

August 16, 2021 - Vancouver City Council Meeting Minutes

WORKSHOPS

Workshops were conducted in a hybrid environment, with Councilmembers, staff and guests participating in-person at City Hall and over video conference utilizing a GoToMeeting platform. Members of the public were invited to view the meeting at City Hall or 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, or listen via the GoToMeeting conference call.

Mayor McEnerny-Ogle was absent. Mayor Pro Tem Linda Glover presided over workshops and the Regular Meeting.

Councilmember Lebowsky was absent from workshops.

4:00-4:30 p.m. HQ Development Agreement

Jason Nortz, Development Review Manager, 360-487-7844

Summary

Staff presented Council with an overview of the proposed Headquarters (HQ) development agreement and Master Plan for the site located in east Vancouver.

4:30-6:00 p.m. A Stronger Vancouver Update

Eric Holmes, City Manager

Summary

The City Manager presented to Council a summary of the Stronger Vancouver initiative, where the project was left prior to the COVID-19 pandemic, and a range of options for moving forward.

COUNCIL DINNER/ADMINISTRATIVE UPDATES

6:00-6:30 PM

REGULAR COUNCIL MEETING

This meeting was conducted in a hybrid environment, with Councilmembers, staff and guests participating in-person at City Hall and over video conference utilizing a GoToMeeting platform. Members of the public were invited to view the meeting at City Hall or 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, or listen via the GoToMeeting conference call. Public access and testimony on Consent Agenda and Public Hearing items was also facilitated in person and via the GoToMeeting conference call.

Pledge of Allegiance

Call to Order and Roll Call

The regular meeting of the Vancouver City Council was called to order at 6:30 p.m. by Mayor Pro Tem Linda Glover. This meeting was conducted remotely over video conference.

Present: Councilmembers Fox, Paulsen, Lebowsky, Glover, Stober, Hansen

Absent: Mayor McEnerny-Ogle

Motion by Councilmember Hansen, seconded by Councilmember Paulsen, and carried unanimously to excuse Mayor McEnerny-Ogle.

Approval of Minutes

Minutes - July 19, 2021

Motion by Councilmember Paulsen, seconded by Councilmember Stober, and carried unanimously to approve the meeting minutes of July 19, 2021.

Minutes - July 26, 2021

Motion by Councilmember Stober, seconded by Councilmember Fox, and carried unanimously to approve the meeting minutes of July 26, 2021. Councilmember Paulsen abstained.

Community Communication (Items 1-8)

Mayor Pro Tem Glover opened Community Communication and, receiving no testimony, closed Community Communication.

Consent Agenda (Items 1-8)

Council requested Items 6 and 7 be pulled from the Consent Agenda for separate discussion, as summarized below.

Regarding Item 6, Judi Bailey, Neighborhoods Coordinator, introduced Randall Franklin, Chair of the Walnut Grove Neighborhood Association. Ms. Bailey provided background information regarding the formation of the new neighborhood association. Mr. Franklin thanked the City for the recognition.

Regarding Item 7, Councilmember Fox asked staff for an estimate on the repairs needed and what the City is expecting to be reimbursed by the State.

Ryan Lopossa, Transportation Manager, stated the needed repairs to the signalized intersection at Thursday Way and Vancouver Mall Drive are estimated to cost about \$17,000. The City is still gathering information pertaining to the damage of the Fourth Plain bridge spanning the BNSF mainline, but staff estimates those costs will be around \$50,000 to \$60,000. He stated WSDOT requires the Council resolution declaring the emergency before they will process reimbursement requests, so City staff is unable to estimate how much will be reimbursed. During previous emergencies, WSDOT often has reimbursed at 100 percent, but that can vary. If the City does not receive funds from the state, it will have to cover the repairs with local funds.

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

1. 2019 TIB Complete Streets Columbia Tech Center, construction acceptance and release of retainage

Staff Report 119-21

Summary

Halme Excavating Inc. of Battle Ground, WA, has satisfactorily completed the subject improvements in accordance with the contract plans and specifications. The original contract bid amount was \$355,946.00. The final project cost was \$315,496.24, which was \$40,449.76 (approximately 11%) less than the original contracted amount. The difference between the

original contract amount and final contract amount is significantly attributed to an underrun in the total flagging hours required for the project. The contractor was able to execute the work using approximately one third of the total flagging hours originally estimated for the project. There were no apprenticeship requirements for this project as the project fell below the \$500,000 policy threshold.

Request: On August 16, 2021, accept the 2019 TIB Complete Streets Columbia Tech Center Project as constructed by Halme Excavating, Inc., of Battle Ground, Washington, and authorize release of retainage in the amount of \$15,774.81, subject to receipt of all documentation required by law.

Bailey Smithline, Associate Civil Engineer, 360-487-7791

Motion approved the request.

2. Water Station 9 Chemical Building, construction acceptance and release of retainage bond

Staff Report 120-21

Summary

The new Water Station 9 Chemical Building replaces existing fluoridation and disinfection facilities, consolidating two systems into one central location. In addition to a modern installation, a low-strength sodium hypochlorite solution (0.8%) replaces chlorine gas as the historic disinfectant. The sodium hypochlorite solution will be generated and stored within the new building utilizing salt, water and electricity. In April 2020, City Council approved a contract with Rotschy Inc.to construct the chemical building .

The contractor has satisfactorily completed this project in accordance with the plans and specifications. Contract costs are summarized below:

TOTAL CONTRACT COSTS	
Labor, Equipment and Materials	\$1,693,455.19
Sales Tax	\$ 142,335.31
Total	\$1,835,790.50
RETAINAGE	BOND

The final contract amount was marginally higher than the original \$1,803,329.15. The largest contract change replaced more asphalt paving on the access road than anticipated.

Apprenticeship Utilization goals of 4%, were exceeded with 11% of qualified working hours delivered by apprentice employees.

Request: Accept the Water Station 9 Chemical Building project as constructed by Rotschy Inc., of Vancouver, WA. and authorize the release of the retainage bond, subject to documentation receipt as required by law.

Tyler Clary, Water Engineering Program Manager, 360-487-7169

Motion approved the request.

3. Bid Award - East Vancouver PH3 Sewer Improvements

Staff Report 121-21

Summary

The East Vancouver Phase 3 project is proposed to be constructed under the Sewer Connection Incentive Program (SCIP). This project will provide reliable sewer service to 37 parcels by installing approximately 2,300 linear feet of 8-inch gravity sewer mains in NE 70th St, NE 63rd Ave, NE 62nd Ave, NE 60th Ave and NE 58th Ave.

On July 27, 2021, the City received 3 bids for the subject project. The bids ranged between \$1,450,000 and \$2,050,000. The low bidder was responsive. The bids are as follows:

SUMMARY OF BIDS	
BIDDER	AMOUNT
<i>Advanced Excavating Specialists, LLC, Longview, WA</i>	<i>\$1,453,355.49</i>
<i>Clark & Sons</i>	<i>\$1,766,054.34</i>
<i>Nutter Corporation, Vancouver, WA</i>	<i>\$2,047,550.22</i>
<i>Engineers' Estimate</i>	<i>\$1,400,000.00</i>

Based on the engineer's estimate of construction costs, this project falls within the \$500,000 to \$1,500,000 apprenticeship policy threshold and will therefore be required to meet the apprenticeship utilization requirement of 3%.

Request: Award a construction contract for the East Vancouver Phase 3 Sanitary Sewer Improvement project to the lowest responsive and responsible bidder, Advanced Excavating Specialists of Longview, WA at their bid price of \$1,453,355.49, which includes Washington State sales tax; and authorize the City

Manager or designee to execute a contract with Advanced Excavating Specialists for the same.

Sheryl Hale, Senior Engineering Manager, 36-0487-7151

Motion approved the request.

4. DuBois Neighborhood Park, construction acceptance and release of retainage

Staff Report 122-21

Summary

The original construction contract bid amount was \$467,917.54. Change orders and quantity adjustments during construction increased the contract amount by .5% to \$470,243.55. Lee Contracting LLC of Battle Ground, Washington, has satisfactorily completed the subject improvements in accordance with the plans and specifications.

Request: On August 16, 2021, accept the DuBois Neighborhood Park project as constructed by Lee Contractors LLC of Battle Ground, WA, and authorize release of the retainage bond, subject to receipt of all documentation required by law.

Terry Snyder, Senior Park Developer, 360-487-8317

Motion approved the request.

5. Kearns & West Professional Services Contract Increase

Staff Report 123-21

Summary

The City currently contracts with Kearns & West to support the Community Task Force on Policing, the City's Strategic Plan, and strategic communications and community engagement planning. Their services provide needed engagement strategies to ensure transparency in carrying out City Council priorities.

The current on-call contract with Kearns & West is nearly depleted, and staff is requesting an increase of the professional services contract to \$500,000 to support current and future needs through the end of the contract April 30, 2024. Currently, there is \$170,000 of immediate professional services work to facilitate the Strategic Plan and strategic communications planning efforts. This requested increased amount has already been approved in the City Manager's Office (CMO) and Communications Department budgets.

To ensure on-call facilitation remains an option for Citywide use as priority projects and initiatives unfold, the request is to increase the contract amount beyond what is immediately visioned. Use of the professional services contract beyond what is outlined will require that department budgets can support accessing the services.

Request: Authorize the the City Manager or designee to execute a contract amendment increasing the maximum amount payable to Kearns & West for professional services by \$300,000 to a not-to-exceed contract amount of \$500,000.

Cara Rene, Communications Director, 360-487-8614

Motion approved the request.

6. Recognition of the Walnut Grove Neighborhood Association

Staff Report 124-21

A RESOLUTION recognizing the Walnut Grove Neighborhood Association by City Council and providing that City Council intends to consult with the neighborhood association and to consider recommendations of the Walnut Grove Neighborhood Association on any matter found to affect the livability of the Walnut Grove neighborhood.

Summary

The City of Vancouver annexed this area as part of the Van Mall North Annexation in 2017. At the time of annexation the members of the Walnut Grove Neighborhood Association were part of Clark County's East Minnehaha Neighborhood Association. Upon annexation these residents were no longer members of the county neighborhood association, and were not ready to move forward with forming a new neighborhood association.

Residents of the area met on May 18, June 8 and July 8, 2021, and voted to form a neighborhood association, to be called the Walnut Grove Neighborhood Association. They established boundaries, adopted bylaws, and voted in officers. They have met all requirements to become formally recognized by City Council.

Request: Adopt a resolution formally recognizing the Walnut Grove Neighborhood as the City's 69th official neighborhood association.

Judi Bailey, Neighborhoods Coordinator, 360-487-8608

Motion adopted Resolution M-4141 approving the request.

7. Declaration of Civil Emergency - Excessive Heat Event

Staff Report 125-21

A RESOLUTION relating to heat-related damage to transportation infrastructure; declaring an emergency pursuant to Section 2.12.030(A)(1) of the Vancouver Municipal Code; and directing staff to work with the appropriate State agencies to address the damage and secure funding for needed repairs.

Summary

Beginning on June 24, 2021, the City of Vancouver along with much of Western Washington and Western Oregon experienced an excessive and unprecedented weather event, featuring a heat wave that caused daytime temperatures to soar above 110 degrees Fahrenheit for multiple consecutive days.

The excessive heat resulted in damages to multiple transportation assets throughout the State of Washington. Locally, the signalized intersection at Thurston Way/Vancouver Mall Drive was damaged by an electrical fire that was initiated by an overloaded capacitor that had failed. The fire resulted in the entire signal system becoming inoperative for multiple days. In addition, the excessive heat resulted in structural damage to one of the abutments that supports the Fourth Plain Blvd Bridge that spans the BNSF mainline in West Vancouver. A portion of the concrete on the abutment suffered delamination and detached itself from the abutment structure. The bridge remains structurally sound but the abutment will need to be repaired to preserve its structural integrity.

On July 16, 2021, Governor Jay Inslee issued an Emergency Proclamation in response to heat-related damages to multiple transportation assets throughout the State of Washington, including Clark County and the City of Vancouver. Issuance of the Governor's Proclamation combined with this Declaration of Civil Emergency enables the City to seek reimbursement from the State for the repairs of the two damaged areas noted herein.

Request: Adopt a Resolution that issues a Declaration of Civil Emergency as it relates to the excessive heat event of late June 2021.

Ryan Lopossa, Streets & Transportation Manager, 360-487-7706

Motion adopted Resolution M-4142 approving the request.

8. Approval of Claim Vouchers

Request: Approve claim vouchers for August 16, 2021.

Motion approve claim vouchers for August 16, 2021, in the amount of \$5,111,327.56.

Public Hearings (Items 9-11)

9. Amendments to VMC Title 20.160 - Commercial and Transient Lodging Use Classification

Staff Report 116-21

AN ORDINANCE relating to the listing of use classifications in commercial use types, removing the qualifying language regarding the typical length of stay, bringing this code section in line with the newly passed HB 1220, removing the potential barrier of siting of homeless shelters within the City, and removing any ambiguity with other commercial lodging which are not limited on the length of stay time; providing for savings, severability and an effective date.

Summary

In 2018, the City Council approved an ordinance which eliminated the City's Human Service Facilities use classification and integrated all human service uses, including homeless shelters, into the use classification of the most similar commercial use. The change was initiated due to concerns that had been raised by the City Attorney's Office about the City's Human Services Facilities (HSF) Siting Ordinance in regard to applicable laws that prohibit discrimination against people based on their familial status or disabilities, including Title VIII of the Civil Rights Act, the Fair Housing Act, and a ruling from the 9th Circuit federal Court of Appeals. As part of the ordinance, homeless shelters were deemed to be most similar to other types of commercial lodging and were added to the City's Development Code Commercial and Transient Lodging use classification. The term "where tenancy is typically less than one month" was already in the ordinance at the time and remained with the change.

Recently, the Vancouver Housing Authority decided to acquire the existing Howard Johnson hotel at 9201 NE Vancouver Mall Drive to operate a homeless shelter. Upon learning about the proposed shelter, a Planning Official's code interpretation was requested to interpret and clarify the scope of "Commercial and Transient Lodging" uses, specifically for "homeless

shelters where tenancy is typically less than one month” with the emphasis on what “typically” means in this context.

The subsequent code interpretation decision stated that the term “typically” in the case of homeless shelters simply recognizes the fact that most individuals would not stay at a homeless shelter for more than a month similar to other commercial lodging uses. The code interpretation is currently under appeal and is pending the outcome of this proposed ordinance.

The Washington State House of Representatives recently passed legislation (House Bill 1220) with regard to the supporting of emergency shelters and housing through local planning and development regulations. As stated in the House Bill, cities such as Vancouver need to make a decision before September 30, 2021, as to either treat homeless shelters the same as hotels, or adopt an Ordinance authorizing indoor emergency shelters/emergency housing in a majority of zones located within one mile of public transit.

The recent interpretation issues relative to the tenancy of homeless shelters as well as recent state law has led to the initiation of the subject code text amendment to remove the tenancy language from the Commercial and Transient Lodging use classification definition. The proposed ordinance will clear up the code language relative to homeless shelters by removing the seemingly qualifying language regarding the typical length of stay and will remove the potential barrier of siting of homeless shelters within the City. The use of terms regarding the length of stay in homeless shelters is outdated as most homeless individuals do not have the ability to move out of shelters within a specific timeframe. This would also remove any ambiguity with other commercial lodging which are not limited on the length of stay time.

Request: On Monday, August 16, 2021, subject to second reading and public hearing, approve ordinance.

Greg Turner, Land Use Manager, 260-487-7883

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

Greg Turner, Land Use Manager, provided an overview of the proposed code amendments.

Mayor Pro Tem Glover opened the public hearing and, receiving no testimony, closed the public hearing.

Councilmember Stober stated he was in support of the proposed change. He stated the larger question the City needs to consider is why housing currently

is not acceptable in this particular zone, as that seems counter to the current needs of the city.

Councilmember Hansen echoed Councilmember Stober's comments, and thanked staff for moving this code change forward quickly to meet the community's rapidly changing needs.

Motion by Councilmember Stober, seconded by Councilmember Fox, and carried unanimously to approve Ordinance M-4344.

10. **62nd Street Apartments proposal to change zoning map designation from R-18 to R-22 for a 2.5-acre site comprising three adjacent properties at 6115 NE 72nd Avenue, and 7215 and 7309 NE 63rd Street**

Staff Report 117-21

AN ORDINANCE relating to zoning for the City of Vancouver and Vancouver Municipal Code (VMC) Title 20; amending the Vancouver Zoning map designation for adjacent properties at 6115 NE 72nd Avenue, 7215 NE 63rd Street, and 7309 NE 63rd Street, tax lots 105120000, 105120010, and 105137000; providing for severability; and providing for an effective date.

Summary

The applicant argues that the rezone application would provide additional higher density housing that would increase options in the area and respond to the affordable housing crisis. The existing R-18 zoning could allow approximately 36 units, versus roughly 45 under the proposed R-22 zone. Future units would likely be somewhat smaller and less expensive under the higher density zones.

Public facilities and services appear adequate to meet the increased demand. Vehicle traffic would be approximately 25% higher under R-22 than R-18, but no congestion or safety problems in the area are anticipated. Local existing middle and high schools can accommodate the additional students generated, and Walnut Grove Elementary School is in the process of being rebuilt with a larger facility. Compliance with City stormwater standards addressing runoff from the site will be required during Site Plan Review of any future apartment proposal. City Public Works staff recently visited the existing City drainage facility immediately west of the rezone site across 72nd Avenue and confirmed it was operating properly and not a likely potential sources of area flooding. Staff will monitor the drainage facility, and the retaining wall alongside 63rd Street.

The sources that should be considered in evaluating a standalone rezone request are: (1) the City Comprehensive Plan, and (2) the City Strategic

Plan. (VMC 20.285.060). Locational criteria for higher density residential zoning districts are contained in VMC 20.420.025, last updated in 2005. As the factors contained in VMC 20.420.025 are referenced within the City Comp Plan, they may be considered in evaluating the prudence of granting a standalone zoning change. However, in evaluating the appropriate weight to afford the factors set forth in VMC 20.420.025, it is relevant to consider the history of recent amendments to Title 20 of the Vancouver Municipal Code. In 2018 changes were made to standards for reviewing zone changes under VMC 20.285 to eliminate direct reference to locational criteria for these and other zoning districts. The change was made because the locational criteria described how various zones might ideally be located if designing a new urban area for the first time, but were less relevant in evaluating proposed individual site-specific zoning changes in an increasingly developed setting. In addition, they generally do not reflect recent trends related to housing affordability and urbanization that have emerged over the last decade or more. Locational criteria for each zoning district will be updated as part of a planned Title 20 (Land Use and Development Code) overhaul, which will follow the forthcoming major update of the City's Comprehensive Plan.

Locational criteria for the existing and proposed zone in this case are as follows:

A. R-18 (Higher Density Residential) Zone Location Criteria. The R-18 designation is most appropriate in areas with the following characteristics and relationships to the surrounding area:

- 1. Areas occupied by a substantial amount of multifamily development, but where factors such as narrow streets, on-street parking congestion, local traffic congestion, lack of alleys and irregular street patterns restrict local access and circulation and make a lower intensity of development desirable.*
- 2. Areas where properties are well-suited to multifamily development, but where adjacent single-family developments or public open space make a transitional scale of development (height and bulk) desirable. There should be a well-defined edge such as an arterial, open space, change in block pattern, topographic change or other significant feature that provides physical separation from the single-family area. (This is not a necessary condition where existing moderate scale multifamily structures have already established the scale relationship with abutting single-family areas).*
- 3. Properties must have access from collector or arterial streets, such that vehicular travel to and from the site is not required to use local access streets through lower density residential zones.*

B. R-22 (Higher Density Residential) Zone Location Criteria. The R-22 designation is most appropriate in areas with the following characteristics and relationships to the surrounding area:

- 1. Areas already developed predominantly to the permitted R-22 density and where R-22 scale is well established.*
- 2. Areas with close proximity and pedestrian connections to neighborhood services, public open spaces, schools and other residential amenities.*
- 3. Properties that are adjacent to existing business and commercial areas with comparable height and bulk, or where a transition in scale between areas of larger multifamily and/or commercial structures and smaller multifamily development is desirable.*
- 4. Areas well served by public transit and having direct access to arterials, such that vehicular traffic is not required to that pass through lower density residential zones; street widths must be sufficient to allow for two (2) way traffic and on-street parking in accordance with City street standards.*
- 5. Areas with significant topographic breaks, major arterials or open space that provide a separation and transition to Lower Density Residential areas*

C. R-30 (Higher Density Residential) Zone Location Criteria. The R-30 designation is most appropriate in areas with the following characteristics and relationships to the surrounding area:

- 1. Areas that are already developed predominantly to the permitted R-30 density, or areas that are within an urban center, or identified in an adopted sub-area plan as appropriate for higher density multifamily housing.*
- 2. Properties in close proximity to major employment centers, open space and recreational facilities.*
- 3. Areas with well-defined edges such as an arterial, open space, change in block pattern, topographic change or other significant feature providing sufficient separation from adjacent areas of small scale residential development, or areas should be separated by other zones providing a transition in the height, scale and density of development.*
- 4. Areas that are served by major arterials, where transit service is good to excellent, and where street capacity could absorb the traffic*

generated by higher density development.

5. Principal streets in the area shall be sufficient to allow for two (2) way traffic and parking on both sides of the street. Vehicular access to the area shall not require use of streets passing through lower density residential zones.

6. Areas of sufficient size to promote a high quality, higher density residential environment with close proximity (and good pedestrian connections) to public open spaces, neighborhood oriented commercial services, and other residential amenities.

The 2018 changes that reduced the weight of the locational criteria for rezones were also intended to reflect increasing concerns over housing choice and affordability.

The proposal site annexed to the City in 2017 as part of the Van Mall North annexation, and was zoned Urban High Density by Clark County as far back as 2007.

Request: On Monday, August 16, 2021, subject to second reading and public hearing, approve ordinance.

Bryan Snodgrass, Principal Planner, 360-487-7946

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

City Attorney Jonathan Young stated Council would be hearing a proposal to change the zoning map designation for the 62nd Street Apartments from R-18 to R22 and noted the Council would be sitting as a quasi-judicial body for this hearing. He stated the Council's decision will be based upon the written materials provided to them, the testimony and arguments that will be made during the hearing. Mr. Young outlined the process for proceeding with this hearing. He stated the Council would be asked to disclose any ex parte communication or other Appearance of Fairness issues. Following public testimony, Council should discuss and make a decision as to whether it is in agreement with that the proposed change a) is more consistent with the applicable policies of the Vancouver Strategic Plan and Comprehensive Plan than the existing designation; and b) that a change in circumstances has occurred since the existing designation was established.

Mayor McEnemy-Ogle declared the hearing open.

Mr. Young stated the City Attorney's Office conducted an email search for any emails sent or received by any member of the City Council, starting with the date of the application on this matter, which was May 25, 2020, pertaining to this application, and determined there were no messages requiring disclosure.

Mr. Young then asked each member of the Council to disclose any direct or indirect financial benefit they could derive from the decision to grant or deny the requested rezone; any ex parte communication they have had about the requested rezone since the date of the application on May 25, 2020; and whether they are prepared to listen to all of the testimony and consider all of the evidence presented before making up their mind about the matter.

Councilmember Fox reported nothing to disclose.

Councilmember Paulsen reported nothing to disclose.

Councilmember Lebowsky reported nothing to disclose.

Councilmember Stober reported nothing to disclose.

Councilmember Hansen reported nothing to disclose.

Mayor Pro Tem Glover reported nothing to disclose.

The hearing was opened to all members of the public present on the video conference or on the phone to provide any testimony regarding any of the Council's Appearance of Fairness disclosures. No testimony was received.

Bryan Snodgrass, Principal Planner, provided an overview of the proposal.

Mayor Pro Tem Glover then opened public testimony and invited the applicant to comment first.

- LeAnne Bremer, representing the applicant, stated the change in zoning from R-18 to R-30, as originally proposed by the applicant, would better fulfill the Comprehensive Plan and increase diversity in the housing supply. She noted there is a Transit Overlay District that applies to the Vancouver Mall area that would ensure transit is available to the development. Ms. Bremer requested the Council approve the zone change to the original R-30.

There being no additional testimony, Mayor Pro Tem Glover closed the public testimony.

Councilmember Stober asked staff for clarification, as the Council had been presented with a change to R-22, but the applicant had made a different request to change to R-30. Jonathan Young, City Attorney, stated Council should be considering the proposed ordinance before them, with the zoning change to R-22. But if Council was swayed by arguments at this hearing, they could move to amend the proposal and request staff bring that back at a future date.

Motion by Councilmember Stober to amend the current proposal to a change in zoning designation to R-30 died for lack of a second.

Councilmember Stober stated there is a tremendous need for housing, and noted this site is situated at two major intersections within easy access to services, and within a Transit Overlay District. Because of this, he stated he believes it justifies the higher density zoning.

Councilmember Fox stated she is familiar with this area and has observed there have been quite a few town homes built in the current zoning designation that have increased density. She stated the R-22 designation would be denser than R-18 and there had been a lot of discussion at the last hearing about the compatibility of R-22 with the Comprehensive Plan.

Motion by Councilmember Fox, seconded by Councilmember Hansen, and carried 5-1 to approve Ordinance M-4345.

Councilmember Stober asked if there is an appeals process for this decision. Mr. Young stated the Council's decision is the final decision for the City, but there would be a judicial process to appeal through the court.

11. Vancouver Innovation Center (VIC) Comprehensive Plan and Map change from Industrial/IL to Commercial/MX, and accompanying mixed use Master Plan and Development Agreement (D.A.) at 179-acre former Hewlett-Packard site at 18110 SE 34th Street

Staff Report 118A-21

AN ORDINANCE relating to zoning for the City of Vancouver and Vancouver Municipal Code (VMC) Title 20; amending the Vancouver Comprehensive Plan and Zoning map designation for parcels adjacent tax lots 126455000 and 126816000, located at 18110 SE 34th Street; also adopting a Mixed Use Master Plan (Master Plan) and Development Agreement (D.A.), providing for severability; and providing for an effective date.

Proposal :

Future land uses on the site would be distributed as indicated in the Land Use Allocation Plan Map, Exhibit C of this report, with the Light Industrial, Multi-family Residential, Single-family Residential, and Mixed Use areas to be generally developed in that order, under the development standards of the analogous citywide zoning districts with limited exceptions noted in the D.A. A Master Plan for the Town Center portion of the Mixed Use area is required within three years of approval of the full site Master Plan.

The proposed park in the northeast corner of the site is subject to ongoing negotiation between the City and applicant, with parameters established in the D.A. The proposed school site in the northwest corner is anticipated to be developed for a middle school campus to meet future demand. The

Evergreen School District and applicant indicate they are in conceptual agreement for a purchase of the land pending rezone approval.

Locations of buildings, infrastructure and open spaces are as indicated in the Master Plan Map, Exhibit D of this report. General appearances of buildings and surrounding open spaces are as indicated in the applicant renderings.

Key features of the proposed Development Agreement include:

- 15-year term
Parking, Open Space, and Tree Canopy Plans*
- The northeast forested area envisioned for a future park is required to be set aside in perpetuity through a covenant, and improved under City or applicant ownership with public access easement, to include at minimum a large universally accessible playground, dog park area, loop trails with benches and picnic areas, interpretive signage, reservable pavilions, unique bike/low ropes course feature or other equal or better features. Cost parameters are outlined in the D.A, with negotiations to begin in 150 days.*
- Design Standards and Principles addressing mobility, energy, water, building design, building finishes, heights, signage, tree canopy, open space, and street cross sections.
Phasing requirements to ensure at least ¼ of employment uses are built before ½ of residential uses are permitted.*
- Requirements for future public hearing review of significant changes to the Master Plan, including changes to uses or locations on the northern property line which abuts existing residences without an intervening street.*

The proposal will be adequately served by public facilities and services:

- Anticipated trip generation at buildout of 27,000 vehicle trips per day and 2,000 trips during peak hours represents approximately 10% fewer daily trips and 50% fewer peak hour trips than buildout development under existing IL zoning. 60% of trips entering and exiting the site will do so via the west. The applicant will make proportionate share contributions to impacted roads and intersections near proposal site, dedicate and improve roads within site, and be subject to Transportation Impact Fees.*
- The proposal would generate 319 students at buildout, which serving schools have capacity to serve through temporary portable classroom capacity.*
- Proposal park and open space features are sufficient to meet demands created by the proposal, and partially address park deficits in the surrounding area.*

Provisions addressing sustainability and climate impacts include:

- Proposed mix of uses facilitating less traffic than development under*

existing zoning, and reuse of existing 700,000 square foot industrial building complex.

- D.A requirement that application will not vest for City standards related to sustainability and climate, ensuring future development can be subject to the most recent standards as they evolve.*
- Applicant implementation commitments to work with C-Tran to increase bus service, upgrade lights and HVAC in existing industrial buildings, install electric vehicle stations not required by City Code, and treat and perform infiltration of all stormwater onsite, and upgrade all parking lot stormwater to current standards.*

Public and stakeholder engagement has been provided through:

- City notice through original May 2020 pre-application conference and subsequent Planning Commission workshops, newspaper publication, mailings, site postings, SEPA distribution, and presentation at a March 2021 Homeowners Association meeting.*
- Applicant outreach through hardcopy mail, site tours, virtual open houses. Applicant has also conducted outreach through open houses and on-site tours.*
- Over 50 written comments received, most with concerns about traffic, tree retention, impacts on public services, sustainability and climate. Positive comments cite opportunities created by proposed park, housing and employment in mixed use setting.*

Request: On Monday, August 16, 2021, subject to second reading and public hearing, approve the ordinance.

Bryan Snodgrass, Principal Planner, 360-487-7946

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

Mr. Snodgrass provided an overview of the proposed Vancouver Innovation Center (VIC) development agreement and Comprehensive Plan zoning amendment.

Steve Horenstein, representing the applicant, stated he was available to answer any questions. He introduced Read Stapleton who presented a detailed overview of the project.

Mayor Pro Tem Glover opened the public hearing and received the following testimony:

- Jaynee Haygood, Parks and Recreation Advisory Commissioner, urged the Council to approve the original recommendations presented by the Planning Commission, and reiterated the Parks and Recreation Department has limited funds to purchase the forested parcel of the VIC. She also expressed concerns with arguments made at the first reading of this ordinance for not accepting the Planning Commission's*

recommendations pertaining to the zoning designation of the forested parcel at the time of purchase and the boundaries of the Town Center area of the site.

- Teresa Hardy, Vancouver, urged the City to require preservation of all of the trees on the site and ensuring a range of housing options available to a mix of incomes. She urged closer coordination with the Evergreen School District to fully understand potential impacts the development would have on schools.
- Kerri Altom, representing Friends of Clark County, spoke in support of the proposal, and stated the developer has worked well with the community and the project shows great promise.
- Maren Calvert, representing the applicant, stated that while some trees will need to be replaced, the tree canopy proposed for the project should result in a net gain of acreage. She stated she understands the Evergreen School District has considered the impacts of the development and will continue to consider impacts as the site builds out. She stated the applicant is encouraged by the community reception and is committed to innovation in the community.

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

Councilmember Stober asked the City Forester to clarify what is currently in the forested parcel, what is proposed, and what kinds of trees would be used on the site. Charles Ray, City Forester, stated roughly 14 acres of the forested tract are proposed to be preserved. He stated Urban Forestry has not seen a detailed plan of what would be replanted, but there would be a mix of evergreen, flowering trees and shade trees included on the City's approved tree list throughout the development. He stated there are targets for such developments to have a diverse tree plan and include 60 percent native conifers and include insect- and disease-resistant trees.

Councilmember Lebowsky stated she is excited about the proposed development, and the plan will provide an opportunity to activate that area of the city and increase housing density and options, as well as create jobs and walking and trail connections.

Motion by Councilmember Lebowsky, seconded by Councilmember Fox, and carried unanimously to approve Ordinance M-4346.

Communications

A. From the Council

B. From the Mayor

C. From the City Manager

a. Pearson Field Airport Update

Jennifer Belknap Williamson, Public Works Director, and Guy Lennon, Airport Manager, provided Council with an update on proposed amendments to the City's code pertaining to Pearson Airfield. Council provided feedback on the proposed regulations.

b. Supportive Camping Ordinance Update

Jonathan Young, City Attorney, and Jamie Spinelli, Homeless Response Coordinator, provided Council with an update on the Supportive Campsite pilot program, including proposed revisions to the the City's municipal code pertaining to camping and recommendations regarding siting criteria for future supportive campsites. Council provided feedback on the siting criteria and proposals for themed camps.

Adjournment

9:22 p.m.

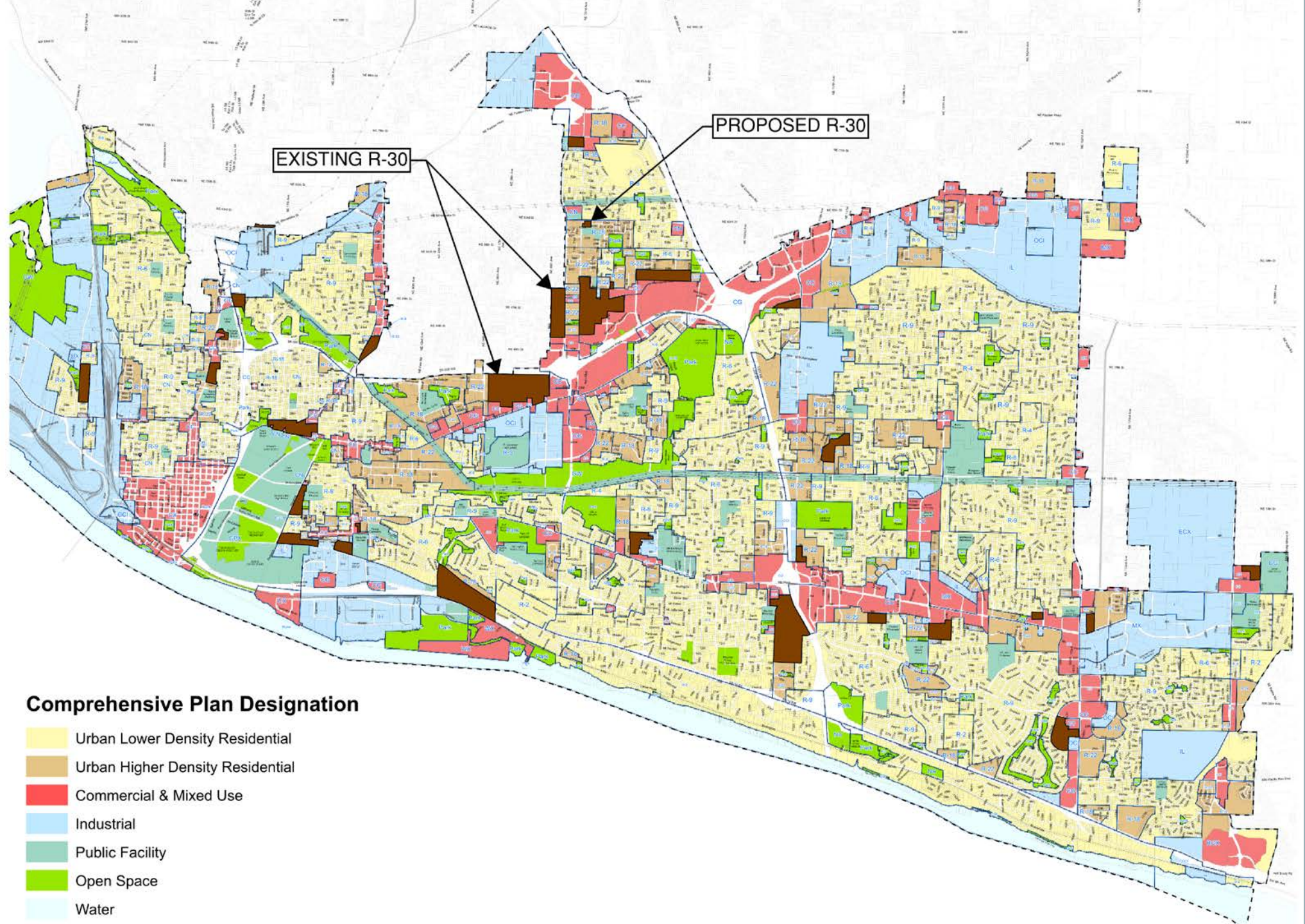
Anne McEnery-Ogle, Mayor

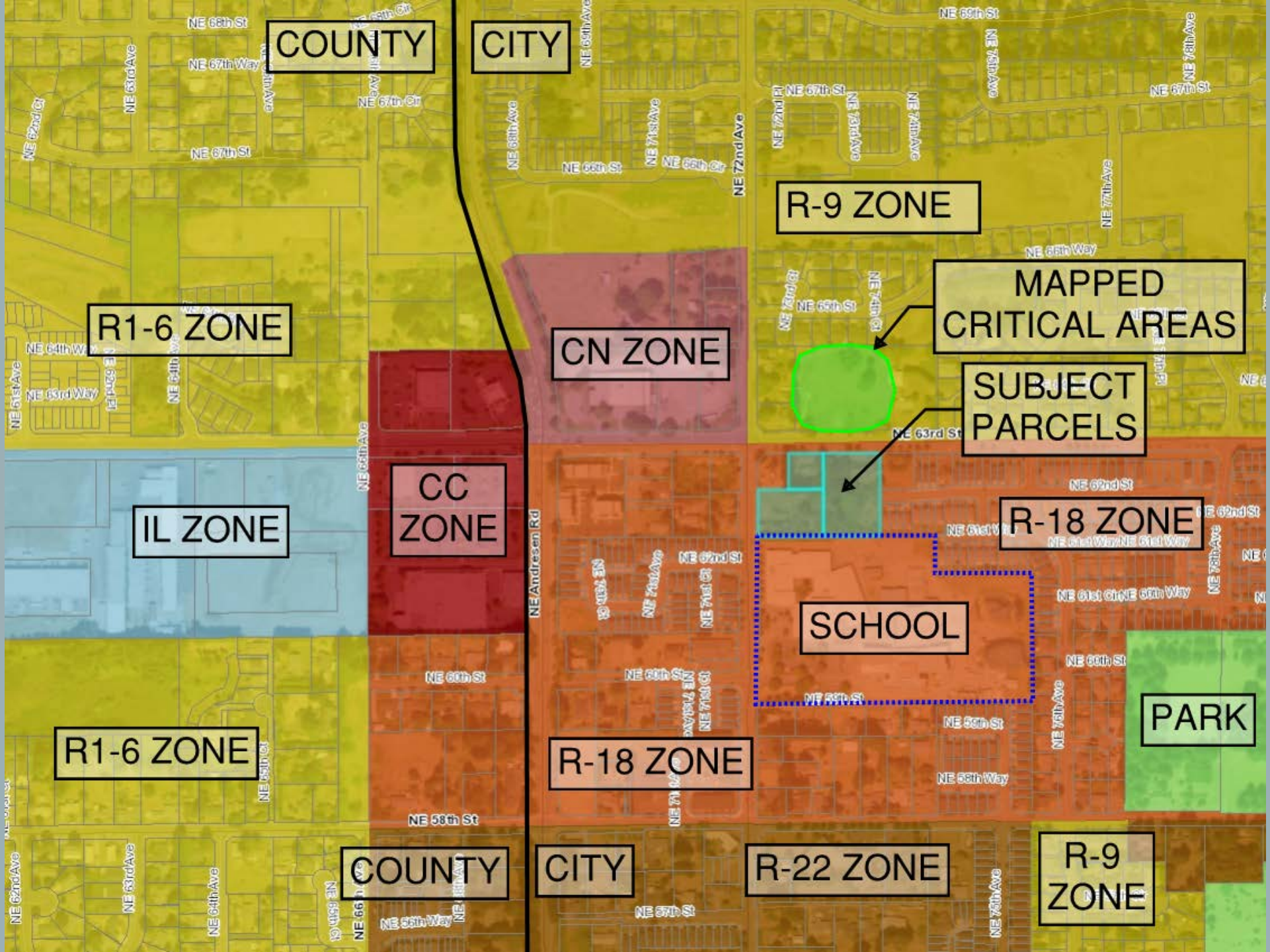
Attest:

Natasha Ramras, City Clerk

Meetings of the Vancouver City Council are electronically recorded on audio and video. The audio files are kept on file in the office of the City Clerk for a period of six years.

62ND STREET REZONE





R-18 APARTMENTS
18 UNITS/ACRE

WALGREENS
AND BANK
CC ZONE

FIRE STATION
CN ZONE

R-9 DETACHED HOMES
7 UNITS/ACRE

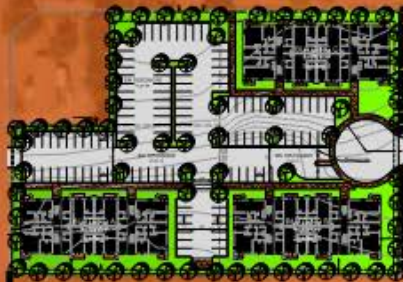
CRITICAL
AREAS



SAFEWAY AND
MULTI TENANT
COMMERCIAL
CC ZONE



R-18 TOWNHOMES
18 UNITS/ACRE



R-18 TOWNHOMES
14 UNITS/ACRE

SCHOOL

CRITICAL AREAS

WETLAND

80' ROW

STORM-WATER FACILITY

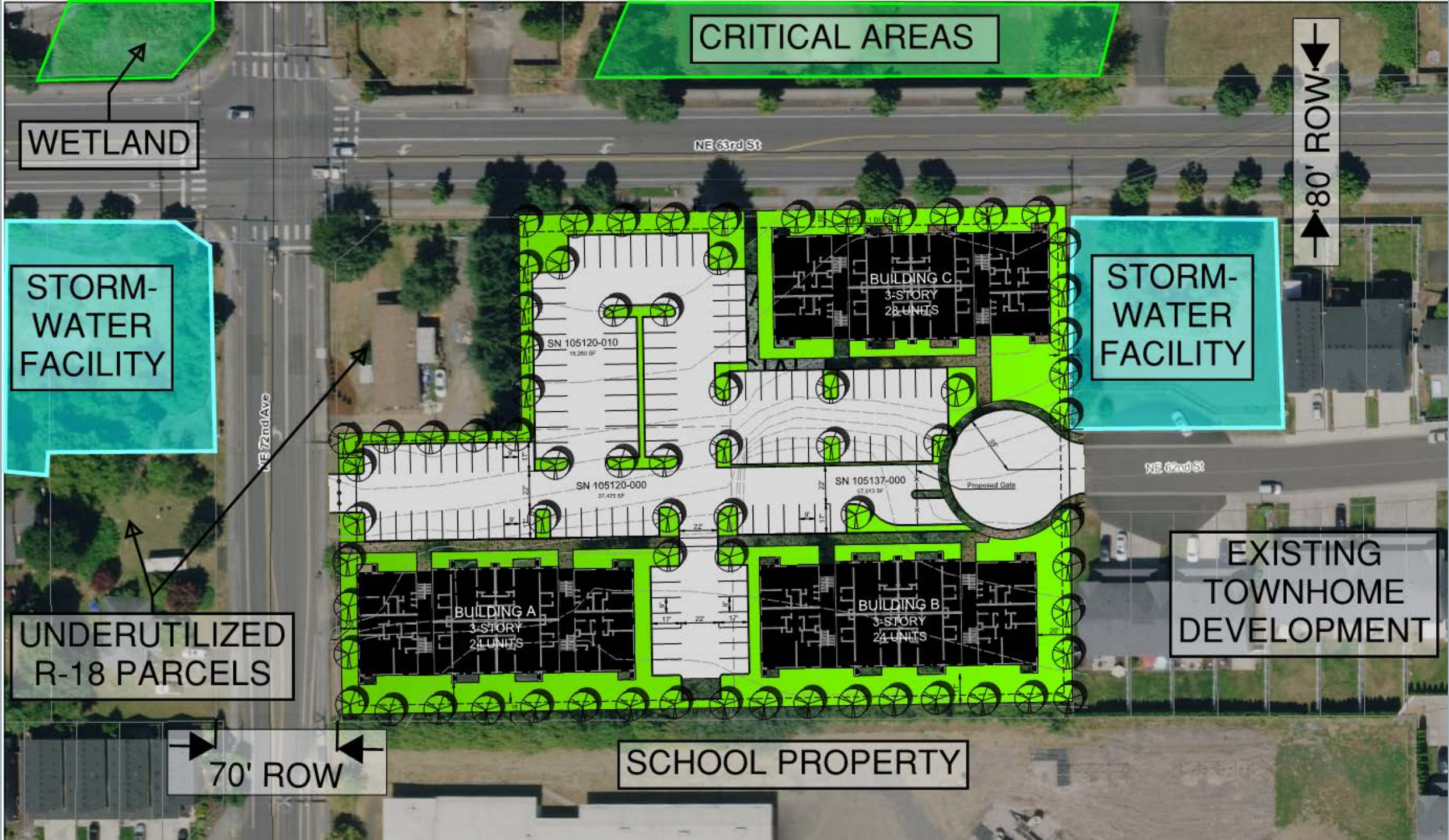
STORM-WATER FACILITY

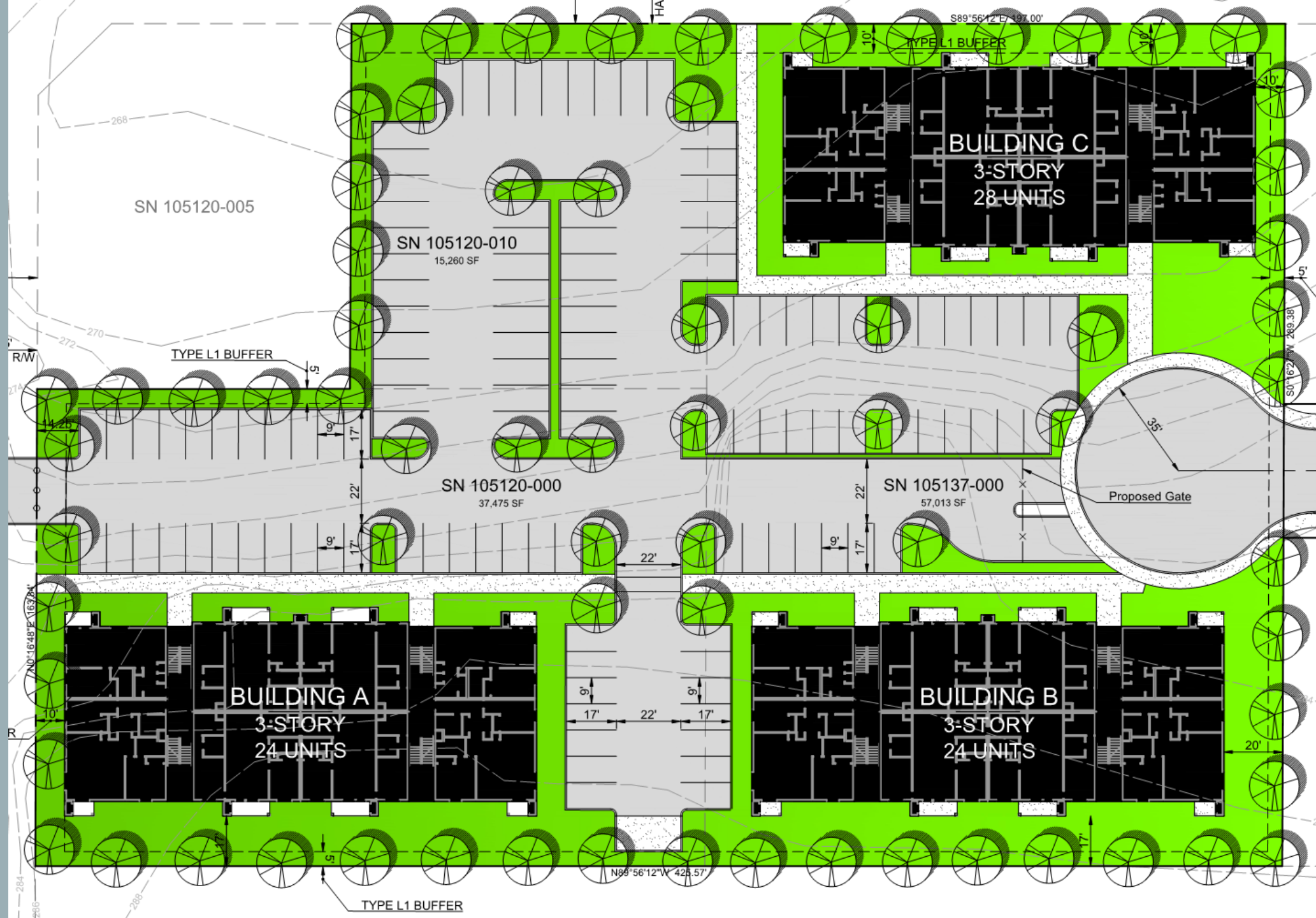
UNDERUTILIZED R-18 PARCELS

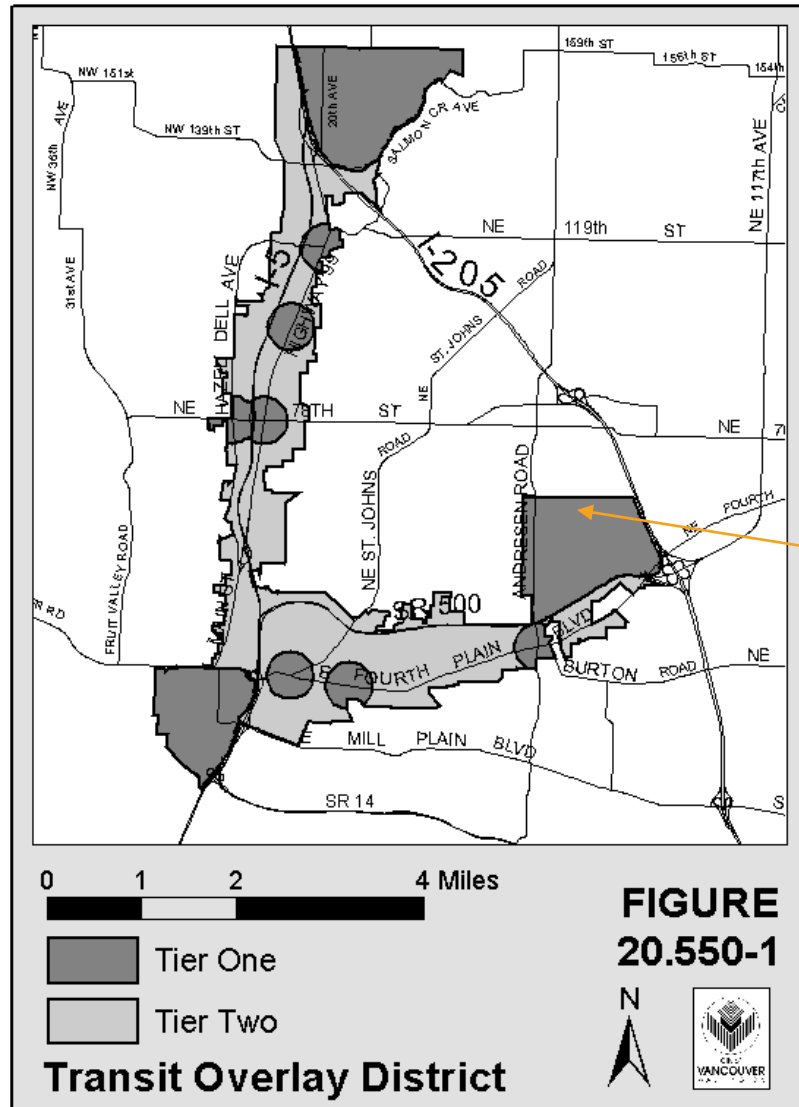
EXISTING TOWNHOME DEVELOPMENT

70' ROW

SCHOOL PROPERTY







Site

Transit Overlay District and Locational Criteria

TOD Urban Centers. Those areas identified as major activity centers on the Clark County and City of Vancouver Comprehensive Land Use Plans commonly known as: Downtown Vancouver, **Vancouver Mall** and Washington State University.
VMC 20.550.020.B.1.

R-30 Locational criteria: Areas that are already developed predominantly to the permitted R-30 density, **or areas that are within an urban center**, or identified in an adopted sub-area plan as appropriate for higher density multifamily housing.
VMC 20.420.025.C.1

20.285.060 Approval Criteria – Standalone Zoning Map Amendments

Zoning map amendments not involving associated comprehensive plan map amendments shall demonstrate the following:

1. How the proposal is more consistent with applicable policies of the Vancouver strategic plan and comprehensive plan than the existing designation; and
2. That a change in circumstances has occurred since the existing designation was established.

Thank you Mayor and Councilors. Jaynee Haygood 18112 SE 41st Way

I want to take this opportunity to reflect on the comments the developer's lawyer, Steve Horenstein made during the 8/9/21 Council meeting regarding the Planning Commission's recommendations.

At hand are two main issues:

- 1). Selling the forested parcel to the city at the light industrial value.
- 2). Moving the town center boundary to the south of 29th street to ensure public parking and access to the park, while allowing the other town center buildings to increase in height to compensate for the loss of units by moving the boundary.

First, with regards to selling the forested parcel to the city, Mr. Horenstein noted that a key point to take into account in this valuation of the property is that the developers would be providing parking, access, and utilities for the bathrooms. Which I would argue need not be the case when you hear my later arguments on the boundary change for the towncenter. Mr. Horenstein then mentions three main points for why a valuation based on zoning is not reasonable:

- 1). He claims: The developer is paying for the land.

Yes, they are, and I would argue that they are paying for the land at the light industrial value, not the mixed use rate therefore making this point mute.

- 2). He claims: The property is going to be up zoned.

Yes, at the request OF the developer thereby increasing the value of these 179 acres immensely! The city will significantly increase the developers property value of the remaining 165 acres with the requested zoning change. Only to, in turn, have the developer then sell it back to the city at the higher rate?!

- 3). Mr. Horenstein stated: It's going to have a covenant on it.

Yes, of which Mr. Horenstein himself stated that the developers are "committed to leaving it a forested area." I would argue that they are committed to leaving it a forested area because it is a valuable asset to their development as they have marketed it as, "The natural splendor of the Pacific Northwest...." which is difficult to achieve without the forest.

Mr. Horenstein repeatedly claimed that this forested parcel purchase is "a real estate transaction" which is absolutely correct because real estate transactions are based on the zoning usage of the acreage. To then try to disregard that fact and claim that the values for this commercial property should and "will be mutually agreed to by the parties" is 1), idealistic, 2), unrealistic, and 3), not going to be in the best interest of *any* entity who wants to purchase this property. Park land can currently only be purchased by the city using park impact fees. This puts immense constraints on the Parks and Rec department when it comes to purchasing land for parks. While the city manager stated you can also find funds within the budget and with impact fee credits, this only works if the developer wants/values the impact fee credits, and the city councilors can actually find the remaining funds in the budget. By using the light

industrial valuation this provides a clear and concise number for the city to use when negotiating the purchase from the developer.

Now, with regards to the town center boundary, even Mr. Horenstein himself stated, “The only way that that property can become a real park, as opposed to just open space, is with access, with parking with utilities for bathrooms.” He is correct, and I challenge you to look at the current proposal (see Option 1 below) and find any viable public parking to the park with the exception of the parking lots for customers and employees. By moving the town center boundary to the south of 29th, and increasing the height of the town center buildings to compensate for the loss of units (see Option 3 below), it will provide for such public parking and access to the forested parcel WHICH will therefore no longer need to be paid for by the developer and thus irrelevant in their negotiations (as mentioned above in Mr. Horenstein’s argument for valuation of the property).

Mr. Horenstein’s went on to state, “It needs to have a substantial, identifiable, gateway entrance to match the rest of the project.” On the developers own website they claim, “The VIC is an exciting new mixed-use development where good living, work, play, and community come together...” I can hardly think of a better “gateway” into that type of development than with the 14 acres of forests and trees on the north side. Mr. Horenstein stated that the developers were okay moving the boundary to the north thereby having the street go AROUND the mixed use buildings (see Option 2 below), but this would leave them with parking lots as their gateway entrance, and thus require a redesign, thereby making his gateway urgency argument invalid. With regards to the developers gateway concerns, they just don’t add upon review.

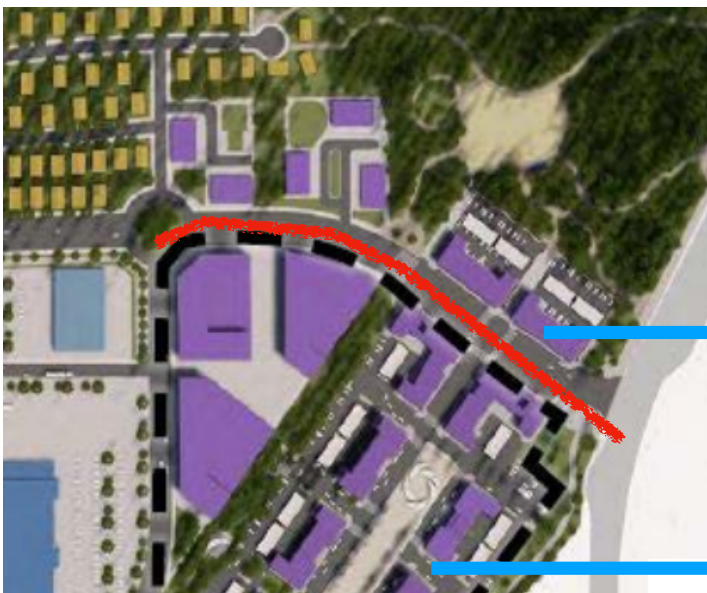
I strongly urge you to approve the Planning Commission’s proposal by purchasing the forested parcel at the light industrial valuation, and by moving the boundary of the town center to be south of 29th street and permitting the remaining buildings to be allowed to increase only in the needed height to compensate for the loss of units due to the boundary change. Thank you.



OPTION 1: CURRENT PROPOSAL-NO VISIBLE PUBLIC PARKING-EXCEPT TO PARK BEHIND THE BUILDINGS WHERE CUSTOMERS AND EMPLOYEES PARK.



OPTION 2: ROAD GOES AROUND NORTHERN BLDGS. FOREST AREA IS NOW SMALLER AND THE TOWNCENTER PARKING LOT BECOMES THE GATEWAY ENTRANCE. FOREST TO THE NORTH, TOWN CENTER PARKING LOT TO THE SOUTH. (HORENSTEIN SAID THEY ARE OKAY WITH THIS, BUT IT WILL ACTUALLY NEED A REDESIGN SINCE THE TOWN CENTER PARKING LOTS ARE NOW THEIR GATEWAY ENTRANCE)



Remove to allow for parking/access to forest.

Allow these to increase in height to compensate for lost units.

****OPTION 3: SOUTH OF THE RED BECOMES MIXED USE BOUNDARY LINE. GATEWAY HAS FOREST TO NORTH, UNCHANGED GATEWAY ENTRANCE TO THE SOUTH. *DEVELOPERS NO LONGER NEED TO PAY FOR PARKING/ACCESS/UTILITIES TO FOREST WHICH WILL HELP WITH PRICE NEGOTIATIONS.**

From: [Jean M. Avery](#)
To: [City of Vancouver - Office of the City Manager](#)
Subject: Fwd: Comment for 8/16 City Council meeting
Date: Friday, August 13, 2021 7:30:42 AM

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

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

From: **Jean M. Avery** <jeanmavery@gmail.com>
Date: Fri, Aug 13, 2021, 6:48 AM
Subject: Comment for 8/16 City Council meeting
To: JMA <JeanMAvery@gmail.com>

Good evening, Madam Mayor and City Council,

I would like to comment on the development project in East Vancouver, the Vancouver Innovation Center.

As a resident of East Vancouver and an admitted "tree hugger," I am pleased that there will be a future park nearby -- with trees and walking trails.

At the August 9 City Council meeting, the VIC's representative, Mr. Hornstein, stated that a "covenant" will be placed on the wooded section of the property to protect the land in its natural state. This is good news for hikers, birders, and the trees! Looking toward the future, this wooded area will be a welcome addition to our city and our park system.

Thank you for keeping this parcel in its natural state.

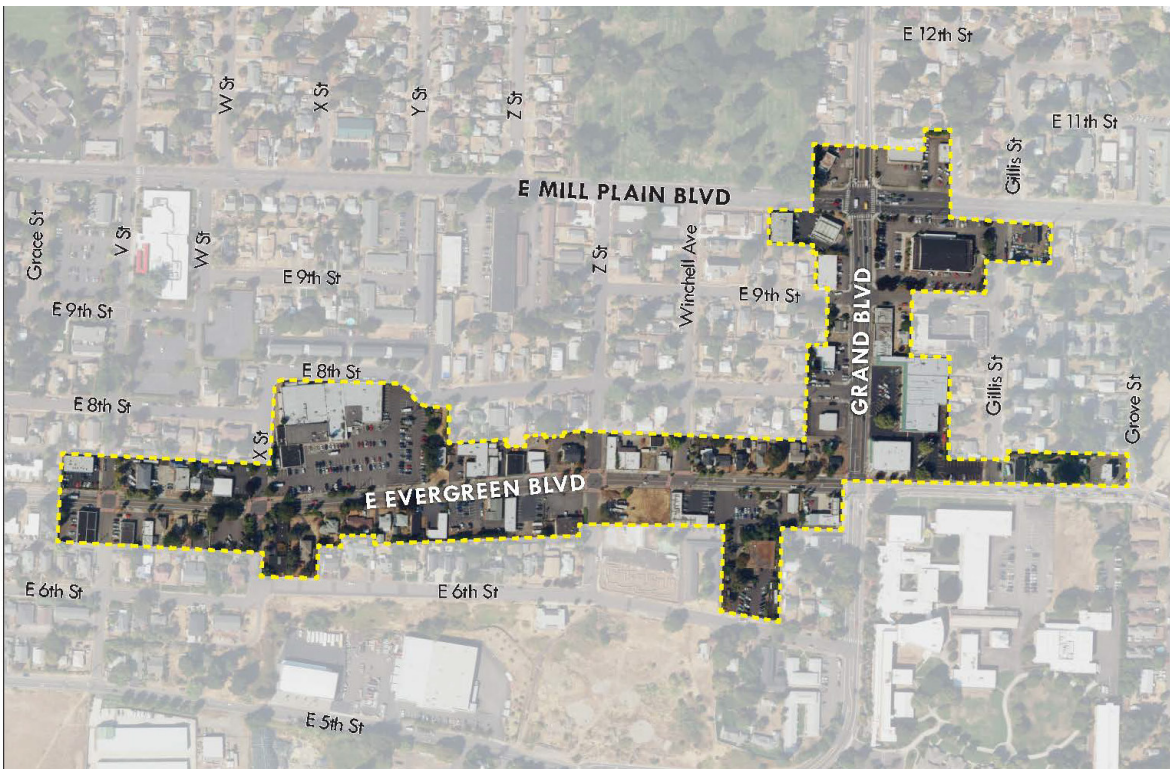
Jean M. Avery
Vancouver

DATE: September 10, 2021

TO: Mayor and City Council

FROM: Bryan Snodgrass, Principal Planner, Community and Economic Development Department

RE: September 20 workshop review of the Evergreen and Grand component of the Commercial Corridors Strategy



The September 20 workshop is intended to update the City Council on the status of the Evergreen and Grand corridors planning process and the resulting Evergreen and Grand Commercial Corridor Strategy (Attachment A) which is now available for review. The Draft Strategy will be reviewed at a virtual community meeting to be scheduled in the coming weeks, and pending input is anticipated to be scheduled for Planning Commission and City Council adoption hearings later this fall and

winter. As a strategy document the draft does not including specific zoning changes or other implementation measures, which are anticipated to be brought forward later in 2022.

The overall Commercial Corridors Strategy project was originally initiated in 2019 to enhance existing commercial corridors, increase walkability, ensure access to services and amenities, support job growth, and increase housing opportunities. The larger project was originally envisioned to also cover the St. Johns/St. James couplet and Fourth Plain and Mill Plain Boulevards, but has out of necessity focused on Evergreen and Grand during the pandemic. Future work on the couplet and Mill Plain and Fourth Plain will be integrated into the City's Comprehensive Plan update process. Current work on the Evergreen and Grand corridors may allow for revisitation of the St. Johns/St. James couplet in its own planning process; however, timelines and resources are still uncertain.

The Draft Strategy goals and objectives are consistent with what was previously discussed at the last Council workshop on March 8, 2021. Three sub-portions of the area are identified, a predominantly commercial mixed-use corridor on Grand Boulevard, a predominantly residential mixed-use corridor on Evergreen, and a Bus Rapid Transit (BRT) hub at the intersection of Grand and Mill Plain Boulevards.

The Draft Strategy recommends relaxing existing mixed-use building requirements along Evergreen Boulevard by allowing new apartment buildings with or without first floor commercial uses, but continuing to require first floor commercial on most of Grand Boulevard. New standards are recommended for active street front edges, whether commercial or residential.

Building height limits are proposed to be modulated from the current maximum of 50 feet, with slight height reductions in some areas and increases in others. A limit of five stories/65 ft. is recommended on portions of the Mill Plain and Grand intersection, four stories/50 ft. on most of Grand and parts of Evergreen, and three stories/40 ft. on other parts of Evergreen.

Parking standards are recommended in recognition of the importance of right-sizing parking on the viability of commercial and residential developments. A standard of one off-street parking space per residential unit is proposed for both single and multi-family housing along the corridors. One space per 1,000 square feet is proposed for commercial uses. Ground floor retail parking requirements are proposed to be eliminated, with these uses relying on the on-street network for parking needs.

Other regulatory recommendations are as follows:

- Prohibit new uses potentially inconsistent with corridor visions, such as big-box retail; motor vehicle repair, sales and rental; gas stations; self-storage; and drive-thru establishments. Existing uses can be maintained.
- Adopt standards that support activating vacant and underutilized spaces.
- Develop regulations that provide additional access enhancements in the BRT Hub corridor area that take into consideration first/last mile solutions and universal design best practices.
- Allow for non-mixed-use housing types on smaller parcels, where appropriate.
- Explore providing flexibility for nonconforming uses, such as existing small businesses, adaptively reused single-family homes fronting the corridors, etc.

- Consider disincentivizing chains and capping commercial business sizes to accommodate small-scale retail and maintain the fine-grained development pattern of the corridors
- Explore allowances for interim/temporary uses such as food cart pods.
- Create standards for ground floor residential to ensure streetfront activation and interest.
- Develop design guidelines bolstering local identity and street activation that considers development affordability
- Encourage streetscape improvements in all redevelopment projects.

Non regulatory implementation recommendations are:

- Create a business district to support art, events, and other placemaking
- Extend the Multi-Family Tax Exemption (MFTE) program calibrated to implement the vision and goals for the corridors and add workforce housing
- Attract and retain neighborhood-serving businesses
- Establish a storefront improvement program to support existing businesses
- Establish a signage and placemaking program along Grand Boulevard and in the BRT Hub
- Identify opportunities to support houseless communities and promote community safety
- Explore strategies to maintain economic diversity and housing affordability, especially for low- and moderate-income households
- Consider height bonuses in exchange for attainably priced workforce housing units
- Improve connectivity to nearby destinations such as downtown Vancouver, the Fort Vancouver National Historic Site, and the Pearson Field Airport as an economic development strategy.
- Leverage environmental remediation funding opportunities as an incentive to develop eligible sites

The Draft Strategy also contains various transportation recommendations to be implemented in the Transportation System Plan (TSP) update.

As noted, the Draft Strategy will be reviewed at a virtual community meeting anticipated in the early fall. Community and stakeholder input provided in previous meetings and follow up surveys in March 2020, August 2020 and February 2021 was documented in the March 2021 Council workshop [materials](#).

Attachments:

A: Evergreen and Grand Commercial Corridor Strategy Public Comment Draft

GRAND BLVD E EVERGREEN BLVD

EVERGREEN & GRAND

COMMERCIAL CORRIDORS STRATEGY

PUBLIC COMMENT DRAFT: SEPTEMBER 2021

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ACKNOWLEDGMENTS

VANCOUVER CITY COUNCIL

Mayor Ann McEnerny-Ogle
Councilmember Sarah Fox
Councilmember Linda Glover
Councilmember Bart Hansen
Councilmember Laurie Lebowsky
Councilmember Erik Paulsen
Councilmember Ty Stober

VANCOUVER PLANNING COMMISSION

Marjorie Ledell, Chair
Zachary Pyle, Vice Chair
James Atkins
Larry Blaufus
Jack Harroun
Tim Schauer
Steve Schulte

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Rebecca Kennedy	Deputy Director, CED
Bryan Snodgrass	Principal Land Use Planner, CED
Anna Dearman	Senior Transportation Planner, CED
Cayla Cothron	Associate Land Use Planner, CED
Tay Stone	Planner, CED

CONSULTANTS

Crandall Arambula
Leland Consulting Group

Acronym:
CED: Community and Economic Development

Cover Photo Source: Google Maps

LAND ACKNOWLEDGMENT

The City of Vancouver is located within the ancestral territory of the Chinook, Klickitat, and Cowlitz people, among other tribes — all of whom have a rich and enduring relationship with the Columbia River and surrounding forests, coasts, and plains that spans over 10,000 years.

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GLOSSARY

'Active Edge' Development Standards

Regulations that support and create walkable pedestrian environments through targeted setbacks and transparency requirements.

Adaptive Reuse

The renovation and/or rehabilitation of existing structures in order to reuse them for purposes that they were not originally built for.

Average Daily Trips (ADTs)

The total number of trips, both in-bound and out-bound, within a 24 hour weekday period, generated by a particular use or development.

Building Form, Massing, and Scale

The shape, orientation, and size of buildings as well as their physical placement within a parcel.

Bus Rapid Transit (BRT)

A bus-based transit system that is designed to be higher capacity, more reliable, and more frequent than a conventional bus system.

Canyon Effect

A visual and environmental effect on corridors that occurs when tall structures flank both sides of a street.

Development Standards

Regulatory code that addresses issues like building height, setbacks, lot coverage, and lot area.

Easement

A grant of one or more of the property rights by the property owner to and/or for use by the public, a corporation or another person or entity.

Gentrification

The process of neighborhood change that leads to a shift in socioeconomic composition of neighborhoods due to the in-migration of higher income, in-migrants leading to displacement of lower income residents and businesses.

Horizontal Mixed-Use

A form of development that incorporates multiple uses on a single parcel but not necessarily within a single building.

Micromobility

A form of personal transportation using lightweight vehicles like electric scooters or bicycles.

Multimodal

When describing a street or transportation network, multimodal means it provides options for people to get around on foot, on bicycles, in transit, or in motorized vehicles.

Nonconforming Uses

A use of land, building, structure or use which lawfully existed at the time of its original construction, but does not conform with contemporary development regulations.

Overlay Zone

A designated area within a base zoning district for which specific land use regulations apply, in addition to the base zoning requirements.

Placemaking

The practice of leveraging community assets and inspirations to create public spaces that champion and support community health and vibrancy.

Public Realm

Space that the general public has access to, including streets, sidewalks, parks, and civic plazas.

Right-of-way

Land that is controlled by the city and reserved for public use such as for streets and sidewalks.

Right-size Parking

Parking standards that provide just enough parking to meet demand, taking into consideration surrounding land uses as well as transit and mobility access.

Setbacks

The minimum allowable horizontal distance from a given point or line of reference, such as a property line, to the nearest vertical wall or other element of a building, structure, or edge of vehicle parking area.

Traffic Calming

The use of design features to improve safety for motorists, pedestrians, and cyclists. This can include for example speed humps, curb extensions, or narrowing traffic lanes.

Transit-Oriented Development

Residential and commercial centers designed to maximize access by transit and non-motorized transportation.

Transportation Demand Management

The application of strategies to reduce travel demand and/or redistribute demand to allow for more efficient use of transportation infrastructure, such as programs to encourage carpooling and transit usage.

Vertical Mixed-Use

A form of development that includes multiple uses within the same building with typical developments reserving ground floors for commercial use.

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DRAFT



CHAPTER 1

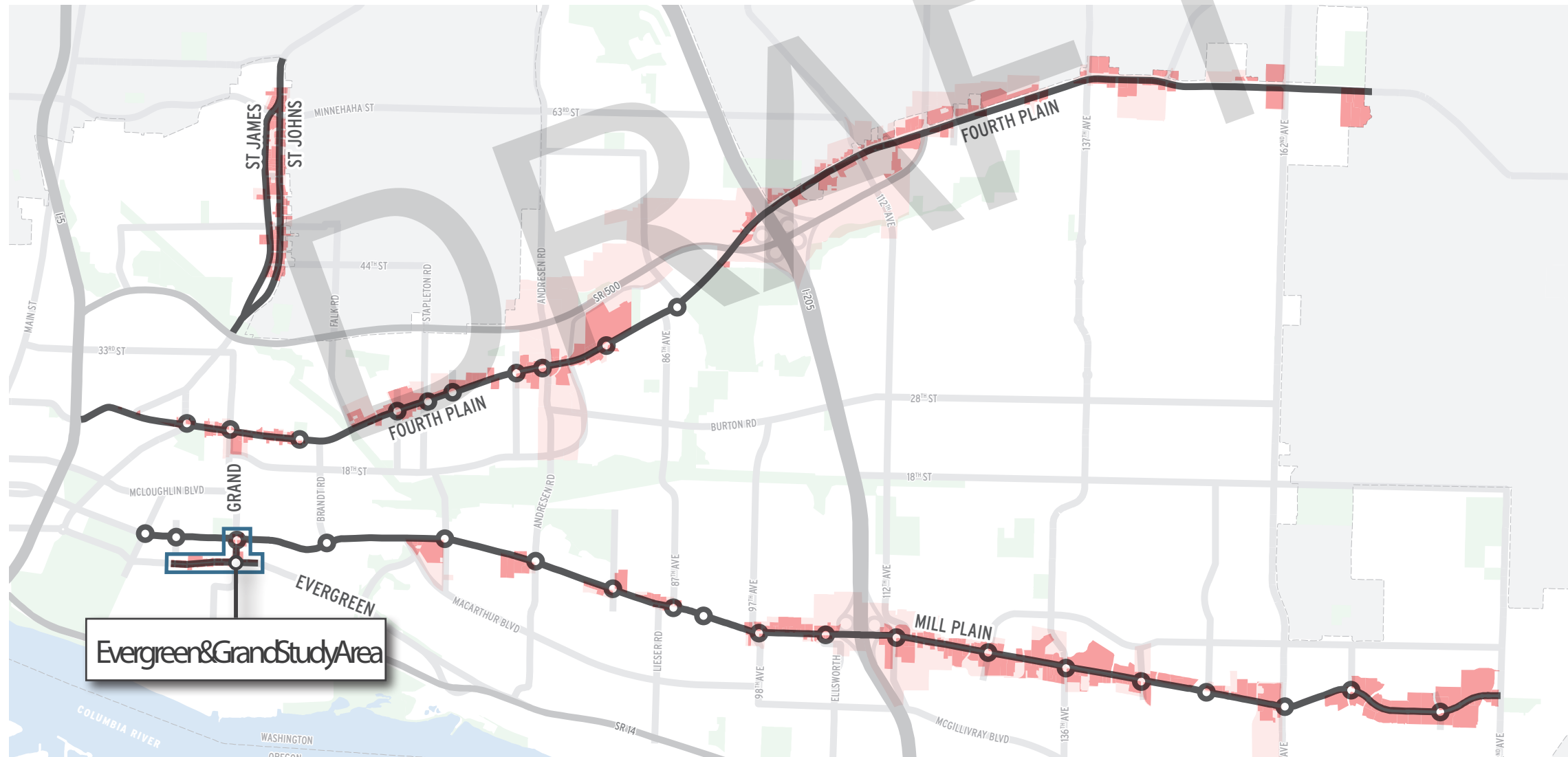
BACKGROUND

WHAT IS THE COMMERCIAL CORRIDORS PROJECT?

The Evergreen and Grand corridors are part of the Commercial Corridors Strategy (CCS), a larger citywide effort initiated in 2019 to improve major commercial corridors and nearby areas throughout Vancouver where residents work, shop, live, and travel. The CCS is a community planning process intended to enhance existing commercial corridors, increase transportation options, ensure access to services and amenities, support job growth, and increase housing opportunities on the corridors.

The overall process originally included study corridors in three general areas: the St. Johns/St. James couplet, Fourth Plain and Mill Plain, and Evergreen and Grand as shown in Figure 1. With the onset of the COVID-19 pandemic, the project focus shifted to the Evergreen and Grand study area, and future work on the remaining study corridors is expected to be integrated into larger citywide planning processes and undertaken as resources allow.

FIG. 1: COMMERCIAL CORRIDOR STRATEGY CITYWIDE MAP



EVERGREEN AND GRAND COMMERCIAL CORRIDORS STRATEGY

The Evergreen and Grand Commercial Corridors Strategy report is a subarea plan for the study area (as shown in Figure 2), and the culmination of the two-year community planning process that evaluated the types of uses that are allowed, regulatory standards for new development, parking and access, the pedestrian environment, and other issues identified by the community and stakeholders.

The Strategy report includes three primary components.

1. A long-term community vision with accompanying goals and objectives
2. Corridor vision concepts that establish a land use framework for the study area and highlight three complementary land use areas with anchor development sites
3. A set of recommendations that consider short-term regulatory changes, as well as mid- to long-term policies, programs, and tools to help achieve the vision over time

FIG. 2: EVERGREEN AND GRAND STUDY AREA



The City Council adopted a six-month moratorium on new development along Evergreen and Grand Boulevards in November 2019 but lifted it in May 2020 in recognition of local economic conditions associated with the COVID-19 pandemic.

FIG. 3: EVERGREEN AND GRAND COMMERCIAL DISTRICT ILLUSTRATION



PUBLIC PROCESS

The Strategy was refined through outreach and engagement efforts held at each stage of the process, as outlined below. Community and stakeholder feedback helped to identify priorities for future development of the corridors, establish a long-term community vision, and refine recommendations to achieve the vision and goals. The project team also held workshops with the Planning Commission and City Council at key milestones to review and provide feedback throughout the process. The full description and detailed summaries of community engagement efforts can be viewed in Appendix A.

Issues and Opportunities

The project team evaluated corridor conditions, conducted a market analysis, and gathered community and stakeholder input through an in-person kick-off open house and online survey on issues, opportunities, and priorities for future development of the corridors. See below sections for more detailed information on the results of this work.

- Issues, Opportunities, and Priorities (Chapter 2)
- Corridor Conditions Summary (Appendix B)
- Market Opportunities Analysis (Appendix C)

Community Vision

Issues, opportunities, and priorities identified during the first stage of community outreach helped shape a vision for the area that includes specific goals and objectives. These were then reviewed and refined through a virtual open house and online survey to ensure they reflected community priorities.

- Community Vision (Chapter 3)
- Vision, Goals, and Objectives (Appendix D)

Corridor Vision Concepts and Recommendations

Public feedback on the corridor vision concepts and initial recommendations was gathered through a virtual open house and online survey, and stakeholder meetings with key property owners along the corridors. The full set of recommendations included in this Strategy report includes short-term recommendations for regulatory changes, and mid- to long-term recommendations for policies, programs, and tools to achieve the community vision over time.

- Corridor Vision Concepts (Chapter 4)
- Recommendations (Chapter 5)

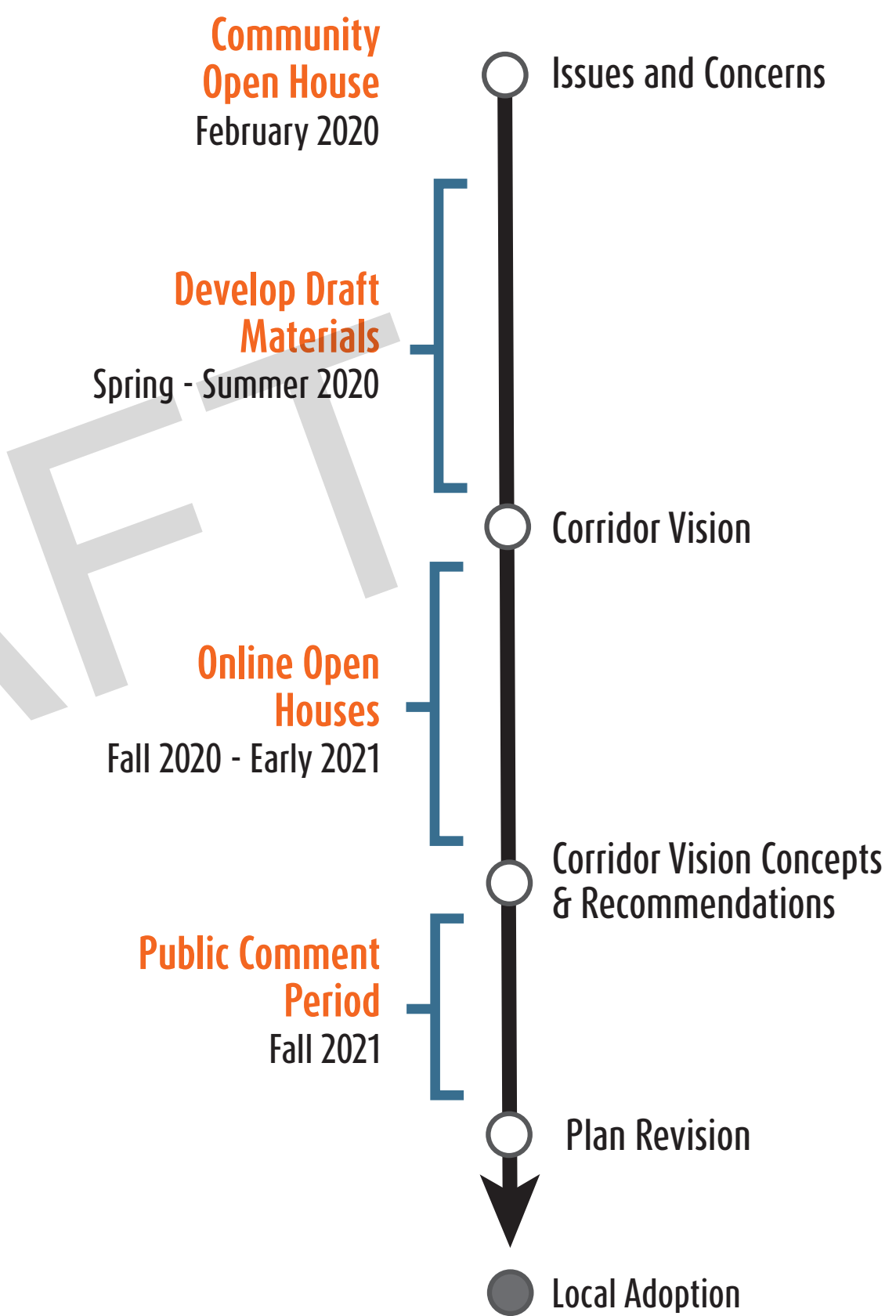


FIG. 4: PROJECT TIMELINE



CHAPTER 2

CURRENT CONDITIONS & OPPORTUNITIES

CURRENT CORRIDOR CONDITIONS

Evergreen and Grand Boulevards are locally-oriented commercial corridors that boast an emerging small business district. They are located east of downtown Vancouver and the Fort Vancouver Historic Reserve and adjacent to established neighborhoods. There are a variety of existing land uses in the study area, including commercial, retail, shopping and dining, office, automotive, and institutional, and buildings are generally smaller-scale and oriented to the street, with varied setbacks and some parking located in front of buildings. There are also single-family residential homes on Evergreen Boulevard, some of which have been adaptively reused for commercial purposes over time and contribute to the unique character of the corridors.

As a general rule, successful commercial areas need somewhere between 5,000-15,000 average daily trips (ADT) of vehicle or multimodal traffic for businesses to thrive. While trip mode is shifting as people increasingly choose multimodal travel options, the importance of visibility for small businesses remains a key consideration. In addition to trips, retail success requires rooftops, as nearby residential development provides some demand for commercial retail uses within a business district. Given nearby residentially-driven demand and the importance of visibility, the market study for this area indicates that Grand Boulevard is the more suitable market for new commercial development with approximately 10,000 average daily trips, proximity to the forthcoming Mill Plain BRT extension, and existing small retailers. There is the potential to accommodate a thriving commercial retail environment along Grand with improvements to the design and orientation of buildings, parking, the pedestrian environment, and other multimodal infrastructure in the roadway as part of future development.

Evergreen Boulevard is more intimate than Grand, with a narrower right-of-way, lower trip volumes (4,000-6,000 ADT) and existing traffic calming measures and crossing improvements that reduce speeds, improve safety for vulnerable road users, and enhance the pedestrian environment. With low trip volumes, a walkable pedestrian environment, and the existing uses, market demand along this corridor is primarily for new residential development and other uses that provide basic needs and services for the neighborhood. Residential and other complementary commercial uses would help to support existing businesses and the success of new retail in the study area. With the presence of existing on-street parking, there is also the opportunity for additional spaces to serve commercial retail and create a buffer between pedestrians and moving traffic.

At the north end of the study area C-TRAN will also be constructing a new Bus Rapid Transit (BRT) line that will run along Mill Plain Boulevard. The future Mill Plain BRT will have three stations within a five-minute walking distance of the corridors, providing opportunities to benefit existing commercial businesses and connect people to both the Evergreen and Grand commercial corridors and other community destinations throughout the City. Strong demand for residential units around the study area coupled with the future Mill Plain BRT also makes the intersection at Grand and Mill Plain Boulevards a prime location for higher-density multi-family development affordable to a variety of incomes.

EXISTING ZONING

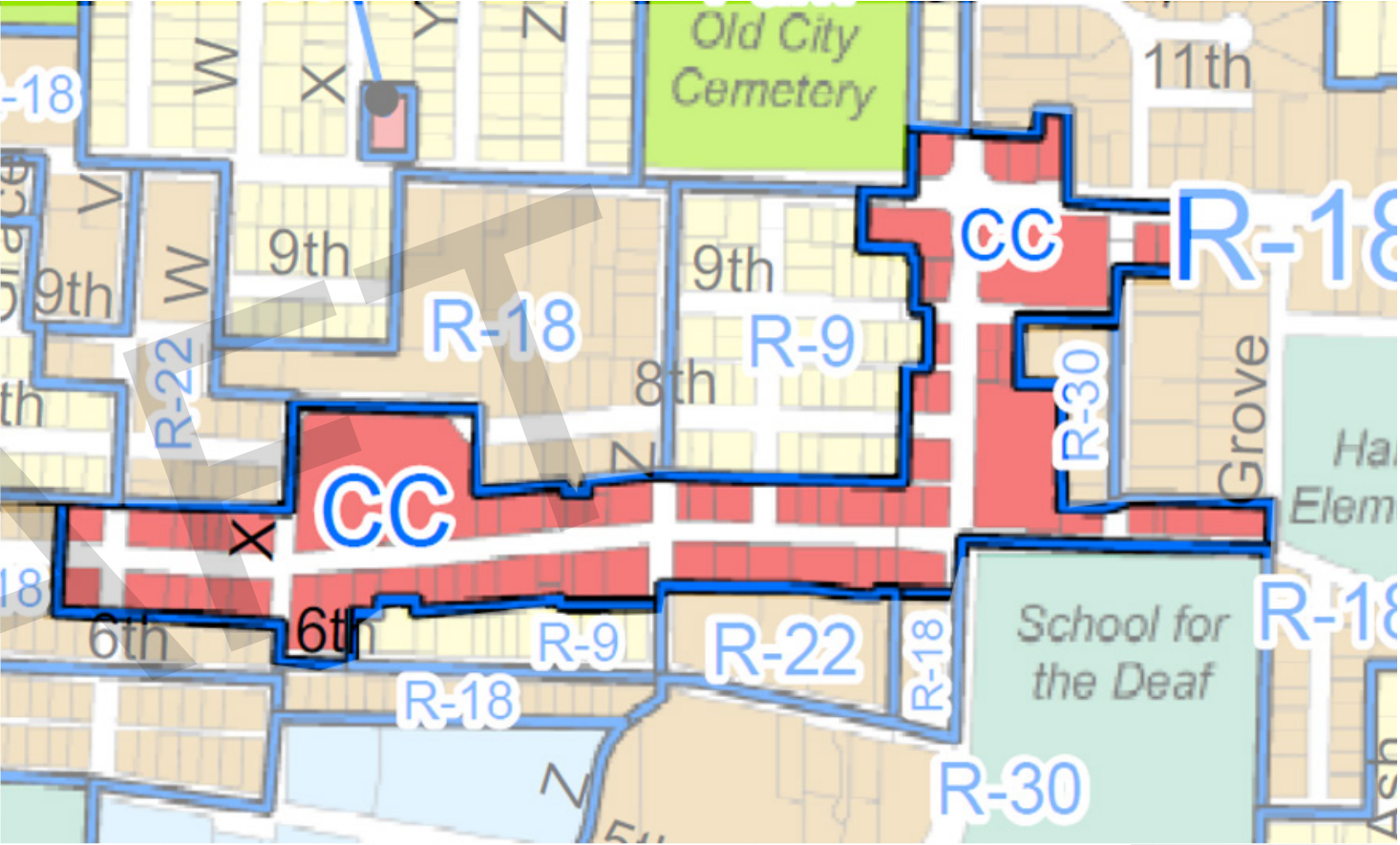
Current zoning throughout the study area is Community Commercial (CC), which is intended to provide for retail goods and services purchased regularly by residents of several nearby neighborhoods, accommodate offices, institutions, and mixed-use housing, and provide significant opportunities for walking, bicycle and transit trips encouraged through building and site design, landscaping, and access. However, some development standards and allowed uses within the CC zone do not recognize the unique built environment of these specific corridors, and may result in development that doesn't fully meets the zone's intent.

Allowed uses within the CC zone include both allowances and limitations that are not appropriate for a vibrant, neighborhood-serving commercial corridor. This includes limitations on residential uses; limitations on lodging; less restrictive retail allowances including big box retail; auto repair, sales and rental; gas stations; and self-storage. Some development standards in this zoning district also do not recognize the fine-grained and more urban development patterns that currently exist on both Evergreen and Grand.

The Evergreen and Grand Commercial Corridors Strategy seeks to address these issues, ensuring that development regulations recognize the unique built environment that exists in this area and promote development consistent with the intent of the zoning. In addition to regulatory changes, the Strategy identifies recommendations for other non-regulatory policies, programs, and tools that are intended to be implemented over time to help achieve the long-term vision and goals for the corridors.

The full Corridor Conditions Summary and Market Analysis conducted for the study area can be viewed in Appendices B and C.

FIG. 5: EXISTING ZONING DESIGNATION



COMMUNITY COMMERCIAL (CC)

- Intended to provide for retail goods and services purchased regularly by residents of several nearby neighborhoods.
- Current regulations and allowed uses do not support development that meets the zone's intent or the vision and goals established through this process.

ISSUES AND OPPORTUNITIES

The following summary provides a high-level overview of issues and opportunities identified through the planning process that reflect community priorities for future development along the Evergreen and Grand commercial corridors. This input shaped the long-term community vision, goals, and objectives for the corridors with a focus on what types of land uses are appropriate and how people can best access them.

The Issues & Opportunities Community Engagement Summary can be viewed in Appendix A.

ISSUES

- Recent developments seen as out of context and character with the surrounding neighborhood
- Perceived poor condition and function of existing buildings and the public realm
- Lack of access to parks, open space, and community gathering spaces
- Concerns about gentrification and maintaining affordability and diversity in housing types as development occurs
- Some existing land uses do not support walking and biking or a unique identity for the small business district
- Safety for pedestrians and bicyclists and lack of safe access throughout the corridor, especially for people accessing Harney Heights Elementary School and the Washington Schools for the Deaf and the Blind
- Impacts from the homelessness crisis

OPPORTUNITIES

- Accommodate small-scale retail, eating and drinking establishments, and other active uses such as restaurants and breweries, food carts, community event space, a local grocer or satellite farmers market, and complementary uses that provide basic needs and services to neighborhood residents
- Promote publicly-accessible parks, plazas, and community gathering spaces where appropriate on the corridors
- Encourage a range of housing types that are affordable to a variety of incomes
- Proactively address gentrification and displacement
- Limit uses that do not contribute to a walkable and vibrant commercial corridor
- Undertake streetscape improvements to make the corridor more livable and inviting, such as sidewalk and lighting improvements, more landscaping and street trees, etc.
- Provide adequate parking and on-street spaces for businesses
- Ensure development is consistent with the scale and character of the corridors
- Create 'anchor points' that contribute to a distinct and authentic identity for the corridors
- Improve walkability and safety for people walking, biking, using mobility devices, and using micromobility such as scooters

CHAPTER 3

COMMUNITY VISION



COMMUNITY VISION

Community feedback and data on issues and opportunities gathered during the first stage of the planning process was used to develop a long-term vision that reflects community priorities for future development of the corridors, as well as supportive goals and objectives for land use, mobility, parking, urban design, and economic development. The outcome of these visions, goals, and objectives will elevate the corridors' existing status as a small business district.

VISION

Promote equitable and diverse corridor development that is vibrant, sustainable, and mixed-use.

Foster development that recognizes and builds upon the neighborhood's unique setting, history, and character.

FIGS. 6 & 7: FEBRUARY 2020 KICK-OFF COMMUNITY OPEN HOUSE



GOALS AND OBJECTIVES

Land Use	Goal Strengthen current businesses while providing an appropriate mix of commercial and residential uses.
Mobility	Goal Establish a balanced, multi-modal network of motor vehicle, transit, walking, and biking routes through the corridors.
Parking	Goal Provide adequate parking to serve existing uses and future development.
Urban Design	Goal Create public and private spaces that are inclusive, integrated, and contribute positively to the livability of the corridors.
Economic Development	Goal Provide ample opportunities for small-scale, locally-owned businesses to thrive.

LAND USE

A mix of residential and commercial uses is generally needed to create vibrant and healthy corridors in the long-term. Currently, there is a strong demand for housing citywide with commercial and retail uses playing a secondary and supporting role. As the region emerges from the current pandemic, infill or redevelopment of the corridors should 'fill the gaps' of land uses that are missing like income-based housing, restaurants, retail shops, and plazas and other community gathering spaces.

Goal Strengthen current businesses while providing an appropriate mix of commercial and residential uses.

Objectives

- Provide viable opportunities for new retail and dining uses that attract local and regional businesses.
- Support a mix of uses that serve the daily needs of surrounding neighborhood residents and employees.
- Encourage transit-supportive uses near the planned Mill Plain Bus Rapid Transit (BRT) station at the intersection of Mill Plain and Grand.
- Allow a variety of housing types to serve a range of needs, preferences, ages, and incomes.
- Discourage additional motor vehicle related uses (service and repair shops, gas stations, etc.) in the corridors.
- Discourage nuisance uses that may lead to increased crime, or excessive traffic or noise.
- Foster street-oriented uses that create walking and biking activity throughout all business hours, all days, and all seasons.

MOBILITY

Transportation and mobility improvements should maximize opportunities for corridor residents, visitors, and employees to safely and efficiently traverse and visit the corridor as well as accessing the future Vine BRT planned for Mill Plain Boulevard. Implementation of many of the Mobility objectives will be incorporated into the current Transportation System Plan update and subsequent implementation activities.

Goal Establish a balanced, multi-modal network of motor vehicle, transit, walking, and biking routes through the corridors.

Objectives

- Provide safe and direct sidewalk and bike lane routes and intersection crossings within and to the corridors for all users regardless of age or physical ability.
- Foster safe and comfortable connections to and from transit, including the planned Mill Plain Bus Rapid Transit (BRT) and existing bus routes.
- Limit excessive traffic speed through effective speed reduction and/or traffic calming measures.
- Maintain access for emergency, service, maintenance, delivery, and personal vehicles to businesses.

PARKING

Providing appropriate parking can reduce the impacts on surrounding neighborhoods as well as support commercial businesses and residential development along the corridor. ‘Right-sized’ parking reduces the total infrastructure costs for development, which can limit or discourage redevelopment or otherwise unnecessarily increase the cost of housing and commercial rents.

Goal Provide adequate parking to serve existing uses and future development.

Objectives

- Support existing and future retail uses by providing adjacent short-term curbside vehicle parking, bike parking, and micromobility parking, as appropriate.
- Minimize impacts of vehicle parking on the active transportation environment (walking, biking, using mobility devices, using micromobility, accessing transit).
- Limit excessive spillover parking into adjacent neighborhoods.
- Consider ‘right-sized’ parking approach to support corridor vibrancy and affordability.

URBAN DESIGN

The public realm must contribute positively to the economic vitality and livability of the corridors. Evergreen and Grand Boulevard should be more than a conduit for moving people through the neighborhood. They should include “placemaking” improvements that result in a setting that spurs high-quality desirable development and makes people want to visit businesses on the corridor.

Goal Create public and private spaces that are inclusive, integrated, and contribute positively to the livability of the corridors.

Objectives

- Create opportunities for cultural, community, and other amenities that attract customers and strengthen businesses.
- Encourage safe and active public spaces that are inclusive, accessible, and comfortable for all residents, customers, employees, and visitors.
- Encourage new public spaces that contribute to the livability and economic vitality of the corridors.
- Foster a distinct identity and improve corridor aesthetics by increasing the amount of cohesive landscaping and streetscape features.
- Promote sustainable design for buildings, sites, and streets.
- Ensure form, massing, and scale of new development is context-sensitive and supports and strengthens the livability and vitality of the corridors.

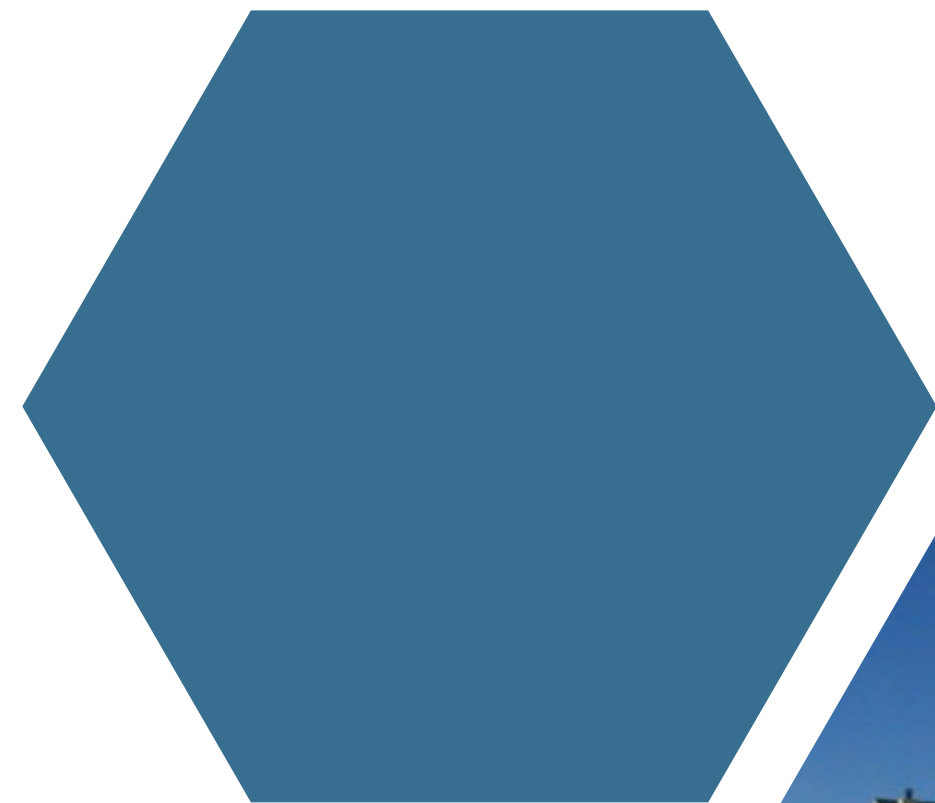
ECONOMIC DEVELOPMENT

Small, locally-owned businesses make neighborhood districts unique and interesting places to visit. Actions taken that generate sustained developer interest should be done in a way that prioritizes the success and vitality of existing and future local, neighborhood-serving businesses located along the corridors.

Goal Provide ample opportunities for small-scale, locally-owned businesses to thrive.

Objectives

- Maximize redevelopment opportunity sites.
- Discourage gentrification and displacement by identifying policies, programs, or other measures to address affordability concerns and wealth creation opportunities for residents and businesses.
- Provide regulatory flexibility to foster innovation and creativity.
- Strengthen existing local and small businesses by establishing programs and tools to support their economic viability.
- Implement policies, programs, and other tools to mitigate impacts of the ongoing coronavirus pandemic and support small business recovery and resilience.



CHAPTER 4

CORRIDOR VISION CONCEPTS



CORRIDOR VISION CONCEPTS

The corridor vision concepts are intended to establish a land use framework to achieve the vision and goals for the study area and were shaped by a mix of best practices in planning and urban design as well as public input. The concepts consider current and future real estate market conditions, the feasibility of different development typologies, and the neighborhood's history and character.

The diagram on the following page provides an easy-to-understand description of 'big ideas' and establishes a land use framework for the study area. It includes three distinct yet complementary land use areas— a Commercial Mixed-Use Corridor, Residential Mixed-Use Corridor, and Bus Rapid Transit (BRT) Hub. Anchor development sites (indicated by 'A' in Figure 4) are also shown where either existing use enhancements or future redevelopment could catalyze positive change. A summary of each vision concept area is provided below:

VISION CONCEPT AREAS

Grand Boulevard Commercial Mixed-Use Corridor

Located along Grand Boulevard at the crossroads of the corridors, extending from the intersection of Evergreen Boulevard north to Ninth Street. Land uses and infrastructure improvements should establish a unique neighborhood 'heart' that is vibrant and recognizable to create a compact commercial core for the District.

Evergreen Boulevard Residential Mixed-Use Corridor

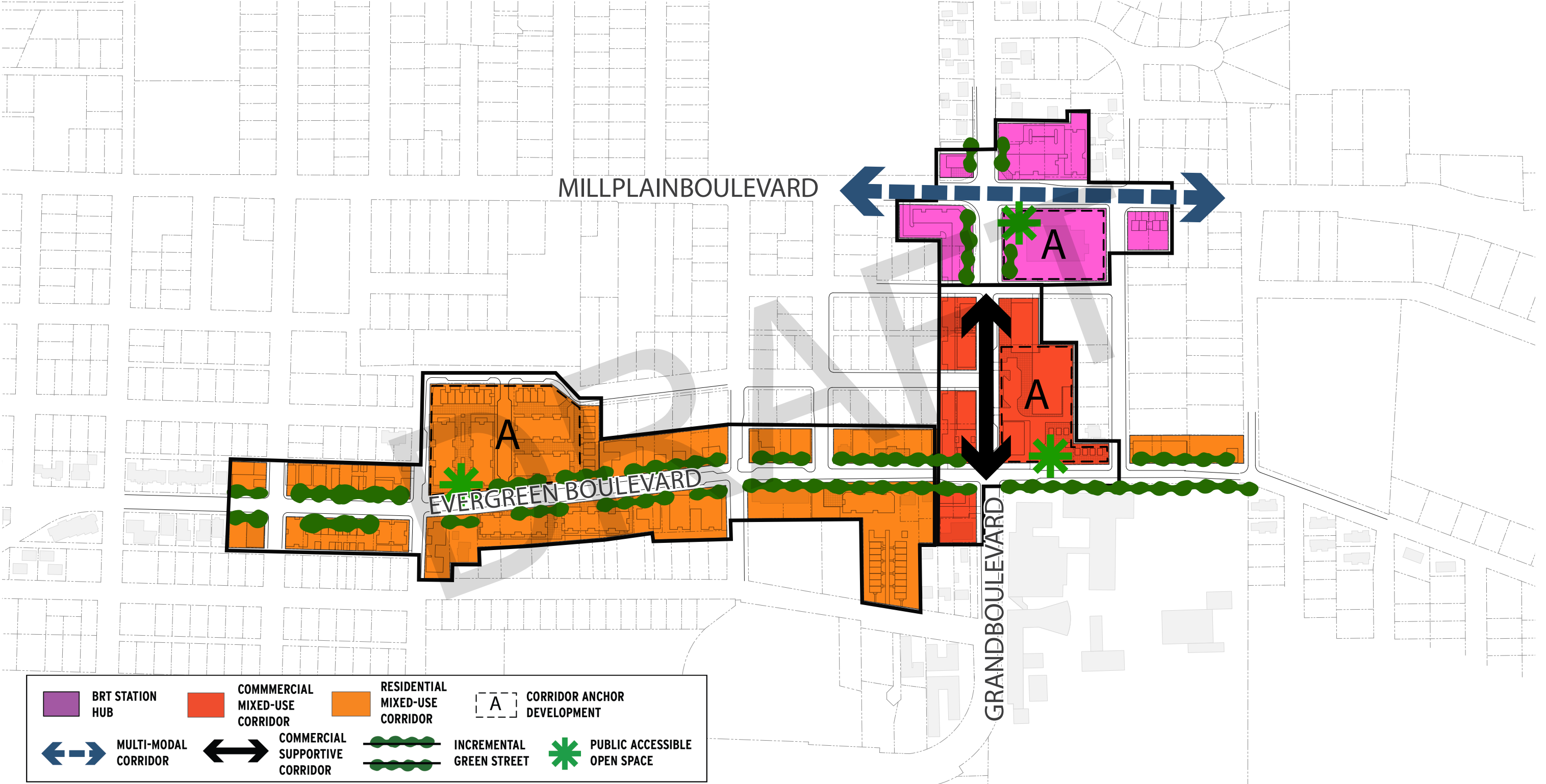
Encompasses parcels along Evergreen Boulevard from the western edge of the study area to near Grand Boulevard. A greater emphasis on residential development that complements and strengthens existing desirable commercial uses is envisioned here.

Mill Plain/Grand Intersection Bus Rapid Transit (BRT) Hub

Includes parcels at the intersection of Mill Plain Boulevard and Grand Boulevard. There is a planned BRT station that will be built in this area, providing premium transit access to the City's two largest employment hubs—downtown and the Columbia Tech Center. The strategy envisions changes that address the needs of those who are transit-dependent and will benefit most from the future Mill Plain BRT.

The Evergreen and Grand Commercial Corridors are largely situated within the Hudson's Bay neighborhood. In the 1998 Hudson's Bay Neighborhood Action Plan, the Hudson's Bay Neighborhood Association coined this area as "the original 'East Vancouver,' where businesses served neighborhood residents as well as the road users of Evergreen Boulevard and 5th Street which were once the primary highways to Camas and the Columbia Gorge.

FIG. 8: EVERGREEN AND GRAND CORRIDOOR VISION CONCEPTS MAP

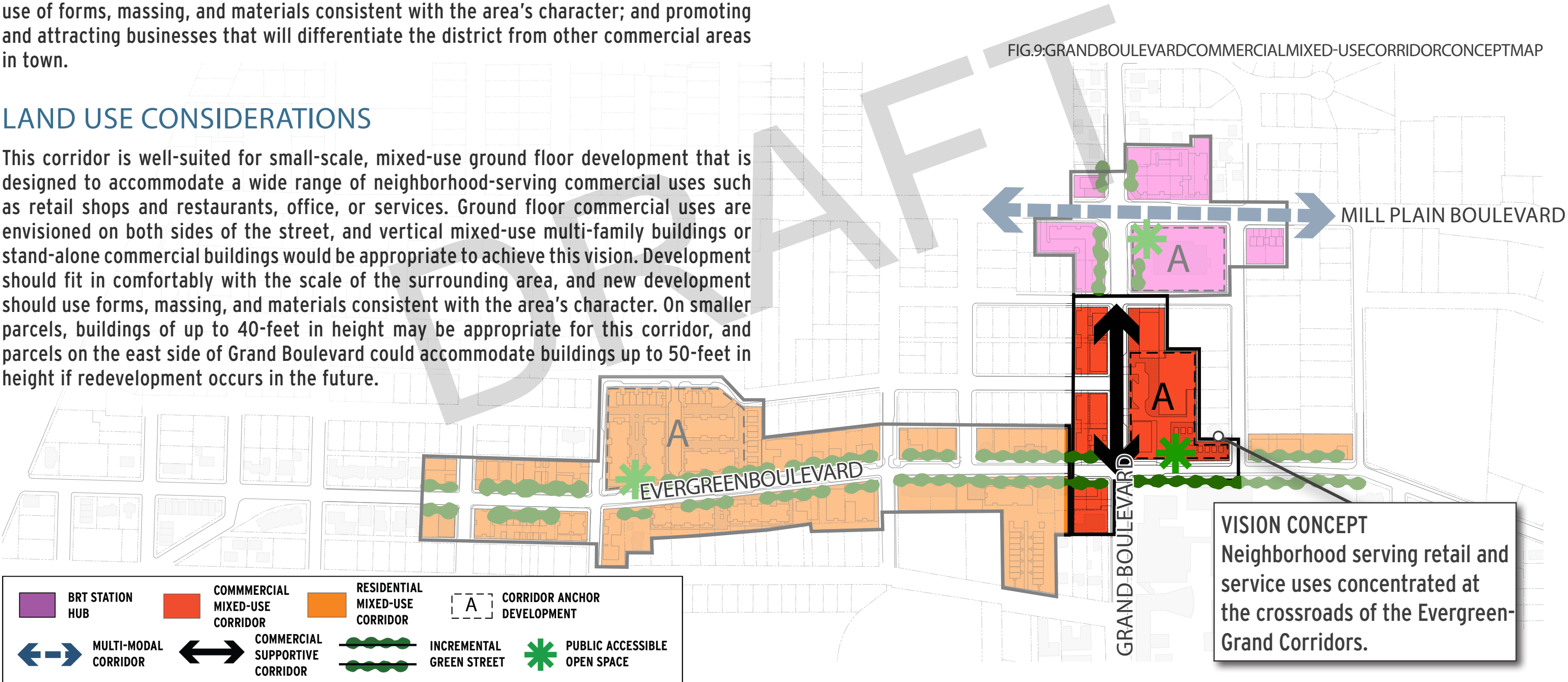


COMMERCIAL MIXED-USE CORRIDOR CONCEPT

The Grand Boulevard Commercial Mixed-Use Corridor envisions neighborhood-serving retail and service uses at the crossroads of the Evergreen and Grand corridors where there is an existing concentration of commercial uses and potential opportunity sites, as well as higher levels of visibility. Critical elements for commercial success in this area include a new emphasis on small-scale ‘entrepreneur-friendly’ mixed-use development; promoting use of forms, massing, and materials consistent with the area’s character; and promoting and attracting businesses that will differentiate the district from other commercial areas in town.

LAND USE CONSIDERATIONS

This corridor is well-suited for small-scale, mixed-use ground floor development that is designed to accommodate a wide range of neighborhood-serving commercial uses such as retail shops and restaurants, office, or services. Ground floor commercial uses are envisioned on both sides of the street, and vertical mixed-use multi-family buildings or stand-alone commercial buildings would be appropriate to achieve this vision. Development should fit in comfortably with the scale of the surrounding area, and new development should use forms, massing, and materials consistent with the area’s character. On smaller parcels, buildings of up to 40-feet in height may be appropriate for this corridor, and parcels on the east side of Grand Boulevard could accommodate buildings up to 50-feet in height if redevelopment occurs in the future.



ANCHOR SITE

The anchor site for this corridor vision concept provides the opportunity to catalyze mixed-use development by attracting businesses that will help to foster a unique identity for the corridors. In addition to providing the land use framework to encourage building improvements, recommendations brought forward as part of this process should also promote flexibility to make improvements or renovations that draw neighborhood-serving businesses to locate here.

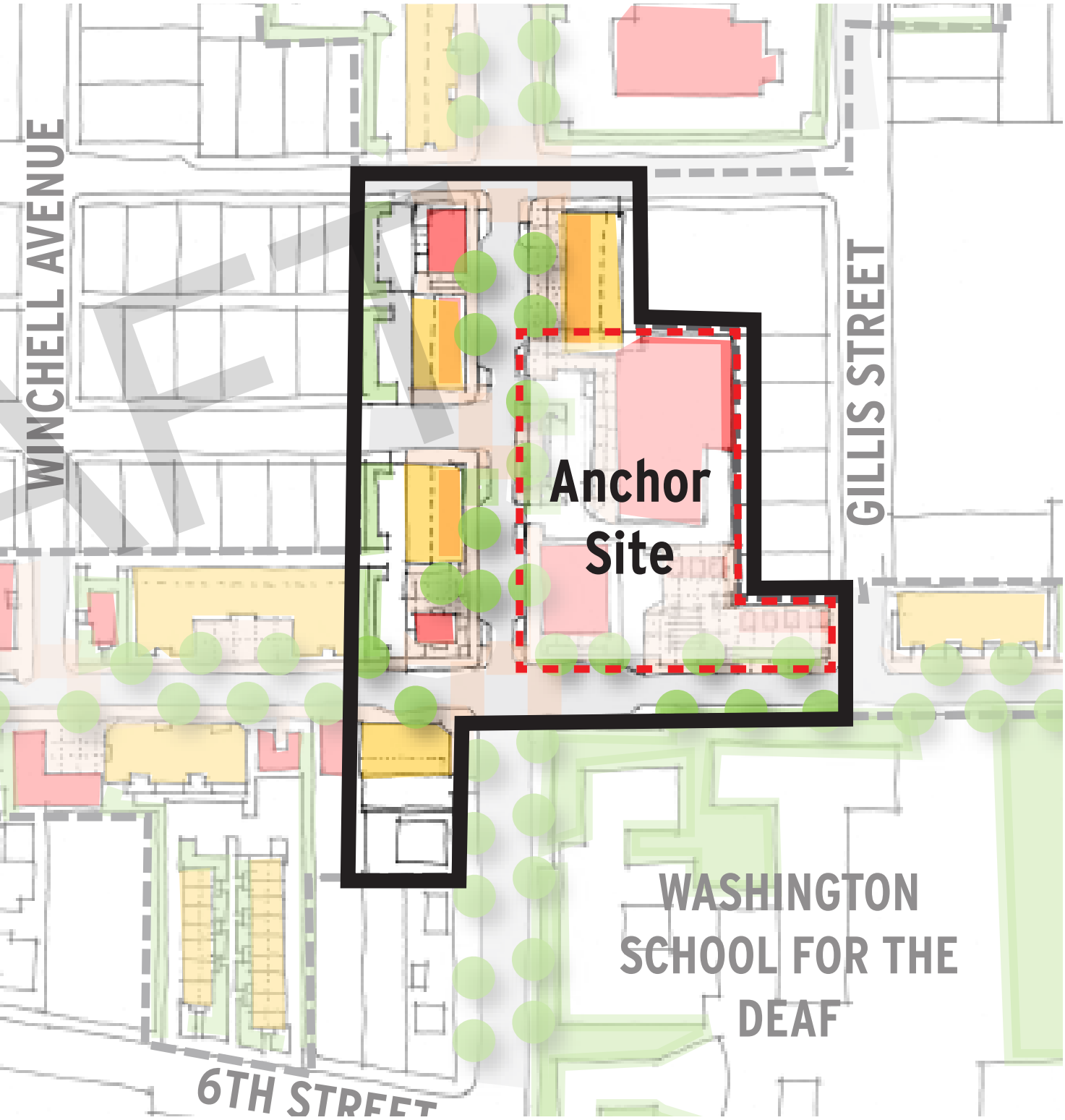
FIG. 10: EXISTING COMMERCIAL SHOPPING CENTER



FIG. 11: POTENTIAL ENHANCED COMMERCIAL



FIG. 12: COMMERCIAL MIXED-USE CORRIDOR ANCHOR SITE



PUBLIC REALM CONSIDERATIONS

The public realm vision for this area includes wider sidewalks with street trees, streetlights, and benches; reducing crossing distances for those walking, especially vulnerable users; and decreasing speeds to improve safety, access, mobility, and storefront visibility. The vision for the public realm, right-of-way, and streetscape considerations that result from this process will be used to inform Vancouver Moves, the City's Transportation System Plan update currently underway, including how the street is classified in the future and design changes that will enhance and strengthen commercial uses and the pedestrian experience.

PUBLIC REALM VISION

- Wider sidewalks with street trees, streetlights, and benches
- Reduce crossing distances for those walking biking, using mobility devices, and using micromobility
- Decrease speeds to improve safety, access, and mobility

FIG. 13: PARKING ALTERNATIVES - SEATING



SOURCE: WMBSTUDIO.CO.UK

FIG. 14: PARKING ALTERNATIVES - STREET CAFE



SOURCE: CRANDAL ARAMBULA

FIG. 15: ACTIVATED SIDEWALK WITH STREET TREES AND FURNITURE



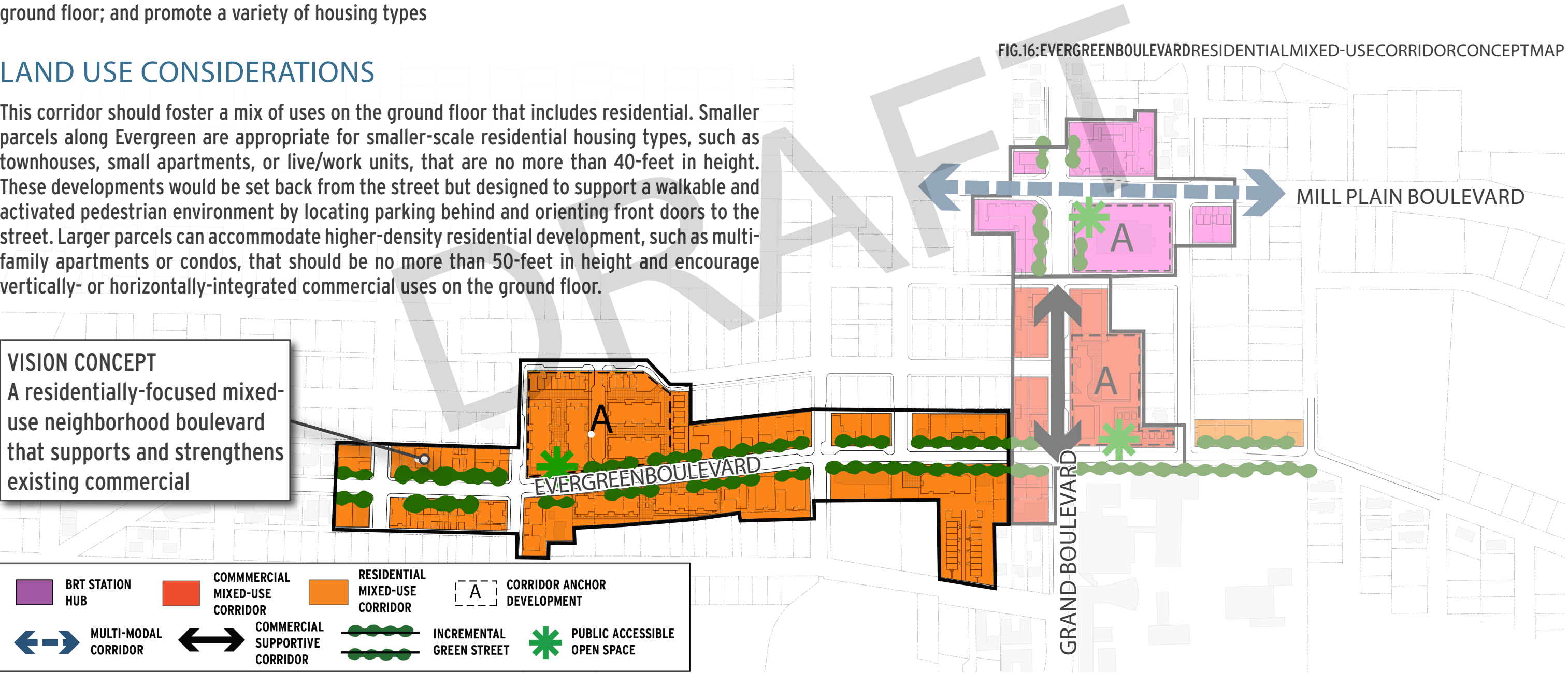
RESIDENTIAL MIXED-USE CORRIDOR CONCEPT

The Evergreen Boulevard Residential Mixed-Use Corridor envisions new development along Evergreen Boulevard to be generally residentially-focused while supporting and strengthening existing commercial uses, with uses and buildings that are compatible with the neighborhood context and contribute to an active and safe public realm. This corridor should foster a mix of uses; encourage rather than require ground floor commercial; allow for live/work units on the ground floor; and promote a variety of housing types

LAND USE CONSIDERATIONS

This corridor should foster a mix of uses on the ground floor that includes residential. Smaller parcels along Evergreen are appropriate for smaller-scale residential housing types, such as townhouses, small apartments, or live/work units, that are no more than 40-feet in height. These developments would be set back from the street but designed to support a walkable and activated pedestrian environment by locating parking behind and orienting front doors to the street. Larger parcels can accommodate higher-density residential development, such as multi-family apartments or condos, that should be no more than 50-feet in height and encourage vertically- or horizontally-integrated commercial uses on the ground floor.

VISION CONCEPT
A residentially-focused mixed-use neighborhood boulevard that supports and strengthens existing commercial



ANCHOR SITE

The anchor site for this area may be appropriate for the addition of new multi-family development to support the existing commercial uses and small businesses along Evergreen and provide publicly-accessible amenities and spaces for neighborhood residents and visitors.

FIG. 17: RESIDENTIAL MIXED-USE CORRIDOR ANCHOR SITE

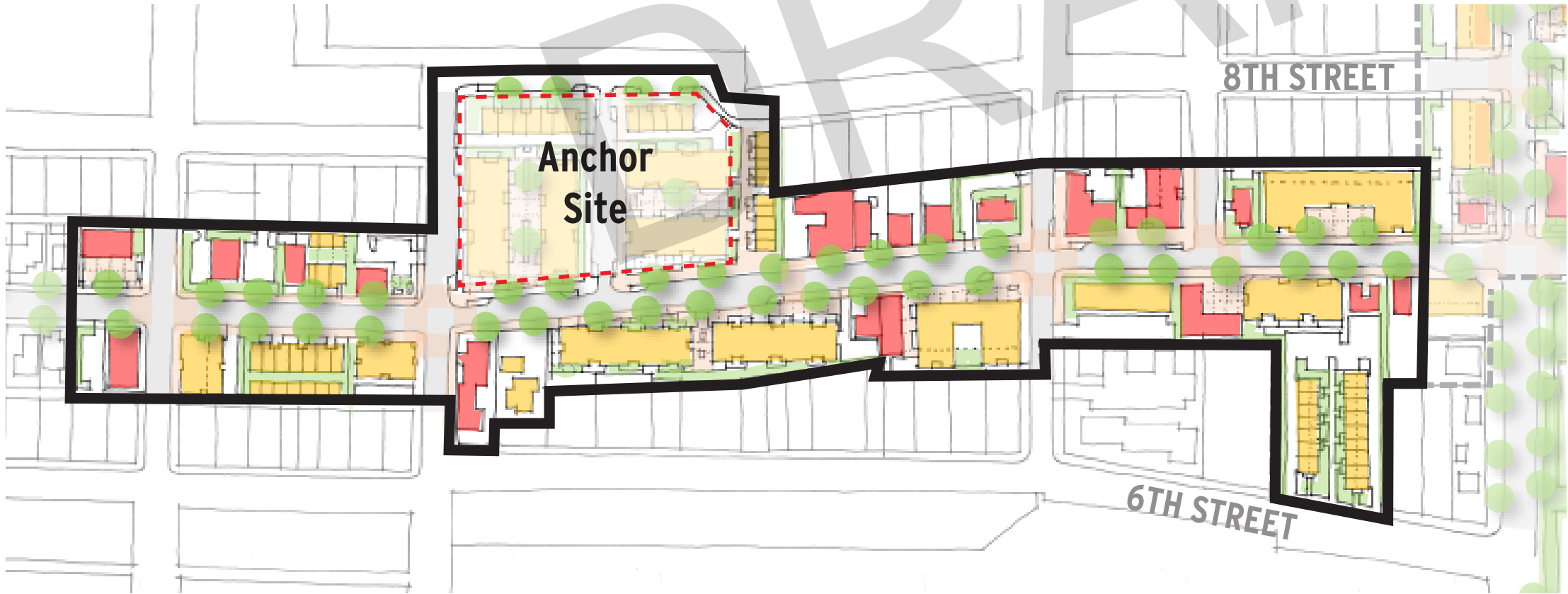


FIG.18:THREETOFOURSTORYAPARTMENTS



FIG. 19: PUBLICLY-ACCESSIBLE WALKWAYS

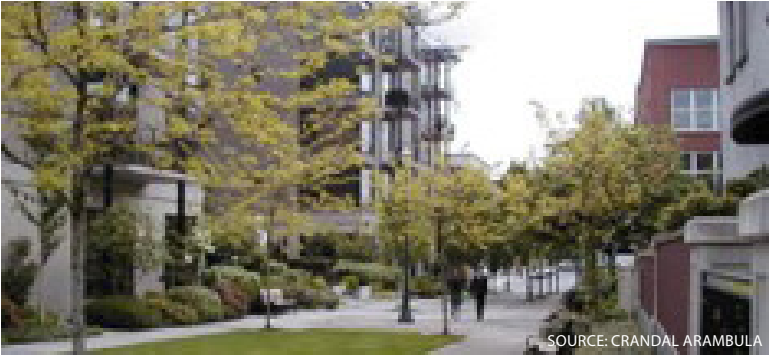


FIG. 20: PUBLICLY-ACCESSIBLE COURTYARDS



PUBLIC REALM CONSIDERATIONS

The vision for the public realm in this area includes refocusing the street primarily as a neighborhood boulevard rather than a street primarily for commerce; extending and unifying the streetscape character along Evergreen; and providing a public plaza or other family-oriented publicly accessible urban open space as part of any redevelopment project . Plazas and open space provided as part of development should be accessible to the public but privately owned and maintained.

PUBLIC REALM VISION

- Refocus street as a neighborhood boulevard rather than a street for commerce
- Extend/unify the streetscape character of Officers' row along Evergreen
- Provide additional family-oriented publicly-accessible open space as part of any redevelopment project

FIG. 21: LANDSCAPED SETBACKS



FIG. 22: WIDENED SIDEWALK/LANDSCAPED PARKWAY



FIG. 23: STREET FURNITURE IMPROVEMENT



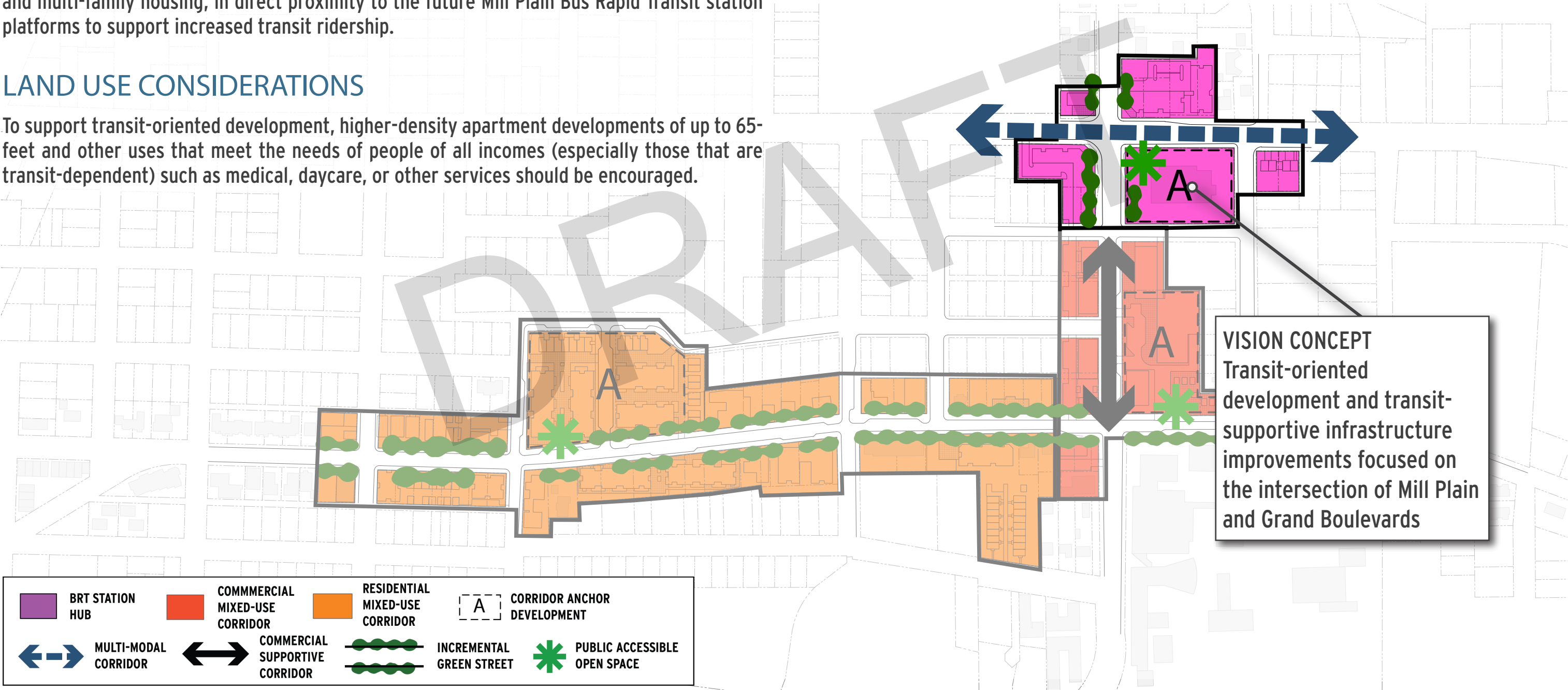
BUS RAPID TRANSIT HUB CONCEPT

The Mill Plain/Grand Intersection BRT Hub is envisioned to accommodate transit-oriented development and transit-supportive infrastructure improvements focused on the intersection of Mill Plain and Grand Boulevards. This area should concentrate trip-generating and transit-supportive uses and amenities, such as commercial uses that serve as weekday destinations and multi-family housing, in direct proximity to the future Mill Plain Bus Rapid Transit station platforms to support increased transit ridership.

LAND USE CONSIDERATIONS

To support transit-oriented development, higher-density apartment developments of up to 65-feet and other uses that meet the needs of people of all incomes (especially those that are transit-dependent) such as medical, daycare, or other services should be encouraged.

FIG.24:MILLPLAIN/GRANDINTERSECTIONBUSRAPIDTRANSITHUBCORRIDORCONCEPTMAP



ANCHOR POINT

The anchor site in this area could accommodate a destination commercial or employment use, if it were to redevelop or be adaptively used in the future.

FIG. 25: BUS RAPID TRANSIT HUB CORRIDOR ANCHOR SITE

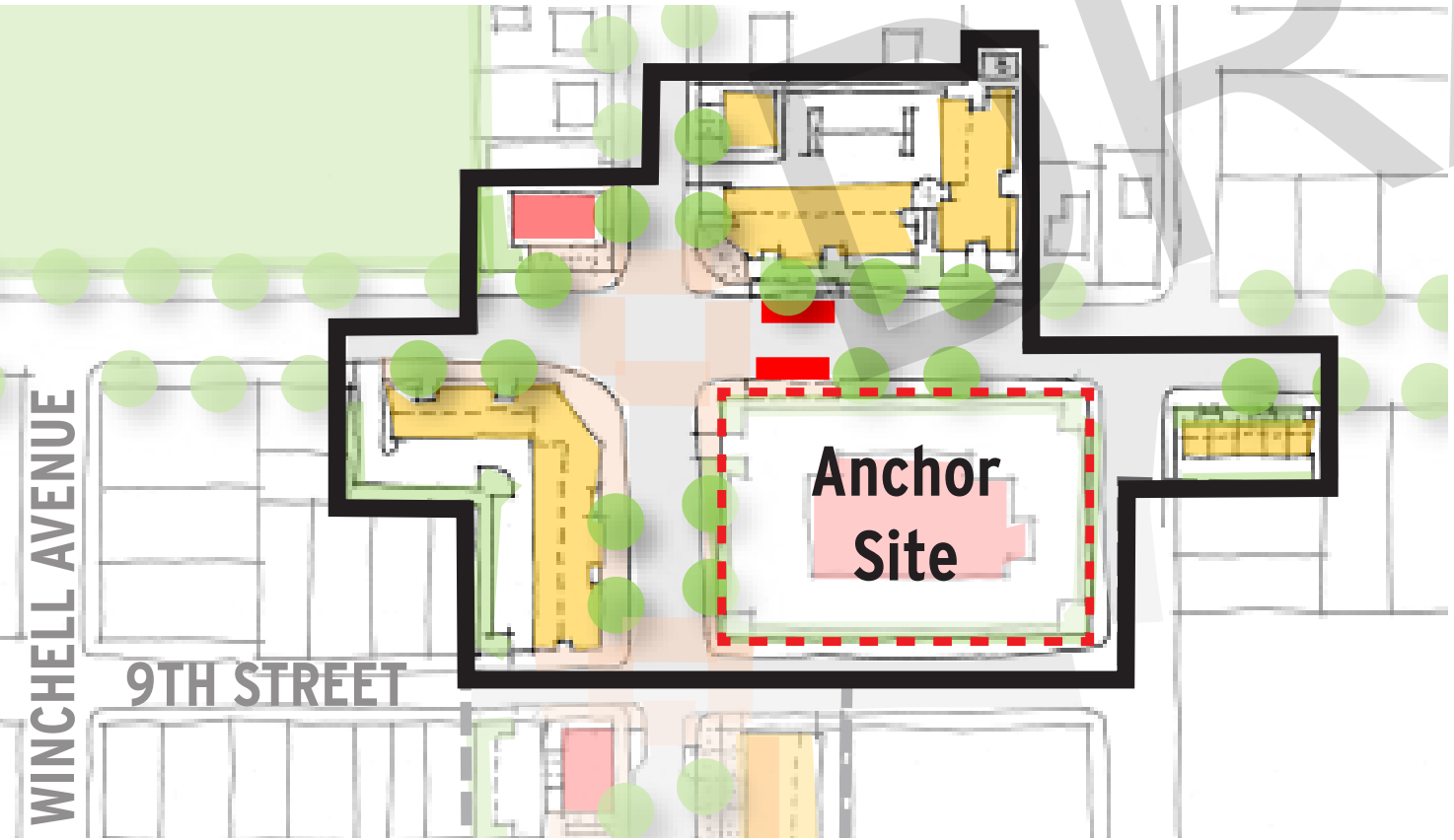


FIG. 26: INTERNATIONAL AIR & HOSPITALITY ACADEMY



FIG. 27: EXAMPLE MIXED USE WITH GROUND FLOOR COMMERCIAL USE AT ANCHOR SITE



PUBLIC REALM CONSIDERATIONS

The vision for the public realm in the BRT Hub includes siting future uses so that they create a BRT station environment that is safe and active during all hours of transit operations and all seasons of the year, while ensuring that the surrounding street network provides multimodal access to transit. With the presence of both the Washington State School for the Blind and the Washington School for the Deaf near this area, the transportation system and transit access should be safe and comfortable for all users.

PUBLIC REALM VISION

- Site future uses so that they create a BRT station environment that is safe and active during all hours of transit operations and all seasons of the year
- Ensure that the surrounding street network provides multi-modal access to transit

FIG. 28: BUS RAPID TRANSIT STATION



FIG. 29: BRT STATION SPACE ACTIVATION





CHAPTER 5

RECOMMENDATIONS

RECOMMENDATIONS

This chapter summarizes recommendations for implementation strategies that will collectively achieve the long-term vision established with the community through the commercial corridors planning process. The full set of refined recommendations includes short-term changes to development standards to ensure goals for the corridors are met as development occurs, as well as other mid- to long-term recommendations for policies, programs, and tools intended to be implemented over time. The recommendations reflect feedback received from the community, property owners, Planning Commission, and City Council throughout the planning process, and are intended to work together to achieve the community vision, goals, and objectives over time.

Vision

Promote equitable and diverse corridor development that is vibrant, sustainable and mixed use.

Foster development that recognizes and builds upon the neighborhood's unique setting, history, and character.

Goals

Land Use

Strengthen current businesses while providing an appropriate mix of commercial and residential uses.

Mobility

Establish a balanced, multi-modal network of motor vehicle, transit, walking, and biking routes through the corridors.

Parking

Provide adequate parking to serve existing uses and future development.

Urban Design

Create public and private spaces that are inclusive, integrated, and contribute positively to the livability of the corridors.

Economic Development

Provide ample opportunities for small-scale, locally-owned businesses to thrive.

REGULATORY CHANGES

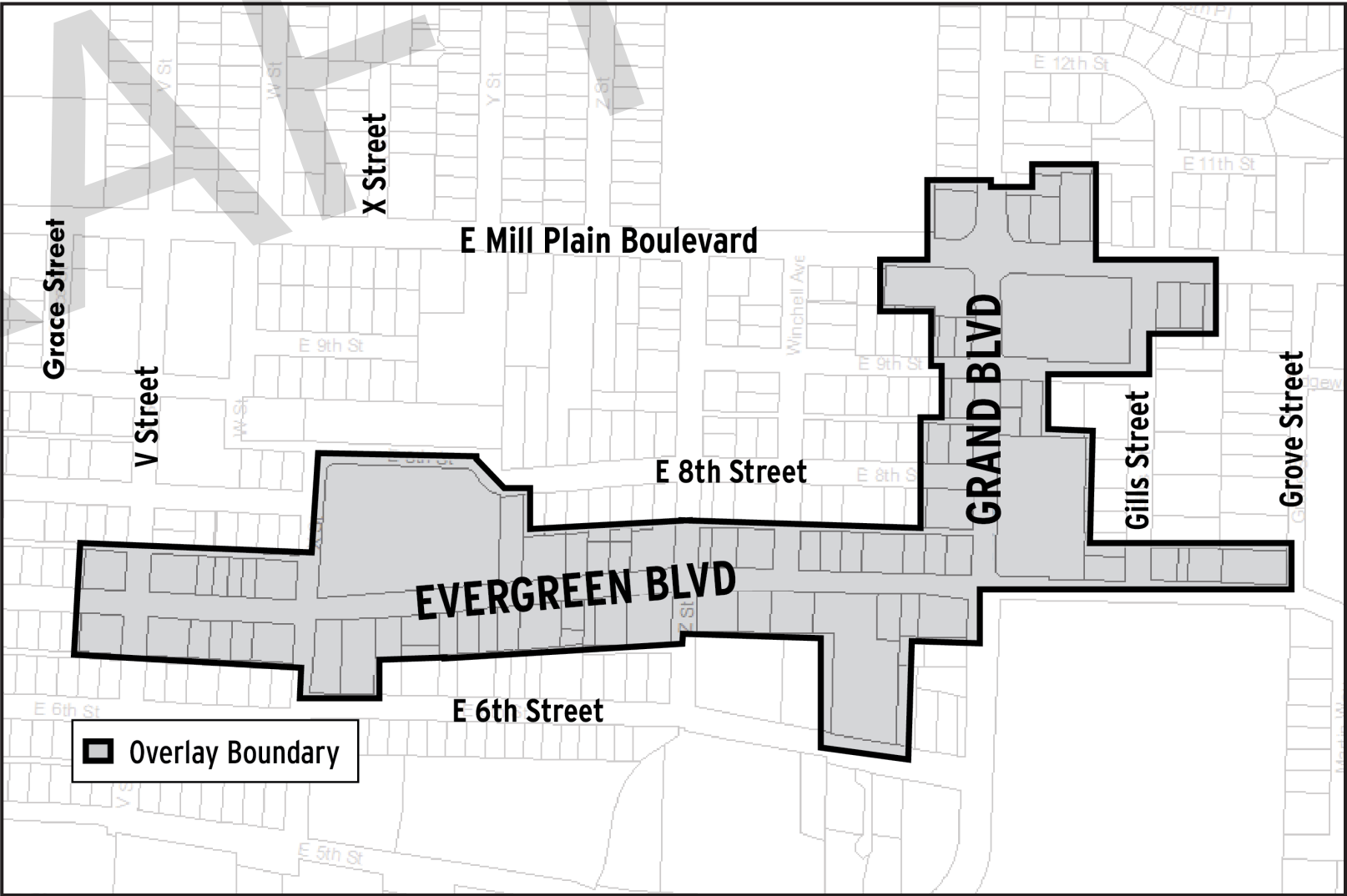
Short-term regulatory changes – likely achieved through an overlay zone or similar tool – can be used to tailor development standards to address issues with the current zoning and ensure regulations recognize the vision and concepts for the overall the Evergreen and Grand District and each unique area. The regulatory recommendations resulting from this process include changes to ground floor commercial use requirements, building height limitations, minimum off-street and shared vehicle parking requirements, bike parking requirements, standards for buildings to achieve an ‘active edge’ at the ground floor, parking design and screening requirements, and others for consideration as part of short-term Strategy implementation.

STUDY AREA OVERLAY

The Evergreen and Grand Commercial Corridors overlay includes the following development regulations to ensure the intent and community vision is met:

- Commercial ground floor use requirements
- Building height limitations
- Parking requirements
- Standards for buildings to achieve an ‘active edge’ at the ground floor

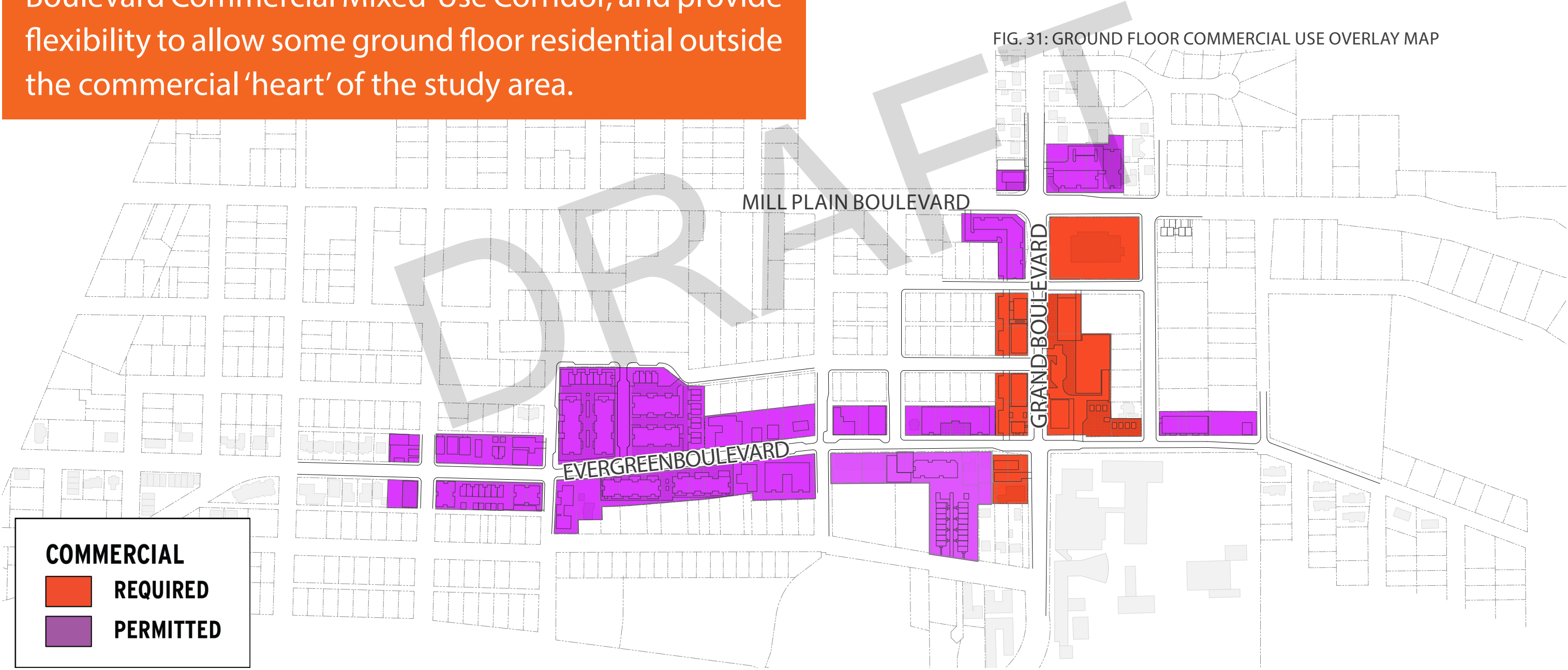
FIG. 30: EVERGREEN AND GRAND OVERLAY ZONE



GROUND FLOOR COMMERCIAL USER REQUIREMENTS

RECOMMENDATION

Continue to require ground floor commercial in the Grand Boulevard Commercial Mixed-Use Corridor, and provide flexibility to allow some ground floor residential outside the commercial ‘heart’ of the study area.



Concentrating new commercial uses in the Grand Boulevard Commercial Mixed-Use Corridor concept area along Grand Boulevard supports providing daily goods and services for area residents, employees, and visitors, and accessibility to those who walk, bike, roll, or take transit. The linkage to the future BRT station on Mill Plain also presents opportunities for ‘chaining’ trips—or grouping errands or other activities into one trip instead of returning home in between each one—which is an important consideration for transit users.

In the Evergreen Boulevard Residential Mixed-Use Corridor concept along Evergreen and on smaller parcels in the Mill Plain/Grand Intersection BRT Hub, allow some ground floor residential uses to foster a mix of uses and provide flexibility outside of the commercial ‘heart’ of the study area. Providing flexibility in these areas allows for more variety in commercial development, like live/work spaces integrated vertically into a building or horizontally-developed commercial that’s attached to or within a larger building. This approach would help to meet the corridor concept for this area as a neighborhood boulevard and support the viability of existing commercial development along Evergreen.

FIG. 32: COMMERCIAL BUILDING WITH REQUIRED GROUND FLOOR COMMERCIAL



FIG. 33: VERTICAL MIXED-USE



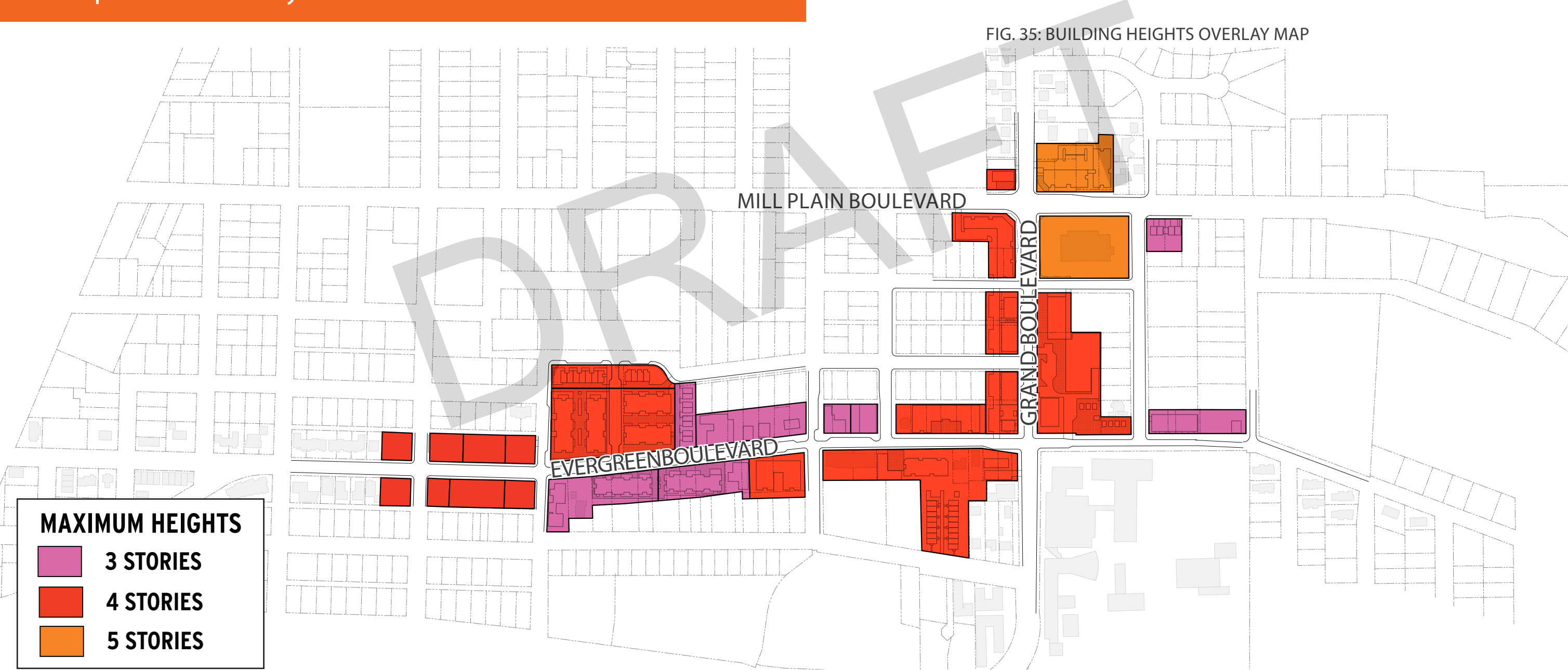
FIG. 34: HORIZONTALLY-MIXED LIVE WORK COMMERCIAL



BUILDING HEIGHTS

RECOMMENDATION

Tailor maximum building heights to align with the corridor vision concepts for the study area.



The recommended maximum building heights for the study area are tailored to align with the three corridor vision concepts, be responsive to community and stakeholder feedback received throughout the process, and balance development feasibility. Stepdowns or increased setbacks will be required on parcels that abut low-density residential zones.

The current maximum building height under Community Commercial zoning is 50-feet, which is conducive for 3- and 4- story buildings. To achieve five stories in the Mill Plain/Grand Intersection BRT hub corridor concept at Mill Plain and Grand, the permitted height in feet would need to be increased to 65-70 feet.

FIG. 36: DIAGRAM OF RECOMMENDED MAXIMUM BUILDING HEIGHTS



3 STORIES

Three stories, or a maximum of 40 feet, can be appropriate on more narrow, residentially-oriented streets with smaller commercial parcels that abut existing single-family zoning. This proposed scale is lower than what is currently allowed under existing zoning and is being recommended to address community concerns about the impact of taller buildings near areas that will continue to be zoned for single family development and the potential canyoning impact of taller buildings on narrower streets. Three stories is most common for multi-family, townhome, and small-lot mixed-use commercial, as well as most attainable housing types such as walk-up apartments where no elevator is required.

FIG. 37: 3-STORY APARTMENT



FIG. 38: MIXED-USE 3-STORY APARTMENT



4 STORIES

Four stories, or a maximum of 50 feet, is consistent with what is effectively allowed under existing zoning, and is a typical height for neighborhood residential infill and one of the most common multi-family housing types in the region. This development scale is generally economically viable for the corridors and can accommodate ground floor commercial with residential apartments above.

FIG. 39: MIXED-USE 4-STORY APARTMENT



FIG. 40: MIXED-USE 4-STORY APARTMENT



5 STORIES

Five stories, or a maximum of 65 feet, is more urban in scale and would be appropriate to support higher-density transit-oriented development in the BRT Hub and not adjacent to single-family. This is an increase from what is currently allowed under existing zoning, and buildings at this scale often require a change in construction type that may be viable with some additional flexibility in height.

FIG. 41: 5-STORY MIXED-USE APARTMENT



FIG.42:5-STORY MIXED-USE APARTMENT WITH STREET IMPROVEMENTS



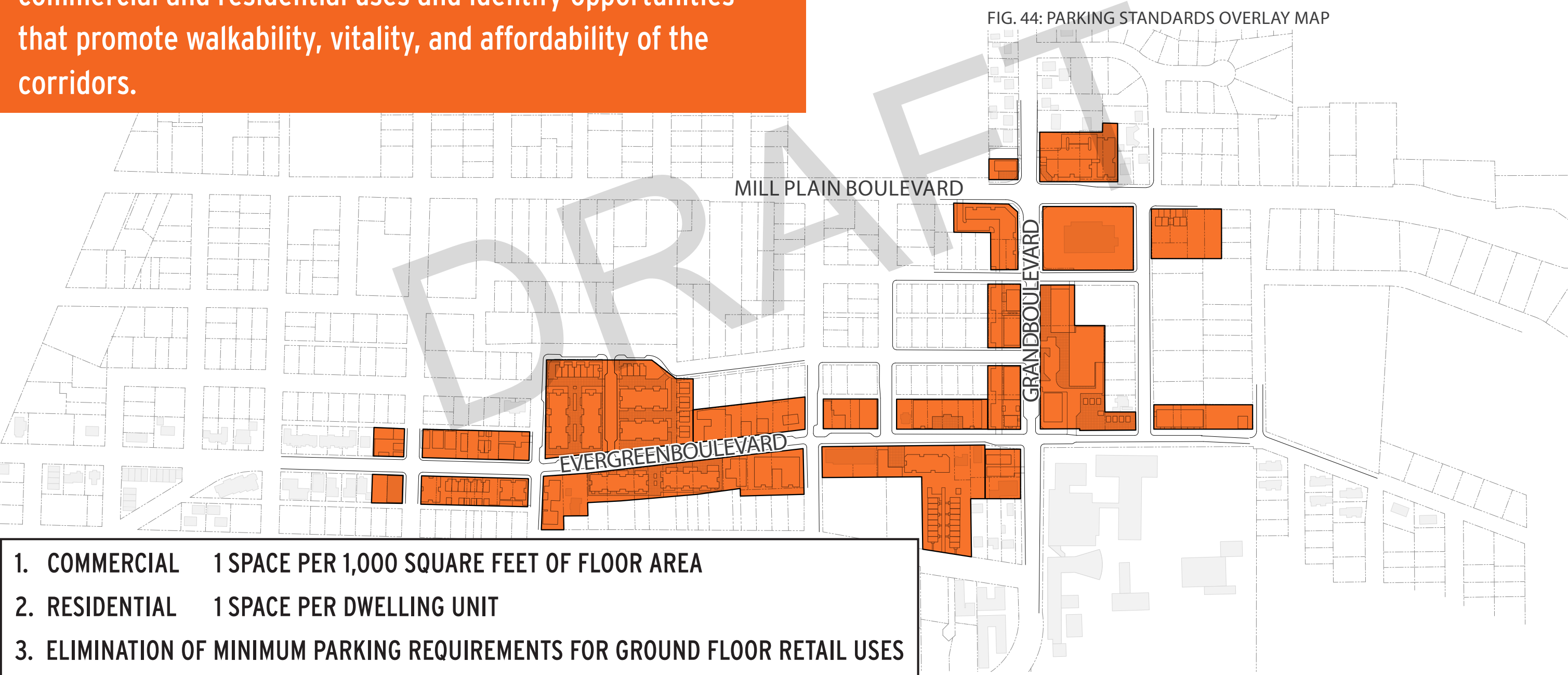
FIG. 43: 5-STORY MIXED-USE APARTMENT



PARKING

RECOMMENDATION

Adapt minimum off-street parking requirements that support commercial and residential uses and identify opportunities that promote walkability, vitality, and affordability of the corridors.



Parking requirements that adapt to the specific uses of a development can help reduce costs to both developers and tenants while still limiting spillover parking and impacts to surrounding neighborhoods. Eliminating minimum parking requirements for ground floor retail uses—excluding office uses—and providing additional on-street parking opportunities in front of businesses along the corridor will provide access to corridor amenities and reduce the minimum parking requirements for developments. Additionally, setting a minimum off-street parking requirement of at least one space per 1,000 square feet of floor area for ground floor office uses and any commercial uses above the ground floor as well as one space per residential dwelling unit is recommended for the study area to ensure that right-size parking is provided.

Additional requirements should also be considered such as requiring parking to be located behind buildings on larger parcels, requiring shared driveways and access easements between abutting developments to consolidate the number of driveways along the corridors, as well as screening parking areas from view to meet parking and urban design goals for the study area. Shared parking should also be an option for larger, abutting developments as well as shallow, small properties where on-site parking will be difficult.

These standards better recognize the mix of uses along the corridors, as well as access to the corridors via connecting streets, sidewalks, existing bus service and future Mill Plain BRT. Other parking elements should also be considered, such as mandatory micromobility parking requirements for vehicles such as electric scooters, providing incentives such as reduced parking minimums for opting in to a shared parking or accessway easement, or implementing a Transportation Demand Management program that supports the use of multiple modes to travel to and through the corridors.

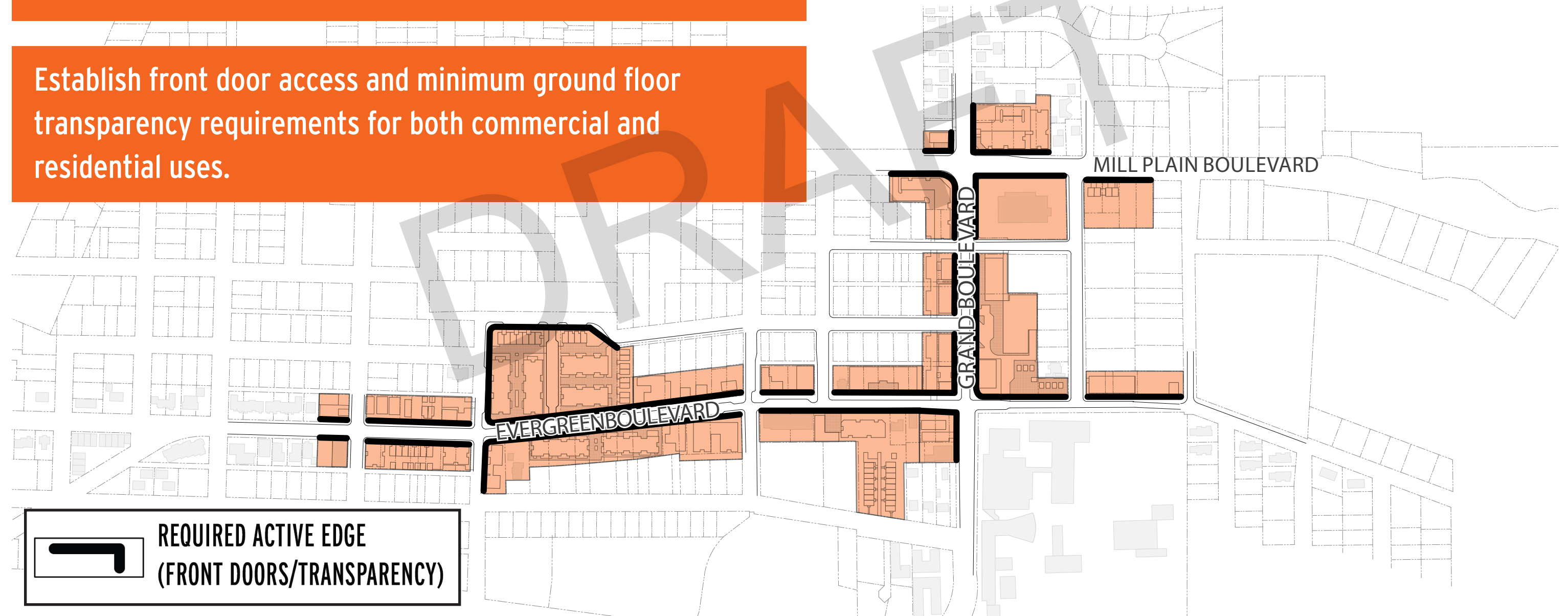
'ACTIVE EDGE' DEVELOPMENT STANDARDS

RECOMMENDATIONS

Require a maximum front setback of 0-5 feet at the ground floor only regardless of building height.

Establish front door access and minimum ground floor transparency requirements for both commercial and residential uses.

FIG. 45: 'ACTIVE EDGE' DEVELOPMENT STANDARDS OVERLAY MAP



Placing and orienting ground floor uses toward Evergreen and Grand Boulevards and creating an ‘active edge’ frames and encloses the public street to create a walkable pedestrian environment. To meet this vision, a maximum front setback of 0-5 feet regardless of building height is recommended, which would not prevent upper floors of a building from stepping back farther to help prevent the canyon effect and support a scale and design that complements neighborhood character.

GROUND FLOOR COMMERCIAL

A higher minimum transparency requirement for commercial uses of 75% of the ground floor façade provides visibility of goods and services, and front door access from the street results in street-oriented buildings rather than parking lot-oriented buildings. Visibility of indoor spaces also animates the street where there are restaurants, pubs, and other types of retail uses. For commercial retail uses, buildings built to the sidewalk with front doors facing the street provide easy access for pedestrians and essential visibility for those traveling along adjacent roadways.

GROUND FLOOR RESIDENTIAL

For residential uses, a more moderate minimum transparency requirement of 50% is recommended to support eyes on the street while also recognizing the importance of privacy. By orienting front door access from the street rather than from parking lots and garages, residential development built to these standards supports increased pedestrian activity, reduces or eliminates visual impacts of surface parking, and puts eyes on the street often resulting in safer street environments.

FIGS. 46 & 47: COMMERCIAL TRANSPARENCY



FIGS. 48 & 49: RESIDENTIAL TRANSPARENCY AND FRONT DOORS ORIENTED TOWARD THE STREET



FIG. 50: GROUND FLOOR COMMERCIAL EXAMPLE



FIG. 51: GROUND FLOOR RESIDENTIAL EXAMPLE



OTHER REGULATORY CHANGES

The following standards are other regulatory changes to consider as part of near-term Strategy implementation that would complement the main recommendations outlined in this section, and support the vision and goals established for the corridors.

- Prohibit uses that do not support the vision for the corridors as a walkable and vibrant neighborhood-serving commercial corridor. These include new uses like drive-thru establishments; big-box retail; motor vehicle repair, sales and rental, and gas stations; and self-storage, among others .
- Adopt standards that support activating vacant and underutilized spaces.
- Develop regulations that provide additional access enhancements in the BRT Hub corridor area that take into consideration first/last mile solutions and universal design best practices.
- Allow for non-mixed-use housing types on smaller parcels, where appropriate.
- Explore providing flexibility for nonconforming uses, such as existing small businesses, adaptively reused single-family homes fronting the corridors, etc.
- Investigate strategies to disincentivize chains in the study area.
- Cap commercial businesses to a certain size to accommodate small-scale retail and maintain the fine-grained development pattern of the corridors
- Explore allowances for interim/temporary uses such as food cart pods.
- Create standards for ground floor residential to ensure streetfront activation and interest.
- Develop design guidelines that will help bolster the historic identity of the Hudson's Bay neighborhood and ensure consistent street activation of future developments in a way that considers development affordability.
- Encourage streetscape improvements in all redevelopment projects.

OTHER IMPLEMENTATION RECOMMENDATIONS

MID- TO LONG-TERM POLICIES, PROGRAMS, AND TOOLS

The long-term vision and goals for the Evergreen and Grand commercial corridors cannot be achieved solely through changes to development standards. The following are recommendations for other mid- to long-term policies, programs, and tools—intended to be implemented over time as city resources allow—that can contribute to the full realization of the long-term vision of a vibrant, active commercial district.

- Create a business district organization to support art, events, and other placemaking activities
- Extend the Multi-Family Tax Exemption (MFTE) program calibrated to implement the vision and goals for the corridors and add workforce housing
- Attract and retain neighborhood-serving businesses that provide community amenities and basic needs and services
- Establish a storefront improvement program to support existing businesses
- Establish a signage and placemaking program along Grand Boulevard and in the BRT Hub
- Identify opportunities to support houseless communities and promote community safety
- Explore strategies to maintain economic diversity and housing affordability, especially for low- and moderate-income households
- Consider height bonuses in exchange for attainably priced workforce housing units
- Improve connectivity to nearby destinations such as downtown Vancouver, the Fort Vancouver National Historic Site, and the Pearson Field Airport as an economic development strategy.
- Leverage environmental remediation funding opportunities as an incentive to develop eligible sites
- Work with the City Parks & Recreation department to identify opportunities for urban open space in proximity to the corridors
- Work with the City Economic Development department to extend the City's existing Street Eats program to the corridors
- Work with the City Stormwater, Surface Water, and Groundwater Utility program to identify Ecology grant opportunities for water quality retrofits, low impact development, and other green infrastructure improvements.

TRANSPORTATION CONSIDERATIONS

The currently underway Vancouver Moves project is an in-depth planning process to update the citywide Transportation System Plan (TSP). Vancouver Moves explores transportation needs and priorities in partnership with Vancouver residents, employees and visitors, and examines existing travel conditions for all users of the City’s transportation system. While the Evergreen and Grand Commercial Corridor Strategy is focused on land uses, the following recommendations for streetscape and right-of-way improvements were identified – consistent with the vision and goals for mobility and the public realm established through this process – to inform Vancouver Moves for how the street system in this subarea should be classified and planned to support adjacent land uses along the corridors.

FIG.52:RAISEDCROSSWALKWITHCURBEXTENSIONS



FIG. 53: STREET FURNITURE



FIG. 54: PEDESTRIAN ISLAND



FIG. 55: ON-STREET PARKING



Recommendations for the Entire Study Area

Create a cohesive, walkable, and safe multimodal environment providing access to and through the study area, increase signage to improve user safety and comfort, consider integration of stormwater and other sustainability best practices into right-of-way, traffic calming and streetscape improvements, and explore Transportation Demand Management strategies in the study area to support safe and easy use of multiple modes. Determine appropriate access management along the corridors, ensuring that building orientation and site access are located on either Evergreen or Grand or side streets in order to optimize both user safety and economic vitality. Explore funding strategies for transportation investments that serve the entire district, such as improvements to the intersection of Mill Plain and Grand.

Grand Boulevard Commercial Mixed-Use Corridor

Roadway and streetscape improvements, including reducing speed limits and implementing traffic calming; adding on-street parking; and providing flexibility to allow construction and maintenance of parking-alternative uses such as outdoor dining, seating, or bike parking on a temporary or permanent basis, and other temporary activation or interim uses to improve placemaking.

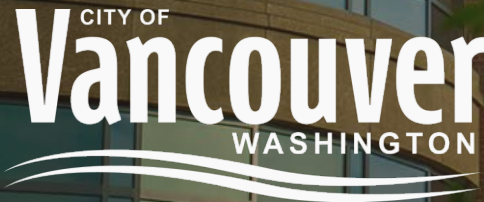
Evergreen Boulevard Residential Mixed-Use Corridor

Streetscape improvements including widened sidewalks to 12-15 feet to accommodate retail, pedestrian, landscaping, and street furnishing zones. Increase street trees and other landscaping features add street furniture, lighting, benches, and bike racks that are accessible by users of all abilities; and evaluate an enhanced pedestrian crossing at the intersection of V Street and Evergreen Boulevard to improve safety for people crossing the street.

Mill Plain/Grand Intersection BRT Hub

Design transportation infrastructure and streetscape improvements to facilitate multi-modal access to transit, and promote accessibility for people of all abilities around the future BRT station platforms.

Commercial Corridors Strategy – Evergreen and Grand Boulevards



September 20, 2021
City Council Workshop

Bryan Snodgrass, Principal Planner, Community
and Economic Development Department

Presentation Overview and Purpose

- Review Commercial Corridors project background
- Review and provide feedback on Evergreen and Grand Boulevards Strategy Public Comment Draft
- Review next steps for finalization and adoption of Strategy document, and follow-up implementing standards in 2022

Process to date

- City Council review on December 2, 2019 and May 4, 2020 (adoption and subsequent lifting of temporary development moratorium); Council workshops on September 14, 2020 and March 8, 2021
- Planning Commission memorandum on April 1, 2020. Workshops on June 9, 2020 and February 23, 2021
- Community in-person open house on February 13, 2020. Virtual open houses on August 26 and 27, 2020, and February 4, 2021

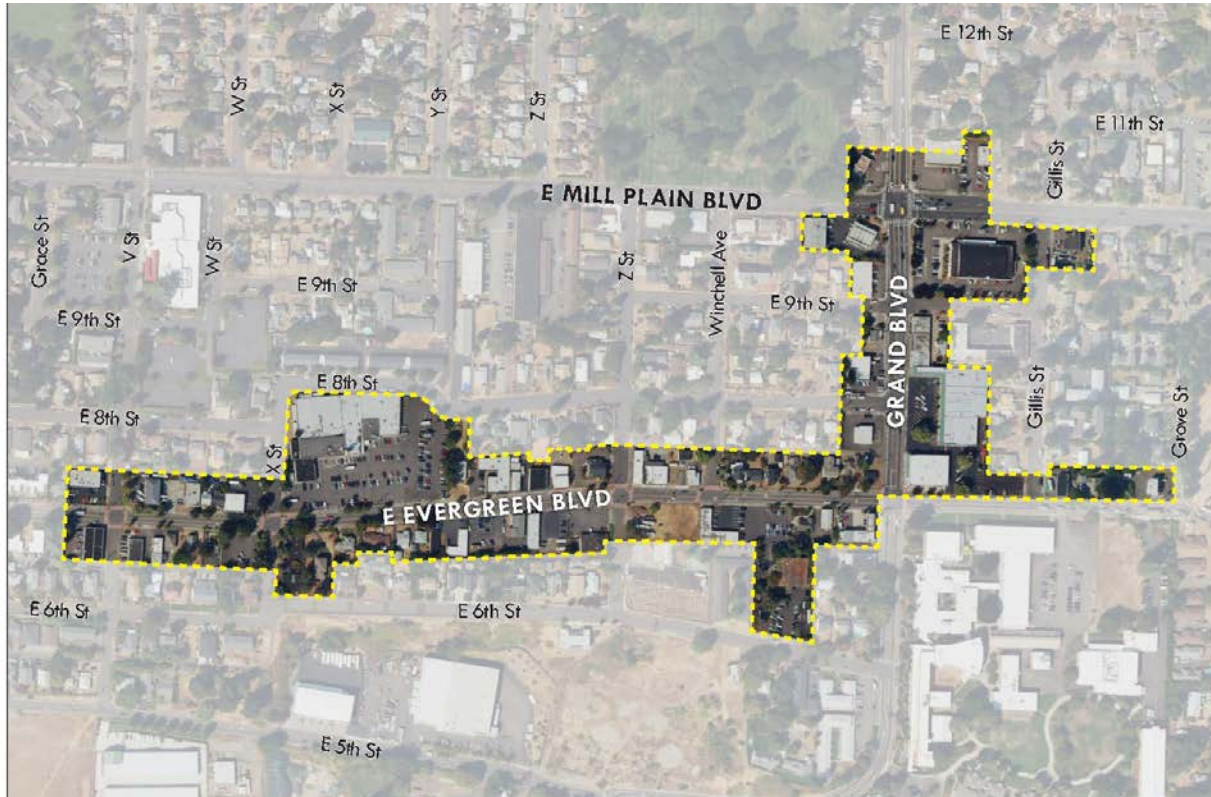
Commercial Corridors Strategy

A community planning process intended to:

- Enhance existing commercial corridors
- Increase walkability
- Ensure access to services and amenities
- Support job growth
- Increase housing opportunities



Evergreen and Grand Study Area



- Fine-grained development pattern
- Smaller-scale buildings oriented to the street, particularly on Evergreen Blvd.
- Older commercial buildings and streetfront single-family homes

Community Input

February 13, 2020 in-person open house and online survey:

- Concerns about out-of-character development, poor appearance/disrepair of the public realm and existing buildings.
- Desire for more local eating/drinking establishments, small-scale retail, and neighborhood-serving amenities and services.



Community Input

August 26 and 27, 2020 virtual open houses:

- General agreement on vision/goals
- Specific concerns about existing buildings condition, traffic speeds on Grand, and general public safety.
- Desires for multi-modal upgrades on Evergreen, traffic calming on Grand, and community gathering spaces including local grocery and/or farmers market.
- Expressed need adequate parking for retail and residential development, and desire to continue existing character, and provide connections and wayfinding to other areas.

Community Input

February 4, 2021 virtual meeting:

- Support for improved streetscape with wider sidewalks, greenery, and trees, and more public amenities and gathering spaces.
- Support for local businesses rather than chains through funding assistance and incentives. Concerns about maintaining affordability and avoiding displacement.
- Support of economic diversity and range of housing types.
- Concerns about higher density development being out of scale and character. Support for adequate parking to avoid neighborhood spillover.
- At BRT hub, support for local grocer. On Evergreen Blvd, support for ground floor commercial, and concerns about building heights beyond 3-4 stories.

Vision, Goals, & Objectives

VISION

Promote equitable and diverse corridor development that is vibrant, sustainable, and mixed-use.

Foster development that recognizes and builds upon the neighborhood's unique setting, history, culture, and character.



GOALS

LAND USE. Strengthen current businesses while providing an appropriate mix of commercial and residential uses.

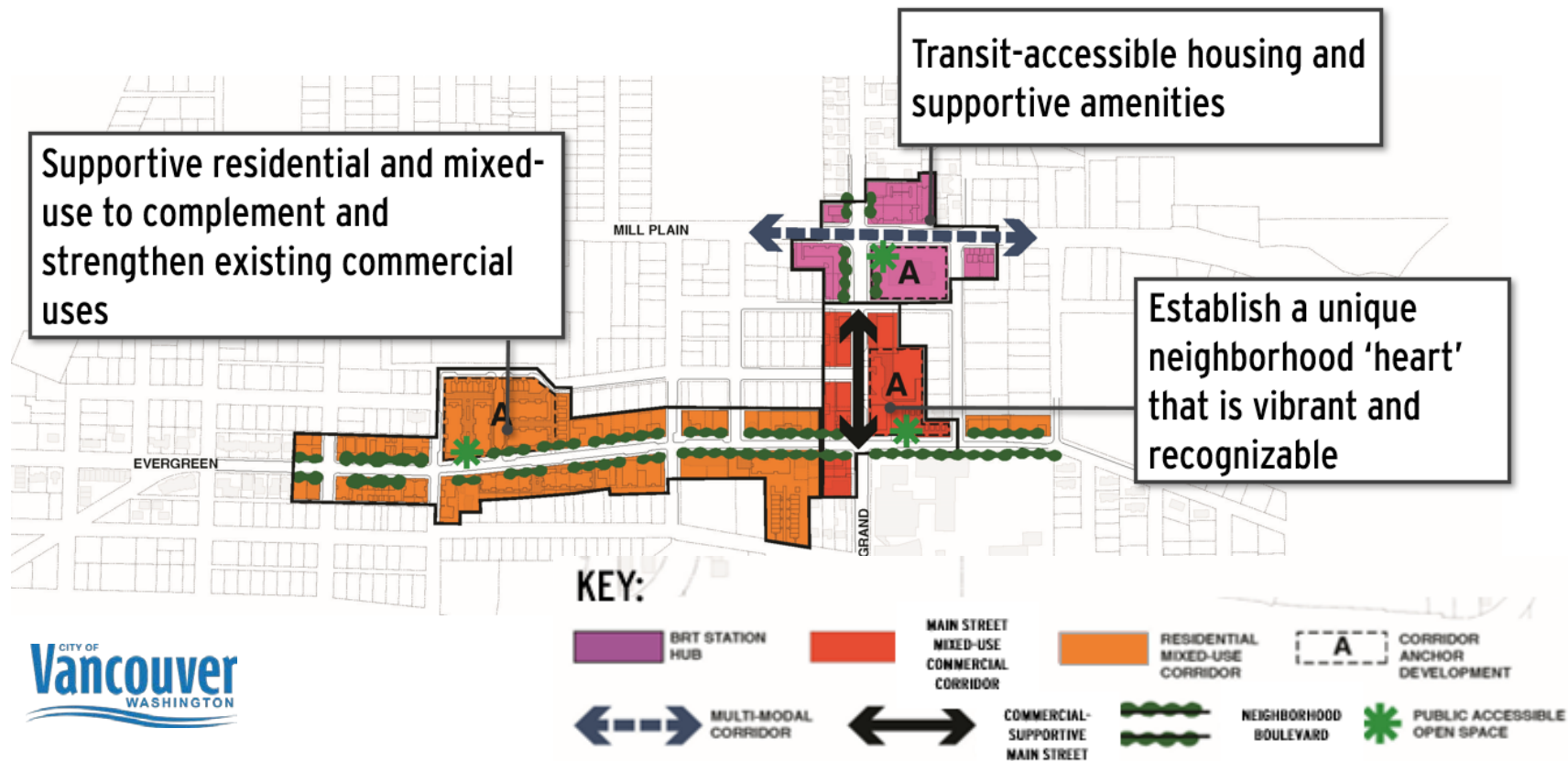
MOBILITY. Establish a balanced multi-modal network of motor vehicle, transit, walking, and biking routes through the corridors.

PARKING. Provide adequate parking to serve existing uses and future development.

URBAN DESIGN. Create public and private spaces that are inclusive, integrated, and contribute positively to the livability of the corridor.

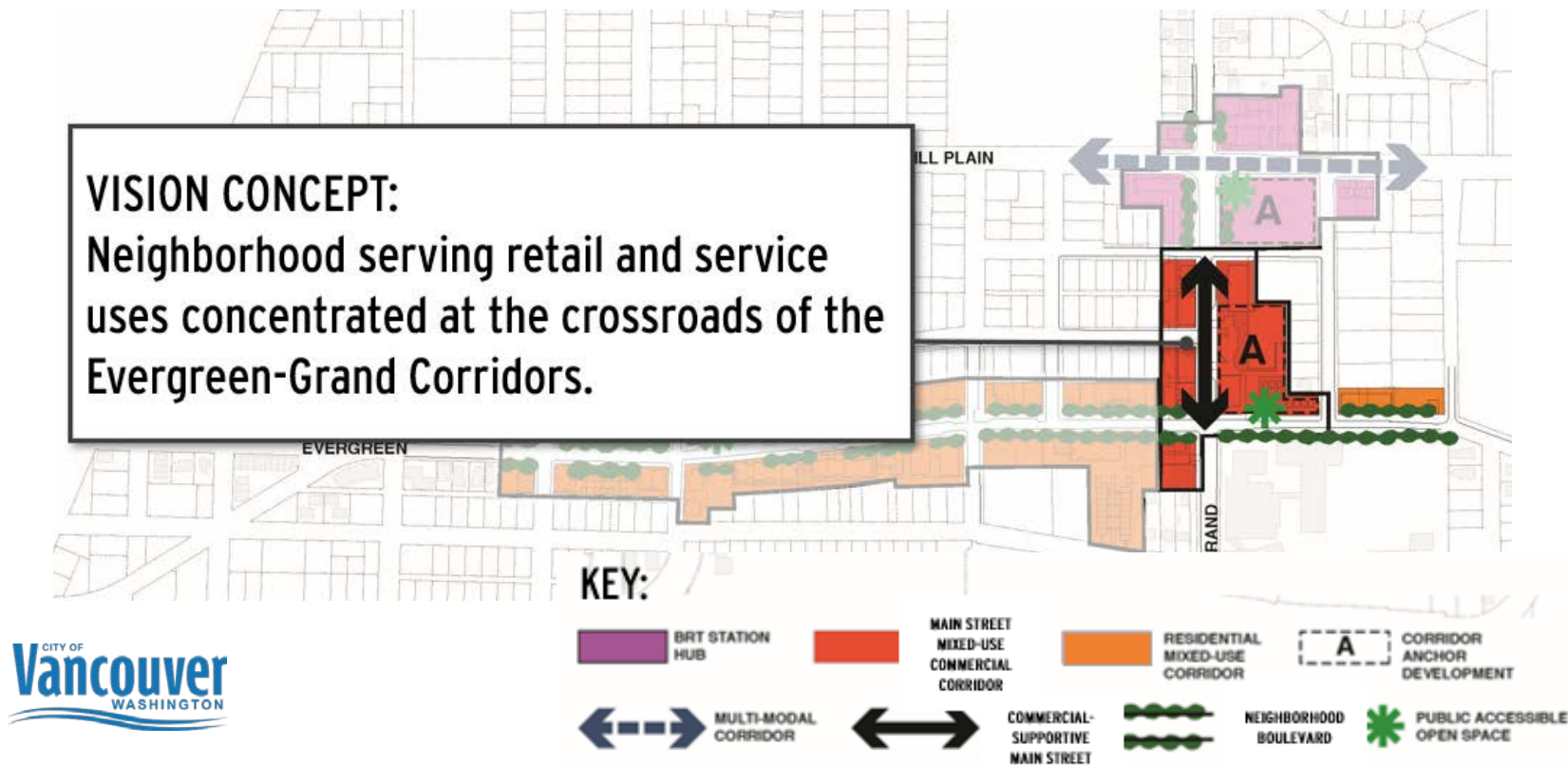
ECONOMIC DEVELOPMENT. Provide ample opportunities for small-scale, locally-owned business to thrive.

Corridor Vision Concepts – Three Subdistricts

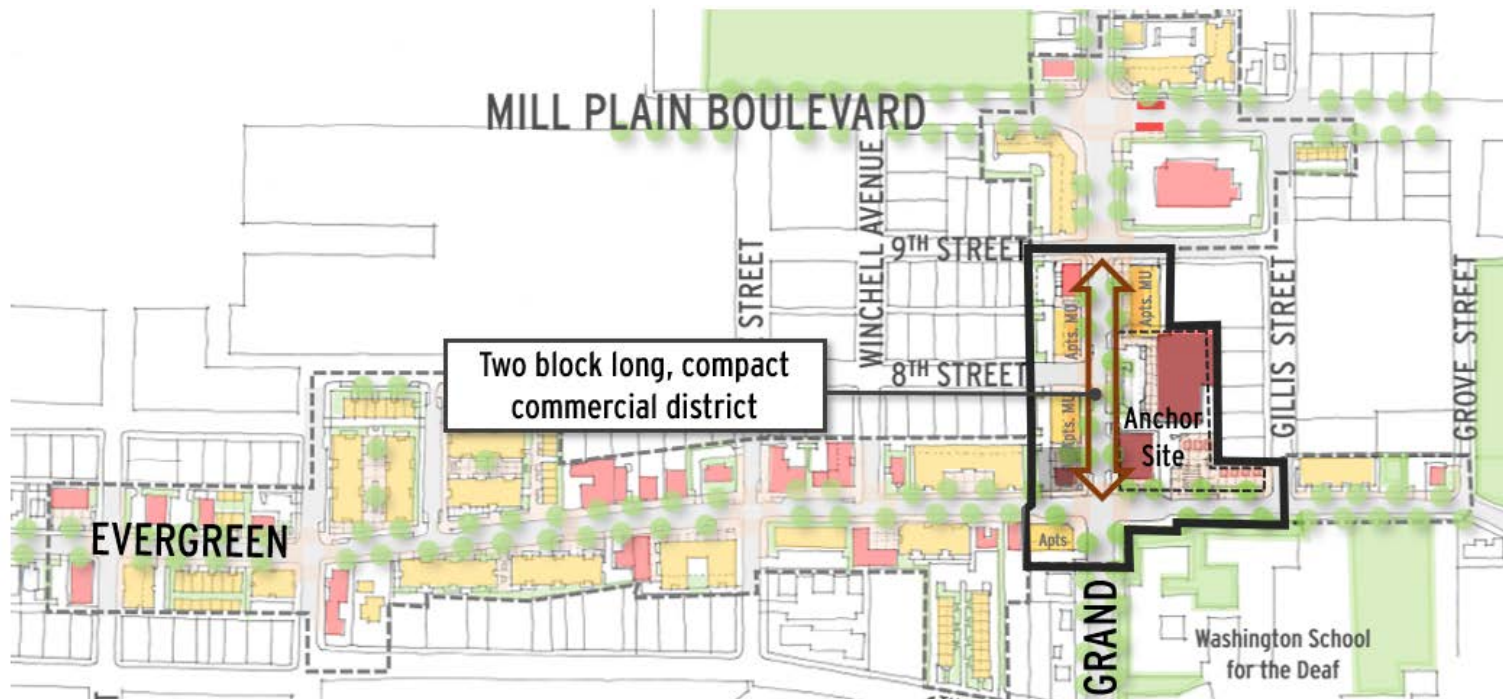


Commercial Mixed-Use Corridor

VISION CONCEPT:
Neighborhood serving retail and service
uses concentrated at the crossroads of the
Evergreen-Grand Corridors.



Commercial Mixed-Use Corridor



Commercial Mixed-Use Corridor

Existing shopping center



Renovated shopping center example



Commercial Mixed-Use Corridor



Commercial Mixed-Use Corridor



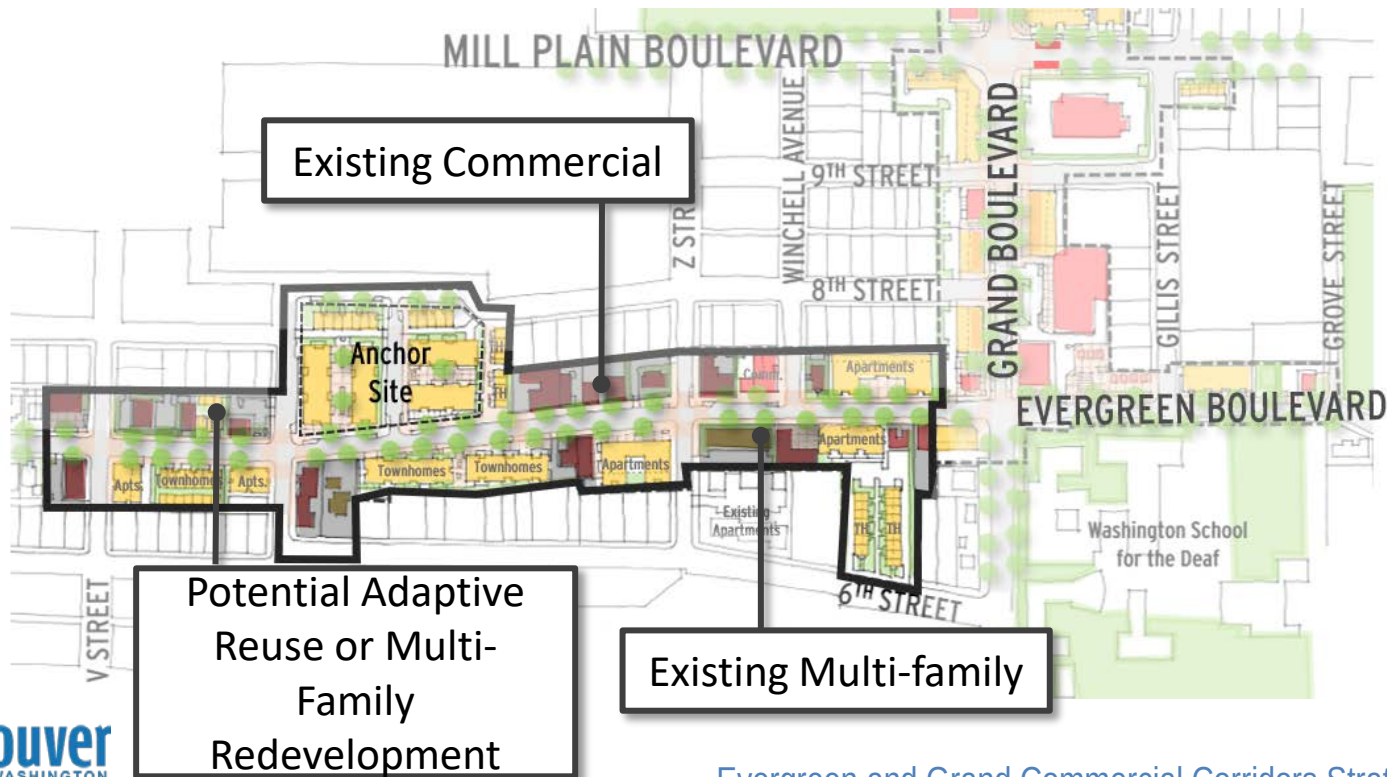
Residential Mixed-Use Corridor

VISION CONCEPT:

A residentially-focused mixed-use neighborhood boulevard that supports and strengthens existing commercial



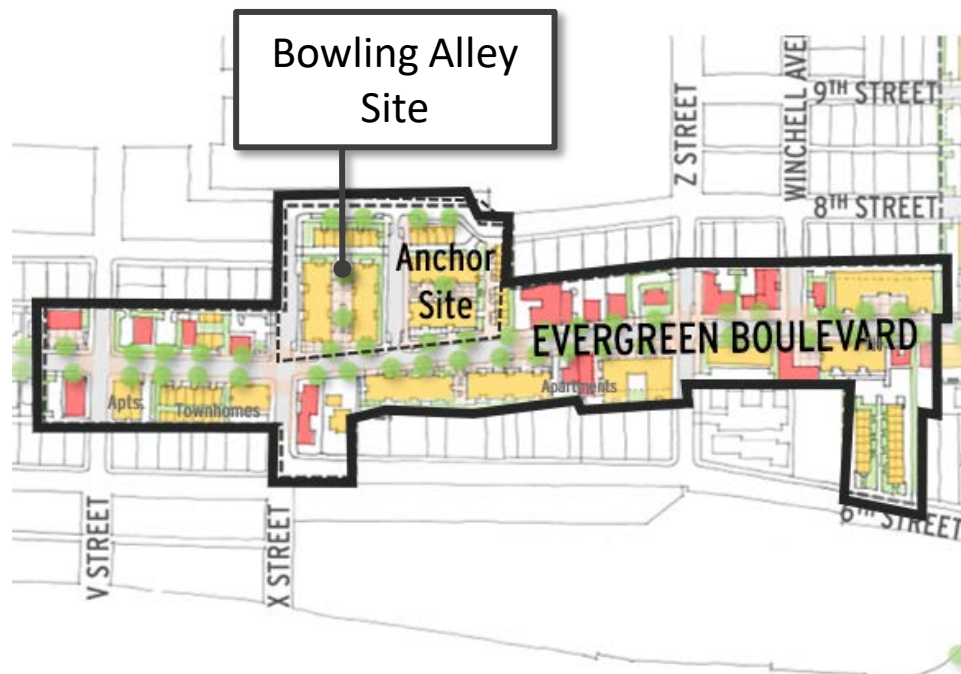
Residential Mixed-Use Corridor



Residential Mixed-Use Corridor



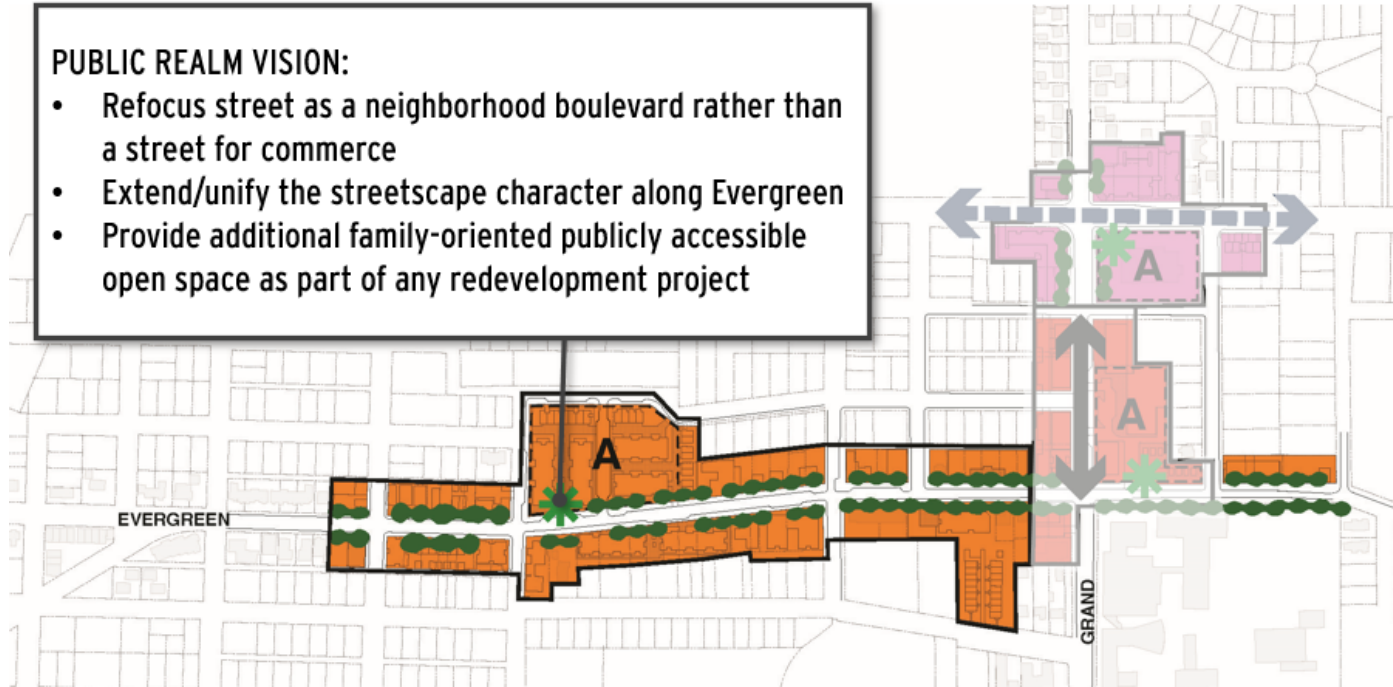
Residential Mixed-Use Corridor



Residential Mixed-Use Corridor

PUBLIC REALM VISION:

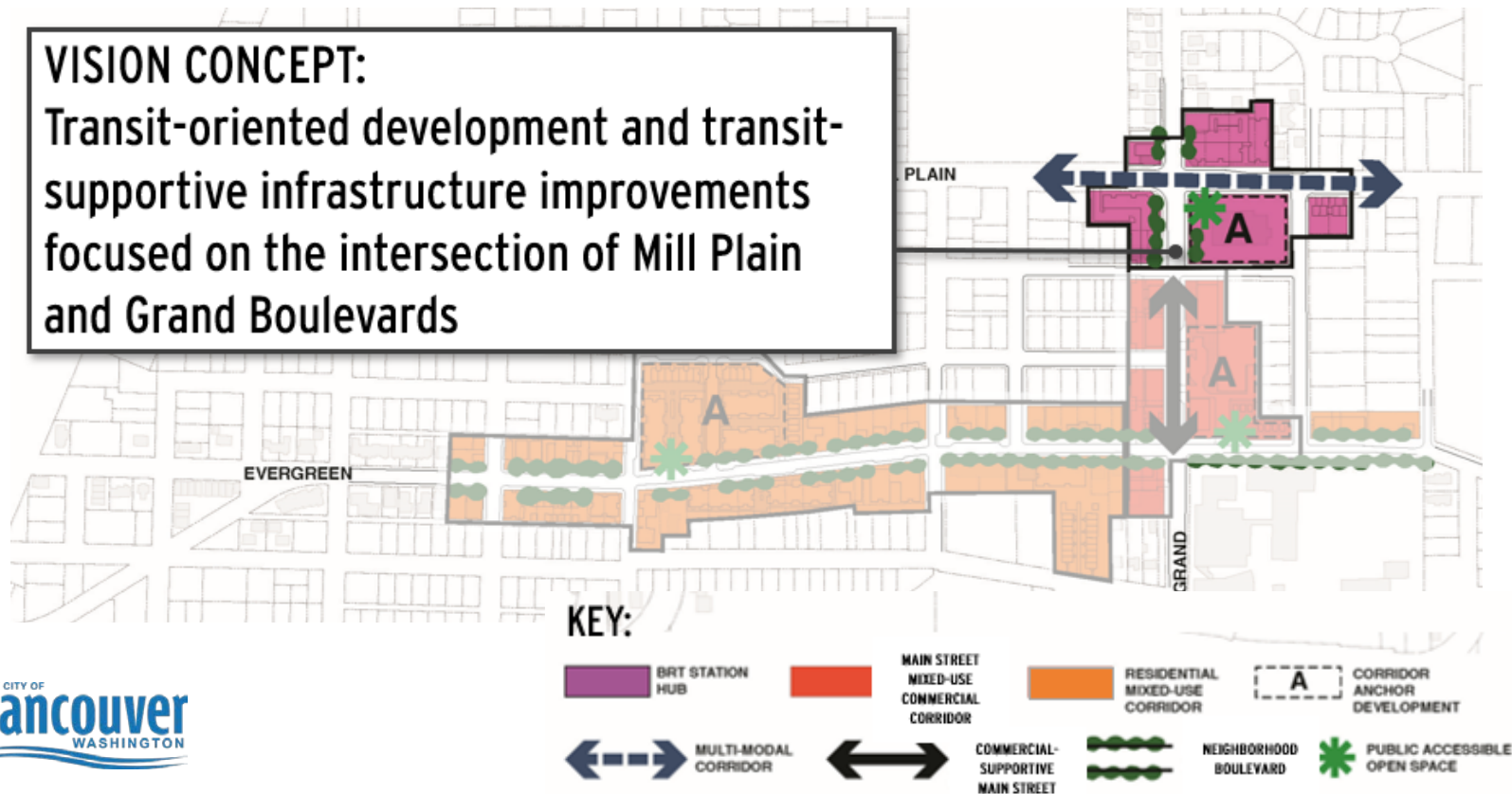
- Refocus street as a neighborhood boulevard rather than a street for commerce
- Extend/unify the streetscape character along Evergreen
- Provide additional family-oriented publicly accessible open space as part of any redevelopment project



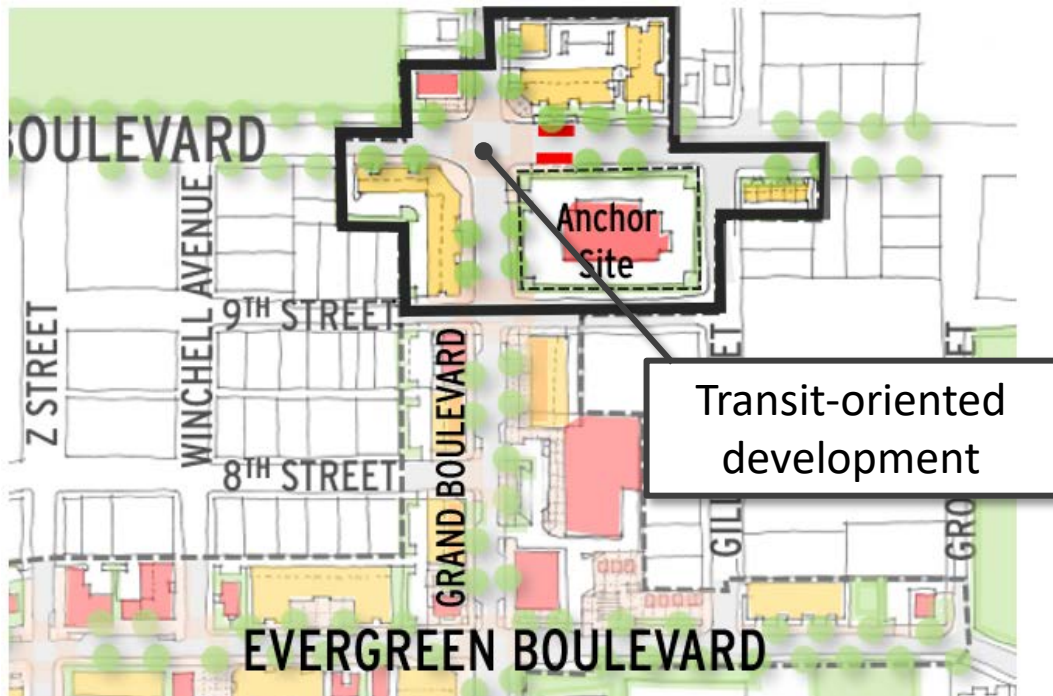
Bus Rapid Transit Hub

VISION CONCEPT:

Transit-oriented development and transit-supportive infrastructure improvements focused on the intersection of Mill Plain and Grand Boulevards



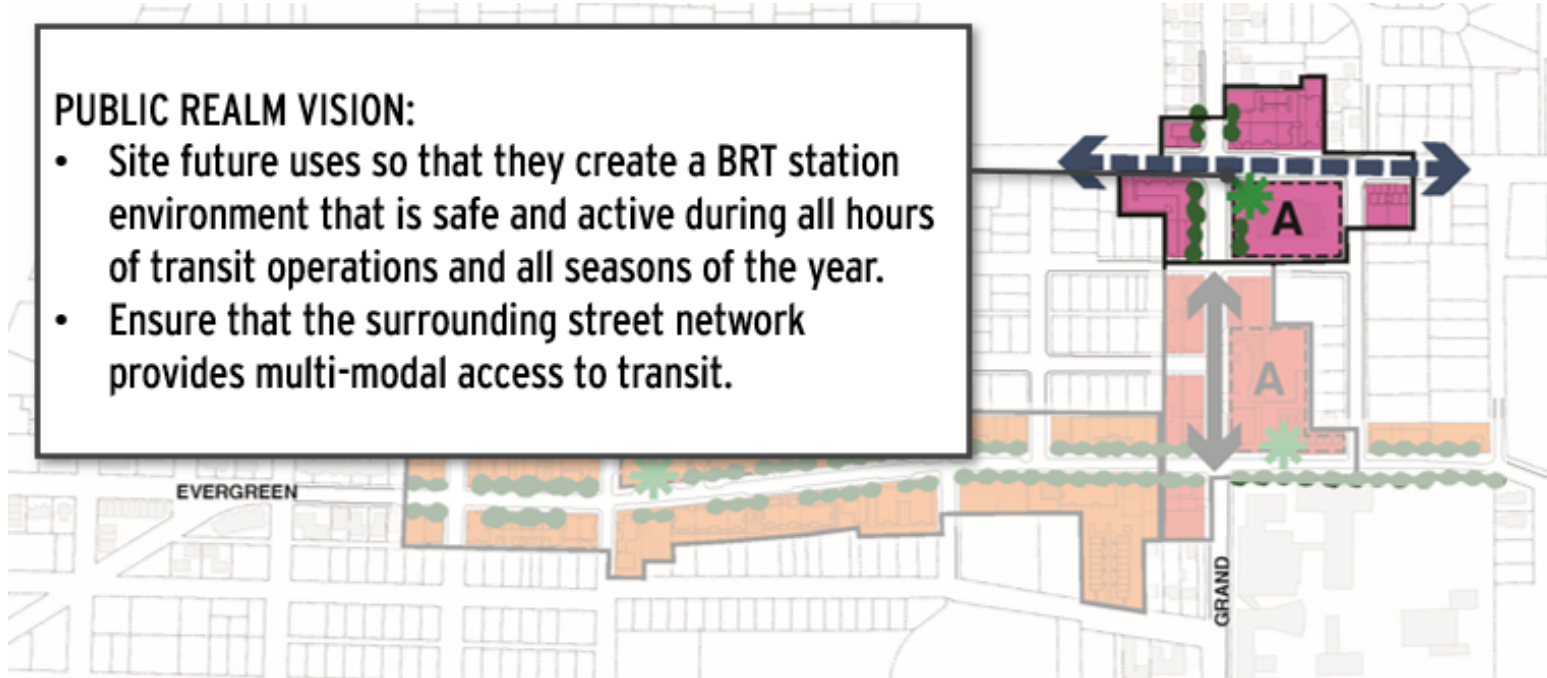
Bus Rapid Transit Hub



Bus Rapid Transit Hub

PUBLIC REALM VISION:

- Site future uses so that they create a BRT station environment that is safe and active during all hours of transit operations and all seasons of the year.
- Ensure that the surrounding street network provides multi-modal access to transit.



Recommendation – Ground Floor Commercial

Continue to require ground floor commercial in the Grand Boulevard Commercial Mixed-Use Corridor, and provide flexibility to allow some ground floor residential outside the commercial 'heart' of the study area.



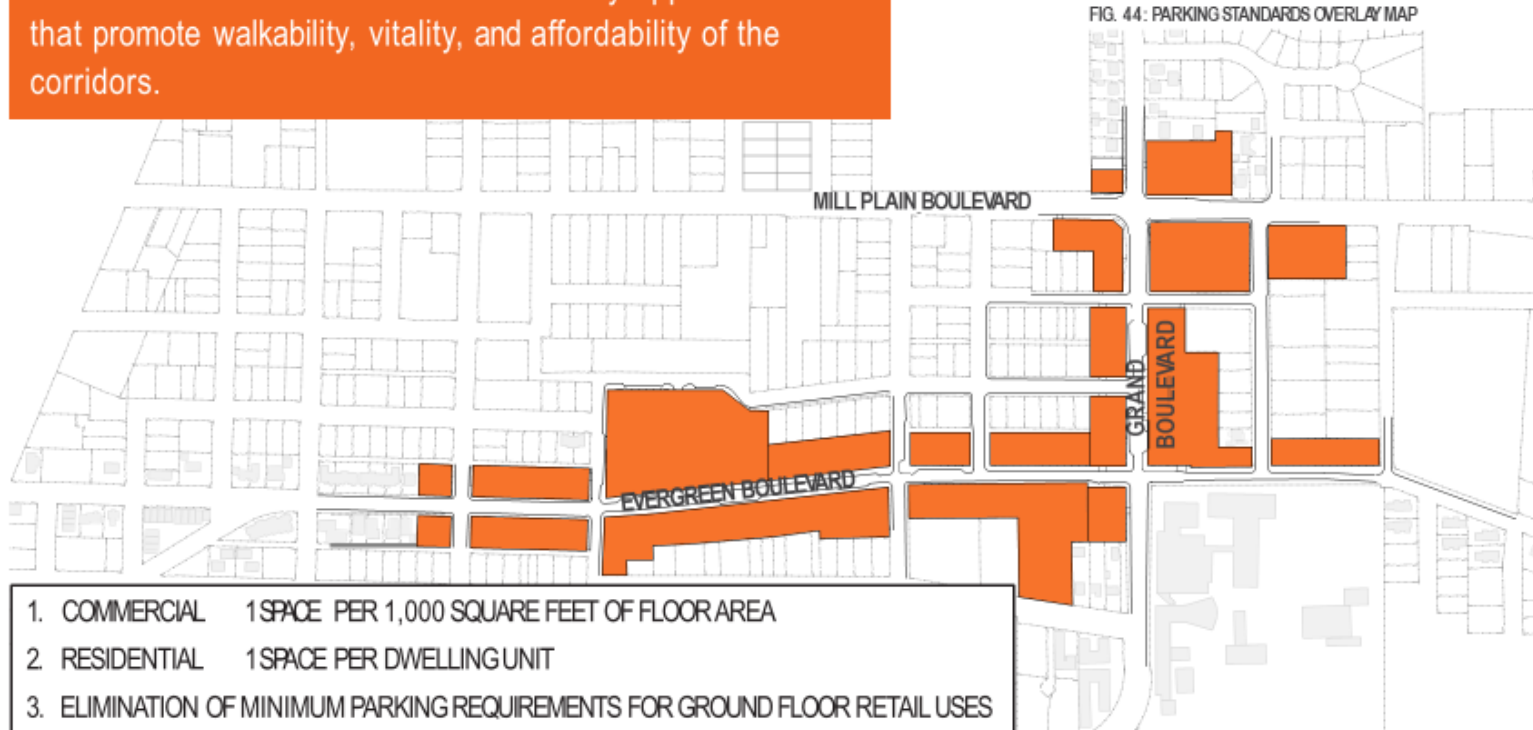
Recommendation – Building Heights

Tailor maximum building heights to align with the corridor vision concepts for the study area.



Recommendation – Parking

Adapt minimum off-street parking requirements that support commercial and residential uses and identify opportunities that promote walkability, vitality, and affordability of the corridors.



Recommendation – Active Edge

Require a maximum front setback of 0-5 feet at the ground floor only regardless of building height.

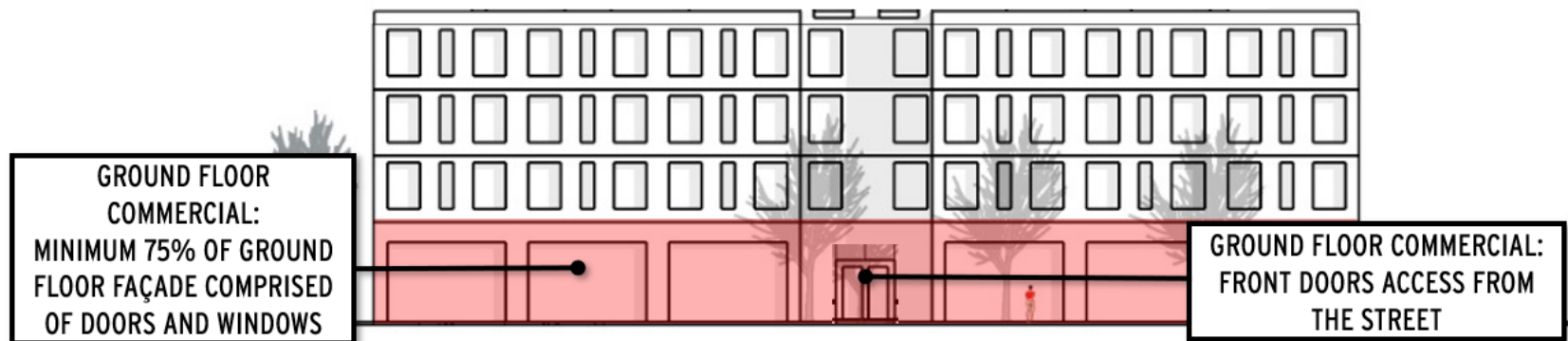
Establish front door access and minimum ground floor transparency requirements for both commercial and residential uses.

FIG. 45: 'ACTIVE EDGE' DEVELOPMENT STANDARDS OVERLAY MAP



Active Edge Development Standards

COMMERCIAL ACTIVE EDGE



Commercial Active Edge



Active Edge Development Standards

RESIDENTIAL ACTIVE EDGE



Residential Active Edge



Other Regulatory Recommendations

- Prohibit *new* uses potentially inconsistent with corridor visions, such as big-box retail; motor vehicle repair, sales and rental; gas stations; self-storage; and drive-thru establishments. Existing uses can be maintained.
- Adopt standards that support activating vacant and underutilized spaces.
- Develop regulations that provide additional access enhancements in the BRT Hub corridor area that take into consideration first/last mile solutions and universal design best practices.
- Allow for non-mixed-use housing types on smaller parcels, where appropriate.
- Explore providing flexibility for nonconforming uses, such as existing small businesses, adaptively reused single-family homes fronting the corridors, etc.

Other Regulatory Recommendations (cont.)

- Consider disincentivizing chains and capping commercial business sizes to accommodate small-scale retail and maintain the fine-grained development pattern of the corridors
- Explore allowances for interim/temporary uses such as food cart pods.
- Create standards for ground floor residential to ensure streetfront activation and interest.
- Develop design guidelines bolstering local identity and street activation that considers development affordability
- Encourage streetscape improvements in all redevelopment projects.

Other Implementation Recommendations

- Create a business district to support art, events, and other placemaking
- Extend the Multi-Family Tax Exemption (MFTE) program calibrated to implement the vision and goals for the corridors and add workforce housing
- Attract and retain neighborhood-serving businesses
- Establish a storefront improvement program to support existing businesses
- Establish a signage and placemaking program along Grand Boulevard and in the BRT Hub
- Identify opportunities to support houseless communities and promote community safety

Other Implementation Recommendations (cont.)

- Explore strategies to maintain economic diversity and housing affordability, especially for low- and moderate-income households
- Consider height bonuses in exchange for attainably priced workforce housing units
- Improve connectivity to nearby destinations such as downtown Vancouver, the Fort Vancouver National Historic Site, and the Pearson Field Airport as an economic development strategy.
- Leverage environmental remediation funding opportunities as an incentive to develop eligible sites

Transportation Recommendations

Through the Vancouver Moves project, inform the upcoming citywide Transportation System Plan (TSP) update as follows:

- **Overall:** Create a cohesive, safe, walkable, and multimodal environment. Increase signage, consider integrating stormwater and other sustainability best practices. Explore Demand Management strategies. Determine appropriate access management.
- **Grand Boulevard:** Reduce speed limits and implement traffic calming. Add on-street parking. Allow parking space alternatives such as outdoor seating, or bike parking and other placemaking, temporarily or permanently.

Transportation Recommendations (cont.)

- **Evergreen Boulevard:** Update street standards through TSP implementation; Widen sidewalks, increase street trees and other landscaping, add street furniture, lighting, and other features. Considering enhanced pedestrian crossing at V Street intersection.
- **Mill Plain/Grand Intersection BRT Hub:** Design transportation infrastructure and streetscape improvements to facilitate multi-modal access to transit for people of all abilities around the future BRT station platforms.

Next Steps

- September 2021: Circulate Evergreen and Grand Commercial Corridor Strategy Public Comment Draft, hold additional virtual public meeting
- Remainder 2021/early 2022: Hold public hearings before Planning Commission and City Council on Strategy Document
- 2022: Implement strategy through the development of updated zoning standards, design guidelines, and any other near-term implementing measures for public comment and Planning Commission and Council review

Questions and Discussion

VANCOUVER
CITY HALL

Bryan Snodgrass, Principal Planner,
bryan.snodgrass@cityofvancouver.us

Commercial Corridors Strategy | City of Vancouver
Washington





Memorandum

DATE: September 10, 2021

TO: Mayor and City Council

FROM: Bryan Snodgrass, Principal Planner, Community and Economic Development Department.

RE: September 20 workshop review of Housing Code Updates project

CC: Eric Holmes, City Manager

Executive Summary

The Housing Code Updates project proposes to amend City zoning standards to increase housing choices and the availability of different types of housing citywide. It is the next step in City efforts to implement the recommendations of the 2016 Affordable Housing Task Force, and to update local regulations to help address the ongoing regional affordable housing crisis. The project has several components and includes both regulatory updates and proposed incentives. Taken together, these components are intended to result in the following outcomes:

- Expand the range of housing densities permitted under the City's development code, in areas with existing services.
- Expand the type, size and diversity of housing choices available in the community, including incentivizing "visitable" design to support aging in place.
- Comply with recent state mandates related to local codes that regulate housing.

The below information summarizes the project components and provides information on project initiation, public outreach, and planned next steps, with the intent of getting additional Council feedback and confirmation on approach prior to bringing forward draft code language for Council and stakeholder review later this year.

Background

The Housing Code Updates project is an initiative to amend various City zoning standards to increase housing choices and supplies citywide. The amendments are intended to respond to various recommendations from the 2016 Vancouver Affordable Housing Task Force Report, recognize changing market and demographic trends, and facilitate efficient development in areas with services. The project was initiated in 2018 and first before the City Council in November 2019, before being largely suspended in 2020 with the onset of the pandemic. It was most recently discussed at the Council on June 7, 2021.

Most project components address in this memorandum and discussed at prior workshops were recommended specifically or generally by the Affordable Housing Task Force, and/or are required

by recent changes to the Growth Management Act. Most are already allowed in other jurisdictions statewide, and in some cases by local jurisdictions.

Not included are changes to allow duplexes or triplexes in single-family zoning under limited circumstances. Although recommended by the Affordable Housing Task Force and conceptually supported at the June 6, 2021 Council discussion, this would require much more extensive public outreach than envisioned for the code update items addressed in this memorandum. It will be considered in follow up work.

Staff is also monitoring ongoing housing efforts in other jurisdictions, particularly the Clark County [Housing Study and Action Plan](#) for the unincorporated Vancouver UGA. City staff are represented on the advisory committee for that process, which is in the process of identifying a wide range of potential policies but has not established priorities.

Outreach

As noted in more detail the June 2021 Council materials, as well as those from November 2019, City staff initially consulted with comparable jurisdictions and local residential developers, and conducted initial community outreach through notice in the neighborhood newsletter and [project website](#). Staff presented at an October 22, 2019 quarterly meeting of neighborhood leaders. Meeting feedback was primarily about the substance of the issues, with parking concerns for small lot single-family development specifically cited. Staff also presented at a March 5, 2020 joint meeting of the Hough and Carter Park Neighborhood Associations, where reaction was mixed. Primary concerns were that the future rezones to apply denser standards could undermine the historic character of those neighborhoods, and the requirement that any such rezone would need Council approval through a public hearing process is not sufficient.

With the onset of the pandemic in spring 2020, outreach became digital and the project team has been gathering community input through an online survey available on Be Heard Vancouver since April 2020. Approximately 35 community members have provided feedback on the general recommendations for to-date.

Project Components

1. **Standards for a new single-family zoning district category allowing smaller lots than current baseline standards.** A new R-17 zoning district is envisioned allowing lots 2,500 to 5,000 square feet in size. Vancouver's densest existing baseline single family district, R-9, only allows lots averaging as small as 5,000 square feet. Existing smaller lots have been created in Planned Developments, or through Infill Standards in the case of smaller remnant parent parcels, or through single family development in the multi-family zones.

A new R-17 zoning district would create more viable options for small lot development. To be established in a particular location, zone change approval including a site-specific analysis and review and approval by the Planning Commission and City Council at public hearings would be required. Once the R-17 zone is established, land division approval would be required to create the new lots. The R-17 concept was well received in development community discussions. Some attendees at a Carter Park and Hough joint neighborhood meeting in March 2020 expressed

concern that the R-17 zone would be widely applied through rezones even though public hearing review and Council approval is required.

The development standards of the R-17 district in terms of allowed uses, height limits and most other provisions would likely be similar to the other existing single family districts, with some differences because of the smaller lots involved. To ensure small lot developments are functional and walkable, additional standards are envisioned to facilitate locating garages on back alleys where feasible, and limiting the width of garages that face front streets in cases where alleys are not feasible. Standards preventing immediately adjacent homes from having identical front facades are also envisioned, similar to those proposed by the applicant of recently approved Vancouver Innovation Center for single family homes in that development. These additional standards may also be appropriate not just for a new R-17 zone, but also for proposals utilizing Vancouver's existing narrow lots standard options, or development in the existing R-9 zone. Staff is also exploring ways of maximizing on-street parking options within new small lot developments.

2. **Standards for a new multi-family zoning district category allowing denser apartments than current baseline standards.** A new R-50 zoning category is envisioned allowing apartments at densities of up to 50 units per acre. The densest current baseline zone in Vancouver is the R-35 zone, allowing 35 units per acre. Higher densities than that can only be achieved presently in mixed use developments or in downtown Vancouver. Clark County has an R-43 designation. Implementation of the R-50 zoning district would also require a rezone, which includes a site-specific analysis and public hearing review before the Planning Commission and City Council.

Establishing an R-50 zoning category was acknowledged as a step in the right direction by multi-family developers in discussions with staff, but viewed as potentially insufficient to generate development proposals, or less expensive multi-family housing, unless parking standards are made more flexible. There have been limited comments about R-50 zoning thus far from citizens.

Staff is considering recommending lowering the current parking standard of 1.5 spaces per multi-family unit to 1 space per unit, to be consistent with the current requirement for single family homes.

3. **New standards allowing Cottage Cluster developments in single family zones.** Many jurisdictions statewide, including Clark County and the Cities of Battle Ground and Ridgefield locally, allow developments of multiple cottages clustered near common open space in single family zones. The cottages are required to be smaller and shorter than typical single family homes, but can be built at greater densities. Staff envisions standards similar to best practices from nearby jurisdictions. Cottages would likely be limited to 25 feet in height, and 1600 feet in space, or 3000 feet for a duplex. Four to 12 cottages would be allowed per cluster, at densities no more than twice what is allowed for conventional single family homes by the underlying zoning district. Sloped roofs and porches would be required. One on-site parking per unit would be required.
4. **Standards allowing apartments in multi-family zones to have shared bathroom and kitchen facilities, often called cohousing.** This change would not increase allowed apartment densities or locations where they could be built, but would allow for a sharing of bathroom and kitchen facilities not currently allowed.

5. **Update to existing Accessory Dwelling Unit (ADU) standards allowing historic garages with non-conforming setbacks to be eligible to apply if ADU and building code standards are met.** Such garages exist in older westside neighborhoods. The level of demand to convert the garages to ADUs, and ability to meet building and ADU standards is not known.
6. **New building code fee incentives to encourage new single family homes to use “visitable” features to support aging-in place.** Such features include first floor bathrooms, wider doorways, and zero-step entries. The City of Ridgefield has offered a 10% fee rebate for similar features since 2019.
7. **Updates to setbacks for new apartments abutting single-family homes.** The Fircrest Neighborhood Association has made a request to the Vancouver Planning Commission to review and update current standards in this area. [VMC 20.925.030-1](#) only requires new development in high density residential zones directly abutting lower density residential zones to be setback 5 feet from the property line, and to apply an L3 buffer requiring a 6-foot high shrub screen or fence. A larger setback may be appropriate in such cases citywide.
8. **Limited density bonuses for residential proposals from faith institutions, per statutory changes.** [RCW 36.70.A.545](#) adopted in 2019 requires local governments to allow density bonuses for affordable housing developments on land owned or controlled by religious organizations. All single or multi-family units proposed must be affordable to households earning 80% or less of Area Median Income (AMI), and guaranteed through a lease or other binding obligation to remain so for a least 50 years. The statute has the unusual provision that local governments can develop policies to implement it if there is a request from a religious organization. No requests have been received, but following recent Council interest staff will explore developing standards to address the issue pro-actively.
9. **Minimum parking reductions for market rate, affordable, disabled and senior housing near transit, per statutory changes.** [RCW 36.70.A.620](#) adopted in 2019 and amended in 2020 requires reduced parking requirements for new housing developments near transit as follows:

Category	Maximum Parking Requirement Allowed	Where Requirement Applies
Market rate Multi-family housing	0.75 spaces per unit, or one space per bedroom.	Within ¼ mile of transit stops providing service every 15 minutes for half the day.
Affordable housing (50% AMI)	0.75 spaces per unit or one space per bedroom.	Within ¼ mile of transit stops providing service every 30 minutes for half the day.
Senior housing (undefined)	Zero spaces per resident unit. Parking for staff and visitors can be required	Within ¼ mile of transit stops providing service every 15 minutes for half the day.
Disabled housing (undefined)	Zero spaces per resident unit. Parking for staff and visitors can be required	Within ¼ mile of transit stops providing service every 15 minutes for half the day.

As of 2020 the C-Tran Transit Development Plan indicates that local Vancouver service every 15 minutes or less is provided on the Vine BRT and #37 Mill Plain/Fisher’s routes. Local Vancouver

service every 30 minutes or less is provided on the #6 Fruit Valley/Grand, #25 St. Johns, #30 Burton, #31 Hazel Dell, #32 Evergreen/Andresen, and #80 Van Mall/Fisher's Landing routes, as well as the BRT and #37.

Code changes to comply with the original version of the statutory changes that did not include the market-rate multi-family component were considered by the Council in late 2019 and remanded to the Planning Commission. In February 2020 the Commission recommended staff explore a more granular approach recognizing different types of senior housing which have differing parking needs. Staff work slowed in 2020 with the onset of the pandemic and subsequent changes to the statute to include market rate multi-family housing.

Next Steps

Staff anticipates developing draft code language for the above for purposes of public and stakeholder comment in fall 2021, and bring forward proposals for Planning Commission and Council workshops and hearings in winter 2021 and early 2022.

Staff Contact:

Bryan Snodgrass, Principal Planner, Community & Economic Development
Bryan.Snodgrass@ctiyofvancouver.us



MEMORANDUM

DATE: September 9, 2021

TO: Mayor and City Council

FROM: Bryan Snodgrass, Principal Planner, Community and Economic Development Department; Jason Nortz, Development Review Division Manager, Community and Economic Development

RE: September 20 workshop review of the Short-Term Rental Housing

In response to a recent citizen concern about the lack of regulatory enforcement of short-term rental (STR) housing activity, this issue will be discussed alongside the update of the Housing Code Updates project at the September 20 Council workshop. This memorandum is intended to summarize readily available information on the current short-term rental market in Vancouver, related experience elsewhere, and options and implications for exploring regulation and enforcement practices locally. This memorandum is provided separately in recognition of the different complexities and enforcement implications involved, which would likely require a separate process with longer timelines to address than the various components of the existing Housing Code Updates project.

Current Vancouver Market

The following local metrics were obtained from Host Compliance, a private monitoring company:

- There are approximately 270 existing STR units in the City of Vancouver.
- The number of Vancouver STR units has increased 165% from 2016, but there are almost 100 fewer STRs now than the start of the pandemic
- 80% of STRs are in single family homes, 18% in multi-family homes, with the remainder undetermined. Of all STRs 71% of all rentals are the entire home rather than a room or portion of an occupied home
- The median nightly rental rate is \$118
- Geographically, the STRs spread throughout the City with a modest concentration in downtown and west side neighborhoods.
- Approximately $\frac{3}{4}$ of advertised rentals are through Airbnb, almost $\frac{1}{4}$ through Expedia/VRBO, and others.

The national and regional STR market is most focused on large cities and vacation destinations. Seattle has over 4000 Airbnb units and Portland over 3000 according to AIRDNA. The busiest northwest locality appears to be Bend, OR, with approximately one STR unit per three residents (per

IPX1031). Vancouver has approximately one STR per 700 residents according to the above data, and approximately 270 short term rental units, out of approximately 72,500 households in the City overall.

Regulatory Environment

Statutory changes in 2019 under RCW 64.37 require short term rentals to register with the state and maintain liability insurance. STRs or their platforms must also remit applicable local, state, and federal taxes. These include occupancy, sales, lodging or other taxes which other forms of lodging are subject to.

Local government regulations overall are still evolving and detailed summaries were not available at report time. The Washington Municipal Research Service Center lists the Cities of Seattle, Tacoma, Kirkland, Spokane, Bellingham Leavenworth, Ilwaco, Poulsbo, Clyde Hill, Walla Walla and Westport as having or developing STR regulations as of 2017. Collection of taxes, mitigation of traffic and parking and noise, and compliance with safety standards faced by other lodging were cited as reasons for the regulations. Larger cities have also cited the need to retain more housing stock for long term rental opportunities to address affordability concerns and ensure residents have access to rental housing options.

A table highlighting the major regulatory provisions of other large and mid-size cities statewide is attached herein. It is based on readily available listings on-line and accordingly labelled draft.

Locally, Vancouver staff believes that most existing STR's do not meet Vancouver Municipal Code definitions of residential uses, and as such are not allowed in residential zones. Some STRs could meet Vancouver's definition a Bed and Breakfast, but in single family zones these would need to be limited to 1-2 bedrooms, be owner-occupied, and provide two off-street parking spaces. Three-to-six-bedroom B&Bs require submittal for conditional use permit review.

As with other activities, enforcement of existing STR's in Vancouver has been complaint-driven. Staff estimates less than a half-dozen inquiries have been received and no enforcement actions have resulted. Past comments, like the most recent citizen concerns, have focused less on current impacts than on the potential for future problems in the face of continued growth and investment.

Options

The emerging STR market has been acknowledged previously, including during the recent changes to Vancouver ADU standards introducing added flexibility in 2017. While the number of STRs in Vancouver remains low and is not being driven by ADUs, the overall trends of increasing popularity of renting full single and multi-family units is clear. Going forward, options to consider fall into the following general range:

- **Maintain the status quo.** STRs would continue to be considered commercial uses, but enforced only on a complaint-driven basis.
- **Increase enforcement.** All existing full unit listings would be contacted and advised that they are not in compliance with current standards unless they are located in a commercial zone or

compliant with Bed and Breakfast standards. Given the growing number of STRs, follow-up enforcement would likely require additional resources.

- **Monitor and report back.** Staff would more closely track local STRs and any related complaints and report back in six months to a year. If needed regulatory options consistent with the scale of local activities could also be provided.
- **Update code language to create a STR-specific regulatory framework.** Based on the experiences of other jurisdictions, it is clear that an updated regulatory framework for STRs would require a public process and significant investment of staff and other resources, and necessitate adjustments in current workplan priorities. Depending on the result of this process, there would also likely be long-term resource and budget implications associated with monitoring and enforcement of new regulations.

Staff recommends pursuing the third option, monitoring and reporting back. Although clearly increasing, the number of local STRs is still modest and problems appear to be very limited.

Draft summary of large/mid-size Washington cities' major STR provisions listed

Where allowed	Fees if applicable	Frequency of use	Parking or noise provisions	Other requirements
Seattle				
Allowed in structures established as dwelling units, but NOT RVs, tents, garages, boats, floating residences, live-work unites, and caretaker's quarters. Allow "legacy units"- those that were rented prior to Sept 30 2017 to operate in Downtown Urban Core, First Hill/Capitol Hill Urban Center	Seattle business license tax certificate and a Short-term rental operator's license (\$75 per unit)	Not mentioned	Not mentioned	As a general rule, Short term operators can only operate two units- one being the primary residence and the other can be in any dwelling unit owned by operator.
Spokane				
Permitted in all residential zones	Application fee \$150 and Renewal fee of \$100 every year; Liability insurance; Spokane Business License	May only be rented up to 30 days	Follows Spokane municipal code 17c.230- Minimum ratio is 1 stall per 1,000 gross square feet of floor area	Total number of guests per bedroom is 2; Must maintain a guest log
Tacoma				
Renting 1-2 rooms allowed within all single family districts; Renting 3-9 rooms requires CUP in R-3, R-4L, R-4, R-5, RCX, and NRX Districts (these are generally residential districts that allow duplex, triplex, and multifamily dwellings).	Business license	Guests may only stay up to 30 days	Not mentioned	Must live in home if renting rooms or separate unit such as ADU. If renting the entire home, operator not required to live on site.
Bellevue				
Single family districts allowed but MUST be owner-occupied- this is considered a boarding housing. Non owner occupied is considered a rooming house which is not allowed in single family zones.	Business license; Home occupation permit	Not mentioned	Not mentioned	Term used is "transient lodging or room rental". Max of two rooms for rental and maximum of two lodgers/renters.

Kent				
Permitted in all residential zones	Business license, \$51; state lodging tax, 1% on overnight stay	Stay is limited to 30 consecutive nights	Not mentioned.	Owner must live at the home being rented at least six months per year.
Renton				
Doesn't specify	Business license \$125	Stay must be less than 30 continuous days.	Additional parking for guests, pursuant to Title IV RMC, one additional space is required if unit is owner-occupied.	Applies only to those who advertise through an online market place, uses a property manager, engages in renting unit more than three times a year. Must be owner occupied.

Housing Code Updates



September 20, 2021

Vancouver City Council Workshop
Bryan Snodgrass, Community and Economic
Development Principal Planner

Presentation Overview

- Housing Code Updates project background
- Project components and work to date
- Next steps, including short term rental issues to be addressed separately



Presentation Purpose

- Update Council on status and progress of Housing Code Updates project and its components
- Council feedback and confirmation of direction in advance of bringing forward new code language for Council review and public and stakeholder comment
- Update on recent raised issues related to short-term rentals, and Council direction on how to proceed. Note that this is a separate project from housing code updates.

Project Goals

- Expand housing choices and address changing demographic needs and consumer preferences
- Implement recommendations of the 2016 Affordable Housing Task Force
- Facilitate efficient development near existing services
- Maintain neighborhood livability, with gradual rather than rapid change
- Plan for the long-term



Housing Code Updates- 4

Project Background – Recent Related Initiatives

Other Affordable Housing Task Force recommendations adopted by Council:

- Created Affordable Housing Fund
- Strengthened Multi-family Tax Exemption program
- Strengthened Impact Fee Waiver program
- Increased flexibility for ADUs
- Allowed affordable housing on ground floor in commercial zones



Housing Code Updates- 5

Process to-date

- Initial City Council and Planning Commission workshops
- Research on best practices in other jurisdictions in Clark County and statewide
- Technical feedback from developers
- Be Heard Vancouver, project website and neighborhood newsletter notice
- Neighborhood leaders meeting, Hough/Carter Park N.A. meeting before pandemic.



New Single Family R-17 Zoning District

- Require zone change and public hearing to implement
- Allow detached and attached single-family homes on lots between 2500 and 5000 s.f.
- Increase flexibility for lot coverage and width, and street side setbacks.
- Use parking strategies such as alley-loading and shared driveways, where possible
- Include streetfront function requirements limiting garage door widths, requiring a visible front door, and limiting multiple repetition of housing form



Housing Code Updates- 7

New R-17 – Garage Width Limits

Would limit garages to 50% of front façade width in order to:

- Facilitate space for on-street parking
- Provide space for on-site utilities
- Avoid discouraging neighborhood pedestrian, front yard and porch usage



New R-17 – Visible Main Entry

Would require visible front door with awning or other feature in order to:

- Create street interest
- Facilitate security through eyes on street



New R-17 – Limit Repetition

Would limit repetitious front facades on homes in order to create street interest and variety



New R-17 – Rear Alley

Would require rear alley use
where feasible in order to
support on-street parking



Follow On Recommendations for Existing Zones

- Existing Vancouver MFR zones allow SFR housing provided density requirements are met, sometimes resulting in SFR lots similar or smaller to proposed R-17. SFR development in these zones recommended to be subject to requirements of R-17. Allowance for 50' high SFR homes in MFR zones also recommended to be eliminated.
- Denser existing SFR zones (R-9 and R-6 allowing lots of 5,000 and 7,500 sf) and narrow lots less than 40' wide in any SFR zone have some similarities with proposed R-17, and should be subject to more flexible side yard setbacks and streetfront function requirements

Proposed New Multi-Family R-50 Zoning District

- Require rezone and public hearing to implement
- Allow apartments of densities up to 50 units per net acre maximum
- Increase maximum lot coverage and building height to provide more flexibility
- Decrease parking requirement from 1.5 to 1 space per unit to be consistent with City SFR requirement. Also apply to other MFR zones.



Potential New R-50 MFR Zone – Other Jurisdictions

Maximum units/acre in jurisdiction's densest baseline multi-family zone

Jurisdiction	Max. Density (units/acre)
Portland	100
Everett	58
Tacoma	58
Clark County	43
Kent	40
Vancouver	35
Bellevue	30
Olympia	30
Spokane	30



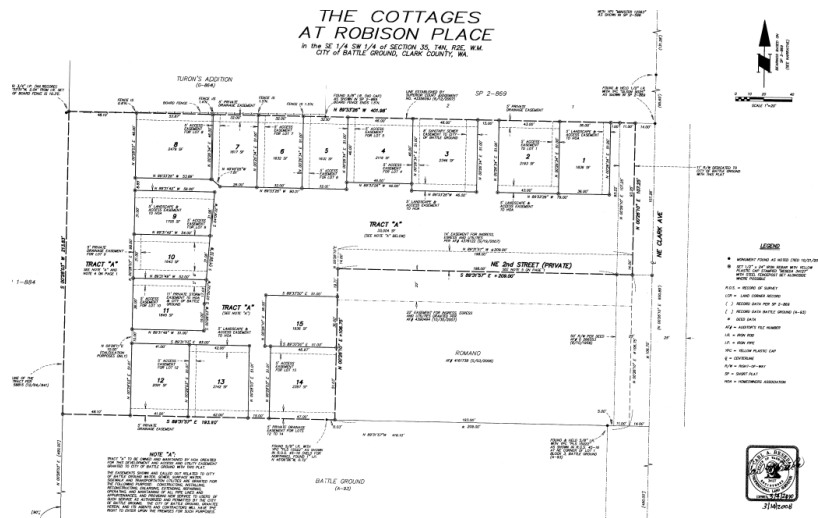
Cottage Cluster Housing

- Allow clusters of small cottages around common spaces in single-family zones
- Use best practices statewide, particularly locally
- Allow 4-12 cottages with sloped roofs and porches. Limit units to 1,600 sf and 25' height. Limit density to twice underlying zoning.
- Require subdivision or site plan review with enhanced public notice.



Cottage Cluster Housing

- One built example in Battle Ground, approvals in Ridgefield and Clark County



Apartments with shared kitchen and bathroom

- Allow apartments with shared kitchen or bathroom facilities in multi-family zones
- Often called “cohousing”
- Currently allowed in Vancouver if there is on-site staff to provide care or treatment
- Propose to allow without on-site staff



ADUs in historic garages with non-conforming setbacks

- Adjust ADU standards to allow conversions of historic garages with non-conforming setbacks to be eligible if they meet building and ADU codes



New home construction to allow aging in place

- Incentivize new home construction that supports aging in place through wide doorways, first floor bathrooms, and zero-step entries
- Ridgefield offers 10% building permit reduction



Setbacks for new apartments next to homes

Current code requires new development in high density residential zones abutting lower density zones to be setback 5 feet from the property line, with 6-foot high shrub screen or fence



Density bonus for faith-based residential

- GMA requires allowing density bonus for affordable housing owned or controlled by faith-based organizations
- Local governments can develop policies following requests from applicants



Parking reductions near transit

GMA requires reduced parking requirements for following housing types near frequent transit:

- Market rate MFR – No more than 0.75 spaces per unit or one per bedroom within ¼ mile of transit stops with 15-minute intervals
- Affordable housing – Same, but within ¼ mile of transit stops with 30-minute intervals
- Senior or disabled housing – No resident parking requirements within ¼ mile of transit stops with 15-minute intervals



Next Steps – Housing Code Updates

- Develop draft code language for public and stakeholder comment in fall 2021
- Bring forward proposals for Planning Commission and Council workshops and hearings in winter 2021 and early 2022
- Continue to monitor housing changes in other jurisdictions, and continue participation in Clark County process for unincorporated Vancouver UGA
- Explore options for low-density MFR in SFR zones in 2022.



Short-term housing rentals

- Vancouver numbers increasing steadily but still low relative to larger cities and vacation destinations. Complaints remain low.
- 80% of local listings are for full single family homes, spread throughout City.
- Inconsistent with Vancouver residential use definitions unless approved as a Bed and Breakfast. Not allowed in residential zones, although enforcement complaint driven.
- Allowed with limits in most comparable jurisdictions statewide

Short-term rentals – Regulatory options

- Maintain status quo, enforce on complaint-driven basis. Probably not tenable over long term given increasing numbers.
- Enforce existing standards more aggressively. Likely to be resource intensive, and potentially contentious.
- Begin developing new regulations now. Will require additional resources to develop new standards, conduct public outreach, and potentially in administration and enforcement. Likely to require shifting of work priorities.
- Monitor and report back next year. Recommended option.

Questions and Discussion

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





Staff Report 134-21

TO: Mayor and City Council

FROM: Eric Holmes, City Manager

DATE: 9/20/2021

SUBJECT Interlocal Agreement with Clark Public Utilities (CPU) for Overhead Electric Line Relocation associated with the Northwest Neighborhood Connectivity Improvements transportation project (on NW Lincoln Avenue – NW 43rd Street to NW 53rd Street. (Project #PRJ072461)

Key Points

- The project will upgrade and provide urban standards for NW Lincoln Avenue, originally constructed as a two-lane roadway without curbs or sidewalks.
- The project will provide safe pedestrian access to Franklin Elementary School.
- CPU owns certain facilities adjacent to the project area, located in easements, that must be relocated in order to complete the road improvement project.
- The City desires these facilities to be relocated elsewhere in order to allow the road improvement project to proceed. Consistent with past practice, because the facilities are located in private easements, the City is responsible to compensate CPU for the performance of the relocation work.

Strategic Plan Alignment

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

Objective 1.1: Develop and maintain a safe, balanced, and innovative transportation system that will meet the needs of future generations.

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

Goal 9: Build the strongest, most resilient economy in the region.

Objective 9.1: Create infrastructure and policies that support job creation.

Present Situation

The City and CPU have been working cooperatively to complete the Northwest Neighborhood Connectivity Improvements transportation project. Relocation is required for CPU facilities. When CPU has facilities located within the right-of-way, CPU is responsible for the cost of relocation to accommodate roadway reconstruction. When the facilities are located in CPU easements, CPU can require reimbursement for the relocation of the facilities. An Interlocal Agreement must be executed to enable the City to reimburse CPU for these costs.

Advantage(s)

This Interlocal Agreement will provide staff authority to reimburse CPU for the relocation of their facilities needed for the City's project to be completed.

Disadvantage(s)

The City will need to reimburse for the costs but these costs have been planned and budgeted.

Budget Impact

The project is currently funded through federal grants, state Safe Routes to School grant, and local matching dollars. The project is included in the 2021-2022 Transportation Capital Fund Budget.

Prior Council Review

1. Approval of the 2021-2022 budget which included the referenced project, Ordinance M-4321. (November 16, 2020)
2. Approval of the 2021-2026 Transportation Improvement Program (TIP), Resolution No. M-4078. (June 15, 2020)

Action Requested

Authorize the City Manager or designee to sign an Interlocal Agreement with Clark Public Utilities for reimbursement of expenses for Overhead Electric Line Relocation – Northwest Neighborhood Connectivity Improvements project, currently estimated to be \$39,683.66, which includes sales tax.

Ivar Christensen, PE, Senior Civil Engineer, 360-487-7765; Hassan Abdalla, PE, Engineering Manager, 360-487-7704

ATTACHMENTS:

- ▢ Interlocal Agreement

**INTERLOCAL AGREEMENT BY AND BETWEEN
THE CITY OF VANCOUVER AND
CLARK PUBLIC UTILITIES**

Overhead Electric Line Relocation – NW Lincoln Avenue Road Project

This Interlocal Agreement (the “Agreement”) is made and entered into pursuant to Chapter 39.34 of the Revised Code of Washington, by and between the City of Vancouver (the “City”), a municipal corporation with an address of P.O. Box 1995, Vancouver, WA 98668, and Clark Public Utilities (“CPU”), a municipal corporation with an address of P.O. Box 8900, Vancouver, WA 98668 on the dates indicated below. The City and CPU are sometimes collectively referred to as the “Parties” or to either one individually as a “Party.”

RECITALS

WHEREAS, the Interlocal Cooperation Act, as amended, and codified in Chapter 39.34 of the Revised Code of Washington provides for cooperative efforts between governmental entities; and

WHEREAS, the City has concluded that construction of road improvements to widen NW Lincoln Avenue between NW 49th Street and NW 53rd Street (the “Project Area”) is necessary in order to provide an acceptable level of road and pedestrian safety; and

WHEREAS, CPU owns certain facilities adjacent to the Project Area roadway, some of which are located on easements, which must be relocated in order to complete the road improvements to widen NW Lincoln Avenue; and

WHEREAS, the City desires these facilities be relocated elsewhere in order to allow the road improvements to widen NW Lincoln Ave to proceed; and

WHEREAS, CPU has requested compensation from the City for the performance of the relocation work and the City has agreed; and

WHEREAS, both the City and CPU agree that it is in the best interests of the Parties to collaborate on the relocation work in a timely and cost-effective manner.

NOW, THEREFORE, in consideration of the terms and conditions contained herein, the Parties hereby mutually agree as follows.

AGREEMENT

1. PURPOSE. This Agreement is entered into pursuant to the authority of RCW 39.34.080. The purpose of this Agreement is to set forth the mutual obligations, responsibilities and rights of the City and CPU relating to the relocation of CPU facilities as described herein.
2. TERM. This Agreement shall become effective upon the date of last signature of the Parties below, and shall continue until March 31, 2022, or until the relocation work has been completed

by CPU, and accepted by the City (in a timely manner) and the City has paid CPU in full, whichever comes first, unless terminated sooner pursuant to Section 4, below.

3. ADMINISTRATION. No new or separate legal or administrative entity is created to administer the provisions of this Agreement. The Parties hereto shall be jointly responsible for administering the performance herein. The Parties will not acquire any jointly-owned real or personal property in connection with performance of this Agreement. The Parties shall each be responsible for their own individual financial costs of performance of this Agreement, except as otherwise described herein. No joint budget will be prepared to carry out the performance of this Agreement.
4. TERMINATION. Either Party may choose to terminate this Agreement by notifying the other Party upon thirty (30) days written notice. Should this Agreement be terminated prior to completion of the relocation work by CPU, the City agrees to compensate CPU for the relocation costs incurred up to that date.
5. SCOPE OF WORK.
 - a. CPU agrees to relocate existing electrical facilities on behalf of the City to accommodate construction of road improvements to widen NW Lincoln Avenue between NW 49th Street and NW 53rd Street, as described on the project map attached as Exhibit 'A' (the "City Relocation Work"), which is incorporated herein by this reference.
 - b. As part of this work, CPU agrees to relocate overhead distribution lines including all poles, framing, conductors, guying, anchors, risers, upright pedestals, transformers, equipment, cable in conduit, etc. as necessary to complete the relocation of a portion of the existing north/south line alignment further to the west, and the relocation of a portion of the east/west line alignment further to the south to accommodate construction of road improvements to widen NW Lincoln Ave between NW 49th Street and NW 53rd Street.
 - c. All materials provided by CPU subject to reimbursement by the City are to be Buy America compliant, except those materials CPU is unable to procure as such and for which CPU will provide to the City the necessary information in order for the City to document for governing authorities.
 - d. The City, as the recipient of Federal Highway Administration (FHWA) grant funding, will be responsible for documenting all non-compliant materials to be installed by CPU in performing the reimbursable relocation work. The City acknowledges that it may be necessary to use some non-compliant material during construction and directs CPU to proceed with construction using non-compliant materials where no alternative is available. The City agrees to reimburse to CPU any additional material and labor costs necessary in order to bring those materials into compliance as may be required at a future date, if directed to do so by the FHWA or any other governing authority. CPU shall invoice the City for such costs following any mandated reconstruction.
 - e. CPU currently has agreements with communications companies and allows joint use contacts along the existing pole alignment. The City agrees to work with these companies to ensure

their facilities are relocated in a timely manner. CPU shall not be responsible for the relocation of joint use facilities or the cost thereof.

6. PAYMENT.

- a. CPU agrees that it shall initially pay for the actual direct and related indirect costs of the relocation, including but not limited to, permitting, property rights (including acquiring replacement easements), materials, construction, construction engineering, contract administration and overhead costs, associated with the City Relocation Work.
- b. City agrees to provide reimbursement to CPU for the actual direct and related indirect costs of the City Relocation Work, as identified in Exhibit 'A', currently estimated to be Thirty Nine Thousand, Six Hundred and Eighty Three Dollars and Sixty Six Cents (\$39,683.66 USD).
- c. CPU shall invoice the City and provide supporting documentation therefor, and the City agrees to pay CPU within thirty (30) calendar days of receipt of an invoice.

7. DISPUTE RESOLUTION. In the event of a dispute between the City and CPU regarding performance of this Agreement, the Parties shall proceed as follows:

- a. The City Manager of the City and the General Manager of CPU, or their designated representatives, shall first review such dispute and provide the Parties options for mutual resolution of the dispute.
- b. Any controversy or claim arising out of or relating to this Agreement or the alleged breach of such Agreement that cannot be resolved by the City Manager of the City and the General Manager of CPU, or their designated representatives, may be submitted to mediation and if still not resolved, shall be submitted to binding arbitration in accordance with the rules and procedures set forth in Chapter 7.04A RCW, and the judgment or award rendered by the arbitrator may be entered in any court having jurisdiction thereof.

8. INDEPENDENT CONTRACTOR. Both Parties shall be deemed independent contractors for all purposes, and the employees of each Party and any of its contractors, subcontractors, consultants, and the employees thereof, shall not in any manner be deemed to be the employees of the other Party. CPU shall retain all authority for provision of services, standards of performance, discipline and control of personnel, and other matters incident to its performance of services pursuant to this Agreement. Nothing in this Agreement shall make any employee of a Party an employee of the other Party for any purpose, including but not limited to, for withholding of taxes, payment of benefits, workers' compensation pursuant to Title 51 RCW, or any other rights or privileges accorded their respective employees by virtue of their employment.

9. INDEMNIFICATION. To the extent authorized by law, the City and CPU shall indemnify and hold harmless one another and their employees and/or officers from and shall process and defend at its own expense any and all claims, demands, suits at law or equity, actions, penalties, losses, damages (both to persons and/or property), or cost, of whatsoever kind of nature, brought against one Party arising out of, in connection with, or incident to the other Party's performance or

failure to perform any aspect of this Agreement, provided, however, that if such claims are caused by or result from the concurrent negligence of (a) the City and (b) CPU, their respective employees and/or officers, this indemnity provision shall be valid and enforceable only to the extent of the negligence of the City or CPU, and provided further, that nothing herein shall require the City or CPU to hold harmless or defend the other or its employees and/or officers from any claims arising from that Party's sole negligence or that of its employees and/or officers. Notwithstanding the foregoing, since the City is directing CPU to install materials that may not be compliant with the Buy America requirement, CPU shall not be responsible to the City for any loss, claim, penalty, or expense attributed to a violation of the Buy America requirements and the City shall indemnify and defend CPU from any such claim, loss, penalty, or expense. The terms of this section shall survive the termination of this Agreement.

10. AMENDMENTS. This Agreement shall not be modified or amended in any manner except by an instrument in writing executed by the Parties hereto.
11. ASSIGNMENT. No Party hereto shall assign its rights or obligations under this Agreement without the prior written consent of the other Party hereto.
12. NOTICES. All communications, notices and demands of any kind which are required by this Agreement shall be in writing and shall be deemed given when deposited in the U.S. mail, first class postage prepaid, to the following addresses or to such other addresses as the Parties shall from time to time give notice to the other Parties:

If to the City:
City of Vancouver
Attn: Ivar Christensen
P.O. Box 1995
Vancouver, WA 98668

If to CPU:
Clark Public Utilities
Attn: Jonathan Pilling
P.O. Box 8900
Vancouver, WA 98668

13. COUNTERPARTS. This Agreement may be executed simultaneously in several counterparts, each of which shall be deemed an original, and all of which together shall constitute one and the same instrument.
14. ENTIRE AGREEMENT. This Agreement contains all of the agreements of the Parties with respect to the subject matter covered or mentioned therein, and no prior Agreements shall be effective to the contrary.
15. FILING. Executed copies of this Agreement shall be filed as required by RCW 39.34.040 or alternatively listed on the Parties' respective web sites or other electronically retrievable public source.
16. SEVERABILITY. Any provision of this Agreement, which is prohibited or unenforceable, shall be ineffective to the extent of such prohibition or unenforceability, without invalidating the remaining provisions or affecting the validity or enforcement of such provisions.
17. RATIFICATION. Acts taken pursuant to this Agreement but prior to its effective date are hereby ratified and confirmed.

18. GOVERNING LAW. This Agreement shall be deemed to have been executed and delivered within the State of Washington, and the rights and obligations of the Parties hereunder shall be construed and enforced in accordance with, and governed by, the laws of the State of Washington without regard to the principles of conflict of laws. Each Party shall have legal authority to enter into this agreement. Any action or suit brought in connection with this Agreement shall be brought in the Superior Court of Clark County, Washington.

IN WITNESS WHEREOF, the authorized representatives of the Parties have executed this Agreement on the dates indicated below.

For the **CITY**:

CITY OF VANCOUVER, WA
A municipal corporation

Eric Holmes, City Manager

DATED: _____

Attest:

Natasha Ramras, City Clerk

Approved as to Form:

Jonathan Young, City Attorney

For **CPU**:

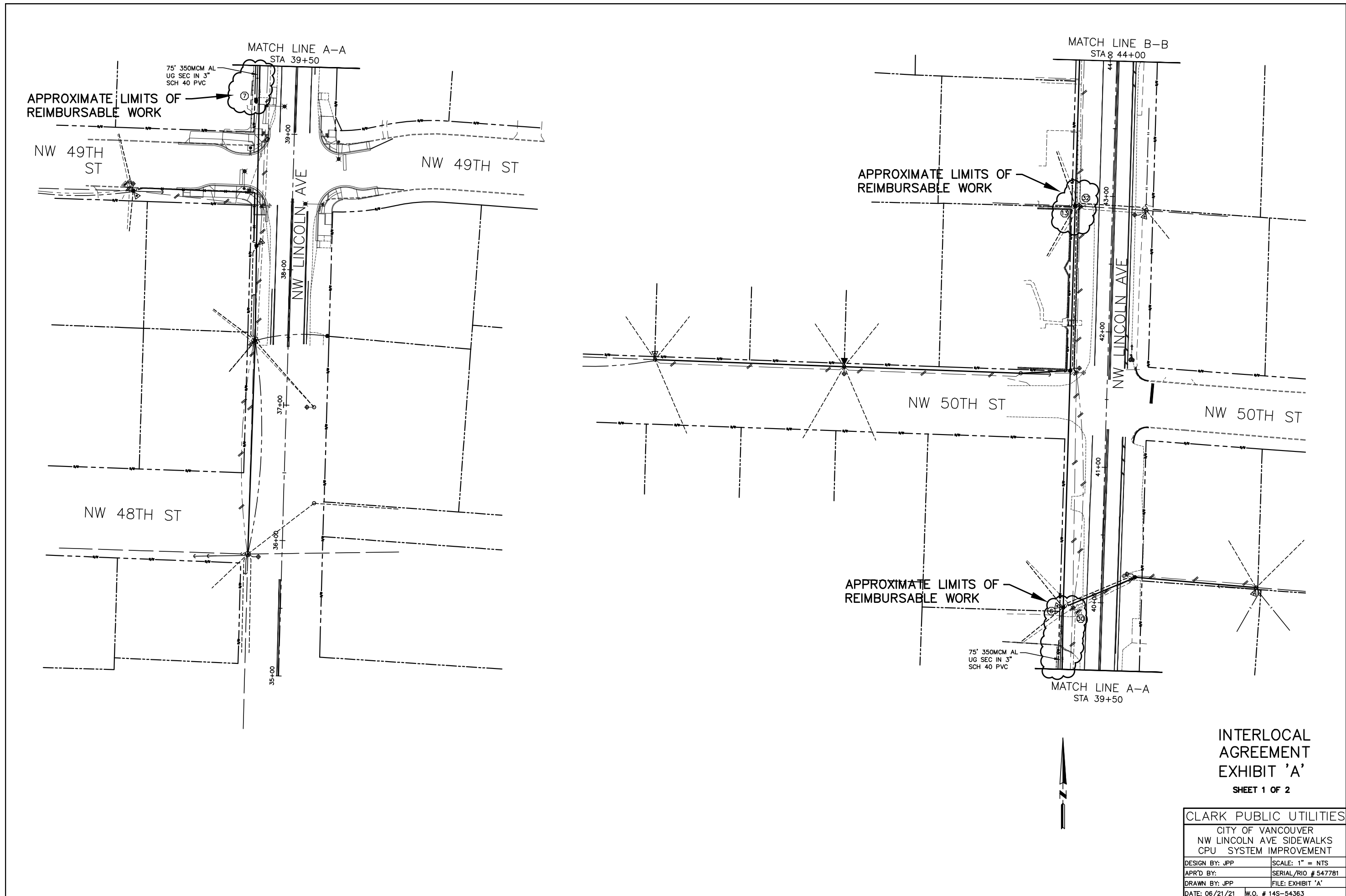
CLARK PUBLIC UTILITIES
A municipal corporation

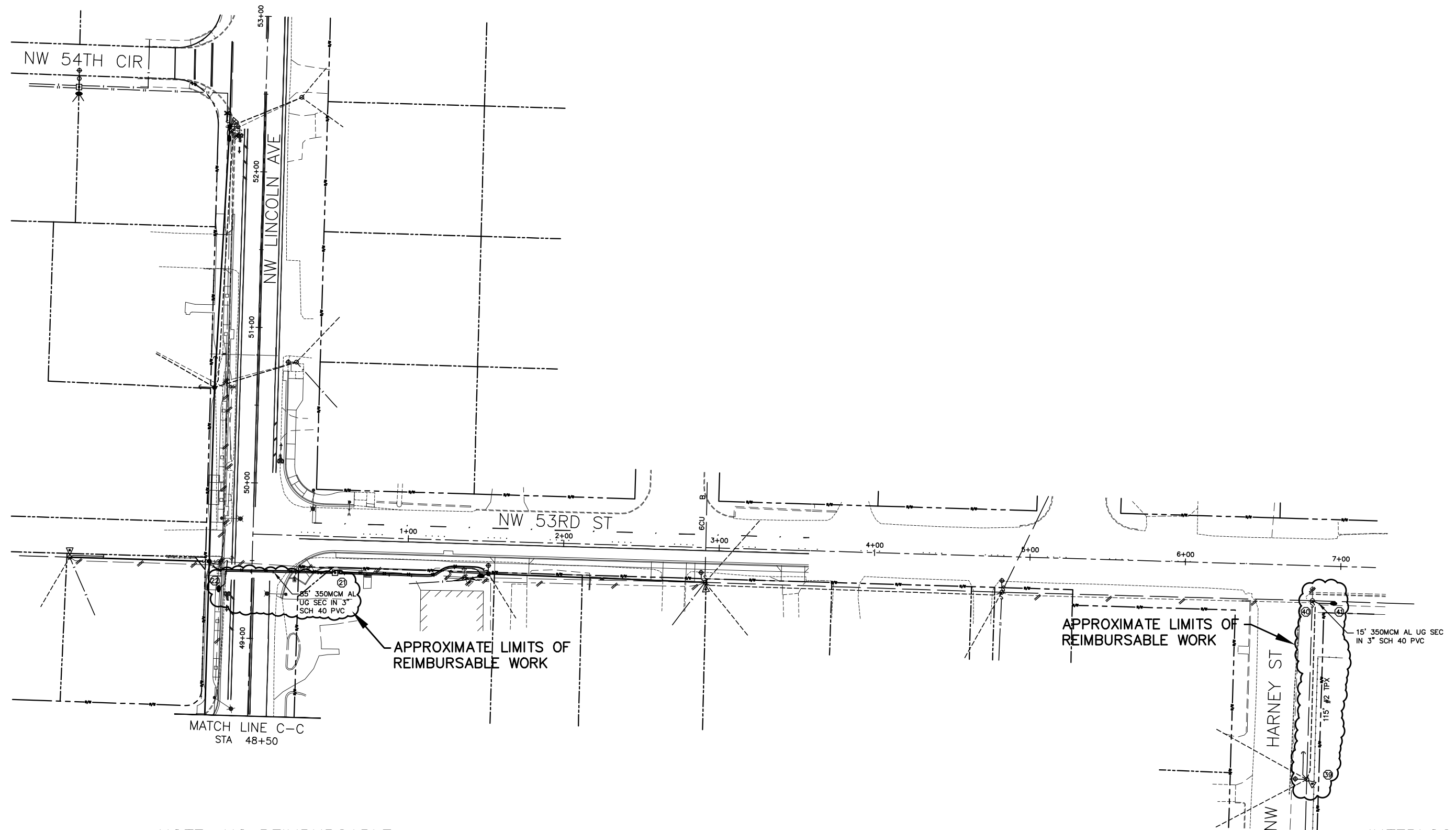
Lena Wittler, General Manager

DATED: _____

Approved as to Form:

John Eldridge, CPU General Counsel





NOTE: NO REIMBURSABLE
AREAS BETWEEN STA
44+00 AND STA 48+50

INTERLOCAL
AGREEMENT
EXHIBIT 'A'

SHEET 2 OF 2

CLARK PUBLIC UTILITIES	
CITY OF VANCOUVER	
NW LINCOLN AVE SIDEWALKS	
CPU SYSTEM IMPROVEMENT	
DESIGN BY: JPP	SCALE: 1" = NTS
APR'D BY:	SERIAL/RIO # 547781
DRAWN BY: JPP	FILE: EXHIBIT 'A'
DATE: 06/21/21	W.O. # 14S-54363



Staff Report 122A-21

TO: Mayor and City Council

FROM: Eric Holmes, City Manager

DATE: 9/20/2021

SUBJECT Bid Award for SE 1st Street – 164th Avenue to 177th Avenue transportation improvement project, per Bid #21-20 (Project #PRJ071612)

Key Points

- The project will upgrade and modernize the SE 1st Street from a two-lane rural road to multimodal urban standards;
- The project will bring needed safety and environmental improvements by adding Low Impact Development (LID) stormwater facilities that separate pedestrians and bicyclists from vehicle traffic with raised bikeways and sidewalks, and the addition of pedestrian crossings and signals;
- The project will install and upgrade traffic signals and street lighting along SE 1st Street;
- This project will resurface SE 1st Street between 164th Avenue and 177th Avenue;
- Completion of this project will facilitate the adjacent project along SE 1st Street, between 177th Avenue and 192nd Avenue, which is currently at the 90% design level; and
- The project is funded through a combination of federal and state grants totaling \$7.85 million, with the remainder coming from the City's transportation fund.

Strategic Plan Alignment

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

Goal 1, Objective 1.1: Develop and maintain a safe, balanced and innovative transportation system that will meet the needs of future generations.

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

Goal 9: Build the strongest, most resilient economy in the region.

Goal 9, Objective 9.1: Create infrastructure and policies that support job creation.

Present Situation

The existing SE 1st Street corridor is a two-lane rural road that provides no center turn lanes or bike lanes and inadequate scattered sidewalks. SE 1st Street serves as an east-west arterial road connecting busy corridors in East Vancouver that collectively carry more than 60,000 vehicles a day. As the area around SE 1st Street has grown with more residential, retail, commercial and industrial sites, the street has not grown concurrently in order to safely provide access for increasing demand for multimodal transportation options to suit the urban environment it has become.

On July 13, 2021, the City received 10 bids for the subject project. The bids ranged between \$9.89 million and \$12.24 million. The low bidder was responsive. The bids are as follows:

SUMMARY OF BIDS	
BIDDER	AMOUNT
Lee Contractors, LLC, Battle Ground, Washington	\$9,887,587.00
Rotschy, Inc., Vancouver, Washington	\$10,972,319.75
Nutter Corporation, Vancouver, Washington	\$11,267,264.22
James W. Fowler, Dallas, Oregon	\$11,717,851.18
J. Joe Thompson, Vancouver, Washington	\$11,870,453.50
Tapani, Inc., Battle Ground, Washington	\$11,978,000.00
McDonald Excavating, Washougal, Washington	\$12,153,274.50
Granite Construction Company, Vancouver, Washington	\$12,238,238.00
Carlson Testing, Tigard, Oregon	Non-responsive
Kerr Contractors Oregon, Woodburn, Oregon	Non-responsive
Engineer's Estimate	\$9,000,000 to \$9,500,000

Due to the federal funding associated with this project, the Washington State Department of Transportation (WSDOT) set a Disadvantaged Business Enterprise (DBE) goal of 19% and a training goal of 400 hours. Lee Contractors, LLC from Battle Ground, Washington, has provided a DBE Utilization Form and has committed to meeting these goals. The training goal is included in the list of bid items and pursuant to WSDOT requirements, the contractor is required to submit a training plan prior to the start of construction.

During the project, City staff will be monitoring the contractor's progress at meeting the DBE and training requirements by way of monthly evaluations and a review of the mandatory information provided by the contractor to the Washington State Office of Minority & Women's Business Enterprises and the Department of Labor and Industries. In addition, City staff will also be conducting on-site reviews with the contractor to ensure they are meeting the DBE and training goals throughout the construction of the project. In the event the contractor fails to meet either the DBE or Training goals, the City may impose monetary penalties and the contractor can be precluded from bidding on future City projects.

The SE 1st Street project does not include any City apprenticeship utilization requirements as federal grant funding requirements do not allow the inclusion of local agency apprenticeship

programs.

Advantage(s)

1. Safety will be improved on SE 1st Street, between 164th Avenue and 177th Avenue;
2. SE 1st Street will be transformed from a rural 2 lane road, to an urban arterial meeting current design standards;
3. The project will facilitate and accelerate economic development activity on properties within the existing Columbia Tech Center campus and the Section 30 subarea ; and
4. Resurfacing the existing roadway will improve the pavement condition and reduce maintenance costs.

Disadvantage(s)

1. Neighborhood residents, businesses and local traffic will be inconvenienced during the construction period; and
2. Construction will generate noise and dust; however the contractor will implement dust control and erosion control strategies.

Budget Impact

The project is currently funded through federal and state grants, and local matching dollars. The project is included in the 2021-2022 Transportation Capital Fund Budget.

Prior Council Review

- Approval of the 2021-2022 budget which included the referenced project.
- Approval of the 2022-2027 Transportation Improvement Program (TIP) – Resolution No. M-4131.
- September 13, 2021, discussion. Decision postponed to September 20, 2021.

Action Requested

On September 20, 2021, award a construction contract for the SE 1st Street – 164th Avenue to 177th Avenue project to the lowest responsive and responsible bidder, Lee Contractors, LLC of Battle Ground, Washington, at their bid price of \$9,887,587.00, which includes Washington State Sales Tax and authorize the City Manager or designee to execute the same.

Leslie Degenhart, PE, Senior Civil Engineer, 360-487-7710

ATTACHMENTS:

- ▢ Contract
- ▢ 1st Street Project renderings



CONTRACT # _____
ITB 21-20 SE 1st Street – 164th Avenue to 177th Avenue

THIS CONTRACT is entered into by and between the City of Vancouver, a municipal corporation under the laws of the State of Washington, hereinafter referred to as "City," and Lee Contractors, LLC hereinafter referred to as "Contractor," whose address is Lee Contractors, LLC, 20907 NE 72nd Ave, Battle Ground, WA 98604, hereinafter referred to "Parties."

WHEREAS, the City desires to engage the Contractor to provide public work and other related services for 1st Street -164th Avenue to 177th Avenue. Contractor has agreed to offer its services to perform said work per the City issued Invitation to Bid (ITB) No. 21-20 and all addenda thereto, Contractor's bid to said ITB, the Project Plans and Special Provisions, and City Council's approval on _____ per Staff Report No. _____; and

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

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

This contract provides for the improvement of * a corridor including pavement widening, roadway resurfacing, curbs, sidewalks, storm drainage, traffic signals, striping and signing, fiber optic, street lighting, landscaping *** and other work, all in accordance with the attached Contract Plans, these Contract Provisions, and the Standard Specifications.**

The Work shall be fully complete within 175 working days from the Notice to Proceed (NTP) date.

2. **EFFECTIVE DATE:** This Contract is effective as of the last signature dated below.
3. **E-VERIFY PROGRAM:** Contractor shall register and enter into a Memorandum of Understanding (MOU) with the Department of Homeland Security E-Verify program within sixty (60) days after execution of this Agreement. Contractor shall ensure all Contractor employees and any sub-contractor(s) assigned to perform work under this Agreement are eligible to work in the United States. Contractor shall provide verification of compliance upon City request. Failure by Contractor to comply with this subsection shall be considered a material breach.
4. **CONTRACTOR RESPONSIBILITIES FOR SUBCONTRACTORS:** The Contractor shall include the language of this section in all tier subcontracts, and shall require each of its subcontractors to include the same language of this section in each of their subcontracts, adjusting only as necessary

the terms used for the contracting parties. The requirements of this section apply to all subcontractors regardless of tier. The Contractor shall require all subcontractors to comply with all relevant federal, state and municipal laws, rules and regulations whatsoever. At the time of subcontract execution, the Contractor shall verify that all tier subcontractors meet the following bidder responsibility criteria:

1. Have a current certificate of registration in compliance with chapter 18.27 RCW, which must have been in effect at the time of subcontract bid submittal;
 2. Have a current Washington Unified Business Identifier (UBI) number;
 3. Have received training on the requirements related to public works and prevailing wage as required by RCW 39.04.350;
 4. Within the three-year period immediately preceding the date of the bid solicitation, not have been determined by a final and binding citation and notice of assessment issued by the department of labor and industries or through a civil judgment entered by a court of limited or general jurisdiction to have willfully violated, as defined in RCW 49.48.082, any provision of chapter 49.46, 49.48, or 49.52 RCW.
 5. If applicable, have:
 - i. Have Industrial Insurance (workers' compensation) coverage for the subcontractor's employees working in Washington, as required in Title 51 RCW;
 - ii. A Washington Employment Security Department reference number, as required in Title 50 RCW;
 - iii. A Washington Department of Revenue state excise tax registration number, as required in Title 82 RCW;
 - iv. An electrical contractor license, if required by Chapter 19.28 RCW;
 - v. An elevator contractor license, if required by Chapter 70.87 RCW.
 6. Not be disqualified from bidding on any public works contract under RCW 39.06.010 or 39.12.065 (3).
- 5. DELINQUENT STATE TAXES:** The Contractor shall not owe delinquent taxes to the Washington State Department of Revenue without a payment plan approved by the Department of Revenue.
- 6. COMPENSATION AND SCHEDULE OF PAYMENTS:** In consideration of the promises and agreements of the Contractor as set forth herein, and in consideration of the faithful performance and furnishing of the work and materials required by this Contract to the satisfaction of the City, the City agrees to pay to the Contractor in the manner and at the times provided hereinafter and in the Contract Documents, and in accordance with the ordinances of the City of Vancouver and the laws of the State of Washington, the following sum as indicated, which amount does includes 8.5% Washington State Sales Tax (if applicable) \$9,869,587.00.
- The amount finally to be paid is, however, variable upon the work actually performed and final payment will be made upon the basis of the amount of work performed and the materials furnished, and at the lump sum or unit prices fixed in the Contractor's Proposal and as modified by any and all approved Change Orders.
- 7. CONTRACTOR'S INSURANCE:** The Contractor agrees to procure insurance coverage as required below:

COVERAGE	LIMITS OF LIABILITY
I. Commercial General Liability:	
Policy shall include Bodily Injury, Property Damage, Personal Injury and Broad Form Contractual Liability	
Each Occurrence	\$1,000,000
General Aggregate Per Occurrence	\$2,000,000
Products & Completed Operations Aggregate	\$2,000,000
Personal and Advertising Injury	\$1,000,000
Blanket Contractual Liability	\$1,000,000
II. Commercial Automobile Liability	
Policy shall include Bodily Injury and Property Damage, for any owned, Hired, and/or Non-owned vehicles used in the operation, installation and maintenance of facilities under this agreement.	
Combined Single Limit	\$1,000,000
III. Workers' Compensation (applicable to the State of Washington)	
Per Occurrence	Statutory
Employer's Liability	\$1,000,000
Disease Each Employee	\$1,000,000
Disease Policy Limit	\$1,000,000
Each Claim	\$1,000,000
Annual Aggregate	\$2,000,000
IV. Pollution Legal Liability	
Each Claim	\$3,000,000
Annual Aggregate	\$6,000,000
V. Builders Risk	
Builder's "All Risk" Property Insurance	Contract Value
a. Coverage to include personal property of others in the care, custody and control of the contractor. Coverage should be written for 100% of the completed value. b. For additions or repairs of existing building structures, coverage to include contractor's interest in improvements, repairs, additions, alterations to completed buildings and subject to items described in "a".	

8. **CONTRACTOR'S BOND:** The Contractor agrees that before it undertakes performance of this Contract, it will file with the City of Vancouver a Performance Bond and Payment Bond, in the forms prescribed by the City of Vancouver, in the full amount of the Contract price with a company authorized to do business in the State of Washington as a surety. The bonds shall comply with the laws of the State of Washington, and especially with the provisions of Chapter 39.08 RCW.
9. **DISPUTE RESOLUTION:** In the event of a dispute between the Parties which cannot be resolved by the contract managers, the Contractor and the City shall review such dispute and may attempt to resolve the dispute. Any controversy or claim arising out of or relating to this Contract or the alleged breach of this Contract that cannot be resolved by the Parties within 30 days of receipt of written notice may be submitted to mediation. If the dispute is not resolved through mediation,

it shall be submitted to binding arbitration in accordance with the rules and procedures set forth in Chapter 7.04A RCW. The Parties agree to pay their own attorneys' fees and expenses.

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

11. PAYMENT OF LABOR: The Contractor agrees that all laborers, workers, or mechanics employed by it or by any subcontractor in the work of this Contract will be paid not less than the prevailing rate of wage for an hours work in accordance with the provisions of the Revised Code of Washington, Chapter 39.12, and all rules and regulations promulgated pursuant thereto.

The contract will require the payment and tracking of federal wages through Davis Bacon and will be subject to regulations of the U.S. Department of Labor. The higher wage rate between the Federal and State rates, at minimum shall prevail per WAC 296-127-025

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

12. PAYMENT TO THE CONTRACTOR: Payment to the Contractor of the Contract price by the Owner shall be made in checks drawn on the fund provided therefore. Payment shall be in the manner provided below unless another manner has been specified in the Special Provisions.

Progress payments to the Contractor shall be made within 30 days of receipt of the signed progress payment request, as approved by the Owner, for work completed during the previous month.

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

No payment shall be made to the Contractor, however, until the Contractor and all subcontractors who have performed work shall have filed, with Procurement Services, the Labor and Industries executed Statement of Intent to Pay Prevailing Wage as required by RCW 39.12.040. Said Contractor and all subcontractors shall also keep accurate payroll records for three years from the date of acceptance as described in WAC 296-127-320 *Payroll*. A Contractor and all subcontractors shall, within ten days after it receives a written request, as defined by RCW 39.12.010(4) file a certified copy of the payroll records with the Owner. A Contractor's noncompliance with this section shall constitute a violation of RCW 39.12.050.

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

arising out of, or in connection with, or incident to, the performance of services by Contractor pursuant to this Contract.

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

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

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

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

16. AMENDMENTS: All changes to this Contract, including changes to the statement of work and compensation, must be made by written Change Order and/or Amendment and signed by all parties to this Contract.

17. AUTHORIZATION AND COMPLIANCE WITH THE LAW: The Contractor certifies that the person signing the Contract is legally authorized to enter into this binding Contract and that the Contractor shall fully comply with all relevant, federal, state and municipal laws, rules, regulations and policies.

18. RELATION OF PARTIES: The Contractor, its subcontractors, agents and employees are independent contractors performing services for The City and are not employees of City; shall not, as a result of this Contract, accrue leave, retirement, insurance, bonding or any other benefits

afforded to City employees; and, shall not have the authority to bind the City in any way except as may be specifically provided in the Statement of Work.

19. JURISDICTION/VENUE: In the event that any litigation should arise concerning the construction or interpretation of the terms and/or conditions of this Contract, the venue of such action of litigation shall be in the Superior Court of the State of Washington in and for the County of Clark. This Contract shall be governed by the law of the State of Washington.

20. COOPERATIVE PURCHASING: The Washington State Inter-local Cooperation Act, Chapter 39.34 RCW, authorizes public agencies to cooperatively purchase goods and services if all parties agree. By having executed this Contract, the Contractor agrees that other public agencies may purchase goods and services under this solicitation or contract at their own cost and without the City of Vancouver incurring any financial or legal liability for such purchases. The City of Vancouver agrees to allow other public agencies to purchase goods and services under this solicitation or contract, provided that the City of Vancouver is not held financially or legally liable for purchases and that any public agency purchasing under such solicitation or contract file a copy of this invitation and such contract in accordance with RCW 39.34.040.

21. ASSIGNMENT: This Contract is binding on each party, its successors, assigns, and legal representatives and may not, under any circumstances, be assigned or transferred by either party without the other party's express written authorization.

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

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

23. TERMINATION FOR CAUSE: In the event the Contractor is, or has been, in violation of the terms of this Contract, including the solicitation, the City reserves the right, upon written notice to the Contractor, to cancel, terminate, or suspend this contract in whole or in part for default. Termination shall be effected by serving a notice of termination on the Contractor setting forth the manner in which the Contractor is in default. The Contractor will be paid only the contract price for services performed in accordance with the manner of performance set forth in the Contract.

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

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

the Contractor and its sureties for said breach or default, including but not limited to termination of this Contract for convenience.

- 25. WAIVER AND REMEDIES:** City's failure to enforce the terms or conditions herein or to exercise any right or privilege, or the City's waiver of any breach hereunder shall not thereafter waive any other term, condition, or privilege, whether of the same or similar type. Remedies under this Contract are cumulative; the use of one remedy shall not be taken to exclude or waive the right to use another.
- 26. ENTIRETY OF CONTRACT:** This Contract incorporates all the agreements, covenants and understanding between the parties hereto and are merged into this written Contract. No prior agreement or prior understanding, verbal or otherwise, of the parties or their agents shall be valid or enforceable unless set forth in this Contract.
- 27. USE OF CITY'S NAME:** Contractor may not use any of City's name, trademark, service marks, or logo in connection with the services contemplated by this Contract or otherwise without the prior written permission of City, which permission may be withheld for any or no reason and may be subject to certain conditions.
- 28. NON-DISCRIMINATION AND EQUAL EMPLOYMENT OPPORTUNITY:** During the term of this Contract, Contractor will not discriminate against any employee or applicant for employment in accordance with RCW Chapter 49.60, including, but not limited to creed, religion, race, color, age, sex, marital status, sexual orientation, sexual identity, pregnancy, military status, political ideology, ancestry, national origin, or the presence of any sensory, mental or physical disability, unless based upon a bona fide occupational qualification. The Contractor will take affirmative action to ensure that applicants and employees are treated fairly, without regard to their creed, religion, race, color, sex, national origin, or the presence of any sensory, mental or physical disability. Such action shall include all terms and conditions of employment, compensation, and benefits, including apprenticeship.
- 29. BINDING EFFECT:** The provisions, covenants and conditions in this Contract bind the parties, their legal heirs, representatives, successors, and assigns.
- 30. RATIFICATION:** Acts taken pursuant to this Contract but prior to its effective date are hereby ratified and confirmed.
- 31. INCORPORATED CONTRACT DOCUMENTS AND ORDER OF PRECEDENCE:** The complete Contract includes these parts listed in this section below, which are incorporated by this reference as if fully as set forth herein. Any inconsistency in the parts of the contract shall be resolved by following this order of precedence (e.g., 1 presiding over 2, 2 over 3, 3 over 4, and so forth):
1. Addenda to the Solicitation,
 2. Proposal Form,
 3. Special Provisions,
 4. Contract Plan Set,
 5. Standard Specifications,
 6. City of Vancouver Standard Plans or details (if any),
 7. WSDOT Standard Plans for Road, Bridge and Municipal Construction.

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

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

Randy Lee
Lee Contractors, LLC
20907 NE 72nd Ave
Battle Ground, WA 98604

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

CITY OF VANCOUVER
A municipal corporation

CONTRACTOR:
Lee Contractors, LLC

Eric Holmes, City Manager

Signature

Date

Printed Name /Title

Attest:

Date

Natasha Ramras, City Clerk

Approved as to form:

Jonathan Young, City Attorney

LABOR AND MATERIALS PAYMENT BOND

(NOTE: CONTRACTOR MUST USE THIS FORM, NOT A SURETY COMPANY FORM. MUST BE ACCOMPANIED BY A POWER OF ATTORNEY FOR THE SURETY'S OFFICER AUTHORIZED TO SIGN)

KNOW ALL MEN BY THESE PRESENTS:

We the Undersigned Lee Contractors, LLC, 20907 NE 72nd Ave, Battle Ground, WA 98604 as PRINCIPAL (Contractor) and _____ a corporation organized and existing under and by virtue of the laws of the state of _____, and duly authorized to do surety business in the state of Washington and named on the current list of approved surety companies acceptable on federal bonds and conforming with the underwriting limitations as published in the Authorized Insurance List in the State of Washington published by the Office of the Insurance Commissioner and which carries an "A" rating and is of the appropriate class for the bond amount as determined by Best's Rating System, as SURETY, hereby hold and firmly bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, unto CITY OF VANCOUVER, as OBLIGEE, in the sum of Nine Million Eight Hundred Sixty-Nine Thousand Five Hundred Eighty Seven Dollars (\$ 9,869,587.300) in lawful money of the United States of America, for the payment of that sum for the use and benefit of claimants as defined below.

The condition of this obligation is such that whereas the PRINCIPAL entered into a contract with CITY OF VANCOUVER dated _____, 20____, which contract is hereunto annexed and made a part hereof, for accomplishment of the all contract terms for the project described as follows:

ITB 21-20 SE 1st Street – 164th Avenue to 177th Avenue

NOW THEREFORE, if the PRINCIPAL shall promptly make payments to all persons, firms, subcontractors, corporations and/or others furnishing materials for or performing labor in the prosecution of the Work provided for in the aforesaid contract, and any authorized extension or modification thereof, including all amounts due for materials, equipment, mechanical repairs, transportation, tools and services consumed or used in connection with the performance of such Work, and for all labor performed in connection with such Work whether by subcontractor or otherwise, and all other requirements imposed by law, then this obligation shall become null and void; otherwise this obligation shall remain in full force and effect, subject, however, to the following condition:

The above-named PRINCIPAL and SURETY hereby jointly and severally agree that every claimant, who has not been paid in full, may sue on this bond for the use of such claimant, prosecute the suit to final judgment in for such sum or sums as may be justly due claimant, and have execution thereon. The OBLIGEE shall not be liable for the payment of any judgment, costs, expenses or attorneys' fees of any such suit.

PROVIDED, FURTHER, that SURETY for the value received, hereby stipulates and agrees that all changes, extensions of time, alterations to the terms of the contract or to Work to be performed thereunder or the Specifications accompanying the same shall be within the scope of the SURETY's undertaking on this bond, and SURETY does hereby waive notice of any such change, extension of time, alteration or addition to the terms of the contract or to the Work or to the Specifications. Any such change, extension of time, alteration or addition to the terms of the contract or to the Work or to the Specifications shall automatically increase the obligation of the SURETY hereunder in a like amount, provided that the total of such increases shall not exceed twenty-five percent (25%) of the original amount of the obligation without the consent of the SURETY.

This obligation shall continue to bind the PRINCIPAL and SURETY, notwithstanding successive payments made hereunder, until the full amount of the obligation is exhausted, or if the full amount of the obligation is not exhausted and no claim is pending resolution, until such time as no further claims can be made pursuant to law with regard to the above-described project.

SURETY shall indemnify, defend, and protect the CITY OF VANCOUVER against any claim of direct or indirect loss resulting from the failure of the CONTRACTOR (or any of the employees, subcontractors, or lower tier subcontractors of the CONTRACTOR) to pay all laborers, mechanics, subcontractors, lower tier subcontractors, materialpersons, or any other person who provides supplies or provisions for carrying out the work.

If more than one SURETY is on this bond, each SURETY hereby agrees that it is jointly and severally liable for all obligations of this bond.

IN WITNESS WHEREOF, we have hereunto set our hands and seals this _____ day of _____, 20____.

SURETY

CONTRACTOR

By: _____

By*: _____

Title: _____

Title: _____

Street Address

Street Address

City, State ZIP

City, State ZIP

Phone Number

Phone Number

* Must be signed by president or vice-president of Contractor.

PERFORMANCE BOND

(NOTE: CONTRACTOR MUST USE THIS FORM, NOT A SURETY COMPANY FORM. MUST BE ACCOMPANIED BY A POWER OF ATTORNEY FOR THE SURETY'S OFFICER AUTHORIZED TO SIGN)

KNOW BY ALL MEN BY THESE PRESENTS:

We the undersigned Lee Contractors, LLC, 20907 NE 72nd Ave, Battle Ground, WA 98604 as PRINCIPAL (hereinafter called CONTRACTOR), and _____ a corporation organized and existing under and by virtue of the laws of the state of _____ duly authorized to do surety business in the state of Washington and named on the current list of approved surety companies acceptable on federal bonds and conforming with the underwriting limitations as published in the Authorized Insurance List in the State of Washington published by the Office of the Insurance Commissioner and which carries an "A" rating and is of the appropriate class for the bond amount as determined by Best's Rating System, as SURETY, hereby hold and firmly bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, to pay to CITY OF VANCOUVER as OBLIGEE (hereinafter called CITY OF VANCOUVER), the amount of Nine Million Eight Hundred Sixty-Nine Thousand Five Hundred Eighty Seven Dollars (\$ 9,869,587.300) in lawful money of the United States of America.

WHEREAS, the CONTRACTOR entered into a contract with CITY OF VANCOUVER dated _____, 20____, which Contract is hereunto annexed and made a part hereof, for accomplishment of the all contract terms for the project described as follows:

ITB 21-20 SE 1st Street – 164th Avenue to 177th Avenue

NOW THEREFORE, if the PRINCIPAL shall promptly make payments to all persons, firms, subcontractors, corporations, laborers, mechanics and/or others furnishing materials for or performing labor in the prosecution of the Work provided for in the aforesaid contract, and any authorized extension or modification thereof, including all amounts due for provisions, supplies, materials, equipment, mechanical repairs, transportation, tools and services consumed or used in connection with the performance of such Work, and for all labor performed in connection with such Work whether by subcontractor or otherwise, and shall promptly pay the state of Washington all taxes imposed pursuant to Titles 50, 51, and 82 RCW which may be due, and shall comply with all other requirements imposed by law, then this obligation shall become null and void; otherwise this obligation shall remain in full force and effect, subject, however, to the following condition:

The above-named PRINCIPAL and SURETY hereby jointly and severally agree that every claimant, who has not been paid in full, may sue on this bond for the use of such claimant, prosecute the suit to final judgment in for such sum or sums as may be justly due claimant, and have execution thereon. The OBLIGEE shall not be liable for the payment of any judgment, costs, expenses or attorneys' fees of any such suit.

PROVIDED, FURTHER, that SURETY for the value received, hereby stipulates and agrees that all changes, extensions of time, alterations to the terms of the contract or to Work to be performed thereunder or the Specifications accompanying the same shall be within the scope of the SURETY's undertaking on this bond, and SURETY does hereby waive notice of any such change, extension of time, alteration or addition to the terms of the contract or to the Work or to the Specifications. Any such change, extension of time, alteration or addition to the terms of the contract or to the Work or to the Specifications shall automatically increase the obligation of the SURETY hereunder in a like amount,

provided that the total of such increases shall not exceed twenty-five percent (25%) of the original amount of the obligation without the consent of the SURETY.

This obligation shall continue to bind the PRINCIPAL and SURETY, notwithstanding successive payments made hereunder, until the full amount of the obligation is exhausted, or if the full amount of the obligation is not exhausted and no claim is pending resolution, until such time as all claims filed in compliance with chapter 39.08 RCW have been resolved and no further claims can be made pursuant to law with regard to the above-described project.

SURETY shall indemnify, defend, and protect the CITY OF VANCOUVER against any claim of direct or indirect loss resulting from the failure of the CONTRACTOR (or any of the employees, subcontractors, or lower tier subcontractors of the CONTRACTOR) to pay all laborers, mechanics, subcontractors, lower tier subcontractors, material persons, or any other person who provides provisions, supplies, materials, equipment, mechanical repairs, transportation, tools or services for carrying out the work or the failure of CONTRACTOR pay the state of Washington all taxes imposed pursuant to Titles 50, 51, and 82 RCW which may be due.

If more than one SURETY is on this bond, each SURETY hereby agrees that it is jointly and severally liable for all obligations of this bond.

IN WITNESS WHEREOF, we have hereunto set our hands and seals this _____ day of _____, 20__.

SURETY

CONTRACTOR

By: _____

By*: _____

Title: _____

Title: _____

Street Address

Street Address

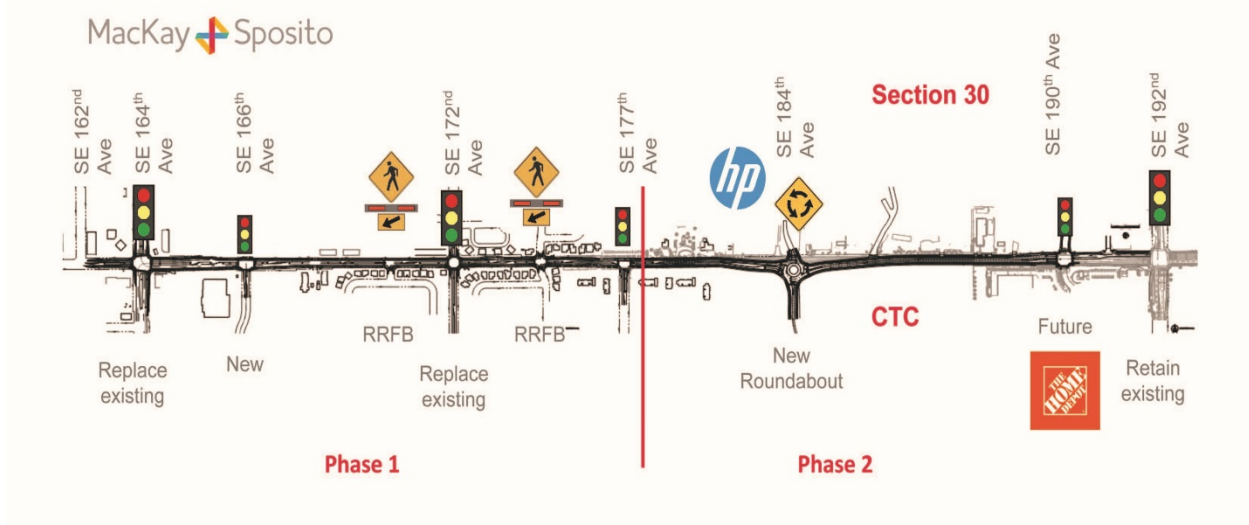
City State ZIP

City State ZIP

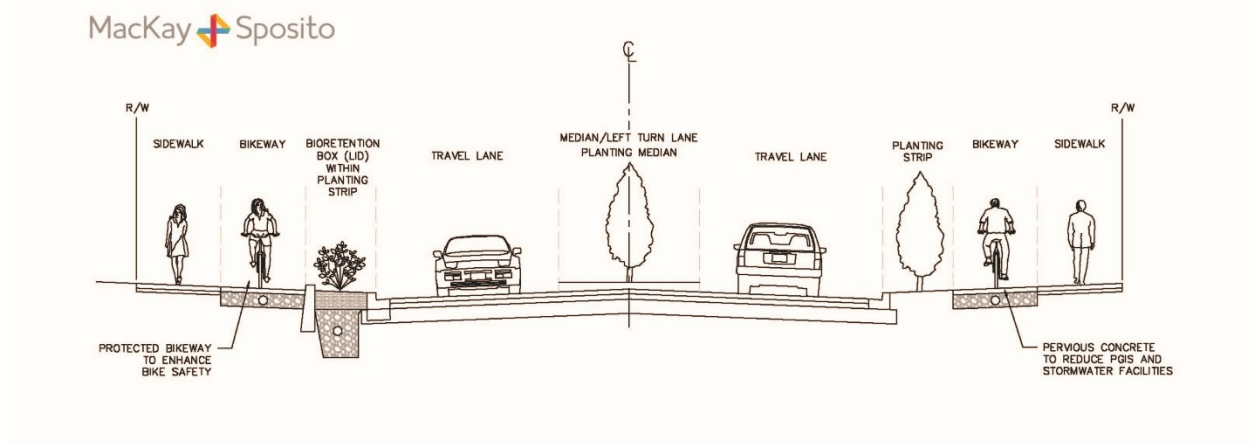
Phone Number

Phone Number

* Must be signed by president or vice-president of Contractor.



City of Vancouver – SE 1st Street



City of Vancouver – SE 1st Street

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:

\$ 5,060,474.96 this 20th day of September 2021.

MAYOR

COUNCILMEMBER

Natasha Ramras

AUDITING OFFICER

COUNCILMEMBER

DATE	INCLUSIVE CHECK NUMBERS	CHECK TOTAL
September 7, 2021 - September 13, 2021	Accounts Payable Checks (see attached)	\$ 1,766,198.35
September 7, 2021 - September 13, 2021	Hansen City Payments (see attached)	\$ 4,961.63
September 7, 2021 - September 13, 2021	Visa Refunds (see attached)	\$ 1,579.50
September 7, 2021 - September 13, 2021	Payroll Checks (see attached)	\$ 3,287,735.48
TOTAL		\$ 5,060,474.96

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	9/7/2021	207,657.43	Blue Cross Blue Shield of Oregon	
Supplier Payment	Manual Wire	No Reference	9/7/2021	27,912.59	Gallagher Bassett Services Inc	
Supplier Payment	Manual Wire	No Reference	9/7/2021	17,732.60	Washington Dental Service	
Supplier Payment	Manual Wire	No Reference	9/9/2021	20,502.49	Bank Of America N.A.	
Supplier Payment	Manual Wire	No Reference	9/9/2021	269.63	Keybank National Association	
Supplier Payment	Manual Wire	No Reference	9/10/2021	36,242.17	Gallagher Bassett Services Inc	
Supplier Payment	Manual Wire	No Reference	9/10/2021	75.00	HRA VEBA Plan	
Supplier Payment	Manual Wire	No Reference	9/10/2021	7,588.05	ICMA 401A	
Supplier Payment	Manual Wire	No Reference	9/10/2021	223,170.86	ICMA Corp	
Supplier Payment	Manual Wire	No Reference	9/10/2021	116.00	Oregon SDU	
Supplier Payment	Manual Wire	No Reference	9/10/2021	234.00	State of Washington Department of Licensing - Remit-To: DOL - Seattle Remit	
Supplier Payment	Manual Wire	No Reference	9/10/2021	50,505.14	State of Washington Department of Retirement System (PERS)	
Supplier Payment	Manual Wire	No Reference	9/10/2021	834.80	Vancouver Fire Command Officers	
Supplier Payment	Manual Wire	No Reference	9/10/2021	23,907.85	Vancouver Firefighters Union Health & Welfare Trust	
Supplier Payment	Manual Wire	No Reference	9/10/2021	5,793.13	Washington SDU	
Supplier Payment	Manual Wire	No Reference	9/10/2021	18,000.00	Washington State Firefighters	
Supplier Payment	Manual Wire	No Reference	9/10/2021	18,044.11	Western States Health & Welfare Trust	
Expense Payment	Direct Deposit	EFT-00116398	9/9/2021	114.00	Patrick Kennedy	
Cash Advance Payment	Direct Deposit	EFT-00116399	9/9/2021	423.00	Jack Anderson	Travel Advance
Expense Payment	Direct Deposit	EFT-00116400	9/9/2021	43.11	Timothy Esary	
Cash Advance Payment	Direct Deposit	EFT-00116401	9/9/2021	297.00	Anna Vogel	Travel Advance
Expense Payment	Direct Deposit	EFT-00116402	9/9/2021	125.25	Daren Peterson	
Cash Advance Payment	Direct Deposit	EFT-00116403	9/9/2021	274.50	Denver Taylor	Travel Advance
Cash Advance Payment	Direct Deposit	EFT-00116404	9/9/2021	802.50	Neil Martin	Travel Advance
Cash Advance Payment	Direct Deposit	EFT-00116405	9/9/2021	86.25	Derek Broussard	Travel Advance
Cash Advance Payment	Direct Deposit	EFT-00116406	9/9/2021	91.75	Anne McEnerny-Ogle	Travel Advance
Supplier Payment	EFT	EFT-00116407	9/9/2021	2,200.00	JCI Jones Chemicals Inc	
Supplier Payment	EFT	EFT-00116408	9/9/2021	64,118.25	Lee Contractors LLC	
Supplier Payment	EFT	EFT-00116409	9/9/2021	461.13	North Side Electric Inc	
Supplier Payment	EFT	EFT-00116410	9/9/2021	40,386.35	Mead and Hunt Inc	
Supplier Payment	EFT	EFT-00116411	9/9/2021	95.00	T2 Systems Inc - Remit-To: T2- Atlanta	
Supplier Payment	EFT	EFT-00116412	9/9/2021	1,063.30	Metro Overhead Door Inc	
Supplier Payment	EFT	EFT-00116413	9/9/2021	232.12	Praxair Distribution Inc	
Supplier Payment	EFT	EFT-00116414	9/9/2021	987.00	Allegiance Benefit Plan Management Inc	
Supplier Payment	EFT	EFT-00116415	9/9/2021	342.00	Accenture LLP	
Supplier Payment	EFT	EFT-00116416	9/9/2021	6,523.73	Second Step Housing	
Supplier Payment	EFT	EFT-00116417	9/9/2021	198.25	State of Washington Department of Enterprise Services	
Supplier Payment	EFT	EFT-00116418	9/9/2021	350.00	PDH Creative	
Supplier Payment	EFT	EFT-00116419	9/9/2021	950.00	Rapid Response Bio Clean	
Supplier Payment	EFT	EFT-00116420	9/9/2021	350.00	Salazar Architect Inc	
Supplier Payment	EFT	EFT-00116421	9/9/2021	45,700.43	Steve Mitchell	
Supplier Payment	EFT	EFT-00116422	9/9/2021	21,644.19	Metereaders LLC	
Supplier Payment	EFT	EFT-00116423	9/9/2021	271.25	George Elevator Service LLC	
Supplier Payment	EFT	EFT-00116424	9/9/2021	547.85	Jacobs Engineering Group Inc	
Supplier Payment	EFT	EFT-00116425	9/10/2021	917.40	Vancouver Command Guild	
Supplier Payment	EFT	EFT-00116426	9/10/2021	10,912.70	Vancouver Police Officer Guild	
Supplier Payment	EFT	EFT-00116427	9/10/2021	14,441.39	Allegiance Benefit Plan Management Inc	
Customer Refund	Check	24895	9/8/2021	450.00	DEPARTMENT OF ECOLOGY	Refund for overpayment
Ad Hoc Payment	Check	24896	9/8/2021	162.47	ADDIS,KRISTIANNA	Utility Refunds: 0015005200-04
Ad Hoc Payment	Check	24897	9/8/2021	25,000.00	Alice Petersen and her attorney Jesse Jacobs	Claim Payment - DOL: 01/25/19 - Risk
Ad Hoc Payment	Check	24898	9/8/2021	275.00	ANHKKHOA N DANG AND TIEN T VO	Utility Refunds: 0006073920-06
Ad Hoc Payment	Check	24899	9/8/2021	15.26	Armstrong,Craig A and Shana K	Utility Refunds: 0138001516-03
Ad Hoc Payment	Check	24900	9/8/2021	195.06	Arnold,James and Devona	Utility Refunds: 0069016400-07

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

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>
Ad Hoc Payment	Check	24901	9/8/2021	40.00	Autumn Grove Apartments	Refund: Alarm Billing acct 21180 inv 99446011
Ad Hoc Payment	Check	24902	9/8/2021	164.09	Brennan Homes LLC	Utility Refunds: 0048325150-02
Ad Hoc Payment	Check	24903	9/8/2021	50.00	Brian Hall	Refund: overpt cit 7202906782
Ad Hoc Payment	Check	24904	9/8/2021	136.43	CHARISSA HOKANSON TRUST	Utility Refunds: 0003035400-20
Ad Hoc Payment	Check	24905	9/8/2021	34.26	CHELSEA AND JOSHUA HILTON	Utility Refunds: 0000001626-03
Ad Hoc Payment	Check	24906	9/8/2021	27.60	COLUMBIA PACIFIC CONSTRUCTION INC	Utility Refunds: 000008052-08
Ad Hoc Payment	Check	24907	9/8/2021	40.00	Cornell Pump Company	Refund: Alarm Billing acct 21319 inv 99428362/99433518
Ad Hoc Payment	Check	24908	9/8/2021	24.80	COTTON,ELISABETH	Utility Refunds: 0000006001-02
Ad Hoc Payment	Check	24909	9/8/2021	156.25	DARREN J AND RHONDA C GROPP	Utility Refunds: 0000009036-02
Ad Hoc Payment	Check	24910	9/8/2021	33.00	Debby Niedert	July 2021 Membership Refund
Ad Hoc Payment	Check	24911	9/8/2021	100.00	East Park Church	Refund: Alarm Billing Acct 12464 INV 99446392
Ad Hoc Payment	Check	24912	9/8/2021	83.06	Elizabeth King-Castle	MPE-307224
Ad Hoc Payment	Check	24913	9/8/2021	1,030.33	Eric and Heidi Boehme	CMi-306175
Ad Hoc Payment	Check	24914	9/8/2021	81.07	Fitzgerald,Glen	Utility Refunds: 0004005100-08 REPLACE lost chk 5623
Ad Hoc Payment	Check	24915	9/8/2021	40.00	Gianina Pinto/Oscar Monroy	Refund:Alarm Billing acct 20199 inv 99437583
Ad Hoc Payment	Check	24916	9/8/2021	69.62	Harris,Beverly	Utility Refunds: 0050057200-21 Consolidated refund created from multiple refunds
Ad Hoc Payment	Check	24917	9/8/2021	4.24	Hegstad,Brian P	Utility Refunds: 0000002456-03
Ad Hoc Payment	Check	24918	9/8/2021	2,495.00	Holt Homes Incorporated	WTR-287502 refund REPLACE chk 16820
Ad Hoc Payment	Check	24919	9/8/2021	116.19	HPA II BORROWER 2020-1 LLC	Utility Refunds: 0000009040-03
Ad Hoc Payment	Check	24920	9/8/2021	5,299.20	HQ Vancouver, LLC	LUP-81626
Ad Hoc Payment	Check	24921	9/8/2021	254.01	IGOR BOLTENKOV & SVITLANA BOLTENKOVA	Utility Refunds: 0112090054-08
Ad Hoc Payment	Check	24922	9/8/2021	87.36	Isreb,Majd	Utility Refunds: 0000006880-03
Ad Hoc Payment	Check	24923	9/8/2021	171.73	JACK AND CARLA THORESON	Utility Refunds: 0015003200-04
Ad Hoc Payment	Check	24924	9/8/2021	111.30	JAMES U JUSTICE JR	Utility Refunds: 0088080092-11
Ad Hoc Payment	Check	24925	9/8/2021	25.17	JESSE CALDWELL AND LAURA BRONLEEWE	Utility Refunds: 0006018200-11
Ad Hoc Payment	Check	24926	9/8/2021	139.22	JOSEPH AND CATHY STEELE	Utility Refunds: 0000009322-02
Ad Hoc Payment	Check	24927	9/8/2021	2,275.92	Kathleen Waters	Claim Payment - DOL: 07/01/21 - Risk
Ad Hoc Payment	Check	24928	9/8/2021	19.61	KEREN WATTS	VOUCHER 2005689.030 replace lost chk 11060
Ad Hoc Payment	Check	24929	9/8/2021	20.00	Kirkland Development LLC	Refund: Alarm billing acct 51043 inv 99444179 Kirkland Development LLC
Ad Hoc Payment	Check	24930	9/8/2021	48.03	KRNAVEK,PAMELA	Utility Refunds: 0000008716-02
Ad Hoc Payment	Check	24931	9/8/2021	60.00	Lags Medical Center LLC	Refund: Alarm Billing Acct T-5135 inv 99432572
Ad Hoc Payment	Check	24932	9/8/2021	20.00	Larry/Roberta Alexander	Refund: Alarm Billing acct 7134 inv 99441173
Ad Hoc Payment	Check	24933	9/8/2021	95.00	Lin Bude	Refund: PCEM SRV SIT 15652 Marker Setting
Ad Hoc Payment	Check	24934	9/8/2021	27.34	LUEBKE,MATTHEW	Utility Refunds: 0004017600-06
Ad Hoc Payment	Check	24935	9/8/2021	100.00	MARTHA ANN JACKSON	Utility Refunds: 0000003784-03
Ad Hoc Payment	Check	24936	9/8/2021	28.66	MCGOVERN,MICHAEL	Utility Refunds: 0000006020-03
Ad Hoc Payment	Check	24937	9/8/2021	6,011.99	Nate's Plumbing Inc	Pat Long - Invoice #33298
Ad Hoc Payment	Check	24938	9/8/2021	113.52	Nelson,Richard	Utility Refunds: 0000007564-01
Ad Hoc Payment	Check	24939	9/8/2021	50.00	New Life Friends Church	Refund: CIVICGOV inv 77031463 cust 258520
Ad Hoc Payment	Check	24940	9/8/2021	53.00	Old Spaghetti Factory	Refund: CIVICGOV inv 77033336 cust 733330
Ad Hoc Payment	Check	24941	9/8/2021	56.21	PAUL T AND BARBARA B CURTIS	Utility Refunds: 0000004328-02
Ad Hoc Payment	Check	24942	9/8/2021	140.00	PCS	Refund: alarm billing acct 8697 inv 99341993/99345528/99345964 CASCADE BAR & GRILL
Ad Hoc Payment	Check	24943	9/8/2021	50.00	PCS	Refund: Alarm Billing acct15906 inv99376034 YOGURT TIME LLC
Ad Hoc Payment	Check	24944	9/8/2021	179.19	Porfirio Mancio Ocana	RES-297137
Ad Hoc Payment	Check	24945	9/8/2021	90.30	RICARDO AND ANA COELHO	Utility Refunds: 0000004738-04
Ad Hoc Payment	Check	24946	9/8/2021	500.00	Ricardo Mendoza	Permit #R6170 Damage deposit refund
Ad Hoc Payment	Check	24947	9/8/2021	31.61	Robert Norby	Refund: RET PERMT COV10364
Ad Hoc Payment	Check	24948	9/8/2021	246.38	ROBINSON,CAROLYN	Utility Refunds: 0000007244-03 Consolidated refund created from multiple refunds
Ad Hoc Payment	Check	24949	9/8/2021	20.00	Ron/Heide Maize	Refund: Alarm billing acct 4237 inv 99434620
Ad Hoc Payment	Check	24950	9/8/2021	64.00	Rosemary Hendrix	Withdrawal - Soccer League #22726

INVOICE PAYMENTS REPORT

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Ad Hoc Payment	Check	24951	9/8/2021	218.83	Rough Living Trust	Utility Refunds: 0095024964-10
Ad Hoc Payment	Check	24952	9/8/2021	33.79	RUBSTELLO,KAREN	Utility Refunds: 0015879000-01
Ad Hoc Payment	Check	24953	9/8/2021	65.47	Sarkela 10 LLC	Utility Refunds: 0002000111-02
Ad Hoc Payment	Check	24954	9/8/2021	35.75	SCHOENBORN,DAVID	Utility Refunds: 0010034300-21
Ad Hoc Payment	Check	24955	9/8/2021	92.11	SCOTT AND LISA PAULSON	Utility Refunds: 0016031003-12
Ad Hoc Payment	Check	24956	9/8/2021	98.78	STEVEN Y WONG AND KENDALL G HANSEN	Utility Refunds: 0000003218-02
Ad Hoc Payment	Check	24957	9/8/2021	46.01	STITES,ADAM	Utility Refunds: 0004024400-03
Ad Hoc Payment	Check	24958	9/8/2021	254.55	STOCKMAN,KERRI	Utility Refunds: 0006003400-04
Ad Hoc Payment	Check	24959	9/8/2021	100.00	Sue Gray	Refund: permit COV03744 lot 18
Ad Hoc Payment	Check	24960	9/8/2021	67.63	SUND,DAVID	Utility Refunds: 0000005769-02
Ad Hoc Payment	Check	24961	9/8/2021	118.94	THE MANAGEMENT GROUP	Utility Refunds: 0009062900-11
Ad Hoc Payment	Check	24962	9/8/2021	195.93	TIMOTHY AND ABIGAIL LEE	Utility Refunds: 0000007035-02
Ad Hoc Payment	Check	24963	9/8/2021	23.38	TODD M AND WINNIE D CHAMBERS	Utility Refunds: 0000008397-02
Ad Hoc Payment	Check	24964	9/8/2021	20.00	Vancouver Radiologists	Refund: alarm billing acct 51704 inv 99447463
Ad Hoc Payment	Check	24965	9/8/2021	95.20	Verina Strank	MPE-305020
Ad Hoc Payment	Check	24966	9/8/2021	303.21	WALDEN,CHARLES	Utility Refunds: 0139245600-01
Ad Hoc Payment	Check	24967	9/8/2021	105.00	Walden,Margot and Charles	Utility Refunds: 0139245600-01
Ad Hoc Payment	Check	24968	9/8/2021	800.57	WELTY,CRAIG	Utility Refunds: 0000003159-02 Consolidated refund created from multiple refunds
Ad Hoc Payment	Check	24969	9/8/2021	22.33	WILLIAM DUNNAVANT AND SUELY M HINOJOSA	Utility Refunds: 0000007286-03
Ad Hoc Payment	Check	24970	9/8/2021	815.00	Woobox LLC	Refund: 8 perm lot 18
Supplier Payment	Check	24971	9/8/2021	362.00	Accurate Corporate Services Inc	
Supplier Payment	Check	24972	9/8/2021	401.01	Albina Holdings Inc	
Supplier Payment	Check	24973	9/8/2021	480.66	A-Line Asphalt Maintenance Inc	
Supplier Payment	Check	24974	9/8/2021	798.00	Allegheny Answering Services	
Supplier Payment	Check	24975	9/8/2021	3,340.80	Allegiance Benefit Plan Management Inc	
Supplier Payment	Check	24976	9/8/2021	138.16	Aramark Uniform & Career Apparel LLC - Remit-To: Aramark - Pasadena	
Supplier Payment	Check	24977	9/8/2021	7,968.80	AT & T Mobility II LLC	
Supplier Payment	Check	24978	9/8/2021	1,053.26	Bound Tree Medical LLC	
Supplier Payment	Check	24979	9/8/2021	9,626.53	Brown and Caldwell - Remit-To: Brown & Caldwell - San Francisco	
Supplier Payment	Check	24980	9/8/2021	16,281.50	BSK Associates - Remit-To: Supplier BSK Associates	
Supplier Payment	Check	24981	9/8/2021	7,216.25	Cascadia Consulting Group Inc	
Supplier Payment	Check	24982	9/8/2021	1,917.97	Cellco Partnership - Remit-To: Cellco - Dallas	
Supplier Payment	Check	24983	9/8/2021	61.75	City of Vancouver	
Supplier Payment	Check	24984	9/8/2021	147.25	City of Vancouver - Remit-To: COV - Vehicle Reg	
Supplier Payment	Check	24985	9/8/2021	413.35	Clark County - Remit-To: Clark County - Treasurer Vancouver	
Supplier Payment	Check	24986	9/8/2021	14,149.06	Columbia Resource Company	
Supplier Payment	Check	24987	9/8/2021	269.08	Core and Main LP - Remit-To: Core and Main LP	
Supplier Payment	Check	24988	9/8/2021	4,595.00	David Corey PHD PC	
Supplier Payment	Check	24989	9/8/2021	6,086.85	Day Management Corp - Remit-To: Day Wireless - Milwaukie	
Supplier Payment	Check	24990	9/8/2021	101,765.51	Del Sol Inc	
Supplier Payment	Check	24991	9/8/2021	3,992.53	DKS Associates Inc	
Supplier Payment	Check	24992	9/8/2021	56.43	Experian Marketing Solutions - Remit-To: Experian - Los Angeles	
Supplier Payment	Check	24993	9/8/2021	498.56	Ferguson Enterprises - Remit-To: Ferguson - Dallas	
Supplier Payment	Check	24994	9/8/2021	5,746.01	Genuine Parts Company	
Supplier Payment	Check	24995	9/8/2021	363,137.22	Infor Public Sector Inc	
Supplier Payment	Check	24996	9/8/2021	7,132.30	Lakeyland Inc	
Supplier Payment	Check	24997	9/8/2021	800.21	Life Safety Corporation	
Supplier Payment	Check	24998	9/8/2021	298.38	Mark IV Enterprises Inc	
Supplier Payment	Check	24999	9/8/2021	983.42	Municipal Emergency Services Inc - Remit-To: Municipal Emergency Services - Chicago	
Supplier Payment	Check	25000	9/8/2021	63.88	Northwest Cascade Inc	

INVOICE PAYMENTS REPORT

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Supplier Payment	Check	25001	9/8/2021	50,264.25	Northwest Staffing Resources Inc - Remit-To: NW Staffing - Portland	
Supplier Payment	Check	25002	9/8/2021	1,675.62	One Call Concepts Inc	
Supplier Payment	Check	25003	9/8/2021	16,911.46	Pacific Apex Construction LLC	
Supplier Payment	Check	25004	9/8/2021	6,151.95	Poppulo Inc	
Supplier Payment	Check	25005	9/8/2021	4,012.56	PPC Solutions Inc	
Supplier Payment	Check	25006	9/8/2021	878.04	Prestige Glossworx	
Supplier Payment	Check	25007	9/8/2021	54.63	Rapco Industries Inc	
Supplier Payment	Check	25008	9/8/2021	208.86	Rentokil North America Inc	
Supplier Payment	Check	25009	9/8/2021	5,728.40	Retail Lockbox Inc	
Supplier Payment	Check	25010	9/8/2021	928.00	Seven Oaks Native Nursery LLC	
Supplier Payment	Check	25011	9/8/2021	808.33	Soha Sign	
Supplier Payment	Check	25012	9/8/2021	100.00	Speed's Towing of Vancouver	
Supplier Payment	Check	25013	9/8/2021	745.00	State of Washington Department of Labor & Industries - Remit-To: State of WA LNI - Boiler Pressure Vessel	
Supplier Payment	Check	25014	9/8/2021	25,579.45	State of Washington Department of Transportation	
Supplier Payment	Check	25015	9/8/2021	1,791.00	State of Washington State Patrol	
Supplier Payment	Check	25016	9/8/2021	3,300.00	StreamlineAM LLC	
Supplier Payment	Check	25017	9/8/2021	2,800.00	Synarchy Science LLC	
Supplier Payment	Check	25018	9/8/2021	989.19	Transunion Risk & Alternative Data Solutions Inc	
Supplier Payment	Check	25019	9/8/2021	474.70	Triple J Enterprises	
Supplier Payment	Check	25020	9/8/2021	6,291.62	TV Etc ESD 112	
Supplier Payment	Check	25021	9/8/2021	248.00	Vast Data Concepts	
Supplier Payment	Check	25022	9/8/2021	5,491.73	Walter E Nelson Company	
Supplier Payment	Check	25023	9/8/2021	2,720.53	Western Equipment Distributors - Remit-To: Western Equipment - Los Angeles	
Supplier Payment	Check	25024	9/8/2021	7,210.00	William Peacock	
Supplier Payment	Check	25025	9/8/2021	28,412.95	Wilson Oil Inc	
Supplier Payment	Check	25026	9/8/2021	531.49	WW Grainger Inc	
Supplier Payment	Check	25027	9/8/2021	82.86	XPO Logistics Enterprise Services, Inc - Remit-To: XPO - Portland	
Supplier Payment	Check	25028	9/8/2021	34,582.99	Life Insurance Company of North America	
Supplier Payment	Check	25029	9/8/2021	1,506.29	Gordon Truck Centers	
Supplier Payment	Check	25030	9/8/2021	10.00	Clark County	
Ad Hoc Payment	Check	25031	9/8/2021	17,577.00	Earthworks Excavating Services	SCIP Inv WA119-21 Liang
Supplier Payment	Check	25032	9/10/2021	8,004.21	Aflac	
Supplier Payment	Check	25033	9/10/2021	4,956.67	AFSCME Local #307	
Supplier Payment	Check	25034	9/10/2021	22,124.27	IAFF Local #452	
Supplier Payment	Check	25035	9/10/2021	712.50	IAM Local #1374	
Supplier Payment	Check	25036	9/10/2021	8,213.05	Life Insurance Company of North America	
Supplier Payment	Check	25037	9/10/2021	475.00	MFS Service Center Inc	
Supplier Payment	Check	25038	9/10/2021	3,992.91	OPEIU Local #11	
Supplier Payment	Check	25039	9/10/2021	576.00	Teamsters Local #58	
Supplier Payment	Check	25040	9/10/2021	297.50	UA Local #290	
Supplier Payment	Check	25041	9/10/2021	3,162.30	Western Conference of Teamsters	
Supplier Payment	Check	25042	9/10/2021	1,324.80	Western Metal Industry Pension Plan	
Ad Hoc Payment	Check	25043	9/9/2021	250.00	Jessica Menard	Change Fund Custodian
			SUBTOTAL	1,766,198.35		
Hansen			9/13/2021	4,961.63	City Payments	Posted 09-06-21 thru 09-12-21
			SUBTOTAL	4,961.63		

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

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>
Visa			9/13/2021	1,103.00	Miscellaneous	Parks Class Refunds - FCC 09-06-21 thru 09-12-21
Visa			9/13/2021	476.50	Miscellaneous	Parks Class Refunds - MCC 09-06-21 thru 09-12-21
Visa			9/13/2021	-	Miscellaneous	Parks Class Refunds - Special Events 09-06-21 thru 09-12-21
Visa			9/13/2021	-	Miscellaneous	Parks Class Refunds - WREC 09-06-21 thru 09-12-21
			SUBTOTAL	1579.50		
			TOTAL	1,772,739.48		

City of Vancouver
Payroll Council Report
September 7, 2021 - September 13, 2021

Check No.	Date	Explanation	Amount
3341-3376	09/10/21	17 2021 Payroll	\$ 20,791.75
114675-116397	09/10/21	17 2021 Direct Deposits	\$ 3,266,943.73

\$ 3,287,735.48

The background of the slide features a photograph of Vancouver City Hall, a modern building with a curved glass facade and brick accents. The words "VANCOUVER CITY HALL" are visible on the building's exterior. In the foreground, there is a hanging basket filled with vibrant pink and purple flowers, likely petunias, which are slightly out of focus compared to the building.

2020 Consolidated Annual Performance Evaluation Report (CAPER)

September 20, 2021

Vancouver City Council Public Hearing



Peggy Sheehan,

Community Development Programs Manager

Bryan Monroe, Associate Planner

Presentation Overview

- Purpose
- HUD Program Descriptions
- COVID-19 Response
- Program Year Expenditures
- Accomplishments
- Next Steps
- Questions & Discussion



Purpose

- Present the Consolidated Annual Performance and Evaluation Report (CAPER) regarding the progress of the use of the CDBG and HOME funds
- Discuss COVID-19 funding impacts and response efforts
- Review of the City's 2020 Action Plan goals and accomplishments (See attached Infographic)
- Meet 30-day public comment period and public hearing through Council prior to submission to HUD
- Document available on City web site at:
<https://www.cityofvancouver.us/ced/page/community-development-block-grant-cDBG-and-home-programs>

CDBG Program (\$1,483,862 for 2020)

The CDBG entitlement program allocates annual grants to larger cities and urban counties to develop viable communities by:

- Providing decent housing,
- Creating suitable living environments, and
- Expanding economic opportunities
- Funds used principally for people below 80% AMI (\$77,350 for a family of four)



HOME Program (\$768,300 for 2020)

- The HOME Investment Partnerships Program (HOME) is the largest Federal block grant to state and local governments designed to create affordable housing for low-income households.
- HOME provides grants to communities, often in partnership with local nonprofit groups, to fund a wide range of activities including:
 - Construction, acquisition, and/or rehabilitation of affordable housing for rental or homeownership, and
 - Providing direct rental assistance to low-income people

Funding Allocation Process

- Notice of Funding and Pre-application process in the fall
- Prioritization committee (community members and city staff) reviews and recommends funding awards to Council in the winter
- Council holds public hearing and determines final funding award in the spring (Annual Action Plan)
- Council holds public meeting to review previous year's accomplishments (CAPER) in the fall



2020 CAPER- 6

COVID-19 Response- (\$1,896,538)

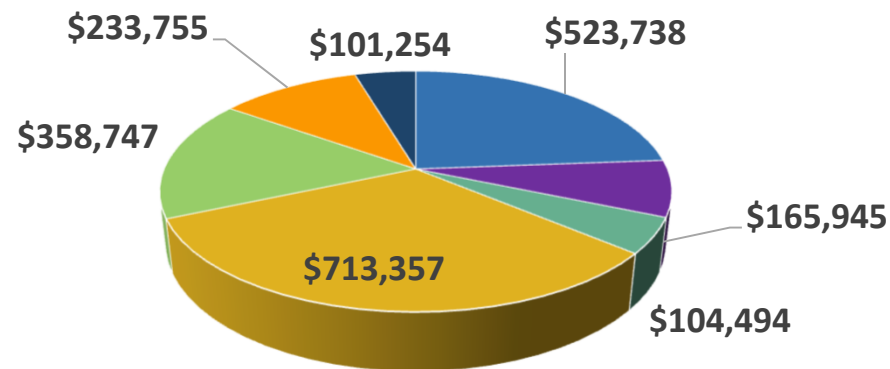
- During the 2020 program year the City received two rounds of CARES Act funds (CDBG-V(1) and CDBG-CV(3).
- Funds were awarded to programs providing business technical assistance, public services, and small business grants/loans
- Funds are used to prevent, prepare for or respond to COVID-19
- Through August 26, 2021, \$616,420 has been spent on programs and administration. The remaining balance will continue supporting programs. All funds have been awarded. To date we have executed contracts for \$1,092,671.

COVID-19 Response- Continued Support

- Awarded \$387,954 from the State CDBG-CV(2) funds to support small businesses.
- Funds will be allocated to projects that support business technical assistance
- In 2022, we will receive additional HOME funds through the American Recovery Plan (ARP) Act totaling \$2,496,110
- These funds will be allocated in 2022 and will be used to:
 - “Best meet the needs of people experiencing or at risk of experiencing homelessness, including development of affordable housing, tenant-based rental assistance, supportive services, and acquisition and development of non-congregate shelter units”

CDBG Program Expenditures

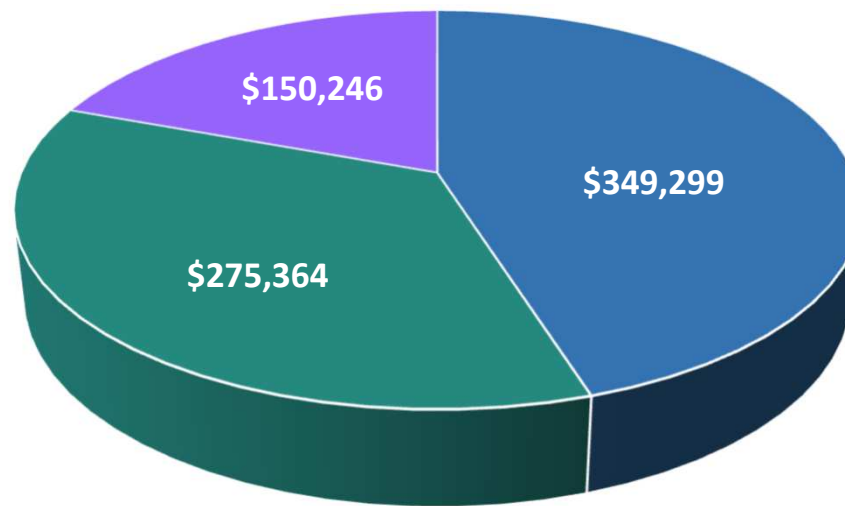
2020 CDBG Expenditures: \$2,212,700



- Economic Development
- Housing Services
- Public Facilities
- Public Services
- Administration
- Housing
- Acquisition

HOME Program Expenditures

2020 HOME Expenditures: \$774,909



Leveraged Funding

	CDBG	HOME
City Allocation	\$2,583,185	\$933,648
Leveraged Funding	\$16,274,068	\$6,847,928
Leverage Ratio	1:6.3	1:7.3

2020 CAPER in Numbers



The full 2020 CAPER Summary Graphic is found at:
<https://www.cityofvancouver.us/ced/page/community-development-block-grant-cdbg-and-home-programs>



Next Steps/Timeline

- Submit CAPER to HUD Region X Office by end of September



Questions and Discussion

Peggy Sheehan, Programs Manager
(360) 487-7952

Peggy.Sheehan@cityofvancouver.us



2020 CAPER - 14



Staff Report 135-21

TO: Mayor and City Council

FROM: Eric Holmes, City Manager

DATE: 9/20/2021

SUBJECT 2020 CDBG/ HOME Program Consolidated Annual Performance Evaluation Report

Key Points

- This required HUD report outlines the accomplishments funded through the City's 2020 CDBG and HOME programs.
- The report also provides a public review document for the community detailing the use of US Department of Housing and Urban Development funds.
- Public review of the 2020 Draft CAPER may be viewed on the CDBG webpage linked here: 2020 Draft CAPER

Strategic Plan Alignment

Goal 3, Objective 3.1: Strengthen community identity and sense of belonging.

Goal 3, Objective 3.2: Improve services available to underserved or vulnerable residents.

Goal 6, Objective 6.1: Support a strong, active neighborhood program that enhances livability and community connections.

Goal 6, Objective 6.2: Improve amenities and services that allow residents to age in place.

Present Situation

The Consolidated Annual Performance Evaluation Report (CAPER), is designed to provide a meaningful overview of the funding activities administered by the City of Vancouver CDBG and HOME programs for the 2020 Program Year (July 1, 2020 through June 30, 2021). The CAPER also provides a measuring tool to track the City's progress in meeting the goals, objectives, and areas of priority identified in the 2019-2023 Consolidated 5-year Plan. The 2020 CAPER marks the eighteenth year for Vancouver as a CDBG entitlement city and the twelfth year as a HOME Investment Partnership Program participating jurisdiction. The 2020 CAPER is the second year of reporting under the 2019-2023 five-year Consolidated Plan. In the 2020 Program Year

Vancouver expended \$2,212,699.98 in CDBG funds, and \$774,908.62 in HOME funds. (These amounts may also include funding from previous program years that was expended during the 2020 program year.) These funds were spent on programs focused on local needs that follow the national objectives, goals and outcomes for the CDBG and HOME programs administered by the U.S. Department of Housing and Urban Development. The intended recipients of program funding are low and moderate-income families and individuals. A four person moderate income (80% AMI) family earns \$77,360 per year or less. A low-income (50% AMI) four person household earns \$48,350 or less annually. The City of Vancouver Community Development Block Grant (CDBG) and the HOME Investment Partnership programs strive to provide a coordinated approach to addressing community needs. The CDBG and HOME programs partner with the Vancouver Transportation, Public Works, Police and Parks programs, Clark County, Vancouver Housing Authority, and many local non-profit agencies and businesses on CDBG/HOME projects.

In 2020 the City paid down its Section 108 loan for the Waterfront access improvements by \$302,251.50 and has a principal balance of \$2,305,000 remaining. Additionally, the City has applied for a new Section 108 loan for the Fourth Plain Commons Community Center and expects to receive the outcome of that application from HUD in September 2021.

In 2020, the goals and outcomes of the City of Vancouver's CDBG and HOME programs were significantly impacted due to the global effects of COVID-19. Many of the City's CDBG and HOME supported projects were at a standstill as the organizations adjusted to operating under the pandemic. However, through CDBG and HOME funding, the City of Vancouver was still able to support the City's most vulnerable residents during this time.

The following table is a summary of the accomplishments and people assisted with CDBG and HOME funds during the 2020 program year including activities with funding from prior years.

Goal	Beneficiary Outcome
Increase and Preserve Affordable Housing	49 Households
Increase Economic Opportunity	323 Businesses
Public Services for At-Risk & Homeless Persons	1,952 Persons
Public Facilities and Improvements	144 Persons

Advantage(s)

1. CAPER report submission to ensures programs will remain in compliance with the federal regulations and ensure the City CDBG and HOME programs can continue to receive and allocate federal entitlement funds.
2. Publication of the CAPER provides a level of transparency into the use of public funding.

Disadvantage(s)

None

Budget Impact

None. Failure to submit required HUD reports places the City CDBG/HOME programs out of

compliance with federal contracts and risks the loss of federal funding.

Prior Council Review

June 1, 2020 - Adoption of 2020 CDBG/HOME Action Plan.

Action Requested

Following a public hearing, approve the 2020 CAPER report for submission to the HUD Region X Office for approval.

Peggy Sheehan, Community Development Programs Manager, 360-487-7952; Bryan Monroe, Associate Planner, 360-487-7958

ATTACHMENTS:

- ▣ 2020 CAPER InfoGraphic
- ▣ 2020 Consolidated Annual Performance Evaluation Report - web link
- ▣ Power point for Caper

CITY OF VANCOUVER

2020 CONSOLIDATED ANNUAL PERFORMANCE EVALUATION REPORT

July 1, 2020 - June 30, 2021

HUD Entitlement Funds

The City of Vancouver is the administrative authority for the U.S. Department of Housing and Urban Development’s Community Development Block Grant (CDBG) and HOME Investment Partnerships allocation.

CDBG funding was used to fund a variety of programs and projects that benefit low- and moderate-income county residents, including:

- infrastructure improvements
- case management
- homeowner rehabilitation programs
- community facilities
- fair housing initiatives



Plus an additional
\$16,274,068
was leveraged from other
sources at a ratio of **1:6**

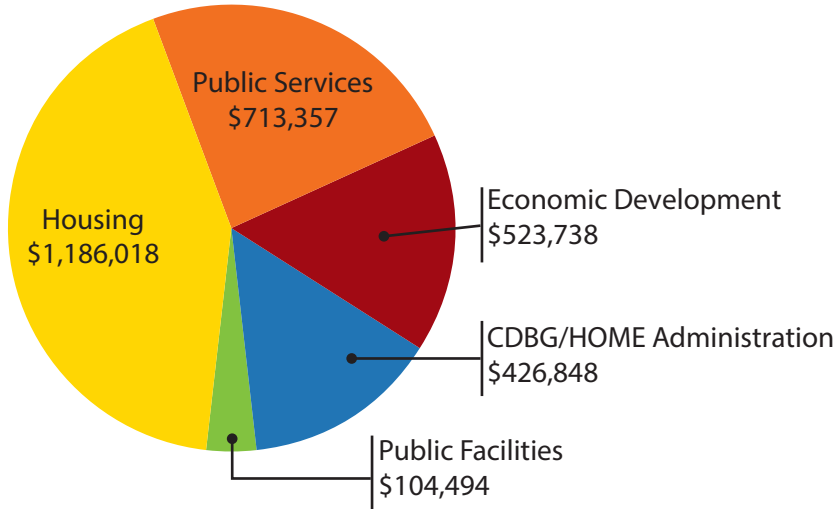
HOME funding was used to construct new housing and provide rental assistance to formerly homeless families.

Plus an additional
\$6,847,928
was leveraged from other
sources at a ratio of **1:7**



2020 Project Expenditures

49 activities with 25 partners: \$2.9 million



Housing | \$1,186,018
Second Step
Lifeline Connections
Evergreen Habitat for Humanity
Janus Youth
Share

Economic Development | \$523,738
Hispanic Metropolitan Chamber of Commerce
Vancouver’s Downtown Association
Micro Enterprise Services of Oregon
Fourth Plain Forward
Mercy Corps NW

Public Services | \$713,357
Proud Ground
GoConnect
Community Housing Resource Center
Share
Outsiders Inn
Council for the Homeless
Janus Youth
Clark County Volunteer Lawyer Program
YWCA Clark County
Boys and Girls Clubs of SW Washington
Clark County Food Bank

CDBG/HOME Administration | \$426,848
CHDO development, operating & TA
HOME Program administration
HQS inspections

Public Facilities | \$104,494
Vancouver Housing Authority
Salvation Army
City Navigation Center
Educational Opportunities for Children and Families

2020 COVID-19 Response Project Types

- Small business grants and loans
- Technical assistance
- Public services
- Overnight shelter for people experiencing homelessness



2020 Project Outcomes



20,090
total low and moderate
income households served



2,090
people accessed public services,
including housing assistance



323
businesses assisted



12
COVID-19 response and
assistance projects funded



49
people experiencing
homelessness housed



13
low income homes
rehabilitated

City of Vancouver 2020 Consolidated Annual Performance Evaluation Report

https://www.cityofvancouver.us/sites/default/files/fileattachments/community_and_economic_development/page/1016/0_2020_caper_website.pdf

Pearson Field Airport –
Vancouver Municipal Code Revisions – Title 10
Public Hearing

September 20, 2021

CITY OF
Vancouver
WASHINGTON

Purpose of Proposed Code Change

- Update portions of Title 10 that are out of date and do not reflect preferred management practices
- Establishes a separate Rules and Regulations document
- Moves many operational rules out of code
- Re-establishes the Aviation Advisory Committee
- Codifies Aviation Advisory Committee purpose, and makeup

Pearson Tenant Review and Input

- Staff-proposed changes were circulated to the Pearson tenants for review and comment
- Staff met with interested tenants for direct feedback on June 30
- Tenant feedback and change suggestions were reviewed and revisions were included in the final draft

Rules and Regulations Document

- Proposed code revisions require City Council to adopt a new Rules and Regulations document
- Adoption of Rules and Regulations by Council resolution will allow a more streamlined path for needed future changes
- If the revised code changes are approved tonight, staff will return next week with a request to approve a resolution adopting the new Rules and Regulations

Questions and Discussion

CITY OF
Vancouver
WASHINGTON



Staff Report 131-21

TO: Mayor and City Council

FROM: Eric Holmes, City Manager

DATE: 9/20/2021

SUBJECT Amendments to VMC Title 10 - Pearson Airfield

Key Points

- Some parts of Vancouver Municipal Code Title 10 are out of date and/or do not reflect preferred management practices.
- The proposed ordinance changes clarify and modernize several items within VMC 10.05.
- The proposed ordinance change establishes a separate Rules and Regulations document, and transfers many operational rules out of VMC 10.05.
- The proposed ordinance change also re-establishes the Aviation Advisory Committee.

Strategic Plan Alignment

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

Present Situation

The current Vancouver Municipal Code, Title 10 "Aircraft and Airports" contains many rules and regulations that control the operation and use of Pearson Airfield. Some of current sections of Title 10 are out of date and do not reflect preferred management practices. In addition, many of these existing rules should not be codified, but rather, should be in a separate Rules and Regulations document that City Council could adjust, modify or change through resolution rather than through the more formal and lengthy code change processes.

Also included in the proposed code update, in proposed section 10.05.04, is an update to the makeup and responsibilities for the Aviation Advisory Committee.

After a period of consultation with the users of Pearson Airfield, City staff has drafted the proposed VMC Title 10 ordinance changes for Council consideration.

If Council approves the proposed code changes, which include references to a new Rules and

Regulations document, a proposed Rules and Regulations document will come before City Council for consideration on September 27.

Advantage(s)

1. Updates and aligns code with preferred practices and policies,
2. Moves airport rules and regulations into a separate document,
3. Updates and clarifies the Aviation Advisory Committee's makeup as well as roles and responsibilities.

Disadvantage(s)

None

Budget Impact

There is no impact to the budget as a result of this proposal.

Prior Council Review

- City Council workshop - June 8 2020
- City Council workshop - July 26, 2021
- City Manager Communications - August 16, 2021

Action Requested

On Monday, September 20, 2021, subject to second reading and public hearing, approve the ordinance.

Jennifer Belknap Williamson, Public Works Director, 360-487-7131; Guy Lennon, Airport Manager, 360-487-8619

ATTACHMENTS:

- ▣ Proposed Revised Ordinance
- ▣ Ordinance Proposed Changes Summary Matrix
- ▣ Presentation

09/13/21
09/20/21

ORDINANCE NO. _____

AN ORDINANCE relating to Pearson Field Airport, substantively amending multiple sections of the VMC, re-codifying and amending several other sections of the VMC, and repealing multiple sections of the VMC in order to update and reflect preferred management practices, clarify and update the Aviation Advisory Committee and establish separate stand-alone Rules and Regulations applicable to Pearson Airport; providing for savings, severability and an effective date.

WHEREAS, as reflected in SR - _____, the existing code in Title 10 has outdated sections with code language that needs updating to reflect current preferred management practices; and

WHEREAS, some existing parts of VMC Title 10 contain rules and regulations which are better suited to be in stand-alone Rules and Regulations document; and

WHEREAS, the codified composition, membership, and roles and responsibilities of the Aviation Advisory Committee require revisions; and

WHEREAS, outreach with Pearson Airport users was conducted, and comments were presented at a City Council workshop held on July 26, 2021; and

WHEREAS, this ordinance is an exercise of the city of Vancouver's policy and legislative authority derived from Wash. Const. art. XI, § 11 and is consistent with RCW 35.22.280, and is to protect the public's health, safety and welfare.

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF VANCOUVER:

Section 1. VMC Chapter 10.05, is hereby amended to read as follows:

10.05 Pearson Field ~~Airport~~Airpark

Section 2. That part of Ordinance M-2733, as previously codified as VMC 10.05.010, is hereby amended to read as follows:

10.05.010 ~~Purpose of regulations.~~

In order to provide for the safety of tenants, users and the general public, efficient use of Pearson Field Airport facilities, and the continued stewardship of the historic, economic, public safety, educational, and cultural value of Pearson Field this chapter shall apply to the governance of Pearson Field Airport and to the rules and regulations set forth in this chapter shall apply to Pearson Airpark and to all public and private use thereof.

Section 3. That part of Ordinance M-2733, as previously codified as VMC 10.05.020, is hereby amended to read as follows:

10.05.020 ~~Construction and d~~Definitions.

The following words and phrases, whenever used in this chapter or documents promulgated hereunder, shall be construed as defined in this section unless from the context a different meaning is intended, or unless a different meaning is specifically defined and more particularly ascribed to the use of such words or phrases. All definitions contained in 49 U.S.C. § 40101 et seq. (hereinafter cited as "FAA Act") and all amendments thereto shall be considered as included herein; and all definitions shall be interpreted on the basis and intention of the FAA Act and amendments thereto, unless from the context a different meaning is intended, or unless a different meaning is specifically defined and more particularly ascribed to the use of such words or phrases. Nothing in this chapter shall be construed to mean that the city intends to permit any violation of any federal or state law. FAA regulations, as currently adopted, including any future amendments, shall be the controlling factor. The following terms shall have the meanings indicated:

1. ~~"Airpark" or "a Airport"~~ means the land and facilities owned or controlled by the city of Vancouver known as Pearson Field ~~Airport~~ark.
2. "Aviation advisory committee" means that body which recommends to the City Council, ~~and City Manager and Airport Manager~~ on matters pertaining to Pearson Field Airport ark as set forth in Resolution M-545 or as the same may be amended.
3. "Airport~~ark~~ manager" means the individual or individuals designated by the city manager as having responsibility and authority for management of Pearson Field Airportark.
4. ~~"Airport layout plan" means the most recent approved layout of the airport property, indicating current and proposed usage as approved by the city council by resolution.~~
5. ~~"Based aircraft" means aircraft occupying hangar or tiedown space at the airpark on a monthly or other fixed term basis.~~
4. "City of ~~Vancouver~~" means a municipal corporation organized under the constitution and statutes of the state of Washington and known as Vancouver, Washington or Vancouver, ~~USA~~.
5. "Commercial activity" means the conduct of any aspect of business, concession, an operation or agency in order to provide goods or services to any person for compensation, for-profit or hire. In addition, any activity which requires a business license or certification to be performed whether for compensation or not which is conducted on or based at the airpark is considered a commercial activity.

- ~~8. "Commercial operator" means any person who owns or operates or who is legally responsible for conduct of a commercial activity.~~
- ~~9. "Adjoining private property" means privately owned property abutting to and adjoining any part of Pearson Airpark.~~
- ~~10. "Employee" means any individual performing services at the airpark for another person and designated as an employee so that federal/state unemployment insurance, federal social security or federal withholding taxes are withheld from wages by his or her employer.~~
6. "FAA" means the Federal Aviation Administration.
- ~~12. "FCC" means the Federal Communications Commission.~~
- ~~13. "Flying club" means a nonprofit corporation or organization (as evidenced by articles of incorporation or other appropriate documents) in which all aircraft are equally owned or leased by all members of the corporation or organization.~~
- ~~14. "Fuel handling" means the transportation, delivering, fueling and draining of aircraft fuel, or any one of the above.~~
- ~~15. "Fixed base operator" means a proprietor of a commercial operation which offers multiple aeronautical related activities and services to the general public.~~
- ~~16. "Itinerant aircraft" means aircraft not based upon the airpark.~~
- ~~17. "Independent contractor" means one who contractually undertakes to perform services for another, but who is not controlled by the other nor subject to the other's right to control with respect to physical conduct in performing the services.~~
- ~~18. "Landing area" means the runway, taxiways, turnoffs and adjoining areas.~~
- ~~19. "Long term leases" means lease periods of more than two years.~~
- ~~20. "Motor vehicle" means automobiles, trucks, buses, public automobiles, limousines, taxis, and any other vehicle by which persons or property may be transported or carried on land, but not including aircraft.~~
- ~~21. "Operator" means the owner or the person, firm or representative or corporation controlling the operations of any certain aircraft or motor vehicle.~~
7. "Person" means any individual, firm, copartnership, corporation, company, association, joint stock association or body politic, and includes any trustee, receiver, assignee, or other similar representative thereof.
8. "Rules and regulations" means written rules as have been or ~~are~~may be promulgated from time to time by the ~~director of parks~~Airport Manager to carry out this chapter or other city ordinance or law as needed to protect public health, safety, interests, and welfare on the ~~airport~~airpark, and which are consistent with this chapter and which have been adopted as provided herein.
9. "T-Hangar" means a multiple aircraft storage building individually compartmentalized and normally leased to individual airplane operators.
10. "Tenant" means any person (as defined above) who through agreement with the city occupies and controls or benefits from the use of ~~airport~~airpark premises.
- ~~26. "Contract or commission services" means a person performing contract or commission services for compensation on the airpark~~ "Tie-Down" means city owned ramp space where aircraft can be

tied down and typically uncovered.”

~~27. "Non-aviation services" means restaurants, car rentals and any other non-aeronautical services provided on the airpark.~~

11. "Fees and charges" means charges directly imposed by the city upon users of the airport for services of direct benefit.

~~29. "Standards for commercial/noncommercial operations" means rules and regulations which by their terms pertain only to commercial/noncommercial operations on Pearson Airpark.~~

Section 4. That part of Ordinance M-2733, as previously codified as VMC 10.05.030, is

hereby amended to read as follows:

10.05.030 ~~Regulations for airport use generally~~Adoption of Rules and Regulations.

~~A.—Any permission granted by the airport manager or by his/her representative, directly or indirectly, expressly or by implication, to any person or persons to enter or use the airport or any portion thereof, including aircraft operators, crew members and passengers, spectators, pleasure and commercial vehicles, officers and employees of lessees and also including other persons occupying space on the airport, persons doing business with the city of Vancouver, its lessees, sublessees and permittees, and all other persons whatsoever, is conditioned upon such persons' compliance and continued compliance with these rules and regulations. Entry upon or into the airport by any person shall be deemed to constitute an agreement by that person to comply with all said rules and regulations.~~

B.—Use of the airport for carrying on activities in aviation on a commercial basis is restricted to those persons who shall have established themselves as tenants under a tenancy contract or permit from the city of Vancouver. No person who is not so authorized or who is in default under a tenancy contract or permit shall operate, service or repair aircraft on the premises or carry on any business of any nature thereon; provided, however, that an owner of an aircraft which is regularly stored on the airport, either by arrangement with the airport manager, or with an established tenant operator, may employ a qualified pilot/instructor to operate such owner's aircraft and/or to give instruction to such owner without being deemed in violation of this subsection.

C.—~~No person or persons, except airmen, duly authorized personnel, passengers going to or from aircraft, persons having business to transact in offices located in hangars, or other persons being personally conducted by airmen or airport attendants, shall be permitted to enter the area within the fence, i.e., within the landing area proper. Even the persons so excepted who thus shall have the privilege of unrestricted use of the space within the fence, are restricted to the necessary use of such space in connection with flights, inspections and routine duties.~~

D.—*Permit Required for Commercial Services.* It is unlawful for anyone to engage in any commercial service in premises at Pearson Airpark unless he or she has first secured a permit from the city to do so; provided, this shall not apply to persons operating a business at the airpark under a tenancy agreement with the city, but all such persons must have a city business license, unless exempted by terms of Chapter 5.04 of this code.

The document titled “Pearson Field Airport Rules and Regulations,” is adopted by City Council Resolution. Any future changes or amendments shall be subject to review and adoption by resolution of the City Council, subject to review and recommendation by the Aviation Advisory Committee.

Section 5. That part of Ordinance M-2733, as previously codified as VMC 10.05.040, is

hereby amended to read as follows:

10.05.040 ~~Refuse—Property damage—Tampering~~Aviation Advisory Committee.

~~A.—*Refuse.* No person shall throw, dump or deposit any waste, refuse, litter or garbage on the grounds of the airport. All waste, refuse, litter and garbage shall be placed and kept in closed garbage cans or containers, and all operating areas shall be kept in a safe, neat, clean and orderly condition at all times.~~

~~B.—*Property Damage.* Anyone who intentionally destroys, injures, defaces or disturbs in any way any building, sign, equipment, marker or other structures, or other public property on the airport shall be guilty upon conviction of a misdemeanor. Any person responsible for the destruction or damage of airport property, whether by accident or otherwise, shall pay the city for such damage and destruction, and, in appropriate cases, for other financial losses to the airport which follow from such damage or destruction.~~

~~C.—*Tampering with Aircraft.* No one may interfere or tamper with any aircraft or start the engine of such aircraft unless authorized to do so.~~

1. Purpose.

The purpose of the Aviation Advisory Committee is to provide advice and recommendations to the Airport Manager, City Manager, and City Council, as wells as other city departments, regarding the management and operations of the Airport and other aviation related issues affecting Pearson Field Airport. The committee shall provide advice and recommendations on:

- i. Issues pertaining to maximizing the historic, economic, public safety, educational, and cultural value of the Airport.
- ii. Airspace compatibility of any economic development projects with potential to affect the Airport (ex. zoning, building standards, etc.).
- iii. General financial oversight of the airfield, including all proposed fees, commercial leases, rental rates, and rental agreement formats.
- iv. Proposals to construct or remove any building, capital improvements, or to enlarge airport facilities.
- v. The adoption or amendment of airport rules and regulations, Commercial Minimum Standards, and the development of airport related plans including the master plan and airport layout plan.
- vi. Formal agreements with the National Park Service, or any other entity, with either operational or financial implications for the Airport
- vii Operations, changes and advancements in aviation technology and airspace use.
- viii Aviation matters referred to the committee by City Council, City Manager, or their designee.
- xi Other aviation matters that originate from within the committee.
- x. Review all Airport grants before application and before submission to the City Council for acceptance of the grant. The exception will be if grant acceptance and Council action is required sooner than the AAC can meet.

2. Members – Appointment

The Aviation Advisory Committee shall consist of 9 members selected by City Council subcommittee and appointed by the City Council. Committee members will serve without compensation. Members will have a demonstrable interest in the Airport, and/or aviation and aeronautical activities, and preferably have skills in one or more relevant areas such as airport management, legal, marketing, finance, FAA knowledge, real estate, business, and engineering. Members shall demonstrate the ability to work effectively with others in a volunteer committee role.

If a suitable candidate is available, one member shall be a representative from the Port of Portland and one member will be from a surrounding neighborhood. In support of assuring a balanced range of community perspective on the AAC and subject to exception by the City Council in their process of appointing members of the Committee, no more than three (3) members of the Committee may be a tenant of the Airport, subject to Council exception. No members will be employees of the City of Vancouver.

3. Terms

Aviation Advisory Committee members shall be appointed for three-year terms; provided of the seven initial members, three shall be appointed to a three-year term, Three to a two-year term and one to a one-year term. Subsequent appointments shall be to fill any unexpired term or to a three-year term. Service of members may not exceed three consecutive full terms.

4. Officers

Each year, the committee shall elect by majority vote a chair and vice chair and such other officers as the committee finds necessary. Officers shall serve for one-year and may not serve for more than two consecutive years.

5. Removal. Any member may be removed, prior to the expiration of their term of appointment, by a majority vote of the City Council

6. Meeting-Quorum. The committee shall hold meetings at least quarterly and may hold such other meetings as it finds necessary. A majority of the current members of the aviation advisory committee shall constitute a quorum.

7. Bylaws. The Aviation Advisory Committee shall adopt bylaws that outlines the transaction of its business. The bylaws will be consistent with City values and subject to review by the City Manager or designee. The Aviation Advisory Committee may thereafter amend the bylaws or repeal and replace the bylaws subject to review by the City Manager or designee and referral, if appropriate, to the City Council for ratification. The bylaws may only contain provisions for the regulation and management of the affairs of the Aviation Advisory Committee as consistent with law and this chapter of VMC 10.05.

8. Assistance

The Airport Manager or the Manager's designee shall serve as staff liaison and Secretary to the Committee ("Secretary"). The City's staff and consultants, under direction of the Secretary, shall furnish professional and technical information and advice to the Committee.

Section 6. That part of Ordinance M-2733, as previously codified as VMC 10.05.050, is hereby amended to read as follows:

10.05.050 Access to Pearson Airpark from adjoining private property Federal and State Grants.

~~Access to Pearson Airpark will not be permitted from adjoining private property. A control and security fence will be erected and maintained separating Pearson Airpark and private property.~~

All funds shall be disbursed only for the purposes approved by the FAA or granting State or local agency. Such funds shall not be dispersed or loaned for any other reason unless permitted under the grant and approved by the City Council.

Section 7. That part of Ordinance M-2733, as previously codified as VMC 10.05.060, is hereby amended to read as follows:

10.05.060 ~~Motor vehicle regulations~~ Audits.

~~A.—No one shall operate any vehicle on the airpark in a negligent manner, nor in disregard of the rights and safety of others, nor at a speed likely to endanger unreasonably any person or property, nor while the driver is under the influence of intoxicating liquor, or any narcotic drug, as such condition is defined in the city traffic code at Chapter 9.56 of this code.~~

~~B.—No person not having a valid vehicle operator license shall operate any vehicle on the airport, nor shall any person operate at the airpark any vehicle which is not properly licensed under the laws of the state of Washington or of another state.~~

~~C.—All vehicles operated on the airpark shall be driven at a safe and reasonable speed, but not to exceed fifteen miles per hour.~~

~~D.—No motor vehicle shall be driven onto the landing area proper, without the express permission of the airpark manager or designated representative, and then only in accordance with these instructions.~~

~~E.—No one shall operate any motor vehicle on the airpark, off designated streets, except fueling trucks, city operated or authorized patrol or emergency vehicles, management and maintenance vehicles, FAA maintenance vehicles, and business tenants and their employees, and T-hangar or tiedown tenants, while directly going to and from their leased areas.~~

~~F.—No go-carts, bicycles or similar vehicles, or horses are permitted on the ramps, runways or taxiways of the airpark.~~

~~G.—No one shall operate any commercial vehicle carrying passengers for hire from the airpark unless such operation is conducted with the approval of airpark management; provided, this shall not prevent taxicabs from bringing persons to the airpark, nor shall it prevent taxicabs licensed by the city from picking up passengers at the airpark.~~

~~H.—*Accident Reports.* The driver of any vehicle involved in an accident in the airpark shall within forty eight hours make a complete report in writing to the airpark manager.~~

Audits. Audits shall be conducted for Pearson Field no less than every three (3) years. Audit results, and subsequent action plans, shall be provided to airport and City management and the Aviation Advisory Committee

Section 8. That part of Ordinance M- 2733 previously codified as VMC 10.05.135, is hereby re-codified as VMC 10.05.065, and is hereby amended to read as follows:
ORDINANCE - 7

10.05.065135 Posting regulations.

1. Rules and regulations adopted pursuant to this chapter shall be made available posted in a prominent place in offices of businesses and at other conspicuous places at the airport, as found necessary by the aAirportark mManager. The rules and regulations shall also be posted on the Pearson Field Airport website. Copies of this chapter and also of such rRules and regulations shall be supplied to all applicants and interested parties upon request to the aAirport mManager. (Ord. M-2733, 1987)
2. Current airport plans (Master, Layout, Business, etc.) shall be posted on the Pearson Field Airport website.

Section 9. That part of Ordinance M- 2733, previously codified as VMC 10.05.145, is hereby re-codified as VMC 10.05.075, and is hereby amended to read as follows:

10.05.075145 ~~Fees and~~ Fee and Charges.

~~A.~~ All fees and charges to users of Pearson Field shall be administratively established pursuant to the standards and requirements set forth herein.

~~B.~~ 1. Fees and rates charged ~~shall~~ may be evaluated annually. Rates shall be established with consideration given to ~~the self support~~ (a) airport self-sustainability based on actual and projected costs and (b) competitiveness with local benchmark airports adjusted for differences in services, amenities, and geography ~~policy for Pearson Field, local market conditions, and consistency with other regional airport pricing.~~ The ~~Airport~~ aviation aAdvisory eCommittee shall review fees and charges and make recommendations to city staff consistent with this chapter.

2. Notice shall be given to airport ~~user~~ tenants of all ~~aAdvisory eCommissionttee~~ and City Council meetings where changes that affect such users will be considered. Notice of a proposed fee or rate ~~increase~~ change shall be provided to such affected airport ~~user~~ tenants thirty (30) days in advance of such proposed increase change. Fee and rate provisions for land and building lease and or rental holders will be described in individual agreements.

~~C.~~ 3. Landing Fee for Non-tenants. Anyone operating an aircraft for commercial purposes and who lands such an aircraft at Pearson Airpark more than once in any thirty-day period, and who is not a tenant at Pearson Airpark, shall, beginning with such second landing, be subject to and shall pay to the city a landing fee for each such landing, except that only one landing fee shall be charged per day for each aircraft using the facility regardless of the number of landings per day for that same aircraft. Such fee is to be paid on a monthly basis and must be accompanied by a form prepared by the airpark manager and filled out by the commercial operator to show the numbers of aircraft and times of each such landing. The airpark manager with the approval of the city manager shall make rules and regulations consistent with this section as are found necessary for its administration.

For the purposes of this chapter, as amended, the term "commercial purposes" includes air taxi operations, and the carrying in air commerce in small aircraft by any person (other than an air carrier) of persons or property for compensation or hire. The term shall not cover student instruction, ferry or training flights.

It is unlawful for anyone liable therefore to fail to properly file a return and pay the tax imposed by this section, and anyone convicted in district court of failing to do so shall be sentenced to pay a fine of fifty dollars shall execute an agreement with the City for such purposes. Incidental or occasional use does not require an agreement.

~~D.~~ Permit and Fee Required for Conducting Commercial Services. It is unlawful for anyone to engage in any commercial service in premises at Pearson Airpark unless he or she has first secured

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a permit so to do, and has paid the designated fee; provided, this subsection shall not apply to persons operating a business at the airport under a tenancy agreement with the city but each such person shall have a city B&O license and pay B&O fees and taxes unless exempted therefrom by Chapter 5.04 of this code.

~~E.4. Hangar~~ T-Hangar Fee ~~erent established. City-owned~~ Monthly rates for T-hangars buildings shall be rented on a month-to-month basis for the storage of aircraft. A waiting list shall be maintained when demand is in excess of supply that are substantially similar in size, configuration and amenities will be set consistently across the airport. A schedule of rates for each class of hangars will be published on the Pearson Field website.

~~F.5. City controlled Tiedown Fee – City Controlled. The a~~ Airport managementr may ~~shall designate areas for both transient and permanent~~ monthly tiedown space. Payment for such use will be either daily or monthly A schedule of rates for monthly tie-down spaces will be published on the City and Pearson Field websites.

~~G. Tiedown Fee – Tenant Controlled. The airport manager may enter into agreements, on forms to be prepared by the city attorney, with various tenants to provide for collections of such tiedown fees, and for the assignment of certain areas of the airport to each of such tenant for supervision and maintenance of such tiedown areas. Tiedown fees shall be paid by the user to a properly designated tenant who shall furnish a receipt therefore and who shall transmit to the city director of Financial and Management Services a duplicate of such receipt and an agreed upon percentage of the money which has been thus collected, not later than the tenth day of each month.~~

~~H.6. Fuel Flowage Fee. All aviation fuel delivered for resale purposes to Pearson Airportark must be delivered only to in-ground storage~~ those facilities designed for aviation fuel. The deliverer dispenser of such fuel shall be required to pay directly to the City (airport fund) the fuel flowage fee of three cents per gallon or such other amount as may be established by city ordinance or by resolution adopted by the city council after a public hearing. Such payment to be made by the twentieth day of each month for the previous month's delivery in an amount and manner agreed to by contract.

~~I. Leasehold Tax. A Washington State leasehold tax shall be included in each rental or lease payment schedule for use of airport property when such rent or lease is for thirty consecutive days or more.~~

7. Deposits, Fines and Fees. Any deposits, fines or fees, paid in association with the airport will be maintained in an airport account by the City for exclusive use by the airport. All such charges will be invoiced by the City by either regular mail or electronically. (VMC 3.12.093).

~~J.8. Payments. All payments of fees and charges are due and payable in advance of the first day of the month unless otherwise provided. Payments shall be made to the director of Financial and Management Services, P.O. Box 1995, Vancouver, WA 98668 – 1995.~~

Section 10. The following new sections of the VMC are hereby added and codified as follows:

A new Section is added to the VMC, codified as VMC 10.05.015 to read as follows:

10.05.015 Ownership and Operation

Pearson Field Airport is operated by the City of Vancouver, Washington on land owned by the City or leased under agreement with the National Park Service (NPS)

Management and operation of Pearson Field Airport shall be consistent with all applicable local, State and Federal Regulations.

Section 11. A new Section is added to the VMC, codified as VMC 10.05.035 to read as follows:

10.05.035 Minimum Standards for Commercial Activities at Pearson Field.

The City Council has adopted Minimum Standards for Commercial Activities at Pearson Field Airport (Resolution M-3857, 2015) and by reference is included here as though set forth herein verbatim. The Minimum Standards for Commercial Activities apply to the conduct of all commercial activity on Pearson Field Airport. Nothing herein is intended to prevent persons from selling goods or services during any special event on the airport approved by the Airport Manager. Non-profit entities are not commercial activities or operations. Any change or amendment requires City Council approval.

Section 12. The following sections of the VMC are hereby repealed:

That portion of Ordinance M-2733, codified as VMC 10.05.070, is hereby repealed.

10.05.070 Vehicular parking regulations.

~~A.—No person shall park a motor vehicle on the airport other than in the manner and at places prescribed by the airport manager.~~

~~B.—No automobile, truck or other motor vehicle shall be parked in front of any T-hangar, except for service or delivery vehicles, and then only long enough to make such service or delivery.~~

~~C.—A T-hangar tenant may park his or her own vehicles in his/her T-hangar.~~

~~D.—No one shall abandon any motor vehicle on the airport, or leave any vehicle in a public parking area in excess of seventy-two consecutive hours unless express approval for such parking has been obtained from the airport~~

~~manager. Any vehicle in violation of this section may be towed away for storage at direction of the airport manager. All charges for towing and storage shall be at the owner's expense.~~

~~E.—Persons parking vehicles on the airport do so at their own risk and such vehicles may be entered by airport personnel for the purpose of moving the vehicles when it becomes necessary for area maintenance or for enforcement of this or other ordinance.~~

Section 13. That portion of Ordinance M-2733, codified as VMC 10.05.080, is hereby repealed.

10.05.080 General operations—Regulations.

~~A.—Federal, State and City Rules to be Observed. The airport landing area is open for public use in accordance with the rules and regulations governing the operation of aircraft and the conduct of airmen as promulgated by the appropriate agencies of the United States government, the state of Washington, and the city.~~

~~B.—Minimum Standards. Minimum standards for the conduct of commercial and other activity on~~

Pearson Airpark including specific rules and regulations shall be adopted by resolution of city council. Such rules and regulations shall be consistent with this chapter governing airport operations and with state and federal laws and with generally accepted practices of general aviation airports. Resolution M-2378, establishing such minimum standards, is ratified and confirmed insofar as consistent with this chapter.

~~C.—*Authority to Suspend Operations.* The airport manager, either directly or through a designated agent, may suspend or restrict any or all operations without regard to weather conditions whenever the manager finds such action is necessary in the interest of safety.~~

~~D.—*Compliance for Safety Required.* The airport manager shall at all times have authority to take such actions as may be necessary to safeguard the public in attendance at the airport. Every pilot, mechanic or other person employed on or using the airport shall cooperate with the airport management in enforcement of this chapter and to see that all persons upon the premises use due care and caution to prevent injury to persons or damage to property.~~

~~E.—*Student Pilots.* Instructors shall fully acquaint their students with the provisions of this chapter and shall be responsible for the conduct of students under their direction during dual instruction. When a student is flying solo, it shall be his/her sole responsibility to observe and abide by the provisions of this chapter.~~

~~F.—*Use of Intoxicants and Drugs.* Pilots and any other members of an aircraft crew in operation on the airport, or any person directly attending or assisting in said operation, will not be under the influence of or affected by intoxicating liquor or a drug which affects their ability to safely perform their duties. Aircraft passengers may be denied flight passage if they are under the influence of intoxicating liquors or drugs to the extent that they might endanger the safety of other persons.~~

~~G.—*Accident Reports.* The pilot of an aircraft involved in an accident on the airport causing personal injury or property damage shall, within forty-eight hours, make a report to the airport manager. In the event that he/she is unable to do so, the owner or his/her agent shall make such report and witnesses also may make and file such reports.~~

~~H.—*Repairs.* Repair of aircraft, aircraft engine, propeller or apparatus (except emergency repairs to facilitate movement of an aircraft) shall be made only in spaces designated for this purpose and only by persons working on their own aircraft or who have a valid city business license, in conjunction with either a permit or tenancy agreement from the city of Vancouver.~~

Section 14. That portion of Ordinance M-2733, codified as VMC 10.05.090, is hereby repealed.

10.05.090 ~~Landing and takeoff rules.~~

~~A.—Landings and takeoffs shall be made into the wind on that runway which is most nearly aligned with the wind as indicated by the "automatic runway designator" provided; exceptions may be made when the airfield is under instrument flight rules (IFR).~~

~~B.—No aircraft shall land or take off, nor continue its approach to the runway or runway safety areas thereto, when vehicles, equipment or personnel are on the runway or when the airpark manager has closed the runway by placing a white "X" above the runway numerals.~~

~~C.—All arriving or departing aircraft shall conform to a traffic pattern which identifies appropriate geographical boundaries from which turns shall be made. Such air traffic pattern will be adopted by city resolution after FAA approval, and shall be posted on the airpark.~~

~~D.—The standard traffic pattern for Pearson Airpark is one thousand feet MSL, left hand landing runway 08 and right hand landing runway 26.~~

Section 15. That portion of Ordinance M-2733, codified as VMC 10.05.100, is hereby repealed.

10.05.100 Aircraft ground and taxiing rules.

~~A.—At no time shall engines be operated within any hangar, shop or other building. When an engine is being hand propped, a competent operator shall be at the controls and the wheels shall be chocked, and/or operating parking brakes shall be set.~~

~~B.—No one shall taxi an aircraft to or from the hangar line or to or from an approved parking space until he has ascertained that there will be no danger of collision with any person or object in the immediate area.~~

~~C.—*Speed.* No aircraft shall be taxied except at a speed which is safe and reasonable under all circumstances then existing.~~

~~D.—*Brakes.* No aircraft which is not equipped with adequate brakes shall be taxied near buildings or parked aircraft unless an attendant is at the wing of the aircraft to assist the pilot.~~

~~E.—Runways will not be used in lieu of or as taxiways. Taxiing to and from runways will be done along those taxiways which provide the most direct route.~~

~~F.—*Closed Taxiways.* No aircraft shall be taxied by any person upon a taxiway which has been designated by the airport manager as being closed. The closure of any taxiway shall be so designated as such by the airport manager by placement of a white "X" on the centerline of the taxiway.~~

~~G.—Aircraft awaiting takeoff shall stop at the runway holding line in a position to have direct view of aircraft approaching or landing.~~

Section 16. That portion of Ordinance M-2733, codified as VMC 10.05.110, is hereby repealed.

10.05.110 Aircraft parking.

~~A.—Unless otherwise provided in a lease or other agreement, no person shall use any area of the airport for parking and storage of aircraft or property without first obtaining permission of the airport manager. If anyone does use any such area without first having obtained permission, then the airport management may order the aircraft or other property impounded, removed and stored at the expense of the owner, without liability for damage thereto or any costs arising from or out of such removal or storage.~~

~~B.—Aircraft shall be properly blocked and tied down by the owner or operator when parked overnight or when conditions otherwise warrant blocking or tying down. Owners of aircraft shall be responsible for any damage resulting from failure to comply with this rule.~~

~~C.—Securing of aircraft shall be the sole responsibility of the owner or operator of the aircraft, and the city of Vancouver, its employees and agents shall in no way be held responsible to secure aircraft or for the consequences of failure of the owner or operator to so secure.~~

Section 17. That portion of Ordinance M-2733, codified as VMC 10.05.115, is hereby repealed.

10.05.115 Disabled aircraft.

~~A.—Aircraft owners and pilots are required to remove promptly from any public landing area their disabled aircraft as soon as permitted and/or directed by cognizant FAA and/or National~~

~~Transportation Safety Board authorities or by the city airport management.~~

~~B. Non-airworthy aircraft, wrecks, "junkers" or parts thereof shall not be parked or stored anywhere on the airpark unless awaiting bona fide and scheduled repairs by a licensed commercial aviation maintenance business on the airpark, unless express authority has been granted in writing by the airpark manager.~~

~~C. Should any person refuse to remove an aircraft or any parts thereof when directed to do so by the airpark manager in compliance with this chapter, such aircraft may be removed at the owner's or operator's expense and without liability (to the city) for damage which may result in such moving.~~

Section 18. That portion of Ordinance M-2733, codified as VMC 10.05.120, is hereby repealed.

10.05.120 Fuel handling and storage requirements.

~~A. Fuel storage and servicing equipment must comply with all city, state and federal laws and regulations.~~

~~B. Fueling hoses, fuel equipment and fuel trucks shall be maintained in a safe, sound and non-leaking condition.~~

~~Fuel trucks shall proceed slowly and with caution on the airpark.~~

Section 19. That portion of Ordinance M-2733, codified as VMC 10.05.125, is hereby repealed.

10.05.125 Rules for use of T-hangars.

~~A. T-hangars will be rented only for aircraft storage and only on a month-to-month basis. Rental agreements are nontransferable.~~

~~B. Hoisting or holding mechanisms will not be attached to any part of any T-hangar.~~

~~C. Tenants will not paint, alter or modify any part of the T-hangar and associated fixtures without prior written permission of the airpark manager.~~

~~D. Electrical and/or gas-fired heaters will not be used in or about T-hangars.~~

~~E. Paint, dope and other flammable or volatile materials shall not be stored in T-hangars at any time, except in aircraft fuel tanks; provided, not to exceed two cases of one quart cans of oil may be stored in T-hangars.~~

~~F. Storage or use of flammable and/or volatile liquids for cleaning aircraft or parts is prohibited.~~

~~G. Aircraft engines shall not be operated inside T-hangars.~~

~~H. T-hangars shall be kept clean and free of debris and oily rags or other fire hazardous materials.~~

~~I. Tenants shall not park or leave aircraft adjacent to T-hangar doors so as to unduly interfere or obstruct access to adjacent T-hangars.~~

Section 20. That portion of Ordinance M-2733, codified as VMC 10.05.130, is hereby repealed.

10.05.130 Fire regulations.

- ~~A.—All persons using the airport area or the facilities of the airport in any way shall exercise the utmost care to guard against fire and injury to persons or property.~~
- ~~B.—No person shall smoke or carry any lighted cigar, pipe, cigarette, match or any open flame in or upon the airport within fifty feet of fuel storage areas, fuel loading situations, fuel handling vehicles or aircraft being fueled or having fuel drained, or in any other place where smoking is prohibited by sign.~~
- ~~C.—*Welding.* No person shall conduct any welding or open flame operations in or adjacent to any hangar or building unless specifically authorized by the airport manager. When so authorized, all safety precautions shall be observed and welding equipment shall be operated by an experienced and qualified operator.~~
- ~~D.—*Refuse and Waste.* Lessees shall provide metal receptacles with self closing covers for the storage of oily wastes, rags or other rubbish produced in their leased premises.~~
- ~~E.—*Floor Care.* All lessees shall keep floors of hangars and adjacent areas free and clear of all oil, grease and other flammable material.~~
- ~~F.—*Storage of Flammables.* No one shall keep or store any flammable materials on the airpark or in any building on the airpark other than in compliance with the Uniform Fire Code as adopted by ordinance of the city of Vancouver.~~
- ~~G.—*Extinguishers.* All tenants or lessees of hangars or shop facilities shall supply and maintain adequate and readily accessible fire extinguishers. Such fire extinguishers shall be rated for Class B and C fires.~~
- ~~H.—*Cleaning Fluids.* No person shall use volatile, flammable liquids in the cleaning of floors, aircraft, aircraft engines, propellers and appliances in hangars or other buildings on the airpark, unless such cleaning operations are conducted in open, ventilated, fire proofed areas and equipped with adequate and readily accessible fire extinguishing apparatus.~~
- ~~I.—*Painting.* Painting and associated processes shall be conducted only in properly designated rooms or buildings conforming to city building code requirements for this type of operation. No spray painting operation shall be conducted in T-hangars.~~
- ~~J.—No heating devices intended to be used to preheat an aircraft, aircraft engine, or used to lower the humidity, shall be used in T-hangars.~~
- ~~K.—Periodic inspections may be made by the Vancouver fire department to ensure compliance with these and other city fire regulations.~~

Section 21. That portion of Ordinance M-2733, codified as VMC 10.05.140, is hereby repealed.

10.05.140 Penalties for violations.

- ~~A.—Generally, every person who violates or fails to comply with any provision of this chapter, or who operates or handles an aircraft in violation of any provision of this chapter, may be promptly removed or ejected from the airport by or under the authority of the airport manager, and upon the order of the airport manager may be deprived of the further use of the airport and its facilities for such length of time as may be required to insure the safeguarding of the same and the public and its interest therein. In addition, any person who violates or fails to comply with any of the requirements of this chapter is guilty of a misdemeanor and upon conviction thereof in Clark County District Court shall be punished by a fine of not more than three hundred dollars or~~

~~by imprisonment for not more than thirty days, or by both such fine and imprisonment.~~

~~B. *Traffic Violations.* Any person violating these rules and regulations and/or the traffic laws of the state of Washington or the city of Vancouver in connection with vehicular traffic on the airpark, shall be subject to prosecution in the appropriate court for such violation.~~

~~C. Fuel trucks, when servicing aircraft, must be positioned so that they may be readily driven away without backing up to an open area in an emergency.~~

~~D. An adequate fire extinguisher shall be within ready reach of all persons engaged in fueling or defueling of aircraft.~~

~~E. All aircraft shall be positively grounded while being serviced with fuel.~~

~~F. Aircraft shall not be fueled or defueled while the engine is running or while such aircraft is in a hangar or any enclosed area.~~

~~G. Aircraft electrical appliances and radios shall be turned off during fueling or defueling.~~

~~H. Fuel spills that create a potential fire hazard shall promptly be reported to the Vancouver fire department with a request for assistance.~~

Section 22. Savings. Those ordinances or parts of ordinances which are amended or repealed by this ordinance shall remain in full force and effect until the effective date of this ordinance.

Section 23. 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 24. Effective date. This ordinance shall become effective thirty (30) days following the date of final adoption.

Read first time:

Ayes: Councilmembers

Nays: Councilmembers

Absent: Councilmembers

Read second time:

PASSED by the following vote:

Ayes: Councilmembers

Nays: Councilmembers

Absent: Councilmembers

SIGNED this _____ day of _____, 2021.

Anne McEnerny-Ogle, Mayor

Attest:

Approved as to form:

Natasha Ramras, City Clerk

Jonathan Young, City Attorney

SUMMARY

ORDINANCE NO. _____

AN ORDINANCE relating to Pearson Field Airport, substantively amending multiple sections of the VMC, re-codifying and amending several other sections of the VMC, and repealing multiple sections of the VMC in order to update and reflect preferred management practices, clarify and update the Aviation Advisory Committee and establish separate stand-alone Rules and Regulations applicable to Pearson Airport; providing 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).

VMC Title 10 Amendments

Item	VMC Section	Existing Language	Proposed	Staff Comments
1.	10.05.010 Purpose of regulations Changing to “Purpose”	In order to provide for the safety of the general public, the rules and regulations set forth in this chapter shall apply to Pearson Airpark and to all public and private use thereof. (Ord. M-2733, 1987)	In order to provide for the safety of tenants, users and the general public, efficient use of Pearson Field Airport facilities, and the continued stewardship of the historic, economic, public safety, educational, and cultural value of Pearson Field this chapter shall apply to the governance of Pearson Field Airport and to all public and private use thereof.	Updated Language and change section name to “Purpose”
2.	10.05.015 Ownership and Operations	New Language	Pearson Field Airport is operated by the City of Vancouver, Washington on land owned by the City or leased under agreement with the National Park Service (NPS) Management and operation of Pearson Field Airport shall be consistent with all applicable local, State and Federal Regulations.	Introduce new language to explain the overall ownership of airport properties and authority of the airport airspace

VMC Title 10 Amendments

Item	VMC Section	Existing Language	Proposed	Staff Comments
3.	10.05.020 Construction and definitions Changing to “Definitions”	Nothing in this chapter shall be construed to mean that the city intends to permit any violation of any federal or state law. The following terms shall have the meanings indicated: 1. “Airpark” or “airport” means the land and facilities owned or controlled by the city of Vancouver known as Pearson Airpark. 2. “Airport advisory committee” means that body which recommends to the city council and city manager on matters pertaining to Pearson Airpark as set forth in Resolution M-545 or as the same may be amended. 3. “Airpark manager” means the individual or individuals designated by the city manager as having responsibility and authority for management of Pearson Airpark. 4. “Airport layout plan” means the most recent approved layout of the airport property, indicating current and proposed usage as approved by the city council by resolution. 5. “Based aircraft” means aircraft occupying hangar or tiedown space at the airpark on a monthly or other fixed- term basis. 6. “City of Vancouver” means a municipal corporation organized under the constitution and statutes of the state of Washington and known as Vancouver, Washington or Vancouver, USA. 7. “Commercial activity” means an operation or service performed for compensation which is conducted on or based at the airpark. 8. “Commercial operator” means any person who owns or operates or who is legally responsible for conduct of a commercial activity. 9. “Adjoining private property” means privately owned property abutting to and adjoining any part of Pearson Airpark.	The following words and phrases, whenever used in this chapter or documents promulgated hereunder, shall be construed as defined in this section unless from the context a different meaning is intended, or unless a different meaning is specifically defined and more particularly ascribed to the use of such words or phrases. All definitions contained in 49 U.S.C. § 40101 et seq. (hereinafter cited as "FAA Act") and all amendments thereto shall be considered as included herein; and all definitions shall be interpreted on the basis and intention of the FAA Act and amendments thereto, unless from the context a different meaning is intended, or unless a different meaning is specifically defined and more particularly ascribed to the use of such words or phrases. Nothing in this chapter shall be construed to mean that the city intends to permit any violation of any federal or state law. FAA regulations, as currently adopted, including any future amendments, shall be the controlling factor. The following terms shall have the meanings indicated: 1. “Airport” means the land and facilities owned or controlled by the city of Vancouver known as Pearson Field Airport. 2. “Aviation Advisory Committee” means that body which recommends to the City Council, City Manager and Airport Manager on matters pertaining to Pearson Field Airport.	Simplified Language and change Section name to “Definitions”.

VMC Title 10 Amendments

Item	VMC Section	Existing Language	Proposed	Staff Comments
3. (Cont.)	10.05.020 Construction and definitions (Cont.) Changing to “Definitions”	10. “Employee” means any individual performing services at the airpark for another person and designated as an employee so that federal/state unemployment insurance, federal social security or federal withholding taxes are withheld from wages by his or her employer. 11. “FAA” means the Federal Aviation Administration. 12. “FCC” means the Federal Communications Commission. 13. “Flying club” means a nonprofit corporation or organization (as evidenced by articles of incorporation or other appropriate documents) in which all aircraft are equally owned or leased by all members of the corporation or organization. 14. “Fuel handling” means the transportation, delivering, fueling and draining of aircraft fuel, or any one of the above. 15. “Fixed base operator” means a proprietor of a commercial operation which offers multiple aeronautical related activities and services to the general public. 16. “Itinerant aircraft” means aircraft not based upon the airpark. 17. “Independent contractor” means one who contractually undertakes to perform services for another, but who is not controlled by the other nor subject to the other’s right to control with respect to physical conduct in performing the services. 18. “Landing area” means the runway, taxiways, turnoffs and adjoining areas. 19. “Long-term leases” means lease periods of more than two years. 20. “Motor vehicle” means automobiles, trucks, buses, public automobiles, limousines, taxis, and any other vehicle by which persons or property may be transported or carried on land, but not including aircraft. 21. “Operator” means the owner or the person, firm or representative or corporation controlling the operations of any certain aircraft or motor vehicle.	3. “Airport manager” means the individual or individuals designated by the city manager as having responsibility and authority for management of Pearson Field Airport. 4. “City” means a municipal corporation organized under the constitution and statutes of the state of Washington and known as Vancouver, Washington or Vancouver. 5. “Commercial activity” means the conduct of any aspect of business, concession, operation or agency in order to provide goods or services to any person for compensation, for-profit or hire. In addition, any activity which requires a business license or certification to be performed whether for compensation or not is considered a commercial activity. 6. “FAA” means the Federal Aviation Administration. 7. “Person” means any individual, firm, partnership, corporation, company, association, joint stock association or body politic, and includes any trustee, receiver, assignee, or other similar representative thereof. 8. “Rules and regulations” means written rules as have been or may be promulgated from time to time by the Airport Manager to carry out this chapter or other city ordinance or law as needed to protect public health, safety, interests, and welfare on the airport, and which are consistent with this chapter and which have been adopted as provided herein.	(See above)

VMC Title 10 Amendments

Item	VMC Section	Existing Language	Proposed	Staff Comments
3. (Cont.)	10.05.020 Construction and definitions (Cont.) Changing to “Definitions”	22. “Person” means any individual, firm, co-partnership, corporation, company, association, joint stock association or body politic, and includes any trustee, receiver, assignee, or other similar representative thereof. 23. “Rules and regulations” means written rules as have been or are promulgated from time to time by the director of parks to carry out this chapter or other city ordinance or law as needed to protect public health, safety, interests, and welfare on the airpark, and which are consistent with this chapter and which have been adopted as provided herein. 24. “T Hangar” means a multiple aircraft storage building individually compartmentalized and normally leased to individual airplane operators. 25. “Tenant” means any person (as defined above) who through agreement with the city occupies and controls use of airpark premises. 26. “Contract or commission services” means a person performing contract or commission services for compensation on the airpark. 27. “Non-aviation services” means restaurants, car rentals and any other non-aeronautical services provided on the airpark. 28. “Fees and charges” means charges directly imposed by the city upon users of the airport for services of direct benefit. 29. “Standards for commercial/noncommercial operations” means rules and regulations which by their terms pertain only to commercial/noncommercial operations on Pearson Airpark. (Ord. M-2733, 1987)	9. “T-Hangar” means a multiple aircraft storage building individually compartmentalized and normally leased to individual airplane operators. 10. “Tenant” means any person (as defined above) who through agreement with the city occupies and controls or benefits from the use of airport premises. 11. “Fees and charges” means charges directly imposed by the city upon users of the airport for services of direct benefit.	(See above)

VMC Title 10 Amendments

Item	VMC Section	Existing Language	Proposed	Staff Comments
4.	10.05.030 Regulations for airport use generally Changing to “Adoption of Rules and Regulations”	A. Any permission granted by the airport manager or by his/her representative, directly or indirectly, expressly or by implication, to any person or persons to enter or use the airport or any portion thereof, including aircraft operators, crew members and passengers, spectators, pleasure and commercial vehicles, officers and employees of lessees and also including other persons occupying space on the airport, persons doing business with the city of Vancouver, its lessees, sublessees and permittees, and all other persons whatsoever, is conditioned upon such persons’ compliance and continued compliance with these rules and regulations. Entry upon or into the airport by any person shall be deemed to constitute an agreement by that person to comply with all said rules and regulations. B. Use of the airport for carrying on activities in aviation on a commercial basis is restricted to those persons who shall have established themselves as tenants under a tenancy contract or permit from the city of Vancouver. No person who is not so authorized or who is in default under a tenancy contract or permit shall operate, service or repair aircraft on the premises or carry on any business of any nature thereon; provided, however, that an owner of an aircraft which is regularly stored on the airport, either by arrangement with the airport manager, or with an established tenant operator, may employ a qualified pilot/instructor to operate such owner’s aircraft and/ or to give instruction to such owner without being deemed in violation of this subsection. C. No person or persons, except airmen, duly authorized personnel, passengers going to or from aircraft, persons having business to transact in offices located in hangars, or other persons being personally conducted by airmen or airport attendants, shall be permitted to enter the area within the fence, i.e., within the landing area proper. Even the persons so excepted who thus shall have the privilege of unrestricted use of the space within the fence, are restricted to the necessary use of such space in connection with flights, inspections and routine duties.	The document titled “Pearson Field Airport Rules and Regulations,” is adopted by City Council and any future changes or amendments are by reference included here as though set forth herein verbatim. Any change or amendment to the Pearson Field Airport Rules and Regulations requires City Council approval.	Simplifies language and introduces a new Airport document, “Pearson Field Airport Rules and Regulations”. These changes will change this section’s name to “Adoption of Rules and Regulations”.

VMC Title 10 Amendments

Item	VMC Section	Existing Language	Proposed	Staff Comments
4. (Cont.)	10.05.030 Regulations for airport use generally Changing to “Adoption of Rules and Regulations”	D. Permit Required for Commercial Services. It is unlawful for anyone to engage in any commercial service in premises at Pearson Airpark unless he or she has first secured a permit from the city to do so; provided, this shall not apply to persons operating a business at the airpark under a tenancy agreement with the city, but all such persons must have a city business license, unless exempted by terms of Chapter 5.04 of this code. (Ord. M-2733, 1987)	(See above)	(See above)
5.	10.05.035 Minimum Standards for Commercial Activities at Pearson Field	New Language	The City Council has adopted Minimum Standards for Commercial Activities at Pearson Field Airport (Resolution M-3857, 2015) and by reference is included here as though set forth herein verbatim. The Minimum Standards for Commercial Activities apply to the conduct of all commercial activity on Pearson Field Airport. Nothing herein is intended to prevent persons from selling goods or services during any special event on the airport approved by the Airport Manager. Non-profit entities are not commercial activities or operations. Any change or amendment requires City Council approval.	This section introduces current standards for commercial operations.

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Item	VMC Section	Existing Language	Proposed	Staff Comments
6.	10.05.040 Refuse-Property Damage-Tampering Changing to “Aviation Advisory Committee”	A. Refuse. No person shall throw, dump or deposit any waste, refuse, litter or garbage on the grounds of the airport. All waste, refuse, litter and garbage shall be placed and kept in closed garbage cans or containers, and all operating areas shall be kept in a safe, neat, clean and orderly condition at all times. B. Property Damage. Anyone who intentionally destroys, injures, defaces or disturbs in any way any building, sign, equipment, marker or other structures, or other public property on the airport shall be guilty upon conviction of a misdemeanor. Any person responsible for the destruction or damage of airport property, whether by accident or otherwise, shall pay the city for such damage and destruction, and, in appropriate cases, for other financial losses to the airport which follow from such damage or destruction. C. Tampering with Aircraft. No one may interfere or tamper with any aircraft or start the engine of such aircraft unless authorized to do so. (Ord. M-2733, 1987)	1. Purpose. The purpose of the Aviation Advisory Committee is to provide advice and recommendations to the Airport Manager, City Manager, and City Council, as well as other city departments, regarding the management and operations of the Airport and other aviation related issues affecting Pearson Field Airport. The committee shall provide advice and recommendations on: Issues pertaining to maximizing the historic, economic, public safety, educational, and cultural value of the Airport. ii. Airspace compatibility of any economic development projects with potential to affect the Airport (ex. zoning, building standards, etc.). iii. General financial oversight of the airfield, including all proposed fees, commercial leases, rental rates, and rental agreement formats. iv. Proposals to construct or remove any building, capital improvements, or to enlarge airport facilities. v. The adoption or amendment of airport rules and regulations, Commercial Minimum Standards, and the development of airport related plans including the master plan and airport layout plan. vi. Formal agreements with the National Park Service, or any other entity, with either operational or financial implications for the Airport. vii Operations, changes and advancements in aviation technology and airspace use. viii. Aviation matters referred to the committee by City Council, City Manager, or their designee. ix. Other aviation matters that originate from within the committee.	The new “Pearson Field Airport Rules and Regulations” document will incorporate existing VMC verbiage that are more appropriate for a standalone rules and regulations document. This section will be renamed “Aviation Advisory Committee.”

VMC Title 10 Amendments

Item	VMC Section	Existing Language	Proposed	Staff Comments
6.	10.05.040 Refuse- Property Damage- Tampering Changing to “Aviation Advisory Committee”	(See Above)	x. Review all Airport grants before application and before submission to the City Council for acceptance of the grant. The exception will be if grant acceptance and Council action is required sooner than the AAC can meet. 2. Members – Appointment The Aviation Advisory Committee shall consist of 9 members selected by City Council subcommittee and approved by City Council. Committee members will serve without compensation. Members will have a demonstrable interest in the Airport, and/or aviation and aeronautical activities. and preferably have skills in one or more relevant areas such as airport management, legal, marketing, finance, FAA knowledge, real estate, business, engineering. Members shall demonstrate the ability to work effectively with others in a volunteer committee role. If a suitable candidate is available, one member shall be a representative from the Port of Portland and one member will be from a surrounding neighborhood. In support of assuring a balanced range of community perspective on the AAC and subject to exception by the City Council in their process of appointing members of the Committee, no more than three (3) members of the Committee may be a tenant of the Airport. No members will be employees of the City of Vancouver. 3. Terms Aviation Advisory Committee members shall be appointed for three-year terms; provided of the seven initial members, three shall be appointed to a three-year	(See Above)

VMC Title 10 Amendments

Item	VMC Section	Existing Language	Proposed	Staff Comments
6. (Cont.)	10.05.040 Refuse- Property Damage- Tampering Changing to “Aviation Advisory Committee”	(See above)	term, three to a two-year term and one to a one-year term. Subsequent appointments shall be to fill any unexpired term or to a three-year term. Service of members may not exceed three consecutive full terms. Subsequent appointments shall be to fill any unexpired term or to a three-year term. Service of members may not exceed three consecutive full terms. 4. Each year, the committee shall elect by majority vote a chair and vice chair and such other officers as the committee finds necessary. Officers shall serve for one-year and may not serve for more than two consecutive years. 5. Removal. Any member may be removed, prior to the expiration of their term of appointment, by a majority vote of the City Council 6.Meeting-Quorum. The committee shall hold meetings at least quarterly and may hold such other meetings as it finds necessary. A majority of the current members of the aviation advisory committee shall constitute a quorum. 7.Bylaws. The Aviation Advisory Committee shall adopt bylaws that outlines the transaction of its business. The bylaws will be consistent with City values and subject to review by the City Manager or designee. The Aviation Advisory Committee may thereafter amend the bylaws or repeal and replace the bylaws subject to review by the City Manager or designee and referral, if appropriate, to the City Council for ratification. The bylaws may only contain provisions for the regulation and management of the affairs of the Aviation Advisory Committee consistent with law and this chapter of VMC 10.05	(See above)

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Item	VMC Section	Existing Language	Proposed	Staff Comments
6. (Cont.)	10.05.040 Refuse- Property Damage- Tampering Changing to “Aviation Advisory Committee”	(See above)	8. Assistance The Airport Manager or the Manager’s designee shall serve as staff liaison and Secretary to the Committee ("Secretary"). The City’s staff and consultants, under direction of the Secretary, shall furnish professional and technical information and advice to the Committee.	(See above)

VMC Title 10 Amendments

Item	VMC Section	Existing Language	Proposed	Staff Comments
7.	10.05.050 Access to Pearson Airpark from adjoining private property Changing to “Federal and State Grants”	Access to Pearson Airpark will not be permitted from adjoining private property. A control and security fence will be erected and maintained separating Pearson Airpark and private property. (Ord. M-2733, 1987)	All funds shall be disbursed only for the purposes approved by the FAA or granting State or local agency. Such funds shall not be dispersed or loaned for any other reason unless permitted under the grant and approved by the City Council.	The new “Pearson Field Airport Rules and Regulations” document will incorporate existing VMC verbiage that are more appropriate for a standalone rules and regulations document. This section will be renamed “Federal and State Grants.”

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Item	Section	Existing Language	Proposed	Staff Comments
8.	10.05.060 Motor vehicle regulations Changing to “Audits”	A. No one shall operate any vehicle on the airpark in a negligent manner, nor in disregard of the rights and safety of others, nor at a speed likely to endanger unreasonably any person or property, nor while the driver is under the influence of intoxicating liquor, or any narcotic drug, as such condition is defined in the city traffic code at Chapter 9.56 of this code. B. No person not having a valid vehicle operator license shall operate any vehicle on the airport, nor shall any person operate at the airpark any vehicle which is not properly licensed under the laws of the state of Washington or of another state. C. All vehicles operated on the airpark shall be driven at a safe and reasonable speed, but not to exceed fifteen miles per hour. D. No motor vehicle shall be driven onto the landing area proper, without the express permission of the airpark manager or designated representative, and then only in accordance with these instructions. E. No one shall operate any motor vehicle on the airpark, off designated streets, except fueling trucks, city operated or authorized patrol or emergency vehicles, management and maintenance vehicles, FAA maintenance vehicles, and business tenants and their employees, and T-hangar or tiedown tenants, while directly going to and from their leased areas. F. No go-carts, bicycles or similar vehicles, or horses are permitted on the ramps, runways or taxiways of the airpark. G. No one shall operate any commercial vehicle carrying passengers for hire from the airpark unless such operation is conducted with the approval of airpark management; provided, this shall not prevent taxicabs from bringing persons to the airpark, nor shall it prevent taxicabs licensed by the city from picking up passengers at the airpark. H. Accident Reports. The driver of any vehicle involved in an accident in the airpark shall within forty-eight hours make a complete report in writing to the airpark manager. (Ord. M-2733, 1987)	Audits. Audits shall be conducted for Pearson Field no less than every three (3) years. Audit results, and subsequent action plans, shall be provided to airport and City management and the Aviation Advisory Committee	The new “Pearson Field Airport Rules and Regulations” document will incorporate existing VMC verbiage that are more appropriate for a standalone rules and regulations document. This Section will be renamed “Audits.”

VMC Title 10 Amendments

Item	Section	Existing Language	Proposed	Staff Comments
9.	10.05.065 Posting regulations	New Language	- Rules and regulations adopted pursuant to this chapter shall be made available by the Airport Manager. The rules and regulations shall also be posted on the Pearson Field Airport website. Rules and regulations shall be supplied to all applicants and interested parties upon request to the Airport Manager. (Ord. M-2733, 1987) - Current airport plans (Master, Layout, Business, etc.) shall be posted on the Pearson Field Airport website	Introducing new language for the purpose of explaining the posting of regulations
10.	10.05.070 Vehicular parking regulations	A. No person shall park a motor vehicle on the airport other than in the manner and at places prescribed by the airport manager. B. No automobile, truck or other motor vehicle shall be parked in front of any T-hangar, except for service or delivery vehicles, and then only long enough to make such service or delivery. C. A T-hangar tenant may park his or her own vehicles in his/her T-hangar. D. No one shall abandon any motor vehicle on the airport, or leave any vehicle in a public parking area in excess of seventy-two consecutive hours unless express approval for such parking has been obtained from the airport manager. Any vehicle in violation of this section may be towed away for storage at direction of the airport manager. All charges for towing and storage shall be at the owner's expense. E. Persons parking vehicles on the airport do so at their own risk and such vehicles may be entered by airport personnel for the purpose of moving the vehicles when it becomes necessary for area maintenance or for enforcement of this or other ordinance. (Ord. M-2733, 1987)	Moved to new Rules and Regulations Document	The new “Pearson Field Airport Rules and Regulations” document will incorporate existing VMC verbiage that are more appropriate for a standalone rules and regulations document

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Item	VMC Section	Existing Language	Proposed	Staff Comments
	10.05.080 General operations – Regulations	A. Federal, State and City Rules to be Observed. The airport landing area is open for public use in accordance with the rules and regulations governing the operation of aircraft and the conduct of airmen as promulgated by the appropriate agencies of the United States government, the state of Washington, and the city. B. Minimum Standards. Minimum standards for the conduct of commercial and other activity on Pearson Airpark including specific rules and regulations shall be adopted by resolution of city council. Such rules and regulations shall be consistent with this chapter governing airport operations and with state and federal laws and with generally accepted practices of general aviation airports. Resolution M-2378, establishing such minimum standards, is ratified and confirmed insofar as consistent with this chapter. C. Authority to Suspend Operations. The airport manager, either directly or through a designated agent, may suspend or restrict any or all operations without regard to weather conditions whenever the manager finds such action is necessary in the interest of safety. D. Compliance for Safety Required. The airport manager shall at all times have authority to take such actions as may be necessary to safeguard the public in attendance at the airport. Every pilot, mechanic or other person employed on or using the airport shall cooperate with the airport management in enforcement of this chapter and to see that all persons upon the premises use due care and caution to prevent injury to persons or damage to property. E. Student Pilots. Instructors shall fully acquaint their students with the provisions of this chapter and shall be responsible for the conduct of students under their direction during dual instruction. When a student is flying solo, it shall be his/her sole responsibility to observe and abide by the provisions of this chapter.	Moved to new Rules and Regulations Document	The new “Pearson Field Airport Rules and Regulations” document will incorporate existing VMC verbiage that are more appropriate for a standalone rules and regulations document

VMC Title 10 Amendments

Item	VCM Section	Existing Language	Proposed	Staff Comments
13. (Cont.)	10.05.080 General operations – Regulations (Cont.)	F. Use of Intoxicants and Drugs. Pilots and any other members of an aircraft crew in operation on the airport, or any person directly attending or assisting in said operation, will not be under the influence of or affected by intoxicating liquor or a drug which affects their ability to safely perform their duties. Aircraft passengers may be denied flight passage if they are under the influence of intoxicating liquors or drugs to the extent that they might endanger the safety of other persons. G. Accident Reports. The pilot of an aircraft involved in an accident on the airport causing personal injury or property damage shall, within forty-eight hours, make a report to the airport manager. In the event that he/she is unable to do so, the owner or his/her agent shall make such report and witnesses also may make and file such reports. H. Repairs. Repair of aircraft, aircraft engine, propeller or apparatus (except emergency repairs to facilitate movement of an aircraft) shall be made only in spaces designated for this purpose and only by persons working on their own aircraft or who have a valid city business license, in conjunction with either a permit or tenancy agreement from the city of Vancouver. (Ord. M-2733, 1987)	Moved to new Rules and Regulations Document	The new “Pearson Field Airport Rules and Regulations” document will incorporate existing VMC verbiage that are more appropriate for a standalone rules and regulations document
14.	10.05.090 Landing and takeoff rules	A. Landings and takeoffs shall be made into the wind on that runway which is most nearly aligned with the wind as indicated by the "automatic runway designator" provided; exceptions may be made when the airfield is under instrument flight rules (IFR). B. No aircraft shall land or take off, nor continue its approach to the runway or runway safety areas thereto, when vehicles, equipment or personnel are on the runway or when the airpark manager has closed the runway by placing a white "X" above the runway numerals.	Moved to new Rules and Regulations Document	The new “Pearson Field Airport Rules and Regulations” document will incorporate existing VMC verbiage that are more appropriate for a standalone rules and regulations document

VMC Title 10 Amendments

Item	VMC Section	Existing Language	Proposed	Staff Comments
14. (Cont.)	10.05.090 Landing and takeoff rules (Cont.)	C. All arriving or departing aircraft shall conform to a traffic pattern which identifies appropriate geographical boundaries from which turns shall be made. Such air traffic pattern will be adopted by city resolution after FAA approval, and shall be posted on the airpark. D. The standard traffic pattern for Pearson Airpark is one thousand feet MSL, left hand landing runway 08 and right hand landing runway 26. (Ord. M-2733, 1987)	Moved to new Rules and Regulations Document	The new “Pearson Field Airport Rules and Regulations” document will incorporate existing VMC verbiage that are more appropriate for a standalone rules and regulations document

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Item	VMC Section	Existing Language	Proposed	Staff Comments
15.	10.05.100 Aircraft ground and taxiing rules	A. At no time shall engines be operated within any hangar, shop or other building. When an engine is being hand propped, a competent operator shall be at the controls and the wheels shall be chocked, and/or operating parking brakes shall be set. B. No one shall taxi an aircraft to or from the hangar line or to or from an approved parking space until he has ascertained that there will be no danger of collision with any person or object in the immediate area. C. Speed. No aircraft shall be taxied except at a speed which is safe and reasonable under all circumstances then existing. D. Brakes. No aircraft which is not equipped with adequate brakes shall be taxied near buildings or parked aircraft unless an attendant is at the wing of the aircraft to assist the pilot. E. Runways will not be used in lieu of or as taxiways. Taxiing to and from runways will be done along those taxiways which provide the most direct route. F. Closed Taxiways. No aircraft shall be taxied by any person upon a taxiway which has been designated by the airpark manager as being closed. The closure of any taxiway shall be so designated as such by the airport manager by placement of a white "X" on the centerline of the taxiway. G. Aircraft awaiting takeoff shall stop at the runway holding line in a position to have direct view of aircraft approaching or landing. (Ord. M-2733, 1987)	Moved to new Rules and Regulations Document	The new “Pearson Field Airport Rules and Regulations” document will incorporate existing VMC verbiage that are more appropriate for a standalone rules and regulations document

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Item	VMC Section	Existing Language	Proposed	Staff Comments
16.	10.05.110 Aircraft parking	A. Unless otherwise provided in a lease or other agreement, no person shall use any area of the airpark for parking and storage of aircraft or property without first obtaining permission of the airpark manager. If anyone does use any such area without first having obtained permission, then the airpark management may order the aircraft or other property impounded, removed and stored at the expense of the owner, without liability for damage thereto or any costs arising from or out of such removal or storage. B. Aircraft shall be properly blocked and tied down by the owner or operator when parked overnight or when conditions otherwise warrant blocking or tying down. Owners of aircraft shall be responsible for any damage resulting from failure to comply with this rule. C. Securing of aircraft shall be the sole responsibility of the owner or operator of the aircraft, and the city of Vancouver, its employees and agents shall in no way be held responsible to secure aircraft or for the consequences of failure of the owner or operator to so secure. (Ord. M-2733, 1987)	Moved to new Rules and Regulations Document	The new “Pearson Field Airport Rules and Regulations” document will incorporate existing VMC verbiage that are more appropriate for a standalone rules and regulations document
17.	10.05.115 Disabled aircraft	A. Aircraft owners and pilots are required to remove promptly from any public landing area their disabled aircraft as soon as permitted and/ or directed by cognizant FAA and/or National Transportation Safety Board authorities or by the city airport management. B. Non-airworthy aircraft, wrecks, "junkers" or parts thereof shall not be parked or stored anywhere on the airpark unless awaiting bona fide and scheduled repairs by a licensed commercial aviation maintenance business on the airpark, unless express authority has been granted in writing by the airpark manager. C. Should any person refuse to remove an aircraft or any parts thereof when directed to do so by the airpark manager in compliance with this chapter, such aircraft may be removed at the owner's or operator's expense and without liability (to the city) for damage which may result in such moving. (Ord. M-2733, 1987)	Moved to new Rules and Regulations Document	The new “Pearson Field Airport Rules and Regulations” document will incorporate existing VMC verbiage that are more appropriate for a standalone rules and regulations document

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Item	VMC Section	Existing Language	Proposed	Staff Comments
18.	10.05.120 Fuel handling and storage requirements	A. Fuel storage and servicing equipment must comply with all city, state and federal laws and regulations. B. Fueling hoses, fuel equipment and fuel trucks shall be maintained in a safe, sound and non-leaking condition. C. Fuel trucks shall proceed slowly and with caution on the airpark. D. Fuel trucks, when servicing aircraft, must be positioned so that they may be readily driven away without backing up to an open area in an emergency. E. An adequate fire extinguisher shall be within ready reach of all persons engaged in fueling or defueling of aircraft. F. All aircraft shall be positively grounded while being serviced with fuel. G. Aircraft shall not be fueled or defueled while the engine is running or while such aircraft is in a hangar or any enclosed area. H. Aircraft electrical appliances and radios shall be turned off during fueling or defueling. I. Fuel spills that create a potential fire hazard shall promptly be reported to the Vancouver fire department with a request for assistance. (Ord. M-2733, 1987)	Moved to new Rules and Regulations Document	The new “Pearson Field Airport Rules and Regulations” document will incorporate existing VMC verbiage that are more appropriate for a standalone rules and regulations document
19.	10.05.125 Rules for use of T-hangars	A. T-hangars will be rented only for aircraft storage and only on a month-to-month basis. Rental agreements are nontransferable. B. Hoisting or holding mechanisms will not be attached to any part of any T-hangar. C. Tenants will not paint, alter or modify any part of the T-hangar and associated fixtures without prior written permission of the airpark manager.	Moved to new Rules and Regulations Document	The new “Pearson Field Airport Rules and Regulations” document will incorporate existing VMC verbiage that are more appropriate for a standalone rules and regulations document

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Item	VMC Section	Existing Language	Proposed	Staff Comments
19. (Cont.)	10.05.125 Rules for use of T-hangars	D. Electrical and/or gas-fired heaters will not be used in or about T-hangars. E. Paint, dope and other flammable or volatile materials shall not be stored in T-hangars at any time, except in aircraft fuel tanks; provided, not to exceed two cases of one-quart cans of oil may be stored in T-hangars. F. Storage or use of flammable and/or volatile liquids for cleaning aircraft or parts is prohibited. G. Aircraft engines shall not be operated inside T-hangars. H. T-hangars shall be kept clean and free of debris and oily rags or other fire hazardous materials. I. Tenants shall not park or leave aircraft adjacent to T-hangar doors so as to unduly interfere or obstruct access to adjacent T-hangars. (Ord. M-2733, 1987)	Moved to new Rules and Regulations Document	(See above)
20.	10.05.130 Fire regulations	A. All persons using the airport area or the facilities of the airport in any way shall exercise the utmost care to guard against fire and injury to persons or property. B. No person shall smoke or carry any lighted cigar, pipe, cigarette, match or any open flame in or upon the airport within fifty feet of fuel storage areas, fuel loading situations, fuel handling vehicles or aircraft being fueled or having fuel drained, or in any other place where smoking is prohibited by sign. C. Welding. No person shall conduct any welding or open-flame operations in or adjacent to any hangar or building unless specifically authorized by the airport manager. When so authorized, all safety precautions shall be observed and welding equipment shall be operated by an experienced and qualified operator. D. Refuse and Waste. Lessees shall provide metal receptacles with self-closing covers for the storage of oily wastes, rags or other rubbish produced in their leased premises.	Moved to new Rules and Regulations Document	The new “Pearson Field Airport Rules and Regulations” document will incorporate existing VMC verbiage that are more appropriate for a standalone rules and regulations document

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Item	VMC Section	Existing Language	Proposed	Staff Comment
20. (Cont.)	10.05.130 Fire regulations	E. Floor Care. All lessees shall keep floors of hangars and adjacent areas free and clear of all oil, grease and other flammable material. F. Storage of Flammables. No one shall keep or store any flammable materials on the airpark or in any building on the airpark other than in compliance with the Uniform Fire Code as adopted by ordinance of the city of Vancouver. G. Extinguishers. All tenants or lessees of hangars or shop facilities shall supply and maintain adequate and readily accessible fire extinguishers. Such fire extinguishers shall be rated for Class B and C fires. H. Cleaning Fluids. No person shall use volatile, flammable liquids in the cleaning of floors, aircraft, aircraft engines, propellers and appliances in hangars or other buildings on the airpark, unless such cleaning operations are conducted in open, ventilated, fire-proofed areas and equipped with adequate and readily accessible fire- extinguishing apparatus. I. Painting. Painting and associated processes shall be conducted only in properly designated rooms or buildings conforming to city building code requirements for this type of operation. No spray-painting operation shall be conducted in T-hangars. J. No heating devices intended to be used to preheat an aircraft, aircraft engine, or used to lower the humidity, shall be used in T-hangars. K. Periodic inspections may be made by the Vancouver fire department to ensure compliance with these and other city fire regulations. (Ord. M-2733, 1987)	Moved to new Rules and Regulations Document	The new “Pearson Field Airport Rules and Regulations” document will incorporate existing VMC verbiage that are more appropriate for a standalone rules and regulations document

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Item	VMC Section	Existing Language	Proposed	Staff Comments
21.	10.05.135 Posting regulations	Rules and regulations adopted pursuant to this chapter shall be posted in a prominent place in offices of businesses and at other conspicuous places at the airpark, as found necessary by the airpark manager. Copies of this chapter and also of such rules and regulations shall be supplied to all applicants and interested parties upon request to the airport manager. (Ord. M-2733, 1987)	Moved to new section 10.05.065	Updated Language
22.	10.05.140 Penalties for violations	A. Generally, every person who violates or fails to comply with any provision of this chapter, or who operates or handles an aircraft in violation of any provision of this chapter, may be promptly removed or ejected from the airport by or under the authority of the airport manager, and upon the order of the airport manager may be deprived of the further use of the airport and its facilities for such length of time as may be required to insure the safeguarding of the same and the public and its interest therein. In addition, any person who violates or fails to comply with any of the requirements of this chapter is guilty of a misdemeanor and upon conviction thereof in Clark County District Court shall be punished by a fine of not more than three hundred dollars or by imprisonment for not more than thirty days, or by both such fine and imprisonment. B. Traffic Violations. Any person violating these rules and regulations and/or the traffic laws of the state of Washington or the city of Vancouver in connection with vehicular traffic on the airpark, shall be subject to prosecution in the appropriate court for such violation. (Ord. M-2733, 1987)	Moved to new Rules and Regulations Document	The new “Pearson Field Airport Rules and Regulations” document will incorporate existing VMC verbiage that are more appropriate for a standalone rules and regulations document.

VMC Title 10 Amendments

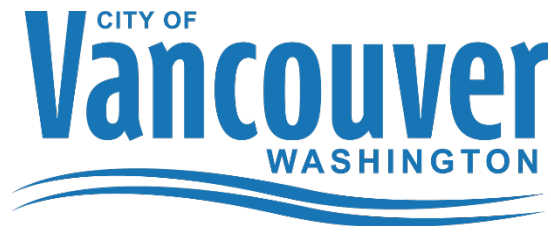
Item	VMC Section	Existing Language	Proposed	Staff Comments
23.	10.05.145 Fees and charges Changing to 10.05.075 “Charges”	A. All fees and charges to users of Pearson Field shall be administratively established pursuant to the standards and requirements set forth herein. B. Fees and rates charged shall be evaluated annually. Rates shall be established with consideration given to the self-support policy for Pearson Field, local market conditions, and consistency with other regional airport pricing. The aviation advisory committee shall review fees and charges and make recommendations to city staff consistent with this chapter. Notice shall be given to airport users of all advisory commission meetings where changes that affect such users will be considered. Notice of a proposed fee or rate increase shall be provided to such affected airport users 30 days in advance of such proposed increase. C. Landing Fee – Non-tenants. Anyone operating an aircraft for commercial purposes and who lands such an aircraft at Pearson Airpark more than once in any thirty-day period, and who is not a tenant at Pearson Airpark, shall, beginning with such second landing, be subject to and shall pay to the city a landing fee for each such landing, except that only one landing fee shall be charged per day for each aircraft using the facility regardless of the number of landings per day for that same aircraft. Such fee is to be paid on a monthly basis and must be accompanied by a form prepared by the airpark manager and filled out by the commercial operator to show the numbers of aircraft and times of each such landing. The airpark manager with the approval of the city manager shall make rules and regulations consistent with this section as are found necessary for its administration.	All fees and charges to users of Pearson Field shall be administratively established pursuant to the standards and requirements set forth herein. 1. Fees and rates charged may be evaluated annually. Rates shall be established with consideration given to (a) airport self-sustainability based on actual and projected costs and (b) competitiveness with local benchmark airports adjusted for differences in services, amenities, and geography. The Aviation Advisory Committee shall review fees and charges and make recommendations to city staff consistent with this chapter. 2. Notice shall be given to airport tenants of all Advisory Committee and City Council meetings where changes that affect such users will be considered. Notice of a proposed fee or rate change shall be provided to such affected airport tenants thirty (30) days in advance of such proposed change. Fee and rate provisions for land and building lease and or rental holders will be described in individual agreements. 3. Landing Fee for non-tenants. Anyone operating an aircraft for commercial purposes shall execute an agreement with the City for such purposes. Incidental or occasional use does not require an agreement 4. T-hangar rent established. Monthly rates for T-hangars that are substantially similar in size, configuration and amenities will be set consistently across the airport. A schedule of rates for each class of hangars will be published on the Pearson Field website. 5. City controlled Tiedown Fee – Airport management shall designate areas for both transient and monthly tiedown space. A schedule of rates for monthly tie-down spaces will be published on the City and Pearson Field websites.	Updated Language and moved this section to new section 10.05.075 “Charges”

VMC Title 10 Amendments

Item	VMC Section	Exiting Language	Proposed	Staff Comments
23. (Cont.)	10.05.145 Fees and charges Changing to 10.05.075 “Charges”	For the purposes of this chapter, as amended, the term “commercial purposes” includes air taxi operations, and the carrying in air commerce in small aircraft by any person (other than an air carrier) of persons or property for compensation or hire. The term shall not cover student instruction, ferry or training flights. It is unlawful for anyone liable therefore to fail to properly file a return and pay the tax imposed by this section, and anyone convicted in district court of failing to do so shall be sentenced to pay a fine of fifty dollars. D. Permit and Fee Required for Conducting Commercial Services. It is unlawful for anyone to engage in any commercial service in premises at Pearson Airpark unless he or she has first secured a permit so to do, and has paid the designated fee; provided, this subsection shall not apply to persons operating a business at the airpark under a tenancy agreement with the city but each such person shall have a city B&O license and pay B&O fees and taxes unless exempted therefrom by Chapter 5.04 of this code. E. Hangar Rental Fee. City-owned T-hangar buildings shall be rented on a month-to-month basis for the storage of aircraft. A waiting list shall be maintained when demand is in excess of supply. F. Tiedown Fee – City Controlled. The airport manager may designate areas for both transient and permanent tiedown space. Payment for such use will be either daily or monthly.	6. Fuel Flowage Fee. All aviation fuel delivered for resale purposes to Pearson Airport must be delivered only to those facilities designed for aviation fuel. The dispenser of such fuel shall be required to pay directly to the City (airport fund) the fuel flowage fee in an amount and manner agreed to by contract. 7. Deposits, Fines and Fees. Any deposits, fines or fees, paid in association with the airport will be maintained in an airport account by the City for exclusive use by the airport. All such charges will be invoiced by the City by either regular mail or electronically. (VMC 3.12.093). 8. Payments. All payments of fees and charges are due and payable in advance of the first day of the month unless otherwise provided. Payments shall be made to Financial and Management Services, P.O. Box 1995, Vancouver, WA 98668 – 1995	(See above)

VMC Title 10 Amendments

Item	VMC Section	Existing Language	Proposed	Staff Comments
23. (Cont.)	10.05.145 Fees and charges Changing to 10.05.075 “Charges”	G. Tiedown Fee – Tenant Controlled. The airpark manager may enter into agreements, on forms to be prepared by the city attorney, with various tenants to provide for collections of such tiedown fees, and for the assignment of certain areas of the airpark to each of such tenant for supervision and maintenance of such tiedown areas. Tiedown fees shall be paid by the user to a properly designated tenant who shall furnish a receipt therefore and who shall transmit to the city director of Financial and Management Services a duplicate of such receipt and an agreed upon percentage of the money which has been thus collected, not later than the tenth day of each month. H. Fuel Flowage Fee. All aviation fuel delivered to Pearson Airpark must be delivered only to in-ground storage facilities. The deliverer of such fuel shall be required to pay directly to the city the fuel flowage fee of three cents per gallon or such other amount as may be established by city ordinance or by resolution adopted by the city council after a public hearing. Such payment to be made by the twentieth day of each month for the previous month’s delivery. I. Leasehold Tax. A Washington State leasehold tax shall be included in each rental or lease payment schedule for use of airpark property when such rent or lease is for thirty consecutive days or more. L. Payments. All payments of fees and charges are due and payable in advance the first day of the month unless otherwise provided. Payments shall be made to the director of Financial and Management Services, P.O. Box 1995, Vancouver, WA 98668 – 1995. (Ord. M-3580, 2002; Ord. M-2733, 1987)	(See above)	(See above)



City of Vancouver • P.O. Box 1995 • Vancouver, WA 98668-1995
www.cityofvancouver.us

DATE: September 17, 2021
TO: Mayor and City Council
CC: Eric Holmes, City Manager
FROM: Jonathan Young, City Attorney; Sara Baynard-Cooke, Assistant City Attorney
RE: Amendments to VMC 8.22 Camping- Analysis of Ordinance Options A and B

On September 20, 2021, City Council will consider whether to adopt one of two ordinances amending VMC Chapter 8.22 ("Ordinance Option A" and "Ordinance Option B"), which are being presented for second reading and a public hearing. This memorandum provides an analysis of the difference between the ordinances and explains Staff's recommendation for adoption of Option A in more detail.

The only distinction between the two versions of the ordinance is the language relating to Camping Impact Areas. If Council adopts either version, unless occurring within a City-approved Supportive Campsite, camping shall be illegal at all times within Camping Impact Areas. Under both versions, Camping Impact Areas include (1) areas within 1000 feet of any Supportive Campsite and (2) public water stations, wastewater facilities, and stormwater facilities. The only distinction between the Ordinance Options is in regard to a third component of the Camping Impact Area, which was included in order to address environmental concerns. Specifically, Ordinance Option A and Ordinance Option B differ by prohibiting camping in certain environmentally-sensitive areas, defined differently under each option as follows:

Ordinance Option A	Ordinance Option B
Within two hundred feet (200') of the nearest edge of the Columbia River, Vancouver Lake, Burton Channel, Peterson Channel, Fisher's Creek, or Burnt Bridge Creek.	Upon land classified as one or more of the following: a. Habitats of Local Importance as defined by VMC 20.740.100; b. Riparian Buffers of Fish and Wildlife Habitat Conservation areas as defined by VMC 20.740.110; c. Frequently Flooded Areas as defined by VMC 20.740.120; or d. Wetland Buffer area of Wetlands as defined by VMC 20.740.140.

A. Ordinance A is Staff's Recommended Ordinance

As stated in the staff report, Staff recommends adoption of Ordinance Option A. First, Option A is more easily mapped and provides greater clarity to the public and law enforcement regarding areas where camping is prohibited. Also, the 200-foot buffer from designated water bodies is based on principles adopted by [Leave no Trace: Center for Outdoor Ethics](#) and recommended by the National Park Service and other agencies and associations. These agencies advocate keeping campsites at least 200 feet away from rivers, lakes, and creeks in order to maintain water quality, aquatic habitat, and access routes for wildlife. Thus, there is a clear connection between the 200-foot buffer and the environmental concern.

B. Concerns regarding Ordinance B

Ordinance B addresses environmental concerns with camping by prohibiting camping in designated flood areas, wetlands, and habitat conservation areas, as defined under VMC Title 20. Staff identified and mapped those areas by using County GIS data, which includes both federal and state designations.

One concern with Ordinance B is that the general public may have difficulty identifying the boundaries of the protected areas. Where the fixed 200-foot buffer under Ordinance Option A can be determined by pacing 70 feet from a designated water body, Ordinance B protection areas will vary in size based on the designation. Although maps would be provided on the City's website, in practice, these maps may be more difficult to access for individuals experiencing unsheltered homelessness. Areas will need to be clearly marked with signs in order to place the public on notice of no-camping zones. Because VMC Chapter 8.22 makes violation of the code a criminal misdemeanor, it is important to place the public and law enforcement on adequate notice of all areas where camping is prohibited 24/7, otherwise, this section may be rendered susceptible to legal challenge.

Additionally, the protected areas under Ordinance Option B will change over time, with changes in the environment. That means under Option B, the City's Critical Areas Protection Map would need to be routinely updated, along with any signs designating the protection areas, which will require significantly more staff time to administer and enforce than Option A.

Finally, Ordinance Option B may be overinclusive in protecting environmentally sensitive areas. For example, camping in certain flood zones, particularly those with a lower risk of flooding, may have no significant environmental impact. Similarly, during months when certain designated wetlands are dry, isolated camping in those areas may not have a significant impact on the environment. Moreover, camping may not impact all of the designated habitat protection areas; rather, whether there is an impact may depend on the type of species. In sum, absent an analysis of each of the identified protection areas under Ordinance Option B, staff is unable to confirm the level of impact caused by camping with a high degree of confidence.

C. Councilmembers' Concerns of Fire Danger

The discussion of including critical protection areas designated under VMC Title 20 within Camping Impact Areas stemmed in part from a discussion concerning fire danger caused by camping fires. The discussion largely pertained to camping on or near power lines on property owned by Bonneville Power Administration (BPA). After mapping the critical protection areas, however, it appears Ordinance Option B may not be the most effective tool to address the fire concerns raised. To this end, in lieu of Option B, Staff would recommend the City take a series of alternate steps to address fire danger attributed to unsheltered camping.

First, staff is preparing to reach out to BPA and request that BPA partner with the City to prevent camping under power lines. The Vancouver Police Department has a standard practice of entering into Trespass Agreements with landowners. These agreements direct law enforcement to trespass individuals seen on the property under certain, owner-specified conditions to the extent permitted by law. Historically, BPA has not taken advantage of Trespass Agreements as a tool to protect the community from fire danger. Staff is prepared to remind them that this tool remains available to them and urge BPA to consider using it.

Second, in consultation with the City's Fire Marshal and other Fire Department personnel, Staff is also considering whether there are areas where camping may be of a greater concern due to campfires and the increased risk of fire danger. Staff is currently compiling data to determine whether there is a connection between fire response and camping by people experiencing unsheltered homelessness. Staff is also working with the Fire Marshall to identify areas, including steep slope areas, where both the topography of the land and available fuels (e.g., dried grass or shrubs) cause a greater risk. And Staff is considering other factors that increase fire danger, such as obstacles that inhibit access by fire suppression equipment. Identifying locations that are at greater risk of fire danger, with the possibility of later expanding Camping Impact Areas to include such locations, may better address Councilmembers' concerns regarding fire hazards.

Since more work is required, and we are entering the (wet) fall season when fire danger decreases, Staff proposes to continue this analysis and return to Council in spring 2022 with an update. If the data supports expanding Camping Impact Areas to include areas that pose a greater fire risk, Staff is prepared to bring forward a proposal to amend Title 8 to expand Camping Impact Areas to prohibit camping in specific, narrowly crafted, fire protection areas.

We hope you find this information to be of use. We will be available at the Public Hearing Monday, September 20, 2021 to answer any questions you may have. In the meantime, as always, should you have individual questions or concerns, please do not hesitate to contact Staff.



Staff Report 132-21

TO: Mayor and City Council

FROM: Eric Holmes, City Manager

DATE: 9/20/2021

SUBJECT Amendments to VMC 8.22 - Camping

Key Points

- Revisions to Chapter 8.22 VMC "Camping" are necessary to implement a Supportive Campsite Pilot Program.
- Supportive Campsites may include Themed Supportive Campsites in which occupancy is limited to single-occupant females or families with children.
- Revisions to Chapter 8.22 VMC have also been proposed to mitigate the negative secondary impacts of camping. However, there are Constitutional limitations on the mitigation measures cities may implement.
- The Ninth Circuit Court of Appeals has held that cities cannot criminalize camping in all places, at all times, unless there is adequate access to temporary shelter (Martin v. Boise). (As a corollary, cities may criminalize camping at 24 hours daily within specific locations provided these areas are limited in size so that adequate public space remains available for camping.)
- Revisions have been proposed to VMC 8.22 to establish "Camping Impact Areas" where camping is illegal 24/7/365 while complying with applicable legal standards.

Strategic Plan Alignment

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

Goal 3, Objective 3.2: Improve services available to underserved or vulnerable residents.

Present Situation

Currently, the City of Vancouver's Unlawful Camping Ordinance (Chapter 8.22 VMC) provides that it is unlawful for any person to camp or store personal property on any public land during daytime hours of 6:30 a.m. through 9:30 p.m.

Despite this Ordinance, an estimated 500-600 individuals still reside in tents or vehicles within the City of Vancouver. This Council has observed that many individuals who camp on public property do so, not by choice, but due to a lack of financial means to afford adequate shelter. These individuals are adversely mentally and physically impacted by camping. Some people hold nighttime employment and cannot reasonably be expected to sleep during the hours allowed by VMC 8.22 (9:30 p.m. through 6:30 a.m.). Single female camp occupants experience a disproportionately high incidence of violent crime as compared to other people. Families with children who camp as a result of a lack adequate shelter are also disproportionately adversely impacted through risk of physical danger and impediments to childhood education.

Simultaneously, Council has also observed that the City's sensitive ecological areas are adversely impacted by adverse secondary impacts of camping. The City's sensitive waterways, water treatment facilities, stormwater and wastewater facilities are particularly vulnerable to impacts of illegal dumping and improper disposal of human waste.

There are also Constitutional constraints on cities' authority to regulate camping. The Ninth Circuit Court of Appeals has held that cities cannot criminalize camping in all places, at all times, unless there is adequate access to temporary shelter (*Martin v. Boise*). As a corollary to this holding, cities may impose 24-hour daily prohibitions against unlawful camping "in particular locations." However, the City Attorney's Office has advised that these locations should be no broader than necessary and Council should ensure that adequate public space remains for nighttime camping throughout the rest of the City.

To balance these competing interests, Staff has proposed that the City revise VMC 8.22 "Camping" from a system in which camping is criminalized everywhere from 6:30a.m. to 9:30p.m., to one that seeks to address a variety of competing interests by (a) legalizing camping within Supportive Campsites, (b) prohibiting camping 24/7/365 in certain 'camping impact areas' to include ecologically sensitive areas, (c) allowing camping at night throughout most of the City, and (d) establishing an exemption for nighttime workers.

Accompanying this Staff Report are two ordinances for Council's consideration ("Ordinance Option A" and "Ordinance Option B"). The only distinction between the two versions is the verbiage relating to Camping Impact Areas. Both ordinances indicate that unless occurring within a City-approved Supportive Campsite, camping shall be illegal 24/7/365 within Camping Impact Areas. However the locations of the Camping Impact Areas differ as follows:

The term "Camping Impact Areas" means:	
Both Ordinances:	
1000' from Supportive Campsites;	
At a public water station, wastewater or stormwater facility; and	
Ordinance Option A	Ordinance Option B
Within two hundred feet (200') of the nearest edge of the Columbia River, Vancouver Lake, Burton Channel, Peterson Channel, Fisher's Creek, or Burnt Bridge Creek.	Upon land classified as one or more of the following: a. Habitats of Local Importance as defined by VMC 20.740.100; b. Riparian Buffers of Fish and Wildlife

	Habitat Conservation areas as defined by VMC 20.740.110; c. Frequently Flooded Areas as defined by VMC 20.740.120; or d. Wetland Buffer area of Wetlands as defined by VMC 20.740.140.
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Staff recommends adoption of Option A for a few reasons. First, Option A is more easily mapped and provides greater clarity to the public and law enforcement regarding areas where camping is prohibited. Additionally, the designations of flood areas, wetlands, and habitat conservation areas under Option B will change over time with environmental changes, so a Critical Areas Protection Map would need to be continuously updated, which may cause more uncertainty regarding the location of Camping Impact Areas. Finally, Option B may be over-inclusive in protecting environmentally sensitive areas. For example, during certain seasons, designated wetlands are dry and isolated camping may not have a significant impact on such land.

Advantage(s)

Adoption of the proposed changes to Chapter 8.22 VMC would allow the City to establish a Supportive Campsite Pilot Program, which would serve as a temporary bridge while more permanent housing and shelter options are implemented.

Disadvantage(s)

None identified at this time.

Budget Impact

Funding for Supportive Campsites is included in the 2021-2022 budget. Some budget adjustments may be needed during the Supplemental Budget process to cover City-purchased tents/canopies and appropriate signage to designate Camping Impact Areas.

Prior Council Review

- May 24, 2021 City Council Workshop
- August 2, 2021 City Council Workshop
- August 16, 2021 City Manager Communications

Action Requested

On September 20, 2021, subject to second reading and public hearing, approve the Option A or Option B ordinance.

Jamie Spinelli, Homeless Response Coordinator, 360-487-8610; Jonathan Young, City Attorney, 360-487-8500; Sara Baynard-Cooke, Assistant City Attorney, 360-487-8500

ATTACHMENTS:

- ▣ Ordinance Option A
- ▣ Camping Impact Areas map - Ordinance Option A
- ▣ Ordinance Option B
- ▣ Camping Impact Areas map - Ordinance Option B
- ▣ City Attorney's Memo - Ordinance Comparison
- ▣ Site Selection Reductive Maps

September 13, 2021
September 20, 2021

ORDINANCE NO. M- _____

AN ORDINANCE of the City of Vancouver, Washington establishing Supportive Campsites to facilitate the provision of temporary shelter incidental to the provision of supportive services to individuals experiencing unsheltered homelessness; authorizing the establishment of two Themed Supportive Campsites, one for Families with Children and one for Single-Occupant Females; establishing Camping Impact Areas to protect ecologically sensitive areas and areas within the immediate vicinity of Supportive Campsites; establishing an exemption from the prohibition against daytime camping for individuals who present satisfactory evidence of nighttime employment and obtain a Nighttime Worker Camping Permit; 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 effective date.

WHEREAS, homelessness is a serious problem in Clark County, the number of people experiencing homelessness is increasing, and the capacity of the current system to house and meet the basic needs of those who are experiencing homelessness is inadequate; and

WHEREAS, the City of Vancouver is committed to supporting Clark County in the County’s role as the lead agency on regional homeless response and increase collaboration on projects and initiatives that will address homelessness and its impacts in Clark County; and

ORDINANCE - 1

WHEREAS, temporary solutions are needed within Vancouver to mitigate the adverse impacts of unsheltered homelessness while longterm, county-wide solutions are formulated to address deficiencies in the supply of shelter and housing; and

WHEREAS, cities are prohibited from prosecuting individuals for involuntarily sitting, lying, or sleeping in public, unless such individuals have access to adequate temporary shelter, either because they have the means to pay for it, or because it is realistically available to them for free (*Martin v. Boise*, 920 F.3d 584), and therefore, 24-hour daily bans on camping in certainly public spaces are only permissible if adequate shelter is available free of charge, or adequate public space remains unrestricted from camping so as to afford individuals experiencing unsheltered homelessness a meaning choice to avoid prosecution; and

WHEREAS, the Vancouver City Council is committed to striving to improve services available to underserved and vulnerable residents while maintaining public spaces that are safe, sanitary, attractive, and available for the enjoyment of all residents and visitors, and

WHEREAS, following an opportunity for public testimony, it is apparent that (a) the establishment of Camping Impact Areas, in which camping is prohibited 24 hours daily, will assist in mitigating adverse impacts to sensitive ecological areas including the City's water sources; (b) the establishment of Supportive Campsites in which camping is allowed 24-hours daily is appropriate as a temporary pilot as the City and County work with community partners to increase the supply of shelter and housing; (c) the establishment of two Themed Supportive Campsites, one for Families with Children and one for Single-Occupant Females, is appropriate to mitigate the unique dangers faced by members of these groups; and (d) the establishment of an

ORDINANCE - 2

exception from the existing daytime camping ban is appropriate for individuals who present satisfactory evidence of nighttime employment and obtain a Nighttime Worker Camping Permit.

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF VANCOUVER:

Section 1. The City Council declares that the purpose of this Ordinance is to establish Supportive Campsites to facilitate the provision of supportive services and temporary shelter to individuals experiencing unsheltered homelessness; authorize the establishment of two Themed Camps, one for Families with Children and one for Single-Occupant Females; establish Camping Impact Areas to protect ecologically sensitive areas and areas within the immediate vicinity of Supportive Campsites from the adverse secondary impacts of camping; establish an exemption from the prohibition against daytime camping for individuals who present satisfactory evidence of nighttime employment and obtain a Nighttime Worker Camping Permit.

Section 2. Findings. The Vancouver City Council hereby adopts the factual record supplied within Staff Report SR _____ and all attachments thereto as findings in support of this Ordinance and the following amendment to the Vancouver Municipal Code: Section 8.22.010 “Findings” as last amended by Ordinance M-4133 on 9/21/2015 is hereby amended to read as follows:

Section 8.22.010 Findings

It is the purpose of this ordinance to address:

- A. Adverse Public Impacts of Camping. People camping on public property and on public right of ways create a public health and safety hazard due to the lack of proper food storage, cooking, electrical and/or sanitary facilities ~~for these people~~. People without proper sanitary facilities have openly urinated, defecated, and littered on private and public property and on the public right of ways. Use of public property for camping purposes or storage of personal property interferes with the rights of others to use the areas for the purposes for which they were intended and creates public health and safety dangers to the City's sensitive ecological areas, including the City's water sources, through illegal dumping and improper disposal of human waste. People cooking with open flames while camping endanger the lives and property of those nearby through uncontrolled fire.
- B. Adverse Impacts of Camping on the Poor and Infirm. Many individuals who camp on public property do so, not by choice, but due to a lack of financial means to afford adequate shelter. These individuals are also adversely mentally and physically impacted by camping. Single female camp occupants experience a disproportionately high incidence of violent crime as compared to other people. Families with children who camp as a result of a lack adequate shelter are also

disproportionately adversely impacted through risk of physical danger and impediments to childhood education.

- C. Constitutional limitations on available remedies. The Eighth Amendment to the United States Constitution prohibits “cruel and unusual punishment”; the Ninth Circuit Court of Appeals has interpreted this prohibition to forbid cities from criminalizing camping in all places, at all times, by those who lack the financial means to pay for adequate shelter unless adequate shelter is available to such person free of charge.
- D. Supportive Campsites. The establishment of Supportive Campsites creates a means of connecting individuals to services that reduce barriers to obtaining shelter and housing while providing options for lawful camping which are incidental to the receipt of such services.
- E. Need for Themed Supportive Campsites. The City has an important government interest in protecting the physical safety and emotional well-being of residents of campsites occupied by single occupant females, and families with children. The establishment of Themed Supportive Campsites as defined herein reserved for members of these groups serves that important government interest and is substantially related to accomplishing those objectives.

Section 3. Section 8.22.020 of the Vancouver Municipal Code entitled “Purpose” as last amended by Ordinance M-3323 on 10/6/1997 is hereby amended to read as follows:

Section 8.22.020 Purpose.

It is the purpose of this ordinance to:

- A. Prevent harm to the health and safety of individuals who camp due to a lack of financial means to afford adequate shelter by establishing Supportive Campsites where adequate shelter is provided to the poor or infirm at no cost.
- B. Prevent harm to the health and safety of the public and to promote the public health, safety and general welfare by prohibiting camping within all Camping Impact Areas at all times, except as allowed within a Supportive Campsite.
- C. Prevent harm to the health or safety of the public and to promote the public health, safety and general welfare by making public streets and other areas readily accessible to the public and to prevent use of public property for camping purposes or storage of personal property which interferes with the rights of others to use the areas for which they were intended.

Section 4. Section 8.22.030 of the Vancouver Municipal Code entitled “Definitions” as last amended by Ordinance M-4133 on 9/21/2015 is hereby amended to read as follows:

Section 8.22.030 Definitions.

The following definitions are applicable in this chapter unless the context otherwise requires:

"Camp" or "camping" means to pitch, create, use, or occupy camp facilities for the purposes of habitation, as evidenced by the use of camp paraphernalia.

"Camp facilities" include, but are not limited to, tents, huts, temporary shelters, or vehicles.

"Camping Impact Area" means the areas specified within VMC 8.22.040(B).

"Camp paraphernalia" includes, but is not limited to, tarpaulins, cots, beds, sleeping bags, blankets, mattresses, hammocks, or non-city designated cooking facilities and similar equipment.

"Family" means two or more "Family or Household Members" as defined by RCW [26.52.010](#).

"Park" means the same as defined in VMC [15.04.020](#).

"Store" means to put aside or accumulate for use when needed, to put for safekeeping, to place or leave in a location.

"Supportive Campsite" means a Camp facility for which a permit has been sought and obtained from the Vancouver City Manager, or their designee, pursuant to VMC 8.22.070(B), and/or a City-sponsored Supportive Campsite established under VMC 8.22.070(F).

"Supportive Campsite Operator" means a person, firm, corporation, or municipal corporation with a valid Supportive Campsite Operator permit issued pursuant to VMC 8.22.070 or, in the case of a City-sponsored Supportive Campsite, an approved Camp facility operator as designated by the City Manager or their designee.

"Street" means any highway, lane, road, street, right of way, boulevard, alley, and every way or place in the City of Vancouver that is publicly owned or maintained for public vehicular travel.

"Themed Supportive Campsite" means a Supportive Campsite with spaces reserved for either

(A) a single occupant identifying as female; or (B) a Family with one or more children under eighteen years of age at the time of admission to the Supportive Campsite.

“Vehicle” means the same as defined in RCW [46.04.670](#), as adopted by Ordinance [M-3276](#).

Section 5. Section 8.22.040 of the Vancouver Municipal Code entitled “Unlawful Camping” as last amended by Ordinance M-4133 on 9/21/2015 is hereby amended to read as follows:

Section 8.22.040 Unlawful camping.

A. Supportive Campsites. Camping shall be allowed at all times within Supportive Campsites by those residing therein. Residence in a Supportive Campsite shall be at the approval of the Supportive Campsite Operator.

B. Camping Impact Areas. Except to the extent expressly allowed pursuant to Section A, it shall be unlawful to camp at any time within a Camping Impact Area. The following locations are Camping Impact Areas:

1. Within one thousand feet (1000’) of the nearest point of any Supportive Campsite;
2. Upon any land used to operate a public water station, wastewater or stormwater facility;
3. Within two hundred feet (200’) of the nearest edge of the Columbia River, Vancouver Lake, Burton Channel, Peterson Channel, Fisher’s Creek, or Burnt Bridge Creek.

C. Daytime Camping Prohibited. Except as otherwise provided within this Chapter, ~~d~~During the hours of 6:30 a.m. to 9:30 p.m., it shall be unlawful for any person to camp, occupy camp facilities for purposes of habitation, or use camp paraphernalia in the following areas, except as otherwise

provided by ordinance or as permitted pursuant to Section [8.22.070](#) of this ordinance:

1. any park;
2. any street; or
3. any publicly owned or maintained parking lot or other publicly owned or maintained area, improved or unimproved.

BD. Daytime Camping in Vehicles Prohibited. Except as otherwise provided within this Chapter,
~~d~~During the hours of 6:30 a.m. to 9:30 p.m., it shall be unlawful for any person to occupy a vehicle for the purpose of camping while that vehicle is parked in the following areas, except as otherwise provided by ordinance or as permitted pursuant to Section [8.22.070](#) of this ordinance:

1. any park;
2. any street; or
3. any publicly owned or maintained parking lot or other publicly owned or maintained area, improved or unimproved.

Section 6. Section 8.22.050 of the Vancouver Municipal Code entitled “Unlawful storage of personal property in public places” as last amended by Ordinance M-4133 on 9/21/2015 is hereby amended to read as follows:

Section 8.22.050 Unlawful storage of personal property in public places.

Except as otherwise provided within this Chapter, ~~d~~During the hours of 6:30 a.m. to 9:30 p.m., it shall be unlawful for any person to store personal property, including camp facilities (other than vehicles) and camp paraphernalia, in the following areas, except as otherwise provided by ordinance

or as permitted pursuant to Section [8.22.070](#) of this ordinance:

1. any park;
2. any street; or
3. any publicly owned or maintained parking lot or publicly owned or maintained area, improved or unimproved.

Section 7. Section 8.22.070 of the Vancouver Municipal Code entitled “Permit” as last amended by Ordinance M-4133 on 9/21/2015 is hereby amended to read as follows:

Section 8.22.070 Permit.

A. Authority of the City Manager. The City Manager is authorized to:

1. Promulgate procedures and policies necessary for the acceptance of applications, investigation, issuance, denial, and revocation of all camping permits of the types specified in this chapter and the establishment of City-sponsored Supportive Campsites;
2. Issue, deny, and revoke camping permits in furtherance of the purposes of this chapter;
3. Delegate any or all functions under this chapter; and
4. Request the assistance of other City departments to investigate, administer, and enforce the provisions of this chapter.

B. Types of Camping Permits. The following types of Camping Permits are established and may be issued by the City Manager, or their designee, pursuant to procedures and policies promulgated under this chapter:

1. Nighttime Employment Camping Permit. The City Manager, or ~~his/her~~their designee, is

authorized to permit persons who present satisfactory evidence of nighttime employment to camp, occupy camp facilities, use camp paraphernalia, or store personal property in parks, streets, or any publicly owned parking lot or publicly owned area, improved or unimproved, in the city of Vancouver, except within Camping Impact Areas as prohibited by VMC 8.22.040(B).

2. Supportive Campsite Operator Permit. The City Manager, or their designee, is authorized to issue a Supportive Campsite Operator Permit to a person, firm, corporation, or municipal corporation upon receipt of satisfactory evidence that the applicant possesses suitable qualifications to operate a Supportive Campsite in compliance with the provisions of this chapter. The duration of a Supportive Campsite Operator Permit shall be for an initial period of not more than one year. A Supportive Campsite Operator Permit may be renewed no more than twice by the City Manager for a period not to exceed one year each. The request for an extension shall be processed in the same manner as an initial Supportive Campsite Operator Permit application.

a.B Upon receipt of an application for ~~any~~ a Supportive Campsite Operator Permit under this chapter, the City Manager, or ~~his/her~~ their designee, shall provide notice to all owners and residents of record of property, as shown on the most recent property tax assessment roll, located within 1200 feet of the proposed Supportive Campsite and shall send a copy of the application to the city departments of police, parks, public works, community development, and fire. Each of these departments shall inspect the application and each such department shall report to the City Manager, or his/her/their designee, any problems which the proposed activity is expected to pose for the public. #Such reports shall make any necessary recommendations for protecting the public peace, health, safety, life, property, and welfare in the event a permit is, or was, issued.

b. In evaluating whether to grant or deny an application for a Supportive Campsite Operator

Permit, the City Manager, or his/her their designee, shall evaluate whether the resulting Supportive Campsite will be (i) equitably dispersed throughout the City in relation to other existing Supportive Campsites, (ii) located where the Supportive Campsite will avoid areas of highest economic vulnerability within surrounding residential areas in the City, (iii) afford accessibility in compliance with the Americans with Disabilities Act, (iv) be located within one half mile of public transit, and (v) comply will all requirements of the State Environmental Policy Act.

€c. The City Manager, or his/her their designee, is authorized to promulgate othershall review and approve rules and regulations regarding the implementation and enforcement of this ordinance admission to, and operation of, all Supportive Campsites.

ÐC. The City Manager, or his/her their designee, may approve a permit as provided under this section when, from a consideration of the application, reports from other city departments, and from such other information as may otherwise be obtained, he or she the City Manager, or their designee, finds that:

1. Adequate sanitary facilities are provided and accessible at or near the proposed camp site;
2. Adequate trash receptacles and trash collection are provided; and
3. The camping activity will not unreasonably disturb or interfere with the safety, peace, comfort and repose of private property owners.

E. No permit shall be issued for a period of time in excess of fourteen (14) calendar days in any one calendar year.

FD. The City Manager, or his/her their designee, is authorized to revoke a permit that has been issued if he or she the City Manager, or their designee, finds lack of compliance with any requirement of subsection ÐC, above, or evidence that a Supportive Campsite Operator has failed or

refused to require campsite residents comply with ~~of~~ any rule or regulation promulgated under subsection ~~€~~B.2.c., above, or of any ordinance or statute.

~~€~~E. Any person who is denied a permit, or had their permit revoked, may appeal the denial/revocation to a hearings examiner appointed by the City Manager, or ~~his/her~~their designee. Notice of appeal must be in writing, and filed with the City Clerk within seven (7) working days from the date of the denial or revocation.

F. City staff may propose City-sponsored Supportive Campsites. Such proposals will be evaluated for approval by the City Manager, or their designee, applying the criteria under VMC 8.22.070(B)(2) and VMC 8.22.070(C) and the availability of City resources.

Section 8. Severability. If any clause, sentence, paragraph, section, or part of this ordinance or the application thereof to any person or circumstances shall be adjudged by any court of competent jurisdiction to be invalid, such order or judgment shall be confined in its operation to the controversy in which it was rendered and shall not affect or invalidate the remainder of any parts thereof to any other person or circumstances and to this end the provisions of each clause, sentence, paragraph, section or part of this law are hereby declared to be severable.

Section 9. Effective Date. This Ordinance shall be effective thirty days after adoption.

Read first time:

Ayes: Councilmembers

ORDINANCE - 13

Nays: Councilmembers

Absent: Councilmembers

Read second time:

PASSED by the following vote:

Ayes: Councilmembers

Nays: Councilmembers

Absent: Councilmembers

SIGNED this _____ day of September, 2021.

Anne McEnery-Ogle, Mayor

Attest:

Natasha Ramras, City Clerk

Approved as to form:

Jonathan Young, City Attorney

ORDINANCE - 14

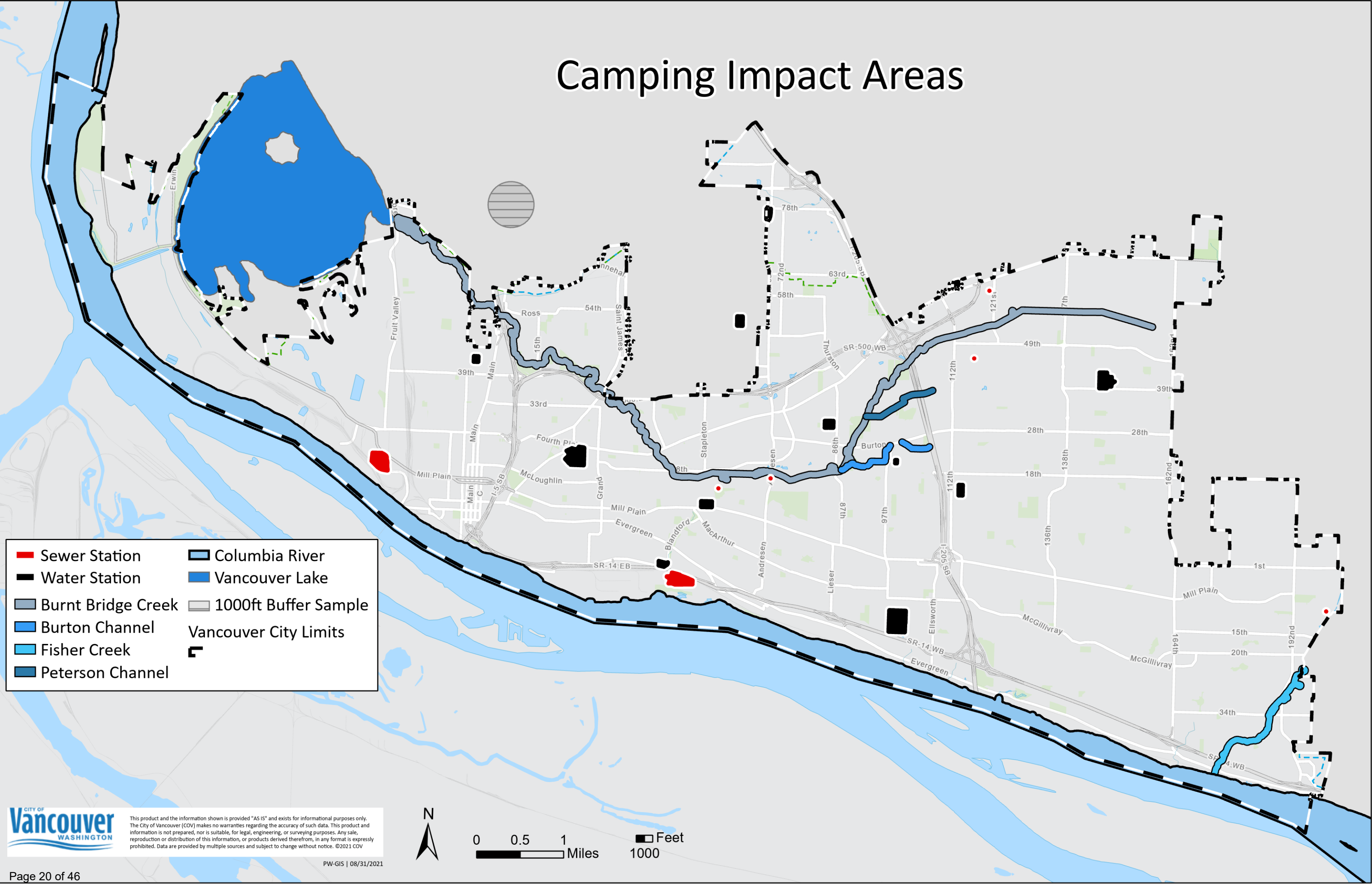
SUMMARY

ORDINANCE NO. _____

AN ORDINANCE of the City of Vancouver, Washington establishing Supportive Campsites for individuals experiencing unsheltered homelessness; authorizing the establishment of two Themed Supportive Campsites; establishing Camping Impact Areas; establishing an exemption from the prohibition against daytime camping for individuals who present satisfactory evidence of nighttime employment; 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 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).

Camping Impact Areas



September 13, 2021
September 20, 2021

ORDINANCE NO. M- _____

AN ORDINANCE of the City of Vancouver, Washington establishing Supportive Campsites to facilitate the provision of temporary shelter incidental to the provision of supportive services to individuals experiencing unsheltered homelessness; authorizing the establishment of two Themed Supportive Campsites, one for Families with Children and one for Single-Occupant Females; establishing Camping Impact Areas to protect ecologically sensitive areas and areas within the immediate vicinity of Supportive Campsites; establishing an exemption from the prohibition against daytime camping for individuals who present satisfactory evidence of nighttime employment and obtain a Nighttime Worker Camping Permit; 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 effective date.

WHEREAS, homelessness is a serious problem in Clark County, the number of people experiencing homelessness is increasing, and the capacity of the current system to house and meet the basic needs of those who are experiencing homelessness is inadequate; and

WHEREAS, the City of Vancouver is committed to supporting Clark County in the County’s role as the lead agency on regional homeless response and increase collaboration on projects and initiatives that will address homelessness and its impacts in Clark County; and

ORDINANCE - 1

WHEREAS, temporary solutions are needed within Vancouver to mitigate the adverse impacts of unsheltered homelessness while longterm, county-wide solutions are formulated to address deficiencies in the supply of shelter and housing; and

WHEREAS, cities are prohibited from prosecuting individuals for involuntarily sitting, lying, or sleeping in public, unless such individuals have access to adequate temporary shelter, either because they have the means to pay for it, or because it is realistically available to them for free (*Martin v. Boise*, 920 F.3d 584), and therefore, 24-hour daily bans on camping in certainly public spaces are only permissible if adequate shelter is available free of charge, or adequate public space remains unrestricted from camping so as to afford individuals experiencing unsheltered homelessness a meaning choice to avoid prosecution; and

WHEREAS, the Vancouver City Council is committed to striving to improve services available to underserved and vulnerable residents while maintaining public spaces that are safe, sanitary, attractive, and available for the enjoyment of all residents and visitors, and

WHEREAS, following an opportunity for public testimony, it is apparent that (a) the establishment of Camping Impact Areas, in which camping is prohibited 24 hours daily, will assist in mitigating adverse impacts to sensitive ecological areas including the City's water sources; (b) the establishment of Supportive Campsites in which camping is allowed 24-hours daily is appropriate as a temporary pilot as the City and County work with community partners to increase the supply of shelter and housing; (c) the establishment of two Themed Supportive Campsites, one for Families with Children and one for Single-Occupant Females, is appropriate to mitigate the unique dangers faced by members of these groups; and (d) the establishment of an

ORDINANCE - 2

exception from the existing daytime camping ban is appropriate for individuals who present satisfactory evidence of nighttime employment and obtain a Nighttime Worker Camping Permit.

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF VANCOUVER:

Section 1. The City Council declares that the purpose of this Ordinance is to establish Supportive Campsites to facilitate the provision of supportive services and temporary shelter to individuals experiencing unsheltered homelessness; authorize the establishment of two Themed Camps, one for Families with Children and one for Single-Occupant Females; establish Camping Impact Areas to protect ecologically sensitive areas and areas within the immediate vicinity of Supportive Campsites from the adverse secondary impacts of camping; establish an exemption from the prohibition against daytime camping for individuals who present satisfactory evidence of nighttime employment and obtain a Nighttime Worker Camping Permit.

Section 2. Findings. The Vancouver City Council hereby adopts the factual record supplied within Staff Report SR _____ and all attachments thereto as findings in support of this Ordinance and the following amendment to the Vancouver Municipal Code: Section 8.22.010 “Findings” as last amended by Ordinance M-4133 on 9/21/2015 is hereby amended to read as follows:

Section 8.22.010 Findings

It is the purpose of this ordinance to address:

- A. Adverse Public Impacts of Camping. People camping on public property and on public right of ways create a public health and safety hazard due to the lack of proper food storage, cooking, electrical and/or sanitary facilities ~~for these people~~. People without proper sanitary facilities have openly urinated, defecated, and littered on private and public property and on the public right of ways. Use of public property for camping purposes or storage of personal property interferes with the rights of others to use the areas for the purposes for which they were intended and creates public health and safety dangers to the City's sensitive ecological areas, including the City's water sources, through illegal dumping and improper disposal of human waste. People cooking with open flames while camping endanger the lives and property of those nearby through uncontrolled fire.
- B. Adverse Impacts of Camping on the Poor and Infirm. Many individuals who camp on public property do so, not by choice, but due to a lack of financial means to afford adequate shelter. These individuals are also adversely mentally and physically impacted by camping. Single female camp occupants experience a disproportionately high incidence of violent crime as compared to other people. Families with children who camp as a result of a lack adequate shelter are also

disproportionately adversely impacted through risk of physical danger and impediments to childhood education.

- C. Constitutional limitations on available remedies. The Eighth Amendment to the United States Constitution prohibits “cruel and unusual punishment”; the Ninth Circuit Court of Appeals has interpreted this prohibition to forbid cities from criminalizing camping in all places, at all times, by those who lack the financial means to pay for adequate shelter unless adequate shelter is available to such person free of charge.
- D. Supportive Campsites. The establishment of Supportive Campsites creates a means of connecting individuals to services that reduce barriers to obtaining shelter and housing while providing options for lawful camping which are incidental to the receipt of such services.
- E. Need for Themed Supportive Campsites. The City has an important government interest in protecting the physical safety and emotional well-being of residents of campsites occupied by single occupant females, and families with children. The establishment of Themed Supportive Campsites as defined herein reserved for members of these groups serves that important government interest and is substantially related to accomplishing those objectives.

Section 3. Section 8.22.020 of the Vancouver Municipal Code entitled “Purpose” as last amended by Ordinance M-3323 on 10/6/1997 is hereby amended to read as follows:

Section 8.22.020 Purpose.

It is the purpose of this ordinance to:

- A. Prevent harm to the health and safety of individuals who camp due to a lack of financial means to afford adequate shelter by establishing Supportive Campsites where adequate shelter is provided to the poor or infirm at no cost.
- B. Prevent harm to the health and safety of the public and to promote the public health, safety and general welfare by prohibiting camping within all Camping Impact Areas at all times, except as allowed within a Supportive Campsite.
- C. Prevent harm to the health or safety of the public and to promote the public health, safety and general welfare by making public streets and other areas readily accessible to the public and to prevent use of public property for camping purposes or storage of personal property which interferes with the rights of others to use the areas for which they were intended.

Section 4. Section 8.22.030 of the Vancouver Municipal Code entitled “Definitions” as last amended by Ordinance M-4133 on 9/21/2015 is hereby amended to read as follows:

Section 8.22.030 Definitions.

The following definitions are applicable in this chapter unless the context otherwise requires:

"Camp" or "camping" means to pitch, create, use, or occupy camp facilities for the purposes of habitation, as evidenced by the use of camp paraphernalia.

"Camp facilities" include, but are not limited to, tents, huts, temporary shelters, or vehicles.

"Camping Impact Area" means the areas specified within VMC 8.22.040(B).

"Camp paraphernalia" includes, but is not limited to, tarpaulins, cots, beds, sleeping bags, blankets, mattresses, hammocks, or non-city designated cooking facilities and similar equipment.

"Family" means two or more "Family or Household Members" as defined by RCW [26.52.010](#).

"Park" means the same as defined in VMC [15.04.020](#).

"Store" means to put aside or accumulate for use when needed, to put for safekeeping, to place or leave in a location.

"Supportive Campsite" means a Camp facility for which a permit has been sought and obtained from the Vancouver City Manager, or their designee, pursuant to VMC 8.22.070(B), and/or a City-sponsored Supportive Campsite established under VMC 8.22.070(F).

"Supportive Campsite Operator" means a person, firm, corporation, or municipal corporation with a valid Supportive Campsite Operator permit issued pursuant to VMC 8.22.070 or, in the case of a City-sponsored Supportive Campsite, an approved Camp facility operator as designated by the City Manager or their designee.

"Street" means any highway, lane, road, street, right of way, boulevard, alley, and every way or place in the City of Vancouver that is publicly owned or maintained for public vehicular travel.

"Themed Supportive Campsite" means a Supportive Campsite with spaces reserved for either

(A) a single occupant identifying as female; or (B) a Family with one or more children under eighteen years of age at the time of admission to the Supportive Campsite.

“Vehicle” means the same as defined in RCW [46.04.670](#), as adopted by Ordinance [M-3276](#).

Section 5. Section 8.22.040 of the Vancouver Municipal Code entitled “Unlawful Camping” as last amended by Ordinance M-4133 on 9/21/2015 is hereby amended to read as follows:

Section 8.22.040 Unlawful camping.

A. Supportive Campsites. Camping shall be allowed at all times within Supportive Campsites by those residing therein. Residence in a Supportive Campsite shall be at the approval of the Supportive Campsite Operator.

B. Camping Impact Areas. Except to the extent expressly allowed pursuant to Section A, it shall be unlawful to camp at any time within a Camping Impact Area. The following locations are Camping Impact Areas:

1. Within one thousand feet (1000’) of the nearest point of any Supportive Campsite;

2. Upon any land used to operate a public water station, wastewater or stormwater facility;

3. Within any of the following critical areas:

 (a) Habitats of Local Importance as defined by VMC 20.740.100;

 (b) Riparian Buffers of Fish and Wildlife Habitat Conservation areas as defined by VMC 20.740.110;

 (c) Frequently Flooded Areas as defined by VMC 20.740.120; and/or

(d) Wetland Buffer area of Wetlands as defined by VMC 20.740.140.

The City Manager, or their designee, shall create a Critical Areas Protection Map that identifies the critical areas above and post the Map on the City's website. The Critical Areas Protection Map will be revised annually to account for changes to critical area designations.

C. Daytime Camping Prohibited. Except as otherwise provided within this Chapter, ~~d~~During the hours of 6:30 a.m. to 9:30 p.m., it shall be unlawful for any person to camp, occupy camp facilities for purposes of habitation, or use camp paraphernalia in the following areas, except as otherwise provided by ordinance or as permitted pursuant to Section [8.22.070](#) of this ordinance:

1. any park;
2. any street; or
3. any publicly owned or maintained parking lot or other publicly owned or maintained area, improved or unimproved.

~~B~~D. Daytime Camping in Vehicles Prohibited. Except as otherwise provided within this Chapter, ~~d~~During the hours of 6:30 a.m. to 9:30 p.m., it shall be unlawful for any person to occupy a vehicle for the purpose of camping while that vehicle is parked in the following areas, except as otherwise provided by ordinance or as permitted pursuant to Section [8.22.070](#) of this ordinance:

1. any park;
2. any street; or
3. any publicly owned or maintained parking lot or other publicly owned or maintained area, improved or unimproved.

Section 6. Section 8.22.050 of the Vancouver Municipal Code entitled "Unlawful storage of

personal property in public places” as last amended by Ordinance M-4133 on 9/21/2015 is hereby amended to read as follows:

Section 8.22.050 Unlawful storage of personal property in public places.

Except as otherwise provided within this Chapter, dDuring the hours of 6:30 a.m. to 9:30 p.m., it shall be unlawful for any person to store personal property, including camp facilities (other than vehicles) and camp paraphernalia, in the following areas, except as otherwise provided by ordinance or as permitted pursuant to Section [8.22.070](#) of this ordinance:

1. any park;
2. any street; or
3. any publicly owned or maintained parking lot or publicly owned or maintained area, improved or unimproved.

Section 7. Section 8.22.070 of the Vancouver Municipal Code entitled “Permit” as last amended by Ordinance M-4133 on 9/21/2015 is hereby amended to read as follows:

Section 8.22.070 Permit.

A. Authority of the City Manager. The City Manager is authorized to:

1. Promulgate procedures and policies necessary for the acceptance of applications, investigation, issuance, denial, and revocation of all camping permits of the types specified in this chapter and the establishment of City-sponsored Supportive Campsites;
2. Issue, deny, and revoke camping permits in furtherance of the purposes of this chapter;

3. Delegate any or all functions under this chapter; and
4. Request the assistance of other City departments to investigate, administer, and enforce the provisions of this chapter.

B. Types of Camping Permits. The following types of Camping Permits are established and may be issued by the City Manager, or their designee, pursuant to procedures and policies promulgated under this chapter:

1. Nighttime Employment Camping Permit. The City Manager, or ~~his/her~~their designee, is authorized to permit persons who present satisfactory evidence of nighttime employment to camp, occupy camp facilities, use camp paraphernalia, or store personal property in parks, streets, or any publicly owned parking lot or publicly owned area, improved or unimproved, in the city of Vancouver, except within Camping Impact Areas as prohibited by VMC 8.22.040(B).

2. Supportive Campsite Operator Permit. The City Manager, or their designee, is authorized to issue a Supportive Campsite Operator Permit to a person, firm, corporation, or municipal corporation upon receipt of satisfactory evidence that the applicant possesses suitable qualifications to operate a Supportive Campsite in compliance with the provisions of this chapter. The duration of a Supportive Campsite Operator Permit shall be for an initial period of not more than one year. A Supportive Campsite Operator Permit may be renewed no more than twice by the City Manager for a period not to exceed one year each. The request for an extension shall be processed in the same manner as an initial Supportive Campsite Operator Permit application.

~~a.B~~ Upon receipt of an application for ~~any~~a Supportive Campsite Operator Permit under this chapter, the City Manager, or ~~his/her~~their designee, shall provide notice to all owners and residents of record of property, as shown on the most recent property tax assessment roll, located within 1200

feet of the proposed Supportive Campsite and shall send a copy of the application to the city departments of police, parks, public works, community development, and fire. Each of these departments shall inspect the application and each such department shall report to the City Manager, or his/her/their designee, any problems which the proposed activity is expected to pose for the public. ~~Such reports~~ shall make any necessary recommendations for protecting the public peace, health, safety, life, property, and welfare in the event a permit is, or was, issued.

b. In evaluating whether to grant or deny an application for a Supportive Campsite Operator Permit, the City Manager, or his/her/their designee, shall evaluate whether the resulting Supportive Campsite will be (i) equitably dispersed throughout the City in relation to other existing Supportive Campsites, (ii) located where the Supportive Campsite will avoid areas of highest economic vulnerability within surrounding residential areas in the City, (iii) afford accessibility in compliance with the Americans with Disabilities Act, (iv) be located within one half mile of public transit, and (v) comply will all requirements of the State Environmental Policy Act.

~~C.~~ The City Manager, or his/her/their designee, is authorized to promulgate othershall review and approve rules and regulations regarding the implementation and enforcement of this ordinance admission to, and operation of, all Supportive Campsites.

D. The City Manager, or his/her/their designee, may approve a permit as provided under this section when, from a consideration of the application, reports from other city departments, and from such other information as may otherwise be obtained, ~~he or she~~the City Manager, or their designee, finds that:

1. Adequate sanitary facilities are provided and accessible at or near the proposed camp site;
2. Adequate trash receptacles and trash collection are provided; and

3. The camping activity will not unreasonably disturb or interfere with the safety, peace, comfort and repose of private property owners.

~~E. No permit shall be issued for a period of time in excess of fourteen (14) calendar days in any one calendar year.~~

~~FD.~~ The City Manager, or ~~his/her~~their designee, is authorized to revoke a permit that has been issued if ~~he or she~~the City Manager, or their designee, finds lack of compliance with any requirement of subsection ~~DC~~, above, or evidence that a Supportive Campsite Operator has failed or refused to require campsite residents comply with ~~of~~ any rule or regulation promulgated under subsection ~~CB.2.c.~~, above, or of any ordinance or statute.

~~GE.~~ Any person who is denied a permit, or had their permit revoked, may appeal the denial/revocation to a hearings examiner appointed by the City Manager, or ~~his/her~~their designee. Notice of appeal must be in writing, and filed with the City Clerk within seven (7) working days from the date of the denial or revocation.

F. City staff may propose City-sponsored Supportive Campsites. Such proposals will be evaluated for approval by the City Manager, or their designee, applying the criteria under VMC 8.22.070(B)(2) and VMC 8.22.070(C) and the availability of City resources.

Section 8. Severability. If any clause, sentence, paragraph, section, or part of this ordinance or the application thereof to any person or circumstances shall be adjudged by any court of competent jurisdiction to be invalid, such order or judgment shall be confined in its operation to the controversy in which it was rendered and shall not affect or invalidate the remainder of any parts thereof to any other person or circumstances and to this end the

provisions of each clause, sentence, paragraph, section or part of this law are hereby declared to be severable.

Section 9. Effective Date. This Ordinance shall be effective thirty days after adoption.

Read first time:

Ayes: Councilmembers

Nays: Councilmembers

Absent: Councilmembers

Read second time:

PASSED by the following vote:

Ayes: Councilmembers

Nays: Councilmembers

Absent: Councilmembers

SIGNED this _____ day of September, 2021.

ORDINANCE - 14

Anne McEnery-Ogle, Mayor

Attest:

Natasha Ramras, City Clerk

Approved as to form:

Jonathan Young, City Attorney

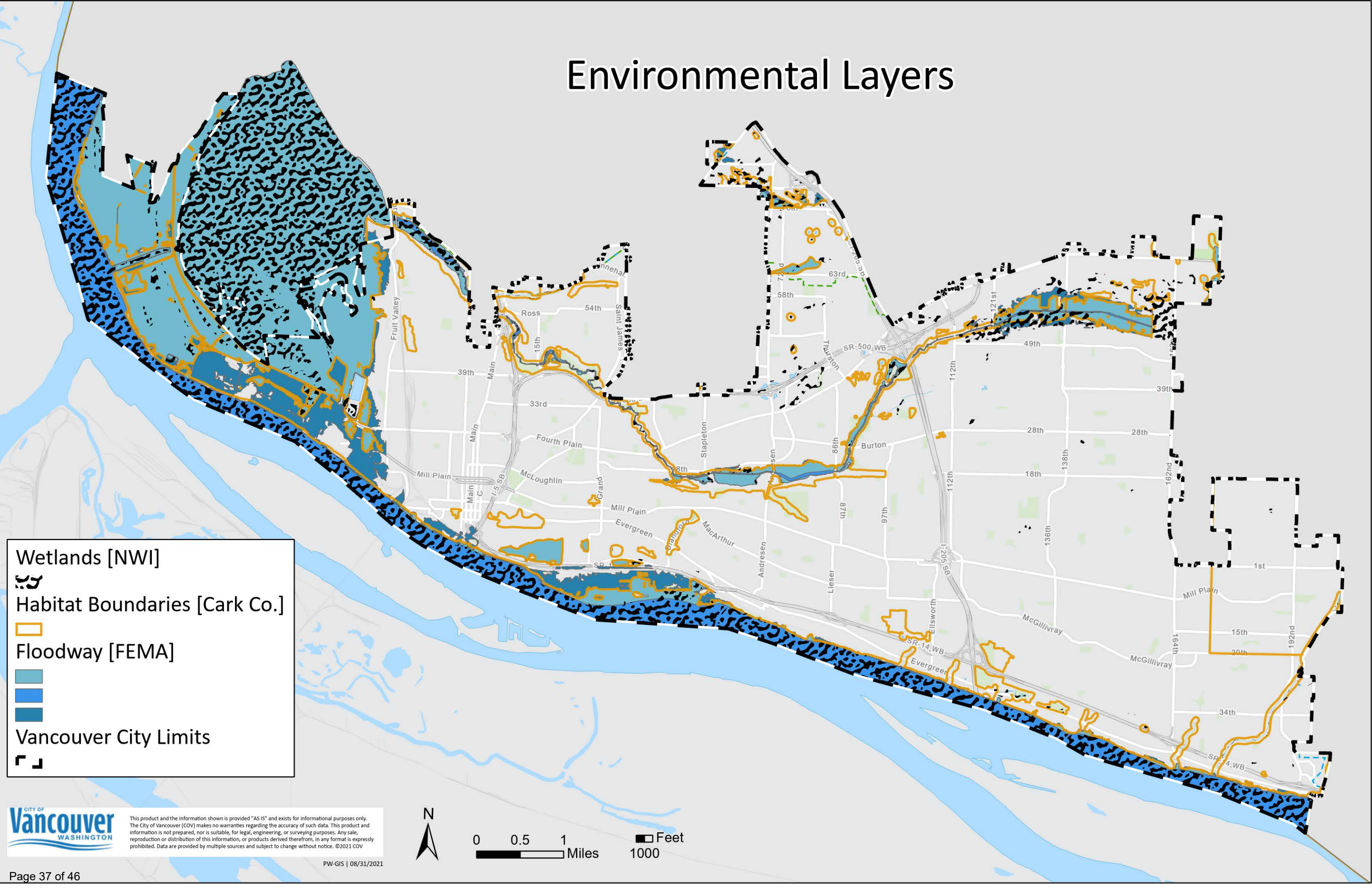
SUMMARY

ORDINANCE NO. _____

AN ORDINANCE of the City of Vancouver, Washington establishing Supportive Campsites for individuals experiencing unsheltered homelessness; authorizing the establishment of two Themed Supportive Campsites; establishing Camping Impact Areas; establishing an exemption from the prohibition against daytime camping for individuals who present satisfactory evidence of nighttime employment; 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 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).

Environmental Layers

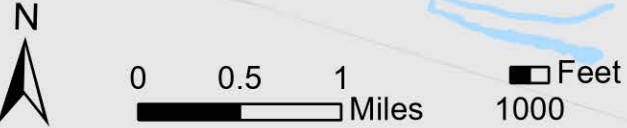


Wetlands [NWI]

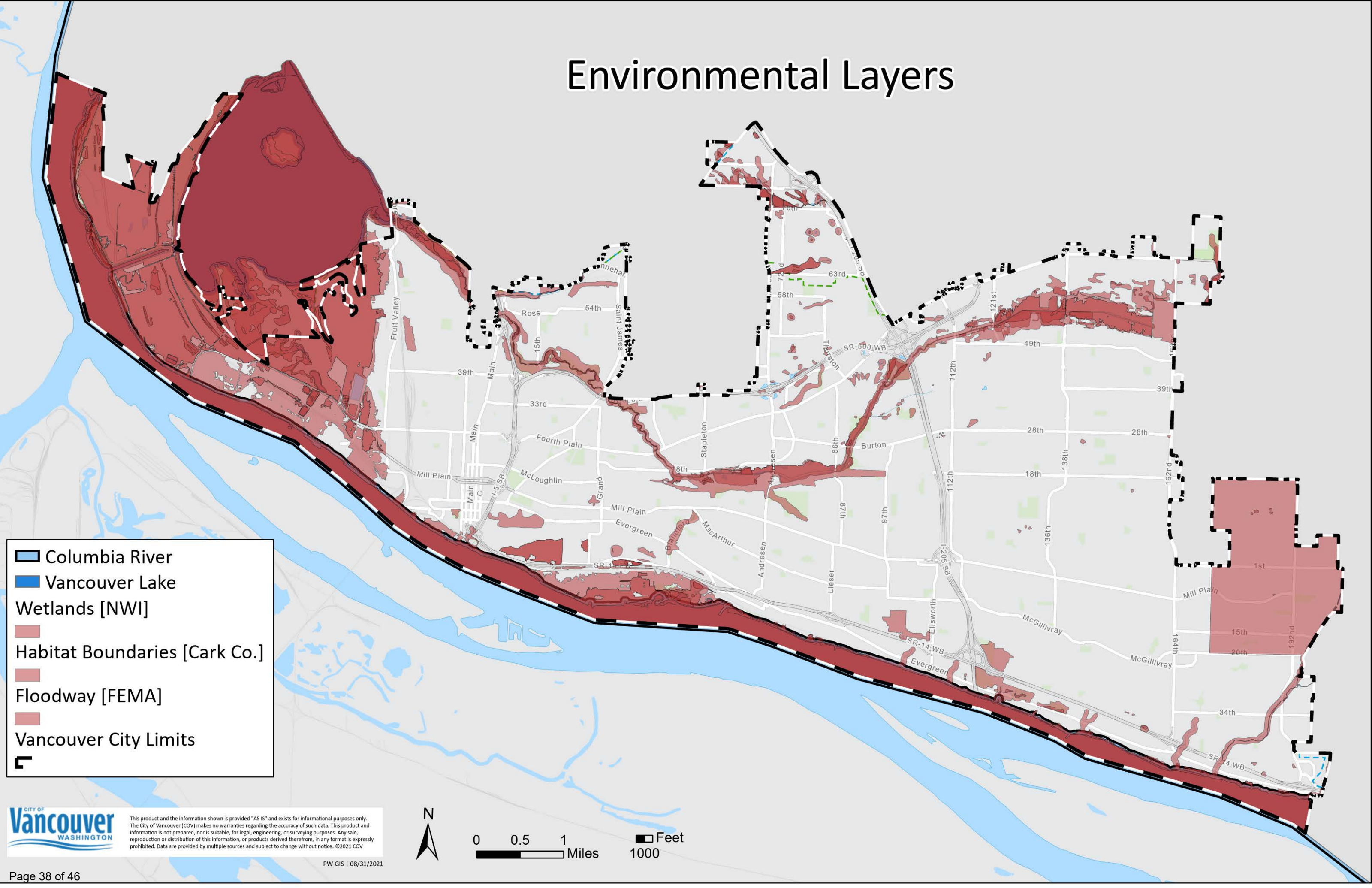
Habitat Boundaries [Clark Co.]

Floodway [FEMA]

Vancouver City Limits



Environmental Layers



Columbia River

Vancouver Lake

Wetlands [NWI]

Habitat Boundaries [Cark Co.]

Floodway [FEMA]

Vancouver City Limits

Vancouver City Limits

Colored Area: Area meeting site selection
criteria
City of Vancouver - 33,776 Ac



Zoning Temporary Uses Allowed - minus parks

Colored Area: Area meeting site selection
criteria
Zoning Temporary Uses Allowed [no parks] -
20,153 Ac (59%)



Zoning Temporary Uses Allowed Outside Residential Economic Vulnerability Areas

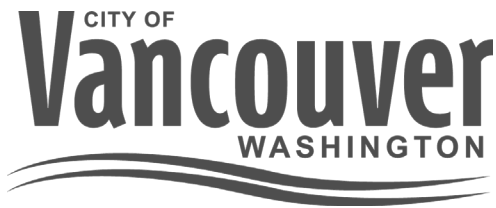
Colored Area: Area meeting site selection
criteria
Zoning Temporary Uses Allowed Outside of
Residential Economic Vulnerability Areas -
18,166 Ac (53%)



Zoning Temporary Uses Allowed Outside Residential Economic Vulnerability Areas Within 1/2 Mile of Transit

Colored Area: Area meeting site selection
criteria
Zoning Temporary Uses Allowed Outside of
Residential Economic Vulnerability Areas,
Within 1/2 Mile of Transit - 15,389 Ac (45%)





MEMORANDUM

DATE: September 20, 2021

TO: Mayor and Council

FROM: Mayor Anne McEnerny-Ogle

RE: **Interstate Bridge Replacement Program (IBRP) – Executive Steering Group Meeting**

The Executive Steering Group (ESG) for the Interstate Bridge Replacement Program (IBRP) convened on Wednesday, September 15th. Mayor McEnerny-Ogle and City Manager Eric Holmes represented the City of Vancouver at the meeting, supported by staff members Katherine Kelly, Rebecca Kennedy, and Aaron Lande.

ESG members first discussed re-confirming that a bridge replacement is the best solution for this Program. Other solutions proposed through public comment have included a third bridge, high speed rail, a “common sense” alternative to upgrades the existing bridge, and an immersed tube tunnel. Program staff provided context for why solutions other than a bridge replacement do not meet the Program’s Purpose and Need. There was agreement from ESG members that solutions other than a replacement bridge would not be given consideration through the IBRP.

Next, IBR staff shared an update on technical work toward an IBR solution. The following were outlined as a proposed process to get to a solution by March, 2022:

- June – October, 2021: Identify partner agency desired outcomes and define screening criteria. Also develop design options to be screened for consideration.
- November – December, 2021: Screen design options and develop a technical recommendation.
- January – March, 2022: Develop an IBR solution.
- April – May, 2022 : Refine the IBR solution for NEPA analysis.

ESG members expressed concern about the fast timeline to achieve proposed milestones by Spring, 2022 but reiterated support for achieving a solution. They added that there needs to be adequate time built into the Program to allow for notification, discussion with, and guidance from, respective councils/boards/commissions, and community members. In addition, they stressed that they need to know what ESG will be asked and when they’ll be asked to provide recommendations on key issues.

The IBR team reiterated that the following are the key decisions that will need to be made to reach an IBR solution:

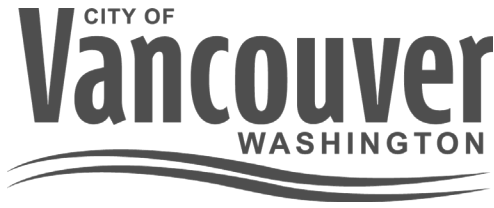
1. Transit options: mode, alignment, station locations, and associated park and ride locations
2. Interchange improvements and roadway sections: roadway and auxiliary lane configurations, interchange, transit, bicycle, and pedestrian improvements.

3. River crossing and alignment: configuration of a replacement bridge including through lanes and auxiliary lanes
4. Replacement of North Portland Harbor Bridge: considerations of replacing this bridge

In addition to these questions, ESG members stated the importance of including discussion on tolling, and that that will be a key decision to be addressed prior to an IBR solution being accepted.

Details and meeting materials can be found [here](https://www.interstatebridge.org/get-involved-folder/calendar/esg-september-15-2021-meeting/) (https://www.interstatebridge.org/get-involved-folder/calendar/esg-september-15-2021-meeting/).

The next ESG meeting is scheduled for October 21, 10 a.m. to 12 p.m. and the proposed topics are an overview of community engagement activities, updates on design options being developed, and review of draft screening criteria.



MEMORANDUM

TO: City Council

FROM: Eric Holmes, City Manager

DATE: September 13, 2021

SUBJECT: Update on Multi-Family Tax Exemption Program Comprehensive Review

Last March Council approved a set of changes to the City's Multi-Family Tax Exemption Program, VMC 5.22, in the first of two planned phases of amendments to the program. Changes under the first phase addressed several identified priority issues such as: 1) changing the terminology from "affordable" to "income based" throughout the ordinance; tightening up some of the public benefit requirements to include a minimum value; and responding to a request from a private developer to adjust the downtown MFTE boundary to include an adjacent two-acre site

Due to temporary resource constraints associated with staff changes, the second phase was delayed during the summer but is now underway. This next phase will involve a more comprehensive analysis of the effectiveness of the program and how it can be adjusted to further affordable housing and economic development goals, including expansion of the program to other centers and corridors.

Recent changes in the rental market have underscored a need to revisit the goals and intended outcomes of the MFTE program. As such, the first step in the second phase of MFTE work will involve a series of staff-led discussions with Council to revisit and update the goals and desired outcomes of the MFTE program, which will inform the second phase work of consultants who will be evaluating the more technical elements of the program.

A Request for Proposals (RFP) has been issued for the second phase analysis in order to solicit proposals from consulting firms that have expertise in evaluating such programs.

The scope of the consultant's work in the RFP is described as follows:

1. Analysis of the overall effectiveness and deficiencies of Vancouver's current MFTE program in stimulating residential development including income-based housing in identified centers and corridors, as well as an explanation of the value the tax exemption adds to the viability of construction projects considering the cost of land and construction and achievable rents in the current market; and
2. Analysis and recommendations regarding the use of the 8-year market rate incentive, including effectiveness in achieving desired housing production outcomes, ensuring adequacy of required public benefit(s) (e.g. type and value of) in exchange for the market rate exemption, the viability

of establishing a fee-lieu of income-based housing, and defining “tipping point(s)” in market conditions when the incentive may no longer be needed; and

3. Provide information on the expectations of the Vancouver market including the expected rate of return and other data that would be helpful in developing incentives.
4. Analysis and recommendations regarding possible changes to the 8, 10 and 12-year income-based options in order to increase participation under the program as well as calibrate the income-based options to be more viable for Vancouver-based incomes, which recently were shown to be approximately 30% lower than HUD area median income (and which the current program is based on); and
5. Analysis and recommendations regarding possible expansion of geographic boundaries of the program to include centers along the Mill Plain Corridor such as the Evergreen and Grand District and the Heights District; the Vancouver Innovation Center site at 34th Street and 192nd Avenue; the Fruit Valley Subarea; broadening the existing Fourth Plain Corridor MFTE area; and other potential areas where multi-family housing (market-rate and income-based) is desired but where the market conditions alone have not yielded such housing (maps will be made available to the contracted agency, and
6. Analysis and recommendations regarding tailoring the program parameters and incentives to meet identified policy goals in existing and proposed MFTE geographic areas to achieve identified policy goals, such as:
 - Increase use of the income-based options in areas where market conditions have not resulted in significant income-based housing;
 - Tailor incentive to increase more bedrooms per apartment unit;
 - Tailor incentive to increase home ownership opportunities;
 - Tailor incentive to advance other city goals including climate action and social and racial equity; and
 - Identifying practices that encourage permanent affordable rental opportunities; and
 - Provide recommendations on non-displacement strategies that can be tailored to areas of the City prime for development

Because of the delay in developing and releasing the RFP, it is likely that the second phase of work will extend into early 2022, and staff will be scheduling a series of workshops with the Council to focus on specific aspects of the comprehensive review. The next scheduled workshop is October 18, at which staff will discuss the new tax increment financing legislation passed by the state and how it can be used in conjunction with the MFTE program to advance city policies.

Lastly, we are in the process of hiring of an Economic Development Director (a newly created position). The new director, in addition to overseeing the new Economic Health and Housing Department, will serve as the project manager for the second phase of updates to the MFTE program.

Staff will be available on September 20 to answer any questions.