26/2022 (Date of First Reading)
10/03/2022 (Date of Public Hearing)

ORDINANCE NO. M- [Ordinance Number]

AN ORDINANCE relating to use and development standards for fossil fuel storage and handling facilities; amending various sections in Chapters 20.150, 20.160, 20.410, 20.420, 20.430, 20.440, 20.450, and 20.895 of the Vancouver Municipal Code; terminating the existing moratorium prohibiting the establishment of new, or expansion of existing, large-scale fossil fuel facilities, originally enacted by Ordinance No. M-4295 and most recently extended by Ordinance No. M-4370; and providing clauses for savings, severability, and an effective date.

WHEREAS, on June 8, 2020, the Vancouver City Council adopted Ordinance No. M-4295, enacting a six-month temporary moratorium prohibiting the establishment of new, or expansion of existing, large-scale fossil fuel facilities, which was subsequently extended for several additional six-month periods, most recently on June 6, 2022, via Ordinance No. M-4370; and

WHEREAS, in enacting and extending the moratorium, Council directed City staff to develop proposed amendments to the City Code that would establish permanent use and development standards for a range of fossil fuel storage and handling facilities; and

WHEREAS, over the past two years, staff consulted with fossil fuel industry experts, environmental advocates, and other stakeholders, and further discussed the matter with City Council, to ensure that such fossil fuel facility regulations balanced Council objectives with industry and environmental perspectives; and

WHEREAS, the City Council finds that adoption of this ordinance establishing amended use and development standards for fossil fuel storage and handling facilities prevents harm to the health or safety of the public, and promotes the public health, safety, and general welfare; and

WHEREAS, the City Council finds that it is within the police power of the City Council to adopt this ordinance for these purposes; and

WHEREAS, the City complied with SEPA per its rules per VMC Chapter 20.790 and issued a Determination of Non-Significance and modifications and addenda in August and September 2022; and

WHEREAS, the Council held workshops to discuss the proposed code changes on August 1, 2022, and September 12, 2022; and

WHEREAS, the Vancouver Planning Commission held workshops to review the proposed code changes on May 25, 2021, July 27, 2021, March 8, 2022, and July 12, 2022, and subsequently held a public hearing on September 13, 2022, at the conclusion of which the Planning Commission recommended that the revised ordinance be adopted by the City Council; and

WHEREAS, with proper notice to the public, the City Council conducted a first reading of the proposed ordinance on September 26, 2022, and a public hearing concerning the ordinance and proposed code changes on October 3, 2022.

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF VANCOUVER:

SECTION 1. Findings and Conclusions. The findings and conclusions as set forth in the staff report for the September 13, 2022, Planning Commission Public Hearing are hereby adopted as the City Council's findings of fact in support of this ordinance.

ORDINANCE - 2

SECTION 2. Vancouver Municipal Code Section 20.150.040A, as last amended by ordinance M-4325, section 3, is hereby amended by deleting the definition of “Bulk Crude Storage” and adding a new term, “Cleaner Fuels” and its definition, to read as follows:

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

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

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

1. Carbon-free fuels that generate no carbon emissions including green hydrogen or fuels that are certified by state or federal responsible agencies as net-zero carbon emissions.
2. Any credit generating fuel under the Washington State Low Carbon Fuel Standard (HB 1091 2021-2022) as allowed by the Washington State Department of Ecology.
3. Any biomass renewable fuels approved by the federal Environmental Protection Agency under the federal Renewable Fuel Standard (40 CFR Part 80) as regulation exists or may hereafter be amended and meeting any future federal renewable fuels regulations.

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

5. Biodiesel fuel meeting the requirements of RCW 19.112.010(3), and Renewable Diesel meeting the requirements of RCW 19.112.010(9), as those statutes exist or may hereafter be amended.

6. E85 motor fuel which meets the requirements of RCW 19.112.010(2) exclusively for the propulsion of motor vehicles upon the roads, or RCW 19.112.010(6) for other motors, as those statutes exists or may hereafter be amended.

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

SECTION 3. Vancouver Municipal Code Section 20.150.040D, as last amended by ordinance M-4325, section 3, is hereby amended by adding a new term, “Petroleum” and its definition, to read as follows:

20.150.040D Meanings of Specific Words and Terms M through P.

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

SECTION 4. Vancouver Municipal Code Section 20.150.040F, as last amended by ordinance M-4179, section 66, is hereby amended by amending the definition of “Utility Facilities, Major,” to read as follows:

20.150.040F Meanings of Specific Words and Terms U through Z.

Utility Facilities, Major. Those facilities which have a substantial public impact, including but not limited to:

1. Administrative offices and operation centers;
2. Sewage treatment plants and lagoons;
3. Electric generation facilities including biomass ~~and coal-energy~~ generating facilities;
and
4. Essential public facilities as defined in Chapter 20.855 VMC, Essential Public Facilities.

SECTION 5. Vancouver Municipal Code Section 20.160.020, as last amended by ordinance M-4288, section 3, is hereby amended to read as follows:

20.160.020 Listing of Use Classifications.

A. Residential use types.

1. *Household Living.* Living facilities for small groups (households) of people who are related or unrelated, featuring self-contained units including facilities for cooking, eating, sleeping, and hygiene. Tenancy is longer than 30 calendar days. Household structures include single-family detached and attached dwellings; duplexes; multi-family dwellings; and modular and

manufactured housing units. Most types of senior housing, (e.g., congregate care or assisted living) are considered to be household living if residents live in self-contained units, even if there are also shared facilities within the building. The maximum number of people who may reside in any given dwelling unit shall be determined by the city adopted building code.

2. *Group Living.* Living facilities for groups of individuals that include at least one person residing on the site who is responsible for supervising, managing, monitoring and/or providing care, training or treatment of residents. Larger group living facilities may also be characterized by shared facilities for eating, hygiene and/or recreation. Examples include nursing/convalescent homes, residential care homes or centers; single-room occupancy (SROs) facilities; sororities/fraternities and convents/monasteries. Tenancy is typically 30 days or more. Excludes detention and post-detention facilities (see subsection (E)(5) of this section, Detention and Post-Detention Facilities).

3. *Home Occupation.* Commercial, office or other economic activity wholly contained within the residence or accessory building within which it is located, and is clearly subordinate to the primary residential use.

4. *Medical Center Residential.* Extended stay facilities and medical center uses that typically occur in a residential setting, if approved through a Public Facilities Master Plan pursuant to Chapter 20.268 VMC. Examples include extended stay housing for employees and patient families and midwifery practices that occur in a single-family residential scaled structure. Maximum occupancy and other parameters may be determined through the master plan review process.

B. *Civic use types.*

1. *Basic Utilities*. Unstaffed community infrastructure, including but not limited to water tanks, sewer pump stations, telephone exchanges, and electric power substations. Excludes facilities that include offices, service centers and/or material storage (See subsection (C)(6) of this section, Office, and subsection (D)(1) of this section, Industrial Services).

2. *Colleges*. Institutions of higher education. Accessory uses may include classrooms, laboratories, theaters, auditoriums, libraries, dormitories, eating facilities, bookstores, other small-scale retail, general offices, and parking. Excludes private, profit-making trade, and vocational schools (see subsection (C)(4)(b) of this section, Personal Services). Such a facility that has regional or state-wide significance is classified as an Essential Public Facility by the provisions of the Growth Management Act.

3. *Community Centers*. Public, private, and nonprofit social, resource and multi-purpose facilities that are open to the public for free or fee (including membership fees). Examples include: community centers; senior centers; homeless day centers. Accessory uses may include offices, food preparation and service, child care, laundry facilities, showers, health assessments, classrooms and related activities.

4. *Community Recreation*. Public, private, and nonprofit recreational, social and multi-purpose facilities that are open to the public for free or fee (including membership fees). Examples include: health/fitness clubs; indoor or outdoor tennis/racquetball and soccer clubs and other sports fields; indoor/outdoor swimming pools; boat launches; golf courses, and shooting ranges. Accessory uses may include clubhouses, pro shops, offices, locker rooms, restaurants/delis/concession stands, child care facilities, restrooms, maintenance facilities, and parking. Excludes such facilities when

collocated in a public park (see subsection (B)(9) of this section, Parks/Open Space); and certain types of indoor recreational facilities (see subsection (C)(3)(b) of this section, Indoor Entertainment).

5. *Cultural Institutions*. Public or nonprofit cultural facilities including libraries, museums, historic sites, and galleries.

6. *Day Care*.

a. *Child Care*. As defined by the Revised Code of Washington (RCW) State Statute:

i. *Family Child Day Care Home*. A facility where a person regularly providing care during part of the 24-hour day to 12 or fewer children in the family abode of the person or persons under whose direct care the children are placed.

ii. *Child Care Center*. A person or agency that provides care for 13 or more children during part of the 24-hour day.

b. *Adult Day Care*. Provision of daytime services, including respite, recreational, social and therapeutic activities, to disabled and/or elderly adults in a group setting. Categories include:

i. *Residential Adult Day Care*. Provision of adult day care services for six or fewer handicapped and/or elderly adults, with or without compensation, in the home of the provider.

ii. *Institutional Adult Day Care*. Provision of adult day care services for seven or more handicapped and/or elderly adults either in a residential or institutional, e.g., nursing home, setting.

7. *Emergency Services*. Public safety facilities including police and fire stations, and emergency communications, but not including ambulance services.

8. *Medical Centers*. Facilities providing inpatient, outpatient, emergency, and related ancillary services to the sick and infirm, including drug and alcohol treatment. Usually developed in campus setting. Accessory uses may include diagnostic and treatment facilities; laboratories; surgical suites; kitchen/food service facilities; laundry; housekeeping and maintenance facilities; administrative offices; and parking. Medical centers may also include free-standing offices for hospital-based and/or private-practice physicians and other allied health care professionals; these medical office buildings are regulated as offices. (see subsection (C)(6)(b) of this section) Such a facility that has regional or state-wide significance is classified as an Essential Public Facility by the provisions of the Growth Management Act.

9. *Parks/Open Space*. Lands that are maintained in a natural state and/or developed that are designed for public active and passive recreation. Examples include parks, public squares, recreational trails and nature preserves. Does not include areas in active cultivation (see subsection (E)(1) of this section, Agriculture/Horticulture); or cemeteries (subsection (E)(4) of this section, Cemeteries).

a. *Neighborhood parks*. Small parks usually no greater than five acres designed to serve the immediate neighborhood. Access is on foot or bicycle with little or no on-site parking

provided. Accessory uses may include low-impact outdoor playing/practice fields (without associated parking), playgrounds, sports courts, picnic areas, educational/interpretive facilities, walking/jogging paths, restrooms, and seating areas. May collocate with schools.

b. *Community parks*. Larger parks typically 15 acres or larger designed to serve a larger geographic area than a neighborhood park. Access is on foot and by bicycle, transit, and vehicle. May contain one or more Community Recreation uses as defined in subsection (B)(4) of this section. Other accessory uses may include walking/jogging trails; picnic shelters; outdoor performance facilities; off-leash dog, bicycle, and skateboard parks; sports courts, community gardens; bicycle, pedestrian, and transit amenities; educational/interpretive facilities; viewpoints; concessions; restrooms; caretaker and maintenance facilities; and parking. May collocate with schools.

c. *Regional parks*. Any park greater than 100 acres designed to serve regional needs. Accessory uses include any of the facilities found in neighborhood and community parks.

d. *Trails*. Publicly accessible walking, jogging or bike trails that extend beyond the boundaries of a single subdivision or development project. Accessory uses may include signage/maps; interpretive centers; viewpoints; and trailhead facility, restrooms, and parking. Does not include trails or portions of trails created as part of Neighborhood, Community and Regional Parks.

10. *Postal Service*. Refers to postal services and processing as traditionally operated by the U.S. Postal Service. Such facilities include customer sales, mail sorting, and fleet truck storage.

Excludes profit-making parcel post or mail services (see subsection (C)(4)(b) of this section, General Retail, Personal Services).

11. *Religious Institutions.* Permanent places of religious worship that may include related accessory uses that are clearly incidental and secondary to religious worship, congregation, and teaching such as administrative offices; child care centers/pre-schools; classrooms for religious instruction; auditoriums; social halls; rectories; and gymnasiums, playgrounds and other recreational facilities. May include on-site functions related to ministry to the poor such as emergency overnight shelter, food service, group meals and food and clothing pantries.

12. *Schools.* Public and private pre-school, kindergarten, elementary, middle, and high schools. Accessory uses include administrative offices; classrooms and laboratories; kitchen/cafeterias; auditoriums; gymnasium, swimming pools; playing fields and related indoor and outdoor physical education facilities; and storage and maintenance facilities. The programs and activities of other public and nonprofit organizations including those associated with adult education, after-school care, recreation and social services may collocate in a school facility. Such a facility that has regional or state-wide significance is classified as an Essential Public Facility by the provisions of the Growth Management Act.

13. *Social/Fraternal and Clubs/Lodges.* Nonprofit organizations with social, philanthropic and/or recreational functions and activities.

14. *Transportation Facilities.* Bus, trolley, street car; light and heavy rail transit stops and stations; water taxi and ferry stations; and accessory bicycle parking. Excludes airports (see subsection (E)(2) of this section, Airports/Airparks); public streets and sidewalks; and heavy and

light rail maintenance/switching yards (see subsection (D)(3) of this section, Railroad Yards); and heliports (see subsection (E)(7) of this section, Heliports). Such a facility that has regional or state-wide significance is classified as an Essential Public Facility by the provisions of the Growth Management Act.

15. *Park & Ride Facilities.* Park & Ride facilities means parking facilities that serve motorists transferring to or from urban public transportation vehicles or private car-pool vehicles.

C. Commercial use types.

1. *Commercial and Transient Lodging.* Residential facilities such as hotels, motels, rooming houses, bed-and-breakfast establishments, and homeless shelters where tenancy is typically less than one month. May include accessory meeting, convention facilities, and food preparation and service.

2. *Eating and Drinking Establishments.* Establishments that sell prepared food and beverages for consumption on site or take-away including restaurants, delicatessens, bars, taverns, brew pubs, espresso bars, and group meal service.

3. *Entertainment-Oriented.*

a. *Adult Entertainment.* Facilities including adult motion picture theaters; adult video/book stores; and topless, bottomless, and nude dance halls which include materials and activities characterized or distinguished by an emphasis on matters depicting specified sexual activities or anatomical areas.

b. *Indoor Entertainment.* Commercial indoor facilities such as bowling alleys, arcades, trampoline or bounce house facilities, shooting ranges, movie, and live performance theaters.

c. *Major Event Entertainment.* Facilities such as auditoriums, stadiums, arenas, amphitheaters, convention centers, and race tracks which provide athletic, cultural or entertainment events and exhibits for large groups generally exceeding 1,000 spectators.

4. *General Retail.*

a. *Sales-Oriented.* Establishments which provide consumer-oriented sales, leasing and rental of consumer, home and business goods including art; art supplies; bicycles; clothing; dry goods; electronic equipment; fabric; gifts; groceries; hardware; household products; jewelry; pets and pet products; pharmaceuticals; plant; printed materials; stationery; videos; and clothing and food pantries. Excludes large-scale consumer products (see subsection (C)(4)(d) of this section, Bulk Sales); and those sold primarily outdoors (see subsection (C)(4)(e) of this section, Outdoor Sales).

b. *Personal Services.* Establishments which provide consumer services such as banks and credit unions; barber and beauty shops; automated teller machines (ATMs) and related automated vending facilities; pet grooming; laundromats and dry cleaners; copy centers; photographic studios; specialized instructional schools; trade/vocational schools; massage therapy; acupuncture; and mortuaries.

c. *Repair-Oriented*. Establishments which engage in the repair of consumer and business goods including television and radios; bicycles; clocks; jewelry; guns; small appliances and office equipment; tailors and seamstresses; shoe repair; locksmiths; and upholsterers.

d. *Bulk Sales*. Establishments which engage in the sales, leasing and rental of bulky items requiring extensive interior space for display including furniture, large appliances, and home improvement sales.

e. *Outdoor Sales*. Establishments that engage in sales requiring outdoor display and/or storage including lumberyards and nurseries.

5. *Motor Vehicle Related*.

a. *Motor Vehicle Sales/Rental*. Includes car, light and heavy truck, mobile home, boat and recreational vehicle sales, rental and service.

b. *Motor Vehicle Servicing/Repair*. Free-standing vehicle servicing and repair establishments including quick and general vehicle service, car washes and body shops not an accessory to new vehicle sales.

c. *Vehicle Fuel Sales*. Establishments engaging in the direct-to-consumer sale of gasoline, diesel fuel, and oil products for cars, trucks, recreational vehicles, and boats.

d. *Electric Vehicle (EV) Basic Charging Station*. A slow to medium level charging station for electric vehicles that is typically accessory to another use, such as single family

residences, apartments, and businesses. Level 1 (120 volt AC) is considered slow charging. Level 2 (208 or 240 volt AC) is considered medium charging.

e. *Electric Vehicle (EV) Rapid Charging Station.* An industrial grade electrical outlet that allows for faster charging of electric vehicle batteries through higher power levels and that meets or exceeds any standards, codes, and regulations set forth by Chapter 19.28 RCW and consistent with rules adopted under RCW 19.27.540. Such stations are also known as Level 3 facilities and are considered fast or rapid charging (480-volt AC), and are generally available to the public.

f. *Electric Vehicle (EV) Battery Exchange Station.* A facility that will enable an electric vehicle with a swappable battery to enter a drive lane and exchange the depleted battery with a fully charged battery. Such exchange stations may use a fully automated process, which meets or exceeds any standards, codes, and regulations set forth by Chapter 19.27 RCW.

6. *Office.*

a. *General Office.* Government, business and professional offices that operate during typical weekday hours. Examples include local, regional, state, and federal offices and agencies; veterinary clinics; medical and dental laboratories; blood collection centers; offices for attorneys, architects, accountants, engineers, stockbrokers, real estate agents, mortgage bankers, insurance brokers, and other consultants; headquarters offices; sales offices; radio, and television studios. Also includes painting, landscaping, building and janitorial contractors where the indoor storage of materials and equipment are incidental to

the office use. If this storage exceeds 50 percent of occupied space, such uses are classified as Industrial Services (see subsection (D)(1) of this section). Offices that are part of and are located within a firm in another use category are considered accessory to the firm's primary activity. Also excludes medical office and related facilities (see subsection (C)(6)(b) of this section).

b. *Medical Office.* Offices for physicians, dentists, chiropractors, and allied health care professionals; free-standing outpatient health care facilities; urgency clinics; naturopathic, and homeopathic facilities; and home health organizations that provide on-site services to patients and that generally operate during typical peak weekday hours.

c. *Extended Office.* Offices that operate during nontraditional hours including evenings, nights, and weekends. Examples include taxis and other vehicles for hire, funeral homes and accessory crematoria, telemarketing/service centers and internet communication centers. Accessory uses may include fleet vehicle parking, communication switching and other equipment and limited storage of goods.

7. *Non-Accessory Parking.* Any private or public vehicle and bicycle parking, either paid or free, which is not accessory to a primary use. Includes public and private parking structures and lots; and free-standing fleet vehicle parking lots.

8. *Self-Service Storage.* Commercial operations that provide rental of storage space to the public. The storage areas are designed to allow private access by the tenant for storing or removing personal property. These facilities do not include outdoor storage or moving and storage companies where there is no individual storage or where employees are primary movers of the

goods to be stored (see subsection (D)(5) of this section, Warehouse/Freight Movement). No tenant may use a self-service storage facility for residential purposes. Self-service storage is synonymous with self-service storage facility and mini-storage.

9. *Marina*. A facility that provides secure moorings for recreational or commercial boats.

10. *Artisan and Specialty Goods Production*. Small scale businesses that manufacture artisan goods or specialty foods. Small manufacturing production aims at direct sales rather than the wholesale market. This small-scale manufacturing use is intended to be allowed where compatible with the commercial and residential fabric of the city center. An allowance for public viewing or customer service space is required with artisan and specialty goods production. This use category includes the following uses: Sugar and confectionary, fruit and vegetable preserving and specialty foods, bakeries and tortilla manufacturing; artisan leather, glass, cutlery, hand tools, wood, paper, ceramic, textile and yarn products; microbreweries, microdistilleries, and wineries. Refer to Commercial and Mixed-Use Districts Use Table 20.430.030-1 and Special Limitations on Uses, VMC 20.430.050.

D. *Industrial use types*.

1. *Industrial Services*. Includes the repair and servicing of industrial and business machinery, equipment and/or products. Examples include welding shops; machine shops; sales, repair, storage, salvage or wrecking of heavy machinery, metal and building materials; towing and vehicle storage; auto and truck salvage and wrecking; heavy truck servicing and repair; tire recapping and retreading; truck stops; building, heating, plumbing or electrical contractors; exterminators; janitorial and building maintenance contractors where the indoor storage of materials is more than

incidental to the office use (see subsection (C)(6)(a) of this section); ~~fuel-oil-distributions; solid fuel-yards;~~ laundry, dry-cleaning and carpet cleaning plants; and photo-finishing laboratories.

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

3. *Railroad Yards.* A terminus of several light or heavy railroad lines where the loading, unloading, transshipment, switching, maintenance, and storage of rail cars is undertaken.

4. *Research and Development.* Facility featuring a mix of uses including office, research laboratories, and prototype manufacturing. If the use contains no on-site manufacturing component, then it is considered General Office (see subsection (C)(6)(a) of this section).

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

6. *Waste-Related.* Uses that receive solid or liquid wastes from others for disposal on the site or for transfer to another location, uses that collect sanitary wastes or uses that manufacture or

produce goods or energy from the composting of organic material. Examples include: recycling/garbage transfer stations; landfills; composting, energy recovery and sewage treatment plants; and hazardous waste handling and transfer facilities that do not treat or dispose of hazardous waste, as that term is defined in the Code of Federal Regulations, Title 40, Part 261. Such a facility that has regional or state-wide significance is classified as an Essential Public Facility by the provisions of the Growth Management Act. Hazardous waste or disposal facilities are not included in this classification and are therefore not permitted in the city of Vancouver.

7. *Wholesale Sales.* Involves sales, leasing or rental of equipment or products primarily intended for industrial, institutional or commercial businesses. Businesses may or may not be open to the general public, but sales to the general public are limited. Examples include the sale or rental of machinery, equipment, building materials, special trade tools, welding supplies, machine parts, electrical supplies, janitorial supplies, restaurant equipment, and store fixtures; mail order houses; and wholesalers of food, clothing, auto parts, and building hardware.

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

9. *Bulk Fossil Fuel Storage and Handling Facility.* Bulk fossil fuel storage and handling facility means any structure, group of structures, equipment, or device that stores or transfers any material derived from prehistoric organic matter, including but not limited to: petroleum and petroleum products, coal, and natural gases, including without limitation methane, propane, and butane. The

term does not include facilities that store and handle finished products derived from fossil fuels including but not limited to asphalt, plastics, fertilizers, paints, and denatured ethanol. Bulk fossil fuel storage and handling facilities are greater than 60,000 gallons cumulative storage. The Director may refer to RCW 82.38.020 or other state or federal laws to assist in interpretation of this use classification.

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

11. *Small Fossil Fuel or Cleaner Fuel Storage and Distribution Facilities.* Means local distribution gas storage tanks with individual storage capacities of 30,000 gallons or less and cumulative storage of 60,000 gallons or less. Such tanks store fossil fuels or cleaner fuels and are either for local distribution to customers or serve as an accessory facility necessary to support an onsite allowed primary commercial, industrial, educational, scientific, or governmental use and do not otherwise meet the definitions of Bulk Fossil Fuel Storage and Handling Facility in subsection (D)(9) of this section, or Vehicle Fuel Sales in subsection (C)(5)(c) of this section; provided, however, that fuel storage for accessory emergency generators shall not be considered a Small Fossil Fuel or Cleaner Fuel Storage and Distribution Facility, which shall be governed by the primary use allowances and necessary fire code reviews.

E. *Other use types.*

1. *Agriculture/Horticulture*. Open areas devoted to the raising of fruits, vegetable, nuts, nursery stock and/or flowers, including community gardens; may include on-site sales of products grown on the site. Excludes nurseries (see subsection (C)(4)(e) of this section, Outdoor Sales).
2. *Airports/Airparks*. Includes aircraft runways, landing strips and uses supporting airport operations such as control towers, hangars, and fuel storage facilities. Also includes uses incidental to airports such as aerial mapping; air cargo warehousing and distribution, airport pilot training schools; aircraft sales and repair; aviation clubs and museums; and public transportation transfer areas. Such a facility that has “regional” or “state-wide” significance is classified as an Essential Public Facility by the provisions of the Growth Management Act.
3. *Animal Kennel/Shelters*. Animal kennel and shelter facilities for the overnight boarding of dogs, cats and other domestic pets. Excludes dog day care (see subsection (E)(6) of this section, Dog Day Care); and veterinary clinics (see subsection (C)(6)(a) of this section, General Offices).
4. *Cemeteries*. Facilities for storing human remains. Accessory uses may include chapels, mortuaries, crematoria, mausoleums, administrative offices, maintenance facilities, and parking.
5. *Detention and Post-Detention Facilities*. Uses which have the characteristics of Group Living but are devoted to the housing, training and supervision of those under judicial detention. Examples include prisons; jails; probation centers; juvenile detention homes; and related post-incarceration and half-way houses. Such a facility that has regional or state-wide significance is classified as an Essential Public Facility by the provisions of the Growth Management Act.

6. *Dog Day Care*. Dog Day Care shall mean any premises containing four or more dogs, which are five months or older, where these domestic animals are dropped off and picked up daily for temporary care on site and where they may be groomed, trained, exercised, and socialized, but are not kept or boarded overnight, bred, sold or let for hire. Excludes Animal Kennel/Shelters (see subsection (E)(3) of this section, Animal Kennel/Shelters).

7. *Heliports*. Public or private facilities designed for the landing, departure, storage, and fueling of helicopters.

8. *Mining*. Uses that mine or extract mineral or aggregate resources from the ground for off-site use. Accessory uses may include storage, rock crushing, sorting, and transfer facilities.

9. *Rail Lines/Utility Corridors*. The regional corridors in public or private ownership dedicated for use by rail lines; above-grade or underground power or communication lines; water, sewer and storm sewer lines or similar services.

10. Temporary Uses

11. *Wireless Communication Facilities*. Includes publicly and privately owned towers and related transmitting equipment for television; FM/AM radio; cellular and two-way radio and microwave transmission; and related ancillary equipment buildings. Does not include radio/television transmission facilities that are part of the public safety network (see subsection (B)(7) of this section, Emergency Services). Does not include amateur (ham) radio antennas or towers.

SECTION 6. Vancouver Municipal Code Section 20.410.030, as last amended by ordinance M-4377, section 2, is hereby amended to read as follows:

ORDINANCE - 22

20.410.030 Uses.

A. *Types of uses.* For the purposes of this chapter, there are four kinds of use:

1. A permitted (P) use is one that is permitted outright, subject to all of the applicable provisions of this title.
2. A limited (L) use is permitted outright providing it is in compliance with special requirements, exceptions or restrictions.
3. A conditional use (C) is a discretionary use reviewed through the process set forth in Chapters 20.245 and 20.210 VMC, governing conditional uses and decision-making procedures, respectively.
4. A prohibited use (X) is one that is not permitted in a zoning district under any circumstances.

B. *Use table.* A list of permitted, limited, conditional, and prohibited uses in low-density residential districts is presented in Table 20.410.030-1.

Table 20.410.030-1. Lower-Density Residential Districts Use Table

USE	R-2	R-4	R-6	R-9	R-17
RESIDENTIAL					
Household Living	P ¹	P ¹	P ¹	P ¹	P ¹
Group Living	P/X ¹	P/X ¹	P/X ¹	P/X ¹	P/X ¹

USE	R-2	R-4	R-6	R-9	R-17
Home Occupation	L ²	L ²	L ²	L ²	L ²
Medical Center Residential	L ²³	L ²³	L ²³	L ²³	L ²³

HOUSING TYPES

Single Dwellings, Attached	L ¹⁸	L ¹⁸	L ¹⁸	L ¹⁸	L ¹⁸
Single Dwellings, Detached	P	P	P	P	P
Accessory Dwelling Units	L ⁴	L ⁴	L ⁴	L ⁴	L ⁴
Duplexes ²²	L ²¹	L ²¹	L ²¹	L ²¹	L ²⁴
Multi-Dwelling Units	X	X	X	X	L ²⁴
Existing Manufactured Home Developments	L ⁵	L ⁵	L ⁵	L ⁵	L ⁵
Designated Manufactured Homes	L/X ¹⁹	L/X ¹⁹	L/X ¹⁹	L/X ¹⁹	L/X ¹⁹
New Manufactured Homes	L ²⁰	L ²⁰	L ²⁰	L ²⁰	L ²⁰
Cottage Cluster Housing	P ²⁵	P ²⁵	P ²⁵	P ²⁵	X

CIVIC (Institutional)

Basic Utilities	C	C	C	C	C
Colleges	C	C	C	C	C
Community Centers	X	X	X	X	X
Community Recreation	C ⁶	C ⁶	C ⁶	C ⁶	C ⁶
Cultural Institutions	P/C ⁷	P/C ⁷	P/C ⁷	P/C ⁷	P/C ⁷
Day Care					
– Family Day Care Homes	P ⁸	P ⁸	P ⁸	P ⁸	P ⁸
– Child Care Centers	L/C ¹¹	L/C ¹¹	L/C ¹¹	L/C ¹¹	L/C ¹¹

USE	R-2	R-4	R-6	R-9	R-17
– Adult Day Care	L/C/X ⁹	L/C/X ⁹	L/C/X ⁹	L/C/X ⁹	L/C/X ⁹
Emergency Services (except ambulance services)	L/C ¹¹	L/C ¹¹	L/C ¹¹	L/C ¹¹	L/C ¹¹
Ambulance Services	X	X	X	X	X
Medical Centers	X	X	X	X	X
Parks/Open Space					
– Neighborhood Parks	P	P	P	P	P
– Community Parks	P	P	P	P	P
– Regional Parks	C	C	C	C	C
– Trails	P	P	P	P	P
Postal Service	C	C	C	C	C
Religious Institutions	L/C ¹¹	L/C ¹¹	L/C ¹¹	L/C ¹¹	L/C ¹¹
Schools	L/C ¹¹	L/C ¹¹	L/C ¹¹	L/C ¹¹	L/C ¹¹
Social/Fraternal Clubs	X	X	X	X	X
Transportation Facilities	C ¹²	C ¹²	C ¹²	C ¹²	C ¹²
COMMERCIAL					
Commercial and Transient Lodging	L/C/X ¹³	L/C/X ¹³	L/C/X ¹³	L/C/X ¹³	L/C/X ¹³
Eating/Drinking Establishments	X	X	X	X	X
Entertainment-Oriented					
– Adult Entertainment	X	X	X	X	X
– Indoor Entertainment	X	X	X	X	X
– Major Event Entertainment	X	X	X	X	X

USE	R-2	R-4	R-6	R-9	R-17
General Retail					
– Sales-Oriented	C ¹⁴	C ¹⁴	C ¹⁴	C ¹⁴	C ¹⁴
– Personal Services	C ¹⁴	C ¹⁴	C ¹⁴	C ¹⁴	C ¹⁴
– Repair-Oriented	X	X	X	X	X
– Bulk Sales	X	X	X	X	X
– Outdoor Sales	X	X	X	X	X
Motor Vehicle Related					
– Motor Vehicle Sales/Rental	X	X	X	X	X
– Motor Vehicle Servicing/Repair	X	X	X	X	X
– Vehicle Fuel Sales	X	X	X	X	X
– EV Basic Charging Stations (accessory only)	P	P	P	P	P
– EV Rapid Charging Stations (accessory only)	P	P	P	P	P
– EV Battery Exchange Stations	X	X	X	X	X
Offices					
– General	X	X	X	X	X
– Medical	X	X	X	X	X
– Extended	X	X	X	X	X
Nonaccessory Parking	X	X	X	X	X
Self-Service Storage	X	X	X	X	X
Marinas	C	C	C	C	C

USE	R-2	R-4	R-6	R-9	R-17
INDUSTRIAL					
<u>Bulk Fossil Fuel Storage and Handling Facilities</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
<u>Cleaner Fuel Storage and Handling Facilities</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
<u>Small Fossil Fuel or Cleaner Fuel Storage and Distribution Facilities</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
Industrial Services	X	X	X	X	X
Manufacturing and Production	X	X	X	X	X
Railroad Yards	X	X	X	X	X
Research and Development	X	X	X	X	X
Warehouses/Freight Movement	X	X	X	X	X
Wholesale Sales	X	X	X	X	X
Waste-Related	X	X	X	X	X
Major Utility Facilities	X	X	X	X	X
OTHER					
Agriculture/Horticulture	P	P	P	P	P
Airports/Airparks	X	X	X	X	X
Animal Kennels/Shelters	X	X	X	X	X
Cemeteries	C ¹⁵	C ¹⁵	C ¹⁵	C ¹⁵	C ¹⁵
Detention and Post-Detention Facilities	X	X	X	X	X
Dog Day Care	X	X	X	X	X

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

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

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

3 *Reserved for future use.*

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

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

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

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

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

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

10 *Repealed by M-4289.*

11 Schools, religious institutions, government buildings, fire stations, child care centers, and emergency services facilities that meet all of the criteria contained in VMC [20.410.050\(D\)](#) are permitted by right; all others require conditional use approval. Child care centers permitted by

right shall be consistent with Chapter [20.840](#) VMC, Child Care Centers, and be subject to Type II review pursuant to VMC [20.210.050](#).

12 Except bus, trolley and streetcar stops, including bus shelters, which are allowed by right.

13 One- and two-bedroom bed-and-breakfast facilities are permitted outright and three- to six-bedroom bed-and-breakfast facilities are allowed as conditional uses, with all bed-and-breakfast facilities subject to provisions of Chapter [20.830](#) VMC, Bed and Breakfast Establishments. No more than six bedrooms are allowed under any circumstances. All other commercial lodging is prohibited.

14 Retail commercial uses limited to 1,500 gsf per use to a maximum of 5,000 square feet in planned developments of 150 units or more. See VMC [20.260.020\(B\)\(1\)\(b\)\(2\)](#).

15 Subject to provisions in VMC [20.895.030](#).

16 Subject to provisions in Chapter [20.885](#) VMC, except sales of fireworks which are prohibited in residential zones.

17 Building-mounted antennas are allowed by conditional use on nonresidential buildings in single-family residential zones subject to requirements contained in Chapter [20.890](#) VMC, Wireless Communication Facilities.

18 Subject to VMC [20.260.020\(B\)\(1\)\(a\)\(2\)](#), planned development, VMC [20.910.050](#), Zero Lot Line Developments, and Chapter [20.920](#) VMC, Infill Development Standards.

19 A “designated manufactured home” is exempt from the development standards of VMC [20.410.050\(F\)](#) and may continue to exist and expand. An existing unit may be replaced or may be relocated either to an approved manufactured home development or an approved manufactured home subdivision. After July 1, 2005, only “new manufactured homes” that also meet the “designated manufactured home” criteria will be permitted on individual lots not part of an existing approved manufactured home development or manufactured home subdivision, except that a new manufactured home placed on an individual lot after July 1, 2005, may be relocated as permitted by this title if within five years of the date of the original placement.

20 Subject to VMC [20.410.050\(F\)](#), Development Standards – Criteria for Placement of Manufactured Homes.

21 Subject to Chapter [20.920](#) VMC, Infill Development Standards.

22 Existing duplexes built on lots meeting the minimum infill lot size standards of Table [20.920.060](#)-1 shall be considered conforming uses even if not part of an infill development.

23 Medical center residential uses, as defined in VMC [20.160.020](#), are permitted outright if approved through a public facilities master plan per VMC [20.680.040](#).

24 Two-family dwellings (duplexes), three-family, or four-family dwellings are permitted subject to density and development standards of the R-17 district.

25 Pursuant to Chapter [20.950](#) VMC, Cottage Cluster Housing.

SECTION 7. Vancouver Municipal Code Section 20.420.030, as last amended by ordinance M-4377, section 2, is hereby amended to read as follows:

20.420.030 Uses.

A. *Types of uses.* For the purposes of this chapter, there are four kinds of use:

1. A permitted (P) use is one that is permitted outright, subject to all of the applicable provisions of this title.
2. A limited (L) use is permitted outright providing it is in compliance with special requirements, exceptions or restrictions.
3. A conditional use (C) is a discretionary use reviewed through the process set forth in Chapters 20.245 and 20.210 VMC, governing conditional uses and decision-making procedures, respectively.
4. A prohibited use (X) is one that is not permitted in a zoning district under any circumstances.

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

Table 20.420.030-1. Higher-Density Districts Use Table

USE	R-18	R-22	R-30	R-35	R-50
RESIDENTIAL					
Household Living	P	P	P	P	P
Group Living	P	P	P	P	P
Home Occupations	L ³	L ³	L ³	L ³	L ³
HOUSING TYPES					
Single Dwelling Units, Attached	P ^{4, 25}	P ^{4, 25}	P ^{4, 25}	X	X
Single Dwelling Units, Detached	P ^{4, 25}	P ^{4, 25}	P ^{4, 25}	X ⁵	X ⁵
Accessory Dwelling Units	P ¹	P ¹	P ¹	P ¹	P ^{1, 24}
Duplexes	P ⁴	P ⁴	P ⁴	P ⁴	P ⁴
Multi-Dwelling Units	P ⁴	P ⁴	P ⁴	P ⁴	P ⁴
Manufactured Home Developments	L ⁷	L ⁷ /X	L ⁷ /X	L ⁷ /X	L ⁷ /X
Designated Manufactured Homes	L/X ²³	X	X	X	X
New Manufactured Homes	L ²³	X	X	X	X
CIVIC (Institutional)					
Basic Utilities	C	C	C	C	C
Colleges	C	C	C	C	C
Community Centers	C	C	C	C	C
Community Recreation	C ⁸	C ⁸	C ⁸	C ⁸	C ⁸
Cultural Institutions	P/C ⁹	P/C ⁹	P/C ⁹	P	P
Day Care					
- Family Day Care Homes	P/C ¹⁰	P/C ¹⁰	P/C ¹⁰	P/C ¹⁰	P/C ¹⁰

USE	R-18	R-22	R-30	R-35	R-50
- Child Care Centers	L/C ¹⁴	L/C ¹⁴	L/C ¹⁴	L/C ¹⁴	L/C ¹⁴
- Adult Day Care	P/C ¹¹	P/C ¹¹	P/C ¹¹	P/C ¹¹	P/C ¹¹
Emergency Services (except ambulance services)	C ¹²	C ¹²	C ¹²	C ¹²	C ¹²
Medical Centers	C	C	C	C	C
Parks/Open Space					
- Neighborhood Parks	P	P	P	P	P
- Community Parks	P	P	P	P	P
- Regional Parks	C	P	P	P	P
- Trails	P	P	P	P	P
Postal Service	C	C	C	C	C
Religious Institutions	L/C ¹⁴	L/C ¹⁴	L/C ¹⁴	L/C ¹⁴	L/C ¹⁴
Schools	L/C ¹⁴	L/C ¹⁴	L/C ¹⁴	L/C ¹⁴	L/C ¹⁴
Social/Fraternal Clubs	C ⁶	C ⁶	C ⁶	C ⁶	C ⁶
Transportation Facilities	P/C ¹⁵	P/C ¹⁵	P/C ¹⁵	P/C ¹⁵	P/C ¹⁵
COMMERCIAL					
Commercial and Transient Lodging	L/X ¹⁶	L/X ¹⁶	L/X ¹⁶	L/X ¹⁶	L/X ¹⁶
Eating/Drinking Establishments	L ¹⁷ /X	L ¹⁷ /X	L ¹⁷ /X	L ¹⁷ /X	L ¹⁷ /X
Entertainment-Oriented					
- Adult Entertainment	X	X	X	X	X
- Indoor Entertainment	X	X	X	X	X
- Major Event Entertainment	X	X	X	X	X

USE	R-18	R-22	R-30	R-35	R-50
General Retail					
- Sales-Oriented	L ¹⁷ /X	L ¹⁷ /X	L ¹⁷ /X	L ¹⁷ /X	L ¹⁷ /X
- Personal Services	L ¹⁷ /X	L ¹⁷ /X	L ¹⁷ /X	L ¹⁷ /X	L ¹⁷ /X
- Repair-Oriented	X	X	X	X	X
- Bulk Sales	X	X	X	X	X
- Outdoor Sales	X	X	X	X	X
Motor Vehicle Related					
- Motor Vehicle Sales/Rental	X	X	X	X	X
- Motor Vehicle Servicing/Repair	X	X	X	X	X
- Vehicle Fuel Sales	X	X	X	X	X
- EV Basic Charging Stations (accessory only)	P	P	P	P	P
- EV Rapid Charging Stations (accessory only)	P	P	P	P	P
- EV Battery Exchange Stations	X	X	X	X	X
Offices					
- General	L ¹⁷ /X	L ¹⁷ /X	L ¹⁷ /X	L ¹⁷ /X	L ¹⁷ /X
- Medical	L ¹⁷ /X	L ¹⁷ /X	L ¹⁷ /X	L ¹⁷ /X	L ¹⁷ /X
- Extended	X	X	X	X	X
Self-Service Storage	X	X	X	X	X
Nonaccessory Parking	X	X	X	X	X

INDUSTRIAL

USE	R-18	R-22	R-30	R-35	R-50
<u>Bulk Fossil Fuel Storage and Handling Facilities</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
<u>Cleaner Fuel Storage and Handling Facilities</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
<u>Small Fossil Fuel or Cleaner Fuel Storage and Distribution Facilities</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
Industrial Services	X	X	X	X	X
Manufacturing and Production	X	X	X	X	X
Railroad Yards	X	X	X	X	X
Research and Development	X	X	X	X	X
Warehouses/Freight Movement	X	X	X	X	X
Wholesale Sales	X	X	X	X	X
Waste-Related	X	X	X	X	X
Major Utility Facilities	X	X	X	X	X
OTHER					
Agriculture/Horticulture	P	P	P	P	P
Airports/Airparks	X	X	X	X	X
Animal Kennels/Shelters	X	X	X	X	X
Cemeteries	C ¹⁸	C ¹⁸	C ¹⁸	C ¹⁸	C ¹⁸
Detention & Post Detention Facilities	X	X	X	X	X
Dog Day Care	C ¹⁹	C ¹⁹	C ¹⁹	C ¹⁹	C ¹⁹
Heliports	X ²⁰	X ²⁰	X ²⁰	X ²⁰	X ²⁰

USE	R-18	R-22	R-30	R-35	R-50
Recreational or Medical Marijuana Facilities	X	X	X	X	X
Medical Marijuana Cooperatives	X	X	X	X	X
Mining	X	X	X	X	X
Rail Lines/Utility Corridors	C	C	C	C	C
Basic Utilities	P	P	P	P	P
Temporary Uses	L ²¹	L ²¹	L ²¹	L ²¹	L ²¹
Wireless Communication Facilities	L/C/X ²²	L/C/X ²²	L/C/X ²²	L/C/X ²²	L/C/X ²²

1 Subject to the provisions of Chapter 20.810 VMC, Accessory Dwelling Units.

2 *The language for this footnote has been deleted.*

3 Subject to the provisions of Chapter 20.860 VMC, Home Occupations.

4 Provided the minimum required residential density is met, on an overall project basis.

5 Single-family dwelling units legally established prior to March 11, 2004, shall be considered permitted uses.

6 Subject to the provisions of VMC 20.895.040, Community Recreation and Related Facilities.

7 Subject to the provisions of Chapter 20.880 VMC, Manufactured Home Parks. Manufactured home developments established prior to July 1, 2005, are exempt from the standards of VMC 20.420.050(G), Criteria for Placement of Manufactured Homes, and may continue to exist and expand within existing previously approved boundaries. An existing manufactured home in a development or subdivision may be replaced or may be relocated either to an approved manufactured home development or an approved manufactured home subdivision. Manufactured home developments in the R-22, R-30, R-35 zones are allowed as a limited use (L) only as part of a Chapter 20.260 VMC planned development that meets overall minimum density standards for the applicable zone.

8 Subject to the additional provisions in VMC 20.895.040.

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

10 Family day care homes for no more than 12 children are permitted when licensed by the state. Child care centers are permitted as conditional uses, subject to the provisions of

Chapter 20.840 VMC, Child Care Centers, unless part of a planned development, in which case they are approved subject to Chapter 20.260 VMC. All child care facilities must be licensed by the state.

11 Adult day care facilities with 12 or fewer clients are permitted outright; larger facilities are permitted as conditional uses.

12 *The language for this footnote has been deleted.*

13 *Repealed by M-4289.*

14 Schools, child care centers, and religious institutions that meet all of the locational criteria contained in VMC 20.420.050(F) are permitted by right; all others require conditional use approval. Child care centers permitted by right shall be consistent with Chapter 20.840 VMC, Child Care Centers, and be subject to Type II review pursuant to VMC 20.210.050.

15 Except bus, trolley and streetcar stops, including bus shelters, which are allowed by right.

16 Bed-and-breakfast establishments as limited uses subject to provisions of Chapter 20.830 VMC, Bed and Breakfast Establishments; all other commercial and transient lodging prohibited.

17 New commercial uses allowed as limited uses subject to special development restrictions in VMC 20.420.060. Existing commercial uses permitted if legally established prior to code effective date. However, alterations and expansions shall be subject to Chapter 20.245 VMC, Conditional Use Permits.

18 Subject to the provisions in VMC 20.895.030.

19 Subject to the provisions of Chapter 20.850 VMC, Dog Day Care.

20 Except as an accessory to a medical center.

21 Subject to provisions of Chapter 20.885 VMC, except sale of fireworks prohibited in residential zones.

22 Subject to the provisions of Chapter 20.890 VMC, Wireless Communication Facilities.

23 A “designated manufactured home” is exempt from the development standards of VMC 20.420.050(G) and may continue to exist and expand. An existing unit may be replaced or may be relocated either to an approved manufactured home development or an approved manufactured home subdivision. After July 1, 2005, only “new manufactured homes” that also meet the “designated manufactured home” criteria will be permitted on individual lots not part of an existing approved manufacturing home development or manufactured home subdivision, except that a new manufactured home placed on an individual lot after July 1, 2005, may be relocated as permitted by this title if within five years of the date of the original placement.

24 Permitted only as existing nonconforming uses.

25 Subject to provisions in Chapter 20.410 VMC applying to the R-17 zoning district.

SECTION 8. Vancouver Municipal Code Section 20.430.030, as last amended by ordinance M-4374, section 2, is hereby amended to read as follows:

20.430.030 Uses.

A. *Types of uses.* For the purposes of this chapter, there are four kinds of use:

1. A permitted (P) use is one that is permitted outright, subject to all of the applicable provisions of this title.
2. A limited (L) use is permitted outright providing it is in compliance with special requirements, exceptions or restrictions.
3. A conditional use (C) is a discretionary use reviewed through the process set forth in Chapters 20.245 and 20.210 VMC, governing conditional uses and decision-making procedures, respectively.
4. A prohibited use (X) is one that is not permitted in a zoning district under any circumstances.

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

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

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

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

USE	CN	CC	CG	CX	WX	CP X ¹	MX ²	RGX ⁴ ₄	HX ⁵¹
CIVIC (Institutional)									
Basic Utilities	C	C	C	P	C		C	C	C
Colleges	X	C	C	P	C		P	P	P
Community Centers	X	C	C	C	C		C	C	C
Community Recreation	X	L ¹¹	L ¹¹	L ¹¹	L ¹¹		L ¹¹	L ¹¹	L ¹¹
Cultural Institutions	L ¹⁹	P	P	P	P		P	P	P
Day Care									
- Family Day Care Home	P/L ₁₃	P/L ¹³	P/L ¹³	P/L ¹³	P/L ¹³		P/L ¹³	P/L ¹³	P/L ¹³
- Child Care Center	L ¹³	L ¹³	L ¹³	L ¹³	L ¹³		P/L ¹³	P/L ¹³	P/L ¹³
- Adult Day Care	P/C ₁₄	P	P	P	P		P	P	P
Emergency Services	X	C	P	P	C		P	P	P
Medical Centers	X	C	C	P	C		C	P	C
Parks/Open Space									
- Neighborhood Parks	P	P	P	P	P		P	P	P
- Community Parks	P	P	P	P	P		P	P	P
- Regional Parks	X	P	P	P	P		P	P	P
- Trails	P	P	P	P	P		P	P	P

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

USE	CN	CC	CG	CX	WX	CP X ¹	MX ²	RGX ⁴ ₄	HX ⁵¹
Postal Service	L ¹⁹	P	P	P	P		P	P	P
Religious Institutions	X	P	P	P	C		P	P	P
Schools (not truck driving schools)	C	P	P	P	P		P	P	P
Social/Fraternal Clubs	C	L ¹¹	L ¹¹	L ¹¹	L ¹¹		L ¹¹	L ¹¹	L ¹¹
Transportation Facility	P	P	P	P	P		P	P	P
Park & Ride Facilities									
- Surface	X	L ⁴⁸	L ⁴⁸	X	X	X	X	X	X
- Structure	X	L ⁴⁸	L ⁴⁸	L ⁴⁸	L ⁴⁸	L ⁴⁸	L ⁴⁸	X	L ⁴⁸
COMMERCIAL									
Commercial and Transient Lodging	X	C	P	P	L ¹⁸ /C		L ¹⁸ /C	P	L ¹⁸ /C
Eating/Drinking Establishments	L ^{19/20}	P	P	P	P		P	P	P
Entertainment-Oriented									
- Adult Entertainment	X	X	L ²³	X	X		X	X	X
- Indoor Entertainment	X	P/L ²⁴	P/L ²⁴	P/L ²⁴	P/L ²⁴		P/L ²⁴	P/L ²⁴	P/L ²⁴

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

USE	CN	CC	CG	CX	WX	CP X ¹	MX ²	RGX ⁴ ₄	HX ⁵¹
- Major Event Entertainment	X	X	P	P	C		C	X	C
General Retail									
- Sales-Oriented	L ¹⁹	P	P	P ²⁵	P		P	P ²⁵ , 46	P
- Personal Services	L ¹⁹	P	P	P	P		P	P	P
- Repair-Oriented	X	P	P	P	X		P	P	P
- Bulk Sales	X	P	P	P	X		P	C/P ⁵³	P
- Outdoor Sales	X	C	P/L ²⁶	P/L ²⁶	X		P/L ²⁶	X	P/L ²⁶
Artisan and Specialty Goods Production	X	L ⁴⁰	L ⁴⁰	L ⁴⁰	X		X	X	L ⁴⁰ , 52
Motor Vehicle Related									
- Motor Vehicle Sales/Rental	X	L ²⁷	P	P	X		C ²⁷	X, L ⁴⁵	X
- Motor Vehicle Servicing/Repair (entirely indoors)	X	L ²⁸	L ²⁸	L ²⁸	X		C ²⁸	X	X
- Vehicle Fuel Sales	X	L ²⁸	L ²⁸	L ²⁸	C		C ²⁸	X	X
- EV Basic Charging Stations (accessory and standalone)	P	P	P	P	P		P	P	P
- EV Rapid Charging Stations	P	P	P	P	P		P	P	P

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

USE	CN	CC	CG	CX	WX	CP X ¹	MX ²	RGX ⁴ ₄	HX ⁵¹
(accessory and standalone)									
-EV Battery Exchange Stations	X	P	P	P	X		X	P	X
Office									
- General	L ¹⁹	P	P	P	P		P	P	P
- Medical	L ¹⁹	P	P	P	P		P	P	P
- Extended	X	P	P	P	X		X	P	X
Marina (See also Chapter 20.760 VM C)	X	P	P	P	P		P	X	P
Non-Accessory Parking	X	C	C	C ⁴³	C		C	C ⁴³	X
Self-Service Storage	X	P ^{3, 50}	P ⁵⁰	X	X		X	X	X
INDUSTRIAL									
<u>Bulk Fossil Fuel Storage and Handling Facilities</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
<u>Cleaner Fuel Storage and Handling Facilities</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
<u>Small Fossil Fuel and Cleaner Fuels Storage and Distribution Facilities</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>

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

USE	CN	CC	CG	CX	WX	CP X¹	MX²	RGX⁴₄	HX⁵¹
Industrial Services	X	C	C	X	X		X	C/P ⁵⁴	X
Manufacturing and Production	X	C/X ³⁰	P/X ³¹	P/X ⁴¹	X		C/X ³²	P ⁴¹	C/X ³²
Railroad Yards	X	X	X	X	X	X	X	X	X
Research and Development	X	X	P	C	C		C	P	C
Warehouse/Freight Movement	X	X	X	X	X		X	X	X
Waste-Related	X	X	P ⁴⁷	X	X		X	X	X
Wholesale Sales	X	X	C	C	X		X	X	X
Major Utility Facilities	X	X	X	X	X		X	X	X
OTHER									
Agriculture/Horticulture	X	X	X	X	X		X	X	X
Airport/Airpark	X	X	X	X	X		X	X	X
Animal Kennel/Shelters	X	L ³³	L ³³	X	X		X	X	X
Cemeteries	X	C ³⁴	P ³⁴	C ³⁴	X		C ³⁴	X	C ³⁴
Detention & Post Detention Facilities	X	X	C/X ³⁵	C/X ³⁵	X		X	X	X
Dog Day Care	L ³⁶	L ³⁶	L ³⁶	L ³⁶	L ³⁶		L ³⁶	L ³⁶	L ³⁶
Heliports	X	X	X	C ³⁷	C ³⁷		C ³⁷	C ³⁷	C ³⁷

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

USE	CN	CC	CG	CX	WX	CP X ¹	MX ²	RGX ⁴	HX ⁵¹
Medical Marijuana Cooperatives	X	X	X	X	X		X	X	X
Recreational Marijuana, Production or Processing	X	X	X	X	X		X	X	X
Recreational Marijuana Retail	X	L ⁴⁹	L ⁴⁹	X	X		X	X	L ⁴⁹
Mining	X	X	X	X	X		X	C	X
Rail Lines/Utility Corridors	C	P	P	P	C		C	P	C
Temporary Uses	L ²⁶	L ²⁶	L ²⁶	L ²⁶	L ²⁶		L ²⁶	L ²⁶	L ²⁶
Wireless Communication Facilities	X	L/C/ X ³⁹	L/C/ X ³⁹	L/C/ X ³⁹	L/C/ X ³⁹		L/C/ X ³⁹	L/C/ X ³⁹	L/C/ X ³⁹

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

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

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

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

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

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

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

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

9 The language for this footnote has been deleted.

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

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

12 The language for this footnote has been deleted.

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

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

15 The language for this footnote has been deleted.

16 The language for this footnote has been deleted.

17 Transportation facilities are permitted except for large or land-intensive facilities such as park-and-ride lots and water taxi and ferry stations.

18 Bed-and-breakfast establishments are allowed as limited uses, subject to the provisions in Chapter [20.830](#) VMC, and all other lodging allowed as conditional uses.

19 Limited uses subject to the development standards in VMC [20.430.040\(D\)](#).

20 Eating and drinking establishments are permitted only in conjunction with another permitted use on site. Exclusively or predominantly drive-through eating and drinking establishments are prohibited.

22 Limited uses subject to the development standards in VMC [20.430.050\(B\)](#).

23 Subject to provisions in Chapter [20.820](#) VMC, Adult Entertainment.

24 Provisions in VMC [20.895.060](#) apply to Indoor Target Shooting Ranges.

25 Pawnshops allowed in CX and CG Districts only. No more than four pawnshop establishments allowed in the CX District.

26 Subject to provisions in Chapter [20.885](#) VMC, Temporary Uses.

27 Sales/rental lots for motor vehicles only are subject to the following criteria: (a) the lot size is approximately 200 feet by 200 feet, or 100 feet by 100 feet if a corner lot, though smaller lots

will be considered if shown to meet all other requirements; (b) reviewed and approved by the city transportation manager for on-site circulation, access, and parking plan; (c) located on a primary arterial with average traffic in excess of 10,000 vehicle trips per day; (d) employee/customer parking is provided at a rate of one space plus an additional space per each 5,000 square feet of lot area; (e) there is no vehicle display in setback areas, and all setbacks are landscaped rather than paved.

28 Subject to provisions in VMC [20.895.070](#), Motor Vehicle Fuel Sales and Repair.

29 The language for this footnote has been deleted.

30 Micro-breweries and manufacturing of optical, medical and dental devices, goods, and equipment allowed by conditional use; all others prohibited.

31 Micro-breweries, bakeries, printing, publishing, binding, lithography, repair shops for tools, scientific/professional instruments and motors, and manufacturing of optical, medical and dental devices, goods, and equipment allowed outright; all others prohibited.

32 Micro-breweries allowed by conditional use; all others prohibited.

33 Subject to provisions in VMC [20.895.020](#), Animal Kennel/Shelters.

34 Subject to provisions in VMC [20.895.030](#), Cemeteries.

35 Secure Transition Facilities as per VMC [20.855.020\(B\)\(6\)\(a\)](#) are prohibited.

36 Subject to the provisions in Chapter [20.850](#) VMC, Dog Day Care.

37 Subject to provisions in VMC [20.895.080](#), Private Landing Strips and Heliports. Airpark related uses are permitted in Pearson Airpark and Evergreen Airport only.

38 The language for this footnote has been deleted.

39 Subject to requirements in Chapter [20.890](#) VMC, Wireless Telecommunications Facilities.

40 Subject to limitations in VMC [20.430.050\(A\)](#). Uses defined in VMC [20.160.020\(C\)\(10\)](#).

41 Printing, binding, lithography, repair shops for tools, scientific/professional instruments and motors, computer research or assembly, and manufacturing of optical, medical and dental devices, goods and equipment permitted outright; all others prohibited.

42 Ground floor residential is allowed within the CX zone with the exception of properties fronting Main Street between Sixth Street and Mill Plain.

43 Parking structures are permitted outright.

44 Allowed subject to provisions of Riverview Gateway Plan District Standards, Chapter [20.680](#) VMC, and associated Master Plan adopted for the area of proposed development.

45 Motor vehicle rental permitted where ancillary to another use.

46 Retail uses shall not exceed 50,000 square feet in total floor space unless included in a mixed use building with other uses accounting for at least 20 percent of floor space, and is in full compliance with Riverview Plan District Design Guidelines.

47 Neighborhood recycling and/or yard debris collection centers which are exempt from a state solid waste handling permit are permitted; all other waste-related uses prohibited. If a neighborhood recycling and/or yard debris collection center is handling organic materials, they shall not be stored on site for a period longer than seven days.

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

49 Subject to Chapter [20.884](#) VMC.

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

51 Allowed subject to the provisions of the Heights District Plan standards, Chapter [20.670](#) VMC.

52 Permitted in the HX Plan district where commercial uses are permitted.

53 Bulk sales are permitted outright on lots 10 through 15 of the HQ Master Plan (west end of Fishers Quarry area) only. All other areas are conditional.

54 Building, heating, plumbing or electrical contractors, exterminators, janitorial and building maintenance contractors where the indoor storage of materials is more than incidental to the office use and photo-finishing laboratories are permitted outright on lots 10 through 15 of the HQ Master Plan (west end of Fishers Quarry area).

SECTION 9. Vancouver Municipal Code Section 20.440.030, as last amended by ordinance M-4354, section 3, is hereby amended to read as follows:

20.440.030 Uses.

A. *Types of uses.* For the purposes of this chapter, there are four kinds of use:

1. A permitted (P) use is one that is permitted outright, subject to all of the applicable provisions of this title.
2. A limited (L) use is permitted outright providing it is in compliance with special requirements, exceptions or restrictions.

3. A conditional use (C) is a discretionary use reviewed through the process set forth in Chapters 20.245 and 20.210 VMC, governing conditional uses and decision-making procedures, respectively.

4. A prohibited use (X) is one that is not permitted in a zoning district under any circumstances.

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

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

Table 20.440.030-1. Industrial Zoning Districts Use Table

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

USE	OCI ²⁰	IL ¹	IH	ECX ²⁷
Multi-Dwelling Units	L ²	X	X	L ²⁸
Existing Manufactured Home Developments	X	X	X	X
Designated Manufactured	X	X	X	X
New Manufactured Homes	X	X	X	X
CIVIC (Institutional)				
Basic Utilities	P	P	P	P
Colleges	X	X	X	C
Community Centers	P	X	P	P
Community Recreation	L ²⁴	P	X	L ²⁴
Cultural Institutions	X	P	X	P
Day Care				
- Child Care Center	L ⁴	L ⁴	X	L ⁴
- Adult Day Care	P	P	X	P
Emergency Services (except ambulance services)	P	P	P	P
Medical Centers	C	X	X	P
Parks/Open Space				
- Neighborhood Parks	P	P	P	P
- Community Parks	P	P	P	P
- Regional Parks	C	C	C	C
- Trails	P	P	P	P

USE	OCI ²⁰	IL ¹	IH	ECX ²⁷
Postal Service	X	P	P	X
Religious Institutions	X	X	X	X
Schools	X	X	X	X
Social/Fraternal Clubs	X	X	X	X
Transportation Facility	P/X ²⁶	P	P	P/X ²⁶
Park and Ride Facilities				
Surface	X	L ³¹	L ³¹	X
Structure	L ³¹	L ³¹	L ³¹	L ³¹
COMMERCIAL				
Commercial and Transient Lodging	X	X	X	P
Eating/Drinking Establishments	L	L ⁵	L ⁵	L ⁶
Entertainment-Oriented				
- Adult Entertainment	X	L ⁷	L ⁷	X
- Indoor Entertainment	X	X	X	X
- Major Event Entertainment	X	X	X	X
Artisan Small Scale Manufacturing	X	X	X	P
General Retail				
- Sales-Oriented	L	L ⁶	L/C ⁶	L ⁶
- Personal Services	L	L ⁶	X	L ⁶
- Repair-Oriented	L	L ⁶	X	L ⁶
- Bulk Sales	X	X	X	X

USE	OCI²⁰	IL¹	IH	ECX²⁷
- Outdoor Sales	X	X	P	X
Motor Vehicle Related				
- Motor Vehicle Sales/Rental	X	X	X	X
- Motor Vehicle Servicing/Repair	X	L ⁸	L ⁸	X
- Vehicle Fuel Sales	X	X	L ⁸	L ^{8, 29}
- EV Basic Charging Stations (accessory and stand-alone)	P	P	P	P
- EV Rapid Charging Stations (accessory and stand-alone)	P	P	P	P
- EV Battery Exchange Stations	P	P	X	P
Office				
- General	P	P	L/C ⁹	P
- Medical	P	P	X	P
- Extended	P	P	X	P
Marina (See also Chapter 20.760 VMC)	X	C	X	X
Nonaccessory Parking	C ¹⁰	L ¹⁰ /X	X	L ³⁰
Self-Service Storage	P ³⁵	P ³⁵	X	X
INDUSTRIAL				
Industrial Services	P	P	P	P
Manufacturing and Production	P	P ¹¹	P ¹¹	P
Railroad Yards	X	X	P	X

USE	OCI ²⁰	IL ¹	IH	ECX ²⁷
<u>Bulk Fossil Fuel Storage and Handling Facilities, Existing Legal and Non-Capacity Improvements</u>	<u>X</u> ³⁴	<u>L</u> ³⁴	<u>L</u> ³⁴	<u>X</u> ³⁴
<u>Bulk Fossil Fuel Storage and Handling Facilities, Existing, Conversion Full or Partial to Cleaner Fuels</u>	<u>X</u> ³⁴	<u>C</u> ³⁴	<u>C</u> ³⁴	<u>X</u> ³⁴
<u>Bulk Crude Oil Fossil Fuel Storage and Handling Facilities, New</u>	<u>X</u> ³⁴	<u>X</u> ³⁴	<u>X</u> ³⁴	<u>X</u> ³⁴
<u>Cleaner Fuel Storage and Handling Facilities</u>	<u>X</u>	<u>X</u>	<u>C</u> ³⁷	<u>X</u>
<u>Small Fossil Fuel or Cleaner Fuel Storage and Distribution Facilities</u>	<u>X</u>	<u>X</u>	<u>L/C</u> ³⁷	<u>X</u>
Petroleum/Oil Refineries	X	X	X	X
Research and Development	P	P	C	P
Warehouse/Freight Movement	X	L ¹²	P	X
Waste-Related	X	X	P ²² /X	X
Wholesale Sales	P	L ¹²	X	X
Major Utility Facilities	X	X/P ³²	L ³³	X
OTHER				
Agriculture/Horticulture	X	P	P	X
Airport/Airpark	X	L ¹⁹	P	X
Animal Kennel/Shelters	X	L ¹⁷	L ¹⁷	X
Cemeteries	X	X	C	X
Detention and Post Detention Facilities	X	C/X ¹³	C ¹⁴	X
Dog Day Care	L ¹⁵	L ¹⁵	L ¹⁵	L ¹⁵

USE	OCI ²⁰	IL ¹	IH	ECX ²⁷
Heliports	C	C	C	C
Medical Marijuana Cooperatives	X	X	X	X
Recreational Marijuana Retail	X	X	X	X
Recreational Marijuana Growing or Processing	X	L ³⁶	L ³⁶	X
Mining	C ¹⁸	C ¹⁸	C ¹⁸	C ¹⁸
Rail Lines/Utility Corridors	P/X ²³	P	P	P/X ²³
Wireless Communication Facilities	L ¹⁶	L ¹⁶	L ¹⁶	L ¹⁶

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

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

3 Subject to the conditions in Chapter 20.860 VMC, Home Occupations.

4 Child care centers allowed as a Limited (L) use, subject to a Type II procedure. Child care centers are permitted in order to provide service for those employees working in the IL district, subject to provisions in Chapter 20.840 VMC, Child Care Centers.

5 If within an industrial building, these uses shall consume no more than 10 percent of the building's total gross square footage. If freestanding, they shall be considered together with the rest of the project and shall consume no more than 10 percent of the site's total gross square footage.

6 These limited uses, separately or in combination, may not exceed 20 percent of the entire building square footage within a development complex. No retail uses shall exceed 40,000 gross square feet (gsf) per building or business; retail uses greater than 40,000 gsf but less than 60,000 gsf require conditional use review.

7 Subject to provisions in Chapter 20.820 VMC, Adult Entertainment.

8 Subject to provisions in VMC 20.895.070, Motor Vehicle Fuel Sales and Repair.

9 Offices not accessory to a permitted use may not exceed 40,000 gsf; offices greater than 40,000 gsf but less than 60,000 gsf require conditional use review.

10 In the OCI zone, nonaccessory surface parking is conditionally permitted on brownfields where subsurface environmental constraints effectively preclude other uses, provided such development complies with applicable local, state and federal environmental standards. In the IL zone, nonaccessory surface parking is permitted, and nonaccessory structured parking is prohibited. In the ECX zone, nonaccessory structural parking only shall be permitted.

11 Electroplating and related uses not permitted.

12 Permitted as limited use provided all activities, except outdoor storage of materials, are wholly contained within building(s).

13 Secure Community Transition Facilities as per Chapter 20.150 VMC are prohibited.

14 In addition to other detention and post-detention facilities, Secure Community Transition Facilities are allowed by conditional use permit, subject to criteria set forth in VMC 20.855.020(B)(6)(a).

15 Subject to provisions in Chapter 20.850 VMC, Dog Day Care.

16 Subject to requirements in Chapter 20.890 VMC, Wireless Telecommunications Facilities.

17 Subject to provisions in VMC 20.895.020, Kennels/Shelters.

18 Surface mining is only allowed by conditional use on sites of 20 acres or larger which are adjacent to existing mining operations. Reclamation activity for existing mining operations approved by the Washington State Department of Natural Resources is a permitted use in any nonresidential zoning district.

19 Allow airport/airpark related activities such as hangars, air cargo, and warehousing, pilot schools, aircraft sales and repairs, aviation clubs, and museum in the Light Industrial District (IL). New airports/airparks are prohibited.

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

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

22 Ten-day hazardous waste handling and transfer facilities, excluding facilities handling radioactive or high explosive materials, are allowed, provided such facilities: (a) do not repackage

waste (except as necessary to address damaged or improper packaging); (b) are located at least 200 feet from any residential zoning district; and (c) do not store hazardous wastes (except for “universal wastes,” as that term is defined in Code of Federal Regulations, Title 40, Part 273) for more than 10 days.

23 Prohibited within 200 feet of a residential zone.

24 Subject to provisions of VMC 20.895.040, Community Recreation and Related Facilities.

25 The language for this footnote has been deleted.

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

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

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

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

30 The language for this footnote has been deleted.

31 See VMC 20.430.040(E), Park and Ride Facility Development Standards.

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

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

34 New bulk fossil fuel storage and handling facilities are prohibited. Maintenance and safety improvements to existing bulk fossil fuel storage and handling facilities are allowed subject to compliance with requirements in VMC 20.895.110. Existing bulk ~~crude oil~~ fossil fuel storage and handling facilities including vested projects as of ~~July 18, 2016~~ November 3, 2022, are prohibited to may convert to Cleaner Fuels and as part of such conversion may expand the amount of ~~crude oil~~ storage by up to 15 percent of the baseline capacity subject to a Conditional Use Permit and compliance with the requirements of VMC 20.895.110.

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

36 Subject to compliance with Chapter 20.884 VMC, Marijuana Businesses.

37 Small Cleaner Fuel Storage and Distribution Facilities are allowed as a Limited Use, subject to compliance with VMC 20.895.110. Small Fossil Fuel Storage and Distribution Facilities are allowed as a Conditional Use subject to compliance with VMC 20.895.110.

SECTION 10. Vancouver Municipal Code Section 20.450.030, as last amended by ordinance M-4255, section 10, is hereby amended to read as follows:

20.450.030 Uses.

A. *Types of uses.* For the purposes of this chapter, there are four kinds of use:

1. A permitted (P) use is one that is permitted outright, subject to all of the applicable provisions of this title.
2. A limited (L) use is permitted outright providing it is in compliance with special requirements, exceptions or restrictions.
3. A conditional use (C) is a discretionary use reviewed through the process set forth in Chapters 20.245 and 20.210 VMC, governing conditional uses and decision-making procedures, respectively.
4. A prohibited use (X) is one that is not permitted in a zoning district under any circumstances.

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

**Table 20.450.030-1
Specialized Open Space Uses/Activities**

USE	Natural Area	Greenway			Park
		Vancouver Lake	Lettuce Fields	General	
OPEN SPACE/ PARKS AND RECREATION					
Agricultural Related					
- Agriculture	X	L	L	X/ L	L
- Horticulture	X	L	L	X/ L	L
- Silviculture	X	C	L	X/ L	L
- Roadside Agricultural Stands/Sales	X	L	L	X/L	L
- Storage Structures	X	L	L	L	L
- Housing for Agricultural Employees	X	X/C	X	C	X
Environmental Management and Education					
- Environmental Education Activities	P	P	P	P	P
- Environmental Maintenance Projects and Activities	P	P	P	P	P
- Environmental Restoration, Rehabilitation, or Enhancement Projects and Activities	P	P	P	P	P
Fences	X	P	L	P	P

**Table 20.450.030-1
Specialized Open Space Uses/Activities**

		Greenway			
USE	Natural Area	Vancouver Lake	Lettuce Fields	General	Park
Fill	C	L	L	L	P
Flood Plain and Stormwater Management Projects	C	C	P	P	P
Wetland Banking	C	C	P	P	P
Wetland Mitigation	C	C	P	P	P
Wildlife Habitat Conservation, Maintenance, Rehabilitation, Restoration, Enhancement, and Education Projects	P	P	P	P	P
Park Facilities					
- Interpretive Stations, Construction and Maintenance	C	P	P	P	P
- Playgrounds	X	X	X	P	P
- Restrooms	C	L	L	L	P
- Neighborhood Parks	X	X	X	P	P
- Community Parks	X	X	X	P	P
- Regional Parks	X	X	X	X	P
Recreational Facilities					
- Passive or Low-Impact, Low-Intensity Uses	P	C	P	P	P
-Moderate or High-Impact, High-Intensity Uses	X	X	X	C	P
Motorized Recreational Equipment including Off-Road Vehicles and All Terrain Vehicles	X	X	X	X	C
- Community Recreation Facilities	X	X	X	X	P
- Trails	L	L	L	L	P

Table 20.450.030-1
Specialized Open Space Uses/Activities

		Greenway			
USE	Natural Area	Vancouver Lake	Lettuce Fields	General	Park
- Parking	C	L	L	L	P
- Informational and Interpretative Signs	P	P	L/X	P	P

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

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

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

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

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

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

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

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

		Greenway			
USE	Natural Area	Vancouver Lake	Lettuce Fields	General	Park
RESIDENTIAL					
Household Living	X	X/L	X/L	X/L	X/L
Group Living	X	X	X	X	X
Home Occupation	X	X	X	X	X

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

		Greenway			
USE	Natural Area	Vancouver Lake	Lettuce Fields	General	Park
HOUSING TYPES					
Single Dwelling, Attached	X	X	X	X	X
Single Dwelling, Detached	X	X/L	X/L	X/L	X/L
Accessory Dwelling Units	X	X	X	X	X
Duplexes	X	X	X	X	X
Multi-Dwelling Units	X	X	X	X	X
Existing Manufactured Home Development	X	X	X	X	X
Designated Manufactured Home	X	X	X	X	X
New Manufactured Home	X	X	X	X	X
CIVIC (Institutional)					
Colleges	X	X	X	X	X
Community Centers	X	X	X	X	X
Community Recreation	X	X	X	X	P
Cultural Institutions	X	X	X	X	P
Day Care					
Family Day Care Home	X	L	X	X	P
Child Care Center	X	C	X	X	X
- Adult Day Care	X	C	X	X	P

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

		Greenway			
USE	Natural Area	Vancouver Lake	Lettuce Fields	General	Park
Emergency Services	X	X	X	X	X
Medical Centers	X	X	X	X	X
Postal Service	X	X	X	X	X
Religious Institutions	X	X	X	X	X
Schools	X	C	X	X	P
Social/Fraternal Clubs	X	X	X	X	X
COMMERCIAL					
Commercial and Transient Lodging	X	X	X	X	X
Eating/Drinking Establishments	X	X	X	X	X
Entertainment-Oriented					
- Adult Entertainment	X	X	X	X	X
- Indoor Entertainment	X	X	X	X	X
- Major Event Entertainment	X	X	X	X	X
General Retail					
- Sales-Oriented	X	X	X	X	X
- Personal Services	X	X	X	X	X
- Repair-Oriented	X	X	X	X	X
- Bulk Sales	X	X	X	X	X

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

		Greenway			
USE	Natural Area	Vancouver Lake	Lettuce Fields	General	Park
- Outdoor Sales	X	X	X	X	X
Motor Vehicle Related					
- Motor Vehicle Sales/Rental	X	X	X	X	X
-Motor Vehicle Servicing/Repair	X	X	X	X	X
- Vehicle Fuel Sales	X	X	X	X	X
- Electric Vehicle Re-charging Station	X	X	X	X	X
Office					
- General	X	X	X	X	X
- Medical	X	X	X	X	X
- Extended	X	X	X	X	X
Non-Accessory Parking	X	X	X	X	X
Self-Service Storage	X	X	X	X	X
Marina	X	X	X	X	X
INDUSTRIAL					
<u>Bulk Fossil Fuel Storage and Handling Facilities</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
<u>Cleaner Fuel Storage and Handling Facilities</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>

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

		Greenway			
USE	Natural Area	Vancouver Lake	Lettuce Fields	General	Park
<u>Small Fossil Fuel or Cleaner Fuel Storage and Distribution Facilities</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
Industrial Services	X	X	X	X	X
Manufacturing and Production	X	X	X	X	X
Railroad Yards	X	X	X	X	X
Research and Development	X	X	X	X	X
Warehouse/Freight Movement	X	X	X	X	X
Wholesale Sales	X	X	X	X	X
Waste-Related	X	X	X	X	X
OTHER					
Airport/Airpark	X	X	X	X	X
Animal Kennels/Shelters	X	X	X	X	X
Cemeteries	X	X	X	X	C
Detention Facilities	X	X	X	X	X
Dog Day Care	X	X	X	X	X
Heliports	X	X	X	X	X
Landfills, Sanitary	X	X	X	X	X
Mining	X	X	X	X	X

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

		Greenway			
USE	Natural Area	Vancouver Lake	Lettuce Fields¹	General	Park²
Public Facilities and Utilities					
- Essential Utilities	X	P	L ³	L ³	L ³
- Major Utilities	X	X	X/C ⁴	C	C
- – Essential Public Facilities	X	X	C ⁴	C	C
- – Other Major Utilities	X	X	X	C	C
- Minor Utilities	X	C	L ³	C ⁴	C ⁴
- Public Utility Corridors	X	C	C ⁴	C	C
- Transportation Facilities	X	C	C ⁴ /X	C	C
Rail Lines	X	X	X	C	C
Recreational or Medical Marijuana Facilities	X	X	X	X	X
Temporary Uses	X	X	X	X	X
Wireless Communication Facilities	X	C/L ³	X	C ⁴	C

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

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

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

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

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

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

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

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

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

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

SECTION 11. Chapter 20.895 of Vancouver Municipal Code, adopted by Ordinance M-3643, is hereby amended by adding a new Section 20.895.110, to read as follows:

20.895.110 Fossil Fuel or Cleaner Fuel Storage and Handling

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

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

1. Bulk Fossil Fuel Storage and Handling Facilities

2. Cleaner Fuel Storage and Handling Facilities

3. Small Fossil Fuel or Cleaner Fuel Storage and Distribution Facilities

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

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

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

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

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

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

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

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

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

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

2. Baseline Established. The baseline for storage, transportation, and transshipment facilities is established by the following information available as of November 3, 2022. Storage baseline capacity shall be established using Washington Department of Ecology industrial section permits and oil spill prevention plans or other verifiable documentation. Transshipment and transportation facility baseline is established through the most recent spill prevention plans approved by the Department of Ecology or where a local permit documenting such facilities has been approved more recently. If an existing facility does not have an established refining or storage baseline from a past industrial section permit or spill prevention plan, the baseline must be established as part of a permit application.

3. Expansion of Bulk Fossil Fuel Storage and Handling Facilities is allowed up to 15 percent increase above the baseline capacity if converted to Cleaner Fuels, as defined by VMC 20.150.040A, and subject to the requirements of Section F below.

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

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

2. Existing Bulk Fossil Fuel Storage and Handling Facilities may be converted to Cleaner Fuels, as defined by VMC 20.150.040A, as a limited use, subject to the requirements of subsection 3, below.

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

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

facility is converted to cleaner fuels, the storage and handling infrastructure may expand by 3.75%. If 50% of the facility is converted to cleaner fuels, storage and handling infrastructure may expand by 7.5%. If 100% of the facility is converted into cleaner fuels storage and handling, then 15% of the infrastructure may be increased.

b. If a fossil fuel storage and handling facility is partially or fully converted to cleaner fuel infrastructure, that share of the facility used for cleaner fuel storage, transportation, or transshipment of petroleum-based fossil fuels shall be maintained on the overall site; products may be moved to different storage tanks on the site, provided that the cleaner fuel percentage of the total storage is maintained. The applicant shall provide a comprehensive spill prevention plan and fire response plan to the satisfaction of the Planning Official and Fire Marshal.

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

d. GHG Assessment: Greenhouse gas emissions impacts shall be assessed for expanded facilities. The applicant is responsible to provide an expert evaluation by a qualified professional consistent with the requirements of this code. The evaluation shall document baseline lifecycle greenhouse gas emissions from the facility, net increases in lifecycle greenhouse gas emissions, and mitigation of greenhouse gas emission increases. Lifecycle emissions shall be quantified as defined in 42 U.S. Code § 7545. The Planning Official shall require mitigation to

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

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

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

- i. A description of on-site storage capacity including the number of tanks, tank volumes, and products.
- ii. The number of vessel transfers of fuel, both inbound and outbound from the site, the type and quantity of products transferred, and the product destination.
- iii. The number of rail cars transporting fuels, both to and from the site, including a description of the product, volume, and destination.
- iv. The number of trucks transporting fuels, both to and from the site, including a description of the product, volume, and destination.
- v. Documentation that onsite activity is similar to the established baseline of storage and/or throughput.
- vi. Conformity with applicable regional, state, and federal reporting or permit requirements pursuant to laws and rules implemented by Southwest Washington Clean Air Agency, Washington Department of Ecology, US Environmental Protection Agency, and US Energy Information Administration to ensure compliance with the requirements herein.

SECTION 12. Moratorium terminated. The moratorium prohibiting the establishment of new, or expansion of existing, large-scale fossil fuel facilities, which was originally enacted by Ordinance No. M-4295, first extended by Ordinance No. M-4323, extended a second time by Ordinance No. M-4335, then extended a third time by Ordinance No. M-4355, and subsequently

extended for a fourth time by Ordinance No. M-4370, is hereby terminated as of the effective date of this ordinance.

SECTION 13. Savings. Those sections of any ordinances amended or repealed by this ordinance shall remain in full force and effect until the effective date of this ordinance.

SECTION 14. Severability. If any clause, sentence, paragraph, section, or part of this ordinance or the application thereof to any person or circumstance shall be adjudged by any court of competent jurisdiction to be invalid, such order or judgment shall be confined in its operation to the controversy in which it was rendered and shall not effect or invalidate the remainder of any parts thereof to any person or circumstances and to this end the provisions of each clause, sentence, paragraph, section or part of this law are hereby declared to be severable.

SECTION 15. Effective Date. This ordinance shall become effective on November 3, 2022, thirty (30) days after its adoption.

Read first time:

Ayes: Councilmembers

Nays: Councilmembers

Absent: Councilmembers

Read second time:

PASSED by the following vote:

Ayes: Councilmembers

Nays: Councilmembers

ORDINANCE - 72

Absent: Councilmembers

SIGNED this _____ day of _____, 2022.

Anne McEnery-Ogle, Mayor

Attest:

Natasha Ramras, City Clerk

Approved as to form:

Jonathan Young, City Attorney

SUMMARY

ORDINANCE NO. _____

AN ORDINANCE relating to use and development standards for fossil fuel storage and handling facilities; amending various sections in Chapters 20.150, 20.160, 20.410, 20.420, 20.430, 20.440, 20.450, and 20.895 of the Vancouver Municipal Code; terminating the existing ORDINANCE - 73

moratorium prohibiting the establishment of new, or expansion of existing, large-scale fossil fuel facilities, originally enacted by Ordinance No. M-4295 and most recently extended by Ordinance No. M-4370; and providing clauses for savings, severability, and an effective date.

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

06 / 08 / 2020

ORDINANCE NO. M-4295

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF VANCOUVER:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Nays: Councilmembers None

Absent: Councilmembers None

SIGNED this 8th day of June, 2020.

DocuSigned by:



58CB15C0632F403...

Anne McEnerny-Ogle, Mayor

Attest:

DocuSigned by:



BCF6734E40E94AE...

Natasha Ramras, City Clerk

Approved as to form:

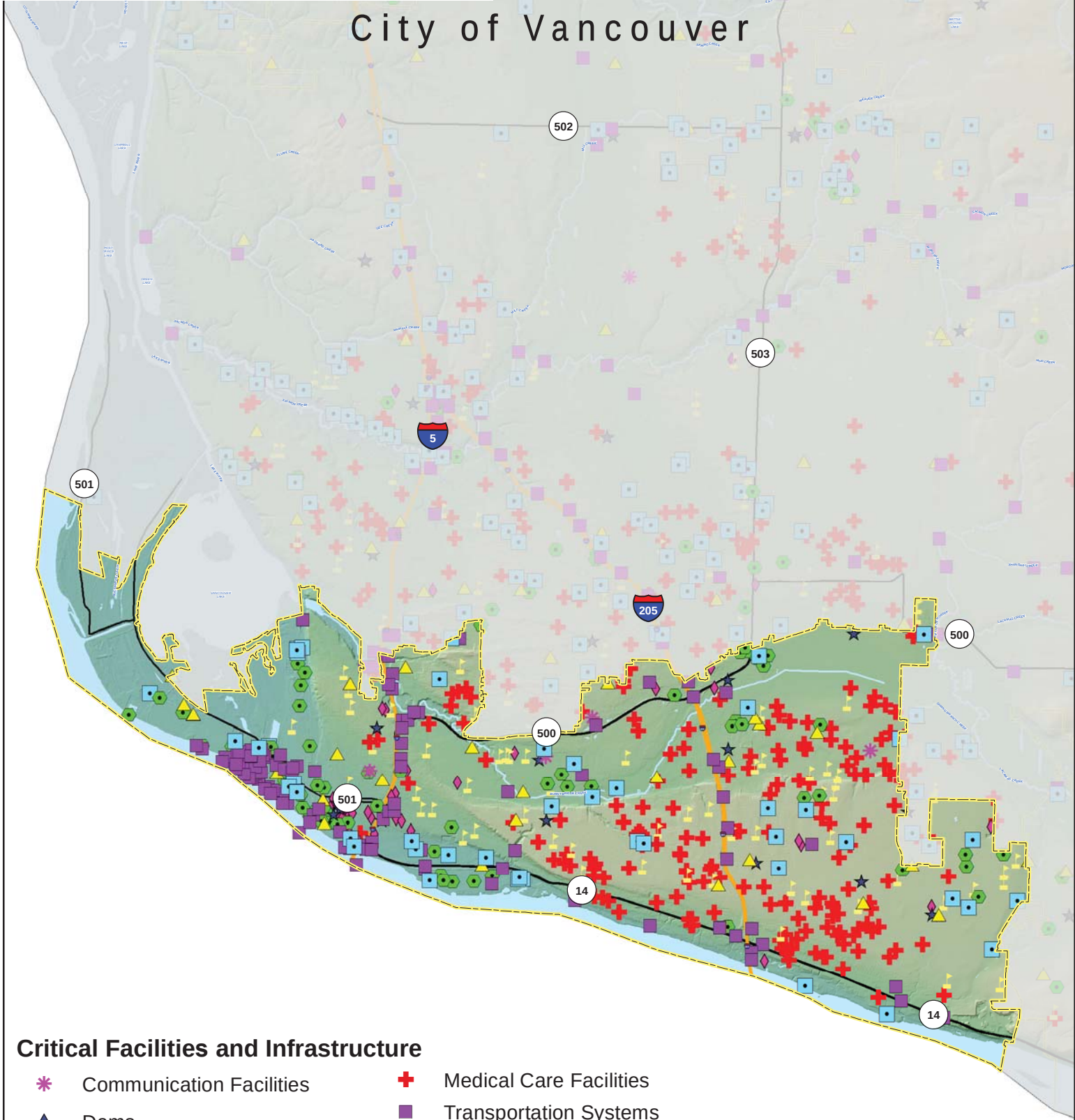
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Jonathan Young, City Attorney

City of Vancouver



Critical Facilities and Infrastructure

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



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



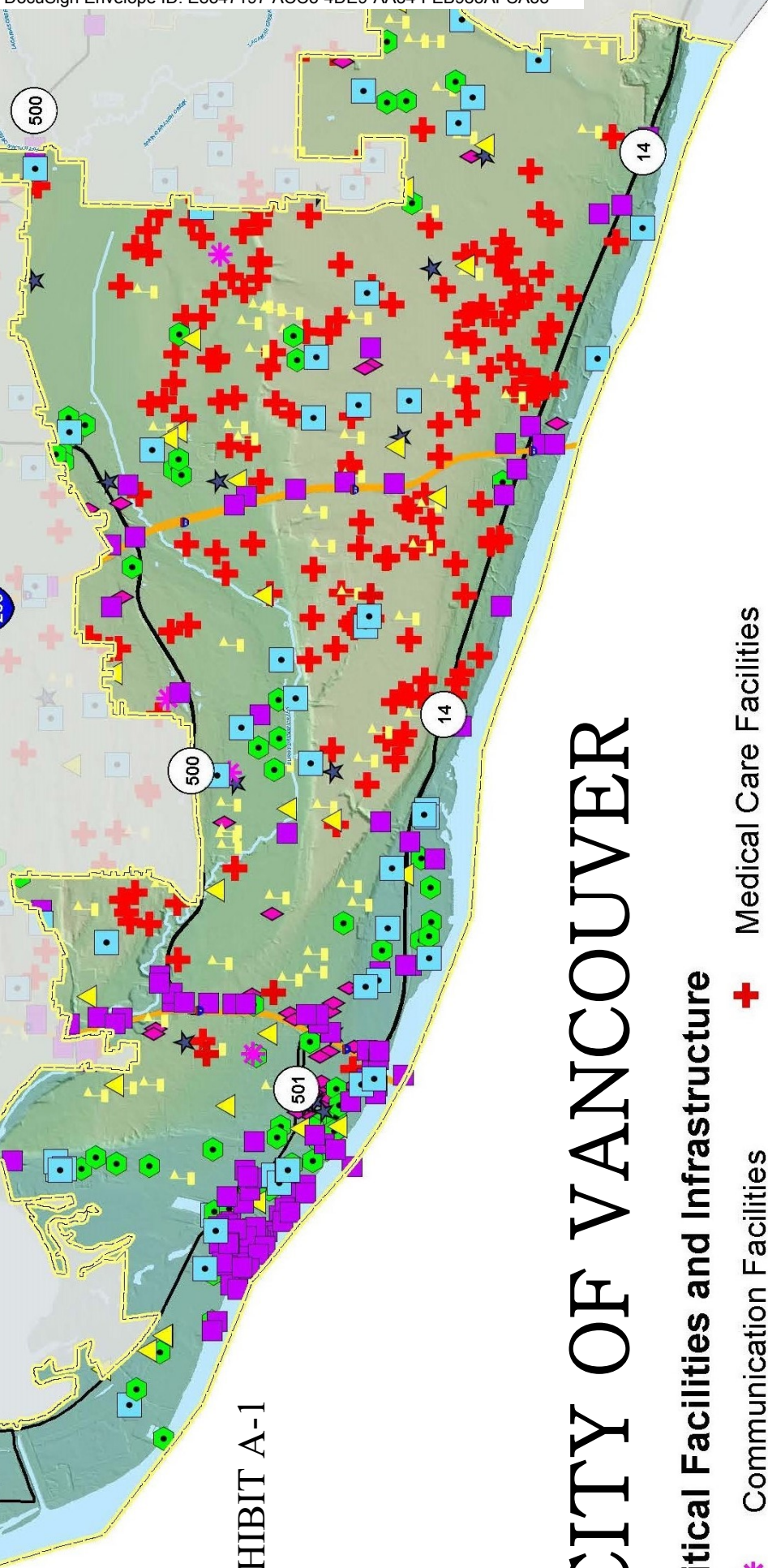


EXHIBIT A-1

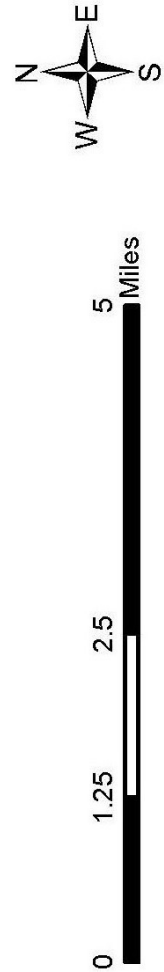
CITY OF VANCOUVER

Critical Facilities and Infrastructure

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



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



Clark County does not warrant the accuracy, reliability or timeliness of any information on this map, and shall not be held liable for losses caused by using this information.

City of Vancouver



Liquefaction Susceptibility

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

Not Susceptible to Liquefaction

- Bedrock
- Peat
- Water



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

0 1.25 2.5 5 Miles



Clark County does not warrant the accuracy, reliability or timeliness of any information on this map, and shall not be held liable for losses caused by using this information.

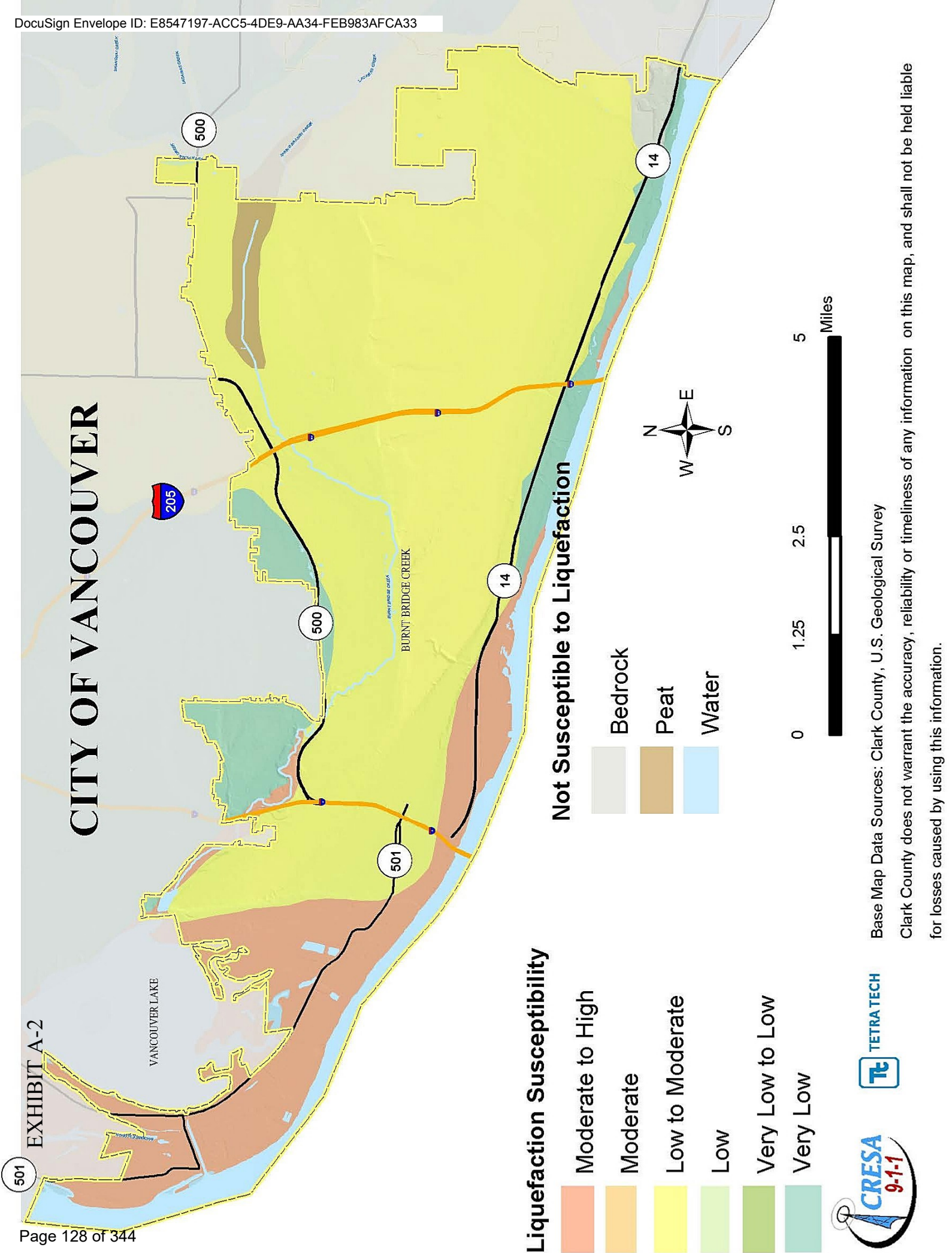


Exhibit B



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

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

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

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

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

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

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

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

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

Urban Aquifers

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

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

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

Hydrogeology

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

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

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

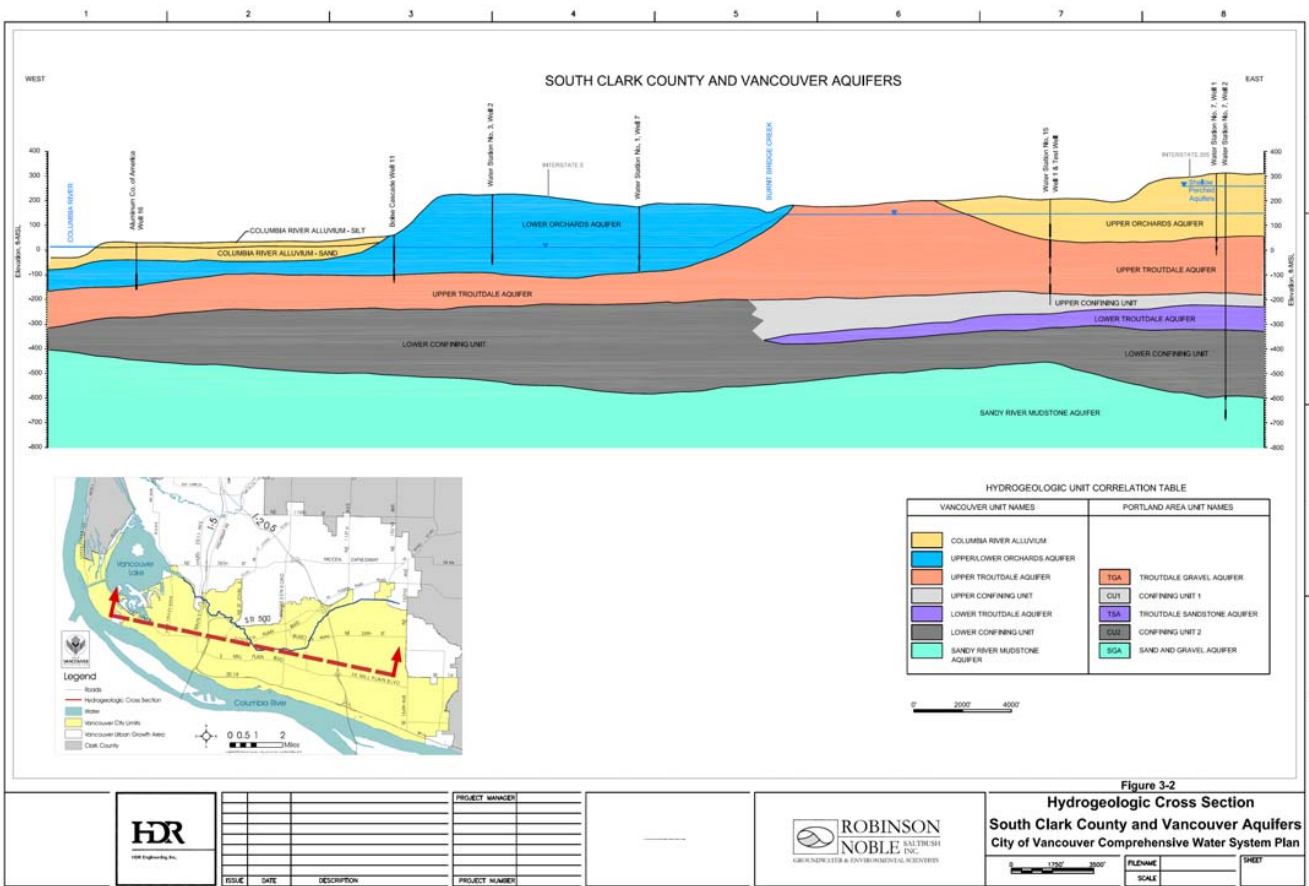


Figure 1: Vancouver area aquifer cross-section

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

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

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

Aquifer Susceptibility

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

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

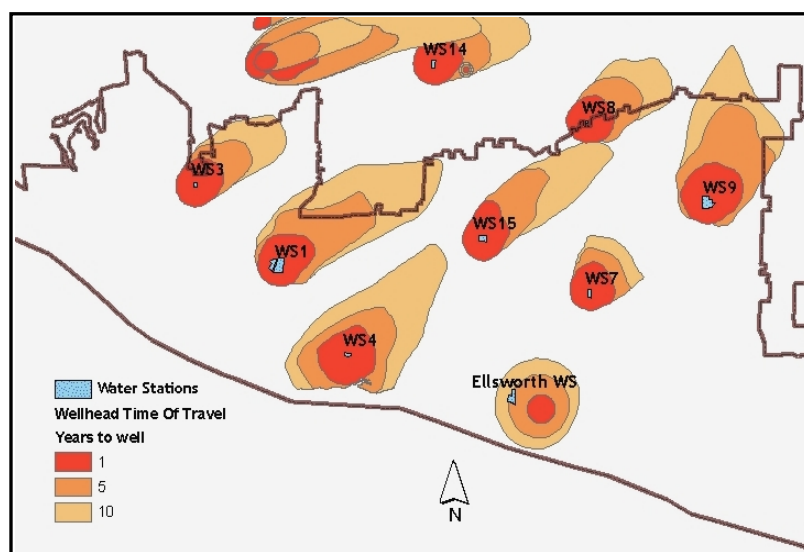


Figure 2: Groundwater travel time vulnerability map

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

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

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

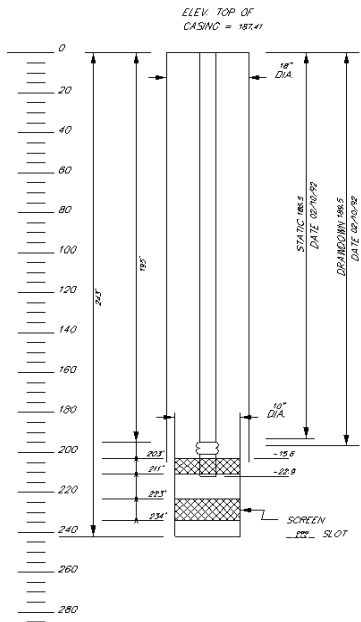


Figure 3: Example wellbore diagram

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

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

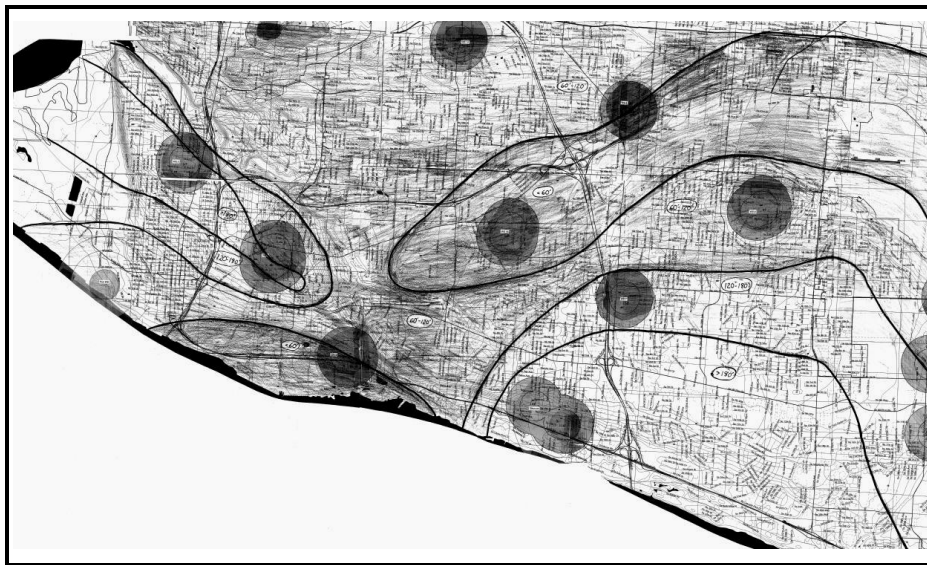


Figure 4: Initial hand-drawn depth map based on static water levels

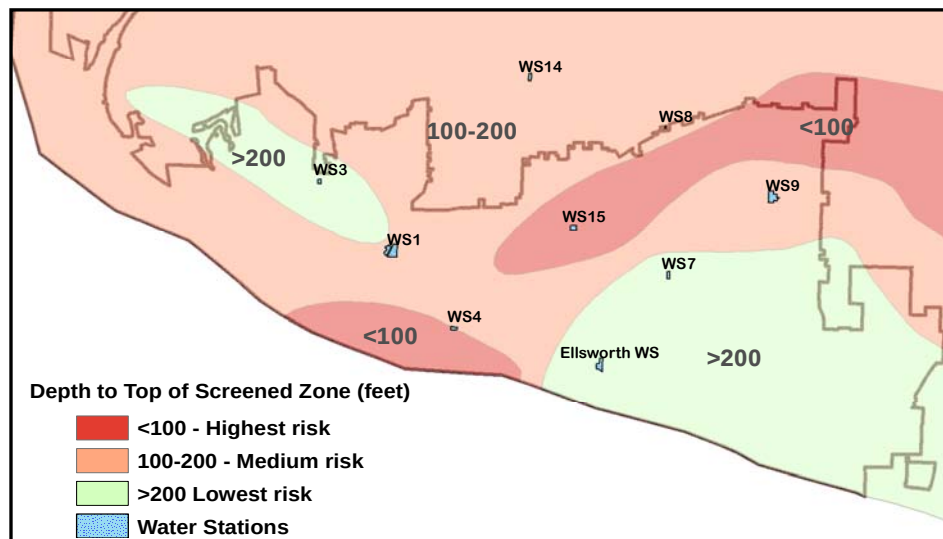


Figure 5: Depth to groundwater vulnerability map based on top of screen

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

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

Infiltration Risks

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

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

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

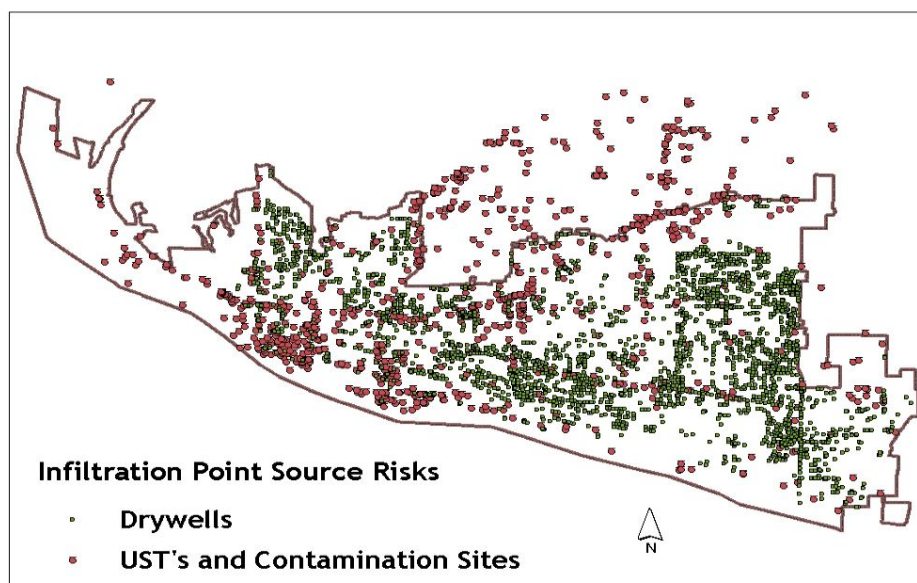


Figure 6: Drywells, underground storage tanks and contamination sites

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

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

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

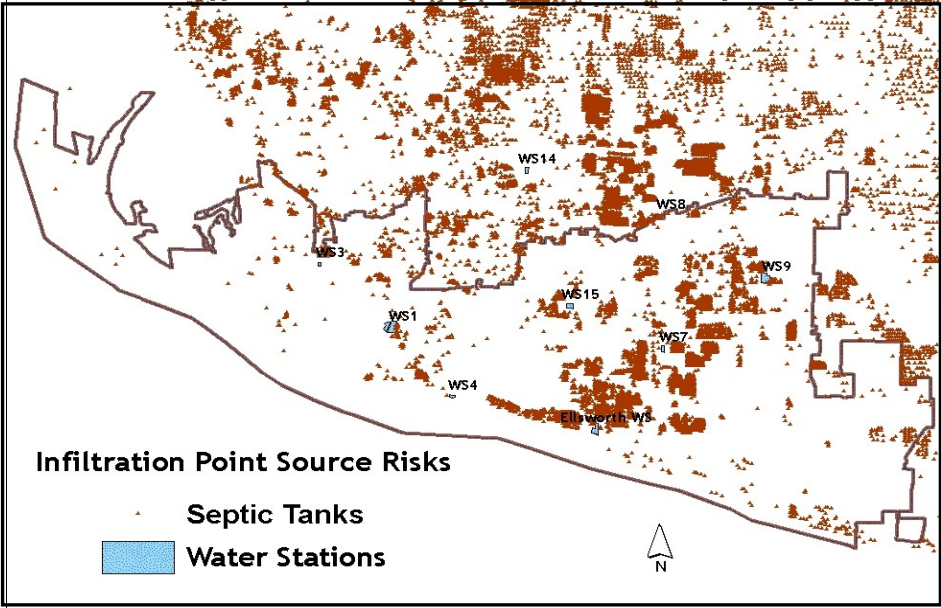


Figure 7: Septic tanks in Vancouver

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

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

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

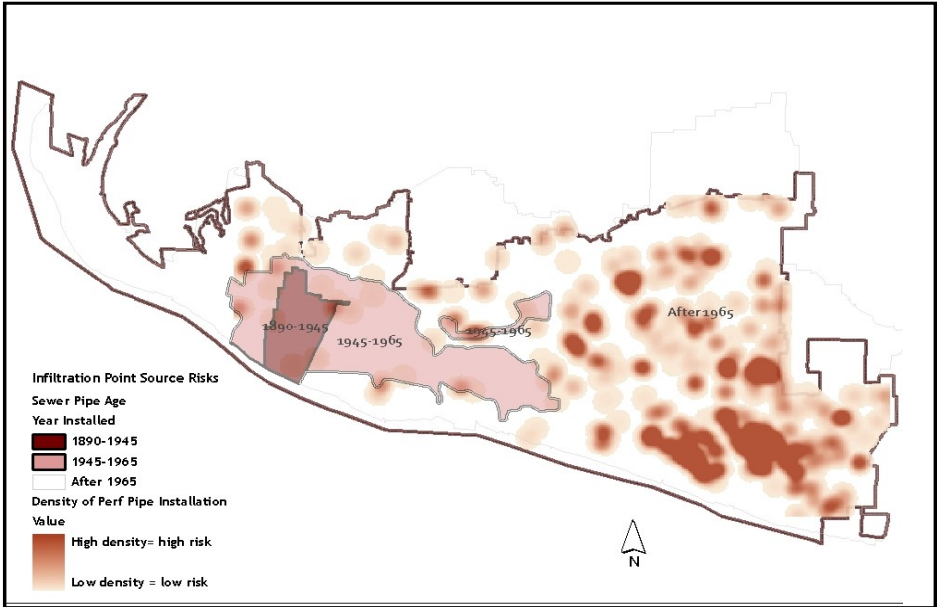


Figure 8: Sewer pipe age and concentration of perforated storm drainage pipe

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

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

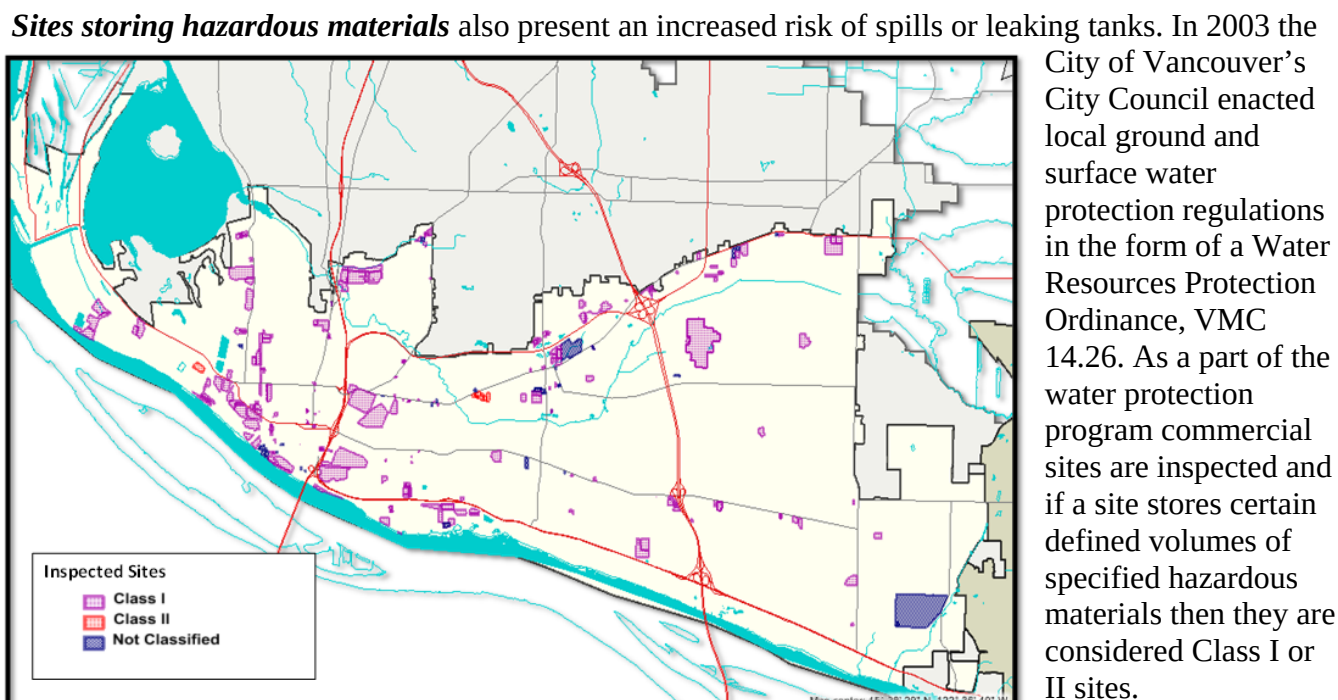


Figure 9: Facilities storing hazardous materials, classified by ordinance

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

Vulnerability Calculations

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

Risk Factors and Weights

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

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

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

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

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

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

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

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

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

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

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

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

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

Creating Vulnerability Maps in ArcGIS

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

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

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

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

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

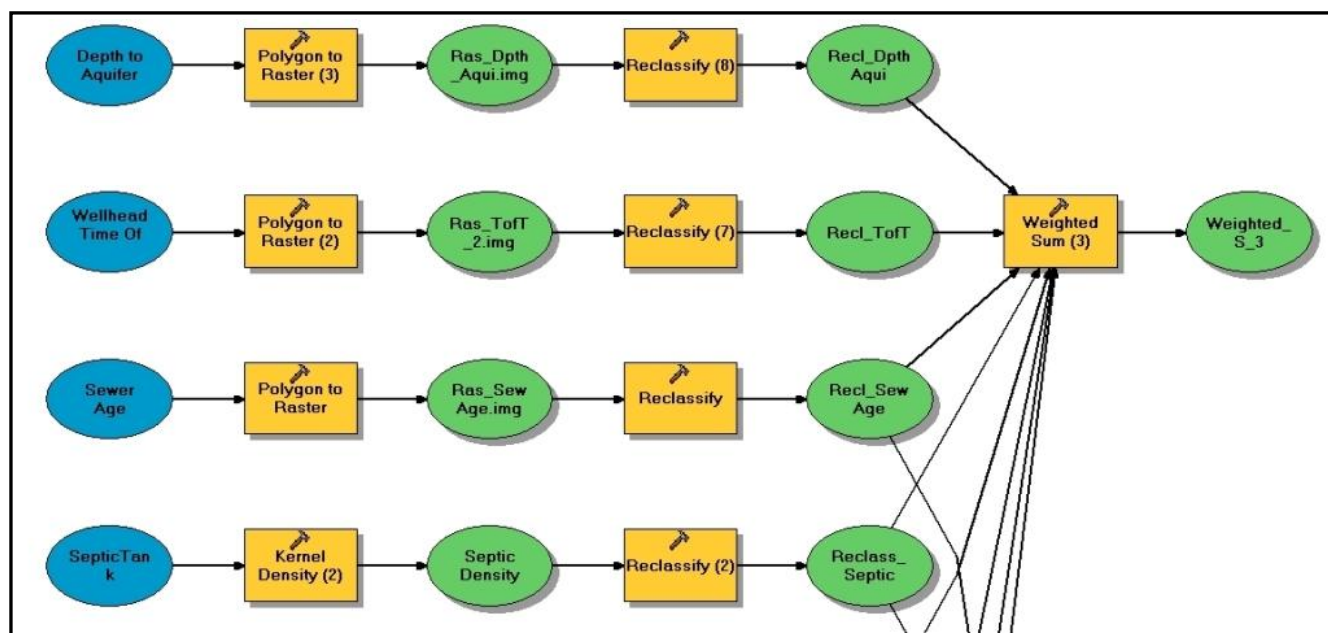


Figure 10: Segment of flowchart showing composite weighting calculation process

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

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

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

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

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

Objectives of the Aquifer Vulnerability Study

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

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

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

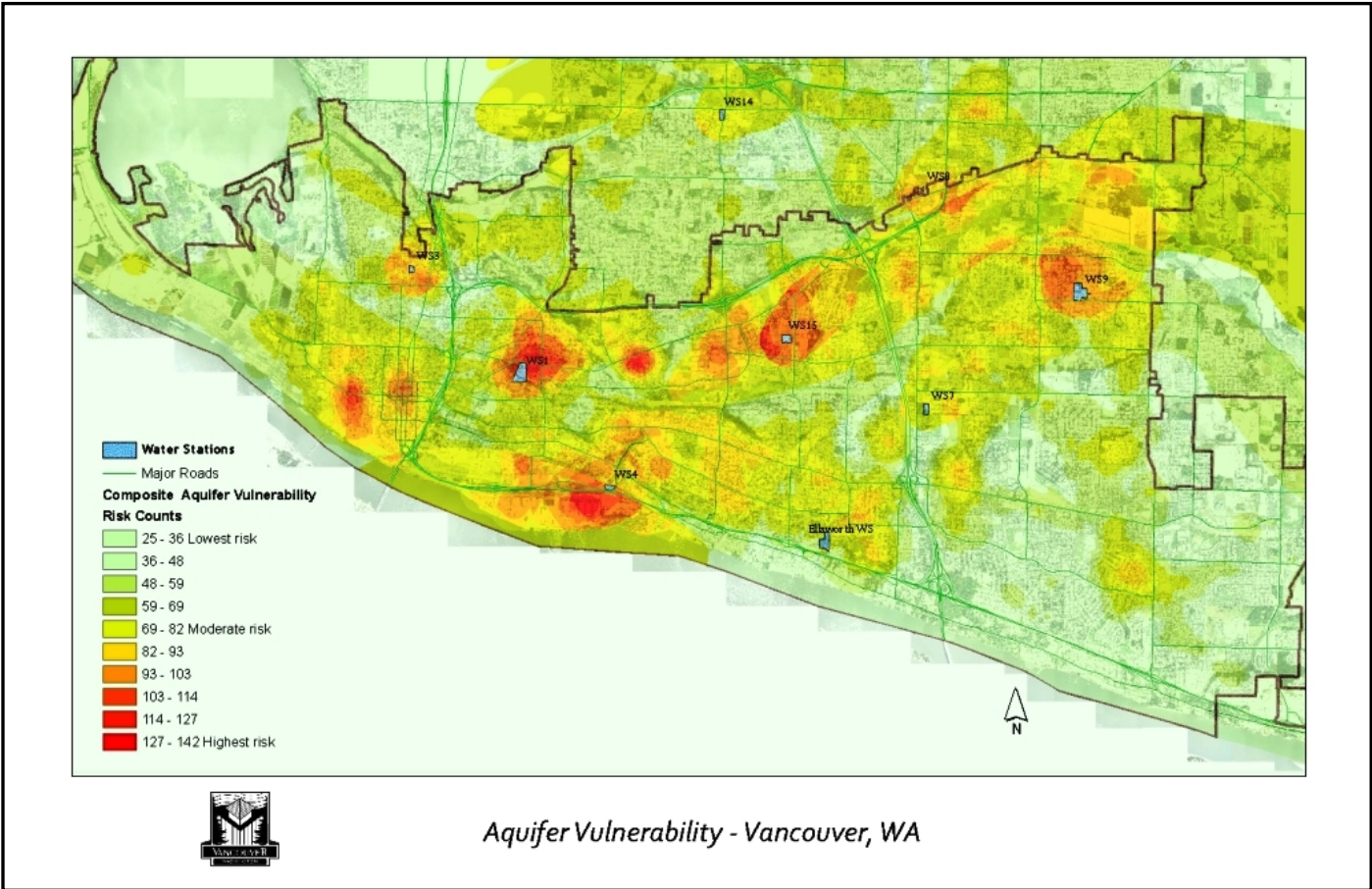


Figure 11: Composite aquifer vulnerability map

Conclusion

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

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

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SUMMARY

ORDINANCE NO. _____

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

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



STATE ENVIRONMENTAL POLICY ACT

Determination of Non-Significance

Vancouver Fossil Fuel Code Standards Proposal

Date: August 16, 2022

Lead Agency: City of Vancouver

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

Location: The legislative proposal applies to Vancouver city limits.

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

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

This DNS is issued under WAC 197-11-340(2) and the comment period will end at 5 p.m. on August 30. Procedural appeals to the SEPA determination must be filed in writing within 14 calendar days following the end of the comment period. A City Council decision of the SEPA procedural appeal shall be final and not subject to further administrative appeal. Substantive SEPA appeals shall be filed in writing within 14 calendar days of the issuance of Councils decision.

Responsible Official:

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

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

8/11/22

Signature

Date

SEPA Environmental Checklist

City of Vancouver

August 2022

Purpose of checklist:

Governmental agencies use this checklist to help determine whether the environmental impacts of your proposal are significant. This information is also helpful to determine if available avoidance, minimization or compensatory mitigation measures will address the probable significant impacts or if an environmental impact statement will be prepared to further analyze the proposal.

Instructions for applicants:

This environmental checklist asks you to describe some basic information about your proposal. Please answer each question accurately and carefully, to the best of your knowledge. You may need to consult with an agency specialist or private consultant for some questions. You may use "not applicable" or "does not apply" only when you can explain why it does not apply and not when the answer is unknown. You may also attach or incorporate by reference additional studies reports. Complete and accurate answers to these questions often avoid delays with the SEPA process as well as later in the decision-making process.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

Instructions for Lead Agencies:

Please adjust the format of this template as needed. Additional information may be necessary to evaluate the existing environment, all interrelated aspects of the proposal and an analysis of adverse impacts. The checklist is considered the first but not necessarily the only source of information needed to make an adequate threshold determination. Once a threshold determination is made, the lead agency is responsible for the completeness and accuracy of the checklist and other supporting documents.

Use of checklist for nonproject proposals:

For nonproject proposals (such as ordinances, regulations, plans and programs), complete the applicable parts of sections A and B plus the [supplemental sheet for nonproject actions \(part D\)](#). Please completely answer all questions that apply and note that the words "project," "applicant," and "property or site" should be read as "proposal," "proponent," and "affected geographic area," respectively. The lead agency may exclude (for non-projects) questions in Part B - Environmental Elements –that do not contribute meaningfully to the analysis of the proposal.

Background

Name of proposed project, if applicable:

City of Vancouver Fossil Fuel Code Standards Proposal

Name of applicant:

City of Vancouver

Address and phone number of applicant and contact person:

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

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

Date checklist prepared:

August 11, 2022

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

Agency requesting checklist:

City of Vancouver

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

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

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

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

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

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

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

Not applicable

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

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

Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)

Fossil Fuel Moratorium Background

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

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

Summary of Proposed Code Changes

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

In summary, the proposed changes include:

New bulk fossil fuel storage and handling facilities, including oil, gas or coal storage or transshipment, would be prohibited. Current City code standards prohibit crude oil storage and handling facilities, as well as oil refineries, in all zones

Existing bulk facilities could be maintained and upgraded, e.g., to meet new regulatory requirements or to add accessory structures that don't add capacity.

Existing facilities could be expanded slightly if converted to cleaner fuel and brought up to seismic standards-subject to certain standards to mitigate identified impacts.

'Cleaner fuels' would be specifically defined, and bulk fossil fuel storage and handling facilities can convert to cleaner fuels and may expand up to 15% if converting. As an option, the proposed code considers whether to allow new cleaner fuels facilities if limited in size and location, and meeting other health, safety, and reporting requirements noted below.

Small fossil fuel or cleaner fuel storage and distribution facilities, intended for local markets, would be allowed subject to new standards in parcels zoned Industrial Heavy (IH). New facilities could be limited in location to ensure distance from residentially zoned land.

New development standards would be added for all three types of fossil fuel facilities including establishing baseline capacity, seismic upgrades, mitigation for greenhouse gases, proof of financial assurance, and annual reporting.

Coal and other solid fuel storage yards, and coal and biomass electricity generating facilities would be prohibited in all districts.

Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

This non-project action provides amendments to the City of Vancouver Municipal Code that will have a citywide effect. Primarily, all fossil fuel facilities will be prohibited in residential, commercial mixed-use and open space zoning districts. This includes:

Low Density Residential Districts (R-2, R-4, R-6, R-9)

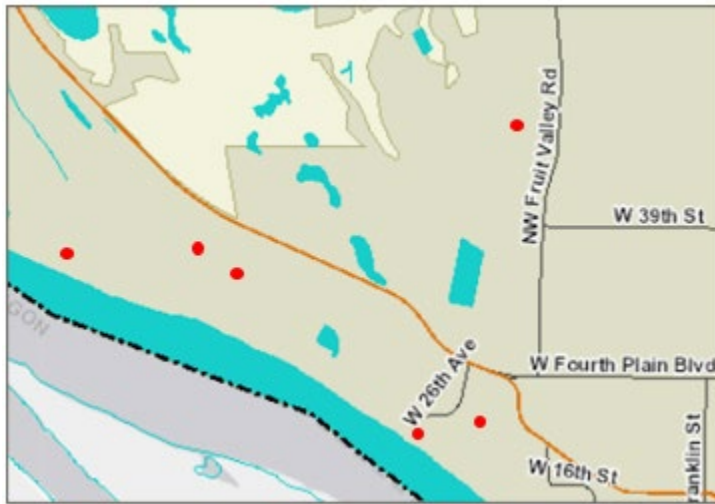
Higher Density Residential Districts (R-18, R-22, R-30 and R-35)

Commercial and Mixed Use Districts (CN, CC, CG, CX, WX, CPX, MX, RGX, HX)

Open Space Districts (NA, GW)

There are currently six large-scale fossil fuel facilities within the City of Vancouver within areas zoned IH. These existing larger-scale facilities could apply for a permit application primarily for maintenance and safety improvements, and additional changes to convert to cleaner fuel options. Exhibit 1, below shows the locations of the six existing facilities.

Exhibit 1. Locations of Six Existing Large-Scale Fossil Fuel Facilities



Source: City of Vancouver, 2021.

New large-scale facilities would be prohibited in industrial zoned parcels. Potential cleaner fuel facilities within the City of Vancouver would be allowed within IH zoned parcels as conversions from fossil fuel facilities, and would be subject to permit review and compliance with code standards; if converting to cleaner fuels expansion may be allowed up to 15% of the baseline capacity. As an option, the proposed code considers whether to allow new cleaner fuels facilities if limited in size and location, and meeting other health, safety, and reporting requirements.

New smaller-scale fossil fuel facilities permit applications in IH zoned parcels would require permit review and compliance with code standards. Future site-specific proposals would be subject to review.

The IH zone is generally located along the Columbia River waterfront. See the City zoning map under Section 8 Land and Shoreline Use [help].

Environmental Elements

Earth

General description of the site:

(circle one): ☒ Flat, ☐ rolling, ☐ hilly, ☐ steep slopes, ☐ mountainous, other _____

This is a non-project action. The proposal affects land use regulations city-wide.

It would be anticipated new permit applications would be in areas zoned industrial, particularly IH. Industrial land uses typically require topographically flat areas.

What is the steepest slope on the site (approximate percent slope)?

This non-project action anticipates structural safety and operational improvements to the 6 existing large-scale fossil fuel facilities and the potential of small-scale facilities in industrial zoned parcels. Areas

designated IH tend to have slopes 0-5% based on Clark County Environmental Maps, Slopes and Geologic Hazards Group: <https://gis.clark.wa.gov/mapsonline/index.cfm?site=Environmental>.

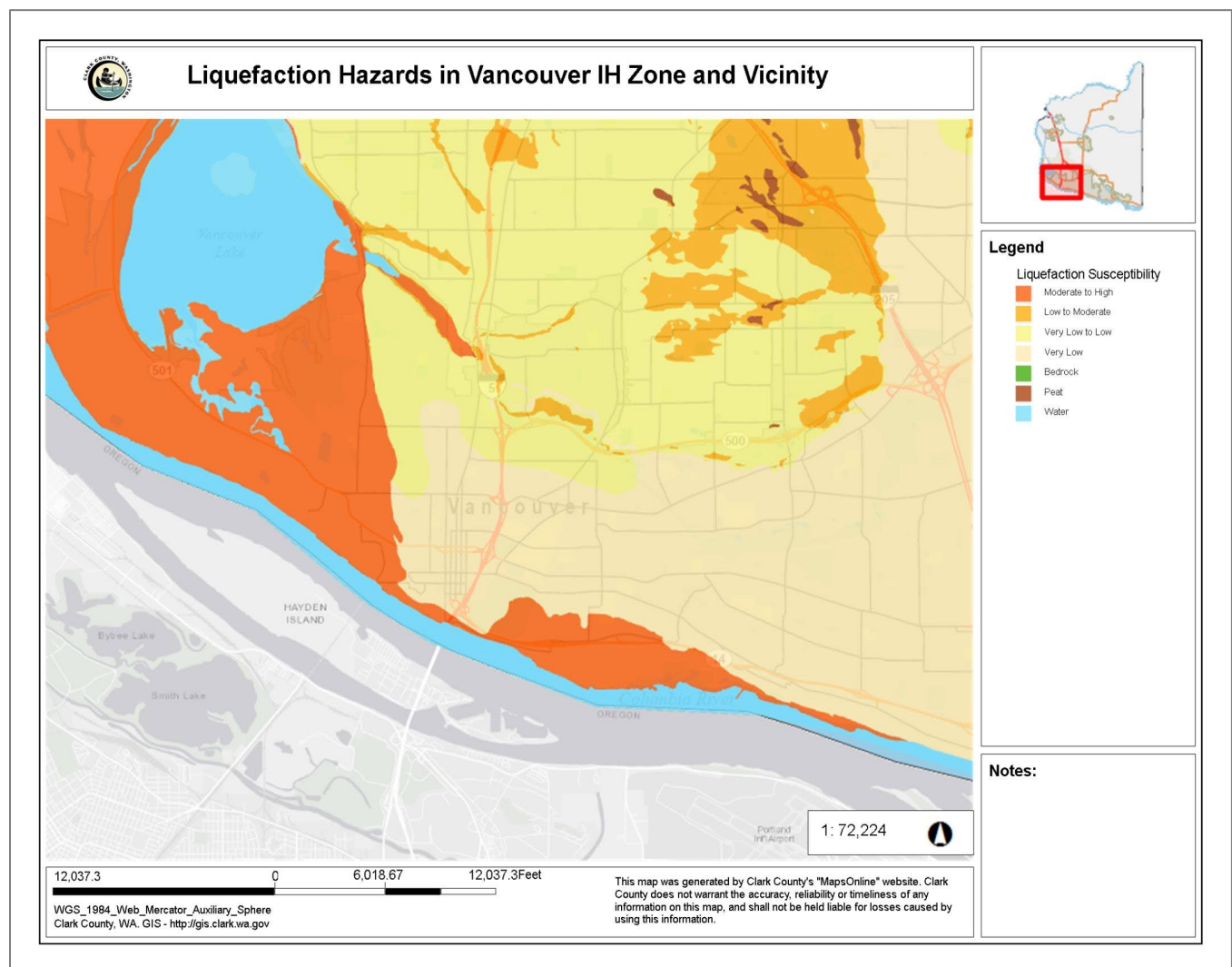
What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils.

The available soil maps show moderately to poorly drained soils in IH zoned areas. See WWHM Soil Group, available at: <https://gis.clark.wa.gov/mapsonline/index.cfm?site=Environmental>.

Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.

Future development would be subject to City of Vancouver Critical Areas Regulations addressing Geologic Hazard Areas. For example, the areas in the IH zone include lands susceptible to liquefaction. See Exhibit 2.

Exhibit 2. Liquefaction Areas



Source: Clark County GIS, 2022: <https://gis.clark.wa.gov/mapsonline/index.cfm?site=Environmental>.

There are also small areas of landslide hazards. See Slopes and Geologic Hazards Group:
<https://gis.clark.wa.gov/maponline/index.cfm?site=Environmental>.

Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill.

Non applicable- not a site specific proposal

Could erosion occur as a result of clearing, construction, or use? If so, generally describe.

Future development allowed under any studied option could clear sites and construct new development subject to existing development regulations.

About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?

Not applicable – not a site specific proposal. No changes to development standards regarding impervious areas are proposed under any options.

Proposed measures to reduce or control erosion, or other impacts to the earth, if any:

No significant impacts are identified for the non-project proposal. Under the proposed code conditions of approval for changes to existing fossil fuel facilities or conversion to cleaner fuels, or smaller fuel facilities, or optionally new cleaner fuel facilities, would include seismic upgrades.

Future site-specific development allowed under proposed regulations are also subject to regulations meant to protect health and safety, and address geologic hazards:

City of Vancouver Municipal Code (VMC) 14.24 Erosion Control

20.740.130 Geologic Hazard Areas

VMC 14.25 Stormwater Control

Air

What types of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known.

The proposed amendments to Vancouver's land use regulations are designed to reduce greenhouse gas (GHG) emissions, and address public and environmental health and safety impacts associated with fossil fuel facilities. The City is planning to transition to renewable energy and fuel production to meet Federal, state and local targets. The City of Vancouver is home to six large-scale fossil fuel facilities involved with the distribution, extraction, refinement, processing or bulk storage. Under this non-project action, these facilities will only be allowed to expand existing storage only until the condition that their fuel is converted to cleaner fuels meeting state and federal standards. New cleaner fuel facilities may be allowed optionally in the IH zone, subject to similar standards.

This non-project action will also restrict the construction of new large-scale fossil fuel facilities within industrial zones. Furthermore, fossil fuel facilities in general will be prohibited in residential, commercial/mixed use, and open space zoned parcels.

Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.

Not applicable – not a site specific proposal. Future site-specific developments would be required to prepare their own SEPA checklist.

Proposed measures to reduce or control emissions or other impacts to air, if any:

No significant impacts are identified for the non-project action. Southwest Clean Air Agency and State and Federal Air Quality regulations would continue to apply. For example, the Southwest Clean Air Agency must approve Air Discharge Permits, which sets air emission limits, and ongoing monitoring of potential leaks, and conditions of approval to use best practices for bulk fuel/transshipment and other facilities.

Under this proposal, the proposed regulations could help reduce impacts:

GHG report and mitigation requirements for subject facilities.

The expansion of capacity, or new facilities, under the condition of converting to or providing cleaner fuels

Updating development standards to reduce impacts and increase safety and operations

Water

Surface Water:

1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.

This non-project action does not have a specific site and impacts the City of Vancouver. There are several bodies of water that are adjacent to the city, most notable the Columbia River along the southern border.

2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.

Not applicable – not a site specific proposal. Future development that may develop within 200 feet of the surface waters are subject to the City's Shoreline Master Program and Critical Area regulations.

3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.

Not applicable – not a site specific proposal. Future development that would propose fill or dredging would be subject to City clearing and grading regulations as well as Shoreline Master Program and Critical Area regulations.

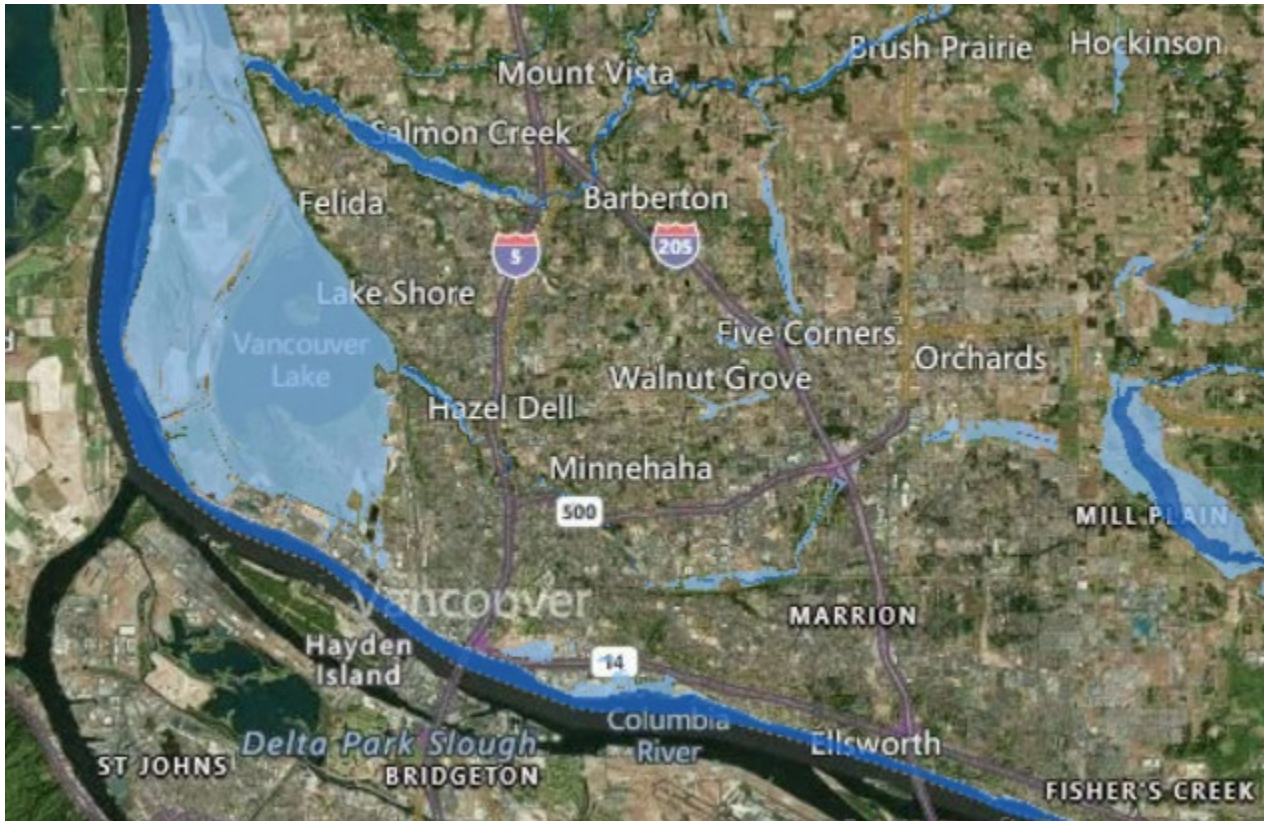
4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.

Not applicable – not a site specific proposal. Any changes to surface waters would also be subject to the Shoreline Master Program and Critical Area regulations.

5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.

Not applicable – not a site specific proposal. Exhibit 3, below shows the 100-year flood plain map for the greater Vancouver area.

Exhibit 3. Vancouver 100-year Floodplain Map (indicated by the blue)



Source: Washington State Department of Ecology, accessed July 2022.

6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.

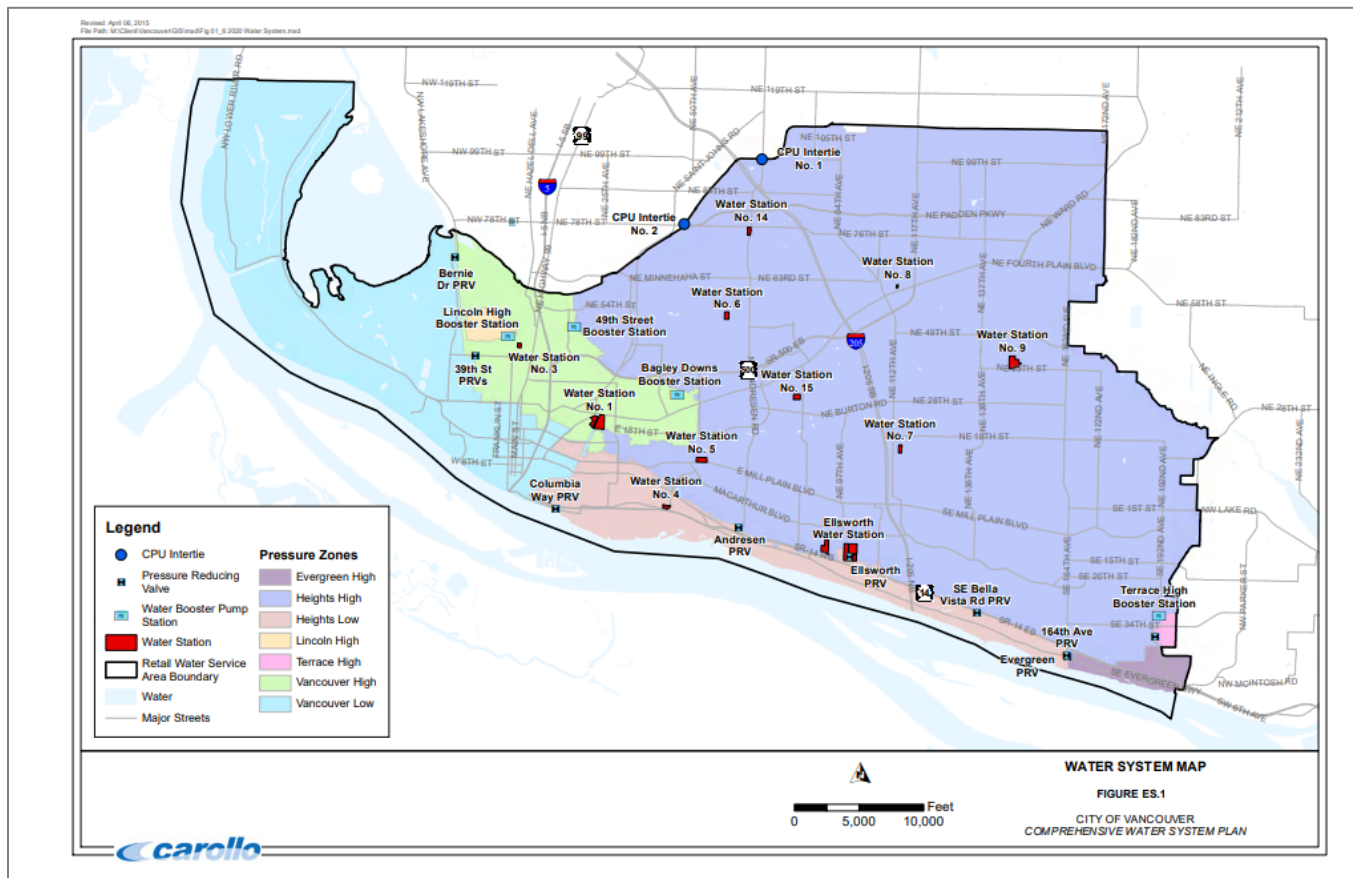
Not applicable – not a site specific proposal. Future development that would discharge waste materials to surface waters would be subject to City clearing and grading regulations as well as Shoreline Master Program and Critical Area regulations.

b. Ground Water:

Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known.

This non-project proposal is not site specific. The study area is served by City of Vancouver Water System in the Retail Service Area Boundary. Exhibit 4 below shows water system boundary

Exhibit 4. City of Vancouver Comprehensive Water System Plan



Source: City of Vancouver Comprehensive Water System Plan (last updated 2015)

Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals. . . ; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

Not applicable- not a site specific proposal. In the event of a new small-scale fossil fuel facility, applicants would be required to meet City permit standards including connection to wastewater systems. Potential improvements at one of the six existing large-scale fossil fuel facilities are subject to guidelines from this non-project proposal.

c. Water runoff (including stormwater):

1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.

Not applicable – not a site specific proposal. Water runoff could occur from point sources and non-point sources. However, all development is subject to surface water regulations and manuals.

2) *Could waste materials enter ground or surface waters? If so, generally describe.*

Not applicable – not a site specific proposal. Future development would be subject to aquifer protection regulations and surface water quality regulations.

3) *Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe.*

Not applicable – not a site specific proposal. Future development would be required to meet stormwater drainage regulations.

4) *Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any:*

No significant impacts are identified for the non-project proposal. Future permit applications would be required to meet surface, ground and runoff water requirements and adhere to Vancouver Municipal Code (VMC) 20 Land Use Code. This includes but is not limited to:

VMC 14.25 Stormwater Control

VMC 14.26 Water Resources Protection

Plants

Check the types of vegetation found on the site:

- ☒ deciduous tree: alder, maple, aspen, other
- ☒ evergreen tree: fir, cedar, pine, other
- ☒ shrubs
- ☒ grass
- ☐ pasture
- ☐ crop or grain
- ☐ Orchards, vineyards or other permanent crops.
- ☒ wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other
- ☒ water plants: water lily, eelgrass, milfoil, other
- ☒ other types of vegetation

What kind and amount of vegetation will be removed or altered?

Not applicable- not a site specific proposal. Future permit applications must submit a Tree, Vegetation and Soil Plan per Vancouver Municipal Code (VMC) 20.770.050. If there are wetlands, they would be subject to protection standards of VMC 20.740.140 Wetlands.

List threatened and endangered species known to be on or near the site.

Critical habitat has been identified for water bodies containing endangered and threatened fish species as identified by VMC 20.740.110

Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:

No significant impacts are identified for the non-project proposal. Any future development is subject to a State Environmental Policy Act (SEPA) checklist through Vancouver Municipal Code (VMC) 20.245.030. Future permit applications must also submit a Tree, Vegetation and Soil Plan per Vancouver Municipal

Code (VMC) 20.770.050. Native vegetation and wildlife habitat must be preserved to comply with VMC 14.24, Erosion Prevention & Sediment Control and the Shoreline Management Plan.

List all noxious weeds and invasive species known to be on or near the site.

Not applicable- not a site specific proposal. Noxious weed laws apply to help prevent the spread of invasive species through WAC 16.750. General mapping of noxious weeds shows some may exist within the City of Vancouver through the Washington State Noxious Weed Control Board (<https://www.nwcb.wa.gov/mapping-noxious-weeds>).

Animals

List any birds and other animals which have been observed on or near the site or are known to be on or near the site.

Examples include:

X birds: hawk, heron, eagle, songbirds, other:

X mammals: deer, bear, elk, beaver, other:

X fish: bass, salmon, trout, herring, shellfish, other _____

List any threatened and endangered species known to be on or near the site.

A range of fish, birds and mammals are or may be found in the City of Vancouver. The US Fish and Wildlife Service identified the following threatened or endangered species that could be found in Vancouver and Clark County:

Northern Spotted owl

Bull trout

Steelhead trout

Coho salmon

Chinook salmon

Chum salmon

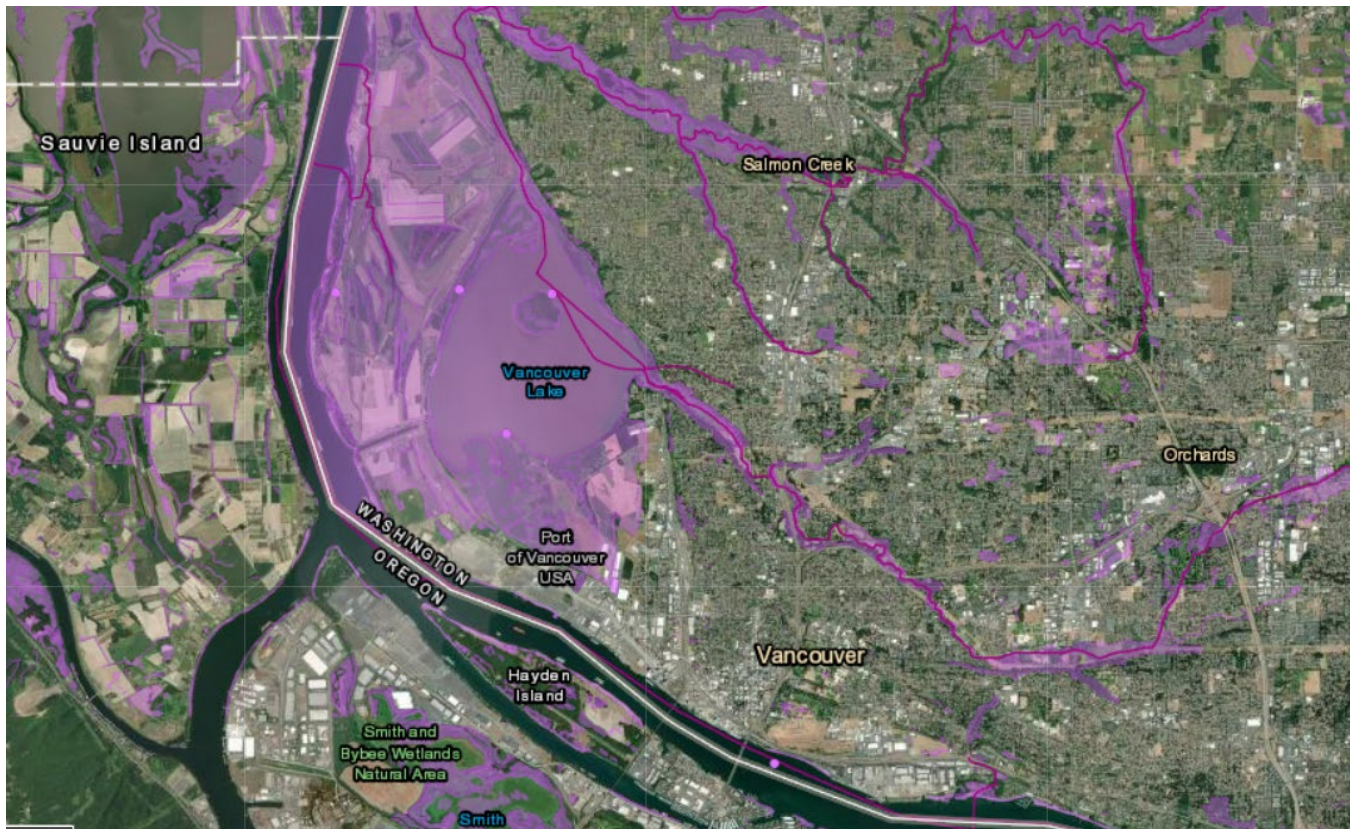
North American wolverine

Brush Prairie pocket gopher

Is the site part of a migration route? If so, explain.

This non-project proposal is not site specific. However, potential future development and permit applications pertaining to fossil fuel facilities will be within parcels zoned for industrial uses. According to the Washington Department of Fish and Wildlife Priority Habitat and Species Map, Vancouver Lake, just north of the Port of Vancouver, is a part of a migration route for various waterfowl, including geese, swans and ducks. Exhibit 5, below, shows the migration route nearby the IH zone.

Exhibit 5. Priority Habitat and Species Map for Vancouver, WA



Source: Washington Department of Fish and Wildlife

Proposed measures to preserve or enhance wildlife, if any:

This non-project proposal is not site specific. However, any new small scale fossil fuel facilities or expanded or new cleaner fuel facilities will be in parcels zoned for industrial uses, which are nearby the shoreline and Lake Vancouver. Any future development is subject to a SEPA checklist through VMC 20.245.030. minimize any impact to critical areas defined by VMC 20.740.110 Fish and Wildlife Habitat Conservation Areas. In the event of a permit application within the Shoreline Management Area, the applicant will adhere to policies and procedures set forth by Vancouver Municipal Code 20.760.060.

List any invasive animal species known to be on or near the site.

Not applicable – not a site specific proposal. The [Washington Invasive Species Council](#) has identified certain species considered invasive.

Energy and Natural Resources

What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.

This non-project proposal does not involve construction activity. Future development could use electric, gas, oil, and solar energy. Major energy users in the city include industrial; transportation, residential,

and commercial uses represent smaller shares of energy users. An indirect impact of this proposal could be to incentivize conversion to cleaner fuels, and potentially an overall decrease in fossil fuel dependency. Existing large-scale fossil fuel facilities are able to expand their storage capacity under the condition that they convert to cleaner fossil fuels, which is clarified in this non-project action.

Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.

Not applicable – not a site specific proposal. City regulations allowing for solar energy would not change.

What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any:

No significant impacts are identified for the non-project action. The proposal would allow existing facilities but incentivize the conversion to cleaner fossil fuels. As an option, the City may consider allowing new cleaner fuel facilities in the IH zone subject to size, location, and other environmental standards. The proposal would support the City's draft climate action plan anticipated for adoption in 2022.

Environmental Health

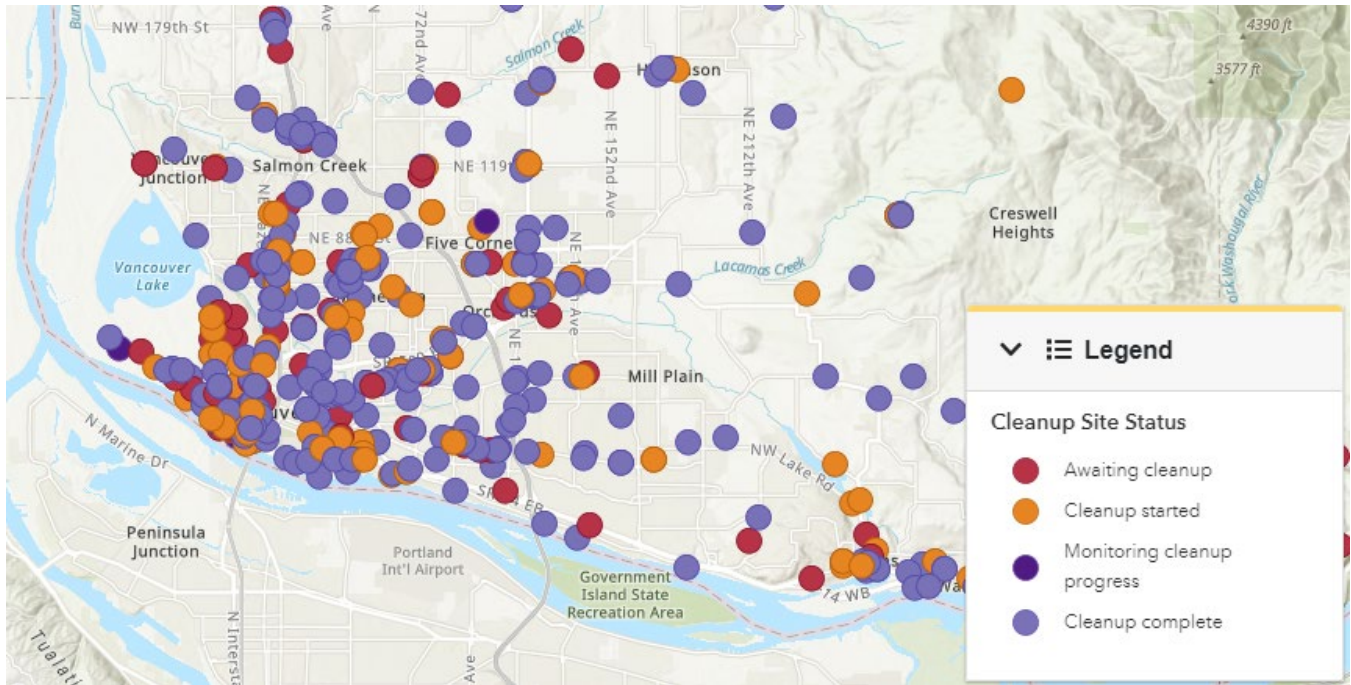
Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe.

Some industrial uses involving chemical manufacturing, smelting, or fossil fuel or renewable fuel processing, handling, and storage have risks, impacts, and vulnerabilities, such as: explosive and fire risks, spill, exposure to toxic chemicals, odor, stormwater, and waste products.

Describe any known or possible contamination at the site from present or past uses.

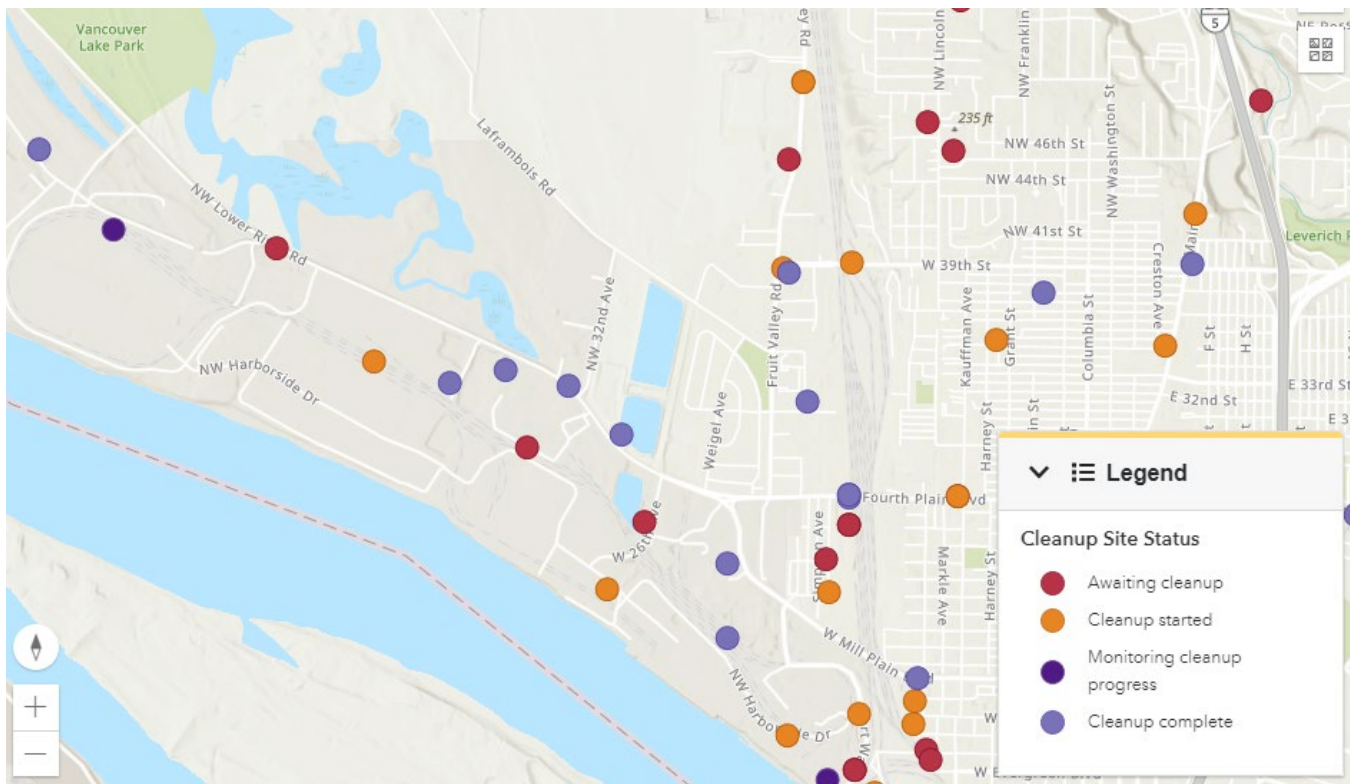
The State of Washington Department of Ecology maintains a database of contaminated sites. In all parts of the study area there are completed, in progress, and pending clean-up efforts. See Exhibit 6 and Exhibit 7.

Exhibit 6. Ecology Clean Up Sites Map- City of Vancouver



Source: State of Washington Department of Ecology (2022)

Exhibit 7. Ecology Clean Up Sites Map- Fruit Valley Vicinity

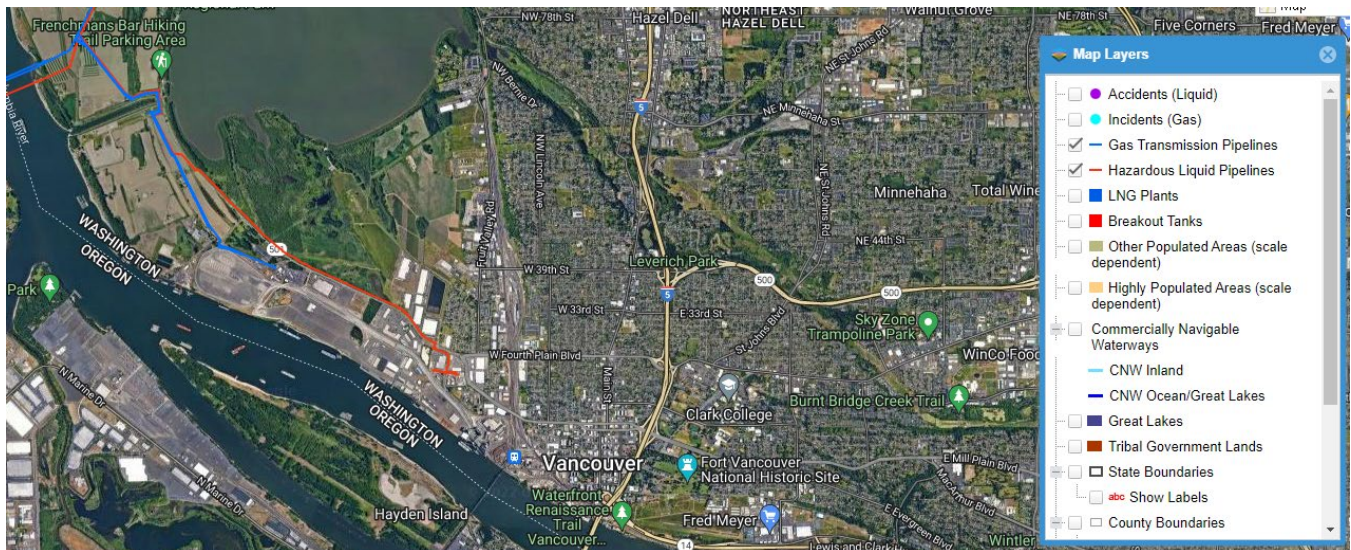


Source: State of Washington Department of Ecology (2022)

Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity.

The National Pipeline Mapping System from the Pipeline and Hazardous Materials Safety Administration (PHMSA) identified one hazardous liquid (Olympic Pipeline Company) and one gas transmission (Northwest Pipeline LLC) pipeline within the City of Vancouver. See Exhibit 8, below for location context.

Exhibit 8. Hazardous Liquid and Gas Pipeline Map



Source: Pipeline and Hazardous Materials Safety Administration (2022)

Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project.

Not applicable – not a site specific proposal. The City of Vancouver identified 6 existing large-scale (bulk) fossil fuel facilities. This non-project action will allow existing facilities and maintenance/upgrades provided there is compliance with City codes including seismic, fire protection, and spill prevention. Small fossil fuel and cleaner fuel facilities, and potentially new cleaner fuel facilities, would be subject to similar development standards. Any new or expanded facilities would be subject to SEPA review.

Describe special emergency services that might be required.

The City of Vancouver has the [Emergency Operations Plan](#), which identifies various hazardous and environmental health emergencies.

Proposed measures to reduce or control environmental health hazards, if any:

No significant impacts are identified for the non-project proposal. The following regulations apply to future development and can help mitigate impacts:

State [Model Toxics Control Act](#) (Chapter 70.105D RCW)

State Underground Storage Tank Regulations (Chapter 173-360A WAC)

VMC 2.32.070 Hazardous Materials Incidents

VMC 5.88.075 Distribution and transportation- Reporting Requirements for Natural Gas companies.

16.04.010 Adoption of the international fire code.

Noise

What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?

Noise sources in the study area include traffic on roads and rail lines, and industrial and commercial equipment and operation in industrial areas.

What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.

Not applicable – not a site specific proposal. Future development could produce more noise as identified from industrial commercial uses. The City of Vancouver has a Noise Impact Overlay District, which includes an area west of I-5, east of Lincoln Ave, north of the Columbia River in the Esther Short neighborhood. None of the six existing bulk facilities are located within the Noise Impact Overlay District. New smaller fossil fuel facilities will only be allowed in industrial zoned parcels, which are not in the overlay district.

Proposed measures to reduce or control noise impacts, if any:

No significant impacts are identified for the non-project proposal. Industrial Heavy uses are required to not be at conflict with any nearby commercial or residential activities. The City of Vancouver has a Noise Control Ordinance (VMC 7.05.010) and maximum permissible noise levels in VMC 20.935.030 Performance Standards.

Land and Shoreline Use

What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe.

This non-project proposal includes changes to existing zoning standards and adding new land use categories. This primarily affects the IH zone. Current uses allowed in the IH zone include but are not limited to: Industrial Uses, commercial uses with outdoor sales, electric vehicle charging stations, airports, and rail lines. Institutional uses, including, trails, parks, community centers and transportation facilities are also allowed in IH zones. Exhibit 9 provides a zoning map for the entire city. Residential and commercial zoned parcels do abut IH zones. However, IH zoning boundaries were drawn to avoid impacting residential activities as started in Vancouver Municipal Code (VMC) 20.440.

Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses as a result of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use?

The study area does not contain working farmlands or working forest lands of long-term significance. Any future development would be located in IH zoned areas.

1) Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how:

There are no working farmlands or working forest lands of long-term significance abutting the study area.

Describe any structures on the site.

There are large industrial and manufacturing structures in the industrial zones.

Will any structures be demolished? If so, what?

Not applicable – not a site specific proposal.

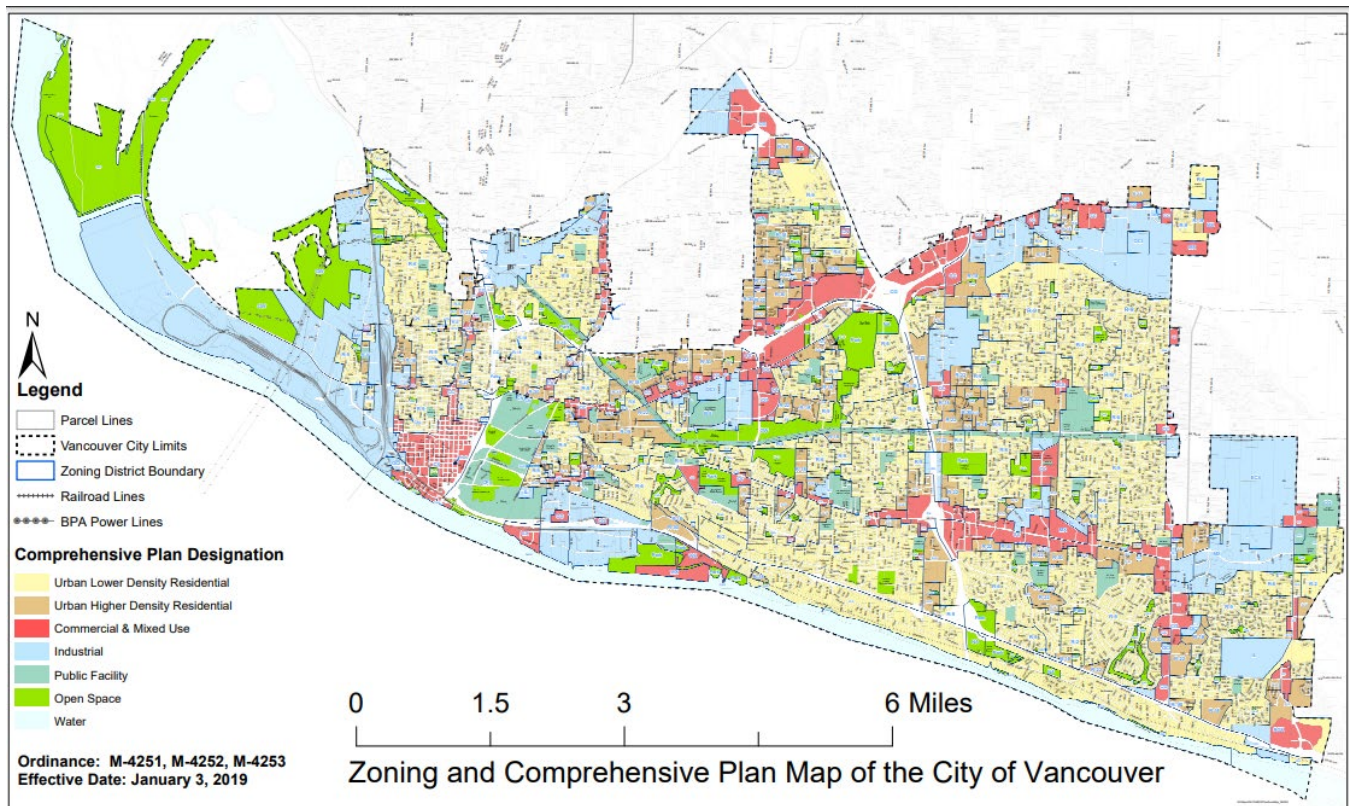
What is the current zoning classification of the site?

Not applicable – not a site specific proposal. All future development will be in parcels zoned IH.

What is the current comprehensive plan designation of the site?

This non-project action is not site specific. However, any future development for fossil fuel facilities will be located within areas zoned IH within the City of Vancouver. Exhibit 8 shows the general zoning designation for the city:

Exhibit 9. Zoning and Comprehensive Plan Map of the City of Vancouver



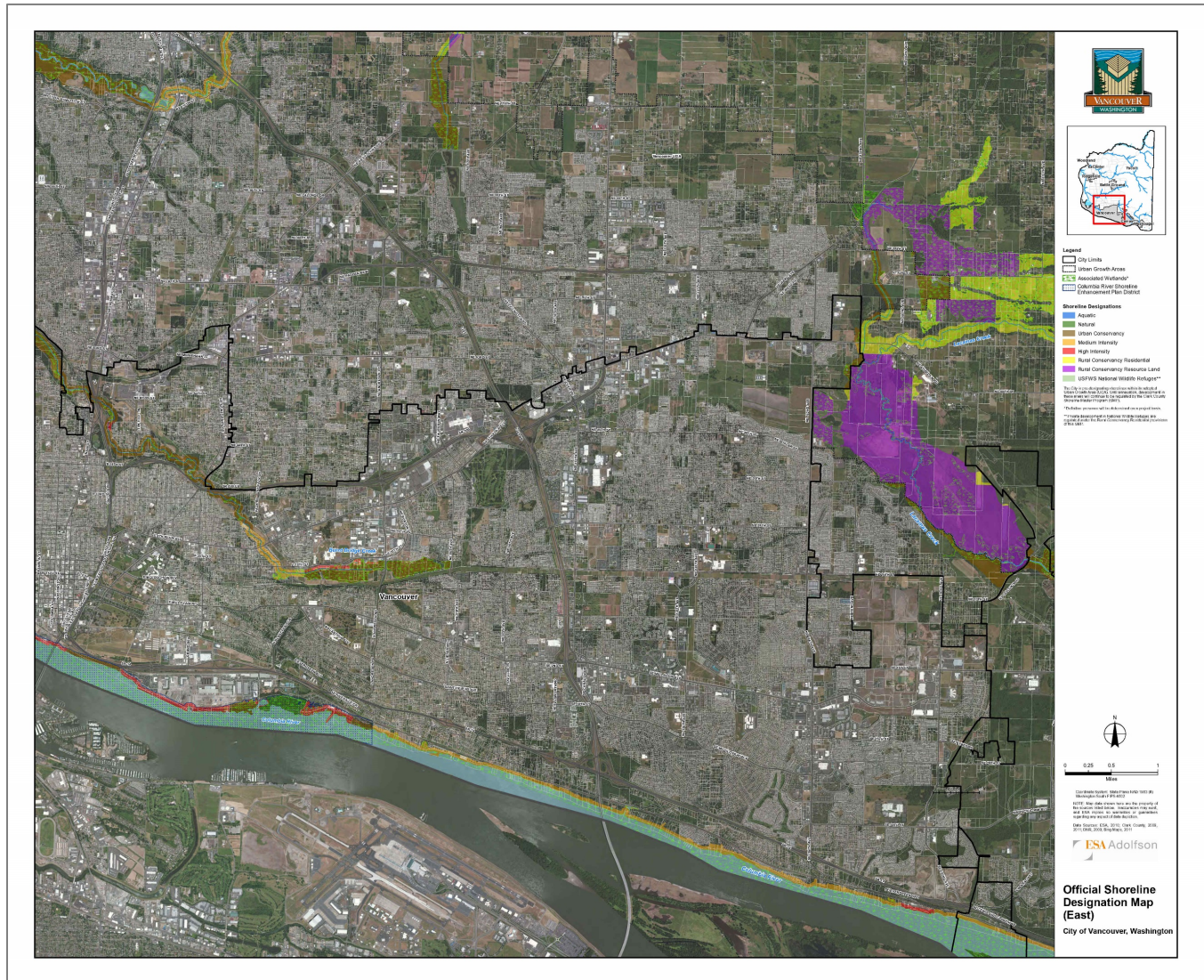
Source: City of Vancouver, 2019

This non-project action is not site specific. The City of Vancouver adopted their Shoreline Master Plan (SMP) in 2012 and recently reviewed and updated it in June 2021. The City of Vancouver SMP 6.3.6.1 provides general requirements for industrial uses. Future development could result in new or altered facilities in compliance with the new “Bulk Fossil Fuel Storage and Handling Facility,” “Cleaner Fuel Storage and Handling Facilities” and “Small Fossil Fuel and Cleaner Fuel Storage and Distribution Facilities” land use categories. In the event of a permit application within the Shoreline Management Area, the applicant will adhere to policies set forth by Vancouver Municipal Code 20.760.060 Shoreline Permit Procedures. Exhibit 10 and Exhibit 11 show the areas on the west and east halves, respectively, within the City of Vancouver.

[illegible]

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Exhibit 11. Shoreline Designation Map (east) for the City of Vancouver



Source: City of Vancouver

Has any part of the site been classified as a critical area by the city or county? If so, specify.

This non-project proposal does not involve construction activity. Future development could lead to the addition of smaller fossil fuel facilities, or facilities converting or adding cleaner fuels, on IH zoned land. If the proposed site falls under a critical area, the applicant will be subject to follow all state and federal permits as a condition of a critical area permit per Vancouver Municipal Code (VMC) 20.740 Critical Areas Protection. Exhibit 10 and Exhibit 11, above, also identify ecological conservation districts within the City of Vancouver.

Approximately how many people would reside or work in the completed project?

This non-project proposal does not involve construction activity of any new housing or commercial uses. Under Vancouver Municipal Code (VMC) 20.440 Industrial Uses, housing is allowed as a limited use in IH zoned land. Future development of small fossil fuel facilities, or facilities converting or adding cleaner fuels, will be reviewed per applicable permit requirements and standards.

Approximately how many people would the completed project displace?

This non-project proposal does not involve construction activity that will result in the displacement of residential and commercial uses.

Proposed measures to avoid or reduce displacement impacts, if any:

This non-project proposal will prohibit industrial uses pertaining to fossil fuels in non-industrial zoned parcels. An indirect impact of the non-project action would be that housing and commercial uses continue to be prioritized within residential, commercial, and mixed use zoned parcels within the City of Vancouver.

Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:

This non-project proposal will prohibit industrial uses pertaining to fossil fuels in non-industrial zoned parcels. An indirect impact of the non-project action would be that housing and commercial uses continue to be prioritized within residential, commercial, and mixed use zoned parcels within the City of Vancouver.

The proposed land use code changes would help the City reduce greenhouse gas emissions (GHG) and minimize potential public and environmental health and safety impacts. The non-project action will then be used to align with the Vancouver Strategic Plan Update, Climate Action Plan and other Title 20 code amendments. Furthermore, protecting fish and wildlife habitats from the risk of spills from fossil fuel facilities through increasing seismic safety would indirectly support Treaty fishing rights with Tribal fisheries.

m. Proposed measures to reduce or control impacts to agricultural and forest lands of long-term commercial significance, if any:

Not applicable. There are no designated agricultural or forest lands of long-term commercial significance.

Housing

Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.

This non-project proposal does not involve construction activity. The non-proposal action will prohibit industrial fossil fuel facility uses from residential zoning districts and will be allowed only in industrial zoned parcels. Residential uses are allowed as a Limited use under all Industrial land uses. In OCI and ECX zoned parcels, multifamily housing is permitted on the ground floor only. In LI and IH zoned parcels, only caretaker residences are allowed.

There are residential zoned parcels that abut industrial zoned parcels. However, IH zoning boundaries and associated development standards are meant to avoid impacting residential activities as started in Vancouver Municipal Code (VMC) 20.440. Proposed standards for new small facilities or cleaner fuel facilities include distance requirements from residentially zoned land.

Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.

This non-project proposal does not involve construction activity. No housing units will be eliminated.

Proposed measures to reduce or control housing impacts, if any:

This non-project proposal does not involve construction activity, and the proposed code would limit fossil fuel facilities in the residential zones.

Aesthetics

a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?

Not applicable – not a site specific proposal. No changes to allowed heights are proposed.

b. What views in the immediate vicinity would be altered or obstructed?

The non-project action will limit the development of new fossil fuel facilities as well as limit the size of cleaner fuel facilities. There is currently no vision overlay district over parcels zoned for industrial uses. Any future development will be subject to height and landscape standards.

c. Proposed measures to reduce or control aesthetic impacts, if any:

No significant impacts are identified for the non-project proposal. The zoned based height standards and landscape standards would apply in the VMC Title 20 Land Use Code.

Light and Glare

What type of light or glare will the proposal produce? What time of day would it mainly occur?

This non-project action is not site specific. Any future development will need to adhere to Title 20 of the Vancouver Municipal Code (VMC).

Could light or glare from the finished project be a safety hazard or interfere with views?

This non-project action is not site specific. No changes to regulations addressing light and glare are proposed. Any future development will need to adhere to Title 20 of the Vancouver Municipal Code (VMC).

What existing off-site sources of light or glare may affect your proposal?

This non-project action is not site specific. No changes to regulations addressing light and glare are proposed. Any future development will need to adhere to Title 20 of the Vancouver Municipal Code (VMC).

Proposed measures to reduce or control light and glare impacts, if any:

This non-project action is not site specific, and no significant impacts have been identified. Any future development will need to adhere to Title 20 of the Vancouver Municipal Code (VMC) including 20.935.030 Performance Standards with a standard to avoid light and glare.

Recreation

What designated and informal recreational opportunities are in the immediate vicinity?

This non-project action is not site specific. An indirect impact of this non-project proposal will prohibit fossil fuel facilities within open space districts.

Would the proposed project displace any existing recreational uses? If so, describe.

The regulations would not displace existing uses. Existing park and recreation uses would continue.

Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:

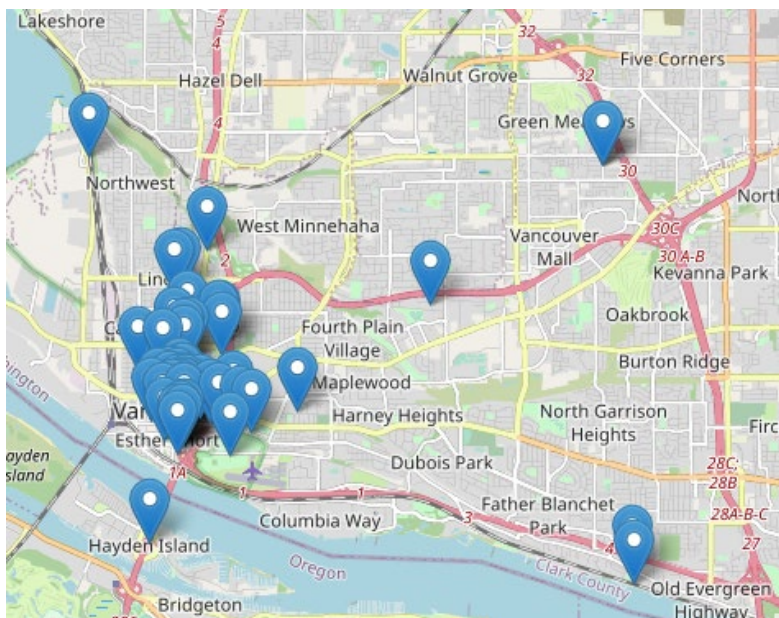
A key goal of this non-project proposal is to reduce greenhouse gas (GHG) emissions by prohibiting new bulk fossil fuel facilities. This includes disallowing fossil fuel facilities in open space districts.

Historic and cultural preservation

a. Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers ? If so, specifically describe.

Future development under this new non-project action will occur only in industrial zoned districts within the City of Vancouver. According to the Clark County Historic Preservation Program, there are no buildings, structures or sites located within a parcel zoned for industrial land use. Exhibit 12, below shows the location of all historic structures within the city. The majority of sites are located west of Central Park in the Esther Short neighborhood and to the north.

Exhibit 12. Historical buildings, structures and sites within the City of Vancouver



Source: Clark County Historical Preservation Program (2022)

b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural

importance on or near the site? Please list any professional studies conducted at the site to identify such resources.

The City of Vancouver is located within the ancestral lands of the primarily the Chinook and Cowlitz tribes. Washington State Department of Archaeology and Historic Preservation (DAHP) Statewide Predictive Modal classifies the city boundaries overall in the very high-risk category.

c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc.

The methods included review of inventoried data with the Department of Archaeology and Historic Preservation (<https://wisaard.dahp.wa.gov/>).

d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required.

There are no anticipated impacts as a result of non-project proposals; no changes to historic or cultural resource regulations are proposed. Development would be subject to federal, state, and local laws protecting historic and cultural resources, including:

National Historic Preservation Act (NHPA) (Title 54 United States Code [U.S.C.]); Section 106 of the NHPA (36 Code of Federal Regulations [CFR] Part 800)

Native American Graves Protection and Repatriation Act (NAGPRA; 25 U.S.C. 2001-13)

American Antiquities Act of 1906 (16 U.S.C. 432)

Archaeological Resources Protection Act of 1979 (ARPA, 16 U.S.C. 470aa-470mm)

Section 4(f) of the Department of Transportation Act (DOT Act, 49 U.S.C. 303)

Abandoned Shipwreck Act, of 1988 (ASA, 43 U.S.C. 2101-2106)

Procedures for State, Tribal, and Local Government Historic Preservation Programs (36 CFR Part 61)

State Environmental Policy Act (RCW 43.21C, WAC 197-11-330)

Governor's Executive Order 05-05

Washington Heritage Register (Senate Bill 363; RCW 27.34.200, WAC 25-12)

Archaeological Sites and Resources (RCW 27.53)

Archaeological Site Public Disclosure Exemption (RCW 42.56.300)

Human Remains (RCW 68.50)

Indian Graves and Records (RCW 27.44)

Abandoned and Historic Cemeteries and Historic Graves (RCW 68.60)

Archaeological Excavation and Removal Permit (WAC 25 48)

Archaeological activities on state-owned aquatic lands – Agreements, leases, or other conveyances (RCW 79.105.600)

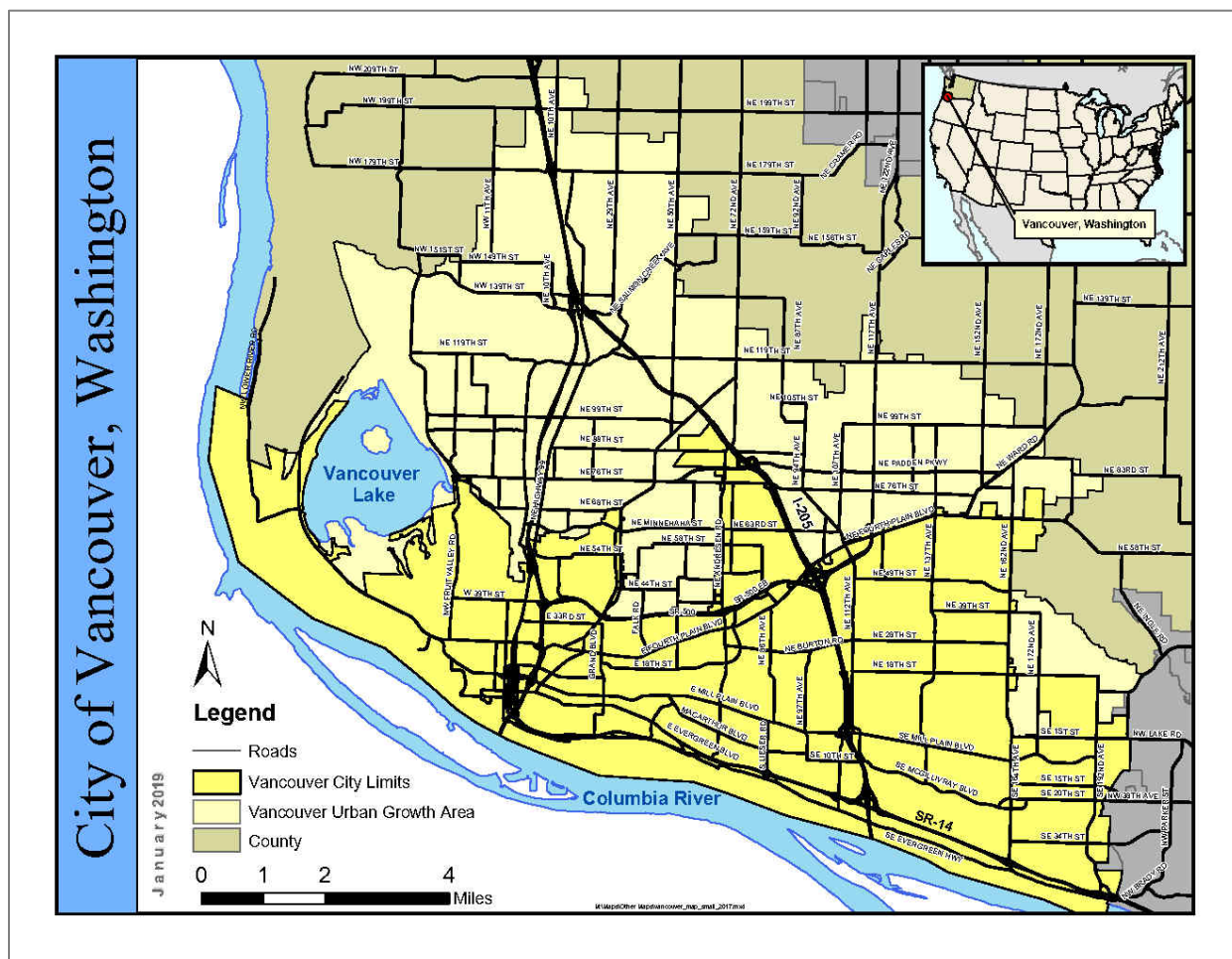
City of Vancouver Municipal Code (VMC) 17.39 Historic Preservation

Transportation

- a. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any.

The non-project action is not site-specific and does not propose any new transportation system improvements. The City of Vancouver is primarily a vehicle-oriented environment, with about 86% of its residents commuting to work by car¹. The I-5 and I-205 highways extend north-south through the city, and State Routes 500, 501 and 14 extend east-west through the city. Exhibit 13, below, shows a street map for Vancouver.

Exhibit 13. City of Vancouver Street Map



Source: City of Vancouver

¹ City of Vancouver State of Mobility Report 2020

- b. *Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop?*

Not applicable – not a site specific proposal. The study area is served by both C-TRAN and Sound Transit.

- c. *How many additional parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate?*

Not applicable – not a site specific proposal. No changes are proposed to parking standards.

- d. *Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private).*

Not applicable – not a site specific proposal. No changes are proposed to existing transportation systems.

- e. *Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.*

The study area includes areas served by water and rail transportation.

- f. *How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and non-passenger vehicles). What data or transportation models were used to make these estimates?*

Not applicable – not a site specific proposal. The City's Comprehensive Plan is based on growth targets that are the basis for planned improvements; growth projections are not anticipated to change.

- g. *Will the proposal interfere with, affect or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe.*

The study area contains port facilities that move a wide range of goods, including fossil fuels. No changes to the movement of resource products are anticipated.

- h. *Proposed measures to reduce or control transportation impacts, if any:*

There are no anticipated impacts as a result of non-project proposals; no changes to transportation regulations are proposed. Any future development would be subject to:

VMC 20.550 Transit Overlap District

VMC 11.80.130 Traffic impact analysis.

Public Services

Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe.

Not applicable – not a site specific proposal. This non-project proposal will limit fossil fuel facilities within the City of Vancouver. Vancouver Fire Department has been identified as the lead agency to address

any hazardous material incidents. There would be a requirement for a spill prevention plan and review by the Fire Marshall.

Proposed measures to reduce or control direct impacts on public services, if any.

There are no anticipated adverse impacts as a result of non-project proposals. Future development would be required to meet:

VMC 16.04.010 Adoption of the international fire code.

VMC 2.32.070 Fire Department

Utilities

Circle utilities currently available at the site:

electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system,
other _____

Utilities are available in the city including power, sewer, and wastewater.

Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.

Not applicable – not a site specific proposal. Future development would be required to meet City utility standards including Title 14 Water and Sewers. See B.6 Energy regarding power.

Signature

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature: _____



Name of signee _____ Bryan Snodgrass _____

Position and Agency/Organization _____ Principal Planner _____

Date Submitted: _____ 8/16/2022 _____

Supplemental sheet for non-project actions

(IT IS NOT NECESSARY to use this sheet for project actions)

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?

See B.2, B.3, and B.7.

Proposed measures to avoid or reduce such increases are:

See B.2, B.3, and B.7.

How would the proposal be likely to affect plants, animals, fish, or marine life?

See B.4 and B.5

Proposed measures to protect or conserve plants, animals, fish, or marine life are:

See B.4 and B.5

How would the proposal be likely to deplete energy or natural resources?

See B.6.

Proposed measures to protect or conserve energy and natural resources are:

See B.6.

How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?

See B.4, B.5, B.8, and B.12.

Proposed measures to protect such resources or to avoid or reduce impacts are:

See B.4, B.5, B.8, and B.12.

How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

See B.8.

Proposed measures to avoid or reduce shoreline and land use impacts are:

See B.8.

How would the proposal be likely to increase demands on transportation or public services and utilities?

See B.14, B.15, and B.16.

Proposed measures to reduce or respond to such demand(s) are:

See B.14, B.15, and B.16.

Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

The non-project action will align with the Vancouver Strategic Plan update and Climate Action Plan. Furthermore, these changes will support existing Tribal fishing treaties. It will promote cleaner fuels that fit state and federal rules and help achieve climate change reduction goals.



Holli Johnson
Senior Manager NW Region

August 30, 2022

Via Email:

bryan.snodgrass@cityofvancouver.us

Bryan Snodgrass
Responsible Official
City of Vancouver
PO Box 1995
Vancouver, WA 98668-1995

Re: Western States Petroleum Association Comments on the City of Vancouver's August 16, 2022, SEPA Determination of Environmental Non-significance for Vancouver Fossil Fuel Standards Proposal

Mr. Snodgrass:

Western States Petroleum Association (WSPA) again appreciates the opportunity to provide comments on the City of Vancouver's (City) Determination of Non-significance (DNS) for the Vancouver Fossil Fuel Code Standards Proposal (Proposal). The Proposal consists of proposed zoning code amendments, Planning Commission version (revised July 5, 2022).

WSPA filed comments on, and appealed, the previous DNS for an earlier version of the Proposal. The City withdrew the prior DNS and reissued a new DNS concluding:

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

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

The current DNS suffers from the same infirmities as the prior DNS as detailed in this comment letter.

WSPA is a nonprofit trade association representing companies that explore for, produce, refine, transport, and market petroleum and petroleum products in five western states, including Washington. WSPA members have operated petroleum terminals in the City for many years. These facilities supply fuel to the region, provide critical emergency infrastructure, and have many positive impacts on the economy, including providing family-wage jobs.

WSPA and operators of facilities targeted by the existing moratorium and the Proposal have previously outlined for the City the significant harm these regulations are having and will continue to have on structure safety, transition to lower-carbon fuels, reduction of greenhouse gases



(GHG), improvements to existing infrastructure, and displacement of fuel transportation to less-safe methods—all of which have direct and significant environmental impacts.

In completing a revised environmental checklist (Checklist) and issuing the DNS, the City has still yet to analyze these undesired impacts. WSPA respectfully asks the City to withdraw the DNS, issue a Determination of Significance (DS), and prepare an Environmental Impact Statement (EIS).

1. The City failed to acknowledge, investigate, and assess the full range of potential environmental impacts.

At the heart of SEPA is the legislative mandate that governmental entities “[u]tilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and in decision making which may have an impact on the environment[.]” RCW 43.21C.030(a). To that end, agencies and local governments must include with every legislative proposal a “*detailed* statement” fully analyzing environmental impacts and alternative courses of action. RCW 43.21C.030(c) (emphasis added).

Accordingly, throughout the SEPA process, cities are required to “*carefully consider* the range of probable impacts, including short-term and long-term effects[.]” both inside and outside the local jurisdiction and state.¹ A city’s careful consideration must include both direct and indirect consequences.²

As part of the threshold determination process, a city must identify, investigate, and thoroughly consider all potential environmental impacts.³ Obviously, this requires the City to first fully evaluate the operation and future development effects of a proposed legislative amendment.⁴ In determining the likely environmental impacts therefrom, a city is not permitted to blindly rely on its uninformed completion of an environmental checklist, but must obtain all information necessary to make an informed decision.⁵

The City has still not fulfilled these obligations here. Its completion of the Checklist and analysis of the potential environmental impacts of the Proposal is inadequate on its face. First, the City fails to include any analysis in the Checklist on how the Proposal will adversely impact existing facilities. The City, for instance, does not discuss how designating existing facilities as nonconforming uses will complicate and inject significant uncertainty into the review and approval of proposed improvements/alterations of current infrastructure, nor how requiring a highly

¹ WAC 197-11-060(4)(b)-(c) (emphasis added).

² WAC 197-11-060(4)(d).

³ WAC 197-11-330(4), imposing requirements of WAC 197-11-080(1) (“agencies shall obtain and include” all “information on significant adverse impacts essential to a reasoned choice among alternatives” if it “is not known, and the costs of obtaining it are not exorbitant[.]”).

⁴ WAC 197-11-060(3).

⁵ *Id.*; WAC 197-11-335; *Anderson v. Pierce Cty*, 86 Wn. App. 290, 302, 936 P.2d 432 (1997) (In order for a DNS or MDNS to survive judicial review, “the record must demonstrate that environmental factors were adequately considered [and that the decision] was based on information sufficient to evaluate the proposal’s environmental impact.”) (internal quotation marks and citation omitted).

discretionary conditional use permit for other projects will also result in deterrence, abandonment, or relocation of desirable projects, including cleaner fuel projects.

In completing the required supplemental sheet in the Checklist for non-project actions, the City simply refers to earlier sections of the Checklist with reference to Section B without meaningful analysis or factual support. Moreover, there is no Section B in the version of the Checklist we have to confirm exactly what sections the supplemental sheet refer to. This is a significant defect in the Checklist where the supplemental sheet relies heavily on the nonexistent Section B. The City also completely ignored the issues repeatedly raised by industry experts throughout the City's ongoing fossil fuel regulation process.⁶

Another infirmity is that in the Checklist, the City notes several times that the proposed code could, as an option, allow new cleaner fuels storage and handling facilities. Page 5. Yet the proposed code does not include this option, causing further unstudied impacts through elimination of potentially beneficial projects. See Section 20.895.110.F.1 of the Proposal.

In sum, there is insufficient analysis for the threshold determination process. For this and all the other issues identified above, the City must obtain the available information necessary to adequately analyze all the environmental impacts of the Proposal. It clearly has not done so yet. Accordingly, the DNS should be withdrawn again.

2. The Proposal will cause probable significant adverse impacts.

SEPA requires a lead agency to issue a DS and prepare an EIS when a proposal is likely to have probable significant adverse environmental impacts.⁷ A threshold determination cannot rely on the fact that a proposal's purported benefit may outweigh the environmental impacts.⁸ Indeed, SEPA expressly acknowledges that even proposals that are purportedly designed to improve the environment "may also have significant adverse environmental impacts."⁹ As such, the responsible official must consider *all* probable significant adverse impacts, regardless of whether they are direct, indirect, or cumulative.¹⁰ In this case, an EIS is necessary because the Proposal will cause probable significant adverse impacts.

⁶ The ban on new terminals significantly impacts the environment by preventing new facilities and upgrades that would increase efficiency, reduce GHG, and comply with lower-emission federal and state fuels law; discouraging safety improvements, such as seismic retrofitting; blocking the introduction of future technologies to the current fuel infrastructure framework; forcing fuel facilities to stay in areas with heightened seismic and groundwater risk by prohibiting fuel suppliers from relocating to safer locations; and distorting the supply of fuel to less-efficient and potentially riskier methods of transportation and storage.

⁷ RCW 43.21C.031; see *also* WAC 197-11-330 (threshold determination process) & 197-11-782 (defining "probable").

⁸ WAC 197-11-330(5) ("A threshold determination shall not balance whether the beneficial aspects of a proposal outweigh its adverse impacts, but rather, shall consider whether a proposal has any probable significant adverse environmental impacts under the rules. For example, proposals designed to improve the environment, such as sewage treatment plants or pollution control requirements, may also have significant adverse environmental impacts.").

⁹ *Id.*

¹⁰ WAC 197 11-060(4); see *also* WAC 197-11-330.

For example, the Checklist wrongly concludes that there will be no significant impacts to energy resources. Page 14. The DNS offers no evidence or analysis for this statement, which is contrary to industry testimony provided throughout the legislative process. The DNS ignores the probable significant adverse impacts to energy resources that will result from the City's prohibition on new bulk terminal and fuel handling facilities, even though a reduction of fuel supply is part of the City's stated purpose for adopting the Proposal. Further, by treating existing facilities as nonconforming uses, and requiring conditional use permits for other projects, the Proposal imposes extremely restrictive and uncertain limitations on the alteration and improvement of existing infrastructure. This will clearly delay and effectively discourage the investment in facility modifications to meet changing markets and improve production efficiency.

The Proposal would also create barriers to fuel facility upgrades that would improve safety, lower facility emissions, and allow for the introduction of new fuel technology. Each time fuels with lower emissions are developed or required by a governmental entity, new or updated infrastructure is needed to provide that fuel. The Proposal would prohibit improvements and beneficial innovation to the City's fuel infrastructure. Its effect is to freeze the current fuel supply system in place. Further, by uniformly blocking new fuel infrastructure in the City, the Proposal would force fuel distribution into less-efficient routes around the City and modes such as truck that increase GHG and other emissions.

These are just a few of the "probable significant adverse environmental impacts" caused by the Proposal. From its completion of the Checklist and issuance of the DNS, it is apparent that the City has still not studied or even meaningfully considered these issues. Accordingly, the DNS must be withdrawn and an EIS must be completed to evaluate these impacts.

Sincerely,



cc: Jessica Spiegel, WSPA
Jodie Muller, WSPA



WASHINGTON
ENVIRONMENTAL
COUNCIL



SIERRA
CLUB



WASHINGTON PHYSICIANS
FOR SOCIAL RESPONSIBILITY

August 30, 2022

Bryan Snodgrass, Principal Planner, CDD
City of Vancouver
PO Box 1995
Vancouver, WA 98668-1995

cc: Vancouver City Planning Commission; Vancouver City Council

Re: SEPA Checklist and SEPA Determination of Non-Significance for Vancouver Fossil Fuel Code Standards Proposal

Columbia Riverkeeper, Washington Environmental Council, Sierra Club Loo Wit, Washington Physicians for Social Responsibility, Oregon Physicians for Social Responsibility, Friends of the Columbia Gorge, Sunrise Southwest Washington, Vancouver Audubon Society, and the Alliance for Community Engagement support Vancouver's ongoing effort to develop a permanent ordinance prohibiting new or expanded bulk fossil fuel infrastructure in Vancouver. We offer the following comments on the Determination of Nonsignificance (DNS) and the State Environmental Policy Act (SEPA) Checklist for Vancouver's proposed Fossil Fuel Code Standards ("proposed code standards").

The proposed code standards represent an important step forward for protecting community health and safety from large-scale fossil fuel facilities in Vancouver. We agree with City staff that banning new large-scale fossil fuel facilities in Vancouver warrants a DNS, as reflected in Option A. We encourage Vancouver to ground the policy and the SEPA analysis firmly in health and safety concerns about these types of fossil fuel facilities and ensure that the final determination and code reflect these concerns.

1. Prohibiting new or expanded large-scale fossil fuel facilities will not have a probable significant adverse impact on the environment.

The proposed code standards will help to protect Vancouver communities from the health and safety impacts of new or expanded fossil fuel facilities, including air pollution, water pollution, and public safety hazards related to storing and handling large quantities of fossil fuels. Vancouver's SEPA Checklist demonstrates that the ordinance will address public and environmental health and safety impacts associated with fossil fuel facilities. In addressing

whether there are environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste that could occur as a result of this proposal, the SEPA Checklist states, “Some industrial uses involving chemical manufacturing, smelting, or fossil fuel or renewable fuel processing, handling, and storage have risks, impacts, and vulnerabilities, such as: explosive and fire risks, spill, exposure to toxic chemicals, odor, stormwater, and waste products.”¹ By highlighting the types of risks avoided through the passage of the fossil fuel ordinance, the City’s SEPA analysis supports the DNS.

Vancouver has experience in reviewing the potential health and safety impacts of fossil fuel terminals. For example, the City of Vancouver participated extensively in the review process for the Tesoro-Savage oil train terminal. The environmental impact statement for that project concluded that fossil fuel trains could impose significant negative impacts: “The direct and indirect impact analysis determined that some significant impacts could be unavoidable, related to rail accidents, emergency response delays resulting from additional train traffic, and environmental justice impacts to minority or low-income populations along the rail corridor.”² The proposed ordinance would avert these impacts for new large-scale fossil fuel facilities.

Specific examples of new potential large-scale fossil fuel facilities include liquefied petroleum gas or liquefied propane gas (LPG) facilities, liquefied natural gas (LNG) proposals, coal terminals, and other facilities such as natural gas liquids or fracked gas-based methanol facilities. The SEPA Checklist states that the ordinance is intended to “avoid and minimize any impacts to adjacent communities from fire or explosion.” For facilities that invite long trains and large storage volumes of fossil fuels, the risks are tremendous. For instance, potential LNG train traffic drew sharp opposition from the National Association of State Fire Marshals³ and the National Transportation Safety Board due to unstudied and potentially catastrophic public health and safety risks.⁴ Storing LNG in rail cars or storage tanks poses significant public health and safety risks for communities within a large area near the LNG facility or rail car. In 2021, the Washington Post reported that scientists were alarmed by the potential ramifications of an LNG leak resulting in a vapor cloud and fire.⁵ E&E News reported in 2022, “...near-misses and environmental problems highlight the risk. Most recently, a fireball at a plant near Freeport, Texas, touched off a fire that burned for 40 minutes, led to the temporary closure of the plant and knocked about 20 percent of U.S. export capacity offline for months.”⁶ These concerns

¹ SEPA Checklist, p. 14.

² Washington Energy Facility Siting Council. 2017. Final Environmental Impact Statement for the Tesoro-Savage Oil Train Terminal. p. ES-21.

³ National Association of State Fire Marshals (NASFM). 2019. Comment from re: Docket Number PHMSA-2018-0025 (HM-264) – LNG by Rail. <https://www.regulations.gov/document/PHMSA-2018-0025-0096>

⁴ National Transportation Safety Board. 2019. Comment from re: Docket Number PHMSA-2018-0025 (HM-264) – LNG by Rail. <https://www.regulations.gov/document/PHMSA-2018-0025-0078>

⁵ Will Englund. June 3, 2022. Engineers raise alarms over the risk of major explosions at LNG plants. <https://www.washingtonpost.com/business/2021/06/03/lng-export-explosion-vce/>

⁶ Mike Soraghan and Mike Lee. June 28, 2022. LNG explosion shines light on 42-year-old gas rules. E&E News. <https://www.eenews.net/articles/lng-explosion-shines-light-on-42-year-old-gas-rules/>

underscore Vancouver's conclusion that the ordinance would not have a negative impact on the environment and instead avoid significant risks.

Train terminals that involve the storage and handling of large volumes of LPG would also pose major health and safety risks, including fire and explosion risks. A recent study published by the American Chemical Society notes,

LPG...possesses flammable and explosive properties. With its flammability, LPG is easily ignited, while it is leaking in the course of transportation and processing, thus causing fire or explosion, especially in a confined space. The explosion of LPG is characterized by a high diffusion rate and rapid combustion speed. The explosion disaster induced by LPG leakage has resulted in a high number of economic losses and casualties.⁷

Storage and transport of LPG both carry risks of explosion. Avoiding these types of risks will benefit Vancouver's environment and the health and safety of its communities. Accordingly, the DNS is correct in concluding that the avoidance of these risks will not have a negative impact on the environment.

The DNS correctly concludes that large-scale fossil fuel facilities pose spill risks, and that avoiding these risks would not have a negative impact on the environment. In passing the moratorium related to large-scale fossil fuel facilities, the City referenced significant spill risks from a large seismic event, such as a Cascadia Subduction Zone earthquake. The SEPA analysis provides clear evidence for the potential seismic risks that exist throughout industrial zones in Vancouver. Exhibit 2 of the SEPA Checklist depicts soil liquefaction hazards in Vancouver's industrial zones.⁸ The placement of additional flammable or toxic fuels in liquefaction zones could exacerbate existing spill, fire, and emergency response concerns related to existing facilities. The ordinance would help Vancouver avoid these significant new health and safety impacts while also providing flexibility for terminal operators to reduce these risks. The SEPA analysis highlights that the ordinance would not encumber seismic and safety upgrades at existing facilities, stating, "The City of Vancouver identified 6 existing large-scale (bulk) fossil fuel facilities. This non-project action will allow existing facilities and maintenance/upgrades provided there is compliance with City codes including seismic, fire protection, and spill prevention."⁹ Additionally, facilities that undergo seismic upgrades and convert to cleaner fuels may expand storage up to 15%.

⁷ Liang et al. 2021. Risk Assessment of Liquefied Petroleum Gas Explosion in a Limited Space. <https://pubs.acs.org/doi/10.1021/acsomega.1c03430>

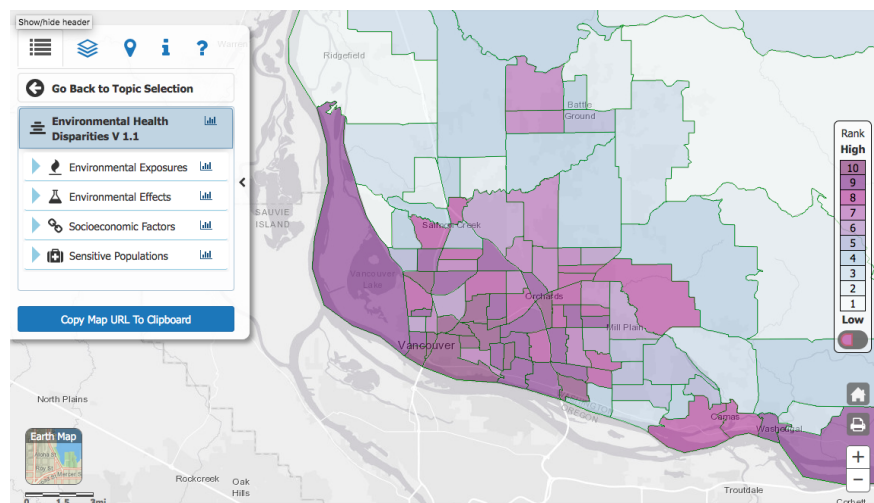
⁸ SEPA Checklist, p. 6.

⁹ SEPA Checklist, p. 16.

2. Prohibiting new or large-scale fossil fuel facilities will protect the health and safety of Vancouver residents, including BIPOC, lower-income, and other traditionally marginalized communities who already experience environmental health disparities.

The proposed code standards will help the City of Vancouver protect communities from the health and safety impacts of new or expanded fossil fuel facilities, including air pollution, water pollution, and public safety hazards related to storing and handling large quantities of fossil fuels. Although Vancouver has been working towards implementation of a Climate Action Plan (CAP) to diminish its fossil fuels for climate-related reasons, the prohibition on new large-scale fossil fuel facilities was originally conceived as a policy that would assist Vancouver in avoiding compounding environmental inequities already present, by reducing and averting health and safety risks.

Already, the environmental health impacts of fossil fuel facilities place disparate burdens on communities within Vancouver. Vancouver communities of color and low-income communities experience some of the most significant environmental health disparities in Washington, which would only be exacerbated by any new or expanded fossil fuel facilities.¹⁰ The proposed ordinance avoids worsening environmental health disparities already present in Vancouver and demonstrates an awareness of the difficulties these communities face.



Environmental Health Disparities in Vancouver.¹¹

Source: [Washington Environmental Health Disparities Map](#). July 2022.

Data from the Washington Department of Health's Environmental Health Disparities Map support the prohibition of new bulk fossil fuel storage and handling facilities. Communities near

¹⁰ Washington Department of Health. Environmental Health Disparities Map. <https://fortress.wa.gov/doh/wtnibl/WTNIBL/>. Accessed 7.11.2022.

¹¹ *Id.*

industrial and high-traffic areas experience elevated exposure to air pollution that causes respiratory illness, such as low-level ozone, diesel particulates, and other pollution. Vancouver’s own experience with a proposed large, train-supplied fossil fuel terminal shows that fossil fuel train terminals have significant environmental justice implications. The Final Environmental Impact Statement for the Tesoro-Savage proposal concluded that there would be “environmental justice impacts to minority or low-income populations along the rail corridor.”¹²

3. The DNS supports Option A regarding new cleaner fuel facilities and the requirement for a conditional use permit for facilities that choose to undergo conversion and expansion.

The DNS states, “Uses would be prohibited in most districts in the city and where allowed in the Industrial Heavy Zoning District would be regulated according to development standards addressing size, location, operation, and health and safety.” The DNS and SEPA Checklist describe spill, fire, and other potential impacts that could result from new cleaner fuels facilities where they would be allowed—an indication that consideration of new facilities is better suited to a separate process from the proposed code standards. New cleaner fuel facilities could result in significant impacts distinct from current fossil fuel storage (and limited expansions), because they involve potentially new locations and differing risks. Given the SEPA Checklist’s finding that industrial uses involving renewable fuel processing carry risks, impacts, and vulnerabilities,¹³ the DNS supports Option A.

We support the requirement for conditional use permits for projects that convert to new cleaner fuels with a potential 15% expansion. The conditional use process will provide the community with an opportunity to understand and provide input on the potential impacts of cleaner fuel expansions. The requirements for facilities to meet seismic, spill prevention, fire protection, and emergency response will help to ensure that converted facilities do not adversely impact communities in Vancouver. However, potential expansions could add millions of gallons of fuel storage to Vancouver, and Vancouver communities deserve the opportunity to weigh in on any conversion-expansion proposal in a public hearing.

4. New facilities deserve specific consideration in a separate process.

As articulated above, a DNS correctly upholds the focus on banning large-scale fossil fuel facilities and enabling, through a conditional use permit review process, the expansion of existing facilities that convert to cleaner fuels. However, we urge caution regarding new facilities under this SEPA determination. Energy facilities of all kinds come with a suite of impacts, including: transportation impacts, water use and quality impacts, and air pollution. Expanding

¹² Washington Energy Facility Siting Council. 2017. Final Environmental Impact Statement for the Tesoro-Savage Oil Train Terminal. p. ES-21.

¹³ SEPA Checklist, p. 14.

the code to allow new types of facilities that are linked to the City’s CAP may have unintended consequences of impacting the health and safety of the neighborhoods and communities nearby. For example, the SEPA Checklist acknowledges that new cleaner fuel facilities may increase spill risks in new areas in Vancouver.¹⁴ That fact is highlighted by the February 2022 spill near Scappoose, Oregon, where a hazmat team was called to the site of a renewable diesel spill.¹⁵ The incident demonstrates that renewable diesel spills pose environmental risks to soil and water resources while also requiring a significant emergency response. Additionally, the potential aggregation of multiple new cleaner fuel facilities does not appear to be sufficiently addressed in Option B, creating potential concerns for areas that could see multiple new proposals. While the code limits each new facility to 1 million gallons of “cumulative” storage, it does not address the potential for multiple facilities to aggregate in an area.

To allow for a more robust assessment of impacts of facilities linked to the City’s CAP, we recommend a separate process that can establish the right type of protective measures as part of the transition to a clean energy economy. We also recommend that the City ensure a robust SEPA review process and conditional use permit process for any new facilities that are ultimately allowed under this code change, should the Council choose Option B. This should include adequate time (e.g. at least a 60 day public comment period) and public notification and a public engagement process. These steps will help ensure that the risks of new facilities are understood on a case-by-case basis, and that the community has time to engage meaningfully in that process.

5. Conclusion

We strongly support the proposed ordinance and Option A moving forward, and we appreciate the time and diligence City staff have devoted to the process of developing the SEPA Checklist, DNS, and proposed ordinance language. Prohibiting new large-scale fossil fuel facilities warrants a DNS, and the DNS is supported by information in the City’s SEPA analysis. The proposed ordinance could avoid worsening environmental health disparities in Vancouver, a core goal of the proposed ordinance and the moratorium currently in place. And, the City should be cautious about overextending this policy effort to an issue that requires more research and community engagement.

Sincerely,

Dan Serres, Conservation Director, Columbia Riverkeeper
Cathryn Chudy and Heidi Cody, Alliance for Community Engagement
Rebecca Ponzio, Climate and Fossil Fuel Program Director, Washington Environmental
Council

¹⁴ *Id.*

¹⁵ KATU. February 4, 2022. Hazmat team called to railcar leak in Scappoose.
<https://katu.com/news/local/hazmat-team-called-to-railcar-leak-in-scappoose>

Kelsey King, Group Chair, Sierra Club Loo Wit
Denise Lopez, Conservation Organizer, Friends of the Columbia Gorge
Susan Saul, Conservation Chair, Vancouver Audubon Society
Daniela Jokela, Sunrise Southwest Washington
Riley Lynch, Climate and Health Program Manager, Washington Physicians for Social
Responsibility
David De La Torre, Healthy Climate Program Director, Oregon Physicians for Social
Responsibility

August 30, 2022

City of Vancouver
SEPA Responsible Official
Attn: Bryan Snodgrass, Principal Planner
P.O. Box 1995
Vancouver, WA 98668-1995

RE: SEPA Determination of Non-Significance -
Vancouver Fossil Fuel Code Standards Proposal

SEPA Responsible Official,

These comments are provided on the Determination of Non-Significance (DNS) issued by the City of Vancouver (City) on August 16, 2022, under the State Environmental Policy Act (SEPA) for the Proposed Amendment to the City of Vancouver zoning code pertaining to fossil fuels. The comments are provided pursuant to Washington Administrative Code Section 197-11-340 and the City's published DNS comment period.

The Port of Vancouver, USA (the Port) reviewed the DNS, the accompanying SEPA checklist, the proposed code language, legislative history for the proposal, and the moratoriums. After reviewing this information, the Port has the following comments.

The Port supports the City's strong commitment to environmental leadership and appreciates and supports the City's interest in protecting natural resources by promoting the safe storage and use of fossil fuels and moving away from reliance on fossil fuels. This is evidenced in part by the Climate Action Plan¹ and Renewable/Clean Energy Policy² adopted by the Port. Furthermore, the Port's Strategic Plan establishes a vision to "build a community connected to a world of economic opportunity that supports a healthy environment, trade and living wage jobs."

The Port is fully in support of the City's proposal to permanently ban new bulk fossil fuel terminals as currently addressed by the moratorium and the allowances for addressing maintenance, repair, conversions, and expansions of existing facilities that support a pathway to use of cleaner fuels. However, the Port still has concerns that the proposed code language lacks a size threshold, lacks clarity, is too restrictive for conversions and small-scale facilities, will impact activities that pose little risk and have limited emissions and will be a disincentive for projects to take positive steps toward reducing fossil fuel use and encouraging renewable/cleaner fuels. The Port would also like the City to consider these regulations within the framework of the City's draft Climate Action Plan and the identified Early

¹ Available at: https://www.portvanusa.com/assets/Final-CAP-11-12-21_SCREEN.pdf

² Available at: <https://www.portvanusa.com/assets/FINAL-Renewable-Energy-Policy-6-25-19.pdf>

Action Items. This regulatory action is not identified as one of the 13 Early Action Items and does not support the City's identified actions to encourage alternative fuels (draft actions 23, 26-28 and 30). The City should narrow the scope of this action to the permanent ban on bulk fossil fuel facilities and rely on existing regulations for smaller facilities and cleaner fuel facilities. Changes for these activities should be evaluated in the future once a Climate Action Plan is adopted by the City and in evaluating regulations that apply to all land uses and industries. The Port has provided specific comments should the City move forward as planned.

In order to provide input into the proposed code language, the following specific concerns have been identified by the Port:

1. The definition of "Bulk Fossil Fuel Storage" is not clear. It uses the phrases "structure, group of structures, equipment, or device" and "stores or transfers" to identify which elements that handle fossil fuels are included in the land use category. As written, this goes beyond regulating traditional bulk fossil fuel facilities as a land use to regulating individual activities or portions of activities and is not consistent with how facilities subject to the moratorium have been described. Storage and handling facilities are typically uses with these activities as their specific purpose – such as a crude oil terminal. It is unusual for this to include uses that merely use a material as part of their operations, including accessory storage such as a manufacturing facility with on-site propane storage, or diesel storage for emergency generators, a semiconductor manufacturing plant, or data center. However, the definition does not specifically exclude this while at the same time including an exclusion for finished products. The definition should specifically exclude facilities that simply use these materials such as manufacturing facilities.

The definition does not provide a size threshold, so any volume of material storage or transfer would be considered "bulk". This is contrary to typical understanding of the use type and adds uncertainty and confusion to the code. The moratorium specifically included a size threshold which is not carried forward into the permanent regulations.

The terms "stores" and "transfers" are not defined by the municipal code and could be interpreted very broadly. One example could be the small fuel tanks associated with emergency generators or fire pumps on industrial properties. These devices clearly store fossil fuels for energy purposes, yet they are vital elements for managing risk and responding to emergencies that are required by other codes. The use definition should exclude small scale storage and transfer that is part of a direct on-site use that is not otherwise considered bulk fossil fuel storage, such as use of natural gas for combustion in support of industrial processes or typical railyard activities. This is consistent with the City's decision to specifically exclude direct to consumer sales of fossil fuels from this regulation.

Fossil fuels are further defined to include those that are “used to generate energy”. It is not clear whether it is intended to define the material (fossil fuel) or whether it defines the purpose of the facility. For example, if a facility was developed to store or transfer fossil fuel that is used for a chemical feedstock and not for power generation would it be considered a “bulk fossil fuel storage and handling facility” use or a “manufacturing and production” use?

2. The requirements for a facility converting to cleaner fuels disincentivize these efforts. Requiring a Conditional Use Permit for cleaner fuel expansions would create undue uncertainty for an undertaking that should be encouraged in order to meet climate goals, especially for existing uses. Furthermore, the City’s proposed standards for conversions and expansions already establish controls and a Conditional Use Permit is not necessary.
3. The City should consider adding a provision to allow for the establishment of new bulk facilities that handle “Cleaner Fuels”. Under the current proposal a new clean fuel facility could not be established in any zone within the city. They should be allowed in the IH zone with limitations and by Conditional Use Permit in the IL zone. These allowances would encourage transition to cleaner fuels within the city consistent with climate action goals. These facilities will be necessary for clean fuel distribution in the IH and IL zones, especially for vehicles and equipment that lack viable options for or are difficult to electrify. This is especially relevant for low-income residents and small businesses in the region who may lack resources to quickly electrify their vehicles.
4. The Port supports the creation of a baseline to ensure that fossil fuel capacity is not expanded at existing bulk facilities. Facilities often may be used for multiple products based on the specific needs of the customer and nature of the facility. The port suggests removing language that restricts an existing facility’s ability move products to different storage tanks throughout the facility and limits the ability to handle a mix of cleaner and fossil fuels based on market conditions so long as the existing baseline storage capacity for fossil fuels of a facility is not exceeded.
5. The requirement for mitigation (direct) and the potential for mitigation (for indirect) emissions will be a significant disincentive for facilities to convert to cleaner fuels. A facility can avoid this expense and risk by simply maintaining the status quo and continuing to operate only with fossil fuels. The City should eliminate or narrowly define mitigation to only apply to expansion activities, only to direct emissions, and only if they are shown to result in an increase over the existing facility when considering both direct and indirect emissions.
6. The requirement for reporting will require companies to disclose sensitive product, transportation and business information and provide further disincentives to transition to cleaner fuels.

7. The new Small Fossil Fuel or Cleaner Fuel Storage and Distribution Facility use describes uses that are an “accessory facility necessary to support an onsite allowed primary use.” This indicates the City’s intent to broadly regulate storage tanks for fossil and cleaner fuels and this would apply to all uses that propose to include these facilities (except direct-to-consumer motor vehicle fuel sales). As noted above, this use could be interpreted to include small fuel tanks associated with emergency generators or fire pumps on industrial properties. These devices clearly store fossil fuels for energy purposes yet are vital elements for managing risk and responding to emergencies and are required by other codes. The use definition should exclude small scale storage and transfer that is part of a direct use on site that is not otherwise considered a bulk fossil fuel storage such as use of natural gas for combustion in support of heating and industrial processes, fuel tanks used for fueling of on-site or fleet vehicles and equipment or typical railyard facilities. This is consistent with the City’s decision to specifically exclude direct to consumer sales of fossil fuels from the provisions in these code changes.

The requirement for a conditional use permit and the limitation of the IH zone for these smaller facilities would restrict facilities for the port, require more burdensome process and add uncertainty, time, and expense for project proponents. The City should consider allowing them as a Limited use in both IH and IL zones because of the specific restrictions being proposed.

In addition to the comments noted on the proposed code language above, the SEPA checklist does not adequately address potential impacts of the non-project action. Contrary to Ecology guidance, the SEPA checklist does not consider the probable impacts of the future development that would be allowed under the proposal, but rather repeatedly states “not applicable – not a site-specific proposal” and then provides general information on the applicable environmental element with respect to the City. The SEPA checklist should have analyzed the likely impacts of the development allowed and implications of land use restrictions under the proposal within the supplemental sheet for non-project actions. The City has therefore not adequately considered the potential environmental implications of these regulatory changes.

The Port is in support of the overall policy intent behind the proposal and wants to work with the City to ensure that the proposed code revisions are clear, direct, and easy to understand so that the Port and Port tenants can make appropriate plans and investments for existing and future facilities, and City staff can apply regulatory provisions consistently. Port staff are available to support the City in review and input into revisions, both to avoid unintended consequences and to support our ongoing partnership in achieving shared climate and environmental goals.

The Port would like to thank the responsible official and City staff for considering these comments.

City of Vancouver
SEPA Responsible Official
c/o Bryan Snodgrass, Principal Planner
August 30, 2022

Page 5 of 5

Please contact me at mbomar@portvanusa.com or (360) 839-3577 if you have questions, or to discuss the Port's concerns further.

Regards,

A handwritten signature in black ink, appearing to read 'Mike Bomar', is centered below the 'Regards,' text.

Mike Bomar
Director of Economic Development

Copies to: Mayor Anne McEnery-Ogle, City of Vancouver
Eric Holmes, City Manager, City of Vancouver



STATE ENVIRONMENTAL POLICY ACT

Revised Determination of Non-Significance

Vancouver Fossil Fuel Code Standards Proposal

Date: September 9, 2022

Lead Agency: City of Vancouver

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

Location: The legislative proposal applies to Vancouver city limits.

Revised Determination: The City of Vancouver has revised its SEPA threshold determination of NonSignificance issued on August 16, 2022 in consideration of the following changes: Minor clarifications of the proposal definitions and standards, and clarification of the SEPA Checklist addressing the existing sites and applicable development standards for regulated facilities.

The City of Vancouver has reaffirmed that this proposal will not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c).

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

This "modified" DNS is issued under WAC 197-11-340(2)(f) and does not include an additional comment period. It does not alter the appeal period, which closes at 5 pm on September 13, 2022. A City Council decision of the SEPA procedural appeal shall be final and not subject to further administrative appeal. Substantive SEPA appeals shall be filed in writing within 14 calendar days of the issuance of Councils decision.

Responsible Official:

Bryan Snodgrass, Principal Planner

(360) 487-7946

bryan.snodgrass@cityofvancouver.us



9/9/22

Signature

Date

Addendum

City of Vancouver Fossil Fuel Code Standards Proposal

To the SEPA Checklist and Determination of Non-Significance Issued August 16, 2022

Addendum Date: September 9, 2022

Introduction and Proposal Clarifications

The Addendum describes modifications to the proposals to amend the City's fossil fuel regulations. The clarifications to the proposals are similar to the options studied in the SEPA checklist.

Per WAC 197-11-706, this Addendum is an environmental document that provides additional information or analysis that does not substantially change the analysis of significant impacts and alternatives in the existing environmental document.

The clarifications include:

- Existing fossil fuel facilities are meant to be allowed. For extra clarity, the use matrix would be broken out to show that Bulk Fossil Fuel Storage and Handling Facility "existing legal" as permitted.
- The use classification of Bulk Fossil Fuel Storage would be amended to reference state and federal laws to assist the City in interpreting and applying the use description. The use classification can be amended to remove "used to generate energy."
- Adjustments are proposed to development standards to clarify that the share of the facility used for cleaner fuels should be maintained over the overall site but can be moved around the site.
- The small fossil fuel or cleaner fuel facilities definition would be amended so that it does not restrict emergency generators.

Checklist Clarifications

Clarifications and corrections to the SEPA Checklist are attached in track changes and shading. Based on comments and responses, corrections to the SEPA Checklist include, in summary:

- Restoring the numbering of Parts A, B, C, and D that was inadvertently omitted in the originally issued checklist.
- Clarifying the CNG Trillium property is IL zoned.
- Further integrating some of the proposed standards into the discussion of mitigation (e.g., buffering from residential areas, seismic upgrades, fire / emergency response plans, spill prevention, and similar).
- In Part D adding some of the text from Part B that has been cross referenced.

Comments and Responses

While not required, the City has developed responses to comments on the DNS. The City has adjusted the proposal and made clarifications to the Checklist as noted in the table below. The comments are drawn from full letters submitted to the City. For complete context of the letters and footnotes please see the City's website: <https://www.cityofvancouver.us/cdd/page/fossil-fuel-facility-code-changes> and Planning Commission materials, here: <https://www.cityofvancouver.us/pc/page/planning-commission-meeting-september-13-2022>.

City of Vancouver Proposed Fossil Fuel Zoning Code Amendments - Responses to SEPA Comments

Comment	Response
Western States Petroleum Association, 8/30/22	
Western States Petroleum Association (WSPA) again appreciates the opportunity to provide comments on the City of Vancouver's (City) Determination of Non-significance (DNS) for the Vancouver Fossil Fuel Code Standards Proposal (Proposal). The Proposal consists of proposed zoning code amendments, Planning Commission version (revised July 5, 2022). WSPA filed comments on, and appealed, the previous DNS for an earlier version of the Proposal. The City withdrew the prior DNS and reissued a new DNS concluding: The City of Vancouver has determined that this proposal will not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030. An Environmental Checklist is available from City staff. This determination is based on the following findings and conclusions: Uses would be prohibited in most districts in the city and where allowed in the Industrial Heavy Zoning District would be regulated according to development standards addressing size, location, operation, and health and safety. The current DNS suffers from the same infirmities as the prior DNS as detailed in this comment letter. WSPA is a nonprofit trade association representing companies that explore for, produce, refine, transport, and market petroleum and petroleum products in five western states, including Washington. WSPA members have operated petroleum terminals in the City for many years. These facilities supply fuel to the region, provide critical emergency infrastructure, and have many positive impacts on the economy, including providing family-wage jobs. WSPA and operators of facilities targeted by the existing moratorium and the Proposal have previously outlined for the City the significant harm these regulations are having and will continue to have on structure safety, transition to lower-carbon fuels, reduction of greenhouse gases (GHG), improvements to existing infrastructure, and displacement of fuel transportation to less- safe methods—all of which have direct and significant environmental impacts.	Please see responses to comments 1 and 2 below. The comment letter refers to the July 5, 2022 draft code. Please note the draft code was revised in August 2022 after hearing from interested stakeholders. The proposal in mid-August was described in the SEPA checklist. There appear to be misunderstandings of the proposals that may be due to the date of the code the commenter references or misreading's of the draft code that are clarified below. The SEPA Checklist and DNS were completed in a substantial manner with evaluation and maps, and nearly 30 pages in length compared to the prior DNS and checklist that was abbreviated at 10 pages. The proposal and effects are described below in response to the more complete comments shared by WSPA.

Comment

Response

In completing a revised environmental checklist (Checklist) and issuing the DNS, the City has still yet to analyze these undesired impacts. WSPA respectfully asks the City to withdraw the DNS, issue a Determination of Significance (DS), and prepare an Environmental Impact Statement (EIS).

1. The City failed to acknowledge, investigate, and assess the full range of potential environmental impacts.

At the heart of SEPA is the legislative mandate that governmental entities “[u]tilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and in decision making which may have an impact on the environment[.]” RCW 43.21C.030(a). To that end, agencies and local governments must include with every legislative proposal a “detailed statement” fully analyzing environmental impacts and alternative courses of action. RCW 43.21C.030(c) (emphasis added).

Accordingly, throughout the SEPA process, cities are required to “carefully consider the range of probable impacts, including short-term and long-term effects[.]” both inside and outside the local jurisdiction and state.¹ A city’s careful consideration must include both direct and indirect consequences.²

As part of the threshold determination process, a city must identify, investigate, and thoroughly consider all potential environmental impacts.³ Obviously, this requires the City to first fully evaluate the operation and future development effects of a proposed legislative amendment.⁴ In determining the likely environmental impacts therefrom, a city is not permitted to blindly rely on its uninformed completion of an environmental checklist, but must obtain all information necessary to make an informed decision.⁵

The City has still not fulfilled these obligations here. Its completion of the Checklist and analysis of the potential environmental impacts of the Proposal is inadequate on its face. First, the City fails to include any analysis in the Checklist on how the Proposal will adversely impact existing facilities. The City, for instance, does not discuss how designating existing facilities as nonconforming uses will complicate and inject significant uncertainty into the review and approval of proposed improvements/alterations of current infrastructure, nor how requiring a highly discretionary conditional use permit for other projects will also result in deterrence, abandonment, or relocation of desirable projects, including cleaner fuel projects.

In completing the required supplemental sheet in the Checklist for non-project actions, the City simply refers to earlier sections of the Checklist with reference to Section B without meaningful analysis or factual support. Moreover, there is no Section B in the version of the Checklist we have to confirm exactly what sections the supplemental sheet refer to. This is a significant defect in the Checklist where the supplemental sheet relies heavily on the nonexistent Section B. The City also completely ignored the issues repeatedly raised by industry experts throughout the City’s ongoing fossil fuel regulation process.⁶¹

The commenter suggests that the SEPA evaluation does not address impact on existing facilities but there is a misunderstanding about the code proposal in the comment. While new fossil fuel facilities would continue to be restricted, existing fossil fuel facilities would be allowed per Table 20.440.030-1. note 34 (they would not be non-conforming). While this has been consistent in the July and August 2022 draft codes, for extra clarity, the use matrix is proposed to be broken out for clarification to show that Bulk Fossil Fuel Storage and Handling Facility “existing legal” as permitted.

Existing facilities would be allowed to make non-capacity improvements for safety or security, to reduce air or water emissions, to meet new regulatory requirements, or add other accessory structures or activities. See Table 20.440.030-1. note 34 note 34, plus VMC 20.895.110.

Existing facilities can be converted in whole or part to cleaner fuels and expand with cleaner fuels. Seismic upgrades would be required for expanded facilities.

A conditional use permit process would apply to conversion or expansion associated with cleaner fuels.

That a conditional use permit would deter projects for cleaner fuels is speculative. A conditional use permit process is a common permit type in the Vancouver Municipal Code, and within the IH zone is applied to

¹ **Footnote 6 in letter: 6** The ban on new terminals significantly impacts the environment by preventing new facilities and upgrades that would increase efficiency, reduce GHG, and comply with lower-emission federal and state fuels law;

Comment	Response
Another infirmity is that in the Checklist, the City notes several times that the proposed code could, as an option, allow new cleaner fuels storage and handling facilities. Page 5. Yet the proposed code does not include this option, causing further unstudied impacts through elimination of potentially beneficial projects. See Section 20.895.110.F.1 of the Proposal. In sum, there is insufficient analysis for the threshold determination process. For this and all the other issues identified above, the City must obtain the available information necessary to adequately analyze all the environmental impacts of the Proposal. It clearly has not done so yet. Accordingly, the DNS should be withdrawn again.	some forms of office, retail, R&D and others. It is not an unusual process and creates a record for applicants and the public. SEPA determinations are also discretionary. Such facilities may require other discretionary non-city permits (e.g., air permits from SWCAA). It appears the per capita rate of fossil fuel use in the state is flat (see federal EIA data and population growth in Planning Commission presentation of 7/11/22 and City Council presentation of 8/1/22). If there is demand for cleaner fuels it is likely they would be proposed, and the code would allow for such applications. Regarding SEPA Checklist Section B, the numbering format was inadvertently omitted. Numbering is corrected in a Revised DNS and Addendum, available at the SEPA Register and the project website and mailed to parties of record.

2. The Proposal will cause probable significant adverse impacts.

SEPA requires a lead agency to issue a DS and prepare an EIS when a proposal is likely to have probable significant adverse environmental impacts.⁷ A threshold determination cannot rely on the fact that a proposal's purported benefit may outweigh the environmental impacts.⁸ Indeed, SEPA expressly acknowledges that even proposals that are purportedly designed to improve the environment "may also have significant adverse environmental impacts."⁹ As such, the responsible official must consider all probable significant adverse impacts, regardless of whether they are direct, indirect, or cumulative.¹⁰ In this case, an EIS is necessary because the Proposal will cause probable significant adverse impacts.

For example, the Checklist wrongly concludes that there will be no significant impacts to energy resources. Page 14. The DNS offers no evidence or analysis for this statement, which is contrary to industry testimony provided throughout the legislative process. The DNS ignores the probable significant adverse impacts to energy resources that will result from the City's prohibition on new bulk terminal and fuel handling facilities,

The comment letter incorrectly states that "reduction of fuel supply is part of the City's stated purpose for adopting the Proposal."

Proposed VMC 20.895.110.A (in the July or August 2022 versions of the code) indicates that a purpose is to support a transition to renewable fuels. The proposed code allows existing fossil fuel facilities to continue, to make non-capacity changes, and to convert to cleaner fuels plus add 15% capacity. This could mean more fuel supply adding existing fossil fuel and the potential for expanding with cleaner fuels; in any case at least existing uses would continue and

discouraging safety improvements, such as seismic retrofitting; blocking the introduction of future technologies to the current fuel infrastructure framework; forcing fuel facilities to stay in areas with heightened seismic and groundwater risk by prohibiting fuel suppliers from relocating to safer locations; and distorting the supply of fuel to less-efficient and potentially riskier methods of transportation and storage.

Comment	Response
even though a reduction of fuel supply is part of the City's stated purpose for adopting the Proposal. Further, by treating existing facilities as nonconforming uses, and requiring conditional use permits for other projects, the Proposal imposes extremely restrictive and uncertain limitations on the alteration and improvement of existing infrastructure. This will clearly delay and effectively discourage the investment in facility modifications to meet changing markets and improve production efficiency. The Proposal would also create barriers to fuel facility upgrades that would improve safety, lower facility emissions, and allow for the introduction of new fuel technology. Each time fuels with lower emissions are developed or required by a governmental entity, new or updated infrastructure is needed to provide that fuel. The Proposal would prohibit improvements and beneficial innovation to the City's fuel infrastructure. Its effect is to freeze the current fuel supply system in place. Further, by uniformly blocking new fuel infrastructure in the City, the Proposal would force fuel distribution into less-efficient routes around the City and modes such as truck that increase GHG and other emissions. These are just a few of the "probable significant adverse environmental impacts" caused by the Proposal. From its completion of the Checklist and issuance of the DNS, it is apparent that the City has still not studied or even meaningfully considered these issues. Accordingly, the DNS must be withdrawn and an EIS must be completed to evaluate these impacts.	could operate with similar fuel capacities as present. The proposed rules in VMC 20.895.110 allow for new non-capacity infrastructure or improvements demonstrating one or more purpose below: ■ Maintenance repair, or replacement. ■ Improvement of the safety or security of the infrastructure, including seismic upgrades. ■ Decrease in air or water emissions. ■ Allow the facility infrastructure or buildings to meet new regulatory requirements. ■ Addition of accessory structures or activities that do not add to the baseline capacity of the facility.

Columbia Riverkeeper, Washington Environmental Council, Sierra Club Loo Wit, Washington Physicians for Social Responsibility, Oregon Physicians for Social Responsibility, Friends of the Columbia Gorge, Sunrise Southwest Washington, Vancouver Audubon Society, and the Alliance for Community Engagement, August 30, 2022

Columbia Riverkeeper, Washington Environmental Council, Sierra Club Loo Wit, Washington Physicians for Social Responsibility, Oregon Physicians for Social Responsibility, Friends of the Columbia Gorge, Sunrise Southwest Washington, Vancouver Audubon Society, and the Alliance for Community Engagement support Vancouver's ongoing effort to develop a permanent ordinance prohibiting new or expanded bulk fossil fuel infrastructure in Vancouver.

We offer the following comments on the Determination of Nonsignificance (DNS) and the State Environmental Policy Act (SEPA) Checklist for Vancouver's proposed Fossil Fuel Code Standards ("proposed code standards").

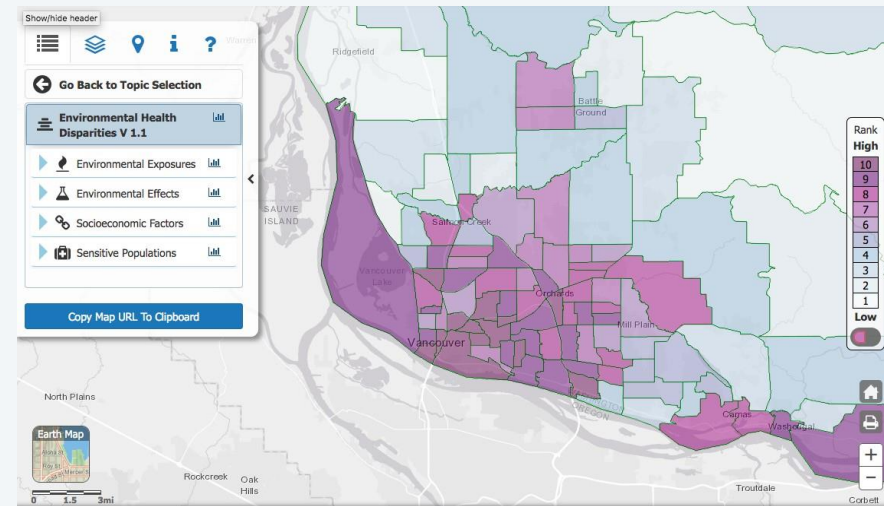
The proposed code standards represent an important step forward for protecting community health and safety from large-scale fossil fuel facilities in Vancouver. We agree with City staff that banning new large-scale fossil fuel facilities in Vancouver warrants a DNS, as reflected in Option A. We encourage Vancouver to ground the policy and the SEPA analysis firmly in health and safety concerns about these types of fossil fuel facilities and ensure that the final determination and code reflect these concerns.

The comment is noted.

Comment	Response
1. Prohibiting new or expanded large-scale fossil fuel facilities will not have a probable significant adverse impact on the environment. The proposed code standards will help to protect Vancouver communities from the health and safety impacts of new or expanded fossil fuel facilities, including air pollution, water pollution, and public safety hazards related to storing and handling large quantities of fossil fuels. Vancouver's SEPA Checklist demonstrates that the ordinance will address public and environmental health and safety impacts associated with fossil fuel facilities. In addressing whether there are environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste that could occur as a result of this proposal, the SEPA Checklist states, "Some industrial uses involving chemical manufacturing, smelting, or fossil fuel or renewable fuel processing, handling, and storage have risks, impacts, and vulnerabilities, such as: explosive and fire risks, spill, exposure to toxic chemicals, odor, stormwater, and waste products."¹ By highlighting the types of risks avoided through the passage of the fossil fuel ordinance, the City's SEPA analysis supports the DNS. Vancouver has experience in reviewing the potential health and safety impacts of fossil fuel terminals. For example, the City of Vancouver participated extensively in the review process for the Tesoro-Savage oil train terminal. The environmental impact statement for that project concluded that fossil fuel trains could impose significant negative impacts: "The direct and indirect impact analysis determined that some significant impacts could be unavoidable, related to rail accidents, emergency response delays resulting from additional train traffic, and environmental justice impacts to minority or low-income populations along the rail corridor."² The proposed ordinance would avert these impacts for new large-scale fossil fuel facilities. Specific examples of new potential large-scale fossil fuel facilities include liquefied petroleum gas or liquefied propane gas (LPG) facilities, liquefied natural gas (LNG) proposals, coal terminals, and other facilities such as natural gas liquids or fracked gas-based methanol facilities. The SEPA Checklist states that the ordinance is intended to "avoid and minimize any impacts to adjacent communities from fire or explosion." For facilities that invite long trains and large storage volumes of fossil fuels, the risks are tremendous. For instance, potential LNG train traffic drew sharp opposition from the National Association of State Fire Marshals³ and the National Transportation Safety Board due to unstudied and potentially catastrophic public health and safety risks.⁴ Storing LNG in rail cars or storage tanks poses significant public health and safety risks for communities within a large area near the LNG facility or rail car. In 2021, the Washington Post reported that scientists were alarmed by the potential ramifications of an LNG leak resulting in a vapor cloud and fire.⁵ E&E News reported in 2022, "...near-misses and environmental problems highlight the risk. Most recently, a fireball at a plant near Freeport, Texas, touched off a fire that burned for 40 minutes, led to the temporary closure of the plant and knocked about 20 percent of U.S. export capacity offline for months."⁶ These concerns underscore Vancouver's conclusion that the ordinance would not have a negative impact on the environment and instead avoid significant risks.	The comment is noted.

Comment	Response
Train terminals that involve the storage and handling of large volumes of LPG would also pose major health and safety risks, including fire and explosion risks. A recent study published by the American Chemical Society notes, LPG...possesses flammable and explosive properties. With its flammability, LPG is easily ignited, while it is leaking in the course of transportation and processing, thus causing fire or explosion, especially in a confined space. The explosion of LPG is characterized by a high diffusion rate and rapid combustion speed. The explosion disaster induced by LPG leakage has resulted in a high number of economic losses and casualties.⁷ Storage and transport of LPG both carry risks of explosion. Avoiding these types of risks will benefit Vancouver's environment and the health and safety of its communities. Accordingly, the DNS is correct in concluding that the avoidance of these risks will not have a negative impact on the environment. The DNS correctly concludes that large-scale fossil fuel facilities pose spill risks, and that avoiding these risks would not have a negative impact on the environment. In passing the moratorium related to large-scale fossil fuel facilities, the City referenced significant spill risks from a large seismic event, such as a Cascadia Subduction Zone earthquake. The SEPA analysis provides clear evidence for the potential seismic risks that exist throughout industrial zones in Vancouver. Exhibit 2 of the SEPA Checklist depicts soil liquefaction hazards in Vancouver's industrial zones.⁸ The placement of additional flammable or toxic fuels in liquefaction zones could exacerbate existing spill, fire, and emergency response concerns related to existing facilities. The ordinance would help Vancouver avoid these significant new health and safety impacts while also providing flexibility for terminal operators to reduce these risks. The SEPA analysis highlights that the ordinance would not encumber seismic and safety upgrades at existing facilities, stating, "The City of Vancouver identified 6 existing large-scale (bulk) fossil fuel facilities. This non-project action will allow existing facilities and maintenance/upgrades provided there is compliance with City codes including seismic, fire protection, and spill prevention."⁹ Additionally, facilities that undergo seismic upgrades and convert to cleaner fuels may expand storage up to 15%.	
2. Prohibiting new or large-scale fossil fuel facilities will protect the health and safety of Vancouver residents, including BIPOC, lower-income, and other traditionally marginalized communities who already experience environmental health disparities. The proposed code standards will help the City of Vancouver protect communities from the health and safety impacts of new or expanded fossil fuel facilities, including air pollution, water pollution, and public safety hazards related to storing and handling large quantities of fossil fuels. Although Vancouver has been working towards implementation of a Climate Action Plan (CAP) to diminish its fossil fuels for climate-related reasons, the prohibition on new large-scale fossil fuel facilities was originally conceived as a policy that would assist Vancouver in avoiding compounding environmental inequities already present, by reducing and averting health and safety risks.	The comment is noted.

Already, the environmental health impacts of fossil fuel facilities place disparate burdens on communities within Vancouver. Vancouver communities of color and low-income communities experience some of the most significant environmental health disparities in Washington, which would only be exacerbated by any new or expanded fossil fuel facilities.¹⁰ The proposed ordinance avoids worsening environmental health disparities already present in Vancouver and demonstrates an awareness of the difficulties these communities face.



Environmental Health Disparities in Vancouver.¹¹ Source:

[Washington Environmental Health Disparities Map](#). July 2022.

Data from the Washington Department of Health’s Environmental Health Disparities Map support the prohibition of new bulk fossil fuel storage and handling facilities. Communities near industrial and high-traffic areas experience elevated exposure to air pollution that causes respiratory illness, such as low-level ozone, diesel particulates, and other pollution. Vancouver’s own experience with a proposed large, train-supplied fossil fuel terminal shows that fossil fuel train terminals have significant environmental justice implications. The Final Environmental Impact Statement for the Tesoro-Savage proposal concluded that there would be “environmental justice impacts to minority or low-income populations along the rail corridor.”¹²

3. The DNS supports Option A regarding new cleaner fuel facilities and the requirement for a conditional use permit for facilities that choose to undergo conversion and expansion. The comment is noted.

The DNS states, “Uses would be prohibited in most districts in the city and where allowed in the Industrial Heavy Zoning District would be regulated according to development standards addressing size, location, operation, and health and safety.” The DNS and SEPA Checklist describe spill, fire, and other potential impacts that could result from new cleaner fuels facilities where they would be allowed—an indication that consideration of new facilities is better suited to a separate process from the proposed code standards. New cleaner fuel facilities could result in significant impacts distinct from current fossil fuel storage (and limited expansions), because they involve potentially new locations and differing risks. Given

Comment	Response
the SEPA Checklist’s finding that industrial uses involving renewable fuel processing carry risks, impacts, and vulnerabilities,¹³ the DNS supports Option A. We support the requirement for conditional use permits for projects that convert to new cleaner fuels with a potential 15% expansion. The conditional use process will provide the community with an opportunity to understand and provide input on the potential impacts of cleaner fuel expansions. The requirements for facilities to meet seismic, spill prevention, fire protection, and emergency response will help to ensure that converted facilities do not adversely impact communities in Vancouver. However, potential expansions could add millions of gallons of fuel storage to Vancouver, and Vancouver communities deserve the opportunity to weigh in on any conversion-expansion proposal in a public hearing.	
4. New facilities deserve specific consideration in a separate process. As articulated above, a DNS correctly upholds the focus on banning large-scale fossil fuel facilities and enabling, through a conditional use permit review process, the expansion of existing facilities that convert to cleaner fuels. However, we urge caution regarding new facilities under this SEPA determination. Energy facilities of all kinds come with a suite of impacts, including: transportation impacts, water use and quality impacts, and air pollution. Expanding 12 Washington Energy Facility Siting Council. 2017. Final Environmental Impact Statement for the Tesoro-Savage Oil Train Terminal. p. ES-21.13 SEPA Checklist, p. 14. the code to allow new types of facilities that are linked to the City’s CAP may have unintended consequences of impacting the health and safety of the neighborhoods and communities nearby. For example, the SEPA Checklist acknowledges that new cleaner fuel facilities may increase spill risks in new areas in Vancouver.¹⁴ That fact is highlighted by the February 2022 spill near Scappoose, Oregon, where a hazmat team was called to the site of a renewable diesel spill.¹⁵ The incident demonstrates that renewable diesel spills pose environmental risks to soil and water resources while also requiring a significant emergency response. Additionally, the potential aggregation of multiple new cleaner fuel facilities does not appear to be sufficiently addressed in Option B, creating potential concerns for areas that could see multiple new proposals. While the code limits each new facility to 1 million gallons of “cumulative” storage, it does not address the potential for multiple facilities to aggregate in an area. To allow for a more robust assessment of impacts of facilities linked to the City’s CAP, we recommend a separate process that can establish the right type of protective measures as part of the transition to a clean energy economy. We also recommend that the City ensure a robust SEPA review process and conditional use permit process for any new facilities that are ultimately allowed under this code change, should the Council choose Option B. This should include adequate time (e.g. at least a 60 day public comment period) and public notification and a public engagement process. These steps will help ensure that the risks of new facilities are understood on a case-by-case basis, and that the community has time to engage meaningfully in that process.	Option B in VMC 20.895.110 would allow new cleaner fuel facilities by conditional use permit. The code proposal limits the maximum size of the facilities and property size, and distance from facilities to sensitive populations (1,000 feet). This distance would mean nearly 0.19 miles to any new facilities; none would be closer than the existing CNG or Tesoro facility. The maximum capacity and distance of facilities to sensitive populations would limit the number of future facilities. This optional proposal was considered with these parameters in the SEPA Checklist. The future individual conditional use permit review plus other federal, state, and local permits, including SEPA would provide additional information about future project level proposals. If city decision makers wish to further limit the potential for new cleaner fuel facilities the parameters could be modified.
5. Conclusion	The comment is noted.

Comment	Response
We strongly support the proposed ordinance and Option A moving forward, and we appreciate the time and diligence City staff have devoted to the process of developing the SEPA Checklist, DNS, and proposed ordinance language. Prohibiting new large-scale fossil fuel facilities warrants a DNS, and the DNS is supported by information in the City's SEPA analysis. The proposed ordinance could avoid worsening environmental health disparities in Vancouver, a core goal of the proposed ordinance and the moratorium currently in place. And, the City should be cautious about overextending this policy effort to an issue that requires more research and community engagement.	
Port of Vancouver	August 30, 2021
These comments are provided on the Determination of Non-Significance (DNS) issued by the City of Vancouver (City) on August 16, 2022, under the State Environmental Policy Act (SEPA) for the Proposed Amendment to the City of Vancouver zoning code pertaining to fossil fuels. The comments are provided pursuant to Washington Administrative Code Section 197-11-340 and the City's published DNS comment period. The Port of Vancouver, USA (the Port) reviewed the DNS, the accompanying SEPA checklist, the proposed code language, legislative history for the proposal, and the moratoriums. After reviewing this information, the Port has the following comments. The Port supports the City's strong commitment to environmental leadership and appreciates and supports the City's interest in protecting natural resources by promoting the safe storage and use of fossil fuels and moving away from reliance on fossil fuels. This is evidenced in part by the Climate Action Plan¹ and Renewable/Clean Energy Policy² adopted by the Port. Furthermore, the Port's Strategic Plan establishes a vision to "build a community connected to a world of economic opportunity that supports a healthy environment, trade and living wage jobs." The Port is fully in support of the City's proposal to permanently ban new bulk fossil fuel terminals as currently addressed by the moratorium and the allowances for addressing maintenance, repair, conversions, and expansions of existing facilities that support a pathway to use of cleaner fuels.	The comment is noted.
However, the Port still has concerns that the proposed code language lacks a size threshold, lacks clarity, is too restrictive for conversions and small-scale facilities, will impact activities that pose little risk and have limited emissions and will be a disincentive for projects to take positive steps toward reducing fossil fuel use and encouraging renewable/cleaner fuels. The Port would also like the City to consider these regulations within the framework of the City's draft Climate Action Plan and the identified Early Action Items. This regulatory action is not identified as one of the 13 Early Action Items and does not support the City's identified actions to encourage alternative fuels (draft actions 23, 26-28 and 30). The City should narrow the scope of this action to the permanent ban on bulk fossil fuel facilities and rely on existing regulations for smaller facilities and cleaner fuel facilities. Changes for these activities should be evaluated in the future once a Climate Action Plan is adopted by the City and in evaluating regulations that apply to all land uses and industries. The Port has provided specific comments should the City move forward as planned.	The use classification of Bulk Fossil Fuel Storage proposed in Chapter 20.160, D.9 excludes facilities that use materials that are finished products derived from fossil fuel. It also allows small fossil fuel/cleaner fuel facilities that are accessory to industrial processes. The size threshold is greater than 60,000 gallons cumulative storage (above the small facility). As a result of early comment on the July 5, 2022 draft code, the threshold of greater than 60,000 gallons was added to the Bulk Fossil Fuel

Comment	Response
In order to provide input into the proposed code language, the following specific concerns have been identified by the Port: 1. The definition of “Bulk Fossil Fuel Storage” is not clear. It uses the phrases “structure, group of structures, equipment, or device” and “stores or transfers” to identify which elements that handle fossil fuels are included in the land use category. As written, this goes beyond regulating traditional bulk fossil fuel facilities as a land use to regulating individual activities or portions of activities and is not consistent with how facilities subject to the moratorium have been described. Storage and handling facilities are typically uses with these activities as their specific purpose – such as a crude oil terminal. It is unusual for this to include uses that merely use a material as part of their operations, including accessory storage such as a manufacturing facility with on-site propane storage, or diesel storage for emergency generators, a semiconductor manufacturing plant, or data center. However, the definition does not specifically exclude this while at the same time including an exclusion for finished products. The definition should specifically exclude facilities that simply use these materials such as manufacturing facilities. The definition does not provide a size threshold, so any volume of material storage or transfer would be considered “bulk”. This is contrary to typical understanding of the use type and adds uncertainty and confusion to the code. The moratorium specifically included a size threshold which is not carried forward into the permanent regulations. The terms “stores” and “transfers” are not defined by the municipal code and could be interpreted very broadly. One example could be the small fuel tanks associated with emergency generators or fire pumps on industrial properties. These devices clearly store fossil fuels for energy purposes, yet they are vital elements for managing risk and responding to emergencies that are required by other codes. The use definition should exclude small scale storage and transfer that is part of a direct on-site use that is not otherwise considered bulk fossil fuel storage, such as use of natural gas for combustion in support of industrial processes or typical railyard activities. This is consistent with the City’s decision to specifically exclude direct to consumer sales of fossil fuels from this regulation. Fossil fuels are further defined to include those that are “used to generate energy”. It is not clear whether it is intended to define the material (fossil fuel) or whether it defines the purpose of the facility. For example, if a facility was developed to store or transfer fossil fuel that is used for a chemical feedstock and not for power generation would it be considered a “bulk fossil fuel storage and handling facility” use or a “manufacturing and production” use?	Storage and Handling Facility use classification. The terms referenced as being unclear (stores, transfers) are common terms. The municipal code at VMC 20.150.010 does indicate terms have common dictionary meanings unless specifically defined. Alternatively, the City could add reference to state and federal laws to assist the City in interpreting and applying the Bulk Fossil Fuel Storage use description in the proposed Chapter 20.160. As well the use classification can be amended to remove "used to generate energy."
2. The requirements for a facility converting to cleaner fuels disincentivize these efforts. Requiring a Conditional Use Permit for cleaner fuel expansions would create undue uncertainty for an undertaking that should be encouraged in order to meet climate goals, especially for existing uses. Furthermore, the City’s proposed standards for conversions and expansions already establish controls and a Conditional Use Permit is not necessary.	The proposal makes the current code more flexible by allowing the possibility of a cleaner fuel facility (small, or expanded, or under Option B, new). See also WSPA Response to Comment 2 above regarding conditional use permits.

Comment	Response
3. The City should consider adding a provision to allow for the establishment of new bulk facilities that handle “Cleaner Fuels”. Under the current proposal a new clean fuel facility could not be established in any zone within the city. They should be allowed in the IH zone with limitations and by Conditional Use Permit in the IL zone. These allowances would encourage transition to cleaner fuels within the city consistent with climate action goals. These facilities will be necessary for clean fuel distribution in the IH and IL zones, especially for vehicles and equipment that lack viable options for or are difficult to electrify. This is especially relevant for low-income residents and small businesses in the region who may lack resources to quickly electrify their vehicles.	Option B allows for new cleaner fuels in the IH zone by conditional use permit. The focus of the regulations is on the IH zone since it is meant for intensive industrial uses and heavy truck/rail whereas the IL zone is meant for light clean industries that do not require rail or marine access. Nearly all existing fossil fuel facilities are in the IH zone. Only the CNG facility is located in the IL zone. In the IL zone, the facility can be retained and may convert to cleaner fuels and potentially expand 15% in the code if following the parameters in the code. See the staff report for the clarification of existing IH zoned sites (5) and IL zoned sites (1), now carried into the code revisions and Revised DNS/Checklist.
4. The Port supports the creation of a baseline to ensure that fossil fuel capacity is not expanded at existing bulk facilities. Facilities often may be used for multiple products based on the specific needs of the customer and nature of the facility. The port suggests removing language that restricts an existing facility’s ability move products to different storage tanks throughout the facility and limits the ability to handle a mix of cleaner and fossil fuels based on market conditions so long as the existing baseline storage capacity for fossil fuels of a facility is not exceeded.	Adjustments are proposed to the text in VMC 20.895.110 F.3.b to clarify that the share of the facility used for cleaner fuels should be maintained over the overall site but can be moved around the site.
5. The requirement for mitigation (direct) and the potential for mitigation (for indirect) emissions will be a significant disincentive for facilities to convert to cleaner fuels. A facility can avoid this expense and risk by simply maintaining the status quo and continuing to operate only with fossil fuels. The City should eliminate or narrowly define mitigation to only apply to expansion activities, only to direct emissions, and only if they are shown to result in an increase over the existing facility when considering both direct and indirect emissions.	The proposal for GHG evaluations and mitigation is similar to other communities that have fossil fuel facilities (e.g., City of Tacoma and Whatcom County). It is relevant to the SEPA checklist evaluation of the proposed regulations and relates to an element of the environment, Air Quality. As a SEPA lead agency, the City can require such a study and apply mitigation.
6. The requirement for reporting will require companies to disclose sensitive product, transportation and business information and provide further disincentives to transition to cleaner fuels.	The contents of the report are similar to other reporting done for state and federal purposes for Ecology, USEPA, and USEIA for similar sized facilities. It is similar to other communities that have fossil

Comment	Response
7. The new Small Fossil Fuel or Cleaner Fuel Storage and Distribution Facility use describes uses that are an “accessory facility necessary to support an onsite allowed primary use.” This indicates the City’s intent to broadly regulate storage tanks for fossil and cleaner fuels and this would apply to all uses that propose to include these facilities (except direct-to-consumer motor vehicle fuel sales). As noted above, this use could be interpreted to include small fuel tanks associated with emergency generators or fire pumps on industrial properties. These devices clearly store fossil fuels for energy purposes yet are vital elements for managing risk and responding to emergencies and are required by other codes. The use definition should exclude small scale storage and transfer that is part of a direct use on site that is not otherwise considered a bulk fossil fuel storage such as use of natural gas for combustion in support of heating and industrial processes, fuel tanks used for fueling of on- site or fleet vehicles and equipment or typical railyard facilities. This is consistent with the City’s decision to specifically exclude direct to consumer sales of fossil fuels from the provisions in these code changes. The requirement for a conditional use permit and the limitation of the IH zone for these smaller facilities would restrict facilities for the port, require more burdensome process and add uncertainty, time, and expense for project proponents. The City should consider allowing them as a Limited use in both IH and IL zones because of the specific restrictions being proposed.	fuel facilities (e.g., City of Tacoma and Whatcom County). The small fossil fuel or cleaner fuel facilities are clearly for local distribution or for an onsite use and less than 60,000 gallons. This is not meant to restrict emergency generators. That is proposed for clarity in the updated code amendments.
In addition to the comments noted on the proposed code language above, the SEPA checklist does not adequately address potential impacts of the non-project action. Contrary to Ecology guidance, the SEPA checklist does not consider the probable impacts of the future development that would be allowed under the proposal, but rather repeatedly states “not applicable – not a site-specific proposal” and then provides general information on the applicable environmental element with respect to the City. The SEPA checklist should have analyzed the likely impacts of the development allowed and implications of land use restrictions under the proposal within the supplemental sheet for non-project actions. The City has therefore not adequately considered the potential environmental implications of these regulatory changes.	A non-project proposal is “broader than a single site specific project” (WAC 197-11-774). Per the 2018 SEPA handbook: “If the nonproject action is a comprehensive plan or similar proposal that will govern future project development, the probable impacts need to be considered of the future development that would be allowed. For example, environmental analysis of a zone designation should analyze the likely impacts of the development allowed within that zone. The more specific the analysis at this point, the less environmental review needed when a project permit application is submitted.” The original SEPA Checklist in August 2021 was approximately 10 pages. The SEPA Checklist issued in August 2022 is nearly 30 pages and provides information across all the environmental topics, supported by maps, information, and code links. Consistent with SEPA guidance

Comment	Response
	for non-project proposals, the Checklist notes that some questions are suited for site specific development but identifies for a non-project proposal what the implications are for future development allowed under the proposed code, as well as other codes that serve as mitigation. Part B was robustly completed. Part D refers back to the analysis in Part D for several questions. As part of a Revised DNS/Addendum, Part D quotes from Part B for greater clarity.
The Port is in support of the overall policy intent behind the proposal and wants to work with the City to ensure that the proposed code revisions are clear, direct, and easy to understand so that the Port and Port tenants can make appropriate plans and investments for existing and future facilities, and City staff can apply regulatory provisions consistently. Port staff are available to support the City in review and input into revisions, both to avoid unintended consequences and to support our ongoing partnership in achieving shared climate and environmental goals. The Port would like to thank the responsible official and City staff for considering these comments. Please contact me at mbomar@portvanusa.com or (360) 839-3577 if you have questions, or to discuss the Port's concerns further.	The comment is noted.

Revised SEPA Checklist

See attached.

SEPA Environmental Checklist

City of Vancouver, Revised

September_2022

Purpose of checklist:

Governmental agencies use this checklist to help determine whether the environmental impacts of your proposal are significant. This information is also helpful to determine if available avoidance, minimization or compensatory mitigation measures will address the probable significant impacts or if an environmental impact statement will be prepared to further analyze the proposal.

Instructions for applicants:

This environmental checklist asks you to describe some basic information about your proposal. Please answer each question accurately and carefully, to the best of your knowledge. You may need to consult with an agency specialist or private consultant for some questions. You may use "not applicable" or "does not apply" only when you can explain why it does not apply and not when the answer is unknown. You may also attach or incorporate by reference additional studies reports. Complete and accurate answers to these questions often avoid delays with the SEPA process as well as later in the decision-making process.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

Instructions for Lead Agencies:

Please adjust the format of this template as needed. Additional information may be necessary to evaluate the existing environment, all interrelated aspects of the proposal and an analysis of adverse impacts. The checklist is considered the first but not necessarily the only source of information needed to make an adequate threshold determination. Once a threshold determination is made, the lead agency is responsible for the completeness and accuracy of the checklist and other supporting documents.

Use of checklist for nonproject proposals:

For nonproject proposals (such as ordinances, regulations, plans and programs), complete the applicable parts of sections A and B plus the [supplemental sheet for nonproject actions \(part D\)](#). Please completely answer all questions that apply and note that the words "project," "applicant," and "property or site" should be read as "proposal," "proponent," and "affected geographic area," respectively. The lead agency may exclude (for non-projects) questions in Part B - Environmental Elements –that do not contribute meaningfully to the analysis of the proposal.

A. Background

1. *Name of proposed project, if applicable:*

City of Vancouver Fossil Fuel Code Standards Proposal

2. *Name of applicant:*

City of Vancouver

3. *Address and phone number of applicant and contact person:*

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

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

4. *Date checklist prepared:*

August 11, 2022, **with revisions September 6, 2022**

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

5. *Agency requesting checklist:*

City of Vancouver

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

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

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

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

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

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

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

Not applicable

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

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

11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)

Fossil Fuel Moratorium Background

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

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

Summary of Proposed Code Changes

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

In summary, the proposed changes include:

- New bulk fossil fuel storage and handling facilities, including oil, gas or coal storage or transshipment, would be prohibited. Current City code standards prohibit crude oil storage and handling facilities, as well as oil refineries, in all zones
- Existing bulk facilities could be maintained and upgraded, e.g., to meet new regulatory requirements or to add accessory structures that don't add capacity.
- Existing facilities could be expanded slightly if converted to cleaner fuel and brought up to seismic standards-subject to certain standards to mitigate identified impacts.

- 'Cleaner fuels' would be specifically defined, and bulk fossil fuel storage and handling facilities can convert to cleaner fuels and may expand up to 15% if converting. As an option, the proposed code considers whether to allow new cleaner fuels facilities if limited in size and location, and meeting other health, safety, and reporting requirements noted below.
- Small fossil fuel or cleaner fuel storage and distribution facilities, intended for local markets, would be allowed subject to new standards in parcels zoned Industrial Heavy (IH). New facilities could be limited in location to ensure distance from residentially zoned land. **This is not meant for application to emergency generators.**
- New development standards would be added for all three types of fossil fuel facilities including establishing baseline capacity, seismic upgrades, mitigation for greenhouse gases, proof of financial assurance, and annual reporting.
- Coal and other solid fuel storage yards, and coal and biomass electricity generating facilities would be prohibited in all districts.

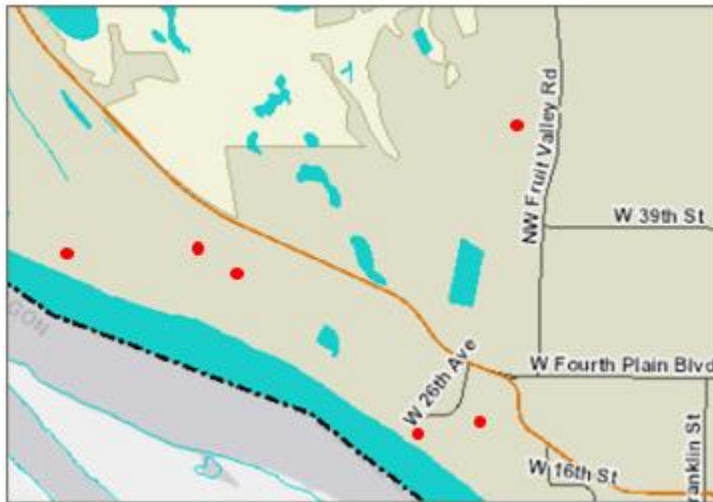
12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

This non-project action provides amendments to the City of Vancouver Municipal Code that will have a citywide effect. Primarily, all fossil fuel facilities will be prohibited in residential, commercial mixed-use and open space zoning districts. This includes:

- Low Density Residential Districts (R-2, R-4, R-6, R-9)
- Higher Density Residential Districts (R-18, R-22, R-30 and R-35)
- Commercial and Mixed Use Districts (CN, CC, CG, CX, WX, CPX, MX, RGX, HX)
- Open Space Districts (NA, GW)

There are currently six large-scale fossil fuel facilities within the City of Vancouver, 5 within areas zoned IH along the Columbia River and 1 zoned IL west of Fruit Valley Road (CNG site). These existing larger-scale facilities could apply for a permit application primarily for maintenance and safety improvements, and additional changes to convert to cleaner fuel options. Exhibit 1, below shows the locations of the six existing facilities.

Exhibit 1. Locations of Six Existing Large-Scale Fossil Fuel Facilities



Source: City of Vancouver, 2021.

New large-scale facilities would be prohibited in industrial zoned parcels. Potential cleaner fuel facilities within the City of Vancouver would be allowed within IH or IL zoned parcels as conversions from existing fossil fuel facilities, and The existing facilities that may propose to convert would be subject to permit review and compliance with code standards; if converting to cleaner fuels expansion may be allowed up to 15% of the baseline capacity. As an option, the proposed code considers whether to allow new cleaner fuels facilities if limited in size and location (e.g. buffered from residential zones by a distance, e.g. at least 1,000 feet), and meeting other health, safety, and reporting requirements.

New smaller-scale fossil fuel facilities permit applications in IH zoned parcels would require permit review and compliance with code standards. Future site-specific proposals would be subject to review.

The IH zone is generally located along the Columbia River waterfront; the portion of the IL zone with the existing fossil fuel facility is located west of NW Fruit Valley Road (CNG Trillium site approximately 5420 NW Fruit Valley Rd, Vancouver, WA 98660; abbreviated CNG in this report). See the City zoning map under Section 8-8. Land and Shoreline Use.

B. Environmental Elements

1. Earth

a. General description of the site:

(circle one): Flat, rolling, hilly, steep slopes, mountainous, other _____

This is a non-project action. The proposal affects land use regulations city-wide.

It would be anticipated new permit applications would be in areas zoned industrial, particularly IH; to a limited degree the proposal affects the IL zone, particularly the current site of a fossil fuel facility (CNG). Industrial land uses typically require topographically flat areas.

b. *What is the steepest slope on the site (approximate percent slope)?*

This non-project action anticipates structural safety and operational improvements to the 6 existing large-scale fossil fuel facilities and the potential of small-scale facilities in industrial zoned parcels. Areas designated IH, and the IL zone west of Fruit Valley Road, tend to have slopes 0-5% based on Clark County Environmental Maps, Slopes and Geologic Hazards Group:

<https://gis.clark.wa.gov/mapsonline/index.cfm?site=Environmental>.

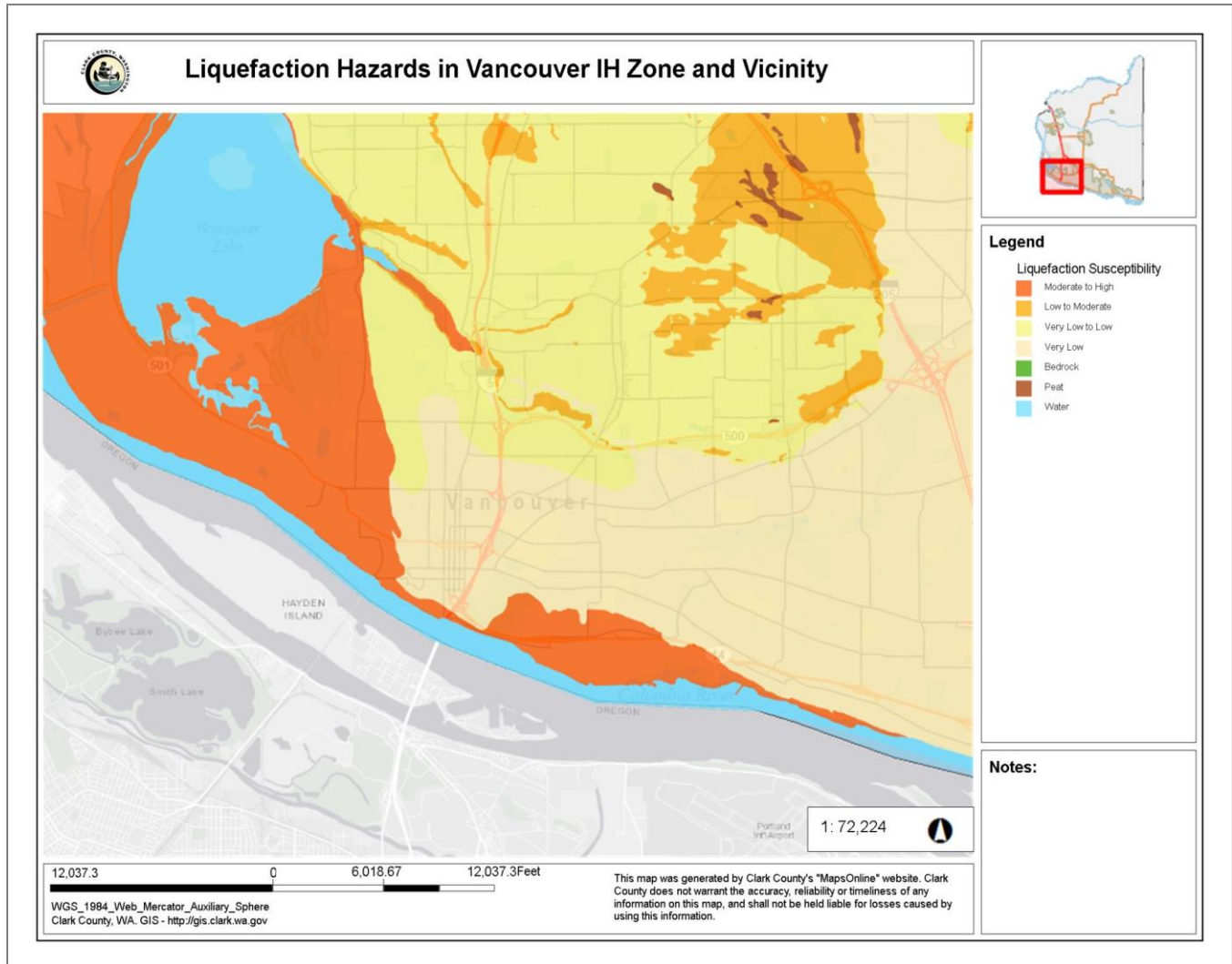
c. *What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils.*

The available soil maps show well, moderately, to and poorly drained soils in IH and IL zoned areas. See WWHM Soil Group, available at: <https://gis.clark.wa.gov/mapsonline/index.cfm?site=Environmental>.

d. *Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.*

Future development would be subject to City of Vancouver Critical Areas Regulations addressing Geologic Hazard Areas. For example, the areas in the IH zone and the IL zone west of Fruit Valley Road include lands susceptible to liquefaction. See Exhibit 2.

Exhibit 2. Liquefaction Areas



Source: Clark County GIS, 2022: <https://gis.clark.wa.gov/mapsonline/index.cfm?site=Environmental>.

There are also small areas of landslide hazards. See Slopes and Geologic Hazards Group: <https://gis.clark.wa.gov/mapsonline/index.cfm?site=Environmental>.

e. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill.

Non applicable- not a site specific proposal. **Any filling, excavation, and grading associated with future development would occur under City regulations (e.g. grading and erosion control permits).**

f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.

Future development allowed under any studied option could clear sites and construct new development subject to existing development regulations.

g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?

Not applicable – not a site specific proposal. No changes to development standards regarding impervious areas are proposed under any options.

h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:

No significant impacts are identified for the non-project proposal. Under the proposed code conditions of approval for changes to existing fossil fuel facilities or conversion to cleaner fuels, or smaller fuel facilities, or optionally new cleaner fuel facilities, would include seismic upgrades.

Future site-specific development allowed under proposed regulations are also subject to regulations meant to protect health and safety, and address geologic hazards:

- City of Vancouver Municipal Code (VMC) 14.24 Erosion Control
- 20.740.130 Geologic Hazard Areas
- VMC 14.25 Stormwater Control

2. Air

a. What types of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known.

The proposed amendments to Vancouver's land use regulations are designed to reduce greenhouse gas (GHG) emissions, and address public and environmental health and safety impacts associated with fossil fuel facilities. The City is planning to transition to renewable energy and fuel production to meet Federal, state and local targets. The City of Vancouver is home to six large-scale fossil fuel facilities involved with the distribution, extraction, refinement, processing or bulk storage. Under this non-project action, these facilities will only be allowed to expand existing storage only until the condition that their fuel is converted to cleaner fuels meeting state and federal standards. New cleaner fuel facilities may be allowed optionally in the IH zone, subject to similar standards.

This non-project action will also restrict the construction of new large-scale fossil fuel facilities within industrial zones. Furthermore, fossil fuel facilities in general will be prohibited in residential, commercial/mixed use, and open space zoned parcels.

b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.

Not applicable – not a site specific proposal. Future site-specific developments would be required to prepare their own SEPA checklist and document off-site sources of emissions or odors.

c. Proposed measures to reduce or control emissions or other impacts to air, if any:

No significant impacts are identified for the non-project action. To support existing fossil fuel facilities, non-capacity improvements can be made to improve air emissions. Southwest Clean Air Agency and State and Federal Air Quality regulations would continue to apply. For example, the Southwest Clean Air Agency must approve Air Discharge Permits, which sets air emission limits, and ongoing monitoring of

potential leaks, and conditions of approval to use best practices for bulk fuel/transshipment and other facilities.

Under this proposal, the proposed regulations could help reduce impacts:

- GHG report and mitigation requirements for subject facilities.
- The expansion of capacity, or new facilities, under the condition of converting to or providing cleaner fuels.
- Updating development standards to reduce impacts and increase safety and operations.

3. Water

a. Surface Water:

1) *Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.*

This non-project action does not have a specific site and impacts the City of Vancouver. There are several bodies of water that are adjacent to the city, most notable the Columbia River along the southern border.

2) *Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.*

Not applicable – not a site specific proposal. Future development that may develop within 200 feet of the surface waters are subject to the City's Shoreline Master Program and Critical Area regulations.

3) *Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.*

Not applicable – not a site specific proposal. Future development that would propose fill or dredging would be subject to City clearing and grading regulations as well as Shoreline Master Program and Critical Area regulations.

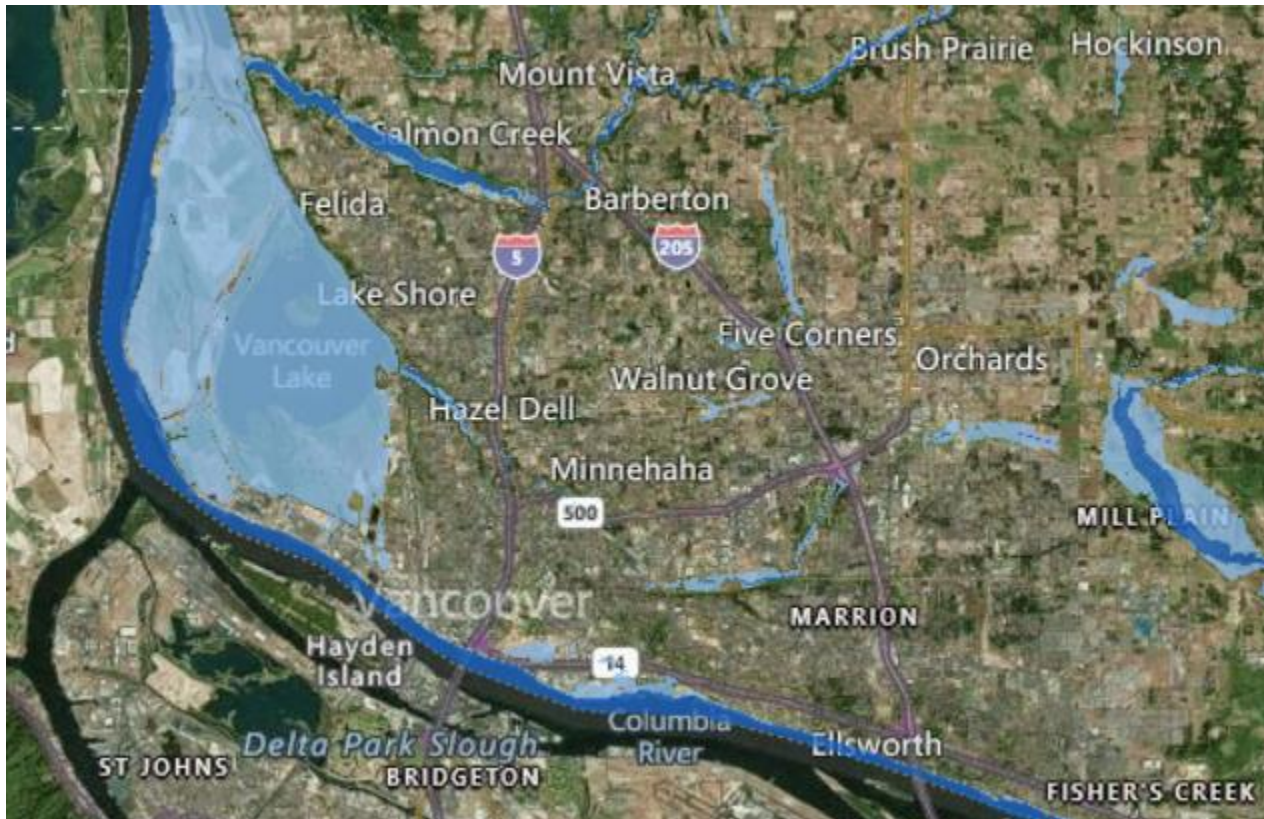
4) *Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.*

Not applicable – not a site specific proposal. Any changes to surface waters would also be subject to the Shoreline Master Program and Critical Area regulations.

5) *Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.*

Not applicable – not a site specific proposal. Exhibit 3, below shows the 100-year flood plain map for the greater Vancouver area.

Exhibit 3. Vancouver 100-year Floodplain Map (indicated by the blue)



Source: Washington State Department of Ecology, accessed July 2022.

- 6) *Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.*

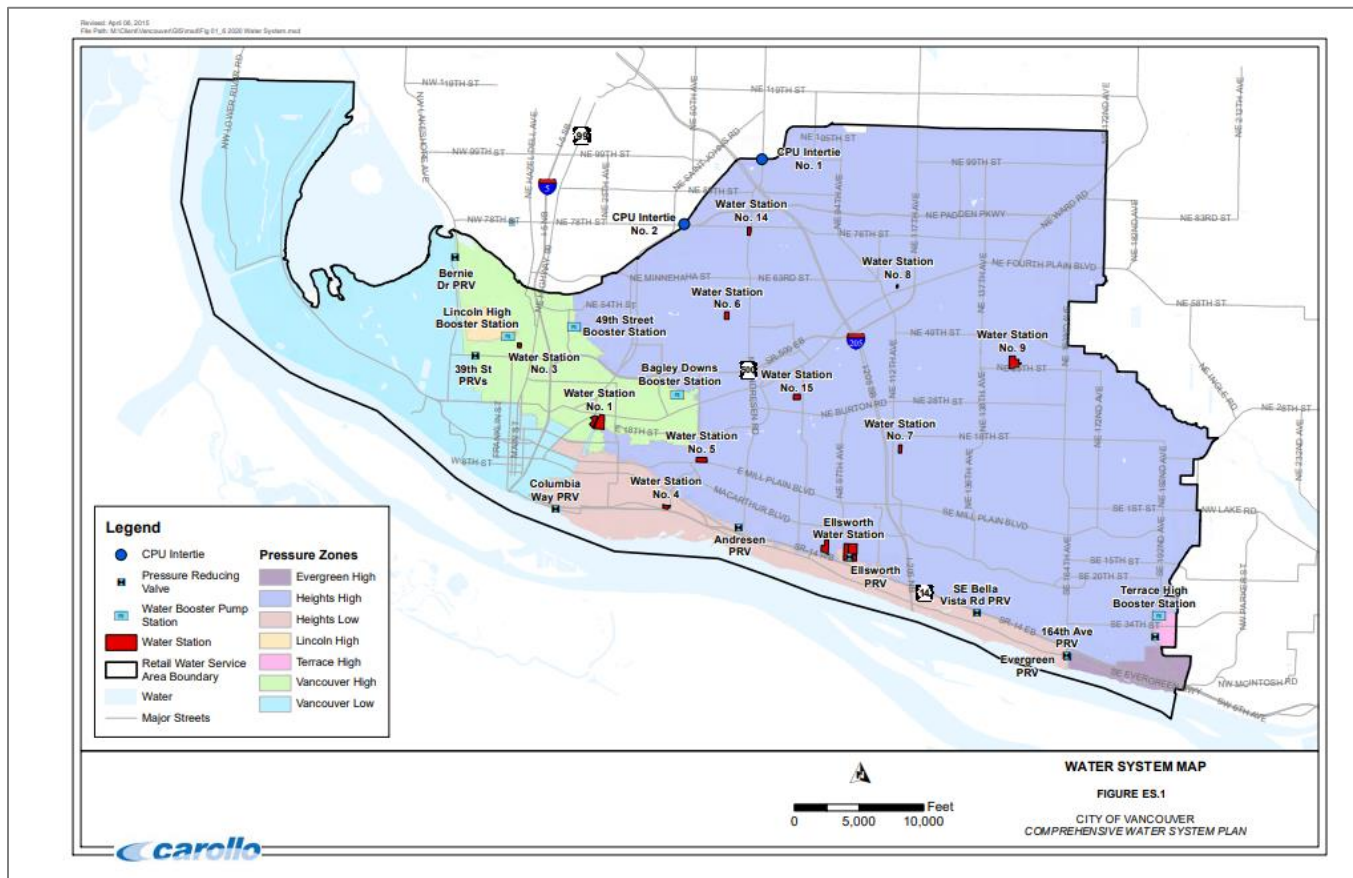
Not applicable – not a site specific proposal. Future development that would discharge waste materials to surface waters would be subject to City clearing and grading regulations as well as Shoreline Master Program and Critical Area regulations.

b. Ground Water:

- 1) *Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known.*

This non-project proposal is not site specific. The study area is served by City of Vancouver Water System in the Retail Service Area Boundary. Exhibit 4 below shows water system boundary

Exhibit 4. City of Vancouver Comprehensive Water System Plan



Source: City of Vancouver Comprehensive Water System Plan (last updated 2015)

2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals. . . ; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

Not applicable- not a site specific proposal. In the event of a new small-scale fossil fuel facility, **or new cleaner fuel facility (if allowed optionally)**, applicants would be required to meet City permit standards including connection to wastewater systems. Potential improvements at one of the six existing large-scale fossil fuel facilities are subject to guidelines from this non-project proposal.

c. Water runoff (including stormwater):

1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.

Not applicable – not a site specific proposal. Water runoff could occur from point sources and non-point sources. However, all development is subject to surface water regulations and manuals.

2) *Could waste materials enter ground or surface waters? If so, generally describe.*

Not applicable – not a site specific proposal. Future development would be subject to aquifer protection regulations and surface water quality regulations.

3) *Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe.*

Not applicable – not a site specific proposal. Future development would be required to meet stormwater drainage regulations.

4) *Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any:*

No significant impacts are identified for the non-project proposal. **To support existing fossil fuel facilities, non-capacity improvements can be made to improve water emissions.** Future permit applications would be required to meet surface, ground and runoff water requirements and adhere to Vancouver Municipal Code (VMC) 20 Land Use Code. This includes but is not limited to:

- VMC 14.25 Stormwater Control
- VMC 14.26 Water Resources Protection

4. Plants

a. Check the types of vegetation found on the site:

- ☒ deciduous tree: alder, maple, aspen, other
- ☒ evergreen tree: fir, cedar, pine, other
- ☒ shrubs
- ☒ grass
- ☐ pasture
- ☐ crop or grain
- ☐ Orchards, vineyards or other permanent crops.
- ☒ wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other
- ☒ water plants: water lily, eelgrass, milfoil, other
- ☒ other types of vegetation

b. What kind and amount of vegetation will be removed or altered?

Not applicable- not a site specific proposal. Future permit applications must submit a Tree, Vegetation and Soil Plan per Vancouver Municipal Code (VMC) 20.770.050. If there are wetlands, they would be subject to protection standards of VMC 20.740.140 Wetlands.

c. List threatened and endangered species known to be on or near the site.

Critical habitat has been identified for water bodies containing endangered and threatened fish species as identified by VMC 20.740.110

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:

No significant impacts are identified for the non-project proposal. Any future development is subject to a State Environmental Policy Act (SEPA) checklist through Vancouver Municipal Code (VMC) 20.245.030. Future permit applications must also submit a Tree, Vegetation and Soil Plan per Vancouver Municipal

Code (VMC) 20.770.050. Native vegetation and wildlife habitat must be preserved to comply with VMC 14.24, Erosion Prevention & Sediment Control and the Shoreline Management Plan.

e. List all noxious weeds and invasive species known to be on or near the site.

Not applicable- not a site specific proposal. Noxious weed laws apply to help prevent the spread of invasive species through WAC 16.750. General mapping of noxious weeds shows some may exist within the City of Vancouver through the Washington State Noxious Weed Control Board (<https://www.nwcb.wa.gov/mapping-noxious-weeds>).

5. Animals

a. List any birds and other animals which have been observed on or near the site or are known to be on or near the site.

Examples include:

X birds: hawk, heron, eagle, songbirds, other:

X mammals: deer, bear, elk, beaver, other:

X fish: bass, salmon, trout, herring, shellfish, other _____

b. List any threatened and endangered species known to be on or near the site.

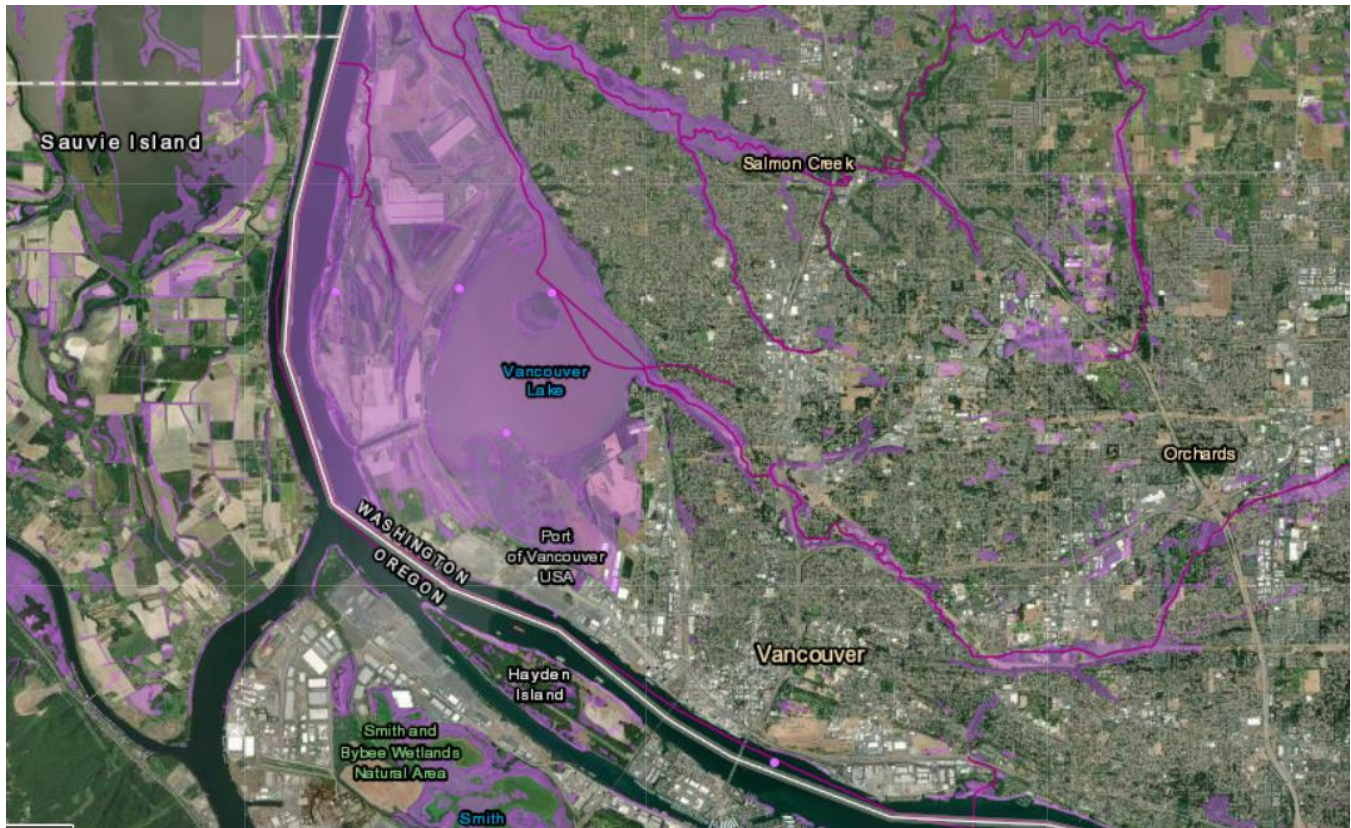
A range of fish, birds and mammals are or may be found in the City of Vancouver. The US Fish and Wildlife Service identified the following threatened or endangered species that could be found in Vancouver and Clark County:

- Northern Spotted owl
- Bull trout
- Steelhead trout
- Coho salmon
- Chinook salmon
- Chum salmon
- North American wolverine
- Brush Prairie pocket gopher

c. Is the site part of a migration route? If so, explain.

This non-project proposal is not site specific. However, potential future development and permit applications pertaining to fossil fuel facilities will be within parcels zoned for industrial uses. According to the Washington Department of Fish and Wildlife Priority Habitat and Species Map, Vancouver Lake, just north of the Port of Vancouver, is a part of a migration route for various waterfowl, including geese, swans and ducks. ~~Exhibit 5~~ Exhibit 5, below, shows the migration route nearby the IH zone and IL zone west of Fruit Valley Road.

Exhibit 5. Priority Habitat and Species Map for Vancouver, WA



Source: Washington Department of Fish and Wildlife

d. Proposed measures to preserve or enhance wildlife, if any:

This non-project proposal is not site specific. However, any new small scale fossil fuel facilities or expanded or new cleaner fuel facilities will be in parcels zoned for industrial uses, which are nearby the shoreline and Lake Vancouver. Any future development is subject to a SEPA checklist through VMC 20.245.030. **Future development must** minimize any impact to critical areas defined by VMC 20.740.110 Fish and Wildlife Habitat Conservation Areas. In the event of a permit application within the Shoreline Management Area, the applicant will adhere to policies and procedures set forth by Vancouver Municipal Code 20.760.060.

e. List any invasive animal species known to be on or near the site.

Not applicable – not a site specific proposal. The [Washington Invasive Species Council](#) has identified certain species considered invasive.

6. Energy and Natural Resources

a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.

This non-project proposal does not involve construction activity. Future development could use electric, gas, oil, and solar energy. Major energy users in the city include industrial; transportation, residential, and commercial uses represent smaller shares of energy users. An indirect impact of this proposal could

be to incentivize conversion to cleaner fuels, and potentially an overall decrease in fossil fuel dependency. Existing large-scale fossil fuel facilities are able to expand their storage capacity under the condition that they convert to cleaner fossil fuels, which is clarified in this non-project action. **To support existing fossil fuel facilities, non-capacity improvements can be made to improve air or water emissions, address maintenance/replacement, meet federal or state requirements, etc.**

b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.

Not applicable – not a site specific proposal. City regulations allowing for solar energy would not change.

c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any:

No significant impacts are identified for the non-project action. The proposal would allow existing facilities but incentivize the conversion to cleaner fossil fuels **with up to 15% expansion**. As an option, the City may consider allowing new cleaner fuel facilities in the IH zone subject to size, location **(e.g. with a buffer distance to residential zones)**, and other environmental **standards (seismic, fire safety, spill prevention)**. The proposal would support the City's draft climate action plan anticipated for adoption in 2022.

Z. Environmental Health

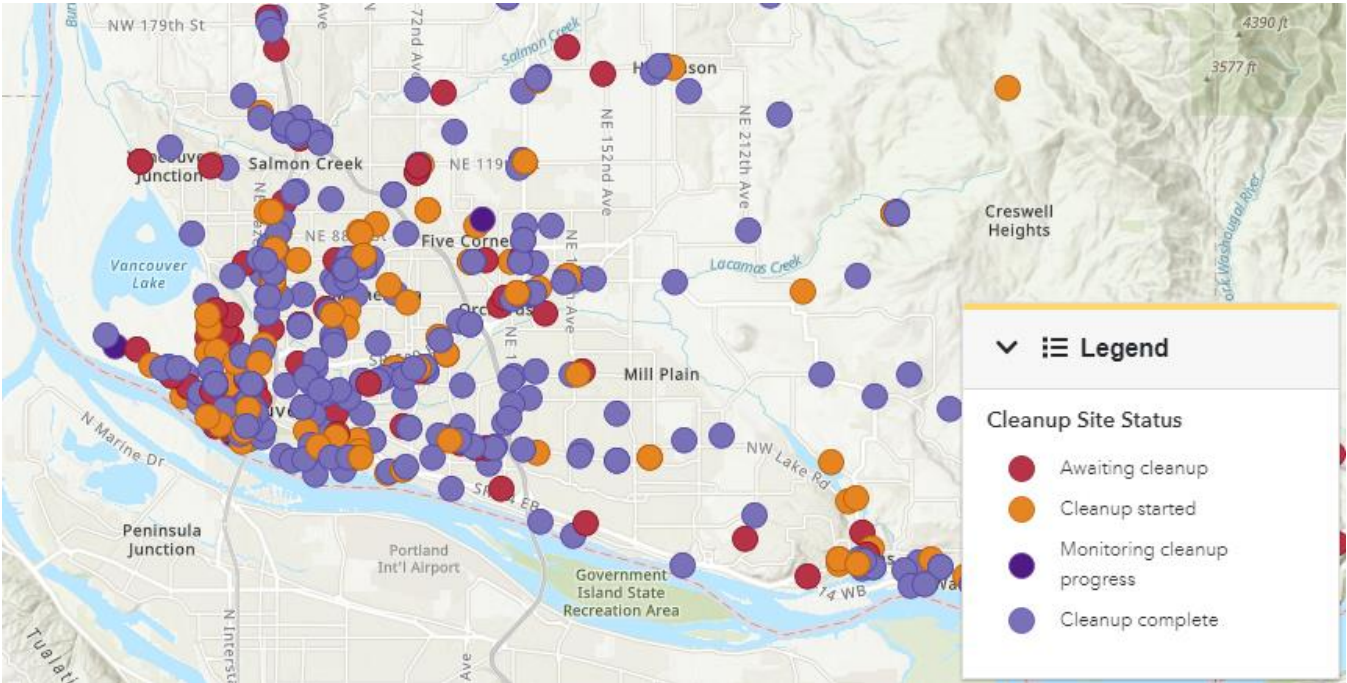
a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe.

Some industrial uses involving chemical manufacturing, smelting, or fossil fuel or renewable fuel processing, handling, and storage have risks, impacts, and vulnerabilities, such as: explosive and fire risks, spill, exposure to toxic chemicals, odor, stormwater, and waste products.

1) Describe any known or possible contamination at the site from present or past uses.

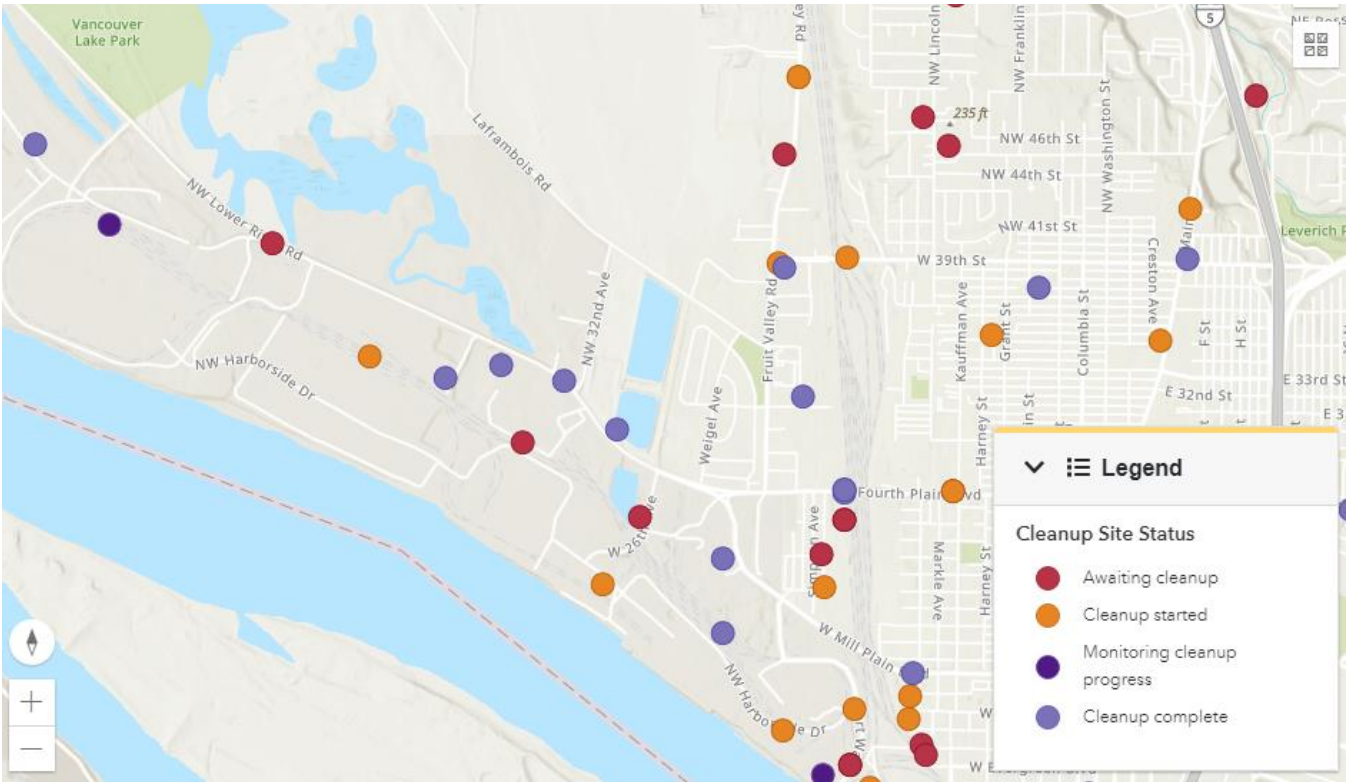
The State of Washington Department of Ecology maintains a database of contaminated sites. In all parts of the study area there are completed, in progress, and pending clean-up efforts. See Exhibit 6 and Exhibit 7.

Exhibit 6. Ecology Clean Up Sites Map- City of Vancouver



Source: State of Washington Department of Ecology (2022)

Exhibit 7. Ecology Clean Up Sites Map- Fruit Valley Vicinity

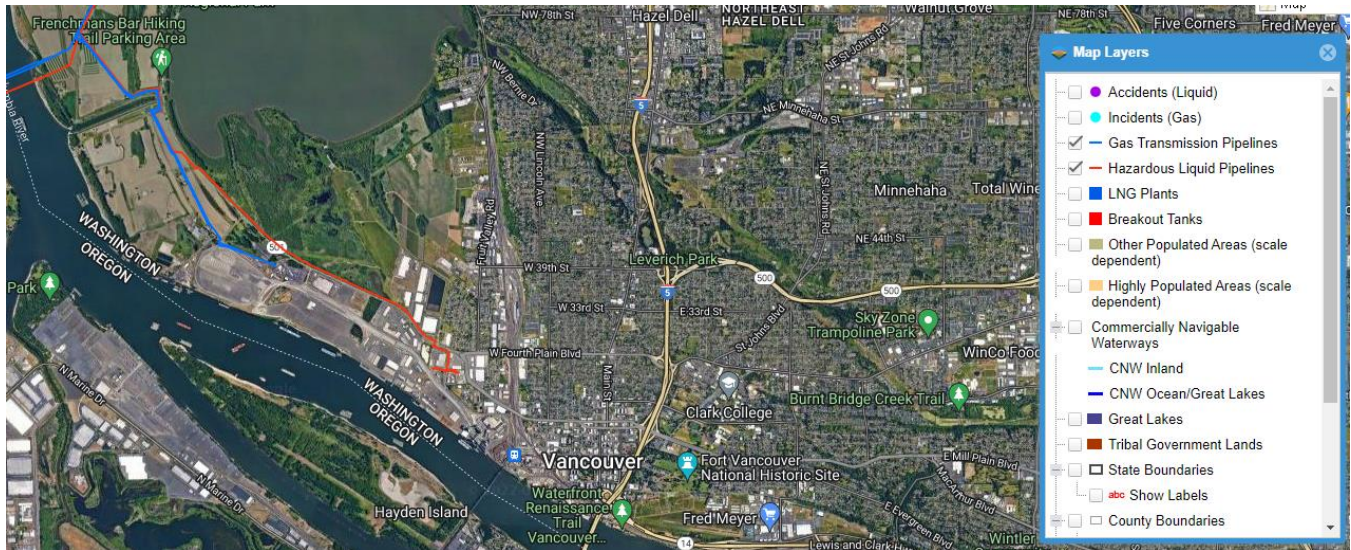


Source: State of Washington Department of Ecology (2022)

2) Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity.

The National Pipeline Mapping System from the Pipeline and Hazardous Materials Safety Administration (PHMSA) identified one hazardous liquid (Olympic Pipeline Company) and one gas transmission (Northwest Pipeline LLC) pipeline within the City of Vancouver. See Exhibit 8, below for location context.

Exhibit 8. Hazardous Liquid and Gas Pipeline Map



Source: Pipeline and Hazardous Materials Safety Administration (2022)

3) Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project.

Not applicable – not a site specific proposal. The City of Vancouver identified 6 existing large-scale (bulk) fossil fuel facilities. This non-project action will allow existing facilities and maintenance/upgrades provided there is compliance with City codes including seismic, fire protection, and spill prevention. Small fossil fuel and cleaner fuel facilities, and potentially new cleaner fuel facilities, would be subject to similar development standards. **Buffer distances from residential zones would be required (e.g. 1,000 feet minimum).** Any new or expanded facilities would be subject to SEPA review.

4) Describe special emergency services that might be required.

The City of Vancouver has the [Emergency Operations Plan](#), which identifies various hazardous and environmental health emergencies.

5) Proposed measures to reduce or control environmental health hazards, if any:

No significant impacts are identified for the non-project proposal. **The code proposal includes buffer distances of minimum 1,000 feet between small scale facilities or new or expanded cleaner fuel facilities and residential zones. The code proposal also addresses seismic upgrades pursuant to current building code requirements, and a comprehensive spill prevention plan and fire response plan.** The following regulations **also** apply to future development and can help mitigate impacts:

- State [Model Toxics Control Act](#) (Chapter 70.105D RCW)

- State Underground Storage Tank Regulations (Chapter 173-360A WAC)
- VMC 2.32.070 Hazardous Materials Incidents
- VMC 5.88.075 Distribution and transportation- Reporting Requirements for Natural Gas companies.
- 16.04.010 Adoption of the international fire code.

b. Noise

1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?

Noise sources in the study area include traffic on roads and rail lines, and industrial and commercial equipment and operation in industrial areas.

2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.

Not applicable – not a site specific proposal. Future development could produce more noise as identified from industrial commercial uses. The City of Vancouver has a Noise Impact Overlay District, which includes an area west of I-5, east of Lincoln Ave, north of the Columbia River in the Esther Short neighborhood. None of the six existing bulk facilities are located within the Noise Impact Overlay District. New smaller fossil fuel facilities will only be allowed in industrial zoned parcels, which are not in the overlay district.

3) Proposed measures to reduce or control noise impacts, if any:

No significant impacts are identified for the non-project proposal. Industrial Heavy uses are required to not be at conflict with any nearby commercial or residential activities. The City of Vancouver has a Noise Control Ordinance (VMC 7.05.010) and maximum permissible noise levels in VMC 20.935.030 Performance Standards.

8. Land and Shoreline Use

a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe.

This non-project proposal includes changes to existing zoning standards and adding new land use categories. This primarily affects the IH zone. Current uses allowed in the IH zone include but are not limited to: Industrial Uses, commercial uses with outdoor sales, electric vehicle charging stations, airports, and rail lines. Institutional uses, including, trails, parks, community centers and transportation facilities are also allowed in IH zones. Exhibit 9 provides a zoning map for the entire city. Residential and commercial zoned parcels do abut IH zones. However, IH zoning boundaries were drawn to avoid impacting residential activities as started in Vancouver Municipal Code (VMC) 20.440.

The existing fossil fuel facility in the IL Zone (CNG) could continue, may add non-capacity improvements, and may convert to cleaner fuels with limited expansion potential. The IL zone allows industrial services, manufacturing, research and development, warehouses, and wholesale sales. The zone is not intended for uses requiring marine or rail transport.

b. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses as a result of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use?

The study area does not contain working farmlands or working forest lands of long-term significance. Any future development would be located in IH zoned areas; the existing fossil fuel facility in the IL zone may add non-capacity improvements or convert to cleaner fuels with limited capacity changes (15%).

1) Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how:

There are no working farmlands or working forest lands of long-term significance abutting the study area.

c. Describe any structures on the site.

There are large industrial and manufacturing structures in the industrial zones.

d. Will any structures be demolished? If so, what?

Not applicable – not a site specific proposal.

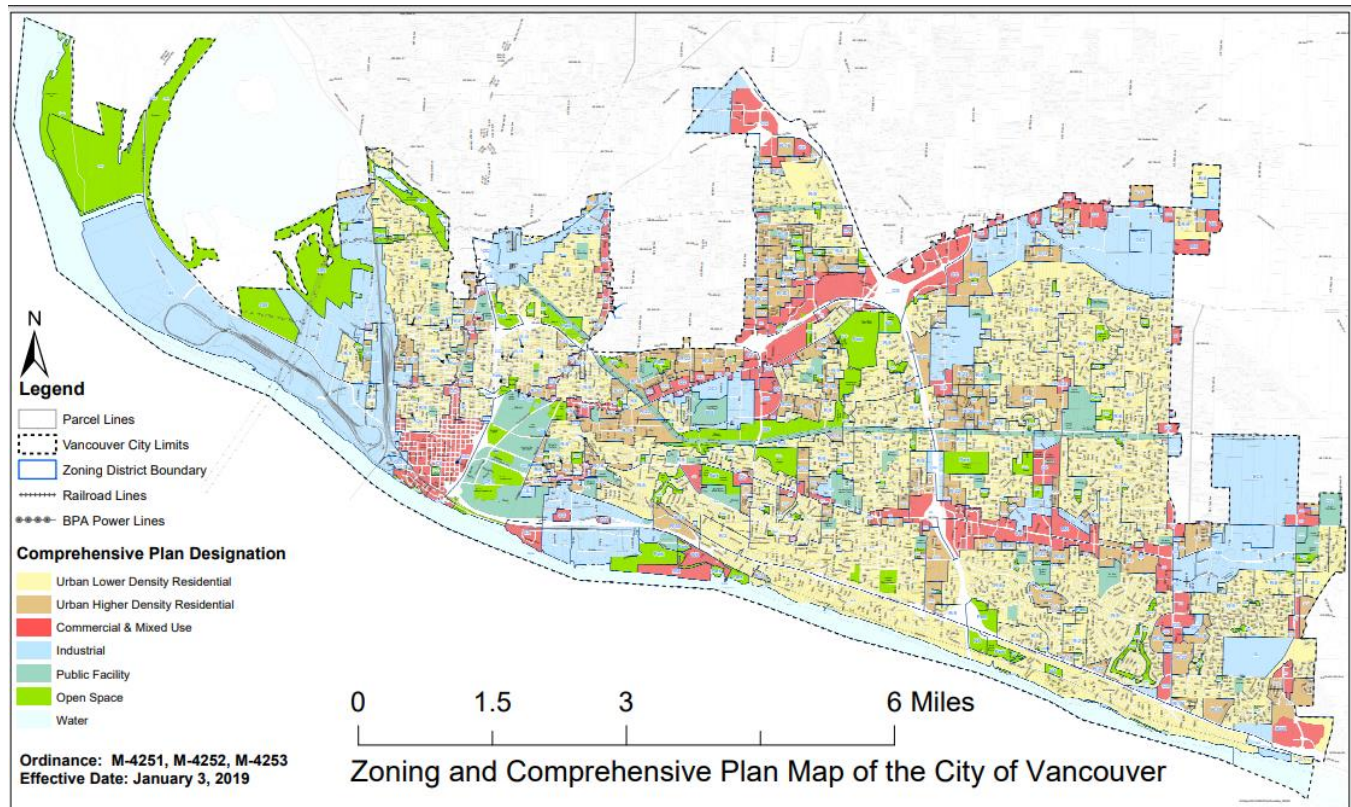
e. What is the current zoning classification of the site?

Not applicable – not a site specific proposal. All future development will be in parcels zoned IH; the IL zone affected would include an existing fossil fuel facility west of Fruit Valley Road (CNG).

f. What is the current comprehensive plan designation of the site?

This non-project action is not site specific. However, any future development for fossil fuel facilities will be located within areas zoned IH within the City of Vancouver; the IL zone affected would include an existing fossil fuel facility west of Fruit Valley Road (CNG). Exhibit 8 shows the general zoning designation for the city:

Exhibit 9. Zoning and Comprehensive Plan Map of the City of Vancouver

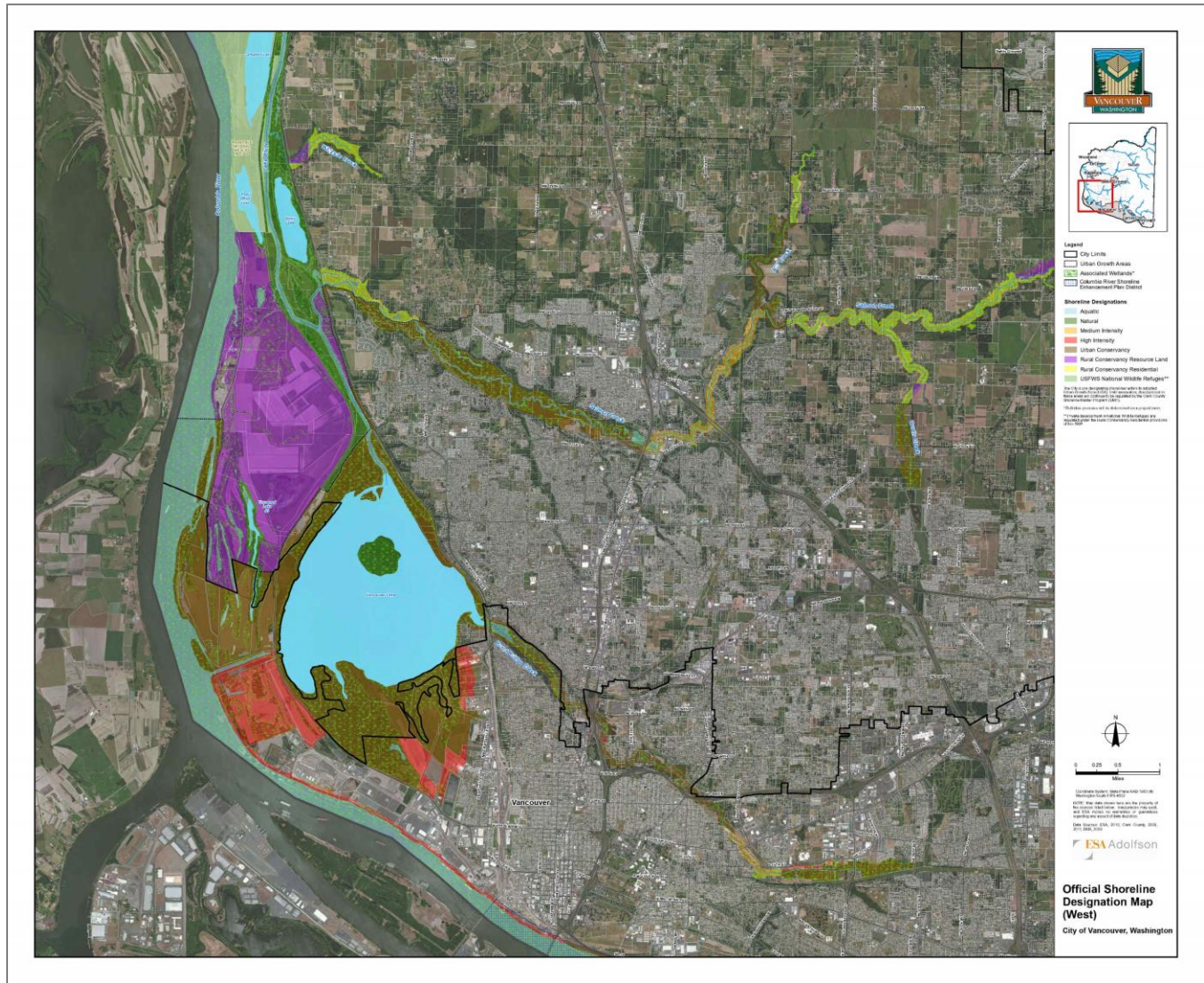


Source: City of Vancouver, 2019

g. If applicable, what is the current shoreline master program designation of the site?

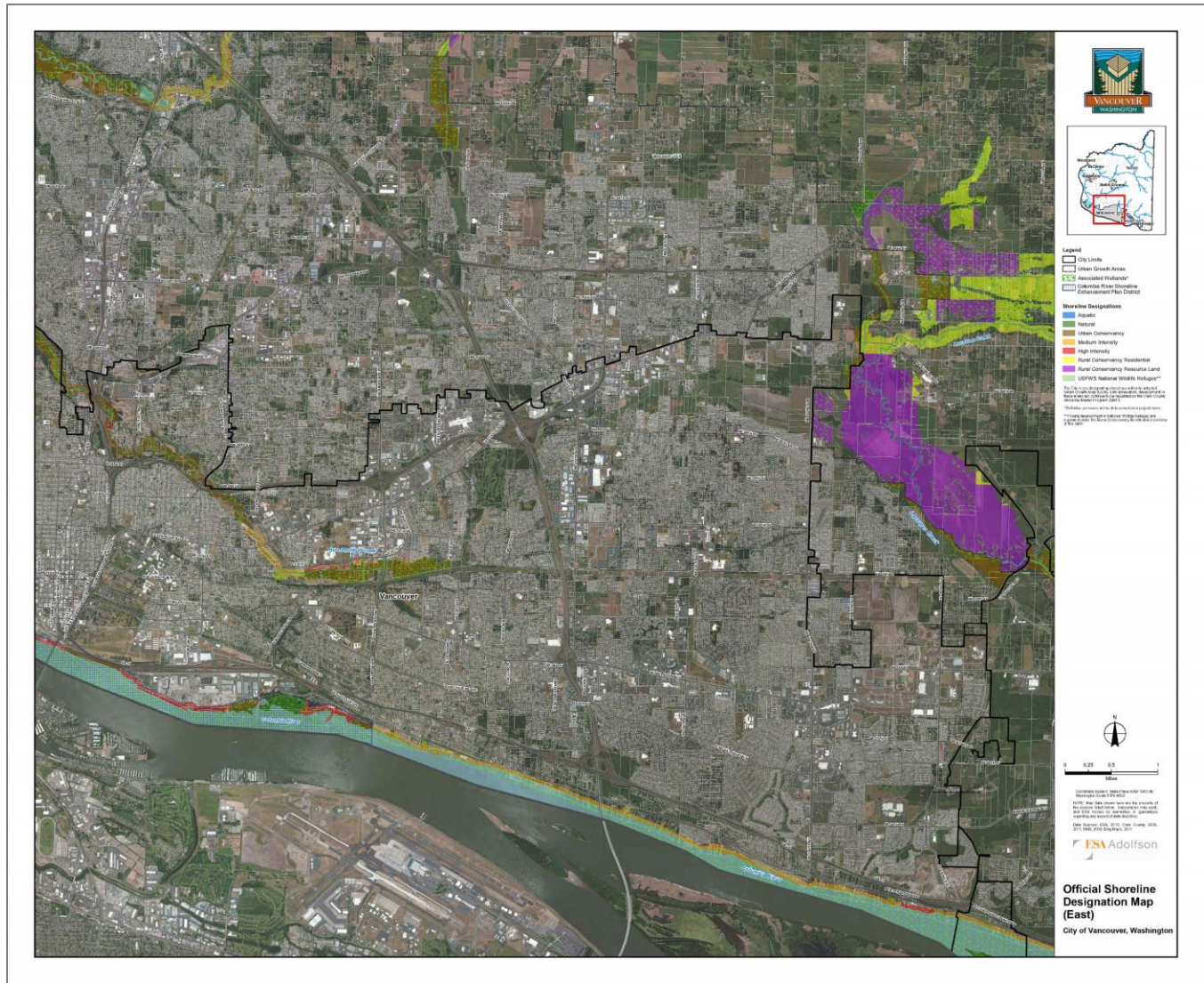
This non-project action is not site specific. The City of Vancouver adopted their Shoreline Master Plan (SMP) in 2012 and recently reviewed and updated it in June 2021. The City of Vancouver SMP 6.3.6.1 provides general requirements for industrial uses. Future development could result in new or altered facilities in compliance with the new “Bulk Fossil Fuel Storage and Handling Facility,” “Cleaner Fuel Storage and Handling Facilities” and “Small Fossil Fuel and Cleaner Fuel Storage and Distribution Facilities” land use categories. **Some limitations may apply to using piers and docks for new transshipment.** In the event of a permit application within the Shoreline Management Area, the applicant will adhere to policies set forth by Vancouver Municipal Code 20.760.060 Shoreline Permit Procedures. Exhibit 10 and Exhibit 11 show the areas on the west and east halves, respectively, within the City of Vancouver.

Exhibit 10. Shoreline Designation Map (west) for the City of Vancouver



Source: City of Vancouver

Exhibit 11. Shoreline Designation Map (east) for the City of Vancouver



Source: City of Vancouver

h. Has any part of the site been classified as a critical area by the city or county? If so, specify.

This non-project proposal does not involve construction activity. Future development could lead to the addition of smaller fossil fuel facilities, or facilities converting or adding cleaner fuels, on IH zoned land; **the existing fossil fuel facility in the IL zone may add non-capacity improvements or convert to cleaner fuels with limited capacity changes (15%).** If the proposed site falls under a critical area, the applicant will be subject to follow all state and federal permits as a condition of a critical area permit per Vancouver Municipal Code (VMC) 20.740 Critical Areas Protection. **Exhibit 10** ~~Exhibit 10~~ and **Exhibit 11** ~~Exhibit 11~~, above, also identify ecological conservation districts within the City of Vancouver.

i. Approximately how many people would reside or work in the completed project?

This non-project proposal does not involve construction activity of any new housing or commercial uses. Under Vancouver Municipal Code (VMC) 20.440 Industrial Uses, housing is allowed as a limited use in IH or IL zoned land. Future development of small fossil fuel facilities, or facilities converting or adding

cleaner fuels, will be reviewed per applicable permit requirements and standards. **This includes a distance of a minimum 1,000 feet.**

j. Approximately how many people would the completed project displace?

This non-project proposal does not involve construction activity that will result in the displacement of residential and commercial uses.

k. Proposed measures to avoid or reduce displacement impacts, if any:

This non-project proposal will prohibit industrial uses pertaining to fossil fuels in non-industrial zoned parcels. An indirect impact of the non-project action would be that housing and commercial uses continue to be prioritized within residential, commercial, and mixed use zoned parcels within the City of Vancouver.

l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:

This non-project proposal will prohibit industrial uses pertaining to fossil fuels in non-industrial zoned parcels. An indirect impact of the non-project action would be that housing and commercial uses continue to be prioritized within residential, commercial, and mixed use zoned parcels within the City of Vancouver. **The proposal includes standards included to avoid incompatibilities (e.g., buffer distances from industrial to residential zones, spill prevention and seismic upgrades).**

The proposed land use code changes would help the City reduce greenhouse gas emissions (GHG) and minimize potential public and environmental health and safety impacts. The non-project action will then be used to align with the Vancouver Strategic Plan Update, Climate Action Plan and other Title 20 code amendments. Furthermore, protecting fish and wildlife habitats from the risk of spills from fossil fuel facilities through increasing seismic safety would indirectly support Treaty fishing rights with Tribal fisheries.

m. Proposed measures to reduce or control impacts to agricultural and forest lands of long-term commercial significance, if any:

Not applicable. There are no designated agricultural or forest lands of long-term commercial significance.

9. Housing

a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.

This non-project proposal does not involve construction activity. The non-proposal action will prohibit industrial fossil fuel facility uses from residential zoning districts and will be allowed only in industrial zoned parcels. Residential uses are allowed as a Limited use under all Industrial land uses. In OCI and ECX zoned parcels, multifamily housing is permitted on the ground floor only. In ~~HL~~IL and IH zoned parcels, only caretaker residences are allowed.

There are residential zoned parcels that abut industrial zoned parcels. However, IH zoning boundaries and associated development standards are meant to avoid impacting residential activities as started in

Vancouver Municipal Code (VMC) 20.440. Proposed standards for new small facilities or cleaner fuel facilities include distance requirements from residentially zoned land (e.g. minimum 1,000 feet).

b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.

This non-project proposal does not involve construction activity. No housing units will be eliminated.

c. Proposed measures to reduce or control housing impacts, if any:

This non-project proposal does not involve construction activity, and the proposed code would limit fossil fuel facilities in the residential zones and include distance requirements from residentially zoned land (e.g. minimum 1,000 feet).

10. Aesthetics

a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?

Not applicable – not a site specific proposal. No changes to allowed heights are proposed.

b. What views in the immediate vicinity would be altered or obstructed?

The non-project action will limit the development of new fossil fuel facilities as well as limit the size of cleaner fuel facilities. There is currently no vision overlay district over parcels zoned for industrial uses. Any future development will be subject to height and landscape standards.

c. Proposed measures to reduce or control aesthetic impacts, if any:

No significant impacts are identified for the non-project proposal. The zoned based height standards and landscape standards would apply in the VMC Title 20 Land Use Code.

11. Light and Glare

a. What type of light or glare will the proposal produce? What time of day would it mainly occur?

This non-project action is not site specific. Any future development will need to adhere to Title 20 of the Vancouver Municipal Code (VMC).

b. Could light or glare from the finished project be a safety hazard or interfere with views?

This non-project action is not site specific. No changes to regulations addressing light and glare are proposed. Any future development will need to adhere to Title 20 of the Vancouver Municipal Code (VMC).

c. What existing off-site sources of light or glare may affect your proposal?

This non-project action is not site specific. No changes to regulations addressing light and glare are proposed. Any future development will need to adhere to Title 20 of the Vancouver Municipal Code (VMC).

d. Proposed measures to reduce or control light and glare impacts, if any:

This non-project action is not site specific, and no significant impacts have been identified. Any future development will need to adhere to Title 20 of the Vancouver Municipal Code (VMC) including 20.935.030 Performance Standards with a standard to avoid light and glare.

12. Recreation

a. What designated and informal recreational opportunities are in the immediate vicinity?

This non-project action is not site specific. An indirect impact of this non-project proposal will prohibit fossil fuel facilities within open space districts.

b. Would the proposed project displace any existing recreational uses? If so, describe.

The regulations would not displace existing uses. Existing park and recreation uses would continue.

c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:

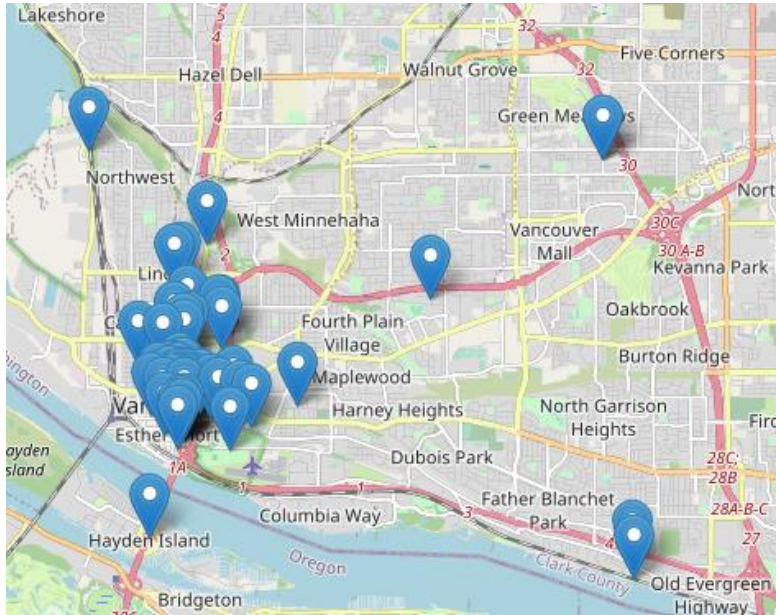
A key goal of this non-project proposal is to reduce greenhouse gas (GHG) emissions by prohibiting new bulk fossil fuel facilities. This includes disallowing fossil fuel facilities in open space districts.

13. Historic and cultural preservation

a. Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers? If so, specifically describe.

Future development under this new non-project action will occur only in industrial zoned districts within the City of Vancouver. According to the Clark County Historic Preservation Program, there are no buildings, structures or sites located within a parcel zoned for industrial land use. ~~Exhibit 12~~ ~~Exhibit 12~~, below shows the location of all historic structures within the city. The majority of sites are located west of Central Park in the Esther Short neighborhood and to the north.

Exhibit 12. Historical buildings, structures and sites within the City of Vancouver



Source: Clark County Historical Preservation Program (2022)

- b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources.

The City of Vancouver is located within the ancestral lands of the primarily the Chinook and Cowlitz tribes. Washington State Department of Archaeology and Historic Preservation (DAHP) Statewide Predictive Model classifies the city boundaries overall in the very high-risk category.

- c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc.

The methods included review of inventoried data with the Department of Archaeology and Historic Preservation (<https://wisaard.dahp.wa.gov/>).

- d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required.

There are no anticipated impacts as a result of non-project proposals; no changes to historic or cultural resource regulations are proposed. Development would be subject to federal, state, and local laws protecting historic and cultural resources, including:

- National Historic Preservation Act (NHPA) (Title 54 United States Code [U.S.C.]); Section 106 of the NHPA (36 Code of Federal Regulations [CFR] Part 800)
- Native American Graves Protection and Repatriation Act (NAGPRA; 25 U.S.C. 2001-13)
- American Antiquities Act of 1906 (16 U.S.C. 432)
- Archaeological Resources Protection Act of 1979 (ARPA, 16 U.S.C. 470aa-470mm)
- Section 4(f) of the Department of Transportation Act (DOT Act, 49 U.S.C. 303)

- Abandoned Shipwreck Act, of 1988 (ASA, 43 U.S.C. 2101-2106)
- Procedures for State, Tribal, and Local Government Historic Preservation Programs (36 CFR Part 61)
- State Environmental Policy Act (RCW 43.21C, WAC 197-11-330)
- Governor's Executive Order 05-05
- Washington Heritage Register (Senate Bill 363; RCW 27.34.200, WAC 25-12)
- Archaeological Sites and Resources (RCW 27.53)
- Archaeological Site Public Disclosure Exemption (RCW 42.56.300)
- Human Remains (RCW 68.50)
- Indian Graves and Records (RCW 27.44)
- Abandoned and Historic Cemeteries and Historic Graves (RCW 68.60)
- Archaeological Excavation and Removal Permit (WAC 25 48)
- Archaeological activities on state-owned aquatic lands – Agreements, leases, or other conveyances (RCW 79.105.600)
- City of Vancouver Municipal Code (VMC) 17.39 Historic Preservation

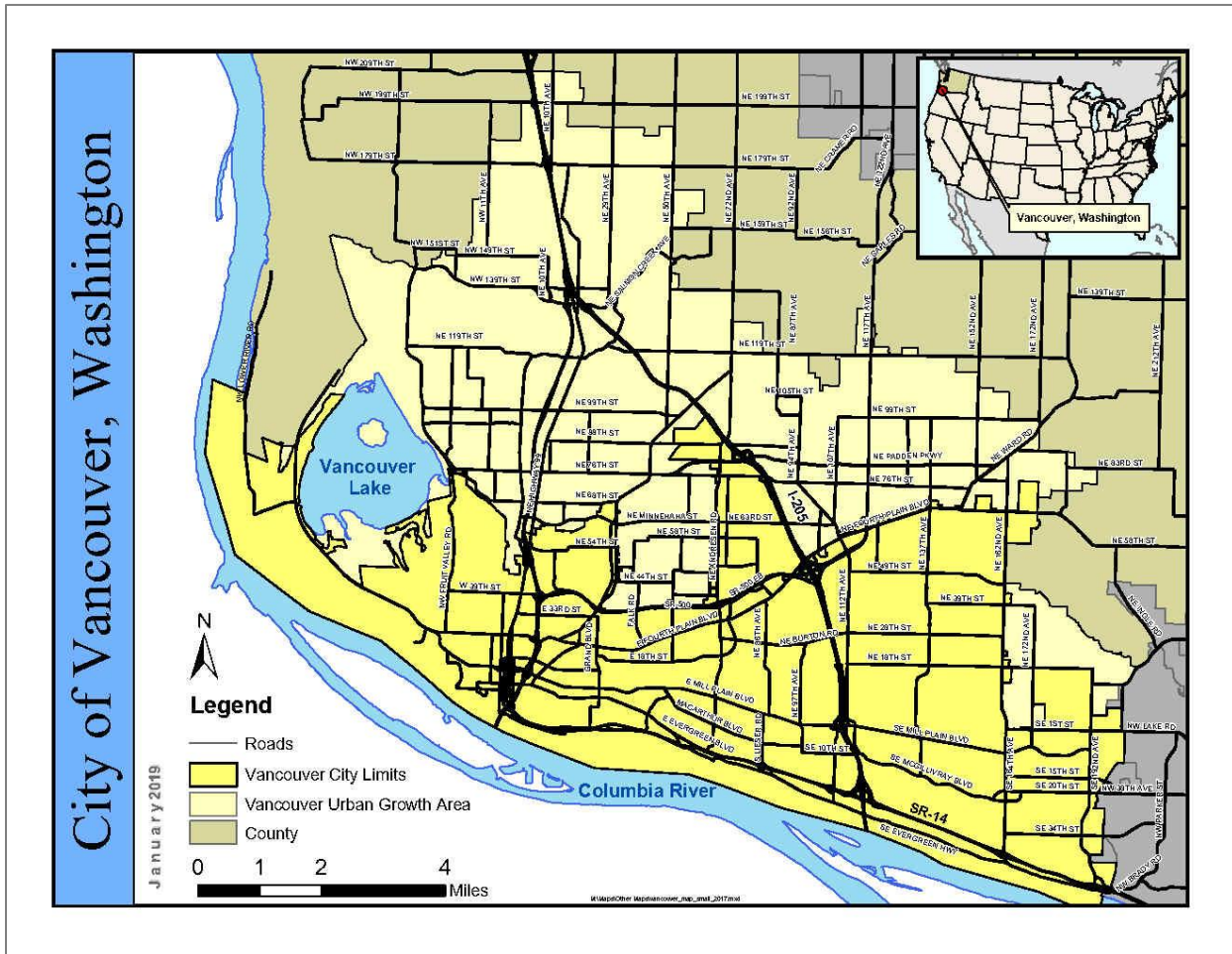
14. Transportation

- a. *Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any.*

The non-project action is not site-specific and does not propose any new transportation system improvements. The City of Vancouver is primarily a vehicle-oriented environment, with about 86% of its residents commuting to work by car¹. The I-5 and I-205 highways extend north-south through the city, and State Routes 500, 501 and 14 extend east-west through the city. Exhibit 13, below, shows a street map for Vancouver.

¹ City of Vancouver State of Mobility Report 2020

Exhibit 13. City of Vancouver Street Map



Source: City of Vancouver

b. Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop?

Not applicable – not a site specific proposal. The study area is served by both C-TRAN and Sound Transit.

c. How many additional parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate?

Not applicable – not a site specific proposal. No changes are proposed to parking standards.

d. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private).

Not applicable – not a site specific proposal. No changes are proposed to existing transportation systems.

- e. *Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.*

The study area includes areas served by water and rail transportation. If existing fossil fuels facilities are converted or expanded with cleaner fuels, they would be required to submit transportation analysis documenting use of water or rail; there would also be annual reporting of activities.

- f. *How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and non-passenger vehicles). What data or transportation models were used to make these estimates?*

Not applicable – not a site specific proposal. The City's Comprehensive Plan is based on growth targets that are the basis for planned improvements; growth projections are not anticipated to change as a result of the code proposals. If existing fossil fuels facilities are converted or expanded with cleaner fuels, they would be required to submit traffic impact analysis documenting any changes in transport on roads; there would also be annual reporting of activities.

- g. *Will the proposal interfere with, affect or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe.*

The study area contains port facilities that move a wide range of goods, including fossil fuels. No changes to the movement of resource products are anticipated.

- h. *Proposed measures to reduce or control transportation impacts, if any:*

There are no anticipated impacts as a result of non-project proposals; no changes to transportation regulations are proposed. There would also be annual reporting of activities. Any future development would be subject to:

- VMC 20.550 Transit Overlap District
- VMC 11.80.130 Traffic impact analysis.

15. Public Services

- a. *Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe.*

Not applicable – not a site specific proposal. This non-project proposal will limit fossil fuel facilities within the City of Vancouver. Vancouver Fire Department has been identified as the lead agency to address any hazardous material incidents. There would be a requirement for a spill prevention plan and review by the Fire Marshall.

- b. *Proposed measures to reduce or control direct impacts on public services, if any.*

There are no anticipated adverse impacts as a result of non-project proposals. The proposal includes requirements for spill prevention and fire response plans. Future development would be required to meet:

- VMC 16.04.010 Adoption of the international fire code.
- VMC 2.32.070 Fire Department

16. Utilities

a. *Circle utilities currently available at the site:*

electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system,
other _____

Utilities are available in the city including power, sewer, and wastewater.

b. *Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.*

Not applicable – not a site specific proposal. Future development would be required to meet City utility standards including Title 14 Water and Sewers. See B.6 Energy regarding power.

C. Signature

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature: _____



Name of signee _____ Bryan Snodgrass _____

Position and Agency/Organization _____ Principal Planner _____

Date Submitted: _____ 8/16/2022; revised 9/9/22 _____

D. Supplemental sheet for non-project actions

(IT IS NOT NECESSARY to use this sheet for project actions)

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?

See B.2, B.3, and B.7. Per B.2 Air, the proposed amendments to Vancouver's land use regulations are designed to reduce greenhouse gas (GHG) emissions.

Per B.3 Water, water runoff could occur from point sources and non-point sources. However, all development is subject to surface water regulations and manuals.

Per B.7 Environmental Health, the proposed code could allow small scale fossil fuel or cleaner fuel uses or expanded or new cleaner fuel facilities that have risks, impacts, and vulnerabilities, such as: explosive and fire risks, spill, exposure to toxic chemicals, odor, stormwater, and waste products. Future development could produce more noise as identified from industrial commercial uses.

Proposed measures to avoid or reduce such increases are:

See B.2, B.3, and B.7. Per B.2 Air, GHG evaluations would be required for cleaner fuel facilities (conversions, expansions, new). Air discharge permits would continue to be required including associated required monitoring. Per B.3 Water, future permit applications would be required to meet surface, ground and runoff water requirements and adhere to Vancouver Municipal Code (VMC) 20 Land Use Code. Per B.7, the proposal includes buffer distances of minimum 1,000 feet between small scale facilities or new or expanded cleaner fuel facilities and residential zones. The code proposal also addresses seismic upgrades pursuant to current building code requirements, and a comprehensive spill prevention plan and fire response plan. Environmental Health, noise control regulations apply.

2. How would the proposal be likely to affect plants, animals, fish, or marine life?

See B.4 and B.5. Per B.4 Plants, there are a range of vegetation types found in the applicable zones, and critical habitat. Per B.4 Animals, a range of fish, birds and mammals are or may be found in the City of Vancouver; there are migration routes near the applicable zones.

Proposed measures to protect or conserve plants, animals, fish, or marine life are:

See B.4 and B.5. Per B.4 Plants, future development would submit a Tree, Vegetation and Soil Plan per Vancouver Municipal Code (VMC) 20.770.050. Native vegetation and wildlife habitat must be preserved to comply with VMC 14.24, Erosion Prevention & Sediment Control and the Shoreline Management Plan. In addition, per B.5 Animals, future development must minimize any impact to critical areas defined by VMC 20.740.110 Fish and Wildlife Habitat Conservation Areas as well as other critical areas and shoreline plans.

3. How would the proposal be likely to deplete energy or natural resources?

See B.6. Per B.6 Energy, existing large-scale fossil fuel facilities are able to expand their storage capacity under the condition that they convert to cleaner fossil fuels. The proposal would allow existing facilities but incentivize the conversion to cleaner fossil fuels with up to 15% expansion. As an option, the City may consider allowing new cleaner fuel facilities in the IH zone subject to size, location, and other environmental standards.

Proposed measures to protect or conserve energy and natural resources are:

See B.6. The proposal would not reduce energy storage. It could increase cleaner fuels. The proposal would support the City's draft climate action plan anticipated for adoption in 2022.

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?

See B.4, B.5, B.8, and B.12. Per B.4, B.5, and B.8 there are critical areas in the affected zones. Per B.12 Recreation, existing parks and recreation uses would continue, and no park displacement is anticipated. Per B.13 Historic and Cultural Preservation, there are no historic buildings, structures or sites located within a parcel zoned for industrial land use. However, the area is considered in a high-risk category for archeological resources.

Proposed measures to protect such resources or to avoid or reduce impacts are:

See B.4, B.5, B.8, and B.12. Per B.4 Plants, B.5 Animals, B.8 Land Use, any expanded or new facilities would be required to meet critical area and shoreline protection standards that promote avoidance or minimization of impacts on environmentally sensitive areas. Per B.12 Recreation the code proposal disallows fossil fuel facilities in open space districts. Per B.13, development would be subject to federal, state, and local laws protecting historic and cultural resources.

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

See B.8. Per B.8 Land Use, the code proposals would allow for industrial uses in industrial zones. The proposal will prohibit industrial uses pertaining to fossil fuels in non-industrial zoned parcels.

Proposed measures to avoid or reduce shoreline and land use impacts are:

See B.8. Per B.8 Land Use, the proposal includes standards included to avoid incompatibilities (e.g., buffer distances from industrial to residential zones, spill prevention and seismic upgrades).

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

See B.14, B.15, and B.16. Per B.14 Transportation, the area is served by multiple modes of transportation. The proposal does not include any new transportation system improvements. Future proposals would provide documentation of transportation system impacts. there would also be annual reporting of activities. Per B.15 and B.16, the study area is served by public services and utilities.

Proposed measures to reduce or respond to such demand(s) are:

See B.14, B.15, and B.16. Per B.14 Transportation there would be transportation impact analysis and there would also be annual reporting of activities. Per B.15 Public Services, application of the fire code would be required. In addition, the proposal includes requirements for spill prevention and fire response

plans. Per B.1.6 Utilities, Future development would be required to meet City utility standards including Title 14 Water and Sewers. See B.6 Energy regarding power.

Z. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

The non-project action will align with the Vancouver Strategic Plan update and Climate Action Plan. Furthermore, these changes will support existing Tribal fishing treaties. It will promote cleaner fuels that fit state and federal rules and help achieve climate change reduction goals.

Public Comments Received for Planning Commission Public Hearing on Proposed Fossil Fuel Storage Code Changes					
Page	Name	Organization	Comment Received	Email	Comment
1	Dan Serres	Columbia Riverkeeper	9/7/2022	dan@columbiariverkeeper.org	Support cleaner fuels with CUP
9	Frank Marre		9/8/2022	frank.marre@gmail.com	Do not allow cleaner fuels
11	Kristin Edmark		9/8/2022	krisinedmark@hotmail.com	Do not allow cleaner fuels
13	Sarah Collmer		9/9/2022	sicollmer@gmail.com	Do not allow cleaner fuels
15	Jean Avery		9/9/2022	jeanmavery@gmail.com	Supports banning fossil fuels
16	Sydney Brahmavar		9/10/2022	sydeny.brahmavar@gmail.com	Do not allow cleaner fuels
17	Sharon Kalister		9/10/2022	sharonkalister@yahoo.com	Do not allow cleaner fuels
18	Steven Silvey		9/10/2022	ssilvey643@aol.com	Opposed overall
36	Ian McCoy		9/10/2022	ianjmccoy@outlook.com	Do not allow cleaner fuels
37	Peter Fels		9/11/2022	plfels@gmail.com	Support cleaner fuels with CUP
39	Janet Hedgepath		9/11/2022	gr8tefully@gmail.com	Do not allow cleaner fuels
40	Mike Ellison		9/11/2022	3heartmike@centurylink.net	Support cleaner fuels with CUP
42	Heidi Cody		9/12/2022	hcodystudio@gmail.com	Do not allow cleaner fuels
45	William Sneiderwine		9/12/2022	Sent via template email service	Do not allow cleaner fuels
46	Richard Osmun		9/12/2022	Sent via template email service	Do not allow cleaner fuels
47	Annie Palmer		9/12/2022	Sent via template email service	Do not allow cleaner fuels
48	Rebecca Sellers		9/12/2022	Sent via template email service	Do not allow cleaner fuels
49	Doris Raspa		9/12/2022	Sent via template email service	Do not allow cleaner fuels
50	Nancy Gleim		9/12/2022	Sent via template email service	Do not allow cleaner fuels
51	Susan Kiplinger		9/12/2022	Sent via template email service	Do not allow cleaner fuels
52	Susan Saul		9/12/2022	Sent via template email service	Do not allow cleaner fuels
54	Richard Osmun		9/12/2022	Sent via template email service	Do not allow cleaner fuels
55	Jody Caicco		9/12/2022	Sent via template email service	Do not allow cleaner fuels
56	Dan Rogers		9/12/2022	Sent via template email service	Do not allow cleaner fuels
57	Dorothy Sosnowski		9/12/2022	Sent via template email service	Do not allow cleaner fuels
59	Elizabeth Verbeck		9/12/2022	Sent via template email service	Do not allow cleaner fuels
60	Karissa Halstrom		9/12/2022	Sent via template email service	Do not allow cleaner fuels
61	Christopher Collmer		9/12/2022	Sent via template email service	Do not allow cleaner fuels
62	Hannah Liu		9/12/2022	Sent via template email service	Do not allow cleaner fuels
63	Mary N.		9/12/2022	Sent via template email service	Do not allow cleaner fuels
64	Patricia Kenny		9/12/2022	Sent via template email service	Do not allow cleaner fuels
65	Jim Gayden		9/12/2022	Sent via template email service	Do not allow cleaner fuels
66	Wesley Banks		9/12/2022	Sent via template email service	Do not allow cleaner fuels
68	Debbie Mahder		9/12/2022	Sent via template email service	Do not allow cleaner fuels

69	Jeffrey Kaufman		9/12/2022	Sent via template email service	Do not allow cleaner fuels
70	Marianne Eddington		9/12/2022	Sent via template email service	Do not allow cleaner fuels
72	Linda Leighton		9/12/2022	Sent via template email service	Do not allow cleaner fuels
73	Cheryl Gavin		9/12/2022	Sent via template email service	Do not allow cleaner fuels
74	Jon Pedersen		9/12/2022	Sent via template email service	Do not allow cleaner fuels
75	Pamela Garlett		9/12/2022	Sent via template email service	Do not allow cleaner fuels
76	Cathryn Chudy		9/12/2022	Sent via template email service	Support A, B with Caution
78	Barry Parker		9/12/2022	Sent via template email service	Do not allow cleaner fuels
79	Cathryn Chudy		9/12/2022	chudyca@gmail.com	Do not allow cleaner fuels
81	Alexander Lusk		9/12/2022	madeofginger@gmail.com	Support cleaner fuels with CUP
83	Leigh Saint-Louis		9/12/2022	charity.pressess@gmail.com	Supports banning fossil fuels
84	Holli Johnson	WSPA	9/13/2022	hjohnson@wspsa.org	Allow cleaner fuels with no CUP
88	Nancy Helget		9/13/2022	felget@comcast.net	Do not allow cleaner fuels
89	Cathryn Chudy		9/13/2022	chudyca@gmail.com	Do not allow cleaner fuels
91	Tuck Swords		9/13/2022	tuck.swords@gmail.com	Do not allow cleaner fuels
92	Nancy Helget		9/13/2022	felget@comcast.net	Do not allow cleaner fuels
93	Anita J. Thomas		9/13/2022	anjantom@centurylink.net	Do not allow cleaner fuels
94	Mike Fritz	Star Oilco	9/13/2022	mark@staroilco.net	Several changes to ordinance

From: [Dan Serres](#)
To: [Planning Commission](#)
Cc: [City Council](#)
Subject: Comment petition from Columbia Riverkeeper regarding proposed fossil fuel ordinance
Date: Wednesday, September 7, 2022 12:12:13 PM
Attachments: [Comment petition from Columbia Riverkeeper regarding fossil fuel ordinance.pdf](#)

You don't often get email from dan@columbiariverkeeper.org. [Learn why this is important](#)

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

Dear Vancouver Planning Commissioners and Staff:

Columbia Riverkeeper submits the following comments on behalf of 56 of our members. All of the signers support the form comment below, and many added their own short comments in the rightmost column of the attached table.

Thank you for your work in reviewing the proposed fossil fuel ordinance.

Sincerely,

Dan Serres, Conservation Director, Columbia Riverkeeper

Dear Members of the Planning Commission:

Thank you for your commitment to protecting community health and safety by pursuing a permanent ordinance prohibiting new or expanded large-scale fossil fuel facilities. I urge you to continue to move this work forward and ensure that this policy centers frontline communities already facing disparate environmental health and safety impacts created by fossil fuel facilities.

The current moratorium appropriately prohibits any new or expanded bulk fossil fuel projects on the basis of a wide range of health, safety, and quality of life concerns created by the storage, transfer, processing, and handling of fossil fuels in the City. The proposed permanent fossil fuel ordinance must safeguard community safety and health by avoiding loopholes that allow for fossil fuel expansions.

I urge the Planning Commission and City Council to require facilities converting to cleaner fuels or establishing new cleaner fuel facilities to get a conditional use permit. This review process provides important safeguards for addressing seismic risks, public safety hazards, and averting fuel spill impacts. The public deserves to have a say in any flammable, toxic fuel storage near Vancouver's neighborhoods and the Columbia River.

By passing this ordinance, Vancouver can avert dangerous facilities like LPG train terminals, LNG train terminals, or coal facilities. I support the ordinance moving forward.

Thank you,

--

Dan Serres | He/Him/His | Conservation Director
Columbia Riverkeeper | 1125 SE Madison Suite 103A Portland 97214
Direct: 503.890.2441 | dan@columbiariverkeeper.org

[Love. Defend Clean Water—Read it Now](#)

Learn how Columbia Riverkeeper is defending clean water in our communities today!

September 7, 2022

Vancouver Planning Commission
City of Vancouver
PO Box 1995
Vancouver, WA 98668-1995

cc: Vancouver City Council

Re: Comments in support of a fossil fuel ordinance

Dear Vancouver Planning Commissioners and Staff:

Columbia Riverkeeper submits the following comments on behalf of 56 of our members. All of the signers support the form comment below. Many added their own short comment, which are included in the rightmost column of the attached table. Thank you for your work in reviewing the proposed fossil fuel ordinance.

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Dan Serres, Conservation Director, Columbia Riverkeeper

Dear Members of the Planning Commission:

Thank you for your commitment to protecting community health and safety by pursuing a permanent ordinance prohibiting new or expanded large-scale fossil fuel facilities. I urge you to continue to move this work forward and ensure that this policy centers frontline communities already facing disparate environmental health and safety impacts created by fossil fuel facilities.

The current moratorium appropriately prohibits any new or expanded bulk fossil fuel projects on the basis of a wide range of health, safety, and quality of life concerns created by the storage, transfer, processing, and handling of fossil fuels in the City. The proposed permanent fossil fuel ordinance must safeguard community safety and health by avoiding loopholes that allow for fossil fuel expansions.

I urge the Planning Commission and City Council to require facilities converting to cleaner fuels or establishing new cleaner fuel facilities to get a conditional use permit. This review process provides important safeguards for addressing seismic risks, public safety hazards, and averting fuel spill impacts. The public deserves to have a say in any flammable, toxic fuel storage near Vancouver's neighborhoods and the Columbia River.

By passing this ordinance, Vancouver can avert dangerous facilities like LPG train terminals, LNG train terminals, or coal facilities. I support the ordinance moving forward.

Thank you,

First Name	Last Name	City	State	Zip Code	Comment
John	Cruz	Vancouver	WA	98664-2836	Please take note: A fossil fuel ordinance gives us all an important opportunity to help Vancouver avert pollution, health impacts, and safety risks in neighborhoods that already rank among Washington's worst in environmental health disparities.
Heidi	Cody	Vancouver	WA	98664-5432	Our fossil fuel ordinance is meant to protect community health and safety. It is not meant to grease the skids for industry. Expanding polluting, flammable projects close to Fruit Valley is dangerous. Even if they're called cleaner fuels, the public has a right to weigh in on these projects through a CUP process before they get approved. Please don't lose track of the original intent of the ordinance. Thank you.
Susan	Schwartz	Vancouver	WA	98660	I see too many tanker trucks going by my by my apartment living room window.
Mona	McNeil	Vancouver	WA	98686-1533	I am proud of Vancouver's efforts to move away from fossil fuels and protect our environment. The climate crisis is urgent and needs you to do all you can. Thanks for your good work so far.
Beverly	Thomas	Vancouver	WA	98685-4113	
Michelle	Maani	Vancouver	WA	98685-2762	
CAROLYN	SOWDON	Vancouver	WA	98684-5704	Let's keep Vancouver, WA a healthy place for its people to live by saying 'no' to fossil fuel facilities. Thank you!
Jill	Boyer-Quick	Vancouver	WA	98661-6620	
Frank	Marre	Vancouver	WA	98683-7691	Dear Sirs/Madams: Thank you for keeping our community, safe, clean and oriented towards a green fossil fuel free future. As a public health physician, I understand not only the economic importance of a green future but more importantly the human/environmental health imperative of a clean green future.
John	Baughner	Vancouver	WA	98685-1561	

Sarah	Collmer	Vancouver	WA	98660-2420	
Julie	Krieger	Vancouver	WA	98661-1036	
Barbara	Hedges	Vancouver	WA	98663-1543	
Cheryl	Gavin	Vancouver	WA	98686-4119	I will be watching carefully how City Council and planning commission act on this.
Judith	Heath	Vancouver	WA	98663-1637	
Jill	Hawtrey	Vancouver	WA	98683-1847	
Marta	Benson	Vancouver	WA	98661-1357	
Merilee	Frets	Vancouver	WA	98683-7032	We wholeheartedly endorse efforts to keep Vancouver in a leadership position with regards to reducing environmental and social risks associated with transportation and storage of fossil fuels. Conditional use permits are just part of that process to safeguard our beautiful community and its neighborhoods.
Tim	Emineth	Vancouver	WA	98661-6647	
Celia	Cruz	Vancouver	WA	98664	Simply: Please pass this ordinance to avert the environmental dangers facing us all.
Sarah	Martin	Vancouver	WA	98685-2417	
Jane	Nicolai	Vancouver	WA	98664-5385	Preventing a disaster is easier than recovering from one. Vancouver can avert dangerous facilities like LPG train terminals, LNG train terminals, or coal facilities. by requiring a conditional use permit.

Cathryn	Chudy	Vancouver	WA	98663-2807	I appreciate all the work the city staff and Council have done to keep Vancouver safe from bulk fossil fuel facilities since 2020 with the Moratorium which will be replaced with an updated ordinance that must continue to provide protections that are critical for ensuring the health and safety of our community. I support a strong ordinance that not only prohibits new bulk fossil fuel facilities but also sets crucial standards that must be followed for allowing conversions to 'cleaner' fuels and permitting smaller facilities that could possibly still involve risks to those most vulnerable. The Conditional Use Permit is a necessary part of the protections that our community must have in place in order to ensure sufficient, careful, forward-thinking oversight, transparency, and public engagement in the process as we transition away from fossil fuels and towards cleaner ways to power our transportation system, while retaining the underlying health and safety of our community.
Mary	Blackburn	Vancouver	WA	98663-1829	
Karen	Genest	Vancouver	WA	98683-4311	We need your support to protect our communities, now and for future generations. Thank you.
Renee	Bourgea	Vancouver	WA	98686-5772	Use permits should be standard and required for obtaining consent for facilities wishing to to convert to cleaner fuels.
Hannah	Liu	Vancouver	WA	98686-2258	
Jean M.	Avery	Vancouver	WA	98683-6595	Let's keep fossil fuels out of Vancouver.
Elizabeth	Brinkley	Vancouver	WA	98661-7635	
Keisha	Landers	Vancouver	WA	98665-6205	
donna	joslyn	Vancouver	WA	98665-6145	We have to stop fouling our own nest.
Nan	Flaaten	Vancouver	WA	98684-4945	
Laurie	Rubin	Vancouver	WA	98664	It is vital to ban all fossil fuel expansion and move to zero fossil fuel use ASAP.
Emilie	Olson	Vancouver	WA	98683	

Mark	Leed	Vancouver	WA	98661-5176	Please pass as robust an ordinance as possible, and require a conditional use permit for facilities converting to cleaner fuels.
	W. Bruce Coc	Vancouver	WA	98662-1009	
Keith	Scheid	Vancouver	WA	98685-1102	
Brenda	Gardner	Vancouver	WA	98685-3151	I am opposed to any new oil or gas facilities in my community!
Mari	Stephenson	Vancouver	WA	98661-6672	We need to take all steps possible to slow climate change.
Elizabeth	Verbeck	Vancouver	WA	98660-2208	Let's put this matter to bed once and for all!
Sarah	Hafer	Vancouver	WA	98684-5913	
Lehman	Holder	Vancouver	WA	98664-2411	As a longtime Vancouver resident, I strongly support this permanent ordinance moving our city toward cleaner fuels. Heartfelt thanks for your efforts.
Rachel	Tramontini	Vancouver	WA	98683	
Janet	Hedgepath	Vancouver	WA	98660-1619	
Steven	Campana	Vancouver	WA	98663-2078	Climate change is real. I support making the moratorium permanent. :)
Bonnie	Bingle	Vancouver	WA	98665-0903	This is not a NIMBY wish. This is for the whole earth
Thomas	Gordon	Washougal	WA	98671-1129	Dear Members of the Vancouver City Council, Members of the Planning Commission, and Staff: My wife and I live in Washougal and don't want fossil fuel trains coming through our town or into Vancouver. Several years ago, I was stuck in traffic on Highway 14 as the oil train burned in Mosier, Or. I was amazed that the fire did not spread to the school a short distance away, and the wind was not blowing which would have scattered embers all over the hillsides and started a massive fire. Such luck can be counted on in the future. Anything that can be done to eliminate the chance of fossil train fires on either side of the Columbia River is a great idea. Thank You, Tom Gordon
Kristin	Edmark	Battle Groun	WA	98604-7248	

Sherry	Fitzpatrick	Brush Prairie	WA	98606	No fossil fuel here in Port of Vancouver. We are going electric even with our cars Thank you
Lyndee	cunningham	Camas	WA	98607-1268	Cheers to keeping our Vancouver clean, green and healthy!
Camilla	Bishop	Hood River	OR	97031-1124	Thank you for taking care of the environment and our citizens, plants, and animals' health.
JL	Angell	Rescue	CA	95672-9411	
Jim	Byrne	Ridgefield	WA	98642-9139	Avoid fuels passing through Vancouver. Make them get a CUP, better yet just prohibit. Jim
Tracy	Ceravolo	Ridgefield	WA	98642-9597	
Julie	Anderson	Stevenson	WA	98648-6038	
Pauline	Igoe	Tacoma	WA	98465-1603	

From: [Frank Marré](#)
To: [Planning Commission](#)
Subject: From Moratorium to Ordinance: Dangers of Bulk Fossil Fuel and Other Hazardous Infrastructure
Date: Thursday, September 8, 2022 2:04:37 PM

You don't often get email from frank.marre@gmail.com. [Learn why this is important](#)

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

Dear Planning Commission:

Thank you for your work to protect community health. I urge you to ban new and expanded large-scale fossil fuels facilities. There has never been a greater risk to human health and the health of our home, the earth than fossil fuel extraction, processing, transport and use. It must stop. We are getting sick and our world is burning up and flooding out.

The ordinance must clearly ban new and expanded fossil fuel terminals storage and handling facilities, as outlined by Option A. It is time to shift our attention to clean energy investment and development and say no to fossil fuels.

I support the City's work to address climate change through the Climate Action Framework and urge the City to continue to move this forward rapidly.

I urge you to:

1. Continue to champion and ultimately pass the strong fossil fuel ordinance which centers community health, safety, and environmental justice, with preference for Option A;
2. Follow staff's recommendation that existing fuel terminals obtain a conditional use permit before converting facilities to cleaner fuels and expanding storage for non-fossil fuels;
3. Allow communities with high levels of pollution to have a voice in addressing health and safety risks from any new cleaner, non-fossil fuel facilities. This means requiring a public process and conditional use approach for these facilities; and finally
4. Ensure at a minimum, a conditional use permit and public process for any new cleaner fuel facilities above 60,000 gallons.

Thank you for your work to protect our community.

Sincerely,

Dr. Frank Marre DO MS FAOCOPM

From: [Kristin Edmark](#)
To: [Planning Commission](#)
Subject: Moratorium on Bulk Fossil Fuel Facilities or Expansion
Date: Thursday, September 8, 2022 11:19:18 AM

You don't often get email from kristinedmark@hotmail.com. [Learn why this is important](#)

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

Dear Planning Commission:

Thank you for your work to protect community health and safety from new and expanded fossil fuel facilities. Please focus on banning new and expanded large-scale fossil fuels facilities and on ensuring a thorough and transparent “conditional use permit” review process for any changes at these facilities and any new “cleaner” facilities.

Please be especially careful of facilities which claim to be cleaner. In our area we have seen ‘bait and switch’, data used which is contrary to accepted standards, tiny projects like carbon capture used as an excuse for increase fossil fuel infrastructure. You will find that ‘cleaner’ fossil fuels still endanger our most vulnerable and still promote fossil fuel use which harms us all.

Our fossil fuel ordinance seeks to protect the health and safety of the community members hardest hit by the pollution from industry and from our fossil fuel economy. This ordinance should address this problem and clearly ban new and expanded fossil fuel terminals storage and handling facilities, as outlined by Option A.

The ordinance should also use the conditional use permit process, as well as strong special use requirements including seismic upgrades, spill prevention, fire response plans, and financial assurance.

I support the City’s work to address climate change through the Climate Action Framework and urge the City to continue to move this forward. Any reference or inclusion of cleaner facilities in this code should require a conditional use permit process and ensure that public health and safety issues related to these types of new cleaner facilities are included.

I urge you to:

1. Continue to champion and ultimately pass the strong fossil fuel ordinance which centers community health, safety, and environmental justice, with preference for Option A;
2. Follow staff’s recommendation that existing fuel terminals obtain a conditional use permit before converting facilities to cleaner fuels and expanding storage for non-fossil fuels;
3. Allow communities with high levels of pollution to have a voice in addressing health and safety risks from any new cleaner, non-fossil fuel facilities. This means requiring a public process and conditional use approach for these facilities; and finally

4. Ensure at a minimum, a conditional use permit and public process for any new cleaner fuel facilities above 60,000 gallons.

Thank you for your work to protect our community. Sincerely, Kristin Edmark, 7611 NE 296th Way, Battle Ground 98604

From: [Sarah Collmer](#)
To: [Planning Commission](#)
Subject: Fossil Fuel Ordinance - September 13
Date: Friday, September 9, 2022 6:48:35 AM

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

Dear Planning Commission:

Thank you for your work to protect community health and safety from new and expanded fossil fuel facilities. As you finalize the details of this critical ordinance, I urge you to focus on banning new and expanded large-scale fossil fuels facilities and on ensuring a thorough and transparent “conditional use permit” review process for any changes at these facilities and any new “cleaner” facilities.

Our fossil fuel ordinance seeks to protect the health and safety of the community members hardest hit by the pollution from industry and from our fossil fuel economy. This ordinance should address this problem and clearly ban new and expanded fossil fuel terminals storage and handling facilities, as outlined by Option A.

The ordinance should also use the conditional use permit process, as well as strong special use requirements including seismic upgrades, spill prevention, fire response plans, and financial assurance.

I support the City’s work to address climate change through the Climate Action Framework and urge the City to continue to move this forward. Any reference or inclusion of cleaner facilities in this code should require a conditional use permit process and ensure that public health and safety issues related to these types of new cleaner facilities are included.

I urge you to:

1. Continue to champion and ultimately pass the strong fossil fuel ordinance which centers community health, safety, and environmental justice, with preference for Option A;
2. Follow staff’s recommendation that existing fuel terminals obtain a conditional use permit before converting facilities to cleaner fuels and expanding storage for non-fossil fuels;

3. Allow communities with high levels of pollution to have a voice in addressing health and safety risks from any new cleaner, non-fossil fuel facilities. This means requiring a public process and conditional use approach for these facilities; and finally
4. Ensure at a minimum, a conditional use permit and public process for any new cleaner fuel facilities above 60,000 gallons.

Thank you for your work to protect our community.

Sincerely,
Sarah Collmer
98660

From: [Jean M. Avery](#)
To: [Planning Commission](#)
Subject: Fossil Fuel ordinance comment
Date: Friday, September 9, 2022 2:59:41 PM

You don't often get email from jeanmavery@gmail.com. [Learn why this is important](#)

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

I urge the Planning Commission to adopt the strongest possible bulk fossil fuel ordinance.

Over the past several years, the Vancouver community has come together to forcefully show that fossil fuels are not welcome in our city or region.

--We said NO to the Tesoro-Savage oil terminal.

-- We said NO to coal in nearby Longview.

-- We said NO to methanol in Kalama.

Let's say NO to fossil fuels and YES to a cleaner, healthier future for Vancouver.

Jean M. Avery
Vancouver

From: [Sydney Brahmar](#)
To: [Planning Commission](#)
Subject: fossil fuel ordinance
Date: Saturday, September 10, 2022 2:39:37 AM

[You don't often get email from sydney.brahmar@gmail.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

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

Thank you for your work to protect community health and safety from new and expanded fossil fuel facilities. As you finalize the details of this critical ordinance I urge you to go for option A and focus on banning new and expanded large-scale fossil fuels facilities and on ensuring a thorough and transparent 'conditional use permit' review process for any changes at these facilities and any new 'cleaner' facilities.

Our fossil fuel ordinance seeks to protect the health and safety of the community members hardest hit by the pollution from industry and from our fossil fuel economy. This ordinance should address this problem and clearly ban new and expanded fossil fuel terminals storage and handling facilities, as outlined by Option A.

The ordinance should also use the conditional use permit process, as well as strong special use requirements including seismic upgrades, spill prevention, fire response plans, and financial assurance.

I support the city's work to address climate change through the Climate Action Framework and urge the city to continue to move this forward. Any reference or inclusion of cleaner facilities in this code should require a conditional use permit process and ensure that public health and safety issues related to these types of new facilities are included.

I urge you to:

- 1) Continue to champion and ultimately pass the strong fossil fuel ordinance which centers community health, safety, and environmental justice, with preference for Option A;
- 2) Follow staff's recommendation that existing fuel terminals obtain a conditional use permit before converting facilities to cleaner fuels and expanding storage for non-fossil fuels; and
- 3) Allow communities with high levels of pollution to have a voice in addressing health and safety risks from any new cleaner, non-fossil fuel facilities. This means requiring a public process and conditional use approach for these facilities; and finally
- 4) Ensure at a minimum, a conditional use permit and public process for any new cleaner fuel facilities above 60,000 gallons.

Thank you for your work to protect our community.

Sydney

From: [Sharon Kalister](#)
To: [Planning Commission](#)
Subject: Fossil Fuel Ordinance
Date: Saturday, September 10, 2022 8:05:35 AM

[You don't often get email from sharonkalister@yahoo.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

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

Thank you for your work to protect community health and safety from new and expanded fossil fuel facilities. As you finalize the details of this critical ordinance I urge you to go for option A and focus on banning new and expanded large-scale fossil fuels facilities and on ensuring a thorough and transparent 'conditional use permit' review process for any changes at these facilities and any new 'cleaner' facilities.

Our fossil fuel ordinance seeks to protect the health and safety of the community members hardest hit by the pollution from industry and from our fossil fuel economy. This ordinance should address this problem and clearly ban new and expanded fossil fuel terminals storage and handling facilities, as outlined by Option A.

The ordinance should also use the conditional use permit process, as well as strong special use requirements including seismic upgrades, spill prevention, fire response plans, and financial assurance.

I support the city's work to address climate change through the Climate Action Framework and urge the city to continue to move this forward. Any reference or inclusion of cleaner facilities in this code should require a conditional use permit process and ensure that public health and safety issues related to these types of new facilities are included.

I urge you to:

- 1) Continue to champion and ultimately pass the strong fossil fuel ordinance which centers community health, safety, and environmental justice, with preference for Option A;
- 2) Follow staff's recommendation that existing fuel terminals obtain a conditional use permit before converting facilities to cleaner fuels and expanding storage for non-fossil fuels; and
- 3) Allow communities with high levels of pollution to have a voice in addressing health and safety risks from any new cleaner, non-fossil fuel facilities. This means requiring a public process and conditional use approach for these facilities; and finally
- 4) Ensure at a minimum, a conditional use permit and public process for any new cleaner fuel facilities above 60,000 gallons.

Thank you for your work to protect our community.

Sharon Kalister

Sent from my iPhone

From: ssilvey643@aol.com
To: [Planning Commission](#)
Subject: Citizen Communication
Date: Saturday, September 10, 2022 2:21:23 PM
Attachments: [Binder2.pdf](#)

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

To: Planning Commission

RE: Proposed Use and Development Standards for Fossil Fuel Storage and handling Facilities

8 September 2022

Sirs,

I am opposed to your changes, and have attached some notes/comments to the various papers in the meeting package, also data in regards to what was use to base the moratorium. Given that climate is what is discussed, than world population, deforestation, and climate/earth cycles should be reviewed as it is not just one thing as presented in this code change proposal.

I find the changes of the **code "Proposed Use and Development Standards for Fossil Fuel Storage and handling Facilities"** that the language used to be vague and it concerns me. The other issue is the general lack of trust I have for the planning department (prior history of issues) in that without defined definition there is confusion, and personnel preference seems to intercede. This is not good for anyone let alone industry which must move though all the permitting and planning, as it creates confusion. It appears that sources of information might be bias, and some data such as that of Hydrogen being widely available in California is false (see notes). Thus while all are under a time limit it is critical to have answers as to the unintended consequences of your actions, and not just make history as one of the contributors has stated in their email blasts.

Doing what is good and sound for the community is important, but looking at the impact overall is too. Does this action create jobs, eliminate jobs, cost folks in tax or additional expense, and make our community better or worse? Is this a situation of "not in my backyard?" but it is okay to put in someone else's? If in fact something

changes course in the future are we now locked out of participating, and or benefiting due to this action. If in fact the data used to move to this past moratorium and current change is based on only a small portion of an issue, then is it correct to move forward?

Thank you for your consideration

Sincerely,

Steven Silvey

Attachments: Binder 2. PDF (comments to Proposed Use and Development Standards for Fossil Fuel Storage and handling Facilities)

Comments/ notes:

Page 2	Review of Proposed Use and Development standards for Fossil fuels storage and handling
Page 4	Notes general all
Page 6	Comments to Per the SEPA dated 22 August 2022
Page 7	comments Juliana v. United States
Page 10	Issues with basing things on only one source
Page 10	How does Population Growth impact Climate Change?
Page 12	Moving to electric
Page 13	Population in the World
Page 14	Temperature vs time...

Proposed Use and Development standards for Fossil fuels storage and handling

Review of:

Page 2 of 11

Existing bulk Fossil Fuel storage:

While talking about where located, were any of the zones changed and if so when? As with any progression, development things were built in an area that allowed, and over time as new knowledge was gained, possible issues are brought to light. Further as times change and demands change population growth consumes what was industrial or agricultural lands of the past, with all the inherent unforeseen issues of prior use and or future development.

Page 3 of 11

Bullet point 1: New bulk facilities would be prohibited...

Thus where does a growing population get its energy? Fuels and or green fuels?

Bullet point 3: Could be expanded up to 15% if....

What is considered a cleaner fuel?

Bullet point 4: Small fossil fuel storage...

Why are they allowing them to build on unstable land? Is that not a point made previously

Bullet point 5: As a possible option New Cleaner fuels facilities may be.....

So a hydrogen plant is allowed? Even though it is very explosive, and flammable? All very vague

III Summary:

It is interesting when trying to reference the VMC that the subsection is not listed but only the general, somewhat like saying it's in the encyclopedia, and exhibit A is lacking.

The use of stating that methane a result of degradation and compose of organic materials is to be considered a petroleum product is somewhat perplexing, especially when it is 10 plus times more harmful as a green house gas. (Mentioned in section 2 A) should be used in bio-gas generation.

- A. I find it interesting that a term such as bulk crude can be changed to bulk fossil fuel, when in fact crude is not necessary yet fuel, or that a definition of a term gets changed.
- B. New definition of cleaner fuels, to include gaseous or liquid produced from renewable sources, what are these definitions?

E and F... if in fact this is changed does it eliminate it from the code as to an essential facility

Page 4 of 11

Q: The question would be are other codes changing to where a house may not be built closer than 1000 feet from an industrial site? While it is all well that new plants are limited, by this code they are banned, but nowhere is it stated that a new housing or retail development may not be built closer than 1000 feet,

Page 6 of 11

Equity,

While this is interesting the question not asked are these home owner occupied or rented? Also though it sounds racist what has been the history of peoples living in this area? Was it due to affordability, and or ethnicity and or that in the past one could walk to work from there?

Page 9 of 11

Option B... Statement that hydrogen fuel is widely available and used in California... Only in Los Angeles and San Francisco metro area.... so not a true statement (see notes end)

Notes:

Why is biogas called none useful and banned? Is not methane a worst contributor to the environment than what is called CO₂? If in fact a biogas facility was built and all the decomposing materials were than producing gas and heat, the result would be this than lowers the effect to the green house gas emissions. Especially since methane is a result of decomposition and is 10 plus times more harmful green house gas. Yet this change now seems to ban these types of facilities and expansion into these facilities.

Since in fact the use of term in general if protection of fish, I have yet to see the city or federal government implement standards of capturing bilge from ships, which carry contamination and also invasive species into our environment.

The other aspect not address is the quality of life, in that this is a direct elimination of tax revenues, employment opportunity, and technologies advancement as to building facilities which are better than most and contained from the get go.

Having dealt with a simple issue for over 2 plus years with the planning and building departments of the city of Vancouver, and they're not addressing the issue of no building permits, and the fact that things are out of specification, when a COA states that all is in compliance yet is not and no resolution from the various departments, I can only imagine the issues that shall ensue if this change is made and it is not correctly spelled out.

If in fact there is a concern, should it not be what we do for all of mankind? That seems to be the view some take, though do not say in their narrow view of not in my back yard. What is meant by this is that if the coal shipped from a port is cleaner burning (though still not good) but would lower green house gas emission is this not the right direction? Even in the short term? If in fact we had the liquefied gas facilities and could ship would this not help Europe currently and prevent firing of brown coal plants to produce energy?

A transition occurs with planning and foresight not with outright bans and no solutions to current and future demands. Since in fact there is no bubble over the city of Vancouver or the state or the whole of the USA, we are part of a broader world, and given that the population of the USA is only about 4% of the world, and that of city of Vancouver is only 2% of WA state which is 2.2% of the USA population, what is it that we are effecting? If in fact these effect the economic viability of people in the city and region then they leave, which then results in less tax revenue for city and it population least not city employees.

Hydrogen in california

<https://cafcg.org/stationmap>

<https://www.energy.ca.gov/data-reports/energy-almanac/zero-emission-vehicle-and-infrastructure-statistics/hydrogen-refueling>

<https://californiahydrogen.org/resources/hydrogen-faq/#S51>

Note that do not cover California as a whole and many not built and some closed, based on population not very many.

Given that 100 stations well support 68,000 cars, does Vancouver need 200 stations? " In California, 100 stations are planned to be funded by 2022, which would support 68,000 cars."

How will the cost of hydrogen compare to gasoline?

Based on current analysis, the cost of hydrogen will be comparable to gasoline, on a per-mile basis. As infrastructure develops and volumes increase, costs will further decrease and hydrogen will be cheaper than gasoline. Currently, a kg of hydrogen costs between \$10 and \$17 at California hydrogen stations, which equals about \$5 to \$8.50 per gallon of gasoline, however, manufacturers include free hydrogen fuel for several years when selling FCEVs.

<https://climate-xchange.org/2021/09/17/driving-the-toyota-mirai-my-hydrogen-fuel-cell-car-experience/>

Comments specific:

Per the SEPA dated 22 August 2022

Summary of Proposed Code Changes

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

The above summary is broad and not correct for the actions to be taken by this change to the code change.

The outright ban of something does not do away with exposure or risk but transfers that exposure and risk to a broader area. It states risk, but in truth it bans all, current and future storage, processing and new developments within the city.

An example is that of a tanker truck which is involved in an accident and leaks into the environment, this all due to the fact that they are driving more miles to deliver goods on public roads, since local sources are not available. Where as local facilities which are maintained and under the rules and regulations can be monitored, and transport is less miles to end consumer. Further, fewer miles driven may equal less green house gas emissions.

If in fact the risk for fire is such a concern, then why has the planning commission allowed any heavy industry to build in the unstable lands that are allocated to heavy industry? Why from an environmental standpoint has the port even been allowed, being that it is all built on unstable ground? How many fires and explosions have occurred over the history of the storage of fuels in Vancouver? Whom was in the area first, the industry or the houses and community?

As one looks to energy transition one does not change overnight or flip a switch but over years, and with foresight, that foresight is lacking in these general code comments and definitions.

The comment about preserving fish and wildlife habitat, might be interrupted as no new building, no growth of population, and or use of resources available to all. Since it is evident that windmills kill birds and are allowed to, even eagles, why is there a difference to a bulk fuel plant and or facilities?

Andrew D. Hurwitz, Circuit Judge authoring the majority opinion of *Juliana v. United States*,

While this is quoted in exhibit A, and is the cities basis, the results of the case "In January 2020, a [Ninth Circuit](#) panel dismissed the case on the grounds that the plaintiffs lacked standing to sue for an injunction. On February 10, 2021, the *en banc* Ninth Circuit issued an order without written dissents denying the appeal. As of May 2022, the case is awaiting the district court's ruling on plaintiffs' motion for leave to amend their complaint."

In regards to the above case; If in fact the use of petroleum is to be banned as some wish, how is one to get to the destination, and enjoy said recreational facilities? Was not the expansion of civilization due to the use of oil and as a cheaper cost to other types of fuel, if in fact oil is stopped do we go back to killing whales for their oil, and render down other animals for all they are worth. Do we cut the trees and destroy buildings for fuel to burn so as to cook and heat?

If in fact petroleum and it off shoots are banned, i.e. does that not affect agriculture and production of food for the masses that now live within the cities and do not grow their own?

If in fact this is the bases of the ban that the city now wants, then:

- a- How do they feed the masses?
- b- When death by starvation results whom is to blame?
- c- Given that the USA is only 4% of the world's populations; does our starving and elimination end the perceived notion of climate change? This is not to say the climate is not changing, as in geological sense it is a constant change, though current thoughts and screaming is but looking at a very small portion.
 - a. This can be explained by finding cold blooded creatures such as dinosaurs (fossils) in northern climates along with palm fossils etc.
- d- While the results of a reduced population are less demands on the environment, and thus less increase in CO2 equivalents, it is also less social development and tax dollars.
- e- If in fact one studies history and a people such as the Mayan's what happened? Was it not a major draught that is thought to have lead to the elimination of their cities and so forth as was recently presented on OPB. Are we to call this climate change, as it was an event?

So why is it that the city brings forth in their wording cases which were dismissed but one point allows them to say see it was proved. Where is the dissent and debate? Where is the actual data? While this case was on petroleum basically, why was not deforestation, palm destruction not brought up, and that of population growth with the world, all of which have effects?

If the trapping of modern society are not what the city wants then lead the way by example, back to horse and wagon, no electricity, and start up the burning of wood, and see the results of all the smoke and pollution due to particulates, does no one remember the gorge fire and others which impacted this area? Maybe new steel and iron foundries can be built so as to revive the industry

that was once here for the manufacture of stoves to burn the wood and cook, thus resulting in the transport of ore, coal and minerals, the smoke and pollution of the furnace.

It is called change, but it is not without planning and having an alternative available that is better, and cleaner, not only in your house but your neighbors too, meaning another state, or country since no one is under a bubble. But to ban based on one case, that was not won, but that a non technical jurist states they proved their case, is a bit confusing, since quality of life is a personnel thing and not a responsibility of society to an individual, as display by recent political actions untaken.

<https://www.jonesday.com/en/insights/2020/01/ninth-circuit-dismisses-climate-change-lawsuit>

Ninth Circuit Dismisses Major Climate Change Lawsuit Against the Federal Government

Court rejects request for extraordinary relief in opinion that could prove useful in other climate change litigation.

JANUARY 2020 ALERT

The private sector is increasingly the target of climate change litigation. These lawsuits seek to hold private companies liable for climate change under state public and private nuisance law. Although the most recent wave of litigation generally focuses on whether these cases should be in state or federal court, the Ninth Circuit's recent decision in *Juliana v. United States* illustrates a potential obstacle to pursuing these types of cases in federal court: As a matter of Article III standing, federal courts lack any authority to redress injuries related to climate change.

Juliana was a high-profile case involving 21 young people who sued the federal government, alleging a constitutional due process right to a "climate system capable of sustaining human life." They alleged that the federal government violated that right by permitting, authorizing, and subsidizing the fossil fuel industry's activities despite being aware of alleged risks to the climate. For relief, the plaintiffs sought an order requiring the government to develop a plan to "phase out fossil fuel emissions and drawn down excess atmospheric CO₂." In a 2-1 decision, the Ninth Circuit held that the plaintiffs lacked Article III standing, "even assuming such a broad constitutional right exists."

In the Ninth Circuit's view, "copious expert evidence" established the harms of climate change. The court held that the plaintiffs had established concrete and particularized injuries—for example, by being forced to leave their homes because of water security or flooding. The court further held the causation requirement was satisfied because the injuries were caused by carbon emissions from fossil fuel production, extraction, and transportation. And the court reasoned that there was at least a genuine factual dispute as to whether the government's policies, from subsidizing fossil fuel production to offering drilling permits, constituted a substantial factor in causing the carbon emissions, which, in turn, caused the plaintiffs' injuries.

But the "more difficult question," according to the court, was "whether the plaintiffs' claimed injuries are redressable by an Article III court." On this point, the court held that the plaintiffs' own experts did not show that enjoining the government's activities—i.e., subsidies, leases, or pro-carbon fuel plans—would "suffice to stop catastrophic climate change or even ameliorate [the plaintiffs'] injuries." Reducing "the global consequences of climate change ... calls for no less than a fundamental transformation of this country's energy system, if not that of the industrialized world." As a result, "any effective plan would necessarily require a host of complex policy decisions entrusted, for better or worse, to the wisdom and discretion of the executive and legislative branches." According to the court, courts are ill-suited to supervise such a complex compliance plan.

Key Takeaways

1. The Ninth Circuit dismissed a major climate change lawsuit seeking extraordinary relief against the federal government that would have caused significant disruption to businesses and the economy.

2. The court's causation ruling could be problematic in pending and future climate change cases because the court traced the harms from climate change to carbon emissions.
3. But *Juliana* could prove helpful in pending and future climate change litigation against private defendants where defendants have argued that the plaintiffs' claims present profound justiciability questions that courts are ill-suited to address and instead are best addressed by the elected branches of government.
4. The Ninth Circuit did not decide whether private plaintiffs have a constitutional right to a "climate system capable of sustaining human life."

Issues with basing things on only one source:

When one looks at the complexities of things, and does a comparison, some only focus on the small things,

In reviewing the time to temperature charts one sees that the swings have occurred over time.

In reviewing the time to population, one can see that the worlds population has double plus since the 1960's and is looking to soon triple in numbers to 1960.

So basically like a room full of people if in fact it is doubled and than tripled with occupants the result is a warmer or even hotter room.

If one now adds in deforestation to the mix it has been on an uptick thus less trees to adsorb, plus those lands which are logged now give off methane gas due to decomposition and release of CO2 due to burring and slash and burn efforts in these parts of the world.

<https://ourworldindata.org/deforestation>

<https://ourworldindata.org/deforestation#how-much-deforestation-occurs-each-year>

<https://ourworldindata.org/deforestation#the-world-has-lost-one-third-of-its-forests-but-an-end-of-deforestation-is-possible>

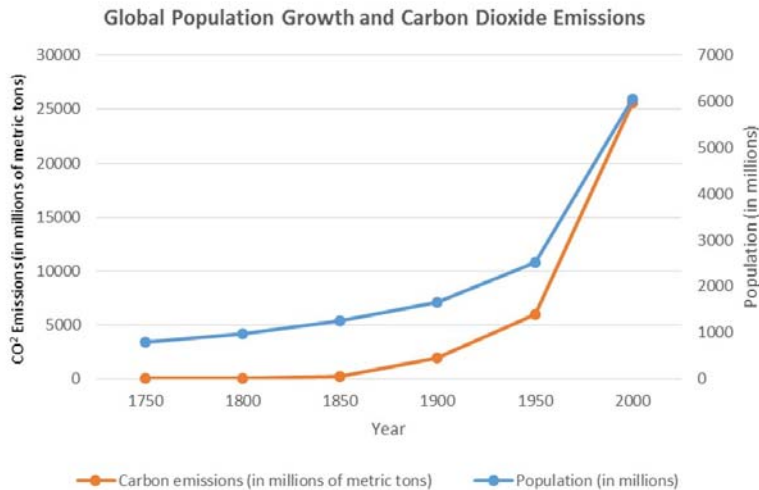
<https://www.timeanddate.com/astronomy/axial-tilt-obliquity.html>

<https://populationeducation.org/how-does-population-growth-impact-climate-change/>

How does Population Growth impact Climate Change?

BY KATIE LUOMA | *November 1, 2016*

In just 50 years, the world's population has more than doubled to over 7.4 billion people. That's more than 7.4 billion bodies that need to be fed, clothed, and kept warm, all requiring a large amount of energy. Alongside this consumption, these 7.4 billion people are also producing vast quantities of waste. Consequently, the demand for energy and the production of waste are significant producers of greenhouse gas emissions that contribute to climate change. The impacts of climate change are significant across the globe and its effects are already beginning to take place in different communities to different degrees.



Rising Seas: As temperatures heat up, seas begin to rise which ultimately threaten low-lying areas, coastal populations, and ecosystems. Rising seas also have the ability to encroach on agricultural lands resulting in soil salinity and other environmental hazards, as well as seep into freshwater sources that people may rely on for their drinking water.

Ecosystems: Many plants and animals live in areas with specific climate conditions, enabling them to survive and flourish. Extreme weather patterns, increases in temperature, and rising seas are already beginning to affect plants and animals, altering their habitat and bringing life-threatening stress and disease.

Agriculture: Although some countries may actually benefit from the changing conditions of increased temperatures and carbon dioxide, climate change is expected to negatively affect crops, livestock, and fisheries in many regions, especially due to changes in the frequency and severity of droughts and floods – ultimately impacting our food supply.

Human Health: Consequences of climate change such as rising sea-levels, extreme weather patterns, and degraded air quality directly and indirectly threaten our health by affecting the food we eat, the water we drink, the air we breathe, and the weather we experience. These impacts will fall disproportionately upon [developing countries and the poorest sectors within all countries](#), thereby exacerbating inequities in health status and access to adequate food, clean water and other resources.

This list is far from exhaustive and there will certainly be more examples of observable climate change impacts in real time in many places. These issues affect us all and it will take significant cooperation to mitigate these challenges. [The World Wildlife Fund](#) states, “We have the knowledge and the technology to reduce our impact on the climate, and ease the pressures on the world’s most vulnerable places, people and wildlife. We just need to make it happen.”

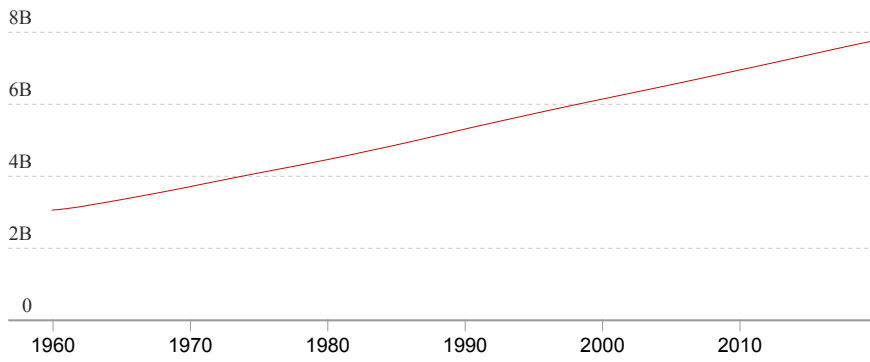
Climate change is one of the topics for the 2016-2017 World of 7 Billion [student video contest](#). For more information on population and climate, check out the contest [background resources](#).

Moving to electric:

Since it appears that it is a pure ban of fossil type storage, distribution etc., (based on a court case) and the mention of all electric future is noted, where does that electricity come from? Does that mean there is no choice? According to WA state **hydro is not green**, wind kills birds, and to go all electric means new mines, manufacturing process centers and so forth must be created. So it is okay to destroy northern Nevada for a mine because it satisfies your needs? What of theirs? Is a copper smelter allowed now? Is our community electrical grid up to charging cars at every home and apartment, meaning running 400 amp services or more? Further how about battery recycling or solar cell recycling since the environment was mentioned in the report... they do contain heavy metals.

https://populationmatters.org/sites/default/files/styles/full_width_image/public/Population%20and%20CO2%20emissions%201750-2015%20%28landscape%29.png?itok=Q4RYIwoB

Population in the World



Data from datacatalog.worldbank.org via Data Commons

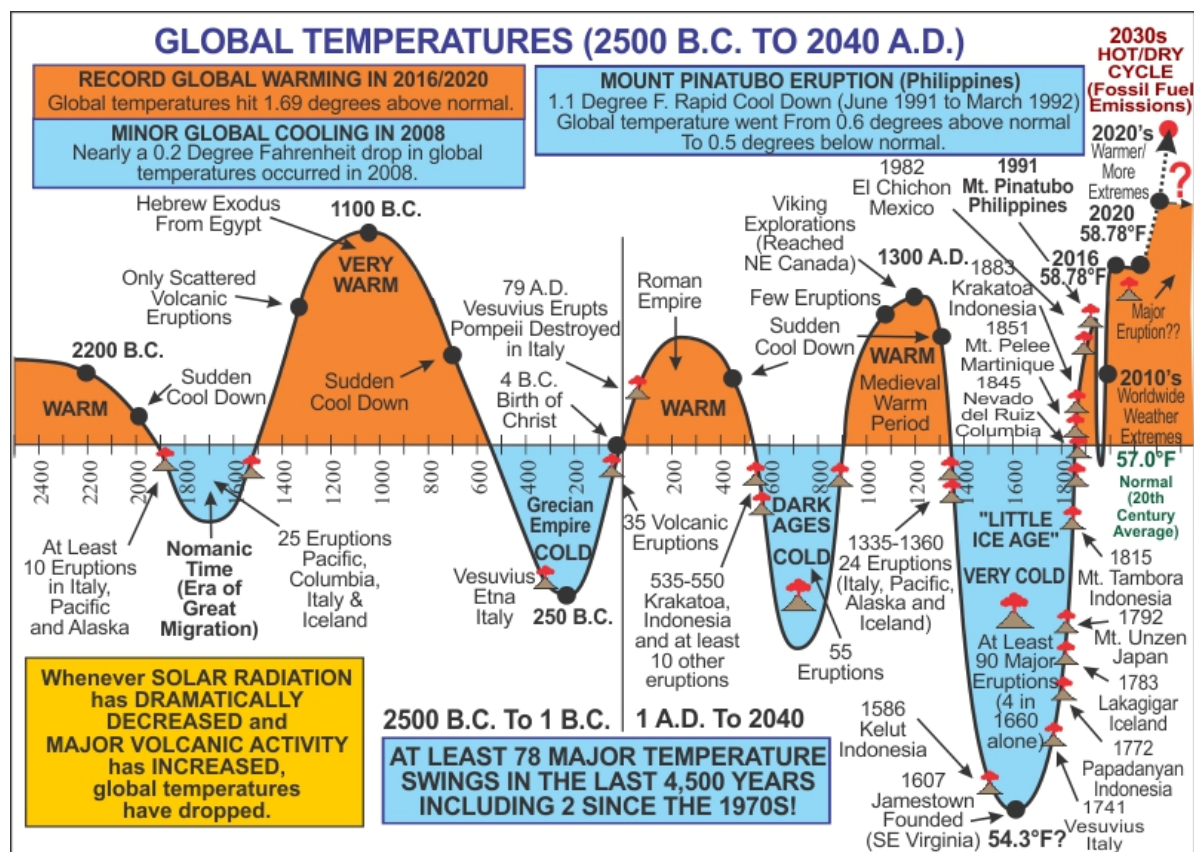
Temperature vs time...

http://www.longrangeweather.com/global_temperatures.htm

Global Temperature Trends From 2500 B.C. To 2040 A.D.

By Meteorologist Randy Mann

Chart Updated: January 10, 2021 and Article updated: May 5, 2022



Until late 2006, global temperatures were more than a degree Fahrenheit warmer when compared to the 20th Century average. From August of 2007 through February of 2008, the Earth's mean temperature dropped slightly to about a half-degree above the 20th Century average of 57 degrees. Since that time, land and ocean readings have rebounded to the highest levels in recorded history in 2016 with a temperature of 58.69 degrees Fahrenheit. As of early 2022, the average global temperature was 2.17 degrees above the average temperature, the 7th warmest in history.

Mankind's activities of the burning of fossil fuels, massive deforestations, the replacing of grassy surfaces with asphalt and concrete, the "Urban Heat Island Effect" and more are creating extensive harmful pollution and leading to the additional warming of our planet. Yes, we believe we should be "going green" whenever and wherever possible. However, some of the long-term warming and cooling of global temperatures may be the result of climatic cycles, solar activity, sea-surface temperature patterns and more.

Our planet seems to be in a cycle of constant change. According to an article by the National Oceanic and Atmospheric Administration (NOAA) on Climate.gov in August, 2014, our planet likely experienced its hottest weather millions of years ago. One period, which was probably the warmest, was during the Neoproterozoic around 600 to 800 million years ago. Approximately 56 million years ago, our planet was in the Paleocene-Eocene Thermal Maximum as global mean temperatures were estimated as high

as 73 degrees Fahrenheit, over 14 degrees above current levels. Ocean sediments and fossils indicate that massive amounts of carbon dioxide were released into the atmosphere.

By contrast, evidence shows there have been at least five major ice ages on Planet Earth. One of the most well-documented and largest, occurred from 850 to 630 million years ago, is called the Cryogenian period. Glacial ice sheets likely reached all the way to the equator producing a "Snowball Earth." Scientists believe that this massive ice age ended due to increased underground volcanic activity and, perhaps, a much warmer solar cycle.

Many scientists believe that the Earth's temperature reached a record level in 2016 was, at least in part, to the very strong El Nino in the waters of the south-central Pacific Ocean that formed in 2015 and the increased greenhouse gases. El Nino is the abnormal warming of ocean waters that often leads to warmer air temperatures and less snowfall during the winter seasons. However, in 2021 and early 2022, there was a moderate La Nina event and low sunspot activity. Despite the event, global temperatures remained near record levels.

In 2007-08, a moderately strong La Nina, the cooler than normal sea-surface temperature event, combined with extremely low solar activity (storms on the sun), resulted in a period of slight global cooling and record snowfalls across many parts of the northern U.S., Europe, Asia and the Former Soviet Union. Some parts of the northern U.S. had over three times their normal snowfalls. The northwestern U.S. reported more heavy snowfalls in the 2008-09 season.

Climate scientists are not completely certain why ocean waters suddenly warm up and cool down over a period of months or years. The warming of sea-surface temperatures may be due, at least in part, to increased underwater volcanic activity or the addition of carbon dioxide into the atmosphere. Researchers are constantly finding new active underwater volcanoes and thermal vents that may be contributing to the warmer temperatures. It's very possible that we'll find more of these thermal vents in the future as over 80 percent of the Earth's oceans haven't been explored or mapped.

Recently, researchers discovered at least three to six times more heat-spewing thermal vents along the seafloors where tectonic plates are pulling apart. In 2003, at least nine hydrothermal vents along the Gakkel Ridge in the Arctic Ocean were found. Arctic ice has been melting at a steady pace in recent years and may be due to the warmer than normal ocean waters. In April 2015, an underwater volcano known as the Axial Seamount, about 300 miles off the coast of Oregon, erupted for a month and added 88 billion gallons of molten rock to the ocean floor.

Since the 1950s, data shows that ocean temperatures have been getting warmer. According to research at the University of Alabama in 2013, climate models indicate "a natural shift to stronger warm El Nino events in the Pacific Ocean might be responsible for a substantial portion of the global warming recorded during the past 50 years." Also, ocean waters have been considerably warmer in recent years, especially in the Arctic regions where readings have been as much as 10 degrees warmer than normal in the late 2010s.

By contrast to the Arctic ice melt largely due to the warmer waters, glaciers were thickening in Antarctica's eastern interior. That portion of the continent was experiencing increased snowfall and had a gain of about 100 billion tons of ice per year from 1991 to 2008. It was recently discovered that heat from the Earth's interior may have contributed to some of the melting in Antarctica. However, there has been loss of glacier mass in Antarctica's western region.

From the late 1940s through the early 1970s, a climate research organization called the Weather Science Foundation of Crystal Lake, Illinois, determined that the planet's warm, cold, wet and dry periods were the result of alternating short-term and long-term climatic cycles. These researchers and scientists also concluded that the Earth's ever-changing climate likewise has influenced global and regional economies, human and animal migrations, science, religion and the arts as well as shifting forms of government and strength of leadership.

Much of this data was based upon thousands of hours of research done by Dr. Raymond H. Wheeler and his associates during the 1930s and 1940s at the University of Kansas. Dr. Wheeler was well-known for his discovery of various climate cycles, including his highly-regarded "510-Year Drought Clock" that he detailed at the end of the "Dust Bowl" era in the late 1930s.

One of the most recent cold periods was "The Little Ice Age," a 500-Year plus span that extended from the early 1300s to the mid-1800s. During that time, there was little solar activity, or solar storms, which scientists refer to as the "Maunder Minimum." There were also numerous volcanic eruptions in the 1800s like Krakatoa and Mt. Tambora. In 1815, Mt. Tambora had a major eruption which was the largest recorded one in human history. The explosion sent thousands of tons of ash and dust into the atmosphere resulting in the lowering of Earth's temperature by several degrees and numerous extremes. The event also led to a "year without a summer" in 1816 across parts of northern Europe and U.S. as snow was reported in each month of the year, including the summer season.

During the early 1970s, our planet was in the midst of a colder and drier weather cycle that led to concerns of another "Little Ice Age." Inflationary recessions and oil shortages led to rationing and long gas lines at service stations worldwide. Since that time, global temperatures have steadily climbed to the levels they are today. But, there were several interruptions of this global warming cycle. In June, 1991, Mt. Pinatubo erupted in the Philippines leading to a temporary drop of about one degree of the Earth's average temperature. In the late 2000s, a strong La Nina and very low solar activity likely helped to slightly lower global temperatures before rebounding in the early 2010s.

The Weather Science Foundation also predicted, based on these various climate cycles, that our planet would turn much warmer and wetter by the early 2000s, resulting in general global prosperity. They also said that we would be seeing widespread weather "extremes." There's little doubt that most of their early predictions came true. In the decade of the 2010s, hundreds of thousands of weather records, more high than low, were broken worldwide. That trend is expected to continue for current decade and beyond.

Dr. Wheeler also discovered that a much warmer and drier climatic cycle affects our planet. The last such "warm and dry" peak occurred in 1930s, around the end of the infamous "Dust Bowl" period. During that time, extreme heat and dryness, combined with a multitude of problems during the "Great Depression," made living conditions practically intolerable.

We believe that were in the next "warm and dry" climatic phase, and it's scheduled to peak around the mid-2030s. It's very possible that we could see an average global temperature rise above 60 degrees during the 2020s. This would be largely due, according to most climate scientists, to the continuation of adding more greenhouse gasses, like carbon dioxide, into the atmosphere. A major volcanic eruption would likely be the one and perhaps only natural event to drop the Earth's temperature.

During the "warm and dry" phases, based on history, there has been minor to major global unrest. In early 2022, droughts have covered much of the western and portions of the central U.S. California reservoirs are around the lowest levels in history, especially in Southern California where a new "megadrought" is likely in place and is already considered to be one of the worst in recent geologic history. Major droughts have also been reported in South America and other countries in the world. Record warmth has also been reported in Siberia in 2021. As temperatures are expected to warm further and many areas are turning drier, we're seeing significant global unrest with increasing chances of major world wars.

Based on current data, this warmer period caused by increased carbon dioxide, cycles and perhaps other unknown factors could produce even hotter and drier weather patterns in the coming decades. We also believe that our prolonged period of wide weather "extremes," the worst in at least 1,000 years, will continue and perhaps become more severe in the years to come. We already had the most named storms (30) in the Atlantic and Caribbean waters in 2020.

We should remember, that the Earth's coldest periods have usually followed excessive warmth. Such was the case when our planet moved from the Medieval Warm Period between 900 and 1300 A.D. to the sudden "Little Ice Age," which peaked in the 17th Century. Since 2,500 B.C., it's estimated that there have been over 70 major climate changes worldwide, including two major changes in just the past 50 years. In terms of upcoming cooling and warming periods, only time will tell.



Global temperature chart was compiled by Climatologist Cliff Harris that combined the following resources:

"Climate and the Affairs of Men" by Dr. Iben Browing.

"Climate...The Key to Understanding Business Cycles...The Raymond H. Wheeler Papers. By Michael Zahorchak
Weather Science Foundation Papers in Crystal Lake, Illinois.

<https://www.visualcapitalist.com/stunning-graphic-earths-temperature-22000-years/>

From: [Ian McCoy](#)
To: [Planning Commission](#)
Subject: Watching You Fossil Fuel Ordinance
Date: Saturday, September 10, 2022 4:46:39 PM

You don't often get email from ianjmccoy@outlook.com. [Learn why this is important](#)

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

Thank you for your work to protect community health and safety from new and expanded fossil fuel facilities. As you finalize the details of this critical ordinance I urge you to go for option A and focus on banning new and expanded large-scale fossil fuels facilities and on ensuring a thorough and transparent 'conditional use permit' review process for any changes at these facilities and any new 'cleaner' facilities.

Our fossil fuel ordinance seeks to protect the health and safety of the community members hardest hit by the pollution from industry and from our fossil fuel economy. This ordinance should address this problem and clearly ban new and expanded fossil fuel terminals storage and handling facilities, as outlined by Option A.

The ordinance should also use the conditional use permit process, as well as strong special use requirements including seismic upgrades, spill prevention, fire response plans, and financial assurance.

I support the city's work to address climate change through the Climate Action Framework and urge the city to continue to move this forward. Any reference or inclusion of cleaner facilities in this code should require a conditional use permit process and ensure that public health and safety issues related to these types of new facilities are included.

I urge you to:

- 1) Continue to champion and ultimately pass the strong fossil fuel ordinance which centers community health, safety, and environmental justice, with preference for Option A;
- 2) Follow staff's recommendation that existing fuel terminals obtain a conditional use permit before converting facilities to cleaner fuels and expanding storage for non-fossil fuels; and
- 3) Allow communities with high levels of pollution to have a voice in addressing health and safety risks from any new cleaner, non-fossil fuel facilities. This means requiring a public process and conditional use approach for these facilities; and finally
- 4) Ensure at a minimum, a conditional use permit and public process for any new cleaner fuel facilities above 60,000 gallons.

Thank you for your work to protect our community.

From: [Peter L. Fels](#)
To: [Planning Commission](#); [City Council](#)
Cc: [Dan Serres](#); [Heidi Cody](#); [Cathryn Chudy](#)
Subject: Fossil Fuel Ordinance
Date: Sunday, September 11, 2022 4:02:32 PM
Attachments: [fossil fuel ordinance letter.pdf](#)

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Please see the attached letter.

Thank you,

Peter Fels
Vancouver

Peter Fels
5121 NW Franklin Street
Vancouver WA 98663
TELEPHONE: (360) 737-3154 • plfels@gmail.com

Sept. 11, 2022

RE: Fossil Fuel Ordinance amendments

Dear Planning Commission and City Council:

For the past few days I have worn a mask while outside and paused my normal running and cycling in order to avoid breathing smoky air. The Air Quality Index has shown dangerous levels of pollutants due to high heat and forest fire smoke.

Two weeks ago, my annual vacation in the Eagle Cap Wilderness area of the Wallow Mountains in eastern Oregon was made miserable by the presence of fire smoke and the potential of evacuation due to nearby wildfires (primarily the Sturgill and Nebo fires). My wife and I have made this trip for over 10 years, but this year the fire danger and conditions were the worst.

Experts tell us that the hotter, dryer climate and increased fire danger are caused by climate change, which is primarily a result of atmospheric warming from humans burning fossil fuels. Even the fossil fuel companies made that conclusion years ago, although they publicly denied it.

There is no doubt that global warming has made the environment less safe and more unhealthy, including here in Vancouver. We do not need to use or store more fossil fuels; we need to reduce and eventually eliminate them as soon as possible.

The fossil fuel industry (WSPA) wants to be able to create more storage with no public review, claiming that stopping more storage creates unspecified environmental harms. Given their history of hiding the truth and outright lying to the public, they have no credibility and you should not believe anything they say.

To avoid harm to public health and safety, I urge you to support the strongest prohibitions on bulk fossil fuel storage and disallow any outright permits. The conditional use process allows for the transparency and public review which your citizens deserve.

Thank you,

s/
Peter Fels

From: [Janet's Mail](#)
To: [Planning Commission](#)
Subject: Fossil Fuel Ordinance
Date: Sunday, September 11, 2022 8:31:05 PM

You don't often get email from gr8tefully@gmail.com. [Learn why this is important](#)

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

Dear Commissioners,

I wish to express my hope that you adopt the strongest possible fossil fuel ordinance. Please do not weaken the original ban on all new fossil fuel facilities.

Vancouver's health, safety, and clean energy future is at stake. New or expanded bulk fossil fuel facilities will endanger our community, which has already experienced decades of disproportionate health and safety impacts from existing infrastructure, especially low-income and BIPOC communities. Vancouver's current large-scale fossil fuel facilities are all at moderate to high risk for liquefaction by earthquake.

A meaningful fossil fuel ordinance must safeguard community safety and health, without loopholes that allow for unnecessary expansions, or poorly understood "cleaner fuels" technologies that create new health, safety, or environmental risks and impacts. Option A is the better option. So called "clean fuels" are still fossil fuels and we no longer have the luxury of extending our use of fossil fuels of any kind. That time has literally gone up in smoke.

Please be brave and be bold. Move us to ward a fossil free future.

Thank you,
Janet Hedgepath
Vancouver, WA

From: [Mike Ellison](#)
To: [Planning Commission](#); [City of Vancouver - Office of the City Manager](#)
Subject: Proposed Use and Development Standards for Fossil Fuel Storage and Handling Facilities
Date: Sunday, September 11, 2022 11:02:20 PM

You don't often get email from 3heartmike@centurylink.net. [Learn why this is important](#)

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

Dear Members of the Vancouver City Council, Members of the Planning Commission, and Staff:

As a 60-year resident of Vancouver I want to thank you for your work to protect community health and safety from new and expanded fossil fuel facilities. As a retired science educator with an environmental science background, I believe that your decisions to prevent some large very dangerous fossil fuel bulk facilities to be located at the Port of Vancouver have been very wise and have protected our community. The downtown core is a much-valued part of my life and I am grateful.

There are also many threats from climate change that require a transition away from fossil fuels. As a resident, and a homeowner, these are of great concern for me. So, I have been reviewing your Proposed Use and Development Standards for Fossil Fuel Storage and Handling Facilities. I have also been reviewing recommendations by some of the local environmental advocacy groups that I respect. My comments here include some of the comment language they have proposed when I agree with it. It is important to me that you continue to move this work forward and ensure that this policy centers frontline communities already facing disparate environmental health and safety impacts created by fossil fuel facilities.

As you finalize the details of this critical ordinance, I urge you to focus on banning new and expanded large-scale fossil fuels facilities and on ensuring a thorough and transparent "conditional use permit" review process for any changes at these facilities and any new "cleaner" facilities.

Our fossil fuel ordinance seeks to protect the health and safety of the community members hardest hit by the pollution from industry and from our fossil fuel economy. I am finding it difficult to choose between recommending Option A or B in the draft to be presented by city staff at tomorrow's workshop to the Council.

The environmental justice considerations are extremely important. This argues for using the conditional use permit process, as well as strong special use requirements including seismic upgrades, spill prevention, fire response plans, and financial assurance. The first 3 of these are especially important in the case of hydrocarbon fuels that are from feedstocks that lower their overall carbon emissions. Their toxicity argues for the strictest standards to protect frontline neighborhoods. These fuels must also meet very rigorous analysis to be satisfied that they really have a lower carbon footprint.

Hydrogen, on the other hand, has less toxicity, but shares the same carbon footprint concern. Hydrogen from electrolysis powered by wind or solar should be cleaner than that sourced from fossil (often called 'natural' gas).

While these health and public safety concerns of these 'cleaner' fuels warrants caution, the need to quickly transition to lower carbon fuels to reduce the intensity of climate change is also of great concern to our community. This argues for larger cleaner fuel facilities as in Option B, but there must be great caution built in to assess clean air and spill prevention and amelioration from an equity perspective. And cleaner fuels must clearly reduce lifecycle carbon emissions.

I support the City's work to address climate change through the Climate Action Framework and urge the City to continue to move this forward. Any reference or inclusion of cleaner facilities in this code should require a conditional use permit process and ensure that public health and safety issues related to these types of new cleaner facilities are included.

I urge you to:

- a. Only allow larger fuel facilities as in Option B if they can be proven to reduce carbon emissions and meet the strictest health and safety standards AND must be shown to create carbon emission reductions on a timescale that justifies the infrastructure investment, so that we are not locked into out-of-date facilities that ultimately slow our carbon emissions;
- b. Follow staff's recommendation that existing fuel terminals obtain a conditional use permit before converting facilities to cleaner fuels and expanding storage for non-fossil fuels;
- c. Allow communities with high levels of pollution to have a voice in addressing health and safety risks from any new cleaner, non-fossil fuel facilities. This means requiring they have a public process and conditional use approach for these facilities; and finally
- d. Ensure at a minimum, a conditional use permit for any new cleaner fuel facilities above 60,000 gallons.

I am grateful that you are tackling these challenging, but consequential decisions.

Sincerely,
Mike Ellison
4303 NE 14th Ave
Vancouver, WA 98663

Sept 12, 2022

Heidi Cody
1506 SE Court
Vancouver WA 98664

Planning Commission and City Council
City of Vancouver

Dear Planning Commission and City Council,

Today I am writing you a personal letter. I have been following the City's fossil fuel moratorium/ordinance process for some time now. Thank you for your ongoing efforts to pass an enforceable, strong ordinance. My personal opinion is that simpler is better for the ordinance, because if the fossil fuel industry can game it, they will.

I watched the City of Portland try to defend itself against new fossil fuel infrastructure after passing a no new fossil fuel infrastructure policy. Zenith Energy, a defunct asphalt facility, leveraged a loophole in Portland's policy, and was able to vastly increase throughput of fossil fuels, using existing infrastructure, transloading directly onto more and more trains, without adding new buildings or storage. This cost the City of Portland a lot of money and resources.

Vancouver should learn from Portland's misadventure. If you're not convinced, just go outside and smell the smoke in the air. Look directly at the hot pink-orange sun. It is time to drastically change how we are living. It is time for an ambitious Leading Edge Climate Action Framework, and a simple, targeted ordinance against new or expanded bulk fossil fuel infrastructure.

If the City is not going to keep the ordinance simple, which is Option A, I ask that you proceed with extreme caution with Option B. Conditional use permitting should be in place for everything new. I have two reasons for requesting this:

1. New cleaner fuels are emerging technologies. Some might argue that with a little research, we'll understand them better and be able to greenlight them. Perhaps. On the other hand, this view assumes that available information and marketing is on the up-and-up. But as my research into renewable natural gas (RNG) and NW Natural's Smart Energy program showed me, RNG is supported by a lot of marketing blather, and very little reliable information.

Did you know there are blue, green, grey, brown, pink and turquoise versions of hydrogen fuels? This article by the Sierra Club [Hydrogen: Future of Clean Energy or a False Solution?](#) covers some of them. While "cleaner" and "step-down" fuels are an

important step towards a green energy future, the cleaner fuels category is broad. The inclusion of the “cleaner fuels” category complicates this ordinance, which has already been stopped once by the oil industry. Cleaner fuels aren’t automatically safe or cost-efficient, just because they’re not fossil fuels.

I have a friend who works as a Regulatory Analyst in Attorney General Bob Ferguson’s office. He told me last week that his work has shown him hydrogen is not cost-efficient right now, though it could be effective in hard to electrify sectors. Putting in infrastructure for speculative fuel technologies may not pay off. Does building new infrastructure for a fuel that’s not cost-effective make sense? Does that type of investment make sense at our Port, or in Fruit Valley? These are valid considerations.

2. Vancouver has six bulk fossil fuel facilities already. They are all on land which is at moderate to high risk for liquefaction in an earthquake, either on Port property or in the Fruit Valley neighborhood. Fruit Valley, which is largely BIPOC and low-income, is already overburdened by air pollution, proximity to existing fossil fuel infrastructure, and seismic risk. Exposing these already marginalized communities to even more risk deserves a built-in public process. The folks who live there must be allowed to weigh in on proposed new fuel facilities of any kind or size. Would you like to live by these projects?

The original intent of the moratorium is to protect community health and safety. I am concerned that this crucial focus is getting lost, as considerations for industry threaten to weaken the ordinance. I realize there is pressure from all sides on this issue. Thank you for your work, and for your consideration of input from the public.

Sincerely,

A handwritten signature in black ink, appearing to read "Heidi Cody". The signature is fluid and cursive, with the first name "Heidi" and last name "Cody" clearly distinguishable.

Heidi Cody

From: [Heidi Cody](#)
To: [Planning Commission](#); [City Council](#)
Subject: Letter re: fossil fuel ordinance for meeting 9.13.22
Date: Monday, September 12, 2022 11:04:28 AM
Attachments: [HCody_Ordinanceltr.9.12.22.pdf](#)

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Dear Planning Commission and City Council

Attached, please find my comments about the fossil fuel ordinance. Thank you for your work.

Sincerely,
Heidi Cody

--

Strategic Coordinator for SWWA | Stand Up to Oil Coalition
Secret Agent Toothpaste | Climate Toothpaste
Sparkle with #climatetoothpaste. I do. climatetoothpaste.com #greennewdeal

From: [William Sneiderwine](#)
To: [Planning Commission](#)
Subject: Establish a Strong and Clear Fossil Fuel Ordinance
Date: Monday, September 12, 2022 1:27:12 PM

You don't often get email from william.sneiderwine.562180873@p2a.co. [Learn why this is important](#)

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Dear Planning Commission City of Vancouver,

Thank you for your work to protect community health and safety from new and expanded fossil fuel facilities. As you finalize the details of this critical ordinance, I urge you to focus on banning new and expanded large-scale fossil fuels facilities and on ensuring a thorough and transparent 'conditional use permit' review process for any changes at these facilities and any new 'cleaner' facilities.

Our fossil fuel ordinance seeks to protect the health and safety of the community members hardest hit by the pollution from industry and from our fossil fuel economy. This ordinance should address this problem and clearly ban new and expanded fossil fuel terminals storage and handling facilities, as outlined by Option A.

The ordinance should also use the conditional use permit process, as well as strong special use requirements including seismic upgrades, spill prevention, fire response plans, and financial assurance.

I support the city's work to address climate change through the Climate Action Framework and urge the city to continue to move this forward. Any reference or inclusion of cleaner facilities in this code should require a conditional use permit process and ensure that public health and safety issues related to these types of new facilities are included.

I urge you to:

- 1) Continue to champion and ultimately pass the strong fossil fuel ordinance which centers community health, safety, and environmental justice, with preference for Option A;
- 2) Follow staff's recommendation that existing fuel terminals obtain a conditional use permit before converting facilities to cleaner fuels and expanding storage for non-fossil fuels; and
- 3) Allow communities with high levels of pollution to have a voice in addressing health and safety risks from any new cleaner, non-fossil fuel facilities. This means requiring a public process and conditional use approach for these facilities; and finally
- 4) Ensure at a minimum, a conditional use permit and public process for any new cleaner fuel facilities above 60,000 gallons.

Thank you for your work to protect our community.

Regards,
William Sneiderwine
14901 SE Sunpark Dr
Vancouver, WA 98683

From: [Richard Osmun](#)
To: [Planning Commission](#)
Subject: Establish a Strong and Clear Fossil Fuel Ordinance
Date: Monday, September 12, 2022 1:27:09 PM

You don't often get email from richard.osmun.562188659@p2a.co. [Learn why this is important](#)

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

Dear Planning Commission City of Vancouver,

Thank you for your work to protect community health and safety from new and expanded fossil fuel facilities. As you finalize the details of this critical ordinance, I urge you to focus on banning new and expanded large-scale fossil fuels facilities and on ensuring a thorough and transparent 'conditional use permit' review process for any changes at these facilities and any new 'cleaner' facilities.

Our fossil fuel ordinance seeks to protect the health and safety of the community members hardest hit by the pollution from industry and from our fossil fuel economy. This ordinance should address this problem and clearly ban new and expanded fossil fuel terminals storage and handling facilities, as outlined by Option A.

The ordinance should also use the conditional use permit process, as well as strong special use requirements including seismic upgrades, spill prevention, fire response plans, and financial assurance.

I support the city's work to address climate change through the Climate Action Framework and urge the city to continue to move this forward. Any reference or inclusion of cleaner facilities in this code should require a conditional use permit process and ensure that public health and safety issues related to these types of new facilities are included.

I urge you to:

- 1) Continue to champion and ultimately pass the strong fossil fuel ordinance which centers community health, safety, and environmental justice, with preference for Option A;
- 2) Follow staff's recommendation that existing fuel terminals obtain a conditional use permit before converting facilities to cleaner fuels and expanding storage for non-fossil fuels; and
- 3) Allow communities with high levels of pollution to have a voice in addressing health and safety risks from any new cleaner, non-fossil fuel facilities. This means requiring a public process and conditional use approach for these facilities; and finally
- 4) Ensure at a minimum, a conditional use permit and public process for any new cleaner fuel facilities above 60,000 gallons.

Thank you for your work to protect our community.

Regards,
Richard Osmun
2726 NW Valley St
Camas, WA 98607

From: [Annie Palmer](#)
To: [Planning Commission](#)
Subject: Establish a Strong and Clear Fossil Fuel Ordinance
Date: Monday, September 12, 2022 1:27:07 PM

You don't often get email from annie.palmer.571300095@p2a.co. [Learn why this is important](#)

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

Dear Planning Commission City of Vancouver,

Thank you for your work to protect community health and safety from new and expanded fossil fuel facilities. As you finalize the details of this critical ordinance, I urge you to focus on banning new and expanded large-scale fossil fuels facilities and on ensuring a thorough and transparent 'conditional use permit' review process for any changes at these facilities and any new 'cleaner' facilities.

Our fossil fuel ordinance seeks to protect the health and safety of the community members hardest hit by the pollution from industry and from our fossil fuel economy. This ordinance should address this problem and clearly ban new and expanded fossil fuel terminals storage and handling facilities, as outlined by Option A.

The ordinance should also use the conditional use permit process, as well as strong special use requirements including seismic upgrades, spill prevention, fire response plans, and financial assurance.

I support the city's work to address climate change through the Climate Action Framework and urge the city to continue to move this forward. Any reference or inclusion of cleaner facilities in this code should require a conditional use permit process and ensure that public health and safety issues related to these types of new facilities are included.

I urge you to:

- 1) Continue to champion and ultimately pass the strong fossil fuel ordinance which centers community health, safety, and environmental justice, with preference for Option A;
- 2) Follow staff's recommendation that existing fuel terminals obtain a conditional use permit before converting facilities to cleaner fuels and expanding storage for non-fossil fuels; and
- 3) Allow communities with high levels of pollution to have a voice in addressing health and safety risks from any new cleaner, non-fossil fuel facilities. This means requiring a public process and conditional use approach for these facilities; and finally
- 4) Ensure at a minimum, a conditional use permit and public process for any new cleaner fuel facilities above 60,000 gallons.

Thank you for your work to protect our community.

Regards,
Annie Palmer
SE 11th Ave
Camas, WA 98607

From: [Rebecca Sellers](#)
To: [Planning Commission](#)
Subject: Establish a Strong and Clear Fossil Fuel Ordinance
Date: Monday, September 12, 2022 1:27:04 PM

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

Dear Planning Commission City of Vancouver,

Thank you for your work to protect community health and safety from new and expanded fossil fuel facilities. As you finalize the details of this critical ordinance, I urge you to focus on banning new and expanded large-scale fossil fuels facilities and on ensuring a thorough and transparent 'conditional use permit' review process for any changes at these facilities and any new 'cleaner' facilities.

Our fossil fuel ordinance seeks to protect the health and safety of the community members hardest hit by the pollution from industry and from our fossil fuel economy. This ordinance should address this problem and clearly ban new and expanded fossil fuel terminals storage and handling facilities, as outlined by Option A.

The ordinance should also use the conditional use permit process, as well as strong special use requirements including seismic upgrades, spill prevention, fire response plans, and financial assurance.

I support the city's work to address climate change through the Climate Action Framework and urge the city to continue to move this forward. Any reference or inclusion of cleaner facilities in this code should require a conditional use permit process and ensure that public health and safety issues related to these types of new facilities are included.

I urge you to:

- 1) Continue to champion and ultimately pass the strong fossil fuel ordinance which centers community health, safety, and environmental justice, with preference for Option A;
- 2) Follow staff's recommendation that existing fuel terminals obtain a conditional use permit before converting facilities to cleaner fuels and expanding storage for non-fossil fuels; and
- 3) Allow communities with high levels of pollution to have a voice in addressing health and safety risks from any new cleaner, non-fossil fuel facilities. This means requiring a public process and conditional use approach for these facilities; and finally
- 4) Ensure at a minimum, a conditional use permit and public process for any new cleaner fuel facilities above 60,000 gallons.

Thank you for your work to protect our community.

Regards,
Rebecca Sellers
3609 NW Knapp Ln
Camas, WA 98607

From: [Doris Raspa](#)
To: [Planning Commission](#)
Subject: Establish a Strong and Clear Fossil Fuel Ordinance
Date: Monday, September 12, 2022 1:27:03 PM

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

Dear Planning Commission City of Vancouver,

Thank you for your work to protect community health and safety from new and expanded fossil fuel facilities. As you finalize the details of this critical ordinance, I urge you to focus on banning new and expanded large-scale fossil fuels facilities and on ensuring a thorough and transparent 'conditional use permit' review process for any changes at these facilities and any new 'cleaner' facilities.

Our fossil fuel ordinance seeks to protect the health and safety of the community members hardest hit by the pollution from industry and from our fossil fuel economy. This ordinance should address this problem and clearly ban new and expanded fossil fuel terminals storage and handling facilities, as outlined by Option A.

The ordinance should also use the conditional use permit process, as well as strong special use requirements including seismic upgrades, spill prevention, fire response plans, and financial assurance.

I support the city's work to address climate change through the Climate Action Framework and urge the city to continue to move this forward. Any reference or inclusion of cleaner facilities in this code should require a conditional use permit process and ensure that public health and safety issues related to these types of new facilities are included.

I urge you to:

- 1) Continue to champion and ultimately pass the strong fossil fuel ordinance which centers community health, safety, and environmental justice, with preference for Option A;
- 2) Follow staff's recommendation that existing fuel terminals obtain a conditional use permit before converting facilities to cleaner fuels and expanding storage for non-fossil fuels; and
- 3) Allow communities with high levels of pollution to have a voice in addressing health and safety risks from any new cleaner, non-fossil fuel facilities. This means requiring a public process and conditional use approach for these facilities; and finally
- 4) Ensure at a minimum, a conditional use permit and public process for any new cleaner fuel facilities above 60,000 gallons.

Thank you for your work to protect our community.

Regards,
Doris Raspa
10500 NE 51st Cir
Vancouver, WA 98682

From: [Nancy Gleim](#)
To: [Planning Commission](#)
Subject: Establish a Strong and Clear Fossil Fuel Ordinance
Date: Monday, September 12, 2022 1:27:00 PM

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

Dear Planning Commission City of Vancouver,

Thank you for your work to protect community health and safety from new and expanded fossil fuel facilities. As you finalize the details of this critical ordinance, I urge you to focus on banning new and expanded large-scale fossil fuels facilities and on ensuring a thorough and transparent 'conditional use permit' review process for any changes at these facilities and any new 'cleaner' facilities.

Our fossil fuel ordinance seeks to protect the health and safety of the community members hardest hit by the pollution from industry and from our fossil fuel economy. This ordinance should address this problem and clearly ban new and expanded fossil fuel terminals storage and handling facilities, as outlined by Option A.

The ordinance should also use the conditional use permit process, as well as strong special use requirements including seismic upgrades, spill prevention, fire response plans, and financial assurance.

I support the city's work to address climate change through the Climate Action Framework and urge the city to continue to move this forward. Any reference or inclusion of cleaner facilities in this code should require a conditional use permit process and ensure that public health and safety issues related to these types of new facilities are included.

I urge you to:

- 1) Continue to champion and ultimately pass the strong fossil fuel ordinance which centers community health, safety, and environmental justice, with preference for Option A;
- 2) Follow staff's recommendation that existing fuel terminals obtain a conditional use permit before converting facilities to cleaner fuels and expanding storage for non-fossil fuels; and
- 3) Allow communities with high levels of pollution to have a voice in addressing health and safety risks from any new cleaner, non-fossil fuel facilities. This means requiring a public process and conditional use approach for these facilities; and finally
- 4) Ensure at a minimum, a conditional use permit and public process for any new cleaner fuel facilities above 60,000 gallons.

Thank you for your work to protect our community.

Regards,
Nancy Gleim
313 Charlotte Way
Vancouver, WA 98664

From: [Susan Kiplinger](#)
To: [Planning Commission](#)
Subject: Establish a Strong and Clear Fossil Fuel Ordinance
Date: Monday, September 12, 2022 1:26:57 PM

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

Dear Planning Commission City of Vancouver,

Thank you for your work to protect community health and safety from new and expanded fossil fuel facilities. As you finalize the details of this critical ordinance, I urge you to focus on banning new and expanded large-scale fossil fuels facilities and on ensuring a thorough and transparent 'conditional use permit' review process for any changes at these facilities and any new 'cleaner' facilities.

Our fossil fuel ordinance seeks to protect the health and safety of the community members hardest hit by the pollution from industry and from our fossil fuel economy. This ordinance should address this problem and clearly ban new and expanded fossil fuel terminals storage and handling facilities, as outlined by Option A.

The ordinance should also use the conditional use permit process, as well as strong special use requirements including seismic upgrades, spill prevention, fire response plans, and financial assurance.

I support the city's work to address climate change through the Climate Action Framework and urge the city to continue to move this forward. Any reference or inclusion of cleaner facilities in this code should require a conditional use permit process and ensure that public health and safety issues related to these types of new facilities are included.

I urge you to:

- 1) Continue to champion and ultimately pass the strong fossil fuel ordinance which centers community health, safety, and environmental justice, with preference for Option A;
- 2) Follow staff's recommendation that existing fuel terminals obtain a conditional use permit before converting facilities to cleaner fuels and expanding storage for non-fossil fuels; and
- 3) Allow communities with high levels of pollution to have a voice in addressing health and safety risks from any new cleaner, non-fossil fuel facilities. This means requiring a public process and conditional use approach for these facilities; and finally
- 4) Ensure at a minimum, a conditional use permit and public process for any new cleaner fuel facilities above 60,000 gallons.

Thank you for your work to protect our community.

Regards,
Susan Kiplinger
450 E 13th St
La Center, WA 98629

From: [Susan Saul](#)
To: [Planning Commission](#)
Subject: Establish a Strong and Clear Fossil Fuel Ordinance
Date: Monday, September 12, 2022 1:26:56 PM

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

Dear Planning Commission City of Vancouver,

Thank you for your work to protect community health and safety from new and expanded fossil fuel facilities. I appreciate the commitment you have shown to this multi-year process.

As you finalize the details of this critical ordinance, I urge you to focus on banning new and expanded large-scale fossil fuels facilities and on ensuring a thorough and transparent 'conditional use permit' review process for any changes at these facilities and any new 'cleaner' facilities.

Our fossil fuel ordinance seeks to protect the health and safety of the community members hardest hit by the pollution from industry and from our fossil fuel economy. This ordinance should address this problem and clearly ban new and expanded fossil fuel terminals storage and handling facilities, as outlined by Option A.

The ordinance should also use the conditional use permit process, as well as strong special use requirements including seismic upgrades, spill prevention, fire response plans, and financial assurance.

I support the city's work to address climate change through the Climate Action Framework and urge the city to continue to move this forward. Any reference or inclusion of cleaner facilities in this code should require a conditional use permit process and ensure that public health and safety issues related to these types of new facilities are included. We don't understand enough about cleaner fuels to know their health and safety risks so a conditional use permit requirement is essential to provide full public disclosure and community engagement.

I urge you to:

- 1) Continue to champion and ultimately pass the strong fossil fuel ordinance which centers community health, safety, and environmental justice, with preference for Option A;
- 2) Follow staff's recommendation that existing fuel terminals obtain a conditional use permit before converting facilities to cleaner fuels and expanding storage for non-fossil fuels; and
- 3) Allow communities with high levels of pollution to have a voice in addressing health and safety risks from any new cleaner, non-fossil fuel facilities. This means requiring a public process and conditional use approach for these facilities; and finally
- 4) Ensure at a minimum, a conditional use permit and public process for any new cleaner fuel facilities above 60,000 gallons.

Thank you for your leadership and commitment to protect our community.

Regards,
Susan Saul
10102 NE 10th St
Vancouver, WA 98664

From: [Richard Osmun](#)
To: [Planning Commission](#)
Subject: Establish a Strong and Clear Fossil Fuel Ordinance
Date: Monday, September 12, 2022 1:26:53 PM

You don't often get email from richard.osmun.562188659@p2a.co. [Learn why this is important](#)

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Dear Planning Commission City of Vancouver,

Thank you for your work to protect community health and safety from new and expanded fossil fuel facilities. As you finalize the details of this critical ordinance, I urge you to focus on banning new and expanded large-scale fossil fuels facilities and on ensuring a thorough and transparent 'conditional use permit' review process for any changes at these facilities and any new 'cleaner' facilities.

Our fossil fuel ordinance seeks to protect the health and safety of the community members hardest hit by the pollution from industry and from our fossil fuel economy. This ordinance should address this problem and clearly ban new and expanded fossil fuel terminals storage and handling facilities, as outlined by Option A.

The ordinance should also use the conditional use permit process, as well as strong special use requirements including seismic upgrades, spill prevention, fire response plans, and financial assurance.

I support the city's work to address climate change through the Climate Action Framework and urge the city to continue to move this forward. Any reference or inclusion of cleaner facilities in this code should require a conditional use permit process and ensure that public health and safety issues related to these types of new facilities are included.

I urge you to:

- 1) Continue to champion and ultimately pass the strong fossil fuel ordinance which centers community health, safety, and environmental justice, with preference for Option A;
- 2) Follow staff's recommendation that existing fuel terminals obtain a conditional use permit before converting facilities to cleaner fuels and expanding storage for non-fossil fuels; and
- 3) Allow communities with high levels of pollution to have a voice in addressing health and safety risks from any new cleaner, non-fossil fuel facilities. This means requiring a public process and conditional use approach for these facilities; and finally
- 4) Ensure at a minimum, a conditional use permit and public process for any new cleaner fuel facilities above 60,000 gallons.

Thank you for your work to protect our community.

Regards,
Richard Osmun
2726 NW Valley St
Camas, WA 98607

From: [Jody Caicco](#)
To: [Planning Commission](#)
Subject: Establish a Strong and Clear Fossil Fuel Ordinance
Date: Monday, September 12, 2022 1:26:52 PM

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

Dear Planning Commission City of Vancouver,

Thank you for your work to protect community health and safety from new and expanded fossil fuel facilities. As you finalize the details of this critical ordinance, I urge you to focus on banning new and expanded large-scale fossil fuels facilities and on ensuring a thorough and transparent 'conditional use permit' review process for any changes at these facilities and any new 'cleaner' facilities.

Our fossil fuel ordinance seeks to protect the health and safety of the community members hardest hit by the pollution from industry and from our fossil fuel economy. This ordinance should address this problem and clearly ban new and expanded fossil fuel terminals storage and handling facilities, as outlined by Option A.

The ordinance should also use the conditional use permit process, as well as strong special use requirements including seismic upgrades, spill prevention, fire response plans, and financial assurance.

I support the city's work to address climate change through the Climate Action Framework and urge the city to continue to move this forward. Any reference or inclusion of cleaner facilities in this code should require a conditional use permit process and ensure that public health and safety issues related to these types of new facilities are included.

I urge you to:

- 1) Continue to champion and ultimately pass the strong fossil fuel ordinance which centers community health, safety, and environmental justice, with preference for Option A;
- 2) Follow staff's recommendation that existing fuel terminals obtain a conditional use permit before converting facilities to cleaner fuels and expanding storage for non-fossil fuels; and
- 3) Allow communities with high levels of pollution to have a voice in addressing health and safety risks from any new cleaner, non-fossil fuel facilities. This means requiring a public process and conditional use approach for these facilities; and finally
- 4) Ensure at a minimum, a conditional use permit and public process for any new cleaner fuel facilities above 60,000 gallons.

Thank you for your work to protect our community.

Regards,
Jody Caicco
23402 NE 108th St
Vancouver, WA 98682

From: [Dan Rogers](#)
To: [Planning Commission](#)
Subject: Establish a Strong and Clear Fossil Fuel Ordinance
Date: Monday, September 12, 2022 1:26:48 PM

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Dear Planning Commission City of Vancouver,

Thank you for your work to protect community health and safety from new and expanded fossil fuel facilities. As you finalize the details of this critical ordinance, I urge you to focus on banning new and expanded large-scale fossil fuels facilities and on ensuring a thorough and transparent 'conditional use permit' review process for any changes at these facilities and any new 'cleaner' facilities.

Our fossil fuel ordinance seeks to protect the health and safety of the community members hardest hit by the pollution from industry and from our fossil fuel economy. This ordinance should address this problem and clearly ban new and expanded fossil fuel terminals storage and handling facilities, as outlined by Option A.

The ordinance should also use the conditional use permit process, as well as strong special use requirements including seismic upgrades, spill prevention, fire response plans, and financial assurance.

I support the city's work to address climate change through the Climate Action Framework and urge the city to continue to move this forward. Any reference or inclusion of cleaner facilities in this code should require a conditional use permit process and ensure that public health and safety issues related to these types of new facilities are included.

I urge you to:

- 1) Continue to champion and ultimately pass the strong fossil fuel ordinance which centers community health, safety, and environmental justice, with preference for Option A;
- 2) Follow staff's recommendation that existing fuel terminals obtain a conditional use permit before converting facilities to cleaner fuels and expanding storage for non-fossil fuels; and
- 3) Allow communities with high levels of pollution to have a voice in addressing health and safety risks from any new cleaner, non-fossil fuel facilities. This means requiring a public process and conditional use approach for these facilities; and finally
- 4) Ensure at a minimum, a conditional use permit and public process for any new cleaner fuel facilities above 60,000 gallons.

Thank you for your work to protect our community.

Regards,
Dan Rogers
3331 H St
Washougal, WA 98671

From: [Dorothy Sosnowski](#)
To: [Planning Commission](#)
Subject: Establish a Strong and Clear Fossil Fuel Ordinance
Date: Monday, September 12, 2022 1:26:45 PM

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

Dear Planning Commission City of Vancouver,

Thank you for your work to protect community health and safety from new and expanded fossil fuel facilities. As you finalize the details of this critical ordinance, I urge you to focus on banning new and expanded large-scale fossil fuels facilities and on ensuring a thorough and transparent 'conditional use permit' review process for any changes at these facilities and any new 'cleaner' facilities.

Our fossil fuel ordinance seeks to protect the health and safety of the community members hardest hit by the pollution from industry and from our fossil fuel economy. This ordinance should address this problem and clearly ban new and expanded fossil fuel terminals storage and handling facilities, as outlined by Option A.

The ordinance should also use the conditional use permit process, as well as strong special use requirements including seismic upgrades, spill prevention, fire response plans, and financial assurance.

As someone with a 17-year career working in renewable energy, I support the city's work to address climate change through the Climate Action Framework and urge the city to continue to move this forward. Any reference or inclusion of cleaner facilities in this code should require a conditional use permit process and ensure that public health and safety issues related to these types of new facilities are included.

I urge you to:

- 1) Continue to champion and ultimately pass the strong fossil fuel ordinance which centers community health, safety, and environmental justice, with preference for Option A;
- 2) Follow staff's recommendation that existing fuel terminals obtain a conditional use permit before converting facilities to cleaner fuels and expanding storage for non-fossil fuels; and
- 3) Allow communities with high levels of pollution to have a voice in addressing health and safety risks from any new cleaner, non-fossil fuel facilities. This means requiring a public process and conditional use approach for these facilities; and finally
- 4) Ensure at a minimum, a conditional use permit and public process for any new cleaner fuel facilities above 60,000 gallons.

Thank you for your work to protect our community.

Regards,
Dorothy Sosnowski
2715 NW 44th Ave

Camas, WA 98607

From: [Elizabeth Verbeck](#)
To: [Planning Commission](#)
Subject: Establish a Strong and Clear Fossil Fuel Ordinance
Date: Monday, September 12, 2022 1:26:43 PM

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

Dear Planning Commission City of Vancouver,

Thank you for your work to protect community health and safety from new and expanded fossil fuel facilities. As you finalize the details of this critical ordinance, I urge you to focus on banning new and expanded large-scale fossil fuels facilities and on ensuring a thorough and transparent 'conditional use permit' review process for any changes at these facilities and any new 'cleaner' facilities.

Our fossil fuel ordinance seeks to protect the health and safety of the community members hardest hit by the pollution from industry and from our fossil fuel economy. This ordinance should address this problem and clearly ban new and expanded fossil fuel terminals storage and handling facilities, as outlined by Option A.

The ordinance should also use the conditional use permit process, as well as strong special use requirements including seismic upgrades, spill prevention, fire response plans, and financial assurance.

I support the city's work to address climate change through the Climate Action Framework and urge the city to continue to move this forward. Any reference or inclusion of cleaner facilities in this code should require a conditional use permit process and ensure that public health and safety issues related to these types of new facilities are included.

I urge you to:

- 1) Continue to champion and ultimately pass the strong fossil fuel ordinance which centers community health, safety, and environmental justice, with preference for Option A;
- 2) Follow staff's recommendation that existing fuel terminals obtain a conditional use permit before converting facilities to cleaner fuels and expanding storage for non-fossil fuels; and
- 3) Allow communities with high levels of pollution to have a voice in addressing health and safety risks from any new cleaner, non-fossil fuel facilities. This means requiring a public process and conditional use approach for these facilities; and finally
- 4) Ensure at a minimum, a conditional use permit and public process for any new cleaner fuel facilities above 60,000 gallons.

Thank you for your work to protect our community.

Regards,
Elizabeth Verbeck
200 W 28th St
Vancouver, WA 98660

From: [Karissa Halstrom](#)
To: [Planning Commission](#)
Subject: Establish a Strong and Clear Fossil Fuel Ordinance
Date: Monday, September 12, 2022 1:26:41 PM

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

Dear Planning Commission City of Vancouver,

Thank you for your work to protect community health and safety from new and expanded fossil fuel facilities. As you finalize the details of this critical ordinance, I urge you to focus on banning new and expanded large-scale fossil fuels facilities and on ensuring a thorough and transparent 'conditional use permit' review process for any changes at these facilities and any new 'cleaner' facilities.

Our fossil fuel ordinance seeks to protect the health and safety of the community members hardest hit by the pollution from industry and from our fossil fuel economy. This ordinance should address this problem and clearly ban new and expanded fossil fuel terminals storage and handling facilities, as outlined by Option A.

The ordinance should also use the conditional use permit process, as well as strong special use requirements including seismic upgrades, spill prevention, fire response plans, and financial assurance.

I support the city's work to address climate change through the Climate Action Framework and urge the city to continue to move this forward. Any reference or inclusion of cleaner facilities in this code should require a conditional use permit process and ensure that public health and safety issues related to these types of new facilities are included.

I urge you to:

- 1) Continue to champion and ultimately pass the strong fossil fuel ordinance which centers community health, safety, and environmental justice, with preference for Option A;
- 2) Follow staff's recommendation that existing fuel terminals obtain a conditional use permit before converting facilities to cleaner fuels and expanding storage for non-fossil fuels; and
- 3) Allow communities with high levels of pollution to have a voice in addressing health and safety risks from any new cleaner, non-fossil fuel facilities. This means requiring a public process and conditional use approach for these facilities; and finally
- 4) Ensure at a minimum, a conditional use permit and public process for any new cleaner fuel facilities above 60,000 gallons.

Thank you for your work to protect our community.

Regards,
Karissa Halstrom
7819 NE 136th Ave
Vancouver, WA 98682

From: [Christopher Collmer](#)
To: [Planning Commission](#)
Subject: Establish a Strong and Clear Fossil Fuel Ordinance
Date: Monday, September 12, 2022 1:26:37 PM

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

Dear Planning Commission City of Vancouver,

Thank you for your work to protect community health and safety from new and expanded fossil fuel facilities. As you finalize the details of this critical ordinance, I urge you to focus on banning new and expanded large-scale fossil fuels facilities and on ensuring a thorough and transparent 'conditional use permit' review process for any changes at these facilities and any new 'cleaner' facilities.

Our fossil fuel ordinance seeks to protect the health and safety of the community members hardest hit by the pollution from industry and from our fossil fuel economy. This ordinance should address this problem and clearly ban new and expanded fossil fuel terminals storage and handling facilities, as outlined by Option A.

The ordinance should also use the conditional use permit process, as well as strong special use requirements including seismic upgrades, spill prevention, fire response plans, and financial assurance.

I support the city's work to address climate change through the Climate Action Framework and urge the city to continue to move this forward. Any reference or inclusion of cleaner facilities in this code should require a conditional use permit process and ensure that public health and safety issues related to these types of new facilities are included.

I urge you to:

- 1) Continue to champion and ultimately pass the strong fossil fuel ordinance which centers community health, safety, and environmental justice, with preference for Option A;
- 2) Follow staff's recommendation that existing fuel terminals obtain a conditional use permit before converting facilities to cleaner fuels and expanding storage for non-fossil fuels; and
- 3) Allow communities with high levels of pollution to have a voice in addressing health and safety risks from any new cleaner, non-fossil fuel facilities. This means requiring a public process and conditional use approach for these facilities; and finally
- 4) Ensure at a minimum, a conditional use permit and public process for any new cleaner fuel facilities above 60,000 gallons.

Thank you for your work to protect our community.

Regards,
Christopher Collmer
704 W 20th St
Vancouver, WA 98660

From: [Hannah Liu](#)
To: [Planning Commission](#)
Subject: Establish a Strong and Clear Fossil Fuel Ordinance
Date: Monday, September 12, 2022 1:26:34 PM

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

Dear Planning Commission City of Vancouver,

Thank you for your work to protect community health and safety from new and expanded fossil fuel facilities. As you finalize the details of this critical ordinance, I urge you to focus on banning new and expanded large-scale fossil fuels facilities and on ensuring a thorough and transparent 'conditional use permit' review process for any changes at these facilities and any new 'cleaner' facilities.

Our fossil fuel ordinance seeks to protect the health and safety of the community members hardest hit by the pollution from industry and from our fossil fuel economy. This ordinance should address this problem and clearly ban new and expanded fossil fuel terminals storage and handling facilities, as outlined by Option A.

The ordinance should also use the conditional use permit process, as well as strong special use requirements including seismic upgrades, spill prevention, fire response plans, and financial assurance.

I support the city's work to address climate change through the Climate Action Framework and urge the city to continue to move this forward. Any reference or inclusion of cleaner facilities in this code should require a conditional use permit process and ensure that public health and safety issues related to these types of new facilities are included.

I urge you to:

- 1) Continue to champion and ultimately pass the strong fossil fuel ordinance which centers community health, safety, and environmental justice, with preference for Option A;
- 2) Follow staff's recommendation that existing fuel terminals obtain a conditional use permit before converting facilities to cleaner fuels and expanding storage for non-fossil fuels; and
- 3) Allow communities with high levels of pollution to have a voice in addressing health and safety risks from any new cleaner, non-fossil fuel facilities. This means requiring a public process and conditional use approach for these facilities; and finally
- 4) Ensure at a minimum, a conditional use permit and public process for any new cleaner fuel facilities above 60,000 gallons.

Thank you for your work to protect our community.

Regards,
Hannah Liu
3008 NE 141st St
Vancouver, WA 98686

From: [mary.n](#)
To: [Planning Commission](#)
Subject: Establish a Strong and Clear Fossil Fuel Ordinance
Date: Monday, September 12, 2022 1:26:29 PM

You don't often get email from mary.n.278984949@p2a.co. [Learn why this is important](#)

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Dear Planning Commission City of Vancouver,

Thank you for your work to protect community health and safety from new and expanded fossil fuel facilities. As you finalize the details of this critical ordinance, I urge you to focus on banning new and expanded large-scale fossil fuels facilities and on ensuring a thorough and transparent 'conditional use permit' review process for any changes at these facilities and any new 'cleaner' facilities.

Our fossil fuel ordinance seeks to protect the health and safety of the community members hardest hit by the pollution from industry and from our fossil fuel economy. This ordinance should address this problem and clearly ban new and expanded fossil fuel terminals storage and handling facilities, as outlined by Option A.

The ordinance should also use the conditional use permit process, as well as strong special use requirements including seismic upgrades, spill prevention, fire response plans, and financial assurance.

I support the city's work to address climate change through the Climate Action Framework and urge the city to continue to move this forward. Any reference or inclusion of cleaner facilities in this code should require a conditional use permit process and ensure that public health and safety issues related to these types of new facilities are included.

I urge you to:

- 1) Continue to champion and ultimately pass the strong fossil fuel ordinance which centers community health, safety, and environmental justice, with preference for Option A;
- 2) Follow staff's recommendation that existing fuel terminals obtain a conditional use permit before converting facilities to cleaner fuels and expanding storage for non-fossil fuels; and
- 3) Allow communities with high levels of pollution to have a voice in addressing health and safety risks from any new cleaner, non-fossil fuel facilities. This means requiring a public process and conditional use approach for these facilities; and finally
- 4) Ensure at a minimum, a conditional use permit and public process for any new cleaner fuel facilities above 60,000 gallons.

Thank you for your work to protect our community.

Regards,
mary n
14005 SE 38th St
Vancouver, WA 98683

From: [Patricia Kenny](#)
To: [Planning Commission](#)
Subject: Establish a Strong and Clear Fossil Fuel Ordinance
Date: Monday, September 12, 2022 1:26:24 PM

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

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- 4) Ensure at a minimum, a conditional use permit and public process for any new cleaner fuel facilities above 60,000 gallons.

Thank you for your work to protect our community.

Regards,
Patricia Kenny
13107 NW 13th Pl
Vancouver, WA 98685

From: [Jim Gayden](#)
To: [Planning Commission](#)
Subject: Establish a Strong and Clear Fossil Fuel Ordinance
Date: Monday, September 12, 2022 1:26:23 PM

You don't often get email from jim.gayden.330543561@p2a.co. [Learn why this is important](#)

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- 4) Ensure at a minimum, a conditional use permit and public process for any new cleaner fuel facilities above 60,000 gallons.

Thank you for your work to protect our community.

Regards,
Jim Gayden
1620 NE 162nd Ave
Vancouver, WA 98684

From: [Wesley Banks](#)
To: [Planning Commission](#)
Subject: Establish a Strong and Clear Fossil Fuel Ordinance
Date: Monday, September 12, 2022 1:26:18 PM

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The ordinance should also use the conditional use permit process, as well as strong special use requirements including seismic upgrades, spill prevention, fire response plans, and financial assurance.

And while our Orchards neighborhood is not yet part of Vancouver, it will not be many years until the city annexes us. Please take the future Vancouver areas into consideration when you make your decisions.

I support the city's work to address climate change through the Climate Action Framework and urge the city to continue to move this forward. Any reference or inclusion of cleaner facilities in this code should require a conditional use permit process and ensure that public health and safety issues related to these types of new facilities are included.

I urge you to:

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- 4) Ensure at a minimum, a conditional use permit and public process for any new cleaner fuel facilities above 60,000 gallons.

Thank you for your work to protect our community.

Regards,
Wesley Banks
15640 NE Fourth Plain Blvd
Vancouver, WA 98682

From: [Debbie Mahder](#)
To: [Planning Commission](#)
Subject: Establish a Strong and Clear Fossil Fuel Ordinance
Date: Monday, September 12, 2022 1:26:17 PM

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- 4) Ensure at a minimum, a conditional use permit and public process for any new cleaner fuel facilities above 60,000 gallons.

Thank you for your work to protect our community.

Regards,
Debbie Mahder
303 NE 10th St
Battle Ground, WA 98604

From: [Jeffrey Kaufman](#)
To: [Planning Commission](#)
Subject: Establish a Strong and Clear Fossil Fuel Ordinance
Date: Monday, September 12, 2022 1:26:09 PM

You don't often get email from jeffrey.kaufman.431902443@p2a.co. [Learn why this is important](#)

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- 4) Ensure at a minimum, a conditional use permit and public process for any new cleaner fuel facilities above 60,000 gallons.

Thank you for your work to protect our community.

Regards,
Jeffrey Kaufman
26110 NE 209th St
Battle Ground, WA 98604

From: [Marianne Eddington](#)
To: [Planning Commission](#)
Subject: Establish a Strong and Clear Fossil Fuel Ordinance
Date: Monday, September 12, 2022 1:26:06 PM

You don't often get email from marianne.eddington.279017284@p2a.co. [Learn why this is important](#)

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Dear Planning Commission City of Vancouver,

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- 4) Ensure at a minimum, a conditional use permit and public process for any new cleaner fuel facilities above 60,000 gallons.

Consider what happened to the proposed Tesoro facility on our waterfront. What could have been a setup for potential danger to humans and wildlife was finally given thumbs down by the governor, after four years of active protesting. Now my husband and I can see how locals and tourists alike enjoy the restaurants and housing on that valuable land which is the shining jewel of Vancouver. More such wise planning can be in store for us if we stop the senseless favoriting of fossil fuel companies.

Regards,
Marianne Eddington
20520 NE 221st Cir
Battle Ground, WA 98604

From: [Linda Leighton](#)
To: [Planning Commission](#)
Subject: Establish a Strong and Clear Fossil Fuel Ordinance
Date: Monday, September 12, 2022 1:26:05 PM

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Thank you for your work to protect our community.

Regards,
Linda Leighton
8612 Mt Olympus Ave
Vancouver, WA 98664

From: [Cheryl Gavin](#)
To: [Planning Commission](#)
Subject: Establish a Strong and Clear Fossil Fuel Ordinance
Date: Monday, September 12, 2022 1:26:00 PM

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Dear Planning Commission City of Vancouver,

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Thank you for your work to protect our community.

Regards,
Cheryl Gavin
2401 NE Parkview Dr
Vancouver, WA 98686

From: [Jon Pedersen](#)
To: [Planning Commission](#)
Subject: Establish a Strong and Clear Fossil Fuel Ordinance
Date: Monday, September 12, 2022 1:25:57 PM

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Thank you for your work to protect our community.

Regards,
Jon Pedersen
27903 NE 59th St
Camas, WA 98607

From: [Pamela Garlett](#)
To: [Planning Commission](#)
Subject: Establish a Strong and Clear Fossil Fuel Ordinance
Date: Monday, September 12, 2022 1:25:56 PM

You don't often get email from pamela.garlett.571443097@p2a.co. [Learn why this is important](#)

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Thank you for your work to protect our community.

Regards,
Pamela Garlett
12713 SE 8th St
Vancouver, WA 98683

From: [Cathryn Chudy](#)
To: [Planning Commission](#)
Subject: Establish a Strong and Clear Fossil Fuel Ordinance
Date: Monday, September 12, 2022 1:25:52 PM

You don't often get email from cathryn.chudy.279417316@p2a.co. [Learn why this is important](#)

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

Dear Planning Commission City of Vancouver,

Our city has protected our community since 2020 with a Moratorium on bulk fossil fuel facilities that was put in place out of concern for the risk of harm to Vancouver residents should we add to fossil fuel risks that already exist here. Health, safety and equity continue to be essential underlying priorities in the work that is being completed for a final ordinance.

Thank you for your work to protect community health and safety from new and expanded fossil fuel facilities. As you finalize the details of this critical ordinance, I urge you to focus on banning new and expanded large-scale fossil fuels facilities and on ensuring a thorough and transparent 'conditional use permit' review process for any changes at these facilities and any new 'cleaner' facilities.

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I support the city's work to address climate change through the Climate Action Framework and urge the city to continue to move this forward. Any reference or inclusion of cleaner facilities in this code should require a conditional use permit process and ensure that public health and safety issues related to these types of new facilities are included.

I live in a neighborhood close to Fruit Valley and am familiar with the ways in which fossil fuel industry proponents can offer assurances that are not always trustworthy or reliable, and have witnessed how necessary public process is in order to ensure that the best interests of local residents like me and my neighbors are represented. The Conditional Use Permit process is a minimum protection that should not be set aside because industry proponents want a "convenient" pathway. The perception that the CUP is an "obstacle" to industry proceeding forward ignores the other side of the coin - that guaranteeing the strongest public process possible is the only way for policy makers to ensure the equity priority of the community residents you represent is being met.

I urge you to:

1) Continue to champion and ultimately pass the strong fossil fuel ordinance which centers community health, safety, and environmental justice, with preference for Option A;

- 2) Follow staff's recommendation that existing fuel terminals obtain a conditional use permit before converting facilities to cleaner fuels and expanding storage for non-fossil fuels; and
- 3) Allow communities with high levels of pollution to have a voice in addressing health and safety risks from any new cleaner, non-fossil fuel facilities. This means requiring a public process and conditional use approach for these facilities; and finally
- 4) Ensure at a minimum, a conditional use permit and public process for any new cleaner fuel facilities above 60,000 gallons.

Thank you for your work to protect our community. It is encouraging to see how close we are to finally lifting the Moratorium and moving forward, and I support doing so with the strongest possible ordinance that does not sacrifice the transparency and public process provisions that ensure industry accountability and protection for our community residents.

Regards,
Cathryn Chudy
1506 E 29th St
Vancouver, WA 98663

From: [Barry Parker](#)
To: [Planning Commission](#)
Subject: Establish a Strong and Clear Fossil Fuel Ordinance
Date: Monday, September 12, 2022 1:27:17 PM

You don't often get email from barry.parker.571299548@p2a.co. [Learn why this is important](#)

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Dear Planning Commission City of Vancouver,

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- 4) Ensure at a minimum, a conditional use permit and public process for any new cleaner fuel facilities above 60,000 gallons.

Thank you for your work to protect our community.

Regards,
Barry Parker
8422 NE 8th Way
Vancouver, WA 98664

From: [Cathryn Chudy](#)
To: [Planning Commission](#)
Subject: Citizen Communication for Fossil Fuel Regulations Amendment Public Hearing
Date: Monday, September 12, 2022 5:10:58 PM
Attachments: [2022-09-13 Fossil Fuel Regulations Code Amendment \(PC Comments\).pdf](#)

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I will testify in person at the Planning Commission public hearing.

Please accept the attached comments for the record.

Thank you,

Cathryn Chudy

To: Vancouver Planning Commission
Re: Fossil Fuel Regulations Code Amendment/Public Hearing/09/13/22

I appreciate that we are getting close to turning the Moratorium on new and expanded bulk fossil fuel facilities into an updated ordinance.

With your careful consideration, I hope that the updated ordinance will remain grounded in its' original intent, that of protecting the health and safety of our community, and in particular, providing the strongest protections for those most affected by the risks and burdens of the fuel industry facilities that will continue to affect the quality of our lives.

The fuel industry asks for "less process and greater certainty" and the price for this is clearly to short circuit what the proposed city code now promises the residents of our community who live, work, play, raise their children and hope to survive: **"the maximum amount of public notice and opportunity to comment on all proposed new fuel storage and handling uses (large and small), through the conditional use permit process."**

As the city staff note in the Addendum Responses to SEPA Comments:

"That a conditional use permit would deter projects for cleaner fuels is speculative. A conditional use permit process is a common permit type in the Vancouver Municipal Code, and within the IH zone is applied to some forms of office, retail, R&D and others. It is not an unusual process and creates a record for applicants and the public. SEPA determinations are also discretionary. Such facilities may require other discretionary non-city permits (e.g., air permits from SWCAA)"

I support our city's Climate Action Team for the work they have been doing, and understand the desire to "incentivize" cleaner, alternative fuels to address the problem of transportation emissions. Fostering a transition away from traditional fossil fuels to "cleaner" fuels does not automatically mean that risks and impacts are not present or potentially significant.

Retaining the "maximum amount of public notice and opportunity to comment" via the conditional use permit process is essential to the underlying health, safety and equity values that our city is committed to, and should not be sacrificed in order to "incentivize" an industry that will make this transition regardless, due to the changing realities of what is happening around us relative to climate disruption, public health, and what the city consultants have pointed out: "The per capita use of fossil fuels is decreasing in Washington State even as the population grows."

I live close to the IH zone (Fruit Valley) and see the conditional use permit process as essential in ensuring that the understandable push for cleaner fuels does not inadvertently open the door to turning Fruit Valley into even more of a "sacrifice zone" than it already is, given it's location and fuel industry facilities that already exist there. Making the problem worse by allowing less public process should not be part of the equation. I urge you to keep the best interests of Vancouver's residents clearly in mind as you make your recommendation to our City Council.
Thank you for your consideration of these comments.

Cathryn Chudy

ZZ

From: [xander roux](#)
To: [Planning Commission](#)
Subject: Citizen Communication
Date: Monday, September 12, 2022 7:55:13 PM

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

I, Alexander Lusk, residing at 2814 NW 1113th Avenue in Vancouver Washington, fully support the Proposed Ordinance to Ban Large Fossil Fuel Terminals.

I support the permanent ordinance that is currently drafted, that would:

- Prohibit new large-scale fossil fuel facilities. These types of facilities can be fed by unit trains; are often located on liquefiable soils; and pose major health, safety, and spill risks during and after a seismic event.
- Prohibit expansion of existing large-scale fossil fuel storage and handling, but allow seismic retrofits, safety upgrades, and maintenance improvements.
- Allow existing facilities to convert to cleaner fuels. Facilities that convert would be allowed to expand storage by 15% if they meet safety and seismic upgrade standards and obtain a conditional use permit from the City.

I strongly urge the Vancouver Planning Committee to-

- Recommend passage of a strong fossil fuel ordinance which centers community health, safety, and environmental justice;
- Follow staff's recommendation that existing fuel terminals obtain a conditional use permit before converting facilities to cleaner fuels and expanding storage for non-fossil fuels;
- Allow communities with high levels of pollution to have a voice in addressing spill, seismic, and fire risks from new cleaner, non-fossil fuel facilities by establishing a separate process to consider rules for these facilities (staff refer to this as "Option A").
- At a minimum, require a conditional use permit for new cleaner fuel facilities above 60,000 gallons.

The city of Vancouver needs better protections to lessen the harm of fossil fuel pollution on people in Vancouver who bear the brunt of fossil fuel pollution. According to the Washington Department of Health, some areas of Vancouver are among the worst in the state for environmental health disparities, including exposure to smog and other hazards associated with fossil fuel use. The reasons for Vancouver to act are clear: people in Vancouver experience environmental health risks far too often, and these impacts disproportionately fall on BIPOC, lower income, and otherwise marginalized communities.

I urge the city of Vancouver to please protect its residents health and safety first and foremost.

Thank you for your time,

Alexander Lusk

From: [Leigh Saint-Louis](#)
To: [Planning Commission](#)
Subject: PUBLIC TESTIMONY proposed FOSSIL FUELS FACILITIES ordinance
Date: Monday, September 12, 2022 9:40:21 PM

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To the Planning Commission,
I, Leigh Saint-Louis, MD, am a board certified family physician, licensed in the State of Washington and residing in Vancouver.

I agree with passage of the proposed ordinance, as stated in the 9/2/22 "Proposed Use and Development Standards for Fossil Fuel Storage and Handling Facilities," to limit the presence of large fossil fuel facilities, reduce the impact of purported "cleaner fuel" facilities, and require responsible risk management of non fossil fuel resources.

To a primary care physician providing care across the lifespan, from infants to elders, the health risks from fossil fuel industrial concentration, as experienced in Vancouver's Fruit Valley neighborhood, are clear. These risks include harm to pregnancies, as shown in the Journal of the American Medical Association in June of 2020. Heart disease, cancer, and cognitive decline are increased where air pollutants concentrate, as demonstrated in a University of Washington review published in Environmental Health Perspectives in December of 2021. Such concentrations in Heavy Industrial Districts are amply documented.

Additional risks to health and life from potential disasters -- from earthquakes to flooding and wildfire -- are numerous, are exacerbated by fossil fuel transport, storage, and processing -- and are unacceptable.

Lastly, dependence on fossil fuels must reverse course immediately, to prevent the suffering, disease, and hardship resulting from climate change.

Severe and worsening heatwaves are already causing untimely deaths. Agriculture is taking repeated hits, as climate crisis affects plants and their pests. Just a few days ago, the Columbia River Inter-Tribal Fish Commission's report noted that "Many Columbia Basin salmon and steelhead populations are near extinction" and outlined a path to a future of carbon-free energy resources, to curtail the harms to wildlife and water from heating and pollution.

Please center our health and safety, in the context of climate change, in your decisionmaking about Vancouver's fossil fuel industry exposures.

Where the Commission has been presented with "options A and B" regarding "cleaner fuel" facilities, more information is needed as to health and safety implications of new or theoretical approaches.

Thank you for the opportunity to comment.
Leigh Saint-Louis MD, ABFM
2814 NW 113th Street, Vancouver WA

From: [Eiken, Chad](#)
To: [Nischik, Julie](#)
Subject: FW: City of Vancouver Proposed Fossil Fuel Code Amendments - WSPA comments
Date: Tuesday, September 13, 2022 11:52:45 AM
Attachments: [image001.png](#)
[WSPA Comment re City of Vancouver Fuel-Related Code Changes FINAL.pdf](#)

Another one for the PC

From: Holli Johnson <hjohnson@wspa.org>
Sent: Tuesday, September 13, 2022 11:08 AM
To: Snodgrass, Bryan <Bryan.Snodgrass@cityofvancouver.us>; Eiken, Chad <Chad.Eiken@cityofvancouver.us>
Cc: Erin Mobley <emobley@wspa.org>
Subject: City of Vancouver Proposed Fossil Fuel Code Amendments - WSPA comments

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Dear Bryan and Chad,

Thank you for the updates to the proposed fossil fuel storage amendments. However, WSPA still has concerns with the proposed code, particularly with the use of CUP's and the mitigation requirements. In anticipation of the Planning Commission public hearing this evening, I have attached WSPA's comments for the record. If you have any questions about our comments or position, I would be happy to discuss.

Thank you again, for your work and communications with WSPA and other stakeholders.

Best,

Holli Johnson
MANAGER, NW REGION

 **WSPA**
P.O. Box 6069, Olympia, WA 98507
P 360.239.2248 wspa.org

Holli Johnson
Senior Manager NW Region

September 12, 2022

Via Email:
bryan.snodgrass@cityofvancouver.us

Planning Commission
c/o Bryan Snodgrass
Principal Planner
City of Vancouver
PO Box 1995
Vancouver, WA 98668-1995

Re: Western States Petroleum Association Comments on the City of Vancouver's Proposed Fossil Fuel Zoning Code Amendments (Revised August 11, 2022)

Dear Commissioners and Mr. Snodgrass:

Western States Petroleum Association (WSPA) appreciates the opportunity to provide comments to the City of Vancouver (the "City") on its revised Fossil Fuel Code Standards Proposal (the "Proposal"). The Proposal consists of proposed zoning code amendments, Planning Commission version (revised August 11, 2022).

WSPA is a nonprofit trade association representing companies that explore for, produce, refine, transport, and market petroleum and petroleum products in five western states, including Washington. WSPA members have operated petroleum terminals in the City for many years. These facilities supply fuel to the region, provide critical emergency infrastructure, and have many positive impacts on the economy, including providing family-wage jobs.

Vancouver's industrial districts provide key energy and emergency infrastructure as recognized by various city, state, and federal documents. The Proposal would constrain existing operations and projects for current and near-future regional needs for energy, including the need for lower-emission fuels.

WSPA and operators of facilities targeted by the existing moratorium and the Proposal have previously outlined for the City the significant harm these regulations are having and will continue to have on structure safety, transition to lower-carbon fuels, reduction of greenhouse gases (GHG), improvements to existing infrastructure, and displacement of fuel transportation to less-safe methods—all of which have direct and significant environmental impacts.

The revised Proposal continues to suffer from these defects, and inserts additional uncertainty through vague Conditional Use Permit ("CUP") and mitigation requirements. The CUP and mitigation elements would prevent and discourage safety upgrades and cleaner fuel transitions.

The current Proposal would make Small Fossil Fuel and Cleaner Fuel Storage and Distribution Facilities subject to this burdensome CUP process.¹ Existing Bulk Fossil Fuel Facilities would not even be able to perform basic “[m]aintenance and safety improvements” without going through this CUP process.² To our knowledge, no other use in the City of Vancouver is subject to this level of uncertainty, cost, and delay to perform maintenance or safety improvements. This substantially undermines the City’s position that the Proposal is intended to improve health and safety.

These facilities play an integral role in the local, state, and regional economies. The discretionary CUP process unnecessarily restricts operational flexibility and creates a strong disincentive and potential impediments to facility improvements that are required to respond to market demands for different products (including cleaner fuels) and other important improvements at the refineries that are necessary for safety, efficiency, and environmental protection. WSPA respectfully asks the City to reconsider and reevaluate the CUP requirement to eliminate these disincentives and impediments.

Similarly, the Proposal inserts uncertain assessment and mitigation requirements for Existing Bulk Fossil Fuel Facilities that seek to expand to provide cleaner fuels. For these clean-fuel transition projects, the applicant must provide expert emission evaluation “to the satisfaction of the Planning Official.”³ This gives such applicants no guidance on what might ultimately be required, how long it will take, and whether ultimate approval is even feasible. The Proposal further requires an applicant to provide mitigation to address the cleaner-fuel project’s indirect emissions.⁴ There is again no guidance on what mitigation would be sufficient, how much it would cost, or if it is even feasible. This will have the undesired effect of preventing or at least discouraging cleaner-fuel projects.

The Proposal would create substantial barriers to fuel facility upgrades that would improve safety, lower facility emissions, and allow for the introduction of new fuel technology. Each time fuels with lower emissions are developed or required by a governmental entity, new or updated infrastructure is needed to provide that fuel. The Proposal would prohibit improvements and beneficial innovation to the City’s fuel infrastructure. Its effect is to freeze the current fuel supply system in place. Further, by uniformly blocking new fuel infrastructure in the City, the Proposal would force fuel distribution into less-efficient routes around the City and by modes such as truck distribution that would increase GHG and other emissions.

In summary, the Proposal affects the City’s fuel facilities in the following ways:

- Prevents and discourages fuel facility equipment upgrades necessary to meet market demand or comply with lower-emission federal and state fuels law;
- Discourages fuel facility safety upgrades, which most often occur concurrently with market-based infrastructure expansion and improvement;

¹ Proposed VMC 20.440.030.B.37

² Id.

³ Proposed VMC 20.895.110.F.3.e

⁴ Id.

- Prevents fuel facility efficiency upgrades that generally reduce GHG emissions, in contravention to the Proposal's climate change prevention goals;
- Discourages transition of the City's fuel facilities to newer, lower-carbon-fuel sources;
- Prevents the introduction of future technologies that do not fit within the current fossil-fuel infrastructure framework;
- Prohibits new fuel tanks for blended fuels that transition toward lower-carbon-fuel sources;
- Prevents market-based fuel facility upgrades that would trigger seismic safety improvements and retrofits; and
- Forces fuel facilities to stay in areas with heightened seismic and groundwater risk by prohibiting fuel suppliers from relocating facilities to areas that have lower seismic risk and lower risk of impacting City groundwater resources.

In short, the Proposal freezes existing infrastructure in place and prohibits beneficial changes to fuel infrastructure. If the Proposal had been passed 20 or 30 years ago, the City would have missed out on years of safety and emissions improvements, which would have resulted in higher emissions and less-safe facilities today. The effect of the Proposal is to increase emissions and decrease safety over time. The Proposal fails to deliver, and in fact hinders, its intended benefits of reducing emissions and improving local safety.

We respectfully request that the City reconsider its approach to regulating fuel facilities. The Proposal would have the undesired effect of making the City's fuel infrastructure less safe and more carbon-intensive over time by blocking and discouraging projects that would increase safety and reduce emissions. The uncertainty, delay, and costs imposed by the Proposal would result in the City's freezing its fuel infrastructure in its current condition.

Sincerely,



cc: Jodie Muller, WSPA
Jessica Spiegel, WSPA

From: [Nancy](#)
To: [Planning Commission](#); [City Council](#)
Subject: Fossil Fuel Ordinance
Date: Tuesday, September 13, 2022 11:55:50 AM

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Dear Planning Commission and City Council:

I support your efforts to establish a moratorium on new fossil fuel facilities. That moratorium is consistent with the city's efforts to achieve emission reductions through a Climate Action Plan. In fact, the moratorium is necessary to achieve emission reduction goals. Thank you for taking climate concerns seriously and taking action to address climate issues.

My comment relates to the need for a conditional use permit process for "cleaner fuel" expansion. I encourage you to include a conditional use permit requirement and adopt option B. The conditional use permit process will enable the city to identify, in a public process, whether a proposed expansion truly constitutes an allowed "cleaner fuel" expansion.

It's important for the city to retain authority to assess whether a proposal falls within an allowed purpose. After all, if the city's goal is to prevent fossil fuel expansion, the city should have a process to assess whether a proposed use is allowed under the ordinance.

A conditional use permit is required for other proposals. The process is the city's tool to evaluate a proposed use. It isn't outrageous to require the permit for expansions that have the potential to interfere with the city's efforts under the Climate Action Plan it ultimately adopts. In fact, requiring a conditional use permit is necessary to assure a proposed use is consistent with the city's climate action goals and ordinance requirements.

Thank you for considering my comments.

Nancy Helget
5121 NW Franklin St.
Vancouver, WA 98663

From: [Cathryn Chudy](#)
To: [Planning Commission](#)
Subject: Additional Comments for Public Hearing on Fossil Fuel Regulations Code Amendment
Date: Tuesday, September 13, 2022 11:59:09 AM

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Planning Commission,

I watched the City Council workshop last evening and I am offering additional comments to those I submitted already.

I share Mayor Pro Tem Ty Stober's deep concern about the Fruit Valley impacts and his preference for Option A which, until more careful deliberation and outreach is done by the city regarding "cleaner fuels" and their potential to harm health and safety, would (by the city staff's own admission) provide maximum protection for those most disadvantaged and overburdened and whose voices are not adequately heard in this current ordinance process.

In spite of the fact that most of the IH district is within Fruit Valley Neighborhood, and the Heavy Industrial District and Equity Map shows that Fruit Valley Neighborhood has a High Equity Index, the Fruit Valley Neighborhood Association was NOT listed as stakeholders on the Stakeholder Outreach slide for this proposed ordinance amendment. This is unacceptable.

In spite of the belief of the majority Council that the city can provide health and safety protections as well as advance climate action goals by opening the door to "cleaner" fuel facilities in the HI zone, with some of those (small "cleaner" fuel facilities) able to use an expedited permit process that leaves out public participation in the process, the unknowns are left to be experienced by those most affected without their input. City staff referenced unknowns about the fuel economy and changes in automotive technology as considerations for potential future code amendments without referencing unknowns about health and safety impacts of "cleaner" fuels. This ordinance amendment as currently drafted, supporting Option B for large "cleaner" fuel facilities along with the majority Council's feedback allowing small "cleaner" fuel facilities to be expedited for the convenience of fuel industry advocates, leaves the health and safety unknowns of such fuel facilities unaddressed in favor of the belief that industry "incentives" for a transition they most likely will make anyway for their own survival, are more relevant and take priority over those who live in the area and will yet again pay the price for whatever negative health and safety impacts occur once these facilities are in operation. An area already a "sacrifice zone" for fossil fuel operations may pay a deeper price than the rest of our city and community should those "unknowns" prove to be unhealthy or unsafe for local residents. I too have deep concerns about anything beyond Option A and the use of a Conditional Use Permit for all fuel facilities.

I urge you to take these comments into consideration in your recommendation to City Council.

Cathryn Chudy

Vancouver, WA

From: [Tuck Swords](#)
To: [Planning Commission](#)
Subject: Planning Commission on Fossil Fuel Terminals
Date: Tuesday, September 13, 2022 1:25:34 PM

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

I, Tuck Swords, residing at 2814 NW 1113th Avenue in Vancouver Washington, fully support the Proposed Ordinance to Ban Large Fossil Fuel Terminals.

I support the permanent ordinance that is currently drafted, that would:

- Prohibit new large-scale fossil fuel facilities. These types of facilities can be fed by unit trains; are often located on liquefiable soils; and pose major health, safety, and spill risks during and after a seismic event.
- Prohibit expansion of existing large-scale fossil fuel storage and handling, but allow seismic retrofits, safety upgrades, and maintenance improvements.
- Allow existing facilities to convert to cleaner fuels.
Facilities that convert would be allowed to expand storage by 15% if they meet safety and seismic upgrade standards and obtain a conditional use permit from the City.

I strongly urge the Vancouver Planning Committee to-

- Recommend passage of a strong fossil fuel ordinance which centers community health, safety, and environmental justice;
- Follow staff's recommendation that existing fuel terminals obtain a conditional use permit before converting facilities to cleaner fuels and expanding storage for non-fossil fuels;
- Allow communities with high levels of pollution to have a voice in addressing spill, seismic, and fire risks from new cleaner, non-fossil fuel facilities by establishing a separate process to consider rules for these facilities (staff refer to this as "Option A").
- At a minimum, require a conditional use permit for new cleaner fuel facilities above 60,000 gallons.

The city of Vancouver needs better protections to lessen the harm of fossil fuel pollution on people in Vancouver who bear the brunt of fossil fuel pollution. According to the Washington Department of Health, some areas of Vancouver are among the worst in the state for environmental health disparities, including exposure to smog and other hazards associated with fossil fuel use. The reasons for Vancouver to act are clear: people in Vancouver experience environmental health risks far too often, and these impacts disproportionately fall on BIPOC, lower income, and otherwise marginalized communities.

I urge the city of Vancouver to please protect its residents health and safety first and foremost.

Thank you for your time,
Tuck Swords

From: [Nancy](#)
To: [Planning Commission](#); [City Council](#)
Subject: Corrected Comment - Fossil Fuel Ordinance
Date: Tuesday, September 13, 2022 1:35:59 PM

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Dear Planning Commission and City Council:

I previously sent a comment urging you to adopt a conditional use permit requirement for cleaner fuel expansion. I mistakenly urged you to adopt Option B. As the substance of my comments indicates, I intended to urge you to adopt Option A. I apologize for that mistake.

Thank you.

Nancy Helget

From: [Anita J. Thomas](#)
To: [Planning Commission](#)
Subject: fossil fuel regulation code amendment
Date: Tuesday, September 13, 2022 3:12:21 PM

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Planning Commissioners:

Please support option A, No for now, in regard to proposed amendments on fossil fuel facilities in Vancouver. There has not been proper due diligence done regarding the impact of proposed fossil fuel amendments on Fruit Valley and other affected citizens. Also, there has not been sufficient clarification of what "cleaner" fuels entails. Cleaner than tar sands sludge or frakked up raw methane is not "clean," even if it is "cleaner." In short, more study and due diligence is required here.

No fuel facility of any kind should be exempted from the citizen oversight provided for by conditional use permits. One of the glories of Vancouver municipal government is the transparency we as citizens enjoy here in Vancouver. Do not dilute the strength of public participation here or in any other area that affects us as Vancouver citizens.

Finally, as commendable as the desire for cleaner fuels is in the interest of Vancouver's achievement of the goals in Vancouver's Climate Action Plan, it is seriously unwise to seek a short cut to those goals with "cleaner" fuels. Such fuels need to be properly vetted before they can be approved. Urgent as the looming climate catastrophe is, we cannot approve attractive-seeming solutions that have not properly been hashed out.

Sincerely,
Anita J. Thomas, citizen of Vancouver

From: [Mark Fitz](#)
To: [Planning Commission](#)
Subject: Public Comment on Fossil Fuel Moratorium
Date: Tuesday, September 13, 2022 3:41:32 PM
Attachments: [Vancouver Fossil Fuel Moratorium Statement Sept 13 2022.pdf](#)

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

Please find attached my statement on the Fossil Fuel Moratorium before the Planning Commission today.

I apologize for my late submittal.

I did not realize I needed to provide it before noon today.

Mark Fitz
President,
Star Oilco
Cell: 503-260-2815

TO: Whom it may concern

FR: Mark Fitz, President, Star Oilco

DT: September 13, 2022

RE: City of Vancouver Fossil Fuel Moratorium proposed changes.

The stated goal of the Vancouver Fossil Fuel Moratorium was to prohibit new or expanded large scale fossil fuel facilities. Though the draft code allows for "Cleaner Fuels Storage" it has a muddled understanding of what these are and how that will work. This draft code being unique compared to a universe of other regulation around fuel. This is problematic and I do not think the proposed code achieves a long-term result as stated by hopes of the Moratorium.

Please also consider, as with all non-conforming uses with a high industrial value, this proposed code locks in the past uses, increasing their value by barring substantive improvements. Allowing for a small 15% upgrade opportunity is not helpful when an industry works in segregated quantities of millions of gallons that will be blended.

Additionally, this code will not allow for upgrades where new storage meeting higher earthquake standards can be built and then moved into. The 15% upgrade limit requires an existing petroleum terminal to cease a portion of operation to upgrade rather than add on and then retrofit once the new infrastructure is available. The 15% limit being placed into law is a policy failing to recognize that liquid fuels (be they fossil or otherwise) are necessary for our modern existence.

Your code removes incentives to move to low CO2 non-fossil fuels as there is no risk of such a facility ever competing with incumbent terminals serving the area. If you codify the Moratorium as drafted you set back renewable fuels which will be moved by rail and truck far less efficiently (with much higher emissions) rather than at a local major petroleum terminal.

The City of Vancouver should back away from the Fossil Fuel Moratorium. This far reaching and complicated code that restricts necessary uses for liquid fuels does not achieve its intent. It instead institutes arbitrary measures of volumes on a safety basis for things already regulated by Fire Code as well as other Federal and State laws on the same safety basis.

I request the City of Vancouver consider instead an alternate to achieve your goal. Create an affirmative use for Liquid Fuel Terminals, and exclude the use for transloading for export from the state to achieve the real desired result. There is a bright line for what is a petroleum terminal than what you currently describe.

As for smaller bulk infrastructure (as terminals are millions of gallons) eliminate these restrictions which will have unintended consequences on backup power and legitimate commercial uses where they need fuel. There are several robust layers of safety rules and regulation including insurance requirements which protect the public from underground fuel

storage tanks, orphan sites, and gross negligence from an operator of a site under 60,000 gallons as well as over that level of storage.

The Moratorium's intent can also be expressed by requiring compliance with Washington State's soon to be in effect CO2 reduction laws on fuel. Though this code hints at this feature, it should accept that Washington state's new laws ensure an ever-reducing impact of the fuels.

Within your code any upgrades (such as Earthquake UL needs for our region) must be for fuels with a lower than baseline Fossil Fuel under Washington's Clean Fuels Program (CFP). The Washington CFP law alone does more to limit the growth of Fossil Fuel infrastructure than anything the City of Vancouver could hope to do.

I request that you lean into making the Washington Clean Fuels Program successful and resist complicated and arbitrary land use laws that won't remove fossil fuels but will raise the expense of the fuel consuming Vancouver resident.

Development codes and comprehensive plans exist for a long-term view and the benefits thinking ahead can provide. The balancing of immediate economic interest against long term quality of life and land use decisions. The proposed Fossil Fuel moratorium is very short term and immediate in its concern.

The City of Vancouver Moratorium has served its purpose to slow down a rush in petroleum related projects. Today I request you look a little further ahead at what is coming as it relates to the liquid fuels that run our economy.

If the stated goal of the Fossil Fuel Moratorium is to ensure short term market forces don't encourage the squandering of Vancouver's valuable Port facilities is understandable. This code will squander the existing use and eliminate investments in the current petroleum terminals moving forward to a Low CO2 future in the hopes of preventing more of these uses. It would just be easier to place the moratorium on new developments not the existing footprint and adjacent zoned land of our current energy infrastructure.

If another goal of the Fossil Fuel Moratorium is to decarbonize Vancouver, Washington. The proposed code harms that effort. Investments in next generation Low CO2 fuels is necessary to achieve that goal. Your proposed code blocks this with the arbitrary 15% cap on new infrastructure.

If an unstated goal of the Fossil Fuel Moratorium is to raise the retail cost per gallon of liquid fuels consumed in Southwest Washington. The suggested code will do that.

If another unstated goal of the Fossil Fuel Moratorium is to also reduce the quantity of diesel stored inside Vancouver. It should be stated, that is also a reduction in the availability of life saving diesel infrastructure necessary to respond to a major seismic event or natural disaster. The suggested code has real issues as it likely limits emergency storage of diesel for major back up generators.

CODE SPECIFIC COMMENTS BELOW:

MORATORIUM CODE NEEDS CLEAR DEFINITION OF “CLEANER FUELS”

Cleaner Fuels doesn't define if blended fuels (fuels that are lower CO2 before entering the city of Vancouver) but still have fossil fuel content would be allowed under this code. This needs to be addressed for two reasons.

In particular there is a major development of CO2 sequestration happening in the US today. The US Tax Code provides under “Regulation 45Q” has led to “fossil fuel” developers to sequester CO2 alongside their development of traditional crude oils making possible a negative CO2 crude fossil fuel. This is both a fossil fuel (possibly seeing a future pathway through the Washington State Clean Fuels program) and a “Cleaner Fuel” if measured solely by CO2 footprint. Additionally, can a fossil fuel blended with a low CO2 biofuel prior to arriving (or at time of arrival) to Vancouver meet a Low CO2 fuel? This needs to be clear as it is not.

MORATORIUM CODE HAS POTENTIAL CONFLICTS IN REGULATION

The Moratorium as well as the proposed municipal code mentions many things tightly and firmly regulated by other agencies in Washington State. This gives rise to a place for needless conflict versus just deferring to that authority.

Below are some immediate regulations that everywhere else in the world are handled outside of Development Code. Both at a Federal and Municipal Level, public safety from environmental release and fire safety have a very rigorous system of rules expressed in code that impacts development decisions and review. On top of these, there is also the Army Corps of Engineers and Coast Guard regulation of anything taking place over the waters adjacent to the Port of Vancouver.

Washington State Building Code regulates the fire and public safety of fuels stored. Permitting for liquid fuels stored is regulated partially within this code for public safety as it relates to fire, release into the environment, and containment. The Fire Code and this level type of safety is regulated by the Washington State Fire Code (which is the adopted International Fire Code 2018). The International Fire Code guiding “Bulk Fossil Fuels” and “Cleaner Fuel Storage” the definitions, size, and type of development are:

Chapter 23 – Motor Fuel Dispensing Facilities and Repair Garages

Chapter 50 – Hazardous Materials General Provisions

Chapter 53 – Compressed Gases (Compressed Natural Gas and Hydrogen)

Chapter 55 – Cryogenic Fluids (Liquified Natural Gas and Hydrogen)

Chapter 47 – Flammable and Combustible Liquids

Chapter 58 - Flammable Gases and Flammable Cryogenic Fluids

Chapter 61 – Liquified Petroleum Gas (Propane)

Washington State Department of Ecology regulates Above Ground and Underground Storage Tanks as well. The regulation and program has required inspections (both internal operators as well as with State inspectors), insurance to fund any leaks or clean ups, and a host of other ongoing maintenance requirements that hold an operator of a underground storage tank directly accountable to both the Washington Department of Ecology as well as the US Environmental Protection Agency.

From the Revised Code of Washington:

Chapter 19.94.507 – Gasoline Delivered to Service Stations (relates to inventories in and out of the tanks to check if a tank is leaking)

Chapter 19.112 – Motor Fuel Quality Act (Requires biofuel blended content of fuel, requires registration of all motor fuels with the state, authorizes Department of Ecology and Agriculture to grant variances from ASTM to produce lower emission fuels, and standards for biofuels for Washington state).

Chapter 70A.325 – Underground Petroleum Storage Tanks

Chapter 70A.345 Underground Storage Tank Revolving Loan and Grant Program (a fund to remediate and facilitate clean up of petroleum pollution associated with underground tanks).

Chapter 70A.355 – Underground Storage Tanks

Chapter 70A.415 – Hazardous Substance Information (disclosure of stored hazardous substances to the public)

Chapter 70A.535 – Transportation Fuels – Clean Fuels Program

Chapter 90.56 - Oil and Hazardous Substance Spill Prevention and Response

Chapter 70A.45.020 – Greenhouse Gas Emission Reductions (if you are bringing fuels into Washington State you are held accountable to move to Cleaner Fuels).

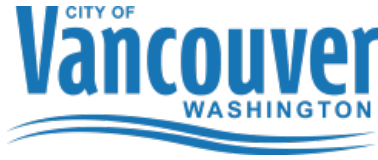
SUGGESTIONS FOR “PROPOSED CHANGES” IN THE MORITORIUM UPDATE:

NOTE: It is our opinion that the majority of this draft Comprehensive Plan change be backed away with and started anew. Specifically with a special Zoning Category for Petroleum Terminal and the only Conditional or Approved Uses being those that are done to meet lower CO2 emitting fuels for the Washington State Clean Fuels Program.

Baring that as an option we have the following comments on the Fossil Fuel Moratorium's suggested changes to the Comprehensive Plan:

- PROPOSED CHANGE 1 - Change "Fossil Fuel" to something that aligns with Washington State's Clean Fuels Standard language for a baseline petroleum fuel.
- PROPOSED CHANGE 2 – Change the fuel definitions to align with the Washington State's Clean Fuel Standard pathways.
 - o NOTE: First Law of Thermodynamics – "Fuels that are Low or no emissions" do not exist. There is an energy and therefore an emission cost with all energy. What makes it a low emission fuel is by comparison, this language is problematic. It should be removed and site the regulatory goals of the Clean Fuels Program.
- PROPOSED CHANGE 3 – Remove this as it is arbitrary. Volumes for fuel storage are also regulated by the International Fire Code as well as inspected regularly by the either the US Environmental Protection Agency or Washington Department of Ecology. Federal and State Law also require special and significant insurance to operate these sites to ensure a clean up if a site is ever polluted. Additionally, "Small Fossil Fuel Storage and Distribution Facilities" are about to become "Cleaner Fuel" facilities by law, given the requirements of the Washington Clean Fuels program as they will be taking blended lower CO2 fuels routinely in this program.
- PROPOSED CHANGE 8 – Municipal garbage is a strategic feedstock for Renewable Diesel and Sustainable Aviation Fuel. Small footprint processing of these fuels is expected in the near future as the technology becomes more proven. Limiting industrial uses in industrial zones may be regretted as the potential of new clean fuel technology dynamically improves and provides a huge potential for green jobs. To process waste into low CO2 fuels on a small cottage scale will require bulk storage. My reading of the code "Bulk Fossil Fuel" also obstructs new Cleaner Fuel infrastructure (as the code arbitrarily assumes a site must be a fossil fuel before being built for a low CO2 fuel).
- PROPOSED CHANGE 9 – Please remove any obstructions to invest in serving Washington's Clean Fuels Standard. This change is poorly written. You cannot block maintenance and safety improvements required by Federal and State rules in a non-conforming use. Also the arbitrary 15% is treating critical energy infrastructure like it's a restaurant's square footage. The assumption that only "Conversion" will be a land use is extremely short sighted as is banning investments in Cleaner Fuels.
- PROPOSED CHANGE 10 – Banning all new cleaner fuel facilities is a mistake and will raise the cost of living in Clark County exorbitantly in a Clean Fuels Program regime. Please remove this absolute ban on low CO2 fuels.
 - o NOTE: Major back up power generation is reliant on diesel fuels. This might be considered a ban on utility, hospital, and industrial scale back up power storage.

- PROPOSED CHANGE 14 – Please remove this. This lists a whole host of regulated subjects as well as other Agencies involved. If regulating on this level, please default to their code rather than add possible conflicts with the Comprehensive Plan.



PLANNING COMMISSION PUBLIC HEARING

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

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

September 13, 2022

REGULAR MEETING

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

CALL TO ORDER

The September 13, 2022, meeting of the Planning Commission was called to order at 4:03 p.m. by Chair Ledell.

ROLL CALL

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

Absent: Nena Cavel

Motion by Commissioner Schulte, seconded by Vice Chair Pyle, and carried unanimously to excuse the absence of Commissioner Cavel.

PUBLIC HEARING

6:53 P.M. UPDATES TO FOSSIL FUEL STORAGE REGULATIONS

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

Rebecca Kennedy introduced the workshop. Chad Eiken presented background on the fossil fuel facility moratorium and the timeline of workshops with the Planning Commission and City Council. Bryan Snodgrass presented the proposed changes to the fossil fuel code, VMC Title 20, and the details of changes for bulk fossil fuel facilities, cleaner fuel facilities, and small fossil and cleaner fuel facilities. The presentation covered code clean up changes and new special use standards, an overview of existing bulk fossil fuel facilities, the Heavy Industrial (IH) district, and stakeholder outreach.

The presentation continued after a brief audio outage with two policy issues resulting from public input regarding small fuel facilities and new cleaner fuel facilities. Staff described the differences between limited and conditional use permits and analysis and staff recommendations of the policy issues for consideration by the Commission. Staff provided details of the proposed code clean up items based on public input.

Staff described the SEPA (State Environmental Policy Act) timeline for this project, including three comment letters received. Staff presented to City Council on September 12, 2022 and provided the details of Council's recommendations during that workshop.

Commission Discussion

The Commission and staff discussed the following topics:

- Are the development standards for conditional use permit the same as applied to a limited use permit application? Staff responded they are in both cases.
- For revocation of a conditional use permits (slide 14, item 6), not applicable for a limited use permit? Staff responded there is not a similar approach for a limited use permit. It is a permitted use and they must adhere to the conditions. There is a code enforcement process to deal with an applicant's failure to comply with the conditions of the permit.
- What is the definition of "cleaner fuel"? Staff responded it is specifically defined in the [draft ordinance](#). It includes carbon-free fuels, credit generating fuel, biomass renewable fuels, alcohol fuels, biodiesel fuel, E85 motor fuel, and alternative fuels that are not fossil fuels.
- Regarding the annual report to the City regarding capacity and shipment activity/type (slide 18), what information could become public? Staff responded the information in the report is also reported to Department of Ecology or other federal agencies. The report would include a description of the onsite storage capacity, number of tanks, volumes, and products, number of vessels, transfers of fuels, type and quantity of products transferred and destination, number of rail cars transporting fuels, number of trucks transporting fuels, a document that onsite activity is similar to the established baseline of storage and/or throughput, and conformity with applicable regional, state, and federal reporting or permit requirements.

Public Testimony

Audrey Leonard, staff attorney for Columbia Riverkeeper, supported the proposed ordinance to prohibit new or expanded large scale fossil fuel facilities. The proposed ordinance must safeguard safety and avoid loopholes for fossil fuel expansions. She urged the Planning Commission and City Council to require facilities converting to cleaner fuels or establishing new cleaner fuel facilities to get a conditional use permit. The small and cleaner fuel facilities carry many risks and have the potential to be dangerous. Requiring a conditional use permit puts a small burden on sophisticated companies whose incentive is the profit of the facility.

Janet Hedgepath supported requiring conditional use permits for cleaner fuel facilities. The moratorium was intended to preserve the health and safety of community and environment. If the Commission is going to consider cleaner fuels with other storage facilities, then she urged the Commission to require conditional use permits, rather than limited use permits, to provide the public a chance to weigh in.

Michael Bomar, Director of Economic Development at the Port of Vancouver, USA. The Port is committed to climate action and supports the transition of Port activities away from fossil fuels and to attract cleaner and clean fuel facilities. We're pleased to see the updates to the definition of cleaner fuels and response to clarify a facility that expands can serve both traditional or clean fuel provided fossil fuel volumes do not exceed the pre-expansion baseline. We appreciate the proposal to allow for new clean and cleaner fuel facilities under conditional use permits; however, the restriction of 1 million gallon/3 acre space limit will be a deterrence for some clean facilities. We encourage a limited use permit for cleaner or small facilities and conditional use permit for any large facilities without an upper volume or acreage limit.

Holli Johnson, Western States Petroleum Association, expressed concerns for the proposed regulations and urged the Planning Commission to amend the code before moving to City Council. The conditional use permit process is appropriate when the use does not match the zoning. The use of conditional permits for industrial use in a heavy industrial zone is not appropriate. This will create uncertainty and likely disincentivize upgrades and improvements to facilities. The proposed language for greenhouse gas mitigation requirements seems to be unlimited to what may or may not for an applicant for reporting and mitigating, and would be left to the City to determine what is required to mitigate. This should be reviewed with other state and federal mitigation requirements. Finally, the annual reporting requirement includes information that is confidential, proprietary and strategic business information which could be used by a competitor to gain an unfair advantage in the marketplace, as well as potential safety risk. She urged the review of public records act exemption in RCW 42.56 as it relates to proprietary business information.

Cathryn Chudy shared her concerns for the impacts to the Fruit Valley neighborhood and supported Option A. Until more careful deliberation and outreach is done by the city regarding cleaner fuels and their potential to harm health and safety, Option A would provide the maximum protection for those most disadvantaged and overburdened and whose voices are not adequately heard in this current ordinance process. The majority Council believes that the City can provide health and safety protections, as well as advanced climate action goals by opening the door to cleaner fuel facilities in the Heavy Industrial Zone. Some of those small, cleaner fuel facilities will be able to use an expedited permit process that leaves out public participation. The unknowns are left to be experienced by those most affected without their input.

Rebecca Ponzio, Washington Environmental Council, supported the Planning Commission in recommending a fossil fuel land use code that is rooted in the protection of the health and safety of Vancouver neighborhoods, and those hardest hit by industrial pollution such as Fruit Valley. The ordinance should clearly ban new and expanded fossil fuel terminal storage and handling facilities and should ensure that conditional use permitting processes, not limited use, are applied to any and all new facilities under the definition of clean fuels and/or changes to existing facilities. A conditional use permit is a common permit type in Vancouver and it is not an unusual or unnecessarily burdensome process. Applying a conditional use permit approach is a way to better understand impacts to ensure the public health and safety issues are evaluated, and that the public has a chance to substantively weigh in. This is particularly important as we learn more about these various potential projects and technologies. We have learned from other jurisdictions like Tacoma and Whatcom County that being clear, concise, and rooted in the intent of the original moratorium language around health and safety is the most effective way to establish code of this significance.

Mark Fitz, Star Oilco, did not support the proposed code amendments. He disagreed with the cleaner fuels definition, as all fuels will soon be cleaner fuels in Washington by law. The cleaner fuels inventory is a major investment which will bring back property tax revenue to the City and to the region.

Commission Discussion

- Are the requirements to expand and/or convert up to 15% tied to both converting to cleaner fuels and seismic upgrades, or just seismic upgrade upgrades and expand with the existing bulk fuel? Staff responded it's both, it would need to convert to cleaner fuels and complete the seismic improvements and upgrades.
- Limited use permits and how it is determined that limited use is appropriate. Staff responded that limited use means that the use is allowed so long as they meet the list of conditions. The approval process would be a site plan review process. The conditions are intended to get at the

known impacts. Staff is recommending a conditional use permit for new cleaner fuel facilities up to one million gallons. We don't know what those specific site impacts might be, because we don't know where there'll be located. Whether it is a limited use or conditional use, any of these tanks would exceed the SEPA threshold and there would be a SEPA review where the public could comment.

- Is there a process difference between a limited use and a conditional use in terms of the amount of public notice for review? There is public notice for both. Limited use is under the site plan application. There's a public notice to properties within 500 feet and is sent to the neighborhood associations. They can comment staff within 14 days. The site plan approval is an administrative process. Staff reviews it, determines whether it meets all the criteria and then makes their decision. The conditional use process involves a slightly longer comment period of 30 days, notice is sent to the same people and neighborhood associations, and it's published in the newspaper. There is a public hearing before the Hearings Examiner, who would make the decision on the application. That decision is appealable to the City Council.

Motion by Commissioner Schulte, seconded by Commissioner Blaufus to recommend to City Council adoption of fossil fuel facility standards as recommended by staff in the proposal dated August 11, 2022, with modifications dated September 6, 2022, and based on the findings and conclusions in the staff report for the public hearing dated September 13, 2022.

Commission Discussion and Deliberation

- Commissioner Schulte acknowledged the long process for this recommendation and supported where this is ending. Timing is imperative to get started with these changes.
- Commissioner Blaufus supported the recommendation as a good middle ground.
- Commissioner Pyle requested a review of the recommendations for the three types of facilities. Staff responded the recommendation prohibits new bulk fuel facilities (60,000 gallon or more capacity), with allowances for maintenance and upgrades to existing facilities. There are also allowances for expansion up to 15% with conversion to cleaner fuels. The recommendation allows for cleaner fuel facilities in the heavy industrial district only and is subject to a conditional use permit. The recommendation allows for small fossil and cleaner fuel facilities in the heavy industrial district, subject to the specific standards, and a limited use permit process. Small fossil fuel facilities would be conditional use.
- Vice Chair Pyle acknowledged the process and input from staff, consultants, and the public to assess the risks and create a comprehensive set of regulations. A conditional use permit for all three types of facilities is repetitive and there is little benefit or additional expertise gained from a conditional use permit versus a limited use permit. The regulations as suggested in the staff report are robust and sufficient to move forward with limited use.
- Chair Ledell was in favor of the motion and the use of conditional permits as it allows for greater public input.

Roll Call Vote

Larry Blaufus	Yes
Steve Schulte	Yes
Zachary Pyle	No
Marjorie Ledell	Yes

The motion passes 3-1.

ADJOURNMENT 8:38 P.M.

Marjorie Ledell, Chair

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

DRAFT



Staff Report: 143-22

TO: Mayor and City Council

FROM: Eric Holmes, City Manager

DATE: 10/3/2022

SUBJECT Approve a Contract with Axon Enterprise, Inc., for Vancouver Police Department Camera Systems

Key Points

- The City of Vancouver started a police camera project in the fall of 2020, and we are on track to begin implementation shortly.
- In August 2022, the City of Vancouver completed field testing and evaluation and Axon was selected as the preferred vendor based on positive feedback and final RFP committee scoring.
- City staff have negotiated a contract with Axon for police cameras and associated equipment, subject to Council approval.
- Staff have also identified an opportunity to secure upgraded conducted energy devices (Tasers) at a greatly reduced price.

Strategic Plan Alignment

Goal 2: Provide effective, innovative, and well-resourced police, fire, and emergency medical services

Present Situation

Establishing a police camera program was identified as a top priority by the Community Task Force on Policing, which addressed key policies and operational changes for the VPD. The outcomes of this strategic process continue to guide the development of operational policies and expectations, which led to a formal procurement process that is now nearing completion.

Field testing and evaluation (T&E) of Axon police cameras took place in July - August 2022. During the T&E, five officers wore body worn cameras and five police vehicles were installed with Axon camera systems. Staff from VPD, Information Technology, VPD Records, and City Law evaluated Evidence.com, which is Axon's system for storing, managing, and redacting police videos. The RFP committee received positive feedback from personnel who tested the camera systems and software. After committee members scored vendor proposals and a successful T&E was completed, Axon was selected as the City's preferred police camera system vendor.

The City and Axon have negotiated a contract for the police camera systems. The vendor contract cost of implementing a new police camera system is \$5,479,802.65 over five years, with an option to renew, which includes the following:

- Body worn cameras and accessories for officers;
- New state-of-the-art tasers and training modules;
- Fleet cameras will equip each vehicle with an automated license plate reader (ALPR), a forward-facing camera, back seat camera, and associated activating systems;
- Interview room recording systems for East and West Precincts; and
- Software and storage services.

In addition to the City's intended procurement of a new, state-of-the-art camera system, staff have identified an opportunity to leverage its procurement of cameras from Axon to secure upgraded conducted energy devices (Tasers) at a greatly reduced price. If approved, the upgraded Taser X7 would enhance both community safety as well as police transparency by (1) providing a means for hands-free remote activation of police body cameras, (2) providing officers with increased functionality over the current Taser X26, thereby increasing the likelihood that officers can resolve violent encounters without the need for more severe modalities of force.

Advantage(s)

Implementing a police camera system will help to demonstrate responsiveness to community priorities and enhance public safety. If approved, the proposed contract will provide the City of Vancouver with a police camera system that will help to:

- Provide a professional level of service that is consistent with community expectations and industry best practices.
- Increase operational transparency by providing digital evidence for criminal investigations, court proceedings, civil uses, and more.
- Improve community trust and accountability in policing.

Disadvantage(s)

- Initial and annual costs. After the proposed contract is signed, the City anticipates making annual payments each year the vendor contract is in place.
- There will also be a significant increase in the staff workload for the Police Records Department.

Budget Impact

Sufficient budget has been included in the 2021-2022 biennial budget. The City Manager's Recommended budget will include sufficient appropriation for the costs of this initiative in 2023-2024.

Prior Council Review

September 12, 2022 - City Manager Communications

Action Requested

Authorize the City Manager or designee to execute the contract with Axon Enterprise, Inc., for

police camera systems, and take any and all action necessary to enforce the terms thereof.

Troy Price, Assistant Police Chief, 360-487-7472; Anna Vogel, Procurement Manager, 360-487-8429; Katherine Nye, IT Technical Services Manager, 360-487-7660; Taylor Hallvik, Assistant City Attorney, 360-487-8521

ATTACHMENTS:

- ▣ Source Guidance and Documentation
- ▣ Axon Enterprises Contract



MEMORANDUM

TO: Mayor and City Council

CC: Eric Holmes, City Manager; and
Natasha Ramras, Chief Financial Officer

FROM: Jonathan Young, City Attorney 

DATE: October 3, 2022

SUBJECT: Sole Source – Conducted Energy Weapons

The Vancouver Police Department (VPD) has submitted a sole source justification form requesting to procure conducted energy weapons (CEWs) (e.g., tasers) without engaging in competitive solicitation. (Attachment A – Sole Source Form.) The Vancouver City Attorney's Office was asked to review and advise on the legality of approving such an acquisition under the circumstances presented. For the reasons set forth below, the Vancouver City Attorney's Office advises that the City Council may waive competitive solicitation for the CEWs needed by the Vancouver Police Department and authorize procurement of Taser X7 units by way of direct negotiated sale from Axon Enterprises Inc. (Axon).

Facts Presented:

CEW Needs: The Vancouver Police Department currently equips its sworn peace officers with Taser X26 CEW's manufactured by Axon. Taser model X26 has been used since approximately 2004. The technology offered by the X26 is becoming antiquated by modern law enforcement standards and many of the units deployed within VPD are approaching the end of their useful life. VPD was planning to take steps to replace the X26 in the upcoming year. As part of its evaluation process, VPD has identified that newer CEW models provide improved functionality. Specifically: (1) probes deployed by newer CEW models have improved penetration which means heavier clothing is less likely to thwart an attempted deployment; (2) more than one set of probes can be deployed before needing to reload a newer CEW; and (3) some current models allow users to display an 'arc' of electricity as a visual / auditory warning without removing the probe cartridge, to aid in gaining voluntary compliance.

Cameras: Separate and distinct from VPD's needs relative to upgraded CEWs, the City has been actively evaluating potential vendors for a police camera program. One potential camera vendor was selected for testing and evaluation (T&E) in the fall of 2021. The T&E phase with the first preferred vendor in the fall of 2021 proved that platform did not meet the City's needs. A fresh competitive selection process was commenced in the spring of 2022, resulting in the selection of a preferred vendor (Axon) that was determined to meet the City's program needs. The competitive evaluation process resulting in Axon's selection was robust and utilized an evaluation team comprised of key stakeholders including members of the City's Information Technology Department, Police Records, City Law, VPD Patrol and Office of the Chief, and members of the community.

Opportunity: Through the course of camera program negotiations with Axon, various concessions have been requested by each side. City Staff have identified an opportunity to leverage its procurement of cameras from Axon to secure upgraded CEWs that are uniquely compatible with the selected Axon cameras (Taser X7 units) at a greatly reduced price. If approved, the upgraded Taser X7 units would enhance both community safety as well as police transparency by (1) providing officers with increased functionality over the current Taser X26 in each of the ways specified above (improved probe penetration, ability for multiple probe deployments, ability to display visual warning 'arc' without removing cartridge), thereby increasing the likelihood that officers can resolve violent encounters without the need for more severe modalities of force; and (2) providing officers a means for hands-free remote activation of their police body cameras vis-à-vis Bluetooth technology. The City estimates that it can achieve savings of approximately \$2,000 per sworn officer by leveraging the purchase of Taser X7 units and associated equipment from Axon in tandem with the purchase of police cameras – rather than acquiring this CEW equipment as a standalone procurement effort.

Surrounding Market Conditions: Upon identification of the Axon Taser X7 as a potential replacement for the Taser X26, City Staff undertook a review of the surrounding CEW market to evaluate the availability of alternate solutions. Review of the surrounding CEW market revealed only one other vendor with a probe-deployed CEW: PhaZZer, LLC. The City's Procurement Team contacted a regional sales representative for PhaZZer inquiring whether its unit would provide the same functionality and compatibility with Axon body cameras as Taser X7 units. The City's Procurement Team received no response to its inquiries to PhaZZer, LLC.

Additionally, correspondence between the City's Information Technology Department and a regional services manager for Axon provides:

"No other manufacturer of CEWs can activate an Axon Body Worn camera." (Attachment B - Correspondence from Kirk Henderson, Axon.)

Based on the facts set forth above, it is clear that through the exercise of reasonable diligence, City Staff has been unable to identify any other vendor that supplies a product with the same functionality as the Taser X7.

Legal Authority:

Washington State Law, RCW 39.04.280(1) provides that the competitive bidding requirements of a municipality may be waived for reasons that include:

- (a) Purchases that are clearly and legitimately limited to a single source of supply; and
- (b) Purchases that involve special market conditions.

Waiver of the municipality's competitive bidding requirements may be approved by an action of the legislative body or, if delegated by the legislative body of the municipality, pursuant to such delegated authority. (RCW 39.04.280(2)). The Vancouver City Council has delegated authority to waive competitive solicitation for purchases of less than three hundred thousand dollars meeting certain criteria to the Director of Financial Management Services. However, in circumstances where waiver of the competitive process would involve the purchase of equipment at a cost greater than three hundred thousand dollars, approval of the City Council is required.

Analysis and Recommendation:

For the reasons set forth below, the Vancouver City Attorney's Office advises that the Vancouver City Council may waive competitive solicitation for the CEW needed by VPD and authorize procurement of Taser X7 units by way of direct negotiated sale from Axon pursuant to the Sole Source Justification Form presented.

The aggregate estimated value of all Taser X7 units and associated equipment that VPD seeks to procure is approximately \$550,000. (Sole Source Justification Form, p.1). At this price point, Washington State law and the Vancouver Municipal Code allow the City Council, as the governing body of the municipality, to waive competitive solicitation processes in instances where purchases would be from a supplier that clearly and legitimately constitutes a

sole source of supply, or alternatively, for purchases that involve special market conditions. (RCW 39.04.280(1)). While only one of the exceptions set forth in RCW 39.04.280(1) needs to be present for City Council to waive competitive solicitation, both elements “(a)” and “(b)” appear to be satisfied under the facts presented.

First, City Staff have exercised reasonable diligence in attempting to identify an alternate vendor of CEWs that: (1) offer improved probe penetration when compared to the Taser X26, (2) allow deployment of more than one set of probes before reloading, (3) allow peace officers to display an ‘arc’ or other visible / audible warning before deployment without removing the probe cartridge, and (4) interface with the police department’s soon-to-be-implemented Axon camera system for hands-free camera activation. Efforts to identify any manufacturer of such a product, besides Axon, have been unsuccessful.

Second, negotiations with Axon for the VPD camera program have revealed that leveraging the purchase of Taser X7 units and associated equipment in tandem with the City’s police camera platform can result in an approximate savings of \$2,000 per officer. In addition to the sole source scenario outlined above, these savings appear to represent ‘special market conditions’ and additional grounds supporting waiver of the competitive solicitation process for ECWs.

We hope you find this information to be of assistance.

Attachments:

- A. Sole Source Justification by Vancouver Police
- B. Correspondence between representatives of City of Vancouver and Axon.

Attachment A

Sole Source Justification by Vancouver Police



SOLE SOURCE JUSTIFICATION Purchases Above \$5,000

A sole source is defined as: A purchase that is clearly and legitimately limited to a single source or supply. A. If there is a way to draft the specifications so that more than one respondent will reply, it is not a sole source. B. The use of sole source purchases shall be limited only to specific instances which are totally justified to satisfy compatibility or technical performance needs. Immediately following award of a sole source contract, the contract (PO or paper contract) and the factual basis for the sole source procurement (this Sole Source Justification Form) must be recorded and open to public inspection (RCW 39.04.280(2)(a)).	
I REQUEST THAT THE REFERENCED PURCHASE BE DECLARED A SOLE SOURCE PURCHASE.	
Department: Police	Requestor: Assistant Chief Troy Price
Proposed supplier name and address: Axon 17800 N 85th St, Scottsdale, AZ 85255	Contract # (if applicable):
Estimated cost of goods or services for this request: \$551,870.19* (*Includes training and warranty)	Total Amount Spent to Date (if applicable): \$
This is a sole source purchase because (Check all that apply): ☒ Sole Source – No other items are known to exist which perform the same function. ☒ Special Design – Item is specific design to fit in with an existing installation. ☐ Consultant – Providing professional or technical expertise of a unique nature or location availability. ☒ Proprietary – Item is held under exclusive title, trademark or copyright ☐ Warranty Service – The vendor is the sole provider of factory authorized warranty service. ☒ Established Standard – The vendor is the sole provider of goods and services for which the City has established a standard. ☐ Used Item – The vendor/distributor is a holder of a used item that would represent good value and is advantageous to the City (attach information on market price, availability, etc).	
Describe the proposed goods or services.	Taser 7 conducted energy weapon
What are the specific <u>necessary</u> features that this supplier provides that are not available from other suppliers?	The Vancouver Police Department currently deploys the Axon Taser X26 conducted energy weapon(CEW). In consultation with the VPD Training Department, the Office of the Chief has determined that safety and transparency demands on modern police agencies require that the Taser X26 units be replaced with an CEW that, at a minimum, has the following technical abilities: (1) ability to promote voluntary compliance by demonstrating an ‘arc’ without impairing functionality; (2) ability to deploy two sets of probes before reloading; and (3) ability to remotely activate the department’s body cameras (without touching the cameras) via Bluetooth or similar technology. The Taser X7 is the only known product on the CEW market meeting these technical requirements.
Discuss how similar goods or services are <u>unable</u> to meet the required objective.	No other vendor manufactures a CEW product that meets the technical needs of the Vancouver Police Department described above. The functional needs described above are necessary for the safety of both peace officers and the community we serve, and are also vital to promoting the department’s commitment to transparency.

What steps have you taken to verify that these features are not available elsewhere? ☐ Other brands/manufacturers were examined. Provide a list of phone numbers and names and explain why these did not meet the requirements: ☐ Other vendors were contacted but did not meet the requirements. Provide a list of companies and phone numbers and why they did not meet the requirements: ☒ Other, please explain: Email communications between the City's I.T. Technical Services Manager and Axon's Professional Services Manager have confirmed that the Axon cameras being deployed to VPD officers are only compatible with, and capable of being remotely activated by, Axon brand CEWs. (See emails of 07/29/2022 between Katherine Nye and Kirk Henderson, attached.) The City's Procurement Team has also invited the only other known manufacturer of probe-deployed CEWs, PhaZZer, to respond with any information concerning their ability to interface with Axon Cameras. As of the date of this submission, over a week has past with no response to emails from the City's procurement team.	
Can your requirements be modified so that competitive products or services may be used? ☐ Yes ☒ No If yes, please explain modifications and potential costs:	
Is this a one-time procurement? ☐ No* ☒ Yes	*If on-going sole source procurement is <u>required</u>, include or attach an estimate that shows total annualized expenditure for each year.

PRICE REASONABLENESS (Check all that apply and attach back-up documentation)

I determined that the price is fair and reasonable because:

- ☐ I compared the proposed price to prices I previously paid for the same or similar goods and/or services. See PO # . Specify price:
- ☐ I compared the proposed price to current published catalog, price lists, or market prices as documented in the attachments and the proposed price is similar or less. **Attach relevant documentation.**
- ☐ I compared the proposed price to rough yardsticks, such as dollars per pound, per horsepower, or other units of measure and did not discover significant inconsistencies that warrant additional pricing inquiry.
- ☒ Based on my knowledge of the market, my experience of prior similar proposals, or knowledge imparted by technical experts.
- ☐ The price is set by law or regulations.
- ☐ Market research reveals that same or similar goods or services are available for a similar price.
- ☒ Other: **The Taser X7 prices currently offered by Axon to the City of Vancouver have been compared to Axon contracts with other municipal agencies. Review of these price proposals has determined that the current pricing offered to the City of Vancouver is lower than could be obtained through piggy-backing off other municipal contracts.**

STATEMENT OF NEED AND CERTIFICATION:

My department's recommendation for sole source is based upon an objective review of the good/service being required and appears to be in the best interest of the City. I know of no conflict of interest on my part or personal involvement in any way with this request. No gratuities, favor, or compromising action have taken place. Neither has my personal familiarity with particular brands, types of equipment, materials or firms been a deciding influence on my request to sole source this purchase when there are other known vendors to exist.

AC

#1234

9/1/2022

Signature (Requestor)

Date

Department/Division Manager

Based upon the above, I authorize the sole source acquisition of the goods or services specified.

AC

#1234

9/1/2022

Signature

Date

Procurement Department Review

Based upon the above, I have reviewed this request and I ☐ support/☐ deny this request.

Signature

Date

FMS Department Director Signature

Based upon the above, I authorize the sole source acquisition of the goods or services specified.

Signature

Date

***NOTE: This Sole Source Justification is valid for two (2) years from the noted date; a new justification form is needed for additional time, as new vendors may have entered the marketplace.**

Procurement Use Only

Supplier Contract Number:

Staff Report # (if applicable):

Effective Date:

End Date:

Attachment B

Correspondence between representatives of City of Vancouver and Axon.

From: Kirk Henderson <khenderson@axon.com>
Sent: Wednesday, July 27, 2022 4:25 PM
To: Nye, Katherine <Katherine.Nye@cityofvancouver.us>
Subject: Axon CEW - Taser

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

Katherine,

Axon manufactures Conducted Energy Weapons (CEWs) under the brand name of Taser. Axon Body Worn cameras can be automatically activated via a Bluetooth signal when an officer activates (deploys) an Axon Taser (CEW). No other manufacturer of CEWs can activate an Axon Body Worn camera.

Respectfully,

Kirk Henderson
Professional Services Manager
Axon
847-366-8354

Axon Tech Support is available 24/7 at 1-800-978-2737, option 4



**CITY OF VANCOUVER
PURCHASE AGREEMENT # C-101024
VANCOUVER POLICE DEPARTMENT CAMERA SYSTEMS**

This agreement for the purchase of commodities (hereinafter referred to as the "Agreement") is entered into by and between the City of Vancouver, Washington, a municipal corporation organized under the laws of the State of Washington, WA (hereinafter referred to as the "City") and Axon Enterprise, Inc. (hereinafter referred to as the "Contractor"). The City and Contractor may be collectively referred to herein as the "parties" or individually as a "party".

WHEREAS, the City desires to engage the Contractor to provide the commodities requested as described in this Agreement; and

WHEREAS, the City advertised and issued Request for Proposals, numbered 22-22 (hereinafter referred to as the "solicitation") and after evaluation of the Contractor's responsive proposal, found the Contractor be capable of providing the required commodities; and

WHEREAS, the Contractor represents by entering into this Agreement that it is fully qualified to provide the commodities described herein and warranties and guarantees to the full satisfaction of the City.

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

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

The Contractor agrees to provide for the design, installation, implementation, and maintenance of a state-of-the-art body worn camera (BWC), interview room, and integrated vehicle (cabin/dash) cameras (VC) system, and tasers for the City of Vancouver Police Department (VPD). The BWC/VC System Solution shall include, but is not limited to, the following: BWC/VC/Interview Room hardware, data/video storage, the Video Management Solution (VMS), video redaction software, configuration, project management, implementation, training services, warranty, and ongoing maintenance support services, throughout the term of the contract. The System shall consist of design, software, and hardware solutions that have undergone proven performance experiences and is among the highest levels of effectiveness and long-term quality for criminal justice/police industry practices.

2. **TERM OF AGREEMENT:** The term of this Agreement shall commence on October 10, 2022 and continue until October 9, 2027. The City may extend the contract for an additional five-year term. The maximum term for this Agreement is ten (10) years.
3. **ORDER OF PRECEDENCE:** Where there is a conflict among or between any of these documents, the controlling documents shall be the first listed in the following sequence: Amendments to this Agreement; this Agreement; Master Services and Purchasing Agreement, Purchase Orders; the Contractor's responsive proposal to the City's solicitation and the City's solicitation.
4. **GENERAL REQUIREMENTS:** The Contractor, at its sole cost and expense, shall perform and comply with all applicable laws of the United States and the State of Washington; the Vancouver City Charter, the Vancouver Municipal Code (VMC), and ordinance of the City of Vancouver; and rules, regulations, orders, and directives of their respective administrative agencies and officers.
5. **PURCHASE ORDER:** Purchases will be authorized via valid Purchase Orders. Purchases shall correspond with the Purchase Order; any unauthorized advance or excess order is returnable at Contractor's expense.
6. **PRICES:** The applicable prices are set forth in Attachment A to this agreement and must be valid for one year from the effective date of this Agreement. Price adjustments may be requested for consideration each year thereafter; the City, at its sole discretion, may approve that request. Request for price increases shall be supported by the applicable Producer Price Index for the Seattle-Tacoma-Bremerton area for the immediate, previous four (4) quarters.
7. **E-VERIFY:** The Contractor shall enter into and register a Memorandum of Understanding with the Department of Homeland Security E-Verify program within sixty (60) days after execution of this Agreement. The Contractor shall ensure all Contractor employees and any subcontractors assigned to perform work under this Agreement are eligible to work in the United States. The Contractor shall provide verification of compliance upon the request of the City. Failure by the Contractor to comply with this subsection shall be considered a material breach.
8. **SCHEDULE:** Unless the City requests a change in schedule, the Contractor shall deliver the required commodities and any associated services by the "Delivery Date" stated on the signed purchase order.

In the event that the equipment and related services are not provided and/or delivered in the timelines specified in the Purchase Order, the City reserves the right to reject the product and service and cancel the Purchase Order in its entirety. The City shall bear zero expense due to this breach.

9. **DELIVERY:** All costs referenced must be F.O.B. Vancouver, Washington, Prepaid and Allowed (freight included in the unit cost), prepaid with all transportation and handling charges paid by the Contractor. Responsibility and risk of loss or damage shall remain with the Contractor until

delivery to the City, except as to latent defects, fraud, and the Contractor's warranty obligations. Any goods which are not rejected as defective or non-functional within ten (10) days of delivery shall be deemed accepted.

- 10. PAYMENT:** Invoices will be paid at net thirty (30) days after the City's receipt of an invoice provided that equipment included on the invoice has been received and all appropriate information has been listed on the invoice and necessary forms have been submitted.
- 11. TAXES:** The Contractor shall pay, before delinquency, all taxes, levies, and assessments arising from its activities and undertakings under this Agreement; taxes levied on its property, equipment and improvements; and taxes on the Contractor's interest in this Agreement, provided, however, that any taxes that apply directly to the sale, such as a state or local sales tax, shall be added to the purchase price set forth in the Purchase Order.
- 12. ADJUSTMENTS:** The City at any time may make reasonable changes in the place of delivery, installation or inspection; the method of shipment or packing; labeling and identification; and ancillary matters that Contractor may accommodate without substantial additional expense to the City.
- 13. ASSIGNMENT:** This Agreement is binding on each party, its successors, assigns, and legal representatives and may not, under any circumstances, be assigned or transferred by either party.
- 14. WAIVER:** The City's failure to insist on performance of any of the terms or conditions herein or to exercise any right or privilege or the City's waiver of any breach hereunder shall not thereafter waive any other term, condition, or privilege, whether of the same or similar type.
- 15. RELATION OF PARTIES:** The Contractor, and its subcontractors, agents, employees, or other vendors contracted by the Contractor to provide services or other work for the purpose of meeting the Contractor's obligations under this agreement (collectively referred to as "subcontractors"), are independent contractors performing professional services for the City and are not employees of the City. The Contractor and its subcontractors shall not, as a result of this Agreement, accrue leave, retirement, insurance, bonding or any other rights, privileges, or benefits afforded to City employees. The Contractor and its subcontractors shall not have the authority to bind City in any way except as may be specifically provided herein.
- 16. OWNERSHIP OF RECORDS AND DOCUMENTS:** Contractor owns and reserves all right, title, and interest in the Contractor's products and related software, as well as any suggestions made to the Contractor. Contractor will retain all intellectual property rights and ownership in such work.
- 17. PROPRIETARY AND CONFIDENTIAL INFORMATION:** The parties acknowledge that the City is an "agency" within the meaning of the Washington Public Records Act, Chapter 42.56 RCW, and that materials submitted by the CONTRACTOR to the City become public record. Such records may be subject to public disclosure, in whole or part and may be required to be released by the City in the event of a request for disclosure. In the event the City receives a public record request for information that CONTRACTOR has marked as "Proprietary and

Confidential,” the City shall notify the CONTRACTOR of such request and withhold disclosure of such information for not less than FIVE (5) business days, to permit the CONTRACTOR to seek judicial protection of such information, provided that the CONTRACTOR shall be responsible for attorney fees and costs in such action and shall save and hold harmless the City from any costs, attorney fees or penalty assessment under Chapter 42.17 RCW for withholding or delaying public disclosure of such information.

18. TERMINATION FOR CONVENIENCE: The City may terminate this contract for convenience at any time for any reason deemed appropriate in its sole discretion upon thirty (30) day written notice to Contractor.

19. TERMINATION FOR CAUSE: In the event the Supplier is, or has been, in violation of the terms of this Contract, including the Invitation to Bid, the City reserves the right, upon 30 day written notice to the Supplier, to cancel, terminate, or suspend this contract in whole or in part for default, if the breach remains uncured at the end of the 30 days. Termination shall be effected by serving a notice of termination on the Supplier setting forth the manner in which the Supplier is in default. The Supplier will be paid only the contract price for goods rendered in accordance with the manner of performance set forth in the Contract.

If it is later determined by the City that the Supplier had an excusable reason for not performing, such as a strike, fire, or flood, or events which are not the fault of or are beyond the control of the Supplier, the City after setting up a new delivery or performance schedule, may allow the Supplier to continue work or treat the termination as a termination for convenience.

20. EVALUATION AND COMPLIANCE WITH THE LAW: The Contractor shall have the authority to control and direct the performance and details of the work described herein. The Contractor agrees to comply with all relevant, federal, state and municipal laws, rules and regulations.

21. CITY BUSINESS AND OCCUPATION LICENSE: Contractors will be required to obtain a business license when contracting with the City of Vancouver, unless allowable exemptions apply. Businesses/Contractors shall contact the State of Washington Business License Service (BLS) at: <http://bls.dor.wa.gov/file.aspx>, telephone 800-451-7985, or go to www.bls.dor.wa.gov/cities/vancouver.aspx or www.cityofvancouver.us/businesslicense, to determine whether a business license is required pursuant to VMC Ch. 5.04.

22. LIABILITY AND HOLD HARMLESS: Contractor agrees to indemnify, defend, save and hold harmless the City, its officials, employees and agents from any and all liability, demands, claims, causes of action, suits or judgments, including costs, attorney fees and expenses incurred in connection therewith, of whatsoever kind or nature (including patent infringement or copyright claims) to the extent arising out of, or in connection with, or incident to, the negligent performance or willful misconduct pursuant to this Agreement. This indemnity and hold harmless shall include any claim made against the City by an employee of Contractor or subcontractor or agent even if Contractor is thus otherwise immune from liability pursuant to

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

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

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

COVERAGE	LIMITS OF LIABILITY
I. Commercial General Liability:	
Policy shall include Bodily Injury, Property Damage, Personal Injury and Broad Form Contractual Liability	
Each Occurrence	\$1,000,000
General Aggregate Per Occurrence	\$2,000,000
Products & Completed Operations Aggregate	\$2,000,000
Personal and Advertising Injury	\$1,000,000
Blanket Contractual Liability	\$1,000,000
II. Commercial Automobile Liability	
Policy shall include Bodily Injury and Property Damage, for any owned, Hired, and/or Non-owned vehicles used in the operation, installation and maintenance of facilities under this agreement.	
Combined Single Limit	\$1,000,000
III. Workers' Compensation (applicable to the State of Washington)	
Per Occurrence	
Employer's Liability	\$1,000,000
Disease Each Employee	\$1,000,000
Disease Policy Limit	\$1,000,000
Each Claim	\$1,000,000
Annual Aggregate	\$1,000,000
VI. Cyber Liability	
Policy shall include coverage against claims involving privacy violations, data breach, information theft, damage to or destruction of electronic information, intentional and/or unintentional release of private information, and alteration of electronic information, extortion and network security.	\$5,000,000

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

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

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

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

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

For the City:
Anna Vogel
City of Vancouver
415 W 6th Street
P O Box 1995
Vancouver WA 98668-1995
Email: anna.vogel@cityofvancouver.us

For the Contractor:
Bobby Driscoll
Axon Enterprise, Inc.
17800 N. 85th St.
Scottsdale, AZ 85255
Email: contracts@axon.com

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

- 25. AMENDMENTS:** All changes to this Agreement, including changes to the statement of work and compensation sections, must be made by written amendment and signed by all parties to this Agreement.
- 26. SCOPE OF AGREEMENT:** This Agreement incorporates all the agreements, covenants and understanding between the parties hereto and are merged into this written Agreement. No prior agreement or prior understanding, verbal or otherwise, of the parties or their agents shall be valid or enforceable unless set forth in this Agreement.
- 27. RATIFICATION:** Acts taken pursuant to this Agreement but prior to its effective date are hereby ratified and confirmed.
- 28. GOVERNING LAW/VENUE:** This Agreement shall be deemed to have been executed and delivered within the State of Washington, and the rights and obligations of the parties hereunder shall be construed and enforced in accordance with, and governed by, the laws of the State of Washington without regard to the principles of conflict of laws. Any action or suit brought in connection with this Agreement shall be brought in the Superior Court of Clark County, Washington.
- 29. DEBARMENT:** The Contractor certifies that that it is not presently debarred, suspended, proposed for debarment, and declared ineligible or voluntarily excluded from covered transactions by any Federal, State or local department or agency.
- 30. CLEAN AIR ACT AND FEDERAL WATER POLLUTION CONTROL ACT:** Supplier must agree to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 U.S.C. 7401–7671q) and the Federal Water Pollution Control Act as amended (33 U.S.C. 1251–1387). Violations must be reported to the Federal awarding agency and the Regional Office of the Environmental Protection Agency (EPA).
- 31. BYRD ANTI-LOBBYING AMENDMENT:** Byrd Anti-Lobbying Amendment (31 U.S.C. 1352)—Suppliers that apply or bid for an award of \$100,000 or more must file the required certification. Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. 1352. Each tier must also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to the non-Federal award.
- 32. PROCUREMENT OF RECOVERED MATERIALS:** Supplier must comply with section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act. The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 CFR part 247 that contain the highest

percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds \$10,000 or the value of the quantity acquired during the preceding fiscal year exceeded \$10,000; procuring solid waste management services in a manner that maximizes energy and resource recovery; and establishing an affirmative procurement program for procurement of recovered materials identified in the EPA guidelines.

- 33. WARRANTIES:** All products shall be warranted against defects or faulty workmanship and materials by the Supplier for one (1) year following receipt of the products by the City, except for accessories which shall be warranted for a period of ninety (90) days. Warranty shall include all costs incurred, including shipping, for repair or replacement except that which is damaged by misuse or abuse. This warranty shall in no way affect normal extended or manufacturer's warranty exceeding this period. Supplier warrants that all goods and services furnished under this Contract are new, conform strictly to the specifications herein, are merchantable, good workmanship, free from defect, comply with all applicable safety and health standards established for such products, all goods are properly packaged, and all appropriate instructions or warnings are supplied. If a defect is found, a component failure occurs, or workmanship is found to cause failure, the Vendor shall replace the product at their own expense, including shipping charges. Any replacement product will be warranted for the longer of (a) the remaining warranty or (b) ninety (90) days from the date of replacement. All implied and expressed warranty provisions of the Uniform Commercial Code are incorporated into this Contract.
- 34. NONDISCRIMINATION:** During the term of this Contract, the Supplier agrees as follows: The Supplier will not discriminate against any employee or applicant for employment because of creed, religion, race, color, sex, marital status, sexual orientation, political ideology, ancestry, national origin, or the presence of any sensory, mental or physical handicap, unless based upon a bona fide occupational qualification. The Supplier will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their creed, religion, race, color, sex, national origin, or the presence of any sensory, mental or physical handicap. Such action shall include, but not be limited to the following: employment, upgrading, demotion, or transfer, recruitment or recruitment advertising layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship.
- 35. BINDING EFFECT:** The provisions, covenants, and conditions in this Agreement apply to bind the parties, their legal heirs, representatives, successors, and assigns.
- 36. REMEDIES CUMULATIVE:** Remedies under this Agreement are cumulative; the use of one remedy shall not be taken to exclude or waive the right to use another.
- 37. SEVERABILITY:** Any invalidity, in whole or in part, of any provision of this Agreement shall not affect the validity of any other of its provisions, unless the result of same would clearly be contrary to the overall intent of the parties in entering into this Agreement.

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

CITY OF VANCOUVER

A municipal corporation

CONTRACTOR:

Axon Enterprise, Inc.

Eric Holmes, City Manager

Signature

Date

Printed Name /Title

Attest:

Date

Natasha Ramras, City Clerk

Approved as to form:

Jonathan Young, City Attorney



Axon Enterprise, Inc.
 17800 N 85th St.
 Scottsdale, Arizona 85255
 United States
 VAT: 86-0741227
 Domestic: (800) 978-2737
 International: +1.800.978.2737

Attachment A - Pricing

Q-417956-44819.975AS

Issued: 09/15/2022

Quote Expiration: 10/31/2022

Estimated Contract Start Date: 01/01/2023

Account Number: 107621

Payment Terms: N30

Delivery Method: Fedex - Ground

SHIP TO	BILL TO
Delivery-605 E Evergreen Blvd 605 E Evergreen Blvd Vancouver, WA 98661-3812 USA	Vancouver Police Dept. - WA PO Box 1995 Vancouver, WA 98668-1995 USA Email:

SALES REPRESENTATIVE	PRIMARY CONTACT
Allen Sliper Phone: Email: asliper@axon.com Fax:	Troy Price Phone: (360) 487-7463 Email: troy.price@cityofvancouver.us Fax: (360) 619-1033

Quote Summary

Program Length	60 Months
TOTAL COST	\$5,083,066.00
ESTIMATED TOTAL W/ TAX	\$5,479,802.65

Discount Summary

Average Savings Per Year	\$421,529.42
TOTAL SAVINGS	\$2,107,647.10

Payment Summary

Date	Subtotal	Tax	Total
Dec 2022	\$700,273.16	\$52,747.45	\$753,020.61
Jan 2023	\$34,000.00	\$1,445.00	\$35,445.00
Jul 2023	\$309,540.00	\$26,310.88	\$335,850.88
Dec 2023	\$700,273.21	\$52,747.45	\$753,020.66
Jul 2024	\$309,540.00	\$26,310.88	\$335,850.88
Dec 2024	\$700,273.21	\$52,747.45	\$753,020.66
Jul 2025	\$309,540.00	\$26,310.88	\$335,850.88
Dec 2025	\$700,273.21	\$52,747.45	\$753,020.66
Jul 2026	\$309,540.00	\$26,310.88	\$335,850.88
Dec 2026	\$700,273.21	\$52,747.45	\$753,020.66
Jul 2027	\$309,540.00	\$26,310.88	\$335,850.88
Total	\$5,083,066.00	\$396,736.65	\$5,479,802.65

Quote Unbundled Price:	\$7,190,713.10
Quote List Price:	\$5,604,819.10
Quote Subtotal:	\$5,083,066.00

Pricing

All deliverables are detailed in Delivery Schedules section lower in proposal

Item	Description	Qty	Term	Unbundled	List Price	Net Price	Subtotal	Tax	Total
Program									
80462	FLEET 3 ADVANCED BUNDLE WITH TAP TRUE UP	130	7		\$108.00	\$108.00	\$98,280.00	\$8,353.80	\$106,633.80
Fleet3A	Fleet 3 Advanced	130	53	\$281.88	\$208.00	\$208.00	\$1,433,120.00	\$121,815.10	\$1,554,935.10
BWCamMBDTAP	Body Worn Camera Multi-Bay Dock TAP Bundle	8	60	\$66.31	\$29.50	\$29.50	\$14,160.00	\$1,203.60	\$15,363.60
BWCamTAP	Body Worn Camera TAP Bundle	40	60	\$31.64	\$28.00	\$28.00	\$67,200.00	\$5,712.05	\$72,912.05
2022OSP7+Premium	2022 - OFFICER SAFETY PLAN 7 PLUS Premium	220	60	\$328.58	\$249.00	\$238.90	\$3,153,480.00	\$234,166.90	\$3,387,646.90
A la Carte Hardware									
74074	WI-FI OFFLOAD SERVER, HARDWARE	2			\$3,500.00	\$3,500.00	\$7,000.00	\$595.00	\$7,595.00
50118	INTERVIEW - MIC - WIRED (STANDARD MIC)	25			\$196.50	\$0.00	\$0.00	\$0.00	\$0.00
50298	INTERVIEW - CAMERA - OVERT DOME	25			\$796.00	\$0.00	\$0.00	\$0.00	\$0.00
50294	INTERVIEW - SERVER - LITE	2			\$1,950.00	\$0.00	\$0.00	\$0.00	\$0.00
50295	INTERVIEW - SERVER - PRO	2			\$4,455.00	\$0.00	\$0.00	\$0.00	\$0.00
50322	INTERVIEW - TOUCH PANEL PRO	12			\$2,700.00	\$0.00	\$0.00	\$0.00	\$0.00
74056	INTERVIEW - TOUCH PANEL WALL MOUNT	12			\$64.00	\$0.00	\$0.00	\$0.00	\$0.00
71044	BATTERY, SIGNAL SIDEARM, CR2430 SINGLE PACK	22			\$1.00	\$0.00	\$0.00	\$0.00	\$0.00
75015	SIGNAL SIDEARM KIT	11			\$249.00	\$249.00	\$2,739.00	\$232.80	\$2,971.80
AB3C	AB3 Camera Bundle	220			\$699.00	\$501.03	\$110,226.60	\$9,369.25	\$119,595.85
AB3MBD	AB3 Multi Bay Dock Bundle	36			\$1,538.90	\$1,538.90	\$55,400.40	\$4,709.05	\$60,109.45
AB3C	AB3 Camera Bundle	40			\$699.00	\$699.00	\$27,960.00	\$2,376.60	\$30,336.60
A la Carte Software									
80218	WI-FI OFFLOAD, SOFTWARE LICENSE MAINTENANCE	2	53		\$50.00	\$50.00	\$5,300.00	\$450.50	\$5,750.50
50039	INTERVIEW - SOFTWARE - CLIENT MAINTENANCE (PER TOUCH PANEL-P	12	60		\$25.00	\$0.00	\$0.00	\$0.00	\$0.00
50043	INTERVIEW - SOFTWARE - STREAMING SERVER MAINTENANCE (PER SER	4	60		\$29.17	\$0.00	\$0.00	\$0.00	\$0.00
50037	INTERVIEW - SOFTWARE - CLIENT (PER TOUCH PANEL-PC)	12			\$1,500.00	\$0.00	\$0.00	\$0.00	\$0.00
50041	INTERVIEW - SOFTWARE - STREAMING SERVER LICENSE (PER SERVER)	4			\$1,750.00	\$0.00	\$0.00	\$0.00	\$0.00
50045	UNLIMITED INTERVIEW ROOM CLOUD STORAGE	25	60		\$99.00	\$0.00	\$0.00	\$0.00	\$0.00
ProLicense	Pro License Bundle	30	60		\$39.00	\$39.00	\$70,200.00	\$5,967.00	\$76,167.00
A la Carte Services									
74066	FLEET INSTALLATION, WI-FI OFFLOAD SERVER	1			\$1,000.00	\$1,000.00	\$1,000.00	\$85.00	\$1,085.00
85170	INTERVIEW - SERVICE - STANDARD INSTALL AND SETUP (PER ROOM)	12			\$2,500.00	\$0.00	\$0.00	\$0.00	\$0.00
85055	AXON FULL SERVICE	1			\$17,000.00	\$17,000.00	\$17,000.00	\$1,445.00	\$18,445.00
85168	CEW FULL SERVICE WITH INSTRUCTOR TRAINING	1			\$17,000.00	\$17,000.00	\$17,000.00	\$0.00	\$17,000.00

100159	FLEET 3 - ALPR - API INTEGRATION SERVICES	1		\$3,000.00	\$3,000.00	\$3,000.00	\$255.00	\$3,255.00
73897	STANDARDS SERVICE, PREMIUM	1		\$30,000.00	\$0.00	\$0.00	\$0.00	\$0.00
A la Carte Warranties								
50448	EXT WARRANTY, INTERVIEW ROOM	12	60	\$21.62	\$0.00	\$0.00	\$0.00	\$0.00
Total						\$5,083,066.00	\$396,736.65	\$5,479,802.65

Delivery Schedule

Hardware

Bundle	Item	Description	QTY	Estimated Delivery Date
2022 - OFFICER SAFETY PLAN 7 PLUS Premium	100126	AXON VR TACTICAL BAG	3	12/01/2022
2022 - OFFICER SAFETY PLAN 7 PLUS Premium	100186	HTC FOCUS 3 WRIST TRACKER	6	12/01/2022
2022 - OFFICER SAFETY PLAN 7 PLUS Premium	20008	TASER 7 HANDLE, YLW, HIGH VISIBILITY (GREEN LASER), CLASS 3R	220	12/01/2022
2022 - OFFICER SAFETY PLAN 7 PLUS Premium	20008	TASER 7 HANDLE, YLW, HIGH VISIBILITY (GREEN LASER), CLASS 3R	7	12/01/2022
2022 - OFFICER SAFETY PLAN 7 PLUS Premium	20018	TASER 7 BATTERY PACK, TACTICAL	264	12/01/2022
2022 - OFFICER SAFETY PLAN 7 PLUS Premium	20050	HOOK-AND-LOOP TRAINING (HALT) SUIT	4	12/01/2022
2022 - OFFICER SAFETY PLAN 7 PLUS Premium	20160	TASER 7 HOLSTER - SAFARILAND, RH+CARD CARRIER	220	12/01/2022
2022 - OFFICER SAFETY PLAN 7 PLUS Premium	20296	SAMSUNG S7+ TABLET FOR VR SIMULATOR	3	12/01/2022
2022 - OFFICER SAFETY PLAN 7 PLUS Premium	20297	SAMSUNG S7+ TABLET CASE FOR VR SIMULATOR	3	12/01/2022
2022 - OFFICER SAFETY PLAN 7 PLUS Premium	20298	VR-ENABLED GLOCK 19 CONTROLLER	3	12/01/2022
2022 - OFFICER SAFETY PLAN 7 PLUS Premium	20378	HTC FOCUS 3 VR HEADSET	9	12/01/2022
2022 - OFFICER SAFETY PLAN 7 PLUS Premium	22175	TASER 7 LIVE CARTRIDGE, STANDOFF (3.5-DEGREE) NS	660	12/01/2022
2022 - OFFICER SAFETY PLAN 7 PLUS Premium	22175	TASER 7 LIVE CARTRIDGE, STANDOFF (3.5-DEGREE) NS	440	12/01/2022
2022 - OFFICER SAFETY PLAN 7 PLUS Premium	22176	TASER 7 LIVE CARTRIDGE, CLOSE QUARTERS (12-DEGREE) NS	660	12/01/2022
2022 - OFFICER SAFETY PLAN 7 PLUS Premium	22176	TASER 7 LIVE CARTRIDGE, CLOSE QUARTERS (12-DEGREE) NS	440	12/01/2022
2022 - OFFICER SAFETY PLAN 7 PLUS Premium	22177	TASER 7 HOOK-AND-LOOP TRN (HALT) CARTRIDGE, STANDOFF NS	440	12/01/2022
2022 - OFFICER SAFETY PLAN 7 PLUS Premium	22178	TASER 7 HOOK-AND-LOOP TRN (HALT) CARTRIDGE, CLOSE QUART NS	440	12/01/2022
2022 - OFFICER SAFETY PLAN 7 PLUS Premium	22179	TASER 7 INERT CARTRIDGE, STANDOFF (3.5-DEGREE) NS	50	12/01/2022
2022 - OFFICER SAFETY PLAN 7 PLUS Premium	22181	TASER 7 INERT CARTRIDGE, CLOSE QUARTERS (12-DEGREE) NS	50	12/01/2022
2022 - OFFICER SAFETY PLAN 7 PLUS Premium	22196	TASER 7 VR CARTRIDGE, STANDOFF (3.5-DEGREE)	6	12/01/2022
2022 - OFFICER SAFETY PLAN 7 PLUS Premium	22197	TASER 7 VR CARTRIDGE, CLOSE-QUARTERS (12-DEGREE)	6	12/01/2022
2022 - OFFICER SAFETY PLAN 7 PLUS Premium	70033	WALL MOUNT BRACKET, ASSY, EVIDENCE.COM DOCK	3	12/01/2022
2022 - OFFICER SAFETY PLAN 7 PLUS Premium	71019	NORTH AMER POWER CORD FOR AB3 8-BAY, AB2 1-BAY / 6-BAY DOCK	3	12/01/2022
2022 - OFFICER SAFETY PLAN 7 PLUS Premium	71044	BATTERY, SIGNAL SIDEARM, CR2430 SINGLE PACK	440	12/01/2022
2022 - OFFICER SAFETY PLAN 7 PLUS Premium	74200	TASER 7 6-BAY DOCK AND CORE	3	12/01/2022
2022 - OFFICER SAFETY PLAN 7 PLUS Premium	75015	SIGNAL SIDEARM KIT	220	12/01/2022
2022 - OFFICER SAFETY PLAN 7 PLUS Premium	80087	TASER 7 TARGET, CONDUCTIVE, PROFESSIONAL (RUGGEDIZED)	3	12/01/2022
2022 - OFFICER SAFETY PLAN 7 PLUS Premium	80090	TARGET FRAME, PROFESSIONAL, 27.5 IN. X 75 IN., TASER 7	3	12/01/2022
AB3 Camera Bundle	11534	USB-C to USB-A CABLE FOR AB3 OR FLEX 2	242	12/01/2022
AB3 Camera Bundle	11534	USB-C to USB-A CABLE FOR AB3 OR FLEX 2	44	12/01/2022
AB3 Camera Bundle	73202	AXON BODY 3 - NA10 - US - BLK - RAPIDLOCK	220	12/01/2022
AB3 Camera Bundle	73202	AXON BODY 3 - NA10 - US - BLK - RAPIDLOCK	1	12/01/2022
AB3 Camera Bundle	73202	AXON BODY 3 - NA10 - US - BLK - RAPIDLOCK	40	12/01/2022
AB3 Camera Bundle	73202	AXON BODY 3 - NA10 - US - BLK - RAPIDLOCK	7	12/01/2022
AB3 Camera Bundle	74028	WING CLIP MOUNT, AXON RAPIDLOCK	242	12/01/2022
AB3 Camera Bundle	74028	WING CLIP MOUNT, AXON RAPIDLOCK	44	12/01/2022
AB3 Multi Bay Dock Bundle	70033	WALL MOUNT BRACKET, ASSY, EVIDENCE.COM DOCK	36	12/01/2022
AB3 Multi Bay Dock Bundle	71019	NORTH AMER POWER CORD FOR AB3 8-BAY, AB2 1-BAY / 6-BAY DOCK	36	12/01/2022
AB3 Multi Bay Dock Bundle	74210	AXON BODY 3 - 8 BAY DOCK	36	12/01/2022
A la Carte	50118	INTERVIEW - MIC - WIRED (STANDARD MIC)	25	12/01/2022
A la Carte	50294	INTERVIEW - SERVER - LITE	2	12/01/2022
A la Carte	50295	INTERVIEW - SERVER - PRO	2	12/01/2022
A la Carte	50298	INTERVIEW - CAMERA - OVERT DOME	25	12/01/2022

Hardware

Bundle	Item	Description	QTY	Estimated Delivery Date
A la Carte	50322	INTERVIEW - TOUCH PANEL PRO	12	12/01/2022
A la Carte	71044	BATTERY, SIGNAL SIDEARM, CR2430 SINGLE PACK	22	12/01/2022
A la Carte	74056	INTERVIEW - TOUCH PANEL WALL MOUNT	12	12/01/2022
A la Carte	75015	SIGNAL SIDEARM KIT	11	12/01/2022
Fleet 3 Advanced	11634	CRADLEPOINT IBR900-1200M-B-NPS+5YR NETCLOUD	130	07/01/2023
Fleet 3 Advanced	70112	AXON SIGNAL UNIT	130	07/01/2023
Fleet 3 Advanced	71200	FLEET ANT, AIRGAIN, 5-IN-1, 2LTE, 2WIFI, 1GNSS, BL	130	07/01/2023
Fleet 3 Advanced	72036	FLEET 3 STANDARD 2 CAMERA KIT	130	07/01/2023
Fleet 3 Advanced	72036	FLEET 3 STANDARD 2 CAMERA KIT	4	07/01/2023
A la Carte	74074	WI-FI OFFLOAD SERVER, HARDWARE	2	07/01/2023
2022 - OFFICER SAFETY PLAN 7 PLUS Premium	22175	TASER 7 LIVE CARTRIDGE, STANDOFF (3.5-DEGREE) NS	440	12/01/2023
2022 - OFFICER SAFETY PLAN 7 PLUS Premium	22176	TASER 7 LIVE CARTRIDGE, CLOSE QUARTERS (12-DEGREE) NS	440	12/01/2023
2022 - OFFICER SAFETY PLAN 7 PLUS Premium	22175	TASER 7 LIVE CARTRIDGE, STANDOFF (3.5-DEGREE) NS	440	12/01/2024
2022 - OFFICER SAFETY PLAN 7 PLUS Premium	22176	TASER 7 LIVE CARTRIDGE, CLOSE QUARTERS (12-DEGREE) NS	440	12/01/2024
2022 - OFFICER SAFETY PLAN 7 PLUS Premium	22177	TASER 7 HOOK-AND-LOOP TRN (HALT) CARTRIDGE, STANDOFF NS	440	12/01/2024
2022 - OFFICER SAFETY PLAN 7 PLUS Premium	22178	TASER 7 HOOK-AND-LOOP TRN (HALT) CARTRIDGE, CLOSE QUART NS	440	12/01/2024
2022 - OFFICER SAFETY PLAN 7 PLUS Premium	100210	VIRTUAL REALITY TABLET REFRESH ONE	3	06/01/2025
2022 - OFFICER SAFETY PLAN 7 PLUS Premium	20373	VIRTUAL REALITY HEADSET REFRESH ONE	9	06/01/2025
2022 - OFFICER SAFETY PLAN 7 PLUS Premium	73309	AXON CAMERA REFRESH ONE	227	06/01/2025
2022 - OFFICER SAFETY PLAN 7 PLUS Premium	73689	MULTI-BAY BWC DOCK 1ST REFRESH	28	06/01/2025
Body Worn Camera Multi-Bay Dock TAP Bundle	73689	MULTI-BAY BWC DOCK 1ST REFRESH	8	06/01/2025
Body Worn Camera TAP Bundle	73309	AXON CAMERA REFRESH ONE	41	06/01/2025
2022 - OFFICER SAFETY PLAN 7 PLUS Premium	22175	TASER 7 LIVE CARTRIDGE, STANDOFF (3.5-DEGREE) NS	440	12/01/2025
2022 - OFFICER SAFETY PLAN 7 PLUS Premium	22176	TASER 7 LIVE CARTRIDGE, CLOSE QUARTERS (12-DEGREE) NS	440	12/01/2025
2022 - OFFICER SAFETY PLAN 7 PLUS Premium	22175	TASER 7 LIVE CARTRIDGE, STANDOFF (3.5-DEGREE) NS	440	12/01/2026
2022 - OFFICER SAFETY PLAN 7 PLUS Premium	22176	TASER 7 LIVE CARTRIDGE, CLOSE QUARTERS (12-DEGREE) NS	440	12/01/2026
2022 - OFFICER SAFETY PLAN 7 PLUS Premium	73310	AXON CAMERA REFRESH TWO	227	12/01/2027
2022 - OFFICER SAFETY PLAN 7 PLUS Premium	73688	MULTI-BAY BWC DOCK 2ND REFRESH	28	12/01/2027
Body Worn Camera Multi-Bay Dock TAP Bundle	73688	MULTI-BAY BWC DOCK 2ND REFRESH	8	12/01/2027
Body Worn Camera TAP Bundle	73310	AXON CAMERA REFRESH TWO	41	12/01/2027
Fleet 3 Advanced	72040	FLEET REFRESH, 2 CAMERA KIT	130	12/01/2027
Fleet 3 Advanced	72040	FLEET REFRESH, 2 CAMERA KIT	4	12/01/2027

Software

Bundle	Item	Description	QTY	Estimated Start Date	Estimated End Date
2022 - OFFICER SAFETY PLAN 7 PLUS Premium	100165	UNLIMITED 3RD-PARTY STORAGE	220	01/01/2023	12/31/2027
2022 - OFFICER SAFETY PLAN 7 PLUS Premium	20248	TASER 7 EVIDENCE.COM LICENSE	220	01/01/2023	12/31/2027
2022 - OFFICER SAFETY PLAN 7 PLUS Premium	20248	TASER 7 EVIDENCE.COM LICENSE	2	01/01/2023	12/31/2027
2022 - OFFICER SAFETY PLAN 7 PLUS Premium	20370	FULL VR TASER 7 ADD-ON USER ACCESS	220	01/01/2023	12/31/2027
2022 - OFFICER SAFETY PLAN 7 PLUS Premium	73478	REDACTION ASSISTANT USER LICENSE	220	01/01/2023	12/31/2027
2022 - OFFICER SAFETY PLAN 7 PLUS Premium	73618	CITIZEN FOR COMMUNITIES USER LICENSE	220	01/01/2023	12/31/2027
2022 - OFFICER SAFETY PLAN 7 PLUS Premium	73680	RESPOND DEVICE PLUS LICENSE	220	01/01/2023	12/31/2027
2022 - OFFICER SAFETY PLAN 7 PLUS Premium	73681	AXON RECORDS FULL	220	01/01/2023	12/31/2027
2022 - OFFICER SAFETY PLAN 7 PLUS Premium	73682	AUTO TAGGING LICENSE	220	01/01/2023	12/31/2027
2022 - OFFICER SAFETY PLAN 7 PLUS Premium	73686	EVIDENCE.COM UNLIMITED AXON DEVICE STORAGE	220	01/01/2023	12/31/2027
2022 - OFFICER SAFETY PLAN 7 PLUS Premium	73687	EVIDENCE.COM VIEWER LICENSE	2	01/01/2023	12/31/2027

Software

Bundle	Item	Description	QTY	Estimated Start Date	Estimated End Date
2022 - OFFICER SAFETY PLAN 7 PLUS Premium	73739	PERFORMANCE LICENSE	220	01/01/2023	12/31/2027
2022 - OFFICER SAFETY PLAN 7 PLUS Premium	73746	PROFESSIONAL EVIDENCE.COM LICENSE	220	01/01/2023	12/31/2027
2022 - OFFICER SAFETY PLAN 7 PLUS Premium	85760	Auto-Transcribe Unlimited Service	220	01/01/2023	12/31/2027
Pro License Bundle	73683	10 GB EVIDENCE.COM A-LA-CART STORAGE-	90	01/01/2023	12/31/2027
Pro License Bundle	73746	PROFESSIONAL EVIDENCE.COM LICENSE	30	01/01/2023	12/31/2027
A la Carte	50037	INTERVIEW - SOFTWARE - CLIENT (PER TOUCH PANEL-PC)	12	01/01/2023	12/31/2027
A la Carte	50039	INTERVIEW - SOFTWARE - CLIENT MAINTENANCE (PER TOUCH PANEL-P	12	01/01/2023	12/31/2027
A la Carte	50041	INTERVIEW - SOFTWARE - STREAMING SERVER LICENSE (PER SERVER)	4	01/01/2023	12/31/2027
A la Carte	50043	INTERVIEW - SOFTWARE - STREAMING SERVER MAINTENANCE (PER SER	4	01/01/2023	12/31/2027
A la Carte	50045	UNLIMITED INTERVIEW ROOM CLOUD STORAGE	25	01/01/2023	12/31/2027
Fleet 3 Advanced	80400	FLEET, VEHICLE LICENSE	130	08/01/2023	12/31/2027
Fleet 3 Advanced	80401	FLEET 3, ALPR LICENSE, 1 CAMERA	130	08/01/2023	12/31/2027
Fleet 3 Advanced	80402	RESPOND DEVICE LICENSE - FLEET 3	130	08/01/2023	12/31/2027
Fleet 3 Advanced	80410	FLEET, UNLIMITED STORAGE, 1 CAMERA	260	08/01/2023	12/31/2027
A la Carte	80218	WI-FI OFFLOAD, SOFTWARE LICENSE MAINTENANCE	2	08/01/2023	12/31/2027

Services

Bundle	Item	Description	QTY
2022 - OFFICER SAFETY PLAN 7 PLUS Premium	11642	THIRD-PARTY VIDEO SUPPORT LICENSE	220
2022 - OFFICER SAFETY PLAN 7 PLUS Premium	20119	TASER 7 MASTER INSTRUCTOR SCHOOL VOUCHER	1
2022 - OFFICER SAFETY PLAN 7 PLUS Premium	20119	TASER 7 MASTER INSTRUCTOR SCHOOL VOUCHER	1
2022 - OFFICER SAFETY PLAN 7 PLUS Premium	20119	TASER 7 MASTER INSTRUCTOR SCHOOL VOUCHER	1
2022 - OFFICER SAFETY PLAN 7 PLUS Premium	20119	TASER 7 MASTER INSTRUCTOR SCHOOL VOUCHER	1
2022 - OFFICER SAFETY PLAN 7 PLUS Premium	20119	TASER 7 MASTER INSTRUCTOR SCHOOL VOUCHER	1
2022 - OFFICER SAFETY PLAN 7 PLUS Premium	20120	TASER 7 INSTRUCTOR COURSE VOUCHER	2
2022 - OFFICER SAFETY PLAN 7 PLUS Premium	20120	TASER 7 INSTRUCTOR COURSE VOUCHER	2
2022 - OFFICER SAFETY PLAN 7 PLUS Premium	20120	TASER 7 INSTRUCTOR COURSE VOUCHER	2
2022 - OFFICER SAFETY PLAN 7 PLUS Premium	20120	TASER 7 INSTRUCTOR COURSE VOUCHER	2
2022 - OFFICER SAFETY PLAN 7 PLUS Premium	20120	TASER 7 INSTRUCTOR COURSE VOUCHER	2
Fleet 3 Advanced	73391	FLEET 3 NEW INSTALLATION (PER VEHICLE)	130
A la Carte	100159	FLEET 3 - ALPR - API INTEGRATION SERVICES	1
A la Carte	73897	STANDARDS SERVICE, PREMIUM	1
A la Carte	74066	FLEET INSTALLATION, WI-FI OFFLOAD SERVER	1
A la Carte	85055	AXON FULL SERVICE	1
A la Carte	85168	CEW FULL SERVICE WITH INSTRUCTOR TRAINING	1
A la Carte	85170	INTERVIEW - SERVICE - STANDARD INSTALL AND SETUP (PER ROOM)	12

Warranties

Bundle	Item	Description	QTY	Estimated Start Date	Estimated End Date
2022 - OFFICER SAFETY PLAN 7 PLUS Premium	100197	HTC FOCUS 3 VR HEADSET - WARRANTY	9	01/01/2023	12/31/2027
2022 - OFFICER SAFETY PLAN 7 PLUS Premium	100198	AXON VR CONTROLLER KIT - WARRANTY	3	01/01/2023	12/31/2027
2022 - OFFICER SAFETY PLAN 7 PLUS Premium	80465	EXT WARRANTY, MULTI-BAY DOCK (TAP)	28	01/01/2023	12/31/2027

Warranties

Bundle	Item	Description	QTY	Estimated Start Date	Estimated End Date
Body Worn Camera Multi-Bay Dock TAP Bundle	80465	EXT WARRANTY, MULTI-BAY DOCK (TAP)	8	01/01/2023	12/31/2027
A la Carte	50448	EXT WARRANTY, INTERVIEW ROOM	12	01/01/2023	12/31/2027
2022 - OFFICER SAFETY PLAN 7 PLUS Premium	80374	EXT WARRANTY, TASER 7 BATTERY PACK	264	12/01/2023	12/31/2027
2022 - OFFICER SAFETY PLAN 7 PLUS Premium	80395	EXT WARRANTY, TASER 7 HANDLE	220	12/01/2023	12/31/2027
2022 - OFFICER SAFETY PLAN 7 PLUS Premium	80395	EXT WARRANTY, TASER 7 HANDLE	7	12/01/2023	12/31/2027
2022 - OFFICER SAFETY PLAN 7 PLUS Premium	80396	EXT WARRANTY, TASER 7 SIX BAY DOCK	3	12/01/2023	12/31/2027
2022 - OFFICER SAFETY PLAN 7 PLUS Premium	80464	EXT WARRANTY, CAMERA (TAP)	220	12/01/2023	12/31/2027
2022 - OFFICER SAFETY PLAN 7 PLUS Premium	80464	EXT WARRANTY, CAMERA (TAP)	7	12/01/2023	12/31/2027
Body Worn Camera TAP Bundle	80464	EXT WARRANTY, CAMERA (TAP)	40	12/01/2023	12/31/2027
Body Worn Camera TAP Bundle	80464	EXT WARRANTY, CAMERA (TAP)	1	12/01/2023	12/31/2027
Fleet 3 Advanced	80379	EXT WARRANTY, AXON SIGNAL UNIT	130	07/01/2024	12/31/2027
Fleet 3 Advanced	80495	EXT WARRANTY, FLEET 3, 2 CAMERA KIT	130	07/01/2024	12/31/2027
Fleet 3 Advanced	80495	EXT WARRANTY, FLEET 3, 2 CAMERA KIT	4	07/01/2024	12/31/2027

Payment Details

Dec 2022

Invoice Plan	Item	Description	Qty	Subtotal	Tax	Total
Year 1	2022OSP7+Premium	2022 - OFFICER SAFETY PLAN 7 PLUS Premium	220	\$630,695.96	\$46,833.38	\$677,529.34
Year 1	50037	INTERVIEW - SOFTWARE - CLIENT (PER TOUCH PANEL-PC)	12	\$0.00	\$0.00	\$0.00
Year 1	50039	INTERVIEW - SOFTWARE - CLIENT MAINTENANCE (PER TOUCH PANEL-P	12	\$0.00	\$0.00	\$0.00
Year 1	50041	INTERVIEW - SOFTWARE - STREAMING SERVER LICENSE (PER SERVER)	4	\$0.00	\$0.00	\$0.00
Year 1	50043	INTERVIEW - SOFTWARE - STREAMING SERVER MAINTENANCE (PER SER	4	\$0.00	\$0.00	\$0.00
Year 1	50045	UNLIMITED INTERVIEW ROOM CLOUD STORAGE	25	\$0.00	\$0.00	\$0.00
Year 1	50118	INTERVIEW - MIC - WIRED (STANDARD MIC)	25	\$0.00	\$0.00	\$0.00
Year 1	50294	INTERVIEW - SERVER - LITE	2	\$0.00	\$0.00	\$0.00
Year 1	50295	INTERVIEW - SERVER - PRO	2	\$0.00	\$0.00	\$0.00
Year 1	50298	INTERVIEW - CAMERA - OVERT DOME	25	\$0.00	\$0.00	\$0.00
Year 1	50322	INTERVIEW - TOUCH PANEL PRO	12	\$0.00	\$0.00	\$0.00
Year 1	50448	EXT WARRANTY, INTERVIEW ROOM	12	\$0.00	\$0.00	\$0.00
Year 1	71044	BATTERY, SIGNAL SIDEARM, CR2430 SINGLE PACK	22	\$0.00	\$0.00	\$0.00
Year 1	73897	STANDARDS SERVICE, PREMIUM	1	\$0.00	\$0.00	\$0.00
Year 1	74056	INTERVIEW - TOUCH PANEL WALL MOUNT	12	\$0.00	\$0.00	\$0.00
Year 1	75015	SIGNAL SIDEARM KIT	11	\$547.80	\$46.56	\$594.36
Year 1	85170	INTERVIEW - SERVICE - STANDARD INSTALL AND SETUP (PER ROOM)	12	\$0.00	\$0.00	\$0.00
Year 1	AB3C	AB3 Camera Bundle	220	\$22,045.32	\$1,873.85	\$23,919.17
Year 1	AB3C	AB3 Camera Bundle	40	\$5,592.00	\$475.32	\$6,067.32
Year 1	AB3MBD	AB3 Multi Bay Dock Bundle	36	\$11,080.08	\$941.81	\$12,021.89
Year 1	BWCamMBDTAP	Body Worn Camera Multi-Bay Dock TAP Bundle	8	\$2,832.00	\$240.72	\$3,072.72
Year 1	BWCamTAP	Body Worn Camera TAP Bundle	40	\$13,440.00	\$1,142.41	\$14,582.41
Year 1	ProLicense	Pro License Bundle	30	\$14,040.00	\$1,193.40	\$15,233.40
Total				\$700,273.16	\$52,747.45	\$753,020.61

Jan 2023

Invoice Plan	Item	Description	Qty	Subtotal	Tax	Total
Invoice Upon Fulfillment	85055	AXON FULL SERVICE	1	\$17,000.00	\$1,445.00	\$18,445.00
Invoice Upon Fulfillment	85168	CEW FULL SERVICE WITH INSTRUCTOR TRAINING	1	\$17,000.00	\$0.00	\$17,000.00
Total				\$34,000.00	\$1,445.00	\$35,445.00

Jul 2023

Invoice Plan	Item	Description	Qty	Subtotal	Tax	Total
Year 1 Fleet	100159	FLEET 3 - ALPR - API INTEGRATION SERVICES	1	\$600.00	\$51.00	\$651.00
Year 1 Fleet	74066	FLEET INSTALLATION, WI-FI OFFLOAD SERVER	1	\$200.00	\$17.00	\$217.00
Year 1 Fleet	74074	WI-FI OFFLOAD SERVER, HARDWARE	2	\$1,400.00	\$119.00	\$1,519.00
Year 1 Fleet	80218	WI-FI OFFLOAD, SOFTWARE LICENSE MAINTENANCE	2	\$1,060.00	\$90.10	\$1,150.10
Year 1 Fleet	80462	FLEET 3 ADVANCED BUNDLE WITH TAP TRUE UP	130	\$19,656.00	\$1,670.76	\$21,326.76
Year 1 Fleet	Fleet3A	Fleet 3 Advanced	130	\$286,624.00	\$24,363.02	\$310,987.02
Total				\$309,540.00	\$26,310.88	\$335,850.88

Dec 2023						
Invoice Plan	Item	Description	Qty	Subtotal	Tax	Total
Year 2	2022OSP7+Premium	2022 - OFFICER SAFETY PLAN 7 PLUS Premium	220	\$630,696.01	\$46,833.38	\$677,529.39
Year 2	50037	INTERVIEW - SOFTWARE - CLIENT (PER TOUCH PANEL-PC)	12	\$0.00	\$0.00	\$0.00
Year 2	50039	INTERVIEW - SOFTWARE - CLIENT MAINTENANCE (PER TOUCH PANEL-P	12	\$0.00	\$0.00	\$0.00
Year 2	50041	INTERVIEW - SOFTWARE - STREAMING SERVER LICENSE (PER SERVER)	4	\$0.00	\$0.00	\$0.00
Year 2	50043	INTERVIEW - SOFTWARE - STREAMING SERVER MAINTENANCE (PER SER	4	\$0.00	\$0.00	\$0.00
Year 2	50045	UNLIMITED INTERVIEW ROOM CLOUD STORAGE	25	\$0.00	\$0.00	\$0.00
Year 2	50118	INTERVIEW - MIC - WIRED (STANDARD MIC)	25	\$0.00	\$0.00	\$0.00
Year 2	50294	INTERVIEW - SERVER - LITE	2	\$0.00	\$0.00	\$0.00
Year 2	50295	INTERVIEW - SERVER - PRO	2	\$0.00	\$0.00	\$0.00
Year 2	50298	INTERVIEW - CAMERA - OVERT DOME	25	\$0.00	\$0.00	\$0.00
Year 2	50322	INTERVIEW - TOUCH PANEL PRO	12	\$0.00	\$0.00	\$0.00
Year 2	50448	EXT WARRANTY, INTERVIEW ROOM	12	\$0.00	\$0.00	\$0.00
Year 2	71044	BATTERY, SIGNAL SIDEARM, CR2430 SINGLE PACK	22	\$0.00	\$0.00	\$0.00
Year 2	73897	STANDARDS SERVICE, PREMIUM	1	\$0.00	\$0.00	\$0.00
Year 2	74056	INTERVIEW - TOUCH PANEL WALL MOUNT	12	\$0.00	\$0.00	\$0.00
Year 2	75015	SIGNAL SIDEARM KIT	11	\$547.80	\$46.56	\$594.36
Year 2	85170	INTERVIEW - SERVICE - STANDARD INSTALL AND SETUP (PER ROOM)	12	\$0.00	\$0.00	\$0.00
Year 2	AB3C	AB3 Camera Bundle	220	\$22,045.32	\$1,873.85	\$23,919.17
Year 2	AB3C	AB3 Camera Bundle	40	\$5,592.00	\$475.32	\$6,067.32
Year 2	AB3MBD	AB3 Multi Bay Dock Bundle	36	\$11,080.08	\$941.81	\$12,021.89
Year 2	BWCamMBDTAP	Body Worn Camera Multi-Bay Dock TAP Bundle	8	\$2,832.00	\$240.72	\$3,072.72
Year 2	BWCamTAP	Body Worn Camera TAP Bundle	40	\$13,440.00	\$1,142.41	\$14,582.41
Year 2	ProLicense	Pro License Bundle	30	\$14,040.00	\$1,193.40	\$15,233.40
Total				\$700,273.21	\$52,747.45	\$753,020.66

Jul 2024						
Invoice Plan	Item	Description	Qty	Subtotal	Tax	Total
Year 2 Fleet	100159	FLEET 3 - ALPR - API INTEGRATION SERVICES	1	\$600.00	\$51.00	\$651.00
Year 2 Fleet	74066	FLEET INSTALLATION, WI-FI OFFLOAD SERVER	1	\$200.00	\$17.00	\$217.00
Year 2 Fleet	74074	WI-FI OFFLOAD SERVER, HARDWARE	2	\$1,400.00	\$119.00	\$1,519.00
Year 2 Fleet	80218	WI-FI OFFLOAD, SOFTWARE LICENSE MAINTENANCE	2	\$1,060.00	\$90.10	\$1,150.10
Year 2 Fleet	80462	FLEET 3 ADVANCED BUNDLE WITH TAP TRUE UP	130	\$19,656.00	\$1,670.76	\$21,326.76
Year 2 Fleet	Fleet3A	Fleet 3 Advanced	130	\$286,624.00	\$24,363.02	\$310,987.02
Total				\$309,540.00	\$26,310.88	\$335,850.88

Dec 2024						
Invoice Plan	Item	Description	Qty	Subtotal	Tax	Total
Year 3	2022OSP7+Premium	2022 - OFFICER SAFETY PLAN 7 PLUS Premium	220	\$630,696.01	\$46,833.38	\$677,529.39
Year 3	50037	INTERVIEW - SOFTWARE - CLIENT (PER TOUCH PANEL-PC)	12	\$0.00	\$0.00	\$0.00
Year 3	50039	INTERVIEW - SOFTWARE - CLIENT MAINTENANCE (PER TOUCH PANEL-P	12	\$0.00	\$0.00	\$0.00
Year 3	50041	INTERVIEW - SOFTWARE - STREAMING SERVER LICENSE (PER SERVER)	4	\$0.00	\$0.00	\$0.00
Year 3	50043	INTERVIEW - SOFTWARE - STREAMING SERVER MAINTENANCE (PER SER	4	\$0.00	\$0.00	\$0.00
Year 3	50045	UNLIMITED INTERVIEW ROOM CLOUD STORAGE	25	\$0.00	\$0.00	\$0.00
Year 3	50118	INTERVIEW - MIC - WIRED (STANDARD MIC)	25	\$0.00	\$0.00	\$0.00
Year 3	50294	INTERVIEW - SERVER - LITE	2	\$0.00	\$0.00	\$0.00

Dec 2024						
Invoice Plan	Item	Description	Qty	Subtotal	Tax	Total
Year 3	50295	INTERVIEW - SERVER - PRO	2	\$0.00	\$0.00	\$0.00
Year 3	50298	INTERVIEW - CAMERA - OVERT DOME	25	\$0.00	\$0.00	\$0.00
Year 3	50322	INTERVIEW - TOUCH PANEL PRO	12	\$0.00	\$0.00	\$0.00
Year 3	50448	EXT WARRANTY, INTERVIEW ROOM	12	\$0.00	\$0.00	\$0.00
Year 3	71044	BATTERY, SIGNAL SIDEARM, CR2430 SINGLE PACK	22	\$0.00	\$0.00	\$0.00
Year 3	73897	STANDARDS SERVICE, PREMIUM	1	\$0.00	\$0.00	\$0.00
Year 3	74056	INTERVIEW - TOUCH PANEL WALL MOUNT	12	\$0.00	\$0.00	\$0.00
Year 3	75015	SIGNAL SIDEARM KIT	11	\$547.80	\$46.56	\$594.36
Year 3	85170	INTERVIEW - SERVICE - STANDARD INSTALL AND SETUP (PER ROOM)	12	\$0.00	\$0.00	\$0.00
Year 3	AB3C	AB3 Camera Bundle	220	\$22,045.32	\$1,873.85	\$23,919.17
Year 3	AB3C	AB3 Camera Bundle	40	\$5,592.00	\$475.32	\$6,067.32
Year 3	AB3MBD	AB3 Multi Bay Dock Bundle	36	\$11,080.08	\$941.81	\$12,021.89
Year 3	BWCamMBDTAP	Body Worn Camera Multi-Bay Dock TAP Bundle	8	\$2,832.00	\$240.72	\$3,072.72
Year 3	BWCamTAP	Body Worn Camera TAP Bundle	40	\$13,440.00	\$1,142.41	\$14,582.41
Year 3	ProLicense	Pro License Bundle	30	\$14,040.00	\$1,193.40	\$15,233.40
Total				\$700,273.21	\$52,747.45	\$753,020.66

Jul 2025						
Invoice Plan	Item	Description	Qty	Subtotal	Tax	Total
Year 3 Fleet	100159	FLEET 3 - ALPR - API INTEGRATION SERVICES	1	\$600.00	\$51.00	\$651.00
Year 3 Fleet	74066	FLEET INSTALLATION, WI-FI OFFLOAD SERVER	1	\$200.00	\$17.00	\$217.00
Year 3 Fleet	74074	WI-FI OFFLOAD SERVER, HARDWARE	2	\$1,400.00	\$119.00	\$1,519.00
Year 3 Fleet	80218	WI-FI OFFLOAD, SOFTWARE LICENSE MAINTENANCE	2	\$1,060.00	\$90.10	\$1,150.10
Year 3 Fleet	80462	FLEET 3 ADVANCED BUNDLE WITH TAP TRUE UP	130	\$19,656.00	\$1,670.76	\$21,326.76
Year 3 Fleet	Fleet3A	Fleet 3 Advanced	130	\$286,624.00	\$24,363.02	\$310,987.02
Total				\$309,540.00	\$26,310.88	\$335,850.88

Dec 2025						
Invoice Plan	Item	Description	Qty	Subtotal	Tax	Total
Year 4	2022OSP7+Premium	2022 - OFFICER SAFETY PLAN 7 PLUS Premium	220	\$630,696.01	\$46,833.38	\$677,529.39
Year 4	50037	INTERVIEW - SOFTWARE - CLIENT (PER TOUCH PANEL-PC)	12	\$0.00	\$0.00	\$0.00
Year 4	50039	INTERVIEW - SOFTWARE - CLIENT MAINTENANCE (PER TOUCH PANEL-P	12	\$0.00	\$0.00	\$0.00
Year 4	50041	INTERVIEW - SOFTWARE - STREAMING SERVER LICENSE (PER SERVER)	4	\$0.00	\$0.00	\$0.00
Year 4	50043	INTERVIEW - SOFTWARE - STREAMING SERVER MAINTENANCE (PER SER	4	\$0.00	\$0.00	\$0.00
Year 4	50045	UNLIMITED INTERVIEW ROOM CLOUD STORAGE	25	\$0.00	\$0.00	\$0.00
Year 4	50118	INTERVIEW - MIC - WIRED (STANDARD MIC)	25	\$0.00	\$0.00	\$0.00
Year 4	50294	INTERVIEW - SERVER - LITE	2	\$0.00	\$0.00	\$0.00
Year 4	50295	INTERVIEW - SERVER - PRO	2	\$0.00	\$0.00	\$0.00
Year 4	50298	INTERVIEW - CAMERA - OVERT DOME	25	\$0.00	\$0.00	\$0.00
Year 4	50322	INTERVIEW - TOUCH PANEL PRO	12	\$0.00	\$0.00	\$0.00
Year 4	50448	EXT WARRANTY, INTERVIEW ROOM	12	\$0.00	\$0.00	\$0.00
Year 4	71044	BATTERY, SIGNAL SIDEARM, CR2430 SINGLE PACK	22	\$0.00	\$0.00	\$0.00
Year 4	73897	STANDARDS SERVICE, PREMIUM	1	\$0.00	\$0.00	\$0.00
Year 4	74056	INTERVIEW - TOUCH PANEL WALL MOUNT	12	\$0.00	\$0.00	\$0.00
Year 4	75015	SIGNAL SIDEARM KIT	11	\$547.80	\$46.56	\$594.36

Dec 2025						
Invoice Plan	Item	Description	Qty	Subtotal	Tax	Total
Year 4	85170	INTERVIEW - SERVICE - STANDARD INSTALL AND SETUP (PER ROOM)	12	\$0.00	\$0.00	\$0.00
Year 4	AB3C	AB3 Camera Bundle	220	\$22,045.32	\$1,873.85	\$23,919.17
Year 4	AB3C	AB3 Camera Bundle	40	\$5,592.00	\$475.32	\$6,067.32
Year 4	AB3MBD	AB3 Multi Bay Dock Bundle	36	\$11,080.08	\$941.81	\$12,021.89
Year 4	BWCamMBDTAP	Body Worn Camera Multi-Bay Dock TAP Bundle	8	\$2,832.00	\$240.72	\$3,072.72
Year 4	BWCamTAP	Body Worn Camera TAP Bundle	40	\$13,440.00	\$1,142.41	\$14,582.41
Year 4	ProLicense	Pro License Bundle	30	\$14,040.00	\$1,193.40	\$15,233.40
Total				\$700,273.21	\$52,747.45	\$753,020.66

Jul 2026						
Invoice Plan	Item	Description	Qty	Subtotal	Tax	Total
Year 4 Fleet	100159	FLEET 3 - ALPR - API INTEGRATION SERVICES	1	\$600.00	\$51.00	\$651.00
Year 4 Fleet	74066	FLEET INSTALLATION, WI-FI OFFLOAD SERVER	1	\$200.00	\$17.00	\$217.00
Year 4 Fleet	74074	WI-FI OFFLOAD SERVER, HARDWARE	2	\$1,400.00	\$119.00	\$1,519.00
Year 4 Fleet	80218	WI-FI OFFLOAD, SOFTWARE LICENSE MAINTENANCE	2	\$1,060.00	\$90.10	\$1,150.10
Year 4 Fleet	80462	FLEET 3 ADVANCED BUNDLE WITH TAP TRUE UP	130	\$19,656.00	\$1,670.76	\$21,326.76
Year 4 Fleet	Fleet3A	Fleet 3 Advanced	130	\$286,624.00	\$24,363.02	\$310,987.02
Total				\$309,540.00	\$26,310.88	\$335,850.88

Dec 2026						
Invoice Plan	Item	Description	Qty	Subtotal	Tax	Total
Year 5	2022OSP7+Premium	2022 - OFFICER SAFETY PLAN 7 PLUS Premium	220	\$630,696.01	\$46,833.38	\$677,529.39
Year 5	50037	INTERVIEW - SOFTWARE - CLIENT (PER TOUCH PANEL-PC)	12	\$0.00	\$0.00	\$0.00
Year 5	50039	INTERVIEW - SOFTWARE - CLIENT MAINTENANCE (PER TOUCH PANEL-P	12	\$0.00	\$0.00	\$0.00
Year 5	50041	INTERVIEW - SOFTWARE - STREAMING SERVER LICENSE (PER SERVER)	4	\$0.00	\$0.00	\$0.00
Year 5	50043	INTERVIEW - SOFTWARE - STREAMING SERVER MAINTENANCE (PER SER	4	\$0.00	\$0.00	\$0.00
Year 5	50045	UNLIMITED INTERVIEW ROOM CLOUD STORAGE	25	\$0.00	\$0.00	\$0.00
Year 5	50118	INTERVIEW - MIC - WIRED (STANDARD MIC)	25	\$0.00	\$0.00	\$0.00
Year 5	50294	INTERVIEW - SERVER - LITE	2	\$0.00	\$0.00	\$0.00
Year 5	50295	INTERVIEW - SERVER - PRO	2	\$0.00	\$0.00	\$0.00
Year 5	50298	INTERVIEW - CAMERA - OVERT DOME	25	\$0.00	\$0.00	\$0.00
Year 5	50322	INTERVIEW - TOUCH PANEL PRO	12	\$0.00	\$0.00	\$0.00
Year 5	50448	EXT WARRANTY, INTERVIEW ROOM	12	\$0.00	\$0.00	\$0.00
Year 5	71044	BATTERY, SIGNAL SIDEARM, CR2430 SINGLE PACK	22	\$0.00	\$0.00	\$0.00
Year 5	73897	STANDARDS SERVICE, PREMIUM	1	\$0.00	\$0.00	\$0.00
Year 5	74056	INTERVIEW - TOUCH PANEL WALL MOUNT	12	\$0.00	\$0.00	\$0.00
Year 5	75015	SIGNAL SIDEARM KIT	11	\$547.80	\$46.56	\$594.36
Year 5	85170	INTERVIEW - SERVICE - STANDARD INSTALL AND SETUP (PER ROOM)	12	\$0.00	\$0.00	\$0.00
Year 5	AB3C	AB3 Camera Bundle	220	\$22,045.32	\$1,873.85	\$23,919.17
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Year 5	AB3MBD	AB3 Multi Bay Dock Bundle	36	\$11,080.08	\$941.81	\$12,021.89
Year 5	BWCamMBDTAP	Body Worn Camera Multi-Bay Dock TAP Bundle	8	\$2,832.00	\$240.72	\$3,072.72
Year 5	BWCamTAP	Body Worn Camera TAP Bundle	40	\$13,440.00	\$1,142.41	\$14,582.41
Year 5	ProLicense	Pro License Bundle	30	\$14,040.00	\$1,193.40	\$15,233.40
Total				\$700,273.21	\$52,747.45	\$753,020.66

Jul 2027						
Invoice Plan	Item	Description	Qty	Subtotal	Tax	Total
Year 5 Fleet	100159	FLEET 3 - ALPR - API INTEGRATION SERVICES	1	\$600.00	\$51.00	\$651.00
Year 5 Fleet	74066	FLEET INSTALLATION, WI-FI OFFLOAD SERVER	1	\$200.00	\$17.00	\$217.00
Year 5 Fleet	74074	WI-FI OFFLOAD SERVER, HARDWARE	2	\$1,400.00	\$119.00	\$1,519.00
Year 5 Fleet	80218	WI-FI OFFLOAD, SOFTWARE LICENSE MAINTENANCE	2	\$1,060.00	\$90.10	\$1,150.10
Year 5 Fleet	80462	FLEET 3 ADVANCED BUNDLE WITH TAP TRUE UP	130	\$19,656.00	\$1,670.76	\$21,326.76
Year 5 Fleet	Fleet3A	Fleet 3 Advanced	130	\$286,624.00	\$24,363.02	\$310,987.02
Total				\$309,540.00	\$26,310.88	\$335,850.88

Tax is estimated based on rates applicable at date of quote and subject to change at time of invoicing. If a tax exemption certificate should be applied, please submit prior to invoicing.

Standard Terms and Conditions

Axon Enterprise Inc. Sales Terms and Conditions

Axon Master Services and Purchasing Agreement:

This Quote is limited to and conditional upon your acceptance of the provisions set forth herein and in the City of Vancouver Purchase Agreement #C-101024 for Vancouver Police Department Camera System, as well as the attached Statement of Work (SOW) for Axon Fleet and/or Axon Interview Room purchase, if applicable. In the event you and Axon have entered into a prior agreement to govern all future purchases, that agreement shall govern to the extent it includes the products and services being purchased and does not conflict with the Axon Customer Experience Improvement Program Appendix as described below.

ACEIP:

The Axon Customer Experience Improvement Program Appendix, which includes the sharing of de-identified segments of Agency Content with Axon to develop new products and improve your product experience (posted at www.axon.com/legal/sales-terms-and-conditions), is incorporated herein by reference. By signing below, you agree to the terms of the Axon Customer Experience Improvement Program.

Acceptance of Terms:

Any purchase order issued in response to this Quote is subject solely to the above referenced terms and conditions. By signing below, you represent that you are lawfully able to enter into contracts. If you are signing on behalf of an entity (including but not limited to the company, municipality, or government agency for whom you work), you represent to Axon that you have legal authority to bind that entity. If you do not have this authority, please do not sign this Quote.

Signature

Date Signed

9/15/2022



ATTENTION

This order may qualify for freight shipping, please fill out the following information.

Who is the receiving contact and what is the contact phone number for this shipment?	
What are the receiving hours of operation?	
Is a loading dock available for this incoming shipment? If yes, are you able to unload pallets from the trailer or will the driver need to assist with unload?	
Do you have a forklift and/or pallet jack to transport pallets into your facility?	
Are there any delivery restrictions (no 53' trailers, no box trucks, etc.)?	



Master Services and Purchasing Agreement for Agency

This Master Services and Purchasing Agreement ("**Agreement**") is between Axon Enterprise, Inc., a Delaware corporation ("**Axon**"), and the agency listed below or, if no agency is listed below, the agency on the Quote attached hereto ("**Agency**"). This Agreement is effective as of the later of the (a) last signature date on this Agreement or (b) signature date on the Quote ("**Effective Date**"). Axon and Agency are each a "**Party**" and collectively "**Parties**". This Agreement governs Agency's purchase and use of the Axon Devices and Services detailed in the Quote Appendix ("**Quote**"). It is the intent of the Parties that this Agreement act as a master agreement governing all subsequent purchases by Agency for the same Axon Devices and Services in the Quote, and all such subsequent quotes accepted by Agency shall be also incorporated into this Agreement by reference as a Quote. The Parties agree as follows:

1. **Definitions.**

- 1.1. "**Axon Cloud Services**" means Axon's web services for Axon Evidence, Axon Records, Axon Dispatch, and interactions between Axon Evidence and Axon Devices or Axon client software. Axon Cloud Service excludes third-party applications, hardware warranties, and my.evidence.com.
- 1.2. "**Axon Device**" means all hardware provided by Axon under this Agreement.
- 1.3. "**Quote**" means an offer to sell and is only valid for devices and services on the quote at the specified prices. Any terms within Agency's purchase order in response to a Quote will be void. Orders are subject to prior credit approval. Changes in the deployment estimated ship date may change charges in the Quote. Shipping dates are estimates only. Axon is not responsible for typographical errors in any offer by Axon, and Axon reserves the right to cancel any orders resulting from such errors.
- 1.4. "**Services**" means all services provided by Axon under this Agreement, including software, Axon Cloud Services, and professional services.

2. **Term.** This Agreement begins on the Effective Date and continues until all subscriptions hereunder have expired or have been terminated ("**Term**").

- 2.1. All subscriptions including Axon Evidence, Axon Fleet, Officer Safety Plans, Technology Assurance Plans, and TASER 7 plans begin on the date stated in the Quote. Each subscription term ends upon completion of the subscription stated in the Quote ("**Subscription Term**").
- 2.2. Upon completion of the Subscription Term, the Subscription Term will automatically renew for an additional 5 years ("**Renewal Term**"). For purchase of TASER 7 as a standalone, Axon may increase pricing to its then-current list pricing for any Renewal Term. For all other purchases, Axon may increase pricing on all line items in the Quote up to 3% at the beginning of each year of the Renewal Term. New devices and services may require additional terms. Axon will not authorize services until Axon receives a signed Quote or accepts a purchase order, whichever is first.

3. **Payment.** Axon invoices upon shipment, or on the date specified within the invoicing plan in the Quote. Payment is due net 30 days from the invoice date. Payment obligations are non-cancelable. Unless otherwise prohibited by law, Agency will pay interest on all past-due sums at the lower of one-and-a-half percent (1.5%) per month or the highest rate allowed by law. Agency will pay invoices without setoff, deduction, or withholding. If Axon sends a past due account to collections, Agency is responsible for collection and attorneys' fees.

4. **Taxes.** Agency is responsible for sales and other taxes associated with the order unless Agency provides Axon a valid tax exemption certificate.

5. **Shipping.** Axon may make partial shipments and ship Axon Devices from multiple locations. All shipments are EXW (Incoterms 2020) via common carrier. Title and risk of loss pass to Agency upon Axon's delivery to the common carrier. Agency is responsible for any shipping charges in the Quote.

6. **Returns.** All sales are final. Axon does not allow refunds or exchanges, except warranty returns or as provided by state or federal law.

7. **Warranty.**

- 7.1. **Limited Warranty; Disclaimer.** Axon warrants that Axon-manufactured Devices are free from defects in workmanship and materials for 1 year from the date of Agency's receipt, except Signal Sidearm and Axon-manufactured accessories, which Axon warrants for 30 months and 90 days, respectively, from the date of Agency's receipt. Used conducted energy weapon ("**CEW**") cartridges are deemed to have operated properly. Extended warranties run from the expiration of the 1-year hardware warranty through the extended warranty term. **All software and Axon Cloud Services, are provided "AS IS," without any warranty of any kind, either express or implied, including without limitation the implied warranties of merchantability, fitness for a particular purpose and non-infringement. Axon Devices, software, and services that are not manufactured, published or performed by Axon ("Third-Party Products") are not covered by Axon's**

warranty and are only subject to the warranties of the third-party provider or manufacturer.

- 7.2. **Claims.** If Axon receives a valid warranty claim for an Axon-manufactured Device during the warranty term, Axon's sole responsibility is to repair or replace the Axon-manufactured Device with the same or like Axon-manufactured Device, at Axon's option. A replacement Axon-manufactured Device will be new or like new. Axon will warrant the replacement Axon-manufactured Device for the longer of (a) the remaining warranty of the original Axon Manufactured Device or (b) 90-days from the date of repair or replacement.

7.2.1. If Agency exchanges a device or part, the replacement item becomes Agency's property, and the replaced item becomes Axon's property. Before delivering an Axon-manufactured Device for service, Agency must upload Axon-manufactured Device data to Axon Evidence or download it and retain a copy. Axon is not responsible for any loss of software, data, or other information contained in storage media or any part of the Axon-manufactured Device sent to Axon for service.

- 7.3. **Spare Axon Devices.** At Axon's reasonable discretion, Axon may provide Agency a predetermined number of spare Axon Devices as detailed in the Quote ("**Spare Axon Devices**"). Spare Axon Devices are intended to replace broken or non-functioning units while Agency submits the broken or non-functioning units, through Axon's warranty return process. Axon will repair or replace the unit with a replacement Axon Device. Title and risk of loss for all Spare Axon Devices shall pass to Agency in accordance with shipping terms under Section 5. Axon assumes no liability or obligation in the event Agency does not utilize Spare Axon Devices for the intended purpose.

- 7.4. **Limitations.** Axon's warranty excludes damage related to: (a) failure to follow Axon Device use instructions; (b) Axon Devices used with equipment not manufactured or recommended by Axon; (c) abuse, misuse, or intentional damage to Axon Device; (d) force majeure; (e) Axon Devices repaired or modified by persons other than Axon without Axon's written permission; or (f) Axon Devices with a defaced or removed serial number. Axon's warranty will be void if Agency resells Axon Devices.

7.4.1. To the extent permitted by law, the above warranties and remedies are exclusive. Axon disclaims all other warranties, remedies, and conditions, whether oral, written, statutory, or implied. If statutory or implied warranties cannot be lawfully disclaimed, then such warranties are limited to the duration of the warranty described above and by the provisions in this Agreement.

7.4.2. Axon's cumulative liability to any Party for any loss or damage resulting from any claim, demand, or action arising out of or relating to any Axon Device or Service will not exceed the purchase price paid to Axon for the Axon Device, or if for Services, the amount paid for such Services over the 12 months preceding the claim. Neither Party will be liable for direct, special, indirect, incidental, punitive or consequential damages, however caused, whether for breach of warranty or contract, negligence, strict liability, tort or any other legal theory.

- 7.5. **Online Support Platforms.** Use of Axon's online support platforms (e.g., Axon Academy and MyAxon) is governed by the Axon Online Support Platforms Terms of Use Appendix available at www.axon.com/sales-terms-and-conditions.

- 7.6. **Third-Party Software and Services.** Use of software or services other than those provided by Axon is governed by the terms, if any, entered into between Agency and the respective third-party provider, including, without limitation, the terms applicable to such software or services located at www.axon.com/sales-terms-and-conditions, if any.

- 7.7. **Axon Aid.** Upon mutual agreement between Axon and Agency, Axon may provide certain products and services to Agency, as a charitable donation under the Axon Aid program. In such event, Agency expressly waives and releases any and all claims, now known or hereafter known, against Axon, and its officers, directors, employees, agents, contractors, affiliates, successors, and assigns (collectively, "Releasees"), including but not limited to, on account of injury, death, property damage, or loss of data, arising out of or attributable to the Axon Aid program whether arising out of the negligence of Axon or any Releasees or otherwise. Agency agrees not to make or bring any such claim against Axon or any other Releasee, and forever release and discharge Axon and all other Releasees from liability under such claims. Agency expressly allows Axon to publicly announce its participation in Axon Aid and use its name in marketing materials. Axon may terminate the Axon Aid program without cause immediately upon notice to the Agency.

8. **Statement of Work.** Certain Axon Devices and Services, including Axon Interview Room, Axon Channel Services, and Axon Fleet, may require a Statement of Work that details Axon's Service deliverables ("**SOW**"). In the event Axon provides an SOW to Agency, Axon is only responsible to perform Services described in the SOW. Additional services are out of scope. The Parties must document scope changes in a written and signed change order. Changes may require an equitable adjustment in fees or schedule. The SOW is incorporated into this Agreement by reference.



9. **Axon Device Warnings.** See www.axon.com/legal for the most current Axon Device warnings.
10. **Design Changes.** Axon may make design changes to any Axon Device or Service without notifying Agency or making the same change to Axon Devices and Services previously purchased by Agency.
11. **Bundled Offerings.** Some offerings in bundled offerings may not be generally available at the time of Agency's purchase. Axon will not provide a refund, credit, or additional discount beyond what is in the Quote due to a delay of availability or Agency's election not to utilize any portion of an Axon bundle.
12. **Insurance.** Axon will maintain General Liability, Workers' Compensation, and Automobile Liability insurance. Upon request, Axon will supply certificates of insurance.
13. **IP Rights.** Axon owns and reserves all right, title, and interest in Axon-manufactured Devices and Services and suggestions to Axon, including all related intellectual property rights. Agency will not cause any Axon proprietary rights to be violated.
14. **IP Indemnification.** Axon will indemnify Agency Indemnitees against all claims, losses, and reasonable expenses from any third-party claim alleging that the use of Axon-manufactured Devices or Services infringes or misappropriates the third-party's intellectual property rights. Agency must promptly provide Axon with written notice of such claim, tender to Axon the defense or settlement of such claim at Axon's expense and cooperate fully with Axon in the defense or settlement of such claim. Axon's IP indemnification obligations do not apply to claims based on (a) modification of Axon-manufactured Devices or Services by Agency or a third-party not approved by Axon; (b) use of Axon-manufactured Devices and Services in combination with hardware or services not approved by Axon; (c) use of Axon Devices and Services other than as permitted in this Agreement; or (d) use of Axon software that is not the most current release provided by Axon.
15. **Agency Responsibilities.** Agency is responsible for (a) Agency's use of Axon Devices; (b) breach of this Agreement or violation of applicable law by Agency or an Agency end user; and (c) a dispute between Agency and a third-party over Agency's use of Axon Devices.
16. **Termination.**
 - 16.1. **For Breach.** A Party may terminate this Agreement for cause if it provides 30 days written notice of the breach to the other Party, and the breach remains uncured at the end of 30 days. If Agency terminates this Agreement due to Axon's uncured breach, Axon will refund prepaid amounts on a prorated basis based on the effective date of termination.
 - 16.2. **By Agency.** If sufficient funds are not appropriated or otherwise legally available to pay the fees, Agency may terminate this Agreement. Agency will deliver notice of termination under this section as soon as reasonably practicable.
 - 16.3. **Effect of Termination.** Upon termination of this Agreement, Agency rights immediately terminate. Agency remains responsible for all fees incurred before the effective date of termination. If Agency purchases Axon Devices for less than the manufacturer's suggested retail price ("**MSRP**") and this Agreement terminates before the end of the Term, Axon will invoice Agency the difference between the MSRP for Axon Devices received, including any Spare Axon Devices, and amounts paid towards those Axon Devices. Only if terminating for non-appropriation, Agency may return Axon Devices to Axon within 30 days of termination. MSRP is the standalone price of the individual Axon Device at the time of sale. For bundled Axon Devices, MSRP is the standalone price of all individual components.
17. **Confidentiality.** "**Confidential Information**" means nonpublic information designated as confidential or, given the nature of the information or circumstances surrounding disclosure, should reasonably be understood to be confidential. Each Party will take reasonable measures to avoid disclosure, dissemination, or unauthorized use of the other Party's Confidential Information. Unless required by law, neither Party will disclose the other Party's Confidential Information during the Term and for 5 years thereafter. If Agency receives a public records request to disclose Axon Confidential Information, to the extent allowed by law, Agency will provide notice to Axon before disclosure. Axon may publicly announce information related to this Agreement.
18. **General.**
 - 18.1. **Force Majeure.** Neither Party will be liable for any delay or failure to perform due to a cause beyond a Party's reasonable control.
 - 18.2. **Independent Contractors.** The Parties are independent contractors. Neither Party has the authority to bind the other. This Agreement does not create a partnership, franchise, joint venture, agency, fiduciary, or employment relationship between the Parties.
 - 18.3. **Third-Party Beneficiaries.** There are no third-party beneficiaries under this Agreement.

Title: Master Services and Purchasing Agreement for Agency

Department: Legal

Version: 14.0

Release Date: 3/10/2022



Master Services and Purchasing Agreement for Agency

- 18.4. **Non-Discrimination.** Neither Party nor its employees will discriminate against any person based on race; religion; creed; color; sex; gender identity and expression; pregnancy; childbirth; breastfeeding; medical conditions related to pregnancy, childbirth, or breastfeeding; sexual orientation; marital status; age; national origin; ancestry; genetic information; disability; veteran status; or any class protected by local, state, or federal law.
- 18.5. **Export Compliance.** Each Party will comply with all import and export control laws and regulations.
- 18.6. **Assignment.** Neither Party may assign this Agreement without the other Party's prior written consent. Axon may assign this Agreement, its rights, or obligations without consent: (a) to an affiliate or subsidiary; or (b) for purposes of financing, merger, acquisition, corporate reorganization, or sale of all or substantially all its assets. This Agreement is binding upon the Parties respective successors and assigns.
- 18.7. **Waiver.** No waiver or delay by either Party in exercising any right under this Agreement constitutes a waiver of that right.
- 18.8. **Severability.** If a court of competent jurisdiction holds any portion of this Agreement invalid or unenforceable, the remaining portions of this Agreement will remain in effect.
- 18.9. **Survival.** The following sections will survive termination: Payment, Warranty, Axon Device Warnings, Indemnification, IP Rights, and Agency Responsibilities.
- 18.10. **Governing Law.** The laws of the state where Agency is physically located, without reference to conflict of law rules, govern this Agreement and any dispute arising from it. The United Nations Convention for the International Sale of Goods does not apply to this Agreement.
- 18.11. **Notices.** All notices must be in English. Notices posted on Agency's Axon Evidence site are effective upon posting. Notices by email are effective on the sent date of the email. Notices by personal delivery are effective immediately. Contact information for notices:

Axon: Axon Enterprise, Inc.
Attn: Legal
17800 N. 85th Street
Scottsdale, Arizona 85255
legal@axon.com

Agency: Vancouver Police Department
Attn:
Street Address: 605 E. Evergreen Blvd
City, State, Zip: Vancouver, WA 98661
Email:

- 18.12 **Entire Agreement.** This Agreement, including the Appendices and any SOW(s), represents the entire agreement between the Parties. This Agreement supersedes all prior agreements or understandings, whether written or verbal, regarding the subject matter of this Agreement. This Agreement may only be modified or amended in a writing signed by the Parties.

Each Party, by and through its respective representative authorized to execute this Agreement, has duly executed and delivered this Agreement as of the date of signature.

AXON:

Axon Enterprise, Inc.

Signature: _____

Name: _____

Title: _____

Date: _____

AGENCY:

Vancouver Police Department

Signature: _____

Name: _____

Title: _____

Date: _____



Axon Cloud Services Terms of Use Appendix

1. **Definitions.**

- 1.1. “**Agency Content**” is data uploaded into, ingested by, or created in Axon Cloud Services within Agency’s tenant, including media or multimedia uploaded into Axon Cloud Services by Agency. Agency Content includes Evidence but excludes Non-Content Data.
- 1.2. “**Evidence**” is media or multimedia uploaded into Axon Evidence as ‘evidence’ by an Agency. Evidence is a subset of Agency Content.
- 1.3. “**Non-Content Data**” is data, configuration, and usage information about Agency’s Axon Cloud Services tenant, Axon Devices and client software, and users that is transmitted or generated when using Axon Devices. Non-Content Data includes data about users captured during account management and customer support activities. Non-Content Data does not include Agency Content.
- 1.4. “**Personal Data**” means any information relating to an identified or identifiable natural person. An identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.

2. **Access.** Upon Axon granting Agency a subscription to Axon Cloud Services, Agency may access and use Axon Cloud Services to store and manage Agency Content. Agency may not exceed more end users than the Quote specifies. Axon Air requires an Axon Evidence subscription for each drone operator. For Axon Evidence Lite, Agency may access and use Axon Evidence only to store and manage TASER CEW and TASER CAM data (“**TASER Data**”). Agency may not upload non-TASER Data to Axon Evidence Lite.
3. **Agency Owns Agency Content.** Agency controls and owns all right, title, and interest in Agency Content. Except as outlined herein, Axon obtains no interest in Agency Content, and Agency Content is not Axon’s business records. Agency is solely responsible for uploading, sharing, managing, and deleting Agency Content. Axon will only have access to Agency Content for the limited purposes set forth herein. Agency agrees to allow Axon access to Agency Content to (a) perform troubleshooting, maintenance, or diagnostic screenings; and (b) enforce this Agreement or policies governing use of the Axon products.
4. **Security.** Axon will implement commercially reasonable and appropriate measures to secure Agency Content against accidental or unlawful loss, access or disclosure. Axon will maintain a comprehensive information security program to protect Axon Cloud Services and Agency Content including logical, physical access, vulnerability, risk, and configuration management; incident monitoring and response; encryption of uploaded digital evidence; security education; and data protection. Axon agrees to the Federal Bureau of Investigation Criminal Justice Information Services Security Addendum.
5. **Agency Responsibilities.** Agency is responsible for (a) ensuring Agency owns Agency Content; (b) ensuring no Agency Content or Agency end user’s use of Agency Content or Axon Cloud Services violates this Agreement or applicable laws; and (c) maintaining necessary computer equipment and Internet connections for use of Axon Cloud Services. If Agency becomes aware of any violation of this Agreement by an end user, Agency will immediately terminate that end user’s access to Axon Cloud Services.
 - 5.1. Agency will also maintain the security of end usernames and passwords and security and access by end users to Agency Content. Agency is responsible for ensuring the configuration and utilization of Axon Cloud Services meet applicable Agency regulation and standards. Agency may not sell, transfer, or sublicense access to any other entity or person. Agency shall contact Axon immediately if an unauthorized party may be using Agency’s account or Agency Content, or if account information is lost or stolen.
 - 5.2. To the extent Agency uses the Axon Cloud Services to interact with YouTube®, such use may be governed by the YouTube Terms of Service, available at <https://www.youtube.com/static?template=terms>.
6. **Privacy.** Agency’s use of Axon Cloud Services is subject to the Axon Cloud Services Privacy Policy, a current version of which is available at <https://www.axon.com/legal/cloud-services-privacy-policy>. Agency agrees to allow Axon access to Non-Content Data from Agency to (a) perform troubleshooting, maintenance, or diagnostic screenings; (b) provide, develop, improve, and support current and future Axon products and related services; and (c) enforce this Agreement or policies governing the use of Axon products.



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7. **Axon Body 3 Wi-Fi Positioning.** Axon Body 3 cameras offer a feature to enhance location services where GPS/GNSS signals may not be available, for instance, within buildings or underground. Agency administrators can manage their choice to use this service within the administrative features of Axon Cloud Services. If Agency chooses to use this service, Axon must also enable the usage of the feature for Agency's Axon Cloud Services tenant. Agency will not see this option with Axon Cloud Services unless Axon has enabled Wi-Fi Positioning for Agency's Axon Cloud Services tenant. When Wi-Fi Positioning is enabled by both Axon and Agency, Non-Content and Personal Data will be sent to Skyhook Holdings, Inc. ("**Skyhook**") to facilitate the Wi-Fi Positioning functionality. Data controlled by Skyhook is outside the scope of the Axon Cloud Services Privacy Policy and is subject to the Skyhook Services Privacy Policy.
8. **Storage.** For Axon Unlimited Device Storage subscriptions, Agency may store unlimited data in Agency's Axon Evidence account only if data originates from Axon Capture or the applicable Axon Device. Axon may charge Agency additional fees for exceeding purchased storage amounts. Axon may place Agency Content that Agency has not viewed or accessed for 6 months into archival storage. Agency Content in archival storage will not have immediate availability and may take up to 24 hours to access.
9. **Location of Storage.** Axon may transfer Agency Content to third-party subcontractors for storage. Axon will determine the locations of data centers for storage of Agency Content. For United States agencies, Axon will ensure all Agency Content stored in Axon Cloud Services remains within the United States. Ownership of Agency Content remains with Agency.
10. **Suspension.** Axon may temporarily suspend Agency's or any end user's right to access or use any portion or all of Axon Cloud Services immediately upon notice, if Agency or end user's use of or registration for Axon Cloud Services may (a) pose a security risk to Axon Cloud Services or any third-party; (b) adversely impact Axon Cloud Services, the systems, or content of any other customer; (c) subject Axon, Axon's affiliates, or any third-party to liability; or (d) be fraudulent. Agency remains responsible for all fees incurred through suspension. Axon will not delete Agency Content because of suspension, except as specified in this Agreement.
11. **Axon Cloud Services Warranty.** Axon disclaims any warranties or responsibility for data corruption or errors before Agency uploads data to Axon Cloud Services.
12. **Axon Records.** Axon Records is the software-as-a-service product that is generally available at the time Agency purchases an OSP 7 bundle. During Agency's Axon Records Subscription Term, if any, Agency will be entitled to receive Axon's Update and Upgrade releases on an if-and-when available basis.
 - 12.1. The Axon Records Subscription Term will end upon the competition of the Axon Records Subscription as documented in the Quote, or if purchased as part of an OSP 7 bundle, upon competition of the OSP 7 Term ("**Axon Records Subscription**")
 - 12.2. An "**Update**" is a generally available release of Axon Records that Axon makes available from time to time. An "**Upgrade**" includes (i) new versions of Axon Records that enhance features and functionality, as solely determined by Axon; and/or (ii) new versions of Axon Records that provide additional features or perform additional functions. Upgrades exclude new products that Axon introduces and markets as distinct products or applications.
 - 12.3. New or additional Axon products and applications, as well as any Axon professional services needed to configure Axon Records, are not included. If Agency purchases Axon Records as part of a bundled offering, the Axon Record subscription begins on the later of the (1) start date of that bundled offering, or (2) date Axon provisions Axon Records to Agency.
 - 12.4. Users of Axon Records at the agency may upload files to entities (incidents, reports, cases, etc) in Axon Records with no limit to the number of files and amount of storage. Notwithstanding the foregoing, Axon may limit usage should the Agency exceed an average rate of 100 GB per user per year of uploaded files. Axon will not bill for overages.
13. **Axon Cloud Services Restrictions.** Agency and Agency end users (including employees, contractors, agents, officers, volunteers, and directors), may not, or may not attempt to:
 - 13.1. copy, modify, tamper with, repair, or create derivative works of any part of Axon Cloud Services;
 - 13.2. reverse engineer, disassemble, or decompile Axon Cloud Services or apply any process to derive any source code included in Axon Cloud Services, or allow others to do the same;



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- 13.3. access or use Axon Cloud Services with the intent to gain unauthorized access, avoid incurring fees or exceeding usage limits or quotas;
- 13.4. use trade secret information contained in Axon Cloud Services, except as expressly permitted in this Agreement;
- 13.5. access Axon Cloud Services to build a competitive device or service or copy any features, functions, or graphics of Axon Cloud Services;
- 13.6. remove, alter, or obscure any confidentiality or proprietary rights notices (including copyright and trademark notices) of Axon's or Axon's licensors on or within Axon Cloud Services; or
- 13.7. use Axon Cloud Services to store or transmit infringing, libelous, or other unlawful or tortious material; to store or transmit material in violation of third-party privacy rights; or to store or transmit malicious code.
14. **After Termination.** Axon will not delete Agency Content for 90 days following termination. There will be no functionality of Axon Cloud Services during these 90 days other than the ability to retrieve Agency Content. Agency will not incur additional fees if Agency downloads Agency Content from Axon Cloud Services during this time. Axon has no obligation to maintain or provide Agency Content after these 90-days and will thereafter, unless legally prohibited, delete all Agency Content. Upon request, Axon will provide written proof that Axon successfully deleted and fully removed all Agency Content from Axon Cloud Services.
15. **Post-Termination Assistance.** Axon will provide Agency with the same post-termination data retrieval assistance that Axon generally makes available to all customers. Requests for Axon to provide additional assistance in downloading or transferring Agency Content, including requests for Axon's data egress service, will result in additional fees and Axon will not warrant or guarantee data integrity or readability in the external system.
16. **U.S. Government Rights.** If Agency is a U.S. Federal department or using Axon Cloud Services on behalf of a U.S. Federal department, Axon Cloud Services is provided as a "commercial item," "commercial computer software," "commercial computer software documentation," and "technical data", as defined in the Federal Acquisition Regulation and Defense Federal Acquisition Regulation Supplement. If Agency is using Axon Cloud Services on behalf of the U.S. Government and these terms fail to meet the U.S. Government's needs or are inconsistent in any respect with federal law, Agency will immediately discontinue use of Axon Cloud Services.
17. **Survival.** Upon any termination of this Agreement, the following sections in this Appendix will survive: Agency Owns Agency Content, Privacy, Storage, Axon Cloud Services Warranty, and Axon Cloud Services Restrictions.



Axon Customer Experience Improvement Program Appendix

1. Axon Customer Experience Improvement Program (ACEIP). The ACEIP is designed to accelerate Axon's development of technology, such as building and supporting automated features, to ultimately increase safety within communities and drive efficiency in public safety. To this end, subject to the limitations on Axon as described below, Axon, where allowed by law, may make limited use of Agency Content from all of its customers, to provide, develop, improve, and support current and future Axon products (collectively, "ACEIP Purposes"). However, at all times, Axon will comply with its obligations pursuant to the Axon Cloud Services Terms of Use Appendix to maintain a comprehensive data security program (including compliance with the CJIS Security Policy for Criminal Justice Information), privacy program, and data governance policy, including high industry standards of de-identifying Personal Data, to enforce its security and privacy obligations for the ACEIP. ACEIP has 2 tiers of participation, Tier 1 and Tier 2. By default, Agency will be a participant in ACEIP Tier 1. If Agency does not want to participate in ACEIP Tier 1, Agency can revoke its consent at any time. If Agency wants to participate in Tier 2, as detailed below, Agency can check the ACEIP Tier 2 box below. If Agency does not want to participate in ACEIP Tier 2, Agency should leave box unchecked. At any time, Agency may revoke its consent to ACEIP Tier 1, Tier 2, or both Tiers.
2. ACEIP Tier 1.
 - 2.1. When Axon uses Agency Content for the ACEIP Purposes, Axon will extract from Agency Content and may store separately copies of certain segments or elements of the Agency Content (collectively, "**ACEIP Content**"). When extracting ACEIP Content, Axon will use commercially reasonable efforts to aggregate, transform or de-identify Agency Content so that the extracted ACEIP Content is no longer reasonably capable of being associated with, or could reasonably be linked directly or indirectly to a particular individual ("**Privacy Preserving Technique(s)**"). For illustrative purposes, some examples are described in footnote 1¹. For clarity, ACEIP Content will still be linked indirectly, with an attribution, to the Agency from which it was extracted. This attribution will be stored separately from the data itself, but is necessary for and will be solely used to enable Axon to identify and delete all ACEIP Content upon Agency request. Once de-identified, ACEIP Content may then be further modified, analyzed, and used to create derivative works. At any time, Agency may revoke the consent granted herein to Axon to access and use Agency Content for ACEIP Purposes. Within 30 days of receiving the Agency's request, Axon will no longer access or use Agency Content for ACEIP Purposes and will delete any and all ACEIP Content. Axon will also delete any derivative works which may reasonably be capable of being associated with, or could reasonably be linked directly or indirectly to Agency. In addition, if Axon uses Agency Content for the ACEIP Purposes, upon request, Axon will make available to Agency a list of the specific type of Agency Content being used to generate ACEIP Content, the purpose of such use, and the retention, privacy preserving extraction technique, and relevant data protection practices applicable to the Agency Content or ACEIP Content ("Use Case"). From time to time, Axon may develop and deploy new Use Cases. At least 30 days prior to authorizing the deployment of any new Use Case, Axon will provide Agency notice (by updating the list of Use Case at <https://www.axon.com/aceip> and providing Agency with a mechanism to obtain notice of that update or another commercially reasonable method to Agency designated contact) ("**New Use Case**").
 - 2.2. **Expiration of ACEIP Tier 1**. Agency consent granted herein, will expire upon termination of the Agreement. In accordance with section 1.1.1, within 30 days of receiving the Agency's request, Axon will no longer access or use Agency Content for ACEIP Purposes and will delete ACEIP Content. Axon will also delete any derivative works which may reasonably be capable of being associated with, or could reasonably be linked directly or indirectly to Agency.
3. ACEIP Tier 2. In addition to ACEIP Tier 1, if Agency wants to help further improve Axon's services, Agency may choose to participate in Tier 2 of the ACEIP. ACEIP Tier 2 grants Axon certain additional rights to use Agency

¹ For example; (a) when extracting specific text to improve automated transcription capabilities, text that could be used to directly identify a particular individual would not be extracted, and extracted text would be disassociated from identifying metadata of any speakers, and the extracted text would be split into individual words and aggregated with other data sources (including publicly available data) to remove any reasonable ability to link any specific text directly or indirectly back to a particular individual; (b) when extracting license plate data to improve Automated License Plate Recognition (ALPR) capabilities, individual license plate characters would be extracted and disassociated from each other so a complete plate could not be reconstituted, and all association to other elements of the source video, such as the vehicle, location, time, and the surrounding environment would also be removed; (c) when extracting audio of potential acoustic events (such as glass breaking or gun shots), very short segments (<1 second) of audio that only contains the likely acoustic events would be extracted and all human utterances would be removed.



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Content, in addition to those set forth in Tier 1 above, without the guaranteed deployment of a Privacy Preserving Technique to enable product development, improvement, and support that cannot be accomplished with aggregated, transformed or de-identified data.

☐ Check this box if Agency wants to help further improve Axon's services by participating in ACEIP Tier 2 in addition to Tier 1. Axon will not enroll Agency into ACEIP Tier 2 until Axon and Agency agree to terms in writing providing for such participation in ACEIP Tier 2.



Professional Services Appendix

If any of the Professional Services specified below are included on the Quote, this Appendix applies.

1. **Utilization of Services.** Agency must use professional services as outlined in the Quote and this Appendix within 6 months of the Effective Date.
2. **Axon Full Service (Axon Full Service).** Axon Full Service includes advance remote project planning and configuration support and up to 4 consecutive days of on-site service and a professional services manager to work with Agency to assess Agency's deployment and determine which on-site services are appropriate. If Agency requires more than 4 consecutive on-site days, Agency must purchase additional days. Axon Full Service options include:

System set up and configuration • Instructor-led setup of Axon View on smartphones (if applicable) • Configure categories and custom roles based on Agency need • Register cameras to Agency domain • Troubleshoot IT issues with Axon Evidence and Axon Dock ("Dock") access • One on-site session included
Dock configuration • Work with Agency to decide the ideal location of Docks and set configurations on Dock • Authenticate Dock with Axon Evidence using admin credentials from Agency • On-site assistance, not to include physical mounting of docks
Best practice implementation planning session • Provide considerations for the establishment of video policy and system operations best practices based on Axon's observations with other agencies • Discuss the importance of entering metadata in the field for organization purposes and other best practice for digital data management • Provide referrals of other agencies using the Axon camera devices and Axon Evidence • Recommend rollout plan based on review of shift schedules
System Admin and troubleshooting training sessions Step-by-step explanation and assistance for Agency's configuration of security, roles & permissions, categories & retention, and other specific settings for Axon Evidence
Axon instructor training (Train the Trainer) Training for Agency's in-house instructors who can support Agency's Axon camera and Axon Evidence training needs after Axon has fulfilled its contractual on-site obligations
Evidence sharing training Tailored workflow instruction for Investigative Units on sharing Cases and Evidence with local prosecuting agencies
End user go-live training and support sessions • Assistance with device set up and configuration • Training on device use, Axon Evidence, and Evidence Sync
Implementation document packet Axon Evidence administrator guides, camera implementation guides, network setup guide, sample policies, and categories & roles guide
Post go-live review

3. **Body-Worn Camera Starter Service (Axon Starter).** Axon Starter includes advance remote project planning and configuration support and one day of on-site Services and a professional services manager to work closely with Agency to assess Agency's deployment and determine which Services are appropriate. If Agency requires more than 1 day of on-site Services, Agency must purchase additional on-site Services. The Axon Starter options include:

System set up and configuration (Remote Support) • Instructor-led setup of Axon View on smartphones (if applicable) • Configure categories & custom roles based on Agency need



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• Troubleshoot IT issues with Axon Evidence and Axon Dock (“Dock”) access
/Dock configuration • Work with Agency to decide the ideal location of Dock setup and set configurations on Dock • Authenticate Dock with Axon Evidence using “Administrator” credentials from Agency • Does not include physical mounting of docks
Axon instructor training (Train the Trainer) Training for Agency’s in-house instructors who can support Agency’s Axon camera and Axon Evidence training needs after Axon’s has fulfilled its contracted on-site obligations
End user go-live training and support sessions • Assistance with device set up and configuration • Training on device use, Axon Evidence, and Evidence Sync
Implementation document packet Axon Evidence administrator guides, camera implementation guides, network setup guide, sample policies, and categories & roles guide

4. **Body-Worn Camera Virtual 1-Day Service (Axon Virtual).** Axon Virtual includes all items in the BWC Starter Service Package, except one day of on-site services.

5. **CEW Services Packages.** CEW Services Packages are detailed below:

System set up and configuration • Configure Axon Evidence categories & custom roles based on Agency need. • Troubleshoot IT issues with Axon Evidence. • Register users and assign roles in Axon Evidence. • For the CEW Full Service Package: On-site assistance included • For the CEW Starter Package: Virtual assistance included
Dedicated Project Manager Assignment of specific Axon representative for all aspects of planning the rollout (Project Manager). Ideally, Project Manager will be assigned to Agency 4–6 weeks before rollout
Best practice implementation planning session to include: • Provide considerations for the establishment of CEW policy and system operations best practices based on Axon’s observations with other agencies • Discuss the importance of entering metadata and best practices for digital data management • Provide referrals to other agencies using TASER CEWs and Axon Evidence • For the CEW Full Service Package: On-site assistance included • For the CEW Starter Package: Virtual assistance included
System Admin and troubleshooting training sessions On-site sessions providing a step-by-step explanation and assistance for Agency’s configuration of security, roles & permissions, categories & retention, and other specific settings for Axon Evidence
Axon Evidence Instructor training • Provide training on the Axon Evidence to educate instructors who can support Agency’s subsequent Axon Evidence training needs. • For the CEW Full Service Package: Training for up to 3 individuals at Agency • For the CEW Starter Package: Training for up to 1 individual at Agency
TASER CEW inspection and device assignment Axon’s on-site professional services team will perform functions check on all new TASER CEW Smart weapons and assign them to a user on Axon Evidence.
Post go-live review For the CEW Full Service Package: On-site assistance included. For the CEW Starter Package: Virtual assistance included.

6. **Smart Weapon Transition Service.** The Smart Weapon Transition Service includes:

Archival of CEW Firing Logs Axon’s on-site professional services team will upload CEW firing logs to Axon Evidence from all TASER CEW Smart Weapons that Agency is replacing with newer Smart Weapon models.
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Return of Old Weapons

Axon's on-site professional service team will ship all old weapons back to Axon's headquarters.
Axon will provide Agency with a Certificate of Destruction

*Note: CEW Full Service packages for TASER 7 include Smart Weapon Transition Service instead of 1-Day Device Specific Instructor Course.

7. **Signal Sidearm Installation Service.** If Agency purchases Signal Sidearm Installation Service, Axon will provide one day of on-site Services and one professional services manager and will cover the installation of up to 100 Signal Sidearm devices per package purchased. Agency is responsible for providing an appropriate work area and ensuring all holsters that will have Signal Sidearm installed onto them are available on the agreed-upon installation date(s). Installation includes:

Removal of existing connection screws that affix a holster to a holster mount
Proper placement of the Signal Sidearm Mounting Plate between the holster and the mount
Reattachment of the holster to the mount using appropriate screws
Functional testing of Signal Sidearm device

8. **Out of Scope Services.** Axon is only responsible to perform the professional services described in the Quote and this Appendix. Any additional professional services are out of scope. The Parties must document scope changes in a written and signed change order. Changes may require an equitable adjustment in the charges or schedule.
9. **Delivery of Services.** Axon personnel will work Monday through Friday, 8:30 a.m. to 5:30 p.m., except holidays. Axon will perform all on-site tasks over a consecutive timeframe. Axon will not charge Agency travel time by Axon personnel to Agency premises as work hours.
10. **Access Computer Systems to Perform Services.** Agency authorizes Axon to access relevant Agency computers and networks, solely for performing the Services. Axon will work to identify as soon as reasonably practicable resources and information Axon expects to use and will provide an initial itemized list to Agency. Agency is responsible for and assumes the risk of any problems, delays, losses, claims, or expenses resulting from the content, accuracy, completeness, and consistency of all data, materials, and information supplied by Agency.
11. **Site Preparation.** Axon will provide a hardcopy or digital copy of current user documentation for the Axon Devices ("User Documentation"). User Documentation will include all required environmental specifications for the professional Services and Axon Devices to operate per the Axon Device User Documentation. Before installation of Axon Devices (whether performed by Agency or Axon), Agency must prepare the location(s) where Axon Devices are to be installed ("Installation Site") per the environmental specifications in the Axon Device User Documentation. Following installation, Agency must maintain the Installation Site per the environmental specifications. If Axon modifies Axon Device User Documentation for any Axon Devices under this Agreement, Axon will provide the update to Agency when Axon generally releases it.
12. **Acceptance.** When Axon completes professional Services, Axon will present an acceptance form ("Acceptance Form") to Agency. Agency will sign the Acceptance Form acknowledging completion. If Agency reasonably believes Axon did not complete the professional Services in substantial conformance with this Agreement, Agency must notify Axon in writing of the specific reasons for rejection within 7 calendar days from delivery of the Acceptance Form. Axon will address the issues and re-present the Acceptance Form for signature. If Axon does not receive the signed Acceptance Form or written notification of reasons for rejection within 7 calendar days of delivery of the Acceptance Form, Axon will deem Agency to have accepted the professional Services.
13. **Agency Network.** For work performed by Axon transiting or making use of Agency's network, Agency is solely responsible for maintenance and functionality of the network. In no event will Axon be liable for loss, damage, or corruption of Agency's network from any cause.



Technology Assurance Plan Appendix

If Technology Assurance Plan ("TAP") or a bundle including TAP is on the Quote, this appendix applies.

1. **TAP Warranty.** The TAP warranty is an extended warranty that starts at the end of the 1-year hardware limited warranty.
2. **Officer Safety Plan.** If Agency purchases an Officer Safety Plan ("OSP"), Agency will receive the deliverables detailed in the Quote. Agency must accept delivery of the TASER CEW and accessories as soon as available from Axon.
3. **OSP 7 Term.** OSP 7 begins on the date specified in the Quote ("**OSP 7 Term**").
4. **TAP BWC Upgrade.** If Agency has no outstanding payment obligations and purchased TAP, Axon will provide Agency a new Axon body-worn camera ("**BWC Upgrade**") as scheduled in the Quote. If Agency purchased TAP Axon will provide a BWC Upgrade that is the same or like Axon Device, at Axon's option. Axon makes no guarantee the BWC Upgrade will utilize the same accessories or Axon Dock.
5. **TAP Dock Upgrade.** If Agency has no outstanding payment obligations and purchased TAP, Axon will provide Agency a new Axon Dock as scheduled in the Quote ("**Dock Upgrade**"). Accessories associated with any Dock Upgrades are subject to change at Axon discretion. Dock Upgrades will only include a new Axon Dock bay configuration unless a new Axon Dock core is required for BWC compatibility. If Agency originally purchased a single-bay Axon Dock, the Dock Upgrade will be a single-bay Axon Dock model that is the same or like Axon Device, at Axon's option. If Agency originally purchased a multi-bay Axon Dock, the Dock Upgrade will be a multi-bay Axon Dock that is the same or like Axon Device, at Axon's option.
6. **Upgrade Delay.** Axon may ship the BWC and Dock Upgrades as scheduled in the Quote without prior confirmation from Agency unless the Parties agree in writing otherwise at least 90 days in advance. Axon may ship the final BWC and Dock Upgrade as scheduled in the Quote 60 days before the end of the Subscription Term without prior confirmation from Agency.
7. **Upgrade Change.** If Agency wants to change Axon Device models for the offered BWC or Dock Upgrade, Agency must pay the price difference between the MSRP for the offered BWC or Dock Upgrade and the MSRP for the model desired. If the model Agency desires has an MSRP less than the MSRP of the offered BWC Upgrade or Dock Upgrade, Axon will not provide a refund. The MSRP is the MSRP in effect at the time of the upgrade.
8. **Return of Original Axon Device.** Within 30 days of receiving a BWC or Dock Upgrade, Agency must return the original Axon Devices to Axon or destroy the Axon Devices and provide a certificate of destruction to Axon including serial numbers for the destroyed Axon Devices. If Agency does not return or destroy the Axon Devices, Axon will deactivate the serial numbers for the Axon Devices received by Agency.
9. **Termination.** If Agency's payment for TAP, OSP, or Axon Evidence is more than 30 days past due, Axon may terminate TAP or OSP. Once TAP or OSP terminates for any reason:
 - 9.1. TAP and OSP coverage terminate as of the date of termination and no refunds will be given.
 - 9.2. Axon will not and has no obligation to provide the Upgrade Models.
 - 9.3. Agency must make any missed payments due to the termination before Agency may purchase any future TAP or OSP.



Axon Auto-Tagging Appendix

If Auto-Tagging is included on the Quote, this Appendix applies.

1. **Scope.** Axon Auto-Tagging consists of the development of a module to allow Axon Evidence to interact with Agency's Computer-Aided Dispatch ("**CAD**") or Records Management Systems ("**RMS**"). This allows end users to auto-populate Axon video meta-data with a case ID, category, and location-based on data maintained in Agency's CAD or RMS.
2. **Support.** For thirty days after completing Auto-Tagging Services, Axon will provide up to 5 hours of remote support at no additional charge. Axon will provide free support due to a change in Axon Evidence, [so long](#) as long as Agency maintains an Axon Evidence and Auto-Tagging subscription. Axon will not provide support if a change is required because Agency changes its CAD or RMS.
3. **Changes.** Axon is only responsible to perform the Services in this Appendix. Any additional Services are out of scope. The Parties must document scope changes in a written and signed change order. Changes may require an equitable adjustment in fees or schedule.
4. **Agency Responsibilities.** Axon's performance of Auto-Tagging Services requires Agency to:
 - 4.1. Make available relevant systems, including Agency's current CAD or RMS, for assessment by Axon (including remote access if possible);
 - 4.2. Make required modifications, upgrades or alterations to Agency's hardware, facilities, systems and networks related to Axon's performance of Auto-Tagging Services;
 - 4.3. Provide access to the premises where Axon is performing Auto-Tagging Services, subject to Agency safety and security restrictions, and allow Axon to enter and exit the premises with laptops and materials needed to perform Auto-Tagging Services;
 - 4.4. Provide all infrastructure and software information (TCP/IP addresses, node names, network configuration) necessary for Axon to provide Auto-Tagging Services;
 - 4.5. Promptly install and implement any software updates provided by Axon;
 - 4.6. Ensure that all appropriate data backups are performed;
 - 4.7. Provide assistance, participation, and approvals in testing Auto-Tagging Services;
 - 4.8. Provide Axon with remote access to Agency's Axon Evidence account when required;
 - 4.9. Notify Axon of any network or machine maintenance that may impact the performance of the module at Agency; and
 - 4.10. Ensure reasonable availability of knowledgeable staff and personnel to provide timely, accurate, complete, and up-to-date documentation and information to Axon.
5. **Access to Systems.** Agency authorizes Axon to access Agency's relevant computers, network systems, and CAD or RMS solely for performing Auto-Tagging Services. Axon will work diligently to identify as soon as reasonably practicable resources and information Axon expects to use and will provide an initial list to Agency. Agency is responsible for and assumes the risk of any problems, delays, losses, claims, or expenses resulting from the content, accuracy, completeness, and consistency of all data, materials, and information supplied by Agency.



Master Services and Purchasing Agreement for Agency

Axon Fleet Appendix

If Axon Fleet is included on the Quote, this Appendix applies.

1. **Agency Responsibilities.** Agency must ensure its infrastructure and vehicles adhere to the minimum requirements to operate Axon Fleet 2 or Axon Fleet 3 (collectively, "Axon Fleet") as established by Axon during the qualifier call and on-site assessment at Agency and in any technical qualifying questions. If Agency's representations are inaccurate, the Quote is subject to change.
2. **Cradlepoint.** If Agency purchases Cradlepoint Enterprise Cloud Manager, Agency will comply with Cradlepoint's end user license agreement. The term of the Cradlepoint license may differ from the Axon Evidence Subscription. If Agency requires Cradlepoint support, Agency will contact Cradlepoint directly.
3. **Third-party Installer.** Axon will not be liable for the failure of Axon Fleet hardware to operate per specifications if such failure results from installation not performed by, or as directed by Axon.
4. **Wireless Offload Server.**
 - 4.1. **License Grant.** Axon grants Agency a non-exclusive, royalty-free, worldwide, perpetual license to use Wireless Offload Server ("WOS"). "Use" means storing, loading, installing, or executing WOS solely for data communication with Axon Devices for the number of licenses purchased. The WOS term begins upon the start of the Axon Evidence Subscription.
 - 4.2. **Restrictions.** Agency may not: (a) modify, alter, tamper with, repair, or create derivative works of WOS; (b) reverse engineer, disassemble, or decompile WOS, apply any process to derive the source code of WOS, or allow others to do so; (c) access or use WOS to avoid incurring fees or exceeding usage limits; (d) copy WOS in whole or part; (e) use trade secret information contained in WOS; (f) resell, rent, loan or sublicense WOS; (g) access WOS to build a competitive device or service or copy any features, functions or graphics of WOS; or (h) remove, alter or obscure any confidentiality or proprietary rights notices (including copyright and trademark notices) of Axon or Axon's licensors on or within WOS.
 - 4.3. **Updates.** If Agency purchases WOS maintenance, Axon will make updates and error corrections to WOS ("WOS Updates") available electronically via the Internet or media as determined by Axon. Agency is responsible for establishing and maintaining adequate Internet access to receive WOS Updates and maintaining computer equipment necessary for use of WOS. The Quote will detail the maintenance term.
 - 4.4. **WOS Support.** Upon request by Axon, Agency will provide Axon with access to Agency's store and forward servers solely for troubleshooting and maintenance.
5. **Axon Vehicle Software.**
 - 5.1. **License Grant.** Axon grants Agency a non-exclusive, royalty-free, worldwide, perpetual license to use ViewXL or Dashboard (collectively, "Axon Vehicle Software"). "Use" means storing, loading, installing, or executing Axon Vehicle Software solely for data communication with Axon Devices. The Axon Vehicle Software term begins upon the start of the Axon Evidence Subscription.
 - 5.2. **Restrictions.** Agency may not: (a) modify, alter, tamper with, repair, or create derivative works of Axon Vehicle Software; (b) reverse engineer, disassemble, or decompile Axon Vehicle Software, apply any process to derive the source code of Axon Vehicle Software, or allow others to do so; (c) access or use Axon Vehicle Software to avoid incurring fees or exceeding usage limits; (d) copy Axon Vehicle Software in whole or part; (e) use trade secret information contained in Axon Vehicle Software; (f) resell, rent, loan or sublicense Axon Vehicle Software; (g) access Axon Vehicle Software to build a competitive device or service or copy any features, functions or graphics of Axon Vehicle Software; or (h) remove, alter or obscure any confidentiality or proprietary rights notices (including copyright and trademark notices) of Axon or Axon's licensors on or within Axon Vehicle Software.
6. **Acceptance Checklist.** If Axon provides services to Agency pursuant to any statement of work in connection with Axon Fleet, within 7 days of the date on which Agency retrieves Agency's vehicle(s) from the Axon installer, said vehicle having been installed and configured with tested and fully and properly operational in-car hardware and software identified above, Agency will receive a Professional Services Acceptance Checklist to submit to Axon indicating acceptance or denial of said deliverables.

Title: Master Services and Purchasing Agreement for Agency

Department: Legal

Version: 14.0

Release Date: 3/10/2022

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Master Services and Purchasing Agreement for Agency

7. **Axon Fleet Upgrade.** If Agency has no outstanding payment obligations and has purchased the “Fleet Technology Assurance Plan” (Fleet TAP), Axon will provide Agency with the same or like model of Fleet hardware (“**Axon Fleet Upgrade**”) as schedule on the Quote.
 - 7.1. If Agency would like to change models for the Axon Fleet Upgrade, Agency must pay the difference between the MSRP for the offered Axon Fleet Upgrade and the MSRP for the model desired. The MSRP is the MSRP in effect at the time of the upgrade. Agency is responsible for the removal of previously installed hardware and installation of the Axon Fleet Upgrade.
 - 7.2. Within 30 days of receiving the Axon Fleet Upgrade, Agency must return the original Axon Devices to Axon or destroy the Axon Devices and provide a certificate of destruction to Axon, including serial numbers of the destroyed Axon Devices. If Agency does not destroy or return the Axon Devices to Axon, Axon will deactivate the serial numbers for the Axon Devices received by Agency.
8. **Axon Fleet Termination.** Axon may terminate Agency’s Fleet subscription for non-payment. Upon any termination:
 - 8.1. Axon Fleet subscription coverage terminates, and no refunds will be given.
 - 8.2. Axon will not and has no obligation to provide the Axon Fleet Upgrade.
 - 8.3. Agency will be responsible for payment of any missed payments due to the termination before being allowed to purchase any future Fleet TAP.



Master Services and Purchasing Agreement for Agency

Axon Respond Appendix

This Axon Respond Appendix applies to both Axon Respond and Axon Respond Plus, if either is included on the Quote.

1. **Axon Respond Subscription Term.** If Agency purchases Axon Respond as part of a bundled offering, the Axon Respond subscription begins on the later of the (1) start date of that bundled offering, or (2) date Axon provisions Axon Respond to Agency. If Agency purchases Axon Respond as a standalone, the Axon Respond subscription begins the later of the (1) date Axon provisions Axon Respond to Agency, or (2) first day of the month following the Effective Date. The Axon Respond subscription term will end upon the completion of the Axon Evidence Subscription associated with Axon Respond.
2. **Scope of Axon Respond.** The scope of Axon Respond is to assist Agency with real-time situational awareness during critical incidents to improve officer safety, effectiveness, and awareness. In the event Agency uses Axon Respond outside this scope, Axon may initiate good-faith discussions with Agency on upgrading Agency's Axon Respond to better meet Agency's needs.
3. **Axon Body 3 LTE Requirements.** Axon Respond is only available and usable with an LTE enabled body-worn camera. Axon is not liable if Agency utilizes the LTE device outside of the coverage area or if the LTE carrier is unavailable. LTE coverage is only available in the United States, including any U.S. territories. Axon may utilize a carrier of Axon's choice to provide LTE service. Axon may change LTE carriers during the Term without Agency's consent.
4. **Axon Fleet 3 LTE Requirements.** Axon Respond is only available and usable with a Fleet 3 system configured with LTE modem and service. Agency is responsible for providing LTE service for the modem. Coverage and availability of LTE service is subject to Agency's LTE carrier.
5. **Axon Respond Service Limitations.** Agency acknowledges that LTE service is made available only within the operating range of the networks. Service may be temporarily refused, interrupted, or limited because of: (a) facilities limitations; (b) transmission limitations caused by atmospheric, terrain, other natural or artificial conditions adversely affecting transmission, weak batteries, system overcapacity, movement outside a service area or gaps in coverage in a service area and other causes reasonably outside of the carrier's control such as intentional or negligent acts of third parties that damage or impair the network or disrupt service; or (c) equipment modifications, upgrades, relocations, repairs, and other similar activities necessary for the proper or improved operation of service.
 - 5.1. With regard to Axon Body 3, Partner networks are made available as-is and the carrier makes no warranties or representations as to the availability or quality of roaming service provided by carrier partners, and the carrier will not be liable in any capacity for any errors, outages, or failures of carrier partner networks. Agency expressly understands and agrees that it has no contractual relationship whatsoever with the underlying wireless service provider or its affiliates or contractors and Agency is not a third-party beneficiary of any agreement between Axon and the underlying carrier.
6. **Termination.** Upon termination of this Agreement, or if Agency stops paying for Axon Respond or bundles that include Axon Respond, Axon will end Axon Respond services, including any Axon-provided LTE service.

ARPA-funded investments in the Main Street and Fourth Plain Corridors

Rebecca Kennedy,
Community Development

Patrick Quinton and Teresa
Brum, Economic Prosperity
& Housing





Fourth Plain Community-Supported Investment Strategy



Rebecca Kennedy
Deputy Director
Community Development Department

Agenda

- Background
- Consultant RFP Update
- Community Engagement
- Next Steps



Background

Why Fourth Plain?



Supports and expands existing policies and programs

- Fourth Plain Forward Action Plan
- Fourth Plain Forward Initiative

Leverages existing partnerships

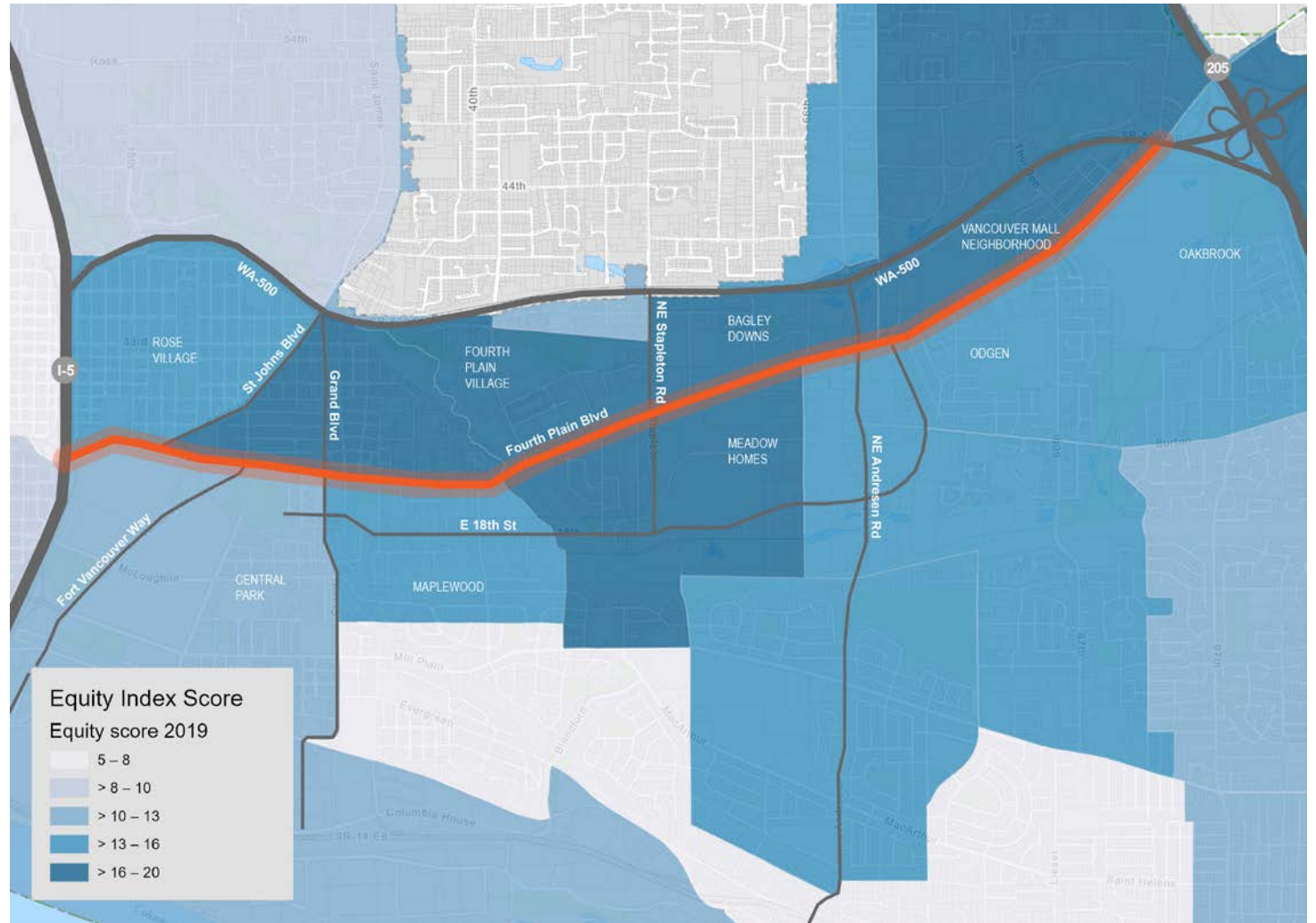
- Fourth Plain Coalition
- Fourth Plain Forward Nonprofit
- FP Community Advisory Committee

Addresses longstanding disparities made worse by pandemic

- Supports City's equity goals

Background

Location



Consultant Support

Scope Overview



Public engagement strategy and implementation

- Co-created engagement plan
- Engagement activity support

10-year investment strategy

- Including prioritized list of projects to be ARPA funded, as well as other priorities that may not be able to be funded through ARPA but are still important to the community.

Advancing Community Priorities

- Engineering, design, project management and other expertise available to assist implementation of community-selected capital projects, in order to advance them quickly.

Consultant Support

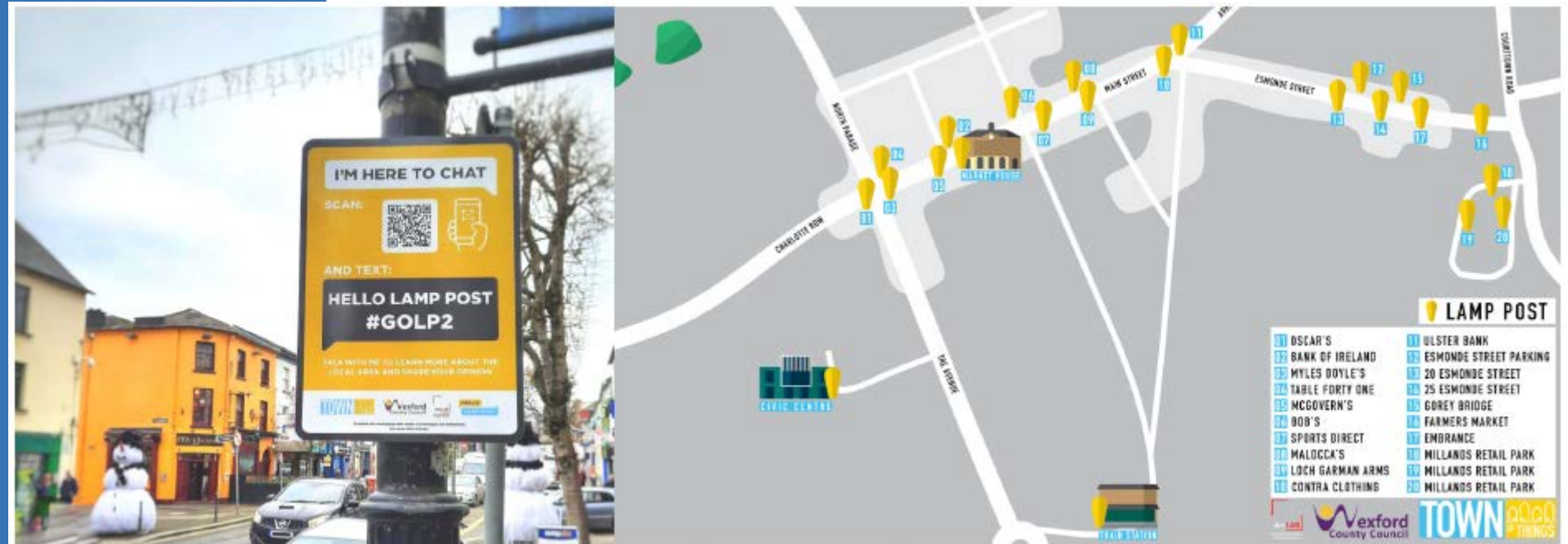
Timeline and RFP Next Steps

- RFP Issued: August 17, 2022
- Proposals Due: September 21, 2022
- Proposals Review: September – October 2022
- Next Steps:
 - Consultant under contract: October 2022
 - Work with community and consultant team to co-create equitable engagement strategy
 - Begin outreach October/November

Community Engagement

Hello Lamp Post

- Piloting new engagement platform to better reach community where they are
- Engage community via text messaging
- Goal to reach a wider and more diverse audience



Community Engagement

Co-created engagement strategies:

- Surveys
- Focus groups
- Interviews with CBOs
- Pop-up events throughout community
- Neighborhood Association meetings
- Other community group meetings
- Youth engagement
- Business engagement
- Translation/interpretation and childcare

Community Engagement



Engagement Phases:

- Phase 1: Engagement on needs/challenges and vision for the future (broad focus)
- Phase 2: Prioritize specific projects that were highlighted in Phase 1 for ARPA funding
- Continued outreach to inform community on progress and how outreach is being utilized

Coordination with other projects:

- Community Visioning Strategy
- Fourth Plain Safety and Mobility Project
- Affordable Housing Fund
- The Heights Equitable Development Strategy

Next Steps

- Sept-Oct 2022: Select consultant and finalize contract
- Sept-Nov 2022: Hello Lamp Post implementation
- Fall/Winter 2022: Phase 1 engagement
- Winter/Spring 2023: Phase 2 engagement to develop prioritized project list for ARPA funding
- Spring 2023: Begin implementation of community-selected projects



To learn more, visit:
www.cityofvancouver.us/cdd/page/fourth-plain-investment-strategy



A nighttime photograph of a city street, likely in Seattle, featuring a prominent neon sign for 'KING'S' and a movie sign for 'GONE WITH THE WIND'. The street is illuminated by streetlights, and various buildings and cars are visible in the background.

Main Street Streetscape Project

Teresa Brum
Deputy Director
Economic
Development

Agenda

- Background
- Scope
- Community Engagement
- Next Steps

ARPA Main Street Streetscape Project



Background

- 1993** Main Street Improvement Project Identified
- 2003** First Conceptual Design and Cost Estimate
- 2006** Main Street Design to 95%
- 2014** Second Design Update
- 2019** Third Design Update
- 2021** City Receives ARPA Funding; Main Street Project Identified
- 2022** Design Contract Approved for MacKay Sposito

Previous Project Objectives

- Create a Stronger Sense of Community Identity
- Provide a Welcoming Place that Attracts the Community and Visitors
- Catalyst for Renewed Investment
- Connection between Esther Short, Waterfront, Historic Reserve
- Attractive Quality Image

Project Scope

- Lower Main - 5th to 15th
- Wider sidewalks to improve pedestrian mobility and increase opportunities for sidewalk cafés
- Enhanced pedestrian crossings
- Modern (LED) Streetlighting
- Upgraded traffic signalization
- Upgraded water and sewer lines
- Upgraded stormwater facilities
- Resurfacing of street section



Community Engagement

- Builds on 29 years of outreach
- Branding and engagement strategy is in development
- Business retention partnership with VDA
- Public engagement will set the stage for the Interstate Bridge Replacement Project

Project Funding

- American Rescue Plan Act (ARPA)*
- City Transportation Fund
- Multi-Family Tax Exemption Public Benefit Fund
- Utility Funding
- City of Vancouver General Fund

** ARPA Funds must be obligated by December 31, 2024, and fully Expended by December 31, 2026.*

Next Steps

2022 – 2025	Public Engagement and Business Retention
11/1/2022	Transportation & Mobility Commission Review
12/19/2022	City Council Workshop
2023	Environmental and Design Work
2023-2024	Construction underway (subject to completion of design and environmental work)
Q4 2025	Construction Complete

To learn more, visit:
www.beheardvancouver.org





Upper Main Street Multimodal Corridor Planning



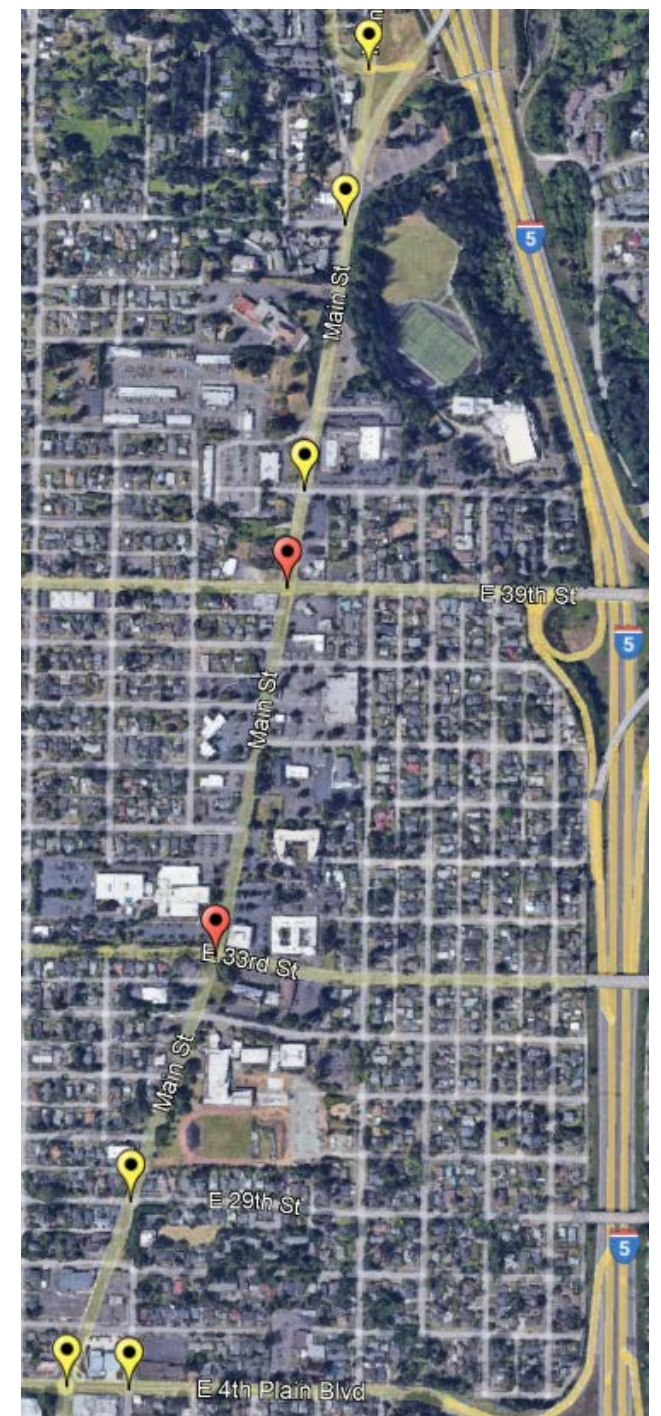
Rebecca Kennedy
Deputy Director
Community Development Department

Upper Main Street Multimodal Corridor

Forthcoming project to focus on safety and mobility on Main Street between Fourth Plain to the City limits, in alignment with Highway 99 BRT planning



- Planning effort to be done in coordination with C-TRAN Highway 99 BRT Team
 - Project initiation underway
- Project team will engage the community in identifying ways to increase safety for all users, ages and abilities, regardless of mode of travel
- Strong emphasis on safe access to new enhanced transit and essential places like schools, medical facilities, grocery stores, etc.

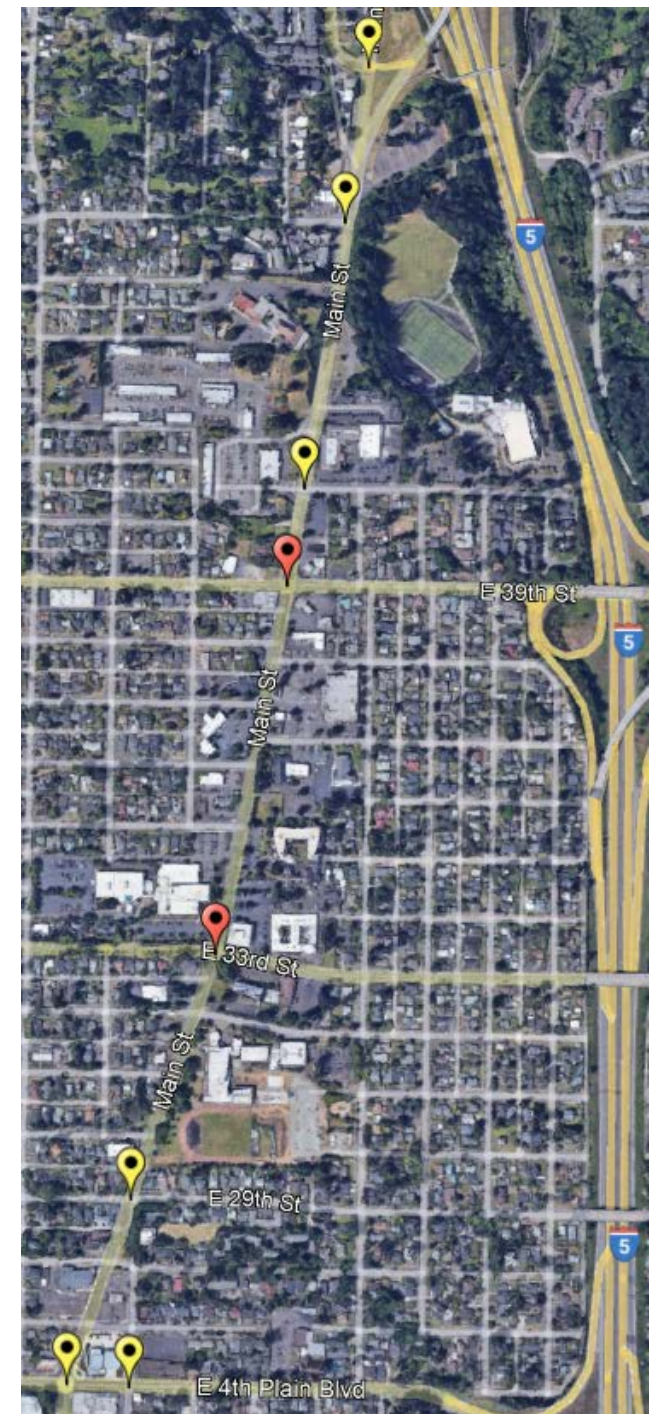


Upper Main Street Multimodal Corridor

Forthcoming project to focus on safety and mobility on Main Street between Fourth Plain to the City limits, in alignment with Highway 99 BRT planning



- Traffic model will look at volume and congestion as well as diversion impacts
- Safety improvements could include new mobility lanes, enhanced pedestrian crossings, ADA improvements, lighting, intersection treatments, etc.
- Timeline:
 - Coordination with C-TRAN underway
 - RFP for planning process anticipated to be released late fall 2022
 - Planning process to begin Q1 2023



Thank You

