CITY COUNCIL MEETING MINUTES

Vancouver City Hall | Council Chambers | 415 W. 6th St.
PO Box 1995 | Vancouver, WA 98668-1995
www.cityofvancouver.us

Anne McEnerny-Ogle, Mayor
Bart Hansen • Ty Stober • Erik Paulsen • Sarah J. Fox • Diana H. Perez • Kim D. Harless

May 2, 2022

WORKSHOPS

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

Workshops were conducted in person in the Aspen Room of City Hall. Members of the public were invited to view the meeting in person, via the live broadcast on www.cvtv.org and CVTV cable channels 23 or HD 323, or on the City's Facebook page, or www.facebook.com/VancouverUS.

View the CVTV video recording, including presentations and discussion, for workshops at:
https://www.cvtv.org/vid_link/34597?startStreamAt=0&stopStreamAt=6737

4:00-5:00 p.m. Downtown Parking Update

Patrick Quinton, Economic Development Director, 360-487-7845

Summary
Staff led Council through a discussion of the Downtown Parking Update and Council provided direction for staff moving forward.

5:00-6:00 p.m. 2022 First Supplemental Budget

Natasha Ramras, Chief Financial Officer, 360-487-8484

Summary
Staff led Council through a discussion of the 2022 First Supplemental Budget to review Operating and Capital budget and full time employee changes.

COUNCIL DINNER/ADMINISTRATIVE UPDATES

REGULAR COUNCIL MEETING

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

View the CVTV video recording, including presentations and discussion, for this meeting at:
https://www.cvtv.org/vid_link/34599?startStreamAt=0&stopStreamAt=5769

Pledge of Allegiance

Call to Order and Roll Call

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

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

Absent: None

Approval of Minutes

Minutes - March 21, 2022

Motion by Councilmember Stober, seconded by Councilmember Perez, and carried unanimously to approve the meeting minutes of March 21, 2022.

Proclamation: Public Service Recognition Week and Small Business

Month

Mayor McEnerny-Ogle read and presented a proclamation to Duana Johnson, Lead Administrator for MMIWUSA, proclaiming May 5, 2022, as National Day of Awareness for Missing and Murdered Indigenous Women.

Mayor McEnerny-Ogle read and presented a proclamation to Jim Demmon, Video Services Manager of the City of Vancouver, along with other City of Vancouver employees, proclaiming May 5-11, 2022, as Public Service Recognition Week.

Mayor McEnerny-Ogle read and presented a proclamation to Michael Walker, Executive Director with Vancouver's Downtown Association, proclaiming May, 2022, as Small Business Month.

Community Communication (Items 1-2)

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

- Kimberlee Elbon, La Center, Washington, touched on the workshop from before the meeting and stated they did not have any comment on the consent agenda.

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

Consent Agenda (Items 1-2)

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

1. Bid Award for the NW Lavina St Water Main Replacement project (BID# 21-22)

Staff Report: 060-22

Approximately 2,800 linear feet of new ductile iron water main will be installed in the neighborhood located between Northwest Olive Street and Northwest Lincoln Avenue, from Northwest 40th Street to Northwest 43rd Street. The new water mains will replace old undersized pipes to address pressure and fire flow deficiencies as identified in the 2015 Comprehensive Water System Plan. This project will concurrently install approximately 600 linear feet of new sewer mains to replace aging and substandard sanitary sewer mains within the project area. Interdepartmental coordination between the utility and transportation groups provides for the utility *installation in advance of a planned paving project to repave the impacted streets.*

On April 5, 2022, the City received four bids for the subject project. The bids were as follows:

SUMMARY OF BIDS	
BIDDER	***AMOUNT***
McDonald Excavating, Inc., Washougal, WA	*$700,650.39*
Advanced Excavating Specialists LLC, Kelso, WA	*$749,826.14*
Halme Excavating, Inc., Battle Ground, WA	*$768,841.31*
Cat Works LLC, Vancouver, WA	*$774,260.34*
Engineer's Estimate	*$620,000.00*

The bid amounts came in higher than the engineer's estimate and reflect current spikes in material and labor costs, as well as the time constraints for completing the project. McDonald Excavating Inc., of Washougal, Washington, is the lowest responsive and responsible bidder, and has successfully completed utility construction projects of this magnitude.

McDonald Excavating Inc. acknowledges the City's requirement for Apprenticeship Utilization on this project and is anticipating meeting the 3% goal.

Request: On May 5, 2022, award a construction contract for the NW Lavina St. Water Main project to the lowest responsive and responsible bidder, McDonald Excavating Inc., of Washougal, Washington, at their bid price of $700,650.39, which includes Washington State sales tax, and authorize the City Manager or designee to execute the same.

Michelle Henry, Senior Civil Engineer, 360-487-7155

Motion approved the request.

2. Approval of Claim Vouchers

Request: Approve claim vouchers for May 2, 2022.

Motion approved claim vouchers in the amount of $5,523,666.81.

Public Hearings (Item 3)

3. 2022 Action Plan and 2019 Action Plan Amendment

Staff Report: 061-22

A RESOLUTION relating to the adoption of the City's Community Development Block Grant (CDBG) and HOME Investment Partnerships Annual Action Plan for the 2022 program year; authorizing the City Manager to execute agreements on behalf of the City of Vancouver consistent with the CDBG and HOME Investment Partnerships Annual Action Plan; providing for severability and an effective date.

The Department of Housing and Urban Development (HUD) requires an annual Action Plan that outlines how the City intends to allocate its CDBG and HOME resources. The proposed draft of the 2021 Action Plan is attached and available at www.cityofvancouver.us/cdbg.

CDBG and HOME awards made through the 2022 Action Plan process must be consistent with the goals and objectives included in the City's 2019-2023 Consolidated Plan related to Affordable Housing, Public Services, Economic Development, and Public Facilities and Infrastructure.

The City allocates the majority of its annual CDBG and HOME funding to community partners through a competitive application process as described in the 5-year Consolidated Plan. The following describes the 2022 Action Plan process and funding recommendations.

2022 Funds available

An estimated $2,764,382 in CDBG, $217,439 in CDBG-CV, and $779,469 in HOME funds is available for the 2022 program year starting July 1, 2022 and ending June 30, 2023. The 2022 entitlement amounts have not yet been confirmed by HUD, and available funds are subject to change based on program income and spending from previous years' projects.

CDBG funding	
2022 estimated entitlement funds	*$1,260,607*
Anticipated program income	*$ 761,000*
Unspent entitlement (prior years)	*$ 742,778*
Unspent CDBG-CV	*$ 217,439*
TOTAL	***$2,981,821***

HOME funding	
2022 estimated entitlement funds	*$ 764,469*
Unspent entitlement (prior years)	*$ 15,000*
TOTAL	***$ 779,469***

The amount of CDBG available is increased this year for the following reasons:

- *Program income: With the sale of the Navigation Center, $600,000 of CDBG funding was returned to the program, to be reallocated to the Fourth Plain Commons project currently under construction.*
- *Unspent entitlement: The CDBG program received $294,705 in program income for PY 2020 and $255,297 in program income for PY*

2021. Program income must be used for eligible activities as it is received, before drawing down entitlement funding. This results in entitlement funding from previous years that is available to support new projects.

- *Unspent CDBG-CV: City of Vancouver received an additional $387,954 of CDBG-CV from Washington State Commerce to support two economic development projects last year, which freed up City CDBG-CV funding.*

Application and prioritization process

The application process for 2022 CDBG and HOME funds began in October 2021. A 17-person volunteer committee composed of community representatives and City staff completed the prioritization process. The committee reviewed grant proposals, attended applicant presentations, scored and prioritized the projects, and suggested funding options.

2022 CDBG awards

Funding recommendations support the following priorities:

- ***Public services: ($292,561 plus $217,439 CDBG-CV)*** *Programs serving at-risk youth and youth who are homeless; furniture assistance; homeless outreach and street medicine; and transitional housing services.*

- ***Economic development: ($290,000)*** *Technical assistance for microenterprises and people starting new businesses.*

- ***Housing projects: ($579,000)*** *Single-family home acquisition assistance for first-time buyers and city-operated homeowner rehabilitation program.*

- ***Housing services: ($190,700)*** *Case management to help households find or maintain rental housing; paired with HOME-funded rental assistance.*

- ***Public Facilities: ($555,000 CDBG and $600,000 CDBG Program Income)*** *Funding from the sale of the Navigation Center, along with current year set-aside to purchase Fourth Plain Commons and $255,000 for children's mental health facility improvements.*

- ***Administration: ($252,121)*** *Staff and administrative costs to carry out CDBG programs and projects. The amount of CDBG funding that may be used for administration is capped by federal guidelines.*

2022 HOME awards

Proposed funding awards support the following priorities:

- ***Rental assistance ($588,353):*** *Assistance with security deposits, rent and utilities to help households experiencing or at risk of homelessness afford housing. Paired with CDBG-funded housing services.*

- ***CHDO set-aside ($114,670):*** *No application was received for Community Housing Development Organization (CHDO) funding this year. Funding will remain available to award next year.*

- ***Administration ($76,446):*** *Staff and administrative costs to carry out HOME programs and projects. The amount of HOME funds that may be used for administration is capped by federal guidelines.*

Request: Approve a resolution approving and adopting the 2022 Community Development Block Grant and HOME Investment Partnerships Action Plan and the remaining CDBG-CV funding through an amendment to the 2019 Action Plan; authorizing the City Manager to execute agreements on behalf of the City of Vancouver, consistent with the 2022 CDBG and HOME Council approved funding awards.

Samantha Whitley, Housing Programs Manager, 360-487-7952

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

Samantha Whitley, Housing Programs Manager, provided an overview of the 2022 Action Plan and the 2019 Action Plan Amendment.

Mayor McEnerny-Ogle opened the public hearing and received the following testimony:

- Kimberlee Elbon, La Center, Washington, read from their U.N. book.
- Francisco Bueno, Vancouver, expressed support for the action plan and stated this would help with the services they provide at the Boys and Girls Club.
- Katie Ullrich, Portland, Oregon, stated as the Homeownership Program Director for Proud Ground they support the action plan.
- Carmen Castro, Portland, Oregon, stated as the Executive Director for the Hispanic Metropolitan Chamber they support the action plan.
- Kiersten Ware, Vancouver, stated the Council for the Homeless supports the action plan and can continue to help people experiencing homelessness.
- Lisa Carpenter, Vancouver, stated as the Executive Director of Family Solutions, Inc. they support the action plan.
- Lucero Zarate Luna, Vancouver, stated as a member of SELF - SW Child Care Partnership, they support the action plan.

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

Council asked staff for information regarding the action plan and staff clarified for them. Council requested a follow up on the rental assistance programs and the breakdown of data specifically looking at demographics.

Motion by Councilmember Hansen, seconded by Councilmember Fox, and carried unanimously to approve Ordinance M-4169.

Communications

A. From the Council

B. From the Mayor

C. From the City Manager

IBRP ESG Update

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

Code Amendments to VMC Title 14.24-Erosion Control and VMC 14.25-Stormwater Control Ordinances

Lon Pluckhahn, Deputy City Manager and Interim Public Works Director, provided information regarding the Stormwater Code Amendments for Vancouver Municipal Codes 14.24 and 14.25.

Code Amendments to VMC Title 14.26-Water Resources Protection Ordinance

Lon Pluckhahn, Deputy City Manager and Interim Public Works Director, provided information regarding the Stormwater Code Amendments for Vancouver Municipal Codes 14.26.

Adjournment

8:05 p.m.

Anne McEnerny-Ogle, Mayor

Attest:

Natasha Ramras, City Clerk

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

Vancouver City Council
May 2, 2022

Public Comment on
Public Hearing (Item 3)
2022 Action Plan

Lucero Zarate Luna
4809 E 18th St. Vancouver, WA 98661

Spanish: Hola, mi nombre es Lucero Zarate y estoy aquí esta nochepara agradecer al ayuntamiento de la ciudad, su generosadonación al programa SELF y Southwest Washington Child Care Partnership. Ya que a través de programascomo éste, pude recibir el apoyo que necesitaba paraobtener mi licencia del estado de Washington, comoproveedora de cuidado infantil.SELF me tomó de la mano y me llevó paso a paso a lo largode todo el proceso, brindándome la asesoría que necesitaba,los recursos económicos para validar mi carrera profesionalcomo maestra en este país, y me conectó con lasinstituciones indicadas para cumplir mi sueño de convertirmeen proveedora de cuidado infantil.“Tiny Angels Daycare” ahora es una realidad, gracias aprogramas y donaciones como éstos. “Tiny Angels Daycare”ha abierto sus puertas al público y brinda servicios decuidado infantil, que al mismo tiempo permite a los padresde familia atender a sus trabajos y así juntos contribuir a laeconomía de nuestra ciudad. Por lo que les pido, continúengestionando los recursos económicos necesarios queayuden a derribar las barreras y permitan abrir muchosprogramas de cuidado infantil más.Y por último quiero dar gracias por darnos la oportunidad ala comunidad latina de demostrar el compromiso, ladedicación y el empeño que podemos aportar a nuestraquerida ciudad de Vancouver.Muchas gracias de nuevo y que Dios los bendiga.

English: Hi, my name is Lucero Zarate and I'm here tonight to thank the city council for its generous donation to the SELF program. It is programs like the Southwest Washington Child Care Partnership, that I was able to get the support I needed to get my license from the state of Washington to be a childcare provider. SELF took me by the hand and led me step by step along of the whole process, giving me the advice, the guidance, financial support, and resources to validate my professional career as a teacher in this country, and connected me with the institutions indicated to fulfill my dream of becoming a childcare provider and opening my bilingual childcare business. “Tiny Angels Daycare” is now a reality, thanks to programs and donations like these. “Tiny Angels Daycare” has opened its doors to the public and provides childcare, which at the same time allows parents of family attend to their jobs and thus together contribute to the economy of our city. So, I ask you to continue managing the necessary economic resources that help to break down barriers and open many more childcare programs. And lastly, I want to thank you for giving us the opportunity to the Latino community to demonstrate commitment, dedication to contribute to our dear city of Vancouver.
Thank you very much again and God bless you.

Affordable Housing Fund Levy Workshop

August 1, 2022

Patrick Quinton, Economic Development Director
Samantha Whitley, Housing Programs Manager

Agenda

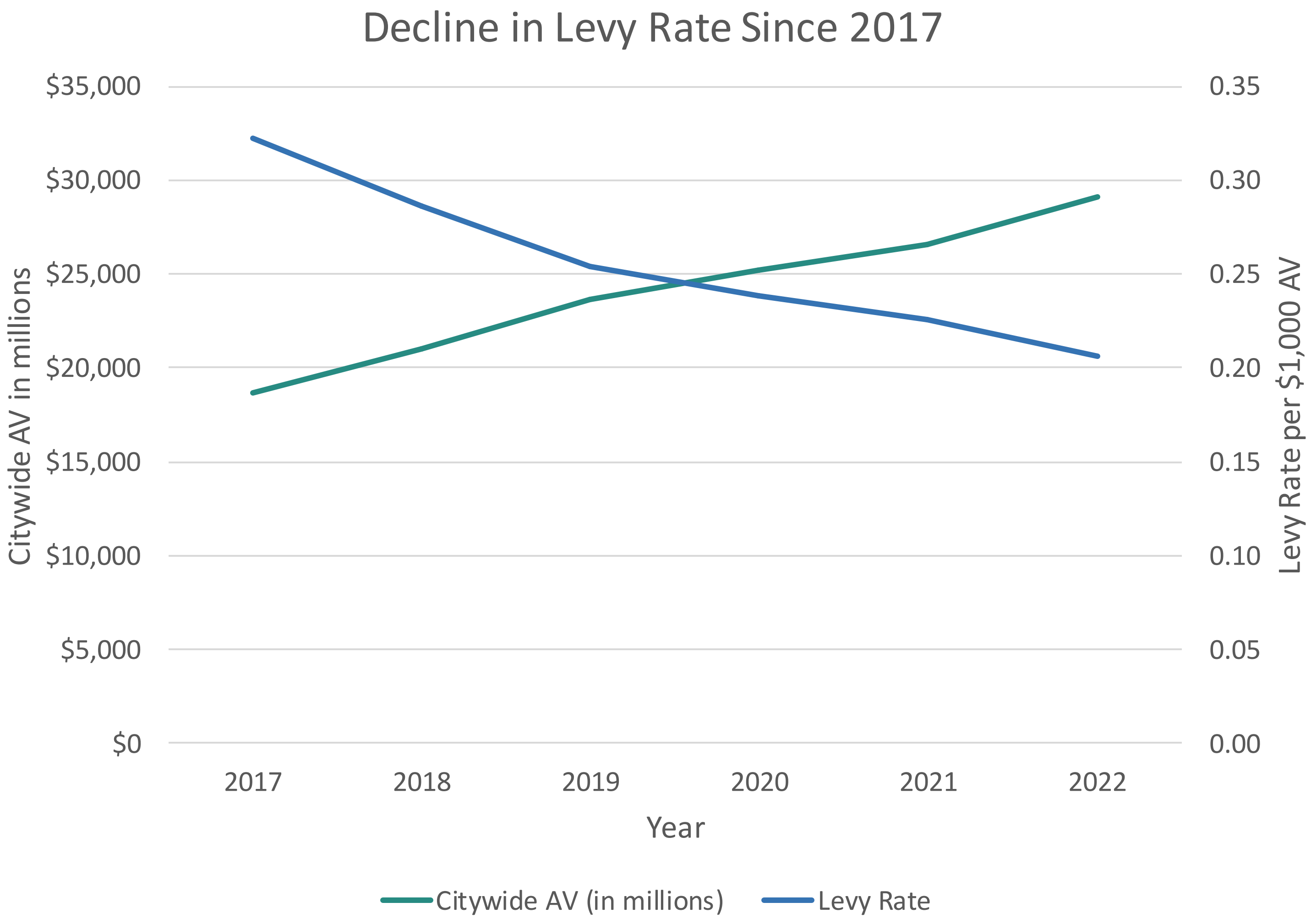
- Purpose
- Review Current Levy Performance and Outcomes
- Review Advisory Committee Recommendations and Feedback
- Review Levy Renewal Requirements
- Discuss Levy Renewal Options
- Next Steps for Council Action

CITY OF Vancouver WASHINGTON

Target Outcomes

- Identify levy renewal options
- Agree on timeline for Council action
- Provide direction to staff on next steps for levy renewal

Actual AHF Levy Rates



Average annual cost per household has been $95

AHF Administrative Plan

Composite summary of plan incorporating all amendments

	2017-2019 Years 1-3	2020-2021 Years 4-5	2022-2023 Years 6-7	Totals	%
Production	$2,400,000	$2,400,000	$2,600,000	$25,180,000	60%
Preservation	$1,620,000	$1,560,000			
Rental Asst.	$1,500,000	$1,500,000	$1,500,000	$10,500,000	25%
Temp. Shelter	$300,000	$300,000	$1,660,000	$4,820,000	11%
Implementation	$180,000	$240,000	$240,000	$1,500,000	4%
TOTAL	$6,000,000	$6,000,000	$6,000,000	$42,000,000	

Production and preservation funding fully awarded.

*Approximately $3M for rental assistance and $1.4M remaining for shelter in 2022/2023.

AHF Outcomes – Project Examples

Shelter

Women's Housing And Transition (WHAT) is a partnership with Share and St. Luke's/San Lucas Episcopal Church to provide 18 beds for homeless women.

Six rooms at the church sleep three women each. Women have access to a shower and laundry room, each room has dresser, nightstand, and twin bed. A small clothing closet for basic care and hygiene items are always available. Shelter is open 24 hours and provides meals.

Rental Assistance

Sam and Stella are a young family who needed help with rent. The city performed a housing inspection and found a leak beneath the sink that had caused mold growth throughout the kitchen. They moved out of the unit during the repairs.

While repairs were underway, their lease came to an end, and the rent was to increase by $400. Case managers assisted them with moving into a new unit they could afford before they had a second child.

Preservation

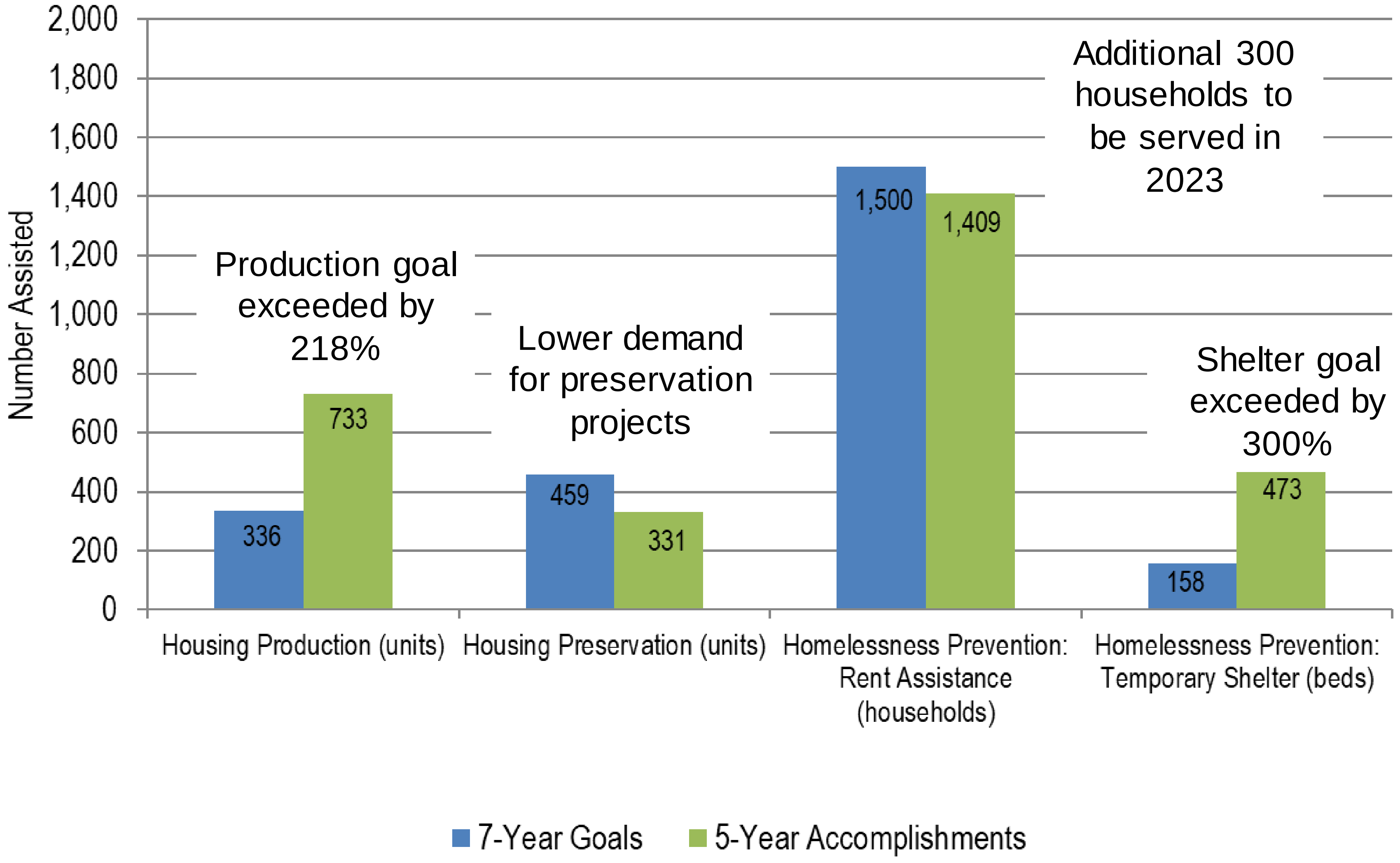
Central Park Place, located on the VA Campus across from Clark College, is currently undergoing renovation. The building is four-stories with 125 affordable studio units, with many Veteran tenants.

Renovation includes site improvements, siding replacement and improvements to units, common areas and building systems.

Production

Fourth Plain Commons is a partnership with VHA that will provide 106 new units of affordable housing along with a community center, business incubator, outdoor plaza and park improvements.

AHF Progress to Goals



AHF Leverage

$35.25 million in AHF awards leveraged **$249.6 million** from other funding sources

City of Vancouver Washington

Levy Renewal Requirements

- Declaration of Housing Emergency
- Adoption of Affordable Housing Financing Plan (e.g., Administrative Plan)
- Ballot Language
    - Levy Amount and Rate
    - Levy Term
    - Target Population (very low income, low income)
- Ballot Timing

AHF Levy Renewal Advisory Committee

Advisory Committee of housing practitioners/partners established in May 2022 to:

- Review the revenue and outcome performance of the current levy
- Assess the current and future affordable housing needs of the community
- Develop a recommendation to City Council as to whether a renewal is necessary and, if so, what size and programmatic elements should be included
- Recommend a preferred timing for ballot initiative.

Committee Feedback

- Acknowledged success of levy and importance of levy investments
  - Key funding source for low-income housing capital stack
  - Flexibility to support most challenging projects
  - Communities without a similar fund are having difficulty getting similar projects completed
- Support levy renewal
- Concern for headwinds for levy renewal – inflation, planned tax increases, other ballot measures
- Importance of balancing perceived voter interest in addressing unsheltered homelessness with need for permanent housing for very low-income households

Committee Feedback *(continued)*

- Concern for increased construction and interest costs driving up the capital needs for new projects – significantly higher than 2016
- Interest in metrics that highlight progress in addressing deficit in addition to outputs.
- Need for input from individuals and households experiencing the consequences of housing deficit and lack of affordable options
- City has not effectively communicated results of AHF investments to date and must scale public education and awareness efforts about the need and impact of the fund.

Committee Feedback on Ballot Measure

Levy Amount	Despite significant need for additional investment, incremental increase is most likely to be approved - **$7-9 million**
Levy Term	Agreement that levy should be renewed for **10 years**.
Timing	**February 2023** was favored by most given timing of planned tax increases; opportunity for another ballot measure if this fails
Target Population	General agreement that focus should remain on **very low income (50% AMI and less)**; homeownership programs could focus on repair financing for existing homeowners in this income bracket

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Estimated Levy Revenue

Tax Year	Assessed Value Estimate	Assumed Levy Amount	Rate per $1,000 AV	Cost per Average ($495,000) home per year	Per Month
2023	$33,600,000,000	$6,000,000	0.18	$89	$7.43
2024	$36,960,000,000	$6,000,000	0.16	$80	$6.60
2024	$36,960,000,000	$8,000,000	0.22	$109	$9.08
2024	$36,960,000,000	$9,000,000	0.24	$119	$9.94
2024	$36,960,000,000	$10,000,000	0.27	$134	$11.14
2024	$36,960,000,000	$18,480,000	0.50	$248	$20.63

*Assessed value estimates are best guess projections. Assessed value for 2023 determined in December 2022.

10 Year Affordable Housing Need

To meet new demand and close the deficit within **10 years**, Vancouver must:

- Increase annual housing production to at least **2,500** new housing units
  - *including* **750** new housing units per year affordable to households earning 80% or less of area median income.

Ballot Measure Discussion

- What are Council’s preferred options?
- What additional information is needed to reach a decision?

Administrative Plan Elements

- Funding categories
- Funding distribution
- Per unit/household funding limits
- Metrics

Four Scenarios

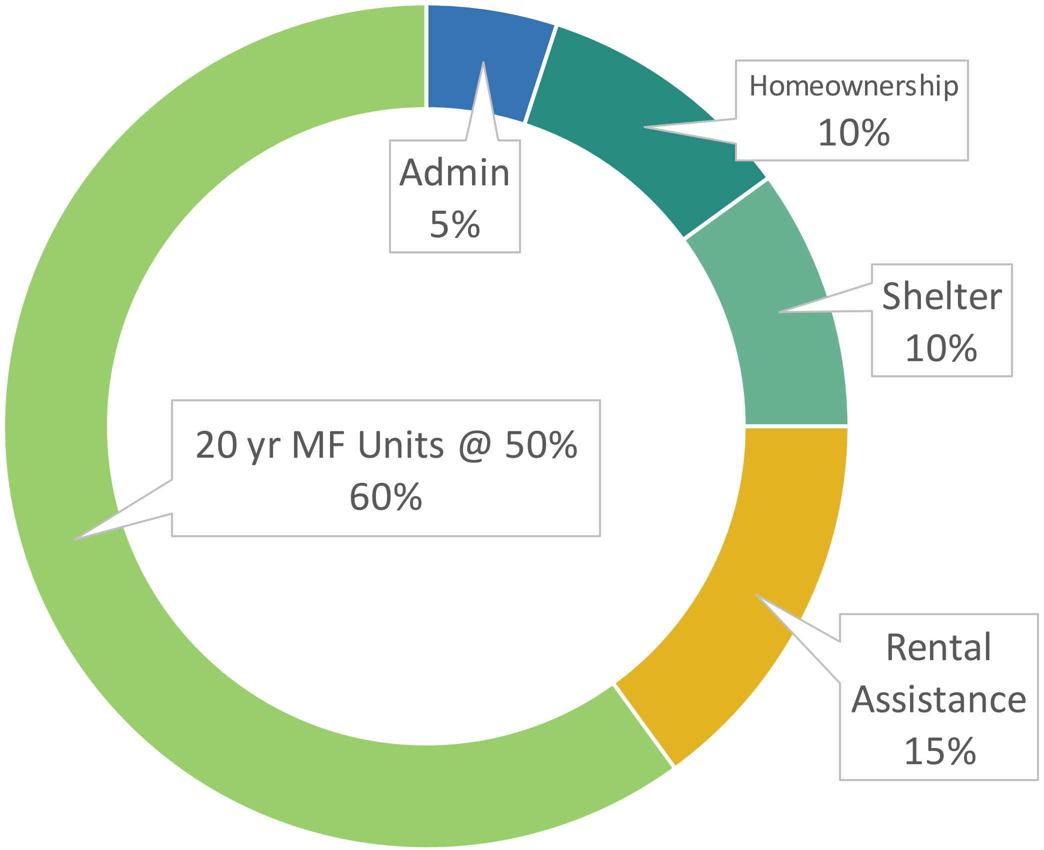
Renewal of Current	Committee Preferred	Ten and Ten	Maximum Allowed
• Simple renewal of the current levy structure	• Renew the levy at a higher rate for a longer period	• Renew the levy at $10 million annually for 10 years	• Renew at the statutory maximum levy rate and term

Four Scenarios – Financial Aspects

Levy Components	Renewal of Current	Committee Preferred	$10 Million	Maximum Levy Rate Allowed
Rate/$1000 AV in First Year (2024)	$0.16	$0.22	$0.27	$0.50
Length in Years	7	10	10	10
Annual Revenue	$6.0 m	$8.0 m	$10.0 m	$18.48 m
Total Revenue	$42 m	$80 m	$100 m	$184.8 m
Average Household Cost/Year	$80	$109	$134	$248

Four Scenarios – Base Assumptions

All scenarios assume same uses of funds and costs per household served:



Costs per household served

- Per new unit built: $75,000
- Rental household assisted: $6,000
- Shelter bed: $18,000
- Homeownership household: $50,000

Four Scenarios – Outcomes

Outcomes	Renewal of Current	Committee Preferred	$10 Million	Maximum Levy Rate Allowed
Housing Units Created	1008	1920	2400	4435
Direct	336	640	800	1478
Leveraged	672	1280	1600	2957
Rental Households Assisted	1050	2000	2500	4620
Shelter Beds Supported	233	444	556	1027
Homebuyers Supported	84	160	200	370

Ballot Measure Discussion

- What additional program areas should be considered?
- What are Council’s priorities for investment of funds?
- What additional information is needed to reach a decision?

Target Outcomes

- Identify levy renewal options
- Agree on timeline for Council action
- Provide direction to staff on next steps for levy renewal

Next Steps

- Additional workshop discussion – August 2022
- Prepare draft Administrative Plan and solicit stakeholder feedback – August 2022
- Prepare draft ballot measure language and new Emergency Housing Declaration – August 2022
- Council action – September 2022

Questions and Discussion

Patrick Quinton, Economic Development Director,
patrick.quinton@cityofvancouver.us

Samantha Whitley, Housing Programs Manager
samantha.whitley@cityofvancouver.us

CITY OF Vancouver WASHINGTON

To: Anne McEnerny-Ogle, Mayor
City Council

From: Eric Holmes, City Manager
Lon Pluckhahn, Deputy City Manager
Patrick Quinton, Economic Development Director

Date: July 27, 2022

RE: **Affordable Housing Fund Background and Levy Renewal Options**

Executive Summary

The City of Vancouver's Affordable Housing Fund ("AHF" or "Fund") was created in 2016 to invest in projects providing permanently affordable housing to very low-income households. The Fund was established through a voter-approved property tax levy that authorizes the City to collect $6 million per year from 2017 to 2023. The City anticipates committing all $42 million available under the current levy by the end of 2023.

Despite progress made by AHF-funded projects in adding affordable housing units, the need for affordable housing continues to grow. The combination of historic underproduction of housing units and strong population growth in Clark County has created a deficit of over 5,600 housing units within the City of Vancouver, with a substantial component of that deficit representing units affordable to households earning less than 80% of area median income (AMI). The continued growth in the city's homeless population is also symptom of the affordable housing deficit.

The levy supporting the AHF will sunset at the end of 2023 unless a new ballot measure is approved by Vancouver voters prior to sunset. Vancouver City Council, if it chooses to seek a renewal of the AHF levy, has a range of options for structuring a new levy. This memo summarizes the relevant background information on the Fund as well as the options available to City Council as it considers renewal of the levy and is provided in support of a focused discussion on August 1 regarding levy renewal. Memo contents include:

- **Affordable Housing Fund History and Background**
- **Affordable Housing Fund Performance to Date**
- **Levy Renewal: statutory authorization, stakeholder engagement, options and analysis**

Affordable Housing Fund History and Background

Affordable Housing Levy State Law

AHF was established pursuant to a state law (RCW 84.52.105) that allows for the imposition of a property tax levy for the purposes of funding affordable housing projects. The relevant language is attached to this memo (Attachment A) and the requirements are summarized below:

- The City may impose a levy of up to $0.50 per $1,000 of assessed value each year for a maximum of ten years for the purpose of "financing affordable housing for very low-income households, and affordable homeownership, owner-occupied home repair, and foreclosure prevention programs for low-income households."
- Prior to imposing a levy, the City must:
    - declare the existence of an emergency with respect to the availability of affordable housing (Housing Emergency Declaration); and
    - Adopt an affordable housing financing plan to serve as the plan for expenditure of funds raised by a levy that is consistent with the City's adopted comprehensive housing affordability strategy (Administrative Plan)
- For the purposes of the levy, "very low-income" is defined as households at or below 50% of area median income. "Low-income" households are defined as earing at or below 80% of area median income.

Vancouver AHF Levy History

The movement to establish an affordable housing fund as allowed under Washington Law began in April 2015 when Vancouver City Council established the Affordable Housing Task Force (AHTF) to analyze the affordable housing market at the time and make recommendations for the City to respond to the crisis. The following timeline summarizes the City's actions leading up to the creation of the AHF in 2016:

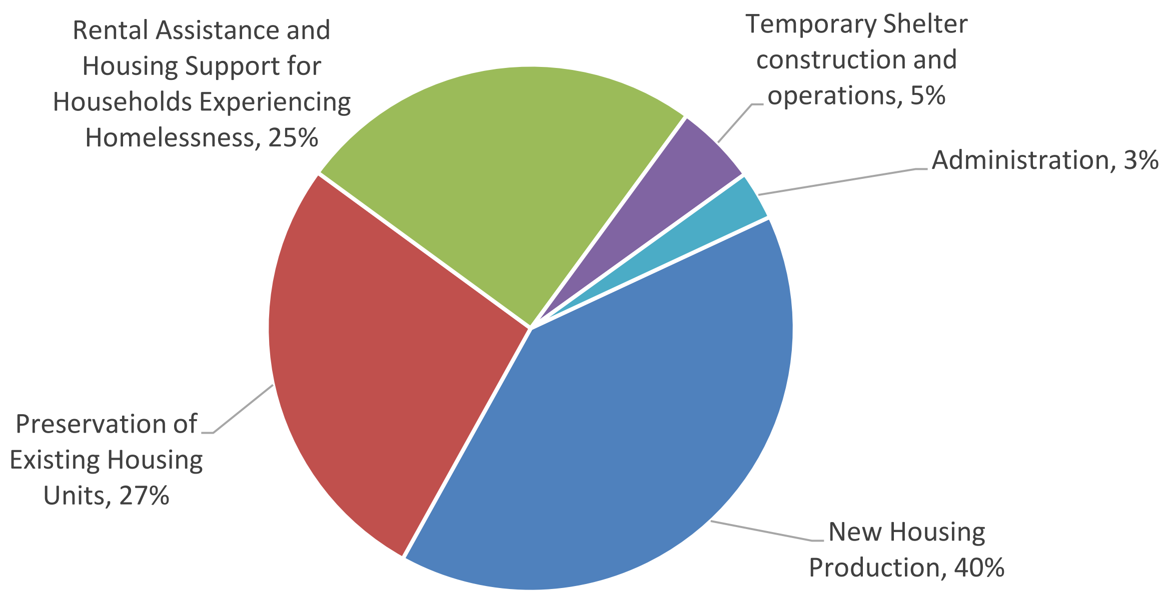
April 2015	Council established the Affordable Housing Task Force (AHTF)
January 2016	Final AHTF report produced; council approved AHTF's recommendation to create locally-controlled affordable housing fund.
April 2016	Council passed Declaration of Housing Emergency
June 2016	Ballot measure and initial Administrative Plan adopted for use of funds.
November 2016	Ballot measure for affordable housing property tax levy approved by 58% of voters

In crafting the original ballot measure, City Council selected an annual levy cap of $6 million and term of seven years. In addition, Council chose to focus on serving very low income households (at or below 50% AMI). The following language was used for the ballot measure in 2016:

> The City of Vancouver Council adopted Resolution No. M-3895 concerning property taxes for very low-income housing assistance. This proposition would fund housing and housing services for people with very low-incomes, including those with disabilities, veterans, seniors, and families with children by authorizing a regular property tax levy, within the City of Vancouver taxing district, generating $6,000,000 annually (approximately $0.36/$1,000 assessed value) under RCW

84.52.105, for seven years. All levy proceeds will be used for the purposes specified in the Vancouver Affordable Housing Fund Administrative and Financial Plan approved by the City Council.

The Administrative Plan adopted by Council in 2016 directed AHF investments into four categories (plus program administration costs) according to the following distribution of funds:



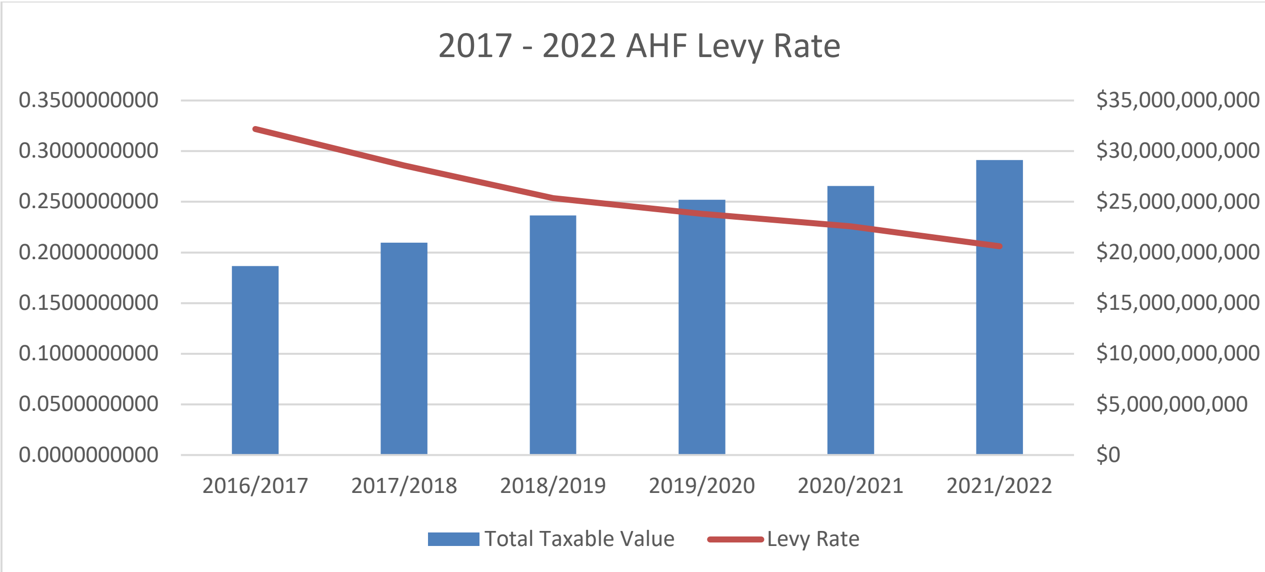
All AHF investments regardless of funding category must serve households who earn 50% or less of the area median income (approximately $53,250 annually for a family of four).

The Administrative Plan has been updated twice since adoption to increase the amounts available to fund new housing production and temporary shelter construction, as well as address higher than expected administrative costs for the program.

Affordable Housing Fund Performance

Levy Revenue Performance

While the original ballot measure passed with an estimated levy rate of $0.36/$1,000, the rate corresponding to the $6M annual cap approved in the ballot measure started below that rate and has declined steadily each year:



Given the steep increase in property values since 2017, the levy rate for the 21/22 tax year was $0.20/$1,000, and is projected to drop to $0.18/$1,000 in the 22/23 tax year. In addition, the average annual cost to a homeowner during the first six years of the levy was $95.

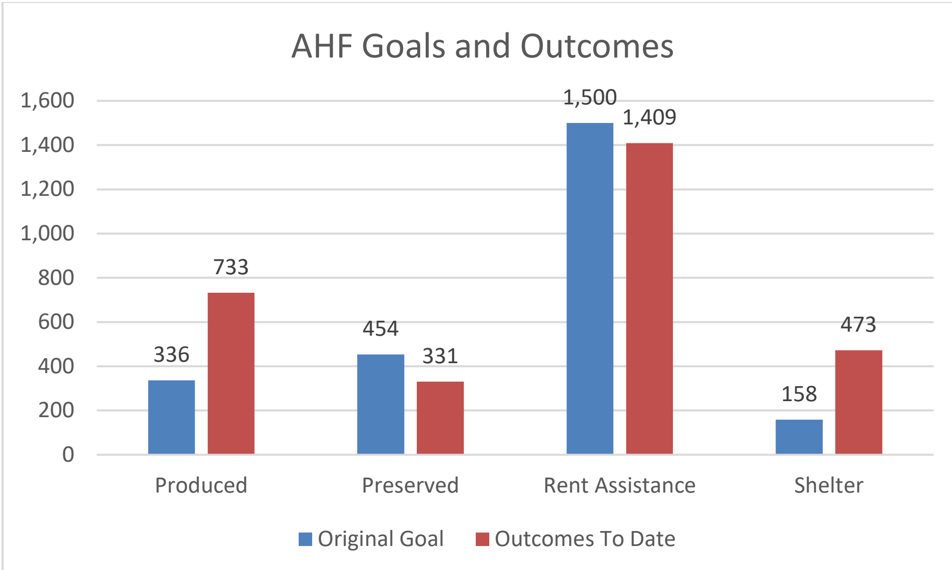
Levy Investment Performance

The table below summarizes the distribution of investments across the four priority categories during the first six years of the AHF levy.

	2017-2019 Years 1-3	2020-2021 Years 4-5	2022-2023 Years 6-7	Totals	%
Production	$2,400,000	$2,400,000	$2,600,000	$25,180,000	60%
Preservation	$1,620,000	$1,560,000			
Rental Asst.	$1,500,000	$1,500,000	$1,500,000	$10,500,000	25%
Temp. Shelter	$300,000	$300,000	$1,660,000	$4,820,000	11%
Implementation	$180,000	$240,000	$240,000	$1,500,000	4%
TOTAL	$6,000,000	$6,000,000	$6,000,000	$42,000,000	

The detail for investments in each of the above categories is included as Attachment B to this memo. The results of the first five years of the Fund are also summarized in the 2017-2021 Affordable Housing Fund Report published in February 2022.

While the original goals of the AHF levy were based on the allocation of funds in the original Administrative Plan, the Fund has performed well both in terms of meeting the needs identified at the time of adoption and the changing demand for housing investment. By the end of 2023, the Fund will have exceeded three of the four goals established for the Fund, and will have covered the deficit in housing units preserved with a surplus of newly-constructed units.



Leverage

The Affordable Housing Fund has also been successful in leveraging a range of capital sources necessary to finance deeply affordable housing projects. To date, AHF's $35.25 million in investments has attracted nearly $250 million in capital from federal, state, local and private sources. Affordable housing developers consistently cite AHF's ability to unlock other funding sources as a critical role for the Fund.

Levy Renewal

In order to renew the levy supporting the AHF, City Council must:

- Adopt a resolution to place a new measure on the ballot to be voted on prior to 2023.
- Adopt an updated Emergency Housing Declaration
- Adopt an updated Administrative Plan

As part of adopted a new ballot measure, City Council has the option to change the size and term of the levy as well as the targeted population to be served by the levy investment. An updated Administrative Plan provides Council the opportunity to update the investment priorities.

Levy Renewal Advisory Committee

To help inform Council's decision, City staff convened an advisory committee comprising local housing professionals to review the current levy's revenue and outcome performance, assess the current and future housing needs of the community, and make a recommendation to City Council about a potential action to renew the levy.

Committee members included:

Mayor Pro Tem Ty Stober	**Peggy Sheehan** Prestige Development	**Jennifer Rhoads** Firstenburg Foundation
Councilor Erik Paulsen	**Phil Wuest** Ginn Development	**Jim Mains** Identity Clark County
Councilor Diana Perez	**Sierk Braam** Housing Initiative	**Mark Maggiora** Faith Partners for Housing
Fred Dockweiler Berkadia	**Tim Foley** Second Step Housing	**Andy Silver** Vancouver Housing Authority
Jamie Howsley Jordan Ramis	**Josh Oliva** HSP Properties	**Alishia Topper** Clark County Treasurer
Marc Fazio City Center Redevelopment (CCRA)	**Sunny Wonder** Council for the Homeless	**Matt Morton** Community Foundation
Marjorie Ledell Planning Commission	**Aaron Helmes** Generation Homes	**Siobhana McEwen** Council for the Homeless

The committee met three times from May – July, 2022, and reviewed the following topics:

- History, structure, and revenue performance of existing levy
- Investments and outcomes from existing levy
- Current state of the housing market, including the availability of affordable housing
- Current trends regarding homelessness in the community
- Projections about future needs for housing at differing income levels
- State law requirements for levy renewal
- Projections for revenue and levy rates for different levy renewal amounts.

<u>Advisory Committee Themes</u>

Over three meetings, committee members discussed a range of topics and concerns. Below is a summary of the themes of those conversations.

- Levy is working
  - Other communities around the state have not had as much success building affordable housing and the key difference is having voter-supported funding support.
  - Units aimed at people at 50% AMI cannot be achieved without a similar resource
  - AHF funding leveraged other sources of funding that made new projects possible that otherwise would not have been developed.
- Levy has a lower impact on taxes than projected
  - The actual AHF levy rate started lower than the rate included in the ballot measure ($0.36 per $1,000) and has declined significantly since 2016.
- Cost of living increases and other tax levies are working against levy renewal.
  - Homeowners are grappling with rising costs due to inflation and may be less willing to support additional tax increases.

    - Vancouver's levy lid lift goes into effect in March 2023 and will result in a material increase in property taxes.
    - Other tax levies will likely be on ballot in 2023.
- Strongest need remains for building and retaining affordable rental housing for households at or below 50% AMI
    - The housing market will not build or create 50% AMI housing.
    - The vast majority of people experiencing housing problems and homelessness are earning less than 50% AMI.
    - Safe Stay is a temporary solution and people need to have housing to move into when they are leaving homelessness.
    - Focus on very low income households more directly addresses racial disparities in affordable housing market.
- Homelessness is most visible symptom of housing crisis
    - When community members think about affordable housing needs, they are usually thinking about homelessness.
    - Community saw increase in visible homelessness a few years back which generated negative feedback about the impact of the levy; public sentiment has improved since opening of Safe Stay sites.
    - To address voter interest in addressing homelessness, consider a balance between funding new housing construction and homelessness assistance and shelter programs.
- Costs to build and finance housing have increased dramatically since the levy was passed.
    - Per unit costs for new projects are substantially higher as a result of higher materials and labor costs
    - Increased borrowing costs from higher interest rates is also impacting project pro formas.
- Important to measure and report on progress
    - AHF work and accomplishments to date have not been clearly communicated to public.
    - Need to be clear on the metrics and demonstrate progress not just outputs.

<u>Committee Feedback on a Potential Ballot Measure</u>

The committee did not develop and vote on specific recommendations for a new ballot measure and administrative plan. However, the following summary represents the consensus view expressed during meetings on the requirements for a proposed ballot measure.

Levy Amount	Despite significant need for additional investment in affordable housing options, an incremental increase in the range of **$7-9 million per year** is most likely to be approved by voters given cost of living increases and other tax levies.
Levy Term	The committee agreed that the levy should be renewed for the maximum of **10 years**.
Timing	**February 2023** was favored by most given the timing of planned tax increases; this timing also provides an opportunity for another ballot measure if the initial measure fails.

Target Populations	General agreement that AHF should continue to focus on **very low income households (50% AMI and less);** homeownership programs could focus on repair financing for existing homeowners in this income bracket.

Levy Renewal Options

The table below shows the projected levy rate and cost to an average homeowner in 2024 if the AHF levy is renewed at various amounts. The assumptions below are based on an estimated aggregate assessed value for Vancouver of $36.96 billion in 2024 and an average home price of $495,000.

Potential Levy Amount	Levy Rate per $1,000 Assessed Value	Cost per Year for Average Home ($495,000)
$6,000,000 (Renewal)	0.16	$80
$7,000,000	0.19	$94
$8,000,000	0.22	$107
$9,000,000	0.24	$121
$10,000,000	0.27	$134
$18,480,000 (Maximum per state law)	0.50	$248

Along with levy renewal, the Administrative Plan must be updated and adopted by City Council. An update to the Administrative Plan requires revisiting funding categories, the distribution of funds across those categories, and the investment per unit or household. Below is an illustrative example of a potential update to these variables for a new Administrative Plan.

Funding Categories	%	$ per unit/household
Housing Production & Preservation	60%	$75,000
Rental Assistance and Support	15%	$6,000
Temporary Shelter	10%	$18,000
Homeownership Support	10%	$50,000
Administration	5%	N/A

This example adds a new funding category for homeownership support in response to the deficit in entry level homeownership options identified in previous housing market studies. State law allows for homeowner assistance to households at higher income levels (80% AMI and below). The administration category has also been increased to account for actual administrative costs associated with the program.

Using the above assumptions for an updated Administrative Plan, a renewed levy could produce the following outcomes:

Outcomes	$6M/7 Years (Renewal)	$8M/10 Years (Committee Preferred)	$10M/10 Years	$18.48M/10 Years (Maximum Levy Allowed)
Housing Units Created	1,008	1,920	2,400	4,435
Direct	336	640	800	1,478
Leveraged	672	1,280	1,600	2,957
Rental Assistance and Support	1,050	2,000	2,500	4,620
Shelter Beds Support	233	444	556	1,027
Homeownership Support	84	160	200	370

Conclusion

The Affordable Housing Fund has played a vital role in supporting affordable housing projects over the past six years. Despite the significant investment in affordable housing projects and services, the need for direct City investment in projects is as great as ever. A potential renewal of the current levy requires consideration of a range of variables, including the ongoing need for investment in affordable housing, the pressures facing taxpayers from inflation and tax increases, and the distribution of funds across competing priorities.

Attachment A

RCW 84.52.105

Affordable housing levies authorized—Declaration of emergency and plan required.

(1) A county, city, or town may impose additional regular property tax levies of up to fifty cents per thousand dollars of assessed value of property in each year for up to ten consecutive years to finance affordable housing for very low-income households, and affordable homeownership, owner-occupied home repair, and foreclosure prevention programs for low-income households, when specifically authorized to do so by a majority of the voters of the taxing district voting on a ballot proposition authorizing the levies. If both a county, and a city or town within the county, impose levies authorized under this section, the levies of the last jurisdiction to receive voter approval for the levies must be reduced or eliminated so that the combined rates of these levies may not exceed fifty cents per thousand dollars of assessed valuation in any area within the county. A ballot proposition authorizing a levy under this section must conform with RCW 84.52.054.

(2) The additional property tax levies may not be imposed until:

(a) The governing body of the county, city, or town declares the existence of an emergency with respect to the availability of housing that is affordable to very low-income households or low-income households in the taxing district; and

(b) The governing body of the county, city, or town adopts an affordable housing financing plan to serve as the plan for expenditure of funds raised by a levy authorized under this section, and the governing body determines that the affordable housing financing plan is consistent with either the locally adopted or state-adopted comprehensive housing affordability strategy, required under the Cranston-Gonzalez national affordable housing act (42 U.S.C. Sec. 12701, et seq.), as amended.

(3) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Low-income household" means a single person, family, or unrelated persons living together whose income is at or below eighty percent of the median income, as determined by the United States department of housing and urban development, with adjustments for household size, for the county where the taxing district is located.

(b) "Very low-income household" means a single person, family, or unrelated persons living together whose income is at or below fifty percent of the median income, as determined by the United States department of housing and urban development, with adjustments for household size, for the county where the taxing district is located.

(4) The limitations in RCW 84.52.043 shall not apply to the tax levy authorized in this section.

Attachment B
Affordable Housing Fund Investment Detail
2017-2022

Housing Production	# of Projects	AHF Funding	Total Funding	Total Units	Affordable Units	AHF Units
Projects completed						
Single-family	1	$200,000	$626,000	4	4	4
Group Home	2	$200,000	$980,880	13 beds	13	13
Tiny homes	1	$850,000	$1,698,308	19	19	12
Multifamily - homeless	5	$3,787,550	$44,577,433	171	171	78
Multifamily – general	3	$1,800,000	$20,624,436	104	46	25
Projects underway						
Single-family	1	$675,000	$1,485,000	9	9	9
Group Home	2	$500,000	$1,175,000	9 beds	9	9
Tiny homes	2	$2,250,000	$7,781,473	50	50	30
Multifamily - homeless	1	$1,171,450	$8,800,000	30	30	30
Multifamily – general	7	$8,810,000	$119,660,867	401	183	121
Total	**25**	**$20,244,000**	**$207,409,397**	**810**	**534**	**328**

Housing Preservation	# of Projects	AHF Funding	Total Funding	Total Units	Affordable Units	AHF Units
Projects completed						
Multifamily – homeless	2	$311,000	$315,000	54	54	13
Multifamily – seniors	2	1,700,000	$28,123,725	125	125	39
Projects underway						
Multifamily – homeless	1	$1,250,000	$20,649,196	124	124	32
Multifamily - families	2	$1,450,000	$5,000,000	32	28	28
Total	**7**	**$4,711,000**	**$54,087,921**	**335**	**331**	**112**

Rental Assistance and Housing Support	AHF Funding	# of Households
Completed programs		
Council for the Homeless/Share - Homeless Prevention Consortium	$1,210,000	291
Vancouver Housing Authority - Rental Assistance	$250,000	35
Council for the Homeless/Share - Homeless Prevention Consortium	$1,250,000	300
Salvation Army - Pathway to Hope Rental Assistance	$140,223	24
Council for the Homeless/Share - Homeless Prevention Consortium	$1,350,000	184
Council for the Homeless/Share - Homeless Prevention Consortium	$1,397,190	300
Programs underway		
Salvation Army - Pathway to Hope Rental Assistance	$150,000	10
Council for the Homeless/Share - Homeless Prevention Consortium	$1,500,000	265
Total	**$7,247,413**	**1,409**

	Temporary Shelter Assistance	AHF Funding	# of Beds	New/ Existing
Construction	Share House Shelter Improvements	$156,000	30	Existing
	Valley Homestead Shelter Improvements	$471,637	62	Existing
	SafeChoice Improvements	$560,000	115	Existing
	Vancouver - Safe Stay Homes and Site Prep	$1,007,900	80	New
Operations and staffing	Share - Women's Housing and Transition (WHAT) 2020-2021 2021-2022 2022-2023	 $200,237 $200,250 $200,250	 18 18 18	 New – 24 hour Existing Existing
	Outsiders Inn - St. Paul Year-Round Overnight 2020 2021-2022 2022-2023 – Recent award, looking for space	 $180,949 $202,277 $324,000	 30 27 30?	 New – year round Existing New
	X-Change Recovery - Recovery Homes 2020-2021 2021-2022	 $84,226 $197,473	 18 27	 New Existing/expanded
Total		**$3,764,471**	**185** **288**	**New** **Existing**

CITY OF
Vancouver
WASHINGTON

Memorandum

DATE: July 13, 2022

TO: City of Vancouver City Council

FROM: Eric J. Holmes, City Manager

CC: Chad Eiken, Director, Community Development Department
Bryan Snodgrass, Principal Planner, Community Development Department

RE: Proposed Fossil Fuel Code Standards

This memorandum provides an overview of proposed updates to zoning code standards for large scale fossil fuel facilities, which staff will present to the City Council at their August 1 workshop. The adoption of new standards will allow for the lifting of the existing moratorium on new fossil fuel facilities, which was extended most recently in June 2022, with a new expiration date of November 8, 2022.

Moratorium Background

The moratorium, which was enacted by Council in June of 2020, prohibits new or expanded large-scale fossil fuel facilities, based on concerns about potential impacts to local public and environmental health and safety and how such facilities contribute to climate change. The purpose of the moratorium is to allow time to update the land use code standards for such uses and to align them with other planning efforts currently underway, such as the Vancouver Strategic Plan update, Climate Action Plan, and other Title 20 code amendments

The moratorium prohibits new or expanded facilities engaged in distribution, extraction, refinement, processing or bulk movement of fossil fuels, or bulk storage of over two million gallons of fossil fuels. Facilities producing energy from landfill gas, fossil fuel by-products such as asphalt or others, or direct consumer sales such as gas stations, are all explicitly exempted from the moratorium. Upkeep, repair, maintenance, or City-mandated health and safety improvements of any existing facilities are also exempted.

The current fossil fuel facility moratorium follows a narrower crude oil facility moratorium and zoning code standards that was adopted in 2014 and was spurred by a proposed large scale crude oil transshipment terminal proposed at the Port of Vancouver in 2013. That facility was ultimately denied by the Governor in 2018 following a unanimous denial recommendation from the state Energy Facility Site Evaluation Council which is tasked with review of the very largest energy facilities.

Staff presented a set of potential code updates for fossil fuel facilities at the August 2, 2021 City Council workshop and received feedback, which was used in the drafting of a SEPA Determination of

Non-Significance (DNS) for the proposed code amendments, in order to solicit public comment. The City received an appeal of its SEPA Determination from the Washington State Petroleum Association, which identified several concerns with the City's analysis.

Staff agreed that more analysis was likely needed and therefore withdrew the SEPA DNS to allow for additional work, which staff determined will require assistance from outside experts. Last December, Council agreed that more time would be needed to strengthen the development code changes and environmental review to withstand a potential challenge and extended the temporary moratorium until November 8, 2022.

Summary of Proposed Code Changes

The purpose of these proposed standards is to minimize the risk of spill or discharge of fuels into groundwater sources or waters of the state; to avoid and minimize any impacts to adjacent communities from fire or explosion; to support a reduction in greenhouse gas emissions and a transition to renewable fuel and energy production consistent with Federal, state and local targets; and to protect and preserve fish and wildlife habitat areas to ensure viable Tribal fisheries consistent with Treaty fishing rights.

At a high level, the proposed changes include:

- New bulk fossil fuel storage and handling facilities, including oil, gas or coal storage or transshipment, would be prohibited
- Existing bulk facilities could be maintained and upgraded
- Existing facilities could be expanded slightly if converted to cleaner fuel and brought up to seismic standards, by conditional use permit
- 'Cleaner fuels' would be specifically defined
- Small fossil fuel storage and handling, intended for local markets, would be allowed by conditional use subject to new standards
- New use and development standards would be added for all three types of fossil fuel facilities
- Coal and other solid fuel storage yards, and coal and biomass electricity generating facilities would be prohibited in all districts

A more detailed description of the proposed changes can be found in the below table.

	Proposed Change	**Code Section**
1	Create new land use category "Bulk Fossil Fuel Storage and Handling Facility" to include: petroleum and petroleum products, coal, and natural gases including without limitation methane, propane, and butane. The new use category does not include facilities that store and handle finished products derived from fossil fuels, such as asphalt, plastics, fertilizers, paint, and denatured ethanol, and facilities storing or handling cleaner fuels. It also excludes Small Fossil Fuel or Cleaner Fuel Storage and Distribution Facilities and Vehicle Fuel Sales (existing use category), addressed separately in the code. Delete existing use category "Bulk Crude Storage."	VMC 20.160.020 Listing of Use Classifications
2	Create new land use category "Cleaner Fuel Storage and Handling Facilities" for converted bulk fossil fuel facilities only, to include liquid or gaseous fuels that are low or no emissions, including: carbon-free fuels (e.g. green hydrogen), biomass renewable fuels, alcohol fuels, biodiesel fuel, E85 motor fuel, and alternative fuels exclusively for the propulsion of motor	VMC 20.160.020 Listing of Use Classifications

	vehicles which meet the requirements of state law RCW 19.112.010(3). Define "Cleaner Fuels" in Definitions section.	VMC 20.150 Definitions
3	Create new land use category under industrial use types called "Small Fossil Fuel Storage and Distribution Facilities" to include local distribution gas storage tanks with individual storage capacities of 30,000 gallons or less and cumulative storage of 60,000 gallons or less. Such tanks store fossil fuels or cleaner fuels and are either for local distribution to customers or serve as an accessory facility necessary to support an onsite allowed primary commercial, industrial, educational, scientific, or governmental use and do not meet the definitions of Bulk Fossil Fuel Facility. It also excludes vehicle fuel sales, a commercial use. In a related change, clarify that vehicle fuel sales (existing use classification) is for direct to consumer sale.	VMC 20.160.020 Listing of Use Classifications
4	Modify use classification "Industrial Services" to delete "solid fuel yards" (e.g. coal storage) as an example use, since this would fall into the bulk fossil fuel storage and handling use. Also, delete "fuel distributions" as this is proposed to be included as a new use category "Small Fossil Fuel or Cleaner Fuel Storage and Distribution Facilities."	VMC 20.160.020 Listing of Use Classifications
5	Modify existing use classification "Major Utility Facilities" description to delete coal energy generating facilities as an example use type.	VMC 20.160.020 Listing of Use Classifications
6	Modify all residential zoning district use tables to prohibit all three new fossil fuel-related land uses	VMC 20.410.030-1 VMC 20.420.030-1
7	Modify commercial and mixed-use zoning districts to prohibit all three new fossil-fuel relate land uses.	VMC 20.430.030-1
8	Modify industrial district use table to prohibit *new* bulk fossil fuel storage and handling facilities in all districts, regardless of size.	VMC 20.440.030-1 VMC 20.895.110 (new)
9	Modify industrial district use table to allow maintenance and safety improvements to existing Bulk Fossil Fuel Storage and Handling Facilities (as a limited use, subject to certain standards) in the IH Heavy Industrial District and prohibit in all other districts. Minor expansions of existing facilities by up to 15% total of baseline capacity if converted to cleaner fuel and seismic upgrades are made, subject to a conditional use permit and certain standards of VMC 20.895.110.	VMC 20.440.030-1 VMC 20.895.110 (new)
10	Modify industrial district use table to allow conversion to Cleaner Fuel Storage and Handling Facilities (new use category for converted bulk fossil fuel storage and handling facilities – see #9 above) as a limited use subject to new standards at VMC 20.895.110. Expansion of such converted facilities by 15% subject to conditional use permit and standards of VMC 20.895.110. New cleaner fuel storage and handling facilities would be prohibited in all districts.	VMC 20.440.030-1 VMC 20.895.110 (new)
11	Modify industrial district use table to allow Small Fossil Fuel Storage and Distribution Facilities as permitted uses in the IH Heavy Industrial District.	VMC 20.440.030-1
12	Modify industrial district use table, footnote 33, to make it clear that biomass and coal energy generating plants are prohibited in all zoning districts.	VMC 20.440.030-1
13	Modify open space district use table to prohibit all fossil fuel-related uses.	VMC 20.450.030-2
14	Add special standards for Bulk Fossil Fuel Storage and Handling, Cleaner Fuel Storage and Handling, and Small Fossil Fuel or Cleaner Fuel Storage and Distribution uses at VMC 20.895.110 as follows:	VMC 20.895.110 (new)

	• Purpose (environmental protection, reduce impacts from fire/explosion, support reduction in greenhouse gas emissions and promote transition to renewable fuel and energy production) • Allow for non-capacity improvements to all fuel-related facilities as a limited use, to include: maintenance, improvement of safety or security including seismic upgrades, decrease in air or water emissions, etc. Non-capacity improvements shall specify the baseline capacity for the facility. • Expansion of capacity of existing bulk fossil fuel storage and handling facilities would be allowed by up to 15% ONLY if converted to Cleaner Fuels, subject to a conditional use permit, required seismic upgrades, spill prevention and fire response plan, GHG impacts analysis, annual reporting, and proof of financial insurance in case of accidents. • Small Fossil Fuel Storage and Distribution Facilities would be allowed by conditional use permit, subject to compliance with seismic code requirements, approval of comprehensive spill prevention and fire response plans.	

Planning Commission Review

The Planning Commission has held four workshops to discuss possible code amendments to fossil fuel uses, with their most recent one on July 12, 2022. At the July workshop, the Planning Commission indicated that the proposed amendments seemed responsive to their prior feedback and the direction from Council, and that they were comfortable with scheduling the proposed amendments for a public hearing, at which time more comprehensive public input will be considered. Staff will provide more specific feedback from the Planning Commission at the August 1 workshop.

Next Steps

Staff has shared the draft code amendments with identified stakeholders such as existing fossil fuel handling facility representatives, the Port of Vancouver, and environmental groups that have expressed an interest in the proposed changes. Staff will reissue a SEPA Determination on the proposed amendments in August and advertise a 30-day public comment period on the proposed ordinance. Subject to City Council feedback at the workshop a public hearing with the Planning Commission is targeted for September 13. A public hearing on the amendments may then be scheduled for the City Council on October 4, and the ordinance, if adopted, would take effect thirty (30) days later. The temporary moratorium is set to expire on November 8, 2022.

Questions?

Please contact Chad Eiken, CDD Director, at chad.eiken@cityofvancouver.us, or Bryan Snodgrass, Principal Planner, at bryan.snodgrass@cityofvancouver.us.

Proposed Fossil Fuel Use Related Code Changes – Planning Commission Version Revised July 5, 2022

Editor's Note: Text to be deleted is indicated with ~~strike-throughs~~, and new text is indicated with underlines. For purposes of brevity, this exhibit includes excerpts only of Title 20 VMC chapters proposed to be modified. For example, definitions of terms and development standards of each district which are not proposed to be modified are not shown. Also, there is no significance to the different colors of text, which will be fixed in a final version.

Chapter 20.150

DEFINITIONS

~~*Bulk Crude Storage.* Bulk crude storage and handling facility, means any structure, group of structures, equipment, or device that stores or transfers any naturally occurring liquid petroleum extracted from geological formations beneath the earth's surface which requires further refinement before consumer use, including but not limited to; conventional crude oil, extra heavy oil, and bitumen. The term does not include facilities that store and handle finished products derived from petroleum including but not limited to asphalt.~~

Cleaner Fuels. Liquid or gaseous fuels produced from renewable sources or that have low or no emissions, including the following:

A. Carbon-free fuels that generate no carbon emissions including green hydrogen.

B. Any credit generating fuel under the Washington State Low Carbon Fuel Standard (HB 1091 2021-2022) as determined by the Washington State Department of Ecology.

C. Any biomass renewable fuels approved by the federal Environmental Protection Agency under the federal Renewable Fuel Standard (40 CFR Part 80).

D. Alcohol fuels meeting the requirements of RCW 19.112.010(1) as that statute exists or may hereafter be amended.

E. Biodiesel fuel meeting the requirements of RCW 19.112.010(3), and Renewable Diesel meeting the requirements of RCW 19.112.010(9), as those statutes exist or may hereafter be amended.

F. E85 motor fuel which meets the requirements of RCW 19.112.010(2) exclusively for the propulsion of motor vehicles upon the roads, or RCW 19.112.010(6) for other motors, as those statutes exists or may hereafter be amended.

G. Alternative fuels exclusively for the propulsion of motor vehicles upon the roads, which fuels meet the requirements of RCW 19.112.010(2) as that statute exists or may hereafter be amended. Provided that the restrictions on petroleum including in gaseous form, and petroleum fuel facilities, shall apply to such Alternative fuels and all references to hydrogen in this chapter are limited to green hydrogen.

Petroleum. Crude oil, gases (including natural gas), natural gasoline, and other related hydrocarbons, oil shale, and the products of any of such resources.

Utility Facilities, Major. Those facilities which have a substantial public impact, including but not limited to:

1. Administrative offices and operation centers;
2. Sewage treatment plants and lagoons;
3. Electric generation facilities including biomass ~~and coal energy~~ generating facilities; and
4. Essential public facilities as defined in Chapter 20.855 VMC, Essential Public Facilities.

Chapter 20.160

USE CLASSIFICATIONS

C. *Commercial use types.*

5. *Motor Vehicle Related.*

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

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

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

d. *Electric Vehicle (EV) Basic Charging Station.* A slow to medium level charging station for electric vehicles that is typically accessory to another use, such as single family residences, apartments, and businesses. Level 1 (120 volt AC) is considered slow charging. Level 2 (208 or 240 volt AC) is considered medium charging.

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

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

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.

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 generation facilities~~; and essential public facilities as defined in Chapter 20.855 VMC, Essential Public Facilities.

9. *Bulk Fossil Fuel Storage and Handling Facility*. Bulk fossil fuel storage and handling facility means any structure, group of structures, equipment, or device that stores or transfers any material derived from prehistoric organic matter and used to generate energy, including but not limited to; petroleum and petroleum products, coal, and natural gases, including without limitation methane, propane, and butane. The term does not include facilities that store and handle finished products derived from fossil fuels including but not limited to asphalt, plastics, fertilizers, paints, and denatured ethanol.

10. *Cleaner Fuels Storage and Handling Facility.* Means any structure, group of structures, equipment or device previously classified as bulk fossil fuel storage and handling that is converted to store or transfers any material derived from cleaner fuels, as defined in VMC 20.150.

11. *Small Fossil Fuel or Cleaner Fuel Storage and Distribution Facilities.* Means local distribution gas storage tanks with individual storage capacities of 30,000 gallons or less and cumulative storage of 60,000 gallons or less. Such tanks store fossil fuels or cleaner fuels

and are either for local distribution to customers or serve as an accessory facility necessary to support an onsite allowed primary commercial, industrial, educational, scientific, or governmental use and do not otherwise meet the definitions of Bulk Fossil Fuel Storage and Handling Facility in D.9, or Vehicle Fuel Sales in C.5.c.

20.400 ZONING DISTRICTS

Chapter 20.410
LOWER DENSITY RESIDENTIAL DISTRICTS

Sections:

20.410.010 Purpose.

Preserve and promote neighborhood livability and protect the consumer's choices in housing. The Low-Density Residential Districts are primarily designed to preserve and promote neighborhoods of detached single dwellings at low intensities. Flexibility in housing type is promoted by allowing manufactured homes, duplexes, and planned unit developments under special conditions. Compatible nonresidential development, such as elementary schools, churches, parks, and child care facilities are permitted at appropriate locations and at an appropriate scale. (Ord. M-3709 § 3, 06/20/2005; Ord. M-3643, 01/26/2004)

20.410.020 List of Zoning Districts.

A. R-2: Low-Density Residential District. The R-2 zoning district is designed to accommodate detached single dwellings with or without accessory residential units at a minimum lot size of 20,000 square feet and a density of 1.8 to 2.2 units/net acre. Some civic and institutional uses are permitted as limited or conditional uses. The R-2 zoning district was referred to as R1-20 zone prior to March 11, 2004.

B. R-4: Low-Density Residential District. The R-4 zoning district is designed to accommodate detached single dwellings with or without accessory residential units at a minimum lot size of 10,000 square feet and a density of 2.3 to 4.4 units/net acre. Some civic and institutional uses are permitted as limited or conditional uses. The R-4 zoning district was referred to as R1-10 zone prior to March 11, 2004.

C. R-6: Low-Density Residential District. The R-6 zoning district is designed to accommodate detached single dwellings with or without accessory residential units at a minimum lot size of 7,500 square feet and a density of 4.5 to 5.8 units/net acre. Some civic and institutional uses are permitted as limited or conditional uses. The R-6 zoning district was referred to as R1-7.5 zone prior to March 11, 2004.

D. R-9: Low-Density Residential District. The R-9 zoning district is designed to accommodate detached single dwellings with or without accessory residential units at a minimum lot size of 5,000 square feet and a density of 5.9 to 8.7 units/net acre. Some civic and institutional uses are permitted as limited or conditional uses. The R-9 zoning district is a new zoning district that combines what was referred to as R1-6 and R1-5 zones prior to March 11, 2004. (Ord. M-3643, 01/26/2004)

20.410.025 Lower Density Residential Zone Function and Location Criteria.

A. *General Criteria.* The Lower Density Residential designation is applied to areas that provide predominantly single-family structures (attached or detached) on individual lots. Application of individual zones to specific areas in the City should enhance and support the integrity of existing neighborhoods, provide for a range of choices in housing styles and cost, and encourage compatible infill development and redevelopment.

B. Lower Density Residential Zone (R-2, R-4, R-6, R-9) Location Criteria.

The Lower Density zone designations defined above can be appropriately applied and maintained in areas meeting one of the following criteria:

1. Blocks, intersection-to-intersection street segments, or areas with defined physical edges, which have at least eighty (80) percent of the existing structures in single-family residential use on lots whose average size falls within the minimum and maximum lot size standards of the zone to be applied. Half-blocks at the edges of single-family zones with more than fifty (50) percent single-family structures, or portions of blocks on an arterial with a majority of single-family structures, shall generally be included. This shall be decided on a case-by-case basis, but the policy is for inclusion.

2. Blocks, intersection-to-intersection street segments, or areas with defined physical edges, which have less than eighty (80) percent of the existing structures in single-family residential use but in which an increasing trend toward single-family residential use can be demonstrated; for example:

    a. The construction of single-family structures in the last five (5) years has been increasing proportionately to the total number of constructions for new uses in the area, or

    b. The area shows an increasing number of improvements and rehabilitation efforts to single-family structures, or

    c. The number of existing single-family structures has been very stable or increasing in the last five (5) years, or

d. The area's location is topographically and geographically connected to, and compatible with, existing single-family residential development, with physical edges (such as major arterials, topography, waterways, open space, existing natural or landscape screening, etc) that separate and buffer the area from Higher Density Residential, Commercial, and Industrial.

3. Areas with sensitive physical, environmental or natural resource characteristics that make lower intensity development advisable and appropriate.

4. Areas that meet the above criteria for designation as Lower Density Residential shall not be rezoned for nonresidential uses, except NC (Neighborhood Commercial), unless the change has been adopted as part of a sub-area planning study.

5. No vacant or underutilized land areas (per Vacant Buildable Lands Model criteria) within the City shall be rezoned R-2 or R-4 for new residential development. Land use and zoning designations for residential lands being annexed into the City shall be converted to City designations in accordance with VMC Table 20.230.030. (Ord. M-3946 § 6, 02/01/2010; Ord. M-3730, Added, 12/19/2005, Sec 9)

20.410.030 Uses.

A. *Types of uses.* For the purposes of this chapter, there are four kinds of use:

1. A permitted (P) use is one that is permitted outright, subject to all of the applicable provisions of this title.

2. A limited (L) use is permitted outright providing it is in compliance with special requirements, exceptions or restrictions.

3. A conditional use (C) is a discretionary use reviewed through the process set forth in Chapters 20.245 and 20.210 VMC, governing conditional uses and decision-making procedures, respectively.

4. A prohibited use (X) is one that is not permitted in a zoning district under any circumstances.

B. *Use table.* A list of permitted, limited, conditional, and prohibited uses in Low-Density Residential Districts is presented in Table 20.410.030-1.

Table 20.410.030-1. LOWER-DENSITY RESIDENTIAL DISTRICTS USE TABLE

USE	R-2	R-4	R-6	R-9
RESIDENTIAL				
Household Living	P[1]	P[1]	P[1]	P[1]
Group Living	P/X[1]	P/X[1]	P/X[1]	P/X[1]
Home Occupation	L[2]	L[2]	L[2]	L[2]
Medical Center Residential	L[23]	L[23]	L[23]	L[23]
HOUSING TYPES				
Single Dwelling, Attached	L[18]	L[18]	L[18]	L[18]
Single Dwelling, Detached	P	P	P	P
Accessory Dwelling Units	L[4]	L[4]	L[4]	L[4]
Duplexes[22]	L[21]	L[21]	L[21]	L[21]
Multi-Dwelling Units	X	X	X	X
Existing Manufactured Home Developments	L[5]	L[5]	L[5]	L[5]
Designated Manufactured Homes	L/X[19]	L/X[19]	L/X[19]	L/X[19]
New Manufactured Homes	L[20]	L[20]	L[20]	L[20]
CIVIC (Institutional)				
Basic Utilities	C	C	C	C
Colleges	C	C	C	C
Community Centers	X	X	X	X
Community Recreation	C[6]	C[6]	C[6]	C[6]

USE	R-2	R-4	R-6	R-9
Cultural Institutions	P/C [7]	P/C[7]	P/C [7]	P/C [7]
Day Care				
- Family Day Care Home	P[8]	P[8]	P[8]	P[8]
- Child Care Center	L/C[11]	L/C[11]	L/C[11]	L/C[11]
- Adult Day Care	L/C/X[9]	L/C/X[9]	L/C/X[9]	L/C/X[9]
Emergency Services (except ambulance services)	L/C[11]	L/C[11]	L/C[11]	L/C[11]
Ambulance Services	X	X	X	X
Medical Centers	X	X	X	X
Parks/Open Space				
- Neighborhood Parks	P	P	P	P
- Community Parks	P	P	P	P
- Regional Parks	C	C	C	C
- Trails	P	P	P	P
Postal Service	C	C	C	C
Religious Institutions	L/C[11]	L/C[11]	L/C[11]	L/C[11]
Schools	L/C[11]	L/C[11]	L/C[11]	L/C[11]
Social/Fraternal Clubs	X	X	X	X
Transportation Facility	C[12]	C[12]	C[12]	C[12]
COMMERCIAL				
Commercial and Transient Lodging	L/C/X[13]	L/C/X[13]	L/C/X[13]	L/C/X[13]
Eating/Drinking Establishments	X	X	X	X

USE	R-2	R-4	R-6	R-9
Entertainment-Oriented				
- Adult Entertainment	X	X	X	X
- Indoor Entertainment	X	X	X	X
- Major Event Entertainment	X	X	X	X
General Retail				
- Sales-Oriented	C[14]	C[14]	C[14]	C[14]
- Personal Services	C[14]	C[14]	C[14]	C[14]
- Repair-Oriented	X	X	X	X
- Bulk Sales	X	X	X	X
- Outdoor Sales	X	X	X	X
Motor Vehicle Related				
- Motor Vehicle Sales/Rental	X	X	X	X
- Motor Vehicle Servicing/Repair	X	X	X	X
- Vehicle Fuel Sales	X	X	X	X
- EV Basic Charging Stations (accessory only)	P	P	P	P
- EV Rapid Charging Stations (accessory only)	P	P	P	P
- EV Battery Exchange Stations	X	X	X	X
Office				
- General	X	X	X	X
- Medical	X	X	X	X
- Extended	X	X	X	X

USE	R-2	R-4	R-6	R-9
Non-Accessory Parking	X	X	X	X
Self-Service Storage	X	X	X	X
Marina	C	C	C	C
INDUSTRIAL				
Bulk Fossil Fuel Storage and Handling Facilities	X	X	X	X
Cleaner Fuel Storage and Handling Facilities	X	X	X	X
Small Fossil Fuel Fuel Storage and Distribution Facilities	X	X	X	X
Industrial Services	X	X	X	X
Manufacturing and Production	X	X	X	X
Railroad Yards	X	X	X	X
Research and Development	X	X	X	X
Warehouse/Freight Movement	X	X	X	X
Wholesale Sales	X	X	X	X
Waste-Related	X	X	X	X
Major Utility Facilities	X	X	X	X
OTHER				
Agriculture/Horticulture	P	P	P	P
Airport/Airpark	X	X	X	X
Animal Kennels/Shelters	X	X	X	X
Cemeteries	C[15]	C[15]	C[15]	C[15]
Detention & Post Detention Facilities	X	X	X	X

USE	R-2	R-4	R-6	R-9
Dog Day Care	X	X	X	X
Heliports	X	X	X	X
Recreational or Medical Marijuana Facilities	X	X	X	X
Medical Marijuana Cooperatives	X	X	X	X
Mining	X	X	X	X
Rail Lines/Utility Corridors	P	P	P	P
Temporary Uses	L[16]	L[16]	L[16]	L[16]
Wireless Communication Facilities	L/C/X[17]	L/C/X[17]	L/C/X[17]	L/C/X[17]

1 Residential Care Homes, state or federally approved, with six or fewer residents and any required on-site residential staff permitted by right; all larger group living uses prohibited.

2 Subject to the provisions of Chapter 20.860 VMC, Home Occupations.

4 Subject to the provisions of Chapter 20.810 VMC, Accessory Dwelling Units.

5 Subject to the provisions of Chapter 20.880 VMC, Manufactured Home Parks. Manufactured Home Developments established prior to July 1, 2005, are exempt from the standards of VMC 20.410.050(F), Criteria for Placement of Manufactured Homes, and may continue to exist and expand within existing previously approved boundaries. An existing manufactured home in a development or subdivision may be replaced or may be relocated either to an approved manufactured home development or an approved manufactured home subdivision.

6 Subject to provisions in VMC 20.895.040, Community Recreation and Related Facilities.

7 Libraries only permitted outright; all other cultural institutions are conditional uses.

8 Family day care homes for no more than 12 children are permitted when licensed by the state.

9 Adult day care facilities for six or fewer adults allowed as limited uses subject to compliance with the development standards governing Home Occupations, per VMC 20.860.020(B)(1) through (B)(7) ; facilities with seven to 12 adults allowed as conditional uses; and larger facilities are prohibited.

10 *Repealed by M-4289.*

11 Schools, religious institutions, government buildings, fire stations, child care centers, and emergency services facilities that meet all of the criteria contained in VMC 20.410.050(D) are permitted by right; all others require conditional use approval. Child care centers permitted by right shall be consistent with Chapter 20.840 VMC, Child Care Centers, and be subject to Type II review pursuant to VMC 20.210.050.

12 Except bus, trolley and streetcar stops, including bus shelters, which are allowed by right.

13 One- and two-bedroom Bed-and-Breakfast facilities are permitted outright and three- to six-bedroom Bed-and-Breakfast facilities are allowed as conditional uses, with all Bed-and-Breakfast facilities subject to provisions of Chapter 20.830 VMC, Bed-and-Breakfast Establishments. No more than six bedrooms are allowed under any circumstances. All other commercial lodging is prohibited.

14 Retail commercial uses limited to 1,500 gsf per use to a maximum of 5,000 square feet in planned developments of 150 units or more. See VMC 20.260.020(B)(1)(b)(2).

15 Subject to provisions in VMC 20.895.030.

16 Subject to provisions in Chapter 20.885 VMC, except sales of fireworks which is prohibited in residential zones.

17 Building-mounted antennas are allowed by conditional use on nonresidential buildings in single-family residential zones subject to requirements contained in Chapter 20.890 VMC, Wireless Communication Facilities.

18 Subject to VMC 20.260.020(B)(1)(a)(2), planned development, VMC 20.910.050, Zero Lot Line Developments, and Chapter 20.920 VMC, Infill Development Standards.

19 A “designated manufactured home” is exempt from the development standards of VMC 20.410.050(F) and may continue to exist and expand. An existing unit may be replaced or may be relocated either to an approved manufactured home development or an approved manufactured home subdivision. After July 1, 2005, only “new manufactured homes” that also meet the “designated manufactured home” criteria will be permitted on individual lots not part of an existing approved manufacturing home development or manufactured home subdivision. Except that a new manufactured home placed on an individual lot after July 1, 2005, may be relocated as permitted by this title if within five years of the date of the original placement.

20 Subject to VMC 20.410.050(F), Development Standards – Criteria for Placement of Manufactured Homes.

21 Subject to Chapter 20.920 VMC, Infill Development Standards.

22 Existing duplexes built on lots meeting the minimum infill lot size standards of Table 20.920.060-1 shall be considered conforming uses even if not part of an infill development.

23 Medical Center Residential uses, as defined in VMC 20.160.020, are permitted outright if approved through a public facilities master plan per VMC 20.680.040.

(Ord. M-4325 § 3, 2020; Ord. M-4289 § 4, 2019; Ord. M-4255 § 6, 2018; Ord. M-4254 § 3(BB), 2018; Ord. M-4187 § 5, 2016; Ord. M-4071 § 7, 2014; Ord. M-4066 § 5, 2013; Ord. M-4035 § 2, 2012; Ord. M-4034 § 10, 2012; Ord.

M-4024 § 6, 2012; Ord. M-4002 § 5, 2011; Ord. M-3931 § 9, 2009; Ord. M-3922 § 19, 2009; Ord. M-3840 § 18, 2007; Ord. M-3709 § 4, 2005; Ord. M-3663 § 12, 2004; Ord. M-3643, 2004)

Chapter 20.420
HIGHER DENSITY RESIDENTIAL DISTRICTS

Sections:

20.420.010 Purpose.

Promote a range of housing choices while preserving neighborhood livability and protecting the consumer's choices in housing. These districts are designed to promote medium- to high-density residential neighborhoods. Housing types include manufactured homes, duplexes, rowhouses, and multi-unit structures. A mix of nonresidential uses, such as professional office and limited commercial, civic, and institutional uses, is permitted outright or conditionally subject to provisions to minimize adverse impacts, if any, on the residential character. However, the encouragement of mixed uses should not result in a predominance of business or commercial uses in areas designated for residential development by the Comprehensive Plan.
(Ord. M-3709 § 6, 06/20/2005)

20.420.020 Zoning Districts.

A. R-18: Higher-Density Residential District. The R-18 zoning district is designed to accommodate attached homes such as duplexes and rowhouses, and garden-type apartments at a minimum lot size of 1,800 square feet per unit. Professional office uses are permitted under certain circumstances. Some retail, civic and institutional uses are allowed conditionally. This zone consolidates the R-18 and OR-18 zones as of March 11, 2004.

B. R-22: Higher-Density Residential District. The R-22 zoning district is designed to accommodate rowhouses, garden-type apartments, and lower-density multi-dwelling structures at a minimum lot size of 1,500 square feet per unit. Professional office uses are permitted under certain circumstances. Some retail, civic and institutional uses are allowed conditionally. This zone consolidates the R-22 and OR-22 zones as of March 11, 2004.

C. R-30: Higher-Density Residential District. The R-30 zoning district is designed to accommodate multi-dwelling structures at a minimum lot size of 1,500 square feet per unit. Professional office uses are permitted under certain circumstances. Some retail, civic and institutional uses are allowed conditionally. This zone consolidates the R-30 and OR-30 zones as of March 11, 2004.

D. R-35: Higher-Density Residential District. The R-35 zoning district is designed to accommodate multi-dwelling structures at a minimum lot size of 1,200 square feet per unit. Professional office uses are permitted under certain provisions. Some retail, civic and institutional uses are allowed conditionally. (Ord. M-4034 § 11, 12/03/2012; Ord. M-3922 § 21, 07/06/2009; Ord. M-3730 § 11, 12/19/2005; Ord. M-3663 § 14, 08/02/2004; Ord. M-3643, 01/26/2004)

20.420.025 Higher Density Residential Zone Function and Location Criteria.

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.

D. *R-35 (Higher Density Residential) Zone Location Criteria.* The R-35 designation is most appropriate in areas generally characterized by the following development characteristics of the area and relationship to the surrounding area:

1. Areas that are developed predominantly to the intensity permitted by the R-35 zone, or areas located within an urban center, or defined in a subarea plan adopted by the City as appropriate for higher density multi-family housing.

2. 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, other residential amenities, major employment centers, open space and recreational facilities.

3. Properties adjacent to business and commercial areas with comparable height and bulk.

4. Properties in areas along arterials where topographic changes either provide an edge or permit a transition in scale with surroundings.

5. Areas that are served by major arterials and where transit service is good to excellent and street capacity could absorb the traffic generated by high density development. (Ord. M-3730, Added, 12/19/2005, Sec 12)

20.420.030 Uses.

A. *Types of uses.* For the purposes of this chapter, there are four kinds of use:

1. A permitted (P) use is one that is permitted outright, subject to all of the applicable provisions of this title.

2. A limited (L) use is permitted outright providing it is in compliance with special requirements, exceptions or restrictions.

3. A conditional use (C) is a discretionary use reviewed through the process set forth in Chapters 20.245 and 20.210 VMC, governing conditional uses and decision-making procedures, respectively.

4. A prohibited use (X) is one that is not permitted in a zoning district under any circumstances.

B. *Use table.* A list of permitted, limited, conditional, and prohibited uses in Higher Density residential zones is presented in Table 20.420.030-1.

Table 20.420.030-1 Higher Density Districts Use Table				
USE	**R-18**	**R-22**	**R-30**	**R-35**
RESIDENTIAL				
Household Living	P	P	P	P
Group Living	P	P	P	P
Home Occupation	L[3]	L[3]	L[3]	L[3]

Table 20.420.030-1 Higher Density Districts Use Table				
USE	**R-18**	**R-22**	**R-30**	**R-35**
HOUSING TYPES				
Single Dwelling Units, Attached	P[4]	P[4]	P[4]	X
Single Dwelling Units, Detached	P[4]	P[4]	P[4]	X[5]
Accessory Dwelling Units	P[1]	P[1]	P[1]	P[1]
Duplexes	P[4]	P[4]	P[4]	P[4]
Multi-Dwelling Units	P[4]	P[4]	P[4]	P[4]
Manufactured Home Developments	L[7]	L[7]/X	L[7]/X	L[7]/X
Designated Manufactured Home	L/X[23]	X	X	X
New Manufactured Home	L[23]	X	X	X
CIVIC (Institutional)				
Basic Utilities	C	C	C	C
Colleges	C	C	C	C
Community Centers	C	C	C	C
Community Recreation	C[8]	C[8]	C[8]	C[8]
Cultural Institutions	P/C[9]	P/C[9]	P/C[9]	P
Day Care				
- Family Day Care Home	P/C[10]	P/C[10]	P/C[10]	P/C[10]
- Child Care Center	L/C[14]	L/C[14]	L/C[14]	L/C[14]
- Adult Day Care	P/C[11]	P/C[11]	P/C[11]	P/C[11]
Emergency Services (except ambulance services)	C[12]	C[12]	C[12]	C[12]
Medical Centers	C	C	C	C

Table 20.420.030-1

Higher Density Districts Use Table

USE	R-18	R-22	R-30	R-35
Parks/Open Space				
- Neighborhood Parks	P	P	P	P
- Community Parks	P	P	P	P
- Regional Parks	C	P	P	P
- Trails	P	P	P	P
Postal Service	C	C	C	C
Religious Institutions	L/C[14]	L/C[14]	L/C[14]	L/C[14]
Schools	L/C[14]	L/C[14]	L/C[14]	L/C[14]
Social/Fraternal Clubs	C[6]	C[6]	C[6]	C[6]
Transportation Facility	P/C[15]	P/C[15]	P/C[15]	P/C[15]
COMMERCIAL				
Commercial and Transient Lodging	L/X[16]	L/X[16]	L/X[16]	L/X[16]
Eating/Drinking Establishments	L[17]/X	L[17]/X	L[17]/X	L[17]/X
Entertainment-Oriented				
- Adult Entertainment	X	X	X	X
- Indoor Entertainment	X	X	X	X
- Major Event Entertainment	X	X	X	X
General Retail				
- Sales-Oriented	L[17]/X	L[17]/X	L[17]/X	L[17]/X
- Personal Services	L[17]/X	L[17]/X	L[17]/X	L[17]/X
- Repair-Oriented	X	X	X	X

Table 20.420.030-1 Higher Density Districts Use Table				
USE	**R-18**	**R-22**	**R-30**	**R-35**
- Bulk Sales	X	X	X	X
- Outdoor Sales	X	X	X	X
Motor Vehicle Related				
- Motor Vehicle Sales/Rental	X	X	X	X
- Motor Vehicle Servicing/Repair	X	X	X	X
- Vehicle Fuel Sales	X	X	X	X
- EV Basic Charging Stations (accessory only)	P	P	P	P
- EV Rapid Charging Stations (accessory only)	P	P	P	P
- EV Battery Exchange Stations	X	X	X	X
Office				
- General	L[17]/X	L[17]/X	L[17]/X	L[17]/X
- Medical	L[17]/X	L[17]/X	L[17]/X	L[17]/X
- Extended	X	X	X	X
Self-Service Storage	X	X	X	X
Non-Accessory Parking	X	X	X	X
INDUSTRIAL				
Bulk Fossil Fuel Storage and Handling Facilities	X	X	X	X
Cleaner Fuel Storage and Handling Facilities	X	X	X	X
Small Fossil Fuel Storage and Distribution Facilities	X	X	X	X
Industrial Services	X	X	X	X

Table 20.420.030-1 Higher Density Districts Use Table				
USE	**R-18**	**R-22**	**R-30**	**R-35**
Manufacturing and Production	X	X	X	X
Railroad Yards	X	X	X	X
Research and Development	X	X	X	X
Warehouse/Freight Movement	X	X	X	X
Wholesale Sales	X	X	X	X
Waste-Related	X	X	X	X
Major Utility Facilities	X	X	X	X
OTHER				
Agriculture/Horticulture	P	P	P	P
Airport/Airpark	X	X	X	X
Animal Kennel/Shelters	X	X	X	X
Cemeteries	C[18]	C[18]	C[18]	C[18]
Detention & Post Detention Facilities	X	X	X	X
Dog Day Care	C[19]	C[19]	C[19]	C[19]
Heliports	X[20]	X[20]	X[20]	X[20]
Recreational or Medical Marijuana Facilities	X	X	X	X
Medical Marijuana Cooperatives	X	X	X	X
Mining	X	X	X	X
Rail Lines/Utility Corridors	C	C	C	C
Basic Utilities	P	P	P	P
Temporary Uses	L[21]	L[21]	L[21]	L[21]

Table 20.420.030-1 Higher Density Districts Use Table				
USE	**R-18**	**R-22**	**R-30**	**R-35**
Wireless Communication Facilities	L/C/X[22]	L/C/X[22]	L/C/X[22]	L/C/X[22]

1 Subject to the provisions of Chapter 20.810 VMC, Accessory Dwelling Units.

2 The language for this footnote has been deleted.

3 Subject to the provisions of Chapter 20.860 VMC, Home Occupations.

4 Provided the minimum required residential density is met, on an overall project basis.

5 Single-family dwelling units legally established prior to March 11, 2004, shall be considered permitted uses.

6 Subject to the provisions of VMC 20.895.040, Community Recreation and Related Facilities.

7 Subject to the provisions of Chapter 20.880 VMC, Manufactured Home Parks. Manufactured Home Developments established prior to July 1, 2005 are exempt from the standards of VMC 20.420.050(G), Criteria for Placement of Manufactured Homes, and may continue to exist and expand within existing previously-approved boundaries. An existing manufactured home in a development or subdivision may be replaced or may be relocated either to an approved manufactured home development or an approved manufactured home subdivision. Manufactured Home Developments in the R-22, R-30, R-35 zones are allowed as a Limited Use (L) only as part of a Chapter 20.260 VMC Planned Development that meets overall minimum density standards for the applicable zone.

8 Subject to the additional provisions in VMC 20.895.040.

9 Libraries permitted only; all other cultural institutions are conditional uses.

10 Family day care homes for no more than 12 children are permitted when licensed by the state. Child care centers are permitted as conditional uses, subject to the provisions of Chapter 20.840 VMC, Child Care Centers, unless part of a Planned Development, in which case they are approved subject to Chapter 20.260 VMC. All child care facilities must be licensed by the state.

11 Adult day care facilities with 12 or fewer clients are permitted outright; larger facilities are permitted as conditional uses.

12 The language for this footnote has been deleted.

13 *Repealed by M-4289.*

14 Schools, child care centers, and religious institutions that meet all of the locational criteria contained in VMC 20.420.050(F) are permitted by right; all others require conditional use approval. Child care centers permitted by right shall be consistent with Chapter 20.840 VMC, Child Care Homes and Centers, and be subject to Type II review pursuant to VMC 20.210.050.

15 Except bus, trolley and street car stops, including bus shelters, which are allowed by right.

16 Bed-and-breakfast establishments as limited uses subject to provisions of Chapter 20.830 VMC, Bed and Breakfast Establishments; all other commercial and transient lodging prohibited.

17 New commercial uses allowed as limited uses subject to special development restrictions in VMC 20.420.060. Existing commercial uses permitted if legally established prior to code effective date. However, alterations and expansions shall be subject to Chapter 20.245 VMC (Conditional Use Permits).

18 Subject to the provisions in VMC 20.895.030.

19 Subject to the provisions of Chapter 20.850 VMC, Dog Day Care.

20 Except as an accessory to a medical center.

21 Subject to provisions of Chapter 20.885 VMC, except sale of fireworks prohibited in residential zones.

22 Subject to the provisions of Chapter 20.890 VMC, Wireless Communication Facilities.

23 A "designated manufactured home" is exempt from the development standards of VMC 20.420.050(G) and may continue to exist and expand. An existing unit may be replaced or may be relocated either to an approved manufactured home development or an approved manufactured home subdivision. After July 1, 2005, only "new manufactured homes" that also meet the "designated manufactured home" criteria will be permitted on individual lots not part of an existing approved manufacturing home development or manufactured home subdivision. Except that a new manufactured home placed on an individual lot after July 1, 2005, may be relocated as permitted by this title if within five years of the date of the original placement.

(Ord. M-4223 § 4, 12/04/2017; Ord. M-4187 § 6, 12/05/2016; Ord. M-4105 § 3, 11/17/2014; Ord. M-4071 § 8, 03/03/2014; Ord. M-4066 § 5, 12/16/2013; Effective 01/16/2014; Ord. M-4035 § 3, 12/03/2012; Ord. M-4024 § 7, 09/10/2012; Ord. M-4002 § 6, 12/05/2011; Ord. M-3959 § 25, 07/19/2010; Ord. M-3931 § 12, 11/02/2009; Ord. M-3840 § 20, 08/06/2007; Ord. M-3730 § 13, 12/19/2005; Ord. M-3709 § 7, 06/20/2005; Ord. M-3701 § 15, 05/02/2005; Ord. M-3663 § 15, 08/02/2004; Ord. M-3643, 01/26/2004)

20.420.060 Commercial Development Restrictions.

Commercial uses. General office, medical office, personal and sales-oriented retail services, eating and drinking establishments, and other nonresidential uses may be allowed in the Higher Density residential districts as part of a mixed use building or site pursuant to VMC 20.430.060. (Ord. M-4034 § 12, 12/03/2012; Ord. M-3730 § 16, 12/19/2005; Ord. M-3698 § 3, 04/03/2005; Ord. M-3643, 01/26/2004)

Chapter 20.430

COMMERCIAL AND MIXED USE DISTRICTS

Sections:

20.430.010 Purpose.

A. *Provide a range of commercial services for City residents.* One of the major purposes of the regulations governing development in commercial zoning districts is to ensure that a full range of retail and office uses are available throughout the City so that residents can fulfill all or most of their needs for goods and services within close proximity of their homes. The location of land within each commercial district must be carefully selected and design and development standards created to minimize the potential adverse impacts of commercial activity on established residential areas. At the same time, it is important to create more opportunities for mixed use, including residential, commercial and institutional activities in new and re-developing commercial areas.

B. *Facilitate economic goals.* Another purpose of these regulations is to ensure that there is a full range of economic activities and job opportunities within the City limits, in compliance with the economic goals of the City of Vancouver Comprehensive Plan. (Ord. M-3643, 01/26/2004)

20.430.020 List of Zoning Districts.

A. CN: Neighborhood Commercial District. The CN zoning district is designed to provide for small-scale, convenience commercial uses to serve adjacent residential neighborhoods. Convenience goods and services are those which are purchased frequently and do not require comparison shopping. Typical uses include, but are not limited to, convenience markets, personal services, restaurants, bakeries, and video rental shops. Above ground floor housing and some civic and institutional uses are allowed conditionally. The design and impact of these uses should be compatible with the surrounding neighborhood in size and scale and should generate minimal traffic. Because these uses primarily serve the immediate area, there are significant opportunities for walking, bicycle and transit trips that shall be encouraged and accommodated through building design, landscaping and access. The CN zoning district was referred to as Neighborhood Commercial (NC) prior to March 11, 2004.

B. CC: Community Commercial. The CC zoning district is designed to provide for retail goods and services purchased regularly by residents of several nearby neighborhoods. The zone also accommodates offices, institutions and mixed use housing. Because of the limited trade area, there are significant opportunities for walking, bicycle and transit trips that should be encouraged and accommodated through building/site design, landscaping and access.

C. CG: General Commercial. The CG zoning district is designed to allow for a full range of retail, office, mixed use and civic uses with a city-wide to regional trade area. Above ground floor housing is allowed. Some light industrial uses also are allowed, but limited so as not to detract from the predominant commercial character of the district. Development is generally expected to be auto-accommodating given the large service area but trips by alternative modes – walking, cycling and transit – should be encouraged through building/site design, landscaping and access. Because such areas generate more traffic than less-intense commercial zones, such developments should take their primary access from a street with at least the capacity of a Minor Arterial. The CG zoning district was referred to as General Commercial (GC) prior to March 11, 2004.

D. CX: City Center. The CX zoning district is designed to provide for a concentrated mix of retail, office, civic and housing uses in downtown Vancouver. The broad range of allowed uses is intended to promote Vancouver as the commercial, cultural, financial and municipal center of Clark County. Typical uses include, but are not limited to retail sales; hotels/motels; restaurants; professional offices; educational, cultural and civic institutions; public buildings; and commercial parking. Ground floor residential is allowed with the exception of properties fronting Main Street between Sixth Street and Mill Plain. All of the property that has a CX zoning designation lies within the Downtown Plan District.

E. WX: Waterfront Mixed-Use. The WX zoning district is designed to provide for a significant level of mixed-use development and pedestrian access along the Columbia River while maintaining environmental and scenic resources and compatibility of uses. Permitted use categories include retail, office, institutional, residential, parks and civic uses. Limited warehouse and industrial uses, in addition to some regional scale facilities, are conditionally permitted.

F. CPX: Central Park Mixed-Use. The CPX zoning district is the base zone designation for all land located within the Vancouver Central Park Plan District that contains a number of existing parks and governmental, health, recreational, educational and cultural facilities. The CPX zone district also contains the Vancouver National Historic Reserve that includes Officers Row, Vancouver Barracks, Fort Vancouver and Pearson Air Park. The CPX zone district is designed to enhance and protect existing facilities and fulfill the vision and policies identified in the Central Park Plan. The CPX zoning district was referred to as Vancouver Central Park (VCP) in the previous zoning code.

G. MX: Mixed Use District. The Mixed-Use zoning district is intended to provide the community with a mix of mutually supporting retail, service, office, light industrial, and residential uses. It promotes physically and functionally coordinated and cohesive site planning and design which maximizes land use. It also encourages development of a high-density, active urban environment which is expected to:

1. Achieve the goals and objectives of the Community Framework Plan and the Vancouver Urban Area Comprehensive Plan;

2. Fulfill the community vision identified through the Visual Preference Survey and other opportunities for public involvement;

3. Enhance livability, environmental quality, and economic vitality;

4. Maximize efficient use of public facilities and services;

5. Provide a variety of housing types and densities;

6. Reduce the number of automobile trips and encourage alternative modes of transportation; and

7. Create a safe, attractive, and convenient environment for living, working, recreating, and traveling.

H. *HX: Heights District.* The HX zoning district is envisioned as a vibrant neighborhood center that is sustainable, healthy, equitable, accessible and safe, and includes a mix of complementary uses, engaging public open space, diverse housing affordable to a wide range of community members and safe multimodal travel opportunities within the district and to transit and nearby neighborhoods. The purpose of the Heights Mixed Use (HX) Plan district is to implement the vision, goals, and policies of the Heights District Plan, and ensure future development is integrated, cohesive, context sensitive and contributes to the overall district vision. (Ord. M-4341 § 3 (Exh. B), 2021; Ord. M-4289 § 4, 2019; Ord. M-3891 § 4, 2008; Ord. M-3832 § 5, 2007; Ord. M-3730 § 17, 2005; Ord. M-3643, 2004)

20.430.025 Commercial Zone Function and Location Criteria.

A. *General Criteria.* Compact, concentrated commercial areas, or nodes, shall be preferred to diffuse, sprawling , or linear commercial areas. The preservation, improvement, and redevelopment of existing commercial areas shall be preferred to the creation of new business areas or districts. Areas meeting the location criteria for Lower Density designations (i.e. R-6, R-9) are generally not appropriate for conversion to commercial. The encroachment of commercial development into residential areas shall be discouraged, except for Neighborhood Commercial within the criteria defined below for CN.

B. *CN (Neighborhood Commercial) Location Criteria.* The CN (Neighborhood Commercial) zone designation, as defined in above, is most appropriate in areas that are generally characterized by the following:

1. Lower Density Residential areas surround the subject site;

2. No physical edges (waterways, major arterial streets or freeways, ravines, cliffs, etc) separate the residential areas from the subject site;

3. Access is through residential areas or from collector streets

4. Designated areas typically total less than 2 acres and are not contiguous with other commercial areas.

C. *CC (Community Commercial) Location Criteria.* The CC (Community Commercial) zone designation, as defined in above, is most appropriate in areas that are generally characterized by the following:

1. Both residential and commercial areas abut the subject site;

2. No physical edges (waterways, major arterial streets or freeways, ravines, cliffs, etc) separate the existing residential or commercial areas from the subject site;

3. The site is located to provide a transition between more intense General Commercial areas and surrounding residential areas; or is located along a major arterial where parcels are generally small or shallow, and are bordered by Lower Density Residential areas.

4. The site is located on streets with good capacity (major collector streets and minor arterials) and good pedestrian and bicycle connections to adjacent residential areas.

5. Areas where the total acres in a Community Commercial cluster or node can be limited to approximately 10 acres, with other zones providing separation between Community Commercial clusters or nodes.

D. *CG (General Commercial).* The CG (General Commercial) Zone designation, as defined above, is most appropriate in areas designated by an adopted sub-area plan or generally characterized by the following:

1. Existing shopping centers or shopping areas along arterials or major commercial nodes or strips characterized by heavy, nonretail commercial activity, often including a few major employers;

2. Areas readily accessible from a principal arterial with sufficient capacity to support major commercial development and with good to excellent transit service;

3. Areas adjacent to or abutting industrial zones;

4. Areas with physical edges that buffer residential districts, such as changes in residential street or lot layout that orient residential uses away from the commercial site, dense

vegetation or landscaping, topographical features (i.e. ravines, cliffs), and other natural buffers.

5. Areas with a predominance of large lots that could physically accommodate a wide range of commercial uses, including large uses.

E. *Additional Commercial Criteria.*

1. Proposals to expand or create designated commercial areas shall include a current market analysis which identifies the need for the new commercial area/center.

2. Proposals to expand or create designated commercial areas shall include a current land use analysis of commercially designated and zoned land in the market area of the proposed site that includes a discussion of why the amount or character of existing commercial lands are inadequate. (Ord. M-3931 § 15, 12/02/2009; Ord. M-3730, Added, 12/19/2005, Sec 18)

20.430.030 Uses.

A. *Types of uses.* For the purposes of this chapter, there are four kinds of use:

1. A permitted (P) use is one that is permitted outright, subject to all of the applicable provisions of this title.

2. A limited (L) use is permitted outright providing it is in compliance with special requirements, exceptions or restrictions.

3. A conditional use (C) is a discretionary use reviewed through the process set forth in Chapters 20.245 and 20.210 VMC, governing conditional uses and decision-making procedures, respectively.

4. A prohibited use (X) is one that is not permitted in a zoning district under any circumstances.

B. *Use table.* A list of permitted, limited, conditional, and prohibited uses in the commercial and mixed use zones is presented in Table 20.430.030-1.

Table 20.430.030-1. Commercial and Mixed-Use Districts Use Table

USE	CN	CC	CG	CX	WX	CPX[1]	MX[2]	RGX[44]	HX[51]
RESIDENTIAL									
Household Living	L[4]	L[4,8]	L[4,8]	L[42,8]	L[5,8]		P[6,8]	P[8]	P[8]
Group Living	P/C[7]	P/C[7]	P/C[7]	P/C[7]	P/C[7]		P[6]	P	P
Home Occupation	L[10]	L[10]	L[10]	L[10]	L[10]		L[10]	L[10]	L[10]
HOUSING TYPES									
Single Dwelling Units, Attached	L[4]	L[4]	L[4]	L[42]	L[4]		P[6]	P	L[4]
Single Dwelling Units, Detached	X	X	X	X	X		P[6]	P	X
Accessory Dwelling Units	X	X	X	X	X		P[6]	P	P
Duplexes	L[4]	L[4]	L[4]	L[42]	L[4]		P[6]	P	X
Multi-Dwelling Units	L[4]	L[4]	L[4]	L[42]	L[4]		P[6]	P	L[4]
Existing Manufactured Home Development	X	X	X	X	X		X	X	X
Designated Manufactured Home	X	X	X	X	X		X	X	X
New Manufactured Home	X	X	X	X	X		X	X	X
Affordable Housing Projects	X	L[8]	L[8]	L[8]	L[8]	L[8]	L[8]	L[8]	P
CIVIC (Institutional)									
Basic Utilities	C	C	C	P	C		C	C	C
Colleges	X	C	C	P	C		P	P	P
Community Centers	X	C	C	C	C		C	C	C

USE	CN	CC	CG	CX	WX	CPX[1]	MX[2]	RGX[44]	HX[51]
Community Recreation	X	L[11]	L[11]	L[11]	L[11]		L[11]	L[11]	L[11]
Cultural Institutions	L[19]	P	P	P	P		P	P	P
Day Care									
- Family Day Care Home	P/L[13]	P/L[13]	P/L[13]	P/L[13]	P/L[13]		P/L[13]	P/L[13]	P/L[13]
- Child Care Center	L[13]	L[13]	L[13]	L[13]	L[13]		P/L[13]	P/L[13]	P/L[13]
- Adult Day Care	P/C[14]	P	P	P	P		P	P	P
Emergency Services	X	C	P	P	C		P	P	P
Medical Centers	X	C	C	P	C		C	P	C
Parks/Open Space									
- Neighborhood Parks	P	P	P	P	P		P	P	P
- Community Parks	P	P	P	P	P		P	P	P
- Regional Parks	X	P	P	P	P		P	P	P
- Trails	P	P	P	P	P		P	P	P
Postal Service	L[19]	P	P	P	P		P	P	P
Religious Institutions	X	P	P	P	C		P	P	P
Schools (not truck driving schools)	C	P	P	P	P		P	P	P
Social/Fraternal Clubs	C	L[11]	L[11]	L[11]	L[11]		L[11]	L[11]	L[11]
Transportation Facility	P	P	P	P	P		P	P	P
Park & Ride Facilities									
- Surface	X	L[48]	L[48]	X	X	X	X	X	X
- Structure	X	L[48]	L[48]	L[48]	L[48]	L[48]	L[48]	X	L[48]
COMMERCIAL									
Commercial and	X	C	P	P	L[18]/C		L[18]/C	P	L[18]/C

USE	CN	CC	CG	CX	WX	CPX[1]	MX[2]	RGX[44]	HX[51]
Transient Lodging									
Eating/Drinking Establishments	L[19/20]	P	P	P	P		P	P	P
Entertainment-Oriented									
- Adult Entertainment	X	X	L[23]	X	X		X	X	X
- Indoor Entertainment	X	P/L[24]	P/L[24]	P/L[24]	P/L[24]		P/L[24]	P/L[24]	P/L[24]
- Major Event Entertainment	X	X	P	P	C		C	X	C
General Retail									
- Sales-Oriented	L[19]	P	P	P[25]	P		P	P[25, 46]	P
- Personal Services	L[19]	P	P	P	P		P	P	P
- Repair-Oriented	X	P	P	P	X		P	P	P
- Bulk Sales	X	P	P	P	X		P	C	P
- Outdoor Sales	X	C	P/L[26]	P/L[26]	X		P/L[26]	X	P/L[26]
Artisan and Specialty Goods Production	X	L[40]	L[40]	L[40]	X		X	X	L[40],52
Motor Vehicle Related									
- Motor Vehicle Sales/Rental	X	L[27]	P	P	X		C[27]	X, L[45]	X
- Motor Vehicle Servicing/Repair (entirely indoors)	X	L[28]	L[28]	L[28]	X		C[28]	X	X
- Vehicle Fuel Sales	X	L[28]	L[28]	L[28]	C		C[28]	X	X
- EV Basic Charging Stations (accessory and standalone)	P	P	P	P	P		P	P	P

USE	CN	CC	CG	CX	WX	CPX[1]	MX[2]	RGX[44]	HX[51]
- EV Rapid Charging Stations (accessory and standalone)	P	P	P	P	P		P	P	P
-EV Battery Exchange Stations	X	P	P	P	X		X	P	X
Office									
- General	L[19]	P	P	P	P		P	P	P
- Medical	L[19]	P	P	P	P		P	P	P
- Extended	X	P	P	P	X		X	X	X
Marina (See also Chapter 20.760 VMC)	X	P	P	P	P		P	X	P
Non-Accessory Parking	X	C	C	C[43]	C		C	C[43]	X
Self-Service Storage	X	P [3, 50]	P [50]	X	X		X	X	X
INDUSTRIAL									
Bulk Fossil Fuel Storage and Handling Facilities	X	X	X	X	X	X	X	X	X
Cleaner Fuel Storage and Handling Facilities	X	X	X	X	X	X	X	X	X
Small Fossil Fuel Storage and Distribution Facilities	X	X	X	X	X	X	X	X	X
Industrial Services	X	C	C	X	X		X	C	X
Manufacturing and Production	X	C/X[30]	P/X[31]	P/X[41]	X		C/X[32]	P[41]	C/X[32]
Railroad Yards	X	X	X	X	X	X	X	X	X
Research and Development	X	X	P	C	C		C	P	C

USE	CN	CC	CG	CX	WX	CPX[1]	MX[2]	RGX[44]	HX[51]
Warehouse/Freight Movement	X	X	X	X	X		X	X	X
Waste-Related	X	X	P[47]	X	X		X	X	X
Wholesale Sales	X	X	C	C	X		X	X	X
Major Utility Facilities	X	X	X	X	X		X	X	X
OTHER									
Agriculture/Horticulture	X	X	X	X	X		X	X	X
Airport/Airpark	X	X	X	X	X		X	X	X
Animal Kennel/Shelters	X	L[33]	L[33]	X	X		X	X	X
Cemeteries	X	C[34]	P[34]	C[34]	X		C[34]	X	C[34]
Detention & Post Detention Facilities	X	X	C/X[35]	C/X[35]	X		X	X	X
Dog Day Care	L[36]	L[36]	L[36]	L[36]	L[36]		L[36]	L[36]	L[36]
Heliports	X	X	X	C[37]	C[37]		C[37]	C[37]	C[37]
Medical Marijuana Cooperatives	X	X	X	X	X		X	X	X
Recreational Marijuana, Production or Processing	X	X	X	X	X		X	X	X
Recreational Marijuana Retail	X	L[49]	L[49]	X	X		X	X	L[49]
Mining	X	X	X	X	X		X	C	X
Rail Lines/Utility Corridors	C	P	P	P	C		C	P	C
Temporary Uses	L[26]	L[26]	L[26]	L[26]	L[26]		L[26]	L[26]	L[26]
Wireless	X	L/C/X[39]	L/C/X[39]	L/C/X[39]	L/C/X[39]		L/C/X[39]	L/C/X[39]	L/C/X[39]

USE	CN	CC	CG	CX	WX	CPX[1]	MX[2]	RGX[44]	HX[51]
Communication Facilities									

1 Refer to Vancouver Central Park Plan District, Chapter 20.640 VMC.

2 Refer to Mixed Use standards in VMC 20.430.060.

3 A single ground floor caretaker/security/manager residence is allowed if it is an integral part of a mini-storage building.

4 All or part of residential uses must be located above the ground floor of the structure as specified by VMC 20.430.060(B)(2) with exception of Community Commercial (CC) zoned properties fronting Broadway Street and located within the Uptown Village District of the Vancouver City Center Subarea Plan (refer to VMC 20.430.020(B)).

5 Must have a minimum density of 10 dwelling units/net acre.

6 Allowed pursuant to mixed use standards of VMC 20.430.060.

7 Residential Care Homes with six or fewer residents and any required on-site staff permitted by right in housing above the ground floor; all larger group home uses are permitted conditionally.

8 Eligible affordable housing projects must (a) demonstrate eligibility for Washington State Housing Finance Commission Low Income Housing Tax Credits by providing at least 40 percent of units affordable to households at 60 percent of Area Median Income or otherwise as demonstrated eligible for credits; (b) include a guarantee that the threshold is maintained for at least 30 years unless specified longer by the finance commission; and (c) be located on properties whose borders are within 1,000 feet of a bus rapid transit or other high capacity transit corridor, or transit corridors with existing weekday peak service frequencies of 35 minutes or less, as indicated in the C-Tran 2018-2033 Transit Development Plan.

9 The language for this footnote has been deleted.

10 Subject to the provisions of Chapter 20.860 VMC, Home Occupations.

11 Subject to provisions of VMC 20.895.040, Community Recreation and Related Facilities.

12 The language for this footnote has been deleted.

13 Family day care homes for no more than 12 children are permitted when licensed by the state. Child care centers (13 or more children) are Limited (L), subject to a Type II procedure in Chapter 20.210 VMC. Child care centers can also be approved as part of a Planned Development, Chapter 20.260 VMC. In all cases child care centers must meet the standards outlined in Chapter 20.840 VMC.

14 In the CN zone, adult day care facilities for six or fewer adults allowed outright in the CN zone, all other facilities are permitted as conditional uses.

15 The language for this footnote has been deleted.

16 The language for this footnote has been deleted.

17 Transportation facilities are permitted except for large or land-intensive facilities such as park-and-ride lots and water taxi and ferry stations.

18 Bed-and-breakfast establishments are allowed as limited uses, subject to the provisions in Chapter 20.830 VMC, and all other lodging allowed as conditional uses.

19 Limited uses subject to the development standards in VMC 20.430.040(D).

20 Eating and drinking establishments are permitted only in conjunction with another permitted use on site. Exclusively or predominantly drive-through eating and drinking establishments are prohibited.

22 Limited uses subject to the development standards in VMC 20.430.050(B).

23 Subject to provisions in Chapter 20.820 VMC, Adult Entertainment.

24 Provisions in VMC 20.895.060 apply to Indoor Target Shooting Ranges.

25 Pawnshops allowed in CX and CG Districts only. No more than four pawnshop establishments allowed in the CX District.

26 Subject to provisions in Chapter 20.885 VMC, Temporary Uses.

27 Sales/rental lots for motor vehicles only are subject to the following criteria: (a) the lot size is approximately 200 feet by 200 feet, or 100 feet by 100 feet if a corner lot, though smaller lots will be considered if shown to meet all other requirements; (b) reviewed and approved by the city transportation manager for on-site circulation, access, and parking plan; (c) located on a primary arterial with average traffic in excess of 10,000 vehicle trips per day; (d) employee/customer parking is provided at a rate of one space plus an additional space per each 5,000 square feet of lot area; (e) there is no vehicle display in setback areas, and all setbacks are landscaped rather than paved.

28 Subject to provisions in VMC 20.895.070, Motor Vehicle Fuel Sales and Repair.

29 The language for this footnote has been deleted.

30 Micro-breweries and manufacturing of optical, medical and dental devices, goods, and equipment allowed by conditional use; all others prohibited.

31 Micro-breweries, bakeries, printing, publishing, binding, lithography, repair shops for tools, scientific/professional instruments and motors, and manufacturing of optical, medical and dental devices, goods, and equipment allowed outright; all others prohibited.

32 Micro-breweries allowed by conditional use; all others prohibited.

33 Subject to provisions in VMC 20.895.020, Animal Kennel/Shelters.

34 Subject to provisions in VMC 20.895.030, Cemeteries.

35 Secure Transition Facilities as per VMC 20.855.020(B)(6)(a) are prohibited.

36 Subject to the provisions in Chapter 20.850 VMC, Dog Day Care.

37 Subject to provisions in VMC 20.895.080, Private Landing Strips and Heliports. Airpark related uses are permitted in Pearson Airpark and Evergreen Airport only.

38 The language for this footnote has been deleted.

39 Subject to requirements in Chapter 20.890 VMC, Wireless Telecommunications Facilities.

40 Subject to limitations in VMC 20.430.050(A). Uses defined in VMC 20.160.020(C)(10).

41 Printing, binding, lithography, repair shops for tools, scientific/professional instruments and motors, computer research or assembly, and manufacturing of optical, medical and dental devices, goods and equipment permitted outright; all others prohibited.

42 Ground floor residential is allowed within the CX zone with the exception of properties fronting Main Street between Sixth Street and Mill Plain.

43 Parking structures are permitted outright.

44 Allowed subject to provisions of Riverview Gateway Plan District Standards, Chapter 20.680 VMC, and associated Master Plan adopted for the area of proposed development.

45 Motor vehicle rental permitted where ancillary to another use.

46 Retail uses shall not exceed 50,000 square feet in total floor space unless included in a mixed use building with other uses accounting for at least 20 percent of floor space, and is in full compliance with Riverview Plan District Design Guidelines.

47 Neighborhood recycling and/or yard debris collection centers which are exempt from a state solid waste handling permit are permitted; all other waste-related uses prohibited. If a neighborhood recycling and/or yard debris collection center is handling organic materials, they shall not be stored on site for a period longer than seven days.

48 See VMC 20.430.040(E), Park and Ride Facility Development Standards.

49 Subject to Chapter 20.884 VMC.

50 Subject to requirements and standards within the Miscellaneous Special Use Standards for Self-Service Storage, pursuant to VMC 20.895.100.

51 Allowed subject to the provisions of the Heights District Plan standards, Chapter 20.670 VMC.

52 Permitted in the HX Plan district where commercial uses are permitted.

(Ord. M-4341 § 3 (Exh. B), 2021; Ord. M-4289 § 4, 2019; Ord. M-4288 § 4, 2019; Ord. M-4255 § 8, 2018; Ord. M-4254 § 3(DD), 2018; Ord. M-4187 § 7, 2016; ACM dated 1/7/2016; Ord. M-4147 § 4, 2015; Ord. M-4071 § 4, 2014; Ord. M-4035 § 4, 2012; Ord. M-4034 § 13, 2012; Ord. M-4024 § 8, 2012; Ord. M-4002 § 7, 2011; Ord.

M-4002 § 7, 2011; Ord. M-3959 § 26, 2010; Ord. M-3931 § 16, 2009; Ord. M-3922 § 22, 2009; Ord. M-3911 § 5, 2009; Ord. M-3891 § 5, 2008; Ord. M-3865 § 3, 2008; Ord. M-3840 § 22, 2007; Ord. M-3832 § 6, 2007; Ord. M-3730 § 19, 2005; Ord. M-3709 § 9, 2005; Ord. M-3701 § 17, 2005; Ord. M-3698 § 5, 2005; Ord. M-3667 § 3, 2004; Ord. M-3663 § 17, 2004; Ord. M-3643, 2004)

Chapter 20.440
INDUSTRIAL DISTRICTS

Sections:

20.440.010 Purpose.

A. *Provide a range of industrial services for City residents.* One of the major purposes of the regulations governing development in industrial zoning districts is to ensure that a full range of job opportunities are available throughout the City so that residents can work close to home if they choose. The location of land within each industrial district must be carefully selected and design and development standards created to minimize the potential adverse impacts of industrial activity on established residential areas.

B. *Facilitate economic goals.* Another purpose of these regulations is to ensure that there is a full range of economic activities and job opportunities within the City limits, in compliance with the economic goals of the City of Vancouver Comprehensive Plan. (Ord. M-3643, 01/26/2004)

20.440.020 List of Zoning Districts.

A. OCI: Office Commercial Industrial. The OCI zoning district provides appropriate locations for office, light industrial and small-scale commercial uses (e.g., restaurants, personal services and fitness centers) either singly or in combination. Only those light industrial uses with no off-site impacts, e.g., noise, glare, odor, vibration, outdoor storage, or process visibility are permitted in the OCI zone. In addition to mandatory site plan review, design and development standards in the OCI zone have been adopted to ensure that developments will be well-integrated, attractively landscaped, and pedestrian friendly. The OCI zone combines two zones that were referred to as the Office Campus (OC) and Industrial Commercial (MC) zones prior to March 11, 2004.

B. IL: Light Industrial. The IL zoning district provides appropriate locations for combining light, clean industries including industrial service, manufacturing, research/development, warehousing activities, and general office uses and limited retail. These activities do not require rail or marine access and have limited outdoor storage.

C. IH: Heavy Industrial. The IH zoning district provides appropriate locations for intensive industrial uses including industrial service, manufacturing and production, research and development, warehousing and freight movement, railroad yards, waste-related and wholesale sales activities. Activities in the IH zone include those that involve the use of raw materials, require significant outdoor storage and generate heavy truck and/or rail traffic. Because of these characteristics, IH-zoned property has been carefully located to minimize impacts on established residential, commercial and light industrial areas.

D. ECX: Employment Center Mixed-Use. The ECX zoning district is designed to provide for a concentrated urban mix of office, light industrial and small-scale commercial uses (e.g., restaurants, personal services and fitness centers) either singly or in combination in the Section 30 Employment Center Plan District. Only those light industrial uses with no off-site impacts, e.g., noise, glare, odor, vibration, outdoor storage, or process visibility are permitted in the ECX zone. In addition, the ECX zoning district provides for optional Urban Neighborhood Overlay(s), allowing for two concentrated urban mixed-use commercial/residential neighborhoods. Mandatory master planning and development standards in the ECX zone have been adopted to ensure that developments will be well-integrated, attractively landscaped, and pedestrian friendly. (Ord. M-3930 § 6, 10/05/2009; Ord. M-3730 § 24, 12/19/2005; Ord. M-3643, 01/26/2004)

20.440.025 Industrial Zone Function and Location Criteria.

A. *General Criteria.* Increasing industrially zoned land shall be favorably considered when such action will provide additional opportunities for business expansion, retention of manufacturing and other industrial firms, or increased employment, especially employment that adds to or maintains the diversity of job opportunities.

B. *OCI (Office-Commercial-Industrial) Location Criteria.* The OCI (Office-Commercial-Industrial) zone designation is most appropriate in areas generally characterized by the following:

1. Areas with existing concentrations of technology-oriented, research and development, and professional service uses or close proximity to major institutions capable of utilizing or supporting new technology-oriented, research and development, and professional service businesses.

2. Existing light or heavy industrial areas which are undergoing a transition to predominantly office and/or mixed commercial and industrial activity.

3. Areas which are underutilized and could provide the type of environment attractive for new technology-oriented, research and development, and professional service office-style development.

4. Areas with access primarily along major highways and arterials, preferably well served by transit.

C. *IL (Light Industrial) Location Criteria.* The Light Industrial (IL) zone designation is most appropriate in areas generally characterized by the following:

1. Areas that are currently developed with a mix of industrial activity and related or limited commercial uses;

2. Areas that, because of their size, isolation, or separation by another type of zone or major physical barrier (such as a topographic break, major arterial, waterway, or open space) can accommodate more industrial activity without conflicting with the function of nearby commercial and residential activity.

3. Areas with adequate access to the existing and planned arterial street network, such that additional trips generated by increased industrial activity in the area can be

accommodated without conflicting with the access and circulation needs of nearby commercial and residential activity.

4. Large parcels of land with generally flat topography;

5. Adequate water, sewer, and fire protection services are available.

D. *IH (Heavy Industrial) Location Criteria.* The IH (Heavy Industrial) zone designation, as defined above, is most appropriate in areas generally characterized by the following:

1. Areas with suitable water access for marine industrial activity and/or directly served by major freight rail lines serving industrial businesses;

2. A character established by existing industrial uses and related commercial activity including manufacturing use, warehousing, transportation, utilities, and similar activities;

3. Areas that, because of their size, isolation, or separation by a nonresidential zone or major physical barrier (such as a topographic break, major arterial, waterway, or open space) can accommodate more industrial activity without conflicting with the function of nearby commercial and residential activity.

4. Access by roads designed/developed to accommodate heavy load or high volume truck traffic, with minimal mixing with nonindustrial traffic.

5. Large parcels of land with generally flat topography;

6. Adequate water, sewer, and fire protection services are available. (Ord. M-3730, Added, 12/19/2005, Sec 23)

20.440.030 Uses.

A. *Types of uses.* For the purposes of this chapter, there are four kinds of use:

1. A permitted (P) use is one that is permitted outright, subject to all of the applicable provisions of this title.

2. A limited (L) use is permitted outright providing it is in compliance with special requirements, exceptions or restrictions.

3. A conditional use (C) is a discretionary use reviewed through the process set forth in Chapters 20.245 and 20.210 VMC, governing conditional uses and decision-making procedures, respectively.

4. A prohibited use (X) is one that is not permitted in a zoning district under any circumstances.

5. Uses may also be subject to restrictions and standards set forth in the Water Resource Protection Ordinance (VMC Title 14).

B. *Use table.* A list of permitted, limited, conditional, and prohibited uses in the industrial zoning districts is shown in Table 20.440.030-1.

Table 20.440.030-1. Industrial Zoning Districts Use Table

USE	OCI[20]	IL[1]	IH	ECX[27]
RESIDENTIAL				
Household Living	L[2]	L[2]	L[2]	L[28]
Group Living	P[21]/X	X	X	P[21]/X
Home Occupation	L[3]	L[3]	L[3]	L[3]
HOUSING TYPES				
Single Dwelling, Attached	L[2]	X	X	L[28]
Single Dwelling, Detached	X	X	X	X
Accessory Dwelling Units	X	X	X	X
Duplexes	L[2]	X	X	L[28]
Multi-Dwelling Units	L[2]	X	X	L[28]
Existing Manufactured Home Developments	X	X	X	X
Designated Manufactured	X	X	X	X
New Manufactured Homes	X	X	X	X

USE	OCI[20]	IL[1]	IH	ECX[27]
CIVIC (Institutional)				
Basic Utilities	P	P	P	P
Colleges	X	X	X	C
Community Centers	P	X	P	P
Community Recreation	L[24]	P	X	L[24]
Cultural Institutions	X	P	X	P
Day Care				
- Child Care Center	L[4]	L[4]	X	L[4]
- Adult Day Care	P	P	X	P
Emergency Services (except ambulance services)	P	P	P	P
Medical Centers	C	X	X	P
Parks/Open Space				
- Neighborhood Parks	P	P	P	P
- Community Parks	P	P	P	P
- Regional Parks	C	C	C	C
- Trails	P	P	P	P
Postal Service	X	P	P	X
Religious Institutions	X	X	X	X
Schools	X	X	X	X
Social/Fraternal Clubs	X	X	X	X
Transportation Facility	P/X[26]	P	P	P/X[26]
Park and Ride Facilities				
Surface	X	L[31]	L[31]	X

USE	OCI[20]	IL[1]	IH	ECX[27]
Structure	L[31]	L[31]	L[31]	L[31]
COMMERCIAL				
Commercial and Transient Lodging	X	X	X	P
Eating/Drinking Establishments	L	L[5]	L[5]	L[6]
Entertainment-Oriented				
- Adult Entertainment	X	L[7]	L[7]	X
- Indoor Entertainment	X	X	X	X
- Major Event Entertainment	X	X	X	X
Artisan Small Scale Manufacturing	X	X	X	P
General Retail				
- Sales-Oriented	L	L[6]	L/C[6]	L[6]
- Personal Services	L	L[6]	X	L[6]
- Repair-Oriented	L	L[6]	X	L[6]
- Bulk Sales	X	X	X	X
- Outdoor Sales	X	X	P	X
Motor Vehicle Related				
- Motor Vehicle Sales/Rental	X	X	X	X
- Motor Vehicle Servicing/Repair	X	L[8]	L[8]	X
- Vehicle Fuel Sales	X	X	L[8]	L[8, 29]
- EV Basic Charging Stations (accessory and stand-alone)	P	P	P	P
- EV Rapid Charging Stations (accessory and stand-alone)	P	P	P	P

USE	OCI[20]	IL[1]	IH	ECX[27]
- EV Battery Exchange Stations	P	P	X	P
Office				
- General	P	P	L/C[9]	P
- Medical	P	P	X	P
- Extended	P	P	X	P
Marina (See also Chapter 20.760 VMC)	X	C	X	X
Nonaccessory Parking	C[10]	L[10]/X	X	L[30]
Self-Service Storage	P [35]	P [35]	X	X
INDUSTRIAL				
Industrial Services	P	P	P	P
Manufacturing and Production	P	P[11]	P[11]	P
Railroad Yards	X	X	P	X
Bulk ~~Crude Oil~~Fossil Fuel Storage and Handling Facilities	X[34]	X[34]	X/L/C[34]	X[34]
Cleaner Fuel Storage and Handling Facilities	X	X	C[37]	X
Small Fossil Fuel Storage and Distribution Facilities	X	X	C[37]	X
Petroleum/Oil Refineries	X	X	X	X
Research and Development	P	P	C	P
Warehouse/Freight Movement	X	L[12]	P	X
Waste-Related	X	X	P[22]/X	X
Wholesale Sales	P	L[12]	X	X
Major Utility Facilities	X	X/P[32]	L[33]	X

USE	OCI[20]	IL[1]	IH	ECX[27]
OTHER				
Agriculture/Horticulture	X	P	P	X
Airport/Airpark	X	L[19]	P	X
Animal Kennel/Shelters	X	L[17]	L[17]	X
Cemeteries	X	X	C	X
Detention and Post Detention Facilities	X	C/X[13]	C[14]	X
Dog Day Care	L[15]	L[15]	L[15]	L[15]
Heliports	C	C	C	C
Medical Marijuana Cooperatives	X	X	X	X
Recreational Marijuana Retail	X	X	X	X
Recreational Marijuana Growing or Processing	X	L[36]	L[36]	X
Mining	C[18]	C[18]	C[18]	C[18]
Rail Lines/Utility Corridors	P/X[23]	P	P	P/X[23]
Wireless Communication Facilities	L[16]	L[16]	L[16]	L[16]

1 Due to the unique character and combination of uses in the Columbia Business Center area, uses existing prior to March 11, 2004, on parcels zoned IL in the Columbia Business Center may be altered, expanded or replaced regardless of use limitations in Table 20.440.030-1.

2 In the OCI zone, multifamily housing allowed above ground floor only as specified by VMC 20.430.060(B)(2). In all industrial zones, one caretaker residence permitted per use.

3 Subject to the conditions in Chapter 20.860 VMC, Home Occupations.

4 Child care centers allowed as a Limited (L) use, subject to a Type II procedure. Child care centers are permitted in order to provide service for those employees working in the IL district, subject to provisions in Chapter 20.840 VMC, Child Care Centers.

5 If within an industrial building, these uses shall consume no more than 10 percent of the building's total gross square footage. If freestanding, they shall be considered together with the rest of the project and shall consume no more than 10 percent of the site's total gross square footage.

6 These limited uses, separately or in combination, may not exceed 20 percent of the entire building square footage within a development complex. No retail uses shall exceed 40,000 gross square feet (gsf) per building or business; retail uses greater than 40,000 gsf but less than 60,000 gsf require conditional use review.

7 Subject to provisions in Chapter 20.820 VMC, Adult Entertainment.

8 Subject to provisions in VMC 20.895.070, Motor Vehicle Fuel Sales and Repair.

9 Offices not accessory to a permitted use may not exceed 40,000 gsf; offices greater than 40,000 gsf but less than 60,000 gsf require conditional use review.

10 In the OCI zone, nonaccessory surface parking is conditionally permitted on brownfields where subsurface environmental constraints effectively preclude other uses, provided such development complies with applicable local, state and federal environmental standards. In the IL zone, nonaccessory surface parking is permitted, and nonaccessory structured parking is prohibited. In the ECX zone, nonaccessory structural parking only shall be permitted.

11 Electroplating and related uses not permitted.

12 Permitted as limited use provided all activities, except outdoor storage of materials, are wholly contained within building(s).

13 Secure Community Transition Facilities as per Chapter 20.150 VMC are prohibited.

14 In addition to other detention and post-detention facilities, Secure Community Transition Facilities are allowed by conditional use permit, subject to criteria set forth in VMC 20.855.020(B)(6)(a).

15 Subject to provisions in Chapter 20.850 VMC, Dog Day Care.

16 Subject to requirements in Chapter 20.890 VMC, Wireless Telecommunications Facilities.

17 Subject to provisions in VMC 20.895.020, Kennels/Shelters.

18 Surface mining is only allowed by conditional use on sites of 20 acres or larger which are adjacent to existing mining operations. Reclamation activity for existing mining operations approved by the Washington State Department of Natural Resources is a permitted use in any nonresidential zoning district.

19 Allow airport/airpark related activities such as hangars, air cargo, and warehousing, pilot schools, aircraft sales and repairs, aviation clubs, and museum in the Light Industrial District (IL). New airports/airparks are prohibited.

20 All uses locating the OCI zone shall comply with the special use limitations of VMC 20.440.040(C) and 20.440.050(A). Development agreements in existence on the effective date of the ordinance codified in this section shall control the uses and development standards of the affected properties. In order to protect the investments made in reliance upon such agreements, improvements made or site plans approved consistence with these agreements shall not be deemed nonconforming.

21 Existing legally established group living uses are permitted. New group living is prohibited.

22 Ten-day hazardous waste handling and transfer facilities, excluding facilities handling radioactive or high explosive materials, are allowed, provided such facilities: (a) do not repackage waste (except as necessary to address damaged or improper packaging); (b) are located at least 200 feet from any residential zoning district; and (c) do not store hazardous wastes (except for "universal wastes," as that term is defined in Code of Federal Regulations, Title 40, Part 273) for more than 10 days.

23 Prohibited within 200 feet of a residential zone.

24 Subject to provisions of VMC 20.895.040, Community Recreation and Related Facilities.

25 The language for this footnote has been deleted.

26 Transportation facilities are permitted except for large or land-intensive facilities such as water taxi and ferry stations.

27 All uses locating in the ECX zone shall comply with Chapter 20.690 VMC, Section 30 Employment Center Plan District. Development agreements in existence on the effective date of this ordinance shall control the uses and development standards of the affected properties, unless property owners choose differently as provided under VMC 20.690.030. In order to protect the investments made in reliance upon such agreements, improvements made or site plans approved consistent with these agreements shall not be deemed nonconforming.

28 In the ECX zone, multi-family housing is allowed above ground floor only; and one caretaker residence permitted per use.

29 Vehicle fuel sales is limited to one operation within the Section 30 Plan District

30 The language for this footnote has been deleted.

31 See VMC 20.430.040(E), Park and Ride Facility Development Standards.

32 Major Utility Facilities are prohibited with the exception that sewer treatment plants and lagoons are allowed outright.

33 Coal-fired electricity generating plants are prohibited in all districts. Biomass ~~and coal~~ generating plants are prohibited on Heavy Industrial zoned properties within the Vancouver City Center Subarea and Hough Neighborhood Association boundaries located west of Lincoln Street and east of the Burlington Northern Sante Fe Railroad tracks.

34 New bulk fossil fuel storage and handling facilities are prohibited. Maintenance and safety improvements to existing bulk fossil fuel storage and handling facilities are allowed ~~with a Limited permit~~ subject to compliance with requirements in ~~per~~ VMC 20.895.110. Existing bulk ~~crude oil~~fossil fuel storage and handling facilities including vested projects as of ~~July 18, 2016~~[insert date of ordinance], ~~are prohibited to~~ may convert to Cleaner Fuels and as part of such conversion may expand the amount of ~~crude~~ storage by up to 15 percent of the baseline capacity subject to a Conditional Use Permit and compliance with the requirements of VMC 20.895.110. ~~that apply to facilities seeking a Limited or Conditional Use Permit.~~

35 Subject to requirements and standards within the Miscellaneous Special Use Standards for Self-Service Storage, pursuant to VMC 20.895.100.

36 Subject to compliance with Chapter 20.884 VMC, Marijuana Businesses.

37 Subject to compliance with VMC 20.895.110.

Chapter 20.450
OPEN SPACE DISTRICTS

Sections:

20.450.010 Purpose.

Generally. Open space districts are intended to protect, preserve, conserve, and enhance natural areas, greenways, and parks. Together, the open space districts are intended to provide a full range of passive and active uses as well as environmental protection and enhancement for the future use, understanding, and enjoyment of the City and its residents. (Ord. M-3643, 01/26/2004)

20.450.020 List of Open Space Districts.

A. NA: Natural Areas. The Natural Areas District is intended to protect and preserve properly functioning habitat conditions to support the natural ecosystem of an area. Uses and activities to maintain and/or enhance the ecosystem and passive uses and activities are appropriate for these areas.

B. GW: Greenway. The Greenway District is intended to preserve, conserve, and enhance natural features to support water quality, habitat, public access, and education, contributing to Vancouver’ s quality of life. Passive and low impact, low-intensity uses and activities are appropriate for these areas. The Greenway District consists of a set of greenways. Some are regulated individually to achieve their special purposes.

1. GW-Lettuce Fields Greenway District (Figure 20.450– 1). The Lettuce Fields Greenway District implements the Lettuce Fields Subarea Plan. The Lettuce Fields Greenway District is intended to effect (1) establishment of a continuous greenway throughout the District and the preservation and enhancement of its open space character; (2) enhancement and maintenance of the environmental conditions of the district, including fish and wildlife habitat; (3) provision of physical as well as visual public access to the publicly-owned lands of the district, including development of a pedestrian and bicycle trail connecting to established or planned trails on the east and west; (4) provision of environmental education opportunities; (5) enhanced stormwater and flood plain management; and (6) other passive or low-intensity, low-impact uses which further the public interest as stated in this section.

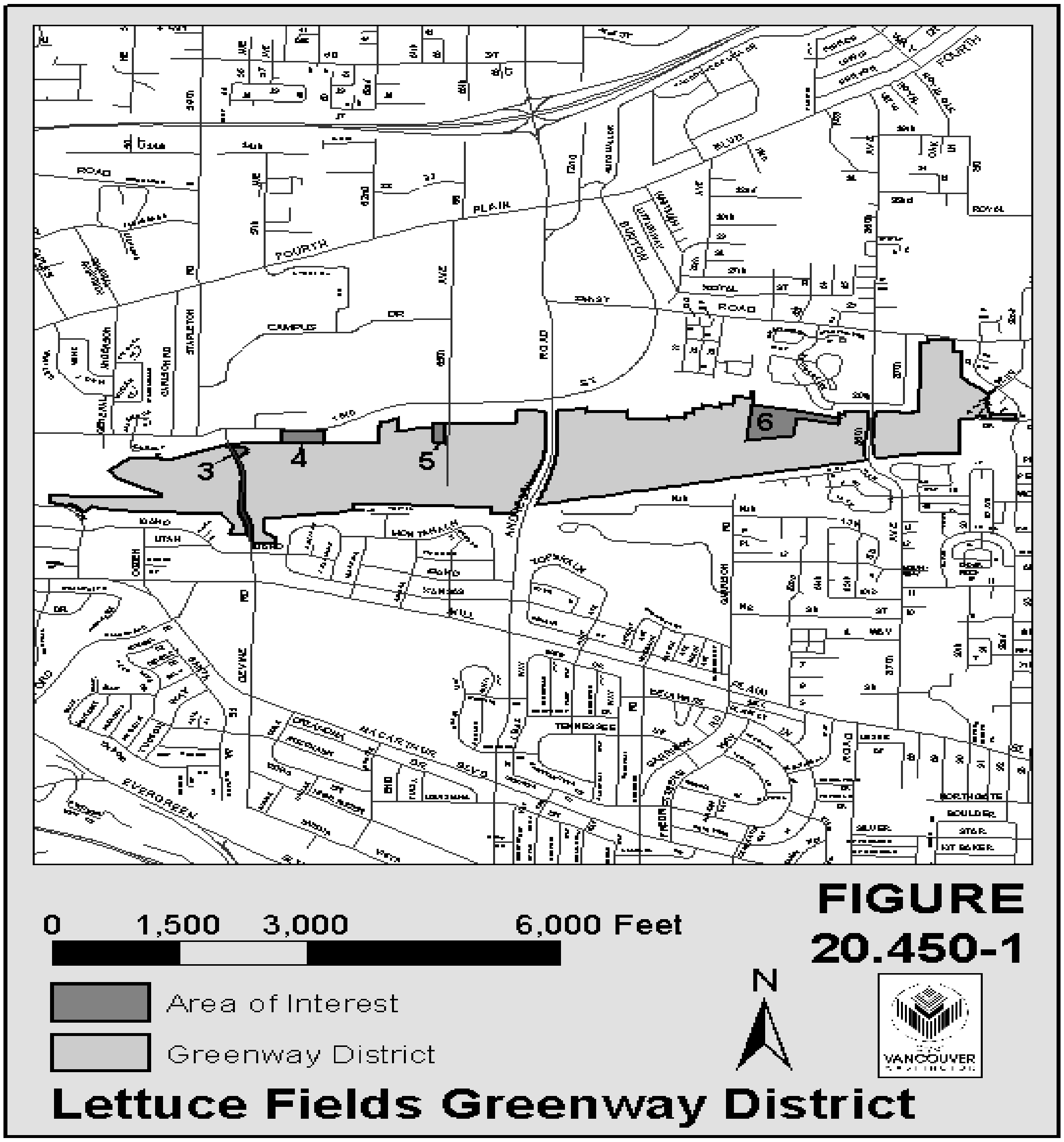


FIGURE 20.450-1

Lettuce Fields Greenway District

2. GW-Vancouver Lake Greenway District (Figure 20.450– 2). The Vancouver Lake Greenway District is intended to encourage the preservation of agricultural and wildlife use on land which is suited for agricultural production, and to protect from incompatible uses agricultural areas that are highly valuable seasonal wildlife habitat. The district provides for activities which can be considered accessory only to agricultural, game, or wildlife habitat management, or recreational uses. Nothing in this chapter shall be construed to restrict normal agricultural practices.

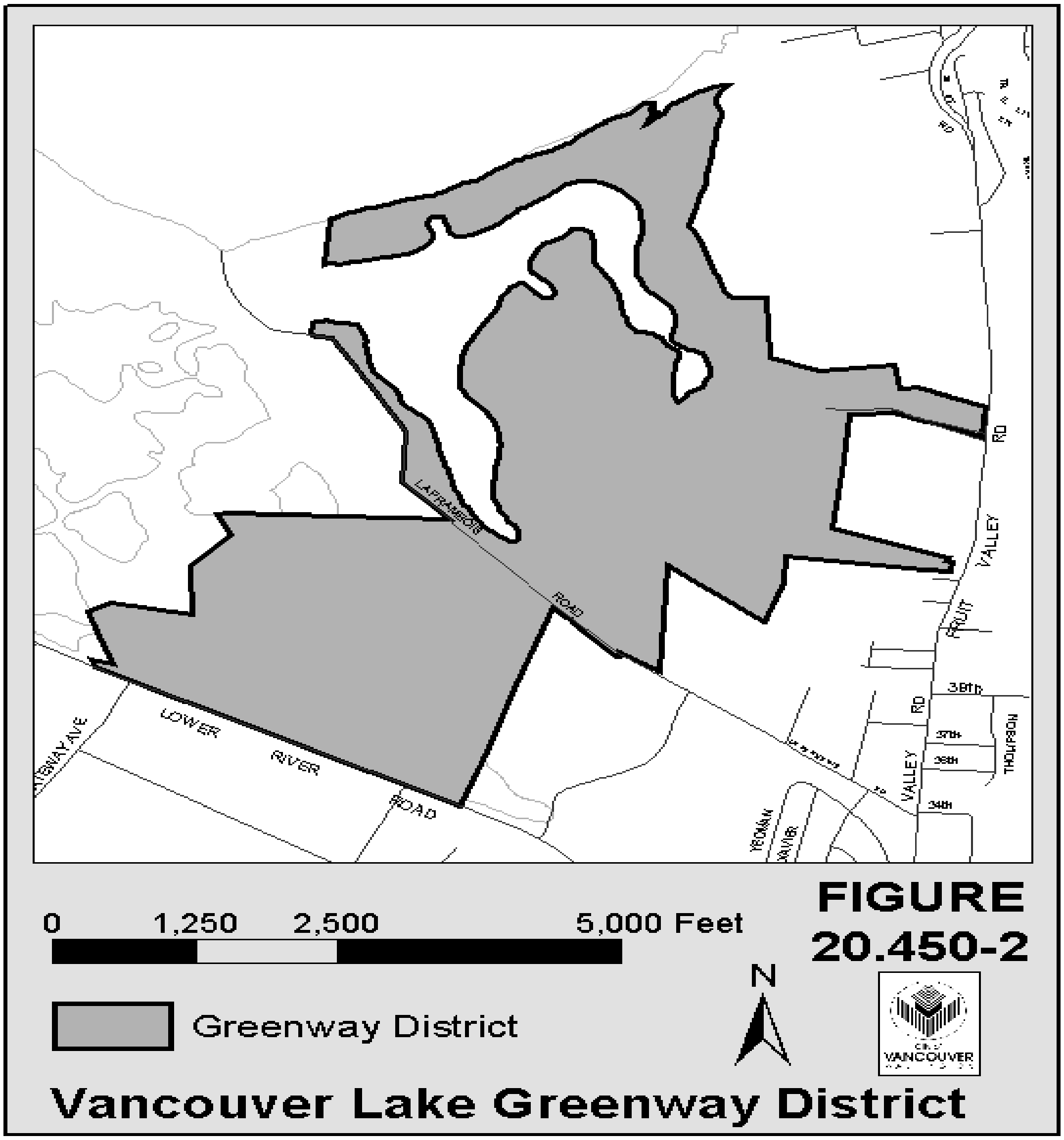


FIGURE 20.450-2

Vancouver Lake Greenway District

3. GW: General Greenway District. The General Greenway District is intended to encourage preservation, conservation, and enhancement of natural areas in dispersed locations outside of the Lettuce Fields Greenway District or the Vancouver Lake Greenway District.

C. *Park.* The Park District is land that has been or is intended to be developed to provide for moderate- to high-intensity recreational activities in addition to passive or low-intensity recreational experiences. Environmental preservation, conservation, and enhancement are also objectives in the development and maintenance of park districts. Park districts will generally consist of neighborhood, community, and regional parks as defined by the Vancouver Urban Parks, Recreation, and Open Space Plans. (Ord. M-3643, 01/26/2004)

20.450.030 Uses.

A. *Types of uses.* For the purposes of this chapter, there are four kinds of use:

1. A permitted (P) use is one that is permitted outright, subject to all of the applicable provisions of this title. Although permitted by right, most of these uses are still subject to the Site Plan Review, as governed by Chapter 20.270 VMC.

2. A limited (L) use is permitted outright providing it is in compliance with special requirements, exceptions or restrictions. Most uses also are subject to Site Plan Review, as governed by Chapter 20.270 VMC. If not subject to Site Plan Review, such a use may be subject to a Type I review, per the requirements in VMC 20.210.040.

3. A conditional use (C) is a discretionary use reviewed by the hearings examiner. The approval criteria and approval process are set forth in Chapters 20.245 and 20.210 VMC, governing conditional uses and decision-making procedures, respectively.

4. A prohibited use (X) is one that is not permitted in a zoning district under any circumstances.

B. *Use tables.* Lists of permitted, limited, conditional, and prohibited uses in Open Space Districts are presented in Tables 20.450.030-1 and 20.450.030-2. Specialized open space uses and activities are set forth in Table 20.450.030-1. Uses described in the Use Classification section (Chapter 20.160 VMC), are set forth in Table 20.450-2. Special limitations on uses are set forth in VMC 20.450.050.

Table 20.450.030-1

Specialized Open Space Uses/Activities

		Greenway			
USE	**Natural Area**	**Vancouver Lake**	**Lettuce Fields[1]**	**General**	**Park**
OPEN SPACE/ PARKS AND					

Table 20.450.030-1 Specialized Open Space Uses/Activities					
		Greenway			
USE	**Natural Area**	**Vancouver Lake**	**Lettuce Fields[1]**	**General**	**Park**
RECREATION					
Agricultural Related[2]					
- Agriculture[2]	X	L	L[3]	X/ L[4]	L[4]
- Horticulture[2]	X	L	L	X/ L[4]	L[4]
- Silviculture[2]	X	C	L	X/ L[4]	L[4]
- Roadside Agricultural Stands/Sales[2]	X	L	L	X/L[4]	L[4]
- Storage Structures[2]	X	L	L	L[4]	L[4]
- Housing for Agricultural Employees[2]	X	X/C[5]	X	C	X
Environmental Management and Education[2]					
- Environmental Education Activities	P	P	P	P	P
- Environmental Maintenance Projects and Activities	P	P	P	P	P
- Environmental Restoration, Rehabilitation, or Enhancement Projects and Activities	P	P	P	P	P
Fences[2]	X	P	L	P	P
Fill [2]	C	L	L	L	P
Flood Plain and Stormwater Management Projects	C	C	P	P	P
Wetland Banking	C	C	P	P	P
Wetland Mitigation	C	C	P	P	P
Wildlife Habitat	P	P	P	P	P

Table 20.450.030-1 Specialized Open Space Uses/Activities					
		Greenway			
USE	**Natural Area**	**Vancouver Lake**	**Lettuce Fields[1]**	**General**	**Park**
Conservation, Maintenance, Rehabilitation, Restoration, Enhancement, and Education Projects					
Park Facilities					
- Interpretive Stations, Construction and Maintenance[2]	C	P	P	P	P
- Playgrounds	X	X	X	P	P
- Restrooms[2]	C	L	L	L	P
- Neighborhood Parks	X	X	X	P	P
- Community Parks	X	X	X	P	P
- Regional Parks	X	X	X	X	P
Recreational Facilities					
- Passive or Low-Impact, Low-Intensity Uses	P	C[6]	P	P	P
-Moderate or High-Impact, High-Intensity Uses	X	X	X	C	P
Motorized Recreational Equipment including Off-Road Vehicles and All Terrain Vehicles	X[7]	X[7]	X	X[7]	C[7]
- Community Recreation Facilities	X	X	X	X	P
- Trails[2]	L	L	L	L	P
- Parking[2]	C	L	L	L	P
- Informational and Interpretative Signs[2]	P	P	L/X	P	P

1 All uses in the Lettuce Fields Greenway District are subject to the special provisions for uses in VMC 20.450.050(A).

2 The use is allowed (P, L, or C) subject to all applicable development standards set forth in VMC 20.450.040.

3 Agricultural practices existing on or before April 19, 2001, may continue. New agricultural uses must meet the standards of VMC 20.450.040.

4 Permitted uses of this classification or type are limited to those in existence on the date this ordinance was effective.

5 The prohibition on housing for agricultural employees in the Vancouver Lake Greenway District does not include a prohibition for a caretaker residence (see Table 20.450.030-2).

6 Subject to the development standards in VMC 20.450.040(D)(2).

7 Not including motorized boats where permitted on Vancouver Lake and the Columbia River.

Table 20.450.030-2

Permitted, Limited, Conditional and Prohibited

Uses in Open Space District

		Greenway			
USE	**Natural Area**	**Vancouver Lake**	**Lettuce Fields[2]**	**General**	**Park[1]**
RESIDENTIAL					
Household Living	X	X/L[3]	X/L[3]	X/L[3]	X/L[3]
Group Living	X	X	X	X	X
Home Occupation	X	X	X	X	X
HOUSING TYPES					
Single Dwelling, Attached	X	X	X	X	X
Single Dwelling, Detached	X	X/L[3]	X/L[3]	X/L[3]	X/L[3]
Accessory Dwelling Units	X	X	X	X	X
Duplexes	X	X	X	X	X
Multi-Dwelling Units	X	X	X	X	X

Table 20.450.030-2 **Permitted, Limited, Conditional and Prohibited Uses in Open Space District**					
		Greenway			
USE	**Natural Area**	**Vancouver Lake**	**Lettuce Fields[2]**	**General**	**Park[1]**
Existing Manufactured Home Development	X	X	X	X	X
Designated Manufactured Home	X	X	X	X	X
New Manufactured Home	X	X	X	X	X
CIVIC (Institutional)					
Colleges	X	X	X	X	X
Community Centers	X	X	X	X	X
Community Recreation	X	X	X	X	P
Cultural Institutions	X	X	X	X	P
Day Care					
Family Day Care Home	X	L[4]	X	X	P
Child Care Center	X	C[4]	X	X	X
- Adult Day Care	X	C	X	X	P
Emergency Services	X	X	X	X	X
Medical Centers	X	X	X	X	X
Postal Service	X	X	X	X	X
Religious Institutions	X	X	X	X	X
Schools	X	C	X	X	P
Social/Fraternal Clubs	X	X	X	X	X

Table 20.450.030-2 Permitted, Limited, Conditional and Prohibited Uses in Open Space District					
		Greenway			
USE	**Natural Area**	**Vancouver Lake**	**Lettuce Fields[2]**	**General**	**Park[1]**
COMMERCIAL					
Commercial and Transient Lodging	X	X	X	X	X
Eating/Drinking Establishments	X	X	X	X	X
Entertainment-Oriented					
- Adult Entertainment	X	X	X	X	X
- Indoor Entertainment	X	X	X	X	X
- Major Event Entertainment	X	X	X	X	X
General Retail					
- Sales-Oriented	X	X	X	X	X
- Personal Services	X	X	X	X	X
- Repair-Oriented	X	X	X	X	X
- Bulk Sales	X	X	X	X	X
- Outdoor Sales	X	X	X	X	X
Motor Vehicle Related					
- Motor Vehicle Sales/Rental	X	X	X	X	X
-Motor Vehicle Servicing/Repair	X	X	X	X	X
- Vehicle Fuel Sales	X	X	X	X	X

Table 20.450.030-2 Permitted, Limited, Conditional and Prohibited Uses in Open Space District					
		Greenway			
USE	**Natural Area**	**Vancouver Lake**	**Lettuce Fields[2]**	**General**	**Park[1]**
- Electric Vehicle Re-charging Station	X	X	X	X	X
Office					
- General	X	X	X	X	X
- Medical	X	X	X	X	X
- Extended	X	X	X	X	X
Non-Accessory Parking	X	X	X	X	X
Self-Service Storage	X	X	X	X	X
Marina	X~~X~~	X~~X~~	X~~X~~	X~~X~~	X~~X~~
INDUSTRIAL					
Bulk Fossil Fuel Storage and Handling Facilities	X	X	X	X	X
Cleaner Fuel Storage and Handling Facilities	X	X	X	X	X
Small Fossil Fuel Storage and Distribution Facilities	X	X	X	X	X
Industrial Services	X	X	X	X	X
Manufacturing and Production	X	X	X	X	X
Railroad Yards	X	X	X	X	X
Research and Development	X	X	X	X	X

Table 20.450.030-2 Permitted, Limited, Conditional and Prohibited Uses in Open Space District					
		Greenway			
USE	Natural Area	Vancouver Lake	Lettuce Fields[2]	General	Park[1]
Warehouse/Freight Movement	X	X	X	X	X
Wholesale Sales	X	X	X	X	X
Waste-Related	X	X	X	X	X
OTHER					
Airport/Airpark	X	X	X	X	X
Animal Kennels/Shelters	X	X	X	X	X
Cemeteries	X	X	X	X	C[5]
Detention Facilities	X	X	X	X	X
Dog Day Care	X	X	X	X	X
Heliports	X	X	X	X	X
Landfills, Sanitary	X	X	X	X	X
Mining	X	X	X	X	X
Public Facilities and Utilities					
- Essential Utilities	X	P	L[6]	L[7]	L[7]
- Major Utilities	X	X	X/C[6]	C	C
- – Essential Public Facilities	X	X	C[6]	C	C
- – Other Major Utilities	X	X	X	C	C
- Minor Utilities	X	C	L[6]	C[7]	C[7]
- Public Utility Corridors	X	C	C[6]	C	C

Table 20.450.030-2 Permitted, Limited, Conditional and Prohibited Uses in Open Space District					
		Greenway			
USE	**Natural Area**	**Vancouver Lake**	**Lettuce Fields[2]**	**General**	**Park[1]**
- Transportation Facilities	X	C	C[8]/X	C	C
Rail Lines	X	X	X	C	C
Recreational or Medical Marijuana Facilities	X	X	X	X	X
Temporary Uses	X	X	X	X	X
Wireless Communication Facilities	X	C/L[9]	X	C[10]	C

1 Parks shall be developed in accordance with the standards set forth in VMC 20.450.040.

2 All uses in the Lettuce Fields Greenway District are subject to the special provisions for uses in VMC 20.450.050(A).

3 Caretaker residence or existing dwellings are permitted. In the Lettuce Fields Greenway District, only existing dwellings are permitted. New dwellings, including guest houses, accessory dwelling units, bed and breakfast establishments, etc. are prohibited. In the Vancouver Lake Greenway District, single-family dwellings require a minimum of 160 acres each.

4 Family day care homes for no more than 12 children are permitted when licensed by the state. Family day care homes and child care centers (13 or more children) must meet the standards outlined in Chapter 20.840 VMC.

5 Subject to the provisions of VMC 20.895.030, Cemeteries.

6 Subject to the development standards of VMC 20.450.040(B)(5).

7 Plans for the construction or extension of essential utility services are to be reviewed and approved by development review staff. Utilities shall be installed underground or screened as to not be visible within the Greenway or Park. No septic fields are allowed.

8 Only transit stops and shelters and bicycle parking integrated with automobile parking at trailheads are permitted by conditional use. Other transportation facilities are prohibited.

9 Permitted subject to the requirements of Chapter 20.890 VMC.

10 Permitted only as co-location and through the conditional use process.

(Ord. M-4071 § 6, 03/03/2014; Ord. M-3709 § 11, 06/20/2005; Ord. M-3643, 01/26/2004)

Chapter 20.895
MISCELLANEOUS SPECIAL USE STANDARDS

Sections:

20.895.010 Purpose.

Purpose. In addition to other standards and requirements imposed by this Title, all uses included in this Chapter shall comply with the provisions stated below. Should a conflict arise between the requirements of this Chapter and other requirements of this Title, the more restrictive provision shall control. (Ord. M-3643, 01/26/2004)

20.895.110 Fossil Fuel or Cleaner Fuel Storage and Handling

A. Purpose. The purpose of these standards is to minimize the risk of spill or discharge of fuels into groundwater or the waters of the state; to avoid and minimize impacts to nearby properties from fire or explosion; to support a reduction in greenhouse gas emissions and a transition to renewable fuel and energy production consistent with Federal, state and local targets; and to protect and preserve fish and wildlife habitat areas to ensure viable Tribal fisheries consistent with Treaty fishing rights.

B. Applicability. The standards in this section apply to:

1. Bulk Fossil Fuel Storage and Handling Facility

2. Cleaner Fuel Storage and Handling Facility

3. Small Fossil Fuel or Cleaner Fuel Storage and Distribution Facilities

C. Standards – Non-Capacity Improvements. The City may approve activities or structures for one or more of the following purposes as a limited use, provided there is no increase in baseline capacity:

1. Maintenance.

2. Improvement of the safety or security of the infrastructure, including seismic upgrades.

3. Decrease in air or water emissions.

4. Allow the facility infrastructure or buildings to meet new regulatory requirements.

5. Addition of accessory structures or activities that do not add to the baseline capacity of the facility.

The applicant for non-capacity improvements shall specify the baseline capacity for the facility as of the date of this ordinance per subsection E.2 below.

D. Standards for New or Expanded Small Fossil Fuel or Cleaner Fuel Storage and Distribution Facilities

1. The applicant shall document the existing baseline, and any proposed additional storage capacity and the fuel type(s) to be stored. Documentation shall be consistent with subsection E.2 below.

2. The Planning Official shall require seismic upgrades to existing facilities as a condition of the land use permit.

3. The applicant shall obtain approval of comprehensive spill prevention and fire response plans to the satisfaction of the Planning Official and Fire Marshal.

E. Standards for Bulk Fossil Fuel Storage and Handling Facilities – New or Capacity Expansion

1. New Facilities. New Bulk Fossil Fuel Storage and Handling Facilities are prohibited, regardless of size.

2. Baseline Established. The baseline for storage, transportation, and transshipment facilities is established by the following information available as of (insert the adoption date of this ordinance). Storage baseline capacity shall be established using Washington Department of Ecology industrial section permits and oil spill prevention plans or other verifiable documentation. Transshipment and transportation facility baseline is established through the most recent spill prevention plans approved by the Department of Ecology or where a local permit documenting such facilities has been approved more recently. If an existing facility does not have an established refining or storage baseline from a past industrial section permit or spill prevention plan, the baseline must be established as part of a permit application.

3. Expansion of Bulk Fossil Fuel Storage and Handling Facilities is allowed up to 15 percent increase above the baseline capacity if converted to Cleaner Fuels, as defined by VMC 20.150 Definitions, and subject to the requirements of Section F below.

F. Standards for Cleaner Fuels Storage and Handling Facilities – New or Expansion.

1. New Cleaner Fuels Storage and Handling Facilities are prohibited in all districts.

2. Existing Bulk Fossil Fuel Storage and Handling Facilities may be converted to Cleaner Fuels as defined by VMC 20.150 Definitions as a limited use, subject to the requirements of subsections 3 b, c, and d below.

3. Existing Bulk Fossil Fuel Storage and Handling facilities converted to Cleaner Fuels may be expanded, subject to approval of a conditional use permit and compliance with the following criteria:

a. Total or partial conversion of an existing fossil fuel storage and handling to cleaner fuel infrastructure is allowed. If a facility is converted the facility may be increased by up to 15 percent above the baseline capacity.

b. If a fossil fuel storage and handling facility is partially or fully converted to cleaner fuel infrastructure that portion shall not be later used for storage, transportation, or transshipment of petroleum-based fossil fuels.

c. Restrictions on petroleum including in gaseous form, and petroleum fuel facilities, shall apply to such alternative fuels that are defined as Cleaner Fuels in VMC 20.150, and all references to hydrogen are limited to green hydrogen.

d. The applicant shall provide a comprehensive spill prevention plan and fire response plan to the satisfaction of the Planning Official and Fire Marshal.

e. Seismic upgrades pursuant to current building code requirements shall be made to any existing fuel storage facilities.

f. GHG Assessment: Greenhouse gas emissions impacts shall be assessed for expanded facilities. The proponent is responsible to provide an expert evaluation by a qualified professional to the satisfaction of the Planning Official. The evaluation shall document baseline lifecycle greenhouse gas emissions from the facility, net increases in lifecycle greenhouse gas emissions, and mitigation of greenhouse gas emission increases. Lifecycle emissions shall be quantified as defined in 42 U.S. Code § 7545. The Planning Official shall require mitigation to address the project's direct greenhouse gas emissions and may require mitigation to address the project's indirect emissions. The assessment shall address mitigation, which may include, but is not limited to the one or more of following: onsite efficiency improvements, carbon capture and storage, purchase of carbon offsets from any carbon registry approved by the Vancouver Land Use Department or state agency, implementation of strategies in Vancouver's Climate Action Plan, or other measures approved by the Planning Official. The mitigation may concurrently satisfy any other requirements imposed by county, state or federal governments. Mitigation shall be made conditions of approval, and shall be specific, identifiable, quantifiable, permanent; enforceable; and verifiable.

g. Financial Assurance in Case of Accidents. To ensure applicants are able to mitigate the consequences of accidents, proof of financial assurance (such as trust funds, letters of credit, insurance, self-insurance, financial tests, corporate guarantees, payment bonds or performance bonds) shall be provided sufficient to comply with the financial responsibility requirements set forth in any State and federal law applicable to their proposed project. If the applicant relies on an insurance policy for compliance with a State or federal financial assurance requirement, the applicant must add the City of Vancouver as an additional insured as a condition of permit issuance.

h. Annual Report. The applicant shall provide annual report to the Planning Official of the following:

> i. A description of on-site storage capacity including the number of tanks, tank volumes, and products.
>
> ii. The number of vessel transfers of fuel, both inbound and outbound from the site, the type and quantity of products transferred, and the product destination.
>
> iii. The number of rail cars transporting fuels, both to and from the site, including a description of the product, volume, and destination.
>
> iv. The number of trucks transporting fuels, both to and from the site, including a description of the product, volume, and destination.
>
> v. Other Baseline monitoring. On an annual basis, the Planning Official will evaluate information from the U.S. Energy Information Administration, WA Department of Ecology, Southwest Washington Clean Air Agency, as well as from local permits, to ensure compliance with the requirements herein.

July 12, 2022

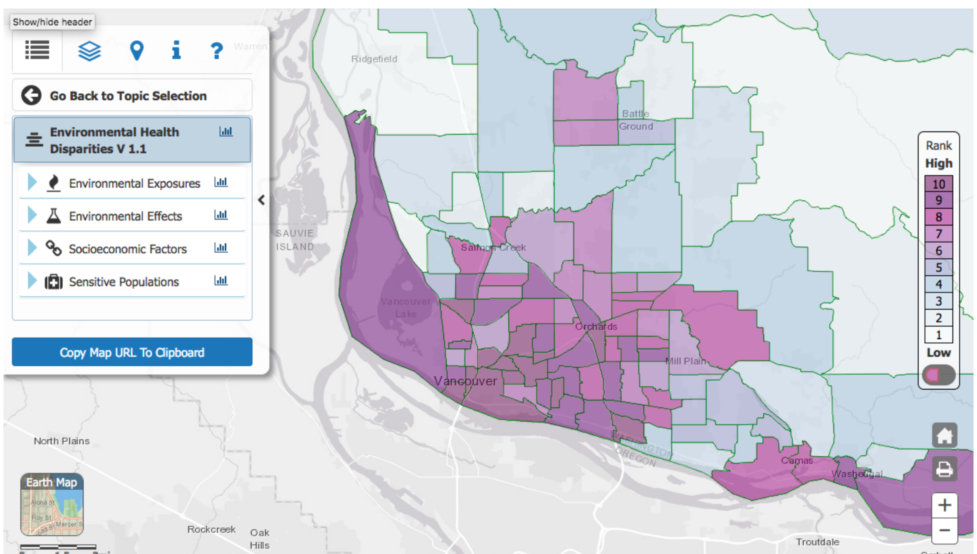
To:
City of Vancouver Planning Commission
Chad Eiken, CDD Director
Bryan Snodgrass, Principal Planner, CDD
Lisa Grueter and Jason Hennessy, BERK Consulting

Subject: ACE Coalition Initial Comments on Draft Fossil Fuel Facilities Proposed Code Changes

Hello Commissioners and Staff,

Thank you for your ongoing work to develop a permanent, targeted ordinance against new or expanded bulk fossil fuel infrastructure in Vancouver. The draft code changes developed by staff based on years of Council direction and intent expressed in the current fossil fuel moratorium represent an important step forward for Vancouver in protecting community health and safety from fossil fuel facilities.

Communities of color and low-income communities in Vancouver already experience some of the most significant environmental health disparities in Washington, which would only be exacerbated by any new or expanded fossil fuel facilities.[1] The proposed ordinance would improve air quality and equity, and increase resilience across Vancouver.



Source: Washington Environmental Health Disparities Map. July 2022.

Specifically, we support the prohibition of new bulk fossil fuel storage and handling facilities, and the limited and conditional allowance for expansions only for the purpose of cleaner fuels and with strong special use requirements including seismic upgrades, spill prevention and fire response plans, and financial assurance. The requirements to establish capacity baselines and report annually on storage and transport, as well as the clear prohibition

[1] Washington Department of Health. Environmental Health Disparities Map. https://fortress.wa.gov/doh/wtnibl/WTNIBL/. Accessed 7.11.2022.

on conversion back to fossil fuel uses, are also strong and necessary accountability mechanisms in the code.

However, we also request additional clarifications and assurances from staff on the following issues to ensure the draft code achieves its intent to protect community health and safety from expanded fossil fuel transport, storage, and handling in Vancouver:

- **Volumetric threshold:** While the draft code uses a two million gallon threshold, other communities across Washington enacting similar protections have utilized a one million gallon threshold in defining a significant facility. Vancouver should similarly adopt a one million gallon threshold to ensure the regulations also cover the Tidewater facility, which under the current regulation could potentially expand roughly 50% before being subject to fossil fuel capacity restrictions and new special use standards.

- **Petrochemicals:** How would the proposed code changes treat new or expanded facility petrochemical proposals similar to the recently proposed—and now canceled—Kalama methanol refinery, which was purportedly for plastics production but clearly had the potential to produce fracked gas-based methanol for fuel.[2] The Bulk Fossil Fuel Storage and Handling Facility definition exempts "facilities that store and handle finished products derived from fossil fuels including but not limited to asphalt, plastics, fertilizers, paints, and denatured ethanol." Fracked gas-to-methanol refineries pose many of the same health and safety risks as traditional refineries, produce methanol for fuel use, and should be clearly prohibited in the adopted ordinance. Similarly ammonia, which has been traditionally considered a fertilizer, is increasingly being used as a fuel.[3] Vancouver should consider the local health and safety impacts, as well as end use, of this product in the local permitting process.

- **Cleaner fuels definition:** The proposed cleaner fuels definition introduces ambiguity for fossil fuel-based alternative fuels that could fall under both the definition of "petroleum" and "cleaner fuels" in the draft code. Chapter 20.150 Definitions, Cleaner Fuels, section G. clarifies that, *"restrictions on petroleum including in gaseous form, and petroleum fuel facilities, shall apply to such Alternative fuels and all references to hydrogen in this chapter are limited to green hydrogen."* What is the effect of this clarification on the regulation of storage and transport of liquid fuels, including LNG and LPG, which could fall under both the definition of "petroleum" in the code and the definition of Alternative Fuels under RCW 19.112.010(2)? We also recommend the petroleum definition be amended to specifically include fracked-gas based methanol, and that the cleaner fuel definition specify that "green hydrogen" refers specifically to electrolytic hydrogen produced using renewable electricity.

A strong bulk fossil fuel ordinance should protect community safety and health, without loopholes that allow for unnecessary expansions or changes of use that create new health, safety, or environmental impacts. We are encouraged by the strong draft code and urge the Planning Commission to move this ordinance forward without delay. Thank you for your work in securing a healthier, safer and more equitable future for Vancouver.

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[2] Molly Soloman, OPB, *Controversial Kalama Methanol Plant May Be Misleading Public, Regulators*, https://www.opb.org/news/article/methanol-plant-kalama-fossil-fuel-china/.
[3] https://oilprice.com/Alternative-Energy/Renewable-Energy/The-Green-Ammonia-Boom-Is-Coming.html

Sincerely,

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Fossil Fuel Facilities Proposed Code Changes

August 1, 2022
City Council Workshop

Chad Eiken, CDD Director
Bryan Snodgrass, Principal Planner, CDD
Lisa Grueter and Jason Hennessy, BERK Consulting

CITY OF Vancouver WASHINGTON

Presentation Overview

- Fossil Fuel Moratorium Background
- Council and Planning Commission Workshops
- Prior Council Direction
- Existing Bulk Fuel Facilities in Vancouver
- Overview of Fossil Fuel Sector – BERK Consulting
- Proposed Changes to VMC 20 VMC, Land Use and Development Code
- Proposed Next Steps

Fossil Fuel Facility Moratorium Background

- Enacted June 2020, most recently extended on June 6, 2022; set to expire November 6, 2022, unless extended
- Moratorium applies to new or expanded large-scale fossil fuel facilities engaged in:
  - Distribution, extraction, refinement, processing, transshipment and bulk storage (over 2 million gallons) of fossil fuels used for energy production
  - Includes coal, petroleum, natural gases (methane, propane, butane, etc.)
  - Does not apply to storage or use of petroleum for commercial sales or industrial processes (e.g. fertilizer or plastics manufacturing, asphalt plants, etc.), or maintenance or repair of existing facilities

Prior PC and Council Review

Planning Commission workshops held on:

- May 25, 2021
- July 27, 2021
- March 8, 2022
- July 12, 2022

City Council enacted the moratorium in December 2020 and has extended it four times, most recently on June 6, 2022

Prior Council Direction

In order to promote public safety and environmental protection and implement climate-friendly policies, amend Title 20 VMC to:

- Prohibit new large-scale fossil fuel facilities in all zoning districts
- Provide definitions for regulated fossil fuels and large-scale facilities consistent with moratorium
- Consider whether expansion of existing large-scale fossil fuel facilities should be allowed and, if so, what standards should apply
- Desire for regulations to be as simple as possible

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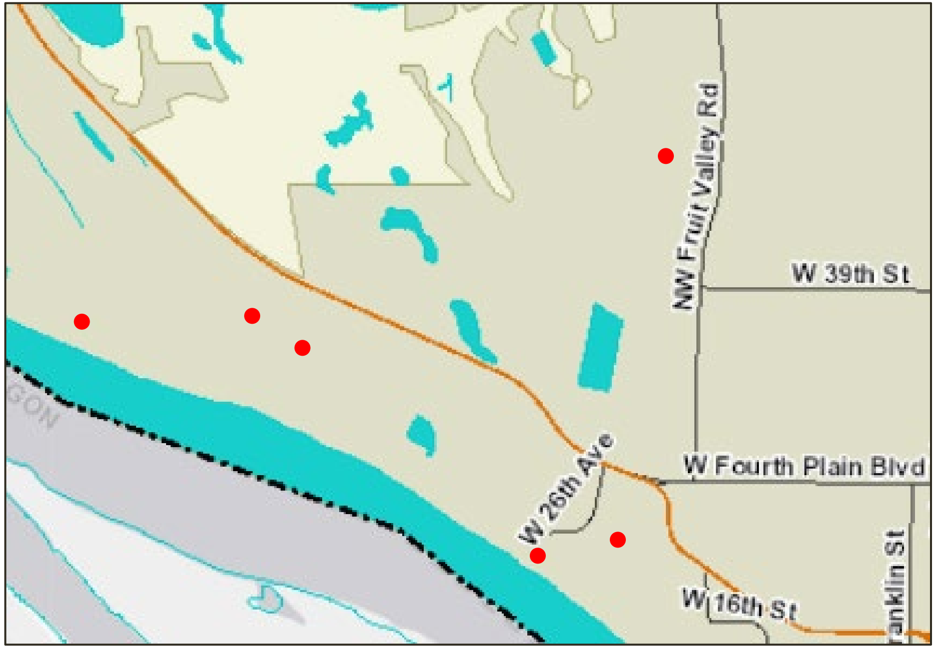
Existing Bulk Fossil Fuel Facilities

- 6 existing facilities identified, on lands with moderate to high liquefaction susceptibility in the event of an earthquake
- The facilities generally process, store, or transport propane, natural gas, and petroleum products



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Existing Bulk Fossil Fuel Facilities

Tidewater Barge Lines (Class 1)

- 1.3 M gallons tanks storing diesel fuel
- Miscellaneous fueling stations and tanks with lube oil, gasoline, diesel, and used oil totaling less than 20K gal

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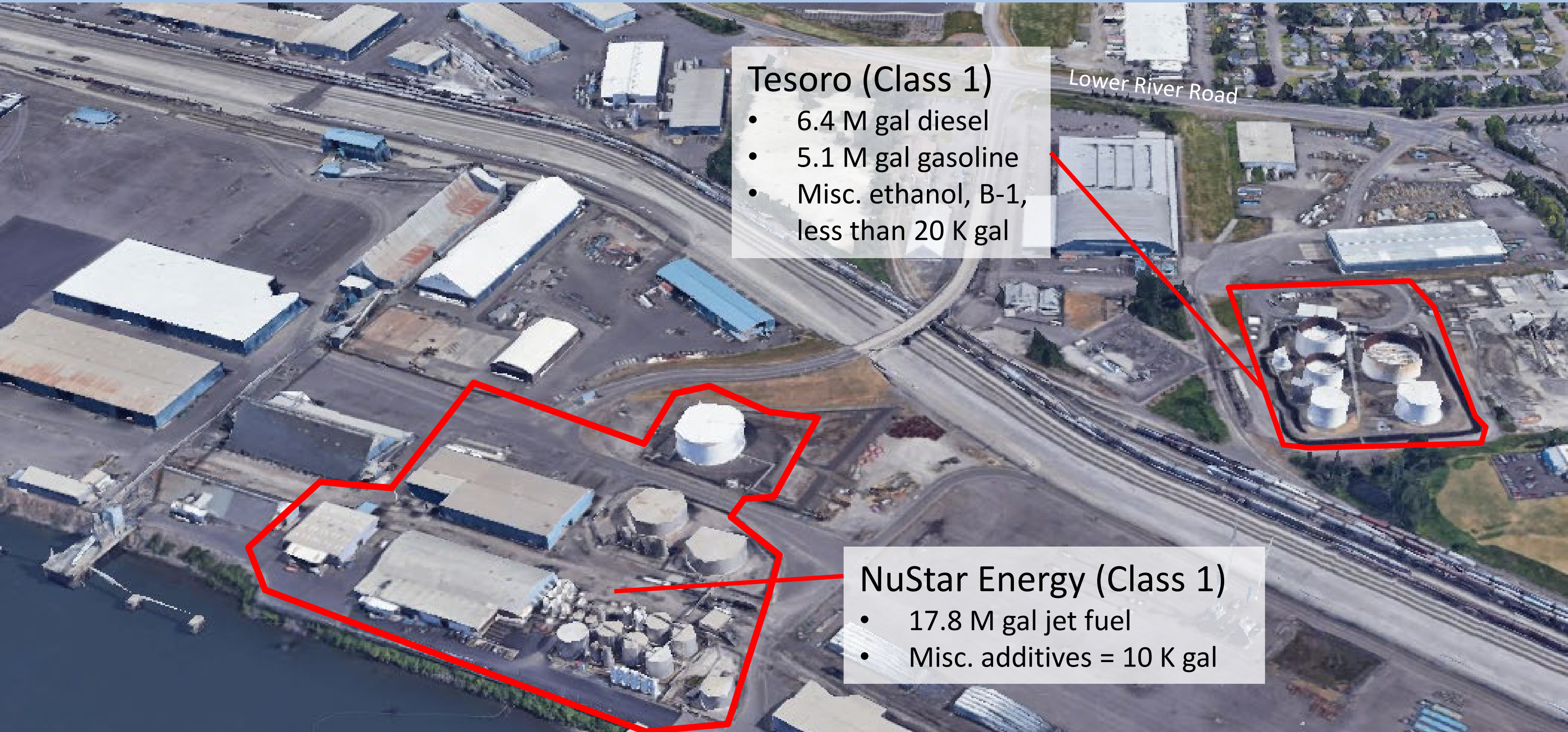
Existing Bulk Fossil Fuel Facilities

Existing Bulk Fossil Fuel Facilities



Existing Bulk Fossil Fuel Facilities

Trillium CNG (also referred to as NuStar Annex)
Fruit Valley Rd.
Compressed Natural Gas Facility

Introducing BERK Consulting

- BERK is an interdisciplinary consultancy integrating strategy, planning, and policy development; financial and economic analysis; and facilitation, design, and communications.
- BERK assisted Whatcom County and City of Tacoma in developing their fossil fuel use regulations
- Lisa Grueter, Principal, brings land use planning expertise including SEPA and code development
- Jason Hennessey, Senior Associate, brings expertise in financial policy analysis

Statewide Context

Oil Movement and Infrastructure in WA State

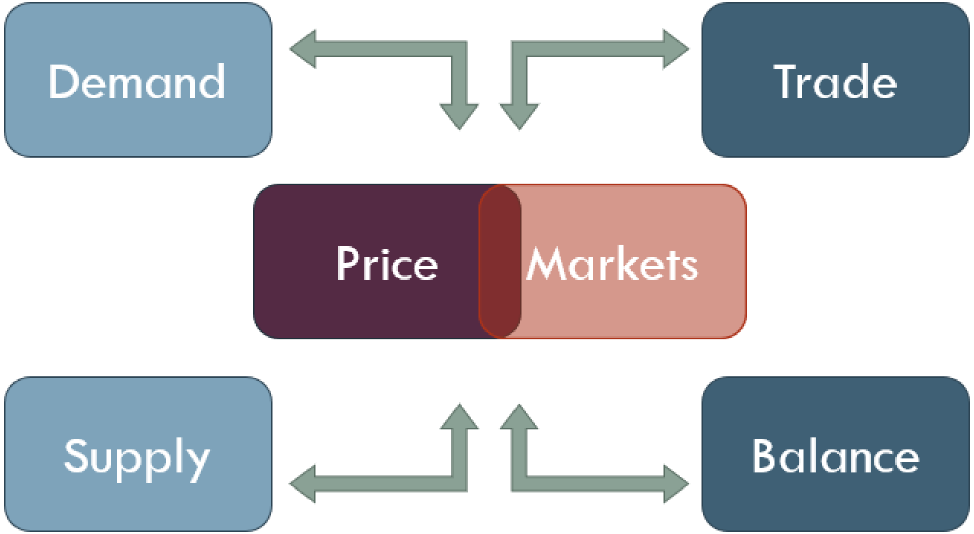
- Eastern WA has no refineries and is supplied by pipelines from Utah
- Western WA is primarily supplied by the state's five refineries or from marine tanker deliveries from other domestic and foreign sources.
- The state's refineries are supplied with crude oil by pipeline, rail, and marine vessels.
  - By marine: Alaska
  - By pipeline: Canada
  - By train: North Dakota, Wyoming, Canada
- In recent years, several proposed new oil facilities have been pursued and subsequently abandoned in Vancouver, Grays Harbor, and Anacortes in the face of public opposition.

Note: The refinery located in Aberdeen is a biodiesel plant and not a petroleum refinery
Source: Department of Ecology, 2019.

Fossil Fuel Prices

Drivers

- **Demand:** Clear seasonal patterns
- **Supply:** The number of refineries has decreased in the U.S.
- **Markets:** Costs reflect both current demand and *expectations of future demand*
- **Trade:** The U.S. both imports and exports crude oil
- **Balance:** Refineries anticipate demand

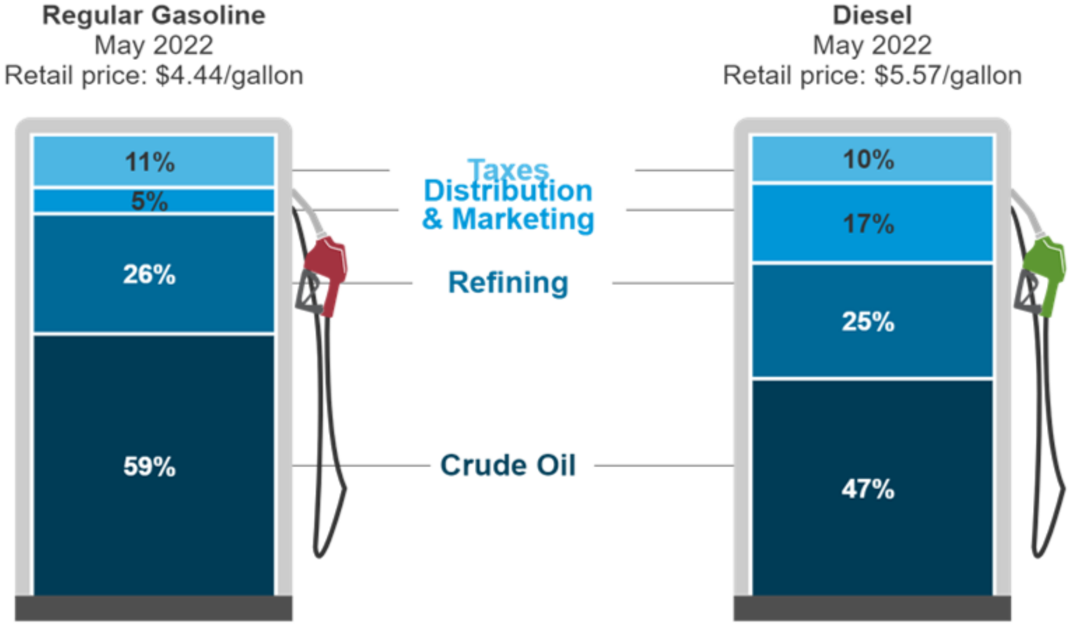


Source: BERK, 2022, Adapted from: U.S. Energy Information Administration (EIA), "What Drives Petroleum Product Prices," 2022.

Prices

What Makes Up Fuel Cost?

- Average May 2022 U.S. Costs
- Crude oil is the primary cost
- Taxes are collected at the local and Federal level
  - Washington's gas taxes are approximately 140% the U.S. average (4th highest)

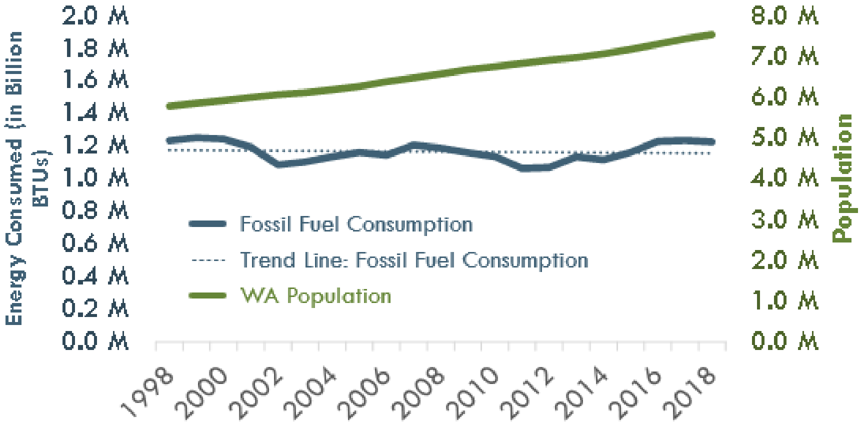


Source: U.S. Energy Information Administration (EIA), "Gasoline and Diesel Fuel Update," May 2022.

Statewide Context

Energy Use and Population Growth

- The Federal EIA projects a 6% increase in U.S. petroleum consumption from 2019-2050
- Washington State population is projected to grow by 30% over the same period
- On going per capita use decreasing over time



Expected Cost Effects of Code

- Supply could only be directly affected by additional refineries
  - Additional refineries are not expected because of overall expectations around petroleum consumption despite current high costs
- Restricting storage capacity could increase consumer fuel costs from additional transportation
- Any effects are expected to be relatively minor compared to global and national trends

Proposed Fossil Fuel Code Changes (VMC Title 20)

Create three new land use categories for Fuel Storage and Handling Facilities:

1. Bulk Fossil Fuel
2. Cleaner Fuel
3. Small Fossil Fuel

Proposed Fossil Fuel Code Changes (VMC Title 20)

Bulk Fossil Fuel Facilities

- Prohibit any *new* facility in all zoning districts
- Allow for maintenance and upgrades to existing facilities
- Allow conversion of existing facilities to Cleaner Fuels; minor capacity expansion eligible with conversion

Cleaner Fuel Facilities

- Prohibit any new facilities in all zoning districts
- Allow conversion of existing bulk fossil fuel facilities to cleaner fuels in the IH Heavy Industrial District as a limited use, subject to conditions
- Allow such converted facilities to expand by up to 15%, subject to CUP and new development standards

Small Fossil Fuel Facilities

- <60,000 gallons capacity
- Allow in the IH Heavy Industrial District subject to Conditional use permit and regulations/standards
- Prohibit in all other zoning districts

Proposed Fossil Fuel Code Changes (VMC Title 20)

- Cleaner Fuels definition: Defined as liquid or gaseous fuels produced from renewable sources that are low or no emissions
- Add new Special Use Standards
  - Purpose & Applicability
  - Threshold for use types to trigger:
    - Documentation of baseline capacity
    - Comply with safety and seismic upgrades, and obtain approval of spill prevention and fire response plans
    - Expansion eligibility and limitations for Cleaner Fuel conversions

Proposed Fossil Fuel Code Changes (VMC Title 20)

Other Code "Clean-up" Amendments

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

Stakeholder Outreach To-Date

- Port of Vancouver and NuStar (tenant)
- Western States Petroleum Association (WSPA)
- Tidewater
- SW Washington Beyond Fossil Fuel Task Force
- Friends of the Gorge
- Physicians for Social Responsibility
- NW Natural
- Columbia Riverkeeper (ACE)
- Washington Environmental Council (ACE)
- Stand Up to Oil Coalition (ACE)
- Sierra Club Loo Wit (ACE)

Proposed Next Steps

- July-August: Additional Stakeholder Outreach and SEPA Determination Issuance
- August 1: City Council Workshop
- September 13: Planning Commission Hearing (scheduled)
- October 4: City Council Public Hearing (tentative)
- November 5: Ordinance takes Effect
- November 8: Moratorium Expires

Questions and Discussion

Chad Eiken, Director of Community Development

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Bryan Snodgrass, Principal Planner

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CITY OF Vancouver WASHINGTON

Item #1.

Staff Report: 092-22

TO: Mayor and City Council

FROM: Eric Holmes, City Manager

DATE: 8/1/2022

SUBJECT Construction Acceptance - East Vancouver Phase 3 Sewer Improvements

Key Points

- The project installed approximately 5,475 linear feet of gravity sewer.
- Public sanitary sewer is now available to 78 parcels.
- Staff proposes awarding construction acceptance.

Strategic Plan Alignment

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

Present Situation

Advanced Excavating Specialists of Longview, Washington, has completed construction of the East Vancouver PH3 Sewer Connection Incentive Program (SCIP) project. The project provided reliable sewer service to 78 parcels by installing 5,475 linear feet of 8-inch gravity sewer mains in the following roadways: SE 156th, SE 157th, NE 163rd, NE 164th and NE 166th Avenues, NE 9th, NE 11th, NE 36th, 38th and 39th Streets, NE 10th Place and NE 165th Court.

The work was completed satisfactorily in accordance with the plans and specifications. Contract costs are summarized below:

TOTAL CONTRACT COSTS	
Labor, Equipment and Material	$1,385,856.61
Sales Tax	$99,440.50
Total	$1,485,297.11
Retainage	Bond

The original contract amount, including sales tax, was $1,453,355.49. The final project cost was $1,485,297.11, which was $31,941.62 (approx. 2%) more than the original contracted amount. The difference between original contract amount and final contract amount can be attributed to typical variances in unit prices and/or quantities commonly encountered during construction.

The original contract amount fell within the $500,000 to $1,500,000 threshold that would require an apprenticeship utilization of 3%. The contractor recorded over 800 apprenticeship labor hours on this project for a 9% utilization.

Advantage(s)

1. Provides reliable sanitary sewer service to residents.
2. Subsequent decommissioning of septic systems will protect the community's ground water supply.
3. Completes the City's contractual and statutory process for accepting the project.
4. Formal project acceptance allows for closure on third-party bond claims and facilitates release of the Contractor's retainage bond.

Disadvantage(s)

None.

Budget Impact

None. Funds for this project are appropriated in the Sewer Construction Fund, in the 2021-2022 Budget.

Prior Council Review

- Approval of the 2021-2022 Capital Improvement Budget
- Award of contract at the August 16, 2021, Vancouver City Council Meeting

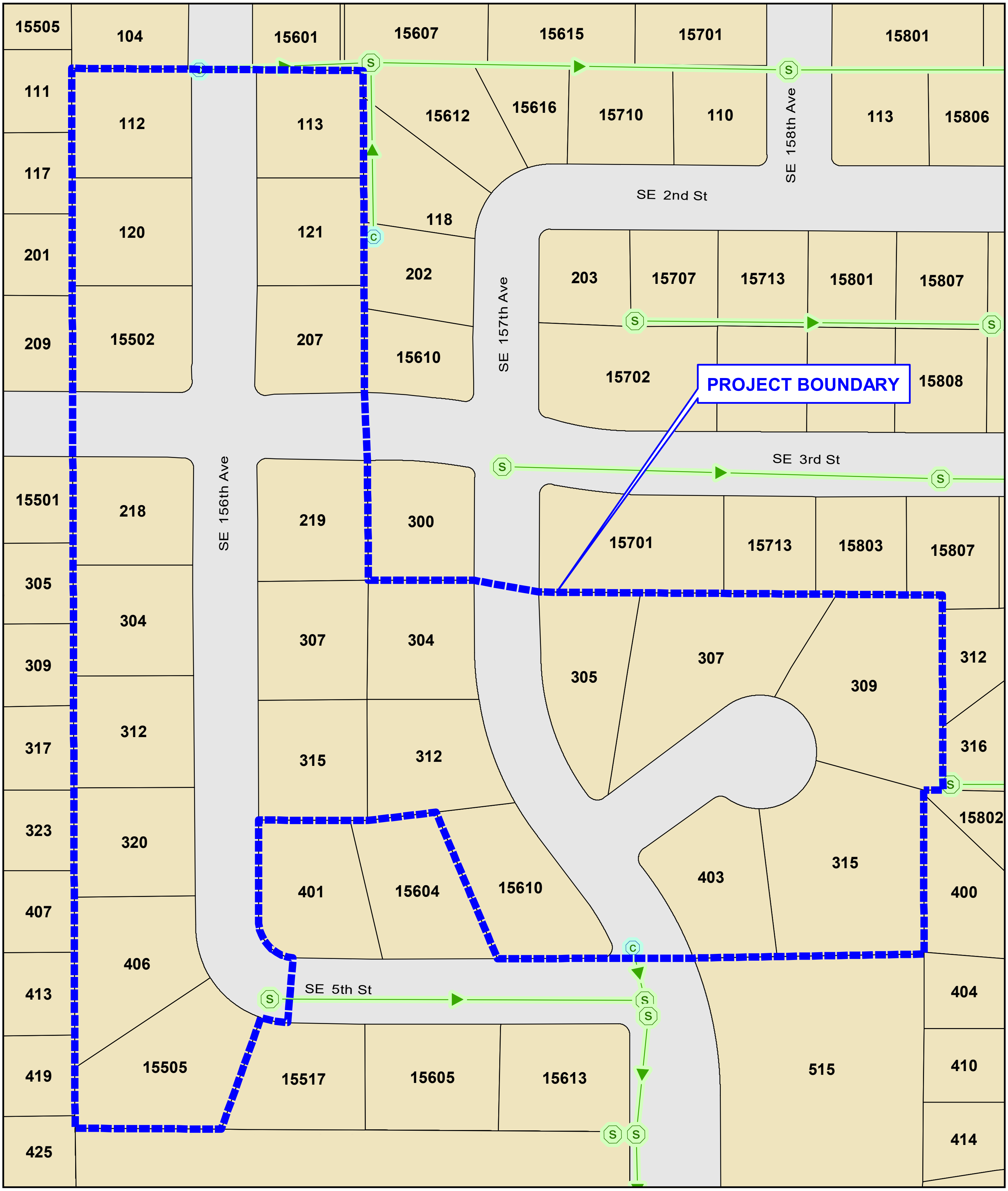
Action Requested

On August 1, 2022, accept the facilities as constructed by Advanced Excavating Specialists of Longview, Washington, and authorize release of the retainage bond subject to receipt of all documentation required by law.

Sheryl Hale, Senior Civil Engineer, 360-487-7151

ATTACHMENTS:

- Project Boundary Map - East Van PH3

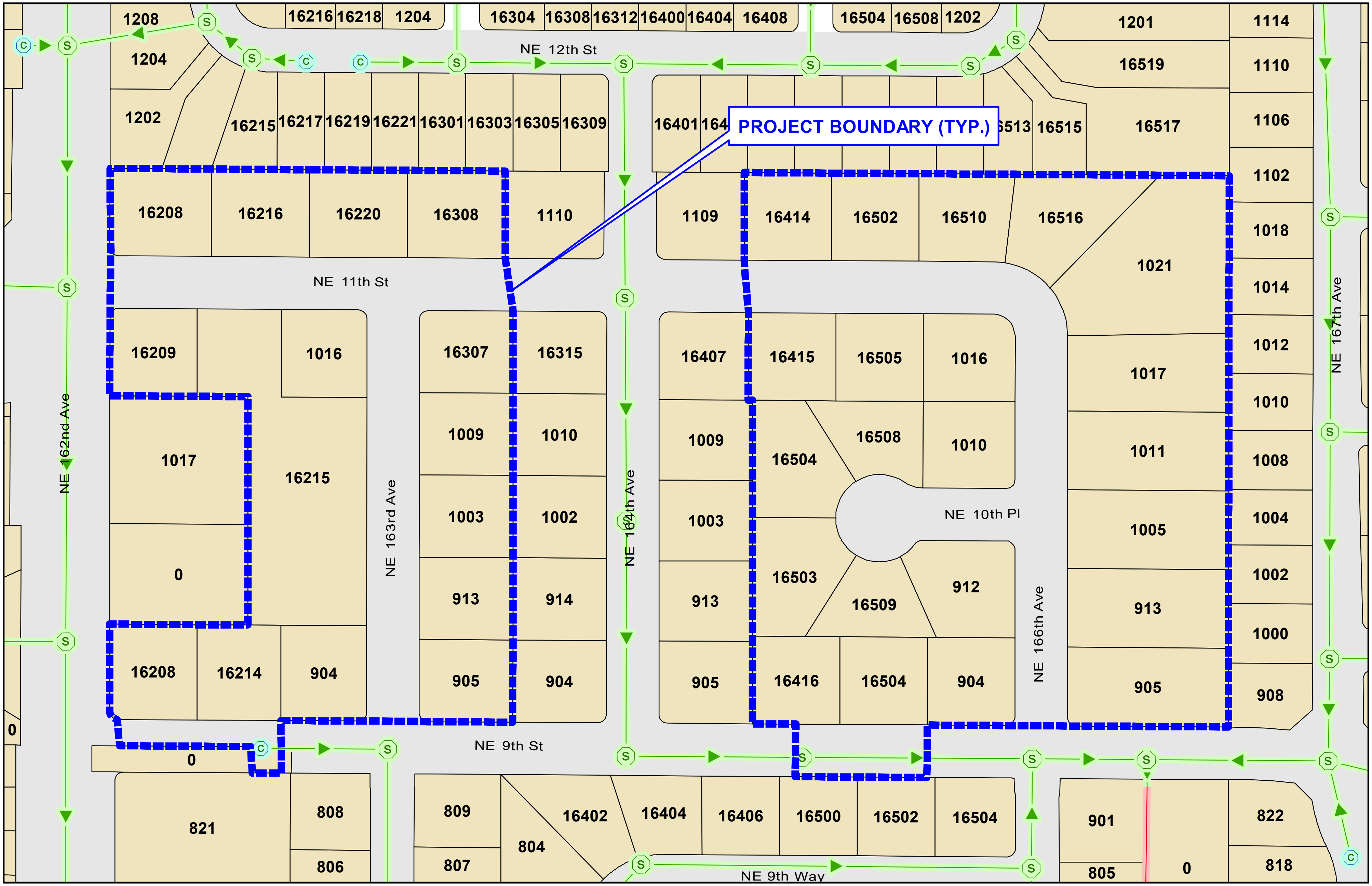


CITY OF Vancouver WASHINGTON

East Vancouver Phase 3
Sewer Extension - Camelot Site
(23 Lots)

Project Number: 100392

1 inch = 120 feet



CITY OF Vancouver WASHINGTON

East Vancouver Phase 3 Sewer Extension
Lewis Addition Site
(37 Lots)
Project Number: 100392

N W E S

1 inch = 150 feet

CITY OF Vancouver WASHINGTON

East Vancouver Phase 3
Sewer Extension - Pheasant Run Site
(21 Lots)

Project Number: 100392

N W E S

1 inch = 150 feet

Staff Report: 093-22

TO: Mayor and City Council

FROM: Eric Holmes, City Manager

DATE: 8/1/2022

SUBJECT Directed Grant Agreement between City of Vancouver and Columbia Springs

Key Points

- The City has partnered with Columbia Springs, a local environmental education and stewardship non-profit since 2003 to offer environmental education and outreach opportunities at the historic Vancouver Trout Hatchery.
- For the last decade, Columbia Springs has provided robust waste and water education and outreach to the broader Vancouver community via 5-year directed grant agreements in 2012 and 2017.
- The most recent agreement initiated in January 2017 was extended one-time, through June 2022, to allow for a renewed agreement to be brought forth to adapt programming due to pandemic limitations to conducting in person or large event outreach efforts and to better align funding with the City's biennial budget setting process.
- The proposed renewed grant agreement spans two-and-a-half-years and provides $60,000 per calendar year for the organization to offer a comparable statement of work as the previous agreements for the next two years through December 2024, while allowing flexibility and adaptability in light of pandemic impacts to large festivals and in person outreach activities performed in the scope of the agreement.
- The programs supported at Columbia Springs are complementary to, and coordinated along with, City staff and outreach efforts offered by the Water Resources Education Center, Solid Waste program, as well as other partners. These activities help the City meet its stormwater permit requirements related to public education and outreach.

Strategic Plan Alignment

Goal 10: Use our influence to support community partners' actions, projects and initiatives that improve our community's livability and prosperity

Objective 10.1: Lend the City's support, as appropriate, to assist with the success of community projects

Present Situation

Building upon two decades of partnership, Columbia Springs, an environmental education and stewardship non-profit located in Vancouver has delivered tangible, salient programs and outreach to the broader community through direct grant agreements covered by the Solid Waste and Water utilities. In exchange, Columbia Springs has numerous positive impacts throughout the year in serving school groups, offering a wide variety of special events, and hosting water and waste reduction and reuse stewardship activities at the site. For example, the City's support through this grant allows for active participation on the board, a summer waste reduction and conservation day camp program, Family Nature Day events, as well as other educational support for volunteer opportunities, including a new docent program to help train volunteers to interpret the site for community visitors.

In response to an invitation for a directed grant issued in late May, Columbia Springs submitted its application for a renewed directed grant agreement, effective July 1, 2022 through December 31, 2024. The substance of their proposal has been incorporated as tasks into the attached grant agreement.

As outlined in the proposed renewed agreement, Columbia Springs will provide the following deliverables for the City of Vancouver for the purpose of fulfilling the shared priorities in environmental and resource education, resource management, restoration, stewardship of the historic Vancouver Trout Hatchery, and community education about watershed issues:

- Active Partnership between the City and Columbia Springs with the Columbia Springs site and resources; organization of Family Nature Days and/or support and assistance with the Columbia River Watershed Festival once resumed
- Summer Waste Reduction Day Camp opportunities for school-aged children and youth counselors; and
- Other educational support in the form of a Docent program, Lead Volunteer program, guided hikes, Stewardship Days, service projects, and other opportunities for the public at Columbia Springs.

Columbia Springs benefits from the long-term partnership with the City of Vancouver and years of successes with the listed tasks within the agreement. Katherine Cory, Executive Director of Columbia Springs, has provided the following statement of commitment to the project:

> *"We have an opportunity to be more intentional and thoughtful about how we can achieve common goals and accommodate focus changes for both of our organizations such as the climate change focus of the City and our work to increase access to the site and programs. I look forward to collaborating again with you in the future!"*

Advantage(s)

1. The City continues its role as a partner in planning and guiding programs at the site.
2. Youth and adults in the community have increased opportunities to learn about the environment and to consider how their behaviors and choices can have positive impact.
3. Community support for, and understanding of, environmental issues has increased, and will continue with future climate plan work.
4. NPDES (National Pollutant Discharge Elimination System) permit requirements for public outreach are addressed.

Disadvantage(s)

1. The agreement provides for ongoing funding to Columbia Springs programs. Over the two-and-a-half-year timeframe; however, there is opportunity for adjustment of the budget or statement of work should resources, agency priorities, or organizational capacities shift.

Budget Impact

City funding for the Columbia Springs grant is provided from two sources: $50,000 per year from the Solid Waste Fund and $10,000 per year from the Water Fund, through the Water Resources Education Center's operating budget.

Prior Council Review

Approval of funding for the program is included in the 2021-2022 biennial budget, as well as future budget plans for 2023-24. The previous 5-year agreement was approved by Council in December 2016.

Action Requested

Authorize the City Manager, or his designee, to sign the grant agreement with Columbia Springs for Environmental Education and Outreach Services Provided at the Columbia Springs Site.

Julie Gilbertson, Solid Waste Supervisor, 360-487-7162

ATTACHMENTS:

- Directed Grant Agreement with Columbia Springs 2022-24

2022-2024 GRANT AGREEMENT
BETWEEN

City of Vancouver ("City")
P. O. Box 1995
Vancouver, WA 98668-1995

AND

Columbia Springs ("Grantee")
12208 SE Evergreen Highway
Vancouver, Washington 98683

Grant Period:
Beginning: July 1, 2022
Ending: December 31, 2024

Contract:
Budget Authority: **$60,000 per calendar year**
Budget Fund #: **490-CC0158 ($50,000/year)**
445-CC0193 ($10,000/year)
Funding Source: Solid Waste Services and
Water Resources Education Center

Program/Services Being Funded: **ENVIRONMENTAL EDUCATION AND OUTREACH SERVICES PROVIDED AT THE COLUMBIA SPRINGS SITE – $60,000 per year**

Contractor Contact	City Contact
Katherine Cory, **Executive Director** **(360) 882-0936 ext. 221**	**Julie Gilbertson,** **Solid Waste Supervisor** **(360) 487-7162** **Rita Davidson,** **Water Resources Education Center** **(360) 487-7120**
director@columbiasprings.org	julie.gilbertson@cityofvancouver.us rita.davidson@cityofvancouver.us

This Grant Agreement consists of the following exhibits:

Special Terms and Conditions, Solid Waste and Water Funds Direct Grant Page 3
Statement of Work – Columbia Springs – 2022-2024 Grant Agreement Page 8

City of Vancouver, a municipal corporation formed under the laws of the State of Washington (City), and Columbia Springs, a Washington nonprofit corporation (Grantee), agree to the terms and conditions of the 2022-2024 Grant Agreement by signing below:

CITY OF VANCOUVER:

____
Eric Holmes, City Manager

Date:______________________________

COLUMBIA SPRINGS:

____
Katherine Cory, Executive Director

Date: ______________________________

ATTEST:

____

Natasha Ramras, City Clerk
By: Carrie Lewellen, Deputy City Clerk

Date: ______________________________

APPROVED AS TO FORM

____
Jonathan Young, City Attorney

Date:______________________________

SPECIAL TERMS AND CONDITIONS
SOLID WASTE AND WATER FUNDS DIRECT GRANT

This is a Grant Agreement between the City of Vancouver, a municipal corporation formed under the laws of the State of Washington (City), and Columbia Springs (Grantee), a 501 (c)(3) non-profit organization, that provides certain environmental education and outreach services coordinated through the facilities and programs housed at the historic Vancouver Trout Hatchery site, on behalf of the City as detailed in this Grant Agreement. Columbia Springs offers programs that meet the needs of other public and private partners as well and a portion of the City's funding support is consistent with the intent of meeting its partnership obligation.

In exchange for grant funding, support is offered to the City by Columbia Springs to provide the community with ongoing K-12, youth, adult and related outreach programs that are well coordinated with the City's goals for public education and outreach on environmental and resource issues. Specifically, Columbia Springs provides Environmental Education services of benefit to the City of Vancouver in support of both the Solid Waste and Water Resources Education Center programs. As the recipient for this grant, Columbia Springs is required to annually accomplish the statement of work outlined in a following section. The statement of work and budget detailed under this grant may be modified from year to year at the discretion of the City.

I. APPLICABLE REGULATIONS

The Grantee shall provide services in compliance with the Grant Agreement, City policies and procedures, any subsequent legislation and or amendments herein incorporated by reference, as well as with federal, state, and local laws and regulations.

II. PERIOD OF PERFORMANCE

This Grant Agreement covers the period from July 1, 2022, through December 31, 2024. The annual budget provided for herein is contingent on adoption of the City's biennial budget and may be amended and the tasks modified or terminated upon a 30 day notice, for any reason, including but not limited to if the budget is not approved or the City's priorities shift.

III. RECORDS RETENTION

The Grantee shall:

A. Retain all financial, statistical, property, materials, supplies, participant records, and supporting documentation for a period of six (6) years from the end of this Grant Agreement and produce the documents if so required either by the City or a court of competent jurisdiction.

B. If any litigation, audit or bankruptcy is begun, or if a claim is instituted involving the Grant Agreement or any agreement covered by the records, retain the related records until the litigation, audit, or claim has been finally resolved.

IV. DUPLICATION OF COSTS

The Grantee certifies that work performed under this Grant Agreement does not duplicate any work to be charged against any other Grant Agreement, Statement of Work, or other source.

V. PAYMENT PROCEDURES

The City shall pay the Grantee an amount not to exceed $60,000 per year for providing the services described in the Statement of Work, in accordance with the following provisions:

A. The Grantee shall submit quarterly:

1. An invoice that includes a budget detailing planned expenditures for the period of service and the Grant Agreement number; and
2. A Payment Request Form that is attached to the Invoice.

B. Payment shall be as needed by the Grantee, but shall not exceed quarterly payments consistent with the schedule noted in the Statement of Work Section III Output Task F.

C. Payment to the Grantee shall be processed within 30 days after receipt of an Invoice and Payment Request Form.

D. Grant Agreement Closeout: The Grantee shall submit the final payment request by October 10, 2024.

VI. GRANTEE FINAL REPORTING REQUIREMENTS

The Grantee is obligated to submit a final report after the close of the Grant Agreement period, during the transfer of obligations to another Grantee, or upon termination of the Grant Agreement for any reason. Final report shall include:

A. Summary of how the funds were used.

B. Copy of Grantee's Annual Report or summary of programs and accomplishments.

C. Copy of Grantee's financial statement for the most recent fiscal year (this may be a component of the Annual Report).

D. Summary of Grantee's budget expenditures for the Period of Performance.

E. Notwithstanding the above, Subsection III E of the Statement of Work details other reporting requirements to be met by the Grantee throughout the period of performance.

VII. INSURANCE

The Grantee shall provide to the City a certificate showing general commercial liability insurance to protect against legal liability arising out of Grant Agreement activity. Such insurance shall provide a minimum of $1,000,000 per occurrence and $2,000,000 per general aggregate limit, with a maximum deductible of $5,000. The Grantee shall provide insurance covering its employees and volunteers through a commercial general liability insurance policy. This insurance shall have minimum limits of $500,000 per occurrence, combined single limit for bodily injury liability, and property damage liability and a $1,000,000 general aggregate limit.

The Grantee shall provide proof of insurance on an ACORD Certificate(s) of Liability Insurance form, which the Grantee shall provide to the City not later than 30 days following the effective date of this Agreement, or shall provide evidence of self-insurance. Each certificate shall show the coverage, deductible, policy period and amount of coverage, and shall name City of Vancouver as an additional insured. Certificates be renewed and submitted annually to stay in force throughout the period of performance and shall be endorsed to state that coverage will not be suspended, voided, canceled, or reduced without a 30 day written notice by certified mail (return receipt requested) to the City. Cancellation of a policy is grounds for termination of the Grant Agreement.

VIII. FISCAL REQUIREMENTS

The Grantee shall comply with GAAP - Generally Accepted Accounting Principles and meet the financial management systems requirements of this Grant Agreement as defined in section X of this Grant Agreement. In the event the Grantee receives more than $500,000 of federal awards during a fiscal year, an independent audit must be performed in compliance with OMB Circular A-133 (i.e. "Single Audit"). The City shall be afforded the opportunity during the period of performance and for three years afterwards to undertake or contract for its own or a follow-up audit(s).

IX. TERMINATION

Either the City or the Grantee may terminate this Grant Agreement in whole or in part for any reason by providing written notice to the other party at least thirty (30) days prior to the date of termination. In the event the City determines in its sole discretion that the Grantee is not materially complying with the terms of the Grant Agreement, and following the issuance of a notice of breach or default for cause, the City may terminate this contract in fewer than thirty (30) days.

X. FINANCIAL MANAGEMENT SYSTEMS

The Grantee's financial systems shall comply with the requirements of OMB Circular A-122, "Cost Principles for Non-Profit Organizations," and shall contain the following:

A. Accurate, current and complete disclosure of the financial results of each Grant Agreement;

B. Records that identify and distinguish the source and application of funds;

C. Reasonable control over and full accountability for all funds, property, and other assets;

D. Comparison of actual outlays with budgeted amount for each contract;

E. Procedures for determining reasonableness and allocability of costs;

F. Accounting records that are supported by source documentation; and

G. Procedures for timely and appropriate resolution of audit findings and recommendations.

XI. ENTIRE AGREEMENT

The parties agree that this Grant Agreement is the complete expression of the terms hereto, and any oral representations or understanding not incorporated herein are excluded. Further, any modification of this Grant Agreement shall be in writing and signed by both parties. Failure to comply with any of the provisions stated herein shall constitute material breach of contract and cause for termination. Both parties recognize that time is of the essence in the performance of this Grant Agreement. The parties agree that the forgiveness of non-compliance with any provision of this Grant Agreement does not constitute a waiver of the provisions of this Grant Agreement.

XII. AMENDMENTS/MODIFICATION.

Either Party may request amendment or modification of this Agreement at any time. Such request shall be provided in writing. The Parties shall make a good faith attempt to respond to such requests within thirty (30) days of receipt of the request. Notwithstanding the foregoing, the provisions of this Agreement may be amended or modified only upon the mutual consent of the Parties. No additions to, or alterations of, the terms of this Agreement shall be valid unless made in writing and formally approved and executed by the duly authorized agents of both Parties.

XIII. NO THIRD-PARTY BENEFICIARY.

Grantee does not intend by this Agreement to assume any contractual obligations to anyone other than the City. The City does not intend by this Agreement to assume any contractual obligations to anyone other than the Grantee. The Grantee and the City do not intend there be any third-party beneficiary to this Agreement.

XIV. INDEMNIFICATION.

As to the work performed or to be performed by Grantee pursuant to the terms and conditions of this Grant Agreement, Grantee agrees to indemnify and hold harmless the City and its officers, employees and agents from any and all third party claims arising from injury or death to any person, damage to any tangible property, or violation of law, and any liabilities or costs, including reasonable attorney's fees and litigation costs in connection with such claims, but only to the extent such claims, liabilities or costs were caused by negligent or willful misconduct of the Grantee, its officers, agents, Grantees or employees.

This duty to indemnify and hold harmless shall extend to claims asserted by officers, agents and employees of the Grantee, and in the event of such claims, the Grantee, and solely for such purpose, specifically waives any immunity that may be granted the Grantee under the Washington State Industrial Insurance Act, Title 51, RCW. This waiver is given pursuant to RCW 4.24.115.

XV. OWNERSHIP AND DISPOSITION OF EQUIPMENT.

Upon termination of this Grant Agreement, the Grantee shall submit a written inventory to the City of all equipment with a per-unit fair market value in excess of $5,000.00 at the time of purchase that the Grantee purchased with grant funds received pursuant to this Agreement. The City may, at its option, require that the Grantee surrender to the City any of the equipment on the inventory list prepared in accordance with this section that has an estimated per-unit fair market valuation in excess of $1,000.00 at the time of termination of the Grant Agreement. If the City does not elect to notify the Grantee in writing of its intent to require surrender of any equipment so identified within 30 days after receiving a full and complete inventory list from the Grantee, then the Grantee shall retain title to such equipment and may retain or dispose of the same at its sole discretion.

XVI. RESOLUTION OF DISAGREEMENTS.

In the event of a continuing dispute between the City and the Grantee under this Agreement, both the City and the Grantee shall designate an appropriate representative to facilitate the resolution of the dispute according to a procedure established by the representatives and authorized by law including but not limited to mediation. The representatives shall meet within 15 days after a written request for resolution has been received, and they shall use their best efforts to resolve the dispute in a manner acceptable to both the City and the Grantee. The representatives' negotiated resolution shall be subject to approval by both the City's and the Grantee's duly authorized agents. In the event that dispute resolution fails and either the City or the Grantee seeks to take legal action, the venue for that action shall be in Clark County Washington Superior Court.

XVII. DOCUMENT EXECUTION AND FILING.

The City and the Grantee agree that there shall be two (2) duplicate originals of this Agreement procured and distributed for signature by the necessary officials of the City and the Grantee. Upon execution, the executed duplicate of this Agreement shall be returned to the Vancouver City Clerk and one shall be retained by the Grantee.

XVIII. RATIFICATION.

Acts taken in conformity with this Grant Agreement prior to its effective date are hereby ratified and affirmed

XIX. SEVERABILITY.
If any section or part of this Agreement is held by a court to be invalid, such action shall not affect the validity of any other part of this Agreement.

XX. NON-ASSIGNMENT.
This Grant Agreement may not be assigned by either party.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

STATEMENT OF WORK

I. FUND USE

With the $60,000 per calendar year total in directed grant support offered by the City of Vancouver, Columbia Springs will provide environmental education and outreach services through facilities and programs housed at the historic Vancouver Trout Hatchery. Columbia Springs will directly contribute to:

- Increasing student and community awareness of and knowledge about environmental issues, with a focus on water-related education; waste reduction, reuse, recycling, and composting as well as the importance of resource conservation; and similar topics which engage target audiences in examining their behaviors and choices towards undertaking positive environmental actions;
- Opportunities for hands on stewardship;
- Appreciation for and engagement with our local ecosystems; and
- Growing citizen competence in the areas of environmental literacy.

Columbia Springs may expend up to $50,000 per year of the City of Vancouver Solid Waste Utility Fund on Active Partnerships in general community environmental education, Summer Day Camp Programs, Other Educational Support, Docent and Volunteer Programs, and Program Reporting, Evaluation, and Planning.

Columbia Springs may expend up to $10,000 of the Water Utility Fund on Family Nature Days, Watershed Festival, when offered and Other Educational Support.

Columbia Springs will use such funds to employ necessary staff and pay direct expenditures related to accomplishing the annual program work plan tasks.

The use of funds may evolve or transition during this Agreement to achieve new or different program and policy goals and objectives.

II. OUTCOMES

As a result of this direct grant, the Grantee shall:

A. Maintain an Active Partner Role for the City together with other board representatives in planning and directing both the long-term and on-going operations at Columbia Springs' site and programs.

B. Provide Environmental Education Services to the community through offering and participating in events, site tours, support for volunteer projects, and through the implementation and maintenance of interpretive signage at the site. Columbia Springs and the City share in the maintenance of the parking lot and other areas of the site. Columbia Springs' staff and volunteers have an ongoing role in making and maintaining site improvements and offering environmental education programs.

C. Columbia Springs' staff operates specific environmental education projects and programs that respond to the City's needs and priorities and that are associated with the identified funding sources. This includes Summer Day Camps for children that focus on waste reduction and resource conservation, the Columbia River Watershed Festival, and support of other specific community outreach projects in environmental education like the Docent Program.

D. Report, evaluate, and plan for each of these and other site programs.

III. TASKS/OUTPUTS/DELIVERABLES

In order to accomplish the agreed Outcomes, the Grantee shall accomplish the following task deliverables and milestones:

A. Active Partnership - Columbia Springs and the City of Vancouver will coordinate in the development of the site's open spaces, natural areas, trails, and improvements to infrastructure, when appropriate. Columbia Springs will provide administrative and operational support needed to offer services, programs, and interpretation of the site. Columbia Springs will provide activities, events, and programs that educate the community about the historical, cultural, and natural features of the Vancouver Trout Hatchery, East and West Biddle Lakes, and other areas of the site with Docent-led Guided Hikes and other site tours.

The following milestones have been identified as annual targets:

i. Ensure an effective partnership between the City of Vancouver and Columbia Springs by having a representative from the City serve on the Columbia Springs Board of Directors. Participation through this role will enable City engagement with the following priorities:

ii. Development of strategic and/or capital plans for the Columbia Springs site;

iii. Coordination in seeking public and private funds needed to accomplish the goals and objectives of Columbia Springs;

iv. Providing portions of the property and improvements at Columbia Springs as open space, park, trail, and trailhead amenities that are inclusive and for the enjoyment of the community; increasing access as much as possible;

v. Integrating, as appropriate, the goals, objectives, and capabilities of Columbia Springs into applicable community planning frameworks (GMA, Comprehensive Plan, Transportation System Plan, Parks Comprehensive Plan, Urban Forestry Management Plan) and environmental education programming efforts that the City undertakes;

vi. Ensuring that Columbia Springs' programs, properties, and activities are sustainable into the future; and working with educational institutions and other community partners to coordinate educational programs and facilities where possible.

All activities above are ongoing.

B. Summer Day Camp Program - The Day Camp Program will be conducted for at least two weeks during the summers. The curriculum, contents and design for the children's day camp can largely be based on the development work accomplished in 2018, 2019, with modified camps in 2020 and 2021, though it is understood that some aspects including format, logistics and content will be adjusted to be relevant and to provide a varied set of camping opportunities over the year or from year to year.

A primary focus of the Summer Day Camp will be to introduce elementary school-aged students, as well as middle school and/or high school students who participate as "counselors", to key concepts of our local/regional solid waste infrastructure and to principles of resource conservation and appreciation.

Columbia Springs' staff will continue to work closely and collaboratively with City staff and staff from Waste Connections to continually update this program so that it is both relevant and accepted by the community, and is sustainable by Columbia Springs' staff over the long run. The partners will be informed as decisions are made each year related to Day Camp schedules and content. Waste Connections staff input will continue to be solicited in the development of the day camp curriculum as well as in assisting with some presentations or off-site tours during the camps. The curriculum will focus on current solid waste and conservation goals established in coordination with the City.

The following milestones have been identified as annual targets:

i. Act as the project manager for the Summer Day Camp Program. Responsibilities in advance of the camp sessions will include providing a project timeline, work plan, budget, and curriculum.
ii. Work with education staff from Waste Connections to develop, design, and implement the new Summer Day Camp curriculum. This will include the development of age-appropriate learning objectives, activities, and experiences in the areas of waste prevention, recycling, waste disposal, toxics reduction, food waste prevention and composting, and related topics. There will also be a focus on understanding the impacts of climate change.
iii. Develop and implement a marketing plan for the summer camp program. As appropriate, consider opportunities for involving underserved youth participation in camps through scholarships or other strategies. As appropriate, engage other sponsors/outside funding for growing and/or updating the day camp program.
iv. Ensure that the summer day camp program reaches a minimum of 50 elementary aged children over the course of two or more sessions each year.
v. Develop and implement a camp counselor training strategy for high school and/or middle school aged students that includes development and exercise of leadership skills and content knowledge. Assure that adequate, appropriate and customary (for the setting) supervision, safety and responsible leadership is provided for children, families, staff, volunteers and others that participate either on-site or off-site during the summer day camp sessions.
vi. Plan and implement two or more week-long quality day camp program sessions each year that support the City's solid waste goals.
vii. Evaluate the Summer Day Camp program, provide feedback for improving future camp experiences to be more inclusive and develop an informative presentation focused on camper outcomes and learning that can be used to help recruit participants for future years and highlight what was accomplished each year.

All activities above occur annually in coordination with scheduling the seasonal program.

C. Family Nature Days or Watershed Festival -Water health is an essential element of what makes Columbia Springs, and the Columbia Slope watershed, unique. Columbia Springs will implement outreach activities that engage the community on the health of our water system.

Over the last two decades Columbia Springs and partners coordinated the annual Columbia River Watershed Festival event at rotating locations in September to upper elementary aged students in Clark County. The festival reached students, educators and parents and covered a broad range of water health and conservation topics. Since 2020, the festival has been paused and interim outreach events and objectives are proposed in 2022. In the event that Columbia Springs and partners are able to resume the festival in 2023 or 2024, Columbia Springs may reallocate this portion of grant funding to support the event, with prior approval by the City.

The following milestones have been identified as annual targets:

i. Columbia Springs will host 6 Family Nature Days each year. These events will be open to the general public to participate, with a goal of reaching 150-200 participants per event.

ii. Family Nature Days will be advertised to participating teachers enrolled in our field trip program for both Vancouver and Evergreen Public Schools. Advertising for this programming (via newsletters, social media, and news coverage) will reach approximately 2-3,000 people annually, with Columbia Springs having a total social media reach of about 30,000 people.

iii. Partcipants will gain a deeper understanding of their connection to nature through every day practices, including water use reduction, understanding common pollutants within a household, and what they can do to improve their local waterways.

iv. Voluntary demographic data will be collected about participants at each event, aiding Columbia Springs and the City of Vancouver in better understanding the reach of these events. This data will be reflected in annual reports.

v. As an alternative to the above identified Family Nature Days events, Columbia Springs will assist in a supporting capacity or project manager role to coordinate, plan and implement the Columbia River Watershed Festival in 2023 or 2024. It is understood that some aspects including format, logistics and targets for the festival are not yet decided in light of pausing events due to the pandemic in 2020, 2021 and 2022 and could be adjusted in time. Columbia Springs will partner with Clark Public Utilities, Waste Connections, City of Vancouver and others to develop targets and outcomes for any future festival, if and when that event resumes.

All activities above occur annually in coordination with scheduling the seasonal program.

D. <u>Other Educational Support, Docent, and Volunteer Programs</u> - Columbia Springs will continue to coordinate with the City and participate in various outreach events in the community and at the site that promotes shared environmental education goals. This may include support for Critter Count, Watershed Congress, Sturgeon Festival, the Old Apple Tree Festival and similar outreach efforts led by the City.

Columbia Springs will recruit, train, and manage volunteers and/or community groups for a variety of episodic or ongoing roles in projects that enhance natural spaces, promote sustainability, and support the City's environmental priorities at Columbia Springs. These programs will include Docent Volunteers, Volunteer Leads, and Individual, or One-Time volunteers.

Docent Volunteers act as site ambassadors and educate visitors during evening and weekend hours when staff are not present. Volunteer Leads guide groups of individual volunteers in monthly stewardship projects, perform community outreach, and assist with onsite school fieldtrips. One-Time volunteers may come from schools, churches, neighborhood associations, or as individuals. They can assist with scheduled Stewardship events or setup separate individual Stewardship events to accommodate large groups.

The following milestones have been identified as annual targets:

i. Columbia Springs will support volunteers with training as well as administrative and logistical systems (such as organizing tools, refreshments, liability waiver forms, etc.).

ii. Docents will lead a minimum of 10 Guided Hikes a year, as pandemic conditions allow, covering various natural resource topics including watershed health, fish hatchery operations, native plants and invasive species, natural history, soil health and decomposition, and more. Docents will be trained in the site's natural resources, stewardship needs, public outreach and education techniques.

iii. Columbia Springs will host at least 9 volunteer Stewardship events a year, where participants work to achieve various restoration goals including, improving tree canopy, removing invasive species, planting native species, restoring habitat, controlling erosion and maintaining hiking trails.

iv. Columbia Springs will train Volunteer Leads to assist in Stewardship events, perform community outreach, help facilitate onsite fieldtrips, and assist with general site maintenance.

v. Columbia Springs will maintain the Annual Assurance of Compliance Form in partnership with the City of Vancouver and other environmental education partners as a clock hour provider to individuals and educators who would wish to use their participation in workshops, camps or other trainings to count as eligible towards teacher certification for programs.

All activities above are ongoing.

E. Reporting, Planning, and Evaluation -- The Grantee will provide an end of the year report detailing the Grantee's activities and financial results as they relate to the above outcomes and the assigned tasks, outputs and deliverables. The report will evaluate results and detail plans for adjusting or modifying efforts in the next year. This report will identify the added value of grants, private donations and in-kind donations that leverage the City's investment in activities undertaken by the Grantee. Either as the report is being prepared or after it has been issued, the Grantee's staff and/or board representatives will meet with City staff at least once per year, between November and January, to review accomplishments and outcomes of the current year and to consider potential changes to outputs, tasks or milestone deliverables or budgets for the next year. Noted and agreed adjustments, if any, will be documented in a written communication from the City to the Grantee by February 15th of each year.

The following milestones have been identified as annual targets:

i. Provide an Annual Report – due by February1st of the following year.

ii. Annual Grant Review meeting(s) with City Staff – between November 1st and January 31st.

iii. Incorporate any changes or adjustments for the next year into a written document completed with City staff – by February 15th.

F. Invoicing, Payments, Financial Reports & Records – The agreed annual Budget for the project is as detailed in the Statement of Work Section IV below. Unless an alternative plan is proposed and approved, the City will make quarterly payments allocating 25% of the annual budget for each payment. The Grantee is to submit a quarterly invoice and payment request as detailed below at the start of each quarter. The Grantee is also to submit quarterly expenditure reports as well as a year-end financial statement, according to the schedule, summarizing how City funds have been spent in the prior quarter. So long as reporting timelines (Task E and F milestones) and report content expectations are met, the City will process and pay quarterly invoices within 30 days of receipt.

One month following each quarter, the Grantee shall provide the City with a quarterly financial statement that details the tasks, allocated budget and expenditures for each completed quarter. The fourth quarter financial statement will incorporate the full calendar year-end expenditure results to profile the entire year. As provided for in the Record Retention (Subsection III), Fiscal Requirements (Subsection VIII) and Financial Management Systems (Subsection X) paragraphs of the Grant Agreement's Special Terms and Conditions Section, financial and other grant-related records, work products or equipment of the Grantee related to accomplishing this City grant shall be maintained and open for audit or inspection by the City or its duly authorized representatives throughout the period of the Agreement and for three years afterwards.

The following milestones have been identified as annual targets:

i. First Quarter Invoice – may be submitted after January 10th; payment contingent on Q3 financial report due November 1st of prior year.

ii. Second Quarter Invoice – may be submitted after April 10th; payment contingent on Q4 financial report and Annual Report (Task E) due February 1st.

iii. Third Quarter Invoice – may be submitted after July 10th; payment contingent on Q1 report due May 1st.

iv. Fourth Quarter Invoice – may be submitted after October 10th; payment contingent on Q2 report due August 1st.

v. Q1 Financial Statement to be submitted – May 1st.

vi. Q2 Financial Statement to be submitted – August 1st.

vii. Q3 Financial Statement to be submitted – November 1st.

viii. Q4 and Year End Financial Statement to be submitted – February 1st.

IV. BUDGET SUMMARY

The following is the agreed list of projected expenditures for this Statement of Work. Fully loaded labor costs as assumed at approximately $42.00 per hour.

For the first 6 months of this Agreement, funding is proposed to support the following:

Description	2022 (partial year)
Expenses:	
A. Active Partnership	$6,000
B. Summer Day Camps	$10,000
C. Family Nature Days or Watershed Fesitival	$10,000
D. Other Educational Support, Docent and Volunteer Programs	$0
E. Reporting, Planning and Evaluation & F. Invoicing, Financial Reports & Records *	$1,000
G. Administration, Supplies, Direct Expenses – Associated with Above Tasks	$3,000
Total Annual Budget:	$30,000

* Note: Tasks E & F are combined here to indicate that neither of these is expected to occupy a major proportion of the grant budget nor of Grantee staff time.

For the next calendar year 2023 and 2024 in the Agreement the following is proposed.

Description	2023 / 24 (full year)
Expenses:	
A. Active Partnership	$10,000
B. Summer Day Camps	$17,000
C. Family Nature Days or Watershed Festival	$10,000
D. Other Educational Support, Docent and Volunteer Programs	$17,000
E. Reporting, Planning and Evaluation & F. Invoicing, Financial Reports & Records *	$1,000
G. Administration, Supplies, Direct Expenses – Associated with Above Tasks	$5,000
Total Annual Budget:	$60,000

* Note: Tasks E & F are combined here to indicate that neither of these is expected to occupy a major proportion of the grant budget nor of Grantee staff time.

CITY OF Vancouver WASHINGTON

Staff Report: 094-22

TO: Mayor and City Council

FROM: Eric Holmes, City Manager

DATE: 8/1/2022

SUBJECT Rondeau - Right of First Refusal for Future Community Park Acquisition Approval and ratification of an Assignment Purchase Agreement for Right of First Refusal ("Assignment Purchase Agreement") between the City of Vancouver and Robert Rondeau for acquisition of an assignment of the Right of First Refusal legal interest for future purchase of the Groeneveld property (AFN 125654000 and 500811000)

Key Points

- The Groeneveld property is located east of the 192nd Avenue and SR-14 interchange, and adjacent to the City of Camas western boundary. The site has been identified as a priority community park acquisition for over ten years.

- The site consists of approximately 17 acres, including uplands for active recreation and one-half mile of Columbia River beach access.

- Although within Camas city limits, the site is included in Vancouver's PIF (Park Impact Fees) District C Overlay Service Area, making purchase of the property interest eligible for PIF funding.

- This district is significantly underserved with a park land deficit of over 200 acres and few suitable acquisition options available.

- Purchase of the Right of First Refusal (ROFR) is consistent with the Parks, Recreation and Cultural Services Comprehensive Plan, Capital Facilities Plan, Shoreline Management Plan, PIF Technical Document and Strategic Plan.

- The negotiated purchase price of $410,000 is based upon an estimated appreciation value since the most recent ROFR assignment transfer in 2015.

- The Right of First Refusal requires the owner to first offer the Property to whomever holds the ROFR on the same terms as an intended sale to a third party.

- Acquiring the Right of First Refusal, which will be assigned to the City by its current holder, Robert Rondeau, provides the City with the exclusive right to purchase the Groeneveld property on the terms of any intended sale, before the owner can sell the property to another buyer.

- If the City does not hold the ROFR, any offer made by the City to acquire the Groeneveld property could be superseded by the owner of the ROFR.

- The Assignment Purchase Agreement is contingent upon City Council approving the transaction terms and the City's actual acquisition of the ROFR will only proceed with that approval.

- If City Council approves the transaction, the ROFR will be formally assigned to the City and recorded against the property once the purchase price has been paid.

- Future acquisition of the site will be a strong candidate for grant funding through multiple sources and interagency partnerships for site acquisition, restoration and management.

Strategic Plan Alignment

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

Goal 7: Build on our status as the largest city on the Columbia River by strengthening connections to the river and the waterfront

Present Situation

Staff successfully negotiated purchase of the ROFR for $410,000 through a Letter of Intent and Assignment Purchase Agreement for Right of First Refusal for your consideration. The purchase price is based upon an estimated value of the ROFR appreciation since the most recent interest transfer to Rondeau in 2015.

The proposed acquisition of the ROFR is a time sensitive first-step opportunity to secure an exceptional recreational asset. The Groeneveld property is one of the last extensive waterfront properties suitable for public access in the urban area, and could serve as the east-side bookend to Vancouver Waterfront Park and Frenchman's Bar Regional Park. The site offers invaluable beach access and spectacular views of the Columbia River, Columbia River Gorge, Lady Island and Mt. Hood.

Although within Camas city limits, the site is included in Vancouver's PIF District C Overlay Service Area, making purchase of the ROFR legal interest and future site acquisition both eligible for PIF funding. The proposal is consistent with the Parks, Recreation and Cultural Services Comprehensive Plan, Capital Facilities Plan, Shoreline Management and Strategic Plans, and the PIF Technical Document.

Context & Background: Located near the interchange of SR-14 and 192nd Avenue, the subject property is within Camas city limits immediately east of Vancouver's southwest boundary. The property includes two parcels totaling approximately 17 acres with one-half mile of Columbia River beach frontage. The ownership is bisected east-west by BNSF Railroad right-of-way. An existing 1953 single family residence is accessed from Evergreen Highway on the upland parcel.

Acquisition of the Groeneveld property has been the focus of ongoing negotiations since 2010. The property title is encumbered by a 2005 Right of First Refusal (ROFR) held by a private party (Rondeau) which has restricted efforts to purchase the property directly from the owner to date. The ROFR dictates that negotiations for property acquisition will be triggered upon notice by the property owner to sell, or the death of the owner, with a 75-day timeline for a decision to purchase by the party holding the ROFR legal interest. The Right of First Refusal also requires the owner to first offer the Property to whomever holds the ROFR on the same terms as an intended sale to a third party. Acquiring the Right of First Refusal provides the City with the exclusive right to purchase the Groeneveld property on the terms of any intended sale, before the owner, or heirs, can sell the property to another buyer.

A future park at this location would serve all City residents, but more directly residents of Park Impact Fee District C. Based upon adopted park standards, PIF District C is the most underserved area of the City with a 200-plus acre deficit that continues to increase with on-going growth. With notable private development pressure on available lands, options to acquire large parcels suitable for community park improvements on the east side have been exceptionally challenging through both high and low economic times. Three major projects currently in the development review process are located within this district. These include Section 30, Vancouver Innovation Center and HQ (Fisher’s Quarry). These projects will generate over 11,000 new residents alone. Even with the proposed park acquisitions within the respective project areas, the east side will continue to have a significant park deficit.

Purchase of the ROFR for the Groeneveld property secures a future opportunity for the City to expand the park system to serve this vicinity as well as provide a regional draw to an extraordinary destination on the Columbia River. The site is also located along the Lewis and Clark Centennial Trail corridor planned to extend from Washougal to La Center.

The preliminary vision for property improvements places active improvements on the upland area including picnic shelters, a nature play structure, viewpoints, interpretive materials, restroom and parking, with passive uses on the lowland beach area south of the railroad. An existing single residence railroad crossing permit issued for the property is not transferrable with sale of the property, but preliminary discussions with BNSF Railroad regarding the proposed public park at this location were favorable. A public pedestrian signalized crossing and railroad frontage fencing for safety would likely be required with future park development, but due to the gentle slope of the property both could be accomplished sensitively without obstructing the exquisite views.

Site characteristics offer notable opportunities for a variety of supportive grants and partnerships for land acquisition, shoreline restoration, management, and mitigation value including removal of invasive species. Potential joint agency partnerships include City of Camas, Clark County Legacy Lands, Columbia Land Trust, and Washington Department of Fish and Wildlife.

Advantage(s)

1. Purchase of the ROFR for the Groeneveld property secures the future opportunity to expand the park system to serve City residents and reduce the park deficit in PIF District C.
2. Future acquisition of the site will be a strong candidate for grant funding through multiple sources and interagency partnerships for site acquisition, restoration and management including the Washington Recreation and Conservation Office and Clark County

Conservation Futures. Successful grant funding and interagency partnerships could supplement site acquisition, shoreline restoration, and site management.

Disadvantage(s)

Exercising the ROFR to purchase the property will be dependent upon the terms of the document, including the owner's interest in selling and the short timeline for commitment to purchase once triggered.

Budget Impact

PIF resources are currently allocated for purchase of the ROFR.

Prior Council Review

Acquisition of the Groeneveld property was reviewed in executive session with City Council on May 10, 2021.

Action Requested

Council approval and ratification of the Assignment Purchase Agreement for Right of First Refusal for the City to acquire assignment of the Right of First Refusal from Robert Rondeau for the Groeneveld property, and authorization for the City Manager, or his designee, to acknowledge an Assignment to Right of First Refusal to Purchase Real Property substantially in the form attached as Exhibit D to the Assignment Purchase Agreement.

Monica Tubberville, Senior Planner, 360-487-8353

ATTACHMENTS:

- Assignment Purchase Agreement

ASSIGNMENT PURCHASE AGREEMENT FOR RIGHT OF FIRST REFUSAL

THIS ASSIGNMENT PURCHASE AGREEMENT FOR RIGHT OF FIRST REFUSAL (this "Agreement") is made as of this 6th day of July 2022 (the "Effective Date"), by and between ROBERT S. RONDEAU, an individual ("Assignor" or "Rondeau"), and CITY OF VANCOUVER, a Washington municipal corporation ("Assignee" or "City").

BACKGROUND

WHEREAS, Assignor, as grantee and assignee of Grantee and Purchaser, and PIETERNELLIE D. GROENEVELD, individually and as trustee of that certain Trust Agreement dated May 16, 1991, as Grantor and Seller ("Groeneveld"), have entered into that certain RIGHT OF FIRST REFUSAL TO PURCHASE REAL PROPERTY effectively dated December 20, 2005, as assigned by that certain ASSIGNMENT OF RIGHT OF FIRST REFUSAL TO PURCHASE REAL PROPERTY dated June 11, 2015 by and between WHITE-WILLIAMS DEVELOPMENT COMPANY and ROBERT S. RONDEAU OR ASSIGNS (the "ROFR"), copies of which are attached hereto as Exhibit A, for the right of first to purchase certain real property commonly known as known as 5440 SW 6th Avenue (formerly designated as 20111 SE Evergreen Highway), Camas, Washington, 98607, lying and situate in Clark County, together with all of the improvements thereon, with the tax parcel numbers 125654000 and 500811000 and the abbreviated legal descriptions #67 JOEL KNIGHT DLC 16.39A and TIDELAND TAX LOT NO. 500811, as more particularly described in the ROFR and on Exhibit B, ROFR Subject Property Legal Description, and Exhibit C, ROFR Subject Property Diagram, attached hereto (collectively, the "Property"); and

WHEREAS, Assignor desires to assign to Assignee all of Assignor's right, title and interest in, to and under the ROFR and the Property, and Assignee desires to accept such assignment and assume all of Assignor's duties, obligations and responsibilities under the ROFR and to the Property, all on the terms and conditions set forth herein; and

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto agree as follows:

1. **Background.** The above recited Background to this Agreement is hereby fully incorporated by this reference as if set forth herein.

2. **Purchase Price.** The purchase price to be paid by Assignee at Closing (as defined herein) to acquire the ROFR for the Property from Assignee is Four Hundred Ten Thousand and No One Hundredths US Dollars ($410,000.00) ("Purchase Price").

3. **Assignment and Assumption.** Pursuant to the Assignment to Right of First Refusal to Purchase Real Property, the form of which is attached hereto on Exhibit D ("ROFR Assignment"), as of the Closing Date (defined herein):

   (a) Assignor hereby assigns, conveys, transfers and sets over to Assignee all of Assignor's right, title and interest in, to and under the ROFR; and

(b) Assignee hereby accepts the foregoing assignment and assumes all of Assignor's duties, obligations and responsibilities under the ROFR, to the extent arising from and after the Closing Date, in accordance with the terms thereof.

4. Indemnification.

(a) Assignor shall indemnify, defend and hold harmless Assignee and its directors, officers, agents, employees, successors and assigns from and against any and all losses, costs (including reasonable attorneys' fees), damages, liability, actions and proceedings arising out of or relating to (i) any misrepresentations, breaches or defaults of Assignor with respect to its obligations, representations, duties and/or responsibilities under the ROFR to the extent accruing or arising prior to the execution of this Agreement and (ii) the inaccuracy of the representations and warranties made by Assignor in Section 4 hereof.

(b) Assignee shall indemnify, defend and hold harmless Assignor from and against any and all losses, costs (including reasonable attorneys' fees), damages, liability, actions and proceedings arising out of or relating to any misrepresentations, breaches or defaults of Assignee with respect to its obligations, representations, duties and/or responsibilities under the ROFR, but only to the extent accruing or arising after the execution of this Agreement and only to the extent related to or arising out of the obligations expressly assumed hereunder.

5. Representations and Warranties.

(a) Assignor hereby represents and warrants to Assignee that, as of the Effective Date and affirmed as of the Closing Date:

(i) Attached to this Agreement as Exhibit A is a true, correct and complete copy of the ROFR;

(ii) The ROFR is in full force and effect and has not been modified or amended, either orally or in writing, other than by any amendment or modification referred to in the definition of ROFR above;

(iii) Regardless of whether the Spousal Acknowledgement is completed, Assignor has made and will make no other assignment or transfer of, and has not otherwise encumbered nor will encumber, any of its rights, title, interest, duties and/or obligations under the ROFR to any party whatsoever;

(iv) Neither Assignor nor Seller is in default under the ROFR and no event currently exists which, with the giving of notice or passage of time or both, would constitute a default by Assignor under the ROFR; Seller has no defense, counterclaim or right of setoff against Assignor; and

(v) The offer of the Property and the intended sale and purchase of the Property pursuant to the ROFR, and of the other matters contemplated thereby, has not occurred.

(b) Each party hereto hereby represents and warrants to the other(s) that it has been duly authorized to execute and deliver this Agreement and that this Agreement constitutes the legal, valid and binding obligation of such party and is enforceable against such party in accordance with its terms.

6. **City Council Approval Contingency**. Assignee's obligations herein are contingent on the Vancouver City Council formally consenting to this Agreement and the ROFR Assignment pursuant review of the Agreement and ROFR Assignment as a consent agenda item at a public meeting ("City Council Approval"). Assignee shall seek to obtain such City Council Approval within sixty (60) days of the Effective Date. In the event that Assignee fails to obtain City Council Approval on or before December 31, 2022, this Agreement shall automatically terminate.

7. **Closing and Escrow**. Within five (5) business days of the Effective Date of this Agreement, Assignor and Assignee shall cause an escrow account to be opened with Fidelity Title National Title Insurance Company of Washington (Attn: Melissa Miller), located at 655 W. Columbia Way, Suite 200, Vancouver, WA 98660 ("Escrow Agent"), at which time the parties will deposit an executed copy or executed counterparts of this Agreement with Escrow Agent. Payment of the Purchase Price and execution and recordation of the ROFR Assignment shall be completed through the Escrow Agent.

   (a) Closing Date. The transaction contemplated by this Agreement shall close by payment of the Purchase Price and recordation of an executed ROFR Assignment ("Closing" or "Close") on a date mutually agreed upon by the parties that is within twenty (20) days following issuance of City Council Approval (the "Closing Date").

   (b) Deliveries to Escrow Agent.

      (i) By Assignor. On or prior to the Closing Date, Assignor will deliver or cause to be delivered to Escrow Agent 1) the ROFR Assignment duly executed and acknowledged by Seller and in recordable form, conveying the ROFR to Assignee, and 2) a Real Estate Excise Tax Affidavit, if required by the Clark County Recorder.

      (ii) By Assignee. On or prior to the Closing Date, Assignee will deliver or cause to be delivered to Escrow Agent 1) confirmation of City Council Approval as reasonably required in connection with this transaction, 2) acknowledgement of the ROFR Assignment, and 3) the Purchase Price.

      (iii) By Assignor and Assignee. Assignor and Assignee will each deposit such other instruments consistent with this Agreement as are reasonably required by Escrow Agent or otherwise required for Closing. In addition, to the extent necessary, Assignor and Assignee hereby designate Escrow Agent as the "Reporting Person" for the transaction pursuant to Section 6045(e) of the Internal Revenue Code.

8. **Notice of Assignment to Seller.** Upon Closing, the City shall provide timely notice to Groeneveld of the ROFR Assignment in accordance with the requirements of Section 20(h) of the White-Williams ROFR.

9. Spousal Acknowledgement. If Assignor is a resident of the State of Washington and married on the Effective Date of this Agreement, Assignor's spouse will, concurrent with Assignor's execution of this Agreement, execute the Spousal Acknowledgement waiving any interest in the ROFR and the Property. Notwithstanding the execution thereof, such acknowledgement will not be required in order for any alleged community property interest to be forfeited, nor will such acknowledgement be deemed to confer or convey to Assignor's spouse any rights in the ROFR or the Property that do not otherwise exist by operation of law.

10. Miscellaneous.

(a) This Agreement becomes effective only upon execution by all parties hereto.

(b) The headings of the sections, subsections, paragraphs, and subparagraphs hereof are provided herein for and only for convenience of reference and shall not be considered in construing their contents. Capitalized terms used herein and not otherwise defined have the meanings ascribed to such terms in the ROFR.

(c) This Agreement represents the complete understanding between the parties hereto as to the subject matter hereof, and all prior negotiations, promises, statements or agreements, whether written or oral, between the parties hereto are superseded by the terms of this Agreement.

(d) Except as expressly provided in this Agreement, the terms of the ROFR are hereby ratified and shall remain in full force and effect.

(e) This Agreement is governed by, and construed in accordance with, the laws of the State of Washington without regard to principals of conflicts of law and venue shall lie in Clark County.

(f) This Agreement shall be binding upon, and inure to the benefit of, the parties hereto and their respective successors and assigns.

(g) This Agreement may be executed in one or more counterparts, each of which shall be deemed an original and together shall be deemed one in the same document. Any signature to this Agreement transmitted by facsimile or electronic mail shall be deemed an original signature hereto.

[Remainder of page intentionally left blank; signatures appear on the following page.]

IN WITNESS WHEREOF, the undersigned have executed this Agreement as of the date first written above.

ASSIGNOR:
ROBERT S. RONDEAU, an individual

Signed: Robert S Rondeau

Robert S. Rondeau

ASSIGNOR SPOUSAL ACKNOWLEDGEMENT

I, the undersigned spouse of Assignor, acknowledge that I have read and understood the above Agreement. I hereby agree that my community property interest, if any, in the ROFR or the Property is hereby conveyed to Assignee pursuant to this Agreement and that I am irrevocably bound by the Agreement. I am aware that the legal, financial, and related matters contained in the Agreement are complex and that I am free to seek independent professional guidance or legal counsel with respect to this Spousal Acknowledgement. I have either sought such guidance or counsel or determined after reviewing the Agreement carefully that I will waive such right.

Signature: Elizabeth A. Rondeau Date: 7-7-22

Printed Name: Elizabeth A. Rondeau

ASSIGNEE:
CITY OF VANCOUVER, a Washington municipal corporation

By:________________________________
By: Eric J. Holmes, City Manager

Attest:

By:________________________________ for
By: Natasha Ramras, City Clerk
Carrie Lewellen, Deputy City Clerk

Approved as to Form:

By:________________________________
By: Jonathan Young, City Attorney

EXHIBIT A
RIGHT OF FIRST REFUSAL (ROFR)

[TO BE INSERTED]

4105192 FRR
RecFee - $89.00 Pages: 8 - FIDELITY NATIONAL TITLE
Clark County, WA 12/30/05 11:44 AM

8.50

RETURN ADDRESS
David W. Ridenour
Attorney At Law
1014 Franklin St. Ste 206
Vancouver, WA. 98660

Real Estate Excise Tax
Ch. 11 Rev. Laws 1951
EXEMPT
Affd. # 0 Date 12/29/05
For Details of tax paid see
Affd. #
Doug Lasher
Clark County Treasurer
By ______ Deputy

Document Title(s): **Order Number:** V47620MM
Right Of First Refusal To Purchase Real Property

Reference Number(s) of related documents:

Grantor(s): (Last name, First name and Middle Initial)
Pieternellie D. Groeneveld

Grantee(s): (Last name, First name and Middle Initial)
Whie-Williams Development Company

Trustee:
FIDELITY NATIONAL TITLE

Legal Description: (abbreviated form: i.e. lot, block, plat or section township, range, quarter/quarter)
Tax Lot #52 , M. Simmons DLC, in the NE Quarter of Sec 12, Township 1 North, Range 2 East

Assessor's Property Tax Parcel/Account Number:
126694-0000

The Auditor/Recorder will rely on the information provided on this form. The staff will not read the document to verify the accuracy or completeness of the indexing information provided herein.
I am requesting an emergency nonstandard recording for an additional fee as provided in RCW 36.18.010. I understand that the recording process may cover up or otherwise obscure some part of the text of the original document.

Signature of Requesting Party

RIGHT OF FIRST REFUSAL TO PURCHASE REAL PROPERTY

THIS RIGHT OF FIRST REFUSAL TO PURCHASE REAL PROPERTY is made and entered into as of December 20, 2005, by and between Pieternellie D. Groeneveld, individually and as trustee of that certain Trust Agreement dated May 16, 1991, ("*Seller*"), and White-Williams Development Company, ("*Purchaser*").

1. **The Property.** The Seller owns real property located at 20111 S.E. Evergreen Highway, Camas, Washington, 98607, Tax Assessor's Parcel number 125654-000, (see, Exhibit A attached hereto), Lot #67 Joel Knight DLC, map page and grid #568 H4, T1N, R3E, Section 08, QSW, Willamette Meridian, and more particularly described as:

   All of that property described in Exhibit 'A' of document recorded August 7, 1992, Clark County Auditor's File Number 9208070127 which is a correction of deed recorded August 7, 1991, Clark County Auditor's File Number 9108070190;

   Except that portion conveyed to the State of Washington, May 16, 2001, under Clark County Auditor's File Number 3320936,

   together with the buildings and all other improvements, easements, rights of way, and appurtenances, (the "*Property*").

2. **Right of First Refusal.** If the Seller decides to sell the Property, Seller shall first offer the Property exclusively to the Purchaser for the Purchaser Price and on the terms of the intended sale as described herein.

3. **Consideration.** The Purchaser's consideration for this Agreement includes various concessions and the release of claims pursuant to a Release and Settlement Agreement between the parties of even date herewith. As additional consideration for the Seller's obligations under this Agreement, the Purchaser pays Ten and no/100 Dollars, ($10.00), receipt of which is hereby acknowledged.

4. **Notice of Seller's Intent to Sell.** The Seller shall provide written Notice of her intent to sell the Property to the Purchaser.

5. **Additional Effective Date.** In the event the Seller does not provide Notice of intent to sell the Property under this Agreement during her lifetime, the Purchaser's right to purchase the Property under this Agreement shall become effective upon the Seller's death from the Seller's estate.

6. **Feasibility Study Contingency.** Upon receipt of Seller's Notice of intent to sell, the Purchaser shall have the right to enter the Property and to conduct an investigation and a feasibility study of the suitability of the Property for Purchaser's intended use including, but not limited to, market feasibility, engineering and soils studies, investigation of zoning, subdivision, and other land use and environmental restrictions, and availability, adequacy, and cost of utilities. The Purchaser's right and obligation to purchase the Property under this Agreement is conditioned upon the suitability of the Property for Purchaser's intended use, in Purchaser's sole judgment and

DAVID W. RIDENOUR
Attorney at Law
1014 Franklin Street, Suite 206
Vancouver, WA 98660

discretion. This contingency shall conclusively be deemed satisfied unless within 75 days from Notice of Seller's intent to sell, Purchaser gives notice of disapproval, in which event this Agreement shall terminate, Purchaser shall restore the Property to its original condition (if changed in the course of the above investigation), and Purchaser shall deliver to Seller copies of all results and products of the investigation and feasibility study.

7. **Closing Date**. The transaction shall be closed within 150 days following Seller's Notice of intent to sell, unless extended by written agreement of the parties or the provisions of Paragraph 9 below.

8. **Closing Agent**. The sale shall be closed in the office of the Closing Agent, Fidelity National Title Insurance Company. The Purchaser and Seller shall deposit with closing agent all instruments, documents and monies necessary to complete the sale in accordance with this Agreement.

For purposes of this Agreement, "date of closing" shall be construed as the date upon which all appropriate documents are recorded and proceeds of this sale are available for disbursement to Seller. Funds held in reserve accounts pursuant to escrow instructions shall be deemed, for purposes of this definition, as available for disbursement to Seller.

9. **Purchase Price**. The Purchase Price shall be negotiated by the parties at the time of the Notice. If the parties are unable to agree on a price for the Property within ten days of the Notice, then the Purchase Price shall be determined by appraisal. If the parties are unable to agree on an appraiser, then each party shall select an appraiser, and those two appraisers shall select a third which shall conduct the appraisal to determine the fair market value and Purchase Price of the Property. The cost of the appraisal shall be divided equally by the parties. The time periods described for the Closing Date and the Feasibility Study contingency shall be extended by the amount of time required from the date of Seller's Notice of intent to sell to the date the parties determine or agree upon the Purchase Price under this Paragraph. The Purchase Price for the Property shall be paid in full in cash at Closing.

10. **Title**. Title shall be conveyed by Statutory Warranty Deed free of encumbrances or defects, except those noted in the general exceptions to the preliminary commitment for title insurance that are accepted by Purchaser; easements, covenants, conditions, restrictions and defects of record, if any; and existing boundary lines and encroachments. If Seller fails to clear the title to the extent required by this Agreement or to submit evidence of Seller's ability to clear the title prior to the Closing Date, Purchaser may clear the title to the extent so required and charge the cost of clearing the title to Seller.

11. **Title Insurance**. An ALTA standard form policy of title insurance shall be obtained by the parties from Fidelity National Title Company and as soon as practical prior to Closing a preliminary commitment therefor shall be given to both parties. The title policy to be issued shall contain no exceptions other than those provided in said standard form plus encumbrances or defects excepted in Paragraph 10 above.

12. **Apportionment of Taxes and Assessments**. The real property taxes on the Property, whether a lien or not, assessed or to be assessed for the year in which this transaction is finally consummated shall be prorated between the parties to the date of delivery of the deed of conveyance. If the taxes are not determinable at the time of delivery of the deed of conveyance, the amount of the prior year's taxes shall then be used as a basis of pro-rations. Any special

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360.906.1600

assessments shall be divided between the parties so that the Seller pays those assessments due up to the Closing Date and the Purchaser assumes payment of all future installments.

13. **Representations and Condition of Property**. This sale is made on the following basis:

a. Seller represents that she is the owner of the Property, holds full fee simple title to the Property and is authorized to sell the Property according to the terms of this Agreement.

b. Seller is selling the property in an "AS IS – WHERE IS" condition. Seller makes no representations as to the lot size or boundaries lines of the property, or that any existing fence is the boundary of the property. Seller disclaims any and all warranties against encroachments upon the property.

c. Seller makes no guarantee as to the size of any structure on the property.

d. Seller makes no guarantees that all proper building permits were obtained or that there are no violations of building codes or regulations.

e. Any and all inspections and repairs are to be made by the Purchaser at Purchaser's sole expense and risk.

f. Seller warrants that the premises are not subject to any leasehold interest. Seller further agrees that Seller will not enter into any lease of the Property or any part of the Property without first securing the written approval of the Purchaser, which may be denied in Purchaser's sole judgment and discretion.

14. **Closing Costs and Prorated Items**. Seller shall pay the excise tax on this transaction and the cost of title insurance. Seller and Purchaser shall each pay one-half (1/2) of the escrow fees for closing the transaction. The real estate taxes, assessments, water, utility charges, association dues or rent, if any, on the property shall be prorated as of the date of closing. Purchaser assumes and agrees to pay all real property taxes from and after the date of closing.

15. **Possession**. Seller shall deliver possession to Purchaser on the Date of Closing.

16. **Maintenance of Property**. Seller shall not be responsible to maintain the Property until Closing in the same or equivalent condition as it exists as of the date of this Agreement.

17. **Damage**. If, prior to closing, improvements on said premises shall be destroyed or materially damaged by fire or other casualty, this Agreement shall remain in full force and effect, fully binding upon both the Purchaser and Seller. Any proceeds from insurance policies belonging to the Seller for such destruction or damage shall belong to the Seller exclusively.

18. **Default**. Each party agrees that the violation of any term or condition of this Agreement may cause irreparable damage to the other party which is difficult to ascertain and that the award of any sum of damages may not be adequate relief to the other party. Each party agrees that, in addition to all other remedies available in the event of breach of this Agreement by a party, the other party shall have the right to injunctive relief, including without limitation an award of specific performance.

DAVID W. RIDENOUR
Attorney at Law
1014 Franklin Street, Suite 206
Vancouver, WA 98660
360.906.[illegible]

19. **Recording**. The parties understand and agree that this Agreement shall be recorded in the public records of the Clark County Auditor's Office.

20. **Miscellaneous.**

a. In the event litigation arises out of this Agreement, the losing party agrees to pay the prevailing party's attorney's fees incident to said litigation, together with all costs and expenses incurred in connection with such action, including costs of searching records to determine the condition of title, and whether or not incurred in the trial court or on appeal.

b. This Agreement shall be governed by and interpreted in accordance with Washington law. Any action or litigation arising out of or in connection with this Agreement shall be conducted in Clark County, Washington.

c. Seller and Purchaser warrant that they have not used the services of any real estate company, real estate sales agent or broker and that there is not a sales commission owed for this Agreement or the possible eventual Closing of the Property.

d. All agreements, warranties, limitations of warranties, and disclaimers contained herein shall continue to be binding after the closing of this transaction.

e. Notices shall be deemed given on the date of personal delivery to the other party, or in the case of mailing, two (2) business days after the notice has been mailed by certified mail, return receipt requested.

f. Time is of the essence in this Agreement.

g. Paragraph headings are included solely for the convenience of the reader, and are not intended to be a part of this Agreement.

h. The terms and provisions of this Agreement shall be binding upon and shall inure to the benefit of the heirs, legal representatives, and proper and permitted assigns and successors of the parties. The Purchaser shall have the right to assign Purchaser's interest without restriction or Seller's consent. The party assigned Purchaser's rights will have the same rights and obligations as though they were originally a party to this Agreement. Notice of each assignment shall be given in writing to the Seller.

i. There are no other verbal or other agreements which modify or affect this Agreement, or which affect this transaction. This Agreement may not be amended other than in writing, signed by the parties.

j. This Agreement shall serve as and/or be incorporated into Seller's and Purchaser's escrow or closing instructions for the closing of this transaction. Any inconsistencies between this Agreement and escrow or closing instructions provided by the parties shall be resolved in favor of this Agreement.

21. **Notices**. All notices and other communications between the parties shall be in writing and may be hand-delivered or mailed by first-class mail, postage prepaid, to the parties hereto at such address as may be designated in writing by the parties, or to their counsel identified below. If

DAVID W. RIDENOUR
Attorney at Law
1014 Franklin Street, Suite 206
Vancouver, WA 98660
360.9...

Notice is required to any successor or assignee of either party, then Notice shall be similarly delivered or mailed at the address stated in the notice of succession or assignment. The parties shall keep each other advised of their mailing addresses to enable the notices anticipated herein.

If to Seller: Pieternellie D. Groeneveld
c/o Douglas O. Whitlock
Douglas O. Whitlock, P.C.
P.O. Box 748
Vancouver, WA 98666

If to Purchaser: White-Williams Development Company
c/o David W. Ridenour
Attorney at Law
1014 Franklin Street
Vancouver, WA 98660

22. **Disclosure of Representation**. It is understood that this Agreement has been prepared by David W. Ridenour, Attorney at Law, for the benefit of the Purchaser hereunder; and that the Seller has been represented by Douglas O. Whitlock, Attorney at Law in connection with the negotiation and execution of the document. The parties have had full opportunity to review this Agreement and the provisions herein and agree that the drafting of this Agreement shall not cause it to be construed against the drafter.

"*Seller*"

Pieternellie D. Groeneveld
Individually and as Trustee of
Trust Agreement dated May 16, 1991

"*Purchaser*"

Boyd C Williams

White-Williams Development Company
By: Boyd Williams
Its: General Partner

* If the existing house remains as part of any development the seller or any of her heirs shall have the 1st option to purchase the house on similar terms and conditions as outlined herein. DTW

DAVID W. RIDENOUR
Attorney at Law
1014 Franklin Street, Suite 206
Vancouver, WA 98660

State of Washington)
) ss.
County of Clark)

On this day personally appeared before me Pieternellie D. Groeneveld, to me known to be the individual described in and who executed the within and foregoing instrument, entitled Right of First Refusal to Purchase Real Property, and acknowledged that she signed the same as her free and voluntary act and deed, and on oath stated that she is authorized to execute the instrument for the uses and purposes therein mentioned.

Given under my hand and official seal this 20 day of December, 2005.

Douglas O. Whitlock

Notary Public in and for the
State of Washington,
residing at Vancouver, Washington.
My commission expires 6-15-06

DOUGLAS O. WHITLOCK
COMMISSION EXPIRES
NOTARY
PUBLIC
6-15-06
STATE OF WASHINGTON

State of Washington)
) ss.
County of Clark)

I certify that I know or have satisfactory evidence that Boyd Williams Dave White and HDE is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he is authorized to execute the instrument and acknowledged it, as a general partner of White-Williams Development Company, to be the free and voluntary act of such party for the uses and purposes mentioned in this instrument.

Given under my hand and official seal this 21st day of December, 2005.

H. DEE ENGLEKING
NOTARY PUBLIC
STATE OF WASHINGTON
COMMISSION EXPIRES
OCTOBER 9, 2007

H Dee Engleking

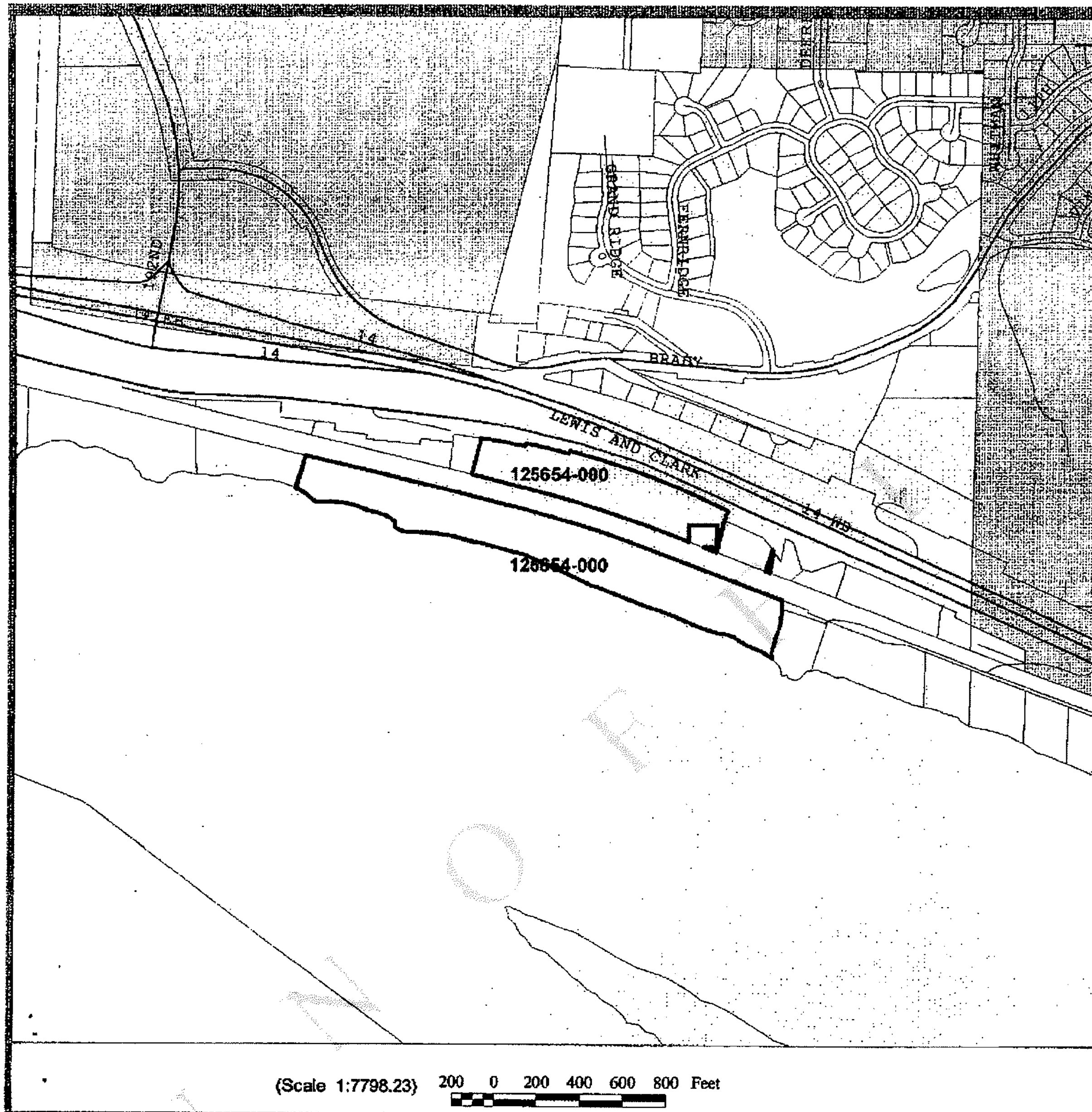
Notary Public in and for the
State of Washington,
residing at Vancouver, Washington.
My commission expires 10-9-07

DAVID W. RIDENOUR
Attorney at Law
1014 Franklin Street, Suite 206
Vancouver, WA 98660
360.906.1556

Exhibit A

SW 1/4 of Section 08 T1R3E WM

Serial Number: 125654-000
Owner: GROENEVELD P ETAL
Address: 20111 SE EVERGREEN HY



Major Roads
Roads
Municipal Jurisdiction
Unincorporated
Incorporated

Fidelity National Title

CLARK COUNTY WASHINGTON

Plot Date: Dec 16, 2005
Map produced by: Ardy Ogan
Information shown on this map was collected from several sources. Neither Clark County or the agency producing this document accept responsibility for any inaccuracies that may be present.

N

5182227 A 06/12/2015 01:28 PM
Total Pages: 4 Rec Fee: $75.00
FIRST AMERICAN TITLE VANCOUVER
SIMPLIFILE LC E-RECORDING
eRecorded in Clark County, WA

After recording, return to:

Albert Schlotfeldt
Duggan, Schlotfeldt & Welch PLLC
900 Washington Street, Suite 1020
PO Box 570
Vancouver, WA 98666-0570

ASSIGNMENT OF RIGHT OF FIRST REFUSAL TO PURCHASE REAL PROPERTY

Grantor:	**White-Williams Development Company.**
Grantee:	**Robert S. Rondeau, or Assigns.**
Tax Parcel Number(s):	**125654-000.**
Legal Description:	Lot #67 Joel Knight DLC, map page and grid #568 H4, T1N, R3E, Section 08, QSW, Willamette Meridian, and more particularly described as: All of that property described in Exhibit 'A' of document recorded August 7, 1992, Clark County Auditor's File Number 9208070127 which is a correction of deed recorded August 7, 1991, Clark County Auditor's File Number 9108070190; Except that portion conveyed to the State of Washington, May 16, 2001, under Clark County Auditor's File Number 3320936; Together with the buildings and all other improvements, easements, rights of way, and appurtenances, (the "Property"); And commonly known as 20111 S.E. Evergreen Highway, Camas, Washington, 98607.
Reference Number:	**4105192-FRR**

ASSIGNMENT OF RIGHT OF FIRST REFUSAL
TO PURCHASE REAL PROPERTY

This ASSIGNMENT OF RIGHT OF FIRST REFUSAL TO PURCHASE REAL PROPERTY, ("*Assignment*"), is made as of the 11th day of June, 2015, by and between WHITE-WILLIAMS DEVELOPMENT COMPANY, ("*Assignor*"), and ROBERT S. RONDEAU, OR ASSIGNS, an individual, ("*Assignee*").

1. **Assignment**. For and in consideration of the sum of Ten and no/100 Dollars, ($10.00), and of other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the undersigned Assignor does hereby transfer, set over, assign and convey unto Assignee all of Assignor's rights, privileges, duties and obligations in, to and under that certain RIGHT OF FIRST REFUSAL TO PURCHASE REAL PROPERTY, ("*ROFR*"), effectively dated December 20, 2005, between Assignor, as "Purchaser", and Pieternellie D. Groeneveld, individually and as trustee of that certain Trust Agreement dated May 16, 1991, as "Seller", with respect to the Purchaser's right of first refusal to purchase a certain parcel of land situated in Camas, Washington, and more particularly described in the ROFR. Said ROFR was recorded in the office of the Clark County Auditor under recording number 4105192-FRR. Assignor hereby authorizes Assignee to exercise said rights, powers and privileges in as full a manner as Assignor is authorized to exercise the same.

2. **Agreement to Assign**. Assignor and Assignee are parties to that certain AGREEMENT FOR THE ASSIGNMENT OF A RIGHT OF FIRST REFUSAL TO PURCHASE REAL PROPERTY dated March 18, 2015, (the "*Agreement*"), which describes the rights and responsibilities of the parties with respect to this Assignment. This Assignment is delivered pursuant to the Agreement and Assignee expressly acknowledges and affirms the provisions thereof. This Assignment is made without representation or warranty by Assignor except as provided in the Agreement.

3. **Future Performance**. Assignee assumes the performance of all of the obligations of Assignor under the ROFR to be first performed from and after the date hereof.

4. **Survival of Provisions**. This Assignment shall be binding on and inure to the benefit of the parties hereto, their heirs, executers, administrators, successors in interest and assigns.

IN WITNESS WHEREOF, Assignor has caused this Assignment to be executed in its name by its duly authorized officer or officers as of this 12 day of June, 2015.

"*Assignor*"
White-Williams Development Company

By: Dave White	6-12-15
Its: ______	Date
By: Boyd Williams	6-12-15
Its: ______	Date

"*Assignee*"

Robert S. Rondeau

6/11/15
Date

State of Washington)
) ss.
County of Clark)

On this 12th day of June, 2015, before me personally appeared Dave White, to me known to be the ____________________ or other authorized officer of White-Williams Development Company that executed the within and foregoing instrument, and acknowledged said instrument to be the free and voluntary act and deed of said company, for the uses and purposes therein mentioned, and on oath stated that he was authorized to execute said instrument.

In Witness Whereof I have hereunto set my hand and affixed my official seal the day and year first above written.

Given under my hand and official seal this 12th day of June, 2015.

JEANETTE P. STROHECKER
NOTARY PUBLIC
STATE OF WASHINGTON
COMMISSION EXPIRES
MAY 15, 2019

Printed name: Jeanette P Strohecker
Notary Public in and for the State of
Washington, residing at: Clark
My commission expires: 5/15/19

State of Washington)
) ss.
County of Clark)

On this 12th day of June, 2015, before me personally appeared Boyd Williams, to me known to be the ____________________ or other authorized officer of White-Williams Development Company that executed the within and foregoing instrument, and acknowledged said instrument to be the free and voluntary act and deed of said company, for the uses and purposes therein mentioned, and on oath stated that he was authorized to execute said instrument.

In Witness Whereof I have hereunto set my hand and affixed my official seal the day and year first above written.

Given under my hand and official seal this 12th day of June, 2015.

JEANETTE P. STROHECKER
NOTARY PUBLIC
STATE OF WASHINGTON
COMMISSION EXPIRES
MAY 15, 2019

Jeanette P. Strohecker
Printed name: Jeanette P. Strohecker
Notary Public in and for the State of
Washington, residing at: Clark
My commission expires: 5/15/19

State of Washington)
) ss.
County of Clark)

On this day personally appeared before me Robert S. Rondeau, to me known to be the individual described in and who executed the within and foregoing instrument, entitled Assignment of Right of First Refusal to Purchase Real Property, and acknowledged that he signed the same as his free and voluntary act and deed, for the uses and purposes therein mentioned.

Given under my hand and official seal this 11th day of June, 2015.

PATRICIA A. PAINTER
NOTARY PUBLIC
STATE OF WASHINGTON
COMMISSION EXPIRES
JUNE 15, 2019

Patricia A. Painter
Printed name: Patricia A. Painter
Notary Public in and for the State of
Washington, residing at: Vancouver, WA
My commission expires: June 15, 2019

EXHIBIT B
ROFR SUBJECT PROPERTY LEGAL DESCRIPTION

PARCEL I

BEGINNING at the Southeast corner of the Joel Knight Donation Land Claim; thence North 4.75 chains; thence West 12.30 chains; thence North 77° West 2.30 chains, more or less, to the Southwest corner of that certain tract conveyed to the LaCamas Booming Company, a corporation, by deed recorded in Volume 61, page 409, records of Clark County, Washington, and the True Point of Beginning of the real property herein described, said True Point of Beginning being on the North bank of the Columbia River; thence North 10°30' East along the Westerly line of said tract and the Westerly line of that certain tract conveyed to J.A. Buckley, by deed recorded in Volume 71, page 334, records of said County, to the Southerly line of the Evergreen Highway; thence Westerly along the Southerly line of said Highway to the East line of that certain tract conveyed to John H. Bruce, by deed recorded in Volume "V", page 492, records of said County; thence South 16°55' West to the South end of said Bruce tract; thence South along the East line of that certain tract conveyed to said John H. Bruce, by deed recorded in Volume "V", page 207, records of said County, 4.00 chains, more or less, to the North bank of the Columbia River; thence Easterly along the North bank of said river to the Point of Beginning.

ALSO an easement for ingress and egress to and from the waters of the Columbia River for pleasure and for fishing boats, over that certain strip of land and/or tideland as conveyed to Crown Zellerbach Corporation, by deed recorded under Auditor's File No. F 24232, not exceeding 60 feet in width at a location approximately 800 feet West of the Easterly end of said strip.

EXCEPT that portion lying within the right of way of Primary State Highway No. 8 as conveyed to the State of Washington, by deed recorded under Auditor's File No. G 172296.

ALSO EXCEPT that certain tract known as "Knight Burying Ground" conveyed to Amelia Lieser, by deed recorded in Volume 39, page 103, records of said County, and by deed recorded in Volume 2, page 333, records of said County.

ALSO EXCEPT a strip of land 100 feet in width conveyed to the Spokane, Portland and Seattle Railway Company, a Washington corporation, by deed recorded in Volume 61, page 16, records of said County.

ALSO EXCEPT any portion lying South of the ordinary high water as conveyed to Crown Zellerbach Corporation, by deed recorded under Auditor's File No. F 24232.

ALSO EXCEPT that portion of Section 8, Township 1 North, Range 3 East of the Willamette Meridian, Clark County, Washington, described as follows:

BEGINNING at the point of intersection of the North boundary of the Spokane, Portland and Seattle Railway right of way and the West boundary of the tract acquired by Leendert Groeneveld by two separate deeds, dated the 27th day of May, 1949, and recorded under Auditor's File Nos. G 25727 and G 25728; thence Easterly along the North boundary of said railroad right of way 755 feet, more or less, to the center line of an unnamed stream and the True Point of Beginning; thence Northerly along the center of said stream, 160 feet; thence Easterly and parallel to said railroad right of way, 100 feet; thence Southerly and parallel to the center of said stream 160 feet to the North boundary of said railroad right of way; thence Westerly along the said railroad right of way 100 feet to the True Point of Beginning.

ALSO EXCEPT that portion of Section 8, Township 1 North, Range 3 East of the Willamette Meridian, Clark County, Washington, described as follows:

BEGINNING at the point of intersection of the North boundary of the Spokane, Portland and Seattle Railway right of way and the West boundary of the tracts acquired by Leendert Groeneveld, et ux, by deeds dated May 27, 1949, and recorded under Auditor's File Nos. G 25727 and G 25728, respectively; thence Easterly along the North boundary of said railway right of way 755 feet, more or less to the center of an unnamed stream, said point being the Southwest corner of the Izak Maintveld tract, as conveyed by deed recorded under Auditor's File No. G 170891; thence Northerly along the center line of said stream and the Westerly boundary and Northerly extension of said tract to the South line of Primary State Highway No. 8, as established by deed dated May 23, 1955, and recorded under Auditor's File No. G 172296; thence Westerly along the South boundary of said Highway to the West line of Groeneveld tract, said point bears North 16°55' East from the Point of Beginning; thence South 16°55' West to the Point of Beginning.

ALSO EXCEPT BEGINNING at a point marked by an iron pipe on the North edge of the Spokane, Portland and Seattle Railway right of way, 1051.11 feet North 70°24'26" West from its intersection with the East line of the Joel Knight Donation Land Claim located in Section 5 and Section 8, Township 1 North, Range 3 East of the Willamette Meridian, Clark County, Washington; thence North 70°24'26" West 254.52 feet along the said right of way of an iron pipe; thence North 12°04'35" East 162.46 feet to the South edge of State Highway, 190 feet from the center line of Station 560+00; thence South 66°52' East 200.00 feet along the edge of said Highway to Station 562+00; thence South 45°04' East 77.31 feet along the edge of said Highway; thence South 18°49'20" West 117.27 feet to the Point of Beginning, all located in the Northwest quarter of the Southeast quarter of Section 8, Township 1 North, Range 3 East of the Willamette Meridian, Clark County, Washington.

ALSO EXCEPT the North 100 feet of the following:

BEGINNING at a point marked by an iron pipe on the North edge of the Spokane, Portland and Seattle Railway right of way, 1051.11 feet North 70°24'26" West from its intersection with the East line of the Joel Knight Donation Land Claim located in Sections 5 and 9, Township 1 North, Range 3 East of the Willamette Meridian, Clark County, Washington; thence North 70°24'26" West 254.52 feet along the said right of way of an iron pipe, said point being the Southwest corner of that tract conveyed to Charles L. Goad, et ux, by contract recorded under Auditor's File No. G 489429, and the True Point of Beginning of the tract herein described; thence continuing North 70°24'26" West along the North line of said Spokane, Portland and Seattle Railway right of way 60.00 feet; thence North 12°04'35" East, parallel with the West line of said Goad tract, 162.46 feet; thence South 70°24'26" East, parallel with the North line of said Spokane, Portland and Seattle Railway right of way, 60.00 feet to the Northwest line of said Goad tract; thence South 12°04'35" West along the West line of said Goad tract 162.46 feet to the True Point of Beginning.

PARCEL II

All that portion of the following described property, lying South of the Spokane, Portland and Seattle Railway Company right of way, as conveyed by deed recorded in Book 61, page 111, records of Clark County, Washington:

BEGINNING at a point 4.75 chains North and 12.30 chains West of a large rock which is the Southeast corner of the Joel Knight Donation Land Claim, said point being in Section 8, Township 1 North, Range 3 East of the Willamette Meridian, Clark County, Washington; running thence North 77° West 2.30 chains along the bank of the Columbia River; thence North 10°30' East 9.86 chains to the center of the Evergreen (or North Bank) Highway; thence South about 57° East, along the center of said road, 4.60 chains to the center of a small creek; thence Southeasterly and Southerly along the center of said creek to the bank of the Columbia River; thence North 72° West 1.67 chains to the Place of Beginning.

TOGETHER WITH all second class tidelands abutting said property.

EXHIBIT C
ROFR SUBJECT PROPERTY DIAGRAM

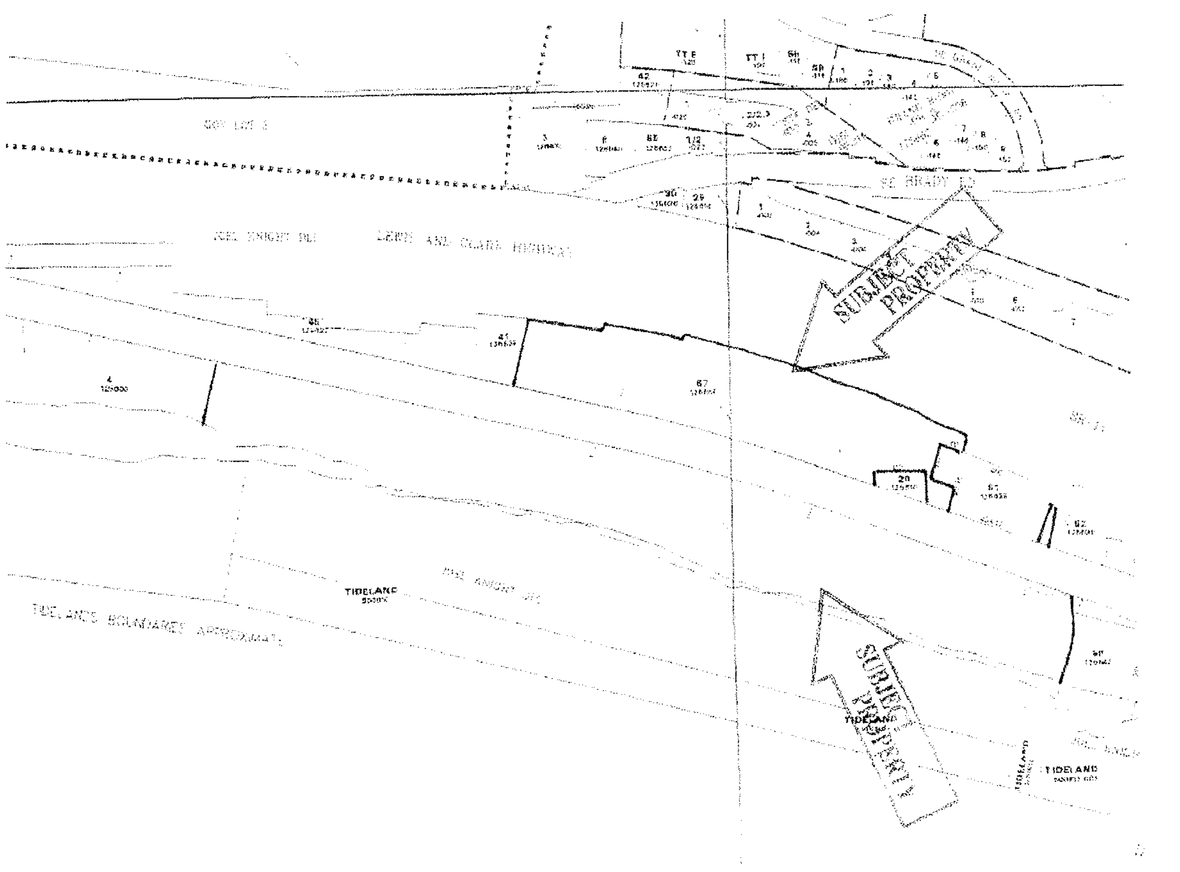


EXHIBIT D
FORM OF ASSIGNMENT TO RIGHT OF FIRST REFUSAL TO PURCHASE REAL PROPERTY (ROFR ASSIGNMENT)

[TO BE INSERTED]

After recording, return to:

City of Vancouver
PO Box 1995
Vancouver, WA 98668-1995
ATTN: Jonathan Young, City Attorney

ASSIGNMENT TO RIGHT OF FIRST REFUSAL TO PURCHASE REAL PROPERTY

GRANTOR: Robert S. Rondeau, an individual

GRANTEE: City of Vancouver, a Washington municipal corporation

TAX PARCEL NUMBERS: 125654000 and 500811000

ABBREVIATED LEGAL DESCRIPTION: #67 JOEL KNIGHT DLC 16.39A
TIDELAND TAX LOT NO. 500811

LEGAL DESCRIPTION:

Lot #67 Joel Knight DLC, map page and grid #568 H4, T1N, R3#, Section 08, QSW, Willamette Meridian, and more particularly described as:

All of that property described in Exhibit 'A" of document recorded August 7, 1992, Clark County Auditor's File Number 9208070127, which is a correction of deed recorded August 7, 1991, Clark County Auditor's File Number 9108070190;

Except that portion conveyed to the State of Washington, May 16, 2001, under Clark County Auditor's File Number 3320936;

Together with the buildings and all other improvements, easements, rights of way, and appurtenances, (the "Property");

And commonly known as 5440 SW 6th Avenue (formerly designated as 20111 SE Evergreen Highway), Camas, Washington, 98607

REFERENCE NUMBERS: 4105192-FRR; 5182227 – Assignment of FRR

ASSIGNMENT AND ASSUMPTION OF THE RIGHT OF FIRST REFUSAL TO PURCHASE REAL PROPERTY

THIS ASSIGNMENT AND ASSUMPTION OF THE RIGHT OF FIRST REFUSAL TO PURCHASE REAL PROPERTY (this "Assignment") is made as of August ___, 2022 (the "Effective Date") by and between ROBERT S. RONDEAU, an individual ("Assignor") and the CITY OF VANCOUVER, a Washington municipal corporation, or assigns ("Assignee").

1. Agreement to Assign. Assignor and Assignee are parties to that certain ASSIGNMENT PURCHASE AGREEMENT FOR RIGHT OF FIRST REFUSAL dated July ___, 2022 (the "Agreement"), which describes the rights and responsibilities of the parties with respect to this Assignment. This Assignment is delivered pursuant to the Agreement and Assignor and Assignee expressly acknowledge and affirm the provisions thereof. This Assignment is made without representation or warranty by Assignor except as provided in the Agreement

2. Assignment. For and in consideration of an amount not less than Ten and No One Hundredths Dollars ($10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the undersigned Assignor does hereby transfer, set over, assign and convey unto Assignee all of Assignor's rights, privileges, duties, and obligations in, to, and under that certain RIGHT OF FIRST REFUSAL TO PURCHASE REAL PROPERTY effectively dated December 20, 2005 ("White-Williams ROFR") by and between WHITE-WHILLIAMS DEVELOPMENT COMPANY, Assignor's predecessor in interest, as "Purchaser," and PIETERNELLIE D. GROENEVELD, individually and as trustee of that certain Trust Agreement dated May 16, 1991, as "Seller," with respect to the Purchaser's right of first refusal to purchase a certain parcel of land situated in Camas, Washington, and more particularly described in the White-Williams ROFR. The White-Williams ROFR was recorded in the office of the Clark County Auditor on December 30, 2005 under recording number 4105192-FRR and was subsequently assigned to Assignor pursuant to Section 20(h) of the White-Williams ROFR through that certain Assignment of Right of First Refusal to Purchase Real Property dated June 11, 2015 by and between WHITE-WILLIAMS DEVELOPMENT COMPANY as Grantor/Assignor and ROBERT S. RONDEAU OR ASSIGNS as Grantee/Assignee ("Rondeau ROFR"). The Rondeau ROFR was recorded in the office of the Clark County Auditor on June 12, 2015 under recording number 5182227. Therefore, Assignor does also hereby transfer, set over, assign and convey unto Assignee all of Assignor's rights, privileges, duties, and obligations in, to, and under the Rondeau ROFR. The White-Williams ROFR and the Rondeau ROFR jointly and collectively constitute the Right of First Refusal ("ROFR") for purposes of this Assignment.

3. Assumption. Assignee hereby accepts the assignment and conveyance of the ROFR by Assignor pursuant to paragraph 2 above and does hereby assume, and undertake and agree to hereafter pay, perform and discharge in accordance with their terms any and all of the liabilities, obligations and commitments of Assignor relating to the ROFR.

4. Future Performance. Assignor assigns and Assignee assumes the performance of all of the obligations of Assignor under the ROFR to be first performed from and after the date hereof.

5. Survival of Provisions. This Assignment shall be binding on and inure to the benefit of the parties hereto, their heirs, executors, administrators, successors in interest and assigns.

IN WITNESS WHEREOF, Assignor has executed this Assignment as of the Effective Date.

GRANTOR AND ASSIGNOR:
ROBERT S. RONDEAU, an individual

Signed:____
Name: Robert S. Rondeau

NOTARY ACKNOWLEDGEMENT

State of Washington }
} ss
County of Clark }

On this _____ day of _________, 2022, before me personally appeared Robert S. Rondeau, who signed the foregoing instrument and acknowledged said execution of this instrument to be his free and voluntary act for the uses and purposes herein mentioned.

In witness whereof I have hereunto set my hand and affixed my official seal as a notary public for the State of Washington.

Signed:__________________________________
Printed Name:_____________________________
Notary Public in and for the State of Washington,
residing at:_______________________________
My Commission Expires:____________________

ACKNOWLEDGED BY GRANTEE AND ASSIGNEE:
CITY OF VANCOUVER, a Washington municipal corporation

By:________________________________
By: Eric J. Holmes, City Manager

Attest:

By:________________________________
By: Natasha Ramras, City Clerk

Approved as to Form:

By:________________________________
By: Jonathan Young, City Attorney

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:

$ 3,689,506.66 this 1st day of August 2022.

DocuSigned by:
Anne McEnerny-Ogle
6C00D0000EC6424...
MAYOR

DocuSigned by:
Ty Stober
0EED710B42704A7...
COUNCILMEMBER

Cyndi A Turner
AUDITING OFFICER

DocuSigned by:
0202D0DA45A04D2...
COUNCILMEMBER

DATE	INCLUSIVE CHECK NUMBERS	CHECK TOTAL
July 18, 2022 - July 24, 2022	Accounts Payable Checks (see attached)	**$ 3,646,294.73**
July 18, 2022 - July 24, 2022	Hansen City Payments (see attached)	**$ 36,125.68**
July 18, 2022 - July 24, 2022	Visa Refunds (see attached)	**$ 7,086.25**
July 18, 2022 - July 24, 2022	Payroll Checks (see attached)	**$ -**
TOTAL		**$ 3,689,506.66**

INVOICE PAYMENTS REPORT

Payment Category	Payment Type	Check Number	Payment Date	Payment Amount	Payment Payee	Payment Memo if applicable
Supplier Payment	Manual Wire	No Reference	7/5/2022	111,931.49	Bank Of America N.A. - Remit-To: Account Analysis	
Supplier Payment	Manual Wire	No Reference	7/8/2022	398.74	Allegiance Benefit Plan Management Inc - Remit-To: COBRA	
Supplier Payment	Manual Wire	No Reference	7/11/2022	331.64	Keybank National Association	
Supplier Payment	Manual Wire	No Reference	7/15/2022	147.25	Bank Of America N.A. - Remit-To: Account Analysis	
Supplier Payment	Manual Wire	No Reference	7/18/2022	116,231.69	Blue Cross Blue Shield of Oregon	
Supplier Payment	Manual Wire	No Reference	7/18/2022	71,056.25	Liberty Mutual Group Inc.	
Supplier Payment	Manual Wire	No Reference	7/18/2022	77,732.78	Sun Life Assurance Company of Canada	
Supplier Payment	Manual Wire	No Reference	7/18/2022	991.80	VSP Vision Care Inc	
Supplier Payment	Manual Wire	No Reference	7/18/2022	16,993.20	Washington Dental Service	
Supplier Payment	Manual Wire	No Reference	7/19/2022	5,638.05	Washington Dental Service	
Supplier Payment	Manual Wire	No Reference	7/21/2022	342,959.70	Kaiser Permanente - Remit-To: Kaiser Permanente	
			Manual Wire Total	**744,412.59**		
Procurement Card Payment	EFT	EFT-00154438	7/19/2022	308.13	CoV JPM Procurement Card	
Procurement Card Payment	EFT	EFT-00154439	7/20/2022	37,171.80	CoV JPM Procurement Card	
Supplier Payment	EFT	EFT-00154457	7/21/2022	1,784.86	RELX Inc. - Remit-To: LexisNexis - Chicago	
Supplier Payment	EFT	EFT-00154458	7/21/2022	3,106.23	Eagle Newspaper Inc	
Supplier Payment	EFT	EFT-00154459	7/21/2022	1,286.73	Fire Systems West	
Supplier Payment	EFT	EFT-00154460	7/21/2022	42,500.00	Palindrome Vancouver Limited Partnership	
Supplier Payment	EFT	EFT-00154461	7/21/2022	780.00	Purple Communications Inc	
Supplier Payment	EFT	EFT-00154462	7/21/2022	13,588.98	Key Code Media, Inc	
Supplier Payment	EFT	EFT-00154463	7/21/2022	14,512.32	Fehr & Peers	
Supplier Payment	EFT	EFT-00154464	7/21/2022	1,483.24	State of Washington Consolidated Technology Services	
Supplier Payment	EFT	EFT-00154465	7/21/2022	3,433.19	Accurate Investigation Services	
Supplier Payment	EFT	EFT-00154466	7/21/2022	3,415.00	Faith Partners for Housing	
Supplier Payment	EFT	EFT-00154467	7/21/2022	840.00	Rotschy Inc	
Supplier Payment	EFT	EFT-00154468	7/21/2022	18,860.51	Columbia West Engineering	
Supplier Payment	EFT	EFT-00154469	7/21/2022	3,038.86	Linguava Interpreters Inc	
Supplier Payment	EFT	EFT-00154470	7/21/2022	6,010.54	Vancouvercenter Condominium Association	
Supplier Payment	EFT	EFT-00154471	7/21/2022	2,719.23	Waxie's Enterprises Inc	
Supplier Payment	EFT	EFT-00154472	7/21/2022	85,222.55	Otak Inc	
Supplier Payment	EFT	EFT-00154473	7/21/2022	63,797.40	Clark and Sons Excavating Inc	
Supplier Payment	EFT	EFT-00154474	7/21/2022	41,174.48	Outsiderinn.org	
Supplier Payment	EFT	EFT-00154475	7/21/2022	15,023.75	Atlas Technical Consultants LLC	
Supplier Payment	EFT	EFT-00154476	7/21/2022	39,228.43	MacKay Sposito Inc	
Supplier Payment	EFT	EFT-00154477	7/21/2022	250.00	Rapid Response Bio Clean Inc.	
Supplier Payment	EFT	EFT-00154478	7/21/2022	530,806.29	Tapani Inc	
Supplier Payment	EFT	EFT-00154479	7/21/2022	4,994.15	HDR Engineering Inc - Remit-To: HDR Engineering - Chicago	
Supplier Payment	EFT	EFT-00154480	7/21/2022	6,750.00	Arbutus Consulting LLC	
Supplier Payment	EFT	EFT-00154481	7/21/2022	18,606.58	Share Inc	
Supplier Payment	EFT	EFT-00154482	7/21/2022	361,710.37	Cat Works LLC	
Supplier Payment	EFT	EFT-00154483	7/21/2022	13,390.00	The Gunter Group LLC	
Supplier Payment	EFT	EFT-00154484	7/21/2022	3,500.00	JCI Jones Chemicals, Inc.	
Supplier Payment	EFT	EFT-00154485	7/21/2022	95.00	T2 Systems Inc - Remit-To: T2- Atlanta	

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INVOICE PAYMENTS REPORT

Payment Category	Payment Type	Check Number	Payment Date	Payment Amount	Payment Payee	Payment Memo if applicable
Supplier Payment	EFT	EFT-00154486	7/21/2022	2,052.96	Canopy Wellbeing	
			EFT Total	**1,341,441.58**		
Cash Advance Payment	Direct Deposit	EFT-00154440	7/21/2022	412.00	Tommy Razo	Travel Advance
Cash Advance Payment	Direct Deposit	EFT-00154441	7/21/2022	265.50	Robb Milano	Travel Advance
Cash Advance Payment	Direct Deposit	EFT-00154442	7/21/2022	313.50	Michelle Bresee	Travel Advance
Cash Advance Payment	Direct Deposit	EFT-00154443	7/21/2022	367.50	Michael Whitney	Travel Advance
Expense Payment	Direct Deposit	EFT-00154444	7/21/2022	1,877.17	Jerek Laursen	Employee reimbursement
Expense Payment	Direct Deposit	EFT-00154445	7/21/2022	235.57	Amanda Cestnik	Employee reimbursement
Expense Payment	Direct Deposit	EFT-00154446	7/21/2022	1,761.58	Ken Hedval	Employee reimbursement
Expense Payment	Direct Deposit	EFT-00154447	7/21/2022	282.39	Jessica Wilcox	Employee reimbursement
Expense Payment	Direct Deposit	EFT-00154448	7/21/2022	2.62	Lyle Mann	Employee reimbursement
Expense Payment	Direct Deposit	EFT-00154449	7/21/2022	181.35	Desmond Haske	Employee reimbursement
Expense Payment	Direct Deposit	EFT-00154450	7/21/2022	76.26	Sean Donaldson	Employee reimbursement
Expense Payment	Direct Deposit	EFT-00154451	7/21/2022	181.35	Corey Rose	Employee reimbursement
Expense Payment	Direct Deposit	EFT-00154452	7/21/2022	104.00	Jonas Van Skike	Employee reimbursement
Expense Payment	Direct Deposit	EFT-00154453	7/21/2022	99.25	Wynter Ross	Employee reimbursement
Expense Payment	Direct Deposit	EFT-00154454	7/21/2022	200.00	Kenny Burt	Employee reimbursement
Expense Payment	Direct Deposit	EFT-00154455	7/21/2022	242.00	Joseph Stewart	Employee reimbursement
Cash Advance Payment	Direct Deposit	EFT-00154456	7/21/2022	198.50	Steven Sampson	Travel Advance
			Direct Deposit Total	**6,800.54**		
Ad Hoc Payment	Check	4703	7/20/2022	63.92	Alexandra Ross or Melissa Horton	Utility Refunds: 0108006500-05
Ad Hoc Payment	Check	4704	7/20/2022	190.00	Allpress,Shannon	Utility Refunds: 0115000094-02
Ad Hoc Payment	Check	4705	7/20/2022	127.00	Andrew Suskie or Stephanie Gardner	Utility Refunds: 0129093040-01
Ad Hoc Payment	Check	4706	7/20/2022	350.00	Anna Alonso	Damage Deposit Refund
Ad Hoc Payment	Check	4707	7/20/2022	515.03	Annalisa Pena	CMI-323190
Ad Hoc Payment	Check	4708	7/20/2022	20.00	Anne Kissel	Alarm billing ovrpymt acct 19113 inv 99474026
Ad Hoc Payment	Check	4709	7/20/2022	120.65	Axdahl,James A	Utility Refunds: 0117050074-04 Consolidated refund created from multiple refunds
Ad Hoc Payment	Check	4710	7/20/2022	180.00	Backalley LLC	Bus Lic fees ref COVID-19 surch ref prog
Ad Hoc Payment	Check	4711	7/20/2022	76.84	Barron Builders LLC	MPE-319869
Ad Hoc Payment	Check	4712	7/20/2022	165.00	Belen Gallegos or Gabriel Santos	Utility Refunds: 0116017900-09
Ad Hoc Payment	Check	4713	7/20/2022	91.99	Besselieu,Sandra	Utility Refunds: 0123002608-08 Consolidated refund created from multiple refunds
Ad Hoc Payment	Check	4714	7/20/2022	287.00	Bettez,Christopher or Michelle	Utility Refunds: 0088005400-07
Ad Hoc Payment	Check	4715	7/20/2022	1,318.14	Byron Newton	Claim Payment (Supplemental) - DOL: 02/26/22 - Risk
Ad Hoc Payment	Check	4716	7/20/2022	130.15	Carolyn Courtney Trust	Utility Refunds: 0101000102-03
Ad Hoc Payment	Check	4717	7/20/2022	166.98	Conic Electric INC	MPE-323513

INVOICE PAYMENTS REPORT

Payment Category	Payment Type	Check Number	Payment Date	Payment Amount	Payment Payee	Payment Memo if applicable
Ad Hoc Payment	Check	4718	7/20/2022	156.70	Cooper,Ethel	Utility Refunds: 0129002638-04
Ad Hoc Payment	Check	4719	7/20/2022	164.00	Cruse,Vallie or Darrel	Utility Refunds: 0116001004-08
Ad Hoc Payment	Check	4720	7/20/2022	4,733.32	Derek Hoyte	SWR-306442
Ad Hoc Payment	Check	4721	7/20/2022	313.04	Douglas Palin or Gwen Schur Palin	Utility Refunds: 0116000536-04
Ad Hoc Payment	Check	4722	7/20/2022	100.00	DuBois Park Neighborhood Association	Resource Conservation Challenge Grant
Ad Hoc Payment	Check	4723	7/20/2022	171.00	Eastman,Kenneth	Utility Refunds: 0117052296-03
Ad Hoc Payment	Check	4724	7/20/2022	100.00	Evergreen Highlands Neighborhood Association	Resource Conservation Challenge Grant
Ad Hoc Payment	Check	4725	7/20/2022	100.00	Evergreen Shores Neighborhood Association	Resource Conservation Challenge Grant
Ad Hoc Payment	Check	4726	7/20/2022	149.37	Felix Gimenez or Dora Matos	Utility Refunds: 0110004080-02
Ad Hoc Payment	Check	4727	7/20/2022	100.00	Forest Ridge Neighborhood Association	Resource Conservation Challenge Grant
Ad Hoc Payment	Check	4728	7/20/2022	75.04	Girod,D'ja or Joshua	Utility Refunds: 0085023912-08
Ad Hoc Payment	Check	4729	7/20/2022	57.19	Graves,Benton	Utility Refunds: 0133000400-03
Ad Hoc Payment	Check	4730	7/20/2022	65.89	Gullickson,David	Utility Refunds: 0123002616-05
Ad Hoc Payment	Check	4731	7/20/2022	112.79	Hannan,Kathleen	Utility Refunds: 0101002108-05
Ad Hoc Payment	Check	4732	7/20/2022	128.80	Hart,Kathy	Utility Refunds: 0113007002-05
Ad Hoc Payment	Check	4733	7/20/2022	198.19	Hawkins,Ryan	Utility Refunds: 0126003150-05
Ad Hoc Payment	Check	4734	7/20/2022	87.69	Heaney,Jay	Utility Refunds: 0110001270-12
Ad Hoc Payment	Check	4735	7/20/2022	31.73	Henderson,Roger or Kim	Utility Refunds: 0115000399-04
Ad Hoc Payment	Check	4736	7/20/2022	500.00	Hermila Solorio Zaragoza	Damage Deposit Refund
Ad Hoc Payment	Check	4737	7/20/2022	252.40	Hood,Linda	Utility Refunds: 0108006693-01 Consolidated refund created from multiple refunds
Ad Hoc Payment	Check	4738	7/20/2022	146.00	HPA II Borrower 2020-1	Utility Refunds: 0123003849-04 Consolidated refund created from multiple refunds
Ad Hoc Payment	Check	4739	7/20/2022	97.12	HPA II Borrower 2020-1 LLC	Utility Refunds: 0087049536-03
Ad Hoc Payment	Check	4740	7/20/2022	147.23	Jennifer Hulett or Darin McPoland	Utility Refunds: 0088005240-03
Ad Hoc Payment	Check	4741	7/20/2022	1,448.31	JH Kelly LLC	MPE-323310
Ad Hoc Payment	Check	4742	7/20/2022	100.89	Johnson,Tim or Lindie	Utility Refunds: 0121001004-03
Ad Hoc Payment	Check	4743	7/20/2022	61.47	Julie Gray	MPE-322097
Ad Hoc Payment	Check	4744	7/20/2022	20.06	KAY S HANSEN TRUSTEE	Utility Refunds: 0124000996-05
Ad Hoc Payment	Check	4745	7/20/2022	38.14	Kennison Family Trust	Utility Refunds: 0099003100-05
Ad Hoc Payment	Check	4746	7/20/2022	169.94	Kerbs,Stephen	Utility Refunds: 0122006050-04
Ad Hoc Payment	Check	4747	7/20/2022	24.12	Kerbs,Stephen or Leah	Utility Refunds: 0122006050-04
Ad Hoc Payment	Check	4748	7/20/2022	283.57	Kim,Kubae	Utility Refunds: 0101021664-02
Ad Hoc Payment	Check	4749	7/20/2022	72.48	Lesnjak,Aura or Gregory	Utility Refunds: 0085074200-10
Ad Hoc Payment	Check	4750	7/20/2022	188.94	Long Nguyen or Bien Ho	Utility Refunds: 0112018002-03
Ad Hoc Payment	Check	4751	7/20/2022	500.00	Maricela Cabanilla	Damage deposit refund
Ad Hoc Payment	Check	4752	7/20/2022	100.00	Marrion Neighborhood Association	Resource Conservation Challenge Grant
Ad Hoc Payment	Check	4753	7/20/2022	125.94	Meacham,Michael or Cindy	Utility Refunds: 0109001248-08
Ad Hoc Payment	Check	4754	7/20/2022	392.57	Meile,Jenny or Nicholas P	Utility Refunds: 0000006569-03 Consolidated refund created from multiple refunds
Ad Hoc Payment	Check	4755	7/20/2022	40.00	Michael A. Horowitz	COV11617 Cust cancelled per phone
Ad Hoc Payment	Check	4756	7/20/2022	56.87	Monahan,Miles	Utility Refunds: 0118010111-01
Ad Hoc Payment	Check	4757	7/20/2022	154.73	Mundale,Beverly	Utility Refunds: 0099049925-04
Ad Hoc Payment	Check	4758	7/20/2022	46.37	Murphy,Duane or Breanna	Utility Refunds: 0089018606-02
Ad Hoc Payment	Check	4759	7/20/2022	140.00	Musto,Michael or Alice	Utility Refunds: 0101003104-02
Ad Hoc Payment	Check	4760	7/20/2022	279.63	Narges Khademisaysan	Claim Payment - DOL: 07/08/22 - Risk
Ad Hoc Payment	Check	4761	7/20/2022	79.50	Nguyen,Phong or Vinh	Utility Refunds: 0088080007-05
Ad Hoc Payment	Check	4762	7/20/2022	186.00	Ogden,Maria	Utility Refunds: 0117012084-02
Ad Hoc Payment	Check	4763	7/20/2022	28.22	Park,Kathleen	Utility Refunds: 0101000635-02

INVOICE PAYMENTS REPORT

Payment Category	Payment Type	Check Number	Payment Date	Payment Amount	Payment Payee	Payment Memo if applicable
Ad Hoc Payment	Check	4764	7/20/2022	265.18	Parmenter,Nancie	Utility Refunds: 0099090042-05 Consolidated refund created from multiple refunds
Ad Hoc Payment	Check	4765	7/20/2022	47.40	Paskin,Deborah	Utility Refunds: 0500004798-02
Ad Hoc Payment	Check	4766	7/20/2022	32.92	Richardson Living Trust	Utility Refunds: 0099060600-05
Ad Hoc Payment	Check	4767	7/20/2022	113.36	Roun,Sek or Savath	Utility Refunds: 0088037000-04
Ad Hoc Payment	Check	4768	7/20/2022	139.57	SFR II Borrower LLC	Utility Refunds: 0127011100-03
Ad Hoc Payment	Check	4769	7/20/2022	328.58	Shook,Matthew or Celia	Utility Refunds: 0087017104-03
Ad Hoc Payment	Check	4770	7/20/2022	78.63	Simon,David or Lawrence	Utility Refunds: 0124000106-02
Ad Hoc Payment	Check	4771	7/20/2022	319.51	Sinclair,Michael or Cynthia	Utility Refunds: 0116025600-02
Ad Hoc Payment	Check	4772	7/20/2022	100.00	Southcliff Neighborhood Association	Resource Conservation Challenge Grant
Ad Hoc Payment	Check	4773	7/20/2022	6,393.50	State of Washington	2nd Qtr 2022 A8 Form
Ad Hoc Payment	Check	4774	7/20/2022	248.88	STENTZ,CATHY	Utility Refunds: 0124008138-03
Ad Hoc Payment	Check	4775	7/20/2022	21.28	Suronen,Martha	Utility Refunds: 0123002608-08
Ad Hoc Payment	Check	4776	7/20/2022	75.38	Taylor,Patricia J	Utility Refunds: 0111043308-02
Ad Hoc Payment	Check	4777	7/20/2022	126.88	Trung Le or Natalie Pham	Utility Refunds: 0102001372-06
Ad Hoc Payment	Check	4778	7/20/2022	78.76	Vanzutphen,Margaret or Joseph	Utility Refunds: 0131008230-03 Consolidated refund created from multiple refunds
Ad Hoc Payment	Check	4779	7/20/2022	51.29	Vik,Teri Lyn	Utility Refunds: 0126008220-01
Ad Hoc Payment	Check	4780	7/20/2022	123.11	Walter Ulises Ardila Logatto or,Marisol Ardila Parra	Utility Refunds: 0500002172-02
Ad Hoc Payment	Check	4781	7/20/2022	23.64	Wight,Kristine	Utility Refunds: 0101000812-02
Ad Hoc Payment	Check	4782	7/20/2022	56.10	Wilmington Savings Fund Society FSB	Utility Refunds: 0098035500-08 Consolidated refund created from multiple refunds
Ad Hoc Payment	Check	4783	7/20/2022	41.77	Wolfe,Shelley	Utility Refunds: 0128543080-03
Ad Hoc Payment	Check	4784	7/20/2022	184.00	Zillow Homes Property Trust	Utility Refunds: 0101011966-08 Consolidated refund created from multiple refunds
Supplier Payment	Check	4785	7/20/2022	69.00	A-Check America Inc - Remit-To: A-Check - Glendale	
Supplier Payment	Check	4786	7/20/2022	8,686.95	Action Technology Systems	
Supplier Payment	Check	4787	7/20/2022	142.30	Airgas, Inc	
Supplier Payment	Check	4788	7/20/2022	5,713.17	Albina Holdings Inc	
Supplier Payment	Check	4789	7/20/2022	5,200.00	Allegis Group Holdings Inc - Remit-To: TekSystems Inc - Atlanta	
Supplier Payment	Check	4790	7/20/2022	10,200.00	Alta Planning & Design	
Supplier Payment	Check	4791	7/20/2022	120.00	Amex Products Inc	
Supplier Payment	Check	4792	7/20/2022	285.56	Aramark Uniform & Career Apparel LLC - Remit-To: Aramark - Pasadena	
Supplier Payment	Check	4793	7/20/2022	191,514.77	B.C.V., Inc	
Supplier Payment	Check	4794	7/20/2022	5,039.73	Bacon Collision	
Supplier Payment	Check	4795	7/20/2022	7,991.03	Bloomberg Finance LP - Remit-To: Bloomberg - Boston	
Supplier Payment	Check	4796	7/20/2022	1,688.26	Bounce-N-Battle LLC	
Supplier Payment	Check	4797	7/20/2022	2,100.00	Brian Capron	
Supplier Payment	Check	4798	7/20/2022	36,217.54	Brown and Caldwell - Remit-To: Brown & Caldwell - San Francisco	
Supplier Payment	Check	4799	7/20/2022	350.00	BSK Associates - Remit-To: Supplier BSK Associates	
Supplier Payment	Check	4800	7/20/2022	9,000.00	Century West Engineering Corp	
Supplier Payment	Check	4801	7/20/2022	12,768.19	CFM Strategic Communications, Inc.	
Supplier Payment	Check	4802	7/20/2022	1,083.75	City of Vancouver - Remit-To: COV Main	
Supplier Payment	Check	4803	7/20/2022	194,347.75	Clark County - Remit-To: Clark County - Treasurer Vancouver	
Supplier Payment	Check	4804	7/20/2022	10.00	Clark County - Remit-To: Reeta Fees	

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INVOICE PAYMENTS REPORT

Payment Category	Payment Type	Check Number	Payment Date	Payment Amount	Payment Payee	Payment Memo if applicable
Supplier Payment	Check	4805	7/20/2022	368,428.01	Clark Public Utility District No. 1	
Supplier Payment	Check	4806	7/20/2022	19.43	Clark Public Utility District No. 1	
Supplier Payment	Check	4807	7/20/2022	42,500.00	Columbia Non-Profit Housing	
Supplier Payment	Check	4808	7/20/2022	5,335.16	Columbia Resource Company	
Supplier Payment	Check	4809	7/20/2022	25,000.00	Columbia River Economic Development Council Inc	
Supplier Payment	Check	4810	7/20/2022	113.55	Comcast Holdings Corporation - Remit-To: Comcast Business - City of Industry	
Supplier Payment	Check	4811	7/20/2022	188.29	Comcast Holdings Corporation - Remit-To: Comcast Business - City of Industry	
Supplier Payment	Check	4812	7/20/2022	118.55	Comcast Holdings Corporation - Remit-To: Comcast Business - City of Industry	
Supplier Payment	Check	4813	7/20/2022	151.11	Comcast Holdings Corporation - Remit-To: Comcast Business - City of Industry	
Supplier Payment	Check	4814	7/20/2022	245.11	Comcast Holdings Corporation - Remit-To: Comcast Business - City of Industry	
Supplier Payment	Check	4815	7/20/2022	10,005.48	Copiers Northwest	
Supplier Payment	Check	4816	7/20/2022	6,521.00	Creekside Meadows Apartments LLC	
Supplier Payment	Check	4817	7/20/2022	6,300.00	Davidson Benefits Planning	
Supplier Payment	Check	4818	7/20/2022	2,771.49	Distinctive Landscape LLC	
Supplier Payment	Check	4819	7/20/2022	240.00	Dominic Hunter	
Supplier Payment	Check	4820	7/20/2022	275.00	ERF Company Inc	
Supplier Payment	Check	4821	7/20/2022	260.00	Evergreen Orchards LLC	
Supplier Payment	Check	4822	7/20/2022	510.00	Evergreen School District 114	
Supplier Payment	Check	4823	7/20/2022	418.33	Ferguson Enterprises - Remit-To: Ferguson - Dallas	
Supplier Payment	Check	4824	7/20/2022	8,846.82	FFA Architecture and Interiors, Inc	
Supplier Payment	Check	4825	7/20/2022	2,712.50	Fidelity National Title Co of Washington	
Supplier Payment	Check	4826	7/20/2022	13,000.00	Fourth Plain Forward	
Supplier Payment	Check	4827	7/20/2022	1,700.00	Fucile & Reising LLP	
Supplier Payment	Check	4828	7/20/2022	2,750.70	Genuine Parts Company - Remit-To: NAPA - Vancouver	
Supplier Payment	Check	4829	7/20/2022	332.50	Gordon Tilden Thomas & Cordell LLP	
Supplier Payment	Check	4830	7/20/2022	21,834.00	H&H Wood Recyclers	
Supplier Payment	Check	4831	7/20/2022	701.50	Harper Houf Peterson Righellis Inc	
Supplier Payment	Check	4832	7/20/2022	6,250.00	Hispanic Metropolitan Chamber	
Supplier Payment	Check	4833	7/20/2022	1,985.57	Invintus Media LLC	
Supplier Payment	Check	4834	7/20/2022	5,897.95	J.S. Held LLC	
Supplier Payment	Check	4835	7/20/2022	1,750.00	Jack M Litman Phd	
Supplier Payment	Check	4836	7/20/2022	19,278.89	Janus Youth Programs Inc	
Supplier Payment	Check	4837	7/20/2022	1,500.00	Jeff Ellis & Associates	
Supplier Payment	Check	4838	7/20/2022	5,865.03	Kar-Gor Inc	
Supplier Payment	Check	4839	7/20/2022	53,039.50	KBT Distributing LLC	
Supplier Payment	Check	4840	7/20/2022	12,731.44	Kearns & West Inc	
Supplier Payment	Check	4841	7/20/2022	4,522.50	Kramer Gehlen & Associates	
Supplier Payment	Check	4842	7/20/2022	31,022.43	Lakeside Industries Inc - Remit-To: Lakeside - LB Seattle	
Supplier Payment	Check	4843	7/20/2022	102.15	Legacy Laboratory Services Inc	
Supplier Payment	Check	4844	7/20/2022	2,538.67	Loomis Armored US LLC - Remit-To: Loomis - Palatine	
Supplier Payment	Check	4845	7/20/2022	5,353.75	Mallory Safety & Supply LLC	
Supplier Payment	Check	4846	7/20/2022	483.00	Mark R. McClung M.D.P.C.	

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INVOICE PAYMENTS REPORT

Payment Category	Payment Type	Check Number	Payment Date	Payment Amount	Payment Payee	Payment Memo if applicable
Supplier Payment	Check	4847	7/20/2022	26,188.80	Maul Foster & Alongi Inc	
Supplier Payment	Check	4848	7/20/2022	6,223.14	McFarlanes Bark Inc	
Supplier Payment	Check	4849	7/20/2022	3,699.31	Motorola Solutions Inc	
Supplier Payment	Check	4850	7/20/2022	969.50	Murraysmith Inc	
Supplier Payment	Check	4851	7/20/2022	3,691.00	Murray Smith Inc	
Supplier Payment	Check	4852	7/20/2022	859.32	National Safety Inc	
Supplier Payment	Check	4853	7/20/2022	3,747.34	Northwest Natural Gas Company - Remit-To: NW Natural - Portland	
Supplier Payment	Check	4854	7/20/2022	9,147.81	Northwest Staffing Resources Inc - Remit-To: NW Staffing - Portland	
Supplier Payment	Check	4855	7/20/2022	285.27	Orion Medical Supply	
Supplier Payment	Check	4856	7/20/2022	5,899.75	Passport Labs Inc. - Remit-To: Passport Labs Inc	
Supplier Payment	Check	4857	7/20/2022	37,420.50	PBS Engineering and Environmental Inc	
Supplier Payment	Check	4858	7/20/2022	7,668.08	Physio-Control Inc - Remit-To: Stryker Medical	
Supplier Payment	Check	4859	7/20/2022	768.30	Porter W Yett Company	
Supplier Payment	Check	4860	7/20/2022	6,904.01	Portland Adventist Medical Center	
Supplier Payment	Check	4861	7/20/2022	2,038.80	Portland Mechanical Construction LLC	
Supplier Payment	Check	4862	7/20/2022	7,912.19	PPC Solutions Inc	
Supplier Payment	Check	4863	7/20/2022	4,513.50	Professional Service Industries	
Supplier Payment	Check	4864	7/20/2022	14,772.25	Public Safety Testing Inc	
Supplier Payment	Check	4865	7/20/2022	50.11	Qwest Corporation - Remit-To: Qwest Corp-Seattle	
Supplier Payment	Check	4866	7/20/2022	6,203.69	Retail Lockbox Inc	
Supplier Payment	Check	4867	7/20/2022	3,364.44	San Diego Police Equipment Co Inc	
Supplier Payment	Check	4868	7/20/2022	1,666.56	Security Contractors Services	
Supplier Payment	Check	4869	7/20/2022	3,634.33	State of Washington Department of Natural Resources - Remit-To: Dept of Natural Resources - Box 47041	
Supplier Payment	Check	4870	7/20/2022	326.36	State of Washington Department of Transportation	
Supplier Payment	Check	4871	7/20/2022	2,975.00	Synarchy Science LLC	
Supplier Payment	Check	4872	7/20/2022	2,800.00	The Freeman Investigative Group, Inc.	
Supplier Payment	Check	4873	7/20/2022	3,630.00	Triangle Resources Inc	
Supplier Payment	Check	4874	7/20/2022	2,796.59	Triple J Enterprises	
Supplier Payment	Check	4875	7/20/2022	72.80	United Parcel Service	
Supplier Payment	Check	4876	7/20/2022	5,180.97	Univar Solutions USA Inc - Remit-To: Supplier Univar Solutions USA Inc	
Supplier Payment	Check	4877	7/20/2022	328.00	Vancouver Aire LLC	
Supplier Payment	Check	4878	7/20/2022	103.08	Vancouver Granite Works Inc	
Supplier Payment	Check	4879	7/20/2022	175,000.00	Vancouver USA Regional Tourism Office	
Supplier Payment	Check	4880	7/20/2022	4,982.60	Walter E Nelson Company	
Supplier Payment	Check	4881	7/20/2022	849.56	Wesco Distribution, Inc.	
Supplier Payment	Check	4882	7/20/2022	1,224.08	Western Equipment Distributors - Remit-To: Western Equipment - Los Angeles	
Supplier Payment	Check	4883	7/20/2022	52.50	Williams Kastner & Gibbs PLLC - Remit-To: Williams Kastner - Seattle	
Supplier Payment	Check	4884	7/20/2022	1,526.70	WW Grainger Inc	
Supplier Payment	Check	4885	7/20/2022	2,282.68	Zayo Group Holding Inc - Remit-To: Zayo Group Holding Inc	
Customer Refund	Check	4886	7/20/2022	576.00	SUSANA (ERNEST) FRIESEN	Please refund customer was overcharged.

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

INVOICE PAYMENTS REPORT

Payment Category	Payment Type	Check Number	Payment Date	Payment Amount	Payment Payee	Payment Memo if applicable
			Check Total	**1,553,640.02**		
			Manual Wire Total	**744,412.59**		
			Direct Deposit Total	**6,800.54**		
			EFT Total	**1,341,441.58**		
			7/25/2022	36,125.68	City Payments	Posted 07-18-22 to 07-24-22
			Hansen Total	**36,125.68**		
			7/25/2022	4,571.25	Miscellanous	Parks Class Refunds FCC 07-18-22 to 07-24-22
			7/25/2022	2,515.00	Miscellanous	Parks Class Refunds MCC 07-18-22 to 07-24-22
			VISA Total	**7,086.25**		
			Payroll Total	**0.00**		
			GRAND TOTAL	**3,689,506.66**		

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

City of Vancouver
Payroll Council Report
July 18, 2022 - July 24, 2022

Check No.	Date	Explanation	Amount
n/a	07/08/22	7/8/22 NACHA Return #2	$ (1,522.53)
154437 - 154437	07/18/22	Replacement for NACHA Return #2	$ 1,522.53

$ -

CITY OF
Vancouver
WASHINGTON

DATE: July 28, 2022

TO: Anne McEnerny-Ogle, Mayor
City Council

FROM: Eric J. Holmes, City Manager
Jeff Mori, Chief of Police

RE: **Drug Task Force Update - City of Vancouver Participation with the Drug Task Force team**

Executive Summary

The Clark-Vancouver Regional Drug Task Force (DTF) is a multi-agency drug enforcement team originally established in the 1980's under the RCW 39.34.080 and Interlocal Agreement 1982-10-55. Led by the Clark County Sheriff's Office (CCSO), the City of Vancouver provides one detective assigned to the DTF.

Based upon a fresh assessment of recent changes in state law regarding drug enforcement, the operational needs, and resources of the Vancouver Police Department (VPD), and the City's current and ongoing participation in the Safe Streets Task Force, staff recommends Council authorize withdrawal from participation in the DTF. There is a 6-month notice provision in the interlocal agreement which can be triggered via written notice to the DTF Executive Board.

Should Council agree with this recommendation, an appropriate motion would be as follows:

- Move to approve withdrawal from participation in the Clark-Vancouver Drug Task Force and authorize the City Manager to take all appropriate actions to perfect withdrawal under the terms of the interlocal agreement.

Background

The Office of the Chief is recommending the City discontinue VPD's participation with the Clark-Vancouver Task Force (DTF), with the intent to assign the Vancouver Police Department Detective currently assigned to the DTF back into a VPD investigative unit. The most recent Mutual Law Enforcement Assistance Agreement, signed in 2017 by former Police Chief James McElvain, contains a clause which requires the Vancouver Police Department to provide a written 6-month notice of intent to withdraw to the Clark County Sheriff's Office, the host agency of this team.

On July 14, 2022, Chief Mori provided Sheriff Chuck Atkins a verbal courtesy notice of the intent to seek City Council approval to discontinue our participation with the DTF and to expect a more formal written request following confirmation from Council. Should Council agree to approve withdrawal, formal notice will be provided immediately following.

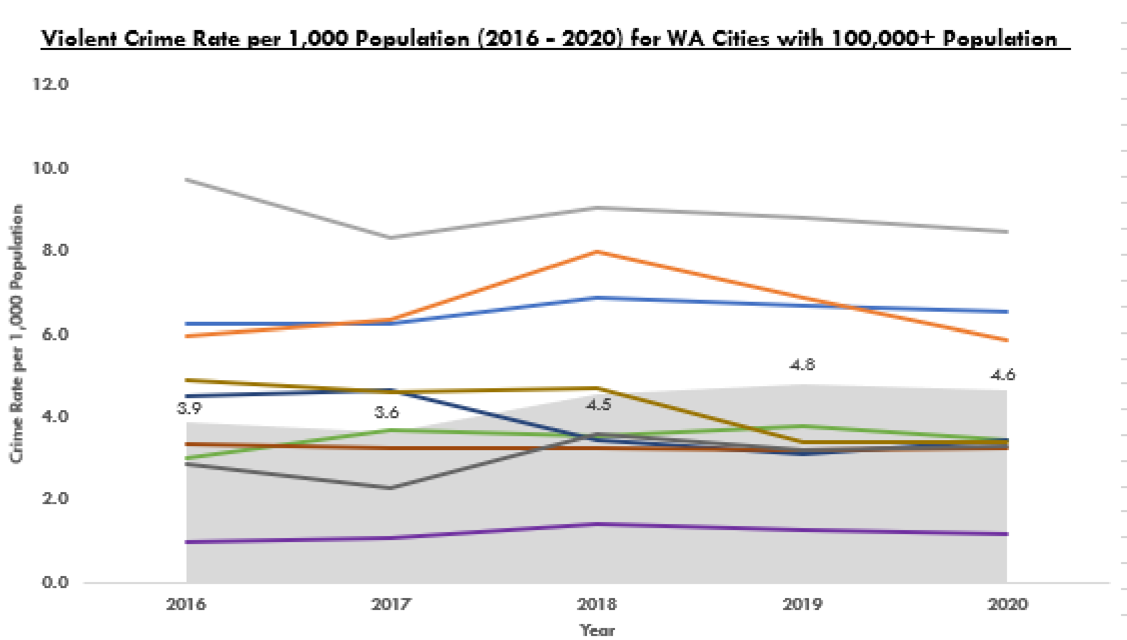
Enforcement Environment and Other Considerations

The mission of the DTF is to focus on individuals and/or organizations who traffic large quantities of drugs in our region. Lower-level drug selling investigations are typically investigated by patrol officers from individual police departments.

The Vancouver Police Department (VPD) Neighborhood Response Team (NRT) and Patrol Division officers continue to investigate individuals who are selling small quantities of drugs. Additionally, the City's Safe Streets Task Force (SSTF) partnership with the Federal Bureau of Investigations (FBI) remains strong. The Vancouver Police Department currently assigns one (1) Sergeant and three (3) Detectives to the FBI SSTF. While the SSTF team's focus is identifying and arresting those associated with violent crime, the drug trafficking nexus is omnipresent.

The Vancouver Police Department is in the process of reconciling 2021 crime statistics; however, preliminary data shows a 26% increase in reported aggregate crime for our city. Police Department staffing shortages, increased volume in calls for service, and reports being taken, are placing an extra burden on our entire department. So far in 2022, the increased number of police reports has risen to over 70 police reports per day – a 27% increase since 2020. Detectives assigned to the Investigation Division review these reports to develop investigative leads to address the most serious crimes. Reassigning our DTF Detective back to the Investigation Division allows the Investigation Commander more flexibility and resources to accomplish this priority.

Violent crime is a serious public safety issue. The graph below represents cities in Washington State with populations over 100,000 residents for the years 2016 to 2020. The shaded gray portion of the graph is the City of Vancouver's violent crime rate per 1000 residents. This is an area of opportunity for VPD to refocus its efforts and consider how additional resources could be used to effectively address.



*(Cities over 100,000 population included in this graph are, and not in any particular order – Seattle, Tacoma, Kent, Renton, Federal Way, Spokane, Spokane Valley, Bellvue & Everett)

Law enforcement is still learning to navigate a relatively new state requirement for simple drug possession (without intent to sell/deliver) investigations. Law enforcement officers must confirm a person, believed to be unlawfully in possession of a controlled substance, has been referred to drug addiction counseling/therapy twice before making an arrest. The State of Washington has not completed work on the database to provide law enforcement with reliable and consistent information on those persons suffering from addiction issues and whether they have been referred to therapy, and if so, how many times. While not a driving factor, these changes in the regulatory environment are a consideration in this recommendation.

CONCLUSION

The recommendation to discontinue participation from the DTF is not one made lightly. It was developed in close consultation between the City Manager, Chief of Police and the entire Police Department executive team and reflects alignment and support. We believe it is in the best interest of the City of Vancouver and our community to return the DTF resource back to VPD in support of addressing the increasing crime issues our community is experiencing.

Attachments:

- Interlocal Agreement
- Most recent DTF Annual report

MUTUAL LAW ENFORCEMENT ASSISTANCE AGREEMENT

CLARK-VANCOUVER REGIONAL DRUG TASK FORCE

Clark County, Clark County Sheriff's Office, Clark County Prosecuting Attorney, City of Vancouver, Washington, Vancouver Police Department and Washington State Patrol

THIS MUTUAL LAW ENFORCEMENT ASSISTANCE AGREEMENT is entered into by and between the undersigned parties in order to provide for the continued service and support of the Clark-Vancouver Regional Drug Task Force, as originally organized under RCW 39.34 .080 by virtue of certain preexisting interlocal agreements.

This Agreement supersedes all preexisting interlocal agreements, provided, however, that, as between the parties hereto, any obligation incurred and any claim accrued under such agreements shall remain in full force and effect as of the effective date of this agreement.

This Agreement is subject to all consistent terms and conditions of that certain Master Interlocal Mutual Law Enforcement Assistance Agreement ("Master Agreement") previously executed by the parties, except as expressly provided herein.

Therefore, for and in consideration of the following covenants, the parties agree as follows:

1. **Effective Date and Duration.** This Agreement shall be effective from the date the Agreement is executed by at least two parties and shall renew automatically on the 1st day of each following January thereafter unless terminated in accordance with the provisions of the Master Agreement between the parties.

2. **Purpose and Function.** The purpose of this Agreement is to provide for the support and preservation of the Clark-Vancouver Regional Drug Task Force, dedicated to cooperative and coordinated drug enforcement within Clark County, as authorized by RCW 39.34 and RCW 10.93, and in conjunction with the Master Agreement between the parties. The Clark-Vancouver Regional Drug Task Force has been, and will continue to be supported by shared funding and personnel resources of the participating agencies in accordance with the following provisions.

3. **Organization.** No separate legal or administrative entity is created by this Agreement and this Agreement does not affect the organization or functions of the parties, except as provided below:

   a) Executive Board. The Clark-Vancouver Regional Drug Task Force shall be administered by an executive board to consist of the following members or their designees, each of whom shall have one vote:

      1) The Clark County Prosecuting Attorney;

2) The Clark County Sheriff;

3) The Chief of Police of the City of Vancouver; and

4) Chief of the Washington State Patrol.

b) Responsibilities of the Executive Board: The executive board shall have responsibility for:

1) Establishing administrative policies and procedures for the operation of the Drug Task Force including, but not limited to, organizational structure, administration, operational hours, travel policies and investigative criteria, consistent with the provisions of this interlocal agreement. A majority vote of the voting board members shall be required to establish policy and procedures.

2) Developing a biennial budget to be submitted for approval in accordance with the County's preliminary budget timelines

3) Providing review and oversight of Drug Task Force operations, including a review of its mission, goals and annual work plans.

c) Drug Task Force Structure. The Executive Board shall have responsibility for the recruitment, training and maintenance of Drug Task Force personnel. Subject to future adjustment, the Clark-Vancouver Regional Drug Task Force shall include the following: (Adjustments to these positions may be made in writing by a majority vote of the Executive Board).

1) Designated deputy prosecuting attorney(s), assigned by the Clark County Prosecuting Attorney to the prosecution of Drug Task Force civil forfeitures and criminal cases;

2) One commander assigned by the Clark County Sheriff to act as the chief operations officer of the Drug Task Force;

3) Sergeant(s), assigned by the participating agency(ies), respectively, to act as Drug Task Force operations and administrative supervisor(s);

4) Detectives to act as Drug Task Force investigators, assigned by the Clark County Sheriff, assigned by the Vancouver Police Department and assigned by the Washington State Patrol.

5) Clark County Sheriff's employees, including financial investigator(s), legal secretary, and office assistant, as agreed by the parties.

d) Selection of Drug Task Force Members. Each participating agency shall have primary responsibility for the assignment of its personnel to the Clark-Vancouver Regional Drug Task Force.

4. **Budget and Finance.** In addition to the provisions of the Master Agreement, the parties agree to budget and finance provisions for costs incurred by or in connection with the operations of the Clark-Vancouver Regional Drug Task Force, in the following particulars:

a) Host Agency. For purposes of budget and finance, the Clark County Sheriff shall act as "host agency" under this interlocal agreement. It shall be the duty of the host agency to:

1) Oversee a single operational budget, as recommended by the Executive Board and approved by the parties. All contractual services and costs including, supplies, services, equipment and training costs will be expensed from the approved operational budget of the Drug Task Force.

2) Maintain a tracking of direct and other costs, such as overtime by the participating agencies. For the purpose of this agreement, regular salaries, (on duty, straight time), shall not be tracked or considered part of Drug Task Force cost. [This data shall be used to calculate a year-end cost of Drug Task Force services using the cost distribution method agreed to in appendix "A."] In all other respects, this Agreement shall be governed by the Financial Administration provisions of the Master Agreement between the parties.

3) Provide an operations and equipment replacement program to the respective participating agencies by September 1st annually.

b) <u>Definitions</u>. For purposes of this section, the following definitions apply:

1) "Interlocal Drug Enforcement Fund" or "1017 Account" means that restricted revolving drug fund and its sub-account "1017", initially authorized by Clark County, Washington, Resolution No. 1982-10-55 and approved by certain of the parties by interlocal agreement, and now ratified and redefined by this interlocal agreement, which fund or account serves as a depository for all grants, contributions, forfeiture proceeds and other payments made to support the Clark-Vancouver Regional Drug Task Force.

2) "Participating jurisdiction(s)" means the State, Counties and Cities, and their law enforcement agencies, who are signatories to this interlocal agreement.

3) "Authorized expenditures" mean those expenditures authorized by the Executive Board and applicable resolutions, as now in force or hereafter amended, of the Board of County Councilors of Clark County relating to the Interlocal Drug Enforcement Fund or 1017 Fund and include extraordinary

expenses related to the investigation of illegal use and/or sale of controlled substances, including but not limited to the following:

- Purchase or sale of controlled substances, imitation controlled substances and legend drugs;
- Management of informants;
- (CCSO appoints hearing examiner)
- Overtime expenses incurred in Drug Task Force investigations;
- Acquisition of equipment, supplies or other material, used primarily for the investigation of the illegal use and/or sale of controlled substances; and
- Community education, including the education of school children, concerning the use and abuse of controlled substances.

c) <u>Operating Fund</u>. Pursuant to RCW 39.34.030(4)(b), the County has established the referenced Interlocal Drug Enforcement Fund or 1017 Fund with the Clark County Treasurer designated to support the administration of the Clark-Vancouver Regional Drug Task Force. All grant awards, funds allocated by the parties, or funds contributed by any other sources, including, but not necessarily limited to, funds derived by way of administrative or judicial orders of forfeiture, shall be deposited in said fund, which shall not lapse at the close of any budget cycle.

1) All real and personal property forfeiture actions shall be prosecuted in the name of the Clark County Sheriff.

2) A budget for the aforementioned fund shall be established by the County in accordance with the approved budget submitted by the Executive Board pursuant to Section 3 (b)(2).

3) Emergency expenses outside the parameters of the approved budget can be approved by the Executive Board after the fact but are limited to operational necessity (i.e. additional overtime or supplies related Drug Task Force operations).

4) Reimbursement or reimbursement credit based on the cost distribution method approved in Appendix "A" shall be calculated at the end of each calendar year.

d) Except to the extent inconsistent with the foregoing, the provisions for Financial Administration set forth in the Master Agreement, separately entered into by the participating agencies shall apply to this Agreement. In case of conflict, the express terms of this Agreement shall control over the Master Agreement.

5. **Policy Development and Review.** As the host agency, the Clark County Sheriff's Office will coordinate the development of Drug Task Force policies, subject to review by all

participating agencies and approval by the Executive Board. At a minimum, such policies shall address:

a. Use of Informants

b. Processing of Evidence

c. Seizing of Assets for Civil Forfeiture

d. Maintaining Intelligence Files

e. Writing of Reports

f. Reverse Deliveries of Controlled Substances, Precursor Chemicals and Items Used to Manufacture Controlled Substances

g. A Code of Conduct

h. When to use SWAT/SIRT Teams; Hostage Negotiation Teams; Hazardous Devices of Bomb Squads.

Following policy ratification, the Clark County Sheriff shall forward copies of all Drug Task Force policies and procedures to all participating jurisdictions.

6. **Termination and Disposition of Property**. Notwithstanding any contrary provision in the Master Agreement, during the initial term or any period of extension or renewal of this Agreement, any party may terminate participation hereunder by providing six months' prior written notice to the other parties. Upon termination, the Master Agreement applies to the transfer and disposition of property.

7. **Choice of Law.** The parties agree that, in connection with their activities under this interlocal agreement, they shall comply with all applicable federal, state and local laws or regulations and, further, that this interlocal agreement shall be construed according to the laws of the State of Washington.

EXECUTED on the day and year first written below.

CLARK COUNTY SHERIFF

Chuck E. Atkins, Sheriff
Date: 2-15-2017

Approved as to form:
TONY GOLIK
Prosecuting Attorney

Bill Richardson
Deputy Prosecuting Attorney

Address for Notice:
Chuck E. Atkins, Sheriff
Clark County Sheriff's Office
Post Office Box 410
Vancouver, WA 98666

BOARD OF COUNTY
COUNCILORS, Clark Co., WA

Marc Boldt, Council Chair

Jeanne E. Stewart, Councilor

Julie Olson, Councilor

John Blom, Councilor

Eileen J. Quiring, Councilor

ATTEST:
Clerk to the Board

EXECUTED on the day and year first written below.

CITY OF VANCOUVER, WASHINGTON

~~Mayor Tim Leavitt~~ City Manager Eric Holmes
Date:

Clerk Carrie Lewellen, Deputy City Clerk

Approved as to form:

City Attorney

VANCOUVER POLICE DEPARTMENT

James McElvain, Chief of Police

Address for Notice:
James McElvain, Police Chief
Vancouver Police Department
City of Vancouver
P.O. Box 1995
Vancouver, WA 98668

EXECUTED on the day and year first written below.

WASHINGTON STATE PATROL

For ______________________________
John R. Batiste, Chief
Date: 3-27-17

Approved as to form:

____
Assistant Attorney General

Address for Notice:
  Lieutenant James Mjor
  Washington State Patrol
  PO Box 42634
  Olympia, WA 98507-2364

Appendix A

OCT 1 1 1982

AGREEMENT ESTABLISHING AN INTERLOCAL
DRUG ENFORCEMENT FUND

THIS IS AN AGREEMENT between the City of Vancouver, the City of Camas, the City of Battle Ground, the City of Ridgefield, and the Town of LaCenter, municipal corporations of the State of Washington, hereinafter individually and collectively referred to as the "Cities", and Clark County, a political subdivision of the State of Washington, hereinafter referred to as the "County", whereby the parties agree to establish an interlocal drug fund to help offset the expenses related to the investigation and apprehension of persons participating in the illegal use and/or sale of controlled substances.

WHEREAS, pursuant to RCW 39.34.080, one or more public agencies may contract with one another to perform governmental services which each itself is by law authorized to perform; and

WHEREAS, the County and the Cities, through the Clark County Sheriff and the city police departments are not only authorized but obligated by law to perform enforcement services to curtail and eliminate the illegal use and/or sale of controlled substances; and

WHEREAS, enforcement activities by both the Sheriff's office and the city police departments entail extraordinary expenses such as drug buys, payments of informats, and other expenses related to the investigation of illegal use and/or sale of controlled substances; and

WHEREAS, revenue to defray the aforementioned expenses and to fund law enforcement activity related to "drug" law enforcement is made available through RCW 9.95.210 as a condition of probation; and

WHEREAS, the County and Cities desire to establish an interlocal drug fund into which the aforementioned source of funds shall be paid; and

County has original
 Reference No. 1982-10-55

WHEREAS, the County and the Cities both desire to avail themselves of this aforementioned source of revenue to fund law enforcement "drug" activities and to share from this revenue in proportion to labor expended or resources committed by each within their geographic service areas; and

WHEREAS, the County and Cities may also desire to use this aforementioned source to finance "joint" law enforcement activities conducted and carried out by both the Sheriff and the city police departments in coordinated activities to eliminate the illegal use and/or sale of controlled substances; and

WHEREAS, staff members of the County and Cities have met and negotiated the terms of this agreement and have recommended to the Board of County Commissioners and the City Councils, that an interlocal drug fund be established and that this agreement be duly adopted as authorized by RCW 39.34.080; and

WHEREAS, the purpose of the interlocal drug fund shall be limited to enforcement of all state statutes and County and City ordinances related to controlled substances.

IT IS HEREBY AGREED TO BETWEEN THE PARTIES AS FOLLOWS:

1. Interlocal Drug Fund Established

The County shall create a special fund to be known as the Interlocal Drug Enforcement Fund, hereinafter referred to as the "Fund".

2. Source of Monies for Fund

The aforementioned fund established by the County shall consist of contributions to such account mandated by court order as a condition of probation, pursuant to RCW 9.95.210.

3. Deposit of Monies in Fund - Audit

Deposit or payment of monies from the source enumerated in Section 2 shall be to the aforementioned special fund designated as the Interlocal Drug Enforcement Fund and shall be subject to the same audit and fiscal controls as apply for other funds of the County, as provided by RCW 43.09.285 (joint operations by municipal corporations or political subdivisions).

4. Disbursement of Funds

Disbursement from the Fund to the Clark County Sheriff's Office and to the city police departments shall be made at times and in amounts in accordance with the policies and guidelines adopted by the Joint Administrative Team, providing, that such policies and guidelines shall be consistent with these guiding principles:

(a) For "joint" law enforcement operations leading to arrest, conviction and/or forfeitures, each law enforcement department shall share from the Fund in proportion to labor expended or resources committed by it to the joint law enforcement effort, provided, if the parties are unable to agree on such proportional share, the funds generated by such arrest shall go to the jurisdiction (law enforcement agency) who iniated the investigation; and

(b) For independent law enforcement operations leading to arrest and conviction, the subject law enforcement agency shall be entitled to the full amount of funds generated by such arrest; and

(c) Disbursements to the County shall be credited to a Sheriff's Department investigative account designated for this purpose by the Clark County Commissioners; disbursement to each City shall be made to the Police Department Investigative account or fund designated by the city legislative authority for this purpose.

5. Joint Administrative Team

The Clark County Sheriff and the City Police Chiefs shall constitute a Joint Administrative Team to administer this interlocal agreement. A chairman and an alternate will be selected from the Joint Administrative Team to sign vouchers.

For joint law enforcement operations, the planning, organization, direction, scheduling and supervision of Sheriff and Police personnel and all other matters incident to the delivery of specific drug enforcement services shall be vested with the Joint Administrative Team or their designated alternates.

The Joint Administrative Team shall adopt policies and guidelines, consistent with Section 4, for the administration and disbursement of monies from the Fund.

6. Reporting

The County shall provide the Joint Administrative Team a monthly financial and auditing report showing monies receipted by and disbursed from the Fund.

7. Liability

Nothing herein is intended to impose upon the respective parties or their officers or other personnel any greater liability than they would have in their respective jurisdictions under like circumstances. Each shall maintain its own liability insurance or self-insured coverage as it deems necessary and proper.

8. Application of Agreement

This interlocal agreement shall apply to cases developed by the Clark County Sheriff's office or the City Police Departments relating to the enforcement of state statutes and County or City ordinances pertaining to controlled substances including:

(a) Active or existing cases, regardless of whether or not formal charges have been filed; and

(b) Cases developed hereafter.

9. Duration and Termination of Agreement

This agreement shall become effective on the date the agreement is executed by the County and at least one City and shall renew automatically from year to year thereafter, provided, that any party herein shall have the right to terminate this agreement for any reasons whatsoever upon giving the other parties sixty

(60) days' written notice in advance of the date sought for such termination; provided that this agreement shall remain in full force and effect as to the remaining parties hereto so long as the County and at least one City remain active parties. Monies on hand in the Fund at the date of termination and jointly held real or other personal property shall be disbursed in accordance with the terms of this agreement.

10. Modifications and Amendments

No amendment or modification of this agreement may be made unless such amendments or modifications be in writing and executed by both participating governmental bodies.

11. Notices

Any notice required or permitted to be given under this agreement shall be deemed sufficient if given in writing and sent by registered or certified mail to the official mailing address of the legislative body of the party(ies) entitled to notice.

12. Venue

This agreement has been and shall be construed as having been made and delivered in the State of Washington, and it is mutually understood and agreed by each party hereto that this agreement shall be governed by the laws of the State of Washington, both as to performance and interpretation.

13. Partial Invalidity

That in the event of invalidity or unresolvable ambiguity of any provision of this agreement, the remaining provisions shall nevertheless continue to be valid and enforceable.

14. Filing of Agreement

As provided by RCW 39.34.040, this agreement shall be filed with the City Clerks and County Auditor and with the Secretary of State; and, if found necessary, with the State of Community Affairs, as provided by RCW 35.34.120.

CLARK-VANCOUVER REGIONAL DRUG TASK FORCE
P.O Box 61832 / Vancouver, WA. 98666 / (360) 397-6017

CLARK VANCOUVER REGIONAL DRUG TASK FORCE 2021 ANNUAL REPORT

CLARK-VANCOUVER REGIONAL DRUG TASK FORCE
P.O Box 61832 / Vancouver, WA. 98666 / (360) 397-6017

The Clark Vancouver Regional Drug Task Force (CVRDTF)has been established pursuant to an Interlocal Agreement authorized under the Revised Code of Washington 39.34.

VISION, MISSION, AND GOALS STATEMENT

Our Vision: Our communities; Drug free.

Our Mission: Work proactively and collaboratively with our community partners to eliminate illegal drugs in Clark County.

Our Guiding Principles: Professionalism and Integrity.

Our Goals:

1. To identify, investigate, and disrupt or dismantle drug trafficking organizations working in and through Clark County.
2. To initiate and conduct investigations of mid and upper-level drug dealers and drug manufacturers.
3. To facilitate investigation and problem solving efforts relating to neighborhood drug problems and determine possible connections to drug trafficking organizations.
4. To promote inter-agency cooperation relating to drug investigations.
5. To promote interdisciplinary cooperation fighting drugs in our communities.
6. To collect, analyze and disseminate intelligence information relating to illegal drug activities in Clark County.
7. To participate in establishing and maintaining a communications network between law enforcement agencies in our area.
8. To be an educational and information resource for our community partners and other agencies regarding illegal drugs, their use and the drug subculture.

CLARK-VANCOUVER REGIONAL DRUG TASK FORCE
P.O Box 61832 / Vancouver, WA. 98666 / (360) 397-6017

CVRDTF is made up of investigators from The Clark County Sheriff's Office, The Vancouver Police Department, The Washington State Patrol, and Homeland Security. In addition to investigators, the Clark County Sheriff's Office provides one financial investigator, one assistant financial investigator, one legal secretary, and one administrative assistant.

Currently CVRDTF is governed by an Executive Board consisting of representatives from all of the participating agencies and a representative from the Clark County Prosecutor's Office. The Chairperson for the board rotates between agencies. In 2021 The Washington State Patrol governed as the Chair for the board. 2021 Investigative staffing is:

1 CCSO Commander
1 CCSO Sergeant
2 CCSO Detectives
1 VPD Detective
1 WSP Detective
1 Part-Time CCSO Detective[1]
1 Part-Time HSI Agent

2021 was a very challenging year for CVRDTF, along with law enforcement in general. Law enforcement was painted with a broad brush in response to isolated incidents outside of our control. These incidents contributed to an anti-law enforcement sentiment that was exploited by some self-serving organizations. The Covid pandemic continued through all of 2021. This made operating at peak performance difficult. There were concerns with personal contact between detectives and CVRDTF clients. February brought the Blake decision from the Washington State Supreme Court[2]. This single decision removed a significant avenue from informant development. With straight Possession of a Controlled Substance no longer being a crime, detectives needed to pivot their approach on investigations. CVRDTF was also forced to find a new location to operate out of. The lease on our location was not renewed.

[1] Part Time CCSO detective split work responsibilities with technical investigations and CVRDTF cases
[2] https://kingcounty.gov/initiatives/felony-drug-possession-blake-decision.aspx

CLARK-VANCOUVER REGIONAL DRUG TASK FORCE

P.O Box 61832 / Vancouver, WA. 98666 / (360) 397-6017

July 23rd, 2021 brought the darkest day in CVRDTF history. Sergeant Jeremy Brown had been assisting another unit with surveillance of a group that was suspected in burglarizing several properties and stealing firearms. While on surveillance, Sergeant Brown was ambushed and murdered. He was able to return fire prior to succumbing to his injuries. His murder affected all of the members of CVRDTF, and continues to. Some members still experience the effects of this tragedy. One member elected to leave the profession altogether.

Even with all of the challenges and obstacles placed before the team, our detectives accomplished a lot of good work. Sergeant Bill Sofianos leads this team. The detectives he has working for him are motivated to make our communities safer through high-level narcotics investigations. These investigations focus on drug trafficking organizations that operate within the geographic area. Below are the numbers for 2021. From 2020 there was a decrease in methamphetamine and cocaine seizures. There was an increase in marijuana plant seizures, but what is shocking is the increase in Fentanyl seizures. Fentanyl seizures increased more than 1700 percent over 2020. The number of cases opened compared to the year prior were also down. Controlled purchases of narcotics were up. Both custodial and non-custodial arrests were down compared to last year.

Meth 15 LBS	Heroin 6.6 pounds
Cocaine 6 ounces	Fentanyl 18,770 pills
Marijuana plants 7,325	Marijuana Bulk 395 pounds
Steroids $55,000 value	Firearms 24
Cash Seized $272,000	Vehicles 10

Drug Hot Line tips were down in 2021 throughout the county. There was a rise in calls received from callers who lived within the city limits.

Some notable cases:

01/12/2021 22006983 Medford, OR.

Detective Brown conducted an investigation that led to the stop and seizure of 6 pounds of Methamphetamine destined for Vancouver, WA. The driver has extensive criminal history and is being referred for Federal prosecution.

01/20/2021 22006990 Gresham, OR.

Detective Fields conducted an investigation that led to the arrest of an armed dealer in Gresham, Oregon that was supplying large quantities of heroin and methamphetamine to mid-level dealers in Vancouver. Seizure led to $8192 cash, ½ pound of Xanax, 11 ounces of heroin, 1 ounce of methamphetamine, approximately 2000 fentanyl pills and a firearm.

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04/01/2021 22007043

8510 NE Hwy 99 Vancouver

Detective Osorio and Detective Phane's investigation into upper level heroin and fentanyl dealer in Sam's Good RV Park. Search warrant led to the recovery of 2 firearms, approximately 1000 fentanyl pills, ½ pound of methamphetamine, 1 kilogram of heroin and $21,500 cash

Detective Hodgson assisted WSP with an investigation that led to the seizure of 1 firearm, 1 vehicle, approximately 4000 fentanyl pills and 1 pound of methamphetamine. Information was gathered and supplied to Fife on an additional vehicle arriving in their area w/ more controlled substance. Subject booked.

06/09/2021 22007077 4723 E. 18th St.

Detective Osorio's investigation into an organization previously disrupted by DTF. Primary suspect was charged and deported and is now coordinating drug deliveries from Mexico to Vancouver via his mother and 16 year old brother. Numerous controlled buys of heroin were done with this group. Search warrant served and $18,073, approximately 120 fentanyl pills and ½ pound of methamphetamine seized. Two arrests made.

10/26/2021 22007093 8313 NE 158th Avenue Vancouver, WA.

Investigation stemmed from controlled substance (CS) homicide on 05/05/2021. Detective Jeremy Brown took over the investigation, making it his final investigation before his murder. Detective Fields took lead on the investigation and DTF conducted mobile and video surveillance, trash pulls, package intercepts and phone pings. On 10/26 warrants were served on suspect's residence, storage unit, 6 PMB boxes and 3 vehicles. The investigation led to the seizure of 11,000 fentanyl pills, 6 firearms, 98 fraudulent ID's, various steroids worth $55,520 and $156,000 cash. 2 suspects arrested. CS homicide investigation is ongoing

SAFE STREETS TASK FORCE
2021 End of Year Report

1. Safe Streets Task Force Unit Overview

Mission

The mission of the Safe Streets Task Force (SSTF) is to identify and target for prosecution criminal enterprise groups and individuals responsible for drug trafficking, money laundering, crimes of violence such as murder and aggravated assault, robbery, and violent street gangs, as well as to intensely focus on the apprehension of dangerous fugitives where there is or may be a federal investigative interest. The SSTF will enhance the effectiveness of federal/state/local law enforcement resources through a well-coordinated initiative seeking the most effective investigative/prosecutive avenues by which to convict and incarcerate dangerous offenders. Reference MOU page 1 and 2 identified under numbered paragraph #4.

General Structure

The SSTF is comprised of the following Task Force members:

3 VPD Detectives
1 VPD Sergeant
1 Washington State Department of Corrections Officers
1 FBI Special Agent

2. SSTF Statistics 2021

Arrests: 45

Search Warrants served: 25

Guns recovered: 26

Drugs-

- **Meth: 13 lbs.**
- **Heroin: 3 lbs.**
- **Fentanyl Pills: over 6,000**

Seizures

Money: $ 34,303

Vehicles: 0

SAFE STREETS TASK FORCE
2021 End of Year Report

The Safe Streets Task Force Sergeant supervises the assigned Vancouver Police Detective (1) to the U.S. Marshal's Fugitive Task Force.

The Safe Streets Task Force Sergeant also supervises the assigned Vancouver Police Detective (1) to the Clark/Vancouver Drug Task Force.

The Safe Streets Task Force stood up the Gun Violence Response Team (GVRT) in 2020. This team consists of members of Vancouver Police Department assigned to SSTF and one member of the Vancouver Police Major Crimes Unit. Certain members of GVRT are certified and trained in the Alcohol, Tobacco and Firearm's (ATF) National Integrated Ballistic Information Network (NIBIN) machine currently stored at the Portland Police Bureau's North Precinct. Members of GVRT work closely with the Portland Police Bureau and other metro area agencies to combat gun and gang violence. Members of GVRT are trained in processing of crimes scene, DNA recovery and submission. SSTF responded to and investigated over 20 GVRT cases as well as the submission of casings recovered from crime scenes into NIBIN.

As part of the Gun Violence Response Team, members continue processing recovered firearms and submitting suspect DNA samples for comparison for prosecution. Prior to this, similar cases were dismissed by the Clark County Prosecutor's Office without a DNA comparison where other suspects were located around the recovered firearms. Further, the Washington State Patrol would not process these firearms and DNA recovered from suspects for comparison analysis, confirming DNA of the suspect recovered from the firearm(s). The DNA process investigative tool is critical for prosecution, enforcement and overall safety of the community for unlawful firearms possessors.

The Safe Streets Task Force continues to sub-contract out the DNA comparison analysis with Sorenson's Forensics based on the suspect's criminal history. SSTF has a limited amount of funding to conduct these DNA comparison investigations and is screening these submissions on a case by case basis. As this program develops the SSTF will require more funding to prosecute violent offenders unlawfully possessing firearms.

In 2020 the mission of the FBI Safe Streets Task Force realigned from a Gang focused task force to a Drug Trafficking Organization focused task force. With direction from the FBI to focus on "building out criminal networks" and "criminal enterprise groups". In 2020 The FBI Vancouver SSTF began an Organized Crime Enforcement Drug Task Force (OCEDTF) through the Western District of Washington United States Attorney's Office. To date, the subjects of this OCEDTF have yet to prosecuted. Several other cases were presented to the United States Attorney's Office for the Western District of Washington, most of which they declined to prosecute these cases.

Below are the number of original and supplemental reports authored by members of the Safe Streets Task Force during 2021 in the Vancouver Police report writing system, Mark 43:

DATA RESULTS Calculations Totals

Report - Event Information Primary Officer Full Name	Report - Event Information # of Distinct Reports	Report - Supplement Info # of Reports	Total Reports
Dennis Devlin	12	88	100
Colton Price	21	70	91
Spencer Harris	8	67	75
Shane Hall	6	28	34

The following are FBI report entries either authored or co-authored by SSTF personnel in 2021. Report entries include source reporting, controlled buys, evidence reports, evidence log, search warrants, case origination, funding requests for cases, receipts, and request for administrative / logistical support.

Shane Hall - 125

Dennis Devlin - 13

Colton Price - 23

Spencer Harris - 39

3.) Training

Vancouver Police Detectives assigned to the Safe Streets Task Force, the Clark Vancouver Drug Task Force and U.S. Marshal Fugitive Task Force attended the required mandatory training during the 2021 calendar period.