



CITY COUNCIL MEETING MINUTES

Vancouver City Hall | Council Chambers | 415 W. 6th St.

PO Box 1995 | Vancouver, WA 98668-1995

www.cityofvancouver.us

Anne McEnery-Ogle, Mayor

Bart Hansen • Ty Stober • Erik Paulsen • Sarah J. Fox • Diana H. Perez • Kim D. Harless

June 5, 2023

WORKSHOPS

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

Workshops were conducted in person in the Council Chambers 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/35657?startStreamAt=0&stopStreamAt=9617

3:00-4:00 p.m. Fourth Plain for All

Shannon Williams, Senior Planner, 360-487-7898

Summary

Staff led Council through a discussion of Fourth Plain for All.

4:00-5:00 p.m. Municipal Code Amendment - Multifamily Tax Exemption Program

Patrick Quinton, Economic Prosperity and Housing Department, 360-487-7845

Summary

Staff led Council through a discussion of the Municipal Code Amendment - Multifamily Tax Exemption.

5:00-6:00 p.m. 2024-2029 TIP Updates

Chris Malone, Public Works Finance & Asset Manager, 360-487-7711

Summary

Staff led Council through a discussion of the 2024-2029 TIP Updates.

Councilmember Harless, Councilmember Stober and Mayor McEnerny-Ogle were absent from the Workshops.

COUNCIL DINNER/ADMINISTRATIVE UPDATES

COUNCIL REGULAR 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.

Vancouver City Council meeting minutes are a record of the action taken by Council. To view the CVTV video recording, including presentations, testimony and discussion, for this meeting please visit: https://www.cvtv.org/vid_link/35659?startStreamAt=0&stopStreamAt=6380 Electronic audio recording of City Council meetings are kept on file in the office of the City Clerk for a period of six years.

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 Councilmember Hansen. This meeting was conducted as a hybrid meeting, including both in person and remotely over video conference.

Present: Councilmembers Perez, Fox, Paulsen, and Hansen

Absent: Councilmembers Harless and Stober and Mayor McEnerny-Ogle

Motion by Councilmember Perez, seconded by Councilmember Paulsen, and carried unanimously to excuse Councilmembers Harless and Stober and Mayor McEnerny-Ogle.

Approval of Minutes

Minutes - May 8, 2023

Motion by Councilmember Fox, seconded by Councilmember Paulsen, and carried unanimously to approve the meeting minutes of May 8, 2023.

Minutes - May 15, 2023

Motion by Councilmember Perez, seconded by Councilmember Fox, and carried unanimously to approve the meeting minutes of May 15, 2023.

Proclamations: Ride Transit Month

Councilmember Hansen read and presented a proclamation to a representative of Transportation Choices, proclaiming June 2023 as Ride Transit Month.

Community Communications

Councilmember Hansen opened Community Communication and received testimony from the following community members regarding any matter on the agenda not scheduled for a Public Hearing:

- David Ison, Camas, WA
- Mark Jolgen, Vancouver
- Kimberlee Goheen Elbon, La Center, WA

There being no further testimony, Councilmember Hansen closed Community Communication.

Consent Agenda (Items 1-15)

Council requested item 12 be pulled for discussion.

Motion by Councilmember Fox, seconded by Councilmember Paulsen, and carried unanimously to approve items 1-11 and 13-15 on the Consent Agenda.

Motion by Councilmember Fox, seconded by Councilmember Paulsen, and carried unanimously to approve item 12 on the Consent Agenda.

1. 2023 Resurfacing Project

Staff Report: 099-23

The 2023 Resurfacing Project is being completed as part of the Pavement Management program. This project involves paving with hot mix asphalt on corridors and residential streets at various locations throughout the city. This year's pavement management program includes two separate resurfacing contracts. A total of 28 lane miles of street will be paved under those contracts. These contracts include the "2023 Resurfacing Project" and the "E Fourth Plain Blvd NHS Resurfacing Project." This staff report is only for the 2023 Resurfacing Project. The second paving project will be presented in a future staff report.

The attached vicinity map shows where streets will be paved. The project includes paving streets in Amada, Central Park, Maplewood, Harney Heights, Vancouver Heights, Fircrest, Oakbrook, Old Evergreen Hwy, Columbia River and Cascade Highlands neighborhoods.

On May 9, 2023 the City received two bids for the subject project. The bids ranged from \$6.27 to \$6.31 million dollars. The low bidder was responsive. The bids are as follows:

SUMMARY OF BIDS	
BIDDER	AMOUNT
Granite Construction Company, Vancouver, WA	\$6,266,266.00
Lakeside Industries, Vancouver, WA	\$6,309,308.00
Engineers' Estimate	\$6,100,000.00

There is a minimum apprenticeship goal of 5% of the utilized labor hours for this project. Granite Construction Company of Vancouver, Washington has submitted an Apprenticeship Utilization Plan to meet or exceed this goal. Their plan includes approximately 815 hours of apprentice time with an estimated 16,293 total applicable labor hours for the project.

Request: On June 5, 2023, award a construction contract for the 2023 Resurfacing Project to the lowest responsive and responsible bidder, Granite Construction Company, Vancouver,

Washington, at their bid price of \$6,266,266, which includes Washington State sales tax, and authorize the City Manager or designee to execute the same.

Chris Sneider, Senior Civil Engineer, 360-487-8239

Motion approved the request.

2. Contract Amendment for a Cost Increase to Contract For Fire and Security Alarm Monitoring

Staff Report: 100-23

- 1. On April 23, 2020, the City issued an invitation to bid for Fire and Security Alarm Systems, Monitoring and Maintenance.*
- 2. On August 24, 2020, the City Council approved a contract with Action Technology Systems, for a not-to-exceed amount of \$650,000 for five (5) years.*
- 3. On April 27, 2023, Contract C-100382 was increased by 10% by Procurement to a "not-to-exceed" amount of \$715,000 to cover expenses until a proper increase could be brought to Council for approval.*
- 4. Currently, Facilities has performed \$586,223.81 on City alarm system maintenance out of the \$715,000 approved for the Contract.*
- 5. There has been increased usage of the Contract due to added City buildings, as well as replacing some end-of-life alarm systems, more alarm panels than anticipated with more repairs and approximately 20 alarm panel replacements expected in the next two years. This has increased the spend rate on the Contract. This Contract will expire on September 2, 2025.*
- 6. This increase request is needed to continue services through the term of the contract.*

Request: Approve Contract Amendment #6 for an increase of \$700,000 for Contract No. C-100382 Fire and Security Alarm System Services with Action Technology Systems, 835 SE 17th Ave., Portland, Oregon, 97214 and authorize the City Manager, or designee, to increase the total Contract Amount to \$1,415,000 for the balance of the term of the contract.

*Michael Shrum, Facilities Contract Services Supervisor,
360-487-8260*

Motion approved the request.

3. Award project to FFA Architectural & Interiors Inc. per RFQ # 23-23 Construction Drawings and Specifications for Repairs to Esther Short Bell Tower and Pumphouse

Staff Report: 101-23

- On March 8, 2023, RFQ 23-23 was issued for solicitation for proposals from Architectural firms to produce construction drawings and specifications for the repairs to the Esther Short Bell Tower and Pumphouse.
- On April 5, 2023, the City received one (1) proposal for (RFQ) 23-23: Construction Drawings and Specifications for Repairs to Esther Short's Bell Tower and Pumphouse. There was only one company that sent in a proposal for this project, which was FFA Architectural & Interiors. FFA was responsive
- On April 12, 2023, the review panel met and the consensus of the review panel to select FFA Architectural for the projects and award a three (3) year contract with the option of two (1) year extensions at the election of the City to allow for the completion of the projects. FFA Architectural was the firm that performed the original building assessments on both structures. We asked FFA Architectural & Interiors to send us cost proposals for their services to establish a "not to Exceed" price for the work for both projects. The proposal costs for construction drawings and specifications and project management for the Bell Tower was \$425,241 and the Pumphouse was \$346,798, combined was \$772,039.

Request: On June 5, 2023, award a contract C-101238 for the Esther Short Bell Tower and Pumphouse Repair Project for construction documents and project management to FFA Architectural & Interiors Inc., 520 SW Yamhill, Suite 900, Portland, OR, 97204, with a not to exceed price of \$772,039, which includes Washington State sales tax, and authorize the City Manager or designee to execute the same.

Mike Shrum, Facilities Contract Services Supervisor, 360-487-8260

Motion approved the request.

4. Approval of Purchasing Authority for Waterborne Traffic Line Paint from Alpine Products, Inc.

Staff Report: 102-23

The City currently purchases paint for maintenance striping from Alpine Products, Inc. through their contract with Pierce County (#22-035) as signed in April of 2022 following a competitive bidding process. In 2023, the total purchases from this contract will exceed the \$300,000 threshold requiring approval of Council. This will enable the Public Works department to continue to utilize this contract to purchase waterborne traffic line paint and materials to take advantage of this competitive price.

Public works has ongoing, annual needs for traffic line paint of approximately \$225,000-\$275,000 per year and is requesting Council approve the increased spending with Alpine Products, Inc. up to a

\$1,250,000 threshold against this contract, which is currently good through April 18, 2024, with eligible yearly extensions through April 18, 2027.

Request: Approve purchasing authority related to the Pierce County Contract #22-035 with Alpine Products, Inc. in an amount not to exceed \$1,250,000 through April 18, 2027.

Ryan Miles, Engineering Program Manager, 360-487-7708

Motion approved the request.

5. Professional Services Agreement (PSA) for on-call Engineering, Architectural, and Environmental Services - Pearson Airport

Staff Report: 103-23

The City has used on-call Professional Service Agreements (PSAs) for many years to help not only with peaks in workload, but also for specialty professional services for which the City does not have experienced staff. A PSA for on-call engineering, architectural and environmental services at Pearson Airport was awarded to a local consulting company in 2018. That contract expires July 1, 2023.

The next 5 years are projected to include multiple projects, over \$4 million, at Pearson Airport. The work program includes pavement rehabilitation for aircraft parking aprons, as well as a complete replacement of the existing aging aircraft fueling stations. Approximately 90% of this work is planned to be funded through grants from the FAA. In order to design this work and manage the FAA grant processes, the City needs qualified professionals experienced in the ways of the FAA systems.

Earlier this year, the City advertised a "Request for Qualifications" for this needed professional work. That RFQ generated proposals from two local firms. After an evaluation process, it has been decided that Century West Engineering is the most qualified of the two proposers. The maximum fee payable under this agreement is \$950,000.

Request:

1. This action does not create any financial commitment by itself. The professional services will be utilized to the extent they are funded through specific projects at the airport.
2. Authorize the City Manager, or designee, to activate services provided under this contract using task orders that are specific in scope and budget. The task orders will provide for timely, as-needed service provision, but within the framework, scope, and limitations of the overall master contract.

Guy Lennon, Airport Manager, 360-487-8619

Motion approved the request.

6. Approval of contract to purchase shelter and office units for 2 additional Safe Stay Community sites from Pallet

Staff Report: 104-23

A part of the Vancouver Homelessness Plan calls for the establishment of Safe Stay Community sites where residents are provided shelter and personal hygiene facilities and are given access to social service providers to assist them in transitioning to permanent housing.

To date, two Safe Stay Communities have been established, one is currently awaiting site construction, and two additional sites within the City of Vancouver have been budgeted for. Staff needs to purchase the shelter and office units from the manufacturer, Pallet, for the two additional sites that have been budgeted for.

Each site features 20 shelter units, with two bunks and mattresses per unit and one electric heater, office space, and personal hygiene facilities. The quote from Pallet includes all costs associated with functional units – beds, mattresses, heaters, smoke/CO detectors, fire extinguishers, and capability of connecting to power.

Request: On June 5, 2023, approve the use of \$629,014 to purchase additional modular units for use in two Safe Stay Community sites.

Jamie Spinelli, Homeless Response Manager, 360-487-8610; Aaron Lande, Program and Policy Development Manager, 360-487-8612

Motion approved the request.

7. Approval of service contract to rent shower/restroom/laundry (hygiene) units for Safe Stay Community/Safe Parking sites from United Site Services

Staff Report: 105-23

A part of the Vancouver Homelessness Plan calls for the establishment of Safe Stay Community sites where residents are provided shelter and personal hygiene facilities and are given access to social service providers to assist them in transitioning to permanent housing.

To date, two Safe Stay Communities have been established, one is currently awaiting site construction, and two additional sites within the City of Vancouver have been budgeted for. The two existing sites opened with portable restrooms and handwashing stations, with the intent to add more substantial hygiene facilities later. As a temporary solution for showers, site residents have used a combination of options, such as City-funded YMCA

memberships, Firstenberg, and the mobile shower trailer located at Living Hope Church. While all participants have been appreciative of these temporary accommodations, accessibility at each of those locations is extremely limited in both number and times of days. Because many of our Safe Stay and Safe Park residents are now employed, showers are needed more frequently and at varying times of day/night, which these facilities' hours of operations cannot allow for. Additionally, the less substantial portable restrooms and handwashing stations become more difficult to utilize in the very cold and hot months of the year, particularly for those with physical/health challenges.

These hygiene units would be utilized at Safe Stay Communities 2 & 4 (Hope Village and proposed WSDOT property location), where plumbing is not easily accessible and more self-contained unit options are necessary. These self-contained units will come equipped with water/sewer tanks, which United Site Services will pump/fill on a regular basis. United Site Services only rents their units out, and the units to be utilized at our sites are being retrofitted/customized to fit our space needs.

Request: On June 5, 2023, approve the use of \$389,600 to rent modular/mobile hygiene units for use in two Safe Stay Communities and one Safe Parking site.

Jamie Spinelli, Homeless Response Manager, 360-487-8610; Aaron Lande, Program and Policy Development Manager, 360-487-8612

Motion approved the request.

8. Burnt Bridge Creek Land Acquisition – Phase 1

Staff Report: 106-23

Burnt Bridge Creek flows through the City of Vancouver, WA and has been on the 303(d) list of impaired waterbodies for bacteria, pH, DO, and temperature violations of water quality standards since 2004. City Surface Water Management identified six parcels (13.19 acres) to acquire for protection and restoration. This land purchase is funded through a State Direct Implementation Funding Grant and will acquire three of those parcels, protecting 8.23 acres of critical riparian area. A second grant from the Washington Department of Ecology will be used to fund the purchase of the remaining three parcels at a later date.

Request: Approve the transactions contemplated by the Purchase and Sale Agreement in the amount of \$552,620 and the Conservation Deed of Right and authorize the City Manager, or designee, to sign the PSA, Deed of Right, and all related documents necessary to facilitate the acquisition of the parcels.

Kris Olinger, Senior Civil Engineer, 360-487-7188; Mark

Motion approved the request.

9. OPEIU Facilities Assistant (Recreation) Market Adjustment

Staff Report: 107-23

The 2022-2024 labor agreement between the City and OPEIU, Local 11, AFL-CIO was fully executed on February 28, 2022. City Council approved the changes from the city-wide 2022 market study during the November 28, 2022, Council meeting. Since that approval, a review of the work performed by the Facilities Assistant (Recreation) classification indicated an increased level of complexity, thereby necessitating a market evaluation. Human Resources conducted an ad hoc market survey and determined that the classification was similar in complexity to other positions in the City that are placed in a higher pay range. For internal equity purposes, staff sees the need to adjust the range to reflect this new information. The requested change was approved in decision packet number PR00787 of the spring 2023 supplemental budget. The present MOU will change the OPEIU, Local 11, AFL-CIO 2023 Pay Ranges and move the Facilities Assistant (Recreation) classification from Step 9 to Step 15. All relevant parties have agreed to this proposed change.

Request: Authorize the City Manager, or designee, to enter into a memorandum of understanding with OPEIU, Local 11, AFL-CIO bargaining unit relative to the implementation of the ad hoc salary study for the facilities assistant (recreation) classification.

Lisa Takach, Human Resources Director, 360-487-8611

Motion approved the request.

10. Ratification of Collective Bargaining Agreement with IAFF Local 452

Staff Report: 108-23

The labor agreement between the City and the IAFF Local 452 bargaining unit expired on December 31, 2022. The parties were able to work through a collaborative process and consensual decision making on many of the provisions for a new three-year agreement. The new labor agreement was recently ratified by the IAFF Local 452 members and is being brought to Council for approval.

Request: Authorize the City Manager, or designee, to sign the 2023-2025 Collective Bargaining Agreement with IAFF Local 452.

Lisa Takach, Human Resources Director, 360-487-8611

Motion approved the request.

11. **Larson Annexation**

Staff Report: 109-23

AN ORDINANCE relating to approval of an annexation pursuant to RCW 35.13.125; establishing the geographic extent, defining the comprehensive plan and land use designations, and determining the assumption of all or any portion of existing city indebtedness; accepting the certified petition supporting annexation; and providing for an effective date for the Larson annexation.

City staff has received a petition to annex a parcel of land adjacent to city limits from a single-owner. The subject site is located at the very northern edge of the city limits at 5213 NE 95th Street, east of Saint Johns Road. The site is 1.16 acres in size and contains a single-family home and accessory structures. Surrounding uses include single family residential to the north, west, and east and an industrial warehouse to the south. The annexation area does not include any right of way within 95th street.

The current service providers for the annexation boundary area include:

- *Fire District 5 (currently serviced by Vancouver Fire Department)*
- *Clark Public Utilities water district (will remain)*
- *Clark Regional Sewer district (will remain)*
- *Clark County Park District 7 (will change to City Park District B)*
- *Clark County Sheriff's Office (will change to Vancouver Police Department)*
- *Development review/ permits (will change to City of Vancouver)*

The proposed annexation is being processed by the "direct petition" annexation method under RCW 35.13.125. At a publicly noticed hearing on February 27, 2023, City Council adopted a resolution that confirmed:

- *the physical boundary of the annexation property; and*
- *the resulting comprehensive plan designation of Urban Lower Density(UL) and a zoning designation of R-9 for the property; and*
- *the annexing property owner will not assume any City indebtedness.*

Following the February 27, 2023, Resolution to proceed, the applicant submitted a formal petition to annex the subject property into the City of Vancouver. The petition signature was reviewed and certified by the Clark County Assessor's Levy Office on April 20, 2023.

The annexation notice with hearing dates and information was published in the Columbian newspaper on May 4, 2023. The subject site was physically posted with signs in three places on May 4, 2023.

Request: Following the first reading of the ordinance on June 5, 2023, and the public hearing proceeding on June 26, 2023, vote to approve and adopt the ordinance to annex the Larson property into the City of Vancouver.

Councilmember Hansen read the title of the ordinance into the record.

Motion approved the request.

12. Renaissance Boardwalk Master Plan

Staff Report: 110-23

AN ORDINANCE conditionally approving a master plan, design review, shoreline substantial development permit, shoreline conditional use permit and zoning variance, subject to specified conditions of approval necessary to mitigate findings of potentially adverse impacts on surrounding properties, for the Renaissance Boardwalk development; and providing for an effective date.

The Kirkland Renaissance Boardwalk development includes multi-family residential and commercial uses, open space, and a riverfront boardwalk. The proposed development program includes 217 multi-family dwelling units, approximately 115,500 sq. ft. of commercial space, 370 underground parking spaces, including 100 EV-ready spaces, removal of the existing deteriorated wooden fishing pier, a new public riverside trail (the Renaissance Boardwalk), a new relocated public storm pipe, and reconstruction of the Renaissance Trail to incorporate the Heritage Sidewalk detail installed in the Vancouver Waterfront development.

The applicant is requesting the following approvals:

- 1. Shoreline Substantial Development Permit – for development within the City Shoreline. The site contains critical areas including the FEMA floodway, FEMA 100-year floodplain (aka flood fringe), riparian management area and riparian buffer of the Columbia River and geologic hazards due to steep slopes and liquefaction. Critical areas review is processed with the shoreline substantial development permit and the critical areas regulations contained within the City's Shoreline Master Program, Chapter 5A apply.*
- 2. Approval of a Master Plan – The site is located within the Columbia Shoreline Enhancement District that requires a master plan be approved per the standards of VMC 20.260 Planned Developments. The applicant requests both a conceptual and detail plan approval under the planned development provisions.*
- 3. Shoreline Conditional Use Permit – for relocation and replacement of a large diameter stormwater outfall line that services upstream property.*

4. *CX Zone Height Variance – to allow the floor area to exceed 12,000 square feet for a floor that extends above 75 feet in height (Floor 8 is proposed to have 27,022 square feet).*
5. *Design Review – for development within the Downtown Design Review district.*

On January 17, 2023, a duly noticed public hearing was conducted before the City's Hearing Examiner and the Hearing Examiner issued findings, conclusions and recommendations for approval of the master plan, shoreline substantial development permit and shoreline conditional use permit and denial of the zoning variance (variance to the 12,000 square foot limitation on the upper 8th floor).

Based upon the two City Council workshops on April 3, 2023 and May 1, 2023, City staff has added conditions of approval to the Hearing Examiner recommendation as directed by Council (see Ordinance attachment memo 5-23-23). Additionally, the draft ordinance contains approval findings for the requested height variance.

Request: On Monday, June 5, 2023, approve the ordinance approving the project; and subject to the Council's decision on the proposed ordinance, setting a date of second reading and public hearing for June 26, 2023.

Keith Jones, Senior Planner, 360-487-7887

Councilmember Hansen read the title of the ordinance into the record.

Motion approved the request.

13. Appointment to the City Center Redevelopment Authority

The City Center Redevelopment Authority (CCRA) is appointed by City Council to oversee downtown redevelopment consistent with the Vancouver City Center Vision (VCCV) Plan. The board advises the Mayor and City Council on public-private partnerships, public assistance to private developments, and the business aspects of redevelopment projects and agreements in downtown Vancouver.

Committee 2 recently interviewed four candidates for one mid-term vacancy on the CCRA and recommends the appointment of Allison Reynolds with a term beginning immediately and expiring December 31, 2024.

If there are no objections, we would like to make this appointment at the Monday, June 5, 2023, Council meeting.

Request: Appoint Allison Reynolds to the City Center Redevelopment Authority Board of Directors to a mid-term position beginning

immediately and expiring Dec. 31, 2024.

Council Committee 2 (Stober, Fox, Harless)

Motion approved the request.

14. Nomination of Appointment to the Clark County Arts Commission

The Clark County Arts Commission is an 11-member volunteer body that works to enhance and support the growth of the local economy through collaborations among arts patrons, artists, the business community, service groups, schools and cultural groups. The commission's work expands the opportunity and accessibility of community members to experience art in public places and works to create a more visually pleasing environment throughout the county.

Committee 2 interviewed two applicants for this mid-term vacancy and recommends the nomination of Russell Ford for appointment by Clark County Council. If confirmed, his appointment would begin immediately and expire December 31, 2026. The City's representative on the Clark County Arts Commission also simultaneously serves as the Art's Commissions representative on the City's Culture, Arts and Heritage Commission.

If there are no objections we would like to make this nomination of appointment at the Monday, June 5, 2023, Council meeting.

Request: Nominate Russell Ford to the City's seat on the Clark County Arts Commission, mid-term appointment beginning immediately and expiring December 31, 2026.

Council Committee 2 (Stober, Fox, Harless)

Motion approved the request.

15. Approval of Claim Vouchers

Request: Approve claim vouchers for June 5, 2023.

Motion approved claim vouchers in the amount of \$12,910,883.06.

Public Hearings (Item 16-18)

16. Right-of-Way Franchise Ordinance for Lightspeed Networks, Inc.

Staff Report: 074-23

AN ORDINANCE relating to management of the public rights-of-way, granting to LightSpeed Networks, Inc. dba LS Networks (hereinafter referred to as the “Franchisee”), an Oregon corporation, a non-exclusive and revocable franchise to install, operate and maintain a telecommunications system in, on, over, upon, along, and across public rights-of-way of the City of Vancouver, Washington (hereinafter referred to as the “City”), prescribing certain rights, duties, terms and conditions with respect to such franchise; providing for setting an effective date and conditions.

Lightspeed Networks, Inc. dba “LS Networks” wishes to occupy and utilize portions of the public rights of-way in the City. Cities may require a permit or franchise for the use of its right-of-way for telecommunication facilities (RCW 35.99.030); however, the City may not charge a franchise fee for the franchise (RCW 35.21.860). The proposed ordinance establishes the terms and conditions of the right to construct and maintain telecommunications facilities within the City’s right-of-way.

This project involves the deployment of “small cell” wireless network technology to provide high speed telecommunications services to provider clients in Vancouver, WA. By way of background, developments in wireless network technology and increasing demand for high-speed wireless services have quickly outpaced the capabilities of traditional, macro-cell wireless communications facilities. To address this demand, providers have expressed a desire to deploy new wireless communications facilities located in the public rights-of-way. These “small cell” facilities consist of antenna and equipment typically placed on infrastructure located within the public rights-of-way. Small cell facilities are usually deployed in areas that cannot be effectively served by a traditional macro cell, or areas that may have coverage, but not enough capacity.

City staff has worked with LS Networks to negotiate a franchise ordinance, which manages the deployments of small cell facilities in a way that balances local aesthetics, character, and public health and safety, while also deriving the benefits of these new technologies for the City’s residents to the greatest extent practicable.

Request: On Monday, June 5, 2023, subject to second reading and public hearing, approve the ordinance.

*Aaron Lande, Policy and Program Manager, 360-487-8612;
Taylor Hallvik, Assistant City Attorney, 360-487-8500*

Aaron Lande, Policy and Program Manager, provided an overview of the Right-of-Way Franchise Ordinance for Lightspeed Networks, Inc.

Council discussed the item briefly with staff.

Councilmember Hansen opened the public hearing and received testimony from the following community members:

- Kimberlee Goheen, La Center, WA

There being no further testimony, Councilmember Hansen closed the public hearing.

Motion by Councilmember Fox, seconded by Councilmember Paulsen, and carried unanimously to approve Ordinance M-4411.

17. Extension of the cable television franchise now held by Comcast of Washington V, LLC (“Comcast”) for a period not to exceed 12 months to July 1, 2024

Staff Report: 075-23

AN ORDINANCE relating to cable television; approving an extension of the cable television franchise awarded to Comcast of Washington V, LLC (“Comcast”) a limited liability corporation; and providing for conditions and an effective date.

The current cable franchise agreement between the City (and Clark County) and Comcast will expire July 1, 2023. Comcast, staff, and legal counsel mutually recognize that while good progress has been made more time is needed to negotiate a renewed franchise agreement that will adequately meet the needs of the community now and in the future. In addition, City Charter requirements mandate a 30-day publication requirement for franchise agreements between first and second reading. This requirement makes it procedurally difficult if not impossible to have a new franchise in place by July 1, 2023.

Request: On Monday, June 5, 2023, subject to second reading and a public hearing, approve the ordinance.

Jim Demmon, Video Services Manager, 360-487-8706

Jim Demmon, Video Services Manager, provided an overview of the Extension of Cable Television Franchise now held by Comcast.

Council discussed the item briefly with staff.

Councilmember Hansen opened the public hearing and received testimony from the following community members:

- Kimberlee Goheen, La Center, WA

There being no further testimony, Councilmember Hansen closed the public

hearing.

Motion by Councilmember Paulsen, seconded by Councilmember Perez, and carried unanimously to approve Ordinance M-4412.

18. Moratorium Extension for Large Warehouse and Distribution Centers

Staff Report: 098-23

AN ORDINANCE extending for an additional period of six months the Vancouver City Ordinance M-4406, which declared an emergency and imposed a six-month temporary moratorium upon the acceptance and processing of applications for permits for the development or expansion of large warehouse and distribution facilities totaling more than 250,000 square feet under the Warehouse/Freight Movement use classification in the Light Industrial (IL) and Heavy Industrial (IH) zoning districts, as defined in Vancouver Municipal Code Title 20 or as otherwise allowed, such as by prior development agreement, based on certain findings of fact justifying such action and adopted by City Council, directing staff to continue efforts to develop recommendations addressing the circumstances necessitating the moratorium, and establishing an immediate effective date.

In December when the moratorium was enacted there were seven pre-development or development applications for large warehouse and distribution facilities between 275,000 square feet up to 680,000 square feet, which are much larger than typical warehouses, for a total of 3.34 million square feet of proposed new warehouse structures.

Upon more recent review of the seven warehouses initially identified, one warehouse building was completed and issued an occupancy permit, and a second requires a zone change approval, and therefore staff reports that there are a total of five (5) warehouses in the development review or construction process, instead of seven, with a total of 2.8 million square feet of building space.

These extremely large facilities appear to be a growing trend in response to an increased demand for online shopping and parcel delivery, and the size of these new types of facilities and fast pace of this change is a growing concern in other communities throughout the U.S.

Such facilities consume vast amounts of limited industrial land yet provide very few jobs per acre and offer typically low skill and low wage positions and are therefore not a high priority use in the Clark County Economic Development Plan, which the City has adopted.

A primary concern is the land-intensive nature of these large warehouses and low job creation, but other issues such as air pollution, implications on

the City's climate action goals, increase in truck traffic to vulnerable neighborhoods, and appropriately locating such warehouses near major arterial routes and highways need to be analyzed.

On February 6, 2023, City Council affirmed the moratorium but, in order to minimize impacts to local manufacturers or business-to-business storage needs, requested that the scope be narrowed as follows: 1) increase the total size of warehouse projects subject to the moratorium from 100,000 square feet to 250,000 square feet; 2) exempt the Port of Vancouver from the moratorium on property owned by the Port and provided that any warehouse is for shipment of bulk goods, not home delivery of retail goods; and 3) exempt warehouse facilities that are exclusively for traded sector goods.

Early analysis indicates that there are very few vacant or underdeveloped industrial parcels that could accommodate a warehouse of 250,000 square feet or larger, however several large parcels would be vulnerable to a large warehouse project becoming vested to existing standards if the moratorium is not extended to allow more time for new land use and development standards to be adopted.

Request: On Monday, June 5, 2023, subject to second reading and a public hearing, approve the ordinance.

Chad Eiken, Community Development Director, 360-487-7882; Bryan Snodgrass, Principal Planner, 360-487-7946

Chad Eiken, Community Development Director, provided an overview of the Moratorium Extension for Large Warehouse and Distribution Centers.

Council discussed the item with staff.

Councilmember Hansen opened the public hearing and received testimony from the following community members:

- Nick Massie, Vancouver
- Leah Perkel, Vancouver
- Cathryn Chudy, Vancouver
- Kimberlee Goheen, La Center, WA

There being no further testimony, Councilmember Hansen closed the public hearing.

Motion by Councilmember Paulsen, seconded by Councilmember Perez, and carried unanimously to approve Ordinance M-4413.

Communications

A. From the Council

B. From the Mayor

C. From the City Manager

Evergreen and Grand Commercial Corridors Strategy Implementation Update

Becky Coutinho, Associate Planner, and Bryan Snodgrass, Principal Planner, Evergreen and Grand Commercial Corridors Strategy Implementation Update.

Celebrate Freedom agreement overview with The Historic Trust and National Parks Service

Dave Perlick, Recreation Services Manager, discussed the Celebrate Freedom Agreement Overview with the Historic Trust and National Parks Service.

Adjournment

8:16 p.m.

Anne McEnerny-Ogle, Mayor

Attest:

Natasha Ramras, City Clerk

The written comments below are those of the submitter alone and are not representative of the views of CVTV or the City of Vancouver, its elected or appointed officials, or its employees.

From: [Jenn](#)
To: [City Council](#)
Subject: Submission: City Council Contact Form
Date: Wednesday, May 24, 2023 8:03:22 AM

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



City Council Contact Form

Submitted date: Wednesday, May 24, 2023 - 8:03am

Contact Information

First name:

Jenn

Last name:

Lamb

Email address:

[REDACTED]

Street address:

[REDACTED]

ZIP code:

98662

Inquiry Information

Subject:

Comment on an upcoming Council agenda item

Recipient:

All of Council

Message:

Hello Vancouver City Council,

Regarding the moratorium on warehouses, I encourage you to step back and see the big picture of development in Vancouver. We are newer to Vancouver (not the only ones). What we love and chose about Vancouver was the beautiful investments the city are putting into its future, nature pathways and parks, and its beautiful community and connection to the arts and safe neighborhoods. There are already major streets that are lined with warehouses... land that could have been housing or parks for people. Although it may not seem like it now, with sprawl and growth, those areas may no longer feel like outskirts in a couple decades. Warehouses should be held in certain areas that

can be more business focused.

Allowing available space to be developed into warehouses does not further any of their virtues. Please extend the moratorium and work with the county to develop a plan for growth, industry, and farming.

Focus our remaining developable land close in on parks, bike and skate paths, and quality housing that allows people to live with peace, honor, and green space near to amenities. The Bay Area did an excellent job building in pathways, parks, and space for people to get outdoors and bike commute that connected neighborhoods as they developed. Southern California, not so much.

Another related issue is farmland. If we have foresight into climate change issues we will see our farmland here may become prized. California produces a lot of food, yet the continuing drought conditions ties their hands, forcing many farmers to let their crops die so the water may be redirected. Farmland can be protected in areas and maintain the character of a place, integrating it with housing and parkland.

Please see the future and how much potential Vancouver has to continue to draw good people, create opportunity for a good life, and build a city that holds its own. Vancouver has so much potential. It is more than just a Portland suburb.

We love it here. Thank you for the work that you do!

Best,
Jenn Lamb

Upload a file:

From: [City of Vancouver - Office of the City Manager](#)
To: [Dollar, Sarah](#)
Subject: FW: Warehouse Moratorium
Date: Monday, June 5, 2023 11:50:00 AM

Hello,

We received this message in the CMO inbox.

Thank you!

City Manager's Office

CITY OF VANCOUVER

P.O. Box 1995 • Vancouver, WA 98668-1995

P: 360.487.8600 | F: 360.487.8625

www.cityofvancouver.us

From: Denis Markian Wichar <deedub@webtv.net>
Sent: Monday, June 5, 2023 11:16 AM
To: City of Vancouver - Office of the City Manager <CMO@cityofvancouver.us>
Cc: Denis Markian Wichar <deedub@webtv.net>
Subject: Warehouse Moratorium

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Yes. Extend the moratorium on large warehouses, for as long as possible. Large warehouses typify poor uses of industrial and/or commercial land. Small investment by private interests yields high returns for them, but with almost no benefit to communities. Warehouses provide little employment. Warehouses display ugly sterile presence. Warehouses cause environmental insult, as with increased truck traffic in and out, and with nothing but impervious surfaces against rain, and with zero compensation for lost natural ecological opportunities.

No more large warehouses!

Den Mark Wichar



Vancouver WA 98660

Hough!

360-694-3703

From: [Dollar, Sarah](#)
To: [Dollar, Sarah](#)
Cc: [Delapena, Amanda](#)
Subject: FW: Steinke"s revised comments for warehouses
Date: Tuesday, May 23, 2023 8:57:22 AM

Sarah Dollar | Assistant to the City Council
CITY OF VANCOUVER, WASHINGTON
City Manager's Office
Pronouns: She/Her/Hers
www.cityofvancouver.us

From: Don Steinke <crvancouverusa@gmail.com>
Sent: Monday, May 22, 2023 7:15 PM
To: City Council <council@cityofvancouver.us>
Subject: Steinke's revised comments for warehouses

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

Hello everyone, my name is Don Steinke. I taught science and math for 43 years, mostly at FVHS.

Thank you for your Climate Commitment!. I support the 6-month Moratorium Extension for Large Warehouse and Distribution Centers.

Initially I was concerned that your moratorium would drive warehouse development to the outskirts of the City, but as I understand it, they would still need to comply with SEPA, and the County needs to comply with the amended GMA which requires the fastest growing Counties and Cities in those Counties with a population over 6000 to reduce greenhouse gas emissions.

if newcomers increase emissions, they will make it harder for everyone else.

As you write your new ordinance, consider the following:

- All new projects should be about 99% electric.
- All new parking lots should have enough conduit installed to provide for 100% battery electric trucks, cars, and forklifts.
- The buildings and parking lots should have enough solar panels to be net zero energy. They could pay for themselves in 12 years, and save money for the next 12. The developer may not even have to pay for the solar panels. Clark Public Utilities is right now developing a Community Solar project on the buildings of the Port of Camas Washougal. The panels will be paid for and owned by community volunteers. Clark Public Utilities will pay the owners for the energy produced. If interested, the developer should explore this

idea with Clark Public Utilities.

- New buildings should probably have a large stationary battery as well. As of Jan 1, 2023, The California Energy Code requires installing solar power and battery storage for new commercial buildings. Vancouver can be the first in Washington to do that.

Our State has made a Climate Commitment and so has Amazon.

Our State Climate Commitment Act requires polluters to purchase permits to pollute. That program will raise about \$1 billion annually to provide clean energy incentives.

I believe Amazon plans to build a distribution center in East Vancouver.

Amazon has built more solar capacity than anyone in the world. They have ordered more electric delivery vans than anyone in the world. They rebuilt a sports center in Seattle and named it the Climate Commitment Arena.

Amazon may prefer building solar projects 100 miles east where the sun shines a lot more, but by doing solar locally, they can save the cost of long-distance transmission which is about 1/3rd the cost of electricity.

I support the 6-month Moratorium Extension for Large Warehouse and Distribution Centers and the Action Requested by staff. Thanks for all you do.

From: [Sunnye](#)
To: [City Council](#)
Subject: Submission: City Council Contact Form
Date: Wednesday, May 31, 2023 11:02:18 PM

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City Council Contact Form

Submitted date: Wednesday, May 31, 2023 - 11:02pm

Contact Information

First name:

Sunnye

Last name:

Bowerman

Email address:

[REDACTED]

Street address:

[REDACTED]

ZIP code:

98601

Inquiry Information

Subject:

Share an opinion about a City project or initiative

Recipient:

All of Council

Message:

Hi, Council Members!

I am Sunnye Bowerman. I have lived in Clark County my entire life and although I don't live within Vancouver city limits, I do attend Clark College. I have always felt climate change is one of the largest issues we have in our world and I think it is our job as individuals to do what we can to help. Whether that is living greener by using public transit, lower water consumption, or writing to city council. I am very pleased to see the multiple instances on the agendas of past and future meetings that are discussions, and many approvals, of plans and resources for Stay Safe Community sites. This is such a valuable resource for our community. I am interested in consent item 2 on the June 2, 2023 agenda, relating to a Colombia River Water Quality Program. Protecting our waterways is

crucial to ensuring we have clean water for everyone for generations to come. Because of where we are, the Colombia River is our largest and most important resource. Protecting it should be a top priority.

Thank you for all that you do!

- Sunnye Bowerman

Upload a file:

From: [Innesa](#)
To: [City Council](#)
Subject: Submission: City Council Contact Form
Date: Wednesday, May 31, 2023 10:39:02 PM

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City Council Contact Form

Submitted date: Wednesday, May 31, 2023 - 10:38pm

Contact Information

First name:

Innesa

Last name:

Grebyonkin

Email address:

[REDACTED]

Street address:

[REDACTED]

ZIP code:

98662

Inquiry Information

Subject:

Comment on an upcoming Council agenda item

Recipient:

Councilmember Diana Perez

Message:

Hello,

I am participating in a community college assignment in my meteorology class. I was asked to contact a city council member to express my thoughts and or questions on upcoming projects in the city of Vancouver. The project I would like to comment on would be the 4th Plain Water and Sewer Improvements. I would like to acknowledge that I have seen its advertisements since I frequently pass through that area. I notice that these improvements are meant to utilize existing resources and align with standard protocol. From my knowledge related to waste, water, and sewage, it's important to maintain safety and quality. I've also learned that Washington States' Representative Marie Gluesenkamp Perez has had several ideas to implement in the Vancouver area, and along with other

local developments, I am pleased to notice that there has been progress in those initiatives.

Upload a file:

From: [City of Vancouver - Office of the City Manager](#)
To: [Dollar, Sarah](#)
Subject: FW: Warehouses
Date: Monday, June 5, 2023 9:15:02 AM

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P: 360.487.8600 | F: 360.487.8625

www.cityofvancouver.us

From: Jim Byrne <[REDACTED]>
Sent: Monday, June 5, 2023 9:10 AM
To: City of Vancouver - Office of the City Manager <CMO@cityofvancouver.us>
Subject: Warehouses

You don't often get email from [REDACTED]. [Learn why this is important](#)

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Commercial and industrial lands are important for job growth. Warehouses use large amounts of land and provide few family wage jobs in return. Don't give away this valuable land for limited job and economic growth.

Jim Byrne

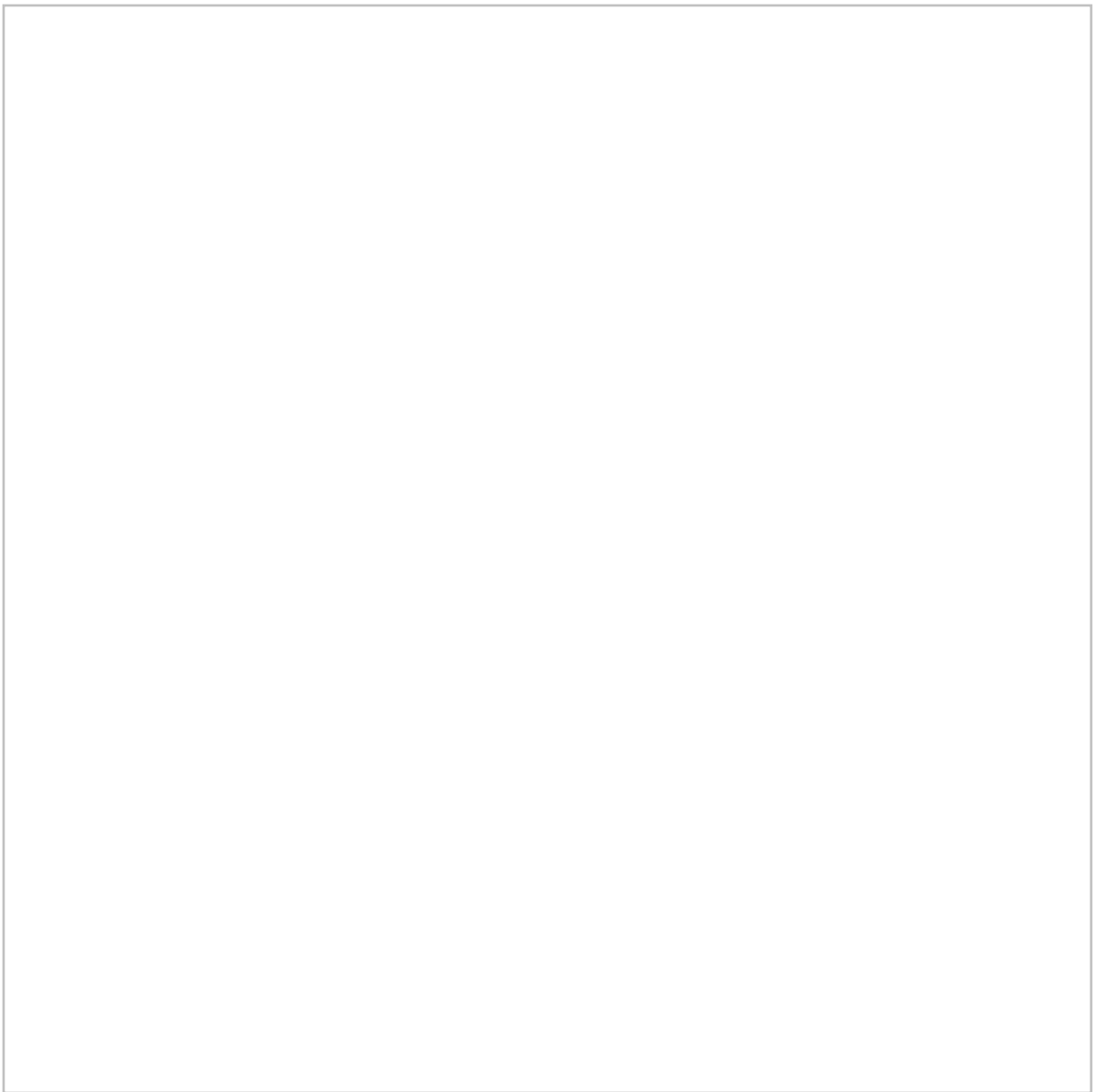
From: [Wynn Grcich](#)
To: [Rebecca Messinger](#); [Dollar, Sarah](#); [Harris, Rep. Paul](#)
Subject: Fwd: Dr. Peter McCullough: 80% of Teens Injured from Vaxx, Not Recovered
Date: Sunday, May 28, 2023 11:31:39 AM

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

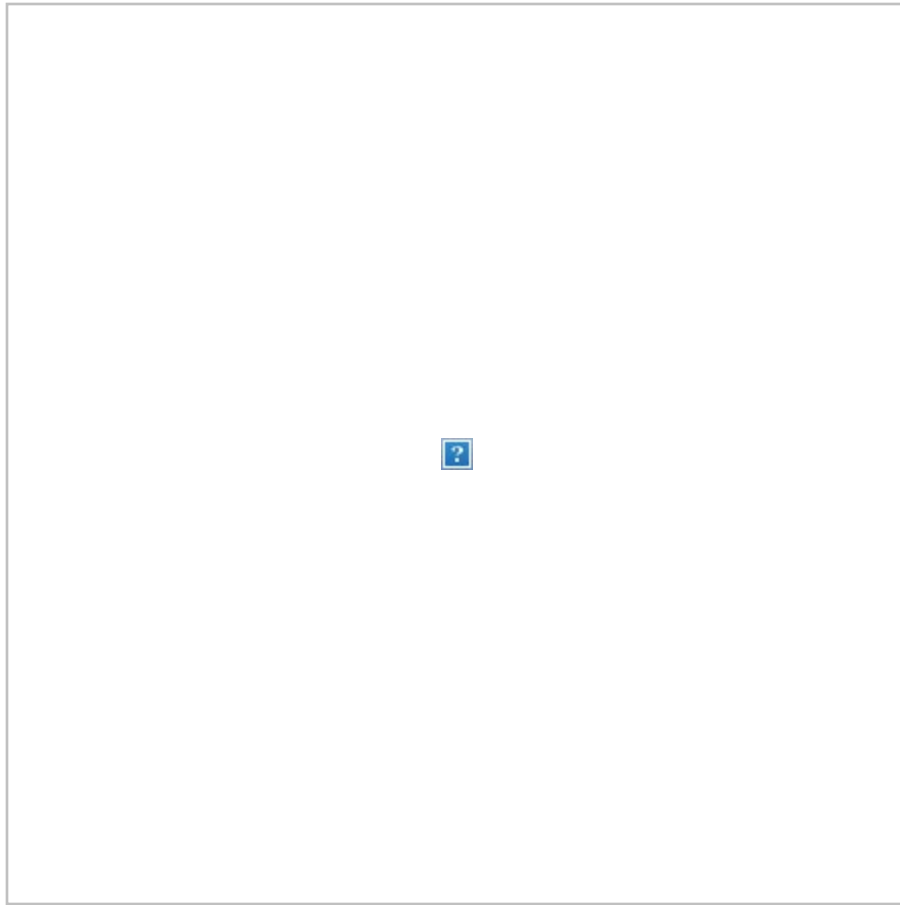
From: Jonathan Otto [REDACTED]
Date: Sun, May 28, 2023 at 9:12 AM
Subject: Dr. Peter McCullough: 80% of Teens Injured from Vaxx, Not Recovered
To: <[REDACTED]>

Please give this to the city councils and Melnick. Put on public record and confirm that ytu did. Thanks from Wynn



Hey Wynn,

Dr. Peter McCullough recently shared some VERY important information...



A recently published study found that **80% of teens are still suffering from vaxx-induced myocarditis 6 months after their jabs...**

Which their **MRI tests clearly prove.**

Sadly, the researchers label "immune-mediated cardiac tissue inflammation" after the mRNA clot shots as "rare"...

[READ THE STUDY HERE](#)

But Dr. McCullough, who's been THE leading voice on vaxx-induced myocarditis, recognizes the TRUTH...

That the *"Wuhan Spike protein coded by the long-lasting Pfizer or Moderna mRNA vaccines"* continues to produce inflammation in the body – and specifically in the heart – LONG AFTER getting jabbed.

And he's issuing a warning to doctors across the US... And around the world:

“Every cardiology office in America should be recognizing COVID-19 vaccine-induced myocarditis presenting in young persons, 90% are male, with chest pain, effort intolerance, arrhythmias, and cardiac arrest after injections of mRNA vaccines.”

[READ MORE HERE](#)



In fact, Dr. McCullough has been one of the few, brave doctors sounding the alarm on the COVID “virus” and “vaccines” – since

early 2020...

Dr. McCullough realized that the **spike protein** in COVID “was ***damaging the vascular endothelium and causing blood clotting***. This means capillaries would be systemically injured if exposed to high concentrations of the Spike protein.”

[READ MORE HERE](#)

He co-authored a pivotal September 2020 study, showing the connection between **endothelial dysfunction** (whose main symptoms are chest pain and angina) and “COVID-19-associated vascular inflammation, particularly endotheliitis, in the lung, heart, and kidney”.

[READ THE STUDY HERE](#) and [HERE](#)

Recently, researchers published a study that showed a **significant increase in jab-induced retinal vascular occlusion** – blockage of vessels that carry blood to your eye’s retina – which can cause you to lose your eyesight.

“The risk of retinal vascular occlusion significantly increased during the first 2 weeks after vaccination and persisted for 12 weeks. Additionally, individuals with first and second dose of BNT162b2 and mRNA-1273 had significantly increased risk of retinal vascular occlusion 2 years following vaccination, while no disparity was detected between brand and dose of vaccines. This large multicenter study strengthens the findings of previous cases. Retinal vascular occlusion may not be a coincidental finding after COVID-19 vaccination.”

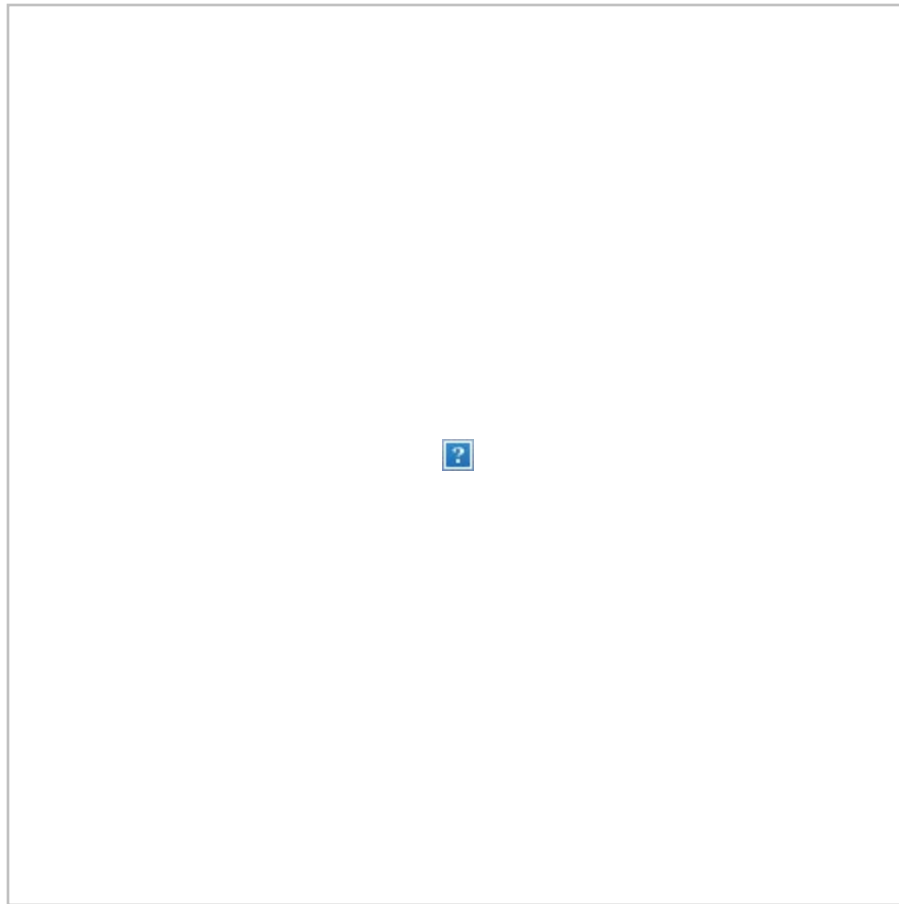
[READ THE STUDY HERE](#)

So, why aren’t more researchers sounding the alarm about the dangers of the COVID jab?

Perhaps, it’s because **Big Pharma is controlling the studies**

they fund.

According to cardiologist **Dr. Aseem Malhotra...**



“What many don’t realize is that researchers who do peer review of drug company-sponsored trials do not get access to the raw data. All they get is the drug company’s analysis of that data, which leaves the door wide open for manipulation and obfuscation.”

[WATCH HIS INTERVIEW WITH JOE ROGAN HERE](#)

Big Pharma’s ONLY priority is to make money...

So, if researchers find results that Big Pharma doesn’t like...

Those studies get buried.

And “most doctors, unless they’re involved in the peer review process, are not even aware of this which is why they rarely ever question published science.”

As Dr. Malhotra rightly concludes: “It’s not scientific, it’s not ethical ... and it’s not democratic.”

That’s why it’s important for us to work together and get the TRUTH out to everyone we know.

We KNOW we can’t count on the Big Pharma-sponsored corporate media...

Or the politicians and healthcare organizations that received generous “donations” from Big Pharma...

Please help us share this crucial information with your loved ones. Everyone deserves to know the TRUTH.

And before I go I just wanted to let you know that if you were unable to attend the memorial we held, you have access to watch the replay.

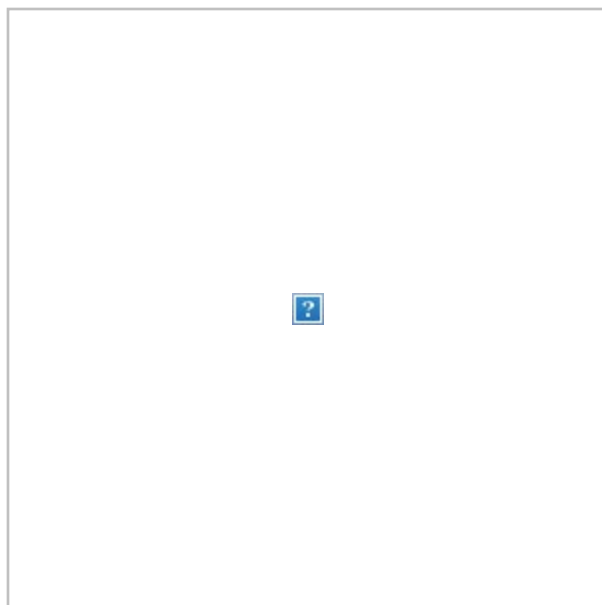
We were joined by over 2,000 viewers who showed up to look back at his amazing contributions to humanity - alongside Drs. Ealy, Ardis, Schmidt, and Nuzum, Mikovitz, the amazing homeopath, Robert Scott Bell, and others.

It was truly a heartwarming event.

[WATCH THE REPLAY HERE](#)

Yours in health and wellness,

Jonathan Otto



This email was sent to 1955wcg@gmail.com by
jonathan@healthsecret.com

165 Ponce De Leon, Suite 201, San Juan, PR, 00917

[Unsubscribe](#)

From: [Wynn Grcich](#)
Subject: check out the video from Epoch Times
Date: Monday, May 29, 2023 12:48:26 PM

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[‘I collapsed’: Documentary stuns with life-altering COVID-shot injuries – ClarkCountyToday.com](#)

Please send it to the council members and MELNECK. Put on public record and confirm that you did. Thanks from Wynn

From: [Wynn Grich](#)
To: [Dollar, Sarah](#); [Harris, Rep. Paul](#); [Rebecca Messinger](#)
Subject: Fwd: BREAKING: California's Dental Director Buried Data Linking Fluoridated Water to IQ Deficits
Date: Monday, May 29, 2023 1:05:55 PM

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

From: Fluoride Action Network [REDACTED]
Date: Sat, May 27, 2023 at 7:16 AM
Subject: BREAKING: California's Dental Director Buried Data Linking Fluoridated Water to IQ Deficits
To: [REDACTED]

Please send to council members and MELNECK. Put on public record and confirm that you did.

Thanks , from Wynn

Image



A new study led by a California public health official and long-time advocate of water fluoridation omitted data that contradicted its conclusion that fluoridated water is not associated with reduced IQ, according to documents obtained through Public Records Act requests. Attorney Michael Connett has provided [the unearthed documents](#) to the National Toxicology Program (NTP) so that the agency can consider the omitted data in its long awaited final review of fluoride's neurodevelopmental toxicity.

In April, California's State Dental Director, Dr. Jayanth Kumar, published a meta-analysis in the journal Public Health that purported to show that fluoridated water is not associated with reduced IQ. The American Dental Association (ADA), with whom Kumar works closely, has touted Kumar's findings as a basis for the NTP to postpone publishing its report.

But Kumar is not an independent voice on the issue of fluoride's safety. At a recent deposition, Kumar admitted his "job is to promote fluoridation" and that he is "literally being paid to promote fluoridation."

Documents obtained under California's Public Records Act show that Kumar's desire to protect fluoridation influenced almost every aspect of the study. Before even conducting the study, Kumar told his colleagues that his aim was to "pre-empt" the NTP and show that fluoridated water is safe. In emails to co-authors, Kumar emphasized the "urgency" of the

task.

Kumar's biases caused the paper to be rejected *four* times prior to being published. One peer reviewer described the study as "superficial," "unbalanced," and "misleading" and cautioned, "I'm afraid that the misinformation in this manuscript will fuel more controversy rather than stimulate prudent science-based decisions."

But the problems with Kumar's study were worse than the peer reviewers realized. Emails obtained from California's Department of Public Health show that Kumar omitted data that was contrary to the conclusion.

In an [email](#) from March 5, 2022, the study's biostatistician, Honghu Liu, reported to Kumar that the results are "opposite to what we hoped for" as they failed to show a safe (aka "threshold") level of fluoride in water below which there is no association with reduced IQ.

The failure to find the "hoped for" threshold was troubling to Kumar and his team.

Liu suggested trying different models to see if they could obtain different results: "although hard, we can test more models to try to identify a threshold that can lead to a non-significant fluctuation in IQ before the threshold and a significant drop in IQ after the threshold."

But further analyses continued to show the same thing: an association between low-level fluoride and IQ deficits. According to Liu, the dose-response analysis "is [unfortunately not showing what we like to show](#)."

Kumar's response? Remove the analysis from the study.

In an [email](#) from March 24, 2022, Kumar suggested removing the analysis "because it appears to contradict other findings" and "I think the reviewers will have many questions."

About a month later, Kumar submitted the study for publication. But the analysis showing an association between low-level fluoride and reduced IQ was gone. Stripped of this analysis, the study concludes, "These meta-analyses show that fluoride exposure relevant to community water fluoridation is not associated with lower IQ scores in children."

In his [letter](#) to NTP, Connett disclosed the omitted analysis from Kumar's study, and called on NTP to give due consideration to Kumar's biases. According to Connett, a partner at the law firm Waters Kraus & Paul, "The public counts on NTP to provide the best available science on the chemicals that impact their lives. I recognize this is a challenging task, particularly for chemicals with significant political interests at stake, but it is vital nonetheless."

[CLICK HERE to Support Our Work With A Tax Deductible Donation](#)

Fluoride Action Network
North Sutton, New Hampshire
info@fluoridealert.org



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your contacts? [View bulletin as a webpage](#)

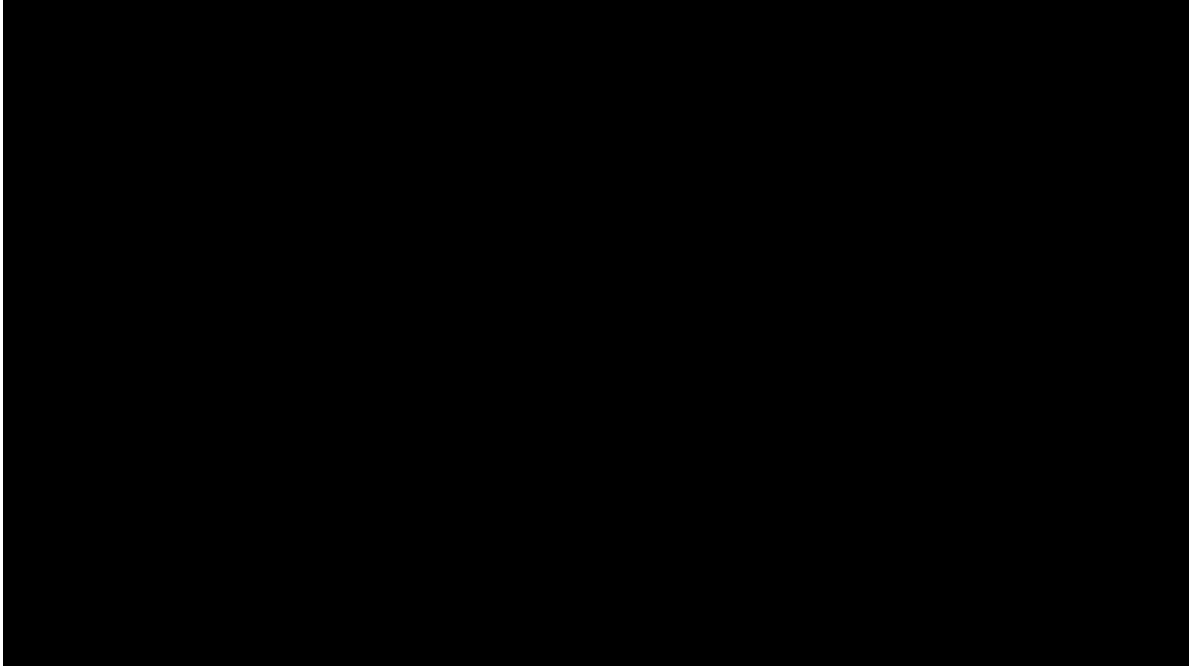
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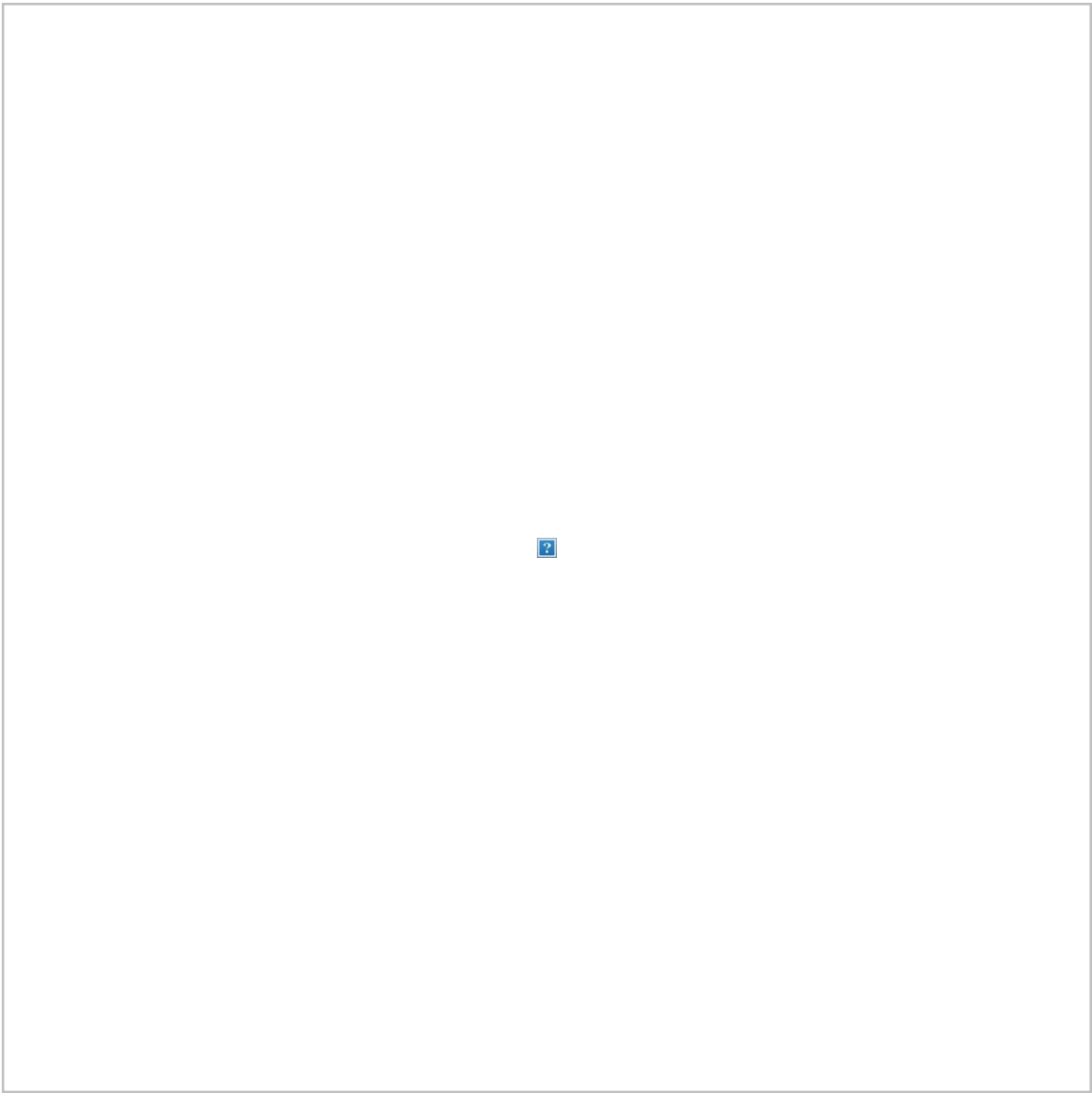
From: [Wynn Grich](#)
To: [Dollar, Sarah](#); [Rebecca Messinger](#)
Subject: New vaccine: Give to councils, put on public record and confirm you did. thanks Wynn
Date: Thursday, June 1, 2023 4:26:42 PM

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[Brighteon.com](#)

VIDEO
AUDIO

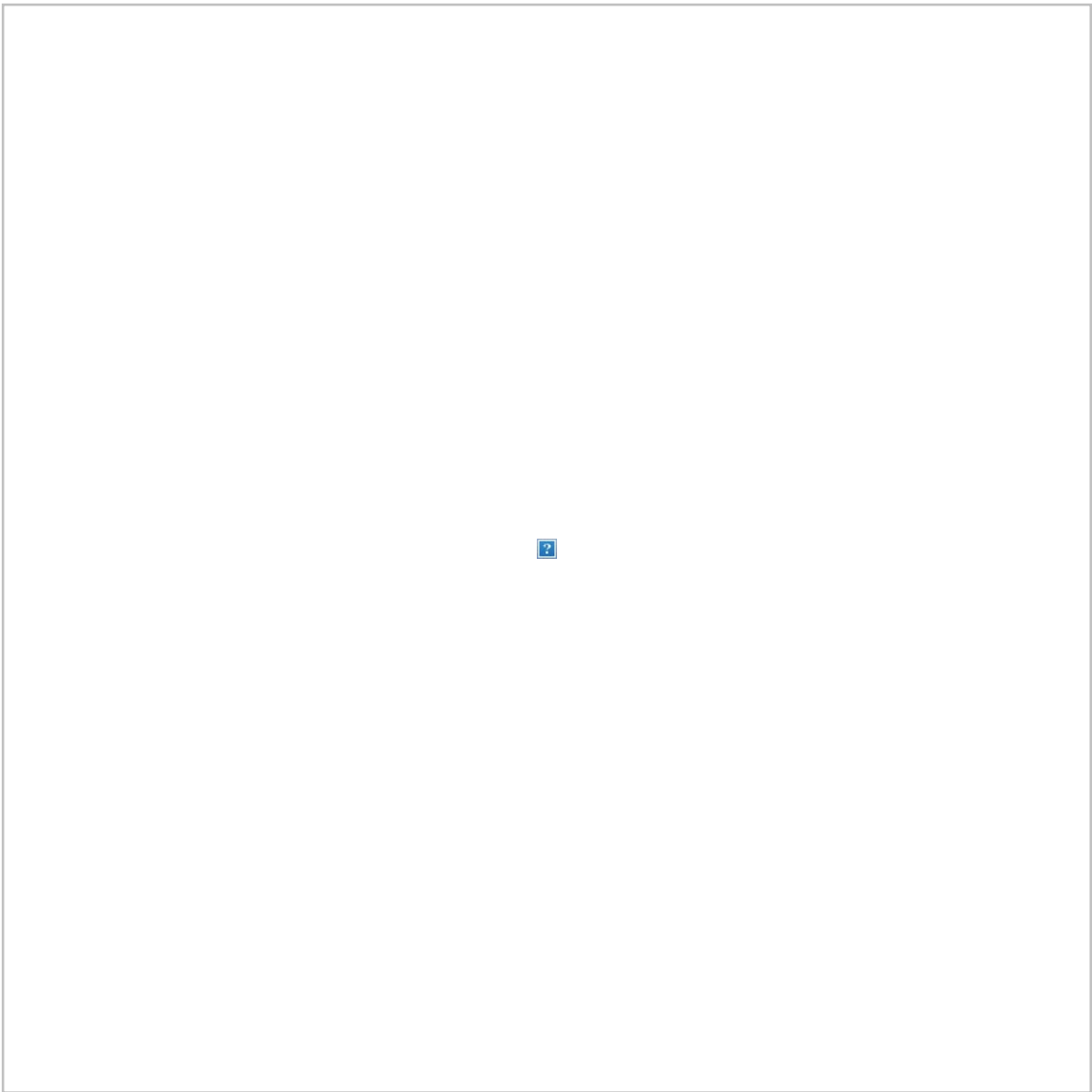




FDA Approves New mRNA Bioweapon for RSV Fearporn 5-8-23

VIDEO

AUDIO



FDA Approves New mRNA Bioweapon for RSV Fearporn 5-8-23

May 22, 2023

Alliance for Community Engagement (ACE)

Dear Mayor McEnerney-Ogle, City Council and Staff,

Alliance for Community Engagement supports extending the current Warehouse Moratorium while City staff ~~continues to~~ ^{is work on its} complete its revised timeline presented in March 2023.

This Moratorium Extension is necessary to ensure ~~that~~ the City has sufficient time to develop equitable code regulating warehouses with a full public engagement process. Communities who are affected by new proposed warehouses need the opportunity to weigh in and have their concerns heard and addressed.

Even a few warehouses will have major impacts on neighboring communities. Once warehouses are approved, they are here to stay. The greenhouse gas emissions (GHGs) and air pollution generated by truck traffic to and from these warehouses will add to the challenge our City faces to reduce emissions on schedule with ~~the City's~~ ^{its} Climate Action Framework goals. Air pollution and traffic impacts will continue to adversely affect the health and safety of community residents, especially where the warehouses are located.

The demand for new warehouses needs to be balanced with concerns for liveability and our community health. We appreciate that City and Staff initiated this Moratorium to study long-term land use implications related to this complex issue, with a commitment to develop any necessary code changes. Please vote to approve the extension of this Warehouse Moratorium extension.

Sincerely,

Alliance for Community Engagement

From: [City of Vancouver - Office of the City Manager](#)
To: [Dollar, Sarah](#)
Subject: FW: ACE coalition sign-on letter supporting Warehouse Moratorium Letter
Date: Monday, June 5, 2023 11:09:08 AM
Attachments: [image001.png](#)
[6.5.23 ACE Moratorium Sign-on letter.pdf](#)

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City Manager's Office

CITY OF VANCOUVER

P.O. Box 1995 • Vancouver, WA 98668-1995

P: 360.487.8600 | F: 360.487.8625

www.cityofvancouver.us

-

From: Heidi Cody [REDACTED] >
Sent: Monday, June 5, 2023 10:57 AM
To: City of Vancouver - Office of the City Manager <CMO@cityofvancouver.us>
Cc: Cathryn Chudy [REDACTED]
Subject: ACE coalition sign-on letter supporting Warehouse Moratorium Letter

You don't often get email from [REDACTED]. [Learn why this is important](#)

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Hello,

Attached please find a letter supporting the Warehouse Moratorium extension from Alliance for Community Engagement (ACE), co-signed by 11 of our allied organizations.

Thank you. Have a wonderful day.

Sincerely,
Heidi Cody



Heidi Cody (she/her)

SW WA Community Organizer

Washington Conservation Action

ACE Coalition Manager

Phone 718-986-2348

Email heidi@waconservationaction.org

Web www.waconservationaction.org

1402 Third Ave, Ste 1400, Seattle, WA 98101

*In 2023, Washington Environmental Council and Washington Conservation Voters are united under a single brand: **Washington Conservation Action**. [Learn more here](#)*

From: [City of Vancouver - Office of the City Manager](#)
To: [Dollar, Sarah](#)
Subject: FW: ACE sign-on letter supporting Moratorium Extension
Date: Wednesday, June 7, 2023 11:48:35 AM
Attachments: [6.5.23 ACE Moratorium Sign-on letter.pdf](#)

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P: 360.487.8600 | F: 360.487.8625

www.cityofvancouver.us

From: Heidi Cody [REDACTED]
Sent: Wednesday, June 7, 2023 9:43 AM
To: City of Vancouver - Office of the City Manager <CMO@cityofvancouver.us>
Cc: Cathryn Chudy [REDACTED]
Subject: ACE sign-on letter supporting Moratorium Extension

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Good morning,

Cathryn Chudy (cc'd) notified me that she couldn't open the attached pdf when I sent it from my work email [REDACTED]. I don't have any problem opening it on my Mac, and just sent it to myself at this address to see if it opens. I hope you can see it, and would like to ask if you can put it in the public record regarding this issue.

Thank you,
Heidi Cody

--

Community Organizer for SWWA and ACE Coalition Manager
Washington Conservation Action

June 5, 2023

Alliance for Community Engagement (ACE)

Dear Mayor McEnerny-Ogle, City Council and Staff,

Alliance for Community Engagement supports extending the current Warehouse Moratorium while City staff completes its revised timeline presented in March 2023.

This Moratorium Extension is necessary to ensure the City has sufficient time to develop equitable code regulating warehouses with a full public engagement process. Communities who are affected by new proposed warehouses need the opportunity to weigh in and have their concerns heard and addressed.

Even a few warehouses will have major impacts on neighboring communities. Once warehouses are approved, they are here to stay. The greenhouse gas emissions (GHGs) and air pollution generated by truck traffic to and from these warehouses will add to the challenge our City faces to reduce emissions on schedule with its own Climate Action Framework goals. Air pollution and traffic impacts will continue to adversely affect the health and safety of community residents, especially where the warehouses are located.

Furthermore, warehouses offer few, if any, job opportunities for residents in neighboring communities. The loss of land to a warehouse denies future opportunities for small businesses that create jobs for local residents and provide needed services such as grocery stores, banks, medical clinics and drug stores.

The demand for new warehouses needs to be balanced with concerns for liveability, local economic development and our community health. We appreciate that the City Council and Staff initiated this Moratorium to study long-term land use implications related to this complex issue, with a commitment to develop any necessary code changes. Please vote to approve the extension of this Warehouse Moratorium extension.

Sincerely,

Alliance for Community Engagement
Columbia Riverkeeper
Oregon Physicians for Social Responsibility

Friends of the Columbia Gorge
Washington Conservation Action
Community Roots Collaborative
Friends of Clark County
Sierra Club Loo Wit
Vancouver for Peace
Washington Physicians for Social Responsibility
Sunrise Movement SWWA
Climate Action of SWWA



**Friends of
Clark
County**



**WASHINGTON PHYSICIANS
FOR SOCIAL RESPONSIBILITY**

Vancouver for Peace
Clark County WA Individuals and Groups Peacemaking Together



Visit Vancouver WA

Destination Master Plan
July 3, 2023

Teresa Brum

Deputy Director, Ec Dev

Cliff Myers

President/CEO

Visit Vancouver WA



Agenda

- Overview
- Project Overview
- Key Goals
- Vancouver Initiatives
- Action Requested





Project Objectives

- Facilitate an inclusive process that engages existing and non-traditional stakeholders
- Provide an aligned road map that will respond to the needs of residents, visitors and stakeholders
- Generate ideas to improve the visitor experience, target new audiences and set a course for sustainable, responsible growth
- Analyze new funding opportunities
- Develop an implementation plan to guide the success of the Master Plan



Engagement Overview

- 16-member Steering Committee
- 14 in-depth interviews
- 7 focus groups with over 35 stakeholders
- 607 resident survey completions
- 123 DestinationNEXT assessment completions



Why Tourism matters to Vancouver

In 2022, tourism in Clark County fueled more than:

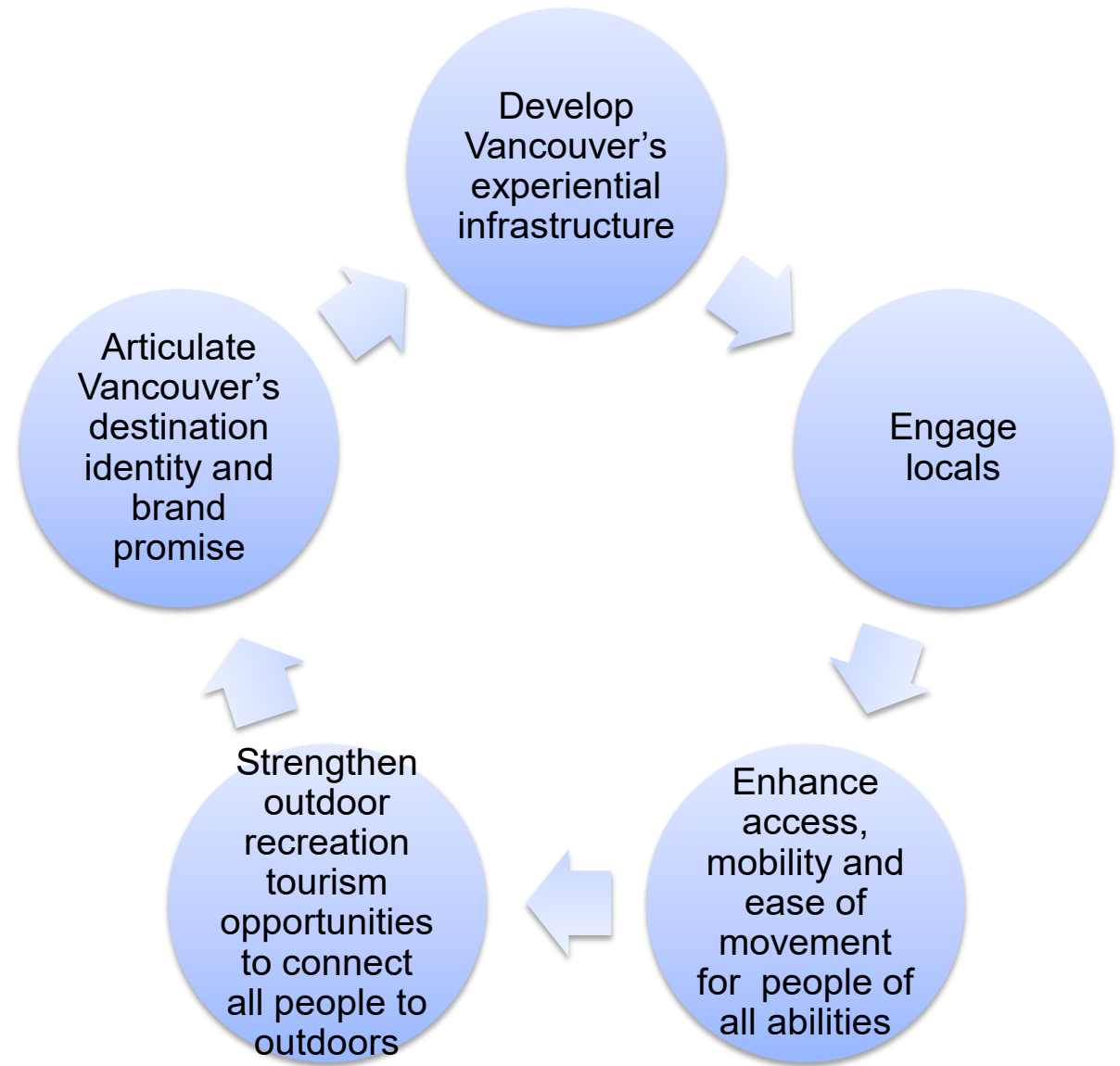
- \$674 million in total direct visitor spending
- 7,300 tourism related jobs
- \$95 million in state & local tax receipts



Vision Statement for Visit Vancouver WA

To be the best place to live and visit in the Pacific Northwest.

Key Goals



Goal 1: Develop Vancouver's Experiential Infrastructure

- Encourage a user experience of some type on new I-5 bridge
- Develop multicultural events and festivals
- Advocate for visitor-facing venues and facilities
- Safety, security and accessibility measures
- Develop partnerships to encourage sustainable visitor facing events
- Increase Tourism Promotion Area (TPA)

Goal 2: Engage Locals

- Inclusive/representative content
- Communication strategies for value and contribution of tourism
- Empower front line hospitality employees to increase their knowledge of the visitor economy
- Expand local-focused programs like Dine the 'Couve

Goal 3: Enhance Access, Mobility and Ease of Movement for People of all Abilities

- Public/private partnerships for transportation (RYD, CTran, RevRides, etc.) to help visitors move around
- Evaluate river cruises
- Engage with Interstate Bridge Replacement to ensure accessibility and motility (walkways, bike lanes, etc.)
- Wayfinding strategies during and after construction projects

Goal 4: Strengthen Outdoor Recreation Tourism Opportunities to Connect all People with the Outdoors

- Regional collaboration with Travel Portland, Columbia Gorge Tourism Alliance, etc.
- Develop sustainable trail experiences and urban parks
- Foster small business opportunities for outfitters and tour guides
- Increase awareness of local outdoor recreation opportunities
- Develop outdoor recreation itineraries to show visitors what's possible in Vancouver's outdoors
- Foster equitable outdoor recreation landscape



Goal 5: Articulate Vancouver's Destination Identity and Brand Promise

- Convene Vancouver stakeholders and residents to discuss Vancouver's destination identity
- Identify and articulate characteristics that define Vancouver's sense of place; develop clear identity statement and inclusive brand promise
- Collaborate with economic development partners on this work
- Engage locals in the conversation about Vancouver's destination identity and brand promise
- Develop strong communication and marketing strategies to support this work
- Engage and support all groups in living the brand promise





Implementation Strategy

Next Steps



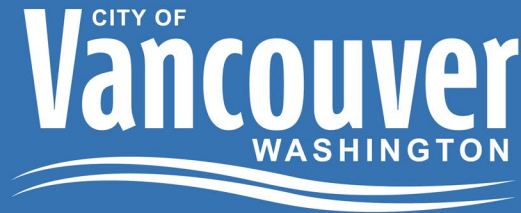
August 7, 2023
Consent Agenda
Review:

Approve
implementation of the
Visit Vancouver
Destination Master
Plan consistent with
the terms of the 2023
Lodging Tax Grant to
Visit Vancouver



Thank You

To learn more, visit <https://www.visitvancouverwa.com/dmp>



OUR VANCOUVER

OUR FUTURE 2045

Council Work Session: Equity Framework

Monday, July 3, 2023

Agenda



City Staff Presenting:



Angélica Martínez Sulvarán

Associate Planner, CDD

Angelica.Martinez@cityofvancouver.us

Dom Martinelli

Senior Long Range Planner, CDD

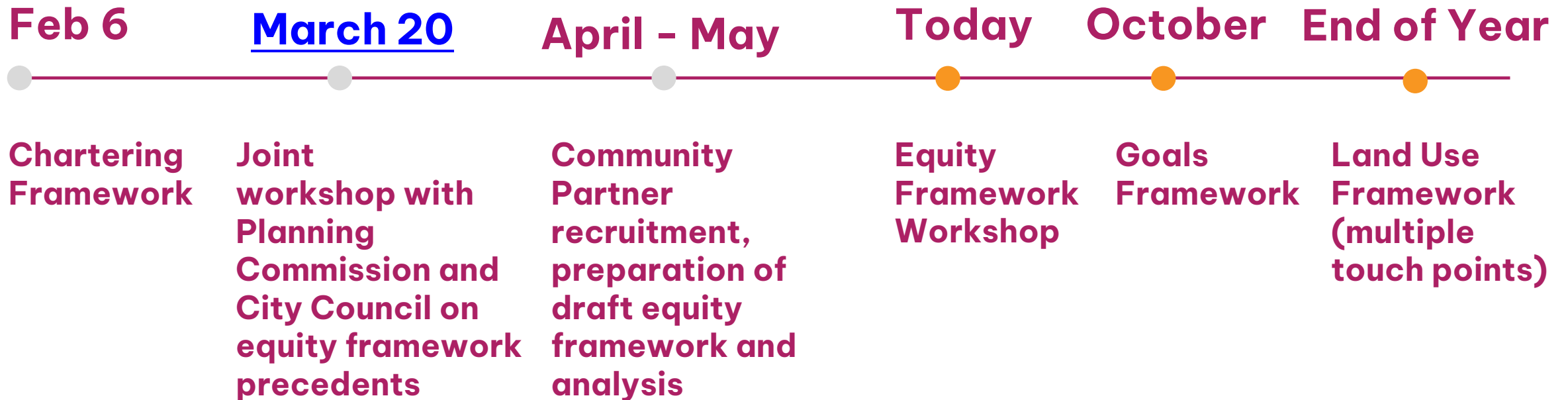
Domenic.Martinelli@cityofvancouver.us

An aerial night photograph of an industrial facility, likely a water treatment plant. A large, cylindrical storage tank stands prominently in the center. To its right, a large industrial building features a neon sign that reads "You belong here" in a cursive script. The facility is surrounded by parking lots filled with cars and other industrial structures. The sky is dark with some clouds, and the overall scene is illuminated by the facility's lights and the neon sign. A semi-transparent purple and orange geometric overlay is present on the left side of the image.

Purpose

- **Provide an overview of work done to date, and current process for establishing an equity framework to guide all Comprehensive Plan work and decision making.**
- **Incorporate Council feedback into final Equity Framework guiding resolution, before returning for Council adoption.**

Where we are at today - 2023



Key Takeaways

Joint Planning Commission
and City Council Work
Session (3/20)

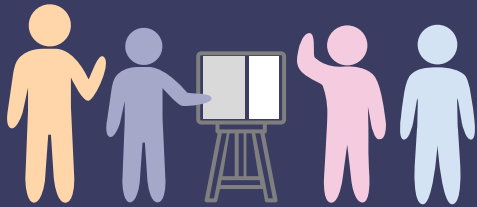
Reviewed Three Precedent Examples:

- Richmond Equity Agenda
- NYC Framework for an Equitable Future
- Renton Equity Lens



- Planning for equity is an iterative process
- Understand our current practices and systems, and evaluate if / how they change
- Providing real choice and opportunity
- Everyone who *wants* to live in Vancouver should have the opportunity to do so.
- How we talk about our history as a community
- Prioritize people and lived experiences
- Difference between process and outcome equity.
- Good data = good decisions

Equity Definitions



Equity is a state or system of fairness or justice that recognizes and balances different challenges, opportunities, and needs across groups of individuals.

Process Equity is ensuring the overall process is designed in an **equitable** manner that prioritizes fair treatment and meaningful involvement from **Priority Communities**.

Outcome Equity is ensuring individuals from different demographic and socioeconomic backgrounds have **equitable** opportunity to reach their full potential. Equitable outcomes are both **measurable** and the result of equitable processes.

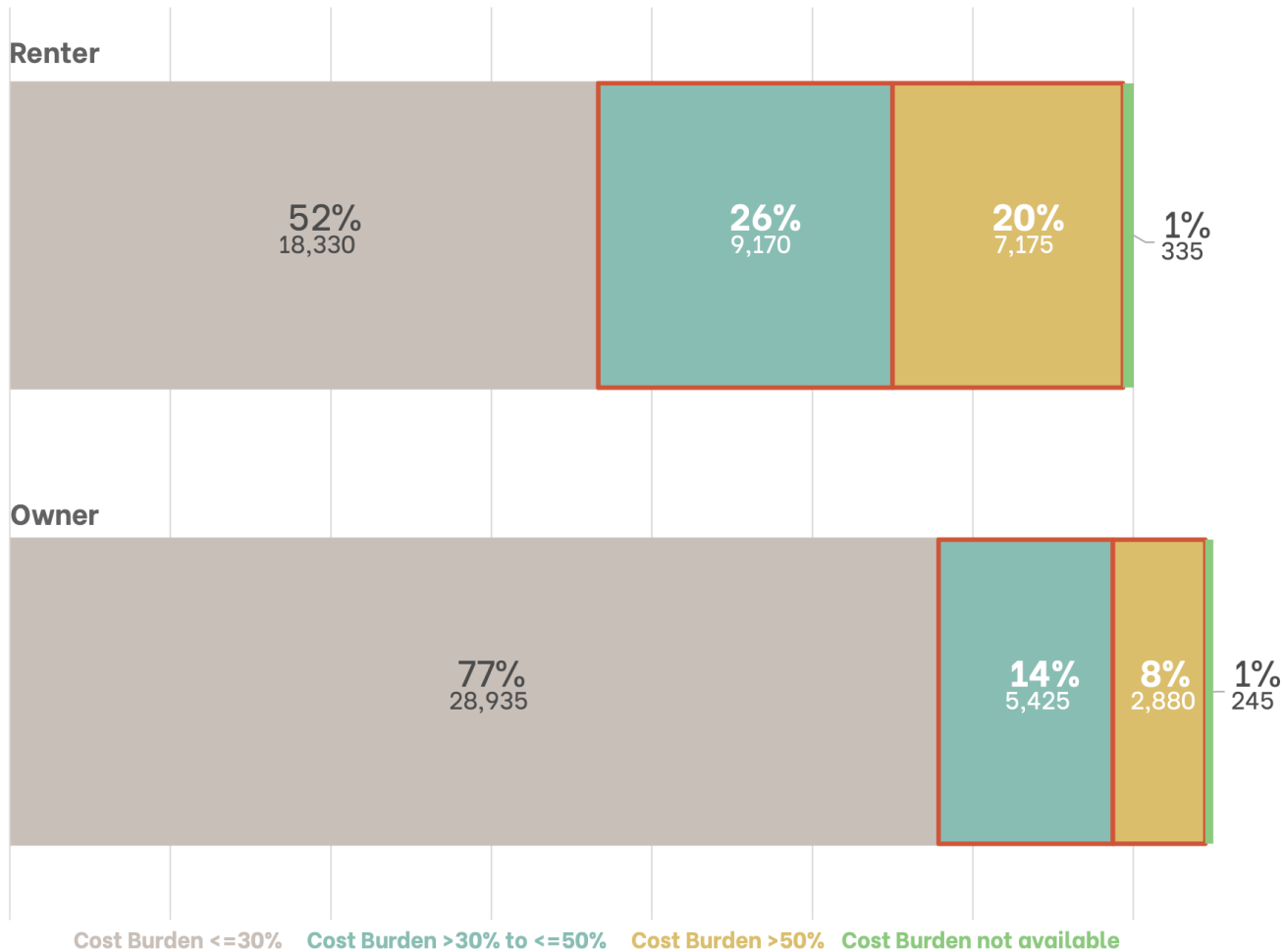
Priority Communities identify historically marginalized and/or most vulnerable communities that should be centered in our processes.

An aerial photograph of a city street intersection. A pedestrian is walking across a crosswalk that has been painted with large, light-colored, irregular shapes. The street is lined with trees and buildings. The image is overlaid with a semi-transparent purple and blue gradient. The text "Early Findings: Equity Analysis" is written in white, bold, sans-serif font across the center of the image.

Early Findings: Equity Analysis

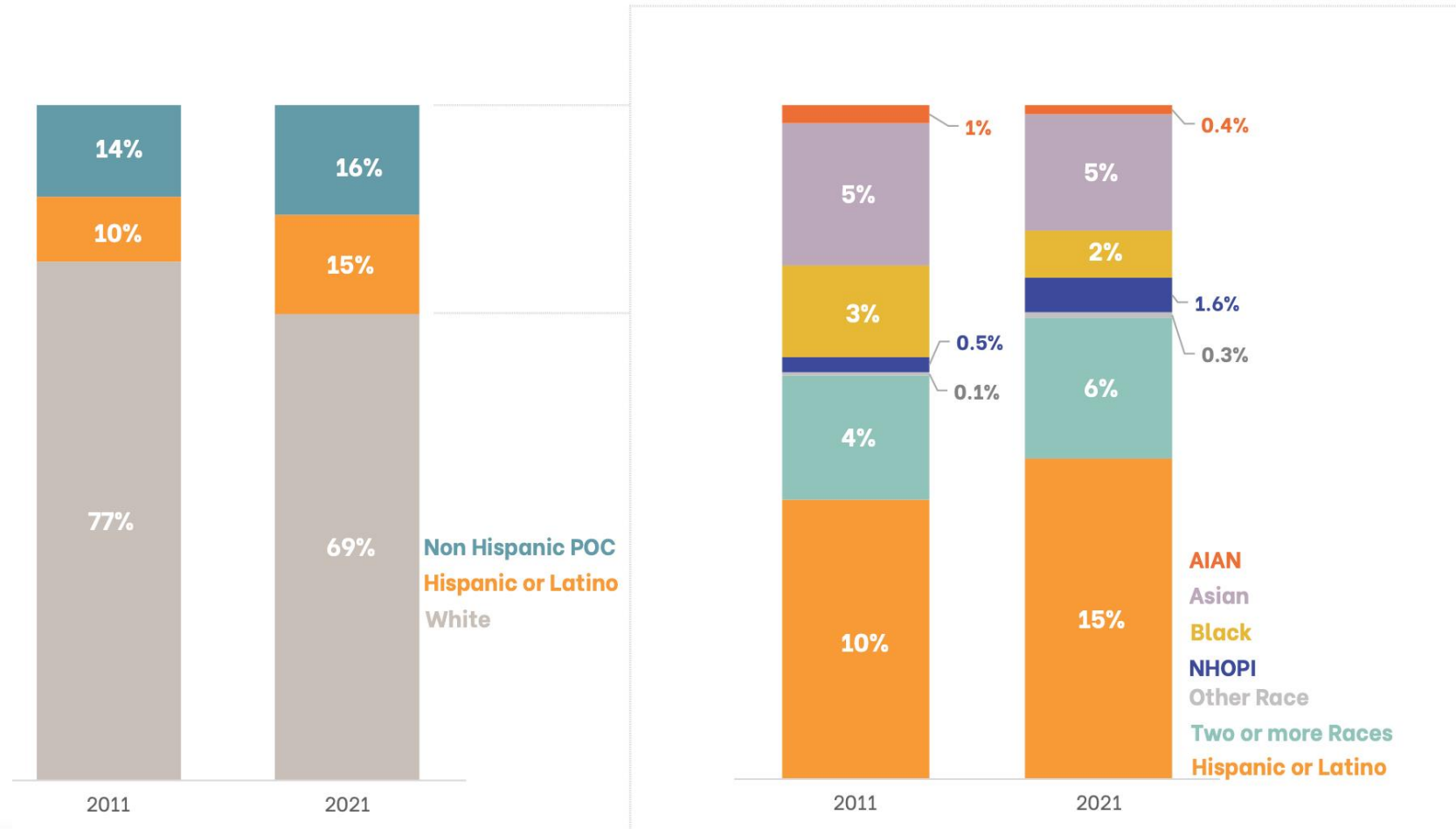
Priority Communities

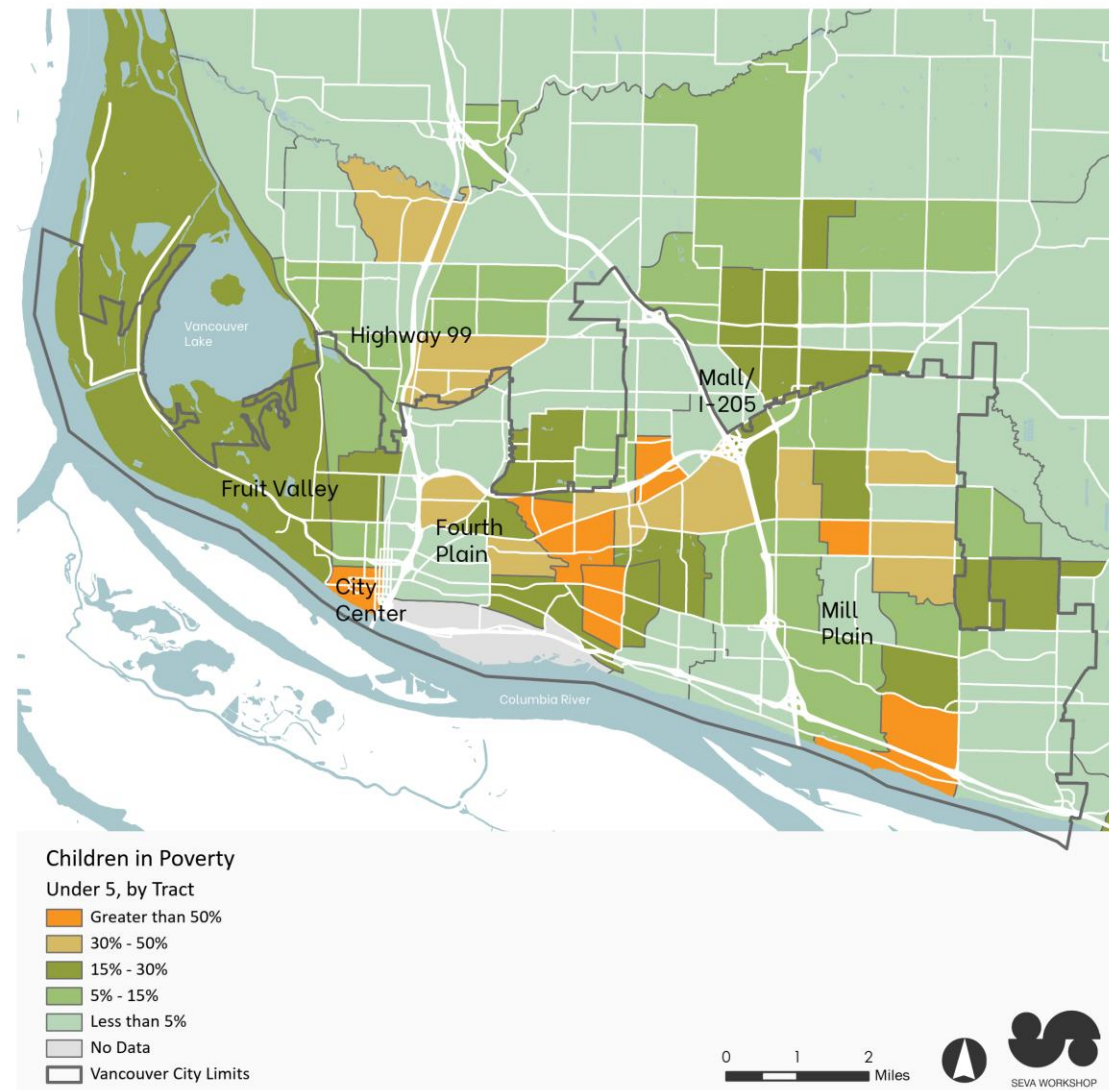
- BIPOC community
- People with low incomes
- People with disabilities, including neurodivergent
- Youth and children
- LGBTQ+ individuals
- Renters
- People without an address/ people experiencing homelessness
- Small business owners
- Refugees
- Undocumented population



Over two-thirds of the lowest income households are paying more than half their income for housing.

The City of Vancouver is experiencing shifting demographics, just over 30% of the population is POC compared to 24% in 2011.





Over fifteen percent of resident households are living below the federal poverty line.

Source: American Community Survey 5 year estimates 2017-2021

Key Takeaways

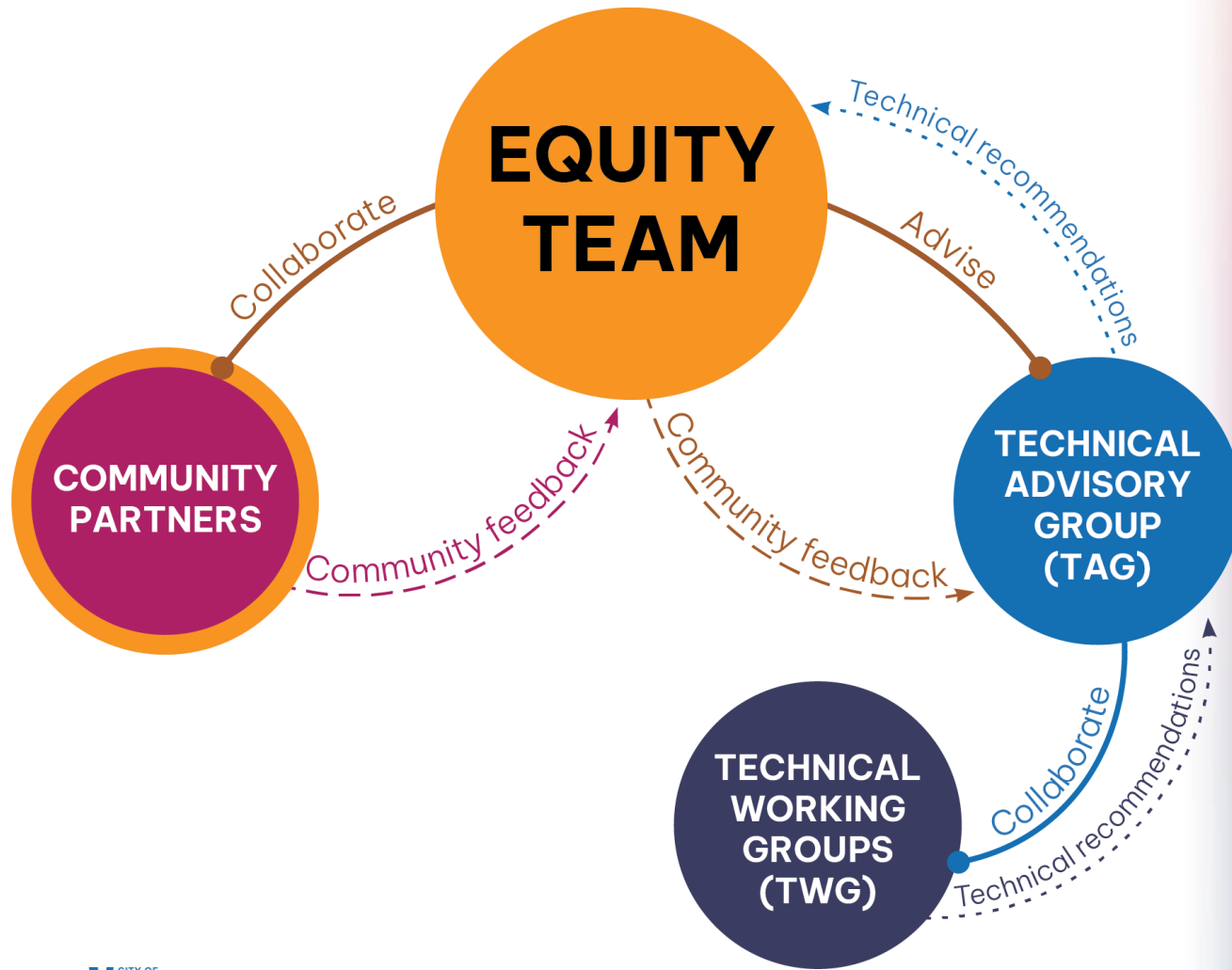
- The following are **intertwined** as it relates to equitable outcomes:
 - Housing
 - Land use, development, and infrastructure
 - Equity and opportunity
 - Climate and environment
- **Race and ethnicity intersect with income and wealth** to determine the available housing and neighborhood choices.
- **Neighborhoods vary greatly in access** to amenities, infrastructure, and social supports.
- Creating an equitable city will require focused attention on the neighborhoods and communities **farthest from opportunity**.



Equity Team Role

Equity Team & Community Partners

Community Partners will be members of the Equity Team. Equity Team conversations will ensure Community Partners are connected to the technical work, and vice versa in a co-creative model for policy development.



Community Partner Cohort

Community-Based Organizations

- Queer Youth Resource Center
- Family-Community Resource Coordinator, Fruit Valley Elementary
- Latino Leadership Northwest
- Next Success
- Pasitos Gigantes
- Sakura 39ers
- PICA-WA
- Odyssey World International Education Services

Liaisons with community focuses in

- Slavic, Russian, Ukrainian communities
- Vietnamese, Chinese
- Pacific Islander communities
- Seniors
- Youth
- Spanish speaking communities;
- Housing Insecurity

City Boards & Commission Representation

- Planning Commission
- Transportation and Mobility Commission

Community Partner Work Plan

- Meeting 1 (June 12)
 - Intros, project orientation, visioning exercise
- Meeting 2 (June 26)
 - Approve group charter, review equity analysis, develop preliminary equity outcomes
- Meeting 3 (July 18)
 - Detailed review of equity framework
- Meeting 4 (Early / Mid-August)
 - Visioning and Goals Development

Equity Framework Draft Objectives

- Set forth the City of Vancouver's definition of equity and key principles by which Comprehensive Plan goals, objectives and policies can be reviewed for equity.
- Identify planning priorities according to data analysis and inclusive community engagement.
- Guide the selection of goals, policies and capital investments.
- Articulate how equity is integrated in the process of updating the Comprehensive Plan and the Comprehensive Plan product itself.

Framework Approach





Next Steps

- Staff will incorporate Council input into guiding Equity Framework outline.
- Staff will return with an adopting resolution for both the **Community Partnership Framework** and the *Equity Framework*.
- Community partners will have an opportunity to weigh in and shape these frameworks before Council considers for approval.

Next Steps

July 3

Council Workshop
Equity Framework

July 18

**Community Partner
Meeting #3**
Equity Framework

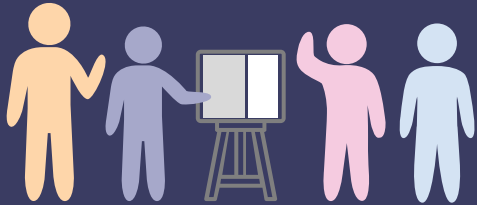
Early August

Council Resolution
Formal endorsement
of Community Partnership
Framework,
Equity Framework

An aerial night photograph of a modern city waterfront. The scene features several multi-story buildings with illuminated windows, a waterfront promenade with outdoor seating and string lights, and a body of water reflecting the city lights. A large, colorful geometric overlay (a triangle with orange, yellow, and purple sections) is positioned over the center of the image. The word "Discussion" is written in large, white, sans-serif font across the middle of the image.

Discussion

Questions for Council



- Thinking back to the [March 20](#) workshop, does this approach reflect your key takeaways from the precedents examples that were reviewed?
- Are there other steps that need to be incorporated in the framework approach?
- What other information or data is needed to inform equitable decision making?



Thank you!

OUR VANCOUVER

OUR FUTURE 2045

EQUITY FRAMEWORK

Prepared by Seva Workshop
DISCUSSION DRAFT May 15, 2023

Introduction

The Vancouver Comprehensive Plan is one of our community’s most important tools to help plan for the future. It provides the overall long-term vision and policy direction for managing the built and natural environment in Vancouver, and providing necessary public facilities. State law establishes the elements that cities with fast-growing populations must plan for, such as land use, housing, utilities, and transportation. While minor updates may be made as frequently as once a year, in 2023, the City of Vancouver embarked on a full Comprehensive Plan update to review and revise the entire plan to guide growth and development through 2045. This update is a major opportunity to integrate equity throughout the Plan.

Why Have an Equity Framework?

Comprehensive plans are major drivers of whether communities are equitable or not because they guide the distribution of rights and resources. Without an intentional focus, plans are likely to continue current inequities. An Equity Framework summarizes the process and principles for planning teams to consider equity in their technical work.

Equity Definition

Equity. A state or system of fairness or justice that recognizes and balances different challenges, opportunities, and needs across groups of individuals.

Equity Principles

- Understand and acknowledge the City’s full historical context, including past harms and seek opportunities to rectify them.
- Think beyond individual programs and projects to institutionalize equity in sustainable and meaningful ways.
- Prioritize communities that have historically been marginalized in future visioning for the built environment.
- Engage the community in creative ways that create a shared sense of vision, empowers people, and creates learning opportunities, trust, and relationships that last beyond this project.
- Be explicit about systemic racism in planning and the racial disparities that persist, in part because of this.

Priority Communities

The accompanying Equity Analysis and Equity Team discussion identified these communities as historically marginalized and/or most vulnerable. These groups will be centered in the engagement and planning process.

- BIPOC community
- People with low incomes
- People with disabilities, including neurodivergent
- Youth and children
- LGBTQ+ individuals
- Renters
- People without an address/ people experiencing homelessness
- Small business owners
- Refugees
- Undocumented population

Comprehensive Plan Framework

The framework is a simple process that can be used for every element of the Plan. Community members will be engaged at each step.

5. Analyze and refine goals, policies, and strategies with an equity lens. In partnership with community, ask:

- Who benefits and who is burdened by implementation of this policy? Does this policy bring the City closer to equity?
- What are potential unintended impacts of this policy? How can we monitor and mitigate these impacts?

4. Propose goals, policies, and strategies.

Develop goals, policies, and strategies that would bring the City closer to achieving equity by addressing root causes.



6. Implement with transparency and accountability.

Communicate the outcomes and continue engaging community members who have contributed to the planning process.

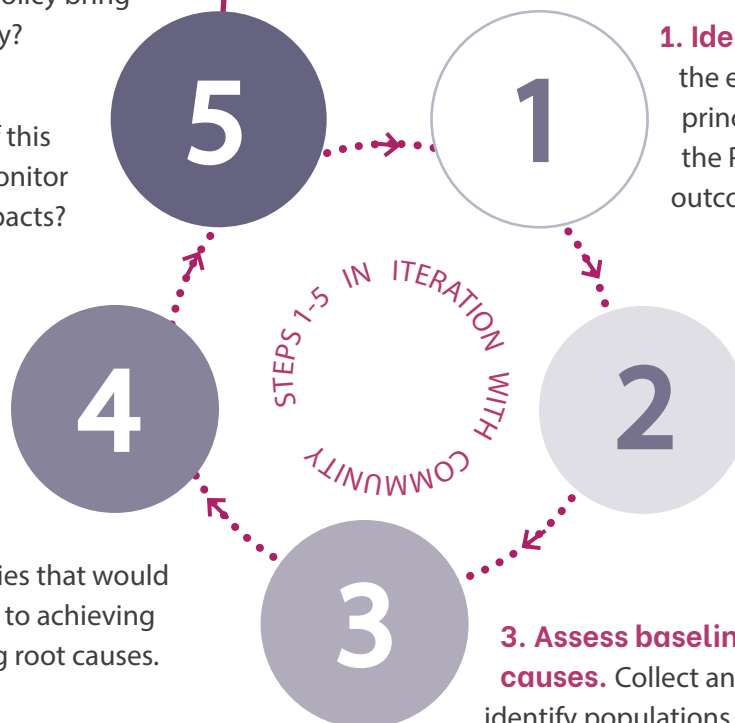
1. Identify outcomes. Apply the equity definition and principles (previous page) to the Plan element to identify key outcome(s) of interest.

2. Develop metrics.

Identify a measurable way to know if the outcome(s) is (are) achieved.

3. Assess baseline for gaps and root causes.

Collect and analyze data to identify populations and regions farthest from achieving the desired outcome according to the metrics. Build on the context and conditions analysis. Investigate disparities for their root causes (in other words, ask “why”) and identify the gaps that are within the City’s influence.





Staff Report: 129-23

TO: Mayor and City Council

FROM: Eric Holmes, City Manager

DATE: 7/3/2023

SUBJECT Construction Acceptance - NE 22nd Ave Pump Station Removal & Gravity Extension

Key Points

- The project installed just over 970 linear feet of 8-inch gravity sanitary sewer main.
- The project also abandoned in place over 1,100 linear feet of existing 8-inch gravity main, as well as a small existing pump station.
- Staff proposes awarding construction acceptance and release of the retainage bond.

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 Kelso, WA has completed construction of the NE 22nd Ave Pump Station Removal & Gravity Extension project. The project installed 970 linear feet of 8-inch gravity main, as well as abandoning over 1,100 linear feet of existing 8-inch gravity main. The existing gravity main was not at a sufficient depth for the area being served by the small pump station. The pump station required frequent maintenance and was needing either replacement or removal. Extending a deeper sewer and removing the pump station provides for less maintenance and reduced operating costs for the long term.

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

TOTAL CONTRACT COSTS	
Labor, Equipment and Material	\$547,243.88
Sales Tax	\$47,008.95
Total	\$594,252.83
Retainage	Bond

The original contract amount, including sales tax, was \$592,225.55. The final project cost was \$594,252.83, which was \$2,027.28 (under 1%) over than the original contracted amount. The difference is attributed to the typical variances in unit prices and/or quantities commonly encountered during construction. The engineer's estimate was below the \$500,000 threshold for an apprenticeship utilization requirement.

Advantage(s)

1. Provides reliability, less maintenance and reduced operating costs.
2. Completes the City's contractual and statutory process for accepting the project.

Disadvantage(s)

None

Budget Impact

Funds for this project are appropriated in the Sewer Construction Fund in the 2023-2024 Budget.

Prior Council Review

- Approval of the 2023-2024 Capital Improvement Budget
- Award of contract at the October 24, 2022, Vancouver City Council Meeting

Action Requested

On July 3, 2023, accept the facilities as constructed by Advanced Excavating Specialists of Kelso, WA, 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 - NE 22nd AVE PS Removal & Gravity Extension



1in = 3,000ft NE 22nd Ave Pump Station Removal & Gravity Sewer Extension





Staff Report: 130-23

TO: Mayor and City Council

FROM: Eric Holmes, City Manager

DATE: 7/3/2023

SUBJECT Award - Southside Interceptor CIPP Rehabilitation PH 4 & 5

Key Points

- The project will install approximately 2,730 linear feet of 18-inch, 3,090 lineal feet of existing 27-inch, 1,160 lineal feet of 33-inch and 330 linear feet of 36-inch Cured-In-Place Pipe (CIPP).
- The City received 3 bids for the project.
- Staff proposes awarding a contract to the lowest responsible bidder, Michels Trenchless of Brownsville, WI.

Strategic Plan Alignment

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

Present Situation

This project will rehabilitate approximately 2,730 lineal feet of 18-inch, 3,090 lineal feet of 27-inch, 1,160 lineal feet of 33-inch, and 330 lineal feet of 36-inch Cured-In-Place Pipe (CIPP) existing sanitary sewer mains. The Southside Interceptor is part of the backbone of the sewer system that transports wastewater to the Westside Reclamation Facility. This project is the result of an interceptor condition assessment project completed in 2016 that provided a list of capital projects needed to maintain the system.

On May 23, the City received 3 bids for the subject project. One bid was rejected due to the bid being unbalanced to the detriment of the City. The other bids ranged between \$4,239,893.50 and \$4,487,489.28. The bids are as follows:

SUMMARY OF BIDS	
BIDDER	AMOUNT
Allied Plumbing & Pumps, Wenatchee, WA	Rejected
Michels Trenchless, Brownsville, WI	\$4,239,893.50

Insituform Technologies LLC, Chesterfield, MO	\$4,487,489.28
Engineers' Estimate	\$3,300,000

From past experience with projects that utilized CIPP trenchless technology, the City has confirmed that the labor hours required to complete the projects are very low when compared to the high cost of the materials.

Following the City's current apprenticeship policy, this project meets the criteria and has been approved for an Apprenticeship Program Waiver; the project is a high materials cost but low labor hours project. Additionally, this type of project requires a workforce with very specific training and experience.

Advantage(s)

1. Completion of the project will follow the recommendations of the Interceptor Condition Assessment Study, as well as asset management criticality models.
2. Allows for the continuing provision of high-quality reliable sewer service.

Disadvantage(s)

None

Budget Impact

Funds for these sanitary sewer improvements were appropriated in the Sewer Construction Fund, Capital Improvement Program 2023-2024 Budget.

Prior Council Review

Funding previously reviewed by Council as part of the 2023-2024 Sewer Construction Fund Capital Budget.

Action Requested

On July 3, 2023, award a contract for the Southside Interceptor Phase 4 & Phase 5 - CIPP project to the lowest responsive and responsible bidder, Michels Trenchless of Brownsville, WI at their bid price of \$4,239,893.50, which includes Washington State sales tax.

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

ATTACHMENTS:

- ▣ Contract - Southside CIPP PH 4 & 5
- ▣ Project Boundary Map - Southside CIPP PH 4
- ▣ Project Boundary Map - Southside CIPP PH 5



CONSTRUCTION CONTRACT # C-101250
ITB 23-15: Southside Interceptor CIPP Rehabilitation Phase 4 & 5

This Contract (hereinafter referred to as the "Contract") is entered into by and between the City of Vancouver, Washington, a municipal corporation organized under the laws of the State of Washington (hereinafter referred to as the "City") and Michels Trenchless, 817 Main Street, Brownsville, WI 53006 (hereinafter referred to as the "Contractor"). The City and Contractor may be collectively referred to herein as the "parties" or individually as a "party".

WHEREAS, the City desires to engage the Contractor to provide public works construction and other related services for the work described herein;

WHEREAS, Contractor has agreed to offer its services to perform said work per the City issued Invitation to Bid (ITB) No. 23-15 and all addenda thereto, Contractor's Bid to said ITB, the Project Plan Set and Special Provisions, and City Council's approval on **Month Day, Year** per Staff Report No. **##-##**; and

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

NOW, THEREFORE, in consideration of the terms, conditions, covenants, and performance contained herein, or attached and incorporated and made a part hereof, the parties hereto agree as follows:

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

This Contract provides for furnishing and installing approximately 2,730 lineal feet of 18-inch, 3,090 lineal feet of 27-inch, 1,160 lineal feet of 33-inch, and 330 lineal feet of 36-inch Cured-In-Place Pipe (CIPP) to rehabilitate existing sanitary sewer mains. The CIPP is to be designed for fully deteriorated gravity flow conditions. The Work consists of furnishing all labor, equipment, materials, and incidentals required to rehabilitate the existing sewer mains with ultra violet (UV) cured CIPP. This Work will also include customer notification, bypass pumping, cleaning, root and sediment removal, initial Closed Circuit Television (CCTV) inspection and assessment, CIPP installation and testing, reinstatement of all laterals, testing, and final CCTV inspection. Work will also

consist of epoxy or polyurethane lining of 23 manholes of various diameters and depths for corrosion prevention in conjunction with the proposed CIPP lining and other work, all in accordance with the attached Contract Plans, these Contract Provisions, and the Standard Specifications, herein referred to as "Work."

If necessary, the Contractor may have up to 30 Working Days after the Contract is awarded prior to Notice to Proceed being issued so that they may coordinate with other municipalities on similar projects.

The Contract Work shall be Physically Complete within 75 Working Days from the Notice to Proceed.

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

At the time of subcontract execution, the Contractor shall verify that all tier subcontractors meet the following bidder responsibility criteria:

1. Have a current certificate of registration in compliance with chapter 18.27 RCW, which must have been in effect at the time of subcontract bid submittal;
2. Have a current Washington Unified Business Identifier (UBI) number;
3. Have received training on the requirements related to public works and prevailing wage as required by RCW 39.04.350;
4. Within the three-year period immediately preceding the date of the bid solicitation, not have been determined by a final and binding citation and notice of assessment issued by the department of labor and industries or through a civil judgment entered by a court of limited or general jurisdiction to have willfully violated, as defined in RCW 49.48.082, any provision of chapter 49.46, 49.48, or 49.52 RCW.
5. If applicable, have:

- i. Have Industrial Insurance (workers' compensation) coverage for the subcontractor's employees working in Washington, as required in Title 51 RCW;
 - ii. A Washington Employment Security Department reference number, as required in Title 50 RCW;
 - iii. A Washington Department of Revenue state excise tax registration number, as required in Title 82 RCW;
 - iv. An electrical contractor license, if required by Chapter 19.28 RCW;
 - v. An elevator contractor license, if required by Chapter 70.87 RCW.
6. Not be disqualified from bidding on any public works contract under RCW 39.06.010 or 39.12.065 (3).

5. DELINQUENT STATE TAXES: The Contractor shall not owe delinquent taxes to the Washington State Department of Revenue without a payment plan approved by the Department of Revenue.

6. COMPENSATION AND SCHEDULE OF PAYMENTS: In consideration of the promises and agreements of the Contractor as set forth herein, and in consideration of the faithful performance and furnishing of the work and materials required by this Contract to the satisfaction of the City, the City agrees to pay to the Contractor as prescribed in the solicitation and Contractor's Bid, and in accordance with the ordinances of the City of Vancouver and the laws of the State of Washington, the following sum as indicated, which amount does includes 8.5% Washington State Sales Tax (if applicable) \$4,239,893.50 USD.

The amount finally to be paid is, however, variable upon the Work actually performed and final payment will be made upon the basis of the amount of work performed and the materials furnished, and at the lump sum or unit prices fixed in the Contractor's Bid and as modified by any and all approved Change Orders.

7. CONTRACTOR'S INSURANCE: The Contractor agrees to the following requirements relating to insurance coverage. Provide a Certificate of Liability Insurance. Said certificate must be provided on a standard "ACORD" form, or its equivalent, and must provide that coverage shall not be canceled or modified without 30 days prior written notice to the City of Vancouver.

In addition, all policies shall be issued by an insurance company licensed to do business in the State of Washington. The City of Vancouver may inspect all policies and copies shall be provided to the City upon request.

The Contractor agrees to procure insurance coverage as required below:

COVERAGE	LIMITS OF LIABILITY
I. Commercial General Liability:	
Policy shall include Bodily Injury, Property Damage, Personal Injury and Broad Form Contractual Liability	

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

In addition to the coverage and limits listed above the Contractor's insurance must all contain the following:

- a. City Listed as an Additional Insured. The City of Vancouver, its Agents, Representatives, Officers, Directors, Elected and Appointed Officials, and Employees must be named as an additional insured. The required Additional Insured endorsements shall be at least as

broad as ISO CG 20 10 11 85, or its equivalent CG 20 10 07 04 and CG 20 37 07 04 must be included with the Certificate of Insurance.

- b. Either the Commercial General Liability or the Workers' Compensation policy must be endorsed to include "Washington Stop Gap" insurance. The limits and aggregates referenced must apply to the Stop Gap coverage as well and must be indicated on the certificate.
- c. Employment Security. The Contractor shall comply with all employment security laws of the State in which services are provided and shall timely make all required payments in connection therewith.
- d. The City of Vancouver shall be listed on the Certificate as the Certificate Holder.
- e. Coverage Trigger: The insurance must be written on an "occurrence" basis. This must be indicated on the Certificate.

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

All policies shall be issued by an insurance company licensed to do business in the State of Washington. The City of Vancouver may inspect all policies and copies shall be provided to the City upon request.

- 8. **CONTRACTOR'S BOND:** The Contractor agrees that before it undertakes performance of this Contract, it will file with the City of Vancouver a Performance Bond and Payment Bond, in the forms prescribed by the City of Vancouver, in the full amount of the Contract price with a company authorized to do business in the State of Washington as a surety. The bonds shall comply with the laws of the State of Washington, and especially with the provisions of Chapter 39.08 RCW.
- 9. **DISPUTE RESOLUTION:** In the event of a dispute between the Parties which cannot be resolved by the contract managers, the Contractor and the City shall review such dispute and may attempt to resolve the dispute. Any controversy or claim arising out of or relating to this Contract or the alleged breach of this Contract that cannot be resolved by the Parties within 30 days of receipt of written notice may be submitted to mediation. If the dispute cannot be resolved through mediation, either party may initiate litigation pursuant to the governing law and venue provisions of this Contract. The Parties agree to pay their own attorneys' fees and expenses.
- 10. **GOVERNING LAW/VENUE:** This Contract shall be deemed to have been executed and delivered within the State of Washington, and the rights and obligations of the parties hereunder shall be construed and enforced in accordance with, and governed by, the laws of the State of Washington without regard to the principles of conflict of laws. Any action or suit

brought in connection with this Contract shall be brought in the Superior Court of Clark County, Washington.

- 11. EMPLOYMENT OF LABOR:** The Contractor agrees that all persons employed by Contractor and by any of its subcontractors and any of their lower tier contractors in work performed pursuant to this Contract shall not be employed in excess of eight (8) hours in any one day, except as provided or allowed by Chapter 49.28 RCW and WAC 296-127 and any amendment thereto.
- 12. PAYMENT OF LABOR:** The Contractor agrees that all laborers, workers, or mechanics employed by it or by any subcontractor in the performance of this Contract will be paid not less than the prevailing rate of wage for an hours work, in accordance with the provisions of the Chapter 39.12 RCW, and all rules and regulations promulgated pursuant thereto.

The prevailing wage rates in effect at the time of the bid submittal deadline shall apply for the duration of the project, no matter how long it lasts. However, if the Contract is awarded more than six (6) months after the bids were due, the prevailing wage rates in effect on the award date shall apply.

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

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

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

No payment shall be made to the Contractor, however, until the Contractor and all subcontractors who have performed work shall have filed and received approval of a Statement of Intent to Pay Prevailing Wage as required by RCW 39.12.040 from the Washington State Department a Labor and Industries. Said Contractor and all subcontractors shall also keep accurate payroll records for three years from the date of acceptance as

described in RCW 39.12.120. A Contractor and all subcontractors shall, file a copy of its certified payroll records using the Department of Labor and Industries online system on a monthly basis. A Contractor's noncompliance with this section shall constitute a violation of RCW 39.12.050.

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

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

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

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

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

delaying public disclosure of such information.

17. **AMENDMENTS:** All changes to this Contract, including changes to the statement of work and compensation, must be made by written Change Order and/or Amendment and signed by all parties to this Contract.
18. **AUTHORIZATION AND COMPLIANCE WITH THE LAW:** The Contractor certifies that the person signing the Contract is legally authorized to enter into this binding Contract and that the Contractor shall fully comply with all relevant, federal, state and municipal laws, rules, regulations and policies.
19. **RELATION OF PARTIES:** The Contractor, its subcontractors, agents and employees are independent contractors performing services for The City and are not employees of City; shall not, as a result of this Contract, accrue leave, retirement, insurance, bonding or any other benefits afforded to City employees; and, shall not have the authority to bind the City in any way except as may be specifically provided in the Statement of Work.
20. **ASSIGNMENT:** This Contract is binding on each party, its successors, assigns, and legal representatives and may not, under any circumstances, be assigned or transferred by either party without the other party's express written authorization.
21. **TERMINATION FOR CONVENIENCE:** The City, at its sole discretion, may terminate this Contract for convenience at any time for any reason deemed appropriate. Termination is effective immediately upon notice of termination given by the City.

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

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

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

23. **OPPORTUNITY TO CURE:** The City at its sole discretion may in lieu of a termination allow the Contractor to cure the defect(s), by providing a "Notice to Cure" to Contractor setting forth the remedies sought by City and the deadline to accomplish the remedies. If the Contractor fails to remedy to the City's satisfaction the breach or default of any of the terms, covenants,

or conditions of this Contract within the time stated time, the City shall have the right to terminate the Contract without any further obligation to the Contractor. Any such termination for default shall not in any way operate to preclude the City from also pursuing all available remedies against the Contractor and it's sureties for said breach or default, including but not limited to termination of this Contract for convenience.

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

1. Amendments to the Contract,
2. This Contract,

3. Contractor's Bid including all Addenda to the Solicitation,
4. Special Provisions,
5. Contract Plan Set,
6. City of Vancouver Amendments to the specified WSDOT Standard Specifications,
7. City of Vancouver General Requirements and Details for the Design and Construction of Public Sanitary Sewers,
8. WSDOT Standard Specifications,
9. WSDOT Standard Plans.

On the Contract Plan Set, Working Drawings, and Standard Plans, figured dimensions shall take precedence over scaled dimensions.

Whenever reference is made in these Specifications or the Special Provisions to codes, rules, specifications, and standards, the reference shall be construed to mean the code, rule, specification, or standard that is in effect on the Invitation to Bid advertisement date, unless otherwise stated or as required by law.

31. NOTICES: All notices which are given or required to be given pursuant to this Contract shall be hand delivered, mailed postage paid, or sent by electronic mail as follows:

For the Owner:

Anna Vogel
City of Vancouver
415 W 6th Street
P O Box 1995
Vancouver WA 98668-1995
anna.vogel@cityofvancouver.us

For the Contractor:

Lee A. Zubrod
Michels Trenchless, Inc.
817 Main Street
Brownsville, WI 53006
lzubrod@michels.us

The undersigned, as the authorized representatives of the Owner and Contractor respectively, agree to all of the terms and conditions contained in this Contract, as of the dates set forth below.

CITY OF VANCOUVER
A municipal corporation

CONTRACTOR:
Michels Trenchless, Inc.

Eric Holmes, City Manager

Signature

Date

Printed Name /Title

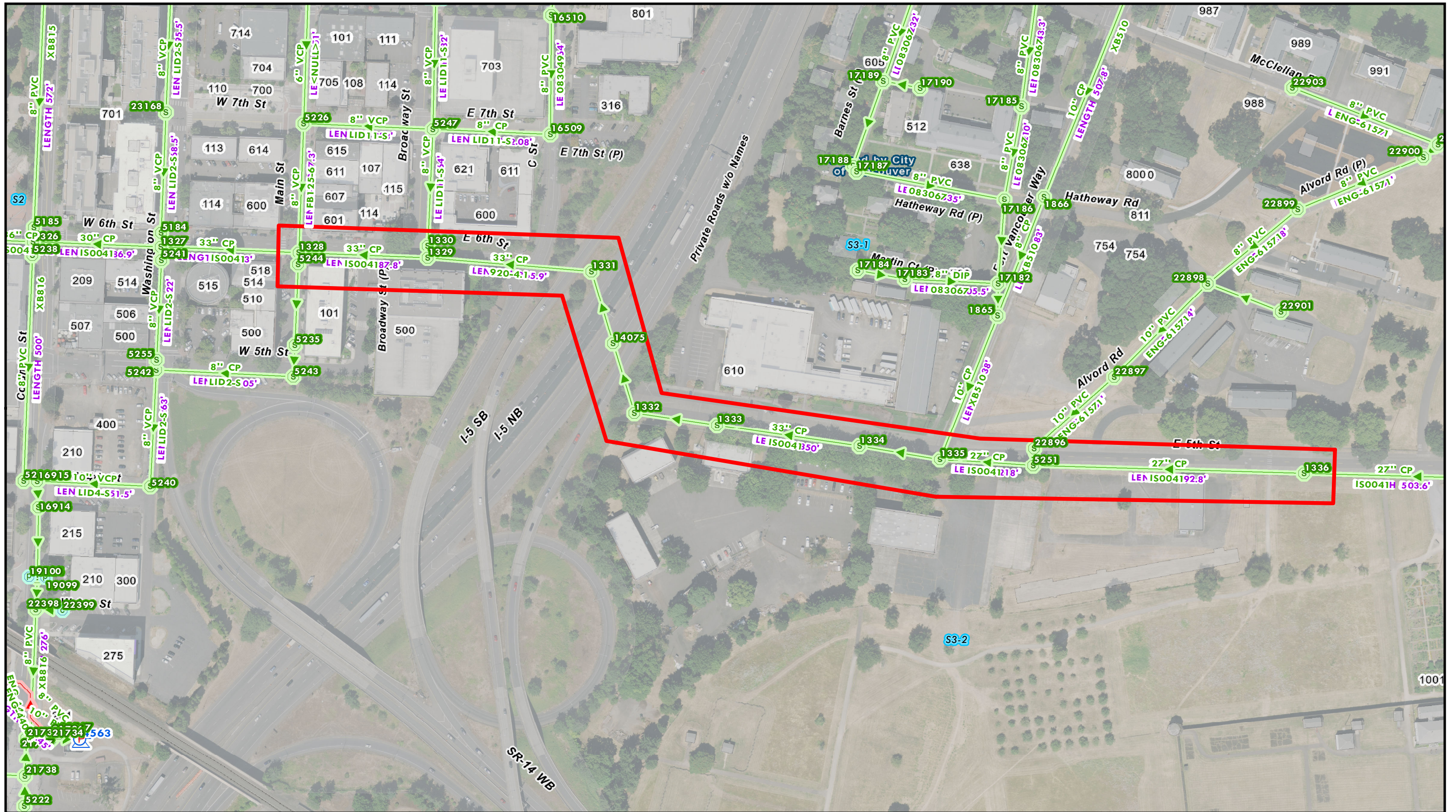
Attest:

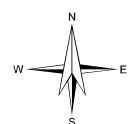
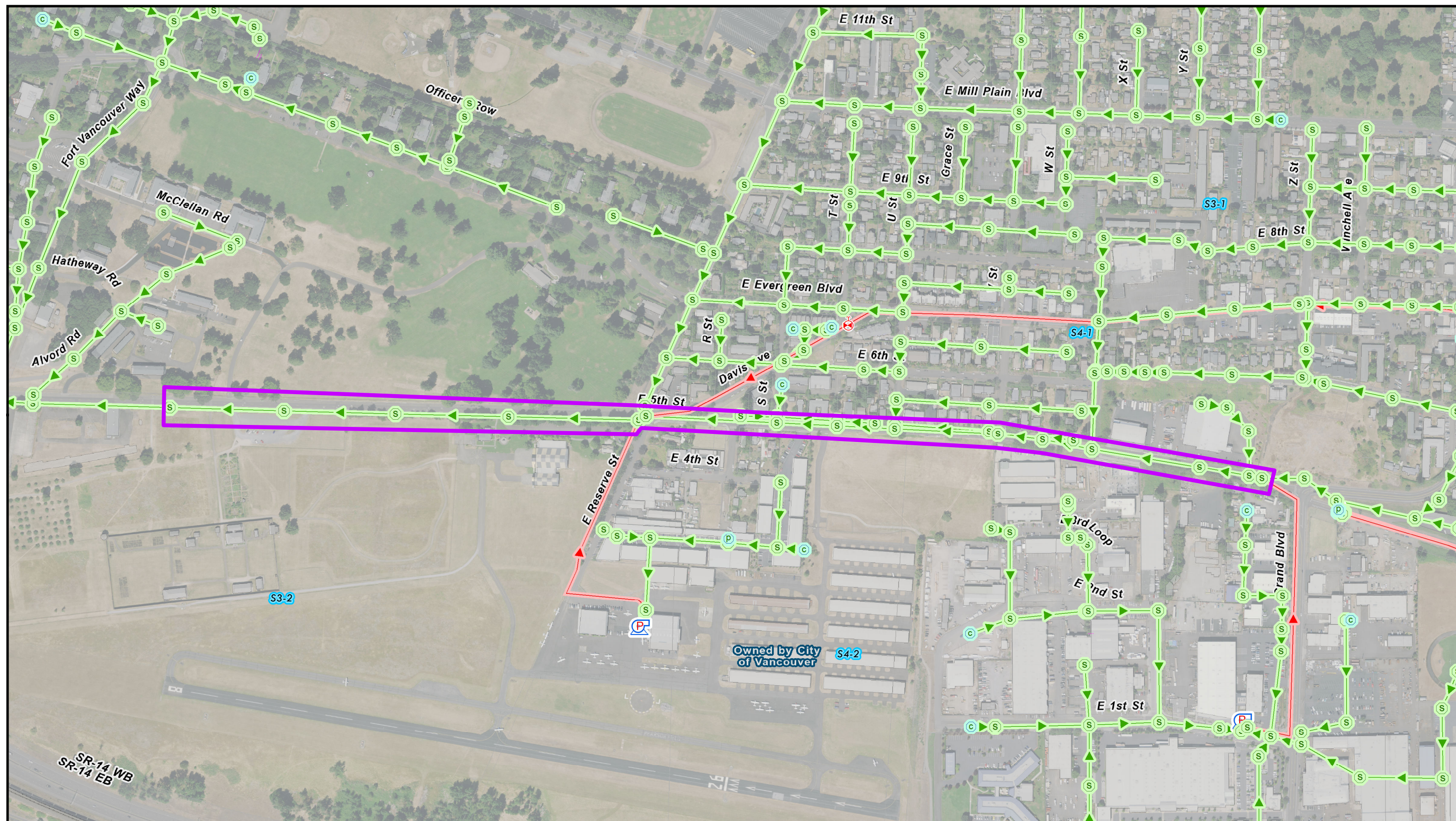
Date

Natasha Ramras, City Clerk

Approved as to form:

Jonathan Young, City Attorney







Staff Report: 131-23

TO: Mayor and City Council

FROM: Eric Holmes, City Manager

DATE: 7/3/2023

SUBJECT Bid Rejection - Fourth Plain Sewer Improvements - Broadway to F Street - Rebid

Key Points

- City staff is recommending Council reject the bid received for ITB23-26 Fourth Plain Sewer Improvements project.
- The Engineer's Estimate was advertised to be \$736,000, considerably lower than the bid received of \$947,079.19.

Strategic Plan Alignment

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

Present Situation

The Fourth Plain Sewer Improvement project will be extending 986 linear feet of public 8-inch sanitary sewer and installing six (6) manholes. The new public sewer will extend in Fourth Plain Blvd from Broadway Street to F Street. The work shall also include the installation of service laterals to properties that are currently on shared services.

On June 13, 2023, the City received 1 bid for the subject project. The low bidder was responsive. The bid is as follows:

SUMMARY OF BIDS	
BIDDER	AMOUNT
North Cascades Excavation, Woodland, WA	\$947,079.19
Engineers' Estimate	\$736,014.00

This project was previously bid as ITB23-22. There were three bids with the lowest being close to double the engineer's estimate. The bids were rejected and staff went back and re-worked the project estimate to reflect the significant increase in material and labor costs.

The project was then re-bid as ITB23-26 with the expectation that bids would be more in line with the updated engineer's estimate. Unfortunately, the one bid received was even higher than all three of the previous bids. If awarded, the project cost per foot of pipe installed would be at least triple that of a typical installation cost. This high bid and the fact that only one bid was received could be attributed to the significant amount of construction work being performed locally and contractors not having the time or labor to take on additional projects.

Advantage(s)

City does not pay higher than normal prices for construction of public sewer.

Disadvantage(s)

Properties will continue to be served with shared private laterals.

Budget Impact

Funds for the sanitary sewer improvements were appropriated in the Sewer Construction Fund, Capital Improvement Program 2023-2024 Budget.

Prior Council Review

Rejection of bid, ITB 23-22, on Consent Agenda May 15, 2023. Funding previously reviewed by Council as part of the 2023-2024 Sewer Construction Fund Capital Budget.

Action Requested

On July 3, 2023, reject all bids.

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

ATTACHMENTS:

- ▢ Project Boundary Map - Fourt Plain Sewer Improvements - Broadway to F Street



Staff Report: 132-23

TO: Mayor and City Council

FROM: Eric Holmes, City Manager

DATE: 7/3/2023

SUBJECT Partial Easement Vacation - Burton Elementary

Key Points

- Partial vacation of sanitary sewer easement recorded under Auditor's File Number 9312230283 will release approximately 598 square feet of encumbered private property.
- Staff is recommending the collection of no compensation for the vacated area.

Strategic Plan Alignment

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

Present Situation

A portion of the existing sewer main was decommissioned with the new school project under ENG-78755. With this portion of the public sewer decommissioned, Staff has determined that the portion of the easement being vacated is not needed for maintenance of existing or proposed public sewer facilities.

Advantage(s)

Releasing excess easement area reduces parcel encumbrance.

Disadvantage(s)

None

Budget Impact

None

Prior Council Review

None

Action Requested

Authorize the City Manager or their designee to sign the attached easement release.
Sheryl Hale, Senior Civil Engineer, 360-487-7151

ATTACHMENTS:

- ▣ Attachment A - Original Easement
- ▣ Attachment B - Legal Description of Parcel
- ▣ Attachment C - Easement Release Request
- ▣ Attachment D - Partial Release of Sewer Easement
- ▣ Exhibit A - Original Easement
- ▣ Exhibit B - Legal Description of Portion to be Vacated
- ▣ Exhibit C - Map of Portion to be Vacated

9312230283

Attachment A 9

File: WB 1211

SEWER EASEMENT

The Grantor(s), Evergreen School District 114, for and in consideration of One Dollar (\$1.00) and other valuable consideration, hereby bargain, sell and convey to the City of Vancouver, a municipal corporation of the State of Washington, an easement over, under and across the following described real estate in Clark County, to wit: Southwest Quarter of Section 23, Township 2 North, Range 2 East of the Willamette Meridian, Clark County Washington. The side lines of this easement shall be lengthened or shortened to provide a uniform strip 15.00 feet wide. For the Administrative Service Center (ASC). This easement is granted for the purpose of constructing, installing, reconstructing, enlarging, repairing, operating and maintaining a sewer. The City of Vancouver, grantee herein, and its agents and contractors shall have the right to enter upon the premises for such purposes. The easement areas herein conveyed shall be restored to a condition as good or better than existed prior to construction, and that the city, its agents or contractors will not cause any unnecessary damage or commit any waste upon the above described premises.

The grantor(s), its executors, agents, assigns and successors in interest agree and covenant to obtain written consent from the City of Vancouver prior to allowing the construction of any improvements, or prior to planting trees or other types of vegetation, upon the permanent easement area described herein.

DATED this 8 day of November, 1993.

STATE OF WASHINGTON)

) ss:

COUNTY OF CLARK)

Dr. Kenneth Schmauder

I certify that I know or have satisfactory evidence that Dr. Kenneth Schmauder signed this instrument, on oath stated that (he/she) was authorized to execute the instrument and acknowledged it as the Superintendent of Evergreen School District 114 to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: November 8, 1993

BARBARA R. SEEKINS
NOTARY PUBLIC
STATE OF WASHINGTON
COMMISSION EXPIRES
APRIL 1, 1994

Barbara R Seekins
(Signature of Notary Public)

Barbara R. Seekins
(Printed Name of Notary)
Title: Notary Public
My Commission Expires: 4-1-94

EXHIBIT 'A'

Property Description:

PARCEL # 163995-000

#48 #79 #289 SEC 23 T2N R2EWM 17.40A M/LEH OF NWQ OF SWQ SEC 23-2-2E EXC #18 F W 1 RD THOF EXC CO OR PUB RDS EXC N 30 FT FOR RD PER DD 609109 EXC #78 #289 TT INA PTN OF NWQ OF SWQ SEC 23-2-2E DAF: BEG AT W 1/4 COR SD SEC 23 S 88DG 51MIN 47SEC E ALG N LI SD SWQ SD LI BG C/L OF NE 28TH ST A DIST OF 681.49 FT TAP ON RD (16.5 FT) E OF NW COR OF EH OF NWQ OF SWQ SD SEC TH S 01DG 04MIN 19SEC W ALG A LIPLW & ONE RD (16.5 FT) ELY OF WHN MSRD AT RT ANGL TO W LI SDEH A DIST OF 30 FT TO S R/W LI OF NE 28TH ST SD PT BG NW COR OF TT CVYD TO EVERGREEN SCH DIST #114 PER 3475175 & BG TPOBTH CONTG S 01DG 04MIN 19SEC W ALG A LI PLW & ONE RD (16.5 FT) ELY OF WHN MSRD AT RT ANGLS TO W LI SDEH & W LI OF SD EVERGREEN SCH DIST #114 TT A DIST OF 285 FT TO SW COR THOF SDCOR ALSO BG MST WLY NW COR OF TT CVYD TO EVERGREEN SCH DIST #114 PER 9206090186 TH CONTG S 01DG 04MIN 19SEC W ALG A LIPLW & ONE RD (16.5 FT) ELY OF WHN MSRD AT RT ANGLS TO W LI SDEH & W LI OF 2ND MENTIONED EVERGREEN SCH DIST #114 TT A DIST OF 1012.23 FT TO S LI OF NWQ OF SWQ S 88DG 44MIN 16SECE ALG S LI OF SD NWQ OF SWQ 645.49 FT TO SE COR THOF N 01DG 12MIN 04SEC E ALG E LI SD NWQ OF SWQ 996.64 FT TO SE COR OF TT CVYD TO E J HICKEL PER 3185000 N 88DG 51MIN 47SEC W PLWN LI OF SD SWQ & ALG S LI SD HICKEL TT & ALG S LI OF TT CVYD TO E J HICKEL PER 3376283 & ALG S LI OF A TT CVYD TO M ASTRAND ETUX PER G513712 & ALG S LI OF TT CVYD TO I P SCOVILETUX PER F91085 360 FT TO SW COR OF SD SCOVIL TT N 01DG 12MIN 04SEC E ALG W LI SD SCOVIL TT 302 FT TO S R/W LI OF NE 28TH ST N 88DG 51MIN 47SEC W ALG SD S R/W LI 153.42 FT TONE COR OF 1ST MENTIONED EVERGREEN SCH DIST #114 TT TH CONTGN 88DG 51MIN 47SEC W ALG SD S R/W LI 153.42 FT TO NE COR OF 1ST MENTIONED EVERGREEN SCH DIST #114 TT TH CONTG N 88DG 51MIN 47SEC W ALG SD S R/W LI 135 FT TO TPOB CONTG 16.7 AC M/LEXC THT PTN DD TO RD PER EX 522544 ALSO PTN NWQ OF SWQ SEC 23 DAF: BAAP 260 FT W OF NE COR OF NWQ OF SWQ SD PT BG NW COR OF F L THOMAS TT PER VOL D54 PG 236A TH S ALG W LI OF THOMAS TT 322 FT TO SW COR THOF TH W PLT C/L OF NE 28TH ST 100 FT TH N PLT W LI SD THOMAS TT 322 FT TO C/L OF NE 28TH ST TH E ALG SD C/L 100 FT TO POB EXC N 30 FT

Which has a site address of: Evergreen School District #114, New Burton Elementary School site, 13501 NE 28th St. Vancouver, WA 98684.

Shonda Thomas
City of Vancouver
Community Development Department
415 W 6th Street
Vancouver, WA 98660

Re: ENG-78755 Sanitary Sewer Easement Partial Vacation Request

Dear Ms. Thomas,

We are requesting a partial easement vacation of sanitary sewer easement (AFN 9312230283) located on the Burton Elementary School property (PIN 163995000). A portion of the sanitary sewer main was decommissioned with the new school project under the engineering project number listed above. This resulted in the need to vacate a portion of the easement which was decommissioned. Attached with this letter of request is the following:

- Copy of the legal description of the overall parcel
- Copy of the legal description of the original recorded easement to be vacated
- Copy of the legal description of the portion of the easement to be vacated
- Sketch of the partial easement area requested for vacation

Sincerely,



Jaclyn Smith, PE
Project Engineer and Manager
MacKay Sposito, Inc.

RECORD AND RETURN TO:
City of Vancouver
City Clerk's Office
PO Box 1995
Vancouver, WA 98668-1995

**PARTIAL RELEASE OF SANITARY SEWER
EASEMENT**

PLEASE TAKE NOTICE: That City of Vancouver, a municipal corporation of the state of Washington, for and in consideration of one dollar (\$1.00) and other good and valuable consideration does hereby release a portion of the sanitary sewer easement as described as follows:

A PORTION OF THAT SANITARY SEWER EASEMENT CONVEYED TO THE CITY OF VANCOUVER, DESCRIBED IN EXHIBIT "A" AND RECORDED UNDER AUDITOR'S FILE NO. 9312230283, CLARK COUNTY RECORDS, LYING WITHIN THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 2 NORTH, RANGE 2 EAST OF THE WILLAMETTE MERIDIAN, CLARK COUNTY, WASHINGTON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 23; THENCE ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER SOUTH 88°51'47" EAST 826.20 FEET; THENCE SOUTH 01°08'13" WEST 30.00 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF N.E. 28TH STREET; THENCE SOUTH 06°11'17" EAST 65.82 FEET; THENCE SOUTH 01°04' 19" WEST 276.36 FEET; THENCE SOUTH 77°23'28" EAST 7.65 FEET TO THE **POINT OF BEGINNING**; THENCE NORTH 01°04'19" EAST 7.65 FEET; THENCE SOUTH 77°23'28" EAST 41.38 FEET; THENCE SOUTH 12°36'32" WEST 15.00 FEET; THENCE NORTH

77°23'28" WEST 38.31 FEET; THENCE NORTH 01°04'19" EAST 7.65 FEET TO THE **POINT OF BEGINNING**.

Executed this _ _ _ day of _____, 2023.

CITY OF VANCOUVER

Eric Holmes, City Manager

Approved as to form:

Attest:

Jonathan J. Young, City Attorney

Natasha Ramras, City Clerk

State of Washington)
 :ss.
County of Clark)

I certify that I know or have satisfactory evidence that Eric Holmes is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it as City Manager of City of Vancouver, a municipal corporation, to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated this ____ day of _____ 2023.

NOTARY PUBLIC in and for the state
of Washington residing at _____
My Commission expires: _____

EXHIBIT "B"

LEGAL DESCRIPTION FOR PARTIAL RELEASE OF SANITARY SEWER EASEMENT CITY OF VANCOUVER, CLARK COUNTY, WASHINGTON

A PORTION OF THAT SANITARY SEWER EASEMENT CONVEYED TO THE CITY OF VANCOUVER, DESCRIBED IN EXHIBIT "A" AND RECORDED UNDER AUDITOR'S FILE NO. 9312230283, CLARK COUNTY RECORDS, LYING WITHIN THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 2 NORTH, RANGE 2 EAST OF THE WILLAMETTE MERIDIAN, CLARK COUNTY, WASHINGTON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 23; THENCE ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER SOUTH 88°51'47" EAST 826.20 FEET; THENCE SOUTH 01°08'13" WEST 30.00 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF N.E. 28TH STREET; THENCE SOUTH 06°11'17" EAST 65.82 FEET; THENCE SOUTH 01°04'19" WEST 276.36 FEET; THENCE SOUTH 77°23'28" EAST 7.65 FEET TO THE **POINT OF BEGINNING**; THENCE NORTH 01°04'19" EAST 7.65 FEET; THENCE SOUTH 77°23'28" EAST 41.38 FEET; THENCE SOUTH 12°36'32" WEST 15.00 FEET; THENCE NORTH 77°23'28" WEST 38.31 FEET; THENCE NORTH 01°04'19" EAST 7.65 FEET TO THE **POINT OF BEGINNING**.

CONTAINS 598 SQFT, MORE OR LESS



**VANCOUVER, CLARK COUNTY,
WASHINGTON**

22  23 

g 30.00

S06'11 '17"E 65.82'- -i

EXISTING 15' SANITARY
SEWER EASEMENT
AFN 9312230283

S01'04'19"W 276.36'

I{fJZ2ZZi:2ZZi: :SSS::S::SSS::S: rn..



POINT OF BEGINNING

/JS7i23'28"E 41 38'

PORTION OF EASEMENT
TO BE RELEASED
AREA = 598 SQ.FT.

No1·04 19 E 7.65

S77'23'28"E 7.65'

No1-04'19"E **7.65'**

N7i23'28"W 38.31' ,.....--

www.mackaysposito.com

**18405 SE MILL PLAIN BLVD., SUITE 100
VANCOUVER, WA 98683
VANCOUVER: (360) 695-3411
PORTLAND: (503) 289-6726
FAX (360) 695-0833**

PAGE 1 OF 1 17306SS3-SEWREL

MacKay & Sposito Inc.

11,598.LD:
9-28-93
TDM/dm



ENGINEERS

SURVEYORS

PLANNERS

1703 MAIN STREET VANCOUVER, WA 98660

WASHINGTON
PH. (206) 695-3411

FAX
(206) 695-0833

OREGON
PH. (503) 289-8726

EXHIBIT "A"
LEGAL DESCRIPTION
SANITARY SEWER EASEMENT
EVERGREEN SCHOOL DISTRICT ADMINISTRATIVE SITE
CLARK COUNTY, WASHINGTON

An easement over real property lying within the Northwest Quarter of the Southwest Quarter of Section 23, Township 2 North, Range 2 East of the Willamette Meridian, Clark County, Washington, more particularly described as follows:

A strip of land 15.00 feet wide, being 7.50 feet on each side of the following described centerline:

Beginning at the Northwest corner of the Southwest Quarter of said Section 23; thence along the North line of said Southwest Quarter South 88° 51' 47" East 826.20 feet; thence South 01° 08' 13" West 30.00 feet to a point on the South right of way line of N.E. 28th Street and the True Point of Beginning; thence South 06° 11' 17" East 65.82 feet; thence South 01° 04' 19" West 276.36 feet; thence South 77° 23' 28" East 47.50 feet to the terminus point of this centerline description.

The side lines of this easement shall be lengthened or shortened to provide a uniform strip 15.00 feet wide.



614

S88°51'47"E

S01°08'13"W

N.E. 28TH. STREET

826.20'

30.00'

TRUE POINT OF
BEGINNING.

WEST 1/4 COR.
SEC. 23
T.2.N. R.2.E.

15' WIDE SANITARY
SEWER EASEMENT(TYP)

S06°11'17"E
65.82'

S01°04'19"W
276.36'

S77°23'28"E
47.50'

SKETCH TO ACCOMPANY LEGAL DESCRIPTION
SANITARY SEWER EASEMENT

MacKay & Sposito Inc.

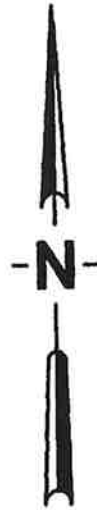


ENGINEERS SURVEYORS
PLANNERS

1703 MAIN STREET
VANCOUVER, WA. 98660
(206) 695-3411 (503) 289-6726
FAX (206) 695-0833

SEPTEMBER, 1993

EVERGREEN SCHOOL DISTRICT
ADMINISTRATIVE SITE.



1" = 100'

FILED FOR RECORD
CLARK CO. WASH
CITY OF VANCOUVER

DEC 23 1 50 PM '93

AUDITOR
ELIZABETH A. LUCE



9/25/93 615

EXHIBIT "B"

LEGAL DESCRIPTION FOR
PARTIAL RELEASE OF SANITARY SEWER EASEMENT
CITY OF VANCOUVER, CLARK COUNTY, WASHINGTON

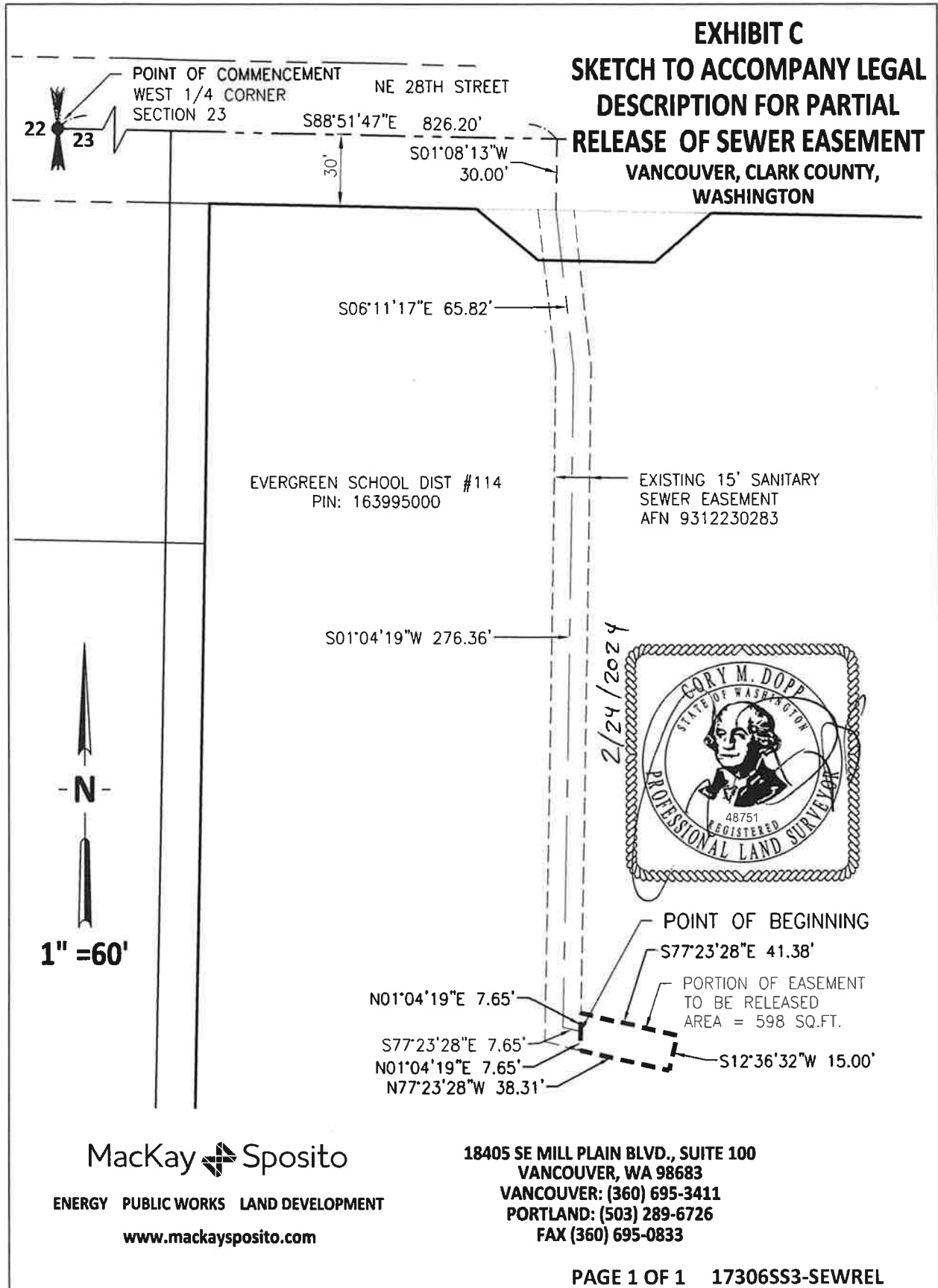
A PORTION OF THAT SANITARY SEWER EASEMENT CONVEYED TO THE CITY OF VANCOUVER, DESCRIBED IN EXHIBIT "A" AND RECORDED UNDER AUDITOR'S FILE NO. 9312230283, CLARK COUNTY RECORDS, LYING WITHIN THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 2 NORTH, RANGE 2 EAST OF THE WILLAMETTE MERIDIAN, CLARK COUNTY, WASHINGTON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 23; THENCE ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER SOUTH 88°51'47" EAST 826.20 FEET; THENCE SOUTH 01°08'13" WEST 30.00 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF N.E. 28TH STREET; THENCE SOUTH 06°11'17" EAST 65.82 FEET; THENCE SOUTH 01°04'19" WEST 276.36 FEET; THENCE SOUTH 77°23'28" EAST 7.65 FEET TO THE **POINT OF BEGINNING**; THENCE NORTH 01°04'19" EAST 7.65 FEET; THENCE SOUTH 77°23'28" EAST 41.38 FEET; THENCE SOUTH 12°36'32" WEST 15.00 FEET; THENCE NORTH 77°23'28" WEST 38.31 FEET; THENCE NORTH 01°04'19" EAST 7.65 FEET TO THE **POINT OF BEGINNING**.

CONTAINS 598 SQFT, MORE OR LESS



EXHIBIT C
SKETCH TO ACCOMPANY LEGAL
DESCRIPTION FOR PARTIAL
RELEASE OF SEWER EASEMENT
VANCOUVER, CLARK COUNTY,
WASHINGTON





Staff Report: 133-23

TO: Mayor and City Council

FROM: Eric Holmes, City Manager

DATE: 7/3/2023

SUBJECT Easement Vacation - Property Identification Number 110089422 - 14405 NE 28th Ave

Key Points

- Vacation of sanitary sewer easement recorded under Auditor's File Number 6105648 will release approximately 288 square feet of encumbered private property.
- Staff is recommending the collection of no compensation for the vacated area.

Strategic Plan Alignment

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

Present Situation

A private Sewer Easement was required with the Evergreen School District #114 project under ENG-82880. The sewer being installed was not part of the public sewer system and therefore did not require an easement to the City. The developer mistakenly recorded a public sewer easement that now needs to be vacated to remove the property encumbrance.

Advantage(s)

Releasing easement area reduces parcel encumbrance.

Disadvantage(s)

None

Budget Impact

None

Prior Council Review

None

Action Requested

Authorize the City Manager or their designee to sign the attached easement release.
Sheryl Hale, Senior Civil Engineer, 360-487-7151

ATTACHMENTS:

- ▣ Attachment A: Original Easement
- ▣ Attachment B - Release of Sewer Easement

6105648 EAS

Total Pages:5 Rec: \$207.50

eRecorded in Clark County, WA

2/21/2023 3:04 PM

Fidelity Title Vancouver - Title Only

Reviewed by Clark County Treasurer - Kristi Hilbert - 02/21/2023

When recorded return to:
City of Vancouver
PO Box 1995
Vancouver, WA 98660

Do not write, stamp, or sign outside the double line. File #: ENG 82880 W10079

SANITARY SEWER EASEMENT

The Grantor(s), *Evergreen School District #114*, for and in consideration of One Dollar (\$1.00) and other valuable consideration, hereby bargain, sell and convey to the *City of Vancouver, a municipal corporation of the State of Washington*, an easement over, under and across the following described real estate in Clark County, to wit:

Legal/Parcel #: Lot 7, 2/6 Berdie Acres and #2 Lot 12 Daywood Addition
110089-422

This document is being recorded as an accommodation.
Fidelity National Title maintains no responsibility
as to the effect or provisions of this document.

Attachments: Exhibit A (Legal description of the parcel(s).)
Exhibit B (Legal description of the easement.)
Exhibit C (8 1/2" x 11" map/drawing of the easement.)

This easement is granted for the purpose of constructing, installing, reconstructing, enlarging, extending, repairing, operating and maintaining sewer lines, appurtenances and for providing new sewer service lateral to users of such service as authorized and permitted by the City of Vancouver. The City of Vancouver, grantee herein, and its agents and contractors shall have the right to enter upon the premises for such purposes. The easement areas herein conveyed shall be restored to a condition as good as or better than existed prior to construction, and that the city, its agents or contractors will not cause any unnecessary damage or commit any waste upon the above described premises.

The grantor(s), its executors, agents, assigns and successors in interest agree and covenant to obtain written consent from the City of Vancouver prior to allowing the construction of any improvements, or prior to planting trees or other types of vegetation, upon the permanent easement area described herein.

Dated this 21 day of February, 2023.

STATE OF WASHINGTON)
COUNTY OF CLARK) ss:

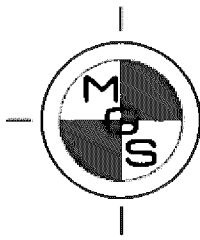
Susan Steinbrenner
Signature
Susan Steinbrenner
Printed Name

I certify that I know or have satisfactory evidence that Susan Steinbrenner
signed this instrument, on oath stated that (he/she) was authorized to execute the instrument and
acknowledged as the Executive Director of Facilities of EPS to
be the free and voluntary act of such party for uses and purposes mentioned in the instrument.

Dated this 21st day of February, 20 23

LORI STROHL
NOTARY PUBLIC
STATE OF WASHINGTON
COMMISSION NUMBER 209643
COMMISSION EXPIRES JULY 26 2023

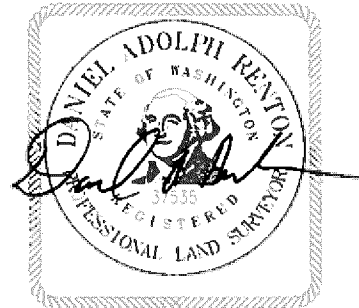
Lori Strohl
Signature of Notary Public
Lori Strohl
Printed Name of Notary
Title: Notary Public for the State of WA
My Commission Expires: July 26 2023



**MINISTER-GLAESER
SURVEYING INC.**

*Vancouver Office - 2200 E. Evergreen Blvd., Vancouver, Washington 98661
(360) 694-3313 (360) 694-5410 FAX*

2/15/2023



FEBRUARY 15, 2023

EXHIBIT " A "

ADJUSTED EVERGREEN SCHOOL DISTRICT 114 - PARCEL 2

A parcel of land as described in Auditor's File Number 5899814, recorded April 23, 2021, records of Clark County, located in a portion of the Northwest quarter of the Southeast quarter of Section 23, Township 2 North, Range 2 East, Willamette Meridian, City of Vancouver, Clark County, Washington more particularly described as follows:

COMMENCING at the Northeast corner of the Southeaster quarter of said Section 23, marked by a 3-1/4" brass disk in a monument box, see Land Corner Record Book 5, at Page 111;

Thence along the North line of said Southeast quarter, North 88°49'53" West, 2660.29 feet to the Center quarter corner of said Section 23, marked by a 3-1/4" brass disk in a monument box, see Land Corner Record Book 5, at Page 110;

Thence along said North line, South 88°49'53" East, 454.52 feet;

Thence leaving said North line, South 01°33'58" West, 30.00 feet to the South Right-of-Way line of NE 28th Street and the **TRUE POINT OF BEGINNING**:

Thence leaving said Right-of-Way line, South 01°33'58" West, 353.00 feet;

Thence South 31°47'26" West, 101.00 feet;

Thence South 62°19'45" West, 183.50 feet;

Thence South 12°32'32" West, 106.25 feet;

Thence South 02°37'48" East, 338.00 feet;

Thence North 90°00'00" West, 115.25 feet;

Thence South 00°00'00" East, 328.65 feet to the South line of the Northwest quarter of said Southeast quarter;

Thence along said South line, South 88°56'34" East, 851.18 feet to the Southwest corner of "Park Lane Estates" recorded in Book H of Plats, at Page 757, records of Clark County;

Thence North $01^{\circ}45'56''$ East, 456.04 feet to the Northwest corner thereof;

Thence along the North line thereof, South $88^{\circ}58'09''$ East, 271.01 feet to the West Right-of-Way line of NE 147th Court;

Thence along said West Right-of-Way line, North $01^{\circ}52'01''$ East, 273.65 feet;

Thence leaving said West Right-of-Way line, North $77^{\circ}21'04''$ West, 170.00 feet;

Thence North $65^{\circ}35'44''$ West, 138.40 feet;

Thence South $87^{\circ}20'43''$ West, 132.00 feet;

Thence North $82^{\circ}59'10''$ West, 66.70 feet;

Thence North $60^{\circ}05'31''$ West, 54.20 feet;

Thence North $31^{\circ}14'20''$ West, 115.30 feet to the Southeast corner of "Joan Park Short Plat" recorded in Book 4 of Plats, at Page 2, records of Clark County;

Thence North $88^{\circ}50'00''$ West, 168.01 feet to the Southwest corner thereof;

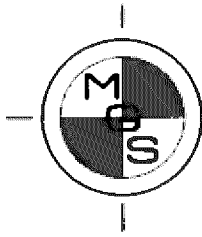
Thence along the West line thereof, North $01^{\circ}39'52''$ East, 359.01 feet to said South Right-of-Way line of NE 28th Street;

Thence along said South Right-of-Way line, North $88^{\circ}49'53''$ West and the **TRUE POINT OF BEGINNING**:

CONTAINING 785,270 square feet or 18.027 acres of land, more or less.

TOGETHER with and subject to easements, reservations, covenants, and restrictions apparent or of record.

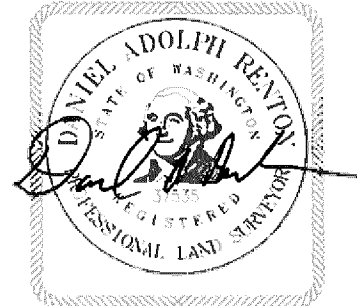
COORDINATE SYSTEM: NAD 83(2011)(EPOCH 2010.0000), Washington State Plane Coordinate System, South Zone, US Survey Feet.



**MINISTER-GLAESER
SURVEYING INC.**

*Vancouver Office – 2200 E. Evergreen Blvd., Vancouver, Washington 98661
(360) 694-3313 (360) 694-5410 FAX*

2/15/2023



FEBRUARY 15, 2023

EXHIBIT " B "

SANITARY SEWER EASEMENT

A sanitary sewer easement for the purpose of construction, operation and maintenance of a sewer line and appurtenances over, under and across a 15-foot wide strip of land located in a portion of the Northwest quarter of the Southeast quarter of Section 23, Township 2 North, Range 2 East, Willamette Meridian, City of Vancouver, Clark County, Washington, more particularly described as follows:

COMMENCING at the center quarter corner of said Section 23 marked by a 3-1/4" brass disk set in monument box, see Land Corner Record Book 5, at Page 110, records of Clark County;

Thence along the North line of said Southeast quarter South 88°49'53" East, 454.52 feet;

Thence leaving said North line South 01°33'58" West, 30.00 feet to the South Right-of-Way line of NE 28th Street and the Northwest corner of Evergreen School District No. 114 "Parcel 2" as described in Auditor's File Number 5899814, recorded April 23, 2021, records of Clark County;

Thence along the West line of said "Parcel 2" South 01°33'58" West, 353.00 feet;

Thence continuing along said West line South 31°47'26" West, 101.00 feet;

Thence South 62°19'45" West, 129.00 feet to a point on said West line and the **TRUE POINT OF BEGINNING**:

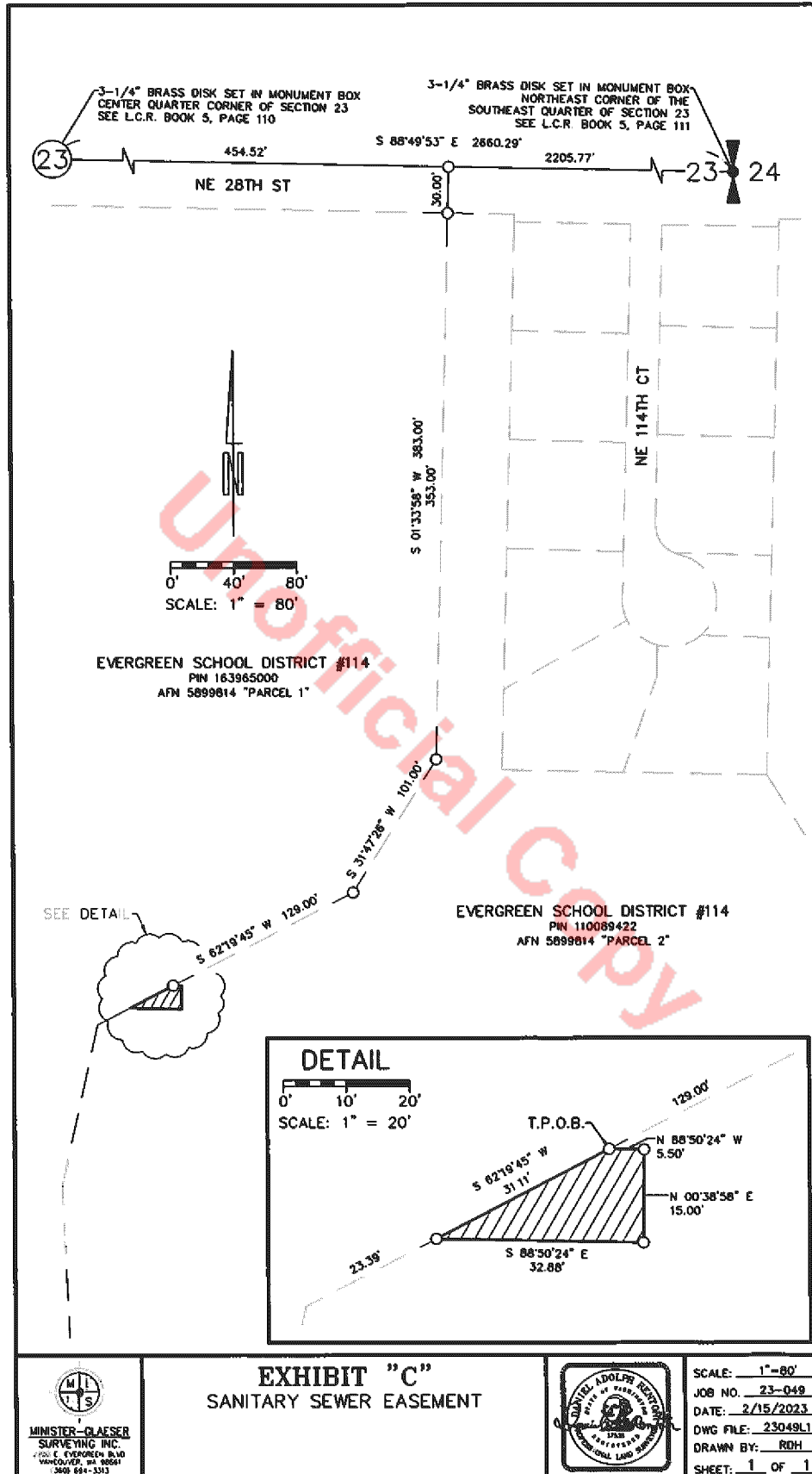
Thence continuing South 62°19'45" West, 31.11 feet;

Thence leaving said West line South 88°50'24" East, 32.88 feet;

Thence North 00°38'58" East, 15.00 feet;

Thence North 88°50'24" West, 5.50 feet to the **TRUE POINT OF BEGINNING**.

CONTAINING 288 square feet of land, more or less.



RECORD AND RETURN TO:
City of Vancouver
City Clerk's Office
P O Box 1995
Vancouver, WA 98668-1995

RELEASE OF SANITARY SEWER EASEMENT

PLEASE TAKE NOTICE: That City of Vancouver, a municipal corporation of the state of Washington, for and in consideration of one dollar (\$1.00) and other good and valuable consideration does hereby release the entire sanitary sewer easement as described in the following auditor's file:

Auditors File Number 6105648

Executed this _____ day of _____, 2023.

CITY OF VANCOUVER

Eric Holmes, City Manager

Approved as to form:

Attest:

Jonathan J. Young, City Attorney

Natasha Ramras, City Clerk

State of Washington)
 :ss.
County of Clark)

I certify that I know or have satisfactory evidence that Eric Holmes is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it as City Manager of City of Vancouver, a municipal corporation, to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated this _____ day of _____, 2023.

NOTARY PUBLIC in and for the state
of Washington residing at _____
My Commission expires: _____

VOUCHER APPROVAL

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

\$ 6,722,793.99 this 3rd day of July 2023.

DocuSigned by:
Anne McEnerny-Ogle
MAYOR

Cyndi A. Turner
Digitally signed by Cyndi A. Turner
Date: 2023.06.26 16:33:44 -07'00'
AUDITING OFFICER

DocuSigned by:
Ty Stob
COUNCILMEMBER

DocuSigned by:
hwn
COUNCILMEMBER

DATE	INCLUSIVE CHECK NUMBERS	CHECK TOTAL
June 19, 2023 - June 25, 2023	Accounts Payable Checks (see attached)	\$ 2,903,382.25
June 19, 2023 - June 25, 2023	Hansen City Payments (see attached)	\$ 53,359.65
June 19, 2023 - June 25, 2023	Visa Refunds (see attached)	\$ 6,638.87
June 19, 2023 - June 25, 2023	Payroll Checks (see attached)	\$ 3,759,413.22
TOTAL		\$ 6,722,793.99

INVOICE PAYMENTS REPORT

<u>Payment Category</u>	<u>Payment Type</u>	<u>Transaction Reference</u>	<u>Payment Date</u>	<u>Payment Amount</u>	<u>Payment Payee</u>	<u>Memo</u>
Ad Hoc Payment	Check	11965	6/21/2023	213.16	Advanced Excavating Specialists LLC	Utility Refunds: 0500001948-12
Ad Hoc Payment	Check	11966	6/21/2023	125.23	Aleksandr or Alena Prodan or Vera Babiy	Utility Refunds: 0067029713-01
Ad Hoc Payment	Check	11967	6/21/2023	70.24	Anna Prado or Fernando Estrada	Utility Refunds: 0500002520-02
Ad Hoc Payment	Check	11968	6/21/2023	53.61	Chung,Sung B	Utility Refunds: 0500002518-03
Ad Hoc Payment	Check	11969	6/21/2023	45.14	Dana M Nicol Revocable Living Trust	Utility Refunds: 0161007600-02
Ad Hoc Payment	Check	11970	6/21/2023	112.60	Estrada,Janice	Utility Refunds: 0085077317-05
Ad Hoc Payment	Check	11971	6/21/2023	37.19	Gildroy,Vernon E or Bernice E	Utility Refunds: 0000006942-01
Ad Hoc Payment	Check	11972	6/21/2023	202.46	Hsiu Hsiu Ho	Utility Refunds: 0126007770-02
Ad Hoc Payment	Check	11973	6/21/2023	18.39	John or Euna Paredes or Sung Chung	Utility Refunds: 0500002518-03
Ad Hoc Payment	Check	11974	6/21/2023	99.12	Kapinos,Lawrence	Utility Refunds: 0061061701-03
Ad Hoc Payment	Check	11975	6/21/2023	148.86	Madison,Velda	Utility Refunds: 0166000670-03 Consolidated refund created from multiple refunds
Ad Hoc Payment	Check	11976	6/21/2023	65.57	Mitchell,Robert or Rebecca	Utility Refunds: 0059037638-02
Ad Hoc Payment	Check	11977	6/21/2023	44.20	Morneault,Trenton or Emily	Utility Refunds: 0112089970-08
Ad Hoc Payment	Check	11978	6/21/2023	52.04	Oleg Dyachenko or Lusine Dyachenko Arakelyan	Utility Refunds: 0118014152-03
Ad Hoc Payment	Check	11979	6/21/2023	23.94	Perkins,Charles K or Amanda	Utility Refunds: 0127011460-03
Ad Hoc Payment	Check	11980	6/21/2023	71.06	Plokinger,Vasily or Alina	Utility Refunds: 0141009350-02
Ad Hoc Payment	Check	11981	6/21/2023	131.08	Quibell,Karen	Utility Refunds: 0046064607-02
Ad Hoc Payment	Check	11982	6/21/2023	193.15	Rosa,Carmel	Utility Refunds: 0003039800-12
Ad Hoc Payment	Check	11983	6/21/2023	201.82	SFR Borrower 2021-2 LLC	Utility Refunds: 0112093140-06
Ad Hoc Payment	Check	11984	6/21/2023	20.23	Silverthornse,Wendy	Utility Refunds: 0161007770-03
Ad Hoc Payment	Check	11985	6/21/2023	38.82	Vasquez,Rene	Utility Refunds: 0500004048-02
Ad Hoc Payment	Check	11986	6/21/2023	1,336.54	Waterbury,Thomas	Utility Refunds: 0119014005-00 Consolidated refund created from multiple refunds
Ad Hoc Payment	Check	11987	6/21/2023	159.56	Winit,Matthew or Hannah	Utility Refunds: 0126000204-09
Ad Hoc Payment	Check	11988	6/21/2023	84.76	Zwiener III,Richard	Utility Refunds: 0141005058-03
Miscellaneous Payment	Check	11989	6/21/2023	1,084.32	ANDREW ADRIAN	ADRIAN V. COV
Miscellaneous Payment	Check	11990	6/21/2023	25.00	Chad Lindstrom	Refund of overpayment on citation
Miscellaneous Payment	Check	11991	6/21/2023	50.00	David Murray	Date received 5/23/23
Miscellaneous Payment	Check	11992	6/21/2023	100.00	Forest Ridge Neighborhood Association	2023 Resource Conservation Challenge
Miscellaneous Payment	Check	11993	6/21/2023	100.00	North Garrison Heights Neighborhood Association	2023 Resource Conservation Challenge
Miscellaneous Payment	Check	11994	6/21/2023	100.00	Northwood Neighborhood Association	2023 Resource Conservation Challenge
Miscellaneous Payment	Check	11995	6/21/2023	458.70	Sierra Williams	Refund Parking Permit Lot 18
Supplier Payment	Check	11996	6/21/2023	7,673.55	5 K Enterprises LLC	
Supplier Payment	Check	11997	6/21/2023	4,494.72	Action Technology Systems	
Supplier Payment	Check	11998	6/21/2023	734.39	Aero Maintenance Inc	
Supplier Payment	Check	11999	6/21/2023	38.22	Airgas, Inc	
Supplier Payment	Check	12000	6/21/2023	3,223.17	Albina Holdings Inc	
Supplier Payment	Check	12001	6/21/2023	1,366.93	A-Line Asphalt Maintenance Inc	
Supplier Payment	Check	12002	6/21/2023	300.00	Allegiance Benefit Plan Management Inc	
Supplier Payment	Check	12003	6/21/2023	136.00	American Sani-Can	
Supplier Payment	Check	12004	6/21/2023	1,610.96	Annas Consultants Inc	
Supplier Payment	Check	12005	6/21/2023	23,085.00	Arborscape Ltd Inc	
Supplier Payment	Check	12006	6/21/2023	2,640.00	Archaeological Services LLC	
Supplier Payment	Check	12007	6/21/2023	117,276.04	Brown and Caldwell - Remit-To: Brown & Caldwell - San Francisco	
Supplier Payment	Check	12008	6/21/2023	2,105.00	CBG Communications Inc	
Supplier Payment	Check	12009	6/21/2023	42.07	Cellco Partnership - Remit-To: Cellco - Dallas	
Supplier Payment	Check	12010	6/21/2023	2,250.00	Chanmi Development LLC	
Supplier Payment	Check	12011	6/21/2023	5,645.54	Chicago Title Company of WA	
Supplier Payment	Check	12012	6/21/2023	592.00	Clark County - Remit-To: Clark County - Treasurer Vancouver	

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

INVOICE PAYMENTS REPORT

<u>Payment Category</u>	<u>Payment Type</u>	<u>Transaction Reference</u>	<u>Payment Date</u>	<u>Payment Amount</u>	<u>Payment Payee</u>	<u>Memo</u>
Supplier Payment	Check	12013	6/21/2023	65,351.72	Clary Longview LLC	
Supplier Payment	Check	12014	6/21/2023	118.59	Comcast Holdings Corporation - Remit-To: Comcast Business - City of Industry	
Supplier Payment	Check	12015	6/21/2023	245.15	Comcast Holdings Corporation - Remit-To: Comcast Business - City of Industry	
Supplier Payment	Check	12016	6/21/2023	119.77	Comcast Holdings Corporation - Remit-To: Comcast Business - City of Industry	
Supplier Payment	Check	12017	6/21/2023	95.89	Comcast Holdings Corporation - Remit-To: Comcast Business - City of Industry	
Supplier Payment	Check	12018	6/21/2023	25,042.49	Conсор North America Inc	
Supplier Payment	Check	12019	6/21/2023	28,981.00	Contech Engineered Solutions LLC	
Supplier Payment	Check	12020	6/21/2023	761.61	CUES Inc - Remit-To: CUES Inc - Cincinnati	
Supplier Payment	Check	12021	6/21/2023	1,897.23	Cummins Inc	
Supplier Payment	Check	12022	6/21/2023	7,125.29	Datec Inc	
Supplier Payment	Check	12023	6/21/2023	6,300.00	Davidson Benefits Planning	
Supplier Payment	Check	12024	6/21/2023	5,983.81	Distinctive Landscape LLC	
Supplier Payment	Check	12025	6/21/2023	8,306.57	Echo Electric LLC	
Supplier Payment	Check	12026	6/21/2023	11,973.87	Elcon Associates Inc	
Supplier Payment	Check	12027	6/21/2023	275.00	ERF Company Inc	
Supplier Payment	Check	12028	6/21/2023	13,100.00	Erich Kasch	
Supplier Payment	Check	12029	6/21/2023	413.75	Eric Thomas Lanciault	
Supplier Payment	Check	12030	6/21/2023	935.00	Examworks Inc	
Supplier Payment	Check	12031	6/21/2023	20,543.97	Ferguson Enterprises - Remit-To: Ferguson - Dallas	
Supplier Payment	Check	12032	6/21/2023	597.30	Fidelity National Title Co of Washington	
Supplier Payment	Check	12033	6/21/2023	5,715.00	Friends of Trees	
Supplier Payment	Check	12034	6/21/2023	39,365.36	GreenWorks, P.C.	
Supplier Payment	Check	12035	6/21/2023	2,994.25	Groundwater Solutions, Inc.	
Supplier Payment	Check	12036	6/21/2023	15,258.52	H D Fowler Company Inc	
Supplier Payment	Check	12037	6/21/2023	30,188.50	HDJ Design Group - Remit-To: HDJ - Portland	
Supplier Payment	Check	12038	6/21/2023	6,500.00	Hispanic Metropolitan Chamber	
Supplier Payment	Check	12039	6/21/2023	4,532.08	Inventus Media LLC	
Supplier Payment	Check	12040	6/21/2023	33,166.09	KBT Distributing LLC	
Supplier Payment	Check	12041	6/21/2023	2,506.25	Keller Associates Inc	
Supplier Payment	Check	12042	6/21/2023	1,165.73	Kevin Bauer McLeod	
Supplier Payment	Check	12043	6/21/2023	14,112.24	Knox Associates Inc	
Supplier Payment	Check	12044	6/21/2023	11,826.50	Latitude Geographics	
Supplier Payment	Check	12045	6/21/2023	40,661.30	Life Insurance Company of North America	
Supplier Payment	Check	12046	6/21/2023	13,606.00	Ly Huynh	
Supplier Payment	Check	12047	6/21/2023	179.36	Mark IV Enterprises Inc	
Supplier Payment	Check	12048	6/21/2023	1,496.51	Mobes Business Forms	
Supplier Payment	Check	12049	6/21/2023	458.44	Murray Smith Inc	
Supplier Payment	Check	12050	6/21/2023	9,334.74	Northwest Natural Gas Company - Remit-To: NW Natural - Portland	
Supplier Payment	Check	12051	6/21/2023	5,058.19	Northwest Staffing Resources Inc - Remit-To: Northwest Staffing Resources	
Supplier Payment	Check	12052	6/21/2023	8,268.00	Pacifica Law Group LLP	
Supplier Payment	Check	12053	6/21/2023	6,842.27	Passport Labs Inc. - Remit-To: Passport Labs Inc	
Supplier Payment	Check	12054	6/21/2023	420.00	Petty Cash Custodian - Remit-To: Jeff Olson	
Supplier Payment	Check	12055	6/21/2023	743.51	Pine Ridge Investment Corp	
Supplier Payment	Check	12056	6/21/2023	14,346.00	Portland Adventist Medical Center	
Supplier Payment	Check	12057	6/21/2023	3,486.24	PPC Solutions Inc	
Supplier Payment	Check	12058	6/21/2023	13,522.72	Proforce Marketing Inc	
Supplier Payment	Check	12059	6/21/2023	6,790.53	Qwest Corporation - Remit-To: Qwest Corp- Seattle	
Supplier Payment	Check	12060	6/21/2023	200.00	Ramona Perkins	
Supplier Payment	Check	12061	6/21/2023	1,362.17	River City Environmental	
Supplier Payment	Check	12062	6/21/2023	8,140.54	Software House International SHI - Remit-To: SHI - Dallas	
Supplier Payment	Check	12063	6/21/2023	70.40	State of Washington Department of Labor & Industries - Remit-To: State of WA LNI - Boiler Pressure Vessel	

INVOICE PAYMENTS REPORT

<u>Payment Category</u>	<u>Payment Type</u>	<u>Transaction Reference</u>	<u>Payment Date</u>	<u>Payment Amount</u>	<u>Payment Payee</u>	<u>Memo</u>
Supplier Payment	Check	12064	6/21/2023	248.10	State of Washington Department of Labor & Industries - Remit-To: State of WA LNI - Elevator Section	
Supplier Payment	Check	12065	6/21/2023	105.76	State of Washington Department of Transportation	
Supplier Payment	Check	12066	6/21/2023	96,134.46	TCF Architecture, PLLC	
Supplier Payment	Check	12067	6/21/2023	2,730.00	Triangle Resources Inc	
Supplier Payment	Check	12068	6/21/2023	360.00	Washington County Oregon	
Supplier Payment	Check	12069	6/21/2023	1,000.00	Washington State Ridesharing Organization	
Supplier Payment	Check	12070	6/21/2023	2,755.00	Water Systems Consulting Inc	
Supplier Payment	Check	12071	6/21/2023	100.00	Willis Towers Watson Insurance Services West inc	
Supplier Payment	Check	12072	6/21/2023	22,616.13	WSP USA Inc. - Remit-To: WSP USA Inc. Dallas	
Supplier Payment	Check	12073	6/21/2023	5,604.30	Xchange Recovery	
Supplier Payment	Check	12074	6/21/2023	31.71	XPO Logistics Enterprise Services, Inc - Remit-To: XPO - Portland	
Supplier Payment	Check	12075	6/23/2023	6,746.65	Aflac	
Supplier Payment	Check	12076	6/23/2023	5,312.59	AFSCME Local #307	
Supplier Payment	Check	12077	6/23/2023	1,139.50	California State Disbursement Unit	
Supplier Payment	Check	12078	6/23/2023	491.00	Hawaii SDU	
Supplier Payment	Check	12079	6/23/2023	792.75	IAM Local #1374	
Supplier Payment	Check	12080	6/23/2023	8,797.23	Life Insurance Company of North America	
Supplier Payment	Check	12081	6/23/2023	875.00	MFS Service Center Inc	
Supplier Payment	Check	12082	6/23/2023	125.00	OPEIU Local #11	
Supplier Payment	Check	12083	6/23/2023	4,168.46	OPEIU Local #11	
Supplier Payment	Check	12084	6/23/2023	672.00	Teamsters Local #58	
Supplier Payment	Check	12085	6/23/2023	262.50	UA Local #290	
Supplier Payment	Check	12086	6/23/2023	3,483.21	Western Conference of Teamsters	
Supplier Payment	Check	12087	6/23/2023	1,385.52	Western Metal Industry Pension Plan	
			Check	845,102.70		
Expense Payment	Direct Deposit	EFT-00200293	6/22/2023	30.00	Tyson Taylor	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00200294	6/22/2023	217.39	Jaime Blas lopez	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00200295	6/22/2023	8.00	Dorie Sutton	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00200296	6/22/2023	200.00	Shane LaBeck	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00200297	6/22/2023	236.77	Shannon Turk	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00200298	6/22/2023	200.00	Dean Tracy	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00200299	6/22/2023	250.00	James Lewis	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00200300	6/22/2023	56.00	Rocky Epperson	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00200301	6/22/2023	46.48	Jeremy Vanroyce	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00200302	6/22/2023	730.00	Michael Maini	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00200303	6/22/2023	97.67	Brian Ruder	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00200304	6/22/2023	169.57	Ethan Autrey	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00200305	6/22/2023	240.00	Leland Brown	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00200306	6/22/2023	85.00	Jeremiah Jones	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00200307	6/22/2023	43.02	Tom O'Connor	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00200308	6/22/2023	20.00	Jeff Mori	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00200309	6/22/2023	406.87	Jason Nicholson	Employee Reimbursement
Cash Advance Payment	Direct Deposit	EFT-00200310	6/22/2023	166.00	Douglas Van Aalst	Travel Advance
Cash Advance Payment	Direct Deposit	EFT-00200311	6/22/2023	517.50	Robert Block	Travel Advance
Cash Advance Payment	Direct Deposit	EFT-00200312	6/22/2023	354.75	Cameron McAnally	Travel Advance
Cash Advance Payment	Direct Deposit	EFT-00200313	6/22/2023	379.50	Tyler Knotts	Travel Advance
Cash Advance Payment	Direct Deposit	EFT-00200314	6/22/2023	379.50	James Kelly	Travel Advance
			Direct Deposit	4,834.02		
Supplier Payment	EFT	EFT-00200315	6/22/2023	7,208.67	Vancouvercenter Condominium Association	
Supplier Payment	EFT	EFT-00200316	6/22/2023	3,623.18	Linguava Interpreters Inc	
Supplier Payment	EFT	EFT-00200317	6/22/2023	101,080.49	Share Inc	
Supplier Payment	EFT	EFT-00200318	6/22/2023	65,762.64	Outsiderinn.org	
Supplier Payment	EFT	EFT-00200319	6/22/2023	2,005.00	Universal Field Services Inc	
Supplier Payment	EFT	EFT-00200320	6/22/2023	194,095.50	Signature Roof Service LLC	
Supplier Payment	EFT	EFT-00200321	6/22/2023	114,144.01	Jeffrey D. Barrar, PS	

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

INVOICE PAYMENTS REPORT

Payment Category	Payment Type	Transaction Reference	Payment Date	Payment Amount	Payment Payee	Memo
Supplier Payment	EFT	EFT-00200322	6/22/2023	8,959.33	HDR Engineering Inc - Remit-To: HDR Engineering - Chicago	
Supplier Payment	EFT	EFT-00200323	6/22/2023	28,040.70	Meteredeaders LLC	
Supplier Payment	EFT	EFT-00200324	6/22/2023	25,291.44	Live Love Outreach	
Supplier Payment	EFT	EFT-00200325	6/22/2023	750.00	TRC Environmental Corp	
Supplier Payment	EFT	EFT-00200326	6/22/2023	32,480.40	Otak Inc	
Supplier Payment	EFT	EFT-00200327	6/22/2023	399.11	Praxair Distribution Inc	
Supplier Payment	EFT	EFT-00200328	6/22/2023	2,260.97	Fire Systems West	
Supplier Payment	EFT	EFT-00200329	6/22/2023	11,393.30	Tierra Right of Way Services LTD	
Supplier Payment	EFT	EFT-00200330	6/22/2023	2,390.36	Accurate Investigation Services	
Supplier Payment	EFT	EFT-00200331	6/22/2023	3,390.62	Eagle Newspaper Inc	
Supplier Payment	EFT	EFT-00200332	6/22/2023	1,141.78	Del Sol Inc	
Supplier Payment	EFT	EFT-00200333	6/22/2023	18,795.39	Columbia West Engineering	
Supplier Payment	EFT	EFT-00200334	6/22/2023	400.00	Rotschy Inc	
Supplier Payment	EFT	EFT-00200335	6/22/2023	25,000.00	Pacific Talent Inc	
Supplier Payment	EFT	EFT-00200336	6/22/2023	170,484.56	Advanced Excavating Specialists LLC	
Supplier Payment	EFT	EFT-00200337	6/22/2023	1,301.62	Consolidated Supply Co	
Supplier Payment	EFT	EFT-00200338	6/22/2023	5,634.53	Second Step Housing	
Supplier Payment	EFT	EFT-00200339	6/22/2023	289.00	PBS Engineering and Environmental Inc	
Supplier Payment	EFT	EFT-00200340	6/22/2023	225,000.00	Lifeline Connections	
Supplier Payment	EFT	EFT-00200341	6/22/2023	213,025.32	MacKay Sposito Inc	
Supplier Payment	EFT	EFT-00200342	6/22/2023	140.00	Brad Piesch Aggressive Enterprises, Inc	
Supplier Payment	EFT	EFT-00200343	6/22/2023	805.00	Sharon Rice	
Supplier Payment	EFT	EFT-00202173	6/23/2023	24,671.90	IAFF Local #452	
Supplier Payment	EFT	EFT-00202174	6/23/2023	15,301.34	Allegiance Benefit Plan Management Inc	
Supplier Payment	EFT	EFT-00202175	6/23/2023	12,173.16	Vancouver Police Officer Guild	
Supplier Payment	EFT	EFT-00202176	6/23/2023	950.40	Vancouver Command Guild	
Supplier Payment	EFT	EFT-00202177	6/23/2023	150.18	Legal Shield	
			EFT	1,318,539.90		
Supplier Payment	Manual Wire		6/15/2023	138.70	Bank of America	
Supplier Payment	Manual Wire		6/20/2023	19,633.70	Washington Dental Service	
Supplier Payment	Manual Wire		6/20/2023	214,979.96	Blue Cross Blue Shield of Oregon	
Supplier Payment	Manual Wire		6/22/2023	72,185.46	Liberty Mutual Group Inc.	
Supplier Payment	Manual Wire		6/23/2023	25,249.21	Washington State Firefighters	
Supplier Payment	Manual Wire		6/23/2023	5,078.81	Washington SDU	
Supplier Payment	Manual Wire		6/23/2023	743.50	Oregon SDU	
Supplier Payment	Manual Wire		6/23/2023	1,338.00	Vancouver Fire Command Officers	
Supplier Payment	Manual Wire		6/23/2023	21,848.43	Western States Health & Welfare Trust	
Supplier Payment	Manual Wire		6/23/2023	24,974.93	Vancouver Firefighters Union Health & Welfare Trust	
Supplier Payment	Manual Wire		6/23/2023	295,210.66	International City Management Association Retirement Corporation	
Supplier Payment	Manual Wire		6/23/2023	53,524.27	State of Washington Department of Retirement Systems (DRS)	
			Manual Wire	734,905.63		
			Checks	845,102.70		
			Direct Deposit	4,834.02		
			EFT	1,318,539.90		
			6/26/2023	53,359.65	City Payments	Posted 06-19-23 to 06-25-23
			Hansen Total	53,359.65		
			6/26/2023	4,175.48	Miscellaneous	Parks Class Refunds FCC 06-19-23 to 06-25-23
			6/26/2023	2,463.39	Miscellaneous	Parks Class Refunds MCC 06-19-23 to 06-25-23
			VISA Total	6,638.87		
			Payroll Total	3,759,413.22		
			GRAND TOTAL	6,722,793.99		

City of Vancouver
Payroll Council Report
June 19, 2023 - June 25, 2023

Check No.	Date	Explanation	Amount
1312 - 1352	06/23/23	June 23rd Payroll	\$ 13,228.35
200344 - 202172	06/23/23	June 23rd Direct Deposits	\$ 3,746,184.87

\$ 3,759,413.22



Staff Report: 134-23

TO: Mayor and City Council

FROM: Eric Holmes, City Manager

DATE: 7/3/2023

SUBJECT MFTE Application- The Springs Apts

Key Points

- The Multifamily Tax Exemption Program (VMC 3.22) is designed as an incentive for developers to build new private multi-family development in targeted areas of the City.
- The applicant is requesting an 8-year exemption for a 182-unit market rate senior apartment building.
- Over the 20-year period following construction, the project (with the exemption) will generate more than \$24 million in taxes benefiting all taxing districts (ports, schools, county, city, etc.). Of that total, \$5.7 million will benefit the City of Vancouver. The total estimated foregone tax revenue for all districts during the exemption is \$8.61 million. Of that amount the forgone taxes specific to the City of Vancouver would be \$2.53 million. Land value property taxes and unit utility taxes will still be collected during the exemption.
- When the tax exemption period ends, the project will return to the property tax rolls as if it were new construction.
- Applicant will provide \$2,154,500 in funding for the public contribution to be applied by the City for future affordable housing activities that may be used to leverage additional affordable housing development beyond the 8-year limited exemption period.

Strategic Plan Alignment

Goal 8: Strengthen commercial, retail and community districts throughout the city

Goal 8, Objective 8.1: Make downtown Vancouver a vibrant destination for the community and the region

Goal 8, Objective 8.2: Strengthen neighborhood business districts

Present Situation

The project is located on the Vancouver waterfront at 1015 W Columbia Way. The applicant is requesting an 8-year multi-family housing limited property tax exemption for a market rate

housing. The project is a 12-story, 182-unit apartment senior living facility building with 6,234 square feet of commercial space and 230 associated parking spaces. There are an additional 68 medically assisted and memory care units in the development that are considered as a commercial use that will not receive exemption status. The proposed development will include studio, one, two and three-bedroom units. The total estimated development cost is approximately \$229 million.

Over the 20-year period following construction, the project (with the exemption) will generate over \$24 million in taxes benefiting all taxing districts (ports, schools, county, city, etc.). A total of \$5.7 million in taxes will directly benefit the City of Vancouver. Total estimated foregone tax revenue for all districts during the exemption is \$8.61 million. The forgone taxes specific to the City of Vancouver during the exemption would be \$2.53 million. Land value property taxes and per unit utility taxes will still be collected during the exemption. It is also anticipated that new residents will support downtown businesses during and after the exemption period.

As a market rate project, a public benefit contribution with a value equal to \$2,154,500 (25% of the estimated foregone tax amount) is required. The Vancouver Waterfront is already well served with a completed park, public art, and infrastructure. Therefore, the applicant is proposing to satisfy the public benefit contribution by providing funding towards future affordable housing investments. The proposed public benefit contribution for future affordable housing projects can be used for land banking or construction of permanent affordable units where funding can leverage more and larger unit types and at deeper levels of affordability. The public benefit contribution payment amount will be required prior to issuing the final tax certificate. The advantage of this funding is that it is also likely to last longer than the duration of the 8-year tax exemption.

The project requires a development agreement and therefore also falls under the City interim green building policy. Per the applicant's consultant the building is being constructed to exceed the minimum LEED gold score. The City green policy staff have reviewed the applicant's LEED summary indicating that the project satisfies the City's green building policy.

Advantage(s)

1. Adds 182 units of senior housing multifamily units in the VCCV residential target area.
2. Provides a \$2,154,500 public contribution for affordable housing activities that may be used to leverage affordable housing development for households earning below 80% median family income.
3. Redevelops underutilized land.

Disadvantage(s)

1. Foregone taxes for all districts is estimated at \$8.61 million.
2. Foregone taxes specific to the City of Vancouver is estimated to be \$2.53 million.

Budget Impact

Although the residential portion of the structure property taxes will be exempt for 8 years, the City will still receive taxes from the land value, commercial structure value, and other additional revenues from the development including sales tax, permit fees, and system development charges. There will be an incremental increase in demand for public services during the 8-year

exemption period without full associated tax revenues. Following the 8-year exemption period, the properties will return to the tax base as new construction and the City and other taxing districts will begin receiving the structural portion of the property taxes.

Prior Council Review

Council briefing memorandum dated June 16, 2023.

Action Requested

On July 3, 2023, following a public hearing, adopt a resolution authorizing the City Manager or designee to execute a multi-family housing limited property tax exemption certificate and take any and all action necessary to enforce the terms thereof.

Bryan Monroe, Associate Housing Project Coordinator, 360-487-7958

ATTACHMENTS:

- ▢ The Springs Senior Apartments MFTE Presentation
- ▢ The Springs Senior Apartments MFTE Resolution
- ▢ The Springs Senior Apartments MFTE Development Agreement

The Springs Apartments MFTE Certificate

June 26, 2023

City Council Public Hearing

Bryan Monroe

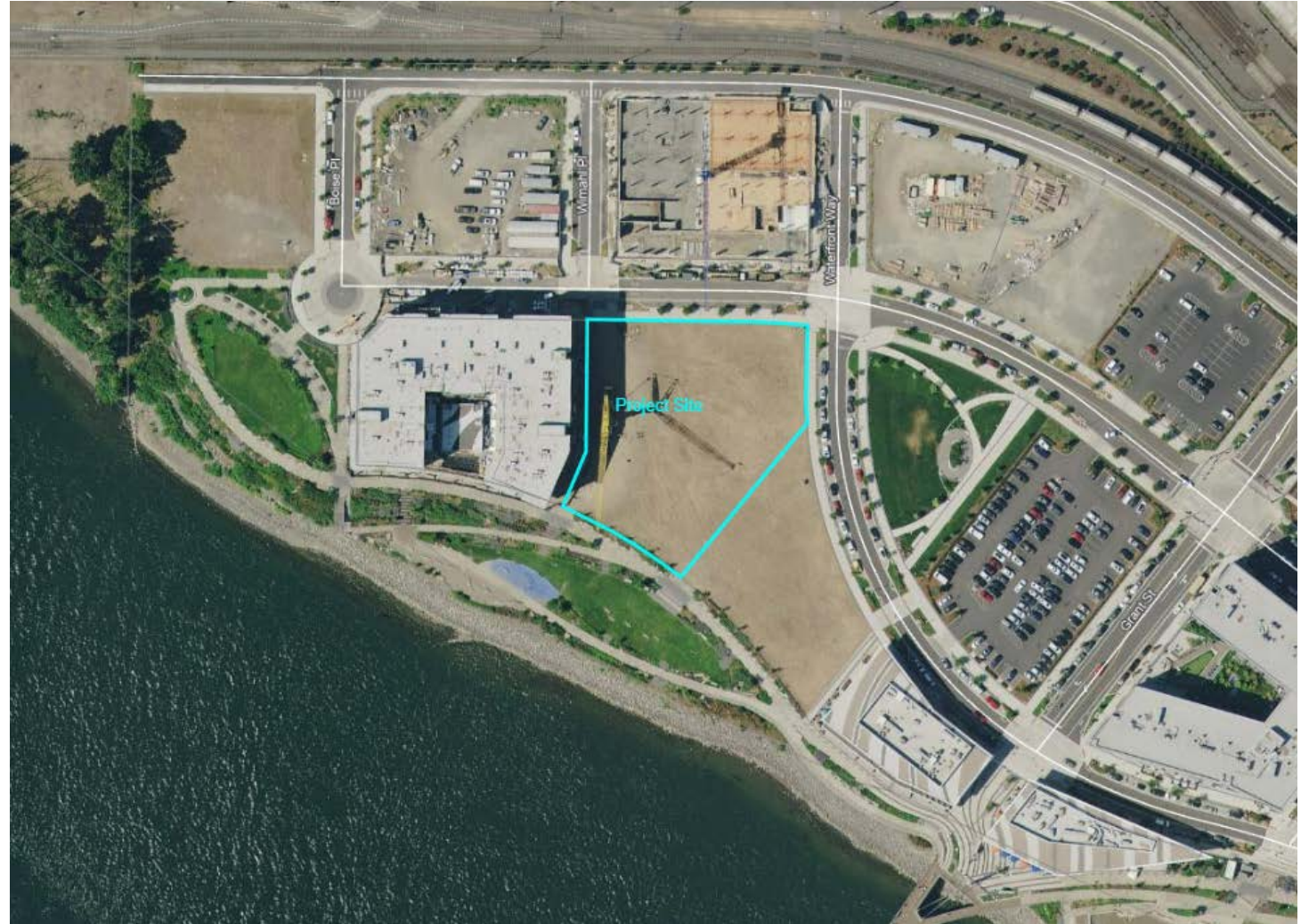
Associate Planner

Economic Prosperity and Housing



Presentation Overview

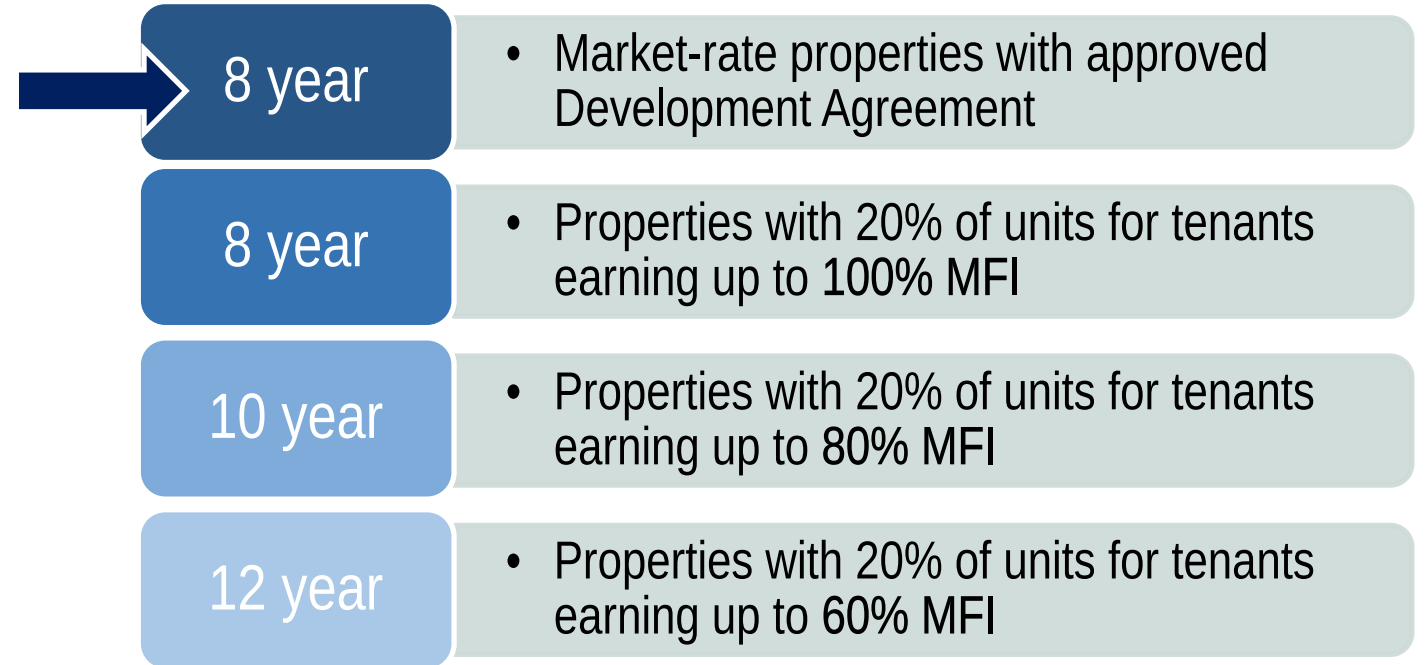
- Exemption Option
- Project Details
- Tax Summary
- Public Benefit
- Green Building Policy



Market Rate Option

Market Rate Projects require:

- Development Agreement
- Public Benefit Contribution
- Green Building Measures
- Annual monitoring



Project Details

- Waterfront Block 18
- 12 stories
- 182 independent senior living units
- 68 Assisted living and memory care units
- Studio, 1-bd, 2-bd, 3-bd units
- 6,364 s.f. commercial space
- 230 parking spaces



The Springs MFTE— 3

Tax Summary

	All taxing districts	City of Vancouver
Net Present value of future tax revenue ¹	\$24,392,000	\$5,700,000
Cost value of Public Benefit Enhanced improvements	-	\$2,154,500
Subtotal	\$24,392,000	\$7,854,500
Net present value of “foregone” tax revenue (8 years)	(\$8,618,000)	(\$2,530,000)
NET PRESENT 20 YEAR BENEFIT	\$15,774,000	\$5,324,500

¹ Estimated at 20 years

Pre-construction annual taxes \$16,427

Estimated annual taxes during exemption period \$154,540

Estimated annual taxes the year exemption expires \$ \$2,496,000

Public Benefit

- Waterfront park and street infrastructure amenities abutting the site are already completed.
- Applicant is therefore proposing to contribute \$2,154,500 towards the Vancouver Affordable Housing Fund. (25% of estimated forgone taxes).
- Proposed funding can leverage more and larger unit types and at deeper levels of affordability lasting longer than 8 years.

Green Building Policy

Project is expected to exceed LEED gold status and certification from the Well Fit building program.

10% of parking stalls will have EV chargers with capacity to serve an additional 23 spaces

Use of Energy Star appliances for most appliances

Unit Detail

HUD 100% MFI for a 2-person household is \$85,200



Market Rate Units		
Type	Av. Size	Units
Studio	530	11
1 Bedroom /1 bath	847	105
2 Bedroom / 2 bath	1,339	65
3 Bedroom / 2 bath	1,747	1

The Springs MFTE— 7

Requested Action

Adopt a resolution authorizing the City Manager or designee to execute a multi-family housing limited property tax exemption certificate and take any and all action necessary to enforce the terms thereof.

Next Steps / Questions



7/3/2023

RESOLUTION NO. M- [Resolution Number]

A RESOLUTION of the City Council of the City of Vancouver approving a development agreement with SPRINGS VANCOUVER WATERFRONT LLC for an 8-year limited property tax exemption for market rate housing with a public benefit contribution, and green building elements, for the property located at 1015 W. Columbia Way, Vancouver, WA 98660 (Exhibit A).

WHEREAS, the City of Vancouver desires to stimulate new construction of multi-family rental housing in specifically designated urban areas in order to reduce development pressure on single-family residential neighborhoods, to increase and improve housing opportunities, and encourage development densities supportive of tenant use, and

WHEREAS, the City is interested in promoting new rental housing in the VCCV subarea in the City of Vancouver; and

WHEREAS, the City has, pursuant to authority granted under the Revised Code of Washington (RCW), designated various “Residential Target Areas” for the provision of limited property tax exemptions for new multi-family residential housing; and

WHEREAS, the City has set forth in Chapter 3.22 of the Vancouver Municipal Code (VMC) a program whereby property owners may qualify for a “Final Certificate of Tax Exemption,” which certifies to the Clark County Assessor and Treasurer that a property is eligible to receive a limited property tax exemption; and

WHEREAS, SPRINGS VANCOUVER WATERFRONT LLC (Applicant) is interested in receiving a limited property tax exemption for constructing 182 units of new, multifamily, market-

RESOLUTION - 1

rate rental housing within the VCCV subarea, which is a designated “Residential Target Area” identified in Chapter 3.22 VMC; and,

WHEREAS, the Applicant has submitted to the City a complete application for the City’s limited tax exemption program outlining a proposed development of new multi-family rental housing, with green building elements, and a proposed public benefit contribution to be constructed on property located at 1015 W. Columbia Way, Vancouver, WA 98660 (Property); and

WHEREAS, the City has determined that the Applicant’s proposed public benefit outlined in the Development Agreement (Exhibit B) will satisfy the requirements for a Final Certificate of Tax Exemption.

NOW, THEREFORE,

BE IT RESOLVED BY THE CITY OF VANCOUVER:

Section 1. Agreement attached hereto as Exhibit B between SPRINGS VANCOUVER WATERFRONT LLC and the City of Vancouver, a Washington Municipal Corporation, is approved.

Section 2. The City Manager of the City of Vancouver or his designee is authorized to execute the Agreement attached hereto as Exhibit B.

RESOLUTION - 2

ADOPTED at a regular session of the Vancouver City Council this 26th day of June, 2023.

Anne McEnery-Ogle, Mayor

Attest:

Approved as to form:

Natasha Ramras, City Clerk

Jonathan Young, City Attorney

RESOLUTION - 3

Resolution
Exhibit A
Legal Description

BLOCK 18 OF THE VANCOUVER WATERFRONT PH2 PLAT RECORDED AT BOOK 4, PAGE 214 OF PLATS.
LOCATED IN THE SE 1/4, S28, T2N, R1E WM

RESOLUTION - 4

Resolution
Exhibit B
Agreement

**DEVELOPMENT AGREEMENT
for
MULTI-FAMILY HOUSING LIMITED PROPERTY TAX
EXEMPTION**

THIS AGREEMENT is entered into this _____ day of _____, 2023, by and between SPRINGS VANCOUVER WATERFRONT LLC (hereinafter referred to as “Applicant”), and the CITY OF VANCOUVER, a Washington Charter City of the First Class (hereinafter referred to as “City”).

WITNESSETH:

WHEREAS, the City desires to stimulate new construction of multi-family housing in certain designated urban areas in order to reduce development pressure on single-family residential neighborhoods, to increase and improve housing opportunities, and to encourage development densities supportive of transit use, and

WHEREAS, the City is interested in promoting new housing in the downtown area of the City of Vancouver, and

WHEREAS, the City has, pursuant to authority granted to it under the Revised Code of Washington (RCW), designated various Residential Target Areas for the provision of limited property tax exemptions for new multi-family residential housing, and

WHEREAS, the City has, as set forth at Chapter 3.22 of the Vancouver Municipal Code (“VMC”), enacted a program whereby property owners may qualify for a Final Certificate of Tax Exemption which certifies to the Clark County Assessor and Treasurer that the Applicant is eligible to receive a limited property tax exemption, and

WHEREAS, the Vancouver City Council proposed an interim climate action policy requiring all projects subject to a development agreement to meet certain green building methods; and,

WHEREAS, the Applicant has committed to the City’s green building policy by constructing a building meeting LEED gold status criteria or equivalent from alternative rating system that is acceptable to the City.

WHEREAS, the Applicant is interested in receiving a limited property tax exemption for constructing units of new multi-family residential housing within the Vancouver City Center Vision Subarea, which is a designated Residential Target Area identified in Chapter 3.22 VMC, and

RESOLUTION - 5

WHEREAS, the Applicant has submitted to the City a complete application for an 8-year market-rate tax exemption under the City's limited tax exemption program for the Applicant's proposed development of new multi-family residential housing development to be constructed on property described in the legal description in Exhibit A ("Property") .

WHEREAS, the City has determined that the public benefit contribution equal to \$2,154,000 (25% of the estimated forgone tax from the exemption during the exemption period), paid to the City of Vancouver] to be used for funding for future affordable housing development in the City prior to the issuance of the final tax exemption certificate, will satisfy the public benefit requirement for a Final Certificate of Tax Exemption for the Property.

NOW THEREFORE, the City and Applicant mutually agree as follows:

1. The City agrees to issue the Applicant a Conditional Certificate of Acceptance of Tax Exemption.
2. The City has determined that the development provides a public benefit in the form of Applicant's funding towards the City's affordable housing fund in an amount equal to \$2,154,000 (25% of the estimated forgone tax from the exemption during the exemption period) paid prior to the issuance of the final tax exemption certificate, and agrees to issue the Applicant a Conditional Certificate of Acceptance of Tax Exemption for a period of eight (8) years in accordance with VMC 3.22.040 (the "Conditional Certificate"). The foregoing public benefit contribution provided by the Applicant for this project is also set forth in Exhibit B attached hereto (the "Public Benefits").
3. The Applicant agrees to construct on the Property multi-family residential housing improvements as described in the most recent site plans, floor plans, and elevations on file with the City as of the date of City Council approval of this Agreement. In no event shall such construction provide fewer than 182 new permanent multi-family residential units.
4. The Applicant agrees to construct the building to LEED Gold level criterion or equivalent form alternative rating system that is acceptable to the City to meet the City's interim green building policy as a condition to the City issuing a Final Certificate of Tax Exemption.
5. The Applicant agrees to complete construction of the agreed upon Property improvements and provide the Public Benefits (Exhibit B) within three years from the date the City issues the Conditional Certificate of Tax Exemption, or within any extension thereof granted by the City.

RESOLUTION - 6

6. The Applicant agrees, upon completion of the Property building improvements and upon issuance by the City of a temporary or permanent certificate of occupancy, to file with the City's Director of Community Development ("Director") for the building the following:
 - (a) A statement of expenditures made with respect to each multi-family housing unit and the total expenditures made with respect to the entire property;
 - (b) A description of the completed work and a statement of qualifications for the exemption; and
 - (c) A statement that the work was completed within the required three-year period plus any authorized extension thereof.
7. The City agrees, conditioned on the Applicant's successful completion of the Property improvements in accordance with the terms of this Agreement and on the Applicant's filing of the materials described in Paragraph 6 above, to file a Final Certificate of Tax Exemption with the Clark County Treasurer and Assessor.
8. The Applicant agrees, within 30 days following the first anniversary of the City's filing of the Final Certificate of Tax Exemption, and each year thereafter for a period of eight years, to file a notarized declaration with the Director indicating the following:
 - (a) A statement identifying the total number of occupied and vacant multi-family units receiving a property tax exemption;
 - (b) A certification that the property continues to be in compliance with this Agreement, Chapter 3.22 VMC, and Chapter 84.14 RCW, as applicable;
 - (c) A description of any improvements or changes to the property constructed after the issuance of the Final Certificate of Tax Exemption; and
 - (d) The total monthly rent for each unit.
9. The Applicant agrees to pay an annual monitoring fee of \$500 during the exemption.
10. The Applicant agrees to maintain the Property including all improvements in compliance with all applicable City codes and requirements.
11. The Applicant agrees to maintain records supporting all information provided to the City and to make those records. Failure to submit the annual declaration identified in Paragraph 8 or to maintain adequate records may result in the tax exemption being canceled.
12. If the Applicant converts the multi-family residential housing units constructed under this Agreement to another use within the Tax Exemption Period of eight (8) years, the Applicant shall notify the Clark County Assessor and Treasurer and the City Economic Prosperity and Housing Director within 60 days of such change in use.

RESOLUTION - 7

13. The Applicant agrees to notify the Economic Prosperity and Housing Director promptly of any transfer of the Applicant's ownership interest in the site or in the improvements made to the site under this Agreement.
14. The City reserves the right to cancel the Final Certificate of Tax Exemption should the Applicant, its successors and assigns, fail to comply with any of the terms and conditions of this Agreement during the Exemption Period. Cancellation of the Final Certificate of Tax Exemption may subject the Applicant to potential tax liability as further described in RCW 84.14;
15. No modifications of this Agreement shall be made unless mutually agreed upon by the parties in writing.
16. In the event that any term or clause of this Agreement conflicts with applicable law, such conflict shall not affect other terms of this Agreement which can be given effect without the conflicting term or clause, and to this end, the terms of this Agreement are declared to be severable.
17. Applicant agrees that this Agreement is subject to the Vancouver Multi-Family Housing Tax Exemption set forth at Vancouver Municipal Code, Chapter 3.22.

CITY OF VANCOUVER

SPRINGS VANCOUVER WATERFRONT
LLC, a Delaware limited liability company

Eric Holmes, City Manager

Benjamin R. Ryan, its Authorized Signatory

Attest:

Approved as to form:

Natasha Ramras, City Clerk

Jonathan Young, City Attorney

RESOLUTION - 8

Development Agreement
EXHIBIT A
LEGAL DESCRIPTION

All of Block 18, VANCOUVER WATERFRONT, according to the plat thereof, recorded in Volume 311 of Plats, Page 865, records of Clark County, Washington.

RESOLUTION - 9

Development Agreement
EXHIBIT B
PUBLIC IMPROVEMENTS

1. Prior to the issuance of the final certificate of tax exemption, the Applicant shall provide funding for future affordable housing development in an amount of \$2,154,500 (25% of the expected forgone tax exemption).

RESOLUTION - 10

**DEVELOPMENT AGREEMENT
for
MULTI-FAMILY HOUSING LIMITED PROPERTY TAX
EXEMPTION**

THIS AGREEMENT is entered into this ____ day of _____, 2023, by and between SPRINGS VANCOUVER WATERFRONT LLC (hereinafter referred to as “Applicant”), and the CITY OF VANCOUVER, a Washington Charter City of the First Class (hereinafter referred to as “City”).

WITNESSETH:

WHEREAS, the City desires to stimulate new construction of multi-family housing in certain designated urban areas in order to reduce development pressure on single-family residential neighborhoods, to increase and improve housing opportunities, and to encourage development densities supportive of transit use, and

WHEREAS, the City is interested in promoting new housing in the downtown area of the City of Vancouver, and

WHEREAS, the City has, pursuant to authority granted to it under the Revised Code of Washington (RCW), designated various Residential Target Areas for the provision of limited property tax exemptions for new multi-family residential housing, and

WHEREAS, the City has, as set forth at Chapter 3.22 of the Vancouver Municipal Code (“VMC”), enacted a program whereby property owners may qualify for a Final Certificate of Tax Exemption which certifies to the Clark County Assessor and Treasurer that the Applicant is eligible to receive a limited property tax exemption, and

WHEREAS, the Vancouver City Council proposed an interim climate action policy requiring all projects subject to a development agreement to meet certain green building methods; and,

WHEREAS, the Applicant has committed to the City’s green building policy by constructing a building meeting LEED gold status criteria or equivalent from alternative rating system that is acceptable to the City.

WHEREAS, the Applicant is interested in receiving a limited property tax exemption for constructing units of new multi-family residential housing within the Vancouver City Center Vision Subarea, which is a designated Residential Target Area identified in Chapter 3.22 VMC, and

WHEREAS, the Applicant has submitted to the City a complete application for an 8-year market-rate tax exemption under the City's limited tax exemption program for the Applicant's proposed development of new multi-family residential housing development to be constructed on property described in the legal description in Exhibit A ("Property")

WHEREAS, the City has determined that the public benefit contribution equal to \$2,154,000 (25% of the estimated forgone tax from the exemption during the exemption period), paid to the City of Vancouver to be used for funding for future affordable housing development in the City prior to the issuance of the final tax exemption certificate, will satisfy the public benefit requirement for a Final Certificate of Tax Exemption for the Property.

NOW THEREFORE, the City and Applicant mutually agree as follows:

1. The City agrees to issue the Applicant a Conditional Certificate of Acceptance of Tax Exemption.
2. The City has determined that the development provides a public benefit in the form of Applicant's funding towards the City's affordable housing fund in an amount equal to \$2,154,000 (25% of the estimated forgone tax from the exemption during the exemption period) paid prior to the issuance of the final tax exemption certificate, and agrees to issue the Applicant a Conditional Certificate of Acceptance of Tax Exemption for a period of eight (8) years in accordance with VMC 3.22.040 (the "Conditional Certificate"). The foregoing public benefit contribution provided by the Applicant for this project is also set forth in Exhibit B attached hereto (the "Public Benefits").
3. The Applicant agrees to construct on the Property multi-family residential housing improvements as described in the most recent site plans, floor plans, and elevations on file with the City as of the date of City Council approval of this Agreement. In no event shall such construction provide fewer than 182 new permanent multi-family residential units.
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9. The Applicant agrees to pay an annual monitoring fee of \$500 during the exemption.
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12. If the Applicant converts the multi-family residential housing units constructed under this Agreement to another use within the Tax Exemption Period of eight (8) years, the Applicant shall notify the Clark

County Assessor and Treasurer and the City Economic Prosperity and Housing Director within 60 days of such change in use.

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15. No modifications of this Agreement shall be made unless mutually agreed upon by the parties in writing.
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17. Applicant agrees that this Agreement is subject to the Vancouver Multi-Family Housing Tax Exemption set forth at Vancouver Municipal Code, Chapter 3.22.

CITY OF VANCOUVER

SPRINGS VANCOUVER
WATERFRONT LLC, a Delaware
limited liability company

Eric Holmes, City Manager

Benjamin R. Ryan, its Authorized
Sigantory

Attest:

Approved as to form:

Natasha Ramras, City Clerk

Jonathan Young, City Attorney

**MULTI-FAMILY HOUSING LIMITED PROPERTY
TAX EXEMPTION AGREEMENT
THE SPRINGS APARTMENTS- 8 YEAR EXEMPTION – 4**

Development Agreement
EXHIBIT A
LEGAL DESCRIPTION

All of Block 18, VANCOUVER WATERFRONT, according to the plat thereof, recorded in Volume 311 of Plats, Page 865, records of Clark County, Washington.

Development Agreement
EXHIBIT B
PUBLIC IMPROVEMENTS

1. Prior to the issuance of the final certificate of tax exemption, the Applicant shall provide funding for future affordable housing development in an amount of \$2,154,500 (25% of the expected forgone tax exemption).



Staff Report: 121-23

TO: Mayor and City Council

FROM: Eric Holmes, City Manager

DATE: 7/3/2023

SUBJECT MFTE Program- Proposed VMC Ordinance Changes

Key Points

- Add additional Residential Target Areas to expand MFTE program participation.
- Elimination of the negotiated market-rate public benefit development agreement. Replace with a public benefit fee in lieu of affordable housing units.
- Prioritize density through public benefit fee-in lieu option.
- Elimination of 10-year income-based exemption option.
- Add post-exemption, 5-year rent increase limit of 5%, adjusted annually with the Consumer Price Index factor, to discourage displacement of income-vulnerable tenants.
- Add an additional 12-year extension option for expiring MFTE certificates.
- Add incentive for ownership opportunity projects.
- Additional minor language changes to increase the clarity and efficiency of the ordinance.
- An update to the proposed MFTE policies, target areas and density goals may be necessary after the pending Comprehensive Plan update process.

Strategic Plan Alignment

Goal 6: Facilitate the creation of neighborhoods where residents can walk or bike to essential amenities and services "20-minute neighborhoods"

Goal 8: Strengthen commercial, retail and community districts throughout the city

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

Present Situation

Program History

MFTE (Multifamily Housing Tax Exemption) programs are property tax waiver programs adopted by cities and counties to support local housing and economic development goals. Local governments can issue limited term tax exemptions for new construction, conversion, and rehabilitation of multifamily residential improvements for projects with at least four residential units.

The MFTE program is one of many tools that the City of Vancouver uses to encourage economic development, housing production and affordability.

The City of Vancouver adopted the initial MFTE program ordinance in 1997 creating the Vancouver City Center Vision residential Target area. The first MFTE project, the Heritage Building mixed use development, located on the north side of Esther Short Park was the foundation for the resurgence of the downtown core. That initial MFTE investment set off a series of subsequent investments around the park including the Esther Short Park bandstand renovation, the private donation of the Propstra bell tower and public square, the Vancouver center complex development, the Hilton Hotel and Conference Center, and Esther Short Commons building. The MFTE program continues to stimulate development today throughout the city center including several buildings on the Vancouver waterfront.

In 2011 the MFTE ordinance was amended to add the Fourth Plain residential target area and an option for income-based developments.

Since inception the MFTE program has approved 40 developments adding 3,982 new housing units including 366 income-based units. Another 7 potential applications are currently under review with potential to add another 1,243 new units and 19 income-based units.

In 2021 City Council requested a review of the MFTE program to ensure that it was operating effectively for the local income levels and housing market conditions. The City engaged with economics consultant ECONorthwest to examine the performance of the City's current Multifamily Tax Exemption (MFTE) program for multifamily residential construction projects. Specifically, the City asked ECONorthwest to analyze potential expansion of the program to additional geographic areas and to test various development scenarios and impacts for feasibility within the new proposed target areas. ECONorthwest completed an economic analysis that reflects a developer's decision-making perspective. The findings were presented to City Council in workshops on March 28, July 25, and Aug 8, in 2022. The recommendations from the analysis can be summarized as follows:

- Expand the MFTE program to additional target areas
- Establish appropriate level of affordability possible based on target area market factors
- Implement a fee-in-lieu of affordable units option
- Utilize fee-in-lieu and increased density instead of temporary onsite affordability to achieve deeper affordability (60% MFI and lower)
- Prioritize density where possible in each target area
- Determine minimum density goals in each target area and tailor program requirements to achieve those goals

Additional Target Areas

Currently the MFTE program has only two eligible target areas consequently limiting participation in the program. City staff worked with ECONorthwest to identify proposed target areas that would support transit use and walkable communities along commercial corridors and hubs across the entire city. Ten potential target areas were identified for expansion. The current Vancouver City Center Vision (VCCV) target area was split into three separate areas now designated Downtown Waterfront, Vancouver City Center, and Uptown, due to the different development type, density and zoning and market variables of each new area within the current VCCV boundary. Four new target areas identified along transit and commercial corridors include Fourth Plain, Mill Plain, Upper Main Street, and Evergreen /Grand. Finally, the existing planning sub-areas of Vancouver Heights District, and East Vancouver (including both the Vancouver Innovation Center and the

Riverview Gateway subareas) were identified as good target area candidates. A Fruit Valley target area was also initially proposed, however, it was determined that additional study on environment justice and equity issues were necessary before moving forward. The nine new proposed target areas all allow multifamily housing uses through the underlying zoning and are primarily located along rapid transit lines to promote development that supports more walkable neighborhoods and easy use of public transit.

Level of Affordability

The study indicated that:

- Development in most of the target areas could support MFTE projects at 100% median family income (MFI) however 100% MFI rents are very close to market rents in most of the city and therefore did not represent the most value-added use of the MFTE exemption.
- The MFTE benefit can produce residential units that are affordable to households at 80% MFI in most target areas using a 12-year tax exemption depending on market conditions. This option is a predictable approach for achieving on-site production of affordable units but doesn't produce deeply affordable units (e.g., 60% MFI and lower).
- The current MFTE benefit will not provide incentive enough to produce 60% MFI units without additional stimulus or subsidy. The City has had a 60% MFI option since 2017 but this option has never been applied for.

Implement a fee-in-lieu option

The ECONorthwest study showed that in most of the proposed target areas, the MFTE program cannot deliver both increased density and affordability. However, the market rate program option in most areas is valuable enough to be an option that is available in exchange for a public benefit fee, and the fees generated could then be used by the City to provide more permanent affordable housing opportunities elsewhere. The current public benefit practice for market rate includes negotiating on various elements from public art, public structured parking, public plazas, and pedestrian amenities. Determining the “true” public benefit and verifying of cost of artistic elements is very difficult for staff to quantify and can be unpredictable for prospective applicants. The proposed amendment would eliminate this negotiation and replace it with a fee in lieu option that will further higher density production and affordable housing efforts.

Achieve deeper affordability through fee-in-lieu

In exchange for the market rate option, a public benefit fee in lieu, could be used to invest in more deeply affordable housing below 80% MFI off-site. The fee in lieu amount can be higher for development types that are already feasible in target areas, and lower where developments meet densities and development types sought by the City. This fee is more likely to be used to create permanently affordable units which would likely advance affordability goals beyond the limited-duration affordable units delivered on-site through the income based MFTE program option.

Prioritize density

In target areas where lower density development is already feasible, this program can be used to help incentivize developers to produce more dense housing projects. More dense housing means a more efficient use of increasingly scarce, and expensive land. More dense housing in targeted locations can also support additional city goals such as transit ridership and complete, walkable neighborhoods.

Determine minimum density goals

Because the proposed target areas vary in the types of development that can be supported (small plexes up to large towers), the target area density requirements and options need to adjust

accordingly to match the market condition allowances specific to the target area. The table below provides the proposed fee-in-lieu levels and minimum target densities for each target area.

Residential Target Area	Option1 Market Rate With Affordable Housing Fee	Option2 Market Rate With Density Requirements and/or Affordable Housing Fee	Option 3 Ownership
Downtown Waterfront	50%	275 dwelling units/acre + 25% Affordable Housing Fee In Lieu	No Affordable Housing Fee In Lieu;
Vancouver City Center	50%	225 dwelling units/acre + 25% Affordable Housing Fee In Lieu	Minimum of 12 units provided
East Vancouver	50%	200 dwelling units/acre + 25% Affordable Housing Fee In Lieu	
Uptown	25%	160 dwelling units/acre	
Evergreen / Grand	25%	90 dwelling units/acre	No Affordable
Fourth Plain Corridor	25%	90 dwelling units/acre	Housing Fee In
Mill Plain Corridor	25%	90 dwelling units/acre	Lieu;
Upper Main Street Corridor	25%	90 dwelling units/acre	Minimum of 4 units provided

The densities for each target area were a combination of the underlying zoning densities and other zoning factors such as minimum parking spaces, maximum building heights, and required first floor commercial space. ECONorthwest determined that the target areas with potential for higher density tower and podium development were the Vancouver Waterfront and Vancouver City Center, and possibly the East Vancouver target areas. The Heights District, Evergreen / Grand area and the Uptown target areas were determined to accommodate 4-story wood frame and possibly podium size development. The remaining three transit corridors areas can accommodate small plexes up to 4-story wood frame development. Target areas are comprised of parcels with different zoning designations. Only the commercially zoned parcels within the target areas would be able to meet the higher target densities. The multifamily, residentially zoned parcels are restricted to their underlying density limits that currently top out at approximately 35 units per acre, therefore the fee-in-lieu rate is less in these areas. To avoid applicants from proposing all studio and one-bedroom unit developments in order to meet the fee in lieu density requirement addition emphasis will be provided to larger unit types. To encourage production of larger family-size units, for the purposes calculating the fee in lieu development density, 3-bedroom units will count as 1.5 units and 4+ bedroom units will count as 2 units. To encourage homeownership opportunities developments proposing units for ownership opportunity will not be subject to the affordable housing fee in lieu noted in the table above. Ownership option projects must provide a minimum of 12 units (total) in higher density target areas and a minimum of 4 units in the lower density target areas.

Elimination of 10-year income-based exemption option

In 2021 the 10-year income-based exemption option was eliminated in RCW 84.14. Accordingly, this option is being eliminated from VMC 3.22 to be consistent with the change in State law.

Post exemption rent increase restriction

Following the expiration of MFTE tax exemptions there is potential for displacement of income-vulnerable tenants due to rent increases when the rent restrictions are removed. If the new market rate rents increase too high and too fast for the households with expired MFTE restrictions, they will be forced to move. To discourage this outcome a 5-year rent increase restriction will be established and set at 5% plus a Consumer Price Index factor.

Add an additional 12-year extension for expiring MFTE certificates

In 2021 RCW 84.14 was amended to allow an additional extension of 12 years to expiring MFTE exemptions. The extension will require the property owner commit to renting or selling at least 20 percent of the multifamily housing units as income-based units low-income households earning at or below 80% area median income (regardless of the MFI rate of the expiring exemption). This extension will also require notices to affected income-based tenants a year in advance about the expiration of the 12-year extension and provides for tenant relocation assistance equal to one month's rent. Development applicants must submit a request by September 1 (4 months before the expiration of the initial exemption). The exemption will be reviewed for compliance before scheduling a public for City Council consideration. The administrative review fee for this extension will be \$1,000.

Ownership Opportunity

An ownership incentive option has been added under which no affordable housing fee in lieu is required. A sale price cap has been added for the initial sale at less than or equal to two times the HUD Homeownership Value Limit for newly constructed housing in Clark County, which is updated annually.

MFTE application and program fee increases

The application and program fees have never been updated. The proposed changes to the program fees are to reflect a more accurate measure of the administrative staff cost to process the applications.

Fee Type	Current	Proposed
Initial application	\$300	\$5,000
Per unit fee	\$50 (up to \$1,000)	\$75 (no maximum)
County admin fee	\$100	\$205
Conditional certificate extension	\$100	\$1,000
Exemption renewal	Not Applicable	\$1,000

Public Outreach

The City performed extensive public outreach regarding the proposed changes to the MFTE program, seeking input through the City MFTE webpage, an interactive "Be Heard" communications webtool, hosted virtual forums with both development and community member stakeholder groups, and workshops with the City Center Redevelopment Agency and Vancouver City Council. Many suggested changes from public outreach comments were incorporated into the

proposed ordinance amendments.

Advantage(s)

- Designating new target areas will allow increased participation in the MFTE program production.
- Additional unit production from the target area expansion will.
- Adding a fee in lieu of affordable housing will provide leverage funding to achieve deeper affordability units for households below 80% median family income.
- Fee in lieu option eliminates unpredictable public benefit negotiations.
- Fee in lieu option incentivizes higher density development.
- The ordinance will be in compliance with the authorizing RCW statute.
- The post-exemption rent limit seeks to protect vulnerable renters from displacement.
- The exemption extension option provides for a continuance of affordability for households at or below 80% median family income and includes tenant relocation assistance upon expiration.
- Provides incentive for ownership opportunity projects.

Disadvantage(s)

The expected increase in MFTE program applications will result in additional foregone taxes to all taxing districts including the City of Vancouver.

Budget Impact

There will be an incremental increase in demand for public services during the exemption period without associated tax revenues. Following the exemption period, the exempt developments will return to the tax base as new construction and the City and other taxing districts will begin receiving the structural portion of the property taxes. During the exemption period the City will still receive new taxes from the land value (at an improved value rate), property taxes on any commercial and retail space structures, and other additional revenues from the development including sales tax, permit fees, and system development charges. The annual taxes collected during the exemption will be more than if the property remained vacant.

Prior Council Review

- March 28, 2022 ECONorthwest Housing Market Study Workshop
- July 25, 2022 Housing Strategies Workshop
- August 8, 2022, ECONorthwest MFTE Program Evaluation Workshop
- June 5, 2023, Proposed Ordinance Change Workshop
- June 26, 2023, Consent Agenda

Action Requested

On Monday, July 3, 2023, subject to second reading and public hearing, consider public testimony, deliberate, and vote to approve the amended ordinance regarding VMC 3.22.

Bryan Monroe, Associate Housing Project Coordinator, 360-487-7958

ATTACHMENTS:

- ▢ CCRA Resolution and Memo
- ▢ MFTE Ordinance Amendment (VMC 3.22)
- ▢ MFTE Ordinance Amendment Presentation

6/15/2023

RESOLUTION NO. M- 06-15-23

A RESOLUTION of the Vancouver City Center Redevelopment Authority regarding the proposed changes to City of Vancouver's Multi-family Housing Tax Exemption (MFTE) Program.

WHEREAS, CCRA's Charter and Bylaws state that the Board shall "...periodically review the effectiveness of the City's Multi-Family Tax Exemption Program in incenting the new multi-family developments in the VCCV and Fourth Plain Subarea Plan Districts and advise the City Council in regard to any identified amendments that would ensure an appropriate balance between the tax incentives and public benefits from new development, including number of affordable housing units constructed.", and

WHEREAS, the CCRA Board has been actively involved in the evaluation of the MFTE program over the past year and has received multiple updates from staff on the findings of the consultant work and resulting recommendations. In addition, some board members also participated in the forum hosted by City staff for the development community to review and discuss proposed changes to the program, and

NOW, THEREFORE,

BE IT RESOLVED BY THE VANCOUVER CITY CENTER REDVELOPMENT
AUTHORITY:

Section 1. **CCRA Comments Regarding Proposed MFTE Program Changes.** The CCRA Board supports the adoption of the proposed changes to the MFTE Program, provided that they include a requirement for an annual report to City Council and CCRA. While the CCRA Board supports the adoption of the proposed changes, it has some specific reservations

RESOLUTION - 1

about the potential impact of some of the changes on development activity and housing production and believes that these potential impacts should be the subject of annual monitoring. The CCRA Board's comments are fully set forth the June 15, 2023 memorandum to City Council which is attached hereto as Exhibit A.

ADOPTED at a Regular Meeting of the Vancouver City Center Redevelopment Authority
this 15th Day of June 2023.

DocuSigned by:
Marc Fazio
9CFB1E49877B48E
Marc Fazio, President

ATTEST:

Dick Krippachne
Dick Krippachne, Secretary-Treasurer

APPROVED AS TO FOM:

DocuSigned by:
Taylor Hallvik
243BBFEB7E354C8
Taylor Hallvik, Counsel

RESOLUTION - 2



MEMORANDUM

TO: Mayor Anne McEnerny-Ogle
Vancouver City Council

FROM: Marc Fazio, President, City Center Redevelopment Authority

DATE: June 15, 2023

SUBJECT: CCRA Recommendation for Multifamily Tax Exemption (MFTE) Program Update

I am writing on behalf of the City Center Redevelopment Authority, which reviewed the proposed changes to the MFTE program on Thursday, May 18 and Thursday June 15th.

We believe the proposed changes to the program offer significant improvements in the clarity of program requirements and procedures. Specifically, we are pleased with how the public benefit option for the program has been simplified and is no longer a negotiated benefit. In addition, we support the removal of the requirement for a development agreement and instead allow for a more streamlined approval process. We also support the proposed expansion of the program to other neighborhoods where we hope to spur additional housing investment.

While we support the adoption of new program guidelines, we want to express several concerns about the potential impact of these changes on development activity and housing production within Vancouver.

When the MFTE was first implemented it was specifically intended to provide an incentive to build housing in the Downtown core where none existed. The program's success in building housing rightly brings us to the current discussion on the necessity and continuation of the incentive and whether other community goals should be incentivized.

The CCRA Board is concerned that the MFTE incentive has now been layered with requirements that are admirable and should be pursued. However, collectively, in the context of worsening market conditions for multifamily development, may diminish the value and use of the incentive resulting in materially reduced utilization of the program and of housing production.

- The timing for implementing the proposed MFTE program changes could have a material impact on housing production over the near and mid-term. Market conditions for new apartment projects have worsened over the past year due to rising interest rates, increases to caprates, increases to material and labor costs, supply chain delays, and new code requirements. Housing project starts are expected to be down for at least another year due to these factors. The typical housing project takes 3 to 5 years from inception to completion, so the outfall of falling short on housing project starts over the next year will be felt in 2026 through 2029. The proposed heightened MFTE requirements could exacerbate the slowing of housing production by increasing the cost for housing projects under the MFTE program.
- The modification of the public benefit from 25% of the tax benefit to 50% of the tax benefit as a fee-in-lieu option, as well as the 7% rent cap for five years after the exemption period for income-based projects, is more onerous from a cost and financing perspective and may decrease housing production.
- The density requirements are ambitious and untested in many of the expansion areas. In a few of the districts, the assumed unit per acre is unrealistic given code-mandated height restrictions that currently are in effect for those related districts. An analysis should be conducted to evaluate either; (i) modifying the target unit number if a conflict with height exists, or (ii) increase the maximum height in those applicable districts.
- The proposed addition of an open-ended homeownership option may result in offering an unnecessary benefit for luxury condominium development. We recommend further refinement of this option prior to adoption to focus the incentive on more affordable homeownership options.
- The lack of definition around the interim and permanent green building measures creates uncertainty and the potential risk of additional costs that could weigh down housing production. In July of this year, Washington State will implement “a new statewide commercial and multifamily building energy code that will be the strongest, most climate-friendly in the country by driving the transition to clean electricity for space and water heating,” according to the Sierra Club^[1]. A clear explanation of the interim measures relate to this new building code is necessary to understand how the green building requirements may impact the value of the MFTE incentive and perhaps dissuade the delivery of new housing units.

Given the uncertain market conditions for multifamily development and the likelihood that some changes to the program may have unanticipated consequences, CCRA would like City Council to consider as a requirement for adoption of the new program guidelines that City staff deliver an annual report on MFTE development activity to both the CCRA Board and City Council. This report should include an analysis of actual development activity compared to anticipated activity and an evaluation of the program’s progress in achieving the density and affordability priorities that have guided this program update, and the City’s housing production goals.

^[1] <https://www.sierraclub.org/press-releases/2022/04/washington-state-takes-strongest-clean-commercial-building-action-nation>

Based on these annual reports, the CCRA Board may recommend to City Council that program requirements be adjusted. We believe this type of regular review and adjustment to the program, especially in the year following the adoption of the currently proposed changes, is the best way to keep the MFTE tool most effective in achieving the desired public outcomes.

Thank you for your consideration of this recommendation.

06/26/23 (Date of First Reading)
07/03/23 (Date of Public Hearing)

ORDINANCE NO. M- [Ordinance Number]

AN ORDINANCE of the City of Vancouver relating to changes to the City's Multi-Family Housing Tax Exemption Program (MFTE); adopting legislative findings; amending Sections 3.22.010, 3.22.020, 3.22.030, and 3.22.040 of the Vancouver Municipal Code (VMC) to clarify code language, reflect changes in state law, and provide for new residential target areas as well as updated income-based and market-rate multi-family tax exemption options and associated eligibility and application requirements, fees, and procedures; providing for severability; and setting an immediate effective date.

WHEREAS, Washington State law (RCW 84.14) authorizes cities to adopt an MFTE program in certain residential target areas for the purpose of incentivizing the development of multiple-unit housing including creating additional affordable housing, encouraging urban development and density, increasing market rate workforce housing, developing permanently affordable housing opportunities, promoting economic investment and recovery, and creating family-wage jobs, and

WHEREAS, the City of Vancouver adopted a Multi-Family Housing Tax Exemption (MFTE) program in 1997 and updated the program in 2011, 2016, and 2021, and

WHEREAS, City Council desires to update the MFTE program to reflect changes in state law and, to expand the program to additional areas within the City, provide for greater program

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efficiency, and further incentivize and facilitate the development of affordable housing in the City, and

WHEREAS, the City of Vancouver has a deficit of approximately 5,600 housing units and a vacancy rate below 5% for all rental units in the City; and

WHEREAS, U.S. Census data indicates that there are 13,905 renter households with very low income in Vancouver that face a high housing cost burden, representing 39.7 percent of all renters; and

WHEREAS, U.S. Census data estimates that there are 6,670 homeowners with very low income in Vancouver that are cost burdened by housing expenses, approximately 17.7 percent of homeowners; and

WHEREAS, On April 11, 2016 the City Council declared the existence of an emergency with respect to the availability of affordable housing for very low-income households within the City of Vancouver,

WHEREAS, the demand for subsidized housing for households earning less than 50% of Area Median Income has increased to the point that the Vancouver Housing Authority has had to close many of the rent restricted waitlists since the number of applicants exceeds the capacity to assist existing waiting households for several years.; and

WHEREAS, household incomes are not keeping pace with Vancouver's housing costs, with average apartment rent increasing 28 percent between 2017 to 2022 according to The Columbian and median household income increasing by only 4 percent according to U.S. Census data; and

WHEREAS, the City engaged an economic consultant, ECONorthwest, to perform both a housing market study for the City of Vancouver and an evaluation of the City's current MFTE program, and

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WHEREAS, the ECONorthwest housing market and program study confirmed that housing in the City is increasingly unaffordable, and

WHEREAS, the ECONorthwest study recommended specific changes to the MFTE program to improve the program's effectiveness and respond to the shortage of affordable housing in the City, including expanding the program to additional target areas in the City, replacing the negotiated public benefit requirement for market-rate projects with a fee in lieu of affordability option that is tied to minimum density goals increasing housing densities to achieve the MFTE program goals, and

WHEREAS, in order to reduce the risk of future displacement for economically vulnerable tenants and promote the availability of affordable housing, the City Council desires to amend the MFTE program to limit rent increases for five years following the expiration of the 12-year income-based exemption, and

WHEREAS, the MFTE program application and processing fees have not been adjusted for many years and the City Council now desires to adjust them to more accurately capture the administrative cost of processing MFTE applications, and

WHEREAS, the City issued a public review draft of proposed changes to the MFTE program in February of 2023, and

WHEREAS, the City has performed extensive public outreach regarding the proposed changes to the MFTE program, seeking input through the City MFTE webpage, an interactive "Be Heard" communications webtool, hosted virtual forums with both development and community member stakeholder groups, and workshops with the City Center Redevelopment Agency and Vancouver City Council, and

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WHEREAS, The proposed MFTE program changes and a summary of the public comments that have been received were presented to the City Center Redevelopment Agency on May 18, 2023, and June 15, 2023 and City Council in a pre-hearing workshop on June 5, 2023.

WHEREAS, the City Council desires to amend VMC 3.22 to incorporate the ECONorthwest study recommendations and other changes to increase the program's efficiency and promote the development of multi-family housing in the City of Vancouver, including the development of affordable housing.

WHEREAS, the City Council adopts and incorporates by reference Staff **Report SR-** and finds that the adoption of the changes to the MFTE program set forth in this Ordinance will promote the public health, safety, and general welfare and convenience of the people of Vancouver, and will encourage the development of affordable multi-family housing in the City; and

WHEREAS, with proper notice to the public, the Vancouver City Council conducted a first reading of the proposed ordinance on June 26, 2023, and a public hearing concerning the ordinance and proposed code changes on July 3, 2023.

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF VANCOUVER:

Section 1. Recitals Adopted as Findings.

The City Council hereby adopts and incorporates by reference the above recitals as findings in support of this Ordinance.

Section 2. Target Area Findings.

The City Council finds that the proposed expansion areas, identified in Exhibit A of Resolution 4230 and Section 4 of this Ordinance, meet the applicable criteria set forth at Chapter 84.14.040(1-3) RCW as more specifically set forth below:

1. The target areas are located within an urban center;
2. The target areas lack sufficient available, desirable, affordable, and convenient residential housing to meet the needs of the public who would likely live in the urban center if desirable, affordable, attractive, and livable places were available; and
3. The target areas will assist in achieving the following purposes:
 - a. Encouraging increased residential opportunities within the target area, including income-based housing opportunities; or
 - b. Stimulating the construction of new multi-family housing and/or the rehabilitation of existing vacant and underutilized buildings for multi-family housing; or
 - c. Where appropriate, stimulating the construction, rehabilitation, or conversion of existing vacant and underutilized multi-family rental units to owner-occupied multi-family housing as such property redevelops.
4. The City published the required public hearing notice once each week for two consecutive weeks, not less than seven days nor more than 30 days before the date of the hearing. The notices were published on Friday June 16, and June 23, 2023. The notice stated the time, date, place and purpose of the hearing and generally identified the areas proposed to be designated.

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Section 3. **Amendment.** Vancouver Municipal Code Section 3.22.010 entitled “Purpose” as codified by Ordinance Ord. M-3314 and last amended by Ordinance M-3987 §1 is hereby amended as follows:

3.22.010 Purpose.

~~It is the~~ The purpose of this ordinance ~~is~~ to encourage new private multi-housing development and redevelopment within designated urban centers to accommodate future population growth, provide places to live close to employment, shopping, entertainment, and transit services and encourage affordable housing where appropriate.

Section 4. **Amendment.** Vancouver Municipal Code Section 3.22.020 entitled “Definitions” as codified by Ordinance Ord. M-3314 and last amended by Ordinance M-4332 § 2 is hereby amended as follows:

3.22.020 Definitions.

“Annual income” means gross annual income adjusted for household size and calculated based on verifiable income documentation provided by the housing applicant/tenant.

“~~Area Median~~ family income” means the median income calculated annually by the United States Department of Housing and Urban Development for the Portland-Vancouver-Hillsboro metropolitan statistical area. ~~Area m~~Median family income is adjusted based on household size.

“Director” means the director of the city’s ~~community~~ Economic Prosperity and Housing~~development~~ department or authorized designee.

“Growth Management Act” means Chapter 36.70A RCW.

“Household” means a single person, family or unrelated persons living together.

“Income-based housing” means residential housing that is rented by a person or household whose monthly housing costs, including utilities other than telephone and any mandatory recurring fees required as a condition of tenancy for the unit, do not exceed 30 percent of the household’s monthly income. For the purposes of homeownership, the income limits are listed in VMC 3.22.040(D)(98), Options under the Program.

“Market-rate exemption option” means an eight-year property tax exemption with no income or rent requirements, subject to the public benefit requirements as outlined in VMC 3.22.040(D)(98)(a).

“Multi-family housing” means building(s) having four or more dwelling units designed for permanent residential occupancy resulting from new construction or rehabilitation or conversion of vacant, underutilized, or substandard buildings.

“Owner” means the property owner of record.

“Permanent residential occupancy” means multi-family housing that provides either rental or owner occupancy for a period of at least one month. This excludes hotels and motels that predominately offer rental accommodation on a daily or weekly basis.

“Rehabilitation improvements” means modifications to existing structures that are vacant for 12 months or longer, or modification to existing occupied structures which convert nonresidential space to residential space and/or increase the number of multi-family housing units.

“Residential target area” means an area within an urban center that has been designated by the city council as lacking sufficient, available, desirable, and convenient residential housing to meet the needs of the public.

“Urban center” means a compact identifiable district containing several business establishments, adequate public facilities, and a mixture of uses and activities, where residents may obtain a variety of products and services.

Section 4. **Amendment.** Vancouver Municipal Code Section 3.22.030 entitled “Residential target area designation and standards” as codified by Ordinance Ord. M-3314 and last amended by Ordinance M-4332 § 3 is hereby amended as follows:

3.22.030 Residential target area designation and standards.

A. *Criteria.* Following a public hearing, the city council may, in its sole discretion, designate one or more residential target areas. Each designated target area must meet the following criteria, as determined by the city council:

1. The target area is located within an urban center;
2. The target area lacks sufficient available, desirable, affordable, and convenient residential housing to meet the needs of the public who would likely live in the urban center if desirable, affordable, attractive, and livable places were available; and
3. The providing of additional housing opportunities in the target area will assist in achieving the following purposes:
 - a. Encourage increased residential opportunities within the target area, including income-based housing opportunities; or
 - b. Stimulate the construction of new multi-family housing and/or the rehabilitation of existing vacant and underutilized buildings for multi-family housing; or

c. Where appropriate, stimulate the construction, rehabilitation or conversion of existing vacant and underutilized multi-family rental units to owner-occupied multi-family housing as such property redevelops.

4. In designating a residential target area, the city council may also consider other factors, including, but not limited to: whether additional housing in the target area will attract and maintain an increase in the number of permanent residents; whether an increased residential population will help alleviate detrimental conditions in the target area; and whether an increased residential population in the target area will help to achieve the planning goals mandated by the Growth Management Act under RCW 36.70A.020. The city council may, by ordinance, amend or rescind the designation of a residential target area at any time pursuant to the same procedure as set forth in this chapter for original designation.

5. When designating a residential target area, the city council shall give notice of a hearing to be held on the matter and that notice shall be published once each week for two consecutive weeks, not less than seven days nor more than 30 days before the date of the hearing. The notice must state the time, date, place, and purpose of the hearing and generally identify the area proposed to be designated.

B. *Target Area Standards and Guidelines.* For each designated residential target area, the city council shall adopt basic requirements for both new construction and rehabilitation, including the application process and procedures. The city council may also adopt guidelines which include parking, height, density, environmental impact, home ownership, public benefit features, compatibility with the surrounding property and such other amenities as will attract and keep permanent residents and will properly enhance the livability of the residential target area. The

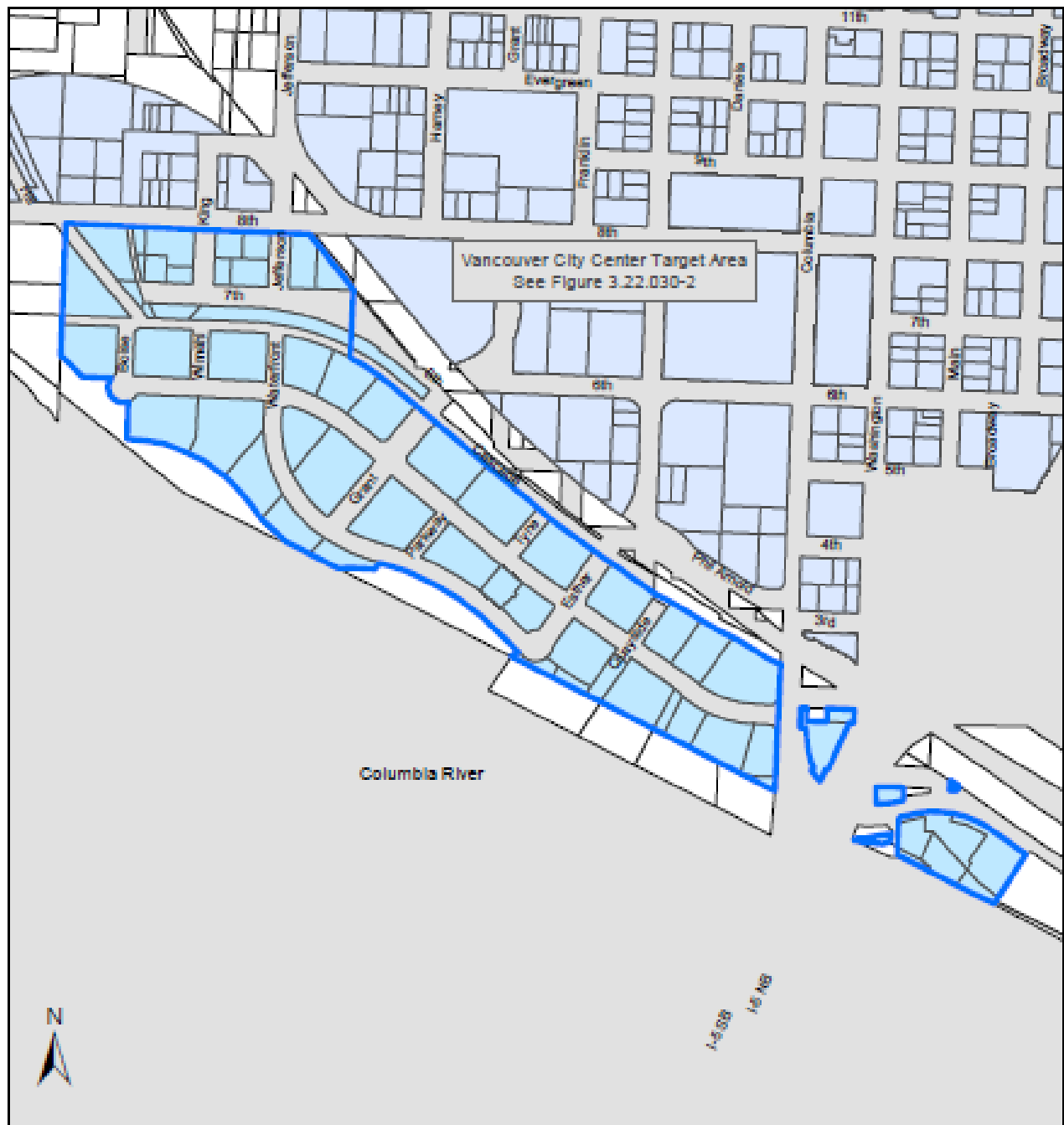
required amenities shall be relative to the size of the proposed project and the tax benefit to be obtained.

C. *Designated Target Areas*. The following “residential target areas” are designated in the [City](#) of Vancouver:

1. The [Vancouver](#) ~~area inside the boundaries of the Vancouver City Center Waterfront Target Area Subarea Plan and an adjacent area consisting of approximately two acres located south of SE Columbia and east of Interstate 5 as~~ depicted on Map 1 below. [Projects in this target area must meet the zoning requirements of the underlying zoning district as well as the Market rate or income-based requirements under section 3.22.040 \(D\)\(9\)\(a\):](#)

Map 1: Vancouver Waterfront Target Area

~~Vancouver City Center Vision~~



**FIGURE
3.22.030-1**

 Downtown Waterfront MFTE Target Area Boundary

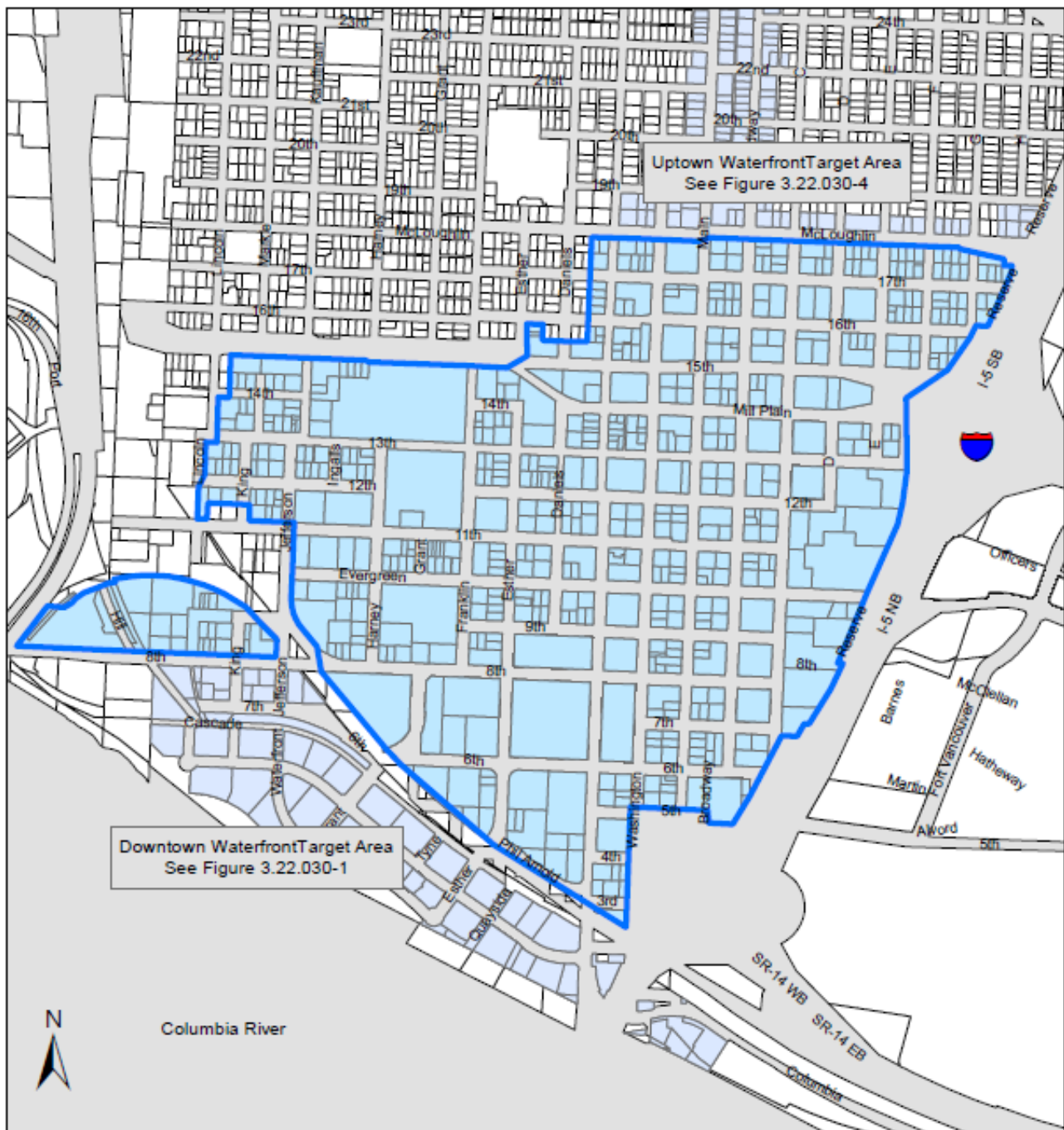
Multifamily Tax Exemption Boundary

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~~2. The area inside the boundaries of the Fourth Plain Corridor Subarea Plan as depicted on Map 2 below. This residential target area shall encourage the construction or rehabilitation of owner-occupied multi-family housing as well as rental multi-family housing.~~

2. The Vancouver City Center Target Area depicted on Map 2 below. Projects in this target area must meet the zoning requirements of the underlying zoning district as well as the Market rate or income-based requirements under section 3.22.040 (D)(9)(a)

~~Subarea~~ Map 2: Vancouver City Center Target Area



0 500 1,000 2,000 Feet

**FIGURE
3.22.030-2**

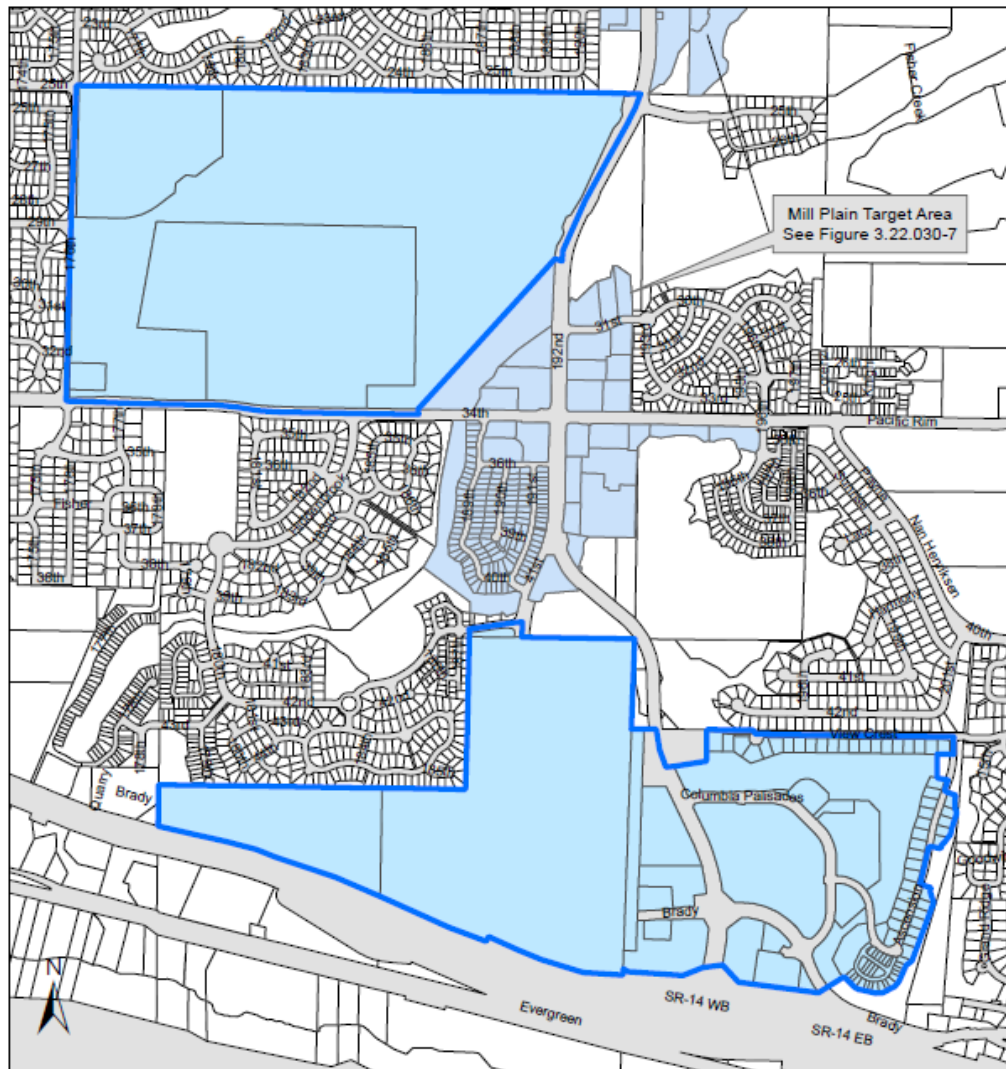
 Vancouver City Center MFTE Target Area Boundary

Multifamily Tax Exemption Boundary

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3. East Vancouver Target Area depicted on Map 3 below. Projects in this target area must meet the zoning requirements of the underlying zoning district as the market rate or income-based requirements under 3.22.040 (D)(9)(a)

Map 3: East Vancouver Target Area



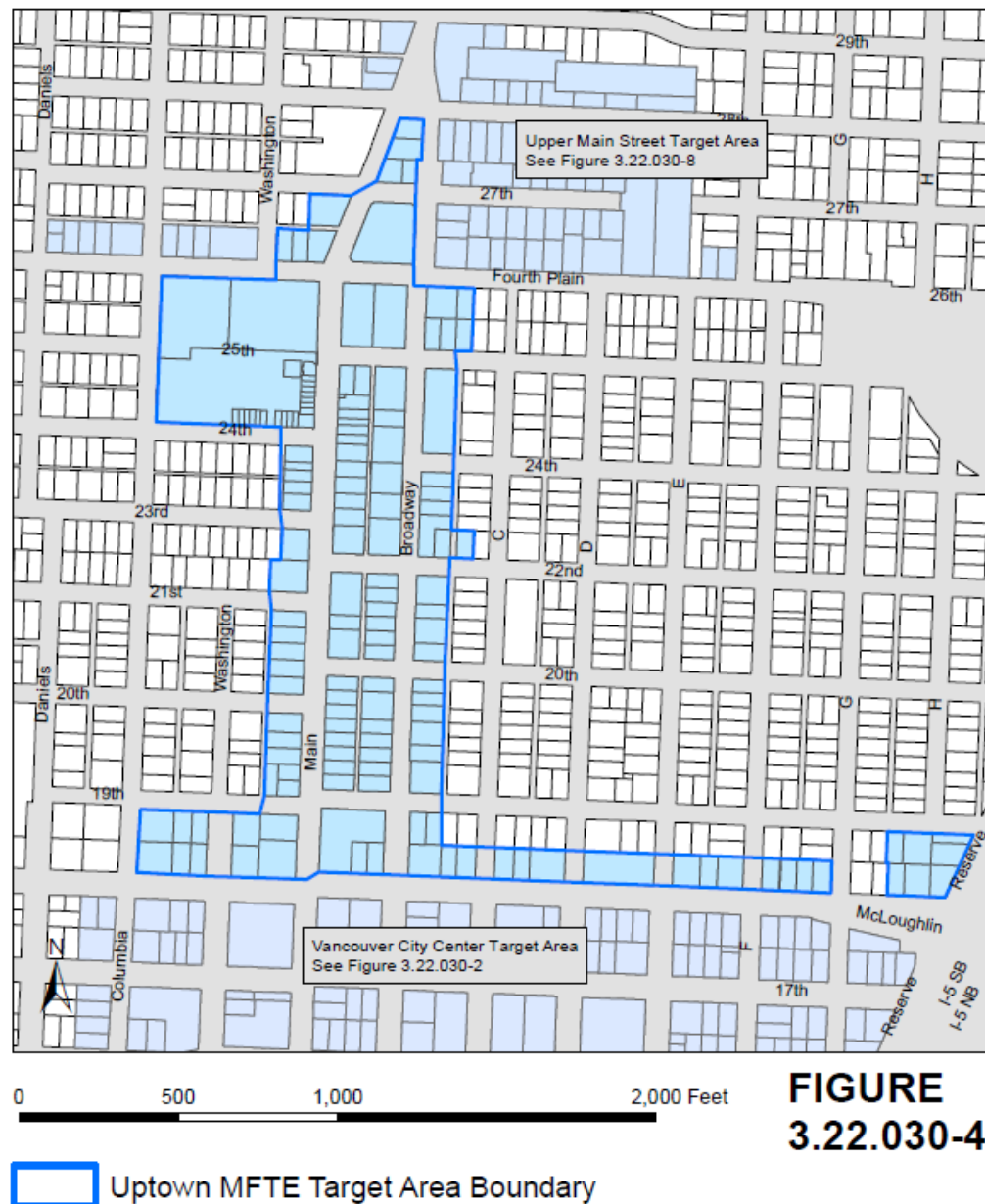
**FIGURE
3.22.030-3**

 East Vancouver MFTE Target Area Boundary

Multifamily Tax Exemption Boundary

4. [The Uptown Target Area depicted on Map 4 below. Projects in this target area must meet the zoning requirements of the underlying zoning district as well as the Market rate or income-based requirements under section 3.22.040 \(D\)\(9\)\(a\)](#)

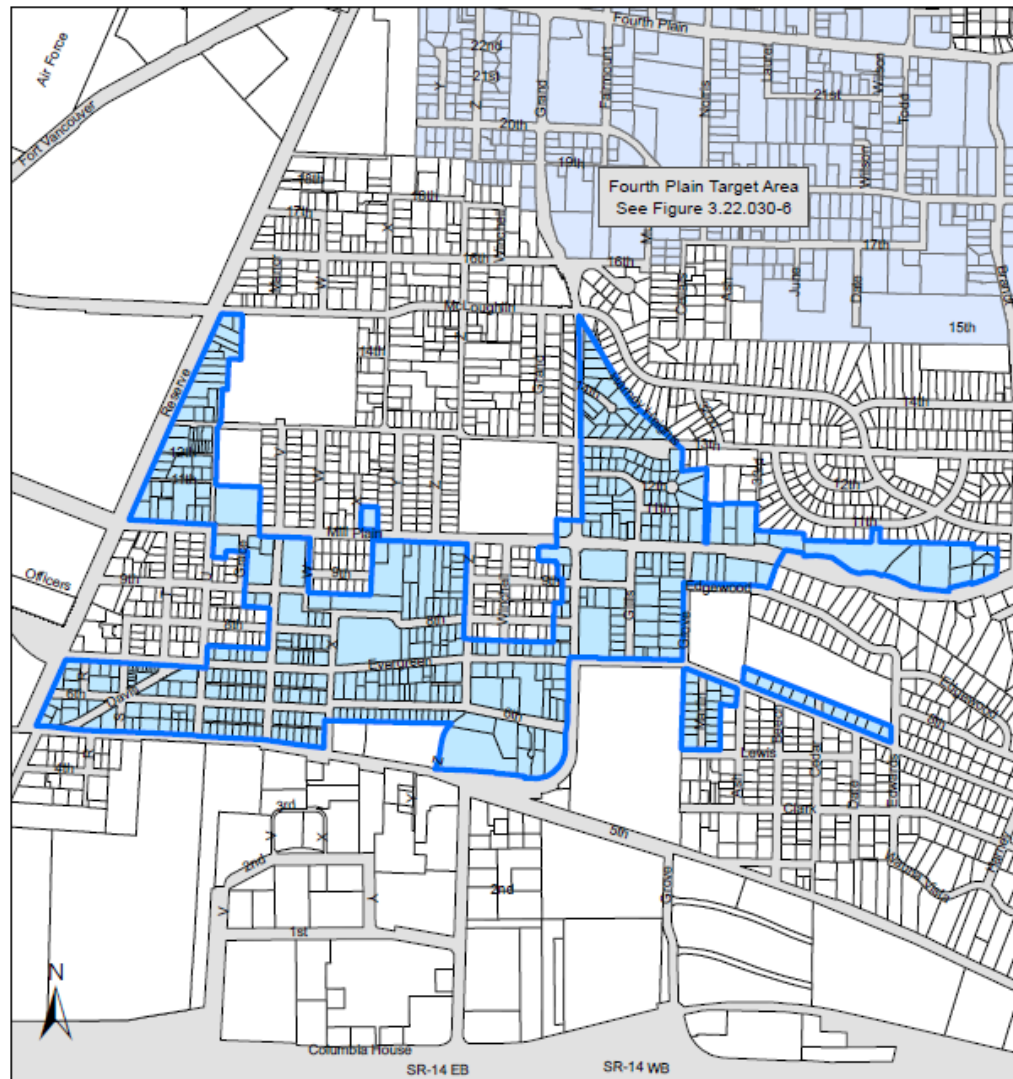
[Map 4: Uptown Target Area](#)



Multifamily Tax Exemption Boundary

5. The Evergreen/Grand Target Area depicted on Map 5 below. Projects in this target area must meet the zoning requirements of the underlying zoning district as well as the market rate or income-based requirements under section 3.22.040 (D)(9)(a)

Map 5: Evergreen/Grand Target Area



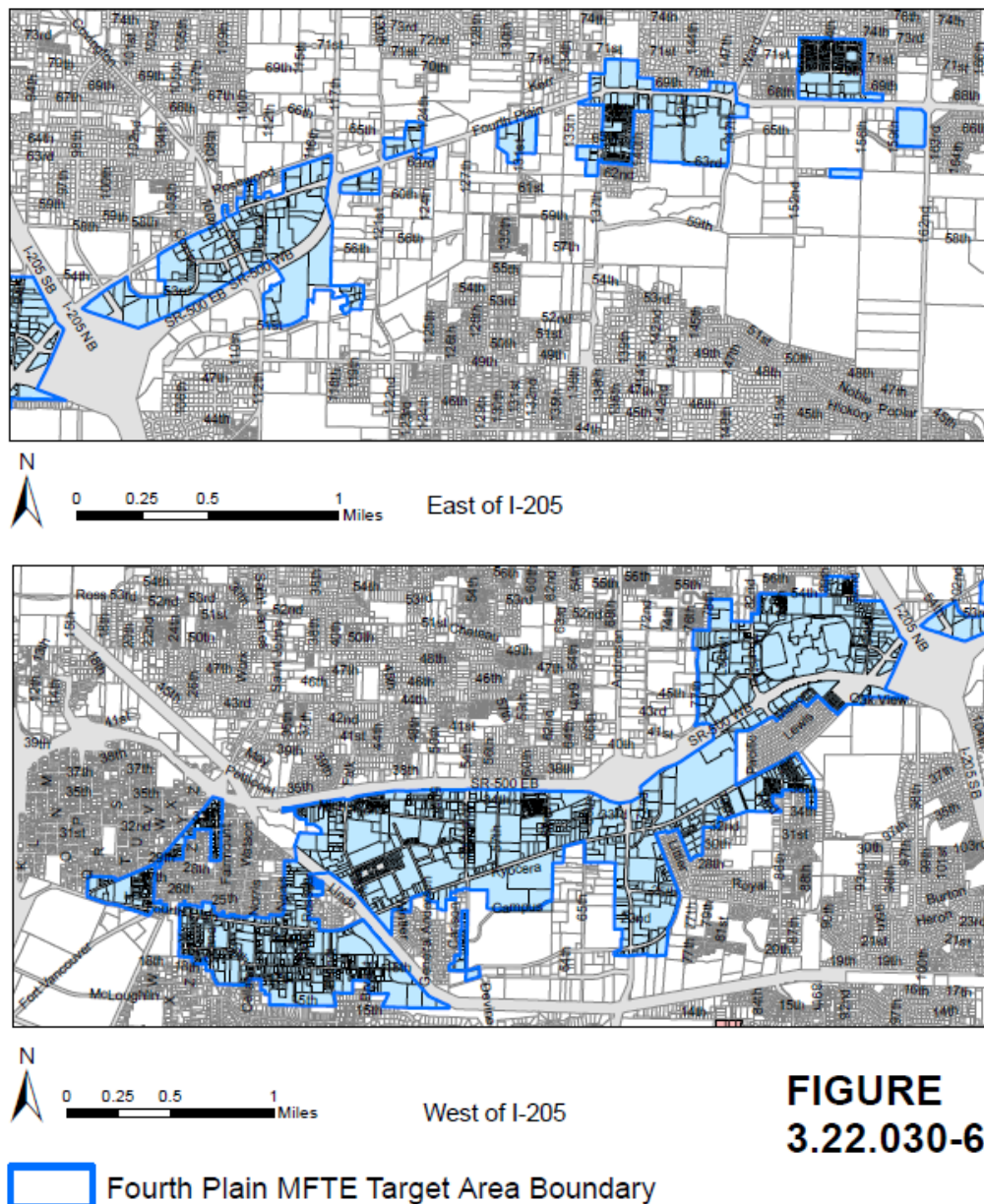
**FIGURE
3.22.030-5**

 Evergreen / Grand MFTE Target Area Boundary

Multifamily Tax Exemption Boundary

6. Fourth Plain Target Area depicted on Map 6 below. Projects in this target area must meet the zoning requirements of the underlying zoning district as the market-rate or income-based requirements under 3.22.040 (D)(9)(a).

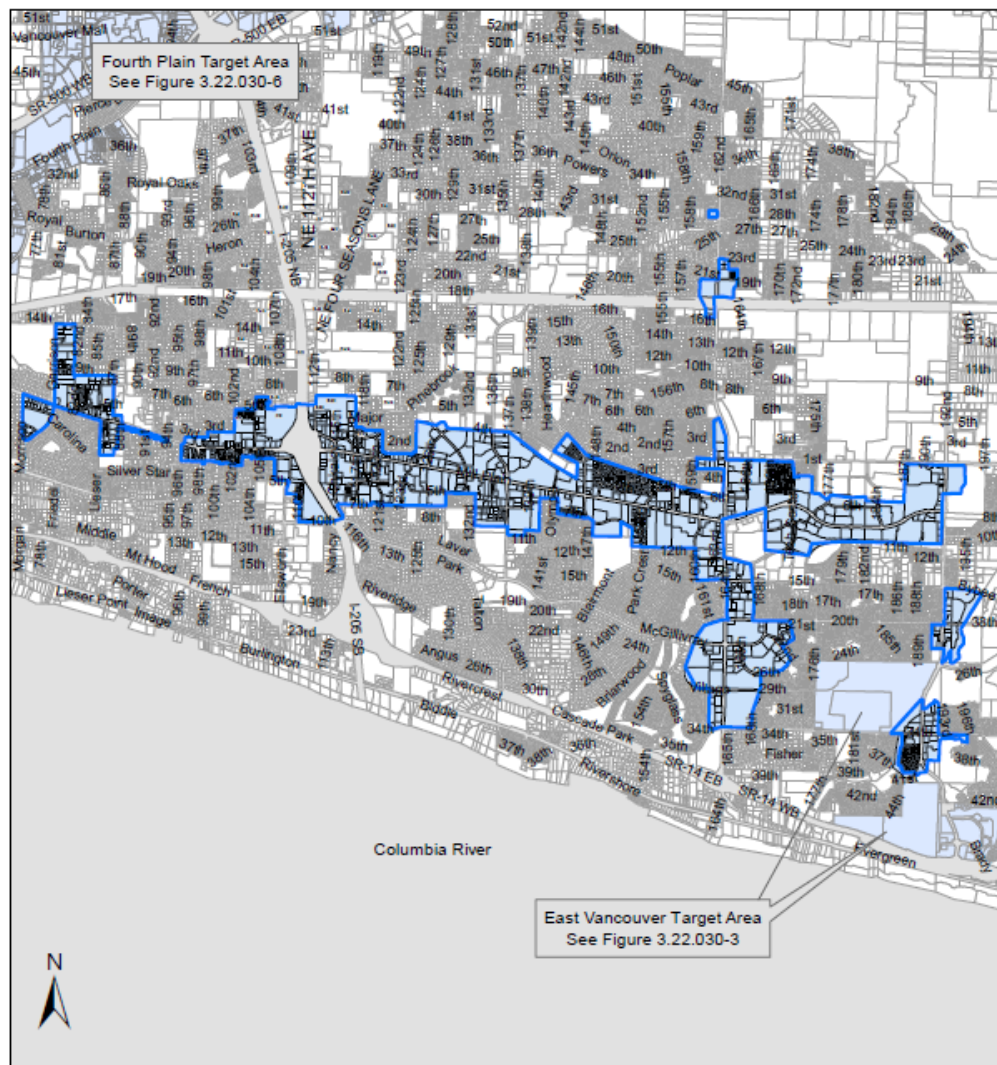
Map 6: Fourth Plain Target Area



Multifamily Tax Exemption Boundary

Map 7: Mill Plain Target Area depicted on Map 7 below. Projects in this target area must meet the zoning requirements of the underlying zoning district as the market rate or income-based requirements under 3.22.040 (D)(9)(a)

Map 7: Mill Plain Target Area



**FIGURE
3.22.030-7**

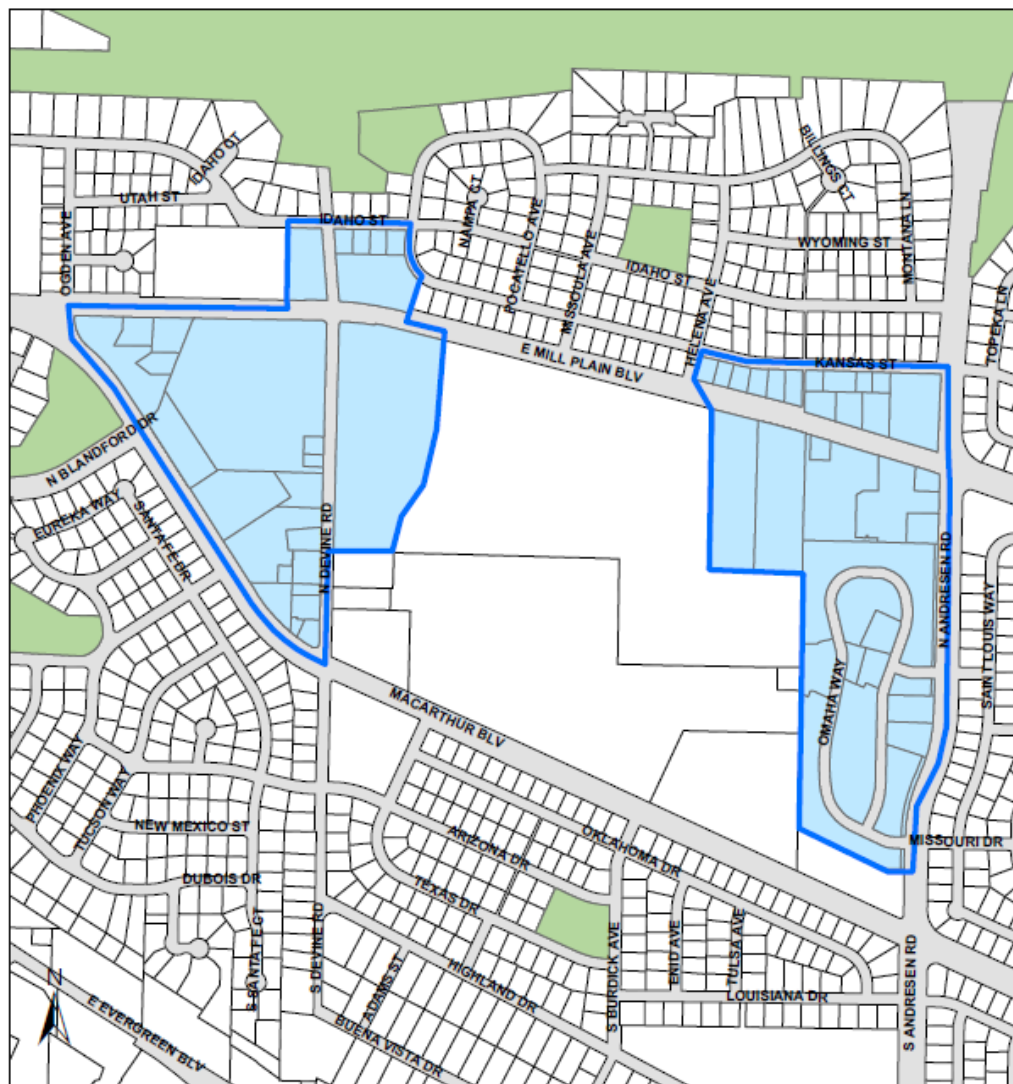
 Mill Plain MFTE Target Area Boundary

Multifamily Tax Exemption Boundary

8. The Upper Main Street Target Area depicted on Map 8 below. Projects in this target area must
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in this target area must meet the
zoning requirements of the underlying zoning district as well as the income-based requirements
under section 3.22.040 (D)(9)(a)

Map 9: The Heights Target Area



**FIGURE
3.22.030-9**

 The Heights MFTE Target Area Boundary

Multifamily Tax Exemption Boundary

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D. Target Area Map Boundary Interpretation:

Target area boundary lines are intended to follow property lot lines or be parallel or perpendicular thereto, or along the centerline of alleys, streets, rights-of-way or watercourses.

Where, due to the scale, lack of detail or illegibility of the target area maps, there is uncertainty, contradiction or conflict as to the intended location of any target area boundary as shown thereon, the Director shall provide an interpretation of said map upon request.

Section 4. **Amendment.** Vancouver Municipal Code Section 3.22.040 entitled “Tax exemptions for multi-family housing in residential target areas” as codified by Ordinance Ord. M-3314 and last amended by Ordinance M-4332 § 4 is hereby amended as follows:

3.22.040 Tax exemptions for multi-family housing in residential target areas.

A. *Intent.* Limited ~~8- eight, 10-~~ or 12-year exemptions from ad valorem property taxation for multi-family housing in urban centers are intended to:

1. Encourage increased residential opportunities within urban centers designated by the city council as residential target areas;
2. Stimulate new construction or rehabilitation of existing vacant and underutilized buildings for multi-family housing in residential target areas to increase and improve housing opportunities;

3. Assist in directing future population growth to designated urban centers [target areas and](#)
[thereby](#), ~~thereby~~ reducing development pressure on single-family residential neighborhoods;

4. Achieve development densities which are more conducive to transit use in designated urban centers;
5. Encourage new construction or rehabilitation of owner-occupied multi-family housing where identified as desirable; and
6. Encourage income-based housing [opportunities](#).

B. *Duration of Exemption.* The value of [residential](#) improvements qualifying under this chapter will be exempt from ad valorem property taxation for:

- (1) eight successive years where all applicable criteria herein are met under subsection [D\(98\)](#)(a) ~~or (b)~~, or
- (2) ~~10 successive years if all applicable criteria herein are met, or (3)~~ 12 successive years if all applicable criteria herein are met. In all cases the duration of exemption shall be measured beginning January 1st of the year immediately following the calendar year after issuance of the final certificate of tax exemption.

C. *Limits on Exemption.* The exemption does not apply to the value of land or the value of improvements not qualifying under this chapter, nor does the exemption apply to increases in assessed valuation of land and nonqualifying improvements. In the case of rehabilitation of existing buildings, the exemption does not include the value of improvements constructed prior

to submission of the completed application required under this chapter. [The exemption does not apply during construction of the project.](#)

D. *Project Eligibility.* A proposed project must meet the following requirements for consideration for a property tax exemption:

1. *Location.* The project must be located within a residential target area, as designated in VMC 3.22.030.

2. [Application Date.](#) [A complete MFTE application must be received prior to receiving a construction occupancy permit.](#)

3. *Tenant Displacement Prohibited.* Property proposed to be rehabilitated must be vacant at least 12 months before submitting an application and fail to comply with one or more standards of the applicable state or local building or housing codes on or after July 23, 1995.

~~4~~3. *Size.* The project must include at least four units of multi-family housing within a residential structure or as part of a mixed-use development. A minimum of four new units must be constructed or at least four additional multi-family units must be added to existing occupied multi-family housing. Existing multi-family housing that has been vacant for 12 months or more does not have to provide additional units so long as the project provides at least four units of new, converted, or rehabilitated multi-family housing.

54. Permanent Residential Housing. At least 50 percent of the space designated for multi-family housing must be provided for permanent residential occupancy, as defined in VMC 3.22.020.

65. Proposed Completion Date. New construction multi-family housing and rehabilitation improvements must be scheduled to be completed within three years from the date of approval of conditional certificate the ~~application~~.

76. Compliance with Guidelines and Standards. The project must be designed to comply with the city's comprehensive plan, building, housing, and zoning codes, and any other applicable regulations in effect at the time the application is approved. Rehabilitation and conversion improvements must comply with all applicable housing codes. New construction must comply with the International Building Code. The project must also comply with any other standards and guidelines adopted by the city council for the residential target area in which the project will be developed as defined in Table 1 below.

87. Owner Occupancy. Projects within a residential target area that are developed for owner occupancy shall include ~~an agreement~~ contract or other guarantee acceptable to the director ensuring that some or all of the units within the project are used for purposes of owner occupancy.

98. Options under the Program. To be eligible for the ~~eight-year~~ MFTE tax exemption program option under this chapter, the applicant must either commit to providing income-based housing

in exchange for a 12-year tax exemption, or, alternatively, must pay an affordable housing fee in lieu of providing income-based housing (“Affordable Housing Fee”) and meet certain density requirements in exchange for an 8-year tax exemption. ~~may choose between the market-rate option and or the the income based option.~~ The criteria for these options are set forth below:

a. ~~The Under the eight year~~ market-rate exemption option ~~is an 8-year exemption,~~ applicants shall enter into a development agreement with the city specifying requirements such as: ~~that is~~ contingent upon payment of an Affordable Housing Fee in lieu of providing income-based housing as a part of the project (“Affordable Housing Fee”). The Affordable Housing Fee is determined by the specific target area and density as set forth in Table 1. Depending upon the target area and the density of the project, the Affordable Housing Fee shall be either 25% or 50% of the net present value of the property tax exemption over the life of the exemption. Affordable Housing Fees paid pursuant to this subsection shall be held in a separate fund and used to develop affordable housing in the City. The ownership option units will not be subject to the Affordable Housing Fee. The ownership option units must initially sell for less than or equal to two times the HUD Homeownership Value Limit for newly constructed housing in Clark County, which is updated annually. The required number of ownership units for each target area are set forth below in Table 1.

- ~~i. Public art consistent with the city’s adopted arts, culture and heritage plan and subject to review by the Vancouver cultural commission;~~
- ~~ii. Additional structured parking in excess of at least 10 percent of the minimum required parking spaces;~~

- ~~iii. Significantly enhanced infrastructure (e.g., public plazas of at least 1,000 square feet and permanently accessible to the public, wider sidewalks that provide enhanced amenities for pedestrians such as benches, landscaping and/or public art, undergrounding utilities) not otherwise required by development standards, and homeownership component;~~
- ~~iv. The documented cost of such features shall collectively be no less than 25 percent of the estimated tax benefit over the abatement period and shall be completed, inspected and verified as to value prior to a certificate of occupancy being issued.~~
- ~~b. To be eligible for the eight-year income-based exemption option under this chapter, applicants must commit to renting or selling at least 20 percent of units as income-based housing to households with annual incomes at or below 100 percent of area median income.~~
- ~~9. To be eligible for the 10-year tax exemption, applicants must commit to renting or selling at least 20 percent of units as income-based housing to households with annual incomes at or below 80 percent of area median income.~~
- ~~10. To be eligible for the 12-year tax exemption under this chapter, applicants must commit to renting or selling at least 20 percent of units as income-based housing to households with annual incomes at or below 60 percent of area median income.~~
- ~~11. Table 1 below summarizes the income-based requirements for each exemption option.~~
- options and corresponding requirements for market rate projects in each residential target area.
- To encourage production of larger family-size units, for the purposes calculating the development density required to reduce the affordable housing fee in lieu percentage, 3-bedroom units will count as 1.5 units and 4+ bedroom units will count as 2 units.

<u>Residential Target Area</u>	<u>Option1 Market Rate With Affordable Housing Fee</u>	<u>Option2 Market Rate With Density Requirements and/or Affordable Housing Fee</u>	<u>Option 3 Ownership</u>
<u>Downtown Waterfront</u>	<u>50%</u>	<u>275 dwelling units/acre + 25% Affordable Housing Fee In Lieu</u>	<u>No Affordable Housing Fee In Lieu; Minimum of 12 units provided</u>
<u>Vancouver City Center</u>	<u>50%</u>	<u>225 dwelling units/acre + 25% Affordable Housing Fee In Lieu</u>	
<u>East Vancouver</u>	<u>50%</u>	<u>200 dwelling units/acre + 25% Affordable Housing Fee In Lieu</u>	
<u>Uptown</u>	<u>25%</u>	<u>160 dwelling units/acre</u>	
<u>Evergreen / Grand</u>	<u>25%</u>	<u>90 dwelling units/acre</u>	<u>No Affordable Housing Fee In Lieu; Minimum of 4 units provided</u>
<u>Fourth Plain Corridor</u>	<u>25%</u>	<u>90 dwelling units/acre</u>	
<u>Mill Plain Corridor</u>	<u>25%</u>	<u>90 dwelling units/acre</u>	
<u>Upper Main Street Corridor</u>	<u>25%</u>	<u>90 dwelling units/acre</u>	

Exemption Period	Income-Based Requirement
Eight Years	No income-based requirement with development agreement under market rate option; or minimum of 20% of units rented or owned will be as income-based housing to households at/below 100% of area median income
Ten Years	Minimum of 20% of units rented or owned will be as income-based housing to households at/below 80% of area median income
Twelve Years	Minimum of 20% of units rented or owned will be as income-based housing to households at/below 60% of area median income

b. The income-based option is a 12-year tax exemption under which applicants must commit to renting or selling at least 20% of the total development units as income-based housing to households with annual incomes at or below 80% of area median income. The ratio of MFTE unit types (bedrooms) shall be equal to the unit type ratio for the entire development. The property owner must provide information regarding tenant outreach regarding the availability of designated income-based units when advertising the property.

E. *Application Procedure.* A property owner who wishes to propose a project for a tax exemption shall complete the following procedures:

1. File with the city ~~'s community development department~~ the required application and the required fees. The initial application fee to the city shall consist of a base fee of ~~\$5,0300.00~~, plus ~~\$7550.00~~ per multi-family unit, ~~up to a maximum total fee to the city of \$1,000. An additional \$100.00 fee to cover the Clark County assessor's administrative costs shall also be paid to the city.~~ If the city denies the application, the city will retain that portion of the fee attributable to its own administrative costs and refund the balance to the applicant.
2. A complete application shall include:
 - a. A completed city of Vancouver multi-family limited tax exemption application form ~~setting forth the grounds for the exemption;~~
 - b. A description of the project including the type of project and exemption requested; ~~Preliminary floor and site plans of the proposed project;~~
 - c. Preliminary floor and site plans of the proposed project; ~~Detailed list of unit size, number of bedrooms and bathrooms and projected rent or sales price;~~
 - d. Detailed list of unit size, number of bedrooms and bathrooms and projected rent or sales price; ~~A statement acknowledging the potential tax liability when the project ceases to be eligible under this chapter;~~
 - e. A detailed project budget, financing plan and operating projection; ~~Verification by oath or affirmation of the information submitted;~~
 - f. A detailed of green building construction practices proposed for the development.

- g. A detailed advertising plan describing outreach methods for Income-Based tenants.
- h. ~~A detailed project budget, financing plan and operating projection; and~~ For rehabilitation projects,

the applicant shall also submit an affidavit that existing dwelling units have been unoccupied for a

period of 12 months prior to filing the application and shall secure from the city verification of

property noncompliance with the city's minimum housing code.
- i. ~~g.~~ A statement acknowledging the potential tax liability when the project ceases to be eligible or is

cancelled under this chapter;
- j. Verification by oath or affirmation of the accuracy of the submitted information;
- k. Application fee receipt

~~For rehabilitation projects, the applicant shall also submit an affidavit that existing dwelling units have been unoccupied for a period of 12 months prior to filing the application and shall secure from the city verification of property noncompliance with the city's minimum housing code.~~

F. *Application Review.* ~~Once deemed complete,~~ City staff will review ~~the~~ applications to determine eligibility based on subsection D of this section and evaluate the effect of the deferred tax proceeds. The City will review applications under the approval criteria, procedures, and program guidelines in effect when the City deems an application complete.

G. *Issuance of Conditional Certificate.* The director may certify as eligible an applicant who is determined to comply with the requirements of this chapter. A decision to approve or deny an application shall be made within 90 days of receipt of a complete application.

ORDINANCE - 33

1. *Approval.* If an application is approved, the applicant shall enter into a contract with the city, subject to approval by the city council in a form of a resolution, regarding the terms and conditions of the project. Upon council approval of the contract, the director shall issue a conditional certificate of acceptance of tax exemption. The applicant shall record the certificate with the Clark County Auditor. The conditional certificate shall expire three years from the date of approval unless an extension is granted as provided in this chapter.

2. *Denial.* If an applicant is denied, the director shall state in writing the reasons for denial and shall send notice to the applicant at the applicant's last known address within 10 days of the denial. An applicant may appeal a denial to the city council within 30 days of receipt of notice. On appeal, the director's decision will be upheld unless the applicant can show that there is no substantial evidence on the record to support the director's decision. The city council's decision on appeal will be final.

H. Conditional Certificate Completion. Beginning on the date of the conditional certificate approval, the property owner has three years to obtain an occupancy permit.

I. *Extension of Conditional Certificate.* The conditional certificate may be extended by the director for a period not to exceed 24 consecutive months except as provided below. The applicant must submit a written request stating the grounds for the extension, accompanied by a \$1,000.00 processing fee. An extension may be granted if the director determines that:

1. The anticipated failure to complete construction or rehabilitation within the required time period is due to circumstances beyond the control of the applicant;

2. The applicant has been acting and could reasonably be expected to continue to act in good faith and with due diligence; and
3. All the conditions of the original contract between the applicant and the city will be satisfied upon completion of the project.
4. An additional 12-month extension may be granted where each of the following criteria are met:
 - a. The request for the extension is for a later phase of a development subject to a development agreement; and
 - b. The conditional certificate was granted prior to February 2015; and
 - c. Ownership of the property has been transferred subsequent to the granting of the conditional certificate.

[J.](#) *Application for Final Certificate.*

1. Upon completion of the improvements agreed upon in the contract between the applicant and the city and upon issuance of a temporary or permanent certificate of occupancy, the applicant may request a final certificate of tax exemption. The applicant must file with the city ~~the~~ ~~community development services department~~ the following:
 - a. A statement of expenditures made with respect to each multi-family housing unit and the total expenditures made with respect to the entire property;

- b. A description of the completed work and a statement that the rehabilitation improvements or new construction on the owner's property qualify the property for limited exemption;
- c. If applicable, a statement that the project meets the income-based housing requirements as described in RCW 84.14.020; and
- d. A statement that the work was completed within the required three-year period plus any authorized extension.

2. Within 30 days of receipt of all materials required for a final certificate, the director shall determine which specific improvements satisfy the requirements, whether the work was completed, and the rent and income limits of the units are consistent with the application and the contract approved by the city and is qualified for a limited tax exemption under this chapter.

[K.J.](#) *Issuance of Final Certificate.*

1. *Review and Approval.* If, after reviewing the application for final certificate, the director determines that the project has been completed in accordance with the contract between the applicant and the [C](#)city and has been completed within the authorized time period, the city shall, within 10 days, file a final certificate of tax exemption with the Clark County assessor.

2. *Denial.* The director shall notify the applicant in writing that a final certificate will not be filed if the director determines that:

- a. The improvements were not completed within the authorized time period;
- b. The improvements were not completed in accordance with the owner's application or the contract between the applicant and the city; including if applicable as income-based housing requirements; or

c. The owner's property is otherwise not qualified under this chapter.

3. *Appeal.* Within 14 days of receipt of the director's denial of a final certificate, the applicant may file an appeal with the city council. On appeal, the director's decision will be upheld unless the applicant can show that there is no substantial evidence on the record to support the director's decision. The city council's decision on appeal will be final.

~~L.K.~~ *Post-exemption Rent Restriction.*.. At the expiration of the 12-year tax exemption period, a five-year rent restriction will apply to the MFTE units to reduce potential displacement of tenants. In each of the five years following the expiration of the multifamily tax exemption, annual increase in the income-based unit rents shall not exceed the unit rent in the previous year by 5% plus the Consumer Price Index-U. factor, as referenced in in VMC 3.08.100. During this 5-year period, the applicant shall continue to provide the City with timely annual reporting pursuant to subsection 3.22.040 (O) and participate in the City's compliance monitoring program pursuant to subsection 3.22.040 (P).

M. Exemption Renewal. For income-based projects that are within 18 months of exemption expiration the exemption period may be extended for an additional 12 years contingent upon approval by city council. For the property to qualify for a potential extension the applicant must commit to renting or selling at least 20 percent of the multifamily housing units as income-based units low-income households earning at or below 80% area median income.

a. *Application.* Property owners must request the 12-year exemption renewal no later than September 1st (four months prior to initial MFTE expiration date). Staff will review exemption

application and project for compliance before making recommendation to City Council for consideration. A \$1,000 fee is required for the exemption renewal request.

b. Extension Expiration Notice. At the end of both the tenth and eleventh years of a twelve-year extension of a tax exemption, applicants must provide tenants of rent-restricted units with notification of intent to provide the tenant with rental relocation assistance as provided below

c. Tenant Relocation Assistance. At the expiration of any twelve-year exemption or any twelve-year exemption extension, the applicant must provide tenant relocation assistance in an amount equal to one month's rent to a qualified MFTE tenant within the final month of the qualified tenant's lease. To be eligible for tenant relocation assistance the tenant must occupy an income-restricted unit at the time the exemption expires and must qualify as a low-income at the time relocation assistance is sought. If the income-based requirements remain in place for the unit after the expiration of the exemption, relocation assistance in an amount equal to one month's rent must be provided to a qualified tenant within the final month of a qualified tenant's lease who occupies an income-restricted unit at the time those additional affordability requirements cease to apply to the unit.

~~K. N. Annual Compliance Review. Thirty days after the first anniversary of the date of filing the final certificate of tax exemption and each year thereafter, for the duration of the tax exemption,~~
For the duration of the exemption the owner of the rehabilitated or newly constructed ~~property~~ development shall file a notarized declaration annually with the director that includes the following:

1. A statement identifying the total number of occupied and vacant multi-family units receiving a property tax exemption;

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2. A certification that the property continues to be in compliance with the contract with the city including any provisions related to income-based housing; and
3. A description of any improvements or changes to the property constructed after the issuance of the certificate of tax exemption;
4. The total monthly rent or total sale amount for each unit;
5. For exemptions granted under the income-based housing provisions of this chapter, the income of each renter household at the time of initial occupancy and the income of each initial purchaser of owner-occupied units at the time of purchase; and
6. For exemptions granted under the income-based housing provisions of this chapter, documentation showing that 20 percent of the units were rented or sold as income-based housing to ~~low-or-moderate-income~~ low- or moderate-income households. The property owner must maintain records supporting this declaration and those records and the multi-family units are subject to inspection by the city. Failure to submit the annual declaration or maintain adequate records may result in the tax exemption being canceled.

~~O.L. Annual Reporting. For the first year of reporting, final MFTE certificates By December 31st~~April 1 of each year issued by the city in a calendar year, has any outstanding issued limited multi-family tax exemptions the city shall submit a shall be reported to the Washington State Department of Commerce by April 1 ~~state~~ providing the information required by Chapter 84.14 RCW. For the remaining years of the exemption period applicants shall submit annual monitoring reports to the City no later than December 1st.

PM. *Annual Monitoring*. A review of the rent rolls is required annually including unit number, unit size (bedrooms/bathrooms), household size, income, rent, and utilities. City staff will conduct on-site reviews of tenant files randomly. There is a \$500.00 annual monitoring fee.

QN. *Cancellation of Tax Exemption*. If the director determines the owner is not complying with the terms of the contract, the tax exemption will be canceled. This cancellation may occur in conjunction with the annual review or at any other time when noncompliance has been determined. If the owner intends to convert the multi-family housing to another use or otherwise discontinues compliance with this chapter, the owner must notify the director and the Clark County assessor within 60 days of the change in use.

1. *Effect of Cancellation*. If a tax exemption is canceled due to a change in use or other noncompliance, the Clark County assessor may impose an additional tax on the property, together with the interest and penalty, and a priority lien may be placed on the land, pursuant to Chapter 84.14 RCW.

2. *Notice and Appeal*. Upon determining that a tax exemption is to be canceled, the director shall notify the property owner by certified mail. The property owner may appeal the determination by filing a notice of appeal with the city clerk within 30 days, specifying the factual and legal basis for the appeal. The city council will conduct a hearing at which all affected parties may be heard and all competent evidence received. The city council will affirm, modify, or repeal the decision to cancel the exemption based on the evidence received. An aggrieved party may appeal the city council's decision to the Clark County ~~s~~Superior ~~e~~Court.

Section 5. Severability. If any clause, sentence, paragraph, section, or part of this ordinance or the application thereof to any person or circumstances shall be adjudged by any court of competent jurisdiction to be invalid, such order or judgment shall be confined in its operation to the controversy in which it was rendered and shall not affect or invalidate the remainder of any parts thereof to any other person or circumstances and to this end the provisions of each clause, sentence, paragraph, section or part of this law are hereby declared to be severable.

Section 6. Effective Date. This ordinance shall be effective immediately upon passage.

Read first time:

Ayes: Councilmembers

Nays: Councilmembers

Absent: Councilmembers

Read second time:

PASSED by the following vote:

Ayes: Councilmembers

Nays: Councilmembers

Absent: Councilmembers

SIGNED this _____ day of _____, 2023.

Anne McEnerny-Ogle, Mayor

Attest:

Approved as to form:

Natasha Ramras, City Clerk

Jonathan Young, City Attorney

ORDINANCE - 42

SUMMARY

ORDINANCE NO. _____

AN ORDINANCE of the City of Vancouver relating to changes to the City's Multi-Family Housing Tax Exemption Program (MFTE); adopting legislative findings; amending Sections 3.22.010, 3.22.020, 3.22.030, and 3.22.040 of the Vancouver Municipal Code (VMC) to clarify

code language, reflect changes in state law, and provide for new residential target areas as well as updated income-based and market-rate multi-family tax exemption options and associated eligibility and application requirements, fees, and procedures; providing for severability; and setting an immediate effective date.

Multifamily Tax Exemption Program Update

City Council Public Hearing
July 3, 2023



Patrick Quinton
Director
Economic Prosperity and Housing



Agenda

- MFTE Program Purpose
- Current Program
- Update Process Timeline
- Update Outreach Activities
- Consultant Program Review
- Proposed Changes
- Next Steps
- Requested Action

Multifamily Tax Exemption Program Purpose



Building incentive
targeted to specific areas



MFTE Benefits

Economic Development

- Spurs development in underinvested areas
- Attracts additional private investment
- Supports local businesses through household growth.



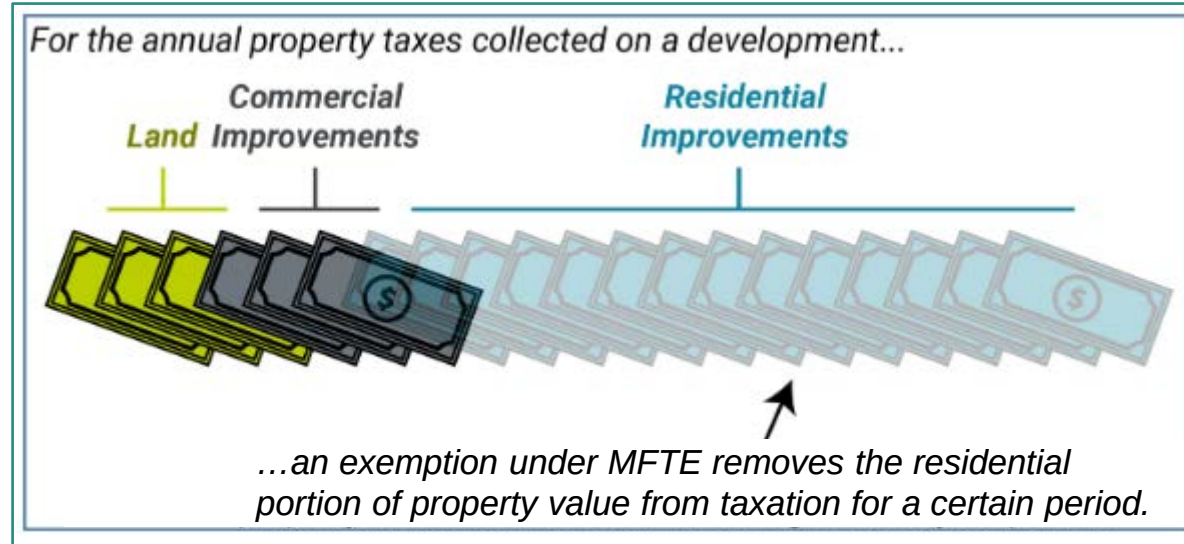
MFTE Benefits

Affordable Housing

- Increases supply of units to meet demand
- Reduces vacancy rate pressure
- Provides limited-term income-based rent restrictions



Impact on Tax Revenue



- Not completely exempt from taxes
- Exemption only for residential structure tax value
- Land value taxes are still paid
- Commercial structure value taxes still paid
- Construction / materials taxes still paid

Example Impact on Tax Revenues

8-year exemption			
Tax Year	Taxes paid	Timeline	Tax Value
2031	\$316,346	Back to Tax Roll	Project goes back to tax rolls at the "New Construction" value
2030	\$175,815	Year 8 exemption	Land Value taxes still paid during MFTE Exemption at "improved" rate
2029	\$173,217	Year 7 exemption	
2028	\$170,657	Year 6 exemption	
2027	\$168,135	Year 5 exemption	
2026	\$165,650	Year 4 exemption	
2025	\$163,202	Year 3 exemption	
2024	\$160,790	Year 2 exemption	
2023	\$158,414	MFTE Exemption starts	Development owner still pays full land and structure value taxes during construction
2022	\$219,017	Year 3 construction	
2021	\$33,136	Year 2 construction	
2020	\$16,427	Year 1 construction	Land Only
2019	\$8,754	Vacant Land	

- Paying less tax than without exemption
- Paying more than “vacant” land status

Current MFTE Program Overview

Program Options

Market Rate Project

- 8-year exemption
- Negotiated development agreement on public benefit elements equal to 25% of estimated foregone tax benefit
- Interim Climate Action LEED Gold or equivalent

Income-Based Project

- 8 -year 20% of units at 100% median family income
- 10-year 20% of units at 80% median family income
- 12-year 20% of units at 60% median family income



MFTE Production History

Year	Projects	Total Units	Income-Based Units
2011- 2014	6	538	45
2015	5	522	43
2016	5	215	24
2017	5	528	57
2018	1	147	0
2019	7	564	56
2020	3	463	38
2021	4	478	53
2022	2	245	10
2023	7	1,190	59
To-date			
Total	45	4,890	385

Why Change?

- 6 years since last substantial review
- Substantial RCW changes
- Expand program to other areas of city
- Incentivize density and affordability
- Simplify public benefit negotiations



Update Process

2022

**Housing Market
&
Program
Analysis**

Feb-
April
2023

Public Outreach

- **Be Heard**
- **Developer Forum**
- **Community Forum**

June
2023

**Final Draft
Preparation
and
CCRA Review**

July
2023

**City Council
Ord Hearing
Implementation**

MFTE Program Update— 11



Public Outreach

- Be Heard / Facebook / Instagram /City MFTE program webpage
- Development community stakeholder forum March 22, 2023
- Neighborhood community forums March 23 and March 30, 2023
- CCRA Reviews: May 18 and June 15, 2023
- Council Workshops: March, July and August 2022, June 2023
- Columbian newspaper public hearing notices



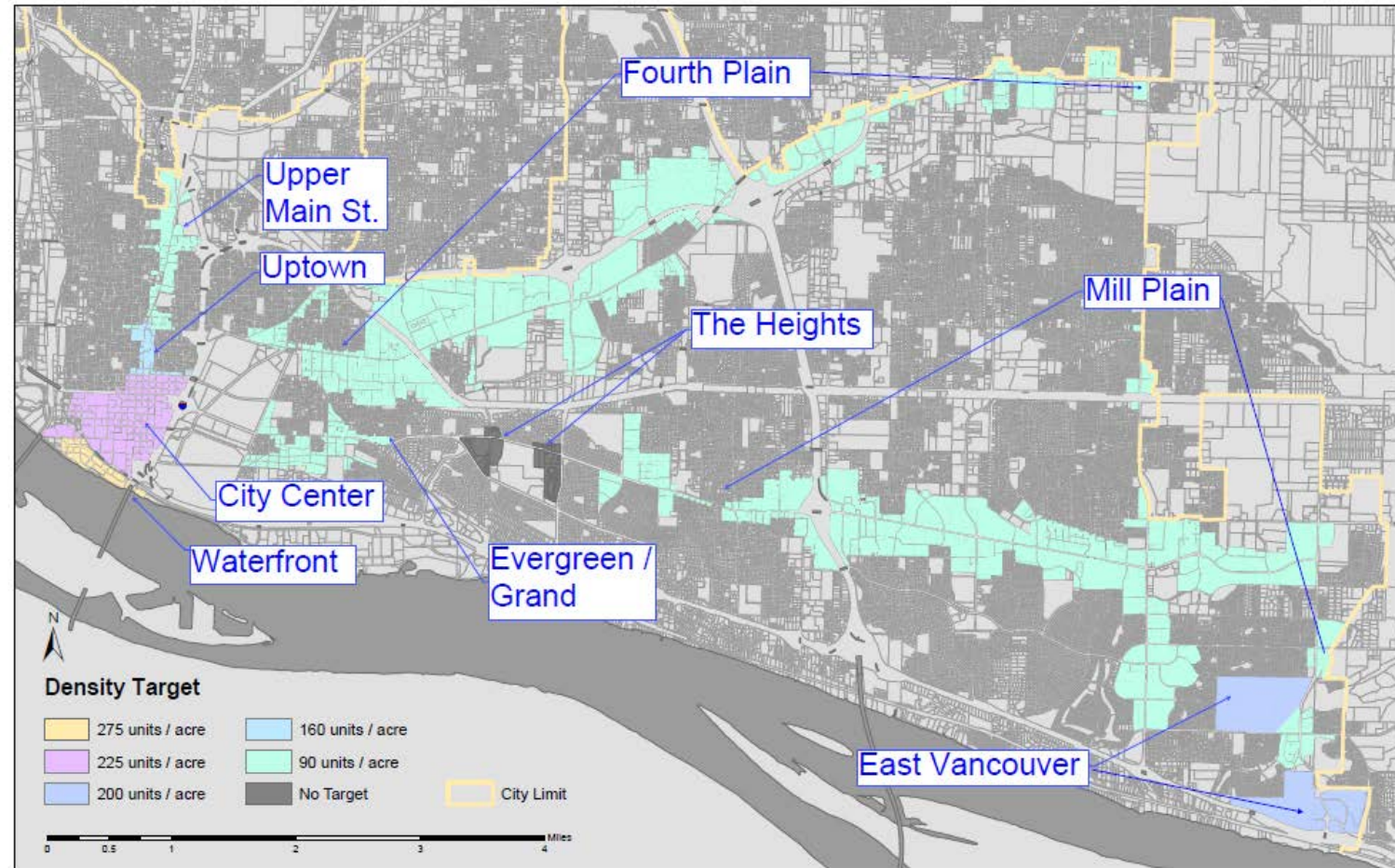
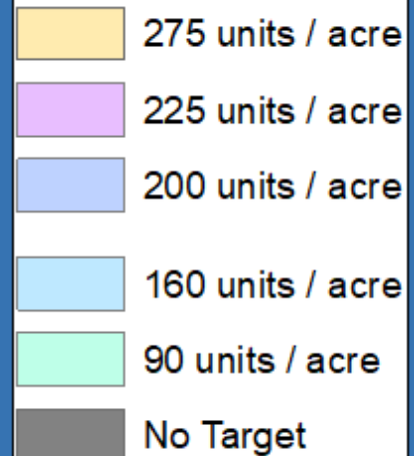
Market Study and Recommendations



- Expand MFTE to additional target areas
- Prioritize density goals in each target area
- Target 80% MFI units for affordability
- Implement fee-in-lieu option on market-rate projects to achieve deeper affordability (60% MFI and lower)
- Make other policy or investment changes to help MFTE be more effective

Proposed Target Areas

Density Target



**Multifamily Tax Exemption
Residential Target Areas**

Proposed Exemption Types

8-year Market Rate

- Affordable Housing Fee
- Density + Affordable Housing Fee
- Ownership / No Affordable Housing Fee

12-year Income-Based

20% of units restricted to 80% MFI tenants



Residential Target Area	Program Options			
	Market Rate Units			Income- Based Units
	Affordable Housing Fee	Density + Affordable Housing Fee	Ownership	
Downtown Waterfront	50%	275 units/acre + 25% fee	No Affordable Housing Fee; min 12 units; max sales price	20% of total units restricted to households earning 80% or less of median family income
VCCV	50%	225 units/acre + 25% fee		
East Vancouver	50%	200 units/acre + 25% fee		
Uptown	25%	160 units/acre		
Evergreen / Grand	25%	90 units/acre	No Affordable Housing Fee; min 4 units; max sales price	
Fourth Plain	25%	90 units/acre		
Mill Plain Corridor	25%	90 units/acre		
HWY 99 Corridor	25%	90 units/acre		
The Heights	Not Available	Not Available		

Proposed Fee Schedule

Fee Type	Current	Proposed
Initial application	\$300	\$5,000
Per unit fee	\$50 (up to \$1,000)	\$75 (no maximum)
County recording fee	\$100	\$205
Conditional certificate extension	\$100	\$1,000
Exemption renewal	Not Applicable	\$1,000

Updates Based on Council & CCRA Feedback



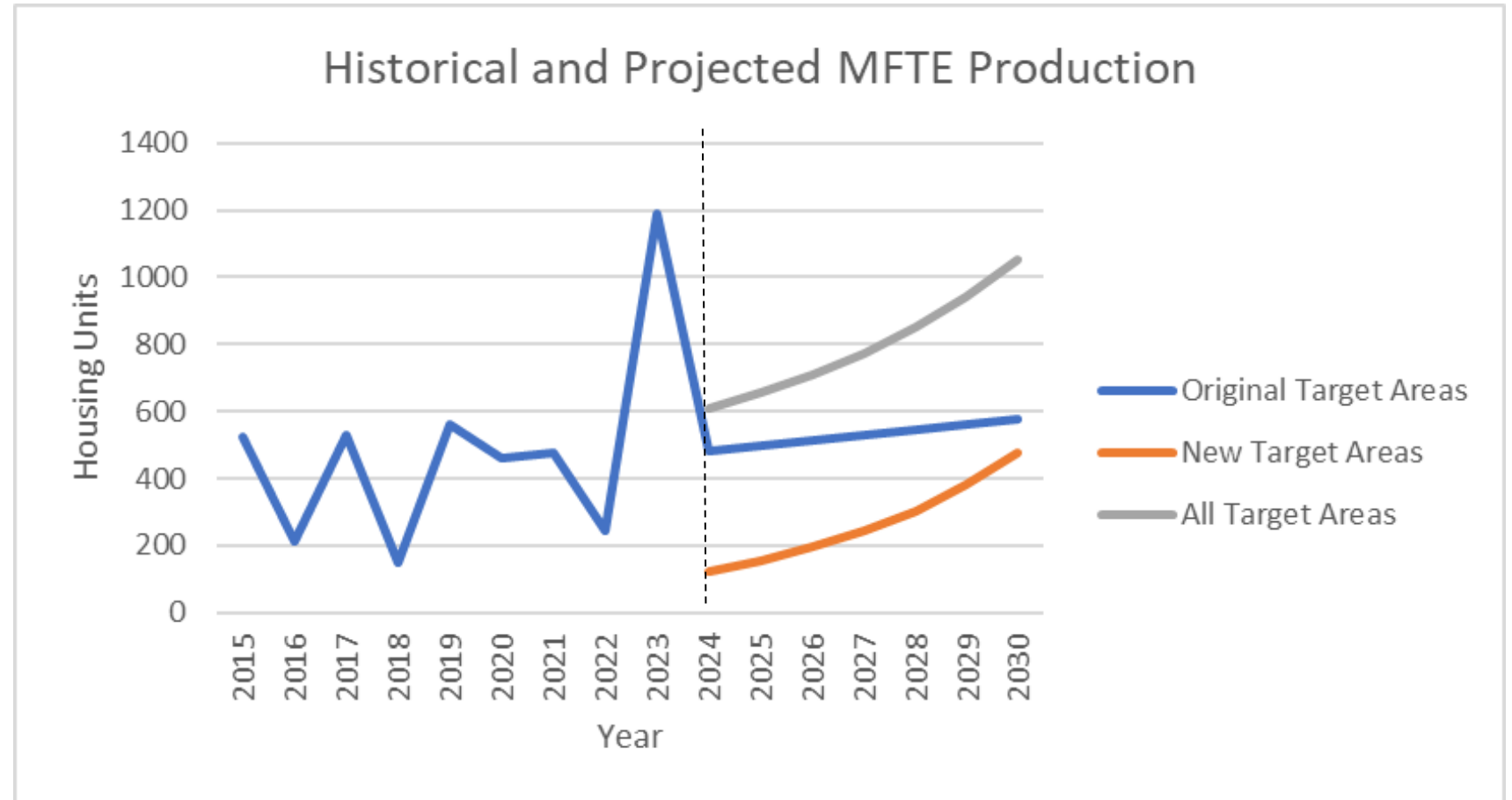
- Added 8-year ownership option in all target areas- maximum sales price limit and minimum density required but no Affordable Housing Fee
- Reduced Evergreen/Grand target area density
- Fruit Valley target area removed pending anti-displacement analysis
- Income-based projects may request 12-year renewal of tax exemption at end of initial 12-year exemption
- Income-based projects limited to 5% + CPI rate rent increases for five years after exemption expiration
- Annual MFTE report to CCRA and City Council
- Review of MFTE program with Comprehensive Plan Update

Ownership Option

- Ownership densities are not based on zoning. For higher density target areas, a minimum of 12 units must be provided. For lower density target areas, a minimum of 4 units must be provided.
- Units must initially sell for less than or equal to two times the HUD Homeownership Value Limit for newly constructed housing in Clark County, which is updated annually.
- The 2022 HUD homeownership value was \$423,000. Therefore, the maximum unit sale price for MFTE ownership units in 2022 would be \$846,000. The new 2023 HUD Homeownership Value Limit is scheduled to be released soon.

Housing Production Estimates

Goal: 1000 units/year split between downtown and non-downtown target areas



Comprehensive Plan Review

- Comprehensive Plan update will review zoning and density goals throughout city and incorporate new growth targets.
- Updates will result in code changes that add new areas for multifamily development and increase density to achieve housing goals.
- An update to MFTE target areas and density goals will be necessary after completion of Comp Plan update.

Action Requested

- Adopt Ordinance changes to VMC 3.22 Multifamily Housing Tax Exemption

Next Steps



July 5

Implement New Code and
Guidelines

Thank You

