



ODOT's Urban Mobility Office

Oregon Toll Program Discussion

Vancouver City Council
August 9, 2021

History and context

- House Bill 2017 “Keep Oregon Moving” adopted
- ODOT launched the Urban Mobility Office in early 2020
- House Bill 3055



History and context



Oregon faces an **annual**
\$510 million
shortfall in its ability to
adequately maintain a state
of good repair on bridges
and pavement

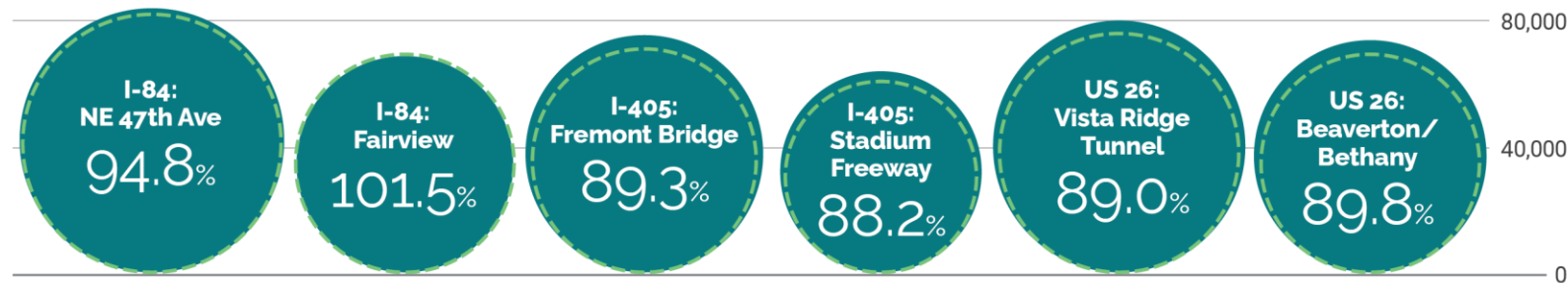
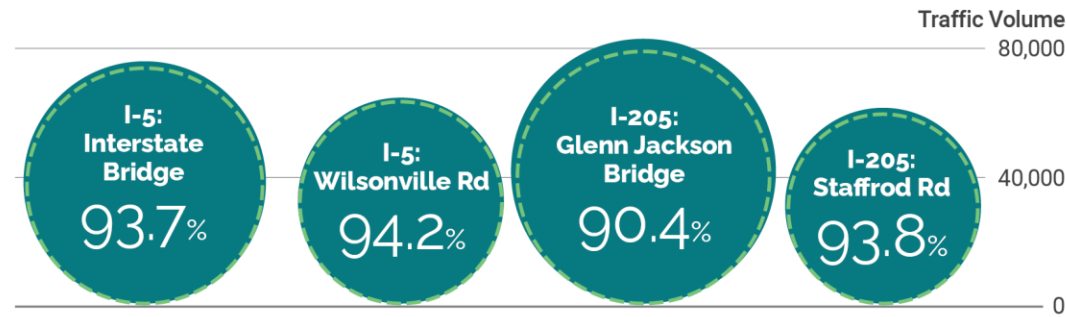


By 2040, Portland-metro households
will spend an average of
69 hours
each year stuck in congestion
without new investments in transportation

History and context

Average Weekday Volume Comparison

● 2019 Pre-pandemic Traffic Volumes
○ 2021 (~early May)



Largest expenses for Americans

#1 Housing

#2 Transportation

ODOT's Urban Mobility Office



Equity



**Climate
Change**



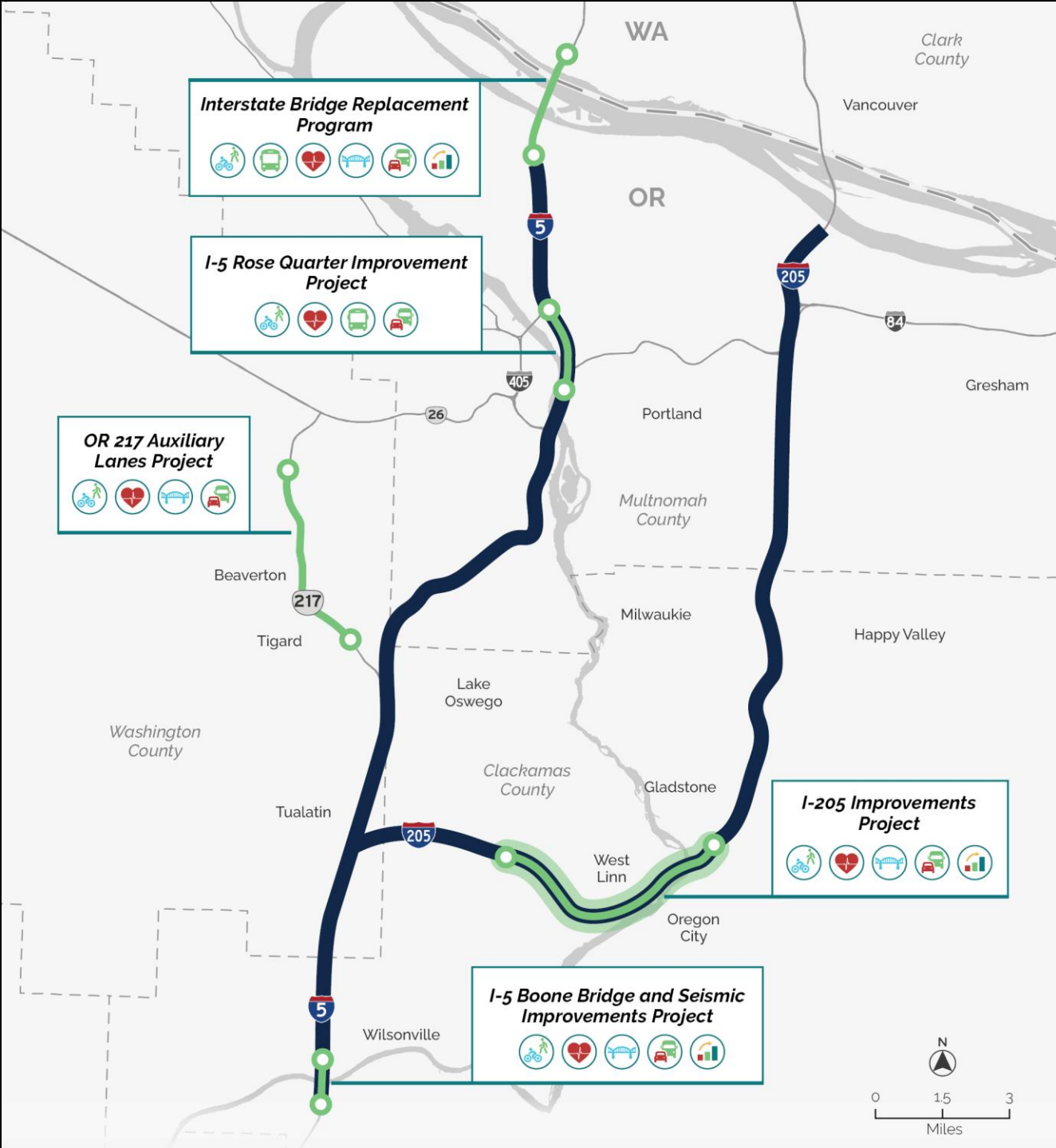
Congestion



Safety



**Reliable
Funding**



-  Core Project
-  Regional Mobility Pricing Project
-  I-205 Toll Project

Project Elements

-  Bicycle and Pedestrian Improvements
-  Public Transportation Improvements
-  Safety Enhancements
-  Seismic Bridge Enhancements
-  Congestion Management
-  Toll Revenue Funds Investments

How Electronic Tolling Works

1 Scan

Sensors recognize approaching vehicles and scan for electronic toll tags in windshields.

2 Identify

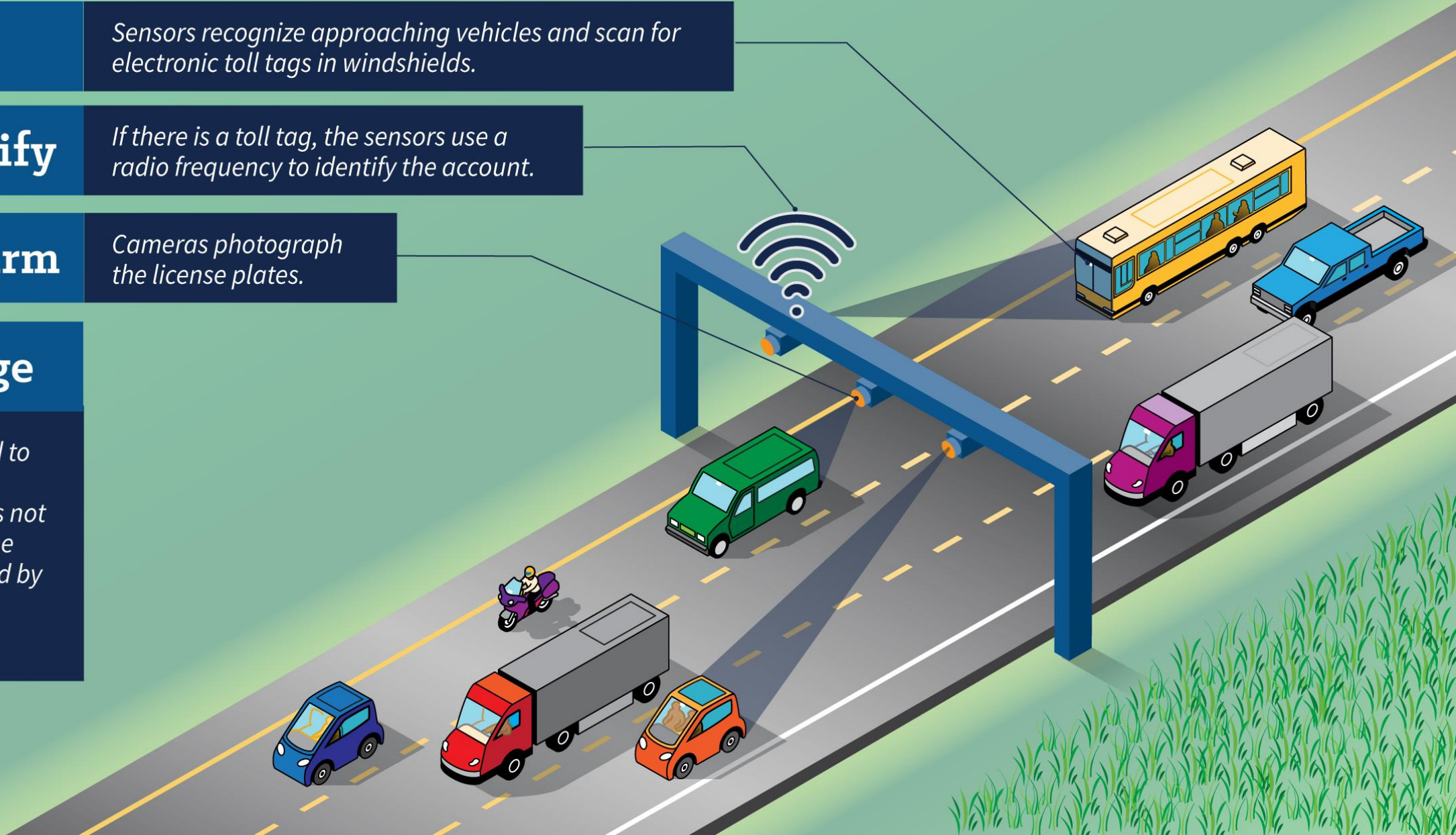
If there is a toll tag, the sensors use a radio frequency to identify the account.

3 Confirm

Cameras photograph the license plates.

4 Charge

*The toll is applied to the account.
If the vehicle does not have a toll tag, the owner is identified by license plate and billed by mail.*



Oregon Toll Program



How much will tolling cost?

You will know the price before you get on the road

A small shift in the number of drivers makes a big difference, called *“congestion pricing”*



Peak Hours Toll Rate



Off-Peak Hours Toll Rate

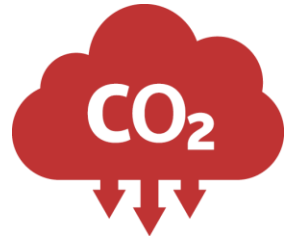
An illustration in the bottom left corner shows a multi-lane toll plaza with several vehicles, including cars, buses, and trucks, waiting to pass through the toll barriers.

Oregon Toll Program

What are the benefits of tolling?



Improved
travel time
and increased
reliability



Reduced
greenhouse
gas emissions
and fuel
consumption



Sustainable
funding for
investments



Investments
to advance
equity

Oregon Toll Program

What will tolling pay for?



UMO core
improvement
projects



Transit and
multimodal
transportation
options



Neighborhood
health and
safety



Affordable
options for
people
experiencing
low-income



Oregon Toll Program

Key terms – we are here to help!

Toll and tolling are general terms

A fee on drivers, which can be charged for a certain segment or for access to a facility.

Congestion pricing is a type of tolling

A type of tolling that charges a higher price during peak traffic periods to manage congestion.



Oregon Toll Program

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Oregon Toll Program Milestones



*May require federal approval



Equity and Mobility Advisory Committee

EQUITY FRAMEWORK STEP 1

Identify who, what, and where





Oregon Toll Program

**TOLLING, TRANSIT,
AND MULTIMODAL:
RESEARCH**

Oregon Toll Program

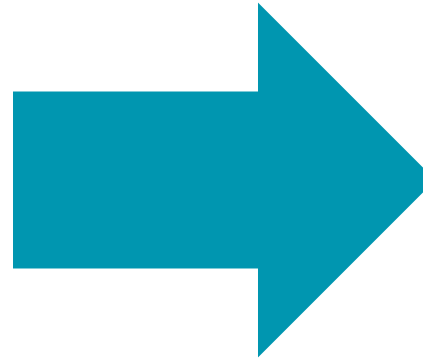
**TRANSIT AND
MULTIMODAL:
EMAC POLICY &
STRATEGY
RECOMMENDATIONS**

I-205 Toll Project

**PERFORMANCE
MEASURES:
TRANSIT AND
MULTIMODAL**

Oregon Toll Program

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EMAC [DRAFT] RECOMMENDATION TO THE OREGON TRANSPORTATION COMMISSION

The purpose of this working document is to capture the status and history of the Oregon Toll Program's Equity and Mobility Advisory Committee (EMAC) in developing recommendations for the Oregon Transportation Commission regarding the I-205 Toll Project, Regional Mobility Pricing Project, and the Oregon Toll Program (which covers the entire state).

Words in italics = PLACEHOLDER TEXT

November 2020

Oregon Toll Program

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Partner Agency Involvement



Regional Modeling Group

- Provide input on modeling assumptions and outputs
- Consider diversion and rerouting impacts



Transit Multimodal Work Group

- Provide input on transit baseline conditions and planning options
- Consider current and future service gaps and toll system integration



Regional Partner Agency Staff

- Give feedback on planning and engagement for project decisions

Oregon Toll Program

I-205 Toll Project



Equity



Climate Change



Congestion



Safety



Reliable Funding



I-205 Toll Project

KEY DECISION: Possible mitigation of impacts

Timing: Early 2022

How to get involved?

- Outreach specific to areas will be impacted
- Regular updates for partner agencies in the area
- Small group conversations with community engagement liaisons
- Presentations to community-based organizations, businesses, and elected boards/commissions



Oregon Toll Program

Regional Mobility Pricing Project



Equity



Climate
Change



Congestion



Safety



Reliable
Funding



Regional Mobility Pricing Project

KEY DECISION: Purpose and Need Statement

Timing: Early 2022

How to get involved?

- Briefings
- Small group conversations with community engagement liaisons
- Presentations to community-based organizations, businesses, and elected boards/commissions
- Regional workshop (September-October)



Oregon Toll Program

Toll Work Group

- **Role:** Non-voting forum for tolling discussions
- **Timing:** Bi-monthly, offset from R1ACT; 90 minutes
- **Membership:** R1ACT members + southwest Washington representatives

2021					2022					
Aug.	Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May	Jun.
R1ACT	R1ACT+	R1ACT	R1ACT+	R1ACT	R1ACT+	R1ACT	R1ACT+	R1ACT	R1ACT+	R1ACT
	Regional Workshops					Regional Workshops				



Oregon Toll Program

Where we need your help!



Sign up to receive project updates and eNews at oregontolling.org or follow us [@UrbMobilityOfc](https://twitter.com/UrbMobilityOfc)



Participate in and share simple surveys



Provide comments on draft problem statement

A graphic in the bottom left corner showing a multi-lane highway with various vehicles including cars, buses, and trucks. A toll gantry is positioned over the road.

Oregon Toll Program

Today's conversation

1. Better understanding of ODOT's Urban Mobility Office and the Oregon Toll Program.
2. What are the key problems we should be trying to address with tolling on I-5 and I-205?
3. How can we make it a successful, equitable tolling program?



Please contact us with your questions

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503.731.4980



Brendan Finn, ODOT Urban Mobility Manager

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Oregon Toll Program



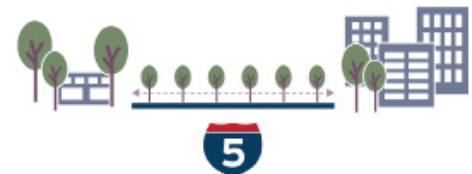
PROJECT VALUES & BENEFITS

Restorative Justice for the Albina Community

- Provide street connections that **knit the Albina neighborhood back together**.
- Create over \$100 million+ in **Disadvantaged Business Enterprise opportunities**.
- Contracts **building long-term career prospects**.
- Design and build earthquake-safe highway covers that provide **new community space**.

Climate Action & Improved Public Health

- Add 8,500 feet of improvements making it **safer for people walking, biking or rolling**.
- Provide **safer streets** and a sound wall **reducing noise** near Harriet Tubman Middle School.



Community Input & Transparent Decisions

- **Collaborative community partnerships** catalyzing future development.
- **Minimize barriers** to participation for communities of color.

Mobility Focused

- Provide **smoother traffic flow** on I-5 through auxiliary lanes and new shoulders.
- **Reduce crashes** on I-5 by up to 50%.
- Allow **buses and emergency responders to move** more quickly on new shoulders.
- **Save drivers travel time**, nearly 2.5 million hours a year in the area.
- **Save the economy money** with more efficient movement of goods.
- Improve **highway flow and multimodal opportunities** in Albina.

OUTCOMES

- New community spaces, places, and connections
- Improved safety and mobility
- Economic opportunities
- Equitable health and wealth creation
- Land redevelopment



 www.i5RoseQuarter.org

 info@i5RoseQuarter.org

 503-470-3127

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I-5 Rose Quarter Improvements Project History

The I-5 Rose Quarter Improvement Project was created by the local community, City of Portland and ODOT. After extensive public engagement and a unique collaborative partnership, ODOT and the City of Portland combined the [Central City 2035 N/NE Quadrant Plan](#) and the [I-5 Broadway/Weidler Facility Plan](#) to create the project. The project was adopted by Portland City Council and approved by the Oregon Transportation Commission in October 2012. Through this process, over 70 design options were considered when selecting today's current project design concept.

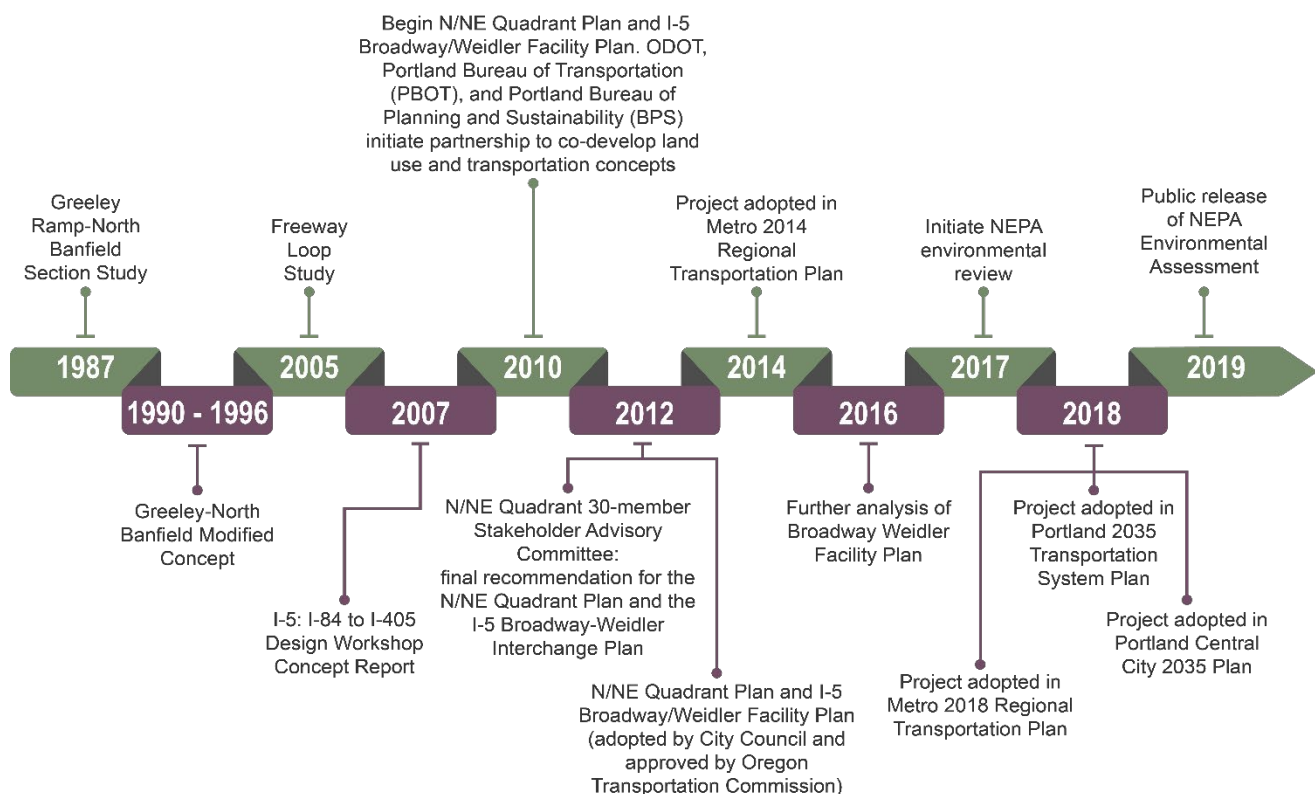
During the I-5 Rose Quarter Improvement Project process, a 30-member Stakeholder Advisory Committee, ODOT and the City evaluated design concepts and narrowed the scope of freeway improvements to accommodate and incorporate modifications to the local system in line with the City's land use planning goals. During this effort, ODOT and the City engagement included:

- outreach to 2,800 individuals
- 19 Stakeholder Advisory Committee meetings
- 14 subcommittee meetings
- 4 open houses
- 85+ community briefings and walking tours

Concept Development

The 70 initial design concepts considered ranged from doing nothing to operational improvements on the freeway to new interchange types. Other initial concepts and elements included removing the freeway, changing or widening I-405, adding or removing freeway crossings, changing ramp layouts or locations, initiating local street changes or pedestrian or bicycle improvements, or other transportation system or operations management measures that would reduce traffic. The design concept elements were organized into six design categories and nine other major transportation

I-5 Rose Quarter Improvement Project Planning Timeline





improvement types that were further developed and evaluated.

This process narrowed the scope of freeway improvements to accommodate and incorporate modifications to the local system in line with the City's land use planning goals. The concepts were evaluated using the goals and objectives developed by the Stakeholder Advisory Committee and further narrowed in a second round of screening, resulting in the development of the current project design concept. The current project design concept was included in the City of Portland's [Central City 2035 Plan](#) and [2035 Transportation System Plan](#) and Metro's [2018 Regional Transportation Plan](#).

Concept Evaluation

This preferred alternative (what is now the I-5 Rose Quarter Improvement Project) was evaluated as part of the environmental review process during the preparation of the [Environmental Assessment](#). Public engagement and partnership continued through the environmental phase and the release of the project's Draft Environmental Assessment in February 2019 followed by a 45-day public comment period. Outreach during this effort included:

- interviews with Black Portlanders and discussion groups with communities of color
- work with a 14-member Community Liaisons Group to inform outreach
- project presentations at over 100 events and community gatherings
- nine hosted events with more than 280 attendees
- community walking and biking tours
- door-to-door outreach with over 60 businesses

As part of this process, ODOT and participating agency partners established a purpose statement responsive to the area needs.



Community members learning more about the project and providing their feedback in an open house.

Project Purpose

The purpose of the project is to improve the safety and operations on I-5 between I-405 and I-84, at the Broadway/Weidler interchange, and on adjacent surface streets in the vicinity of the Broadway/Weidler interchange. The project also supports improved local connectivity and multimodal access in the vicinity of the interchange, improves multimodal connections between neighborhoods located east and west of I-5, and complements the land use, urban design, and transportation system envisioned for the planning districts of Lower Albina and Lloyd in the City of Portland's Adopted Central City 2035 [N/NE Quadrant Plan](#).

Project Needs

The project is needed to address the following:

- **I-5 Safety:** Data from 2011 to 2015 indicates the segment of I-5 between I-405 and I-84 had the highest crash rate in Oregon, approximately 3.5 times higher than the statewide average for comparable urban interstate facilities.
- **I-5 Operations and Reliability:** I-5, in the vicinity of the Broadway/Weidler interchange, experiences some of the highest traffic volumes (121,400 average annual daily trips) and hours



of congestion (12 hours per day) in Oregon. Travel reliability has decreased as periods of congestion have increased from morning and afternoon peak periods to longer periods throughout the day. This portion of I-5 is also one of the top freight bottlenecks in the nation, hindering the efficient movement of people and freight.

- **Broadway/Weidler Interchange Operations:** The configuration of the Broadway/Weidler interchange is not standard and is difficult to navigate. The high volumes of traffic in this area contribute to congestion and safety issues (for all modes) at the interchange ramps, the Broadway and Weidler overcrossings of I-5, and on local streets near the interchange.

The elements included in the I-5 Rose Quarter Improvement Project were developed to best meet the established purpose and need based on the resulting benefits. ODOT continues to listen, inform, and engage with the community particularly the historic Albina community, in refining project design to maximize benefits to the community. Transparent, inclusive engagement will continue to be a central feature of the project through design and construction.

Project Benefits

- Reduce crashes on I-5 by up to 50%.
- Save drivers nearly 2.5 million hours of travel time per year.
- Allow space for emergency responders and buses on shoulders.
- Provide more time and space to merge in and out of traffic.
- Improve freight reliability.
- Provide multimodal transportation.
- Improve connectivity across I-5.
- Enhance pedestrian and bicycle safety.
- Support opportunities for redevelopment.
- Provide more community spaces and reconnect the historic Albina community.

Vancouver Police Department Update

VANCOUVER
CITY HALL

CITY OF
Vancouver
WASHINGTON

August 9, 2021

Vancouver City Council Workshop

James P. McElvain, Police Chief

Overview

- Police Camera Program Update
- PERF Recommendations Update
- Population and Staffing Growth
- Hiring Through Training Timeline
- Calls for Service and Officer-Initiated Activity
- Mental Health Crisis Response
- Criminal Offense Trends and Rate Per Population
- Training Update
- Implementing Legislative Changes
- Crime Trend Contributing Factors

Target Workshop Objectives

- Establish a shared understanding of:
 - Status of current initiatives
 - State of policing in Vancouver
 - Impact and implementation of legislative changes
- Initiate discussion of future resource needs
- No action or direction sought today

Vision, Mission & Values of VPD

Mission

We partner with the community to preserve life, protect property and enhance livability through equitable law enforcement and effective use of resources.

Vision

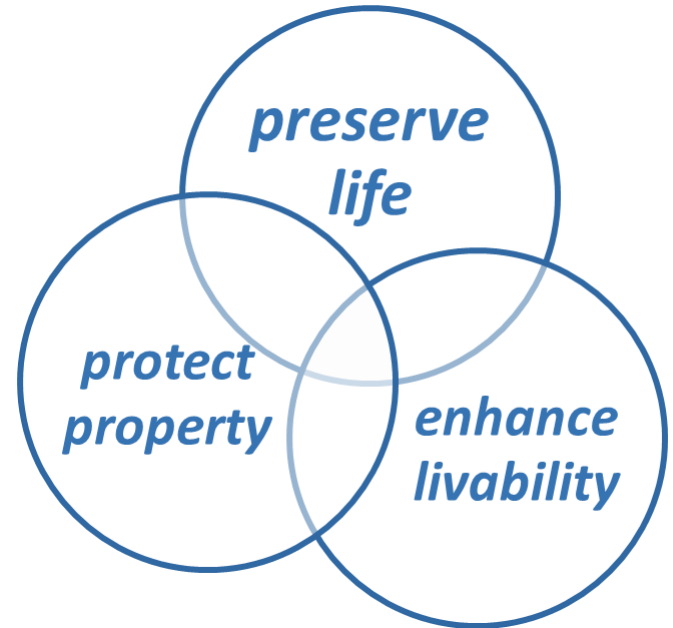
To reflect the rich diversity of Vancouver and make it the safest city for everyone to live, work, and play.

Motto

Valor

Professionalism

Duty



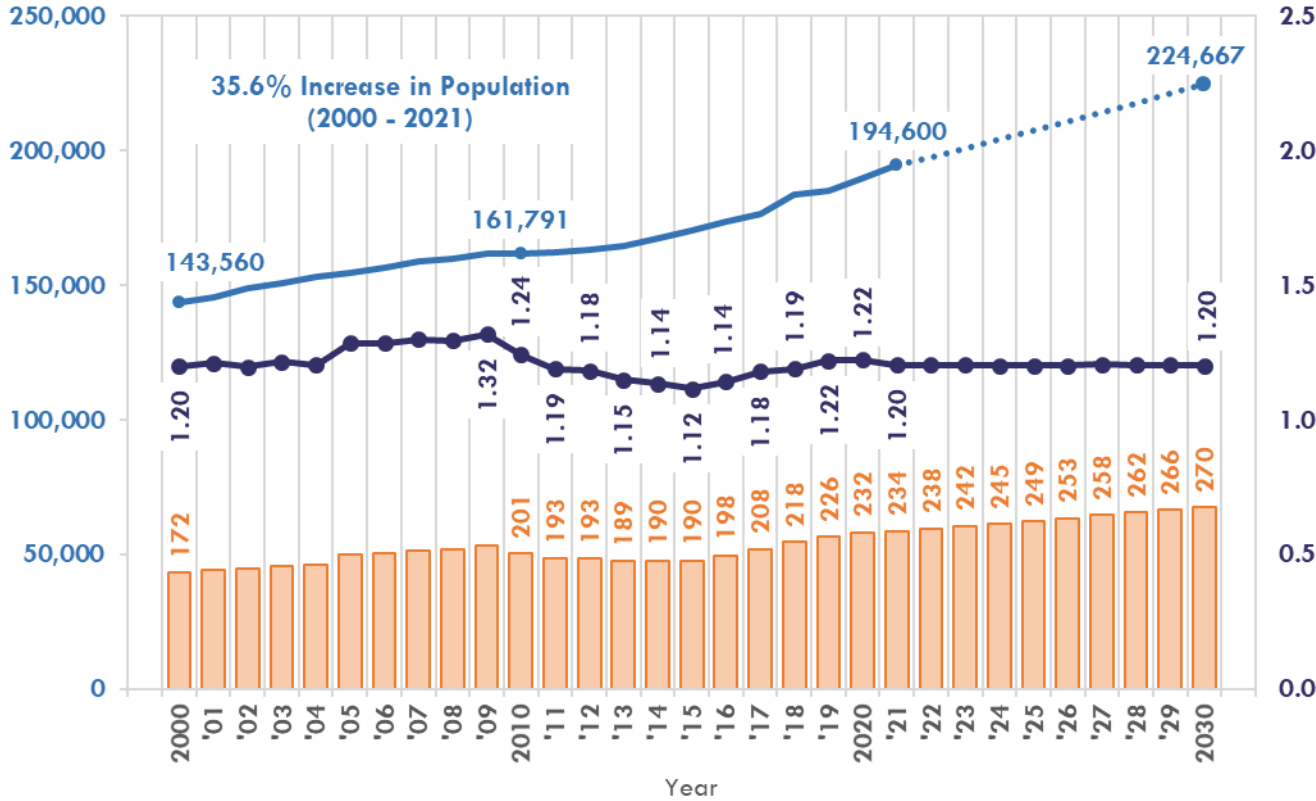
Police Camera Program Update

- Request for proposals completed
- Scheduling vendor presentation
- Pilot top vendor
- \$1.5 m federal funding

PERF Recommendations Update

- Community Task Force on Policing
- Five categories of recommendations

Population and Staffing Growth

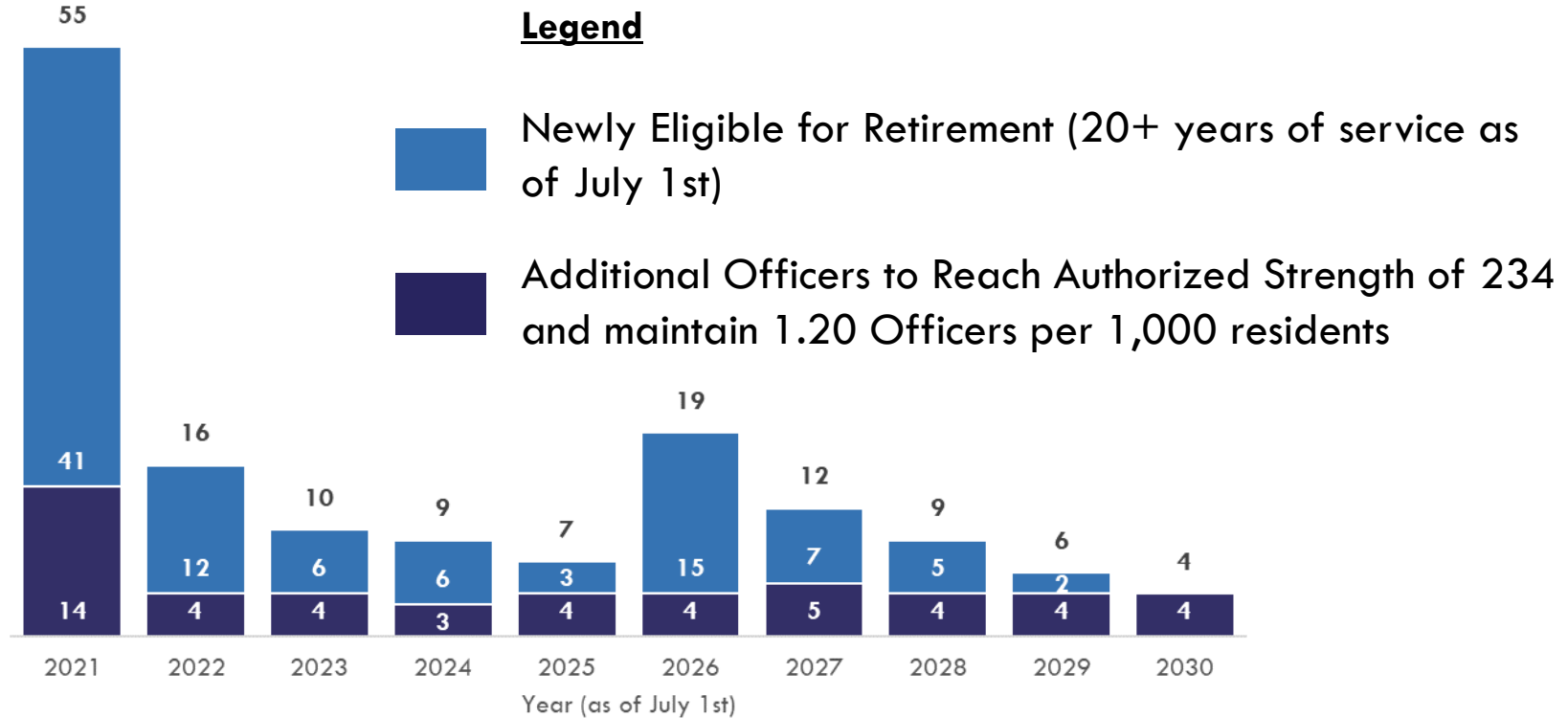


Legend

- Population
- Est. Population (10yr Avg. Growth Rate of 1.6%)
- Authorized Sworn Personnel
- Sworn per 1,000 Population

*WASPC: police departments statewide had 1.39 sworn officers per 1,000 population in 2020

Increasing Staffing While Navigating Attrition



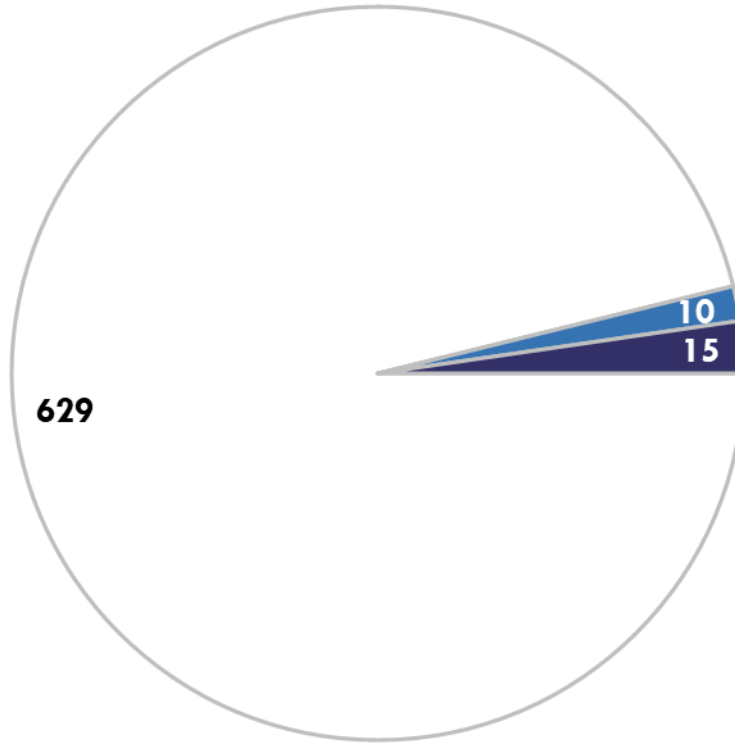
Hiring Through Training Timeline



From Application to Hire (2019)

2019

Stage 4: Hired



25 Applicants
Hired

Legend



Lateral
Applicants

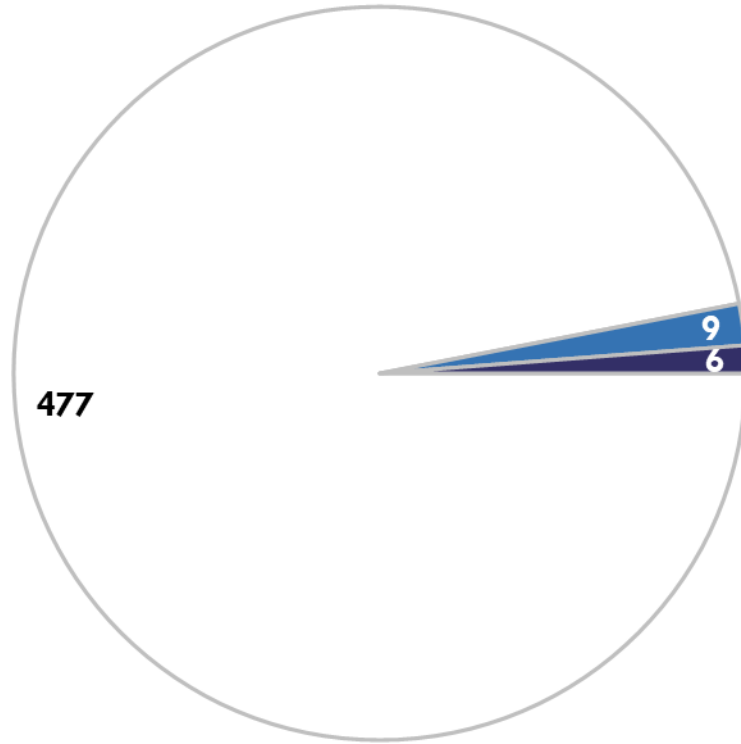


Entry
Applicants

From Application to Hire (2020)

2020

Stage 4: Hired



15 Applicants
Hired

Legend

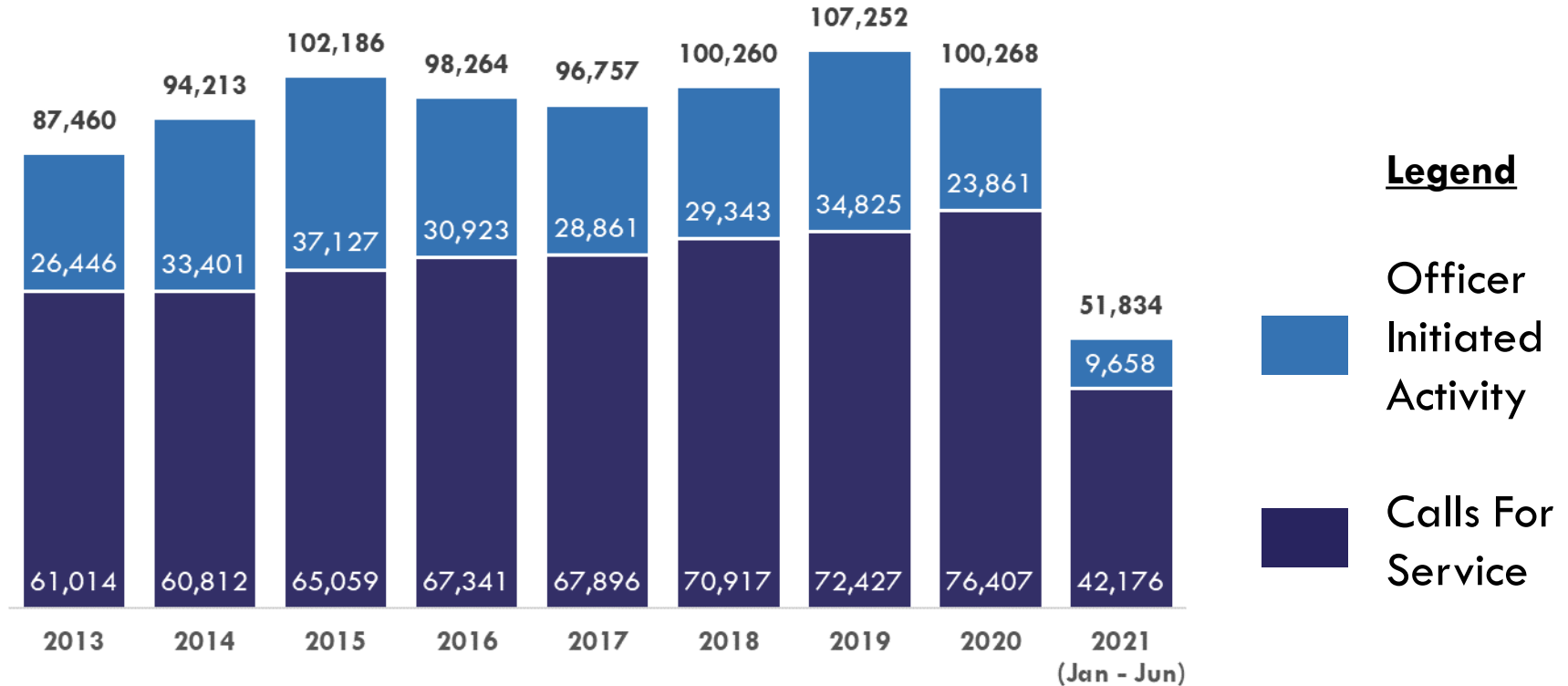


Lateral
Applicants



Entry
Applicants

Calls For Service & Officer-Initiated Activity



Mental Health Crisis Response

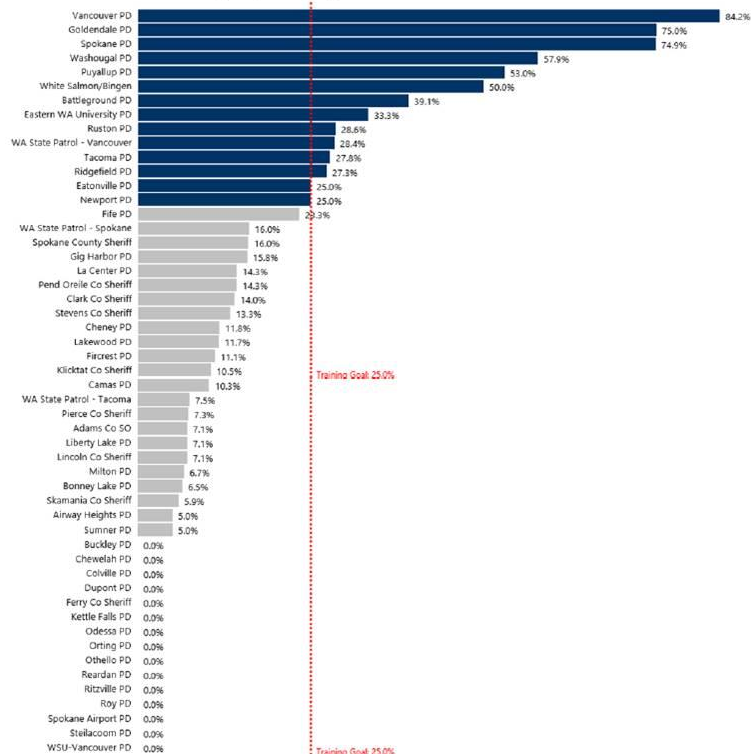
- Crisis Intervention Training
- Mobile Crisis Intervention & Mental Health Co-Responders
- Proactive VPD Outreach with Mental Health Co-Responders
- Arrest Diversion

Crisis Intervention Training (CIT)

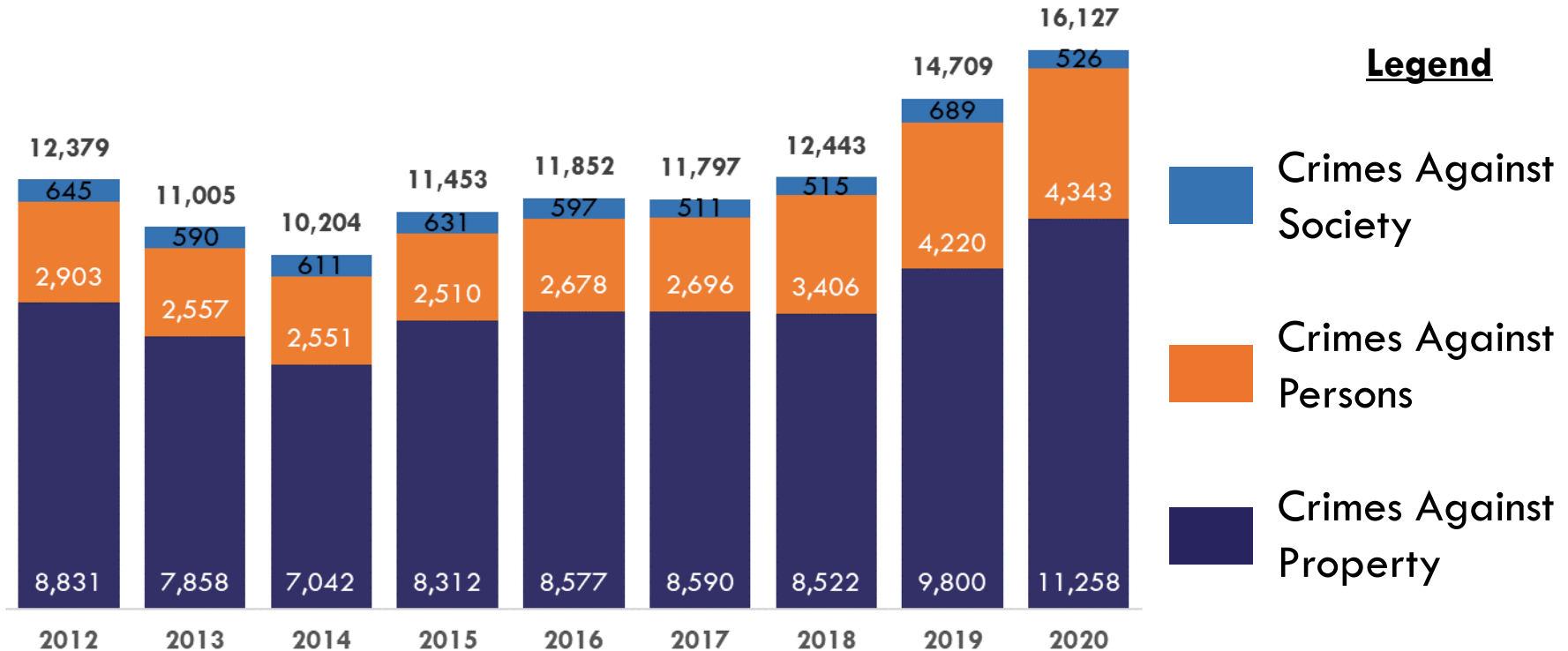
Individual Agency Compliance Metrics: Phase 1 Regions

JANUARY 31, 2021

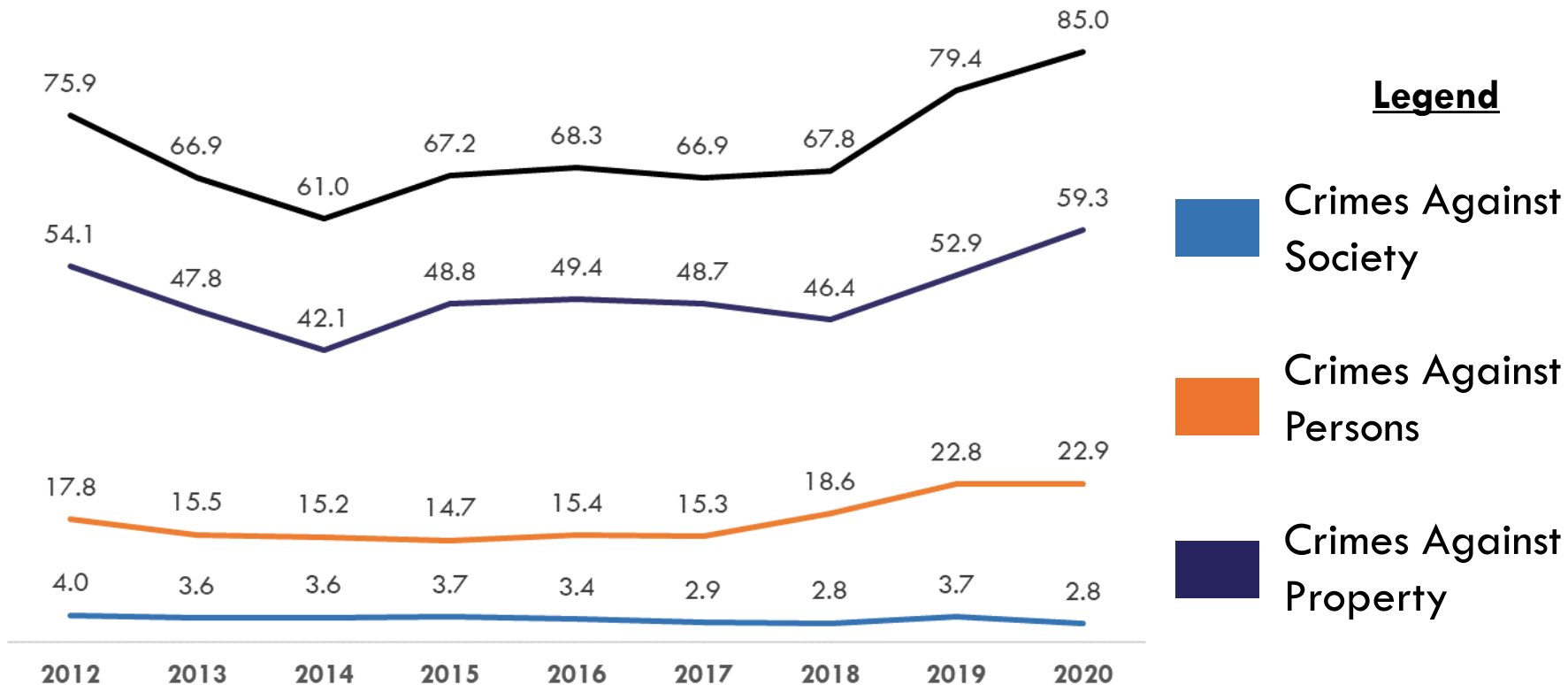
Agency Training Status: 25% Benchmark*



Criminal Offenses



Criminal Offenses (per 1,000 population)



Training Update

- Current and planned training relevant to community expectations
 - I-940 Patrol Tactics & De-escalation
 - Integrating Communications, Assessment, and Tactics (ICAT) training
 - Cultural Awareness
 - Confronting Bias
 - Diversity, Equity & Inclusion
 - Law Enforcement Assisted Diversion (LEAD) for drug impacted individuals

Implementing Legislative Changes

Effective July 25, 2021

- HB 1054 – Tactics Bill
 - HB 1310 – Use of Force Bill
 - SB 5051 – Decertification Bill
 - SB 5066 – Duty to Intervene
-
- ✓ Virtual lecture training provided to all staff on July 7, 2021
 - ✓ VPD Training Unit providing a series of “drive up” scenario training

Crime Trend Contributing Factors and Current State of Policing

- Changing laws and decriminalization
- Jail capacity
- Reduced officer-initiated activity
- Social work expectations
- Legislative changes

Next Steps

- October 11: Report Out - Community Task Force on Policing
- November, 2021: follow up workshop on police resourcing options and strategies
- Q1 2022: training facility/HQ build-out contract award
- April 2022: camera program go-live
- Q4 2022: open training facility/HQ

Questions and Discussion

James P. McElvain, Police Chief

James.McElvain@cityofvancouver.us

<https://www.cityofvancouver.us/police>





Staff Report 116-21

TO: Mayor and City Council

FROM: Eric Holmes, City Manager

DATE: 8/9/2021
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 9, 2021, approve ordinance on first reading, setting date of second reading and public hearing for Monday, August 16, 2021.

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:

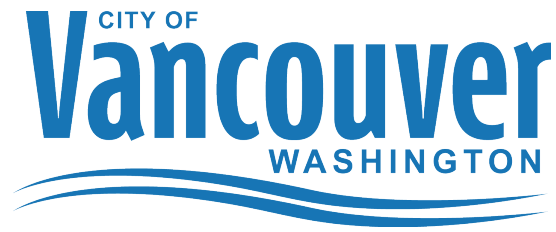
"AN ACT Relating to supporting emergency shelters and housing
through local planning and development regulations."

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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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

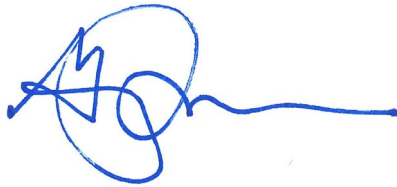
For a Type I decision, only the applicant and property owner are entitled to an appeal.

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 plans@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)			OWNER	
(responsible for ePlans uploading and correspondence)			(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>[Signature]</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.

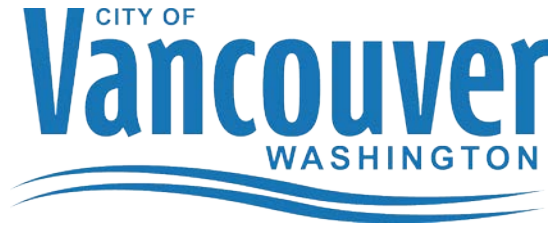
The City's position that the proposed shelter is nonetheless included within this use classification is flawed. Foremost, it completely reads out the term "typically" from the definition. There would be no reason to include "typically"—or even any term for tenancy—if any shelter with any proposed tenancy 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 N/A**

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,**

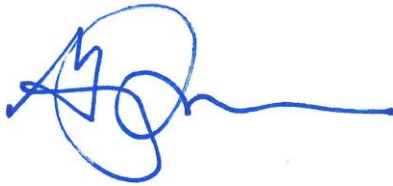
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other _____ Does Not Apply

- 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.

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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

Page 2 of 2

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



Staff Report 117-21

TO: Mayor and City Council

FROM: Eric Holmes, City Manager

DATE: 8/9/2021
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 sources of area flooding. Staff will monitor the drainage facility, and the retaining wall alongside 63rd Street.

The sources that should be considered in evaluating a standalone rezone request are: (1) the City Comprehensive Plan, and (2) the City Strategic Plan. (VMC 20.285.060). Locational criteria for higher density residential zoning districts are contained in VMC 20.420.025, last updated in 2005. As the factors contained in VMC 20.420.025 are referenced within the City Comp Plan, they may be considered in evaluating the prudence of granting a standalone zoning change. However, in evaluating the appropriate weight to afford the factors set forth in VMC 20.420.025, it is relevant to consider the history of recent amendments to Title 20 of the Vancouver Municipal Code. In 2018 changes were made to standards for reviewing zone changes under VMC 20.285 to eliminate direct reference to locational criteria for these and other zoning districts. The change was made because the locational criteria described how various zones might ideally be located if designing a new urban area for the first time, but were less relevant in evaluating proposed individual site-specific zoning changes in an increasingly developed setting. In addition, they generally do not reflect recent trends related to housing affordability and urbanization that have emerged over the last decade or more. Locational criteria for each zoning district will be updated as part of a planned Title 20 (Land Use and Development Code) overhaul, which will follow the forthcoming major update of the City's Comprehensive Plan.

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

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

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

B. R-22 (Higher Density Residential) Zone Location Criteria. The R-22 designation is most

appropriate in areas with the following characteristics and relationships to the surrounding area:

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

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

- 1. Areas that are already developed predominantly to the permitted R-30 density, or areas that are within an urban center, or identified in an adopted sub-area plan as appropriate for higher density multifamily housing.*
- 2. Properties in close proximity to major employment centers, open space and recreational facilities.*
- 3. Areas with well-defined edges such as an arterial, open space, change in block pattern, topographic change or other significant feature providing sufficient separation from adjacent areas of small scale residential development, or areas should be separated by other zones providing a transition in the height, scale and density of development.*
- 4. Areas that are served by major arterials, where transit service is good to excellent, and where street capacity could absorb the traffic generated by higher density development.*
- 5. Principal streets in the area shall be sufficient to allow for two (2) way traffic and parking on both sides of the street. Vehicular access to the area shall not require use of streets passing through lower density residential zones.*
- 6. Areas of sufficient size to promote a high quality, higher density residential*

environment with close proximity (and good pedestrian connections) to public open spaces, neighborhood oriented commercial services, and other residential amenities.

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

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

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 9, 2021, approve ordinance on first reading, setting date of second reading and public hearing for Monday, August 16, 2021.

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

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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This map displays the zoning districts for the area around NE 63rd St in Vancouver. The map is color-coded by zoning type: yellow for residential single-family (R-1, R-2, R-6, R-9, R-12, R-18, R-22, R-30), blue for institutional (IL), red for community center (CC), purple for community neighborhood (CN), and green for parks. A yellow arrow points to a specific area within the R-18 district, bounded by NE 63rd St to the north, NE 60th St to the south, and NE 71st Ave to the east. Other labeled streets include NE 64th St, NE 62nd St, NE 60th St, NE 59th St, NE 58th St, NE 57th St, NE 56th St, NE 55th St, NE 54th St, NE 53rd St, NE 52nd St, NE 51st St, NE 50th St, NE 49th St, NE 48th St, NE 47th St, NE 46th St, NE 45th St, NE 44th St, NE 43rd St, NE 42nd St, NE 41st St, NE 40th St, NE 39th St, NE 38th St, NE 37th St, NE 36th St, NE 35th St, NE 34th St, NE 33rd St, NE 32nd St, NE 31st St, NE 30th St, NE 29th St, NE 28th St, NE 27th St, NE 26th St, NE 25th St, NE 24th St, NE 23rd St, NE 22nd St, NE 21st St, NE 20th St, NE 19th St, NE 18th St, NE 17th St, NE 16th St, NE 15th St, NE 14th St, NE 13th St, NE 12th St, NE 11th St, NE 10th St, NE 9th St, NE 8th St, NE 7th St, NE 6th St, NE 5th St, NE 4th St, NE 3rd St, NE 2nd St, NE 1st St, NE 63rd Ave, NE 62nd Ave, NE 61st Ave, NE 60th Ave, NE 59th Ave, NE 58th Ave, NE 57th Ave, NE 56th Ave, NE 55th Ave, NE 54th Ave, NE 53rd Ave, NE 52nd Ave, NE 51st Ave, NE 50th Ave, NE 49th Ave, NE 48th Ave, NE 47th Ave, NE 46th Ave, NE 45th Ave, NE 44th Ave, NE 43rd Ave, NE 42nd Ave, NE 41st Ave, NE 40th Ave, NE 39th Ave, NE 38th Ave, NE 37th Ave, NE 36th Ave, NE 35th Ave, NE 34th Ave, NE 33rd Ave, NE 32nd Ave, NE 31st Ave, NE 30th Ave, NE 29th Ave, NE 28th Ave, NE 27th Ave, NE 26th Ave, NE 25th Ave, NE 24th Ave, NE 23rd Ave, NE 22nd Ave, NE 21st Ave, NE 20th Ave, NE 19th Ave, NE 18th Ave, NE 17th Ave, NE 16th Ave, NE 15th Ave, NE 14th Ave, NE 13th Ave, NE 12th Ave, NE 11th Ave, NE 10th Ave, NE 9th Ave, NE 8th Ave, NE 7th Ave, NE 6th Ave, NE 5th Ave, NE 4th Ave, NE 3rd Ave, NE 2nd Ave, NE 1st Ave.

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.

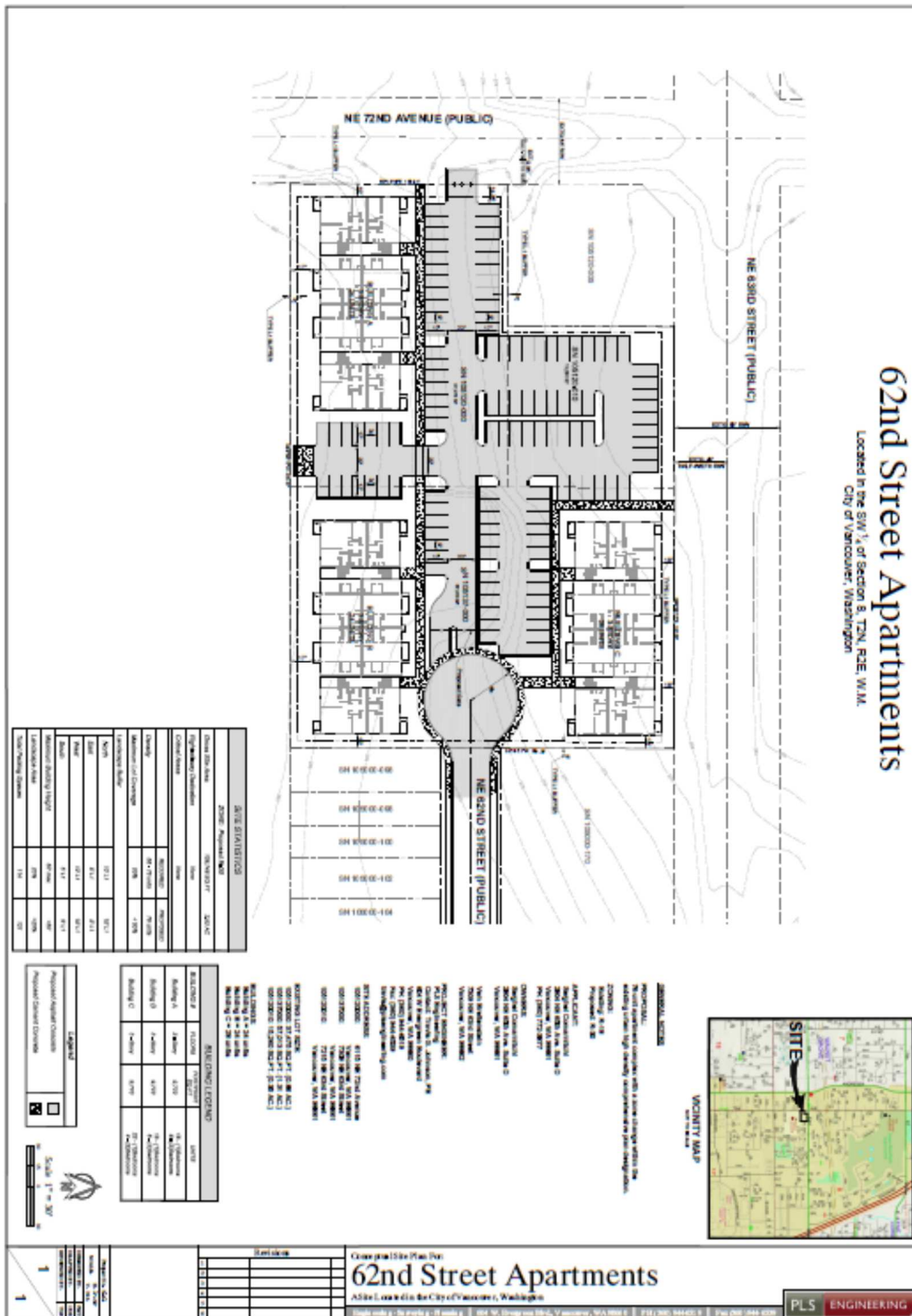
IV. RECOMMENDED ACTION:

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.

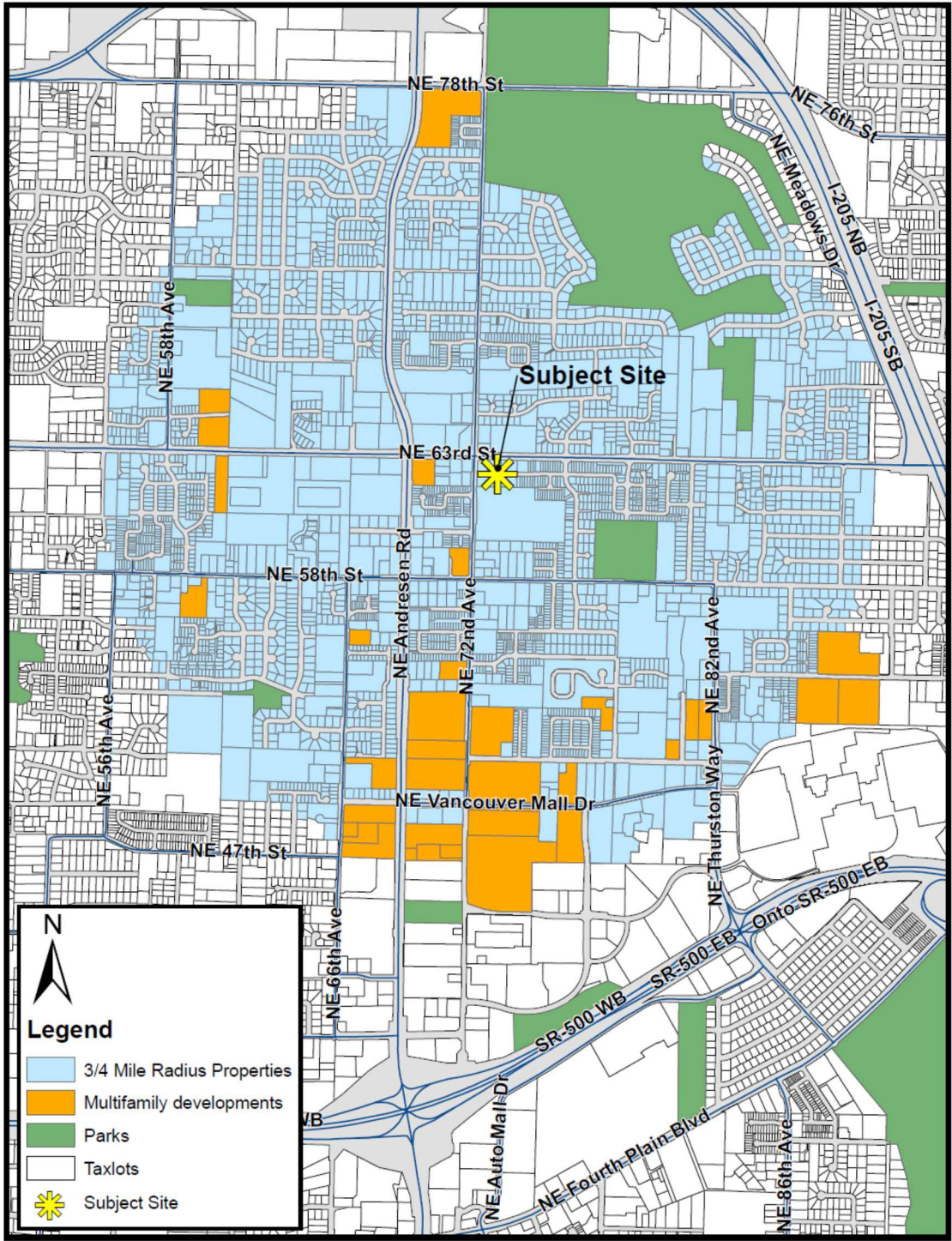
If additional information is needed, please do not hesitate to call 360-313-1040.

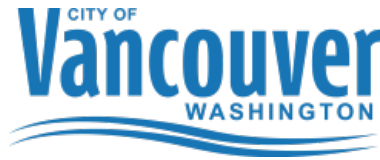


Vancouver Public Schools

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.

Planning Commission | Meeting Minutes**February 9, 2021****Page 3 of 6**

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.

Planning Commission | Meeting Minutes

February 9, 2021

Page 4 of 6

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

Planning Commission | Meeting Minutes**February 9, 2021****Page 5 of 6**

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.

Planning Commission | Meeting Minutes**February 9, 2021****Page 6 of 6**

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 McEnery-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.

DocuSigned by:



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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.



Staff Report 118-21

TO: Mayor and City Council

FROM: Eric Holmes, City Manager

DATE: 8/9/2021
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. described herein, 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 has 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 are within the Council's legislative discretion to decide. In order to capture both the Planning Commission and applicant proposals and preserve a wide range of choice for the City Council to consider, two ordinances are provided for Council's deliberation on first reading, with only one intended to be adopted and moved to second reading and 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 (Agreed on by all parties):

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

The proposed park in the northeast corner of the site is subject to ongoing negotiation between the City and applicant, with parameters established in the D.A. The proposed school site in the northwest corner is anticipated to be developed for a middle school campus to meet future demand. The Evergreen School District and applicant indicate they are in conceptual agreement for a purchase of the land pending rezone approval.

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

Key features of the proposed Development Agreement include:

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

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

- Anticipated trip generation at buildout of 27,000 vehicle trips per day and 2,000 trips during peak hours represents approximately 10% fewer daily trips and 50% fewer peak hour trips than buildout development under existing IL zoning. 60% of trips entering and 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.

Proposal (Areas of disagreement): Two modifications were recommended by the Planning Commission:

- Amend the Master Plan and D.A. to expand the border of the Town Center portion of the Mixed Use area, currently indicated by dashed lines in Exhibit C of this report, to include all of the Mixed Use area, which requires submittal of a follow up Master Plan within three years of approval of the full site Master Plan. The applicant agrees to expanding the Town Center boundary to include mixed use areas to the north, but not to the south, as the southern mixed use areas abut the main entrance to the overall site and are envisioned for near term development sooner than the Town Center core.
- Change D.A. cost parameters for sale of the northeast park area, or of a public assessment easement, to stipulate that land valuation be based on the current IL zone rather than the proposed MX zone. The applicant agrees to removing reference to basing valuation on the proposed MX zoning, but objects to referencing IL as a basis.

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 Planning Commission's recommended expansion of the Town Center boundary to the

north and south within the mixed use area would maximize consistency between development of the forested tract envisioned as a park to the north, and consistency between the Town Center and the southern mixed use properties abutting the main entrance to the entire site.

7. The applicant proposed response 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.
8. The Planning Commission's recommended replacement of MX zoning with IL zoning as a basis for valuation of the forested tract envisioned as a park site in the D.A. recognizes that MX zoning would likely not be approved unless the tract is established as a public or private park, and recognizes that without such approval the site will remain zoned IL.
9. The applicant's proposed response 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 9, 2021, discuss the proposed Planning Commission modifications and applicant's partial response, and approve either ordinance A, which includes the Planning Commission's modifications in full, or ordinance B, which includes the applicant's response, and set the date of second reading and public hearing for August 16, 2021.

Bryan Snodgrass, Principal Planner, 360-487-7946

ATTACHMENTS:

- ▣ Proposed Ordinance A (reflecting Planning Commission modifications regarding the expansion of the Town Center boundary and forested tract valuation)
- ▣ Development Agreement (Ord. A) reflecting Planning Commission modifications
- ▣ DA Exhibit E - Design Standards
- ▣ Proposed Ordinance B (reflecting the applicant's response to two modifications)
- ▣ Development Agreement (Ord. B) reflecting applicant's response to two modifications
- ▣ DA Exhibit E - Design Standards
- ▣ Exhibits C and D - Land Use Allocation Map and Proposed Master Plan Map

EXHIBIT A – PROPOSED ORDINANCE REFLECTING PLANNING COMMISSION MODIFICATIONS TO MASTER PLAN AND DEVELOPMENT AGREEMENT PROVISIONS REGARDING TOWN CENTER BOUNDARY AND VALUATION OF THE FORESTED TRACT.

ORDINANCE FOR VANCOUVER INNOVATION CENTER

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, 2020¹, 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.

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 McEnery 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 this Restated DA. That

THIRD AMENDED AND RESTATED DEVELOPMENT AGREEMENT - 2

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date shall be written 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

THIRD AMENDED AND RESTATED DEVELOPMENT AGREEMENT - 3

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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.

THIRD AMENDED AND RESTATED DEVELOPMENT AGREEMENT - 4

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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.

THIRD AMENDED AND RESTATED DEVELOPMENT AGREEMENT - 5

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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 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.

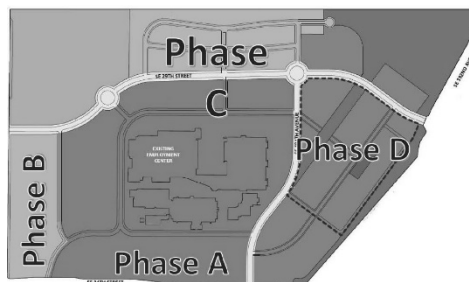
a. There shall be no limit on the timing or pace of development of the **light industrial (IL) LUA** depicted on the Master Plan. Developer has already begun and intends to complete renovations and capital improvements in the Existing Building in the IL LUA by December 31, 2023. Residential units in 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 6.10, with said Town Center Master Plan covering all lands within the MX LUA. ~~Subject to section 6.5e below, there shall be no limit on the timing or pace of development of the North and South MX areas.~~

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.



THIRD AMENDED AND RESTATED DEVELOPMENT AGREEMENT - 6

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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 North and South MX Areas in conjunction with Phases A, B, C, or D.~~

~~(ii) Developer will submit applications for each mixed use building in the North and South MX Areas 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.

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 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 fair market value of IL ~~MX~~-zoned property, 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 IL ~~MX~~ zoned 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

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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 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

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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 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 includes all MX identified areas ~~is identified and bounded by a thick black dotted line~~ in 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

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(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 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

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]

CITY OF VANCOUVER,

Washington

By: _____

Name: _____

Title: _____

Date: _____

Approved as to form only:

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 the City of Vancouver, a Washington municipal 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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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: _____

THIRD AMENDED AND RESTATED DEVELOPMENT AGREEMENT - 20

4843-8904-7022, v. 1

THE VIC BUILDING OWNER LLC, a
Delaware limited liability company

By: _____

Print Name: _____

Title: _____

Date: _____

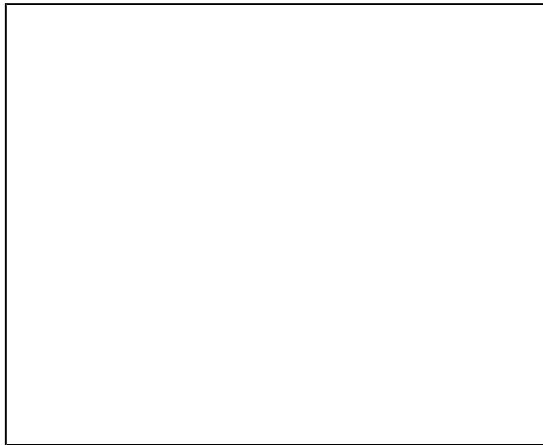
State of _____)

) 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 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.

Dated: _____, 2021.



Notary Seal

Notary Public for Washington

Name of Notary

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.

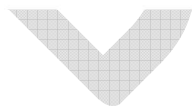


EXHIBIT A-1 - S.E. Owned Property

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

THIRD AMENDED AND RESTATED DEVELOPMENT AGREEMENT - 24

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.

DRAFT

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**;

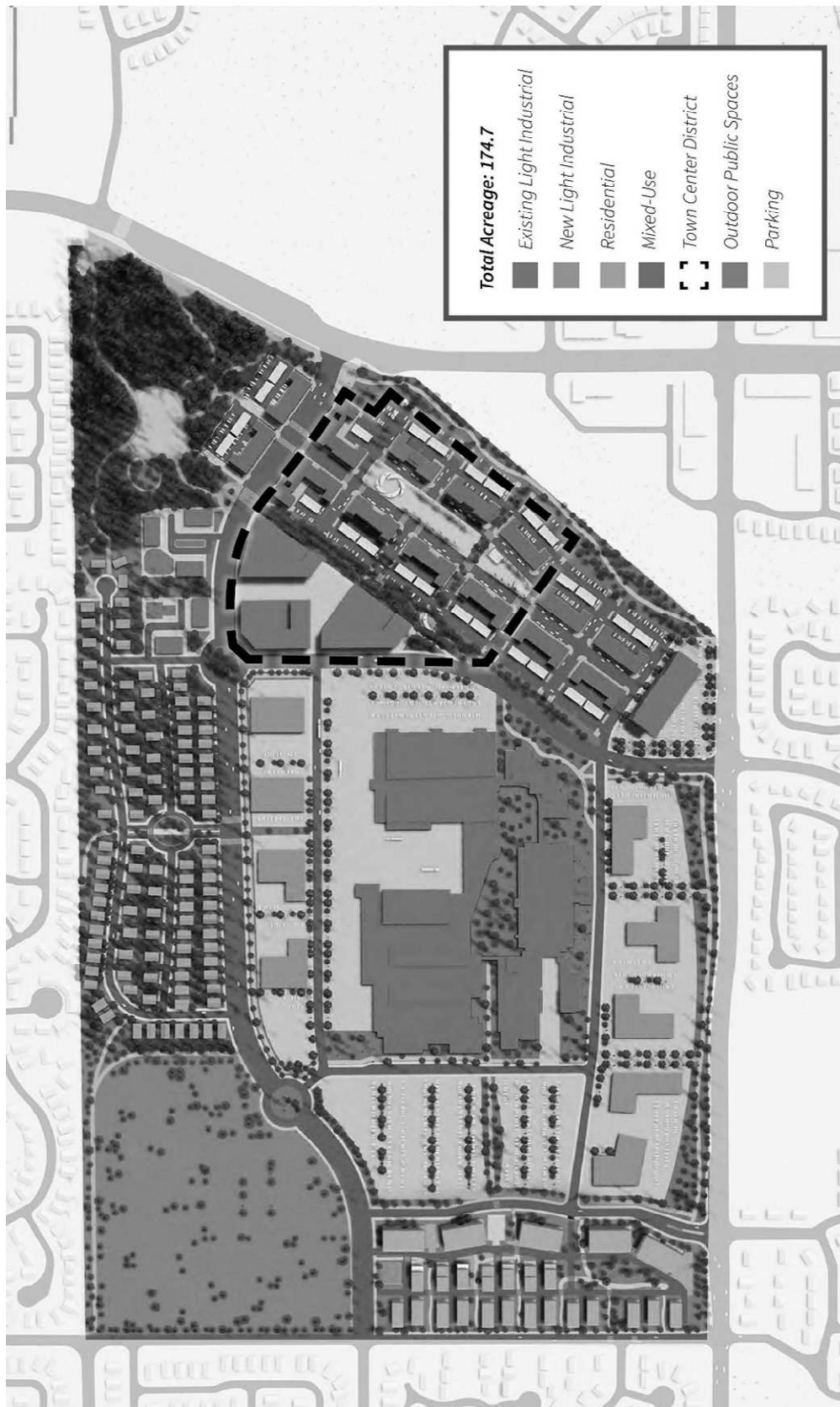
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CONTAINING APPROXIMATELY 62.10 ACRES.

EXHIBIT A-3 – Forested Tract Legal Description

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EXHIBIT B - Master Plan



THIRD AMENDED AND RESTATED DEVELOPMENT AGREEMENT - 29

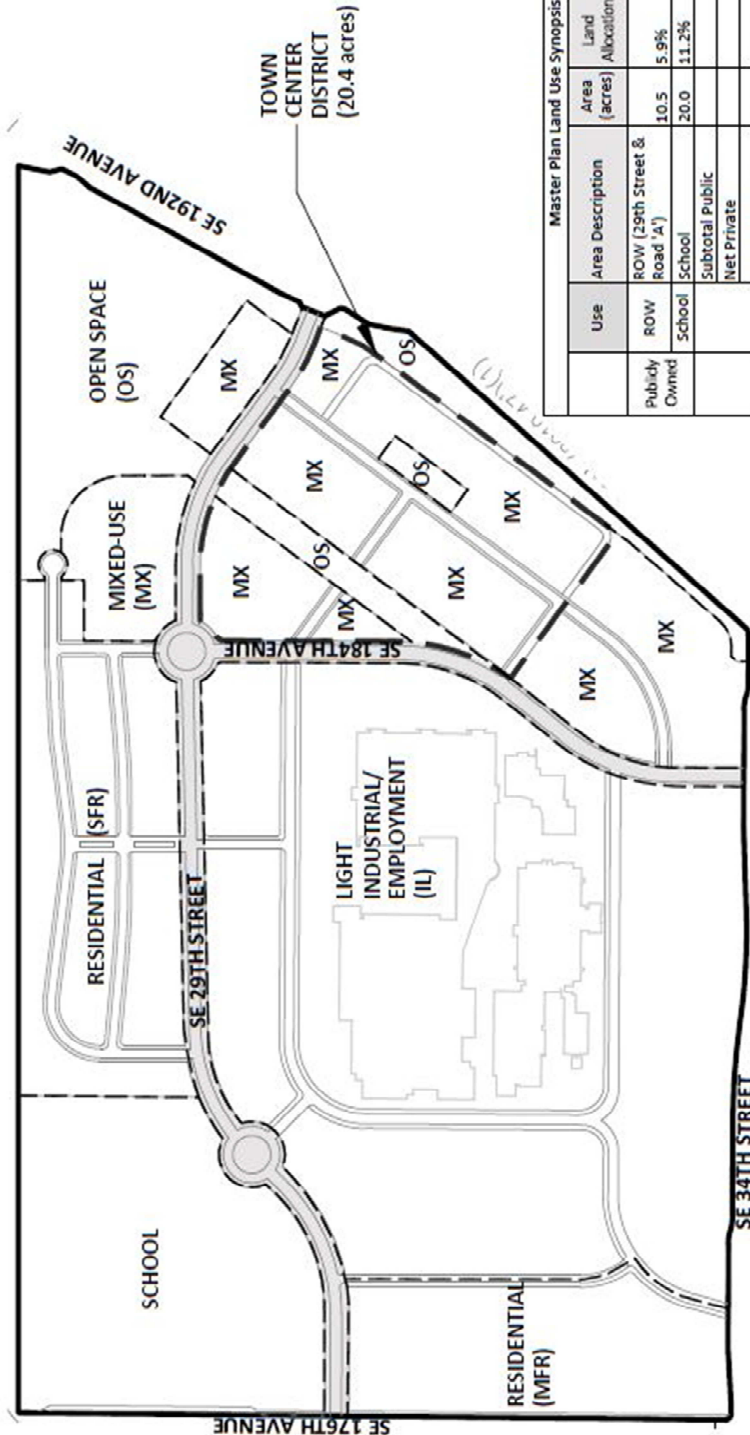
4843-8904-7022, v. 1

EXHIBIT B-1 - Town Center Master Plan

[Reserved for Future Use]

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EXHIBIT B-2 – Full Site Utilization Plan



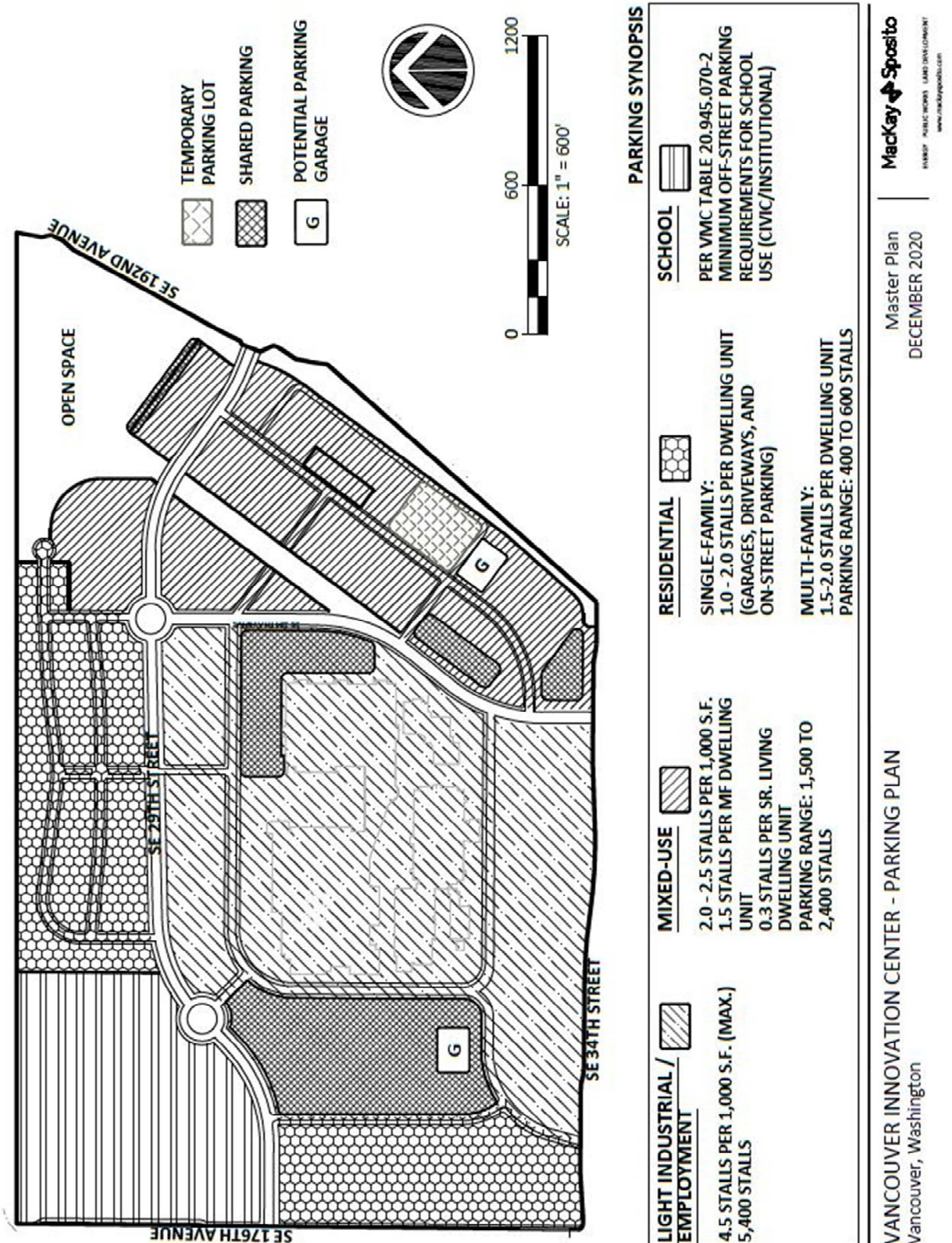
Master Plan Land Use Synopsis					
Use	Area Description	Area (acres)	Land Allocation	Use Totals (acres)	% of Gross
Publicly Owned	ROW (29th Street & Road 'A')	10.5	5.9%	10.5	6%
	School	20.0	11.2%	20	11%
	Subtotal Public			30.5	
	Net Private			148.6	
Privately Owned	Open Space (OS)	13.6	7.6%		
	Urban 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%		
	Res. (SFR)	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%		

EXHIBIT B-3 – Master Plan Renderings

[See attached VIC Presentation v12]

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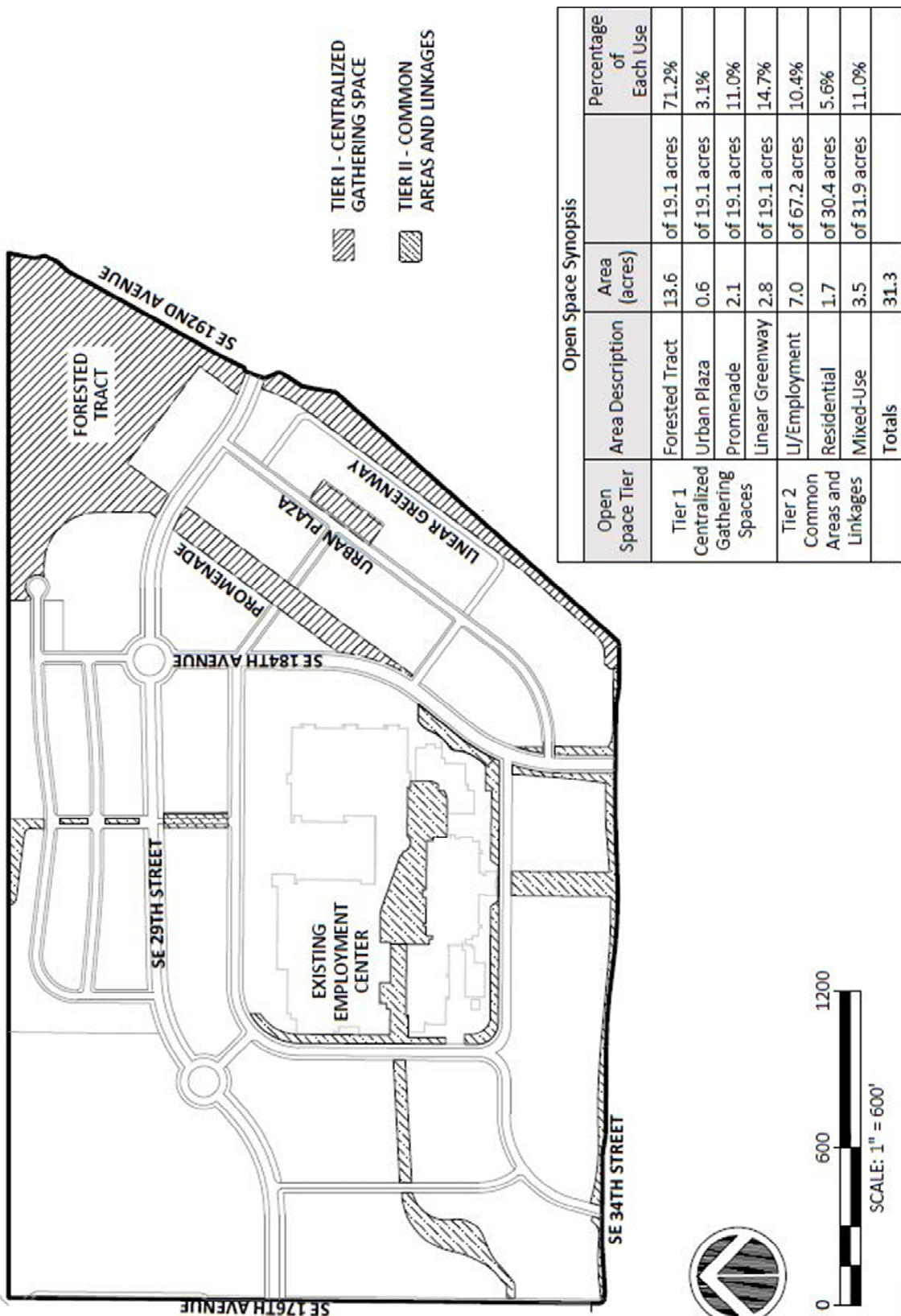
EXHIBIT B-4 – Parking Plan



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EXHIBIT B-5 – Open Space Plan

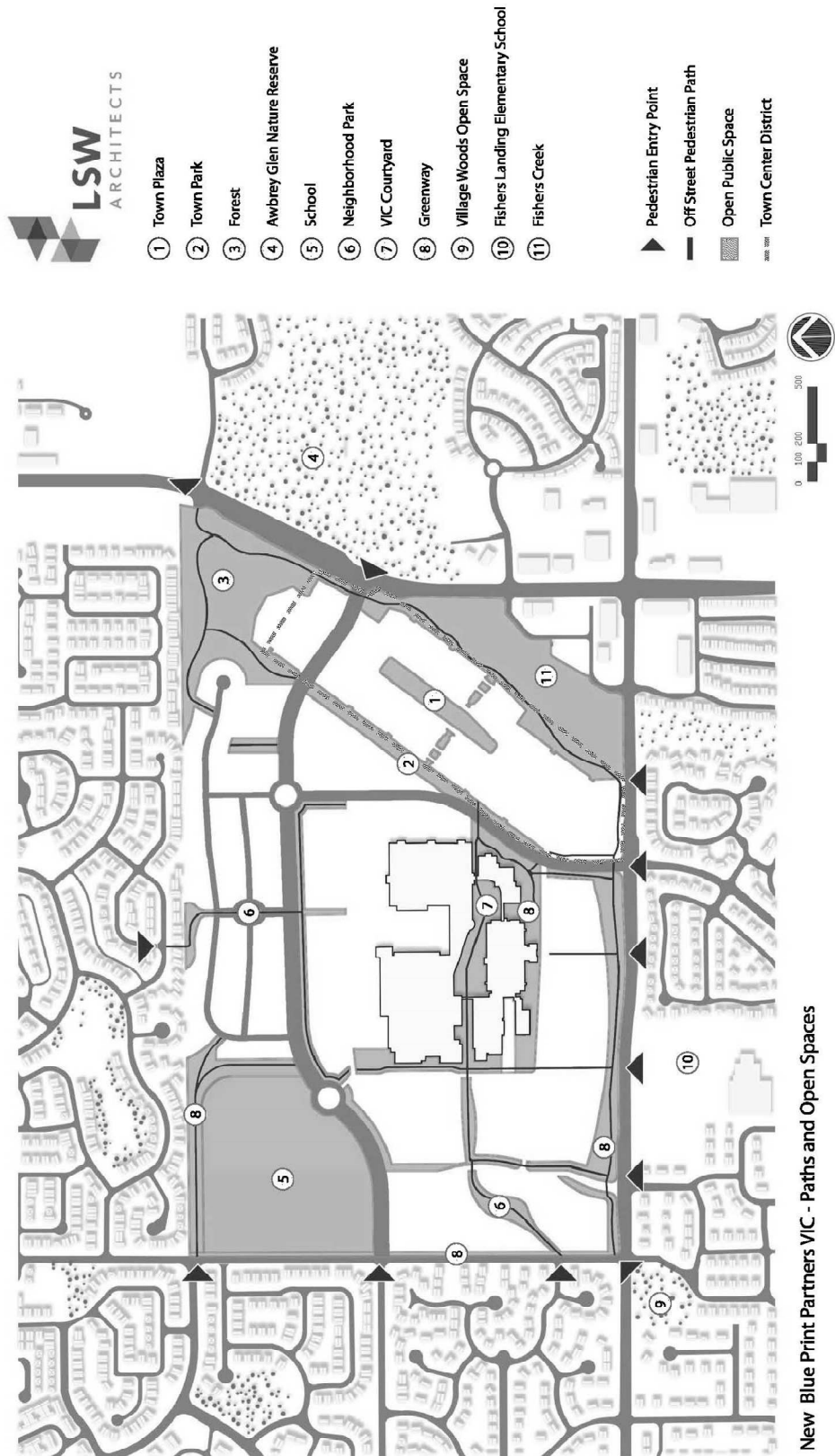


Mackay & Spósito
 URBAN PLANNING AND DEVELOPMENT
 www.mackaysposito.com

Master Plan
 DECEMBER 2020

VANCOUVER INNOVATION CENTER - OPEN SPACE PLAN
 Vancouver, Washington

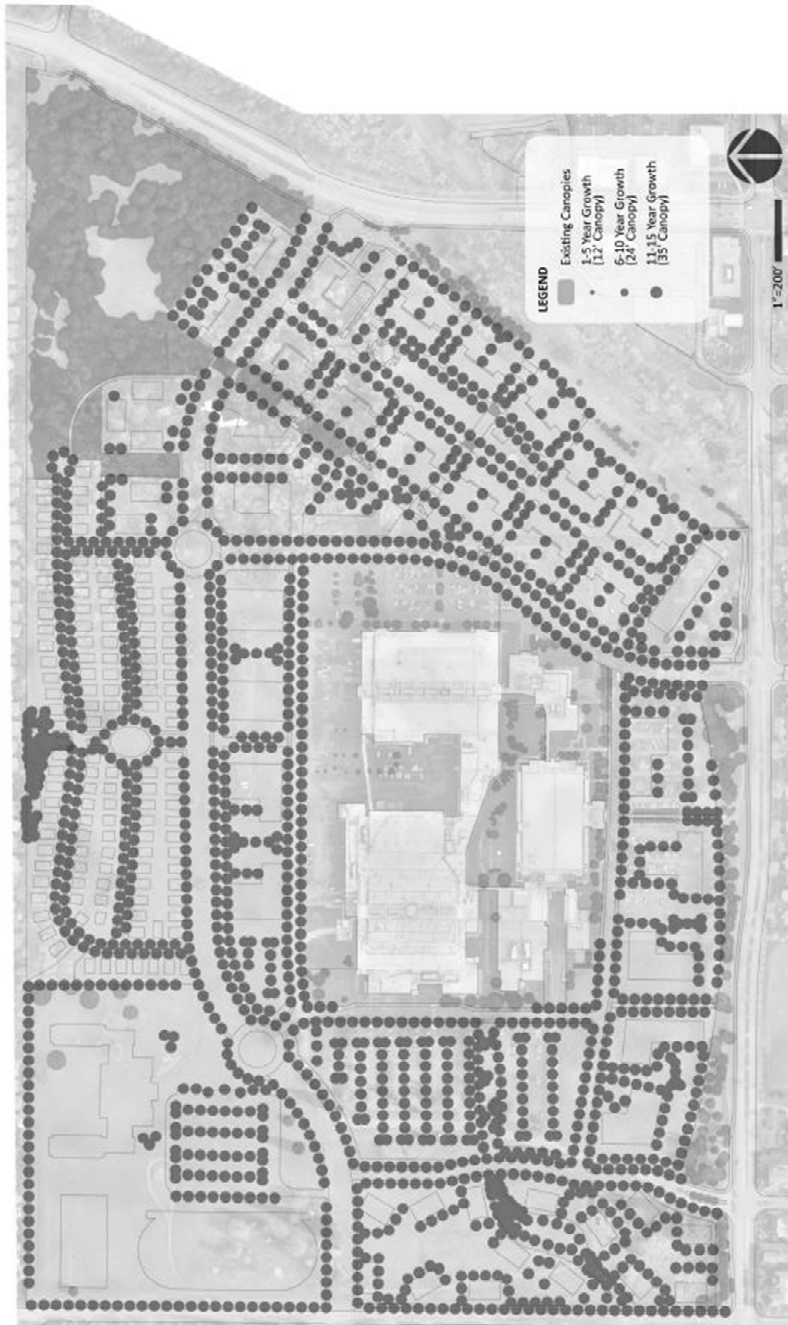
EXHIBIT B-6 – Pathway Plan



THIRD AMENDED AND RESTATED DEVELOPMENT AGREEMENT - 35

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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]

[Reserved for Future Use]

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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]

DRAFT

EXHIBIT E –Design Standards

[See attached Exhibit E Design Standards]

DRAFT

EXHIBIT E-1 – Town Center Amendment Specific Design Standards

[Reserved for Future Use]

DRAFT

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 north east 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

	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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Appendix A

Sustainability Framework

Appendix B

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:

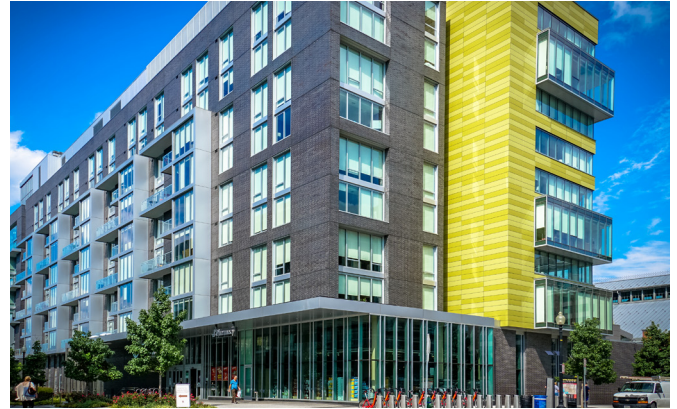
- a. Compliance with the 2018 Washington State Energy Code, at a minimum;
- b. Compliance with environmental standards in effect at the time of building permit application (i.e. environmental development standards do not vest on the Restated DA Effective Date;
- c. That every new building is designed 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 a 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

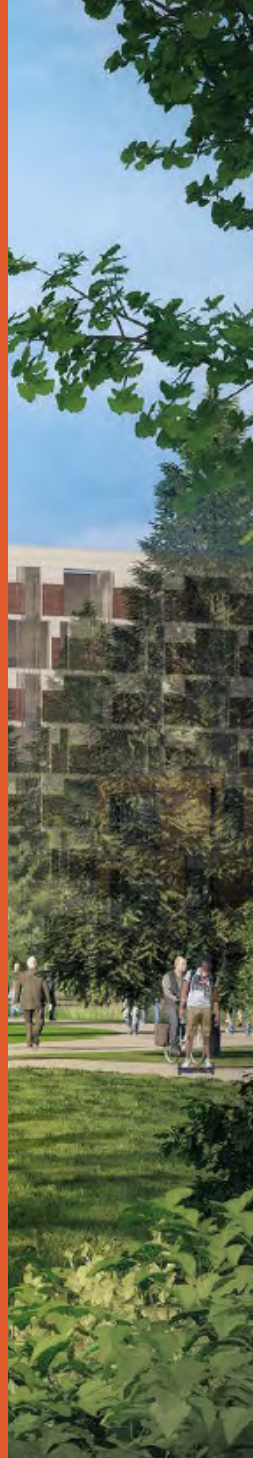
See Appendix C for street section implementation options for the Vancouver Innovation Center.

APPENDIX A

Sustainability Framework

Vancouver Innovation Center Master Plan

Updated July 2021



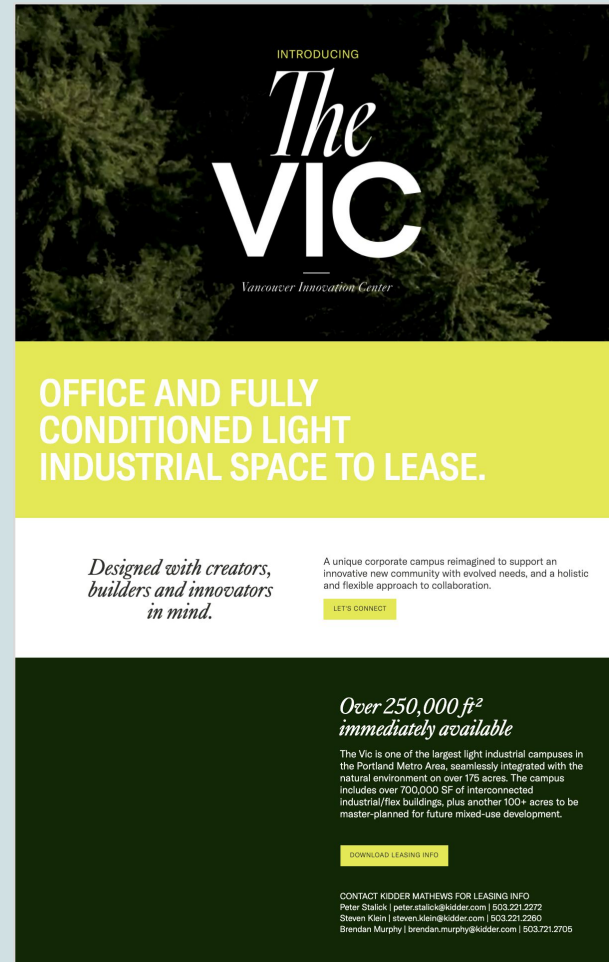
Vancouver Innovation Center Sustainability Framework

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 serif 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 has a white background with the text 'Designed with creators, builders and innovators in mind.' in a black, italicized serif font on the left, and a short paragraph about the campus on the right, followed by a yellow button with the text 'LET'S CONNECT'. The lower band has a dark green background with the text 'Over 250,000 ft² immediately available' in a white, italicized serif font on the left, and a paragraph about the campus size and future development on the right, followed by a yellow button with the text 'DOWNLOAD LEASING INFO'. At the very bottom, in small white all-caps, is the contact information for Kidder Mathews.

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

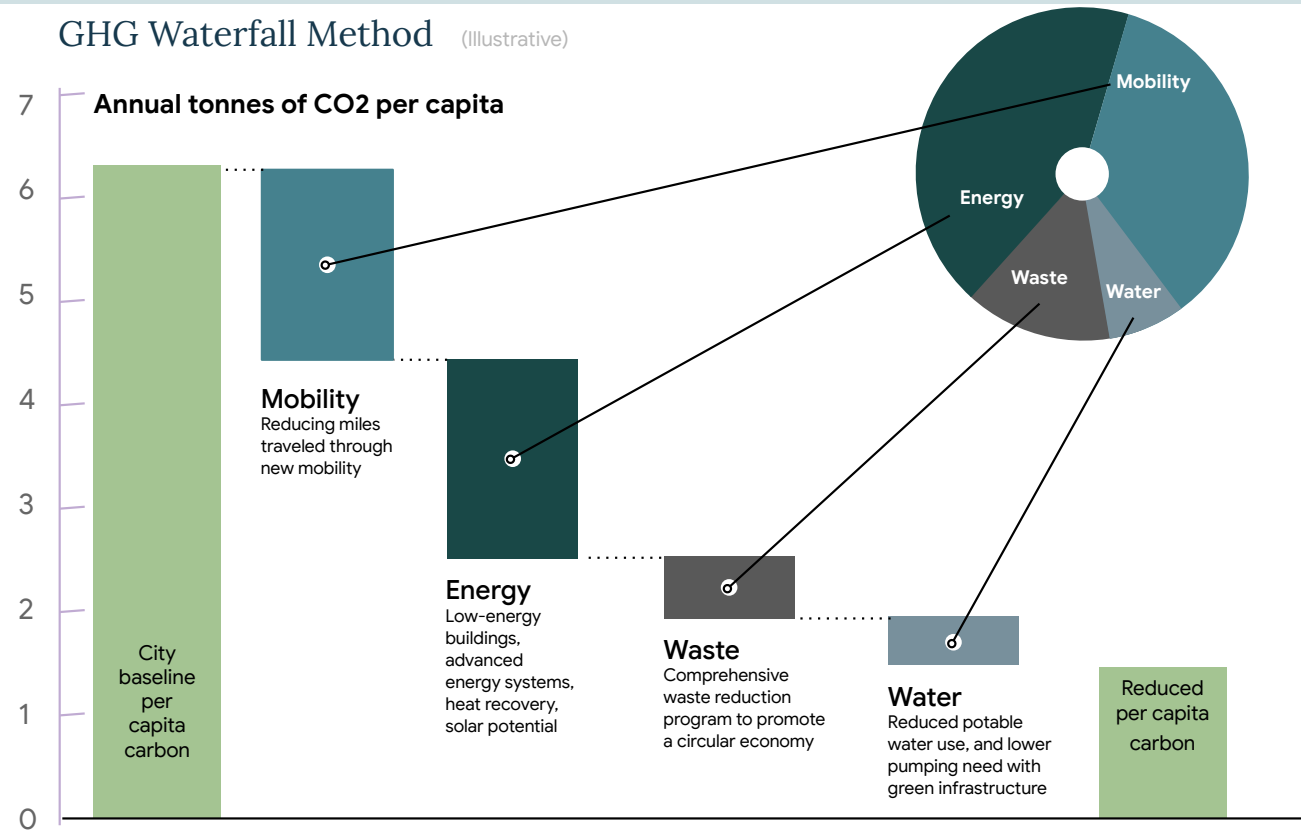
Identifying the the value of innovation requires holistic integration, and a comparable way to evaluate impact. Utilizing a Greenhouse Gas (GHG) Waterfall will provide the VIC with a blueprint that will assist in achieving desired sustainability outcomes.

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

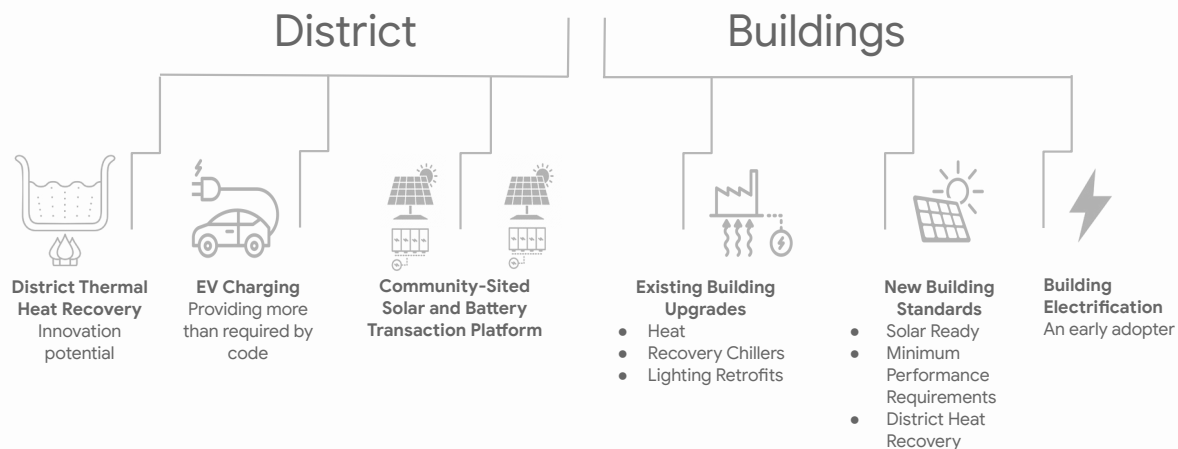
Connection to Regional Transportation - Exploring options of addition or relocation of bus route for opportunity to connect to existing networks

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 -

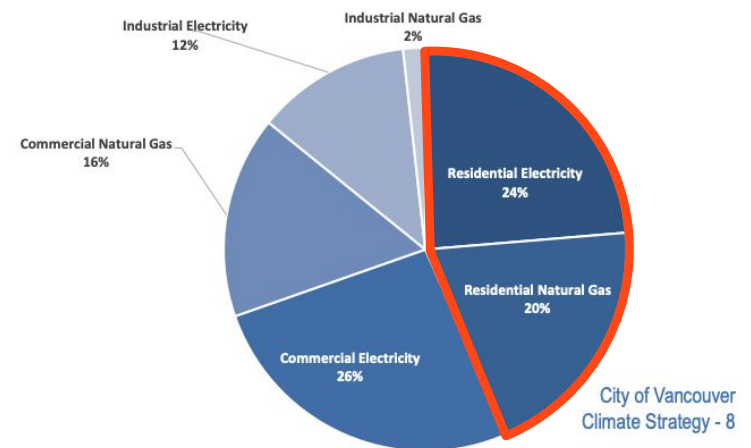
Potential for adding district thermal systems that utilize waste heat to offset the need for electric heat

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

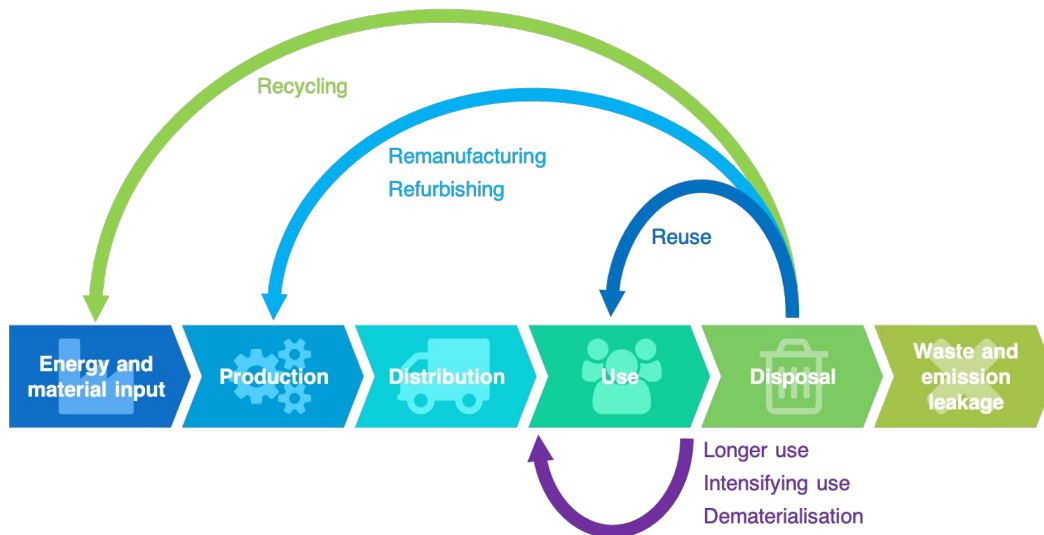
kgCO₂/MWh

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

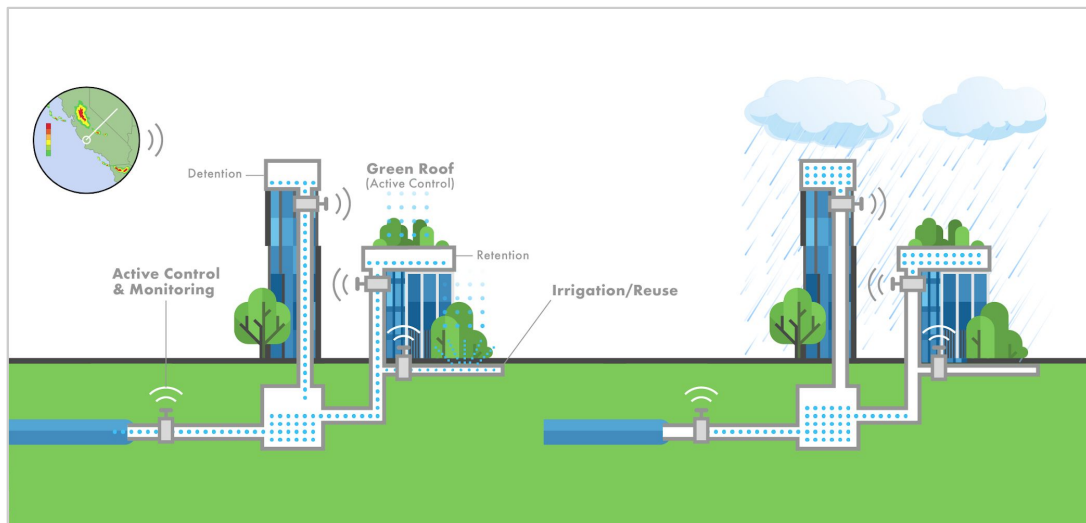
Programs to promote a circular economy - Operational Strategies for tenants within the district to identify opportunities for beneficial reuse

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

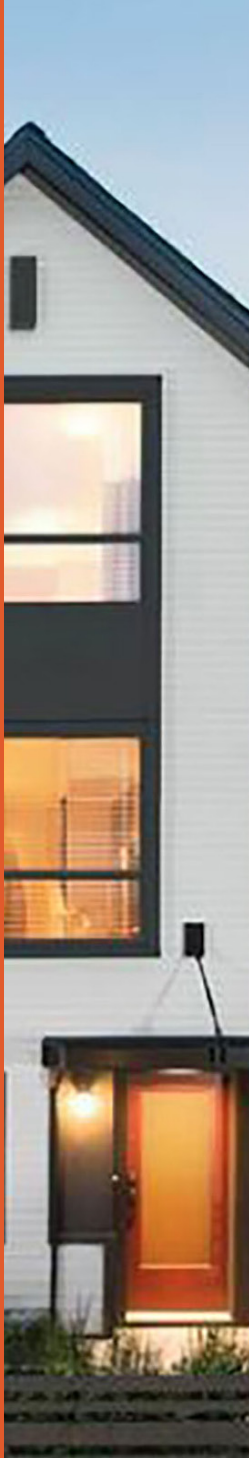
Commitments

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				



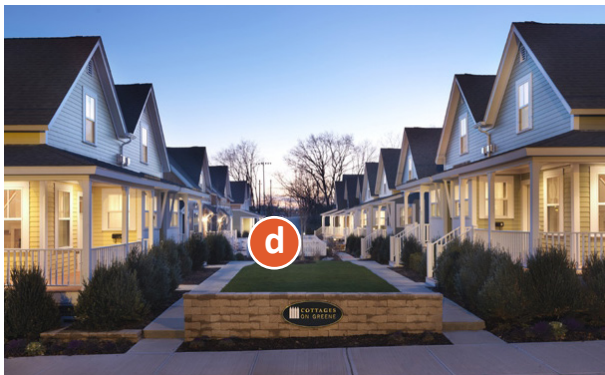
APPENDIX B

Single Family Residential Design Reference Guide

Vancouver Innovation Center Master Plan

Updated July 2021

SINGLE FAMILY ATTACHED

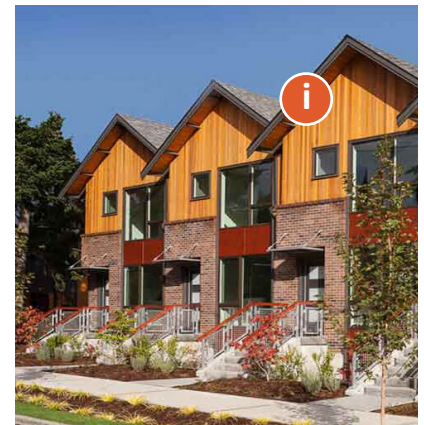
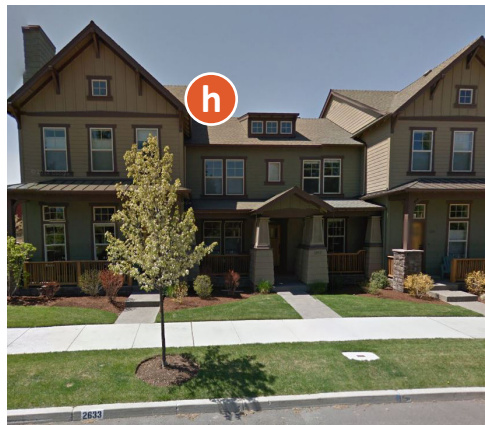


- a. Find opportunities to alley-load attached single family residential units to minimize driveway and garage exposure.
- b. Orient residential buildings to the “sidewalk zone” through the use of front porch features.
- c. Incorporate a range of natural color tones, architectural styles and horizontal 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

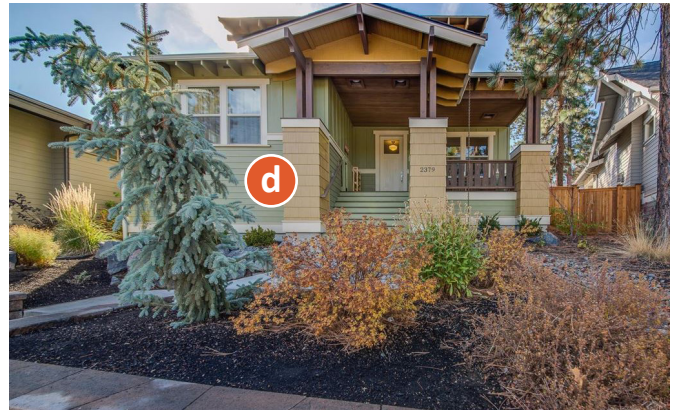


- a. Incorporate opportunities for cottage clusters in single family residential design.
- b. Seek opportunities for cottage cluster housing to orient to common public open space.
- c. Look for opportunities to orient single family detached units to open space areas that include pedestrian corridors.



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

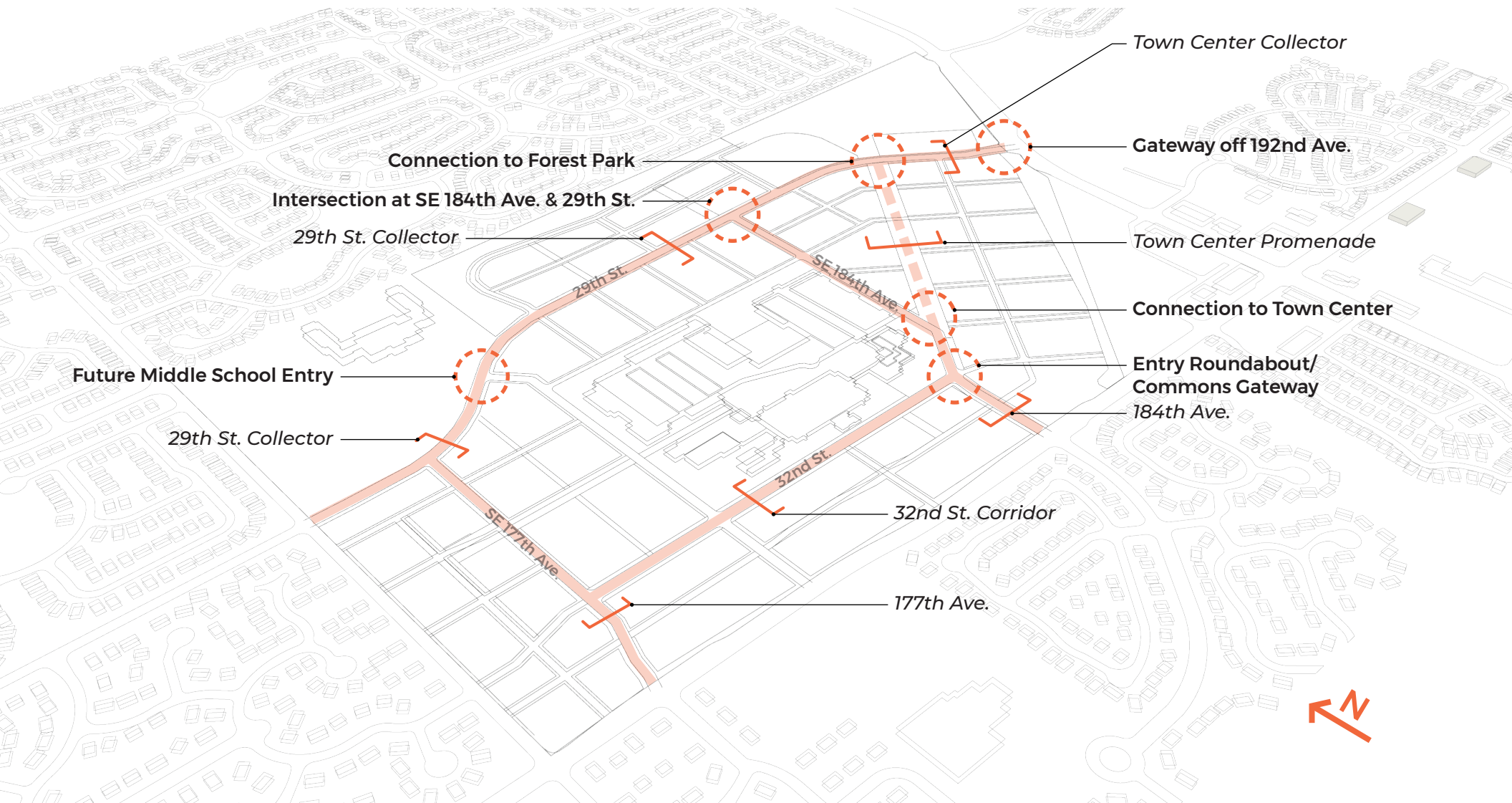
Street Cross Sections

Vancouver Innovation Center Master Plan

Updated July 2021



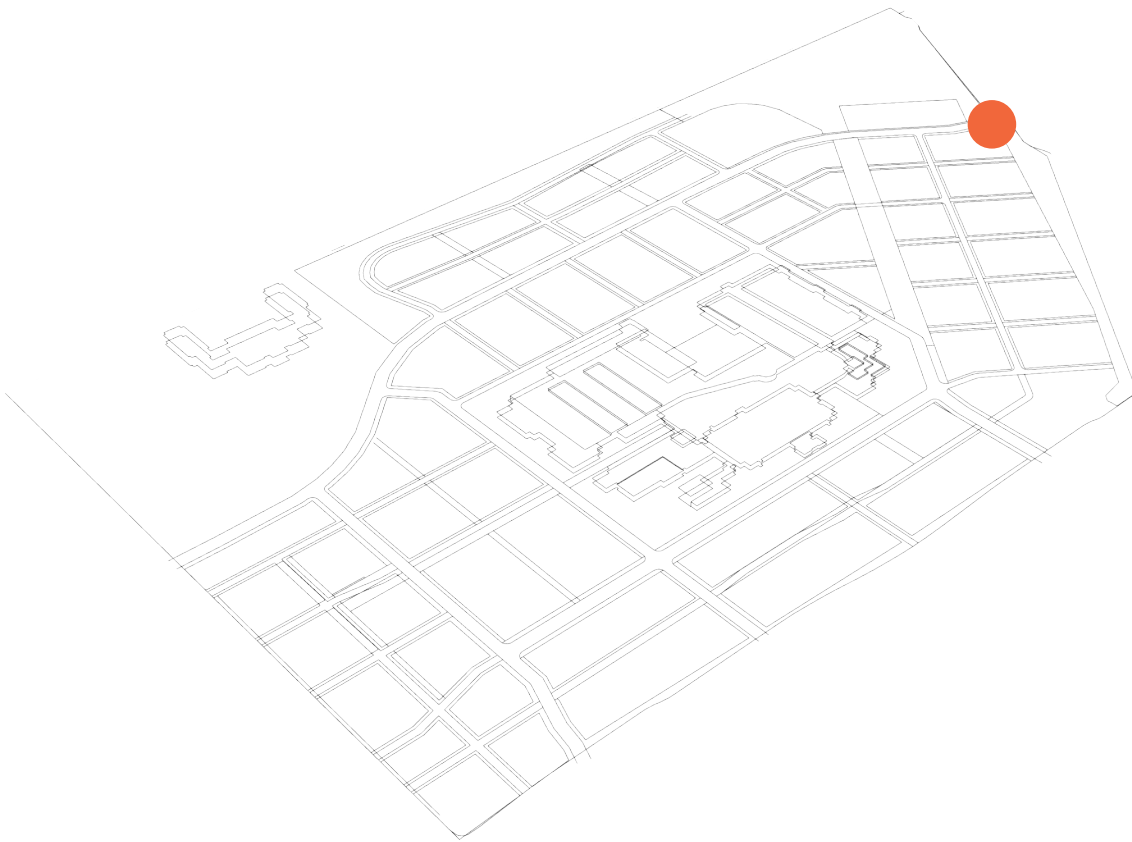
Key Plan



Note: Internal blocking patterns provided on plans in this Appendix are diagrammatic in nature and are intended only to assist with general circulation planning.

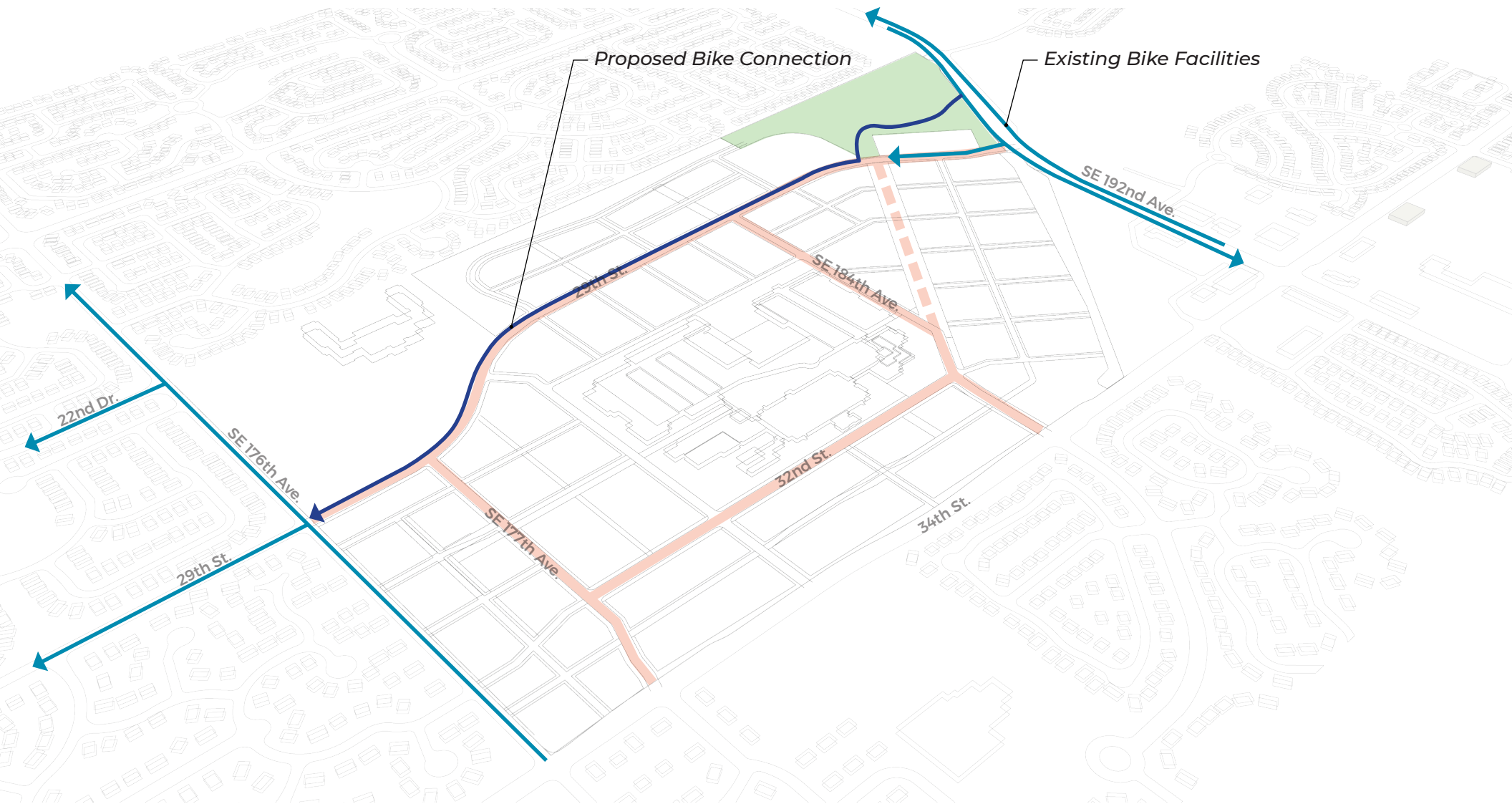
Placemaking opportunity

Gateway off 192nd Ave



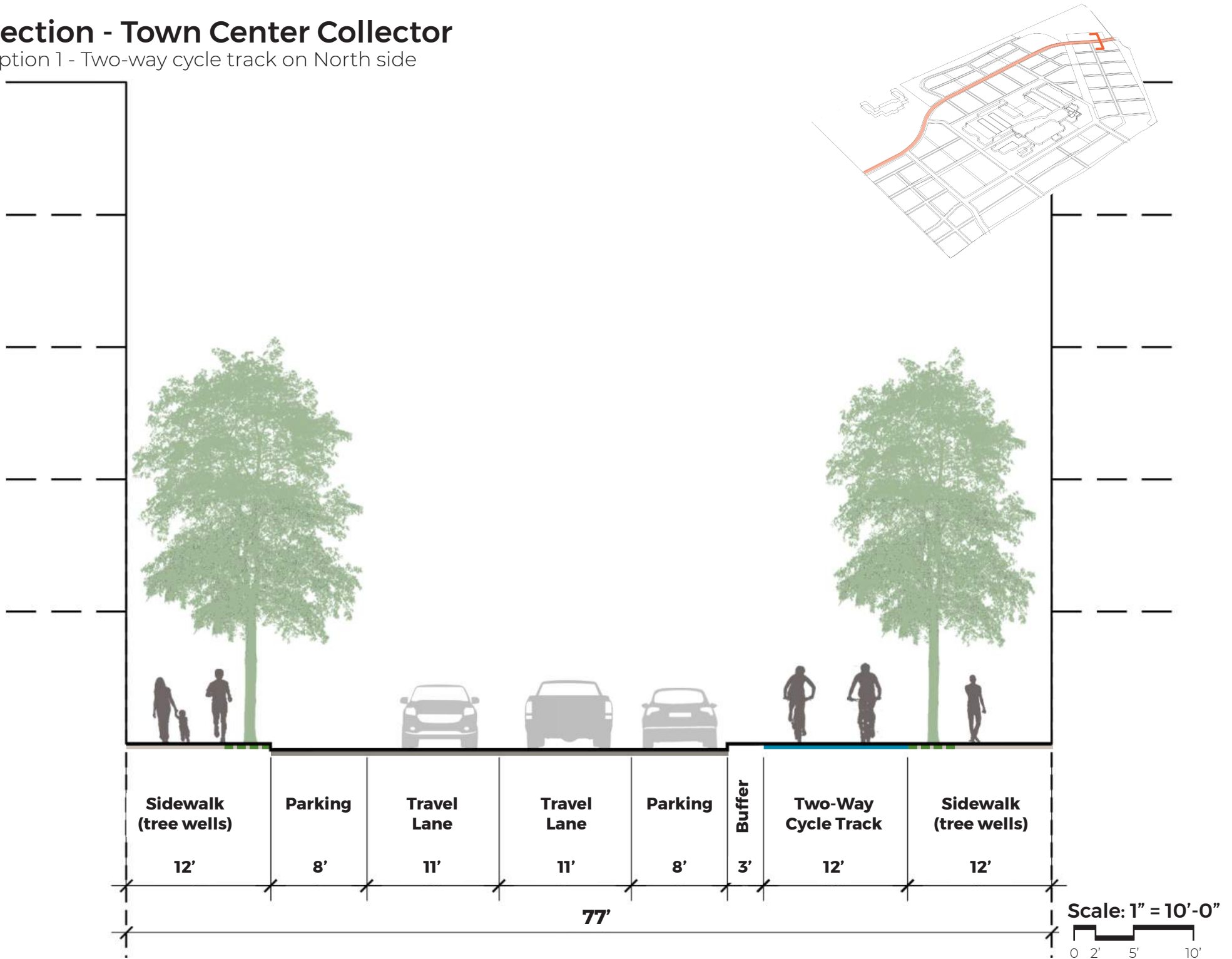
Corner buildings create Town Center entry identity

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

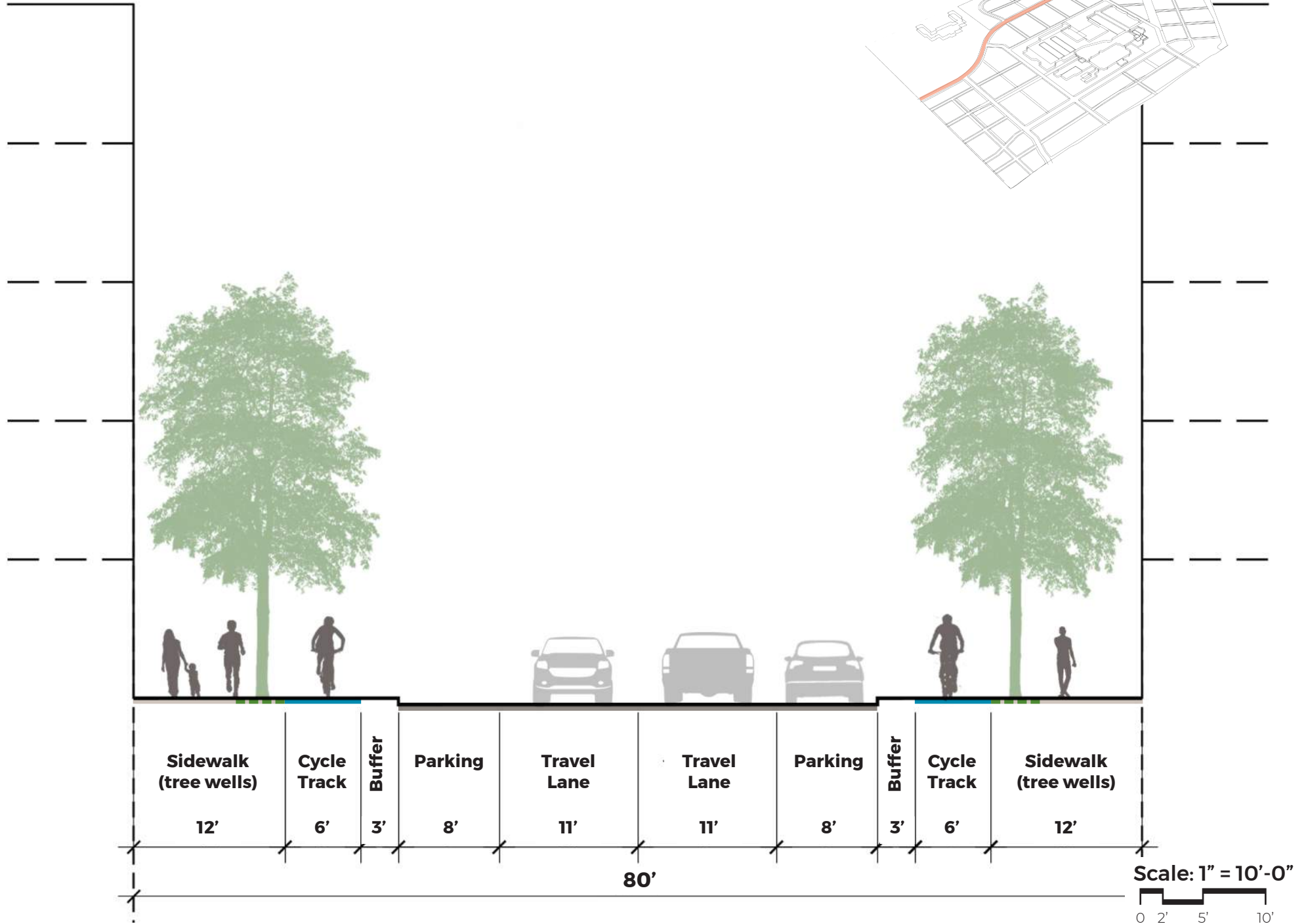


Crosswalk integrated with 2-way cycle track, Victoria BC

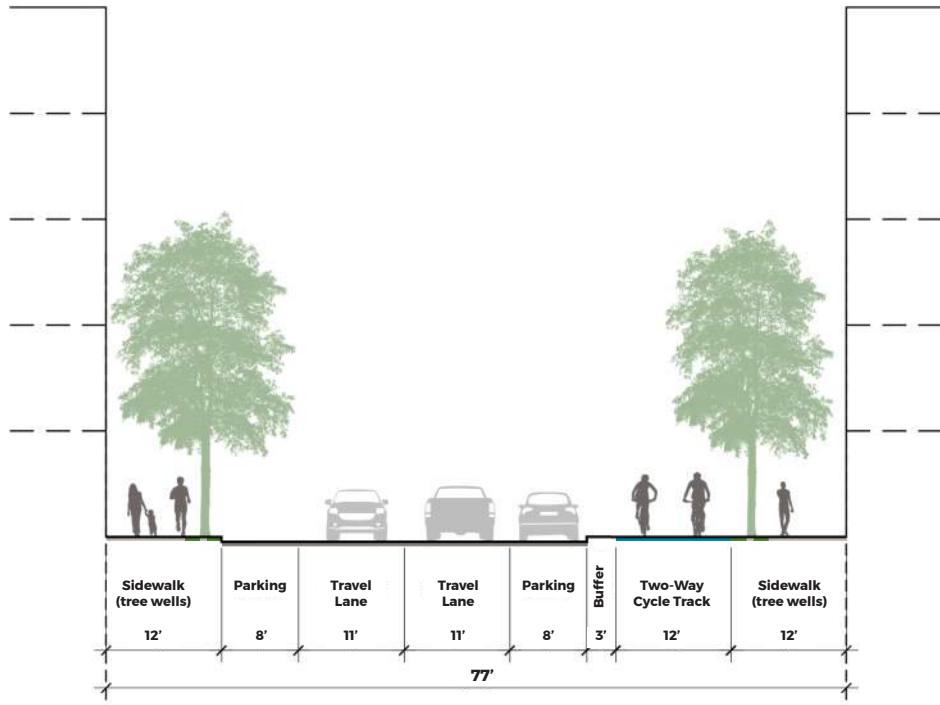
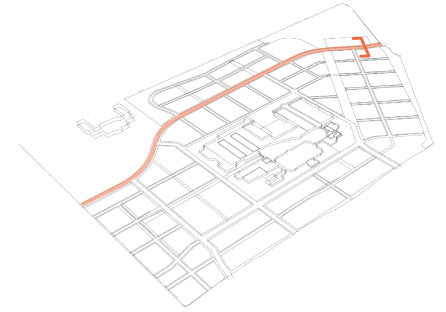
**Intersection treatments for the VIC will include protected facilities for two-way cycle travel where bicycle and multi-modal crossings exist at intersections.*

Section - Town Center Collector

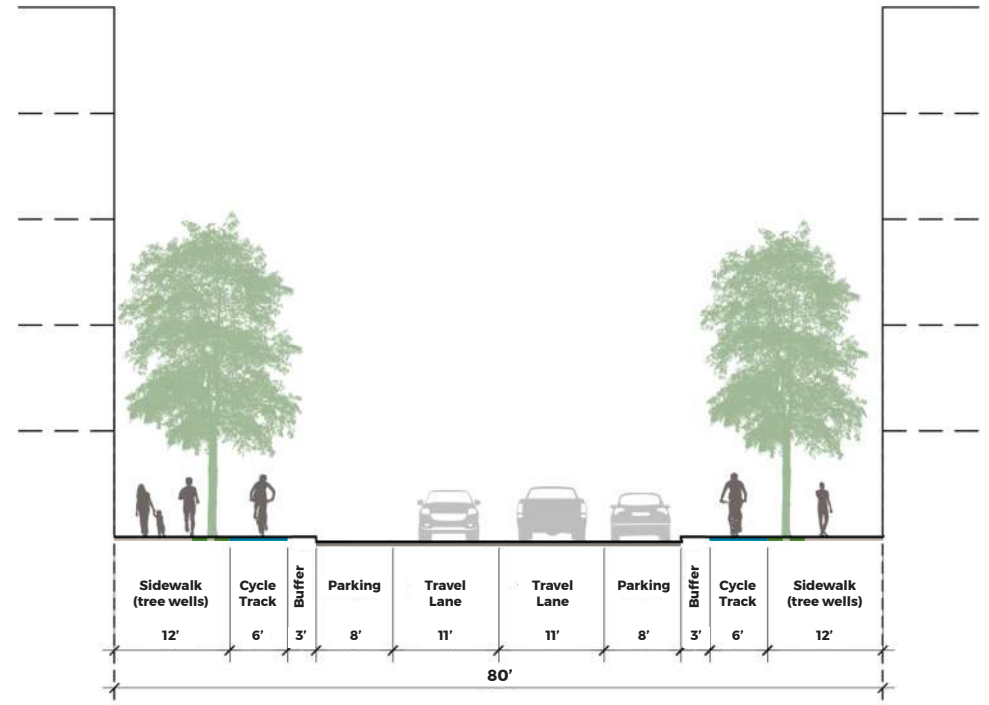
Option 2 - Cycle tracks on both sides



Section Index - Town Center Collector



Option 1 -
Two-way cycle track on North side



Option 2 -
Cycle tracks on both sides

Scale: 1" = 20'-0"

 0 4' 10' 20'

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

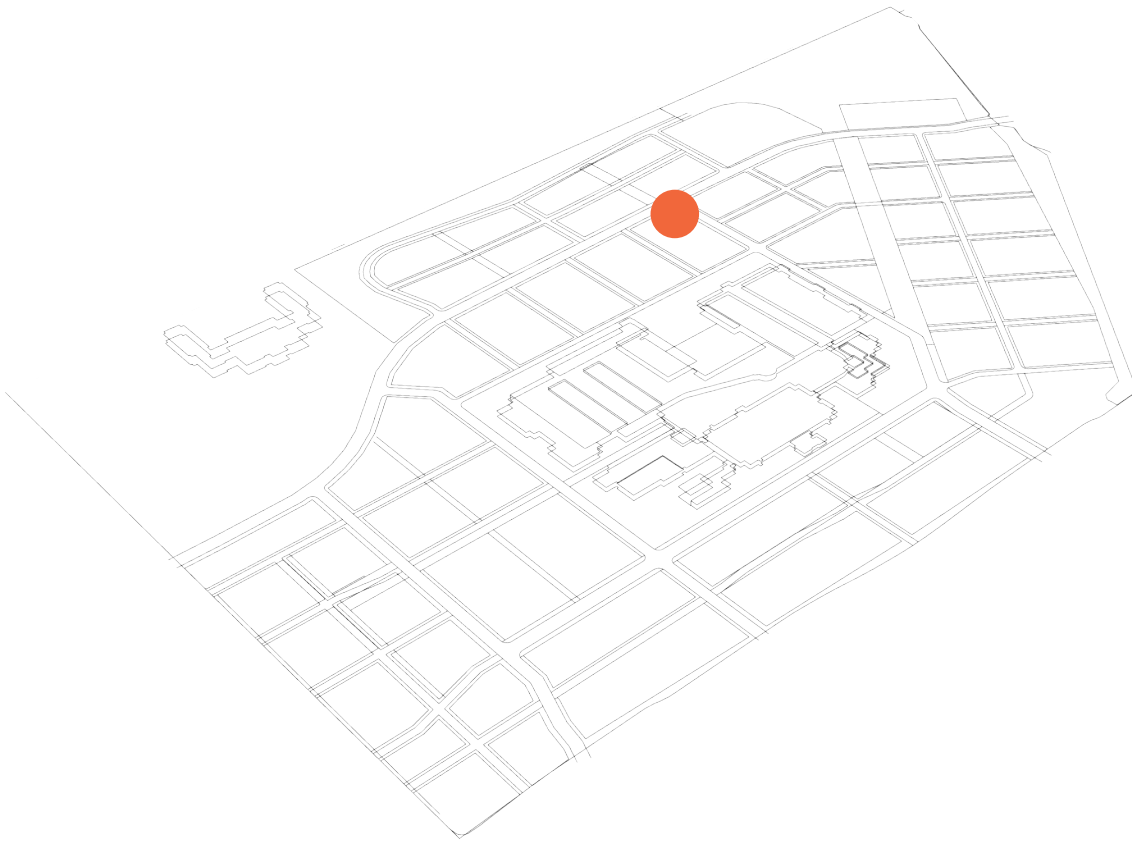
Placemaking opportunity

Promenade - Forest Park Pedestrian Crossing



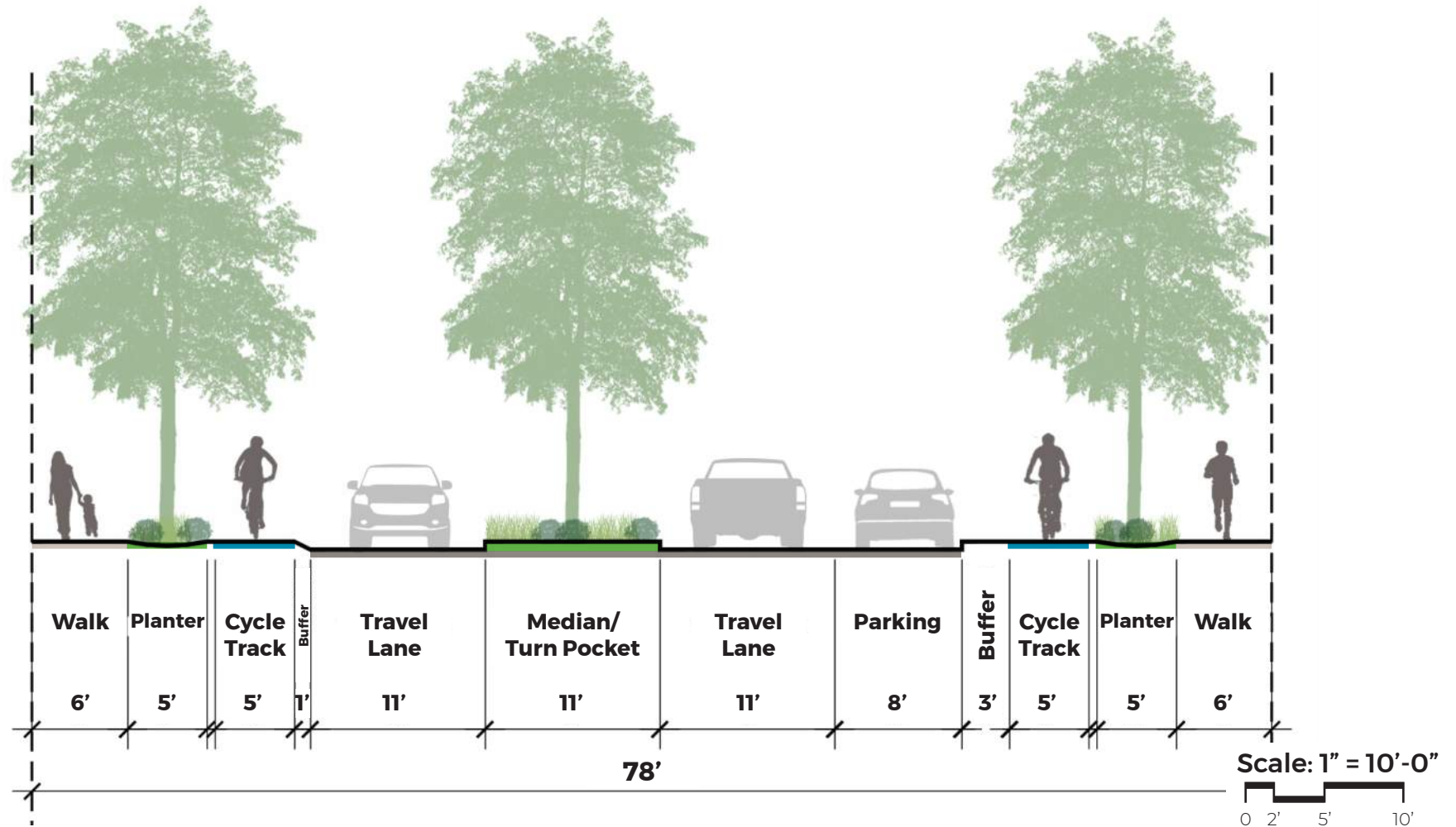
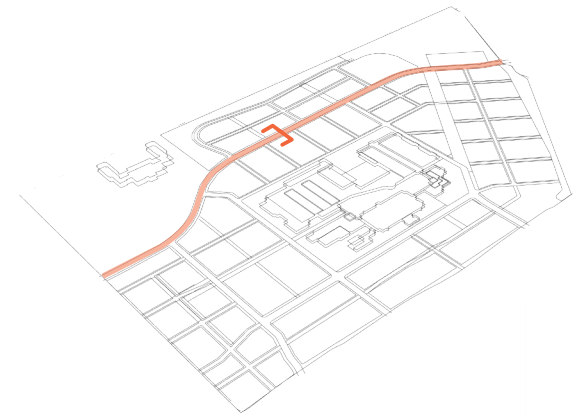
Placemaking opportunity

Intersection at SE 184th Ave & 29th St



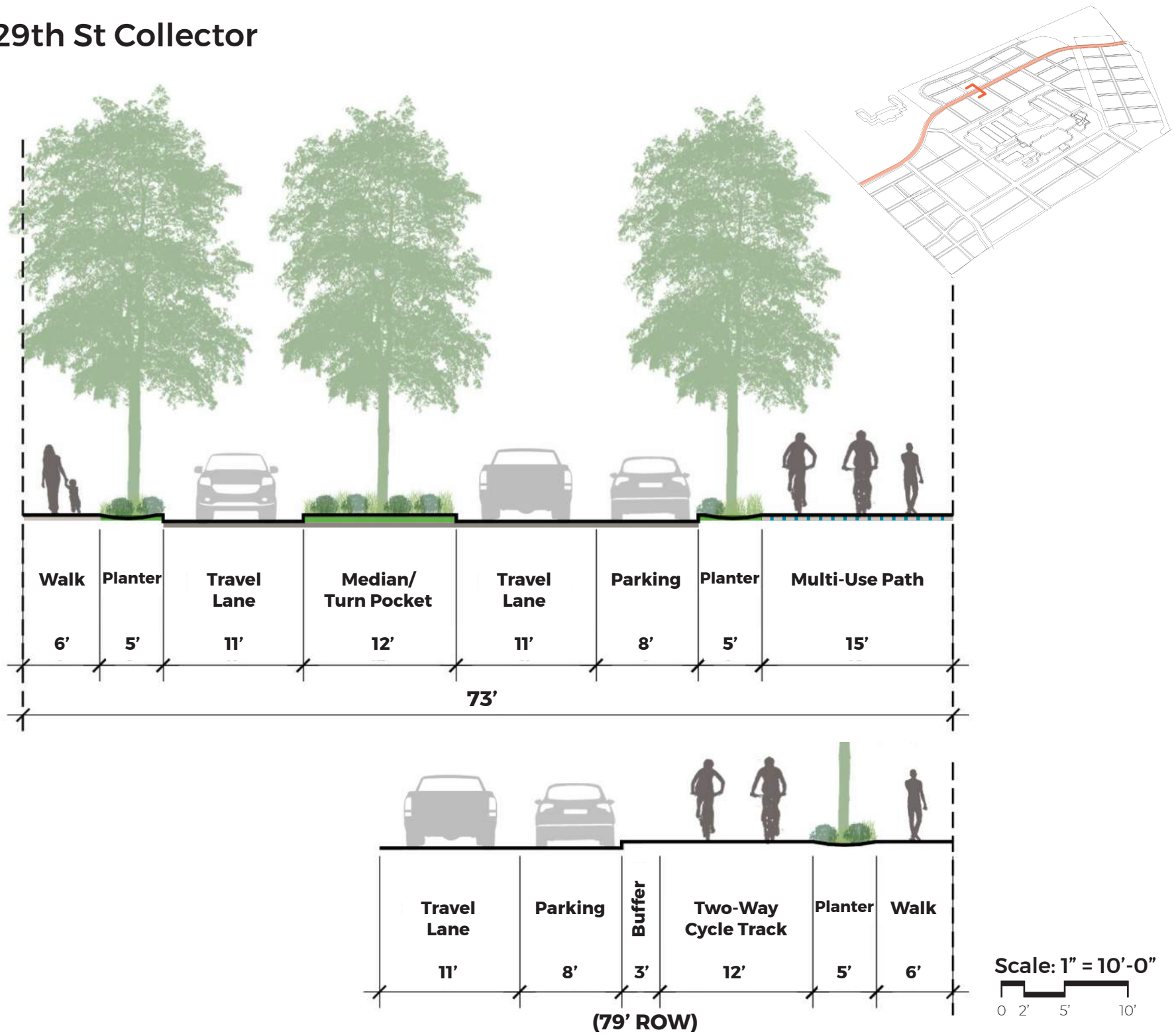
Section - 29th St Collector

Option 1 - Cycle tracks on both sides - with turn pocket



Section - 29th St Collector

Option 2

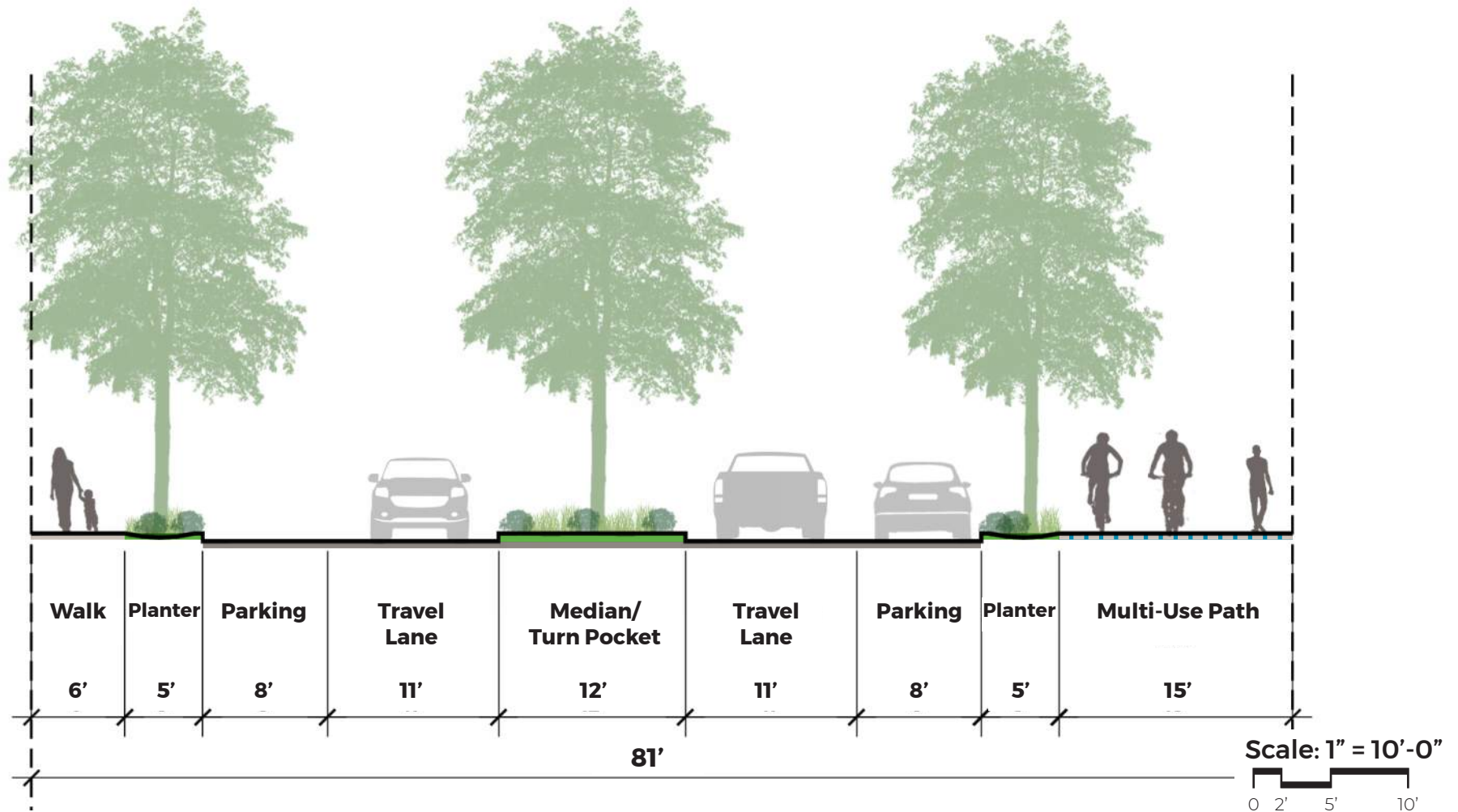
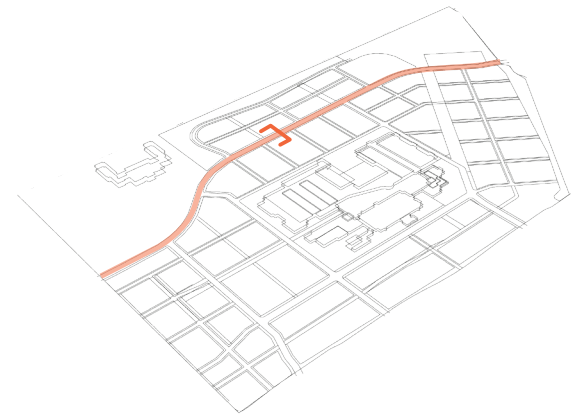


Multi-Use Paths

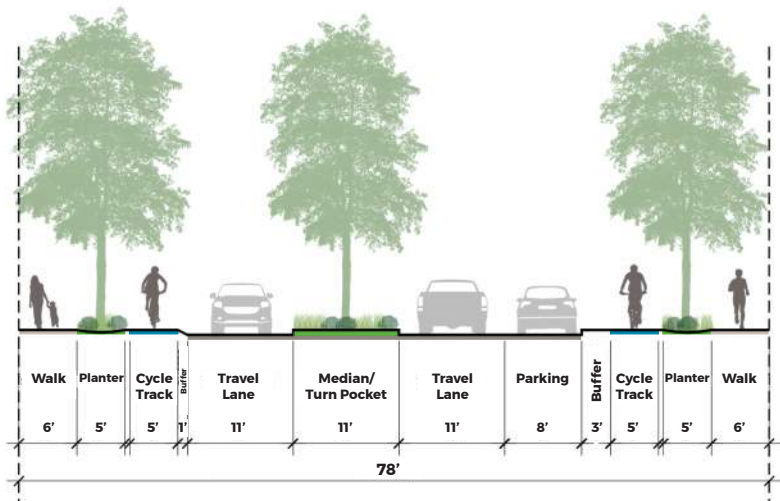
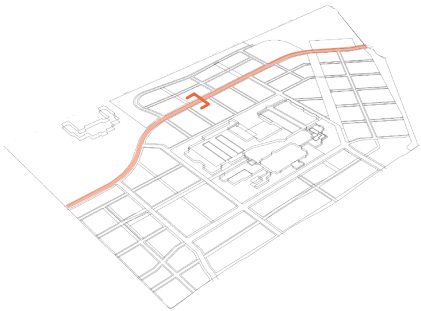


Section - 29th St Collector

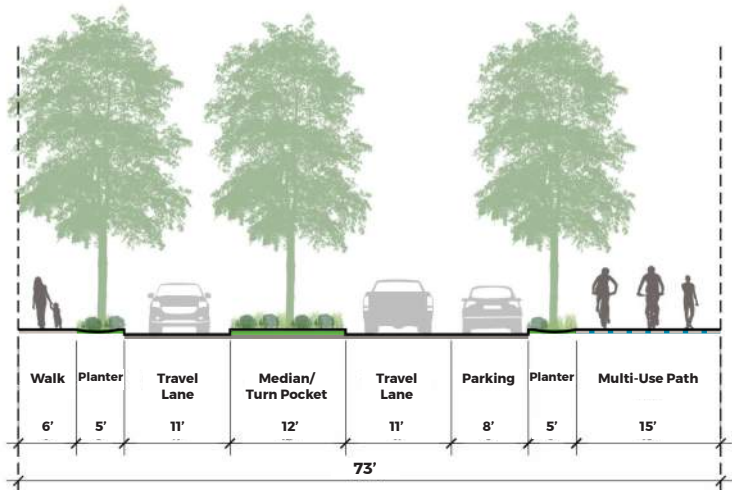
Option 3



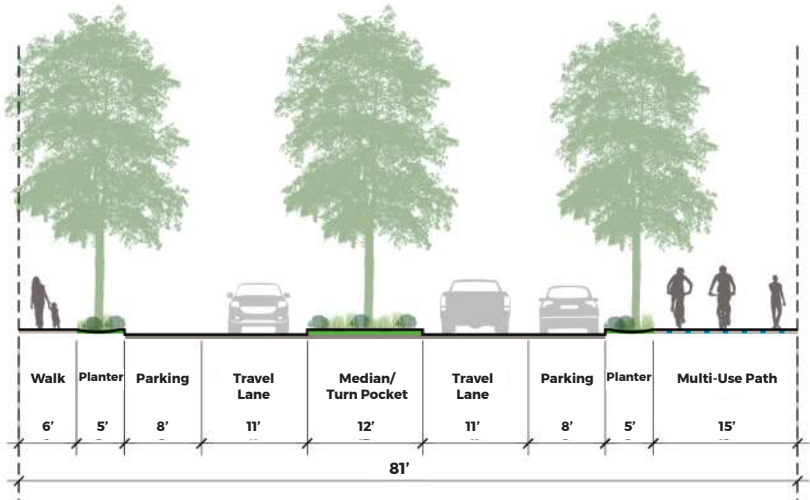
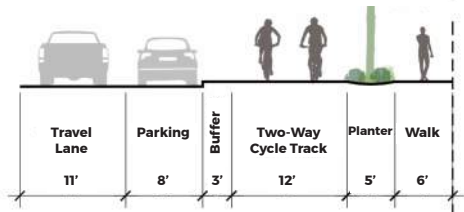
Section Index - 29th St. Collector



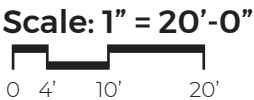
Option 1 -
Cycle tracks on both sides -
with turn pocket



Option 2



Option 3

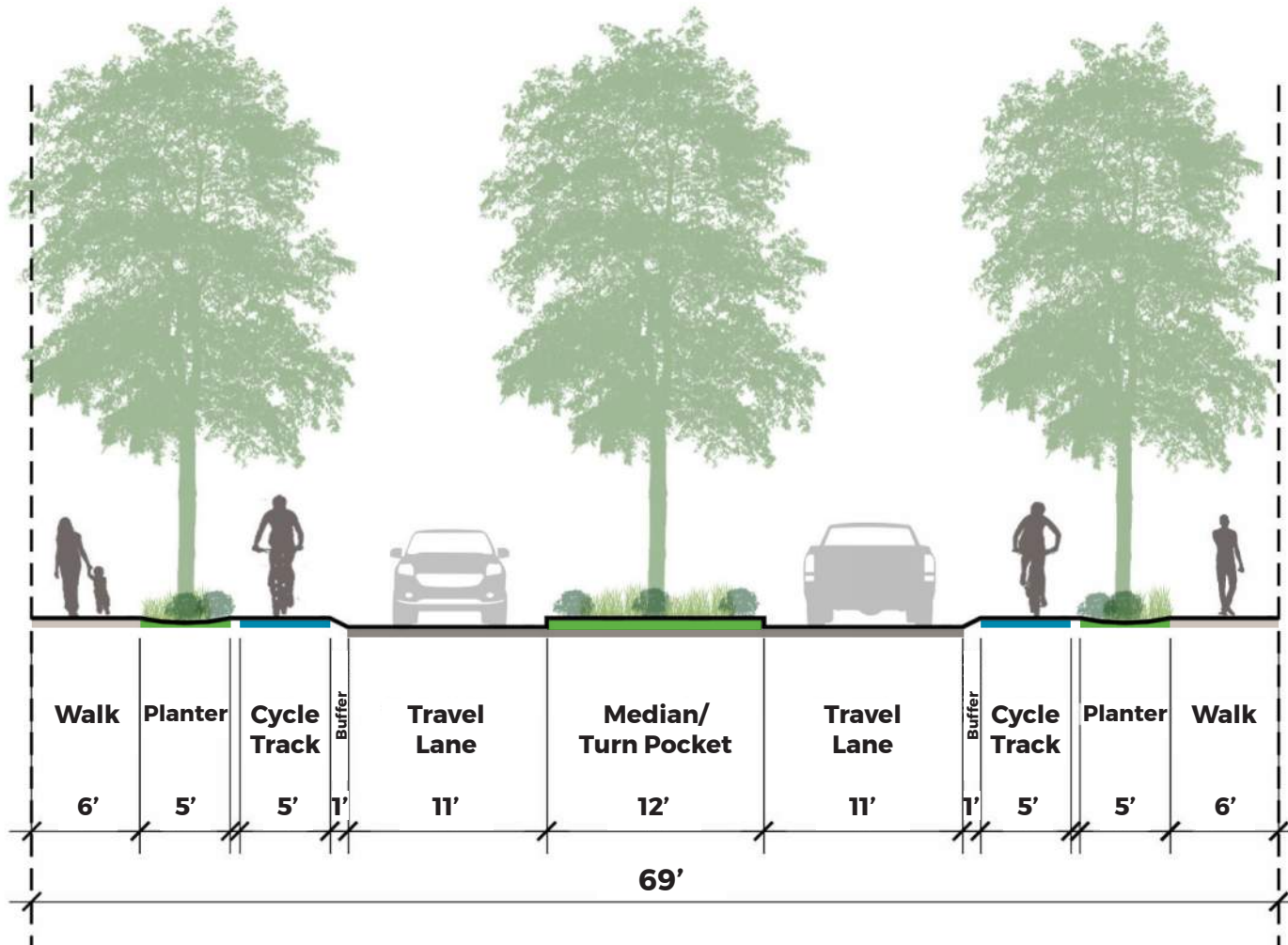
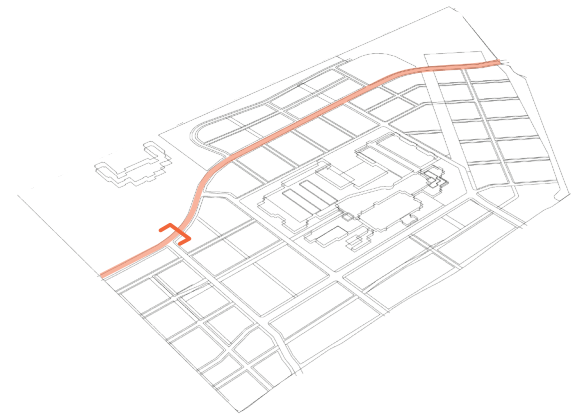


Parkway



Section - 29th St Collector

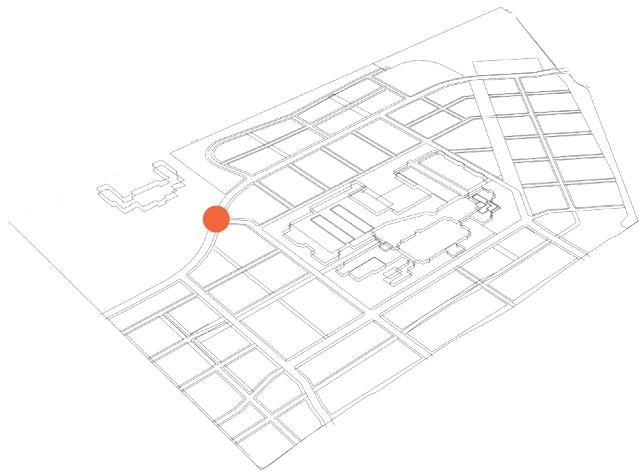
by Future Middle School, cycle tracks on both sides



Scale: 1" = 10'-0"

Placemaking opportunity

Future Middle School Entry



Curbless Streets

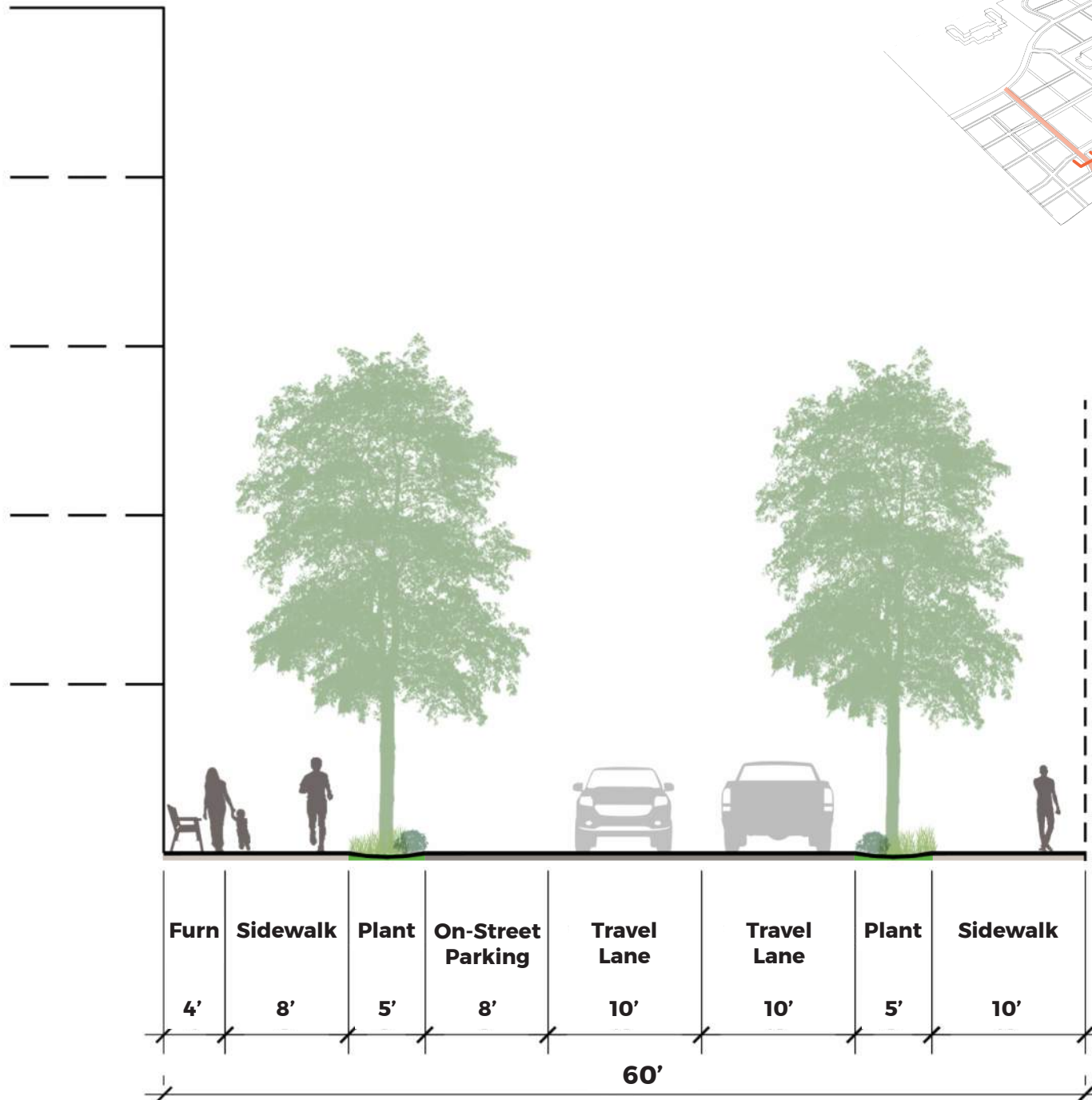
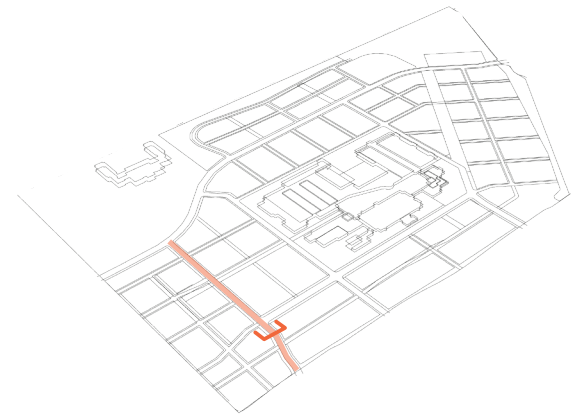


Shared Street Best Practices



Section - SE 177th St

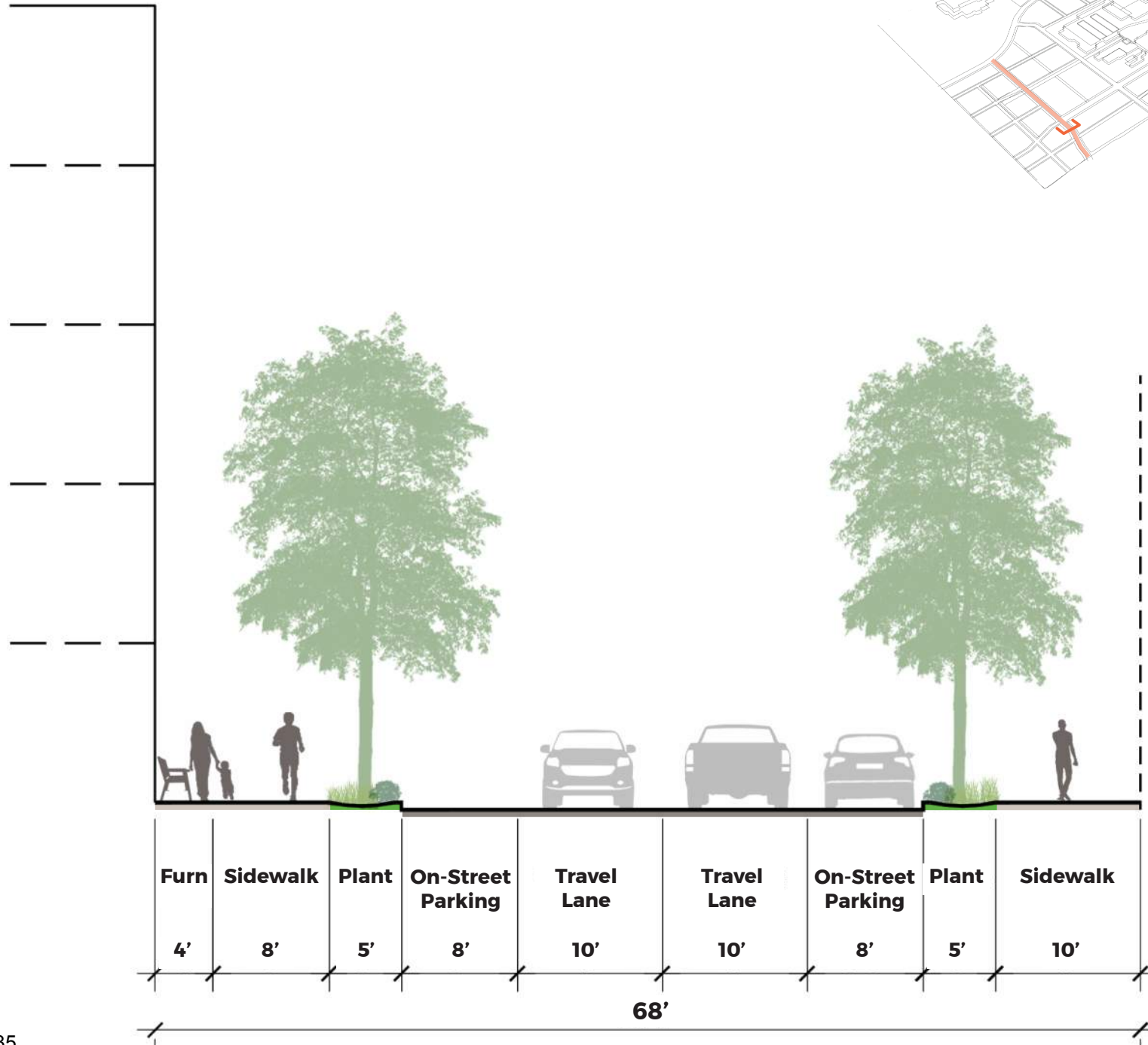
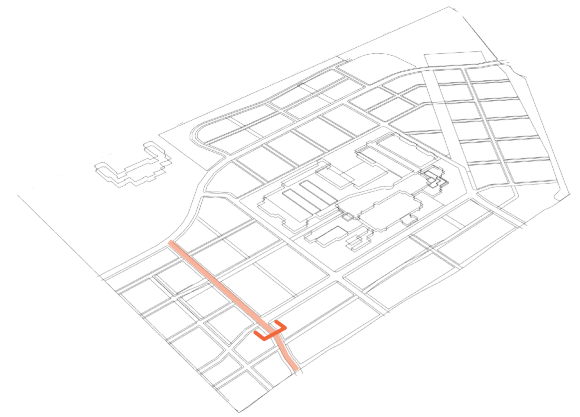
Option 1



Scale: 1" = 10'-0"

Section - SE 177th St

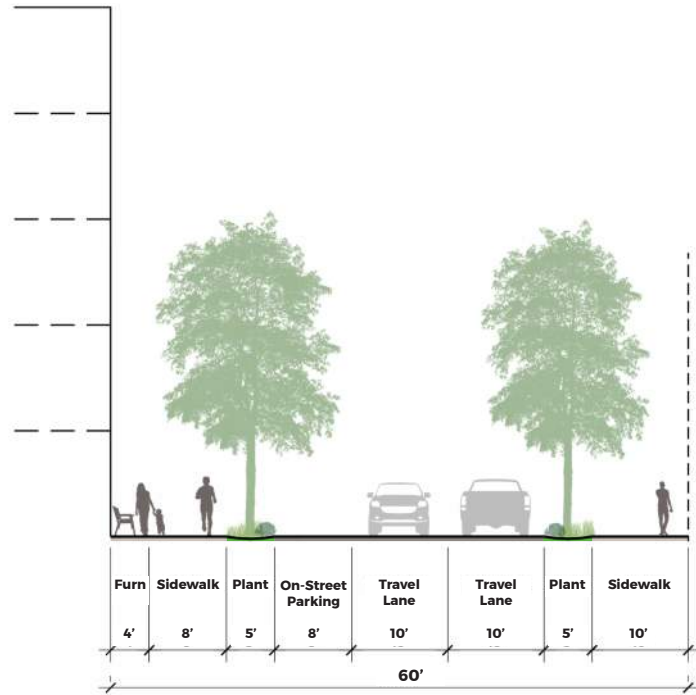
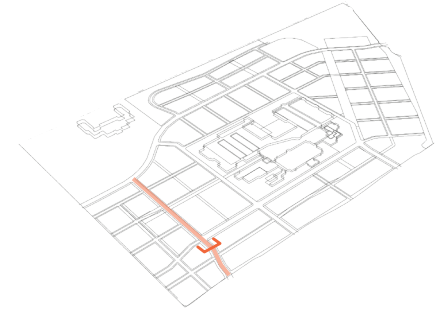
Option 2



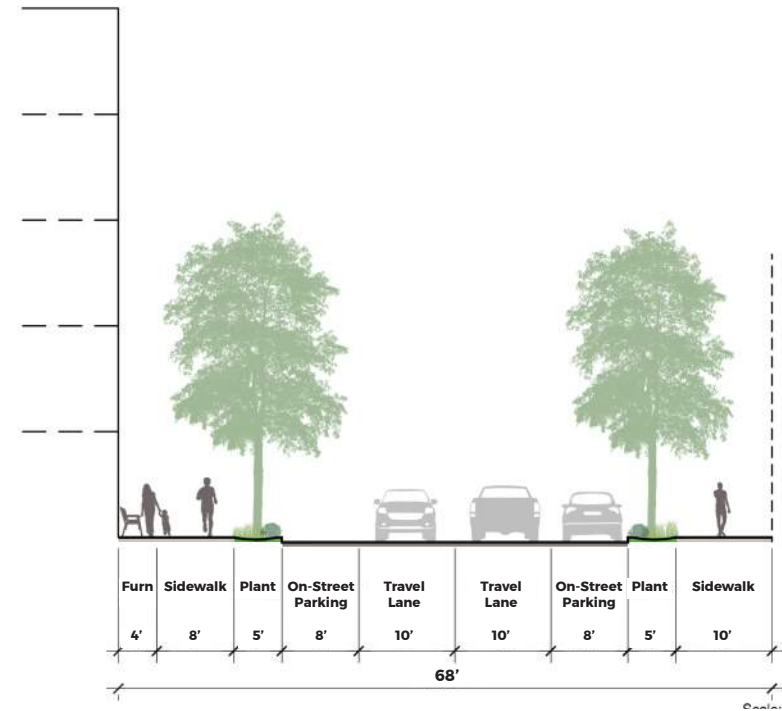
Scale: 1" = 10'-0"

0 2' 5' 10'

Section Index - 177th Ave.



Option 1

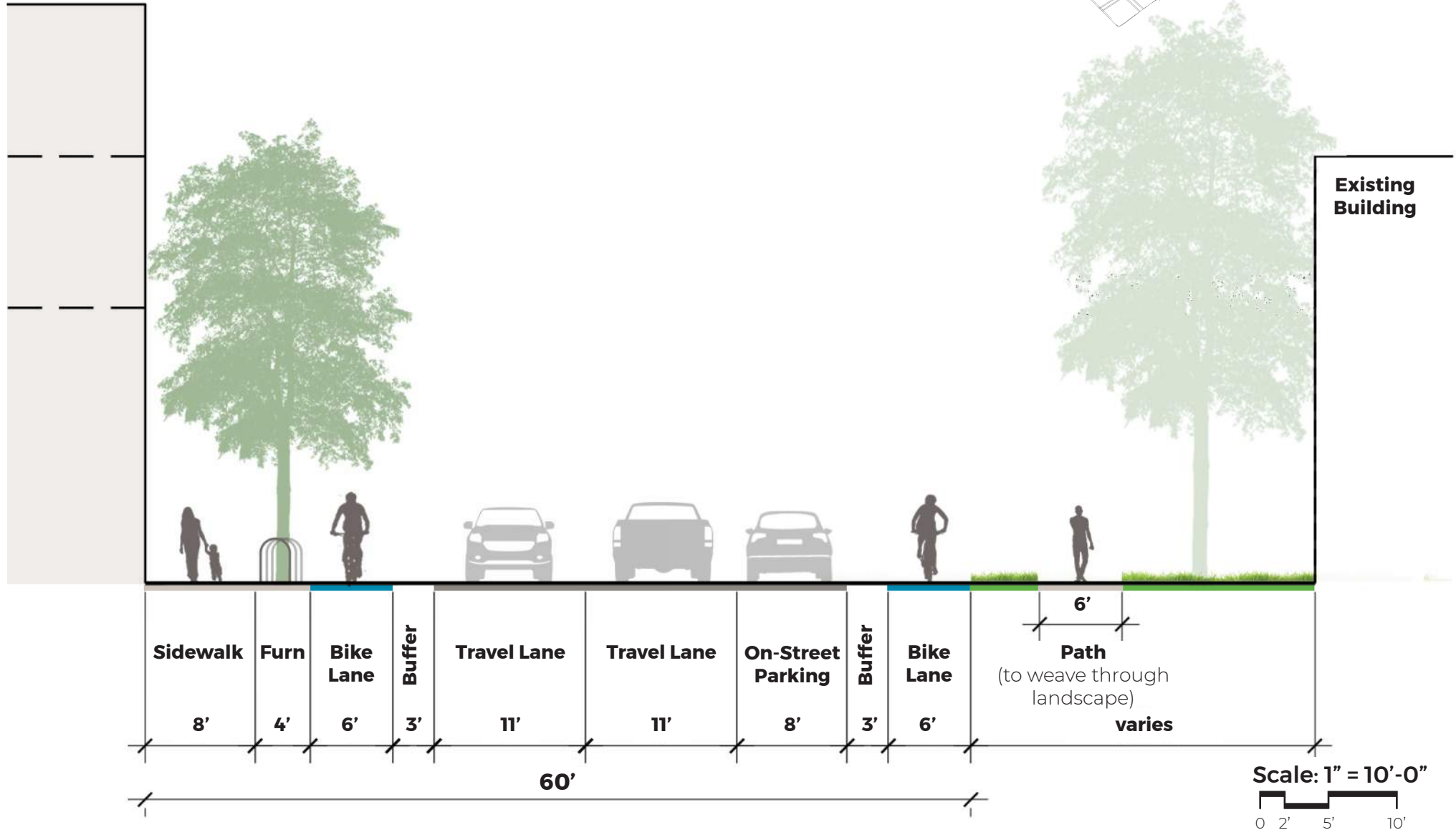


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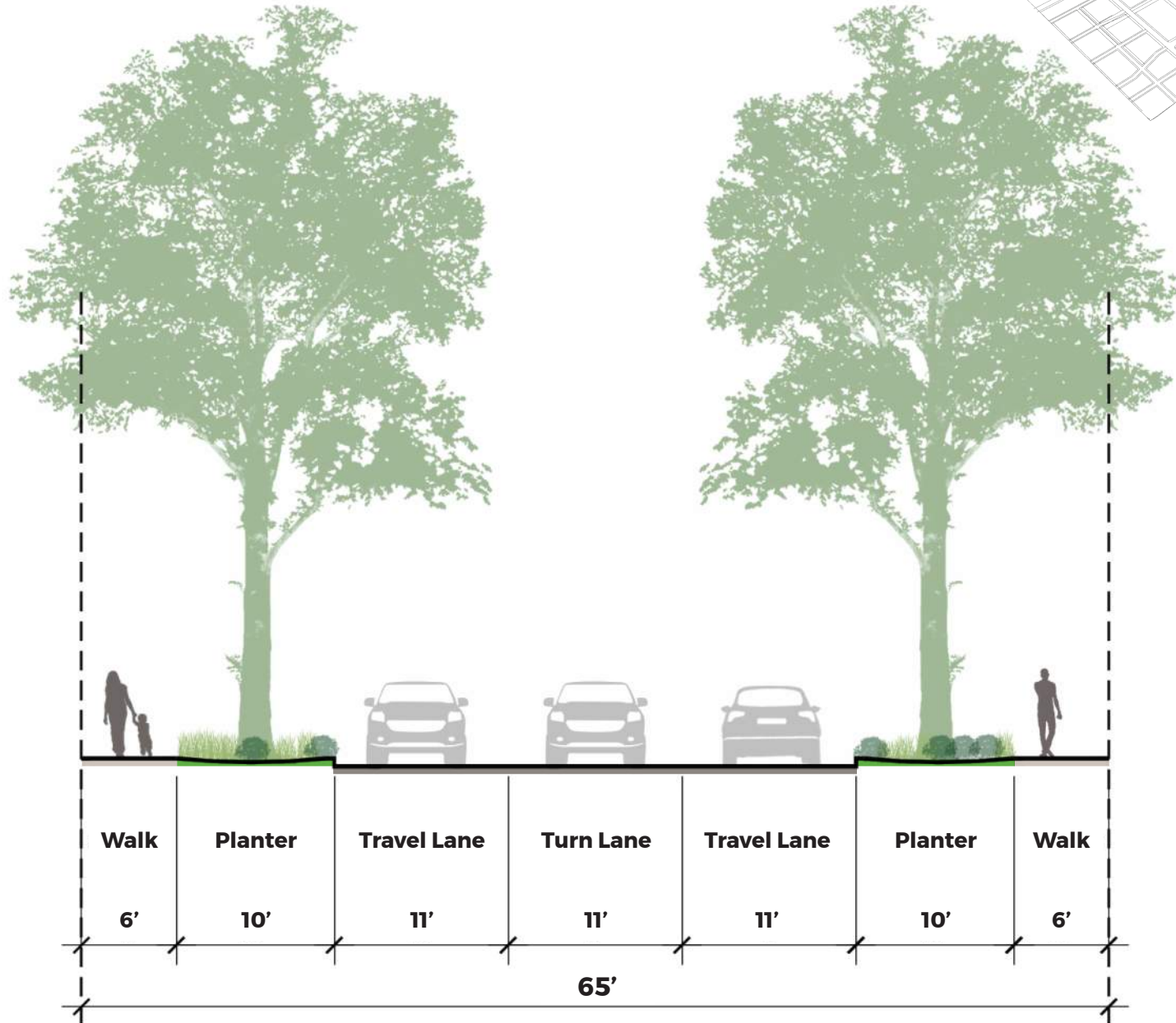
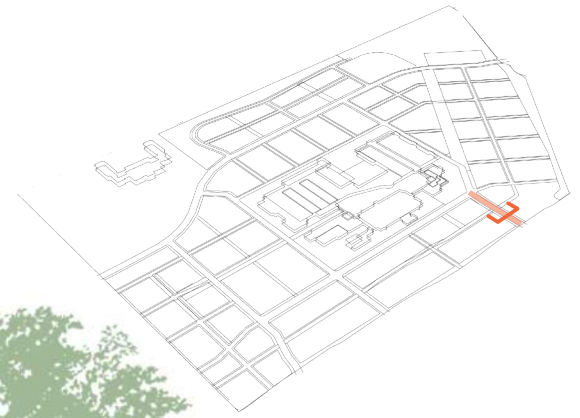
Scale: 1" = 20'-0"

Section - 32nd St

(shown as curbless - could be curbed)



Section - 184th Ave

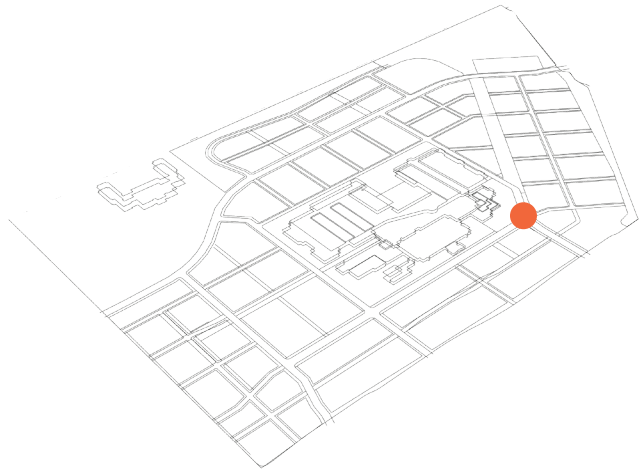


Scale: 1" = 10'-0"

A graphic scale bar with markings for 0, 2, 5, and 10 feet.

Placemaking opportunity

Gateway at Commons



gateway roundabout



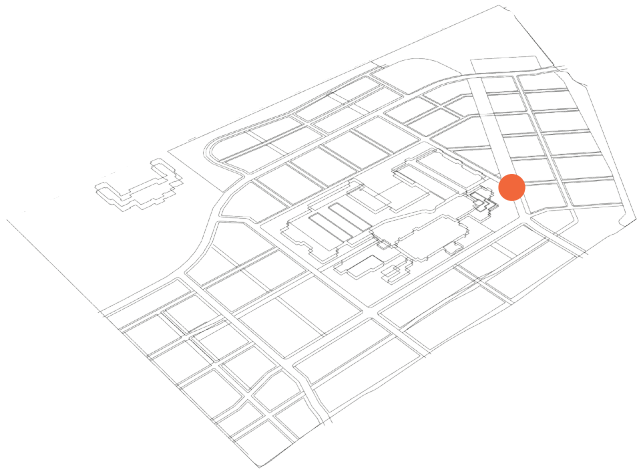
tree lined street entry (184th)



vertical gateway marker

Placemaking opportunity

Connection from Commons Area to Town Center



curbless, bollards, pavement transition



raised intersection with markers



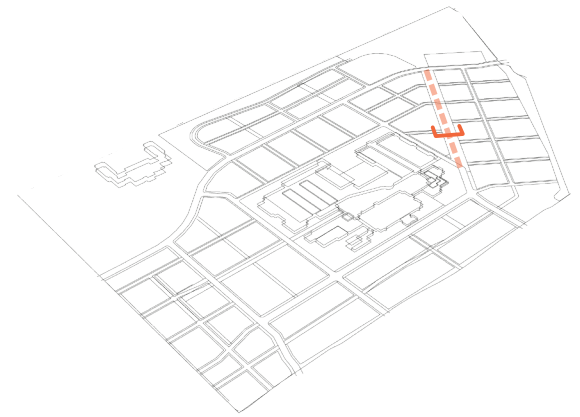
raised crossing



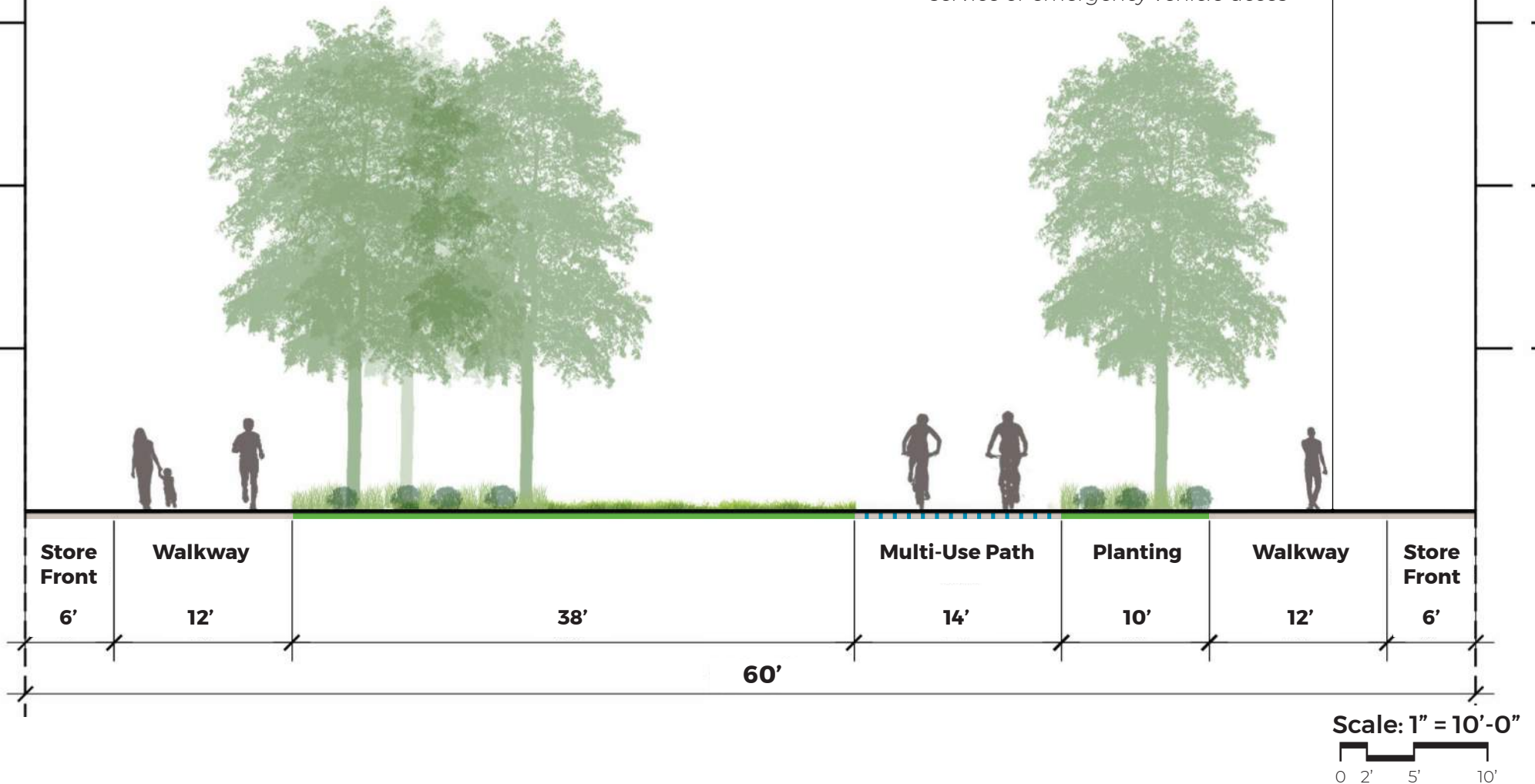
narrowed roadway

Section - Town Center Promenade

Preliminary Concept



walkway can be used as temporary service or emergency vehicle access

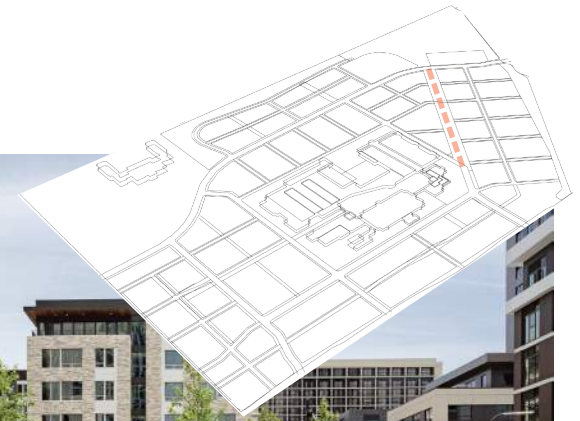


Town Center Promenade

Inspiration



Hassalo on Eighth - Portland, OR



Atlanta Beltline - Atlanta, GA
Page 119 of 235



Bowie State University - Bowie, MD

**EXHIBIT B – PROPOSED ORDINANCE REFLECTING APPLICANT RESPONSES TO
PLANNING COMMISSION MODIFICATIONS TO MASTER PLAN AND DEVELOPMENT
AGREEMENT**

ORDINANCE FOR VANCOUVER INNOVATION CENTER

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, 2020¹, 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).

**DEVELOPMENT AGREEMENT FOR ORDINANCE B, REFLECTING APPLICANT
RESPONSE TO PLANNING COMMISSION RECOMMENDED MODIFICATIONS
REGARDING TOWN CENTER BOUNDARY AND PARK VALUATION**

**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.

THIRD AMENDED AND RESTATED DEVELOPMENT AGREEMENT - 2

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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 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

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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 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

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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.

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 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.

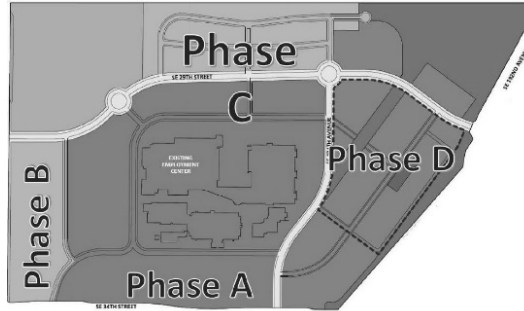
a. There shall be no limit on the timing or pace of development of the **light industrial (IL) LUA** depicted on the Master Plan. Developer has already begun and intends to complete renovations and capital improvements in the Existing Building in the IL LUA by December 31, 2023. Residential units in 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.



- 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

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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.

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 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 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 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 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;

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- 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
- 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
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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 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

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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 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.

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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).

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.

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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 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

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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.

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]

CITY OF VANCOUVER,

Washington

By: _____

Name: _____

Title: _____

Date: _____

Approved as to form only:

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 the City of Vancouver, a Washington municipal 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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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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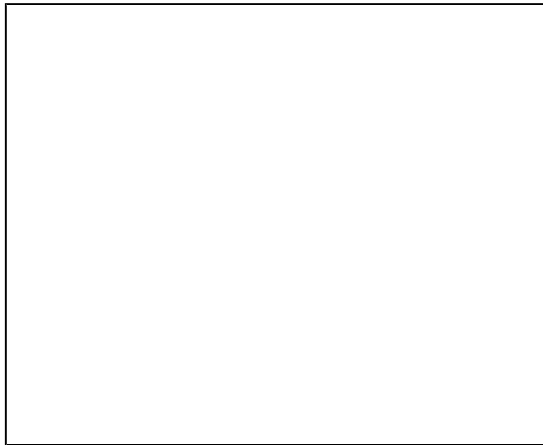
THE VIC BUILDING OWNER LLC, a
Delaware limited liability company

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 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.

Dated: _____, 2021.



Notary Seal

Notary Public for Washington

Name of Notary

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

THIRD AMENDED AND RESTATED DEVELOPMENT AGREEMENT - 24

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.

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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**;

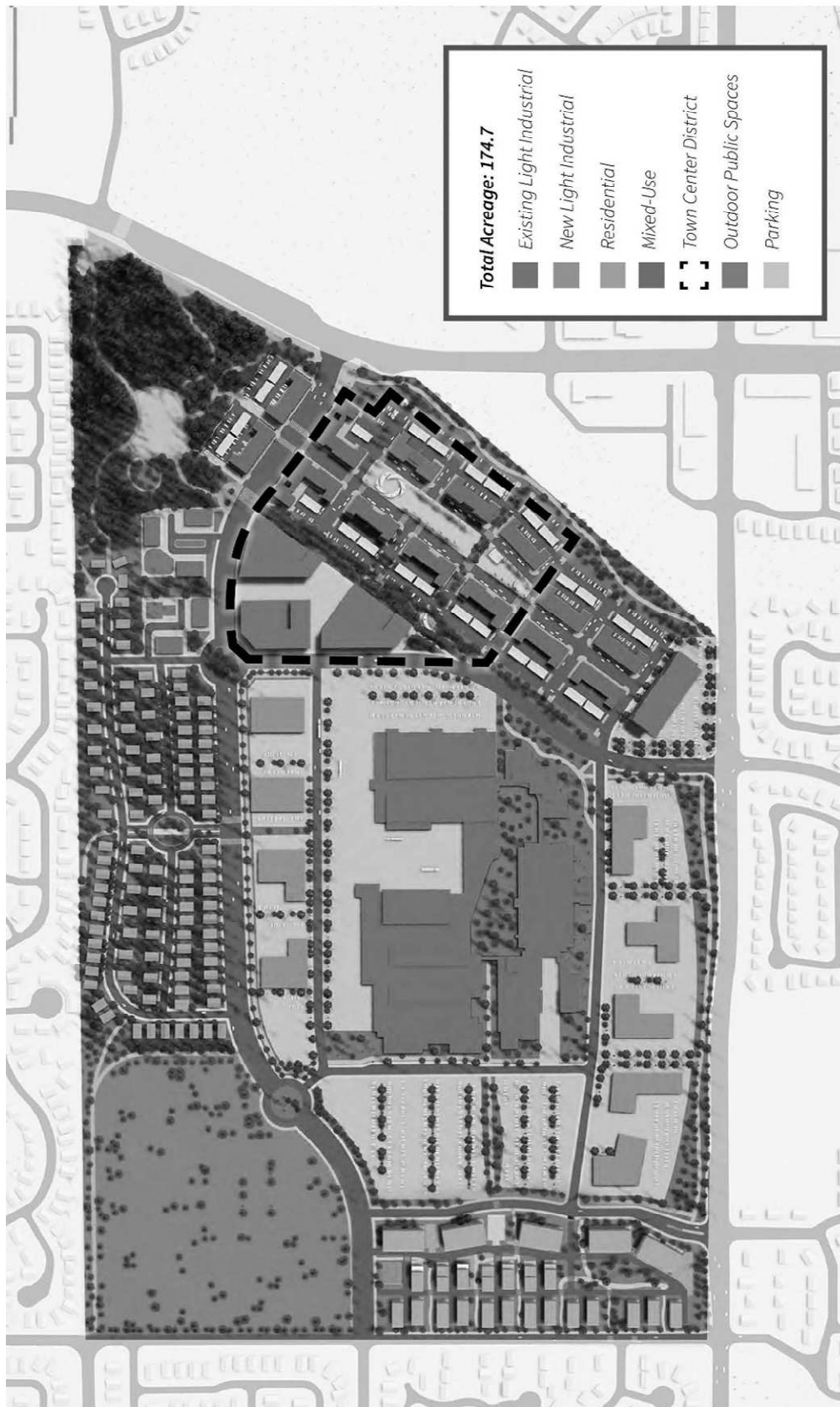
THENCE NORTH 83°28'58" EAST 460.58 FEET; THENCE NORTH 90°00'00" EAST 485.00 FEET; THENCE NORTH 00°01'12" EAST 132.56 FEET; THENCE SOUTH 89°21'28" EAST 604.07 FEET; THENCE SOUTH 00°01'12" WEST 137.96 FEET; THENCE SOUTH 88°17'11" EAST 256.70 FEET; THENCE SOUTH 00°29'34" EAST 657.53 FEET; THENCE SOUTH 01°10'04" 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

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EXHIBIT B - Master Plan



THIRD AMENDED AND RESTATED DEVELOPMENT AGREEMENT - 29

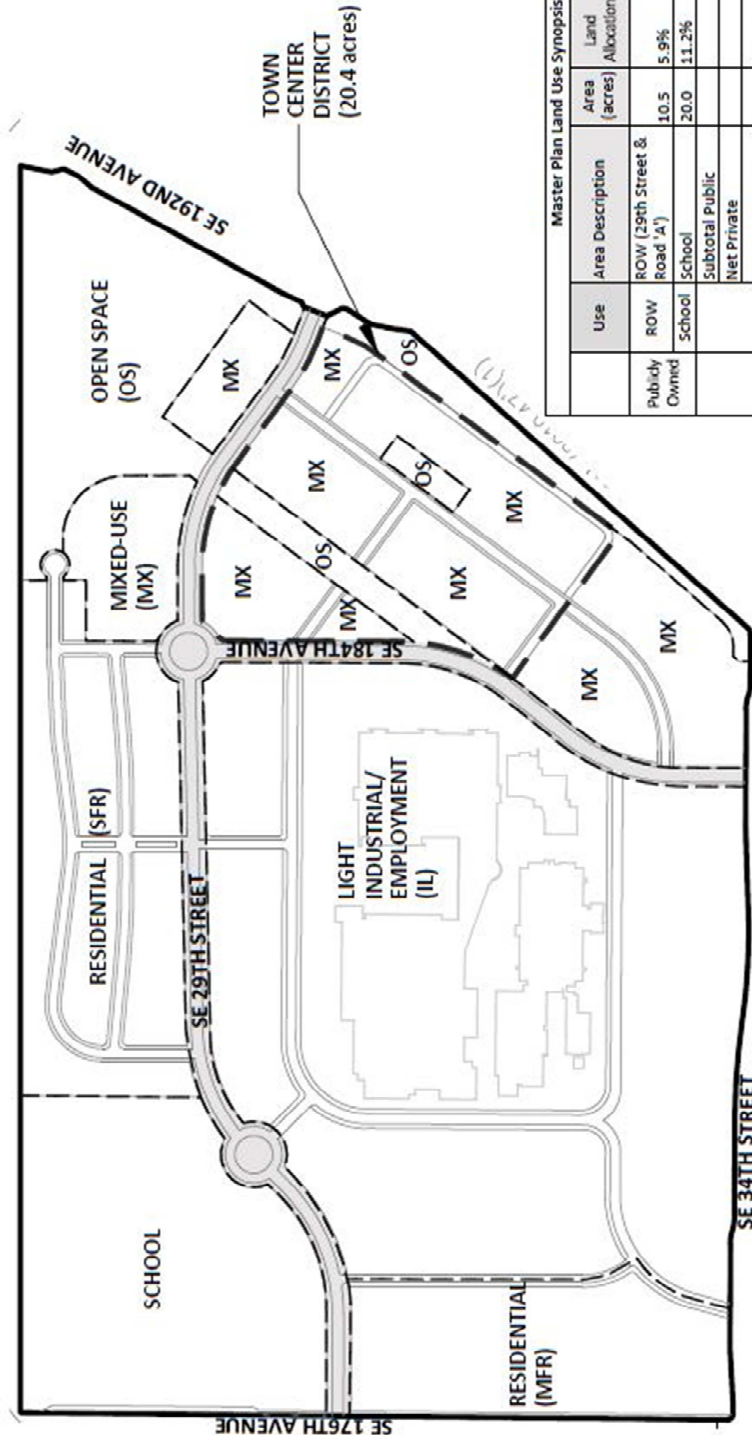
4836-4140-1076, v. 1

EXHIBIT B-1 - Town Center Master Plan

[Reserved for Future Use]

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EXHIBIT B-2 – Full Site Utilization Plan



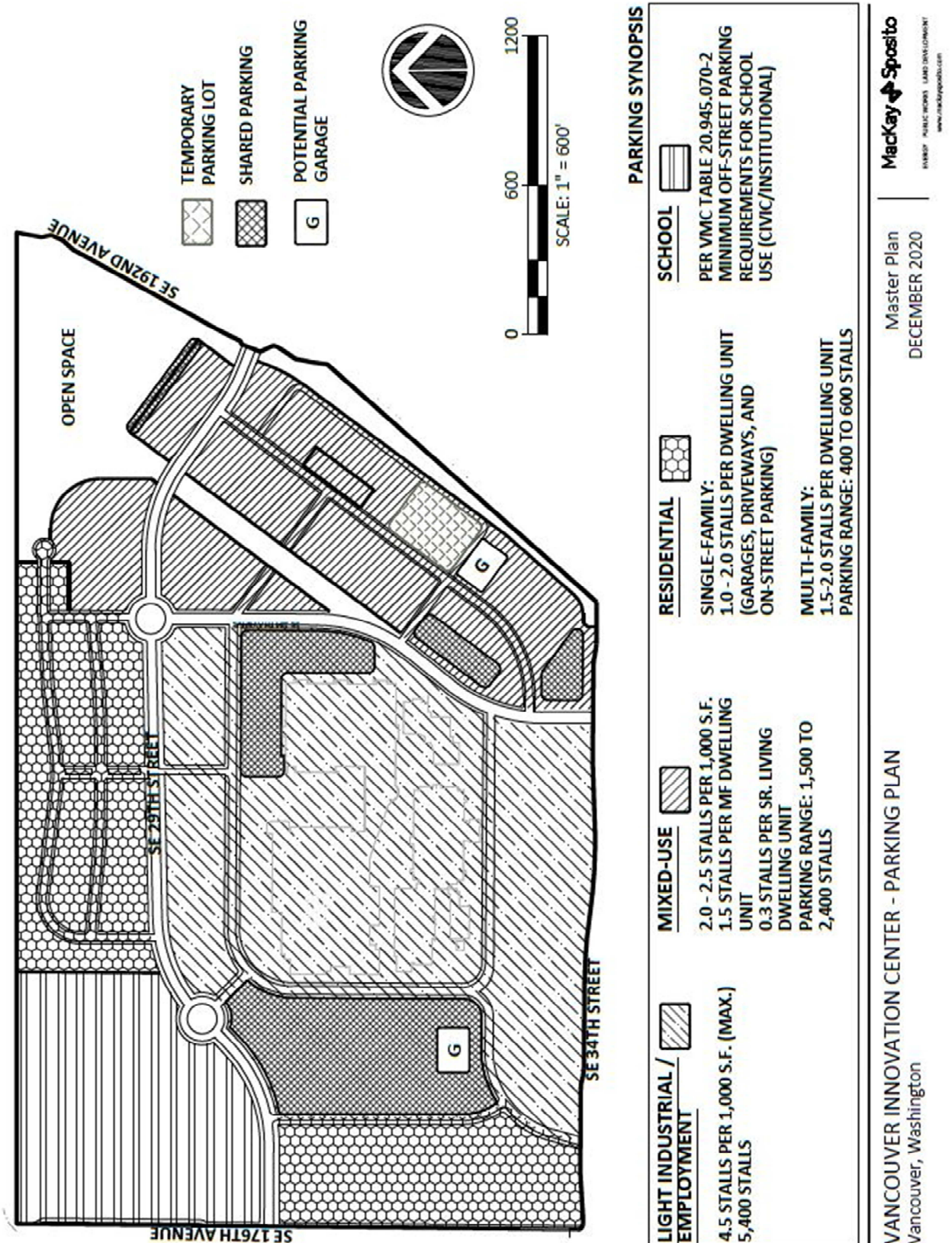
Master Plan Land Use Synopsis						
Use	Area Description	Area (acres)	Land Allocation	Use Totals (acres)	% of Gross	% of Net
Publicly Owned	ROW (29th Street & Road 'A')	10.5	5.9%	10.5	6%	0%
	School	20.0	11.2%	20	11%	0%
	Subtotal Public			30.5		
	Net Private			148.6		
Privately Owned	Open Space (OS)	13.6	7.6%			
	Urban Plaza	0.6	0.3%	19.1	11%	13%
	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%	45%
	Flex/Office (LI-3)	14.6	8.2%			
	Res. (SFR)	18.2	10.2%			
	Multi-Family (MFR-1)	12.2	6.8%	30.4	17%	20%
	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%	21%
	MX/Retail (MX-4)	22.1	12.3%			
	Totals	179.1	100%			

EXHIBIT B-3 – Master Plan Renderings

[See attached VIC Presentation v12]

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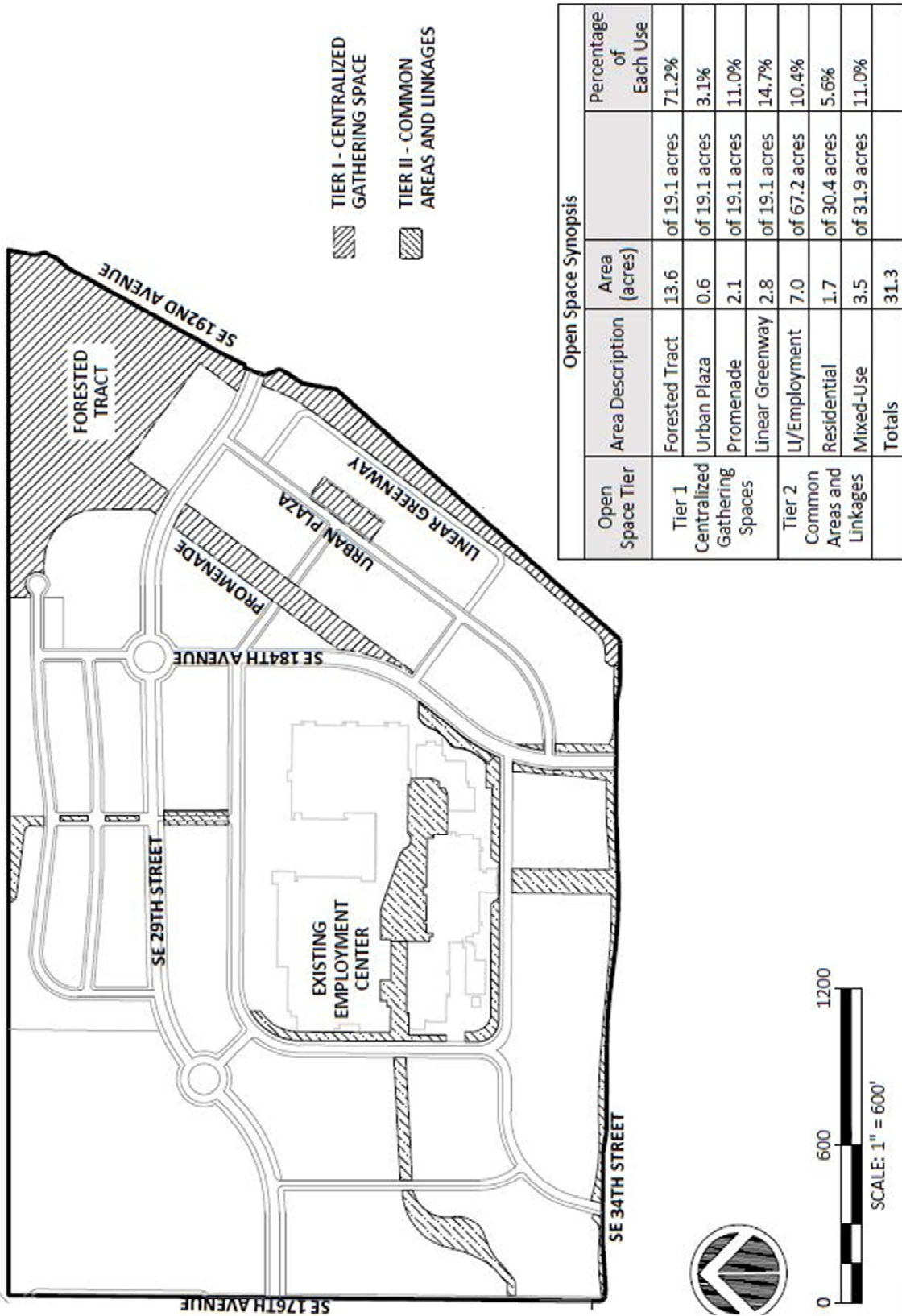
EXHIBIT B-4 – Parking Plan



THIRD AMENDED AND RESTATED DEVELOPMENT AGREEMENT - 33

4836-4140-1076, v. 1

EXHIBIT B-5 – Open Space Plan

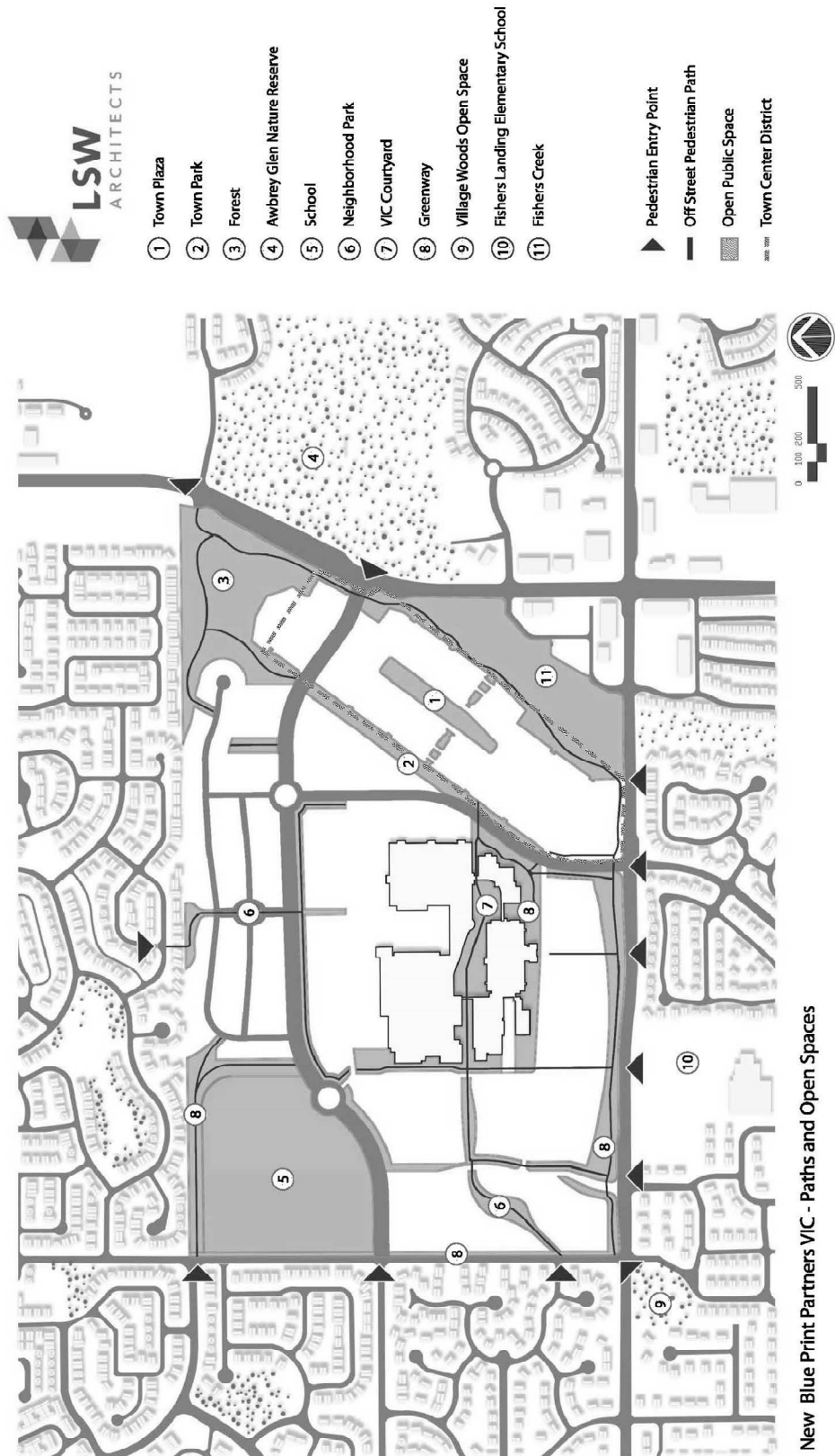


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 EMERY PUBLIC WORKS LAND DEVELOPMENT
 www.mackaysposito.com

Master Plan
 DECEMBER 2020

VANCOUVER INNOVATION CENTER - OPEN SPACE PLAN
 Vancouver, Washington

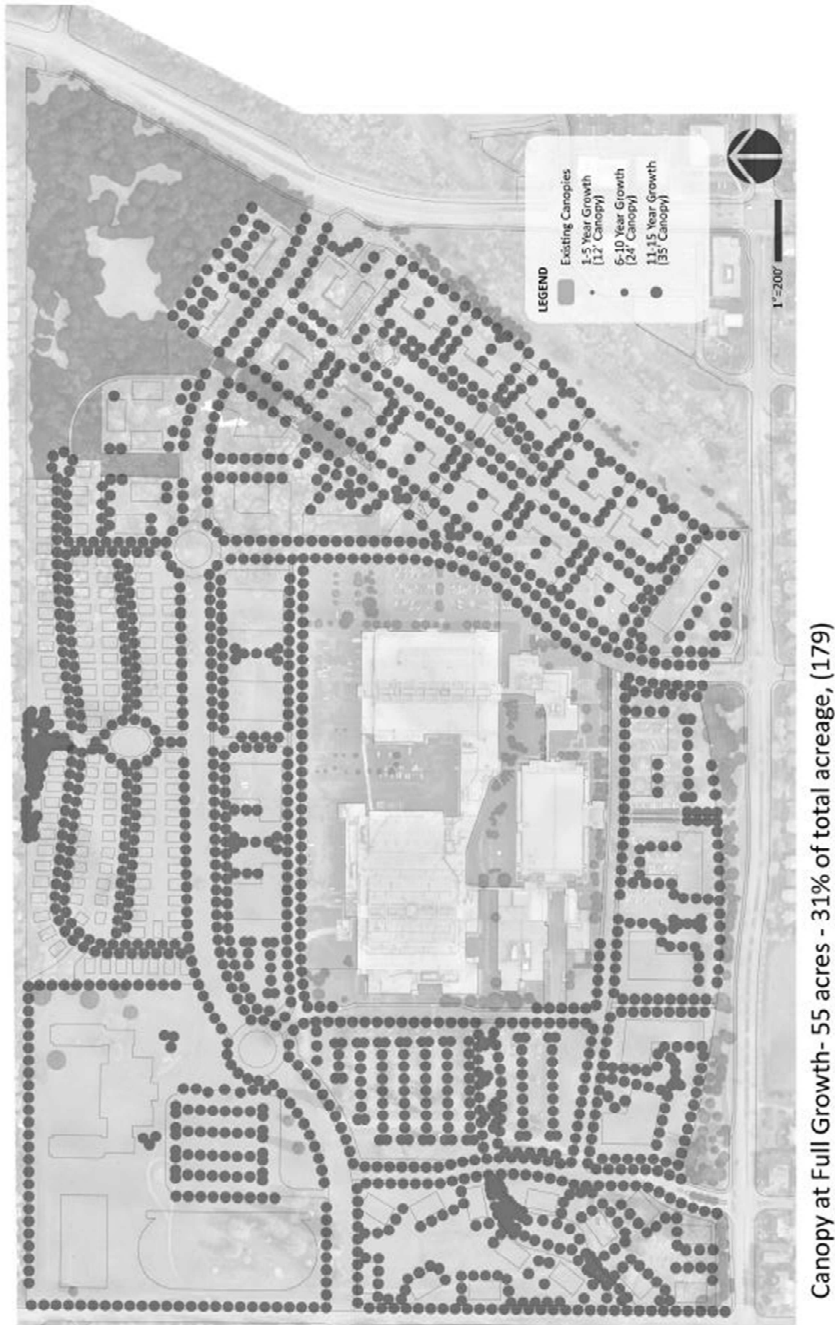
EXHIBIT B-6 – Pathway Plan



THIRD AMENDED AND RESTATED DEVELOPMENT AGREEMENT - 35

4836-4140-1076, v. 1

EXHIBIT B-7 – Tree Canopy Plan



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]

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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]

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EXHIBIT E –Design Standards

[See attached Exhibit E Design Standards]

DRAFT

EXHIBIT E-1 – Town Center Amendment Specific Design Standards

[Reserved for Future Use]

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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

CONTENTS

Purpose	01
Applicability.....	02
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Appendix A

Sustainability Framework

Appendix B

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:

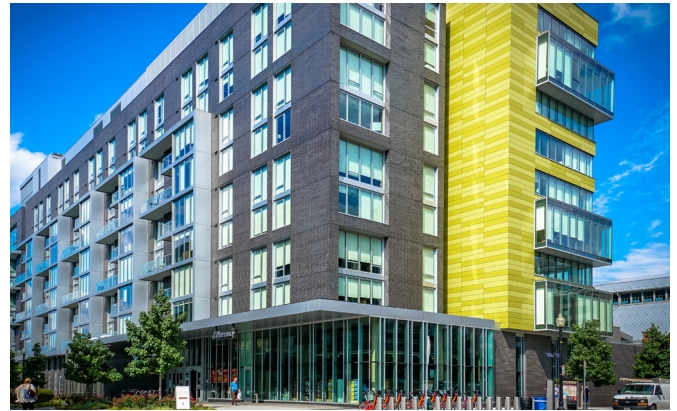
- a. Compliance with the 2018 Washington State Energy Code, at a minimum;
- b. Compliance with environmental standards in effect at the time of building permit application (i.e. environmental development standards do not vest on the Restated DA Effective Date;
- c. That every new building is designed 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 a 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



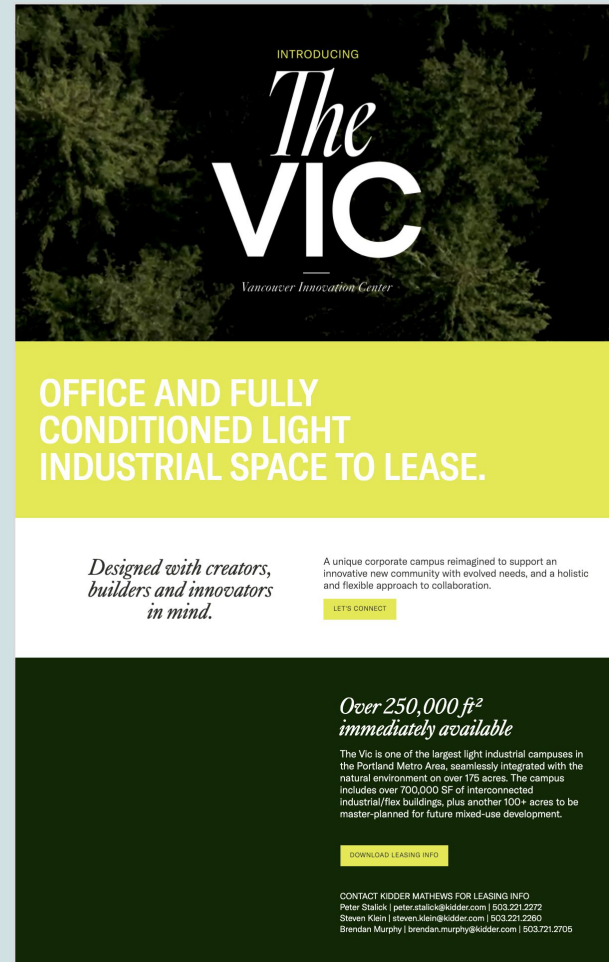
Vancouver Innovation Center Sustainability Framework

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 capital letters, followed by 'The VIC' in a large, elegant white serif font. Below this, in a smaller white sans-serif font, is 'Vancouver Innovation Center'. The middle section has a solid bright yellow background with the text 'OFFICE AND FULLY CONDITIONED LIGHT INDUSTRIAL SPACE TO LEASE.' in bold white sans-serif capital letters. The bottom section is divided into two horizontal bands. The upper band has a white background with the italicized text 'Designed with creators, builders and innovators in mind.' on the left and a short paragraph 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 the paragraph is a small yellow button with the text 'LET'S CONNECT'. The lower band has a dark green background with the text 'Over 250,000 ft² immediately available' in white italicized font. Below this is a paragraph: '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 contains contact information in small white capital letters: '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@kiddier.com | 503.221.2272
Steven Klein | steven.klein@kiddier.com | 503.221.2260
Brendan Murphy | brendan.murphy@kiddier.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

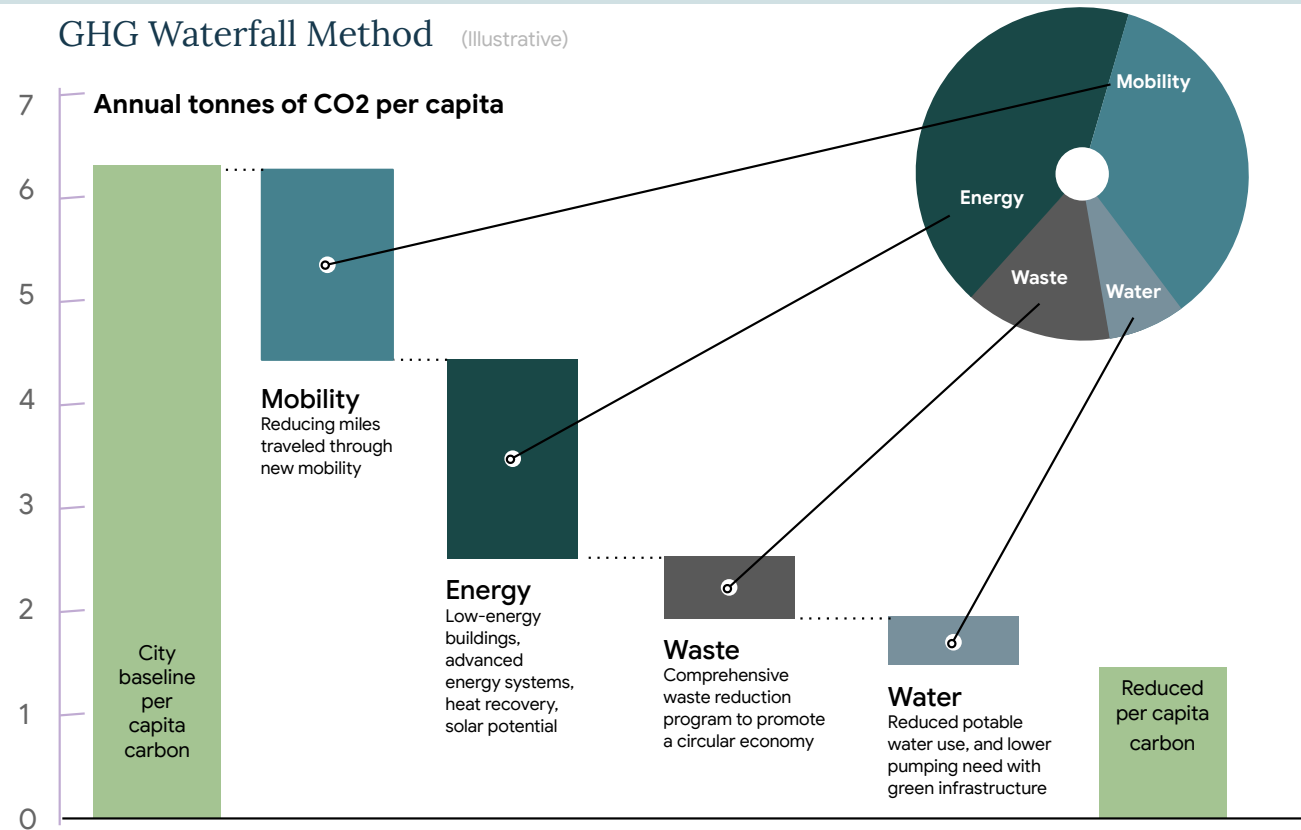
Identifying the the value of innovation requires holistic integration, and a comparable way to evaluate impact. Utilizing a Greenhouse Gas (GHG) Waterfall will provide the VIC with a blueprint that will assist in achieving desired sustainability outcomes.

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

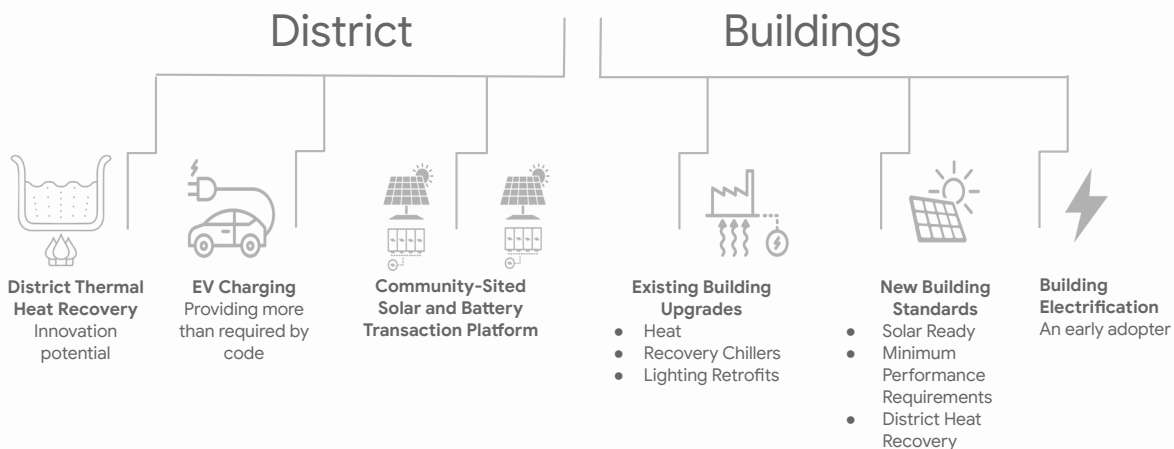
Connection to Regional Transportation - Exploring options of addition or relocation of bus route for opportunity to connect to existing networks

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 -

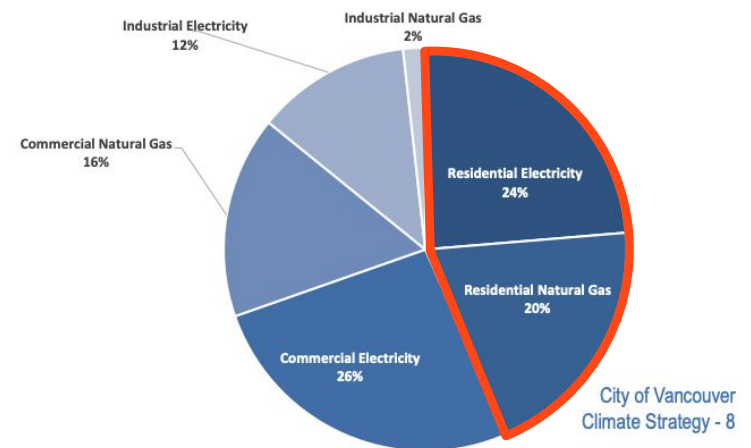
Potential for adding district thermal systems that utilize waste heat to offset the need for electric heat

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

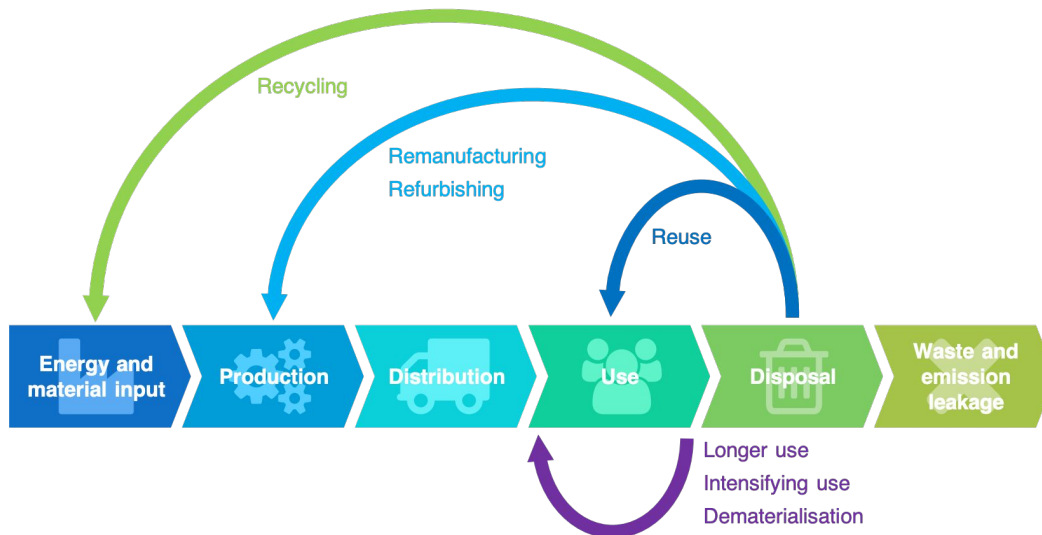
kgCO₂/MWh

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

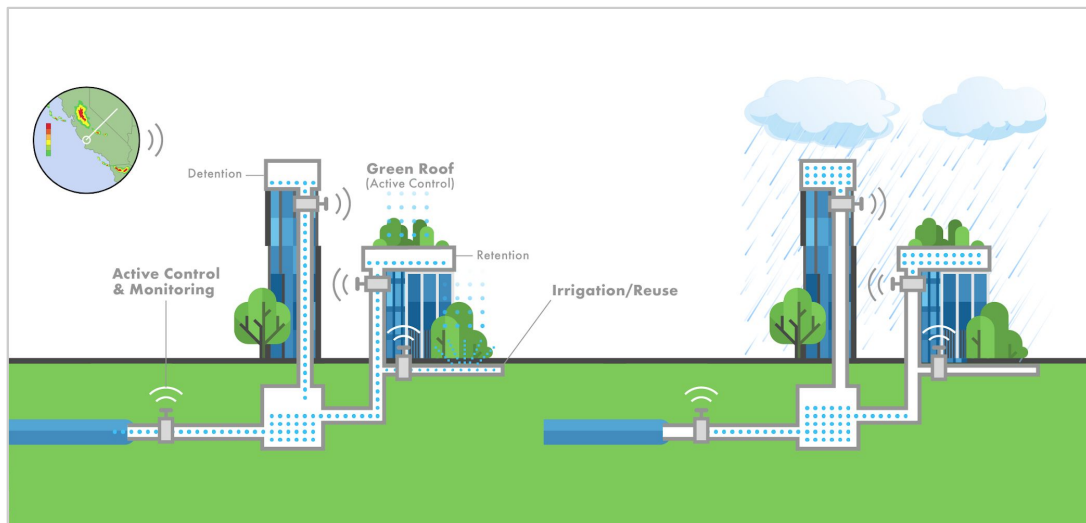
Programs to promote a circular economy - Operational Strategies for tenants within the district to identify opportunities for beneficial reuse

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

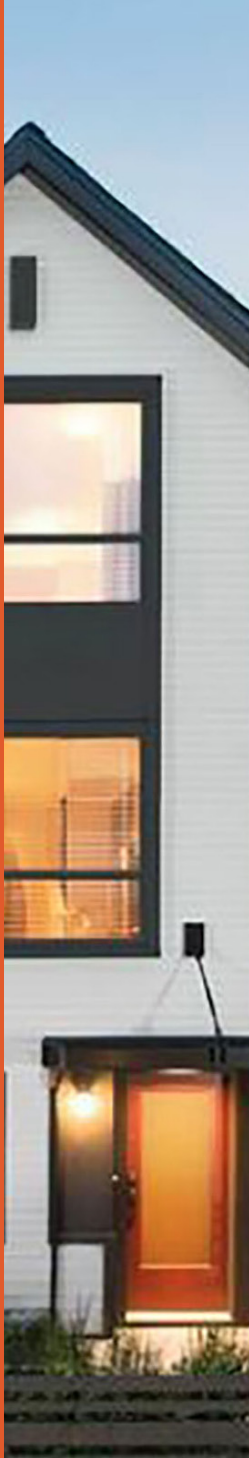
MOBILITY	ENERGY	WASTE	WATER	WELLNESS
Development Application Commitments				
20 minute neighborhood reducing the need for vehicle trips Extensive bicycle path network creating pathways that allow for alternate transportation throughout the district Increased EV charging availability providing infrastructure 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
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				
Areas for Further Innovation Analysis				

APPENDIX B

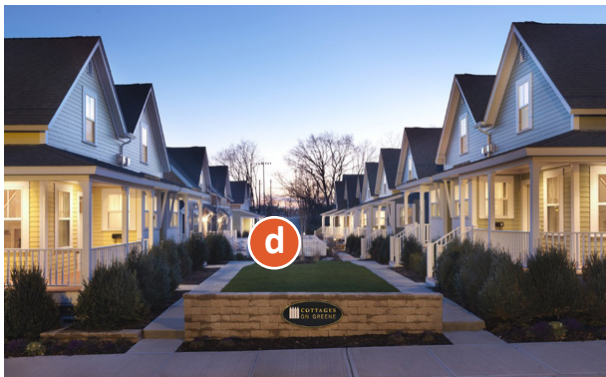
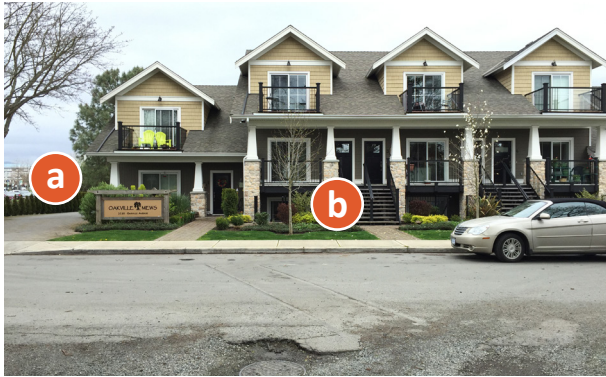
Single Family Residential Design Reference Guide

Vancouver Innovation Center Master Plan

Updated July 2021



SINGLE FAMILY ATTACHED

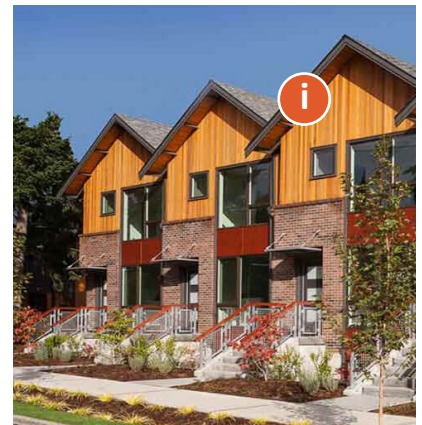
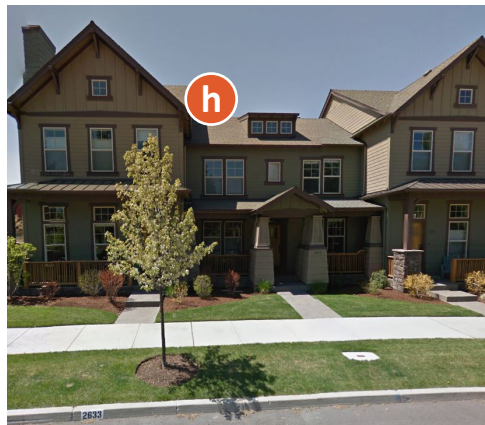


- a. Find opportunities to alley-load attached single family residential units to minimize driveway and garage exposure.
- b. Orient residential buildings to the “sidewalk zone” through the use of front porch features.
- c. Incorporate a range of natural color tones, architectural styles and horizontal 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

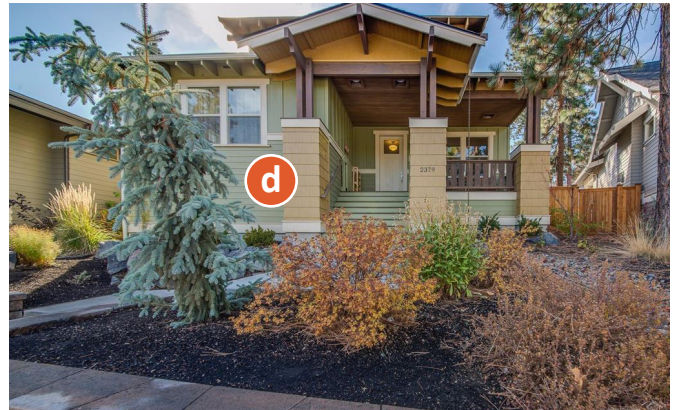


- a. Incorporate opportunities for cottage clusters in single family residential design.
- b. Seek opportunities for cottage cluster housing to orient to common public open space.
- c. Look for opportunities to orient single family detached units to open space areas that include pedestrian corridors.



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

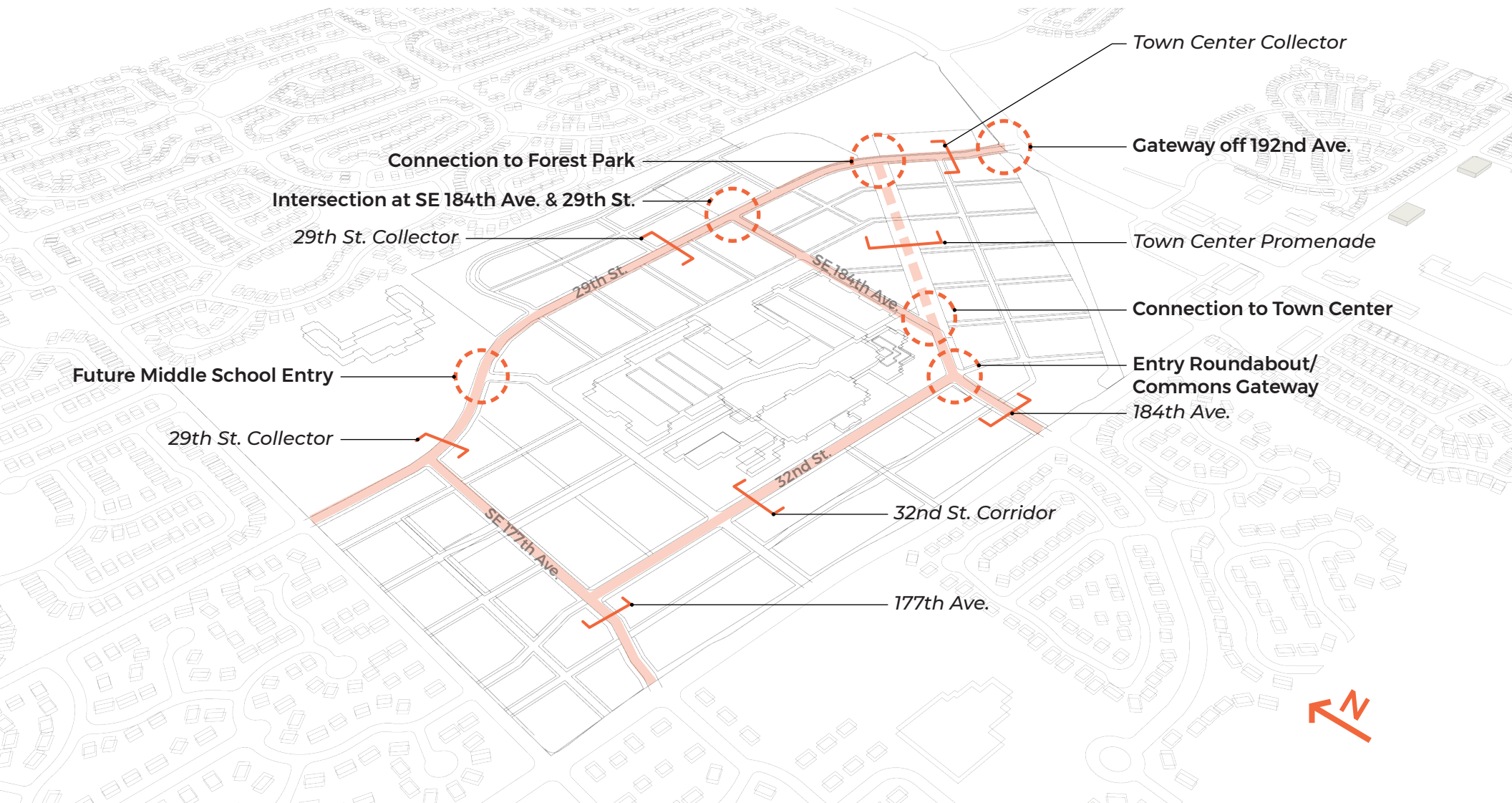
Street Cross Sections

Vancouver Innovation Center Master Plan

Updated July 2021



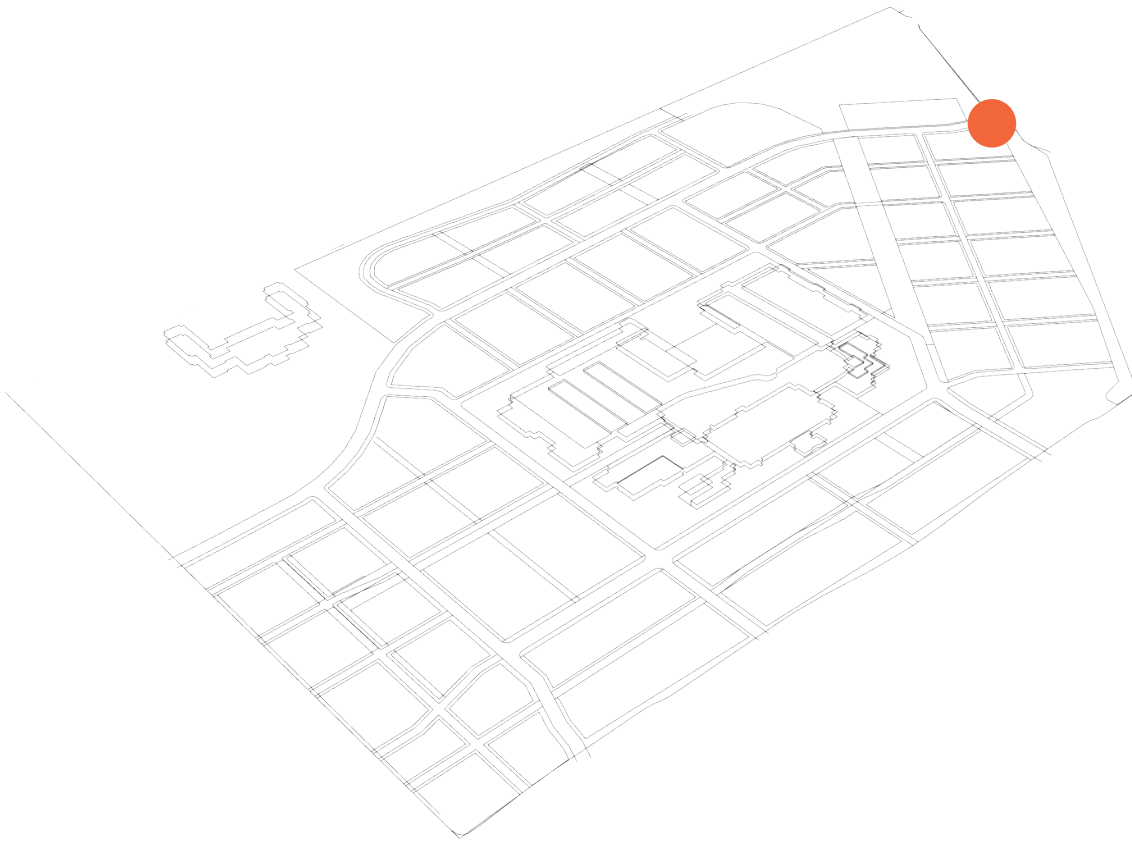
Key Plan



Note: Internal blocking patterns provided on plans in this Appendix are diagrammatic in nature and are intended only to assist with general circulation planning.

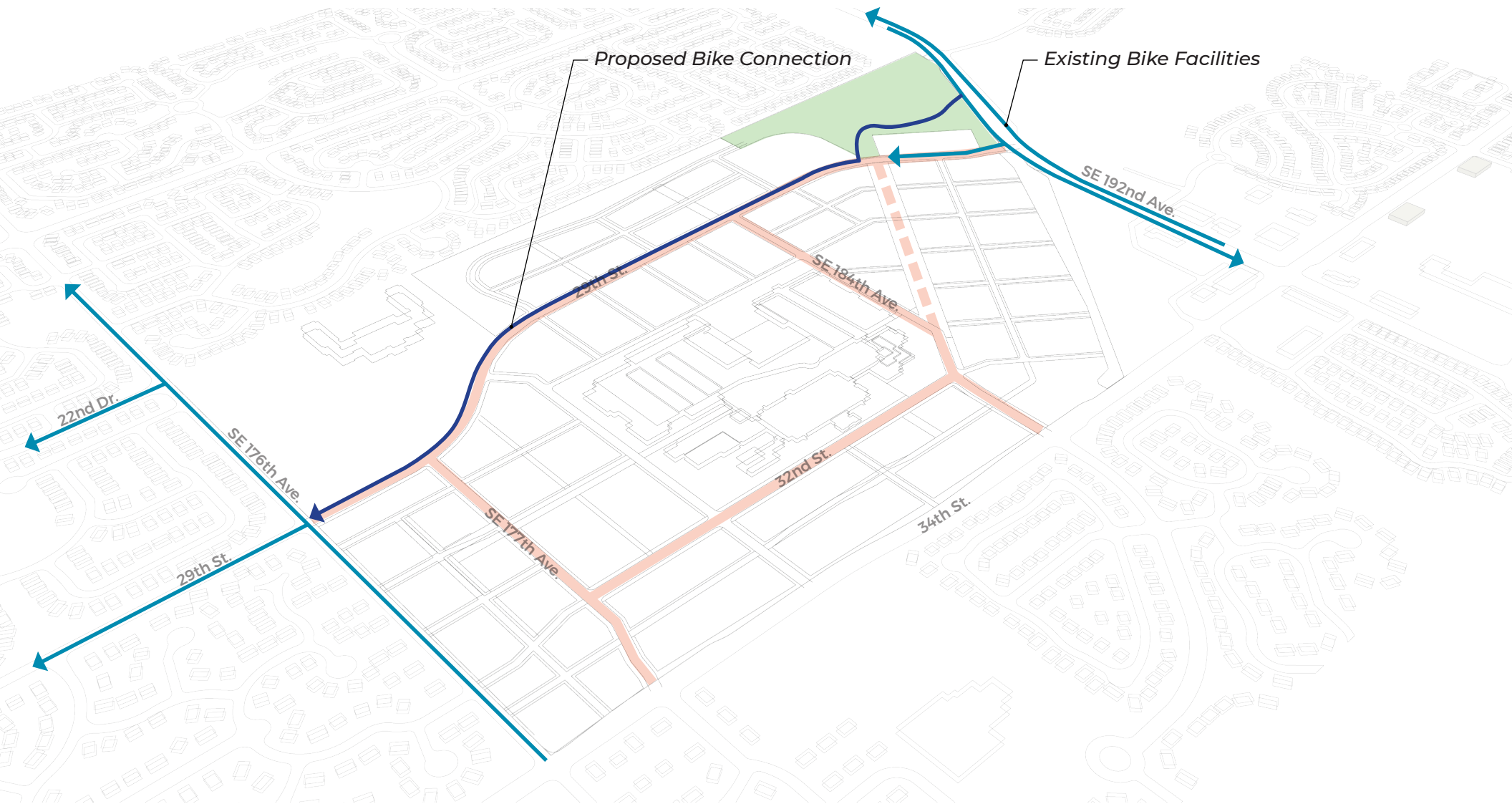
Placemaking opportunity

Gateway off 192nd Ave



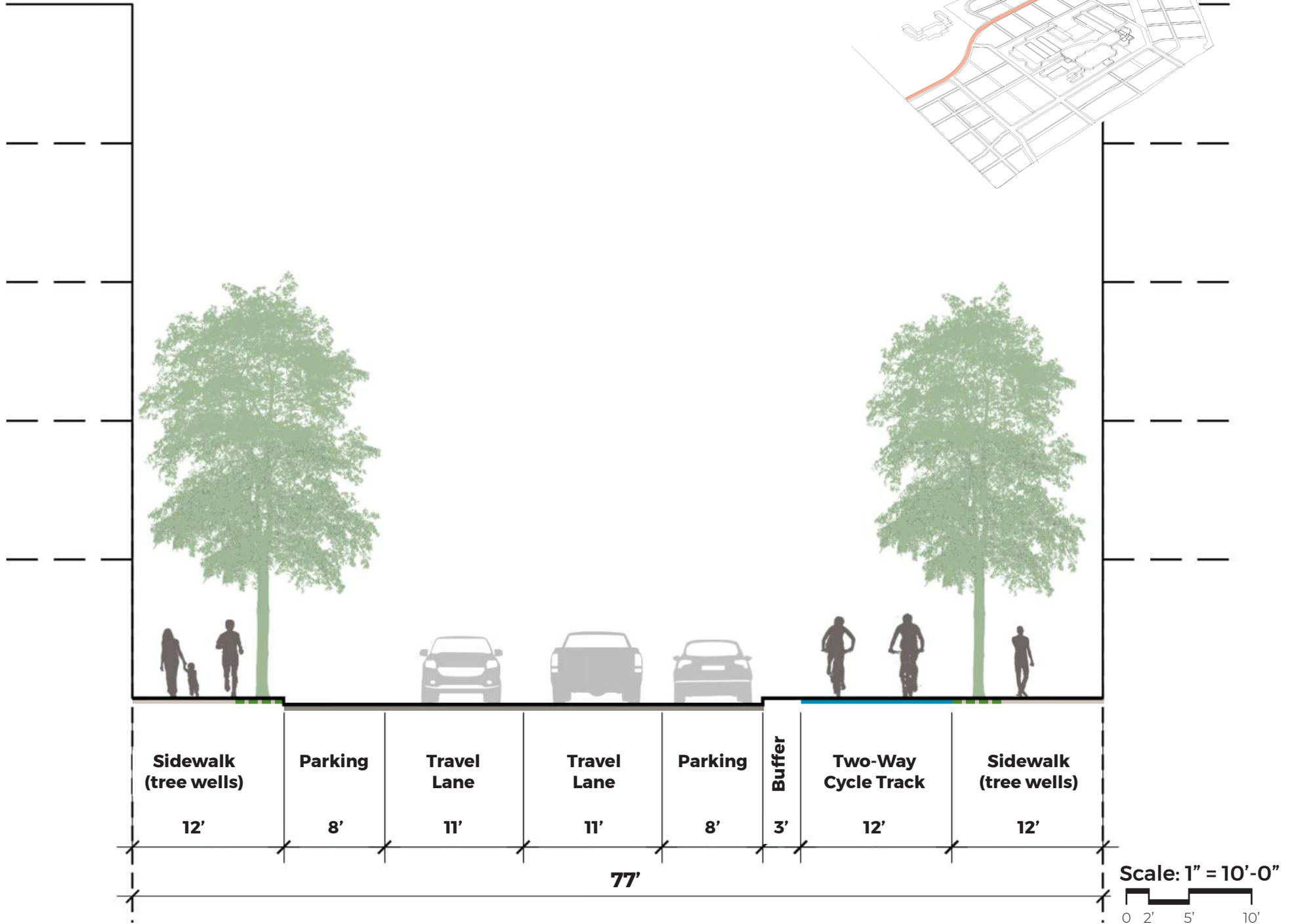
Corner buildings create Town Center entry identity

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

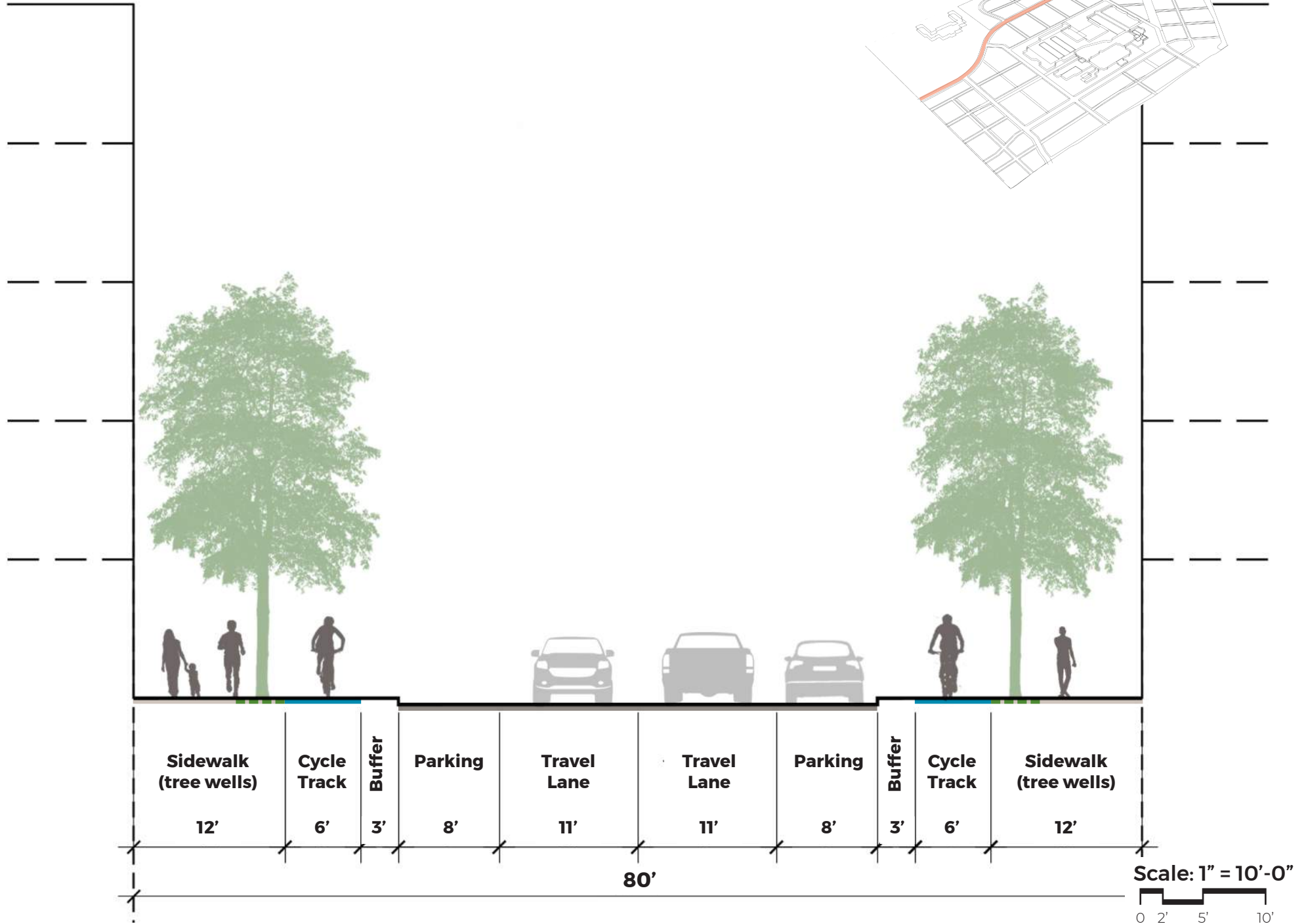


Crosswalk integrated with 2-way cycle track, Victoria BC

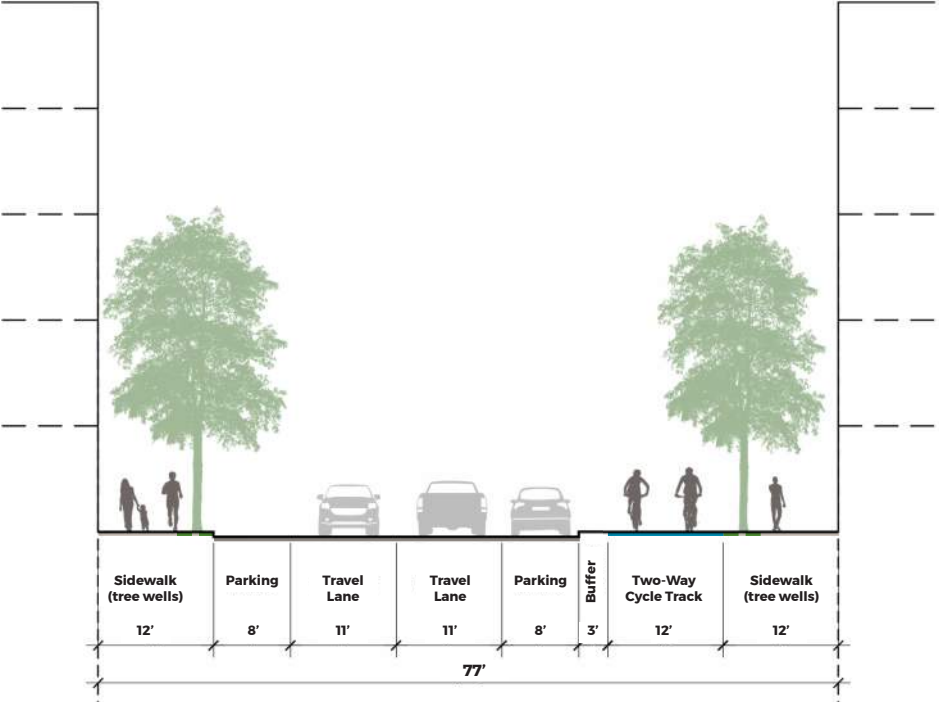
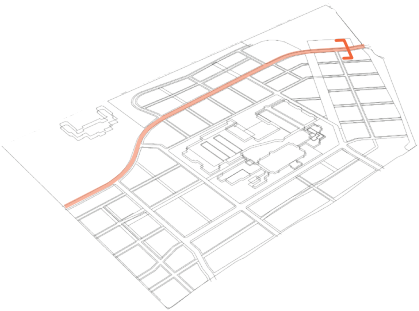
**Intersection treatments for the VIC will include protected facilities for two-way cycle travel where bicycle and multi-modal crossings exist at intersections.*

Section - Town Center Collector

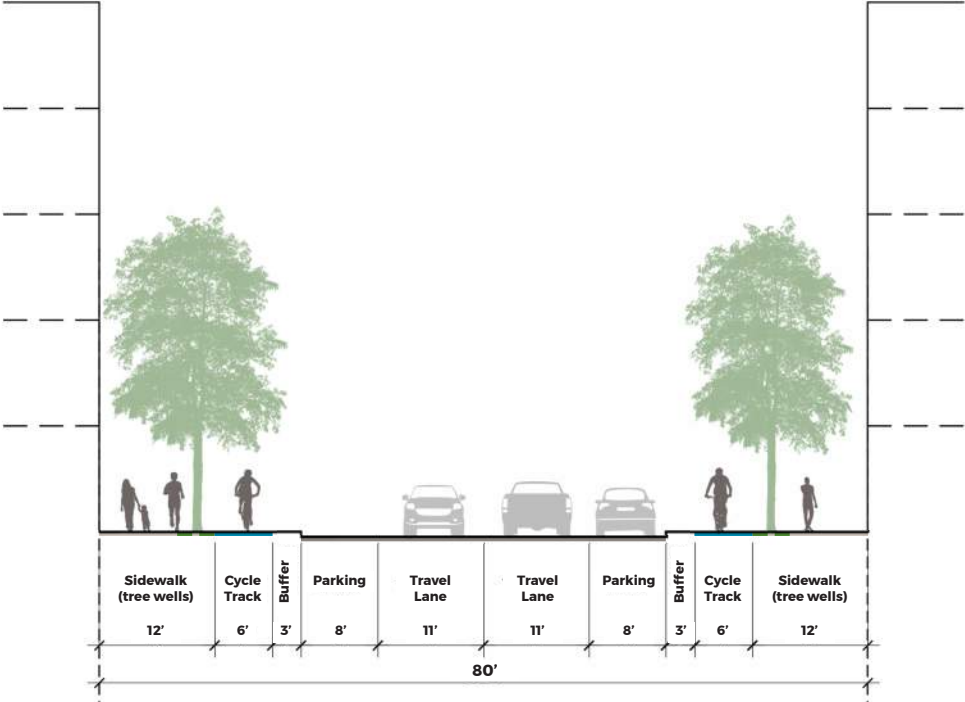
Option 2 - Cycle tracks on both sides



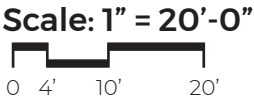
Section Index - Town Center Collector



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

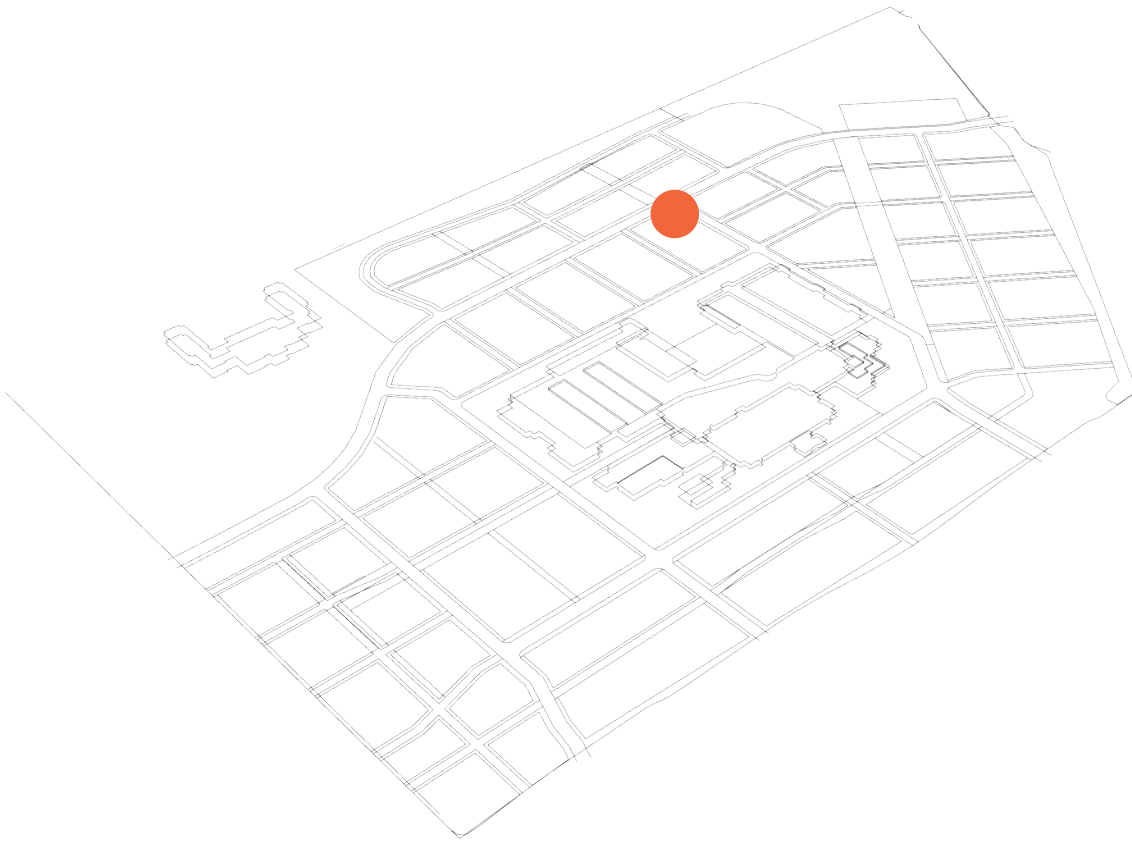
Placemaking opportunity

Promenade - Forest Park Pedestrian Crossing



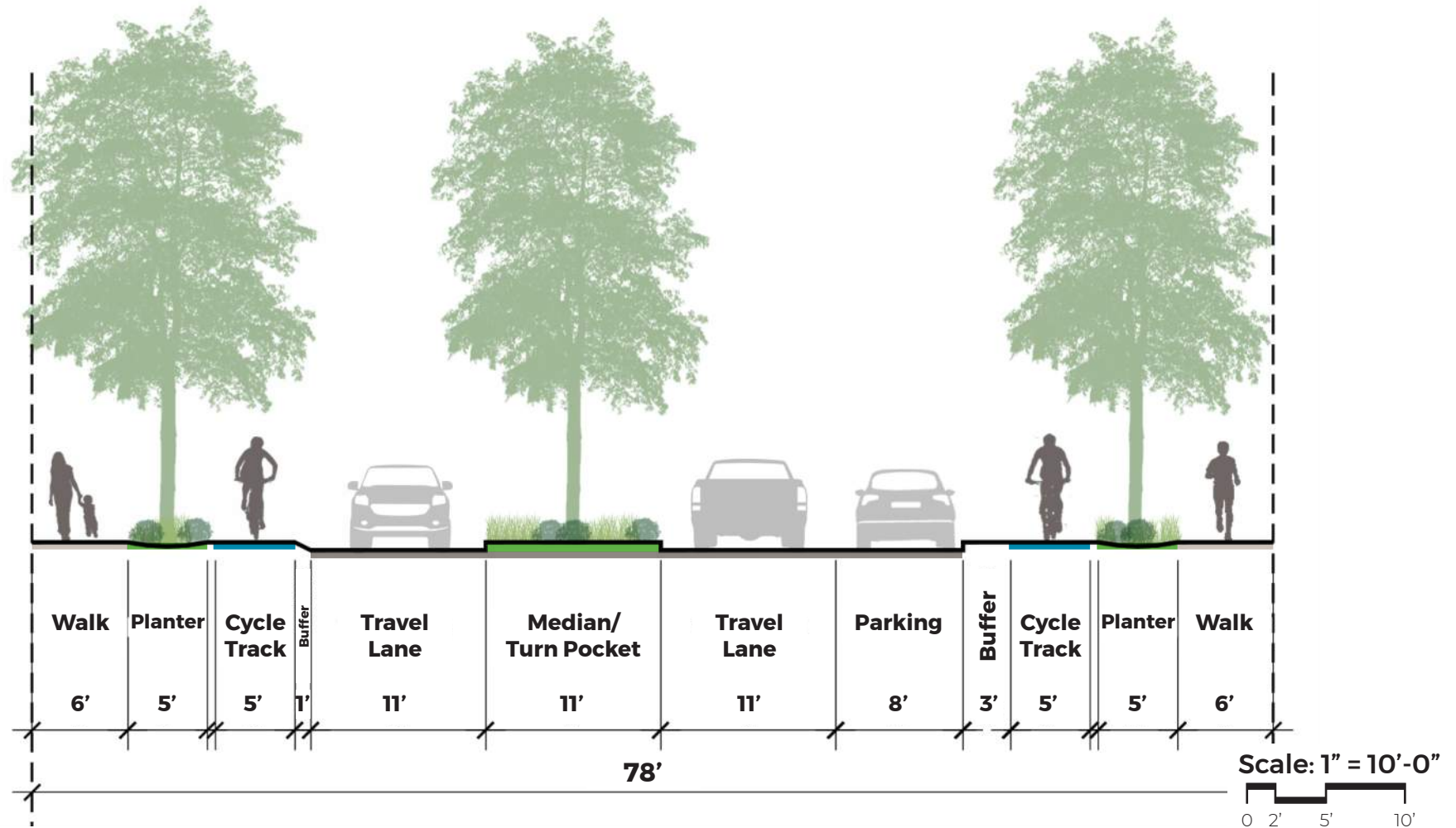
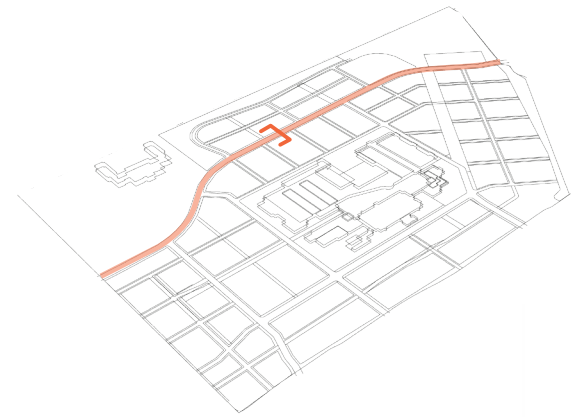
Placemaking opportunity

Intersection at SE 184th Ave & 29th St



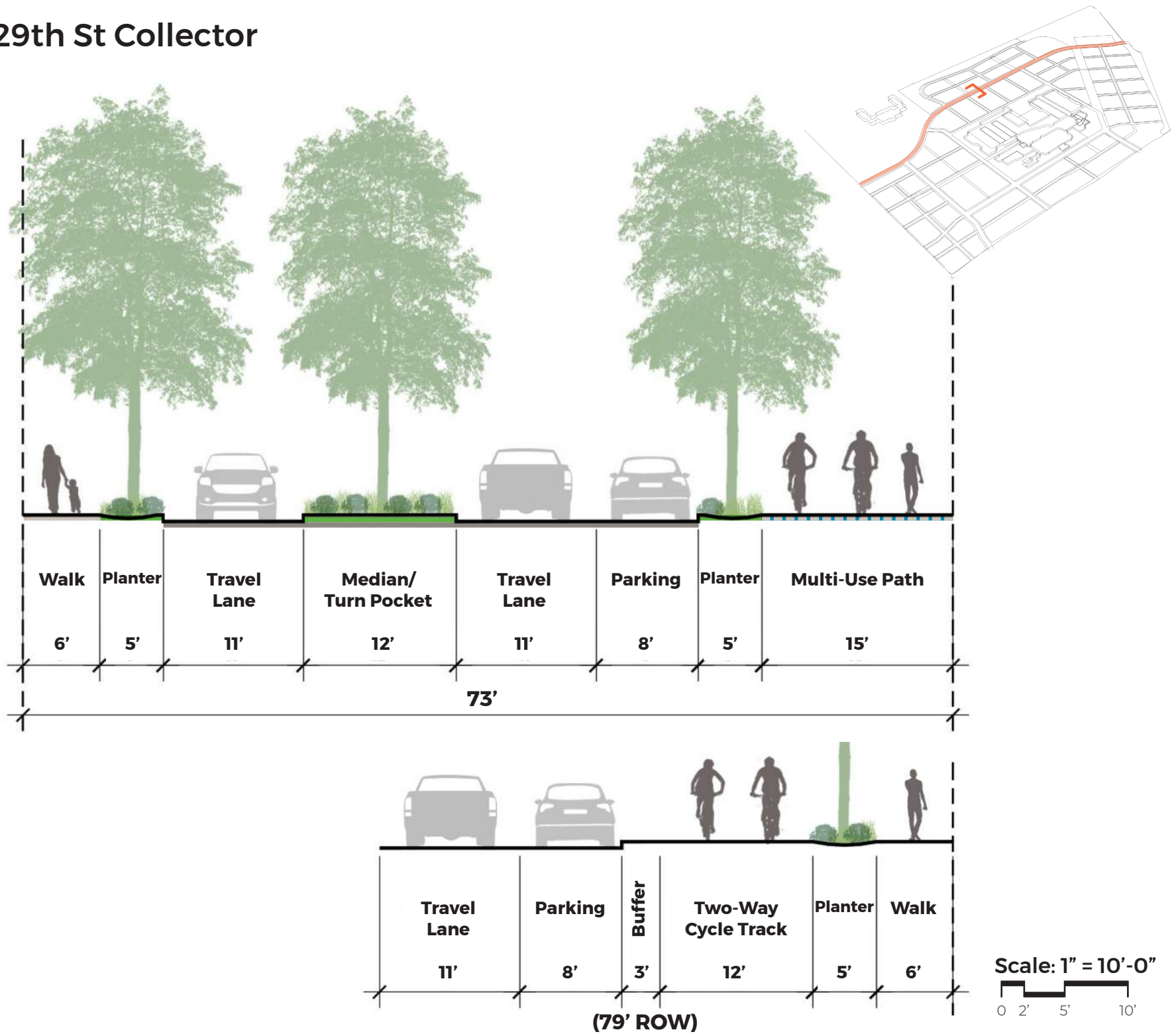
Section - 29th St Collector

Option 1 - Cycle tracks on both sides - with turn pocket



Section - 29th St Collector

Option 2

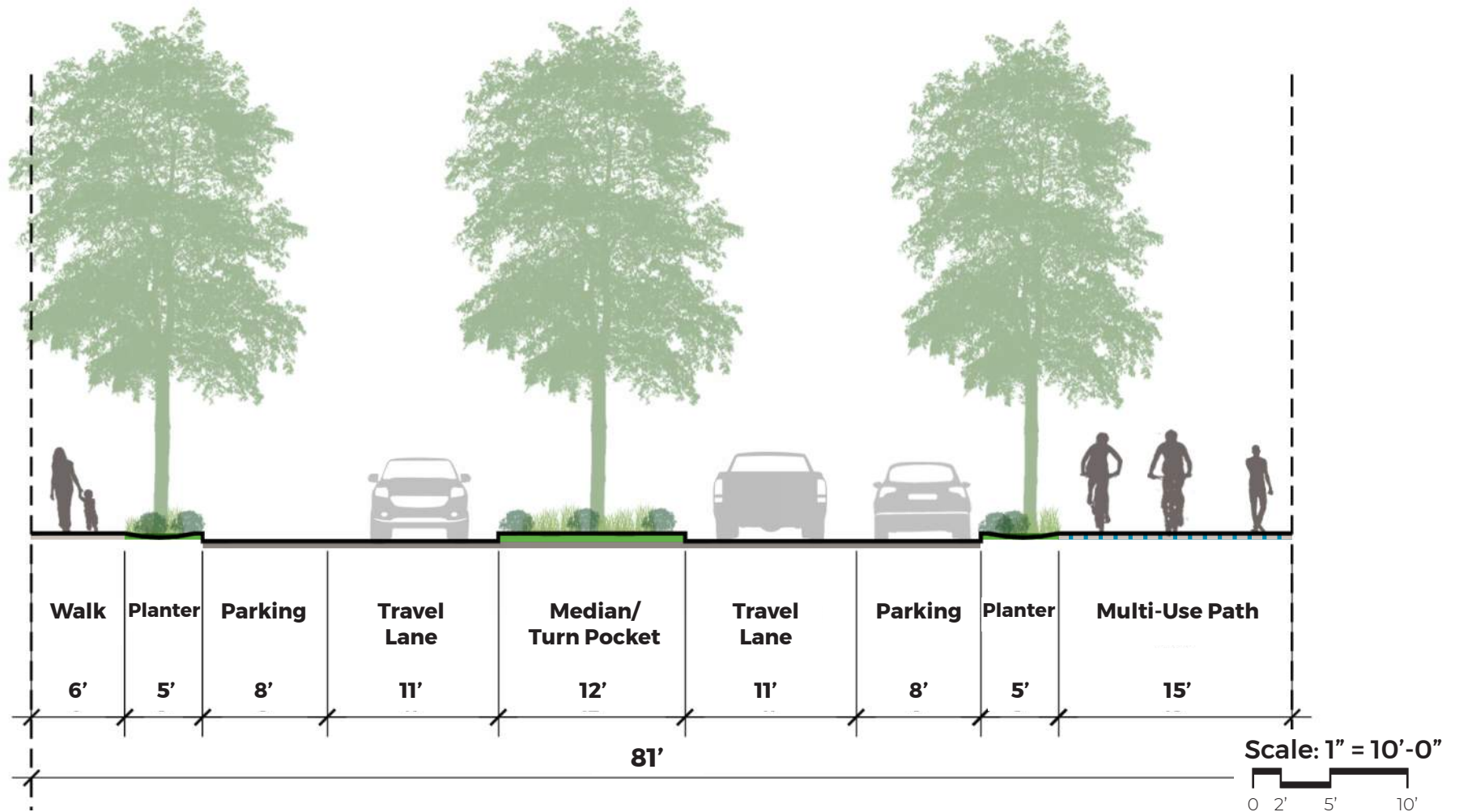
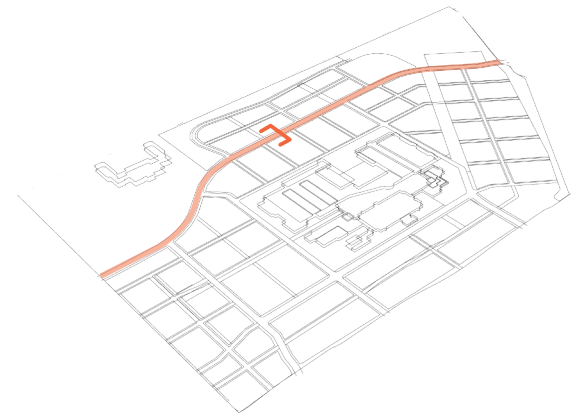


Multi-Use Paths

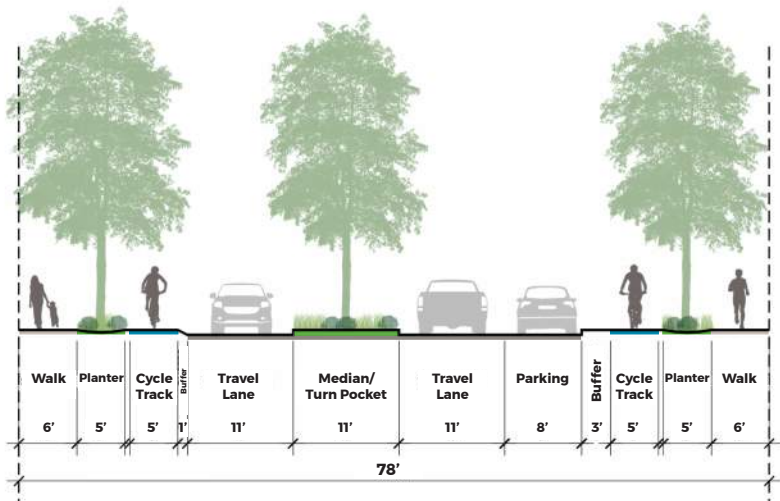
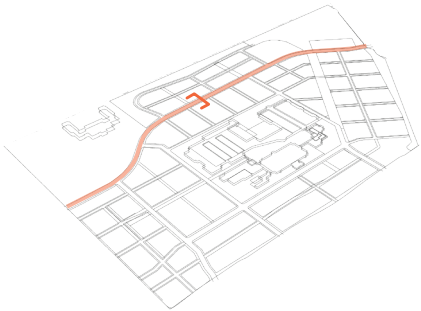


Section - 29th St Collector

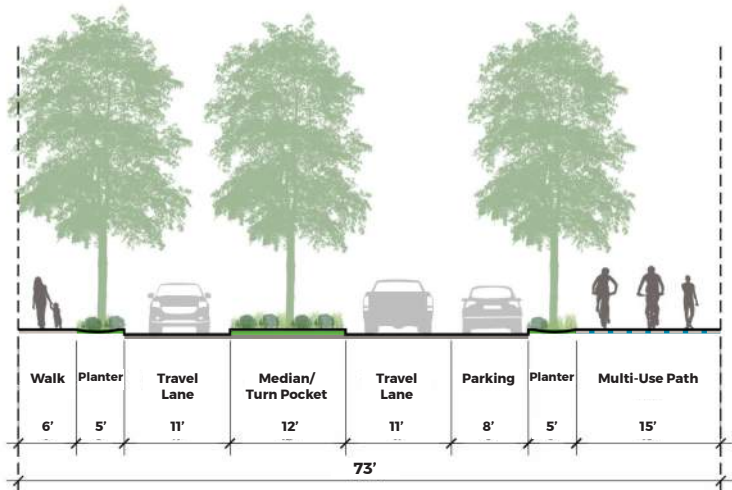
Option 3



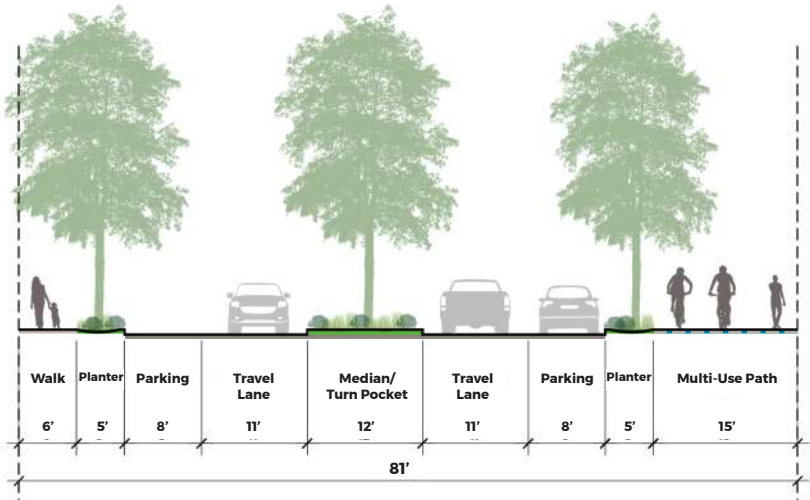
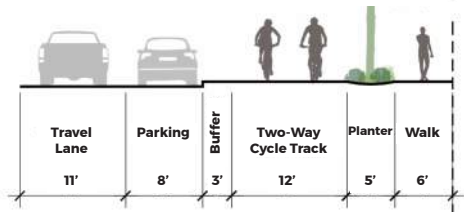
Section Index - 29th St. Collector



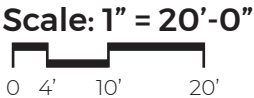
Option 1 -
Cycle tracks on both sides -
with turn pocket



Option 2



Option 3

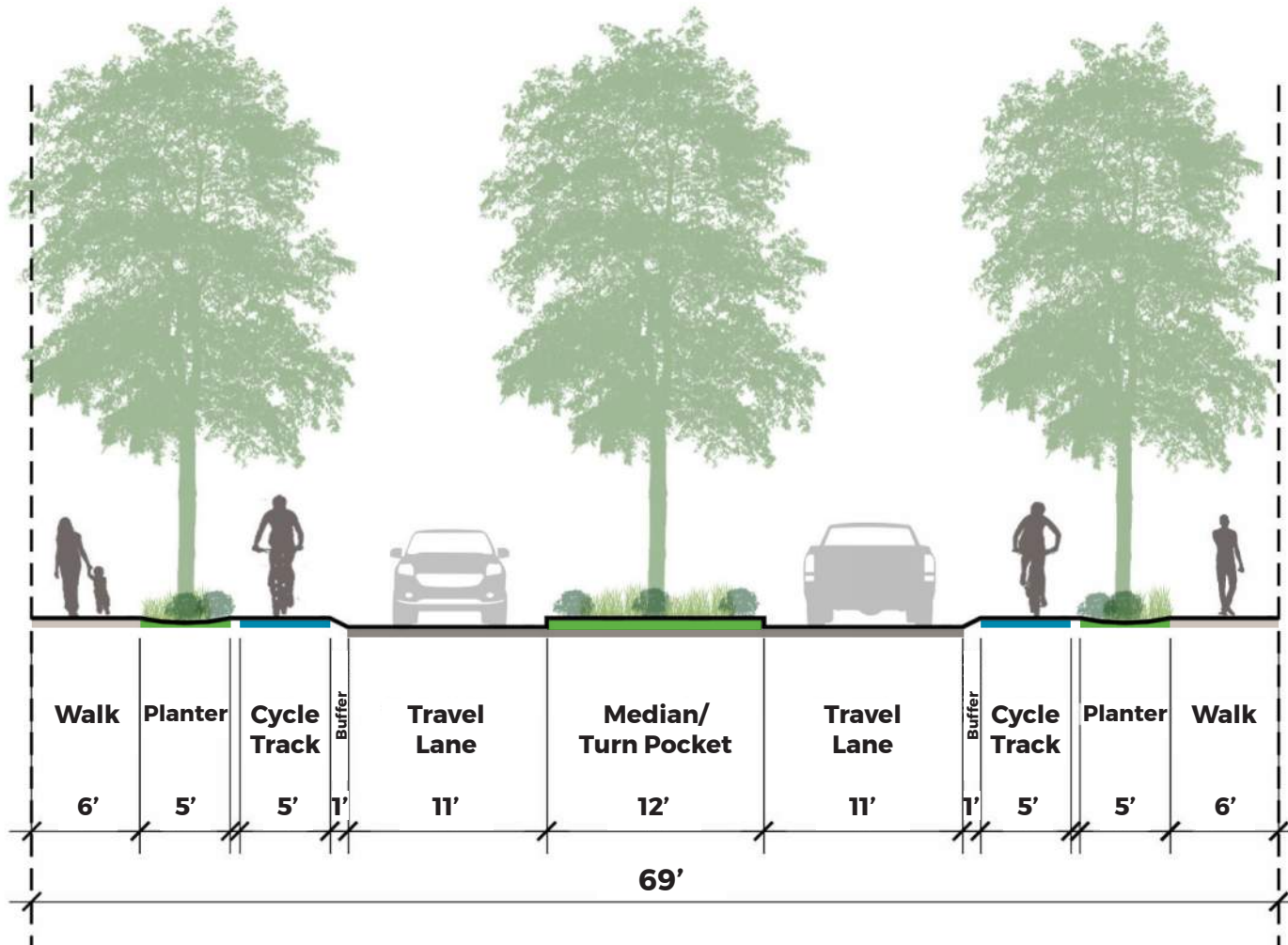
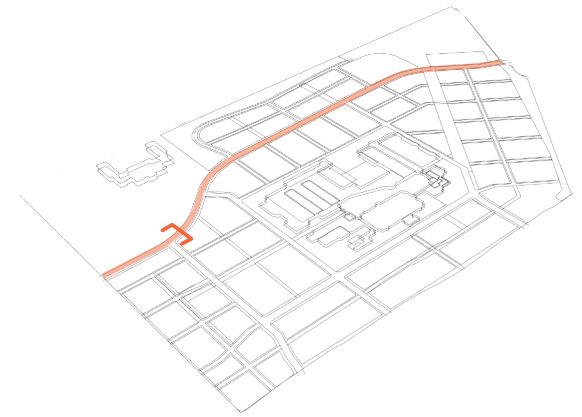


Parkway



Section - 29th St Collector

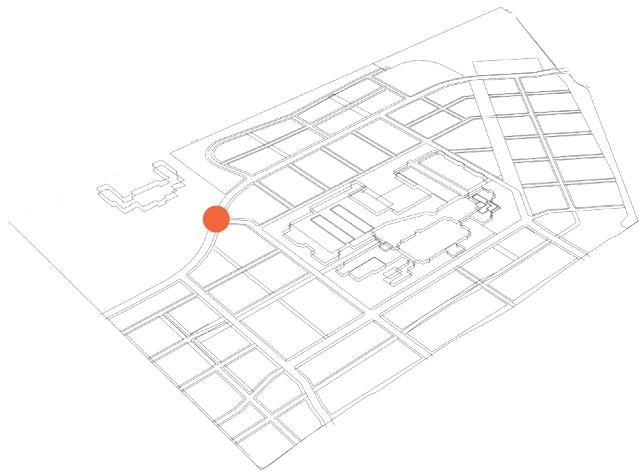
by Future Middle School, cycle tracks on both sides



Scale: 1" = 10'-0"

Placemaking opportunity

Future Middle School Entry



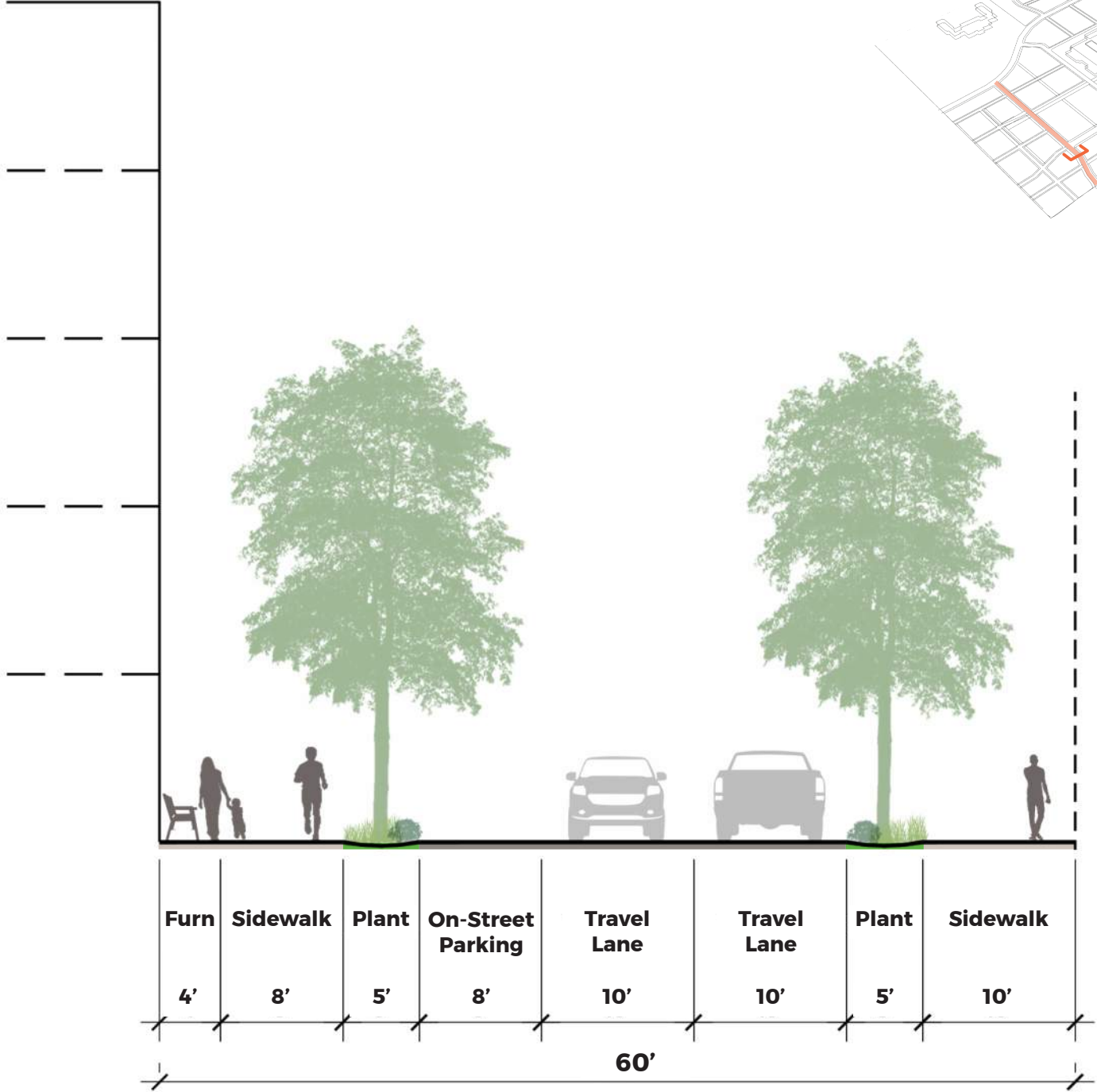
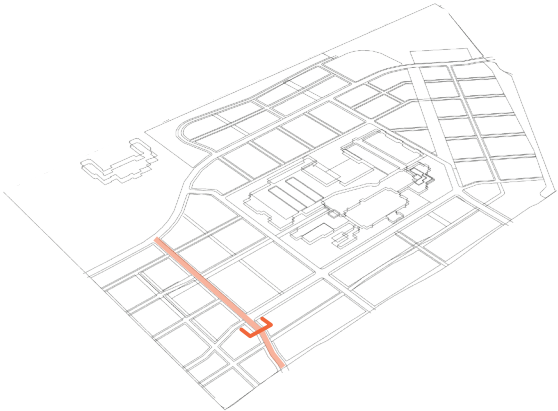
Curbless Streets



Shared Street Best Practices



Section - SE 177th St
Option 1

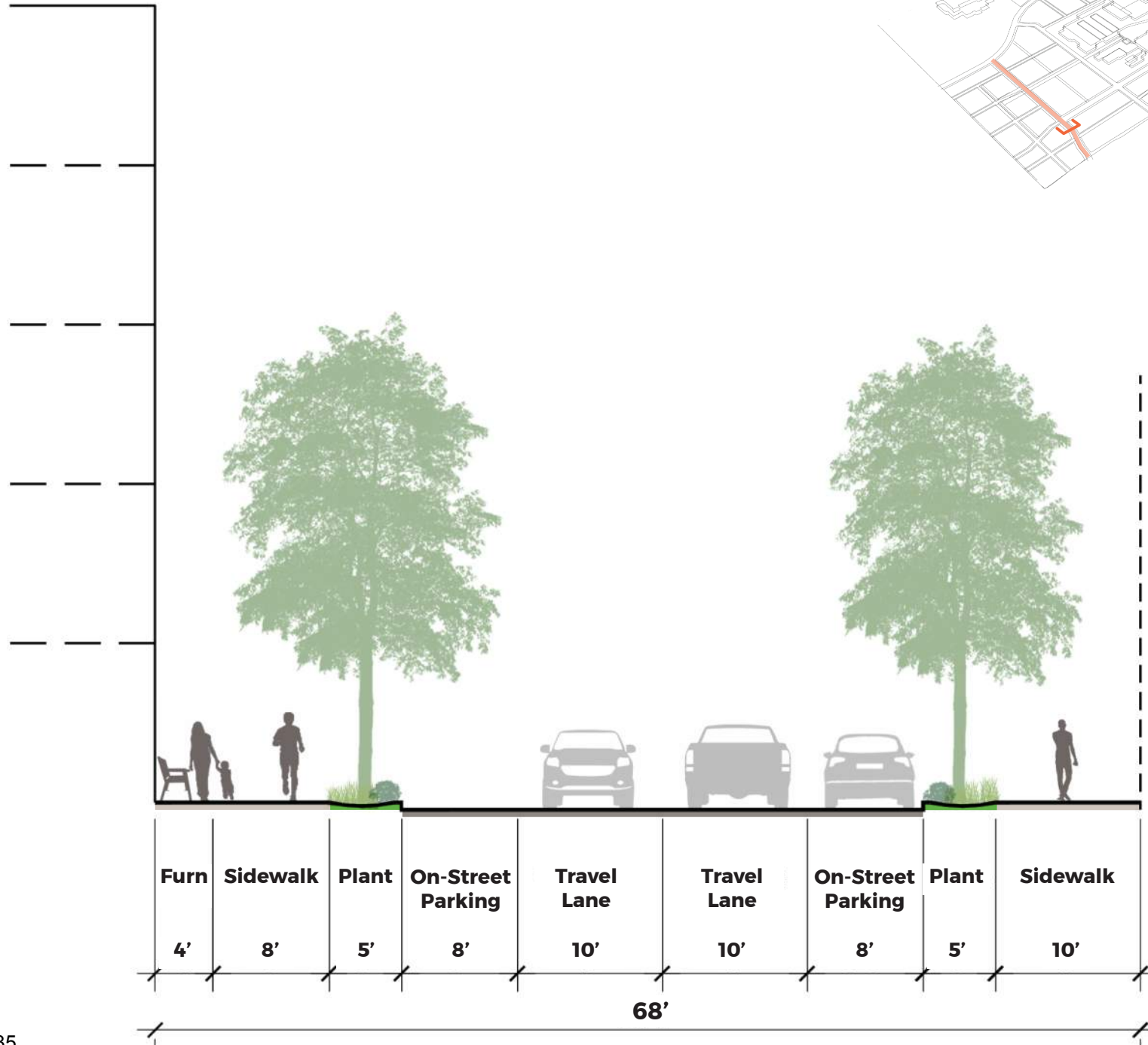
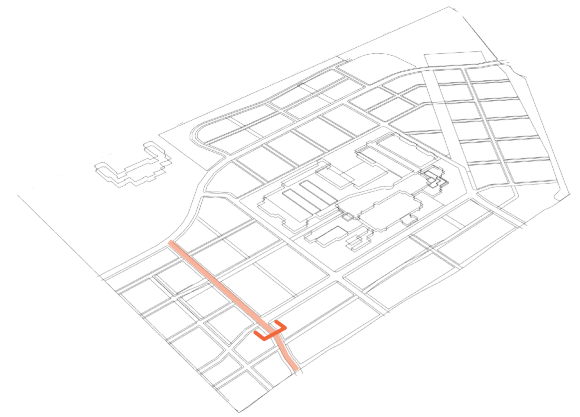


Scale: 1" = 10'-0"

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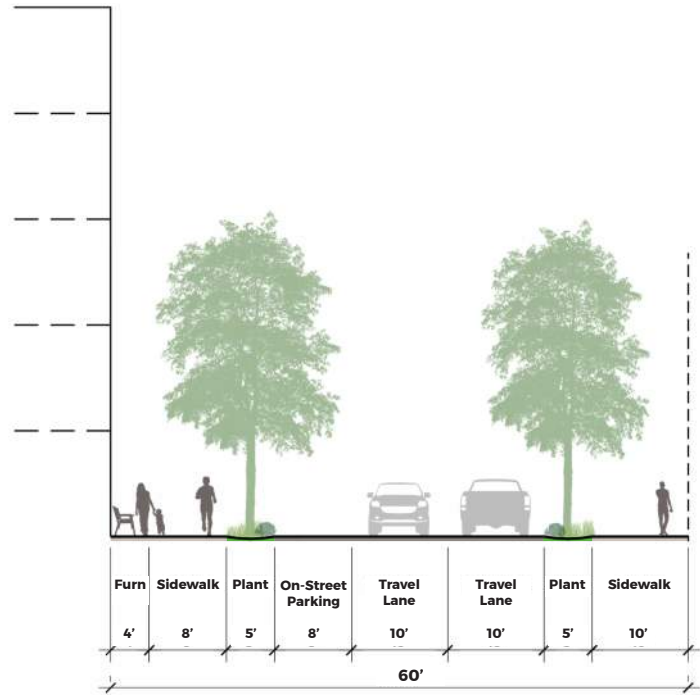
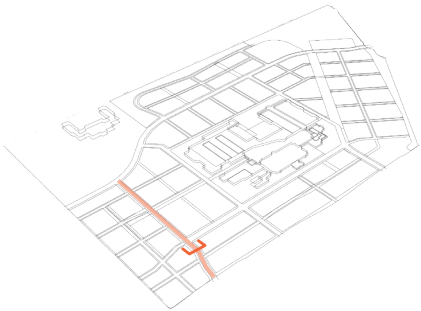
Section - SE 177th St

Option 2

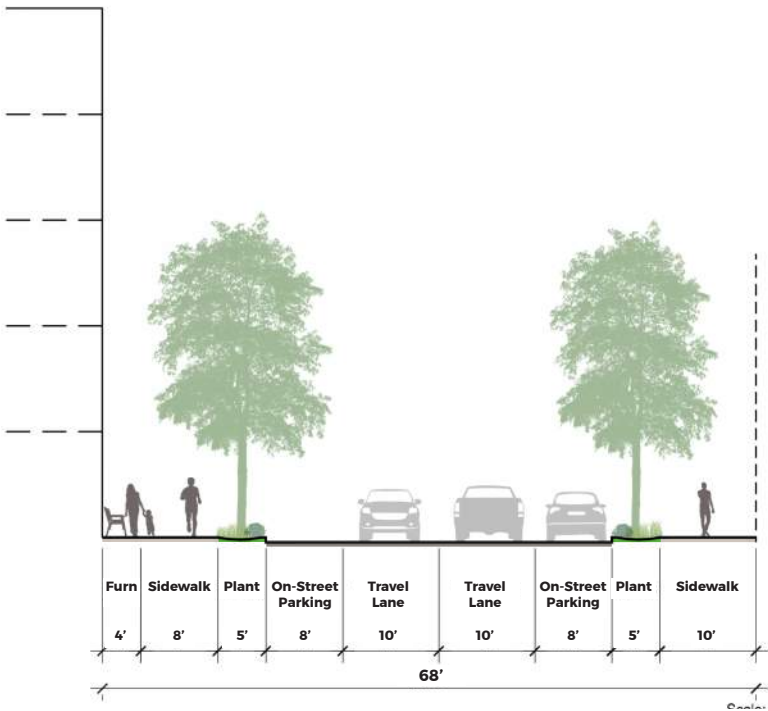


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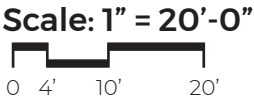
Section Index - 177th Ave.



Option 1

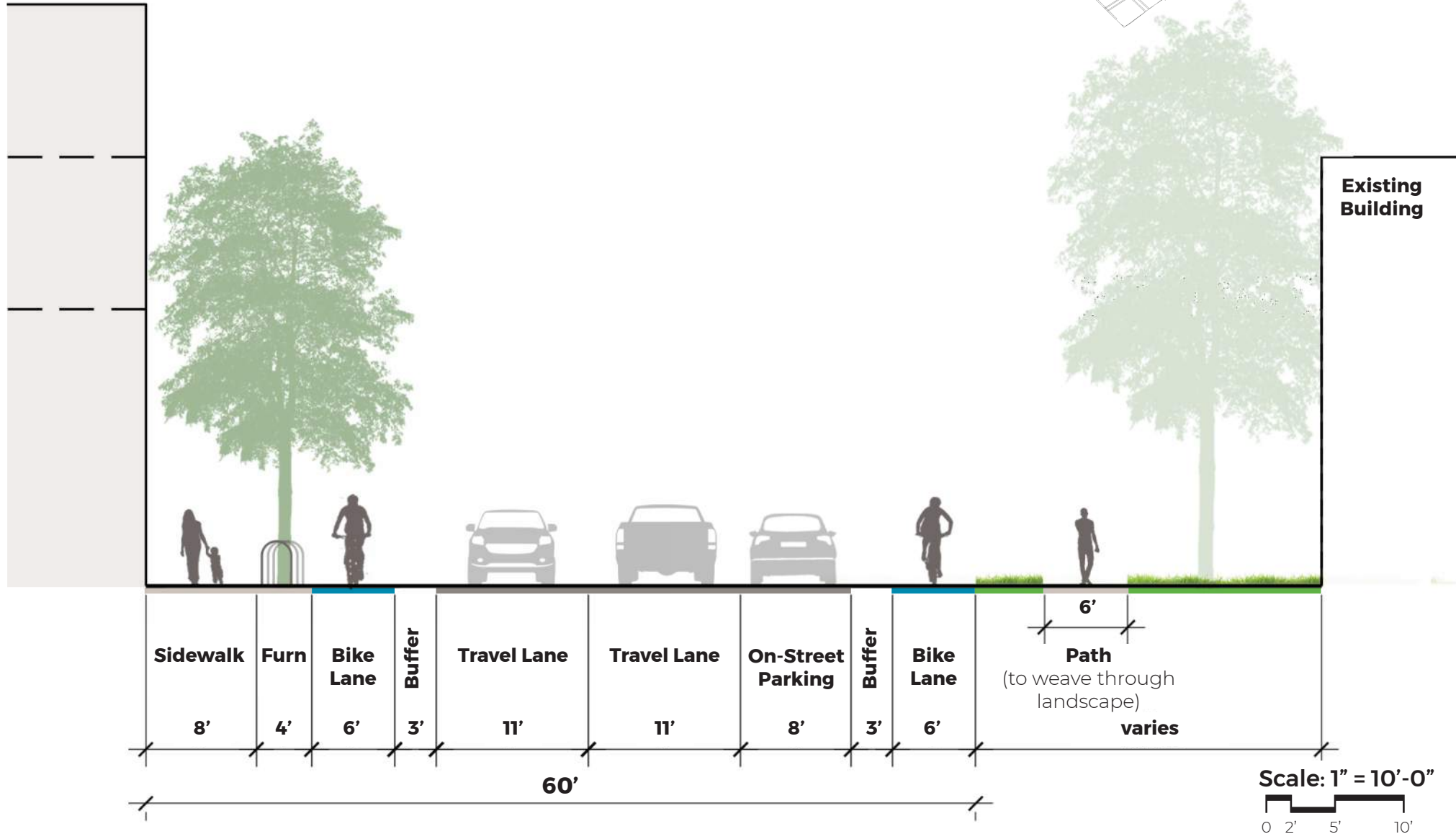


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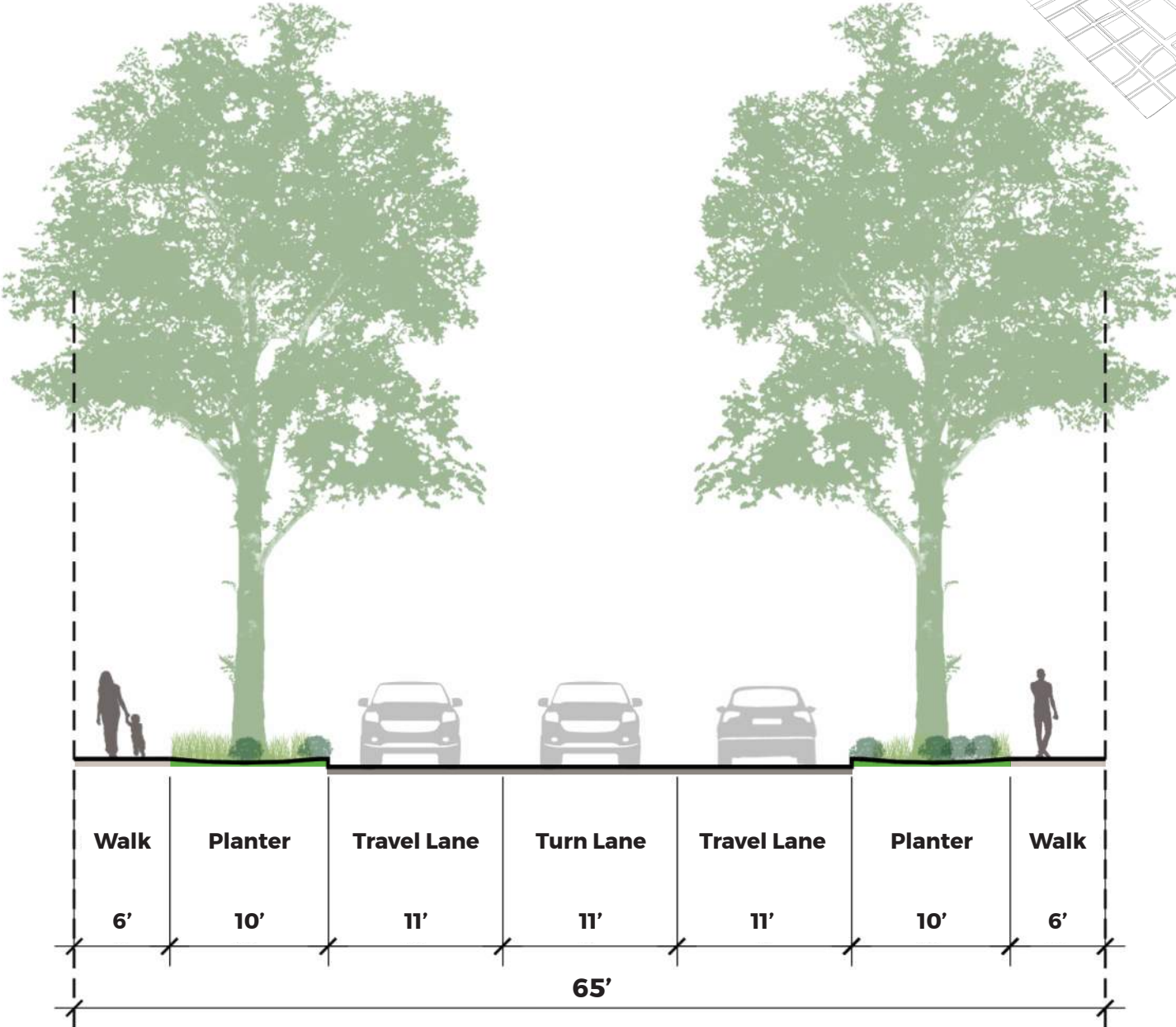
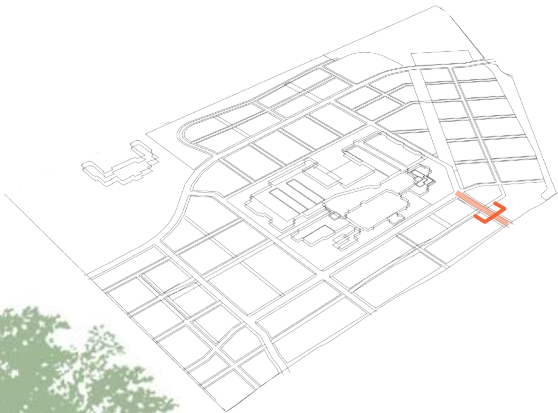


Section - 32nd St

(shown as curbless - could be curbed)



Section - 184th Ave

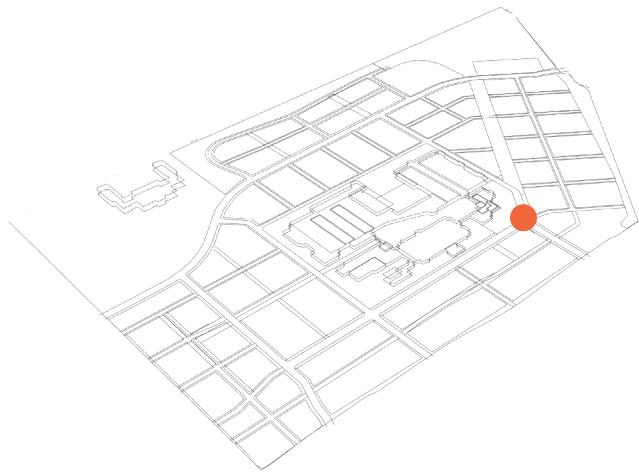


Scale: 1" = 10'-0"

A graphic scale bar located at the bottom right of the diagram. It is marked with 0, 2, 5, and 10 feet, corresponding to the scale of 1 inch = 10 feet.

Placemaking opportunity

Gateway at Commons



gateway roundabout



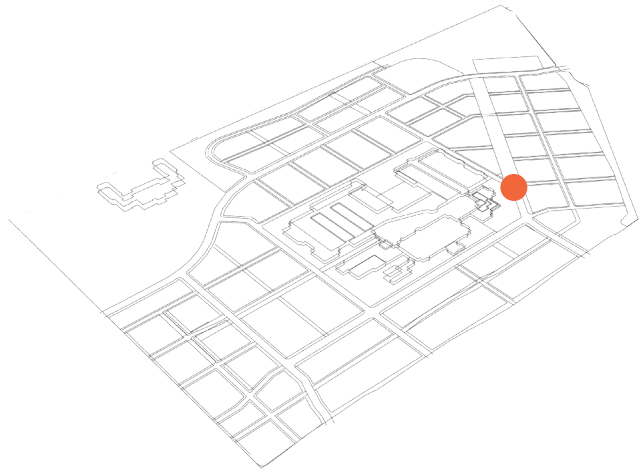
tree lined street entry (184th)



vertical gateway marker

Placemaking opportunity

Connection from Commons Area to Town Center



curbless, bollards, pavement transition



raised intersection with markers



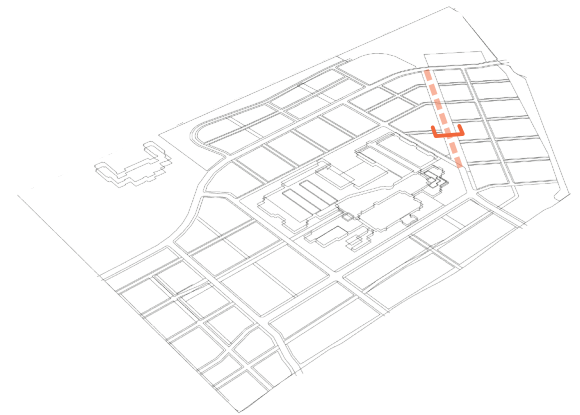
narrowed roadway



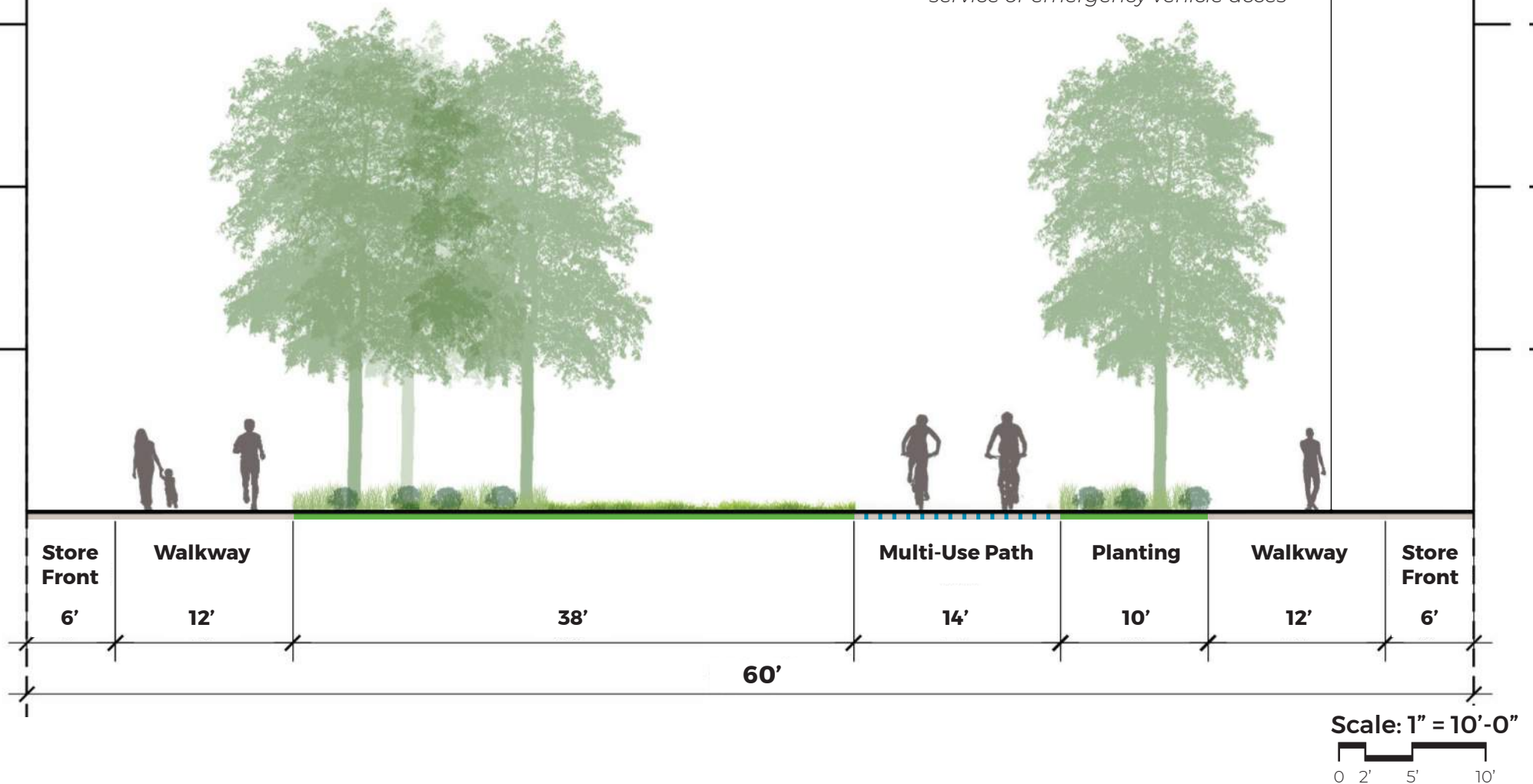
raised crossing

Section - Town Center Promenade

Preliminary Concept



walkway can be used as temporary service or emergency vehicle access

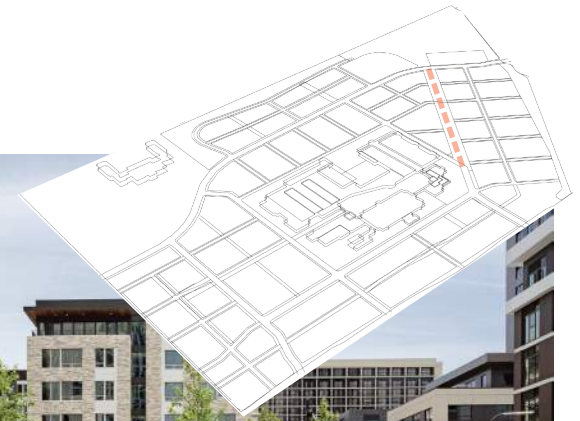


Town Center Promenade

Inspiration



Hassalo on Eighth - Portland, OR



Atlanta Beltline - Atlanta, GA
Page 234 of 235



Bowie State University - Bowie, MD

EXHIBIT B - PROPOSED LAND USE ALLOCATION MAP

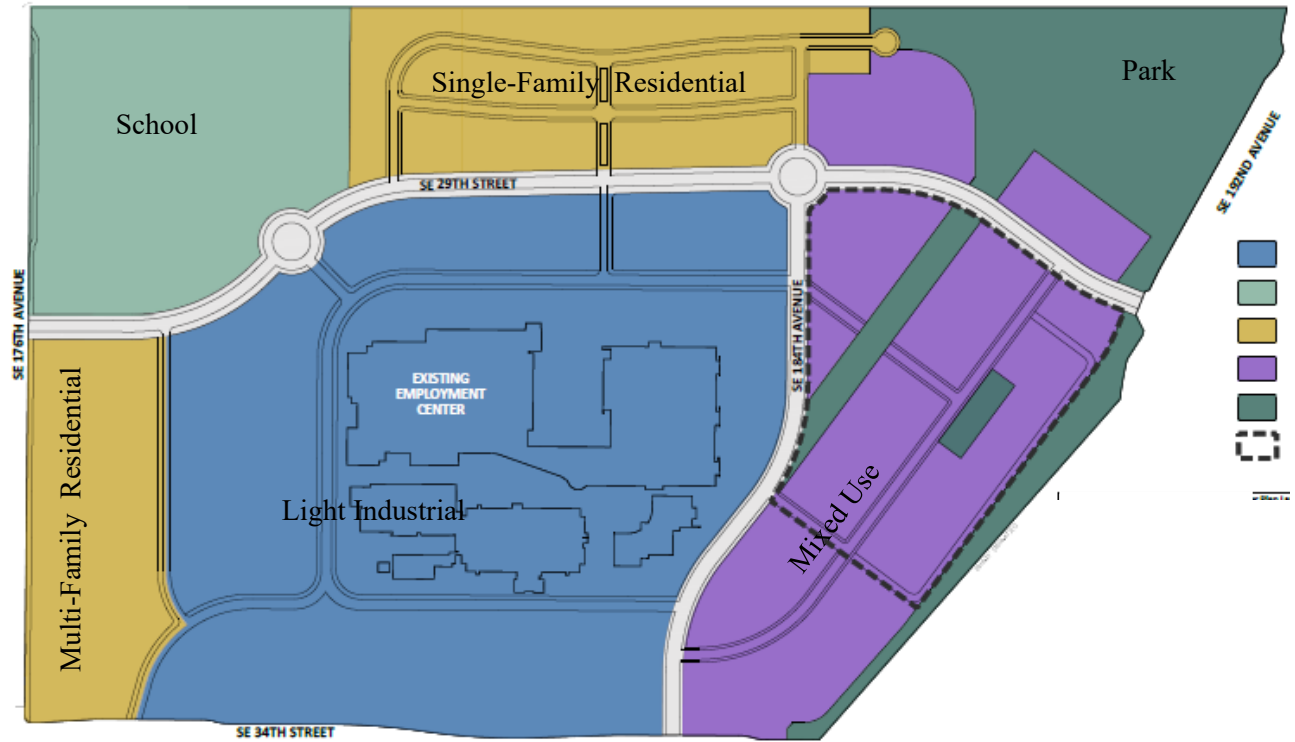


EXHIBIT C- PROPOSED MASTER PLAN MAP



VOUCHER APPROVAL

We, the undersigned council members of the City of Vancouver, Clark County, Washington, do hereby certify that the merchandise or services hereinafter specified have been received and that the vouchers listed below are approved for payment in the amount of:

\$ **6,304,263.25** this 9th day of August 2021.

MAYOR



AUDITING OFFICER

COUNCILMEMBER

COUNCILMEMBER

DATE	INCLUSIVE CHECK NUMBERS	CHECK TOTAL
July 27, 2021 - August 2, 2021	Accounts Payable Checks (see attached)	\$ 6,296,218.80
July 27, 2021 - August 2, 2021	Hansen City Payments (see attached)	\$ 3,987.91
July 27, 2021 - August 2, 2021	Visa Refunds (see attached)	\$ 3,204.90
July 27, 2021 - August 2, 2021	Payroll Checks (see attached)	\$ 851.64
TOTAL		\$ 6,304,263.25

INVOICE PAYMENTS REPORT

<u>Payment Category</u>	<u>Payment Type</u>	<u>Check Number</u>	<u>Payment Date</u>	<u>Payment Amount</u>	<u>Payment Payee</u>	<u>Payment memo if applicable</u>				
Supplier Payment	Manual Wire	No Reference	7/27/2021	9,485.23	Bank Of America N.A. - Remit-To: Charlotte NC					
Supplier Payment	Manual Wire	No Reference	7/27/2021	35,987.35	Gallagher Bassett Services Inc					
Supplier Payment	Manual Wire	No Reference	7/26/2021	17,250.43	Washington Dental Serv					
Supplier Payment	Manual Wire	No Reference	7/26/2021	165,609.70	BCBS of OR					
Supplier Payment	Manual Wire	No Reference	7/26/2021	928,955.26	IRS					
Supplier Payment	Manual Wire	No Reference	7/27/2021	29,666.04	State of Oregon Department of Revenue					
Supplier Payment	Manual Wire	No Reference	7/27/2021	1,186,334.11	US Bank - Remit-To: US Bank - St Paul					
Supplier Payment	Manual Wire	No Reference	7/28/2021	358,336.89	State of Washington Department of Revenue					
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Supplier Payment	Manual Wire	No Reference	7/28/2021	5,490.00	Washington Dental Service					
Supplier Payment	Manual Wire	No Reference	7/29/2021	26,067.56	Gallagher Bassett Services Inc					
Supplier Payment	Manual Wire	No Reference	7/29/2021	684.00	State of Washington Department of Licensing -					
Supplier Payment	Manual Wire	No Reference	7/30/2021	265.32	Internal Revenue Service					
Supplier Payment	Manual Wire	No Reference	7/30/2021	710,598.39	State of Washington Department of Retirement					
Expense Payment	Direct Deposit	EFT-00110792	7/29/2021	117.04	Geronia Coyle III	Employee Reimbursement				
Expense Payment	Direct Deposit	EFT-00110793	7/29/2021	25.24	Jamie Haske	Employee Reimbursement				
Cash Advance Payment	Direct Deposit	EFT-00110794	7/29/2021	86.25	Cole Rodriguez	Travel Advance				
Expense Payment	Direct Deposit	EFT-00110795	7/29/2021	47.50	Adrienne Powers	Employee Reimbursement				
Cash Advance Payment	Direct Deposit	EFT-00110796	7/29/2021	114.00	Max Musich	Travel Advance				
Expense Payment	Direct Deposit	EFT-00110797	7/29/2021	259.85	Katherine Grose	Employee Reimbursement				
Cash Advance Payment	Direct Deposit	EFT-00110798	7/29/2021	321.25	Jeff Mori	Travel Advance				
Expense Payment	Direct Deposit	EFT-00110799	7/29/2021	259.85	Gabriel Patterson	Employee Reimbursement				
Expense Payment	Direct Deposit	EFT-00110800	7/29/2021	203.57	Wesley Kandoll	Employee Reimbursement				
Expense Payment	Direct Deposit	EFT-00110801	7/29/2021	100.00	Norman Ballhorn	Employee Reimbursement				
Supplier Payment	EFT	EFT-00110802	7/29/2021	88,173.77	Clark County - Remit-To: Clark County - Treasurer					
Supplier Payment	EFT	EFT-00110803	7/29/2021	58,755.45	State of Washington Auditor's Office					
Supplier Payment	EFT	EFT-00110804	7/29/2021	653,411.75	Rotschy Inc					
Supplier Payment	EFT	EFT-00110805	7/29/2021	21,146.14	Lynn K Wittwer MD PC					

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>				
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Supplier Payment	EFT	EFT-00110807	7/29/2021	8,070.84	Fire Systems West					
Supplier Payment	EFT	EFT-00110808	7/29/2021	34,136.51	Mercy Corps Northwest					
Supplier Payment	EFT	EFT-00110809	7/29/2021	100,341.24	Operations Management International Inc					
Supplier Payment	EFT	EFT-00110810	7/29/2021	2,975.00	Level One LLC					
Supplier Payment	EFT	EFT-00110811	7/29/2021	359,690.24	Nutter Corporation					
Supplier Payment	EFT	EFT-00110812	7/29/2021	25,297.59	Council for the Homeless					
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Supplier Payment	EFT	EFT-00110815	7/29/2021	6,937.50	Vancouver Downtown Association					
Supplier Payment	EFT	EFT-00110816	7/29/2021	16,840.25	Salazar Architect Inc					
Ad Hoc Payment	Check	23977	7/28/2021	352.78	Abshire,Joey	Utility Refunds: 0003028300-14				
Ad Hoc Payment	Check	23978	7/28/2021	94.28	Anderson,Eric and Taylor	Utility Refunds: 0010050000-17				
Ad Hoc Payment	Check	23979	7/28/2021	187.10	Andrew Bowen and Chiara Caballero	Utility Refunds: 0011011000-17				
Ad Hoc Payment	Check	23980	7/28/2021	100.79	Aren Dyer and Lawren McGuirk	Utility Refunds: 0009074700-10				
Ad Hoc Payment	Check	23981	7/28/2021	90.00	Backalley LLC	Refund business lic Covid surcharge program acct				
Ad Hoc Payment	Check	23982	7/28/2021	20.00	Bennett / Crystal Brandenburg	Refund Alarm Billing Acct 21699 Inv 99443949				
Ad Hoc Payment	Check	23983	7/28/2021	26.82	Burris,Timothy	Utility Refunds: 0006024200-02				
Ad Hoc Payment	Check	23984	7/28/2021	191.14	Cambur,Nicoleta and Nicolae	Utility Refunds: 0088024600-06 Consolidated refund				
Ad Hoc Payment	Check	23985	7/28/2021	100.52	Caple,John and Kelsie	Utility Refunds: 0000005211-03				
Ad Hoc Payment	Check	23986	7/28/2021	191.80	CAROL ROBERT	VOUCHER 2008442.030				
Ad Hoc Payment	Check	23987	7/28/2021	130.31	Cavender,Micah and Eva	Utility Refunds: 0000006546-02				
Ad Hoc Payment	Check	23988	7/28/2021	64.14	Christian-Saylor,Shanon	Utility Refunds: 0000001337-02				
Ad Hoc Payment	Check	23989	7/28/2021	375.86	Christian-Saylor,Shanon	Utility Refunds: 0000001337-02 Consolidated refund				
Ad Hoc Payment	Check	23990	7/28/2021	106.00	CJ Rental Homes LLC	Utility Refunds: 0000002821-02 Consolidated refund				
Ad Hoc Payment	Check	23991	7/28/2021	2,059.19	Columbia Palisades Corp	Utility Refunds: 0002000111-02				
Ad Hoc Payment	Check	23992	7/28/2021	98.51	Cunningham,Dean	Utility Refunds: 0019059400-06				
Ad Hoc Payment	Check	23993	7/28/2021	48.74	Daniel and Heidi Wahlstrom	Utility Refunds: 0087010321-02				

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	23994	7/28/2021	110.92	David Schauer	Utility Refunds: 0069060800-00 Consolidated refund				
Ad Hoc Payment	Check	23995	7/28/2021	1,781.86	DR HORTON INC - PORTLAND	RES-291382				
Ad Hoc Payment	Check	23996	7/28/2021	1,781.86	DR HORTON INC - PORTLAND	RES-291383				
Ad Hoc Payment	Check	23997	7/28/2021	1,781.86	DR HORTON INC - PORTLAND	RES-291384				
Ad Hoc Payment	Check	23998	7/28/2021	6,347.25	Earthworks Excavating Services Inc	Refund SCIP 11014 NE 42nd St Inv WA103-21 Marquez /				
Ad Hoc Payment	Check	23999	7/28/2021	39.98	Floyd,Norma	Utility Refunds: 0016010200-01				
Ad Hoc Payment	Check	24000	7/28/2021	92.02	Floyd,Rodney and Norma	Utility Refunds: 0016010200-01				
Ad Hoc Payment	Check	24001	7/28/2021	62.00	Francis Reagan	OTOA SWAT Training - Warrenton OR - 06/20/21				
Ad Hoc Payment	Check	24002	7/28/2021	94.55	Gail Osborne Trustee	Utility Refunds: 0023014700-00				
Ad Hoc Payment	Check	24003	7/28/2021	76.86	Gallegos,Elbia and Francisco	Utility Refunds: 0009047800-14				
Ad Hoc Payment	Check	24004	7/28/2021	34.40	Harrington,Yvonne	Utility Refunds: 0003042500-06				
Ad Hoc Payment	Check	24005	7/28/2021	59.51	Henco Plumbing Services LLC	MPE-304109				
Ad Hoc Payment	Check	24006	7/28/2021	115.56	Henry Hoang	Utility Refunds: 0000001215-04 Consolidated refund				
Ad Hoc Payment	Check	24007	7/28/2021	77.88	Horn,Randall	Utility Refunds: 0012078349-07				
Ad Hoc Payment	Check	24008	7/28/2021	122.22	Hui-Chun Cheng, Keng-Ching Lin, Iris Huichun	Utility Refunds: 0000005222-02				
Ad Hoc Payment	Check	24009	7/28/2021	357.40	Ivanov,Viktor and Anna	Utility Refunds: 0015003513-04				
Ad Hoc Payment	Check	24010	7/28/2021	11.04	Jodi Shields	Utility Refunds: 0082000342-02				
Ad Hoc Payment	Check	24011	7/28/2021	154.26	Jordan,Jeffrey	Utility Refunds: 0009051300-11				
Ad Hoc Payment	Check	24012	7/28/2021	133.15	Karrick,Thurman and Rebecca	Utility Refunds: 0000003085-02				
Ad Hoc Payment	Check	24013	7/28/2021	86.34	Keller,Daniel	Utility Refunds: 0088066130-01				
Ad Hoc Payment	Check	24014	7/28/2021	151.00	Kennedy,Walter and Clare	Utility Refunds: 0080079300-05				
Ad Hoc Payment	Check	24015	7/28/2021	979.61	Kennedy,Walter L	Utility Refunds: 0080079300-05 Consolidated refund				
Ad Hoc Payment	Check	24016	7/28/2021	328.50	Kofford,Russell and Phyllis	Utility Refunds: 0015004615-01				
Ad Hoc Payment	Check	24017	7/28/2021	121.10	Lagood,Jeffrey	Utility Refunds: 0012078142-09				
Ad Hoc Payment	Check	24018	7/28/2021	86.43	Lori, Herbert and Allen Malarkey	Utility Refunds: 0000005298-02				
Ad Hoc Payment	Check	24019	7/28/2021	260.43	Mary Schwarz and Antony Baur	Utility Refunds: 0005037500-03				
Ad Hoc Payment	Check	24020	7/28/2021	167.75	Matlock,Rebecca S	Utility Refunds: 0000004650-04				
Ad Hoc Payment	Check	24021	7/28/2021	398.81	Matthew Babbitts and Sara Thompson	Utility Refunds: 0018089200-10				

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Ad Hoc Payment	Check	24022	7/28/2021	393.77	Matthew Stewart	Refund Parking Permit COV10571				
Ad Hoc Payment	Check	24023	7/28/2021	94.89	Melnick,Ben and Kelly	Utility Refunds: 0016013700-05				
Ad Hoc Payment	Check	24024	7/28/2021	115.39	Metzger,Darryl and Kathleen	Utility Refunds: 0009047900-20				
Ad Hoc Payment	Check	24025	7/28/2021	194.32	Montero,Emil and Tracy	Utility Refunds: 0043068084-02				
Ad Hoc Payment	Check	24026	7/28/2021	4,792.65	MTI Contractors Inc	Refund SCIP 10514 NE 11th St Inv I210525437 Gomez				
Ad Hoc Payment	Check	24027	7/28/2021	128.00	Nataliya Babiy and Andrey Koptelev	Utility Refunds: 0000005879-02				
Ad Hoc Payment	Check	24028	7/28/2021	22.96	Osborne,Gail	Utility Refunds: 0023014700-00				
Ad Hoc Payment	Check	24029	7/28/2021	40.00	PCS	Refund Alarm Billing Acct 18689 Inv 99409861 &				
Ad Hoc Payment	Check	24030	7/28/2021	70.00	PCS	Refund Alarm Billing Acct T 5098 Inv 99428946 &				
Ad Hoc Payment	Check	24031	7/28/2021	162.97	Petit,Sheryl E	Utility Refunds: 0031053600-09				
Ad Hoc Payment	Check	24032	7/28/2021	101.14	Procopoi,Vera and Valentin	Utility Refunds: 0003028800-11				
Ad Hoc Payment	Check	24033	7/28/2021	19.22	Robert and Vidjana Hoxha	Utility Refunds: 0046027108-04				
Ad Hoc Payment	Check	24034	7/28/2021	20.00	Rohner Mechanical Inc	Refund Alarm Billing Acct 20264 Inv 99440651				
Ad Hoc Payment	Check	24035	7/28/2021	62.00	Ryan Preston	OTOA SWAT Training - Warrenton OR - 06/20/21				
Ad Hoc Payment	Check	24036	7/28/2021	59.74	Sandra Blanton and William Blanton Sr	Utility Refunds: 0003027900-12				
Ad Hoc Payment	Check	24037	7/28/2021	155.00	Schmoldt,David	Utility Refunds: 0032022000-02 Consolidated refund				
Ad Hoc Payment	Check	24038	7/28/2021	38.16	Schorr,Zachary	Utility Refunds: 0010041600-03				
Ad Hoc Payment	Check	24039	7/28/2021	21.23	Scott,Margaret	Utility Refunds: 0004047900-02				
Ad Hoc Payment	Check	24040	7/28/2021	150.00	Shirley Kay Schauer	Utility Refunds: 0069060800-00				
Ad Hoc Payment	Check	24041	7/28/2021	111.75	Siemssen,Penelope	Utility Refunds: 0003034400-20				
Ad Hoc Payment	Check	24042	7/28/2021	142.63	Sundstrom,Jaxene D	Utility Refunds: 0093047500-10				
Ad Hoc Payment	Check	24043	7/28/2021	16,260.00	Superior Underground, LLC	Refund SCIP Program 1217 NE 127th Ave - Inv 1544				
Ad Hoc Payment	Check	24044	7/28/2021	132.76	Sych,Irena J	Utility Refunds: 0000003450-03 Consolidated refund				
Ad Hoc Payment	Check	24045	7/28/2021	99.75	Tami Construction LLC	Utility Refunds: 0124002010-03				
Ad Hoc Payment	Check	24046	7/28/2021	95.00	The Edward C Handris and Marla Teresa Handris	Utility Refunds: 0005046400-13 Consolidated refund				
Ad Hoc Payment	Check	24047	7/28/2021	196.48	The John and Olena Family Trust	Utility Refunds: 0000005848-03				
Ad Hoc Payment	Check	24048	7/28/2021	41.34	Thomas J Cousino Jr and Heidi L Bjurstrom	Utility Refunds: 0029053400-12				
Ad Hoc Payment	Check	24049	7/28/2021	371.80	Thompson,Kimberly and Michael	Utility Refunds: 0056073500-11				

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Ad Hoc Payment	Check	24050	7/28/2021	382.52	Wellman, Triplett	Utility Refunds: 0000007320-06				
Supplier Payment	Check	24051	7/28/2021	28.20	Airgas, Inc					
Supplier Payment	Check	24052	7/28/2021	9,540.63	Allcon LLC					
Supplier Payment	Check	24053	7/28/2021	4,413.63	Allegiance Benefit Plan Management Inc					
Supplier Payment	Check	24054	7/28/2021	44,120.00	Allegis Group Holdings Inc - Remit-To: TekSystems Inc -					
Supplier Payment	Check	24055	7/28/2021	5,765.00	American Medical Response Northwest Inc -					
Supplier Payment	Check	24056	7/28/2021	130.20	American Sani-Can					
Supplier Payment	Check	24057	7/28/2021	10,350.90	Apex Hydrovac Tools LLC					
Supplier Payment	Check	24058	7/28/2021	147.58	Aramark Uniform & Career Apparel LLC - Remit-To:					
Supplier Payment	Check	24059	7/28/2021	128,142.84	B.C.V., Inc					
Supplier Payment	Check	24060	7/28/2021	225.00	Bretley Christie					
Supplier Payment	Check	24061	7/28/2021	33,961.75	Brown and Caldwell - Remit-To: Brown & Caldwell - San					
Supplier Payment	Check	24062	7/28/2021	39,307.76	CECO Inc					
Supplier Payment	Check	24063	7/28/2021	7,318.00	Century West Engineering Corp					
Supplier Payment	Check	24065	7/28/2021	5,025.00	City of Vancouver - Remit-To: COV Main					
Supplier Payment	Check	24066	7/28/2021	808.92	Clark Public Utility District No. 1					
Supplier Payment	Check	24067	7/28/2021	3,973.75	Clark Public Utility District No. 1					
Supplier Payment	Check	24068	7/28/2021	1,629.62	Clark Public Utility District No. 1					
Supplier Payment	Check	24069	7/28/2021	627.73	Code Publishing Co					
Supplier Payment	Check	24070	7/28/2021	6,509.17	Columbia Resource Company					
Supplier Payment	Check	24071	7/28/2021	108.29	Comcast Holdings Corporation - Remit-To:					
Supplier Payment	Check	24072	7/28/2021	109.92	Comcast Holdings Corporation - Remit-To:					
Supplier Payment	Check	24073	7/28/2021	181.52	Comcast Holdings Corporation - Remit-To:					
Supplier Payment	Check	24074	7/28/2021	2,112.19	CUES Inc - Remit-To: CUES Inc - Cincinnati					
Supplier Payment	Check	24075	7/28/2021	262.00	Dex Media West					
Supplier Payment	Check	24076	7/28/2021	29,499.37	EnviroIssues Inc					
Supplier Payment	Check	24077	7/28/2021	30,759.83	Evergreen Habitat for Humanity					
Supplier Payment	Check	24078	7/28/2021	12,501.18	Ferguson Enterprises - Remit-To: Ferguson - Dallas					

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Supplier Payment	Check	24079	7/28/2021	5,810.00	Fischer Mill Supply Inc					
Supplier Payment	Check	24080	7/28/2021	17,959.00	Gordon Tilden Thomas & Cordell LLP					
Supplier Payment	Check	24081	7/28/2021	120.00	H&H Wood Recyclers					
Supplier Payment	Check	24082	7/28/2021	10,285.90	Harper Houf Peterson Righellis Inc					
Supplier Payment	Check	24083	7/28/2021	385,148.35	HCI Industrial & Marine Coatings Inc					
Supplier Payment	Check	24084	7/28/2021	1,131.39	Industrial Scientific Corporation - Remit-To:					
Supplier Payment	Check	24085	7/28/2021	564.20	Keiths Sporting Goods Inc					
Supplier Payment	Check	24086	7/28/2021	11,203.52	Kennedy Jenks Consultants - Remit-To: Kennedy Jenks					
Supplier Payment	Check	24087	7/28/2021	4,609.70	Kittelsohn & Associates Inc					
Supplier Payment	Check	24088	7/28/2021	8,515.44	L.N. Curtis & Sons					
Supplier Payment	Check	24089	7/28/2021	360.00	Michael's Messenger Service Inc					
Supplier Payment	Check	24090	7/28/2021	9,397.52	Municipal Emergency Services Inc - Remit-To:					
Supplier Payment	Check	24091	7/28/2021	626.75	Murray Smith Inc					
Supplier Payment	Check	24092	7/28/2021	468.72	National Safety Inc					
Supplier Payment	Check	24093	7/28/2021	19,886.23	Nelson Nygaard Consulting Associates Inc - Remit-To:					
Supplier Payment	Check	24094	7/28/2021	71.88	Northwest Cascade Inc					
Supplier Payment	Check	24095	7/28/2021	18,960.01	Northwest Staffing Resources Inc - Remit-To:					
Supplier Payment	Check	24096	7/28/2021	2,034.38	OSPI Insight International Inc					
Supplier Payment	Check	24097	7/28/2021	3,596.40	PPC Solutions Inc					
Supplier Payment	Check	24098	7/28/2021	8,567.56	Qwest Corp - Remit-To: Qwest Corp- Seattle					
Supplier Payment	Check	24099	7/28/2021	2,502.72	Roth Staffing Companies LP - Remit-To: Ultimate					
Supplier Payment	Check	24100	7/28/2021	10.35	Shred It USA LLC					
Supplier Payment	Check	24101	7/28/2021	17,463.04	Software House International SHI - Remit-					
Supplier Payment	Check	24102	7/28/2021	2,125.00	Stacy Cecchet PHD					
Supplier Payment	Check	24103	7/28/2021	96,400.00	State of Washington Department of Ecology -					
Supplier Payment	Check	24104	7/28/2021	31.08	Stericycle Inc					
Supplier Payment	Check	24105	7/28/2021	3,888.53	SwiftComply US OpCo Inc					
Supplier Payment	Check	24106	7/28/2021	7,373.66	Targetsolutions Learning LLC					

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Supplier Payment	Check	24107	7/28/2021	2,450.00	Teragan & Associates Inc					
Supplier Payment	Check	24108	7/28/2021	352.63	Towing & Recovering Services Inc					
Supplier Payment	Check	24109	7/28/2021	813.75	Triple J Enterprises					
Supplier Payment	Check	24110	7/28/2021	4,005.00	Una J Walker					
Supplier Payment	Check	24111	7/28/2021	264.73	United Parcel Service					
Supplier Payment	Check	24112	7/28/2021	4,572.35	Univar Solutions USA Inc - Remit-To: Supplier Univar					
Supplier Payment	Check	24113	7/28/2021	1,057.84	Walter E Nelson Company					
Supplier Payment	Check	24114	7/28/2021	128,316.21	Wilson Oil Inc					
Supplier Payment	Check	24115	7/28/2021	152.62	XPO Logistics Enterprise Services, Inc - Remit-To:					
Supplier Payment	Check	24116	7/28/2021	12,521.58	YOLO Washington LLC					
Supplier Payment	Check	24117	7/28/2021	2,196.60	State of Washington Department of Revenue					
			SUBTOTAL	6,296,218.80						
Hansen			8/2/2026	3,987.91	City Payments	Posted 7-27 thru 8-2-21				
			SUBTOTAL	3,987.91						
Visa			8/2/2026	1489.90	Miscellaneous	Parks Class Refunds - FCC 7-27 thru 8-2-21				
Visa			8/2/2026	1715.00	Miscellaneous	Parks Class Refunds - MCC 7-27 thru 8-2-21				
Visa			8/2/2026	0.00	Miscellaneous	Parks Class Refunds - Special Events 7-27 thru 8-2-21				
Visa			8/2/2026	0.00	Miscellaneous	Parks Class Refunds - WREC 7-27 thru 8-2-21				
			SUBTOTAL	3204.90						
			TOTAL	6,303,411.61						

City of Vancouver
Payroll Council Report
July 27, 2021 - August 2, 2021

Check No.	Date	Explanation	Amount
EFT-00110652	07/26/21	Sophia Roselle not listed last week /Supplemental pymt	\$ 851.64

\$ 851.64