



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 11, 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/34765?startStreamAt=0&stopStreamAt=15052

4:00 - 5:00 pm Complete Streets Projects

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

Summary

Staff led Council through a discussion of the Complete Streets Projects goals and timelines.

5:00 - 6:00 pm Diversity, Equity, and Inclusion

Alicia Sojourner, Director of Diversity, Equity, and Inclusion, 360-487-8618

Summary

Staff led Council through a discussion of the Diversity, Equity, and Inclusion update.

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/34767?startStreamAt=0&stopStreamAt=2352

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

Pledge of Allegiance

Call to Order and Roll Call

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

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

Absent: None

Approval of Minutes

Minutes - April 18, 2022

Motion by Councilmember Fox, seconded by Councilmember Stober, and carried unanimously to approve the meeting minutes of April 18, 2022.

Community Communication

Mayor McEnery-Ogle opened Community Communication and received testimony from the following community members regarding Consent Agenda Items 1-6

- Monica Zazueta, Vancouver
- Leah Perkel, Vancouver
- Bob Carroll, Vancouver

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

Consent Agenda (Items 1-6)

Council requested Item 3 be pulled for discussion.

Motion by Councilmember Stober, seconded by Councilmember Paulsen, and carried unanimously to approve Items 1, 2, 4, 5, and 6 on the Consent Agenda.

Council briefly discussed Item 3.

Motion by Councilmember Paulsen, seconded by Councilmember Fox, and carried unanimously to approve Item 3 on the Consent Agenda.

1. Continued use of Washington State contract #05815-011 for purchase of computer equipment, peripherals and services

Staff Report: 087-22

The City uses Washington State contract #05815-011 to purchase ruggedized and semi-ruggedized computer equipment, peripherals and services, such as desktop computers, laptops, servers, and maintenance. This equipment is utilized by the Police Department, Fire Department, and other field workers who require computer equipment in their vehicles or other non-office environments.

The City is requesting authorization to continue to use the contract to purchase up to the Council-approved annual budgeted amount for these commodities through the end of the contract, which is 2/28/2023, and into any extended period negotiated by the State of Washington.

The City has purchased up to the approved amount authorized in 2019 and requests authority to continue to purchase using this contract up to the amounts approved by Council in the City's budget process.

Request: Authorize the City Manager or their designee to approve purchases under Washington State contract #05815-011 for the life of the contract with Datec, Inc.

Patrick Gilbride, Information Technology Director, 360-487-7650

Motion approved the request.

2. Approval of Contract Amendment for the Cost Increase to Contract No. C-100138 Plumbing On-call Maintenance and Services

Staff Report: 088-22

- 1. On September 27, 2019, a four (4) year Contract C-100138 was awarded to Portland Mechanical Contractors, LLC for Plumbing On-Call services. The value of the original contract, together with amendments, was for a "not to exceed" cost of \$300,000.00, which is under the threshold requirement for Council approval.*
- 2. Currently, Facilities has performed \$259,005.83 in repairs on the City plumbing systems, only \$40,994.17 remains on the contract.*
- 3. A City Water Department required major domestic water backflow preventer project is budgeted and assigned to be completed in the 2021-2022 biennium and potentially in 2023. This work is estimated to cost \$355,630. This work will incur the remaining dollars on the contract as well as exceed the \$300,000 limit of the Plumbing On-Call services contract.*
- 4. The requested amendment to the contract requests sufficient funding to complete the backflow preventer project, as well as projected maintenance items between now and the end of the contract, which expires on September 27, 2023.*
- 5. The apprenticeship program only applies to public works construction projects. This contract is for on-call maintenance and the program does not apply. Furthermore, each separate task or request will be below the apprenticeship program threshold (\$500k) and as an amendment to an existing contract, it is not possible to add substantial changes mid-contract.*

Request: Approve a contract amendment for an increase of \$500,000.00 for Contract No. C-100138 Plumbing On-call Maintenance and Services and authorize the City Manager, or their designee, to increase the total contract amount to \$800,000 for the balance of the term of the contract.

Motion approved the request.

3. **Interstate Bridge Replacement Program – Resolution Stating City of Vancouver Support for a Modified Locally Preferred Alternative, Program Commitments, and City of Vancouver Conditions of Approval**

Staff Report: 089-22

A RESOLUTION relating to selection of a Modified Locally Preferred Alternative (MLPA) for the Interstate 5 Bridge Replacement (IBR) Program, and authorizing action by the City of Vancouver's delegates to the C-TRAN Board, Regional Transportation Council Board, and Metro Joint Policy Advisory Committee on Transportation guided by the principles herein, in support of a MLPA.

In 2018 the Interstate Bridge Replacement Program was formally established. Since then, the IBRP has collaborated with partner agencies and the community to develop design options for consideration to enhance multimodal access, safety, and mobility on and to the Interstate 5 corridor in the Portland-Vancouver region. The design options were developed based on the Program's defined Purpose and Need to address safety, seismic resiliency, congestion relief, and enhanced multimodal infrastructure. Designs considered work identified in the Locally Preferred Alternative (LPA) for the Columbia River Crossing (CRC) project and modified that work accounting for changes since 2013, when that project closed out.

On May 5, 2022, the IBRP presented a recommended set of improvements, known as a Modified Locally Preferred Alternative (MLPA), to the Program's Executive Steering Group (ESG). The ESG unanimously supported presenting the MLPA to partner agency Boards, Commissions, and Councils for discussion.

On June 6, 2022, Program Administrator Greg Johnson presented the recommended MLPA to Vancouver City Council. Mr. Johnson noted that the MLPA represents an approximately two-percent level of design and is the foundation for what to study in greater detail during a Supplemental Environmental Impact Statement (SEIS) phase of the Program. The SEIS is required through the National Environmental Policy Act (NEPA) for any project receiving federal funding and requires extensive technical analysis and community engagement. Council members expressed general support for moving the MLPA forward into a SEIS phase.

In addition to components identified in the MLPA, the IBR Program has

developed a set of Commitments that reflect actions to be completed during the SEIS and subsequent phases of the Program. The Commitments are based on feedback from partner agencies and community stakeholders as necessary actions for the Program to successfully meet its stated purpose, need, and desires of the community.

On June 27th, staff presented to Council a draft Resolution and set of Conditions of Approval (COAs) in support of the MLPA for discussion. The COAs were developed based on desired outcomes from the Program as defined by Council via Resolution M-4140 approved July 26, 2021, Council Resolution M-4171 approved June 6, 2022 regarding greenhouse gas reduction goals defined by Council, previous conditions defined by the City through the CRC project, and community feedback. Staff has refined the COAs since June 27th to address feedback from that workshop and a track changes version of the COAs are included as Attachment B to this Staff Report.

Request: Adopt Attachment A, a Resolution stating the City's support for the Interstate Bridge Replacement Program recommendation for a Modified Locally Preferred Alternative with attached Program Commitments and City of Vancouver Conditions of Approval.

Katherine Kelly, Senior Transportation Policy Advisor, (360) 487-7947

Motion approved the request.

4. 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 11, 2022, approve ordinance on first reading, setting date of second reading and public hearing for July 18, 2022.

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

Motion approved the request.

5. Appointment to the Clark County Historic Preservation Commission

The Clark County Historic Preservation Commission is a joint city/county commission. Five members are appointed by Clark County Board of Councilors and two members are appointed by Vancouver City Council.

The seven-member citizen advisory body is responsible for:

- *reviewing nominations to the National Register of Historic Places*
- *reviewing nominations and designating properties to the Clark County Heritage Register*
- *conducting design review for changes to buildings and sites on the local register*
- *deciding on applications for the Special Valuation Tax Incentive for historic properties*
- *overseeing education and outreach efforts*

Council Committee 2 recently reviewed applications for this commission,

and the nomination letter from the sitting commissioners. They recommend accepting the commissioner's nomination by appointing Heidi Mandler-Huff. That appointment would begin immediately and expire June 30, 2023.

Request: Appoint Heidi Mandler-Huff to the Clark County Historic Preservation Commission; term beginning immediately and expiring June 30, 2023.

Council Committee 2

Motion approved the request.

6. Approval of Claim Vouchers

Request: Approve claim vouchers for July 11, 2022.

Motion approved claim vouchers in the amount of \$14,202,403.31.

Communications

A. From the Council

B. From the Mayor

C. From the City Manager

Interstate Bridge Replacement Program Executive Steering Group

Katherine Kelly, Senior Transportation Policy Advisor, provided an update on the Interstate Bridge Replacement Program Executive Steering Group.

Adjournment

7:08 p.m.

Anne McEnery-Ogle, Mayor

Attest:

Natasha Ramras, City Clerk

From: [Denis Markian Wichar](#)
To: [City of Vancouver - Office of the City Manager](#); [City Council](#)
Subject: LPA
Date: Monday, July 11, 2022 11:13:06 AM
Attachments: [Outlook-pm0py1oi.png](#)

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

Please do NOT vote for the one LPA before you. There are too many questions.

Den Mark



Grandson of Ukraine

Народжені вільними!

From: [Laurie Rubin](#)
To: [City of Vancouver - Office of the City Manager](#)
Subject: Written comments for City Council meeting—I5 Bridge Replacement
Date: Sunday, July 10, 2022 8:36:46 AM

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I urge the Council to call for the integration of renewable electricity generation as part of building the new bridge. Examples:

- Capturing kinetic energy from traffic and turning it into electrical power
- Solar canopy above the traffic
- Wind turbines to capture energy from the moving cars

I also support reducing the number of cars on the road by having both dedicated bus lanes and light rail.

Thank you.
Laurie Rubin



Vancouver

From: [Mark Leed](#)
To: [City of Vancouver - Office of the City Manager](#)
Subject: Interstate Bridge Replacement - Modified Local Preferred Alternative (MPLA)
Date: Monday, July 11, 2022 12:10:41 AM

You don't often get email from markleed02@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:

Please consider at least one other alternative bridge replacement plan before moving forward with endorsing the MPLA. The endorsement vote at your July 11 meeting is notably taking place before an Environmental Impact Statement (EIS) is started. This is a backwards approach that assumes a tall bridge is the best option. A healthier process would be for the EIS to evaluate at least two alternatives. Another alternative, such as a tunnel or lift bridge, should be studied in environmental review for better outcomes. There are several issues of concern with the MPLA:

1. The MPLA presents mobility equity issues. Steepness of the high bridge will discourage and complicate use by pedestrians and cyclists.
2. Construction of the MPLA is not phasable. We need a project that can be split into phases that can be prioritized against other pressing regional needs.
3. The impacts on climate, air quality and regional development patterns of a project of this scale warrant environmental review of more than one alternative.

Please withhold approval of the MPLA, and slow down this process by requiring the EIS to also consider a phasable lift bridge or tunnel option.

Respectfully,

Mark Leed

[REDACTED]
Vancouver, WA 98661
(360) 356-0974

From: [Den Mark](#)
To: [City Council](#)
Subject: Submission: City Council Contact Form
Date: Monday, July 11, 2022 11:12:47 AM

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City Council Contact Form

Submitted date: Monday, July 11, 2022 - 11:12am

Contact Information

First name:

Den Mark

Last name:

Wichar

Email address:

[REDACTED]

Street address:

[REDACTED]

ZIP code:

98660

Inquiry Information

Subject:

Comment on an upcoming Council agenda item

Recipient:

All of Council

Message:

Please do NOT vote for the one LPA before you today. There are too many questions about it that have not been answered.

Upload a file:

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Aloha Counselor Stober,

Did you get a chance to read today's *Columbian* article on fireworks enforcement? [Stop here until you read it.]

Unless VTD leadership came before council - in a public meeting - to seek permission to adopt a 'no fine & no confiscation' policy for 2022, then they are failing to implement adopted council policy. (I assume VTD did not seek council permission, but do let me know if they did and I missed it along with TheColumbian.)

If this 'management' trend holds out, then in 2023 VFD will be handing out matches AND fireworks in the City limits.

Molly was peeing all over the house for two days. Much worse than anytime since the ban came into effect.

Thanks in advance for your attention to this topic.

- Todd

PS. You can reply to me tomorrow AM.

Press: July Fourth fireworks spark hundreds of complaints, no tickets in Clark County

<https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.columbian.com%2Fnews%2F2022%2Fjul%2F06%2Fjuly-fourth-fireworks-spark-hundreds-of-complaints-no-tickets-in-clark>

county%2F&campdata=05%7C01%7Ccount%24cityofvancouver.us%7Cec1dd4d04b04bc668d2a7767c7cb6d196692266468f9a3b05537d583a%7C0%7C%7C789391125141345105%7CUnknown%7CTV7p6GZah3dseyJYgmMC4dL5a0MDAdCQJgenV2a1ZlaZlCJBTBd6llkHwWlCJXVC6Mn9j3D7C3000%7C%7C%7C&campdata=75%2BCLSNJ1pME19b4WvSRU0b%2B891g1QulQD3C2c%3D&campreserved=6

(Via The Columbian)

From: [Jean M. Avery](#)
To: [City Council](#)
Subject: Public comment for July 11 meeting
Date: Sunday, July 10, 2022 5:53:14 PM

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

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To Mayor and City Council:

As you consider plans for the Interstate Bridge Replacement, please wait until other alternatives are included in the Environmental Impact Statement (EIS).

Please vote NO on the Locally Preferred Alternative (LPA) until other alternatives can be reviewed. It seems hasty to assume that the LPA is the best option until environmental impacts are compared among several alternatives.

Such environmental scrutiny makes sense as the City pursues a Climate Action Plan. According to recent estimates, the environmental impact of this project will be huge—not only in how the bridge is built, but also from long-term Vehicle Miles Traveled.

Please vote no or to postpone until there has been a thorough review of other alternatives.

Thank you,
Jean M. Avery
Vancouver

From: [JoAnn](#)
To: [City Council](#)
Subject: Submission: City Council Contact Form
Date: Friday, July 8, 2022 6:51:27 PM
Attachments: [testimony_for_vanc.docx](#)

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City Council Contact Form

Submitted date: Friday, July 8, 2022 - 6:51pm

Contact Information

First name:

JoAnn

Last name:

Gillmer

Email address:

[REDACTED]

Street address:

[REDACTED]

ZIP code:

WA

Inquiry Information

Subject:

Comment on an upcoming Council agenda item

Recipient:

All of Council

Message:

Please consider taking action to help to create urgency to get the ERA codified into law. I realize that actually getting it done is not within your scope of authority. I'm asking you to use your voices and connections to reach those who can get it done.

Upload a file:

[testimony_for_vanc.docx](#)

"All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

The wording of the 14th Amendment, which defines "American Citizen, is clear and specific with regard to the rights of all citizens to equal protection under the law. Unfortunately, at the time it was written, only men were considered citizens. Women were not citizens in the eyes of the law, let alone equal to men. It would be another 50 before American Women even had a voice in choosing who would represent them. The Equal Rights Amendment was first entertained by Congress in 1922. It was defeated.

Over the next 50 years, there were several attempts to achieve gender equality. And, in 1972, the Equal Rights Amendment was finally passed by Congress and was sent to the states for ratification. I wasn't old enough to vote yet, but I do remember it clearly. The air was electric with promise. Mine would be the first generation American Women who had a constitutional guarantee of equality. Being equal under the law would mean that we would have as much autonomy and custody of our own bodies and our life choices as any male had. Unlike our mothers, we could open a bank account or get a credit card in our own names. We could get a mortgage without a male co-signer. We wouldn't need a husband's permission to use contraceptives. We could get jobs that paid enough for us to support ourselves, so we'd no longer be compelled by economic need to stay in dangerous relationships. The shape of our philosophies, not the shape of our bustlines, would determine our fate. All that was needed was for the ERA to be ratified by 38 of the 50 states. And, eventually, it was. But not until after the 7 year deadline for ratification had passed. And, because of that, the Equal Right Amendment of 1972 did not become law. It's now another five decades later. 11 Presidential terms of office have come and gone. And to this day, in the year 2022, 100 years after American woman first became allowed to vote, *there is still no Constitutional Guarantee of Equal Treatment under the law regardless of sex.* None.

Over the years, bills have been written. Resolutions have been proposed. And put aside. Session after session of Congress, under Democrat and Republican

Administrations alike, have brought it up only close out their terms without closing this gaping loophole in basic human rights. The current Congress is shaping up to be no different. There are currently several pieces of pending legislation on the table. Some are attempts at compromise which fall short of the true equality promised so long ago. Both others provide a legislative mechanism for final codify the ERA exactly as it was proposed in 1922, and passed by congress 50 years later. Either way, every one of those pieces of legislation—every single one of them, like so many dozens before them—are sitting in committee slowly dying of neglect. While elected officials are taking their turn blowing their party's virtue whistle about specific rights for women and gender minorities, the foundational issue itself—a constitutional guarantee of equality *regardless of sex*--just doesn't seem to be a political priority.

Some say we've come so far that it really doesn't matter anymore. I disagree. It matters now more than ever. Just last month, in the absence of constitutional protection, a half-century of legal framework protecting people with uterus from being politically exploited and subjected to forced labor was wiped out in a matter of months. It's never been more clear that until the Equal Rights Amendment is the law of the land, woman and gender minorities are not equal under the law; even our standing citizens is no more secure today than it was 100 years ago.

I have come to accept that, like so many before me, I might not live long enough to see the ERA become law. But what I do not accept—what I cannot accept--is the notion that the Equal Rights Amendment is no longer relevant. For the sake of our children and their children equality for all-- regardless of sex-- MUST become permanently and clearly enshrined in the Constitution itself. Until it is, there is *nothing* stopping the inequalities and injustices of the past from manifesting anew.

Politicians in DC have been using gender equality as a political pawn and a bargaining chip for a century now. It's time to get it done. I am calling on all elected officials at every jurisdictional level to take decisive action to affirmatively further equal rights for everyone, regardless of sex, starting with using their voice and influence to help push for final and permanent codifying of the Equal Rights Amendment into the Constitution. Thank you for your time.

From: [Delapena, Amanda](#)
Cc: [Holmes, Eric](#); [Kennedy, Rebecca](#); [Kelly, Katherine](#); [Lande, Aaron](#); [Dollar, Sarah](#)
Subject: Letter from Transportation and Mobility Commission - IBR Modified LPA
Date: Wednesday, July 6, 2022 11:58:08 AM
Attachments: [22 07 05 TMC Final Letter to City Council IBR MLPA Signed.pdf](#)
[image001.png](#)

Good afternoon Council,

Attached please find a letter from the Transportation and Mobility Commission in support of Council's adoption of the Interstate Bridge Replacement Modified Locally Preferred Alternative. The TMC voted unanimously at their meeting last night to submit the attached letter to you.

For your consideration.

Amanda Delapena | Assistant to the Mayor and City Manager
Pronouns: She/Her/Hers



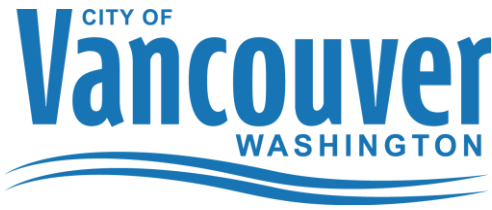
CITY OF VANCOUVER, WASHINGTON

Mayor/City Manager's Office

P: (360) 487-8605

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MEMORANDUM

July 5, 2022

To: Mayor McEnerny-Ogle and Councilmembers

Cc: Rebecca Kennedy, Deputy Director, Community Development Department

From: Chair Ramos and members of the Transportation and Mobility Commission

Re: **Interstate Bridge Replacement Program Modified Locally Preferred Alternative**

Mayor and Council-

The City of Vancouver Transportation and Mobility Commission (TMC) submits this letter in full support of the Vancouver City Council's consideration of the Interstate Bridge Replacement (IBR) Program's recommendation for a Modified Locally Preferred Alternative (MLPA). We outline our recommendations for how key components must be designed during the Supplemental Environmental Impact Study process to best serve the Vancouver community and foster a vibrant regional future for all.

- **Replacement of the existing I-5 Bridge** between Vancouver and Portland is paramount to the prosperity of our communities across the region. All infrastructure must be seismically resilient to ensure preparedness and safety.
 - **Active transportation** facilities must be easy to navigate, comfortable, low-stress, human-centric, accessible, affordable, and attractive mobility options for all types of users. We seek to encourage active transportation and a reduction of single-occupancy vehicles on the roadway. We encourage the program to improve and enhance east-west neighborhood and multimodal connections that were lost during original freeway construction to the fullest extent feasible.
 - We support the high-capacity transit recommendation of **light rail with an I-5 adjacent alignment and terminating south of E. Evergreen Blvd.**, which will improve connectivity across the region for jobs, health and human services, education, greenspaces, housing, and other essential services. Transit must be designed to support frequent and reliable service, be affordable and accessible, and allow future extension if desired by the community. Reliability and frequency are foundational to change behavior.
-

- **Variable Rate Tolling** is a necessary source of funding for the project. Programs that provide toll mitigations and exemptions for low-income users of the corridor must be included to ensure more equitable outcomes. We urge you to also consider the impact on middle-income households.
- **Freight mobility** is a critical element of our region's economy. Design of interchanges, the bridge crossing, and access roads within the Program area must not hinder the safe and efficient movement of freight on both land and water. We support reductions in the footprint of the Hayden Island Interchange that encourage multimodal travel while preserving and enhancing freight mobility.

The Transportation and Mobility Commission doubles-down on centering **climate and equity** in all design options. The need for robust climate adaptation and mitigation strategies cannot be overstated in combating climate change. Our region has experienced a variety of climate disasters, including smoke from forest fires, ice storms, drought, and heat waves. This project has potential to set national leadership to achieve carbon neutral and ecologically sound infrastructure. Climate strategies associated with the project should contribute to reduced emissions and pollution and improved air quality. We believe that solutions that elevate social equity and climate action are in the best interest of our economy as well as our community.

Delivery of equitable outcomes for historically excluded communities is nonnegotiable. When the most vulnerable in our community are strong, we all prosper. People-centered infrastructure and programs will advance this priority. Anti-displacement strategies to keep current residents in place and that provide opportunity for future generations to have direct access to improvements this Program will deliver are crucial to overall success. Relatedly, we urge Council and the IBR Program to highlight the importance of this corridor to regional jobs. This Program must enhance access to employment for all.

Finally, we champion transparency, accountability, and substantive engagement with the community and a variety of public and private sector stakeholders and encourage broad community inclusion in design decision-making. The TMC looks forward to working with City and Program staff to identify design solutions and strategies for our local street system and opportunities for community enhancement in this project of monumental importance. Let's deliver for the community today and for generations to come.



Eduardo Ramos, Chair
City of Vancouver Transportation and Mobility Commission

From: [Wynn Grcich](#)
To: [Dollar, Sarah](#)
Subject: Gay Pride
Date: Friday, July 1, 2022 5:06:44 PM

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<https://citizens.news/634189.html> Seattle WA Gay Pride parade

Please have the mayor and council read this article

From

Wynn Grcich

From: [Wynn Grcich](#)
To: [Dollar, Sarah](#)
Subject: Fwd: EU parliament declares fossil fuel to be "green" energy as climate change narrative collapses
Date: Thursday, July 7, 2022 3:35:56 PM

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Watch this to learn about your fake climate action plan

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

From: **Natural News** <insider@naturalnews.com>
Date: Thu, Jul 7, 2022, 10:17 AM
Subject: EU parliament declares fossil fuel to be "green" energy as climate change narrative collapses
To: [REDACTED]

EU parliament declares fossil fuel to be "green" energy as climate change narrative collapses



The EU parliament just announced a decision that's causing the fraudulent climate change narrative to self-destruct. "EU parliament backs labeling gas and nuclear investments as green," reads a Reuters headline from yesterday. "The European Parliament on Wednesday backed EU rules labeling investments in gas and nuclear power plants as climate-friendly."

The fraudulent, junk science narrative of "climate change" has caused western nations (including the USA) to dismantle much of their fossil fuel infrastructure over the last 20 years.

Suddenly, European nations are panicking to try to rebuild their energy infrastructure. But since they've officially blocked most funding for non-green energy projects, the only way to get funds to rebuild fossil fuel infrastructure is to declare fossil fuels to be "green."

Never forget that the "green" movement is part of the globalist depopulation agenda to starve billions of human beings to death while collapsing economies around the world.

[Get the full details in today's feature article and podcast here.](#)

New Videos from [Brighteon.com](#)



Situation Update, July 7, 2022 - EU declares fossil gas to be "green" energy as climate change narrative face plants

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PrepWithMike gear review: Satellite messaging and solar generators

[Watch this video](#)



Dr. Jane Ruby Show: Protestors Beg Parents At Injection Centers As New Clots Emerge

[Watch this video](#)

Featured Articles



Pfizer classified nearly every severe adverse reaction during covid vaccine trials as "not related to shots"

By Ethan Huff | [Read the full story](#)



The lights are about to go out in America, warn grid experts

By Ethan Huff | [Read the full story](#)

Sponsor: [Support healthy joint function and mobility](#) with lab-verified OptiMSM Flakes and Capsules.



Google announces plans to aid and abet criminals who search for illegal access to abortion

By Ethan Huff | [Read the full story](#)



Looming food shortages are not an accident: they're part of a planned globalist "Reset the Table" initiative

By Ethan Huff | [Read the full story](#)

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Aborted human remains discovered in DC prove that "doctors" are murdering live babies after failed procedures

By Ethan Huff | [Read the full story](#)

Sponsor: [Lab-Verified Mineral Drops](#) can keep you fueled and hydrated during the warmer months.



Are you consuming enough Collagen Peptides?

To help you maintain optimal collagen levels, the Health Ranger Store is bringing you a new, clean lot of Groovy Bee Collagen Peptides - Hydrolyzed Type I and III Collagen. Sourced from healthy cows that are pasture-raised and grass fed, our collagen peptides are

also hydrolyzed for optimal digestion. Our premium bovine collagen powder contains no gluten, GMOs, hormones, anabolic steroids or synthetic drugs. It is also certified Kosher and rigorously lab tested for glyphosate, heavy metals and microbiology.

[Learn More](#)

More of Today's Articles

[Woman arrested in connection with deaths of thousands of pigs in Iowa](#)

Authorities arrested a woman in connection with the deaths of thousands of pigs in rural Iowa. The arrest served as a respite from news of mysterious livestock deaths, whose culprits remain ...

[One-in-four Americans say they may need to take up arms against increasingly tyrannical Biden regime](#)

A growing number of Americans are becoming so frustrated with the overt politicization of our institutions and weaponization of government in the age of Joe Biden that they say that it may become ...

[New York passes law to skirt Supreme Court's pro-Second Amendment ruling that will unconstitutionally invade privacy](#)

Democrats have no respect for the Constitution, only their far-left agenda and they don't care what they have to do to impose it. The Democrat-run New York Assembly and its far-left ...

[Russia takes control of Sakhalin-2 oil and gas project, increasing stakes of its economic war with the West](#)

Russia has taken control of the Sakhalin-2 oil and gas project in the country's far east. Moscow's decision to do so could drive out the project's three investors and raise the ...

[Coinbase SPIES for the government by geo-tracking its own users and sharing gathered data with the feds](#)

To anyone who has used the platform, it is pretty obvious that things are not quite right and that it is probably not a good idea to store your cryptocurrency holdings there. But now there is ...

[Collapsed crypto hedge fund Three Arrows Capital now revealed to be a massive international fraud hidden behind complex legal structures](#)

The Three Arrows Capital saga is far from over after it was revealed that the now-defunct crypto hedge fund is part of an international criminal conspiracy involving massive financial fraud. An ...

[Israeli government hid childhood vaccine injuries during covid jab approval process](#)

In approving Pfizer's Wuhan coronavirus (Covid-19) "vaccine" for children, the government of Israel hid data, we now know, showing that the shots are much deadlier for kids than ...

[Biden regime block new Atlantic and Pacific oil drilling operations, which will send fuel prices even higher](#)

There will be no more new oil drilling operations allowed in either the Pacific or Atlantic Oceans thanks to new efforts by the Biden regime to shut down pretty much all fossil fuel production in ...

[EU declares fossil fuels and nuclear to be "green" energy sources](#)

The European Union (EU) has voted to dub gas and nuclear power plant investments as "green" and "eco-friendly," delivering a death blow to the anti-fossil fuel agenda that has ...

[Idaho doctor warns about covid-19 vaccines causing spike in cancer diagnoses](#)

Anatomic clinical pathologist Dr. Ryan Cole has warned the public that the Wuhan coronavirus (COVID-

19) vaccines dramatically accelerate the disease process. Doctors have reported that cancer ...

[The HighWire: Covid lockdowns triggered pandemic of mental illness in the US, UK](#)

Del Bigtree and Jefferey Jaxen touched on how the Wuhan coronavirus (COVID-19) lockdowns in the U.S. and the U.K. triggered a pandemic of mental illness, most especially in the youth. Jaxen, an ...

[Prepping tips: How to build a stockpile if you are lactose intolerant](#)

Before SHTF, you need to stock up on food and supplies so you and your family can survive a long-term disaster scenario. However, you need to be more careful while stockpiling if you or a family ...

[Blackmail: Canada may be withholding Nord Stream gas turbine until Germany signs LNG contract](#)

Canada may be withholding a gas turbine Germany sent for repairs until the energy-strapped European nation signs a contract for liquefied natural gas (LNG), says an analyst. Steve Quayle of ...

[Decorated NYPD veteran gives the department the finger as he retires, slams it for embracing soft-on-crime policies](#)

As soon as 20-year decorated New York Police Department (NYPD) veteran Thomas J. Gambardella retired, he did so in fashion - by flipping the bird at a memorial to fallen officers. Gambardella, a ...

[Another win for Moscow: Russia to resume transport of goods to Kaliningrad after EU steps in](#)

Russia will resume the transport of goods in Kaliningrad through Lithuania after the European Union (EU) intervened. The group discarded the blockade, which meant that transport of goods between ...

[Dollar collapse: Top Indian cement producer pays for Russian coal using Chinese yuan](#)

India's largest cement maker UltraTech maneuvered its way away from using the U.S...

[US media walks back on "rosy" Ukraine coverage as Russia declares Luhansk liberated from Kyiv's control](#)

American media outlets have walked back on their optimistic coverage of the ongoing Russia-Ukraine war following Moscow's declaration that the Luhansk People's Republic (LPR) has been ...

[4 Health benefits of cinnamon, a powerful spice that can help reduce blood sugar levels](#)

As a flavorful spice, cinnamon should be used on more than just hot chocolate or desserts. In fact, a balanced...

[Fertilizer price hikes prompt soaring food prices and global shortages](#)

Farmers are going through a fertilizer crisis caused by skyrocketing fossil fuel prices and industry consolidation. Liquid nitrogen, potash and phosphorus, three of the world's most commonly ...

[Gina Bria tells Kerri Rivera: Humans are water beings that have a liquid system based on motion - Brighteon.TV](#)

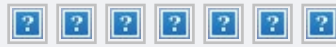
Anthropologist and author Gina Bria describes humans as water beings that have a liquid system in the body. "It's extremely important to understand that you are a water being. You really are ...

[Crypto broker Voyager Digital suspends customer trading, deposits, withdrawals and loyalty rewards](#)

Digital asset brokerage Voyager Digital announced in a statement issued Friday, July 1, that it has suspended all customer trading, deposits, withdrawals and loyalty rewards. Voyager's move ...

[BardsFM host Scott Kesterson: Majority of Americans will obey the government with no questions asked - Brighteon.TV](#)

Scott Kesterson believes the majority of Americans will obey the government with nary a question. "What we've learned is that at least 60 percent of the public in the United States will ...



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To contact Natural News, [please use our online feedback form.](#)

From: [Wynn Greich](#)
To: [Dollar, Sarah](#)
Subject: Fwd: CORRECTION: County of San Mateo News Update: July 7, 2022
Date: Friday, July 8, 2022 4:34:25 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.

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

From: **San Mateo County** <sanmateocounty@service.govdelivery.com>
Date: Fri, Jul 8, 2022 at 11:21 AM
Subject: CORRECTION: County of San Mateo News Update: July 7, 2022
To: [REDACTED]

Why isn't the mayor and Vancouver city council doing this? Send this to the council ,please.
From Wynn Greich

The 18th Annual Disaster Preparedness Day will be on July 30, not June 30.

The item below has been edited to reflect the correct date.

Residents Invited to Attend Disaster Preparedness Day

San Mateo County residents are invited to the [18th Annual Disaster Preparedness Day](#) on July 30 from 10 a.m. to 2 p.m. at the San Mateo County Event Center. The free, family-friendly event provides an opportunity to explore emergency response vehicles, meet bomb squad robots, attend first aid and CPR classes,

disaster

learn about community resources, and more. Emergency supplies will also be available for attendees. The event is hosted by San Mateo County Supervisor Carole Groom, [District Two](#), with support from the [Department of Emergency Management](#). Parking is free.

[Read More](#)

Want to read more articles?

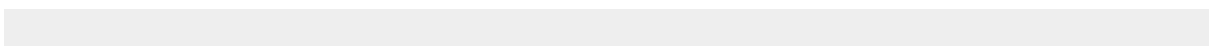
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smc_news@smcgov.org

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This email was sent to 1955wcc@gmail.com using GovDelivery Communications Cloud on behalf of: San Mateo County · 555 County Center · Redwood, CA 94063 · 650-363-4000



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: Monday, July 11, 2022 12:04:41 PM

One more written comment for tonight.

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: Sunday, July 10, 2022 1:28 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 frankmarre@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. Please insure that the new bridge is conducive to foot and biking traffic. We must have an alternative that moves us closure to sustainable transportation and does not lock us into fossil fuel high energy, low efficiency transportation. Thank you

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,
Frank Marre

A solid black rectangular redaction box covering the signature area.

Fourth Plain Forward Update

Vancouver City Council Workshop
September 26, 2022
4:00 pm



Shannon Williams
Senior Long Range Planner
City of Vancouver

Angelica Martinez
Associate Planner
City of Vancouver

Paul Burgess
Executive Director
Fourth Plain Forward

Lauren Henricksen
Program Coordinator
Clark County Public Health

Agenda

1. Background & Context
2. Fourth Plain Forward Implementation
3. Fourth Plain Commons
4. Fourth Plain Forward Nonprofit Organization
5. Next Steps & Questions

Presentation Objectives

- **Fourth Plain Forward Initiative:** Confirmation that long-term efforts to address systemic barriers and disparate outcomes for the Fourth Plain community continue to be a City policy priority
- **Fourth Plain Forward:** update on transition to CDC model
- **Fourth Plain Coalition:** update on Coalition development and partnering efforts
- **Fourth Plain Commons:** update on project timeline

Background & Context

Place-based Community Development



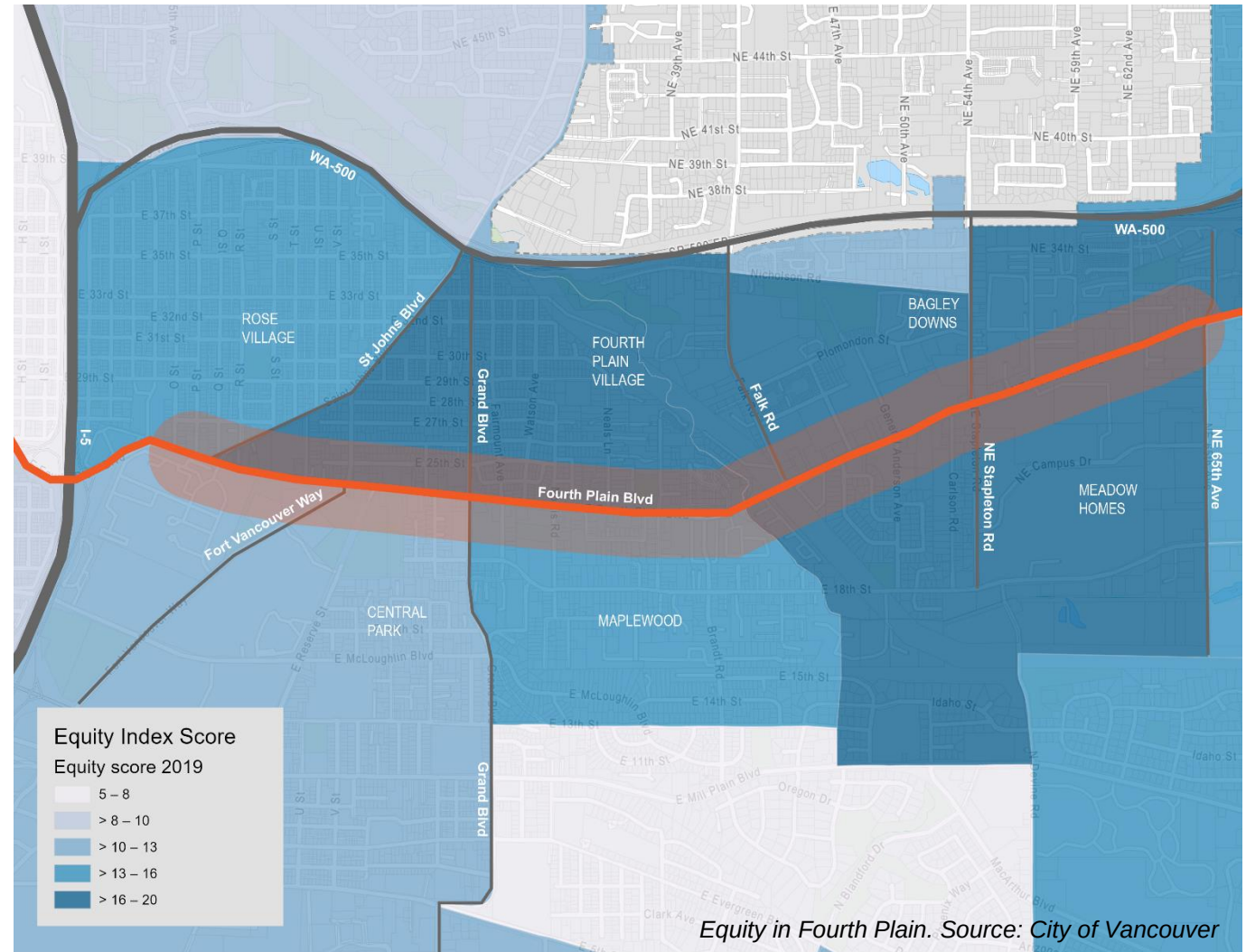
- Evidence-based
- Implements holistic revitalization effort
- Purpose built services tailored to community's needs and local community dynamics
- Collective impact



Background & Context

Fourth Plain Forward Focus Area

Population in 2020:
20,657



Equity in Fourth Plain. Source: City of Vancouver

Fourth Plain Communities



**50% POC
(30% in Vancouver)**



**21% residents born
outside US
(14% in Vancouver)**



**34% residents speak
a language other than
English at home
(20% in Vancouver)**

Fourth Plain Communities



**17% families live
below poverty line
(8% in Vancouver)**



**69% renters
(48% in Vancouver)**



**17% residents with
bachelor's degree or
higher
(30% in Vancouver)**

Fourth Plain Communities



**46% residents with a disability
(38% in Vancouver)**



**17% residents with no health insurance coverage
(8% in Vancouver)**



**21% transit dependent population
(3% in Vancouver)**

Background & Context

COVID 19 Economic Impact

- Nearly 6,500 residents filed for unemployment insurance benefits between April 2020 and March 2021
- 16% unemployment rate in April 2020; county level rate 15%, national rate 14%
- 33 childcare locations closed in 2020; more than 200 staff members were laid off
- 462 McKinney-Vento Status students attending schools along the corridor during the 2021-2022 school year
- Transit dependency increased, particularly in Meadow Homes and Bagley Downs

Background & Context

Raising Clark County Survey



What do you hope for your children?

“That they be successful in their own ways, even if school is not part of their plans. That they grow up to serve people, their community.” -Chuukese female

“That they lead a life that they absolutely love.” - Black female

“[They have] a world that's uses more sustainable resources and takes better care of the planet, and universal healthcare.” -White female

“To be happy, to show kindness to everyone, dream they don't have the same struggles we have had financially raising them.” -White female

Source: Clark County, Public Health Department

Background & Context

Raising Clark County Survey



Key Themes

"I honestly think that the only barrier we have is finding childcare support. How prices of homes have gone up and even with two household income we don't qualify for childcare because we 'make too much'." -Chuukese female

"We're considered too rich for food stamps but have to choose between food and the tools to help our autistic daughter learn to regulate and succeed in the world." - White female

"It's hard to access information due to minority families not knowing where to go to get help or any service necessary to raising young children in Fourth Plain area." -Hispanic female

"My English-speaking deficiency has made it complicated to access resources or support." -Hispanic female

Source: Clark County, Public Health Department

Fourth Plain Forward Update — 11

Fourth Plain Forward Implementation

Action Plan Goals

GOAL 1

Cultivate a vibrant business district

GOAL 2

Stabilize and grow small businesses

GOAL 3

Create a growth pipeline for food entrepreneurs

GOAL 4

Prioritize pedestrian safety

GOAL 5

Foster inclusive transit-oriented development

Fourth Plain Forward Implementation

Small Business Support



Business Technical Assistance



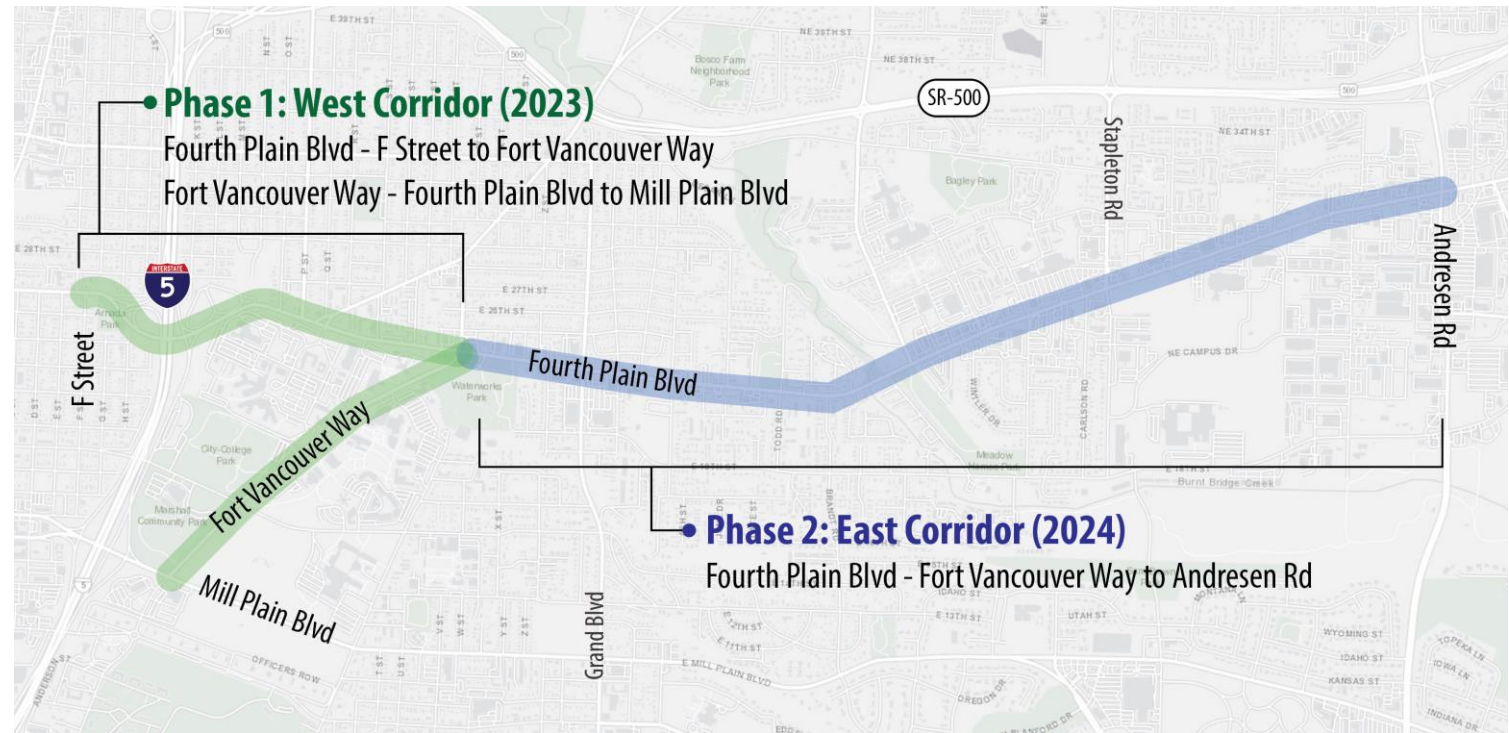
Support Fourth Plain Forward's Business Support Programs



Fourth Plain Forward Implementation

Prioritize Pedestrian
Safety

Fourth Plain Blvd and Fort Vancouver Way Safety and Mobility Project



Fourth Plain Forward Implementation

Prioritize Pedestrian
Safety



Fourth Plain Blvd and Fort Vancouver Way Safety and Mobility Project



Outreach events in May and June

Fourth Plain Forward Implementation

Prioritize Pedestrian Safety



Fourth Plain Blvd and Fort Vancouver Way Safety and Mobility Project

Engagement Process Outcomes

- Important for helping City Council, TMC, City staff, and project team understand community's preferences and issues.
- Feedback directly informed alternatives development.
- 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.

Fourth Plain Forward Implementation

Prioritize Pedestrian Safety

Safe Streets 4 All Grant Application



Fourth Plain Forward Implementation

Foster Transit-Oriented Development



Affordable Housing partners, with City and State support, have created or preserved 569 units of affordable housing along the corridor over the last 6 years (2016-2021)



Fourth Plain Commons

Partnership between
City of Vancouver and
Vancouver Housing
Authority



Site Overview – Birds Eye View



Image Credit: Salazar Architects Inc.



Image Credit: Salazar Architects Inc.

Commons Ground Floor Components

- Shared Office Space



Commons Ground Floor Components

- Shared Office Space
- Commissary Kitchen



Image Credit: Salazar Architects Inc.

Commons Ground Floor Components

- Shared Office Space
- Commissary Kitchen
- Community Event Space



Commons Ground Floor Components

- Shared Office Space
- Commissary Kitchen
- Community Event Space
- Outdoor Plaza



Image Credit: Salazar Architects Inc.

Commons Ground Floor Components

- Shared Office Space
- Commissary Kitchen
- Community Event Space
- Outdoor Plaza
- Play Area

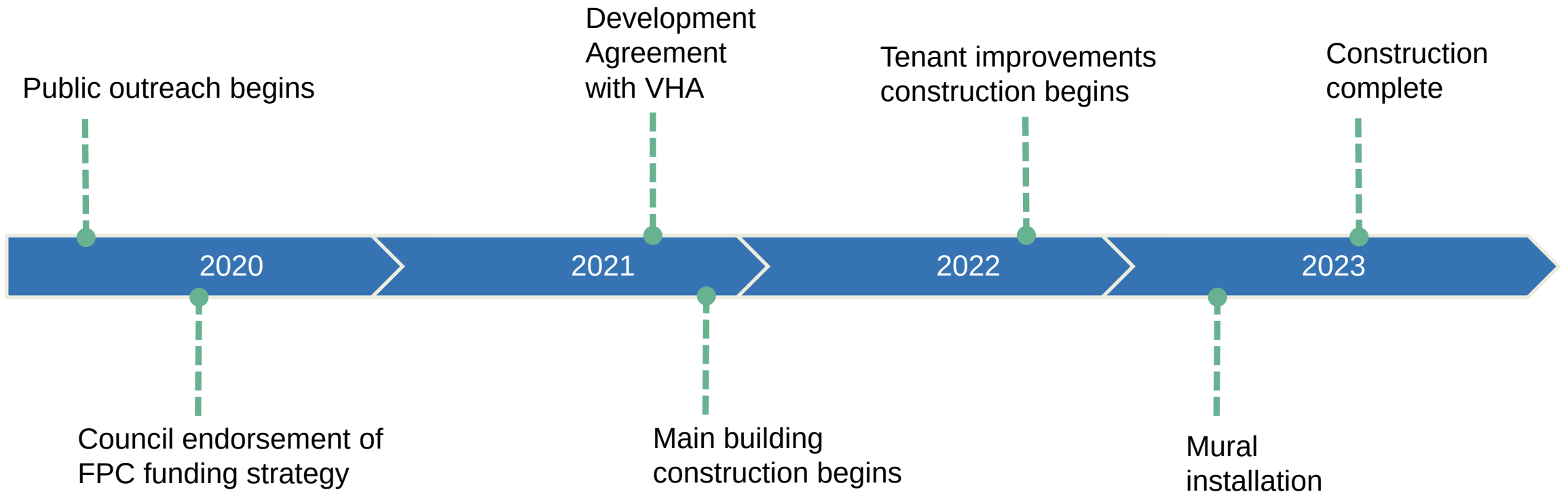
Fourth Plain Commons

Site Plan Overview



Image Credit: Salazar Architects Inc.

Project Timeline



Fourth Plain Commons

Outreach Summary

- Project kick-off open house
- Focus groups with CBOs for shared office space
- In-depth interviews with operators and potential kitchen users
- Online open house and survey
- Upcoming:
 - Mural outreach
 - Outreach to CBOs and residents on future programming

Community Development, Placemaking & Partnerships



Summer of Murals
Multicultural Resource Fair
Litter Clean Up Events
Street Mural



Fourth Plain Forward Non-Profit Organization

Programs and Events

- Art in the Park
- Summer of Murals
- Website Program
- CBO Incubation
- Library Program
- Multicultural Resource Fair
- Small Business Emergency Grants
- COVID-19 Testing and Vaccination Clinics

Fourth Plain Forward Non-Profit Organization



What is a Community Development Corp?

Why Now?

ARPA Investments/Operations Center

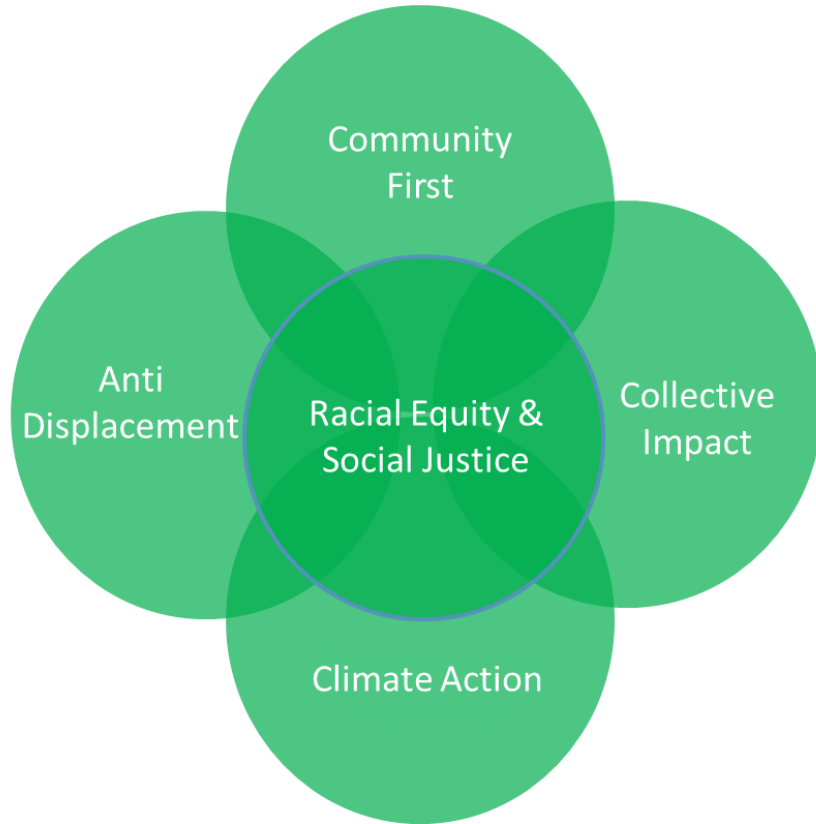
How?

Capacity building of Fourth Plain Forward

When?

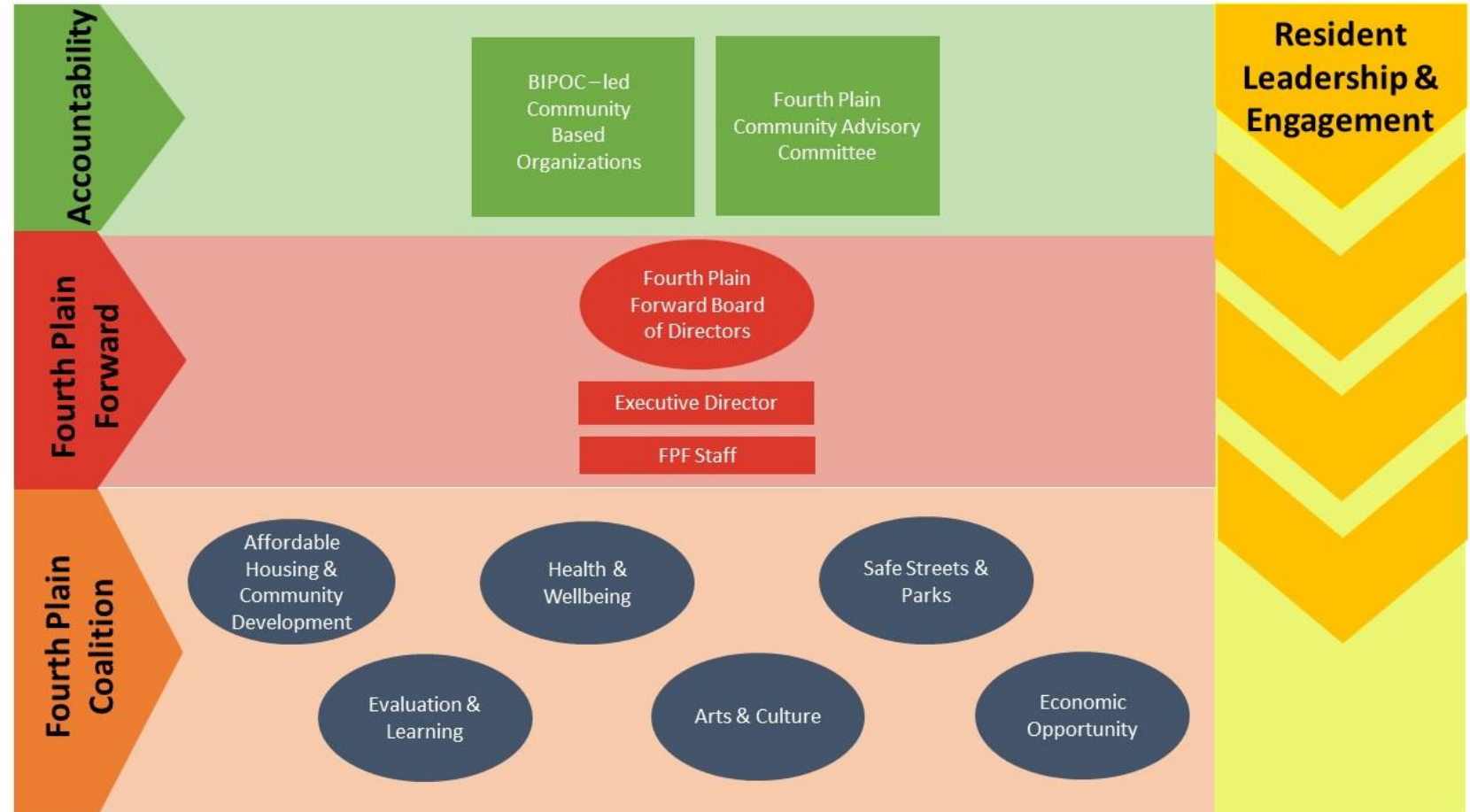
Two-year timeline

Five Strategic Pillars and Programmatic areas



Fourth Plain Coalition

Over 1.5 million dollars have been awarded to the Coalition and FPF to advance these community-identified priorities



Fourth Plain Forward Non-Profit Organization

Fourth Plain Community Advisory Committee

- Oversight and leadership group for Fourth Plain Forward
- Provide guidance from a resident perspective
- Engage in various leadership, advocacy and engagement opportunities
- RESIDE Vancouver implementation

FPF – Upcoming Programming

Fourth Plain Commons

- Business incubator
- Community market
- Community programming

Fourth Plain Businesses

- GVCC
- WSW
- Clark college

Fourth Plain Community

- Community Space
- Fiscal sponsorships
- Neighborhood Associations

Fourth Plain Forward

- New staff members
- New accounting & CRM
- Rebranding & website

Fourth Plain Forward Non-Profit Organization

Addressing Systemic Disparities



- Disparities are the result of systems of discrimination and disinvestment that have occurred and built up over decades
- Fourth Plain Coalition partners have built relationships and structures to try to reverse the impacts of systemic discrimination
- Getting to a more equitable future is a long-term effort that will require sustained City leadership and commitment for years to come
- Covid exacerbated existing disparities

Presentation Objectives

- **Fourth Plain Forward Initiative:** Confirmation that long-term efforts to address systemic barriers and disparate outcomes for the Fourth Plain community continue to be a City policy priority
- **Fourth Plain Forward:** update on transition to CDC model
- **Fourth Plain Coalition:** update on Coalition development and partnering efforts
- **Fourth Plain Commons:** update on project timeline

Next Steps and Questions

- Fall 2022: ARPA Fourth Plain Investment Strategy outreach begins
- Q3 2023: Commons Grand Opening
- 2023 Forward: Implement Reside Vancouver Anti-Displacement Strategy
- 2023 Forward: Fourth Plain Coalition's new structure in place to be more community led
- Fourth Plain Forward continues to build capacity in preparation for their transition to a CDC

Thank You

To learn more visit

www.fourthplainforward.org

www.cityofvancouver.us/cdd/page/fourth-plain-forward





Community Visioning Update



William Cooley, Community Engagement Manager

September 26, 2022



Agenda

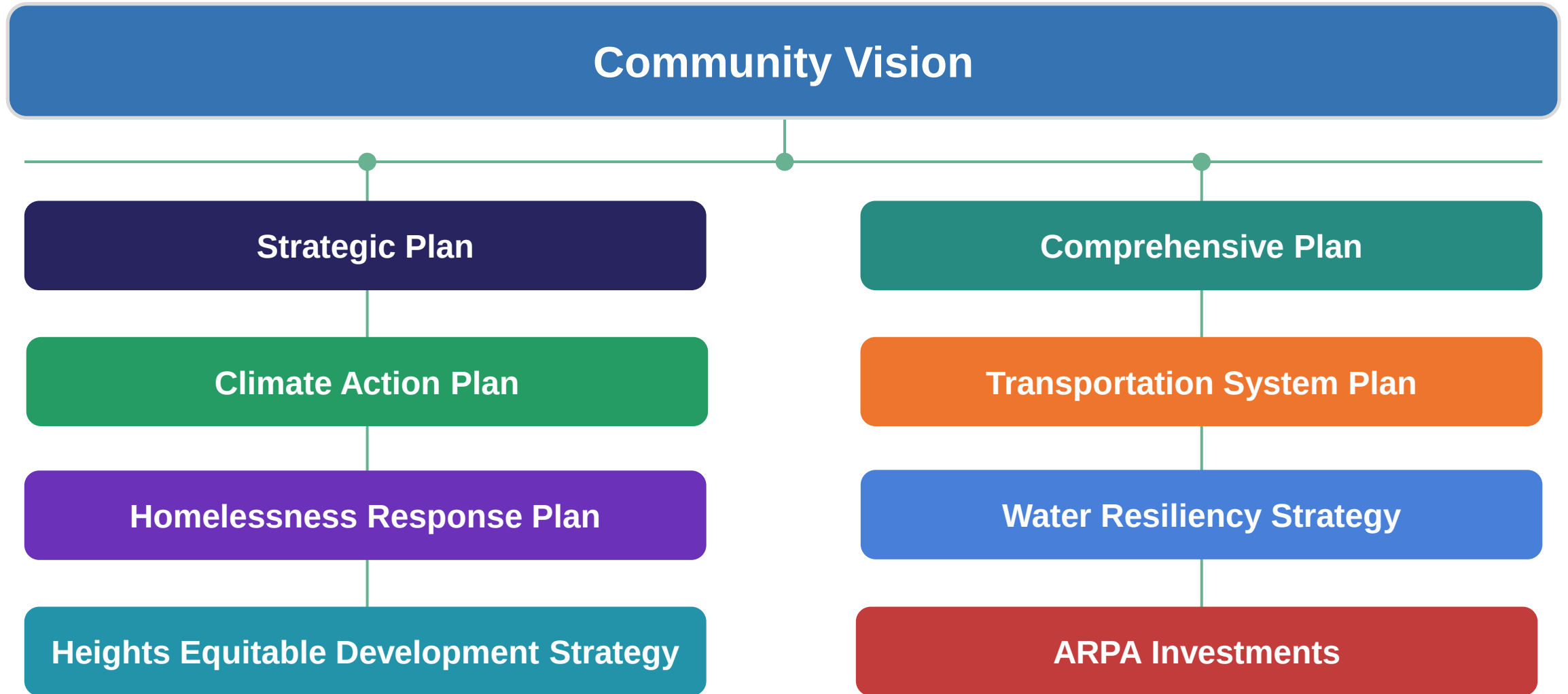
- Review of community visioning process
- Visioning timeline
- Themes from initial engagement
- Piloting innovative approaches to engagement
- Next steps

Community Visioning Process

- Create a 20-year vision statement to guide current and upcoming planning efforts
- Rebuild connection and community cohesion
- Identify new opportunities to inspire and empower collective action



Align Around a Shared Vision for the Future



Visioning Process Timeline



Proactively Include New Voices

- Bring in new perspectives
- Reach people who care about the community but are not civically involved
- Engage in ways that reduce barriers and correct for historic inequities in participation



What have we heard, so far?

- During initial outreach at community events and intercept conversations, we've been focused on
 - What people love about Vancouver
 - Their hopes for the future of our community

What have we heard, so far?

- During initial outreach at community events and intercept conversations, we've been focused on
 - What people love about Vancouver
 - Their hopes for the future of our community

What do you love about Vancouver?

Sense of community

Small-town feel with big-city amenities

Parks and access to nature

Vancouver's rich history

Diversity of cultures and experiences

Open space

Openness to growth and change

Events that bring us together

What have we heard, so far?

- During initial outreach at community events and intercept conversations, we've been focused on
 - What people love about Vancouver
 - Their hopes for the future of our community

What are your hopes for the future of our community?

Inclusive community

More collaboration

Affordable housing

Welcoming and safe

Retain small-town feel

Support for climate and health

Sustainable growth

Easier to get around

Pilot a Range of Innovative Approaches

Multi-lingual and multi-modal engagement:

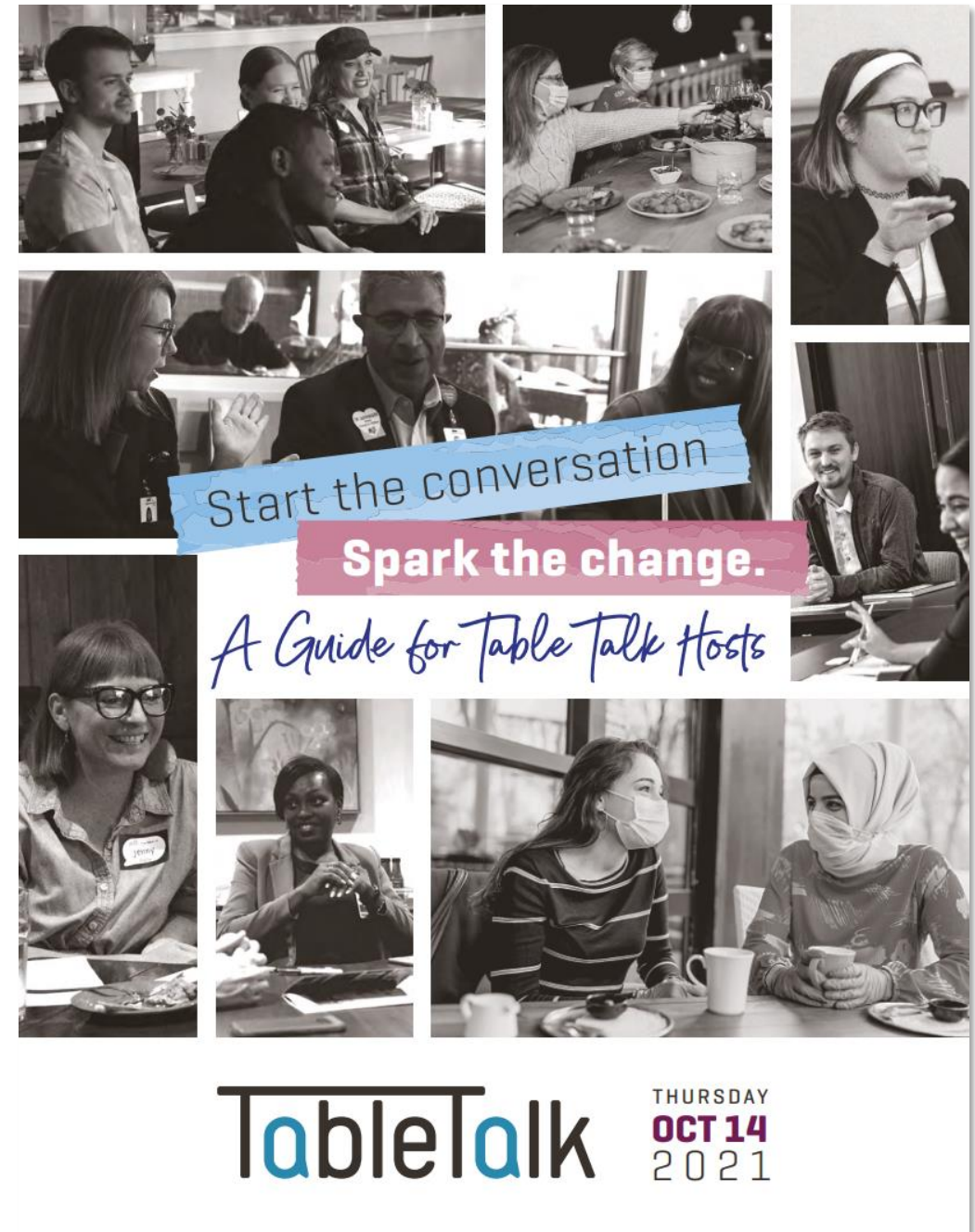
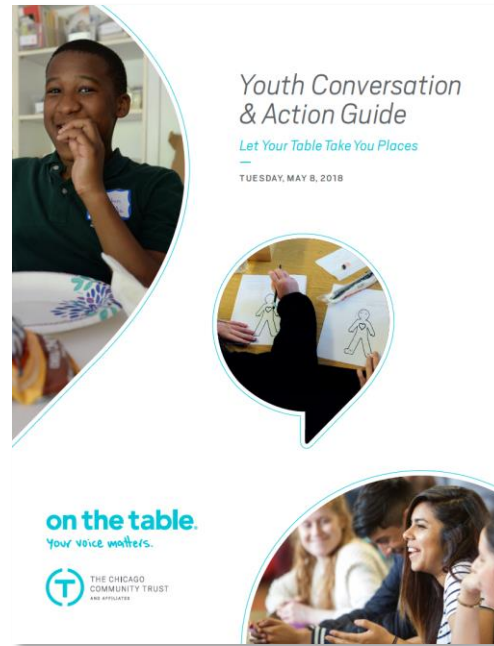
- Intercept interviews
- Pop-ups and tabling events
- Surveys and polls
- Community dialogues
- Small-group conversations
- Online engagement through Be Heard Vancouver



Listen and Learn Together

Toolkits will invite neighbors, students, families and community partners to lead their own conversations about:

- Community needs
- Hopes for the future
- Actions that we can take as a community



Gathering Audio and Video Input

We are also finding creative ways to make it easier for community members to share their input:

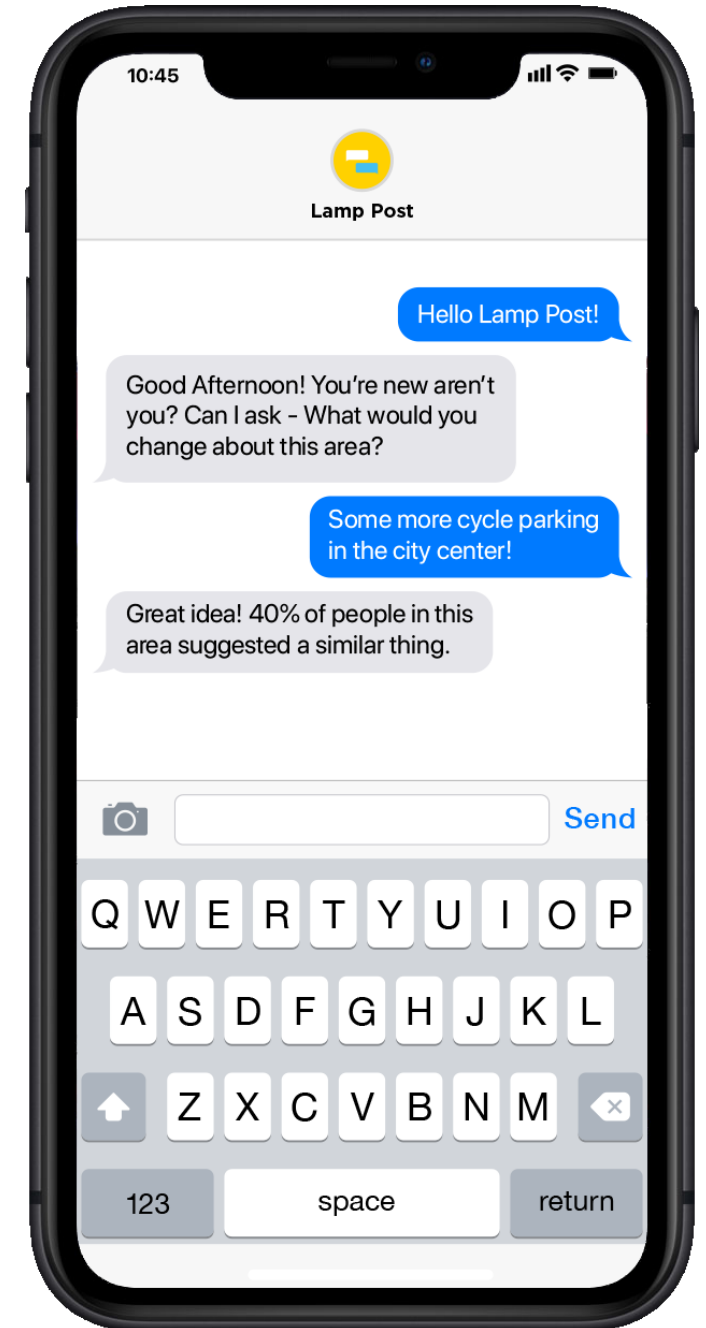
- Audio and video tools
- Intercept interviews
- Meeting recordings
- Tools to improve inclusion

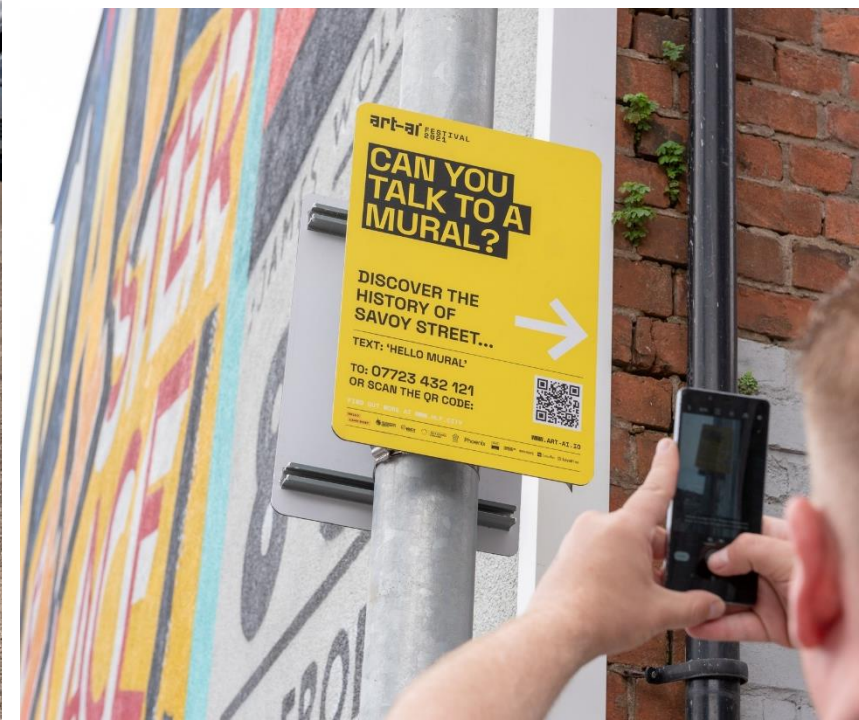
Expand access by allowing community members to engage with the City via:



Hello Lamp Post SMS Engagement

- Place-based engagement tool that allows community members to share feedback by texting an AI-powered chatbot in English, Spanish, Russian, Vietnamese or Chuukese
- Placed in targeted, high-traffic locations
- To inform ARPA/Fourth Plain Investment Strategy and community visioning





Targeted Engagement with Young People

- Partnerships with schools and educators
- Art, poetry or filmmaking contests
- Lesson plans to support civics and history teachers
- Classroom dialogues
 - English-language learners
 - Clark College ESL program
 - Students receiving special education services



BOYS & GIRLS CLUBS
OF SOUTHWEST WASHINGTON



Engagement Next Steps

- Formally launch visioning effort and host Sept. 26 Council Community Forum
- Roll out engagement tools and conversation toolkits
- Share insights between departments, planning teams, City Council and community partners



Thank You

William Cooley, Community Engagement Manager

william.cooley@cityofvancouver.us

360-624-0718



Shawn M. Donaghy
CHIEF EXECUTIVE OFFICER, C-TRAN



DATE: September 22, 2022

TO: Board Composition Review

SUBJECT: C-TRAN Board Composition

C-TRAN has no direct influence or incorporating responsibility as it relates to how the Board of Directors is represented, or in the case of Board Composition Review, responsible for outcomes associated. Those items are outlined within the following documents:

- C-TRAN's Board of Directors Bylaws
- Washington State RCW 36.57A.050
 - Washington State RCW 35.95 (formation of a Public Transportation Benefit Area)
 - Washington State RCW 39.34 (not applicable to C-TRAN)
- Interlocal Agreement Between Ridgefield, La Center, and Yacolt: Amendment 1, Expiration December 31st, 2023

C-TRAN is providing this document as "context" to the Board Composition Review Committee, for the purpose of outlining concurrence with changes to RCW 36.57A – *"Public Transportation Benefit Areas"*. Specifically, 36.57A:050 – *"Governing Body – Selection, qualification, number of members"* which was updated on August 1st, 2018 with changes that state *"The members of the governing body of the public transportation benefit area, if the population of the county in which the public transportation benefit area is located is more than four hundred thousand and the county does not also contain a city with a population of seventy-five thousand or more operating a transit system pursuant to chapter 35.95 RCW, must be selected to assure proportional representation, based on population, of each of the component cities located within the public transportation benefit area and the unincorporated areas of the county located within the public transportation benefit area, to the extent possible within the restrictions placed on the size of the governing body of a public transportation benefit area"*. This was put forth by the Honorable Representative Jake Fay of the Puget Sound Region. This was specifically to address potential concerns regarding the Pierce

Transit Board of Directors, and this RCW change impacts only three (3) PTBA's (transit agencies) in Washington.

- C-TRAN: Clark County Washington
- Pierce Transit: Pierce County Washington
- Spokane Transit: Spokane County Washington

The spirit of the change to the RCW is specifically related to ensuring that members within the PTBA (Public Transit Benefit Area) have *"proportional representation, based on population, of each of the component cities located within"*. C-TRAN would note that this Board of Directors had already made those adjustments to our Board Composition long before this RCW was put into place. C-TRAN's current Board Composition is:

- City of Vancouver: Three (3) Seats – largest in population at 194,400 citizens
- Clark County Council: Two (2) Seats – second in population at 168,929 citizens
- City of Camas: One (1) Seat – third in population at 26,870 citizens
- City of Battle Ground: One (1) Seat – fourth in population at 21,160 citizens
- City of Washougal: One (1) Seat – fifth in population at 17,200 citizens
- Cities of Ridgefield, La Center, and Yacolt: One (1) Seat – total population of 17,185 citizens
- Labor Representative (Non-Voting): One (1) Seat – non-voting member

Based on the above information and the attached visual accompaniment of the PTBA Map, C-TRAN has and currently is acting within the expressed spirit of the RCW, in that C-TRAN's current Board Composition generally adheres to its population. Any changes to the current composition are absolutely within the purview of the Board Composition Committee, provided they fall within the purpose and intent of the RCW. There are a few items that arise in the event of any changes to such composition, noted below:

- City of Vancouver: should the City of Vancouver obtain an additional seat on the Board of Directors they will have a City Council quorum on our Board and at our board meetings.
- Clark County Council: should the Clark County Council obtain an additional seat on the Board of Directors they will have a County Council quorum on our Board and at our board meetings.
- Small City Representation: the Interlocal Agreement between Ridgefield, La Center, and Yacolt is also impacted, if these three (3) cities within the PTBA lose their seat or must split their seat with another jurisdiction. This would also impact cities that have stand-alone seats on our Board of Directors as well (Camas, Battle Ground, and Washougal).

As an item of comparison, here is some information regarding the breakdown of Pierce County, and Spokane County PTBA's for reference: (see additional pages below)

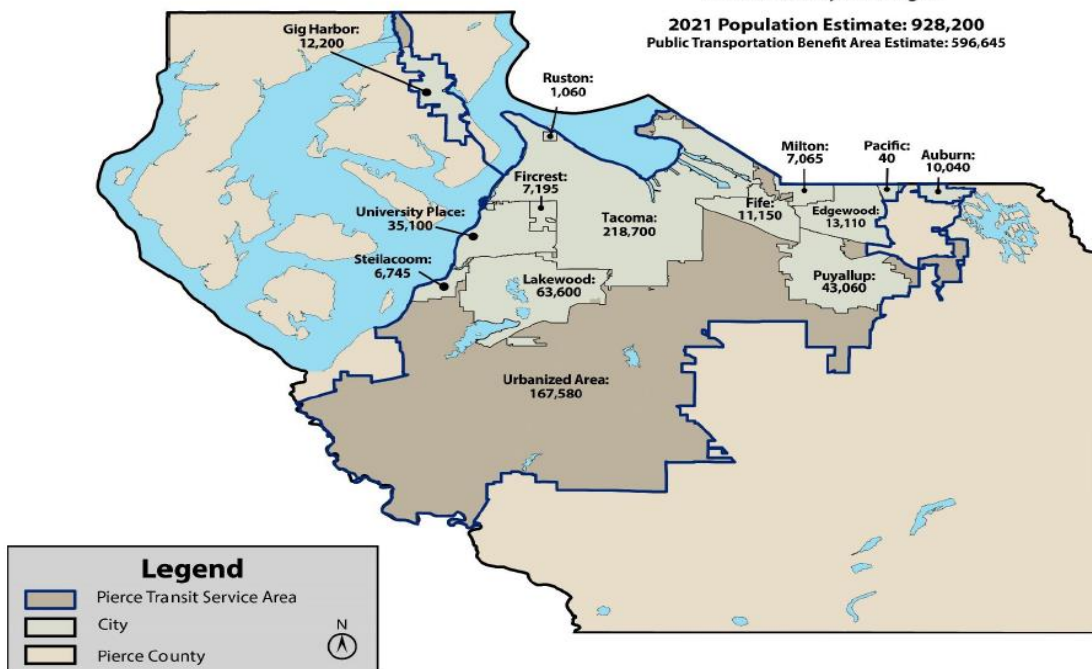
Pierce Transit:

Jurisdiction	Service Area Population		Seats on Board
Tacoma	218,700	37%	3
Pierce County	167,580	28%	2
Lakewood	63,600	11%	1
Puyallup/Edgewood	56,170	9%	1
University Place/Firecrest	42,295	7%	1
Fife:	11,150	2%	1
- Auburn	10,040	2%	Shared
- Ruston	1,060	0%	Shared
- Steilacoom	6,745	1%	Shared
- Gig Harbor	12,200	2%	Shared
- Milton	7,065	1%	Shared
- Pacific	40	0%	Shared
Totals	596,645	100%	9

Pierce Transit Service Area

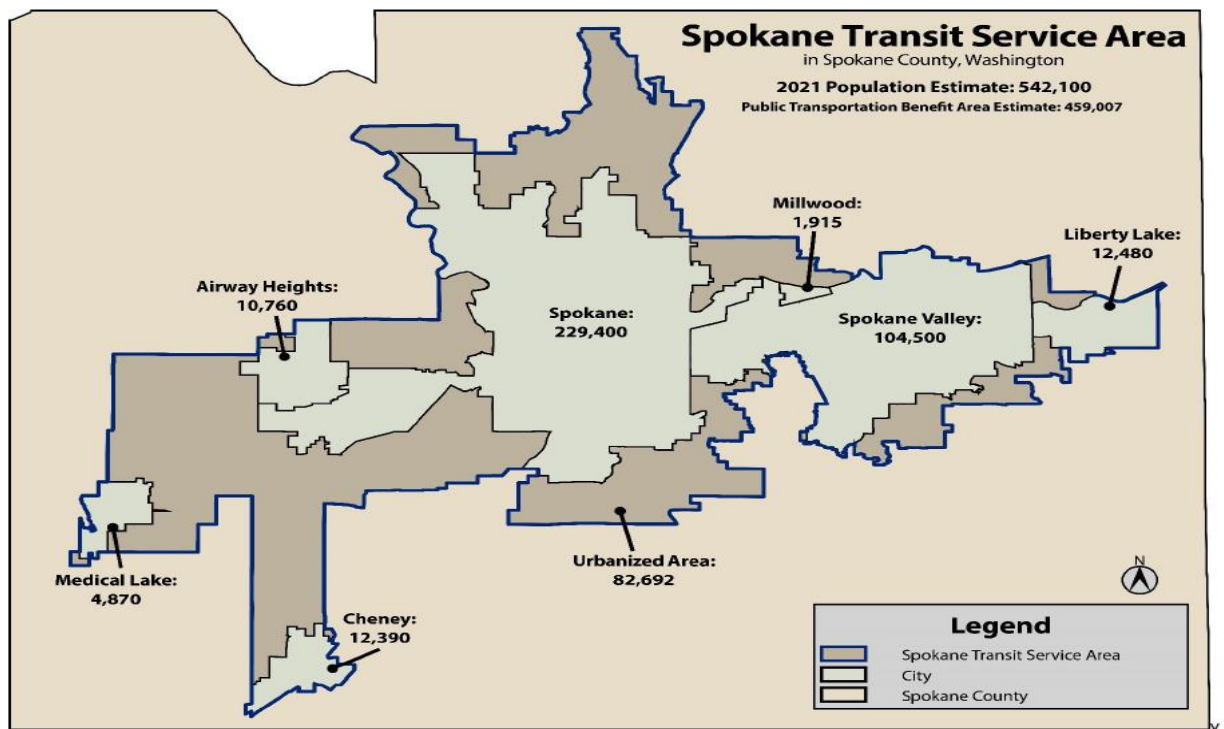
in Pierce County, Washington

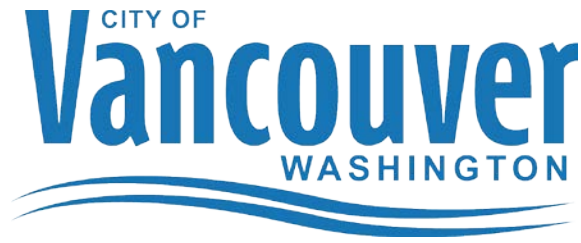
2021 Population Estimate: 928,200
Public Transportation Benefit Area Estimate: 596,645



Spokane Transit Authority:

Jurisdiction	Service Area Population		Seats on Board
Spokane	229,400	50%	4
Spokane Valley	104,500	23%	2
Spokane County	82,692	18%	2
Cheney	12,390	3%	1
- Liberty Lake	12,480	3%	Shared
- Airway Heights	10,760	2%	Shared
- Medical Lake	4,870	1%	Shared
- Millwood	1,915	0%	Shared
Totals	459,007	100%	9





MEMORANDUM

TO: Mayor and City Council

CC: Eric Holmes, City Manager

FROM: Jonathan Young, City Attorney 

DATE: September 26, 2022

SUBJECT: Clark County Public Transportation Benefit Area (C-TRAN)
Board Composition

The composition of the C-TRAN Board of Directors was raised during City Council Communications this past Monday. At Council's request, thirty minutes of workshop time has been reserved on the September 26th meeting agenda to continue this discussion. The following points are offered to assist the City Council in its discussion.

CTRAN Board Composition

The composition of the C-Tran Board of Directors is established by way of the [C-Tran Bylaws](#) (Sec. 3) which are promulgated pursuant to state law. Currently, the [C-Tran Board](#) is comprised of nine voting members and one non-voting member as follows:

- (2) Two members are elected officials representing Clark County;
- (3) Three members are elected officials representing City of Vancouver;
- (1) One member is an elected official representing City of Camas;
- (1) One member is an elected official representing City of Washougal;
- (1) One member is an elected official representing City of Battle Ground;
- (1) One member is an elected official representing the cities of Ridgefield and La Center, and the Town of Yacolt;
- (1) One non-voting member selected in accordance with state law.

Any amendment to the composition of the C-Tran Board must be made by amendment of the C-Tran Bylaws, which requires proper notice and approval

by a majority of the whole voting membership. (Bylaws, Sec. 6.) Amendments must also comply with state law.

Legal Points and Authority

C-Tran and its officials are represented by separate legal counsel. Therefore, the guidance below is offered solely for the benefit of Vancouver City Councilmembers and should not be construed as legal advice to any other entity or official. Subject to the foregoing, the following points and authority are offered for City Council's consideration:

- Appointment of Vancouver City Councilmembers to serve on commissions and boards (including the C-Tran Board) is governed by [City Council Policy 100-33](#). Appointments are to be made by majority vote of the City Council.
- State law governs the composition of the C-Tran Board among participating agencies. There are two statutes implicated:
 - o [RCW 36.57A.055](#) requires all transit authorities to conduct a review of the board composition every four years and make adjustments "if the change is deemed appropriate."
 - o [RCW 36.57A.050](#) also applies to some transportation boards if the following conditions are met: (1) the board is in a county with a population of over 400,000, and (2) there is no member city that (a) has a population of over 75,000, and (b) operates its own transit system.
 - o Where RCW 36.57A.050 applies, [state law](#) specifies that a transit board must take the proportional representation requirements of RCW 36.57A.050 into account when conducting its four-year review, and the board composition must be changed if necessary, so as to "assure proportionate representation, based on population, of each of the component cities located within the public transportation benefit area and the unincorporated areas of the county located within the public transportation benefit area, to the extent possible within the restrictions placed on the size of the governing body of a public transportation benefit area. If necessary to assure such proportional representation, multiple cities may be represented by a single elected official from one of the cities."
 - o As I advised this past Monday night: RCW 36.57A.050 requires that C-Tran provide "proportionate representation" of its member cities, but state law does not specify that such 'proportionality' be

achieved to a particular degree of mathematical certainty. Therefore, as a matter of client discretion, the Vancouver City Council is free to direct its Councilmember representatives on the C-Tran Board to accept the current C-Tran Board composition, or alternatively, the City Council may direct its Councilmember representatives (or the City's legal team if needed) to engage in advocacy to change the board composition if City Council concludes that a change is necessary to achieve proportional representation.

- As a practical matter, if the C-Tran board composition was changed to add another member of the Vancouver City Council – bringing the total number of Vancouver City Council representatives to four – there would not automatically be a violation of state open public meeting laws. However, the participation of four City Councilmembers in a C-Tran meeting would implicate the [OPMA](#) and require review of the City's meeting notification protocols to ensure compliance with state transparency laws.
- Once the review of the C-Tran board is completed, the issue will not be revisited in the ordinary course of business for four years absent a qualifying annexation event. (That is, an annexation implicating one area making up 15%, or multiple areas making up 25%, of the transportation benefit area.)

I hope you find the information above to be of assistance. As always, I invite Councilmembers to contact me individually with questions. As I will be attending a municipal law conference next week, Nena Cook will be serving as Acting City Attorney on Monday. She will be prepared to address any other legal questions you might have on this matter.

QUESTIONS | ADDITIONAL INFORMATION:

Jonathan Young | City Attorney
city.attorneyemails@cityofvancouver.us
(360) 487-8500



Staff Report: 130-22

TO: Mayor and City Council

FROM: Eric Holmes, City Manager

DATE: 9/26/2022

SUBJECT Approval of Purchase and Sale Agreements to purchase 521 SE Chkalov Drive and 619 SE 116th Avenue and Related Agreements

Key Points

- The City currently leases 521 SE Chkalov Drive, which is a two-story, 44,500 square foot building located on 2.3 acres.
- The lease agreement of said building was approved by the City on November 1, 2019.
- The building is currently being used by the Vancouver Police Department and the Fire Department's Office of the Fire Marshal.
- The lease agreement includes an option to purchase the building and leased property at an agreed-upon price of \$10,460,500. (The City's option to purchase is subject to notice provisions with which the City has already complied.)
- Within the agreement, a Right of First Refusal was included for the adjacent surplus property, located at 619 SE 116th Avenue, which is comprised of a parking lot.
- If approved, City Council's action would authorize the execution of Purchase and Sale Agreements for purchase of 521 SE Chkalov Drive for \$10,460,500 and 621 SE 116th Avenue for \$1,500,000.

Strategic Plan Alignment

Goal 2: Provide effective, innovative and well-resourced police, fire and emergency medical services

Present Situation

521 SE Chkalov Drive has been leased by the City since November 2019, and within the lease agreement, an Option to Purchase the property was included for an established price of \$10,460,500 if the City decided to exercise the Option. Within the agreement, a Right of First Refusal was included for the adjacent surplus property, located at 619 SE 116th Avenue, which is comprised of a parking lot. City staff has provided timely notice of the City's intent to exercise the City's Option to Purchase 521 SE Chkalov Drive, a two-story, 44,500 square foot building. City staff has also negotiated the purchase of 619 SE 116th Avenue, designed as a parking lot. City staff and representatives of the Owner have agreed that, subject to City Council ratification, the City will purchase 619 SE 116th Avenue for \$1,500,000. The purchase price for the surplus property is \$430,000 more than the appraised price, thus requiring review and consideration of Article VIII, sections 5 and 7, of the Washington Constitution, which restricts the City from giving or loaning public funds to private individuals, companies, or associations in order to prevent public funds from being used to benefit private interests where the public interest is not primarily served. Because the surplus property is strategically located adjacent to 521 SE Chkalov Drive, and thus serves to carry out a fundamental purpose of the City by providing growth support for public safety facilities, and because the purchase price is commensurate with reasonable market rate pricing and is being paid by the City without any donative intent, this difference in price and valuation does not constitute a gift of public funds or violate Article VIII, sections 5 and 7 of the Washington Constitution. (See, e.g., *CLEAN v. State*, 130 Wn.2d 782, 797, 928 P.2d 1054 (1996); *In re Recall of Burnham*, 194 Wn.2d 68, 77, 448 P.3d 747 (2019); and *Brower v. State*, 137 Wn.2d 44, 62, 969 P.2d 42 (1998).)

These transactions are intended to facilitate the relocation of the Vancouver Police Department's headquarters operations from their current location on 605 Evergreen Blvd, and serve as a permanent location of the Fire Department's Fire Marshal Office, as well as other city-related uses. Design documents are not yet finalized, but include plans for office space and training rooms. The adjacent property is strategically located to a public safety facility and provides additional space to accommodate future growth needs.

Advantage(s)

1. The purchase of 521 SE Chkalov Drive to the City fulfills the vision of the City Council to relocate the Vancouver Police Department's Headquarters, related administrative functions, and training space, as well as provide a permanent location for the Fire Department's Office of the Fire Marshal.
2. The adjacent property located at 619 SE 116th Avenue allows for strategic growth of public safety and/or city-related purposes.

Disadvantage(s)

1. Failure to approve would maintain the lease agreement for the building, and thus deprive the City ownership of a strategic property.
2. Failure to approve may hinder future plans of the City, which is facing tremendous growth and a need for alternate facility options.

Budget Impact

The purchase price of \$10,460,500 for 521 SE Chkalov Drive and \$1,500,000 for 621 SE 116th Avenue, plus related costs, are allocated within the 2021-2022 Biennium Budget.

Prior Council Review

- On October 28, 2019, City Council approved the Lease Purchase Agreement with Angelo Property Co., L.P., for 521 SE Chkalov Drive with a Right of First Refusal for 619 116th Avenue.
- On November 9, 2020 and November 16, 2020, City Council approved the 2021-2022 Biennial Operating and Capital Budget, establishing appropriations within the approved budget sufficient to exercise the purchase option of 521 SE Chkalov Drive.
- A staff memo was prepared and shared with Council in March 2022 in which City staff indicated intent to exercise the Notice for Option to Purchase 521 Chkalov Drive.

Action Requested

1. Authorize the City Manager or their designee to sign the Purchase and Sale Agreement to purchase 521 SE Chkalov Drive for \$10,460,500 plus related costs; and
2. Authorize the City Manager or their designee to sign the Purchase and Sale Agreement to purchase 621 SE 116th Avenue for \$1,500,000 plus related costs; and
3. Authorize the City Manager or their designee to sign all related agreements needed to facilitate the purchase of said properties on the terms referenced above.

Lisa Brandl, Deputy City Manager, (360) 487-8615; Geraldene Moyle, Director, General Services Department, (360) 487-8633

ATTACHMENTS:

- ▣ Purchase and Sale Agreement 521 SE Chkalov
- ▣ Purchase and Sale Agreement SE 116th

COMMERCIAL ASSOCIATION OF BROKERS OREGON/SW WASHINGTON
PURCHASE AND SALE AGREEMENT AND RECEIPT FOR EARNEST MONEY
(Washington Commercial Form – Undeveloped Land)

AGENCY DISCLOSURE

This Agency Disclosure is issued pursuant to the requirements of the Revised Code of Washington (RCW 18.86.030(1)(g)), Buyer shall execute this Acknowledgment concurrent with the execution of the Agreement below and prior to delivery of that Agreement to Seller.

Pursuant to the requirements of the Revised Code of Washington (RCW 18.86.030), both Buyer and Seller acknowledge having received the LAW OF REAL ESTATE AGENCY pamphlet, and by execution below acknowledge and consent to the agency relationships in the following real estate purchase and sale transaction as follows:

(a) Seller Agent: Eric Fuller & KC Fuller of Fuller Group firm (the "Selling Firm") is the agent of (check one): ☐ Buyer exclusively; ☒ Seller exclusively; ☐ both Seller and Buyer ("Disclosed Limited Agency").

(b) Buyer Agent: ___ of ___ firm (the "Buying Firm") is the agent of (check one): ☐ Buyer exclusively; ☐ Seller exclusively; ☐ both Seller and Buyer ("Disclosed Limited Agency").

If the name of the same real estate firm appears in both Paragraphs (a) and (b) above, Buyer and Seller acknowledge that a principal broker of that real estate firm shall become the Disclosed Limited Agent for both Buyer and Seller, as more fully set forth in the Disclosed Limited Agency Agreements that have been reviewed and signed by Buyer, Seller and the named real estate agent(s).

ACKNOWLEDGED

Buyer: (print) City of Vancouver (sign) _____ Date: _____

Seller: (print) Angelo Property Co., L.P. (sign) _____ Date: _____

[No further text appears on this page.]

PURCHASE AND SALE AGREEMENT AND RECEIPT FOR EARNEST MONEY

This PURCHASE AND SALE AGREEMENT AND RECEIPT FOR EARNEST MONEY (this "Agreement") dated September 12, 2022, for reference purposes only, shall be effective on the date when this Agreement has been executed and delivered by Seller and Buyer (the "Execution Date"):

BETWEEN: Angelo Property Co., L.P. ("Seller")
Address: 400 E. Mill Plain, Suite 500, Vancouver, WA 98660, Attn: Craig Angelo
Home Phone:
Office Phone: 360-694-3343
Fax No.:
E-Mail: craig@alangelo.com

AND: City of Vancouver ("Buyer")
Address: 415 West 6th Street Vancouver, WA 98660, Attn: Eric Holmes
Home Phone:
Office Phone: 360-487-8640
Fax No.:
E-Mail: eric.holmes@cityofvancouver.us

1. Purchase and Sale.

WHEREAS, on or about March 4, 2022, Buyer notified Seller of Buyer's option to purchase the Property (defined below). Buyer intends to exercise its power of eminent domain. Buyer, has the present ability and authority to use its power of eminent domain against the Property at the time of sale and Buyer has specific statutory authority authorizing its power of eminent domain for property under the conditions presented; and

WHEREAS, in order to avoid a condemnation action, Seller is willing to enter into an agreement for the sale of the Property to Buyer on the following terms:

1.1 Generally. In accordance with this Agreement, Buyer agrees to buy and acquire from Seller, and Seller agrees to sell to Buyer the real property and all improvements thereon generally described or located at 521 SE Chkalov Drive in the City of Vancouver, County of County, Washington commonly referred to as tax lots: 112544-000 and 112540-000 consisting of approximately 83,200 SF of land legally described on Exhibit A, attached hereto (the "Property") (if no legal description is attached, the legal description shall be based on the legal description provided in the Preliminary Report (described in Section 5), subject to the review and approval of both parties hereto), including all of Seller's right, title and interest in and to all appurtenances and easements thereon or related thereto.

1.2 Purchase Price. The purchase price for the Property shall be Ten Million Four Hundred Sixty Thousand and No/100 dollars (\$10,460,000.00) (the "Purchase Price"). The Purchase Price shall be adjusted, as applicable, by the net amount of credits and debits to Seller's account at Closing (defined below) made by Escrow Holder pursuant to the terms of this Agreement. The Purchase Price shall be payable as follows:

1.2.1 Earnest Money Deposit.

(a) Within five (5) days of the Execution Date, Buyer shall deliver into Escrow (as defined herein), for the account of Buyer, \$150,000.00 as earnest money (the "Earnest Money") in the form of:

☐ Promissory note (the "Note"); ☒ Check; or ☐ Cash or other immediately available funds.

If the Earnest Money is being held by the ☐ Selling Firm ☐ Buying Firm, then the firm holding such Earnest Money shall deposit the Earnest Money in the ☒ Escrow (as hereinafter defined) ☐ Selling Firm's Client Trust Account ☐ Buying Firm's Clients' Trust Account, no later than 5:00 PM Pacific Time three (3) business days after such firm's receipt, but in no event later than the date set forth in the first sentence of this Section 1.2.1(a).

(b) If the Earnest Money is in the form of a Note, it shall be due and payable ☐ no later than 5:00 PM Pacific Time three (3) days after the Execution Date; ☐ after satisfaction or waiver by Buyer of the conditions to Buyer's obligation to purchase the Property set forth in this Agreement; or ☐ Other: _____. If the terms of the Note and this Agreement conflict, the terms of this Agreement shall govern. If the Note is not redeemed and paid in full when due, then: (i) the Note shall be delivered and endorsed to Seller (if not already in Seller's possession); (ii) Seller may collect the Earnest Money from Buyer, either pursuant to an action on the Note or an action on this Agreement; and (iii) Seller shall have no further obligations under this Agreement.

(c) The purchase and sale of the Property shall be accomplished through an escrow (the "Escrow") that Seller has established or will establish with Cascade Title 404 E 15th Street, Suite 12, Vancouver, WA 98663, Attn: Tracey Hendricksen, tracey@cascadetitleco.com, 360-695-1301 (the "Escrow Holder") within two (2) days after the Execution Date. Except as otherwise provided in this Agreement: (i) any interest earned on the Earnest Money shall be considered to be part of the Earnest Money; (ii) **the Earnest Money shall be non-refundable upon satisfaction or waiver of all Conditions as defined in Section 2.1;** and (iii) the Earnest Money shall be applied to the Purchase Price at Closing.

1.2.2 Balance of Purchase Price. Buyer shall pay the balance of the Purchase Price at Closing by ☒ cash or other immediately available funds; or ☐ Other: _____.

1.3 Section 1031 Like-Kind Exchange. Each party acknowledges that either party (as applicable, the "Exchanging Party") may elect to engage in and affect a like-kind exchange under Section 1031 of the Internal Revenue Code of 1986, as amended, involving the Property (or any legal lot thereof) (a "1031 Exchange"). The non-exchanging party with respect to a 1031 Exchange is referred to herein as the "Cooperating Party." Buyer and Seller each hereby agrees to reasonably cooperate with the other in completing each such 1031 Exchange; provided, however, that such cooperation shall be at the Exchanging Party's sole expense and shall not delay the Closing for the Property. Accordingly, the Exchanging Party may assign the Exchanging Party's rights with respect to the Property (or any legal lot thereof) to a person or entity for the purpose of consummating a 1031 Exchange ("Intermediary"), provided that such assignment does not delay the Closing for the Property (or applicable legal lot thereof), or otherwise reduce or diminish the Exchanging Party's liabilities or obligations hereunder. Such assignment by the Exchanging Party shall not release the Exchanging Party from the obligations of the Exchanging Party under this Agreement. The Cooperating Party shall not suffer any costs, expenses or liabilities for cooperating with the Exchanging Party and shall not be required to take title to the exchange property. The Exchanging Party agrees to indemnify, defend and hold the Cooperating Party harmless from any liability, damages and costs arising out of the 1031 Exchange.

2. Conditions to Purchase.

2.1 Buyer's obligation to purchase the Property is conditioned on the following:

- ☐ None;
- ☐ Within _____ days of the Execution Date, Buyer's approval of the results of (collectively, the "General Conditions"): (a) the Property inspection described in Section 3 below; (b) the document review described in Section 4 below; and (c) (describe any other condition) _____;
- ☐ Within _____ days of the Execution Date, Buyer's receipt of confirmation of satisfactory financing (the "Financing Condition");

☐ Within ___ days of the Execution Date, Buyer's receipt of permits, consents, approvals and other entitlements required for Buyer's intended development of the Property (the "Entitlement Condition"); and/or
☒ Other Contingent upon City Council Approval.
The General Conditions, Financing Condition, Entitlement Condition or any other conditions noted shall be defined as "Conditions."

2.2 If, for any reason in Buyer's sole discretion, Buyer has not timely given written waiver of the Conditions set forth in Section 2.1, or stated in writing that such Conditions have been satisfied, by notice given to Seller within the time periods for such conditions set forth above, this Agreement shall be deemed automatically terminated, the Earnest Money shall be promptly returned to Buyer, any Extension Fees (defined below) shall be delivered to Seller, and thereafter, except as specifically provided to the contrary herein, neither party shall have any further right or remedy hereunder.

3. Property Inspection. Seller shall permit Buyer and its agents, at Buyer's sole expense and risk, to enter the Property at reasonable times after reasonable prior notice to Seller to conduct any and all inspections, tests, and surveys concerning hazardous materials, soils conditions, wetlands, zoning, and all other matters affecting the suitability of the Property for Buyer's intended use and/or otherwise reasonably related to the purchase of the Property including the economic feasibility of such purchase. In addition, at any time prior to Closing, Buyer may, at its sole discretion and expense: (a) commission a surveyor of Buyer's choice to prepare a survey of the Property; and (b) engage an environmental consultant of Buyer's choice to prepare a Phase I environmental site assessment of the Property and, if recommended by such consultant, obtain a Phase II environmental site assessment and perform any recommended testing. Seller shall facilitate Buyer's and its surveyor's and consultant's access to the Property and cooperate with Buyer's obtaining such survey, environmental site assessments, inspections, and permit and entitlement applications. If the transaction contemplated in this Agreement fails to close for any reason (or no reason) as a result of the act or omission of Buyer or its agents, Buyer shall promptly restore the Property to substantially the condition the Property was in prior to Buyer's performance of any inspections or work. Buyer shall indemnify, hold harmless, and defend Seller from all liens, costs, and expenses, including reasonable attorneys' fees and experts' fees, arising from or relating to Buyer's entry on and inspection of the Property. This agreement to indemnify, hold harmless, and defend Seller shall survive Closing or any termination of this Agreement.

4. Seller's Documents. Within two (2) days after the Execution Date, Seller shall deliver to Buyer or Buyer's designee, legible and complete copies of the following documents and other items relating to the ownership, operation, and maintenance of the Property to the extent now in existence and to the extent such items are or come within Seller's possession or control: Including but not limited to leases, service maintenance contracts, survey, elevator inspection reports and last two full years and YTD P&L, etc. . Pursuant to RCW 64.06.010, Buyer waives the receipt of Seller's Property Disclosure Statement with the exception of Section 6 thereof "Environmental.

5. Title Insurance. Within seven (7) days after the Execution Date, Seller shall cause to be delivered to Buyer a preliminary title report from the title company (the "Title Company") selected by Seller (the "Preliminary Report"), showing the status of Seller's title to the Property, together with complete and legible copies of all documents shown therein as exceptions to title ("Exceptions"). Buyer shall have five (5) days after receipt of a copy of the Preliminary Report and Exceptions within which to give notice in writing to Seller of any objection to such title or to any liens or encumbrances affecting the Property. Within seven (7) days after receipt of such notice from Buyer, Seller shall give Buyer written notice of whether it is willing and able to remove the objected-to Exceptions. Without the need for objection by Buyer, Seller shall, with respect to liens and encumbrances that can be satisfied and released by the payment of money, eliminate such exceptions to title on or before Closing. Within five (5) days after receipt of such notice from Seller (the "Title Contingency Date"), Buyer shall elect whether to: (i) purchase the Property subject to those objected-to Exceptions which Seller is not willing or able to remove; or (ii) terminate this Agreement. If Buyer fails to give Seller notice of Buyer's election, then such inaction shall be deemed to be Buyer's election to terminate this Agreement. On or before the Closing Date (defined below), Seller shall

remove all Exceptions to which Buyer objects and which Seller agrees, or is deemed to have agreed, Seller is willing and able to remove. All remaining Exceptions set forth in the Preliminary Report and those Exceptions caused by or agreed to by Buyer shall be deemed "Permitted Exceptions."

6. Default; Remedies. Notwithstanding anything to the contrary contained in this Agreement, in the event Buyer fails to deposit the Earnest Money in Escrow strictly as and when contemplated under Section 1.2.1 above, Seller shall have the right at any time thereafter, but prior to Buyer's deposit of the Earnest Money to Escrow, to terminate this Agreement and all further rights and obligations hereunder by giving written notice thereof to Buyer. If the conditions, if any, to Buyer's obligation to consummate this transaction are satisfied or waived by Buyer and Buyer fails, through no fault of Seller, to close on the purchase of the Property, Seller's sole remedy shall be to retain the Earnest Money and any Extension Fees paid by Buyer. In the event Seller fails, through no fault of Buyer, to close the sale of the Property, Buyer shall be entitled to pursue any remedies available at law or in equity, including without limitation, the return of the Earnest Money and any Extension Fees paid by Buyer or the remedy of specific performance. In no event shall either party be entitled to punitive or consequential damages, if any, resulting from the other party's failure to close the sale of the Property.

7. Closing of Sale.

7.1 Buyer and Seller agree the sale of the Property shall be consummated, in Escrow, ☒ on October 31, 2022 or ☐ ____ days after the conditions set forth in Sections 2.1, 3, 4 and 5 have been satisfied or waived in writing by Buyer (the "Closing" or the "Closing Date"). The sale of the Property shall be deemed closed when the document(s) conveying title to the Property is/are delivered and recorded and the Purchase Price is disbursed to Seller.

7.2 At Closing, Buyer and Seller shall deposit with the Escrow Holder all documents and funds required to close the transaction in accordance with the terms of this Agreement. At Closing, Seller shall deliver a certification in a form provided by the Escrow Holder confirming whether Seller is or is not a "foreign person" as such term is defined by applicable law and regulations.

7.3 At Closing, Seller shall convey fee simple title to the Property to Buyer by ☒ statutory warranty deed or ☐ ____ (the "Deed"). At Closing, Seller shall cause the Title Company to deliver to Buyer a standard ALTA form owner's policy of title insurance (the "Title Policy") in the amount of the Purchase Price insuring fee simple title to the Property in Buyer subject only to the Permitted Exceptions and the standard preprinted exceptions contained in the Title Policy. Seller shall reasonably cooperate in the issuance to Buyer of an ALTA extended form policy of title insurance. Buyer shall pay any additional expense resulting from the ALTA extended coverage and any endorsements required by Buyer. The Deed will restrict the Property from being used as a jail or any other facility that houses inmates overnight for any reason.

8. Closing Costs; Prorations. Seller shall pay the premium for the Title Policy, provided, however, if Buyer elects to obtain an ALTA extended form policy of title insurance and/or any endorsements, Buyer shall pay the difference in the premium relating to such election. Seller and Buyer shall each pay one-half (1/2) of the escrow fees charged by the Escrow Holder. Any excise tax and/or transfer tax shall be paid in accordance with the local custom determined by the Title Company and applicable law. Real property taxes for the tax year of the Closing, assessments (if a Permitted Exception), personal property taxes, rents and other charges arising from existing Tenancies paid for the month of Closing, interest on assumed obligations, and utilities shall be prorated as of the Closing Date. If applicable, prepaid rents, security deposits, and other unearned refundable deposits relating to Tenancies shall be assigned and delivered to Buyer at Closing. ☒ Seller ☐ Buyer ☐ N/A shall be responsible for payment of all taxes, interest, and penalties, if any, upon removal of the Property from any special assessment or program. On any sale of the Property Buyer shall cooperate with Seller so the transaction qualifies for excise tax exemption under WAC 458-61A-206 and 1031 OR 1033 exchange in lieu of condemnation action necessary for the exemption to fulfill a fundamental public purpose .

9. Possession. Seller shall deliver exclusive possession of the Property to Buyer ☒ on the Closing Date or ☐ ____.

10. Condition of Property. Seller represents that Seller has received no written notices of violation of any laws, codes, rules, or regulations applicable to the Property ("Laws"). Seller represents that, to the best of Seller's knowledge without specific inquiry, Seller is not aware of any such violations or any concealed material defects in the Property. Unless caused by Buyer, Seller shall bear all risk of loss and damage to the Property until Closing, and Buyer shall bear such risk at and after Closing. Except for Seller's representations set forth in this Section 10 and the attached Exhibit C, Buyer shall acquire the Property "AS IS" with all faults and Buyer shall rely on the results of its own inspection and investigation in Buyer's acquisition of the Property. It shall be a condition of Buyer's Closing obligation that all of Seller's representations and warranties stated in this Agreement are materially true and correct on the Closing Date. Seller's representations and warranties stated in this Agreement shall survive Closing for one (1) year.

11. Operation of Property. Between the Execution Date and the Closing Date, Seller shall continue to operate, maintain and insure the Property consistent with Seller's current operating practices. After Buyer has satisfied or waived the conditions to Buyer's obligation to purchase the Property, and the Earnest Money is non-refundable, Seller may not, without Buyer's prior written consent, which consent shall not be unreasonably withheld, conditioned, or delayed, enter into: (a) any new leases or occupancy agreements for the Property; (b) any material amendments or modification agreements for any existing leases or occupancy agreements for the Property; or (c) any service contracts or other agreements affecting the Property that are not terminable at the Closing.

12. Assignment. Assignment of this Agreement: ☐ is PROHIBITED; ☐ is PERMITTED, without consent of Seller; ☒ is PERMITTED ONLY UPON Seller's written consent; ☐ is PERMITTED ONLY IF the assignee is an entity owned and controlled by Buyer. **Assignment is PROHIBITED, if no box is checked.** If Seller's written consent is required for assignment, such consent may be withheld in Seller's reasonable discretion. In the event of a permitted assignment, Buyer shall remain liable for all Buyer's obligations under this Agreement.

13. Arbitration. **IF AND ONLY IF THIS SECTION IS INITIALED BY EACH OF BUYER AND SELLER, THE FOLLOWING SHALL APPLY TO THIS AGREEMENT:**

ANY DISPUTE BETWEEN BUYER AND SELLER RELATED TO THIS AGREEMENT, THE PROPERTY, OR THE TRANSACTIONS CONTEMPLATED BY THIS AGREEMENT WILL BE RESOLVED BY ARBITRATION GOVERNED BY THE WASHINGTON UNIFORM ARBITRATION ACT (RCW 7.04A et seq.) AND, TO THE EXTENT NOT INCONSISTENT WITH THAT STATUTE, CONDUCTED IN ACCORDANCE WITH THE RULES OF PRACTICE AND PROCEDURE FOR THE ARBITRATION OF COMMERCIAL DISPUTES OF ARBITRATION SERVICES OF PORTLAND ("ASP"). THE ARBITRATION SHALL BE CONDUCTED IN ____, WASHINGTON AND ADMINISTERED BY ASP, WHICH WILL APPOINT A SINGLE ARBITRATOR HAVING AT LEAST FIVE (5) YEARS EXPERIENCE IN THE COMMERCIAL REAL ESTATE FIELD IN THE VANCOUVER/PORTLAND GEOGRAPHIC AREA (**IF BLANK IS NOT COMPLETED, VANCOUVER, WASHINGTON METROPOLITAN AREA**). ALL ARBITRATION HEARINGS WILL BE COMMENCED WITHIN THIRTY (30) DAYS OF THE DEMAND FOR ARBITRATION UNLESS THE ARBITRATOR, FOR SHOWING OF GOOD CAUSE, EXTENDS THE COMMENCEMENT OF SUCH HEARING. THE DECISION OF THE ARBITRATOR WILL BE BINDING ON BUYER AND SELLER, AND JUDGMENT UPON ANY ARBITRATION AWARD MAY BE ENTERED IN ANY COURT HAVING JURISDICTION. THE PARTIES ACKNOWLEDGE THAT, BY AGREEING TO ARBITRATE DISPUTES, EACH OF THEM IS WAIVING CERTAIN RIGHTS, INCLUDING ITS RIGHTS TO SEEK REMEDIES IN COURT (INCLUDING A RIGHT TO A TRIAL BY JURY), TO DISCOVERY PROCESSES THAT WOULD BE ATTENDANT TO A COURT PROCEEDING, AND TO PARTICIPATE IN A CLASS ACTION.

Initials of Buyer

Initials of Seller

254
255 14. Attorneys' Fees. . In the event a suit, action, arbitration, or other proceeding of any nature whatsoever,
256 including without limitation any proceeding under the U.S. Bankruptcy Code, is instituted, or the services of an
257 attorney are retained, to interpret or enforce any provision of this Agreement or with respect to any dispute relating to
258 this Agreement, the prevailing or non-defaulting party shall be entitled to recover from the losing or defaulting party its
259 attorneys', paralegals', accountants', and other experts' fees and all other fees, costs, and expenses actually incurred
260 in connection therewith (the "Fees"). In the event of suit, action, arbitration, or other proceeding, the amount of Fees
261 shall be determined by the judge or arbitrator, shall include all costs and expenses incurred on any appeal or review,
262 and shall be in addition to all other amounts provided by law.

263
264 15. Cautionary Notice About Liens. UNDER CERTAIN CIRCUMSTANCES, A PERSON WHO
265 PERFORMS CONSTRUCTION-RELATED ACTIVITIES MAY CLAIM A LIEN UPON REAL PROPERTY AFTER A
266 SALE TO THE PURCHASER FOR A TRANSACTION OR ACTIVITY THAT OCCURRED BEFORE THE SALE. A
267 VALID CLAIM MAY BE ASSERTED AGAINST THE PROPERTY THAT YOU ARE PURCHASING EVEN IF THE
268 CIRCUMSTANCES THAT GIVE RISE TO THAT CLAIM HAPPENED BEFORE YOUR PURCHASE OF THE
269 PROPERTY. THIS INCLUDES, BUT IS NOT LIMITED TO, CIRCUMSTANCES WHERE THE OWNER OF THE
270 PROPERTY CONTRACTED WITH A PERSON OR BUSINESS TO PROVIDE LABOR, MATERIAL, EQUIPMENT
271 OR SERVICES TO THE PROPERTY AND HAS NOT PAID THE PERSONS OR BUSINESS IN FULL.

272
273 16. Brokerage Agreement. For purposes of Sections 14 and 16 of this Agreement, the Agency
274 Acknowledgement on page 1 this Agreement is incorporated into this Agreement as if fully set forth herein. Seller
275 agrees to pay a commission to Selling Firm in the amount of either: ☒ Per separate agreement with Seller percent (
276 %) of the Purchase Price or ☐ \$____. If the Earnest Money is forfeited by Buyer and retained by Seller in accordance
277 with this Agreement, in addition to any other rights the Selling Firm and Buying Firm may have, the Selling Firm and
278 the Buying Firm, together, shall be entitled to the lesser of: (i) fifty percent (50%) of the Earnest Money; or (ii) the
279 commission agreed to above, and Seller hereby assigns such amount to the Selling Firm and the Buying Firm.

280
281 17. Notices. Unless otherwise specified, any notice required or permitted in, or related to this Agreement
282 must be in writing and signed by the party to be bound. Any notice will be deemed delivered: (a) when personally
283 delivered; (b) when delivered by facsimile or electronic mail transmission (in either case, with confirmation of
284 delivery); (c) on the day of delivery of the notice by reputable overnight courier; or (d) on the day of delivery of the
285 notice by mailing by certified or registered U.S. mail, postage prepaid, return receipt requested; and in any case shall
286 be sent by the applicable party to the address of the other party shown at the beginning of this Agreement, unless
287 that day is a Saturday, Sunday, or federal or Washington State legal holiday, in which event such notice will be
288 deemed delivered on the next following business day.

289
290 18. Miscellaneous. Time is of the essence of this Agreement. If the deadline under this Agreement for
291 delivery of a notice or performance of any obligation is a Saturday, Sunday, or federal or Washington State legal
292 holiday, such deadline will be deemed extended to the next following business day. The facsimile and/or electronic
293 mail transmission of any signed document including this Agreement in accordance with Section 18 shall be the same
294 as delivery of an original. At the request of either party, the party delivering a document by facsimile and/or
295 electronic mail will confirm such transmission by signing and delivering to the other party a duplicate original
296 document. This Agreement may be executed in counterparts, each of which shall constitute an original and all of
297 which together shall constitute one and the same Agreement. This Agreement contains the entire agreement and
298 understanding of the parties with respect to the subject matter of this Agreement and supersedes all prior and
299 contemporaneous agreements between them. Without limiting the provisions of Section 12 of this Agreement, this
300 Agreement shall be binding upon and shall inure to the benefit of Buyer and Seller and their respective successors
301 and assigns. Solely with respect to Sections 14 and 16, Selling Firm and Buying Firm are third party beneficiaries of
302 this Agreement. The person signing this Agreement on behalf of Buyer and the person signing this Agreement
303 on behalf of Seller each represents, covenants and warrants that such person has full right and authority to enter into

304 this Agreement and to bind the party for whom such person signs this Agreement to its terms and provisions. Neither
305 this Agreement nor a memorandum hereof shall be recorded unless the parties otherwise agree in writing.
306

307 19. Governing Law. This Agreement is made and executed under, and in all respects shall be governed
308 and construed by, the laws of the State of Washington.
309

310 20. Residential Lead-Based Paint Disclosure. IF THE PROPERTY CONSISTS OF RESIDENTIAL
311 HOUSING BUILT PRIOR TO 1978, BUYER AND SELLER MUST COMPLETE THE LEAD-BASED PAINT
312 DISCLOSURE ADDENDUM ATTACHED HERETO AS EXHIBIT B.
313

314 21. Addenda; Exhibits. The following named addenda and exhibits are attached to this Agreement and
315 incorporated within this Agreement:

- 316 ☒ Exhibit A – Legal Description of Property **[REQUIRED]**
317 ☐ Exhibit B – Lead Paint Disclosure Addendum (if applicable)
318 ☐ Exhibit C – AS IS Exceptions (if applicable)
319 ☒ Exhibit D – Seller's Disclosure Statement
320 ☒ Exhibit E – Laws of Real Estate Agency Pamphlet
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326
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328
329
330
331

332 *[Remainder of page intentionally left blank.]*
333
334
335

22. Time for Acceptance. If Seller does not return to Buyer a signed and dated version of this Agreement on or before 5:00 PM Pacific Time on September 27, 2022, then the Earnest Money shall be promptly refunded to Buyer and thereafter, neither party shall have any further right or obligation hereunder.

23. OFAC Certification. The Federal Government, Executive Order 13224, requires that business persons of the United States not do business with any individual or entity on a list of "Specially Designated nationals and Blocked Persons" - that is, individuals and entities identified as terrorists or other types of criminals. Buyer hereinafter certifies that:

23.1 It is not acting, directly or indirectly, for or on behalf of any person, group, entity, or nation named by any Executive Order or the United States Treasury Department as a terrorist, specially designated national and/or blocked person, entity, nation, or transaction pursuant to any law, order, rule, or regulation that is enforced or administered by the Office of Foreign Assets Control; and

23.2 It has not executed this Agreement, directly or indirectly on behalf of, or instigating or facilitating this Agreement, directly or indirectly on behalf of, any such person, group, entity, or nation.

Buyer hereby agrees to defend, indemnify, and hold harmless Seller from and against any and all claims, damages, losses, risks, liabilities, and expenses (including attorney's fees and costs) arising from or related to any breach of the foregoing certification. This certification by Buyer and agreement to indemnify, hold harmless, and defend Seller shall survive Closing or any termination of this Agreement.

Buyer Signature: _____ **Date:** _____

CONSULT YOUR ATTORNEY. THIS DOCUMENT HAS BEEN PREPARED FOR SUBMISSION TO YOUR ATTORNEY FOR REVIEW AND APPROVAL PRIOR TO SIGNING. NO REPRESENTATION OR RECOMMENDATION IS MADE BY THE COMMERCIAL ASSOCIATION OF BROKERS OREGON/SW WASHINGTON OR BY THE REAL ESTATE AGENTS INVOLVED WITH THIS DOCUMENT AS TO THE LEGAL SUFFICIENCY OR TAX CONSEQUENCES OF THIS DOCUMENT.

THIS FORM SHOULD NOT BE MODIFIED WITHOUT SHOWING SUCH MODIFICATIONS BY REDLINING, INSERTION MARKS, OR ADDENDA.

Buyer City of Vancouver

By: _____

Name: Eric Holms

Title: City Manager

Date: September, 2022

Seller Acceptance. By execution of this Agreement, Seller agrees to sell the Property on the terms and conditions in this Agreement.

Seller Angelo Property Co., L.P.

By: _____

Name: Craig Angelo

Title: Managing Member/Owner

Date: September, 2022

EXHIBIT A
LEGAL DESCRIPTION OF PROPERTY

COLUMBIA HD LOTS #1 LOT 1
COLUMBIA HOMESTEAD LOTS #5 LOT 1

EXHIBIT D

INSTRUCTIONS TO THE SELLER

Please complete the following form. Do not leave any spaces blank. If the question clearly does not apply to the property write "NA." If the answer is "yes" to any * items, please explain on attached sheets. Please refer to the line number(s) of the question(s) when you provide your explanation(s). For your protection you must date and sign each page of this disclosure statement and each attachment. Delivery of the disclosure statement must occur not later than five business days, unless otherwise agreed, after mutual acceptance of a written contract to purchase between a buyer and a seller.

NOTICE TO THE BUYER

THE FOLLOWING DISCLOSURES ARE MADE BY SELLER ABOUT THE CONDITION OF THE PROPERTY LOCATED AT 521 SE CHKALOV DRIVE, VANCOUVER, WA ("THE PROPERTY"), OR AS LEGALLY DESCRIBED ON ATTACHED EXHIBIT A.

SELLER MAKES THE FOLLOWING DISCLOSURES OF EXISTING MATERIAL FACTS OR MATERIAL DEFECTS TO BUYER BASED ON SELLER'S ACTUAL KNOWLEDGE OF THE PROPERTY AT THE TIME SELLER COMPLETES THIS DISCLOSURE STATEMENT. UNLESS YOU AND SELLER OTHERWISE AGREE IN WRITING, YOU HAVE THREE BUSINESS DAYS FROM THE DAY SELLER OR SELLER'S AGENT DELIVERS THIS DISCLOSURE STATEMENT TO YOU TO RESCIND THE AGREEMENT BY DELIVERING A SEPARATELY SIGNED WRITTEN STATEMENT OF RESCISSION TO SELLER OR SELLER'S AGENT. IF THE SELLER DOES NOT GIVE YOU A COMPLETED DISCLOSURE STATEMENT, THEN YOU MAY WAIVE THE RIGHT TO RESCIND PRIOR TO OR AFTER THE TIME YOU ENTER INTO A SALE AGREEMENT.

THE FOLLOWING ARE DISCLOSURES MADE BY SELLER AND ARE NOT THE REPRESENTATIONS OF ANY REAL ESTATE LICENSEE OR OTHER PARTY. THIS INFORMATION IS FOR DISCLOSURE ONLY AND IS NOT INTENDED TO BE A PART OF ANY WRITTEN AGREEMENT BETWEEN BUYER AND SELLER.

FOR A MORE COMPREHENSIVE EXAMINATION OF THE SPECIFIC CONDITION OF THIS PROPERTY YOU ARE ADVISED TO OBTAIN AND PAY FOR THE SERVICES OF QUALIFIED EXPERTS TO INSPECT THE PROPERTY, WHICH MAY INCLUDE, WITHOUT LIMITATION, ARCHITECTS, ENGINEERS, LAND SURVEYORS, PLUMBERS, ELECTRICIANS, ROOFERS, BUILDING INSPECTORS, ON-SITE WASTEWATER TREATMENT INSPECTORS, OR STRUCTURAL PEST INSPECTORS. THE PROSPECTIVE BUYER AND SELLER MAY WISH TO OBTAIN PROFESSIONAL ADVICE OR INSPECTIONS OF THE PROPERTY OR TO PROVIDE APPROPRIATE PROVISIONS IN A CONTRACT BETWEEN THEM WITH RESPECT TO ANY ADVICE, INSPECTION, DEFECTS OR WARRANTIES.

Seller _____ is / _____ is not occupying the property.

6. ENVIRONMENTAL

☐ Yes ☐ No ☐ Don't know

*A. Have there been any flooding, standing water, or drainage problems on the property that affect the property or access to the property?

☐ Yes ☐ No ☐ Don't know

*B. Is there any material damage to the property from fire, wind, floods, beach movements, earthquake, expansive soils, or landslides?

☐ Yes ☐ No ☐ Don't know

*C. Are there any shorelines, wetlands, floodplains, or critical areas on the property?

☐ Yes ☐ No ☐ Don't know

*D. Are there any substances, materials, or products in or on the property that may be environmental concerns, such as asbestos, formaldehyde, radon gas, lead-based paint, fuel or chemical storage tanks, or contaminated soil or water?

☐ Yes ☐ No ☐ Don't know

*E. Is there any soil or groundwater contamination?

☐ Yes ☐ No ☐ Don't know

*F. Has the property been used as a legal or illegal dumping site?

☐ Yes ☐ No ☐ Don't know

*G. Has the property been used as an illegal drug manufacturing site?

DATE _____ SELLER _____ SELLER _____

NOTICE TO BUYER

INFORMATION REGARDING REGISTERED SEX OFFENDERS MAY BE OBTAINED FROM LOCAL LAW ENFORCEMENT AGENCIES. THIS NOTICE IS INTENDED ONLY TO INFORM YOU OF WHERE TO OBTAIN THIS INFORMATION AND IS NOT AN INDICATION OF THE PRESENCE OF REGISTERED SEX OFFENDERS.

II. BUYER'S ACKNOWLEDGMENT

A. Buyer hereby acknowledges that: Buyer has a duty to pay diligent attention to any material defects that are known to Buyer or can be known to Buyer by utilizing diligent attention and observation.

B. The disclosures set forth in this statement and in any amendments to this statement are made only by the Seller and not by any real estate licensee or other party.

C. Buyer acknowledges that, pursuant to RCW 64.06.050(2), real estate licensees are not liable for inaccurate information provided by Seller, except to the extent that real estate licensees know of such inaccurate information.

D. This information is for disclosure only and is not intended to be a part of the written agreement between the Buyer and Seller.

E. Buyer (which term includes all persons signing the "Buyer's acceptance" portion of this disclosure statement below) has received a copy of this Disclosure Statement (including attachments, if any) bearing Seller's signature.

DISCLOSURES CONTAINED IN THIS DISCLOSURE STATEMENT ARE PROVIDED BY SELLER BASED ON SELLER'S ACTUAL KNOWLEDGE OF THE PROPERTY AT THE TIME SELLER COMPLETES THIS DISCLOSURE STATEMENT. UNLESS BUYER AND SELLER OTHERWISE AGREE IN WRITING, BUYER SHALL HAVE THREE BUSINESS DAYS FROM THE DAY SELLER OR SELLER'S AGENT DELIVERS THIS DISCLOSURE STATEMENT TO RESCIND THE AGREEMENT BY DELIVERING A SEPARATELY SIGNED WRITTEN STATEMENT OF RESCISSION TO SELLER OR SELLER'S AGENT. YOU MAY WAIVE THE RIGHT TO RESCIND PRIOR TO OR AFTER THE TIME YOU ENTER INTO A SALE AGREEMENT.

BUYER HEREBY ACKNOWLEDGES RECEIPT OF A COPY OF THIS DISCLOSURE STATEMENT AND ACKNOWLEDGES THAT THE DISCLOSURES MADE HEREIN ARE THOSE OF THE SELLER ONLY, AND NOT OF ANY REAL ESTATE LICENSEE OR OTHER PARTY.

DATE _____ BUYER _____ BUYER _____

EXHIBIT E

THE LAW OF REAL ESTATE AGENCY

This pamphlet describes your legal rights in dealing with a real estate broker or salesperson. Please read it carefully before signing any documents.

The following is only a brief summary of the attached law:

Sec. 1. Definitions. Defines the specific terms used in the law.

Sec. 2. Relationships between Licensees and the Public. States that a licensee who works with a buyer or tenant represents that buyer or tenant - unless the licensee is the listing agent, a seller's subagent, a dual agent, the seller personally or the parties agree otherwise. Also states that in a transaction involving two different licensees affiliated with the same broker, the broker is a dual agent and each licensee solely represents his or her client - unless the parties agree in writing that both licensees are dual agents.

Sec. 3. Duties of a Licensee Generally. Prescribes the duties that are owed by all licensees, regardless of who the licensee represents. Requires disclosure of the licensee's agency relationship in a specific transaction.

Sec. 4. Duties of a Seller's Agent. Prescribes the additional duties of a licensee representing the seller or landlord only.

Sec. 5. Duties of a Buyer's Agent. Prescribes the additional duties of a licensee representing the buyer or tenant only.

Sec. 6. Duties of a Dual Agent. Prescribes the additional duties of a licensee representing both parties in the same transaction and requires the written consent of both parties to the licensee acting as a dual agent.

Sec. 7. Duration of Agency Relationship. Describes when an agency relationship begins and ends. Provides that the duties of accounting and confidentiality continue after the termination of an agency relationship.

Sec. 8. Compensation. Allows brokers to share compensation with cooperating brokers. States that payment of compensation does not necessarily establish an agency relationship. Allows brokers to receive compensation from more than one party in a transaction with the parties' consent.

Sec. 9. Vicarious Liability. Eliminates the common law liability of a party for the conduct of the party's agent or subagent, unless the agent or subagent is insolvent. Also limits the liability of a broker for the conduct of a subagent associated with a different broker.

Sec. 10. Imputed Knowledge and Notice. Eliminates the common law rule that notice to or knowledge of an agent constitutes notice to or knowledge of the principal.

Sec. 11. Interpretation. This law replaces the fiduciary duties owed by an agent to a principal under the common law, to the extent that it conflicts with the common law.

Sec. 12. Effective Date. This law generally takes effect on January 1, 1997.

Sec. 1. Definitions

As used in this act unless the context clearly requires otherwise:

- (1) "Agency relationship" means the agency relationship created under this chapter or by written agreement between a licensee and a buyer and/or seller relating to the performance of real estate brokerage services by the licensee.
- (2) "Agent" means a licensee who has entered into an agency relationship with a buyer or seller.
- (3) "Business opportunity" means and includes a business, business opportunity, and goodwill of an existing business, or any one or combination thereof.
- (4) "Buyer" means an actual or prospective purchaser in a real estate transaction, or an actual or prospective tenant in a real estate rental or lease transaction, as applicable.
- (5) "Buyer's agent" means a licensee who has entered into an agency relationship with only the buyer in a real estate transaction, and includes subagents engaged by a buyer's agent.
- (6) "Confidential information" means information from or concerning a principal of a licensee that:
 - (a) was acquired by the licensee during the course of an agency relationship with the principal;
 - (b) the principal reasonably expects to be kept confidential;
 - (c) the principal has not disclosed or authorized to be disclosed to third parties;
 - (d) would, if disclosed, operate to the detriment of the principal; and
 - (e) the principal personally would not be obligated to disclose to the other party.
- (7) "Dual agent" means a licensee who has entered into an agency relationship with both the buyer and seller in the same transaction.
- (8) "Licensee" means a real estate broker, associate real estate broker, or real estate salesperson, as those terms are defined in chapter 18.85 RCW.
- (9) "Material fact" means information that substantially adversely affects the value of the property or a party's ability to perform its obligations in a real estate transaction, or operates to materially impair or defeat the purpose of the transaction. The fact or suspicion that the property, or any neighboring property, is or was the site of a murder, suicide or other death, rape or other sex crime, assault or other violent crime, robbery or burglary, illegal drug activity, gang-related activity, political or religious activity, or other act, occurrence, or use not adversely affecting the physical condition of or title to the property is not a material fact.
- (10) "Principal" means a buyer or a seller who has entered into an agency relationship with a licensee.
- (11) "Real estate brokerage services" means the rendering of services for which a real estate license is required under chapter 18.85 RCW.
- (12) "Real estate transaction" or "transaction" means an actual or prospective transaction involving a purchase, sale, option, or exchange of any interest in real property or a business opportunity, or a lease or rental of real property. For purposes of this act, a prospective transaction does not exist until a written offer has been signed by at least one of the parties.
- (13) "Seller" means an actual or prospective seller in a real estate transaction, or an actual or prospective landlord in a real estate rental or lease transaction, as applicable.

- (14) "Seller's agent" means a licensee who has entered into an agency relationship with only the seller in a real estate transaction, and includes subagents engaged by a seller's agent.
- (15) "Subagent" means a licensee who is engaged to act on behalf of a principal by the principal's agent where the principal has authorized the agent in writing to appoint subagents.

Sec. 2. Relationships Between Licensees and the Public.

- (1) A licensee who performs real estate brokerage services for a buyer shall be deemed a buyer's agent unless:
 - (a) The licensee has entered into a written agency agreement with the seller;
 - (b) The licensee has entered into a subagency agreement with the seller's agent;
 - (c) The licensee has entered into a written agency agreement with both parties;
 - (d) The licensee is the seller or one of the sellers; or
 - (e) The parties agree otherwise in writing after the licensee has complied with section 3(1)(f).
- (2) In a transaction in which different licensees affiliated with the same broker represent different parties, the broker is a dual agent, and must obtain the written consent of both parties as required under section 6 of this act. In such a case, each licensee shall solely represent the party with whom the licensee has an agency relationship, unless all parties agree in writing that both licensees are dual agents.
- (3) A licensee may work with a party in separate transactions pursuant to different relationships, including, but not limited to, representing a party in one transaction and at the same time not representing that party in a different transaction involving that party, if the licensee complies with this act in establishing the relationships for each transaction.

Sec. 3. Duties Of A Licensee Generally.

- (1) Regardless of whether the licensee is an agent, a licensee owes to all parties to whom the licensee renders real estate brokerage services the following duties, which may not be waived:
 - (a) To exercise reasonable skill and care;
 - (b) To deal honestly and in good faith;
 - (c) To present all written offers, written notices and other written communications to and from either party in a timely manner, regardless of whether the property is subject to an existing contract for sale or the buyer is already a party to an existing contract to purchase;
 - (d) To disclose all existing material facts known by the licensee and not apparent or readily ascertainable to a party; provided that this subsection shall not be construed to imply any duty to investigate matters that the licensee has not agreed to investigate;

- (e) To account in a timely manner for all money and property received from or on behalf of either party;
 - (f) To provide a pamphlet on the law of real estate agency in the form prescribed in section 13 of this act to all parties to whom the licensee renders real estate brokerage services, before the party signs an agency agreement with the licensee, signs an offer in a real estate transaction handled by the licensee, consents to dual agency, or waives any rights, under section 2(1)(e), 4(1)(e), 5(1)(e), or 6(2)(e) or 6(2)(f) whichever is soonest; and
 - (g) To disclose in writing to all parties to whom the licensee renders real estate brokerage services, before the party signs an offer in a real estate transaction handled by the licensee, whether the licensee represents the buyer, the seller, both parties, or neither party. The disclosure shall be set forth in a separate paragraph entitled "Agency Disclosure" in the agreement between the buyer and seller or in a separate writing entitled "Agency Disclosure."
- (2) Unless otherwise agreed, a licensee owes no duty to conduct an independent inspection of the property or to conduct an independent investigation of either party's financial condition, and owes no duty to independently verify the accuracy or completeness of any statement made by either party or by any source reasonably believed by the licensee to be reliable.

Sec. 4. Duties Of A Seller's Agent.

- (1) Unless additional duties are agreed to in writing signed by a seller's agent, the duties of a seller's agent are limited to those set forth in section 3 of this act and the following, which may not be waived except as expressly set forth in (e) of this subsection:
- (a) To be loyal to the seller by taking no action that is adverse or detrimental to the seller's interest in a transaction;
 - (b) To timely disclose to the seller any conflicts of interest;
 - (c) To advise the seller to seek expert advice on matters relating to the transaction that are beyond the agent's expertise;
 - (d) Not to disclose any confidential information from or about the seller, except under subpoena or court order, even after termination of the agency relationship; and
 - (e) Unless otherwise agreed to in writing after the seller's agent has complied with section 3(1)(f), to make a good faith and continuous effort to find a buyer for the property; except that a seller's agent is not obligated to seek additional offers to purchase the property while the property is subject to an existing contract for sale.
- (2) A seller's agent may show alternative properties not owned by the seller to prospective buyers and may list competing properties for sale without breaching any duty to the seller.

Sec. 5. Duties Of A Buyer's Agent.

- (1) Unless additional duties are agreed to in writing signed by a buyer's agent, the duties of a buyer's agent are limited to those set forth in section 3 of this act and the following, which may not be waived except as expressly set forth in (e) of this subsection:
- (a) To be loyal to the buyer by taking no action that is adverse or detrimental to the buyer's interest in a transaction;
 - (b) To timely disclose to the buyer any conflicts of interest;
 - (c) To advise the buyer to seek expert advice on matters relating to the transaction that are beyond the agent's expertise;

- (d) Not to disclose any confidential information from or about the buyer, except under subpoena or court order, even after termination of the agency relationship; and
 - (e) Unless otherwise agreed to in writing after the buyer's agent has complied with section 3(1)(f), to make a good faith and continuous effort to find a property for the buyer; except that a buyer's agent is not obligated to: (i) Seek additional properties to purchase while the buyer is a party to an existing contract to purchase; or (ii) show properties as to which there is no written agreement to pay compensation to the buyer's agent.
- (2) A buyer's agent may show properties in which the buyer is interested to other prospective buyers without breaching any duty to the buyer.

Sec. 6. Duties Of A Dual Agent.

- (1) A licensee may act as a dual agent only with the written consent of both parties to the transaction after the dual agent has complied with section 3(1)(f), which consent must include a statement of the terms of compensation.
- (2) Unless additional duties are agreed to in writing signed by a dual agent, the duties of a dual agent are limited to those set forth in section 3 of this act and the following, which may not be waived except as expressly set forth in (e) and (f) of this subsection:
- (a) To take no action that is adverse or detrimental to either party's interest in a transaction;
 - (b) To timely disclose to both parties any conflicts of interest;
 - (c) To advise both parties to seek expert advice on matters relating to the transaction that are beyond the dual agent's expertise;
 - (d) Not to disclose any confidential information from or about either party, except under subpoena or court order, even after termination of the agency relationship;
 - (e) Unless otherwise agreed to in writing after the dual agent has complied with section 3(1)(f), to make a good faith and continuous effort to find a buyer for the property; except that a dual agent is not obligated to seek additional offers to purchase the property while the property is subject to an existing contract for sale; and
 - (f) Unless otherwise agreed to in writing after the dual agent has complied with section 3(1)(f), to make a good faith and continuous effort to find a property for the buyer; except that a dual agent is not obligated to: (i) seek additional properties to purchase while the buyer is a party to an existing contract to purchase; or (ii) show properties as to which there is no written agreement to pay compensation to the dual agent.
- (3) A dual agent may show alternative properties not owned by the seller to prospective buyers and may

list competing properties for sale without breaching any duty to the seller.

- (4) A dual agent may show properties in which the buyer is interested to other prospective buyers without breaching any duty to the buyer.

Sec. 7. Duration Of Agency Relationship.

- (1) The agency relationships set forth in this chapter commence at the time that the licensee undertakes to provide real estate brokerage services to a principal and continue until the earliest of the following:
 - (a) completion of performance by the licensee;
 - (b) expiration of the term agreed upon by the parties; or
 - (c) termination of the relationship by mutual agreement of the parties.
- (2) Except as otherwise agreed to in writing, a licensee owes no further duty after termination of the agency relationship, other than the duties of:
 - (a) Accounting for all monies and property received during the relationship; and
 - (b) Not disclosing confidential information.

Sec. 8. Compensation.

- (1) In any real estate transaction, the broker's compensation may be paid by the seller, the buyer, a third party, or by sharing the compensation between brokers.
- (2) An agreement to pay or payment of compensation does not establish an agency relationship between the party who paid the compensation and the licensee.
- (3) A seller may agree that a seller's agent may share with another broker the compensation paid by the seller.
- (4) A buyer may agree that a buyer's agent may share with another broker the compensation paid by the buyer.
- (5) A broker may be compensated by more than one party for real estate brokerage services in a real estate transaction, if those parties consent in writing at or before the time of signing an offer in the transaction.
- (6) A buyer's agent or dual agent may receive compensation based on the purchase price without breaching any duty to the buyer.
- (7) Nothing contained in this act shall obligate a buyer or seller to pay compensation to a licensee, unless the buyer or seller has entered into a written agreement with the licensee specifying the terms of such compensation.

Sec. 9. Vicarious Liability.

- (1) A principal is not liable for an act, error, or omission by an agent or subagent of the principal arising out of an agency relationship
 - (a) unless the principal participated in or authorized the act, error, or omission; or
 - (b) except to the extent that: (i) The principal benefited from the act, error, or omission; and (ii) the court determines that it is highly probable that the claimant would be unable to enforce a judgment against the agent or subagent.
- (2) A licensee is not liable for an act, error, or omission of a subagent under this act, unless the licensee participated in or authorized the act, error or omission. This subsection does not limit the liability of a real estate broker for an act, error, or omission by an associate real estate broker or real estate salesperson licensed to that broker.

Sec. 10. Imputed Knowledge And Notice.

- (1) Unless otherwise agreed to in writing, a principal does not have knowledge or notice of any facts known by an agent or subagent of the principal that are not actually known by the principal.
- (2) Unless otherwise agreed to in writing, a licensee does not have knowledge or notice of any facts known by a subagent that are not actually known by the licensee. This subsection does not limit the knowledge imputed to a real estate broker of any facts known by an associate real estate broker or real estate salesperson licensed to such broker.

Sec. 11. Interpretation.

This act supersedes only the duties of the parties under the common law, including fiduciary duties of an agent to a principal, to the extent inconsistent with this act. The common law continues to apply to the parties in all other respects. Nothing in this act affects the duties of a licensee while engaging in the authorized or unauthorized practice of law as determined by the courts of this state. This chapter shall be construed broadly.

Sec. 12. Effective Date.

This act shall take effect on January 1, 1997, except that this act shall not apply to an agency relationship entered into before January 1, 1997, unless the principal and agent agree in writing that this act will, as January 1, 1997, apply to such agency relationship.

COMMERCIAL ASSOCIATION OF BROKERS OREGON/SW WASHINGTON
PURCHASE AND SALE AGREEMENT AND RECEIPT FOR EARNEST MONEY
(Washington Commercial Form – Undeveloped Land)

AGENCY DISCLOSURE

This Agency Disclosure is issued pursuant to the requirements of the Revised Code of Washington (RCW 18.86.030(1)(g)), Buyer shall execute this Acknowledgment concurrent with the execution of the Agreement below and prior to delivery of that Agreement to Seller.

Pursuant to the requirements of the Revised Code of Washington (RCW 18.86.030), both Buyer and Seller acknowledge having received the LAW OF REAL ESTATE AGENCY pamphlet, and by execution below acknowledge and consent to the agency relationships in the following real estate purchase and sale transaction as follows:

(a) Seller Agent: Eric Fuller & KC Fuller of Fuller Group firm (the "Selling Firm") is the agent of (check one): ☐ Buyer exclusively; ☒ Seller exclusively; ☐ both Seller and Buyer ("Disclosed Limited Agency").

(b) Buyer Agent: ___ of ___ firm (the "Buying Firm") is the agent of (check one): ☐ Buyer exclusively; ☐ Seller exclusively; ☐ both Seller and Buyer ("Disclosed Limited Agency").

If the name of the same real estate firm appears in both Paragraphs (a) and (b) above, Buyer and Seller acknowledge that a principal broker of that real estate firm shall become the Disclosed Limited Agent for both Buyer and Seller, as more fully set forth in the Disclosed Limited Agency Agreements that have been reviewed and signed by Buyer, Seller and the named real estate agent(s).

ACKNOWLEDGED

Buyer: (print) City of Vancouver (sign) _____ Date: _____

Seller: (print) Angelo Property Co., L.P. (sign) _____ Date: _____

[No further text appears on this page.]

PURCHASE AND SALE AGREEMENT AND RECEIPT FOR EARNEST MONEY

This PURCHASE AND SALE AGREEMENT AND RECEIPT FOR EARNEST MONEY (this "Agreement") dated September 12, 2022, for reference purposes only, shall be effective on the date when this Agreement has been executed and delivered by Seller and Buyer (the "Execution Date"):

BETWEEN: Angelo Property Co., L.P. ("Seller")
Address: 400 E. Mill Plain, Suite 500, Vancouver, WA 98660, Attn: Craig Angelo
Home Phone:
Office Phone: 360-694-3343
Fax No.:
E-Mail: craig@alangelo.com

AND: City of Vancouver ("Buyer")
Address: 415 West 6th Street Vancouver, WA 98660, Attn: Eric Holmes
Home Phone:
Office Phone: 360-487-8640
Fax No.:
E-Mail: eric.holmes@cityofvancouver.us

1. Purchase and Sale.

WHEREAS, on or about March 4, 2022, Buyer notified Seller of Buyer's intent to purchase the Property (defined below). If the parties cannot enter into an agreement for the purchase and sale of the Property, then Buyer intends to exercise its power of eminent domain. Buyer, has the present ability and authority to use its power of eminent domain against the Property at the time of sale and Buyer has specific statutory authority authorizing its power of eminent domain for property under the conditions presented; and

WHEREAS, in order to avoid a condemnation action, Seller is willing to enter into an agreement for the sale of the Property to Buyer on the following terms:

1.1 Generally. In accordance with this Agreement, Buyer agrees to buy and acquire from Seller, and Seller agrees to sell to Buyer the real property and all improvements thereon generally described or located at 619 SE 116th Avenue in the City of Vancouver, County of County, Washington commonly referred to as tax lots: 114728-936, 114782-386 & 114782-388 consisting of approximately 59,372 SF of land legally described on Exhibit A, attached hereto (the "Property") (if no legal description is attached, the legal description shall be based on the legal description provided in the Preliminary Report (described in Section 5), subject to the review and approval of both parties hereto), including all of Seller's right, title and interest in and to all appurtenances and easements thereon or related thereto.

1.2 Purchase Price. The purchase price for the Property shall be One Million Five Hundred Thousand and No/100 dollars (\$1,500,000.00) (the "Purchase Price"). The Purchase Price shall be adjusted, as applicable, by the net amount of credits and debits to Seller's account at Closing (defined below) made by Escrow Holder pursuant to the terms of this Agreement. The Purchase Price shall be payable as follows:

1.2.1 Earnest Money Deposit.

(a) Within five (5) days of the Execution Date, Buyer shall deliver into Escrow (as defined herein), for the account of Buyer, \$50,000.00 as earnest money (the "Earnest Money") in the form of:

☐ Promissory note (the "Note"); ☒ Check; or ☐ Cash or other immediately available funds.

If the Earnest Money is being held by the ☐ Selling Firm ☐ Buying Firm, then the firm holding such Earnest Money shall deposit the Earnest Money in the ☒ Escrow (as hereinafter defined) ☐ Selling Firm's Client Trust Account ☐ Buying Firm's Clients' Trust Account, no later than 5:00 PM Pacific Time three (3) business days after such firm's receipt, but in no event later than the date set forth in the first sentence of this Section 1.2.1(a).

(b) If the Earnest Money is in the form of a Note, it shall be due and payable ☐ no later than 5:00 PM Pacific Time three (3) days after the Execution Date; ☐ after satisfaction or waiver by Buyer of the conditions to Buyer's obligation to purchase the Property set forth in this Agreement; or ☐ Other: _____. If the terms of the Note and this Agreement conflict, the terms of this Agreement shall govern. If the Note is not redeemed and paid in full when due, then: (i) the Note shall be delivered and endorsed to Seller (if not already in Seller's possession); (ii) Seller may collect the Earnest Money from Buyer, either pursuant to an action on the Note or an action on this Agreement; and (iii) Seller shall have no further obligations under this Agreement.

(c) The purchase and sale of the Property shall be accomplished through an escrow (the "Escrow") that Seller has established or will establish with Cascade Title 404 E 15th Street, Suite 12, Vancouver, WA 98663, Attn: Tracey Hendricksen, tracey@cascadetitleco.com, 360-695-1301 (the "Escrow Holder") within two (2) days after the Execution Date. Except as otherwise provided in this Agreement: (i) any interest earned on the Earnest Money shall be considered to be part of the Earnest Money; (ii) **the Earnest Money shall be non-refundable upon satisfaction or waiver of all Conditions as defined in Section 2.1;** and (iii) the Earnest Money shall be applied to the Purchase Price at Closing.

1.2.2 Balance of Purchase Price. Buyer shall pay the balance of the Purchase Price at Closing by ☒ cash or other immediately available funds; or ☐ Other: _____.

1.3 Section 1031 Like-Kind Exchange. Each party acknowledges that either party (as applicable, the "Exchanging Party") may elect to engage in and affect a like-kind exchange under Section 1031 of the Internal Revenue Code of 1986, as amended, involving the Property (or any legal lot thereof) (a "1031 Exchange"). The non-exchanging party with respect to a 1031 Exchange is referred to herein as the "Cooperating Party." Buyer and Seller each hereby agrees to reasonably cooperate with the other in completing each such 1031 Exchange; provided, however, that such cooperation shall be at the Exchanging Party's sole expense and shall not delay the Closing for the Property. Accordingly, the Exchanging Party may assign the Exchanging Party's rights with respect to the Property (or any legal lot thereof) to a person or entity for the purpose of consummating a 1031 Exchange ("Intermediary"), provided that such assignment does not delay the Closing for the Property (or applicable legal lot thereof), or otherwise reduce or diminish the Exchanging Party's liabilities or obligations hereunder. Such assignment by the Exchanging Party shall not release the Exchanging Party from the obligations of the Exchanging Party under this Agreement. The Cooperating Party shall not suffer any costs, expenses or liabilities for cooperating with the Exchanging Party and shall not be required to take title to the exchange property. The Exchanging Party agrees to indemnify, defend and hold the Cooperating Party harmless from any liability, damages and costs arising out of the 1031 Exchange.

2. Conditions to Purchase.

2.1 Buyer's obligation to purchase the Property is conditioned on the following:

- ☐ None;
- ☐ Within _____ days of the Execution Date, Buyer's approval of the results of (collectively, the "General Conditions"): (a) the Property inspection described in Section 3 below; (b) the document review described in Section 4 below; and (c) (describe any other condition) _____;
- ☐ Within _____ days of the Execution Date, Buyer's receipt of confirmation of satisfactory financing (the "Financing Condition");

☐ Within ___ days of the Execution Date, Buyer's receipt of permits, consents, approvals and other entitlements required for Buyer's intended development of the Property (the "Entitlement Condition"); and/or
☒ Other **___ Contingent upon City Council approval.**
The General Conditions, Financing Condition, Entitlement Condition or any other conditions noted shall be defined as "Conditions."

2.2 If, for any reason in Buyer's sole discretion, Buyer has not timely given written waiver of the Conditions set forth in Section 2.1, or stated in writing that such Conditions have been satisfied, by notice given to Seller within the time periods for such conditions set forth above, this Agreement shall be deemed automatically terminated, the Earnest Money shall be promptly returned to Buyer, any Extension Fees (defined below) shall be delivered to Seller, and thereafter, except as specifically provided to the contrary herein, neither party shall have any further right or remedy hereunder.

3. Property Inspection. Seller shall permit Buyer and its agents, at Buyer's sole expense and risk, to enter the Property at reasonable times after reasonable prior notice to Seller to conduct any and all inspections, tests, and surveys concerning hazardous materials, soils conditions, wetlands, zoning, and all other matters affecting the suitability of the Property for Buyer's intended use and/or otherwise reasonably related to the purchase of the Property including the economic feasibility of such purchase. In addition, at any time prior to Closing, Buyer may, at its sole discretion and expense: (a) commission a surveyor of Buyer's choice to prepare a survey of the Property; and (b) engage an environmental consultant of Buyer's choice to prepare a Phase I environmental site assessment of the Property and, if recommended by such consultant, obtain a Phase II environmental site assessment and perform any recommended testing. Seller shall facilitate Buyer's and its surveyor's and consultant's access to the Property and cooperate with Buyer's obtaining such survey, environmental site assessments, inspections, and permit and entitlement applications. If the transaction contemplated in this Agreement fails to close for any reason (or no reason) as a result of the act or omission of Buyer or its agents, Buyer shall promptly restore the Property to substantially the condition the Property was in prior to Buyer's performance of any inspections or work. Buyer shall indemnify, hold harmless, and defend Seller from all liens, costs, and expenses, including reasonable attorneys' fees and experts' fees, arising from or relating to Buyer's entry on and inspection of the Property. This agreement to indemnify, hold harmless, and defend Seller shall survive Closing or any termination of this Agreement.

4. Seller's Documents. Within two (2) days after the Execution Date, Seller shall deliver to Buyer or Buyer's designee, legible and complete copies of the following documents and other items relating to the ownership, operation, and maintenance of the Property to the extent now in existence and to the extent such items are or come within Seller's possession or control: Seller has no documents other than Seller's Disclosure form. Pursuant to RCW 64.06.010, Buyer waives the receipt of Seller's Property Disclosure Statement with the exception of Section 6 thereof "Environmental."

5. Title Insurance. Within seven (7) days after the Execution Date, Seller shall cause to be delivered to Buyer a preliminary title report from the title company (the "Title Company") selected by Seller (the "Preliminary Report"), showing the status of Seller's title to the Property, together with complete and legible copies of all documents shown therein as exceptions to title ("Exceptions"). Buyer shall have five (5) days after receipt of a copy of the Preliminary Report and Exceptions within which to give notice in writing to Seller of any objection to such title or to any liens or encumbrances affecting the Property. Within seven (7) days after receipt of such notice from Buyer, Seller shall give Buyer written notice of whether it is willing and able to remove the objected-to Exceptions. Without the need for objection by Buyer, Seller shall, with respect to liens and encumbrances that can be satisfied and released by the payment of money, eliminate such exceptions to title on or before Closing. Within five (5) days after receipt of such notice from Seller (the "Title Contingency Date"), Buyer shall elect whether to: (i) purchase the Property subject to those objected-to Exceptions which Seller is not willing or able to remove; or (ii) terminate this Agreement. If Buyer fails to give Seller notice of Buyer's election, then such inaction shall be deemed to be Buyer's election to terminate this Agreement. On or before the Closing Date (defined below), Seller shall

remove all Exceptions to which Buyer objects and which Seller agrees, or is deemed to have agreed, Seller is willing and able to remove. All remaining Exceptions set forth in the Preliminary Report and those Exceptions caused by or agreed to by Buyer shall be deemed "Permitted Exceptions."

6. Default; Remedies. Notwithstanding anything to the contrary contained in this Agreement, in the event Buyer fails to deposit the Earnest Money in Escrow strictly as and when contemplated under Section 1.2.1 above, Seller shall have the right at any time thereafter, but prior to Buyer's deposit of the Earnest Money to Escrow, to terminate this Agreement and all further rights and obligations hereunder by giving written notice thereof to Buyer. If the conditions, if any, to Buyer's obligation to consummate this transaction are satisfied or waived by Buyer and Buyer fails, through no fault of Seller, to close on the purchase of the Property, Seller's sole remedy shall be to retain the Earnest Money and any Extension Fees paid by Buyer. In the event Seller fails, through no fault of Buyer, to close the sale of the Property, Buyer shall be entitled to pursue any remedies available at law or in equity, including without limitation, the return of the Earnest Money and any Extension Fees paid by Buyer or the remedy of specific performance. In no event shall either party be entitled to punitive or consequential damages, if any, resulting from the other party's failure to close the sale of the Property.

7. Closing of Sale.

7.1 Buyer and Seller agree the sale of the Property shall be consummated, in Escrow, ☒ on October 31, 2022 or ☐ ____ days after the conditions set forth in Sections 2.1, 3, 4 and 5 have been satisfied or waived in writing by Buyer (the "Closing" or the "Closing Date"). The sale of the Property shall be deemed closed when the document(s) conveying title to the Property is/are delivered and recorded and the Purchase Price is disbursed to Seller.

7.2 At Closing, Buyer and Seller shall deposit with the Escrow Holder all documents and funds required to close the transaction in accordance with the terms of this Agreement. At Closing, Seller shall deliver a certification in a form provided by the Escrow Holder confirming whether Seller is or is not a "foreign person" as such term is defined by applicable law and regulations.

7.3 At Closing, Seller shall convey fee simple title to the Property to Buyer by ☒ statutory warranty deed or ☐ ____ (the "Deed"). At Closing, Seller shall cause the Title Company to deliver to Buyer a standard ALTA form owner's policy of title insurance (the "Title Policy") in the amount of the Purchase Price insuring fee simple title to the Property in Buyer subject only to the Permitted Exceptions and the standard preprinted exceptions contained in the Title Policy. Seller shall reasonably cooperate in the issuance to Buyer of an ALTA extended form policy of title insurance. Buyer shall pay any additional expense resulting from the ALTA extended coverage and any endorsements required by Buyer. The Deed will restrict the Property from being used as a jail or any other facility that houses inmates overnight for any reason.

8. Closing Costs; Prorations. Seller shall pay the premium for the Title Policy, provided, however, if Buyer elects to obtain an ALTA extended form policy of title insurance and/or any endorsements, Buyer shall pay the difference in the premium relating to such election. Seller and Buyer shall each pay one-half (1/2) of the escrow fees charged by the Escrow Holder. Any excise tax and/or transfer tax shall be paid in accordance with the local custom determined by the Title Company and applicable law. Real property taxes for the tax year of the Closing, assessments (if a Permitted Exception), personal property taxes, rents and other charges arising from existing Tenancies paid for the month of Closing, interest on assumed obligations, and utilities shall be prorated as of the Closing Date. If applicable, prepaid rents, security deposits, and other unearned refundable deposits relating to Tenancies shall be assigned and delivered to Buyer at Closing. ☒ Seller ☐ Buyer ☐ N/A shall be responsible for payment of all taxes, interest, and penalties, if any, upon removal of the Property from any special assessment or program. On any sale of the Property Buyer shall cooperate with Seller so the transaction qualifies for excise tax exemption under WAC 458-61A-206 and 1031 OR 1033 exchange in lieu of condemnation action necessary for the exemption to fulfill a fundamental public purpose .

9. Possession. Seller shall deliver exclusive possession of the Property to Buyer ☒ on the Closing Date or ☐ ____.

10. Condition of Property. Seller represents that Seller has received no written notices of violation of any laws, codes, rules, or regulations applicable to the Property ("Laws"). Seller represents that, to the best of Seller's knowledge without specific inquiry, Seller is not aware of any such violations or any concealed material defects in the Property. Unless caused by Buyer, Seller shall bear all risk of loss and damage to the Property until Closing, and Buyer shall bear such risk at and after Closing. Except for Seller's representations set forth in this Section 10 and the attached Exhibit C, Buyer shall acquire the Property "AS IS" with all faults and Buyer shall rely on the results of its own inspection and investigation in Buyer's acquisition of the Property. It shall be a condition of Buyer's Closing obligation that all of Seller's representations and warranties stated in this Agreement are materially true and correct on the Closing Date. Seller's representations and warranties stated in this Agreement shall survive Closing for one (1) year.

11. Operation of Property. Between the Execution Date and the Closing Date, Seller shall continue to operate, maintain and insure the Property consistent with Seller's current operating practices. After Buyer has satisfied or waived the conditions to Buyer's obligation to purchase the Property, and the Earnest Money is non-refundable, Seller may not, without Buyer's prior written consent, which consent shall not be unreasonably withheld, conditioned, or delayed, enter into: (a) any new leases or occupancy agreements for the Property; (b) any material amendments or modification agreements for any existing leases or occupancy agreements for the Property; or (c) any service contracts or other agreements affecting the Property that are not terminable at the Closing.

12. Assignment. Assignment of this Agreement: ☐ is PROHIBITED; ☐ is PERMITTED, without consent of Seller; ☒ is PERMITTED ONLY UPON Seller's written consent; ☐ is PERMITTED ONLY IF the assignee is an entity owned and controlled by Buyer. **Assignment is PROHIBITED, if no box is checked.** If Seller's written consent is required for assignment, such consent may be withheld in Seller's reasonable discretion. In the event of a permitted assignment, Buyer shall remain liable for all Buyer's obligations under this Agreement.

13. Arbitration. **IF AND ONLY IF THIS SECTION IS INITIALED BY EACH OF BUYER AND SELLER, THE FOLLOWING SHALL APPLY TO THIS AGREEMENT:**

ANY DISPUTE BETWEEN BUYER AND SELLER RELATED TO THIS AGREEMENT, THE PROPERTY, OR THE TRANSACTIONS CONTEMPLATED BY THIS AGREEMENT WILL BE RESOLVED BY ARBITRATION GOVERNED BY THE WASHINGTON UNIFORM ARBITRATION ACT (RCW 7.04A et seq.) AND, TO THE EXTENT NOT INCONSISTENT WITH THAT STATUTE, CONDUCTED IN ACCORDANCE WITH THE RULES OF PRACTICE AND PROCEDURE FOR THE ARBITRATION OF COMMERCIAL DISPUTES OF ARBITRATION SERVICES OF PORTLAND ("ASP"). THE ARBITRATION SHALL BE CONDUCTED IN ____, WASHINGTON AND ADMINISTERED BY ASP, WHICH WILL APPOINT A SINGLE ARBITRATOR HAVING AT LEAST FIVE (5) YEARS EXPERIENCE IN THE COMMERCIAL REAL ESTATE FIELD IN THE VANCOUVER/PORTLAND GEOGRAPHIC AREA (**IF BLANK IS NOT COMPLETED, VANCOUVER, WASHINGTON METROPOLITAN AREA**). ALL ARBITRATION HEARINGS WILL BE COMMENCED WITHIN THIRTY (30) DAYS OF THE DEMAND FOR ARBITRATION UNLESS THE ARBITRATOR, FOR SHOWING OF GOOD CAUSE, EXTENDS THE COMMENCEMENT OF SUCH HEARING. THE DECISION OF THE ARBITRATOR WILL BE BINDING ON BUYER AND SELLER, AND JUDGMENT UPON ANY ARBITRATION AWARD MAY BE ENTERED IN ANY COURT HAVING JURISDICTION. THE PARTIES ACKNOWLEDGE THAT, BY AGREEING TO ARBITRATE DISPUTES, EACH OF THEM IS WAIVING CERTAIN RIGHTS, INCLUDING ITS RIGHTS TO SEEK REMEDIES IN COURT (INCLUDING A RIGHT TO A TRIAL BY JURY), TO DISCOVERY PROCESSES THAT WOULD BE ATTENDANT TO A COURT PROCEEDING, AND TO PARTICIPATE IN A CLASS ACTION.

Initials of Buyer

Initials of Seller

255
256 14. Attorneys' Fees. . In the event a suit, action, arbitration, or other proceeding of any nature whatsoever,
257 including without limitation any proceeding under the U.S. Bankruptcy Code, is instituted, or the services of an
258 attorney are retained, to interpret or enforce any provision of this Agreement or with respect to any dispute relating to
259 this Agreement, the prevailing or non-defaulting party shall be entitled to recover from the losing or defaulting party its
260 attorneys', paralegals', accountants', and other experts' fees and all other fees, costs, and expenses actually incurred
261 in connection therewith (the "Fees"). In the event of suit, action, arbitration, or other proceeding, the amount of Fees
262 shall be determined by the judge or arbitrator, shall include all costs and expenses incurred on any appeal or review,
263 and shall be in addition to all other amounts provided by law.

264
265 15. Cautionary Notice About Liens. UNDER CERTAIN CIRCUMSTANCES, A PERSON WHO
266 PERFORMS CONSTRUCTION-RELATED ACTIVITIES MAY CLAIM A LIEN UPON REAL PROPERTY AFTER A
267 SALE TO THE PURCHASER FOR A TRANSACTION OR ACTIVITY THAT OCCURRED BEFORE THE SALE. A
268 VALID CLAIM MAY BE ASSERTED AGAINST THE PROPERTY THAT YOU ARE PURCHASING EVEN IF THE
269 CIRCUMSTANCES THAT GIVE RISE TO THAT CLAIM HAPPENED BEFORE YOUR PURCHASE OF THE
270 PROPERTY. THIS INCLUDES, BUT IS NOT LIMITED TO, CIRCUMSTANCES WHERE THE OWNER OF THE
271 PROPERTY CONTRACTED WITH A PERSON OR BUSINESS TO PROVIDE LABOR, MATERIAL, EQUIPMENT
272 OR SERVICES TO THE PROPERTY AND HAS NOT PAID THE PERSONS OR BUSINESS IN FULL.

273
274 16. Brokerage Agreement. For purposes of Sections 14 and 16 of this Agreement, the Agency
275 Acknowledgement on page 1 this Agreement is incorporated into this Agreement as if fully set forth herein. Seller
276 agrees to pay a commission to Selling Firm in the amount of either: ☒ Per separate agreement with Seller percent (
277 %) of the Purchase Price or ☐ \$____. If the Earnest Money is forfeited by Buyer and retained by Seller in accordance
278 with this Agreement, in addition to any other rights the Selling Firm and Buying Firm may have, the Selling Firm and
279 the Buying Firm, together, shall be entitled to the lesser of: (i) fifty percent (50%) of the Earnest Money; or (ii) the
280 commission agreed to above, and Seller hereby assigns such amount to the Selling Firm and the Buying Firm.

281
282 17. Notices. Unless otherwise specified, any notice required or permitted in, or related to this Agreement
283 must be in writing and signed by the party to be bound. Any notice will be deemed delivered: (a) when personally
284 delivered; (b) when delivered by facsimile or electronic mail transmission (in either case, with confirmation of
285 delivery); (c) on the day of delivery of the notice by reputable overnight courier; or (d) on the day of delivery of the
286 notice by mailing by certified or registered U.S. mail, postage prepaid, return receipt requested; and in any case shall
287 be sent by the applicable party to the address of the other party shown at the beginning of this Agreement, unless
288 that day is a Saturday, Sunday, or federal or Washington State legal holiday, in which event such notice will be
289 deemed delivered on the next following business day.

290
291 18. Miscellaneous. Time is of the essence of this Agreement. If the deadline under this Agreement for
292 delivery of a notice or performance of any obligation is a Saturday, Sunday, or federal or Washington State legal
293 holiday, such deadline will be deemed extended to the next following business day. The facsimile and/or electronic
294 mail transmission of any signed document including this Agreement in accordance with Section 18 shall be the same
295 as delivery of an original. At the request of either party, the party delivering a document by facsimile and/or
296 electronic mail will confirm such transmission by signing and delivering to the other party a duplicate original
297 document. This Agreement may be executed in counterparts, each of which shall constitute an original and all of
298 which together shall constitute one and the same Agreement. This Agreement contains the entire agreement and
299 understanding of the parties with respect to the subject matter of this Agreement and supersedes all prior and
300 contemporaneous agreements between them. Without limiting the provisions of Section 12 of this Agreement, this
301 Agreement shall be binding upon and shall inure to the benefit of Buyer and Seller and their respective successors
302 and assigns. Solely with respect to Sections 14 and 16, Selling Firm and Buying Firm are third party beneficiaries of
303 this Agreement. The person signing this Agreement on behalf of Buyer and the person signing this Agreement
304 on behalf of Seller each represents, covenants and warrants that such person has full right and authority to enter into

305 this Agreement and to bind the party for whom such person signs this Agreement to its terms and provisions. Neither
306 this Agreement nor a memorandum hereof shall be recorded unless the parties otherwise agree in writing.
307

308 19. Governing Law. This Agreement is made and executed under, and in all respects shall be governed
309 and construed by, the laws of the State of Washington.
310

311 20. Residential Lead-Based Paint Disclosure. IF THE PROPERTY CONSISTS OF RESIDENTIAL
312 HOUSING BUILT PRIOR TO 1978, BUYER AND SELLER MUST COMPLETE THE LEAD-BASED PAINT
313 DISCLOSURE ADDENDUM ATTACHED HERETO AS EXHIBIT B.
314

315 21. Addenda; Exhibits. The following named addenda and exhibits are attached to this Agreement and
316 incorporated within this Agreement:

- 317 ☒ Exhibit A – Legal Description of Property **[REQUIRED]**
318 ☐ Exhibit B – Lead Paint Disclosure Addendum (if applicable)
319 ☐ Exhibit C – AS IS Exceptions (if applicable)
320 ☒ Exhibit D – Seller's Disclosure Statement
321 ☒ Exhibit E – Laws of Real Estate Agency Pamphlet
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325
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328
329
330

331
332 *[Remainder of page intentionally left blank.]*
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22. Time for Acceptance. If Seller does not return to Buyer a signed and dated version of this Agreement on or before 5:00 PM Pacific Time on September 27, 2022, then the Earnest Money shall be promptly refunded to Buyer and thereafter, neither party shall have any further right or obligation hereunder.

23. OFAC Certification. The Federal Government, Executive Order 13224, requires that business persons of the United States not do business with any individual or entity on a list of "Specially Designated nationals and Blocked Persons" - that is, individuals and entities identified as terrorists or other types of criminals. Buyer hereinafter certifies that:

23.1 It is not acting, directly or indirectly, for or on behalf of any person, group, entity, or nation named by any Executive Order or the United States Treasury Department as a terrorist, specially designated national and/or blocked person, entity, nation, or transaction pursuant to any law, order, rule, or regulation that is enforced or administered by the Office of Foreign Assets Control; and

23.2 It has not executed this Agreement, directly or indirectly on behalf of, or instigating or facilitating this Agreement, directly or indirectly on behalf of, any such person, group, entity, or nation.

Buyer hereby agrees to defend, indemnify, and hold harmless Seller from and against any and all claims, damages, losses, risks, liabilities, and expenses (including attorney's fees and costs) arising from or related to any breach of the foregoing certification. This certification by Buyer and agreement to indemnify, hold harmless, and defend Seller shall survive Closing or any termination of this Agreement.

Buyer Signature: _____ **Date:** _____

CONSULT YOUR ATTORNEY. THIS DOCUMENT HAS BEEN PREPARED FOR SUBMISSION TO YOUR ATTORNEY FOR REVIEW AND APPROVAL PRIOR TO SIGNING. NO REPRESENTATION OR RECOMMENDATION IS MADE BY THE COMMERCIAL ASSOCIATION OF BROKERS OREGON/SW WASHINGTON OR BY THE REAL ESTATE AGENTS INVOLVED WITH THIS DOCUMENT AS TO THE LEGAL SUFFICIENCY OR TAX CONSEQUENCES OF THIS DOCUMENT.

THIS FORM SHOULD NOT BE MODIFIED WITHOUT SHOWING SUCH MODIFICATIONS BY REDLINING, INSERTION MARKS, OR ADDENDA.

Buyer City of Vancouver

By: _____

Name: Eric Holms

Title: City Manager

Date: September, 2022

Seller Acceptance. By execution of this Agreement, Seller agrees to sell the Property on the terms and conditions in this Agreement.

Seller Angelo Property Co., L.P.

By: _____

Name: Craig Angelo

Title: Managing Member/Owner

Date: September, 2022

EXHIBIT A
LEGAL DESCRIPTION OF PROPERTY

CASCADE BUSINESS CENTER LOT 1
CASCADE BUSINESS CENTER PHASE III LOT 1
CASCADE BUSINESS CENTER PHASE III LOT 2

EXHIBIT D

INSTRUCTIONS TO THE SELLER

Please complete the following form. Do not leave any spaces blank. If the question clearly does not apply to the property write "NA." If the answer is "yes" to any * items, please explain on attached sheets. Please refer to the line number(s) of the question(s) when you provide your explanation(s). For your protection you must date and sign each page of this disclosure statement and each attachment. Delivery of the disclosure statement must occur not later than five business days, unless otherwise agreed, after mutual acceptance of a written contract to purchase between a buyer and a seller.

NOTICE TO THE BUYER

THE FOLLOWING DISCLOSURES ARE MADE BY SELLER ABOUT THE CONDITION OF THE PROPERTY LOCATED AT 619 SE 116th AVENUE, VANCOUVER, WA ("THE PROPERTY"), OR AS LEGALLY DESCRIBED ON ATTACHED EXHIBIT A.

SELLER MAKES THE FOLLOWING DISCLOSURES OF EXISTING MATERIAL FACTS OR MATERIAL DEFECTS TO BUYER BASED ON SELLER'S ACTUAL KNOWLEDGE OF THE PROPERTY AT THE TIME SELLER COMPLETES THIS DISCLOSURE STATEMENT. UNLESS YOU AND SELLER OTHERWISE AGREE IN WRITING, YOU HAVE THREE BUSINESS DAYS FROM THE DAY SELLER OR SELLER'S AGENT DELIVERS THIS DISCLOSURE STATEMENT TO YOU TO RESCIND THE AGREEMENT BY DELIVERING A SEPARATELY SIGNED WRITTEN STATEMENT OF RESCISSION TO SELLER OR SELLER'S AGENT. IF THE SELLER DOES NOT GIVE YOU A COMPLETED DISCLOSURE STATEMENT, THEN YOU MAY WAIVE THE RIGHT TO RESCIND PRIOR TO OR AFTER THE TIME YOU ENTER INTO A SALE AGREEMENT.

THE FOLLOWING ARE DISCLOSURES MADE BY SELLER AND ARE NOT THE REPRESENTATIONS OF ANY REAL ESTATE LICENSEE OR OTHER PARTY. THIS INFORMATION IS FOR DISCLOSURE ONLY AND IS NOT INTENDED TO BE A PART OF ANY WRITTEN AGREEMENT BETWEEN BUYER AND SELLER.

FOR A MORE COMPREHENSIVE EXAMINATION OF THE SPECIFIC CONDITION OF THIS PROPERTY YOU ARE ADVISED TO OBTAIN AND PAY FOR THE SERVICES OF QUALIFIED EXPERTS TO INSPECT THE PROPERTY, WHICH MAY INCLUDE, WITHOUT LIMITATION, ARCHITECTS, ENGINEERS, LAND SURVEYORS, PLUMBERS, ELECTRICIANS, ROOFERS, BUILDING INSPECTORS, ON-SITE WASTEWATER TREATMENT INSPECTORS, OR STRUCTURAL PEST INSPECTORS. THE PROSPECTIVE BUYER AND SELLER MAY WISH TO OBTAIN PROFESSIONAL ADVICE OR INSPECTIONS OF THE PROPERTY OR TO PROVIDE APPROPRIATE PROVISIONS IN A CONTRACT BETWEEN THEM WITH RESPECT TO ANY ADVICE, INSPECTION, DEFECTS OR WARRANTIES.

Seller _____ is / _____ is not occupying the property.

6. ENVIRONMENTAL

☐ Yes ☐ No ☐ Don't know

*A. Have there been any flooding, standing water,

or drainage problems on the property that affect the property or access to the property?

☐ Yes ☐ No ☐ Don't know

*B. Is there any material damage to the property from fire, wind, floods, beach movements, earthquake, expansive soils, or landslides?

☐ Yes ☐ No ☐ Don't know

*C. Are there any shorelines, wetlands, floodplains, or critical areas on the property?

☐ Yes ☐ No ☐ Don't know

*D. Are there any substances, materials, or products in or on the property that may be environmental concerns, such as asbestos, formaldehyde, radon gas, lead-based paint, fuel or chemical storage tanks, or contaminated soil or water?

☐ Yes ☐ No ☐ Don't know

*E. Is there any soil or groundwater contamination?

☐ Yes ☐ No ☐ Don't know

*F. Has the property been used as a legal or illegal dumping site?

☐ Yes ☐ No ☐ Don't know

*G. Has the property been used as an illegal drug manufacturing site?

DATE _____ SELLER _____ SELLER _____

NOTICE TO BUYER

INFORMATION REGARDING REGISTERED SEX OFFENDERS MAY BE OBTAINED FROM LOCAL LAW ENFORCEMENT AGENCIES. THIS NOTICE IS INTENDED ONLY TO INFORM YOU OF WHERE TO OBTAIN THIS INFORMATION AND IS NOT AN INDICATION OF THE PRESENCE OF REGISTERED SEX OFFENDERS.

II. BUYER'S ACKNOWLEDGMENT

A. Buyer hereby acknowledges that: Buyer has a duty to pay diligent attention to any material defects that are known to Buyer or can be known to Buyer by utilizing diligent attention and observation.

B. The disclosures set forth in this statement and in any amendments to this statement are made only by the Seller and not by any real estate licensee or other party.

C. Buyer acknowledges that, pursuant to RCW 64.06.050(2), real estate licensees are not liable for inaccurate information provided by Seller, except to the extent that real estate licensees know of such inaccurate information.

D. This information is for disclosure only and is not intended to be a part of the written agreement between the Buyer and Seller.

E. Buyer (which term includes all persons signing the "Buyer's acceptance" portion of this disclosure statement below) has received a copy of this Disclosure Statement (including attachments, if any) bearing Seller's signature.

DISCLOSURES CONTAINED IN THIS DISCLOSURE STATEMENT ARE PROVIDED BY SELLER BASED ON SELLER'S ACTUAL KNOWLEDGE OF THE PROPERTY AT THE TIME SELLER COMPLETES THIS DISCLOSURE STATEMENT. UNLESS BUYER AND SELLER OTHERWISE AGREE IN WRITING, BUYER SHALL HAVE THREE BUSINESS DAYS FROM THE DAY SELLER OR SELLER'S AGENT DELIVERS THIS DISCLOSURE STATEMENT TO RESCIND THE AGREEMENT BY DELIVERING A SEPARATELY SIGNED WRITTEN STATEMENT OF RESCISSION TO SELLER OR SELLER'S AGENT. YOU MAY WAIVE THE RIGHT TO RESCIND PRIOR TO OR AFTER THE TIME YOU ENTER INTO A SALE AGREEMENT.

BUYER HEREBY ACKNOWLEDGES RECEIPT OF A COPY OF THIS DISCLOSURE STATEMENT AND ACKNOWLEDGES THAT THE DISCLOSURES MADE HEREIN ARE THOSE OF THE SELLER ONLY, AND NOT OF ANY REAL ESTATE LICENSEE OR OTHER PARTY.

DATE _____ BUYER _____ BUYER _____

EXHIBIT E

THE LAW OF REAL ESTATE AGENCY

This pamphlet describes your legal rights in dealing with a real estate broker or salesperson. Please read it carefully before signing any documents.

The following is only a brief summary of the attached law:

Sec. 1. Definitions. Defines the specific terms used in the law.

Sec. 2. Relationships between Licensees and the Public. States that a licensee who works with a buyer or tenant represents that buyer or tenant - unless the licensee is the listing agent, a seller's subagent, a dual agent, the seller personally or the parties agree otherwise. Also states that in a transaction involving two different licensees affiliated with the same broker, the broker is a dual agent and each licensee solely represents his or her client - unless the parties agree in writing that both licensees are dual agents.

Sec. 3. Duties of a Licensee Generally. Prescribes the duties that are owed by all licensees, regardless of who the licensee represents. Requires disclosure of the licensee's agency relationship in a specific transaction.

Sec. 4. Duties of a Seller's Agent. Prescribes the additional duties of a licensee representing the seller or landlord only.

Sec. 5. Duties of a Buyer's Agent. Prescribes the additional duties of a licensee representing the buyer or tenant only.

Sec. 6. Duties of a Dual Agent. Prescribes the additional duties of a licensee representing both parties in the same transaction and requires the written consent of both parties to the licensee acting as a dual agent.

Sec. 7. Duration of Agency Relationship. Describes when an agency relationship begins and ends. Provides that the duties of accounting and confidentiality continue after the termination of an agency relationship.

Sec. 8. Compensation. Allows brokers to share compensation with cooperating brokers. States that payment of compensation does not necessarily establish an agency relationship. Allows brokers to receive compensation from more than one party in a transaction with the parties' consent.

Sec. 9. Vicarious Liability. Eliminates the common law liability of a party for the conduct of the party's agent or subagent, unless the agent or subagent is insolvent. Also limits the liability of a broker for the conduct of a subagent associated with a different broker.

Sec. 10. Imputed Knowledge and Notice. Eliminates the common law rule that notice to or knowledge of an agent constitutes notice to or knowledge of the principal.

Sec. 11. Interpretation. This law replaces the fiduciary duties owed by an agent to a principal under the common law, to the extent that it conflicts with the common law.

Sec. 12. Effective Date. This law generally takes effect on January 1, 1997.

Sec. 1. Definitions

As used in this act unless the context clearly requires otherwise:

- (1) "Agency relationship" means the agency relationship created under this chapter or by written agreement between a licensee and a buyer and/or seller relating to the performance of real estate brokerage services by the licensee.
- (2) "Agent" means a licensee who has entered into an agency relationship with a buyer or seller.
- (3) "Business opportunity" means and includes a business, business opportunity, and goodwill of an existing business, or any one or combination thereof.
- (4) "Buyer" means an actual or prospective purchaser in a real estate transaction, or an actual or prospective tenant in a real estate rental or lease transaction, as applicable.
- (5) "Buyer's agent" means a licensee who has entered into an agency relationship with only the buyer in a real estate transaction, and includes subagents engaged by a buyer's agent.
- (6) "Confidential information" means information from or concerning a principal of a licensee that:
 - (a) was acquired by the licensee during the course of an agency relationship with the principal;
 - (b) the principal reasonably expects to be kept confidential;
 - (c) the principal has not disclosed or authorized to be disclosed to third parties;
 - (d) would, if disclosed, operate to the detriment of the principal; and
 - (e) the principal personally would not be obligated to disclose to the other party.
- (7) "Dual agent" means a licensee who has entered into an agency relationship with both the buyer and seller in the same transaction.
- (8) "Licensee" means a real estate broker, associate real estate broker, or real estate salesperson, as those terms are defined in chapter 18.85 RCW.
- (9) "Material fact" means information that substantially adversely affects the value of the property or a party's ability to perform its obligations in a real estate transaction, or operates to materially impair or defeat the purpose of the transaction. The fact or suspicion that the property, or any neighboring property, is or was the site of a murder, suicide or other death, rape or other sex crime, assault or other violent crime, robbery or burglary, illegal drug activity, gang-related activity, political or religious activity, or other act, occurrence, or use not adversely affecting the physical condition of or title to the property is not a material fact.
- (10) "Principal" means a buyer or a seller who has entered into an agency relationship with a licensee.
- (11) "Real estate brokerage services" means the rendering of services for which a real estate license is required under chapter 18.85 RCW.
- (12) "Real estate transaction" or "transaction" means an actual or prospective transaction involving a purchase, sale, option, or exchange of any interest in real property or a business opportunity, or a lease or rental of real property. For purposes of this act, a prospective transaction does not exist until a written offer has been signed by at least one of the parties.
- (13) "Seller" means an actual or prospective seller in a real estate transaction, or an actual or prospective landlord in a real estate rental or lease transaction, as applicable.

- (14) "Seller's agent" means a licensee who has entered into an agency relationship with only the seller in a real estate transaction, and includes subagents engaged by a seller's agent.
- (15) "Subagent" means a licensee who is engaged to act on behalf of a principal by the principal's agent where the principal has authorized the agent in writing to appoint subagents.

Sec. 2. Relationships Between Licensees and the Public.

- (1) A licensee who performs real estate brokerage services for a buyer shall be deemed a buyer's agent unless:
 - (a) The licensee has entered into a written agency agreement with the seller;
 - (b) The licensee has entered into a subagency agreement with the seller's agent;
 - (c) The licensee has entered into a written agency agreement with both parties;
 - (d) The licensee is the seller or one of the sellers; or
 - (e) The parties agree otherwise in writing after the licensee has complied with section 3(1)(f).
- (2) In a transaction in which different licensees affiliated with the same broker represent different parties, the broker is a dual agent, and must obtain the written consent of both parties as required under section 6 of this act. In such a case, each licensee shall solely represent the party with whom the licensee has an agency relationship, unless all parties agree in writing that both licensees are dual agents.
- (3) A licensee may work with a party in separate transactions pursuant to different relationships, including, but not limited to, representing a party in one transaction and at the same time not representing that party in a different transaction involving that party, if the licensee complies with this act in establishing the relationships for each transaction.

Sec. 3. Duties Of A Licensee Generally.

- (1) Regardless of whether the licensee is an agent, a licensee owes to all parties to whom the licensee renders real estate brokerage services the following duties, which may not be waived:
 - (a) To exercise reasonable skill and care;
 - (b) To deal honestly and in good faith;
 - (c) To present all written offers, written notices and other written communications to and from either party in a timely manner, regardless of whether the property is subject to an existing contract for sale or the buyer is already a party to an existing contract to purchase;
 - (d) To disclose all existing material facts known by the licensee and not apparent or readily ascertainable to a party; provided that this subsection shall not be construed to imply any duty to investigate matters that the licensee has not agreed to investigate;

- (e) To account in a timely manner for all money and property received from or on behalf of either party;
 - (f) To provide a pamphlet on the law of real estate agency in the form prescribed in section 13 of this act to all parties to whom the licensee renders real estate brokerage services, before the party signs an agency agreement with the licensee, signs an offer in a real estate transaction handled by the licensee, consents to dual agency, or waives any rights, under section 2(1)(e), 4(1)(e), 5(1)(e), or 6(2)(e) or 6(2)(f) whichever is soonest; and
 - (g) To disclose in writing to all parties to whom the licensee renders real estate brokerage services, before the party signs an offer in a real estate transaction handled by the licensee, whether the licensee represents the buyer, the seller, both parties, or neither party. The disclosure shall be set forth in a separate paragraph entitled "Agency Disclosure" in the agreement between the buyer and seller or in a separate writing entitled "Agency Disclosure."
- (2) Unless otherwise agreed, a licensee owes no duty to conduct an independent inspection of the property or to conduct an independent investigation of either party's financial condition, and owes no duty to independently verify the accuracy or completeness of any statement made by either party or by any source reasonably believed by the licensee to be reliable.

Sec. 4. Duties Of A Seller's Agent.

- (1) Unless additional duties are agreed to in writing signed by a seller's agent, the duties of a seller's agent are limited to those set forth in section 3 of this act and the following, which may not be waived except as expressly set forth in (e) of this subsection:
- (a) To be loyal to the seller by taking no action that is adverse or detrimental to the seller's interest in a transaction;
 - (b) To timely disclose to the seller any conflicts of interest;
 - (c) To advise the seller to seek expert advice on matters relating to the transaction that are beyond the agent's expertise;
 - (d) Not to disclose any confidential information from or about the seller, except under subpoena or court order, even after termination of the agency relationship; and
 - (e) Unless otherwise agreed to in writing after the seller's agent has complied with section 3(1)(f), to make a good faith and continuous effort to find a buyer for the property; except that a seller's agent is not obligated to seek additional offers to purchase the property while the property is subject to an existing contract for sale.
- (2) A seller's agent may show alternative properties not owned by the seller to prospective buyers and may list competing properties for sale without breaching any duty to the seller.

Sec. 5. Duties Of A Buyer's Agent.

- (1) Unless additional duties are agreed to in writing signed by a buyer's agent, the duties of a buyer's agent are limited to those set forth in section 3 of this act and the following, which may not be waived except as expressly set forth in (e) of this subsection:
- (a) To be loyal to the buyer by taking no action that is adverse or detrimental to the buyer's interest in a transaction;
 - (b) To timely disclose to the buyer any conflicts of interest;
 - (c) To advise the buyer to seek expert advice on matters relating to the transaction that are beyond the agent's expertise;

- (d) Not to disclose any confidential information from or about the buyer, except under subpoena or court order, even after termination of the agency relationship; and
 - (e) Unless otherwise agreed to in writing after the buyer's agent has complied with section 3(1)(f), to make a good faith and continuous effort to find a property for the buyer; except that a buyer's agent is not obligated to: (i) Seek additional properties to purchase while the buyer is a party to an existing contract to purchase; or (ii) show properties as to which there is no written agreement to pay compensation to the buyer's agent.
- (2) A buyer's agent may show properties in which the buyer is interested to other prospective buyers without breaching any duty to the buyer.

Sec. 6. Duties Of A Dual Agent.

- (1) A licensee may act as a dual agent only with the written consent of both parties to the transaction after the dual agent has complied with section 3(1)(f), which consent must include a statement of the terms of compensation.
- (2) Unless additional duties are agreed to in writing signed by a dual agent, the duties of a dual agent are limited to those set forth in section 3 of this act and the following, which may not be waived except as expressly set forth in (e) and (f) of this subsection:
- (a) To take no action that is adverse or detrimental to either party's interest in a transaction;
 - (b) To timely disclose to both parties any conflicts of interest;
 - (c) To advise both parties to seek expert advice on matters relating to the transaction that are beyond the dual agent's expertise;
 - (d) Not to disclose any confidential information from or about either party, except under subpoena or court order, even after termination of the agency relationship;
 - (e) Unless otherwise agreed to in writing after the dual agent has complied with section 3(1)(f), to make a good faith and continuous effort to find a buyer for the property; except that a dual agent is not obligated to seek additional offers to purchase the property while the property is subject to an existing contract for sale; and
 - (f) Unless otherwise agreed to in writing after the dual agent has complied with section 3(1)(f), to make a good faith and continuous effort to find a property for the buyer; except that a dual agent is not obligated to: (i) seek additional properties to purchase while the buyer is a party to an existing contract to purchase; or (ii) show properties as to which there is no written agreement to pay compensation to the dual agent.
- (3) A dual agent may show alternative properties not owned by the seller to prospective buyers and may

list competing properties for sale without breaching any duty to the seller.

- (4) A dual agent may show properties in which the buyer is interested to other prospective buyers without breaching any duty to the buyer.

Sec. 7. Duration Of Agency Relationship.

- (1) The agency relationships set forth in this chapter commence at the time that the licensee undertakes to provide real estate brokerage services to a principal and continue until the earliest of the following:
 - (a) completion of performance by the licensee;
 - (b) expiration of the term agreed upon by the parties; or
 - (c) termination of the relationship by mutual agreement of the parties.
- (2) Except as otherwise agreed to in writing, a licensee owes no further duty after termination of the agency relationship, other than the duties of:
 - (a) Accounting for all monies and property received during the relationship; and
 - (b) Not disclosing confidential information.

Sec. 8. Compensation.

- (1) In any real estate transaction, the broker's compensation may be paid by the seller, the buyer, a third party, or by sharing the compensation between brokers.
- (2) An agreement to pay or payment of compensation does not establish an agency relationship between the party who paid the compensation and the licensee.
- (3) A seller may agree that a seller's agent may share with another broker the compensation paid by the seller.
- (4) A buyer may agree that a buyer's agent may share with another broker the compensation paid by the buyer.
- (5) A broker may be compensated by more than one party for real estate brokerage services in a real estate transaction, if those parties consent in writing at or before the time of signing an offer in the transaction.
- (6) A buyer's agent or dual agent may receive compensation based on the purchase price without breaching any duty to the buyer.
- (7) Nothing contained in this act shall obligate a buyer or seller to pay compensation to a licensee, unless the buyer or seller has entered into a written agreement with the licensee specifying the terms of such compensation.

Sec. 9. Vicarious Liability.

- (1) A principal is not liable for an act, error, or omission by an agent or subagent of the principal arising out of an agency relationship
 - (a) unless the principal participated in or authorized the act, error, or omission; or
 - (b) except to the extent that: (i) The principal benefited from the act, error, or omission; and (ii) the court determines that it is highly probable that the claimant would be unable to enforce a judgment against the agent or subagent.
- (2) A licensee is not liable for an act, error, or omission of a subagent under this act, unless the licensee participated in or authorized the act, error or omission. This subsection does not limit the liability of a real estate broker for an act, error, or omission by an associate real estate broker or real estate salesperson licensed to that broker.

Sec. 10. Imputed Knowledge And Notice.

- (1) Unless otherwise agreed to in writing, a principal does not have knowledge or notice of any facts known by an agent or subagent of the principal that are not actually known by the principal.
- (2) Unless otherwise agreed to in writing, a licensee does not have knowledge or notice of any facts known by a subagent that are not actually known by the licensee. This subsection does not limit the knowledge imputed to a real estate broker of any facts known by an associate real estate broker or real estate salesperson licensed to such broker.

Sec. 11. Interpretation.

This act supersedes only the duties of the parties under the common law, including fiduciary duties of an agent to a principal, to the extent inconsistent with this act. The common law continues to apply to the parties in all other respects. Nothing in this act affects the duties of a licensee while engaging in the authorized or unauthorized practice of law as determined by the courts of this state. This chapter shall be construed broadly.

Sec. 12. Effective Date.

This act shall take effect on January 1, 1997, except that this act shall not apply to an agency relationship entered into before January 1, 1997, unless the principal and agent agree in writing that this act will, as January 1, 1997, apply to such agency relationship.



Staff Report: 131-22

TO: Mayor and City Council

FROM: Eric Holmes, City Manager

DATE: 9/26/2022

SUBJECT Complete Streets - SE 34th Street Safety and Mobility Project

Key Points

- 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 mode of travel.
- The 34th Street Safety and Mobility Project is part of the Complete Streets Program to improve safety and mobility for all users in the corridor from SE 164th to SE 192nd Avenues.
- Based on Council feedback and direction at the workshop, staff recommend proceeding with design and outreach related to repurposing a travel lane in each direction to improve safety and mobility in the corridor, while continuing to identify and provide information as needed to support upcoming community, Council and Transportation and Mobility Commission.

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

In November 2021 the City kicked off the SE 34th Street Safety and Mobility Project to analyze options for increasing multimodal access, safety and connectivity for all roadway

users on SE 34th Street between 162nd and 192nd avenues. Today, SE 34th Street is a four-lane roadway that prioritizes auto travel. Between SE 192nd and SE 164th Avenues, there are no facilities for people biking. West of SE 164th Avenue, there is an on-street mobility lane in the westbound direction that connects people biking to SE 162nd Avenue, but eastbound bicyclists must use the vehicle travel lane. Sidewalks on both sides of the corridor provide space for people walking; however, sidewalks are located next to vehicle lanes where nearly 55 percent of drivers are going between 36 and 45 miles per hour (mph). This section of SE 34th Street also represents a large gap in the City's major east-west multi-modal corridor. Implementing complete streets facilities in this section will close this gap and better connect Downtown Vancouver to the eastside of the City.

The project is evaluating repurposing a travel lane in each direction to add dedicated space for people walking, biking, and using mobility devices, and other safety improvements for all users, including drivers.

In addition to the Complete Streets policy goals, several corridor specific goals have been identified for the SE 34th Street Project and are being used to align potential changes to the corridor with desired outcomes. The specific goals for the project are:

1. Improve comfort and mobility for all users, regardless of how they choose to travel
2. Prioritize safety for all users
3. Make improvements quickly and efficiently

Analysis Summary

To understand how repurposing a travel lane would change conditions for people driving on SE 34th Street, a traffic analysis has been completed for near-term (2022), mid-term (2027), and long-term (2040) scenarios. Traffic analysis findings indicate that under the near-term and mid-term scenarios, the project goals can be achieved without substantially increasing travel time or delay experienced by people driving. Under the long-term scenario, improvements may be needed at SE 164th and SE 192nd Avenues to maintain continued safety at those intersections.

Community Engagement Summary

There will be three main touchpoints to understand the community's use and concerns on SE 34th Street. In May 2022 and early September 2022, postcards and yard signs reached 10,000 households to learn about the project on Be Head Vancouver, take two surveys (on their use of the corridor and on safety design elements), and provide an opportunity for community members to share safety concerns. There will also be three focus groups in late September 2022 with neighborhood associations, schools, and developers to share about and hear their feedback on the project. The project team also attended community events like the Vancouver Farmers Market and Multicultural Resource Fair to share about the project and hear safety concerns on the corridor from the community.

Based on these findings, the project team proposes a design that will achieve the project goals of enhancing safety and mobility for all users while minimizing the increase in delay experienced by drivers where possible. The proposed design would provide one vehicle travel lane and a mobility lane with a buffer separating the two lanes in each direction.

Advantage(s)

Increasing safety and mobility for all users supports Council's priorities of safety, climate and equity.

The SE 34th Street Project is part of the Complete Streets Program, aligning with the Complete Streets Policy, that was adopted by Council in 2017.

Disadvantage(s)

None

Budget Impact

None. The planning, design, and implementation costs have been anticipated and are included in the Transportation Planning, Pavement Management and Capital Fund budgets.

Prior Council Review

August 15, 2022 Workshop: Council learned about the project, analysis, engagement, and proposed design elements.

Action Requested

Approve the resolution confirming the approach to proceed with design and outreach related to repurposing a travel lane on SE 34th St to increase safety and mobility for all users.

Emily Benoit, Senior Transportation Planner, 360-487-7944

ATTACHMENTS:

- ▢ Resolution: Council Resolution for 34th Street Project
- ▢ Memo: Complete Streets - SE 34th Street Safety and Mobility Project (August 2022)
- ▢ Presentation: Complete Streets - SE 34th Street Safety and Mobility Project (August 2022)
- ▢ Complete Streets Resolution Memo (December 2021)
- ▢ Complete Streets Resolution Staff Report (December 2021)
- ▢ Complete Streets Resolution M-4160 (December 2021)

09/26/2022

RESOLUTION NO. _____

A RESOLUTION defining the Complete Streets process for analyzing opportunities to improve safety, equity, and mobility in coordination with upcoming pavement work on SE 34th Street, between 162nd and 192nd avenues.

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;

WHEREAS, the City leverages upcoming pavement projects as opportunities to implement improvements that advance safety, equity, and mobility for all users of the transportation system;

WHEREAS, the Project team is conducting ongoing community engagement and held two online open houses in June 2022 and September 2022, hosted two online community surveys with one about the project and how the community uses the corridor and a second on the proposed

design elements, twice posted yard signs and sent mailers to about 10,000 households along the project corridor, attended community events like the Multicultural Resource Fair and held two community conversations in Fall 2022 with stakeholders including neighborhood associations, local schools, and developers to understand community concerns and determine additional needs tied to the project area;

WHEREAS, the Project team heard concerns from the community related to safety, potential changes to drive time, changes to neighborhood character, and economic, environmental and equity impacts;

WHEREAS, a crash analysis of the corridor found that there were 86 collisions during the five-year analysis period and three crashes involving vulnerable road users;

WHEREAS, a traffic analysis was conducted to identify potential congestion impacts when providing capacity for mobility lanes, including the repurposing of a vehicle travel lane, and found there is adequate capacity to repurpose a lane with minimal change in the present-and medium-term scenarios for people driving, and found increased delay in the long-term scenario for people driving under both the existing no-change scenario and the reconfigured lane scenario;

WHEREAS, the design alternatives that include added space for mobility lanes extend the City's major east-west mobility corridor to the eastern City limits, and increase safety and access for those walking, bicycling, using mobility devices or taking transit;

WHEREAS, the design alternatives that repurpose a travel lane do not substantially add to driver delays in the near- and mid-term, and will slow speeds to create a significantly safer travel environment for all users;

WHEREAS, investment in complete streets that allow safe and equitable access to transportation choices address inequities through improved access to jobs, education, services and commercial and open space amenities;

WHEREAS, investment in complete streets that make it easier, more comfortable and safer for community members to make non-motorized trip choices, in alignment with City climate goals to achieve net zero carbon emissions by 2040, of which transportation is the largest current contributor;

WHEREAS, City Council has identified a chartering process to review and endorse Complete Street project milestones at inflections points that include a review of the planning process, community engagement, and design concept alternatives;

NOW, THEREFORE,

BE IT RESOLVED BY THE CITY OF VANCOUVER:

- The SE 34th Street Safety and Mobility Project (“The Project”) shall continue to refine design alternatives that include roadway reconfigurations, including repurposing a travel lane for the purpose of improving safety and mobility for all users.
- The Project shall refine designs that incorporate safety enhancements that reflect that Council policies priorities of safety, equity, and inclusion, incorporate stakeholder engagement, and support mobility for users of all ages and abilities regardless of their mode of travel.
- The Project Team shall continue to provide clear, transparent communication with the public, and an inclusive outreach process that

focuses on involving historically excluded and underserved community members, as well as residents, businesses, neighborhood associations, community organizations, agency partners, the Transportation and Mobility Commission, and other stakeholders.

ADOPTED at a Regular Meeting of the Vancouver City Council this 26th day of September, 2021.

Anne McEnery-Ogle, Mayor

Attest:

Natasha Ramras, City Clerk

Approved as to form:

Jonathan Young, City Attorney

DATE: August 15, 2022

TO: Mayor and City Council

CC: Eric Holmes, City Manager

FROM: Emily Benoit, Community Development

RE: **Complete Streets - SE 34th Street Safety and Mobility Project**

The focus of the Complete Streets Workshop is the SE 34th Street Safety and Mobility Project. As part of Vancouver Moves, the City's ongoing Complete Streets Program, the SE 34th Street Safety and Mobility Project is evaluating potential changes to improve safety and mobility in this corridor, between SE 162nd and SE 192nd Avenues. The project is evaluating repurposing a travel lane in each direction to add dedicated space for people walking, biking, and using mobility-devices, and other safety improvements for all users, including drivers.

In addition to the Complete Streets policy goals, several corridor specific goals have been identified for the SE 34th Street project and are being used to align potential changes to the corridor with desired outcomes. The specific goals for the project are:

- 1. Improve comfort and mobility for all users, regardless of how they choose to travel**
- 2. Prioritize safety for all users**
- 3. Make improvements quickly and efficiently**

Today, SE 34th Street is a four-lane roadway that prioritizes auto travel. Between SE 192nd and SE 164th Avenues, there are no facilities for people biking. West of SE 164th Avenue, there is an on-street mobility lane in the westbound direction that connects people biking to SE 162nd Avenue, but eastbound bicyclists must use the vehicle travel lane. Sidewalks on both sides of the corridor provide space for people walking; however, sidewalks are located next to vehicle lanes where nearly 55 percent of drivers are going between 36 and 45 miles per hour (mph). To identify locations where a high number of collisions occur and where additional design features may lower collision rates, the project team analyzed six years of collision data in the corridor. Key findings from that analysis include:

- 77% of all collisions occurred at intersections
- 60% of all collisions occurred at the SE 164th and SE 192nd Avenue intersections
- Three of the four collisions involving a bicycle or pedestrian involved a car that was turning

The first of two touchpoints with the community began in May 2022 on Be Heard Vancouver. This touchpoint provides an overview of the project and an opportunity for community members to identify safety issues and share concerns in an online survey and with open ended comments. As of late-July, over 500 responses had been received. Responses to the community survey indicate that top priorities for community members traveling along or across SE 34th Street include getting places safely and quickly and preserving the environment.

One barrier to walking and biking on SE 34th Street today, shared by many community members, is the vehicle travel speeds. Community members shared that the lack of separation between existing sidewalks and the travel lanes paired with high vehicle speeds make it uncomfortable to walk on the corridor. Community members also shared concern about the number of vehicles that use SE 34th Street today and how planned growth along with repurposing a travel lane may impact travel time.

To understand how repurposing a travel lane would change conditions for people driving on SE 34th Street, a traffic analysis has been completed for existing (2022), mid-term (2027), and long-term (2040) scenarios. Traffic analysis findings indicate that under the near-term and mid-term scenarios, the project goals can be achieved without substantially increasing travel time or delay experienced by people driving. Under the long-term scenario, improvements may be needed at SE 164th and SE 192nd Avenues to maintain continued safety at those intersections.

Based on these findings, the project team has developed a proposed design that will achieve the project goals of enhancing safety and mobility for all users while minimizing the increase in delay experienced by drivers where possible. The proposed design would provide one vehicle travel lane and a mobility lane with a buffer separating the two lanes. To enhance safety and access to transit, additional design features include:

- Installing a vertical barrier to provide physical separation between the mobility lanes and vehicle lanes.
- Installing high-visibility crosswalks to make pedestrians more visible and drivers more likely to stop for pedestrians.
- Constructing a HAWK Beacon at SE 162nd Avenue to allow people to cross safely.
- Installing modular bus platforms to maintain ADA access to buses and minimize potential conflicts between buses and people traveling in the mobility lanes.

Next steps to meet the project timeline include:

- August 2022 – Refine Project Design
- September 2022 - Gather Community Feedback on Project Design
- October 2022– Conclude Safety and Mobility Study
- Summer 2023 – Planned Pavement Treatment Inclusive of Project Design Elements

Staff Contact:

Emily Benoit, Senior Transportation Planner

Emily.Benoit@cityofvancouver.us | 360-487-7944

SE 34th Street Safety & Mobility Project

VANCOUVER
CITY HALL



August 15, 2022

Vancouver City Council Workshop

Emily Benoit, Senior Transportation Planner,
Community Development

Kara Hall, Associate, Fehr & Peers

Presentation Overview

- Project Background & Context
- Community Engagement
- Technical Findings
- Proposed Design
- Next Steps

Presentation Purpose & Target Outcomes

Purpose:

- Overview of project, community engagement, and work completed to date
- Overview of next steps, anticipated deliverables
- Council comments/feedback and confirmation on approach

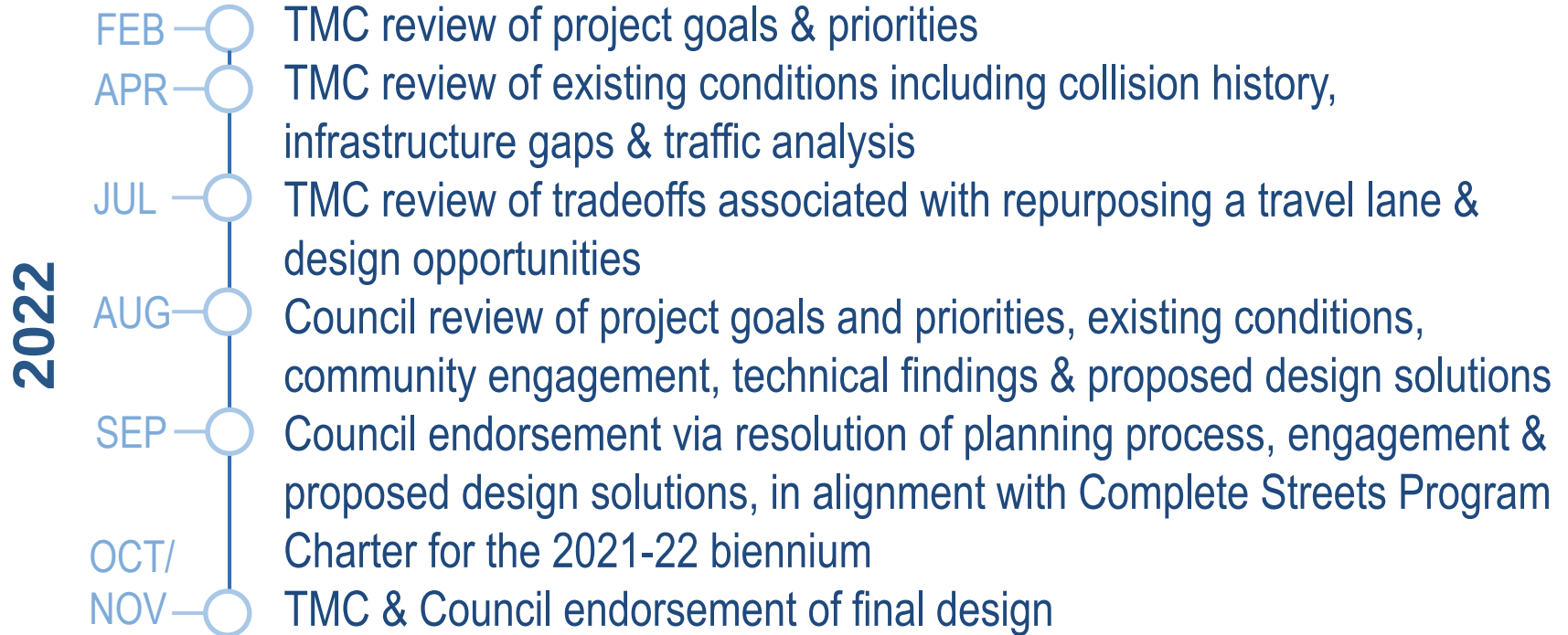
Target Outcomes:

- Clear Council direction on whether to proceed with design and outreach related to repurposing a lane
- Identify additional information needed to support upcoming discussions

Project Development Process



TMC Council and Review Process



Project Purpose



SE 34th Street will be repaved in 2023. The project provides an opportunity to evaluate potential changes to the street to improve safety, mobility, and accessibility.



Project Scope

1. Complete traffic analysis
2. Conduct a comprehensive public outreach process
3. Develop design and improvements



Complete Streets Goal

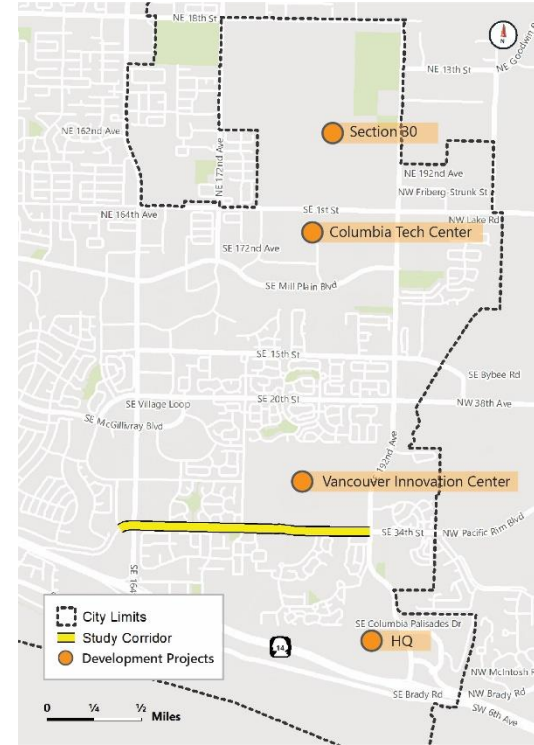
Complete a public outreach and design process to improve safety, mobility, and equity on the SE 34th Street corridor in preparation for the 2023 pavement project.

SE 34th Street Safety and Mobility Project - 6



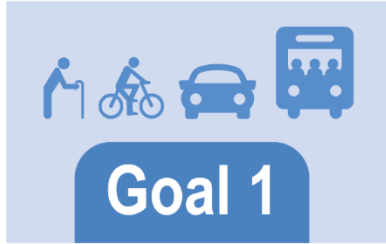
Project Location & Planned Development

The SE 34th Street Safety & Mobility Project will provide a key east-west mobility corridor in an area of the City where development continues to occur.



SE 34th Street Safety and Mobility Project - 8

Project Goals



Improve comfort and mobility for all users



Prioritize safety for all users



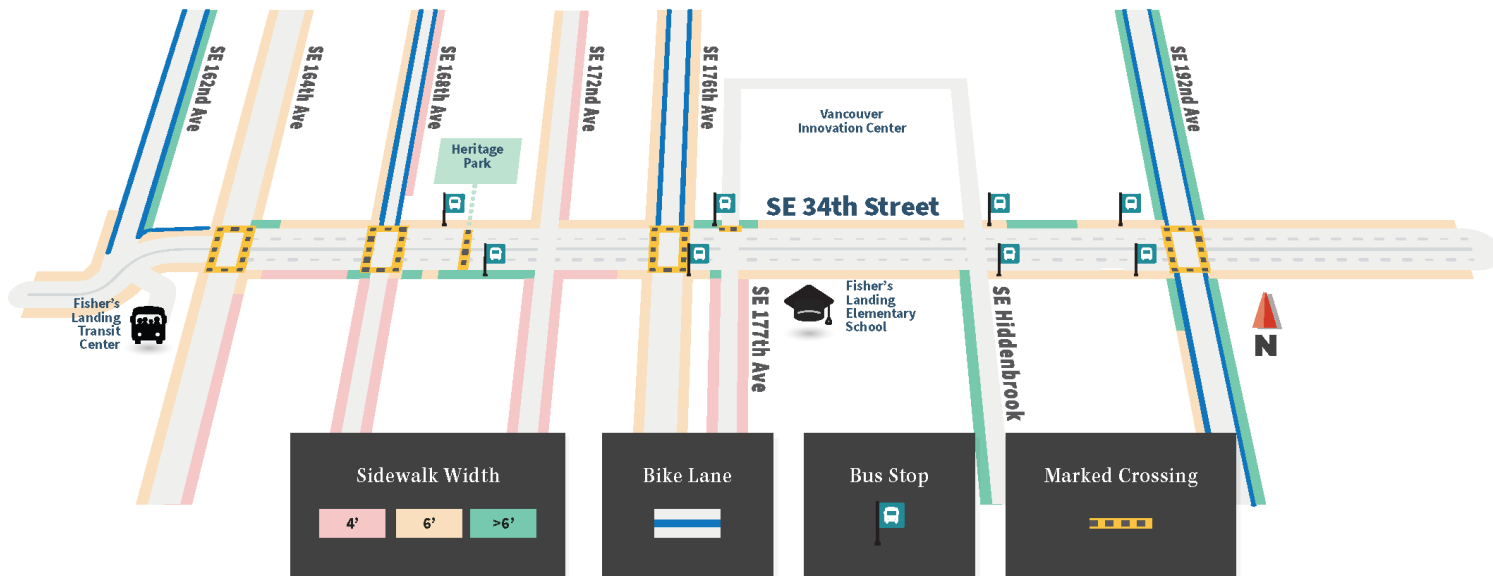
Facilitate near-term implementation

Today, SE 34th Street...

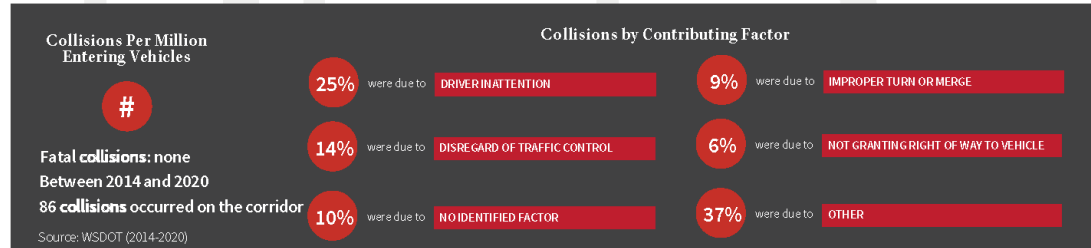
- Is a four-lane roadway that prioritizes auto travel
- Has sidewalks that vary in width
- Does not have dedicated space for people biking or using micromobility devices
- Has four transit stops served by C-TRAN Route 37



Existing Infrastructure



Collision Rates



Community Engagement Process



TOUCHPOINT #1

Timeline	June 2022
Event	BeHeard Online Open House
Goal	Share project overview & changes being considered
Outcome	Understand community concerns



TOUCHPOINT #2

Timeline	September 2022
Event	BeHeard Online Open House Stakeholder Listening Sessions
Goal	Share analytical findings & design changes
Outcome	Understand community concerns & determine additional needs

What We Are Hearing



What concerns do you have about repurposing a travel lane on SE 34th Street?

TOP THREE CONCERNS



Safety



Drive time
impacts on
the corridor



Impacts to
neighborhood
character

OTHER CONCERNS



Economic
Impacts



Environmental
Impacts



Equity
Impacts

Traffic Analysis Overview

- Providing capacity for mobility lanes will have trade-offs for people driving.
- Traffic analysis was completed to understand changes in driver experience.
 - Will there be enough capacity if a lane is repurposed?
 - Where will congestion increase?
 - How will travel time change?

What was analyzed?

- How SE 34th Street would operate with no changes and how it would operate with the proposed design in place.
 - How it operates during morning and evening commute times.
 - How it operates today.
 - How it will operate in the medium-term.
 - How it will operate in the long-term.

No Build

Build

Existing (2022)



Level of Service



A-C
E

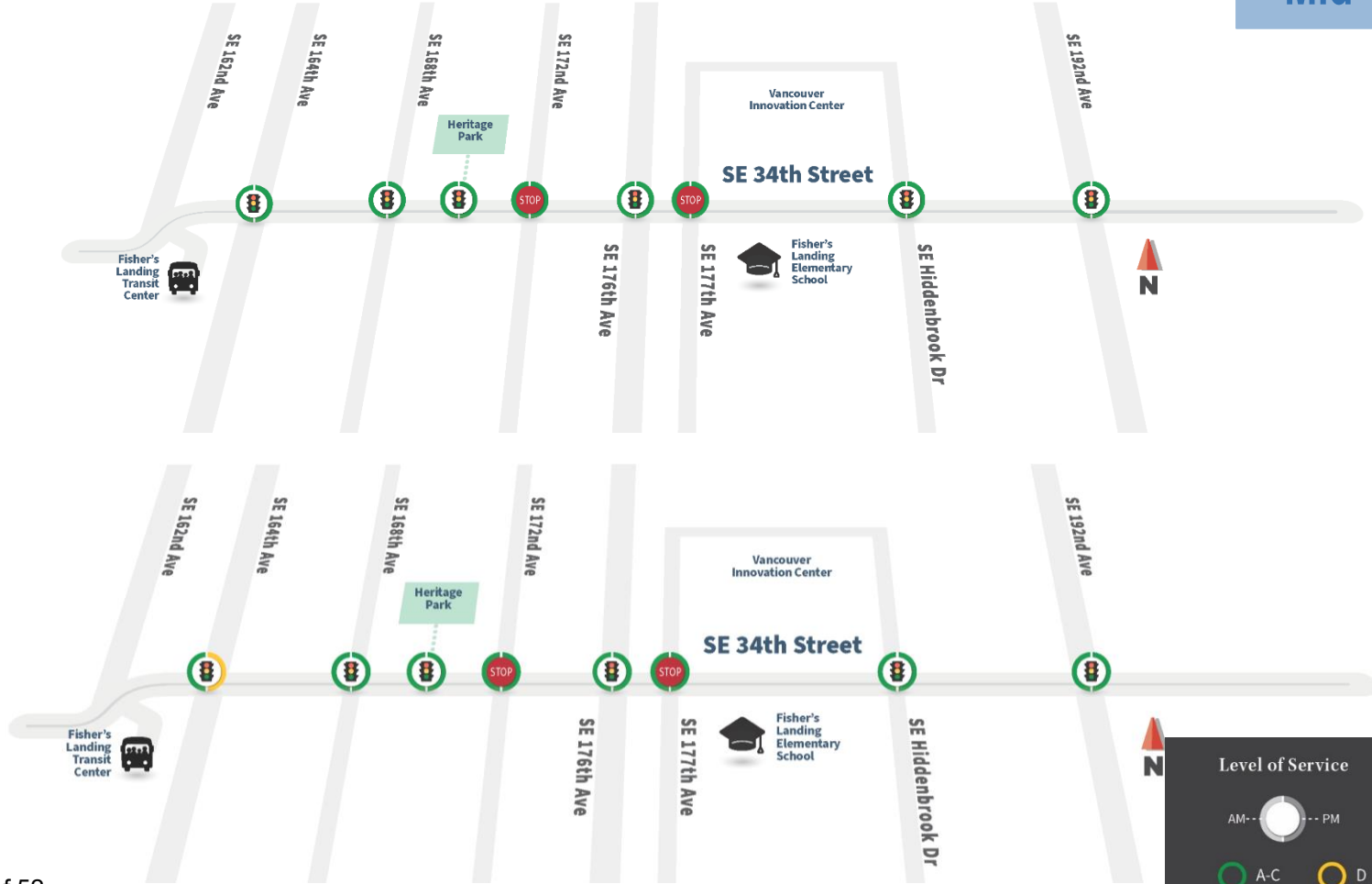
D
F

Stop Control



No Build

Build



No Build

Build

Long-Term (2040)



Level of Service



A-C

E

D

F

Stop Control



Signalized intersection

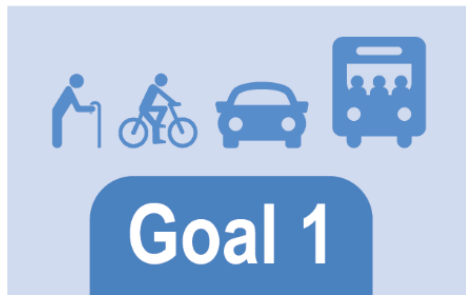


Side-street stop sign

Traffic Analysis Key Takeaways

- Under existing and medium-term scenarios, there is adequate capacity to repurpose a lane with minimal change for people driving.
 - Only locations where demand is already high will experience an increase in delay.
- Under the long-term scenario, delay will begin to increase for people driving without repurposing a lane.
 - In 2040, repurposing a lane will increase delay at the SE 192nd Avenue and SE 164th Avenue intersections and travel time within the corridor compared to the No Build Scenario.

What We've Learned



**Improve comfort
and mobility for all
users**



- ✓ Creates a new east-west mobility corridor
- ✓ Improves access to transit for people biking
- ✓ Does not substantially add to driver delays in the near-term and mid-term
- ✓ Slows down vehicles, improving safety for all users

SE 34th Street Safety and Mobility Project - 21

What We've Learned



**Prioritize safety
for all users**



- ✓ Fewer travel lanes make intersections easier to navigate for people walking and biking
- ✓ Improves contributing factors to collisions involving someone walking or biking
- ✓ Enhance existing crossings and connect key destinations
- Long term (10+ years), improvements may be needed at SE 164th and SE 192nd Avenues to maintain safety at those intersections

SE 34th Street Safety and Mobility Project - 22

What We've Learned



Facilitate near-term implementation

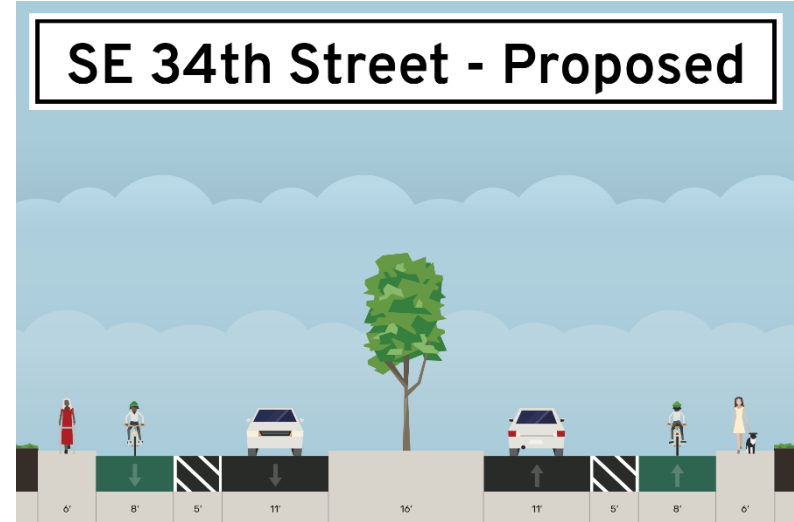
- ✓ Restriping could occur with the pavement work
- ✓ No large capital investments would be required in the near to mid-term
- ✓ Safety improvements would be eligible for grant funding

The Design

SE 34th Street - Existing



SE 34th Street - Proposed



Safety Enhancements



Photo source: bikelway.com

Vertical barriers will provide physical separation between the mobility lanes and vehicle lanes.



Photo source: SFMTA

High visibility crosswalks will make pedestrians more visible and are more effective in getting drivers to stop for pedestrians.

SE 34th Street Safety and Mobility Project - 25

Safety Enhancements



Photo source: City of Tacoma

A **HAWK Beacon** at SE 162nd Avenue will require vehicles to stop to allow people walking and biking to cross safely.



Photo source: BikePortland

Modular bus platforms will maintain ADA access to buses and minimize potential conflicts between buses and people biking.

The Design



Next Steps

- August 2022 – Refine Project Design
- September – Gather Community Feedback on Project Design
- October 2022– Safety & Mobility Study Concludes
- Summer 2023 – Planned Pavement Treatment Inclusive of Project Design Elements
- Ongoing throughout project: communication and information sharing with community and project stakeholders

Presentation Purpose & Target Outcomes

Purpose:

- Overview of project extent, community engagement, and work completed to date
- Overview of next steps, anticipated deliverables
- Council comments/feedback and confirmation on approach

Target Outcomes:

- Clear Council direction on whether to proceed with design and outreach related to repurposing a lane
- Identify additional information needed to support upcoming discussions

Feedback

Council questions, comments, discussion

Thank you!

VANCOUVER
CITY HALL

Emily.Benoit@cityofvancouver.us
VancouverMoves@cityofvancouver.us
www.beheardvancouver.org/se-34th



SE 34th Street Safety & Mobility Project - 31

DATE: October 4, 2021

TO: City Council

FROM: Eric Holmes, City Manager

RE: **Complete Streets 2021-2022 Program- Project Goals and Objectives**

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 2021-2022 Complete Streets Program and address recommendations made by City Council at a July 19, 2021 workshop on a process for moving forward Complete Streets planning projects identified for the 2021-22 biennium via a resolution on project process, in preparation for initiating Council review and public engagement on individual projects in 2022.

Background

Through the 2021-22 biennial budget process, Council identified and funded four roadway segments for Complete Streets planning processes. On July 19th, 2021 staff provided an overview of the 2021-2022 Complete Streets Program to City Council, including a process for identifying the range of potential improvements for each corridor segment (see Complete Streets Program- Project Council Review Process below). Based on Council feedback and direction at that workshop, staff have updated the project process and are returning to Council for review and endorsement via resolution. Adoption of the resolution is part of the formal project chartering process outlined by staff during the July 19 presentation, and represents the culmination of the Goals and Objectives step below.

The project needs for the 2021-2022 projects were initially established through the budget process and directed staff to study safety and mobility improvements that can be completed in partnership with planned upcoming pavement work. The goals for each project are:

- Complete a public outreach and design alternative process that identifies improvements to advance safety, mobility, and equity in each corridor segment in preparation for pavement treatment planned for the coming years.
- The analysis for each project will include identifying a suite of safety and mobility improvements that can be applied to each individual corridor, including potentially repurposing a travel lane in each direction and adding other safety enhancements such as

traffic signal modifications, pedestrian crossing and lighting improvements, traffic calming, and street tree enhancements.

- Each project will include stakeholder engagement with impacted groups as appropriate, including residents, businesses, corridor users, neighborhood associations, community-based organizations, historically excluded and underserved communities, and the City of Vancouver Transportation and Mobility Commission.

After the Goals and Objectives resolution is passed, staff will return to Council to review findings from each step in the project process for each individual project. This includes the results of traffic analysis, public outreach to date, and potential design alternatives.

Complete Streets Program- Project Council Review Process

Project Phase	Description	Elements	Core Considerations	Representative Council Action (to be tailored by project)
Goals and Objectives	Identify the desired outcomes of the project that will be used to guide the public engagement and analysis process	• Council priorities & Strategic Plan • Complete Streets Policy • Safety history • Other policies or considerations • Consider potential designs	Project process and outcomes – what are we trying to address?	Council Resolution
Project Baseline	Provide location specific context on what we know about the project within the broader community and network	• Traffic Analysis • Equity zone(s) • Collision history • Infrastructure gaps • Other data sources • TMC recommendations	Existing conditions—do we agree on the problem?	Council Review
Design Alternatives	Review planning process, early community engagement findings and design concept alternatives	• Summary of early public engagement to date and TMC recommendations • Consider tradeoffs with different design concepts • Provide guidance on design concepts to move forward • TMC recommendations	Alternatives analysis—knowing the tradeoffs, what concepts and design elements will move forward	Council Resolution
Community Outreach	Review process for integrated community outreach for design options	• Community outreach plan and initial findings • Opportunities working with Community Based Organizations • TMC recommendations	Community feedback – has the process properly met the needed level of input?	Council Review
Final Design	Provide final design concept alternatives for implementation	• Clear understanding of project tradeoffs • Outline of needed project costs • Implementation timeline • Other project challenges • Integration of TMC recommendations	Process results – is this an appropriate solution to address the project goals and objectives?	Council Resolution

← Current step in the process

Project Timeline Updates

To address concerns from Council on several of the proposed project timelines, staff went back to the Pavement Management team and discussed different timing options. The Pavement Management program staff continue to be flexible and understanding of project needs and made some adjustments to the original paving project timelines and/or striping plan deadlines in response.

Timelines for some projects **have changed** since the Council presentation:

1. NE 112th Avenue - SE Mill Plain Blvd to NE Fourth Plain Blvd./city Limits: the paving project has been moved out to 2024 instead of 2023. With this change the project will now be the entire corridor from SR-500/city limits all the way south to Chkalov Drive. Chkalov Drive will also have a pavement treatment done from SE 112th Ave to McGillivray Blvd. The timeline for completing the planning phase of this project **has been extended through 2023** to allow additional time given its scope and complexity, and staff anticipate including it in the 2023-24 Complete Streets Program as a continuing project.
2. SE 34th Street - SE 162nd Ave to SE 192nd Ave/city Limits: in coordination with Pavement Program staff, the timeline for completing the planning phase of this project **has been extended** to May of 2022 instead of December 2021. Implementation of this project will still occur in 2022.
3. Fort Vancouver Way - Mill Plain Blvd to Fourth Plain Blvd: the street is still scheduled for micro-surfacing treatment in 2023. Staff is currently working with a consultant to finalize the project scope, schedule, and budget. The project will start in early 2022. The timeline for completing the planning phase of this project **has not changed** since the July Council presentation.
4. Fourth Plain Boulevard - Main St to Andresen Rd: the street is still scheduled for a chip seal treatment in 2023. The project is already underway with the traffic analysis scheduled to be complete this year, with a forthcoming Council workshop on project baseline conditions anticipated in early 2022. The timeline for completing the planning phase of this project **has not changed** since the July Council presentation.

Additions to Complete Streets Work Program

With the city looking at potential ways to improve Ft. Vancouver Way from Mill Plain to Fourth Plain, several Council members brought up the need to extend the corridor review north to include St. James and St. Johns. This project will be included in list put forward for Council's consideration for the 2023-2024 Complete Street Program, with the goal of identifying potential safety improvements for both corridors that can connect to Ft. Vancouver improvements.

The Pavement Management program previously identified SE McGillivray Boulevard from SE 136th Ave to SE 162nd Ave as part of their draft 2022 resurfacing program and then from Chkalov Dr to SE 136th Ave in 2024. The city has received continuous complaints from residents over the years about speeding on McGillivray and safety for people walking, biking and using mobility devices, and while several projects have been implemented on the corridor in the past to address these concerns, the issues still persist.

In addition to feedback from users, Council members have also raised this as a corridor in need of potential improvements. Given the timeline for repaving, and to provide the opportunity to evaluate potential safety improvements on McGillivray, including repurposing a travel lane, the planned resurfacing project for 2022 has been bumped out to 2024 and adjusted so work for the entire corridor can be done in the same year.

This will allow staff the opportunity to complete a public outreach and design alternative process that could improve safety, mobility, and equity on the corridor. It is proposed that the planning process for this project would start in early 2022 to allow for sufficient time to complete the process prior to paving work. If Council supports this, staff will plan to include it in the 2023-24 Complete Streets Program as a continuing project.

Transportation and Mobility Commission Touchpoints

The presentation provided to Council in July did not adequately identify the involvement of the Transportation and Mobility Commission (TMC) in the planning process for the 2021-2022 Complete Streets corridors. In response, the project planning process has been updated to include review by the TMC at each point in the process, and feedback and recommendations from this review will be included in what is shared with Council.

Complete Streets 2021-2022 Program Next Steps

Several projects for the 2021-2022 program are underway and are on track to meet the needed project timeline requirements:

Project	Current Status
SE 34 th Street	Existing conditions analysis
Fourth Plain Boulevard	Existing conditions analysis
Ft. Vancouver Way	Project scope completed
SE 112 th Avenue	Anticipated to start May 2022
SE McGillivray Boulevard	Anticipated to start July 2022

As these projects continue to progress, they will be reviewed by City Council and the TMC as outlined in the project chartering process.

STAFF REPORT NO. [Staff Report No]

TO: Mayor and City Council
FROM: Eric Holmes, City Manager



DATE: [Meeting Date]

Subject: Complete Streets 2021-2022 Program Resolution for Project Goals and Objectives

Key Points:

- 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
- On July 19th, 2021 staff provided an overview of the 2021-2022 Complete Streets Program to City Council
- Based on Council feedback and direction at that workshop, staff have updated the project process and are returning to Council for review and endorsement

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:

Through the 2021-22 biennial budget process, Council identified and funded four roadway segments for Complete Streets planning processes. On July 19th, 2021 staff provided an overview of the 2021-2022 Complete Streets Program to City Council, including a process for identifying the range of potential improvements for each corridor segment. Based on Council feedback and direction at that workshop, staff have updated the project process and are returning to Council for review and endorsement via resolution. Adoption of the resolution is part of the formal project chartering process outlined by staff during the July 19 presentation, and represents the culmination of the Goals and Objectives step below.

The project needs for the 2021-2022 projects were initially established through the budget process and directed staff to study safety and mobility improvements that can be completed in partnership with planned upcoming pavement work. The goals for each project are:

- Complete a public outreach and design alternative process that identifies improvements to advance safety, mobility, and equity in each corridor segment in preparation for pavement treatment planned for the coming years.
- The analysis for each project will include identifying a suite of safety and mobility improvements that can be applied to each individual corridor, including potentially

repurposing a travel lane in each direction and adding other safety enhancements such as traffic signal modifications, pedestrian crossing and lighting improvements, traffic calming, and street tree enhancements.

- Each project will include stakeholder engagement with impacted groups as appropriate, including residents, businesses, corridor users, neighborhood associations, community-based organizations, historically excluded and underserved communities, and the City of Vancouver Transportation and Mobility Commission.

Along with the four projects identified through the 2021-22 biennial budget process: Fourth Plain Boulevard: Main Street to Andresen Road; SE 34th Street: SE 164th Avenue. – SE 192nd Avenue/City Limits; NE 112th Avenue/SE Chkalov Drive: SE McGillivray Boulevard – NE Fourth Plain Boulevard/City Limits; and Fort Vancouver Way: Mill Plain Boulevard – Fourth Plain Boulevard, SE McGillivray Boulevard from SE Chkalov Drive to SE 164th Avenue will be added to the current program and integrated into the 2023-24 Complete Streets Program as a continuing project in order to leverage upcoming pavement work.

The Pavement Management program previously identified SE McGillivray Boulevard from SE 136th Ave to SE 162nd Ave as part of their draft 2022 resurfacing program and then from Chkalov Dr to SE 136th Ave in 2024. The city has received continuous complaints from residents over the years about speeding on McGillivray and safety for people walking, biking and using mobility devices, and while several projects have been implemented on the corridor in the past to address these concerns, the issues still persist.

In addition to feedback from users, Council members have also raised this as a corridor in need of potential improvements. Given the timeline for repaving, and to provide the opportunity to evaluate potential safety improvements on McGillivray, including repurposing a travel lane, the planned resurfacing project for 2022 has been bumped out to 2024 and adjusted so work for the entire corridor can be done in the same year.

This will allow staff the opportunity to complete a public outreach and design alternative process that could improve safety, mobility, and equity on the corridor. It is proposed that the planning process for this project would start in early 2022 to allow for sufficient time to complete the process prior to paving work. If Council supports this, staff will plan to include it in the 2023-24 Complete Streets Program as a continuing project

Advantage(s):

Adoption of the resolution formalizes the Complete Streets process, including stakeholder and policymaker review and an updated project list, timelines and outreach process, in alignment with Council direction.

Disadvantage(s):

None

Budget Impact:

None. The planning costs have been anticipated and are included in the 2021-2022 Transportation Planning and Capital Fund budgets.

Prior Council Review:

- July 19, 2021 workshop

Action Requested:

Adopt a resolution defining the Complete Streets process for analyzing opportunities to improve safety, equity, and mobility for all users

Jennifer Campos, Principal Transportation Planner, Community Development Department,
Jennifer.Campos@cityofvancouver.us

Attachments:

- Resolution
- Memo: Complete Streets 2021-2022 Program- Project Goals and Objectives



To request other formats, please contact:
City Manager's Office
(360) 487-8600 | WA Relay: 711
Amanda.Delapena@cityofvancouver.us

12/20/21

RESOLUTION NO. M-4160

A RESOLUTION defining the Complete Streets process for analyzing opportunities to improve safety, equity, and mobility on five upcoming pavement projects: Fourth Plain Boulevard: Main Street to Andresen Road; SE 34th Street: SE 164th Avenue to SE 192nd Avenue/City Limits; NE 112th Avenue/SE Chkalov Drive: SE McGillivray Boulevard to NE Fourth Plain Boulevard/City Limits; Fort Vancouver Way: Mill Plain Boulevard to Fourth Plain Boulevard; and SE McGillivray Boulevard: SE Chkalov Drive to SE 164th Avenue.

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 through the 2021-22 biennial budget process, and further identified additional core values in January 2021 that include building a healthy, thriving, inclusive, equitable community; achieving a resilient city and sustainable environment; and building on the city's heritage of pioneering and courageous decision-making by boldly working toward a shared vision for Vancouver.; and

RESOLUTION - 1

WHEREAS, the City leverages upcoming pavement projects as opportunities to implement improvements that advance safety, equity, and mobility for all users of the transportation system;

NOW, THEREFORE,

BE IT RESOLVED BY THE CITY OF VANCOUVER:

Section 1. The recitals above and Staff Report No. ____-21 and all attachments thereto are hereby adopted and incorporated by reference as findings in support of this Resolution.

Section 2. The Vancouver City Council hereby adopts the following recommendations defining the Complete Streets process for analyzing opportunities to improve safety, equity, and mobility for all users:

A. In preparation for upcoming pavement treatments, analyze improvements that could improve safety, equity, and mobility on the following corridors:

1. Fourth Plain Boulevard: Main Street to Andresen Road
2. SE 34th Street: SE 164th Avenue. – SE 192nd Avenue/City Limits
3. NE 112th Avenue/SE Chkalov Drive: SE McGillivray Boulevard – NE Fourth Plain Boulevard/City Limits
4. Fort Vancouver Way: Mill Plain Boulevard – Fourth Plain Boulevard
5. McGillivray Boulevard: SE Chkalov Drive – SE 164th Avenue

B. Complete the following project scope elements for each project analysis:

1. Traffic analysis for each corridor
2. Development and implementation of a comprehensive public outreach process that is tailored to the specific context of each project

3. Development of design alternatives and associated improvements for review by project stakeholders, the Transportation and Mobility Commission, and City Council;
 4. Recommendations on final design concept that reflects Council policies and goals, stakeholder engagement, and supports mobility for users of all ages and abilities regardless of their mode of travel.
- C. Complete a project analysis that includes a review of opportunities to repurpose pavement space including travel lanes and implement a suite of other tools that can be used to improve safety, equity, and mobility. Additional tools could include, but are not limited to:
1. Traffic signal modifications (leading pedestrian intervals, accessible pedestrian signals, no right on red)
 2. Traffic calming (speed cushions, speed tables)
 3. Pedestrian crossings (refuge islands, HAWK signals)
 4. Access management (medians, limited access to driveways)
 5. Signing and striping enhancements (bike boxes, green bike facilities)
- D. For all phases of every process, use the guiding principle of implementing an inclusive outreach process that focuses on involving historically excluded and underserved community members, as well as residents, businesses, neighborhood associations, community organizations, agency partners, the Transportation and Mobility Commission, and other stakeholders.

ADOPTED at a Regular Meeting of the Vancouver City Council this 20th day of
December, 2021.

DocuSigned by:

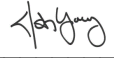
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Anne McEnerny-Ogle, Mayor

Attest:

DocuSigned by:

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Natasha Ramras, City Clerk

Approved as to form:

DocuSigned by:

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Jonathan Young, City Attorney



Staff Report: 132-22

TO: Mayor and City Council

FROM: Eric Holmes, City Manager

DATE: 9/26/2022
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

Action Requested

Schedule the second reading and public hearing on the proposed amendments to VMC Title 20 regarding fossil fuel uses for October 3, 2022. Following the public hearing on October 3, approve the ordinance as proposed.

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

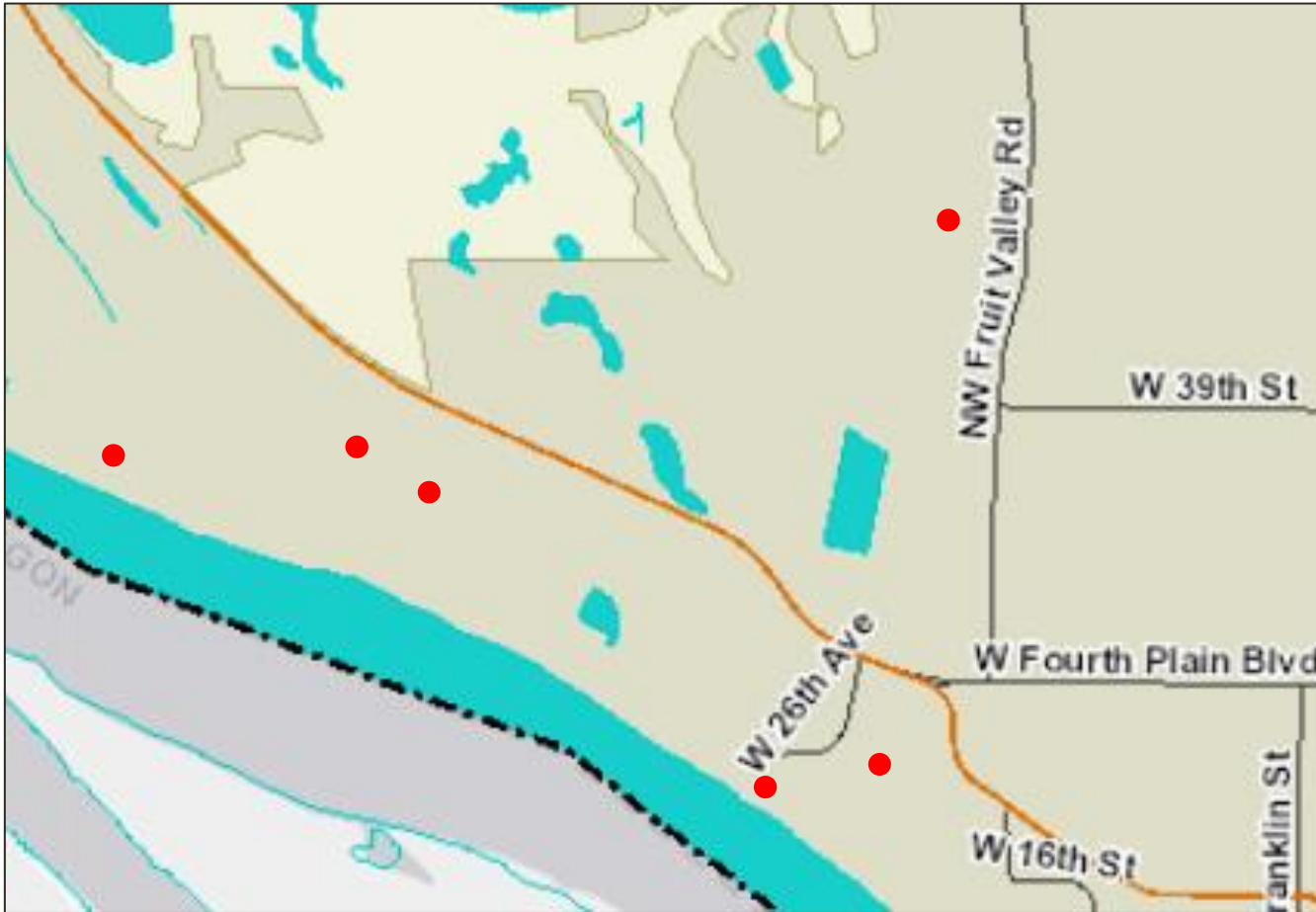
- Delete solid fuel (e.g., coal) storage yards from Industrial Services land use description
- Delete reference to coal-fired electricity generation facility as an example of major utility facilities
- Delete use category “bulk crude storage” to be replaced by bulk fossil fuel storage and handling facilities

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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

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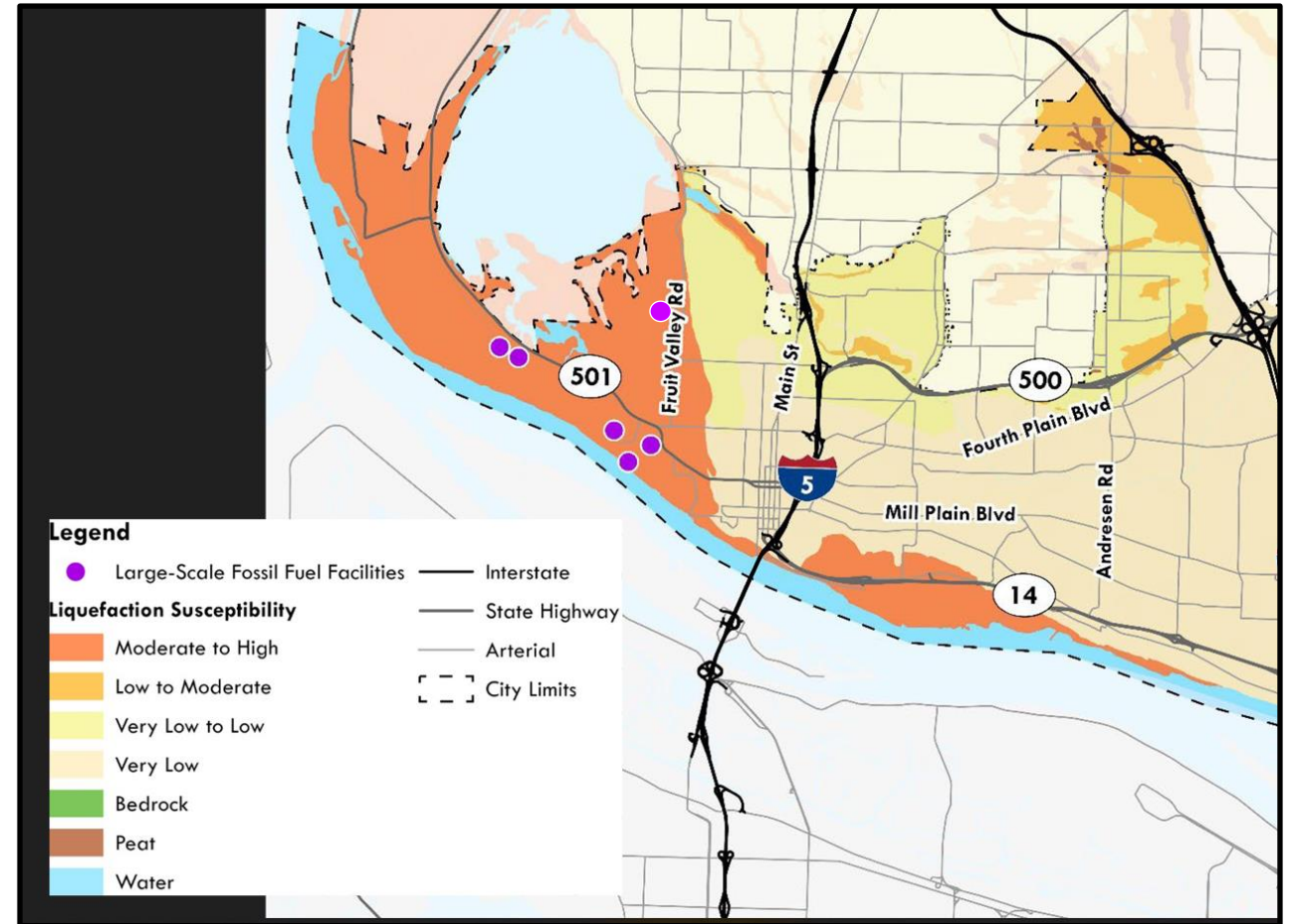
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- 17.8 M gal jet fuel
- Misc. additives = 10 K gal

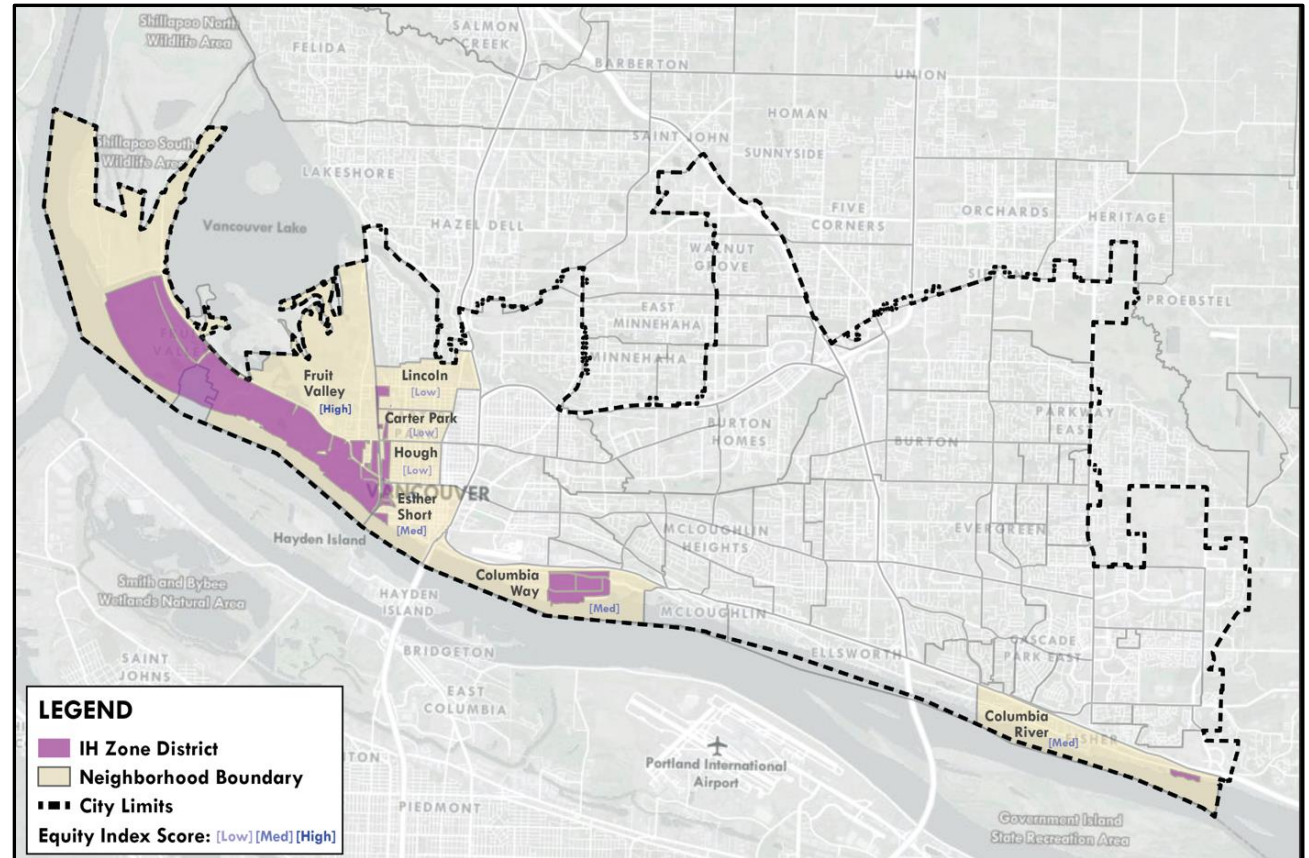
Liquefaction Susceptibility Map

- 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

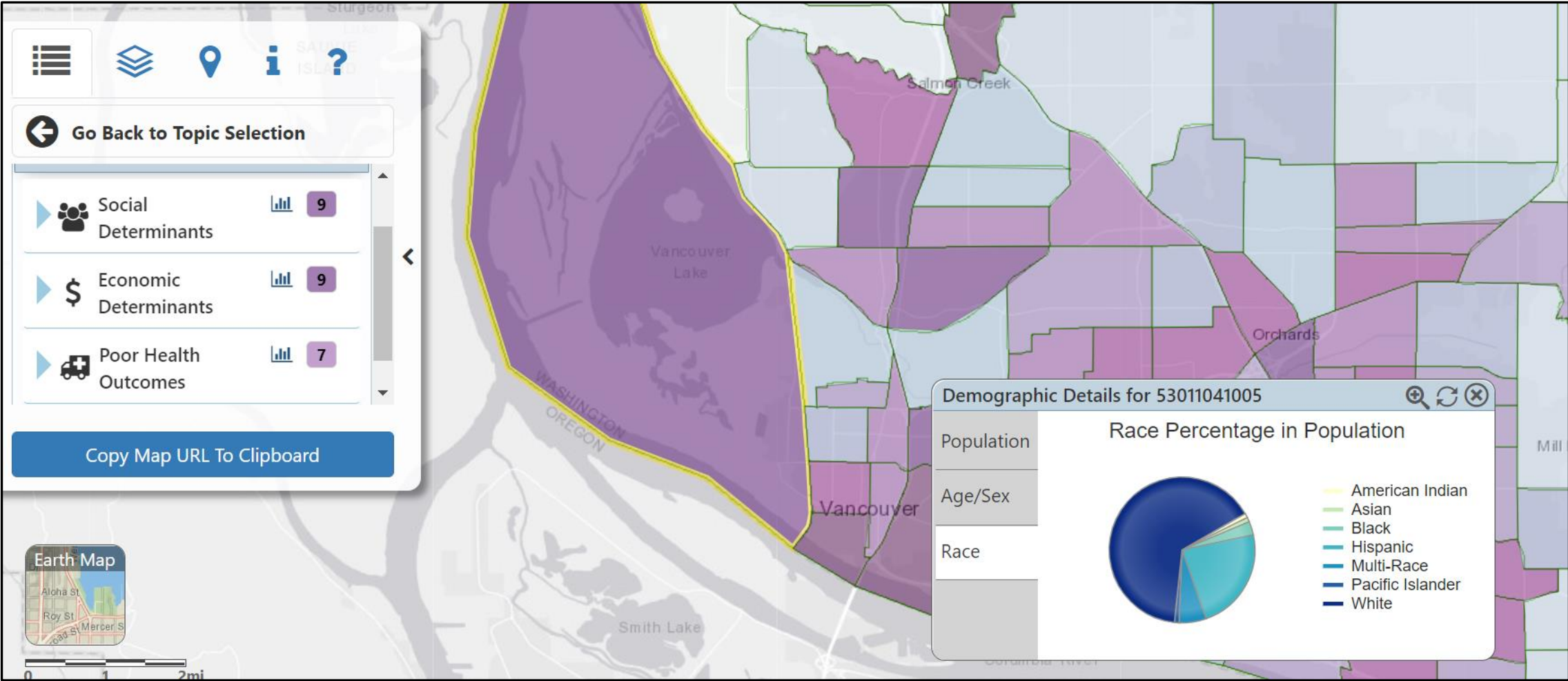


Heavy Industrial (IH) District and Equity Map

- 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
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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
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Stakeholder Outreach

- Port of Vancouver and NuStar (tenant)
- Western States Petroleum Association (WSPA)
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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)
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- GHG emission study would go beyond direct facility
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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.
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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.



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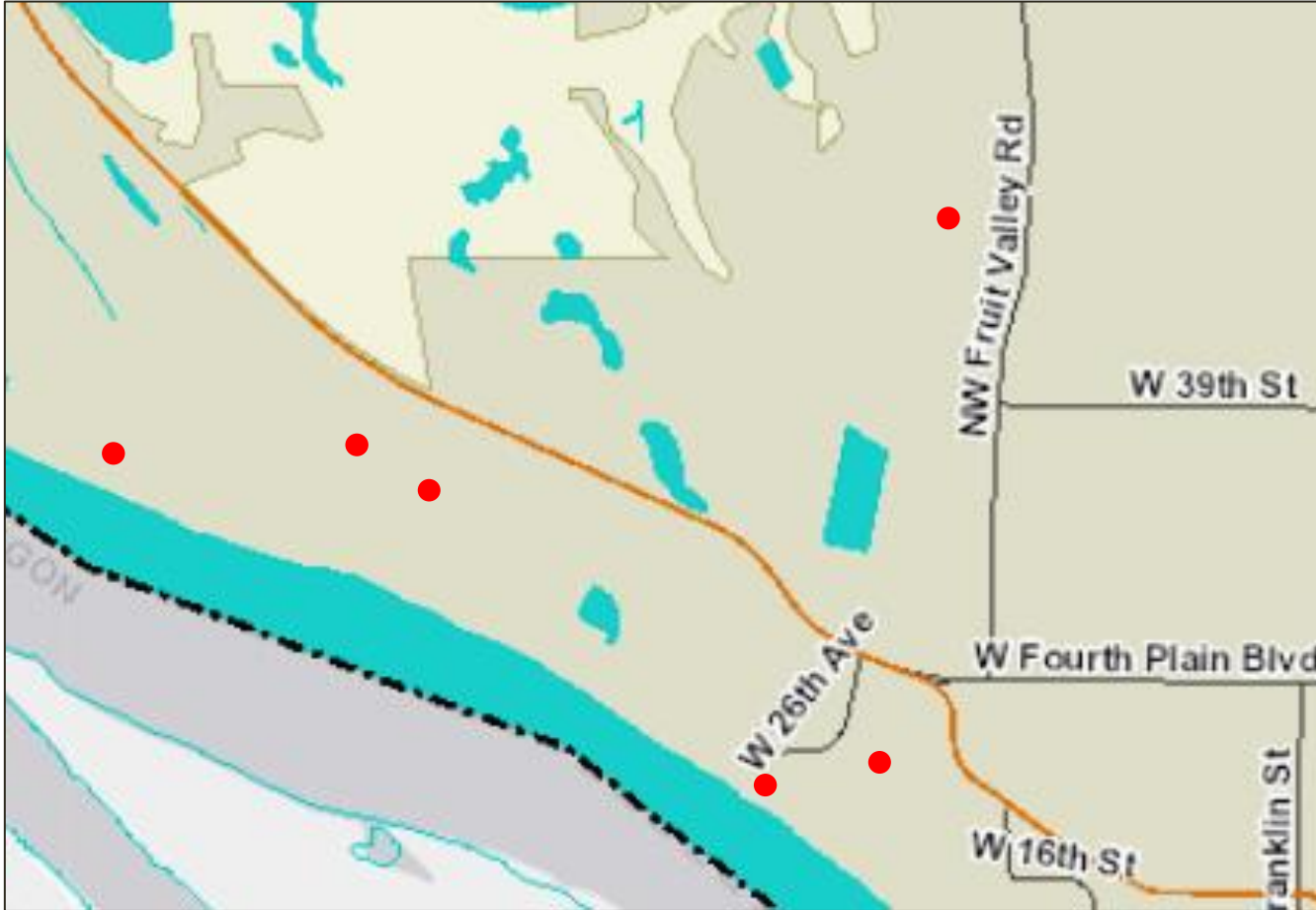
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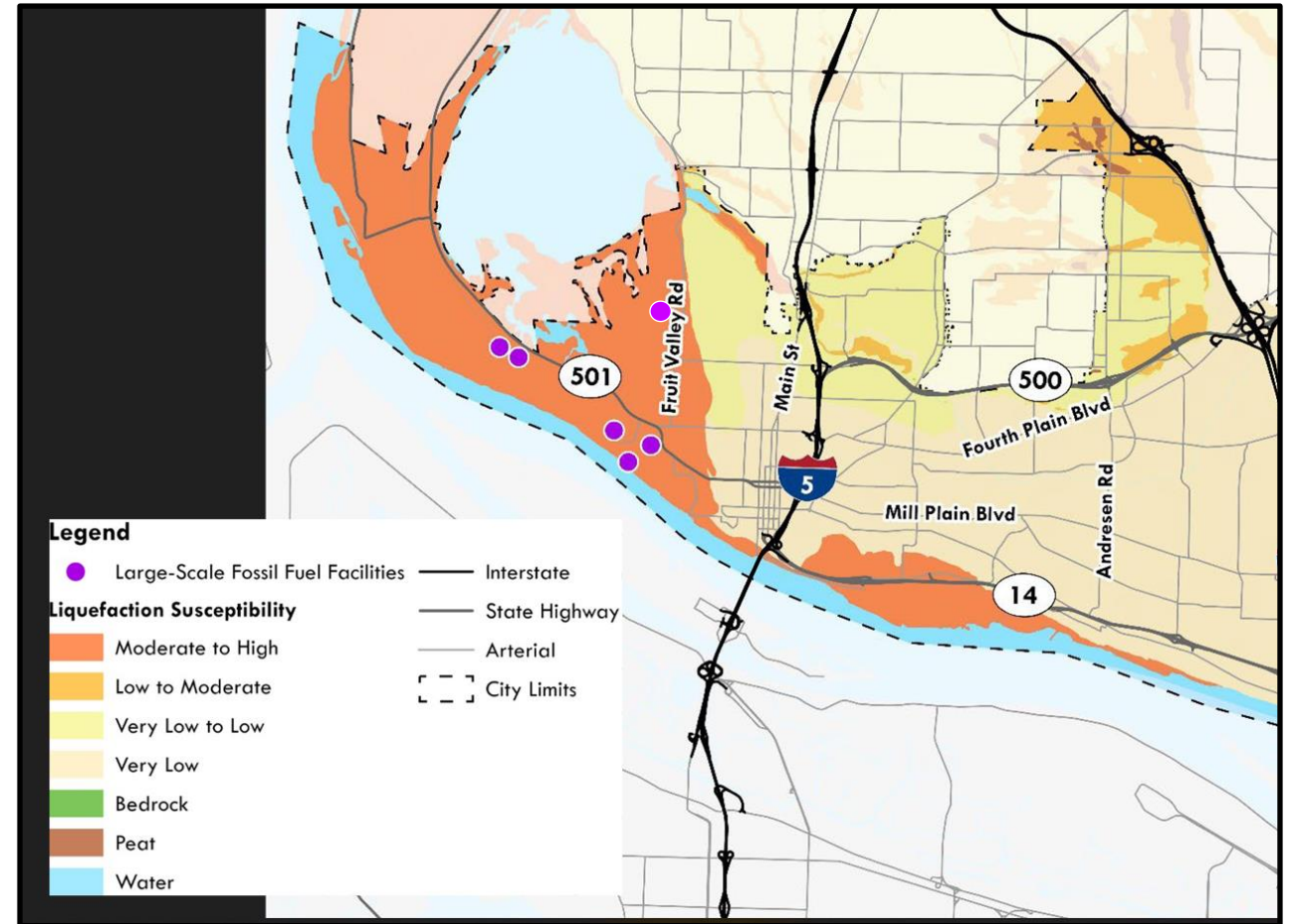
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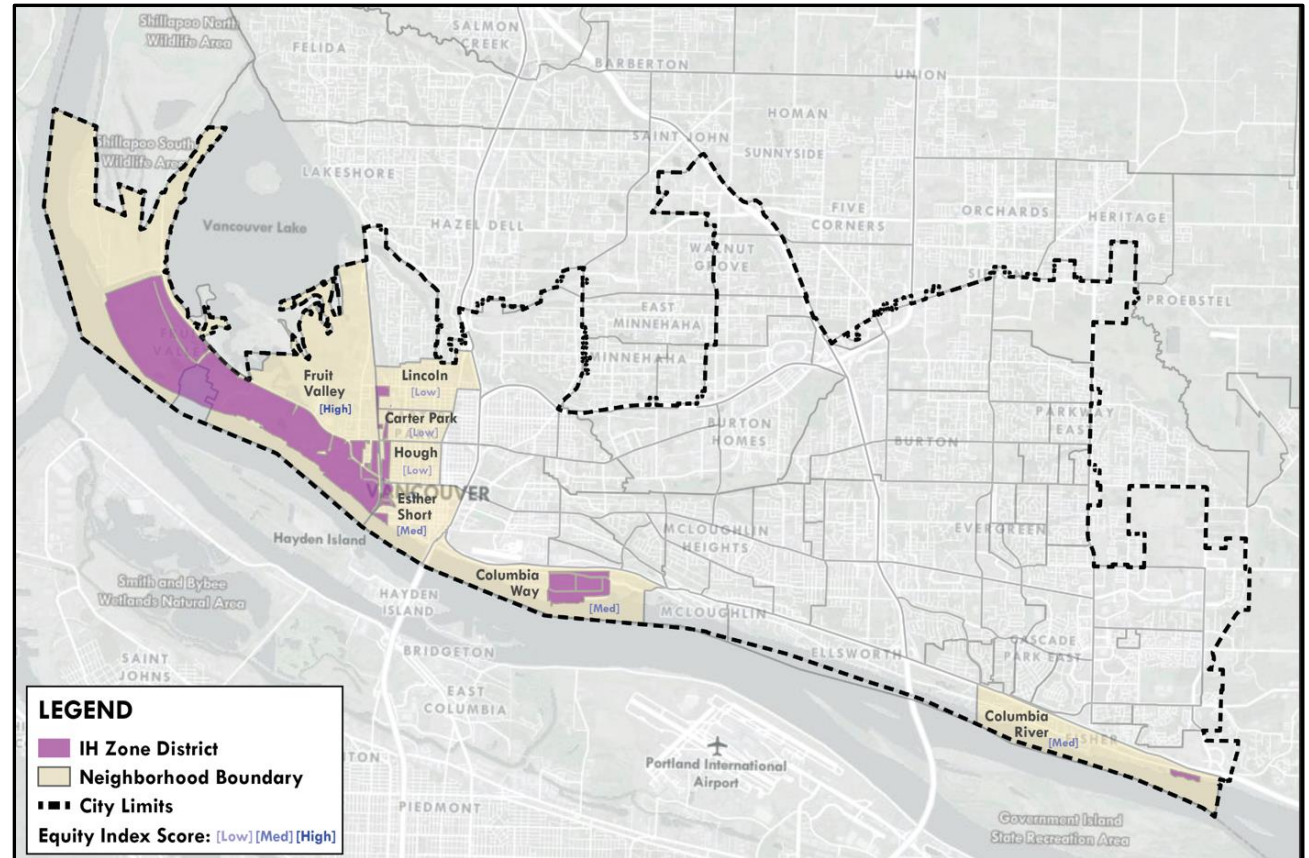
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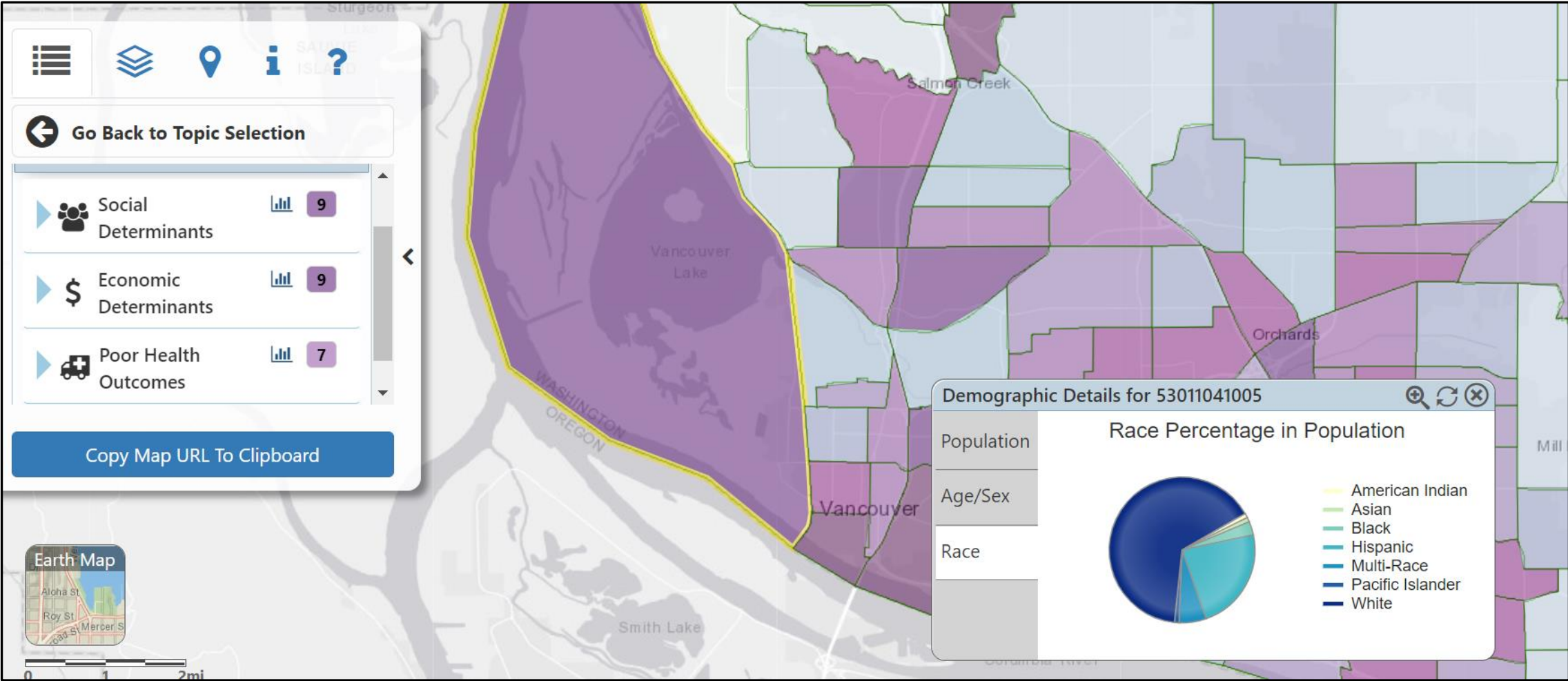


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09/26/2022 (Date of First Reading)
10/03/2022 (Date of Public Hearing)

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 X¹	MX²	RGX⁴₄	HX⁵¹
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 X¹	MX²	RGX⁴₄	HX⁵¹
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	OCI ²⁰	IL ¹	IH	ECX ²⁷
- 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**

USE	Natural Area	Greenway			Park
		Vancouver Lake	Lettuce Fields	General	
- 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**

USE	Natural Area	Greenway			Park
		Vancouver Lake	Lettuce Fields	General	
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	Park¹
Public Facilities and Utilities					
- Essential Utilities	X	P	L ¹	L ¹	L ¹
- Major Utilities	X	X	X/C ¹	C	C
- – Essential Public Facilities	X	X	C ¹	C	C
- – Other Major Utilities	X	X	X	C	C
- Minor Utilities	X	C	L ¹	C ¹	C ¹
- Public Utility Corridors	X	C	C ¹	C	C
- Transportation Facilities	X	C	C ¹ /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 ¹	X	C ¹	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

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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.

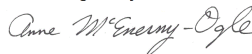
Ayes: Councilmembers Fox, Paulsen, Lebowsky, Glover, Stober, Hansen, Mayor McEnerny-Ogle

Nays: Councilmembers None

Absent: Councilmembers None

SIGNED this 8th day of June, 2020.

DocuSigned by:

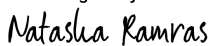


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Anne McEnerny-Ogle, Mayor

Attest:

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Natasha Ramras, City Clerk

Approved as to form:

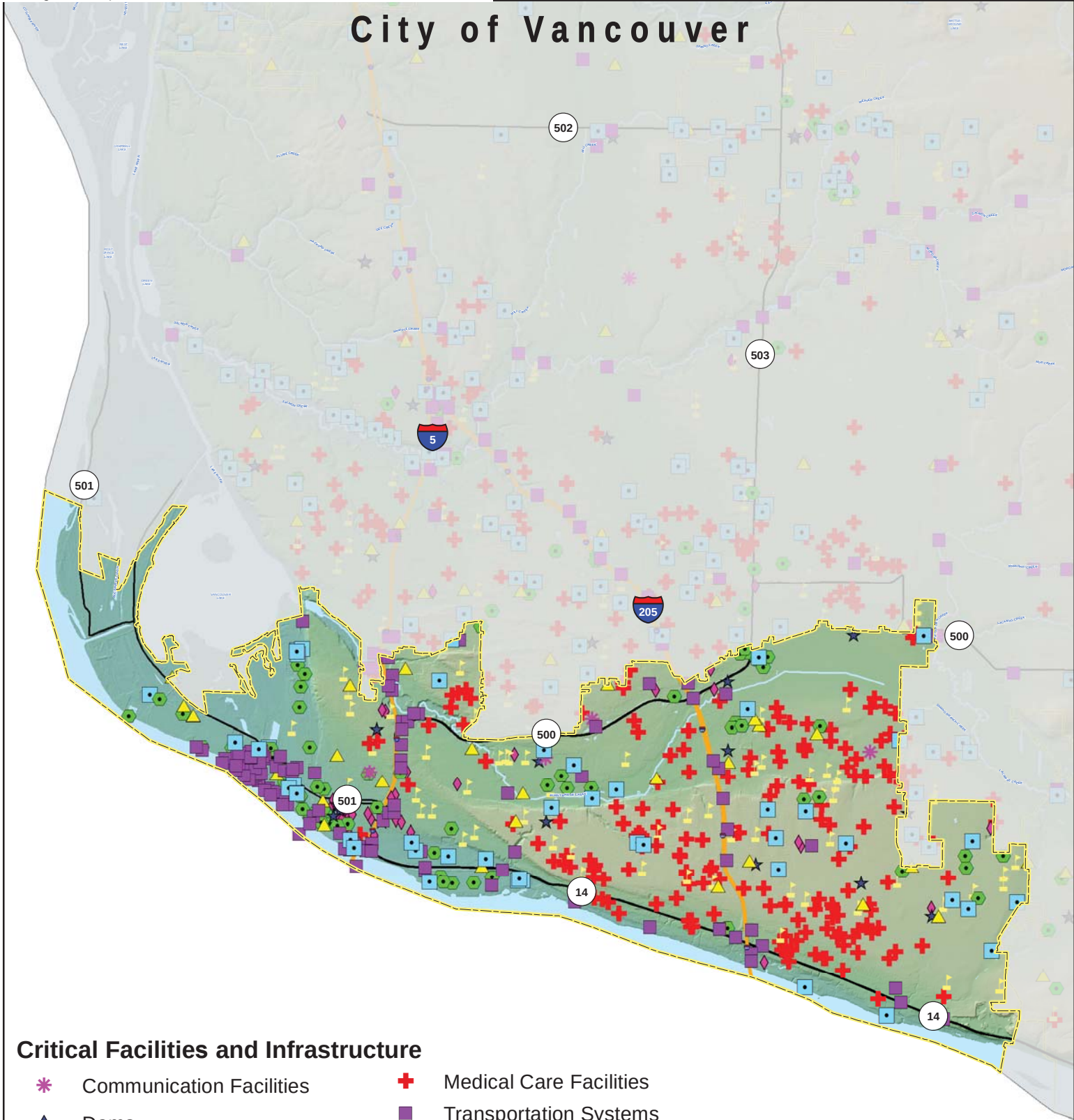
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Jonathan Young, City Attorney

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



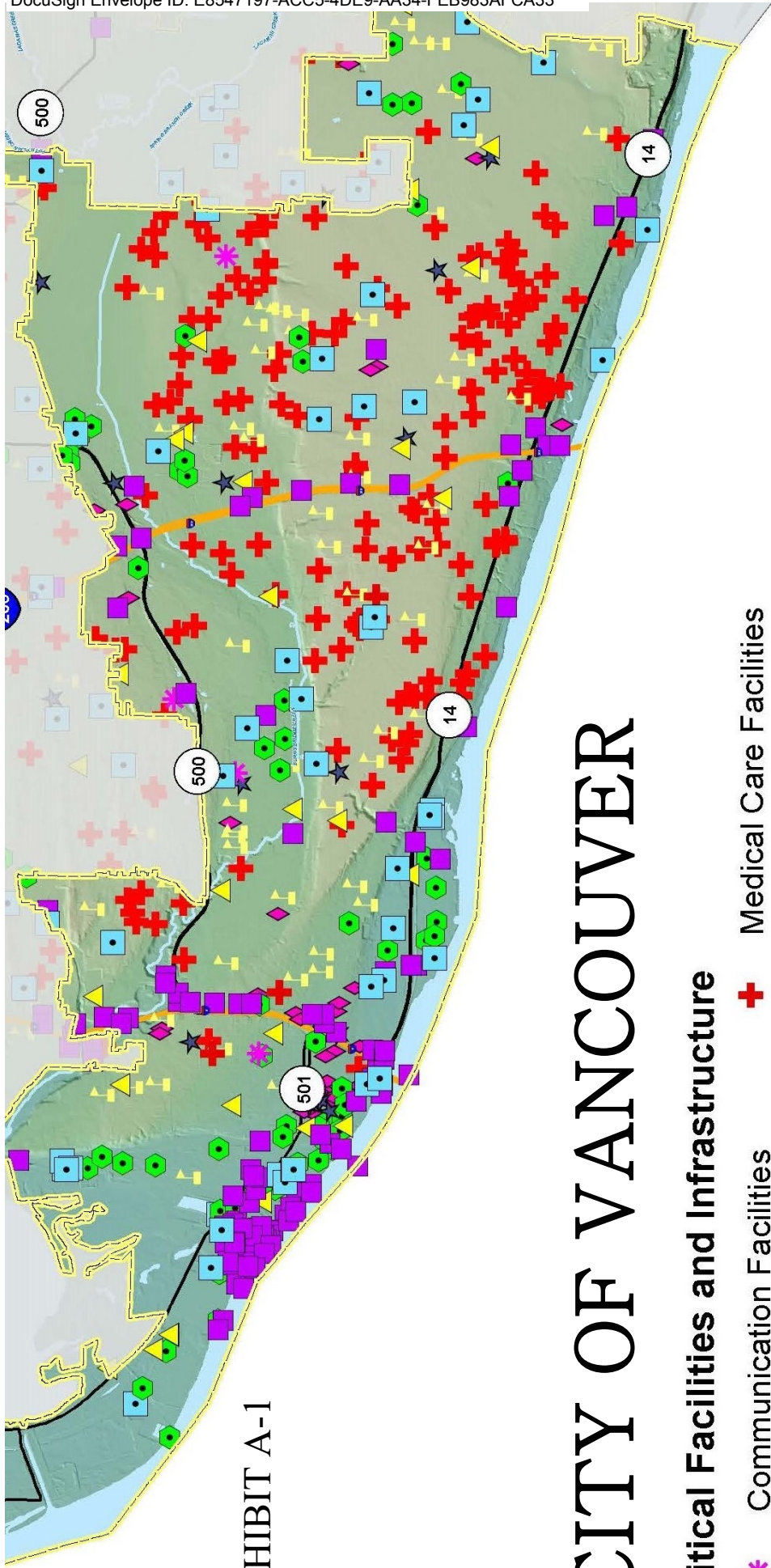


EXHIBIT A-1

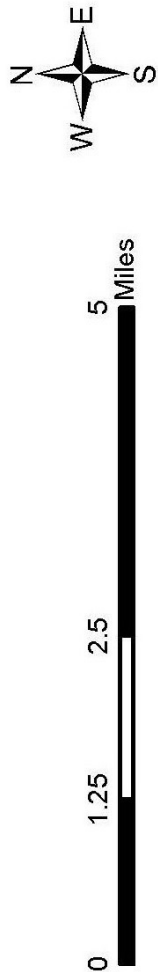
CITY OF VANCOUVER

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



Clark County does not warrant the accuracy, reliability or timeliness of any information on this map, and shall not be held liable for losses caused by using this information.

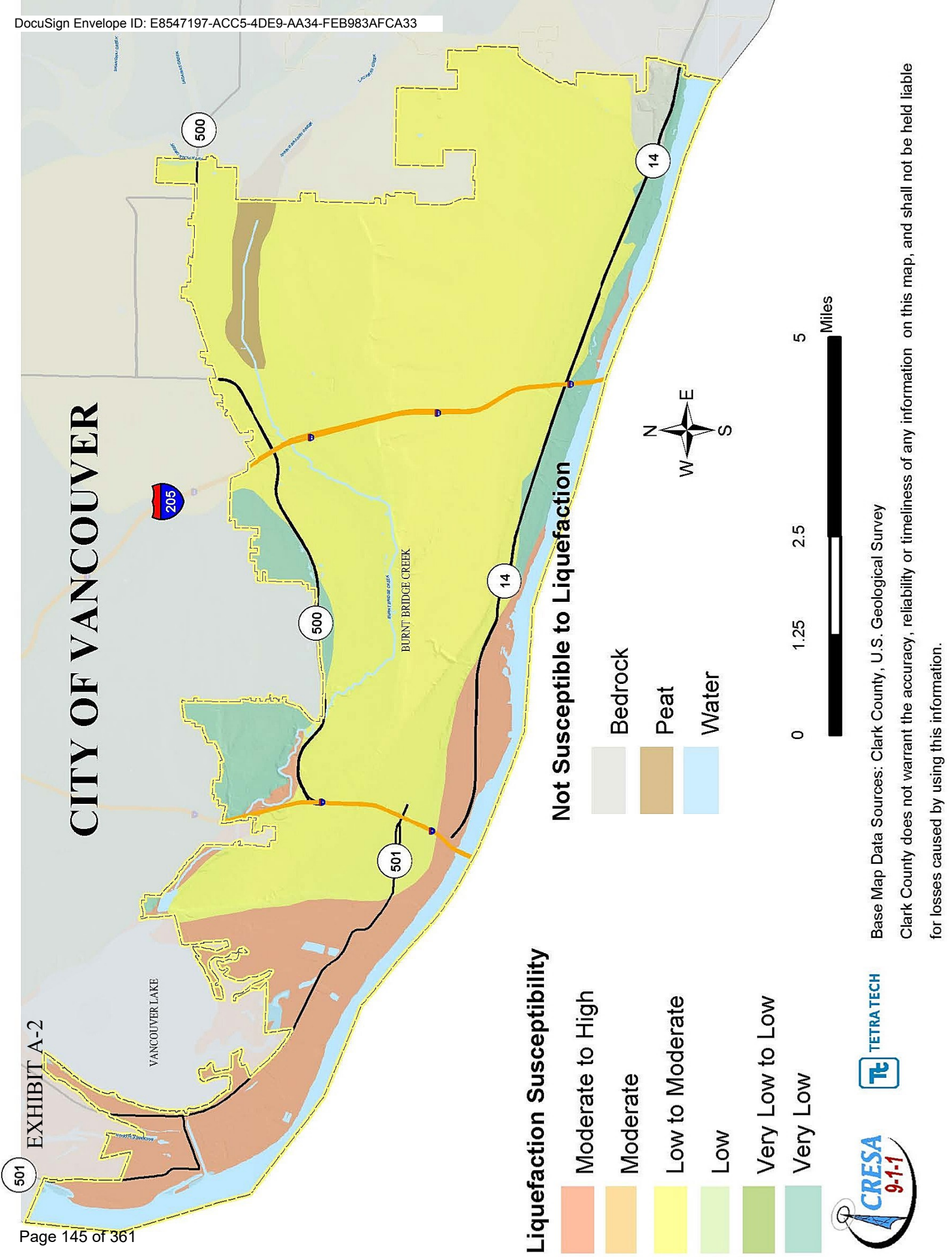


Exhibit B



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

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

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

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

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

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

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

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

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

Urban Aquifers

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

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

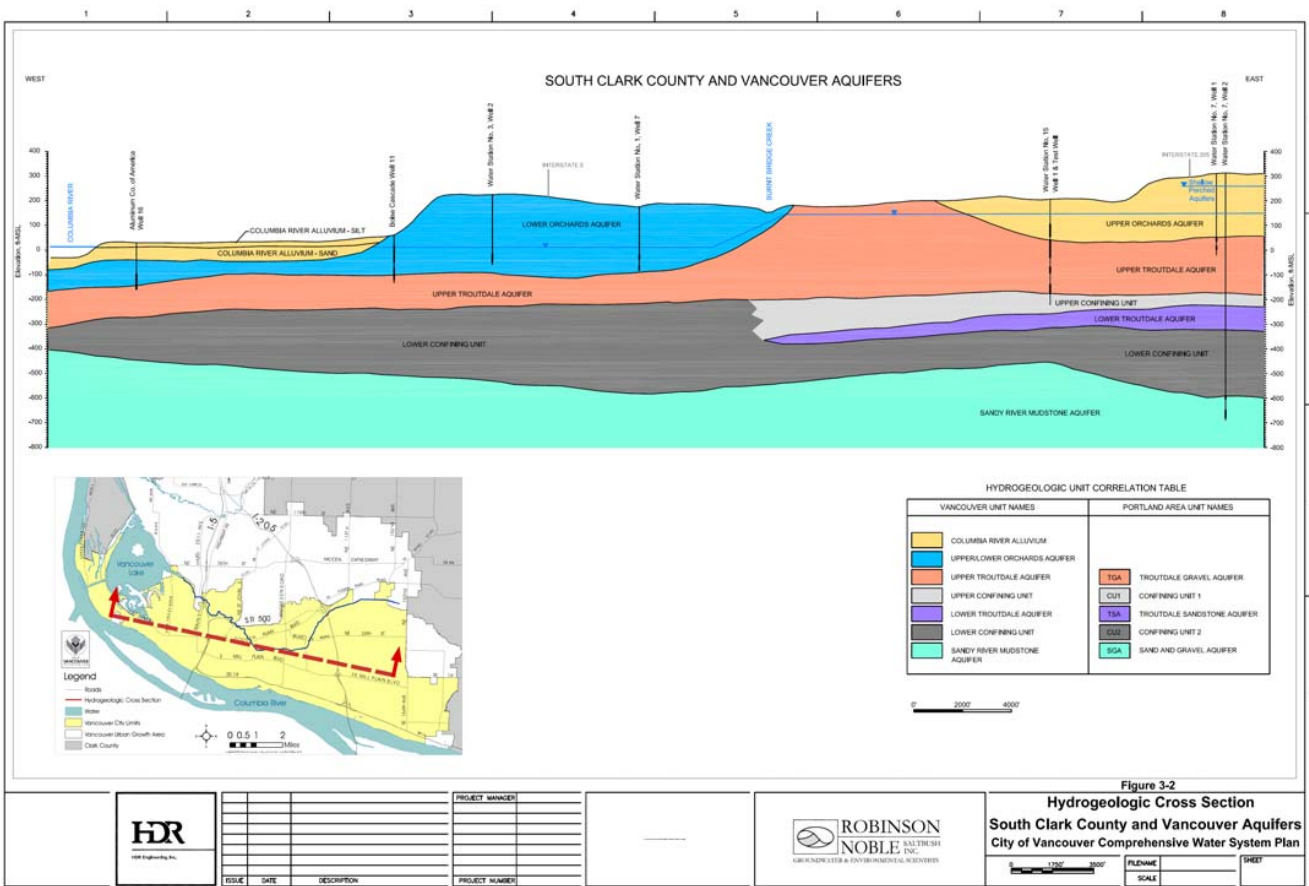
aquifer”, which is measured from surface to the top of well screens, and “time of travel” which refers to the time, typically in years, that it would take a “particle” of groundwater to move horizontally through to a City water station. Infiltration risks are identified by discreet discharge points such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

Hydrogeology

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

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

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



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

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

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

Aquifer Susceptibility

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

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

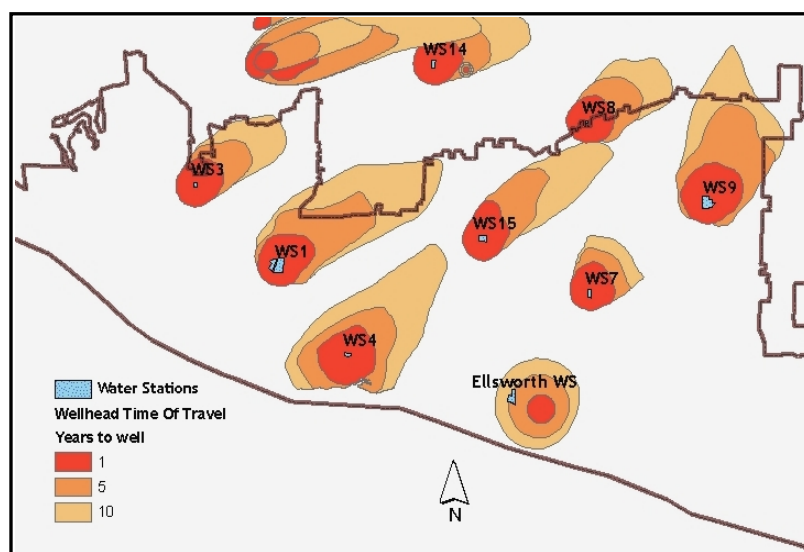


Figure 2: Groundwater travel time vulnerability map

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

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

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

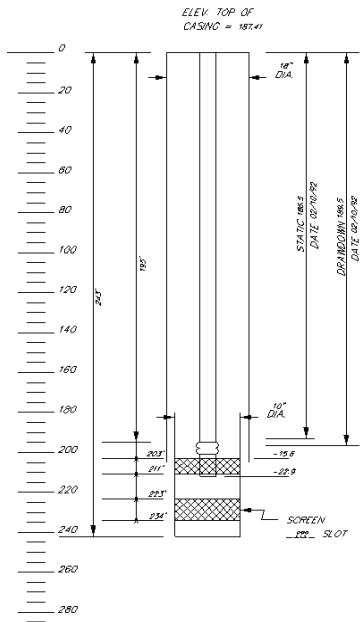


Figure 3: Example wellbore diagram

Water level measurements evaluated in the lower Troutdale aquifer found that groundwater flows vertically from shallow to deeper in all areas of Vancouver except in some limited discharge areas near the Columbia River where there are upward flows.

Depth to Drinking Water Aquifer: There are many depth measurements used in aquifer analyses. One, termed “seasonal depth to high groundwater”, takes into account the depth the water table rises due to seasonal storms. Another, called “depth to groundwater” may describe shallow and perched water tables influenced by surface water levels of nearby water bodies. In Vancouver these include the Columbia River and Burnt Bridge Creek. The City also tracks “static” fluid levels in water wells which indicate how high a column of water will naturally rise in a wellbore due to hydraulic pressure in the aquifer before it is drawn down from pumping.

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

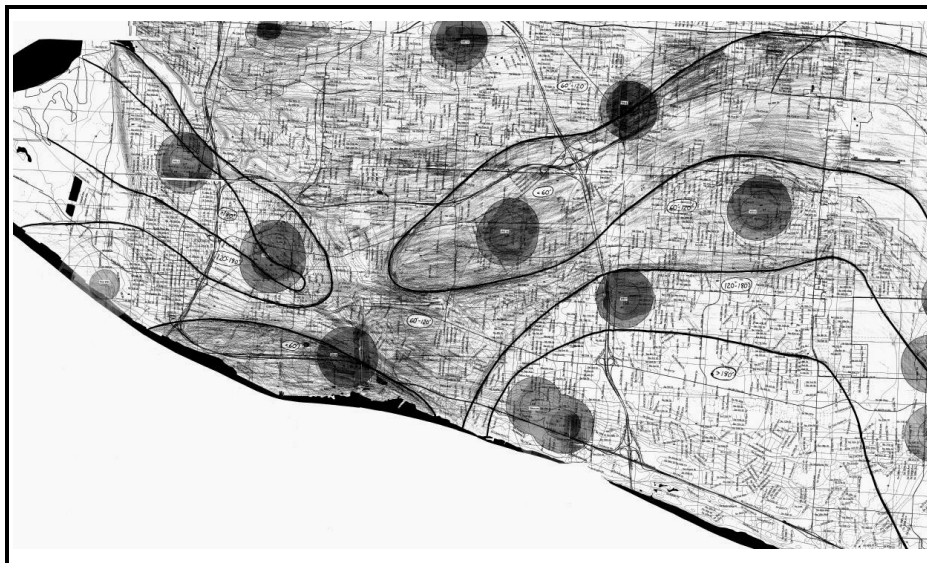


Figure 4: Initial hand-drawn depth map based on static water levels

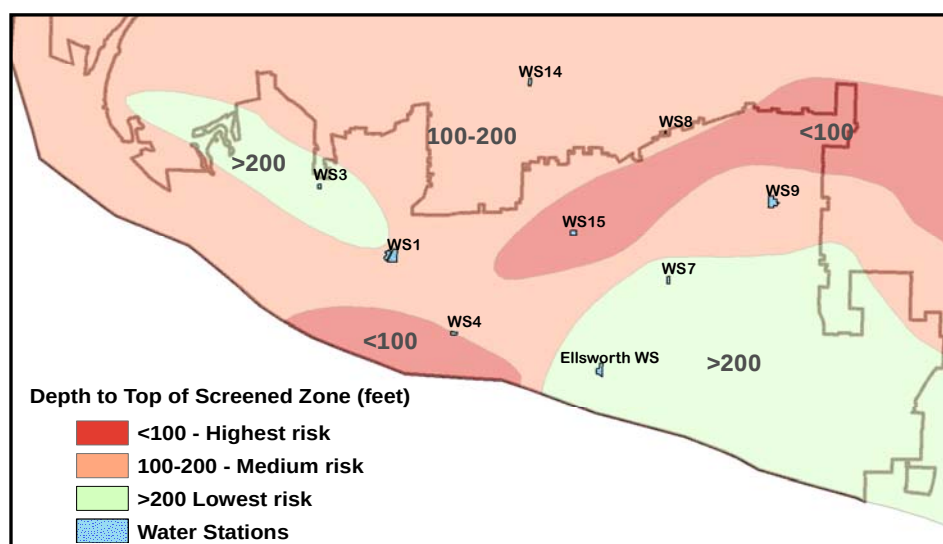


Figure 5: Depth to groundwater vulnerability map based on top of screen

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").

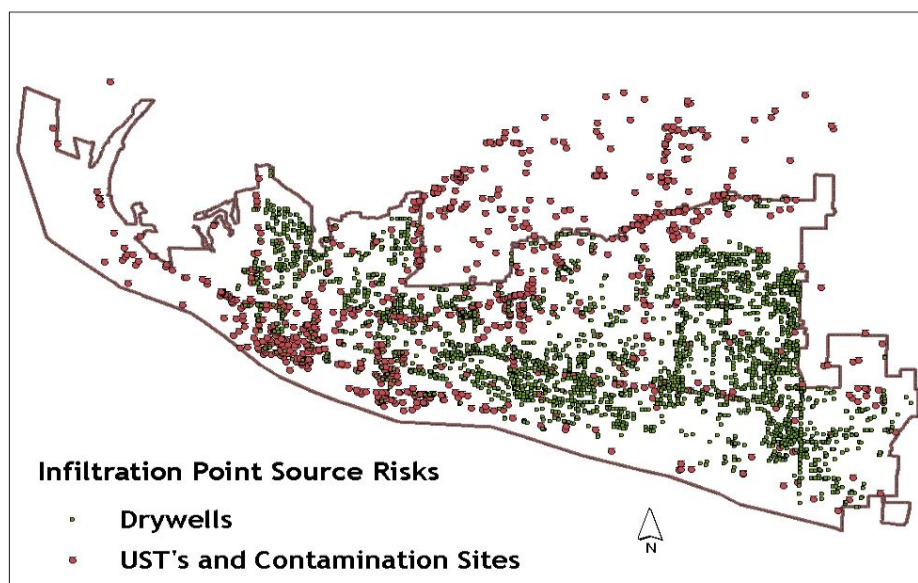


Figure 6: Drywells, underground storage tanks and contamination sites

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.

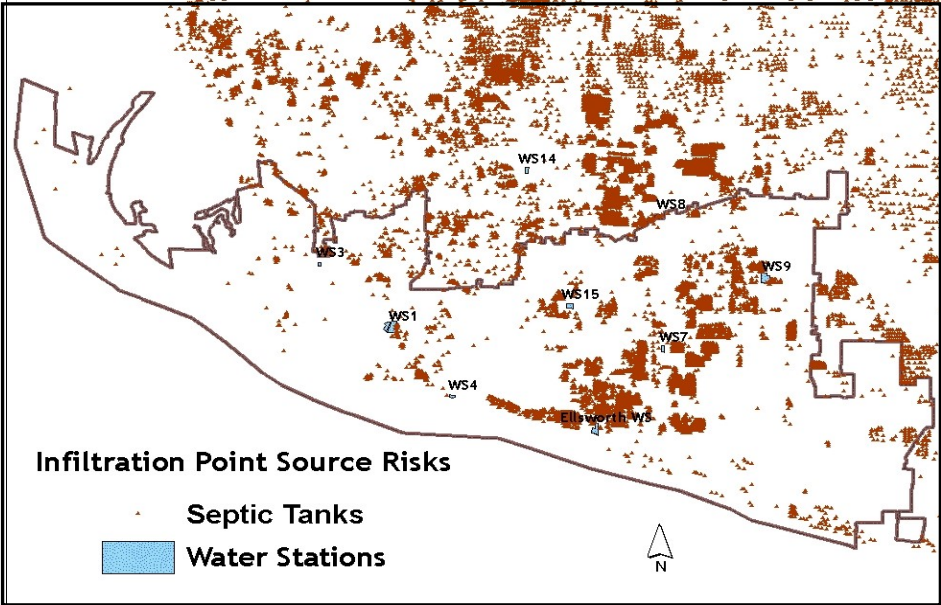


Figure 7: Septic tanks in Vancouver

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

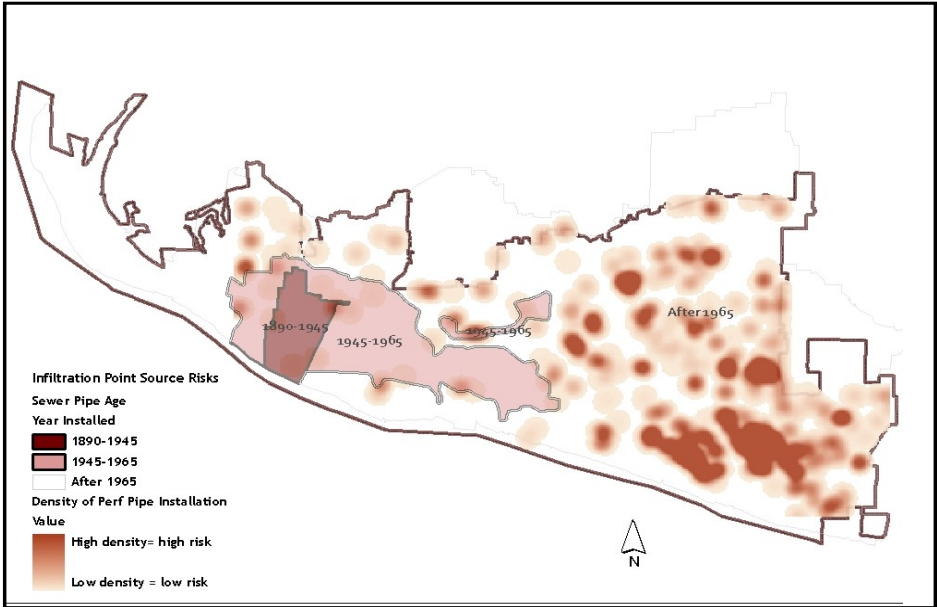


Figure 8: Sewer pipe age and concentration of perforated storm drainage pipe

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.

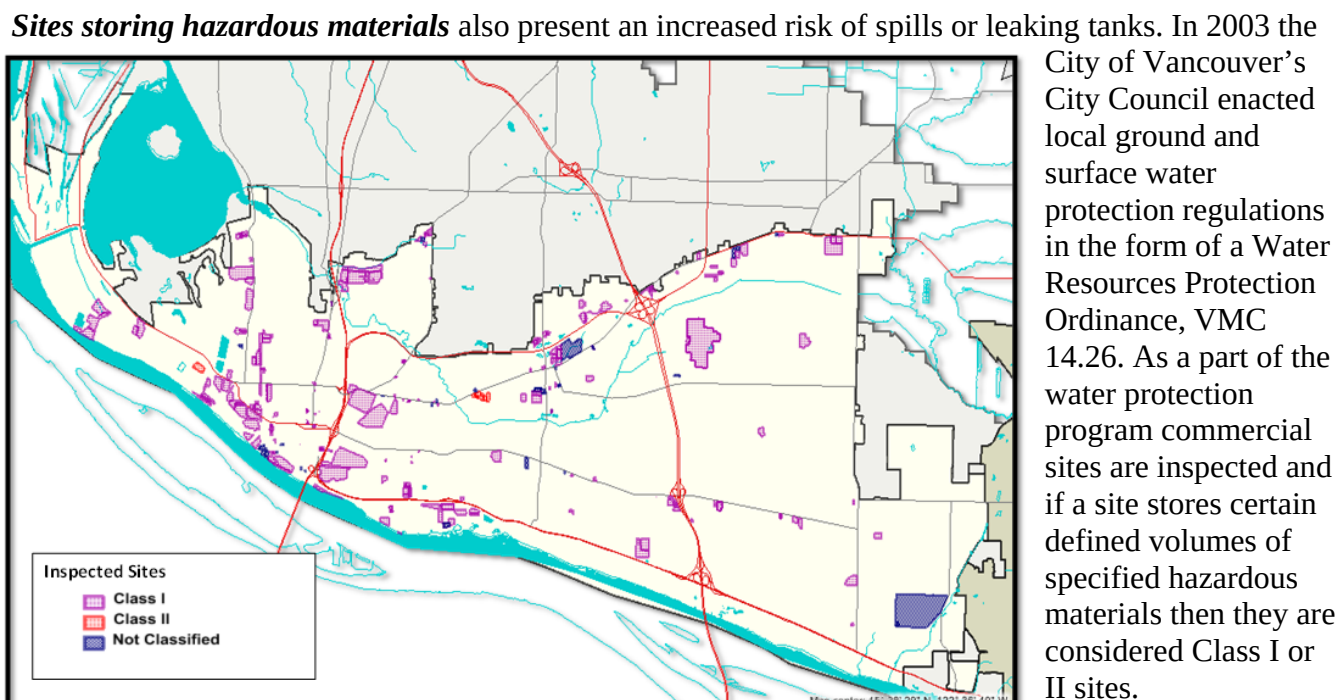


Figure 9: Facilities storing hazardous materials, classified by ordinance

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:

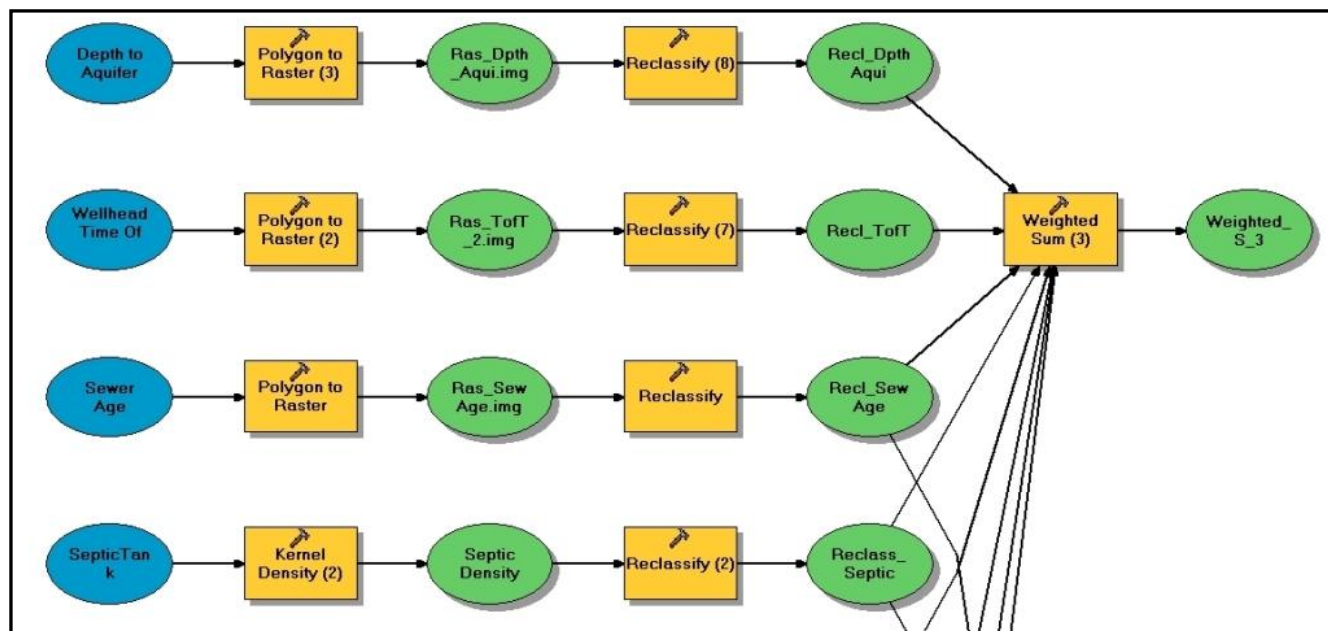


Figure 10: Segment of flowchart showing composite weighting calculation process

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.

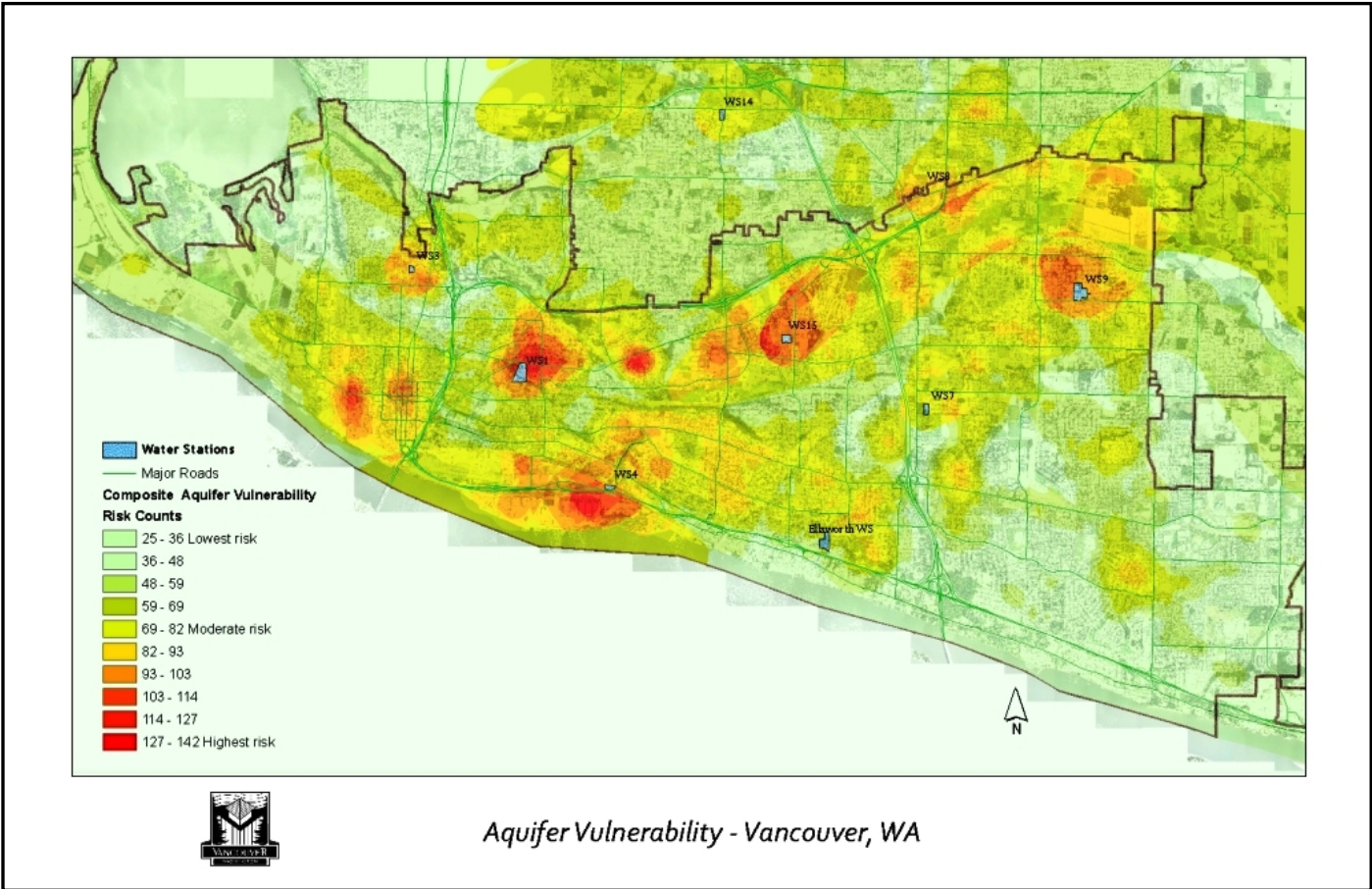


Figure 11: Composite aquifer vulnerability map

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.

References

Ellis, Chandler (Robinson-Noble), May 2008, Email response to an inquiry from Vancouver Water Engineering's Tyler Clary on Clark County Aquifers.

HDR Engineering, Inc., 2007. Water System Comprehensive Plan, City of Vancouver, Washington. Prepared in association with Robinson, Noble & Saltbush, Inc.

McFarland, W.D. and Morgan, D.S, 1996. Description of the Ground-Water Flow System in the Portland Basin, Oregon and Washington. USGS Water-Supply Paper 2470-A.

Morgan D.S., and W.D. McFarland, 1994, A Numerical Model Analysis of the Ground-Water Flow System in the Portland Basin, Oregon and Washington: U.S. Geological Survey Water Resource Investigations Report 92-4089.

Mundorff, M.J., 1964. Geology and Ground-Water Conditions of Clark County Washington, with a Description of a Major Alluvial Aquifer Along the Columbia River, USGS Water-Supply Paper 1600.

National Research Council, 1993, Ground Water Vulnerability Assessment, Predicting Relative Contamination Potential under Conditions of Uncertainty: Washington, National Academy Press.

Pacific Groundwater Group, 2008. Columbia River Subarea Plan - Hydrogeologic Assessment, Vancouver, Washington.

Swanson, R.D., 1995, Wellhead Protection Area Delineations for Clark County: Clark County Water Quality Division, Vancouver, WA.

Swanson, R.D., McFarland W.D., Gonthier, J.B., and Wilkinson, J.M., 1993. A Description of Hydrogeologic Units in the Portland Basin, Oregon and Washington, USGS Water Resources Investigations Report 90-4196.

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>.

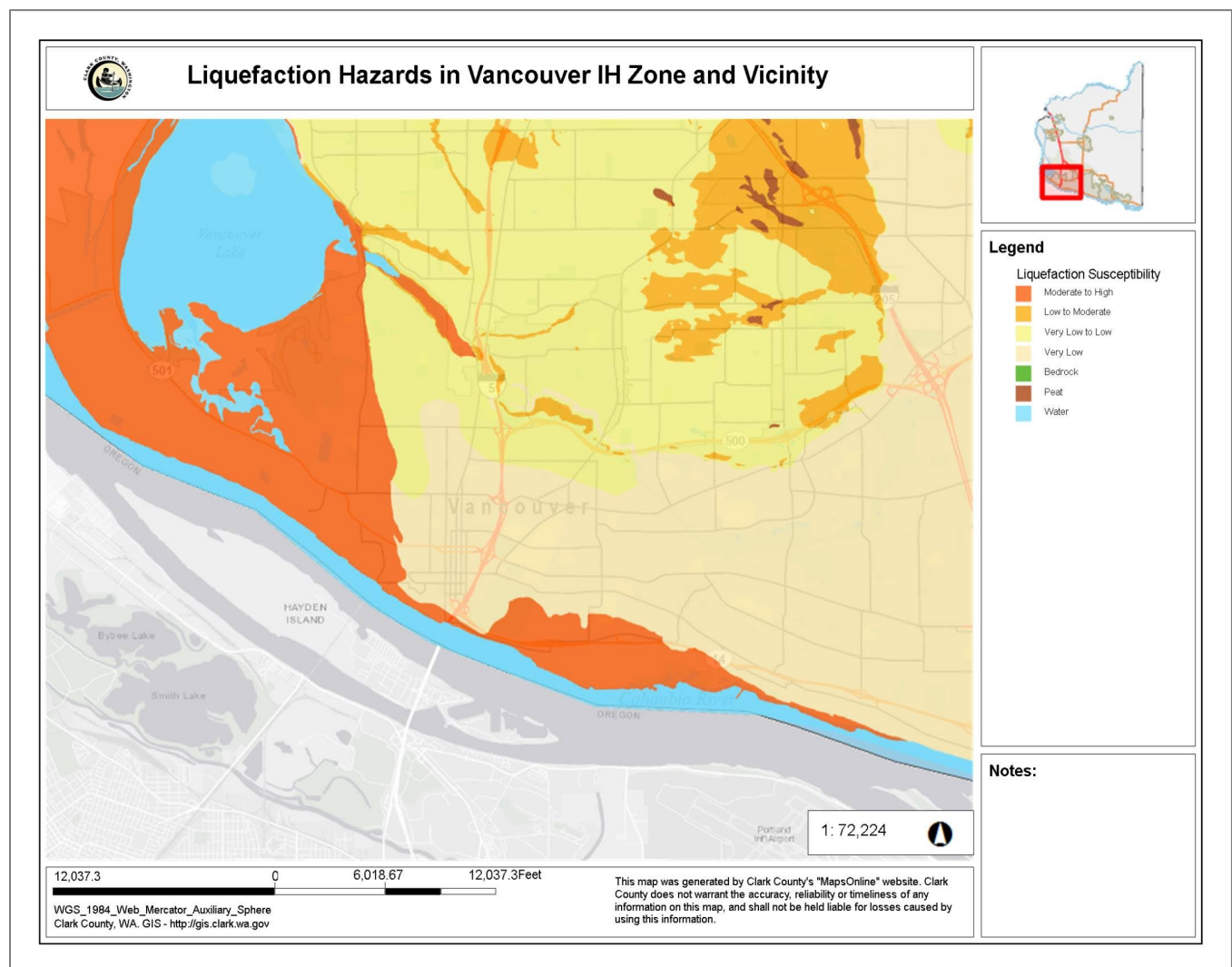
What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils.

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.

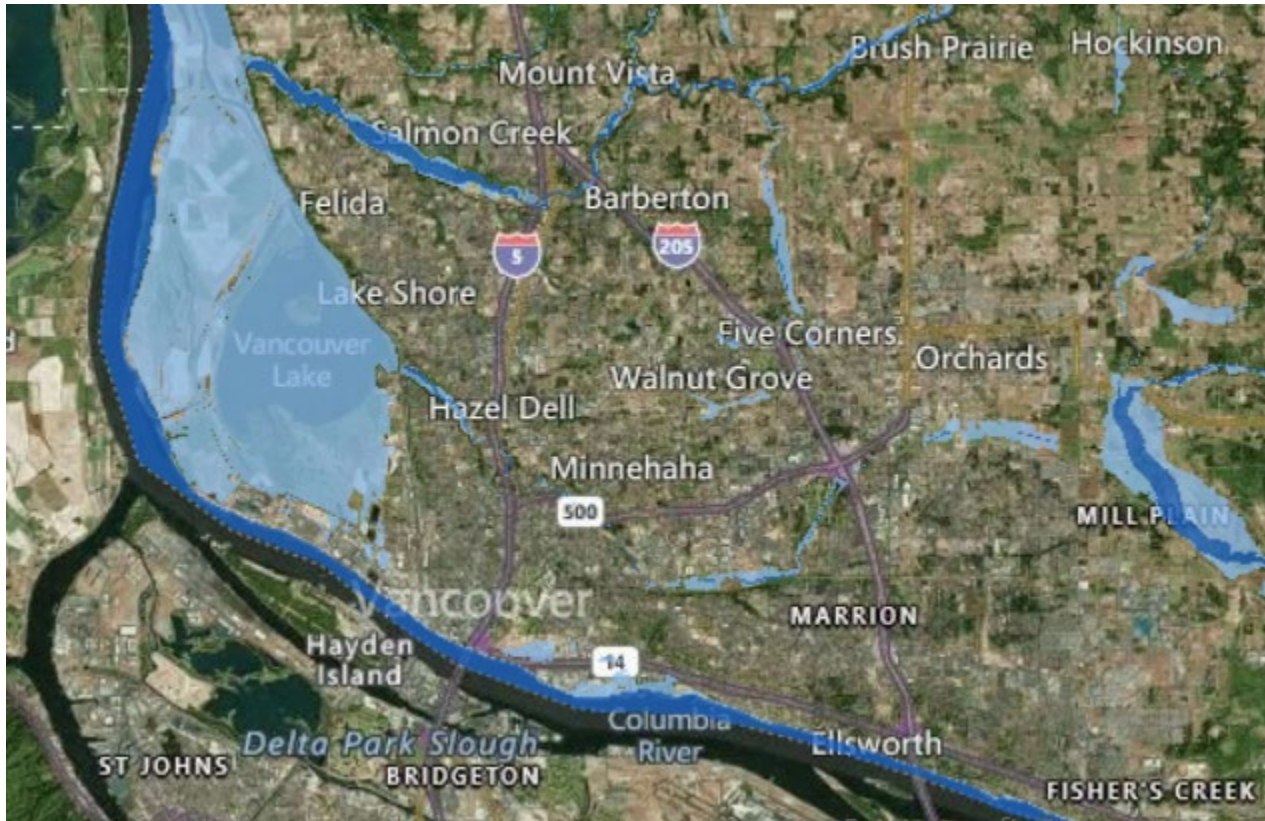
4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.

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.

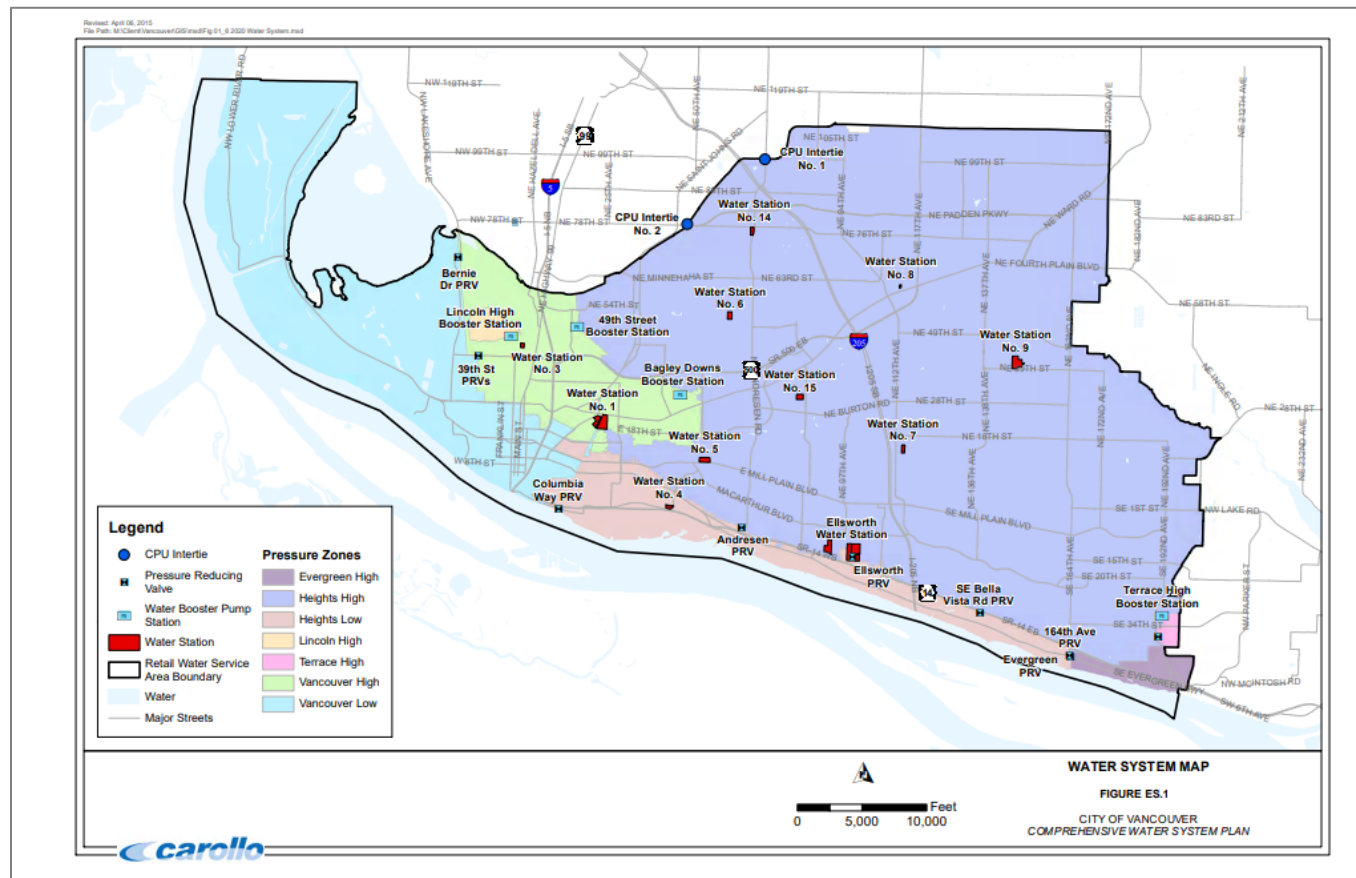
Not applicable – not a site specific proposal. Future development that would discharge waste materials to surface waters would be subject to City clearing and grading regulations as well as Shoreline Master Program and Critical Area regulations.

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

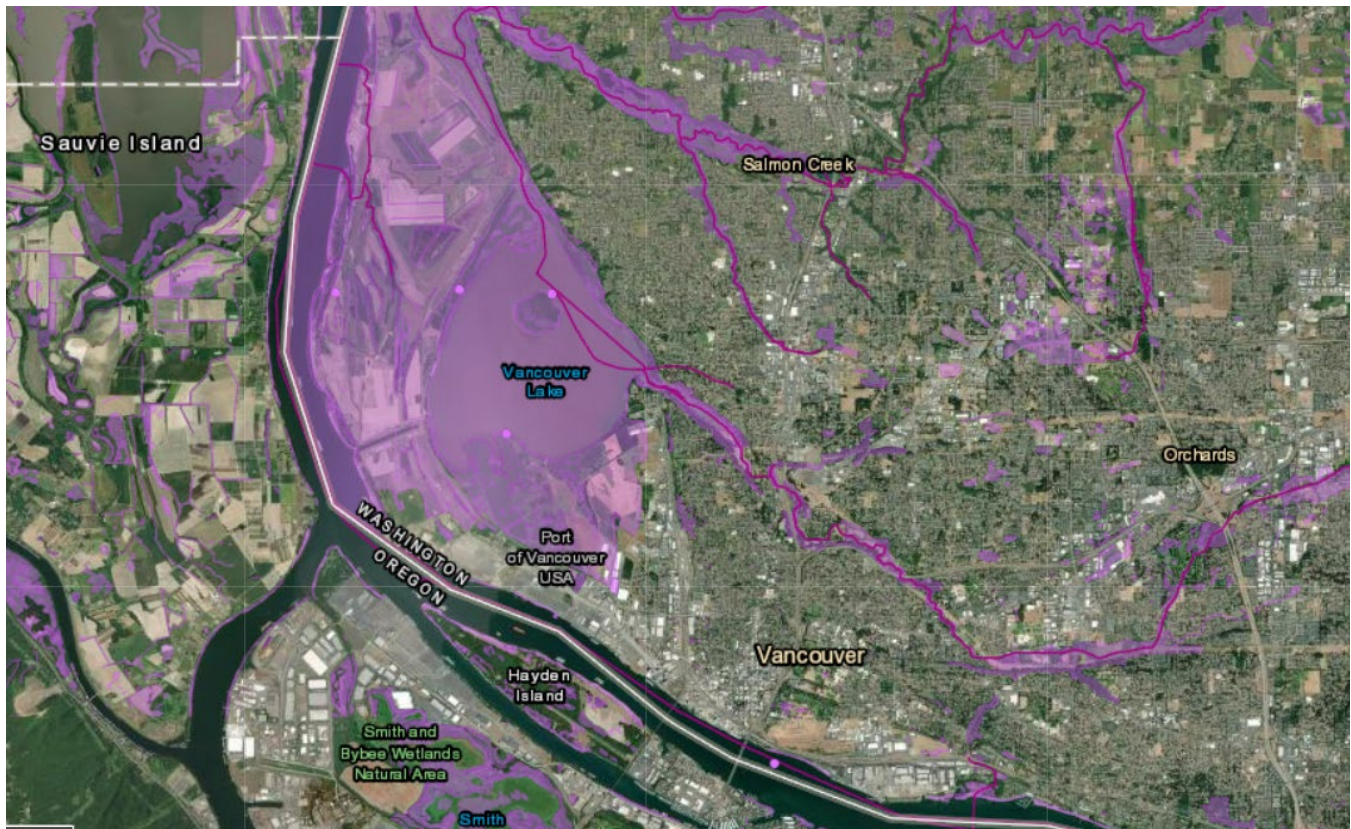
North American wolverine

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

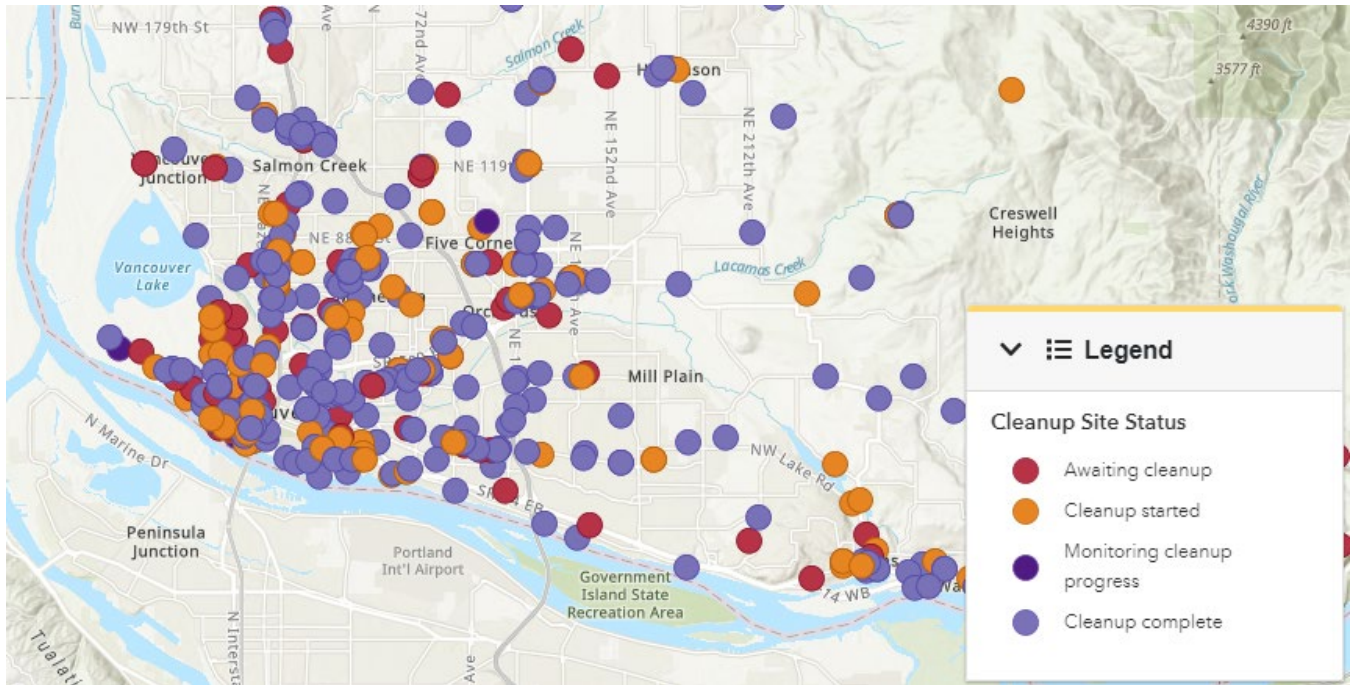
Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe.

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.

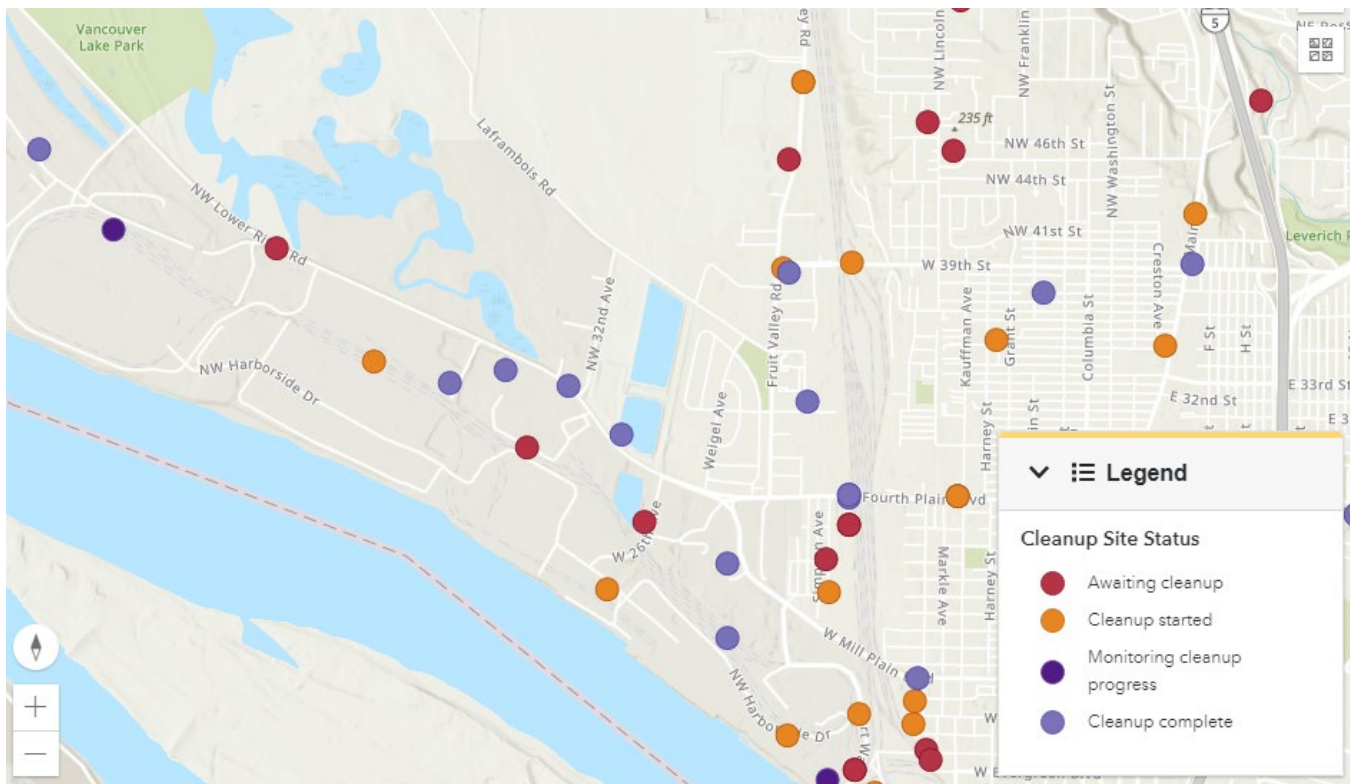
The State of Washington Department of Ecology maintains a database of contaminated sites. In all parts of the study area there are completed, in progress, and pending clean-up efforts. See Exhibit 6 and Exhibit 7.

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

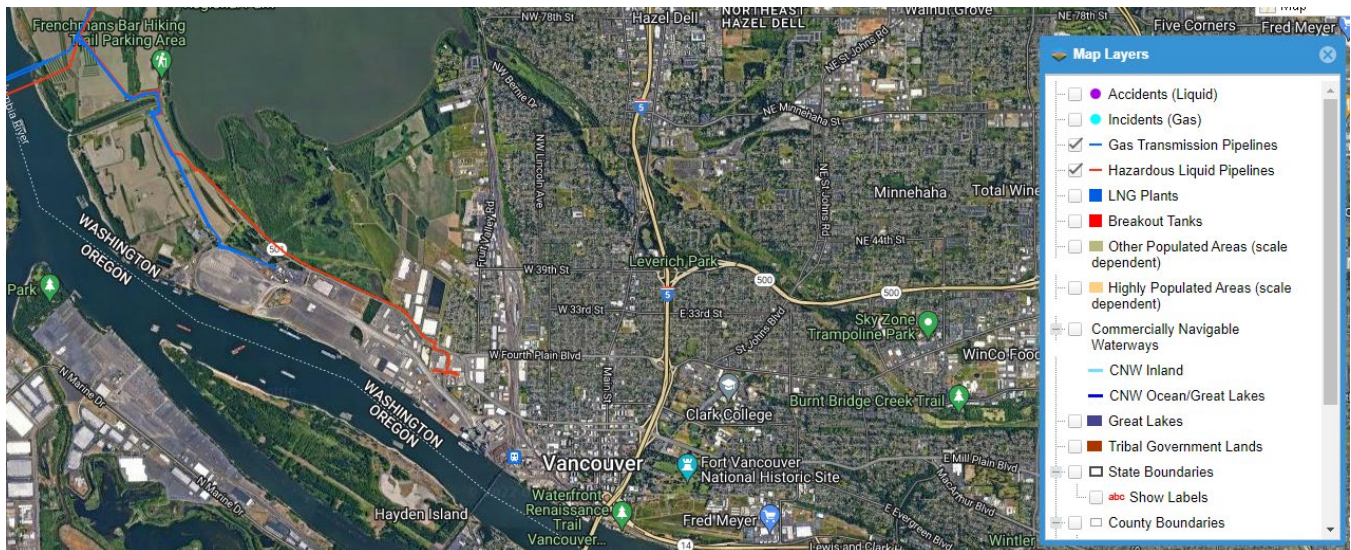


Source: State of Washington Department of Ecology (2022)

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.

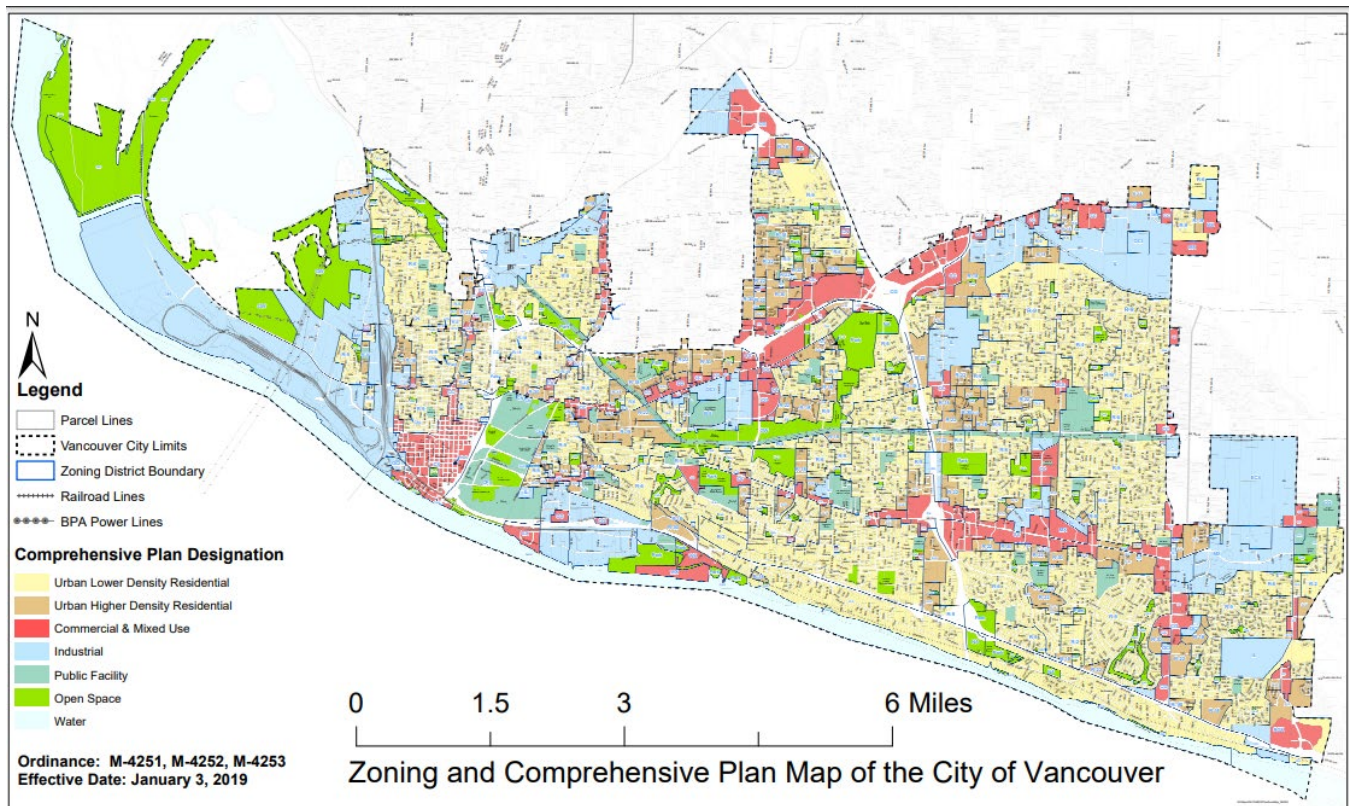
What is the current zoning classification of the site?

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

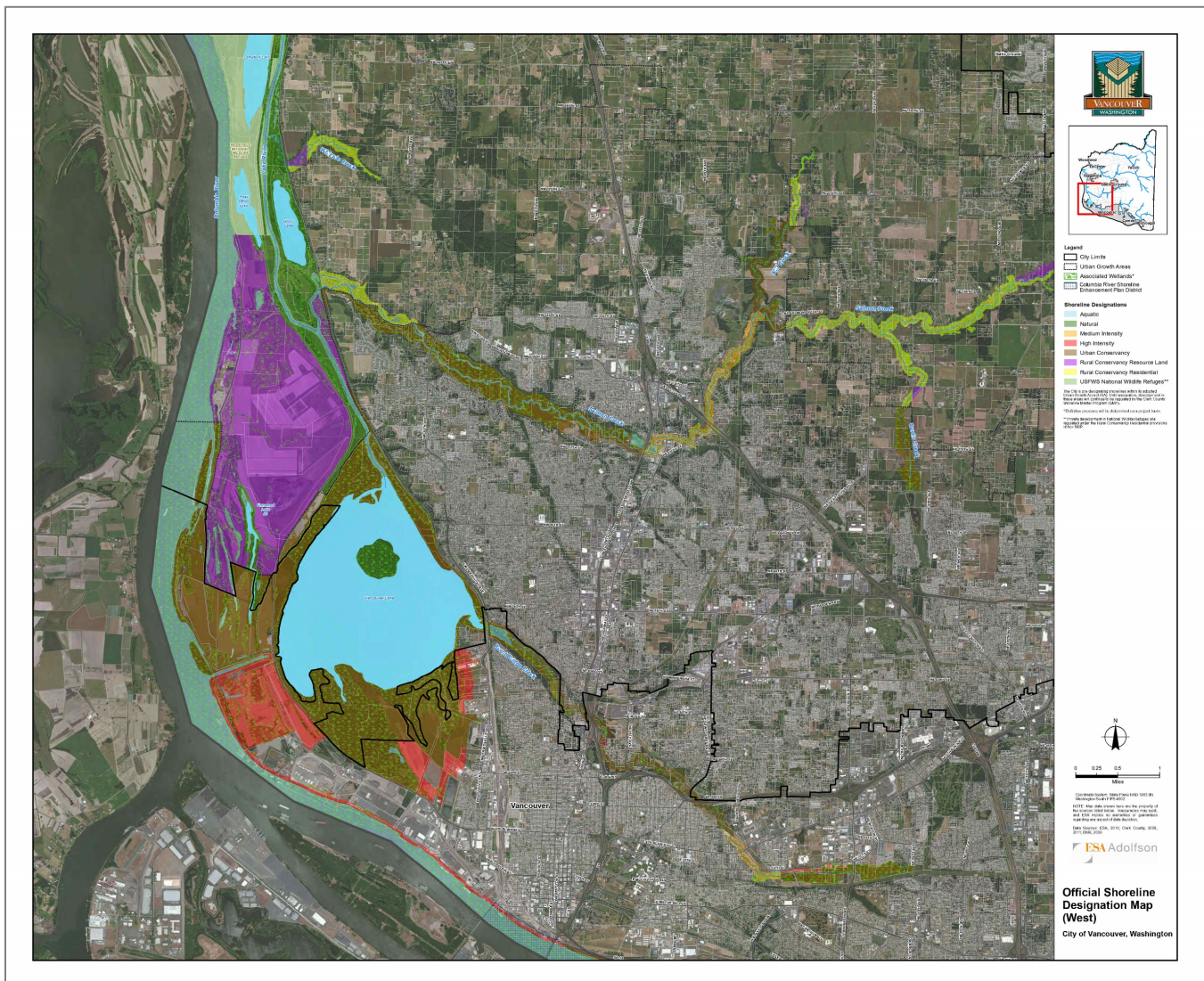


Source: City of Vancouver, 2019

If applicable, what is the current shoreline master program designation of the site?

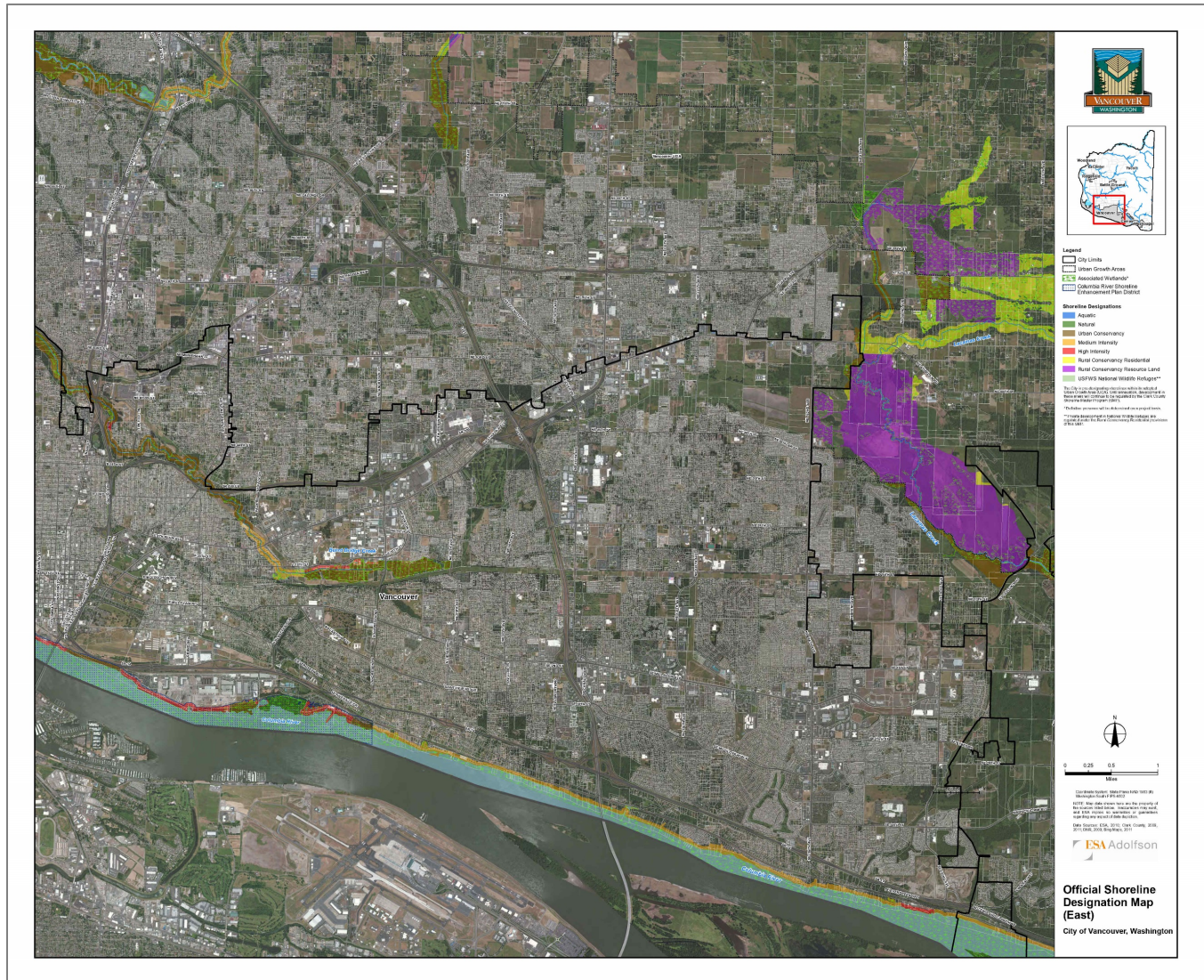
This non-project action is not site specific. The City of Vancouver adopted their Shoreline Master Plan (SMP) in 2012 and recently reviewed and updated it in June 2021. The City of Vancouver SMP 6.3.6.1 provides general requirements for industrial uses. Future development could result in new or altered facilities in compliance with the new “Bulk Fossil Fuel Storage and Handling Facility,” “Cleaner Fuel Storage and Handling Facilities” and “Small Fossil Fuel and Cleaner Fuel Storage and Distribution Facilities” land use categories. In the event of a permit application within the Shoreline Management Area, the applicant will adhere to policies set forth by Vancouver Municipal Code 20.760.060 Shoreline Permit Procedures. Exhibit 10 and Exhibit 11 show the areas on the west and east halves, respectively, within the City of Vancouver.

Exhibit 10. Shoreline Designation Map (west) for the City of Vancouver



Source: City of Vancouver

Exhibit 11. Shoreline Designation Map (east) for the City of Vancouver



Source: City of Vancouver

Has any part of the site been classified as a critical area by the city or county? If so, specify.

This non-project proposal does not involve construction activity. Future development could lead to the addition of smaller fossil fuel facilities, or facilities converting or adding cleaner fuels, on IH zoned land. If the proposed site falls under a critical area, the applicant will be subject to follow all state and federal permits as a condition of a critical area permit per Vancouver Municipal Code (VMC) 20.740 Critical Areas Protection. Exhibit 10 and Exhibit 11, above, also identify ecological conservation districts within the City of Vancouver.

Approximately how many people would reside or work in the completed project?

This non-project proposal does not involve construction activity of any new housing or commercial uses. Under Vancouver Municipal Code (VMC) 20.440 Industrial Uses, housing is allowed as a limited use in IH zoned land. Future development of small fossil fuel facilities, or facilities converting or adding cleaner fuels, will be reviewed per applicable permit requirements and standards.

Approximately how many people would the completed project displace?

This non-project proposal does not involve construction activity that will result in the displacement of residential and commercial uses.

Proposed measures to avoid or reduce displacement impacts, if any:

This non-project proposal will prohibit industrial uses pertaining to fossil fuels in non-industrial zoned parcels. An indirect impact of the non-project action would be that housing and commercial uses continue to be prioritized within residential, commercial, and mixed use zoned parcels within the City of Vancouver.

Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:

This non-project proposal will prohibit industrial uses pertaining to fossil fuels in non-industrial zoned parcels. An indirect impact of the non-project action would be that housing and commercial uses continue to be prioritized within residential, commercial, and mixed use zoned parcels within the City of Vancouver.

The proposed land use code changes would help the City reduce greenhouse gas emissions (GHG) and minimize potential public and environmental health and safety impacts. The non-project action will then be used to align with the Vancouver Strategic Plan Update, Climate Action Plan and other Title 20 code amendments. Furthermore, protecting fish and wildlife habitats from the risk of spills from fossil fuel facilities through increasing seismic safety would indirectly support Treaty fishing rights with Tribal fisheries.

m. Proposed measures to reduce or control impacts to agricultural and forest lands of long-term commercial significance, if any:

Not applicable. There are no designated agricultural or forest lands of long-term commercial significance.

Housing

Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.

This non-project proposal does not involve construction activity. The non-proposal action will prohibit industrial fossil fuel facility uses from residential zoning districts and will be allowed only in industrial zoned parcels. Residential uses are allowed as a Limited use under all Industrial land uses. In OCI and ECX zoned parcels, multifamily housing is permitted on the ground floor only. In LI and IH zoned parcels, only caretaker residences are allowed.

There are residential zoned parcels that abut industrial zoned parcels. However, IH zoning boundaries and associated development standards are meant to avoid impacting residential activities as started in Vancouver Municipal Code (VMC) 20.440. Proposed standards for new small facilities or cleaner fuel facilities include distance requirements from residentially zoned land.

Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.

This non-project proposal does not involve construction activity. No housing units will be eliminated.

Proposed measures to reduce or control housing impacts, if any:

This non-project proposal does not involve construction activity, and the proposed code would limit fossil fuel facilities in the residential zones.

Aesthetics

a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?

Not applicable – not a site specific proposal. No changes to allowed heights are proposed.

b. What views in the immediate vicinity would be altered or obstructed?

The non-project action will limit the development of new fossil fuel facilities as well as limit the size of cleaner fuel facilities. There is currently no vision overlay district over parcels zoned for industrial uses. Any future development will be subject to height and landscape standards.

c. Proposed measures to reduce or control aesthetic impacts, if any:

No significant impacts are identified for the non-project proposal. The zoned based height standards and landscape standards would apply in the VMC Title 20 Land Use Code.

Light and Glare

What type of light or glare will the proposal produce? What time of day would it mainly occur?

This non-project action is not site specific. Any future development will need to adhere to Title 20 of the Vancouver Municipal Code (VMC).

Could light or glare from the finished project be a safety hazard or interfere with views?

This non-project action is not site specific. No changes to regulations addressing light and glare are proposed. Any future development will need to adhere to Title 20 of the Vancouver Municipal Code (VMC).

What existing off-site sources of light or glare may affect your proposal?

This non-project action is not site specific. No changes to regulations addressing light and glare are proposed. Any future development will need to adhere to Title 20 of the Vancouver Municipal Code (VMC).

Proposed measures to reduce or control light and glare impacts, if any:

This non-project action is not site specific, and no significant impacts have been identified. Any future development will need to adhere to Title 20 of the Vancouver Municipal Code (VMC) including 20.935.030 Performance Standards with a standard to avoid light and glare.

Recreation

What designated and informal recreational opportunities are in the immediate vicinity?

This non-project action is not site specific. An indirect impact of this non-project proposal will prohibit fossil fuel facilities within open space districts.

Would the proposed project displace any existing recreational uses? If so, describe.

The regulations would not displace existing uses. Existing park and recreation uses would continue.

Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:

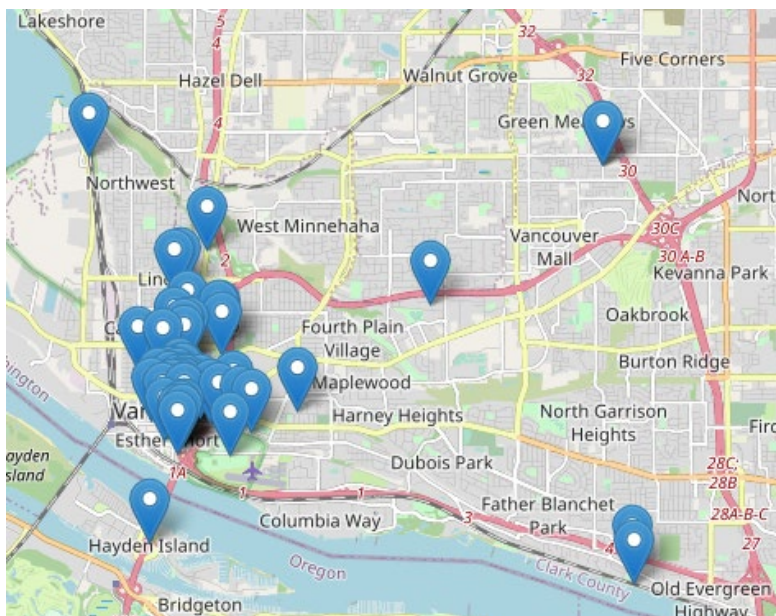
A key goal of this non-project proposal is to reduce greenhouse gas (GHG) emissions by prohibiting new bulk fossil fuel facilities. This includes disallowing fossil fuel facilities in open space districts.

Historic and cultural preservation

a. Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers ? If so, specifically describe.

Future development under this new non-project action will occur only in industrial zoned districts within the City of Vancouver. According to the Clark County Historic Preservation Program, there are no buildings, structures or sites located within a parcel zoned for industrial land use. Exhibit 12, below shows the location of all historic structures within the city. The majority of sites are located west of Central Park in the Esther Short neighborhood and to the north.

Exhibit 12. Historical buildings, structures and sites within the City of Vancouver



Source: Clark County Historical Preservation Program (2022)

b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural

importance on or near the site? Please list any professional studies conducted at the site to identify such resources.

The City of Vancouver is located within the ancestral lands of the primarily the Chinook and Cowlitz tribes. Washington State Department of Archaeology and Historic Preservation (DAHP) Statewide Predictive Modal classifies the city boundaries overall in the very high-risk category.

c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc.

The methods included review of inventoried data with the Department of Archaeology and Historic Preservation (<https://wisaard.dahp.wa.gov/>).

d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required.

There are no anticipated impacts as a result of non-project proposals; no changes to historic or cultural resource regulations are proposed. Development would be subject to federal, state, and local laws protecting historic and cultural resources, including:

National Historic Preservation Act (NHPA) (Title 54 United States Code [U.S.C.]); Section 106 of the NHPA (36 Code of Federal Regulations [CFR] Part 800)

Native American Graves Protection and Repatriation Act (NAGPRA; 25 U.S.C. 2001-13)

American Antiquities Act of 1906 (16 U.S.C. 432)

Archaeological Resources Protection Act of 1979 (ARPA, 16 U.S.C. 470aa-470mm)

Section 4(f) of the Department of Transportation Act (DOT Act, 49 U.S.C. 303)

Abandoned Shipwreck Act, of 1988 (ASA, 43 U.S.C. 2101-2106)

Procedures for State, Tribal, and Local Government Historic Preservation Programs (36 CFR Part 61)

State Environmental Policy Act (RCW 43.21C, WAC 197-11-330)

Governor's Executive Order 05-05

Washington Heritage Register (Senate Bill 363; RCW 27.34.200, WAC 25-12)

Archaeological Sites and Resources (RCW 27.53)

Archaeological Site Public Disclosure Exemption (RCW 42.56.300)

Human Remains (RCW 68.50)

Indian Graves and Records (RCW 27.44)

Abandoned and Historic Cemeteries and Historic Graves (RCW 68.60)

Archaeological Excavation and Removal Permit (WAC 25 48)

Archaeological activities on state-owned aquatic lands – Agreements, leases, or other conveyances (RCW 79.105.600)

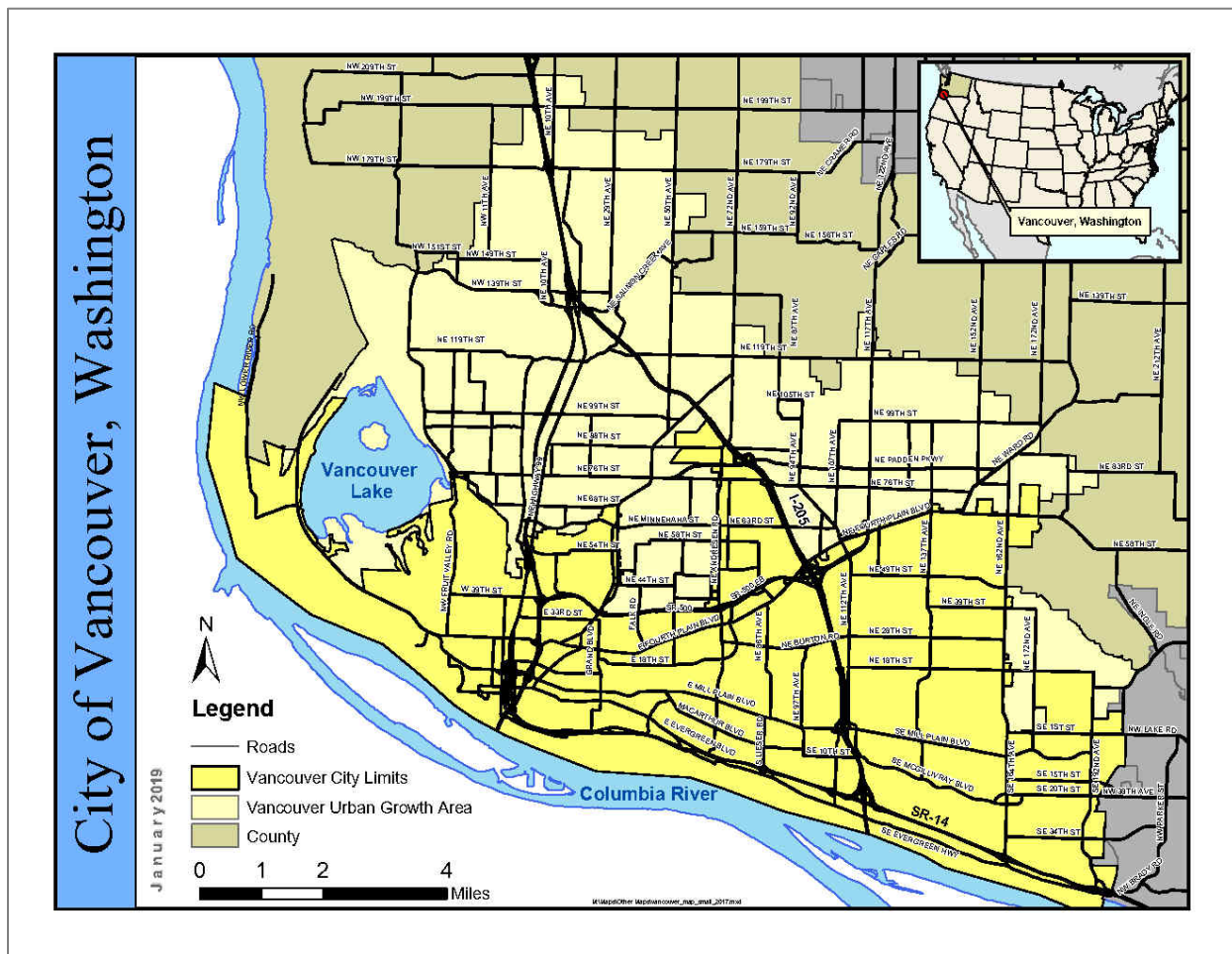
City of Vancouver Municipal Code (VMC) 17.39 Historic Preservation

Transportation

- a. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any.

The non-project action is not site-specific and does not propose any new transportation system improvements. The City of Vancouver is primarily a vehicle-oriented environment, with about 86% of its residents commuting to work by car¹. The I-5 and I-205 highways extend north-south through the city, and State Routes 500, 501 and 14 extend east-west through the city. Exhibit 13, below, shows a street map for Vancouver.

Exhibit 13. City of Vancouver Street Map



Source: City of Vancouver

¹ City of Vancouver State of Mobility Report 2020

- b. *Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop?*

Not applicable – not a site specific proposal. The study area is served by both C-TRAN and Sound Transit.

- c. *How many additional parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate?*

Not applicable – not a site specific proposal. No changes are proposed to parking standards.

- d. *Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private).*

Not applicable – not a site specific proposal. No changes are proposed to existing transportation systems.

- e. *Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.*

The study area includes areas served by water and rail transportation.

- f. *How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and non-passenger vehicles). What data or transportation models were used to make these estimates?*

Not applicable – not a site specific proposal. The City's Comprehensive Plan is based on growth targets that are the basis for planned improvements; growth projections are not anticipated to change.

- g. *Will the proposal interfere with, affect or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe.*

The study area contains port facilities that move a wide range of goods, including fossil fuels. No changes to the movement of resource products are anticipated.

- h. *Proposed measures to reduce or control transportation impacts, if any:*

There are no anticipated impacts as a result of non-project proposals; no changes to transportation regulations are proposed. Any future development would be subject to:

VMC 20.550 Transit Overlap District

VMC 11.80.130 Traffic impact analysis.

Public Services

Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe.

Not applicable – not a site specific proposal. This non-project proposal will limit fossil fuel facilities within the City of Vancouver. Vancouver Fire Department has been identified as the lead agency to address

any hazardous material incidents. There would be a requirement for a spill prevention plan and review by the Fire Marshall.

Proposed measures to reduce or control direct impacts on public services, if any.

There are no anticipated adverse impacts as a result of non-project proposals. Future development would be required to meet:

VMC 16.04.010 Adoption of the international fire code.

VMC 2.32.070 Fire Department

Utilities

Circle utilities currently available at the site:

electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system,
other _____

Utilities are available in the city including power, sewer, and wastewater.

Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.

Not applicable – not a site specific proposal. Future development would be required to meet City utility standards including Title 14 Water and Sewers. See B.6 Energy regarding power.

Signature

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature: _____



Name of signee _____ Bryan Snodgrass _____

Position and Agency/Organization _____ Principal Planner _____

Date Submitted: _____ 8/16/2022 _____

Supplemental sheet for non-project actions

(IT IS NOT NECESSARY to use this sheet for project actions)

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?

See B.2, B.3, and B.7.

Proposed measures to avoid or reduce such increases are:

See B.2, B.3, and B.7.

How would the proposal be likely to affect plants, animals, fish, or marine life?

See B.4 and B.5

Proposed measures to protect or conserve plants, animals, fish, or marine life are:

See B.4 and B.5

How would the proposal be likely to deplete energy or natural resources?

See B.6.

Proposed measures to protect or conserve energy and natural resources are:

See B.6.

How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?

See B.4, B.5, B.8, and B.12.

Proposed measures to protect such resources or to avoid or reduce impacts are:

See B.4, B.5, B.8, and B.12.

How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

See B.8.

Proposed measures to avoid or reduce shoreline and land use impacts are:

See B.8.

How would the proposal be likely to increase demands on transportation or public services and utilities?

See B.14, B.15, and B.16.

Proposed measures to reduce or respond to such demand(s) are:

See B.14, B.15, and B.16.

Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

The non-project action will align with the Vancouver Strategic Plan update and Climate Action Plan. Furthermore, these changes will support existing Tribal fishing treaties. It will promote cleaner fuels that fit state and federal rules and help achieve climate change reduction goals.



Holli Johnson
Senior Manager NW Region

August 30, 2022

Via Email:

bryan.snodgrass@cityofvancouver.us

Bryan Snodgrass
Responsible Official
City of Vancouver
PO Box 1995
Vancouver, WA 98668-1995

Re: Western States Petroleum Association Comments on the City of Vancouver's August 16, 2022, SEPA Determination of Environmental Non-significance for Vancouver Fossil Fuel Standards Proposal

Mr. Snodgrass:

Western States Petroleum Association (WSPA) again appreciates the opportunity to provide comments on the City of Vancouver's (City) Determination of Non-significance (DNS) for the Vancouver Fossil Fuel Code Standards Proposal (Proposal). The Proposal consists of proposed zoning code amendments, Planning Commission version (revised July 5, 2022).

WSPA filed comments on, and appealed, the previous DNS for an earlier version of the Proposal. The City withdrew the prior DNS and reissued a new DNS concluding:

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

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

The current DNS suffers from the same infirmities as the prior DNS as detailed in this comment letter.

WSPA is a nonprofit trade association representing companies that explore for, produce, refine, transport, and market petroleum and petroleum products in five western states, including Washington. WSPA members have operated petroleum terminals in the City for many years. These facilities supply fuel to the region, provide critical emergency infrastructure, and have many positive impacts on the economy, including providing family-wage jobs.

WSPA and operators of facilities targeted by the existing moratorium and the Proposal have previously outlined for the City the significant harm these regulations are having and will continue to have on structure safety, transition to lower-carbon fuels, reduction of greenhouse gases

(GHG), improvements to existing infrastructure, and displacement of fuel transportation to less-safe methods—all of which have direct and significant environmental impacts.

In completing a revised environmental checklist (Checklist) and issuing the DNS, the City has still yet to analyze these undesired impacts. WSPA respectfully asks the City to withdraw the DNS, issue a Determination of Significance (DS), and prepare an Environmental Impact Statement (EIS).

1. The City failed to acknowledge, investigate, and assess the full range of potential environmental impacts.

At the heart of SEPA is the legislative mandate that governmental entities “[u]tilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and in decision making which may have an impact on the environment[.]” RCW 43.21C.030(a). To that end, agencies and local governments must include with every legislative proposal a “*detailed* statement” fully analyzing environmental impacts and alternative courses of action. RCW 43.21C.030(c) (emphasis added).

Accordingly, throughout the SEPA process, cities are required to “*carefully consider* the range of probable impacts, including short-term and long-term effects[.]” both inside and outside the local jurisdiction and state.¹ A city’s careful consideration must include both direct and indirect consequences.²

As part of the threshold determination process, a city must identify, investigate, and thoroughly consider all potential environmental impacts.³ Obviously, this requires the City to first fully evaluate the operation and future development effects of a proposed legislative amendment.⁴ In determining the likely environmental impacts therefrom, a city is not permitted to blindly rely on its uninformed completion of an environmental checklist, but must obtain all information necessary to make an informed decision.⁵

The City has still not fulfilled these obligations here. Its completion of the Checklist and analysis of the potential environmental impacts of the Proposal is inadequate on its face. First, the City fails to include any analysis in the Checklist on how the Proposal will adversely impact existing facilities. The City, for instance, does not discuss how designating existing facilities as nonconforming uses will complicate and inject significant uncertainty into the review and approval of proposed improvements/alterations of current infrastructure, nor how requiring a highly

¹ WAC 197-11-060(4)(b)-(c) (emphasis added).

² WAC 197-11-060(4)(d).

³ WAC 197-11-330(4), imposing requirements of WAC 197-11-080(1) (“agencies shall obtain and include” all “information on significant adverse impacts essential to a reasoned choice among alternatives” if it “is not known, and the costs of obtaining it are not exorbitant[.]”).

⁴ WAC 197-11-060(3).

⁵ *Id.*; WAC 197-11-335; *Anderson v. Pierce Cty*, 86 Wn. App. 290, 302, 936 P.2d 432 (1997) (In order for a DNS or MDNS to survive judicial review, “the record must demonstrate that environmental factors were adequately considered [and that the decision] was based on information sufficient to evaluate the proposal’s environmental impact.”) (internal quotation marks and citation omitted).

discretionary conditional use permit for other projects will also result in deterrence, abandonment, or relocation of desirable projects, including cleaner fuel projects.

In completing the required supplemental sheet in the Checklist for non-project actions, the City simply refers to earlier sections of the Checklist with reference to Section B without meaningful analysis or factual support. Moreover, there is no Section B in the version of the Checklist we have to confirm exactly what sections the supplemental sheet refer to. This is a significant defect in the Checklist where the supplemental sheet relies heavily on the nonexistent Section B. The City also completely ignored the issues repeatedly raised by industry experts throughout the City's ongoing fossil fuel regulation process.⁶

Another infirmity is that in the Checklist, the City notes several times that the proposed code could, as an option, allow new cleaner fuels storage and handling facilities. Page 5. Yet the proposed code does not include this option, causing further unstudied impacts through elimination of potentially beneficial projects. See Section 20.895.110.F.1 of the Proposal.

In sum, there is insufficient analysis for the threshold determination process. For this and all the other issues identified above, the City must obtain the available information necessary to adequately analyze all the environmental impacts of the Proposal. It clearly has not done so yet. Accordingly, the DNS should be withdrawn again.

2. The Proposal will cause probable significant adverse impacts.

SEPA requires a lead agency to issue a DS and prepare an EIS when a proposal is likely to have probable significant adverse environmental impacts.⁷ A threshold determination cannot rely on the fact that a proposal's purported benefit may outweigh the environmental impacts.⁸ Indeed, SEPA expressly acknowledges that even proposals that are purportedly designed to improve the environment "may also have significant adverse environmental impacts."⁹ As such, the responsible official must consider *all* probable significant adverse impacts, regardless of whether they are direct, indirect, or cumulative.¹⁰ In this case, an EIS is necessary because the Proposal will cause probable significant adverse impacts.

⁶ The ban on new terminals significantly impacts the environment by preventing new facilities and upgrades that would increase efficiency, reduce GHG, and comply with lower-emission federal and state fuels law; discouraging safety improvements, such as seismic retrofitting; blocking the introduction of future technologies to the current fuel infrastructure framework; forcing fuel facilities to stay in areas with heightened seismic and groundwater risk by prohibiting fuel suppliers from relocating to safer locations; and distorting the supply of fuel to less-efficient and potentially riskier methods of transportation and storage.

⁷ RCW 43.21C.031; see *also* WAC 197-11-330 (threshold determination process) & 197-11-782 (defining "probable").

⁸ WAC 197-11-330(5) ("A threshold determination shall not balance whether the beneficial aspects of a proposal outweigh its adverse impacts, but rather, shall consider whether a proposal has any probable significant adverse environmental impacts under the rules. For example, proposals designed to improve the environment, such as sewage treatment plants or pollution control requirements, may also have significant adverse environmental impacts.").

⁹ *Id.*

¹⁰ WAC 197 11-060(4); see *also* WAC 197-11-330.

For example, the Checklist wrongly concludes that there will be no significant impacts to energy resources. Page 14. The DNS offers no evidence or analysis for this statement, which is contrary to industry testimony provided throughout the legislative process. The DNS ignores the probable significant adverse impacts to energy resources that will result from the City's prohibition on new bulk terminal and fuel handling facilities, even though a reduction of fuel supply is part of the City's stated purpose for adopting the Proposal. Further, by treating existing facilities as nonconforming uses, and requiring conditional use permits for other projects, the Proposal imposes extremely restrictive and uncertain limitations on the alteration and improvement of existing infrastructure. This will clearly delay and effectively discourage the investment in facility modifications to meet changing markets and improve production efficiency.

The Proposal would also create barriers to fuel facility upgrades that would improve safety, lower facility emissions, and allow for the introduction of new fuel technology. Each time fuels with lower emissions are developed or required by a governmental entity, new or updated infrastructure is needed to provide that fuel. The Proposal would prohibit improvements and beneficial innovation to the City's fuel infrastructure. Its effect is to freeze the current fuel supply system in place. Further, by uniformly blocking new fuel infrastructure in the City, the Proposal would force fuel distribution into less-efficient routes around the City and modes such as truck that increase GHG and other emissions.

These are just a few of the "probable significant adverse environmental impacts" caused by the Proposal. From its completion of the Checklist and issuance of the DNS, it is apparent that the City has still not studied or even meaningfully considered these issues. Accordingly, the DNS must be withdrawn and an EIS must be completed to evaluate these impacts.

Sincerely,



cc: Jessica Spiegel, WSPA
Jodie Muller, WSPA



WASHINGTON
ENVIRONMENTAL
COUNCIL



SIERRA
CLUB



WASHINGTON PHYSICIANS
FOR SOCIAL RESPONSIBILITY

August 30, 2022

Bryan Snodgrass, Principal Planner, CDD
City of Vancouver
PO Box 1995
Vancouver, WA 98668-1995

cc: Vancouver City Planning Commission; Vancouver City Council

Re: SEPA Checklist and SEPA Determination of Non-Significance for Vancouver Fossil Fuel Code Standards Proposal

Columbia Riverkeeper, Washington Environmental Council, Sierra Club Loo Wit, Washington Physicians for Social Responsibility, Oregon Physicians for Social Responsibility, Friends of the Columbia Gorge, Sunrise Southwest Washington, Vancouver Audubon Society, and the Alliance for Community Engagement support Vancouver's ongoing effort to develop a permanent ordinance prohibiting new or expanded bulk fossil fuel infrastructure in Vancouver. We offer the following comments on the Determination of Nonsignificance (DNS) and the State Environmental Policy Act (SEPA) Checklist for Vancouver's proposed Fossil Fuel Code Standards ("proposed code standards").

The proposed code standards represent an important step forward for protecting community health and safety from large-scale fossil fuel facilities in Vancouver. We agree with City staff that banning new large-scale fossil fuel facilities in Vancouver warrants a DNS, as reflected in Option A. We encourage Vancouver to ground the policy and the SEPA analysis firmly in health and safety concerns about these types of fossil fuel facilities and ensure that the final determination and code reflect these concerns.

1. Prohibiting new or expanded large-scale fossil fuel facilities will not have a probable significant adverse impact on the environment.

The proposed code standards will help to protect Vancouver communities from the health and safety impacts of new or expanded fossil fuel facilities, including air pollution, water pollution, and public safety hazards related to storing and handling large quantities of fossil fuels. Vancouver's SEPA Checklist demonstrates that the ordinance will address public and environmental health and safety impacts associated with fossil fuel facilities. In addressing

whether there are environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste that could occur as a result of this proposal, the SEPA Checklist states, “Some industrial uses involving chemical manufacturing, smelting, or fossil fuel or renewable fuel processing, handling, and storage have risks, impacts, and vulnerabilities, such as: explosive and fire risks, spill, exposure to toxic chemicals, odor, stormwater, and waste products.”¹ By highlighting the types of risks avoided through the passage of the fossil fuel ordinance, the City’s SEPA analysis supports the DNS.

Vancouver has experience in reviewing the potential health and safety impacts of fossil fuel terminals. For example, the City of Vancouver participated extensively in the review process for the Tesoro-Savage oil train terminal. The environmental impact statement for that project concluded that fossil fuel trains could impose significant negative impacts: “The direct and indirect impact analysis determined that some significant impacts could be unavoidable, related to rail accidents, emergency response delays resulting from additional train traffic, and environmental justice impacts to minority or low-income populations along the rail corridor.”² The proposed ordinance would avert these impacts for new large-scale fossil fuel facilities.

Specific examples of new potential large-scale fossil fuel facilities include liquefied petroleum gas or liquefied propane gas (LPG) facilities, liquefied natural gas (LNG) proposals, coal terminals, and other facilities such as natural gas liquids or fracked gas-based methanol facilities. The SEPA Checklist states that the ordinance is intended to “avoid and minimize any impacts to adjacent communities from fire or explosion.” For facilities that invite long trains and large storage volumes of fossil fuels, the risks are tremendous. For instance, potential LNG train traffic drew sharp opposition from the National Association of State Fire Marshals³ and the National Transportation Safety Board due to unstudied and potentially catastrophic public health and safety risks.⁴ Storing LNG in rail cars or storage tanks poses significant public health and safety risks for communities within a large area near the LNG facility or rail car. In 2021, the Washington Post reported that scientists were alarmed by the potential ramifications of an LNG leak resulting in a vapor cloud and fire.⁵ E&E News reported in 2022, “...near-misses and environmental problems highlight the risk. Most recently, a fireball at a plant near Freeport, Texas, touched off a fire that burned for 40 minutes, led to the temporary closure of the plant and knocked about 20 percent of U.S. export capacity offline for months.”⁶ These concerns

¹ SEPA Checklist, p. 14.

² Washington Energy Facility Siting Council. 2017. Final Environmental Impact Statement for the Tesoro-Savage Oil Train Terminal. p. ES-21.

³ National Association of State Fire Marshals (NASFM). 2019. Comment from re: Docket Number PHMSA-2018-0025 (HM-264) – LNG by Rail. <https://www.regulations.gov/document/PHMSA-2018-0025-0096>

⁴ National Transportation Safety Board. 2019. Comment from re: Docket Number PHMSA-2018-0025 (HM-264) – LNG by Rail. <https://www.regulations.gov/document/PHMSA-2018-0025-0078>

⁵ Will Englund. June 3, 2022. Engineers raise alarms over the risk of major explosions at LNG plants. <https://www.washingtonpost.com/business/2021/06/03/lng-export-explosion-vce/>

⁶ Mike Soraghan and Mike Lee. June 28, 2022. LNG explosion shines light on 42-year-old gas rules. E&E News. <https://www.eenews.net/articles/lng-explosion-shines-light-on-42-year-old-gas-rules/>

underscore Vancouver's conclusion that the ordinance would not have a negative impact on the environment and instead avoid significant risks.

Train terminals that involve the storage and handling of large volumes of LPG would also pose major health and safety risks, including fire and explosion risks. A recent study published by the American Chemical Society notes,

LPG...possesses flammable and explosive properties. With its flammability, LPG is easily ignited, while it is leaking in the course of transportation and processing, thus causing fire or explosion, especially in a confined space. The explosion of LPG is characterized by a high diffusion rate and rapid combustion speed. The explosion disaster induced by LPG leakage has resulted in a high number of economic losses and casualties.⁷

Storage and transport of LPG both carry risks of explosion. Avoiding these types of risks will benefit Vancouver's environment and the health and safety of its communities. Accordingly, the DNS is correct in concluding that the avoidance of these risks will not have a negative impact on the environment.

The DNS correctly concludes that large-scale fossil fuel facilities pose spill risks, and that avoiding these risks would not have a negative impact on the environment. In passing the moratorium related to large-scale fossil fuel facilities, the City referenced significant spill risks from a large seismic event, such as a Cascadia Subduction Zone earthquake. The SEPA analysis provides clear evidence for the potential seismic risks that exist throughout industrial zones in Vancouver. Exhibit 2 of the SEPA Checklist depicts soil liquefaction hazards in Vancouver's industrial zones.⁸ The placement of additional flammable or toxic fuels in liquefaction zones could exacerbate existing spill, fire, and emergency response concerns related to existing facilities. The ordinance would help Vancouver avoid these significant new health and safety impacts while also providing flexibility for terminal operators to reduce these risks. The SEPA analysis highlights that the ordinance would not encumber seismic and safety upgrades at existing facilities, stating, "The City of Vancouver identified 6 existing large-scale (bulk) fossil fuel facilities. This non-project action will allow existing facilities and maintenance/upgrades provided there is compliance with City codes including seismic, fire protection, and spill prevention."⁹ Additionally, facilities that undergo seismic upgrades and convert to cleaner fuels may expand storage up to 15%.

⁷ Liang et al. 2021. Risk Assessment of Liquefied Petroleum Gas Explosion in a Limited Space. <https://pubs.acs.org/doi/10.1021/acsomega.1c03430>

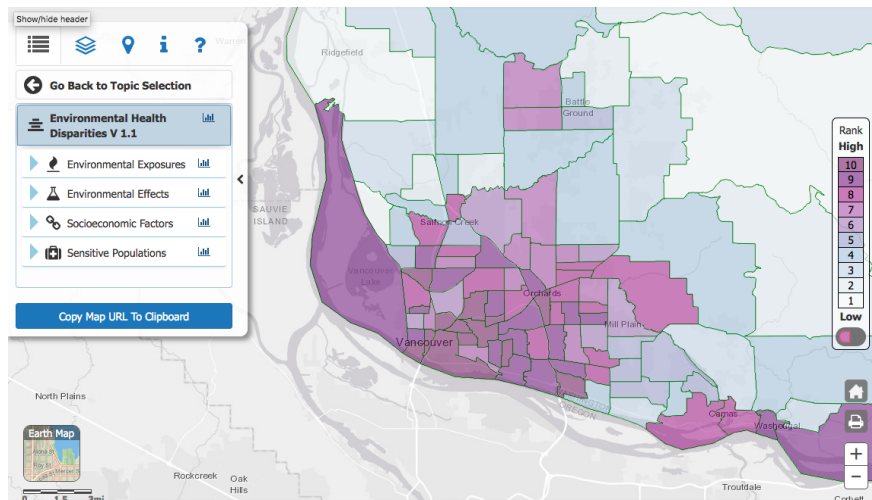
⁸ SEPA Checklist, p. 6.

⁹ SEPA Checklist, p. 16.

2. Prohibiting new or large-scale fossil fuel facilities will protect the health and safety of Vancouver residents, including BIPOC, lower-income, and other traditionally marginalized communities who already experience environmental health disparities.

The proposed code standards will help the City of Vancouver protect communities from the health and safety impacts of new or expanded fossil fuel facilities, including air pollution, water pollution, and public safety hazards related to storing and handling large quantities of fossil fuels. Although Vancouver has been working towards implementation of a Climate Action Plan (CAP) to diminish its fossil fuels for climate-related reasons, the prohibition on new large-scale fossil fuel facilities was originally conceived as a policy that would assist Vancouver in avoiding compounding environmental inequities already present, by reducing and averting health and safety risks.

Already, the environmental health impacts of fossil fuel facilities place disparate burdens on communities within Vancouver. Vancouver communities of color and low-income communities experience some of the most significant environmental health disparities in Washington, which would only be exacerbated by any new or expanded fossil fuel facilities.¹⁰ The proposed ordinance avoids worsening environmental health disparities already present in Vancouver and demonstrates an awareness of the difficulties these communities face.



Environmental Health Disparities in Vancouver.¹¹

Source: [Washington Environmental Health Disparities Map](#). 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

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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 positioned above the printed name and title.

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”).

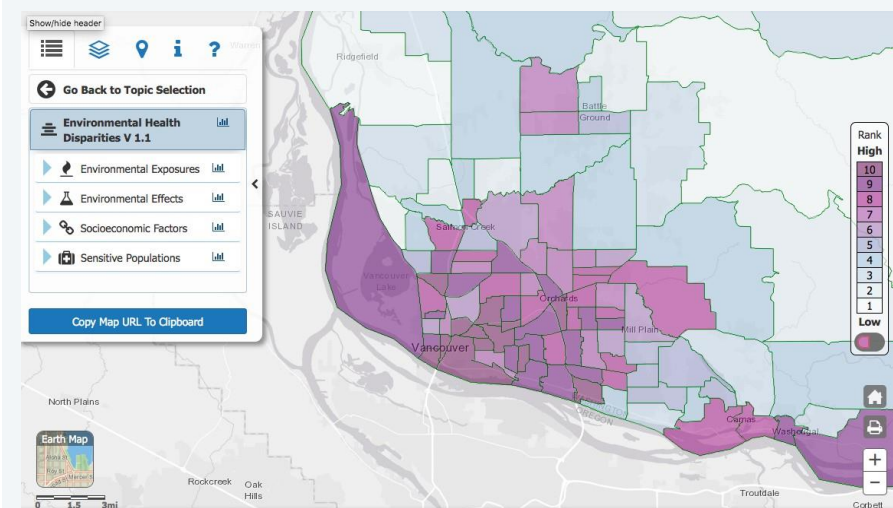
The proposed code standards represent an important step forward for protecting community health and safety from large-scale fossil fuel facilities in Vancouver. We agree with City staff that banning new large-scale fossil fuel facilities in Vancouver warrants a DNS, as reflected in Option A. We encourage 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 DisparitiesMap 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.

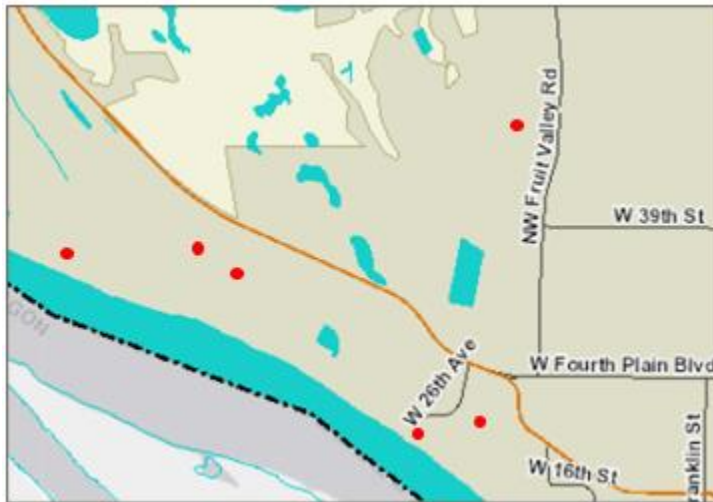
12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). 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>.

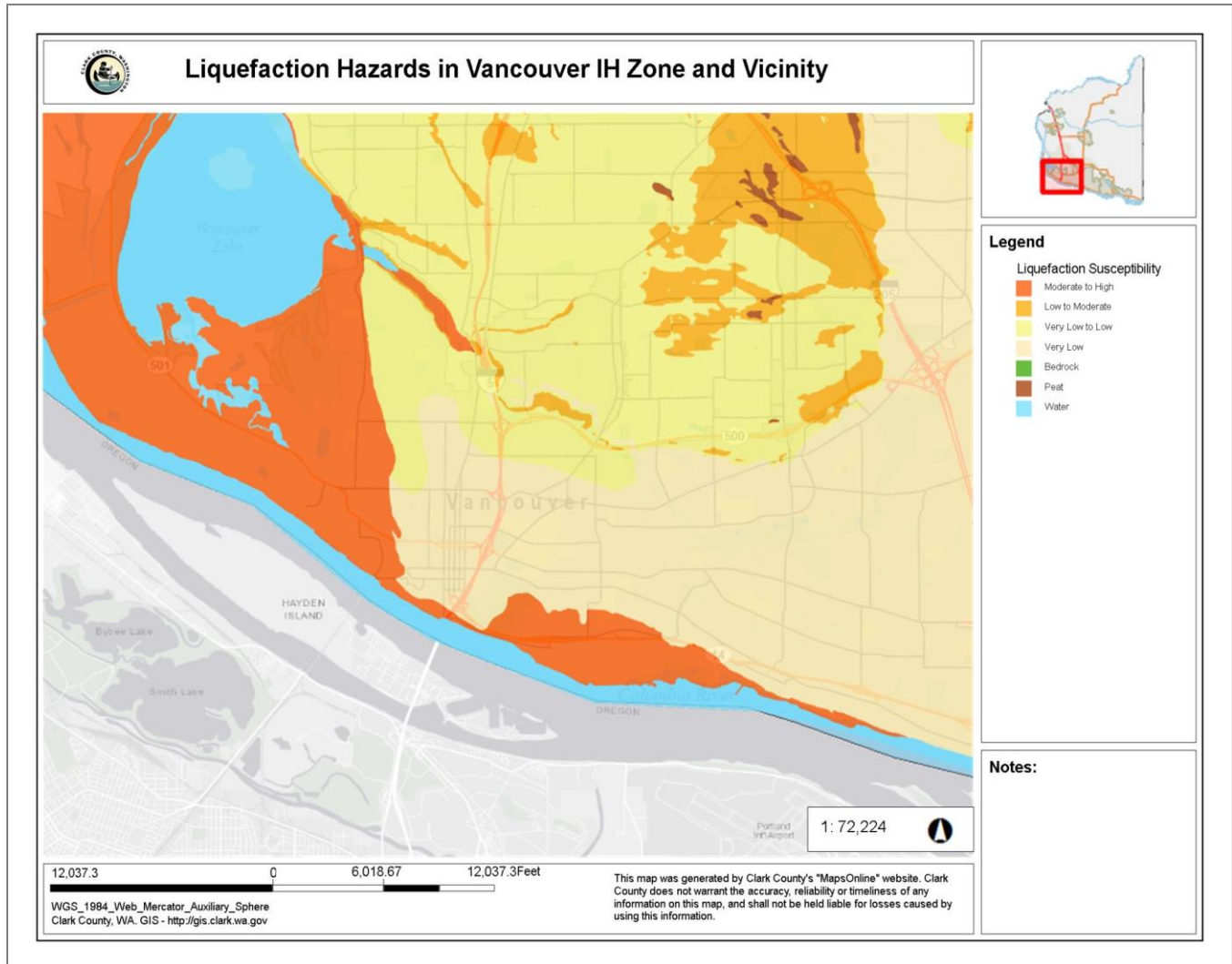
c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils.

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.

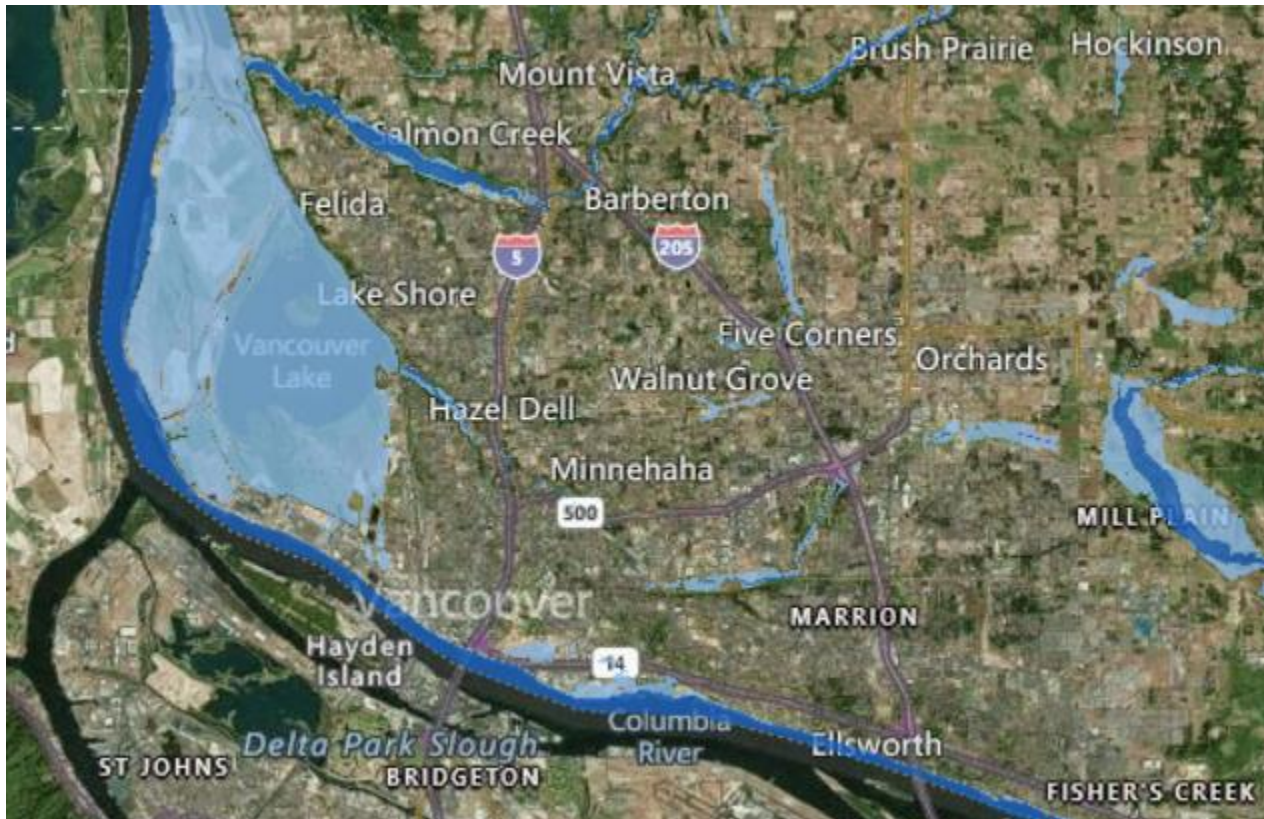
4) *Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.*

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.*

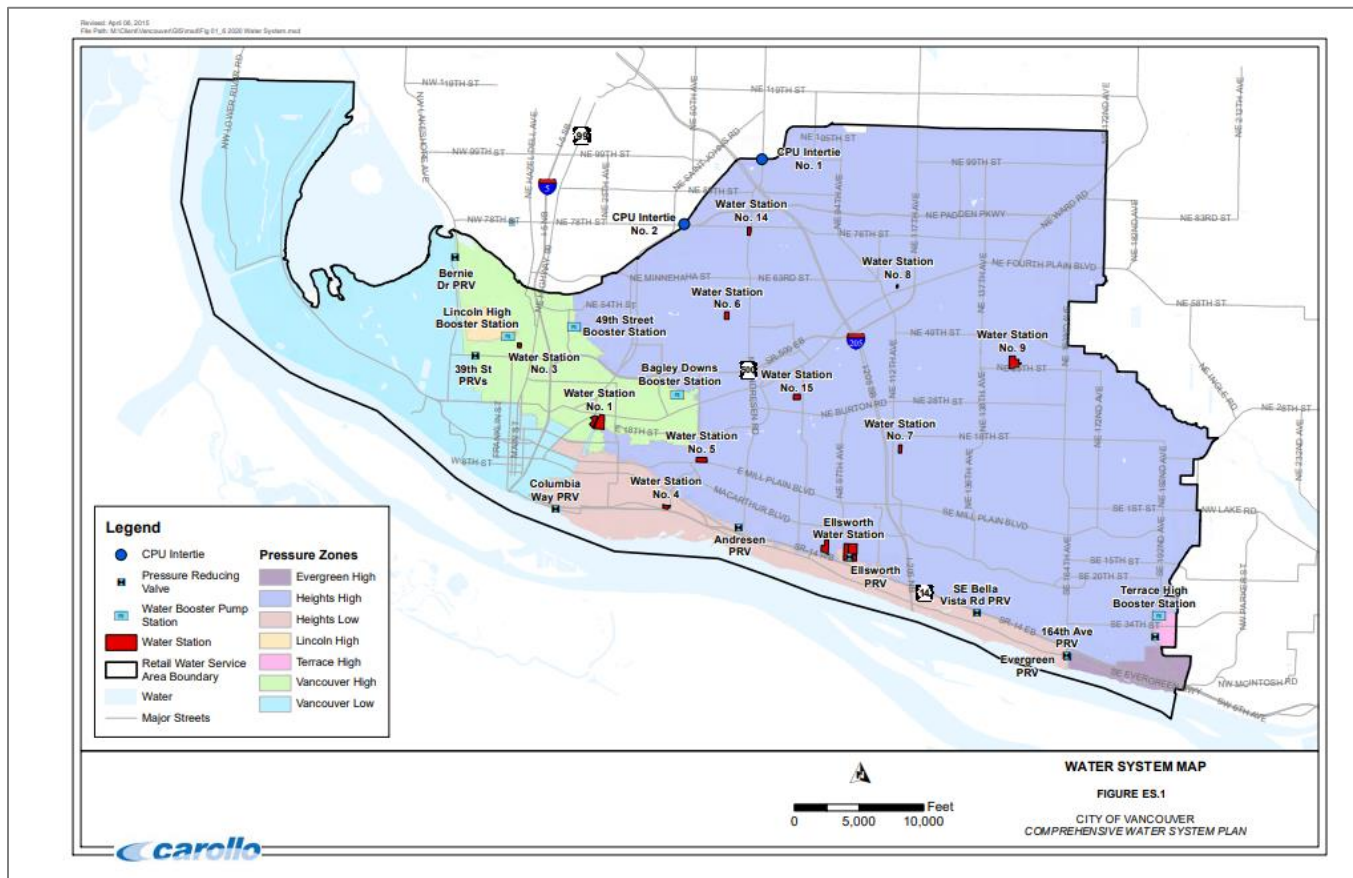
Not applicable – not a site specific proposal. Future development that would discharge waste materials to surface waters would be subject to City clearing and grading regulations as well as Shoreline Master Program and Critical Area regulations.

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.

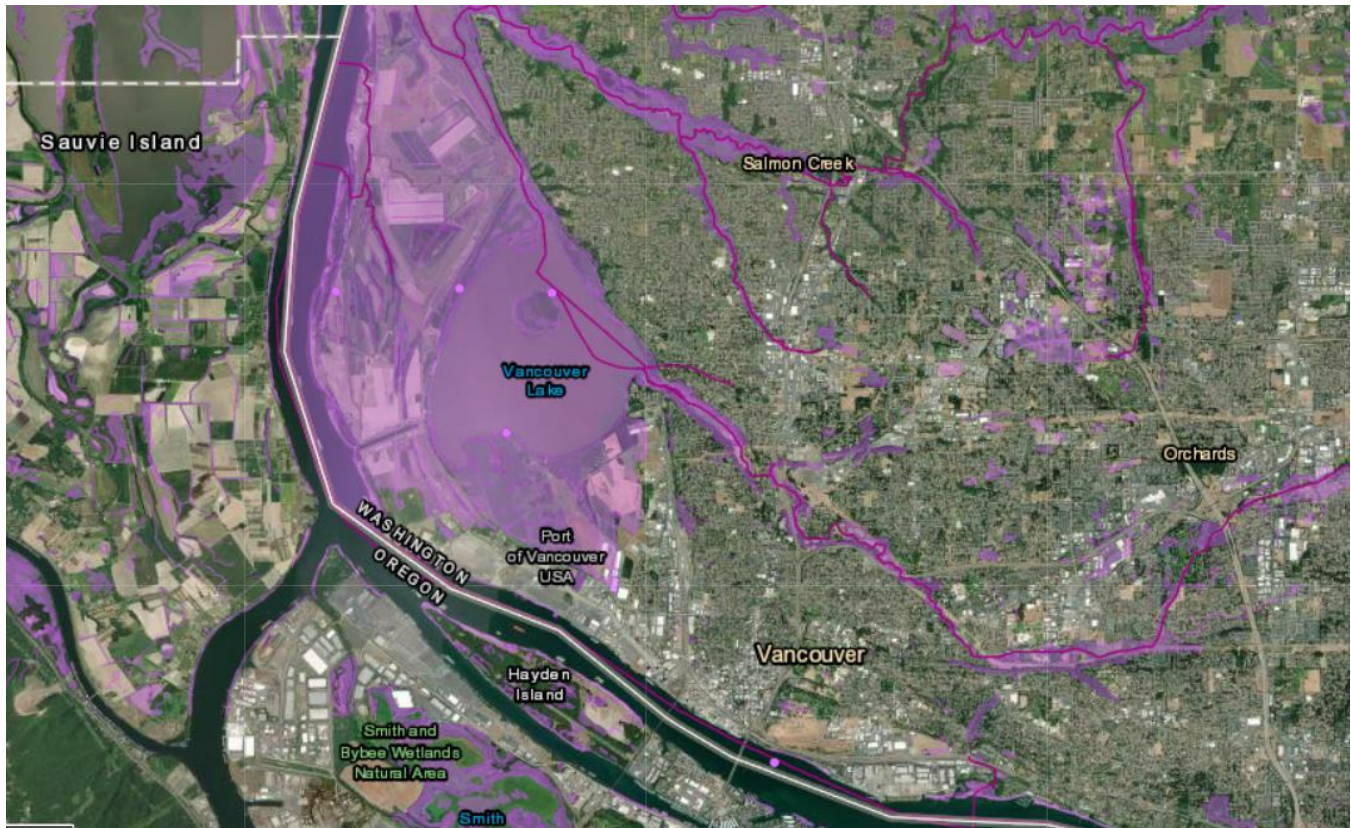
A range of fish, birds and mammals are or may be found in the City of Vancouver. The US Fish and Wildlife Service identified the following threatened or endangered species that could be found in Vancouver and Clark County:

- 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

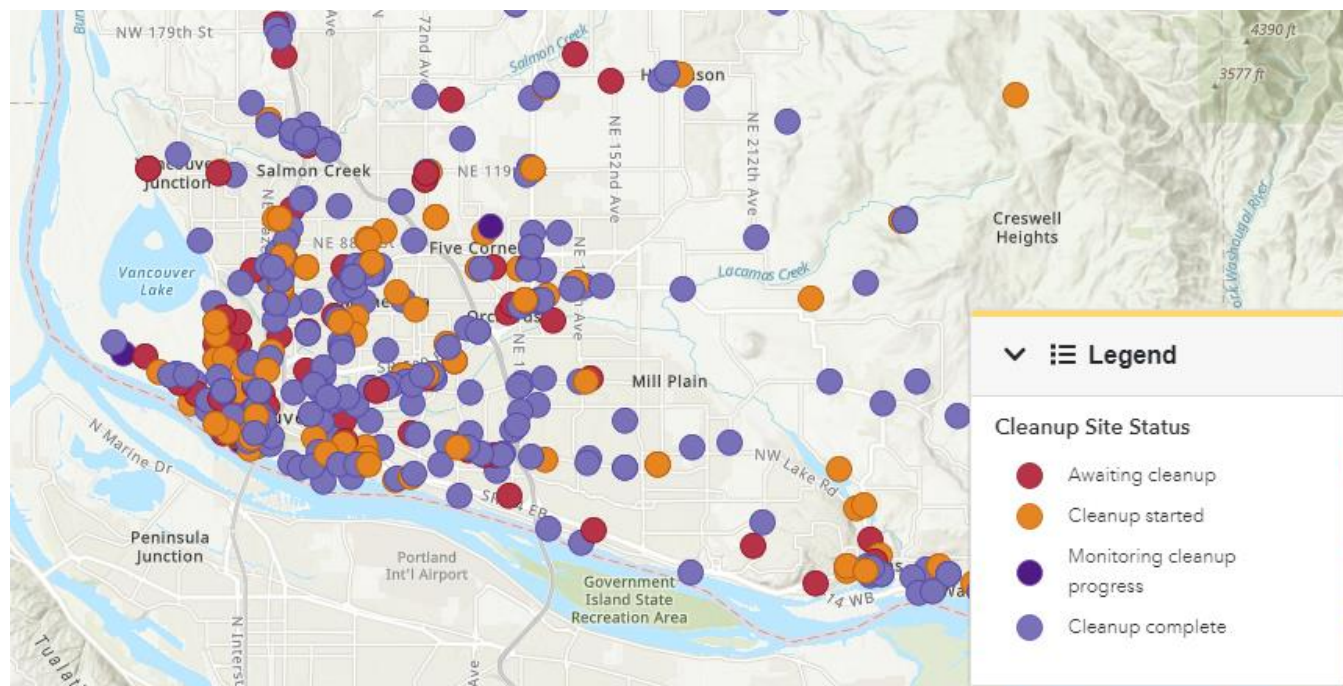
a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe.

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.

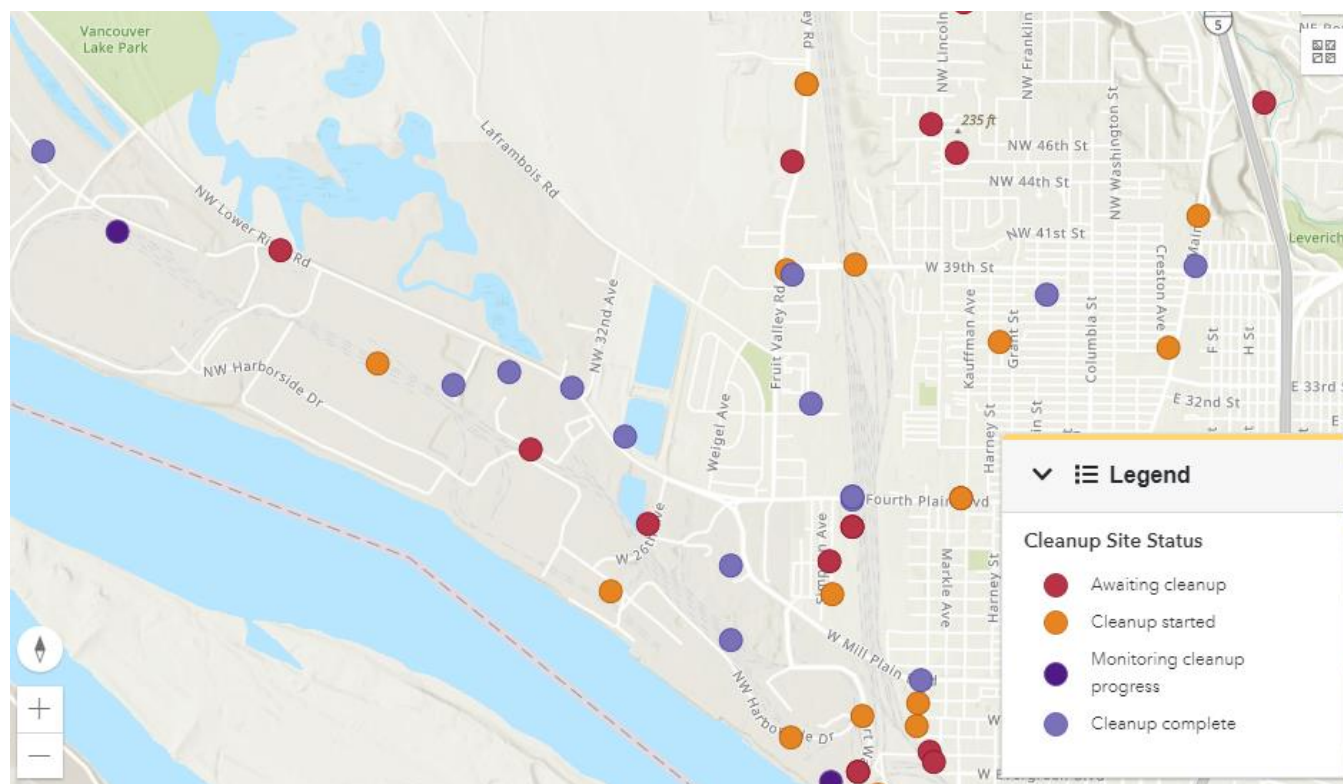
The State of Washington Department of Ecology maintains a database of contaminated sites. In all parts of the study area there are completed, in progress, and pending clean-up efforts. See Exhibit 6 and Exhibit 7.

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

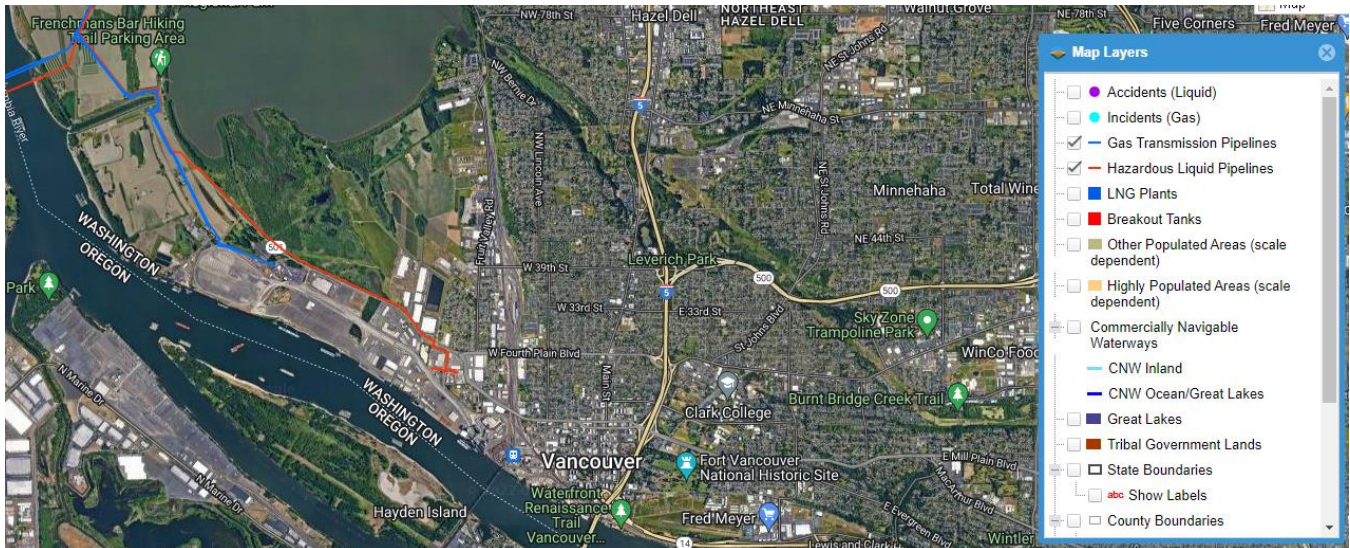


Source: State of Washington Department of Ecology (2022)

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.

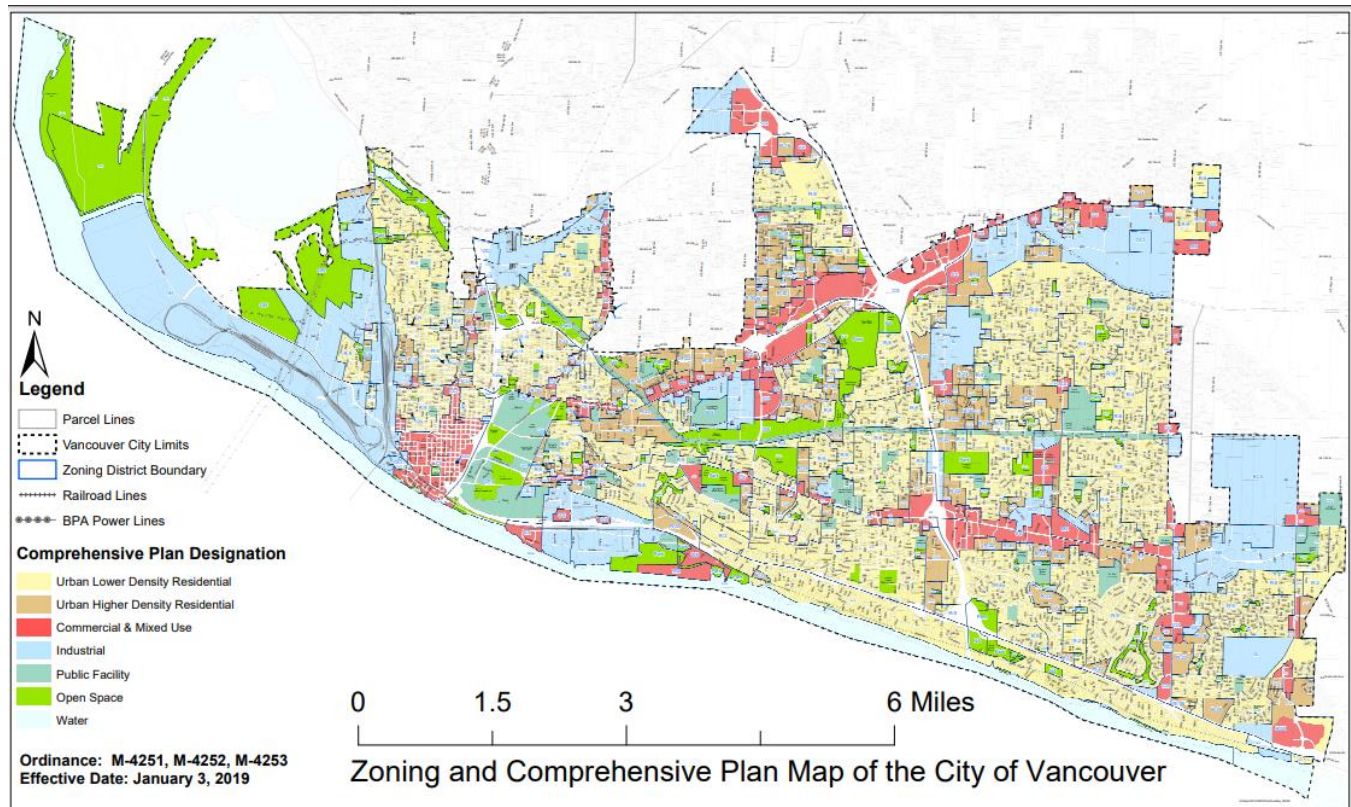
e. What is the current zoning classification of the site?

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

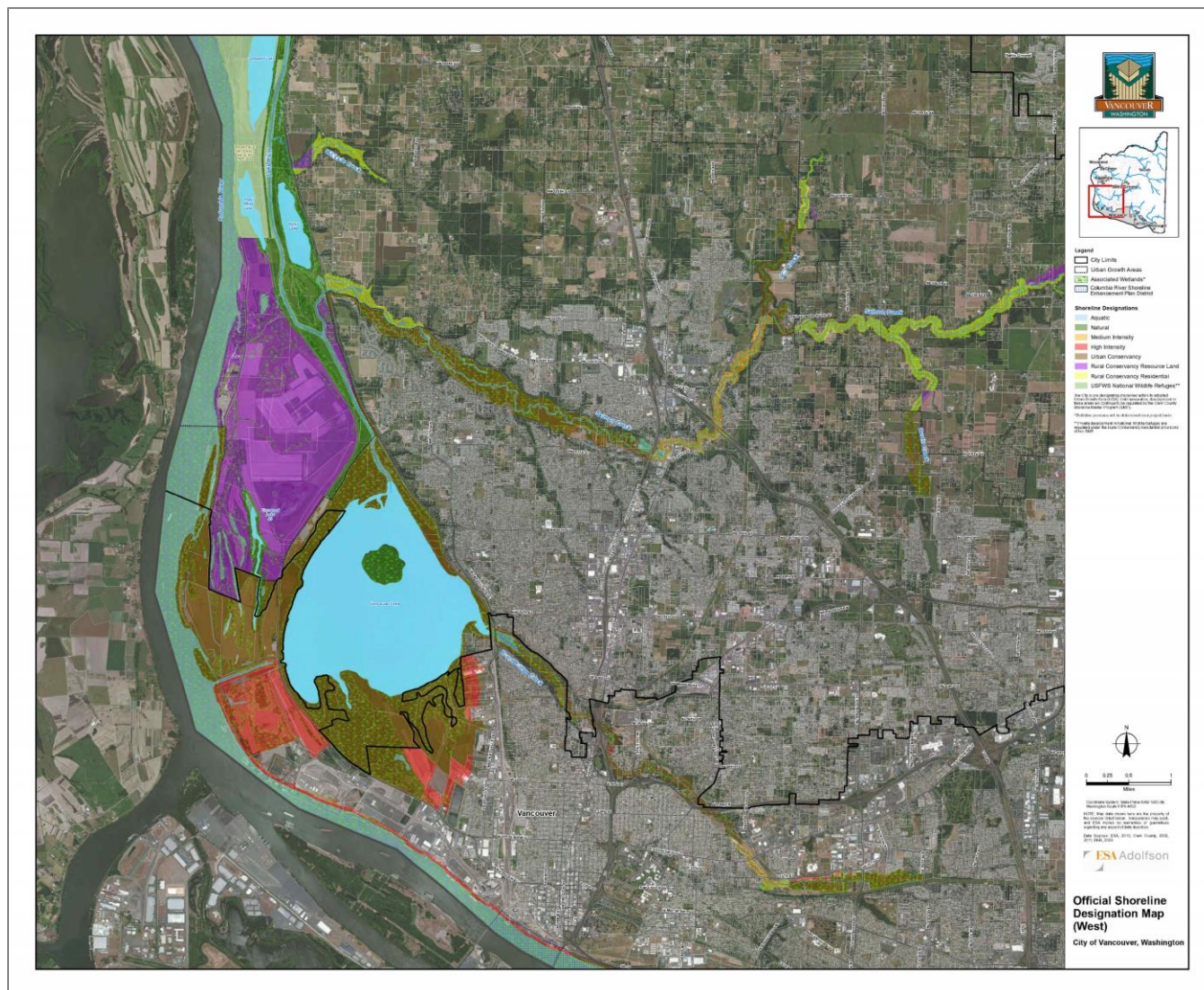


Source: City of Vancouver, 2019

g. If applicable, what is the current shoreline master program designation of the site?

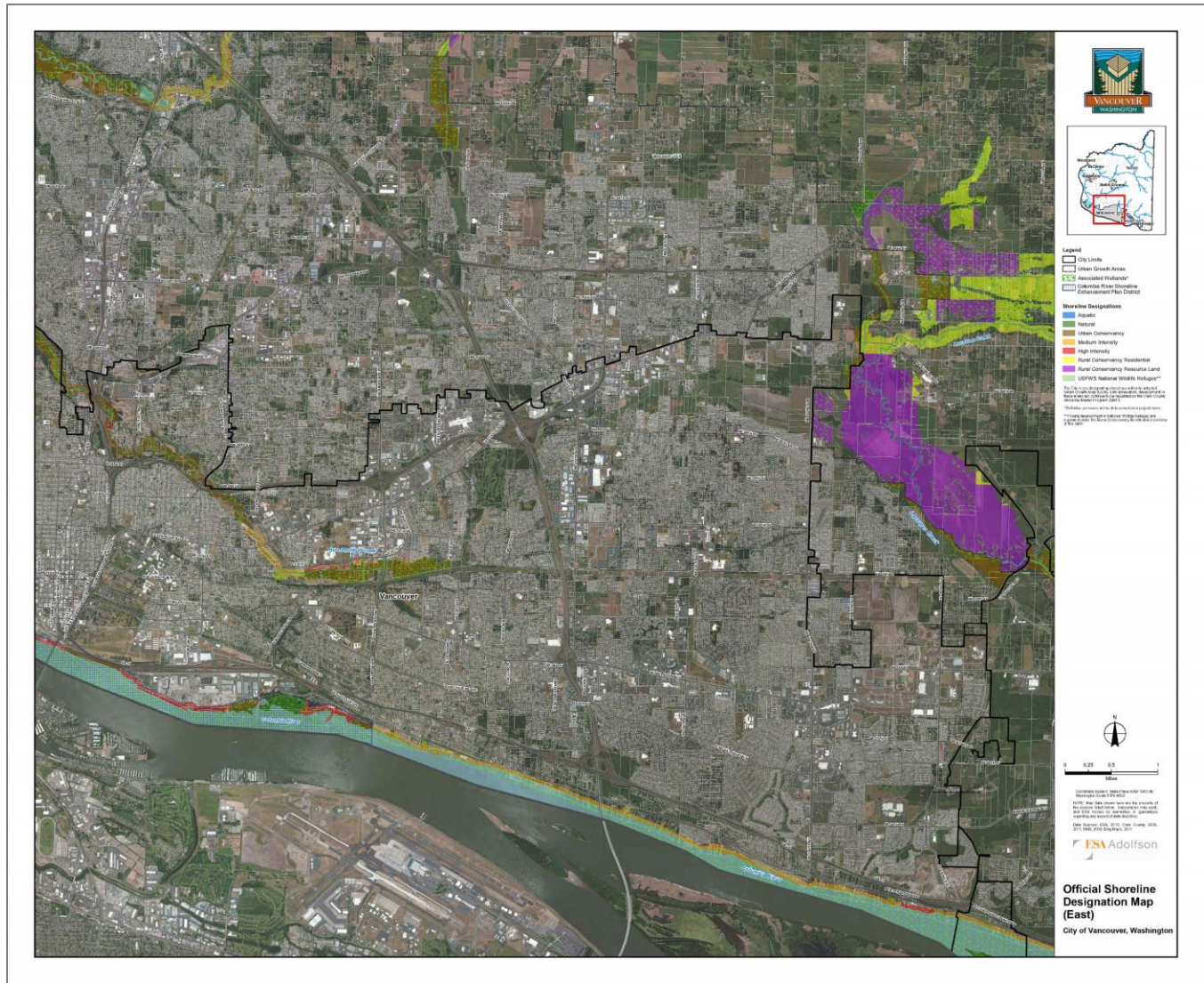
This non-project action is not site specific. The City of Vancouver adopted their Shoreline Master Plan (SMP) in 2012 and recently reviewed and updated it in June 2021. The City of Vancouver SMP 6.3.6.1 provides general requirements for industrial uses. Future development could result in new or altered 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:

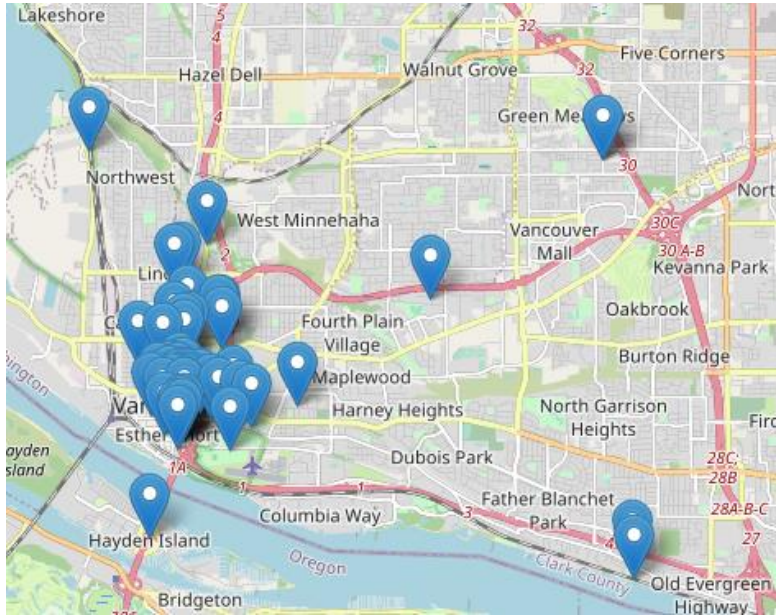
A key goal of this non-project proposal is to reduce greenhouse gas (GHG) emissions by prohibiting new bulk fossil fuel facilities. This includes disallowing fossil fuel facilities in open space districts.

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

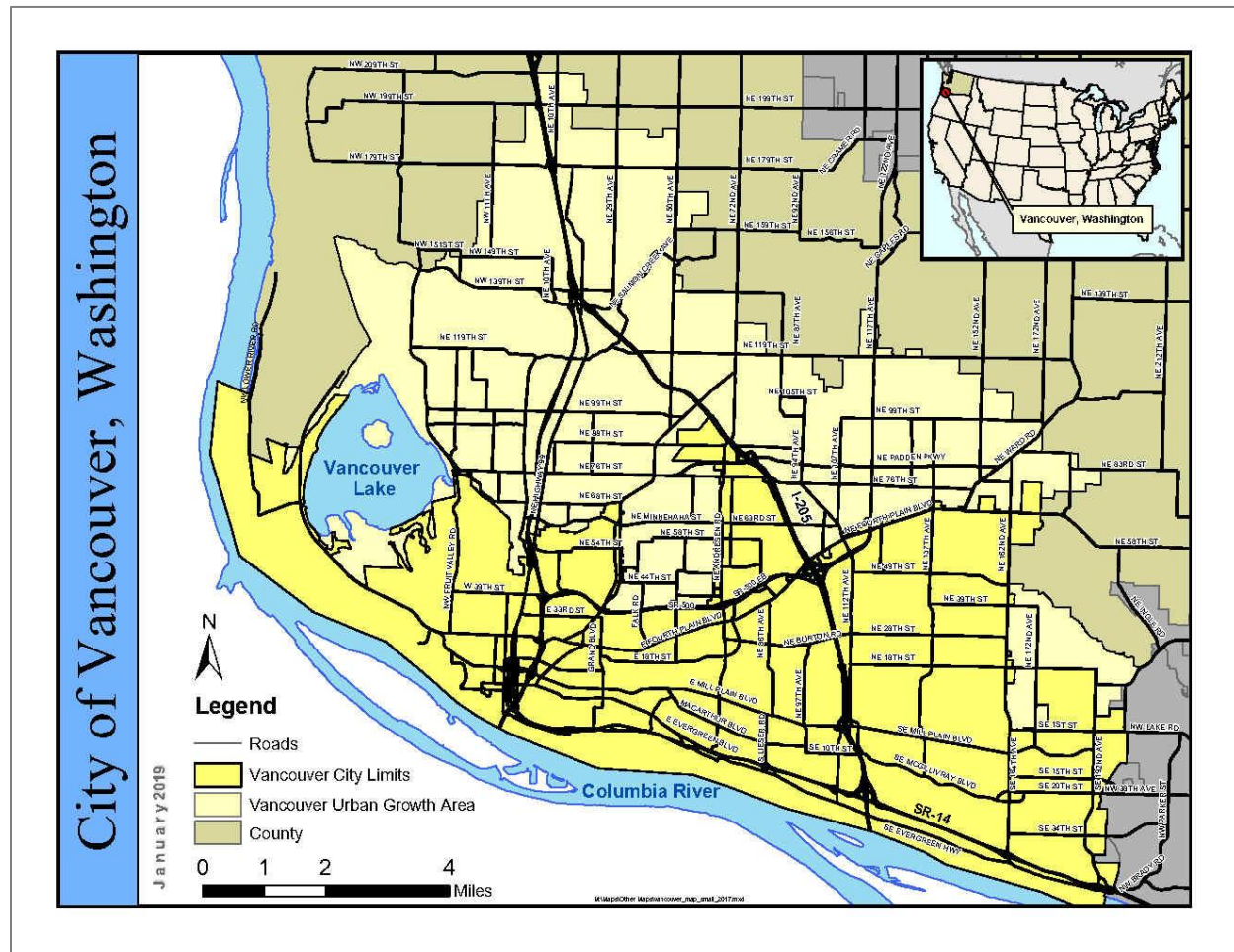
14. Transportation

- 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@wspace.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.

Sincerely,

Dan Serres, Conservation Director, Columbia Riverkeeper

Dear Members of the Planning Commission:

Thank you for your commitment to protecting community health and safety by pursuing a permanent ordinance prohibiting new or expanded large-scale fossil fuel facilities. I urge you to continue to move this work forward and ensure that this policy centers frontline communities already facing disparate environmental health and safety impacts created by fossil fuel facilities.

The current moratorium appropriately prohibits any new or expanded bulk fossil fuel projects on the basis of a wide range of health, safety, and quality of life concerns created by the storage, transfer, processing, and handling of fossil fuels in the City. The proposed permanent fossil fuel ordinance must safeguard community safety and health by avoiding loopholes that allow for fossil fuel expansions.

I urge the Planning Commission and City Council to require facilities converting to cleaner fuels or establishing new cleaner fuel facilities to get a conditional use permit. This review process provides important safeguards for addressing seismic risks, public safety hazards, and averting fuel spill impacts. The public deserves to have a say in any flammable, toxic fuel storage near Vancouver's neighborhoods and the Columbia River.

By passing this ordinance, Vancouver can avert dangerous facilities like LPG train terminals, LNG train terminals, or coal facilities. I support the ordinance moving forward.

Thank you,

First Name	Last Name	City	State	Zip Code	Comment
John	Cruz	Vancouver	WA	98664-2836	Please take note: A fossil fuel ordinance gives us all an important opportunity to help Vancouver avert pollution, health impacts, and safety risks in neighborhoods that already rank among Washington's worst in environmental health disparities.
Heidi	Cody	Vancouver	WA	98664-5432	Our fossil fuel ordinance is meant to protect community health and safety. It is not meant to grease the skids for industry. Expanding polluting, flammable projects close to Fruit Valley is dangerous. Even if they're called cleaner fuels, the public has a right to weigh in on these projects through a CUP process before they get approved. Please don't lose track of the original intent of the ordinance. Thank you.
Susan	Schwartz	Vancouver	WA	98660	I see too many tanker trucks going by my by my apartment living room window.
Mona	McNeil	Vancouver	WA	98686-1533	I am proud of Vancouver's efforts to move away from fossil fuels and protect our environment. The climate crisis is urgent and needs you to do all you can. Thanks for your good work so far.
Beverly	Thomas	Vancouver	WA	98685-4113	
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

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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 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

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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.

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://cafcp.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>

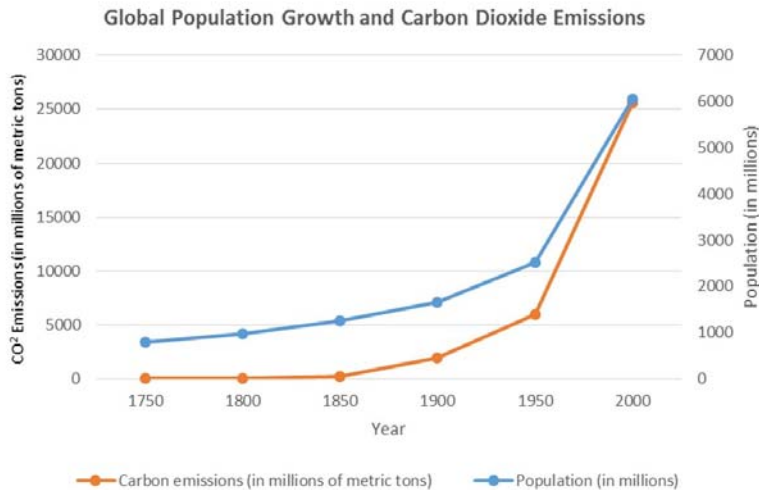
<https://www.timeanddate.com/astronomy/axial-tilt-obliquity.html>

<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.”

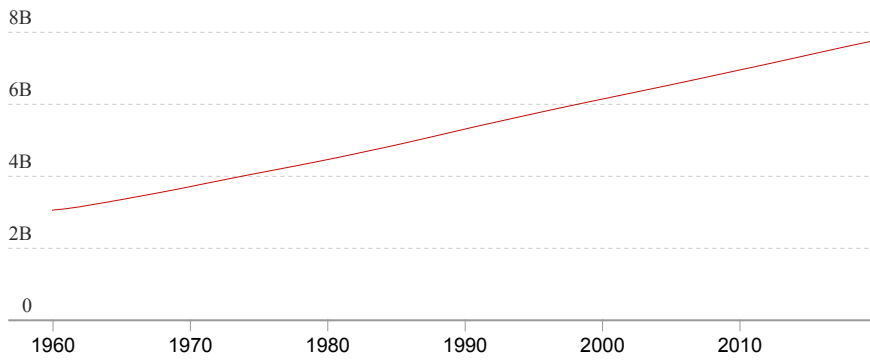
Climate change is one of the topics for the 2016-2017 World of 7 Billion [student video contest](#). For more information on population and climate, check out the contest [background resources](#).

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

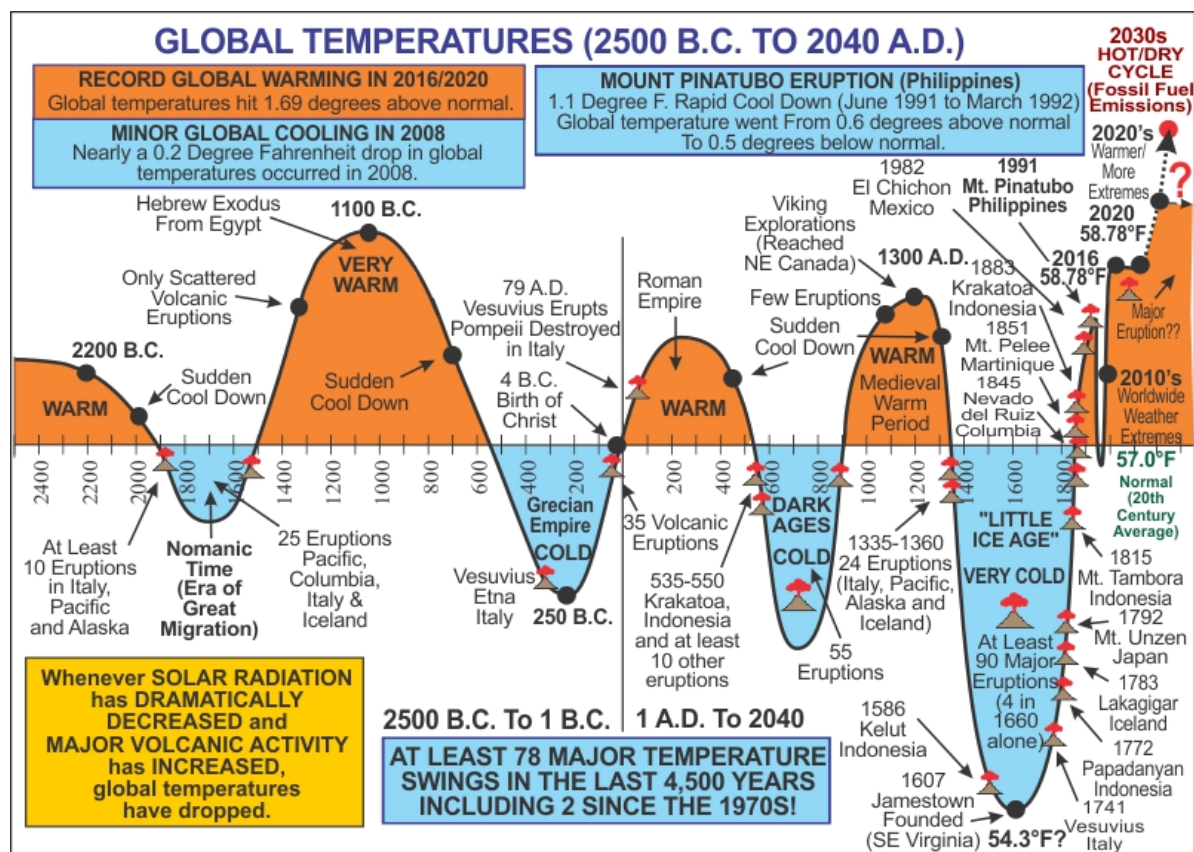
Temperature vs time...

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](#)

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,
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.

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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.

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I urge you to:

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- 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

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Dear Planning Commission City of Vancouver,

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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 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,
Annie Palmer
SE 11th Ave
Camas, WA 98607

From: [Rebecca Sellers](#)
To: [Planning Commission](#)
Subject: Establish a Strong and Clear Fossil Fuel Ordinance
Date: Monday, September 12, 2022 1:27:04 PM

You don't often get email from rebecca.sellers.562278631@p2a.co. [Learn why this is important](#)

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Dear Planning Commission City of Vancouver,

Thank you for your work to protect community health and safety from new and expanded fossil fuel facilities. As you finalize the details of this critical ordinance, I urge you to focus on banning new and expanded large-scale fossil fuels facilities and on ensuring a thorough and transparent 'conditional use permit' review process for any changes at these facilities and any new 'cleaner' facilities.

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The ordinance should also use the conditional use permit process, as well as strong special use requirements including seismic upgrades, spill prevention, fire response plans, and financial assurance.

I support the city's work to address climate change through the Climate Action Framework and urge the city to continue to move this forward. Any reference or inclusion of cleaner facilities in this code should require a conditional use permit process and ensure that public health and safety issues related to these types of new facilities are included.

I urge you to:

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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,
Rebecca Sellers
3609 NW Knapp Ln
Camas, WA 98607

From: [Doris Raspa](#)
To: [Planning Commission](#)
Subject: Establish a Strong and Clear Fossil Fuel Ordinance
Date: Monday, September 12, 2022 1:27:03 PM

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Dear Planning Commission City of Vancouver,

Thank you for your work to protect community health and safety from new and expanded fossil fuel facilities. As you finalize the details of this critical ordinance, I urge you to focus on banning new and expanded large-scale fossil fuels facilities and on ensuring a thorough and transparent 'conditional use permit' review process for any changes at these facilities and any new 'cleaner' facilities.

Our fossil fuel ordinance seeks to protect the health and safety of the community members hardest hit by the pollution from industry and from our fossil fuel economy. This ordinance should address this problem and clearly ban new and expanded fossil fuel terminals storage and handling facilities, as outlined by Option A.

The ordinance should also use the conditional use permit process, as well as strong special use requirements including seismic upgrades, spill prevention, fire response plans, and financial assurance.

I support the city's work to address climate change through the Climate Action Framework and urge the city to continue to move this forward. Any reference or inclusion of cleaner facilities in this code should require a conditional use permit process and ensure that public health and safety issues related to these types of new facilities are included.

I urge you to:

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- 2) Follow staff's recommendation that existing fuel terminals obtain a conditional use permit before converting facilities to cleaner fuels and expanding storage for non-fossil fuels; and
- 3) Allow communities with high levels of pollution to have a voice in addressing health and safety risks from any new cleaner, non-fossil fuel facilities. This means requiring a public process and conditional use approach for these facilities; and finally
- 4) Ensure at a minimum, a conditional use permit and public process for any new cleaner fuel facilities above 60,000 gallons.

Thank you for your work to protect our community.

Regards,
Doris Raspa
10500 NE 51st Cir
Vancouver, WA 98682

From: [Nancy Gleim](#)
To: [Planning Commission](#)
Subject: Establish a Strong and Clear Fossil Fuel Ordinance
Date: Monday, September 12, 2022 1:27:00 PM

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Dear Planning Commission City of Vancouver,

Thank you for your work to protect community health and safety from new and expanded fossil fuel facilities. As you finalize the details of this critical ordinance, I urge you to focus on banning new and expanded large-scale fossil fuels facilities and on ensuring a thorough and transparent 'conditional use permit' review process for any changes at these facilities and any new 'cleaner' facilities.

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The ordinance should also use the conditional use permit process, as well as strong special use requirements including seismic upgrades, spill prevention, fire response plans, and financial assurance.

I support the city's work to address climate change through the Climate Action Framework and urge the city to continue to move this forward. Any reference or inclusion of cleaner facilities in this code should require a conditional use permit process and ensure that public health and safety issues related to these types of new facilities are included.

I urge you to:

- 1) Continue to champion and ultimately pass the strong fossil fuel ordinance which centers community health, safety, and environmental justice, with preference for Option A;
- 2) Follow staff's recommendation that existing fuel terminals obtain a conditional use permit before converting facilities to cleaner fuels and expanding storage for non-fossil fuels; and
- 3) Allow communities with high levels of pollution to have a voice in addressing health and safety risks from any new cleaner, non-fossil fuel facilities. This means requiring a public process and conditional use approach for these facilities; and finally
- 4) Ensure at a minimum, a conditional use permit and public process for any new cleaner fuel facilities above 60,000 gallons.

Thank you for your work to protect our community.

Regards,
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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Dear Planning Commission City of Vancouver,

Thank you for your work to protect community health and safety from new and expanded fossil fuel facilities. As you finalize the details of this critical ordinance, I urge you to focus on banning new and expanded large-scale fossil fuels facilities and on ensuring a thorough and transparent 'conditional use permit' review process for any changes at these facilities and any new 'cleaner' facilities.

Our fossil fuel ordinance seeks to protect the health and safety of the community members hardest hit by the pollution from industry and from our fossil fuel economy. This ordinance should address this problem and clearly ban new and expanded fossil fuel terminals storage and handling facilities, as outlined by Option A.

The ordinance should also use the conditional use permit process, as well as strong special use requirements including seismic upgrades, spill prevention, fire response plans, and financial assurance.

I support the city's work to address climate change through the Climate Action Framework and urge the city to continue to move this forward. Any reference or inclusion of cleaner facilities in this code should require a conditional use permit process and ensure that public health and safety issues related to these types of new facilities are included.

I urge you to:

- 1) Continue to champion and ultimately pass the strong fossil fuel ordinance which centers community health, safety, and environmental justice, with preference for Option A;
- 2) Follow staff's recommendation that existing fuel terminals obtain a conditional use permit before converting facilities to cleaner fuels and expanding storage for non-fossil fuels; and
- 3) Allow communities with high levels of pollution to have a voice in addressing health and safety risks from any new cleaner, non-fossil fuel facilities. This means requiring a public process and conditional use approach for these facilities; and finally
- 4) Ensure at a minimum, a conditional use permit and public process for any new cleaner fuel facilities above 60,000 gallons.

Thank you for your work to protect our community.

Regards,
Susan Kiplinger
450 E 13th St
La Center, WA 98629

From: [Susan Saul](#)
To: [Planning Commission](#)
Subject: Establish a Strong and Clear Fossil Fuel Ordinance
Date: Monday, September 12, 2022 1:26:56 PM

You don't often get email from susan.saul.571301229@p2a.co. [Learn why this is important](#)

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

Dear Planning Commission City of Vancouver,

Thank you for your work to protect community health and safety from new and expanded fossil fuel facilities. I appreciate the commitment you have shown to this multi-year process.

As you finalize the details of this critical ordinance, I urge you to focus on banning new and expanded large-scale fossil fuels facilities and on ensuring a thorough and transparent 'conditional use permit' review process for any changes at these facilities and any new 'cleaner' facilities.

Our fossil fuel ordinance seeks to protect the health and safety of the community members hardest hit by the pollution from industry and from our fossil fuel economy. This ordinance should address this problem and clearly ban new and expanded fossil fuel terminals storage and handling facilities, as outlined by Option A.

The ordinance should also use the conditional use permit process, as well as strong special use requirements including seismic upgrades, spill prevention, fire response plans, and financial assurance.

I support the city's work to address climate change through the Climate Action Framework and urge the city to continue to move this forward. Any reference or inclusion of cleaner facilities in this code should require a conditional use permit process and ensure that public health and safety issues related to these types of new facilities are included. We don't understand enough about cleaner fuels to know their health and safety risks so a conditional use permit requirement is essential to provide full public disclosure and community engagement.

I urge you to:

- 1) Continue to champion and ultimately pass the strong fossil fuel ordinance which centers community health, safety, and environmental justice, with preference for Option A;
- 2) Follow staff's recommendation that existing fuel terminals obtain a conditional use permit before converting facilities to cleaner fuels and expanding storage for non-fossil fuels; and
- 3) Allow communities with high levels of pollution to have a voice in addressing health and safety risks from any new cleaner, non-fossil fuel facilities. This means requiring a public process and conditional use approach for these facilities; and finally
- 4) Ensure at a minimum, a conditional use permit and public process for any new cleaner fuel facilities above 60,000 gallons.

Thank you for your leadership and commitment to protect our community.

Regards,
Susan Saul
10102 NE 10th St
Vancouver, WA 98664

From: [Richard Osmun](#)
To: [Planning Commission](#)
Subject: Establish a Strong and Clear Fossil Fuel Ordinance
Date: Monday, September 12, 2022 1:26:53 PM

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Dear Planning Commission City of Vancouver,

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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.

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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,
Richard Osmun
2726 NW Valley St
Camas, WA 98607

From: [Jody Caicco](#)
To: [Planning Commission](#)
Subject: Establish a Strong and Clear Fossil Fuel Ordinance
Date: Monday, September 12, 2022 1:26:52 PM

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Dear Planning Commission City of Vancouver,

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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.

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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,
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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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.

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The ordinance should also use the conditional use permit process, as well as strong special use requirements including seismic upgrades, spill prevention, fire response plans, and financial assurance.

I support the city's work to address climate change through the Climate Action Framework and urge the city to continue to move this forward. Any reference or inclusion of cleaner facilities in this code should require a conditional use permit process and ensure that public health and safety issues related to these types of new facilities are included.

I urge you to:

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- 3) Allow communities with high levels of pollution to have a voice in addressing health and safety risks from any new cleaner, non-fossil fuel facilities. This means requiring a public process and conditional use approach for these facilities; and finally
- 4) Ensure at a minimum, a conditional use permit and public process for any new cleaner fuel facilities above 60,000 gallons.

Thank you for your work to protect our community.

Regards,
Dan Rogers
3331 H St
Washougal, WA 98671

From: [Dorothy Sosnowski](#)
To: [Planning Commission](#)
Subject: Establish a Strong and Clear Fossil Fuel Ordinance
Date: Monday, September 12, 2022 1:26:45 PM

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Dear Planning Commission City of Vancouver,

Thank you for your work to protect community health and safety from new and expanded fossil fuel facilities. As you finalize the details of this critical ordinance, I urge you to focus on banning new and expanded large-scale fossil fuels facilities and on ensuring a thorough and transparent 'conditional use permit' review process for any changes at these facilities and any new 'cleaner' facilities.

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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.

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:

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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,
Dorothy Sosnowski
2715 NW 44th Ave

Camas, WA 98607

From: [Elizabeth Verbeck](#)
To: [Planning Commission](#)
Subject: Establish a Strong and Clear Fossil Fuel Ordinance
Date: Monday, September 12, 2022 1:26:43 PM

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Dear Planning Commission City of Vancouver,

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I support the city's work to address climate change through the Climate Action Framework and urge the city to continue to move this forward. Any reference or inclusion of cleaner facilities in this code should require a conditional use permit process and ensure that public health and safety issues related to these types of new facilities are included.

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- 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

You don't often get email from karissa.halstrom.421175587@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,
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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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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Thank you for your work to protect our community.

Regards,
Hannah Liu
3008 NE 141st St
Vancouver, WA 98686

From: [mary.n](#)
To: [Planning Commission](#)
Subject: Establish a Strong and Clear Fossil Fuel Ordinance
Date: Monday, September 12, 2022 1:26:29 PM

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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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- 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

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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.

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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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Thank you for your work to protect our community.

Regards,
Debbie Mahder
303 NE 10th St
Battle Ground, WA 98604

From: [Jeffrey Kaufman](#)
To: [Planning Commission](#)
Subject: Establish a Strong and Clear Fossil Fuel Ordinance
Date: Monday, September 12, 2022 1:26:09 PM

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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

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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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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

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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

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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.

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 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,

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,
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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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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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).

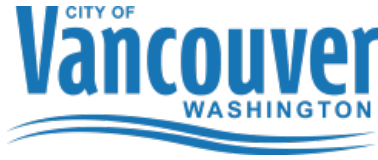
SUGGESTIONS FOR “PROPOSED CHANGES” IN THE MORITORIUM UPDATE:

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: 133-22

TO: Mayor and City Council

FROM: Eric Holmes, City Manager

DATE: 9/26/2022

SUBJECT A Resolution endorsing establishment of a regional Criminal Justice Training Center serving Vancouver and southwest Washington communities

Key Points

- In July 2022, Governor Jay Inslee announced his vision to create regional police academies in order to increase training capacity and to attract quality people within a 50-mile radius who can commute to and from an academy everyday and who will then serve their own communities upon graduation.
- Creating a regional public safety training academy in southwest Washington strongly enhances the City of Vancouver's ability to equitably recruit and train future peace officers from Vancouver and nearby communities.
- Removing the barrier for new applicants of living five months away from their families in order to attend the BLEA improves community engagement and outreach efforts by increasing equitable access to all, and by providing more opportunities for female and persons from our underrepresented communities of color to become local peace officers.
- As Vancouver and the communities that comprise southwest Washington communities continue to grow and our population density increases, a long-term investment from the State of Washington ensures a strong Criminal Justice Training Center (CJTC) relationship.

Strategic Plan Alignment

Goal 2: Provide effective, innovative and well-resourced police, fire and emergency medical services

Goal 2, Objective 2.1: Provide reliable and responsive police, fire and EMS service

Present Situation

Currently, all law enforcement recruits in Washington State, regardless of employing agency, must attend the basic law enforcement academy in Burien Washington to obtain their credential. This single academy approach results in insufficient training capacity, barriers to historically underrepresented candidates for employment, and delayed service to the community for newly

hired police officer candidates as they await a training slot.

Advantage(s)

A satellite CJTC academy in Vancouver or southwest Washington will better serve in our region, remove barriers to service for historically underrepresented populations, enhance competitiveness for recruiting and expand training capacity for law enforcement statewide.

Disadvantage(s)

None

Budget Impact

None. Future construction and operation of a regional academy is expected to be funded by the State of Washington.

Prior Council Review

None

Action Requested

Approve as part of the consent agenda a resolution endorsing establishment of a regional criminal justice training center serving Vancouver and other communities of southwest Washington.

Jeff Mori, Chief of Police, 360-487-7472

ATTACHMENTS:

- ▯ Resolution

9/26/2022

RESOLUTION NO. M- [Resolution Number]

A RESOLUTION expressing the City Council’s support for a Criminal Justice Training Commission (“CJTC”) regional police training campus in Vancouver, Washington.

WHEREAS, public safety and criminal justice professionals and first responders are essential to providing public safety; and

WHEREAS, for the past several years, law enforcement agencies across the county have experienced an increase in law enforcement resignations and retirements and a decrease in law enforcement professional applications and new hires; and

WHEREAS, in Vancouver, 10 percent of law enforcement positions remain unfilled despite significant recruiting incentives and efforts by the Vancouver Police Department (“VPD”); and

WHEREAS, many law enforcement agencies in our region, including VPD, estimate large percentages of their staff will become eligible for retirement within the next biennium and as a result anticipate an increased rate of retirements to continue for some time; and

WHEREAS, the need to recruit new law enforcement professionals in Southwest Washington creates an increased demand for CJTC’s Basic Law Enforcement Academy (“BLEA”) training; and

WHEREAS, in July 2022, Governor Jay Inslee announced his vision to create regional police academies in order to attract quality people within a 50-mile radius who can commute to and from an academy every day and who will then serve their own communities upon graduation; and

RESOLUTION - 1

WHEREAS, creating a regional public safety training academy in southwest Washington strongly enhances the City of Vancouver's ability to equitably recruit and train future peace officers from Vancouver and nearby communities; and

WHEREAS, removing the barrier for new applicants of living five months away from their families in order to attend the BLEA increases opportunities for those who may be single parents or the sole care provider to vulnerable family members; and

WHEREAS, a local regional public safety academy improves community engagement and outreach efforts by increasing equitable access to all, and by providing more opportunities for female and persons from our underrepresented communities of color to become local peace officers; and

WHEREAS, as southwest Washington communities continue to grow and our population density increases, a long-term investment from the State of Washington ensures a strong CJTC relationship; and

WHEREAS, a southwest Washington CJTC footprint also enhances capacity for local public safety agencies to provide state mandated training, such as I-940 requirements, and de-escalation training; and

WHEREAS, a southwest Washington contemporary regional training facility portrays a strong vision of investment in community safety and careers for those who choose a life of service to others.

NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF VANCOUVER:

Section 1. The City Council hereby expresses its support for a Criminal Justice Training Commission regional police training campus in Vancouver, Washington.

RESOLUTION - 2

ADOPTED at a Regular Meeting of the Vancouver City Council this __ Day of
September, 2022.

Anne McEnery-Ogle, Mayor

Attest:

Natasha Ramras, City Clerk

Approved as to form:

Jonathan Young, Acting City Attorney

RESOLUTION - 3

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:

\$ 4,265,155.25 this 26th day of September 2022.

DocuSigned by:
Anne McEnerny-Ogle
MAYOR

Cyndi A Turner
AUDITING OFFICER

DocuSigned by:
Ty Stubb
COUNCILMEMBER

DocuSigned by:
W. N.
COUNCILMEMBER

DATE	INCLUSIVE CHECK NUMBERS	CHECK TOTAL
September 12, 2022 - September 18, 2022	Accounts Payable Checks (see attached)	\$ 4,245,002.61
September 12, 2022 - September 18, 2022	Hansen City Payments (see attached)	\$ 16,500.22
September 12, 2022 - September 18, 2022	Visa Refunds (see attached)	\$ 2,897.00
September 12, 2022 - September 18, 2022	Payroll Checks (see attached)	\$ 755.42
TOTAL		\$ 4,265,155.25

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	9/12/2022	196,438.75	Blue Cross Blue Shield of Oregon	
Supplier Payment	Manual Wire	No Reference	9/12/2022	977,279.54	Internal Revenue Service	
Supplier Payment	Manual Wire	No Reference	9/12/2022	11,143.20	Washington Dental Service	
Supplier Payment	Manual Wire	No Reference	9/13/2022	145.55	Internal Revenue Service	
Supplier Payment	Manual Wire	No Reference	9/14/2022	748,589.17	State of Washington Department of Retirement System (PERS)	
Supplier Payment	Manual Wire	No Reference	9/15/2022	88,608.02	Blue Cross Blue Shield of Oregon	
Supplier Payment	Manual Wire	No Reference	9/15/2022	991.80	VSP Vision Care Inc	
Supplier Payment	Manual Wire	No Reference	9/16/2022	60,690.13	Liberty Mutual Group Inc.	
Supplier Payment	Manual Wire	No Reference	9/16/2022	78,224.26	Sun Life Assurance Company of Canada	
Supplier Payment	Manual Wire	No Reference	9/16/2022	5,729.85	Washington Dental Service	
			Manual Wire Total	2,167,840.27		
Supplier Payment	EFT	EFT-00162310	9/15/2022	2,406.53	Fire Systems West	
Supplier Payment	EFT	EFT-00162311	9/15/2022	3,139.55	Consolidated Supply Co	
Supplier Payment	EFT	EFT-00162312	9/15/2022	3,224.49	Accurate Investigation Services	
Supplier Payment	EFT	EFT-00162313	9/15/2022	1,784.86	RELX Inc. - Remit-To: LexisNexis - Chicago	
Supplier Payment	EFT	EFT-00162314	9/15/2022	101,904.80	Del Sol Inc	
Supplier Payment	EFT	EFT-00162315	9/15/2022	500.00	Salazar Architect Inc	
Supplier Payment	EFT	EFT-00162316	9/15/2022	1,728.25	Atlas Technical Consultants LLC	
Supplier Payment	EFT	EFT-00162317	9/15/2022	2,236.39	New Life Friends Church	
Supplier Payment	EFT	EFT-00162318	9/15/2022	6,010.54	Vancouvercenter Condominium Association	
Supplier Payment	EFT	EFT-00162319	9/15/2022	1,483.24	State of Washington Consolidated Technology Services	
Supplier Payment	EFT	EFT-00162320	9/15/2022	5,423.38	Second Step Housing	
Supplier Payment	EFT	EFT-00162321	9/15/2022	1,233.82	Waxie's Enterprises Inc	
Supplier Payment	EFT	EFT-00162322	9/15/2022	700.50	CobbFendley	
Supplier Payment	EFT	EFT-00162323	9/15/2022	23,959.18	Operations Management International Inc	
Supplier Payment	EFT	EFT-00162324	9/15/2022	3,412.46	Clark and Sons Excavating Inc	
Supplier Payment	EFT	EFT-00162325	9/15/2022	11,950.37	Power Systems West	
Supplier Payment	EFT	EFT-00162326	9/15/2022	4,060.00	Brad Piesch Aggressive Enterprises, Inc	
Supplier Payment	EFT	EFT-00162327	9/15/2022	105,740.44	Tapani Inc	
Supplier Payment	EFT	EFT-00162328	9/15/2022	34,447.00	Micro Enterprise Services of Oregon	
Supplier Payment	EFT	EFT-00162329	9/15/2022	13,429.75	MacKay Sposito Inc	
Supplier Payment	EFT	EFT-00162330	9/15/2022	2,099.96	Canopy Wellbeing	
Supplier Payment	EFT	EFT-00162331	9/15/2022	5,625.00	JCI Jones Chemicals, Inc.	
Supplier Payment	EFT	EFT-00162332	9/15/2022	590.20	Praxair Distribution Inc	
Supplier Payment	EFT	EFT-00162333	9/15/2022	7,570.00	The Gunter Group LLC	
Supplier Payment	EFT	EFT-00162334	9/15/2022	6,946.53	Share Inc	
Supplier Payment	EFT	EFT-00162335	9/15/2022	456,103.82	Kirby Nagelhout Construction Company	
Supplier Payment	EFT	EFT-00162336	9/15/2022	95.00	T2 Systems Inc - Remit-To: T2- Atlanta	
Supplier Payment	EFT	EFT-00162337	9/15/2022	1,390.69	Universal Field Services Inc	
Supplier Payment	EFT	EFT-00162338	9/15/2022	17,272.48	Bridgeview Housing	
Supplier Payment	EFT	EFT-00162339	9/15/2022	84,285.93	Rotschy Inc	
Supplier Payment	EFT	EFT-00162340	9/15/2022	4,492.97	Jacobs Engineering Group Inc	
Supplier Payment	EFT	EFT-00162341	9/15/2022	4,309.09	Linguava Interpreters Inc	
			EFT Total	919,557.22		
Expense Payment	Direct Deposit	EFT-00162297	9/15/2022	21.89	Robert Givens	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00162298	9/15/2022	42.53	Casey Holmes	Employee Reimbursement

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<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>
Expense Payment	Direct Deposit	EFT-00162299	9/15/2022	226.73	Judson McCauley	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00162300	9/15/2022	102.41	Lisa Petersen	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00162301	9/15/2022	293.60	Cody Uskoski	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00162302	9/15/2022	217.00	Hailey Heath	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00162303	9/15/2022	66.07	Suzanne Hebert	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00162304	9/15/2022	786.00	Jean Singer	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00162305	9/15/2022	250.00	Katherine Nye	Employee Reimbursement
Cash Advance Payment	Direct Deposit	EFT-00162306	9/15/2022	206.50	Joseph Yela	Travel Advance
Cash Advance Payment	Direct Deposit	EFT-00162307	9/15/2022	312.50	Lon Pluckhahn	Travel Advance
Cash Advance Payment	Direct Deposit	EFT-00162308	9/15/2022	118.50	David Sturbelle	Travel Advance
Cash Advance Payment	Direct Deposit	EFT-00162309	9/15/2022	54.00	Anne McEnerny-Ogle	Travel Advance
			Direct Deposit Total	2,697.73		
Supplier Payment	Check	6074	9/14/2022	65,910.79	3 Kings Environmental Inc	
Supplier Payment	Check	6075	9/14/2022	8,032.50	Action Onsite Inc	
Supplier Payment	Check	6076	9/14/2022	261.98	Airgas, Inc	
Supplier Payment	Check	6077	9/14/2022	1,949.23	A-Line Asphalt Maintenance Inc	
Supplier Payment	Check	6078	9/14/2022	146,820.28	Allcon LLC	
Supplier Payment	Check	6079	9/14/2022	1,009.05	Anderson Glass Co	
Supplier Payment	Check	6080	9/14/2022	116.43	Aramark Uniform & Career Apparel LLC - Remit-To: Aramark - Pasadena	
Supplier Payment	Check	6081	9/14/2022	17,696.73	Arborscape Ltd Inc	
Supplier Payment	Check	6082	9/14/2022	305.26	Archaeological Investigations Northwest Inc	
Supplier Payment	Check	6083	9/14/2022	4,097.94	Bluepearl Operations, LLC	
Supplier Payment	Check	6084	9/14/2022	19,241.61	Brightview Holdings Inc	
Supplier Payment	Check	6085	9/14/2022	200.00	BSK Associates - Remit-To: Supplier BSK Associates	
Supplier Payment	Check	6086	9/14/2022	813.75	CECO Inc	
Supplier Payment	Check	6087	9/14/2022	145.40	Cellco Partnership - Remit-To: Cellco - Dallas	
Supplier Payment	Check	6088	9/14/2022	13,002.00	CFM Strategic Communications, Inc.	
Supplier Payment	Check	6089	9/14/2022	171.00	City of Vancouver - Remit-To: COV Main	
Supplier Payment	Check	6090	9/14/2022	31,362.70	Clark County - Remit-To: Clark County - Treasurer Vancouver	
Supplier Payment	Check	6091	9/14/2022	2,152.72	Clark Public Utility District No. 1	
Supplier Payment	Check	6092	9/14/2022	532.36	Clark Public Utility District No. 1	
Supplier Payment	Check	6093	9/14/2022	1,405.61	Clark Public Utility District No. 1	
Supplier Payment	Check	6094	9/14/2022	13.58	Clark Public Utility District No. 1	
Supplier Payment	Check	6095	9/14/2022	13.33	Clark Public Utility District No. 1	
Supplier Payment	Check	6096	9/14/2022	411.04	Clark Public Utility District No. 1	
Supplier Payment	Check	6097	9/14/2022	408.48	Clark Public Utility District No. 1	
Supplier Payment	Check	6098	9/14/2022	857.38	Clark Public Utility District No. 1	
Supplier Payment	Check	6099	9/14/2022	849.27	Clark Public Utility District No. 1	
Supplier Payment	Check	6100	9/14/2022	3,900.00	Colliers International Holdings (USA) Inc.	

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

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Supplier Payment	Check	6101	9/14/2022	2,495.61	Columbia Resource Company	
Supplier Payment	Check	6102	9/14/2022	113.55	Comcast Holdings Corporation - Remit-To: Comcast Business - City of Industry	
Supplier Payment	Check	6103	9/14/2022	32.88	Comcast Holdings Corporation - Remit-To: Comcast Business - City of Industry	
Supplier Payment	Check	6104	9/14/2022	24.84	Comcast Holdings Corporation - Remit-To: Comcast Business - City of Industry	
Supplier Payment	Check	6105	9/14/2022	7,000.00	Commercial Appraisal and Consulting LLC	
Supplier Payment	Check	6106	9/14/2022	8,298.80	CUES Inc - Remit-To: CUES Inc - Cincinnati	
Supplier Payment	Check	6107	9/14/2022	4,045.00	David Corey PHD PC	
Supplier Payment	Check	6108	9/14/2022	6,300.00	Davidson Benefits Planning	
Supplier Payment	Check	6109	9/14/2022	434.00	Day Management Corp - Remit-To: Day Wireless - Milwaukee	
Supplier Payment	Check	6110	9/14/2022	2,168.79	Distinctive Landscape LLC	
Supplier Payment	Check	6111	9/14/2022	142.24	Elcon Associates Inc	
Supplier Payment	Check	6112	9/14/2022	935.00	Examworks Inc	
Supplier Payment	Check	6113	9/14/2022	13,755.58	Ferguson Enterprises - Remit-To: Ferguson - Dallas	
Supplier Payment	Check	6114	9/14/2022	367.53	Genuine Parts Company - Remit-To: NAPA - Vancouver	
Supplier Payment	Check	6115	9/14/2022	4,941.25	Geographic Technologies Group	
Supplier Payment	Check	6116	9/14/2022	1,365.00	Guidance Engineering and Applied Research	
Supplier Payment	Check	6117	9/14/2022	329,221.43	Halbert Construction Services LLC	
Supplier Payment	Check	6118	9/14/2022	1,575.00	Hispanic Metropolitan Chamber	
Supplier Payment	Check	6119	9/14/2022	7,894.41	HMI Oregon - Remit-To: Pacific WRO	
Supplier Payment	Check	6120	9/14/2022	1,464.75	Jamestown Networks	
Supplier Payment	Check	6121	9/14/2022	12,674.38	Janus Youth Programs Inc	
Supplier Payment	Check	6122	9/14/2022	41,655.62	KBT Distributing LLC	
Supplier Payment	Check	6123	9/14/2022	1,277.30	Kurita America Inc - Remit-To: US Water - Minneapolis	
Supplier Payment	Check	6124	9/14/2022	23,415.33	L.N. Curtis & Sons - Remit-To: Supplier L.N. Curtis & Sons	
Supplier Payment	Check	6125	9/14/2022	17,462.28	Lakeside Industries Inc - Remit-To: Lakeside - LB Seattle	
Supplier Payment	Check	6126	9/14/2022	1,585.33	Last Mile LLC	
Supplier Payment	Check	6127	9/14/2022	2,247.40	Level 3 Financing, Inc	
Supplier Payment	Check	6128	9/14/2022	2,900.00	Maul Foster & Alongi Inc	
Supplier Payment	Check	6129	9/14/2022	2,870.00	Minister & Glaeser Surveying Inc	
Supplier Payment	Check	6130	9/14/2022	6,787.46	Municipal Emergency Services Inc - Remit-To: Municipal Emergency Services - Chicago	
Supplier Payment	Check	6131	9/14/2022	6,479.02	Northwest Natural Gas Company - Remit-To: NW Natural - Portland	
Supplier Payment	Check	6132	9/14/2022	16,284.69	Northwest Staffing Resources Inc - Remit-To: NW Staffing - Portland	
Supplier Payment	Check	6133	9/14/2022	2,959.89	OSPinsight International Inc	
Supplier Payment	Check	6134	9/14/2022	33,186.90	Owen Equipment Co - Remit-To: Supplier Owen Equipment Co	
Supplier Payment	Check	6135	9/14/2022	9,620.00	Parkeon	
Supplier Payment	Check	6136	9/14/2022	6,311.38	Passport Labs Inc. - Remit-To: Passport Labs Inc	
Supplier Payment	Check	6137	9/14/2022	115,010.04	Physio-Control Inc - Remit-To: Stryker Medical	
Supplier Payment	Check	6138	9/14/2022	280.00	Porter W Yett Company	
Supplier Payment	Check	6139	9/14/2022	7,137.29	Portland Adventist Medical Center	

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Supplier Payment	Check	6140	9/14/2022	3,817.43	PPC Solutions Inc	
Supplier Payment	Check	6141	9/14/2022	3,350.00	Practical Dispute Resolution, Inc.	
Supplier Payment	Check	6142	9/14/2022	3,631.06	Proforce Marketing Inc	
Supplier Payment	Check	6143	9/14/2022	407.00	Public Safety Testing Inc	
Supplier Payment	Check	6144	9/14/2022	2,756.19	Resolute Documentation Services	
Supplier Payment	Check	6145	9/14/2022	7,023.00	Site Workshop Landscape Architecture, LLC	
Supplier Payment	Check	6146	9/14/2022	250.00	Slo Poks	
Supplier Payment	Check	6147	9/14/2022	475.24	Software House International SHI - Remit-To: SHI - Dallas	
Supplier Payment	Check	6148	9/14/2022	12.38	State of Oregon Department of Transportation - Remit-To: OR DMV - Salem	
Supplier Payment	Check	6149	9/14/2022	128.19	State of Washington Department of Licensing - Remit-To: DOL - Seattle Remit	
Supplier Payment	Check	6150	9/14/2022	2,034.50	State of Washington State Patrol	
Supplier Payment	Check	6151	9/14/2022	41.44	Stericycle Inc	
Supplier Payment	Check	6152	9/14/2022	4,894.12	Summit Law Group	
Supplier Payment	Check	6153	9/14/2022	7,540.76	Triple J Enterprises	
Supplier Payment	Check	6154	9/14/2022	421.36	Tyree Oil Inc	
Supplier Payment	Check	6155	9/14/2022	21.90	United Parcel Service	
Supplier Payment	Check	6156	9/14/2022	2,803.89	United States Department of Agriculture - Remit-To: USDA APHIS - St Louis	
Supplier Payment	Check	6157	9/14/2022	5,212.30	Univar Solutions USA Inc - Remit-To: Supplier	
Supplier Payment	Check	6158	9/14/2022	8,435.00	Univar Solutions USA Inc	
Supplier Payment	Check	6159	9/14/2022	442.18	Valor Resource Group, LLC	
Supplier Payment	Check	6159	9/14/2022	442.18	Walter E Nelson Company	
Supplier Payment	Check	6160	9/14/2022	21,690.17	Waste Connections of Washington - Remit-To: Waste Connections - Vancouver	
Supplier Payment	Check	6161	9/14/2022	8,740.26	Waste Connections of Washington - Remit-To: Waste Connections - Vancouver	
Supplier Payment	Check	6162	9/14/2022	4,534.86	Western Water Works Supply Co Inc	
Supplier Payment	Check	6163	9/14/2022	1,205.00	Willis Towers Watson Insurance Services West inc	
Supplier Payment	Check	6164	9/14/2022	8,952.82	WSP USA Inc. - Remit-To: WSP USA Inc. Dallas	
Supplier Payment	Check	6165	9/14/2022	300.00	W Todd Pascoe	
Supplier Payment	Check	6166	9/14/2022	22,765.63	Xchange Recovery	
Miscellaneous Payment	Check	6167	9/14/2022	20.00	Burger King #5259	REFUND - Alarm Billing overpay inv# 99486113
Miscellaneous Payment	Check	6168	9/14/2022	61.00	Carolyn K. White (Inactive)	REFUND - SCIP loan overpay loan# 6000401
Miscellaneous Payment	Check	6169	9/14/2022	7.51	Carolyn K White	REFUND - SCIP loan overpay #6000401
Miscellaneous Payment	Check	6170	9/14/2022	61.47	Crown Electric	MPE-325975
Miscellaneous Payment	Check	6171	9/14/2022	61.47	Crown Electric	MPE-326047
Miscellaneous Payment	Check	6172	9/14/2022	35.00	Eugene Harris	REFUND - overpay citation# 7203900365
Miscellaneous Payment	Check	6173	9/14/2022	30.00	Glad INC	REFUND - Overpay citation# 7203600872
Miscellaneous Payment	Check	6174	9/14/2022	183.89	J H Kelly LLC	MPE-326834 (jobsite: 12607 SE MILL PLAIN BLVD)
Miscellaneous Payment	Check	6175	9/14/2022	20.00	Josch LLC	REFUND - Alarm Billing overpay inv#99482449

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Miscellaneous Payment	Check	6176	9/14/2022	298.69	Monterey Apartments LLC	SDP-325760 (jobsite: 905 SE 136th Avenue)
Miscellaneous Payment	Check	6177	9/14/2022	3,780.00	NW Hospitality Group, LLC	REFUND - COVID-19 surcharge Bus. License WA UBI: 604169858
Miscellaneous Payment	Check	6178	9/14/2022	323.38	PM Design Group	SDP-326156 (jobsite: 15306 NE Fourth Plain Blvd)
Miscellaneous Payment	Check	6179	9/14/2022	68.64	Prairie Electric	MPE-318812
Miscellaneous Payment	Check	6180	9/14/2022	61.47	Precision Air LLC	MPE-326852 (jobsite: 5305 NE 121ST AVE, SUITE 102)
Miscellaneous Payment	Check	6181	9/14/2022	40.00	Professional Credit Service	REFUND - Alarms billing inv# 99443363/99449169
Miscellaneous Payment	Check	6182	9/14/2022	8.76	Ramona Arnold	REFUND - CDBG Loan overpay #9070002
Miscellaneous Payment	Check	6183	9/14/2022	61.47	Shannon Long Long	MPE-318636 (jobsite: 5018 MURRAY CT)
Miscellaneous Payment	Check	6184	9/14/2022	110.47	Wyatt Fire Protection Inc	FRI-325755 (Jobsite: 1701 W 16th Street)
Ad Hoc Payment	Check	6185	9/14/2022	200.71	Danielowicz,Mark	Utility Refunds: 0000002438-04 Consolidated refund created from multiple refunds
Ad Hoc Payment	Check	6186	9/14/2022	23.83	Daniel Stockton and Francesca Wignes	Reissue of check #23025 - Utility Refunds: 0124035218-03
Ad Hoc Payment	Check	6187	9/14/2022	9.07	Dosier,Cynthia	Utility Refunds: 0027021900-05
Ad Hoc Payment	Check	6188	9/14/2022	221.00	George M Neffner III LP	Utility Refunds: 0000002760-01 Consolidated refund created from multiple refunds
Ad Hoc Payment	Check	6189	9/14/2022	157.00	George M Neffner III LP	Utility Refunds: 0000002032-01 Consolidated refund created from multiple refunds
Ad Hoc Payment	Check	6190	9/14/2022	836.98	Hall,Andrew	Utility Refunds: 0045651002-03 Consolidated refund created from multiple refunds
Ad Hoc Payment	Check	6191	9/14/2022	118.03	Jamie or Edward Conzatti	Utility Refunds: 0000002553-02
Ad Hoc Payment	Check	6192	9/14/2022	105.72	Kelley,Patricia	Utility Refunds: 0099048900-08
Ad Hoc Payment	Check	6193	9/14/2022	108.05	KRB Holdings LLC	Utility Refunds: 0048060500-01
Ad Hoc Payment	Check	6194	9/14/2022	75.00	Lilly,Judith	Utility Refunds: 0099090053-04 Consolidated refund created from multiple refunds
Ad Hoc Payment	Check	6195	9/14/2022	216.00	Moroshan,Isaac	Utility Refunds: 0158008040-03
Ad Hoc Payment	Check	6196	9/14/2022	172.71	Nelson,Kathleen or Walter	Utility Refunds: 0000007530-02
Ad Hoc Payment	Check	6197	9/14/2022	72.25	Patrick or Abigail Rhoads	Utility Refunds: 0000002669-03
Ad Hoc Payment	Check	6198	9/14/2022	40.99	Perrine,Sonia	Utility Refunds: 0005017502-03
Ad Hoc Payment	Check	6199	9/14/2022	300.00	Sayama,Mary Jane	Utility Refunds: 0072007238-01 Consolidated refund created from multiple refunds
Ad Hoc Payment	Check	6200	9/14/2022	108.64	Shiell Family Trust	Utility Refunds: 0123002770-03
Ad Hoc Payment	Check	6201	9/14/2022	157.08	Smith,Toni or Donald	Utility Refunds: 0500002076-02
Ad Hoc Payment	Check	6202	9/14/2022	63.59	Stump,Garret	Utility Refunds: 0000002556-03
Ad Hoc Payment	Check	6203	9/14/2022	180.00	Waiblinger,Dieter	Utility Refunds: 0006073500-07 Consolidated refund created from multiple refunds
Ad Hoc Payment	Check	6204	9/14/2022	220.45	Walker,William or Deborah	Utility Refunds: 0037040200-02
			Check Total	1,154,907.39		
			Manual Wire Total	2,167,840.27		
			Direct Deposit Total	2,697.73		
			EFT Total	919,557.22		
			9/19/2022	16,500.22	City Payments	Posted 09-12-22 to 09-18-22
			Hansen Total	16,500.22		

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			9/19/2022	677.00	Miscellaneous	Parks Class Refunds FCC 09-12-22 to 09-18-22
			9/19/2022	2,220.00	Miscellaneous	Parks Class Refunds MCC 09-12-22 to 09-18-22
			VISA Total	2,897.00		
			Payroll Total	755.42		
			GRAND TOTAL	4,265,155.25		

\$ 755.42