

July 19, 2021 - Vancouver City Council Meeting Minutes

WORKSHOPS

Workshops were conducted remotely over video conference utilizing a GoToMeeting platform. Members of the public were invited to view the meeting 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.

4:00-6:00 p.m. Complete Streets Program Projects

Rebecca Kennedy, Community and Economic Development Deputy Director, 360-487-7896; Jennifer Campos, Principal Transportation Planner, 360-487-7728

Summary

Staff provided Council with an overview of four Complete Streets projects proposed for implementation in 2022 and 2023.

REGULAR COUNCIL MEETING

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

Call to Order and Roll Call

The regular meeting of the Vancouver City Council was called to order at 6:30 p.m. by Mayor McEnerny-Ogle. This meeting was conducted remotely over video conference.

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

Absent: None

Also present on the call were the following: Eric Holmes, City Manager; Brian Carlson, Deputy City Manager; Jonathan Young, City Attorney; Amanda Delapena, Assistant to the City Council; Lisa Brandl, Deputy Finance Director; Chad Eiken, Community and Economic Development Director; Patrick Gilbride, IT Director; Rebecca Kennedy, Long Range Planning Manager; Carrie Lewellen, City Treasurer; Ryan Lopossa, Streets and Transportation Manager; Jason Nortz, Development Review Manager; David Perlick, Recreation Services Manager; Natasha Ramras, Chief Financial Officer; Nicollette Roth, Civil Engineer; Peggy Sheehan, Community Development Programs Manager; Greg Turner, Land Use Manager; and members of the public.

Approval of Minutes

Minutes - June 28, 2021

Motion by Councilmember Glover, seconded by Councilmember Hansen, and carried unanimously to approve the meeting minutes of June 28, 2021.

Proclamation: Summer Meals Week

Mayor McEnerny-Ogle read and presented a proclamation to Sara Seelmeyer, Food Security Program Manager for United Way of King County, and David Perlick, Vancouver Recreation Services Manager, proclaiming July 19-23 as Summer Meals Week.

City Manager Eric Holmes recognized the retirement of Deputy City Manager Brian Carlson and his years of service with the City.

Community Communication (Items 1-3)

Mayor McEnerny-Ogle opened Community Communication and received the following testimony:

- Terence Ibert, Vancouver, spoke regarding Item 2 and asked whether engineering assessments had been made to support the addition of two more units; he also expressed concerns about the potential for a project with a

multi-family tax exemption agreement being sold to a larger, for-profit company prior to the agreed upon public benefits being completed.

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

In response to the public testimony, Chad Eiken, Community and Economic Development Manager, stated the additional units would trigger a need for new parking, and those requirements would have to be met by the developer.

Peggy Sheehan, Community Development Programs Manager, explained that if the property transfers ownership within the exemption period, all of the requirements would transfer to the new owner, including the completion of any agreed upon public benefits. Mr. Eiken further explained that those public benefit features would need to be installed and accepted by the City before the MFTE agreement is certified and an occupancy permit is issued.

Consent Agenda (Items 1-3)

Motion by Councilmember Glover, seconded by Councilmember Hansen, and carried unanimously to approve the Consent Agenda.

1. Mill Plain & 104th Ave Transportation Project, construction acceptance and release of retainage

Staff Report 102-21

Summary

Rotschy, Inc., of Vancouver, Washington, has satisfactorily completed the subject improvements in accordance with the plans and specifications. The original construction contract bid amount was \$3,648,294.06. Final construction costs were \$3,553,911.27, a reduction of approximately 2.5% from original bid amount. The cost savings was attributed to minor underruns in multiple bid quantities.

This project did not have an apprenticeship goal because federal guidelines for grant projects do not allow for the inclusion of local agency apprenticeship programs. As a requirement of the federal grant funding for this project, the contractor was required to provide on-the-job training to elevate workers from trainee to journeyman status in the trades involved. The training goal was set by the granting agency at 400 hours. The contractor exceeded this goal by delivering a total of 824.50 hours for the project.

Request: On July 19, 2021, accept the Mill Plain Boulevard – 104th to NE Chkalov Drive Project as constructed by Rotschy, Inc., of Vancouver, Washington, subject to receipt of all documentation

required by law.

Nicolette Roth, Civil Engineer, 360-487-7763

Motion approved the request.

2. Hudson West (a.k.a. Broadway Apts) MFTE DA Amendment

Staff Report 103-21

Summary

On September 21, 2020 the Vancouver City Council adopted a resolution and development agreement for the Broadway Apartments multifamily tax exemption (now known as Hudson West). The original development agreement for the project was an 8-year exemption under which the applicant would construct 48 housing units as well as public benefits including enhanced street frontage improvements downtown between 15th and 16th Streets on Washington. The applicant has added two housing units to the project. The revised development will now have 50 housing units. The public improvements have not changed in scope.

The increase in units will change the amount of the tax exemption slightly. The City Finance Department estimates that the forgone property taxes for the City of Vancouver will increase from \$126,000 to \$133,000 over the 8-year exemption. The applicant's lending partner has also requested adding language to the agreement acknowledging that any future successive owner is bound by the agreement. The City Attorney's office has reviewed and approved the requested text changes.

Request: On Monday, July 19, 2021, approve the amended agreement and authorizing the City Manager or designee to execute the amended agreement and take any and all action necessary to enforce the terms thereof.

Peggy Sheehan, Community Development Programs Manager, 360-487-7952

Motion approved the request.

3. Approval of Claim Vouchers

Request: Approve claim vouchers for July 19, 2021.

Motion approved claim vouchers for July 19, 2021, in the amount of

\$5,970,146.15.

Public Hearings (Items 4-7)

4. Banking Services Agreements with JP Morgan Chase, N.A.

Staff Report 099-21

AN ORDINANCE authorizing the City Manager or designee to execute Agreements with JPMorgan Chase Bank, N.A., (hereinafter “JPMorgan”), for the provision of banking and related services; providing required Terms that such Agreements be for an initial term of not more than five (5) years; providing authorization to enter into a separate Pcard agreement which may be extended in annual increments after the fifth year of the City's Agreement with JPMorgan; providing for severability; and setting an effective date.

Summary

The City's current banking services contract with Bank of America expires on December 31, 2021. On December 1, 2020, the City issued a Banking Services and Merchant Services Request for Proposals (RFP). In addition, financial institutions were able to provide responses for optional services they provide such as Pcard and Health Savings Accounts, as well as other services.

Proposals were due January 27, 2021. Six financial institutions responded to the RFP: Bank of America; US Bank; Wells Fargo; Key Bank; JP Morgan Chase Bank, NA; and Columbia Bank. In addition, the City received two responses to provide merchant services (credit card processing) from Paymentus and Forte. Most of the banks also included merchant services as part of their response. The RFP was issued to identify the banking institution that could offer the highest quality service, create efficiencies, and take advantage of new applicable technologies at the best overall value. The proposers had the option to only propose on banking services, or merchant services, or both.

The City Procurement Department was responsible for publishing the RFP, receiving responses, and the general responsibilities associated with monitoring compliance with the solicitation process. The RFP was sent to most of the local banks and/or merchant processing companies and published on the City's Procurement website at Procureware.com, and in the Columbian newspaper.

In order to respond to the RFP, the banking institution had to be a “full service” bank, which meets the statutory requirement of a qualified Washington State public depository throughout the term of the contract (as required by RCW 39.58). This Washington State law requires that banks that hold public funds fully collateralize an equal amount of funds with their

depository's trustee. Because of this requirement, many smaller institutions have made a business decision to use their collateral for other business purposes and to not respond to RFPs of this type.

The responding Financial Institution had to meet the following mandatory requirements during the contract period: 1) Branch banking facilities located within the State of Washington; 2) Approval by the Washington State Public Deposit Protection Commission as a qualified public depository; and 3) Branch banking facilities located within the City and the County.

The evaluation committee scored the response from JP Morgan Chase the highest for general banking services, and Paymentus for merchant services. Award of the merchant services agreement with Paymentus is proposed under a separate action.

Staff recommends that Council approve award of these banking services agreements to JP Morgan Chase Bank from July 1, 2021, through December 31, 2026. The contract is slightly longer than five-years because the bank wanted to provide the greatest flexibility for Pcard services if the City transitioned to another provider at the end of the five-year period. The estimated cost over the life of the five-year contract is \$500,000. This does not include fees associated with processing credit/debit card transactions.

Request: On Monday, July 19, 2021, subject to second reading and public hearing, approve the ordinance.

Carrie Lewellen, City Treasurer, 360-487-8482

Mayor McEnerny-Ogle read the title of the ordinance into the record.

Carrie Lewellen, City Treasurer, provided a summary of the proposed contract.

Councilmember Stober asked what the City can be doing to help local banks become more competitive for future similar contracts. Ms. Lewellen explained that the public depository requirement that funds are collateralized is often considered too big of a risk for smaller banks who do not want to tie up their funds for that purpose, which makes it difficult for these banks to bid on such contracts.

Mayor McEnerny-Ogle opened the public hearing and, receiving no testimony, closed the public testimony,

Motion by Councilmember Paulsen, seconded by Lebowsky, and carried unanimously to approve Ordinance M-4338.

5. **Contract with Selectron Technologies to Upgrade Utility Billing Payment and Building Permit Inspection Portals to Cloud-Hosted Platform**

Staff Report 100-21

AN ORDINANCE authorizing the City Manager or designee to execute an Agreement with Selectron Technologies, Inc., an Oregon corporation (hereinafter “Contractor”), for the provision of software and materials, identified more particularly in the Agreement (collectively “Licensed Software”) for the benefit of providing the City of Vancouver, Washington (“City”) with upgraded utility billing and building permit payment portals; requiring Terms that such Agreement be for an initial term of five (5) years with successive one (1) year terms thereafter until terminated by either of the parties; providing for severability; and setting an effective date.

Summary

The City originally implemented the Selectron system in 2007. This older, on-premise version of the system is outdated and not efficient for our customers or staff. Although the system works, it lacks many of the modern features and the user experience that you would find in today’s e-commerce sites. For our customers to initiate or change credit card recurring payments, they must contact City staff for manual setup. There is no modern username/password capability, so customers must rely on outdated techniques to login to the system.

The Selectron upgrade will allow our customers to establish and maintain their own user accounts for accessing City Utility and building permit inspection information. This will allow our customers to setup and maintain how they pay for City services – a capability that customers have repeatedly requested. Not only will the upgrade provide many efficiencies, it will also enhance security for sensitive credit card information. In addition to Utility payments and Permits, the Selectron platform has the potential to be used in the future as a common portal for making payments to other systems that allow payment integrations.

Request: On Monday, July 19, 2021, subject to second reading and public hearing, approve the ordinance and authorize the City Manager or his designee to sign the Selectron Technologies, Inc. Services and Hosting Agreement for \$1,000,000 over 5 years.

Patrick Gilbride, IT Director, 360-487-7650

Mayor McEnerny-Ogle read the title of the ordinance into the record.

Patrick Gilbride, IT Director, provided a summary of the proposed contract.

Mayor McEnerny-Ogle opened the public hearing and, receiving no testimony, closed the public testimony.

Motion by Stober, seconded by Councilmember Paulsen, and carried unanimously to approve Ordinance M-4339.

6. **Impact Fee Vesting Amendments**

Staff Report 101-21

AN ORDINANCE of the City of Vancouver relating to Title 20, Land Use and Development, of the Vancouver Municipal Code (VMC), amending Chapter 20.915 titled “Impact Fees” to prospectively remove the vesting of impact fees, calculate impact fees at the time of building permit application, collect impact fees at the time of building permit issuance, and allow impact fee reduction requests to be reviewed at staff level based on specified criteria; provide for severability; and provide for an effective date.

Summary

In the context of the budget adoption last fall and more recently related to multiple requests from developers to adjust school impact fees (SIF), City Council has expressed interest in considering an ordinance that would eliminate the vesting of all impact fees in order to collect the most current fees at the time a building permit is issued.

On November 16, 2020, the City Council approved an ordinance relating specifically to park impact fee adjustments, amending Vancouver Municipal Code Sections 20.915.050 and 20.915.100, and changing the method and timing of fee adjustments. In addition to the approved amendments City staff proposed amending other sections of VMC 20.915 including:

- VMC 20.915.020: the timing of when impact fees are calculated and due and payable; and*
- VMC 20.915.070: the removal of the impact fee determination provision that currently vests project impact fees for 1 year upon applicant request.*

The above noted code sections were not included as part of the overall park impact fee adjustments considered by Council in the recent biennial budget process, in order to provide for additional stakeholder outreach.

Additionally, within the last year the City has received three separate requests from multi-family developments to adjust the Evergreen School District school impact fee (SIF) rate. The primary reason for the requests was the SIF for multi-family development decreased by approximately 50% per multi-family unit as part of the update to the 2019-2015 Evergreen

Public School Capital Facilities Plan (CAP).

City Council approved all three requests but directed staff to review the City's municipal code regarding the timing of calculating and collecting impact fees. The City also received feedback from Evergreen School District and the proponents of the SIF reduction requests that they would support a code change to bring the timing of the impact fee assessment and collection closer together for development projects.

This item went before the Planning Commission as a workshop item on February 23, 2021, and as a public hearing item on May 11, 2021. At the workshop on February 23 there was consensus among the Planning Commission that calculating impact fees at preliminary plat or site plan approval and allowing the impact fees to vest for three years is not conducive to accurately collecting the true cost of facility improvements at the time the building permit is issued. Several Planning Commissioners encouraged staff to explore calculating impact fees at the time of building permit application instead of building permit issuance.

Based on the feedback received from the Planning Commission, the Building Industry Association, the Southwest Washington Contractor's Association, school districts and City Parks, Transportation and Development Review staff, the timing of calculating the impact fees has been adjusted from building permit issuance to building permit application. Based on staff's review of permit activity from 2020 approximately 90% of all building permit applicants subject to payment of impact fees were issued their building permit within the same calendar year. Given the high percentage of building permits issued within one year of application, staff is supportive of calculating impact fees at building permit application. Calculating fees at this point in the process would be a fair representation of the true cost of facility improvements. It also provides the applicant with a high level of certainty as to what the actual permit costs will be by the time the building permit is ready for issuance. Impact fee estimates can still be provided to applicants at site plan and plat plan approval with the caveat that these are merely estimates based on the current fee amounts and the actual impact fees will be calculated at building permit application.

The proposed amendment would be applicable to school, transportation and park impact fees. Representatives of the PIF, TIF and SIF programs are equally supportive of removing the vesting of impact fees in order to keep fees as current as possible to meet the intent of state legislation to serve future development. The proposed removal of impact fee vesting would not be retroactive, and therefore, would not apply to projects currently vested in the project review process by Preliminary Plat or Site Plan approval. Projects that are vested under current code provisions of Preliminary Plat and Site Plan Review approval would remain vested for three-years from their approval date, after which the impact fees that are in

effect at the time of building permit issuance shall apply.

VMC 20.915.070.C Calculation of Impact Fee allows the development approval authority setting the impact fee, upon application by the developer supported by studies and data, to reduce or eliminate such fee. The City Council is the authority that sets the impact fees. The City is not proposing amending this section in its entirety but is proposing minor revisions to 20.915.070 that include:

- Requiring reduction requests be reviewed at staff level (i.e.; CED Director, Parks Director, or Public Works Director) therefore not requiring a public hearing. This is consistent with other jurisdictions regionally.*
- More specificity on what is required to be provided by the developer to demonstrate the adopted formulas or methodologies do not accurately reflect the cost of the system improvements generated by their proposed development*

The proposed amendments to VMC 20.915 would direct impact fees to be calculated at building permit application based on the rates in effect at that time. The impact fees would be due and payable at building permit issuance. All impact fees would be required to be recalculated for building permit applications that have not been issued within one year of application.

This policy is consistent with multiple jurisdictions surveyed, including Camas and Washougal and others throughout the state – none of which have shown any decline in growth as a result.

On May 11, 2021, the Planning Commission unanimously approved staff's recommendation to approve the proposed text changes to VMC 20.915.

Review Criteria and Findings

Vancouver Municipal Code 20.285.070 provides the approval criteria for comprehensive plan or zoning code text amendments:

A. Text amendments to the comprehensive plan or VMC Title 20 zoning standards shall demonstrate the following:

- 1. The proposal is consistent with applicable policies of the Vancouver strategic plan and comprehensive plan; and*
- 2. The proposal is necessary to further the public interest based on present needs and conditions.*

Applicable Vancouver Comprehensive Plan Policies

CD-9 Compatible uses: Facilitate development that minimizes adverse impacts to adjacent areas, particularly neighborhoods.

PFS-3 Impact fees: Establish and maintain policies and regulations, including traffic, park and school impact fees, to ensure new development pay for a proportionate share. Impact fees should be reduced or eliminated for low-income housing developments.

PFS-33 Parks coordination: Plan for parks, trails, open spaces and recreational services in coordination with other local and regional public agencies and private entities. Facilitate provision of lands and/or impact fees for parks as part of the development review process.

Staff Findings

The proposed amendments to VMC 20.915 Impact Fees are consistent with the Vancouver Strategic Plan, Vancouver Comprehensive Plan and other applicable laws, and the public interest. The proposed amendments further Comprehensive Plan policy PFS-3 by ensuring new development pay for a proportionate share of the cost of facility improvements that most accurately reflect the cost of the improvement. Additionally, ensuring new developments pay a proportionate share will help enable the City to develop high quality parks and trail systems that help improve our community's livability and prosperity which align with Strategic Plan Goals 1, 4 and 10.

Request: On Monday, July 19, 2021, subject to second reading and public hearing, approve the ordinance.

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

Mayor McEnemy-Ogle read the title of the ordinance into the record.

Jason Nortz, Development Review Manager, provided a summary of the proposed amendments.

Councilmember Fox asked for clarification of the appeals process and whether the Community and Economic Development Department (CED) has an option to not accept an appeal or the proposed fee reduction.

Mr. Nortz explained that an appeal process can experience delays when it requires the appeal be heard by the City Council, rather than at the staff level. He stated staff found that other jurisdictions allow for appeals to be heard at the staff level, which is what City staff has proposed.

City Attorney Jonathan Young explained that procedurally, CED is permitted to

determine the routing of an appeal. The City could not summarily reject an appeal, but could determine whether the applicant has adequately documented unusual circumstances that would justify a reduction to an impact fee.

Mayor McEnemy-Ogle opened the public hearing and, receiving no testimony, closed the public testimony.

Motion by Glover, seconded by Councilmember Lebowsky, and carried unanimously to approve Ordinance M-4339.

7. Heights District Plan Implementation - first reading

Staff Report 104-21

A. AN ORDINANCE of the City of Vancouver, Washington for a subarea known as the Heights District and relating to comprehensive planning under Chapter 36.70A and setting forth associated implementation measures amending the Vancouver Comprehensive Plan and Vancouver Municipal Code; specifically, amending the Vancouver Municipal Code by adding a new Chapter, The Heights (HX) Plan District, VMC 20.670, incorporating the Heights Plan District into other relevant code sections, adopting new Heights District Urban Design Guidelines and amending the Vancouver Comprehensive Plan to provide for implementing measures for Heights District Plan policies and goals; and providing for an effective date.

B. AN ORDINANCE of the City of Vancouver, Washington, relating to land-use and zoning; establishing a Planned Action for the Heights District Plan; providing for the establishment of mitigation measures and conditions for approval of projects located within the Heights District Plan Area (hereafter the Heights District); providing for a streamlined review and approval of projects which meet planned action criteria; providing for an effective date; and providing for an expiration date.

C. AN ORDINANCE lifting the temporary moratorium on the acceptance and processing of applications for permits for the development of new structures, the expansion of existing structures, or subdivisions in the Tower Mall area as defined herein; and establishing an effective date 30 days from adoption.

Summary

The following implementing regulations have been developed for the Heights District: adoption of a new Heights Mixed Use (HX) zoning district and associated Heights District Urban Design Guidelines; adoption of additional amendments to the City of Vancouver Comprehensive Plan and Title 20 of the Vancouver Municipal Code; and adoption of a Planned Action for the Heights District, including mitigations.

The Heights Mixed Use (HX) Plan District (Exhibit A) is intended to

implement the Heights District Plan vision, goals and policies, and includes standards in the following areas: regulation of uses, including ground floor frontage requirements; development standards, including minimum residential density, maximum building height, building step-down and transitions, facades, building line provisions, modulation, entrances, roof forms, architectural characteristics, materials and colors, landscaping, stormwater, signage, vehicle and bicycle parking minimums and other requirements, and utilities and screening; a design standard modification process; and approval processes for site plan, planned action and design review.

The Heights District Urban Design Guidelines (Exhibit B) work in tandem with the Heights Mixed Use (HX) Plan District to implement Plan visions, goals, and policies. They are founded on several universal design principles that help shape the character, urban form and public spaces of the District, and are based on key design drivers identified through the Heights District planning process. These include inclusive mixed-income housing, connectivity, community health, wellness and equity, and sustainability, among others. The Urban Design Guidelines inform the development of all structures and landscapes within the District and are intended as a discretionary tool, which is administered in concert with the HX Plan District. They address the following aspects of development: public infrastructure, including new and existing streets, sidewalks, traffic calming, parks and open spaces, landscape design and stormwater management systems; building typologies, including housing, commercial, and civic/institutional uses; architecture, including massing, scale, building modulation and façade articulation, entrances, and roof forms; materials and color; signage; public art; parking, including vehicle and bicycle parking; lighting design; utilities and screening; and sustainable development and design.

Updates to several sections of Title 20 of the Vancouver Municipal Code (Exhibit C) will ensure integration of the new HX Plan District and maintain consistency between various sections within the development code. This includes changes in the following code sections and tables: Table 20.130.040-1 Comprehensive Plan and Corresponding Zoning District Designations; 20.430.020 Listing of Zoning Districts; 20.430.030-1 Commercial and Mixed Use Districts Use Table; 20.430.040-1 Development Standards; 20.430.050 Special Limitations on Uses; 20.770.080 Tree Density Requirements; 20.850.020 Approval Process; 20.850.030 Development Standards; 20.890.060 Additional Development Standards by Zoning District; 20.925.030 General Provisions; 20.945.080 Off Loading Requirements; and 20.985.020 Development Standards.

The Heights Mixed Use (HX) Plan District requires an amendment to Table 1-5 on page 1-13 of the Vancouver Comprehensive Plan (Exhibit D) to add the HX Plan District and definition to the list of Commercial zones in the

City.

Based on the previously issued Heights District Plan: Planned Action Final Environmental Impact Statement (FEIS) a Planned Action Ordinance (PAO) is proposed to facilitate future development of the Heights District through a front loading of future environmental review. Pursuant to RCW 43.21C.440, WAC 197-11-164, and VMC 20.790.530, PAOs allow individual future development projects that are within adopted impact thresholds to undergo less extensive SEPA environmental review provided such review was undertaken in the full district EIS. The cumulative environmental thresholds for the full Heights District established in the FEIS and referenced in the Mitigation Document (Exhibit E) are for 1,800 new residential units, 204,000 square feet of commercial development, and 36,000 square feet of institutional development. To qualify for expedited SEPA review, individual future projects must not cause these cumulative district wide thresholds to be exceeded and must also follow various mitigation measures listed in the Mitigation Document. It should be noted that future projects qualifying for expedited SEPA review are still subject to the full range of substantive and procedural City planning and building codes applied during Site Plan Review or other applicable review processes.

The proposed Heights Mixed Use (HX) Zoning District, Heights District Urban Design Guidelines, Heights Planned Action Ordinance and associated Comprehensive Plan and Title 20 amendments are consistent with the Heights District Subarea Plan, applicable portions of the Vancouver Strategic Plan and Comprehensive Plan, and provide for updated development standards and regulations necessary to implement an adopted subarea plan, which is designated as an urban center in the Comprehensive Plan. Together, the proposed updates provide a framework of prescriptive standards and discretionary guidelines that will ensure individual development projects implement the vision of the Heights District Plan, and provide for enhanced housing options, additional services and amenities, and new recreation and employment opportunities in a well-designed, livable, mixed-density, mixed-use, connected and sustainable environment.

The proposed regulatory updates provide for a mix of uses that allow for the development of the District as a 20-minute neighborhood where residents can walk, bike, roll or take transit to essential amenities, services, and employment opportunities which include stores, restaurants, parks, schools, and transit stations.

The Heights Mixed Use (HX) Zoning District includes sub-districts with unique standards and supported by design guidelines to ensure development is sensitive to and compatible with the adjacent established neighborhoods, and the HX Zone includes requirements for decreased

building heights and increased minimum parking ratios in transition areas where redevelopment will occur in close proximity to existing neighborhoods.

With regard to wireless communication facilities, the proposed standards ensure non-discriminatory provision of personal wireless services and adequate service in the area. While monopolies are not permitted within the HX zone, wireless facilities may be attached to existing and future structures within the zone. Additionally, the Heights District is located in close proximity to other land use zoning districts also permitting wireless communication facilities, including monopolies, that can assist in providing adequate service to the area. This regulatory standard is consistent with the authority of the City of Vancouver over the placement, construction, and modification of personal wireless service facilities.

The Urban Design Guidelines provide a framework for transportation and infrastructure improvements, including bicycle and pedestrian facilities and guidance on low impact development stormwater management strategies and best management practices, to improve the efficiency and safety of Vancouver's transportation and utility infrastructure systems.

A duly advertised Planning Commission public hearing on this topic was held on June 8, 2021, at which the Planning Commission forwarded a unanimous recommendation to Council to adopt the Heights Mixed Use (HX) zoning district, Heights District Urban Design Guidelines, Heights Planned Action, and associated Comprehensive Plan and zoning code amendments as outlined in the staff report without edits. All materials from this public hearing are available [here](#).

- Request:
1. Following July 19 first reading and public hearing, approve an ordinance (A) related to the new Heights Mixed Use zoning district and associated Heights District Urban Design Guidelines, Comprehensive Plan text amendments, and Vancouver Municipal Code Title 20 text amendments as provided in attachments to the staff report, setting date of second reading and final public hearing for August 2, 2021.
 2. Following July 19 first reading and public hearing, approve an ordinance (B) related to the Heights District Planned Action and associated mitigation document, setting date of second reading and final public hearing for August 2, 2021.
 3. Following July 19 first reading and public hearing, approve an ordinance (C) related to the lifting of the existing Tower Mall Development Moratorium that currently prohibits the acceptance and processing of applications for permits for the development of new structures, the expansion of existing structures, or

subdivisions in the Tower Mall area, setting date of second reading and public hearing for August 2, 2021.

*Rebecca Kennedy, Community and Economic Development
Deputy Director, 360-487-7896*

Mayor McEnemy-Ogle read the title of the ordinance into the record.

Rebecca Kennedy, Deputy Director of Community and Economic Development, and Greg Turner, Land Use Manager, provided an overview of the proposed regulatory implementation for the Heights District.

Councilmember Stober stated for decades he has recognized this property as a tremendously underutilized asset in the community and he is extremely excited to see this redevelopment process coming to fruition. He stated he appreciates the efforts of staff and the consultants to engage with the community, and the final proposals represent the refinement and the negotiations that have gone on for several years to get to a plan that the majority of the community can get behind and be excited about.

Councilmember Stober stated Vancouver has experienced significant increases to rents in recent years, and it is important for the City to integrate income-based housing in the Heights District. He asked how that will play out. Ms. Kennedy explained the broad equitable goals and targets related to income-based housing are part of an adopted policy within the plan. There are other programmatic policies that will be implemented as part of the next phase of the planning process in regards to establishing an equitable development policy. She noted that the code also does a few things indirectly that will support income-based housing, such as allowing for greater flexibility in the types and sizes of housing, establishing multi-family zones, and leveraging investments in transit and multimodal transportation amenities.

Councilmember Fox stated the design standards manual provides good examples to illustrate the designs the City is looking for in the development. She asked for clarification as to why sharrows are included in the transportation plans, as Council has expressed concerns with this feature in the past. Ms. Kennedy confirmed sharrows are included as one design element for the internal streets only. She stated those streets will be designed for 15 miles per hour and will include many features designed to slow down street traffic, not just sharrows, as those internal streets are intended to support all mobility users.

Councilmember Hansen stated the City should look to the Waterfront development in regards to mobility issues and learn lessons from those design elements, as it is very difficult to ride a bicycle through that development. Ms. Kennedy stated staff definitely learned some lessons from the Waterfront that have been incorporated into the Heights District plan.

Mayor McEnemy-Ogle opened the public hearing and received the following

testimony:

- Janice Ritter, Vancouver, expressed concerns regarding bicycle lanes, rent parameters, and density projections for the Heights District.
- Glenn Miller, Vancouver, stated he is mostly in agreement with what has been proposed, but he expressed concerns regarding changes to building height limits along MacArthur Boulevard and about the parking standards proposed.
- Kate Fernald, Vancouver, representing the Heights District Neighborhood Coalition, stated the coalition supports the plan overall and believes it will be an improvement from what is currently there. She urged the City to keep higher density development to the Tower Mall site and the coalition does not support increased density in the neighborhoods.

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

Councilmember Hansen asked for clarification as to what has changed with the building height limits. Ms. Kennedy stated that change to building heights has been an iterative process based on stakeholder feedback. At the May 17 Council workshop, staff brought to Council an updated proposal based on Planning Commission recommendations to not lower building heights below what current zoning regulations allow in other similar zones. Along MacArthur, staff had proposed a maximum height limit of 40 feet, and following Planning Commission feedback, revised that suggestion to maintain the existing maximum height of 50 feet within the Innovation Hub of the district, with step-downs of reduced heights recommended for buildings abutting residentially zoned properties. She noted that every time staff brought forward an updated or refined proposal to the Council for feedback, which has resulted in the current proposal.

Councilmember Paulsen recognized the collective effort that has gone into the planning and engagement process for the Heights District. He stated it is worth remembering the City acquired the property in 2015 to prevent development that could deteriorate the character of the neighborhood. He stated that Council has agreed to consider projects through the lenses of equity, safety and climate action, and this proposal achieves meaningful improvements in all of those areas. He stated he lives in the neighborhood and his neighbors are excited about the opportunity to revitalize it, and he recognizes there are concerns with some of the details but he believes the plan represents true compromise.

Councilmember Fox stated this process has been ongoing for more than three years, and she has spent many hours going over the details, meeting with staff and neighbors since she has been on Council. She stated there may be some fine details she would have proposed changes to, but she recognizes that zoning code rules are not set in stone. She stated she also

appreciates that staff has created an entire new zone for the City, and there is no way it could be perfect and staff will likely bring back amendments in the future as the property develops over time. She thanked staff for the incredible amount of work that has gone into the project, and stated she would be supporting the proposals.

Motion by Councilmember Paulsen, seconded by Councilmember Glover, and carried unanimously to approve the ordinances on first reading, setting date of second readings and public hearing for Monday, August 2, 2021.

Communications

A. From the Council

B. From the Mayor

C. From the City Manager

a. Homelessness Program Status Update

Jamie Spinelli, Homeless Response Coordinator, provided Council with an update on the status of Vancouver's homelessness programs.

Jonathan Young, City Attorney, provided Council with an update on the City's Unlawful Camping ordinance.

b. Criminal Prosecution Diversion Update

Mr. Young provided Council with an update on the City Attorney's Office criminal prosecution diversion program.

Adjournment

9:10 p.m.

Anne McEnerny-Ogle, Mayor

Attest:

Natasha Ramras, City Clerk

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

From: [City of Vancouver - Office of the City Manager](#)
To: [Delapena, Amanda](#)
Subject: FW: Complete Streets: July 19 Council Workshop Comment
Date: Monday, July 19, 2021 8:36:04 AM

For council meeting tonight

Kerry

From: Michele Wollert <michelewollert@gmail.com>
Sent: Saturday, July 17, 2021 8:13 AM
To: City of Vancouver - Office of the City Manager <CMO@cityofvancouver.us>
Subject: Complete Streets: July 19 Council Workshop Comment

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

To: Mayor McEnerny-Ogle and Councilors Glover, Fox, Lebowsky, Paulsen, Hansen, and Stober

My family and I have lived at the corner of F and E 31st Streets in the Shumway neighborhood since 2003. We were happy to see that E Fourth Plain Blvd between F and Andresen will be on the agenda for the July 19th workshop focusing on Complete Streets safety upgrades.

We are asking you to **focus on the stop light intersection of F and E Fourth Plain, as it has become increasingly treacherous to pedestrians and bicycles who want to cross.**

As you know, Fourth Plain is a major route to the Port of Vancouver and there is an **abundance of heavy freight vehicles** on that route to/from the Port. I've stopped using that intersection on my walks because **too many trucks and cars run the red light in an attempt to "beat" it.** Also, there is **no shoulder there**, so the sidewalk butts right up to Fourth Plain at the signal on F Street on both sides of E Fourth Plain, increasing the likelihood that **fast-moving vehicles may jump the curb and hit someone waiting for the green light.**

I suggest all of you take a field trip there and try waiting at the signal to cross. It is terrifying.

It is so unfortunate that a truck route to the Port bisects Vancouver's beautiful historic neighborhoods as it does, **making "cross-pollination" of residents between Shumway and Carter Park to the North of Fourth Plain with Arnada and Hough to the South so treacherous.**

Please consider **extensive and effective pedestrian/bicycle safety enhancements at F and E Fourth Plain so that we can once again feel safe in crossing Fourth Plain at F Street.**

Thank you all for your years of public service.

Regards,

Michele and Rich Wollert

E 31st and F Streets
Vancouver

From: [City of Vancouver - Office of the City Manager](#)
To: [Delapena, Amanda](#)
Subject: FW: 4th Plain & F Street intersection
Date: Monday, July 19, 2021 12:51:18 PM
Attachments: [Safe Routes Letter.docx](#)
[Safe Routes and Crosswalks Project Mailing List.docx](#)

For council

Kerry

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

From: Katerina Martin <katiamartin3@yahoo.com>
Sent: Monday, July 19, 2021 11:32 AM
To: City of Vancouver - Office of the City Manager <CMO@cityofvancouver.us>
Cc: AMY W. WAGNER <awwagner@nw.edu>; AMY W. WAGNER <awwagner@u.washington.edu>; Karly Crain Keddy <karlycrain@gmail.com>
Subject: Fw: 4th Plain & F Street intersection

Please see attachments just in case they were not included in my previous message.

Thank you, Katerina

----- Forwarded Message -----

From: Katerina Martin <katiamartin3@yahoo.com>
To: cmo@cityofvancouver.us <cmo@cityofvancouver.us>
Sent: Monday, July 19, 2021, 11:28:23 AM PDT
Subject: Fw: 4th Plain & F Street intersection

As a concerned citizen and resident of the Shumway neighborhood, please note the following:

In regard to the City Council meeting today, I am forwarding a message I sent to Anne McEnerny-Ogle last year referring to how the intersection of 4th Plain Blvd. and F Street is a dangerous crossing for drivers and pedestrians alike. I have advocated for several years to see this section is made safer. I have not received any responses per my concerns so was pleased to find out that this issue was on today's agenda.

Please consider my input below and the two Safe Routes attachments.

Thank you,

Katerina Alfrey
360-597-8161

----- Forwarded Message -----

From: Katerina Martin <katiamartin3@yahoo.com>

To: McEnerny-Ogle, Anne <Anne.McEnerny-Ogle@cityofvancouver.us>
Sent: Wednesday, February 26, 2020, 10:27:01 AM PST
Subject: Re: 4th Plain & F Street intersection

Thanks is so much!

On Friday, February 21, 2020, 04:43:50 PM PST, McEnerny-Ogle, Anne <anne.mcenerny-ogle@cityofvancouver.us> wrote:

Good evening, Katerina.

Let me ask staff for some answers to these questions.

Anne

From: Katerina Martin [<mailto:katiamartin3@yahoo.com>] Sent: Thursday, February 20, 2020 11:26 PM
To: McEnerny-Ogle, Anne
Cc: AMY W. WAGNER; Karly Crain Keddy
Subject: 4th Plain & F Street intersection

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

Hi Anne,

I've been talking to several moms whose kids cross the intersection of F Street and 4th Plain Boulevard to get to and from school. This, as I'm sure you're fully aware of, is such a dangerous place to cross for many reasons:

- The stop light and pedestrian walk signal has an unusually long wait before it's safe to enter onto Fourth Plain.
- This intersection has a high level of foot traffic for Discovery Middle School and VSAA.
- Semi-trucks and cars speed through this area and run the red light.

- Elderly, school children and other pedestrians must wait on the narrow sidewalk to cross.
- I've seen people including students many times give up after an extended wait for the walk signal to flash. They cross against the light that still hasn't changed.

Entering onto Fourth Plain from F Street has it's own set of hazards for pedestrians and cars. My 81 year old father, friends, fellow pedestrians, and I share stories of almost being struck many times trying to get across when the walk signal is on. I'm surprised something more serious hasn't happened already.

- Cars turning left (Eastbound) onto Fourth Plain, often do not wait for pedestrians to cross.
- Drivers become impatient wanting to get through before the light turns red.
- The crosswalk on the Eastside of F Street is in a blind spot for drivers turning onto Fourth Plain.
- It is also dangerous for cars entering the intersection from F Street as traffic on Fourth Plain often run right through the red light.

Many safer crosswalks have been installed along 4th Plain and in other areas around town. In particular, the Pedestrian Hybrid Beacon Crosswalks (HAWK). Some of these locations include:

- Ft. Vancouver Way, middle crossing near Clark College
- St. Johns Boulevard, north of SR-500 at Northeast Petticoat Lane
- Fourth Plain near T Street
- Fourth Plain & Z Street
- Fourth Plain & Fairmont Street
- Fourth Plain & Neals Lane
- Fourth Plain & Todd Road/Rossiter Lane
- Southeast Mill Plain Blvd & Southeast 157th Avenue
- E Mill Plain Blvd, west of Andresen Road

Is there a plan for this particular interaction?

Some of the moms and I would like to talk to the City about how we can move forward to make this spot safer for everyone, especially if VSAA is to expand, bringing more traffic and activity to this area.

Over the past couple years, specifically while serving as a board member for the Hough Elementary PTSA where I started the Safe Routes & Crosswalks Project. This involved surveying the Hough Elementary Neighborhood and identifying areas that could be improved and made safer for students and local traffic.

I contacted City members and several local committees including City of Vancouver Street Improvements Project, Neighborhood Traffic Alliance and the Department of Vancouver Public Works, as well as the VPW Operations Center; however, was unsuccessful in receiving a response to my inquiries.

Could you please point us in the right direction of whom we should speak with? Thank you!

Respectfully yours,

Katerina Alfrey

604 E 28th Street

Vancouver, WA 98663

360-597-8161

katiamartin3@yahoo.com

January 15th, 2018

City of Vancouver - Street Improvements Projects
Public Works Administration
4500 SE Columbia Way
Vancouver, Washington



Re: Hough Elementary PTSA Safe Routes & Crosswalks Project

Dear Vancouver Public Works,

The Hough PTSA is working for the health, welfare, safety, education, care, and protection of children. I have recently collected information through direct observations and parent input on areas within the Hough neighborhood and School Zone that need improvement. Our goal is to ensure safe routes for students that walk or ride bikes to and from school.

There are areas where crosswalks need to be restriping or, in some cases, painted as none exist. We have identified some problematic intersections and concerns due to convenience to pedestrians, high traffic, limited visibility, congestion, speeding and/or vehicles frequently running red lights. These specific spots will benefit from crosswalks with flashing lights, Pedestrian Hybrid Beacon Crosswalks, and/or adding/adjusting speed zone and school zone signs.

The following chart provides problem spots and suggestions for removing risk factors and barriers that may compromise the safety of pedestrians, bicyclists *and* cars. With your support, we can make our streets better for all!

Thank you for your time and commitment to working to maintain and improve transportation routes in our community. I am looking forward to hearing from you.

Sincerely,

Katerina Martin

Katerina Martin, PTSA President
1900 NW Daniels Street Vancouver, WA 98660
Email houghptsa@gmail.com
Phone 360-313-2100
Hough Elementary PTSA

2017-2018 Safe Routes & Crosswalks Project

SPOTS TO IMPROVE PEDESTRIAN SAFETY	REPAINT CROSSWALKS	SAFE CROSSING SUGGESTIONS
19 th & Broadway		Need Crosswalk for West/Eastbound Pedestrian traffic North Side of intersection (Pedestrian Hybrid Beacon Crosswalks)
19 th & Daniels	Repaint existing crosswalk in front of Hough	Add crosswalk for North/Southbound Pedestrian traffic on East side of 19 th & Daniels intersection.
19 th & Daniels		Extend School/ Speed Zone signs more South toward Mcloughlin Blvd.
20 th & Daniels	Repaint existing crosswalks	
23 rd & Daniels	Repaint existing crosswalks	Need to look at merging high vehicle & Pedestrian traffic before & after school. Maybe School Zone signs or Stop sign.
24 th & Daniels	Repaint existing crosswalks at intersection	
19 th & Columbia	Repaint existing crosswalks	Need Crosswalk for West/Eastbound Pedestrian traffic on Columbia (Pedestrian Hybrid Beacon Crosswalks)
20 th & Columbia	Repaint existing crosswalks	Extend School/ Speed Zone signs South of 19 th & Columbia
21 st & Columbia	Repaint existing crosswalks	Need Crosswalk (maybe flashing lights for South End of West/Eastbound Pedestrian traffic on Columbia intersection
23 rd & Columbia	Repaint existing crosswalks	Need Crosswalk (maybe flashing lights for South End of West/Eastbound Pedestrian traffic on Columbia intersection
24 th & Columbia		Extend School/Speed Zone North of 24 th on Columbia
19 th & Franklin	Repaint existing crosswalk behind Hough	
21 st & Franklin	Repaint existing crosswalk	
23 rd & Franklin		Need Crosswalk for West/Eastbound Pedestrian

		traffic. Extend School/ Speed Zone North of new crosswalk between 23 rd & 24 th
19 th & Main		Need Crosswalk for West/Eastbound Pedestrian traffic (Pedestrian Hybrid Beacon Crosswalks). <u>Need ramp on NW corner.</u>
20 th & Main	Repaint existing North/Southbound crosswalk by Dulin's Village Café & East/Westbound crosswalk by Old Glory	
22 nd & Main	Repaint existing crosswalk	
24 th & Main	Repaint existing crosswalk	
19 th & Washington	Repaint existing crosswalks	
4 th Plain & F St.	<u>This is a dangerous spot</u> to cross. Pedestrian light takes a long time & children cross against the light/cars frequently run red lights.	North & Southbound crosswalks need Flashing Lights/for Pedestrian traffic. Pedestrian Hybrid Beacon Crosswalks is ideal.
4 th Plain & Columbia	Repaint existing crosswalks	
4 th Plain & Daniels	This is a dangerous spot. Children are crossing here instead of backtracking to cross at Columbia & 4 th Plain intersection.	North & Southbound Flashing Lights/ crosswalk needed for Pedestrian traffic (Pedestrian Hybrid Beacon Crosswalks). <u>Need ramps.</u>
4 th Plain & Franklin	This is a dangerous spot for children to cross. They cross here instead of backtracking to Columbia & 4 th Plain intersection.	North & Southbound Flashing Lights/ crosswalk needed for Pedestrian traffic (Pedestrian Hybrid Beacon Crosswalks).
Mcloughlin & Broadway	Repaint existing crosswalks	Washington State PTSA[®] <i>everychild.one voice.[®]</i>
Mcloughlin & Main	Repaint existing crosswalks	
Mcloughlin & Columbia	Repaint existing crosswalks	
Mcloughlin & Daniels	Repaint existing crosswalks	
Mcloughlin & Franklin	Repaint existing three crosswalks	

Safe Routes and Crosswalks Project Mailing List

City of Vancouver - Street Improvements Projects
Public Works Administration
4500 SE Columbia Way
Vancouver, Washington 98661

City of Vancouver Public Works
Operations and Maintenance, Manager Tim Buck
P.O. Box 1995
Vancouver, WA 98668-1995

City of Vancouver Public Works
Streets and Transportation, Manager Ryan Lopossa
P.O. Box 1995
Vancouver, WA 98668-1995

City of Vancouver Public Works
Public Works media, public outreach and community relations
Loretta Callahan
P.O. Box 1995
Vancouver, WA 98668-1995

Washington Traffic Safety Commission
621 8th Avenue SE – Suite 409
Olympia, WA 98501
360.725.9860

Anne McEnerny-Ogle - Mayor of Vancouver
City of Vancouver
P.O. Box 1995
Vancouver, WA 98668-1995

Honorable Representative Sharon Wylie
Representative 49th Legislative District
310 John L. O'Brien Building
PO Box 40600
Olympia, WA 98504

Honorable Representative Monica Jurado Stonier
Representative 49th Legislative District
331 John L. O'Brien Building
PO Box 40600
Olympia, WA 98504

From: [Kate Fernald](#)
To: [City of Vancouver - Office of the City Manager](#)
Subject: Commentary for Agenda Item #7
Date: Monday, July 19, 2021 12:02:33 PM
Attachments: [Letter to City Council 1st Reading HX Zoning.docx](#)

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

Good afternoon,

I offer this testimony to be submitted for the record. Please ensure the mayor and city councilors receive it today.

Thank you,

Kate Fernald

July 19, 2021
Mayor and City Council
City of Vancouver
415 W. 6th Street
Vancouver, Washington 98660

Re: HX Zoning 1st Reading

Dear Mayor and City Councilors,

My name is Kate Fernald, Co-Chairman of the Heights District Neighborhood Coalition. I want to thank you for the last few years that we've worked together on the Heights District Plan. If the journey has taught me anything, it's that we all care deeply for Vancouver, and we are each doing what we believe is best for our city, even if in our own unique ways.

One shared characteristic I appreciate most between the City Council and the people is our shared love of and best intentions for our city, which is why I'm writing to you today. You've worked hard for your constituents and for the neighborhoods on the Heights Plan, and I want you to know changes were made on May 17, 2021 that would allow significantly increased density to develop not at Tower Mall, but on the properties in our neighborhoods. Increasing allowed density in our neighborhoods was not right nor was it fair to the neighborhoods.

After all our participation over the last three years, to increase density in the neighborhoods in the last 60 days of this three year process is, frankly, wrong. The change was made so late in the game that any zoning amendments must come from the Planning Commission or City Council. That makes you our last hope, city councilors.

The Heights neighborhoods strongly urge you to move the HX zoning forward with the following minor amendments. The edits will restore density in the neighborhoods to what was agreed upon by all, and it will allow the concerned property owners in the "Innovation Hub" to maintain their 50 feet maximum building height development capacity.

This is a minor, well-reasoned solution that's a win for all stakeholders involved.

City Council, we respectfully request you make the following motion at today's first reading for the HX Zoning standards:

I move to approve the Heights District HX Zoning with the following amendments:

"Table 20.670-4 Maximum Building Heights for sub-district District Gateway" shall be defined as:

District Gateway sub-district maximum building height abutting residentially zoned properties shall be the same as that of the abutting zone.

District Gateway sub-district maximum building height shall be 40 feet not abutting residentially-zoned properties.

District Gateway sub-district maximum building height south of Mill Plain shall be 50 feet for properties fronting Mill Plain not abutting residentially zoned properties.

Then:

"#4. Building step downs and transitions" shall be defined as:

a. In the District Gateway sub-district south of Mill Plain, properties fronting Mill Plain shall have a building height maximum of 40 feet within 60 feet of a shared property line with residential uses.

b. Fire station Parcel: Maximum building height shall be 40 feet for properties fronting Mill Plain and 35 feet approximately 140 feet from Idaho St.

We hope you will consider the significant impact of May 17th's "District Gateway" zoning standards, and that you will support the fine-tuned solution we bring to you today. Our solution is born from our shared community members' countless hours of working together to find fine-grained solutions that would work for us all.

With respect and best regards,

Kate Fernald
208 Tucson Way
Vancouver, WA 98661
360-798-2558

July 19, 2021
Mayor and City Council
City of Vancouver
415 W. 6th Street
Vancouver, Washington 98660

Re: HX Zoning1st Reading

Dear Mayor and City Councilors,

My name is Kate Fernald, Co-Chairman of the Heights District Neighborhood Coalition. I want to thank you for the last few years that we've worked together on the Heights District Plan. If the journey has taught me anything, it's that we all care deeply for Vancouver, and we are each doing what we believe is best for our city, even if in our own unique ways.

One shared characteristic I appreciate most between the City Council and the people is our shared love of and best intentions for our city, which is why I'm writing to you today. You've worked hard for your constituents and for the neighborhoods on the Heights Plan, and I want you to know changes were made on May 17, 2021 that would allow significantly increased density to develop not at Tower Mall, but on the properties in our neighborhoods. Increasing allowed density in our neighborhoods was not right nor was it fair to the neighborhoods.

After all our participation over the last three years, to increase density in the neighborhoods in the last 60 days of this three year process is, frankly, wrong. The change was made so late in the game that any zoning amendments must come from the Planning Commission or City Council. That makes you our last hope, city councilors.

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City Council, we respectfully request you make the following motion at today's first reading for the HX Zoning standards:

I move to approve the Heights District HX Zoning with the following amendments:

"Table 20.670-4 Maximum Building Heights for sub-district District Gateway" shall be defined as:

District Gateway sub-district maximum building height abutting residentially zoned properties shall be the same as that of the abutting zone.

District Gateway sub-district maximum building height shall be 40 feet not abutting residentially-zoned properties.

District Gateway sub-district maximum building height south of Mill Plain shall be 50 feet for properties fronting Mill Plain not abutting residentially zoned properties.

Then:

"#4. Building step downs and transitions" shall be defined as:

- a. In the District Gateway sub-district south of Mill Plain, properties fronting Mill Plain shall have a building height maximum of 40 feet within 60 feet of a shared property line with residential uses.
- b. Fire station Parcel: Maximum building height shall be 40 feet for properties fronting Mill Plain and 35 feet approximately 140 feet from Idaho St.

We hope you will consider the significant impact of May 17th's "District Gateway" zoning standards, and that you will support the fine-tuned solution we bring to you today. Our solution is born from our shared community members' countless hours of working together to find fine-grained solutions that would work for us all.

With respect and best regards,

Kate Fernald
208 Tucson Way
Vancouver, WA 98661
360-798-2558

From: [Janice Ritter](#)
To: [City of Vancouver - Office of the City Manager](#)
Subject: Written comments for City Council meeting
Date: Monday, July 19, 2021 12:02:51 PM

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

Dear City Council Members and Mayor:

I am sorry to hear about the changes you made on May 17, 2021. You think by omitting "adjacent" from your plan may not mean much, but it does. We have sent a proposal to you and the city planners for a compromise, but we are concerned with the timing that you will not listen again. I understand that you want to stop the moratorium on the Heights District. That is understandable. But why did you change the plan on May 17th to make it worse and say there is not enough time to incorporate or even consider the neighborhood's compromise. Kate Fernald has worked hard to find compromises, but it feels that it has fallen on deaf ears. She has even pointed out that did violate some on your policies, but that was dismissed by the city planners because the violations were not to the "standards". This was pointed out to the planners, but again it fell on deaf ears. We have felt betrayed. You put on a show that you are listening, but at the last minute, we are betrayed. We understand that not everyone can be happy, but we were hoping for more give and take.

I hope that you read again the proposal Kate Fernald has sent you. We still will not get everything we truly desired, but it will show that you were willing to compromise and not be in the pocket of developers. I will be listening tonight to you. I hope you will take the time to listen to us.

Sincerely yours,
Janice Ritter
Dubois Neighborhood
Heights District Coalition

Kate Fernald's proposal:

The proposal closely reflects the City's current HX zoning standards proposal. We want our tweaks to be as minimal as possible. We suggest the HX zoning be approved with the following amendments:

"Table 20.670-4 Maximum Building Heights for sub-district District Gateway" shall be defined as:

District Gateway sub-district maximum building height abutting residentially zoned properties shall be the same as that of the abutting zone.

District Gateway sub-district maximum building height shall be 40 feet not abutting residentially-zoned properties.

District Gateway sub-district maximum building height south of Mill Plain shall be 50

feet for properties fronting Mill Plain not abutting residentially zoned properties.

Then:

"#4. Building step downs and transitions" shall be defined as:

a. In the District Gateway sub-district south of Mill Plain, building heights shall be a maximum of 40 feet within 60 feet of a shared property line with residential uses.

b. Fire station Parcel: Maximum building height shall be 40 feet for properties fronting Mill Plain and reduced to 35 feet approximately 140 feet from Idaho St."

Sent from [Mail](#) for Windows 10

July 26, 2021 - Vancouver City Council Meeting Minutes

WORKSHOPS

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

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 CTV cable channels 23 or HD 323, or on the City's Facebook page, www.facebook.com/VancouverUS, or listen via the GoToMeeting conference call.

Councilmember Paulsen absent; Councilmember Lebowsky arrived at 4:58 p.m.

4:00-5:00 p.m. Pearson Field Airport Status Update and VMC Amendments

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

Summary

Staff provided Council with proposed amendments to VMC Chapter 10.05 related to the operations of Pearson Airfield.

5:00-6:00 p.m. Vancouver Climate Action Plan

Aaron Lande, Program and Policy Development Manager, 360-487-8612; P.J. Tillman and Tristan Smit, Cascadia Consulting Group

Summary

Staff and consultants from Cascadia Consulting Group provided Council with an update of the process to develop a Climate Action Plan for the City of Vancouver.

COUNCIL DINNER/ADMINISTRATIVE UPDATES

6:00-6:30 p.m.

COUNCIL CONSENT AGENDA 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 items and under the Community Forum was also facilitated in person and via the GoToMeeting conference call.

Pledge of Allegiance

Call to Order and Roll Call

The Consent Agenda meeting of the Vancouver City Council was called to order at 6:30 p.m. by Mayor McEnery-Ogle.

Present: Councilmembers Fox, Lebowsky (via video conference), Glover, Stober, Hansen, Mayor McEnery-Ogle

Absent: Councilmember Paulsen

Motion by Councilmember Hansen, seconded by Councilmember Stober, and carried unanimously to excuse Councilmember Paulsen.

Community Communication (Items 1-8) - see general protocol above

Mayor McEnery-Ogle opened Community Communication and, receiving no testimony, closed Community Communication.

Consent Agenda (Items 1-8)

Council requested Items 1 and 6 be pulled for discussion.

Regarding Item 1, Councilmember Fox asked what the timeline for construction will be. Pete Capell, Facilities Capital Project Manager, stated construction is planned to start in October and will go toward the end of the year. It will be kept open for a marathon planned in September, and there will be extensive public outreach regarding the closure, as it is a popular pathway.

Regarding Item 6, Councilmember Fox noted there would be a decrease in funding for the PeaceHealth family housing project and asked what that means for the City and whether fewer units will now be built. Peggy Sheehan, Community Development Programs Manager, explained that project has received funding from other sources. The project is not changing, including the number of units, but PeaceHealth will be using less funding from the City because it has acquired it from other sources. As such, the City is able to reallocate those funds to other projects.

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

1. Bid Award for Land Bridge Paving Renovation, per Bid # 21-22

Staff Report 105-21

Summary

The Confluence Land Bridge, completed in 2007, utilized Decomposed Granite for much of the walking surface. The Decomposed Granite has eroded and requires replacement. The Decomposed Granite will be removed and replaced with architectural pavers. In addition, the Confluence Project received donations to renovate the Kanaka Village Overlook just north of SR14, including the removing the portion of curbing that extends into the pathway.

On June 22, 2021, the City received 4 bids for the subject project. The bids ranged between \$349,266.93 and \$480,980.50. The low bidder was responsive. The bids are as follows:

SUMMARY OF BIDS	
BIDDER	AMOUNT
<i>Golf Construction, LLC, Vancouver, WA</i>	<i>\$349,266.93</i>
<i>Allcon LLC, Brush Prairie, WA</i>	<i>\$406,061.25</i>
<i>Lee Contractors, Battle Ground, WA</i>	<i>\$444,578.75</i>
<i>Keystone Contracting, Ridgefield, WA</i>	<i>\$480,980.50</i>
<i>Engineers' Estimate</i>	<i>\$380,000</i>

No apprenticeship goal was established for this project as the contract amount falls below the \$500,000 threshold in the City's apprenticeship policy.

Request: On July 26, 2021, award a construction contract for the Land Bridge Paving Renovation project to the lowest responsive and responsible bidder, Colf Construction LLC of Vancouver, WA, USA at their bid price of \$349,266.93, which includes Washington State sales tax; authorize the City Manager or designee to execute the same, and authorize the City Manager to approve any legal action necessary to enforce the terms of the same.

Pete Capell, Facilities Capital Project Manager, 360-567-7543

Motion approved the request.

2. **Pearson Airfield Taxiway and Apron Rehabilitation - construction acceptance and release of retainage.**

Staff Report 106-21

Summary

Lee Contractors of Battle Ground, Washington, has satisfactorily completed the subject improvements in accordance with the plans and specifications. The original construction contract bid amount was \$1,180,262.45. Final construction contract costs were \$1,167,059.80, a reduction of approximately \$13,200 or 1.1% from original bid amount. The cost savings was attributed to minor quantity variations between as-designed and as-constructed in some bid items.

Request: On July 26, 2021, accept the Pearson Airfield Taxiway and Apron Rehabilitation Project as constructed by Lee Contractors of Battle Ground, Washington, and authorize release of retainage subject to receipt of all documentation required by law.

Dan Swensen, Construction and Engineering Manager, 360-487-7754

Motion approved the request.

3. **Acceptance of Federal Aviation Administration Airport Improvement Program Grant for Pearson Field Airport**

Staff Report 107-21

A RESOLUTION authorizing the City of Vancouver to accept a Federal Aviation Administration Grant for Pearson Field Airport to fund reconstruction of Taxiway A2 and authorizing the City Manager to accept the grant on behalf of the City of Vancouver.

Summary

The City of Vancouver is receiving an AIP grant from the FAA to fund the reconstruction of Taxiway A2 at Pearson Field Airport in 2021. The project includes construction of the taxiway and drainage, striping the new taxiway, taxiway lighting and guidance signage as required. The total construction cost of the project, including contract administration and inspection, is estimated to be less than \$444,444. The FAA AIP grant, and funding allocated under American Rescue Plan Act of 2021, will pay for 100% of the project. The FAA requires a resolution indicating the City Council's authorization to accept the AIP grant.

Request: On July 26, 2021, adopt a resolution authorizing the City Manager to accept an AIP grant, and funds from the American Rescue Plan Act of 2021, for \$444,444 for the reconfiguration of Taxiway A2 from its current airfield location to the west to meet Federal Aviation Administration design standards at Pearson Field Airport.

Jean Singer, Capital Projects Manager, 360-487-7755

Motion adopted Resolution M-4137 to approve the request.

4. Bid Award: Pearson Field Airport Taxiway A2 (Project #PRJ100582)

Staff Report 108-21

Summary

The City of Vancouver owns and maintains Pearson Field Airport. The airport serves the local general aviation community. The previous alignment of Taxiway A2 offered a direct access from the apron to the runway, which was non-compliant with FAA safety regulations and airport design criteria. This project reconfigures Taxiway A2 from its previous airfield location to the west to meet FAA design standards.

The project scope includes the realignment and reconstruction of taxiway A2, the installation of lighting and signage, re-striping, drainage, and other work.

Invitation to Bid #21-13 was issued on March 5, 2021. The City received 5 contractor bids by the bid solicitation close on April 6, 2021. City staff and

key stakeholders reviewed the bids and provide a recommendation for award.

The bid results are as follows:

SUMMARY OF BIDS (Includes WA Sales Tax)	
BIDDER	BIDS
Granite Construction Vancouver, WA	\$314,872.75
Tapani, Inc. Battle Ground, WA	\$320,717.32
Colf Construction Vancouver, WA	\$341,039.37
Thompson Bros Excavating Vancouver, WA	\$405,277.88
Lee Contractors, LLC Battle Ground, WA	(bid was withdrawn)
Engineers' Estimate	\$300,000.00

Granite Construction was determined to be the lowest responsive and responsible bidder for the project. The contract with Granite Construction is written for \$314,872.75, which includes Washington State sales tax.

Federal Grant funding rules do not allow for the utilization of local apprenticeship programs. Therefore there are no City of Vancouver apprentice utilization goal requirements for this project.

Construction work is scheduled to take place in September of this year.

Request: Award a contract to the lowest responsive and responsible bidder, Granite Construction of Vancouver, WA, and authorize the City Manager, or his designee, to execute a contract for the Pearson Field Airport Taxiway A2, in the amount of \$314,872.75, which includes Washington State sales tax.

Jean Singer, Capital Projects Manager, 360-487-7755

Motion approved the request.

5. **Intergovernmental Agreement for Public Works Equipment and Services**

Staff Report 109-21

Summary

The City of Vancouver worked cooperatively with other agencies for years

to realize efficiencies and provide better service. In 2005, the City and other participants in the Pacific Northwest Interagency Cooperative formalized this cooperation by entering into a five year intergovernmental agreement commonly known as the “GEM Agreement. (“GEM” stands for grounds, equipment and maintenance). A prior version of the GEM Agreement was authorized by the City Council with an effective date of January 1, 2011, and it was administratively extended by the City through December 31, 2020. An oversight led to the City’s participation in the Agreement lapsing when it was not further extended prior to January 1, 2021. Out of an abundance of caution, this GEM Agreement is being brought back for approval by the City Council on the same terms and conditions as existed prior to January 1, 2021. If approved again, further extensions can continue to made administratively in the future.

The attached updated GEM Agreement allows the City to continue to make the most efficient use of its resources by enabling the City to contract with other signatory agencies to receive or furnish labor, equipment and materials on a reimbursable basis. This saves the receiving agency time and money, plus helps defray the cost to City of owning and maintaining equipment that duplicates what other agencies are willing to share.

The agreement does not obligate the City to give aid nor to contract for services, but allows it to do so when it is beneficial. The agreement specifies the owner agency will always have first use of its resources.

Request: Authorize the City Manager or his designee to sign the Pacific Northwest Interagency Cooperative (“GEM”) Agreement to provide a mechanism to share equipment and services with other regional agencies.

Bill Bjerke, Operations Superintendent-Grounds and Cemetery Maintenance, 360-487-8245

Motion approved the request.

6. Funding changes for CDBG, HOME & AHF

Staff Report 110-21

A RESOLUTION relating to the adoption of the proposed project funding changes to 2019 and 2020 CDBG/HOME Annual Action Plans; authorizing the City Manager to execute agreements on behalf of the City of Vancouver consistent with the amended Annual Action Plans, providing for severability and an effective date.

A RESOLUTION relating to the adoption of the proposed project funding

changes to the 2020-2021 AHF approved allocation plans; authorizing the City Manager to execute agreements on behalf of the City of Vancouver consistent with the amended allocation plans, providing for severability and an effective date.

Summary

City Council approved funding recommendations from the 2021 CDBG & HOME, CDBG-CV and AHF application process following a public hearing on April 5, 2021. Since that time additional funding has become available and existing projects have requested an increase in dollars due to the significant increase in construction material costs. See attached spread sheet for details.

Summary of proposed funding changes

- *Approve use of CDBG-CV funding from the State for MESO Small Business Technical Assistance and Loan Program - \$368,556 to cover a portion of the total project cost of \$431,834.*
- *Approve use of 2020 & 2019 HOME funding for Second Step Acquisition to support the acquisition of six duplexes. \$300,000*
- *Approve use of 2020 Affordable Housing Funding for Community Roots Collaborative CRC Development (Phase 2) construction of 20 tiny homes. \$350,000 to a total of \$850,000. The funding would come from the unused Affordable Housing Funds allocated for Mercy Housing.*
- *Approve use of 2020 CDBG funds for Proud Ground Permanently Affordable Homeownership - \$250,000. Staff proposes shifting funding source from 2021 AHF to 2020 CDBG to allow for less restrictive income requirements for homebuyers.*
- *Approve use of 2020 CDBG funding for the City of Vancouver Homeowner Rehab Program \$118,556 of 2020 CDBG funds from MESO to support the Homeowner Rehab Program. CDBG is more appropriate funding to use for this program.*
- *Cancel the \$199,977 of 2020 HOME funding that was awarded to the Homeowner Rehab program. The funding will be used to support Second Step Housing's Acquisition project.*

Request: 1. Adopt a resolution approving project funding changes to the 2019 and 2020 CDBG/HOME Annual Action Plans;
 2. Adopt a resolution approving project funding changes to the 2020-2021 Affordable Housing Fund approved allocation plans;

3. Authorize the City Manager or designee to execute agreements consistent with the proposed funding changes.

Peggy Sheehan, Community Development Programs Manager, 360-487-7952

Motion adopted Resolution M-4138 related to CDBG and HOME and Resolution M-4139 related to the Affordable Housing Fund and approved the request.

7. Section 108 Loan - Fourth Plain Commons

Staff Report 111-21

Summary

Fourth Plain Commons is a future new-construction, mixed-use project located in a low-income census tract (427.00) on the Fourth Plain Corridor. The development is a partnership between the City of Vancouver and the Vancouver Housing Authority and consists of two separate components: the Commons Community Center on the first floor and 2220 Norris, a 106-unit affordable housing development, located on floors 2-6. The CDBG funds will be used to support the community center, plaza and shared space only.

The Commons Community Center will consist of a 9,758 square foot community space and is envisioned as a flexible area where people from the Fourth Plain community can gather, hold events, and access services. This space will include a commercial kitchen, office space for nonprofits to provide supportive services, a community gathering space, an outdoor space with infrastructure for farmers markets and food carts, and a space for business incubation for food entrepreneurship. Construction on this project is scheduled to begin in September 2021.

In July 2020, the City identified the potential to use funding from Section 108 of the Housing and Community Development Act of 1974 (the Section 108 Loan Guarantee Program or "Section 108 loans") as a funding source. The Section 108 loan provides Community Development Block Grant (CDBG) jurisdictions the opportunity to leverage up to five times the jurisdiction's annual CDBG grant allocation. The loan is low-cost, flexible financing for economic development, public facility, and infrastructure projects. Currently, the City of Vancouver is eligible to borrow up to \$4,234,145 in Section 108 loan funds.

The Section 108 loan will be used to support the build-out of the Commons Community Center including construction and infrastructure. The funding will be used as payment towards the purchase price, either in the form of reimbursement to the VHA, for construction costs including architect fees and a percentage of onsite infrastructure including sewer, water, sidewalks, the foundation, etc., or as a lump sum payment at Closing. Any revenue generated from the leasing of the Commons Community Center after

expenses will be used to pay back the Section 108 loan. Additionally, the City will set aside CDBG funds up to \$300,000 annually to make payments. The City anticipates servicing \$245,000 of Section 108 project debt annually.

Community and Economic Development staff have drafted the application for Section 108 loans for HUD. It is on the city web site at www.cityofvancouver.us/CDBG. Once approved by Council, HUD has 45 days to review and approve the application. If awarded, the City anticipates using the Section 108 dollars in the first quarter of 2022. The projects will begin construction in September 2021, and the City is using other dollars for the first phase of the project.

Request: Approve moving forward with the Section 108 loan application request of up to \$4,234,145 to support the construction and build out of the Fourth Plain Commons Community Center and authorize the City Manager to execute the necessary agreements to move forward with the Section 108 loan as approved by Council.

Peggy Sheehan, Community Development Programs Manager, 360-487-7952

Motion approved the request.

8. Approval of Claim Vouchers

Request: Approve claim vouchers for July 26, 2021.

Motion approved claim vouchers for July 26, 2021, in the amount of \$6,304,263.25.

Unfinished Business (Item 9)

9. I-5 Bridge Replacement Project - Resolution Stating City of Vancouver Desired Outcomes

Staff Report 112-21

A RESOLUTION supporting the replacement of the Interstate 5 Bridge between the State of Washington and State of Oregon, guided by the principles herein.

Summary

Studies to enhance safety and mobility on and to the Interstate 5 corridor in the Portland-Vancouver region through design that addresses seismic resiliency, congestion relief, and better multimodal access have been conducted over the past two decades. From 2005 to 2014, the Columbia River Crossing (CRC) program identified several alternatives for safe bicycle, pedestrian, roadway, and transit improvements. The CRC program was closed out in 2014 due to lack of funding commitments. Following close-out of the CRC, regional partners proposed revisiting improvements to address identified needs. Vancouver City Council adopted Resolution M-3975 on August 6, 2018, in support of this effort.

In 2019 a Memorandum of Intent was signed by Oregon and Washington Governors Brown and Inslee and a bi-state legislative committee was established to provide guidance and oversight on an Interstate 5 Bridge Replacement Program (IBRP). The Program, led by the Oregon and Washington state departments of transportation, is charged with developing options for improvements that account for identified safety and mobility needs plus environmental and demographic changes since the CRC program.

To date the IBRP has established advisory committees and groups comprised of legislative and elected leaders from Oregon and Washington, community members, equity-focused leaders, and planning and technical staff. These groups are currently engaged in the planning and environmental phase of the program. Options to address identified needs will be developed over the next 8-10 months, with a goal to identify a preferred alternative for improvements by spring 2022. Final design is scheduled for 2022 - 2024 with construction beginning in 2025.

Staff has presented updates periodically since 2019 to Council on progress of the IBRP. On June 21 and July 12, 2021, staff presented a list of potential desired outcomes for the City of Vancouver from the IBRP. At the June workshop staff presented a list of potential desired outcomes based on prior discussions that happened during the Columbia River Crossing program as well as subsequent City initiatives and programs aiming to enhance community assets and livability. Based on feedback from the June workshop, a draft Resolution was created for Council review and discussion at the July 12 workshop.

During the July 12 workshop Council expressed general support for the draft Resolution with some revisions. Two primary issues discussed as needing further definition in the Resolution center on tolling and the number of travel lanes to be defined in the program's design options.

With regard to tolling, the draft Resolution presented on July 12 stated one

potential desired outcome as “Incorporate a variety of transportation demand management measures, including tolling...”. During discussion, Council conveyed that transportation demand management and tolling could mean different things and asked for clarification around different types of tolling programs and the intent for tolling within the IBRP program. In follow-up conversation with IBRP staff, it was verified that the intent of the IBRP is to implement tolling to pay back the cost of constructing IBRP elements. Attachment A outlines some of the tolling strategies that could be implemented for this purpose. Attachment B, an updated draft Resolution, aims to address this issue with revised text in Section 3 that notes that tolls implemented through the IBRP are intended to fund construction of the replacement bridge and associated elements.

As noted above, a second issue discussed during the July 12 workshop was the number of travel lanes to be included in a design solution. The selected alternative for the Columbia River Crossing program included three through travel lanes each direction for the full length of the Interstate 5 corridor within the program area. In portions of the corridor two additional auxiliary lanes per direction were also included. Based on traffic analyses, three through lanes each direction were required in order to provide adequate capacity and minimize congestion for projected travel demand and are reflected in current regional transportation system plans. The additional auxiliary lanes were included to meet the Program’s Purpose and Need. Auxiliary lanes provide safety and operational benefits by reducing weaving and merging movements that would otherwise happen in through travel lanes, which supports more efficient movement of people, freight, and goods.

Updated traffic, land use, and socio-demographic data will inform development of IBRP design options. That process will include modeling the number of lanes required for the roadway network to safely and adequately function. Based on this, staff recommends Council consider the following new language be added to Section 3 (“Mobility”) of the draft desired outcomes Resolution: “Include three through travel lanes per direction and auxiliary lanes as determined to be warranted for safe and adequate functioning through updated analyses.”

There were additional items raised by Council members during the workshop that have also been addressed in an updated version of the draft Resolution (Attachment B).

Request: Adopt a resolution stating the City of Vancouver's desired outcomes from the Interstate 5 Bridge Replacement Project.

Katherine Kelly, Senior Policy Advisor, 360-487-7947

Katherine Kelly, Senior Policy Advisor, provided a summary of the proposed

resolution and the revisions incorporating previous Council feedback.

Council proposed revisions to the specific language in the resolution as following:

Councilmember Stober requested all references to "Interstate 5 Bridge" be updated to read "Interstate Bridge" and the reference in the fourth recital specify "two" existing Interstate Bridge "spans" for clarity.

Councilmember Stober also requested the 12th recital be updated to specify the Interstate Bridge Replacement Program will aims to construct a "replacement" bridge.

Councilmember Stober requested section aa read: "Proactively mitigate construction impacts to Downtown Vancouver businesses, residents, and visitors".

Council concurred with these proposed revisions.

Councilmember Fox stated she appreciated how staff had de-coupled language pertaining to demand management from tolling but requested specific language be added regarding equity and mitigation for commuters who do not have the option of riding transit across the Interstate Bridge. She stated it is important the Council call this out specifically at this stage in the process, even though the IBRP advisory group on equity is developing a framework for desired outcomes.

Council concurred a new section that specifically states the City's desire that tolling be implemented equitably and that mitigation programs be included should be added.

Councilmember Hansen stated he wants to see a 10-lane bridge as a result of this project. Council spoke at length regarding potential lane designs. Councilmember Hansen stated section x of the resolution is worded in such a way that he can support the resolution.

Motion by Councilmember Stober, seconded by Councilmember Glover, and carried unanimously to adopt Resolution M-4140 as revised by Council.

Community Forum

Mayor McEnerny-Ogle opened the Community Forum and received the following testimony:

- Christine Lamb White, Vancouver, expressed concerns about available affordable housing options for senior citizens, and asked the City to require future housing developments to dedicate at least 10 percent of units to

seniors with low income.

- Glen Yung, Vancouver, urged the City to increase the percentage of required electric vehicle infrastructure for all future developments.
- Don Steinke, Vancouver, strongly agreed with the Council's direction regarding the Climate Action Plan to set goals as soon as possible. He also thanked the City for the climate solutions included in the Renaissance Boardwalk development agreement.
- Alona Steinke, Vancouver, urged the City to adopt a green building policy that includes the replacement of gas heating with electric as soon as possible, and urged the City to retrofit City buildings and operations and partner with other local agencies in expanding electric vehicle use.
- Heidi Cody, Vancouver, thanked the Council for directing staff to set high goals for the Climate Action Plan, and urged the City to require replacement of gas appliances in developments.
- Jean Avery, Vancouver, thanked the Council for directing staff to set high goals for the Climate Action Plan and to act with urgency.
- Jaynee Haygood, Vancouver Parks and Recreation Advisory Commissioner, spoke regarding the role of parks and the tree canopy in offsetting climate change. She urged the City to work closely with community partners to promote and enhance climate action policies and educate the public regarding personal efforts that can be made to increase sustainability.
- Martha Wiley, Vancouver, spoke in support of the Council's direction regarding the Climate Action Plan, and asked the City to consider requiring electric vehicle charging stations for all new development and add infrastructure for some on-street parking.
- Jennifer Wallenberg, Vancouver, spoke in support of the Council's direction regarding the Climate Action Plan.
- Cathryn Chudy, Vancouver, urged the City to take all measures to move away from natural gas and require electrification. She thanked the Council for showing leadership in directing staff to develop leading edge goals for the Climate Action Plan.
- Dan Serres, representing Columbia Riverkeeper, thanked the Council for its work on the Climate Action Plan and moratorium on large-scale fossil fuel facilities. He urged the City to reach out to Portland regarding a compatibility analysis pertaining to oil trains traveling through the region
- Phillip Englund, Vancouver, thanked the Council for its direction on the Climate Action Plan but requested increased urgency in taking actions as soon as possible.

- Teresa Hardy, Vancouver, spoke in support of the City moving forward with the strongest Climate Action Plan as possible. She urged the the City to preserve as much open space and tree canopy for the Vancouver Innovation Center as possible.

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

Executive Session re: Potential Litigation; City Manager Performance Evaluation

At 7:42 p.m., Mayor McEnerny-Ogle announced the Council would be entering executive session for approximately 30 minutes to discuss potential litigation, and also to discuss the City Manager's annual performance evaluation.

At 8:02 p.m., Mayor McEnerny-Ogle announced the Council would be extending the executive session.

Council re-entered public session at 8:27 p.m. No action was taken.

Adjournment

8:29 p.m.

Anne McEnerny-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.

July 24, 2021

Mayor McEnerny-Ogle
Councilmember Hansen
Councilmember Stober
Mayor Pro Tem Glover
Councilmember Lebowsky
Councilmember Paulsen
Councilmember Fox

On Monday, July 26, 2021, the Vancouver City Council will be conducting a workshop related to Pearson Field. Prior to the meeting I would like to provide you with some background information. Thank you in advance for your consideration.

I write this to you as a member of a group who, on request of the mayor and city manager, has provided input and advice on various matters pertaining to the airport since the Aviation Advisory Committee (AAC) was disbanded by the city in 2018. The city has informally referred to us as the "Kitchen Cabinet." Three of us are former full-term AAC chairs, one a former full-term vice chair, and one a former member. All of us are longtime residents of this community with significant collective backgrounds and networks in related businesses, nonprofits, public agencies, education, airport management, air traffic control, airspace design, and military and general aviation. Two of us are non-tenants. Two of us have histories with the field that go back to the 1960s and the remainder have been involved with Pearson since the early 1990s. For over 25 years our involvement with Pearson has included representing the city in airspace design, significantly contributing to the airport's financial self-sufficiency, and providing both capacity and capability to augment city staff in a variety of other safety, operations, planning and finance matters. Our first priority is and always has been to ensure that the city's interest in maintaining a safe and sustainable asset, Pearson Field, is providing the highest possible value to the community.

During the meeting, you will be presented with several documents for discussion, including updates to VMC10, a new Rules and Regulations document, and draft AAC bylaws. **While not endorsing any of these documents as to their current content, we completely support the long overdue update.** This work was first advocated for by the AAC in 2013, deprioritized by the city until 2018 when it was restarted as part of the airport audit response, stopped again by the city in 2019, and restarted in January of 2020. That it has taken 8 years to get to this point is worthy of some process reflection on the part of the city. A similarly scoped exercise, updating the airport's Commercial Minimum Standards document, was collaboratively completed in a few months' time and approved by city council with little discussion in March of 2015.

While there are several topics in these documents that we have concerns about, both in content included and excluded, two will be presented to you on Monday for specific discussion. In both these instances we believe that the city's interest in maintaining a safe and sustainable asset is not served well by the wording currently proposed.

Topic #1: Rules and Regulations Article 8(B) "Fly Quiet."

First, and this has to be said, no responsible pilot knowingly and intentionally engages in actions contrary to safe and courteous operation of their aircraft. This is an explicit expectation in the certification of pilots at all levels and FAA rules provide for enforcement action if pilots engage in careless or reckless operation. None of the comments to follow should be interpreted differently. If the

airport manager believes there are patterns of inappropriate behavior he has the ability, through the FAA, to request investigation and follow up. With that said: **We recommend the city remove bullets (a)-(e) from Article 8(B).**

Recognizing that Pearson is located in an increasingly dense urban environment, and that previous rules and regulations did not contain language regarding fly quiet, the Kitchen Cabinet actually authored the opening two sentences of Article 8. *"Fly Quiet' procedures may exist through cooperative agreement of airport users, the community and the city. Where these procedures exist, they are intended to be a voluntary effort on the part of airport users to be good neighbors in the community."* This language was provided to allow for the collaborative creation of such procedures, **not** that the procedures would be created unilaterally by city staff and inserted into the rules themselves. This is in keeping with what happens at general aviation airports across the country. Bullets (a)-(e) citing specific expectations added by the staff create a number of significant issues that the city should think through very carefully:

- **Authority:** The city has complete authority to regulate and enforce, consistent with FAA rules, actions and uses at the airport. The FAA retains authority for regulation and enforcement for use of airspace. The Kitchen Cabinet, along with input to the city from the Washington Department of Transportation Aviation Division and from the national Airplane Owners and Pilots Association (AOPA) have expressed concern about including voluntary fly quiet procedures in the Rules and Regulations document.
- **Liability:** Today, all of the rules associated with airspace around Pearson have been developed, validated, and authorized by the FAA. We believe that the city's creation of rules limiting use of airspace, otherwise permissible by the FAA, whether by authority or not, places risk on the city.
- **Safety:** Vancouver's airspace is one of the most thoroughly studied in the country, with special regulations uniquely developed to ensure safe operation in the shared Pearson/PDX airspace. Multiple FAA sponsored Safety Risk Management Panels have been conducted with participation by the FAA (local, regional, and headquarters), Portland tower, Port of Portland, several air carriers, and representatives from Pearson (three of which are on the Kitchen Cabinet.) I would be happy to forward the most recent 96-page 2013 study on request. Any changes to airspace rules over and around Pearson need to be considered in the context of this report.
- **Precedent:** Codifying rules regarding overflight of certain areas of the city opens the door to future safety, intra neighborhood environmental justice, and other issues that need to be carefully considered before moving forward.
- **Discriminatory:** As written Article 8(B) is discriminatory in that Article 17 only cites enforcement applicable to based pilots, not the 18,000 annual itinerant operations at Pearson.
- **Ambiguous and selective enforcement:** As written, and stated in your workshop presentation material, the city intends selective enforcement around unspecified criteria. In effect the fly quiet rule is voluntary, until it is not.

To summarize, the Kitchen Cabinet believes that it is in the best interest of the city to allow for the creation of fly quiet procedures in the rules and regulations but not to include those procedures in regulation. This is consistent with general aviation airports across the country. Collaboratively created voluntary procedures developed from shared data, and well communicated by the city, are the best way to go. For decades, Pearson based pilots have been notified by the airport manger of upcoming events

both at the Fort and Esther Short Park so that discretionary flights could be limited and/or areas avoided; this practice should be continued.

Topic #2 Aviation Advisory Committee Composition, Count and Bylaws

City staff has proposed reduction of the AAC count from 9 to 7 members, restricting membership to no more than two tenants, and a proposed set of starter bylaws. **From experience, we believe that all of these changes, weaken the ability of the AAC to perform its assigned duties, and we do not support what the staff is proposing.**

In 2018 [the city committed](#) to complete a "*comprehensive assessment of the governance, operations and management of Pearson Field including a review of the role and responsibilities of the Aviation Advisory Committee*" when the Council "*temporarily suspended the operation of Aviation Advisory Committee pending the completion of that assessment.*" After 3 ½ years no such assessment has taken place and none of the current airport related staff has ever attended an AAC meeting. Proposals in the current documents appear arbitrary and/or connected with experiences other boards and commissions have had. None of the staff proposals address issues related to the original suspension of the AAC.

Rather than diving down into the details here, we believe the city would be well served by stepping back on this topic #2, clarifying with the Kitchen Cabinet specifically what issues need to be addressed, and jointly developing a solution that meets the needs of the airport.

To close, we believe as part of the workshop it would be in your interest as policy makers and in the public's interest, to know what the staff's answers to the following questions are:

- What feedback have you received from recent public, tenant, flight school, outside agency, and Kitchen Cabinet input? How has that feedback been incorporated into the draft documents being presented? What was excluded and why?
- What data are you relying on and under what authority are you making the recommendation to regulate airspace due to noise concerns? How have you considered the last Pearson/PDX Safety Risk Management Document in your recommendations? What other options have you considered? What risks do you see in your proposals and how will those risks be mitigated?
- What specific issues are you attempting to address with any changes to historic policy, practices, or structure being proposed for the reconstituted AAC? Having never attended an AAC, or committee meeting, what sources of input are you relying on? What alternatives have you considered? How do the proposals address those issues?

Thank you again for your consideration. On request I would be happy to answer any additional questions you may have.

Sincerely,

Paul Speer on behalf of
Ron Frederickson
Mark Masciarotte
Bill Frost
Frank Lambert

Cc: Eric Holmes

To: Vancouver City Council and Staff
Citizen Forum/July 26th, 2021/Cathryn Chudy

The Columbian editorial staff rightly recognized the steps you are taking that “altered the dynamics of development in the city” by insisting on higher building standards for sustainability, which they say builds trust and demonstrates leadership. The Updated Work Plan and Early Action Package reviewed at the workshop today is encouraging. There are now three GHG Emissions Target Pathways under City Consideration, adding Leading Edge to Stretch and Bold options. Action steps to meet Leading Edge strategies should be identified by Cascadia for Council’s informed decision making. Rather than seeing this as a choice of one pathway out of three, perhaps a more dynamic and flexible approach might choose the most impactful strategies from all three, as the community has called for Vancouver to be more ambitious in sustainability and Climate Action, and evidence of the urgency to aim higher and move faster is all around us.

It is clear that getting off fossil fuels is the core of the “emissions reduction” framework Vancouver must undertake, sooner rather than later. This requires not being deceived or distracted by “false solutions” like the “promise” of renewable natural gas (RNG) and understanding that barriers to electrification will slow Vancouver down. Just as EV readiness has become a key component for a healthy, resilient, and economically viable Vancouver, the City can ensure that new buildings no longer are approved with gas hookups. This is consistent with the identified Bold strategy: “Eliminate natural gas in new construction.” This should be incorporated into the Interim Green Building Policy; another key way to demonstrate leadership.

For you and for your partner Clark PUD, leadership means re-thinking the “business as usual” framework of relying on a polluting gas plant to help meet our energy needs and allowing the local gas utility to persuade us to continue using gas when there are more viable and healthy alternatives that reduce emissions and ensure a safe and resilient future for our children. Consider this: “New research shows that renewable electricity can move Washington, Oregon and British Columbia off of fossil fuels, do so at an affordable price, and create jobs along the way...Innovation and mass production have made wind and solar power installations cheaper than most fossil-fueled power plants. The key to moving Cascadia’s economies away from fossil fuels is to make renewable electricity the region’s go-to “fuel.” The new research highlights three mutually supporting strategies that squeeze out fossil fuels:

- increasing energy efficiency to trim the amount of power we need,
- boosting renewable energy to make it possible to turn off climate-wrecking fossil-fuel plants, and
- plugging as much stuff as possible into the electrical grid.”

(Peter Fairley, Investigate West, 4/22/21: Studies: Renewable Electricity Can Slash Cascadia Pollution)

The Columbian points out: **“The Spector of climate change cannot be ignored, and reducing carbon emissions meets the very definition of leadership.”** The deadly heat dome we just experienced, and the news each day of wildfires in the Pacific Northwest as extreme weather and drought change our landscape, defy “business as usual” thinking and acting. Momentum is on our side, if you continue to steer a genuine course of leadership. Our young people are counting on you for their healthy and safe future. Don’t let them down.

Peter Fairley, Investigate West, 4/21/21: Studies: Renewable Electricity Can Slash Cascadia Pollution

<https://apnews.com/article/technology-climate-climate-change-washington-utilities-0c6efe1cd61065e55500041f59cbb172>

New research shows that renewable electricity can move Washington, Oregon and British Columbia off of fossil fuels, do so at an affordable price, and create jobs along the way.

After decades of disinformation from fossil fuel producers and utilities, this may sound like a wishful vision. But building a cleaner and more equitable economy — and doing so in just a few decades to head off the worst effects of climate change — is backed by a growing body of regional and international studies.

Innovation and mass production have made wind and solar power installations cheaper than most fossil-fueled power plants. The key to moving Cascadia's economies away from fossil fuels is to make renewable electricity the region's go-to "fuel."

The new research highlights three mutually supporting strategies that squeeze out fossil fuels:

- increasing energy efficiency to trim the amount of power we need,
- boosting renewable energy to make it possible to turn off climate-wrecking fossil-fuel plants, and
- plugging as much stuff as possible into the electrical grid.

Recent studies in Washington state and British Columbia, and underway for Oregon, point to efficiency and electrification as the most cost-effective route to slashing emissions while maintaining lifestyles and maximizing jobs. A recent National Academies of Science study reached the same conclusion, calling electrification the core strategy for an equitable and economically advantageous energy transition.

However, technologies don't emerge in a vacuum. The social and economic adjustments required by the wholesale shift from fossil fuels to renewable power can still make or break decarbonization, according to Jim Williams, a University of San Francisco energy expert whose simulation software tools have guided many national and regional energy plans, including two new U.S.-wide studies, a December 2020 analysis for Washington state, and another in process for Oregon.

Williams points to vital actions likely to rile those who lose money in the deal, like letting trees grow many decades older before they are cut down so they can suck up more carbon dioxide, forgoing quicker profits from selling timber. Or convincing rural communities and conservationists that they should accept power-transmission lines crossing farms and forests.

"It's those kinds of policy questions and social acceptance questions that are the big challenges,"

said Williams. And without policies to protect disadvantaged communities from potential energy cost increases, some could be left behind.

By 2030, the path to decarbonization shows Washingtonians buying about \$5 billion less worth of natural gas, coal and petroleum products, while putting even more dollars toward cleaner vehicles and homes. No surprise then that oil and gas interests are attacking the new research.

Charging up

Key to decarbonizing Cascadia are computer simulations of future conditions known as models. Researchers run dozens of models, tinkering with different variables: How much will energy demand grow? What happens if we can get 80% of people into electric cars? What if it's only 50%?

What most drives Cascadia's energy models toward electrification is the dropping cost of renewable electricity.

Take solar energy. In 2010, no large power system in the world got more than 3% of its electricity from solar. But over the past decade solar energy's cost fell more than 80%, and by last year it was delivering over 9% of Germany's electricity and over 19% of California's.

Once prohibitively expensive, solar's price now beats nuclear, coal and gas-fired power, and it's expected to keep getting cheaper. The same goes for wind power, whose jumbo jet-sized composite blades bear no resemblance to the rickety machines once mocked by Big Oil.

In contrast, cleaning up gas- or coal-fired power plants by equipping them to capture their carbon pollution remains expensive even after decades of research and development and government incentives. Cost overruns and mechanical failures recently shuttered the world's largest "low-carbon" coal-fired power plant in Texas after less than four years of operation.

Innovation and incentives are also making equipment that plugs into the grid less expensive. Battery advances and cost cuts have made owning an electric car cheaper than conventional cars, fuel included. Electric heat pumps -- essentially air conditioners that run in reverse to push heat into a building -- may be the next electric wave. They're three to four times more efficient than electric baseboard heaters and save money over natural gas in most new homes.

Merran Smith, executive director of Vancouver-based nonprofit Clean Energy Canada, says that — as with electric cars five years ago — people don't realize how much heat pumps have improved. "Heat pumps used to be big huge noisy things," said Smith. "Now they're a fraction of the size, they're quiet and efficient."

Simulating low-carbon living

The computer simulation tools take an economy-wide view. Planners can repeatedly run scenarios through sophisticated software, tinkering with their assumptions each time to answer cross-cutting questions.

Evolved Energy Research, a San Francisco-based firm, analyzed the situation in Washington. Its algorithms are tuned using data about energy production and use today—down to the number and types of furnaces, stovetops or vehicles. It has expert assessments of future costs for equipment and fuels. And it knows the state's mandated emissions targets.

The model finds the most cost-effective choices by homes and businesses that meet the state's climate goals. Modelers then account for uncertainty by throwing in various additional constraints and rerunning the model.

That probing shows that longer reliance on climate-warming natural gas and petroleum fuels increases costs. In fact, all of the climate-protecting scenarios achieve Washington's goals at relatively low cost, compared to the state's historic spending on energy.

The end result of these scenarios are net-zero carbon emissions in 2050, in which a small amount of emissions remaining are offset by rebounding forests or equipment that scrubs CO₂ from the air.

But the seeds of that transformation must be sown by 2030. The scenarios identify common strategies that the state can pursue with low risk of future regrets.

One no brainer is to rapidly add wind and solar power to wring out CO₂ emissions from Washington's power sector. The projections end coal-fired power by 2025, as required by law, but also show that, with grid upgrades, gas-fired power plants that produce greenhouse gas emissions can stay turned off most of the time. That delivers about 16.2 million of the 44.8 million metric tons of CO₂ emissions cut required by 2030 under state law.

All of the Washington scenarios also jack up electricity consumption to power cars and heating. For example, in 2030 Evolved Energy's optimal case for Washington foresees sales of electric cars, SUVs and pickups roaring from 7.3% of sales in 2020 to 85.2% in 2030. By 2050, electricity is providing 98% of the state's transport energy.

By 2050, the high-electrification scenarios would create over 60,000 extra jobs across the state, as replacing old and inefficient equipment and construction of renewable power plants stimulates economic growth, according to projections from Washington D.C.-based FTI Consulting. Scenarios with less electrification require more low-carbon fuels that cut emissions at higher cost, and thus create 15,000 to 35,000 fewer jobs. Washingtonians earn over \$7 billion more in 2050 under the high-electrification scenarios, compared to a little over \$5 billion if buildings stick with gas heating through 2050 and less than \$2 billion with extra transportation fuels.

Rocketing to 2030

Evolved Energy's electrification-heavy decarbonization pathways for Washington dovetail with a growing body of international research, such as that National Academy of Sciences report and a major U.S. decarbonization study led by Princeton University.

The challenge is accelerating the transition. Action by 2030 is needed across Cascadia to deliver

on societal demand to fight climate change and to lay the tracks for the difficult, long-term task of squeezing out nearly all carbon emissions a few decades later.

Growing electrification of cars, buses, buildings and more, requires infrastructure such as charging stations, some quick growth in electricity generation, and power lines to carry it.

In Oregon and Washington, such investments may catch a tailwind if Congress backs President Biden's \$2-trillion infrastructure package. But building transmission lines requires tough negotiations with affected communities, which can be time consuming.

The race to start cutting emissions also introduces an economic speed bump around 2030. Economic growth would slow due to increased energy costs as economies race to make a sharp turn toward pollution reductions after nearly a decade of rising greenhouse gas emissions.

"Meeting that 2030 target is tough and I think it took everybody a little bit by surprise," said Nancy Hirsh, executive director of the Seattle-based NW Energy Coalition, and co-chair of a state panel that shaped Washington's recent energy supply planning.

Economic analysis for Washington state by FTI Consulting projects 10,000 to 15,000 fewer jobs to be created in Washington in 2030 relative to the climate-be-damned growth scenario. The state's current employment is about 3.3 million.

Embracing the messengers?

Burning less gasoline, diesel and natural gas produces cleaner air — something that's not factored into most economic forecasting. The cost of decarbonization in 2030 looks even more affordable when one considers avoided air and water pollution from burning fossil fuels.

Avoiding climate damage, meanwhile, would pay even larger dividends in the long run. Scientists expect action by Cascadia to help slow impacts of climate change, reducing future costs for damages to property and infrastructure from megafires, larger storms, and sea level rise.

For Smith at Clean Energy Canada, electrifying is also a potent business opportunity for Cascadia. Smith points to BC's aluminum, which, thanks to BC's near-total reliance on hydropower, is gaining advantage as one of the world's least carbon-intensive suppliers.

Companies like Tesla and BMW are looking for low-carbon aluminum, notes Smith: "I don't think that most British Columbians realize that we have a nearly 100% emissions free electricity grid, nor what a competitive advantage it is."

With more renewable power, the province can decarbonize all of its natural resource exports, including forest products and other metals such as copper, cobalt and nickel. "Branding BC that way, rather than as a fossil fuel exporter, will attract more investment," she said.

Washington and Oregon could build toeholds in clean-energy manufacturing, such as the Daimler plant that makes electric trucks in Portland.

But not everyone embraces an electrified future. Fossil fuel interests in Washington have called the modeling biased and are raising the specter of electrification-driven blackouts.

Resistance to action toward accelerated electrification has been on full display in recent months as Washington's Legislature considers an array of policies to encourage or mandate a transition to cleaner energy. One proposal backed by Washington Gov. Jay Inslee to restrict delivery of gas to new buildings by 2030 died early, under assault from the gas industry and some unions.

During a hearing on the Better Homes & Clean Buildings Bill, gas distributors raised the threat of energy shortfalls, citing a 2019 study suggesting that power demand could soon outstrip supply as the region's coal-fired power plants shut down.

Environmental advocates point out that oil and gas producers and distributors have a vested interest in opposing rapid reductions in petroleum and natural gas consumption. Grid experts say the best way to ensure reliability is to get cracking on power system upgrades needed to support a larger supply of wind and solar power.

Spencer Gray, the Portland-based executive director for the Northwest & Intermountain Power Producers Coalition, which represents many renewable energy developers, says ensuring Cascadia's power supply is "solvable" without slowing decarbonization. What's crucial, he says, is to strengthen the grid.

Gray is among the many experts working toward creation of a regional power market for the Western grid, which interconnects all of the electrical systems in the U.S. and Canada west of the Rockies. They are also working to accelerate expansion of power lines so that Cascadia and its neighbors can access more low-cost renewable energy, such as the excellent wind resources in Montana.

"Five to 10 years from now is when we need it," said Gray. "We need to start getting the stuff financed and sited now."

From: [City of Vancouver - Office of the City Manager](#)
To: [Delapena, Amanda](#)
Subject: FW: Climate Action Plan workshop July 26
Date: Friday, July 23, 2021 9:11:24 AM
Attachments: [image003.png](#)

For city council on July 26.

Kerry Peck | Administrative Assistant



CITY OF VANCOUVER, WASHINGTON
City Manager's Office/Administrative Assistant
P: (360) 487-8616

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From: Peter L. Fels <plfels@gmail.com>
Sent: Thursday, July 22, 2021 9:34 PM
To: City of Vancouver - Office of the City Manager <CMO@cityofvancouver.us>; Lande, Aaron <aaron.lande@cityofvancouver.us>; ACE <alliance.swwa@gmail.com>; Don Steinke <crvancouverusa@gmail.com>; Alona <alonakotkasteinke@hotmail.com>; Cathryn Chudy <chudyca@gmail.com>; Coal-WA-SW-Leaders <Coal-WA-SW-Leaders@lists.sierraclub.org>; felget <felget@comcast.net>
Subject: Climate Action Plan workshop July 26

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.

Peter Fels
5121 NW Franklin Street
Vancouver WA 98663
telephone: (360) 737-3154 • plfels@gmail.com

Dear Mayor and City Council,

Here are some thoughts on the draft Vancouver City climate action plan to be presented at workshop on July 26, 2021:

Staff and the consultants should be applauded for moving the timeline forward and proposing interim strategies while a final plan is developed. For the most part, they have presented excellent ideas.

I note that the consultants' format continues to show up with the title "Redmond Environmental Sustainability Action Plan". I commend them for borrowing from previous materials and hope they are giving Vancouver a discount.

Below are ten items I hope you will add to the current proposed interim steps.

- 1) City Council should require consultants to provide steps to meet "Leading Edge" strategies so Councilors will at least have the information to make informed choices. Citizens want you to reduce GHG emissions as much as possible as soon as possible.
- 2) In addition to proposed interim steps for buildings, City should give preference in permitting to builders and developers not otherwise covered by these steps who propose to meet LEED Gold or equivalent or better standards.
- 3) Interim standards should require all parking to be EV ready, which means cable laid or installed for each parking space before completion of surfaces. As noted by Ty Stober, major manufacturers are saying they will produce all electric fleets. Buildings not EV ready will be more expensive to retrofit and less desirable for tenants.
- 4) All buildings should also be solar ready.
- 5) City should upgrade/increase tree canopy standards and all new and upgraded/repaved roads and developments should meet new standards.
- 6) School districts should be included in electric fleet and transit actions; e.g. allow school districts to participate in fleet charging infrastructure.
- 7) Broadband accessibility should be included in all City building and road upgrades/retrofits, new buildings and as part of evaluation of new DAs.
- 8) Staff and official travel should be included in environmentally friendly purchasing efforts, i.e., use the method that emits fewest GHGs.
- 9) Continue to allow citizen communication by electronic means in public meetings. Seek funding to improve telecommunication technologies.
- 10) Do not exempt leaf blowers or other machines from electrification. All equipment should be replaced with electric engines when such equipment is reasonably available.

Thank you for your consideration,

s/Peter Fels

From: [City of Vancouver - Office of the City Manager](#)
To: [Delapena, Amanda](#)
Subject: FW: Written comments for City Council meeting
Date: Monday, July 26, 2021 9:00:53 AM

Kerry Peck | Administrative Assistant

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

From: Tina Brakefield <tinabrakefield@gmail.com>
Sent: Monday, July 26, 2021 8:30 AM
To: City of Vancouver - Office of the City Manager <CMO@cityofvancouver.us>
Subject: Written comments for City Council meeting

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

To City Council,

My name is Tina Brakefield and I live in Vancouver. I am writing this in place my testimony to the meeting tonight. Originally I signed up to testify virtually but had forgotten about prior plans I had committed to. So I will not be able to attend tonight.

I am writing to show the council my unwavering support to your plans for emissions reduction that will match state goals. Please be completely committed to this as we move forward. Thank you.

Tina Brakefield

From: [City of Vancouver - Office of the City Manager](#)
To: [Delapena, Amanda](#)
Subject: FW: Written comments for City Council meeting
Date: Monday, July 26, 2021 8:29:45 AM
Attachments: [image003.png](#)

Testimony for council meeting tonight

Kerry Peck | Administrative Assistant



CITY OF VANCOUVER, WASHINGTON

City Manager's Office/Administrative Assistant

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From: Sharon Sollenberger <sollenbergersharon1@gmail.com>
Sent: Monday, July 26, 2021 8:27 AM
To: City of Vancouver - Office of the City Manager <CMO@cityofvancouver.us>
Subject: Written comments for City Council meeting

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

I have been a resident of Vancouver, Wa for the last 11 years. I have severe asthma and so am very concerned about air quality. I am excited about Vancouver developing a Climate Change Policy . I am urging the City Council to develop a policy that will equal state goals for climate change policy. It is important for the health and safety of our community to move away from developing infrastructure for fossil fuels and devote all resources toward reducing emissions to decrease the impact of climate change. Sharon Sollenberger, 6306 NE 87th Ave., Vancouver, WA

HQ Development Agreement

VANCOUVER
CITY HALL



August 16, 2021

Vancouver City Council Meeting

Jason Nortz, Development Review Manager

Presentation Purpose

- Initial Council review and feedback of HQ Development Agreement components to guide staff in DA negotiations and master plan development

Presentation Overview

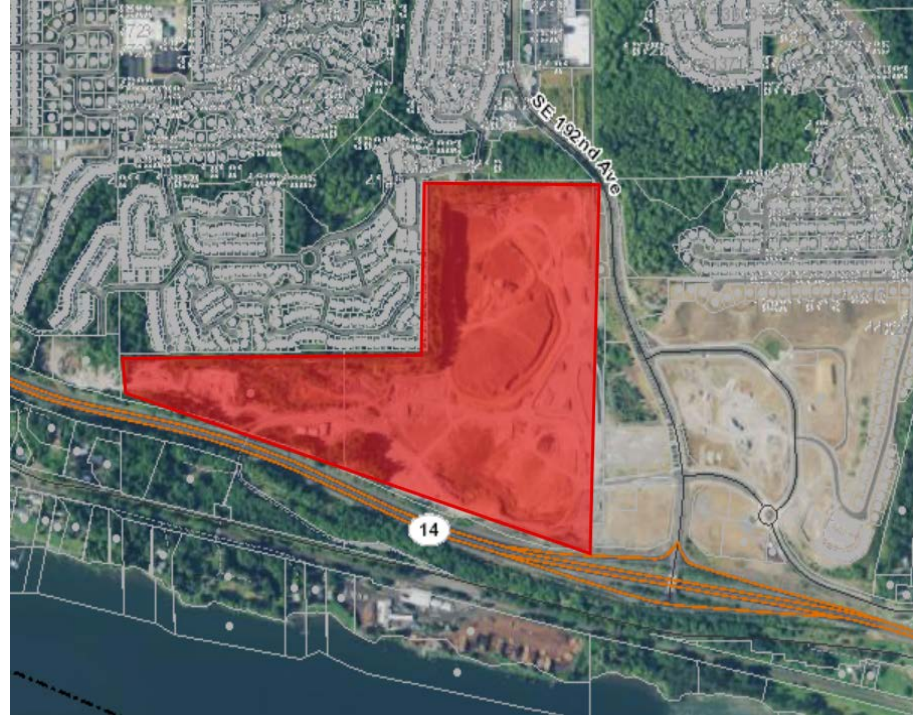
- Development Agreement Topics:
 - Riverview Gateway Subarea Plan
 - Master Plan Development
 - Smart City
 - Public Park
 - Affordable Housing
 - Vesting under current City codes
- Next Steps
- Questions and Discussion

DA Topics – Riverview Gateway Subarea

- Compact, Mixed-Use Urban Development
- Centralized Pedestrian Corridors
- Office/Light Industrial Area
- Open Space Network
- Columbian Palisades Master Plan-Approved 2016
- Plan Completion-2030

HQ Development Proposal

- Total Size: ~66 acres
- Zoning: RGX (Riverview Gateway Plan District)
- Comp Plan: High Density Residential, Commercial & Industrial
- Adjacent Land Uses:
 - Single Family Residential
 - Columbia Palisades Mixed Use Development
 - SR14



HQ Development Proposal

- Mixed Use Development
 - High Density Multi-Family
 - Office/Light Industrial
 - Hotel
 - Retail
 - Open Space Network/Neighborhood Park
- Multi-Phased Development: 8-15 years
- Infrastructure – streets, utilities, etc.

HQ Development Proposal

- 331,934 sf office/light industrial
- 350,765 sf commercial
- 2,103 MF units on 30 lots
- 347,441 sf open space, including 6.5-acre park



HQ Development Proposal

Riverview Gateway Subarea Land Use Allocation Requirements

Land Use	Requirements	% of TLDA	Finding
Multifamily Residential	35 percent maximum	34.56 percent	The Master Plan meets this requirement.
Non-Office Commercial	35 percent maximum	23.27 percent	The Master Plan meets this requirement.
Office/Light Industrial	30 percent minimum	30.03 percent	The Master Plan meets this requirement.
Open Space	7 percent minimum	12.14 percent ¹	The Master Plan exceeds this requirement.

DA Topics – Smart City

Fully integrated smart city concepts and technologies into the fabric of HQ to help provide a framework to achieve a more sustainable and safer environment for people to live, work and play. Features include:

- Fiber-Optic High-Speed Internet
- Integrated Smart Home Applications
- Smart Parking

DA Topics – Transportation Infrastructure

- Vesting of Existing Trips associated with Current Quarry Operations
- Reservation of Future Trips associated with Proposed Development
- Traffic Impact Analysis
- Participation in Proportionate Share Projects including SE 192nd Avenue/SR-14 Interchange improvements

DA Topics – Transportation Infrastructure

- Construction of new transportation assets including multi-use path to connection to Evergreen Hwy
- Completion of missing sidewalk segments along SE 192nd Avenue
- Street Design consistent with City's Complete Streets Policy, including new infrastructure for walking, biking and rolling

DA Topics – Green Space

The Master Plan includes a set of high-quality facilities to serve residents of HQ and of the City. Specifically, the Master Plan includes:

- 6-acre public park
- Public trail network
- Public overlook accessed from SE 41st Ave

DA Topics – Affordable Housing

The objective of the Riverview Gateway Master Plan is to include:

- At least 10% of residential units in the master plan area shall be affordable to moderate income households, as defined by RCW [84.14](#).

HQ development is proposing 10% of residential units at 115% of median family income

DA Topics – Vesting under Current City Codes

- Development shall comply with the development standards in VMC Title 20 in effect on the date of the execution of this DA
- Development shall comply with interim green building standards
- Vest transportation concurrency for term of the DA
- Term: 15 years

Next Steps

- October 12, 2021:
 - Planning Commission Workshop to review Master Plan and Development Agreement
- Future Planning Commission workshops and public hearing to be scheduled
- City Council Public Hearing to be scheduled

Questions and Discussion

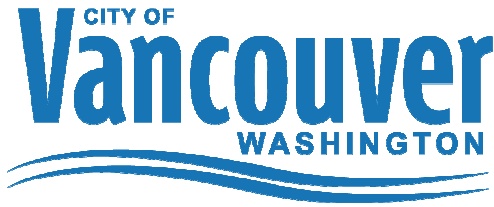
VANCOUVER
CITY HALL

Jason Nortz – Development Review Manager

Phone: 360-487-7844

Email: Jason.nortz@cityofvancouver.us





MEMORANDUM

DATE: August 16, 2021

TO: Eric Holmes, City Manager

CC: Chad Eiken, CED Director

FROM: Jason Nortz, Development Review Manager, CED

RE: **August 16 City Council workshop review of the HQ Development Agreement**

This memo provides an overview to the proposed Headquarters (HQ) Development Agreement before Council for initial workshop review on August 16, 2021 for. The proposed draft Development Agreement was submitted in conjunction with a Master Plan for the site, which is located in the area commonly referred to as the Fisher's Quarry. Both the Development Agreement and the Master Plan are scheduled for the Planning Commission as a workshop item on October 12, 2021.

The project site is located on the north side of Washington State Route 14 (SR-14), west of 192nd Avenue. The subject site is zoned Riverview Gateway Mixed Use RGX within the Riverview Gateway Plan District. Properties to the north and west are zoned for residential development. To the east is the Columbia Palisades Master Plan which was approved in 2016 and is currently under development with multiple residential and office buildings.

The Riverview Gateway area was identified as an urban center in the City of Vancouver Comprehensive Plan. This designation reflects the key location of the WSDOT and Fisher's quarries at the intersection of SR14 and SE 192nd Ave, two key regional transportation routes.

In July of 2021 applications were submitted for both a Master Plan and a Development Agreement. The HQ Master Plan area has been designed as a compact, mixed-use community that implements the goals and policies of the Riverview Gateway Subarea Plan, and provides preliminary plans for a mixed-use development comprised of:

- 331,934 square feet of office/light industrial uses
- 350,765 square feet of non-office commercial uses (including a 120-room hotel)

HQ Development Agreement

August 16, 2021

Page 2 of 2

- 2,103 multifamily units on 30 lots 347,441 square feet of open spaces, including a 6.5 acre Neighborhood Park

The developer is also pursuing a smart city approach which allows residents and visitors to utilize services that provide a sustainable, energy efficient, safe and secure place for people to live, work and play. Some of the more prominent features of the Smart City approach include fiber-optic internet speeds, integrated smart home applications and security and resource efficient smart parking just to name a few.

The construction of the Project is expected to be completed in multiple phases over a period of eight to fifteen years. Phase 1 will include construction of the Project's major infrastructure and onsite and offsite improvements. In addition to the phasing plan other key components of the Development Agreement include:

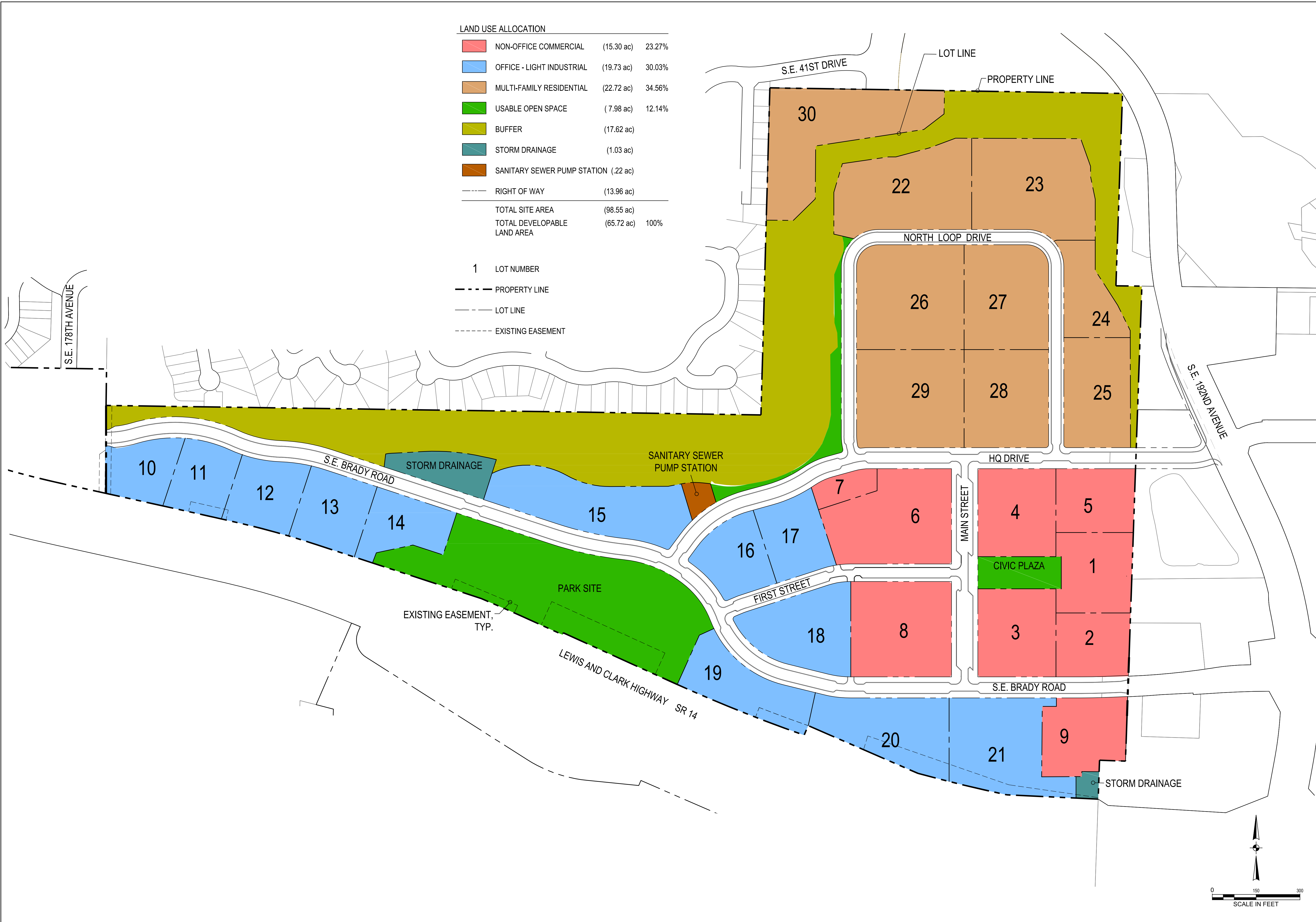
1. Public Park Acquisition
2. Transportation Infrastructure Improvements
3. Reservation of Trip Capacity
4. Sewer Infrastructure
5. Stormwater Improvements
6. Vesting Under Current City Codes, with the exception of future code changes that result from work underway to establish a citywide climate action plan
7. Application of the interim green building standards as endorsed by Council at a recent workshop

No action is being requested as part of the council workshop. This item will be presented as a workshop item to the Planning Commission on October 12, 2021. Vancouver Municipal Code Section 20.250.050 requires a Development Agreement that is proposed in conjunction with a Master Plan to first be reviewed by the Planning Commission prior to being presented as a Public Hearing item for action by the City Council.

Attachment(s):

- A. Site Plan
- B. Phasing Plan

Jun 02, 2021 9:47 am
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PRELIMINARY

HURLEY DEVELOPMENT
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VANCOUVER, WA 98660

HQ
MASTER PLAN AND SUBDIVISION APPLICATION
CITY OF VANCOUVER, WASHINGTON
LAND USE ALLOCATION PLAN
MASTER PLAN AND SUBDIVISION APPLICATION

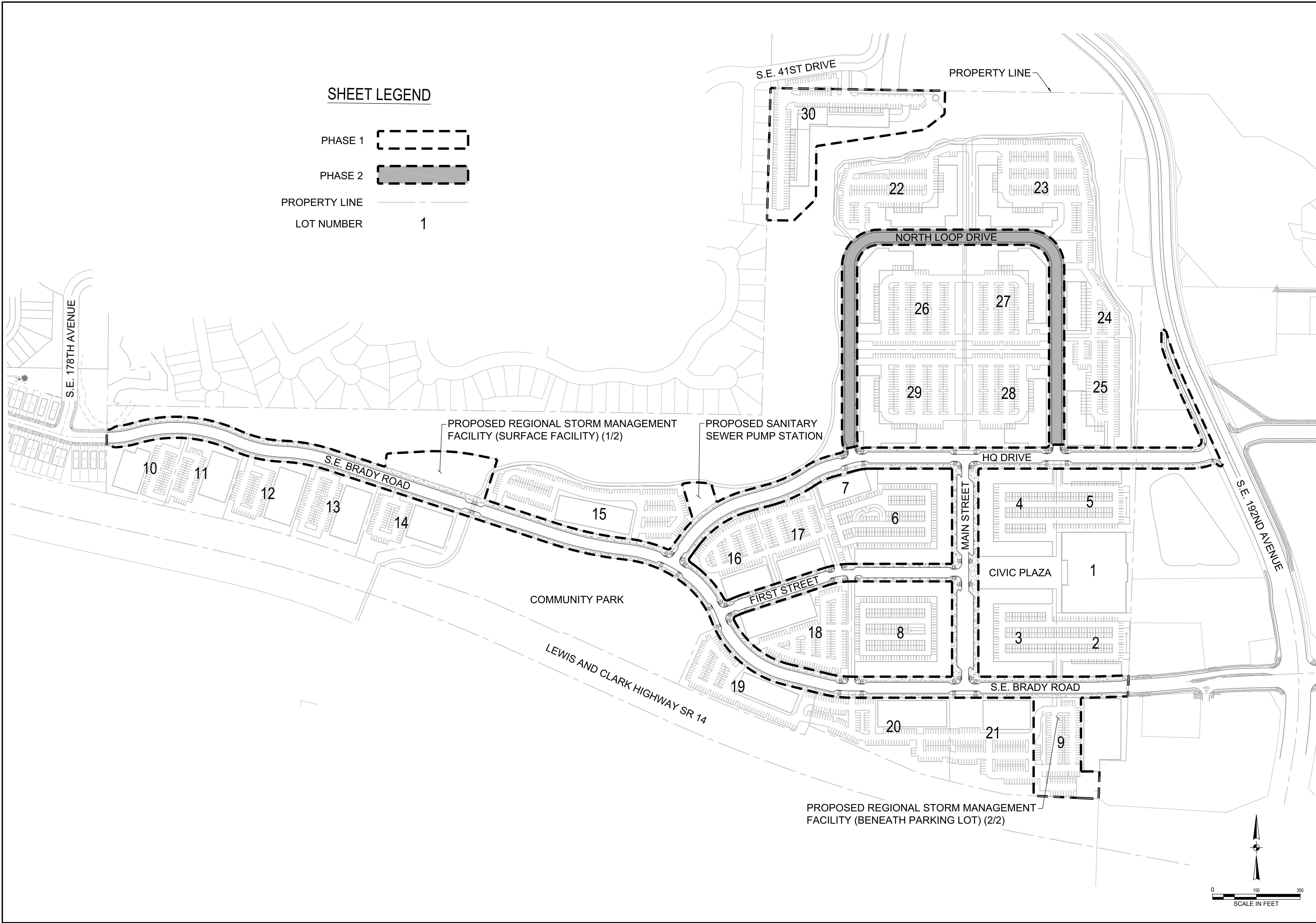
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DRAWN BY	CHECKED BY

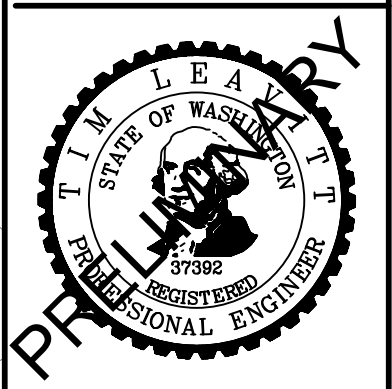
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JULY 2021	DATE
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Jul 01, 2021 - 3:53pm
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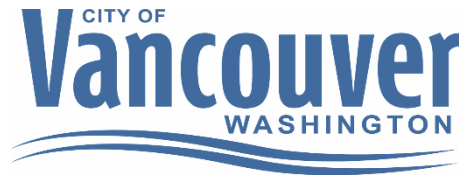


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VANCOUVER, WA 98660

HQ
MASTER PLAN AND SUBDIVISION APPLICATION
CITY OF VANCOUVER, WASHINGTON
PHASING PLAN
MASTER PLAN AND SUBDIVISION APPLICATION

TITLE		
#	DATE	DESCRIPTION
REVISIONS		
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JULY 2021		
DATE		
19809.100		
PROJECT NUMBER		

C-02
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DATE: August 4, 2021

TO: Anne McEnerny-Ogle, Mayor
City Council

FROM: Eric J. Holmes, City Manager

RE: **A Stronger Vancouver**

In early 2017, the City Council recognized that meeting the increasing demands for service of our growing community and realizing our shared vision for the future were not within our forecasted resources. With this backdrop, the City launched the initiative that became known as [a Stronger Vancouver: a vision-driven, stable, sustainable approach to resourcing City services to meet the needs of a growing, urbanizing community.](#)

An [Executive Sponsors Council](#) (ESC) was appointed to serve as the hub of a robust and comprehensive community engagement approach and to formulate a recommendation to the City Council that achieves the objective. The ESC delivered that recommendation to City Council in April 2019.

In the ensuing months, the City Council deliberated on the recommendation until March 2020 when a refined package was at the cusp of action by the Council. The package as last reviewed by City Council included:

Projects (10-year, \$131 m capital investment)	Services (\$14 m annual operating expense)
• Enhance public infrastructure and spaces in targeted areas throughout the City (\$52 m) • Improve first responder resilience and preparedness (\$25.2 m) • Increase park safety and neighborhood vitality (\$53.8 m)	• Increase targeted economic development • Enhanced transportation safety and mobility • Improve EMS response times • Reduce the incidence of crime • Increase homelessness services • Enhanced and expanded community engagement • Expanded at-risk and summer youth programs • Expanded art and culture programming • Enhanced parks maintenance

The community investments would have been funded through a combination of adjustments to existing revenue sources (utility tax, business license surcharge, Park Impact Fees) or adoption of council-manic revenues (admissions tax) as well as voted property tax levy.

When the global COVID-19 pandemic hit, prompting a declaration of emergency, organization and policy maker focus shifted to pandemic response and recovery. The pandemic emergency raised tremendous uncertainty about the future of Vancouver's economy, the path to pandemic recovery and associated tax base, revenue, and service delivery implications.

In March 2021, the Council affirmed that revisiting the Stronger Vancouver initiative remains a priority within this biennium. As we navigate late-stage pandemic to a more certain environment and have the perspective of the last 18 months, some things have changed, some remain the same; there are lessons from the last process, opportunities that emerged from the crisis and potential paths moving forward the Council can consider.

What's remained the same?

- Aspirations to Vision: Vancouver continues to aspire to achieve our community's vision, which will be updated and refined from its current form (below) with adoption of the updated strategic plan (targeted first half 2022). Refinements are anticipated to reflect community feedback and an enhanced focus on diversity, equity, inclusion, as well as the City's role in climate action.

Birthplace of the pacific northwest, Vancouver is the heart of southwest Washington, connecting people and places throughout the region. The mighty Columbia River is the link to our past and the key to our future. We are a safe and welcoming city for all ages, incomes, abilities, and backgrounds, with proud, unique, and vibrant neighborhoods. We are dedicated to preserving our heritage and natural beauty while welcoming the opportunities change brings to our lively metropolitan community. We are the most livable city in the Pacific Northwest. Residents and businesses across our city are passionate about building a thriving, prosperous and sustainable community together.

- Systemic deficiencies in services and facilities: while we continue to make progress where and how we can, there remain substantial deficiencies in core services and facilities provided by the City. Some of these are masked by short-term opportunities and better-than-expected economic performance through the pandemic. For example, Vancouver's parks system is incomplete, inequitable and reflects a significant gap between current state and target level of service. The capacity of our Fire Department is insufficient to meet the current and future demands under the City's adopted Standard of Cover. Additional resources are needed in police, and housing and homelessness have emerged as even more pressing community issues. Our capacity is insufficient to plan for future growth while growing our economy and managing

the demands of current growth activity. These deficiencies translate into declining levels of service, lost opportunity, and increased risks for the community over time.

- Structural deficit: The City continues to operate with a structural deficit – our revenues per capita decline year over year in real dollars, while demand for services increases. This is a function of the revenue system structure in the State of Washington where the pace of growth in basic revenues generally does not keep pace with inflation and population growth. It is not unique to just Vancouver.

So, what's changed?

- Action on portions of the Stronger Vancouver package: since March 2020, the Council has acted on some elements of the overall package. These include:
 - Advancing the public works operations center replacement project
 - Adoption of updated Park Impact Fees and impact fee vesting provisions
 - Dedication of .25% Real Estate Excise Tax to infrastructure supporting economic development
 - Funding land acquisition and design of replacement Fire Station #3
- The pandemic: the pandemic has been a major disruptive force in the short term, and prompted fresh thinking and perspective about community priorities, inequities and investments that would contribute to a more resilient community in the future.
- Population growth: Since inception of the Stronger Vancouver initiative, more than 20,000 more people call Vancouver home. In 2020 alone, the City set a record for the largest annual population increase from growth in decades. The City's population in 2016 was 173,500; in 2021 it is 194,600.
- Affordable housing sales tax: The City Council adopted a new, additional, and ongoing .1% affordable housing sales tax with the 2021-22 biennial budget. This new revenue stream is projected to generate approximately \$4.5 million annually on an ongoing basis. Targeted populations to benefit from these funds include the most vulnerable in the community, including those at risk of and currently experiencing homelessness.
- Homelessness: There has been a notable increase in homelessness in Vancouver. Data is unreliable due to pandemic-related disruptions, but anecdotal observations locally and news nationally make clear that homelessness is reaching crisis proportions in communities across the west.
 - Joint City/County Executive Group on homelessness: The City and County have established a Joint Executive group on Homelessness to focus on and advance approaches to address the impacts of homelessness on our community that are adjacent to but complimentary of the continuum of care. The model emphasized County leadership in this space, with the City playing a strong supportive partner role. So far, the partnership has produced the Bertha Cain Baugh Place, a new motel conversion to non-congregate shelter capacity.
 - Day center status: The City closed the day center located on Grand Boulevard concurrent with the onset of the pandemic. Since then, the City recognized the

challenges associated with the facility and use in that location and has engaged in negotiations with the Fort Vancouver Regional Library District to sell the facility to them for use as their headquarters.

- Racial equity and social justice emphasis: 2020 delivered a renewed global movement around racial equity and social justice, catalyzed by events in communities across the country. This movement elevated the City's diversity, equity and inclusion work, bringing a clearer focus to the issue and implications for policy, projects, and services in Vancouver.
- Emergence of policing as a key community issue: policing and police reform emerged as a key issue across the country, prompting federal, state, and local reforms and changes in how we support community safety and with what tools. Vancouver has actively pursued policy, practice, and training changes around use of force in the Vancouver Police Department (VPD) and is in the process of establishing a police camera program. We have done so while engaging the community to support transparency and accountability in taking these actions. Crime has increased over the last 16 months across the country - including in Vancouver - and the profession of policing is changing swiftly. Themes of defunding the police have revealed that Vancouver police has been consistently under resourced for decades compared to the state as a whole and other similar communities nationally. This is compounded by attrition from retirements and headwinds to recruiting associated with national, regional, and local perspectives around policing.
- Tax increment financing law: The Legislature in 2021 adopted the first tax increment financing law in Washington State, opening a new avenue to funding and financing infrastructure that supports new economic investment in Vancouver.
- Elected Leadership changes: The Stronger Vancouver initiative was initiated in 2017; four members of the City Council are new since then, with further changes coming with the 2021 elections.
- Appointed Leadership changes: The Stronger Vancouver initiative has been informed by community engagement, Council direction and the experience and expertise of appointed leadership at the City. Since 2017, the City Manager has appointed a new Fire Chief, Public Works Director, Communications Director, City Attorney, Director of DEI, and two new Deputy City Managers offering opportunity for fresh professional perspective in these discipline areas.
- Partial implementation of Stronger Vancouver: There are certain elements of the Stronger Vancouver package that Council has moved forward over the last year. These include adoption of Park Impact Fee adjustments, the Operations Center Replacement Project, and dedication of a portion of the Real Estate Excise Tax to economic development infrastructure.

Lessons learned

- Complexity is difficult: The Stronger Vancouver package as last considered by the City Council is complex, inducing a wide range of projects, programs and services for the community supported by several new revenue sources that would be implemented under both Council authority as well as with voter support. While the elements of the package all have significant value to the

community, the complexity of what was in it and how it was funded was challenging to explain to community members and the community at large.

- Scale matters: the impact of any package or series of investments that may occur under the umbrella of the Stronger Vancouver concept is directly related to the magnitude and longitude of those investments. The last version of the initiative was focused on a 10-year window of investment. In hindsight, the scale of the package at last touch may have been inadequate to address the needs and aspirations of a community experiencing swift and accelerating growth.
- Decisiveness is important: the work the City does is complex and far reaching, and for us to do it best we need robust community input and staff analysis of impacts and outcomes. This takes time. However, future approaches would be well served balancing time committed to analysis and deliberation with decisiveness.
- For voter engagement, direct cause and effect is important: the last touch with Council on this initiative included an approach that relied on a single voted levy as a cornerstone of the package that would have supported a wide range of programs and capital investments. The diversity of uses planned for levy proceeds made messaging around it less crisp. Consideration of a stronger linkage between voter action and deliverables may serve the next evolution of the initiative well.
- One Decision vs. One Plan: The Stronger Vancouver initiative at last touch with Council was premised on one omnibus action taken by Council that would be implemented over the subsequent decade. Philosophically, this approach reflected certainty and predictability desired by the business sector. While ambitious, hindsight suggests challenges with this approach. A single decision is by necessity larger and more complex than a plan that includes multiple decisions and actions executed over time. A single decision suggests less agility as circumstances change. It made the one decision appear large, minimized space for future decisions to meet the needs of a dynamically changing community, and created implementation stress points that, while surmountable, would be challenging. The future of this initiative may benefit from considering a single plan that includes multiple actions taken over time instead of a single decision/action.

Opportunities

- Pandemic experiences: the year of the COVID-19 pandemic has been one of learning. The convergence of the pandemic with calls for racial and social justice, police reform and wildfires across the west contributed to create an exceptionally challenging environment. These events stress-tested the City from an operational and financial resilience perspective. The community's experience was also information, with each of these macro issues informing new perspectives and lived experience that may have evolved Vancouver's priorities.
- ARPA funds and over-performance of economy: the City is receiving approximately \$32.6 m in direct aid from the American Rescue Plan Act (ARPA) to address the near- and long-term impacts of the COVID-19 pandemic. The City Council has confirmed a framework for deployment of these funds that includes, in part, the work done under the Stronger Vancouver initiative. In addition to this, the local economy to date in 2021 has performed stronger than

expected, which may result in additional one-time revenues that can be deployed in support of the priorities identified in this initiative.

Potential Paths Forward

For Council discussion I offer a range of potential paths forward, each representing a point on the spectrum of action:

- Resume: pick up the package where we left off in March of 2020 and advance as drafted.
- Refresh: substantially preserve the framework of the package as last seen by Council but review and refresh to reflect the changes since March 2020. This would likely include adjusting some scope and scale elements but would preserve the essential structure and approach.
- Redesign: using the raw material of the last effort, combined with, and augmented by the new information and lessons of the last 16 months, redesign the package into a one-plan, multi-action approach that would be implemented over the next XX years, perhaps aligned with the pending strategic plan update.
- Reset: start over again with completely fresh approach.
- Do nothing: default to relying solely on the biennial budget process to address priorities within forecasted means.

Achieving the vision Vancouver holds for itself while meeting the increasing demands of a growing, urbanizing city will take additional resources. There is no right or wrong path to rise to this challenge. The good work that went into preparing the Stronger Vancouver package when considered in the context of the changed environment can inform our path forward. I look forward to the discussion.

Attachments:

- [Executive Sponsors Council recommendation – April 2019](#)
- [Community engagement report – October 2019](#)
- [March 9, 2020 final package overview](#)

Stronger Vancouver

Late-stage Pandemic Perspective

City Council Workshop

August 16, 2021

Presentation Overview

- What is a Stronger Vancouver?
- What's the same?
- What's changed?
- Lessons learned
- Opportunities
- Potential Paths forward

Target Workshop Outcomes

- Refresh understanding of the Stronger Vancouver initiative
- Recognize changes in our policy making environment since last touch (March 2020)
- Review options for paths forward
- Seek Council direction on next steps

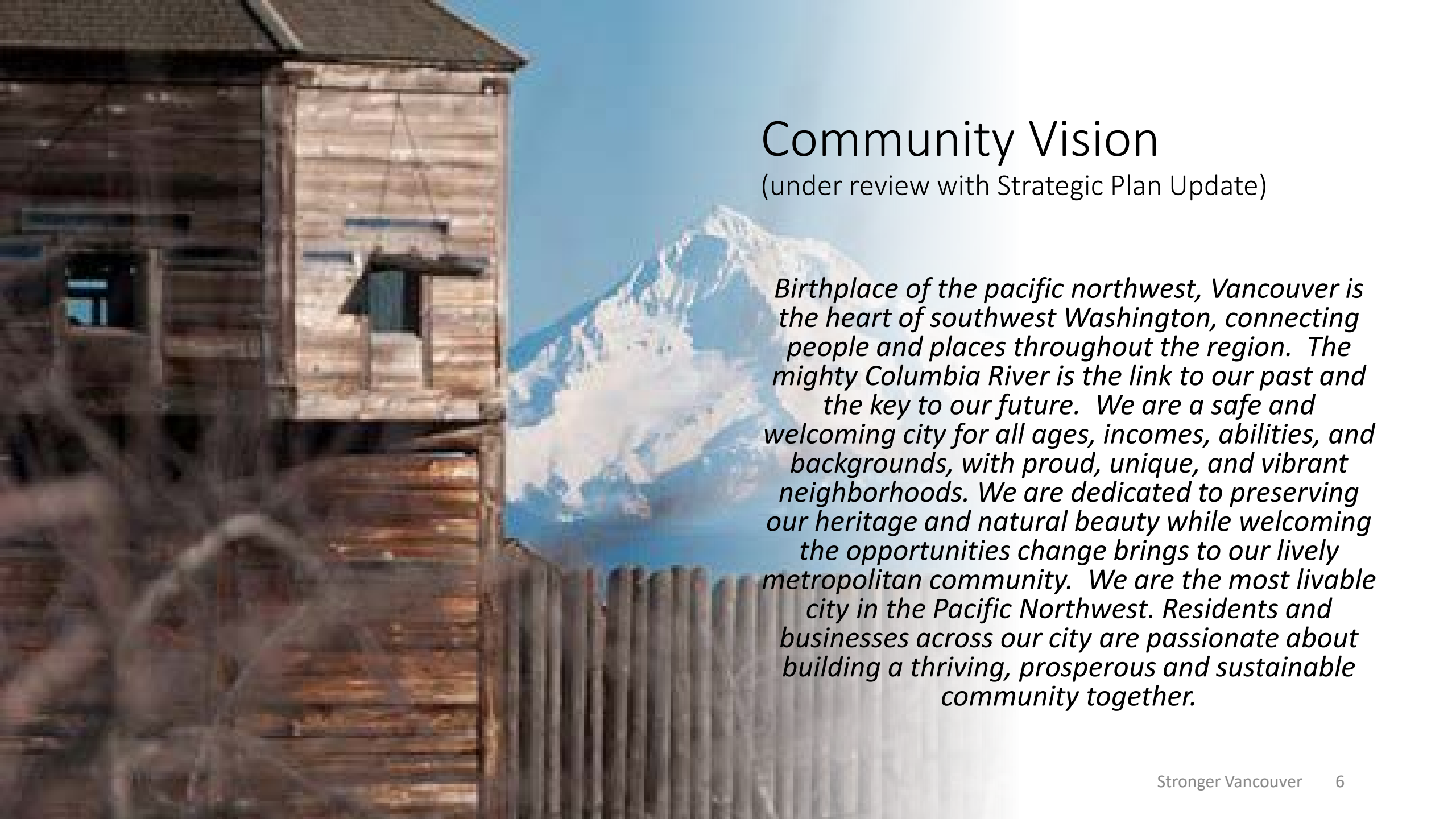
Context





What is A Stronger Vancouver?

- Vision driven, stable, sustainable approach to resourcing City services to meet the needs of a growing, urbanizing community.



Community Vision

(under review with Strategic Plan Update)

Birthplace of the Pacific Northwest, Vancouver is the heart of Southwest Washington, connecting people and places throughout the region. The mighty Columbia River is the link to our past and the key to our future. We are a safe and welcoming city for all ages, incomes, abilities, and backgrounds, with proud, unique, and vibrant neighborhoods. We are dedicated to preserving our heritage and natural beauty while welcoming the opportunities change brings to our lively metropolitan community. We are the most livable city in the Pacific Northwest. Residents and businesses across our city are passionate about building a thriving, prosperous and sustainable community together.

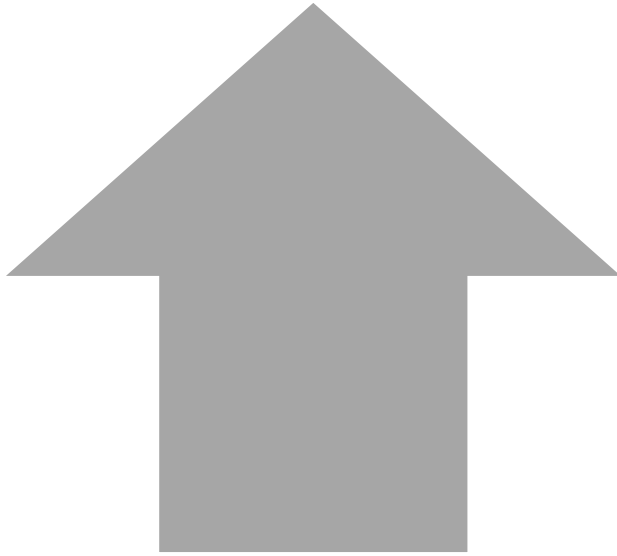
March 2020 Stronger Vancouver Package

Projects (10 year, \$131 m capital investment)	Services (\$14 m annual operating expense)
• Enhance public infrastructure and spaces in targeted areas throughout the City (\$52 m) • Improve first responder resilience and preparedness (\$25.2 m) • Increase park safety and neighborhood vitality (\$53.8 m)	• Increase targeted economic development • Enhanced transportation safety and mobility • Improve EMS response times • Reduce the incidence of crime • Increase homelessness services • Enhanced and expanded community engagement • Expanded at risk and summer youth programs • Expanded art and culture programming • Enhanced parks maintenance

Actions since March 2020

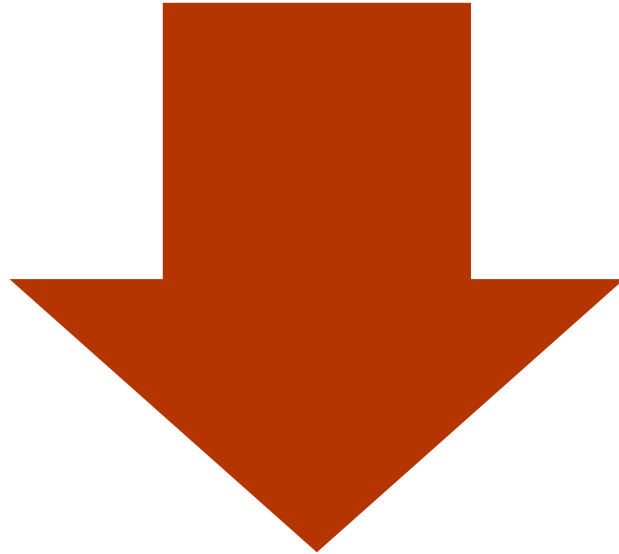


What's the same?



Aspirations to Vision

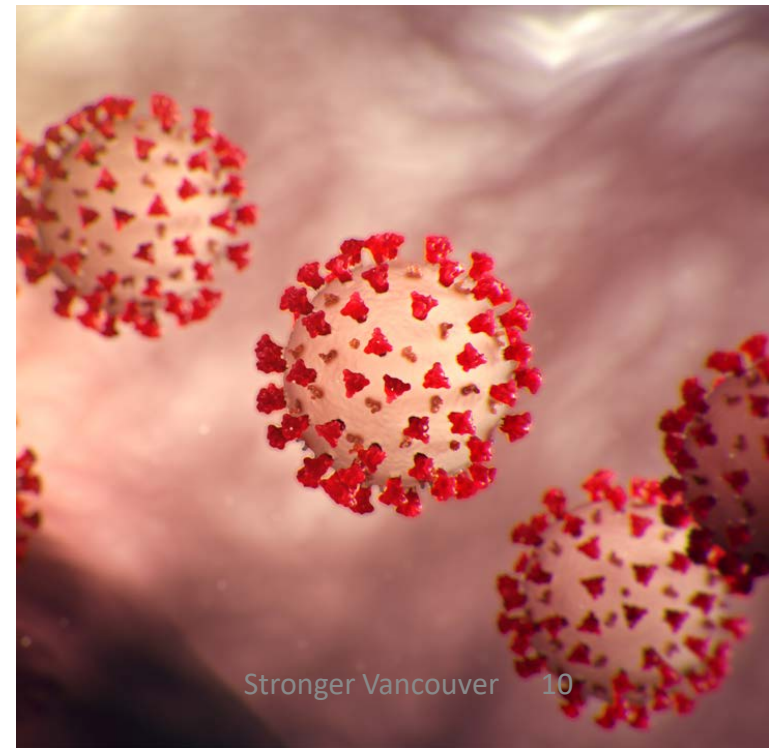
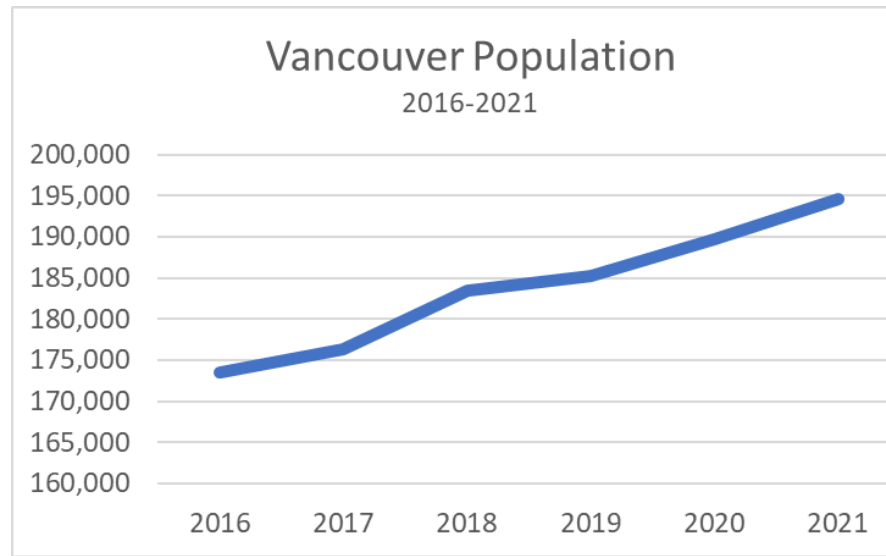
- Transportation & Mobility
- Economic Opportunity
- Human & Social Needs
- Vibrant & Distinct Neighborhoods
- Culture & Heritage
- Safe & Prepared Community
- Connected & Resilient Infrastructure
- High Performing Government



Systemic deficiencies

- Infrastructure
- Services
- Financial

What has
changed?



What has changed (cont'd)



Lessons Learned

- Complexity is difficult
- Scale matters
- Decisiveness is important
- For voter engagement, direct cause & effect is important
- One decision vs. One plan



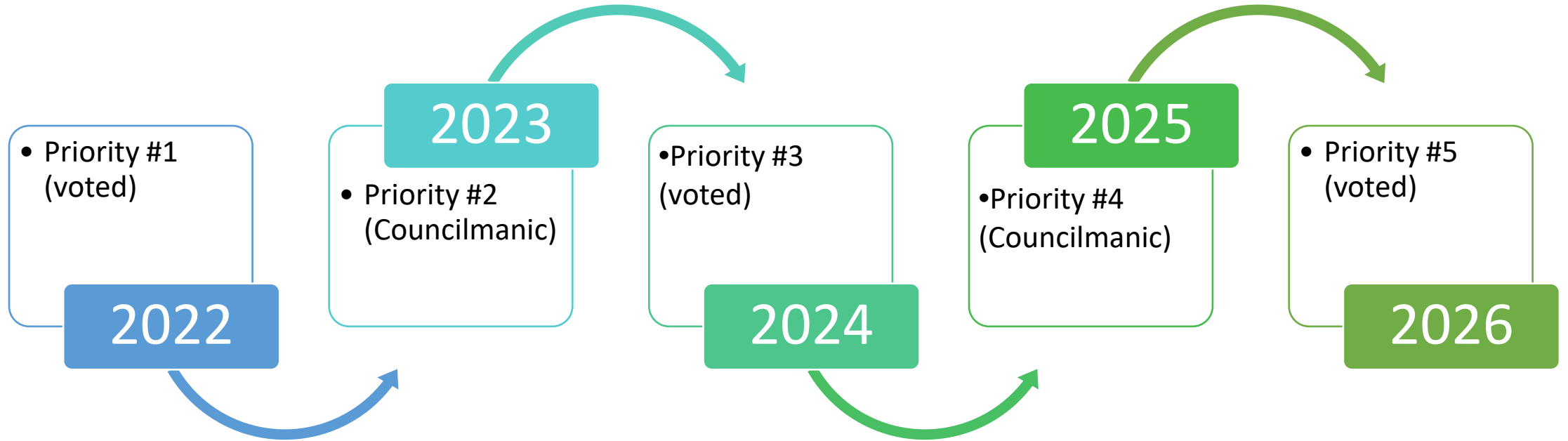


Opportunities

Potential Paths



Sample Multi-Action Approach (redesign)



Next Steps

- Planned related policy/resourcing discussions:
 - September – Fire Standard of Cover
 - Fourth Quarter – Parks, Recreation & Cultural Services*
 - November – Police Resourcing
 - 2022 – Transportation System Plan/Vision
- Path forward?



Staff Report 119-21

TO: Mayor and City Council

FROM: Eric Holmes, City Manager

DATE: 8/16/2021

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

Key Points

- This project enhanced safety on SE Tech Center Drive, SE 172nd Ave, and SE Tech Center Place by providing pedestrian and bicycle improvements. This project also enhanced safety on SE 167th Ave by installing speed cushions.
- Halme Excavating Inc, of Battle Ground, WA, was awarded the 2019 TIB Columbia Tech Center Project in August 2020, began work in September 2020, and was physically complete in June 2021.
- Final construction costs for the project are \$315,496.24.
- This project was funded through the State Transportation Improvement Board (TIB) complete street program and the local street fund.
- There were no apprenticeship goals for this project. It fell below the \$500,000 minimum apprenticeship policy threshold

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.

Present Situation

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 .

Advantage(s)

1. Completes the City's contractual and statutory process for accepting the project.
2. Formal project acceptance allows for closure on third-party bond claims and facilitates release of the Contractor's retainage.

Disadvantage(s)

None

Budget Impact

This project was funded through a grant from the State Transportation Improvement Board (TIB) Complete Street program and the Street Fund. The project is included in the 2019-2020 Transportation Capital Fund Budget.

Prior Council Review

1. Approval of the 2019-2020 budget which included the referenced project.
2. Approval of the 2021-2026 Transportation Improvement Program (TIP) – Resolution No. M-4078.
3. Award of construction contract in August 2020.

Action Requested

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



Staff Report 120-21

TO: Mayor and City Council

FROM: Eric Holmes, City Manager

DATE: 8/16/2021

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

Key Points

- This project constructed a new building, replaced old treatment systems and consolidated all site water treatment facilities into one building.
- Water Station 9 now utilizes a low-strength (0.8%) sodium hypochlorite solution to provide water disinfection, improving public and operator safety.
- Rotschy Inc. exceeded the apprenticeship utilization goal of 4%, achieving 11%.
- The contractor has completed construction and met all administrative requirements.

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 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.

Advantage(s)

1. Provides new chemical treatment system replacing aging facilities.
2. Increases reliability and decreases maintenance by consolidating separately located treatment systems into one building.
3. Decreases community and worker safety risks by replacing the use of chlorine gas with a low-strength disinfectant (0.8% sodium hypochlorite).
4. Completes the City's contractual and statutory project acceptance process.
5. Formal acceptance allows for closure on third-party claims and facilitates contractor's retainage release.

Disadvantage(s)

None

Budget Impact

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

Prior Council Review

- Staff Report 038-20, Council approved bid award on April 6, 2020.
- Project approved in the 2019 – 2020 and 2021-2022 Water Capital Improvement Budget.
- Consultant contract approval by Council for design services on June 13, 2016.
- City Council approved an equipment purchase contract for the sodium hypochlorite generation units on August 24, 2015

Action Requested

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



Staff Report 121-21

TO: Mayor and City Council

FROM: Eric Holmes, City Manager

DATE: 8/16/2021

SUBJECT Bid Award - East Vancouver PH3 Sewer Improvements

Key Points

- The project is part of the City's ongoing Sewer Connection Incentive Program (SCIP)
- The project will install approximately 5,475 linear feet of 8-inch gravity sewer mains providing 81 parcels with reliable sewer service.
- The project has a 3% apprenticeship requirement.

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 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
Advanced Excavating Specialists, LLC, Longview, WA	\$1,453,355.49
Clark & Sons	\$1,766,054.34
Nutter Corporation, Vancouver, WA	\$2,047,550.22
Engineers' Estimate	\$1,400,000.00

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%.

Advantage(s)

1. Provide reliable sanitary sewer service to residents.
2. Subsequent decommissioning of septic systems will protect the communities water supply.

Disadvantage(s)

None

Budget Impact

Funds for the sanitary sewer improvements were appropriated in the Sewer Construction Fund, Capital Improvement Program 2021-2022 Budget.

Prior Council Review

Funding previously reviewed by Council as part of the 2021-2022 Sewer Construction Fund Capital Budget.

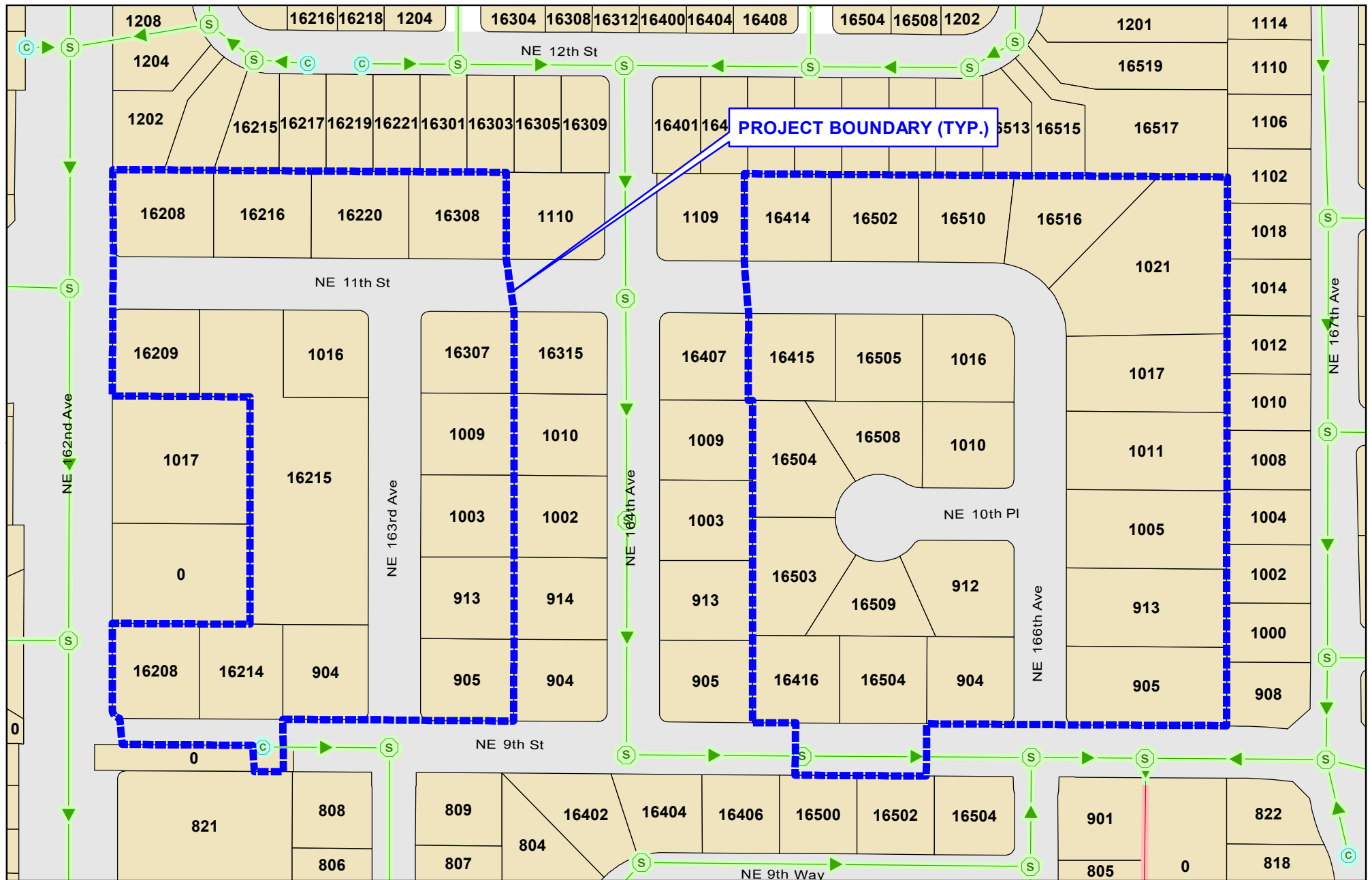
Action Requested

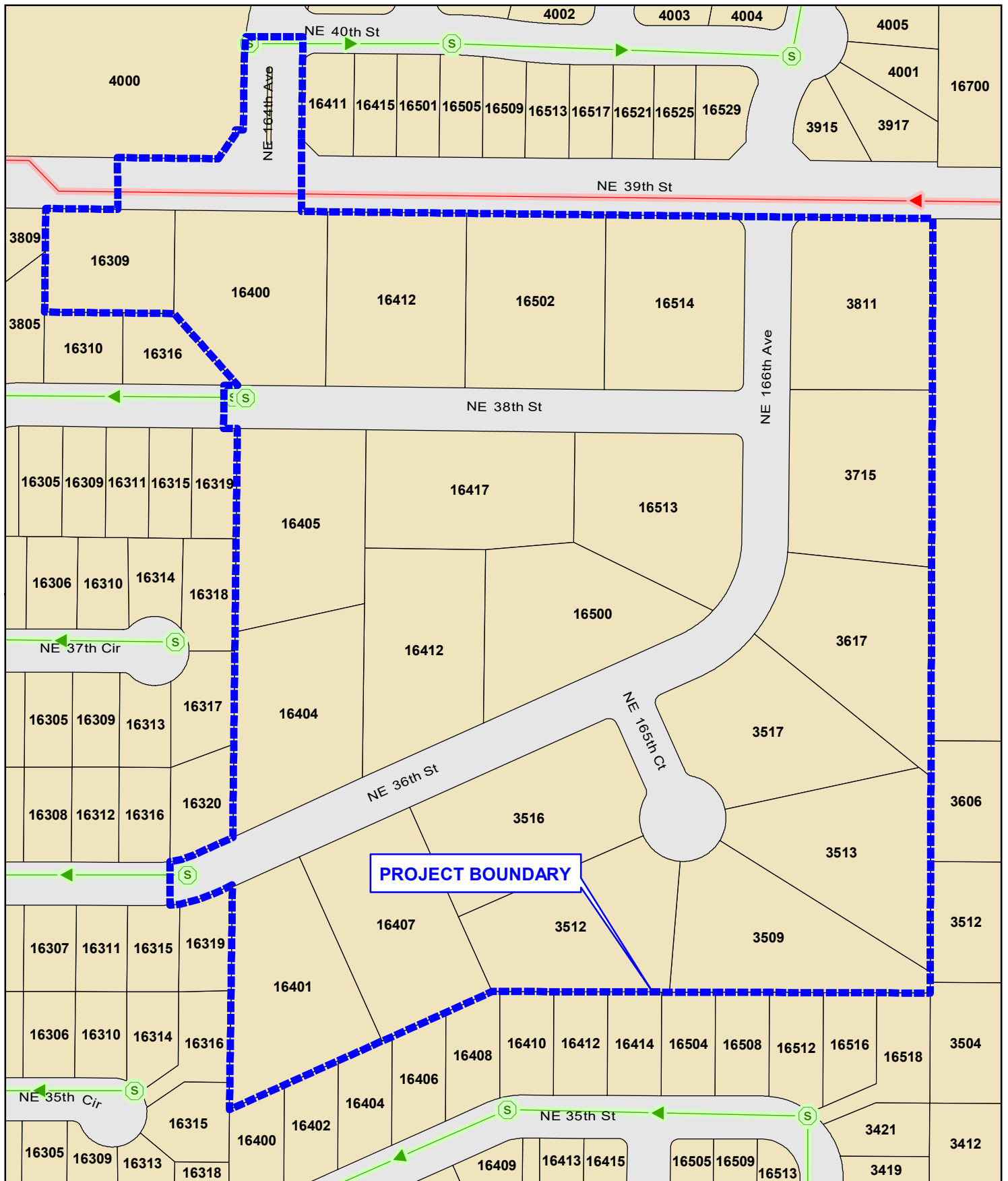
Award a construction contract for the East Vancouver Phase 3 Sanitary Sewer Improvement project to the lowest responsive and responsible bidder, Advanced Excavating Specialists of Longview, WA at their bid price of \$1,453,355.49, which includes Washington State sales tax; and authorize the City Manager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

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

ATTACHMENTS:

- ▣ Project Boundary Map - East Vancouver PH3
- ▣ Contract - East Vancouver Phase 3







**CONTRACT # Supplier Contract #
ITB 21-25 East Vancouver Phase 3 Sanitary Sewer Improvements**

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 Advanced Excavating Specialists, LLC hereinafter referred to as "Contractor," whose address is 1010 Columbia Blvd, Longview, WA 98632, hereinafter referred to "Parties."

WHEREAS, the City desires to engage the Contractor to provide public work and other related services for 2021 West Curb Ramps. Contractor has agreed to offer its services to perform said work per the City issued Invitation to Bid (ITB) No. 21-25 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.

The Contractor shall furnish and install approximately 5,183 lineal feet of 8-inch PVC gravity sewer main and 293 lineal feet of 8-inch C900 gravity sewer main, including all laterals, manholes, and all appurtenances as shown on the plans and specified herein. The sewer will be installed within the existing public rights-of-way in the following streets: SE 156th Avenue, SE 157th Avenue, NE 163rd Avenue, NE 11th Street, NE 9th Street, NE 166th Avenue, NE 10th Place, NE 38th Street, NE 36th Street, NE 165th Court, NE 164th Avenue, and NE 39th Street.

The Contractor shall also furnish and install approximately 6 lineal feet of 8-inch zinc coated ductile iron water main, including all fittings and other appurtenances as shown on the plans and specified herein.

The Contractor shall restore the existing pavement where trenching takes place as specified herein, and grind and replace the existing pavement outside of the trench areas where shown on the plans and specified herein.

The Work shall be fully complete within 80 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 subcontractor(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 8.4% Washington State Sales Tax (if applicable) \$1,453,355.49.

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

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

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

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

the time provided in Chapter 60.28 RCW as now existing and in accordance with any amendments that may hereafter be made thereto.

No payment shall be made to the Contractor, however, until the Contractor and all subcontractors who have performed work shall have filed and received approval of a Statement of Intent to Pay Prevailing Wage as required by RCW 39.12.040 from the Washington State Department of Labor and Industries. Said Contractor and all subcontractors shall also keep accurate payroll records for three years from the date of acceptance as described in RCW 39.12.120. A Contractor and all subcontractors shall, file a copy of its certified payroll records using the Department of Labor and Industries online system on a monthly basis. A Contractor's noncompliance with this section shall constitute a violation of RCW 39.12.050.

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

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

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

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

- 15. PUBLIC DISCLOSURE COMPLIANCE:** The parties acknowledge that the City is an "agency" within the meaning of the Washington Public Records Act, Chapter 42.56 RCW, and that materials submitted by the Contractor to the City become public record. Such records may be subject to public disclosure, in whole or part and may be required to be released by the City in the event of a request for disclosure. In the event the City receives a public record request for any data or deliverable that is provided to the City and that is licensed from the Contractor, the City shall notify the Contractor of such request and withhold disclosure of such information for not less

than five (5) business days, to permit the Contractor to seek judicial protection of such information, provided that the Contractor shall be responsible for attorney fees and costs in such action and shall save and hold harmless the City from any costs, attorney fees or penalty assessment under Chapter 42.17 RCW for withholding or delaying public disclosure of such information.

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

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

18. RELATION OF PARTIES: The Contractor, its subcontractors, agents and employees are independent contractors performing services for The City and are not employees of City; shall not, as a result of this Contract, accrue leave, retirement, insurance, bonding or any other benefits afforded to City employees; and, shall not have the authority to bind the City in any way except as may be specifically provided in the Statement of Work.

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

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

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

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

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

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

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

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

25. WAIVER AND REMEDIES: City's failure to enforce the terms or conditions herein or to exercise any right or privilege, or the City's waiver of any breach hereunder shall not thereafter waive any other term, condition, or privilege, whether of the same or similar type. Remedies under this Contract are cumulative; the use of one remedy shall not be taken to exclude or waive the right to use another.

26. ENTIRETY OF CONTRACT: This Contract incorporates all the agreements, covenants and understanding between the parties hereto and are merged into this written Contract. No prior agreement or prior understanding, verbal or otherwise, of the parties or their agents shall be valid or enforceable unless set forth in this Contract.

27. USE OF CITY'S NAME: Contractor may not use any of City's name, trademark, service marks, or logo in connection with the services contemplated by this Contract or otherwise without the prior written permission of City, which permission may be withheld for any or no reason and may be subject to certain conditions.

28. NON-DISCRIMINATION AND EQUAL EMPLOYMENT OPPORTUNITY: During the term of this Contract, Contractor will not discriminate against any employee or applicant for employment in accordance with RCW Chapter 49.60, including, but not limited to creed, religion, race, color, age, sex, marital status, sexual orientation, sexual identity, pregnancy, military status, political ideology, ancestry, national origin, or the presence of any sensory, mental or physical disability, unless based upon a bona fide occupational qualification. The Contractor will take affirmative action to ensure that applicants and employees are treated fairly, without regard to their creed, religion, race, color, sex, national origin, or the presence of any sensory, mental or physical

disability. Such action shall include all terms and conditions of employment, compensation, and benefits, including apprenticeship.

29. BINDING EFFECT: The provisions, covenants and conditions in this Contract bind the parties, their legal heirs, representatives, successors, and assigns.

30. RATIFICATION: Acts taken pursuant to this Contract but prior to its effective date are hereby ratified and confirmed.

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

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

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

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

Chad Rorabaugh
Advanced Excavating Specialists, LLC
1010 Columbia Blvd
Longview, WA 98632

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:
Advanced Excavating Specialists, LLC

Eric Holmes, City Manager

By: (Proprietor, partner, or corporate president
must sign)

Attest:

Natasha Ramras, City Clerk

Printed Name

Title

Approved as to form:

Jonathan Young, City Attorney



Staff Report 122-21

TO: Mayor and City Council

FROM: Eric Holmes, City Manager

DATE: 8/16/2021

SUBJECT DuBois Neighborhood Park, construction acceptance and release of retainage

Key Points

- Completes the contract with Lee Contracting Inc to make new improvements to DuBois Park that was awarded July 6, 2020.
- Final construction costs for the project are \$470,243.55.

Strategic Plan Alignment

Goal 4: Ensure that Vancouver's parks and trails system is the highest quality and most complete in the region.

Present Situation

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.

Advantage(s)

1. Completes the City's contractual and statutory process for accepting the project.
2. Formal project acceptance allows for closure on third-party bond claims and facilitates release retainage.

Disadvantage(s)

None.

Budget Impact

This project was funded by a Park Impact Fees in Park District B.

Prior Council Review

City Council approved the contract on July 6, 2020.

Action Requested

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



Staff Report 123-21

TO: Mayor and City Council

FROM: Eric Holmes, City Manager

DATE: 8/16/2021

SUBJECT Kearns & West Professional Services Contract Increase

Key Points

- The City's procurement regulations require all professional services contracts in excess of \$300,000 be approved by City Council.
- The remaining balance on the \$200,000 professional services contract for on-call facilitation with Kearns & West is nearly depleted with less than \$8,000 remaining.
- Kearns & West's services currently support the Community Task Force on Policing, the City's Strategic Plan, and strategic communications and community engagement planning.
- 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.
- 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.

Strategic Plan Alignment

Kearns & West will provide community engagement and planning support to create a draft plan to implement goals of the City's Strategic Plan. The firm will provide research and discovery, key findings, engagement of the Strategic Plan Oversight Committee/SPOC, and a draft and refinement of the plan.

Present Situation

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.

Advantage(s)

1. Increasing the contract will ensure that staff can continue with current and future work to bring the Strategic Plan to fruition and map out a strategic communications plan with community engagement best practices.
2. Increasing the contract will allow Kearns & West to continue to be an option for Citywide use on priority projects and initiatives.

Disadvantage(s)

None

Budget Impact

The outlined \$170,000 increase has already been approved in the CMO and Communication Department budgets. The total increase amount request provides for future use through April 30, 2024, as department budgets allow.

Prior Council Review

None

Action Requested

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

ATTACHMENTS:

- ▣ Amendment No. 1 to Service Agreement #C-100042
- ▣ Professional Services Agreement for On-Call Facilitation Services

SERVICE AGREEMENT #C-100042

AMENDMENT No. 1

2019 ON-CALL FACILITATION SERVICES

This Agreement amends the Professional Services Agreement number C-100042 by and between the City of Vancouver, hereinafter referred to as "City", and Kearns & West Inc hereinafter referred to as "Contractor", whose address is 720 SW Washington St, Suite 305, Portland OR 97205 for services offered.

This amendment amends the original agreement as follows:

1. Increase the authorized amount of the Agreement by \$300,000 to a revised authorized amount of \$500,000.
2. Ratification: Acts taken pursuant to this Amendment but prior to its effective date are hereby ratified and confirmed.

This amendment in no way alters any other provisions of the original agreement.

CITY OF VANCOUVER

A municipal corporation

CONTRACTOR:

Kearns & West Inc

Eric Holmes, City Manager

Signature

Date

Printed Name /Title

Attest:

Date

Natasha Ramras, City Clerk

Approved as to form:

Jonathan Young, City Attorney

CITY OF VANCOUVER
PROFESSIONAL SERVICES AGREEMENT No. 1000 42
2019 ON-CALL FACILITATION SERVICES

This Agreement by and between the City of Vancouver, a municipal corporation, under the laws of the State of Washington, hereinafter referred to as "City" and Kearns & West hereinafter referred to as "Contractor", whose address is 720 SW Washington Street, Suite 305, Portland, OR 97205.

WHEREAS, the City desires to engage the Contractor to provide facilitation services for a variety of different processes and meetings and other related services on an as needed basis. Contractor has agreed to offer its professional services to perform said work per City issued Request for Proposal (RFP) No. 2-19, Contractor's proposal to said RFP; and

WHEREAS, the Contractor has represented by entering into this Agreement 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 City.

NOW, THEREFORE, IT IS MUTUALLY AGREED BETWEEN THE PARTIES:

The City hereby agrees to engage the Contractor and the Contractor hereby agrees to perform, in a satisfactory and proper manner, as determined by the City, the services hereafter set forth in connection with this Agreement:

1. Statement of Work.

Contractor agrees to provide facilitation services on an as-needed basis for a variety of different processes and meetings per RFP No. 2-19 and Contractor's response to said RFP on file in City of Vancouver Procurement Services by reference hereto made a part of this Agreement.

The Scope of Work, schedule, deliverables and compensation of individual projects will be in writing and mutually agreed upon.

All work must be authorized and approved by the City's Project Manager in writing before any work begins. Contractor shall approach this project in a manner consistent with its customary practice. Contractor shall actively seek collaborative input from City staff.

Compensation is limited to the amount specified for each specific task and/or sub-task, unless amended per Section 15 of this Agreement. The City expects Contractor to complete the work stated within the number of hours stated for each task and/or sub-task. If the work requires fewer hours than those estimated, the Contractor will be paid for the actual worked hours

necessary to complete that task and/or sub-task. If the Contractor underestimated the number of hours required to perform the work, Contractor shall be paid up to the maximum number of hours stated for the task and/or sub-task. Compensation may be amended, at the City's sole discretion, for documentable circumstances not reasonably foreseeable to either party at the time the task and/or subtask is initiated, or for changes to the scope of work or deliverables requested by the City. All deliverables must be acceptable to the City, at the sole discretion of the City.

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

This agreement is a purchase of professional services on an on call as needed basis at the rates attached. Payment for these services shall not exceed \$200,000 unless authorized in writing by the City, according to Section 7 of this Agreement. If additional time is needed, please refer to Section 6 of this agreement. A written amendment must be attached.

2. Order of Precedence.

Where there is a conflict among or between any of these documents, the controlling documents shall be the first listed in the following sequence: Amendments to this Agreement; this Agreement; Purchase Orders; Contractor's submitted proposal to RFP No. 2-19 and RFP No. 2-19.

3. Relation of Parties.

The Contractor, its sub consultants, agents and employees are independent contractors performing professional services for City and are not employees of City. The Contractor, its subcontractors, agents and employees, shall not, as a result of this Agreement, accrue leave, retirement, insurance, bonding or any other benefits afforded to City employees. The Contractor, sub consultants, agents and employees shall not have the authority to bind City in any way except as may be specifically provided herein.

4. E-Verify.

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.

5. Time of Performance.

The service of the Contractor is to commence as of May 1, 2019. It is agreed services hereunder shall be completed by April 30, 2024.

6. Delays and Extensions of Time.

If the Contractor is delayed at any time in the progress of providing services covered by the Agreement, by any causes beyond Contractor's control, the time for performance may be extended by such time as shall be mutually agreed upon by Contractor and City and shall be incorporated in a written amendment to this Agreement. Any request for an extension of time shall be made in writing to City.

7. Compensation and Schedule of Payments.

City shall pay the Contractor at the rates indicated in Section 1 for work performed under the terms of this Agreement. This is the maximum amount to be paid under this Agreement and it shall not be exceeded without City's prior written authorization in the form of a negotiated and executed amendment. Such payment shall be full compensation for work performed or services rendered and for all labor, materials, supplies, equipment and incidentals necessary to complete the project as set forth herein. The Contractor shall submit monthly invoices to City covering both professional fees and project expenses, if any, for fees and expenses from the previous month. Payments to Contractor shall be net 30 days.

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

During the life of this Contract, and in consideration of the City's business needs, the Contractor may make requests for compensation adjustments. In consideration of market conditions, the City may allow an annual adjustment to compensation paid for the actual cost of services. Contractor shall submit the request for consideration, together with supporting documentation, before the anniversary date of this Agreement. The City will review the request and, at its sole discretion, make a decision. If accepted, the adjustment shall become effective on the anniversary date of the Agreement and will be firm for the remainder of the contracted period. All adjustments will be authorized by written contract amendment.

8. 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 Agreement, 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, and any know-how, methodologies or processes used by Contractor to provide the services or project deliverables under this Contract shall remain property of Contractor.

9. Termination.

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

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

10. Evaluation and Compliance with the Law.

The Contractor shall have the authority to control and direct the performance and details of the work described herein. The Contractor agrees to comply with all relevant, federal, state and municipal laws, rules and regulations.

11. City Business and Occupation License.

Contractors will be required to obtain a business license when contracting with the City of Vancouver, unless allowable exemptions apply. Businesses/Contractors shall contact the State of Washington Business License Service (BLS) at: <http://bls.dor.wa.gov/file.aspx>, telephone 800-451-7985, or go to www.bls.dor.wa.gov/cities/vancouver.aspx or www.cityofvancouver.us/businesslicense, to determine whether a business license is required pursuant to VMC Ch. 5.04.

12. Liability and Hold Harmless.

Contractor agrees to indemnify, defend, save and hold harmless the City, its officials, employees and agents from any and all liability, demands, claims, causes of action, suits or judgments, including costs, attorney fees and expenses incurred in connection therewith, of whatsoever kind or nature (including patent infringement or copyright claims) to the extent arising out of, or in connection with, or incident to, the negligent performance or willful misconduct pursuant to this Agreement. This indemnity and hold harmless shall include any claim made against the City by an employee of Contractor or subcontractor or agent even if Contractor is thus otherwise immune from liability pursuant to the workers' compensation statute, Title 51 RCW, except to the extent that such liability arises from the concurrent negligence of both the City and the Contractor, such cost, fees and expenses shall be shared

between the City and the Contractor in proportion to their relative degrees of negligence. Contractor specifically acknowledges the provisions contained herein have been mutually negotiated by the parties and it is the intent of the parties that Contractor provide the broadest scope of indemnity permitted by RCW 4.24.115. Contractor is an independent contractor and responsible for the safety of its employees.

13. Insurance.

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

a. **Liability Insurance.** Contractor shall maintain commercial General Liability insurance with a limit of not less than one million dollars (\$1,000,000) for each occurrence and not less than one million dollars (\$1,000,000) combined single limit automobile liability coverage. The policy shall include coverage for bodily injury, broad form property damage, personal injury, products and completed operation and blanket contractual coverage including, but not limited to, the liability assumed under the indemnification provisions of this Agreement. All liability insurance required herein shall be under a comprehensive or commercial general liability and business, policies.

b. **City Listed as an Additional Insured:** The City of Vancouver, its agents, representatives, officers, directors, officials, and employees must be named as an additional insured on the Commercial General Liability policy and shown on the certificate as an additional insured. A copy of the additional insured endorsement CG 20 10 11 85, or its equivalent CG 20 10 07 04 and CG 20 37 07 04 must be included with the certificate of insurance.

c. The commercial general liability policy must be endorsed to include "Washington Stop Gap" insurance. The limits and aggregates referenced must apply to the Stop Gap coverage as well. This must be indicated on the certificate.

d. **Worker's Compensation.** Contractor shall carry workers' compensation insurance to cover obligations imposed by federal and state statutes having jurisdiction of Contractor's employees engaged in the performance of the work or services; and, Employer's Liability insurance of not less than one million dollars (\$1,000,000) for each accident, five hundred thousand dollars (\$500,000) for each disease for each employee, and one million dollars (\$1,000,000) for each disease policy limit.

e. Umbrella Liability. The Contractor shall provide Umbrella Liability coverage at limits of not less than one million dollars (\$1,000,000) per occurrence and annual aggregate. This umbrella liability coverage shall apply, at a minimum, to both the Commercial General and Auto insurance policy coverage. This requirement may be satisfied instead through the Contractor's primary Commercial General and Automobile Liability coverage, or any combination thereof.

f. Professional Liability. The Contractor shall obtain and keep in force during the entire term of this Agreement, professional liability insurance (errors and omissions) against any and all claims for damages to person or property which may arise out of the performance of this Contract whether such work shall be by the Contractor, subcontractor or anyone directly or indirectly employed by either the Contractor or a subcontractor. The amount of coverage provided by such insurance shall be not less than one million dollars (\$1,000,000) combined single limit.

g. Employment Security. The Contractor shall comply with all employment security laws of the state in which services are provided, and shall timely make all required payments in connection therewith.

h. The City of Vancouver shall be listed on the Certificate as the Certificate Holder.

i. Coverage Trigger: The insurance must be written on an "occurrence" basis. This must be indicated on the certificate. Claims made policies will be accepted for professional liability coverage only.

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

14. Notices.

All notices which are given or required to be given pursuant to this Agreement shall be hand delivered or mailed postage paid as follows:

City:

Anna Vogel
City of Vancouver
415 W 6th Street
P O Box 1995
Vancouver WA 98668-1995

Contractor:

Sylvia Ciborowski
Kearns & West
720 SW Washington Street, Suite 305
Portland OR 97205

15. Amendments.

All changes to this Agreement, including changes to the statement of work and compensation, must be made by written amendment and signed by all parties to this Agreement.

16. Scope of Agreement.

This Agreement incorporates all the agreements, covenants and understanding between the parties hereto and are merged into this written Agreement. No prior agreement or prior understanding, verbal or otherwise, of the parties or their agents shall be valid or enforceable unless set forth in this Agreement.

17. Ratification.

Acts taken pursuant to this Agreement but prior to its effective date are hereby ratified and confirmed.

18. Governing Law/Venue.

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

19. Cooperative Purchasing:

The Washington State Inter-local Cooperation Act, Ch. 39.34 RCW, authorizes public agencies to cooperatively purchase goods and services if all parties agree. By having executed this Agreement, the Contractor agrees that other public agencies may purchase goods and services under this solicitation or contract at their own cost and without the City 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.

20. Public Disclosure Compliance.

The parties acknowledge that the City is an "agency" within the meaning of the Washington Public Records Act, Ch 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 Ch.42.17 RCW for withholding or delaying public disclosure of such information.

21. Debarment.

The Contractor certifies that that it is not presently debarred, suspended, proposed for debarment, and declared ineligible or voluntarily excluded from covered transactions by any Federal, State or local department or agency.

22. Nondiscrimination.

The City of Vancouver, WA is an equal opportunity employer. In the performance of this Agreement, the Contractor will not discriminate against any employee or applicant for employment on the grounds of race, creed, color, national origin, sex, sexual orientation, marital status, age or the presence of any sensory, mental or physical handicap.

DATED this 15 day of May, 2019

CITY OF VANCOUVER,

A municipal corporation



Eric Holmes, City Manager

CONTRACTOR:

Kearns & West



Signature:

Attest:



Natasha Ramras, City Clerk

Sylvia Ciborowski, Director

By: Printed Name / Title

Approved as to form:



E. Bronson Potter, City Attorney



Staff Report 124-21

TO: Mayor and City Council

FROM: Eric Holmes, City Manager

DATE: 8/16/2021

SUBJECT Recognition of the Walnut Grove Neighborhood Association

Key Points

- The City annexed this area in 2017.
- The residents of the neighborhood recently voted to form the Walnut Grove Neighborhood Association.
- The neighborhood has met all requirements to become fully recognized by the City, and staff recommends formal recognition of the Walnut Grove Neighborhood Association as the City's 69th official neighborhood association.

Strategic Plan Alignment

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

Present Situation

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.

Advantage(s)

Through recognized neighborhood associations the City Council can:

1. Foster a partnership of open communication between the City and its residents;
2. Enhance the environment in which ~~citizens~~residents are afforded an opportunity to participate in government decisions in an advisory role;
3. Foster cooperation and consensus among diverse interests;
4. Assist the City and neighborhood residents in developing solutions to mutual problems; and
5. Develop in the ~~citizens~~residents a sense of personal pride and responsibility for their neighborhood.

Disadvantage(s)

None

Budget Impact

The City supports neighborhood associations in a variety of ways. It is anticipated that support for this neighborhood association will be included in the current budget appropriations.

Prior Council Review

None

Action Requested

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

Judi Bailey, Neighborhoods Coordinator, 360-487-8608

ATTACHMENTS:

- ▣ Resolution
- ▣ Bylaws
- ▣ Map

08/16/2021

RESOLUTION NO. M-_____

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.

WHEREAS, consistent with Vancouver Municipal Code, Chapter 2.75, an active neighborhood association has been formed by the residents, property owners, and representatives of businesses and non-profit organizations of the Walnut Grove neighborhood, bounded by NE 63rd street between Andresen road and I-205 on the North; NE Andresen Road between NE 63rd street and NE 51st street on the West; I-205 between NE 63rd street to NE 58th street ; and NE 82nd Ave between NE 58th street and NE 51st street on the East; and NE 51st street between Andresen road to NE 82nd Ave. and NE 58th street between NE 82nd Ave and I-205 on the South. Such group has now formally organized to enhance the welfare and overall livability of this neighborhood and its members have stated an intent and desire to work with city government on such issues.

NOW, THEREFORE,

BE IT RESOLVED BY THE CITY OF VANCOUVER:

Section 1. That City Council hereby formally recognizes the Walnut Grove Neighborhood Association as a community group especially interested in the enhancement of the quality of life of the Walnut Grove Neighborhood, and City Council hereby states its intent to consult with the neighborhood association and to consider recommendations of such association on any matter

RESOLUTION - 1

found to affect the livability of such neighborhood. Such matters shall include, but not be limited to land use and zoning, housing, community facilities, human services, social and recreational programs, open space and parks, traffic and transportation, environmental quality, and public safety. City staff shall inform the association of issues and forthcoming decisions which seem to especially affect such neighborhood and shall be available to assist Council and the association in communicating with one another on such issues.

Section 2. Council hereby expresses its appreciation to the residents who have formed and organized the association.

ADOPTED at the regular session of the Council of the City of Vancouver, this 16th day of August, 2021.

Anne McEnery-Ogle, Mayor

Attest:

Natasha Ramras, City Clerk

Approved as to form:

Jonathan Young, City Attorney

RESOLUTION - 2

BYLAWS OF Walnut Grove Neighborhood Association

Approval Date July 8, 2021

ARTICLE I

Name

The name of this association shall be Walnut Grove Neighborhood Association.

ARTICLE II

Functions

Neighborhood association is a private organization and is not considered an agency or appendage of the City. The responsibilities of Walnut Grove Neighborhood Association include, but are not limited to:

- a. Becoming a self-sustaining organization that will further the purpose and intent of this chapter.
- b. Making a good faith effort to recruit a diverse and representative group of residents, property owners, and business and non-profit representatives to participate in and perpetuate the governance and operation of the neighborhood association.
- c. Providing effective community participation in government.
- d. Providing community input on the efficiency and effectiveness of the city's delivery of services.
- e. Establishing and following clear processes for reporting the association's position on matters affecting their respective neighborhoods to the city.
- f. Assisting city staff in determining priority needs affecting the quality of life for the neighborhood and the overall community;
- g. Undertaking and managing projects to benefit the neighborhood association as may be agreed upon by the neighborhood association membership or contracted with the city and/or other public agencies.
- h. Maintaining current board rosters and providing the Office of Neighborhoods with the names and addresses of each of the officers on their board who will receive all notices and other mailings from the city.

ARTICLE III

Boundaries

The boundaries of Walnut Grove Neighborhood Association shall be as follows:

North Boundary: NE 63rd street (south side) of street between Andresen road (east side) to the (west side) of I-205.

West Boundary: NE Andresen Road (east side) of street between NE 63rd street (south side) and NE 51st street (north side).

East Boundary: I-205 (west side) between NE 63rd street (south side) to NE 58th street (north side) of street; and NE 82nd Ave (west side of street) between NE 58th street and NE 51st street (north side of street).

South Boundary: NE 51st street (north side) between Andresen road (east side) of street to NE 82nd Ave. (west side) of street (NE Andresen road and NE 51st street do not intersect); and NE 58th street between NE 82nd Ave (northwest side of street) and (west side of) I-205.

ARTICLE IV

MEMBERSHIP and VOTING

The membership of the Walnut Grove Neighborhood Association shall include all residents, property owners, business licensees, and representatives of non-profit organizations within the neighborhood boundaries. All members of the neighborhood association may actively participate in neighborhood events, activities and meetings exercising voting rights pursuant to the bylaws, without regard to race, national origin, religion, sex or physical ability.

Any individual residing in a household that is at least 18 years of age or older. Businesses and non-profit organizations will count as one vote.

Proxies are not allowed. Members must be present to have their vote count.

Method of voting will be determined at each meeting.

□ ARTICLE V

Accountability

The Walnut Grove Neighborhood Association shall abide by the Washington State laws regulating open meetings and public disclosure to all information not protected by the right of personal privacy.

The Walnut Grove Neighborhood Association shall be accountable to the membership of the neighborhood which they represent. They shall be responsible for notifying the membership about meetings, elections, and other association events. All meetings of a neighborhood association or its board shall be open to the public. A neighborhood association shall make a good faith effort to seek the views of the people affected by proposed policies or actions and shall consider all proposed options before adopting any final recommendations or actions. Officers will serve as liaison between city staff and the neighborhood association and shall be elected by the neighborhood association membership.

When addressing any issue or proposed city action, the Walnut Grove Neighborhood Association will provide the general membership the ability to register support or opposition to the issue including, but not limited to holding of special meeting if necessary to address such issue or action. When the association presents its official position on an issue or proposed action to the city, it shall identify the date of the general membership meeting, and the vote tally for and against the position asserted by the recorded and transmitted along with any recommendations made by a neighborhood association by the city.

The consensus view of a dissenting minority or minorities on any issue considered shall be recorded and transmitted along with any recommendations made by a neighborhood association by the city.

ARTICLE VI

Officers/Officers Duties

Chair/President: Shall preside at all meetings of the Association at which he/she is present and shall exercise general supervision of the affairs and activities of the Association.

Vice-chair: The Vice-Chair shall assist the Chair/President in all duties and perform the functions of the Chair in his/her absence.

Secretary: The Secretary shall keep the minutes of all of the Association's public and Board meetings and notify members of meetings and activities in advance. The Secretary shall be

responsible for maintaining all non-financial records and reports, as well as maintaining sign-in sheets at all neighborhood meetings.

Treasurer: The Treasurer shall be responsible for receiving and disbursing all monies on behalf of the Association; maintaining all financial records of the Association; and preparing periodic reports of financial matters to present to the Board at all neighborhood meetings.

ARTICLE VII

Election of Officers

Elections of Officers shall be held every 2 years.

President and Secretary elected on even year. Vice President and treasurer elected on odd year. Vacancies to be filled by election.

ARTICLE VIII

Funding

There shall be no membership fees, and shall not bar any resident from neighborhood association membership or voting privileges. Voluntary dues, contributions, contracts, grants or subscriptions may be used by a neighborhood association as provided for in the neighborhood association's bylaws, as well as any applicable public funding requirements. Association funds shall be kept in the custody of the Treasurer in account(s) at a bank, savings and loan association, or credit union as the Board shall direct, except as otherwise authorized by the Board.

ARTICLE IX

Meetings and Quorum

Meetings shall be held quarterly. Date to be determined.

A quorum shall consist of no less than 3 Officer's and no less than 4 Association members.

Decisions will be made by a majority vote. The meetings shall be governed by Robert's Rules of Order.

ARTICLE X

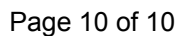
Committees

Committees will be designed by the Board Officer's. At such time the Officer's will appoint individuals to perform the necessary duties of the committee. Committees will report to the board. The duration of a committee will be determined by the board.

ARTICLE XI

Amendments to the Bylaws

Any Bylaw change must be presented at a meeting. Presented to the membership via meeting minutes and presented at the next meeting to be voted on by all members in attendance of the meeting.





Staff Report 125-21

TO: Mayor and City Council

FROM: Eric Holmes, City Manager

DATE: 8/16/2021

SUBJECT Declaration of Civil Emergency - Excessive Heat Event

Key Points

- Between June 24th and June 28th, the City experienced an excessive and unprecedented heat event, resulting in multiple days of triple-digit temperatures.
- The excessive heat resulted in damages to two areas of the City's transportation network, namely the signalized intersection of Thurston Way/Vancouver Mall Drive and the Fourth Plain Blvd Bridge that spans the BNSF mainline in West Vancouver.
- 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 the City of Vancouver Declaration of Civil Emergency enables the City to seek reimbursement from the State for the costs incurred to repair damages stemming from the excessive heat event.

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.

Present Situation

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.

Advantage(s)

Issuance of the Declaration of Civil Emergency enables the City to seek reimbursement for expenses incurred to repair damages to transportation assets that resulted from the excessive heat event.

Disadvantage(s)

There are no known disadvantages.

Budget Impact

Current estimates to repair the two transportation assets noted herein are in excess of \$25,000. Approval of the Declaration will enable the City to seek reimbursement from the State. Otherwise, funds needed to repair these assets will need to come from City resources.

Prior Council Review

There has been no prior Council review on this matter.

Action Requested

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

ATTACHMENTS:

- ▣ Resolution
- ▣ Governor's Proclamation 21-12

8/16/2021

RESOLUTION NO. M-_____

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.

WHEREAS, beginning June 24, 2021, an unprecedented and severe heat event occurred throughout the western portions of Washington and Oregon, including the City of Vancouver, prompting warnings issued by the National Weather Service for excessive temperatures; and

WHEREAS, the unprecedented heat caused failures to concrete panels, bridge expansion joints, and asphalt, as well as electrical damage requiring repairs over a large geographic area within the State of Washington; and

WHEREAS, this excessive heat event caused damage to portions of the City's transportation assets including electrical damage to the signal system at the intersection of Thurston Way and Vancouver Mall Drive and structural damage to the bridge abutment that supports the Fourth Plain Blvd bridge that spans the Burlington Northern-Santa Fe rail line; and

WHEREAS, the damage affects the City's transportation network and the people who depend on it throughout the City of Vancouver; and

WHEREAS, the Governor of the State of Washington did issue Emergency Proclamation 21-12 on July 16, 2021 in response to the damages incurred in multiple counties throughout the State; and

RESOLUTION - 1
Excessive Heat Event

WHEREAS, issuance of the Governor's Emergency Proclamation 21-12 facilitates the City's ability to seek State funds to offset the City's costs for repairs of the damages incurred as a result of the excessive heat event.

NOW, THEREFORE,

BE IT RESOLVED BY THE CITY OF VANCOUVER:

Section 1. Declaration of Emergency. The Vancouver City Council does hereby proclaim a declaration of civil emergency, pursuant to Section 2.12.030(A)(1) of the Vancouver Municipal Code.

Section 2. Findings. The findings set forth above, as well as the Governor's Emergency Proclamation 21-12, which is incorporated herein by reference, are adopted as findings supporting the action of the City Council in adopting this resolution.

Section 3. Authority. While this declaration of civil emergency remains in effect, the City Manager or the Manager's designee shall coordinate with representatives of all applicable State agencies to secure available state resources to assist the City's recovery from the excessive heat event.

Section 4. Duration. This declaration of civil emergency shall continue until modified or terminated by the Vancouver City Council.

RESOLUTION - 2
Excessive Heat Event

INTRODUCED, PASSED, AND ADOPTED at a Regular Meeting of the Vancouver City Council this 16th day of August, 2021.

Anne McEnery-Ogle, Mayor

Attest:

Natasha Ramras, City Clerk

Approved as to form:

Jonathan Young, City Attorney

RESOLUTION - 3
Excessive Heat Event



STATE OF WASHINGTON
— OFFICE OF GOVERNOR JAY INSLEE —

EMERGENCY PROCLAMATION BY THE GOVERNOR

21-12

WSDOT Heat Damage

WHEREAS, beginning June 24, 2021, Washington State experienced an unprecedented heat event, with excessive heat causing damage to road infrastructure in Adams, Asotin, Clark, Cowlitz, Douglas, Ferry, Grant, King, Kittitas, Okanagan, Pacific, Pend Oreille, Pierce, Snohomish, Spokane, Whatcom, Whitman, and Yakima Counties; and

WHEREAS, the unprecedented heat caused failures to concrete panels, bridge expansion joints, and asphalt, as well as electrical damage requiring repairs over a large geographic area; and

WHEREAS, the damage affects the transportation network and the people who depend on it throughout wide areas of Washington State; and

WHEREAS, the estimated cost to repair the damage to affected roadways to alleviate impacts to public safety exceeds \$2,600,000; and

WHEREAS, the Washington State Department of Transportation is coordinating resources to repair the roadway and is working to implement repairs; and

WHEREAS, the roadway damage and its effects continue to impact the life and health of our citizens, as well as the property and transportation infrastructure of Washington State, all of which affect life, health, property, and the public peace, and constitute a public emergency demanding immediate action.

NOW, THEREFORE, I, Jay R. Inslee, Governor of the state of Washington, as a result of the above-noted situation involving heat-related damage to transportation infrastructure, and under Chapters 38.52 and 43.06 RCW, do hereby proclaim that a State of Emergency exists in Adams, Asotin, Clark, Cowlitz, Douglas, Ferry, Grant, King, Kittitas, Okanagan, Pacific, Pend Oreille, Pierce, Snohomish, Spokane, Whatcom, Whitman, and Yakima Counties in the state of Washington, and direct the plans and procedures in the *Washington State Comprehensive Emergency Management Plan* be implemented. State agencies and departments are directed to utilize state resources and to do everything reasonably possible to assist affected political subdivisions in an effort to respond to and recover from the incident.

Signed and sealed with the official seal of the state of Washington this 16th day of July A.D.,
Two Thousand and twenty-one at Olympia, Washington.

By:

/s/
Jay Inslee, Governor

BY THE GOVERNOR:

/s/
Secretary of State

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:

\$ 5,111,327.56 this 16th day of August 2021.

MAYOR



AUDITING OFFICER

COUNCILMEMBER

COUNCILMEMBER

DATE	INCLUSIVE CHECK NUMBERS	CHECK TOTAL
August 3, 2021 - August 9, 2021	Accounts Payable Checks (see attached)	\$ 1,718,934.72
August 3, 2021 - August 9, 2021	Hansen City Payments (see attached)	\$ 17,238.50
August 3, 2021 - August 9, 2021	Visa Refunds (see attached)	\$ 6,051.00
August 3, 2021 - August 9, 2021	Payroll Checks (see attached)	\$ 3,369,103.34
TOTAL		\$ 5,111,327.56

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	8/2/2021	6,889.48	Athlactron Holding				
Supplier Payment	Manual Wire	No Reference	8/2/2021	192,813.34	BCBS				
Supplier Payment	Manual Wire	No Reference	8/2/2021	4,151.59	IRS				
Supplier Payment	Manual Wire	No Reference	8/2/2021	19,436.10	Washington Dental				
Supplier Payment	Manual Wire	No Reference	8/3/2021	20,826.29	Bank Of America N.A.				
Supplier Payment	Manual Wire	No Reference	8/3/2021	791.75	City of Vancouver - Remit-To: COV - Vehicle Reg				
Supplier Payment	Manual Wire	No Reference	8/3/2021	28,045.41	Gallagher Bassett Services Inc				
Supplier Payment	Manual Wire	No Reference	8/4/2021	409,296.60	Vancouver Firefighters Union Health & Welfare Trust				
Supplier Payment	Manual Wire	No Reference	8/4/2021	7,287.54	VSP Vision Care Inc				
Supplier Payment	Manual Wire	No Reference	8/4/2021	174,900.00	Western States Health & Welfare Trust				
Supplier Payment	Manual Wire	No Reference	8/5/2021	885.00	State of Washington Department of Licensing - Remit-To: DOL - Seattle Remit				
Cash Advance Payment	Direct Deposit	EFT-00110866	8/5/2021	118.75	Eric Holmes	Travel Advance			
Cash Advance Payment	Direct Deposit	EFT-00110859	8/5/2021	86.25	Katherine Larkin	Travel Advance			
Cash Advance Payment	Direct Deposit	EFT-00110868	8/5/2021	57.00	Patrick Kennedy	Travel Advance			
Cash Advance Payment	Direct Deposit	EFT-00110870	8/5/2021	57.00	Patrick Kennedy	Travel Advance			
Expense Payment	Direct Deposit	EFT-00110865	8/5/2021	129.50	Alberto Campos	Employee Reimbursement			
Expense Payment	Direct Deposit	EFT-00110863	8/5/2021	211.56	Anthony Collins	Employee Reimbursement			
Expense Payment	Direct Deposit	EFT-00110860	8/5/2021	102.00	Daniel Kumpula	Employee Reimbursement			
Expense Payment	Direct Deposit	EFT-00110869	8/5/2021	104.58	Darryl Hebert	Employee Reimbursement			
Expense Payment	Direct Deposit	EFT-00110864	8/5/2021	24.05	Gregory Raquer	Employee Reimbursement			
Expense Payment	Direct Deposit	EFT-00110867	8/5/2021	79.07	James Fields	Employee Reimbursement			
Expense Payment	Direct Deposit	EFT-00110861	8/5/2021	310.00	Josh Honomichl	Employee Reimbursement			
Expense Payment	Direct Deposit	EFT-00110862	8/5/2021	110.00	Trever Swain	Employee Reimbursement			
Supplier Payment	EFT	EFT-00110881	8/5/2021	1,080.00	Accenture LLP				
Supplier Payment	EFT	EFT-00110880	8/5/2021	5,487.67	Eagle Newspaper Inc				
Supplier Payment	EFT	EFT-00110877	8/5/2021	6,473.55	Emerald Services Inc				
Supplier Payment	EFT	EFT-00110875	8/5/2021	19,478.74	Evoqua Water Technologies LLC				
Supplier Payment	EFT	EFT-00110884	8/5/2021	11,408.78	GT Bladeworks, Inc.				
Supplier Payment	EFT	EFT-00110874	8/5/2021	5,225.00	JCI Jones Chemicals Inc				
Supplier Payment	EFT	EFT-00110879	8/5/2021	18,899.41	MacKay Sposito Inc				
Supplier Payment	EFT	EFT-00110878	8/5/2021	25,186.78	Metereaders LLC				
Supplier Payment	EFT	EFT-00110873	8/5/2021	40,772.00	Micro Enterprise Services of Oregon				
Supplier Payment	EFT	EFT-00110872	8/5/2021	15,612.65	Morgan Industrial, Inc.				
Supplier Payment	EFT	EFT-00110871	8/5/2021	12,568.19	Operations Management International Inc				
Supplier Payment	EFT	EFT-00110883	8/5/2021	84.93	Praxair Distribution Inc				
Supplier Payment	EFT	EFT-00110882	8/5/2021	1,732.72	RELX Inc. - Remit-To: LexisNexis - Chicago				
Supplier Payment	EFT	EFT-00110876	8/5/2021	3,460.17	Universal Field Services Inc				
Customer Refund	Check	24118	8/4/2021	17.93	GIBRILLE KENNEDY	Overpayment			

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	24119	8/4/2021	236.35	Amy Cutler	Utility Refunds: 0500001229-02 Consolidated refund created from multiple refunds			
Ad Hoc Payment	Check	24120	8/4/2021	159.22	Angelene & Thomas Rankin	Utility Refunds: 0149001444-02			
Ad Hoc Payment	Check	24121	8/4/2021	75.91	Anthony Carlston	Utility Refunds: 0165001885-03			
Ad Hoc Payment	Check	24122	8/4/2021	28.52	Antonina Ploshchinskaya	Utility Refunds: 0070002752-02			
Ad Hoc Payment	Check	24123	8/4/2021	26.85	Aurelia Almasan	Utility Refunds: 0112001200-05			
Ad Hoc Payment	Check	24124	8/4/2021	70.66	Bernice Cavanaugh	Utility Refunds: 0152002176-06			
Ad Hoc Payment	Check	24125	8/4/2021	88.27	Bokatzian,Nick and Kathellen	Utility Refunds: 0031034300-11			
Ad Hoc Payment	Check	24126	8/4/2021	76.77	Brent & Deborah Flotron	Utility Refunds: 0141004968-01			
Ad Hoc Payment	Check	24127	8/4/2021	200.23	Brent Flotron	Utility Refunds: 0141004968-01			
Ad Hoc Payment	Check	24128	8/4/2021	269.55	Brian & Ann Makar	Utility Refunds: 0108005705-03			
Ad Hoc Payment	Check	24129	8/4/2021	45.51	Brian & Erika Keys	Utility Refunds: 0114008031-04			
Ad Hoc Payment	Check	24130	8/4/2021	59.51	Bullseye Electric	MPE-304604			
Ad Hoc Payment	Check	24131	8/4/2021	191.00	Carol Fox, Trustee	Utility Refunds: 0046068502-05 Consolidated refund created from multiple refunds			
Ad Hoc Payment	Check	24132	8/4/2021	63.00	Chad Hammel	Utility Refunds: 0106016000-05			
Ad Hoc Payment	Check	24133	8/4/2021	195.94	Charles H Smith	Utility Refunds: 0115000118-07			
Ad Hoc Payment	Check	24134	8/4/2021	61.34	Charlton,Kim	Utility Refunds: 0040000701-02			
Ad Hoc Payment	Check	24135	8/4/2021	338.60	Chen,Chi-Wei and Ya-Lin	Utility Refunds: 0077000920-07			
Ad Hoc Payment	Check	24136	8/4/2021	185.22	Chris & Amanda Benson	Utility Refunds: 0108000150-01			
Ad Hoc Payment	Check	24137	8/4/2021	171.32	Claudia Pauley	Utility Refunds: 0048026800-04			
Ad Hoc Payment	Check	24138	8/4/2021	68.39	Cole,Damon	Utility Refunds: 0033065100-03			
Ad Hoc Payment	Check	24139	8/4/2021	276.05	Cole,Jessica	Utility Refunds: 0024042494-06			
Ad Hoc Payment	Check	24140	8/4/2021	25.00	Cosco Fire Protection	Replace chk 10739 waived citation 7200906233			
Ad Hoc Payment	Check	24141	8/4/2021	150.01	Cotter,Gerriann	Utility Refunds: 0045654035-02			
Ad Hoc Payment	Check	24142	8/4/2021	21.99	Cotter,William and Gerriann	Utility Refunds: 0045654035-02			
Ad Hoc Payment	Check	24143	8/4/2021	217.87	Curell,Dawn	Utility Refunds: 0024011400-20			
Ad Hoc Payment	Check	24144	8/4/2021	114.10	Dan & Teresa Osilla	Utility Refunds: 0113005897-01			
Ad Hoc Payment	Check	24145	8/4/2021	99.11	Debenedetto,Michael	Utility Refunds: 0064025516-19			

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	24146	8/4/2021	156.89	Debenedetto,Michael and Marlene	Utility Refunds: 0064025516-19			
Ad Hoc Payment	Check	24147	8/4/2021	162.12	Deborah Arnold and Jacqueline Welch	Utility Refunds: 0075004505-25			
Ad Hoc Payment	Check	24148	8/4/2021	115.00	Derek Minneker	Refund Permit COV09452/ACH cancelled			
Ad Hoc Payment	Check	24149	8/4/2021	116.84	Derick Sellers	Utility Refunds: 0150009314-04			
Ad Hoc Payment	Check	24150	8/4/2021	59.82	Dmitriy & Domnika,Gushtyuk	Utility Refunds: 0069008218-03			
Ad Hoc Payment	Check	24151	8/4/2021	31.18	Dmitriy Gushtyuk	Utility Refunds: 0069008218-03			
Ad Hoc Payment	Check	24152	8/4/2021	118.71	Donald Hilderbrandt	Refund Permit COV06940 cancelled ACH			
Ad Hoc Payment	Check	24153	8/4/2021	88.87	Dykeman,Sharon	Utility Refunds: 0042008200-09			
Ad Hoc Payment	Check	24154	8/4/2021	20.00	Eastland Sushi & Asia Cuisine	Refund Alarm Billing Acct 10555 Inv 99443215			
Ad Hoc Payment	Check	24155	8/4/2021	59.51	Express Fire Systems	MPE-304795			
Ad Hoc Payment	Check	24156	8/4/2021	123.68	Gianatassio,Misty	Utility Refunds: 0126007160-02			
Ad Hoc Payment	Check	24157	8/4/2021	20.00	GNV Management	Refund Alarm billing Acct 17147 Inv 99443553			
Ad Hoc Payment	Check	24158	8/4/2021	60.35	Greg and Julie Fischer	Utility Refunds: 0000002267-03			
Ad Hoc Payment	Check	24159	8/4/2021	303.80	Harb Engineering, Inc	Claim Payment - DOL: 07/11/21 - Risk			
Ad Hoc Payment	Check	24160	8/4/2021	49.25	Jabo O Johnigan	Refund - Jabo Johnigan - Trans 383871			
Ad Hoc Payment	Check	24161	8/4/2021	35.00	Jacob Carbajal	Refund Citation 7203200366			
Ad Hoc Payment	Check	24162	8/4/2021	40.90	Jane S Howard	Utility Refunds: 0000004804-03			
Ad Hoc Payment	Check	24163	8/4/2021	100.00	Jennifer Dickinson	Utility Refunds: 0048068669-03			
Ad Hoc Payment	Check	24164	8/4/2021	64.52	Jeremy Keith and Aja Hartman-Keith	Utility Refunds: 0045028401-04			
Ad Hoc Payment	Check	24165	8/4/2021	223.00	Jessica & Andrew Mofford	Utility Refunds: 0500001722-02 Consolidated refund created from multiple refunds			
Ad Hoc Payment	Check	24166	8/4/2021	91.53	Joanna Evans	Utility Refunds: 0138001672-05			
Ad Hoc Payment	Check	24167	8/4/2021	80.87	John Strohecker,DBA Portland Fiduciary Services	Utility Refunds: 0062073700-04			
Ad Hoc Payment	Check	24168	8/4/2021	202.65	Jordan Dehlbom	Utility Refunds: 0111043252-04			
Ad Hoc Payment	Check	24169	8/4/2021	79.80	Joyce Charron	Utility Refunds: 0099052900-02			
Ad Hoc Payment	Check	24170	8/4/2021	28.38	Karen Read	Replace lost chk 11261 Prorated Mar 2020 Membership Refund			
Ad Hoc Payment	Check	24171	8/4/2021	42.86	Katherine & Brian Breault	Utility Refunds: 0066028808-02			

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	24172	8/4/2021	228.00	Kathleen Esdaile	Utility Refunds: 0128140660-03 Consolidated refund created from multiple refunds			
Ad Hoc Payment	Check	24173	8/4/2021	72.44	Kennedy,Jennifer	Utility Refunds: 0048044524-15 Consolidated refund created from multiple refunds			
Ad Hoc Payment	Check	24174	8/4/2021	90.72	Kenyon Clark	Utility Refunds: 0063009600-07 Consolidated refund created from multiple refunds			
Ad Hoc Payment	Check	24175	8/4/2021	74.39	Kevin Cote	MPE-304969			
Ad Hoc Payment	Check	24176	8/4/2021	94.87	Kevin Sullivan,Living Trust	Utility Refunds: 0106052514-02			
Ad Hoc Payment	Check	24177	8/4/2021	200.00	Kingdom Kuts LLC	Utility Refunds: 0108010050-05			
Ad Hoc Payment	Check	24178	8/4/2021	110.10	Lance Lijewski	Utility Refunds: 0093002200-08			
Ad Hoc Payment	Check	24179	8/4/2021	24.96	Lankford,Patricia	Utility Refunds: 0070029300-01			
Ad Hoc Payment	Check	24180	8/4/2021	175.74	Lauren Treon	Utility Refunds: 0058001140-05			
Ad Hoc Payment	Check	24181	8/4/2021	219.00	Lavon Eckert	Utility Refunds: 0058001122-09			
Ad Hoc Payment	Check	24182	8/4/2021	131.00	Lawler,John and Karen	Utility Refunds: 0042015402-05 Consolidated refund created from multiple refunds			
Ad Hoc Payment	Check	24183	8/4/2021	28.18	Leticia Falcon	Utility Refunds: 0115000312-12			
Ad Hoc Payment	Check	24184	8/4/2021	188.46	Liang Yu Chen	Utility Refunds: 0101001506-04			
Ad Hoc Payment	Check	24185	8/4/2021	132.00	Linda Wright	Utility Refunds: 0123002324-05 Consolidated refund created from multiple refunds			
Ad Hoc Payment	Check	24186	8/4/2021	110.63	Lindberg,Daniel and Alicia	Utility Refunds: 0045011410-05			
Ad Hoc Payment	Check	24187	8/4/2021	82.43	Lloyd & William Springer,Co-Personal Reps	Utility Refunds: 0048028300-00			
Ad Hoc Payment	Check	24188	8/4/2021	99.01	Lorrie Flores	Utility Refunds: 0127005038-07			
Ad Hoc Payment	Check	24189	8/4/2021	65.69	Luke Rutledge	Utility Refunds: 0107005202-06			
Ad Hoc Payment	Check	24190	8/4/2021	186.00	Luu Huynh	Utility Refunds: 0146425800-03 Consolidated refund created from multiple refunds			
Ad Hoc Payment	Check	24191	8/4/2021	142.60	Luz Martinez	MPE-304330			
Ad Hoc Payment	Check	24192	8/4/2021	108.96	Luz Martinez	MPE-304329			
Ad Hoc Payment	Check	24193	8/4/2021	134.52	Luz Martinez	MPE-304328			

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	24194	8/4/2021	35.00	Maggie Evansen	Refund Citation 7202905666			
Ad Hoc Payment	Check	24195	8/4/2021	153.57	Mara Jacob and Tince Kauskalis	Utility Refunds: 0055021900-07			
Ad Hoc Payment	Check	24196	8/4/2021	24.76	Marcinda Rambaran	Utility Refunds: 0101000013-02			
Ad Hoc Payment	Check	24197	8/4/2021	48.98	Mary Wakely	Utility Refunds: 0067022022-03			
Ad Hoc Payment	Check	24198	8/4/2021	69.85	Mathew & Glenna Centuori	Utility Refunds: 0107007074-02			
Ad Hoc Payment	Check	24199	8/4/2021	97.00	Matulich,Katherine	Utility Refunds: 0073003264-04			
Ad Hoc Payment	Check	24200	8/4/2021	101.50	Myers,Anthony and Shellee	Utility Refunds: 0076093000-01			
Ad Hoc Payment	Check	24201	8/4/2021	59.51	Nathan Henifen	MPE-303990			
Ad Hoc Payment	Check	24202	8/4/2021	59.51	Nathan Henifen	MPE-304512			
Ad Hoc Payment	Check	24203	8/4/2021	154.28	Nelson,Pamela J & Edward N	Utility Refunds: 0067049088-09			
Ad Hoc Payment	Check	24204	8/4/2021	109.43	Nhung Thi Dang	Utility Refunds: 0116031021-03			
Ad Hoc Payment	Check	24205	8/4/2021	21.77	Ortiz,Gabriel	Utility Refunds: 0026024200-04			
Ad Hoc Payment	Check	24206	8/4/2021	123.50	Patti Finnell	Refund of credit on acct			
Ad Hoc Payment	Check	24207	8/4/2021	40.00	PCS	Refund Alarm Billing Acct 21319 Inv 9943318 & 99428362 Cornell Pump CO			
Ad Hoc Payment	Check	24208	8/4/2021	1.24	PCS	Refund Negative Trust dtd 7-22-21 re: 070101108 Schill			
Ad Hoc Payment	Check	24209	8/4/2021	61.48	Peter & Carlota Renault	Utility Refunds: 0140012044-02			
Ad Hoc Payment	Check	24210	8/4/2021	97.52	Peter Renault	Utility Refunds: 0140012044-02			
Ad Hoc Payment	Check	24211	8/4/2021	51.90	Peter Townsend Trustee	Utility Refunds: 0032030600-00			
Ad Hoc Payment	Check	24212	8/4/2021	96.91	Pongon,Michael and Lisa	Utility Refunds: 0026006000-03			
Ad Hoc Payment	Check	24213	8/4/2021	321.38	Prehar,Ashwinder and Jagjit	Utility Refunds: 0039100403-01			
Ad Hoc Payment	Check	24214	8/4/2021	172.62	Quality Homes NW Inc	Utility Refunds: 0500004507-01			
Ad Hoc Payment	Check	24215	8/4/2021	67.00	Raymond Helberg	Utility Refunds: 0065022722-26 Consolidated refund created from multiple refunds			
Ad Hoc Payment	Check	24216	8/4/2021	102.67	Rea Mech INC	MPE-305099			
Ad Hoc Payment	Check	24217	8/4/2021	100.43	Richard & Kathy Hilkin	Utility Refunds: 0085098321-15			
Ad Hoc Payment	Check	24218	8/4/2021	44.26	Roberto Cardenas	Utility Refunds: 0091045926-07 Consolidated refund created from multiple refunds			
Ad Hoc Payment	Check	24219	8/4/2021	158.53	Rose Pieroni	Utility Refunds: 0084015075-04			
Ad Hoc Payment	Check	24220	8/4/2021	5.00	Safeway	Refund CivicGov Dup Pymt Cust 108549 Inv 77032121			

*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	24221	8/4/2021	40.00	Safeway #1704	Refund CivicGov Dup pymt Acct 108805 Inv 77030374			
Ad Hoc Payment	Check	24222	8/4/2021	398.00	Safeway #1704	Refund CivicGov Dup pymt Cust 108805 Inv 77033957			
Ad Hoc Payment	Check	24223	8/4/2021	68.00	Sandra Katuin,Personal Rep	Utility Refunds: 0066028822-17 Consolidated refund created from multiple refunds			
Ad Hoc Payment	Check	24224	8/4/2021	255.02	Schmidt,Brian and Genevieve	Utility Refunds: 0000006989-02			
Ad Hoc Payment	Check	24225	8/4/2021	107.75	Sergey & Anna Karkhu	Utility Refunds: 0064024817-02			
Ad Hoc Payment	Check	24226	8/4/2021	79.77	Sergey Onofrey	Utility Refunds: 0069053814-04			
Ad Hoc Payment	Check	24227	8/4/2021	379.22	Shanon & Kristi Ryan	Utility Refunds: 0063081800-11			
Ad Hoc Payment	Check	24228	8/4/2021	114.61	Shaye & Allan Wyllie	Utility Refunds: 0092010600-06			
Ad Hoc Payment	Check	24229	8/4/2021	6.06	Susan Horrocks Plessinger,Leann Horrocks	Utility Refunds: 0091046200-00			
Ad Hoc Payment	Check	24230	8/4/2021	81.98	Swearingen,Rosemarie and Perry	Utility Refunds: 0074029812-07			
Ad Hoc Payment	Check	24231	8/4/2021	154.86	Tami & Joseph Patterson	Utility Refunds: 0151000980-06			
Ad Hoc Payment	Check	24232	8/4/2021	78.89	The Estate of Marlene Samarin	Utility Refunds: 0006073910-02			
Ad Hoc Payment	Check	24233	8/4/2021	51.16	The Estate of Ruby & Lannis Sellers	Utility Refunds: 0150009314-04			
Ad Hoc Payment	Check	24234	8/4/2021	82.46	Tobias & Carmen,McKibben	Utility Refunds: 0063079062-05			
Ad Hoc Payment	Check	24235	8/4/2021	149.00	Tonya Miller & Howard Kamil	Utility Refunds: 0124033030-02			
Ad Hoc Payment	Check	24236	8/4/2021	762.50	Tyler Winegar	SWAT - 21Jul - Master Tactical Breacher Course			
Ad Hoc Payment	Check	24237	8/4/2021	180.00	Umpqua Bank	Refund CivicGov Dup Pymt acct 749291 Inv 77032729			
Ad Hoc Payment	Check	24238	8/4/2021	208.15	Viorel & Aurelia,Almasan, Trustees	Utility Refunds: 0112001200-05			
Ad Hoc Payment	Check	24239	8/4/2021	51.97	Weyand,Cathy	Utility Refunds: 0072077000-08			
Ad Hoc Payment	Check	24240	8/4/2021	24.54	Yin Yin Su & Liang Yu Chen	Utility Refunds: 0101001506-04			
Supplier Payment	Check	24241	8/4/2021	362.00	Accurate Corporate Services Inc				
Supplier Payment	Check	24242	8/4/2021	26.62	Airgas, Inc				
Supplier Payment	Check	24243	8/4/2021	798.00	Allegheny Answering Services				
Supplier Payment	Check	24244	8/4/2021	20,063.76	Allegiance Benefit Plan Management Inc				
Supplier Payment	Check	24245	8/4/2021	8,680.00	Allegis Group Holdings Inc - Remit-To: TekSystems Inc - Atlanta				
Supplier Payment	Check	24246	8/4/2021	60.00	American Sani-Can				
Supplier Payment	Check	24247	8/4/2021	143.72	Aramark Uniform & Career Apparel LLC - Remit-To: Aramark - Pasadena				
Supplier Payment	Check	24248	8/4/2021	9,664.64	Arborscape Ltd Inc				

INVOICE PAYMENTS REPORT

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Supplier Payment	Check	24249	8/4/2021	1,453.75	Bacon Collision				
Supplier Payment	Check	24250	8/4/2021	375.00	Bullard Law P. L.				
Supplier Payment	Check	24251	8/4/2021	8,692.50	Cascadia Consulting Group Inc				
Supplier Payment	Check	24252	8/4/2021	789.17	Cellco Partnership - Remit-To: Cellco - Dallas				
Supplier Payment	Check	24253	8/4/2021	4,233.83	Chicago Title Company of WA				
Supplier Payment	Check	24254	8/4/2021	897.05	City of Vancouver - Remit-To: COV Main				
Supplier Payment	Check	24255	8/4/2021	15,612.50	Clark County Fire District 5				
Supplier Payment	Check	24256	8/4/2021	36,693.40	Clary Longview LLC				
Supplier Payment	Check	24257	8/4/2021	25,210.04	Cloud PWR				
Supplier Payment	Check	24258	8/4/2021	5,278.57	Columbia West Engineering				
Supplier Payment	Check	24259	8/4/2021	101.11	Comcast Holdings Corporation - Remit-To: Comcast Business - City of Industry				
Supplier Payment	Check	24260	8/4/2021	13.68	Comcast Holdings Corporation - Remit-To: Comcast Business - City of Industry				
Supplier Payment	Check	24261	8/4/2021	109.92	Comcast Holdings Corporation - Remit-To: Comcast Business - City of Industry				
Supplier Payment	Check	24262	8/4/2021	114.92	Comcast Holdings Corporation - Remit-To: Comcast Business - City of Industry				
Supplier Payment	Check	24263	8/4/2021	109.95	Comcast Holdings Corporation - Remit-To: Comcast Business - City of Industry				
Supplier Payment	Check	24264	8/4/2021	8,332.52	Copiers Northwest				
Supplier Payment	Check	24265	8/4/2021	333.25	Courier Northwest				
Supplier Payment	Check	24266	8/4/2021	3,850.00	Crandall Arambula PC				
Supplier Payment	Check	24267	8/4/2021	2,400.00	Ee Lin Wan				
Supplier Payment	Check	24268	8/4/2021	7,266.32	Epic Land Solutions Inc				
Supplier Payment	Check	24269	8/4/2021	141.72	Eric Atwell				
Supplier Payment	Check	24270	8/4/2021	4,025.00	Eric Thomas Lanciault				
Supplier Payment	Check	24271	8/4/2021	56.43	Experian Marketing Solutions - Remit-To: Experian - Los Angeles				
Supplier Payment	Check	24272	8/4/2021	26,856.99	Gallagher Bassett Services Inc				
Supplier Payment	Check	24273	8/4/2021	18,302.87	GC Systems				
Supplier Payment	Check	24274	8/4/2021	2,701.25	Geotechnical Resources Inc				
Supplier Payment	Check	24275	8/4/2021	2,276.97	Gray & Osborne Inc				
Supplier Payment	Check	24276	8/4/2021	9,063.08	Harper Houf Peterson Righellis Inc				
Supplier Payment	Check	24277	8/4/2021	19,439.02	Herrera Environmental Consultants Inc				
Supplier Payment	Check	24278	8/4/2021	583.42	J-2 Blueprint Supply Co.				
Supplier Payment	Check	24279	8/4/2021	1,464.75	Jamestown Networks				

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Supplier Payment	Check	24280	8/4/2021	97,345.58	Jeffrey Barrar PS				
Supplier Payment	Check	24281	8/4/2021	10,092.50	Jensen Hughes Inc				
Supplier Payment	Check	24282	8/4/2021	47.50	Judy Adams				
Supplier Payment	Check	24283	8/4/2021	20.00	Kaiser Permanente				
Supplier Payment	Check	24284	8/4/2021	9,832.29	Kittelson & Associates Inc				
Supplier Payment	Check	24285	8/4/2021	2,363.50	Kor-IT INC				
Supplier Payment	Check	24286	8/4/2021	247.93	L.N. Curtis & Sons				
Supplier Payment	Check	24287	8/4/2021	1,451.67	L.N. Curtis & Sons - Remit-To: Supplier L.N. Curtis & Sons				
Supplier Payment	Check	24288	8/4/2021	716.10	Life Safety Corporation				
Supplier Payment	Check	24289	8/4/2021	298.38	Mark IV Enterprises Inc				
Supplier Payment	Check	24290	8/4/2021	4,068.68	McFarlanes Bark Inc				
Supplier Payment	Check	24291	8/4/2021	1,000.00	Message Gears LLC				
Supplier Payment	Check	24292	8/4/2021	1,338.40	Northwest Cascade Inc				
Supplier Payment	Check	24293	8/4/2021	105.00	Northwest Drug-Safe LLC				
Supplier Payment	Check	24294	8/4/2021	22.00	Northwest Natural Gas Company - Remit-To: NW Natural - Portland				
Supplier Payment	Check	24295	8/4/2021	17,643.38	Northwest Staffing Resources Inc - Remit-To: NW Staffing - Portland				
Supplier Payment	Check	24296	8/4/2021	5,464.93	Parametrix, Inc				
Supplier Payment	Check	24297	8/4/2021	1,770.72	Physio-Control Inc - Remit-To: Stryker Medical				
Supplier Payment	Check	24298	8/4/2021	3,557.52	PPC Solutions Inc				
Supplier Payment	Check	24299	8/4/2021	635.76	Qwest Corp - Remit-To: CenturyLink - Phoenix				
Supplier Payment	Check	24300	8/4/2021	787.32	Qwest Corp - Remit-To: Qwest CABS - Monroe				
Supplier Payment	Check	24301	8/4/2021	8,287.38	Qwest Corp - Remit-To: Qwest Corp- Seattle				
Supplier Payment	Check	24302	8/4/2021	15,350.00	Ralph Andersen and Associates				
Supplier Payment	Check	24303	8/4/2021	5,434.53	Retail Lockbox Inc				
Supplier Payment	Check	24304	8/4/2021	1,338.26	Roth Staffing Companies LP - Remit-To: Ultimate Staffing Services				
Supplier Payment	Check	24305	8/4/2021	7,334.75	Sequence Graphics LLC				
Supplier Payment	Check	24306	8/4/2021	52.50	Sharon Rice				
Supplier Payment	Check	24307	8/4/2021	15,961.09	Shrums Pest Control				
Supplier Payment	Check	24308	8/4/2021	1,115.52	Software House International SHI - Remit-To: SHI - Dallas				
Supplier Payment	Check	24309	8/4/2021	7,916.67	Sonic Boom Wellness LLC				
Supplier Payment	Check	24310	8/4/2021	2,515.00	State of Washington Department of Labor and Industries				
Supplier Payment	Check	24311	8/4/2021	6,704.26	State of Washington Department of Transportation				
Supplier Payment	Check	24312	8/4/2021	1.52	Stericycle Inc				
Supplier Payment	Check	24313	8/4/2021	800.00	TLC Towing				
Supplier Payment	Check	24314	8/4/2021	1,317.40	Transunion Risk & Alternative Data Solutions Inc				

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INVOICE PAYMENTS REPORT

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Supplier Payment	Check	24315	8/4/2021	1,365.00	Triangle Resources Inc				
Supplier Payment	Check	24316	8/4/2021	189.88	Triple J Enterprises				
Supplier Payment	Check	24317	8/4/2021	4,781.22	Univar Solutions USA Inc - Remit-To: Supplier Univar Solutions USA Inc				
Supplier Payment	Check	24318	8/4/2021	248.00	Vast Data Concepts				
Supplier Payment	Check	24319	8/4/2021	3,872.63	Walter E Nelson Company				
Supplier Payment	Check	24320	8/4/2021	146.00	Willis Towers Watson Insurance Services West inc				
Supplier Payment	Check	24321	8/4/2021	46,107.43	Wilson Oil Inc				
Supplier Payment	Check	24322	8/4/2021	11,264.89	WSP USA Inc. - Remit-To: WSP USA Inc. Dallas				
Supplier Payment	Check	24323	8/4/2021	3,812.09	W Todd Pascoe				
Supplier Payment	Check	24324	8/4/2021	48.27	XPO Logistics Enterprise Services, Inc - Remit-To: XPO - Portland				
Supplier Payment	Check	24325	8/4/2021	875.50	Yakima County				
Supplier Payment	Check	24326	8/4/2021	20,000.00	Allegiance Benefit Plan Management Inc				
Supplier Payment	Check	24327	8/4/2021	300.50	Clark County - Remit-To: Clark County - Treasurer Vancouver				
Supplier Payment	Check	24328	8/4/2021	34,675.40	Life Insurance Company of North America				
Supplier Payment	Check	24329	8/4/2021	63,185.71	Vancouver Firefighters Union Health & Welfare Trust				
			SUBTOTAL	1,718,934.72					
Hansen			8/9/2021	17,238.50	City Payments	Posted 8-3 thru 8-9-21			
			SUBTOTAL	17,238.50					
Visa			8/9/2021	4038.00	Miscellaneous	Parks Class Refunds - FCC 8-3 thru 8-9-21			
Visa			8/9/2021	2013.00	Miscellaneous	Parks Class Refunds - MCC 8-3 thru 8-9-21			
Visa			8/9/2021	0.00	Miscellaneous	Parks Class Refunds - Special Events 8-3 thru 8-9-21			
Visa			8/9/2021	0.00	Miscellaneous	Parks Class Refunds - WREC 8-3 thru 8-9-21			
			SUBTOTAL	6051.00					
			TOTAL	1,742,224.22					

City of Vancouver
Payroll Council Report
August 3, 2021 - August 9, 2021

Check No.	Date	Explanation	Amount
3243-3287	08/10/21	15 2021 Payroll	\$ 29,009.53
110885-112603	08/10/21	15 2021 Direct Deposits	\$ 3,340,093.81

\$ 3,369,103.34

Commercial and Transient Lodging Code Change



August 16, 2021

Vancouver City Council Public Hearing

Greg Turner, Land Use Manager

Presentation Overview

- Background
- House Bill 1220
- Recommended Action

Background

- In 2018, Council passed ordinance integrating human service uses into similar commercial uses in the Development Code
- Initiated due to concerns with applicable laws prohibiting discrimination against people based on familial status or disabilities including the Civil Rights Act, Fair Housing Act and a ruling in the federal Court of Appeals
- Homeless shelter use was included in the Commercial and Transient Lodging use classification

Background

The Commercial Lodging Use Classification was revised to read as follows:

1. *Commercial and Transient Lodging. Residential facilities such as hotels, motels, rooming houses, ~~and bed-and-breakfast establishments, and homeless shelters~~ where tenancy is typically less than one month. May include accessory meeting, convention facilities, and ~~restaurant/bars~~ food preparation and service.*

Background (cont.)

- Term “where tenancy is typically less than one month” was already in the Commercial Lodging use classification at the time
- Vancouver Housing Authority recently purchased hotel by Vancouver Mall to be used as a homeless shelter
- Planning Official Code interpretation requested relative to the term “typically” as it applies to the use classification context
- Code interpretation issued stating “typically” recognizes most homeless shelter individuals would stay less than one month as with a hotel use; currently under appeal

House Bill 1220

- Recent WA state legislation passed requiring cities to treat transitional housing or permanent supportive housing the same as hotels
- Cities required to comply by September 30, 2021
- Current code language is inconsistent with state legislation as it further creates a barrier to the siting of homeless shelters within the City

House Bill 1220

- Additionally, use of terms regarding 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 time frame

Recommended Action

PC recommended unanimous approval of the following Code change:

1. *Commercial and Transient Lodging. Residential facilities such as hotels, motels, rooming houses, bed-and-breakfast establishments, and homeless shelters ~~where tenancy is typically less than one month~~. May include accessory meeting, convention facilities, and food preparation and service.*

Recommended Action

Adopt Ordinance removing the qualifying language regarding the length of stay within the Commercial and Transient Lodging use classification

Questions and Discussion

VANCOUVER
CITY HALL

Greg Turner, Land Use Manager
greg.turner@cityofvancouver.us



Staff Report 116-21

TO: Mayor and City Council

FROM: Eric Holmes, City Manager

DATE: 8/16/2021

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

Key Points

- The current use classification for homeless shelters places qualifying language on the use which further restricts the placement of such use.
- The proposed ordinance would eliminate the qualifying language allowing homeless shelters to be treated the same as other commercial and transient lodging uses.
- The proposed ordinance would bring the Development code more in line with recent state legislation.

Strategic Plan Alignment

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

Present Situation

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.

Advantage(s)

1. The proposed ordinance would insulate VMC Title 20 from legal challenge.
2. The proposed ordinance would make it easier for homeless shelters to locate in areas where other similar uses are allowed.

Disadvantage(s)

None

Budget Impact

None

Prior Council Review

Memo to Council dated July 20, 2021.

Action Requested

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

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

ATTACHMENTS:

- ▢ Ordinance
- ▢ Planning Commission staff report - July 27, 2021
- ▢ Council memo

08/09/21
08/16/21

ORDINANCE NO. _____

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.

WHEREAS, as reflected in SR - _____, 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; and

WHEREAS, 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; and

WHEREAS, the term "where tenancy is typically less than one month" was already in the ordinance at the time and remained with the change; and

WHEREAS, the Vancouver Housing Authority has acquired the existing Howard Johnson hotel at 9201 NE Vancouver Mall Drive to operate a homeless shelter; and

WHEREAS, 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; and

WHEREAS, 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; and

WHEREAS, the code interpretation is currently under appeal and is pending the outcome of this proposed ordinance; and

WHEREAS, 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; and

WHEREAS, as stated in the House Bill, cities such as Vancouver need to make a decision before September 30, 2021, 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; and

WHEREAS, 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; and

WHEREAS, 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; and

WHEREAS, this code amendment would also remove any ambiguity with other commercial lodging which are not limited on the length of stay time; and

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF VANCOUVER:

Section 1. That part of ordinance M-3643, as last amended by Section 3 of ordinance M-4187, codified as 20.160.020, is hereby amended to read as follows:

20.160.020 Listing of Use Classifications.

A. Residential use types.

1. *Household Living.* Living facilities for small groups (households) of people who are related or unrelated, featuring self-contained units including facilities for cooking, eating, sleeping, and hygiene. Tenancy is longer than 30 calendar days. Household structures include single-family detached and attached dwellings; duplexes; multi-family dwellings; and modular and manufactured housing units. Most types of senior housing, (e.g., congregate care or assisted living) are considered to be household living if residents live in self-contained units, even if there are also shared facilities within the building. The maximum number of people who may reside in any given dwelling unit shall be determined by the city adopted building code.

2. *Group Living.* Living facilities for groups of individuals that include at least one person residing on the site who is responsible for supervising, managing, monitoring and/or providing care, training or treatment of residents. Larger group living facilities may also be characterized by shared facilities for eating, hygiene and/or recreation. Examples include nursing/convalescent homes, residential care homes or centers; single-room occupancy (SROs) facilities; sororities/fraternities and convents/monasteries. Tenancy is typically 30 days or more. Excludes detention and

post-detention facilities (see subsection (E)(5) of this section, Detention and Post-Detention Facilities).

3. *Home Occupation.* Commercial, office or other economic activity wholly contained within the residence or accessory building within which it is located, and is clearly subordinate to the primary residential use.

4. *Medical Center Residential.* Extended stay facilities and medical center uses that typically occur in a residential setting, if approved through a Public Facilities Master Plan pursuant to Chapter 20.268 VMC. Examples include extended stay housing for employees and patient families and midwifery practices that occur in a single-family residential scaled structure. Maximum occupancy and other parameters may be determined through the master plan review process.

B. *Civic use types.*

1. *Basic Utilities.* Unstaffed community infrastructure, including but not limited to water tanks, sewer pump stations, telephone exchanges, and electric power substations. Excludes facilities that include offices, service centers and/or material storage (See subsection (C)(6) of this section, Office, and subsection (D)(1) of this section, Industrial Services).

2. *Colleges.* Institutions of higher education. Accessory uses may include classrooms, laboratories, theaters, auditoriums, libraries, dormitories, eating facilities, bookstores, other small-scale retail, general offices, and parking. Excludes private, profit-making trade, and vocational schools (see subsection (C)(4)(b) of this section, Personal Services). Such a facility that has regional or state-wide significance is classified as an Essential Public Facility by the provisions of the Growth Management Act.

3. *Community Centers.* Public, private, and nonprofit social, resource and multi-purpose facilities that are open to the public for free or fee (including membership fees). Examples include: community centers; senior centers; homeless day centers. Accessory uses may include offices, food preparation and service, child care, laundry facilities, showers, health assessments, classrooms and related activities.

4. *Community Recreation.* Public, private, and nonprofit recreational, social and multi-purpose facilities that are open to the public for free or fee (including membership fees). Examples include: health/fitness clubs; indoor or outdoor

tennis/racquetball and soccer clubs and other sports fields; indoor/outdoor swimming pools; boat launches; golf courses, and shooting ranges. Accessory uses may include clubhouses, pro shops, offices, locker rooms, restaurants/delis/concession stands, child care facilities, restrooms, maintenance facilities, and parking. Excludes such facilities when collocated in a public park (see subsection (B)(9) of this section, Parks/Open Space); and certain types of indoor recreational facilities (see subsection (C)(3)(b) of this section, Indoor Entertainment).

5. *Cultural Institutions*. Public or nonprofit cultural facilities including libraries, museums, historic sites, and galleries.

6. *Day Care*.

a. *Child Care*. As defined by the Revised Code of Washington (RCW) State Statute:

i. *Family Child Day Care Home*. A facility where a person regularly providing care during part of the 24-hour day to 12 or fewer children in the family abode of the person or persons under whose direct care the children are placed.

ii. *Child Care Center*. A person or agency that provides care for 13 or more children during part of the 24-hour day.

b. *Adult Day Care*. Provision of daytime services, including respite, recreational, social and therapeutic activities, to disabled and/or elderly adults in a group setting. Categories include:

i. *Residential Adult Day Care*. Provision of adult day care services for six or fewer handicapped and/or elderly adults, with or without compensation, in the home of the provider.

ii. *Institutional Adult Day Care*. Provision of adult day care services for seven or more handicapped and/or elderly adults either in a residential or institutional, e.g., nursing home, setting.

7. *Emergency Services*. Public safety facilities including police and fire stations, and emergency communications, but not including ambulance services.

8. *Medical Centers.* Facilities providing inpatient, outpatient, emergency, and related ancillary services to the sick and infirm, including drug and alcohol treatment. Usually developed in campus setting. Accessory uses may include diagnostic and treatment facilities; laboratories; surgical suites; kitchen/food service facilities; laundry; housekeeping and maintenance facilities; administrative offices; and parking. Medical centers may also include free-standing offices for hospital-based and/or private-practice physicians and other allied health care professionals; these medical office buildings are regulated as offices. (see subsection (C)(6)(b) of this section) Such a facility that has regional or state-wide significance is classified as an Essential Public Facility by the provisions of the Growth Management Act.

9. *Parks/Open Space.* Lands that are maintained in a natural state and/or developed that are designed for public active and passive recreation. Examples include parks, public squares, recreational trails and nature preserves. Does not include areas in active cultivation (see subsection (E)(1) of this section, Agriculture/Horticulture); or cemeteries (subsection (E)(4) of this section, Cemeteries).

a. *Neighborhood parks.* Small parks usually no greater than five acres designed to serve the immediate neighborhood. Access is on foot or bicycle with little or no on-site parking provided. Accessory uses may include low-impact outdoor playing/practice fields (without associated parking), playgrounds, sports courts, picnic areas, educational/interpretive facilities, walking/jogging paths, restrooms, and seating areas. May collocate with schools.

b. *Community parks.* Larger parks typically 15 acres or larger designed to serve a larger geographic area than a neighborhood park. Access is on foot and by bicycle, transit, and vehicle. May contain one or more Community Recreation uses as defined in subsection (B)(4) of this section. Other accessory uses may include walking/jogging trails; picnic shelters; outdoor performance facilities; off-leash dog, bicycle, and skateboard parks; sports courts, community gardens; bicycle, pedestrian, and transit amenities; educational/interpretive facilities; viewpoints; concessions; restrooms; caretaker and maintenance facilities; and parking. May collocate with schools.

c. *Regional parks.* Any park greater than 100 acres designed to serve regional needs. Accessory uses include any of the facilities found in neighborhood and community parks.

d. *Trails*. Publicly accessible walking, jogging or bike trails that extend beyond the boundaries of a single subdivision or development project. Accessory uses may include signage/maps; interpretive centers; viewpoints; and trailhead facility, restrooms, and parking. Does not include trails or portions of trails created as part of Neighborhood, Community and Regional Parks.

10. *Postal Service*. Refers to postal services and processing as traditionally operated by the U.S. Postal Service. Such facilities include customer sales, mail sorting, and fleet truck storage. Excludes profit-making parcel post or mail services (see subsection (C)(4)(b) of this section, General Retail, Personal Services).

11. *Religious Institutions*. Permanent places of religious worship that may include related accessory uses that are clearly incidental and secondary to religious worship, congregation, and teaching such as administrative offices; child care centers/pre-schools; classrooms for religious instruction; auditoriums; social halls; rectories; and gymnasiums, playgrounds and other recreational facilities. May include on-site functions related to ministry to the poor such as emergency overnight shelter, food service, group meals and food and clothing pantries.

12. *Schools*. Public and private pre-school, kindergarten, elementary, middle, and high schools. Accessory uses include administrative offices; classrooms and laboratories; kitchen/cafeterias; auditoriums; gymnasium, swimming pools; playing fields and related indoor and outdoor physical education facilities; and storage and maintenance facilities. The programs and activities of other public and nonprofit organizations including those associated with adult education, after-school care, recreation and social services may collocate in a school facility. Such a facility that has regional or state-wide significance is classified as an Essential Public Facility by the provisions of the Growth Management Act.

13. *Social/Fraternal and Clubs/Lodges*. Nonprofit organizations with social, philanthropic and/or recreational functions and activities.

14. *Transportation Facilities*. Bus, trolley, street car; light and heavy rail transit stops and stations; water taxi and ferry stations; and accessory bicycle parking. Excludes airports (see subsection (E)(2) of this section, Airports/Airparks); public streets and sidewalks; and heavy and light rail maintenance/switching yards (see subsection (D)(3) of this section, Railroad Yards); and heliports (see subsection (E)(7) of this section, Heliports). Such a facility that has regional or state-wide

significance is classified as an Essential Public Facility by the provisions of the Growth Management Act.

15. *Park & Ride Facilities.* Park & Ride facilities means parking facilities that serve motorists transferring to or from urban public transportation vehicles or private car-pool vehicles.

C. *Commercial use types.*

1. *Commercial and Transient Lodging.* Residential facilities such as hotels, motels, rooming houses, bed-and-breakfast establishments, and homeless shelters, ~~where tenancy is typically less than one month.~~ May include accessory meeting, convention facilities, and food preparation and service.

2. *Eating and Drinking Establishments.* Establishments that sell prepared food and beverages for consumption on site or take-away including restaurants, delicatessens, bars, taverns, brew pubs, espresso bars, and group meal service.

3. *Entertainment-Oriented.*

a. *Adult Entertainment.* Facilities including adult motion picture theaters; adult video/book stores; and topless, bottomless, and nude dance halls which include materials and activities characterized or distinguished by an emphasis on matters depicting specified sexual activities or anatomical areas.

b. *Indoor Entertainment.* Commercial indoor facilities such as bowling alleys, arcades, trampoline or bounce house facilities, shooting ranges, movie, and live performance theaters.

c. *Major Event Entertainment.* Facilities such as auditoriums, stadiums, arenas, amphitheaters, convention centers, and race tracks which provide athletic, cultural or entertainment events and exhibits for large groups generally exceeding 1,000 spectators.

4. *General Retail.*

a. *Sales-Oriented.* Establishments which provide consumer-oriented sales, leasing and rental of consumer, home and business goods including art; art supplies; bicycles; clothing; dry goods; electronic equipment; fabric; gifts; groceries; hardware; household products; jewelry; pets and pet products;

pharmaceuticals; plant; printed materials; stationery; videos; and clothing and food pantries. Excludes large-scale consumer products (see subsection (C)(4)(d) of this section, Bulk Sales); and those sold primarily outdoors (see subsection (C)(4)(e) of this section, Outdoor Sales).

b. *Personal Services*. Establishments which provide consumer services such as banks and credit unions; barber and beauty shops; automated teller machines (ATMs) and related automated vending facilities; pet grooming; laundromats and dry cleaners; copy centers; photographic studios; specialized instructional schools; trade/vocational schools; massage therapy; acupuncture; and mortuaries.

c. *Repair-Oriented*. Establishments which engage in the repair of consumer and business goods including television and radios; bicycles; clocks; jewelry; guns; small appliances and office equipment; tailors and seamstresses; shoe repair; locksmiths; and upholsterers.

d. *Bulk Sales*. Establishments which engage in the sales, leasing and rental of bulky items requiring extensive interior space for display including furniture, large appliances, and home improvement sales.

e. *Outdoor Sales*. Establishments that engage in sales requiring outdoor display and/or storage including lumberyards and nurseries.

5. *Motor Vehicle Related*.

a. *Motor Vehicle Sales/Rental*. Includes car, light and heavy truck, mobile home, boat and recreational vehicle sales, rental and service.

b. *Motor Vehicle Servicing/Repair*. Free-standing vehicle servicing and repair establishments including quick and general vehicle service, car washes and body shops not an accessory to new vehicle sales.

c. *Vehicle Fuel Sales*. Establishments engaging in the sale of gasoline, diesel fuel, and oil products for cars, trucks, recreational vehicles, and boats.

d. *Electric Vehicle (EV) Basic Charging Station*. A slow to medium level charging station for electric vehicles that is typically accessory to another use, such as single family residences, apartments, and businesses. Level 1 (120 volt

AC) is considered slow charging. Level 2 (208 or 240 volt AC) is considered medium charging.

e. *Electric Vehicle (EV) Rapid Charging Station.* An industrial grade electrical outlet that allows for faster charging of electric vehicle batteries through higher power levels and that meets or exceeds any standards, codes, and regulations set forth by Chapter 19.28 RCW and consistent with rules adopted under RCW 19.27.540. Such stations are also known as Level 3 facilities and are considered fast or rapid charging (480-volt AC), and are generally available to the public.

f. *Electric Vehicle (EV) Battery Exchange Station.* A facility that will enable an electric vehicle with a swappable battery to enter a drive lane and exchange the depleted battery with a fully charged battery. Such exchange stations may use a fully automated process, which meets or exceeds any standards, codes, and regulations set forth by Chapter 19.27 RCW.

6. *Office.*

a. *General Office.* Government, business and professional offices that operate during typical weekday hours. Examples include local, regional, state, and federal offices and agencies; veterinary clinics; medical and dental laboratories; blood collection centers; offices for attorneys, architects, accountants, engineers, stockbrokers, real estate agents, mortgage bankers, insurance brokers, and other consultants; headquarters offices; sales offices; radio, and television studios. Also includes painting, landscaping, building and janitorial contractors where the indoor storage of materials and equipment are incidental to the office use. If this storage exceeds 50 percent of occupied space, such uses are classified as Industrial Services (see subsection (D)(1) of this section). Offices that are part of and are located within a firm in another use category are considered accessory to the firm's primary activity. Also excludes medical office and related facilities (see subsection (C)(6)(b) of this section).

b. *Medical Office.* Offices for physicians, dentists, chiropractors, and allied health care professionals; free-standing outpatient health care facilities; urgency clinics; naturopathic, and homeopathic facilities; and home health organizations that provide on-site services to patients and that generally operate during typical peak weekday hours.

c. *Extended Office.* Offices that operate during nontraditional hours including evenings, nights, and weekends. Examples include taxis and other vehicles for hire, funeral homes and accessory crematoria, telemarketing/service centers and internet communication centers. Accessory uses may include fleet vehicle parking, communication switching and other equipment and limited storage of goods.

7. *Non-Accessory Parking.* Any private or public vehicle and bicycle parking, either paid or free, which is not accessory to a primary use. Includes public and private parking structures and lots; and free-standing fleet vehicle parking lots.

8. *Self-Service Storage.* Commercial operations that provide rental of storage space to the public. The storage areas are designed to allow private access by the tenant for storing or removing personal property. These facilities do not include outdoor storage or moving and storage companies where there is no individual storage or where employees are primary movers of the goods to be stored (see subsection (D)(5) of this section, Warehouse/Freight Movement). No tenant may use a self-service storage facility for residential purposes. Self-service storage is synonymous with self-service storage facility and mini-storage.

9. *Marina.* A facility that provides secure moorings for recreational or commercial boats.

10. *Artisan and Specialty Goods Production.* Small scale businesses that manufacture artisan goods or specialty foods. Small manufacturing production aims at direct sales rather than the wholesale market. This small-scale manufacturing use is intended to be allowed where compatible with the commercial and residential fabric of the city center. An allowance for public viewing or customer service space is required with artisan and specialty goods production. This use category includes the following uses: Sugar and confectionary, fruit and vegetable preserving and specialty foods, bakeries and tortilla manufacturing; artisan leather, glass, cutlery, hand tools, wood, paper, ceramic, textile and yarn products; microbreweries, microdistilleries, and wineries. Refer to Commercial and Mixed-Use Districts Use Table 20.430.030-1 and Special Limitations on Uses, VMC 20.430.050.

D. *Industrial use types.*

1. *Industrial Services.* Includes the repair and servicing of industrial and business machinery, equipment and/or products. Examples include welding shops; machine shops; sales, repair, storage, salvage or wrecking of heavy machinery, metal and building materials; towing and vehicle storage; auto and truck salvage and wrecking; heavy truck servicing and repair; tire recapping and retreading; truck stops; building, heating, plumbing or electrical contractors; exterminators; janitorial and building maintenance contractors where the indoor storage of materials is more than incidental to the office use (see subsection (C)(6)(a) of this section); fuel oil distributions; solid fuel yards; laundry, dry-cleaning and carpet cleaning plants; and photo-finishing laboratories.
2. *Manufacturing and Production.* Includes production, processing, assembling, packaging or treatment of semi-finished or finished products from raw materials or previously prepared materials or components. Manufacturing production is intended for the wholesale market rather than for direct sales.
3. *Railroad Yards.* A terminus of several light or heavy railroad lines where the loading, unloading, transshipment, switching, maintenance, and storage of rail cars is undertaken.
4. *Research and Development.* Facility featuring a mix of uses including office, research laboratories, and prototype manufacturing. If the use contains no on-site manufacturing component, then it is considered General Office (see subsection (C)(6)(a) of this section).
5. *Warehouse/Freight Movement.* Uses involved in the storage and movement of large quantities of materials or products indoors and/or outdoors; associated with significant truck and/or rail traffic. Examples include free-standing warehouses associated with retail furniture or appliance outlets; household moving and general freight storage; food banks; cold storage plants/frozen food lockers; weapon and ammunition storage; major wholesale distribution centers; truck, marine and air freight terminals and dispatch centers; bus barns; grain terminals; and stockpiling of sand, gravel, bark dust or other aggregate and landscaping materials.
6. *Waste-Related.* Uses that receive solid or liquid wastes from others for disposal on the site or for transfer to another location, uses that collect sanitary wastes or uses

that manufacture or produce goods or energy from the composting of organic material. Examples include: recycling/garbage transfer stations; landfills; composting, energy recovery and sewage treatment plants; and hazardous waste handling and transfer facilities that do not treat or dispose of hazardous waste, as that term is defined in the Code of Federal Regulations, Title 40, Part 261. Such a facility that has regional or state-wide significance is classified as an Essential Public Facility by the provisions of the Growth Management Act. Hazardous waste or disposal facilities are not included in this classification and are therefore not permitted in the city of Vancouver.

7. *Wholesale Sales.* Involves sales, leasing or rental of equipment or products primarily intended for industrial, institutional or commercial businesses. Businesses may or may not be open to the general public, but sales to the general public are limited. Examples include the sale or rental of machinery, equipment, building materials, special trade tools, welding supplies, machine parts, electrical supplies, janitorial supplies, restaurant equipment, and store fixtures; mail order houses; and wholesalers of food, clothing, auto parts, and building hardware.

8. *Major Utility Facilities.* Those facilities which have a substantial public impact, including but not limited to: sewage treatment plants and lagoons; electric generation facilities including biomass and coal energy generating facilities; and essential public facilities as defined in Chapter 20.855 VMC, Essential Public Facilities.

E. *Other use types.*

1. *Agriculture/Horticulture.* Open areas devoted to the raising of fruits, vegetable, nuts, nursery stock and/or flowers, including community gardens; may include on-site sales of products grown on the site. Excludes nurseries (see subsection (C)(4)(e) of this section, Outdoor Sales).

2. *Airports/Airparks.* Includes aircraft runways, landing strips and uses supporting airport operations such as control towers, hangars, and fuel storage facilities. Also includes uses incidental to airports such as aerial mapping; air cargo warehousing and distribution, airport pilot training schools; aircraft sales and repair; aviation clubs and museums; and public transportation transfer areas. Such a facility that has “regional” or “state-wide” significance is classified as an Essential Public Facility by the provisions of the Growth Management Act.

3. *Animal Kennel/Shelters.* Animal kennel and shelter facilities for the overnight boarding of dogs, cats and other domestic pets. Excludes dog day care (see subsection (E)(6) of this section, Dog Day Care); and veterinary clinics (see subsection (C)(6)(a) of this section, General Offices).

4. *Cemeteries.* Facilities for storing human remains. Accessory uses may include chapels, mortuaries, crematoria, mausoleums, administrative offices, maintenance facilities, and parking.

5. *Detention and Post-Detention Facilities.* Uses which have the characteristics of Group Living but are devoted to the housing, training and supervision of those under judicial detention. Examples include prisons; jails; probation centers; juvenile detention homes; and related post-incarceration and half-way houses. Such a facility that has regional or state-wide significance is classified as an Essential Public Facility by the provisions of the Growth Management Act.

6. *Dog Day Care.* Dog Day Care shall mean any premises containing four or more dogs, which are five months or older, where these domestic animals are dropped off and picked up daily for temporary care on site and where they may be groomed, trained, exercised, and socialized, but are not kept or boarded overnight, bred, sold or let for hire. Excludes Animal Kennel/Shelters (see subsection (E)(3) of this section, Animal Kennel/Shelters).

7. *Heliports.* Public or private facilities designed for the landing, departure, storage, and fueling of helicopters.

8. *Mining.* Uses that mine or extract mineral or aggregate resources from the ground for off-site use. Accessory uses may include storage, rock crushing, sorting, and transfer facilities.

9. *Rail Lines/Utility Corridors.* The regional corridors in public or private ownership dedicated for use by rail lines; above-grade or underground power or communication lines; water, sewer and storm sewer lines or similar services.

10. Temporary Uses

11. *Wireless Communication Facilities.* Includes publicly and privately owned towers and related transmitting equipment for television; FM/AM radio; cellular and two-way radio and microwave transmission; and related ancillary equipment buildings. Does not include radio/television transmission facilities that are part of the public safety network

(see subsection (B)(7) of this section, Emergency Services). Does not include amateur (ham) radio antennas or towers.

Section 2. 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 3. 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 4. 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.

AnneMcEnerny-Ogle, Mayor

Attest:

Approved as to form:

Natasha Ramras, City Clerk

Jonathan Young, City Attorney

SUMMARY

ORDINANCE NO. _____

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.

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).



PLANNING COMMISSION

TO: Planning Commission

HEARING DATE: 7/27/2021

FROM: Greg Turner, Land Use Manager

SUBJECT: Modify the Commercial and Transient Lodging Use Classification in VMC 20.160.020.C.1

Report Date: 7/27/2021

Proponent: City of Vancouver

City Staff: Greg Turner, Land Use Manager

Recommendation: Approve text change

I. BACKGROUND AND REVIEW PROCESS:

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 intent was to ensure human service uses would be treated in the same way as its similar commercial use. The ordinance also eliminated all special performance standards that had applied to the operation of all human service facility uses. 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, Council directed staff to include short term transient lodging (homeless shelters) under the commercial and transient lodging use classification.

The following is the section from Ordinance No. M-4255 which shows what was added and what was removed from the Commercial and Transient Lodging use classification relative to homeless shelters:

C. Commercial use types

1. Commercial and Transient Lodging. Residential facilities such as hotels, motels, rooming houses, ~~and~~ bed-and-breakfast establishments, and homeless shelters where tenancy is typically less than one month. May include accessory meeting, convention facilities, and ~~restaurants/bars~~ food preparation and service.

The revision aligned homeless shelters with other similar commercial lodging uses which are transitory in nature. 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. The interlocal agreement between the Vancouver Housing Authority (VHA), the City of Vancouver and Clark County states that the facility will “provide up to 63 non-congregate, continuous stay rooms for the homeless”. Upon learning about the proposed shelter, the owners of the Vancouver Mall, requested a Planning Official’s code interpretation 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 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. The code interpretation staff report and exhibits are attached.

House Bill 1220

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. The effective date of the legislation is July 21, 2021. 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 following is an excerpt from House Bill 1220:

NEW SECTION. Sec. 4. A new section is added to chapter 35.21 RCW to read as follows:

A city shall not prohibit transitional housing or permanent supportive housing in any zones in which residential dwelling units or hotels are allowed. Effective September 30, 2021, a city shall not prohibit indoor emergency shelters and indoor emergency housing in any zones in which hotels are allowed, except in such cities that have adopted an ordinance authorizing indoor emergency shelters and indoor emergency housing in a majority of zones within a one-mile proximity to transit. Reasonable occupancy, spacing, and intensity of use requirements may be imposed by ordinance on permanent supportive housing, transitional housing, indoor emergency housing, and indoor emergency shelters to protect public health and safety. Any such requirements on occupancy, spacing, and intensity of use may not prevent the siting of a sufficient number of permanent supportive housing, transitional housing, indoor emergency housing, or indoor emergency shelters necessary to accommodate each city's projected need for such housing and shelter under RCW 36.70A.070(2)(a)(ii).

As noted above, cities shall not prohibit indoor emergency shelters or housing in any zone in which hotels are allowed by September 30, 2021.

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 text amendment was reviewed by the Planning Commission at a workshop on June 8, 2021. A City Council public hearing is scheduled for August 16, 2021. Notice of the July 27 Planning Commission public hearing was provided through publication in the Columbian newspaper. A SEPA Determination of Non-significance (DNS) was issued and published in the Columbian on July 13, 2021

II. SUMMARY OF THE PROPOSAL:

In light of staff's recent code interpretation and the fact that current code language is inconsistent with state legislation, staff recommends the language "tenancy is typically less than one month" be removed from the Commercial and Transient Lodging use classification as indicated below.

C. Commercial use types.

1. *Commercial and Transient Lodging. Residential facilities such as hotels, motels, rooming houses, bed-and-breakfast establishments, and homeless shelters ~~where tenancy is typically less than one month~~. May include accessory meeting, convention facilities, and food preparation and service.*

III. REVIEW CRITERIA AND FINDINGS:

VMC 20.285.090 Zoning Code Text Amendments

B. Approval criteria for Zoning Code text amendments

Proposed zoning or development regulation text changes shall be considered based on the following:

- 1. The proposed change is consistent with the comprehensive plan; and*
- 2. The proposed change is necessary to further the public interest based on present needs and conditions.*

Applicable Vancouver Comprehensive Plan Policies

CD-6 Neighborhood livability

Maintain and facilitate development of stable, multi-use neighborhoods that contain a compatible mix of housing, jobs, stores, and open and public spaces in a well-planned, safe pedestrian environment.

CD-9 Compatible uses

Facilitate development that minimizes adverse impacts to adjacent areas, particularly neighborhoods.

CD-10 Complementary uses

Locate complementary land uses near one another to maximize opportunities to work or shop near where they live.

H-1 Housing options

Provide for a range of housing types and densities for all economic segments of the population. Encourage equal and fair access to housing for renters and homeowners.

H-6 Special needs housing

Facilitate housing for special needs populations dispersed throughout Vancouver and the region. Such housing may consist of residential care facilities, shelters, group homes, or low income housing, and should be located near transportation and other services such as health care, schools and stores.

Staff Findings:

The draft ordinance meets the policies of the City's Comprehensive Plan CD-6, CD-9 and CD-10 with regard to promoting neighborhood livability, compatible and complementary uses as it will remove the qualifying language relative to homeless shelters and continue to allow them wherever other similar commercial uses are allowed. The draft ordinance also meets the policies of the City's Comprehensive Plan H-1 and H-6 by ensuring homeless shelters can be located in areas where commercial lodging is allowed without qualifying language. This also allows for homeless shelters to be dispersed throughout Vancouver and the region.

Finally, the draft ordinance is necessary to serve the public interest, which exists if all people regardless of economic means have access to basic services such as food, shelter, clothing, medical assistance, psychological counseling, and job training. The proposed code change ensures that homeless shelter are allowed without restriction in areas where other commercial uses such as commercial lodging are permitted.

Overall, 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.

IV. RECOMMENDED ACTION:

Based on analysis and findings in this report, staff recommends that the Planning Commission, subject to testimony received, forward a recommendation to the Vancouver City Council to approve the proposed draft ordinance modify the Commercial and Transient Lodging Use Classification in VMC 20.160.020.C.1.

Attachments:

- A. House Bill 1220
- B. Code Interpretation Staff Report and Exhibits, dated March 11, 2021
- C. SEPA Determination of Non-Significance (DNS) dated July 13, 2021
- D. SEPA Checklist dated July 7, 2021

CERTIFICATION OF ENROLLMENT
ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1220

Chapter 254, Laws of 2021
(partial veto)

67th Legislature
2021 Regular Session

EMERGENCY SHELTERS AND HOUSING—LOCAL PLANNING AND DEVELOPMENT

EFFECTIVE DATE: July 25, 2021

Passed by the House April 14, 2021
Yeas 57 Nays 40

LAURIE JINKINS

**Speaker of the House of
Representatives**

Passed by the Senate April 10, 2021
Yeas 25 Nays 24

DENNY HECK

President of the Senate

Approved May 12, 2021 2:35 PM with
the exception of section 7, which is
vetoed.

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the
House of Representatives of the
State of Washington, do hereby
certify that the attached is
**ENGROSSED SECOND SUBSTITUTE HOUSE
BILL 1220** as passed by the House of
Representatives and the Senate on
the dates hereon set forth.

BERNARD DEAN

Chief Clerk

FILED

May 12, 2021

**Secretary of State
State of Washington**

ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1220

AS AMENDED BY THE SENATE

Passed Legislature - 2021 Regular Session

State of Washington

67th Legislature

2021 Regular Session

By House Appropriations (originally sponsored by Representatives Peterson, Macri, Bateman, Ryu, Lekanoff, Fitzgibbon, Kloba, Davis, Lovick, Santos, Ortiz-Self, Simmons, Berg, Hackney, Chopp, Tharinger, and Frame)

READ FIRST TIME 02/22/21.

1 AN ACT Relating to supporting emergency shelters and housing
2 through local planning and development regulations; amending RCW
3 36.70A.020, 36.70A.390, and 36.70A.030; reenacting and amending RCW
4 36.70A.070; adding a new section to chapter 35A.21 RCW; adding a new
5 section to chapter 35.21 RCW; and adding a new section to chapter
6 36.70A RCW.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

8 **Sec. 1.** RCW 36.70A.020 and 2002 c 154 s 1 are each amended to
9 read as follows:

10 The following goals are adopted to guide the development and
11 adoption of comprehensive plans and development regulations of those
12 counties and cities that are required or choose to plan under RCW
13 36.70A.040. The following goals are not listed in order of priority
14 and shall be used exclusively for the purpose of guiding the
15 development of comprehensive plans and development regulations:

16 (1) Urban growth. Encourage development in urban areas where
17 adequate public facilities and services exist or can be provided in
18 an efficient manner.

19 (2) Reduce sprawl. Reduce the inappropriate conversion of
20 undeveloped land into sprawling, low-density development.

(3) Transportation. Encourage efficient multimodal transportation systems that are based on regional priorities and coordinated with county and city comprehensive plans.

(4) Housing. (~~Encourage the availability of affordable~~) Plan for and accommodate housing affordable to all economic segments of the population of this state, promote a variety of residential densities and housing types, and encourage preservation of existing housing stock.

(5) Economic development. Encourage economic development throughout the state that is consistent with adopted comprehensive plans, promote economic opportunity for all citizens of this state, especially for unemployed and for disadvantaged persons, promote the retention and expansion of existing businesses and recruitment of new businesses, recognize regional differences impacting economic development opportunities, and encourage growth in areas experiencing insufficient economic growth, all within the capacities of the state's natural resources, public services, and public facilities.

(6) Property rights. Private property shall not be taken for public use without just compensation having been made. The property rights of landowners shall be protected from arbitrary and discriminatory actions.

(7) Permits. Applications for both state and local government permits should be processed in a timely and fair manner to ensure predictability.

(8) Natural resource industries. Maintain and enhance natural resource-based industries, including productive timber, agricultural, and fisheries industries. Encourage the conservation of productive forestlands and productive agricultural lands, and discourage incompatible uses.

(9) Open space and recreation. Retain open space, enhance recreational opportunities, conserve fish and wildlife habitat, increase access to natural resource lands and water, and develop parks and recreation facilities.

(10) Environment. Protect the environment and enhance the state's high quality of life, including air and water quality, and the availability of water.

(11) Citizen participation and coordination. Encourage the involvement of citizens in the planning process and ensure coordination between communities and jurisdictions to reconcile conflicts.

1 (12) Public facilities and services. Ensure that those public
2 facilities and services necessary to support development shall be
3 adequate to serve the development at the time the development is
4 available for occupancy and use without decreasing current service
5 levels below locally established minimum standards.

6 (13) Historic preservation. Identify and encourage the
7 preservation of lands, sites, and structures, that have historical or
8 archaeological significance.

9 **Sec. 2.** RCW 36.70A.070 and 2017 3rd sp.s. c 18 s 4 and 2017 3rd
10 sp.s. c 16 s 4 are each reenacted and amended to read as follows:

11 The comprehensive plan of a county or city that is required or
12 chooses to plan under RCW 36.70A.040 shall consist of a map or maps,
13 and descriptive text covering objectives, principles, and standards
14 used to develop the comprehensive plan. The plan shall be an
15 internally consistent document and all elements shall be consistent
16 with the future land use map. A comprehensive plan shall be adopted
17 and amended with public participation as provided in RCW 36.70A.140.
18 Each comprehensive plan shall include a plan, scheme, or design for
19 each of the following:

20 (1) A land use element designating the proposed general
21 distribution and general location and extent of the uses of land,
22 where appropriate, for agriculture, timber production, housing,
23 commerce, industry, recreation, open spaces, general aviation
24 airports, public utilities, public facilities, and other land uses.
25 The land use element shall include population densities, building
26 intensities, and estimates of future population growth. The land use
27 element shall provide for protection of the quality and quantity of
28 groundwater used for public water supplies. Wherever possible, the
29 land use element should consider utilizing urban planning approaches
30 that promote physical activity. Where applicable, the land use
31 element shall review drainage, flooding, and stormwater runoff in the
32 area and nearby jurisdictions and provide guidance for corrective
33 actions to mitigate or cleanse those discharges that pollute waters
34 of the state, including Puget Sound or waters entering Puget Sound.

35 (2) A housing element ensuring the vitality and character of
36 established residential neighborhoods that:

37 (a) Includes an inventory and analysis of existing and projected
38 housing needs that identifies the number of housing units necessary

1 to manage projected growth, as provided by the department of
2 commerce, including:

3 (i) Units for moderate, low, very low, and extremely low-income
4 households; and

5 (ii) Emergency housing, emergency shelters, and permanent
6 supportive housing;

7 (b) (~~includes~~) Includes a statement of goals, policies,
8 objectives, and mandatory provisions for the preservation,
9 improvement, and development of housing, including single-family
10 residences, and within an urban growth area boundary, moderate
11 density housing options including but not limited to, duplexes,
12 triplexes, and townhomes;

13 (c) (~~identifies~~) Identifies sufficient capacity of land for
14 housing(~~(r)~~) including, but not limited to, government-assisted
15 housing, housing for (~~low-income families~~) moderate, low, very low,
16 and extremely low-income households, manufactured housing,
17 multifamily housing, (~~and~~) group homes (~~and~~), foster care
18 facilities, emergency housing, emergency shelters, permanent
19 supportive housing, and within an urban growth area boundary,
20 consideration of duplexes, triplexes, and townhomes; ((and))

21 (d) (~~makes~~) Makes adequate provisions for existing and
22 projected needs of all economic segments of the community, including:

23 (i) Incorporating consideration for low, very low, extremely low,
24 and moderate-income households;

25 (ii) Documenting programs and actions needed to achieve housing
26 availability including gaps in local funding, barriers such as
27 development regulations, and other limitations;

28 (iii) Consideration of housing locations in relation to
29 employment location; and

30 (iv) Consideration of the role of accessory dwelling units in
31 meeting housing needs;

32 (e) Identifies local policies and regulations that result in
33 racially disparate impacts, displacement, and exclusion in housing,
34 including:

35 (i) Zoning that may have a discriminatory effect;

36 (ii) Disinvestment; and

37 (iii) Infrastructure availability;

38 (f) Identifies and implements policies and regulations to address
39 and begin to undo racially disparate impacts, displacement, and
40 exclusion in housing caused by local policies, plans, and actions;

1 (g) Identifies areas that may be at higher risk of displacement
2 from market forces that occur with changes to zoning development
3 regulations and capital investments; and

4 (h) Establishes antidisplacement policies, with consideration
5 given to the preservation of historical and cultural communities as
6 well as investments in low, very low, extremely low, and moderate-
7 income housing; equitable development initiatives; inclusionary
8 zoning; community planning requirements; tenant protections; land
9 disposition policies; and consideration of land that may be used for
10 affordable housing.

11 In counties and cities subject to the review and evaluation
12 requirements of RCW 36.70A.215, any revision to the housing element
13 shall include consideration of prior review and evaluation reports
14 and any reasonable measures identified. The housing element should
15 link jurisdictional goals with overall county goals to ensure that
16 the housing element goals are met.

17 (3) A capital facilities plan element consisting of: (a) An
18 inventory of existing capital facilities owned by public entities,
19 showing the locations and capacities of the capital facilities; (b) a
20 forecast of the future needs for such capital facilities; (c) the
21 proposed locations and capacities of expanded or new capital
22 facilities; (d) at least a six-year plan that will finance such
23 capital facilities within projected funding capacities and clearly
24 identifies sources of public money for such purposes; and (e) a
25 requirement to reassess the land use element if probable funding
26 falls short of meeting existing needs and to ensure that the land use
27 element, capital facilities plan element, and financing plan within
28 the capital facilities plan element are coordinated and consistent.
29 Park and recreation facilities shall be included in the capital
30 facilities plan element.

31 (4) A utilities element consisting of the general location,
32 proposed location, and capacity of all existing and proposed
33 utilities, including, but not limited to, electrical lines,
34 telecommunication lines, and natural gas lines.

35 (5) Rural element. Counties shall include a rural element
36 including lands that are not designated for urban growth,
37 agriculture, forest, or mineral resources. The following provisions
38 shall apply to the rural element:

39 (a) Growth management act goals and local circumstances. Because
40 circumstances vary from county to county, in establishing patterns of

1 rural densities and uses, a county may consider local circumstances,
2 but shall develop a written record explaining how the rural element
3 harmonizes the planning goals in RCW 36.70A.020 and meets the
4 requirements of this chapter.

5 (b) Rural development. The rural element shall permit rural
6 development, forestry, and agriculture in rural areas. The rural
7 element shall provide for a variety of rural densities, uses,
8 essential public facilities, and rural governmental services needed
9 to serve the permitted densities and uses. To achieve a variety of
10 rural densities and uses, counties may provide for clustering,
11 density transfer, design guidelines, conservation easements, and
12 other innovative techniques that will accommodate appropriate rural
13 economic advancement, densities, and uses that are not characterized
14 by urban growth and that are consistent with rural character.

15 (c) Measures governing rural development. The rural element shall
16 include measures that apply to rural development and protect the
17 rural character of the area, as established by the county, by:

- 18 (i) Containing or otherwise controlling rural development;
- 19 (ii) Assuring visual compatibility of rural development with the
20 surrounding rural area;
- 21 (iii) Reducing the inappropriate conversion of undeveloped land
22 into sprawling, low-density development in the rural area;
- 23 (iv) Protecting critical areas, as provided in RCW 36.70A.060,
24 and surface water and groundwater resources; and
- 25 (v) Protecting against conflicts with the use of agricultural,
26 forest, and mineral resource lands designated under RCW 36.70A.170.

27 (d) Limited areas of more intensive rural development. Subject to
28 the requirements of this subsection and except as otherwise
29 specifically provided in this subsection (5)(d), the rural element
30 may allow for limited areas of more intensive rural development,
31 including necessary public facilities and public services to serve
32 the limited area as follows:

33 (i) Rural development consisting of the infill, development, or
34 redevelopment of existing commercial, industrial, residential, or
35 mixed-use areas, whether characterized as shoreline development,
36 villages, hamlets, rural activity centers, or crossroads
37 developments.

38 (A) A commercial, industrial, residential, shoreline, or mixed-
39 use area are subject to the requirements of (d)(iv) of this

subsection, but are not subject to the requirements of (c)(ii) and (iii) of this subsection.

(B) Any development or redevelopment other than an industrial area or an industrial use within a mixed-use area or an industrial area under this subsection (5)(d)(i) must be principally designed to serve the existing and projected rural population.

(C) Any development or redevelopment in terms of building size, scale, use, or intensity shall be consistent with the character of the existing areas. Development and redevelopment may include changes in use from vacant land or a previously existing use so long as the new use conforms to the requirements of this subsection (5);

(ii) The intensification of development on lots containing, or new development of, small-scale recreational or tourist uses, including commercial facilities to serve those recreational or tourist uses, that rely on a rural location and setting, but that do not include new residential development. A small-scale recreation or tourist use is not required to be principally designed to serve the existing and projected rural population. Public services and public facilities shall be limited to those necessary to serve the recreation or tourist use and shall be provided in a manner that does not permit low-density sprawl;

(iii) The intensification of development on lots containing isolated nonresidential uses or new development of isolated cottage industries and isolated small-scale businesses that are not principally designed to serve the existing and projected rural population and nonresidential uses, but do provide job opportunities for rural residents. Rural counties may allow the expansion of small-scale businesses as long as those small-scale businesses conform with the rural character of the area as defined by the local government according to RCW 36.70A.030(~~((+16))~~) (23). Rural counties may also allow new small-scale businesses to utilize a site previously occupied by an existing business as long as the new small-scale business conforms to the rural character of the area as defined by the local government according to RCW 36.70A.030(~~((+16))~~) (23). Public services and public facilities shall be limited to those necessary to serve the isolated nonresidential use and shall be provided in a manner that does not permit low-density sprawl;

(iv) A county shall adopt measures to minimize and contain the existing areas or uses of more intensive rural development, as appropriate, authorized under this subsection. Lands included in such

existing areas or uses shall not extend beyond the logical outer boundary of the existing area or use, thereby allowing a new pattern of low-density sprawl. Existing areas are those that are clearly identifiable and contained and where there is a logical boundary delineated predominately by the built environment, but that may also include undeveloped lands if limited as provided in this subsection. The county shall establish the logical outer boundary of an area of more intensive rural development. In establishing the logical outer boundary, the county shall address (A) the need to preserve the character of existing natural neighborhoods and communities, (B) physical boundaries, such as bodies of water, streets and highways, and land forms and contours, (C) the prevention of abnormally irregular boundaries, and (D) the ability to provide public facilities and public services in a manner that does not permit low-density sprawl;

(v) For purposes of (d) of this subsection, an existing area or existing use is one that was in existence:

(A) On July 1, 1990, in a county that was initially required to plan under all of the provisions of this chapter;

(B) On the date the county adopted a resolution under RCW 36.70A.040(2), in a county that is planning under all of the provisions of this chapter under RCW 36.70A.040(2); or

(C) On the date the office of financial management certifies the county's population as provided in RCW 36.70A.040(5), in a county that is planning under all of the provisions of this chapter pursuant to RCW 36.70A.040(5).

(e) Exception. This subsection shall not be interpreted to permit in the rural area a major industrial development or a master planned resort unless otherwise specifically permitted under RCW 36.70A.360 and 36.70A.365.

(6) A transportation element that implements, and is consistent with, the land use element.

(a) The transportation element shall include the following subelements:

(i) Land use assumptions used in estimating travel;

(ii) Estimated traffic impacts to state-owned transportation facilities resulting from land use assumptions to assist the department of transportation in monitoring the performance of state facilities, to plan improvements for the facilities, and to assess

1 the impact of land-use decisions on state-owned transportation
2 facilities;

3 (iii) Facilities and services needs, including:

4 (A) An inventory of air, water, and ground transportation
5 facilities and services, including transit alignments and general
6 aviation airport facilities, to define existing capital facilities
7 and travel levels as a basis for future planning. This inventory must
8 include state-owned transportation facilities within the city or
9 county's jurisdictional boundaries;

10 (B) Level of service standards for all locally owned arterials
11 and transit routes to serve as a gauge to judge performance of the
12 system. These standards should be regionally coordinated;

13 (C) For state-owned transportation facilities, level of service
14 standards for highways, as prescribed in chapters 47.06 and 47.80
15 RCW, to gauge the performance of the system. The purposes of
16 reflecting level of service standards for state highways in the local
17 comprehensive plan are to monitor the performance of the system, to
18 evaluate improvement strategies, and to facilitate coordination
19 between the county's or city's six-year street, road, or transit
20 program and the office of financial management's ten-year investment
21 program. The concurrency requirements of (b) of this subsection do
22 not apply to transportation facilities and services of statewide
23 significance except for counties consisting of islands whose only
24 connection to the mainland are state highways or ferry routes. In
25 these island counties, state highways and ferry route capacity must
26 be a factor in meeting the concurrency requirements in (b) of this
27 subsection;

28 (D) Specific actions and requirements for bringing into
29 compliance locally owned transportation facilities or services that
30 are below an established level of service standard;

31 (E) Forecasts of traffic for at least ten years based on the
32 adopted land use plan to provide information on the location, timing,
33 and capacity needs of future growth;

34 (F) Identification of state and local system needs to meet
35 current and future demands. Identified needs on state-owned
36 transportation facilities must be consistent with the statewide
37 multimodal transportation plan required under chapter 47.06 RCW;

38 (iv) Finance, including:

39 (A) An analysis of funding capability to judge needs against
40 probable funding resources;

1 (B) A multiyear financing plan based on the needs identified in
2 the comprehensive plan, the appropriate parts of which shall serve as
3 the basis for the six-year street, road, or transit program required
4 by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW
5 35.58.2795 for public transportation systems. The multiyear financing
6 plan should be coordinated with the ten-year investment program
7 developed by the office of financial management as required by RCW
8 47.05.030;

9 (C) If probable funding falls short of meeting identified needs,
10 a discussion of how additional funding will be raised, or how land
11 use assumptions will be reassessed to ensure that level of service
12 standards will be met;

13 (v) Intergovernmental coordination efforts, including an
14 assessment of the impacts of the transportation plan and land use
15 assumptions on the transportation systems of adjacent jurisdictions;

16 (vi) Demand-management strategies;

17 (vii) Pedestrian and bicycle component to include collaborative
18 efforts to identify and designate planned improvements for pedestrian
19 and bicycle facilities and corridors that address and encourage
20 enhanced community access and promote healthy lifestyles.

21 (b) After adoption of the comprehensive plan by jurisdictions
22 required to plan or who choose to plan under RCW 36.70A.040, local
23 jurisdictions must adopt and enforce ordinances which prohibit
24 development approval if the development causes the level of service
25 on a locally owned transportation facility to decline below the
26 standards adopted in the transportation element of the comprehensive
27 plan, unless transportation improvements or strategies to accommodate
28 the impacts of development are made concurrent with the development.
29 These strategies may include increased public transportation service,
30 ride-sharing programs, demand management, and other transportation
31 systems management strategies. For the purposes of this subsection
32 (6), "concurrent with the development" means that improvements or
33 strategies are in place at the time of development, or that a
34 financial commitment is in place to complete the improvements or
35 strategies within six years. If the collection of impact fees is
36 delayed under RCW 82.02.050(3), the six-year period required by this
37 subsection (6)(b) must begin after full payment of all impact fees is
38 due to the county or city.

39 (c) The transportation element described in this subsection (6),
40 the six-year plans required by RCW 35.77.010 for cities, RCW

36.81.121 for counties, and RCW 35.58.2795 for public transportation systems, and the ten-year investment program required by RCW 47.05.030 for the state, must be consistent.

(7) An economic development element establishing local goals, policies, objectives, and provisions for economic growth and vitality and a high quality of life. A city that has chosen to be a residential community is exempt from the economic development element requirement of this subsection.

(8) A park and recreation element that implements, and is consistent with, the capital facilities plan element as it relates to park and recreation facilities. The element shall include: (a) Estimates of park and recreation demand for at least a ten-year period; (b) an evaluation of facilities and service needs; and (c) an evaluation of intergovernmental coordination opportunities to provide regional approaches for meeting park and recreational demand.

(9) It is the intent that new or amended elements required after January 1, 2002, be adopted concurrent with the scheduled update provided in RCW 36.70A.130. Requirements to incorporate any such new or amended elements shall be null and void until funds sufficient to cover applicable local government costs are appropriated and distributed by the state at least two years before local government must update comprehensive plans as required in RCW 36.70A.130.

NEW SECTION. **Sec. 3.** A new section is added to chapter 35A.21 RCW to read as follows:

A code city shall not prohibit transitional housing or permanent supportive housing in any zones in which residential dwelling units or hotels are allowed. Effective September 30, 2021, a code city shall not prohibit indoor emergency shelters and indoor emergency housing in any zones in which hotels are allowed, except in such cities that have adopted an ordinance authorizing indoor emergency shelters and indoor emergency housing in a majority of zones within a one-mile proximity to transit. Reasonable occupancy, spacing, and intensity of use requirements may be imposed by ordinance on permanent supportive housing, transitional housing, indoor emergency housing, and indoor emergency shelters to protect public health and safety. Any such requirements on occupancy, spacing, and intensity of use may not prevent the siting of a sufficient number of permanent supportive housing, transitional housing, indoor emergency housing, or indoor emergency shelters necessary to accommodate each code

city's projected need for such housing and shelter under RCW 36.70A.070(2)(a)(ii).

NEW SECTION. **Sec. 4.** A new section is added to chapter 35.21 RCW to read as follows:

A city shall not prohibit transitional housing or permanent supportive housing in any zones in which residential dwelling units or hotels are allowed. Effective September 30, 2021, a city shall not prohibit indoor emergency shelters and indoor emergency housing in any zones in which hotels are allowed, except in such cities that have adopted an ordinance authorizing indoor emergency shelters and indoor emergency housing in a majority of zones within a one-mile proximity to transit. Reasonable occupancy, spacing, and intensity of use requirements may be imposed by ordinance on permanent supportive housing, transitional housing, indoor emergency housing, and indoor emergency shelters to protect public health and safety. Any such requirements on occupancy, spacing, and intensity of use may not prevent the siting of a sufficient number of permanent supportive housing, transitional housing, indoor emergency housing, or indoor emergency shelters necessary to accommodate each city's projected need for such housing and shelter under RCW 36.70A.070(2)(a)(ii).

Sec. 5. RCW 36.70A.390 and 1992 c 207 s 6 are each amended to read as follows:

A county or city governing body that adopts a moratorium, interim zoning map, interim zoning ordinance, or interim official control without holding a public hearing on the proposed moratorium, interim zoning map, interim zoning ordinance, or interim official control, shall hold a public hearing on the adopted moratorium, interim zoning map, interim zoning ordinance, or interim official control within at least sixty days of its adoption, whether or not the governing body received a recommendation on the matter from the planning commission or department. If the governing body does not adopt findings of fact justifying its action before this hearing, then the governing body shall do so immediately after this public hearing. A moratorium, interim zoning map, interim zoning ordinance, or interim official control adopted under this section may be effective for not longer than six months, but may be effective for up to one year if a work plan is developed for related studies providing for such a longer period. A moratorium, interim zoning map, interim zoning ordinance,

1 or interim official control may be renewed for one or more six-month
2 periods if a subsequent public hearing is held and findings of fact
3 are made prior to each renewal.

4 This section does not apply to the designation of critical areas,
5 agricultural lands, forestlands, and mineral resource lands, under
6 RCW 36.70A.170, and the conservation of these lands and protection of
7 these areas under RCW 36.70A.060, prior to such actions being taken
8 in a comprehensive plan adopted under RCW 36.70A.070 and implementing
9 development regulations adopted under RCW 36.70A.120, if a public
10 hearing is held on such proposed actions. This section does not apply
11 to ordinances or development regulations adopted by a city that
12 prohibit building permit applications for or the construction of
13 transitional housing or permanent supportive housing in any zones in
14 which residential dwelling units or hotels are allowed or prohibit
15 building permit applications for or the construction of indoor
16 emergency shelters and indoor emergency housing in any zones in which
17 hotels are allowed.

18 **Sec. 6.** RCW 36.70A.030 and 2020 c 173 s 4 are each amended to
19 read as follows:

20 Unless the context clearly requires otherwise, the definitions in
21 this section apply throughout this chapter.

22 (1) "Adopt a comprehensive land use plan" means to enact a new
23 comprehensive land use plan or to update an existing comprehensive
24 land use plan.

25 (2) "Affordable housing" means, unless the context clearly
26 indicates otherwise, residential housing whose monthly costs,
27 including utilities other than telephone, do not exceed thirty
28 percent of the monthly income of a household whose income is:

29 (a) For rental housing, sixty percent of the median household
30 income adjusted for household size, for the county where the
31 household is located, as reported by the United States department of
32 housing and urban development; or

33 (b) For owner-occupied housing, eighty percent of the median
34 household income adjusted for household size, for the county where
35 the household is located, as reported by the United States department
36 of housing and urban development.

37 (3) "Agricultural land" means land primarily devoted to the
38 commercial production of horticultural, viticultural, floricultural,
39 dairy, apiary, vegetable, or animal products or of berries, grain,

1 hay, straw, turf, seed, Christmas trees not subject to the excise tax
2 imposed by RCW 84.33.100 through 84.33.140, finfish in upland
3 hatcheries, or livestock, and that has long-term commercial
4 significance for agricultural production.

5 (4) "City" means any city or town, including a code city.

6 (5) "Comprehensive land use plan," "comprehensive plan," or
7 "plan" means a generalized coordinated land use policy statement of
8 the governing body of a county or city that is adopted pursuant to
9 this chapter.

10 (6) "Critical areas" include the following areas and ecosystems:

11 (a) Wetlands; (b) areas with a critical recharging effect on aquifers
12 used for potable water; (c) fish and wildlife habitat conservation
13 areas; (d) frequently flooded areas; and (e) geologically hazardous
14 areas. "Fish and wildlife habitat conservation areas" does not
15 include such artificial features or constructs as irrigation delivery
16 systems, irrigation infrastructure, irrigation canals, or drainage
17 ditches that lie within the boundaries of and are maintained by a
18 port district or an irrigation district or company.

19 (7) "Department" means the department of commerce.

20 (8) "Development regulations" or "regulation" means the controls
21 placed on development or land use activities by a county or city,
22 including, but not limited to, zoning ordinances, critical areas
23 ordinances, shoreline master programs, official controls, planned
24 unit development ordinances, subdivision ordinances, and binding site
25 plan ordinances together with any amendments thereto. A development
26 regulation does not include a decision to approve a project permit
27 application, as defined in RCW 36.70B.020, even though the decision
28 may be expressed in a resolution or ordinance of the legislative body
29 of the county or city.

30 (9) "Emergency housing" means temporary indoor accommodations for
31 individuals or families who are homeless or at imminent risk of
32 becoming homeless that is intended to address the basic health, food,
33 clothing, and personal hygiene needs of individuals or families.
34 Emergency housing may or may not require occupants to enter into a
35 lease or an occupancy agreement.

36 (10) "Emergency shelter" means a facility that provides a
37 temporary shelter for individuals or families who are currently
38 homeless. Emergency shelter may not require occupants to enter into a
39 lease or an occupancy agreement. Emergency shelter facilities may

1 include day and warming centers that do not provide overnight
2 accommodations.

3 (11) "Extremely low-income household" means a single person,
4 family, or unrelated persons living together whose adjusted income is
5 at or below thirty percent of the median household income adjusted
6 for household size, for the county where the household is located, as
7 reported by the United States department of housing and urban
8 development.

9 ~~((10))~~ (12) "Forestland" means land primarily devoted to
10 growing trees for long-term commercial timber production on land that
11 can be economically and practically managed for such production,
12 including Christmas trees subject to the excise tax imposed under RCW
13 84.33.100 through 84.33.140, and that has long-term commercial
14 significance. In determining whether forestland is primarily devoted
15 to growing trees for long-term commercial timber production on land
16 that can be economically and practically managed for such production,
17 the following factors shall be considered: (a) The proximity of the
18 land to urban, suburban, and rural settlements; (b) surrounding
19 parcel size and the compatibility and intensity of adjacent and
20 nearby land uses; (c) long-term local economic conditions that affect
21 the ability to manage for timber production; and (d) the availability
22 of public facilities and services conducive to conversion of
23 forestland to other uses.

24 ~~((11))~~ (13) "Freight rail dependent uses" means buildings and
25 other infrastructure that are used in the fabrication, processing,
26 storage, and transport of goods where the use is dependent on and
27 makes use of an adjacent short line railroad. Such facilities are
28 both urban and rural development for purposes of this chapter.
29 "Freight rail dependent uses" does not include buildings and other
30 infrastructure that are used in the fabrication, processing, storage,
31 and transport of coal, liquefied natural gas, or "crude oil" as
32 defined in RCW 90.56.010.

33 ~~((12))~~ (14) "Geologically hazardous areas" means areas that
34 because of their susceptibility to erosion, sliding, earthquake, or
35 other geological events, are not suited to the siting of commercial,
36 residential, or industrial development consistent with public health
37 or safety concerns.

38 ~~((13))~~ (15) "Long-term commercial significance" includes the
39 growing capacity, productivity, and soil composition of the land for
40 long-term commercial production, in consideration with the land's

proximity to population areas, and the possibility of more intense uses of the land.

~~((14))~~ (16) "Low-income household" means a single person, family, or unrelated persons living together whose adjusted income is at or below eighty percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development.

~~((15))~~ (17) "Minerals" include gravel, sand, and valuable metallic substances.

~~((16))~~ (18) "Moderate-income household" means a single person, family, or unrelated persons living together whose adjusted income is at or below 120 percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development.

(19) "Permanent supportive housing" is subsidized, leased housing with no limit on length of stay that prioritizes people who need comprehensive support services to retain tenancy and utilizes admissions practices designed to use lower barriers to entry than would be typical for other subsidized or unsubsidized rental housing, especially related to rental history, criminal history, and personal behaviors. Permanent supportive housing is paired with on-site or off-site voluntary services designed to support a person living with a complex and disabling behavioral health or physical health condition who was experiencing homelessness or was at imminent risk of homelessness prior to moving into housing to retain their housing and be a successful tenant in a housing arrangement, improve the resident's health status, and connect the resident of the housing with community-based health care, treatment, or employment services. Permanent supportive housing is subject to all of the rights and responsibilities defined in chapter 59.18 RCW.

~~((17))~~ (20) "Public facilities" include streets, roads, highways, sidewalks, street and road lighting systems, traffic signals, domestic water systems, storm and sanitary sewer systems, parks and recreational facilities, and schools.

~~((18))~~ (21) "Public services" include fire protection and suppression, law enforcement, public health, education, recreation, environmental protection, and other governmental services.

1 (~~((19))~~) (22) "Recreational land" means land so designated under
2 RCW 36.70A.1701 and that, immediately prior to this designation, was
3 designated as agricultural land of long-term commercial significance
4 under RCW 36.70A.170. Recreational land must have playing fields and
5 supporting facilities existing before July 1, 2004, for sports played
6 on grass playing fields.

7 (~~((20))~~) (23) "Rural character" refers to the patterns of land
8 use and development established by a county in the rural element of
9 its comprehensive plan:

10 (a) In which open space, the natural landscape, and vegetation
11 predominate over the built environment;

12 (b) That foster traditional rural lifestyles, rural-based
13 economies, and opportunities to both live and work in rural areas;

14 (c) That provide visual landscapes that are traditionally found
15 in rural areas and communities;

16 (d) That are compatible with the use of the land by wildlife and
17 for fish and wildlife habitat;

18 (e) That reduce the inappropriate conversion of undeveloped land
19 into sprawling, low-density development;

20 (f) That generally do not require the extension of urban
21 governmental services; and

22 (g) That are consistent with the protection of natural surface
23 water flows and groundwater and surface water recharge and discharge
24 areas.

25 (~~((21))~~) (24) "Rural development" refers to development outside
26 the urban growth area and outside agricultural, forest, and mineral
27 resource lands designated pursuant to RCW 36.70A.170. Rural
28 development can consist of a variety of uses and residential
29 densities, including clustered residential development, at levels
30 that are consistent with the preservation of rural character and the
31 requirements of the rural element. Rural development does not refer
32 to agriculture or forestry activities that may be conducted in rural
33 areas.

34 (~~((22))~~) (25) "Rural governmental services" or "rural services"
35 include those public services and public facilities historically and
36 typically delivered at an intensity usually found in rural areas, and
37 may include domestic water systems, fire and police protection
38 services, transportation and public transit services, and other
39 public utilities associated with rural development and normally not

1 associated with urban areas. Rural services do not include storm or
2 sanitary sewers, except as otherwise authorized by RCW 36.70A.110(4).

3 ~~((+23+))~~ (26) "Short line railroad" means those railroad lines
4 designated class II or class III by the United States surface
5 transportation board.

6 ~~((+24+))~~ (27) "Urban governmental services" or "urban services"
7 include those public services and public facilities at an intensity
8 historically and typically provided in cities, specifically including
9 storm and sanitary sewer systems, domestic water systems, street
10 cleaning services, fire and police protection services, public
11 transit services, and other public utilities associated with urban
12 areas and normally not associated with rural areas.

13 ~~((+25+))~~ (28) "Urban growth" refers to growth that makes
14 intensive use of land for the location of buildings, structures, and
15 impermeable surfaces to such a degree as to be incompatible with the
16 primary use of land for the production of food, other agricultural
17 products, or fiber, or the extraction of mineral resources, rural
18 uses, rural development, and natural resource lands designated
19 pursuant to RCW 36.70A.170. A pattern of more intensive rural
20 development, as provided in RCW 36.70A.070(5)(d), is not urban
21 growth. When allowed to spread over wide areas, urban growth
22 typically requires urban governmental services. "Characterized by
23 urban growth" refers to land having urban growth located on it, or to
24 land located in relationship to an area with urban growth on it as to
25 be appropriate for urban growth.

26 ~~((+26+))~~ (29) "Urban growth areas" means those areas designated
27 by a county pursuant to RCW 36.70A.110.

28 ~~((+27+))~~ (30) "Very low-income household" means a single person,
29 family, or unrelated persons living together whose adjusted income is
30 at or below fifty percent of the median household income adjusted for
31 household size, for the county where the household is located, as
32 reported by the United States department of housing and urban
33 development.

34 ~~((+28+))~~ (31) "Wetland" or "wetlands" means areas that are
35 inundated or saturated by surface water or groundwater at a frequency
36 and duration sufficient to support, and that under normal
37 circumstances do support, a prevalence of vegetation typically
38 adapted for life in saturated soil conditions. Wetlands generally
39 include swamps, marshes, bogs, and similar areas. Wetlands do not
40 include those artificial wetlands intentionally created from

1 nonwetland sites, including, but not limited to, irrigation and
2 drainage ditches, grass-lined swales, canals, detention facilities,
3 wastewater treatment facilities, farm ponds, and landscape amenities,
4 or those wetlands created after July 1, 1990, that were
5 unintentionally created as a result of the construction of a road,
6 street, or highway. Wetlands may include those artificial wetlands
7 intentionally created from nonwetland areas created to mitigate
8 conversion of wetlands.

9 ****NEW SECTION. Sec. 7. A new section is added to chapter 36.70A***
10 ***RCW to read as follows:***

11 ***In addition to ordinances, development regulations, and other***
12 ***official controls adopted or amended, a city or county should***
13 ***consider policies to encourage the construction of accessory dwelling***
14 ***units as a way to meet affordable housing goals. These policies could***
15 ***include, but are not limited to:***

16 ***(1) The city or county may not require the owner of a lot on***
17 ***which there is an accessory dwelling unit to reside in or occupy the***
18 ***accessory dwelling unit or another housing unit on the same lot;***

19 ***(2) The city or county may require the owner not to use the***
20 ***accessory dwelling unit for short-term rentals;***

21 ***(3) The city or county may not count residents of accessory***
22 ***dwelling units against existing limits on the number of unrelated***
23 ***residents on a lot;***

24 ***(4) The city or county may not establish a minimum gross floor***
25 ***area for accessory dwelling units that exceeds the state building***
26 ***code;***

27 ***(5) The city or county must make the same allowances for***
28 ***accessory dwelling units' roof decks, balconies, and porches to***
29 ***encroach on setbacks as are allowed for the principal unit;***

30 ***(6) The city or county must apply abutting lot setbacks to***
31 ***accessory dwelling units on lots abutting zones with lower setback***
32 ***requirements;***

33 ***(7) The city or county must establish an amnesty program to help***
34 ***owners of unpermitted accessory dwelling units to obtain a permit;***

35 ***(8) The city or county must permit accessory dwelling units in***
36 ***structures detached from the principal unit, must allow an accessory***
37 ***dwelling unit on any lot that meets the minimum lot size required for***
38 ***the principal unit, and must allow attached accessory dwelling units***
39 ***on any lot with a principal unit that is nonconforming solely because***

1 the lot is smaller than the minimum size, as long as the accessory
2 dwelling unit would not increase nonconformity of the residential use
3 with respect to building height, bulk, or lot coverage;

4 (9) The city or county may not establish a maximum gross floor
5 area requirement for accessory dwelling units that are less than
6 1,000 square feet or 60 percent of the principal unit, whichever is
7 greater, or that exceeds 1,200 square feet;

8 (10) A city or county must allow accessory dwelling units to be
9 converted from existing structures, including but not limited to
10 detached garages, even if they violate current code requirements for
11 setbacks or lot coverage;

12 (11) A city or county may not require public street improvements
13 as a condition of permitting accessory dwelling units; and

14 (12) A city or county may require a new or separate utility
15 connection between an accessory dwelling unit and a utility only when
16 necessary to be consistent with water availability requirements,
17 water system plans, small water system management plans, or
18 established policies adopted by the water or sewer utility provider.
19 If such a connection is necessary, the connection fees and capacity
20 charges must:

21 (a) Be proportionate to the burden of the proposed accessory
22 dwelling unit upon the water or sewer system; and

23 (b) Not exceed the reasonable cost of providing the service.

**Sec. 7 was vetoed. See message at end of chapter.*

Passed by the House April 14, 2021.

Passed by the Senate April 10, 2021.

Approved by the Governor May 12, 2021, with the exception of
certain items that were vetoed.

Filed in Office of Secretary of State May 12, 2021.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to Section 7,
Engrossed Second Substitute House Bill No. 1220 entitled:

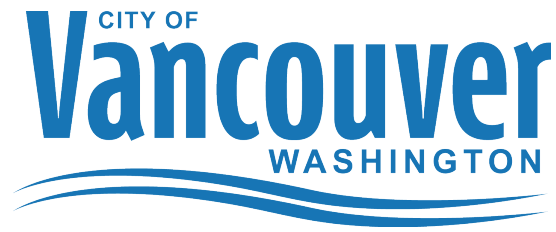
"AN ACT Relating to supporting emergency shelters and housing
through local planning and development regulations."

Section 7 of this bill can be read to encourage the siting and
development of accessory dwelling units in areas of the state outside
of urban growth areas. This was a technical oversight that occurred
during the legislative process. As passed, the bill inadvertently
omitted a key reference limiting these policies to urban growth
areas, which was not the intention of the bill's sponsor.

For these reasons I have vetoed Section 7 of Engrossed Second
Substitute House Bill No. 1220.

With the exception of Section 7, Engrossed Second Substitute House Bill No. 1220 is approved."

--- END ---



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www.cityofvancouver.us

Staff Report and Decision

Project Name	Code Interpretation – Commercial and Transient Lodging uses PRJ-166680/LUP-80751
Report Date	March 11, 2021
Proposal	Request for a code interpretation relative to the scope of Commercial and Transient Lodging uses as classified in the Development Code specifically as it relates to homeless shelters.
Contact	Jamie Howsley/Arman Resto-Spotts Jordan Ramis PC 1499 SE Tech Center Place, Ste 380 Vancouver, WA 98683
Applicant	Centennial Real Estate Company Same as contact
Staff	Greg Turner, Land Use Manager
SEPA Determination	Exempt
Staff Decision	Code interpretation that the City of Vancouver's Development Code permits homeless shelters within the CG zone. Additionally, there is no prohibition on allowing homeless individuals to stay longer than 30 days should this occur. The Code merely requires that tenancy "typically" be less than one month.

APPEAL

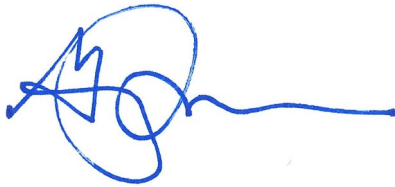
For a Type I decision, only the applicant and property owner are entitled to an appeal.

The 14-day appeal period is now in effect and ends at **4 p.m., March 25, 2021**. You will be notified immediately upon receipt of any appeal of this decision.

Requests to appeal this decision must be made in writing. The letter of appeal shall state the case number designated by the city, the name of the applicant, name and signature of each petitioner, a statement showing that each petitioner is entitled to file the appeal under VMC Chapter 20.210, the specific aspect(s) of the decision being appealed, the reasons each aspect is in error as a matter of fact or law, and the evidence relied on to prove the error.

A fee of \$1,969.00 must accompany the appeal. During the current COVID-19 crisis, the appeal request shall be emailed to epians@cityofvancouver.us as well as to the case manager's e-mail address below and the appeal fee electronically paid to the City of Vancouver.

For questions or additional information, you may contact the case manager by telephone at 360-487-7883, or by e-mail at greg.turner@cityofvancouver.us.



Greg Turner, Manager
Land Use Team

3/11/2021

Date

REQUEST

The applicant is requesting a code interpretation relative to clarification of City Development Code provisions pertaining to homeless shelters and Commercial and Transient Lodging uses. Specifically, the interpretation request is for clarification regarding the scope of Commercial and Transient Lodging as classified under VMC 20.160.020(C)(1) and the statement regarding “homeless shelters where tenancy is typically less than one month”. Additionally, the applicant is requesting the planning official clarify the meaning of “typically” under that defined use.

BACKGROUND

On Dec. 3, 2018, the Vancouver City Council approved Ordinance M-4255 which revised the City’s Human Service Facilities Siting Ordinance. The intent of the change was to replace all previous human service uses with the most similar commercial use classification. In the case of homeless shelter uses, the city found the most similar commercial use to be commercial lodging.

VMC 20.160.020(C)(1) currently defines Commercial and Transient Lodging as:

Residential facilities such as hotels, motels, rooming houses, bed-and-breakfast establishments, and homeless shelters where tenancy is typically less than one month. May include accessory meeting, convention facilities and food preparation and service.

As a result of the ongoing pandemic, the resulting economic downturn and the increasing number of homeless individuals in the Vancouver community, the Vancouver Housing Authority is acquiring the existing Howard Johnson hotel at 9201 NE Vancouver Mall Drive to operate a homeless shelter. The interlocal agreement between the Vancouver Housing Authority (VHA), the City of Vancouver and Clark County states that the facility will “provide up to 63 non-congregate, continuous stay rooms for the homeless”. The facility is in close proximity to the Vancouver Mall and VHA has held some neighborhood sessions discussing the proposed homeless shelter.

More recently, the applicant (owners of the Vancouver Mall) has expressed concerns to both VHA as well as city and county staff regarding the proposed use on the subject General Commercial (CG) zoned property. The concern is centered primarily on the assertion that the City of Vancouver’s Code does not specifically define “homeless shelter” such as the one proposed which they state is designed for tenants to stay for a longer time period than the 30 days as indicated in the Code.

REQUEST

The specific interpretation requested is for the planning official 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 applicant requesting the code interpretation states that the word “typically” in the use classification means “the homeless shelter is fundamentally defined by tenancy that is less than one month”. Additionally, the applicant infers that based on the draft interlocal agreement between VHA, the City of Vancouver and Clark County, the proposed shelter is by definition outside of the scope of this defined “Commercial and Transient Lodging” use.

CODE INTERPRETATION

As used in the Development Code, the term “tenancy typically less than one month” in the context of a homeless shelter refers to the fact that the tenancy is characterized as transient in nature. This is the reason that the homeless shelter use is included in the Commercial and Transient Lodging use classification since it has similar characteristics to hotels, motels, rooming houses and bed and breakfast establishments, all of which generally consist of persons staying for short periods of time. In some instances, an individual’s stay could be for a longer period of time but it is not the norm. The same is true with homeless shelters which for most part contain individuals staying less than 30 days.

Additionally, the term is used to differentiate a “homeless shelter” from the “group living” uses where tenancy is typically 30 days or more. In both instances, the use of the word “typically” is used to define a broad characteristic of the proposed use and not as a characteristic that is specific to the use. If the tenancy was intended to be specific, the word “typically” would not have been used in the use classifications. The use of the word “typically” in the case of homeless shelters recognizes the fact that most individuals would not stay at the homeless shelter for more than thirty (30) days.

With regard to the draft interlocal agreement, the following terms are used to describe the use, “continuous stay rooms”, “24-7 operating facility” and “quarterly progress reports on individual case management”. The terms used refer to the fact that the facility contains rooms which can be used continually for homeless individuals on a 24-7 basis but does not identify the length of time an individual will be staying in the shelter. Nor does it preclude the fact that individuals will be within the facility for less or more than 30 days. It merely identifies the facility as a facility that will serve the homeless on a 24/7 basis.

DECISION

Based on the above, the code interpretation is that City of Vancouver’s Development Code permits homeless shelters within the CG zone. Additionally, there is no prohibition on allowing homeless individuals to stay longer than 30 days should this occur. The Code merely requires that tenancy “typically” be less than one month.

EXHIBITS

1. Land Use application
2. Code Interpretation Narrative
3. Code Interpretation Exhibits



Planning Permit Application

LAND USE PRELIMINARY APPLICATION (LUP)

415 W 6th ST ~ Vancouver, WA 98660, P.O. Box 1995 ~ Vancouver, WA 98668, Phone (360) 487-7800

Email completed application to epplans@cityofvancouver.us

REVIEW TYPE (Check one review and one process type)				
Review Type: ☒ Type I ☐ Type II ☐ Type III ☐ Type IV ☐ Tree Removal Only (nuisance or hazard)				
Process Type: ☒ Standard ☐ Streamline (Type II Applications only - Pre-submittal Meeting required)				
USE				
☐ Single-Family	☒ Commercial	☐ Multi-family	☐ Industrial	☐ Residential
☐ Duplex	☐ Wireless Communications Facility (new) see VMC 20.890			
PROJECT INFORMATION				
Site Acres:	Disturbed Acres: <i>N/A</i>	Zoning: <i>Gen. Comm.</i>	Sewer: ☐ Septic ☐ Public	Water: ☐ Well ☐ Public
Proposed # of Lots: <i>N/A</i> Dwelling Units: <i>Unknown</i>				
Non-Residential Bldg. Square Footage: <i>Unknown</i>		Ground Floor:	Total of All Upper Floors: <i>Unknown</i>	
Hard Surface Area Square Feet - New: <i>Unknown</i>		Replacement: <i>Unknown</i>	Total: <i>Unknown</i>	
PROJECT NAME AND LOCATION				
Proposed project name: <i>Request for Code Interpretation</i>				
Project site address: <i>9201 NE Vancouver Mall Drive</i>			Parcel #(s): <i>160256005</i>	
PROJECT DESCRIPTION				
(Briefly describe the proposed project. Provide more detail in project narrative)				
<i>Request for Code Interpretation pursuant to VMC 20.255 to clarify and interpret certain zoning code provisions associated with the proposed shelter use at the identified property. See Attached Narrative.</i>				
PRIMARY APPLICANT			CONTACT	
Business Name: <i>Centennial Real Estate Company</i>			Business Name: <i>Jordan Ramis PC</i>	
Contact Name: <i>[Same as Contact]</i>			Contact Name: <i>Jamie Howsley / Armand Resto-Spotts</i>	
Address: <i>[Same as Contact]</i>			Address: <i>1499 SE Tech Center Pl 380</i>	
City/State/Zip: <i>[Same as Contact]</i>			City/State/Zip: <i>Vancouver, WA 98683</i>	
Phone: <i>(360) 567-3917</i>			Phone: <i>(360) 567-3917</i>	
Email: <i>[Same as Contact]</i>			Email: <i>armand.resto-spotts@jordanramis.com</i>	
ELECTRONIC PLANS SUBMITTER (required) (responsible for ePlans uploading and correspondence)			OWNER (attached additional sheets for multiple owners)	
Name: <i>Armand Resto-Spotts</i>			Name: <i>Unknown [private transaction]</i>	
Address: <i>[Same as Contact]</i>			Address: <i>Unknown [private transaction]</i>	
City/State/Zip: <i>[Same as Contact]</i>			City/State/Zip: <i>Unknown [private transaction]</i>	
Email (required): <i>armand.resto-spotts@jordanramis.com</i>			Email: <i>N/A</i>	
Phone: <i>(360) 567-3917</i>			Phone:	
ONLINE PAYMENT				
Existing ePermits User Name: <i>Armand Resto-Spotts</i>			Request an ePermits Account	
REQUIRED SIGNATURES				
As evidenced by my signature below, I/we agree that City of Vancouver staff has my/our full permission to enter upon the subject property at any reasonable time to consider the merits of the application, to take photographs and to post public notices.				
Applicant Signature: <i>Jamie Howsley</i>			Date: <i>1/29/2021</i>	
Property Owner Signature: <i>Inapplicable. Request for Code Interpretation.</i>			Date:	

LUP APPLICATION SUB TYPES

Please check all applicable applications and information where necessary

☐ Airport Height Overlay District
☐ Archaeological Pre-determination
☐ Binding Site Plan
☐ Boundary Line Adjustment # of lots to be adjusted:
☐ Comprehensive Plan Amendment (Including Zone Map Amendment with Comp Plan)
☐ Conditional Use Permit ☐ Initial (Type III) (Comm. Centers, Group Meal Service, Shelters) ☐ Major Modification (Type III) ☐ Minor Modification (Type I) Engineering Review Required ☐ Yes ☐ No
☐ Covenant Release
☐ Critical Areas (not used when in Shoreline) Check one → ☐ Duplex/Single Family ☐ All Other Uses Check one → ☐ Permit ☐ Statement of Exemption (No Fee) Check the applicable critical area(s) ☐ Fish & Wildlife ☐ Frequently Flooded ☐ Geological Hazards ☐ Wetlands ☐ Minor Exception (not common) ☐ Reasonable Use (not common)
☐ Design Review ☐ Exterior Modification Only ☐ All Others
☐ Development Agreement ☐ Initial ☐ Modification ☐ Extension
☐ Historic Preservation
☐ Legal Lot Determination # of lots to be reviewed:
☐ Master Plan/Public Facilities MP ☐ Conceptual (without Site Plan Review) ☐ Detailed (with Site Plan Review) ☐ Hybrid (Some areas with Site Plan Review)
☐ Planned Development ☐ Commercial ☐ Residential ☐ Mixed Use* *Ground Floor SF: Upper Floor SF:
☐ Plat Alteration
☐ Post Decision Review/Modification (Includes Planned Development/Master Plan Modifications) ☐ Type I ☐ Type II ☐ Type III Engineering Review Required ☐ Yes ☐ No

☐ Road Modification ☐ Minor (Administrative) ☐ Technical (Minor) ☐ Major (Design) Submitted: ☐ Before ☐ After Decision (submitted after decision is not common)
☐ Shoreline Permits ☐ Substantial Development Permit ☐ Shoreline Permit Exemption (no fee) ☐ Shoreline Conditional Use ☐ Shoreline Variance
☐ Site Plan Review ☐ Type I ☐ Type II Check Use Type below ☐ Residential ☐ Non-Residential ☐ Qualified Planned Action ☐ Unoccupied Commercial/Utility Structure ☐ Commercial Pad ☐ Land Extensive Stormwater ☐ Yes ☐ No Transportation ☐ Yes ☐ No
☐ State Environmental Policy Act (SEPA) ☐ Check if for Single-Family Residential house (only) ☐ Residential Site Plan Review (SPR) ☐ Grading Only ☐ Subdivision or Planned Development ☐ Non-Project Actions (not common) ☐ All Other (Includes Comm/Indust SPR) ☐ Qualified Planned Action (When more than one applies check All Other)
☐ Subdivision/Short Subdivision ☐ Short Subdivision (2-9 lots) ☐ Subdivision (10+ Lots)
☐ Similar Use Determination ☐ Commercial/Industrial ☐ Unforeseen Emergency ☐ Seasonal or Special Event ☐ Model Home or Sales Office
☐ Tree Plan Enter Tree Plan Level (1 to 7): (Tree Removal for nuisance or hazard tree(s) is Level 3)
☐ Variance ☐ Check if for Single Family Residential house ☐ Type I - # requested: ☐ Type II - # requested: Stormwater ☐ Yes ☐ No Transportation ☐ Yes ☐ No
☐ Zoning Certificate
☐ Zoning Map Amendment (Not involving Comprehensive Plan Amendment)
☐ Zoning Verification
☒ Request for Code Interpretation

LEGAL MEMORANDUM

TO: Greg Turner, Land Use Planning Manager

FROM: Jamie Howsley
Armand Resto-Spotts

DATE: February 5, 2021

RE: Request for Code Interpretation Narrative
File No. 55348-78945

This request for code interpretation (the “Request”) pursuant to Vancouver Municipal Code (“VMC” or “City Code”) 20.255 seeks clarification of City Code provisions pertaining to homeless shelters and Commercial and Transient Lodging uses. Applicant respectfully requests that the Planning Official review, interpret, and clarify the scope of “Commercial and Transient Lodging” uses, as classified under VMC 20.160.020(C)(1), specifically regarding “homeless shelters where tenancy is typically less than one month.” Additionally, in the context of this review, Applicant requests that the Planning Official clarify the meaning of “typically” under that defined use.

VMC 20.160.020(C)(1) Commercial and Transient Lodging. Residential facilities such as hotels, motels, rooming houses, bed-and-breakfast establishments, and homeless shelters where tenancy is typically less than one month. May include accessory meeting, convention facilities, and food preparation and service.

Background Context

Applicant is the owner and manager of the Vancouver Mall. Applicant, as well as countless tenants and other business owners around the mall area, have appeared at the recent Vancouver Housing Authority (VHA) neighborhood sessions discussing the proposed homeless shelter at the Howard Johnson hotel site.

Applicant, through legal counsel, wrote to the VHA, as well as City and County staff associated with the project, of its concerns and issues with respect to zoning for this proposed use in the General Commercial (GC) zone. Specifically, as Applicant noted, City Code does not expressly define “homeless shelter,” especially a shelter like this proposed use, which is designed for residents to stay for a longer period of time. The “Commercial and Transient Lodging” use, which is permitted outright in the GC zone, includes “homeless shelters where tenancy is typically less than one month.” VMC 20.160.020(C)(1); 20.430.030-1. However, the proposed shelter has not been defined or described as limiting tenancy to less than a month—much less limiting tenancy to any specific term.

At both neighborhood sessions, the VHA has confirmed that the residents are living on site and will not be coming-and-going on a frequent basis. In the Interlocal Agreement, it is described that the shelter facility will “provide up to 63 non-congregate, continuous stay rooms for the homeless.” See Attachment B, at 2. The facility will operate 24-7 and the provider will be required to provide “quarterly progress reports,” which include individual case management updates. See Attachment B, at 4-5.

Despite these clear statements of intent and scope of the proposed use, the City has responded to Applicant’s concerns by noting simply that the “Commercial and Transient Lodging” classified, which includes “homeless shelters where tenancy is typically less than one month”, is a permitted use in the GC zone.

Code Interpretation Questions Presented

The City has not addressed the primary zoning question presented: whether a homeless shelter, like the one proposed here, is properly classified under a “Commercial and Transient Lodging” classification, which allows for shelters only where “tenancy is typically less than one month.”

Applicant respectfully requests that the Planning Official interpret and clarify the scope of “Commercial and Transient Lodging” uses, specifically for “homeless shelters where tenancy is typically less than one month,” with an emphasis on what “typically” means. VMC 20.160.020.

The sole reference to a “homeless shelter,” especially within the GC zone allowed uses, is within the “Commercial and Transient Lodging” classification. VMC 20.440.030. “Homeless shelters where tenancy is typically less than one month” is included within that classification. VMC 20.160.020. The shelter use is clearly limited by this qualifying language of the term for tenancy.

Interpretations under City Code employ the “normal and customary meaning” of words, unless separately defined. VMC 20.255.030(A). The Merriam-Webster dictionary defines “typically” as “on a typical occasion” or “in a typical manner.”¹ “Typical” is defined as “combining or exhibiting the essential characteristics of a group” or “conforming to a type.”²

Accordingly, a basic understanding of this adverb as used within the City Code’s scope of a homeless shelter use would mean that tenancy of “less than one month” is the “essential characteristic” of that type of shelter. In other words, “typically” does not mean some non-majority of the time—i.e., so long as a couple residents stay less than one month the shelter is properly classified. Rather, “typically” means the homeless shelter is fundamentally defined by tenancy that is less than one month.

Based on what the VHA proposes for this shelter, tenancy is not “typically” less than one month. In fact, tenancy is typically *more* than one month. See e.g. Attachment B, at 2 (“continuous stay rooms”); at 4 (24-7 operating facility); at 5 (*quarterly* progress reports on individual case management). Based on the information provided to the public, and within the Interlocal Agreement itself, the proposed shelter is by definition outside the scope of this defined “Commercial and Transient Lodging” use.

¹ Typically.” Merriam-Webster.com Dictionary, Merriam-Webster, <https://www.merriam-webster.com/dictionary/typically>. Accessed 2 Feb. 2021.

² “Typical.” Merriam-Webster.com Dictionary, Merriam-Webster, <https://www.merriam-webster.com/dictionary/typically>. Accessed 2 Feb. 2021.

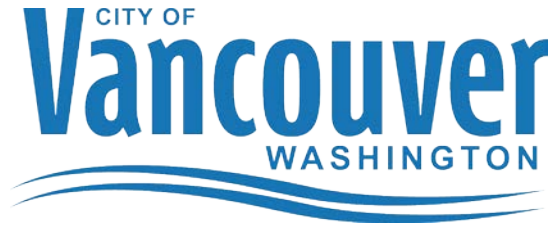
The City's position that the proposed shelter is nonetheless included within this use classification is flawed. Foremost, it completely reads out the term "typically" from the definition. There would be no reason to include "typically"—or even any term for tenancy—if any shelter with any proposed tenancy terms was allowed under this classification.³ It would be better stated to simply provide that "homeless shelters" are properly included under the "Commercial and Transient Lodging" classification. The Code does not, however, state that in such general terms. The word "typically" is a qualifying term for the scope of tenancy at the shelter. Allowing any term of tenancy, or even just some number of residents to stay longer than a month, effectively renders the term "typically" meaningless in this definition, which is to be avoided in statutory construction. See *City of Spokane Valley v. Spokane Cnty.*, 145 Wn. App. 825, 831, 187 P.3d 340 (2008) ("Statutes must be read so that each word is given effect and no portion of the statute is rendered meaningless or superfluous."; *Whatcom Cnty. v. City of Bellingham*, 128 Wn.2d 537, 546, 909 P.2d 1303 (1996). City Code expressly adopts this rule of construction. VMC 20.255.030(L) ("*Superfluous words*. No clause or individual words of the Code should be deemed superfluous.") and (M) (binding case law).

Additionally, as suggested by the City's response, conversion of this shelter use to some transitional housing a future date has no bearing on the present zoning question presented. However, if the City's position is that this shelter use could be considered another use under code, like "multi-family" or "group living" use, then the City must clarify that and proceed under the respective permitting provisions for that use.

Applicant, today, is concerned with the shelter proposal because it does not fit squarely within any outright permitted use within the GC zone. And more specifically, as stated by the VHA and City, the shelter proposal does not fit within the "Commercial and Transient Lodging" classification, because tenancy is not "typically less than one month."

Applicant respectfully requests that the Planning Official clarify the scope of this type of shelter use in the "Commercial and Transient Lodging" classification.

³ It should be noted that this is precisely the state of the VHA's proposed shelter today: that there is no limiting term for tenancy.



January 26, 2021

EXHIBIT 3

Via email only:

Jamie D. Howsley
Jordan Ramis, PC,
1499 SE Tech Center Pl., Ste. 380
Vancouver, WA 98683
jamie.howsley@jordanramis.com

RE: Howard Johnson Hotel / Shelter

Dear Mr. Howsley,

The City of Vancouver is in receipt of your letter of January 22, 2021. While your letter requests a response from the Vancouver Housing Authority (VHA), I wanted to take a moment to share the City's view of the zoning code provisions applicable to the proposed project.

On December 3, 2018, the Vancouver City Council unanimously adopted numerous changes to VMC Title 20 as part of an expansive effort to repeal and replace an outdated Human Services Facilities (HSF) Siting Ordinance. (See [Ordinance M-4255](#)). By design, the intent of Ordinance M-4255 was to replace all previous 'human service uses' with the most similar commercial use classification, so that wherever the most similar commercial use is permitted, the corresponding human service use would also be permitted. ([Staff Report 176A-18](#)). With respect to shelters, the City found the most similar commercial use to be commercial lodging:

Current HSF Use	Similar Commercial Use
Shelter	Commercial Lodging

(See [HSF Ordinance City Fact Sheet](#), p.3.) As a result, homeless shelters are now expressly included within the use classification for commercial and transient lodging in [VMC 20.160.020\(C\)\(1\)](#), which includes: "Residential facilities such as hotels, motels, rooming houses, bed-and-breakfast establishments, and **homeless shelters** where tenancy is typically less than one month. May include accessory meeting, convention facilities, and food preparation and service." (Emphasis added.)

Jamie Howsley
January 26, 2021
p. 2

As observed within your letter, the project in question is located in a site zoned General Commercial (GC). The General Commercial zone allows commercial and transient lodging as a use that is permitted outright (P):

USE	CN	CC	CG	CX	WX	CPX ¹	MX ²	RGX ⁴⁴
Commercial and Transient Lodging	X	C	P	P	L ¹⁸ /C		L ¹⁸ /C	P

([VMC 20.430.030-1](#), Commercial and Mixed Use District Use Table.)

To this end, the City Code clearly does permit the contemplated use as a shelter. Further, the City Attorney's Office and the Vancouver Community & Economic Development Department are in agreement that should VHA proceed with its proposed shelter, there would be no prohibition on allowing some individuals to stay longer than 30 days – should this occur, the project in question would still be considered a homeless shelter. The Code merely requires that tenancy “typically” be less than one month. For that matter, should the VHA convert the use of its proposed shelter into something more akin to transitional housing at a future date (i.e., a use where tenancy is ‘typically’ more than 30 days), under the City's zoning code, such a use would be regarded as a multi-family or group living use; such uses are also permitted within the CG District subject to specified limitations.

We hope that this information may assist in assuaging any concerns your client may have as to the legality of the proposed project.

Warm Regards,



Jonathan Young
City Attorney

Cc: Eric Holmes, City Manager
Chad Eiken, CED Director
Roy Johnson, VHA
Ted Gathe, Counsel for VHA
Andy Silver, Council for the Homeless
Kathleen Otto, County Manager
Michael Torres, Clark County Housing and Development

INTERLOCAL GOVERNMENTAL AGREEMENT

This Interlocal Governmental Agreement (hereafter "IGA") is entered into on the date set forth below between Vancouver Housing Authority, a Washington municipal corporation (hereafter "VHA"), the City of Vancouver, a Washington municipal corporation (hereafter "City") and Clark County, a Washington municipal corporation through its Community Services Department (hereafter "County") and collectively described as the "Parties".

I. Purpose

The purpose of the IGA is to establish a partnership between VHA, City and County to acquire and operate a facility to house homeless individuals hereafter referred to as the "Shelter". All the Parties will contribute funding for the acquisition of the facility. The County through its Community Services Department will select and provide funding to a non-profit service provider to handle daily operations of the Shelter. It is anticipated that the Shelter will operate for approximately three (3) years after which time it will revert to community affordable housing. The parties hereto have the authority to enter into interlocal agreements under Chapter 39.34 RCW for joint and cooperative activity and to provide for services to be provided by one governmental organization to another.

II. Background

Due to the ongoing pandemic, the resulting economic downturn and the increasing number of homeless individuals in the community, there is an urgent and significant need to provide shelter for homeless individuals. VHA is currently in negotiations to acquire an existing facility that will provide up to 63 non-congregate, continuous stay rooms for the homeless. The Parties will each contribute funding as set forth herein for acquisition and required renovation of the property. It is anticipated that the property will be acquired within the next ninety (90) days with necessary renovations completed so that the facility can be operational by March, 2021.

III. Exchange of Information

The Parties recognized that in order to successfully acquire, renovate and operate the facility, there needs to be open, comprehensive and regular exchanges of information. To the extent possible in accordance with their respective policies regarding disclosure of information and subject to state and federal law, the Parties will endeavor to provide one another with necessary information and data regarding the Shelter including but not limited to its daily and long term operations, financial considerations and issues and other relevant information necessary to carry out the purpose and intent of this IGA.

IV. General terms of the Agreement

- A. Acquisition and Renovation. VHA has identified a Property for acquisition. The anticipated purchase price shall not be in excess \$5,500,000 plus related closing costs. It is anticipated that the Property will be acquired by VHA in February, 2021. Renovation costs is estimated to be \$500,000. The Parties will contribute to the acquisition and renovation cost on the following basis:

VHA- \$2,000,000 loan
VHA - \$500,000 rehabilitation
City- \$2,500,000
County \$1,000,000

The VHA shall serve as fiscal agent for all funds provided for acquisition and renovation. The other parties will be provided access to records for auditing and performance management purposes as required by law or reasonably requested.

- B. Maintenance and Repairs. The Shelter Operator will ensure that the building, rooms, and grounds are maintained in a clean and safe condition that complies with all applicable legal requirements and is reasonable for occupancy. Such maintenance and repairs shall be made using labor paid in accordance with applicable law. Expenses for short and long term maintenance of the Property shall be apportioned by agreement of the Parties as follows:

County - \$630,000 over the anticipated 3 years of operation for facility expenses not included in the Shelter Operator budget.

VHA - Up to \$90,000 per year for facility expenses not included in the Shelter Operator budget that is required for deficit after application of County funds.;

The VHA shall serve as fiscal agent for all funds not incorporated within the Shelter Operator budget.

The other parties will be provided access to records for auditing and performance management purposes as required by law or reasonably requested.

- C. Shelter Operations. County has issued a Request for Applications (RFA) in order to select an operator of the Shelter. The application process closes on February 5, 2021. A review committee composed of County, City and VHA staff will recommend a proposed operator prior to the end of February 2021. It is anticipated that the operator will be available to begin providing services in March 2021. The County will be solely responsible for operator funding with the exception of up to \$100,000 provided by VHA annually for supportive service budgetary deficits.

The Shelter will operate 24 hours a day, 7 days a week as a non-congregate facility so that Shelter residents will have individual rooms containing restroom facilities as a part of the effort to prevent the transmission of COVID-19.

- D. Eligibility for Residency. Eligibility for Shelter residency shall be limited to individuals residing within the County] and be limited to homeless individuals and homeless households that earn no more than 30% of the area median income ("AMI"). Referrals to the Shelter will be handled through the Coordinated Entry and Assessment System as utilized by the County and as required by the State. In addition, County and/or Shelter operator will enter accurate client-level data and program entry/exit into the Clark County Homeless Management Information System (HMIS). The Parties may also utilize the City's Homeless Action Response Team (HART) along

with community outreach teams and the Housing Solution Center to identify potentially eligible Shelter residents.

- E. Shelter Operator Contract. County will be responsible for controlling and directing the work of the Shelter operator and will ensure that the operator is complying with all relevant federal, state and municipal laws, rules and regulations. County will further ensure that the operator is contractually obligated to engage with and to provide Shelter residents with services and community support that addresses their physical and mental well-being with the goal of achieving positive and stable housing outcomes. County will require that the Shelter operator provide a quarterly progress report on Shelter operations which shall include a summary of case management activities. Individual case files will be periodically reviewed by County staff.

Funding Shelter Operations. Funding for Shelter operations shall be the responsibility of the County and the VHA and will be coordinated by the County from a variety of federal, state and local funding sources including, but not limited to, state funds for new shelter beds, federal Emergency Solutions Grant shelter funds and local Mental Health funds if available. Annual operations costs for the Shelter are estimated to be \$2,299,500

VHA- \$100,000 per year;
County \$2,199,500 per year.

The VHA shall serve as fiscal agent for all funds provided for shelter operations. The City will be provided access to records for auditing and performance management purposes as required by law or reasonably requested. Funds available for shelter operations are anticipated to be expended within a 2-3 year period.

- F. Administrative Expenses. The parties agree that each shall be responsible for covering their own administrative overhead costs associated with the performance of this IGA.
- G. Media and Communications. County will be responsible for handling all media inquiries and communications as well communication with the general public.

V. Duration of Agreement and Disposition of Assets

A. Duration. This IGA shall be in effect for three (3) years from the date of the last signature. Six months prior to expiration, the Parties will discuss expiration or renewal based on an assessment of whether the Shelter as described herein can continue to operate. Any extension of this IGA shall be in writing, signed by the parties.

B. Disposition of Assets. Upon expiration of this IGA, the County and City agree that VHA as owner of the Shelter property may convert its use from a shelter facility to a permanent affordable housing community. For purposes of this Agreement, the term "affordable housing" shall mean rents established at 60% of Area Median Income rents provided by the Washington State Housing Finance Commission. Upon expiration of this IGA, any unspent funds held by any fiscal agent(s) identified within this agreement shall be apportioned 100% to the VHA.

VI. Hold Harmless

Hold Harmless. Each party to this IGA will be responsible for its own actions in providing services under this Agreement and shall not be liable for any civil liability that may arise from the furnishing of the services by any other party.

VII. Miscellaneous Provisions

A. Waiver. No waiver of any breach of any covenant or agreement contained herein shall operate as a waiver of any subsequent breach of the same covenant or agreement or as a waiver of any breach of any other covenant or agreement, and in case of a breach by either party of any covenant, agreement or undertaking, the non-defaulting party may nevertheless accept from the other any payment or payments or performance hereunder without in any way waiving its right to exercise any of its rights and remedies provided for herein or otherwise with respect to any such default or defaults that were in existence at the time such payment or payments or performance were accepted by it. The exercise of any remedy provided by law or the provisions of this Agreement shall not exclude other consistent remedies.

B. Amendments. The Parties agree that subsequent to the execution of this IGA, it may be necessary to adjust the apportionment of allotted funds set forth herein due to operational or other changes in how the Shelter functions. It is further agreed that any such changes may be done administratively by staff and will not require this IGA to be formally amended provided (i) the total amount provided by each entity remains the same, and (ii) provided further that any such changes cannot be unilateral and must be agreed upon by administrative staff for the Parties in writing.

C. Assignment. None of the parties shall assign this Agreement, or any part hereof, without the written consent of the other parties. The Agreement shall inure to the benefit of and be binding upon each party and their successors and permitted assigns.

D. Applicable Law and Venue. This Agreement shall be construed in accordance with the laws of the State of Washington. Venue for any dispute related to the Agreement shall be Clark County, Washington.

E. Filing. A copy of this Agreement and any subsequent amendments shall be filed with the Auditor of Clark County, Washington, within five days of the date of its execution, provided, however, that failure to file this Agreement shall not affect the validity of the Agreement.

F. Severability. If a court of law determines any provision of the Agreement to be unenforceable or invalid, the parties hereto agree that all other portions of this Agreement shall remain valid and enforceable.

G. No Third-Party Beneficiaries. This Agreement is made and entered into for the sole protection and benefit of the parties hereto and their successors and permitted assigns. No other

person or entity shall have any right of action or interest in this Agreement based upon any provision of the Agreement.

H. Force Majeure. The timing or performance by any party under this Agreement shall be excused during any extraordinary natural events or weather conditions, war, riots, labor disputes or inability to procure required supplies or materials, delays in environmental review, permitting, or other environmental requirements or work, including environmental mitigation, delays as a result of legal or administrative challenges brought by parties other than the signatories to this Agreement.

I. Notices. All communications, notices and demands of any kind which any party requires or desires to give to any of the other parties shall be in writing and either served on the following individual or deposited in the U.S. Mail or Email and addressed as follows:

If to the County:
Clark County Community Services
Contracts Unit
PO Box 5000
Vancouver WA 98666
lynn.mueller@clark.wa.gov

Copy to the applicable Prosecuting Attorney: Amanda Migchelbrink

If to the City:
Aaron Lande, Policy & Program Manager
City Manager's Office
City of Vancouver
P.O. Box 1995
Vancouver, WA 98668-1995
aaron.lande@cityofvancouver.us

Copy to the Vancouver City Attorney: Jonathan Young

If to VHA:
Roy Johnson, Executive Director
Vancouver Housing Authority
2500 Main
Vancouver WA 98660
rjohnson@vhausa.com

Copy to the Agency Attorney: Ted Gathe

I. Compliance with Laws. All parties shall comply with all applicable federal, state and local laws, regulations and rules in performing this Agreement.

J. Interlocal Cooperation Act. The performance of the obligations of this Agreement shall be in compliance with the provisions of RCW 39.34.030 (4), the Interlocal Cooperation Act. The parties agree that no separate legal entities are necessary in order to carry out this Agreement and that none have been created.

K. Counterparts. This agreement may be executed in two or more counterparts, each of which shall be deemed an original, but all such counterparts shall constitute one agreement.

IN WITNESS HEREOF, Clark County, City of Vancouver and VHA have executed this agreement effective as of the last date set forth below for approval by the three parties.

Execution and Signature page

Vancouver Housing Authority:

_____ Roy Johnson, Executive Director	_____ Date
--	---------------

Clark County:

_____ Kathleen Otto, Interim County Manager	_____ Date
--	---------------

City of Vancouver:

_____ Eric Holmes, City Manager	_____ Date
------------------------------------	---------------

Approved to form:

Attest:

_____ Jonathan Young, City Attorney	_____ Natasha Ramras, City Clerk
--	-------------------------------------



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

www.cityofvancouver.us

July 13, 2021 - SEPA Determination of Non-Significance for proposed amendment to the City of Vancouver zoning code as follows:

Current VMC 20.160.020.C. Commercial use types.

1. Commercial and Transient Lodging. Residential facilities such as hotels, motels, rooming houses, bed-and-breakfast establishments, and homeless shelters where tenancy is typically less than one month. May include accessory meeting, convention facilities, and food preparation and service.

Proposed VMC 20.160.020.C. Commercial use types.

1. Commercial and Transient Lodging. Residential facilities such as hotels, motels, rooming houses, bed-and-breakfast establishments, and homeless shelters. May include accessory meeting, convention facilities, and food preparation and service.

Contact: Bryan Snodgrass, Principal Planner, Vancouver Community and Economic Development Department (360 487-7946), bryan.snodgrass@cityofvancouver.us The City of Vancouver, lead agency, has reviewed the Environmental Checklist as required by WAC 197-11-330(1), pursuant to the State Environmental Policy Act (SEPA), and determined that the proposals will not have a probable significant adverse impact on the environment. Under the authority of WAC 197-11-330(1) and 197-11-350, this Notice of Determination of Non-Significance (DNS) has been issued. A SEPA checklist and background information are available from City staff. Pursuant to WAC 197-11-340, comments **on this SEPA determination** will be received until **5:00 p.m., July 27, 2021**. Procedural appeals to the SEPA determination must be filed in writing within 14 calendar days following the end of the comment period. A City Council decision of the SEPA procedural appeal shall be final and not subject to further administrative appeal. Substantive SEPA appeals shall be filed in writing within 14 calendar days of the issuance of Councils decision.

July 13, 2021

Name

Date

WAC 197-11-960: SEPA ENVIRONMENTAL CHECKLIST

TEXT CHANGE REQUEST

Purpose of checklist:

Governmental agencies use this checklist to help determine whether the environmental impacts of your proposal are significant. This information is also helpful to determine if available avoidance, minimization or compensatory mitigation measures will address the probable significant impacts or if an environmental impact statement will be prepared to further analyze the proposal.

A. BACKGROUND

1. Name of proposed project, if applicable: Change to the Land Use and Development Code (Vancouver Municipal Code Title 20) to modify the Commercial and Transient Lodging Use Classification

2. Name and contact information of applicants: Greg Turner, Land Use Manager, City of Vancouver, greg.turner@cityofvancouver.us.

3. Date checklist prepared: July 7, 2021

4. Agency requesting checklist: City of Vancouver, WA

5. Proposed timing or schedule (including phasing, if applicable): Public hearing on this item is scheduled before the City of Vancouver Planning Commission on Tuesday, July 27, 2021, at 6 p.m. The hearing is remote and for access to the hearing please contact Julie Nischik at Julie.nischik@cityofvancouver.us.

6. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain. N/A

7. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal. N/A

8. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain. None known.

9. List any government approvals or permits that will be needed for your proposal, if known. The Zoning Code text change will be reviewed by the Planning Commission, which will forward a recommendation to Vancouver City Council.

10. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain

WAC 197-11-960: SEPA ENVIRONMENTAL CHECKLIST

aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)

Zoning Code text change to VMC 20.160.020.C.1 as follows:

C. Commercial use types.

1. *Commercial and Transient Lodging. Residential facilities such as hotels, motels, rooming houses, bed-and-breakfast establishments, and homeless shelters where tenancy is typically less than one month. May include accessory meeting, convention facilities, and food preparation and service.*

11. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist. N/A

B. ENVIRONMENTAL ELEMENTS

1. EARTH: Not Applicable to Non-Project Actions

a. General description of the site

(circle one): Flat, rolling, hilly, steep slopes, mountainous,
other _____ Does Not Apply

b. What is the steepest slope on the site (approximate percent slope)? Does Not Apply

c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils. Does Not Apply

d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe. Does Not Apply

e. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill. Does Not Apply

f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe. Does Not Apply

g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)? Does Not Apply

h. Proposed measures to reduce or
Does Not Apply

2. AIR: Not Applicable to Non-Project Actions

WAC 197-11-960: SEPA ENVIRONMENTAL CHECKLIST

- a. What types of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known. Does Not Apply
- b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe. Does Not Apply
- c. Proposed measures to reduce or control emissions or other impacts to air, if any: Does Not Apply

3. WATER: Not Applicable to Non-Project Actions

a. Surface Water: Not Applicable to Non-Project Actions

- 1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into. Does Not Apply
- 2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans. Does Not Apply
- 3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material. Does Not Apply
- 4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known. Does Not Apply
- 5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan. Does Not Apply
- 6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge. Does Not Apply

b. Ground Water: Not Applicable to Non-Project Actions

- 1) Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known. Does Not Apply
- 2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals. . . ; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve. Does Not Apply

c. Water runoff (including stormwater): Not Applicable to Non-Project Actions

- 1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe. Does Not Apply
- 2) Could waste materials enter ground or surface waters? If so, generally describe. Does Not Apply

WAC 197-11-960: SEPA ENVIRONMENTAL CHECKLIST

3) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site?

If so, describe. Does Not Apply

d. Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any: Not Applicable to Non-Project Actions

4. PLANTS: Not Applicable to Non-Project Actions

a. Check the types of vegetation found on the site:

- ☐ deciduous tree: alder, maple, aspen, other
- ☐ evergreen tree: fir, cedar, pine, other
- ☐ shrubs
- ☐ grass
- ☐ pasture
- ☐ crop or grain
- ☐ Orchards, vineyards or other permanent crops.
- ☐ wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other
- ☐ water plants: water lily, eelgrass, milfoil, other
- ☐ other types of vegetation Does Not Apply

b. What kind and amount of vegetation will be removed or altered? Does Not Apply

c. List threatened and endangered species known to be on or near the site. Does Not Apply

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any: Does Not Apply

e. List all noxious weeds and invasive species known to be on or near the site. Does Not Apply

5. ANIMALS: Not Applicable to Non-Project Actions

a. List any birds and other animals which have been observed on or near the site or are known to be on or near the site. Examples include: Does Not Apply

birds: hawk, heron, eagle, songbirds, other:

mammals: deer, bear, elk, beaver, other:

fish: bass, salmon, trout, herring, shellfish, other _____

b. List any threatened and endangered species known to be on or near the site. Does Not Apply

c. Is the site part of a migration route? If so, explain. Does Not Apply

d. Proposed measures to preserve or enhance wildlife, if any: Does Not Apply

e. List any invasive animal species known to be on or near the site. Does Not Apply

6. ENERGY & NATURAL RESOURCES: Not Applicable to Non-Project Actions

a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc. Does Not Apply

b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe. Does Not Apply

c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any: Does Not Apply

WAC 197-11-960: SEPA ENVIRONMENTAL CHECKLIST

7. ENVIRONMENTAL HEALTH: Not Applicable to Non-Project Actions

- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe. Does Not Apply
Describe any known or possible contamination at the site from present or past uses. Does Not Apply
- 1) Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity. Does Not Apply
 - 2) Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project. Does Not Apply
 - 3) Describe special emergency services that might be required. Does Not Apply
 - 4) Proposed measures to reduce or control environmental health hazards, if any: Does Not Apply

b. Noise: Not Applicable to Non-Project Actions

- 1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)? Does Not Apply
- 2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site. Does Not Apply
- 3) Proposed measures to reduce or control noise impacts, if any: Does Not Apply

8. LAND AND SHORELINE USE: Not Applicable to Non-Project Actions

- a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe. Does Not Apply
- b. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses as a result of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use? Does Not Apply
- 1) Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how: Does Not Apply
- c. Describe any structures on the site. Does Not Apply
- d. Will any structures be demolished? If so, what? Does Not Apply
- e. What is the current zoning classification of the site? Does Not Apply
- f. What is the current comprehensive plan designation of the site? Does Not Apply
- g. If applicable, what is the current shoreline master program designation of the site? Does Not Apply

WAC 197-11-960: SEPA ENVIRONMENTAL CHECKLIST

- h. Has any part of the site been classified as a critical area by the city or county? If so, specify. Does Not Apply
- i. Approximately how many people would reside or work in the completed project? Does Not Apply
- j. Approximately how many people would the completed project displace? Does Not Apply
- k. Proposed measures to avoid or reduce displacement impacts, if any: Does not apply
- l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any: Does Not Apply
- m. Proposed measures to ensure the proposal is compatible with nearby agricultural and forest lands of long-term commercial significance, if any: Does Not Apply

9. HOUSING: Not Applicable to Non-Project Actions

- a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing. Does Not Apply
- b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing. Does Not Apply
- c. Proposed measures to reduce or control housing impacts, if any: Does Not Apply

10. AESTHETICS: Not Applicable to Non-Project Actions

- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed? Does Not Apply
- b. What views in the immediate vicinity would be altered or obstructed? Does Not Apply
- c. Proposed measures to reduce or control aesthetic impacts, if any: Does Not Apply

11. LIGHT & GLARE: Not Applicable to Non-Project Actions

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur? Does Not Apply
- b. Could light or glare from the finished project be a safety hazard or interfere with views? Does Not Apply
- c. What existing off-site sources of light or glare may affect your proposal? Does Not Apply
- d. Proposed measures to reduce or control light and glare impacts, if any: Does Not Apply

12. RECREATION: Not Applicable to Non-Project Actions

- a. What designated and informal recreational opportunities are in the immediate vicinity? Does Not Apply
- b. Would the proposed project displace any existing recreational uses? If so, describe. Does Not Apply
- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any: Does Not Apply

13. HISTORIC & CULTURAL PRESERVATION: Not Applicable to Non-Project Actions

- a. Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers located on or near the site? If so, specifically describe. Does Not Apply

WAC 197-11-960: SEPA ENVIRONMENTAL CHECKLIST

- b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources. Does Not Apply
- c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc. Does Not Apply
- d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required. Does Not Apply

14. TRANSPORTATION: Not Applicable to Non-Project Actions

- a. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any. Does Not Apply
- b. Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop? Does Not Apply
- c. How many additional parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate? Does Not Apply
- d. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private). Does Not Apply
- e. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe. Does Not Apply
- f. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and nonpassenger vehicles). What data or transportation models were used to make these estimates? Does Not Apply
- g. Will the proposal interfere with, affect or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe. Does Not Apply
- h. Proposed measures to reduce or control transportation impacts, if any: Does Not Apply

15. PUBLIC SERVICES: Not Applicable to Non-Project Actions

- a. Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe. N/A
- b. Proposed measures to reduce or control direct impacts on public services, if any. Does Not Apply

16. UTILITIES: Not Applicable to Non-Project Actions

- a. Circle utilities currently available at the site:
electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system,

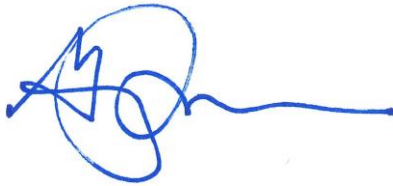
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other _____ Does Not Apply

- b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed. Does Not Apply

C. Signature

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



Signature: _____

Name of signee _____ Greg Turner _____

Position and Agency/Organization

Land Use Manager, City of Vancouver Community and Economic Development Department

Date Submitted: July 7, 2021

D. SUPPLEMENTAL SHEET FOR NON-PROJECT ACTIONS

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

The text change to the zoning code would not facilitate future development that would significantly increase discharges to water; air emissions; toxic or hazardous substance usage, storage or release; or noise

Proposed measures to avoid or reduce such increases are: N/A

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

The proposed text change will not affect plants, animals, fish, or marine life.

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

Does not apply.

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

The proposed text change will not deplete energy or natural resources.

WAC 197-11-960: SEPA ENVIRONMENTAL CHECKLIST

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

Does not apply.

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

The proposed text change does not impact environmentally sensitive lands.

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

Does not apply.

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

The proposed text change does not impact shoreline uses.

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

Does not apply.

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

The proposed text change does not transportation and public services.

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

Does not apply.

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

The proposed text change does not conflict with local, state or federal laws or requirements for the protection of the environment.

DATE: July 20, 2021

TO: Eric Holmes, City Manager

CC: Chad Eiken, CED Director

FROM: Greg Turner, Land Use Manager, CED

RE: **August 16, City Council review of Commercial and Transient Lodging code amendment**

This memo is to serve as an overview to the City Council on the proposed amendment to the Commercial and Transient Lodging Use Classification contained in the Vancouver Municipal Code (VMC) 20.160. The public hearing for this item is scheduled for August 16, 2021.

In 2018, the City Council approved an ordinance which eliminated the City's Human Service Facilities use classification within the VMC and integrated all of the human service uses, including homeless shelters into the use classification of the most similar use. In the case of homeless shelters, the use was deemed most similar to commercial lodging and was added to the Commercial and Transient Lodging Use Classification. The use classification also contains qualifying language which states, "where tenancy is less than one month".

More recently, the Planning Official was asked to issue a recent code interpretation relative to the tenancy requirement as a result of Vancouver Housing Authority's recent purchase of the Howard Johnson hotel for use as a homeless shelter. The requested interpretation was to interpret whether the qualifying limit on length of tenancy meant that the use would not be permitted if residents stay longer than one month. The 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 which be similar to the length of stay at other commercial lodging uses. The code interpretation is currently under appeal and is pending the outcome of the proposed ordinance to remove the tenancy language.

Additional reasons for the code text amendment is the passage of recent legislation. The Washington State House of Representatives recently passed legislation (House Bill 1220) relative 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

Commercial and Transient Lodging Code Amendment

July 20, 2021

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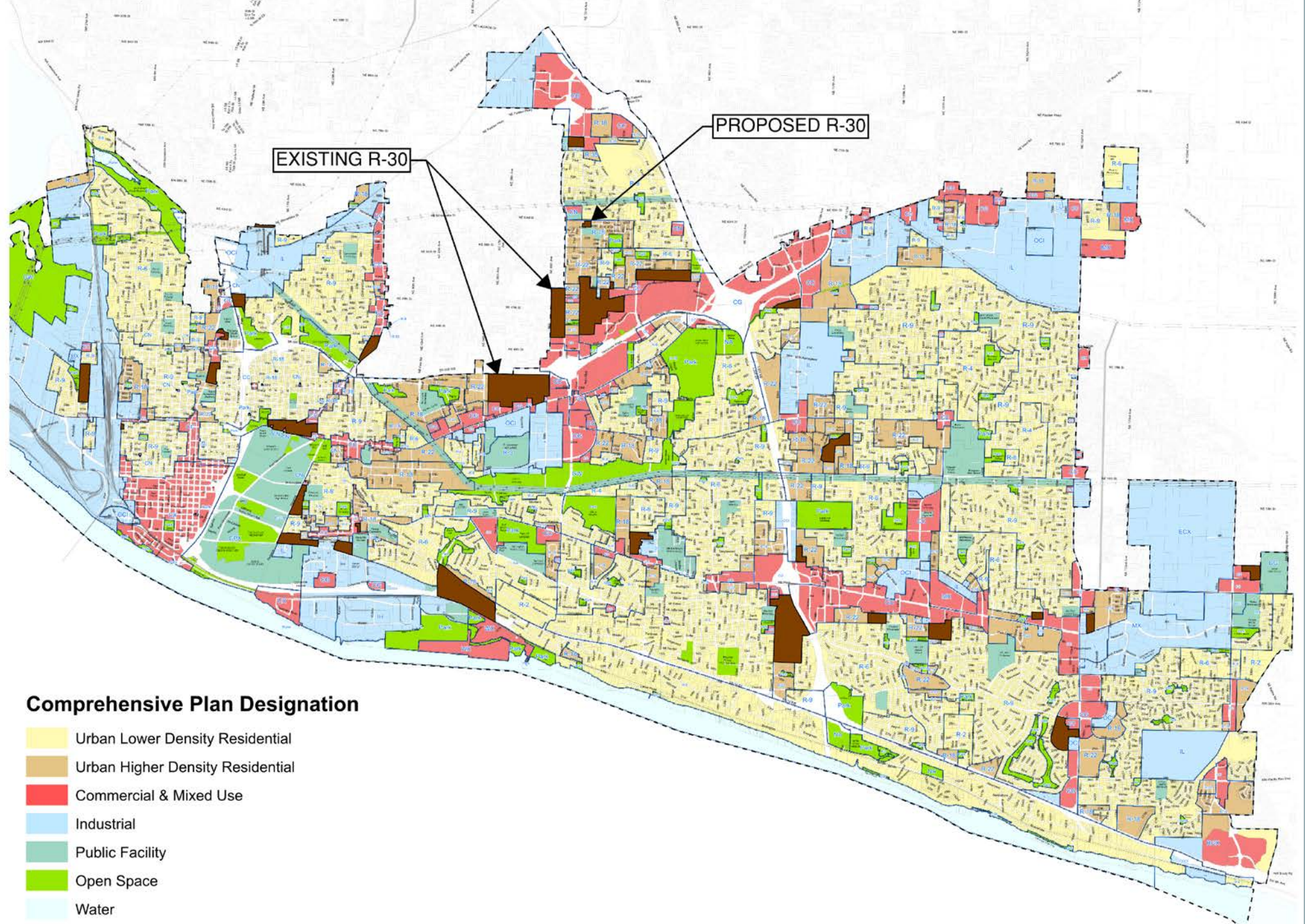
indoor emergency shelters/emergency housing in a majority of zones located within one mile of public transit.

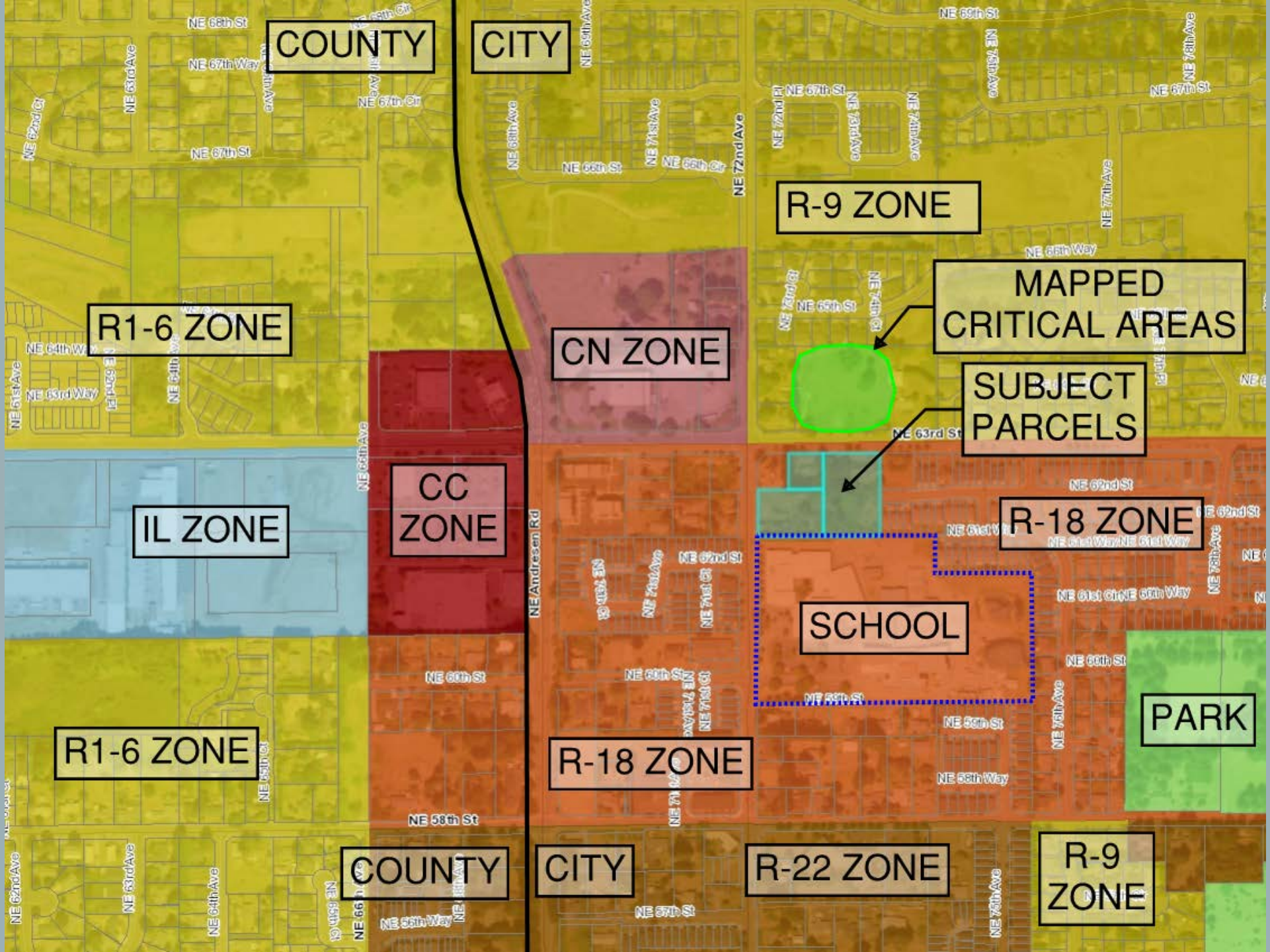
The proposed ordinance will clear up the code language relative to homeless shelters by removing the seemingly qualifying language regarding the typical length of stay, will remove the potential barrier of siting of homeless shelters within the City and will bring the City Code more in line with recent legislation. 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.

The Planning Commission will be conducting a public hearing on the proposed code text amendment on July 27, 2021.

Staff contact: Greg Turner, Land Use Manager, 360-487-7883

62ND STREET REZONE





R-18 APARTMENTS
18 UNITS/ACRE

WALGREENS
AND BANK
CC ZONE

FIRE STATION
CN ZONE

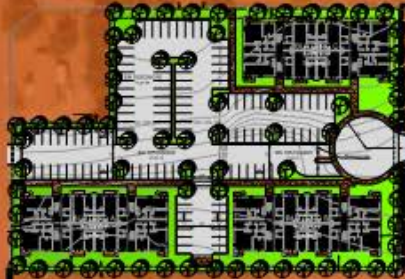
R-9 DETACHED HOMES
7 UNITS/ACRE

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

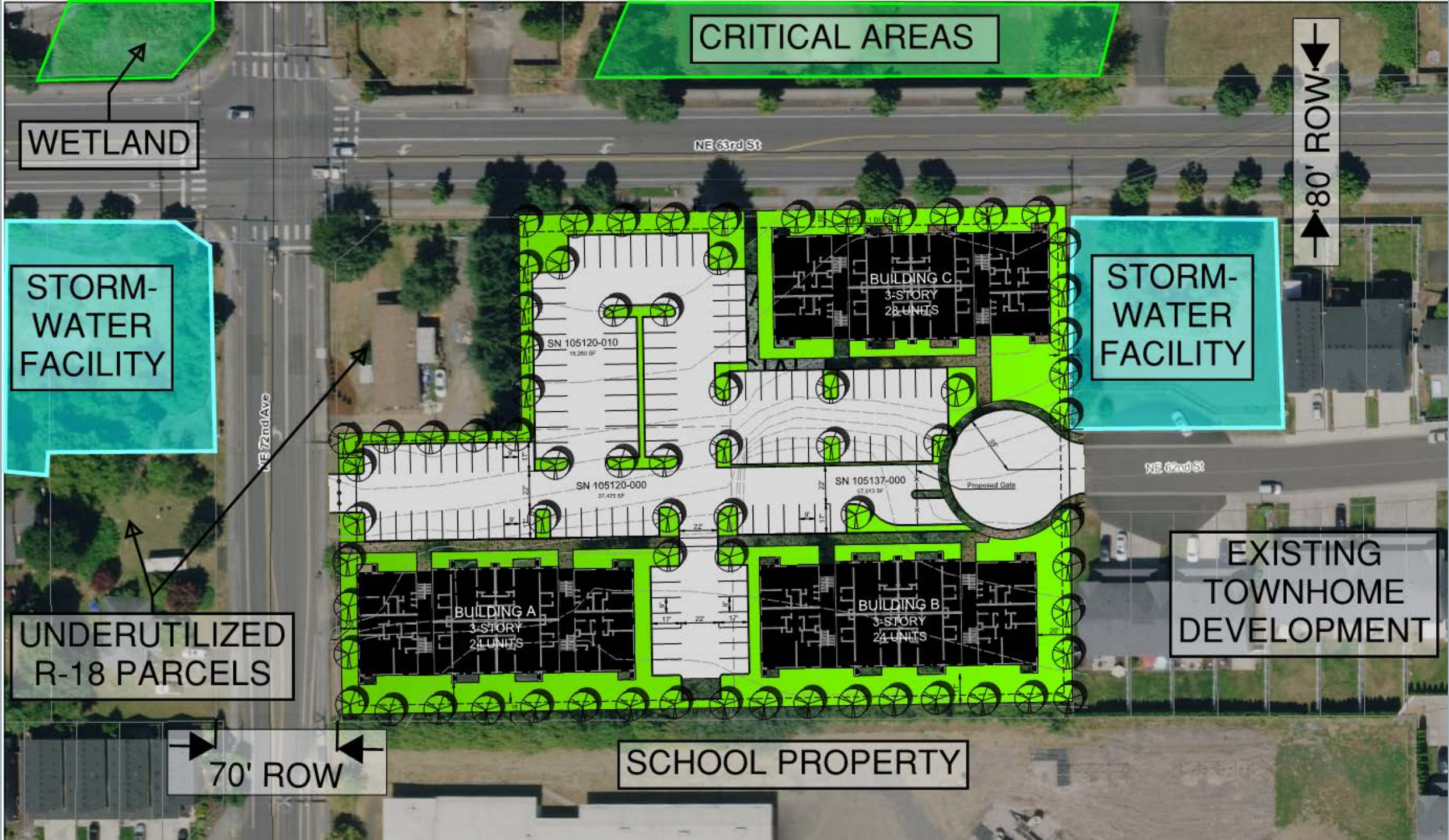
STORM-WATER FACILITY

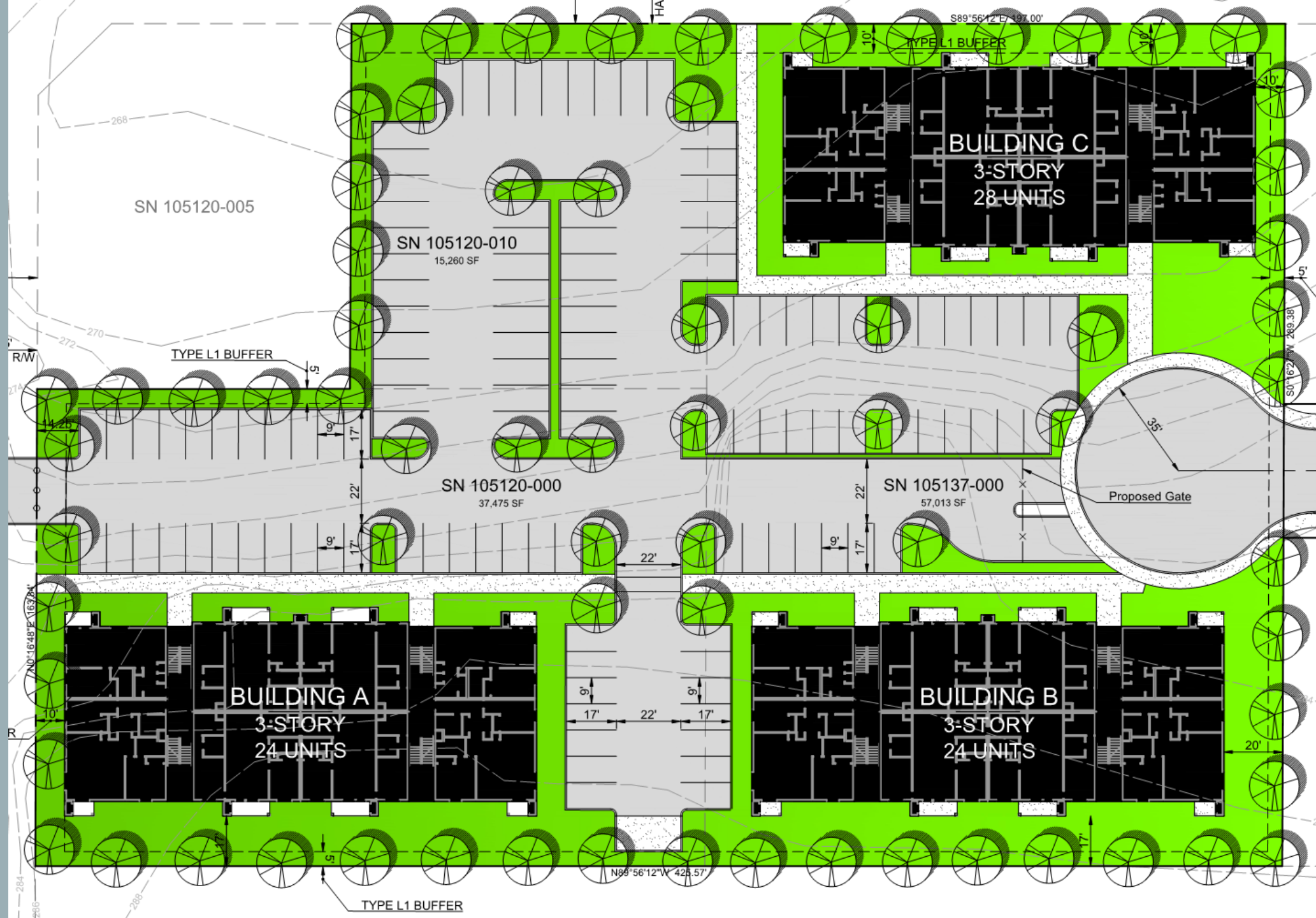
UNDERUTILIZED R-18 PARCELS

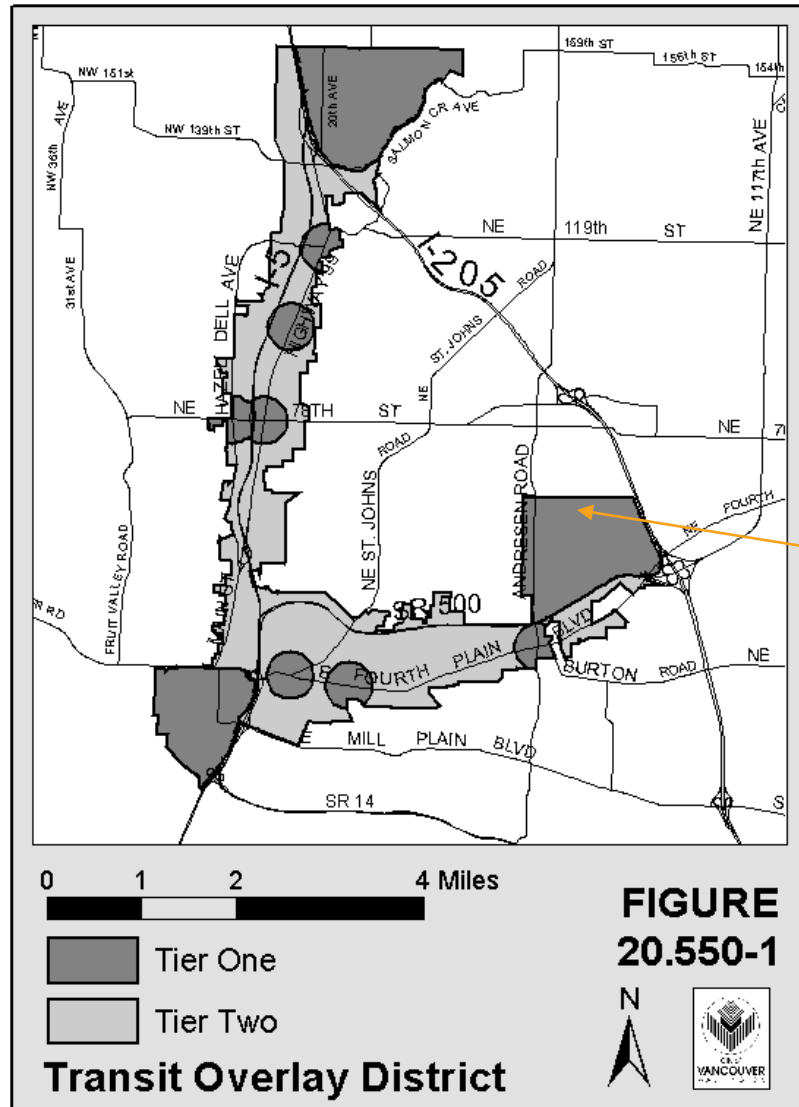
EXISTING TOWNHOME DEVELOPMENT

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.

62nd Street Apartments Zoning Map Change

VANCOUVER
CITY HALL



August 16, 2021

Vancouver City Council Public Hearing
Bryan Snodgrass, Principal Planner, Community
and Economic Development Department

Presentation Overview

- Staff report on 62nd Street Apartments rezone proposal, R-18 to R-22 on 2.5 acres near intersection of 72nd Avenue and 63rd Street
- City Council questions, applicant presentation, public testimony, Council deliberations and recommendation

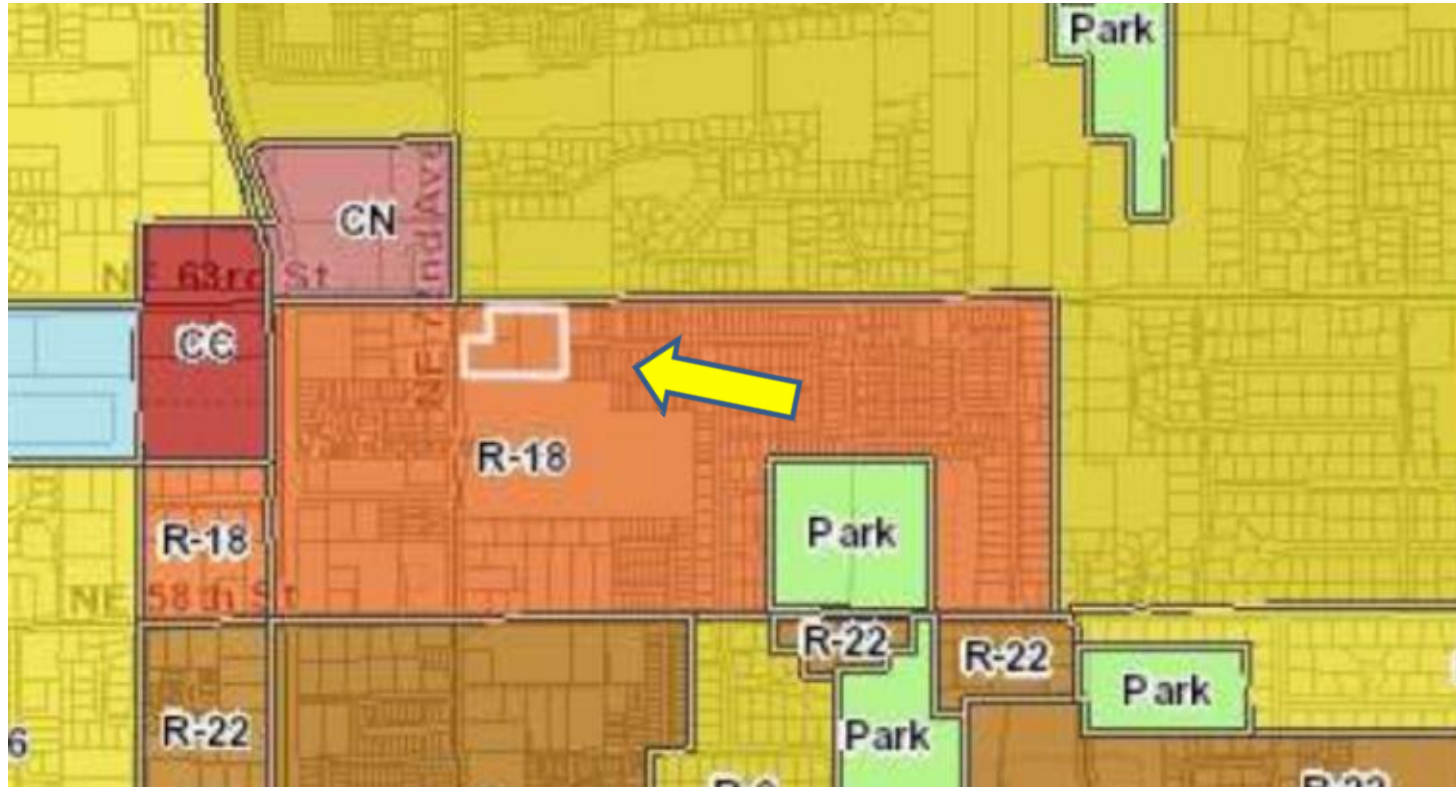
Prior Council Review

- April 19, 2021 Council workshop
- May 17, 2021 public hearing where Council directed staff to return with R-22 proposal more consistent with existing zoning north of site

R-18 to R-30 on 2.5 acres



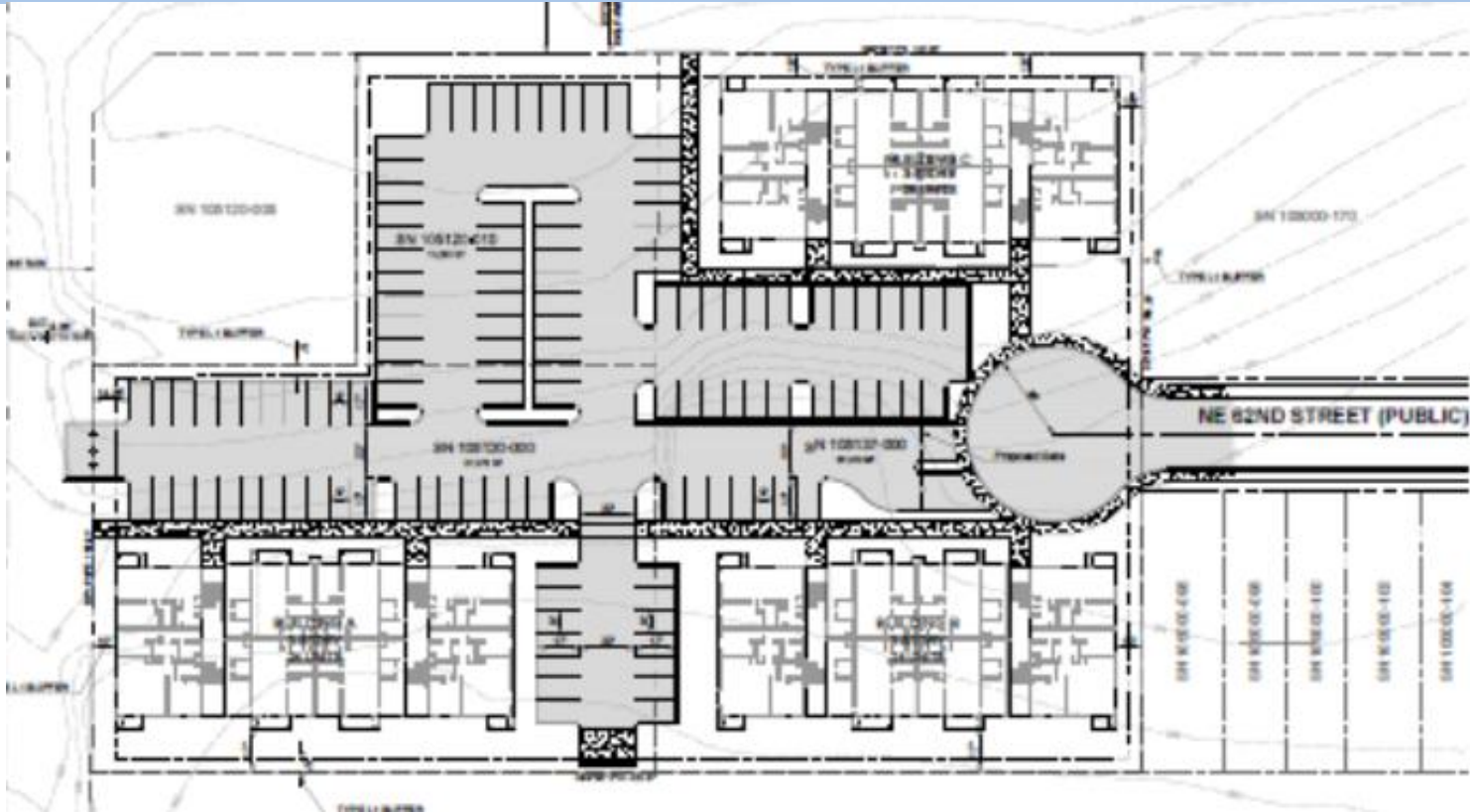
Regional Zoning



Anticipated Future Development

- Applicant had originally proposed a 76-unit market-rate apartment complex of primarily one-bedroom units under R-30. No plans submitted under R-22.
- Vehicular access likely through 62nd Avenue to the east. Access at west end of the site to 72nd Avenue for pedestrian and emergency vehicles only.

Previously Submitted Site Plan



Transportation Issues

- Estimated 245 daily and 20 evening peak under existing R-18 zoning, approximately 25% higher under R-22.
- No indication of unusual accident history at intersection of 72nd Avenue and 63rd Street or indication of nearby concurrency hotspots based on preliminary analysis.
- Bus service available on Andresen Rd. 900 feet west of site.

School Issues

- Walnut Grove Elementary currently serving 629 students in facility originally constructed to serve 537.
- Replacement building under construction in rear of site to serve 720 students, to be completed later in 2021.
- Primary pedestrian access from rezone site for students via existing sidewalk on 63rd Avenue and 72nd Street into front of school site. Access also through existing gate at back of school.

Stormwater Issues

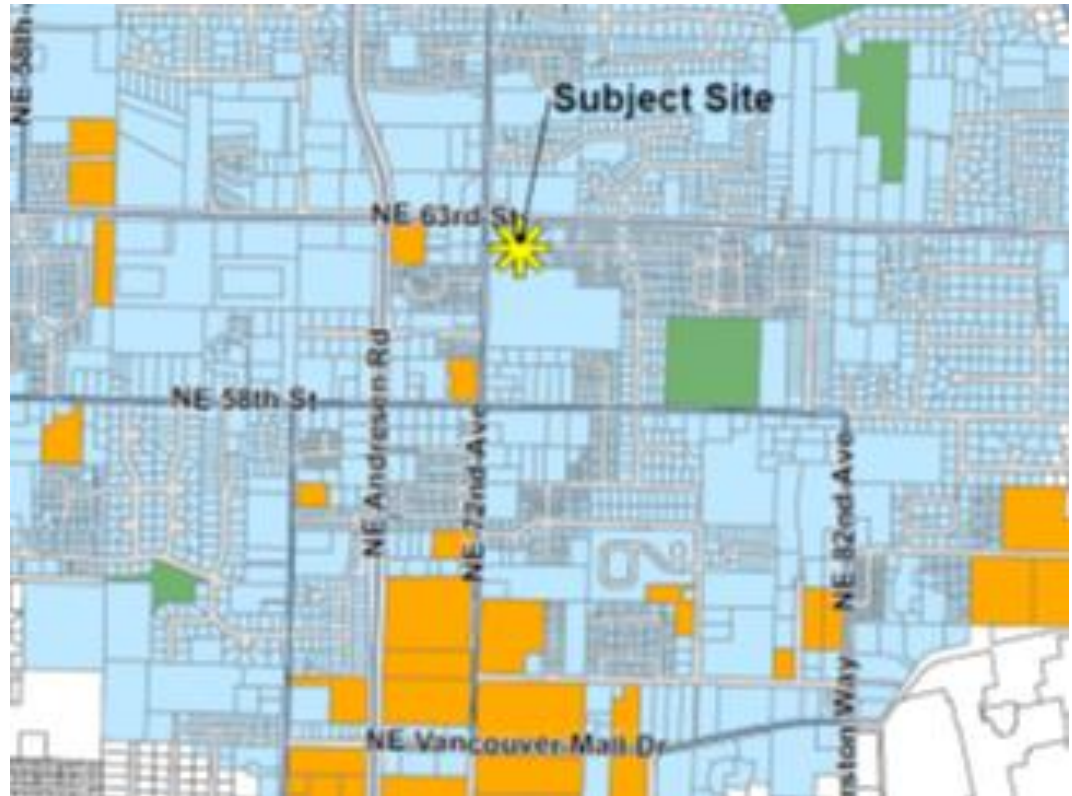
- Gary and Heidi Miller, residents on the north side of 63rd Street opposite the proposal site, testified with concerns about past flooding incidents at their property prior to annexation in 2017.
- City Public Works staff visited the area, spoke with the Millers, and confirmed that the existing City drainage facility west across 72nd Avenue from the rezone site is not a likely source of area flooding. Staff will monitor the situation.
- Future rezone site development will be reviewed for drainage compliance as part of Site Plan Review

Corner Property Implications

- Future redevelopment of 0.3-acre corner mobile home property feasible but probably less likely in near term because of rezone. 5% of multi-family developments since 2000 in the R-18 zone have been this size or smaller.
- Future corner lot access likely limited to right-in, right-out access onto 72nd Avenue
- Multi-family developers likely to look first to larger lots with less constrained access.

Nearby Apartments

Low density multi-family housing relatively prevalent nearby, but fewer apartments within ½ mile. More apartments are located further south near Vancouver Mall Drive.



Review Criteria

- The existing and proposed zoning districts both implement the existing Urban High Density Comprehensive Plan designation, so no changes to the Comprehensive Plan are triggered
- Stand alone zone changes must demonstrate proposed designation is more consistent with applicable Comprehensive Plan and Strategic Plan policies, and that a change in circumstances has occurred since designation first applied.

Staff Recommendation

- Staff recommend approval of the zone map change proposal, which facilitates additional apartment housing compatible with abutting uses and near public and commercial services and amenities, at densities that will likely expand nearby housing options.
- The local onset of the affordable housing crisis represents a significant change in circumstance.

Planning Commission Recommendation

- Planning Commission recommended approval by 6-1 vote at a March 9, 2021 public hearing
- Staff Report found proposal facilitates apartment housing compatible with abutting uses and near public/commercial services, at densities that will expand nearby housing options
- At May 17, 2021 public hearing where Council directed staff to return with R-22 proposal more consistent with existing zoning north of site

Next Steps

- Applicant has not indicated future plans. If rezone to R-22 approved, future apartment development if submitted requires application for site plan review

Questions and Discussion

- Bryan Snodgrass, Principal Planner, Community and Economic Development Department
bryan.snodgrass@cityofvancouver.us, 360-487-7946



Staff Report 117-21

TO: Mayor and City Council

FROM: Eric Holmes, City Manager

DATE: 8/16/2021

SUBJECT 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

Key Points

- The Planning Commission voted 6-1 to recommend approval at a March 9 public hearing, with one person testifying against based on concerns about too many apartment developments in the general vicinity, and past flooding incidents at their property located on the north side of 63rd street across from the proposal site.
- The City Council at an April 19 workshop requested further information about how the proposal complies with locational criteria for the R-30 zoning district. At a May 17 public hearing the Council raised questions about the zoning history and topography of the site, and voted 4-2 to direct staff to return a proposal for R-22 rather than R-30 zoning, which is less divergent from the adjacent single family zoning north of 63rd Street. There was no public testimony at the May 17 public hearing, and no written testimony from any party has been received since.

Strategic Plan Alignment

N/A

Present Situation

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 source 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.

Advantage(s)

Allows somewhat higher density apartment development and increases housing options and accessibility, at a location compatible with surrounding properties, consistent with Comprehensive Plan policies CD-3, Infill and Redevelopment; CD-9 Compatible Uses; H-1 Housing Options; and H-5 Housing Placement Near Services and Centers.

Disadvantage(s)

Complicates but does not eliminate future development options for the 0.3-acre corner property at the intersection of 63rd Street and 72nd Avenue.

Budget Impact

No significant impacts anticipated

Prior Council Review

- April 19, 2021 workshop
- May 10, 2021 first reading
- May 17, 2021 public hearing (minutes)

Action Requested

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

Bryan Snodgrass, Principal Planner, 360-487-7946

ATTACHMENTS:

- ▢ Ordinance
- ▢ April 5, 2021 memorandum for 4/19/21 City Council workshop
- ▢ March 9, 2021 Planning Commission staff report
- ▢ March 9, 2021 Planning Commission minutes
- ▢ April 19, 2021, City Council public meeting minutes
- ▢ Presentation

08/09/21
08/16/21

ORDINANCE NO. M_____

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.

WHEREAS, an application for property-specific changes to zoning map designations was submitted to the City of Vancouver to change the zoning map designation on said properties from R-18 to R-30; and

WHEREAS, the Vancouver Planning Commission reviewed the proposed map designation changes at a duly advertised workshop on January 12, 2021, duly advertised public hearing on March 9, 2021, and voted 6-1 to recommend approval of the zoning map amendment described herein for adoption to the City Council; and

WHEREAS, the City Council conducted a duly advertised workshop on April 19, 2021, a duly advertised first reading on May 10, 2021, and duly advertised public hearing on May 17, 2021, following which the Council directed staff to return with an updated ordinance to change the zoning map designation from R-18 to R-22 rather than R-30, on the basis that R-22 zoning is more consistent with existing single family zoning north of the site; and

WHEREAS, the cumulative environmental impacts of the proposed zoning change have been reviewed and determined to be nonsignificant pursuant to the State Environmental Policy Act. A Notice of Determination of Non-significance (DNS) was issued on February 22, 2021, and no SEPA comments or appeals were received; and

WHEREAS, staff has reviewed the original determination and checklist and determined that it address the range and magnitude of impacts likely if the proposed zoning designation is R-22 instead of

R-30; and

WHEREAS, the City Council finds and concludes that the proposed change is consistent with the balance of relevant criteria for Zoning Map Amendments (VMC 20.285), and is consistent with the policies and provisions of the Comprehensive Plan and Strategic Plan that encourage orderly development within the community and the Growth Management Act pursuant to the requirements of Chapter 36.70A. RCW.

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF VANCOUVER:

Section 1. Findings and Conclusions. The Planning Commission findings and conclusions as set forth in the staff report for the March 9, 2021, public hearing, are hereby adopted as the City Council's findings of fact

Section 2. Zoning Code Map Amendment. The City of Vancouver Zoning Map established under VMC 20.130.020 is hereby amended to change properties at 6115 NE 72nd Avenue, 7215 NE 63rd Street, and 7309 NE 63rd Street, tax lots 105120000, 105120010, and 105137000, from R-18 to R-22.

Section 3. 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 4. Effective Date. This ordinance shall go into effect 30 days after adoption

Section 5. Instruction to City Clerk. The City Clerk shall transmit a copy of the revised development code to the Washington Department of Commerce.

Read First Time:

Ayes: Councilmembers

Nays: Councilmembers

Absent: Council Members

Read Second Time:

PASSED BY THE FOLLOWING VOTE:

Ayes: Councilmembers

Nays: Councilmembers

Absent: Councilmembers

SIGNED this _____ day of _____, 2021

Anne McEnery Ogle, Mayor

Attest:

Natasha Ramras, City Clerk

Approved as to form:

Jonathan Young, City Attorney

ORDINANCE - 3

SUMMARY

ORDINANCE NO. M _____

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.

The full text of this ordinance will be mailed upon request. Contact Raelyn McJilton, Records Officer at 487-8711, or via www.cityofvancouver.us (Go to City Government and Public Records).

Memorandum

DATE: April 5, 2021

TO: Mayor and City Council

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

RE: April 19 workshop review of 62nd Street Apartments rezone from R-18 to R-30, scheduled for City Council first reading on May 10, and public hearing on May 17, 2021.

CC: Eric Holmes, City Manager



The proposal site is near the southeast corner of the intersection of NE 63rd Street and 72nd Avenue, in an area outside of a recognized neighborhood association. The site abuts Walnut Grove Elementary School to the south, a subdivision of newer attached townhomes to the east, and an older single family homesite and a drainage property owned by the City of Vancouver to the west across 72nd Avenue, all zoned R-18. North of the site across 63rd Avenue are older single-family homes zoned R-9.

The proposal does not include the 0.3-acre site at the immediate southeast corner of 63rd Street and 72nd Avenue containing a mobile home. In discussions with staff the applicant's representative as well as the owner of the corner property confirmed that the owner was approached by the applicant to be included in the proposal, but the parties did not agree on purchase price.

If the rezone is approved the applicant indicates they will seek Site Plan approval for a 76-unit market rate apartment complex consisting of three three-story buildings. Sixty of the units are planned as one-bedroom units, 16 as two-bedroom units. Vehicle access is anticipated to be taken off 63rd Avenue at the eastern end of the site, with emergency and pedestrian access only to 72nd Avenue at the west end. See conceptual site plan in Attachment A.

The applicant has submitted a traffic analysis, indicating that the proposal under R-30 zoning would generate 415 daily trips in comparison to 245 daily trips under the existing R-18 zoning. Evening peak hour trips would be 33 under the proposal, 20 under existing zoning. Based on preliminary analysis, City transportation staff advises that the intersection of 72nd Avenue and 63rd Street does not indicate any unusual accident history, and there are no intersections in the general vicinity of the site with known congestion problems from a concurrency standpoint.

Development of the site as proposed without the 0.3-acre property at the corner of 72nd Avenue and 63rd Street would force that property to establish access to 72nd Avenue at some time in the future when it redevelops. The mobile home on the corner property currently accesses 72nd Avenue at the southern end of the property. Requiring the rezone proposal to provide internal access to the corner property was considered by staff but ultimately not recommended as it was not found to be necessary to allow the corner property to redevelop safely and in a manner consistent with City road standards in the future.

The site is in the Vancouver School District, and is served by Walnut Grove Elementary, Gaiser Middle, and Fort Vancouver High schools. The School District indicates that there are no current capacity issues at the Gaiser Middle or Fort Vancouver High Schools, but that Walnut Grove Elementary immediately south of the site is currently accommodating 629 students in a facility built for 537. However, a replacement building is currently under construction that will house 720 students when completed later this year. The District further indicates that although Walnut Grove enrollment will increase in the next few years, it is anticipated to decrease over the next decade.

Ensuring the long-term viability of the corner mobile home property to ultimately redevelop has been a consideration in the review of the rezone. Citywide, assessor data indicates there are 92 triplexes, fourplexes, or apartments of up to nine units that have been built in since 2000 in the R-18 zone, five of which are the size of the corner property or smaller. In the R-30 zone citywide

there are 33 such properties, 9 of which are the size of the corner property or smaller. The data suggests to staff that the corner property is viable for future redevelopment over time, but potential multi-family developers would likely look first to larger properties with less constrained access. In the event the corner property does not develop, the loss in terms of number of potential units would likely be 4 or 5 under the current R-18 zoning. Because of its visibility the corner lot may also have commercial potential.

The Planning Commission voted 5-1 in support of the proposed rezone at a March 9, 2021 public hearing, with one couple testifying against based on concerns primarily about area drainage, as well as apartments and traffic in the area. Gary and Heidi Miller, who reside at 6403 NE 72nd Avenue on the north side of 63rd Street, cited past flooding incidents impacting their property. The one Commission vote against the proposal was based on concerns about moving the proposed rezone proposal forward to the Council until the drainage issues could be investigated.

A follow up email from the Miller's about the flooding incidents is included in Attachment D herein. City drainage staff advise that there have been no known significant drainage incidents in the area since it was brought into the City as part of the Van Mall North annexation in 2019, and are in the process of reviewing past incidents when the area was under County jurisdiction, and if there are current vulnerabilities.

Compliance with specific development standards including drainage will be addressed as part of the Site Plan review process required to develop the apartment complex if the rezone is approved.

Attached are links to the March 9 Planning Commission public hearing [staff report](#) and [presentation](#).

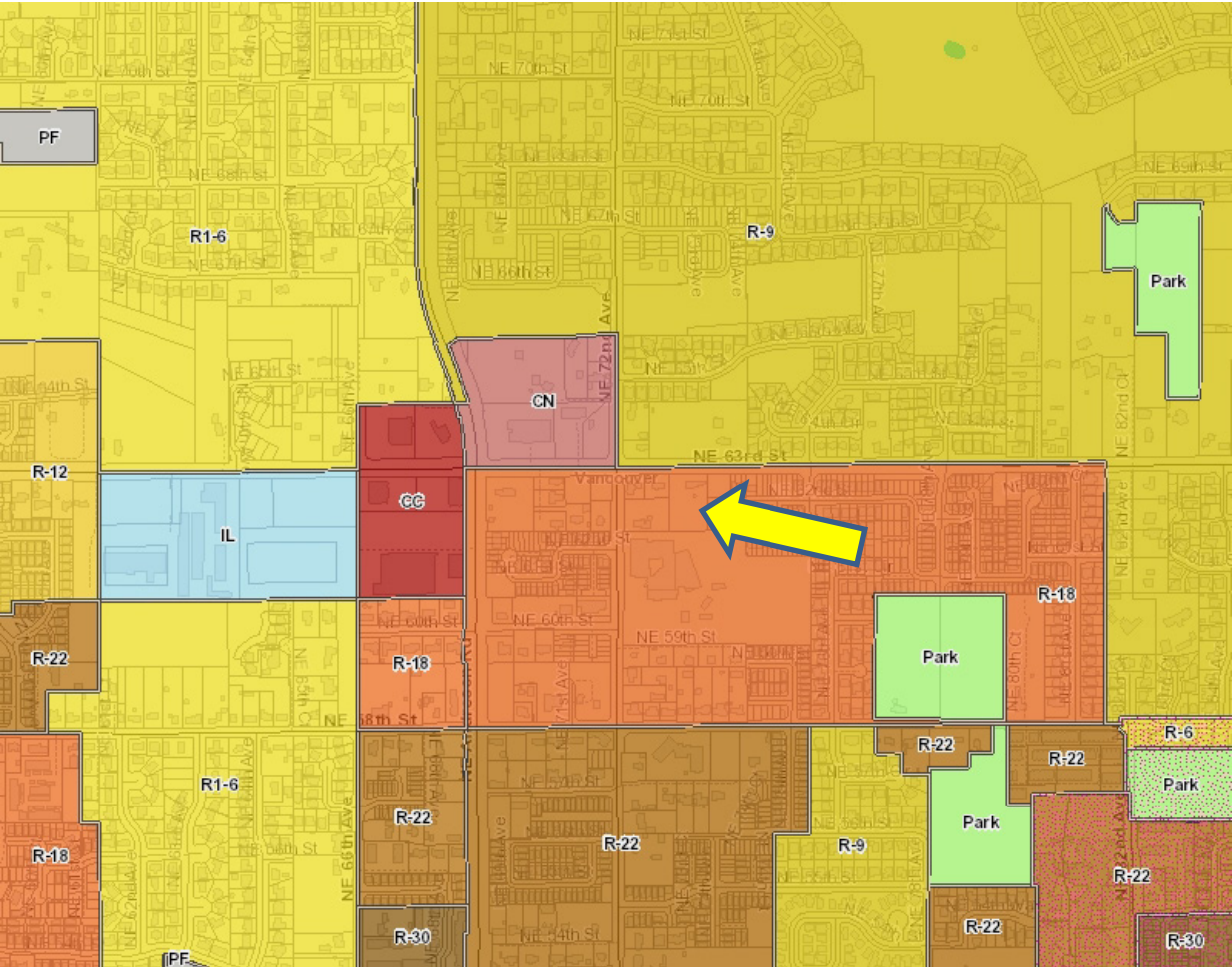
Attachments

- A. Conceptual Future Site Plan
- B. Regional Zoning Map
- C. Planning Commission Draft Public Hearing Minutes
- D. Follow-up Testimony on Drainage Issues

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ATTACHMENT B – REGIONAL ZONING MAP



ATTACHMENT C – MARCH 9, 2021 DRAFT PLANNING COMMISSION HEARING MINUTES

Staff presented the 62nd Avenue standalone rezone proposal, consisting of a change in zone from R-18 to R-30 to allow for the construction of a higher density apartment complex. Staff explained that upon approval of the rezone, the applicant envisions submitting a site plan proposal for a 76-unit market-rate apartment complex, consisting of three 3-story buildings comprised of 1-bedroom and 2-bedroom units. Staff described the transportation impacts and considerations related to the zone change as well as considerations for Walnut Grove Elementary School. Staff noted potential implications of a rezone on the existing corner property that is not a part of the site, explaining that future development of the corner parcel will still be feasible but less likely in the near term if the rezone is approved due to the size and limited access to the parcel. Staff responded to Commission inquiries from prior workshops regarding the local apartment market and inquiries regarding the perceived scarcity of 3-bedroom units. Staff acknowledged that 3-bedrooms are scarcer citywide, but the need for these units in the site area is questionable due to the prevalence of lower density multi-family housing opportunities within approximately ¾ miles of the site.

Staff recommended that the Planning Commission forward a recommendation to the City Council to approve the zone map change proposal, which facilitates additional multifamily housing near public and commercial services and amenities, at densities that will likely expand nearby housing options.

Commission Discussion

Commissioner Pyle asked if staff felt that the proposal was consistent with the Comprehensive Plan since it is a rental property in an area with significant single family development. Staff explained that single family tends to be more owner-occupied but not exclusively so, and that they don't have an analysis of the rental concentration in the area.

Commissioner Harroun asked if the City could ask for pedestrian connectivity between the end of the street and 162nd Ave. Staff explained that site specific requirements would require a development agreement. Harroun asked if the City can ask for that. Staff said that they would recommend it if it rose to the level necessary to meet the rezone criteria. Staff reiterated that there will be two access points to the school and that the school district indicated that there would be access to an existing gate that they intend to keep open. Harroun asked if that is for people that live along 62nd Avenue as well. Staff was uncertain of what the ownership status is of the gate.

Commissioner Atkins asked if there are any EV charging stations included in the design or if that is a site plan issue. Staff said that it's typically a site plan issue. Atkins encouraged staff to think about site plan review requirements and EV charging stations to stay ahead of the market. Atkins expressed support for the zone change proposal. Staff reminded the Commission that they have an upcoming workshop on the City's climate strategy and that process includes code change considerations like EV charging stations.

Applicant Testimony

Consultants of PLS Engineering presented on behalf of the applicant. They reviewed two approval criteria and how the proposal meets those criteria. They explained that the zone change request does not require a Comprehensive Plan change because the zone they're proposing is consistent with the Urban High Density Comprehensive Plan designation that is currently in place at the site. The consultants explained

that R-30 zoning provides greater incentive for the owner to develop denser housing that the Comprehensive Plan calls for, which was not currently being built in the R-18 zone. The consultants indicated that denser developments tend to provide more affordable housing opportunities.

The consultants also addressed concerns raised at the last Commission workshop. They stated that because the proposed zone change is still consistent with the Comprehensive Plan designation, it does not constitute a spot zone. They also addressed the Commission's inquiry about including 3-bedroom units, stating that there is significant demand for 1-bedroom and 2-bedroom units in the city.

Commission Discussion

No discussion or questions by the Commission.

Public Testimony

Heidi and Gary Miller, Vancouver. They live across the street from the proposed site and own two parcels nearby. They stated that they weren't aware that there was a public workshop in January and wanted clarification on how the proposal was publicized. They also explained that they have been flooded by the development that went in on 62nd Street and that it has impacted their ability to build and to get an appraisal. They wanted to know what environmental studies have been done for this proposal and how it will impact them. They expressed their desire to preserve the remaining single-family neighborhood, citing existing rental opportunities in Walnut Grove. They also expressed concern about traffic, noise, and overcrowding at Walnut Grove Elementary School. They understood that there was a public hearing to consider moving forward with the proposal and wanted additional opportunities to discuss it further.

Public testimony closed at 7:21pm. Staff described the workshop and public hearing process and how to best provide input, indicating that a City Council hearing date has not been established yet but that a public hearing is the best way to provide feedback. They also explained the City's notification process for proposed rezones. Staff will follow-up with the Millers regarding drainage concerns. Staff then clarified that the current process is for a zone change and not a site plan review. It's at the latter stage where issues concerning drainage are assessed in more detail.

The consultants responded that no specific development is proposed at this time and that there is a different process for that review. They explained that the land is already zoned for multifamily development and that they're asking an increase in density.

Commission Deliberation

Commissioner Blaufus felt that the traffic study showed that the proposed rezone is a reasonable approach. He felt that more effort should be taken by the City to connect with people with properties that are adjacent to proposals like this to ensure they're aware of what is being proposed. Blaufus asked if an environmental impact study will be done. Staff said that state law requires the City to fill out an environmental impact review checklist for rezones, but that a more detailed SEPA analysis occurs once a development proposal is submitted.

Commissioner Atkins recommended a brief continuation of the proposal to allow staff to investigate the existing flooding issue to identify if it's possible to further densify the site without exacerbating it. He explained that he was supportive of the proposal prior to the flooding issue being raised.

Commissioner Schauer felt that they don't need a continuation and felt that it's at the risk of the applicants to address flooding concerns during the site plan review process.

Commissioner Pyle asked staff to elaborate on how the evaluation of existing infrastructure and its capacity plays into their considerations for rezones. Staff explained that the rezone criteria is generalized and that there's a range of Comprehensive Plan and Strategic Plan policies to call from. They added that the City drainage ordinance doesn't apply until the site plan review stage. Commissioner Pyle didn't think that he wanted to evaluate it for this rezone, but that infrastructure should be considered when the Comprehensive Plan is updated.

Commissioner Blaufus asked if an applicant would be required to mitigate flooding issues if a flooding problem were to be identified and the proposed development would exacerbate it. Staff confirmed adding that the site's stormwater drainage plans need to respond to the City code.

Commissioner Schulte stated that he felt it was important to move forward with an action on this proposal but that the issue that has been brought up with is an important one that needs to be dealt with prior to staff taking the Commission's recommendation to Council.

Commissioner Harroun felt that developers would redirect water coming onto their properties into the street, which could impact neighbors. He asked what processes are in place to address this. Staff stated that he raised questions about the nature of the specific site that they don't know. Harroun stated that he was sympathetic to this concern but felt that it wasn't within his purview when considering the rezone.

Commissioner Ledell asked if the site plan review would focus on the flooding issue and resolve it if the proposal were to go forward. Staff confirmed and added that given the issues raised, they will need to provide a response at the City Council workshop. Commissioner Ledell felt comfortable going forward given staff's explanation of the site plan review process.

Commissioner Pyle said that he was supportive of the proposal. He felt that it fits well in terms of access to transit and to commercial areas. He added that this product type is typically more affordable even though it's likely to be a market-rate project. Pyle felt the proposal is in alignment with City goals.

Motion, by Schulte, seconded by Pyle, and carried 6-1 to forward a recommendation to City Council to approve the 62nd Avenue zoning map designation change from R-18 to R-30 based on the findings described in the staff report. Commissioner Atkins opposed.

Roll Call Vote

Tim Schauer	Yes
Zachary Pyle	Yes
Larry Blaufus	Yes
Jim Atkins	No
Jack Harroun	Yes
Steve Schulte	Yes
Marjorie Ledell	Yes

ATTACHMENT D – FOLLOW UP TESTIMONY ON DRAINAGE ISSUES

From: Gary Miller <garymiller110@yahoo.com>

Sent: Saturday, March 20, 2021 4:11 PM

To: Heidi Miller <heidi.miller.100@gmail.com>; Gary Miller <garymiller110@yahoo.com>; Snodgrass, Bryan <Bryan.Snodgrass@cityofvancouver.us>

Subject: RE: FW: 62nd Avenue rezone

Bryan,

Our property has been negatively impacted on 4 separate occasions.

The first was in 1996 when construction started on the development east of our property stretching north to Green Meadows. They stripped and regraded the entire site filling in wetlands and the natural drainage to the east. When the rain started, we were flooded with all the muddy runoff from their site! The property was 80 percent covered with water in excess of 6 feet deep in the lowest areas. Water was under the living structures and was kept out of the home using an industrial pump running 24 hours a day. This resulted in our well being contaminated. The developer hooked us up to city water and sewer. They fixed the issue by regrading and put in stormwater facilities allowing the runoff to again flow to the east. It took 3 to 4 years for the property to return to normal.

The second was the development of Laurel Estates at the north property line. They did a good job directing their runoff to the new storm water facility but at the same time raised the ground levels at the property line which eliminated the natural escape of water if our property were to flood again.

The third impact was the development to the south between us and Walnut Grove school, the 62nd St area. They had issues with where to direct water. If the storm water facility overflowed it would create a safety issue with water on the roadway, so the County allowed a temporary overflow on to our property which was to be removed and redirected when the NE 63rd Street improvement occurred. This again caused rapid flooding of the property as soon as the rainy season started.

The 4th occasion was the 63rd St widening project and installation of sewer and storm water pipes which made the seasonal flooding of our property worse.

I am attaching a few photos of the property, post development. This is land that is normally dry.

We will put this information into letter format for formal submission. Should that letter be emailed to you?

Thank you,

Gary and Heidi Miller





TO: Planning Commission

FROM: Bryan Snodgrass, Community and Economic Development Department
 Principal Planner, bryan.snodgrass@cityofvancouver.us, (360) 487-7946

SUBJECT: Public hearing review of the **62nd Street Apartments** zoning map designation change from High Density Residential (R-18) to High Density Residential (R-30). If the zoning designation change is approved, the applicant envisions a follow up site plan review application for a 76-unit apartment development.

HEARING DATE: 3/9/2021
REPORT DATE: 2/22/2021

PROPONENT: Serghei Comarnitchi, represented by Travis Johnson of PLS Engineering

LOCATION: Three contiguous properties comprising 2.5 acres at 6115 NE 72nd Avenue, and 7215 and 7309 NE 63rd Street, tax lots 105120000, 105120010, and 105137000

RECOMMENDATION: Forward a recommendation of **approval** for the proposed zoning map designation change



I. BACKGROUND AND REVIEW PROCESS:

VMC 20.285 assigns the Vancouver Planning Commission as the review body for zoning map designation changes. Planning Commission recommendations are forwarded to the Vancouver City Council for further public hearing review and final decision.

This proposal was reviewed at a Planning Commission public workshop held virtually on January 12. Notice of the March 9 Planning Commission public hearing review of this proposal was provided through publication in the *Columbian* newspaper, posting of a sign at the proposal site, and mailing of hardcopy notice to properties within 500 feet of the proposed rezone site. A SEPA Determination of Non-significance (DNS) was issued and published in the *Columbian* on February 22. No public comments have been received to date.

II. SUMMARY OF THE PROPOSAL:

The proposal site is near the southeast corner of the intersection of NE 63rd Street and 72nd Avenue, in an area outside of a recognized neighborhood association. The site abuts Walnut Grove Elementary School to the south, a subdivision of newer attached townhomes to the east, and an older single family homesite and a drainage property owned by the City of Vancouver to the west across 72nd Avenue, all zoned R-18. North of the site across 63rd Avenue are older single-family homes zoned R-9.

The proposal does not include the 0.3-acre site at the immediate southeast corner of 63rd Street and 72nd Avenue containing a mobile home. In discussions with staff the applicant's representative as well as the owner of the corner property confirmed that the owner was approached by the applicant to be included in the proposal, but the parties did not agree on purchase price.

If the rezone is approved the applicant indicates they will seek Site Plan approval for a 76-unit market rate apartment complex consisting of three three-story buildings. Sixty of the units are planned as one-bedroom units, 16 as two-bedroom units. Vehicle access is anticipated to be taken off 63rd Avenue at the eastern end of the site, with emergency and pedestrian access only to 72nd Avenue at the west end. See conceptual site plan in Attachment A.

The applicant has submitted a traffic analysis, Attachment D, indicating that the proposal under R-30 zoning would generate 415 daily trips in comparison to 245 daily trips under the existing R-18 zoning. Evening peak hour trips would be 33 under the proposal, 20 under existing zoning. More detailed traffic information will be provided at the time of site plan review. Based on preliminary analysis, City transportation staff advises that the intersection of 72nd Avenue and 63rd Street does not indicate an unusual accident history, and there are no intersections in the general vicinity of the site with known congestion problems from a concurrency standpoint.

Development of the site as proposed without the 0.3-acre property at the corner of 72nd Avenue and 63rd Street would force that property to establish access to 72nd Avenue at some time in the future when it redevelops. The mobile home on the corner property currently accesses 72nd Avenue at the southern end of the property. Requiring the rezone proposal to provide internal access to the corner property was considered by staff but ultimately not recommended as it was not found to be necessary to allow the corner property to redevelop safely and in a manner consistent with City road standards.

The site is in the Vancouver School District, and is served by Walnut Grove Elementary, Gaiser Middle, and Fort Vancouver High schools. The School District indicates that there are no current capacity issues at the Gaiser Middle or Fort Vancouver High Schools, but that Walnut Grove Elementary is currently accommodating 629 students in a facility built for 537. See Attachment E. However, a replacement building is currently under construction in the rear of the site that the District indicates in correspondence with City staff will house 720 students and be completed later in 2021. The District further indicates that although Walnut Grove enrollment will increase in the next few years, it is anticipated to decrease over the next decade.

In regards to questions raised at the January 12 Planning Commission workshop about student access from the proposal site to the elementary school, District staff indicate access would likely be via existing sidewalk on NE 63rd Street and 72nd Avenue leading into the main entrance of the school. District staff has been invited to the March 9 public hearing and are investigating construction plans for any other potential access via the rear of the new school building.

Ensuring the long term viability of the corner mobile home property to ultimately redevelop is a consideration in the review of the rezone. Citywide, assessor data indicates there are 92 triplexes, fourplexes, or apartments of up to nine units that have been built in since 2000 in the R-18 zone, five of which are the size of the corner property or smaller. In the R-30 zone citywide there are 33 such properties, 9 of which are the size of the corner property or smaller. The data suggests to staff that the corner property is viable for future redevelopment over time, but potential multi-family developers would likely look first to larger properties with less constrained access. In the event that the corner property does not develop, the loss in terms of number of potential units would likely be 4 or 5 under the current R-18 zoning. Because of its visibility the corner lot may also have commercial potential.

In response to a question at the January 12 Planning Commission workshop about the local apartment market, staff has included Attachment F, showing nearby apartments. It does not include lower density multi-family structures with fewer than five units. Local rental pricing is harder to determine. Within an approximately ¾ mile radius Zillow shows 24 units of various types for rent currently, with one-bedroom units renting from \$1200 to \$1300 per month, two-bedroom units from \$1400 to \$1800, and three-bedroom units from \$1700 to \$1900. The applicant has not indicated anticipated pricing of the one and two-bedroom units envisioned if the rezone is approved.

Also raised at the January 12 workshop was the possibility of requiring some of the apartments to be three-bedroom units, and issue which has been raised in other recent rezones to multi-family

residential designations. A Development Agreement would need to be established to implement such a requirement. Although there is general evidence of a citywide shortage of affordable rental options for families, there is not specific policy guidance for addressing this issue in rezones, or information about the relative shortage in the area near this proposal, given the lower density multi-family housing development in the general vicinity.

If the rezone is approved, compliance with specific traffic, building, setback, buffering and other development standards will be determined through the Site Plan Review process, which is an administrative review including provisions for notice to neighboring properties and appeal rights, but no further public hearings.

III. REVIEW CRITERIA AND FINDINGS:

20.285.060 Approval Criteria – Standalone Zoning Map Amendments.

A. 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.*

Applicable Vancouver Strategic Plan Goals

Goal 6: Facilitate the creation of neighborhoods where residents can walk or bike to essential amenities and services- “20 minute neighborhoods”

Applicable Comprehensive Plan Policies

CD-9 Compatible uses

Facilitate development that minimizes adverse impacts to adjacent areas, particularly neighborhoods.

CD-10 Complementary uses.

Locate complementary land uses near one another to maximize opportunities for people to work or shop near where they live.

H-1 Housing options

Provide for a range of housing types and densities for all economic segments of the population. Encourage equal and fair access to housing for renters and homeowners.

H-5 Housing placement near services and centers

Facilitate siting of higher density housing near public transportation facilities and in designated centers and corridors.

Existing Vancouver Municipal Code [Title 20](#) and [Comprehensive Plan](#)

Staff Findings: The proposed zoning map change from R-18 to R-30 meets applicable rezone criteria, as it is consistent with applicable Strategic Plan and Comprehensive Plan policies because it encompasses the following:

- Facilitates needed rental as well as owner-occupied housing, consistent with Comprehensive Plan policy H-1;
- Facilitates housing near public and commercial services, including an elementary school immediately south of the site, larger roadways 72nd Avenue and 63rd Street abutting the site, and Andresen Road approximately 900 feet to the west which contains transit service as well as commercial development anchored by a grocery store, consistent with Comprehensive Plan Policies H-5; CD-4; CD-9; and CD-10.

The proposed zoning change also meets criteria requiring a change in circumstances since the current designation was established, primarily through the acceleration of the local housing affordability crisis in Vancouver, which led to the convening of an Affordable Housing Task Force and subsequent publishing of a report and recommendations in 2016. On balance staff finds these factors outweigh the possibility that future redevelopment of the 0.3-acre corner lot not included is less likely to redevelop in a timely manner.

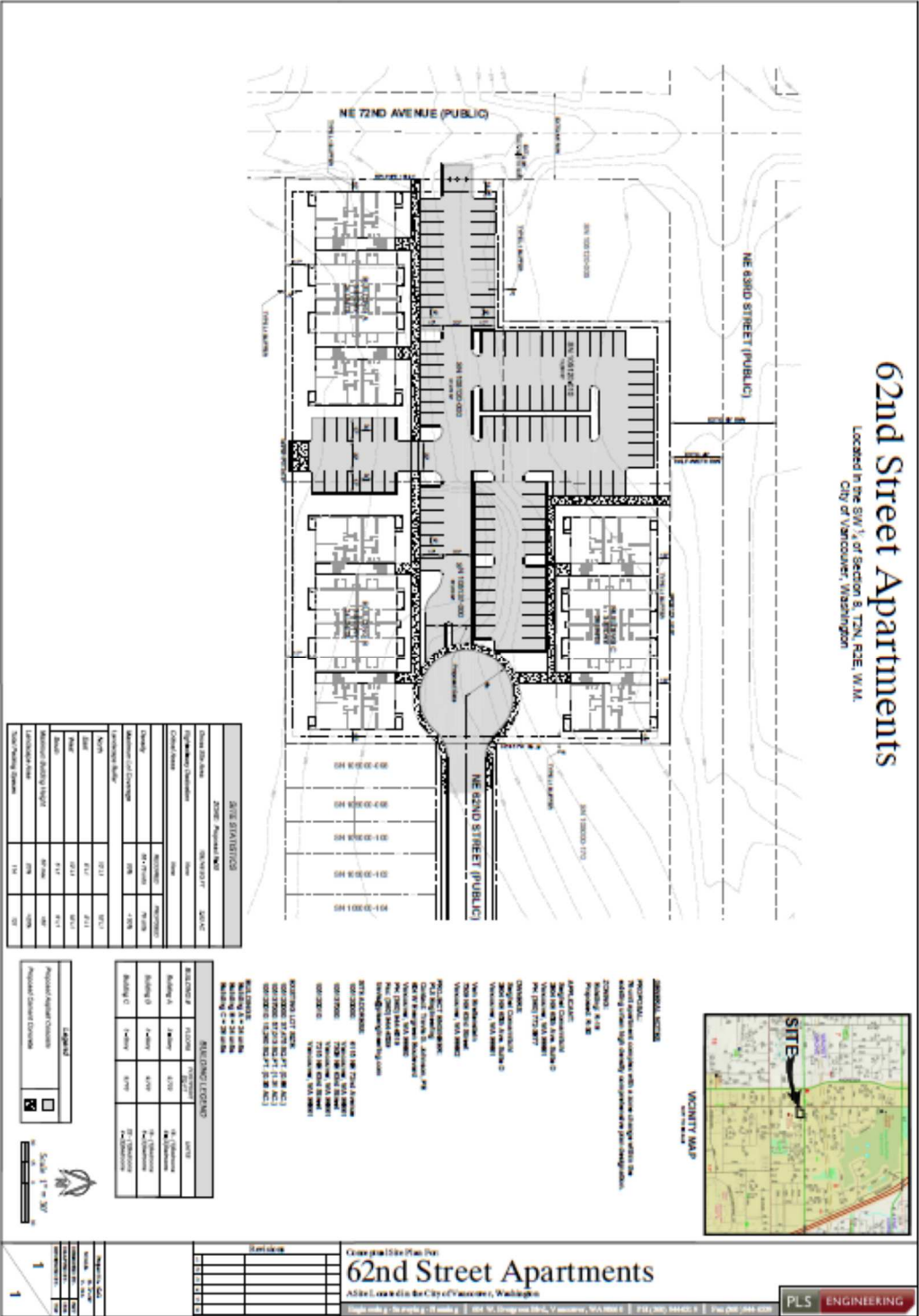
IV. RECOMMENDED ACTION:

Based on analysis and findings in this report, staff recommends that the Planning Commission forward a recommendation to the Vancouver City Council to approve the proposed zoning map designation change from R-18 to R-30 on the 2.5-acre site described herein.

Attachments

- A. Conceptual Future Site Plan
- B. Regional Zoning Map
- C. Applicant Narrative
- D. Applicant Traffic Study
- E. Vancouver School District Capacity Letter
- F. Map of Area Apartments

ATTACHMENT A – CONCEPTUAL FUTURE SITE PLAN



ATTACHMENT C – APPLICATION NARRATIVE

PROJECT DESCRIPTION

The applicant is proposing a zoning map amendment to allow for the higher density development at the site. A change in the comprehensive plan designation is not required. The current zone is R-18, and the applicant is requesting to change the zone to an R-30 designation.

The entire site area is 2.52 acres in size and slopes to the north. The site has a single-family home on each parcel. There are no known critical areas on or near the site. NE 63rd Street and NE 72nd Ave border the property and are fully improved arterial streets.

The surrounding area is characterized as follows:

Direction	Zoning	Development
North	R-9	NE 63 rd Street; single-family residential
East	R-18	City parcel; single-family subdivision
South	R-18	Vancouver schools
West	R-18	NE 72 nd Avenue; Single-family residential

ZONING/DENSITY

The current and proposed comprehensive plan designation for the site is Urban High Density. The current zone is R-18 and the applicant is proposing a zoning map amendment to change the zone to an R-30 designation. The general intent of the Urban High Density designation according to the Comprehensive Plan is “Predominantly apartments and condominiums, with some allowance for attached housing.” Based on a review of the immediate zoning and development around the site, the R-18 zone provides exclusively single family developments with a majority of attached housing, the R-22 zone further to the south has a few apartment complexes but is still predominately single family attached housing. Developments within the R-30 zone are “predominately apartments” as intended by the Comprehensive Plan designation.

The applicant is requesting a zoning map amendment of the subject properties to better meet the intent of the Comprehensive Plan. These apartments units at this specific location will serve young people starting out on their own and families with small children. The convenient location next to Walnut Grove Elementary School will make the apartment desirable for young families. The site is also within walking distance to public transit on NE Andresen Road and to the Safeway Grocery Store at the corner of NE Andresen Road and NE 63rd Street. The proximity of the site to public facilities, schools, commercial development, and public transport will help reduce urban sprawl.

The R-30 zone allows a maximum density of 30 dwelling units per acre. At 2.52 acres of land, the development may have up to 76 units with the proposed zoning map amendment.

DEVELOPMENT STANDARDS

Standard	Required	Proposed
Maximum lot coverage	50%	<50%
Minimum landscape setbacks:		
North	10' L1	10' L1
East	5' L1	5' L1

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South	5' L1	5' L1
West	10' L1	10' L1
Maximum height	50'	<50'

ZONING MAP AMENDMENT CRITERIA

VMC 20.285.060.A. sets out the applicable zoning map amendment criteria 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.

A. Consistency with Vancouver Strategic Plan

The City adopted a 2016-2021 Strategic Plan, and updated it in November 2018.

The request is consistent with Goal 6:

Facilitate the creation of neighborhoods where residents can walk or bike to essential amenities and services – “20-minute neighborhoods.” Page 9.

The request is also consistent with an Action item under Objective 6.2:

6.2.1 Develop a broader range of housing choices through incentives, changes in regulations and implementation of the Affordable Housing Task Force recommendations. Page 23.

This policy is discussed more fully below.

B. Consistency with the Comprehensive Plan

This request is consistent with the purpose of the existing Comprehensive Plan designation:

Table 1-5. Vancouver comprehensive plan land use designations

Comprehensive Plan designation	Corresponding Zoning	General Intent
Residential		
Urban Lower Density	R-2, R-4, R-6, R-9	Predominantly single-family detached residential development, with some allowances for duplexes, townhouses, and single-family homes on small lots using infill standards
Urban Higher Density	R-18, R-22, R-30, R-35, MX	Predominantly apartments and condominiums, with some allowance for attached housing (such as duplexes, townhouses, and small-lot single-family homes) and mixed use

While the current zone R-18 is also in the Urban Higher Density designation, the surrounding area zoned R-18 is largely attached single-family housing.

This request furthers the Community Development policies on page 1-14 to 1-15 of the Comprehensive Plan:

CD-2 Efficient development patterns Encourage efficient development throughout Vancouver to ensure achievement of average density of 8 units per acre set by countywide planning policies. Encourage higher density and more intense development in areas that are more extensively served by facilities, particularly transportation and transit services.

Response:

- The site is in close proximity to a full-service grocery store/commercial area, elementary school, community park, and C-Tran Bus route 78 on NE Andresen Rd.
 - Safeway and Walgreens are both approximately 1/4 mile from the site. This is approximately a 5-minute walk. There is also a Starbucks (inside Safeway), Chase Bank, State Farm Insurance, The UPS Store, Sprint Store, Great Clips, Nail Salon, Drive through Coffee, and Subway.
 - Walnut Grove Elementary is directly south of the site.
 - Raymond E Shaffer Community park is located ¼ mile to the southeast. This is a 10 acre park that connects to another 7 acre park to the south.
 - C-Tran Bus route 78 stops at NE Andresen Rd and NE 63rd Street. This is less than a ¼ mile from the site.
 - The northbound and southbound busses arrive every 30 min from 6:00am to 9:00am and 3:00pm to 6pm
 - The northbound and southbound busses arrive every 60 min from 9:00am to 3:00pm and 6:00pm to 10pm

CD-3 Infill and redevelopment Where compatible with surrounding uses, efficiently use urban land by facilitating infill of undeveloped properties, and redevelopment of underutilized and developed properties. Allow for conversion of single to multi-family housing where designed to be compatible with surrounding uses.

Response:

- The applicant will be developing 3 parcels (2.52 acres total) each with existing single-family residences. This is a relatively small infill project, where the intent is to convert the existing underutilized land into a multi-family housing project.

In addition, the request fulfills both CD-9, facilitating compatible uses adjacent to each other, and CD-10, placing housing near services (complementary land uses).

Chapter 3 of the Comprehensive Plan contains the City's Housing element. The Plan recognizes the need for diverse housing:

As the baby boom generation ages over the next 20 years, there is likely to be a greater need and demand for smaller units, retirement homes, and assisted living.

Page 3-3.

The plan notes that most residential housing is single-family housing (57%). *Id.* Housing affordability is also a City concern:

The Growth Management Act requires local jurisdictions to demonstrate that regulations allow and encourage housing for all economic segments of the community. Table 3-3 provides a breakdown of local households by income ranges, and the general share of Vancouver housing they can afford to buy or rent without having to spend more than 30% of their income.

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There are several policies that would be furthered by this request, including:

H-1 Housing options

Provide for a range of housing types and densities for all economic segments of the population. Encourage equal and fair access to housing for renters and homeowners.

H-2 Affordability

Provide affordable housing by formulating innovative policies, regulations and practices, and establishing secure funding mechanisms. Target affordability programs toward households with incomes below the median.

C. Change in Circumstances

When the site was in Clark County, on the County's 1994, 2004, and 2007 Comprehensive Plan, the site had a Mixed Use Comprehensive Plan designation. In 2016, with its updated comprehensive plan, the County applied the Urban Medium Density Residential to the site.

In 2017, the City annexed the site. The City does not have a Medium Density Residential designation or a R-12 zone, so the site was converted to a Urban Higher Density designation and a R-18 Zone.

Since the 2018 update to the Strategic Plan, market and demographic changes have occurred, with a renewed need for more housing units that could lead to more affordable housing.

Lack of Higher Density Residential Lands. The City has a shortage of higher density land that would allow for typical apartment development. The higher density designation should provide development consisting of "predominately apartments". Also the City projects their housing/employment capacity based on the Vacant Buildable Lands Model (VBLM). In review of the most current year (2018), it shows that out of the 343.9 acres of vacant and underutilized higher density land in the city only 63.2 acres were zoned R-30 or R-35. See attached map (Vacant Buildable Lands (VBLM) Vancouver NE 2018 (UGA)). The rest of the land (280.7 Acres) is zoned R-18 or R-22, which currently provides for single family homes or attached townhomes based on current development patterns, and would not provide the density and affordable housing the City is planning for.

Of the total 63.2 acres that were available in 2018, 35 acres have been developed in the last two years. This leaves 28.2 acres of R-30 land left in the City. Of the 28.2 Acres, 4 acres comprise of lots less than a 1/3 of an acre, 3.8 acres are currently going through the development process (Tax Lot 30853000 and 30842000), and 7.3 acres are constrained entirely by critical area buffers (Tax Lot 159857000, 159856000, and 37515000). This would leave approximately 13.1 acres of R-30 land available for apartment housing within the City going forward (Tax lots 37910177, 108831000, 108118003, 108114000, 165914000, 165894000, 165915000, 165893000, and 112619002). This represents a severe shortage of land for apartments that amounts to a change in circumstance because of limited supply.

In addition, the lack of land zoned for apartments has resulted in a trend that essentially converts commercially zoned land into residential projects. The Mixed-Use code standards are allowed to be applied to commercial properties within the City. In many instances, developers who predominantly seek to build apartment units have used the code to develop buildings on commercial land that are up to 95% residential with only 5% commercial. This lack of suitable, denser housing sites is also reflected in the City's current consideration of a new zone that would allow higher density sites up to 50 units per acre. This demonstrates the City's recognition that the City is low on high density land, so that more land needs to be converted to higher densities. The potential update is discussed at this link: <https://www.cityofvancouver.us/ced/page/housing-code-updates>, where one of the goals

is this:

Develop standards for a new higher density zoning category that would allow denser multi-family housing development. This would also require a site-specific rezone process to be implemented.

Lack of Affordable Housing. There is a correlation between the lack of housing units and affordable housing where increased demand and reduced supply drive up housing costs.¹ According to the AWB Institute, during 2018 in Clark County, there were an estimated 12,608 renting households spending 50% or more of household income on shelter, or 21.5% of all renting households.²

According to the 2016 Affordable Housing Task Force Report issued by the City of Vancouver,³ it was noted that:

Vancouver, Washington and the surrounding communities are experiencing an unprecedented demand for rental units. In June 2015, the vacancy rate in Vancouver was just below 2%, down from 3.8% at the end of 2010.1 The tightening market has led to a dramatic increase in rents. Between October 2014 and October 2015, the increase in median rent for a 2-bedroom, 1-bath unit in Vancouver was the highest in the nation at 15.6% (a jump from \$900 to \$1,040 per month).

Page 2.

While this report was issued in 2016, conditions have not changed, and may have worsened due to the health and economic impacts of COVID-19. This report recognizes that higher densities can promote more affordable housing. Page 9.

CONCLUSION

Because there is a shortage of land zoned for apartments, more R-18 and R-22 land should be converted to the R-30 density. These lands are already designated for higher density housing so an incremental increase in density should not have a significant adverse impact on surrounding properties, but it could provide a significant positive impact on providing more housing units to increase supply and meet demand. We respectfully request that staff recommend approval of this zoning map amendment.

¹ See <https://www.urban.org/sites/default/files/publication/83656/2000907-strategies-for-increasing-housing-supply-in-high-cost-cities-dc-case-study.pdf>.

² <https://www.awbinstitute.org/indicator/renters-spending-50-or-more/>.

³ http://www.cityofvancouver.us/sites/default/files/fileattachments/community_and_economic_development/page/18992/affordable_housing_task_force_-_final_report_-_6.16_0.pdf.

ATTACHMENT D – APPLICATION TRAFFIC ANALYSIS



MEMORANDUM

Date: February 18, 2021

To: Travis Johnson, PE
PLS Engineering
604 West Evergreen Blvd
Vancouver WA 98680

From: Frank Charbonneau, PE, PTOE

Subject: Development Rezone & Trip Generation Assessment FL2113
NE 62nd Street Apartments
Vancouver

As requested we are providing a trip generation assessment for rezoning the NE 62nd Street Apartments' development property in Vancouver. The City through Eric Hahn and Bryan Snodgrass will need this information, as you know.

It is our understanding that the site is currently zoned R-18 and could buildout a total of 45 apartment units. The current development project intends to rezone the property to R-30 and construct three buildings of three-story design with 76 apartment units. The trip generation associated with each zoning scenario has been determined as documented in this report.

The ITE Trip Generation manual (10th edition, year 2017) was used to calculate the number of weekday and peak hour trips. Trip rates for Mid-Rise Housing and land-use code #221 was applied. Table 1 presents the trip generation results for the R-18 zoning and 45 apartment units.

Table 1 R-18 Projected Trip Generation for 45 Mid-Rise Apartments

ITE Land Use	Dwelling Units (#)	Weekday						
		ADT	AM Peak Hour			PM Peak Hour		
			Total	Enter	Exit	Total	Enter	Exit
Mid-Rise Housing (#221)	45							
Generation Rate ¹		5.44	0.36	26%	74%	0.44	61%	39%
Site Trips		245	16	4	12	20	12	8

¹ Source: *Trip Generation*, 10th Edition, ITE, 2017, average rates.

Table 2 on the following page presents the trip generation for the proposed R-30 zoning and 76 apartment units.

Table 2 R-30 Projected Trip Generation for 76 Mid-Rise Apartments

ITE Land Use	Dwelling Units (#)	Weekday						
		ADT	AM Peak Hour			PM Peak Hour		
			Total	Enter	Exit	Total	Enter	Exit
Mid-Rise Housing (#221)	76							
Generation Rate ¹		5.44	0.36	26%	74%	0.44	61%	39%
Site Trips		413	27	7	20	33	20	13

¹ Source: *Trip Generation*, 10th Edition, ITE, 2017, average rates.

In summary a comparison of the trip generation between the two zoning scenarios reveals that the proposed development with 76 dwelling units will generate 168 more ADT trips, 11 trips more in the AM peak hour and 13 trips more in the PM peak hour than under the existing zoning scenario with 45 dwelling units. It is not anticipated the higher number of trips will result in any safety or capacity issues above the levels associated with the existing zoning. This finding will need to be more fully documented in a complete traffic analysis report conducted at a later time.

If you should have any questions, please contact Frank Charbonneau, PE, PTOE at 503.293.1118 or email: Frank@CharbonneauEngineer.com.



Renews 9-30-2

ATTACHMENT E – VANCOUVER SCHOOL DISTRICT CAPACITY LETTER

February 18, 2021

MEMORANDUM

TO: Bryan Snodgrass
City of Vancouver

FROM: Nicole Daltoso
Capital Facilities Planning Manager

RE: 6115 NE 72nd Ave

The school district has reviewed the proposed seventy six (76) single-family units located at 6115 NE 72nd Ave. The proposed site lies within Walnut Grove Elementary School, Gaiser Middle School and Fort Vancouver High School boundaries.

Student Enrollment and Capacity

Walnut Grove Elementary School

Current Enrollment	<u>629</u>
Approximate Capacity	<u>537</u>

Gaiser Middle School

Current Enrollment	<u>868</u>
Approximate Capacity	<u>952</u>

Fort Vancouver High School

Current Enrollment	<u>1,537</u>
Approximate Capacity	<u>1,920</u>

These capacity numbers are current as of the date of this letter as capacity will fluctuate each school year. At the present time, Walnut Grove Elementary School exceeds capacity. It is the policy of the Vancouver School District to make accommodations for enrollment at each school as necessary. This would include the use of portable classrooms or adjustments to the attendance boundaries with neighboring schools in order to accommodate increased student enrollment. The district may also require students from a new residential development to attend another district school or schools in which space is available. In such case, the district will provide transportation for the students.

Student Transportation

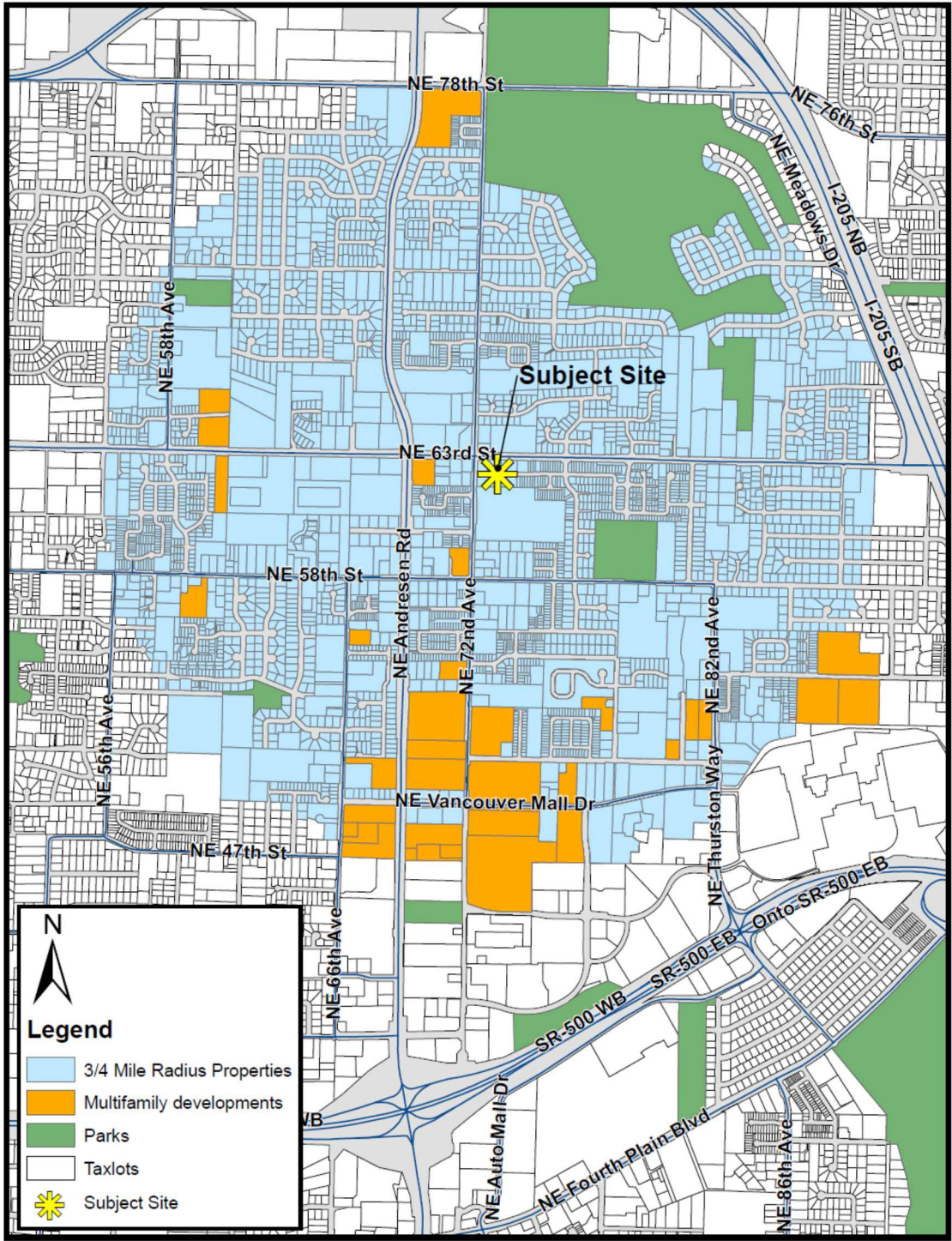
Bus transportation is provided for students who live more than one (1) mile from schools. Students who live less than one (1) mile will be required to walk unless there are unsafe walking conditions. Bus stops are determined as parcels are developed, and the main criteria for establishing a bus stop is the safety of the children. Students attending Walnut Grove will walk to school. The bus stop for students attending Gaiser Middle and Fort Vancouver High Schools is located at NE 72nd Ave and NE 60th Street.

If additional information is needed, please do not hesitate to call 360-313-1040.

Vancouver Public Schools

2901 Falk Road • Vancouver, WA 98661
PO Box 8937 • Vancouver, WA 98668-8937
Phone: 360-313-1000 • Fax: 360-313-1001 • www.vansd.org

ATTACHMENT F – MAP OF AREA APARTMENTS





PLANNING COMMISSION MEETING MINUTES

Vancouver City Hall – Council Chambers – 415 W. Sixth Street
PO Box 1995 – Vancouver, Washington 98668-1995
www.cityofvancouver.us

Marjorie Ledell • Steve Schulte • Jack Harroun • Jim Atkins • Larry Blaufus • Zachary Pyle • Tim Schauer

March 9, 2021

REGULAR MEETING (Convened telephonically, no in person attendance)

Vancouver City Hall - 415 W. Sixth Street, Vancouver WA

CALL TO ORDER AND ROLL CALL

The March 9, 2021 meeting of the Planning Commission was called to order at 5 p.m. by Chair Ledell.

Present: Marjorie Ledell, Steve Schulte, Zachary Pyle, Jack Harroun, Tim Schauer, Jim Atkins and Larry Blaufus

Absent: None

ADOPTION OF MINUTES

Motion by Blaufus, seconded by Harroun, and carried unanimously to adopt the minutes from February 23, 2021 as written.

COMMUNICATIONS FROM VICE CHAIR AND STAFF

Rebecca Kennedy, Planning Manager, stated that going forward staff will accept public sign up to provide testimony until noon the day of the meeting. The public can send written comment any time to planningcommission@cityofvancouver.us.

WORKSHOPS

5:02 P.M. BASEMENT STORAGE DOWNTOWN

Bryan Snodgrass, Principal Planner, City of Vancouver

Staff introduced a zone change request to allow for basement storage in the downtown core. Currently, basement storage within the downtown City Center Mixed Use (CX) zone is prohibited and new storage facilities are prohibited within 500 feet of major corridors citywide. Staff indicated that there are an estimated 10 to 20 existing buildings that are potentially eligible for basement storage in the downtown core. Initial outreach has occurred, including internal discussion between City departments, outreach to known property owners of buildings with existing underutilized basements, discussions with the Vancouver Downtown Association (VDA), and notification of neighborhood associations and nearby property owners. The applicant and staff are continuing outreach and researching comparable jurisdictions for precedent. Follow up workshops or hearings are not yet scheduled.

Planning Commission | Meeting Minutes**February 9, 2021****Page 2 of 6****Commission Discussion**

Commissioner Schulte asked if there would be a need for loading areas to ensure that users of the facility aren't blocking public streets. Staff explained that they will be exploring this issue further but that initial conversations with City Transportation staff have not yielded concerns. The applicant stated that there could be a five to ten-minute loading zone, which could be considered during the site plan review process.

Commissioner Atkins asked if new buildings built with a basement may include storage. Staff said that new buildings are authorized to provide storage options for their tenants but are not authorized for commercial storage. Atkins echoed Schulte's sentiments that providing a metered loading space would be practical. He also felt fire safety is an important consideration, particularly for existing basements. Outside of these considerations, Atkins indicated general support for considering allowances for basement storage in the downtown core. Commissioner Harroun indicated general agreement. Commissioner Schauer also indicated general agreement and added that below ground basements are a reasonable place for storage for both commercial and residential purposes. He assumed that residents of buildings with basement storage must pay to use the facilities, making it a commercial enterprise anyway.

5:16 p.m. Commissioner Pyle joined the meeting

Commissioner Blaufus asked how many of the identified 10 to 20 existing buildings are of commercial use. Staff indicated that the number is an estimate but that it's likely mostly commercial units. Blaufus asked how many of those buildings have businesses in them now. Staff said they are uncertain in terms of above-ground businesses and that public-facing active uses in existing basements is limited. Blaufus asked if the fire department (FD) would weigh in on anyone applying for basement storage use in the downtown core. Staff confirmed, noting that the Vancouver Fire Department typically provides input at the site plan review stage.

Applicant Testimony

Randy Printz of Cascadia Development Partners explained that basement storage is an allowed use in the downtown core for tenants within the building. He noted that—in terms of older buildings—the concerns of the Fire Department are related to existing basements that are out of compliance with current fire codes. Printz noted that storage is needed in areas of higher density and that providing it downtown will reduce vehicle trips. The applicant explained that they have explored ways to utilize the existing basement through brokers but that through these efforts they confirmed that there is limited market interest for retail/office uses in basements.

Commission Discussion Continued

Commissioner Blaufus asked what types of materials would be stored at the Quinn. The applicant stated that they don't envision that their basement storage facility would be used to store big furniture pieces. Blaufus asked how storage use compares to other commercial uses in market cost per square feet. The applicant felt that a storage use would be the lowest price per square foot compared to other commercial options but that their experience has been that other users are not interested in locating in the basement.

Commissioner Harroun asked if the prohibition for downtown storage came from a broader prohibition of not wanting high-rise storage buildings. Staff believed so and presumed that they were trying to ensure that valuable downtown real estate wasn't taken up by storage facilities. Staff noted that allowing for downtown storage to occur only in the basement would not cause this.

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Commissioner Pyle asked how storage would be accessed from the exterior of the building. The applicant indicated that access could be taken from the main front entrance or a secondary access on the east side of the building.

Commissioner Pyle asked what the applicant was anticipating regarding signage. The applicant stated that they have not considered this question yet. Pyle stated that limitations on signage should be part of the site plan review process.

Commissioner Atkins asked how the ordinance would apply to buildings that have been built recently and if they would be allowed to convert their basements to storage. He expressed concern that the ordinance may create an incentive to convert parking spaces to storage since storage uses can become more valuable than parking in certain market conditions. Staff explained that they were considering disallowing conversion of parking lots to basement storage unless they could demonstrate that the reduction in parking spaces wouldn't cause issues. Atkins added that if the City is going to allow the code change, then it must only be in cases where the basement is fully underground. Commissioner Ledell agreed that staff should continue exploring potential unintended consequences of the proposal.

CITIZEN COMMUNICATIONS

Don Steinke, Vancouver, testified that there haven't been meaningful efforts at the local or national level to address climate change and that by acting at the local level, the city could inspire other jurisdictions to follow. He added that the Washington state legislature adopted the goal of reducing emissions 45% below 1990 levels by 2030 but that the state is currently about 10% higher than 1990 levels. He stated that the City Council is committed to emissions reduction efforts equal to or better than the state goal. He urged the Commission to help the City move faster in emissions prevention and reduction.

HEARING**6:38 P.M. 62ND AVENUE STAND-ALONE REZONE**

Bryan Snodgrass, Principal Planner, City of Vancouver

Staff presented the 62nd Avenue standalone rezone proposal, consisting of a change in zone from R-18 to R-30 to allow for the construction of a higher density apartment complex. Staff explained that upon approval of the rezone, the applicant envisions submitting a site plan proposal for a 76-unit market-rate apartment complex, consisting of three 3-story buildings comprised of 1-bedroom and 2-bedroom units. Staff described the transportation impacts and considerations related to the zone change as well as considerations for Walnut Grove Elementary School. Staff noted potential implications of a rezone on the existing corner property that is not a part of the site, explaining that future development of the corner parcel will still be feasible but less likely in the near term if the rezone is approved due to the size and limited access to the parcel. Staff responded to Commission inquiries from prior workshops regarding the local apartment market and inquiries regarding the perceived scarcity of 3-bedroom units. Staff acknowledged that 3-bedrooms are scarcer citywide, but the need for these units in the site area is questionable due to the prevalence of lower density multi-family housing opportunities within approximately ¾ miles of the site.

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Staff recommended that the Planning Commission forward a recommendation to the City Council to approve the zone map change proposal, which facilitates additional multifamily housing near public and commercial services and amenities, at densities that will likely expand nearby housing options.

Commission Discussion

Commissioner Pyle asked if staff felt that the proposal was consistent with the Comprehensive Plan since it is a rental property in an area with significant single family development. Staff explained that single family tends to be more owner-occupied but not exclusively so, and that they don't have an analysis of the rental concentration in the area.

Commissioner Harroun asked if the City could ask for pedestrian connectivity between the end of the street and 162nd Ave. Staff explained that site specific requirements would require a development agreement. Harroun asked if the City can ask for that. Staff said that they would recommend it if it rose to the level necessary to meet the rezone criteria. Staff reiterated that there will be two access points to the school and that the school district indicated that there would be access to an existing gate that they intend to keep open. Harroun asked if that is for people that live along 62nd Avenue as well. Staff was uncertain of what the ownership status is of the gate.

Commissioner Atkins asked if there are any EV charging stations included in the design or if that is a site plan issue. Staff said that it's typically a site plan issue. Atkins encouraged staff to think about site plan review requirements and EV charging stations to stay ahead of the market. Atkins expressed support for the zone change proposal. Staff reminded the Commission that they have an upcoming workshop on the City's climate strategy and that process includes code change considerations like EV charging stations.

Applicant Testimony

Consultants of PLS Engineering presented on behalf of the applicant. They reviewed two approval criteria and how the proposal meets those criteria. They explained that the zone change request does not require a Comprehensive Plan change because the zone they're proposing is consistent with the Urban High Density Comprehensive Plan designation that is currently in place at the site. The consultants explained that R-30 zoning provides greater incentive for the owner to develop denser housing than the Comprehensive Plan calls for, which was not currently being built in the R-18 zone. The consultants indicated that denser developments tend to provide more affordable housing opportunities.

The consultants also addressed concerns raised at the last Commission workshop. They stated that because the proposed zone change is still consistent with the Comprehensive Plan designation, it does not constitute a spot zone. They also addressed the Commission's inquiry about including 3-bedroom units, stating that there is significant demand for 1-bedroom and 2-bedroom units in the city.

Commission Discussion

No discussion or questions by the Commission.

Public Testimony

Heidi and Gary Miller, Vancouver. They live across the street from the proposed site and own two parcels nearby. They stated that they weren't aware that there was a public workshop in January and wanted clarification on how the proposal was publicized. They also explained that they have been flooded by the development that went in on 62nd Street and that it has impacted their ability to build and to get an appraisal. They wanted to know what environmental studies have been done for this proposal and how it

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will impact them. They expressed their desire to preserve the remaining single-family neighborhood, citing existing rental opportunities in Walnut Grove. They also expressed concern about traffic, noise, and overcrowding at Walnut Grove Elementary School. They understood that there was a public hearing to consider moving forward with the proposal and wanted additional opportunities to discuss it further.

Public testimony closed at 7:21pm.

Staff described the workshop and public hearing process and how to best provide input, indicating that a City Council hearing date has not been established yet but that a public hearing is the best way to provide feedback. They also explained the City's notification process for proposed rezones. Staff will follow-up with the Millers regarding drainage concerns. Staff then clarified that the current process is for a zone change and not a site plan review. It's at the latter stage where issues concerning drainage are assessed in more detail.

The consultants responded that no specific development is proposed at this time and that there is a different process for that review. They explained that the land is already zoned for multifamily development and that they're asking an increase in density.

Commission Deliberation

Commissioner Blaufus felt that the traffic study showed that the proposed rezone is a reasonable approach. He felt that more effort should be taken by the City to connect with people with properties that are adjacent to proposals like this to ensure they're aware of what is being proposed. Blaufus asked if an environmental impact study will be done. Staff said that state law requires the City to fill out an environmental impact review checklist for rezones, but that a more detailed SEPA analysis occurs once a development proposal is submitted.

Commissioner Atkins recommended a brief continuation of the proposal to allow staff to investigate the existing flooding issue to identify if it's possible to further densify the site without exacerbating it. He explained that he was supportive of the proposal prior to the flooding issue being raised.

Commissioner Schauer felt that they don't need a continuation and felt that it's at the risk of the applicants to address flooding concerns during the site plan review process.

Commissioner Pyle asked staff to elaborate on how the evaluation of existing infrastructure and its capacity plays into their considerations for rezones. Staff explained that the rezone criteria is generalized and that there's a range of Comprehensive Plan and Strategic Plan policies to call from. They added that the City drainage ordinance doesn't apply until the site plan review stage. Commissioner Pyle didn't think that he wanted to evaluate it for this rezone, but that infrastructure should be considered when the Comprehensive Plan is updated.

Commissioner Blaufus asked if an applicant would be required to mitigate flooding issues if a flooding problem were to be identified and the proposed development would exacerbate it. Staff confirmed adding that the site's stormwater drainage plans need to respond to the City code.

Commissioner Schulte stated that he felt it was important to move forward with an action on this proposal but that the issue that has been brought up with is an important one that needs to be dealt with prior to staff taking the Commission's recommendation to Council.

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Commissioner Harroun felt that developers would redirect water coming onto their properties into the street, which could impact neighbors. He asked what processes are in place to address this. Staff stated that he raised questions about the nature of the specific site that they don't know. Harroun stated that he was sympathetic to this concern but felt that it wasn't within his purview when considering the rezone.

Commissioner Ledell asked if the site plan review would focus on the flooding issue and resolve it if the proposal were to go forward. Staff confirmed and added that given the issues raised, they will need to provide a response at the City Council workshop. Commissioner Ledell felt comfortable going forward given staff's explanation of the site plan review process.

Commissioner Pyle said that he was supportive of the proposal. He felt that it fits well in terms of access to transit and to commercial areas. He added that this product type is typically more affordable even though it's likely to be a market-rate project. Pyle felt the proposal is in alignment with City goals.

Motion, by Schulte, seconded by Pyle, and carried 6-1 to forward a recommendation to City Council to approve the 62nd Avenue zoning map designation change from R-18 to R-30 based on the findings described in the staff report. Commissioner Atkins opposed.

Roll Call Vote

Tim Schauer	Yes
Zachary Pyle	Yes
Larry Blaufus	Yes
Jim Atkins	No
Jack Harroun	Yes
Steve Schulte	Yes
Marjorie Ledell	Yes

ADJOURNMENT 7:43 PM

DocuSigned by:

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 Marjorie Ledell, Chair

To request other formats, contact [Tina Picchioni](#), Community and Economic Development Department | 360-487-8657.
 WA Relay: 711 | tina.picchioni@cityofvancouver.us



Anne McEnerny-Ogle, Mayor
Bart Hansen · Ty Stober · Linda Glover
Laurie Lebowsky · Erik Paulsen · Sarah J. Fox

April 19, 2021 - Vancouver City Council Meeting Minutes

WORKSHOPS

Workshops were conducted remotely over video conference utilizing a GoToMeeting platform. Members of the public were invited to view the meeting 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.

4:30-5:30 p.m. HP Master Plan Update

Greg Turner, Land Use Manager, 360-487-7883; Mark Person, Senior Planner, 360-487-7885

Summary

Staff provided Council with the proposed Master Plan for the development of Section 30 planned by Hewlett-Packard.

5:30-6:00 p.m. 62nd Avenue Apartments Rezone Request

Bryan Snodgrass, Principal Planner, 360-487-7946

Summary

Staff provided Council with an overview of a zone change request for the 62nd Avenue Apartments project.

REGULAR COUNCIL MEETING

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

Call to Order and Roll Call

The regular meeting of the Vancouver City Council was called to order at 6:30 p.m. by Mayor McEnerny-Ogle. This meeting was conducted remotely over video conference.

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

Absent: None

Also present on the call were the following: Eric Holmes, City Manager; Brian Carlson, Deputy City Manager; Jonathan Young, City Attorney; Amanda Delapena, Assistant to the City Council; Brent Boger, Assistant City Attorney; Cayla Cothron, Associate Planner; Chad Eiken, Community and Economic Development Director; Annette Griffy, Utility Engineering Program Manager; Keith Jones, Senior Planner; Rebecca Kennedy, Long Range Planning Manager; Cara Rene, Communications Director; and members of the public.

Approval of Minutes

Minutes - April 5, 2021

Motion by Councilmember Glover, seconded by Councilmember Stober, and carried unanimously to approve the meeting minutes of April 5, 2021.

Proclamations

Bird-Friendly Week

Mayor McEnerny-Ogle read and presented a proclamation to Sam Neuffer, president of the Vancouver Audubon Society, proclaiming April 19-25, 2021, as Bird-Friendly Week.

Meals on Wheels People Stride for Seniors Day

Mayor McEnerny-Ogle read and presented a proclamation to Jeremy James Cochran, Meals on Wheels Director of Corporate Partnerships, proclaiming April 24, 2021, as Meals on Wheels People Stride for Seniors Day.

Community Communication (Item 1)

Mayor McEnerny-Ogle opened Community Communication and, receiving no testimony, closed Community Communication.

Consent Agenda (Item 1)

Motion by Councilmember Paulsen, seconded by Councilmember Fox, and carried 6-1 to approve the Consent Agenda. Councilmember Hansen voted No.

1. Approval of Claim Vouchers

Request: Approve claim vouchers for April 19, 2021.

Motion approved claim vouchers for April 19, 2021, in the amount of \$6,658,539.84.

Public Hearings (Item 2)

2. Periodic review and update to the Vancouver Shoreline Master Program, as required by the Washington State Shoreline Management Act under RCW 90.58.080(4)

Staff Report 053-21

AN ORDINANCE relating to the Shoreline Master Program periodic review as required by Revised Code of Washington ("RCW") Chapter 90.58, the Shoreline Management Act; amending the City of Vancouver Shoreline Master Program (SMP) Chapter 2 Applicability, Shoreline Permits and Exemptions, Section 2.1 Applicability; Section 2.3 Exemptions from a Shoreline Substantial Development Permit; Chapter 3, Shoreline Master Program Goals and Policies, Section 3.6 Flood Prevention and Flood Damage Minimization; Chapter 4 Shoreline Designations, Section 4.3 Shoreline Designations; Chapter 5 General Shoreline Use and Development Regulations, Section 5.1 General Shoreline Use and Development Regulations; Section 5.3 Critical Areas Protection; Section 5.4 Public Access; Section 5.6 Site Planning and Development; Section 5.7 Vegetation Conservation; Section 5.9 Water Quality and Quantity; Chapter 5A VMC 20.740, Critical Areas Protection; Chapter 6 Specific Shoreline Use Regulations, Section 6.2 Shoreline Use, Modification, and Standards Table 6-1; Section 6.3 Use-specific Development

Regulations; Section 6.4 Shoreline Modification Regulations; Chapter 7 Administration and Enforcement, Section 7.1 General Provisions; Section 7.2 Administrative Authority and Responsibility; Section 7.3 Master Program Amendments; Section 7.4 Permitting Procedures; Section 7.5 Enforcement; Section 7.8 Rescission of Permits; Chapter 8, Definitions; and Appendix A Unofficial Shoreline Designation maps; subject to approval by the Washington State Department of Ecology (Ecology); providing for severability; and providing for an effective date.

Summary

The periodic review proposal includes text changes in strikethrough/underline format and associated map changes to ensure the SMP stays current with changes in laws and rules, remains consistent with other city plans and development regulations, and is responsive to changed circumstances, new information, and improved data. The proposed amendments are summarized below, and the full detailed list can be found in the Summary of Proposed Amendments provided as an attachment to this staff report:

State Legislative Amendments

- *Revise cost thresholds for shoreline permit exemptions.*
- *Add new shoreline permit exemption to comply with the Americans with Disabilities Act and state law.*
- *Clarify process, definitions, and/or references to comply with state law.*
- *Update wetlands regulations to align with Ecology's most recent critical areas guidance.*

Additional Amendments

- *Fix errors and address issues of clarity, consistency, redundant or inaccurate language and/or process and relevancy of regulations.*
- *Expand sections of the SMP related to mitigation for adverse impacts to shallow-water habitat to include creation, enhancement, and/or payment of mitigation bank credits.*
- *Replace existing terms of "extreme edge or bank" with specific and defined terms to clarify under what circumstances revetments can be located partially below the Ordinary High Water Mark (OHWM), that they are not considered fill, and when and how adverse impacts to shallow-water habitat require mitigation.*
- *Remove provisions from the frequently flooded areas section not required to be included in the SMP, and include a soft reference to the Title 20 critical areas regulations.*
- *Update SMP Chapter 5A to be consistent with VMC Title 20 Critical Areas Protection code updates since 2012, and amend for applicability and permitting in shoreline jurisdiction.*
- *For all other shorelines within City limits not included in the area along the Columbia River from Wintler Park to the Vancouver Flushing Channel, maintain the full extent of the 100-year floodplain in shoreline jurisdiction for conservancy designations, and apply minimum jurisdiction (200 feet from ordinary high water mark) in High*

Intensity and Medium Intensity designations to allow for reasonable use of land and development where intended. Update Shoreline Designation Maps to reflect this proposed change to shoreline jurisdiction.

- *Change structural shoreline stabilizations to a permitted use in High Intensity designations (currently a conditional use) to eliminate undue process on properties that already have developed shorelines.*
- *Allow a signage master plan or sign program to be developed through a Special Sign District Process in order to supersede SMP requirements, where appropriate.*
- *Clarify the relationship between critical areas regulations and their applicability in shoreline jurisdiction for ease of use by both applicants and planning officials.*
- *Only require mailings for shoreline statement of exemptions that require a federal permit.*
- *Make height limitation 35' for non-water-oriented commercial uses in Medium and High Intensity designations to be consistent with the allowance for other uses.*
- *Change non-water oriented institutional uses in High and Medium Intensity designations to a permitted use to reduce undue process while maintaining provisions that encourage water-oriented uses, where feasible.*
- *Include allowances for non-water-oriented commercial uses per state law to provide flexibility where appropriate or where water-oriented uses are not feasible.*
- *Defer to the review and approval under federal requirements for disposal of dredging material and encourage environmentally sound beneficial uses, when feasible.*
- *Make amendments to address non-substantive items that will improve readability and usability for both applicants and planning officials.*

On February 9, 2021, the Planning Commission held a public hearing on the SMP periodic review and, by a vote of 5-1, forwarded a recommendation to Council to approve the periodic review and proposed amendments to the Vancouver Shoreline Master Program as outlined in this staff report. They requested that staff, in forwarding their recommendation, notify Council about a challenge they have identified with the way shoreline regulations are currently applied to unauthorized camping in shoreline jurisdiction. In summary, they feel that it is difficult to support regulations that are not universally applied to all members of the population, and some Commissioners stated that it is bad policy to enact laws and regulations that are not applied evenly. The Commission acknowledged that the issue of houselessness is not easily resolved, and additionally wished to convey to Council that this note does not dilute the recommendation to approve the proposed amendments or the overall quality of the periodic review process. More detail on Commission deliberation can be referenced in the meeting minutes.

*On the issue of unauthorized camping along shorelines, provisions exist in the SMP that give the Shoreline Administrator some enforcement authority for violations in shoreline jurisdiction, and this is generally understood to apply to uses or activities that require a permit under a jurisdiction's Shoreline Master Program. The City has consulted with the Washington State Department of Ecology on this issue, and while they recognize that unauthorized camping is an issue that impacts shoreline health, their guidance is that this is a larger social issue that impacts more than just shorelines and the Shoreline Management Act is not intended to nor is it the appropriate place to address it. In addition, the City Attorney's Office has determined that local jurisdictions are constrained in their ability to address these activities in the same way as other code enforcement issues. The City of Vancouver is bound by the Ninth Circuit *Martin v. City of Boise* case which restricts clearing houseless encampment sites where the individuals do not have a meaningful alternative, such as a shelter space or legal place to camp. Although project staff have found that the SMP is not the appropriate forum to address this issue, community concerns about adverse environmental impacts caused by unauthorized camping have been raised during the periodic review process.*

Request: On Monday, April 19, 2021, subject to second reading and public hearing, approve the ordinance.

Cayla Cothron, Associate Planner, 360-487-7899; Keith Jones, Senior Planner, 360-487-7887

Mayor McEnerny-Ogle read the title of the ordinance into the record.

Cayla Cothron, Associate Planner, provided an overview of the periodic review process and the proposed amendments to the Shoreline Master Program (SMP).

Brent Boger, Assistant City Attorney, provided Council with additional information pertaining to enforcement provisions with the SMP and the limitations of those regulations in addressing unauthorized camping on shoreline areas.

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

- Matt Harding, representing the Port of Vancouver, thanked the City for consideration of the Port's comments throughout the review process and spoke in support of the proposed updates.

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

Councilmember Fox thanked staff for a well-done staff report and

presentation, including follow-up information pertaining to Council's previous questions. Regarding the enforcement of unauthorized camping, she noted it can be difficult to separate the two processes of setting regulations and then enforcing those regulations, and the City cannot solve enforcement issues just by adopting regulations. She noted that enforcement of these regulations should probably be a separate item that is brought forward for Council's consideration in the future.

Motion by Councilmember Stober and seconded by Councilmember Hansen to approve the ordinance.

Councilmember Hansen noted he would be opposing the ordinance.

Motion carried 6-1 to approve Ordinance M-4334. Councilmember Hansen voted No.

Communications

A. From the Council

B. From the Mayor

C. From the City Manager

Adjournment

7:12 p.m.

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Anne McEnerny-Ogle, Mayor

Attest:

DocuSigned by:

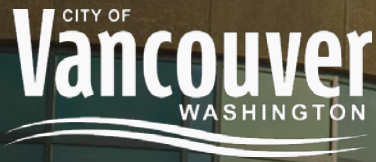


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Natasha Ramras, City Clerk

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

Vancouver Innovation Center Plan/Zone Change, Master Plan, and Development Agreement



August 16, 2021

Vancouver City Council Public Hearing

Chad Eiken, Community and Economic Development Director

Bryan Snodgrass, Principal Planner

Presentation Overview

- Summary of key master plan and development agreement components
- Summary of public outreach and comments
- Council questions, applicant and public testimony, Council deliberation and decision

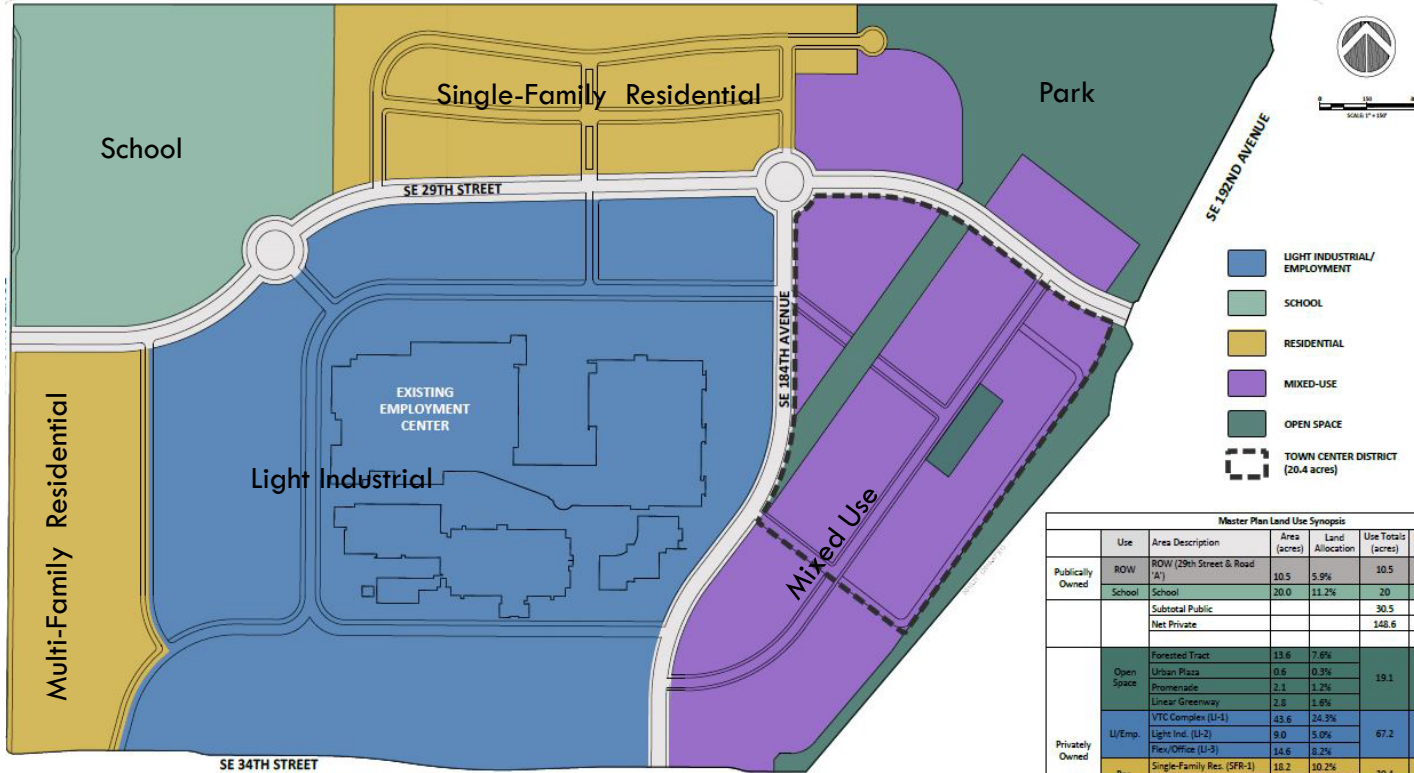
City Council and Planning Commission Review

- Council First Reading on August 9, 2021 following workshops on November 23 and December 21, 2020, and July 12, 2021.
- Planning Commission review consisted of six workshops in 2020 and 2021 and a public hearing on July 6.

Site and Surroundings



Land Use Allocation Plan Map



	Use	Area Description	Area (acres)	Land Allocation	Use Totals (acres)	Percentage of Gross	Percentage of Net
Publicly Owned	ROW	ROW (29th Street & Road A)	10.5	5.9%	10.5	6%	0%
	School	School	20.0	11.2%	20	11%	0%
	Subtotal Public				30.5		
	Net Private				148.6		
Privately Owned	Open Space	Forested Tract	13.6	7.6%			
		Urban Plaza	0.6	0.3%			
		Promenade	2.1	1.2%	19.1	11%	13%
		Linear Greenway	2.8	1.6%			
	LI/Emp.	VTC Complex (LI-1)	45.6	24.3%			
		Light Ind. (LI-2)	9.0	5.0%	67.2	38%	45%
		Flex/Office (LI-3)	13.6	8.2%			
	Res.	Single-Family Res. (SFR-1)	16.2	10.2%			
		Multi-Family Res. (MFR-1)	12.2	6.8%	30.4	17%	20%
		Multi-Family Res. (MX-1)	4	2.2%			
	MX	Senior Living (MX-2)	2.1	1.2%			
		Class A Office (MX-3)	3.7	2.1%	31.9	18%	21%
		Mixed-Use/Retail (MX-4)	22.1	12.3%			

VIC: Summary of Key Items

- Up to 5,000 jobs and 1,200 housing units over 15-year build-out
- Proposed sequencing: existing and new industrial area buildings first, followed by new multi-family housing at west end, and new single family housing at north end.
- Separate master plan approval required for Town Center portion of eastern mixed-use area within three years.
- Northeast forested tract to be preserved by covenant; negotiations with City for sale land or public access easement within 150 days.

VIC: Summary of Key Items

- Conceptual agreement with Evergreen School District for sale of 20- acre property in northwest portion of site for future middle school campus.
- Design Standards and Principles addressing mobility, energy, water, building design, building finishes, heights, signage, tree canopy, open space, and street cross sections.
- Applicant led design review process prior to submitting for City review, but will not replace City review process

Master Plan Map



VIC: Impacts to Facilities and Services

- Proposal generates 27,000 vehicle trips per day and 2,000 trips during peak hours; 10% fewer daily trips and half the peak hour trips than under IL zoning
- Applicant will help fund improvements to impacted roads and intersections near site, dedicate and improve roads within site, and be subject to Transportation Impact Fees
- Proposal generates 319 students; schools have capacity to serve through temporary portable classroom capacity
- Proposal generates additional park demand, but proposed on-site park addresses park needs from site and surrounding community

Light Industrial Area



Medium Density Housing Area



Low Density Housing Area



Town Center Portion of Mixed Use Area



View from promenade to forest park

Park Area



Park – Development Agreement Provisions

- Covenant will preserve 14-acre forested tract in perpetuity, and City staff is currently negotiating a purchase for a public park.
- Future park envisioned to have mix of adventure courses, picnic pavilions, trails.
- The developer and the City are still negotiating the design and amenities, funding and maintenance of park, will be subject to further Council action.

VIC Sustainability and Climate Provisions

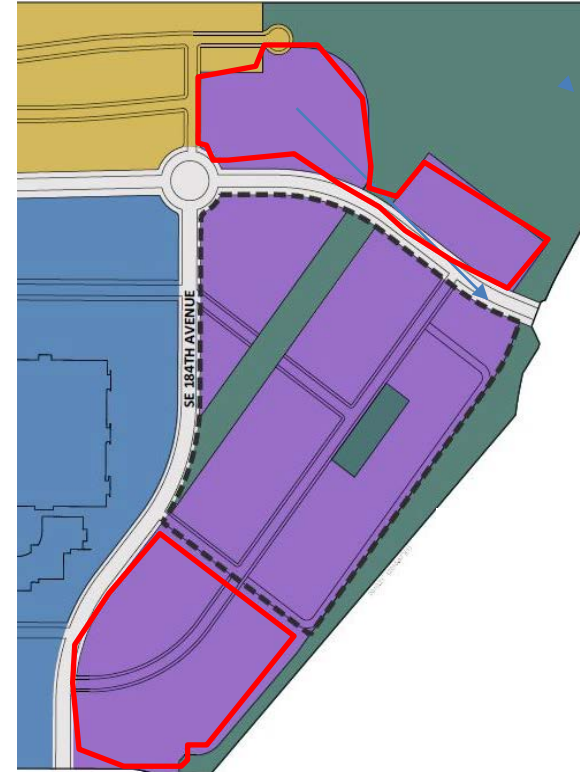
- Master Plan establishes mixed use setting providing for fewer vehicle trips than development under existing zoning
- New City standards related to sustainability and climate will apply to the project (e.g. no vesting to climate action standards in D.A.)
- Applicant has committed to the following in implementing project:
 - Work with C-Tran to increase bus service to the site
 - Upgrade lights and HVAC in the existing buildings, saving 6,362,399 kWh and 345,454 Therms per year
 - Treat and perform infiltration of all stormwater onsite, and upgrade all parking lot stormwater to then-current standards

Public and Stakeholder Input to Date

- Multiple city notifications to public throughout review process
- Applicant has engaged stakeholders through virtual and in person outreach and site tours.
- Public comments included concerns about traffic, tree retention, impacts on public services, sustainability and climate as well as excitement about proposed park, new housing and employment in mixed use setting.

Planning Commission hearing and Council First Reading

- Planning Commission voted 4-0 on July 6 to recommend Council approval of the comp plan amendment/zone change, master plan, and D.A. with two modifications.
- The Commission voted to expand dashed Town Center boundary to cover all of Mixed Use area requiring submittal of follow up Master Plan within three years.
- Council directed on August 9 to advance ordinance expanding boundary to the north, but not south, in recognition of Design Standards that will apply to that area.



Planning Commission Hearing and Council First Reading (cont.)

- The Commission voted to amend Development Agreement to specify potential purchase of NE corner park be based on land values under existing IL zone, not future MX zone
- Council directed at First Reading to advance ordinance eliminate reference to any zoning as the basis for park valuation, in recognition that potential purchase will be based on range of factors, and be subject to separate Council review and approval.



Return to Council for Questions

- Bryan Snodgrass, Principal Planner, Community and Economic Development Department
bryan.snodgrass@cityofvancouver.us, 360-487-7946



Staff Report 118A-21

TO: Mayor and City Council

FROM: Eric Holmes, City Manager

DATE: 8/16/2021

SUBJECT 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

Key Points

- The proposal would retain an existing 47-acre light industrial building complex at the center of the site, and develop the remaining 132-acres with a range of industrial, commercial, residential, mixed-use, school, park and open space uses over 15 years, with an estimated 5,000 jobs and 1,200 housing units at buildout.
- Following six workshops beginning in 2020, the Planning Commission voted 4-0 to recommend approval at a July 6, 2021, public hearing. The Commission recommended two modifications to the Master Plan and D.A. related to the boundary of the Town Center portion of the mixed-use area of the site, and to the valuation of the forested tract envisioned as a future park site. The applicant had subsequently indicated willingness to move towards the two modifications in part but not in full.
- The last remaining issues of disagreement between the applicant and the Planning Commission recommendation were within the Council's legislative discretion to decide. At first reading of the ordinances on August 9, 2021, Council voted to move forward the applicant's proposals to second reading and public hearing.

Strategic Plan Alignment

Goal 8: Strengthen commercial, retail and community districts throughout the city.

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

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 $\frac{1}{4}$ of employment uses are built before $\frac{1}{2}$ 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 existing 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.

Advantage(s)

1. Facilitates a design and vision driven mixed use development providing as much or more employment and more robust tax base than would likely occur under existing IL zoning.
2. Provides active and passive recreational opportunities and preserves an existing forested area, which would be unlikely to occur under existing IL zoning.
3. Provides integrated mixed use development relatively unique to east Vancouver
4. Provides housing densities and types which will expand opportunities in the area.
5. The proposal has been reviewed in consideration of cumulative impacts with the one other Comprehensive Plan amendment contemplated in 2021, a proposed change from ECX to R-18 and CC zoning on 28 acres submitted by a property owner, which will be reviewed by Council at a future date
6. The applicant's proposal to expand the Town Center boundary to the north only would maximize consistency between the Town Center and development of the park, but recognizes that the southernmost mixed use properties are far removed from the proposed plaza which anchors the Town Center, and would be subject to site wide Master Plan and Development Agreement, including associated design standards and guidelines. Excluding the southern properties from the Town Center allows timely development, rather than waiting up to three years as the Town Center Master Plan is submitted.
7. The applicant's proposal to eliminate reference to MX zoning as a basis for valuation but not replace it with reference to IL recognizes that MX zoning would likely not be approved without park provisions, but also recognizes that the valuation negotiation is subject to a range of issues.

Disadvantage(s)

Precludes the possibility for the full site to develop with industrial uses, although analysis presented in the January 26, 2021, Planning Commission workshop indicates that may be unlikely given the site location and the regional industrial development market.

Budget Impact

Park site acquisition costs of \$3-4 million estimated. No other significant costs anticipated.

Prior Council Review

Workshop review on November 23 and December 21, 2020, and July 12, 2021.

Action Requested

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

Bryan Snodgrass, Principal Planner, 360-487-7946

ATTACHMENTS:

- ▣ Ordinance
- ▣ Development Agreement
- ▣ Development Agreement Exhibit E - Design Standards
- ▣ Exhibits C and D - Land Use Allocation Map and Proposed Master Plan Map
- ▣ Presentation

08/09/21
08/16/21

ORDINANCE NO. M_____

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.

WHEREAS, an application for property-specific changes to Comprehensive Plan and zoning map designations was submitted to the City of Vancouver to change the Comprehensive Plan and zoning map designations on said properties from Industrial and IL to Commercial and MX, along with an application for a Mixed Use Master Plan and Development Agreement; and

WHEREAS, the Vancouver Planning Commission reviewed the proposed map designation changes and proposed Master Plan and Development Agreement at duly advertised workshops on August 11, September 8, November 10, and December 8, 2020, and on January 26 and May 11, 2021. A duly advertised public hearing was held on July 6, 2021, and at which the Planning Commission voted 4-0 to recommend approval of the maps designation changes, Master Plan and Development Agreement, with two recommended modifications; and

WHEREAS, the Planning Commission voted 4-0 to modify the proposed Master Plan Development Agreement to expand the Town Center boundary to include all properties within the Mixed Use Land Use Area as identified in Development Agreement Exhibits B-1 and B-2, and to amend the Development Agreement Section 6.9 to specify that guidance for valuation of the forest tract for purposes of sale or granting of access easement shall be based on the current site IL zoning rather than the proposed MX zoning; and

WHEREAS, the City Council conducted duly advertised workshops on November 23 and December 21, 2020, and July 12, 2021, and duly advertised first reading on August 9, 2021 and duly

advertised public hearing August 16, 2021, following which the Council wishes to adopt the Planning Commission recommendations for approval; and

WHEREAS, the cumulative impacts of proposal have been reviewed in conjunction with the one other Comprehensive Plan change application under consideration in 2021; and

WHEREAS, the cumulative environmental impacts of the proposed zoning change have been reviewed and determined to be nonsignificant pursuant to the State Environmental Policy Act. A Notice of Determination of Non-significance (DNS) was issued on May 25, 2021 and no comments or appeals to the DNS were received; and

WHEREAS, the City Council finds and concludes that the proposed change is consistent with the balance of relevant criteria for Comprehensive Plan and Zoning Map Amendments (VMC 20.285), Mixed Use Master Plans (VMC 20.430.060) and Development Agreements (VMC 20.250) and is consistent with the policies and provisions of the Comprehensive Plan and Strategic Plan that encourage orderly development within the community and the Growth Management Act pursuant to the requirements of Chapter 36.70A. RCW.

WHEREAS, the City Council finds and concludes that the applicant's response to the Planning Commission's recommended modifications to the Master Plan and Development Agreement are sufficient to ensure compliance with approval criteria. Expanding the Town Center boundary to the northern but not southern portions of the Mixed Use Land Use Area as indicated in Exhibit B-2 of the Development Agreement facilitates greater coordination between development of the park site and town center to the north, but allows properties at southern end to develop in a timely manner in advance of the Town Center, in recognition of the fact that the southernmost mixed use properties are situated at the main entrance to the entire site, are far removed from the proposed central plaza anchoring the Town Center, and would be subject to the site-wide Master Plan and Development Agreement, including associated design standards and guidelines. The applicant's proposed removal of reference to MX zoning as a basis for valuation of the forested tract for purposes of potential purchase in fee simple or a public access agreement recognizes that that MX zoning would likely not be approved without establishment of a public or private park.

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF VANCOUVER:

Section 1. Findings and Conclusions. The Planning Commission findings and conclusions as set forth in the staff report for the July 6, 2021, public hearing, and subsequent deliberation, are hereby adopted as the City Council's findings of fact

Section 2. Comprehensive Plan Map Amendments. The Vancouver Comprehensive Plan Land Use Map, established as part of the Vancouver Comprehensive Plan 2011-2030, adopted through Ordinance M-3994, is amended to change the Comprehensive Plan Land Use Map designation 18110 SE 34th Street, tax lots 126455000 and 126816000, from Industrial to Commercial.

Section 2 Zoning Code Map Amendments. The City of Vancouver Zoning Map established under VMC 20.130.020 is hereby amended to change the Zoning Map designation at 18110 SE 34th Street, tax lots 126455000 and 126816000, from IL to MX.

Section 3. Master Plan. Pursuant to Mixed Use Master Plan requirements under VMC 20.430.060.C adopted through, Ordinance M-4325. Exhibits B and B-2 and related text of the Development Agreement, Attachment A to this ordinance, as well as supporting Exhibits B-1 through B-7, C and C-1, D, E-1 and E-2 is adopted as the Vancouver Innovation Center Master Plan.

Section 4. Development Agreement. Pursuant to Development Agreement standards under VMC 20.250 adopted through Ordinance M-3643, The Vancouver Innovation Center Development Agreement, Attachment A to this ordinance, is adopted.

Section 5. 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 6. Effective Date. This ordinance shall go into effect 30 days after adoption

Section 7. Instruction to City Clerk. The City Clerk shall transmit a copy of the revised development code to the Washington Department of Commerce.

Read First Time:

Ayes: Councilmembers

Nays: Councilmembers

Absent: Council Members

Read Second Time:

PASSED BY THE FOLLOWING VOTE:

Ayes: Councilmembers

Nays: Councilmembers

Absent: Councilmembers

SIGNED this _____ day of _____, 2021

Anne McEnerny Ogle, Mayor

Attest:

Natasha Ramras, City Clerk

Approved as to form:

Jonathan Young, City Attorney

SUMMARY

ORDINANCE NO. M_____

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.

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).

**RECORDING REQUESTED BY
AND WHEN RECORDED RETURN TO:**

Maren L. Calvert, Attorney
Horenstein Law Group PLLC
500 Broadway, Suite 370
Vancouver, WA 98660

Grantor	:	The City of Vancouver, Washington, a Washington municipal corporation
Grantee	:	S-E, Inc., a Delaware corporation and The VIC Building Owner LLC, a Delaware limited liability company
Abbreviated Legal	:	Tax Lot #5&7 Section 6, T1N, R3E #10 Martin DLC, #22N, 41, 36, 13 WM Simmons DLC, and Tax Lot #172 WM Simmons DLC, Section 6, T1N, R3E
Assessor's Tax Parcel Nos.	:	126455000 and 126816000
Full Legal Description	:	See Exhibit A
Reference Numbers of Related Documents:		3343884, 5809816

THIRD AMENDED AND RESTATED DEVELOPMENT AGREEMENT

This Third Amended and Restated Development Agreement (this "Restated DA") is entered into on this ____ day of _____, 2021, by and between The City of Vancouver, Washington, a Washington municipal corporation (the "City"), S-E, Inc., a Delaware corporation ("SE"), and The VIC Building Owner LLC, a Delaware limited liability company ("Developer"). Collectively, the City, SE, and Developer shall be referred to hereinafter as the "Parties."

RECITALS

A. Whereas, Hewlett-Packard ("HP") acquired the real property encumbered with the HP South Campus Master Plan, as legally described on Exhibit A attached hereto ("Property") in the 1970's for the purpose of developing a large manufacturing campus for its own purposes;

B. Whereas, after building 715,000 square feet of office space, HP sold the Property to SE, an affiliate of Shin Etsu Chemical Corporation;

C. Whereas, SE determined after a number of years not to conduct any further business on or further develop the site;

D. Whereas, SE is the fee title holder to the property described in Exhibit A-1 (“Vacant Land”);

E. Whereas, Developer is under contract with SE to acquire and develop the property described in Exhibit A-1;

F. Whereas, Developer holds fee title to the property described in Exhibit A-2 (“Existing Building”);

G. Whereas, the land described in Exhibits A-1 and A-2 constitutes the whole of the land described in Exhibit A;

H. Whereas, the Parties (Developer and City) desire to facilitate development of the Property under the terms and conditions described below; and

I. Whereas, an extension of and modifications to the development agreement currently encumbering the Property are necessary to facilitate development of the Property as proposed:

AGREEMENT

NOW, THEREFORE, for good and valuable consideration, the sufficiency of which is acknowledged, the Parties agree as follows:

Section 1. Recitals. The recitals above are incorporated in this Restated DA by this reference.

Section 2. History of Development Agreements.

2.1 On June 4, 2001, HP and the City of Vancouver entered into a Development Agreement (“Original DA”) for the Property. This Original DA provided HP with reserved traffic capacity, master plan approval, vesting to existing land use codes, and required dedication of right-of-way on SE 192nd Ave.

2.2 The initial term of the Original DA was for 15 years;

2.3 On November 16, 2009, the City approved the First Amendment to the Original DA extending its term to June 4, 2020 (“First Amendment”) and a Second Amendment, approved on June 1, 2020, further extended the term another two years (“Second Amendment”);

2.4 On May 21, 2020, a pre-application conference was held between City staff, applicant representatives, and a local neighborhood representative. Application materials were submitted beginning on June 15, 2020.

2.5 Duly advertised Planning Commission workshops were held on August 11, September 8, November 10, and December 8, 2020, and on January 26 and May 11, 2021, and a Planning Commission hearing on July 6, 2021. Duly advertised City Council workshops were held on November 23 and December 21, 2020, and July 12, 2021, followed by a City Council First Reading on August 9 and public hearing on August 16, 2021.

2.6 On April 5, 2021, New Blueprint LLC assigned its rights and interest under the Second Amendment to Developer.

Section 3. Effective Date and Purpose. The Effective Date of this Restated DA shall be the date upon which the City Council adopts an ordinance approving this Restated DA. That date shall be written

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on the first page of this Restated DA, regardless of the date upon which the Parties' signatures are affixed below. The purpose of this Restated DA is to:

3.1 Provide approval of an employment centered mixed-use master plan for the Property ("Master Plan" defined below) in conjunction with obtaining a Comprehensive Plan designation amendment from Industrial to Commercial and Mixed Use, and a Zone Change from light industrial to mixed use;

3.2 Continue to reserve a certain amount of traffic capacity set forth in the Original DA for the term of this Restated DA while releasing the portion of that traffic capacity not needed for development of the Master Plan to the City's transportation system as appropriate;

3.3 Vest the Property and Master Plan approved herein under those land-use regulations as hereinbelow provided;

3.4 Identify uses that are approved and outright allowed under the Master Plan;

3.5 Further extend the term of the Parties' agreement;

3.6 Identify transportation improvements Developer agrees to construct to benefit the community and the Property, pursuant to the implementation of the Master Plan as provided herein; and

3.7 Identify park land and park improvements Developer and City will develop and operate pursuant to implementation of the Master Plan as provided herein.

Section 4. Description of the proposed development of the Property. The development of the Property shall be a mixed use, 20-minute neighborhood where business, industry, residences, and the outdoors intersect. The Property shall be developed consistent with the terms and provisions of this Restated DA and the Master Plan approved pursuant to Section 6, below.

Section 5. Approval & Vesting. The Master Plan provided for herein will be fully and finally approved by the Vancouver City Council simultaneously with the approval of this Restated DA, the Comprehensive Plan Amendment, and Zone Change by the Vancouver City Council after review and recommendation to the Vancouver City Council by the Vancouver Planning Commission. Upon such approval, (a) the entire 177.84-acre Property shall be zoned Mixed Use (MX) and shall be developed in accordance with the Vancouver Municipal Code (VMC) in effect as of the date the applications for Comprehensive Plan Approval and Zone Change and Master Plan were first accepted on June 15, 2020 (the "Application Date"), as modified by this Restated DA (including the Master Plan) and (b) subject to the exception provided in Section 15, the Master Plan shall be vested to existing land use regulations and standards as of the Application Date.

5.1 Any permit or approval issued by the City for the Property after the Effective Date and before the termination of this Restated DA must be consistent with this Restated DA.

5.2 Developer may request that the Property be subject to later-enacted laws, regulations, and ordinances adopted by the City through a Type I Process. Developer must demonstrate how the later-enacted ordinance(s) will benefit both the project, and the City while maintaining consistency with the comprehensive plan. Developer must also demonstrate that use of later-enacted ordinances will not conflict with other ordinances to which the development is subject and will not be significantly detrimental to the health, safety, or general welfare of the City. An application to subject a development project to a subsequently enacted development regulation shall cause the entire development project to be subject to the subsequently enacted development regulations of that same year unless the City and Developer agree otherwise. The Planning Director shall review and either

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approve the request or determine that a new application must be submitted, without reference to the later-enacted ordinance(s).

5.3 The amount of any impact fees associated with a proposed development will not vest, but rather, will be determined for each project in accordance with applicable law. Environmental laws or development requirements including standards related to sustainability and climate action also shall not vest.

Section 6. Master Plan. The Master Plan approved by this Restated DA includes the information provided in this Section 6 and Exhibits B, C, D, & E (including sub-exhibits) of this Restated DA. Exhibit B-2 provides a Full Site Utilization Plan; and Exhibit B-3 provides Master Plan renderings, depicting the intended look and feel of the fully developed Property. The Master Plan is hereby approved and incorporated fully by reference into this Restated DA and the Property is hereby rezoned as mixed use (MX) Property. The Master Plan shall be refined by Developer through the Town Center Amendment as described below.

6.1 Land Use Areas. The rezoned, MX Property shall contain six Land Use Areas (“LUAs”): Light Industrial (IL); Mixed Use (MX); Single Family Residential (SFR); Multi-Family Residential (MFR); School; and Open Space. Exhibit B-2 provides a Full Site Utilization Plan for the Property, identifying the location and intended use for each LUA. With the exception of the MX LUA, Developer shall submit site plans or subdivision applications, as appropriate for development of the LUAs, or portions thereof, in accordance with VMC chapter 20 and the synchronicity and phasing provisions outlined in Sections 6.4 and 6.5, below.

6.2 Allowed Uses. Notwithstanding any limitations contained within the mixed-use provisions of VMC Title 20, the permitted uses for each LUA shall be those uses that are permitted for each type of LUA specified in section 6.1, as of the Application Date, as modified by this Restated DA and Exhibit C. If the Town Center Plan approved uses are unique in any way, a list of such Town Center Plan-specific uses (which shall modify Exhibit C) shall become Exhibit C-1 and shall be vested upon approval.

6.3 Development Standards. Although the entire Property will be zoned Mixed Use, each LUA will utilize development standards that more closely match their LUA designation, as modified by this Restated DA. For example, parking and lot size standards for the Light Industrial (IL) LUA will be held to the parking and lot size standards within the IL zoning code, as modified by this Restated DA. Parking standards and set back requirements for the Mixed Use (MX) LUA, including the town center district, will be subject to the MX zone parking standards, as modified by this Restated DA and the approved Master Plan. Attached hereto as Exhibit D is a list of approved development standards for the indicated LUAs, that deviate from current VMC. Any variations from the applicable VMC development standards (as modified by this Restated DA) shall be approved in accordance with VMC Chapter 20 as of the Application Date. Approval of such variations shall be granted in accordance with applicable law and sections 7.2d and 7.3 below.

a. Vesting. The Property shall vest to the development standards provided in VMC Title 20, applicable to each type of LUA specified in section 6.1, as of the Application Date, as modified by this Restated DA and Exhibit D. Once approved, any Town Center-specific development standards that are different from development standards authorized by law and Exhibit D, shall become Exhibit D-1 of the Restated DA and shall vest as of the application date for the Town Center Master Plan Amendment.

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b. New Buildings. Developer shall build 600,000 to 860,000 square feet of new employment buildings, with approximately 216,000 square feet to be built in the IL LUA. Developer may build up to 1200 residential units, throughout the Property. Residential spaces (not counting accessory dwelling units) shall not exceed the following unit counts, during the term of this Restated DA:

Residential Units	
SFR LUA – detached single family homes	110
SFR LUA – attached single family homes	100
MFR LUA - townhomes	100
MFR LUA - apartments	180
MX LUA - Medium/high density apartments	610
IL LUA - Medium/high density apartments	100
Total:	1200

c. Residential Transfer. Developer may transfer up to 10% of the specified unit count to an LUAs, without seeking an amendment or modification to the Master Plan. For example, Developer may build an extra 11 detached single family homes in the SFR LUA without seeking approval or modification. The total number of residential units shall not exceed 1200. In addition, notwithstanding the limitations provided in the table in Section 6.3b, residential units allocated to the SFR and MFR LUAs that have not been built may be transferred to and built in the IL or MX LUAs, after 600,000 square feet of new employment space has been built on the Property.

d. Mixed Use Site Standards. The standards outlined in VMC 20.430.060.C.2 shall apply to the Property, except as outlined below:

- (i) Subsection 2.a. does not apply;
- (ii) The last sentence of Subsection 2.d.1 (“Complete segregation of use types, such as placement of multiple commercial structures all on one side of a mixed use site and multiple residential structures all on the other shall be prohibited”) does not apply;
- (iii) Subsection 2.e.1 does not apply;
- (iv) Subsection 2.e.3 shall apply only in the MX LUA and as modified by the Town Center Master Plan Amendment;
- (v) Subsection 2.e.4 shall apply only to the School LUA; and
- (vi) Subsection 2.f. does not apply to the SFR LUA, the MFR LUA, or the School LUA.

6.4 Synchronicity. The sequencing of development of the various LUAs within the Master Plan is critical to achieving a successful mixed-use development. The Master Plan is, at its

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core, an employment based mixed use development. However, to obtain the on-site traffic recapture and to comply with VMC 20.430.060 (which requires at least 20% of the combined gross floor area of the buildings to be devoted to residential uses) residential development must be properly synchronized with employment land development. Notwithstanding anything to the contrary in VMC chapter 20.430, the following synchronicity rules shall apply to the timing of development of the LUAs.

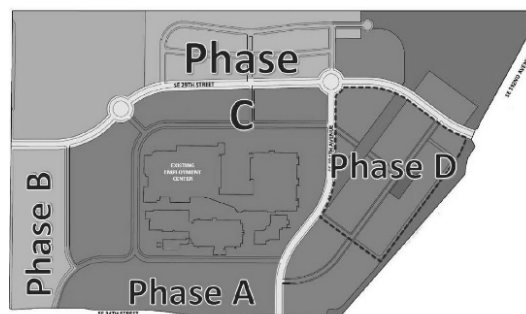
a. There shall be no limit on the timing or pace of development of the **light industrial (IL) LUA** depicted on the Master Plan. Developer has already begun and intends to complete renovations and capital improvements in the Existing Building in the IL LUA by December 31, 2023. Residential units in the IL LUA, if any, shall be on the second floor, or above. Site Plan approval for mixed-use buildings in the IL LUA shall demonstrate how the total new light industrial square footage in the IL LUA identified in section 6.3b, above, can be achieved, even if residential units are added, as proposed, on the upper floors. Site Plan approval for mixed-use buildings in the IL LUA may not be granted until 125,000 square feet of new employment space in the IL LUA has been built.

b. There shall be no limit on the timing or pace of development of a **school** on the 20-acre parcel depicted in the northwest corner of the Master Plan. If the school site is not developed into a school, the 20-acre area will retain its mixed use (MX) comprehensive plan designation, unless and until the School LUA property owner applies for a comprehensive plan/map amendment in accordance with applicable law.

c. In the **mixed-use (MX) LUA** depicted in the Master Plan, Developer shall submit a Town Center Master Plan application as specified in section 6.11. Subject to section 6.5e below, there shall be no limit on the timing or pace of development of the South MX area.

d. There shall be no limit on Developer's ability to submit, entitle, and obtain land use approval for developing residential units in the **SFR and MFR residential LUAs**. However, Developer shall not be granted a permit to begin construction that will exceed 600 residential units (50% of total) until Developer has built 215,000 square feet (25% of total) of new employment square footage outside of the Existing Building.

6.5 Phasing. Developer is focusing current development efforts on the interior of the Existing Building. Subsequent development is expected to occur in phases. Each phase of development may overlap with the other, as described below.



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- a.** In Phase A, Developer intends to develop the IL LUA south of the Existing Building, and possibly the South MX Area, defined below. Developer shall begin submitting Phase A site plan application(s) no later than 18 months after the Effective Date. Phase A site plan applications in the IL LUA that are not inconsistent with this Restated DA and the Master Plan may be submitted prior to the Effective Date.
- b.** In Phase B, Developer shall focus on the MFR development in the southwest corner of the Property. Developer shall begin submitting Phase B site plan application(s) no later than 18 months after the first Phase A application(s).
- c.** In Phase C, Developer intends to develop the north side of the IL LUA and the SFR LUA. Developer shall begin submitting Phase C site plan and subdivision applications no later than 18 months after the first Phase B application(s).
- d.** In Phase D, Developer intends to focus on the Town Center. The first applications for Phase 5 development shall be submitted no later than 18 months after approval of the Town Center Master Plan Amendment
- e.** The areas outside the Town Center, within the MX LUA shall be referred to as the “North and South MX Areas.”
 - (i) Developer reserves the right to develop the South MX Area in conjunction with Phases A, B, C, or D.
 - (ii) Developer will submit applications for each mixed use building in the South MX Area to be developed during Phases A, B, or C, in accordance with VMC 20.430.060.B.1, 2, and 3, as modified by this Restated DA.
 - (iii) Buildings to be developed in the North and South MX Areas as part of Phase D shall be included in the Town Center Master Plan Amendment.
 - (iv) The buildings and uses in the North and South MX Areas shall be consistent with the Master Plan and, if already approved, the Town Center Master Plan Amendment.
- f. Extensions.** No less than three months before the expiration of any phased deadline, Developer may request a one-year extension by means of a Type I process, using procedures contained in VMC 20.210.040, which the Planning Official shall approve upon finding provided that:
 - (i) No changes have been made on the Master Plan;
 - (ii) Developer has pursued submitting the site plan or subdivision, as applicable, in good faith; and
 - (iii) Developer can show intent of applying within the one-year extension period, e.g., by providing evidence of an application for financing.

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6.6 Design Standards. All new building development (except in the School LUA) shall comply with this Master Plan and the Design Standards provided in Exhibit E to this Restated DA. In addition, all new building development (except in the School LUA) shall be consistent with the Environmental Design Principles outlined in Exhibit E-2 to this Restated DA. Once approved, any Town Center-specific design standards that are different from Exhibit E shall become Exhibit E-1 of the Restated DA and shall vest as of the application date of the Town Center Master Plan Amendment.

6.7 Parking Plan. The IL LUA shall provide a minimum of 4.5 parking stalls per 1,000 square feet of employment space, with a maximum of 5,400 stalls. The MX LUA shall have 2.0 to 2.5 stalls per 1,000 square feet of non-residential building space; and 1.5 stalls per multi-family dwelling unit, with a total parking stall range of 1,500 to 2,400 parking stalls. The SFR and MFR LUAs shall provide parking in accordance with R-9 and R-30 zone designations under VMC chapter 20, respectively. The school shall provide parking in accordance with VMC Table 20.945.070-2. The Parking Plan, including proposed temporary parking lots, shared parking lots, and potential parking garages is provided at Exhibit B-4. To the extent the Full Site Utilization Plan and the Parking Plan are inconsistent, the Parking Plan controls, regarding the proper interpretation of the size, location, and purpose of parking uses in the Master Plan. Each site plan or subdivision application shall demonstrate how it contributes toward compliance of the entire Property with the parking requirements of RCW 20.430.060.C.2.h (including the 25% variance, if necessary) at full Property build out.

6.8 Open Space. Developer shall create various open spaces within the Property as depicted in the Master Plan. A detailed depiction of the open space areas in the Master Plan is provided in the Open Space Plan, attached as Exhibit B-5. To the extent the Full Site Utilization Plan and the Open Space Plan are inconsistent regarding the proper interpretation of the size, location, and purpose of open spaces in the Master Plan, the Open Space Plan controls.

- a. There shall be two tiers of open space within the property, as depicted in the table on Exhibit B-5.
- b. Open space that is developed consistent with MX open space standards under VMC 20.430.060.C.2.d.4 and VMC Table 20.430.030-1, as modified by this Restated DA, shall be creditable to the minimum open space requirements for a mixed-use master plan, pursuant to VMC. Developer shall not finalize plans for the east-west walking trail until the City decides whether the fence on the eastern edge of the Property, near the City stormwater system shall be removed.
- c. A detailed depiction of the pathways throughout the Property is provided in the Pathways Plan, attached as Exhibit B-6. To the extent the Full Site Utilization Plan and the Pathways Plan are inconsistent, the Pathways Plan controls, regarding the proper interpretation of the size, location, and purpose of pathways in the Master Plan.

6.9 Forested Tract. Developer shall set aside a 13.6-acre forested tract in the northeast corner of the Property as open space for purposes of forest preservation, open space, recreation, and natural habitat (the "Forested Tract"). The Forested Tract is part of the open space identified in the Master Plan. The Forested Tract is more specifically depicted in the Open Space Plan attached to the Master Plan as Exhibit B-5. Exhibit A-3 shall include a legal description of the Forested Tract, prior to finalizing this Restated DA.

- a. *Restrictive Covenant.* Developer shall record a perpetual covenant and restriction on the Forested Tract land, prohibiting development of the Forested

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Tract for any purpose other than open space. Such covenant shall not prohibit installation of park amenities similar to those described in section 6.9.d(iii). Developer shall record the covenant within thirty (30) business days of the Effective Date. The covenant cannot be removed without Vancouver City Council approval.

b. Creditable. The Forested Tract shall be eligible for consideration in meeting the open space requirements under applicable chapters of the VMC for a mixed-use master plan. The trees existing within the Forested Tract shall be evaluated for any requirement of the VMC and the Master Plan applicable to tree preservation, tree unit calculation, tree canopy calculations. Tree density calculations shall be based upon a Tree Plan developed by the Developer's project arborist in conjunction with the City of Vancouver Urban Forester and submitted by the developer to the City for review designating trees in the forested tract and on the Property either for retention or removal (the "Tree Plan"). Based upon the tree Plan, tree density calculations for the property shall be established in accordance with VMC Section 20.770.080(B)

c. Tax Treatment. After the Forested Tract is created by land division or boundary line adjustment, Developer shall apply under the Clark County open space program to have the Forested Tract designated as open space for property tax purposes, pursuant to Clark County Code chapter 3.08. Developer shall apply for the open space program within sixty (60) days of recording the covenant addressed in section 6.9.a, above. The City shall assist and cooperate with Developer's efforts to obtain open space tax status.

d. Public Access. The City desires to gain public access to use and enjoy the Forested Tract and any improvements located in it. At present, the City does not have a means to pay for such access. Developer's covenant identified in Section 6.9.a is intended to allow the City time to work through its funding issues and time for City and Developer to negotiate a mutually agreeable public access instrument, which shall be recorded with the Clark County auditor once final.

(i) Fair Market Value. The purchase price for public access shall be determined by mutual agreement of the City and Developer (the "parties") or, if the parties are unable to agree, by appraisal, the cost of which shall be shared equally by the parties. The parties shall attempt to agree on a single real estate appraiser to determine the fair market value based upon the best and highest use for the land. If the parties are unable to agree upon a single appraiser, then the City shall choose an appraiser who shall be a certified general real estate appraiser licensed by the State of Washington who is a member of the Appraisal Institute of America and who has at least five (5) years' commercial appraisal experience in Clark County and who has not been regularly employed or retained as a consultant, appraiser or agent of either party during the prior twelve (12) months (herein "Qualified Appraiser") and Developer shall choose an appraiser who shall also be a Qualified Appraiser. Each Party will pay for the cost of their appraiser. The two Qualified Appraisers so appointed shall attempt to determine the fair

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market value of the public access. If the appraisers are unable to agree upon a fair market value within fifteen (15) days, the two Qualified Appraisers so appointed shall select a third Qualified Appraiser within five (5) days (whose cost will be shared 50/50 between the Developer and the City). Within fifteen (15) days following the selection of a third Qualified Appraiser, a majority of the Qualified Appraisers shall attempt to reach agreement on the fair market value of the public access. If a majority of the Qualified Appraisers are unable to agree on the fair market value, the three appraisals shall be added together, and their total divided by three; the resulting quotient shall be the fair market value for the public access. If, however, the low appraisal and/or high appraisal is more than ten percent (10%) lower and/or higher than the middle appraisal, the lower appraisal and/or the higher appraisal shall be disregarded. If only one appraisal is discarded, the remaining two appraisals shall be added together, and their total divided by two and the resulting quotient shall be the fair market value. If both the low appraisal and the high appraisal are disregarded as stated in this Section 6.9.d.(i), the middle appraisal shall be the fair market value. The Qualified Appraiser(s) shall determine the fair market value of the public access in accordance with the Uniform Standards of Professional Appraisal Practice ("USPAP"). Each party will receive a copy of all appraisals.

(ii) Park Rules. The Forested Tract Access Instrument shall specify that the Forested Tract is subject to the versions of VMC Chapter 15.04 ("Park Rules") and VMC Chapter 15.08 that are in effect as of the Application Date, as modified by the Forested Tract Access Instrument.

(iii) Forested Tract Amenities. If the City purchases public access to the Forested Tract, the Forested Tract shall include the following amenities, at minimum: a large universally accessible playground, dog park area, loop trails with benches and picnic areas, interpretive signage, reservable picnic pavilions, unique bike/low ropes course feature or other equal or better alternative unique feature. The City and Developer will work cooperatively to plan a space that is of place-making quality. Developer shall install all improvements in the Forested Tract. City shall pay for all improvements it requires for public use in the Forested Tract. Developer and City shall continue to negotiate payment terms. The City and Developer shall negotiate their respective obligations for on-going maintenance of the Forested Tract and other Town Center publicly programed areas.

(iv) Timing. Within 150 days of the recording of the Restrictive Covenant identified in section 6.9.a, above, Developer and City shall begin joint work on a collaborative design, a public access instrument, establishing payment terms, etc., related to the Forested Tract, to be provided in the Town Center Master Plan Amendment. Developer shall address the progress made toward public access to the Forested

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Tract and include any agreements reached with the City in its Town Center Master Plan Amendment.

6.10 Landscape Plan. The Property currently has a 47-acre tree canopy, which is 26% of the total acreage. Once developed, the Property will have 55-acres of tree canopy, covering more than the City's aspirational target of 30% of the total acreage, which is more coverage than the Property currently enjoys. A depiction of the full tree canopy plan is provided at Exhibit B-7. Developer shall submit more detailed landscape plans with each site plan/subdivision application, detailing the drought-resistant, native plants that will be used in each LUA and demonstrating progress toward the 5-, 10-, 15-, and 20-year tree canopy targets. Landscaping throughout the Property shall be consistent with and complimentary to the native plants in the Forested Tract.

6.11 Town Center Amendment. Within the MX LUA, there is an identified "Town Center" that will be developed as a mixed-use/residential over retail/commercial/office areas. The Town Center area is identified and bounded by a thick black dotted line in the Full Site Utilization Plan (Exhibit B-2) and also includes the "MX" marked areas north of SE 29th Street indicated on the Full Site Utilization Plan (Exhibit B-2). Subject to review and approval of the Town Center Master Plan Amendment, the Town Center will have a central plaza and a publicly accessible promenade; a water feature; a stage/amphitheater; public restrooms; and designated shared parking. The Parties recognize and agree that the details and design of the Town Center will require further review, which should be addressed in a detailed amendment to the Master Plan. To accomplish that, Developer shall submit a fully complete Town Center Master Plan Amendment application to the City no later than three years after approval of this Restated DA.

a. The Town Center Master Plan Amendment shall:

- (i) address the requirements of VMC 20.430.060(C), as modified by this Restated DA;
- (ii) address the progress Developer and the City have made toward obtaining public access to the Forested Tract, as discussed in section 6.9d(iv), above; and
- (iii) be processed as a Type IV application, including a review and recommendation by the Planning Commission and the Parks and Recreation Advisory Commission, followed by City Council approval.

b. If the City has extended the multifamily property tax exemption (MFTE) to include the Property on or before the date of the Amendment is submitted, the Town Center Master Plan Amendment may include a proposal for affordable housing.

c. Once the Town Center Master Plan Amendment is approved, it shall be added as Exhibit B-1 to this Restated DA. Extensions for proposed phases of development in the Town Center shall be provided in accordance with Section 6.5f, above.

6.12 Compliance. Developer shall comply with this Restated DA and the Master Plan – including but not limited to its exhibits – in covenants, conditions, and restrictions (CC&Rs) for each project (except the School LUA). Developer agrees to provide copies of each set of CC&Rs to the City with each development application, for the City's review and comment. Developer agrees that the final version of such CC&Rs shall be recorded against and shall run with the land for

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each project. All development proposed by an entity other than Developer, will be reviewed by a Design Review Committee, chaired by Developer, to ensure compliance with the Master Plan, the Restated DA, and the CC&Rs, as described in Exhibit E-2.

Section 7. Master Plan Revisions. There shall be three categories of Master Plan revisions: Major, Minor, and De Minimis Revision requests. Developer may request Major revisions to the Master Plan (including the Town Center Amendment discussed in section 6.11, above) no more than once in any calendar year, unless mutually agreed to by the City. All proposed revisions shall be considered under the approval criteria identified below.

7.1 Major Revisions. Requests to modify or revise the Master Plan as follows shall be subject to a Type IV review process.

- a. Greater than 10% increase in total residential units on the Property;
- b. A reduction of non-residential square footage on the Property by more than 10%;
- c. Reduction or increase of parking square footage by more than 10%;
- d. Greater than 10% decrease in the amount of open space approved in the Master Plan;
- e. New uses not included in the Master Plan and this Restated DA;
- f. Changes in the boundaries between LUAs that alter the total acreage of any LUA by more than 10%;
- g. Development of the School LUA for any purpose other than a School, to modify the use limitations in Exhibit D and address the requirements of RCW 20.430.060.C.2.e.4;
- h. A change from a single family detached home to any other structure, along the northern boundary of the SFR LUA and the abutting neighborhood; and
- i. A reduction in size, change of location, or removal of the open space (treed) area between the SFR LUA and the abutting neighborhood.

7.2 Minor Revisions: The following shall be considered Minor Revisions, subject to Type II Review:

- a. Access points of any LUA provided the resulting site plan or subdivision proposal is consistent with the Full Site Utilization Plan;
- b. New buildings, so long as the additional development can be accommodated with only minor changes to the transportation, water, sewer, storm drainage systems, or the Full Site Utilization Plan, in the approved Master Plan;
- c. Significant changes to street locations or capacity, as determined by the Planning Director;
- d. Approval of development and design standard variations in excess of the variations allowed by applicable VMC; and

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e. Any other changes that are not Major Revisions, that the Planning Director or Parks and Recreation Director, regarding changes to the Forested Tract, determines are not de minimis.

7.3 De Minimis Revisions: The Planning Director may review and approve any change to the Master Plan that is not specifically addressed above, if the Planning Director determines such change to be de minimis.

7.4 Approval Criteria. All major, minor, and de minimis changes shall be reviewed according to the following approval criteria:

- a. The proposed change meets the intent of the adopted Master Plan;
- b. The proposed change will not result in a substantial impact to transportation, water, sewer or storm water management systems, after considering all mitigation plans;
- c. The proposed change will not result in adverse impacts to adjacent properties or uses, after considering all mitigation plans; and
- d. The proposed change is consistent with Vancouver Municipal Code and Vancouver Comprehensive Plan.

Section 8. Parcelization. Developer may divide the Property into separate legal lots so long as those lots are created utilizing the land division processes or exemptions thereto contained in applicable law and are not inconsistent with the Master Plan and this Restated DA. Any new parcel or lot thereby created shall be bound by the terms and conditions of the adopted Master Plan and this Restated DA.

Section 9. Park Impact Fee Credits and Reductions.

9.1 At the time the Forested Tract becomes publicly accessible, Developer shall be entitled to Park Impact Fee credits for any open space, amenities, or other improvements Developer builds in the Forested Tract, as allowed by law.

9.2 Developer shall be entitled to Park Impact Fee credits for any and all park improvements provided by Developer so long as such improvements are City Capital Facility Plan at the time such improvements are made, as allowed by law.

9.3 Developer shall be entitled to Park Impact Fee exemptions and reductions available by law, including but not limited to VMC 20.915.080 and .090.

Section 10. Traffic and Trips.

10.1 Retained Traffic Capacity. Exhibit F to this Restated DA sets forth the AM peak hour trips, PM peak trips and total vehicle trips per day that were reserved under the Original DA and remain reserved through this Restated DA, hereunder. Also attached as part of Exhibit F is the VIC Site Trip Generation Estimate provided in Table 4 of the November 30, 2020 Traffic Impact Analysis for the Vancouver Innovation Center Master Plan, a copy of which is on file with the City.

10.2 Surrendered Traffic Capacity. Exhibit G to this Restated DA sets forth the AM peak hour trips, PM peak hour trips and total vehicle trips per day that were vested and reserved under the Original DA, but shall be and are surrendered to the City upon approval of this Restated DA.

10.3 Trip Utilization Accounting. Developer shall prepare a Transportation Compliance Letter for each proposed new development site, in conjunction with site plan application to document the utilization of vested, retained traffic capacity. Trips to the Forested Tract shall not be

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charged against the Retained Traffic Capacity. The Transportation Compliance Letter for each proposed new development shall provide:

- a. The number of net new weekday daily, weekday AM peak hour and weekday PM peak hour trips estimated to be generated by the proposed use based on trip rates in the *Trip Generation Manual, 10th Edition* as published by the Institute of Transportation Engineers, or the then-current version as agreed between the parties, for the site. Internal trip allocations shall be documented following the assumptions made in the November 30, 2020 *Traffic Impact Analysis for the Vancouver Innovation Center Master Plan* on file with the City.
- b. A debiting summary comparing the total net new weekday AM peak hour and weekday PM peak hour trips vested to the Property (as set forth in Exhibit F attached hereto), net new weekday AM and PM peak hour trips consumed to date, and net new weekday AM and PM peak hour trips remaining for future development after accounting for approved and proposed site development(s).
- c. The trips for the net new Weekday PM peak hour site-generated trips associated with a proposed development, projected to travel through the SR-14/SE 192nd Avenue westbound terminal. These trip estimates shall be developed using the trip distribution pattern identified in Figure 6 of the November 30, 2020 *Traffic Impact Analysis for the Vancouver Innovation Center Master Plan* on file with the City and as set forth on Exhibit F attached hereto as most applicable to the proposed use.
- d. The trips for the net new Weekday PM peak hour site-generated trips associated with the proposed building projected to travel through the SE 20th Street/SE 176th Avenue intersection. These trip estimates shall be developed using the trip distribution pattern identified in Figure 6 of the November 30, 2020 *Traffic Impact Analysis for the Vancouver Innovation Center Master Plan* on file with the City and as set forth on Exhibit F attached hereto as most applicable to the proposed use.
- e. In the event the total net new trips generated by a development within the Property exceed the net new weekday AM and PM peak hour trips vested to the property in Exhibit F, Developer shall prepare a new traffic impact analysis to assess the impact of the excess trips.

Section 11. Transportation Improvements. Developer agrees to construct those transportation improvements and dedicate necessary right of way identified in Exhibit H to this Restated DA. Timelines shall be established by the triggering events identified in Table 1. Notwithstanding anything to the contrary in this Restated DA, the City Transportation Manager may approve changes to the triggering events in Table 1; such changes shall not be considered revisions to this Restated DA. Developer's efforts to improve the Existing Building shall not be contingent upon or require the development of any Transportation Improvements as a condition of approval. Developer may pay to have the City, or a third party, construct the transportation improvements in whole, or in part. If the total number of trips allocated to the Property remain below the vested, Retained Traffic Capacity provided in Exhibit F, Developer shall not be obligated to accomplish any other transportation improvements or other transportation mitigation as a condition of approval for any development on the Property. In the event the total net new trips generated by a proposed development on the Property

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triggers the requirements of Section 10.3e above, Developer may be required to accomplish transportation improvements or mitigation measures related solely to the impact of those excess trips.

Section 12. “Proportionate Share” Payments. Although the estimated trips for the Property are already vested, and thus future development of the Property pursuant to this Restated DA will not increase the presently calculated burden on the City’s transportation system, Developer voluntarily agrees to pay fees as outlined in this section, as if it were participating in a “proportional share” transportation impact overlay area. Notwithstanding anything to the contrary herein, Developer’s efforts to improve the Existing Building shall not be contingent upon or require the development of any “Proportionate Share” payments. Prior to building occupancy permit issuance for any new building to be built on the Property, Developer shall pay:

12.1 a \$2,000 “proportionate share” fee for each weekday PM peak hour site-generated trip projected to travel through the **SR-14/SE 192nd Avenue** westbound terminal intersection, as documented in the Trip Compliance Letter;

12.2 a \$400 “proportionate share” fee for each weekday PM peak hour site-generated trip projected to travel through the **SE 176th Avenue/SE 20th Street** intersection, as documented in the Trip Compliance Letter.; and

12.3 a \$150 “proportionate share” fee for each weekday PM peak hour site-generated trip projected to travel through the **SE 34th Street/SE 192nd Avenue** intersection, to reconstruct that intersection to a concrete surface, as documented in the Trip Compliance Letter. The precise amount of this fee shall be calculated and mutually agreed upon between the City of Vancouver Streets/Transportation Manager and Developer. Such an agreement shall not require a revision of this Restated DA.

Section 13. SE 25th Street and Access onto SE 192nd Ave. The City’s plans currently identify an extension of SE 25th Street through the Property, connecting SE 176th Avenue to SE 192nd Avenue. This planned extension would cut directly through the Forested Tract. To facilitate implementation of the Master Plan and this Restated DA, the City shall remove the SE 25th Street extension from its transportation improvement plans and add SE 29th Street to its Transportation Impact Fee Program project list, no later than December 31, 2021. Because of these changes, the Property no longer requires access onto SE 192nd Avenue, as provided in Section 10 of the Original DA. Accordingly, that access point is hereby terminated. Developer shall have no further obligation to design, construct or financially contribute to that access point. The City will be responsible for removing all improvements located at that access point, other than those that may be required to provide access to or parking for the Forested Tract.

Section 14. Traffic Impact Fee Credits and Reductions.

14.1 As provided herein, Developer shall construct SE 29th Street from 176th Avenue through the Property to 192nd Avenue as conceptually shown on the Master Plan, on or after January 1, 2022. Developer shall be entitled to traffic impact fee credits, therefore.

14.2 Developer shall be entitled to Traffic Impact Fee credits for any and all other transportation improvements provided by Developer so long as such improvements are located on the Traffic Impact Fee Program’s list of projects at the time such improvements are made.

14.3 Developer shall be entitled to Traffic Impact Fee reductions in accordance with VMC 20.915.090(D).

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Section 15. Environment. Environmental laws or development requirements shall not vest. Developer shall comply with all environmental law requirements including standards related to sustainability and climate action which are in effect and applicable at the time of development approval for any project within the Property.

Section 16. Reserved Authority of City. Anything in this Restated DA to the contrary notwithstanding, the City shall have the authority to impose new or different regulations to the extent required by a serious threat to public health and safety as required by RCW 36.70B.170 to the extent that such threat is proximate cause, or is proximately aggravated by the impacts of the proposed development of the Property, or any portion thereof; provided, however that such action shall only be taken by legislative act of the Vancouver City Council after appropriate public process, Developer reserves all rights to contest and/or appeal the implementation of such new or different regulation(s) and further reserves the right to seek any damages they may be lawfully entitled to, to the extent such new or different regulation(s) impact(s) property rights conveyed under this Restated DA.

Section 17. Miscellaneous Provisions

17.1 Counterparts. This Restated DA may be executed in counterparts; however, all signature pages will be recorded together, and the complete recorded Restated DA will constitute the final instrument.

17.2 Termination. This Restated DA will terminate upon the mutual agreement of the Parties in writing, which will be recorded, or upon expiration of the Term, whichever first occurs.

17.3 Authorization. The persons executing this Restated DA on behalf of City and Developer are authorized to do so and, upon execution by such parties, this Restated DA will be a valid and binding obligation of such parties in accordance with its terms. The Parties have each obtained any and all consents required to enter into this Restated DA and to consummate or cause to be consummated the transactions contemplated hereby.

17.4 Run with the Land. This Restated DA will run with the land and inure to the benefit of and be binding on the Parties' successors and assigns and will be recorded with the County Auditor.

17.5 Public Hearing. The City Council has approved execution of this Restated DA by resolution after a public hearing.

17.6 Dispute Resolution. Should a disagreement arise between the Parties, the Parties agree to attempt to resolve the disagreement by first meeting and conferring. If such meeting proves unsuccessful to resolve the dispute, the disagreement may be resolved by a civil action.

17.7 Venue. This Restated DA will be construed in accordance with the laws of the State of Washington, and venue is in the Clark County Superior Court.

17.8 Attorneys' Fees. If a suit, action, or other proceeding of any nature whatsoever (including any proceeding under the U. S. Bankruptcy Code) is instituted in connection with any controversy arising out of this Restated DA or to interpret or enforce any rights or obligations hereunder, the prevailing party will be entitled to recover its attorney, paralegal, accountant, and other expert fees and all other fees, costs, and expenses actually incurred and reasonably necessary, as determined by the court at trial or on any appeal, or by any mediator, arbitrator, hearing examiner, or other dispute review, in addition to all other amounts provided by law.

17.9 Performance. In the event either Party fails to perform the terms and provisions of this Restated DA, which failure continues uncured for a period of sixty (60) days

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following written notice from the other Party (unless the Parties have mutually agreed in writing to extend this period) shall constitute a default under this Restated DA. Any notice of default shall specify the nature of the alleged default and, where appropriate, the way the alleged default may be satisfactorily cured. If the nature of the alleged default is such that it cannot be reasonably cured within the sixty (60) day period, then the commencement of actions to cure the alleged default within the sixty (60) day period and diligent prosecution of such actions necessary to complete the cure of the alleged default, shall be deemed to be a cure within the sixty (60) day period. Upon a default that is not cured as provided above, the non-defaulting Party may institute legal proceedings to enforce the terms of this Restated DA. If the default is cured, then no default exists, and the noticing Party shall take no further action.

17.10 Severability. If any portion of this Restated DA will be invalid or unenforceable to any extent, the validity of the remaining provisions will not be affected thereby. If a material provision of this Restated DA is held invalid or unenforceable such that a Party does not receive the benefit of its bargain, then the other Parties will renegotiate in good faith terms and provisions that will effectuate the spirit and intent of the Parties' agreement herein.

17.11 Inconsistencies. If any provisions of the City Code and land use regulations are deemed inconsistent with this Restated DA, the provisions of this Restated DA will prevail, excepting the City's reserved authority described above.

17.12 Amendments. This Restated DA and its Exhibits may only be amended as provided herein. Where specific amendment or revision clauses are not provided in this Restated DA, then all other amendments or revisions to this Restated DA shall be made only by mutual written agreement of the Parties, and all amendments will be recorded in the Clark County deed records. Agreement by the City may only be obtained through a Type IV legislative proceeding.

17.13 Survival. Any covenant or condition set forth in this Restated DA, the full performance of which is not specifically required prior to the expiration or earlier termination but which by its terms is to survive the termination of this Restated DA, will survive the expiration or earlier termination of this Restated DA and will remain fully enforceable thereafter.

17.14 No Benefit to Third Parties. The Parties are the only parties to this Restated DA and are the only parties entitled to enforce its terms, except as otherwise specifically provided in this Restated DA. There are no third-party beneficiaries.

17.15 Entire Agreement. This Restated DA shall supersede the Original DA, the First Amendment to DA and the Second Amendment to DA in their entirety. This Restated DA, as amended from time to time, constitutes the entire agreement between the Parties as to the subject matter.

17.16 Non-waiver. Waiver by any Party of strict performance of any provision of this Restated DA will not be deemed a waiver of or prejudice a Party's right to require strict performance of the same or any other provision in the future. A claimed waiver must be in writing and signed by the Party granting a waiver. A waiver of one provision of this Restated DA will be a waiver of only that provision. A waiver of a provision in one instance will be a waiver only for that instance, unless the waiver explicitly waives that provision for all instances.

17.17 Interpretation of Restated DA; Status of Parties. This Restated DA is the result of arm's-length negotiations between the Parties and will not be construed against any Party by reason of its preparation of this Restated DA. Nothing contained in this Restated DA will be construed as creating the relationship of principal and agent, partners, joint ventures, or any other similar relationship between the Parties.

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17.18 Future Assurances. Each of the Parties will promptly execute and deliver such additional documents and will do such acts that are reasonably necessary, in connection with the performance of their respective obligations under this Restated DA to carry out the intent of this Restated DA.

17.19 Term. The Term of this Restated DA shall be 15 years, from the Effective Date of this Restated DA. The Term of this Restated DA may be extended after public hearing by the Vancouver City Council.

List of Exhibits

- A Property legal description
- A-1 Legal description of SE's property
- A-2 Legal description of The VIC Building Owner LLC's property
- A-3 Legal description of the Forested Tract
- B Master Plan
- B-1 *[reserved]* for Town Center Master Plan
- B-2 Full Site Utilization Plan
- B-3 Master Plan Renderings
- B-4 Parking Plan
- B-5 Open Space Plan
- B-6 Pathway Plan
- B-7 Tree Canopy Plan
- C Allowed Uses
- C-1 *[reserved]* for Town Center Amendment Allowed Uses
- D Supplemental Development Standards
- D-1 *[reserved]* for Town Center Amendment Development Standards
- E Design Standards
- E-1 *[reserved]* for Town Center Amendment Design Standards
- E-2 Conceptual Design Principles
- F Retained traffic capacity
- G Surrendered traffic capacity
- H Transportation Improvements

[signature pages to follow]

Washington

Date: _____

County of _____

Dated: _____, 2021.

[illegible]

My appointment expires: _____

S-E, INC., a Delaware corporation

By: _____
Print Name: _____
Title: _____
Date: _____

State of _____)
) ss.
County of _____)

I certify that I know or have satisfactory evidence that _____ is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it as _____ of S-E, Inc., a Delaware corporation, to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: _____, 2021.



Notary Seal

Notary Public for Washington

Name of Notary

My appointment expires: _____

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By: _____
 Print Name: _____
 Title: _____
 Date: _____

I certify that I know or have satisfactory evidence that _____ is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it as _____ of The VIC Building Owner LLC, a Delaware limited liability company, to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.



My appointment expires: _____

EXHIBIT A - Property

Legal Descriptions

PARCEL I:

A tract of property situated in the William Simmons Donation Land Claim and the Hutson Martin Donation Land Claim of Sections 5 and 6, Township 1 North, Range 3 East of the Willamette Meridian, in Clark County, Washington, being described as follows:

COMMENCING at the Northeast corner of said Section 6; thence South 01°12'07" West along the East line of said Section 6 a distance of 1298.25 feet to a point on the North line of that tract as surveyed by Mackay and Sposito January 9, 1979 and recorded in Book 9 of Surveys, Page 116 of Clark County Records; thence South 88°56'01" East along said North line a distance of 237.30 feet to the TRUE POINT OF BEGINNING; thence North 88°56'01" West along said line a distance of 237.30 feet; thence North 89°09'22" West along said line a distance of 4163.82 feet, more or less, to the West line of that tract conveyed to the Hewlett Packard Company under Auditor's File No. 7906250149, Clark County deed records or the Northerly projection thereof; thence South 01°24'13" West along the West line of said Hewlett Packard tract a distance of 2025.43 feet to a point on the North line of that tract conveyed to Public Utility District No. 1 under Auditor's File No. 9105290001, Clark County deed records; thence South 88°35'47" East along the North line of said Public Utility District No. 1 tract a distance of 270.00 feet to the Northeast corner thereof; thence South 01°24'13" West along the East line of said Public Utility District No. 1 tract a distance of 200.00 feet; thence North 88°35'47" West along the South line of said Public Utility District No. 1 tract a distance of 270.00 feet to a point on the West line of aforesaid Hewlett Packard tract; thence South 01°24'13" West along the West line of said Hewlett Packard tract a distance of 110.00 feet to the Southwest corner thereof; thence South 88°47'25" East along the South line of said Hewlett Packard tract a distance of 2536.46 feet to the Southeast corner thereof; thence North 42°14'22" East along the East line of said Hewlett Packard tract a distance of 2010.47 feet; thence North 34°22'04" East along the East line of said Hewlett Packard tract a distance of 1010.51 feet to the TRUE POINT OF BEGINNING.

EXCEPTING therefrom any portions lying within SE 34th Street and SE 176th Avenue.

ALSO EXCEPTING therefrom that tract of land conveyed to Clark County, Washington, a municipal corporation, by Statutory Warranty Deed recorded on December 15, 1992, under Auditor's File No. 9212150216.

ALSO EXCEPTING therefrom that tract of land conveyed to the Newland Group, Inc. by deed recorded June 13, 2000 under Auditor's File No. 3226286, more particularly described as follows:

BEGINNING at the Northeast corner of that parcel of land conveyed to Hewlett Packard Company by deed recorded under Auditor's File No. 7906250149, records of Clark County, Washington; thence along the Easterly line of said parcel South 34°22'04" West 1010.51 feet; thence continuing along said Easterly line South 42°14'22" West 219.51 feet to a point on proposed Easterly right of way line of S.E. 192nd Avenue

as shown on sheets 5 through 7 of the S.E. 192nd Avenue Right of Way Plans prepared for the City of Vancouver by David Evans and Associates, Inc., dated March 2000, said point also being on the arc of a 1085.00 foot radius curve; thence along said Easterly right of way line the following courses: from a tangent bearing of North 22°01'55" East, along said curve to the right, through a central angle of 06°23'39" an arc distance of 121.08 feet; thence North 44°41'47" East 32.12 feet; thence North 28°25'34" East 115.00 feet; thence North 18°13'20" East 50.80 feet; thence North 28°25'34" East 541.30 feet to a point of curvature with a 1205.00 foot radius curve; thence along said curve to the left, through a central angle of 04°26'18" an arc distance of 93.35 feet; thence North 71°43'14" East 57.72 feet; thence North 13°25'34" East 60.00 feet; thence North 21°34'10" West 55.29 feet to a point on the arc of a 1205.00 foot radius curve; thence from a tangent bearing of North 17°29'00" East along said curve to the left, through a central angle of 01°33'15" an arc distance of 32.69 feet to a point on the North line of said Hewlett Packard parcel; thence along said North line South 88°56'01" East 216.54 feet to the POINT OF BEGINNING.

FURTHER EXCEPTING therefrom that portion conveyed to the City of Vancouver by Statutory Warranty Deed recorded July 2, 2001 as Auditor's File No. 3340502, being that portion lying with SE 192nd Avenue, and any additional portion lying within and between SE 192nd Avenue and the excepted tract described immediately above.

PARCEL II:

A parcel of property in the William Simmons Donation Land Claim in the Southwest quarter of Section 6, Township 1 North, Range 3 East of the Willamette Meridian, Clark County, Washington, described as follows:

COMMENCING at the Northwest corner of said Section 6; thence South 01°24'13" West along the West line of said Section 6 a distance of 1320 feet to the Northwest corner of Government Lot 4; thence South 89°09'22" East along the North line of said Government Lot 4 a distance of 879.95 feet to the Northwest corner of that tract conveyed to Hewlett Packard Company by deed recorded under Auditor's File No. 7906250149; thence South 01°24'13" West along the West line of said Hewlett Packard tract 2225.44 feet to a point that is 110.00 feet North 01°24'13" East from the Southwest corner of said Hewlett Packard tract and the TRUE POINT OF BEGINNING; thence South 88°35'47" East 270 feet; thence North 01°24'13" East 200.00 feet; thence North 88°35'47" West 270.00 feet to the West line of said Hewlett Packard tract; thence South 01°24'13" West along said West line 200.00 feet to the TRUE POINT OF BEGINNING.

EXCEPTING therefrom any portion lying within SE 176th Avenue.

EXHIBIT A-1 - S.E. Owned Property

A TRACT OF PROPERTY SITUATED IN THE WILLIAM SIMMONS DONATION LAND CLAIM AND THE HUTSON MARTIN DONATION LAND CLAIM OF SECTIONS 5 AND 6, TOWNSHIP 1 NORTH, RANGE 3 EAST OF THE WILLAMETTE MERIDIAN, IN CLARK COUNTY, WASHINGTON, BEING DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 6; THENCE SOUTH 01°12'07" WEST ALONG THE EAST LINE OF SAID SECTION 6 A DISTANCE OF 1298.25 FEET TO A POINT ON THE NORTH LINE OF THAT TRACT AS SURVEYED BY MACKAY AND SPOSITO JANUARY 9, 1979 AND RECORDED IN BOOK 9 OF SURVEYS, PAGE 116 OF CLARK COUNTY RECORDS; THENCE SOUTH 88°56'01" EAST ALONG SAID NORTH LINE A DISTANCE OF 237.30 FEET TO THE **TRUE POINT OF BEGINNING**; THENCE NORTH 88°56'01" WEST ALONG SAID LINE A DISTANCE OF 237.30 FEET; THENCE NORTH 89°09'22" WEST ALONG SAID LINE A DISTANCE OF 4163.82 FEET, MORE OR LESS, TO THE WEST LINE OF THAT TRACT CONVEYED TO THE HEWLETT PACKARD COMPANY UNDER AUDITOR'S FILE NO. 7906250149, CLARK COUNTY DEED RECORDS OR THE NORTHERLY PROJECTION THEREOF; THENCE SOUTH 01°24'13" WEST ALONG THE WEST LINE OF SAID HEWLETT PACKARD TRACT A DISTANCE OF 2025.43 FEET TO A POINT ON THE NORTH LINE OF THAT TRACT CONVEYED TO PUBLIC UTILITY DISTRICT NO. 1 UNDER AUDITOR'S FILE NO. 9105290001, CLARK COUNTY DEED RECORDS; THENCE SOUTH 88°35'47" EAST ALONG THE NORTH LINE OF SAID PUBLIC UTILITY DISTRICT NO. 1 TRACT A DISTANCE OF 270.00 FEET TO THE NORTHEAST CORNER THEREOF; THENCE SOUTH 01°24'13" WEST ALONG THE EAST LINE OF SAID PUBLIC UTILITY DISTRICT NO. 1 TRACT A DISTANCE OF 200.00 FEET; THENCE NORTH 88°35'47" WEST ALONG THE SOUTH LINE OF SAID PUBLIC UTILITY DISTRICT NO. 1 TRACT A DISTANCE OF 270.00 FEET TO A POINT ON THE WEST LINE OF AFORESAID HEWLETT PACKARD TRACT; THENCE SOUTH 01°24'13" WEST ALONG THE WEST LINE OF SAID HEWLETT PACKARD TRACT A DISTANCE OF 110.00 FEET TO THE SOUTHWEST CORNER THEREOF; THENCE SOUTH 88°47'25" EAST ALONG THE SOUTH LINE OF SAID HEWLETT PACKARD TRACT A DISTANCE OF 2536.46 FEET TO THE SOUTHEAST CORNER THEREOF; THENCE NORTH 42°14'22" EAST ALONG THE EAST LINE OF SAID HEWLETT PACKARD TRACT A DISTANCE OF 2010.47 FEET; THENCE NORTH 34°22'04" EAST ALONG THE EAST LINE OF SAID HEWLETT PACKARD TRACT A DISTANCE OF 1010.51 FEET TO THE **TRUE POINT OF BEGINNING**.

EXCEPTING THEREFROM ANY PORTIONS LYING WITHIN SE 34TH STREET AND SE 176TH AVENUE.

ALSO EXCEPTING THEREFROM THAT TRACT OF LAND CONVEYED TO CLARK COUNTY, WASHINGTON, A MUNICIPAL CORPORATION, BY STATUTORY WARRANTY DEED RECORDED ON DECEMBER 15, 1992, UNDER AUDITOR'S FILE NO. 9212150216.

ALSO EXCEPTING THEREFROM THAT TRACT OF LAND CONVEYED TO THE NEWLAND GROUP, INC. BY DEED RECORDED JUNE 13, 2000 UNDER AUDITOR'S FILE NO. 3226286, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THAT PARCEL OF LAND CONVEYED TO HEWLETT PACKARD COMPANY BY DEED RECORDED UNDER AUDITOR'S FILE NO. 7906250149, RECORDS OF CLARK COUNTY, WASHINGTON; THENCE ALONG THE EASTERLY LINE OF SAID PARCEL SOUTH 34°22'04" WEST 1010.51 FEET; THENCE CONTINUING ALONG SAID EASTERLY LINE SOUTH 42°14'22" WEST 219.51 FEET TO A

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POINT ON PROPOSED EASTERLY RIGHT OF WAY LINE OF S.E. 192ND AVENUE AS SHOWN ON SHEETS 5 THROUGH 7 OF THE S.E. 192ND AVENUE RIGHT OF WAY PLANS PREPARED FOR THE CITY OF VANCOUVER BY DAVID EVANS AND ASSOCIATES, INC., DATED MARCH 2000, SAID POINT ALSO BEING ON THE ARC OF A 1085.00 FOOT RADIUS CURVE; THENCE ALONG SAID EASTERLY RIGHT OF WAY LINE THE FOLLOWING COURSES: FROM A TANGENT BEARING OF NORTH 22°01'55" EAST, ALONG SAID CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 06°23'39" AN ARC DISTANCE OF 121.08 FEET; THENCE NORTH 44°41'47" EAST 32.12 FEET; THENCE NORTH 28°25'34" EAST 115.00 FEET; THENCE NORTH 18°13'20" EAST 50.80 FEET; THENCE NORTH 28°25'34" EAST 541.30 FEET TO A POINT OF CURVATURE WITH A 1205.00 FOOT RADIUS CURVE; THENCE ALONG SAID CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 04°26'18" AN ARC DISTANCE OF 93.35 FEET; THENCE NORTH 71°43'14" EAST 57.72 FEET; THENCE NORTH 13°25'34" EAST 60.00 FEET; THENCE NORTH 21°34'10" WEST 55.29 FEET TO A POINT ON THE ARC OF A 1205.00 FOOT RADIUS CURVE; THENCE FROM A TANGENT BEARING OF NORTH 17°29'00" EAST ALONG SAID CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 01°33'15" AN ARC DISTANCE OF 32.69 FEET TO A POINT ON THE NORTH LINE OF SAID HEWLETT PACKARD PARCEL; THENCE ALONG SAID NORTH LINE SOUTH 88°56'01" EAST 216.54 FEET TO THE **POINT OF BEGINNING**.

FURTHER EXCEPTING THEREFROM THAT PORTION CONVEYED TO THE CITY OF VANCOUVER BY STATUTORY WARRANTY DEED RECORDED JULY 2, 2001 AS AUDITOR'S FILE NO. 3340502, BEING THAT PORTION LYING WITHIN SE 192ND AVENUE, AND ANY ADDITIONAL PORTION LYING WITHIN AND BETWEEN SE 192ND AVENUE AND THE EXCEPTED TRACT DESCRIBED IMMEDIATELY ABOVE.

FURTHER EXCEPTING THEREFROM ANY PORTION LYING WITHIN THE PROPOSED BUILDING PARCEL DESCRIBED AS FOLLOWS:

REAL PROPERTY SITUATED WITHIN THAT TRACT OF LAND CONVEYED TO S-E INC., UNDER AUDITOR'S FILE NUMBER 4577169, CLARK COUNTY DEED RECORDS LOCATED IN SECTION 6, TOWNSHIP 1 NORTH, RANGE 3 EAST OF THE WILLAMETTE MERIDIAN, IN THE CITY OF VANCOUVER, CLARK COUNTY, WASHINGTON, BEING DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID S-E INC. PARCEL AS SHOWN ON A MACKAY AND SPOSITO RECORD-OF-SURVEY, DATED JANUARY 9, 1979 AND RECORDED IN BOOK 9 OF SURVEYS, PAGE 116 OF CLARK COUNTY RECORDS; THENCE SOUTH 89°09'22" EAST ALONG THE NORTH LINE OF SAID S-E INC. PARCEL 675.00 FEET; THENCE LEAVING SAID NORTH LINE SOUTH 00°00'00" EAST 870.00 FEET TO THE **POINT OF BEGINNING**;

THENCE NORTH 83°28'58" EAST 460.58 FEET; THENCE NORTH 90°00'00" EAST 485.00 FEET; THENCE NORTH 00°01'12" EAST 132.56 FEET; THENCE SOUTH 89°21'28" EAST 604.07 FEET; THENCE SOUTH 00°01'12" WEST 137.96 FEET; THENCE SOUTH 88°17'11" EAST 256.70 FEET; THENCE SOUTH 00°29'34" EAST 657.53 FEET; THENCE SOUTH 01°10'04" WEST 687.42 FEET; THENCE NORTH 90°00'00" WEST 346.47 FEET; THENCE SOUTH 00°00'00" EAST 156.42 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF SE 34TH STREET; THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY LINE THE

FOLLOWING FIVE (5) COURSES:

THENCE NORTH 88°48'02" WEST 266.47 FEET; THENCE SOUTH 88°54'32" WEST 300.24 FEET;

THIRD AMENDED AND RESTATED DEVELOPMENT AGREEMENT - 25

THENCE NORTH 88°48'02" WEST 39.60 FEET TO A CURVE WITH A 1,960.00 FOOT RADIUS;
THENCE ALONG SAID CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 08°06'35"
AN ARC DISTANCE OF 277.42 FEET TO A POINT OF REVERSE CURVATURE WITH A 2,040.00
FOOT RADIUS CURVE; THENCE ALONG SAID CURVE TO THE LEFT, THROUGH A CENTRAL
ANGLE OF 08°06'35" AN ARC DISTANCE OF 288.74 FEET;

THENCE LEAVING SAID NORTHERLY RIGHT-OF-WAY LINE NORTH 00°00'00" EAST 500.00
FEET; THENCE NORTH 86°54'05" WEST 505.09 FEET; THENCE NORTH 10°07'21" EAST 793.01
FEET; THENCE NORTH 38°28'33" EAST 138.36 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 115.88 ACRES, MORE OR LESS.

EXHIBIT A-2 – VIC Building Owner LLC Property

REAL PROPERTY SITUATED WITHIN THAT TRACT OF LAND CONVEYED TO S-E INC., UNDER AUDITOR'S FILE NUMBER 4577169, CLARK COUNTY DEED RECORDS LOCATED IN SECTION 6, TOWNSHIP 1 NORTH, RANGE 3 EAST OF THE WILLAMETTE MERIDIAN, IN THE CITY OF VANCOUVER, CLARK COUNTY, WASHINGTON, BEING DESCRIBED AS FOLLOWS:

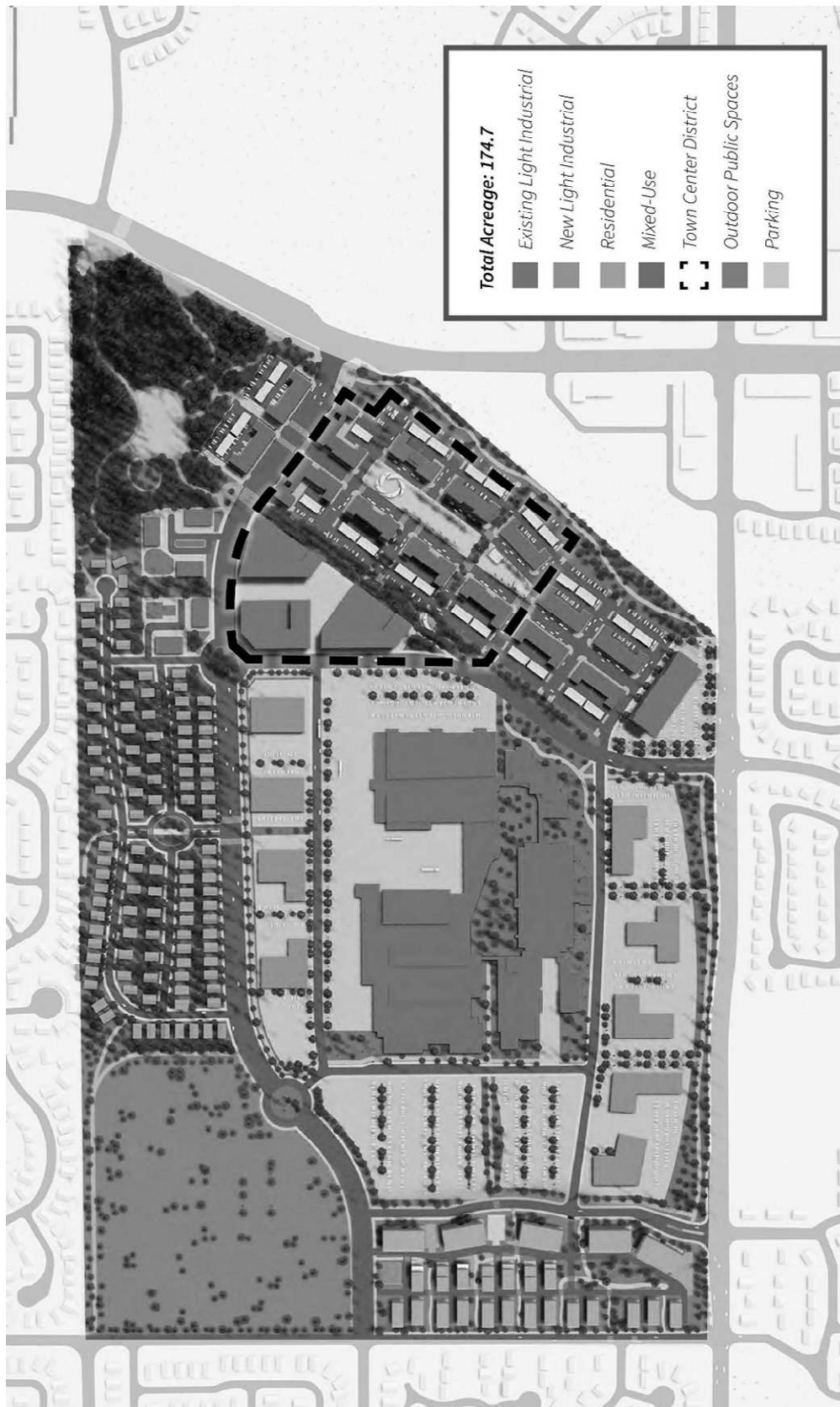
COMMENCING AT THE NORTHWEST CORNER OF SAID S-E INC. PARCEL AS SHOWN ON A MACKAY AND SPOSITO RECORD-OF-SURVEY, DATED JANUARY 9, 1979 AND RECORDED IN BOOK 9 OF SURVEYS, PAGE 116 OF CLARK COUNTY RECORDS; THENCE SOUTH 89°09'22" EAST ALONG THE NORTH LINE OF SAID S-E INC. PARCEL 675.00 FEET; THENCE LEAVING SAID NORTH LINE SOUTH 00°00'00" EAST 870.00 FEET TO THE **POINT OF BEGINNING**;

THENCE NORTH 83°28'58" EAST 460.58 FEET; THENCE NORTH 90°00'00" EAST 485.00 FEET; THENCE NORTH 00°01'12" EAST 132.56 FEET; THENCE SOUTH 89°21'28" EAST 604.07 FEET; THENCE SOUTH 00°01'12" WEST 137.96 FEET; THENCE SOUTH 88°17'11" EAST 256.70 FEET; THENCE SOUTH 00°29'34" EAST 657.53 FEET; THENCE SOUTH 01°10'04" WEST 687.42 FEET; THENCE NORTH 90°00'00" WEST 346.47 FEET; THENCE SOUTH 00°00'00" EAST 156.42 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF SE 34TH STREET; THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY LINE THE FOLLOWING FIVE (5) COURSES: THENCE NORTH 88°48'02" WEST 266.47 FEET; THENCE SOUTH 88°54'32" WEST 300.24 FEET; THENCE NORTH 88°48'02" WEST 39.60 FEET TO A CURVE WITH A 1,960.00 FOOT RADIUS; THENCE ALONG SAID CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 08°06'35" AN ARC DISTANCE OF 277.42 FEET TO A POINT OF REVERSE CURVATURE WITH A 2,040.00 FOOT RADIUS CURVE; THENCE ALONG SAID CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 08°06'35" AN ARC DISTANCE OF 288.74 FEET; THENCE LEAVING SAID NORTHERLY RIGHT-OF-WAY LINE NORTH 00°00'00" EAST 500.00 FEET; THENCE NORTH 86°54'05" WEST 505.09 FEET; THENCE NORTH 10°07'21" EAST 793.01 FEET; THENCE NORTH 38°28'33" EAST 138.36 FEET TO THE **POINT OF BEGINNING**.

CONTAINING APPROXIMATELY 62.10 ACRES.

EXHIBIT A-3 – Forested Tract Legal Description

EXHIBIT B - Master Plan



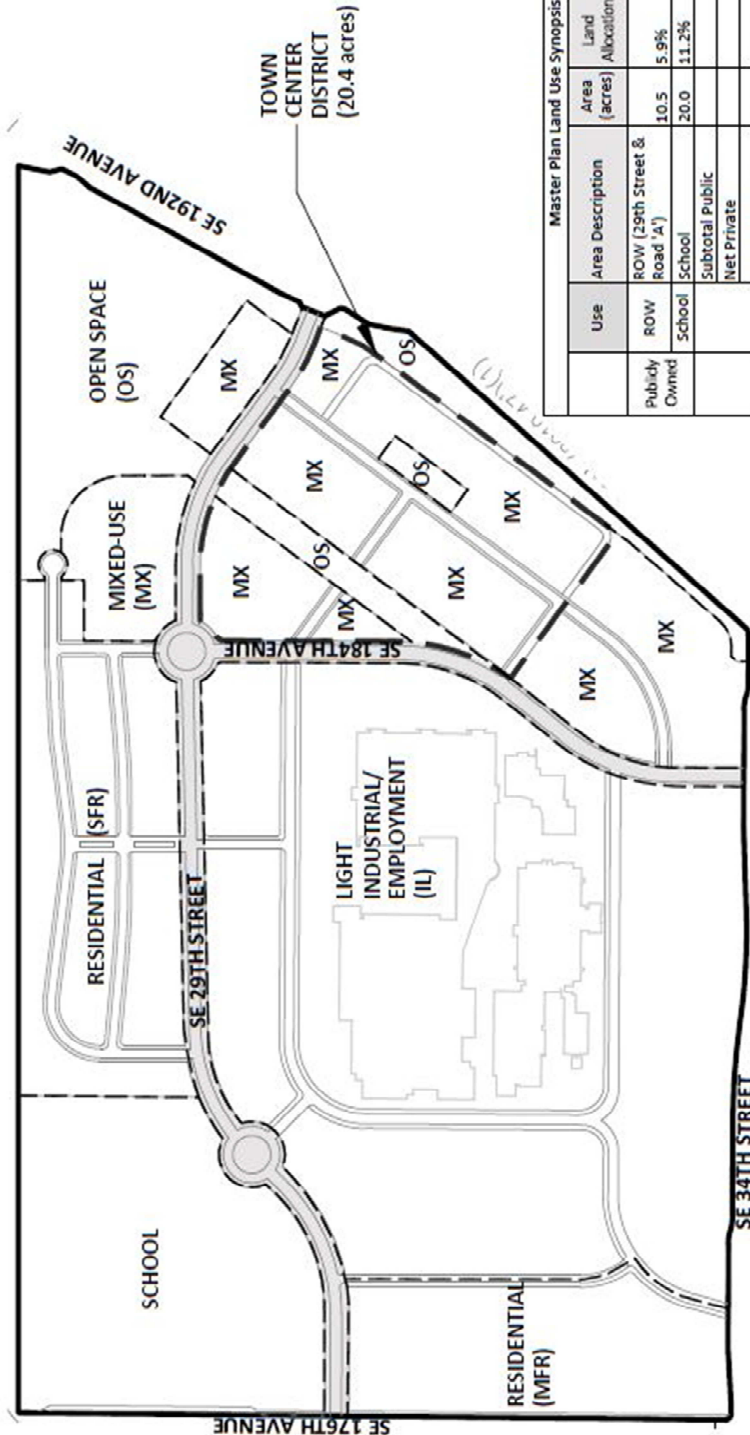
THIRD AMENDED AND RESTATED DEVELOPMENT AGREEMENT - 29

4836-4140-1076, v. 1

EXHIBIT B-1 - Town Center Master Plan

[Reserved for Future Use]

EXHIBIT B-2 – Full Site Utilization Plan



Master Plan Land Use Synopsis					
Use	Area Description	Area (acres)	Land Allocation	Use Totals (acres)	% of Gross
Publicly Owned	ROW (29th Street & Road 'A')	10.5	5.9%	10.5	6%
	School	20.0	11.2%	20	11%
	Subtotal Public			30.5	
	Net Private			148.6	
Privately Owned	Open Space (OS)	13.6	7.6%		
	Urban Plaza	0.6	0.3%	19.1	11%
	Promenade	2.1	1.2%		
	Linear Greenway	2.8	1.6%		
	VTC Complex (LI-1)	43.6	24.3%		
	Light Ind. (LI-2)	9.0	5.0%	67.2	38%
	Flex/Office (LI-3)	14.6	8.2%		
	Single-Family (SFR-1)	18.2	10.2%		
	Multi-Family (MFR-1)	12.2	6.8%	30.4	17%
	Multi-Family (MX-1)	4	2.2%		
	Senior Living (MX-2)	2.1	1.2%		
	Class A Office (MX-3)	3.7	2.1%	31.9	18%
	MX/Retail (MX-4)	22.1	12.3%		
	Totals	179.1	100%		



VANCOUVER INNOVATION CENTER - MASTER PLAN
Vancouver, Washington

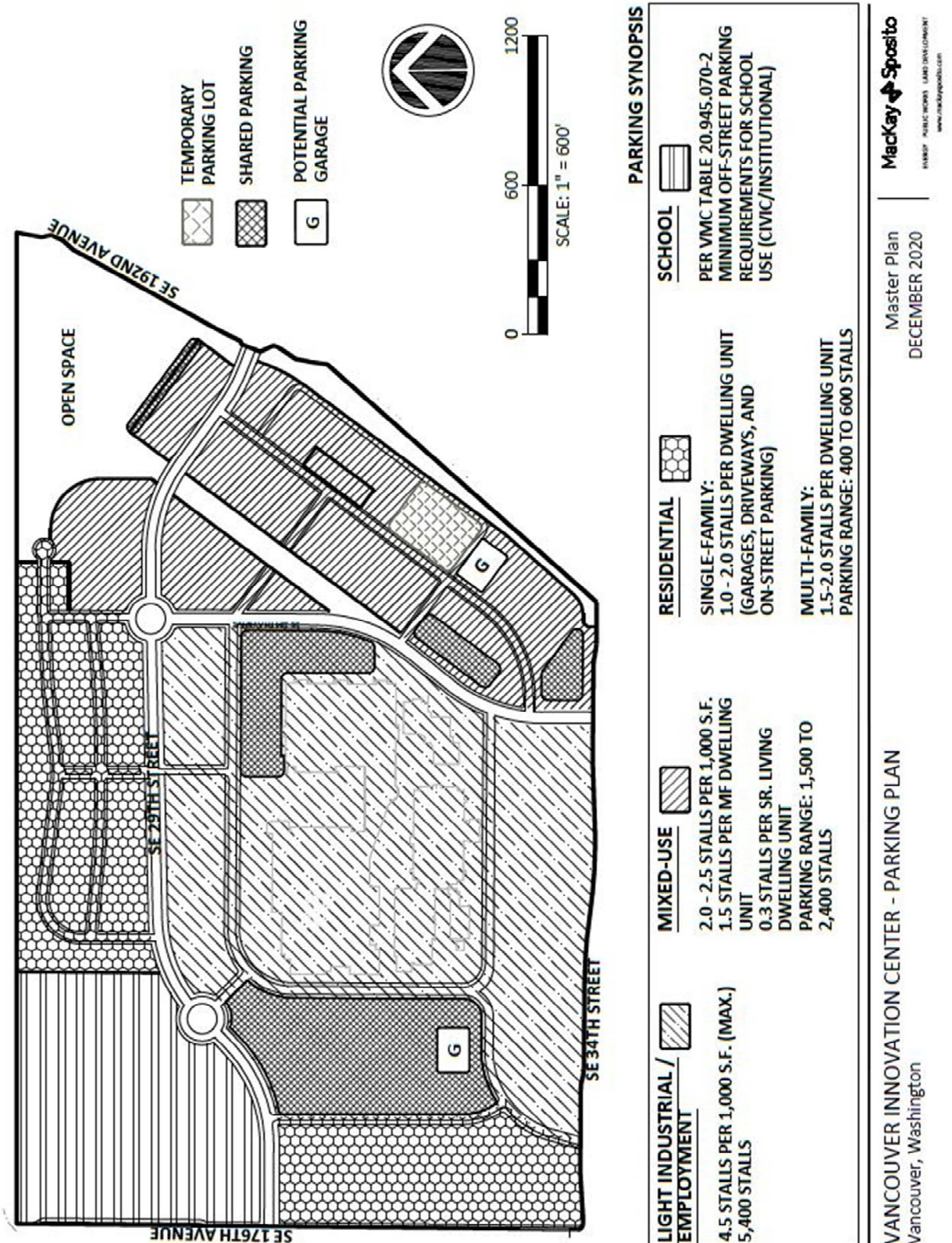
Master Plan
DECEMBER 2020

MacKay Spadito
INTEGRITY PUBLIC WORKS LAND DEVELOPMENT
www.mackayspadito.com

EXHIBIT B-3 – Master Plan Renderings

[See attached VIC Presentation v12]

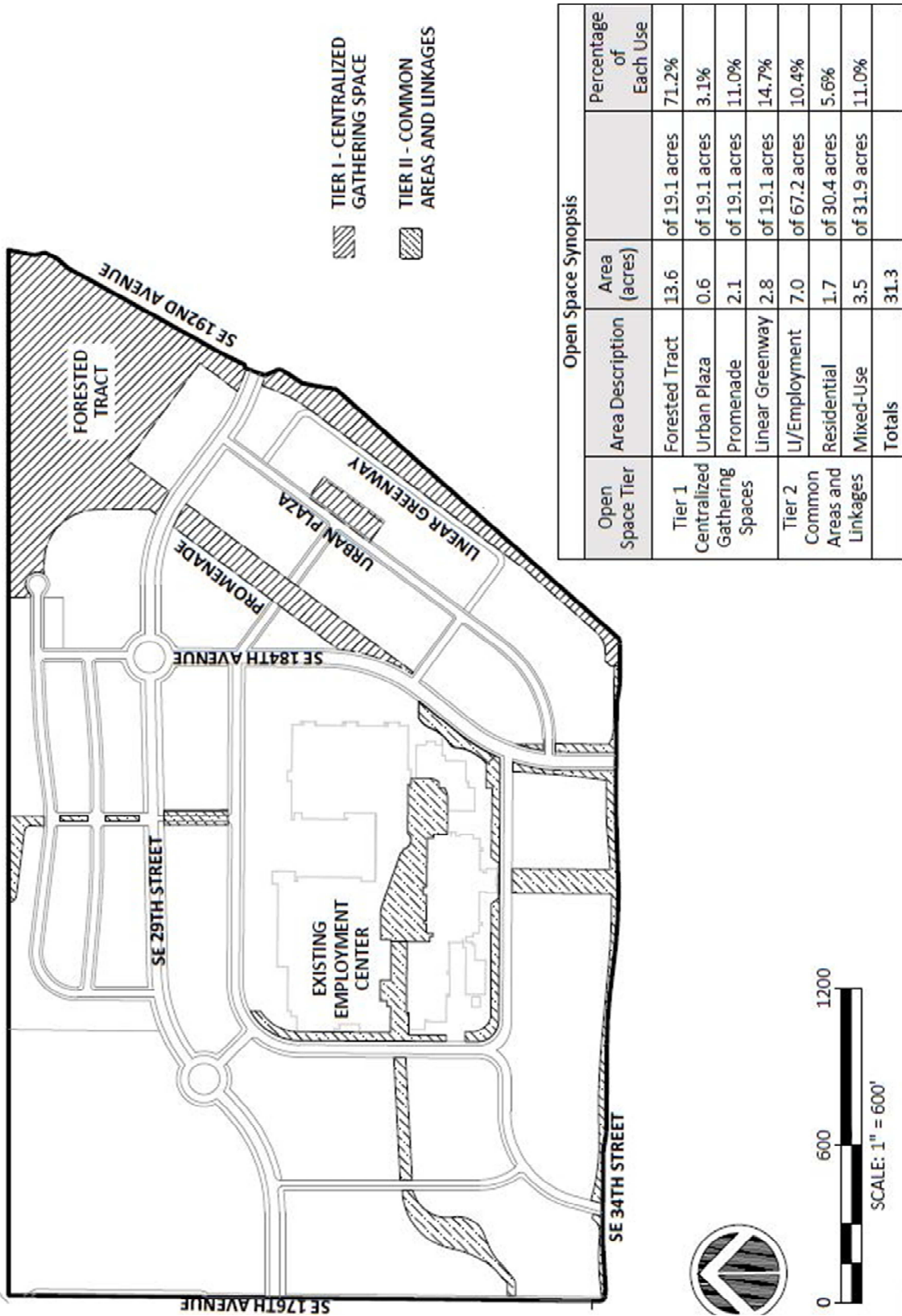
EXHIBIT B-4 – Parking Plan



THIRD AMENDED AND RESTATED DEVELOPMENT AGREEMENT - 33

4836-4140-1076, v. 1

EXHIBIT B-5 – Open Space Plan

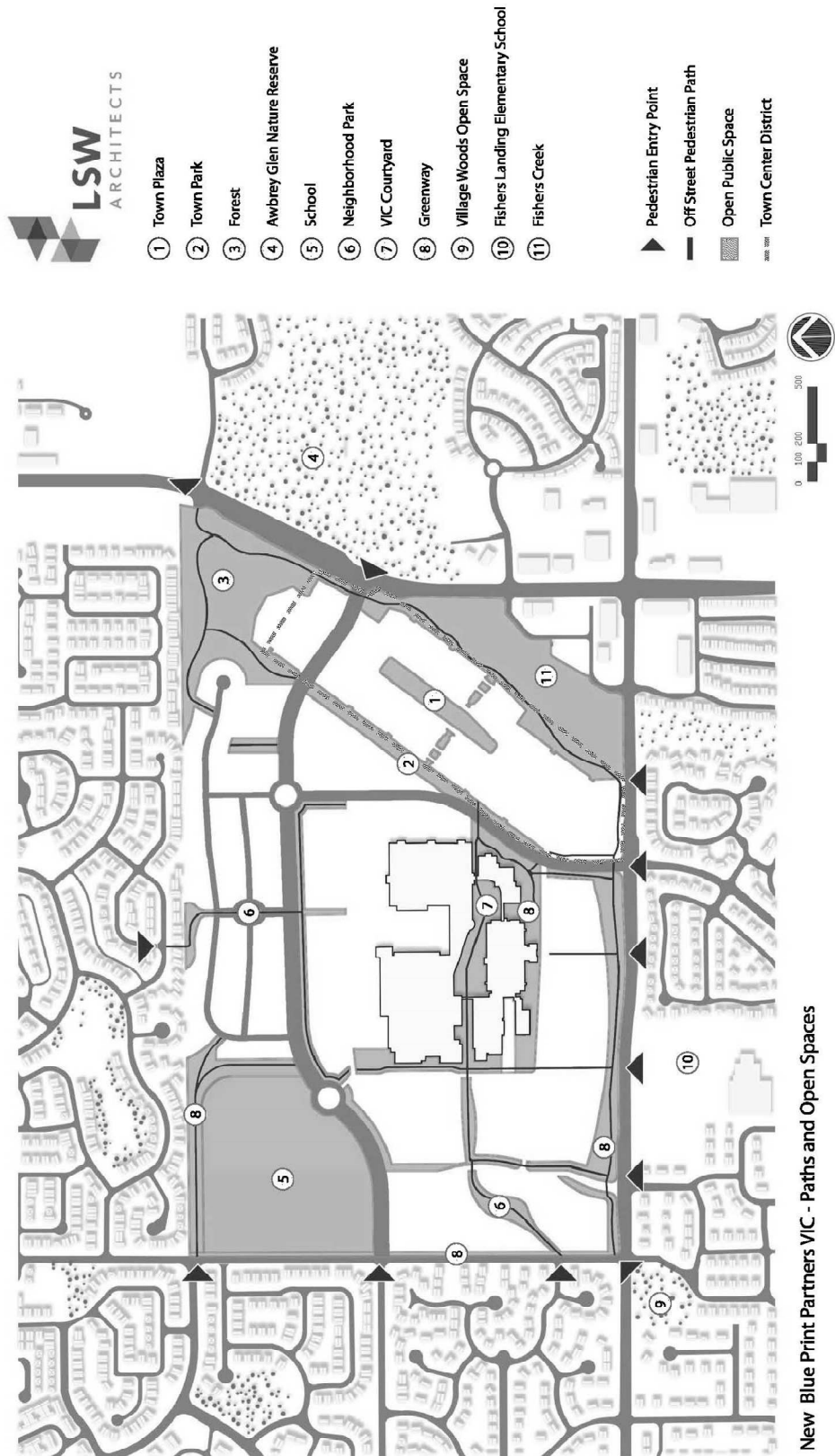


Mackay & Sposito
 URBAN PLANNING AND DEVELOPMENT
 www.mackaysposito.com

Master Plan
 DECEMBER 2020

VANCOUVER INNOVATION CENTER - OPEN SPACE PLAN
 Vancouver, Washington

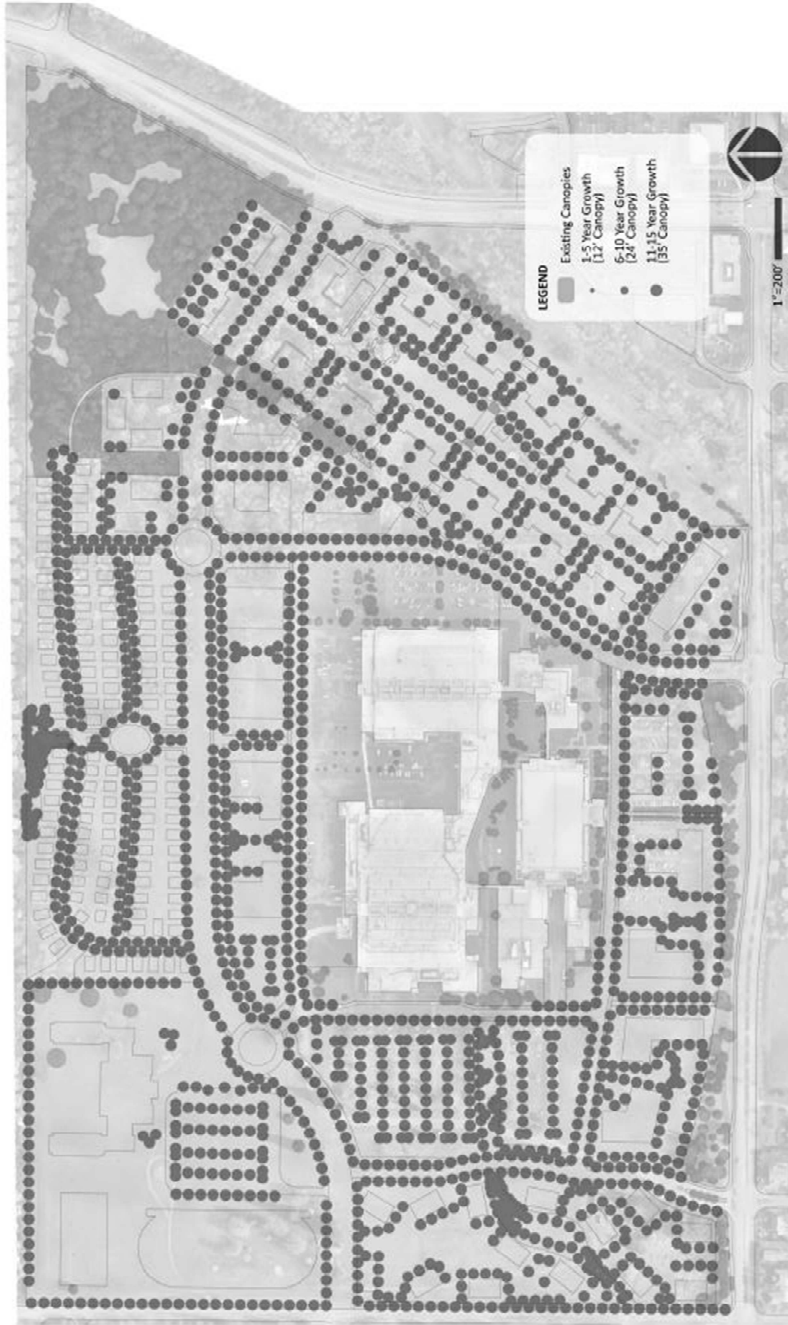
EXHIBIT B-6 – Pathway Plan



THIRD AMENDED AND RESTATED DEVELOPMENT AGREEMENT - 35

4836-4140-1076, v. 1

EXHIBIT B-7 – Tree Canopy Plan



Canopy at Full Growth- 55 acres - 31% of total acreage, (179)

Vancouver Innovation Center - Proposed Tree Canopy / 16-20 Years

MARCH 2021

EXHIBIT C - Permitted Uses

School LUA – Uses shall be consistent with VMC 20.160.020.12.

SFR LUA – Uses shall be those identified in VMC Table 20.410.030-1 for R-9 zoned properties, as of the Application Date. Notwithstanding anything to the contrary in VMC Table 20.410.030-1, two-rows of single family attached units and duplexes shall be an outright permitted use along SE 29th Street, subject to SFR residential unit caps provided in this Master Plan and VMC 20.910.050, Zero Lot Line Developments. Family Child Day Care Homes and Child Care Centers shall be permitted uses, subject to the provisions of VMC chapter 20.840. Developer shall not be required to comply with VMC 20.260.020(B)(1)(a)(2), planned development, or Chapter 20.920 VMC, Infill Development Standards.

MFR LUA – Uses shall be those identified in VMC Table 20.420.030-1 for R-30 zoned properties, as of the Application Date. Family Child Day Care Homes and Child Care Centers shall be permitted uses, subject to the provisions of VMC chapter 20.840.

MX LUA – Uses shall be those identified in VMC Table 20.430.030-1, as of the Application Date, as modified here. Family Child Day Care Homes and Child Care Centers shall be permitted uses, subject to the provisions of VMC chapter 20.840. In addition to those uses allowed by VMC Table 20.430.030-1, the following uses shall also be allowed:

Use	MX LUA
Commercial	
Artisan and Specialty Goods Production	P
Office	
• Extended	P
Industrial	
Industrial Services	P
Manufacturing and Production	P
Research and Development	P
Warehouse/Freight Movement (as ancillary use)	P
Other	
Wireless Communication Facilities	
• Subject to the limitations on this use provided in VMC Table 20.430.030-1;	P

[see next page for IL LUA]

IL LUA – Uses shall be those identified in VMC Table 20.440.030-1 as of the Application Date, as modified here. Family Child Day Care Homes and Child Care Centers shall be permitted uses, subject to the provisions of VMC chapter 20.840. In addition to the uses allowed by VMC Table 20.440.030-1, the following uses shall also be allowed, as a permitted or limited use, as indicated below:

Use	IL LUA
Residential	
Multi-Dwelling Units - Allowed above ground floor only as specified by VMC 20.430.060(B)(2). - One caretaker residence permitted per use. - May be permitted only after 125,000 square feet of new construction in the LI LUA has been built and if Developer demonstrates residential units will not limit or interfere with Developer's ability to construct the light industrial square footage identified in the Master Plan	L
Civic	
Colleges - Provided they have a functional relationship with existing industrial uses, and do not exceed 25,000 square feet in aggregate	L
Child Care Center - Child care centers allowed, subject to a Type II procedure. - Child care centers are permitted in order to provide service for those employees working or residents living anywhere on the Property, subject to provisions in Chapter 20.840 VMC, Child Care Centers.	L
Commercial	
Eating/Drinking Establishments - Provided they are located within an industrial building and consume no more than 10 percent of the building's total gross square footage.	L
Artisan Small Scale Manufacturing	P
Industrial	
Warehouse/Freight Movement (as ancillary use) - Permitted as limited use provided all activities, except outdoor storage of materials, are wholly contained within building(s).	L
Warehouse/Freight Movement (as primary use): • Permitted as limited use provided all activities, except outdoor storage of materials, are wholly contained within building(s). • Limited to 50,000 sf aggregate cap for any new construction after January 1, 2021. The City and developer may renegotiate this limit as part of the Town Center Master Plan Amendment. • Building 4 in the northeast portion of the Existing Building, has 24 to 35 foot ceilings and is designed as a large bay warehouse. This 130,000 sf area shall be allowed to continue as a preexisting nonconforming use for warehouse/freight movement.	L
Wireless Communication Facilities - Subject to requirements in Chapter 20.890 VMC, Wireless Telecommunications Facilities.	L

EXHIBIT C-1 – Town Center Amendment Specific Uses

[Reserved for Future Use]

EXHIBIT D – Supplemental Development Standards

The following standards supplement the requirements of the City of Vancouver, Title 20, Land Use and Development Code. To the extent there is a conflict between the Development Standards outlined in the Restated DA and this Exhibit D, and VMC Title 20, the provisions of this Restated DA and Exhibit D shall control.

1. Single Family Residential LUA - The SFR LUA shall have no more than the number of units identified in section 6.3b of the Master Plan, not counting Accessory Dwelling Units. Development standards shall be those of the R-9 zoning district pursuant to VMC chapter 20.410 unless stated otherwise herein, provided that a minimum average lots size of 3500 square feet shall be allowed.
 - a. Building
 - i. Each single family residence shall be different than (i.e., not identical to) the single family residence immediately adjacent, to the left or right.
 - ii. Single family residences shall have an occupied space with a street facing
 - iii. Front porch – Covered required. Minimum area shall be sixty (60) square feet.
 - iv. Maximum building height - 35 feet or as otherwise allowed in the R-9 zoning district pursuant to VMC chapter 20.420.
 - b. Lots
 - i. Street loaded – shall provide minimum one car garage and one driveway parking spot. Street facing garage door widths shall be limited to 10 feet.
 - ii. Alley loaded – encouraged along SE 29th Street. Homes along SE 29th Street must front SE 29th street.
 - c. Setbacks
 - i. House or porch – minimum ten (10) feet from the right of way
 - ii. Garage face setback – minimum eighteen (18) feet from the right of way for front loaded lots. Garage must also be set back a minimum 8 feet from the front of the house.
 - d. Landscaping – In addition to minimum required street trees, at least one additional tree per lot is required. For lots that touch the master plan boundary and back up to existing single family uses this standard is two additional trees and one must be in the back yard.
 - e. Fencing
 - i. Side yard - limited to 6 feet in height from the back property line and shall not extend beyond the front the house face nearest to said fence.
 - ii. Backyard – limited to 6 feet in height.
 - iii. Front yard – limited to three feet in height.
2. Multi-Family Residential LUA - The MFR LUA on the west side of the Property shall have no more than the number of units identified in section 6.3b of the Master Plan. Development standards shall be those of the R-30 zoning district pursuant to VMC chapter 20.420 unless stated otherwise herein.
 - a. Building Design
 - i. Balconies required on street frontages for 50% of units.
 - ii. 50% of street frontage occupied space.
 - iii. Where retail/office uses occur on the ground floor, a minimum 50% of ground floor walls facing Outdoor Public Spaces and streets shall be windows/doors.
 - iv. Maximum building height = 50 feet or as otherwise allowed in the R-30 zoning district pursuant to VMC 20.420.
 - b. Parking
 - i. One covered, long term bicycle parking space shall be required per two dwelling units.
 - ii. Balcony or patio bicycle storage is discouraged and if proposed must be screened from street review.

3. Light Industrial LUA - Development standards of the IL LUA shall be those of the IL zoning district pursuant to VMC chapter 20.440 unless stated otherwise herein. The number and size of buildings shall be as outlined in the Master Plan and section 6.3b. The following supplemental development standards shall apply to buildings and sites developed in the IL LUA after 2020:
 - a. Exterior building design.
 - i. Publicly identifiable entry/office on street wall required on ground floor on streets and Outdoor Public Spaces.
 - ii. Exteriors should be no more than 4 stories in height to be on scale with adjacent uses.
 - iii. Maximum Height = 45 feet
 - b. Fences - Maximum 10% of property may be fenced or walled for concealment of trash/recycling and storage.
 - c. Parking – Maximum 4.5 vehicle stalls per 1000 square feet will be the standard.
4. Mixed Use (MX) LUA - The number and size of buildings and multifamily units shall be as outlined in the Master Plan and section 6.3b., as modified by the Town Center Master Plan Amendment. Development standards shall be those of the MX zoning district pursuant to VMC chapter 20.430 unless stated otherwise herein. The Maximum building height in the Town Center of the MX LUA shall be Maximum building height- 75 feet or as otherwise allowed in the MX zoning district pursuant to VMC chapter 20.430.
5. School LUA – If the School LUA is developed as a school, the LUA shall not be required to comply with the frontage standards requirements in RCW 20.430.060.C.2.f.1.

EXHIBIT D-1 – Town Center Amendment Specific Development Standards

[Reserved for Future Use]

EXHIBIT E –Design Standards

[See attached Exhibit E Design Standards]

EXHIBIT E-1 – Town Center Amendment Specific Design Standards

[Reserved for Future Use]

EXHIBIT E-2 – Design Principles

The VIC “employment centered” community will be a high quality, environmentally conscious, mixed use 20-minute neighborhood where people can live work and play without having to commute. Much like the Esther Short Park area of downtown has become Vancouver’s living room, Developer intends the Vancouver Innovation Center (VIC) with its Town Center and its Forested Tract to become east Vancouver’s family room adjacent to its home office.

To accomplish that vision, Developer will prepare and impose covenants, conditions, and restrictions (CC&Rs) on each of the projects on the Property. Those CC&Rs will ensure all developments blend together into a seamless, enjoyable, outdoor-friendly neighborhood.

The Master Plan provides a mix of mutually supporting retail, service, office, light industrial, and residential uses on Vancouver’s east side on the already vibrant SE 192nd Avenue corridor. The VIC will have connected and complimentary building architecture, landscape architecture and urban spaces among its diverse land use areas. Its pedestrian-friendly Town Center, robust pedestrian/bicycle network, modern aesthetic, and environmentally responsible themes will be unique in and yet cohesive with its surroundings.

Proactive environmental responsibility is an integrated design principle for the development of the VIC. This ethos is supported by pillars which should serve as guidance in the development of all land use areas (LUAs) within the VIC (except the School LUA). Each requested Development Review Committee approval shall be accompanied by a statement of how each project will take action to further these pillars towards its goal. These pillars are:

- a. **Energy:** Minimizing energy usage is critical to an economically and socially sustainable development. Utilizing new and emerging technologies in buildings to optimize energy consumption for HVAC, lighting, computing, and appliances will be a priority. Energy conservation is the foundation of the VIC energy pillar. Rehabilitating the over 16 acres of existing conditioned building space to reduce the energy footprint will be the first step in building this pillar. New development within the VIC must demonstrate step taken to reduce energy consumption over minimum standard practice at the time of application.
- b. **Water:** Whether its usage or disposal the VIC will prioritize reductions, efficiency, and quality in its approach to water. Efficient lower flow fixtures in buildings, native plant selection, and minimizing lawn and turf will help reduce water usage and lower sanitary sewer flows over historical trends. Stormwater runoff collection, treatment and disposal are critical to the environment. Low impact development BMPs will be utilized where it is effective to do so. Most of the 177.84 acres is fortunate to be on top of plentiful high infiltration gravel subsoil. This will minimize effluent release to surface water body effluent through bio treatment and underground infiltration strategies. Where infiltration is not possible or feasible, bio retention ponds and vegetative filtering will pretreat these smaller areas before release to fisher creek to the east. Each application to the DRC must submit a surface stormwater strategy synopsis which must include a description of anticipated collection, treatment, and discharge strategies including highlighting any Low Impact Development (LID) BMPs planned for the project.
- c. **Tree canopy:** Develop landscaping plans that maximize the potential for tree canopy throughout the development for the benefits trees provide. Design landscape plans that reflect the Northwest landscape and create greenway corridors through tree canopy connecting this development to adjacent parcels. The existing site has a large historic stand of Douglas fir in the northeast corner of the 177.84-acre property where nearly 14 acres of that stand will be preserved in perpetuity in collaboration with the City. While a portion of that native stand of trees will have to be removed

to extend SE 29th street through the Property, Developer has planned to meet or exceed the City's aspirational tree goal of a minimum 30% tree canopy on the Property within 20 years.

- d. **Vehicle trip reduction**: Integrated mixed-use developments can inherently reduce vehicle trips and length of trips by car. The development is a "jobs first" approach followed by limited housing development that will provide onsite workers the option to live within biking or walking distance, providing an opportunity for vehicle trip reduction reality early on. The town center will trail these other uses and a future middle school onsite. Once completed this mixed-use employment center will result in far less daily vehicle miles traveled per day than historical suburban development patterns.
- e. **Human health**: Onsite natural areas, recreation options totaling over 30 acres is more than three times the MX code requirement and that does not include the 20-acre school site which will be open to public access outside of school hours. Also, ample walking and cycle routes that do not just mirror vehicle circulation patterns will promote a healthier daily lifestyle choice as a matter of convenience and not a chore. Rehabilitated and modern HVAC investments, prioritization of solar access and natural light in buildings will make for attainable healthier work and live option.

To ensure the Property is initially developed – and subsequently remodeled – in accordance with the Master Plan, Developer will create a Design Review Committee (DRC). Developer will chair the DRC and review all development applications (except the School LUA) prior to the application being submitted to the City. The DRC will ensure compliance with the Restated DA, Master Plan, and any applicable CC&Rs (collectively the "Requirements").

- a. The DRC shall identify any deficiencies and provide the applicant an opportunity to revise the application to bring it into compliance.
- b. The DRC shall provide a written recommendation to the City to approve the application, deny the application, or approve with conditions. The recommendation shall:
 - i. declare the application fully compliant with the Requirements and recommend approval;
 - ii. declare the application not compliant with the Requirements, identify any deficiencies, and recommend disapproval; or
 - iii. declare the application not fully compliant with the Requirements, identify any deficiencies and recommend approval with (a) reasons for such recommendation; (b) an explanation of any variances granted; and/or (c) conditions related to such recommendation.
- c. Requests for a modification of up to 15% of any applicable Requirement, and any related recommendation to the DRC to recommend the City approve such request must be accompanied by supporting justification. Modifications are intended to be recommended for approval under unique and compelling circumstances only, not as a regular course of development review or just more mere convenience or cost. Modification requests should demonstrate how they are necessary to further the vision of the VIC, such as, mitigating adjacent uses, promoting pedestrian connectivity, increasing FAR, promoting bicycle use, promoting shared and reduced parking onsite or offsite, reducing energy consumption, furthering solar access, increasing or retaining tree canopy, and other such justifications. Modification requests must be consistent with adjustments and variances allowed by applicable VMC.
- d. Developer is not required to undergo formal DRC review for Developer-led project applications. Developer shall, however, provide a letter to the City that complies with section b, above, for any Developer-led project applications.

EXHIBIT F – Retained Traffic Capacity

Total Vested Average Daily Trips: 26,982

- total vested trips reflect those trips expected to be utilized by and reserved for the Master Plan after reductions for internal trips within the Master Plan and pass by trips for Master Plan retail uses.
- total vested trips include trips utilized by existed onsite buildings.

Total Vested AM Peak Hour Trips: 2,088

Total Vested PM Peak Hour Trips: 1,991

VIC Site Trip Generation Estimate

(From Table 4 of the November 30, 2020 *Traffic Impact Analysis for the Vancouver Innovation Center Master Plan*).

Land Use	ITE Code	Size	Daily Trips	Weekday AM Peak Hour			Weekday PM Peak Hour		
				Total	In	Out	Total	In	Out
Existing VIC Buildings ¹	1996 Traffic Counts	715,000 Square Feet	10,200 ²	382	262	120	444	76	368
<i>Less Trips Internal to the Campus Area</i>			(157)	(18)	(8)	(10)	(16)	(6)	(10)
Net New			10,043	364	254	110	428	70	358
General Light Industrial	110	241,500 Square Feet	1,198	169	149	20	152	20	132
<i>Less Trips Internal to the Campus Area</i>			(52)	(5)	(3)	(2)	(5)	0	(5)
Net New			1,146	164	146	18	147	20	127
General Office Building	710	421,500 Square Feet	4,105	488	420	68	484	77	407
<i>Less Trips Internal to the Campus Area</i>			(135)	(14)	(7)	(7)	(16)	(6)	(10)
Net New			3,966	474	413	61	468	71	397
Medical Office Building	720	50,000 square feet	1,740	139	108	31	173	48	125
<i>Less Trips Internal to the Campus Area</i>			(62)	(9)	(4)	(5)	(7)	(1)	(6)
Net New			1,678	130	104	26	166	47	119
Shopping Center	820	140,000 square feet	5,285	132	82	50	533	256	277
<i>Less Trips Internal to the Campus Area</i>			(710)	(44)	(26)	(18)	(123)	(45)	(78)
<i>Less Pass-by Reduction³</i>			(1,190)	(15)	(10)	(5)	(139)	(72)	(67)
Net New			3,385	73	46	27	271	139	132
Multifamily Housing (Mid-Rise)	221	500 Units	2,720	180	47	133	220	134	86
<i>Less Trips Internal to the Campus Area</i>			(226)	(5)	(1)	(4)	(59)	(45)	(14)
Net New			2,494	175	46	129	161	89	72

Land Use	ITE Code	Size	Daily Trips	Weekday AM Peak Hour			Weekday PM Peak Hour		
				Total	In	Out	Total	In	Out
Senior Adult Housing (Attached)	252	250 Units	925	50	18	32	65	36	29
<i>Less Trips Internal to the Campus Area</i>			(158)	(1)	(0)	(1)	(18)	(12)	(6)
Net New			767	49	18	31	47	24	23
Single Family Detached Housing	210	190 Units	1,794	141	35	106	188	118	70
<i>Less Trips Internal to the Campus Area</i>			(212)	(4)	(1)	(3)	(38)	(26)	(12)
Net New			1,582	137	34	103	150	92	58
Middle School ⁴	522	900 Students	1,917	522	282	240	153	75	78
Total Trips			29,884	2,203	1,403	800	2,412	840	1,572
<i>Less Total Trips Internal to the Campus Area</i>			(1,712)	(100)	(50)	(50)	(282)	(141)	(141)
<i>Less Total Pass-by Reduction</i>			(1,190)	(15)	(10)	(5)	(139)	(72)	(67)
Total Net New Trips			26,982	2,088	1,343	745	1,991	627	1,364
Total Net New Trips – Existing VIC Building			16,782	1,724	1,089	635	1,563	557	1,006
Net New Trips									

¹ Source: 1996 HP Campus traffic counts completed by DEA, adjusted from 712,000 square foot in 1996 to 715,000 square foot campus today.

² Daily trip estimate developed based on relationship between daily and weekday PM peak hour trips for the Research & Development land use data in the *Trip Generation Manual, 10th Edition* and the known 444 weekday PM peak hour trips at the former HP site.

³ Shopping center pass-by rates are 26% daily, 17% weekday AM peak hour and 34% weekday PM peak hour per *Trip Generation Handbook, 3rd Edition*.

⁴ The potential for internal trips associated with a school could be revisited in conjunction with a more specific school development proposal

EXHIBIT G – Surrendered Traffic Capacity

Land Use	Average Daily Trips	Weekday AM Peak Hour Trips	Weekday PM Peak Hour Trips
Master Plan Trips from Original HP Development Agreement	30,000	4,200	3,950
Retained VIC Master Plan Trips <i>(Exhibit F net new after reducing for internal and pass-by trips)</i>	26,982	2,088	1,991
Vested Trips to be Surrendered to City <i>(Original Development Agreement-VIC Master Plan Trips)</i>	3,018	2,112	1,959

EXHIBIT H – Transportation Improvements

	Developer shall:	Triggering Event(s)
1.	Extend SE 29th Street from SE 176 th Avenue to SE 192 nd Avenue through the Master Plan site, as a collector arterial roadway in accordance with VMC chapter 11.80, as of the Application Date. This collector arterial roadway shall include vehicular travel lanes, bicycle facilities and sidewalks. SE 29 th Street shall have on-street parking on at least one side of the street.	• The section of SE 29th Street between SE 184th Avenue and SE 192nd Avenue shall be constructed in conjunction with development of the MX Town Center District, or sooner in Developer's discretion. • The section of SE 29th Street between the school roundabout and the SE 184th Avenue roundabout shall be constructed in conjunction with development of the SFR LUA, or sooner in Developer's discretion. • The section of SE 29th Street between SE 176th Avenue and the school roundabout shall be constructed in conjunction with development of either 1) the School LUA or 2) the MFR LUA, or sooner in Developer's discretion.
2.	Modify the intersection of SE 29th Street and SE 192nd Avenue as follows: - Install a traffic signal at the intersection, including the provision of interconnect with the SE 192nd Avenue traffic signal system; - provide left and right-turn lanes with at least 250 feet of storage on the eastbound SE 29th Street approach; - provide a separate left-turn lane with at least 200 feet of storage on the northbound approach; and - provide protected northbound left-turn phasing on SE 192nd Avenue at the intersection.	Prior to opening the connection of SE 29th Street to SE 192nd Avenue
3.	Install a single lane roundabout on SE 176th Avenue at SE 29th Street prior to opening the connection of SE 29th Street to SE 176th Avenue.	• After SE 29th Street is included in the City's TIF Project Plan • Prior to opening the on-site VIC connection of SE 29th Street to SE 176th Avenue
4.	Modify the SE 29th Street/SE 164th Avenue intersection as follows: - Convert the existing east-west left-turn signal phasing on SE 29th Street at SE 162nd Avenue from permissive operations to protected/permissive left-turn phasing; - Extend the existing westbound left-turn lane striping on SE 29th Street to provide 225 feet of storage; and - Extend the existing southbound left-turn lane on SE 162nd Avenue at SE 29th Street to	Prior to opening the on-site VIC connection of SE 29 th Street to SE 176 th Avenue

THIRD AMENDED AND RESTATED DEVELOPMENT AGREEMENT - 50

	Developer shall:	Triggering Event(s)
	provide 300 feet of left-turn storage, including reconstruction of the existing median area and drainage facilities within the impacted median area.	
5.	Extend SE 184th Avenue from SE 34th Street at the signalized SE Hiddenbrook Drive intersection north to SE 29th Street through the Property as a collector arterial roadway in accordance with VMC chapter 11.80, as of the Application Date. This collector arterial roadway will include vehicular travel lanes, bicycle facilities and sidewalks. The street extension shall have on-street parking on at least one side of the street.	In conjunction with development of the MX Town Center District, or sooner in Developer's discretion.
6.	Construct a single-lane roundabout at the intersection of SE 184th Avenue/SE 29th Street	Prior to the earlier of: • prior to connecting SE 184th Avenue and SE 29th Street; and • prior to connecting the SFR LUA to SE 29th Street at SE 184th Avenue.
7.	Extend the eastbound left-turn lane on SE 34th Street at SE Hiddenbrook Drive-East Site Access to provide an additional 20 feet of left-turn storage (extended from existing 130 feet length to 150 feet)	Prior to the earlier of: • occupancy of MX Town Center District, or • site frontage improvements along SE 34th Street.



EXHIBIT E DESIGN STANDARDS

Vancouver Innovation Center Master Plan

Updated July 2021

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Single Family Residential Design Reference Guide

Appendix C

Street Cross Sections

PURPOSE

These design standards are intended to ensure that development within the Vancouver Innovation Center is cohesive in both form and function and is consistent with the brand pillars of the VIC. These brand pillars form the foundation of the design principles that will guide project implementation. These brand pillars and the associated VIC design principles are described further below:



Natural

Connected to nature in all that we do

Design Principle

Provide a network of both passive and active open space areas that utilize existing trees and natural resources for recreation and relaxation.



Balanced

physical, mental, and spiritual

Design Principle

Provide a balance of community gathering spaces and areas for personal escape.



Authentic

Urban style and refinement, built with taste, personalization and ease in mind

Design Principle

Create a compact urban form composed of well-articulated buildings and ample pedestrian areas to encourage multi-modal travel throughout the site between the various on-site uses and open space areas.



Blended

Contemporary convenience, modern collaboration

Design Principle

Design buildings to encourage pedestrian access, ground floor visibility and community spaces for socialization and collaboration.



Community

Inclusivity and shared knowledge, energy and passion

Design Principle

Design with an eye towards the future. Incorporate sustainability and energy efficiency measures including things such as vehicle charging stations, solar panels, and low impact development (LID) stormwater management approaches. Continuously evaluate project performance related to parking and space efficiency, vehicular trips and sustainability with the goal of design refinements and improvements throughout project buildout, with the goal of the project becoming a “living laboratory.” Provide a network of well defined and accessible pedestrian corridors to encourage access through the site for all individuals.

APPLICABILITY

These standards will apply to new development and remodels of existing development within the Residential, Light Industrial and Open Space LUAs within the VIC master plan. Demonstration of project compliance with these standards will be required with land use permit submittals for new development on the site. Modifications of up to 15 percent of these design standards may be allowed upon demonstration of consistency with the VIC design principles.



DESIGN STANDARDS



Mobility

All new developments will demonstrate:

- a. Support for a 20-Minute Neighborhood by providing means to reduce need for vehicle trips;
- b. Functional connections to the site-wide bicycle and walking path network outlined in the Pathway Plan;
- c. Two percent (2%) of parking spaces associated with each development shall have electric vehicle charging stations. After 2024, 5% of new parking spaces shall have charging stations. (Exception: SFR LUA.);
- d. Curbside ride share drop off or pull-out areas shall be incorporated at major entry points to all new buildings in the IL LUA; and
- e. Shared parking strategies.
- f. Compliance with the City of Vancouver Complete Street Policy, including infrastructure designed to be safe for all users, ages and abilities regardless of their mode of travel.



Energy

Developer is installing HVAC and lighting upgrades for the Existing Building. All new developments will demonstrate:

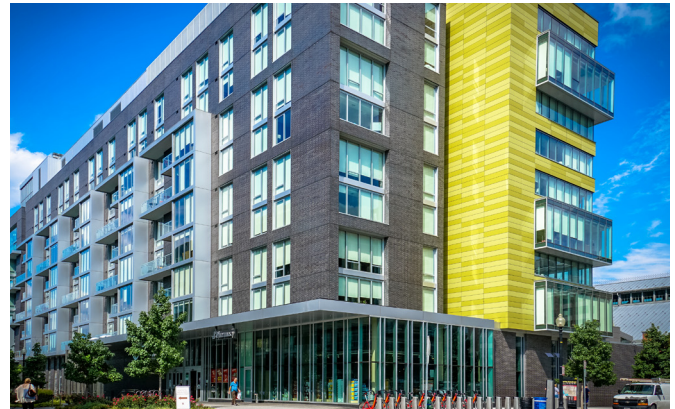
- a. Compliance with the 2018 Washington State Energy Code, at a minimum;
- b. Compliance with environmental standards in effect at the time of building permit application (i.e. environmental development standards do not vest on the Restated DA Effective Date;
- c. That every new building is designed to accommodate ready access for installation of solar panels that would occupy at least 10% of the building footprint. This includes the necessary structural and electrical infrastructure to accommodate the solar panels; and
- d. Infrastructure for electric vehicle charging stations.
- e. Advancement of "District Energy Conditions" as identified in Appendix A – Vancouver Innovation Center Master Plan Sustainability Framework.

Water

The VIC will prioritize use reductions, efficiency strategies, and surface water quality in its design. All new development applications will include:

- a. Water-saving plumbing fixtures in all new buildings;
- b. Native and adaptive plant selections that do not require excessive irrigation; and
- c. A surface stormwater strategy synopsis describing anticipated collection, treatment, and discharge strategies including any Low Impact Development (LID) BMPs planned for the project.
- d. An evaluation of means to reduce potable water use consistent with Appendix A – Vancouver Innovation Center Master Plan Sustainability Framework.





Building Design

a. Blank Walls

- i. At least 75% of the width of any new first-story building wall facing a street shall be devoted to interest-creating features, pedestrian entrances, transparent show or display windows, or windows affording views into retail, office or lobby space.
- ii. In all areas other than the IL LUA, building surfaces over 2,000 sf shall be broken up with window openings and/or changes in material.
- iii. Blank walls longer than 20 feet without windows or an unbroken series of garage doors are not permitted on any street frontage.
- iv. On the north side of the IL LUA, articulation and changes in color and materials must be provided on building surfaces exceeding 1,200 sf, if those surfaces face the SFR LUA within 100 feet.
- v. Any face of a building that is over 50' wide shall have varied horizontal plane and/or vertical façade shifts to break up the building's mass.

b. Corner Buildings

- i. New IL LUA buildings on a corner will have an entrance within 75 feet of the corner.

c. Ground Floor

- i. Buildings should engage with the “sidewalk zone” to bring visual interest, variation, and intimacy to the streetscape, while maintaining the pedestrian through-routes that link the land use areas on the site.
- ii. Pedestrian access to primary building entrances should be close to and visible from circulation facilities that include a pedestrian component such as a sidewalk, trail, or pedestrian plaza. Primary building entrances may not be from non-pedestrian oriented areas. Each primary building entrance should be attractive and have weather protection and highlight the presence of the entrance to pedestrians through the use of architectural treatments such as changes in the street-facing wall and lighting. Entrances from primary pedestrian corridors should be visually more prominent than
- iii. The design of buildings, above and below should be pedestrian scaled, intimate, and inviting.

d. Roofs

- i. Roof materials shall screen roof top mechanical equipment from ground-level views
- ii. Buildings shall have primarily flat roofs - architectural detailing and rooftop decks shall be allowed.



Exterior Building Finishes

To create a unique identity for the VIC, material selection and application is required to adhere to exterior finish standards.

- a. Major color themes are to predominantly be earth tones of grey, brown, and tan.
- b. Materials exhibiting patina are encouraged – including weathered wood, rusted steel, singed wood.
- c. Material changes shall be offset by a minimum 3 ½" horizontal or vertical relief.
- d. Materials that expose their natural state are encouraged such as exposed wood and concrete.
- e. First floor window framing shall be either wood or aluminum (does not apply to SFR and MFR LUAs)

Maximum Building Heights

See Development Standards applicable to each LUA under applicable chapters of the VMC and Exhibit D of the Restated DA.

Single Family Residential

Single family residential attached and detached designs should incorporate the material and pedestrian orientation provisions of these standards. See Appendix B – Single Family Residential Design Reference Guide.

Signage

- a. Monument signs will have a uniform color and typeface throughout the property.
 - i. See <https://thevicwa.com/> for color palate and typeface.





Tree canopy

Every development application must demonstrate how it complies with the Tree Canopy Plan (Section 6.10 and Exhibit B-7 of the Restated DA) and provide an tree canopy assessment for its site and a 5-, 10-, 15-, and 20-year forecast for the tree canopy on the entire Property.

Open Space

All site plans will demonstrate compliance with the Open Space Plan (Exhibit B-5).

- a. Open spaces shall be directly accessible from all buildings in the development (building occupants should not have to walk around the building to get outside)
- b. Avoid inconvenient or circuitous ped access to amenities.
- c. Both greenscaping and useable accessible hardscaping elements shall count as open space
- d. Hardscape open spaces shall be designed for four season use and durable for urban intensity.
- e. Neighborhood open spaces
 - i. Refer to Circulation and Open Public Space Plan for targeted locations.
 - ii. Neighborhood open spaces shall be a minimum of 2,000 sf.
 - iii. Neighborhood open spaces shall incorporate interactive amenities such as pavilions, picnic facilities, and play structures.

Street Cross Sections

See Appendix C for street section implementation options for the Vancouver Innovation Center.

APPENDIX A

Sustainability Framework

Vancouver Innovation Center Master Plan

Updated July 2021



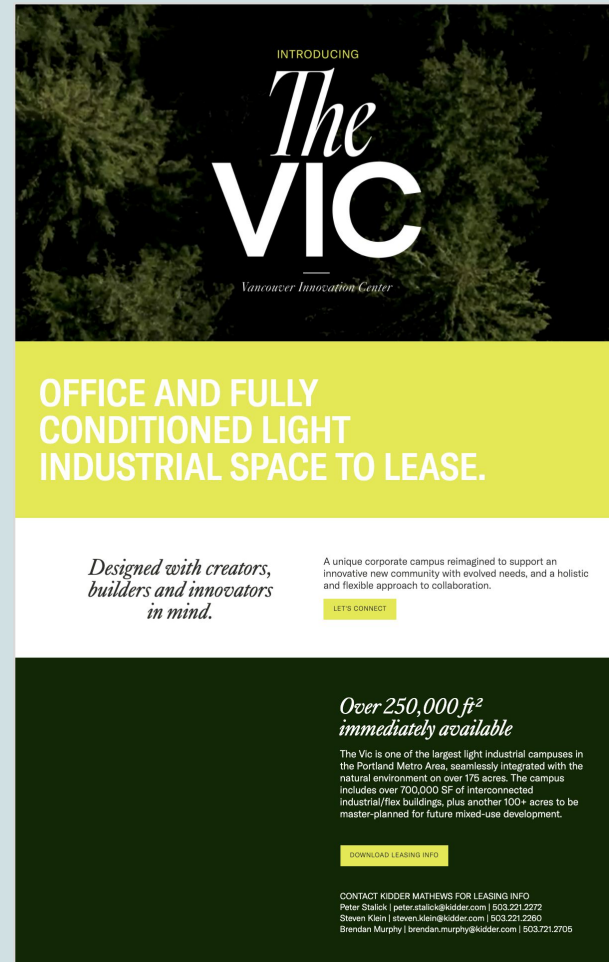
Vancouver Innovation Center Sustainability Framework

VIC SUSTAINABILITY FRAMEWORK

The VIC is planned as an inventive and environmentally conscious development

It will incorporate **energy efficiency, walkability, green spaces, live/work opportunities, and a diversity of uses and jobs** to support a healthy community and sustainable economic benefit.

— Vancouver Innovation Center Website

The advertisement for The VIC Vancouver Innovation Center is a vertical layout. The top section features a dark background with a dense forest of evergreen trees. Overlaid on this is the text "INTRODUCING" in small, white, all-caps, followed by "The VIC" in a large, white, serif font. Below this, in a smaller, white, italicized font, is "Vancouver Innovation Center". The middle section has a solid yellow background with the text "OFFICE AND FULLY CONDITIONED LIGHT INDUSTRIAL SPACE TO LEASE." in bold, white, all-caps. The bottom section is divided into two horizontal bands. The upper band is white and contains the text "Designed with creators, builders and innovators in mind." in a black, italicized font on the left, and a paragraph of smaller text on the right: "A unique corporate campus reimagined to support an innovative new community with evolved needs, and a holistic and flexible approach to collaboration." Below this paragraph is a small yellow button with the text "LET'S CONNECT". The lower band is dark green and contains the text "Over 250,000 ft² immediately available" in a white, italicized font. Below this is a paragraph of smaller text: "The Vic is one of the largest light industrial campuses in the Portland Metro Area, seamlessly integrated with the natural environment on over 175 acres. The campus includes over 700,000 SF of interconnected industrial/flex buildings, plus another 100+ acres to be master-planned for future mixed-use development." At the bottom of this band is a small yellow button with the text "DOWNLOAD LEASING INFO". The very bottom of the advertisement is a dark green band containing contact information in small, white, all-caps text: "CONTACT KIDDER MATHEWS FOR LEASING INFO", followed by three lines of names, email addresses, and phone numbers.

INTRODUCING

The VIC

Vancouver Innovation Center

OFFICE AND FULLY CONDITIONED LIGHT INDUSTRIAL SPACE TO LEASE.

*Designed with creators,
builders and innovators
in mind.*

A unique corporate campus reimagined to support an innovative new community with evolved needs, and a holistic and flexible approach to collaboration.

LET'S CONNECT

*Over 250,000 ft²
immediately available*

The Vic is one of the largest light industrial campuses in the Portland Metro Area, seamlessly integrated with the natural environment on over 175 acres. The campus includes over 700,000 SF of interconnected industrial/flex buildings, plus another 100+ acres to be master-planned for future mixed-use development.

DOWNLOAD LEASING INFO

CONTACT KIDDER MATHEWS FOR LEASING INFO
Peter Stalick | peter.stalick@kidder.com | 503.221.2272
Steven Klein | steven.klein@kidder.com | 503.221.2260
Brendan Murphy | brendan.murphy@kidder.com | 503.221.2705

Aligning with Upcoming Goals of Vancouver

Aligning with state and city goals to increase electrification, reduce emissions, and design a natural stormwater system focused on preserving water balance and quality. A district that promotes tenant and resident wellness and leads Vancouver in building sustainably.

WASHINGTON STATE ENERGY CODE -COMMERCIAL 2018 EDITION

CHAPTER 51-11C WAC



Emissions Reduction Targets: Basic

Communitywide	Municipal Operations
• 50% emissions reduction by 2030	• 50% emissions reduction by 2030
• 80% emissions reduction by 2050	• 80% emissions reduction by 2050

Example Strategies

Transportation & Land Use	• Incentivize electric vehicles (EVs)
Buildings & Energy	• Increase energy efficiency
Water & Natural Systems	• Encourage water & natural resource conservation



City of Vancouver Climate Strategy - 12



Emissions Reduction Targets: Stretch

Communitywide	Municipal Operations
• 50% emissions reduction by 2030	• 50% emissions reduction by 2030
• Carbon neutrality by 2050	• Carbon neutrality by 2050

Example Strategies

Transportation & Land Use	• Incentivize alternative transportation & accelerate EV adoption
Buildings & Energy	• Support state-level action to generate electricity with 100% renewable sources
Water & Natural Systems	• Preserve tree canopy



City of Vancouver Climate Strategy - 13

Carbon Reduction

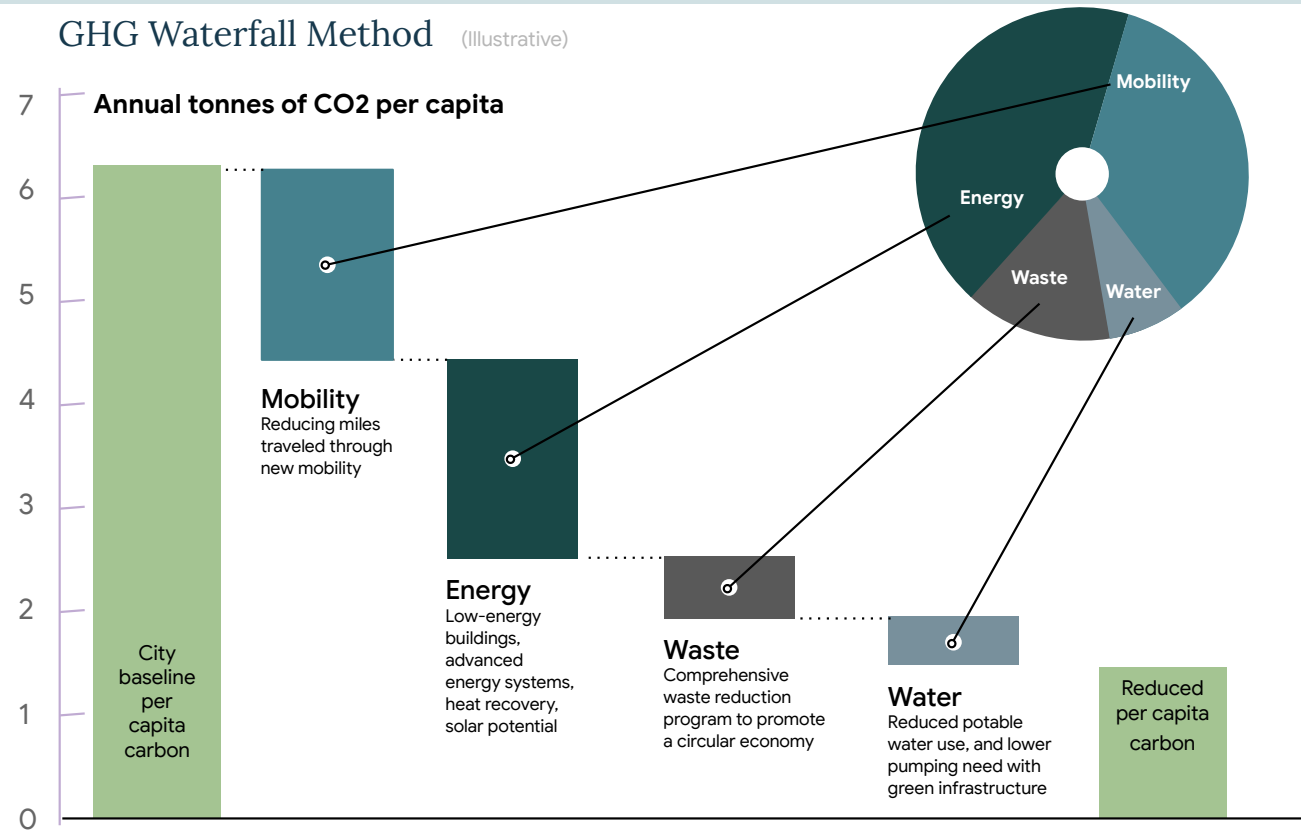
Identifying the the value of innovation requires holistic integration, and a comparable way to evaluate impact. Utilizing a Greenhouse Gas (GHG) Waterfall will provide the VIC with a blueprint that will assist in achieving desired sustainability outcomes.

1 - Evaluate the VIC GHG baseline and identify where the project has the potential to reduce carbon emissions

2 - Evaluate innovations to reduce carbon through comprehensive site planning: mobility, building energy, district energy, and waste systems

3 - Facilitate the VIC building and district requirements to meet district goals

GHG Waterfall Method (Illustrative)



The Global Protocol for Community-Scale Greenhouse Gas Emission Inventories (GPC), is a method that is often used by cities and states to roadmap carbon reduction strategies. This method translates various emissions factors into a CO2 equivalent providing a common metric for comparison.

The VIC Sustainability Framework

The Vancouver Innovation Center development team has articulated a desire to create a district that will be a leader in sustainability, committed to initiatives and strategies that will reduce carbon emissions and create an environment that promotes the wellness of its residents and tenants.

The following includes focus areas that the VIC development team can further develop to solidify sustainability aspirations. The focus areas include commitments, and areas of explorations including: reducing carbon emissions through mobility, energy and waste initiatives, district stormwater management focused on utilizing green infrastructure, and designing for wellness across the site.

Throughout this report, you will see a combination of (color coded) strategies that include:

- **Commitments:** Initiatives that go beyond regulation, as documented in the VIC Development Application or anticipated by commitment to upcoming 2018 State Energy Regulation
- **Aspirational Innovation Strategies:** Additional approaches that are recommended for exploration as part of further master plan analysis



Reducing Carbon Emissions



Mobility



Energy



Waste



District Stormwater Management



Public Realm Designed for Wellness

New Mobility Strategies

Mobility strategies to reduce vehicular miles travelled, reduce grey infrastructure, and increase active transportation.



SOURCE [Photo](#) by John Wisniewski / [CC BY-ND 2.0](#)

20 Minute Neighborhood - Program mix to support mixed used reducing the need for vehicle trips

Extensive Bicycle Path Network - Creating pathways that allow for alternate transportation throughout the district

Increased EV Charging Availability - Providing infrastructure that promotes the use of low carbon vehicles

Shared Parking Strategies - Leveraging complementarity between land uses to reduce parking, freeing up land for better uses including green space

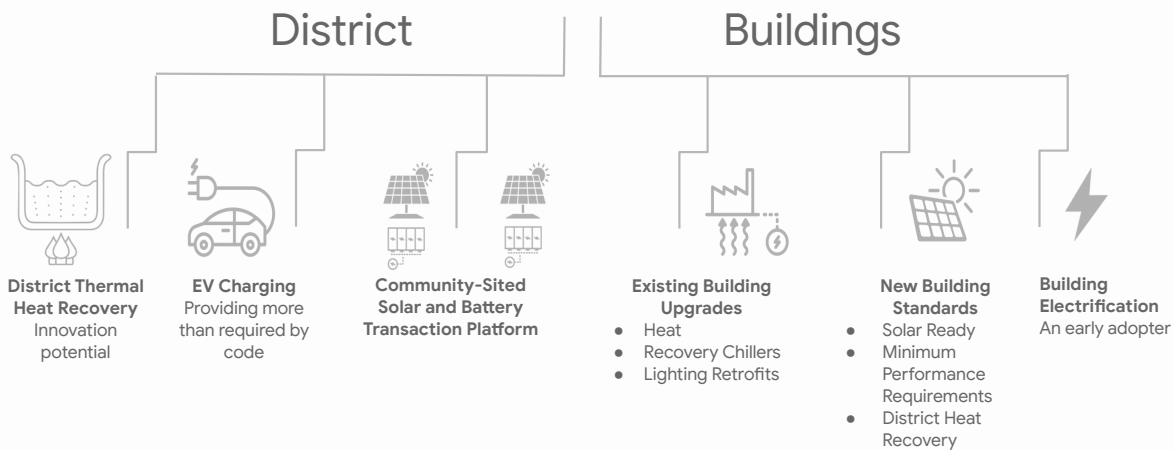
Connection to Regional Transportation - Exploring options of addition or relocation of bus route for opportunity to connect to existing networks

Micromobility Programming - Providing alternate mobility options for distances between $\frac{1}{4}$ and 3 miles, encouraging active and low-carbon transportation modes. Master Plan could consider optimization for future autonomous / micromobility options by designing for connected autonomous vehicles (CAV)-compatibility readiness

Legend Commitments
Aspirational Innovation Strategies

District Energy Considerations

District energy strategies can dramatically reduce carbon emissions by combining energy efficient buildings, reducing or eliminating fossil fuels, and managing loads through heat recovery and renewable energy use. Identifying the most cost effective grouping of strategies could position the VIC as a leading example of how developers can produce a low carbon community.



Existing Building Upgrades -

Including extensive HVAC and lighting upgrades

Building Electrification -

Early adoption of the 2018 Washington State Energy Code

Building Standards -

Minimum requirements included in the development agreement contributing to energy savings and thermal comfort

EV Charging - Installation of EV charging exceeding code requirements

Community Solar & Battery -

Exploring opportunities for shared solar and battery platforms available to district residents and businesses

District Heat Recovery -

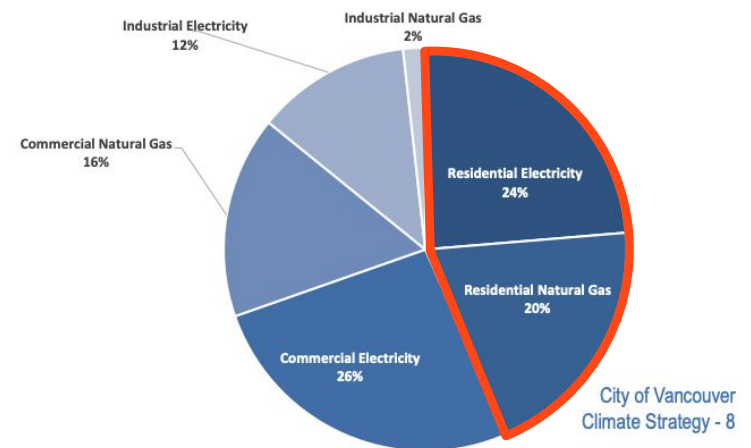
Potential for adding district thermal systems that utilize waste heat to offset the need for electric heat

Legend Commitments
Aspirational Innovation Strategies

The Importance of Electrification

Vancouver is rumored to push a new sustainability plan out this year for the first time since 2007. The VIC has the opportunity to be an early adopter, and a positive example of how to implement a financially viable low carbon development.

Eliminating natural gas in buildings would be a central strategy that can be exponentially more impactful with a clean hydropower grid, as exists in Vancouver. Moving towards an all electric community is a strong signal of the VIC's commitment to sustainability and has the potential to cost effectively reduce carbon.



Breakdown of City of Vancouver GHG emissions per use type

**GHG
Intensity
by fuel type**

32

kgCO₂/MWh

Vancouver Grid Intensity
(Primarily Hydropower)

183

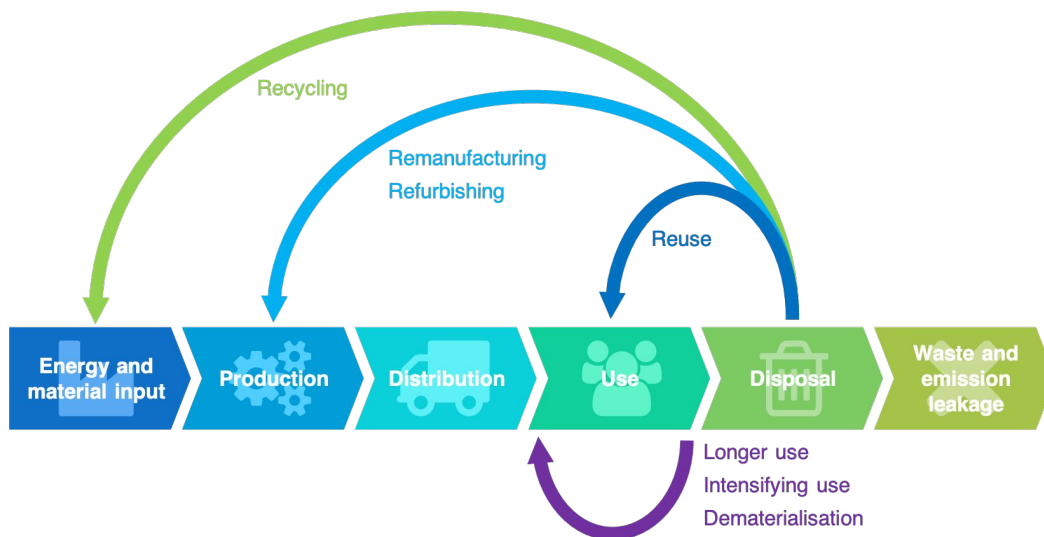
kgCO₂/MWh

Natural Gas
Intensity

Eliminating natural gas from residential developments can **cut carbon of residential energy at the VIC by nearly 50%**

Waste Diversion and the Circular Economy

Strategies, starting with design standards enabling a successful waste management program, that divert the maximum amount of waste from landfill. Planning opportunities to pair beneficial use types - e.g., a brewery providing spent grain to a bakery - reducing overall waste and the emissions associated with supply chain and waste logistics.



SOURCE Geissdoerfer, M., Pieroni, M.P., Pigosso, D.C. and Soufani, K., 2020. Circular business models: A review. *Journal of Cleaner Production*, p.123741 / CC BY 4.0

Building Reuse - Rehabilitating existing conditioned industrial building space (approx. 700,000sf), Maintaining building materials and upgrading to reduce energy consumption.

Building Standards - Building infrastructure to facilitate multiple waste streams, including designated areas for multiple streams and plans for the movement of separated waste throughout the district

Public space bins - Providing consistent signage for multiple waste streams. Bins should be 'nature-proof' to block pests.

Waste Diversion Tracking - Opportunities for district-wide reporting for waste. This would facilitate requirements related to accountability, and insights to potential improvements

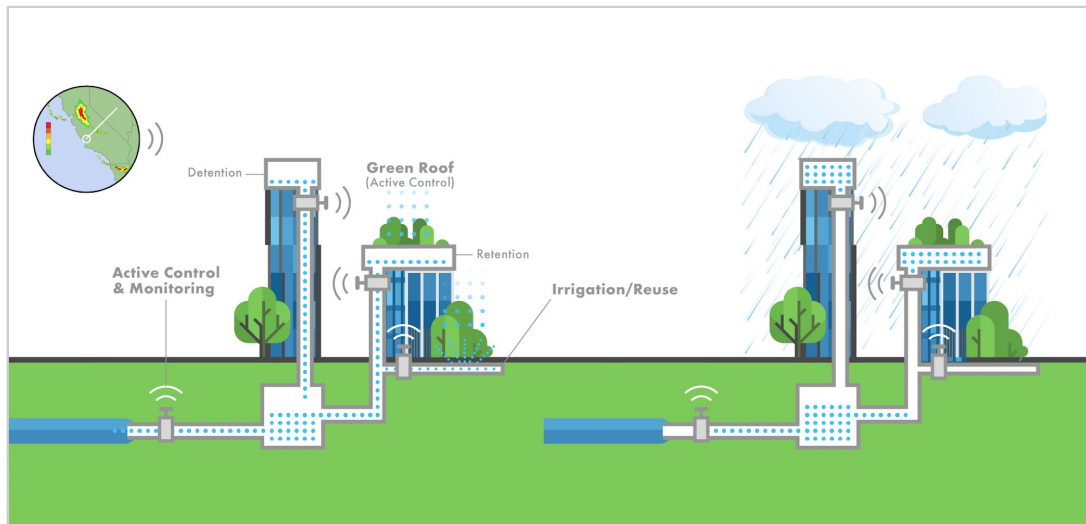
Programs to promote a circular economy - Operational Strategies for tenants within the district to identify opportunities for beneficial reuse

Waste Technology - Opportunities to overlay waste systems with technology to create better tracking and transparency, including volume sensors to reduce the need for waste pick-ups in the public realm

Legend **Commitments**
Aspirational Innovation Strategies

District Stormwater Management

Strategies that manage stormwater at a district level, optimizing stormwater retention and balance with actual water need. Maximizing infiltration and permeability, allowing water a place to go and recharging the natural aquifers in this critical ecosystem.



Green stormwater infrastructure - Using stormwater infrastructure to both retain open space and provide native or adaptive plantings throughout the development

District-level stormwater management - Designing infrastructure as a cohesive system that retains and detains water comparable to the natural watershed system

Green roofs - Providing enhanced building performance, additional stormwater mitigation, and biophilia to the district.

Maximizing onsite infiltration - Allowing for natural infiltration designed to balance the hydrology of the site through BMPs like green infrastructure and permeable paving

Continuous Monitoring & Active Control - Utilizing sensor technology to track volumes and water quality across the site, informing operations and identifying water quality issues

Legend Commitments
Aspirational Innovation Strategies

Public Realm Designed for Wellness

Approaches to maintain tree canopy and plantings throughout the public realm providing environmental benefit and enhancing human health and wellness. Biophilic design with attention to green space contributes to improved air quality throughout the district.



Increasing Tree Canopy from Pre-development -

Target to meet a minimum 30% predevelopment tree canopy within 15 years

Providing Parks and Open Space -

Over 30 acres of multi-faceted and inclusively designed park, promenade, greenbelt and plaza space, bike paths and common areas, including contiguous forested track with mature tree canopy

Enhancing Biophilia -

Green infrastructure, open space, and building designs can create natural landscapes that improve health and well being in the built environment

Reducing Heat Island Effect -

Requiring low Solar Reflective Index (SRI) for building roof and paving in addition to plantings to shade surfaces, reflect radiation, and release moisture will cool the urban environment

Legend

Commitments

Aspirational Innovation Strategies

The VIC Sustainability Framework

Analysis and adoption of further innovations can position VIC as a leader in sustainability

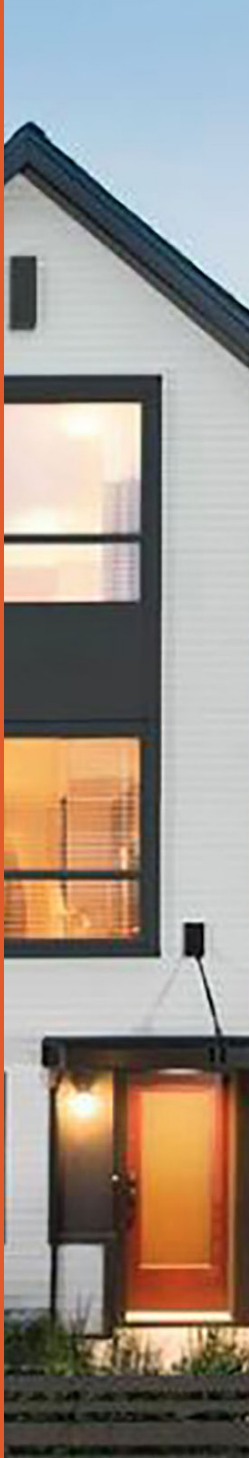
MOBILITY	ENERGY	WASTE	WATER	WELLNESS
Development Application Commitments				
20 minute neighborhood reducing the need for vehicle trips Extensive bicycle path network creating pathways that allow for alternate transportation throughout the district Increased EV charging availability providing infrastructure that promotes the use of low carbon vehicles Shared parking strategies leveraging complementarity between land uses to reduce parking, freeing up land for better uses including green space	Existing building upgrades including extensive HVAC and lighting upgrades Building electrification through early adoption of the 2018 Washington State Energy Code Building standards using minimum requirements included in the development agreement contributing to energy savings and thermal comfort EV charging installation exceeding code requirements	Building reuse rehabilitating existing conditioned industrial building space maintaining building material	Green stormwater infrastructure both retain open space and provide native or adaptive plantings throughout the development	Increasing tree canopy from pre-development, targeting to meet a minimum 30% predevelopment tree canopy within 15 years.
Connection to regional transportation; Exploring options of adding or relocated bus route potential opportunity to connect to existing networks Micro-mobility programming encouraging active and low-carbon transportation modes	Community solar & battery opportunities for shared solar and battery platforms available to district residents and businesses District heat recovery opportunities for shared solar and battery platforms available to district residents and businesses	Building infrastructure to facilitate multiple waste streams, paired with plans for the movement of separated waste throughout the district Public space bins with 'nature- proof' to block pests and consistent signage throughout the district. Programs to promote a circular economy for tenants within the district to identify opportunities for beneficial reuse Waste tracking & technology to create better tracking and transparency, including volume sensors to reduce the need for waste pick-ups in the public realm	Designing district-level stormwater management infrastructure as a cohesive system that retains and detains water comparable to the natural watershed system Green roofs providing enhanced building performance, additional stormwater mitigation, and biophilia to the district Maximizing onsite infiltration allowing for natural infiltration designed to balance the hydrology of the site through BMPs like green infrastructure and permeable paving. Monitoring & Active Control utilizing sensor technology to track volumes and water quality across the site, informing operations and identifying issues	Providing parks and open space with over 30 acres of multi-faceted and inclusively designed park, promenade, greenbelt, and plaza space, bike paths and common areas, including contiguous forested track with mature tree canopy Enhancing biophilia using green infrastructure district stormwater designs can create natural landscapes that improve health and well being in the built environment
Areas for Further Innovation Analysis				
Reducing Heat Island Effect - Requiring low Solar Reflective Index (SRI) for building roof and paving in addition to plantings to shade surfaces, reflect radiation, and release moisture will cool the urban environment				

APPENDIX B

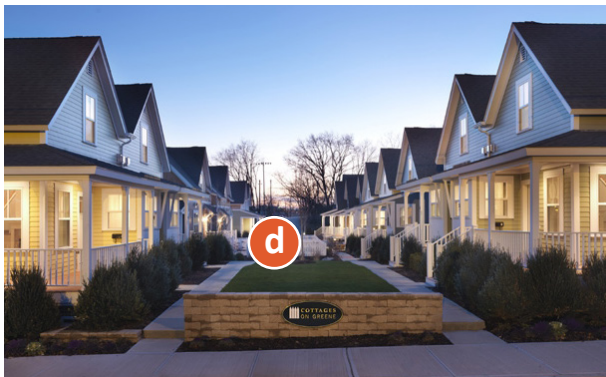
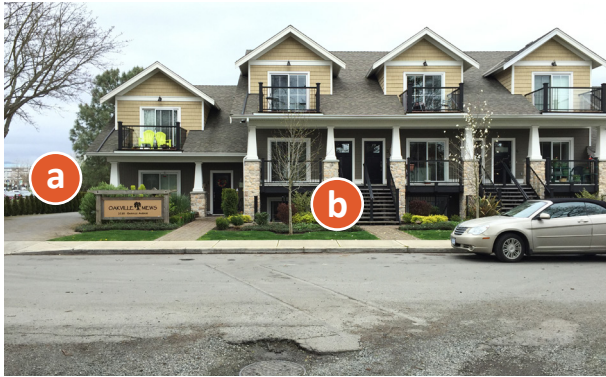
Single Family Residential Design Reference Guide

Vancouver Innovation Center Master Plan

Updated July 2021



SINGLE FAMILY ATTACHED

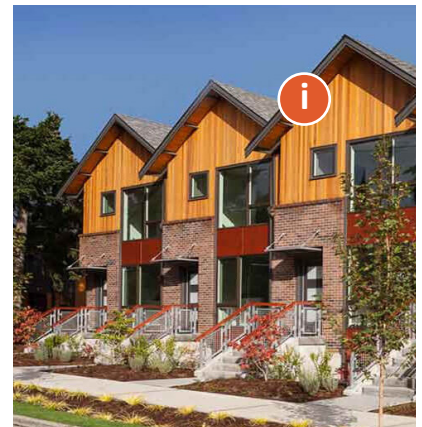
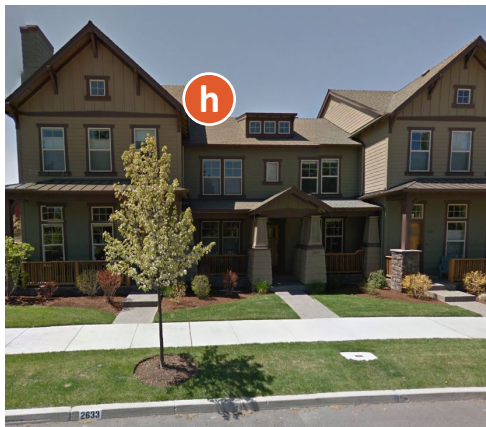


- a. Find opportunities to alley-load attached single family residential units to minimize driveway and garage exposure.
- b. Orient residential buildings to the “sidewalk zone” through the use of front porch features.
- c. Incorporate a range of natural color tones, architectural styles and horizontal and vertical relief.
- d. Seek opportunities to orient units to courtyards and open spaces.
- e. Create visual interest through horizontal and vertical relief and variation of architectural styles of adjoining attached units.
- f. Encourage reduced setbacks for residential units to engage entrances with the sidewalk.



SINGLE FAMILY ATTACHED – CONTINUED

- g.** Allow front-loaded attached units when accessed from a local street and when the garage exposure is minimized by site and building design features.
- h.** Allow for a mix of scale and size of attached product including larger duplexes.
- i.** Natural material elements including wood and stone should be prioritized for use.
- j.** Provide substantial window and trim relief on units to break up the potential for monolithic appearances on taller units.
- k.** For continuous banks of attached units, provide vertical, horizontal and roof relief variation to minimize the scale of the structures.



SINGLE FAMILY DETACHED – COTTAGE CLUSTERS

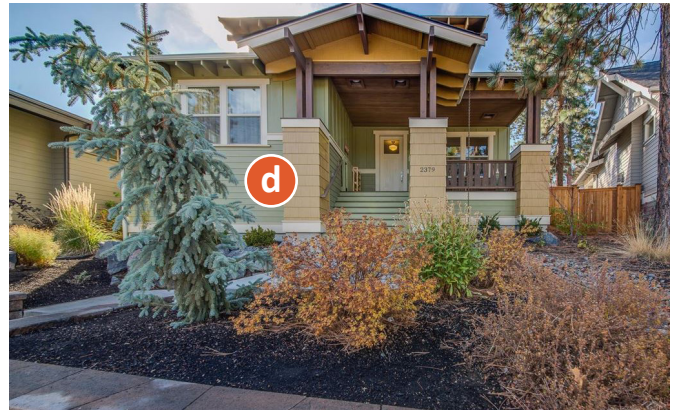


- a. Incorporate opportunities for cottage clusters in single family residential design.
- b. Seek opportunities for cottage cluster housing to orient to common public open space.
- c. Look for opportunities to orient single family detached units to open space areas that include pedestrian corridors.



SINGLE FAMILY DETACHED – *CONTINUED*

- d. Alley-loaded single family residential homes should incorporate front porch, awning and landscape features that engage the sidewalk zone.
- e. Alley-loaded single family homes should be encouraged when the fronts of these homes are visible from off-site land use or common open space areas.
- f. Front loaded homes may be on internal local roads within the master plan if garage exposures from the street are minimized through site and architectural design measures.



APPENDIX C

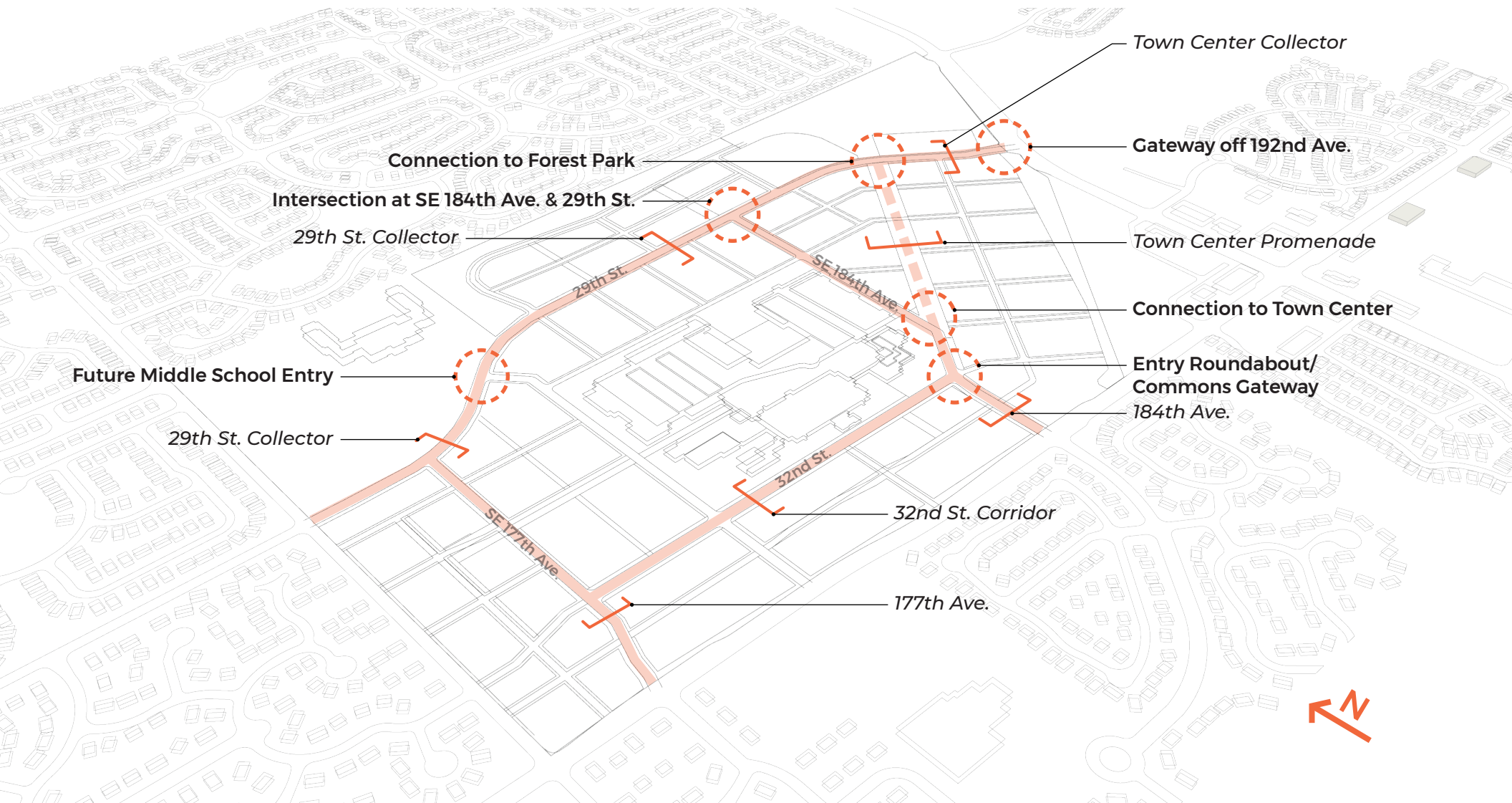
Street Cross Sections

Vancouver Innovation Center Master Plan

Updated July 2021



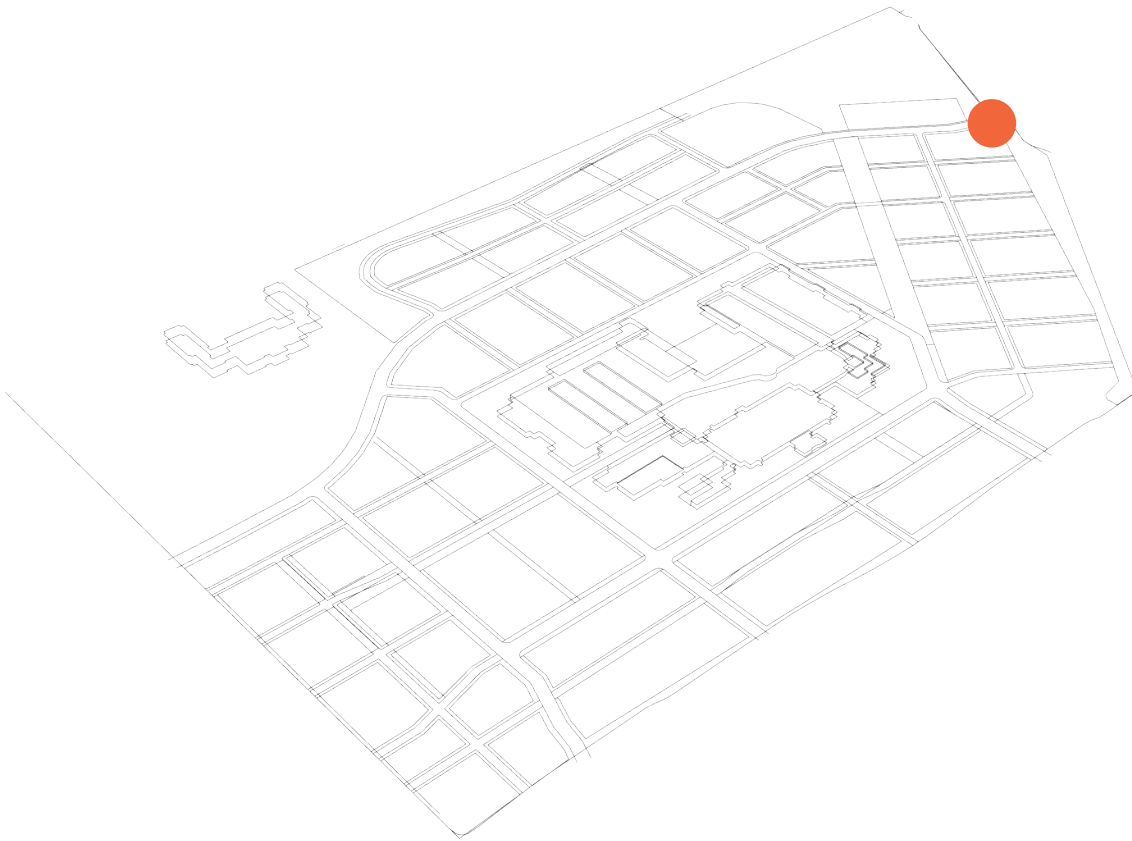
Key Plan



Note: Internal blocking patterns provided on plans in this Appendix are diagrammatic in nature and are intended only to assist with general circulation planning.

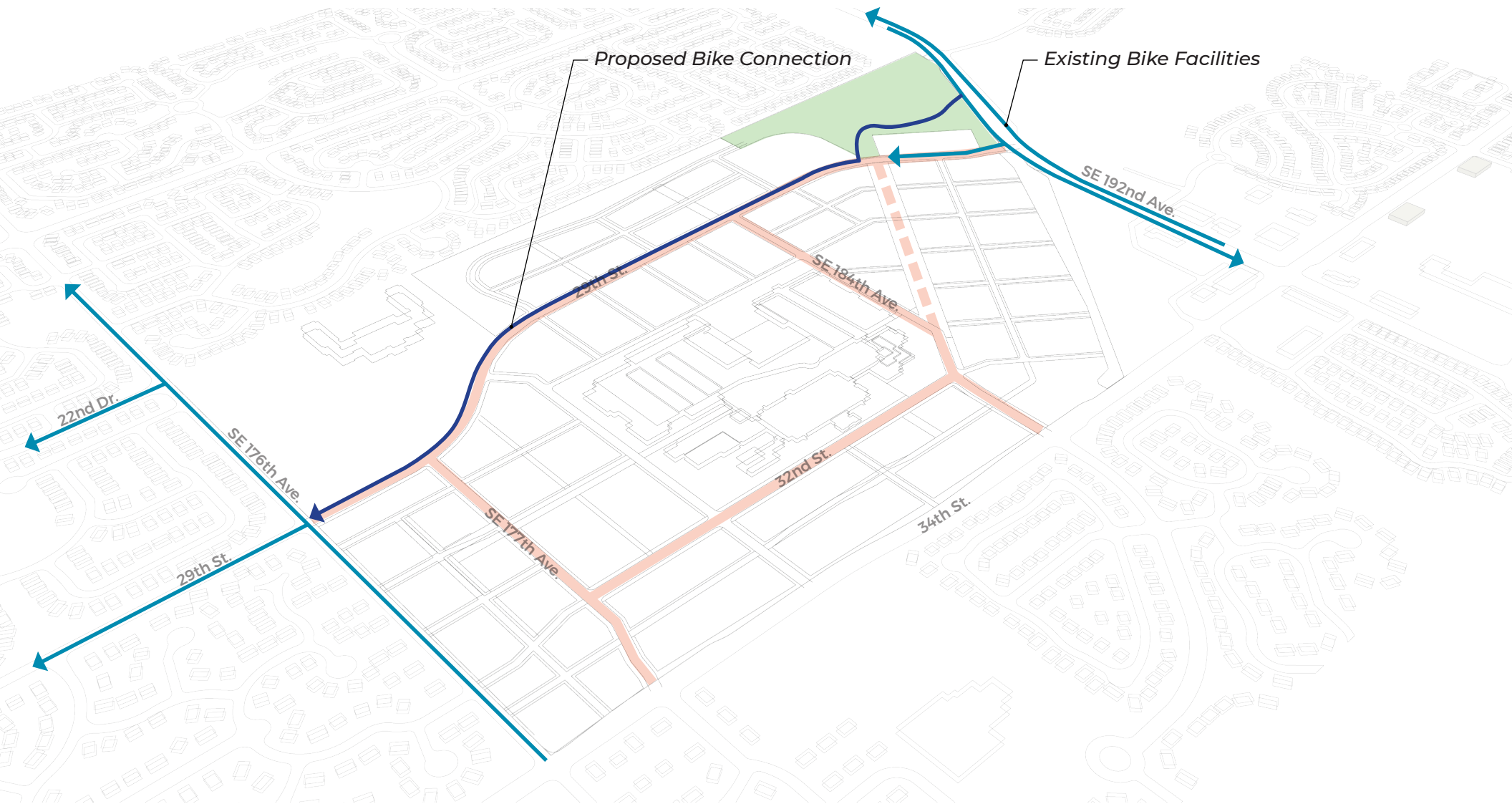
Placemaking opportunity

Gateway off 192nd Ave



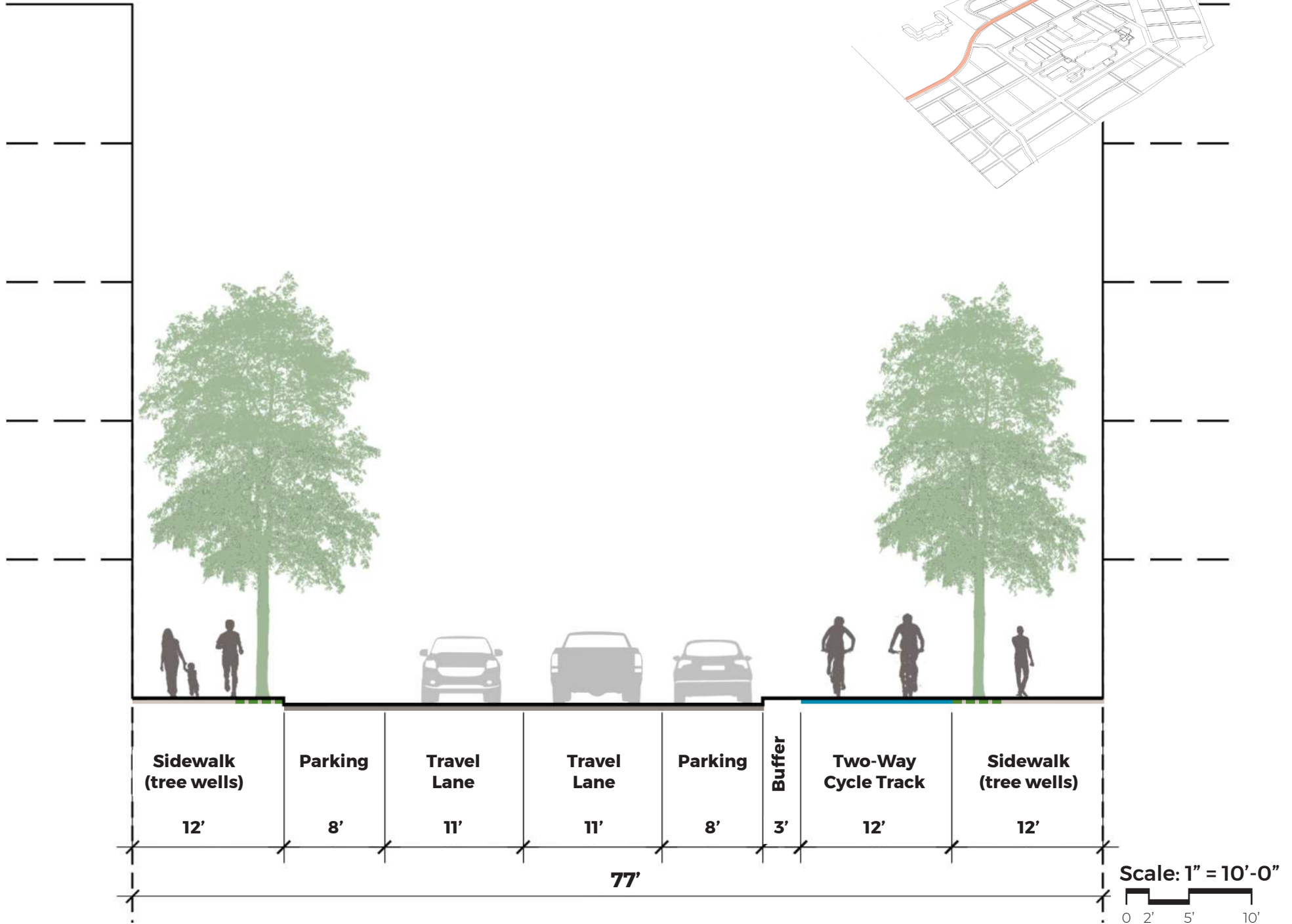
Corner buildings create Town Center entry identity

Potential Site Connections to Regional System



Section - Town Center Collector

Option 1 - Two-way cycle track on North side



Two-Way Cycle Tracks



Special paving



Raised, separated from traffic



Street level separated by curb/planters



Buffered by parking

Best Practices for Two-Way Cycle Track Intersection Treatments



Turn box at 2-way cycle track intersection, Vancouver BC ('Copenhagen Left')



Bike roundabout on 2-way cycle track, Portland, OR



2-way cycle track 'intersection' with turn markings

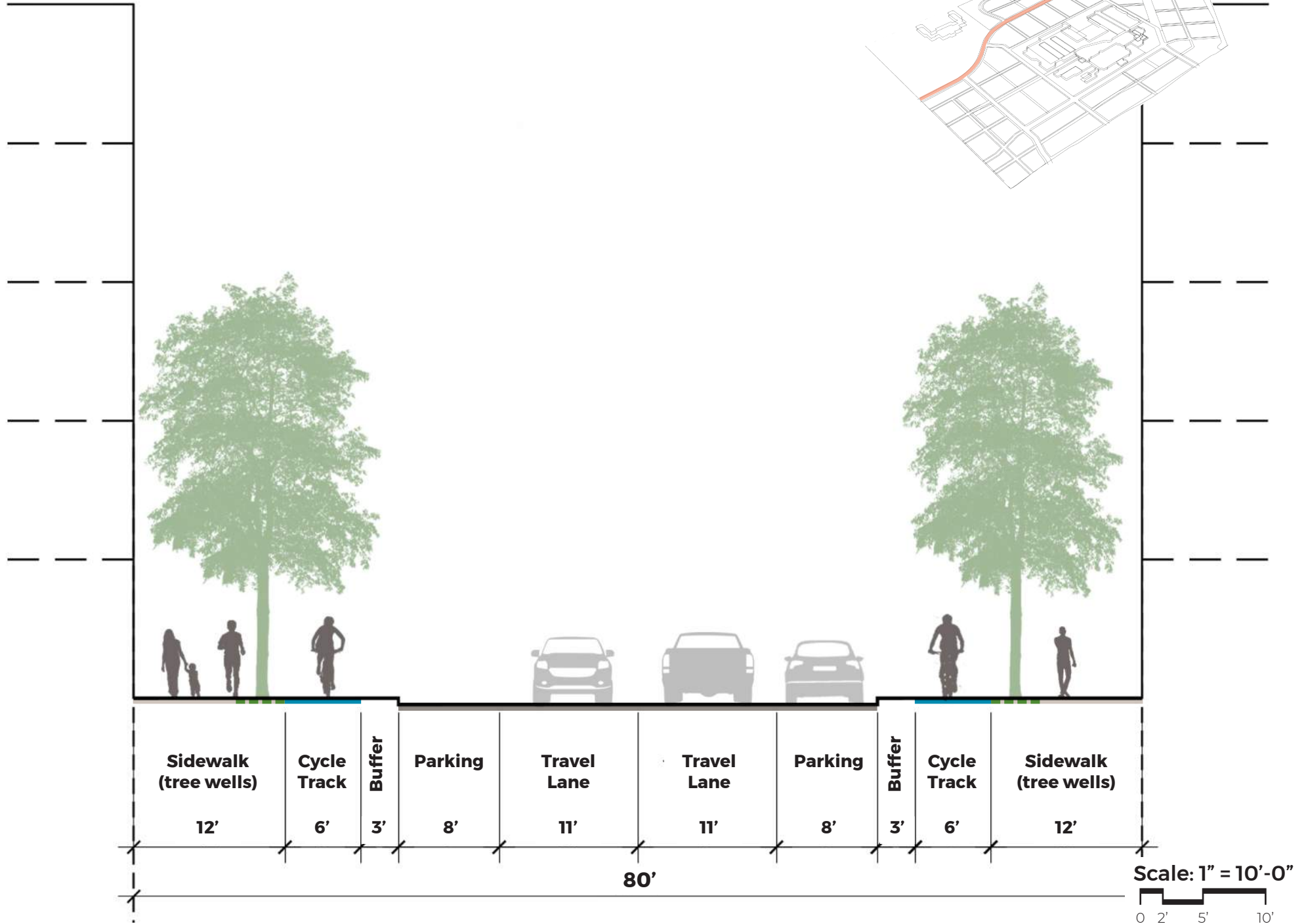


Crosswalk integrated with 2-way cycle track, Victoria BC

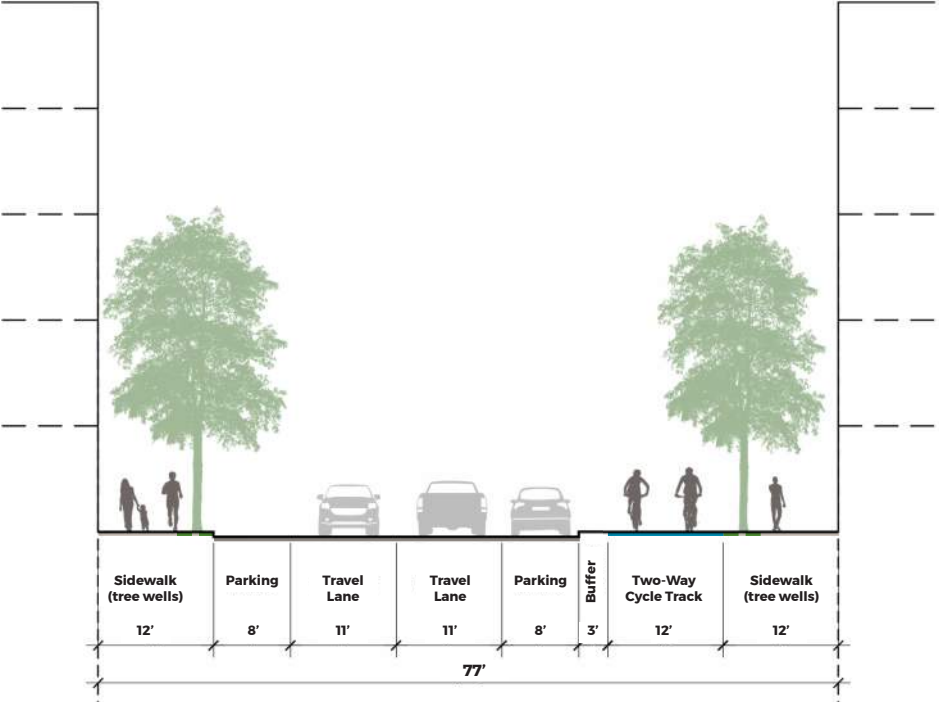
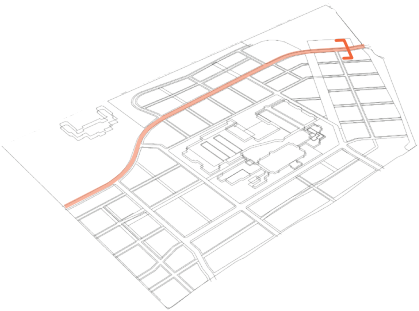
**Intersection treatments for the VIC will include protected facilities for two-way cycle travel where bicycle and multi-modal crossings exist at intersections.*

Section - Town Center Collector

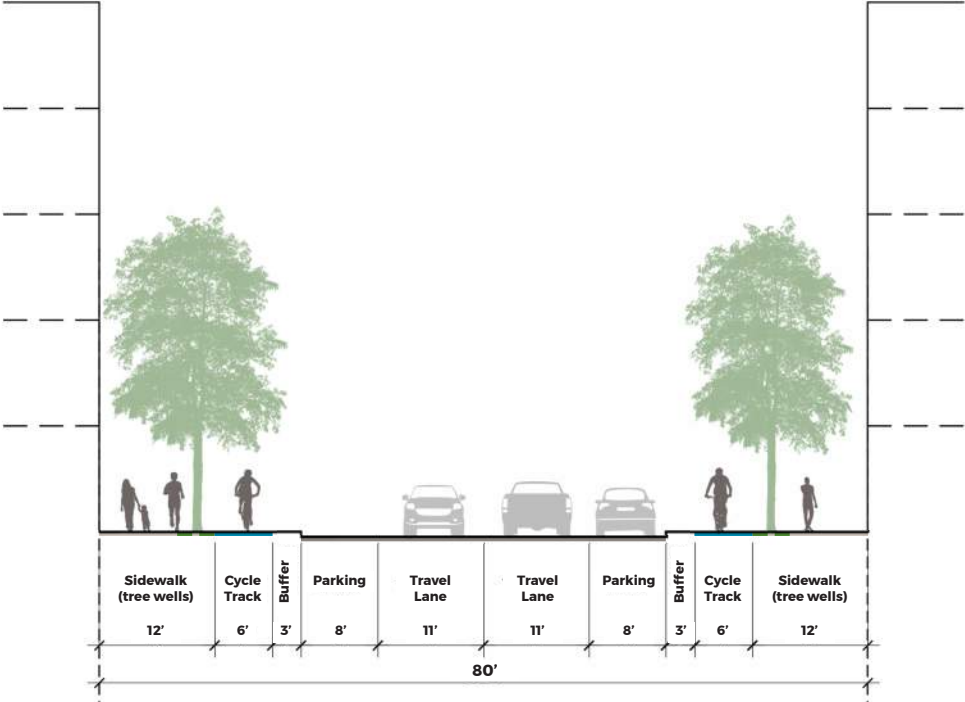
Option 2 - Cycle tracks on both sides



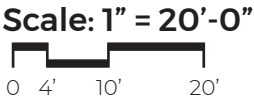
Section Index - Town Center Collector



Option 1 -
Two-way cycle track on North side



Option 2 -
Cycle tracks on both sides



One-Way Cycle Tracks



Adjacent to roadway, concrete, rolled curb



Colorized section to mark slow or conflict zones



Buffered from roadway and sidewalk, asphalt



Buffered from roadway, concrete

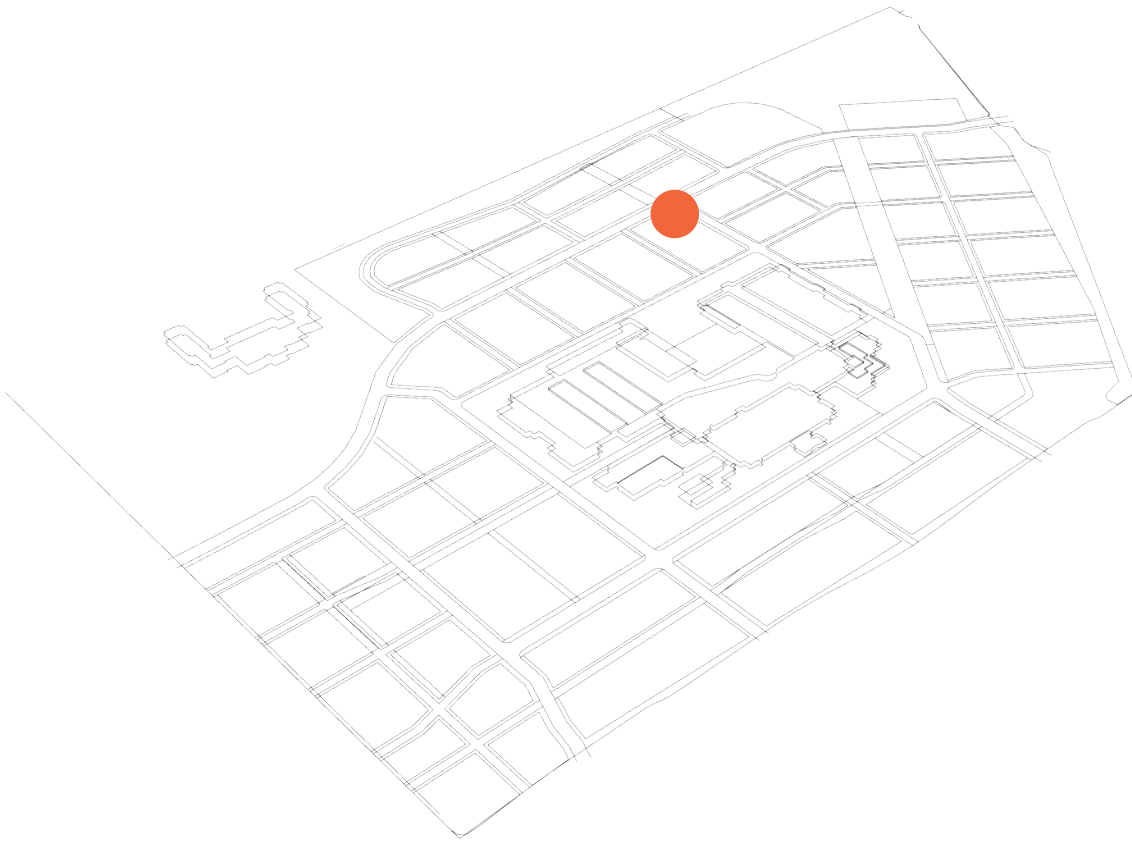
Placemaking opportunity

Promenade - Forest Park Pedestrian Crossing



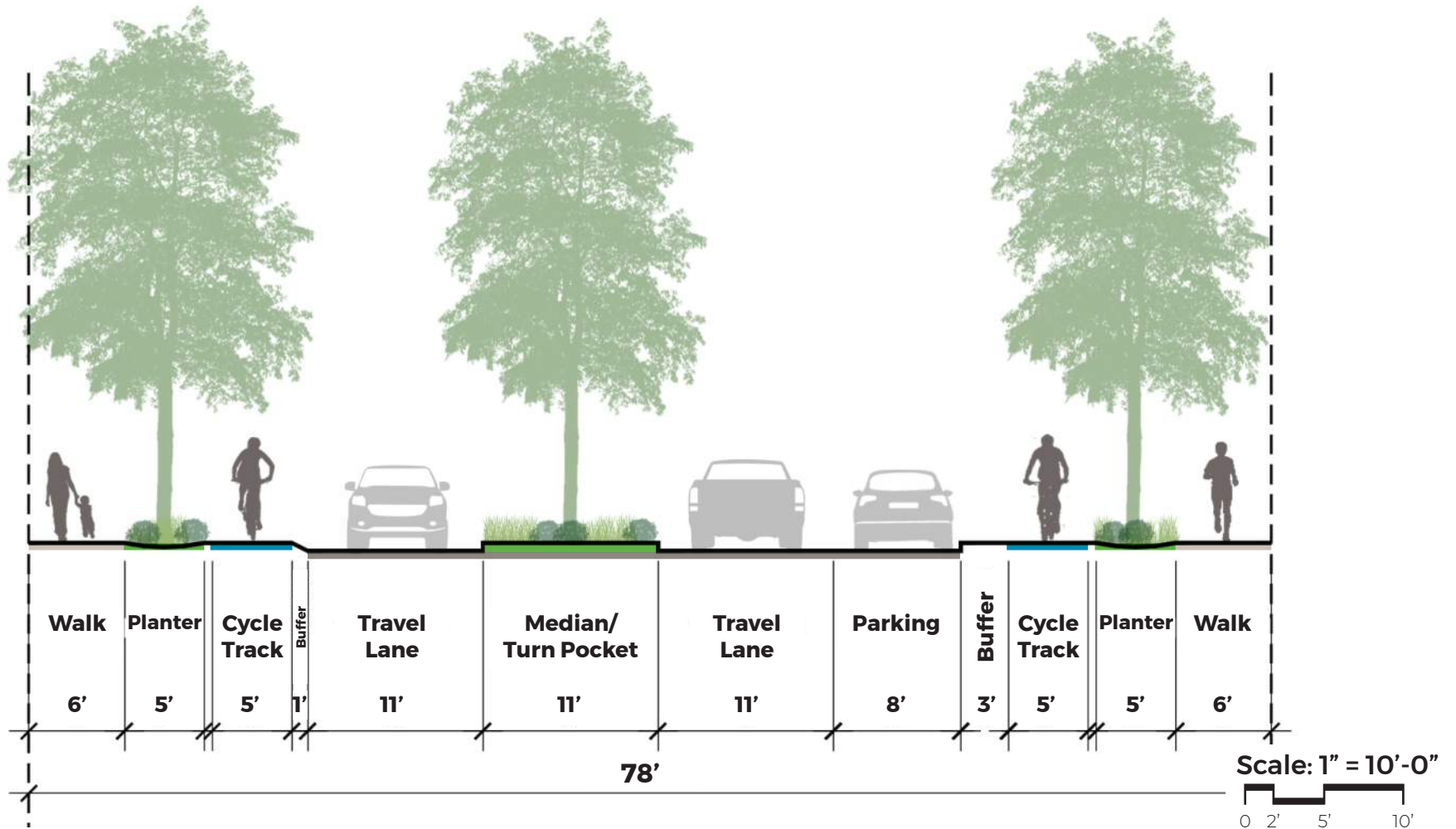
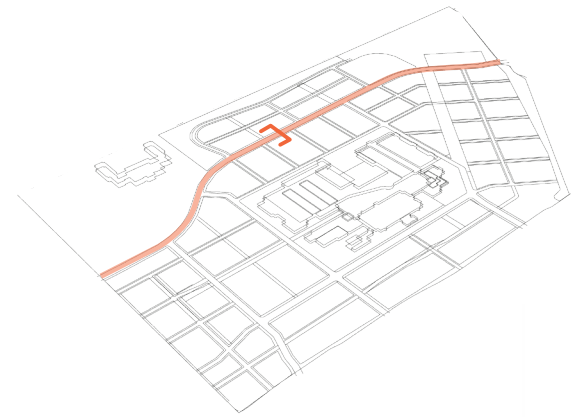
Placemaking opportunity

Intersection at SE 184th Ave & 29th St



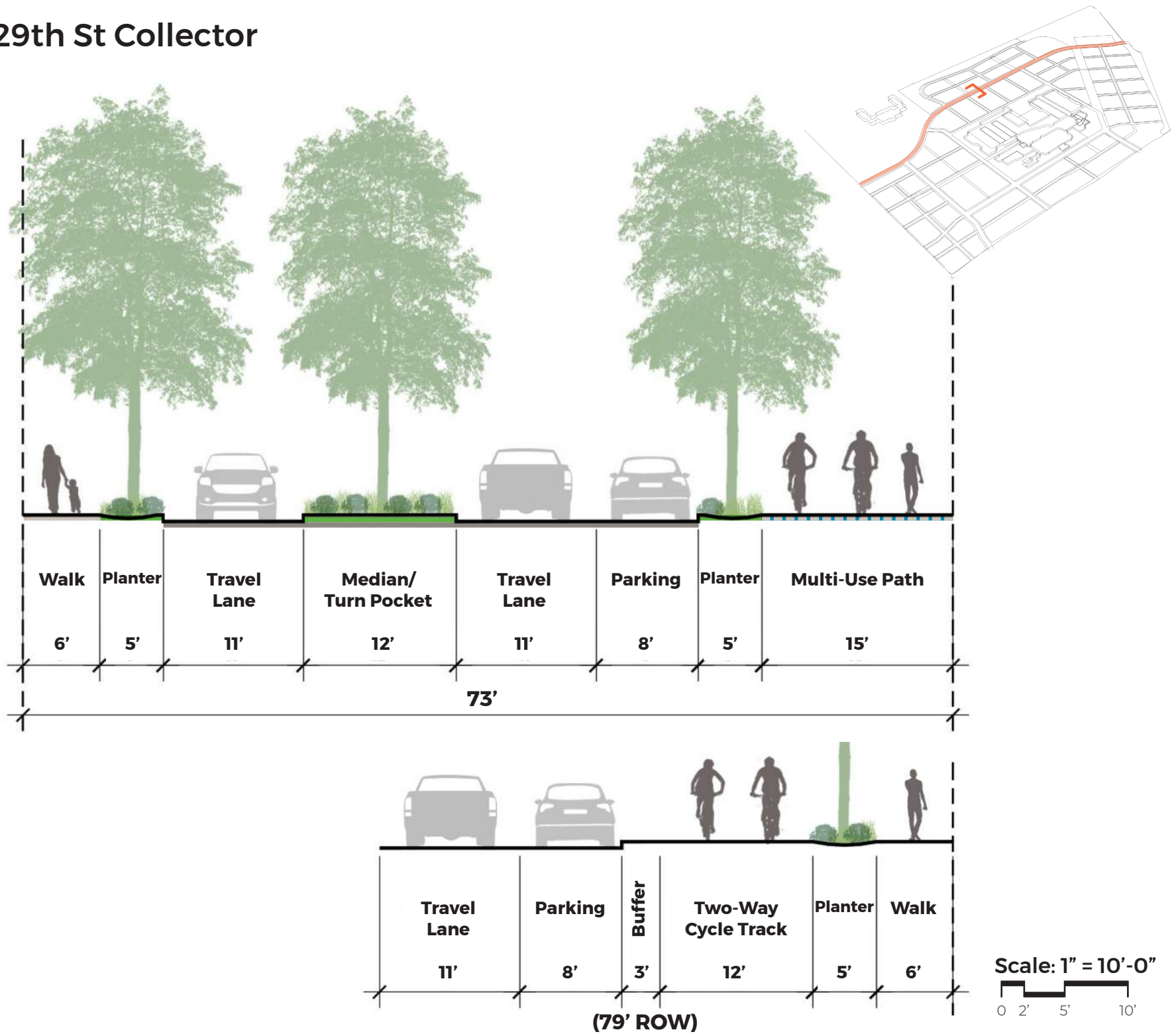
Section - 29th St Collector

Option 1 - Cycle tracks on both sides - with turn pocket



Section - 29th St Collector

Option 2

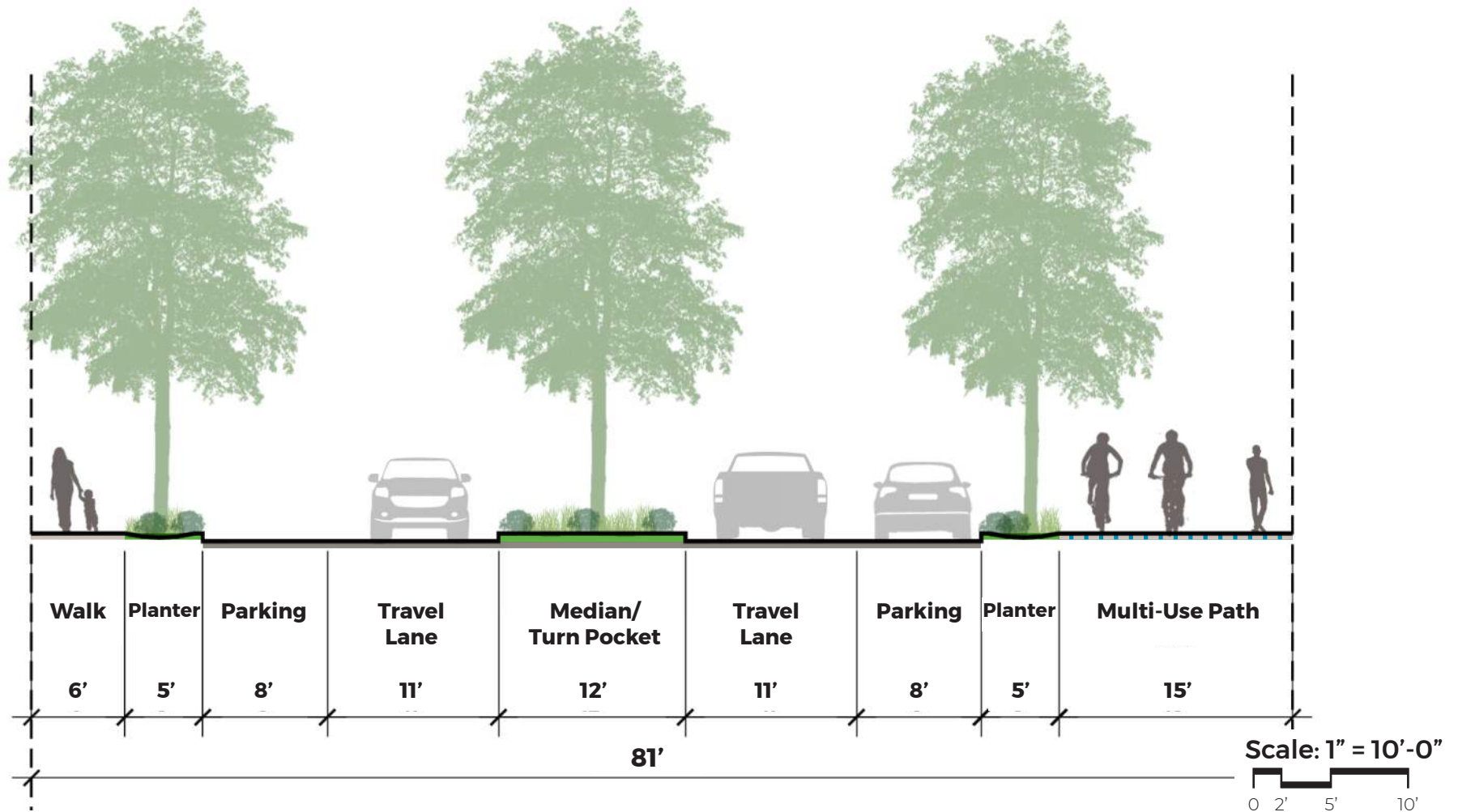
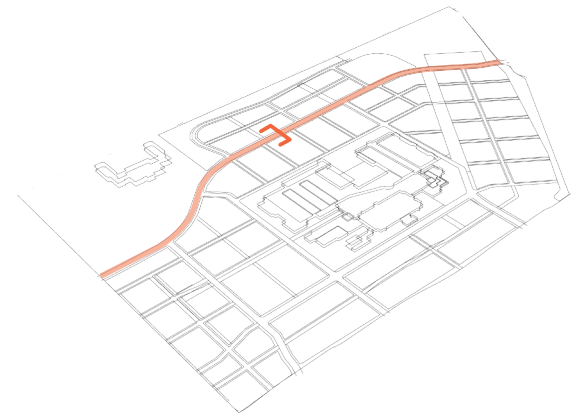


Multi-Use Paths

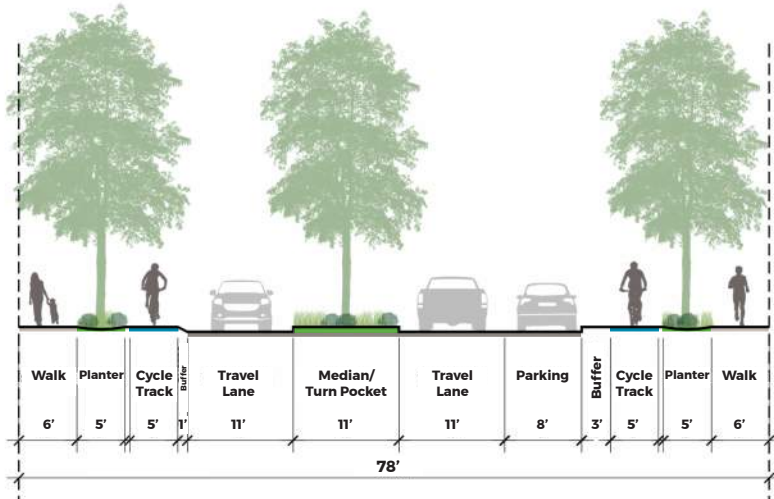
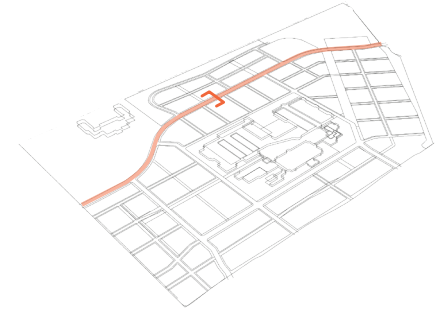


Section - 29th St Collector

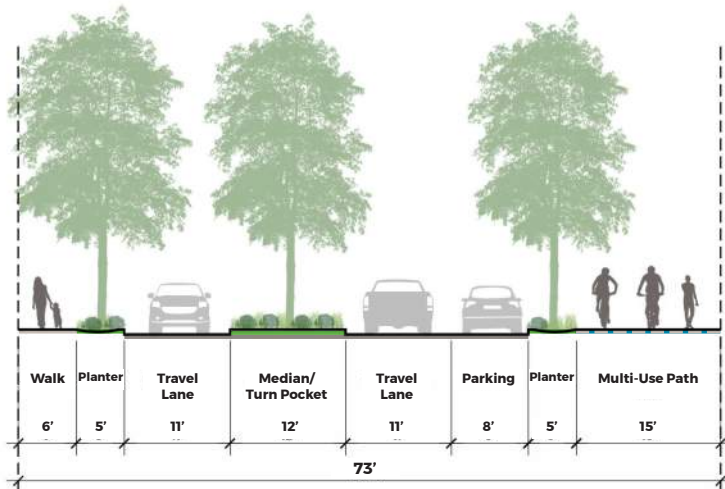
Option 3



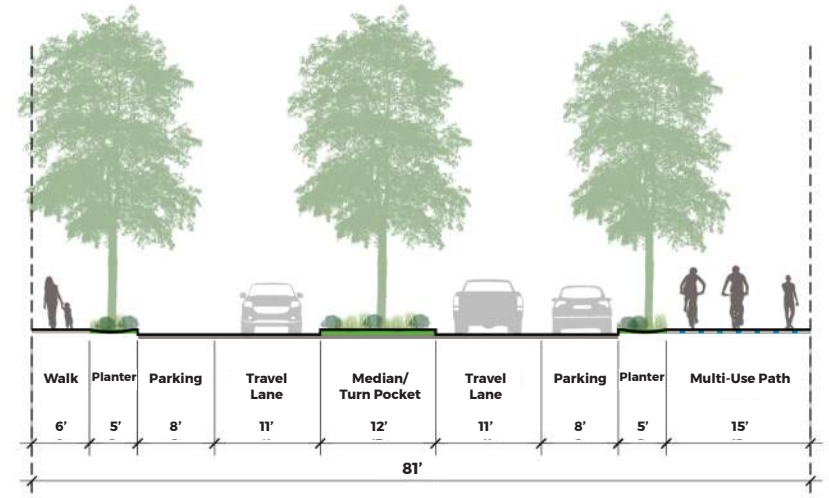
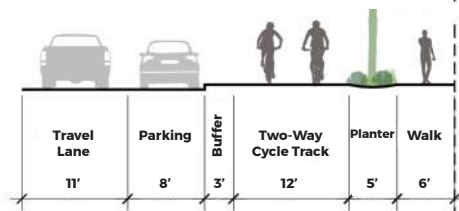
Section Index - 29th St. Collector



Option 1 -
Cycle tracks on both sides -
with turn pocket



Option 2



Option 3

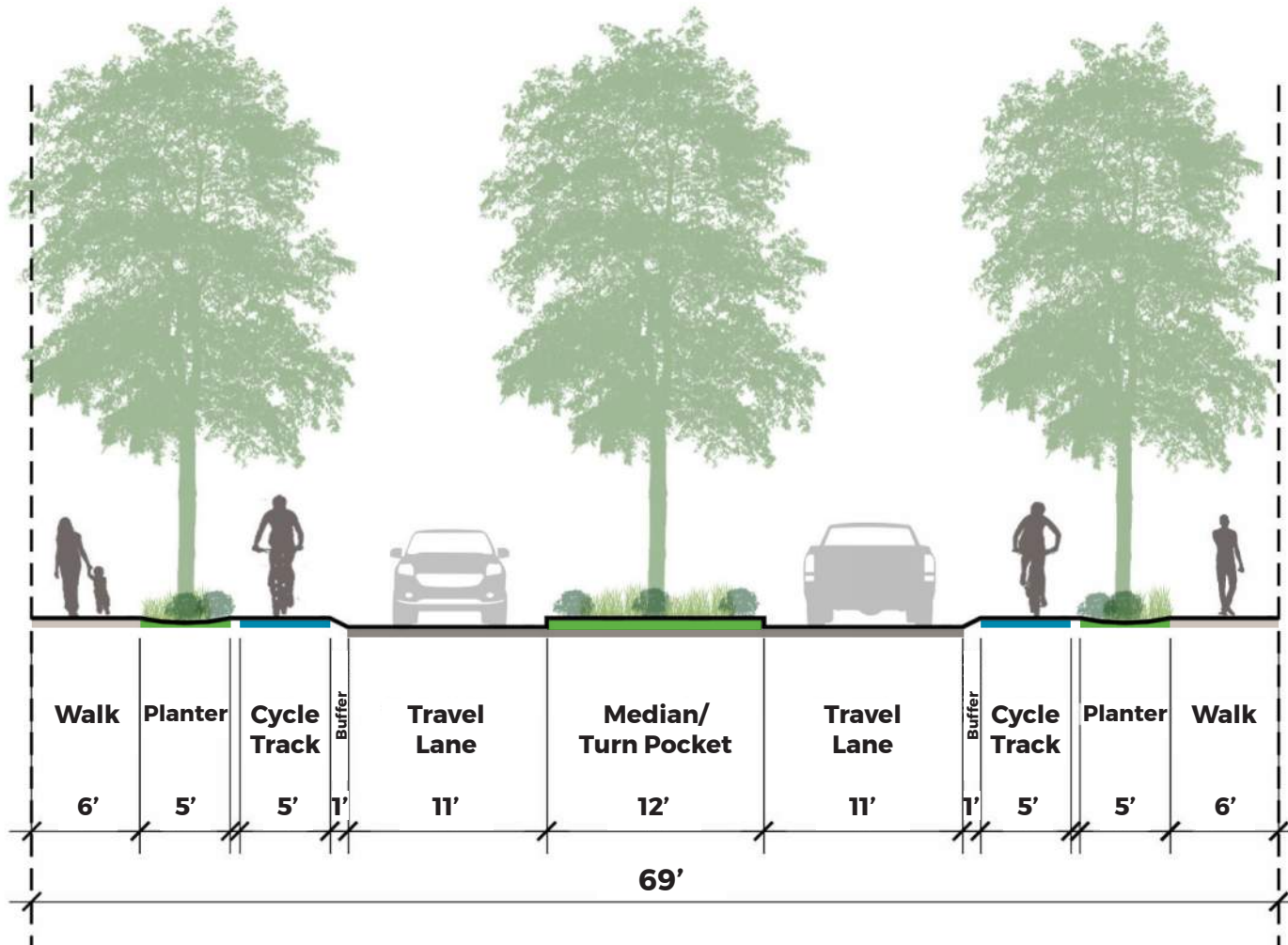
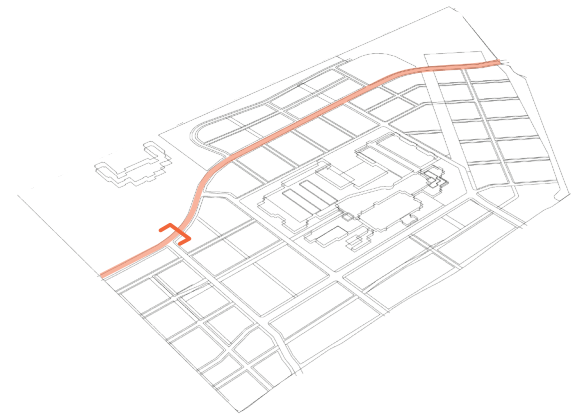
Scale: 1" = 20'-0"

Parkway



Section - 29th St Collector

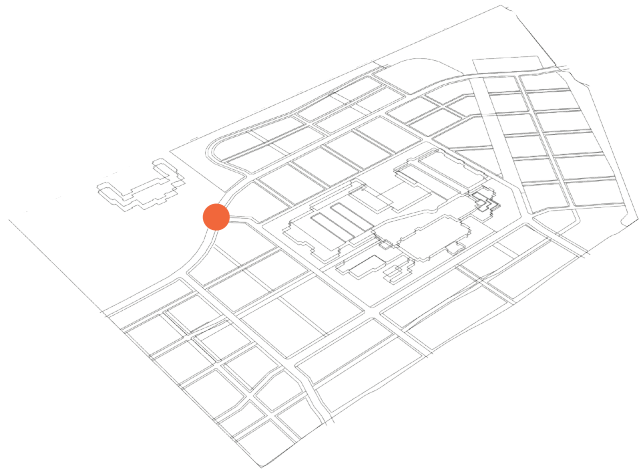
by Future Middle School, cycle tracks on both sides



Scale: 1" = 10'-0"

Placemaking opportunity

Future Middle School Entry



Curbless Streets

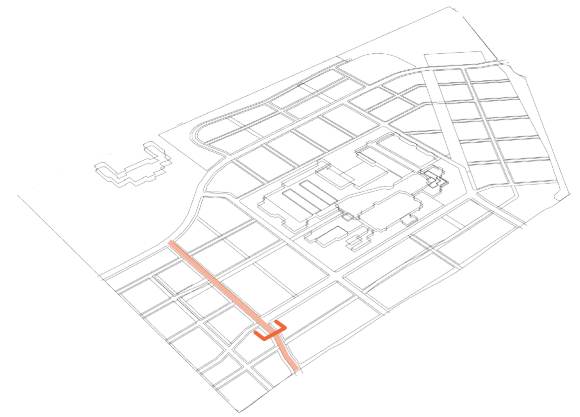
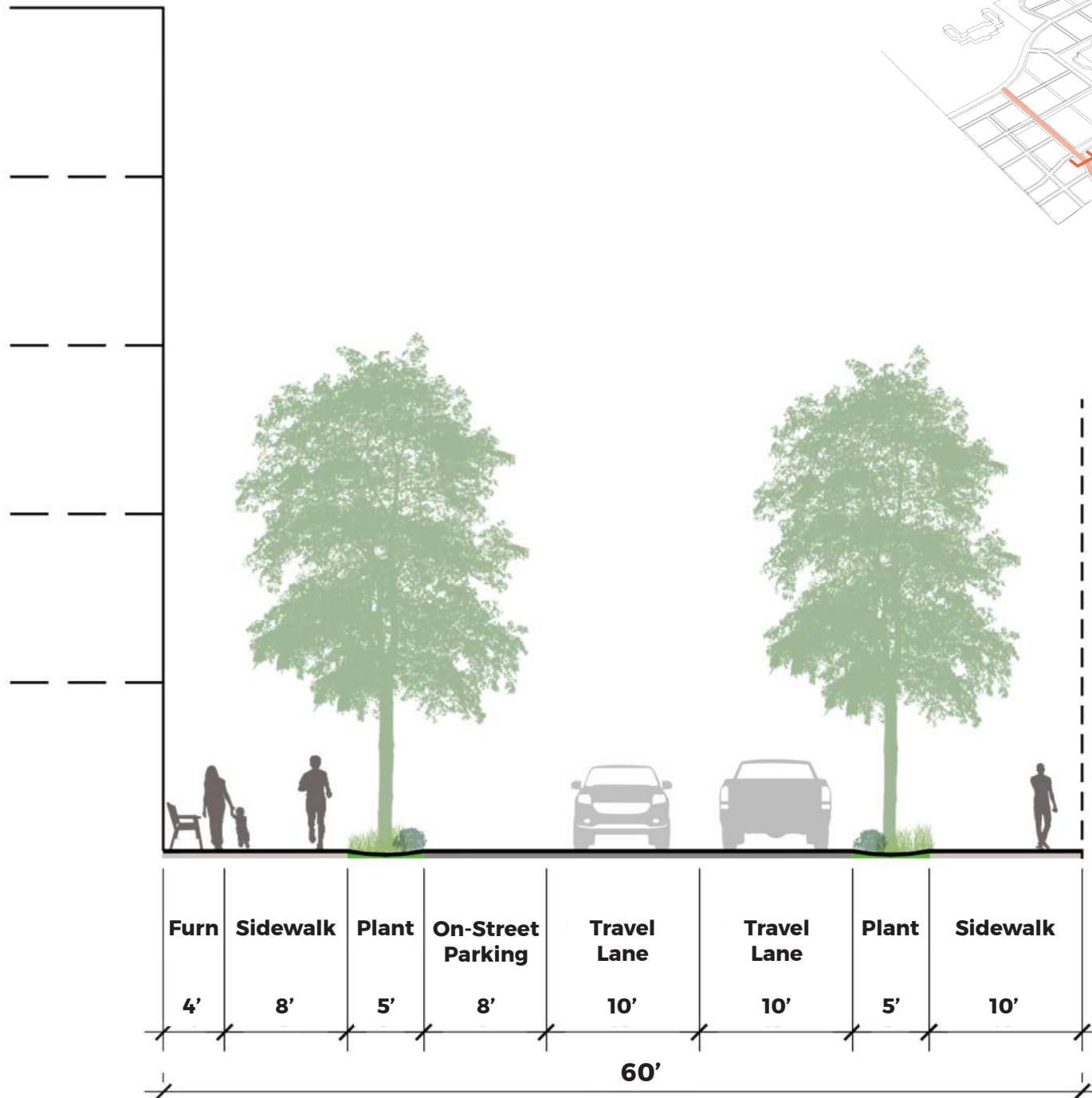


Shared Street Best Practices



Section - SE 177th St

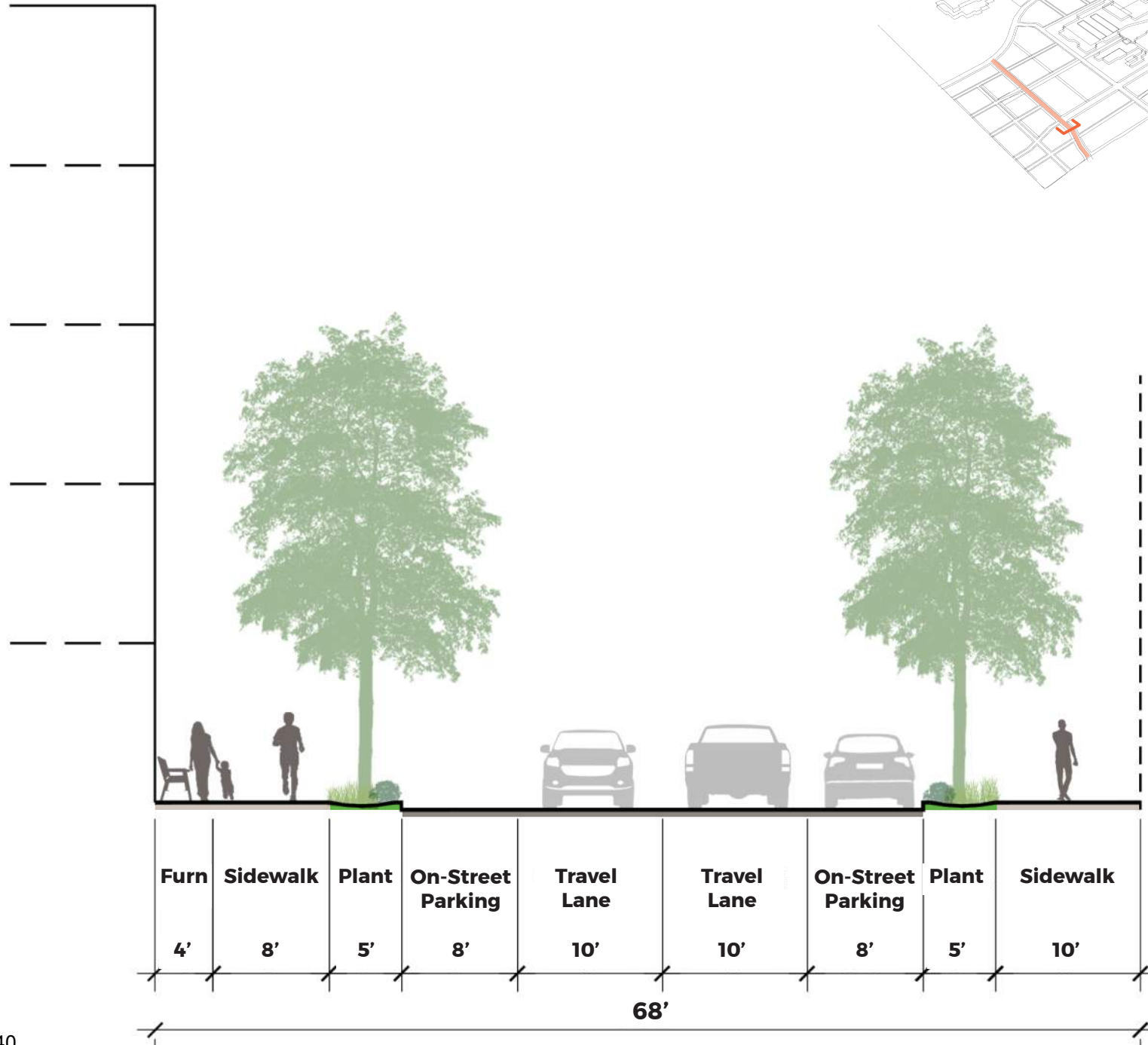
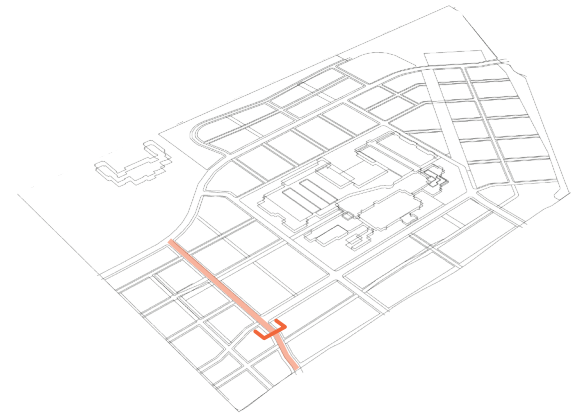
Option 1



Scale: 1" = 10'-0"

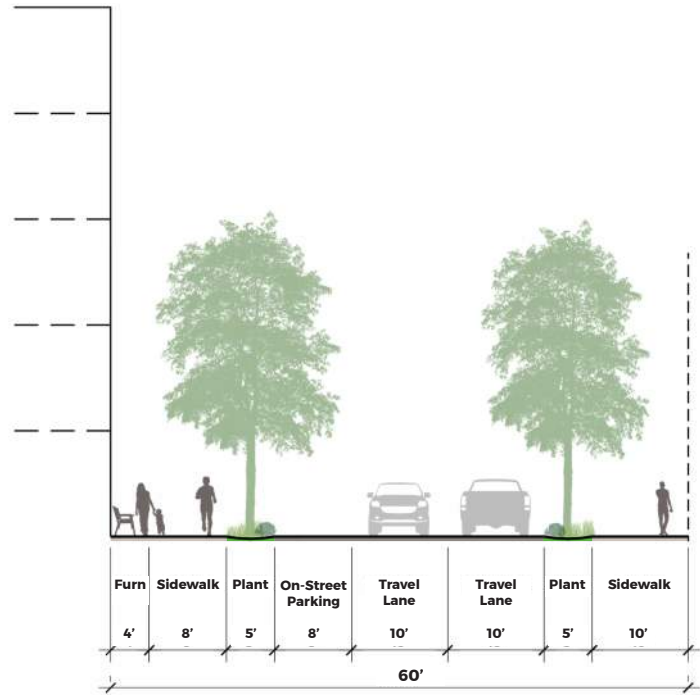
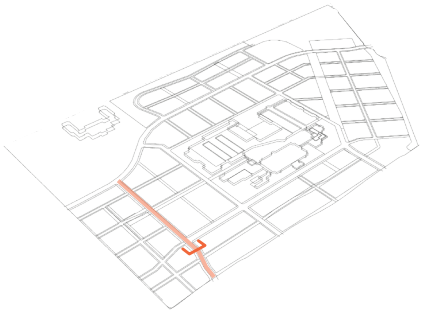
Section - SE 177th St

Option 2

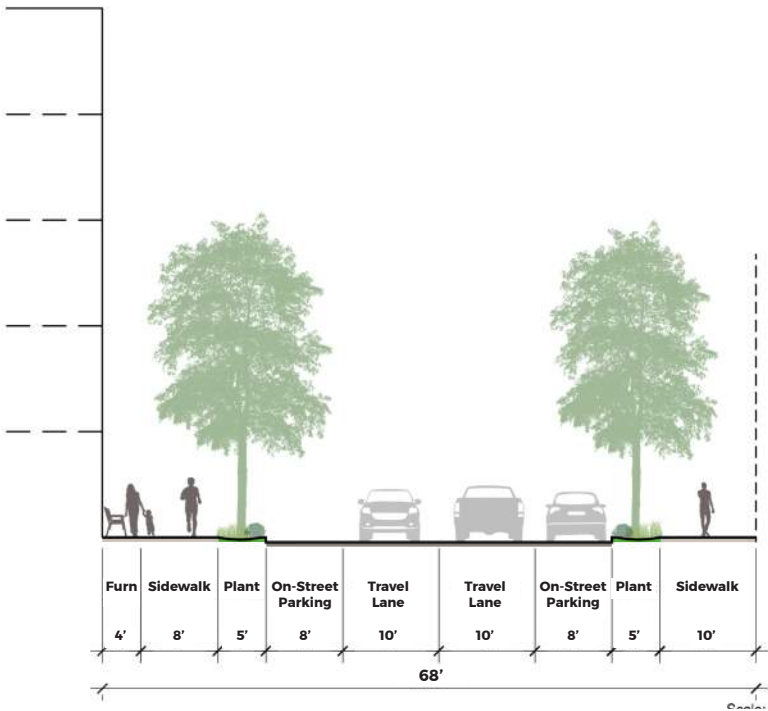


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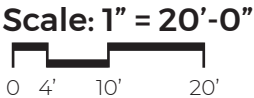
Section Index - 177th Ave.



Option 1

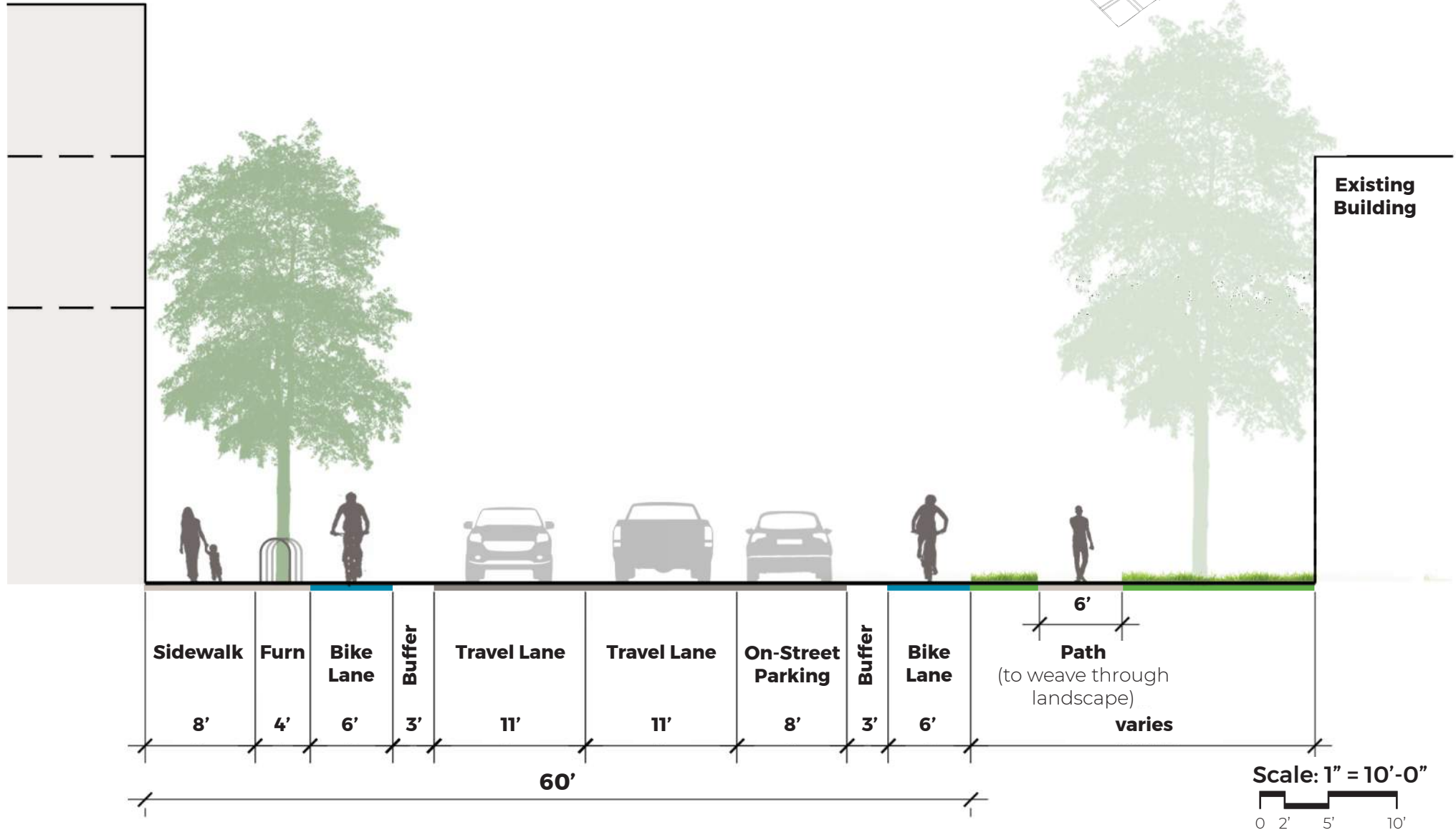


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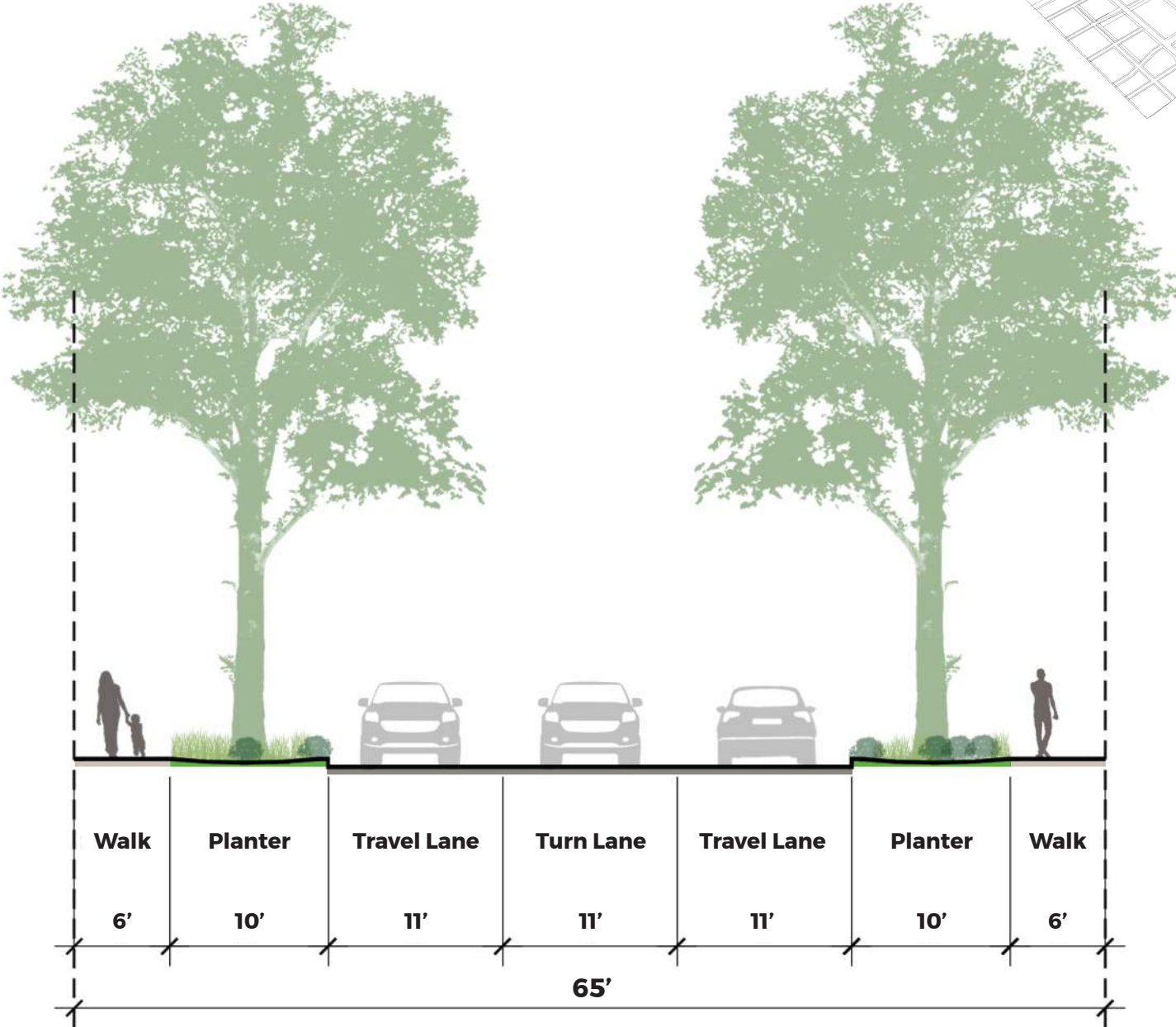
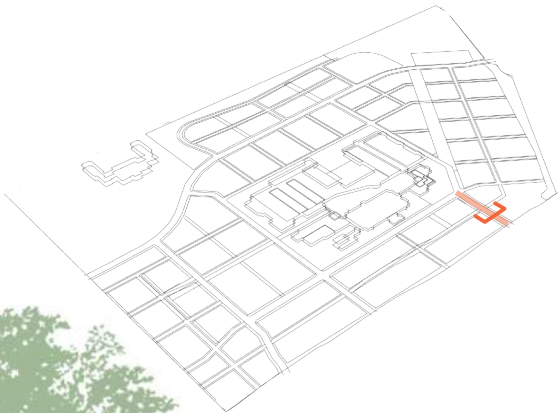


Section - 32nd St

(shown as curbless - could be curbed)



Section - 184th Ave

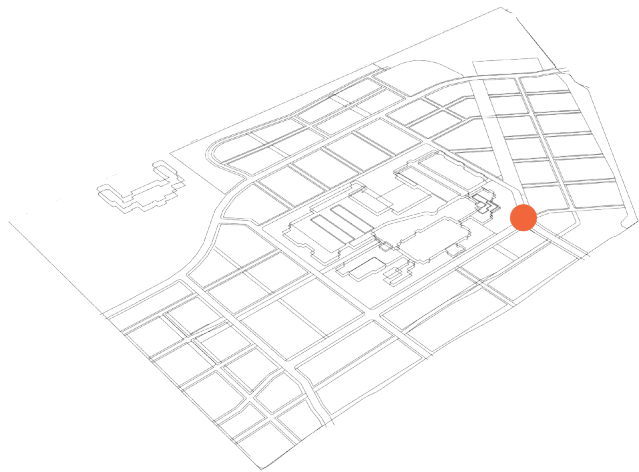


Scale: 1" = 10'-0"

A graphic scale bar with markings for 0, 2, 5, and 10 feet.

Placemaking opportunity

Gateway at Commons



gateway roundabout



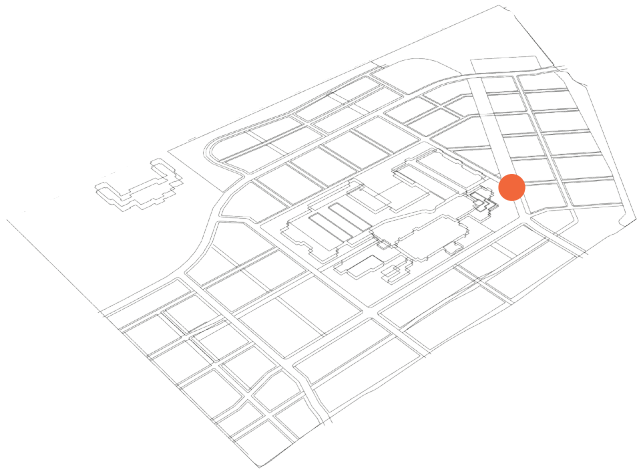
tree lined street entry (184th)



vertical gateway marker

Placemaking opportunity

Connection from Commons Area to Town Center



curbless, bollards, pavement transition



raised intersection with markers



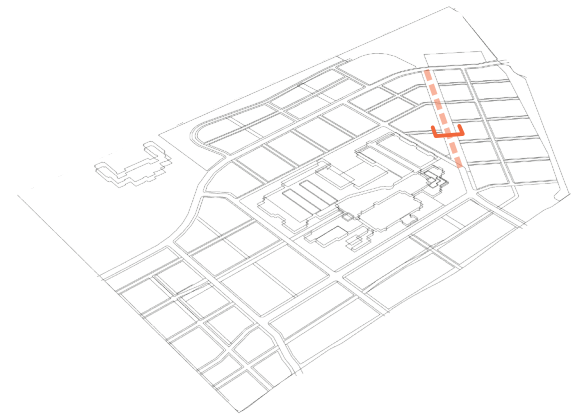
raised crossing



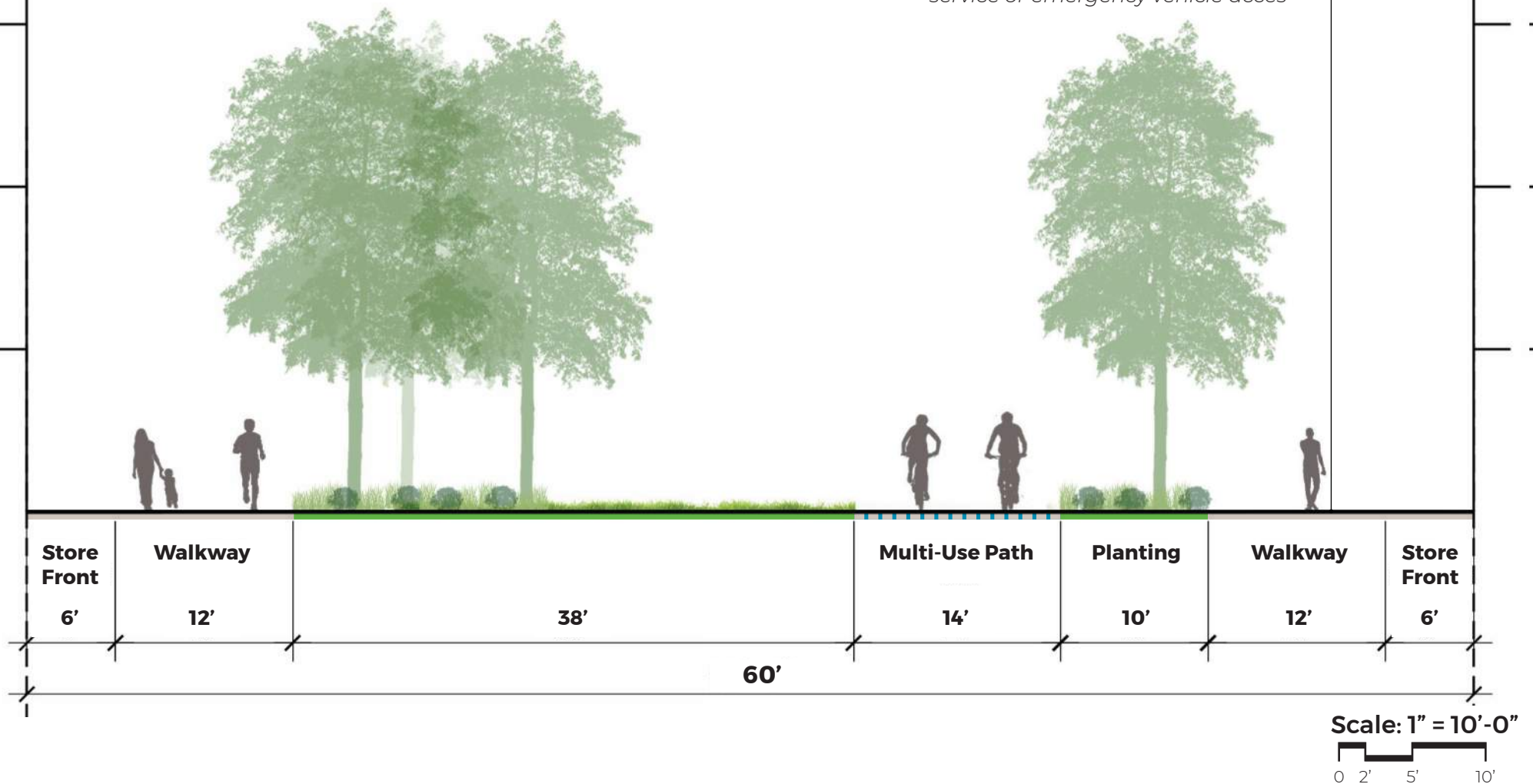
narrowed roadway

Section - Town Center Promenade

Preliminary Concept



walkway can be used as temporary service or emergency vehicle access

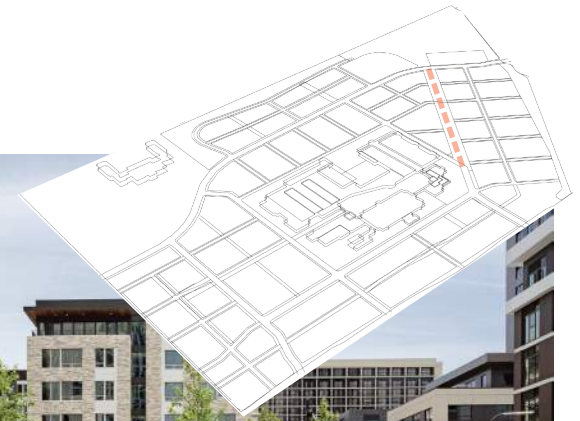


Town Center Promenade

Inspiration



Hassalo on Eighth - Portland, OR



Atlanta Beltline - Atlanta, GA
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Bowie State University - Bowie, MD

EXHIBIT B - PROPOSED LAND USE ALLOCATION MAP

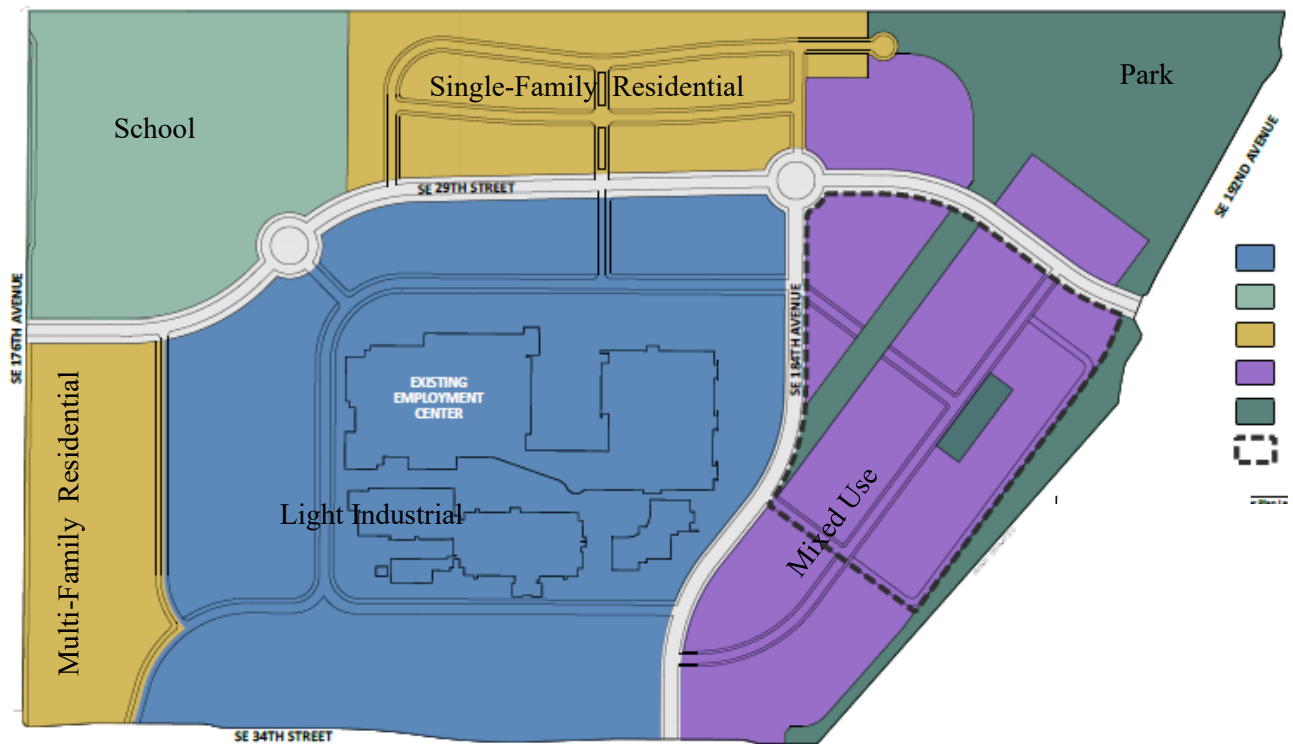


EXHIBIT C- PROPOSED MASTER PLAN MAP



DRAFT
Pearson Field Airport
Aviation Advisory Committee
BYLAWS

ARTICLE I AUTHORITY

I. These Bylaws for the Aviation Advisory Committee are adopted under the authority of Section 10.05.040 of the Vancouver Municipal Code (VMC) as amended.

ARTICLE II PURPOSE, FUNCTION AND DUTIES

Section 1 Purpose – The purpose of the Aviation Advisory Committee (AAC) is to provide policy advice and recommendations to the City Council, City Manager, Airport Management and other City Departments regarding the management and operations of Pearson Field airport, related to airspace compatibility, and other aviation related issues pertaining to the City of Vancouver.

Section 2 Function – The AAC shall serve as an advisory body to the Airport Manager, the City Manager and the Mayor and Council.

Section 3 Duties – The AAC shall have the following duties:

A. Responsibilities – Advise in the management and operations of the Airport in a manner that reflects the needs of the community, reflects the City's stated values and demonstrates its essential worth to overall community development, both economically and aesthetically. The recommendations of the AAC should provide advice and recommendations regarding:

- i. Any issue pertaining to maximizing the historic, economic, public safety, educational, and cultural value of Pearson Field Airport;
- ii. Airspace compatibility of any economic development projects with potential to affect the integral value of Pearson Field Airport (ex. zoning, building standards, etc.);
- iii. Airport financial considerations including review of annual airport financial statement as well as review and recommendations on proposed fees, leases, rental rates and rental agreement formats;
- iv. Proposals to construct or remove any building, capital improvements, or 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. Agreements with the National Park Service, or any other entity, with either operational or financial implications for Pearson Field 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 within the committee.

B. Grants – The AAC will review and provide a recommendation for all grants pertaining to the Airport. Specifically, the AAC will:

- i. 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.

ARTICLE III ORGANIZATION

Section 1 Commission Members –

- A. The AAC shall consist of nine (9) members as defined in Section 10.05.040 of the VMC with no more than three (3) airport tenants serving on the Committee. Due consideration, including recommendation from the acting AAC Chair, shall be given to maintaining members with demonstrated interest in aviation and aeronautical activities, and having skills in one or more relevant areas such as airport management, legal, marketing, finance, FAA knowledge, real estate, business, engineering, etc. Members will have demonstrated the ability to work effectively with others in a volunteer committee role and any other requirements as set forth by the Council for City advisory groups.
- B. Committee members appointed to fill an unexpired term shall serve until the end of the unexpired term, rather than a standard three-year term.
- C. When a Committee member's term expires, they may continue to serve until a successor is appointed by the Mayor and approved by City Council.
- D. Committee members shall not receive any compensation for service on the Committee.
- E. Committee members may resign prior to the end of their term on 30-day written notice to the Committee Chair and Airport Manager. Committee members may be removed prior to the expiration of their term of appointment for non-performance, including unexcused absences from three consecutive regular AAC meetings or six regular meetings in a twelve-month period, on recommendation of the AAC chair and Airport Manager, and by a majority vote of the City Council.

Section 2 Committee Attendance – Committee members are expected to attend all AAC meetings, unless otherwise excused. Forfeiture of office and removal are subject to the provisions set forth in Section 10.05.040 of the VMC.

Section 3 Officers and Staff

A. Officers – The AAC will annually, by majority vote, elect a Chair and Vice-Chair at the first regular meeting of the calendar year as defined by Section 10.05.040 of the VMC.

i. The Chair and Vice-Chair will serve one-year terms. Any Committee member serving as the Chair or the Vice-Chair shall be eligible for reelection. Officer's may not serve for more than two consecutive terms.

ii. In the event the Chair cannot complete the full term in that position, the Vice-Chair shall assume the duties of Chair. Should the Vice-Chair be unable to complete the full term in that position, another AAC member will be elected by the AAC at the meeting immediately following notice of the Vice-Chair's inability to complete the term.

iii. The Chair or the Vice-Chair may be removed from office at any time by a majority plus one (1) vote of all of the Committee members. Upon action to remove an officer, the AAC shall in the same meeting, elect a new Committee member to that position. The newly elected officer will serve in that position until the next regularly scheduled election of officers.

B. Staff – The Airport Manager ("Manager"), or the Manager's designee, shall serve as staff liaison and Secretary to the AAC ("Secretary"). The City's Airport staff, under direction of the Secretary, shall furnish professional and technical advice to the AAC. Other City staff may furnish professional and technical advice as requested by the AAC or the Secretary.

ARTICLE IV MEETINGS

Section 1 Regular Meetings - All regular and special meetings of the AAC will be open to the public and the date, place and agenda will be publicized in accordance with the Open Public Meetings Act. (RCW 42.30)

A. Date and Time of Meetings – The AAC generally meets quarterly on the second Tuesday of the month, starting in January, excluding legal City holidays ("Regular Meeting"). The AAC's annual Regular Meeting schedule shall be approved by motion and majority vote of the AAC at the first Regular Meeting following the first day of

June. The Chair, or Vice-Chair acting in the Chair's capacity, may set the time of the Regular Meeting.

B. Cancellation – If there are no action agenda items to be heard, a Regular Meeting may be cancelled by the Chair, or Vice-Chair acting in the Chair's capacity, no later than seven (7) days prior to the scheduled meeting date. In no case shall the Chair, or Vice-Chair acting in the Chair's capacity, cancel more than two consecutive Regular Meetings under this Article IV.1.B.

C. Location – Regular Meetings of the AAC shall be held in the Pearson Field Museum Headquarters building, unless noticed or advertised differently.

Section 2 Study Session Meetings – A Study Session Meeting may be called by the Chair, the Vice-Chair acting in the Chair's capacity, or at the request of two (2) Committee members. Study Session Meetings may generally be held before Regular Meetings. All Study Session Meetings shall be limited to the receipt of reports and information from the Airport Manager and from other City staff, where applicable. Such reports and information shall concern matters listed in the agenda for the Study Session. Public testimony is barred. The Secretary shall cause a recording to be made of each Study Session, which shall include at a minimum such information as is required by law and shall keep and maintain the recording as part of the AAC's records.

Section 3 Special Meetings – A Special Meeting may be called by the Chair, or the Vice-Chair acting in the Chair's capacity, or at the request of two (2) Committee members.

Section 4 Quorum – 5 Committee members shall constitute a quorum for the conduct of business at any AAC meeting. No action shall be taken at any meeting in the absence of a quorum, except to adjourn the meeting to a subsequent date.

Section 5 Agenda

A. Preparation – An agenda shall be prepared by the Secretary with the concurrence of the Chair for each AAC meeting. The agenda shall comply with applicable laws regarding open meeting notice requirements.

B. Agenda Items – All items for action and discussion shall be submitted to the Secretary with documentation eight (8) calendar days in advance of the meeting, to be considered for action on an agenda.

Section 6 Conduct of Meetings

A. Presiding Officer – The Chair shall preside at the meeting. In the Chair's absence, the Vice-Chair shall conduct the meeting. If neither the Chair nor Vice-Chair is in attendance, then the meeting will be conducted by the Committee member with the highest seniority. If there is more than one (1) Committee member with the highest seniority, then these Committee members may select the Presiding Officer between themselves. If no decision is reached within ten (10) minutes of the meeting start time, then the Secretary shall facilitate the selection using a fair and equitable method, of which the outcome will be binding.

B. Chair Authority – The Chair shall have the right to vote on all matters before the AAC and to make or second a motion.

C. Attendance by Telephone – Committee members may attend a meeting by telephone if they are physically unavailable to attend in person. Committee members will provide the Secretary with a minimum of three (3) hours prior notice of their intent to attend a meeting by telephone. In no event shall more than three (3) Committee members attend a meeting by telephone. When a Committee member attends a meeting by telephone, the Chair shall state for the record the Committee member who is attending the meeting by telephone.

D. Agenda Order – The order of the agenda is at the discretion of the Chair whom may consider the request of any Committee member for a change.

E. Consent Motion – The AAC, by a single consent motion, may take action on any number of matters where the AAC, staff, or general public with interest in such matters do not desire to address any of these items. If after a call and invitation by the Chair for discussion of any item(s) on the proposed consent agenda, should any Committee member or member of the public request to address any such matter, the AAC shall withdraw the matter from the consent agenda for the purpose of conducting a full discussion and receiving of public comments prior to taking action on the matter.

F. Staff Recommendations – A motion to adopt or approve staff recommendations or simply to approve the action under consideration shall, unless otherwise particularly specified, be deemed to include adoption of all proposed findings and as stated in the staff report on file in the matter.

G. Public Comment – For any matter under consideration, any person may submit written comments and if attending in person, may speak to the issue upon being recognized by the Chair and stating his or her name and address and the names of any person on whose behalf the speaker is appearing. To expedite the conduct of the provision of comments, the Chair may limit the amount of time that any person(s) may use in addressing the AAC. The Chair will announce the time limit prior to any public address on the subject and will apply the limit equally to all speakers on the matter.

H. New Items – All items submitted from the floor or presented as an adjunct to the agenda will be deferred to the next Regular Meeting of the AAC.

I. Voting

i. After the conclusion of any input on a matter to be considered by the AAC, the AAC shall discuss, deliberate or otherwise take action on the matter.

ii. Each Committee member attending shall be entitled to one (1) vote. Voting on all matters before the AAC shall be by voice vote unless otherwise directed by the Chair. In all cases where a vote is taken, the yeas, nays and abstentions shall be separately recorded, with the exception of a unanimous vote, which shall be recorded as such.

iii. Committee member shall disqualify themselves and abstain from voting whenever they have, or may have, a conflict of interest in the case under consideration, as described and provided by the Revised Code of Washington (RCW 42.30).

J. Recommendation to City Council – The Secretary shall forward in writing the recommendations and findings of the AAC to the Council through approved minutes or subsequent requests for Council action on a particular matter.

K. Procedure – Unless otherwise inconsistent with these bylaws, the conduct of all AAC meetings shall be governed by the rules contained in the latest revised version of *Robert's Rules of Orders* unless such rules are suspended by majority vote of the AAC.

Section 7 Records – Minutes of each AAC meeting shall be compiled by the Secretary, signed by the Chair, and distributed to each Committee member before or at the next Regular Meeting. Minutes may be amended by vote of the AAC at the next Regular Meeting. Minutes shall be maintained in a form accessible to the public in the principal offices of the Manager.

Section 8 Retention of Files

A. Files – The official records of the AAC shall include the bylaws, minutes of all meetings, staff reports presented to the AAC, written recommendations and findings of the AAC as prepared by and forwarded to the Council by the Secretary, and any proposed resolutions or ordinances related to a matter presented to the AAC, and any written materials submitted to the Manager by any member of the public concerning a matter considered by the AAC.

B. Retention – The Secretary shall keep and maintain all such official records on file in the office of the Manager. Minutes of all AAC meetings shall also be maintained on file with the Vancouver City Clerk. All such official records shall constitute public records and be available for public inspection during customary office hours. Original AAC documents shall be retained for not less than seven (7) years. Thereafter, such matters may be microfilmed or scanned for electronic filing, along with other special matters as the Secretary deems essential, for permanent recording.

Section 9 Notice of Meetings

A. Notice – Notice of the date, time and place of any ACC meeting, and a general explanation of each matter to be considered at such meeting, and including a general description of the area affected, shall be given to the Committee members and to the general public in accordance with Washington’s open meeting law requirements, and such other requirements as may exist under applicable federal, state or local law, including, without limitation, any requirements for notice by publication.

B. Public Access – All meetings of the AAC shall be open to the public. The Secretary shall keep minutes of the proceedings, showing in all cases where a vote is taken, the yeas, nays and abstentions being separately recorded, with the exception of a unanimous vote, which may be recorded as such.

ARTICLE V AMENDMENTS

II. These Bylaws may be amended by majority vote at any meeting of the AAC provided that notice of the proposed amendment is given to each Committee member in writing at least five (5) days prior to the Regular Meeting. Such amendment shall be subject to ratification by the Council and, if so approved, shall become effective at the next Regular Meeting.

APPROVED AS TO FORM

City Attorney

Date

PEARSON FIELD AIRPORT Rules and Regulations

Adopted by City Council

_____ 2021

Revised by City Council

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PART II: MINIMUM STANDARDS FOR COMMERCIAL OPERATIONS

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ARTICLE 1. PURPOSE AND APPLICATION.

- A. Purpose of Rules and Regulations. In order to provide for the safety of tenants and the general public and the efficient use of airport facilities, the rules and regulations set forth in this chapter shall apply to Pearson Field Airport and to all public and private use thereof. (Ord. M-2733, 1987)(FAA Order 5190.6b, Chapter 7, Section 7.8.c) (Ord. M-2733 (part), 1987).
- B. The Vancouver City Council has adopted Vancouver Municipal Code Title 10, Aircraft and Airports. Nothing herein shall modify or supersede any revisions of VMC Title 10.
- C. These Rules and Regulations have been adopted by Vancouver City Council by resolution. Proposed modifications must be approved by the Airport Manager, the City Manager, and adopted by City Council resolution.
- D. Application of Minimum Standards for Commercial Operations. The provisions contained in Part II of the Rules and Regulations are additional requirements intended to apply only to any commercial aviation operator at the airport. The City Council has adopted Minimum Standards for Commercial Activities at Pearson Field. (Resolution M- 3857, 2015).
- E. The City Council has adopted, as to form, various rental and lease agreements.

ARTICLE 2. DEFINITIONS.

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 control. The following terms shall have the meanings indicated:

1. "Adjoining private property" means privately owned property abutting to and adjoining any part of Pearson Field Airport.
2. "Aeronautical Activity" means any activity or service which involves, makes possible, or is required for the operation of aircraft, or contributes to, or is required for, the safety of such operations. "Aeronautical activities" include, but are not limited to, charter operations (under either Federal Aviation Regulation [FAR] Part 121 or 135), charter brokerage, aircraft hangar leasing, pilot training, aircraft rental and sight-seeing, aerial photography, crop dusting, fire suppression, aerial advertising and surveying, aircraft sales, leasing and servicing, aircraft management, and sale of aviation petroleum products, whether or not conducted in conjunction with other included activities which

have a direct relationship to the operation of aircraft, repair and maintenance of aircraft, sale of general aviation aircraft parts, and any other activities which because of their relationship to the operation of aircraft can appropriately be regarded as an "aeronautical activity."

3. "Aircraft" means any contrivance used or designed for navigation or flight in the air including but not limited to an airplane, sailplane, glider, helicopter, gyrocopter, ultralight, balloon, blimp, dirigible, unmanned aerial vehicle, remotely piloted vehicle or drone.
4. "Aircraft Operation Area (AOA)" means any area of an airport used or intended to be used for landing, takeoff, or surface maneuvering of aircraft. An aircraft operations area includes such paved areas or unpaved areas that are used or intended to be used for the unobstructed movement of aircraft in addition to its associated runway, taxiways, or apron.
5. "Airport" means Pearson Field Airport; any and all of the properties owned and controlled by the City of Vancouver, Washington, being used as a public airport and located in Clark County, Washington, within the Vancouver city limits.
6. "Aviation Advisory Committee (AAC)" means that body which makes recommendations to the city council and city manager on matters pertaining to Pearson Field Airport as set forth in Vancouver Municipal Code.
7. "Airport Manager" means the person designated by the City Manager as having responsibility and authority for management of Pearson Field Airport with the right to exercise all of the authority pertaining to the overall operation of the Airport and the enforcement or application of all rules and regulations related to the Airport.
8. "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.
9. "Apron" or "Ramp" refers to the same area, and means an area designated for the parking, maneuvering, taxing, loading, unloading and servicing of aircraft while they are on the ground.
10. "Based aircraft" means an aircraft which the owner physically locates at the airport for an undetermined period, and, whenever absent from the Airport, its owner intends to return the aircraft to the airport for long-term storage. Aircraft not physically located at the airport for more than fifty (50) percent of a calendar year shall not be considered a based aircraft.

11. "City of Vancouver" means a municipal corporation organized under the constitution and statutes of the state of Washington and known as Vancouver, Washington.
12. "Commercial activity" means the conduct of any aspect of a 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 license or certification to be performed, whether for compensation or not, is considered a commercial activity.
13. "Commercial operator" means a person, firm, corporation, or other entity conducting commercial activities or services at the Airport for compensation or hire, and/or providing a service which requires licensing or certification to be performed regardless of whether or not compensation is provided. Nonprofit organizations are not considered commercial operators.
14. "Employee" means any individual performing services at the airport 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.
15. "FAA" means the Federal Aviation Administration.
16. "Fees and charges" mean charges directly imposed by the city upon users of the airport for services or direct benefit.
17. "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.
18. "Fuel handling" means the transportation, sale, delivery, dispensing, or draining of fuel or fuel waste products to or from aircraft or fuel trucks.
19. "Fixed Base Operator (FBO)" means a full-service commercial operator who engages in the activities that typically include aircraft fuel sales, airframe, powerplant, and avionics maintenance and overhaul, flight training, and pilot supplies and aircraft parts retail sale.
20. "Fuel Storage Area" means any portion of the Airport designated temporarily or permanently by the Airport Manager as an area in which aircraft fuel or any other type of fuel may be stored or loaded
21. "General Aviation" means all civil aviation operations other than military, scheduled air services and non-scheduled air transport operations for remuneration or hire.

22. "IFR" shall mean instrument flight rules.
23. "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.
24. "Itinerant aircraft" means aircraft not based upon the airport (not a "based aircraft").
25. "Landing area" means the runway, taxiways, turnoffs and adjoining areas.
26. "Lease" means the written contract between the City and a person/business enterprise specifying the terms and conditions under which a person may occupy and operate certain Airport facilities and/or property.
27. "Long-term leases" means leases with periods of more than two years.
28. "Minimum Standards for Commercial Activity" means the qualifications or criteria established by the Vancouver City Council as the minimum requirements to perform commercial activities and operations on the airport.
29. "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.
30. "Movement area" means the runway and adjoining taxiway. Adjoining areas are non-movement areas.
31. "Non-aeronautical services" means restaurants, car rentals and any other non-aeronautical services provided on the airport.
32. "NTSB" means the National Transportation Safety Board.
33. "Operator" means the owner or the person, firm or representative or corporation controlling the operations of any certain aircraft or motor vehicle.
34. "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.
35. "Public place" means that portion of any building or vehicle used by and opened to the public,

regardless of whether the building or vehicle is owned in whole or in part by private persons or entities, or other public entity, and regardless of whether a fee is charged for admission or use.

36. "Rental Agreement" means the written contract between the City and a person/business enterprise specifying the monthly terms and conditions under which a person may occupy and operate certain Airport facilities and/or property.

37. "Rules and regulations" means written rules as have been or may be promulgated from time to time by the Airport Manager or the City Manager, and adopted by City Council to carry out these airport operations, observe other city ordinances or laws as needed to protect public health, safety, interests, and welfare on the airport, and which are consistent with this Rules and Regulation document and which have been adopted as provided herein.

38. "Specialized Aviation Service Operation (SASO)" means a proprietor of a commercial operation which offers a single, aeronautical related activity or service to the public.

39. "T- Hangar" means a multiple aircraft storage building individually compartmentalized and normally leased to individual airplane operators.

40. "Taxi-lane" – means the portion of the Airport apron area, or any other area, used for access between taxiways and aircraft parking or storage hangars

41. "Taxiway" – means a defined path established for the taxiing of aircraft from one part of the Airport to another; typically from the aprons to the runway

42. "Tenant" means any person (as defined above) who through agreement with the city occupies and controls use of airport premises.

43. "Tie-Downs" means city owned ramp space where aircraft can be tied down. Some tie-downs are available for rent on a monthly basis and others are available for transient aircraft.

ARTICLE 3. Airport General Regulations.

A. The airport shall be open to the public for aeronautical use 24-hours a day, subject to reasonable restrictions for security, inclement weather, unsafe conditions at the airport and other reasonable restraints.

- B. . The Aircraft Operation 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.
- 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 airport tenants or airport staff, shall be permitted to enter the non-movement area. Even the persons so excepted who thus shall have the use of the non-movement area, are limited to the necessary use of such space in connection with flights, inspections and routine duties.
- D. Any permission granted by the Airport Manager or by their representative, directly or indirectly, expressly or by implication, to any person or persons to enter or use any portion of the airport , 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, sub-lessees and permittees, and all other persons, 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.
- E. The Airport Manager, either directly or through an authorized City representative, may suspend or restrict any or all operations without regard to weather conditions whenever the Airport Manager finds such action is necessary in the interest of safety. The applicable NTSB and FAA rules and regulations shall be followed.
- F. 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 Manager in enforcement of these rules and to see that all persons upon the premises use due care and caution.
- G. No person or persons shall store items or disabled aircraft outside of any building within the airport of Vancouver unless approved in writing by the Airport Manager.
- H. No person shall enter the airport with a dog or other animal unless the animal is restrained by a leash or properly confined as determined by the Airport Manager. No person in charge of a dog or other animal shall permit the animal to wander unrestrained on any portion of the airport. (Vancouver Municipal Code, Chapter 8.24.120)

I. Smoking is prohibited within a minimum distance of twenty-five feet from entrances, exits, windows that open, and ventilation intakes that serve an enclosed area where smoking is prohibited so as to ensure that tobacco smoke does not enter the area through entrances, exits, open windows, or other means.

J. Authorized airport personnel may engage in discharging of a firearm or pyrotechnic device on airport property for the purpose of taking and/or dispersing wildlife provided a) the individual is authorized by The Airport Manager to participate in wildlife mitigation; b) discharging of a firearm or pyrotechnic device is for the purpose of taking and/or dispersing wildlife that are a hazard to air traffic; c) taking or dispersing wildlife is done in accordance with applicable law, or regulation, including U.S. Fish and Wildlife Service authorizations. This section exempts authorized personnel from RCW 9.41.230 or other applicable code during the course of their duties provided the above requirements are met.

ARTICLE 4. Refuse – Property damage – Tampering.

A. 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. 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. No one may interfere or tamper with any aircraft or start the engine of such aircraft unless authorized to do so.

ARTICLE 5. Access to Pearson Field Airport from adjoining private property.

Access from Adjoining Property. Access to Pearson Field Airport will not be permitted from adjoining private property except by written agreement. A control and security fence will be erected and maintained separating Pearson Field Airport and private property.

ARTICLE 6. Vehicle regulations.

- A. No one shall operate any vehicle (motorized or non-motorized) on the airport in a negligent manner, nor in disregard of the rights and safety of others, nor at a speed likely to endanger any person or property, nor shall such vehicle operation interfere with the movement of aircraft.
- B. No person not having a valid motor vehicle operator license shall operate any motor vehicle on the airport, nor shall any person operate at the airport 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 airport shall be driven at a safe and reasonable speed not to exceed fifteen miles per hour.
- D. No motor vehicle shall be driven onto the aircraft movement area (runway or taxiway), without the express permission of the Airport Manager or designated representative, and then only in accordance with these instructions, except in emergencies to attend to the needs of an aircraft incident or accident.
- E. No one shall operate any motor vehicle on the airport, off designated streets, except fueling trucks, city operated or authorized patrol or emergency vehicles; management and maintenance vehicles; FAA maintenance vehicles; business tenants and their employees; and T-hangar or tie-down tenants, unless directly going to and from their rented areas.
- F. No go-carts, scooters, bicycles or similar vehicles are permitted on the aircraft movement areas of the airport without prior approval of Airport Manager. Bicycle riding on the Airport property by Airport tenants is allowed at tenant's own risk
- G. No one shall operate any commercial vehicle carrying passengers for hire on the airport unless such operation is conducted with the approval of Airport Manager.
- H. Accident Reports. The driver of any vehicle involved in an accident at the airport shall within forty-eight hours notify the Airport Manager. A written report may be requested.

ARTICLE 7. Vehicular parking regulations.

- A. No person shall park a motor vehicle on the airport other than in the manner and at places either posted as parking areas or with written permission by airport personnel. No person shall park or block

aircraft or vehicular movement. No person shall block access to a T-hangar other than their own rented T-hangar, without permission of the tenant.

B. A T-hangar tenant may park their own vehicles in their T-hangar.

C. No one shall leave any motor vehicle in a public parking area in excess of one week unless express approval for such parking has been obtained from the Airport Manager. Any vehicle in violation of this section may be impounded at direction of the Airport Manager. All charges for towing and storage shall be at the owner's expense.

D. Persons parking vehicles on the Airport do so at their own risk.

ARTICLE 8. General Operations.

A. The Aircraft Operation 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. All rental agreements, lease agreements and permits shall be subordinate to the provisions of any existing or future agreements between the city and the United States government relative to the operation and maintenance of the airport

B. "Fly Quiet" procedures may exist through cooperative agreement of airport users, the community and the city. Where these procedures exist, they are intended to be a voluntary effort on the part of airport users to be good neighbors in the community.

- a. Aircraft are advised to utilize appropriate noise abatement practices whenever possible consistent with safety
- b. Avoid overflights of Ester Short Park in Downtown Vancouver
- c. Piston aircraft operators are advised to use Aircraft Owners & Pilots Association (AOPA) "Noise Awareness Steps."
- d. Turbine aircraft operators are advised to use National Business Aircraft Association (NBAA) "Standard Noise Abatement Departure Procedures" or comparable procedure of aircraft manufacturer.
- e. Helicopter operators are advised to use Helicopter Association International (HAI) "Fly

Neighborly" program.

C. Repair of aircraft, aircraft engines, propeller or apparatus (except emergency repairs to facilitate movement of an aircraft) shall be made only in spaces designated for this purpose and described in the applicable minimum standards, a lease or rental agreement. Such work may only be performed by persons working on their own aircraft or who have a valid city business license, in conjunction with either approval by airport management or a tenancy agreement from the City of Vancouver.

ARTICLE 9. Landing and takeoff rules.

Landings and takeoffs shall be governed by FAA regulations as currently adopted including any future amendments.

ARTICLE 10. 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, 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 tie-down until they have ascertained that there will be no danger of collision with any person or object in the immediate area.
- C. No aircraft shall be taxied except at a speed which is safe and reasonable under all existing circumstances.
- D. Operator shall be responsible for all "prop wash" damage to property owned by others.
- E. No aircraft which is not equipped with adequate brakes shall be taxied near buildings or parked aircraft unless it can be safely performed.
- F. No aircraft shall be taxied by any person upon a taxiway which has been designated by airport personnel as being closed. The closure of any taxiway shall be done in accordance with FAA runway procedures.
- G. Aircraft awaiting takeoff shall stop at the runway holding line in a position to have direct view of aircraft approaching or landing.

ARTICLE 11. Aircraft parking.

- A. Unless otherwise provided in a rental or lease agreement, no person shall use any area of the airport for permanent or semi-permanent parking and storage of aircraft or property without first obtaining permission from the Airport Manager. If anyone does use any such area without first having obtained permission, then the Airport Manager may order in writing the aircraft or other property impounded and stored at the expense of the owner, without liability for damage or any costs arising from or out of such removal or storage. Reasonable efforts shall be made to notify owner prior to removal of aircraft or other property.
- B. Aircraft shall be securely chocked and tied down by the owner or operator when parked overnight or when conditions warrant chocking or tying down.
- C. Securing of aircraft shall be the sole responsibility of the 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 operator to so secure.
- D. Transient parking is for temporary parking by visitors or guests only and not for aircraft awaiting repairs except by approval from the Airport Manager. Emergency repairs are allowed but only for that amount of time required for repairs. The Airport Manager shall be advised of such time needed for repairs.

ARTICLE 12. Disabled aircraft.

- A. As soon as permitted and/ or directed by FAA and/or NTSB authorities or by the Airport Manager, aircraft owners and pilots are required to remove their disabled aircraft promptly from any Aircraft Operation Area.
- B. Non-airworthy aircraft, wrecks, "derelict" or parts thereof shall not be parked or stored anywhere on the airport unless express authority or parking or storage has been granted in writing by Airport Manager.
- C. Should any person refuse to remove an aircraft or any parts thereof when directed to do so by airport management 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)

ARTICLE 13. 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, non-leaking condition.
- C. Fuel trucks shall proceed slowly and with caution on the airport.
- 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. A serviceable 2A-10-BC 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 fueled.
- 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. No occupants or animals should be permitted inside an aircraft being fueled
- I. Aircraft master switch should be turned off during fueling or defueling.
- J. Fuel spills that create a potential fire hazard shall promptly be reported to the Vancouver Fire Department with a request for assistance.

ARTICLE 14. Rules for Rental and Use of T-hangars.

The primary purpose of T-hangars is aircraft storage. Incidental storage of non-aeronautical items is allowed. Commercial activities as describe in the Minimum Standards for Commercial Activities are not allowed in T-hangars. Constructing amateur-built or kit-built aircraft is permitted, provided that activities are conducted safely. There shall be no storage of items or activities prohibited by local or state law.

- A. Specific permitted uses of T-hangars include:
 - a. Storing active aircraft;
 - b. sheltering aircraft for maintenance, repair, or refurbishment, but not indefinitely storing non-operational aircraft;
 - c. constructing amateur-built or kit-built aircraft provided that activities are conducted safely;

- d. storing aircraft handling equipment, e.g., tow bar, glider tow equipment, workbenches, and tools and materials used to service, maintain, repair or outfit aircraft; items related to ancillary or incidental uses that do not affect the hangar's primary use;
- e. storing materials related to an aeronautical activity, e.g., balloon and skydiving equipment, office equipment, teaching tools, and materials related to ancillary or incidental uses that do not affect the hangars' primary use;
- f. storing non-aeronautical items that do not interfere with the primary aeronautical purpose of the hangar, e.g., televisions and furniture;
- g. parking a vehicle at the hangar while the aircraft usually stored in that hangar is flying, subject to local airport rules and regulations; and
- h. items described in FAR Part 43, Appendix A, Section C, Preventive Maintenance, and Federal Aviation Administration 14 CFR, Chapter 1 [Docket No. FAA-20140463] amended or changed.

B. Specific uses not permitted in T-hangars include:

- a. use as a residence;
- b. commercial activities as defined in Minimum Standards for Commercial Activities at Pearson Field (March 23, 2015). However, operating, storing and maintaining an aircraft used in the conduct of an owner's non-commercial activities (Minimum Standards 5.2) is permitted;
- c. operation of a non-aeronautical business, e.g., limo service, car and motorcycle storage, storage of inventory, and non-aeronautical business office;
- d. activities that impede the movement of the aircraft in and out of the hangar or other aeronautical contents of the hangar;
- e. activities that displace the aeronautical contents of the hangar or impede access to aircraft or other aeronautical contents of the hangar;
- f. more than de minimis storage of household items that could be stored in commercial storage facilities;
- g. storage for longer than twelve (12) months of derelict, non-airworthy or scrap aircraft and parts;
- h. storage of items or activities prohibited by local or state law;
- i. storage of fuel and other dangerous and hazmat materials, except as allowed in Article 13 Fire regulations; or
- j. storage of inventory or equipment supporting a municipal agency function unrelated to the aeronautical use.

C. Tenant shall make no alterations, additions, modifications, replacements or improvements to either the interior or exterior of the rented space during the term of this agreement without obtaining the Airport Manager's prior written approval, including, but not limited to:

- a. Modifying existing wiring, installing additional outlets, fixtures, or the like;
- b. Painting, removing, defacing, modifying, bending, drilling, cutting or otherwise altering or modifying any part of the hangar structure or floor;
- c. Attaching any hoisting or holding mechanism (i.e. chain-fall, block, tackle or any other hoisting device) to any part of the hangar or passing any such mechanism over the struts or braces;
- d. Nothing may be hung, attached or mounted to any portion of the hangar structure.

D. T-hangar doors shall remain closed at all times when not in use.

E. Aircraft engines shall not be operated inside T-Hangars;

F. Use of gas-fired heaters is prohibited. UL approved electrical heaters or dehumidifiers for avionics or engines, may be used with the written approval of the Airport Manager. All extension cords shall be appropriately rated, in good repair, and safely routed;

G. Per FAA rules, short-term fair market non-aviation use of T-hangars may be authorized by the Airport Manager providing this use does not prevent aeronautical primary use.

H. Provisions of Article 14 Use of T-hangars shall be included in T-hangar rental agreements.

ARTICLE 15. Fire regulations.

Tenants and other users of Pearson Field Airport shall comply with the International Uniform Fire Code as adopted by ordinance of the City of Vancouver. All tenants shall provide one serviceable and readily accessible fire extinguisher, type 2A-10-BC, in each T-hangar

A. All persons using the Airport or facilities of the Airport in any way shall exercise the utmost care to guard against fire and injury to persons or property;

B. Tenants shall provide one serviceable and readily accessible fire extinguisher, type 2A-10-BC, in each T-hangar;

C. 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 or open flame is prohibited.;

D. T-hangars shall be kept clean and free of debris and oily rags or other fire hazardous materials. Tenants shall provide "listed" metal receptacles with self-closing covers for the storage of oily wastes, rags or other combustible material.

E. Tenants shall keep floors of hangars and adjacent interior walls areas free and clear of all oil, grease and other flammable material.

F. No one shall keep, store, or use any flammable and/or combustible materials in T-hangars excepting for:

- a. No more than five (5) gallons total of flammable and/or combustible materials may be stored in well maintained original storage containers and/or storage cabinets designed for that type of material.
- b. Incidental quantities of paint or dope required for allowed owner maintenance may be stored and used. Touch up painting and doping of small fabric areas is allowed provided hangar doors are opened to provide adequate ventilation. No spray-painting operation shall be conducted in T-hangars with the exception of spray can paint in its original container.
- c. Incidental quantities of cleaning fluids may be stored and used while hangar doors are opened to provide adequate ventilation.
- d. Fuel or oil will be contained only in aircraft or accessory (ex; aircraft tugs) tanks, or stored in an approved container.

G. Any container with flammable and/or combustible material is considered full for the purposes of fire inspections regardless of the quantity of material in the listed container.

H. Unattended heating appliances are not allowed in T-hangars excepting for UL approved electrical heaters or dehumidifiers specifically approved for aircraft avionics or engine use. UL approved battery chargers for aviation use may be used. All extension cords shall be appropriately rated and safely routed.

I. With the exception of limited soldering and use of a heat gun, hot work including but not limited to welding, grinding, brazing and cutting is prohibited. Gas-fired heaters are not allowed for use in T-hangars.

J. Periodic inspections may be made by the Vancouver fire department to ensure compliance with these and other City fire regulations.

ARTICLE 16. Posting regulations.

These Rules and Regulations, as well as current airport plans (Master, Layout, Business, etc.) shall be posted on the Pearson Field Airport website. Rules and Regulations shall be supplied to all tenant applicants and interested parties upon request to the Airport Manager.

ARTICLE 17. Penalties for violations.

A. Penalties for Non-Compliance. 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 document, except where noted as voluntary, may be promptly removed or ejected from the airport by or under the authority of the Airport Manager, and 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 document may be referred to the proper authorities for further enforcement. All persons on Pearson Field are entitled to quiet enjoyment and any harassment by any individual upon another person or persons shall be grounds for removal.

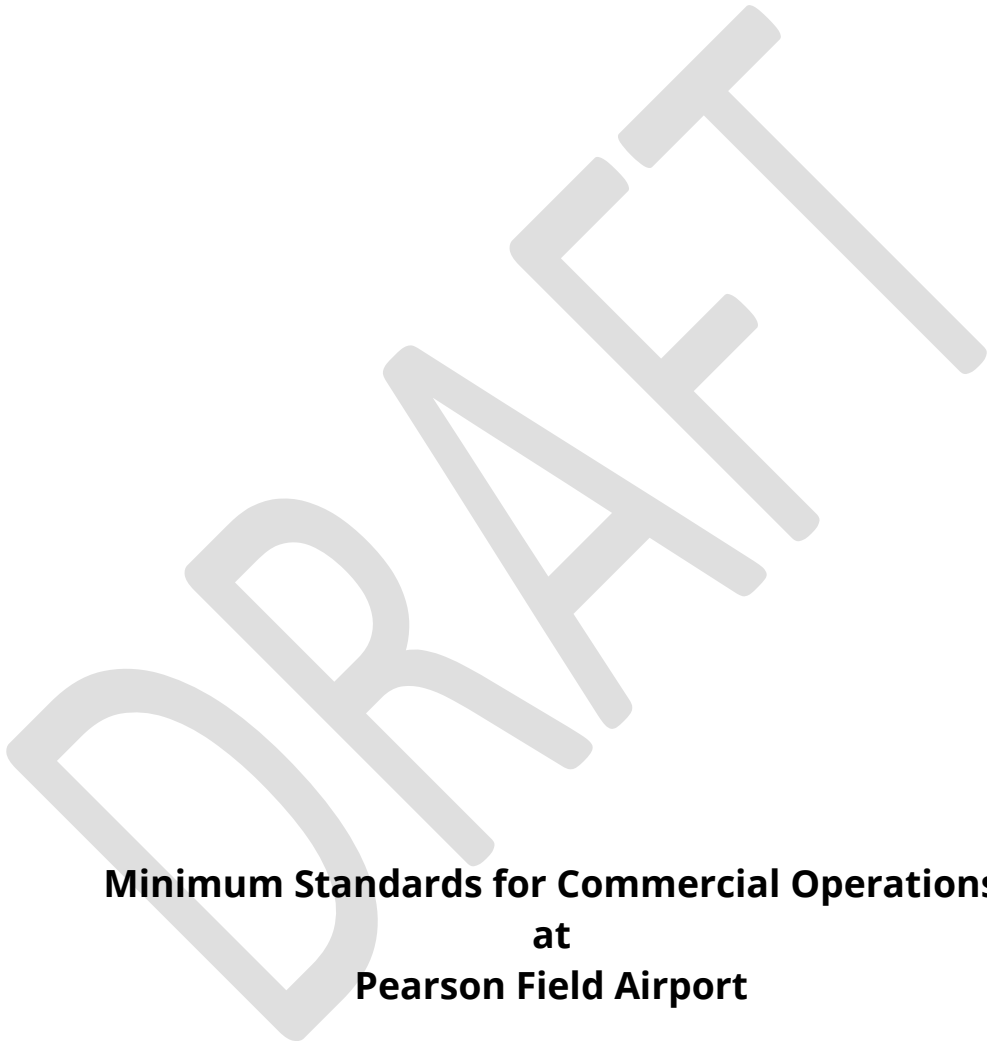
B. *Traffic Violations.* Any person violating these rules and regulations and/or the traffic laws of the state of Washington or the city of Vancouver in connection with vehicular traffic on the airport, shall be subject to prosecution in the appropriate court for such violation.

ARTICLE 18. Aircraft Wingspan & Weight Restrictions

A. Aircraft shall not occupy any hangar, or tiedown, nor shall aircraft be operated in areas of the airport, where the aircraft's wingspan exceeds the maximum approved wingspan designation for that area as specified by the Airport Manager or as published.

B. Aircraft shall not occupy any hangar, or tiedown, nor shall aircraft be operated in areas of the airport, where the aircraft's weight exceeds the maximum approved weight restriction for that area as specified by the Airport Manager or as published.

C. The city assumes no liability for damage or loss resulting from aircraft operations in areas where aircraft wingspan or weight exceeds the designated wingspan or weight restrictions. Any such operation and/or resulting damage is solely at the risk of the aircraft operator. (FAA Order 5190.6B, Chapter 7, Section 7.7.b)



**Minimum Standards for Commercial Operations
at
Pearson Field Airport**

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1. Policy, Purpose and Authority

The City of Vancouver will maintain Minimum Standards for Commercial Activities ("Minimum Standards") at Pearson Field Airport ("Airport"), as required by the Vancouver Municipal Code (VMC) Section 10.05.080. The Airport Manager and city staff shall use these Minimum Standards as a minimum threshold, and as guidance for making decisions related to the approval of commercial activities located at the Airport. In the event that there is a conflict between the Minimum Standards and the final executed commercial activities agreements and leases the final executed commercial activities agreements and leases shall control.

The City Council has adopted Vancouver Municipal Code Title 10, Aircraft and Airports. Nothing herein shall modify or supersede and revisions of VMC Title 10.

The Minimum Standards shall be reviewed every five (5) years to ensure accuracy and compliance with regulations. If significant changes in regulations or law indicate a need for additional review, the Airport Manager may initiate a single case or a full review of the Minimum Standards.

The Minimum Standards are established to ensure sustainability of the Airport by providing a baseline set of requirements for:

- a.** Public, operator and user safety.
- b.** Predictable access and services expected at a working airfield.
- c.** Predictable standards that provide a fair and equitable opportunity for commercial activities on the field.

These Minimum Standards also help support aviation as an integral part of Washington's transportation network by creating and implementing strategies to protect and improve the aviation system, encouraging aviation-related economic development and supporting aviation safety and education. In addition, the Vancouver City Council adopts standards to ensure that:

- The Airport remains compliant with all federal and state grant assurances.
- Any person who uses or accesses Airport property or facilities for commercial activity compensates the Airport at fair market value (FMV) for such use and privileges.
- Airport public areas, roads, taxiways, runways and aprons remain available for public aeronautical activity subject to Airport Rules and Regulations.

All persons conducting commercial activities at the Airport shall, as a condition of conducting such activities, comply with all applicable requirements set forth in these Minimum Standards. The Minimum Standards are deemed to be a part of each commercial operator's lease, license, permit or agreement, unless any such provisions are expressly waived or modified by the Airport Manager in writing. The mere omission of any particular part of these Minimum Standards in a lease, license, permit or agreement shall not constitute a waiver or modification of the standard unless the document expressly states that the City waives application of that specific standard. However, as above, if there is a conflict between the Minimum Standards and any previously existing or new final executed commercial activities agreements and leases the final executed commercial activities agreements and leases shall control. Prior to establishing or conducting a commercial activity, the person or corporation shall have secured all license, permits, certifications, and insurance required by state, federal, or city regulations, including a city business license required by Vancouver Municipal Code (VMC) Title 5.04. A commercial activity shall only be conducted in facilities designated for commercial use by the City of Vancouver.

Commercial operators desiring to operate at the Airport may submit proposals to the Airport Manager. Proposals will be reviewed by the Airport Manager and City Staff, including advisory input from the Aviation Advisory Committee and or other advisory committees as appropriate.

2. Areas and Descriptions

For future development of the Airport, it is important to designate areas for specific uses to ensure adequate space is available for commercial activity. Plans should include strategies to restrict pedestrian, bicycle, and vehicle traffic at the Airport which helps to ensure the safety of ground crew and passengers during aircraft ground operations and develop a coordinated traffic flow.

- a. **Airport Layout Plan (ALP):** The City has adopted an airport layout plan for Pearson Field Airport that is approved by FAA. The City reserves the right to change such plan as necessary to protect public safety and convenience or in connection with further development of the Airport for aeronautical purposes.
- b. **Airport Runway & Taxiway:** The Runway and Taxiway system are designated "Aircraft Only" operating areas. This is to ensure safe coordinated flow of air traffic. No commercial, non-commercial, or non-aeronautical activities are allowed on the Runway or Taxiway, unless that activity involves the movement of aircraft or other activity specifically authorized by the Airport Manager.
- c. **Aircraft Operations Area:** "Aircraft Operation Area (AOA)" means any area of an airport used or intended to be used for landing, takeoff, or surface maneuvering of aircraft. An aircraft operations area includes such paved areas or unpaved areas that are used or intended to be used for the unobstructed movement of aircraft in addition to its associated runway, taxiways, or apron.
- d. **Maintenance and Storage Facilities:** Maintenance facilities are those buildings and apron areas that are compliant with the requirements for maintenance activities, and that have been designated as such. Storage facilities such as T-Hangars and Tiedowns are not compliant with requirements for maintenance beyond that specified in FAR, Part 43, Appendix A(c). The airport diagram in Appendix I provides a graphic representation of these locations and the level of activity permitted.
- e. **Future Airport Development:** Areas for future development are depicted on the ALP. The airport has the authority to issue Requests for Information (RFI), Requests for Qualifications (RFQ) or Requests for Proposal (RFP) for development. Requirements for consideration of commercial and private development will be addressed in those documents.
- f. **Land Lease:** Commercial Operators seeking a land use lease may submit the request in writing which will be reviewed by the Aviation Advisory Committee and City Staff. The Airport Manager will make the final decision on whether the lease is in the best interest of the city/airport.
- g. **Special Event Area:** Special areas for events may be temporarily established from time to time. Events must be approved by the Airport Manager prior to the start date. No aircraft or vehicle may use a Special Event Area unless an Operations Plan has been approved by the Airport Manager.
- h. **Through the Fence Operations:** A "Through the Fence Operator" is an individual,

business, or organization located on property adjacent to the airport, offering an aeronautical activity, that has direct access to the airport. Through the Fence Operations are not allowed at Pearson Field.

3. Liability and Insurance

Commercial operators are required to obtain insurance and/or bonds at a contemporary rate required by the City. Commercial operators must also agree to the City's contemporary liability and hold harmless requirements.

4. Application of the Minimum Standards

The Minimum Standards are adopted to provide the minimum threshold requirements for those operators providing commercial services at the Airport. Although this document specifically addresses commercial operators, these standards apply to all commercial and non-commercial operators at the Airport.

- a. Multiple Services:** When a commercial operator conducts multiple activities pursuant to one lease, license, agreement or permit, the commercial operator shall comply with the minimum standards established for each separate activity. If the minimum standards for one activity are inconsistent with the minimum standards for another activity, then the minimum standard that is more restrictive or imposes a higher standard shall apply.
- b. Activities Not Covered by Minimum Standards:** Activities with no specific minimum standard, as outlined in this policy, will be reviewed and approved by the Airport Manager on a case-by-case basis in the commercial operator's lease, license, permit or agreement.
- c. Waivers or Modifications:** The Airport Manager may waive or modify any portion of these Minimum Standards for the benefit of a governmental agency performing public services, fire protection or emergency response operations, or when it is determined that such a waiver is in the best interest of the Airport users and the public, and will not result in degradation of safety or reduction in fair and equitable opportunity for commercial activities on the Airport.

5. General Minimum Standards for Commercial Operators

Airports typically provide a variety of commercial services to be able to meet the needs of the flying public. This includes fuel, aircraft and avionics maintenance and repair, and flight training as well as a variety of supporting activities such as pilot supplies sales. A Fixed Base Operator (FBO) is a single source provider of multiple services to the flying public. FBO services typically include aircraft maintenance, fuel sales, and flight training. History has shown that it is in the best interests of the Airport to have at least one full service FBO.

5.1 Commercial Operators

Commercial activities at Pearson Field shall be conducted to recognized industry standards and professional practices.

Commercial Operators should establish standardized business hours that are commensurate with their customer needs. Business hours, including holiday closures,

must be recorded with the Airport Manager in advance. Fuel and Maintenance service providers shall install a card-lock (self-fuel) or post phone numbers and be on-call 24 hours a day to provide after-hours emergency assistance. Mobile service providers and Mobile maintenance providers, by the nature of their business are not required to have standardized scheduled business hours on the airport.

Depending on the services provided, Operators will be categorized as a particular type, which will also identify the level of service they are permitted to provide at the airport.

The list below identifies a variety of services that can be provided, individually or in combination with each other, on airport property. These services comply with FAA and State regulations, which require all airport property be used for aviation unless alternate uses are authorized by the FAA. The City of Vancouver operates the airport in accordance with these assurances and regulations with preference given to aviation related uses, however nothing contained in these standards shall be construed to prohibit the city from granting for any reason it deems sufficient, an application for non-aeronautical activities. Non-aeronautical activities may be authorized by the Airport Manager, with concurrence of the FAA, only when space available on the airport exceeds what is needed for aeronautical activities.

Approved services include:

a. Aeronautical: Aeronautical operators are defined by the FAA as Fixed Base Operators (FBO), Specialized Aviation Services Operators (SASO), Independent Contractors (IC), Mobile Service Providers (MSP) and Mobile Maintenance Provider (MMP), and other aeronautical and non-aeronautical providers that may not fall under these categories. Airport management encourages additional complementary commercial aeronautical activities to expand the services provided.

- i. **FBO and SASO:** An FBO and an SASO are commercial operators engaged in the business of providing services to aircraft users. An SASO provides only a single "specialized" service or limited service, while an FBO provides multiple services. Other than the number of services provided, both the FBO and SASO require the same applicable FAA certifications and licenses to perform services. Additionally, the airport requires both FBO's and SASO's to meet the same minimum standards for the service they are providing.

It would be preferable that at least one FBO provide core services that are deemed necessary to serve the aviation community. Additional or secondary FBO's located on the airport may include the same or different services. The core services are:

- Fuel Sales
- Airframe, Powerplant, and Avionics maintenance and overhaul
- Flight Training
- Pilot Supplies and Aircraft parts retail sale.

SASOs shall provide singular services that enhance the overall operation of the airport. The combined FBO and SASO services shall be complementary and provide an increased level of services to airport tenants and visitors.

- ii. **Independent Contractor:** An IC is a commercial operator who may perform work for an FBO or SASO who is authorized to operate at the Airport. The IC is not required to duplicate the required minimum standards of the contracting FBO or SASO. An SASO may only hire independent contractors to perform the same specialized service that the SASO is authorized to perform.
 - iii. **Mobile Service Provider:** An MSP is a commercial operator who performs minor services not requiring an airman's certificate or license. This is typically aircraft washing and detailing, or similar activities.
 - iv. **Mobile Maintenance Provider:** An MMP is a commercial operator who performs aircraft maintenance that requires an airman's certificate or license (Airframe & Powerplant, etc.). These operators will temporarily rent commercial space to perform "on demand" aircraft maintenance services. Additional guidance and approval process for this level of commercial activity may be obtained from the Airport Manager.
- b. Non Aeronautical:** A Non Aeronautical Operator provides services that are not aviation oriented, including but not limited to auto restoration shops, administrative offices and aviation medical offices.
- Existing FBOs may be authorized to provide non-aeronautical services on a case by case basis. The Airport Manager shall review any non-aeronautical services and issue a letter of authorization, or for services that will be offered on a continuing basis, amend or add an addendum to the existing commercial lease agreement.
- Commercial operators desiring to place a new non-aeronautical commercial activity on Pearson Field shall forward a written request to the Airport Manager. The request shall demonstrate a benefit to the Airport, compatibility with aircraft operations, compliance with applicable code, licensing and insurance requirements, and the demographic the activity provides services for. The Airport Manager will review requests on a case by case basis and approve, forward for further review, or deny the activity.

5.2 Non-Commercial Operators

The following standards are designed to cover non-commercial activities at the airport and to ensure that non-commercial operators do not have unfair advantage over commercial operators.

All Non-Commercial corporate, non-profit and private operators are required to comply with the following:

- a. Non-Commercial Activities:** Activities conducted at the Airport under this section must be of a completely non-commercial nature and for the sole purpose of operating, storing and maintaining a corporate, non-profit or personal aircraft for incidental use as a hobby or in the conduct of the owner's non-aviation related business. Commercial services under this section shall not be offered to the public on any basis.
- b. Sublets or Sub-Tenant:** Sublets shall be at Fair Market Value, approved in writing by the Airport Manager, and the Hangar Owner shall have appropriate insurance for this

activity.

c. Maintenance: Maintenance of owned or leased aircraft may be provided by the aircraft owner or the owner's bona fide employees, provided that all applicable FAA certification, licensing, and standards are complied with. Maintenance beyond FAR, Part 43, Appendix A(c) may only be performed in locations specified as maintenance facilities identified in Appendix 1.

d. Fuel Storage and Handling: Operators of owned or leased aircraft may be permitted to store fuel and perform fueling operations for their aircraft. Fueling operations shall be performed by the aircraft owner, operator, or the owner's bona fide employees and no others. The owner/ tenant shall meet the same regulatory and safety requirements of a commercial fuel service provider, and pay the contemporary flowage fee. Designation and approval of storage facilities and / or the construction thereof are predicated upon the availability of adequate land for these facilities and upon adherence to the airport layout plan.

5.3 Flying Clubs

A flying club is a noncommercial, nonprofit organization in which two or more members or associates own or lease aircraft in common and/or in which the members have an ownership interest. Flying clubs shall comply with the following standards:

- All aircraft shall be owned or be exclusively leased by the flying club.
- Only club members may receive instruction in a club aircraft.
- A club must maintain and provide a current membership list to the Airport Manager.
- Club aircraft shall not be used by other than club members and/ or for any type of commercial operations.

In the event the club fails to comply with these conditions, or permits any member to do so, the Airport Manager will notify the club in writing of such violations. If the club fails to correct the violation within 15 days, the club may be required to terminate all operations at Pearson Field Airport.

5.4 Private Operators

Private Operators are individuals, corporations, or non-profit organizations that own/lease and use their aircraft for personal transportation, recreation or activities that are incidental to their hobbies or non- aeronautical business.

Maintenance beyond FAR, Part 43, Appendix A(c) may only be performed by private operators in locations identified as maintenance facilities in Appendix 1. Private operators wishing to conduct commercial activities are required to meet the commercial requirements specified elsewhere in this document.

5.5 Support Activities

Support Activities may include a variety of concessions in support of pilots, passengers, and other logistical concerns. These services may include Automobile Rental and Food Services, which are typically located outside of the AOA.

Requests to provide Support Activities not addressed below will be reviewed on a case by case basis and must meet all applicable standards.

- a. Automobile Rental:** An FBO may provide an automobile (or other vehicle) rental service. All automobile and other vehicle rental operations not provided by an FBO shall be considered a Support Activity with the same considerations as an SASO or IC. Additionally, Automobile Rental, if not operated by the FBO, shall be classified as a "concession" and the operators must obtain the necessary licenses and permits required by the city. The Rental Operator shall have control of dispatching and maintenance of the rental vehicles. Rental vehicles must be stored in the Operator's leased area or as designated by the Airport Manager.
- b. Food Services (Restaurant, Lounge or Food Cart):** The Food Service Operator shall have and maintain all city, county and state required business licenses and health permits.
- i. Restaurant and Lounge Operators must furnish permanent facilities for serving the general public, which shall include separate rooms for
 - Dining Area
 - Kitchen
 - Restrooms
 - ii. Food Cart Operators must lease land suitable to locate the Food Cart. Additional requirements include:
 - Provide a suitable location for a dining patio
 - Provide a protective awning, or tent over the dining patio
 - Provide and maintain visually appealing trash receptacles for customer use
 - Establish agreements for use of existing restrooms on the airport or locate personal sanitation stations and portable restrooms for customer and employee use.
 - iii. All Food Service Operators shall maintain a visually appealing, clean and sanitary facility.

6. Specific Minimum Standards for Commercial Aeronautical Activities

Specific requirements for various aeronautic activities and services are provided below. Any activity not identified will be considered on a case by case basis and must meet all applicable standards.

- a. Aircraft Maintenance, Repair and Parts Sales:** An airframe and powerplant maintenance operator shall provide, at a minimum, services including: the repair, maintenance, inspection, constructing, and making of modifications and alterations to airframes, aircraft engines, propellers and instruments, or the removal and installation of engines for major overhaul. This category of service also includes the retail sale of aircraft parts and accessories. An airframe and power plant maintenance operator shall:
- Operate the service in a ventilated shop with aircraft maintenance space of at least 3,600 square feet and the capability of accommodating at least three aircraft for maintenance simultaneously.

- Employ and have on-duty a minimum of two mechanics; one (1) FAA-certified airframe and powerplant mechanic and one (1) FAA-certified airframe and powerplant mechanic with inspection authorization, and/ or conduct operations as a certified repair station pursuant to FAR Part 145.
- Keep premises open and services available during standard business hours, five (5) days a week.
- Provide for retail sales of equipment, supplies and parts required for general aviation airframe and powerplant inspection, maintenance and repair.
- Provide specialized maintenance and repair on historic aircraft, including but not limited to fabric covering, wood airframe repair, and radial and inline engine maintenance.

b. Avionics Maintenance and Sales: An avionics maintenance operator shall provide services including: the maintenance, repair, and installation of aircraft avionics, radios, instruments, and accessories. This service includes the retail sale of new or used aircraft avionics, radios, instruments, and accessories. An avionics operator shall:

- Operate the service in a heated and ventilated shop space and aircraft maintenance space capable of accommodating at least two aircraft for avionics maintenance simultaneously.
- Employ and have on duty at least one (1) trained and FAA-certified avionics technician and one (1) on-call FAA-Certified airframe and powerplant mechanic with inspection authorization.
- Keep premises open and services available during appropriate business hours, five (5) days a week.
- Hold the appropriate FAA repair station certificates for the types of equipment the operator plans to service and/or install.
- Provide specialized maintenance and repair on historic navigation and communication radios and antenna systems, and mechanical, pneumatic and electrical flight instruments.

c. Fuel Services: The fuel service commercial operator must provide the sale of ASTM-rated brands of aviation fuels, lubricants and other aviation petroleum products. In addition, the fuel service operator shall provide, store, and dispense 100LL octane avgas, or the contemporary standard aviation fuel, and as market may support, provide Jet-A fuel. All equipment used for the storage and/or dispensing of petroleum products must meet all applicable federal, state, and local safety and environmental codes, regulations and standards. A fuel services operator shall:

- Ensure fuel is available twenty-four (24) hours per day and seven (7) days per week. This may require on-call staff or the installation of a self-service (card-reader or card-lock) system.
- Comply with all regulations including proper fuel spill prevention features and containment capabilities. In addition, the operator shall provide a current copy of their fuel spill prevention, countermeasures, and control plan to the Airport Manager. Fuel inventories will be monitored in accordance with current Washington State DOE standards, and copies shall be provided to the Airport Manager when

requested.

- Pay to the City of Vancouver a fuel flowage fee based on contemporary rates and actual volume dispensed.
- Provide filter-equipped fuel dispensers, if mobile dispensing services are provided, with separate dispensing pumps and meter systems for each grade of fuel. All metering devices must be inspected, checked and certified annually by appropriate local and state agencies. Specific training is required for all employees prior to use of the mobile dispensing vehicle and system.
- Conduct the lawful, sanitary, and timely handling and disposal of all liquid and solid waste, regulated waste, and other materials including, but not limited to, sump fuel, used oil, solvents, and other regulated waste.
- Provide an appropriate supply of properly located, type, size and operable fire extinguishers and other safety equipment in accordance with the Uniform Fire Code. All fire extinguisher certifications must be current.

- d. Flight and Maintenance Training:** A flight training services operator or flight school provides aircraft ground and flight instruction necessary to complete the written examination and flight check for any category of pilot certificate or rating. An aircraft maintenance training services operator or "A&P" school provides classroom and practical instruction necessary to complete the written examinations to obtain any category of aircraft mechanic certificate or authorization.

A flight training services operator shall:

- Employ and make available at least one (1) or more FAA-certified flight instructor necessary to meet the flight training demand and schedule requirements.
- Provide one (1) or more owned or leased certified, airworthy and properly equipped aircraft to accomplish the services offered and meet the schedule requirements.
- Provide a professional facility to conduct classroom training. The facility must, at minimum, provide heated classroom and flight planning areas, indoor restrooms, and a pilot lounge area.

An aircraft maintenance training services operator shall:

- Employ and make available at least one (1) or more FAA-certified Airframe and Powerplant mechanic, with prior inspection authorization approval, necessary to meet the classroom and shop training demand and schedule requirements.
- Provide aircraft and or mockup training aids necessary for the educational program.
- Provide a suitable facility to conduct training. The facility must, at a minimum, provide a heated classroom, appropriate styles of shop and hangar-like facilities, indoor restrooms and lounge area.

- e. Aircraft Rental:** An aircraft leasing or rental services operator provides general aviation aircraft for leasing or rental to the public. An aircraft rental services operator shall:

- Keep premises open and services available during appropriate business hours,

seven (7) days a week.

- Have available for rental a minimum of two (2) owned or leased, certified, airworthy and properly equipped aircraft.
- Ensure that all renters are in compliance with all applicable federal, state, and local laws, rules, regulations and policies.

f. Pilot Services and Concessions: Each FBO / SASO shall provide the following services and concessions inside their main building when applicable to their primary service.

- Customer service counter and public lobby area with indoor restrooms.
- Provide basic pilots' and/ or mechanic's supplies for retail sale.
- Flight planning work area with weather service and communication links (Wi-Fi, etc.).
- Public telephones.
- Local ground transportation contacts.

g. Charter Operations: A charter operator provides for hire air transportation of persons or property to the general public either on a scheduled or "on-demand" basis and is further defined by FAR Parts 119 and 135. A charter operator shall:

- Employ and make available at least one (1) person who holds a current FAA commercial pilot certificate and medical certificate with ratings appropriate for the operator's aircraft.
- Provide one (1) or more properly airworthy and properly equipped aircraft to accomplish the services offered.
- Have and display a current FAR Part 135 Certificate.

h. Special Flying Service: FBOs and SASOs providing special flying services such as agricultural spraying or seeding, sightseeing tours, aerial photography or surveying, power line or pipeline patrol, firefighting or fire patrol, air ambulance, airborne mineral exploration, banner towing, and other commercial flying services operated under FAR Part 91. A special flying service operator shall:

- Employ and make available at least one (1) person who holds a current FAA commercial pilot certificate and medical certificate with ratings appropriate for the operator's aircraft.
- Own or lease at least one (1) airworthy and properly equipped aircraft.
- If operator performs aerial agricultural applications or other services involving commercial use of chemicals, shall provide a centrally drained and paved area of not less than ten thousand (10,000) square feet for aircraft loading, washing and servicing. This area shall meet all current federal, state and local agency requirements. The agricultural operator shall also provide for the safe storage, handling, and containment of materials and equipment.

i. Aircraft Storage and Hangars: An aircraft storage and hangar service operator leases and rents hangars and/or multiple T-hangars, to aircraft owners or operators for aircraft storage purposes. An aircraft storage and hangar service operator shall:

- Post informational sign with hangar operator contact name and phone numbers,

hangar availability, and rental rates inside the FBO's terminal. A separate leased space is not required for this service.

- Rent hangars only for aircraft storage purposes. It is the responsibility of both the operator and owner of each based aircraft stored within the operator's hangar facilities to comply with the rules and regulations of the Airport.
- Maintain all hangar buildings, improved properties, ramps, aprons, and taxi lanes in good working condition and keep them visually presentable.

j. Aircraft Sales: Aircraft brokers or sales operators providing new and/or used aircraft sales and aircraft brokerage services shall:

- Employ and have on duty at least one (1) qualified aircraft salesperson.
- Not perform any maintenance or charter activities.

k. Aircraft Restoration, Painting, and Refurbishing: FBOs and SASOs providing any restoration, painting and refurbishing of aircraft structures, engines, propellers, accessories, interiors, exteriors, and components shall:

- Employ and have on duty at least one (1) qualified person who has certificates appropriate for the work performed.
- Meet all requirements of the Uniform Fire Code.
- Meet all air, water, hazardous materials, and environment standards required by federal, state, and local laws, regulations, and policies.

I. Additional Aeronautical Services: Operators desiring to conduct other Commercial Aeronautical Activities and Services not covered above shall outline the proposed operation in a letter to the Airport Manager. The Airport Manager will review the proposal and identify if there are facilities or land available for the activity or service. Additionally, prior to commencing any commercial activity, the operator shall

- Provide all of the information identified in the previous sections of this document that are appropriate for the services to be offered.
- Obtain all certifications necessary to legally perform the services.
- Provide satisfactory evidence of technical competency to conduct the proposed services.
- Obtain all appropriate business licenses, and insurance.

The Airport Manager will review requests on a case by case basis and approve, forward for further review, or deny the activity.

7. Complaints

All complaints about any commercial operator or their employees for violation of these standards, rules and regulation shall be in writing and signed by the complainant and filed with the Airport Manager. The Airport Manager will investigate the complaint and provide feedback to the complainant.

8. Revocation of Lease, License, Permit or Agreement

The city retains the right to terminate any lease, license, permit or agreement covering a commercial or non- commercial operation and to revoke a lease on any land or facility upon the Airport for any cause or reason provided by these rules, regulations or standards, or by

the lease, license, permit or agreement itself, or by law, or for any of the following causes:

- Operator filing a petition of voluntary or involuntary bankruptcy with respect to the operation.
- The operator making a general assignment for the benefit of creditors.
- The abandonment or discontinuance of any operation at the Airport by the commercial operator or failure to conduct such operation or activity which the lessee, licensee or permittee has agreed to provide under the terms of his contract. If this condition exists beyond a specified period contained in a lease or rent agreement without prior written consent of the city, it will constitute an abandonment of the land or facilities and the lease and/or license shall become null and void.
- The failure of an operator to pay promptly when due all rents, charges, fees, or other payments in accordance with the applicable leases, licenses, or permits.
- The failure of the operator to remedy any default, breach or violation of Pearson Field Airport rules and regulations by him or his employees within thirty days after notice from the Airport Manager.
- Violation of any federal, state or local standards, rules or regulations, or failure to maintain current licenses required for its operation.
- Intentionally supplying the city with false or misleading information or misrepresenting any material fact on the application or documents, or in statements to or before the city; or intentional failure to make full disclosure on financial statement or other required documents.

Glossary

All definitions contained in this section apply to the Pearson Field Airport Minimum Standards, Rules and Regulations, and Leasing Policies. Definitions are taken from the Vancouver Municipal Code, Federal Aviation Regulations, Federal Aviation Administration Advisory Circulars, U.S. Department of Transportation Aeronautical Information Manual, and other sources as appropriate.

Aeronautical Activity - means any activity or service which involves, makes possible, or is required for the operation of aircraft, or contributes to, or is required for, the safety of such operations. "Aeronautical activities" include, but are not limited to, charter operations (under either Federal Aviation Regulation [FAR] Part 121 or 135), charter brokerage, aircraft hangar leasing, pilot training, aircraft rental and sight-seeing, aerial photography, crop dusting, fire suppression, aerial advertising and surveying, aircraft sales, leasing and servicing, aircraft management, and sale of aviation petroleum products, whether or not conducted in conjunction with other included activities which have a direct relationship to the operation of aircraft, repair and maintenance of aircraft, sale of general aviation aircraft parts, and any other activities which because of their relationship to the operation of aircraft can appropriately be regarded as an "aeronautical activity."

Aeronautical Education - any aeronautical related education or educational services provided to any person, class or entity in which the educational provider holds, or is

required to hold an Airman's Certificate issued by the Federal Aviation Administration or any other aeronautical approving authority.

Agreement - the written agreement between the City and a Person specifying the terms and conditions under which the Person may conduct commercial aviation activities.

Aircraft - any contrivance used or designed for navigation or flight in the air including, but not limited to, an airplane, sailplane, glider, helicopter, gyrocopter, ultralight, balloon, blimp, dirigible, unmanned aerial vehicle, remotely piloted vehicle, or drone.

Aviation Fuel, AVGAS, Jet-A - all flammable liquids composed of a mixture of selected hydrocarbons expressly manufactured and blended for the purpose of effectively and efficiently operating internal combustion, jet, or turbine engine, which meet the standards of ASTM D910-Latest (AVGAS) and DI 655-Latest (JETA).

Aircraft Operation - an aircraft arrival at, taxiing on, or departure from, the airport. For FAA statistical data: any aircraft arrival or departure; each of which accounts for one operation.

Aircraft Operation Area - Any area of an airport used or intended to be used for landing, takeoff, or surface maneuvering of aircraft. An air operations area includes such paved areas or unpaved areas that are used or intended to be used for the unobstructed movement of aircraft in addition to its associated runway, taxiways, or apron.

Aircraft Owner - a person or entity holding legal title to an aircraft, or any person having exclusive possession of an aircraft.

Aircraft Parking and Storage Areas - hangar and apron locations at the Airport designated by the Airport Manager for the parking and storage of aircraft.

Aircraft Rental - the commercial operation of renting or leasing aircraft to the public for compensation.

Aircraft Sales - the sale of new or used aircraft through brokerage, ownership, franchise, distributorship, or licensed dealership.

Aircraft, Based - an aircraft which the owner physically locates at the airport for an undetermined period, and, whenever absent from the Airport, its owner intends to return the aircraft to the airport for long-term storage. Aircraft not physically located at the airport for more than fifty (50) percent of a calendar year shall not be considered a based aircraft.

Airframe and Powerplant Maintenance - the commercial operation of providing airframe and power plant services, which includes but not limited to any of the following: the repair, maintenance, inspection, construction, modification or alteration to aircraft, aircraft engines, propellers and appliances including the removal of engines for major overhaul. This category of service also includes the sale of aircraft parts and accessories.

Airport - Pearson Field Airport; any and all of the properties owned and controlled by the City of Vancouver, Washington, being used as a public airport and located in Clark County, Washington, within the Vancouver city limits at latitude 45°37'23", and longitude

122°39'39".

Aviation Advisory Committee (AAC) - means that body which makes recommendations to the city council and city manager on matters pertaining to Pearson Field Airport as set forth in Vancouver Municipal Code.

Airport Layout Plan (ALP) - the plan of an airport showing the layout of existing and proposed airport facilities which has been approved by the FAA.

Airport Manager - The person designated by the City Manager as having responsibility and authority for management of Pearson Field Airport with the right to exercise all of the authority pertaining to the overall operation of the Airport and the enforcement or application of all rules and regulations related to the Airport.

AOA - Airport Operations Area - means any area of an airport used or intended to be used for landing, takeoff, or surface maneuvering of aircraft. An aircraft operations area includes such paved areas or unpaved areas that are used or intended to be used for the unobstructed movement of aircraft in addition to its associated runway, taxiways, or apron.

Avionics Sales and Maintenance - the commercial operation of providing the repair and maintenance of aircraft radios, instruments and accessories. Such operation may include the sale of new or used aircraft radios, instruments and accessories.

Charter Operation - any operation for compensation or hire as defined in FAR Part 119 and operated under FAR Part 135.

Commercial Activity - the conduct of any aspect of a 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 license or certification to be performed, whether for compensation or not, is considered a commercial activity.

Commercial Operator - a person, firm, corporation, or other entity conducting commercial activities or services at the Airport for compensation or hire, and/or providing a service which requires licensing or certification to be performed regardless of whether or not compensation is provided. Nonprofit organizations are not considered commercial operators.

Commercial Service - the actual conveyance of product or maintenance and repair, etc. provided by a person, firm, corporation whether for compensation or not. Typically, a task performed by a Commercial Operator's employee for a customer.

City - the municipal corporation organized under the constitution and statutes of the state of Washington and known as Vancouver, Washington.

Exclusive Right - a power, privilege, or other right excluding or debarring another from enjoying or exercising a like power, privilege, or right. An exclusive right can be conferred either by express agreement, by the imposition of reasonable standards or requirements, or by any other means.

FAA - the Federal Aviation Administration.

FAR- the Federal Aviation Regulations as published by the FAA.

Flight Instructor - a person who is properly licensed and certified by the FAA to provide flight instruction.

Flight Training - the commercial operation of instructing pilots in dual and solo flight in any aircraft, and related ground school instruction as necessary to complete a FAA written pilot's examination and flight check ride for various categories of pilots' certificates and ratings.

Flying Club - 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.

FBO (Fixed Base Operator) - a full-service commercial operator who engages in the activities that typically include aircraft fuel sales, airframe, powerplant, and avionics maintenance and overhaul, flight training, and pilot supplies and aircraft parts retail sale

Fueling or Fuel Handling - the transportation, sale, delivery, dispensing, or draining of fuel or fuel waste products to or from aircraft or fuel trucks.

Fuel Storage Area - any portion of the Airport designated temporarily or permanently by the Airport Manager as an area in which aircraft fuel or any other type of fuel may be stored or loaded.

General Aviation - all civil aviation operations other than military, scheduled air services and non- scheduled air transport operations for remuneration or hire.

Hazardous Material - any substance, waste, or material which is toxic, explosive, corrosive, flammable, infectious, radioactive, carcinogenic, mutagenic, or otherwise hazardous, and is or becomes regulated by any governmental authority, agency, department, commission, board agency or instrumentality of the United States, the State of Washington, or any political subdivision thereof, and the presence of which requires investigation, removal and/or remediation.

Lease - the written contract between the City and a person/business enterprise specifying the terms and conditions under which a person may occupy and operate certain Airport facilities and/or property.

Minimum Standards - the qualifications or criteria established by the Vancouver City Council as the minimum requirements to perform commercial activities and operations on the airport.

Mobile Service Provider (MSP) - a person or entity that provides commercial aeronautical services on airport property but does not operate out of owned or leased property on the airport. Examples of an MSP include aircraft washing and detailing.

Mobile Maintenance Provider (MMP) - a person or entity that performs aircraft maintenance that requires certification or licensing, but is not a commercial tenant at Pearson Field, and who temporarily rents space in a facility approved for commercial activity from a lessee for the purpose of performing occasional work on airport tenant owned aircraft.

Permit - administrative approval issued by the Airport Manager to a Person to conduct

a commercial aeronautical activity and provide such services to based and transient aircraft only from facilities and locations where such services are authorized.

Person - any individual, firm, partnership, corporation, company, association, joint stock, or body politic; and includes any trustee, receiver, assignee, or other similar representative thereof.

Roadway - any street or road, whether improved or unimproved, within the boundaries of the Airport and designated for use by ground vehicles.

SASO (Specialized Aviation Service Operation) - an aeronautical business that offers a single or limited service. Examples of a SASO include, but are not limited to: pipeline patrol, aerial photography/survey, scheduled commuter air service, air ambulance, aircraft sales, aircraft storage, propeller and/or aircraft accessory repair and sales, aircraft upholstery, aircraft painting, flight training, fuel sales, and banner towing.

Self-Fueling - fueling an aircraft by the pilot using fuel pumps installed for that purpose. The fueling facility may or may not be attended by the owner/operator of such a facility. The use of this type of facility is not considered to be self-service.

Self-service Fueling - Dispensing fuel into an aircraft by the aircraft owner from portable containers.

Special Flying Service - An FBO, SASO, or other operator that provides a special flying service that includes but is not limited to: agricultural spraying or seeding, sightseeing tours, aerial photography or surveying, power line or pipeline patrol, firefighting or fire patrol, air ambulance, airborne mineral exploration, banner towing, et cetera.

Sublease - the written agreement stating the terms and conditions under which a third-Party person leases space from a Lessee.

Taxi-lane - the portion of the Airport apron area, or any other area, used for access between taxiways and aircraft parking or storage hangars.

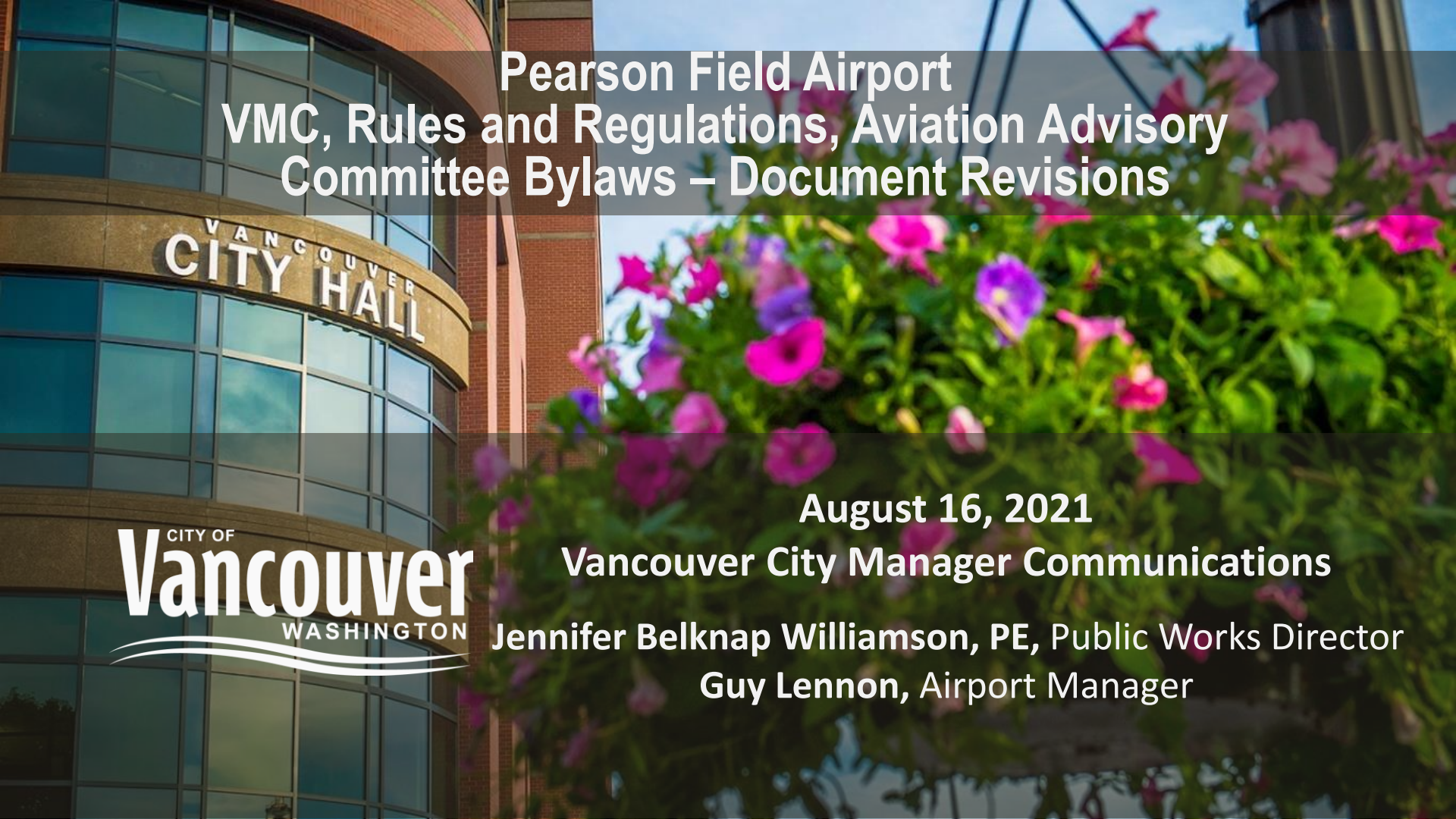
Taxiway - a defined path established for the taxiing of aircraft from one part of the Airport to another; typically from the aprons to the runway.

"Through the Fence" Operator - an individual, business, or organization located on property adjacent to an airport, who has access onto and uses the airport.

Vancouver City Council - seven elected City officials who comprise the governing body of the City of Vancouver.

Vehicle Parking Area - any portion of the Airport designated and made available temporarily or permanently by the Airport for the parking of ground vehicles.

WSDOT/Aviation - the Washington State Department of Transportation, Aviation Division. (WSDOT/Aviation).

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 blurred image of a hanging basket filled with vibrant pink and purple flowers.

Pearson Field Airport VMC, Rules and Regulations, Aviation Advisory Committee Bylaws – Document Revisions

August 16, 2021

Vancouver City Manager Communications



Jennifer Belknap Williamson, PE, Public Works Director
Guy Lennon, Airport Manager

July 26, 2021 Workshop

- Staff presented draft regulatory and guidance documents to City Council for review and discussion
- City Council asked for revisions to draft documents
- Revisions have been made to the Vancouver Municipal Code change proposal, the Pearson Rules and Regulations proposal, and the draft Bylaws for Aviation Advisory Committee proposal

Aviation Advisory Committee – 7/26/21 discussion

- Option A – 7 members, limited to 2 airport tenant members
- Alternatives – 9 members, limit to 3-4 tenants or no limit on number of tenant members
- AAC members appointed by Mayor, approved by full City Council

Aviation Advisory Committee – 8/16/21 update

- Name changed to “Aviation Advisory Committee”
- 9 members, no more than 3 tenants (subject to Council exception)
- Selection of members by City Council subcommittee with appointment by full City Council

Aviation Advisory Committee – 8/16/21 update

- Added AAC to advise City Council on technology and airspace use changes
- Added AAC recommendations will be sought for application of FAA grants as well as acceptance of grants.

“Fly Quiet” 7/26/21 discussion

- Pearson has a voluntary “Fly Quiet” program
- Option A – include reference to “Fly Quiet” in Rules & Regulations
 - Focus to be on education; recognition of safety decisions and FAA jurisdiction over airspace
 - Any enforcement action would be in line with FAA and State rules (noise abatement)
- Alternatives – Voluntary “Fly Quiet” program not included in Rules/Regs document, focus on communication of voluntary program to pilots

“Fly Quiet” Program 8/16/21 update

- FAA consultation with WA State Compliance Specialist yielded no FAA objection to the proposed Rules and Regulations document. FAA was specifically asked to look at the “Fly Quiet” portion and had no concerns.
- Retained in “Rules and Regulations” document

Additional Document Changes

- Clarified “Commercial Activities” definition in VMC
- Clarified allowed use of bicycles by tenants in Rules/Regs
- Clarified “through the fence” operations in Rules/Regs

Next steps

- With Council approval, we will schedule a first reading and subsequent public hearing of the revised VMC title 10, as well as adoption of the “Pearson Field Airport Rules and Regulations” document.

Questions and Discussion

VANCOUVER
CITY HALL

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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 and city manager on matters pertaining to Pearson Field Airport and the Airport Manager.	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” (Cont.)	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.

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”	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)

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)	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	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.”

VMC Title 10 Amendments

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

VMC Title 10 Amendments

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 airport. 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

VMC Title 10 Amendments

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

VMC Title 10 Amendments

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

VMC Title 10 Amendments

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

VMC Title 10 Amendments

Item	VMC Section	Existing Language	Proposed	Staff Comments
19. (Cont.)	10.05.125 Rules for use of T-hangars (Cont.)	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

VMC Title 10 Amendments

Item	VMC Section	Existing Language	Proposed	Staff Comment
20. (Cont.)	10.05.130 Fire regulations (Cont.)	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

VMC Title 10 Amendments

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 relabeled this section to new section 10.05.075

VMC Title 10 Amendments

Item	VMC Section	Exiting Language	Proposed	Staff Comments
23. (Cont.)	10.05.145 Fees and charges (Cont.)	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 (Cont.)	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)

xx/xx/xx
xx/xx/xx

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; providing for savings, severability and an effective date.

WHEREAS, as reflected in SR - _____, the ; and

WHEREAS, ;and

WHEREAS, this ordinance is an exercise of the city of Vancouver's police 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; and

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF VANCOUVER:

Section 1. 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 2. 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 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 "airport" means the land and facilities owned or controlled by the city of Vancouver known as Pearson Field Airportark.
2. "Aviation advisory committee" means that body which recommends to the city council and city manager on matters pertaining to Pearson Field Airportark as set forth in Resolution M-545 or as the same may be amended and the Airport Manager.
3. "Airportark 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, eopartnership, 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 airportark, 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 airportark 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 3. 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 4. 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 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:

- 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, etc. 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. The Mayor, subject to approval by City Council, can remove members with or without cause.

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 5. 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 6. 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 airport 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 airport 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 airport 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 airport manager or designated representative, and then only in accordance with these instructions.~~

~~E. No one shall operate any motor vehicle on the airport, 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 airport.~~

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

~~H. *Accident Reports.* The driver of any vehicle involved in an accident in the airport shall within forty-eight hours make a complete report in writing to the airport 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 7. 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:

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 8. 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 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 Advisory Committee shall review fees and charges and make recommendations to city staff consistent with this chapter.

2. Notice shall be given to airport userstenants of all aAdvisory eCommissiontee and City Council meetings where changes that affect such users will be considered. Notice of a proposed fee or rate increasechange shall be provided to such affected airport userstenants thirty (30) days in advance of such proposed increasechange. 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 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.4. Hangar-T-Hangar Feeerent established. City-ownedMonthly 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 supplythat 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 Airport management 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 9. 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 10. 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 11. 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 12. 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 13. 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 airport 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 airport.~~

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

Section 14. 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. Taxing 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 15. 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 16. 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 airport unless awaiting bona fide and scheduled repairs by a licensed commercial aviation maintenance business on the airport, unless express authority has been granted in writing by the airport manager.~~

~~C.—Should any person refuse to remove an aircraft or any parts thereof when directed to do so by the airport 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 17. 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 18. 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 19. 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 20. 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 21. 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 22. 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 23. Effective date. This ordinance shall become effective () 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.

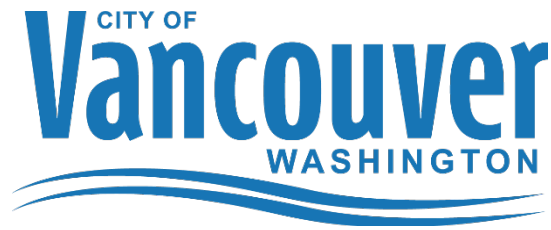
Anne McEnery-Ogle, Mayor

Attest:

Approved as to form:

Natasha Ramras, City Clerk

Jonathan Young, City Attorney



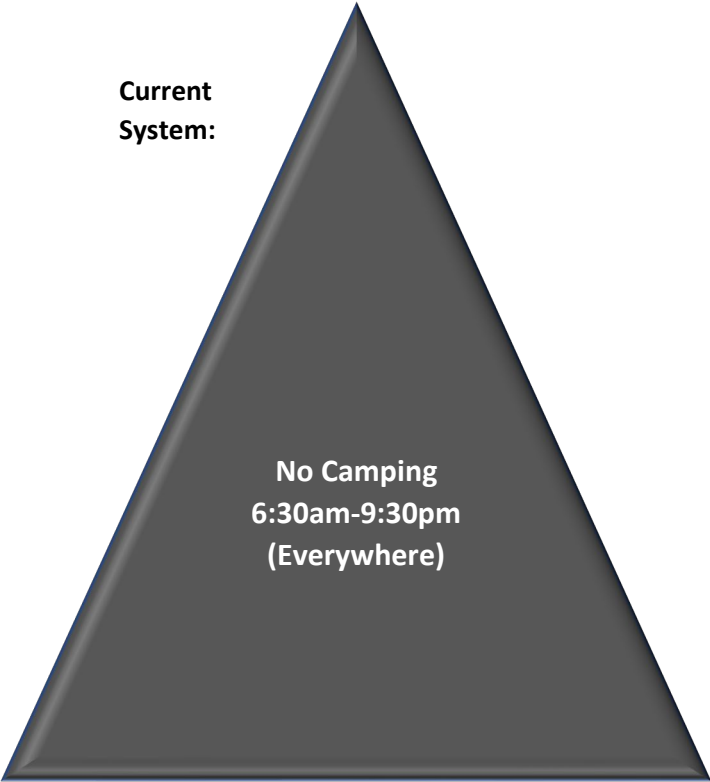
City of Vancouver • P.O. Box 1995 • Vancouver, WA 98668-1995
www.cityofvancouver.us

DATE: August 16, 2021
TO: Mayor and City Council
CC: Eric Holmes, City Manager
FROM: Jonathan Young, City Attorney 
RE: Supportive Campsite Pilot Program – Update

OVERVIEW

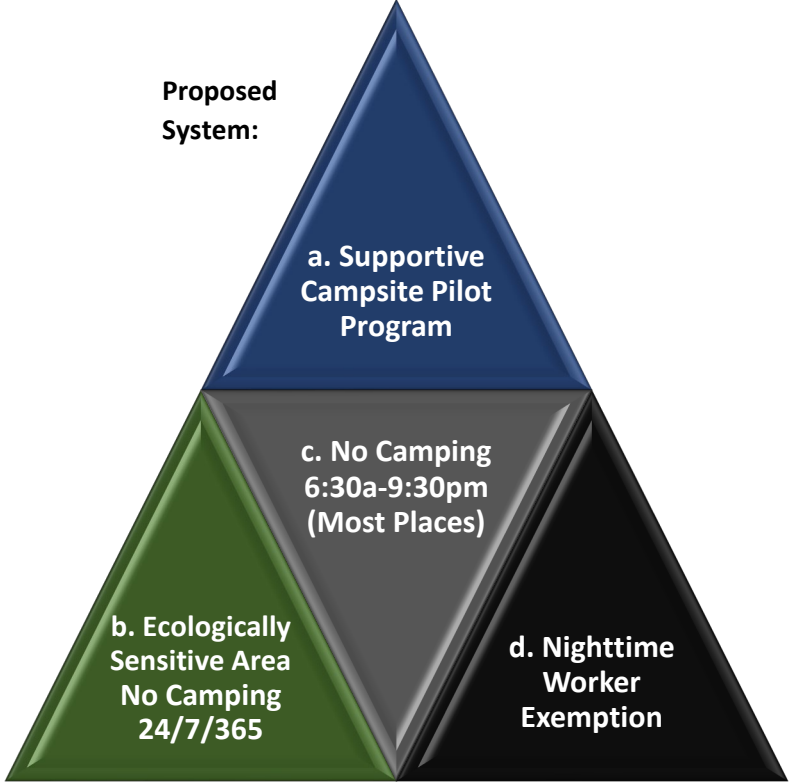
On August 2, 2021, City Council participated in a Workshop on the establishment of a Supportive Campsite Pilot Program. To implement such a program, Staff has recommended that the City revise [VMC 8.22 "Camping"](#) from a system in which camping is criminalized everywhere from 6:30am-9:30pm; to one 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:

**Current
System:**

A dark gray pyramid representing the current camping system.

No Camping
6:30am-9:30pm
(Everywhere)

**Proposed
System:**

A pyramid divided into four colored sections representing the proposed camping system: a blue top section, a gray middle section, a green bottom-left section, and a black bottom-right section.

a. Supportive
Campsite Pilot
Program

c. No Camping
6:30a-9:30pm
(Most Places)

b. Ecologically
Sensitive Area
No Camping
24/7/365

d. Nighttime
Worker
Exemption

SUPPORTIVE CAMPSITE PILOT PROGRAM: NOTEWORTHY DETAILS



Placement of Supportive Campsites: On August 2, 2021, City Council endorsed the following policy-level guidelines. City Staff should evaluate whether the following criteria can be met when deciding whether to approve placement of Supportive Campsites in a specific location:

- Disperse equitably throughout the City
- Comply with all applicable SEPA requirements
- Ensure ADA accessibility* to and within camps
- Locate within 0.5 miles of public transit
- Avoid areas of economic vulnerability

***ADA Accessibility:** In establishing a Supportive Campsite Pilot Program, the City will be working to ensure accessibility to users with varied physical abilities consistent with the United States Access Board's [Accessibility Standards for Outdoor Areas](#). Specific points of interest: (a) Paved and/or blacktopped surfaces are not required, but the surface must "remain firm and stable." (b) Grading requirements will be dictated by the surface material. (For example, when the surface is "constructed of asphalt, concrete, or boards, the slope of the floor surface must be no steeper than 1:48 (2 percent) in any direction, regardless of the type of access provided (e.g., sloped entry or transfer access). When the floor surface is constructed of materials other than asphalt, concrete, or boards, slopes no steeper than 1:20 (5 percent) are allowed when necessary for drainage.") Additionally, (c) these accessibility standards also address access to features located within Supportive Campsites such as access to waterspouts, toilets, shower facilities, tent pads, and tent platforms.

Administrative Site Selection: Staff selection of Supportive Campsite locations would be based on two existing administrative mechanism found in the Vancouver Municipal Code:

- Right-of-way use permits issued by the Public Works Department. ([Chapter 11.60 VMC](#)).
- Temporary Use Permits issued by the Planning Official. ([Chapter 20.885 VMC](#)).

Title 20 VMC allows the Planning Official to approve 'temporary uses' in any of the following zoning districts: R-2, R-4, R-6, R-9, R-18, R-22, R-30, R-35, CC, CG, CPX, CX, WX, MX, RGX. At Council's August 2, 2021 Workshop Council there was not complete consensus as to which zones would best accommodate Supportive Campsites. **Staff recommends** that Council afford Staff the latitude to locate Supportive Campsites within any of the above districts for purposes of the instant pilot program.

Physical Construction: Per Council's direction, Staff will supply City-purchased tents at Supportive Campsites and use available setbacks from property lines to mitigate impacts to surrounding areas.

Location Maps: At City Council's August 2, 2021 Workshop, Staff was requested to compile overlay maps depicting the various siting criteria discussed. Two maps accompany this memorandum: one depicting criteria for Staff to use in evaluating placement of Supportive Campsites; the other depicting proposed Camping Impact Areas (where camping would be illegal 24/7/365).

Themed Camps: At City Council's August 2, 2021 Workshop, Council observed that there is an important government objective to form Themed Supportive Campsites for:

- ✓ Single Occupant Female (VPD data)
- ✓ Families with Minor Children (Jamie Spinelli's field survey)

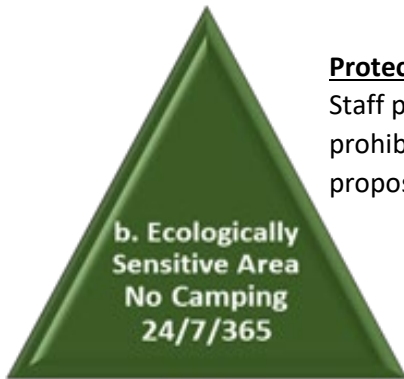
Should Council wish to recommend additional themed campsites, Staff would value this feedback when these materials are presented under Manager Communications on August 16th. To address Councilmembers' questions from the August 2 Workshop and assist Council in its deliberations, VPD has compiled the following information based on an analysis of reported crimes against the homeless over a 30-month period, beginning January 1, 2019 and ending June 30, 2021:

- Racial demographics of individuals experiencing homelessness who are victims of crimes:

RACE	COUNT	%
American Indian or Alaska Native	5	1%
Asian	4	1%
Black or African American	53	10%
Native Hawaiian or Other Pacific Islander	3	1%
Unknown	39	8%
White	410	81%
Grand Total	505	100%

- Age demographics: 18 seniors, or 2.63%, were the victims of crimes. (Assuming "senior" is age 65 or older at time of incident.)
- Individuals with disabilities and veterans: VPD's record management system does not have a structured field for disability or veteran status.
- Gender Identity and Expression: Officers are recording sex (different from gender identity) in the appropriate data element for sex. They have the option to select "male," "female," "non-binary," or "unknown." This field tends to correspond with sex assignment at birth and/or state id/driver's license information. Additionally, officers now have the ability to record a person's preferred pronouns in free text form (he/him, she/her, they/them) in a discrete data element. This is a new addition to Mark43 as of November 2020. To date, this option has been seldom used, but VPD is collecting the data when the officer codes it and deems its recording appropriate/pertinent.

VPD estimates that the numbers above underrepresent the true population of individuals experiencing homelessness. VPD is aware that crime is underreported to police and this underreporting is likely heightened among vulnerable populations as trust in the police is generally lower within them. Moving forward, it is possible that a survey of individuals experiencing homelessness would provide a more accurate data and allow the City to better gauge the needs of the community.



Protection of Ecologically Sensitive Areas: At City Council's August 2, 2021 Workshop, Staff proposed designating specific Camping Impact Areas in which camping would be prohibited 24/7/365. In consultation with the City's Environmental Health Specialists, proposed areas were as follows:

- Within one thousand feet (1000') of City-approved Supportive Campsites.
- City wastewater, water station and stormwater facility properties; and
- Two hundred feet (200')** buffer from: Columbia River, Vancouver Lake, Burton Channel, Peterson Channel, Fisher's Creek, Burnt Bridge Creek.

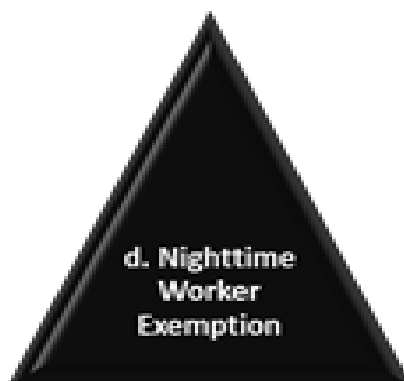
Legally, when selecting which areas to designate as Camping Impact Areas, it is important to remember that violations of this aspect of the City's Camping Ordinance will constitute a misdemeanor. Under Ninth Circuit precedent, the City cannot criminalize camping in all places, at all times, unless there 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, 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.

** The proposed 200' buffer is consistent with backcountry guidelines for disposal of human waste. (The [Leave No Trace Center](#) provides guidance for backcountry hikers indicating that disposal of human waste should never occur closer than 200' or 70 paces from water sources.) Alternatively, Council could impose a buffer that varies in relation to the area protected, for instance, by using the critical area protection buffers supplied in [Chapter 20.740 VMC](#). While a single fixed distance (e.g., 200') may be easier for staff to administer than a variable one, either approach would be Constitutionally defensible.

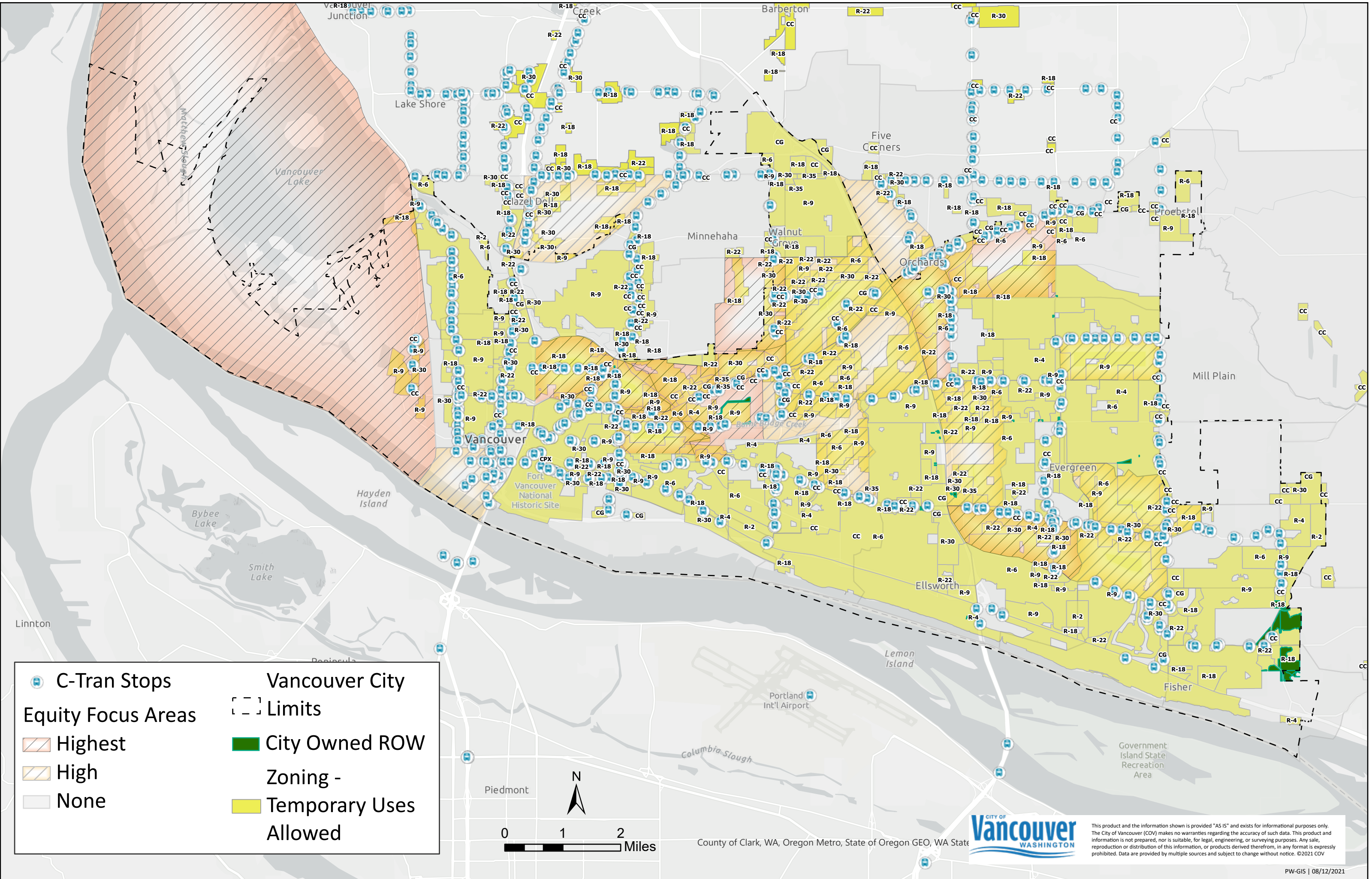
Camping (remains) illegal most places 6:30am-9:30pm: an important nuance to the proposed revisions to the City's camping ordinance ([Chapter 8.22 VMC](#)) is that camping will continue to be illegal within most parts of the City from 6:30am-9:30pm. However, there are three (3) exceptions:

- a. Within Supportive Campsites, camping is allowed 24/7/365;
- b. Within Camping Impact Areas, camping is prohibited 24/7/365; and

Pursuant to a Nighttime Worker Exception. (See "d." below). All areas where camping is allowed 24/7/365 (for Supportive Campsites) or prohibited 24/7/365 (in Camping Impact Areas) will be clearly marked with appropriate signage to ensure that our community is afforded notice of what is allowed, and what is prohibited.



Nighttime Worker Exception: As an exception from the normal (6:30am-9:30pm) prohibition on daytime camping, City Staff has proposed the addition of an exemption process for individuals who produce satisfactory evidence of nighttime employment to the City Manager or designee. Staff understands that Council is supportive of this proposal.



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Camping Impact Areas

Sewer Station

Water Station

Burnt Bridge

Creek

Burton Channel

Fisher Creek

Peterson Channel

1000ft Buffer

Sample

Columbia River

Vancouver Lake

Vancouver City

Limits

US Feet 1,000

0 1 2 Miles

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PW-GIS | 08/12/2021

[Supportive Campsites Possibilities \(arcgis.com\)](#)

<https://cityofvancouver.maps.arcgis.com/apps/View/index.html?appid=839bb1ad65dc44b1911e311f308685b9>