



Anne McEnerny-Ogle, Mayor
Bart Hansen · Ty Stober · Linda Glover
Laurie Lebowsky · Erik Paulsen · Sarah J. Fox

August 9, 2021 - Vancouver City Council Meeting Minutes

WORKSHOPS

Workshops were conducted in a hybrid environment, with Councilmembers, staff and guests participating in-person at City Hall and over video conference utilizing a GoToMeeting platform. Members of the public were invited to view the meeting at City Hall or via the live broadcast on www.cvtv.org and CVTV cable channels 23 or HD 323, or on the City's Facebook page, www.facebook.com/VancouverUS, or listen via the GoToMeeting conference call.

Councilmember Glover absent; Councilmember Lebowsky arrived at 4:34 p.m.

3:30-4:30 p.m. Oregon Toll Program Discussion

Lucinda Broussard, ODOT Toll Program Director; Brendan Finn, ODOT Urban Mobility Manager

Summary

Staff from the Oregon Department of Transportation Urban Mobility Office provided Council with an update on the Oregon toll program.

4:30-6:00 p.m. Vancouver Police Department Update

James P. McElvain, Vancouver Police Chief, 360-487-7473

Summary

Vancouver Police Chief James McElvain provided Council with an update on Vancouver Police Department programs and initiatives.

COUNCIL DINNER/ADMINISTRATIVE UPDATES

6:00-6:30 PM

COUNCIL CONSENT AGENDA MEETING

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

Pledge of Allegiance

Call to Order and Roll Call

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

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

Absent: Councilmember Glover

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

Community Communications (Items 1-4)

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

- Steve Horenstein, representing the applicants for the Vancouver Innovation Center (VIC), stated he was available to answer Council requests regarding that project.
- Jean Avery, Vancouver, spoke regarding the VIC and urged the Council to require all trees currently in place be maintain in support of sustainability and

carbon reduction.

- Teresa Hardy, Vancouver, spoke regarding the VIC and urged the Council to require all trees currently in place in support of sustainability and carbon reduction.

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

Consent Agenda (Items 1-4)

Mayor McEnerny-Ogle read the ordinances for Items 1, 2, and 3 into the record.

Council requested Item 3 be pulled from the Consent Agenda for separate consideration, as summarized below.

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

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

Staff Report 116-21

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

Summary

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

Recently, the Vancouver Housing Authority decided to acquire the existing Howard Johnson hotel at 9201 NE Vancouver Mall Drive to operate a homeless shelter. Upon learning about the proposed shelter, a Planning Official's code interpretation was requested to interpret and clarify the scope of "Commercial and Transient Lodging" uses, specifically for "homeless shelters where tenancy is typically less than one month" with the emphasis on what "typically" means in this context.

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

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

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

Request: On Monday, August 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

Motion approved the request.

2. **62nd Street Apartments proposal to change zoning map designation from R-18 to R-22 for a 2.5-acre site comprising three adjacent properties at 6115 NE 72nd Avenue, and 7215 and 7309 NE 63rd Street**

Staff Report 117-21

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

Summary

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

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

The sources that should be considered in evaluating a standalone rezone request are: (1) the City Comprehensive Plan, and (2) the City Strategic Plan. (VMC 20.285.060). Locational criteria for higher density residential zoning districts are contained in VMC 20.420.025, last updated in 2005. As the factors contained in VMC 20.420.025 are referenced within the City Comp Plan, they may be considered in evaluating the prudence of granting a standalone zoning change. However, in evaluating the appropriate weight to afford the factors set forth in VMC 20.420.025, it is relevant to consider the history of recent amendments to Title 20 of the Vancouver Municipal Code. In 2018 changes were made to standards for reviewing zone changes under VMC 20.285 to eliminate direct reference to locational criteria for these and other zoning districts. The change was made because the locational criteria described how various zones might ideally be located

if designing a new urban area for the first time, but were less relevant in evaluating proposed individual site-specific zoning changes in an increasingly developed setting. In addition, they generally do not reflect recent trends related to housing affordability and urbanization that have emerged over the last decade or more. Locational criteria for each zoning district will be updated as part of a planned Title 20 (Land Use and Development Code) overhaul, which will follow the forthcoming major update of the City's Comprehensive Plan.

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

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

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

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

- 1. Areas already developed predominantly to the permitted R-22 density and where R-22 scale is well established.*
- 2. Areas with close proximity and pedestrian connections to neighborhood services, public open spaces, schools and other residential amenities.*

3. Properties that are adjacent to existing business and commercial areas with comparable height and bulk, or where a transition in scale between areas of larger multifamily and/or commercial structures and smaller multifamily development is desirable.

4. Areas well served by public transit and having direct access to arterials, such that vehicular traffic is not required to that pass through lower density residential zones; street widths must be sufficient to allow for two (2) way traffic and on-street parking in accordance with City street standards.

5. Areas with significant topographic breaks, major arterials or open space that provide a separation and transition to Lower Density Residential areas

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

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

2. Properties in close proximity to major employment centers, open space and recreational facilities.

3. Areas with well-defined edges such as an arterial, open space, change in block pattern, topographic change or other significant feature providing sufficient separation from adjacent areas of small scale residential development, or areas should be separated by other zones providing a transition in the height, scale and density of development.

4. Areas that are served by major arterials, where transit service is good to excellent, and where street capacity could absorb the traffic generated by higher density development.

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

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

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

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

Request: On Monday, August 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

Motion approved the request.

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

Staff Report 118-21

A. 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.

B. 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.

Summary

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 exiting the site will do so via the west. The applicant will make proportionate share contributions to impacted roads and intersections near proposal site, dedicate and improve roads within site, and be subject to Transportation Impact Fees.*

- *The proposal would generate 319 students at buildout, which serving schools have capacity to serve through temporary portable classroom capacity.*
- *Proposal park and open space features are sufficient to meet demands created by the proposal, and partially address park deficits in the surrounding area.*

Provisions addressing sustainability and climate impacts include:

- *Proposed mix of uses facilitating less traffic than development under existing zoning, and reuse of existing 700,000 square foot industrial building complex.*
- *D.A requirement that application will not vest for City standards related to sustainability and climate, ensuring future development can be subject to the most recent standards as they evolve.*
- *Applicant implementation commitments to work with C-Tran to increase bus service, upgrade lights and HVAC in existing industrial buildings, install electric vehicle stations not required by City Code, and treat and perform infiltration of all stormwater onsite, and upgrade all parking lot stormwater to current standards.*

Public and stakeholder engagement has been provided through:

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

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.

Request: 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

Chad Eiken, Community and Economic Development Director, provided an overview of the proposed Council actions, and explained staff is presenting two versions of the development agreement for Council's consideration, as outlined in the summary above. The first version reflects the final recommendation from the Planning Commission that includes two changes to the original proposal with which the applicant was not in agreement. The second version reflects the applicant's response to the Planning Commission's recommendations.

Regarding public concerns pertaining to the potential loss of trees on the site, Steve Horenstein, representing the applicant, stated the applicant has agreed to place a covenant on the property to preclude the developer from doing anything with the parcel proposed for park land until the City of Vancouver is in a position to purchase the property for that purpose. He stated the applicant is committed to leaving that parcel forested until it is acquired by the City.

Regarding the Planning Commission's recommendation to change the cost parameters for the sale of the northeast park area to be based on the current IL zone, Mr. Horenstein stated the applicant is opposed to including this in the development agreement because they have been in negotiations with the Parks and Recreation Department with the goal of drafting a purchase and sale agreement that accounts for many issues beyond the land use questions. He stated the applicant disagrees the real estate transaction should be treated as a land use issue. He requested the DA move forward with the applicant's most recent proposal where the sale value would be considered at a mutually agreed to value by all parties.

Regarding the Planning Commission's recommendation to expand the border of the Town Center portion of the Mixed Use area, Mr. Horenstein stated the applicant agrees to expanding the northern border, but requests to maintain the southern boundary as proposed to ensure that area can be developed as soon as possible as a gateway to the site, and incorporating that into the Town Center area would take longer than is preferred.

Mr. Horenstein referenced a letter (attached) provided to the Council on behalf

of the applicant that details these key points.

Councilmember Paulsen expressed concerns that by not including cost parameters in the DA based on the IL zone, as recommended by the Planning Commission, there may be a perception that the City is upzoning the land and then negotiating a purchase price that could be much higher based on that new zoning.

Councilmember Stober expressed similar concerns and noted the DA would have the land value be based on the best and highest use for the land, and asked what options the City would have if an appraiser determined the best and highest use is not maintaining the forested parcel. City Attorney Jonathan Young explained that putting a restrictive covenant on that parcel boxes in the uses that could be applied to it by an appraiser.

Councilmember Stober asked for clarification as to whether the City is in a position to purchase the park property. City Manager Eric Holmes stated the City would be able to make that purchase, and would just need to have the funding allocated in the budget to complete such a purchase.

Councilmember Paulsen asked staff to address the concerns regarding the perceived upzoning of the land prior to purchase and whether the City would be giving up any leverage in negotiating a purchase price by approving the DA that includes the developer's proposals. Mr. Eiken explained negotiations are multi-faceted and much more complicated than just the land use questions. He also stated Council would need to approve the final purchase and sale agreement before a purchase is complete. Mr. Eiken also noted the DA must be agreed to by both parties, and the developer could potentially walk away from the project if not in agreement, and the land could be developed with an industrial use under the current zoning with no guarantee of park land. He stated the park is in the developer's interest as much as it is in the City's.

Regarding the expansion of the Town Center northern and southern boundaries, Councilmember Paulsen stated he observed the Planning Commission seemed most interested in the northern area being included, which the applicant had agreed to.

Councilmember Fox noted the design standards included at this stage are fairly detailed. She stated she was not concerned with the gateway area being developed in advance of the Town Center area assuming it would conform to the design standards included with the DA.

Councilmember Paulsen stated this is an exciting project and he applauds the applicant for their collaboration in finding a way forward that will benefit all parties. He stated he appreciates the provisions the Planning Commission sought to put in place, but he is satisfied there will be a lot more going into the negotiations for the park parcel and he is comforted that Council will have final approval of the purchase and sale agreement.

Motion by Councilmember Paulsen, seconded by Councilmember

Hansen, and caried unanimously to approve Ordinance Option B on first reading, setting date of second reading and public hearing for Monday, August 16, 2021.

4. Approval of Claim Vouchers

Request: Approve claim vouchers for August 9, 2021.

Motion approved claim vouchers for August 9, 2021, in the amount of \$6,304,263.25.

Community Forum

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

- Megan Depaz, Battle Ground, Washington, expressed concerns with how police officers are portrayed in The Columbian news coverage.
- Wesley Higgins, Vancouver, representing the Grandview Commons Homeowners' Association, expressed concerns regarding a residential facility being built nearby that will house at-risk youth, and presented a petition (attached) from Grandview Commons residents requesting a delay to the project.
- Renee Schiermeister, Vancouver, echoed Mr. Higgins' comments and thanked the Council for listening.
- Peter Bracchi, Vancouver, asked the City to use a layered model to finding land open to camping along Burnt Bridge Creek, and urged the City to limit adverse impacts to the critical areas.
- Don Steinke, Vancouver, urged the City to continue to take steps to urgently address climate change and reduce emissions.
- Alona Steinke, Vancouver, urged the City to set early short term goals to reduce emissions.
- Cathryn Chudy, Vancouver, urged the City to stay the course on urgently addressing climate change and take interim steps while developing the comprehensive climate action plan.

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

Adjournment

7:45 p.m.

DocuSigned by:

Anne McEnery-Ogle

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Anne McEnery-Ogle, Mayor

Attest:

DocuSigned by:

Natasha Ramras

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Natasha Ramras, City Clerk

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



BUSINESS
LAND USE
REAL ESTATE
GOVERNMENT STRATEGIES

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September 3, 2021

VIA EMAIL: cmo@cityofvancouver.us

Mayor Anne McEnerny-Ogle
City Council
415 W. 6th St
Vancouver, WA 98660

Re: August 9, 2020 City Council Meeting Consent Agenda Item #3 – The VIC

Dear Mayor and City Councilors:

We appreciate your anticipated consideration of the 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 the upcoming City Council meeting scheduled for August 9, 2021, as Consent Agenda Item #3.

As you may have noticed, Consent Agenda Item #3 contains two proposed ordinances.

- Ordinance A addresses the Planning Commission's recommended changes to the D.A. – (1) requiring the price of the park land to be established in the D.A. and (2) requiring the Town Center boundaries to be expanded to encompass the entire MX land use area, including the areas marked as "A," "B," and "C" on the enclosed map.
- Ordinance B addresses the Applicant's proposed modifications to the Planning Commission's recommendations.

We are submitting this letter to explain the Applicant's proposed modifications and to respectfully request that you adopt Ordinance B.

At the outset, please recognize that neither of the Planning Commissions recommended changes to the D.A. were negotiated or discussed during the **six** workshops spanning the **eleven** months prior to the Planning Commission hearing. The Planning Commission proposed the two changes during its efforts to craft a motion for the Commissioners' vote. The Applicant was completely surprised by the two recommendations and was not given a reasonable opportunity to comment on them before the Planning Commission voted.

As discussed below, the Planning Commission's proposed DA changes in Ordinance A impose unreasonably harsh burdens on the proposed development. We encourage the City Council to adopt Ordinance B.

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(1) The Price of Park Land

The negotiations between the City and the Applicant regarding the payment for the City's requested public use of the Forested Tract over the past ten months has, unfortunately, been quite difficult. The difficulties did not arise, however, over a difference of opinion. To the contrary, the Applicant and City Staff have always agreed in principal that the Forested Tract in the northeast corner of the property, should be open to the public during traditional City park hours. The difficulties the parties have encountered, have arisen almost entirely in trying to find a lawful and mutually agreeable way for the City to pay for public access. The Applicant is open to all potential payment methods; the City simply needs to decide which payment vehicle(s) it prefers.

After significant efforts by both parties to draft the proposed Forested Tract deal terms, the Applicant and City Staff decided to outline the basic, easily agreeable terms for the Forested Tract in the D.A. See Ordinance A and B D.A.s at section 6.9. The Applicant and City Staff agreed to the continue collecting information and negotiating the remaining details in a separate letter of intent. Ultimately, the parties' agreement on deal terms be memorialized in a City Council approved real estate purchase and sale agreement.

Letters of intent and real estate purchase and sale agreements negotiated between the City and private landowners are common. There is no statutory requirement to include real estate purchase and sale agreement details in a development agreement. See RCW 36.70B.170; VMC chapter 20.250. State law merely requires the City pay fair market value for land it requires a landowner to sell to it. See *State v. Rowley*, 74 Wn.2d 328, 334, 444 P.2d 695, 699 (1968) ("The responsibility of the jury [in a condemnation proceeding] was to determine the fair cash market value of the property, taking into consideration **any and all uses to which the property was then adaptable.**") (Emphasis added).

Notwithstanding the above, the Planning Commission recommends City Council require the Applicant to sell the Forested Tract, over the Applicant's objection, for the fair market value of light industrial (IL) zoned property, even though the property will be zoned as mixed use (MX) at the time the sale occurs.

We have not found any authority for a municipality to require a landowner to accept a proposed purchase price for land the City requires the landowner to sell as a condition of approval for a Comprehensive Plan amendment or zone change.

Furthermore, whether the property is zoned IL or MX at the time the sale occurs is only one factor to be considered when determining fair market value for the land. The value will also be affected by parties' agreement regarding utilities, bathrooms, dedicated parking stalls and public street access for the Forested Tract. These details have not yet been finalized. Without of final list of infrastructure

requirements *and their costs*, the parties can only guess what the fair market value of the improved Forested Tract might be, regardless of its zoning designation.

Rather than delay the project further, the Applicant proposes the Ordinance B D.A., which simply requires the Forested Tract sales price to be mutually agreeable.

Then, once the D.A. is signed, City Staff and the Applicant will finalize the letter of intent; agree on the required scope of infrastructure; finalize the Forested Tract details (which must be included in the Town Center Amendment);¹ agree upon a fair market valuation process; draft the proposed purchase and sale agreement and present the agreement to City Council for review and approval.

In other words, under Ordinance B's D.A., the parkland sale price will come back to City Council for review, consideration, and approval as a traditional parkland real estate sale – which is not a necessary part of a Comprehensive Plan amendment, zone change, or master plan – and as a Type IV master plan amendment. See Ordinance B D.A., section 6.11. Under the circumstances, this seems the most reasonable approach.

(2) Town Center Boundaries

The Planning Commission proposes to expand the Town Center boundaries to include all lands within the MX land use area.² The Applicant is willing to agree to expand the Town Center boundaries north, to include the MX areas marked “A” and “B” on the enclosed map (the “North MX Area”) and require that area to be approved through the Town Center Amendment, Type IV approval process. See Ordinance B D.A. at sections 6.4.c and 6.11. But the Applicant cannot agree to expand the Town Center boundaries to include the area marked “C” on the enclosed map (the “South MX Area”).

If The VIC application to develop the property as MX land is approved, the South MX Area will become the gateway to the entire development. It will be the first thing potential tenants will see and it will set the tone and tenor for the entire visionary project. It is the key to establishing a proper mixed use sense of “place.”³ Knowing this, prior to the July 6, 2021 Planning Commission hearing, the Applicant negotiated language in the D.A. allowing this area to be developed at any time. See

¹ See Ordinances A & B at section 6.11.a(ii).

² See enclosed map for depiction of the MX land use area and the North and South MX Areas.

³ See City of Vancouver Comprehensive Plan 2011-2030, Appendix A, “Community Framework Plan and Growth Management Act Goals,” at section A (“The Community Framework Plan encourages growth in centers” with each center “oriented and developed around neighborhoods to allow residents the ability to easily move through and to feel comfortable within areas that **create a distinct sense of place** and community.”) (Emphasis added) accessed at https://www.cityofvancouver.us/sites/default/files/fileattachments/community_and_economic_development/page/874/vancouver_comprehensive_plan_2011-2030_2018_update1.pdf on 8/4/2021. See also Columbia River Economic Development Council (CREDC) **Goal 3: Create Place, Objective 3.1 (“Each Community Creates a Placemaking Strategy”)** (emphasis added) accessed at <https://www.credc.org/strategic-initiatives> on 8/4/2021.

Ordinance B D.A. at section 6.5.e (which used to address development of the North and South MX Areas, but now only addresses the South MX Area). No one from the City ever balked, questioned, or expressed concern about this timeline for development.

As written in both the Ordinance A and Ordinance B versions, Phases A is supposed to start in the first 18 months after the D.A. is approved and Phase B shall start within 18 months after that. See Ordinances A and B, D.A.s at section 6.5.a. & b. It will be difficult to invite tenants and developers to Phases A and B if the “entrance” to the property has not been and *cannot be* developed in a timely fashion.

If the South MX Area is incorporated into the Town Center and cannot be developed until *after* the Town Center Amendment approved, through a Type IV process, instead – *which may be as late as three to four years after the D.A.* (see Ordinances A & B, section 6.11) – the D.A. will be internally inconsistent, and development of the *entire property* will be significantly delayed and impaired.

In short, Ordinance A severely limits the Applicant’s ability to create a proper entrance and sense of place for the Vancouver Innovation Center. It places the success of the entire development at risk.

Additional Changes

In addition to agreeing to (1) negotiate a mutually agreeable purchase price and (2) including the North MX Area into the definition of the Town Center, the Applicant has also *voluntarily* agreed with City Staff to make additional changes, responsive to public comments at the Planning Commission hearing. In Section 6.9b of both the Ordinance A and B D.A.s, the Applicant and City Staff revised the tree credit calculations so that not all trees will be creditable toward tree canopy and open space requirements. The parties have also agreed the Applicant’s arborist will partner with the City of Vancouver’s Urban Forester to evaluate the health of all trees, determine which should be creditable towards the Open Space and tree canopy requirements, and develop a mutually-agreeable Tree Plan. These changes were not required or recommended by the Planning Commission, but the Applicant and City Staff negotiated them in good faith as a demonstration of the Applicant’s commitment to collaborating with City Staff to ensure this proposed development is good for everyone.

We hope this explanation has been helpful. Through this explanation, we hope you will agree the Applicant has been reasonable, cooperative, and has satisfied all of the legal requirements for approval of The VIC Comprehensive Plan Amendment, Zone Change, and proposed MX Master Plan. We hope you will also agree that the terms of the Ordinance B D.A. are lawful, acceptable, and in the best interests of the City of Vancouver.

September 3, 2021

Page 5

We look forward to the August 9 City Council meeting and answering any questions you may have.

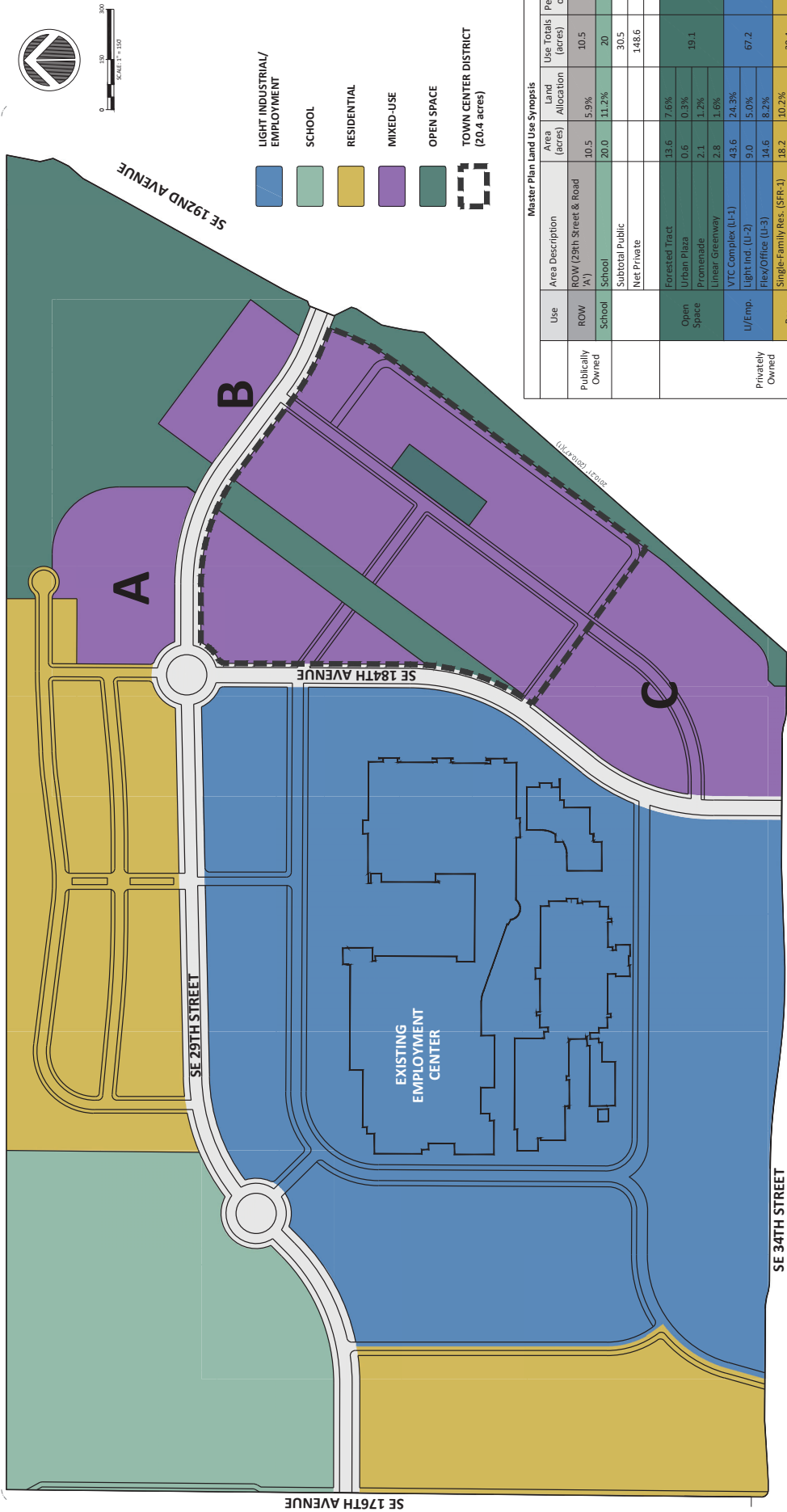
Sincerely,


STEPHEN W. HORENSTEIN


MAREN L. CALVERT

Enclosure:

1. The VIC Master Plan map, identifying North and South MX Areas



Master Plan Land Use Synopsis						
Use	Area Description	Area (acres)	Land Allocation	Use Totals (acres)	Percentage of Gross	Percentage 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	Forested Tract	13.6	7.6%			
	Open Space	0.6	0.3%			
	Urban Plaza	2.1	1.2%	19.1	11%	13%
	Promenade	2.8	1.6%			
	Linear Greenway	43.6	24.3%			
	VTC Complex (LI-1)	9.0	5.0%			
	Light Ind. (LI-2)	14.6	8.2%	67.2	38%	45%
	Flex/Office (LI-3)	18.2	10.2%			
	Single-Family Res. (SFR-1)	12.2	6.8%	30.4	17%	20%
	Multi-Family Res. (MFR-1)	4	2.2%			
MX	Senior Living (MX-1)	2.1	1.2%			
	Class A Office (MX-3)	3.7	2.1%	31.9	18%	21%
	Mixed-Use/Retail (MX-4)	22.1	12.3%			
Totals		179.1	100%			

City Council 8/9/21 –

A few days ago, we received the attached letter in the mail from Mark Person Senior Planner –

The original plan with the property was to build a large apartment complex and a smaller 18-unit multi-family development. The larger building is currently under construction located on Grand but now the updated plan is to scrap the 18 unit approved plan and turn this into a staffed residential facility for youth that have been recognized to have moderate to high-risk behaviors.

Attached is information about the program “Our Next Generation” from The Mullen-Polk Foundation

Since then, we’ve done some research and even went door to door for 1 hour - to gather signatures with a statement attached from 18 people

We would like our comments documented as we have questions and concerns regarding this matter-

We don’t feel we have been given enough time to respond given the quick turnaround time.

Would like to know if this is being used with taxpayer dollars and ask for accounting of funds for this project?

The application only asks for an environmental review, but we are asking for a more thorough review allowing for social impact, traffic study, safety and a more thorough understanding of the proposal.

We do not believe that it currently meets the Zoned R-18 as it says it is requesting a 2-building residential facility not multifamily development.

We’d like to know how the Mullen Polk Foundation will ensure these kids stay residents and not just an ongoing transient population.

We’re relying on the City Council to ensure consistent and appropriate handling of zoning and construction plans in our residential neighborhood consistent with the neighborhood

We intend to try and set up meetings with the senior planner of the city, the property owner and representatives of Mullen-Polk Foundation and our community to work together for what is in the best interest of all involved. We’re asking for your help to ensure the city engages with us and takes the appropriate time needed to thoroughly work on the proposal and allow our concerns to be addressed and input received.

Thank you –



Wes Higgins

President – Grandview Commons Homeowners Association



P.O. Box 1995 • Vancouver, WA 98668-1995
www.cityofvancouver.us

July 29, 2021

**Notice of Application
Optional SEPA Determination of Nonsignificance
Mullen-Polk Foundation Residential Facility
PRJ-161723/LUP-81220**

Request: Post decision review to modify an approved 18-unit multi-family development into a two phased, two building residential facility for youth ages 12-18 through a Type II Post Decision Review

The application was accepted May 4, 2021 and deemed fully complete July 21, 2021.

Location: 2805 E 19th Street, Vancouver, WA 98661, Parcels 35265000 and 35308000 located in the NW 1/4 of Section 25 and the NE 1/4 of Section 26 of Township 2N, Range 1E of the WM.

Contact/Owner: Sterling Design, Inc., Attn: Joel Stirling, 2208 E Evergreen Blvd, Vancouver, WA 98661

Comments must be submitted by 4 p.m., Aug. 12, 2021. After the comment period closes, the planning official will issue a Type II Notice of Decision and final SEPA determination.

This notice is intended to inform potentially interested parties about the proposal; invite them to submit written statements for the record; and inform them of their right to receive a notice of the decision, including a notice of appeal rights.

Failure of any party to address the relevant approval criteria with sufficient specificity may preclude subsequent appeals on that issue. Comments that are directed at the relevant approval criteria are what constitute relevant evidence. Please direct comments to the case manager's email address listed below.

Under the authority of VMC 20.790.230 and WAC 197-11-355, the city of Vancouver will use the optional combined determination of nonsignificance (DNS) and notice of application process. Based on the initial review of the proposed project, the city of Vancouver has determined this agency expects to issue a DNS on the proposal, finding the project will not create probable significant adverse environmental impacts.

The comment period for the notice of application may be the only opportunity to comment on the environmental impacts of the proposal. An approval of this project may include mitigation measures under applicable codes regardless if an environmental impact statement (EIS) is prepared. A copy of the final threshold determination may be obtained upon written request.

6:30
City Hall
415 W 6th St.

South entrance
- enter street -

(6:20)

All evidence relied upon by the planning official in making the SEPA determination and to make the decision on this application is contained within the public record. The public record for this application is on file and will be made available on request. Copies of this information can be obtained at a reasonable cost. Please include the project numbers when making a request.

During the current COVID-19 crisis, requests to review application materials shall be emailed to the case manager's e-mail address below.

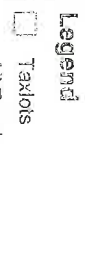
Case Manager: Mark Person, AICP, Senior Planner
E-mail Address: mark.person@cityofvancouver.us



NAME

July 29, 2021

DATE



All Roads

Interstate or State Route

Arteria

Collector

Private or Other

World Street Map

Notes:

1:4,514



752.3 0 376.17 752.3 Feet

WGS_1984_Web_Mercator_Auxiliary_Sphere
Clark County WA GIS - <http://gis.clark.wa.gov>

This map was generated by Clark County's "MapOnline" website. Clark County does not warrant the accuracy, reliability or timeliness of any information on this map, and shall not be held liable for losses caused by using this information.



THE MULLEN-POLK FOUNDATION

PROVIDING SERVICES FOR ALL CHILDREN & FAMILIES IN THE FOSTER CARE SYSTEM

Donate Today

OUR NEXT GENERATION

Staffed Residential Facility

Our Next Generation Staffed Residential Facility is committed to culturally aware and sensitive partnerships with youth and their families. To the very extent possible, we make the effort to have our staff and programming reflect and respect the diversity and culture of our youth and their families with regard to race, ethnicity, national origin, language, gender, sexual orientation, spirituality, and cultural learning.

MISSION

Our mission is to create and maintain a safe, nurturing, structured youth residential facility that meets the specialized needs of youth placed under Behavioral Rehabilitation Services Placement, and their families with a continuum of services that focus on Trauma Informed Care.

PURPOSE

The Mullen-Polk Foundation's, Our Next Generation Staff Residential Facility is a private facility and the goal of the organization is to accommodate the needs of young people that have been recognized as moderate to high risk of behavioral and emotional which may also include mental health disturbance or developmental disabilities. The services provided by Our Next Generation Staffed Residential Facility are: Therapeutic, Group Counseling, / Individual Counseling, Crisis Intervention, Educational programming, Choices (Anger Management), and if applicable; Narcotics Anonymous, Alcoholics Anonymous.

Education support

Our facility partners with the Clark County School District as well as Special Education Services. We also provide and/or support additional education services, as well as educational oversight based on the need of the youth.

Group and Individual Counseling

Group counseling services are provided by case managers who possess a bachelor's degree in behavioral or social sciences, or an equivalent combination of education and experience in the area of behavioral science, social science, or related field. Residents participate in daily group meetings. Throughout these meetings youths are encouraged to discuss their problem areas, which are identified in their Case Service Plan. This allows them the opportunity to make the changes necessary to return to society and make appropriate choices allowing them to succeed. Group meetings focus on building on their strengths and addressing their weaknesses.

Choices (Anger Management)/Chemical Dependency Awareness

All youth participates in weekly meetings to address their anger issues. This service is provided by all trained staff as well as outside contracted providers. Individual anger management sessions are available for those youths who struggle with anger issues. Tools are taught and practiced throughout these meetings to equip each youth with techniques to deal with anger in a positive way.

Chemical Dependency awareness is offered to each youth on a weekly basis. This class offers insight into the harmful effect drugs and/or alcohol has on individuals, as well as their families and surroundings. Direct Care Staff who has drug and alcohol training conducts this class.

Narcotics Anonymous/Alcoholics Anonymous

Narcotics Anonymous and Alcoholics Anonymous meetings are held twice per week. These are voluntary meetings held by sponsors and recovering addicts. The youths who struggle with drugs and/or alcohol are encouraged to attend these meetings. They offer a positive support Our Next Generation Staffed Residential Facility for the youth.

Cultural/Ethnic Services

Our Next Generation Staffed Residential Facility incorporates cultural diversity within the education program.

Residents are also allowed to express their ethnicity through dress, hair, diet and religion, as long as it is appropriate for the setting in which they are placed. Speakers from different ethnic backgrounds are invited to share their culture with the youth. Our Next Generation Staffed Residential Facility will strive to meet the needs of each youth's ethnicity, and look for opportunities to do so whenever possible.



Independent Living Skills

Independent living skills will be incorporated into almost every aspect of the youth's day in the program. Beyond the school day, youth are taught how to maintain proper hygiene skills as well as instruction on how to maintain clean and healthy living quarters. In our food service department, the youth are taught how to prepare and cook foods, along with nutritional education. They also learn how to operate several different pieces of equipment used in the day-to-day food service operation. In our facility, the youths are provided with information to help them properly fill out such things as job applications, resumes, maintaining bank accounts, and budgeting. These are only a few of the areas that are addressed at Our Next Generation Staffed Residential Facility to help youth prepare for everyday living. Living skills are an ongoing educational experience that begins when the youth enters the program and continues through, to the time they leave the program.

Aftercare Services

The objective of Our Next Generation Staffed Residential Facility is to reintegrate the youths into a community life by strengthening relationships with family, friends, employers, and their community and support groups. There will be continuing community contact from the time of admission. In some cases, as the youth comes closer to release, an increase in community contacts and support will occur under decreasing levels of supervision to enhance individual responsibility.

It is the policy of Our Next Generation Staffed Residential Facility that coordination of Aftercare services shall be the responsibility of the Group Leader and should be arranged as part of the case service plan. Group Leaders shall be responsible for modifying, updating, and coordinating Aftercare Plans as the youth progresses through the program.

Referral Process

Our Next Generation Staffed Residential Facility accepts referrals from the Washington State Department of Children, Youth and Families (DCYF). Upon review, some youth are accepted on an evaluative status and/or for emergency placement. Acceptance of these youth is usually in anticipation of a formal placement for short or long term care.

Upon referring a youth, we ask that the DCYF Program Manager contact the facility, to inquire about present and future openings. At that time Our Next Generation will request that the placement desk provide all necessary information, upon which Our Next Generation Executive Director will make a decision in regards to placement. This will include, but will not be limited to, social history, previous court history, psychological evaluations, and other information pertinent to an intake decision. This information will be reviewed by the team, which will consist of the Director, clinical staff along with the program manager.



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To the Vancouver City Council and Mark Person Senior Planner—

We are petitioning the city of Vancouver in regard to the notice of application PRJ – 161723/LUP-81220 known as the Mullen-Polk Foundation Residential Facility. Notice was mailed to the neighboring communities on July 29th. We have only received notice in the past few days and believe this is an insufficient amount of time to allow us to digest a significant change to the original proposal. We would respectfully request the decision to be delayed as it our opinion that there is indeed adverse environmental impacts as well as community and safety impacts to current residents in addition to the residential community being proposed. We have not been notified or made aware of any related impact studies of this type of facility that impact us as property owners, residents and concerned citizens. Our concern is not only self-driven but more importantly for the safety and well being of the children and families proposed in this multi-family development.

Name – Charles W. Stewart
Signature – Charles W. Stewart
Email – chuck-n-melanie@comcast.net
Phone – 360-791-0971

To the Vancouver City Council and Mark Person Senior Planner—

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Name – MARK ERNEST/

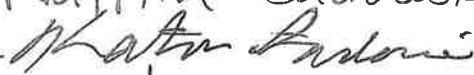
Signature - Mark Ernest

Email – HOOPSTER 31 @ GMAIL.COM

Phone - 360-521-7935

To the Vancouver City Council and Mark Person Senior Planner–

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Name – Katrina Sadowski
Signature – 
Email – spcsadowski@gmail.com
Phone – (503) 267-7069

To the Vancouver City Council and Mark Person Senior Planner—

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Name –

BRENDA CRAWFORD

Signature -

Brenda. M. Crawford

Email –

Brenda.Crawford852@yahoo.com.

Phone -

360.907.0265

To the Vancouver City Council and Mark Person Senior Planner--

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Name -

JUDITH PETERSON

Signature -

JUDITH R. PETERSON

Email -

JR.PETERSON71@HOTMAIL.COM

Phone -

To the Vancouver City Council and Mark Person Senior Planner--

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Name -

Signature -

Email -

Phone -

Sylvia Bailey
Sylvia Bailey
Bailey Sylvia@gmail.com
320 949-8101

To the Vancouver City Council and Mark Person Senior Planner—

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Name - Glenn Feller

Signature - 

Email - leftcalif@outlook.com

Phone - 360 901 6889

To the Vancouver City Council and Mark Person Senior Planner--

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Name – VIRGINIA SPURKLAND
Signature – Virginia Spurkland
Email – justiper42@icloud.com
Phone – 503-505-2866

To the Vancouver City Council and Mark Person Senior Planner—

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Name – VICKI VANNEMAN

Signature - 

Email – vav917@icloud.com

Phone – 503.804.4583

To the Vancouver City Council and Mark Person Senior Planner--

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Name – *Bobbie Casey*
Signature – *Bobbie Casey*
Email – *bobbie-madsen@yahoo.com*
Phone – *—*

To the Vancouver City Council and Mark Person Senior Planner--

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Name -- RON MIGAKI
Signature - 
Email -- RONMIGAKI@msn.com
Phone - 360-521-1995

To the Vancouver City Council and Mark Person Senior Planner—

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Name – Jeff Way
Signature – 
Email – jeff.way@me.com
Phone – 360.936.9421

To the Vancouver City Council and Mark Person Senior Planner—

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Name – FRANCIS E. FANNICK
Signature - Francis E. Fannick
Email – FFANNICK@Q.COM
Phone - 360-693-8425

To the Vancouver City Council and Mark Person Senior Planner—

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Name – MICHELE SCOTT

Signature - 

Email – mscott371@comcast.net

Phone - 360-798-6592 (text only)

To the Vancouver City Council and Mark Person Senior Planner--

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Name – *Lianna Bronkhorst*
Signature - *Lianna Bronkhorst*
Email – *bronkhorstlma@yahoo.com*
Phone - *360 980 7629*

To the Vancouver City Council and Mark Person Senior Planner—

We are petitioning the city of Vancouver in regard to the notice of application PRJ – 161723/LUP-81220 known as the Mullen-Polk Foundation Residential Facility. Notice was mailed to the neighboring communities on July 29th. We have only received notice in the past few days and believe this is an insufficient amount of time to allow us to digest a significant change to the original proposal. We would respectfully request the decision to be delayed as it our opinion that there is indeed adverse environmental impacts as well as community and safety impacts to current residents in addition to the residential community being proposed. We have not been notified or made aware of any related impact studies of this type of facility that impact us as property owners, residents and concerned citizens. Our concern is not only self-driven but more importantly for the safety and well being of the children and families proposed in this multi-family development.

Name – Chris Geddie
Signature – 
Email – geddiech@gmail.com
Phone – 360-503-8578

To the Vancouver City Council and Mark Person Senior Planner—

We are petitioning the city of Vancouver in regard to the notice of application PRJ – 161723/LUP-81220 known as the Mullen-Polk Foundation Residential Facility. Notice was mailed to the neighboring communities on July 29th. We have only received notice in the past few days and believe this is an insufficient amount of time to allow us to digest a significant change to the original proposal. We would respectfully request the decision to be delayed as it our opinion that there is indeed adverse environmental impacts as well as community and safety impacts to current residents in addition to the residential community being proposed. We have not been notified or made aware of any related impact studies of this type of facility that impact us as property owners, residents and concerned citizens. Our concern is not only self-driven but more importantly for the safety and well being of the children and families proposed in this multi-family development.

Name – Samuel Roeca
Signature – 
Email – Sroeca12@gmail.com
Phone – 808-226-7786

To the Vancouver City Council and Mark Person Senior Planner—

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Name – *Richard G. Malin*

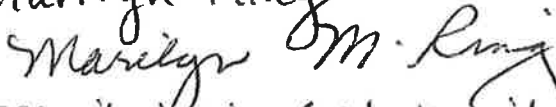
Signature - *R. G. Malin*

Email – *MALIN 54 @ COMCAST. NET*

Phone - *360-737-8502*

To the Vancouver City Council and Mark Person Senior Planner—

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Name – Marilyn Ring
Signature - 
Email – MarilynRing1@hotmail.com
Phone - 503-309-7066

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Name - Erika Arnold
Signature - Erika Arnold
Email - eka.05@comcast.net
Phone - 360-723-8870

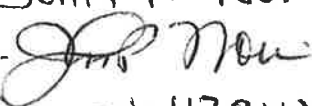
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Name - Charlita Lakes, Jeffrey Leines
Signature - *Charlita Lakes*, *Jeffrey Leines*
Email - *Charlita Jones 5@gmail.com*
Phone - 360 334 5393

To the Vancouver City Council and Mark Person Senior Planner--

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Name – John P. Norris
Signature – 
Email – jpnorris42@yahoo.com
Phone – 503-869-6473

To the Vancouver City Council and Mark Person Senior Planner—

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Name – RONALD MANZITTI
Signature – *Ronald Manzitti*
Email – AJMANZITTI@GMAIL.COM
Phone – (586) 419-3792

MARY MANZITTI
Mary P Manzitti
marymanzitti@hotmail.com
586-419-3791

To the Vancouver City Council and Mark Person Senior Planner--

We are petitioning the city of Vancouver in regard to the notice of application PRJ – 161723/LUP-81220 known as the Mullen-Polk Foundation Residential Facility. Notice was mailed to the neighboring communities on July 29th. We have only received notice in the past few days and believe this is an insufficient amount of time to allow us to digest a significant change to the original proposal. We would respectfully request the decision to be delayed as it our opinion that there is indeed adverse environmental impacts as well as community and safety impacts to current residents in addition to the residential community being proposed. We have not been notified or made aware of any related impact studies of this type of facility that impact us as property owners, residents and concerned citizens. Our concern is not only self-driven but more importantly for the safety and well being of the children and families proposed in this multi-family development.

Name – Paul Giontini
Signature - 
Email – Paul.giontini@yahoo.com
Phone - 360-772-0118

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Name – Geoffrey W. Pleat
Signature – 
Email – gpleat@hotmail.com
Phone – 206 849 5839

Peter Bracchi talking notes for City council 8/9/21

We need a layer approach to find land that is OPEN to Camp on along Burnt Bridge Creek
Maps and info from City of Vancouver Comprehensive Plan

Initial Considerations

Table 4-1. Vancouver area waters not meeting state water quality standards

Water body	Washington DOE parameters listed
Burnt Bridge Creek	Fecal coliform, temperature exceedance, pH, dissolved oxygen
Vancouver Lake	Fecal coliform, total phosphorus (water); PCB, Toxaphene, TCDD, Dieldrin (fish tissue)
Columbia River (WRIA 27/28)	Fecal coliform, temperature, dissolved oxygen, dieldrin (fish tissue and water), PCB (fish tissue and sediment), dioxin (fish tissue and water)
Salmon Creek	Fecal coliform, temperature, dissolved oxygen, pH (water)
Peterson Ditch	Temperature, fecal coliform
Kleinline Pond	Invasive Exotic Species (water)

Any available area may need a SEPA process applied

Clark County settlement from \$3 Million Dollars

December 18, 2013

VICTORY! Clark County Agrees to Improve Salmon Habitat and Comply with Stormwater Pollution Laws

Columbia Riverkeeper and partners celebrate a major victory in a long running effort to protect critical salmon habitat. On December 18, 2013, Clark County Commissioners voted to improve salmon habitat and reduce dirty stormwater pollution as part of a binding settlement agreement with neighborhood and conservation groups.



Photo by Oregon Department of Wildlife.

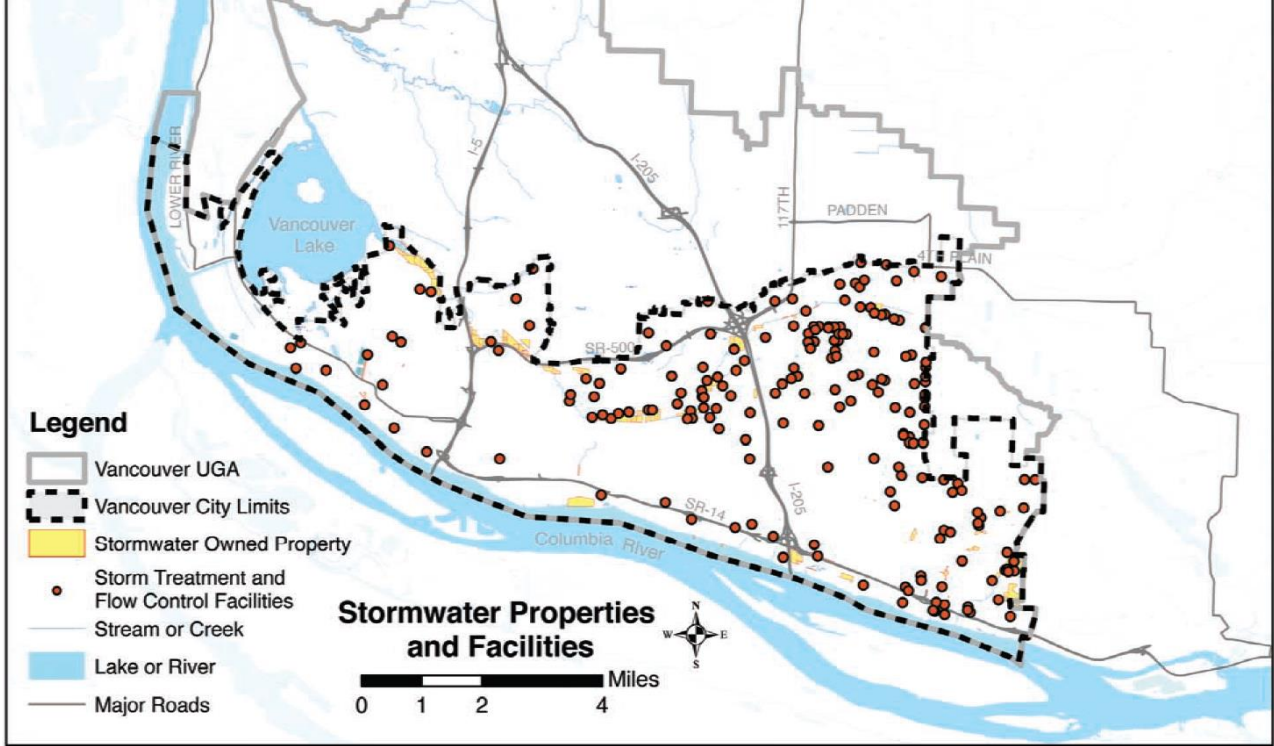
Columbia Riverkeeper, the [Rosemere Neighborhood Association](#), and the [Northwest Environmental Defense Center](#) challenged Clark County's violation of laws designed to protect salmon and reduce pollution. After the County lost several rounds of litigation, the County has agreed to take steps to correct the problem. [See press release.](#)

"This agreement means cleaner water and more salmon for the region as a whole," stated Brett VandenHeuvel, Executive Director of Columbia Riverkeeper. "The County will now act to reduce polluted stormwater and invest in protecting salmon. It's a win-win."

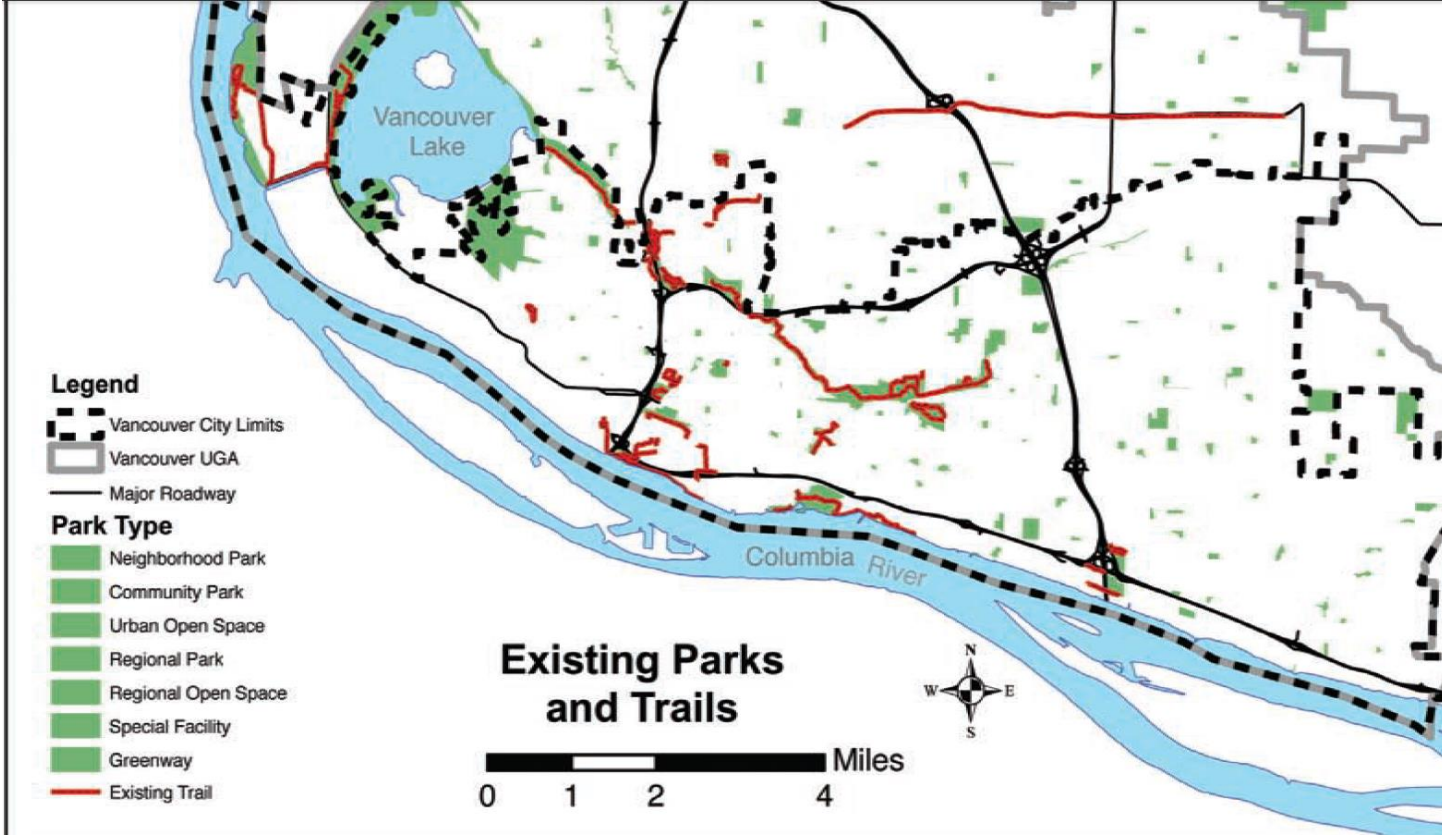
Among other things, Clark County agreed to:

- comply with the Clean Water Act
- provide \$3 million in funding to an independent third party, the Lower Columbia Fish Recovery Board, that will oversee projects to protect and restore Clark County rivers and streams harmed by stormwater pollution.

1)Stormwater Layer

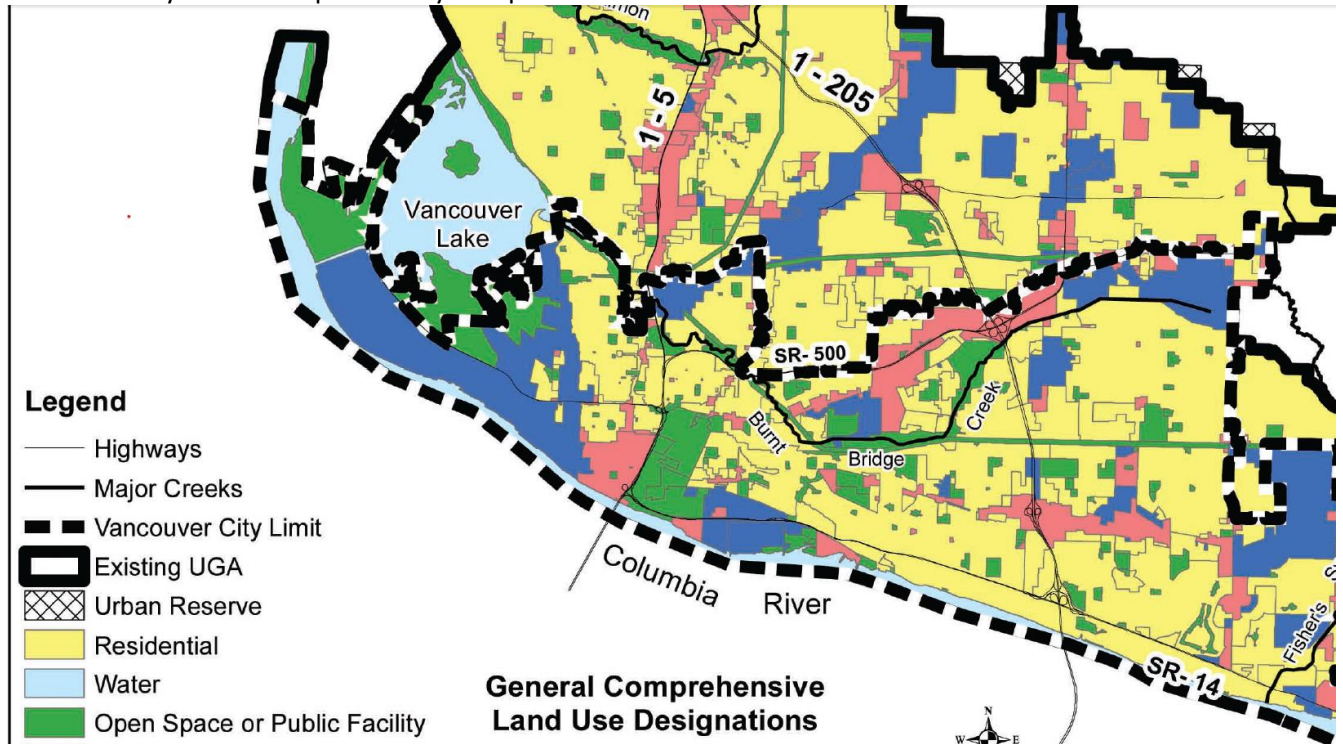


2)Parks/Recreation layer



3) VMC 1504 Park Code Protection layer

"Park" means and includes all city owned or operated public parks, open spaces, public squares, golf courses, bathing beaches, trails, play and recreation grounds, athletic field or facility, city-owned or operated community center, skate park, shelter, and restrooms or parking lots associated with any park within the city limits." Map from City Comprehensive Plan: 1504



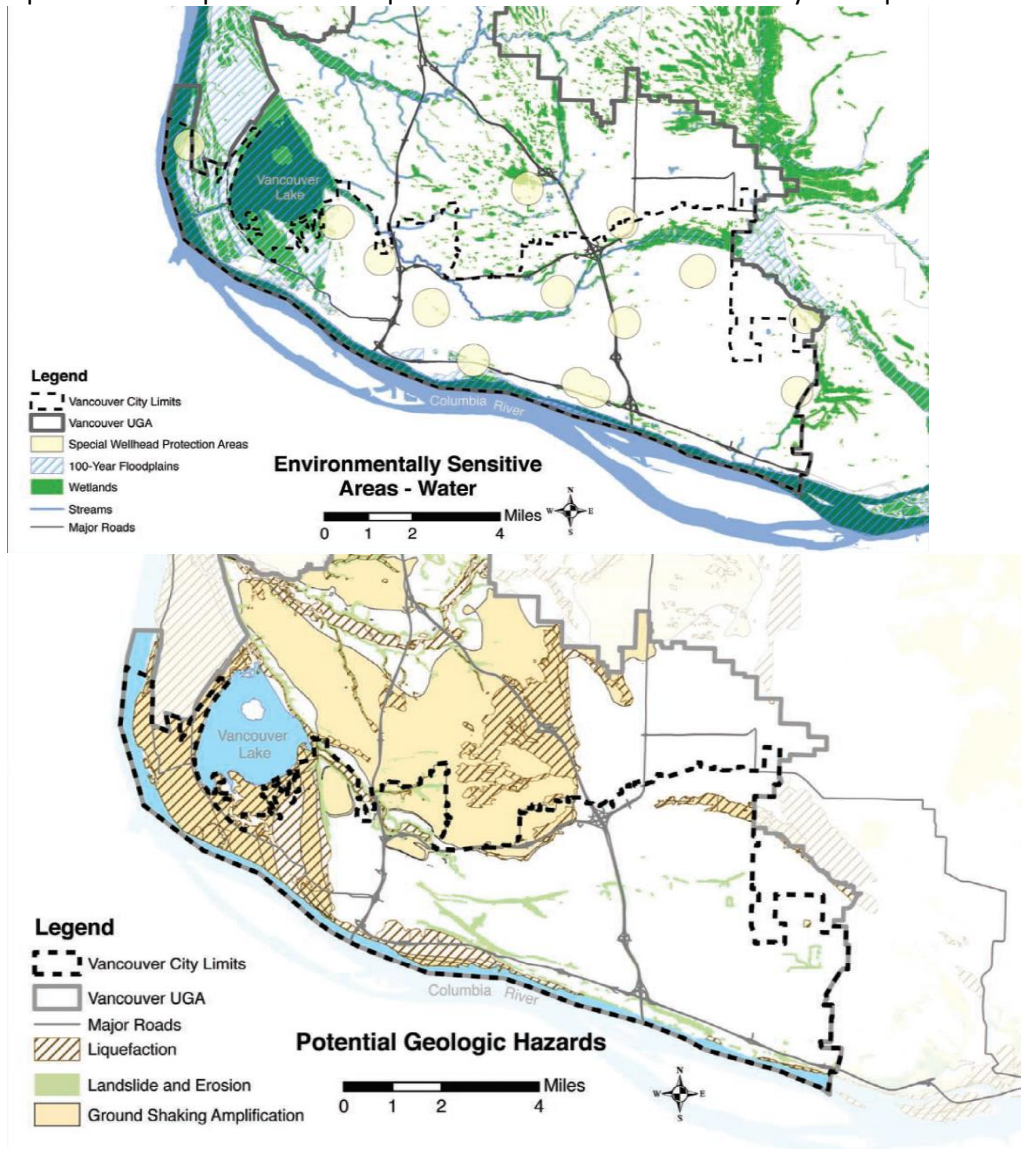
4 VMC Chapter 20.740 CRITICAL AREAS PROTECTION

As mandated by the Growth Management Act (GMA) (RCW 36.70A), this Code provides protection for the critical areas of
 wetlands,
 fish and wildlife habitat
 conservation areas,
 geologically hazardous areas
 frequently flooded areas.

Activity shall result in no net loss of functions and values in the critical areas.

Since values are difficult to measure no net loss of functions and values means no net loss of functions

Option for Exemptions from Requirement to Obtain Permit the city could pursue.



From: [City of Vancouver - Office of the City Manager](#)
To: [Delapena, Amanda](#)
Subject: FW: Don Steinke's public forum city Council comment for Aug 9
Date: Monday, August 9, 2021 12:38:23 PM
Attachments: [image003.png](#)

Testimony for council tonight

Kerry Peck | Administrative Assistant



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

www.cityofvancouver.us | www.cityofvancouver.us/socialmedia



[LEARN ABOUT VANCOUVER'S COVID-19 RESPONSE HERE](#)

From: Don Steinke <crvancouverusa@gmail.com>
Sent: Monday, August 9, 2021 11:43 AM
To: City of Vancouver - Office of the City Manager <CMO@cityofvancouver.us>
Cc: Cathryn Chudy <chudyca@gmail.com>
Subject: Don Steinke's public forum city Council comment for Aug 9

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

Hello, my name is Don Steinke.

My colleagues and I really appreciate the sense of urgency that you have expressed regarding emissions reduction. I had forgotten about it until yesterday when the Columbian wrote about it.

A friend has suggested that the City doesn't need to do anything about Climate Change because recent legislation will handle it. I disagree for several reasons:

The main thing The Climate Commitment Act does is to provide funding, about \$350 million per year for multimodal transportation, and \$200 million for other stuff.

Ecology began rulemaking on Friday and says the Climate Commitment Act will take effect in 2023. But there are things that you can do to make the transition to clean energy less expensive in Vancouver.

First is to stop permitting financial barriers to clean energy.

Pavement that is poured in a new parking lot without conduit for EV plugs under the pavement becomes a financial barrier to EVs.

New roofs that are not solar ready, become financial barriers to solar.

Sheet rock that is installed before wires are in place for electric heat-pump boilers and water heaters becomes a financial barrier to clean energy.

Pavement that is poured in parking lots without pipes installed in trenches for ground source heat-pumps becomes a financial barrier.

Road widening projects become financial barriers to emissions reduction because if we make the roads wider, then transit will be less viable.

That applies in East Vancouver and on the I-5 Bridge Replacement.

Second is to stop making the problem worse. We make the problem worse when we permit developments to install fossil fuel heating systems instead of all electric heat pumps. We make the problem worse when we invest in new equipment that requires the burning of fossil fuels.

Third is to maximize efficiency. Assign staff to look for energy conservation opportunities.

The Marshall Center and the Libraries waste energy as do Private Commercial Properties. Clark PUD just switched from trucks getting 15 mpg to Ford Escape hybrids which get 40 mpg. The Escape is an SUV, not a pickup. Not sure why they need an SUV.

Fourth is to electrify everything if possible. When water heaters and furnaces get old, replace them with heat-pump systems. Our climate is ideal for air-source heat pumps, and ground-source heat pumps are even better.

Fifth is to plant trees, particularly in heat islands. Recent legislation allows Clark PUD to fund tree planting and to classify the spending as an energy conservation project. Thanks for the opportunity to speak remotely. End of oral comments.

Page 2, More:

The Clean Fuel Program also passed the legislature but was appealed to the State Supreme Court over the Governors vetoes of passages related to transportation funding. If Congress includes funding for the I-5 bridge replacement in its infrastructure package,, then maybe that issue is moot.

Department of Ecology News Release – Updated, Aug. 6, 2021

The Washington Department of Ecology launched its efforts to develop the program and regulations needed to implement the Climate Commitment Act, a new law designed to reduce greenhouse gases from the state's largest sources.

The Climate Commitment Act creates a “cap and invest” program, which sets a statewide cap on greenhouse gas emissions and then auctions or allocates emissions allowances to fuel suppliers, industrial sources, electricity generators and other large sources of emissions. Over time, the cap shrinks, pushing emitters to find ways to increase efficiency, improve processes, switch to non-emitting technologies, or support programs that reduce or capture carbon emissions. The law requires the new program to be in place by 2023.

The “invest” part of the program refers to proceeds from the auction of emissions allowances, which will support climate resiliency programs, such as flood mitigation, securing water supplies, and clean energy projects.

Washington is only the second state to pass an economy-wide carbon cap program, after California, but this approach to tackling greenhouse gases is used around the

world. Thirty nations participate in the European Union emissions trading program, which has operated since 2005; and China started its own nationwide emissions cap and trade program earlier this year.

“This is a proven approach to cutting the greenhouse gas emissions that drive climate change,” said Laura Watson, Ecology’s director.

The Climate Commitment Act has a number of features designed to protect and invest in communities that bear a disproportionate burden from pollution today, or that are at elevated risk from the effects of climate change. That includes dedicating at least 35% of investments made under the Climate Commitment Act toward these overburdened communities, and establishing a new air quality monitoring program in these areas.

Developing the Climate Commitment Act program

Ecology is conducting three related rulemakings to develop different aspects of the Climate Commitment Act program:

- [Cap-and-invest program rules](#) – This regulation sets up the structure for the emissions allowance auctions, allocating other allowances, and related requirements.
- [Criteria for emissions-intensive, trade-exposed industries](#) – The Climate Commitment Act has special rules for emissions-intensive industries like pulp and paper mills and refineries, providing incentives to invest in emissions reductions while also ensuring that these businesses can continue to operate in Washington. In this rulemaking,
- [Reporting emission of greenhouse gases](#) – This rulemaking will update Washington’s existing greenhouse gas reporting program to align it with the requirements of the Climate Commitment Act.

As it develops this new program, Ecology will be seeking public input on the program’s design and operations. There will be both informal public workshops where people can learn more about the design of the program and formal hearings where the public can provide input on the proposed structure. Ecology will announce details on those meetings in the coming months.

To: Vancouver City Council and Staff

Re: Community Forum Public Comment/August 9, 2021/Cathryn Chudy

As we head into another stretch of extreme heat later this week, and experience the starkly troubling evidence of drought that surrounds us, there is no surprise in the flagship U.N. science report released today, that, as one analysis states: "...showed no one is safe from the accelerating effects of climate change and there is an urgent need to prepare and protect people as extreme weather and rising seas hit harder than predicted."

A front page article in the Columbian yesterday highlights the work that is finally under way here in Vancouver to develop a plan to "reduce carbon emissions and combat climate change." The urgency driving you as our elected representatives to determine that pursuing the "least aggressive" option is not good enough shows us that you are taking seriously this "urgent need to prepare and protect" our city and community from what feels to many of us like a runaway train.

Greta Thunberg, the teenager who has been sounding the alarm and relentlessly challenging adult decision makers while rallying young people to mobilize, had this to say about the report: "The new IPCC report contains no real surprises. It confirms what we already know from thousands of previous studies and reports — that we are in an emergency. ... It is up to us to be brave and take decisions based on the scientific evidence provided in these reports. We can still avoid the worst consequences, but not if we continue like today, and not without treating the crisis like a crisis."

Our young people know that "treating a crisis like a crisis" requires much more than "business as usual" thinking, and calls for a decisive response that takes us well beyond our accustomed comfort zone with its usual, cautious modes of tackling problems. We can spend time wondering about what is "achievable within some realistic assumptions," as City Manager Eric Holmes does, but in a crisis, unless we set our sights clearly on the distance we need to travel and act now to begin getting there, we consign our city, our community, and most assuredly the future of our young people to the worst rather than possibly the best outcome that can be achieved on their behalf.

It is with "crisis" in mind that I appreciate our City Council for its clear directive to "aim high" and not settle for the least Vancouver can do in aggressively addressing the climate crisis we are in. We know that other Pacific Northwest cities, including Portland and Seattle, are now actively working to adjust their original goals and targets for reducing emissions, as well as the specific actions they are undertaking, in light of the worsening conditions we know are driven by our continued reliance on fossil fuels while allowing unconditional economic development to dictate terms that undermine the actions we need to take in order to have a safe, healthy and sustainable future. I urge you to stay the course you are on that undertakes interim action steps while constructing an ambitious plan that shows us Vancouver is a city whose elected representatives listen and act accordingly to lead the way in ensuring the safest, healthiest and most resilient future for all of us.

From: [Nancy Helget](#)
To: [City of Vancouver - Office of the City Manager](#)
Subject: Climate Action Plan
Date: Monday, August 9, 2021 10:59:28 AM

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

Mayor and Councilors,

I live in Vancouver. I applaud and strongly support your efforts to deal with climate issues. I'm proud to live in a city that takes climate issues seriously and is willing to take bold action to address climate change. My comments relate to the urgency of the problem and the need to move forward quickly to mitigate GHG emissions.

The United Nation's Intergovernmental Panel on Climate Change today released its 2021 Climate Report. The report describes the extent of climate change. Climate change is "widespread, rapid, and intensifying". The recent changes across the climate system are "unprecedented". The changes affect every corner of our planet. UN IPCC 2021 Report, Summary for Policy Makers.

The UN Climate Report addresses the role of GHG emissions and concludes increases in GHG concentrations are "unequivocally caused by human activities." We all must take actions to reduce our own GHG emissions. As city councilors, you can have a greater effect. You can determine how Vancouver meets the challenge of immediately reducing GHG emissions in the city.

There's no question we're seeing the effects of climate change. We've had unprecedented high temperatures and unprecedented fires. We don't really need yet another report to make us realize we have to act. But this report explains the need is for immediate and bold action.

The UN IPCC says we can still limit temperature rise to the 1.5C threshold, but only with immediate large-scale action. Please move forward quickly with a bold climate plan.

Thank you for reading these comments.

Nancy Helget
5121 NW Franklin St.
Vancouver, WA

Sent from [Mail](#) for Windows 10