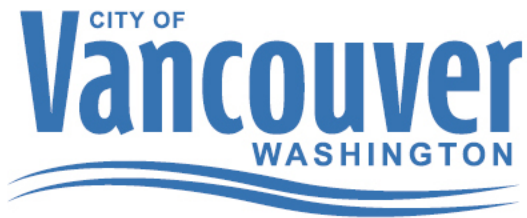


2023-2024 Budget Framework

**Vancouver City Council Retreat
May 23, 2022**

Eric Holmes
City Manager

Natasha Ramras
Chief Financial Officer



2023-2024 Budget Framework

Agenda

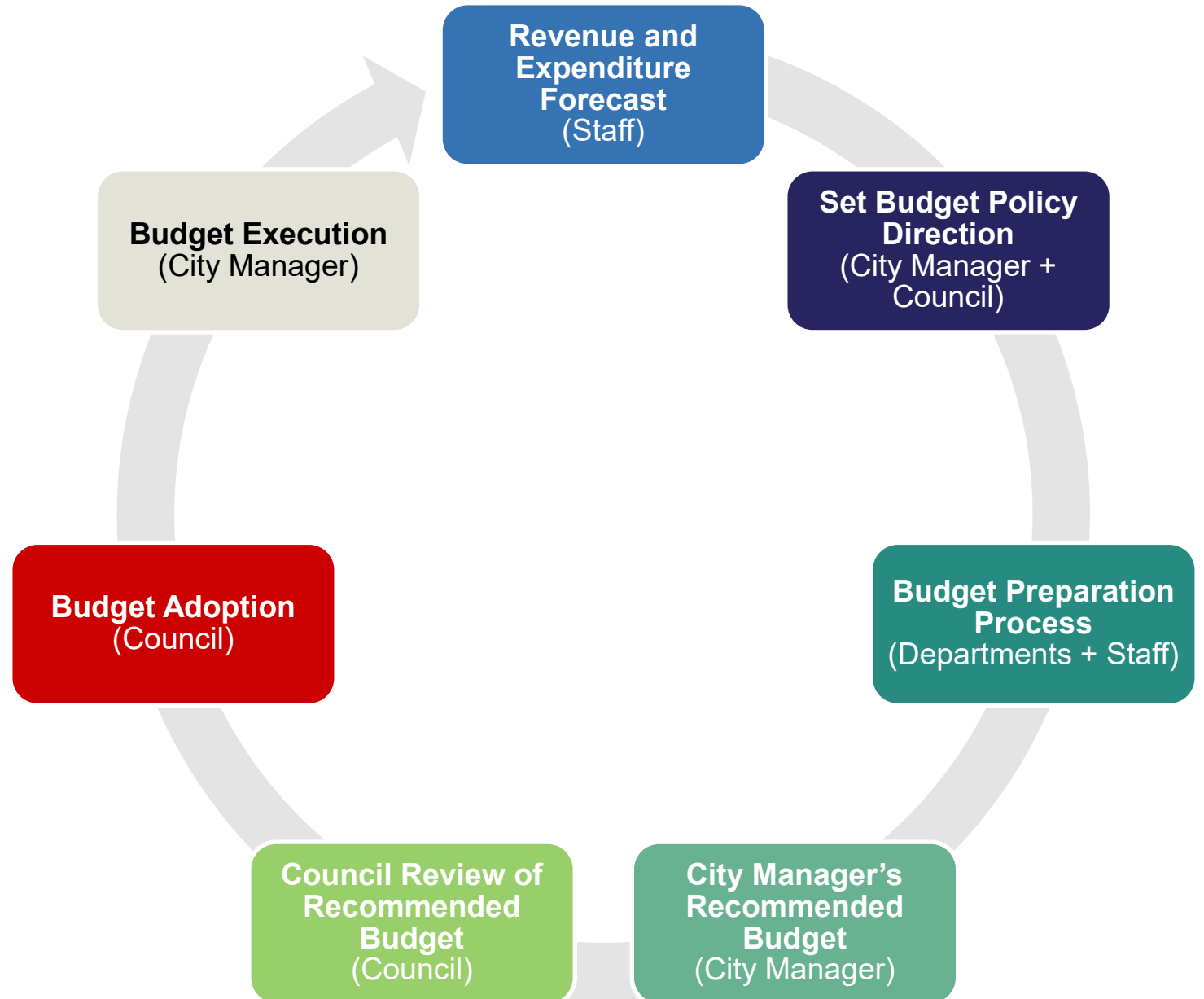
- Review proposed budget policy framework
- Next steps



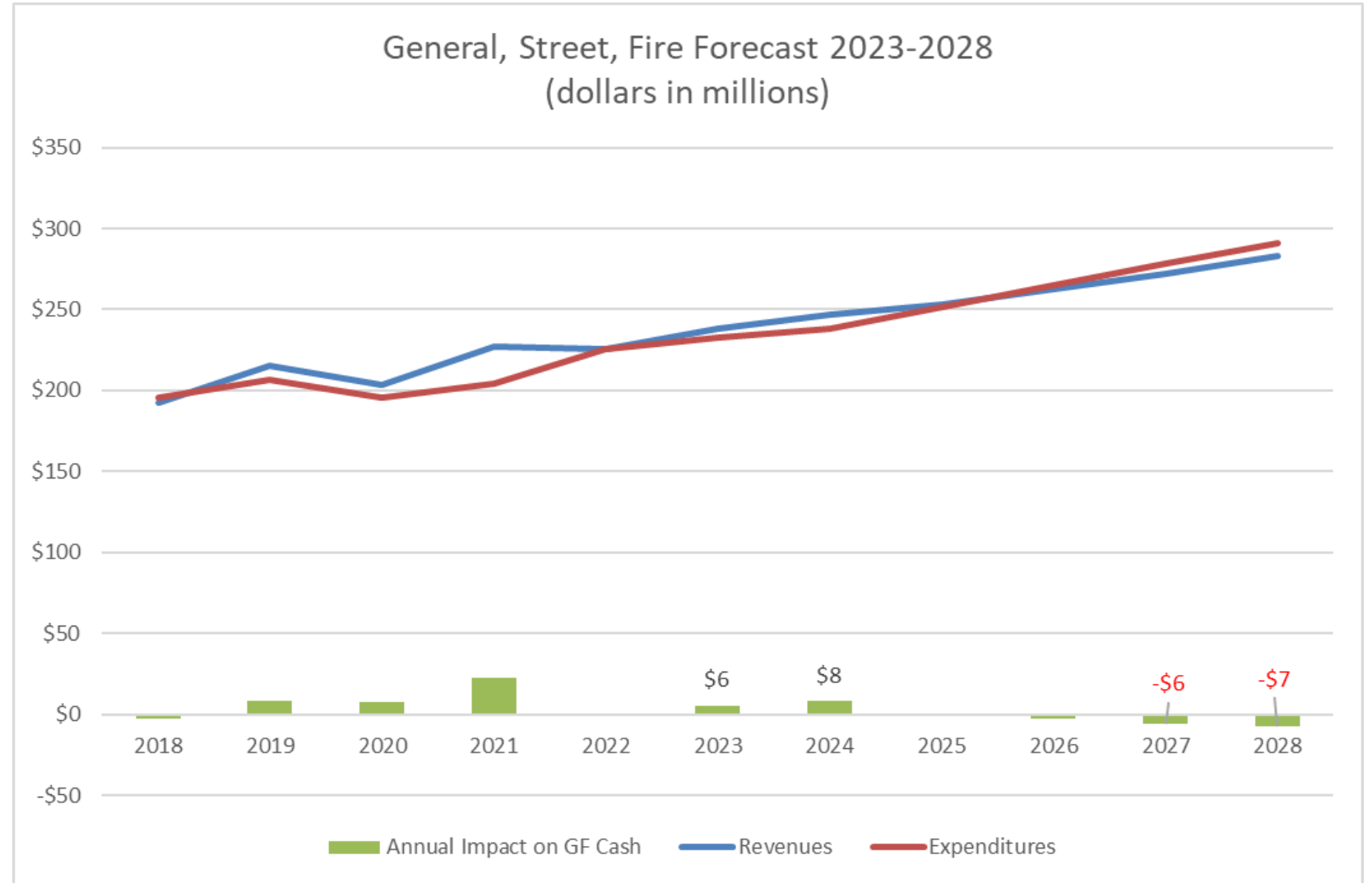
City of Vancouver Budget Process

- The City of Vancouver budgets on a biennial basis beginning on odd numbered years (i.e. 2023-2024).
- Total City budget consists of two separate but integrated budgets:
Operating and **Capital**
 - **Operating budget:** general operations of the City and specific revenue-funded activities.
 - **Capital budget:** construction projects in Transportation, Parks & Recreation, Utility and General Capital.

City of Vancouver Budget Process



2023-2028 General, Street and Fire Funds Forecast



Overall Budget Policy Framework

Universal Policy Themes

Transcend
the biennium

Drivers
throughout
the forecast
period

Policy Priorities

Areas of policy
focus within
biennium

Projects or
programs

Baseline Framework

Financial assumptions that guides budget
construction (zero base, inflation, etc.)

Universal Policy Themes

Community Safety

Equity & Inclusion

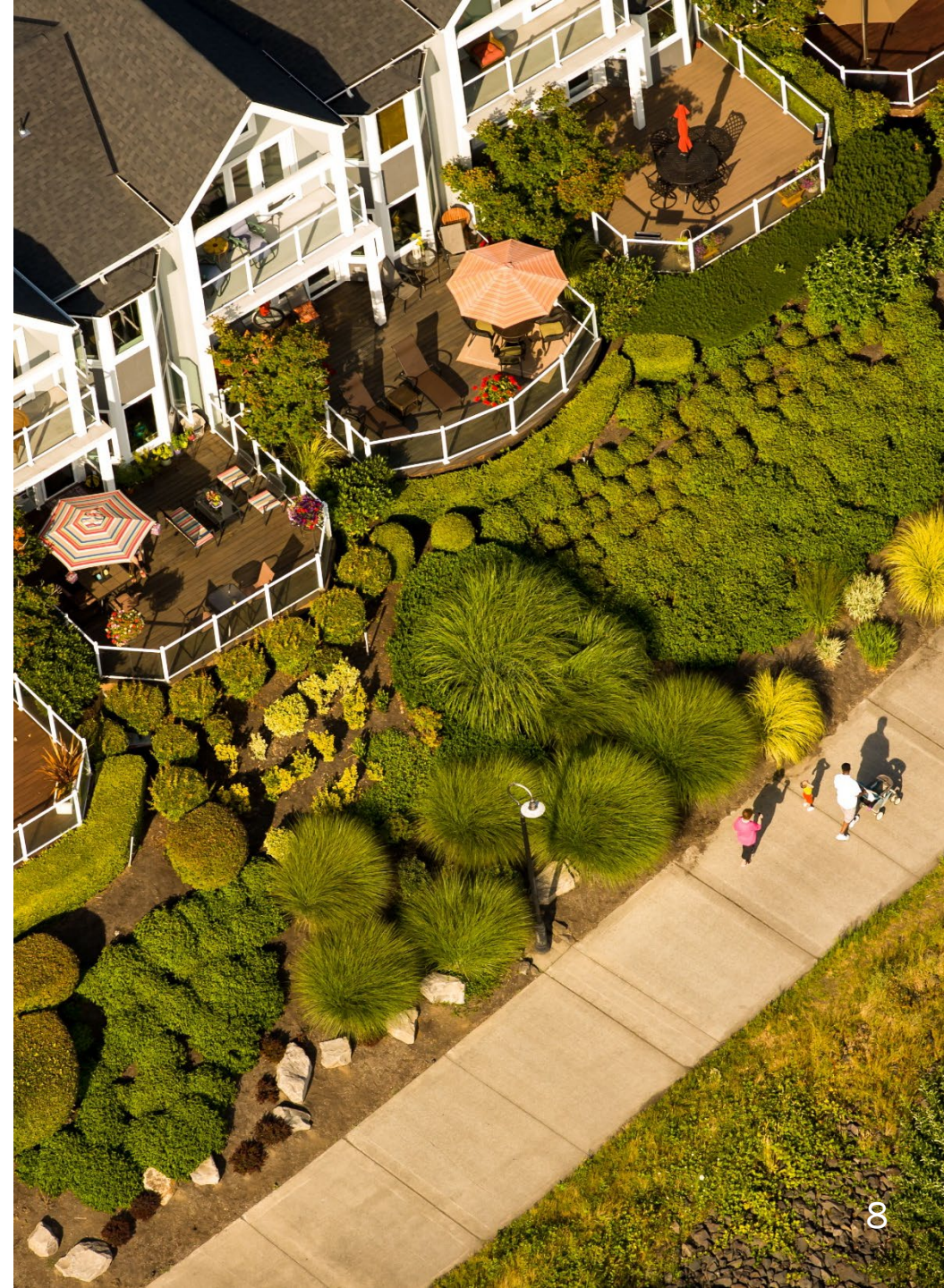
Climate Action



- All significant decision packages should address one or more of these themes
- Equity lens/community vulnerability index applied to all significant investments (capital or program)

2023-24 Budget Framework: Policy Priorities

- Improve Safety
- Reduce Carbon Footprint
- Grow economic opportunity
- Exceptional Public Spaces and Places
- Improve Equity and Inclusion
- Position for Growth and Scaling



Policy Priority

Element

Representative programs
or projects

Element

- Representative projects
or programs
- **Stronger Vancouver
component**

Improve Equity and Inclusion



Representative governance

- Boards & Commissions
- City Council-community engagement

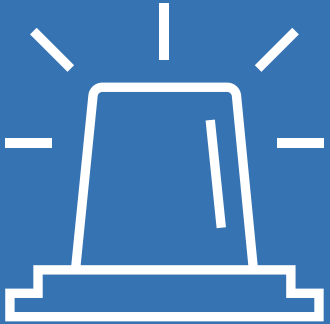
Accessibility of services

- **Multi-lingual translation**
- Accessibility of facilities and **programs**
- Equitable procurement

Equitable project investments and program outcomes

- Community vulnerability analysis
- historically underserved communities and populations

Improve Community Safety



Police

- Recruitment and retention
- Training and HQ facility
- Implementation of remaining PERF recommendations

Fire: Implementation of Proposition 2

- Staffing
- Apparatus
- Facilities

Improve Community Safety



Transportation and mobility

- Asset management
- **Multi-modal/active mobility/
complete streets**
- Program enhancement
opportunity – new TBD Revenues
Benefit District

Water utility resiliency

- Sewer, water, drainage resiliency
and safety
- Rate increase anticipated

Parks

- **Aged facility replacement,
asset management**

Reduce Carbon Footprint



Climate Action Plan Implementation

- Municipal Operations
- Incentives
- Regulations

Municipal Operations

- Fleet
- Facilities
- **Operations Center Campus – debt**

Land Use Policy

- Comprehensive plan
- Ops center redevelopment master plan
- VCCV update

Reduce Carbon Footprint



Complete streets/active mobility

- Continue program implementation
- TBD revenue opportunity

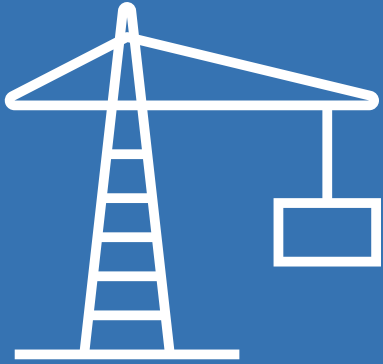
Parking

- Implement weekend enforcement
- Complete Downtown Parking Plan
- Invest in new demand management practices

Transit

- Enhancement opportunity – commercial parking tax

Grow Economic Opportunity



Strategic Infrastructure Investments

- TIP/CIP
- ARPA funds Main Street & Fourth Plain
- Parking
- Operations Center Campus
- Procurement

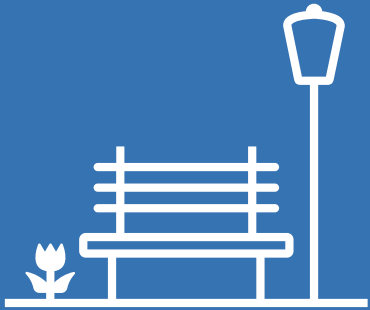
Urban Redevelopment

- The Heights
- Waterfront Gateway
- Section 30
- Old Operations Center redev. plan
- Tax increment financing

Housing and Homelessness

- Housing Strategy (sales tax & sales tax credit)
- Affordable Housing Fund renewal
- Homelessness: safe stay, safe park, HART

Build and Maintain Exceptional Public Places and Spaces



Parks, Trails & Culture

- **Neighborhood and Community Parks**
- Trail system
- Community arts center

Streets

- **Complete streets**

Civic Buildings

- **Fire Stations**
- General Facility Asset Management
- Police Training & HQ
- **Ops Center Campus**

Position for Growth and Scaling



2023-24 Budget Policy Framework

- Questions and discussion
- Council designated reserve project?



2023-24 Budget: Baseline Framework

“Current Law”

Contains all current, existing on-going FTEs

- Inflationary increases are included for:
- Personnel, including cost of medical
- Gasoline, utilities
- Supplies
- Travel, Training
- Contracts with other jurisdictions (on-going)

2023-24 Budget: Baseline Framework

Zero-base discretionary expenditures:

- One-time Professional Services
- Capital
- Transfers
- Internal Charges

2023-24 Budget: Baseline Framework

Additional or Expanded Programs/FTEs require new revenue

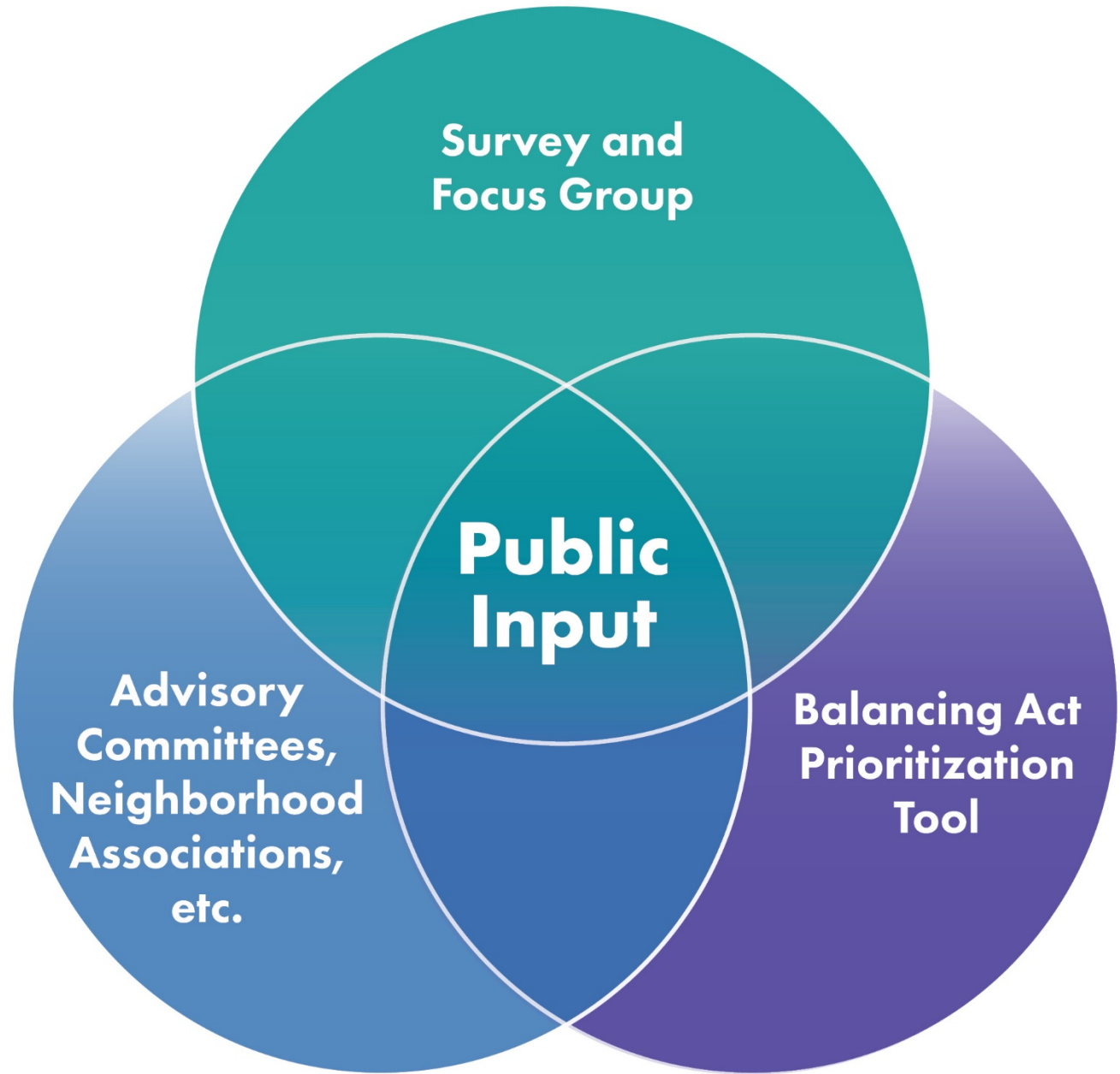
Anticipated additions:

- Proposition 2 – funded staffing in Fire, Capital Project management and support services
- Grants (including ARPA)
- Capital program funded positions (capital FTEs should be allocated to capital projects)

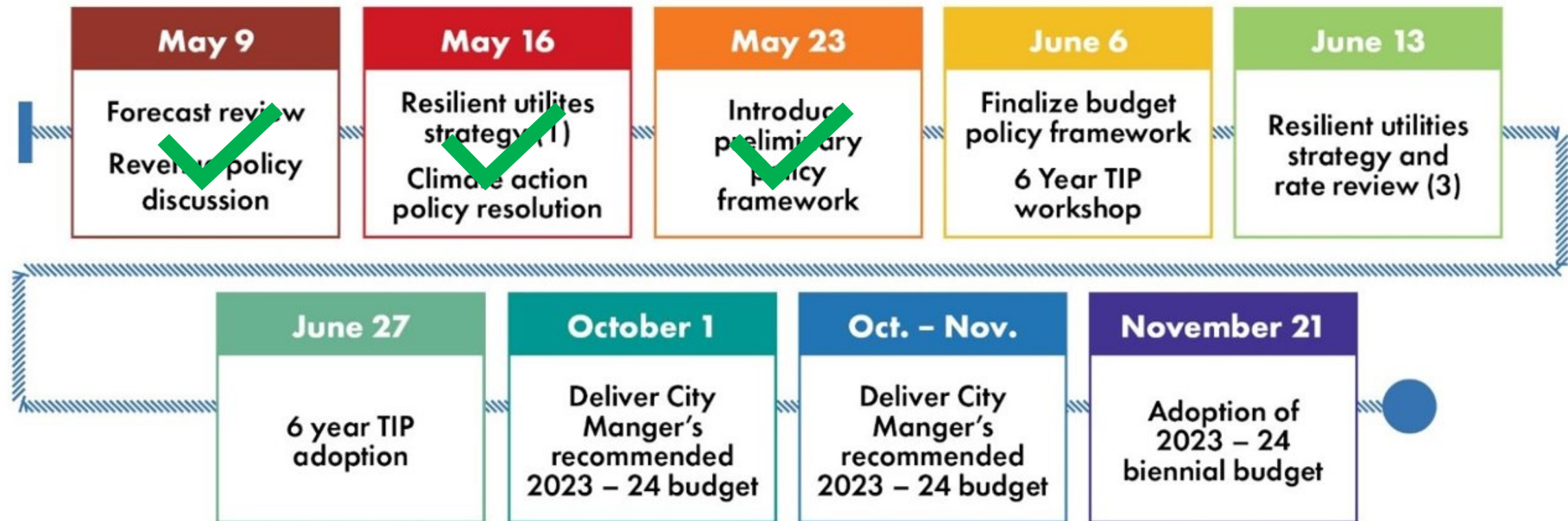
Purpose-Driven Revenue Options

- Business license surcharge adjustment/reform
- Transportation Benefit District \$10 license tab supplement
- Commercial parking tax (for transportation)
- Explore Park Impact Fee supplement and Fire Impact Fee potential

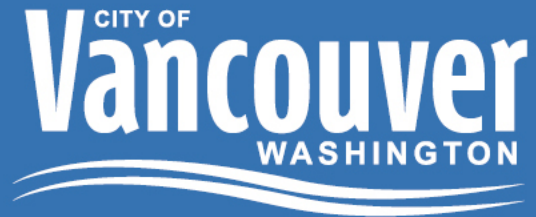
Community Input and Engagement

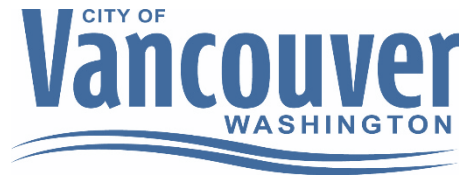


Budget Process Schedule



Thank You





DATE: May 12, 2022

TO: Anne McEnerny-Ogle, Mayor

City Council

FROM: Eric J. Holmes, City Manager

Natasha Ramras, CFO

RE: 2023-24 Biennial Budget: Proposed Policy Framework

The May 23 Council workshop is focused on review, refinement and confirmation of the policy framework to guide development of the City Manager's recommended budget for the 2023-24 biennium. This memorandum and the associated presentation outlines the proposed framework, as well as provides follow up information responsive to some council questions raised at the May 9 budget workshop.

Proposed 2023-24 Biennial Budget Policy Framework

Overall, there are three primary facets to the recommended policy framework:

- **Universal Policy Themes:** these are the highest-level policy themes set by Council that transcend the coming biennium and remain drivers throughout the forecast period. The three universal policy themes are: **equity and inclusion, community safety** and **climate action**.
- **Policy Priorities:** these are areas of policy focus within biennium, and generally have associated projects or programs. On May 9, Council indicated concurrence with six recommended policy priorities for the coming biennium:
 - **Reduce Carbon Footprint**
 - **Grow economic opportunity**
 - **Improve community safety**
 - **Exceptional public spaces & places**
 - **Improve equity and inclusion**
 - **Position for growth & scaling**
- **The Baseline Framework:** these are the financial management assumptions that guide budget construction. The recommended baseline framework includes:
 - **Maintaining all current, existing on-going FTE capacity**
 - **Build in inflationary increases**

- **Zero-base approach to budgeting discretionary expenditures**
- **Additional or Expanded Programs/FTEs require new revenue**

Staff will review this in more detail during Monday's workshop.

In addition, staff will seek feedback from Council regarding the potential or candidate projects that would be supported via a Council Designated Reserve Fund. Due to the nature of funding, these projects would be one-time in nature, but depending on their scope may require multiple biennia to achieve.

May 9 Workshop Follow Up

During the May 9 workshop on forecast and budget policy framework, members of Council inquired about the role of the body of work represented by the Stronger Vancouver effort as we prepare the 2023-24 biennial budget. Specifically, Council asked for an update of what has been implemented from the original package as well as the background and status (if appropriate) on revenues that were under consideration as part of that package. In addition, Council asked how many current FTE's were vacant in the City; as of this writing, there are 117 vacant FTE's.

Status of Stronger Vancouver Effort

In summer 2021, the City Council held a workshop on the Stronger Vancouver initiative, and within the workshop, Council recognized that our environment dramatically changed since the beginning of the Stronger Vancouver initiative. The key outcome from that workshop was confirmation of a "Redesign" approach: Using the raw material of the last effort, combined with, and augmented by the new information and lessons of the pandemic years, redesign the package into a one-plan, multi-action approach that would be implemented over the next several years, aligned with the pending strategic plan update and implemented through biennial budgeting.

There has been action on portions of the Stronger Vancouver package since March 2020. These include:

- Advancing the public works operations center replacement project.
- Adoption of updated Park Impact Fees and impact fee vesting provisions (6- year implementation).
- Dedication of .25% Real Estate Excise Tax to infrastructure supporting economic development (established with 2021-22 budget).
- Funding for a major expansion of fire services and investment in fire facilities via Proposition No. 2.
- Adoption of a 0.1% sales tax for affordable housing with the 2021-22 budget.

Materials from that workshop [may be found here](#).

Revenues

A global observation about revenues for the Council's consideration: it is nuanced and complex. There are very few simple answers to questions about revenues, and it is particularly difficult to provide definitive answers about who pays and the equity (or inequity) inherent in Washington State's tax

system. In addition, the City's revenue system functions in the context of the Washington State tax system and the federal system. Changes to those have implications for payers of local taxes, and vice versa. The analysis conducted as part of the Stronger Vancouver initiative was based on circumstances at that time, which have changed over the last few years.

"Who Pays" Considerations

An analysis of the entire Stronger Vancouver revenue recommendation, including "who pays" was included in the materials for the October 2019 City Council workshop, [which can be found here](#).

Councilmanic Revenues

At the May 9 workshop, Council confirmed a willingness to consider *purpose-driven* implementation of new council-manic revenues (i.e. enacted under the Council's legislative authority, not voted) with the 2023-24 budget. Five revenue tools were mentioned during the May 9 workshop:

- [Business license surcharge reform \(March workshop presentation\)¹, "Head Taxes" - Revenue Guide for Washington Cities and Towns \(mrsc.org\)](#)
- Park Impact Fee supplement (updated comprehensive plan including urban parks) – to fund very different parks offerings in areas of high density, such as civic plazas, etc.
- [Transportation Benefit District \\$10 license tab supplement](#) - city's current rate is \$40, there is councilmanic authority to implement this revenue.
- ~~Admissions tax~~ (removed from further discussion)
- [Commercial parking tax \(for transportation\)](#)

Members of Council also inquired about other potential revenues, council-manic or otherwise, including those considered during the Stronger Vancouver effort. The only council-manic revenue not included in materials from the May 9 discussion is the local Business and Occupation Tax (B & O), which was removed from further consideration by the Council in early 2020. Information about the B & O generally [can be found here](#).

The full range of revenue tools available to the City can be found in the [MRSC Revenue Guide for Cities and Towns](#).

Summary

Some action has been taken on elements of the Stronger Vancouver Initiative. This combined with the decision to launch a redesign that will take into account the upcoming strategic plan and biennial budget process will provide opportunities to refine. May 23 is the opportunity to review and the policy framework for construction of the 2023-2023 biennial budget, including the prospect of new revenues.

¹ While all materials were published, this workshop did not occur because Council ran out of time on the agenda.



Staff Report: 066-22

TO: Mayor and City Council

FROM: Eric Holmes, City Manager

DATE: 5/23/2022

SUBJECT Bid Award for the 2022 Resurfacing Project (072822), per Bid #22-25

Key Points

- The City maintains over 1,900 lane miles of streets in its system.
- The City's annual resurfacing and preventive maintenance contracts are the primary way that the streets get curb to curb work performed.
- City maintenance crews do not have the capacity to do this amount of paving work during the paving season.

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 2022 Resurfacing Project is being constructed 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. Approximately 18 lanes miles of street will be paved under this contract.

The attached vicinity map shows where streets will be paved. The project includes paving streets in the Lincoln, Rose Village, Fourth Plain Village, Oakbrook, Burton Ridge, and Marrion neighborhoods. It also includes paving SE Morgan Road and Ellsworth Ave along Evergreen Hwy, Evergreen Hwy from Rivercrest to SE 164th Ave, and part of SE 172 Ave and SE 39th Street.

On April 26, 2022 the City received two bids for the subject project. The bids ranged from \$3.39 to \$3.84 million dollars. The low bidder was responsive. The bids are as follows:

SUMMARY OF BIDS	
BIDDER	AMOUNT
Lakeside Industries, Vancouver, WA	\$3,388,883.00

Granite Construction Company, Vancouver, WA	\$3,844,789.12
Engineers' Estimate	\$3,700,000.00

There is a minimum apprenticeship goal of 5% of the utilized labor hours for this project. Lakeside Industries of Vancouver, Washington has submitted an Apprenticeship Utilization Plan to meet or exceed this goal by using approximately 450 hours of apprentice time of the estimated total of 8,800 applicable labor hours for the project.

Advantage(s)

1. Will result in new pavement on approximately 18 lane miles of City streets protecting the City's investment in its street network.
2. Will reduce higher future maintenance costs on City streets.
3. Will follow through on commitments and improve neighborhood livability.

Disadvantage(s)

1. Neighborhood residents, businesses and local traffic will be inconvenienced during the construction period along the corridors; however, the construction duration is short and lane closures will be limited, which will minimize the temporary inconvenience.
2. Construction will generate noise and dust in the work areas. To mitigate for noise, the contractor will be required to comply with a noise variance for night time work. The contractor will also be required to implement a dust control and erosion control strategy at all locations.

Budget Impact

The project is currently funded through the Pavement Management Program (\$3,400,000.00). Sufficient funds are budgeted to construct the project.

Prior Council Review

None

Action Requested

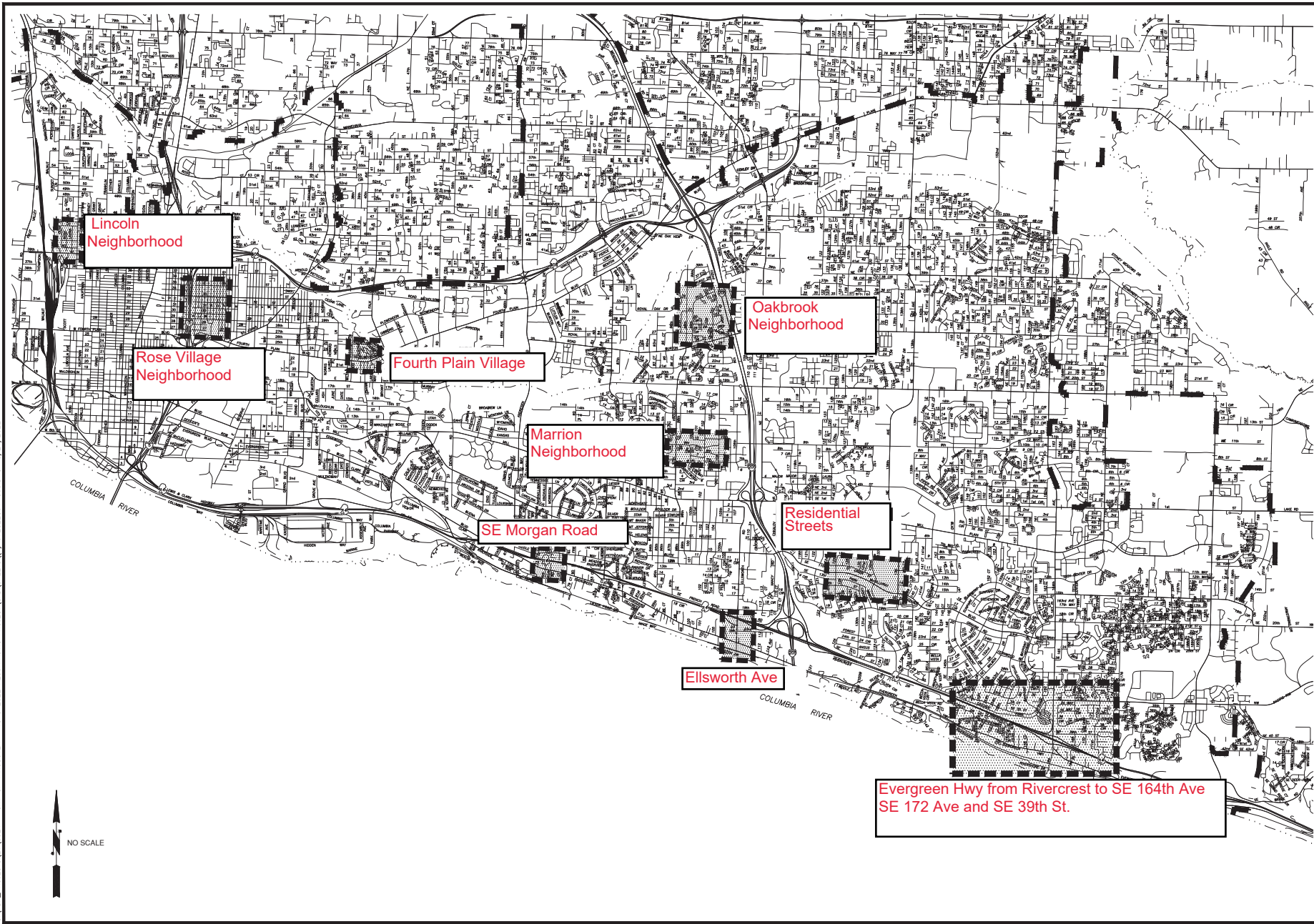
On May 23, 2022, award a construction contract for the 2022 Resurfacing Project to the lowest responsive and responsible bidder, Lakeside Industries, Vancouver, Washington, at their bid price of \$3,388,883.00, which includes Washington State sales tax, and authorize the City Manager or designee to execute the same.

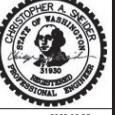
Chris Sneider, Senior Civil Engineer, 360-487-8239

ATTACHMENTS:

- ▣ Vicinity Map
- ▣ Contract

C:\PDX_PROJECTS\31\3334 - CITY OF VANCOUVER - TO 3 2022 RESURFACING PROJECT\CAD SHEETS\7 072822\001-001.DWG 3/24/2022



 Christopher Stinson 2022.03.25 14.28.04-0700	 Call before you dig.
	FILE NAME: 072822-001.DWG DATE: Mar. 2022
	DESIGNED BY: CAS DRAWN BY: JDS CHECKED BY: CAS APPROVED BY: CAS
	SCALE: HORIZONTAL: NO SCALE VERTICAL: DATE No. REVISIONS
2022 RESURFACING PROJECT	
Vicinity Map	
 Public Works	JOB NUMBER 072822
ACTIVITY ACT00579	
G03	
SHEET 3 OF 37	



CONTRACT # _____
ITB #22-25: 2022 Resurfacing Project

THIS CONTRACT is entered into by and between the City of Vancouver, a municipal corporation under the laws of the State of Washington, hereinafter referred to as "City," and Lakeside Industries hereinafter referred to as "Contractor," whose address is 8705 NE 117th Ave, Vancouver, WA 98662, hereinafter referred to "Parties."

WHEREAS, the City desires to engage the Contractor to provide public work and other related services for 2022 Resurfacing Project. Contractor has agreed to offer its services to perform said work per the City issued Invitation to Bid (ITB) No. 22-25 and all addenda thereto, Contractor's bid to said ITB, the Project Plans and Special Provisions, and City Council's approval on _____ per Staff Report No. _____; and

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

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

This contract provides for the improvement of streets within the City of Vancouver including pavement repair, planing of roadways, paving of existing roads, minor utility adjustments, striping, and other work, all in accordance with the attached Contract Plans, these Contract Provisions, and the Standard Specifications, hereafter referred to as "Work."

The Work shall be fully complete including Additives A, B, and C within 60 Working Days from the Notice to Proceed (NTP) date.

2. **EFFECTIVE DATE:** This Contract is effective as of the last signature dated below..
3. **E-VERIFY PROGRAM:** Contractor shall register and enter into a Memorandum of Understanding (MOU) with the Department of Homeland Security E-Verify program within sixty (60) days after execution of this Agreement. Contractor shall ensure all Contractor employees and any sub-contractor(s) assigned to perform work under this Agreement are eligible to work in the United States. Contractor shall provide verification of compliance upon City request. Failure by Contractor to comply with this subsection shall be considered a material breach.
4. **CONTRACTOR RESPONSIBILITIES FOR SUBCONTRACTORS:** The Contractor shall include the language of this section in all tier subcontracts, and shall require each of its subcontractors to

include the same language of this section in each of their subcontracts, adjusting only as necessary the terms used for the contracting parties. The requirements of this section apply to all subcontractors regardless of tier. The Contractor shall require all subcontractors to comply with all relevant federal, state and municipal laws, rules and regulations whatsoever.

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

1. Have a current certificate of registration in compliance with chapter 18.27 RCW, which must have been in effect at the time of subcontract bid submittal;
 2. Have a current Washington Unified Business Identifier (UBI) number;
 3. Have received training on the requirements related to public works and prevailing wage as required by RCW 39.04.350;
 4. Within the three-year period immediately preceding the date of the bid solicitation, not have been determined by a final and binding citation and notice of assessment issued by the department of labor and industries or through a civil judgment entered by a court of limited or general jurisdiction to have willfully violated, as defined in RCW 49.48.082, any provision of chapter 49.46, 49.48, or 49.52 RCW.
 5. If applicable, have:
 - i. Have Industrial Insurance (workers' compensation) coverage for the subcontractor's employees working in Washington, as required in Title 51 RCW;
 - ii. A Washington Employment Security Department reference number, as required in Title 50 RCW;
 - iii. A Washington Department of Revenue state excise tax registration number, as required in Title 82 RCW;
 - iv. An electrical contractor license, if required by Chapter 19.28 RCW;
 - v. An elevator contractor license, if required by Chapter 70.87 RCW.
 6. Not be disqualified from bidding on any public works contract under RCW 39.06.010 or 39.12.065 (3).
5. **DELINQUENT STATE TAXES:** The Contractor shall not owe delinquent taxes to the Washington State Department of Revenue without a payment plan approved by the Department of Revenue.
6. **COMPENSATION AND SCHEDULE OF PAYMENTS:** In consideration of the promises and agreements of the Contractor as set forth herein, and in consideration of the faithful performance and furnishing of the work and materials required by this Contract to the satisfaction of the City, the City agrees to pay to the Contractor in the manner and at the times provided hereinafter and in the Contract Documents, and in accordance with the ordinances of the City of Vancouver and the laws of the State of Washington, the following sum as indicated, which amount does include 8.5% Washington State Sales Tax (if applicable) \$3,388,883.00.

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

7. **CONTRACTOR'S INSURANCE:** The Contractor agrees to procure insurance coverage as required below:

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

8. **CONTRACTOR'S BOND:** The Contractor agrees that before it undertakes performance of this Contract, it will file with the City of Vancouver a Performance Bond and Payment Bond, in the forms prescribed by the City of Vancouver, in the full amount of the Contract price with a company authorized to do business in the State of Washington as a surety. The bonds shall comply with the laws of the State of Washington, and especially with the provisions of Chapter 39.08 RCW.
9. **DISPUTE RESOLUTION:** In the event of a dispute between the Parties which cannot be resolved by the contract managers, the Contractor and the City shall review such dispute and may attempt to resolve the dispute. Any controversy or claim arising out of or relating to this Contract or the

alleged breach of this Contract that cannot be resolved by the Parties within 30 days of receipt of written notice may be submitted to mediation. If the dispute is not resolved through mediation, it shall be submitted to binding arbitration in accordance with the rules and procedures set forth in Chapter 7.04A RCW. The Parties agree to pay their own attorneys' fees and expenses.

10. EMPLOYMENT OF LABOR: The Contractor agrees that all persons employed by Contractor and by any of its subcontractors and any of their lower tier contractors in work performed pursuant to this Contract shall not be employed in excess of eight (8) hours in any one day, except as provided or allowed by Chapter 49.28 RCW and WAC 296-127 and any amendment thereto.

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

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

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

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

No payment shall be made to the Contractor, however, until the Contractor and all subcontractors who have performed work shall have filed and received approval of a Statement of Intent to Pay Prevailing Wage as required by RCW 39.12.040 from the Washington State Department 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.

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

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

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

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

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

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

- 17. AUTHORIZATION AND COMPLIANCE WITH THE LAW:** The Contractor certifies that the person signing the Contract is legally authorized to enter into this binding Contract and that the Contractor shall fully comply with all relevant, federal, state and municipal laws, rules, regulations and policies.
- 18. RELATION OF PARTIES:** The Contractor, its subcontractors, agents and employees are independent contractors performing services for The City and are not employees of City; shall not, as a result of this Contract, accrue leave, retirement, insurance, bonding or any other benefits afforded to City employees; and, shall not have the authority to bind the City in any way except as may be specifically provided in the Statement of Work.
- 19. JURISDICTION/VENUE:** In the event that any litigation should arise concerning the construction or interpretation of the terms and/or conditions of this Contract, the venue of such action of litigation shall be in the Superior Court of the State of Washington in and for the County of Clark. This Contract shall be governed by the law of the State of Washington.
- 20. COOPERATIVE PURCHASING:** The Washington State Inter-local Cooperation Act, Chapter 39.34 RCW, authorizes public agencies to cooperatively purchase goods and services if all parties agree. By having executed this Contract, the Contractor agrees that other public agencies may purchase goods and services under this solicitation or contract at their own cost and without the City of Vancouver incurring any financial or legal liability for such purchases. The City of Vancouver agrees to allow other public agencies to purchase goods and services under this solicitation or contract, provided that the City of Vancouver is not held financially or legally liable for purchases and that any public agency purchasing under such solicitation or contract file a copy of this invitation and such contract in accordance with RCW 39.34.040.
- 21. ASSIGNMENT:** This Contract is binding on each party, its successors, assigns, and legal representatives and may not, under any circumstances, be assigned or transferred by either party without the other party's express written authorization.
- 22. TERMINATION FOR CONVENIENCE:** The City, at its sole discretion, may terminate this Contract for convenience at any time for any reason deemed appropriate. Termination is effective immediately upon notice of termination given by the City.

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

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

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

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

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

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

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

Kenny Butcher
Lakeside Industries
8705 NE 117th Ave
Vancouver, WA 98662

By signing below, Contractor accepts the terms and conditions of this Contract and specifically acknowledges and agrees that the provisions contained herein have been mutually negotiated by the Parties.

CITY OF VANCOUVER
A municipal corporation

CONTRACTOR:
Lakeside Industries

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: 067-22

TO: Mayor and City Council

FROM: Eric Holmes, City Manager

DATE: 5/23/2022
6/6/2022

SUBJECT Fossil Fuel Facility Moratorium Extension

Key Points

- On June 8, 2020, the City Council adopted Ordinance M-4295 establishing an emergency six-month moratorium prohibiting the establishment of new, or expansion of existing, large-scale fossil fuel facilities. Adoption of the moratorium preserves the ability to develop the Strategic Plan, Vancouver City Center Vision (VCCV), Title 20 updates, Climate Action Plan, and other plans with the widest range of choices and alternatives for future development until the strategy and corresponding code updates are completed.
- On July 20, 2020, the City Council held a public hearing on Resolution M-4082 making findings of fact in support of the adoption of Ordinance No. M-4295 declaring an emergency and adopting a six-month temporary moratorium prohibiting the establishment of new, or expansion of existing, large-scale fossil fuel facilities. At the conclusion of the public hearing, City Council voted to adopt Resolution M-4082.
- On December 7, 2020, the City Council held a public hearing on Ordinance No. M-4323 extending the moratorium by six months prohibiting the establishment of new, or expansion of existing, large-scale fossil fuel facilities. Following the public hearing, City Council approved the ordinance.
- On May 17, 2021, the City Council held a public hearing on Ordinance No. M-4335 extending the moratorium by six months prohibiting the establishment of new, or expansion of existing, large-scale fossil fuel facilities. Following the public hearing, City Council voted to approve the ordinance.
- City staff engaged key stakeholders and then presented proposed code amendments to the City Council during the workshop held on August 2, 2021, after which City staff issued a SEPA Determination of Non-Significance (DNS) for the proposed code amendments, which commenced a required public comment period.
- The City's SEPA DNS was appealed by the Western States Petroleum Association, which identified a number of concerns with the City's analysis; upon consideration of the appeal and related comments, staff agreed that more analysis was needed and withdrew the SEPA DNS to allow for additional work that necessitated assistance from outside experts.
- On December 6, 2021, the City Council held a public hearing on Ordinance No. M-4355 extending the moratorium by six months prohibiting the establishment of new, or expansion

of existing, large-scale fossil fuel facilities. Following the public hearing, City Council voted to approve the ordinance.

- Staff selected a firm with unique expertise in fossil fuel policy and regulatory oversight, BERK Consulting, which is now under contract to assist with the code development and environmental review of proposed development regulations. Due to their capacity limitations, BERK has indicated that additional time would be needed to complete their work on behalf of the City.
- An additional extension of the moratorium will allow City staff and the consultant to thoroughly analyze the issues and develop more appropriate strategies to mitigate risks associated with the establishment of new or expansion of existing, large-scale fossil fuel facilities, and allow for workshops and public hearings with the Planning Commission and City Council.
- Washington State Enabling Statute at RCW 35A.63.220 states that "[a] moratorium...may be renewed for one or more *six month* periods..." (emphasis added) therefore Council may not enact a moratorium for less than six months; however, while this ordinance authorizes a six-month period, it is anticipated that staff will be proposing permanent code amendments to Council within four months, and the moratorium can be extinguished upon the effective date of said amendments.
- This ordinance would extend the emergency moratorium prohibiting the establishment of new, or expansion of existing, large-scale fossil fuel facilities for an additional period of up to six months and directs staff to continue work on recommendations addressing the circumstances necessitating the moratorium. The moratorium will expire on December 8, 2022 or upon the effective date of the forthcoming code amendments, whichever is sooner.

Strategic Plan Alignment

Goal 1: Ensure our built urban environment is one of the safest, most environmentally responsible and well maintained in the Pacific Northwest.

Present Situation

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

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

Staff presented a set of potential code updates for fossil fuel storage at the August 2, 2021 City Council workshop and received feedback which was used in the drafting of a SEPA Determination of Non-Significance (DNS) for the proposed code amendments to solicit public comment. The City received an appeal of its SEPA Determination from the Washington State Petroleum Association, which identified a number of concerns with the City's analysis.

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

Since staff was last before Council in December, progress has been made in a number of areas, including:

- 1) Additional refinement of the proposed zoning code text changes;
- 2) March 8 Planning Commission workshop;
- 3) Further stakeholder outreach with the Port of Vancouver and representatives of three local facilities that handle bulk fossil fuels on March 10, specifically to discuss their products being handled and any concerns regarding proposed limits on expansions;
- 4) Consultation with the project managers of similar fossil fuel ordinances in Whatcom County and the City of Tacoma; and
- 5) Negotiation of a scope of work with BERK Consulting, a firm that is widely considered an expert in the land use planning related to the petroleum sector of the economy.

BERK Consulting recently assisted both the City of Tacoma and Whatcom County with ordinances that limit large fossil fuel-related facilities, neither of which were appealed. BERK has a thorough knowledge of how petroleum moves through the economy and understanding of how regulations can advance community safety and climate goals. BERK will be assisting the City in: 1) understanding how restricting bulk fossil fuel facilities might impact local fuel distribution; 2) reviewing draft development code language; and 3) editing and supplementing the City's SEPA analysis as needed. Because BERK's services are in high demand, only recently have they had available capacity to assist Vancouver. A contract is now in place and they have started their work.

Staff expects to be able to complete the necessary analysis, conduct further stakeholder engagement and propose code amendments to the Planning Commission and Council within the requested extension period, which accommodates workshops and public hearings with both bodies, as well as a 30-day period after Council approval before the code changes take effect.

Advantage(s)

- Allows the City time to consider the widest range of choices and alternatives for future development when developing strategy and plans and implementing corresponding code updates.
- Allows time for associated public process, stakeholder outreach, and required environmental review.
- Avoids jeopardizing any possible land use option that may be precluded by unrestricted development until work on the Strategic Plan, VCCV, Title 20 updates, and Climate Action Plan are further underway.

Disadvantage(s)

Prohibits the acceptance, processing, and granting of applications for permits for previously allowed new or expanded fossil fuel facilities.

Budget Impact

No budget impacts identified

Prior Council Review

- June 8, 2020, adoption of Ordinance M-4295 adopting temporary moratorium.
- July 20, 2020, adoption of Resolution M-4082 making findings of fact in support of the adoption of Ordinance No. M-4295.
- December 7, 2020, public hearing and approval of Ordinance M-4323 extending temporary moratorium for additional six months.
- May 17, 2021, public hearing and approval of Ordinance M-4335 extending temporary moratorium for additional six months.
- November 1, 2021 - Council workshop.
- December 6, public hearing and approval of Ordinance M-4355 extending temporary moratorium for additional six months.
- March 26, 2022 memo from Chad Eiken, Community Development Director.

Action Requested

On Monday, May 23, 2022, approve ordinances on first reading, setting date of second reading and public hearing for Monday, June 6, 2022.

Chad Eiken, Community Development Director, 360-487-7882

ATTACHMENTS:

- ▢ Council Memo
- ▢ Ordinance



Memorandum

DATE: March 26, 2022

TO: Mayor and City Council

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

RE: Update on Fossil Fuel code standards

CC: Eric Holmes, City Manager

This memorandum will update the Council on the status of potential zoning code standards being drafted to replace an existing temporary moratorium on large scale fossil fuel facilities. The moratorium was originally enacted by the Council in June 2020 and extended most recently in December 2021. The moratorium is scheduled to expire on June 8, 2022, unless extended. A consulting firm that has been identified by staff as having the necessary expertise to assist planning staff with the code development and environmental analysis work will not have capacity to begin their work until late April, which will necessitate yet another extension of the moratorium in the coming months.

Moratorium Background

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

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

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

Staff presented a set of potential code updates for fossil fuel storage at the August 2, 2021 City Council workshop and received feedback, which was used in the drafting of a SEPA Determination of Non-Significance (DNS) for the proposed code amendments, in order to solicit public comment. The City received an appeal of its SEPA Determination from the Washington State Petroleum Association, which identified a number of concerns with the City's analysis.

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

Progress to-date on Identified Issues

Since staff was last before Council in December, progress has been made in a number of areas, including:

- 1) Additional refinement of the proposed zoning code text changes;
- 2) March 8 Planning Commission workshop;
- 3) Further stakeholder outreach with the Port of Vancouver and representatives of three local facilities that handle bulk fossil fuels on March 10, specifically to discuss their products being handled and any concerns regarding proposed limits on expansions;
- 4) Consultation with the project managers of similar fossil fuel ordinances in Whatcom County and the City of Tacoma; and
- 5) Negotiation of a scope of work with BERK Consulting, a firm that is widely considered an expert in the land use planning related to the petroleum sector of the economy.

BERK Consulting recently assisted both the City of Tacoma and Whatcom County with ordinances that limit large fossil fuel-related facilities, neither of which were appealed. BERK has a thorough knowledge of how petroleum moves through the economy and understanding of how regulations can advance community safety and climate goals. BERK will be assisting the City in: 1) understanding how restricting bulk fossil fuel facilities might impact local fuel distribution; 2) reviewing draft development code language; and 3) editing and supplementing the City's SEPA analysis as needed. A draft scope has been agreed to, and staff is currently working to finalize a contract.

Unfortunately, because BERK's services are in high demand, they will not have any available capacity to assist Vancouver until the end of April, at which time their work will begin in earnest. While staff has made some progress in the past few months, BERK will likely need a couple of months to complete their work and for an ordinance to be ready for the Planning Commission and Council to consider. As a result, staff will return to Council in May to request a three-month extension of the moratorium.

Additional tasks that planning staff is working on include:

- Determining whether the treatment of existing facilities in the moratorium is appropriate and defensible for potential code standards. The moratorium exempts upkeep, repair, maintenance, or City-mandated health and safety improvements. Staff is exploring whether broader allowances for transitions to cleaner fuels, other public or environmental safety improvements, or other considerations are warranted, and how they might be calibrated.

- Confirming whether the current City inventory of known existing fossil fuel facilities is fully complete, and whether there are other facilities with only ancillary use of fossil fuels that would be inadvertently subject to the potential standards.
- Examining whether any specific consideration should be given to relocated or consolidated facilities.
- Determining the environmental analysis needed to defensibly support the proposed zoning changes.
- Deeper research and consultation with the few Washington jurisdictions that are exploring fossil fuel facility prohibitions or limitations in similar ways. For example, after a lengthy process Whatcom County recently adopted standards prohibiting new fossil fuel facilities and requiring expansions to demonstrate consistency with a range of climate and other standards through a conditional use process. The City of Tacoma has adopted similar standards and their ordinance was not appealed.
- Ongoing stakeholder outreach with existing petroleum storage and handling users in Vancouver and representatives of environmental advocacy groups.

Next Steps

Planning staff will be available to answer questions at the April 4 Council Meeting under City Manager's Communications. In May, staff intends to provide another update to Council and will be requesting approval of an ordinance extending the moratorium for three months, to September 8. This summer, staff and representatives from BERK will be presenting their findings and recommendations, along with a draft ordinance to the Planning Commission and City Council.

5/23/2022
6/06/2022

ORDINANCE NO. _____

AN ORDINANCE further extending for an additional period of six months the moratorium originally enacted by Ordinance No. M-4295, which was first extended by Ordinance No. M-4323, then extended a second time by Ordinance No. M-4335, and subsequently extended a third time by Ordinance No. M-4355, prohibiting the establishment of new, or expansion of existing, large-scale fossil fuel facilities; directing staff to work to consider the issues noted by the various stakeholders and to ensure that the proposed amendments to the City Code adequately address the legal concerns raised by current industry operators; and establishing an effective date.

WHEREAS, the City of Vancouver is a Charter City of the First Class and has the authority to adopt and renew temporary moratoria pursuant to the City's constitutional police powers, home rule authority, RCW 36.70A.390, and RCW 35.63.200; and

WHEREAS, on June 8, 2020, the Vancouver City Council adopted Ordinance No. M-4295, enacting a six-month temporary moratorium prohibiting the establishment of new, or expansion of existing, large-scale fossil fuel facilities; and

WHEREAS, the City Council held a public hearing on July 20, 2020, and thereafter adopted findings of fact supporting the enactment of the moratorium; and

WHEREAS, on December 7, 2020, the City Council held another public hearing, at the conclusion of which it made additional findings of fact and adopted Ordinance No. M-4323, extending the moratorium for another six months, until June 8, 2021; and

WHEREAS, on May 17, 2021, the City Council held an additional public hearing, at the conclusion of which it made further findings of fact and adopted Ordinance No. M-4335, extending the moratorium again for another six-month period, until December 8, 2021; and

ORDINANCE - 1

WHEREAS, on December 6, 2021, the City Council held a new public hearing, finding that extending the moratorium for another six months would allow City staff more time to engage with consultants and other experts in the field to thoroughly analyze issues related to the State Environmental Policy Act (SEPA) and to develop more appropriate strategies to mitigate risks associated with the establishment of new, or expansion of existing, large-scale fossil fuel facilities in the future, through amendments to existing zoning ordinances, at the conclusion of which the Council adopted Ordinance No. M-4355, extending the existing moratorium further until June 8, 2022; and

WHEREAS, the City of Vancouver and the greater Pacific Northwest are vulnerable to powerful subduction zone earthquakes that occur with periodic frequency along the Juan de Fuca and North American plates; and

WHEREAS, geologic research has shown that subduction zone earthquakes have occurred along the Pacific Northwest with relative regularity over the last 10,000 years, and if averages from past events are predictive, the region could be overdue for another powerful subduction zone earthquake; and

WHEREAS, facilities that store or process hazardous materials have been recognized to present an increased risk of spills or leaks, and a greater concentration of such facilities renders the City's water supply at an increased susceptibility to contamination, particularly in the event of a powerful earthquake; and

WHEREAS, the City Council recognizes that the storage, transfer, processing, and handling of other fossil fuels within the City pose risks to safety, health, and livability, including mobility of people, other freight, and other commercial vehicles which are potentially catastrophic in magnitude; and

ORDINANCE - 2

WHEREAS, this City Council finds that it is appropriate to conduct review and analysis of the City's current vulnerabilities to determine if the purposes of Title 20 and Chapter 14.26 VMC may continue to be fulfilled while accommodating the establishment of new, or expansion of existing, large-scale fossil fuel facilities; and

WHEREAS, the City Council finds that in order to preserve the City's ability to develop legislative amendments to address these issues with the widest range of choices and alternatives for future development, it is necessary to temporarily restrict the establishment of new, or expansion of existing, large-scale fossil fuel facilities until the strategy and corresponding code updates are completed; and

WHEREAS, the extension of the existing moratorium prohibiting the establishment of new, or expansion of existing, large-scale fossil fuel facilities, for an additional six months, promotes the public health, safety, and general welfare of the people of Vancouver, and will encourage the most desirable and productive use of land and community resources; and

WHEREAS, it is the intent of City staff to bring permanent code amendments before the City Council related to the regulation of large-scale fossil fuel facilities prior to the expiration of this latest extension of the existing moratorium, and, at such time as those amendments should go into effect, this latest extension would be terminated by Council action prior to its expiration; and

WHEREAS, it is necessary that this ordinance go into effect immediately in order to keep the existing moratorium in place, maintain continuity of the status quo, and avoid a rush of applications for new or expanded development of large-scale fossil fuel facilities.

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF VANCOUVER:

Section 1. Findings of fact. The recitals to this ordinance, along with the recitals to Ordinance Nos. M-4295, M-4323, M-4335, and M-4355, are hereby incorporated by this reference and adopted as the City Council’s findings of fact justifying renewal of the existing moratorium prohibiting the establishment of new, or expansion of existing, large-scale fossil fuel facilities, for an additional period of six months, in accordance with RCW 36.70A.390 and RCW 35.63.200. The City Council held the requisite public hearing on June 6, 2022, prior to final adoption of this ordinance and further renewal of the existing moratorium.

Section 2. Definitions. For the purposes of this ordinance:

A. “Fossil fuels” means petroleum and petroleum products, coal, and natural gasses, including without limitation methane, propane and butane, derived from prehistoric organic matter and used to generate energy. Fossil fuels do not include by-products such as asphalt, plastics, fertilizers, paints, or denatured ethanol.

B.1. “Large-scale fossil fuel facilities” means:

a. Facilities engaged in the wholesale distribution, extraction, refinement or processing of fossil fuels;

b. Terminals engaged in the bulk movement of fossil fuels (excluding railyards, fuel storage for airports, and fuel storage for marine servicing facilities);

c. Bulk coal storage: any structure, group of structures, equipment, or device that stores or transfers coal for use in the production of electricity or power.

d. Coal power plant: a thermal power station which burns coal to generate electricity or other usable power.

e. Natural gas processing: any facility which (i) separates natural gas components to recover usable natural gas liquids (*i.e.*, liquefied petroleum or natural gas), or (ii) produces natural

gas suitable for transport (*i.e.*, pipeline quality dry natural gas), or (iii) processes natural gas to create methanol or other chemical products.

f. Natural gas storage and handling: any structure, group of structures, equipment, or devices that stores or transfers natural gas for use in the production of electricity or power, or for further processing (excluding facilities that create energy from landfill gas).

g. Bulk storage of one type of fossil fuel, or a combination of multiple types of fossil fuels, in excess of two million gallons.

2. “Large-scale fossil fuel facilities” do not include facilities that solely provide direct sales or distribution to consumers (*e.g.*, gas stations are not large-scale fossil fuel facilities).

Section 3. *Six-month renewal of moratorium.* As authorized by the City’s constitutional police powers, home rule authority, RCW 36.70A.390 and RCW 35.63.200, the City Council hereby renews the temporary moratorium on the acceptance, processing, and granting of applications for permits for establishment of new, or expansion of existing, large-scale fossil fuel facilities, for an additional period of six months.

Section 4. *Exemptions.* The moratorium, which was enacted by Ordinance No. M-4295, first extended by Ordinance No. M-4323, extended a second time by Ordinance No. M-4335, extended again by Ordinance No. M-4355, and which is hereby renewed for an additional six months pursuant to Section 3 of this ordinance, shall not apply to permits required for upkeep, repair, or maintenance of existing buildings or properties, or work mandated by the City to maintain public health and safety.

Section 5. *Duration.* The moratorium enacted by Ordinance No. M-4295, first extended by Ordinance No. M-4323, then extended a second time by Ordinance No. M-4335, and subsequently extended a third time by Ordinance No. M-4355, shall not expire on June 8, 2022,

as stated in Ordinance No. M-4355, but instead shall remain in effect for an additional six months therefrom, until December 8, 2022, unless earlier terminated by the City Council.

Section 6. *Vested rights.* The moratorium renewed and extended by this ordinance does not apply to properties with vested rights existing on the date of the initial adoption of this moratorium. “Vested Rights” shall be defined in accordance with VMC 20.210.110.

Section 7. *Severability.* If any provision of this ordinance or its application to any person or circumstance is held invalid, or should any portion of this ordinance be preempted by state or federal law or regulation, the remainder of the ordinance or the application of the provision to other persons or circumstances shall survive and be unaffected.

Section 8. *Effective date.* The City Council hereby finds and declares that an emergency exists which necessitates that this ordinance become effective immediately in order to preserve the public health, safety and welfare. This ordinance shall become effective immediately upon passage at second reading, following public hearing. The City Clerk is directed to publish a summary hereof including the title at the earliest possible publication date.

Read First Time:

PASSED BY THE FOLLOWING VOTE:

Ayes: Councilmembers

Nays: Councilmembers

Absent: Councilmembers

Read Second Time:

PASSED BY THE FOLLOWING VOTE:

Ayes: Councilmember

Nays: Councilmembers

Absent: Councilmembers

SIGNED this _____ day of _____, 2022.

Anne McEnery-Ogle, Mayor

Attest:

Natasha Ramras, City Clerk

Approved as to form:

Jonathan Young, City Attorney

ORDINANCE - 7

SUMMARY

ORDINANCE NO. _____

AN ORDINANCE further extending for an additional period of six months the moratorium originally enacted by Ordinance No. M-4295, then extended a second time by Ordinance No. M-4335, and subsequently extended a third time by Ordinance No. M-4355, prohibiting the establishment of new, or expansion of existing, large-scale fossil fuel facilities; directing staff to work to consider the issues noted by the various stakeholders and to ensure that the proposed amendments to the City Code adequately address the legal concerns raised by current industry operators; and establishing an effective date.

The full text of this ordinance will be mailed upon request. Contact Raelyn McJilton, Records Officer at (360) 487-8711, or via www.cityofvancouver.us (Go to City Government and Public Records).



Staff Report: 068-22

TO: Mayor and City Council

FROM: Eric Holmes, City Manager

DATE: 5/23/2022
6/6/2022

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

Key Points

- Staff is proposing changes to Title 14.24 and Title 14.25 of the Vancouver Municipal Code (VMC)
- The proposed changes are necessary to comply with the Western Washington Phase II Municipal Stormwater Permit issued to the City by the Washington Department of Ecology

Strategic Plan Alignment

Goal 1: Ensure our built urban environment is one of the safest, most environmentally responsible and well maintained in the Pacific Northwest.

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

Present Situation

In 2019, Washington Department of Ecology reissued the Western Washington Phase II Municipal Stormwater Permit to comply with provisions of the federal Clean Water Act and the state Water Pollution Control Law. The reissued Permit includes a new requirement to review and update City Code to meet the reissued permit requirements. The proposed amendments to VMC Title 14.24 and Title 14.25 are intended to meet the Federal and State mandated requirements.

The proposed changes will update the reference to the current State Stormwater Management Manual for Western Washington manual as required to meet the National Pollutant Discharge Elimination System Permit.

Advantage(s)

Complies with the National Pollutant Discharge Elimination System (NPDES) Stormwater Permit issued to Vancouver by the Washington State Department of Ecology.

Disadvantage(s)

None

Budget Impact

None

Prior Council Review

May 2, 2022 staff memorandums

Action Requested

On Monday, May 23, 2022, approve ordinances on first reading, setting date of second reading and public hearing for Monday, June 6, 2022.

Annette Griffy, Engineering Program Manager, 360-487-7190

ATTACHMENTS:

- ▣ 14.24 and 14.25 Memo
- ▣ 14.24 Draft Amendments
- ▣ 14.25 Draft Amendments
- ▣ 14.24 Ordinance
- ▣ 14.25 Ordinance

MEMORANDUM

DATE: May 2, 2022

TO: Eric Holmes, City Manager

FROM: Lon Pluckhahn, Deputy City Manager

CC: Annette Griffy, Surface Water Management Manager
Kris Olinger, Senior Civil Engineer

RE: **Amendments to VMC 14.24 Erosion Control and VMC 14.25 Stormwater Control Ordinances**

Background

The City's Western Washington Phase II Municipal Stormwater Permit issued by Department of Ecology in 2019, requires that the City adopt and make effective updates to the city ordinance or other enforceable mechanism that addresses runoff from new development, redevelopment, and construction site projects.

To meet the permit requirements, stormwater development codes shall be updated to reference the latest stormwater guidance manual from the Department of Ecology. Revisions to VMC 14.24 Erosion Control and VMC 14.25 Stormwater Control are scheduled to be presented to Council for consideration on May 23, 2022 and June 6, 2022.

Impacts

The changes will require new development, redevelopment, and construction site projects to use the latest guidance available in the Stormwater Management Manual for Western Washington.

Next Steps:

Amendments to the City's Erosion and Stormwater control ordinances are required to be effective by July 2022. The amended ordinances are scheduled to be presented to City Council for action May 23, 2022 and June 6, 2022.



To request other formats, please contact:
City Manager's Office
(360) 487-8600 | WA Relay: 711
CMO@cityofvancouver.us

Attachment A

Vancouver Municipal Code

Draft Proposed Erosion Control Code Amendments

Chapter 14.24

EROSION CONTROL

Sections:

- 14.24.010 Findings.
- 14.24.020 Purpose.
- 14.24.030 Applicability.
- 14.24.035 Adoption of Manuals.
- 14.24.036 Cross References.
- 14.24.040 Definitions.
- 14.24.050 Persons responsible for compliance.
- 14.24.060 Specific compliance requirements.
- 14.24.070 Construction stormwater pollution prevention plans.
- 14.24.075 Adjustments.
- 14.24.076 Exceptions.
- 14.24.080 Enforcement.
- 14.24.090 Liability.

14.24.010 Findings.

A. Erosion and sedimentation from land-disturbing activities detrimentally affects the public health, safety and general welfare in the following ways:

1. Increases the risk of flooding because streams and stormwater facilities that receive excessive sediment have a reduced capacity to convey water;

2. Damages fisheries when siltation clogs spawning gravel and when excessive turbidity impairs the feeding ability of aquatic animals;
 3. Increases public expenditures for maintenance of stormwater facilities that receive excessive amounts of sediment;
 4. Damages adjacent properties, including public rights-of-way, when sediment is deposited on these properties;
 5. Increases public expenditures for cleaning and maintaining roadway surfaces that receive excessive sediment;
 6. Promotes transport of nutrients to lakes causing algal blooms and oxygen depletion; and
 7. Causes detrimental water quality problems to Burnt Bridge Creek, Vancouver Lake Lowlands and water quality impacts to the Columbia River.
- B. Erosion prevention and sediment control is important to prevent harm to the public health or safety.
- C. Erosion can best be prevented through the implementation of best management practices (BMPs). (Ord. M-3920 §2, 2009)

14.24.020 Purpose.

- A. It is the purpose of this chapter to prevent harm to the health or safety of the public, and to promote the public health, safety and general welfare by providing for the minimization of erosion from land development and land-disturbing activities, in order to:
1. Prevent erosion and sedimentation of creeks, streams, ponds, lakes, wetlands, and other water bodies;
 2. Prevent damage to property from increased erosion rates and volumes;
 3. Protect the quality of land for recreation, fishing and other beneficial use;
 4. Establish sound development policies which protect and preserve the city's land resources;
 5. Protect roads and rights-of-way from damage due to inadequately controlled erosion;
 6. Preserve and enhance the aesthetic quality of land resources; and

7. Protect the health, safety and welfare of the inhabitants of the city.

B. It is the purpose of the 2009 amendments to this chapter to adopt ordinances and other enforceable mechanisms required for compliance with the most current version of the City of Vancouver's January 17, 2007 National Pollutant Discharge Elimination System (NPDES) Western Washington Phase II Municipal Stormwater Permit, and for compliance with the federal Underground Injection Control (UIC) program, through application of best management practices (BMPs) for stormwater management. The regulatory basis requiring the 2009 amendments is as follows:

1. To meet requirements of the Federal Clean Water Act, the State of Washington Department of Ecology has been given the authority to issue municipal stormwater permits to designated communities throughout the state that discharge stormwater into surface water bodies. On January 17, 2007, the Washington State Department of Ecology issued the City of Vancouver a Western Washington Phase II Municipal Stormwater Permit under the National Pollutant Discharge Elimination System (NPDES) program. The permit requires that the City of Vancouver adopt low impact development principles and best management practices, stormwater control and pollution prevention measures, with the goal of improving waters of the state. (Ord. M-4179 §22, 2016; Ord. M-3920 §2, 2009)

14.24.030 Applicability.

A. Provisions of this chapter apply to land-disturbing activities, as defined herein and as regulated by the City's National Pollutant Discharge Elimination System Western Washington Phase II Municipal Stormwater Permit and its mandatory incorporated provisions of the ~~2005~~ 2019 Stormwater Management Manual for Western Washington, ~~specifically Volumes I and II.~~

B. All land-disturbing activities shall comply with this chapter; with City's National Pollutant Discharge Elimination System Western Washington Phase II Municipal Stormwater Permit, with the Permit's Minimum Requirements and its mandatory incorporated provisions of the ~~2005~~ 2019 Stormwater Management Manual for Western Washington; and with the City's General Requirements; provided that exceptions to the Minimum Requirements may be granted under criteria and procedures set forth in this chapter.

C. Exemptions from the provisions of this chapter are those set forth in Appendix 1, Section 1 of the City's National Pollutant Discharge Elimination System Western Washington Phase II Municipal Stormwater Permit. (Ord. M-4179 §23, 2016; Ord. M-4179 §23, 2016; Ord. M-3920 §2, 2009)

14.24.035 Adoption of Manuals.

A. For purposes of regulation of activities subject to this chapter, the City hereby adopts by reference as its Stormwater Manual ~~the Stormwater Management Manual for Western Washington, and as hereafter amended~~ as defined in this chapter.

B. For purposes of regulation of activities subject to this chapter, the City hereby adopts by reference the most current version of the "City of Vancouver Engineering Services General Requirements and Details for the Design and Construction of Water, Sanitary Sewer and Surface Water Systems" (General Requirements). The General Requirements are intended to supplement and clarify the Stormwater Manual to provide guidance for and tailor to local conditions. The General Requirements may also adopt measures that are deemed equivalent by the Washington State Department of Ecology.

C. At least one copy of each manual adopted in this section shall be filed in the Office of the City Clerk for use and examination by the public. The manuals may also be made available for use and examination by the public at the Office of the Director, and on the City website.

D. Where provisions of this chapter or manuals adopted under this section conflict with other provisions of the Vancouver Municipal Code, the more stringent requirements, which have the most protective effect on water quality, shall apply. (Ord. M-4179 §24, 2016; Ord. M-3920 §2, 2009)

14.24.036 Cross References.

Any reference to "Stormwater Management Manual" or "Puget Sound Erosion Control Manual" or "Washington Department of Ecology's Stormwater Management Manual for the Puget Sound" or "Puget Sound Water Quality Manual" or "BMP's approved by the Western Washington Stormwater Manual" or "Department of Ecology alternative paving Best Management Practices," wherever found within the Vancouver Municipal Code, shall refer to this chapter and to the equivalent manuals as adopted in this chapter. (Ord. M-3920 §2, 2009)

14.24.040 Definitions.

For the purpose of this chapter, the following definitions shall apply. Any terms not defined herein are used as defined in the City's National Pollutant Discharge Elimination System Western Washington Phase II Municipal Stormwater Permit and its mandatory incorporated provisions of the Stormwater Management Manual for Western Washington.

"Best management practices" or "BMPs" means the schedules of activities, prohibitions of practices, maintenance procedures, and structural and/or managerial practices approved by the Washington State Department of Ecology that, when used singly or in combination, control, prevent or reduce the release of pollutants and other adverse impacts to waters of Washington State.

"Certified Erosion and Sediment Control Lead" or "CESCL" means an individual who has current certification through an approved erosion and sediment control training program that meets the minimum training standards established by the Washington Department of Ecology (Ecology) (see BMP C160 in the Stormwater Management Manual for Western Washington (SWMMWW)). A CESCL is knowledgeable in the principles and practices of erosion and sediment control. The CESCL must have the skills to assess site conditions and construction activities that could impact the quality of stormwater discharges. Certification is obtained through an Ecology approved erosion and sediment control course. Course listings are provided online at Ecology's website.

"City" means the City of Vancouver.

"Director" means the director of the City of Vancouver public works department or designee.

"General Requirements" means the most current version of the "City of Vancouver Engineering Services General Requirements and Details for the Design and Construction of Water, Sanitary Sewer and Surface Water Systems".

"Land-disturbing activity" means any activity that results in a movement of earth or a change in the existing soil cover (both vegetative and nonvegetative) and/or existing soil topography. Land-disturbing activities include, but are not limited to: demolition, reconstruction, construction, clearing, grading, filling, excavation, and related activities. Compaction that is associated with stabilization of structures and road construction shall also be considered a land disturbing activity. Vegetation maintenance practices are not considered land-disturbing activity.

"Low Impact Development" or "LID" means a stormwater and land use management strategy that strives to mimic pre-disturbance hydrologic processes of infiltration, filtration, storage, evaporation, and transpiration by emphasizing conservation, use of on-site natural features, site planning, and distributed stormwater management practices that are integrated into a project design.

"Low Impact Development Best Management Practices" or "LID BMPs" mean distributed stormwater management practices, integrated into a project design, that emphasize pre-disturbance hydrologic processes of infiltration, filtration, storage, evaporation and transpiration. LID BMPs include, but are not limited to, bioretention, rain gardens, permeable pavements, roof downspout controls, dispersion, soil quality and depth, minimal excavation foundations, vegetated roofs, and water re-use.

“Minimum Requirements” means the Minimum Technical Requirements for New Development and Redevelopment as set forth in Appendix 1 of the City’s National Pollutant Discharge Elimination System (NPDES) Western Washington Phase II Municipal Stormwater Permit. The Minimum Requirements are identified as follows:

1. Preparation of Stormwater Site Plans. This Minimum Requirement is addressed in VMC Chapter 14.24, 14.25, and VMC Title 20 procedures.
2. Construction Stormwater Pollution Prevention Plan (SWPPP). This Minimum Requirement is addressed in VMC Chapter 14.24 and General NPDES Permit for Stormwater Discharges Associated with Construction Activities.
3. Source Control of Pollution. This Minimum Requirement is addressed in VMC Chapters 14.25 and 14.26.
4. Preservation of Natural Drainage Systems and Outfalls. This Minimum Requirement is addressed in VMC Chapter 14.25 and in VMC 20.740, Critical Areas.
5. On-site Stormwater Management. This Minimum Requirement is addressed in VMC Chapter 14.25.
6. Runoff Treatment. This Minimum Requirement is addressed in VMC Chapter 14.25.
7. Flow Control. This Minimum Requirement is addressed in VMC Chapter 14.25.
8. Wetlands Protection. This Minimum Requirement is addressed in VMC Chapter 14.25 and 20.740 Critical Areas.
9. Operation and Maintenance. This Minimum Requirement is addressed in VMC Chapter 14.25.

“National Pollutant Discharge Elimination System” or “NPDES” means the national program for issuing, modifying, revoking, and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under sections 307, 402, 318, and 405 of the Federal Clean Water Act, for the discharge of pollutants to surface waters of the state from point sources. These permits are referred to as NPDES permits and, in Washington State, are administered by the Washington State Department of Ecology.

“Pollution” or “pollutants” means such contamination, or other alteration of the physical, chemical or biological properties, of any waters of the state, including change in temperature, taste, color, turbidity, or odor of the waters, or such discharge of any liquid, gaseous, solid, radioactive, or other substance into any waters of the state as will or is likely to create a nuisance or render such waters harmful, detrimental or injurious to the public health, safety or welfare, or to domestic, commercial, industrial, agricultural,

recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish or other aquatic life.

"Stormwater" means that portion of precipitation that does not naturally percolate into the ground or evaporate, but flows via overland flow, interflow, pipes, and other features of a stormwater drainage system into a defined surface waterbody or a constructed infiltration facility.

"Stormwater facility" means a constructed component of a stormwater drainage system, designed and constructed to perform a particular function, or multiple functions. Stormwater facilities include, but are not limited to: pipes, swales, ditches, open channels, culverts, street gutters, detention ponds, retention ponds, constructed wetlands, storage basins, infiltration devices, catch basins, manholes, dry wells, oil/water separators, biofiltration swales, sediment basins, bioretention, permeable pavements, and vegetated roofs.

"Stormwater Manual" means the Stormwater Management Manual for Western Washington, prepared by the Washington State Department of Ecology Water Quality Program in December 2014, Publication No. 14-10-055 (a revision of Publication No. 12-10-030), 5 volumes February 1019, Publication No. 19-10-021 (a revision of Publication No. 14-10-055), and as hereafter amended.

"Stormwater Permit" means the City of Vancouver's National Pollutant Discharge Elimination System (NPDES) Western Washington Phase II Municipal Stormwater Permit issued August 1, 2013, which was modified, effective January 16, 2014, by the Washington State Department of Ecology, and as hereafter modified or reissued. (Ord. M-4179 §25, 2016; Ord. M-3920 §2, 2009)

14.24.050 Persons responsible for compliance.

Meeting the requirements of this chapter is the responsibility of the property owner on whose parcel the land-disturbing activity occurs and the person actually undertaking such activities on the site, and the general contractor for the site. In addition, if the land-disturbing activity involves a City-issued permit, the permit holder, and the general contractor are also responsible for meeting the requirements of this chapter. (Ord. M-4179 §26, 2016; Ord. M-3920 §2, 2009)

14.24.080 Specific compliance requirements.

A. Inspection. Prior to commencement of land disturbing activities, the City shall be contacted to obtain a City site inspection. Contacting the City to obtain the site inspection is the responsibility of the property owner on whose parcel the land-

disturbing activity occurs and the person undertaking such activities. In addition, if the land-disturbing activity involves a city-issued permit, the permit holder, and the general contractor are also responsible for meeting this requirement.

B. Preserve Vegetation/Mark Clearing Limits. Retain the duff layer, native top soil, and natural vegetation in an undisturbed state to the maximum degree practicable. Prior to beginning land disturbing activities, including clearing and grading, clearly mark all clearing limits for critical areas and their buffers, and trees that are to be preserved within the construction area. Clearing limits for critical areas and their buffers, and for tree, vegetation, and soil conservation, shall be in compliance with all applicable requirements set forth in relevant chapters of the Vancouver Municipal Code.

C. Construction Access Route. Construction vehicle access shall be limited to one route, unless additional access is approved by the Director. Access points shall be installed as required by the Stormwater Manual and the General Requirements to minimize the tracking of sediment, mud or debris onto paved surfaces, public and private roads.

D. Sediment Removal from Roadways, Paved and Impervious Surfaces. If sediment, mud or debris is transported onto a road, paved or impervious surface, the roads, paved and impervious surfaces shall be cleaned thoroughly at the end of each workday or more often if necessary. Significant soil deposits shall be removed from roads, paved and impervious surfaces by shoveling and sweeping and shall be transported to a controlled sediment disposal area. Street washing is not allowed unless approved by the Director and only after sediment is removed in the manner described above.

E. Stabilization of Denuded Areas. All exposed soils shall be stabilized in a timely manner, by suitable application of BMPs, including but not limited to sod or other vegetation, plastic covering, mulching or crushed aggregate on areas to be paved. All exposed and disturbed soils shall be stabilized by the appropriate BMP. During the period from October 1st to April 30th no soil shall be exposed for more than two days. From May 1st to September 30 no soil shall be exposed more than seven days. All BMPs shall be selected, designed and maintained in accordance with the Stormwater Manual and the General Requirements.

F. Protection of Water Bodies and Adjacent Properties including Right-of-Way. Water bodies, adjacent properties, and right-of-way shall be protected from sediment deposition by appropriate use of vegetative filter strips, sediment barriers or filters, dikes or mulching or by a combination of these measures and other appropriate BMPs.

G. Sediment Traps or Ponds. Stormwater runoff from disturbed areas shall pass through a sediment pond, sediment trap or other approved BMP system.

H. Storm Drain Inlet Protection. All storm drain inlets shall be protected by approved BMPs which shall be operable, properly installed, and maintained according to the Stormwater Manual and the General Requirements.

I. Stormwater Facility Protection. Permanent stormwater facilities shall be isolated and protected from sedimentation by approved BMPs which shall be operable, properly installed and maintained according to the Stormwater Manual and the General Requirements. Permanent facilities may be approved by the Director for temporary use during construction in compliance with the Stormwater Manual. Temporary erosion ponds shall be placed, operated, and maintained as specified in the General Requirements and approved plans.

J. Protect Low Impact Development BMPs. Protect LID BMPs from compaction and sedimentation.

K. Maintenance. All erosion prevention and sediment control BMPs shall be regularly inspected and maintained to ensure continued performance of their intended function. A log of erosion prevention and sediment control BMP maintenance shall be provided and kept as a permanent record. The maintenance log shall be kept in a designated on-site location. Construction sites shall be inspected at least once a week and after each rainfall event.

L. Removal of Temporary BMPs. All temporary erosion and sediment control BMPs shall be removed within thirty (30) days after final site stabilization. Disturbed soil areas resulting from BMP removal shall be properly stabilized.

M. Certified Erosion and Sediment Control Lead (CESCL). All land-disturbing activities shall be supervised by an individual who shall have successfully completed formal training in erosion and sediment control by a recognized organization acceptable to the Washington State Department of Ecology. A certification of successful completion of such training shall be submitted at the pre-construction conference. This certification requirement shall not apply to single-family homeowners acting as their own contractor and engaging in development or land-disturbing activity on their own property.

N. Underground Utility Construction. For construction of underground utility lines, excavated material shall be properly managed in accordance with the Stormwater Manual and shall be subject to the following additional requirements:

1. The length of trench opened at one time shall be minimized.
2. Trenches shall be topped and maintained with clean rock until paving occurs.
3. Trench dewatering devices shall discharge into an approved, operating, and properly maintained BMP.

O. Financial Liability. Performance bonding or other appropriate financial instruments, may be required for all development, redevelopment projects that include the creation or addition of five thousand square feet, or greater, of new impervious surface area, and/or land-disturbing activity of one acre or greater.

P. Construction Stormwater Pollution Prevention. Compliance with Minimum Requirement #2, Construction Stormwater Pollution Prevention Plan, shall be achieved for an individual site of land-disturbing activities if the site is covered under the Washington State Department of Ecology's General NPDES Permit for Stormwater Discharges Associated with Construction Activities and is fully implementing the requirements of that permit.

Q. If the BMPs applied to a site are insufficient to prevent sediment from reaching water bodies, adjacent properties or public right-of-way, then the Director shall require additional BMPs. (Ord. M-4179 §27, 2016; Ord. M-3920 §2, 2009)

14.24.070 Construction stormwater pollution prevention plans.

A. A Construction Stormwater Pollution Prevention Plan (SWPPP) shall be submitted to and approved by the Director prior to commencement of any project that meets the applicability threshold of VMC 14.25.

B. For land-disturbing activities that fall below the applicability thresholds of VMC 14.25 as erosion prevention and sediment control plan shall be submitted and approved by the Director prior to commencement of any of the following:

1. Any project that requires a City grading permit;
2. Any application that the Director determines poses a high risk of erosion impacting adjacent properties, water bodies, public rights-of-way or stormwater facilities.
3. Those activities described in the Stormwater Manual.

C. The stormwater pollution prevention plan (SWPPP) or erosion prevention and sediment control plan shall be prepared in conformance with the City's General Requirements, the Stormwater Permit, and the Stormwater Manual. The SWPPP or erosion prevention and sediment control plan shall be submitted to and approved by the Director prior to issuance of City permits or approval involving a land-disturbing activity.

D. If the SWPPP or erosion prevention and sediment control plan is deemed insufficient to prevent sediment from reaching water bodies, adjacent properties, or public rights-of-way, then the Director is authorized to require additional modifications to the SWPPP or erosion prevention and sediment control plan. (Ord. M-4197 §28, 2016; Ord. M-3920 §2, 2009)

14.24.075 Adjustments.

An Adjustment is a technical variation in the application of a Minimum Requirement to a particular project. The City may grant Adjustments to Minimum Requirement #2, only, under this section. Adjustments are not authorized under this section for other Minimum Requirements.

A. Adjustment Approval Process.

1. Stormwater Permit procedural requirements. Adjustments to the Minimum Requirements may be granted by the City, as Permittee, provided that a written finding of fact is prepared showing compliance with the specified criteria.

2. City process. A request for an Adjustment shall be administratively processed in accordance with procedures specified in the General Requirements. The Director may grant an Adjustment upon demonstration by the applicant of compliance with the approval criteria contained in Subsection B below. The Director shall maintain a record of such decisions and associated findings.

B. Adjustment Approval Criteria. The City may grant an Adjustment to Minimum Requirement #2, only, under the following circumstances:

1. Compliance with the approval criteria must be documented with written findings of fact.

2. The Adjustment provides substantially equivalent environmental protection.

3. Based on sound engineering practices, the objectives of safety, function, environmental protection and facility maintenance are met.

4. The Adjustment will not result in non-compliance with other Minimum Requirements.

5. No Adjustment shall be used in place of an Exception procedure under VMC 14.24.076, where such procedure is applicable. (Ord. M-4179 §29, 2016; Ord. M-3920 §2, 2009)

14.24.076 Exceptions.

The City may grant Exceptions to Minimum Requirement #2 under this section.

A. Exception Approval Process.

1. Stormwater Permit procedural requirements. Exceptions to Minimum Requirement #2 may be granted by the City, as Permittee, following legal public notice of an application for an exception or variance, legal public notice of the City's decision on the application, and written findings of fact that documents the City's determination to grant

an exception. The City shall keep records, including the written findings of fact, of all local exceptions to the Minimum Requirements. Project-specific design exceptions based on site-specific conditions do not require prior approval of the Washington State Department of Ecology.

2. City process. Applications for Exceptions shall be processed according to the procedures for Type III applications under VMC 20.210.060. A fee shall be imposed in the amount of the fee for a Type III variance as established under VMC 20.180.060. The Hearings Examiner may grant an Exception upon demonstration by the applicant of compliance with the approval criteria contained in Subsection B below. Hearings under VMC 14.24.076 relating to Exceptions shall be consolidated with any open record hearing related to the underlying new development or redevelopment application, where such open record hearing is required.

B. Exception Approval Criteria. The City may grant exceptions to Minimum Requirement #2 if application of the Minimum Requirement imposes a severe and unexpected economic hardship on a project applicant.

1. The following must be documented with written findings of fact:

- a. The current (pre-project) use of the site, and
- b. How the application of the Minimum Requirement(s) restricts the proposed use of the site compared to the restrictions that existed prior to the adoption of the Minimum Requirements; and
- c. The possible remaining uses of the site if the exception were not granted; and
- d. The uses of the site that would have been allowed prior to the adoption of the Minimum Requirements; and
- e. A comparison of the estimated amount and percentage of value loss as a result of the Minimum Requirements versus the estimated amount and percentage of value loss as a result of requirements that existed prior to adoption of the Minimum Requirements; and
- f. The feasibility for the owner to alter the project to apply the Minimum Requirements.

2. In addition any exception must meet the following criteria:

- a. The exception will not increase risk to the public health and welfare, nor be injurious to other properties in the vicinity and/or downstream, and to the quality of waters of the state; and

b. The exception is the least possible exception that could be granted to comply with the intent of the Minimum Requirements. This criteria is met by evidence that the owner/operator has employed measures to avoid and minimize impacts, such as:

1. limiting the degree or magnitude of the regulated use or activity;
2. implementing best management practices;
3. phasing or limiting implementation;
4. changing the timing of activities; or
5. revising site plans. (Ord. M-4179 §30, 2016; Ord. M-4022 §57, 2012; Ord. M-3920 §2, 2009)

Code reviser's note: ACM 03/13/2013, Correction to Ord. M-3920.

14.24.080 Enforcement.

A. Enforcement. It shall be unlawful to violate the provisions of this chapter. Enforcement of this chapter shall be governed by VMC Title 22.

B. Supplemental Enforcement Provision. In addition to civil enforcement as authorized under VMC Title 22, when necessary corrective actions are not undertaken as directed by the City, an owner, operator or contractor can be held liable for abatement costs to remedy noncompliance as set forth in VMC 14.20.010(D). (Ord. M-4179 §30, 2016; Ord. M-3920 §2, 2009; Ord. M-3638 §16, 2003)

14.24.090 Liability.

Nothing in this chapter shall be deemed to impose any liability upon the City of Vancouver or upon any of its officers or employees or to relieve the owner or occupant of any property from the duty to keep their property in a safe and healthy condition. (Ord. M-3920 §2, 2009; Ord. M-3638 12/01/2003, Repealed and replaced w/language from 14.24.120)

Attachment B

Vancouver Municipal Code

Draft Proposed Stormwater Control Code Amendments

Chapter 14.25

STORMWATER CONTROL

Sections:

Article I. Introduction

- 14.25.010 Findings.
- 14.25.020 Purpose.
- 14.25.100 Applicability.
- 14.25.105 Adoption of Manuals.
- 14.25.106 Cross References.
- 14.25.110 Definitions.
- 14.25.120 Enforcement.
- 14.25.130 Liability.

Article II. Minimum Requirements

- 14.25.201 Stormwater site plan submittal requirements.
- 14.25.202 Construction stormwater pollution prevention.
- 14.25.203 Source Control of pollution.
- 14.25.204 Preservation of natural drainage.
- 14.25.205 Low impact development.
- 14.25.206 Runoff treatment.
- 14.25.207 Flow control.
- 14.25.208 Wetlands protection.
- 14.25.209 Ownership and maintenance.
- 14.25.230 Ownership of stormwater facilities.
- 14.25.240 Bonds and Insurance.

Article III. Exceptions and Special Cases.

- 14.25.300 Basin Planning.
- 14.25.315 Adjustments.
- 14.25.320 Exceptions.

Article I. Introduction

14.24.010 Findings.

A. Stormwater runoff detrimentally affects the public health, safety and general welfare in the following ways:

1. Inadequately controlled stormwater runoff results in increased stormwater runoff volumes, peak flow rates and duration of peak flows in streams and roadways, thereby causing flooding and safety hazards, and erosion, scouring and deposition of sediment.
2. Untreated stormwater runoff discharges nutrients, metals, oil and grease, toxic materials, and other forms of pollution to the City's surface and groundwater resources, thereby endangering their use for recreation, drinking water and fisheries.

B. Stormwater problems from new development and redevelopment shall be prevented and corrected at the time that such development occurs and that the governmental approval to proceed with new development and redevelopment shall be so conditioned.

C. The most financially sound and most equitable method for financing the improvements necessary to correct existing problems from stormwater runoff and to provide and maintain surface and groundwater quantity and quality within drainage basins is for the owners and occupiers of existing properties and future developments within such basins to share the financial burden for such facilities and corrections with other funding sources when available.

D. The most technically and financially efficient method of addressing problems caused by stormwater runoff is through basin plans, including watershed planning and the implementation of low impact development principles across the basin.

E. Stormwater control is important to prevent harm to the public health or safety. (Ord. M-4179 §32, 2016; Ord. M-3290 §3, 2009)

14.25.020 Purpose.

A. The purpose of this chapter is to prevent harm to the health or safety of the public, and to promote the public health, safety and general welfare by providing standards in stormwater runoff in order to:

1. Prevent surface and groundwater quality degradation and prevent erosion and sedimentation of creeks, streams, ponds, lakes, wetlands, and other water bodies;
2. Prevent damage to property from increased runoff rates and volumes;
3. Protect the quality of waters for drinking water supply, contact recreation, fishing and other beneficial uses;
4. Establish sound developmental policies which protect and preserve the City's water resources;
5. Protect the roads and rights-of-way from damage due to inadequately controlled runoff and erosion;
6. Preserve and enhance the aesthetic quality of water resources;
7. Protect the health, safety and welfare of the inhabitants of the City;
8. Maintain existing groundwater levels, in-stream flows, and available water supply volumes; and
9. Further the goals of no net change in the quantity of runoff entering streams and no net negative change in the quality of runoff entering streams through the implementation of best management practices.

B. It is the purpose of the 2016 amendments to this chapter to adopt ordinances and other enforceable mechanisms required for compliance with the City of Vancouver's Stormwater Permit, and for compliance with the federal Underground Injection Control (UIC) program, through application of best management practices (BMPs) for stormwater management. The regulatory basis requiring the 2016 amendments is as follows:

1. To meet requirements of the Federal Clean Water Act, the State of Washington Department of Ecology has been given the authority to issue municipal stormwater permits to designated communities throughout the state that discharge stormwater into surface water bodies. The Washington State Department of Ecology issued the City of Vancouver a Western Washington Phase II Municipal Stormwater Permit under the National Pollutant Discharge Elimination System (NPDES) program. The permit requires that the City of Vancouver adopt low impact development principles and best management practices, stormwater control and pollution prevention measures, with the goal of improving waters of the state.
2. The Underground Injection Control (UIC) program was created by Congress to protect underground sources of drinking water from discharges of fluids to the ground. Chapter 173-218 WAC was adopted by the Washington State Department of Ecology to regulate stormwater discharges to groundwater through drywells and other types of

underground infiltration systems that are not regulated under the NPDES permit. (Ord. M-4179 §33, 2016; Ord. M-3920 §3, 2009)

14.25.100 Applicability.

A. Provisions of this chapter apply to new development and redevelopment activities, as defined herein and as regulated by the City's National Pollutant Discharge Elimination System Western Washington Phase II Municipal Stormwater Permit and its mandatory incorporated provisions of the 2019 Stormwater Management Manual for Western Washington.

B. All new development and redevelopment activities shall comply with this chapter; with the City's National Pollutant Discharge Elimination System Western Washington Phase II Municipal Stormwater Permit, with the Permit's Minimum Requirements and its mandatory incorporated provisions of the ~~2005~~ 2019 Stormwater Management Manual for Western Washington; and with the City's General Requirements; provided that exceptions to the Minimum Requirements may be granted under criteria and procedures set forth in this chapter.

C. Exemptions from the provisions of this chapter are those set forth in Appendix 1, Section 1 of the City's National Pollutant Discharge Elimination System Western Washington Phase II Municipal Stormwater Permit. (Ord. M-4179 §34, 2016; Ord. M-3920 §3, 2009)

14.25.105 Adoption of Manuals.

A. For purposes of regulation of activities subject to this chapter, the City hereby adopts by reference the Stormwater Manual as defined in this chapter.

B. New development and redevelopment projects utilizing low impact development practices shall refer to the Stormwater Manual for design recommendations.

C. For purposes of regulation of activities subject to this chapter, the City hereby adopts by reference the most current version of the "City of Vancouver Engineering Services General Requirements and Details for the Design and Construction of Water, Sanitary Sewer and Surface Water Systems" (General Requirements). The General Requirements are intended to supplement and clarify the Stormwater Manual to provide guidance for and tailor to local conditions. The General Requirements may also adopt measures that are deemed equivalent by the Washington State Department of Ecology.

D. For purposes of providing technical assistance concerning City operations, the City hereby adopts by reference the most current version of "The City of Vancouver's Best Management Practices for the Operation and Maintenance of Publicly-owned Property".

E. At least one copy of each manual adopted in this section shall be filed in the Office of the City Clerk for use and examination by the public. The manuals may also be made

available for use and examination by the public at the Office of the Director, or on the City website.

F. Where provisions of this chapter or manuals adopted under this section conflict with other manuals adopted under this section, or with other provisions of the Vancouver Municipal Code, the more stringent requirements, which have the most protective effect on water quality, shall apply. (Ord. M-4179 §35, 2016; Ord. M-3920 §3, 2009)

14.25.106 Cross References.

Any reference to "Stormwater Management Manual" or "Puget Sound Erosion Control Manual" or "Washington Department of Ecology's Stormwater Management Manual for the Puget Sound" or "Puget Sound Water Quality Manual" or "BMP's approved by the Western Washington Stormwater Manual" or "Department of Ecology alternative paving Best Management Practices," wherever found within the Vancouver Municipal Code, shall refer to this chapter and to the equivalent manuals as adopted in this chapter. (Ord. M-3920 §3, 2009)

14.25.110 Definitions.

For the purposes of this chapter, the following definitions shall apply. Any terms not defined herein are used as defined in the City's Stormwater Permit and its mandatory incorporated provisions of the Stormwater Management Manual for Western Washington.

"Best management practices" or "BMPs" means the schedules of activities, prohibitions of practices, maintenance procedures, and structural and/or managerial practices approved by the Washington State Department of Ecology that, when used singly or in combination, control, prevent or reduce the release of pollutants and other adverse impacts to waters of Washington State.

"Basin plan" means a plan that assesses, evaluates, and proposes solutions to existing and potential future impacts to the beneficial uses of, and the physical, chemical, and biological properties of waters of the state within a basin.

"City" means the City of Vancouver.

"Collection and conveyance system" means the drainage facilities, both natural and man-made, which collect, contain, and provide for the flow of surface and stormwater to a receiving water or infiltration facility. The natural elements of the conveyance system include, but are not limited to, small drainage courses, streams, rivers, lakes, and wetlands. The human-made elements of the collection and conveyance system include, but are not limited to, gutters, inlets, ditches, pipes, channels, and retention/detention facilities.

"Director" means the director of the City of Vancouver public works department or designee.

"Flow control facility" means a drainage facility designed to mitigate the impacts of increased surface and stormwater runoff flow rates generated by development. Flow control facilities are designed either to hold water for a considerable length of time and then release it by evaporation, plant transpiration, and/or infiltration into the ground, or to hold runoff for a short period of time, releasing it to the conveyance system at a controlled rate.

"General Requirements" means the most current edition of the "City of Vancouver Engineering Services General Requirements and Details for the Design and Construction of Water, Sanitary Sewer and Surface Water Systems".

"Groundwater" means water in a saturated zone or stratum beneath the surface of land or below a surface water body.

"Hard surface" means an impervious surface, a permeable pavement or a vegetated roof.

"Impervious surface" means a non-vegetated surface area that either prevents or retards the entry of water into the solid mantle as under natural conditions prior to development. A non-vegetated surface area which causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development. Common impervious surfaces include, but are not limited to, roof tops, walkways, patios, driveways, parking lots or stormwater areas, concrete or asphalt paving, gravel roads, packed earthen materials, and oiled, macadam or other surfaces which similarly impede the natural infiltration of stormwater.

"Land-disturbing activity" means any activity that results in a movement of earth or a change in the existing soil cover (both vegetative and nonvegetative) and/or existing soil topography. Land-disturbing activities include, but are not limited to, demolition, reconstruction, construction, clearing, grading, filling, excavation, and related activities. Compaction that is associated with stabilization of structures and road construction shall also be considered a land disturbing activity. Vegetation maintenance practices are not considered land-disturbing activity.

"Low Impact Development" or "LID" means a stormwater management and land use management strategy that strives to mimic pre-disturbance hydrologic processes of infiltration, filtration, storage, evaporation and transpiration by emphasizing conservation, use of on-site natural features, site planning, and distributed stormwater management practices that are integrated into a project design.

"LID Best Management Practices (BMPs)" means distributed stormwater management practices, integrated into a project design, that emphasize pre-disturbance hydrologic processes of infiltration, filtration, storage, evaporation and transpiration. LID BMPs

include, but are not limited to, bioretention, rain gardens, permeable pavements, roof downspout controls, dispersion, soil quality and depth, vegetated roofs, minimum excavation foundations, and water re-use.

"LID Principles" means land management strategies that emphasize conservation, use of on-site natural features, and site planning to minimum impervious surfaces, native vegetation loss, and stormwater runoff.

"Minimum Requirements" means the Minimum Technical Requirements for New Development and Redevelopment as set forth in Appendix 1 of the City's Western Washington Phase II Municipal Stormwater Permit. The Minimum Requirements are identified as follows:

1. Preparation of Stormwater Site Plans. This Minimum Requirement is addressed in VMC Chapter 14.24, 14.25 and VMC Title 20 procedures.
2. Construction Stormwater Pollution Prevention Plan (Construction SWPPP). This Minimum Requirement is addressed in VMC Chapter 14.24 and in General NPDES Permit for Stormwater Discharges Associated with Construction Activities.
3. Source Control of Pollution. This Minimum Requirement is addressed in VMC Chapters 14.25 and 14.26.
4. Preservation of Natural Drainage Systems and Outfalls. This Minimum Requirement is addressed in VMC Chapter 14.25 and in VMC 20.740 Critical Areas.
5. On-site Stormwater Management. This Minimum Requirement is addressed in VMC Chapter 14.25.
6. Runoff Treatment. This Minimum Requirement is addressed in VMC Chapter 14.25.
7. Flow Control. This Minimum Requirement is addressed in VMC Chapter 14.25.
8. Wetlands Protection. This Minimum Requirement is addressed in VMC Chapter 14.25 and 20.740 Critical Areas.
9. Operation and Maintenance. This Minimum Requirement is addressed in VMC Chapter 14.25.

"National Pollutant Discharge Elimination System" or "NPDES" means the national program for issuing, modifying, revoking, and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under sections 307, 402, 318, and 405 of the Federal Clean Water Act, for the discharge of pollutants to surface waters of the state from point sources. These permits are referred to as NPDES permits and, in Washington State, are administered by the Washington State Department of Ecology.

"New development" means land disturbing activities, including Class IV-general forest practices that are conversions from timber land to other uses; structural development, including construction or installation of a building or other structure; creation of impervious surfaces; and subdivision, short subdivision and binding site plans, as defined and applied in Chapter 58.17 RCW. Projects meeting the definition of redevelopment shall not be considered new development.

"Non-endangerment Standard" means to prevent the movement of fluid containing any contaminant into the groundwater if the contaminant may cause a violation of the water quality standards for groundwaters of the state of Washington, Chapter 173-200 WAC or may cause health concerns.

"Operations and maintenance manual" means a document prepared to explain the proper specific operational and maintenance details of facilities installed as required by the Stormwater Manual.

"Permit" means the most current version of the City of Vancouver's National Pollutant Discharge Elimination System (NPDES) Western Washington Phase II Municipal Stormwater Permit issued August 1, 2013, which was modified, effective January 16, 2014, by the Washington State Department of Ecology, and as hereafter amended or reissued.

"Pervious surface" means a surface material that allows stormwater to infiltrate into the ground. Examples include lawn, landscape, pasture, native vegetation areas, and permeable pavements.

"Pollution" or "pollutants" means such contamination, or other alteration of the physical, chemical or biological properties, of any waters of the state, including change in temperature, taste, color, turbidity, or odor of the waters, or such discharge of any liquid, gaseous, solid, radioactive, or other substance into any waters of the state as will or is likely to create a nuisance or render such waters harmful, detrimental or injurious to the public health, safety or welfare, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish or other aquatic life.

"Pollution-generating hard surface" or PGHS" means those hard surfaces considered to be a significant source of pollutants in stormwater runoff. See the listing of surfaces under pollution-generating impervious surface.

"Pollution-generating impervious surface" or "PGIS" means those impervious surfaces considered to be a significant source of pollutants in stormwater runoff. Such surfaces include those which are subject to: vehicular use; industrial activities or storage of erodible or leachable materials, wastes or chemicals, and which receive direct rainfall or the run-on or blow-in rainfall; metal roofs unless they are coated with an inert, non-leachable material (e.g., backed-on enamel coating); or roofs that are subject to venting

significant amounts of dusts, mists or fumes from manufacturing, commercial or other indoor activities.

"Pollution-generating pervious surface" or "PGPS" means any non-impervious surface subject to vehicular use, industrial activities or storage of erodible or leachable materials, wastes or chemicals, and that receive direct rainfall or run-on or blow-in of rainfall, use of vehicular use, lawns and landscaped areas including: golf courses, parks, cemeteries, and sports fields (natural and artificial turf).

"Redevelopment" means, on a site that is already substantially developed (i.e., has 35% or more of existing impervious surface coverage), the creation or addition of impervious surfaces; the expansion of a building footprint or addition or replacement of a structure; structural development including construction, installation or expansion of a building or other structure; replacement of impervious surface that is not part of a routine maintenance activity; and land disturbing activities.

"Registered soil scientist" means a person who is qualified to evaluate and interpret soils and soil-related data for the purpose of understanding soil resources as they affect environmental quality and who is certified with the American Registry for Certified Professionals in Soil Science.

"Runoff" means water that travels across the land surface and discharges to water bodies either directly or through a collection and conveyance system.

"Source control BMP" means a structure or operation that is intended to prevent pollutants from coming into contact with stormwater through physical separation of areas or careful management of activities that are sources of pollutants. The Stormwater Manual separates source control BMPs into two types. Structural Source Control BMPs are physical, structural, or mechanical devices, or facilities that are intended to prevent pollutants from entering stormwater. Operational BMPs are non-structural practices that prevent or reduce pollutants from entering stormwater. See Volume IV of the 2005 Stormwater Management Manual for Western Washington for details.

"Stormwater" means that portion of precipitation that does not naturally percolate into the ground or evaporate, but flow via overland flow, interflow, pipes and other features of a stormwater drainage system into a defined surface waterbody or a constructed infiltration facility.

"Stormwater facility" means a constructed component of a stormwater drainage system, designed and constructed to perform a particular function, or multiple functions. Stormwater facilities include, but are not limited to: pipes, swales, ditches, open channels, culverts, street gutters, detention ponds, retention ponds, constructed wetlands, storage basins, infiltration devices, catch basins, manholes, dry wells, oil/water separators, biofiltration swales, sediment basins, bioretention, permeable pavements, and vegetated roofs.

“Stormwater Manual” means the Stormwater Management Manual for Western Washington, prepared by the Washington State Department of Ecology Water Quality program, ~~December 2014, Publication No. 14-10-055 (a revision of Publication No. 12-10-030), 5 volumes February 1019, Publication No. 19-10-021 (a revision of Publication No. 14-10-055),~~ and as hereafter amended.

“Stormwater site plan” means the comprehensive report containing all of the technical information and analysis necessary for regulatory agencies to evaluate a proposed new development or redevelopment project for compliance with stormwater requirements. Contents of the Stormwater Site Plan will vary with the type and size of the project, and individual site characteristics. It includes a Construction Stormwater Pollution Prevention Plan (Construction SWPPP) and a Permanent Stormwater Control Plan (PSC Plan). Guidance on preparing a Stormwater Site Plan is contained in the Stormwater Manual, Chapter 3 of Volume I. Modified submittals of stormwater site plans are permitted as specified in the General Requirements

“Total Maximum Daily Load” or “TMDL” means a water cleanup plan. A TMDL is a calculation of the maximum amount of a pollutant that a water body can receive and still meet water quality standards, and an allocation of that amount to the pollutant’s sources. A TMDL is the sum of the allowable loads of a single pollutant from all contributing point and nonpoint sources. The calculation must include a margin of safety to ensure that the water body can be used for the purposes the state has designated. The calculation must also account for seasonable variation in water quality. Water quality standards are set by states, territories, and tribes. They identify the uses for each water body, for example, drinking water supply, contact recreation (swimming), and aquatic life support (fishing), and the scientific criteria to support that use. The Clean Water Act, section 303, establishes the water quality standards and TMDL programs.

"Treatment BMP" or "Facility BMP" means a BMP that is intended to remove pollutants from stormwater. A few examples of treatment BMPs include, but are not limited to, wetponds, oil/water separators, biofiltration swales, and constructed wetlands.

“Underground Injection Control” or “UIC” well means a manmade subsurface fluid distribution system designed to discharge fluids into the ground, consisting of an assemblage of perforated pipes, drain tiles, or other similar mechanisms, or a dug hole that is deeper than the largest surface dimension. Subsurface infiltration systems include drywells, pipe or french drains, drain fields, and other similar devices.

"Wetlands" means those areas defined as wetlands under the City of Vancouver Critical Areas Protection ordinance, VMC 20.740. (Ord. M-4197 §36, 2016; Ord. M-3920 §3, 2009)

14.25.120 Enforcement.

A. It shall be unlawful to violate the provisions of this chapter. Enforcement of this chapter shall be governed by VMC Title 22.

B. In addition to civil enforcement as authorized under VMC title 22, when necessary corrective actions are not undertaken as directed by the City, an owner, operator or contractor can be held liable for abatement costs to remedy noncompliance as set forth in VMC 14.20.010(D).

C. All work done under a permit issued pursuant to this chapter shall be subject to the inspection and approval by the director or designee, and the work shall not be deemed completed until it has been inspected and approves as satisfactory. (Ord. M-4179 §36, 2016; Ord. M-3920 §3, 2009; Ord. M-3638 §18, 2003)

14.25.130 Liability.

Nothing in this chapter shall be deemed to impose any liability upon the City of Vancouver or upon any of its officers or employees, or to relieve the owner or occupant of any property from the duty to keep their property in a safe and healthy condition. (Ord. M-3920 §3, 2009)

Article II. Minimum Requirements

Minimum Requirements in new development and redevelopment shall follow the requirements of Appendix 1 of the Permit. (Ord. M-4179 §38, 2016)

14.25.201 Stormwater site plan submittal requirements.

A. A stormwater site plan complying with the requirements of this chapter, the Permit, and Stormwater Manual adopted herein shall be submitted to the City for all activities subject to regulation under this chapter. Stormwater site plans shall retain native vegetation and minimize impervious surfaces to the extent feasible.

B. Stormwater site plans involving engineering principles, such as plans including construction of treatment facilities or flow control facilities, structural source control BMPs, or drainage conveyance systems, shall be prepared by or under the direction of a licensed engineer registered in the State of Washington.

C. A stormwater site plan shall be submitted in a standard format as detailed in the City's General Requirements. (Ord. M-4179 §39, 2016; Ord. M-3920 §3, 2009)

14.25.202 Construction stormwater pollution prevention.

All new development and redevelopment projects are responsible for preventing erosion and discharge of sediment and other pollutants into receiving waters as required by the

Permit, Stormwater Manual and as specified in VMC 14.24 and the General Requirements. (Ord. M-4179 §40, 2016)

14.25.203 Source control of pollution.

All known, available, and reasonable source control BMPs are required for all projects. Source control BMPs shall be selected, designed and maintained in compliance with the Permit, Stormwater Manual, the City's General Requirements, and VMC 14.26. (Ord. M-4179 §41, 2016; Ord. M-3920 §3, 2009)

14.25.204 Preservation of natural drainage.

Natural drainage patterns shall be maintained, and discharges from the project site shall occur at the natural location and elevation, to the maximum extent practicable. The manner by which runoff is discharged from the project site must not cause adverse impact to downstream receiving waters and down gradient properties. All outfalls require energy dissipation. (Ord. M-4179 §42, 2016; Ord. M-3920 §3, 2009)

14.25.205 Low impact development.

Low impact development, also known as on-site stormwater management, principles, and best management practices are required in all types of development situations to minimize impervious surfaces, soil compaction, native vegetation loss and stormwater runoff unless there is a conflict with competing needs or determined to be infeasible by an appropriate professional as specified in the Permit and Stormwater Manual. (Ord. M-4179 §43, 2016; Ord. M-3920 §3, 2009)

14.25.206 Runoff treatment.

A. Runoff treatment in new development and redevelopment shall follow the requirements of the Permit, the City's General Requirements, and the Stormwater Manual.

B. Stormwater treatment BMPs shall be selected, sited, designed and constructed in accordance with the requirements detailed in the Permit, the City's General Requirements, and the Stormwater Manual. (Ord. M-4179 §44, 2016; Ord. M-3920 §3, 2009)

14.25.207 Flow control.

A. Flow control in new development and redevelopment shall follow the requirements of the Permit, the City's General Requirements, and the Stormwater Manual.

B. Flow control facilities, collection, and conveyance systems shall be selected, sited, designed, and constructed in compliance with the Permit, the City's General Requirements, and the Stormwater Manual.

C. UIC wells used to manage stormwater for flow control shall meet the non-endangerment standard (Chapter 173-218 WAC); which means the UIC well shall be designed, constructed, operated, maintained, and decommissioned in a manner that protects groundwater quality (Chapter 173-200 WAC).

D. Every new development and redevelopment must demonstrate that sufficient downstream conveyance capacity exist to accommodate the increased flow from the project. Hydrologic and hydraulic analysis will be required when sufficient capacity has not been established. Hydrologic and hydraulic analysis shall be in accordance with the Permit, the City's General Requirements, and the Stormwater Manual. (Ord. M-4179 §45, 2016)

14.25.208 Wetlands protection.

Wetlands Protection required under Permit Minimum Requirement #8 may also be addressed in VMC Chapter 20.740, Critical Areas. Where provisions of this chapter or manuals adopted under this chapter conflict with other manuals adopted under this section, or with other provisions of the Vancouver Municipal Code, the more stringent requirements, which have the most protective effect on water quality and wetland function shall apply. (Ord. M-4179 §46, 2016; Ord. M-3920 §3, 2009)

14.25.209 Ownership and maintenance.

A. Maintenance standards. All stormwater facilities shall be inspected and maintained so that they operate as designed. Inspection and maintenance shall comply with the "Maintenance Standards for Drainage Facilities" as specified in Volume V-Runoff Treatment BMPs in the Stormwater Manual, and with an approved operations and maintenance manual.

B. Short-term Maintenance.

1. To insure satisfactory operation of new private stormwater facilities, the applicant constructing the facility shall maintain it for two years after completion of the project.

2. For stormwater facilities within a public road right-of-way or on land owned by the City, the applicant, after satisfactory completion of the stormwater facilities, shall post and maintain a maintenance bond or other security acceptable to the Director. The two-year maintenance bond will cover the cost of design defects or failures in workmanship of the facilities. The amount of the maintenance bond shall be ten percent of the construction cost of the stormwater facilities.

C. City Long – Term Maintenance.

1. The City is responsible for long-term maintenance of new stormwater facilities under any of the following situations:

- a. Facilities located in public road rights-of-way; or
 - b. Facilities dedicated to the City; or
 - c. City-owned facilities that collect, convey, treat and/or infiltrate runoff from public rights-of-way.
2. If the City provides long-term maintenance of a stormwater facility, all the following requirements shall be met before the City becomes responsible for maintenance:
- a. The facilities shall be inspected and approved by the Director prior to acceptance.
 - b. All necessary ownerships and easements to properly access the facility shall be conveyed to the City and recorded with the county auditor.

D. Private Long – Term Maintenance.

- 1. For private stormwater facilities, the applicant shall make arrangements requiring that the existing or future occupants or owners assume maintenance responsibilities. Such arrangements shall be approved prior to approval of the stormwater site plan or prior to the time of recording a required plat, short plat, or covenant.
- 2. Stormwater billing credits may be allowed as specified in VMC 14.09.100. Documentation that an existing water quality or quantity facility is properly maintained in accordance with the applicable requirements of the Stormwater manual is required. Failure to provide documentation demonstrating proper maintenance may result in revocation of credits.
- 3. The City shall have the authority to inspect private facilities for compliance. If the responsible party fails to maintain the facilities in compliance with maintenance standards for drainage facilities as specified in the Stormwater Manual, and in compliance with an approved operations and maintenance manual, the City may take enforcement action under VMC Title 22. (Ord. M-4179 §47, 2016; Ord. M-3920 §3, 2009)

14.25.230 Ownership of stormwater facilities.

A. Ownership.

- 1. City Ownership of Stormwater Facilities. Stormwater systems and facilities that collect, convey, treat and/or infiltrate runoff from public rights-of-way will be owned and maintained by the City, unless it is demonstrated to the satisfaction of the Director that the stormwater facilities can be adequately maintained by private parties.

2. Private Ownership of Stormwater Facilities. Owners of private stormwater systems and facilities that collect, convey, treat and/or infiltrate runoff from private properties are responsible for the operation and maintenance of those facilities.

3. Ownership and maintenance responsibility for stormwater facilities shall be specified on a recorded plat, short plat, or covenant. (Ord. M-4179 §48, 2016)

14.25.240 Bonds and Insurance.

A. Maintenance Security. In cases identified in Section 14.25.209 (B), a maintenance bond or other security acceptable to the Director shall be posted and maintained throughout the two-year initial maintenance period for a stormwater facility.

B. Other Governmental Agency Projects. The bonding and insurance requirements of Section 14.25.240.A may be waived for development activities and drainage projects undertaken by governmental agencies. (Ord. M-4179 §49, 2016; Ord. M-3920 §3, 2009)

Article III. Exceptions and Special Cases

14.25.300 Basin planning.

A. As allowed by Appendix 1, Section 7 of the Permit, Basin/Watershed planning may be used by the City as an available option to tailor Minimum Requirement #6 Runoff Treatment, Minimum Requirement #7 Flow Control, and/or Minimum Requirement #8 Wetlands Protection. Basin planning may be used to support alternatives to treatment, flow control, and/or wetland protection requirements contained in Section 4 of Appendix 1 of the Permit. Basin planning may also be used to demonstrate an equivalent level of treatment, flow control, and/or wetland protection through the construction and use of regional stormwater facilities.

B. In order for a basin plan to serve as a means of modifying the Minimum Requirements, the following conditions must be met:

1. The plan must be formally adopted by all jurisdictions with responsibilities under the plan; and
2. All ordinances or regulations called for by the plan must be in effect; and
3. The basin plan must be reviewed and approved by the Washington State Department of Ecology.

C. Nothing in this section shall be read to require the City to implement Basin Planning. (Ord. M-3920 §3, 2009)

14.25.315 Adjustments.

An Adjustment is a technical variation in the application of a Minimum Requirement to a particular project. The City may grant Adjustments to Minimum Requirements #1, 4, 5, 6, 7 and 9, only, under this section. Adjustments are not authorized under this section for Minimum Requirements #2, 3, and 8.

A. Adjustment Approval Process.

1. Permit procedural requirements. Adjustments to the Minimum Requirements may be granted by the City, as Permittee, provided that a written finding of fact is prepared showing compliance with the specified criteria.
2. City process. A request for an Adjustment shall be administratively processed in accordance with procedures specified in the General Requirements. The Director may grant an Adjustment upon demonstration by the applicant of compliance with the approval criteria contained in Subsection B below. The Director shall maintain a record of such decisions and associated findings.

B. Adjustment Approval Criteria. The City may grant an Adjustment to Minimum Requirements #1, 4, 5, 6, 7 and 9, only, under the following circumstances:

1. Compliance with the approval criteria must be documented with written findings of fact.
2. The Adjustment provides substantially equivalent environmental protection.
3. Based on sound engineering practices, the objectives of safety, function, environmental protection and facility maintenance are met.
4. The Adjustment will not result in non-compliance with other Minimum Requirements.
5. No Adjustment shall be used in place of an Exception procedure under VMC 14.25.320, where such procedure is applicable. (Ord. M-3920 §3, 2009; Ord. M-3920 §3, 2009)

14.25.320 Exceptions.

The City may grant Exceptions to Minimum Requirements #1, 3, 4, 5, 6, 7, 8 and 9, under this section. Exceptions are not authorized under this section for Minimum Requirement #2. Exceptions to Minimum Requirement #2 are addressed under VMC 14.24.075. Exceptions to Minimum Requirement #3 that are unrelated to new development or redevelopment are addressed under VMC 14.26.155.

A. Exception Approval Process.

1. Permit procedural requirements. Exceptions to the Minimum Requirements may be granted by the City, as Permittee, following legal public notice of an application for an exception or variance, legal public notice of the City's decision on the application, and written findings of fact that documents the City's determination to grant an exception. The City shall keep records, including the written findings of fact, of all local exceptions to the Minimum Requirements. Project-specific design exceptions based on site-specific conditions do not require prior approval of the Department of Ecology.

2. City process. Applications for Exceptions shall be processed according to the procedures for Type III applications under VMC 20.210.060. A fee shall be imposed in the amount of the fee for a Type III variance as established under VMC 20.180.060. The Hearings Examiner may grant an Exception upon demonstration by the applicant of compliance with the approval criteria contained in Subsection B below. Hearings under VMC 14.25.320 relating to Exceptions shall be consolidated with any open record hearing related to the underlying new development or redevelopment application, where such open record hearing is required.

B. Exception Approval Criteria. The City may grant exceptions to Minimum Requirements #1, 3, 4, 5, 6, 7, 8 and 9 if application of the Minimum Requirements imposes a severe and unexpected economic hardship on a project applicant.

1. The following must be documented with written findings of fact:

a. The current (pre-project) use of the site; and

b. How the application of the Minimum Requirement(s) restricts the proposed use of the site compared to the restrictions that existed prior to the adoption of the Minimum Requirements; and

c. The possible remaining uses of the site if the exception were not granted; and

d. The uses of the site that would have been allowed prior to the adoption of the Minimum Requirements; and

e. A comparison of the estimated amount and percentage of value loss as a result of the Minimum Requirements versus the estimated amount and percentage of value loss as a result of requirements that existed prior to adoption of the Minimum Requirements; and

f. The feasibility for the owner to alter the project to apply the Minimum Requirements.

2. In addition any exception must meet the following criteria:

a. The exception will not increase risk to the public health and welfare, nor be injurious to other properties in the vicinity and/or downstream, and to the quality of waters of the state; and

b. The exception is the least possible exception that could be granted to comply with the intent of the Minimum Requirements. This criteria is met by evidence that the owner/operator has employed measures to avoid and minimize impacts, such as:

1. limiting the degree or magnitude of the regulated use or activity;
2. implementing best management practices;
3. phasing or limiting implementation;
4. changing the timing of activities; or
5. revising site plans. (Ord. M-4022 §58, 2012; Ord. M-3920 §3, 2009)

05/23/2022
06/06/2022

ORDINANCE NO. M- [Ordinance Number]

AN ORDINANCE relating to erosion control, amending sections 14.24.030, 14.24.035 and 14.24.040 of the Vancouver Municipal Code, updating the reference to the current state stormwater manual, and providing clauses for savings, severability, and an effective date.

WHEREAS, the federal Clean Water Act requires states and their local governments to take steps to implement the National Pollutant Discharge Elimination System (“NPDES”) permit program; and

WHEREAS, Chapter 90.48 RCW, the Washington State Water Pollution Control Act, authorizes the Washington State Department of Ecology (“Ecology”) to issue municipal stormwater permits to designated communities throughout the state; and

WHEREAS, on January 17, 2007, Ecology issued the City of Vancouver (the “City”) a Western Washington Phase II Municipal Stormwater Permit under the NPDES program (“NPDES Permit”), authorizing the City to discharge stormwater to surface and ground waters of the state; and

WHEREAS, on July 1, 2019, Ecology issued a new NPDES Permit which became effective on August 1, 2019; and

WHEREAS, as a condition of discharging stormwater to waters of the state under the current NPDES Permit, Ecology requires the City to develop a Stormwater Management Plan (“SWMP”), which includes a set of mandatory actions and activities that are aimed at protecting

water quality, reducing the discharge of pollutants to surface waters and groundwaters of the state, and complying with national discharge standards; and

WHEREAS, as part of the City's SWMP, the City must implement a program to prevent and reduce pollutants in runoff from areas that discharge to the municipal separate storm sewer system, including by adopting and making effective an ordinance, or other enforceable documents, requiring the application of best management practices ("BMPs") per the current state stormwater manual; and

WHEREAS, as related in Staff Report ____, the City's Erosion Control ordinance needs revision to meet the requirements of the NPDES Permit, the Department of Public Works proposed amendments to the Erosion Control code to meet the requirements of the NPDES Permit and simplify the code; and

WHEREAS, the City Council finds that adoption of this ordinance for updating the reference to the current state stormwater manual prevents harm to the health or safety of the public, and promotes the public health, safety, and general welfare; and

WHEREAS, the City Council finds that it is within the police power of the City Council to adopt this ordinance for these purposes; and

WHEREAS, on May 16, 2022, the Council held a workshop to review the proposed ordinance and on May 23, 2022 conducted a public hearing to consider whether to adopt the proposed ordinance, the Council adopts the amendments to VMC Chapter 14.24, incorporating additional water resources protection standards into the City's code.

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF VANCOUVER:

SECTION 1. Vancouver Municipal Code Section 14.24.030, as last amended by ordinance M-4179, section 23, is hereby amended to read as follows:

14.24.030 Applicability.

A. Provisions of this chapter apply to land-disturbing activities, as defined herein and as regulated by the City's National Pollutant Discharge Elimination System Western Washington Phase II Municipal Stormwater Permit and its mandatory incorporated provisions of the ~~2005~~ 2019 Stormwater Management Manual for Western Washington, ~~specifically Volumes I and II.~~

B. All land-disturbing activities shall comply with this chapter; with City's National Pollutant Discharge Elimination System Western Washington Phase II Municipal Stormwater Permit, with the Permit's Minimum Requirements and its mandatory incorporated provisions of the ~~2005~~ 2019 Stormwater Management Manual for Western Washington; and with the City's General Requirements; provided that exceptions to the Minimum Requirements may be granted under criteria and procedures set forth in this chapter.

C. Exemptions from the provisions of this chapter are those set forth in Appendix 1, Section 1 of the City's National Pollutant Discharge Elimination System Western Washington Phase II Municipal Stormwater Permit.

SECTION 2. Vancouver Municipal Code Section 14.24.035, as last amended by ordinance M-4179, section 24, is hereby amended to read as follows:

14.24.035 Adoption of Manuals.

A. For purposes of regulation of activities subject to this chapter, the City hereby adopts by reference as ~~its~~ the Stormwater Manual ~~the Stormwater Management Manual for Western Washington, and as hereafter amended~~ as defined in this chapter.

B. For purposes of regulation of activities subject to this chapter, the City hereby adopts by reference the most current version of the “City of Vancouver Engineering Services General Requirements and Details for the Design and Construction of Water, Sanitary Sewer and Surface Water Systems” (General Requirements). The General Requirements are intended to supplement and clarify the Stormwater Manual to provide guidance for and tailor to local conditions. The General Requirements may also adopt measures that are deemed equivalent by the Washington State Department of Ecology.

C. At least one copy of each manual adopted in this section shall be filed in the Office of the City Clerk for use and examination by the public. The manuals may also be made available for use and examination by the public at the Office of the Director, and on the City website.

D. Where provisions of this chapter or manuals adopted under this section conflict with other provisions of the Vancouver Municipal Code, the more stringent requirements, which have the most protective effect on water quality, shall apply.

SECTION 3. Vancouver Municipal Code Section 14.24.040, as last amended by ordinance M-4179, section 25, is hereby amended to read as follows:

14.24.040 Definitions.

For the purpose of this chapter, the following definitions shall apply. Any terms not defined herein are used as defined in the City's National Pollutant Discharge Elimination System Western Washington Phase II Municipal Stormwater Permit and its mandatory incorporated provisions of the Stormwater Management Manual for Western Washington.

"Best management practices" or "BMPs" means the schedules of activities, prohibitions of practices, maintenance procedures, and structural and/or managerial practices approved by the Washington State Department of Ecology that, when used singly or in combination, control, prevent or reduce the release of pollutants and other adverse impacts to waters of Washington State.

"Certified Erosion and Sediment Control Lead" or "CESCL" means an individual who has current certification through an approved erosion and sediment control training program that meets the minimum training standards established by the Washington Department of Ecology (Ecology) (see BMP C160 in the Stormwater Management Manual for Western Washington (SWMMWW)). A CESCL is knowledgeable in the principles and practices of erosion and sediment control. The CESCL must have the skills to assess site conditions and construction activities that could impact the quality of stormwater discharges. Certification is obtained through an Ecology approved erosion and sediment control course. Course listings are provided online at Ecology's website.

"City" means the City of Vancouver.

"Director" means the director of the City of Vancouver public works department or designee.

“General Requirements” means the most current version of the “City of Vancouver Engineering Services General Requirements and Details for the Design and Construction of Water, Sanitary Sewer and Surface Water Systems”.

"Land-disturbing activity" means any activity that results in a movement of earth or a change in the existing soil cover (both vegetative and nonvegetative) and/or existing soil topography. Land-disturbing activities include, but are not limited to: demolition, reconstruction, construction, clearing, grading, filling, excavation, and related activities. Compaction that is associated with stabilization of structures and road construction shall also be considered a land disturbing activity. Vegetation maintenance practices are not considered land-disturbing activity.

"Low Impact Development" or "LID" means a stormwater and land use management strategy that strives to mimic pre-disturbance hydrologic processes of infiltration, filtration, storage, evaporation, and transpiration by emphasizing conservation, use of on-site natural features, site planning, and distributed stormwater management practices that are integrated into a project design.

"Low Impact Development Best Management Practices" or "LID BMPs" mean distributed stormwater management practices, integrated into a project design, that emphasize pre-disturbance hydrologic processes of infiltration, filtration, storage, evaporation and transpiration. LID BMPs include, but are not limited to, bioretention, rain gardens, permeable pavements, roof downspout controls, dispersion, soil quality and depth, minimal excavation foundations, vegetated roofs, and water re-use.

“Minimum Requirements” means the Minimum Technical Requirements for New Development and Redevelopment as set forth in Appendix 1 of the City’s National Pollutant Discharge Elimination System (NPDES) Western Washington Phase II Municipal Stormwater Permit. The Minimum Requirements are identified as follows:

1. *Preparation of Stormwater Site Plans*. This Minimum Requirement is addressed in VMC Chapter 14.24, 14.25, and VMC Title 20 procedures.
2. *Construction Stormwater Pollution Prevention Plan (SWPPP)*. This Minimum Requirement is addressed in VMC Chapter 14.24 and General NPDES Permit for Stormwater Discharges Associated with Construction Activities.
3. *Source Control of Pollution*. This Minimum Requirement is addressed in VMC Chapters 14.25 and 14.26.
4. *Preservation of Natural Drainage Systems and Outfalls*. This Minimum Requirement is addressed in VMC Chapter 14.25 and in VMC 20.740, Critical Areas.
5. *On-site Stormwater Management*. This Minimum Requirement is addressed in VMC Chapter 14.25.
6. *Runoff Treatment*. This Minimum Requirement is addressed in VMC Chapter 14.25.
7. *Flow Control*. This Minimum Requirement is addressed in VMC Chapter 14.25.
8. *Wetlands Protection*. This Minimum Requirement is addressed in VMC Chapter 14.25 and 20.740 Critical Areas.

9. *Operation and Maintenance*. This Minimum Requirement is addressed in VMC Chapter 14.25.

“National Pollutant Discharge Elimination System” or “NPDES” means the national program for issuing, modifying, revoking, and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under sections 307, 402, 318, and 405 of the Federal Clean Water Act, for the discharge of pollutants to surface waters of the state from point sources. These permits are referred to as NPDES permits and, in Washington State, are administered by the Washington State Department of Ecology.

“Pollution” or “pollutants” means such contamination, or other alteration of the physical, chemical or biological properties, of any waters of the state, including change in temperature, taste, color, turbidity, or odor of the waters, or such discharge of any liquid, gaseous, solid, radioactive, or other substance into any waters of the state as will or is likely to create a nuisance or render such waters harmful, detrimental or injurious to the public health, safety or welfare, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish or other aquatic life.

“Stormwater” means that portion of precipitation that does not naturally percolate into the ground or evaporate, but flows via overland flow, interflow, pipes, and other features of a stormwater drainage system into a defined surface waterbody or a constructed infiltration facility.

"Stormwater facility" means a constructed component of a stormwater drainage system, designed and constructed to perform a particular function, or multiple functions. Stormwater facilities include, but are not limited to: pipes, swales, ditches, open channels, culverts, street gutters,

detention ponds, retention ponds, constructed wetlands, storage basins, infiltration devices, catch basins, manholes, dry wells, oil/water separators, biofiltration swales, sediment basins, bioretention, permeable pavements, and vegetated roofs.

“Stormwater Manual” means the Stormwater Management Manual for Western Washington, prepared by the Washington State Department of Ecology Water Quality Program in ~~December 2014, Publication No. 14-10-055 (a revision of Publication No. 12-10-030), 5 volumes~~ February 2019, Publication No. 19-10-021 (a revision of Publication No. 14-10-055), and as hereafter amended.

"Stormwater Permit" means the City of Vancouver’s National Pollutant Discharge Elimination System (NPDES) Western Washington Phase II Municipal Stormwater Permit issued August 1, 2013, which was modified, effective January 16, 2014, by the Washington State Department of Ecology, and as hereafter modified or reissued.

SECTION 4. Savings. Those sections of any ordinances amended or repealed by this ordinance shall remain in full force and effect until the effective date of this ordinance.

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

SECTION 6. Effective Date. This ordinance shall become effective on June 30, 2022.

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 _____, 2022.

Anne McEnerny-Ogle, Mayor

Attest:

Natasha Ramras, City Clerk

Approved as to form:

Jonathan Young, City Attorney

ORDINANCE - 10

SUMMARY

ORDINANCE NO. _____

AN ORDINANCE relating to erosion control, amending sections 14.24.030, 14.24.035 and 14.24.040 of the Vancouver Municipal Code, updating the reference to the current state stormwater manual, and providing clauses for savings, severability, and an effective date.

The full text of this ordinance will be mailed upon request. Contact Raelyn McJilton, Records Officer at 487-8711, or via www.cityofvancouver.us (Go to City Government and Public Records).

05/23/2022
06/06/2022

ORDINANCE NO. M- [Ordinance Number]

AN ORDINANCE relating to stormwater control, amending sections 14.25.100 and 14.25.110 of the Vancouver Municipal Code, updating the reference to the current state stormwater manual, and providing clauses for savings, severability, and an effective date.

WHEREAS, the federal Clean Water Act requires states and their local governments to take steps to implement the National Pollutant Discharge Elimination System (“NPDES”) permit program; and

WHEREAS, Chapter 90.48 RCW, the Washington State Water Pollution Control Act, authorizes the Washington State Department of Ecology (“Ecology”) to issue municipal stormwater permits to designated communities throughout the state; and

WHEREAS, on January 17, 2007, Ecology issued the City of Vancouver (the “City”) a Western Washington Phase II Municipal Stormwater Permit under the NPDES program (“NPDES Permit”), authorizing the City to discharge stormwater to surface and ground waters of the state; and

WHEREAS, on July 1, 2019, Ecology issued a new NPDES Permit which became effective on August 1, 2019; and

WHEREAS, as a condition of discharging stormwater to waters of the state under the current NPDES Permit, Ecology requires the City to develop a Stormwater Management Plan (“SWMP”), which includes a set of mandatory actions and activities that are aimed at protecting

water quality, reducing the discharge of pollutants to surface waters and groundwaters of the state, and complying with national discharge standards; and

WHEREAS, as part of the City's SWMP, the City must implement a program to prevent and reduce pollutants in runoff from areas that discharge to the municipal separate storm sewer system, including by adopting and making effective an ordinance, or other enforceable documents, requiring the application of best management practices ("BMPs") per the current state stormwater manual; and

WHEREAS, as related in Staff Report ____, the City's Stormwater Control ordinance needs revision to meet the requirements of the NPDES Permit, the Department of Public Works proposed amendments to the Stormwater Control code to meet the requirements of the NPDES Permit and simplify the code; and

WHEREAS, the City Council finds that adoption of this ordinance for updating the reference to the current state stormwater manual prevents harm to the health or safety of the public, and promotes the public health, safety, and general welfare; and

WHEREAS, the City Council finds that it is within the police power of the City Council to adopt this ordinance for these purposes; and

WHEREAS, on May 16, 2022, the Council held a workshop to review the proposed ordinance and on May 23, 2022 conducted a public hearing to consider whether to adopt the proposed ordinance, the Council adopts the amendments to VMC Chapter 14.25, incorporating additional water resources protection standards into the City's code.

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF VANCOUVER:

SECTION 1. Vancouver Municipal Code Section 14.25.100, as last amended by ordinance M-4179, section 34, is hereby amended to read as follows:

14.25.100 Applicability.

A. Provisions of this chapter apply to new development and redevelopment activities, as defined herein and as regulated by the City's National Pollutant Discharge Elimination System Western Washington Phase II Municipal Stormwater Permit and its mandatory incorporated provisions of the 2019 Stormwater Management Manual for Western Washington.

B. All new development and redevelopment activities shall comply with this chapter; with the City's National Pollutant Discharge Elimination System Western Washington Phase II Municipal Stormwater Permit, with the Permit's Minimum Requirements and its mandatory incorporated provisions of the ~~2005~~ 2019 Stormwater Management Manual for Western Washington; and with the City's General Requirements; provided that exceptions to the Minimum Requirements may be granted under criteria and procedures set forth in this chapter.

C. Exemptions from the provisions of this chapter are those set forth in Appendix 1, Section 1 of the City's National Pollutant Discharge Elimination System Western Washington Phase II Municipal Stormwater Permit.

SECTION 2. Vancouver Municipal Code Section 14.25.110, as last amended by ordinance M-4179, section 36, is hereby amended to read as follows:

14.25.110 Definitions.

For the purposes of this chapter, the following definitions shall apply. Any terms not defined herein are used as defined in the City's Stormwater Permit and its mandatory incorporated provisions of the Stormwater Management Manual for Western Washington.

"Best management practices" or "BMPs" means the schedules of activities, prohibitions of practices, maintenance procedures, and structural and/or managerial practices approved by the Washington State Department of Ecology that, when used singly or in combination, control, prevent or reduce the release of pollutants and other adverse impacts to waters of Washington State.

"Basin plan" means a plan that assesses, evaluates, and proposes solutions to existing and potential future impacts to the beneficial uses of, and the physical, chemical, and biological properties of waters of the state within a basin.

"City" means the City of Vancouver.

"Collection and conveyance system" means the drainage facilities, both natural and man-made, which collect, contain, and provide for the flow of surface and stormwater to a receiving water or infiltration facility. The natural elements of the conveyance system include, but are not limited to, small drainage courses, streams, rivers, lakes, and wetlands. The human-made elements of the collection and conveyance system include, but are not limited to, gutters, inlets, ditches, pipes, channels, and retention/detention facilities.

"Director" means the director of the City of Vancouver public works department or designee.

"Flow control facility" means a drainage facility designed to mitigate the impacts of increased surface and stormwater runoff flow rates generated by development. Flow control facilities are designed either to hold water for a considerable length of time and then release it by evaporation, plant transpiration, and/or infiltration into the ground, or to hold runoff for a short period of time, releasing it to the conveyance system at a controlled rate.

"General Requirements" means the most current edition of the "City of Vancouver Engineering Services General Requirements and Details for the Design and Construction of Water, Sanitary Sewer and Surface Water Systems".

"Groundwater" means water in a saturated zone or stratum beneath the surface of land or below a surface water body.

"Hard surface" means an impervious surface, a permeable pavement or a vegetated roof.

"Impervious surface" means a non-vegetated surface area that either prevents or retards the entry of water into the solid mantle as under natural conditions prior to development. A non-vegetated surface area which causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development. Common impervious surfaces include, but are not limited to, roof tops, walkways, patios, driveways, parking lots or stormwater areas, concrete or asphalt paving, gravel roads, packed earthen materials, and oiled, macadam or other surfaces which similarly impede the natural infiltration of stormwater.

"Land-disturbing activity" means any activity that results in a movement of earth or a change in the existing soil cover (both vegetative and nonvegetative) and/or existing soil topography. Land-

disturbing activities include, but are not limited to, demolition, reconstruction, construction, clearing, grading, filling, excavation, and related activities. Compaction that is associated with stabilization of structures and road construction shall also be considered a land disturbing activity. Vegetation maintenance practices are not considered land-disturbing activity.

“Low Impact Development” or “LID” means a stormwater management and land use management strategy that strives to mimic pre-disturbance hydrologic processes of infiltration, filtration, storage, evaporation and transpiration by emphasizing conservation, use of on-site natural features, site planning, and distributed stormwater management practices that are integrated into a project design.

"LID Best Management Practices (BMPs)" means distributed stormwater management practices, integrated into a project design, that emphasize pre-disturbance hydrologic processes of infiltration, filtration, storage, evaporation and transpiration. LID BMPs include, but are not limited to, bioretention, rain gardens, permeable pavements, roof downspout controls, dispersion, soil quality and depth, vegetated roofs, minimum excavation foundations, and water re-use.

"LID Principles" means land management strategies that emphasize conservation, use of on-site natural features, and site planning to minimum impervious surfaces, native vegetation loss, and stormwater runoff.

“Minimum Requirements” means the Minimum Technical Requirements for New Development and Redevelopment as set forth in Appendix 1 of the City’s Western Washington Phase II Municipal Stormwater Permit. The Minimum Requirements are identified as follows:

1. *Preparation of Stormwater Site Plans.* This Minimum Requirement is addressed in VMC Chapter 14.24, 14.25 and VMC Title 20 procedures.
2. *Construction Stormwater Pollution Prevention Plan (Construction SWPPP).* This Minimum Requirement is addressed in VMC Chapter 14.24 and in General NPDES Permit for Stormwater Discharges Associated with Construction Activities.
3. *Source Control of Pollution.* This Minimum Requirement is addressed in VMC Chapters 14.25 and 14.26.
4. *Preservation of Natural Drainage Systems and Outfalls.* This Minimum Requirement is addressed in VMC Chapter 14.25 and in VMC 20.740 Critical Areas.
5. *On-site Stormwater Management.* This Minimum Requirement is addressed in VMC Chapter 14.25.
6. *Runoff Treatment.* This Minimum Requirement is addressed in VMC Chapter 14.25.
7. *Flow Control.* This Minimum Requirement is addressed in VMC Chapter 14.25.
8. *Wetlands Protection.* This Minimum Requirement is addressed in VMC Chapter 14.25 and 20.740 Critical Areas.
9. *Operation and Maintenance.* This Minimum Requirement is addressed in VMC Chapter 14.25.

“National Pollutant Discharge Elimination System” or “NPDES” means the national program for issuing, modifying, revoking, and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under sections 307, 402, 318, and 405 of the Federal Clean Water Act, for the discharge of pollutants to surface waters of the state from point sources. These permits are referred to as NPDES permits and, in Washington State, are administered by the Washington State Department of Ecology.

“New development” means land disturbing activities, including Class IV-general forest practices that are conversions from timber land to other uses; structural development, including construction or installation of a building or other structure; creation of impervious surfaces; and subdivision, short subdivision and binding site plans, as defined and applied in Chapter 58.17 RCW. Projects meeting the definition of redevelopment shall not be considered new development.

"Non-endangerment Standard" means to prevent the movement of fluid containing any contaminant into the groundwater if the contaminant may cause a violation of the water quality standards for groundwaters of the state of Washington, Chapter 173-200 WAC or may cause health concerns.

“Operations and maintenance manual” means a document prepared to explain the proper specific operational and maintenance details of facilities installed as required by the Stormwater Manual.

“Permit” means the most current version of the City of Vancouver’s National Pollutant Discharge Elimination System (NPDES) Western Washington Phase II Municipal Stormwater Permit issued August 1, 2013, which was modified, effective January 16, 2014, by the Washington State Department of Ecology, and as hereafter amended or reissued.

ORDINANCE - 8

"Pervious surface" means a surface material that allows stormwater to infiltrate into the ground. Examples include lawn, landscape, pasture, native vegetation areas, and permeable pavements.

"Pollution" or "pollutants" means such contamination, or other alteration of the physical, chemical or biological properties, of any waters of the state, including change in temperature, taste, color, turbidity, or odor of the waters, or such discharge of any liquid, gaseous, solid, radioactive, or other substance into any waters of the state as will or is likely to create a nuisance or render such waters harmful, detrimental or injurious to the public health, safety or welfare, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish or other aquatic life.

"Pollution-generating hard surface" or PGHS" means those hard surfaces considered to be a significant source of pollutants in stormwater runoff. See the listing of surfaces under pollution-generating impervious surface.

"Pollution-generating impervious surface" or "PGIS" means those impervious surfaces considered to be a significant source of pollutants in stormwater runoff. Such surfaces include those which are subject to: vehicular use; industrial activities or storage of erodible or leachable materials, wastes or chemicals, and which receive direct rainfall or the run-on or blow-in rainfall; metal roofs unless they are coated with an inert, non-leachable material (e.g., baked-on enamel coating); or roofs that are subject to venting significant amounts of dusts, mists or fumes from manufacturing, commercial or other indoor activities.

"Pollution-generating pervious surface" or "PGPS" means any non-impervious surface subject to vehicular use, industrial activities or storage of erodible or leachable materials, wastes or

chemicals, and that receive direct rainfall or run-on or blow-in of rainfall, use of vehicular use, lawns and landscaped areas including: golf courses, parks, cemeteries, and sports fields (natural and artificial turf).

“Redevelopment” means, on a site that is already substantially developed (i.e., has 35% or more of existing impervious surface coverage), the creation or addition of impervious surfaces; the expansion of a building footprint or addition or replacement of a structure; structural development including construction, installation or expansion of a building or other structure; replacement of impervious surface that is not part of a routine maintenance activity; and land disturbing activities.

"Registered soil scientist" means a person who is qualified to evaluate and interpret soils and soil-related data for the purpose of understanding soil resources as they affect environmental quality and who is certified with the American Registry for Certified Professionals in Soil Science.

“Runoff” means water that travels across the land surface and discharges to water bodies either directly or through a collection and conveyance system.

“Source control BMP” means a structure or operation that is intended to prevent pollutants from coming into contact with stormwater through physical separation of areas or careful management of activities that are sources of pollutants. The Stormwater Manual separates source control BMPs into two types. Structural Source Control BMPs are physical, structural, or mechanical devices, or facilities that are intended to prevent pollutants from entering stormwater. Operational BMPs are non-structural practices that prevent or reduce pollutants from entering stormwater. See Volume IV of the 2005 Stormwater Management Manual for Western Washington for details.

“Stormwater” means that portion of precipitation that does not naturally percolate into the ground or evaporate, but flow via overland flow, interflow, pipes and other features of a stormwater drainage system into a defined surface waterbody or a constructed infiltration facility.

"Stormwater facility" means a constructed component of a stormwater drainage system, designed and constructed to perform a particular function, or multiple functions. Stormwater facilities include, but are not limited to: pipes, swales, ditches, open channels, culverts, street gutters, detention ponds, retention ponds, constructed wetlands, storage basins, infiltration devices, catch basins, manholes, dry wells, oil/water separators, biofiltration swales, sediment basins, bioretention, permeable pavements, and vegetated roofs.

“Stormwater Manual” means the Stormwater Management Manual for Western Washington, prepared by the Washington State Department of Ecology Water Quality program, ~~December 2014, Publication No. 14-10-055 (a revision of Publication No. 12-10-030), 5 volumes~~ February 2019, Publication No. 19-10-021 (a revision of Publication No. 14-10-055), and as hereafter amended.

“Stormwater site plan” means the comprehensive report containing all of the technical information and analysis necessary for regulatory agencies to evaluate a proposed new development or redevelopment project for compliance with stormwater requirements. Contents of the Stormwater Site Plan will vary with the type and size of the project, and individual site characteristics. It includes a Construction Stormwater Pollution Prevention Plan (Construction SWPPP) and a Permanent Stormwater Control Plan (PSC Plan). Guidance on preparing a Stormwater Site Plan is

contained in the Stormwater Manual, Chapter 3 of Volume I. Modified submittals of stormwater site plans are permitted as specified in the General Requirements

“Total Maximum Daily Load” or “TMDL” means a water cleanup plan. A TMDL is a calculation of the maximum amount of a pollutant that a water body can receive and still meet water quality standards, and an allocation of that amount to the pollutant’s sources. A TMDL is the sum of the allowable loads of a single pollutant from all contributing point and nonpoint sources. The calculation must include a margin of safety to ensure that the water body can be used for the purposes the state has designated. The calculation must also account for seasonable variation in water quality. Water quality standards are set by states, territories, and tribes. They identify the uses for each water body, for example, drinking water supply, contact recreation (swimming), and aquatic life support (fishing), and the scientific criteria to support that use. The Clean Water Act, section 303, establishes the water quality standards and TMDL programs.

"Treatment BMP" or "Facility BMP" means a BMP that is intended to remove pollutants from stormwater. A few examples of treatment BMPs include, but are not limited to, wetponds, oil/water separators, biofiltration swales, and constructed wetlands.

“Underground Injection Control” or “UIC” well means a manmade subsurface fluid distribution system designed to discharge fluids into the ground, consisting of an assemblage of perforated pipes, drain tiles, or other similar mechanisms, or a dug hole that is deeper than the largest surface dimension. Subsurface infiltration systems include drywells, pipe or french drains, drain fields, and other similar devices.

"Wetlands" means those areas defined as wetlands under the City of Vancouver Critical Areas Protections Ordinance, VMC 20.740.

SECTION 3. Savings. Those sections of any ordinances amended or repealed by this ordinance shall remain in full force and effect until the effective date of this ordinance.

SECTION 4. Severability. If any clause, sentence, paragraph, section, or part of this ordinance or the application thereof to any person or circumstance shall be adjudged by any court of competent jurisdiction to be invalid, such order or judgment shall be confined in its operation to the controversy in which it was rendered and shall not effect or invalidate the remainder of any parts thereof to any person or circumstances and to this end the provisions of each clause, sentence, paragraph, section or part of this law are hereby declared to be severable.

SECTION 5. Effective Date. This ordinance shall become effective on July 31, 2022.

Read first time:

Ayes: Councilmembers

Nays: Councilmembers

Absent: Councilmembers

Read second time:

PASSED by the following vote:

Ayes: Councilmembers

Nays: Councilmembers

Absent: Councilmembers

ORDINANCE - 13

SIGNED this _____ day of _____, 2022.

Anne McEnerny-Ogle, Mayor

Attest:

Natasha Ramras, City Clerk

Approved as to form:

Jonathan Young, City Attorney

ORDINANCE - 14

SUMMARY

ORDINANCE NO. _____

AN ORDINANCE relating to stormwater control, amending sections 14.25.100 and 14.25.110 of the Vancouver Municipal Code, updating the reference to the current state stormwater manual, and providing clauses for savings, severability, and an effective date.

The full text of this ordinance will be mailed upon request. Contact Raelyn McJilton, Records Officer at 487-8711, or via www.cityofvancouver.us (Go to City Government and Public Records).



Staff Report: 069-22

TO: Mayor and City Council

FROM: Eric Holmes, City Manager

DATE: 5/23/2022
6/6/2022

SUBJECT Code Amendments to VMC Title 14.26-Water Resources Protection Ordinance

Key Points

- Staff is proposing changes to Title 14.26 of the Vancouver Municipal Code (VMC)
- The proposed changes are necessary to comply with the Western Washington Phase II Municipal Stormwater Permit issued to Vancouver by the Washington Department of Ecology

Strategic Plan Alignment

Goal 1: Ensure our built urban environment is one of the safest, most environmentally responsible and well maintained in the Pacific Northwest.

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

Present Situation

In 2019, Washington Department of Ecology reissued the Western Washington Phase II Municipal Stormwater Permit to comply with provisions of the federal Clean Water Act and the state Water Pollution Control Law. The reissued permit includes a new requirement to implement source control best management practices (BMPs) for existing land uses. The proposed amendments to VMC Title 14.26 are intended to meet the Federal and State mandated requirements.

Source control BMPs are a collection of practices focused on preventing stormwater pollution from occurring. Practices like good housekeeping, preventative maintenance, secondary containment, spill prevention plans and employee training can prevent pollution from entering storm drains, waterways and groundwater. In some cases, installation of roofs, covers, or berms and/or construction of treatment facilities may be necessary to protect surface and groundwater.

Major components of the existing ordinance include citywide prohibitions of specific high-risk uses

such as chrome plating and hazardous waste disposal sites; prohibitions for uses in close proximity to municipal drinking water wells, such as bulk petroleum fuel operations, heating oil tanks and septic systems; standards and requirements for operations that manage hazardous materials; and an inspection program and enforcement authority to implement the code.

The proposed changes will require most existing land uses and businesses to apply pollution prevention best management practices as part of their normal operations. Many businesses may have already adopted practices that meet current pollution prevention requirements. Staff will be required to conduct inspections to verify compliance and require corrections when necessary. Staff will also provide technical assistance to help businesses with pollution prevention practices. Guidance for businesses is available in the Stormwater Management Manual for Western Washington.

Staff estimates approximately 4,000 businesses and/or sites will be included in the inventory that have a potential to generate pollutants. The number of annual inspections required must be equivalent to 20% of the total inventory.

The City held informational webinars with stakeholders on January 13, January 20, and January 24, 2022 to discuss the proposed code amendments and made available an online open house from December 22, 2021 through February 9, 2022 to consider comments from stakeholders.

Advantage(s)

Complies with the National Pollutant Discharge Elimination System (NPDES) Stormwater Permit issued to Vancouver by the Washington State Department of Ecology.

Disadvantage(s)

None.

Budget Impact

Two FTE Senior Engineering Technicians were added in the 2021-22 Adopted Budget to provide inspection services.

Prior Council Review

May 2, 2022 and June 14, 2021 staff memorandums.

Action Requested

On Monday, May 23, 2022, approve ordinance on first reading, setting date of second reading and public hearing for Monday, June 6, 2022.

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

ATTACHMENTS:

- ▣ 14.26 Draft Amendments
- ▣ 14.26 Ordinance

Attachment A

Vancouver Municipal Code

Draft Proposed Source Control Code Amendments

April 29, 2022

These proposed amendments are based on the Vancouver Municipal Code as current through Ordinance M-4329, passed February 22, 2021.

Chapter 14.26

WATER RESOURCES PROTECTION

Sections:

14.26.100	Purpose.
14.26.105	Interpretation.
14.26.110	Definitions.
14.26.112	Authority.
14.26.113	Adoption of manual.
14.26.114	Cross reference.
14.26.115	Scope and applicability.
14.26.117	Discharges to water resources.
14.26.120	Minimum standards.
14.26.125	Application of greater standards.
14.26.130	Greater standards for hazardous materials operations.
14.26.135	Restrictions in special protection areas.
14.26.140	Administrative programs.
14.26.145	Enforcement.
14.26.150	Trade secrets and confidential records.
14.26.152	Alternative practices.
14.26.154	Adjustments.
14.26.155	Special Exceptions.
14.26.160	Appeals.
14.26.165	Halogenated solvent table.

14.26.100 Purpose.

A. The purpose of this chapter is to protect water resources in the City by establishing development regulations and minimum standards to reduce the risks of contaminants entering water resources as defined at VMC Section 14.26.110.

B. In furtherance of this purpose, the City prohibits the discharge of contaminants to water resources as set forth in VMC section 14.26.117 and requires certain operations to utilize best management practices as set forth in VMC sections 14.26.120, .125, and .130.

C. The City also recognizes that achieving successful pollution control must include a water resources pollution prevention education component for businesses, industries, and the general public. In implementing this chapter, the City will offer education and technical assistance to businesses, industries, and the general public to explain how to implement water resource protection and pollution control practices. Enforcement actions will normally be implemented when:

1. Education and technical assistance measures are unsuccessful at protecting the public interest;
2. Best management practices are not followed; or
3. Persons willfully contaminate the water resources of the City.

D. It is not the intent of this chapter to have the City pursue enforcement actions against businesses, industries, or persons whose actions or activities result in the discharge of de minimus amounts, as defined at VMC section 14.26.110 herein, of contaminants into the water resources of the City.

E. The City finds this chapter is necessary to protect the health, safety and welfare of the residents of the City and the integrity of the City's water resources for the benefit of all by:

1. Minimizing or eliminating surface and ground water quality degradation;
2. Preserving and enhancing the suitability of waters for recreation, fishing, wildlife habitat, aquatic life and other beneficial uses; and
3. Preserving and enhancing the aesthetic quality and biotic integrity of the water.

F. The City recognizes the importance of maintaining economic viability while providing necessary environmental protection. This chapter helps achieve both goals.

G. It is the purpose of the 2016 amendments to this chapter to adopt ordinances and other enforceable mechanisms required for compliance with the City of Vancouver's Stormwater Permit, and for compliance with the federal Underground Injection Control (UIC) program, through application of best management practices (BMPs) for stormwater management. The regulatory basis requiring the 2016 amendments is as follows:

1. To meet requirements of the Federal Clean Water Act, the State of Washington Department of Ecology has been given the authority to issue municipal stormwater permits to designated communities throughout the state that discharge stormwater into surface water bodies. On January 17, 2007, the Washington State Department of Ecology issued the City of Vancouver a Western Washington Phase II Municipal Stormwater Permit under the National Pollutant Discharge Elimination System (NPDES) program. The permit requires that the City of Vancouver adopt low impact development principles and best management practices, stormwater control and pollution prevention measures, with the goal of improving waters of the state.
2. The Underground Injection Control (UIC) program was created by Congress to protect underground sources of drinking water from discharges of fluids to the ground. Chapter 173-218 WAC was adopted by the Washington State Department of Ecology to regulate stormwater discharges to groundwater through drywells and other types of underground infiltration systems that are not regulated under the NPDES permit. (Ord. M-4179 §50, 2016; Ord. M-3920 §4, 2009; Ord. M-3600, 2002)

H. It is the purpose of the 2022 amendments to this chapter to adopt ordinances and other enforceable mechanisms required for continued compliance with the City of Vancouver's Stormwater Permit, and for compliance with the federal Underground Injection Control (UIC) program, through application of best management practices (BMPs) for stormwater management. On July 1, 2019, the Washington State Department of Ecology re-issued the City of Vancouver a Western Washington Phase II Municipal Stormwater Permit under the National Pollutant Discharge Elimination System (NPDES) program. The permit requires the City of Vancouver to carry out a program to prevent and reduce pollutants in runoff from areas that discharge to the Stormwater Drainage System by implementing a source control program that

applies BMPs to pollution generating sources associated with existing land uses and activities.
The goal of the program is to reduce degradation of water resources.

14.26.105 Interpretation.

The provisions of this chapter shall be liberally construed by the City to serve the purposes of this chapter. (Ord. M-3920 §4, 2009; Ord. M-3600, 2002)

14.26.110 Definitions.

For the purposes of this chapter, the following definitions shall apply. Any terms not defined herein are used as defined in the City's Stormwater Permit and its mandatory incorporated provisions of the ~~2016~~2019 Stormwater Management Manual for Western Washington.

"Best management practices" or "BMPs" means the schedules of activities, prohibitions of practices, maintenance procedures, and structural and/or managerial practices approved by the Washington State Department of Ecology and/or the City of Vancouver that, when used singly or in combination, control, prevent or reduce the release of pollutants and other adverse impacts to waters of Washington State.

"Bulk Petroleum Fuel Operation" means an operation that manages a cumulative total of 12,000 gallons or more of petroleum fuel on-site in tanks capable of holding volumes of at least 4,000 gallons.

"Chemical Lagoons and Pits" means any earthen basin or uncovered concrete basin or depression containing hazardous materials.

"City" means the City of Vancouver.

"Closure of Operation" means the cessation of activity such that hazardous materials are no longer managed at the operation. For the purposes of this chapter, an operation is considered closed if it has been non-operational for a continuous period of 2 years.

"Connection" means a link or channel between two otherwise separate conveyance systems whereby there may be flow from one system to the other.

“Container” means any portable device in which a material is stored, transported, treated, disposed of or otherwise handled.

“Dangerous Waste” means waste designated in the Washington State Dangerous Waste Regulations (WAC 173-303) as dangerous or extremely hazardous due to its physical, chemical or biological properties.

“De Minimus Amounts” means a small or miniscule amount of contaminant in a discharge that is demonstrated to be non-harmful to the environment.

“Direct Infiltration Facility” means, for the purposes of this chapter, any mechanism that is intended to direct stormwater or process wastewater directly into the ground without providing treatment in accordance with VMC chapters 14.10 and 14.25. Examples include, but are not limited to, drywells, ponds, trenches and perforated pipe systems.

“Director” means the director of the City of Vancouver public works department or designee.

“Discharge” means, for purposes of this chapter only, the release of materials such that the materials may enter or be emitted to the air, land or water resources.

“Disposal” means discharging, discarding or abandoning materials into or on any land, air or water resources.

“Disposal Site” means an area of land or an excavation in which wastes are placed for permanent disposal, and which is not a land application site as defined at VMC Section 14.26.110 herein, surface impoundment, injection well or waste pile.

“Drywell” means a precast concrete manhole with perforations and installed with drain rock or other material for exfiltration of surface water runoff or other drainage to the subsurface.

~~“Existing Operations, Uses, Activities” means operations, uses or activities established prior to the effective date of this chapter.~~

“Groundwater” means water in a saturated zone or stratum beneath the surface of the land or below a surface water body.

“Hard Chrome Plating” means chrome plating applied in a sufficient thickness to provide a hardened protective surface rather than merely a decorative surface. A hard chrome shop is more likely to be a large single-purpose plating shop with higher quantities of hazardous

plating materials onsite, whereas facilities which do decorative plating may do so as just one of the steps in their manufacturing process.

"Hazardous Material" means any product, substance, commodity or waste in liquid, solid or gaseous form that exhibits a characteristic that presents a risk to water resources. Risk may be due to ignitability, toxicity, reactivity, instability, corrosivity or persistence. This definition extends to all "dangerous wastes" and "hazardous substances" that are defined in WAC 173-303 (State Dangerous Waste Regulations). It also includes the chemicals and/or substances that are defined in the federal Emergency Planning and Community Right to Know Act (EPCRA) and/or the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA).

"Illicit connection" means any man-made conveyance that is connected to a municipal separate storm sewer without a permit, excluding roof drains and other similar type connections. Examples include, but are not limited to, sanitary sewer connections, floor drains, channels, pipelines, conduits, inlets or outlets that are connected directly to the stormwater drainage system.

"Illicit discharge" means any discharge to a municipal separate storm sewer that is not composed entirely of ~~storm water~~ stormwater except discharges pursuant to a NPDES permit (other than the Stormwater permit for discharges from the municipal separate storm sewer) and discharges resulting from fire fighting activities.

"Land Application Site" means a place where wastes such as sludge or gray water are applied to the land.

"Leachable Constituents" means these constituents are determined using the Toxicity Characteristic Leaching Procedure (TCLP), Test Method 1311 in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication SW-846.

"Low Impact Development" or "LID" means a stormwater and land use management strategy that strives to mimic pre-disturbance hydrologic processes of infiltration, filtration, storage, evaporation and transpiration by emphasizing conservation, use of on-site natural features, site planning, and distributed stormwater management practices that are integrated into a project design.

"~~LID~~ VestBest Management Practices (BMPs)" means distributed stormwater management practices, integrated into a project design, that emphasize pre-disturbance hydrologic

processes of infiltration, filtration, storage, evaporation and transpiration. LID BMPs include, but are not limited to, bioretention, rain gardens, permeable pavements, roof downspout controls, dispersion, soil quality and depth, vegetated roofs, minimum excavation foundations, and water re-use.

"LID Principles" means land management strategies that emphasize conservation, use of on-site natural features, and site planning to minimize impervious surfaces, native vegetation loss, and stormwater runoff.

"Manage" means a general term that includes, but is not limited to, the use, transfer, storage, processing and re-packaging of materials. This does not include the active or immediate transportation of materials.

"Municipal Waste" means general residential and commercial wastes including the waste collected by garbage haulers and the waste delivered to transfer or disposal sites by the waste generators themselves (self-haul).

"Municipal Water Supply Well" means a City or Clark Public Utility (CPU) owned drinking water well meeting the definition of a Group A community water system as defined by WAC 246-290-020. Locations of such wells are depicted on the Water Resources Protection Ordinance Critical Area and Special Protection Area map as maintained by the City.

"National Pollutant Discharge Elimination System" or "NPDES" means the national program for issuing, modifying, revoking, and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under sections 307, 402, 318, and 405 of the Federal Clean Water Act, for the discharge of pollutants to surface waters of the state from point sources. These permits are referred to as NPDES permits and, in Washington State, are administered by the Washington State Department of Ecology.

"New development" means land-disturbing activities, including Class IV-general forest practices that are conversions from timber land to other uses; structural development, including construction or installation of a building or other structure; creation of impervious surfaces; and subdivision, short subdivision and binding site plans, as defined and applied in Chapter 58.17 RCW. Projects meeting the definition of redevelopment shall not be considered new development.

~~“New Operations, Uses, Activities” means operations, uses or activities established on or after the effective date of this chapter on February 3, 2003. Development or activities requiring a building or other permit are new operations, uses or activities. In addition, when a change in an operation places that operation into a higher classification per VMC Table 14.26.125A, the operation shall be considered and treated as a new operation.~~

“Operation(s)” means industrial, commercial, institutional or residential activity that may be publicly or privately-owned and operated, and may involve the use of stationary or mobile facilities, equipment, transport vehicles or transfer equipment. To the extent allowed by state or federal law, this definition includes all federal, state or local government entities.

“Outdoor Wood Preservation” means the act of pressure treating wood products for weather resistance and outdoor use, using organic-based preservatives such as creosote or pentachlorophenol, typically used to treat poles or heavy timbers, and inorganic-based preservatives such as chromium, copper and arsenic, typically used to treat dimension lumber.

“Person” means any human being, firm, labor organization, partnership, corporation, unincorporated association, trustee, trustee in bankruptcy, receiver or any other legally recognized entity.

"Pervious surface" means a surface material that allows stormwater to infiltrate into the ground. Examples include lawn, landscape, pasture, native vegetation areas, and permeable pavements.

“Petroleum Fuel” means petroleum-based liquid products that are refined from crude oil specifically for fuel purposes. Fuel includes, but is not limited to, all grades of automotive gasoline, aviation gasoline, diesel, heating oils and kerosene.

“Potentially Harmful Materials” means hazardous materials as defined at VMC Section 14.26.110 as well as other materials including, but not limited to, the following which, if discharged or improperly disposed, may present a risk to water resources:

Petroleum products including but not limited to petroleum fuel and petroleum-based coating and preserving materials; oils containing PCBs; antifreeze and other liquid automotive products; metals, either in particulate or dissolved form, in concentrations above established regulatory standards; flammable or explosive materials; radioactive material; used batteries; corrosives, acids, alkalis or bases; paints, stains, resins, lacquers or varnishes; degreasers;

solvents; construction materials; drain cleaners and other toxic liquid household products; pesticides, herbicides, fungicides or fertilizers unless applied in accordance with local, state and federal standards; steam cleaning and carpet cleaning wastes; pressure cleaning wastes; car wash water; laundry wastewater; soaps, detergents, ammonia; swimming pool backwash; chlorine, bromine, and other disinfectants; heated water; domestic animal wastes; sewage; recreational vehicle waste; animal carcasses, excluding salmonids; food wastes; collected lawn clippings, leaves or branches; trash or debris; silt, sediment or gravel; dyes; and untreated or unapproved wastewater from industrial processes.

“Process Wastewater” means wastewater discharged from one or more industrial processes or industrial cleanup procedures.

“Redevelopment” means, on a site that is already substantially developed (i.e., has 35% or more of existing impervious surface coverage), the creation or addition of impervious surfaces; the expansion of a building footprint or addition or replacement of a structure; structural development including construction, installation or expansion of a building or other structure; replacement of impervious surface that is not part of a routine maintenance activity; and land disturbing activities.

“Releasing” or “Release” means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping or disposing into the environment, including but not limited to the abandonment or discarding of barrels, containers, and other closed receptacles.

“Responsible Government Official” means a person employed by the federal, state or a local government with authority to protect the public health and safety or water resources. Examples include, but are not limited to, persons employed by the police and fire departments, and employees of the Washington State Department of Ecology, the United States Environmental Protection Agency, Clark County, and Clark County Public Health.

“Sewage Disposal Cesspool” means a lined excavation in the ground which receives the discharge of a drainage system, designed to retain solids and organic matter while permitting liquids to seep through the sides and bottom.

“Source Control BMP” means a structure or operation that is intended to prevent pollutants from coming into contact with stormwater through physical separation of areas or careful

management of activities that are sources of pollutants. The Stormwater Management Manual for Western Washington separates source control BMPs into two types. Structural Source Control BMPs are physical, structural, or mechanical devices, or facilities that are intended to prevent pollutants from entering stormwater. Operational BMPs are non-structural practices that prevent or reduce pollutants from entering stormwater.

"Stormwater" means that portion of precipitation that does not naturally percolate into the ground or evaporate, but flows via overland flow, interflow, pipes, and other features of a stormwater drainage system into a defined surface waterbody, or a constructed infiltration facility.

"Stormwater Drainage System" means constructed and natural features that function together as a system to collect, convey, channel, hold, inhibit, retain, detain, infiltrate, divert, treat or filter stormwater.

"Stormwater ~~facility~~ Facility" means a constructed component of a stormwater drainage system, designed and constructed to perform a particular function or multiple functions. Stormwater facilities include, but are not limited to: pipes, swales, ditches, open channels, culverts, street gutters, detention ponds, retention ponds, constructed wetlands, storage basins, infiltration devices, catch basins, manholes, dry wells, oil/water separators, biofiltration swales, sediment basins, bioretention, permeable pavements, and vegetated roofs.

"Stormwater Manual" means the Stormwater Management Manual for Western Washington, prepared by the Washington State Department of Ecology Water Quality Program, ~~December 2014~~ July 2019, Publication No. 4419-10-055 (a revision of Publication No. 12-10-030), ~~021~~, 5 volumes, and as hereafter amended.

"Stormwater Permit" means the City Vancouver National Pollutant Discharge Elimination System (NPDES) Western Washington Phase II Municipal Stormwater Permit issued ~~August 1, 2013, which was modified July 1, 2019~~, Effective ~~January 16, 2014~~ August 1, 2019, by the Washington State Department of Ecology, and as hereafter modified or reissued.

~~"Stormwater Treatment Facility" means a stormwater facility that is intended to remove pollutants from stormwater. Stormwater treatment facilities include, but are not limited to, wetponds, oil/water separators, biofiltration swales, and constructed wetlands.~~

“Surface Water” means water that flows across the land surface, in channels or is contained in depressions in the land surface, including but not limited to ponds, lakes, rivers, and streams.

“Tank” means a stationary device designed to contain liquids used or stored at an operation which may include hazardous materials, chemicals or dangerous wastes, and which is constructed primarily of non-earthen materials to provide structural support.

“Toxicity” means having properties that cause or significantly contribute to death, injury or illness in humans or wildlife. A material exhibits the characteristic of toxicity if it contains certain leachable constituents at sufficient concentrations to be considered dangerous to human health and the environment. Leachable constituents and toxicity concentrations are referenced in the Toxicity Characteristic List of WAC 173-303-090(8) as amended.

“Transfer Warehouse” means any enclosed and covered transportation-related warehouse where shipments of products, which may be hazardous materials but not dangerous wastes, are held in portable containers for transfer.

“Treatment BMP” means a stormwater facility that is intended to remove pollutants from stormwater. Stormwater treatment BMPs include, but are not limited to, wetponds, oil/water separators, biofiltration swales, and constructed wetlands.

“Underground Injection Control” or “UIC” well means a manmade subsurface fluid distribution system designed to discharge fluids into the ground, consisting of an assemblage of perforated pipes, drain tiles or other similar mechanisms or a dug hole that is deeper than the largest surface dimension. Subsurface infiltration systems include drywells, pipe or french drains, drain fields, and other similar devices.

“Water Resources” means surface water, ~~storm water~~stormwater and groundwater. (Ord. M-4179 §51, 2016; Ord. M-3920 §4, 2009; Ord. M-3600, 2002)

14.26.112 Authority.

The City shall retain the authority to require implementation of any portion of this chapter, as defined herein to comply with the City’s Stormwater Permit. The City also retains the authority to impose additional water protection measures when the City becomes aware of and documents that specific circumstances applicable to an operation threaten water resources, public health or safety. The City may inspect all operations subject to this chapter at all

reasonable hours for the purposes of ensuring compliance with any provision of this chapter and with the consent of the owner or occupant or pursuant to a lawfully issued warrant. (Ord. M-4179 §52, 2016; Ord. M-3920 §4, 2009; Ord. M-3600, 2002)

14.26.113 Adoption of manual.

- A. For purposes of regulation of activities subject to this chapter, the City hereby adopts as its Stormwater Manual the Stormwater Manual, as defined in this chapter.
- B. At least one copy of the manual adopted in this section shall be filed in the Office of the City Clerk for use and examination by the public. The manual may also be made available for use and examination by the public at the Office of the Director, or on the City website.
- C. Where provisions of this chapter or manual adopted under this section conflict with other provisions of the Vancouver Municipal Code, the more stringent requirements, which have the most protective effect on water quality, shall apply. (Ord. M-4179 §53, 2016; Ord. M-3920 §4, 2009)

14.26.114 Cross reference.

Any reference to "Stormwater Management Manual" or "Puget Sound Erosion Control Manual" or "Washington Department of Ecology's Stormwater Management Manual for the Puget Sound" or "Puget Sound Water Quality Manual" or "BMP's approved by the Western Washington Stormwater Manual" or "Department of Ecology alternative paving Best Management Practices," wherever found within the Vancouver Municipal Code, shall refer to this chapter and to the equivalent manuals as adopted in this chapter. (Ord. M-3920 §3, 2009)

14.26.115 Scope and applicability.

- A. Operations: All operations are subject to the provisions of this chapter. Each operation shall meet the Minimum Standards defined in VMC section 14.26.120. Operations that manage hazardous materials may also be required to meet the Greater Standards for Hazardous Materials Management, as defined in VMC sections 14.26.125 and .130.

B. Designated Areas:

1. Critical Aquifer Recharge Area: The entire area within the boundary of the City of Vancouver (as it exists on the effective date of this chapter and as it may exist in the future) is designated as a Critical Aquifer Recharge Area. The provisions of this chapter shall apply to all areas within the City.

2. Special Protection Areas.

a. Special Protection Areas are defined inside the Critical Aquifer Recharge Area (inside the city boundary), to include property within one thousand nine hundred feet (1900') of any municipal water supply well. The locations of these wells are depicted on the Water Resources Protection Ordinance Critical Area and Special Protection Areas map (or the equivalent update) that is maintained by and available from the City.

b. The City shall apply development restrictions as defined in VMC 14.26.135 to activities inside the Special Protection Areas.

C. Prohibitions: Regardless of operating status or location, the following uses and activities shall be prohibited within the City:

1. Hard Chrome Plating Operations
2. Outdoor Wood Preservation Operations
3. Chemical Lagoons and Pits
4. Sewage Disposal Cesspools
5. Hazardous Material Disposal Sites
6. Radioactive Waste Disposal Sites
7. Municipal Waste Disposal Sites

D. Emergency Response Exclusion: Emergency response activities shall be excluded from the requirements of this chapter, if such an activity is initiated and completed within a timeframe too short to allow for full compliance with this chapter. This exclusion shall only apply to immediate actions that are undertaken in response to an imminent threat to water resources,

public health or safety. This exclusion shall not apply unless a responsible government official as defined at VMC Section 14.26.110 is notified and agrees that the event is a qualifying emergency. (Ord. M-3920 §4, 2009; Ord. M-3600, 2002)

14.26.117 Discharges to water resources.

A. Prohibited Discharges: No person or operation shall discharge any potentially harmful materials as set forth at VMC Section 14.26.110 herein into the water resources of the City. Persons or operations shall use all known, available, and reasonable means to prevent the discharge of any potentially harmful materials into the water resources of the City.

B. Illicit Connections:

1. Any connection that could allow conveyance of any solid, liquid or gas material not composed entirely of surface and ~~storm water~~stormwater directly to water resources is considered an illicit connection and is prohibited, except:

- a. Connections conveying allowable discharges as set forth at VMC Section 14.26.117.C and D herein;
- b. Connections conveying discharges pursuant to a National Pollutant Discharge Elimination System (NPDES) permit or a state waste discharge permit; and
- c. Connections conveying effluent from permitted or authorized onsite sewage disposal systems to subsurface soils.

2. Floor drains shall not be installed inside an operation which stores or uses hazardous materials unless approved by the City for connection to sanitary sewer. Existing floor drains connected to storm drains or to surface water drains located in or near indoor hazardous material storage or use areas are considered unauthorized connections and shall be sealed or removed to prevent liquid entry, piped to the sanitary sewer (with approval and appropriate shut-off valves), be routed to blind sumps or be directed to additional containment or treatment systems meeting the standards of this chapter.

C. Allowable Discharges to Stormwater Drainage System: The following types of discharges shall be permitted unless the City determines that these discharges (whether singly or in combination with others) are causing significant contamination of water resources:

1. Uncontaminated water from crawl space pumps or footing drains;
2. Materials placed as part of an approved habitat restoration or bank stabilization project;
3. Natural uncontaminated surface water or ground water;
4. Flows from riparian habitats and wetlands;
5. City-approved dye testing following verbal notification to the City at least one day prior to the date of test. The City and the Clark County Public Works Department are exempt from this requirement;
6. Any discharge allowed by an operation's National Pollutant Discharge Elimination System (NPDES) permit or other authorized discharge permit;
7. Any discharge specifically allowed in writing by a local, state or federal agency for remedial action in an agreed order, a consent decree or in a voluntary cleanup effort.

D. *Allowable Discharges to Pervious Surfaces.* The following types of discharges shall be permitted onto a pervious surface unless the City determines that these discharges (whether singly or in combination with others) contain greater than de minimus amounts of contaminants:

1. All allowable discharges specified in VMC 14.26.117.C;
2. Potable water;
3. Potable water line flushing;
4. Landscape watering;
5. Residential car and boat washing;
6. Residential swimming pool and spa water;
7. Common discharge practices from water well disinfection.

E. *Non-stormwater Discharges to the Stormwater Drainage System Prohibited Unless Conditions Met.* The following categories of non-stormwater discharges are prohibited discharges to the Stormwater Drainage System unless the stated conditions are met:

1. Discharges from potable water sources, including water line flushing, hyperchlorinated water line flushing, fire hydrant system flushing, and pipeline hydrostatic test water. Planned discharges shall be de-chlorinated to a concentration of 0.1 ppm or less, pH-adjusted, if necessary, and volumetrically and velocity controlled to prevent re-suspension of sediments in the Stormwater Drainage System.
2. *Discharges from landscape watering and other irrigation runoff.* These shall be minimized through, at a minimum, public education activities and water conservation efforts.
3. *Dechlorinated swimming pool discharges.* The discharges shall be dechlorinated to a concentration of 0.1 ppm or less, pH-adjusted and reoxygenized if necessary, volumetrically and velocity controlled to prevent re-suspension of sediments in the Stormwater Drainage System. Swimming pool cleaning wastewater and filter backwash shall not be discharged to the Stormwater Drainage System.
4. Street and sidewalk wash water, water used to control dust, and routine external building wash down that does not use detergents. The City shall reduce these discharges through, at a minimum, public education activities and/or water conservation efforts. To avoid washing pollutants into the Stormwater Drainage System, the City must minimize the amount of street wash and dust control water used.
5. *Other non-stormwater discharges.* The discharges shall be in compliance with the requirements of the stormwater pollution prevention plan received by the City, which addresses control of construction site de-watering discharges.

F. A UIC well may be used to manage stormwater when pollutant concentrations that reach ground water are not expected to exceed Washington state ground water quality standards (chapter 173-200 WAC). This section shall not be construed to authorize any discharge to a UIC that does not conform to the requirements of WAC 173-218 – Underground Injection Control Program. (Ord. M-4179 §54, 2016; Ord. M-3920 §4, 2009; Ord. M-3600, 2002)

14.26.120 Minimum standards.

~~A. *Operational Best Management Practices (BMPs).*~~ All operations shall adopt the following best management practices to ensure their operations minimize potential risks to water resources.

~~A. 1. *Precautions: Pollution Prevention.*~~ The owner/operator shall ~~take precautions~~ implement all applicable source control BMPs from the Stormwater Manual to prevent accidental releases of hazardous/potentially harmful materials. ~~Hazardous~~ from coming into contact with stormwater. Potentially harmful materials shall be separated and prevented from entering Stormwater Drainage Systems, septic systems, and drywells.

~~2B. *Hazardous Materials Management.*~~ Hazardous materials shall be managed so that they do not threaten human health or the environment or enter water resources.

~~3C. *Hazardous Material Releases.*~~ All hazardous materials that have been released shall be contained and abated immediately, and the hazardous materials recycled or disposed of properly. The City shall be notified of any release of hazardous materials that ~~clearly~~ may impact water resources, as soon as possible but no later than 24 hours after the release. The Stormwater Manual provides applicable operational BMPs for spills of oils and hazardous substances.

~~4. *Oil/Water Separators.*~~ Oil/water separators shall be inspected, cleaned and maintained as stipulated in the Stormwater Manual. The City may allow an operation to modify the regularity of cleanouts if the operation can demonstrate to the City's satisfaction that the separator operates effectively at less frequent cleaning intervals.

~~5. *Pesticide and Fertilizer Management.*~~ All pesticides, herbicides, fungicides and fertilizers shall be applied and managed according to the applicable BMPs for landscaping and lawn/vegetation management in the Stormwater Manual, VMC 20.760 Shoreline Management Area, and VMC 20.740 Critical Areas Protection.

~~6. *Stormwater Treatment Systems.*~~ Stormwater drainage systems and treatment ~~D.~~ Maintaining Stormwater Facilities. Stormwater facilities, including, but not limited to, catch basins, wetponds and vaults, biofilters, settling basins, bioretention, pervious pavements, and infiltration systems, shall be cleaned and maintained by the responsible party designated in

VMC 14.25.209 according to the applicable operational BMPs for the maintenance of stormwater, drainage and treatment systems in the Stormwater Manual.

~~7E. *Decommissioning Water Wells.* Any water well which is unusable, abandoned or whose use has been permanently discontinued or which is in such disrepair that its continued use is impractical or is an environmental, safety or public health hazard shall be decommissioned according to the provisions of the Washington Administrative Code WAC 173-160-381.~~

~~8E. *Operation Closure.* At the closure of an operation, all hazardous materials shall be removed from the closing portion of the operation and disposed of in accordance with local, state and federal laws.~~

~~9. *Mobile Washing and Pressure Cleaning.* Operations which engage in activities such as pressure washing, carpet cleaning, and equipment and vehicle washing shall apply best management practices according to applicable BMPs for washing and steam cleaning in the Stormwater Manual. Mobile washing operations shall ensure that all of their employees are knowledgeable of proper discharge practices. Washwater from such operations shall be captured and directed to an approved discharge location. Non-approved wash water shall not be discharged into the City's stormwater drainage system.~~

~~B. *Commercial Operations Requiring Additional BMPs.* Operations which engage in the following commercial operations shall implement the applicable source control BMPs from the Stormwater Manual: commercial animal handling, commercial composting, printing operations, fueling stations, log sorting, railroad yards, recyclers, scrap yards, and wood treatment facilities.~~

~~C. *Specific Activities Requiring Additional BMPs.* Operations performing the following activities shall implement the applicable source control BMPs from the Stormwater Manual and shall comply with the requirements of VMC 20.760, Shorelines Management Area, and 20.740, Critical Areas Protection: construction/repair/maintenance of boats/ships, airfield/street deicing, dust control, landscaping, loading/unloading of trucks and railcars, repair/maintenance/parking of vehicles/equipment, erosion control at industrial sites, maintenance of utility corridors, maintenance of roadside ditches/culverts, outdoor manufacturing, mobile fueling of vehicles/equipment, painting/coating of vehicles/buildings/equipment, storing dangerous wastes, or managing raw materials. (Ord. M-4179 §55, 2016; Ord. M-3920 §4, 2009; Ord. M-3600, 2002)~~

14.26.125 Application of greater standards.

A. Classifications: Certain non-residential operations present a greater potential risk to water resources because of the volume and type of hazardous materials that are managed. These non-residential operations are classified in VMC Table 14.26.125A and are subject to the stipulated actions defined in this section.

Table 14.26.125A – CLASSIFICATIONS	
Classification	Definition
Class I Operations	Operations that at any time within a year time period will or do manage over 220 pounds in total of –the following: A. Hazardous materials, including any mixtures thereof, that contain constituents referenced in the Code of Federal Regulations, 40 CFR 302.4 (referenced in Section 103(a) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA)); or B. Hazardous materials, including any mixtures thereof, that contain constituents from the lists specified in VMC Table 14.26.125A, Class II (below). <u>Concentration Declassification.</u> A Class I operation shall no longer be a classified operation if the Class I constituents (40 CFR 302.4) contained in a product or waste are individually present at less than 1% by weight for non-carcinogenic hazardous materials, and less than 0.1% by weight for known or suspected carcinogenic hazardous materials. (Operators should review the Material Safety Data Sheet for the hazardous materials to make this determination). <u>Operator shall submit Safety Data Sheets for all products used or stored onsite and a detailed product inventory for review to be eligible for declassification.</u> <u>Consumer Quantity Declassification.</u> A Class I operation shall no longer be a classified operation if both of the following conditions are met: A. The operation is focused on research, education, distribution or consumer-oriented activities, including but not limited to laboratories, hospitals, schools, cargo handlers, distributors, warehouses or retailers; and

Table 14.26.125A – CLASSIFICATIONS	
Classification	Definition
	B. Products containing Class I or Class II hazardous materials are managed in closed containers or sealed bags with individual capacities of no more than 10 gallons for a liquid material and no more than 80 pounds for a dry or solid material. <u>Metal and Metal Alloy Declassification.</u> Solid metals and solid metal alloys, including but not limited to roll stock, bar stock, sheet stock, and manufactured articles such as equipment, parts, building materials, and piping, that contain one or more metals listed in 40 CFR 302.4 or WAC 173-303-090(8) shall be declassified; EXCEPT, that where machining, forming, grinding, cutting, melting or other activities produce residues such as shavings, grindings, swarf, fume or other finely divided particulate forms of a listed metal or metal alloy that may present a threat to water resources, such residues shall not be declassified. Personal and Commercial Vehicle Fuel Tank Declassification. The greater standards of VMC 14.26.125.B and VMC 14.26.130 shall not be applied to personal and commercial vehicles that are designed to or do hold quantities of fuel that would otherwise cause them to be classified under this section (VMC 14.26.125.A).
Class II Operations	Operations that at any time within a one year time period will or do manage over 2,200 pounds in total of the following: A. Hazardous materials, including any mixtures thereof, that exhibit the characteristic of toxicity as defined at VMC Section 14.26.110KK because they contain leachable constituents as defined at VMC Section 14.26.110T from the Toxicity Characteristic List of WAC 173-303-090(8) as amended; or B. Hazardous materials, including any mixtures thereof, that contain constituents that are referenced on the Halogenated Solvent List set forth in VMC Table 14.26.165A. <u>Site Cleanup Reclassification.</u> A Class II operation shall be reclassified as a Class I operation if the primary activity is site remediation or cleanup pursuant to an approved settlement agreement or a remedial action under 70.105B RCW. <u>Concentration Reclassification.</u> A Class II operation shall be reclassified as a Class I operation if the Class II constituents (from WAC 173-303-090(8) or the Halogenated Solvent List set forth in Table 14.26.165A) are present in the hazardous materials being managed at concentrations of less than 5% by weight. <u>Operator shall submit product Safety Data Sheets and a detailed material inventory for review to determine eligibility for this provision.</u>

Table 14.26.125A – CLASSIFICATIONS	
Classification	Definition
	<u>Transfer Warehouse Reclassification.</u> A Class II operation shall be reclassified as a Class I operation if the following conditions are met: A. The operation is a transfer warehouse as defined in VMC Section 14.26.110LL; and B. Containers of hazardous materials are not opened at the site under any circumstance; and C. Products containing Class II hazardous materials are managed in containers with individual capacities of no more than 400 gallons. <u>Consumer Quantity Declassification.</u> A Class II operation shall no longer be a classified operation if both of the following conditions are met: A. The operation is focused on research, education, distribution or consumer-oriented activities, including but not limited to laboratories, hospitals, schools, cargo handlers, distributors, warehouses or retailers; and B. Products containing Class I or Class II hazardous materials are managed in closed containers or sealed bags with individual capacities of no more than 10 gallons for a liquid material and no more than 80 pounds for a dry or solid material. Personal and Commercial Vehicle Fuel Tank Declassification. The greater standards of VMC 14.26.125B and VMC 14.26.130 shall not be applied to personal and commercial vehicles that are designed to or do hold quantities of fuel that would otherwise cause them to be classified under this section (VMC 14.26.125.A).

B. *Stipulated Actions and Timelines.* Class I and II operations shall adopt the Greater Standards for Hazardous Material Operations defined in VMC Section 14.26.130, according to the following stipulations:

1. *New Operations.* New Class I and Class II operations shall adopt the Greater Standards beginning the date of issuance of certificate of occupancy or as otherwise specified in accordance with the provisions of this chapter.
2. *Existing Operations.* Existing Class I and Class II operations shall adopt the Greater Standards (or some portion thereof), within a time period specified by the City, if the City becomes aware of and documents specific circumstances which demonstrate that Greater

Standards (or some portion thereof) are necessary to protect public health and safety or reduce the risk of contamination to water resources.

3. Change of Class or Tenant: The City shall be notified as soon as possible and no later than 30 days after:

- a. A change in classification of an operation as defined in VMC Table 14.26.125A.
- b. Occupation of an existing Class I or II operation by a new tenant. (Ord. M-3920 §4, 2009; Ord. M-3290 §4, 2009; Ord. M-3600, 2002)

14.26.130 Greater standards for hazardous materials operations.

A. *Best Management Practices (BMPs)*. All new Class I and II operations shall implement the provisions of this section within ninety (90) days after the date of issuance of the certificate of occupancy. Operations that change in classification from unclassified to either Class I or Class II shall implement the provisions of this section within 90 days of change in classification from unclassified to either Class I or Class II.

1. *Design and Construction*. Operations shall be designed, constructed, maintained and operated to minimize the possibility of an unplanned release of hazardous materials to soil or water resources.
2. *Container/Tank Management*. A container or tank holding a hazardous material shall always be closed, except to add or remove materials. Hazardous materials shall also be managed so that they do not damage the structural integrity of the operation or devices containing the material.
3. *Container/Tank Condition*. All containers and tanks shall be maintained in such a manner as to assure effective operation and prevent the release of hazardous materials.
4. *Container/Tank Identification*. The owner/operator shall label all containers and tanks containing hazardous materials to identify the major risk(s) associated with the contents. This labeling shall conform to applicable sections of the Uniform Fire Code, Occupational Safety and Health standards, and/or the State of Washington's Dangerous Waste Regulations.

5. *Ancillary Equipment.* Any leaking pipe, pump or other ancillary equipment shall be repaired or replaced promptly. Ancillary equipment associated with hazardous materials shall be supported and protected against physical damage and excessive stress.
6. *Compatibility.* The owner/operator shall use a container or tank made of or lined with materials which are compatible with the hazardous materials to be stored.
- ~~7. *Containment:* Container and tank storage areas shall have a containment system that is capable of collecting and holding spills and leaks. This containment shall:~~
 - ~~a. Be constructed of an impervious surface with sealed joints.~~
 - ~~b. Joints between concrete slabs and slab/foundation interfaces should be eliminated or minimized in the operation;~~
 - ~~c. Provide pollution control measures to protect water resources, including run-off collection and discharge from active areas;~~
 - ~~d. Be designed to provide secondary containment of 110% of the container's or tank's capacity; or in areas with multiple tanks, 110% of the largest tank or 10% of the aggregate tank volumes, whichever is larger. Secondary containment shall be provided in all areas where hazardous materials are loaded/unloaded, transferred, accumulated or stored;~~
 - ~~e. Be compatible with the materials that are being handled; and~~
 - ~~f. Be routinely inspected as defined at VMC section 14.26.130C.~~
- ~~8. *Loading Areas:* Loading and unloading areas shall be designed, constructed, operated and maintained to:~~
 - ~~a. Contain spills and leaks that might occur during loading/unloading;~~
 - ~~b. Prevent releases of hazardous materials to water resources;~~
 - ~~c. Contain wash waters (if any) resulting from the cleaning of contaminated transport vehicles and load/unload equipment; and~~

~~d. Allow for removal as soon as possible any collected hazardous materials resulting from spills, leaks, and equipment cleaning.~~

~~97. Closure.~~ At closure of an operation, all remaining structures, containers, tanks, liners, and soil containing or contaminated with hazardous materials at concentrations above state and federal regulatory thresholds shall be decontaminated and properly disposed of or managed.

B. ~~Spill and Emergency Response Plan (SERP).~~

~~1. All new Class I and II operations shall develop and implement a Spill and Emergency Response Plan (SERP) within 90 days after the date of issuance of the certificate of occupancy. Operations that change in classification from unclassified to either Class I or Class II shall implement the provisions of this section within 90 days of change in classification from unclassified to either Class I or Class II. Other operations may also be required to develop and implement a SERP if the City determines this action will help prevent releases of hazardous materials to water resources.~~

~~2. The SERP shall be maintained on site, and shall be made available to the City upon request.~~

~~3. The SERP shall be updated at least every 5 years or as needed to reflect significant changes in operation or practices.~~

~~4. At a minimum, the SERP shall include the following information:~~

~~a. Spill Prevention.~~

~~i. Drawings including the layout of the operation, a floor plan, direction of drainage, entrance and exit routes, and areas where hazardous materials are received, stored, transported, handled or used in operations.~~

~~ii. Listings of all hazardous materials on site including types, volumes, locations and container types and sizes.~~

~~iii. Spill prevention related equipment including equipment which serves to detect releases of potential water resources contaminants.~~

~~b. Emergency Response.~~

~~i. Chain of command and procedures for spill response.~~

~~ii. Phone list of response agencies including federal, state and city emergency contact numbers and environmental cleanup companies.~~

~~iii. Procedures for treating and disposing of spilled hazardous materials.~~

~~c. *Certification.* The SERP shall include a certification signed by an authorized representative of the operation stating: "I certify that the information provided in this document is to the best of my knowledge true and complete, and the spill prevention equipment and emergency response measures described herein are as stated." The signed certificate shall include the authorized representative's name (printed), title, and contact information.~~

~~C. *Operational Inspections.*~~

~~1. All new Class I and II operations shall implement the provisions of this section within ninety (90) days after issuance of certificate of occupancy. Operations that change in classification from unclassified to either Class I or Class II shall implement the provisions of this section within 90 days of change in classification from unclassified to either Class I or Class II. Other operations may also be required to implement these provisions if the city determines this action will help prevent releases of hazardous materials to water resources.~~

~~2. *Schedule.* The owner/operator shall develop a written schedule for inspecting all monitoring equipment, safety or emergency equipment, security devices, and any other equipment that helps prevent, detect or respond to water resource-related hazards.~~

~~3. *Regular Inspections.* The owner/operator shall perform site inspections to identify malfunctions and deterioration of equipment or containers, operator errors, discharges or any other condition that may cause or lead to the release of hazardous materials to water resources. The owner/operator shall conduct these inspections often enough to identify problems in time to correct them before they impact water resources. Inspections shall be completed in all areas where hazardous materials are managed and a written record of those inspections made at least annually.~~

~~4. *Water Resource-Related Hazard Mitigation.* The owner/operator shall remedy any problems revealed by the inspection. Where a water resource-related hazard is imminent or has already occurred, remedial action shall be taken immediately.~~

~~D. *Training Program.*~~

~~1. All new Class I and II operations shall implement the provisions of this section within ninety (90) days after issuance of certificate of occupancy. Operations that change in classification from unclassified to either Class I or Class II shall implement the provisions of this section within 90 days of change in classification from unclassified to either Class I or Class II. Other facilities also may be required to implement these provisions if the city determines this action will help prevent releases of hazardous materials to water resources.~~

~~2. Operations shall develop a training program or amend an existing program that informs employees at least once each year of any possible risks to water resources associated with on-site operations. The owner/operator shall ensure that employees know or understand:~~

- ~~a. The location of hazardous materials managed at the operation and the associated potential risks to water resources;~~
- ~~b. The location of material safety data sheets (MSDS) at the operation;~~
- ~~c. How employees can detect the presence or release of hazardous materials;~~
- ~~d. How employees can protect themselves through work practices, emergency procedures, and with personal protective equipment;~~
- ~~e. How to locate and use the operation's Spill and Emergency Response Plan; and~~
- ~~f. How to prevent the pollution or contamination of water resources.~~

~~E. *Closure Plan.*~~

1. Each new Class II operation shall prepare and submit to the City a Closure Plan within 6 months of the date of issuance of the certificate of occupancy. Each existing Class II operation shall prepare and submit such a plan within 6 months of a request by the City. Class II operations shall ensure that their facilities are closed in a manner that prevents the

release of hazardous materials during closure, protects water resources, and prevents post-closure escape of hazardous materials to water.

2. **Plan Requirements:** The Closure Plan shall detail the means by which the operation will, upon any closure anticipated to be longer than 2 years, remove and properly dispose of hazardous materials, and perform an investigation to confirm the presence or absence of hazardous materials in the soil and ground water, if potential contamination is indicated. Specifically, the Closure Plan shall include the following:

- a. A listing of the types and quantities of hazardous materials reasonably expected to be present on-site during the operating life of the operation.
- b. A description of the plan for removal and disposal of hazardous materials.
- c. A description of the plan to decontaminate containment systems and ancillary equipment.
- d. An estimate of the cost to implement the Closure Plan, using the assumption that a third party will conduct removal and disposal activities.
- e. A certification signed by an authorized representative of the business/industry submitting the Closure Plan stating, "I certify that the information provided in this document is to the best of my knowledge accurate and the closure measures described herein will be implemented as stated." The signed certificate shall include the authorized representative's name (printed), title, and contact information.

3. *Report Update.* The owner/operator of an operation shall update the Closure Plan every 5 years or re-certify the current information and estimates. The Closure Plan shall also be updated if operating procedures change in such a way that the volume/mass of hazardous material is increased by 25% or more.

FC. Engineering and Operating Report. When the City recognizes and demonstrates a need for additional information on an operation's practices, the City may require the operation to submit an engineering and operating report to accommodate the City's review of operations and to prevent releases of hazardous materials to water resources. If required, the report shall provide the following:

1. The type of industry or business including the kind and quantity of finished products.

2. A process flow diagram illustrating the process flow of water and materials in a normal operating day. This will include details on the operation's plumbing and piping and where specific chemicals are added to processes.
3. A discussion of any discharges to the Stormwater Drainage System.
4. A discussion of any discharges through land applications, including seepage lagoons, irrigation, and subsurface disposal. As applicable, this discussion should also include the depth to ground water and anticipated overall effects of the operations on the quality of water resources.
5. Provisions for any plans for future expansion or intensification.
6. A certification signed and dated by an authorized representative of the operation stating: "I certify that the information provided in this document is to the best of my knowledge true and complete." The signed certificate shall include the authorized representative's name (printed), title, and contact information.

~~G. *Records & Reports.*~~

- ~~1. Operations shall maintain records of required inspection, training, cleaning and maintenance events. Where operations are otherwise required by the City or another agency to maintain such records, those records shall satisfy this requirement. All operations shall maintain these records on site for at least 3 years and shall make them available to the City upon request.~~
- ~~2. Plans, reports or other documentation concerning the management of hazardous materials shall also be made available to the City upon request.~~
- ~~3. Information provided to the City will be available to the public. Information may be claimed as confidential by the operation as outlined at VMC section 14.26.150 herein. If no claim is made at the time of submission, the City will make the information available to the public when requested.~~

~~H. *Protections for Stormwater.* All new Class I and II operations shall implement the applicable structural Best Management Practices (BMPs) of the Stormwater Manual prior to the date of issuance of the certificate of occupancy. (Ord. M-3920 §4, 2009; Ord. M-3600, 2002)~~

14.26.135 Restrictions in special protection areas.

A. Development Limitation.

1. *New Operations.* The City shall not approve applications for the following in Special Protection Areas as defined in VMC section 14.26.115B2:
 - a. New bulk petroleum fuel operations as defined by VMC 14.26.110; or
 - b. New Class II operations as defined in VMC Table 14.26.125A.
2. *Existing Operations.* Existing bulk petroleum fuel operations are nonconforming uses. However, existing bulk petroleum fuel operations throughout the Special Protection areas may become conforming by:
 - a. Filing such a request with the City; and
 - b. Taking the necessary action(s) to meet all applicable provisions of this chapter to the City's satisfaction.

B. Septic Systems:

1. The City shall accept no application for approval of a project in the Critical Aquifer Recharge Area defined at VMC section 14.26.115B1, including the Special Protection Areas defined at VMC section 14.26.115B2 relying upon installation of a septic system until the system has been approved by Clark County Public Health or a successor agency responsible for permitting of septic systems.
2. New septic systems and replacement of existing septic systems shall not be permitted in Special Protection Areas. An owner/operator may seek relief from this prohibition by filing with the City a request for relief accompanied by an analysis prepared by a qualified professional to the City's satisfaction of the potential for groundwater contamination at the site. This analysis may include a soils and groundwater evaluation if deemed necessary by the City.
3. The City shall not approve a project relying upon installation of a septic system in a Special Protection Area unless all of the following findings are made:
 - a. Connection to an existing sewer line is impossible or impracticable; and

- b. The property cannot be reasonably developed without use of a septic system; and
 - c. The septic system design poses no significant risk of groundwater contamination.
4. The City's decision may be appealed to the Hearings Examiner in accordance with VMC section 14.26.160.

C. *Heating Oil Tanks.*

1. New underground heating oil tanks and replacement of existing heating oil tanks shall not be permitted in Special Protection Areas. An owner/operator may seek relief from this prohibition by filing with the City a request for relief accompanied by an analysis prepared by a qualified professional to the City's satisfaction of the potential for groundwater contamination at the site. This analysis may include a soils and groundwater evaluation if deemed necessary by the City.
2. The City shall not approve the installation of an underground heating oil tank in a Special Protection Area unless the following findings are made:
 - a. Connection to another source of fuel or energy is impracticable; and
 - b. The proposed underground fuel tank poses no significant risk of groundwater contamination.
3. The City's decision may be appealed to the Hearings Examiner in accordance with VMC Section 14.26.160.

D. *Direct Infiltration Facilities.*

1. New direct infiltration facilities, and replacement of existing direct infiltration facilities shall not be allowed for Class I and Class II operations in Special Protection Areas. An operation may seek relief from this prohibition by filing with the City a request for relief accompanied by an analysis prepared by a qualified professional to the City's satisfaction of the potential for groundwater contamination at the site. This analysis may include a soils and groundwater evaluation if deemed necessary by the City.
2. The City's decision may be appealed to the Hearings Examiner in accordance with VMC section 14.26.160.

E. *Underground Tanks for Storing Hazardous Materials.*

1. New and replacement underground tanks for storing hazardous materials, as defined in VMC 14.26.110, shall not be installed in Special Protection Areas. If an above-ground storage tank is not a feasible alternative, an operation may seek relief from this prohibition by filing with the City a request for relief accompanied by an analysis prepared by a qualified professional to the City's satisfaction of the potential for groundwater contamination at the site. This analysis will include a complete description of the material(s) proposed to be stored in the tank along with any soil and groundwater evaluations deemed necessary by the City.
2. The City's decision may be appealed to the Hearings Examiner in accordance with VMC section 14.26.160. (Ord. M-4179 §57, 2016; Ord. M-3920 §4, 2009; Ord. M-3600, 2002)

14.26.140 Administrative programs.

A. ~~*Educational and Technical Assistance Program.*~~ *Compliance Inspections.*

- ~~1. The City will work in conjunction with other agencies to implement an Education and Technical Assistance Program to assist property owners, business and industry owners and managers, residents, and other interested parties in understanding the importance of protecting the City's water resources and in employing best management practices in pursuit of that goal.~~
- ~~2. The program directed toward business and industry will include but not be limited to technical assistance visits, informational fact sheets, self-audits or workshops.~~
- ~~3. Additional education and assistance programs aimed at residences, public institutions and low-risk businesses shall include:~~
 - ~~a. Education on the proper use of pesticides, herbicides, fungicides, and fertilizers;~~
 - ~~b. Discussions of the impacts of unauthorized discharges to drywells, catch basins, storm basins and sanitary sewer; and~~
 - ~~c. Activities to explain and promote the proper management and disposal of used oil and other contaminants.~~

~~B. Compliance Inspections:~~

1. City personnel may inspect any operation in the City that is known to manage (or may potentially manage) ~~hazardous~~potentially harmful materials or is reasonably believed to be a potential source of an illicit discharge and/or a risk to water resources.

2. Inspections may be initiated as the result of a complaint or referral, ~~or as defined by a routine schedule for compliance,~~ or if an operation is identified by the City as an operation that has the potential to release pollutants to water resources. Inspections will be used to determine if there is any risk to water resources, and to determine if an operation is in compliance with this chapter.

3. Inspections may involve a review of BMPs, process equipment, structures, and operating practices; records or plan review; interviews with operators; photo documentation and sampling. As such, operators shall allow representatives of the City, upon presentation of credentials, to:

a. Enter the premises where ~~hazardous~~potentially harmful materials are being managed, or where records may be kept under the provisions of this chapter. The owner/operator shall make necessary arrangements to allow access without delay. Unreasonable delay may constitute a violation of this chapter;

b. Have access to and copy, at reasonable times, any records that must be kept under the provisions of this chapter;

c. Inspect at reasonable times any facilities, equipment (e.g., safety, monitoring, operating, or other equipment), practices or operations regulated or required under the provisions of this chapter;

d. Sample and monitor at reasonable times, any substances or parameters at any location for the purposes of assuring compliance or as otherwise authorized by the provisions of this chapter. This requirement may involve the City's installation or erection of equipment to conduct sampling, inspection, compliance monitoring or metering operations. As such, at the written or verbal request of the City, operators shall remove any temporary or permanent obstruction to safe and easy access to an operation to be inspected and/or sampled. The operator shall not replace such an obstruction without the City's consent. (Ord. M-3920 §4, 2009; Ord. M-3600, 2002)

14.26.145 Enforcement.

A. *Enforcement.* It shall be unlawful to violate the provisions of this chapter. Enforcement of this chapter shall be governed by VMC Title 22.

B. *Supplemental Enforcement Provisions for Water Resources Protection.* In addition to civil and criminal enforcement as authorized under VMC Title 22, enforcement of this chapter may utilize the following authority:

1. The City Council of the City of Vancouver finds that an operation not in compliance with the requirements of this chapter constitutes a public nuisance under RCW 7.48, Nuisances.
2. The City may use field notes, observations, photo documentation, sample logs, analytical results or other information to define risk and to establish that an operation is in violation of this chapter.
3. The City may require the implementation of the operational ~~or~~ source control BMPs, structural ~~best management practices, as defined~~ source control BMPs, or treatment BMPs through the provisions of this chapter. Implementation of remedies to meet compliance standards shall be performed on a timeline approved by the City.
4. The City may also require the operator to sample and analyze any discharge, surface and ~~storm water~~ stormwater, ground water and/or sediment, in accordance with sampling and analytical procedures or requirements determined by the City. If the operator is required to complete this sampling and analysis, a copy of the analysis shall be provided to the City.
5. The City may impose additional requirements whenever documented specific circumstances (applicable to the operation) threaten water resources.
6. Notwithstanding any other provisions of this chapter, whenever it appears to the City that conditions regulated by this chapter require immediate action to protect the public health and/or safety, the City is authorized to enter such property for the purpose of inspecting and investigating such emergency conditions.
7. When necessary corrective actions are not undertaken as directed by the City, an owner, operator or contractor can be held liable for abatement costs to remedy

noncompliance as set forth in VMC 14.20.010(D). (Ord. M-4179 §57, 2016; Ord. M-3920 §4, 2009; Ord. M-3600, 2002)

14.26.150 Trade secrets and confidential records.

A. Records Availability.

1. All surveys, reports, plans, diagrams, permits, and other documents, information, and data submitted to the City pursuant to this chapter or information and data obtained by the City through sampling, monitoring, and enforcement activities shall generally be available for public inspection and copying.
2. Such information shall also not be available for public inspection and copying if protected from public disclosure by the provisions of RCW chapter 42.56 as amended or other state and federal laws governing the dissemination of public records and information to the public, including but not limited to patent, trademark, and trade secret laws and regulations.
3. In no case shall an employee or agent of the City be liable to a business, industry or person for the public disclosure of any surveys, reports, plans, diagrams, permits, and other documents, information, and data submitted to the City pursuant to this chapter or information and data obtained by the City through sampling, monitoring, and enforcement activities; unless such information or data has been marked confidential by the business, industry or person and/or the business, industry or person has requested confidentiality consistent with this section.

B. Exemption from Disclosure Request.

1. Any business, industry or person may request that specific and particular information or data in the possession of the City be exempted from public inspection and copying. The request shall be in writing and addressed to the City, and the business, industry or person shall bear the burden of establishing that the specific and particular information or data sought to be exempted is protected from public disclosure under VMC section 14.26.150A2. The City attorney's office shall determine whether and which portions of such information are protected from public disclosure within 21 days of receipt of a request for confidentiality. The City shall not release for public inspection and copying that information

and data for which a business, industry or person has requested confidentiality until such time as the City has made a determination of whether the information is protected from public disclosure, unless the City determines in good faith that the request for confidentiality is frivolous or without merit.

2. The City may withhold records based on VMC section 14.26.150A2 only if it finds:

- a. The record contains information that reflects valuable research data that has been obtained by the City within 5 years of the date of the request and that disclosure would produce private gain and public loss. For purposes of this finding, "research data" means a body of facts and information collected for a specific purpose and derived from close, careful study or from scholarly or scientific investigation or inquiring; or
- b. The record contains trade secret information because it includes a formula, pattern, compilation, program, device, method, technique or process that:
 - i. Derives independent economic value, actual or potential, from not being generally known;
 - ii. The information is the subject of efforts that are reasonable under the circumstances to maintain its secrecy; and
 - iii. The information is not readily ascertainable from another source.

3. As an alternative to the procedures specified in VMC section 14.26.150B2, the City attorney's office may decline to make a determination of whether the record is exempt from public disclosure because it contains trade secret information. Where the City attorney's office declines to make such a determination, the City shall provide the holder of the trade secret a reasonable amount of time, but in no case more than 21 days to obtain an order from the superior court preventing disclosure of the record.

4. A business, industry or person submitting information or data to the City for which the business, industry or person intends to claim whole or partial confidentiality shall mark those specific pages and sections of information or data asserted to be confidential with a conspicuous and legible marking indicating "TRADE SECRET" and/or "CONFIDENTIAL". The business, industry or person shall then submit a request for trade secret protection to the City for the marked records within 7 days of submitting such marked information or data.

C. *Availability of Confidential Information.* Surveys, reports, plans, diagrams, permits, and other documents, information, and data submitted to the City pursuant to this chapter or information and data obtained by the City through sampling, monitoring, and enforcement activities, which the City or a court of competent jurisdiction has determined are trade secrets and exempted from public inspection and copying, shall be available upon written request to local, state, and federal governmental agencies for uses related to this chapter, the NPDES program, state water quality monitoring and enforcement, and other enforcement proceedings involving the business, industry or person.

D. *Procedure for Public Records Request.* Any person seeking to inspect or copy any surveys, reports, plans, diagrams, permits, and other documents, information, and data submitted to the City pursuant to this chapter or information and data obtained by the City through sampling, monitoring, and enforcement activities, which are not exempted from public disclosure, shall do so by written request to the City. The request shall be specific enough to permit the City to identify the particular documents, information or data sought. The City shall respond to each document request in accordance with RCW 42.56. (Ord. M-3920 §4, 2009; Ord. M-3600, 2002)

14.26.152 Alternative practices.

A. Where appropriate, the City shall accept other local, state or federal approvals, permits or other authorization as satisfying certain provisions defined through this chapter. The City retains the authority to review plans, permits and operating conditions to determine compliance.

B. The City will accept an alternative practice, system, plan or structure only if the owner/operator can demonstrate to the City that the alternative will produce the same or a greater level of water resource protection. (Ord. M-3920 §4, 2009; Ord. M-3600, 2002)

14.26.154 Adjustments.

An Adjustment is a technical variation in the application of a Minimum Requirement to a particular project. The City may grant Adjustments to this chapter only under this section. No other Adjustments are authorized under this section.

A. *Adjustment Approval Process.*

1. *Stormwater Permit procedural requirements.* Adjustments to the Minimum Requirements may be granted by the City, as Permittee, provided that a written finding of fact is prepared showing compliance with the specified criteria.
2. *City process.* A request for an Adjustment shall be administratively processed in accordance with procedures specified in the General Requirements. The Director may grant an Adjustment upon demonstration by the applicant of compliance with the approval criteria contained in Subsection B. below. The Director shall maintain a record of such decisions and associated findings.

B. *Adjustment Approval Criteria.* The City may grant an Adjustment to this chapter only under the following circumstances:

1. Compliance with the approval criteria must be documented with written findings of fact.
2. The Adjustment provides substantially equivalent environmental protection.
3. Based on sound engineering practices, the objectives of safety, function, environmental protection and facility maintenance are met.
4. The Adjustment will not result in non-compliance with other Minimum Requirements.
5. No Adjustment shall be used in place of an Exception procedure under VMC 14.26.155, where such procedure is applicable. (Ord. M-4179 §58, 2016; Ord. M-3920 §4, 2009)

14.26.155 Special Exceptions.

The City may grant Special Exceptions to this chapter under this section.

A. *Special Exception Approval Process.*

1. *Stormwater Permit procedural requirements.* Special Exceptions may be granted by the City following legal public notice of an application for an exception, legal public notice of the City's decision on the application for special exception, and written findings of fact that documents the City's determination to grant an exception. The City shall keep records, including the written findings of fact, of all exceptions. Project-specific design exceptions

based on site-specific conditions do not require prior approval of the Washington State Department of Ecology.

2. *City process.* Applications for Special Exceptions under this chapter shall be processed according to the procedures for Type III applications under VMC 20.210.060. A fee shall be imposed in the amount of the fee for a Type III variance as established under VMC 20.180.060. The Hearings Examiner may grant a Special Exception upon demonstration by the applicant of compliance with the approval criteria contained in Subsection B below. Hearings under VMC 14.26.155 relating to Special Exceptions shall be consolidated with any required open record hearing related to any underlying application, where such open record hearing is required.

B. *Exception Approval Criteria.* The City may grant Special Exceptions to this chapter, if application of this chapter imposes a severe and unexpected economic hardship on a project applicant.

1. The following must be documented with written findings of fact:
 - a. The current (pre-project) use of the site; and
 - b. How the application of this chapter restricts the proposed use of the site compared to the restrictions that existed prior to the adoption of this chapter; and
 - c. The possible remaining uses of the site if the Special Exception were not granted; and
 - d. The uses of the site that would have been allowed prior to the adoption of this chapter; and
 - e. A comparison of the estimated amount and percentage of value loss as a result of the requirements of this chapter versus the estimated amount and percentage of value loss as a result of requirements that existed prior to adoption of the requirements of this chapter; and
 - f. The feasibility for the owner to alter the project to apply the requirements of this chapter.
2. In addition any exception must meet the following criteria:

- a. The exception will not increase risk to the public health and welfare, nor be injurious to other properties in the vicinity and/or downstream, and to the quality of waters of the state; and
- b. The exception is the least possible exception that could be granted to comply with the intent of this chapter. This criteria is met by evidence that the owner/operator has employed measures to avoid and minimize impacts, such as:
 1. limiting the degree or magnitude of the regulated use or activity;
 2. implementing best management practices;
 3. phasing or limiting implementation;
 4. changing the timing of activities; or
 5. revising site plans. (Ord. M-4179 §59, 2016; Ord. M-4022 §59, 2012; Ord. M-3920 §4, 2009; Ord. M-3600, 2002)

14.26.160 Appeals.

- A. Appeals of enforcement of this chapter under VMC 14.26.145 and VMC Title 22 shall be governed by VMC Title 22.
- B. Appeals under VMC 14.26.135 relating to special protection areas shall be consolidated with any open record hearing or appeal related to any underlying application, where such open record hearing or appeal is required, and shall be processed according to the procedures for Type II applications in VMC 20.210.020. ~~Where there is no underlying new development or redevelopment application requiring an open record hearing or appeal, appeals under VMC 14.26.135 relating to special protection areas shall be processed according to the procedures set forth in VMC 14.20.070.~~
- C. Appeals under VMC 14.26.155 relating to special exceptions shall be consolidated with any open record hearing or appeal related to the underlying application, where such open record hearing or appeal is required, and shall be processed according to the procedures for Type III applications in VMC 20.210.020. ~~Where there is no underlying application requiring an open record hearing or appeal, appeals under VMC 14.26.155 relating to special exceptions shall be~~

processed according to the procedures set forth in VMC 14.20.070. (Ord. M-3920 §4, 2009; Ord. M-3600, 2002)

14.26.165 Halogenated solvent table.

Solvent	Synonym(s)	CAS No.
Benzyl chloride	Chloromethylbenzene	100-44-7
Bis(2-chloroethyl)ether	Bis(-chloroethyl)ether	111-44-4
Bis(2-chloroisopropyl)ether	Bis(-chloroisopropyl)ether	108-60-1
Bromobenzene	Phenyl bromide	108-86-1
Bromochloromethane	Chlorobromomethane	74-97-5
Bromodichloromethane	Dichlorobromomethane	75-27-4
Bromoethane	Ethyl bromide	74-96-4
Bromoform	Tribromomethane	75-25-2
Carbon tetrachloride	Tetrachloromethane	56-23-5
Chlorobenzene	Benzene chloride	108-90-7
2-Chloroethyl vinyl ether	(2-Chlorethoxy)ethane	110-75-8
Chloroform	Trichloromethane	67-66-3
1-Chloro-1-nitropropane	Chloronitropropane	600-25-9
2-Chlorophenol	o-Chlorophenol	95-57-8
4-Chlorophenyl phenyl ether	p-Chlorodiphenyl ether	7005-72-3
Chloropicrin	Trichloronitromethane	76-06-2
m-Chlorotoluene		108-41-8
o-Chlorotoluene	2-Chloro-1-methylbenzene	95-45-8
p-Chlorotoluene		106-43-4
Dibromochloromethane	Chlorodibromomethane	124-48-1

Solvent	Synonym(s)	CAS No.
1,2-Dibromo-3-chloropropane	DPCP	96-12-8
Dibromodifluoromethane	Freon 12-B2	75-61-6
1,2-Dichlorobenzene	o-Dichlorobenzene	95-50-1
1,3-Dichlorobenzene	m-Dichlorobenzene	541-73-1
1,1-Dichloroethane	1,1-DCA	75-34-3
1,2-Dichloroethane	Ethylene dichloride, 1,2-DCA	107-06-2
1,1-Dichloroethene	Vinylidene chloride 1,1-DCE	75-35-4
trans-1,2-Dichloroethylene	trans-1,2-DCE	156-60-5
1,2-Dichloropropane	Propylene dichloride	78-87-5
cis-1,3-Dichloropropene	cis-1,3-Dichloropropylene	10061-01-5
trans-1,3-Dichloropropene	trans-1,3-Dichloropropylene	10061-02-0
Ethylene dibromide	1,2-Dibromoethane, EDB	106-93-4
Hexachlorobutadiene	HCBD	87-68-3
Hexachlorocyclopentadiene	HCCPD	77-47-4
Methylene chloride	Dichloromethane	75-09-2
Pentachloroethane	Ethane pentachloride	76-01-7
1,1,2,2-Tetrabromoethane	Acetylene tetrabromide	79-27-6
1,1,2,2-Tetrachloroethane	Acetylene tetrachloride	79-34-5
Tetrachloroethylene	Perchloroethylene, PCE	127-18-4
1,2,4-Tetrachlorobenzene	1,2,4-TCB	120-82-1
1,1,1-Trichloroethane	Methyl chloroform, 1,1,1-TCA	71-55-6
1,1,2-Trichloroethane	1,1,2-TCA	79-00-5
Trichloroethylene	TCE	79-01-6

Solvent	Synonym(s)	CAS No.
1,1,2-Trichlorofluoromethane	Freon 11	75-69-4
1,2,3-Trichloropropane	Allyl trichloride	96-18-4
1,1,2-Trichlorotrifluoroethane	Freon 113	76-13-1

(Ord. M-3920 §4, 2009; Ord. M-3600, 2002)

05/23/2022
06/06/2022

ORDINANCE NO. M- [Ordinance Number]

AN ORDINANCE relating to water resources protection, amending certain sections of Chapter 14.26 of the City of Vancouver’s Municipal Code regarding minimum standards to reduce the risk of contaminants entering surface waters and groundwaters, as last amended by Ordinance M-4179, and providing clauses for savings, severability, and an effective date.

WHEREAS, the federal Clean Water Act requires states and their local governments to take steps to implement the National Pollutant Discharge Elimination System (“NPDES”) permit program; and

WHEREAS, Chapter 90.48 RCW, the Washington State Water Pollution Control Act, authorizes the Washington State Department of Ecology (“Ecology”) to issue municipal stormwater permits to designated communities throughout the state; and

WHEREAS, on January 17, 2007, Ecology issued the City of Vancouver (the “City”) a Western Washington Phase II Municipal Stormwater Permit under the NPDES program (“NPDES Permit”), authorizing the City to discharge stormwater to surface and ground waters of the state; and

WHEREAS, on July 1, 2019, Ecology issued a new NPDES Permit which became effective on August 1, 2019; and

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WHEREAS, as a condition of discharging stormwater to waters of the state under the current NPDES Permit, Ecology requires the City to develop a Stormwater Management Plan (“SWMP”), which includes a set of mandatory actions and activities that are aimed at protecting water quality, reducing the discharge of pollutants to surface waters and groundwaters of the state, and complying with national discharge standards; and

WHEREAS, as part of the City’s SWMP, the City must implement a program to prevent and reduce pollutants in runoff from areas that discharge to the municipal separate storm sewer system, including by adopting and making effective an ordinance, or other enforceable documents, requiring the application of source control best management practices (“BMPs”) for pollutant generating sources associated with existing land uses and activities; and

WHEREAS, the City’s Water Resources Protection ordinance contains certain technical standards which are duplicated in the adopted Stormwater Manual; and

WHEREAS, as related in Staff Report ____, the City’s Water Resources Protection ordinance needs revision to meet the requirements of the NPDES Permit, the Department of Public Works proposed amendments to the Water Resources Protection code to meet the requirements of the NPDES Permit and simplify the code; and

WHEREAS, the City held informational webinars with stakeholders on January 13, January 20, and January 24, 2022, to discuss the proposed code amendments, and made available an online open house from December 22, 2021, through February 9, 2022, to consider comments from stakeholders; and

WHEREAS, the environmental impacts of the proposed code amendments have been reviewed and determined to be nonsignificant pursuant to the State Environmental Policy Act; and

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WHEREAS, the City Council finds that adoption of this ordinance for municipal stormwater control and pollution prevention prevents harm to the health or safety of the public, and promotes the public health, safety, and general welfare; and

WHEREAS, the City Council finds that it is within the police power of the City Council to adopt this ordinance for these purposes; and

WHEREAS, on May 16, 2022, the Council held a workshop to review the proposed ordinance and on May 23, 2022, conducted a public hearing to consider whether to adopt the proposed ordinance, the Council adopts the amendments to VMC Chapter 14.26, incorporating additional water resources protection standards into the City's code.

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF VANCOUVER:

Section 1. That portion of ordinance M-3600, section 2, that was last amended by ordinance M-4179, section 50, and is codified as VMC 14.26.100, is hereby amended to read as follows:

14.26.100 Purpose.

A. The purpose of this chapter is to protect water resources in the City by establishing development regulations and minimum standards to reduce the risks of contaminants entering water resources as defined at VMC Section 14.26.110.

B. In furtherance of this purpose, the City prohibits the discharge of contaminants to water resources as set forth in VMC section 14.26.117 and requires certain operations to utilize best management practices as set forth in VMC sections 14.26.120, .125, and .130.

C. The City also recognizes that achieving successful pollution control must include a water resources pollution prevention education component for businesses, industries, and the general

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public. In implementing this chapter, the City will offer education and technical assistance to businesses, industries, and the general public to explain how to implement water resources protection and pollution control practices. Enforcement actions will normally be implemented when:

1. Education and technical assistance measures are unsuccessful at protecting the public interest;
2. Best management practices are not followed; or
3. Persons willfully contaminate the water resources of the City.

D. It is not the intent of this chapter to have the City pursue enforcement actions against businesses, industries, or persons whose actions or activities result in the discharge of de ~~minimus~~ minimis amounts, as defined at VMC section 14.26.110 herein, of contaminants into the water resources of the City.

E. The City finds this chapter is necessary to protect the health, safety and welfare of the residents of the City and the integrity of the City's water resources for the benefit of all by:

1. Minimizing or eliminating surface and ground water quality degradation;
2. Preserving and enhancing the suitability of waters for recreation, fishing, wildlife habitat, aquatic life and other beneficial uses; and
3. Preserving and enhancing the aesthetic quality and biotic integrity of the water.

F. The City recognizes the importance of maintaining economic viability while providing necessary environmental protection. This chapter helps achieve both goals.

G. It is the purpose of the 2016 amendments to this chapter to adopt ordinances and other enforceable mechanisms required for compliance with the City of Vancouver's Stormwater Permit, and for compliance with the federal Underground Injection Control (UIC) program,

through application of best management practices (BMPs) for stormwater management. The regulatory basis requiring the 2016 amendments is as follows:

1. To meet requirements of the Federal Clean Water Act, the State of Washington Department of Ecology has been given the authority to issue municipal stormwater permits to designated communities throughout the state that discharge stormwater into surface water bodies. On January 17, 2007, the Washington State Department of Ecology issued the City of Vancouver a Western Washington Phase II Municipal Stormwater Permit under the National Pollutant Discharge Elimination System (NPDES) program. The permit requires that the City of Vancouver adopt low impact development principles and best management practices, stormwater control and pollution prevention measures, with the goal of improving waters of the state.

2. The Underground Injection Control (UIC) program was created by Congress to protect underground sources of drinking water from discharges of fluids to the ground. Chapter 173-218 WAC was adopted by the Washington State Department of Ecology to regulate stormwater discharges to groundwater through drywells and other types of underground infiltration systems that are not regulated under the NPDES permit.

H. It is the purpose of the 2022 amendments to this chapter to adopt ordinances and other enforceable mechanisms required for continued compliance with the City of Vancouver's Stormwater Permit, and for compliance with the federal Underground Injection Control (UIC) program, through application of best management practices (BMPs) for stormwater management. On July 1, 2019, the Washington State Department of Ecology re-issued the City of Vancouver a Western Washington Phase II Municipal Stormwater Permit under the National Pollutant Discharge Elimination System (NPDES) program. The permit requires the City of Vancouver to carry out a program to prevent and reduce pollutants in runoff from areas that discharge to the

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Stormwater Drainage System by implementing a source control program that applies BMPs to pollution generating sources associated with existing land uses and activities. The goal of the program is to reduce degradation of water resources.

Section 2. That portion of ordinance M-3600, section 2, that was last amended by ordinance M-4179, section 51, and is codified as VMC 14.26.110, is hereby amended to read as follows:

14.26.110 Definitions.

For the purposes of this chapter, the following definitions shall apply. Any terms not defined herein are used as defined in the City’s Stormwater Permit and its mandatory incorporated provisions of the ~~2016~~ 2019 Stormwater Management Manual for Western Washington.

“Best management practices” or “BMPs” means the schedules of activities, prohibitions of practices, maintenance procedures, and structural and/or managerial practices approved by the Washington State Department of Ecology and/or the City of Vancouver that, when used singly or in combination, control, prevent or reduce the release of pollutants and other adverse impacts to waters of Washington State.

“Bulk Petroleum Fuel Operation” means an operation that manages a cumulative total of 12,000 gallons or more of petroleum fuel on-site in tanks capable of holding volumes of at least 4,000 gallons.

“Chemical Lagoons and Pits” means any earthen basin or uncovered concrete basin or depression containing hazardous materials. “City” means the City of Vancouver.

“Closure of Operation” means the cessation of activity such that hazardous materials are no longer managed at the operation. For the purposes of this chapter, an operation is considered closed if it has been non-operational for a continuous period of 2 years.

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“Connection” means a link or channel between two otherwise separate conveyance systems whereby there may be flow from one system to the other.

“Container” means any portable device in which a material is stored, transported, treated, disposed of or otherwise handled.

“Dangerous Waste” means waste designated in the Washington State Dangerous Waste Regulations (WAC 173-303) as dangerous or extremely hazardous due to its physical, chemical or biological properties.

“De ~~Minimus~~ Minimis Amounts” means a small or miniscule amount of contaminant in a discharge that is demonstrated to be non-harmful to the environment.

“Direct Infiltration Facility” means, for the purposes of this chapter, any mechanism that is intended to direct stormwater or process wastewater directly into the ground without providing treatment in accordance with VMC chapters 14.10 and 14.25. Examples include, but are not limited to, drywells, ponds, trenches and perforated pipe systems.

"Director" means the director of the City of Vancouver public works department or designee.

“Discharge” means, for purposes of this chapter only, the release of materials such that the materials may enter or be emitted to the air, land or water resources.

“Disposal” means discharging, discarding or abandoning materials into or on any land, air or water resources.

“Disposal Site” means an area of land or an excavation in which wastes are placed for permanent disposal, and which is not a land application site as defined at VMC Section 14.26.110 herein, surface impoundment, injection well or waste pile.

“Drywell” means a precast concrete manhole with perforations and installed with drain rock or other material for exfiltration of surface water runoff or other drainage to the subsurface.

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~~“Existing Operations, Uses, Activities” means operations, uses or activities established prior to the effective date of this chapter.~~

“Groundwater” means water in a saturated zone or stratum beneath the surface of the land or below a surface water body.

“Hard Chrome Plating” means chrome plating applied in a sufficient thickness to provide a hardened protective surface rather than merely a decorative surface. A hard chrome shop is more likely to be a large single-purpose plating shop with higher quantities of hazardous plating materials onsite, whereas facilities which do decorative plating may do so as just one of the steps in their manufacturing process.

“Hazardous Material” means any product, substance, commodity or waste in liquid, solid or gaseous form that exhibits a characteristic that presents a risk to water resources. Risk may be due to ignitability, toxicity, reactivity, instability, corrosivity or persistence. This definition extends to all “dangerous wastes” and “hazardous substances” that are defined in WAC 173-303 (State Dangerous Waste Regulations). It also includes the chemicals and/or substances that are defined in the federal Emergency Planning and Community Right to Know Act (EPCRA) and/or the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA).

“Illicit connection” means any man-made conveyance that is connected to a municipal separate storm sewer without a permit, excluding roof drains and other similar type connections. Examples include, but are not limited to, sanitary sewer connections, floor drains, channels, pipelines, conduits, inlets or outlets that are connected directly to the stormwater drainage system.

“Illicit discharge” means any discharge to a municipal separate storm sewer that is not composed entirely of ~~storm water~~ stormwater except discharges pursuant to a NPDES permit (other than the

Stormwater permit for discharges from the municipal separate storm sewer) and discharges resulting from fire fighting activities.

“Land Application Site” means a place where wastes such as sludge or gray water are applied to the land.

“Leachable Constituents” means these constituents are determined using the Toxicity Characteristic Leaching Procedure (TCLP), Test Method 1311 in “Test Methods for Evaluating Solid Waste, Physical/Chemical Methods,” EPA Publication SW-846.

"Low Impact Development" or "LID" means a stormwater and land use management strategy that strives to mimic pre-disturbance hydrologic processes of infiltration, filtration, storage, evaporation and transpiration by emphasizing conservation, use of on-site natural features, site planning, and distributed stormwater management practices that are integrated into a project design.

"LID ~~Vest~~ Best Management Practices (BMPs)" means distributed stormwater management practices, integrated into a project design, that emphasize pre-disturbance hydrologic processes of infiltration, filtration, storage, evaporation and transpiration. LID BMPs include, but are not limited to, bioretention, rain gardens, permeable pavements, roof downspout controls, dispersion, soil quality and depth, vegetated roofs, minimum excavation foundations, and water re-use.

"LID Principles" means land management strategies that emphasize conservation, use of on-site natural features, and site planning to minimize impervious surfaces, native vegetation loss, and stormwater runoff.

“Manage” means a general term that includes, but is not limited to, the use, transfer, storage, processing and re-packaging of materials. This does not include the active or immediate transportation of materials.

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"Municipal Waste" means general residential and commercial wastes including the waste collected by garbage haulers and the waste delivered to transfer or disposal sites by the waste generators themselves (self-haul).

"Municipal Water Supply Well" means a City or Clark Public Utility (CPU) owned drinking water well meeting the definition of a Group A community water system as defined by WAC 246-290-020. Locations of such wells are depicted on the Water Resources Protection Ordinance Critical Area and Special Protection Area map as maintained by the City.

"National Pollutant Discharge Elimination System" or "NPDES" means the national program for issuing, modifying, revoking, and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under sections 307, 402, 318, and 405 of the Federal Clean Water Act, for the discharge of pollutants to surface waters of the state from point sources. These permits are referred to as NPDES permits and, in Washington State, are administered by the Washington State Department of Ecology.

"New development" means land-disturbing activities, including Class IV-general forest practices that are conversions from timber land to other uses; structural development, including construction or installation of a building or other structure; creation of impervious surfaces; and subdivision, short subdivision and binding site plans, as defined and applied in Chapter 58.17 RCW. Projects meeting the definition of redevelopment shall not be considered new development.

~~"New Operations, Uses, Activities" means operations, uses or activities established on or after the effective date of this chapter on February 3, 2003. Development or activities requiring a building or other permit are new operations, uses or activities. In addition, when a change in an operation places that operation into a higher classification per VMC Table 14.26.125A, the operation shall be considered and treated as a new operation.~~

“Operation(s)” means industrial, commercial, institutional or residential activity that may be publicly or privately-owned and operated, and may involve the use of stationary or mobile facilities, equipment, transport vehicles or transfer equipment. To the extent allowed by state or federal law, this definition includes all federal, state or local government entities.

“Outdoor Wood Preservation” means the act of pressure treating wood products for weather resistance and outdoor use, using organic-based preservatives such as creosote or pentachlorophenol, typically used to treat poles or heavy timbers, and inorganic-based preservatives such as chromium, copper and arsenic, typically used to treat dimension lumber.

“Person” means any human being, firm, labor organization, partnership, corporation, unincorporated association, trustee, trustee in bankruptcy, receiver or any other legally recognized entity.

"Pervious surface" means a surface material that allows stormwater to infiltrate into the ground. Examples include lawn, landscape, pasture, native vegetation areas, and permeable pavements.

“Petroleum Fuel” means petroleum-based liquid products that are refined from crude oil specifically for fuel purposes. Fuel includes, but is not limited to, all grades of automotive gasoline, aviation gasoline, diesel, heating oils and kerosene.

“Potentially Harmful Materials” means hazardous materials as defined at VMC Section 14.26.110 as well as other materials including, but not limited to, the following which, if discharged or improperly disposed, may present a risk to water resources:

Petroleum products including but not limited to petroleum fuel and petroleum-based coating and preserving materials; oils containing PCBs; antifreeze and other liquid automotive products; metals, either in particulate or dissolved form, in concentrations above established regulatory standards; flammable or explosive materials; radioactive material; used batteries; corrosives, acids,

alkalis or bases; paints, stains, resins, lacquers or varnishes; degreasers; solvents; construction materials; drain cleaners and other toxic liquid household products; pesticides, herbicides, fungicides or fertilizers unless applied in accordance with local, state and federal standards; steam cleaning and carpet cleaning wastes; pressure cleaning wastes; car wash water; laundry wastewater; soaps, detergents, ammonia; swimming pool backwash; chlorine, bromine, and other disinfectants; heated water; domestic animal wastes; sewage; recreational vehicle waste; animal carcasses, excluding salmonids; food wastes; collected lawn clippings, leaves or branches; trash or debris; silt, sediment or gravel; dyes; and untreated or unapproved wastewater from industrial processes.

“Process Wastewater” means wastewater discharged from one or more industrial processes or industrial cleanup procedures.

“Redevelopment” means, on a site that is already substantially developed (i.e., has 35% or more of existing impervious surface coverage), the creation or addition of impervious surfaces; the expansion of a building footprint or addition or replacement of a structure; structural development including construction, installation or expansion of a building or other structure; replacement of impervious surface that is not part of a routine maintenance activity; and land disturbing activities.

“Releasing” or “Release” means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping or disposing into the environment, including but not limited to the abandonment or discarding of barrels, containers, and other closed receptacles.

“Responsible Government Official” means a person employed by the federal, state or a local government with authority to protect the public health and safety or water resources. Examples include, but are not limited to, persons employed by the police and fire departments, and employees

of the Washington State Department of Ecology, the United States Environmental Protection Agency, Clark County, and Clark County Public Health.

“Sewage Disposal Cesspool” means a lined excavation in the ground which receives the discharge of a drainage system, designed to retain solids and organic matter while permitting liquids to seep through the sides and bottom.

“Source Control BMP” means a structure or operation that is intended to prevent pollutants from coming into contact with stormwater through physical separation of areas or careful management of activities that are sources of pollutants. The Stormwater Management Manual for Western Washington separates source control BMPs into two types. Structural Source Control BMPs are physical, structural, or mechanical devices, or facilities that are intended to prevent pollutants from entering stormwater. Operational BMPs are non-structural practices that prevent or reduce pollutants from entering stormwater.

“Stormwater” means that portion of precipitation that does not naturally percolate into the ground or evaporate, but flows via overland flow, interflow, pipes, and other features of a stormwater drainage system into a defined surface waterbody, or a constructed infiltration facility.

“Stormwater Drainage System” means constructed and natural features that function together as a system to collect, convey, channel, hold, inhibit, retain, detain, infiltrate, divert, treat or filter stormwater.

"Stormwater ~~facility~~ Facility" means a constructed component of a stormwater drainage system, designed and constructed to perform a particular function or multiple functions. Stormwater facilities include, but are not limited to: pipes, swales, ditches, open channels, culverts, street gutters, detention ponds, retention ponds, constructed wetlands, storage basins, infiltration devices,

catch basins, manholes, dry wells, oil/water separators, biofiltration swales, sediment basins, bioretention, permeable pavements, and vegetated roofs.

“Stormwater Manual” means the Stormwater Management Manual for Western Washington, prepared by the Washington State Department of Ecology Water Quality Program, ~~December 2014~~ July 2019, Publication No. ~~14 19-10-055 (a revision of Publication No. 12-10-030)~~, 021, 5 volumes, and as hereafter amended.

"Stormwater Permit" means the City Vancouver National Pollutant Discharge Elimination System (NPDES) Western Washington Phase II Municipal Stormwater Permit issued ~~August 1, 2013, which was modified July 1, 2019~~, Effective ~~January 16, 2014~~ August 1, 2019, by the Washington State Department of Ecology, and as hereafter modified or reissued.

~~“Stormwater Treatment Facility” means a stormwater facility that is intended to remove pollutants from stormwater. Stormwater treatment facilities include, but are not limited to, wetponds, oil/water separators, biofiltration swales, and constructed wetlands.~~

“Surface Water” means water that flows across the land surface, in channels or is contained in depressions in the land surface, including but not limited to ponds, lakes, rivers, and streams.

“Tank” means a stationary device designed to contain liquids used or stored at an operation which may include hazardous materials, chemicals or dangerous wastes, and which is constructed primarily of non-earthen materials to provide structural support.

“Toxicity” means having properties that cause or significantly contribute to death, injury or illness in humans or wildlife. A material exhibits the characteristic of toxicity if it contains certain leachable constituents at sufficient concentrations to be considered dangerous to human health and the environment. Leachable constituents and toxicity concentrations are referenced in the Toxicity Characteristic List of WAC 173-303-090(8) as amended.

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“Transfer Warehouse” means any enclosed and covered transportation-related warehouse where shipments of products, which may be hazardous materials but not dangerous wastes, are held in portable containers for transfer.

“Treatment BMP” means a stormwater facility that is intended to remove pollutants from stormwater. Stormwater treatment BMPs include, but are not limited to, wetponds, oil/water separators, biofiltration swales, and constructed wetlands.

“Underground Injection Control” or “UIC” well means a manmade subsurface fluid distribution system designed to discharge fluids into the ground, consisting of an assemblage of perforated pipes, drain tiles or other similar mechanisms or a dug hole that is deeper than the largest surface dimension. Subsurface infiltration systems include drywells, pipe or french drains, drain fields, and other similar devices.

“Water Resources” means surface water, ~~storm water~~ stormwater and groundwater.

Section 3. That portion of ordinance M-3600, section 2, that was last amended by ordinance M-4179, section 52, and is codified as VMC 14.26.112, is hereby amended to read as follows:

14.26.112 Authority.

The City shall retain the authority to require implementation of any portion of this chapter, as defined herein to comply with the City’s Stormwater Permit. The City also retains the authority to impose additional water protection measures when the City becomes aware of and documents that specific circumstances applicable to an operation threaten water resources, public health or safety.

The City may inspect all operations subject to this chapter at all reasonable hours for the purposes of ensuring compliance with any provision of this chapter and with the consent of the owner or occupant or pursuant to a lawfully issued warrant.

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Section 4. That portion of ordinance M-3600, section 2, that was last amended by ordinance M-4179, section 54, and is codified as VMC 14.26.117, is hereby amended to read as follows:

14.26.117 Discharges to water resources.

A. Prohibited Discharges: No person or operation shall discharge any potentially harmful materials as set forth at VMC Section 14.26.110 herein into the water resources of the City.

Persons or operations shall use all known, available, and reasonable means to prevent the discharge of any potentially harmful materials into the water resources of the City.

B. Illicit Connections:

1. Any connection that could allow conveyance of any solid, liquid or gas material not composed entirely of surface and ~~storm-water~~ stormwater directly to water resources is considered an illicit connection and is prohibited, except:

a. Connections conveying allowable discharges as set forth at VMC Section 14.26.117.C and D herein;

b. Connections conveying discharges pursuant to a National Pollutant Discharge Elimination System (NPDES) permit or a state waste discharge permit; and

c. Connections conveying effluent from permitted or authorized onsite sewage disposal systems to subsurface soils.

2. Floor drains shall not be installed inside an operation which stores or uses hazardous materials unless approved by the City for connection to sanitary sewer. Existing floor drains connected to storm drains or to surface water drains located in or near indoor hazardous material storage or use areas are considered unauthorized connections and shall be sealed or removed to prevent liquid entry, piped to the sanitary sewer (with approval and appropriate shut-off valves),

be routed to blind sumps or be directed to additional containment or treatment systems meeting the standards of this chapter.

C. Allowable Discharges to Stormwater Drainage System: The following types of discharges shall be permitted unless the City determines that these discharges (whether singly or in combination with others) are causing significant contamination of water resources:

1. Uncontaminated water from crawl space pumps or footing drains;
2. Materials placed as part of an approved habitat restoration or bank stabilization project;
3. Natural uncontaminated surface water or ground water;
4. Flows from riparian habitats and wetlands;
5. City-approved dye testing following verbal notification to the City at least one day prior to the date of test. The City and the Clark County Public Works Department are exempt from this requirement;
6. Any discharge allowed by an operation's National Pollutant Discharge Elimination System (NPDES) permit or other authorized discharge permit;
7. Any discharge specifically allowed in writing by a local, state or federal agency for remedial action in an agreed order, a consent decree or in a voluntary cleanup effort.

D. Allowable Discharges to Pervious Surfaces. The following types of discharges shall be permitted onto a pervious surface unless the City determines that these discharges (whether singly or in combination with others) contain greater than de ~~minus~~ minimis amounts of contaminants:

1. All allowable discharges specified in VMC 14.26.117.C;
2. Potable water;
3. Potable water line flushing;
4. Landscape watering;

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5. Residential car and boat washing;
6. Residential swimming pool and spa water;
7. Common discharge practices from water well disinfection.

E. Non-stormwater Discharges to the Stormwater Drainage System Prohibited Unless Conditions Met. The following categories of non-stormwater discharges are prohibited discharges to the Stormwater Drainage System unless the stated conditions are met:

1. Discharges from potable water sources, including water line flushing, hyperchlorinated water line flushing, fire hydrant system flushing, and pipeline hydrostatic test water. Planned discharges shall be de-chlorinated to a concentration of 0.1 ppm or less, pH-adjusted, if necessary, and volumetrically and velocity controlled to prevent re-suspension of sediments in the Stormwater Drainage System.

2. Discharges from landscape watering and other irrigation runoff. These shall be minimized through, at a minimum, public education activities and water conservation efforts.

3. Dechlorinated swimming pool discharges. The discharges shall be dechlorinated to a concentration of 0.1 ppm or less, pH-adjusted and reoxygenized if necessary, volumetrically and velocity controlled to prevent re-suspension of sediments in the Stormwater Drainage System. Swimming pool cleaning wastewater and filter backwash shall not be discharged to the Stormwater Drainage System.

4. Street and sidewalk wash water, water used to control dust, and routine external building wash down that does not use detergents. The City shall reduce these discharges through, at a minimum, public education activities and/or water conservation efforts. To avoid washing pollutants into the Stormwater Drainage System, the City must minimize the amount of street wash and dust control water used.

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5. Other non-stormwater discharges. The discharges shall be in compliance with the requirements of the stormwater pollution prevention plan received by the City, which addresses control of construction site de-watering discharges.

F. A UIC well may be used to manage stormwater when pollutant concentrations that reach ground water are not expected to exceed Washington state ground water quality standards (chapter 173-200 WAC). This section shall not be construed to authorize any discharge to a UIC that does not conform to the requirements of WAC 173-218 – Underground Injection Control Program.

Section 5. That portion of ordinance M-3600, section 2, that was last amended by ordinance M-4179, section 55, and is codified as VMC 14.26.120, is hereby amended to read as follows:

14.26.120 Minimum standards.

~~A. Operational Best Management Practices (BMPs).~~ All operations shall adopt the following best management practices to ensure their operations minimize potential risks to water resources.

~~A. 1. Precautions: Pollution Prevention.~~ The owner/operator shall ~~take precautions~~ implement all applicable source control BMPs from the Stormwater Manual to prevent ~~accidental releases of hazardous potentially harmful~~ materials. ~~Hazardous from coming into contact with stormwater.~~ Potentially harmful materials shall be separated and prevented from entering Stormwater Drainage Systems, septic systems, and drywells.

~~2 B.~~ Hazardous Materials Management. Hazardous materials shall be managed so that they do not threaten human health or the environment or enter water resources.

~~3 C.~~ Hazardous Material Releases. All hazardous materials that have been released shall be contained and abated immediately, and the hazardous materials recycled or disposed of properly. The City shall be notified of any release of hazardous materials that ~~clearly may~~ impact water

resources, as soon as possible but no later than 24 hours after the release. The Stormwater Manual provides applicable operational BMPs for spills of oils and hazardous substances.

~~4. Oil/Water Separators. Oil/water separators shall be inspected, cleaned and maintained as stipulated in the Stormwater Manual. The City may allow an operation to modify the regularity of cleanouts if the operation can demonstrate to the City's satisfaction that the separator operates effectively at less frequent cleaning intervals.~~

~~5. Pesticide and Fertilizer Management. All pesticides, herbicides, fungicides and fertilizers shall be applied and managed according to the applicable BMPs for landscaping and lawn/vegetation management in the Stormwater Manual, VMC 20.760 Shoreline Management Area, and VMC 20.740 Critical Areas Protection.~~

~~6. Stormwater Treatment Systems. Stormwater drainage systems and treatment. D. Maintaining Stormwater Facilities. Stormwater~~ facilities, including, but not limited to, catch basins, wetponds and vaults, biofilters, settling basins, bioretention, pervious pavements, and infiltration systems, shall be cleaned and maintained by the responsible party designated in VMC 14.25.209 according to the applicable operational BMPs for the maintenance of stormwater, drainage and treatment systems in the Stormwater Manual.

~~7~~ E. Decommissioning Water Wells. Any water well which is unusable, abandoned or whose use has been permanently discontinued or which is in such disrepair that its continued use is impractical or is an environmental, safety or public health hazard shall be decommissioned according to the provisions of the Washington Administrative Code WAC 173-160-381.

~~8~~ F. Operation Closure. At the closure of an operation, all hazardous materials shall be removed from the closing portion of the operation and disposed of in accordance with local, state and federal laws.

~~9. Mobile Washing and Pressure Cleaning. Operations which engage in activities such as pressure washing, carpet cleaning, and equipment and vehicle washing shall apply best management practices according to applicable BMPs for washing and steam cleaning in the Stormwater Manual. Mobile washing operations shall ensure that all of their employees are knowledgeable of proper discharge practices. Washwater from such operations shall be captured and directed to an approved discharge location. Non-approved wash water shall not be discharged into the City's stormwater drainage system.~~

~~B. Commercial Operations Requiring Additional BMPs. Operations which engage in the following commercial operations shall implement the applicable source control BMPs from the Stormwater Manual: commercial animal handling, commercial composting, printing operations, fueling stations, log sorting, railroad yards, recyclers, scrap yards, and wood treatment facilities.~~

~~C. Specific Activities Requiring Additional BMPs. Operations performing the following activities shall implement the applicable source control BMPs from the Stormwater Manual and shall comply with the requirements of VMC 20.760, Shorelines Management Area, and 20.740, Critical Areas Protection: construction/repair/maintenance of boats/ships, airfield/street deicing, dust control, landscaping, loading/unloading of trucks and railcars, repair/maintenance/parking of vehicles/equipment, erosion control at industrial sites, maintenance of utility corridors, maintenance of roadside ditches/culverts, outdoor manufacturing, mobile fueling of vehicles/equipment, painting/coating of vehicles/buildings/equipment, storing dangerous wastes, or managing raw materials.~~

Section 6. That portion of ordinance M-3600, section 2, that was amended by ordinance M-3920, section 4, and is codified as VMC 14.26.125, is hereby amended to read as follows:

14.26.125 Application of greater standards.

ORDINANCE - 21

A. Classifications: Certain non-residential operations present a greater potential risk to water resources because of the volume and type of hazardous materials that are managed. These non-residential operations are classified in VMC Table 14.26.125A and are subject to the stipulated actions defined in this section.

Table 14.26.125A – CLASSIFICATIONS	
Classification	Definition
Class I Operations	Operations that at any time within a year time period will or do manage over 220 pounds in total of the following: A. Hazardous materials, including any mixtures thereof, that contain constituents referenced in the Code of Federal Regulations, 40 CFR 302.4 (referenced in Section 103(a) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA)); or B. Hazardous materials, including any mixtures thereof, that contain constituents from the lists specified in VMC Table 14.26.125A, Class II (below). <u>Concentration Declassification.</u> A Class I operation shall no longer be a classified operation if the Class I constituents (40 CFR 302.4) contained in a product or waste are individually present at less than 1% by weight for non-carcinogenic hazardous materials, and less than 0.1% by weight for known or suspected carcinogenic hazardous materials. (Operators should review the Material Safety Data Sheet for the hazardous materials to make this determination). <u>Operator shall submit Safety Data Sheets for all products used or stored onsite and a detailed product inventory for review to be eligible for declassification.</u> <u>Consumer Quantity Declassification.</u>

Table 14.26.125A – CLASSIFICATIONS

Classification	Definition
	A Class I operation shall no longer be a classified operation if both of the following conditions are met: A. The operation is focused on research, education, distribution or consumer-oriented activities, including but not limited to laboratories, hospitals, schools, cargo handlers, distributors, warehouses or retailers; and B. Products containing Class I or Class II hazardous materials are managed in closed containers or sealed bags with individual capacities of no more than 10 gallons for a liquid material and no more than 80 pounds for a dry or solid material. <u>Metal and Metal Alloy Declassification.</u> Solid metals and solid metal alloys, including but not limited to roll stock, bar stock, sheet stock, and manufactured articles such as equipment, parts, building materials, and piping, that contain one or more metals listed in 40 CFR 302.4 or WAC 173-303-090(8) shall be declassified; EXCEPT, that where machining, forming, grinding, cutting, melting or other activities produce residues such as shavings, grindings, swarf, fume or other finely divided particulate forms of a listed metal or metal alloy that may present a threat to water resources, such residues shall not be declassified. Personal and Commercial Vehicle Fuel Tank Declassification. The greater standards of VMC 14.26.125.B and VMC 14.26.130 shall not be applied to personal and commercial vehicles that are designed to or do hold quantities of fuel that would otherwise cause them to be classified under this section (VMC 14.26.125.A).
Class II Operations	Operations that at any time within a one year time period will or do manage over 2,200 pounds in total of the following: A. Hazardous materials, including any mixtures thereof, that exhibit the characteristic of toxicity as defined at VMC Section 14.26.110KK because they contain leachable constituents

Table 14.26.125A – CLASSIFICATIONS

Classification	Definition
	as defined at VMC Section 14.26.110T from the Toxicity Characteristic List of WAC 173-303-090(8) as amended; or B. Hazardous materials, including any mixtures thereof, that contain constituents that are referenced on the Halogenated Solvent List set forth in VMC Table 14.26.165A. <u>Site Cleanup Reclassification.</u> A Class II operation shall be reclassified as a Class I operation if the primary activity is site remediation or cleanup pursuant to an approved settlement agreement or a remedial action under 70.105B RCW. <u>Concentration Reclassification.</u> A Class II operation shall be reclassified as a Class I operation if the Class II constituents (from WAC 173-303-090(8) or the Halogenated Solvent List set forth in Table 14.26.165A) are present in the hazardous materials being managed at concentrations of less than 5% by weight. <u>Operator shall submit product Safety Data Sheets and a detailed material inventory for review to determine eligibility for this provision.</u> <u>Transfer Warehouse Reclassification.</u> A Class II operation shall be reclassified as a Class I operation if the following conditions are met: A. The operation is a transfer warehouse as defined in VMC Section 14.26.110LL; and B. Containers of hazardous materials are not opened at the site under any circumstance; and C. Products containing Class II hazardous materials are managed in containers with individual capacities of no more than 400 gallons. <u>Consumer Quantity Declassification.</u> A Class II operation shall no longer be a classified operation if both of the following conditions are met:

Table 14.26.125A – CLASSIFICATIONS

Classification	Definition
	A. The operation is focused on research, education, distribution or consumer-oriented activities, including but not limited to laboratories, hospitals, schools, cargo handlers, distributors, warehouses or retailers; and B. Products containing Class I or Class II hazardous materials are managed in closed containers or sealed bags with individual capacities of no more than 10 gallons for a liquid material and no more than 80 pounds for a dry or solid material. Personal and Commercial Vehicle Fuel Tank Declassification. The greater standards of VMC 14.26.125B and VMC 14.26.130 shall not be applied to personal and commercial vehicles that are designed to or do hold quantities of fuel that would otherwise cause them to be classified under this section (VMC 14.26.125.A).

B. *Stipulated Actions and Timelines.* Class I and II operations shall adopt the Greater Standards for Hazardous Material Operations defined in VMC Section 14.26.130, according to the following stipulations:

1. *New Operations.* New Class I and Class II operations shall adopt the Greater Standards beginning the date of issuance of certificate of occupancy or as otherwise specified in accordance with the provisions of this chapter.

2. *Existing Operations.* Existing Class I and Class II operations shall adopt the Greater Standards (or some portion thereof), within a time period specified by the City, if the City becomes aware of and documents specific circumstances which demonstrate that Greater Standards (or some portion thereof) are necessary to protect public health and safety or reduce the risk of contamination to water resources.

3. Change of Class or Tenant: The City shall be notified as soon as possible and no later than 30 days after:

- a. A change in classification of an operation as defined in VMC Table 14.26.125A.
- b. Occupation of an existing Class I or II operation by a new tenant.

Section 7. That portion of ordinance M-3600, section 2, that was amended by ordinance M-3920, section 4, and is codified as VMC 14.26.130, is hereby amended to read as follows:

14.26.130 Greater standards for hazardous materials operations.

A. *Best Management Practices (BMPs).* All new Class I and II operations shall implement the provisions of this section within ninety (90) days after the date of issuance of the certificate of occupancy. Operations that change in classification from unclassified to either Class I or Class II shall implement the provisions of this section within 90 days of change in classification from unclassified to either Class I or Class II.

1. *Design and Construction.* Operations shall be designed, constructed, maintained and operated to minimize the possibility of an unplanned release of hazardous materials to soil or water resources.

2. *Container/Tank Management.* A container or tank holding a hazardous material shall always be closed, except to add or remove materials. Hazardous materials shall also be managed so that they do not damage the structural integrity of the operation or devices containing the material.

3. *Container/Tank Condition.* All containers and tanks shall be maintained in such a manner as to assure effective operation and prevent the release of hazardous materials.

4. *Container/Tank Identification.* The owner/operator shall label all containers and tanks containing hazardous materials to identify the major risk(s) associated with the contents. This

labeling shall conform to applicable sections of the Uniform Fire Code, Occupational Safety and Health standards, and/or the State of Washington's Dangerous Waste Regulations.

5. *Ancillary Equipment.* Any leaking pipe, pump or other ancillary equipment shall be repaired or replaced promptly. Ancillary equipment associated with hazardous materials shall be supported and protected against physical damage and excessive stress.

6. *Compatibility.* The owner/operator shall use a container or tank made of or lined with materials which are compatible with the hazardous materials to be stored.

~~7. Containment: Container and tank storage areas shall have a containment system that is capable of collecting and holding spills and leaks. This containment shall:~~

~~a. Be constructed of an impervious surface with sealed joints.~~

~~b. Joints between concrete slabs and slab/foundation interfaces should be eliminated or minimized in the operation;~~

~~c. Provide pollution control measures to protect water resources, including run-off collection and discharge from active areas;~~

~~d. Be designed to provide secondary containment of 110% of the container's or tank's capacity; or in areas with multiple tanks, 110% of the largest tank or 10% of the aggregate tank volumes, whichever is larger. Secondary containment shall be provided in all areas where hazardous materials are loaded/unloaded, transferred, accumulated or stored;~~

~~e. Be compatible with the materials that are being handled; and~~

~~f. Be routinely inspected as defined at VMC section 14.26.130C.~~

~~8. Loading Areas: Loading and unloading areas shall be designed, constructed, operated and maintained to:~~

~~a. Contain spills and leaks that might occur during loading/unloading;~~

- ~~b. Prevent releases of hazardous materials to water resources;~~
- ~~c. Contain wash waters (if any) resulting from the cleaning of contaminated transport vehicles and load/unload equipment; and~~
- ~~d. Allow for removal as soon as possible any collected hazardous materials resulting from spills, leaks, and equipment cleaning.~~

~~9 7.~~ *Closure.* At closure of an operation, all remaining structures, containers, tanks, liners, and soil containing or contaminated with hazardous materials at concentrations above state and federal regulatory thresholds shall be decontaminated and properly disposed of or managed.

~~B. *Spill and Emergency Response Plan (SERP).*~~

~~1. All new Class I and II operations shall develop and implement a Spill and Emergency Response Plan (SERP) within 90 days after the date of issuance of the certificate of occupancy. Operations that change in classification from unclassified to either Class I or Class II shall implement the provisions of this section within 90 days of change in classification from unclassified to either Class I or Class II. Other operations may also be required to develop and implement a SERP if the City determines this action will help prevent releases of hazardous materials to water resources.~~

~~2. The SERP shall be maintained on site, and shall be made available to the City upon request.~~

~~3. The SERP shall be updated at least every 5 years or as needed to reflect significant changes in operation or practices.~~

~~4. At a minimum, the SERP shall include the following information:~~

~~a. *Spill Prevention.*~~

- ~~i. Drawings including the layout of the operation, a floor plan, direction of drainage, entrance and exit routes, and areas where hazardous materials are received, stored, transported, handled or used in operations.~~
- ~~ii. Listings of all hazardous materials on site including types, volumes, locations and container types and sizes.~~
- ~~iii. Spill prevention related equipment including equipment which serves to detect releases of potential water resources contaminants.~~

~~b. *Emergency Response.*~~

- ~~i. Chain of command and procedures for spill response.~~
- ~~ii. Phone list of response agencies including federal, state and city emergency contact numbers and environmental cleanup companies.~~
- ~~iii. Procedures for treating and disposing of spilled hazardous materials.~~

~~c. *Certification.* The SERP shall include a certification signed by an authorized representative of the operation stating: "I certify that the information provided in this document is to the best of my knowledge true and complete, and the spill prevention equipment and emergency response measures described herein are as stated." The signed certificate shall include the authorized representative's name (printed), title, and contact information.~~

~~c. *Operational Inspections.*~~

~~1. All new Class I and II operations shall implement the provisions of this section within ninety (90) days after issuance of certificate of occupancy. Operations that change in classification from unclassified to either Class I or Class II shall implement the provisions of this section within 90 days of change in classification from unclassified to either Class I or Class II. Other operations~~

~~may also be required to implement these provisions if the city determines this action will help prevent releases of hazardous materials to water resources.~~

~~2. *Schedule.* The owner/operator shall develop a written schedule for inspecting all monitoring equipment, safety or emergency equipment, security devices, and any other equipment that helps prevent, detect or respond to water resource-related hazards.~~

~~3. *Regular Inspections.* The owner/operator shall perform site inspections to identify malfunctions and deterioration of equipment or containers, operator errors, discharges or any other condition that may cause or lead to the release of hazardous materials to water resources. The owner/operator shall conduct these inspections often enough to identify problems in time to correct them before they impact water resources. Inspections shall be completed in all areas where hazardous materials are managed and a written record of those inspections made at least annually.~~

~~4. *Water Resource-Related Hazard Mitigation.* The owner/operator shall remedy any problems revealed by the inspection. Where a water resource-related hazard is imminent or has already occurred, remedial action shall be taken immediately.~~

~~D. *Training Program.*~~

~~1. All new Class I and II operations shall implement the provisions of this section within ninety (90) days after issuance of certificate of occupancy. Operations that change in classification from unclassified to either Class I or Class II shall implement the provisions of this section within 90 days of change in classification from unclassified to either Class I or Class II. Other facilities also may be required to implement these provisions if the city determines this action will help prevent releases of hazardous materials to water resources.~~

~~2. Operations shall develop a training program or amend an existing program that informs employees at least once each year of any possible risks to water resources associated with on-site operations. The owner/operator shall ensure that employees know or understand:~~

- ~~a. The location of hazardous materials managed at the operation and the associated potential risks to water resources;~~
- ~~b. The location of material safety data sheets (MSDS) at the operation;~~
- ~~c. How employees can detect the presence or release of hazardous materials;~~
- ~~d. How employees can protect themselves through work practices, emergency procedures, and with personal protective equipment;~~
- ~~e. How to locate and use the operation's Spill and Emergency Response Plan; and~~
- ~~f. How to prevent the pollution or contamination of water resources.~~

~~E. Closure Plan.~~

1. Each new Class II operation shall prepare and submit to the City a Closure Plan within 6 months of the date of issuance of the certificate of occupancy. Each existing Class II operation shall prepare and submit such a plan within 6 months of a request by the City. Class II operations shall ensure that their facilities are closed in a manner that prevents the release of hazardous materials during closure, protects water resources, and prevents post-closure escape of hazardous materials to water.

2. Plan Requirements: The Closure Plan shall detail the means by which the operation will, upon any closure anticipated to be longer than 2 years, remove and properly dispose of hazardous materials, and perform an investigation to confirm the presence or absence of hazardous materials in the soil and ground water, if potential contamination is indicated. Specifically, the Closure Plan shall include the following:

- a. A listing of the types and quantities of hazardous materials reasonably expected to be present on-site during the operating life of the operation.
- b. A description of the plan for removal and disposal of hazardous materials.
- c. A description of the plan to decontaminate containment systems and ancillary equipment.
- d. An estimate of the cost to implement the Closure Plan, using the assumption that a third party will conduct removal and disposal activities.
- e. A certification signed by an authorized representative of the business/industry submitting the Closure Plan stating, "I certify that the information provided in this document is to the best of my knowledge accurate and the closure measures described herein will be implemented as stated." The signed certificate shall include the authorized representative's name (printed), title, and contact information.

3. *Report Update.* The owner/operator of an operation shall update the Closure Plan every 5 years or re-certify the current information and estimates. The Closure Plan shall also be updated if operating procedures change in such a way that the volume/mass of hazardous material is increased by 25% or more.

F C. *Engineering and Operating Report.* When the City recognizes and demonstrates a need for additional information on an operation's practices, the City may require the operation to submit an engineering and operating report to accommodate the City's review of operations and to prevent releases of hazardous materials to water resources. If required, the report shall provide the following:

1. The type of industry or business including the kind and quantity of finished products.

2. A process flow diagram illustrating the process flow of water and materials in a normal operating day. This will include details on the operation's plumbing and piping and where specific chemicals are added to processes.

3. A discussion of any discharges to the Stormwater Drainage System.

4. A discussion of any discharges through land applications, including seepage lagoons, irrigation, and subsurface disposal. As applicable, this discussion should also include the depth to ground water and anticipated overall effects of the operations on the quality of water resources.

5. Provisions for any plans for future expansion or intensification.

6. A certification signed and dated by an authorized representative of the operation stating: "I certify that the information provided in this document is to the best of my knowledge true and complete." The signed certificate shall include the authorized representative's name (printed), title, and contact information.

~~G. *Records & Reports.*~~

~~1. Operations shall maintain records of required inspection, training, cleaning and maintenance events. Where operations are otherwise required by the City or another agency to maintain such records, those records shall satisfy this requirement. All operations shall maintain these records on site for at least 3 years and shall make them available to the City upon request.~~

~~2. Plans, reports or other documentation concerning the management of hazardous materials shall also be made available to the City upon request.~~

~~3. Information provided to the City will be available to the public. Information may be claimed as confidential by the operation as outlined at VMC section 14.26.150 herein. If no claim is made at the time of submission, the City will make the information available to the public when requested.~~

~~H. *Protections for Stormwater.* All new Class I and II operations shall implement the applicable structural Best Management Practices (BMPs) of the Stormwater Manual prior to the date of issuance of the certificate of occupancy.~~

Section 8. That portion of ordinance M-3600, section 2, that was amended by ordinance M-3920, section 4, and is codified as VMC 14.26.140, is hereby amended to read as follows:

14.26.140 Administrative programs.

~~A. *Educational and Technical Assistance Program. Compliance Inspections.*~~

~~1. The City will work in conjunction with other agencies to implement an Education and Technical Assistance Program to assist property owners, business and industry owners and managers, residents, and other interested parties in understanding the importance of protecting the City's water resources and in employing best management practices in pursuit of that goal.~~

~~2. The program directed toward business and industry will include but not be limited to technical assistance visits, informational fact sheets, self-audits or workshops.~~

~~3. Additional education and assistance programs aimed at residences, public institutions and low-risk businesses shall include:~~

~~a. Education on the proper use of pesticides, herbicides, fungicides, and fertilizers;~~

~~b. Discussions of the impacts of unauthorized discharges to drywells, catch basins, storm basins and sanitary sewer; and~~

~~c. Activities to explain and promote the proper management and disposal of used oil and other contaminants.~~

~~B. *Compliance Inspections:*~~

1. City personnel may inspect any operation in the City that is known to manage (or may potentially manage) hazardous potentially harmful materials or is reasonably believed to be a potential source of an illicit discharge and/or a risk to water resources.

2. Inspections may be initiated as the result of a complaint or referral, ~~or~~ as defined by a routine schedule for compliance, or if an operation is identified by the City as an operation that has the potential to release pollutants to water resources. Inspections will be used to determine if there is any risk to water resources, and to determine if an operation is in compliance with this chapter.

3. Inspections may involve a review of BMPs, process equipment, structures, and operating practices; records or plan review; interviews with operators; photo documentation and sampling. As such, operators shall allow representatives of the City, upon presentation of credentials, to:

- a. Enter the premises where hazardous potentially harmful materials are being managed, or where records may be kept under the provisions of this chapter. The owner/operator shall make necessary arrangements to allow access without delay. Unreasonable delay may constitute a violation of this chapter;
- b. Have access to and copy, at reasonable times, any records that must be kept under the provisions of this chapter;
- c. Inspect at reasonable times any facilities, equipment (e.g., safety, monitoring, operating, or other equipment), practices or operations regulated or required under the provisions of this chapter;
- d. Sample and monitor at reasonable times, any substances or parameters at any location for the purposes of assuring compliance or as otherwise authorized by the provisions of this chapter. This requirement may involve the City's installation or erection of equipment

to conduct sampling, inspection, compliance monitoring or metering operations. As such, at the written or verbal request of the City, operators shall remove any temporary or permanent obstruction to safe and easy access to an operation to be inspected and/or sampled. The operator shall not replace such an obstruction without the City's consent.

Section 9. That portion of ordinance M-3600, section 2, that was last amended by ordinance M-4179, section 57, and is codified as VMC 14.26.145, is hereby amended to read as follows:

14.26.145 Enforcement.

A. *Enforcement.* It shall be unlawful to violate the provisions of this chapter. Enforcement of this chapter shall be governed by VMC Title 22.

B. *Supplemental Enforcement Provisions for Water Resources Protection.* In addition to civil and criminal enforcement as authorized under VMC Title 22, enforcement of this chapter may utilize the following authority:

1. The City Council of the City of Vancouver finds that an operation not in compliance with the requirements of this chapter constitutes a public nuisance under RCW 7.48, Nuisances.

2. The City may use field notes, observations, photo documentation, sample logs, analytical results or other information to define risk and to establish that an operation is in violation of this chapter.

3. The City may require the implementation of the operational ~~or~~ source control BMPs, structural ~~best management practices, as defined~~ source control BMPs, or treatment BMPs through the provisions of this chapter. Implementation of remedies to meet compliance standards shall be performed on a timeline approved by the City.

4. The City may also require the operator to sample and analyze any discharge, surface and ~~storm-water~~ stormwater, ground water and/or sediment, in accordance with sampling and analytical procedures or requirements determined by the City. If the operator is required to complete this sampling and analysis, a copy of the analysis shall be provided to the City.

5. The City may impose additional requirements whenever documented specific circumstances (applicable to the operation) threaten water resources.

6. Notwithstanding any other provisions of this chapter, whenever it appears to the City that conditions regulated by this chapter require immediate action to protect the public health and/or safety, the City is authorized to enter such property for the purpose of inspecting and investigating such emergency conditions.

7. When necessary corrective actions are not undertaken as directed by the City, an owner, operator or contractor can be held liable for abatement costs to remedy noncompliance as set forth in VMC 14.20.010(D).

Section 10. That portion of ordinance M-3600, section 2, that was amended by ordinance M-3920, section 4, and is codified as VMC 14.26.160, is hereby amended to read as follows:

14.26.160 Appeals.

A. Appeals of enforcement of this chapter under VMC 14.26.145 and VMC Title 22 shall be governed by VMC Title 22.

B. Appeals under VMC 14.26.135 relating to special protection areas shall be consolidated with any open record hearing or appeal related to any underlying application, where such open record hearing or appeal is required, and shall be processed according to the procedures for Type II applications in VMC 20.210.020. ~~Where there is no underlying new development or~~

~~redevelopment application requiring an open record hearing or appeal, appeals under VMC 14.26.135 relating to special protection areas shall be processed according to the procedures set forth in VMC 14.20.070.~~

C. Appeals under VMC 14.26.155 relating to special exceptions shall be consolidated with any open record hearing or appeal related to the underlying application, where such open record hearing or appeal is required, and shall be processed according to the procedures for Type III applications in VMC 20.210.020. ~~Where there is no underlying application requiring an open record hearing or appeal, appeals under VMC 14.26.155 relating to special exceptions shall be processed according to the procedures set forth in VMC 14.20.070.~~

Section 11. Savings. Those sections of any ordinances amended or repealed by this ordinance shall remain in full force and effect until the effective date of this ordinance.

Section 12. Severability. If any clause, sentence, paragraph, section, or part of this ordinance or the application thereof to any person or circumstance shall be adjudged by any court of competent jurisdiction to be invalid, such order or judgment shall be confined in its operation to the controversy in which it was rendered and shall not effect or invalidate the remainder of any parts thereof to any person or circumstances and to this end the provisions of each clause, sentence, paragraph, section or part of this law are hereby declared to be severable.

Section 13. Effective date. This ordinance shall become effective on July 31, 2022.

Read first time:

Ayes: Councilmembers

Nays: Councilmembers

Absent: Councilmembers

ORDINANCE - 38

Read second time:

PASSED by the following vote:

Ayes: Councilmembers

Nays: Councilmembers

Absent: Councilmembers

SIGNED this _____ day of _____, 2022.

Anne McEnery-Ogle, Mayor

Attest:

Natasha Ramras, City Clerk

Approved as to form:

Jonathan Young, City Attorney

ORDINANCE - 39

SUMMARY

ORDINANCE NO. _____

AN ORDINANCE relating to water resources protection, amending certain sections of Chapter 14.26 of the City of Vancouver's Municipal Code regarding minimum standards to reduce the risk of contaminants entering surface waters and groundwaters, as last amended by Ordinance M-4179, and providing clauses for savings, severability, and an effective date.

The full text of this ordinance will be mailed upon request. Contact Raelyn McJilton, Records Officer at 487-8711, or via www.cityofvancouver.us (Go to City Government and Public Records).



Staff Report: 070-22

TO: Mayor and City Council

FROM: Eric Holmes, City Manager

DATE: 5/23/2022
6/6/2022

SUBJECT Proposed changes to the Vancouver Municipal Code ("VMC") 7.05.010, 7.04.020, 7.04.030, 2.46.020

Key Points

- Certain new definitions and additions to the Criminal Code (Chapter 7) would enhance public health, safety and welfare.
- The proposed change to [VMC 7.05.010](#) would expand the definition of public disturbances to restrict certain additional noises and vibrations within residential districts.
- The proposed change to [VMC 7.04.020](#) and [7.04.030](#) would expand the definition of pedestrian interference to prohibit targeted picketing or protesting before or about the residence or dwelling of another.
- The proposed change to [VMC 2.46.020](#) would allow the City to assert a claim or lawsuit on behalf of an official, employee or volunteer to the extent it is reasonably necessary in order to further a public purpose.

Strategic Plan Alignment

Goal 3, Objective 3.1: Strengthen community identity and sense of belonging

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

Present Situation

VMC 7.05.010 (1) (c) restricts certain noises made near public streets during certain hours, but it does not regulate other noises like noise makers, whistles, fireworks, sound amplifying equipment or airhorns. It also does not regulate vibrations or other noises within a residential districts that unreasonably disturb or interfere with the peace, comfort, and repose of owners or possessors of real property. These proposed changes would pass constitutional scrutiny because they are content-neutral, and narrowly tailored by only limiting certain types of noises in residential districts. The changes do not affect any other time, manner, or location of other noise, speech or communication.

Currently, VMC 7.04.020 does not prohibit the targeted picketing or protesting directed at a single

residence or dwelling of another and VMC 7.04.030 does not define the meaning of targeted picketing or protesting. These proposed changes are in line with the United States Supreme Court's decision of *Frisby v. Schultz*, which granted cities the power to regulate picketing or protesting directed at a residence or dwelling of a particular person.

VMC 2.46.020 currently requires the City to defend and indemnify an official, employee or volunteer (current or former) when a claim is made against those individuals for actions or inactions they took on behalf of the City. These proposed changes would go beyond defense and indemnity and empower the City to take affirmative action like seeking a restraining or anti-harassment order against an alleged perpetrator, or seeking an order of removal (trespass) of an unauthorized person. This type of affirmative relief would further a "fundamental public purpose of government," so as not to run afoul of the Gift of Public Funds Doctrine, which prevents the City from using money or resources to aid any one individual.

Advantage(s)

1. Regulate noise produced by human activities to reduce the serious and growing environmental and health problem caused by unregulated noise.
2. Adequately control noise to positively affect people's health, safety, welfare, and safeguard property values and the environment.
3. Effectively control certain noises to allow people to enjoy normal pursuits of life, including recreation, work and socializing.
4. Protect the City of Vancouver's officials, employees and volunteers who may be targeted for actions or inactions they took on behalf of the City.

Disadvantage(s)

There are no known disadvantages.

Budget Impact

No direct budget impacts. Generally, legal representation of public officials is provided by the City Attorney's Office, however, indirect expenses could result in instances where outside counsel is needed to assert a claim or lawsuit reasonably necessary in order to further a public purpose. That is, if the City Attorney's Office cannot provide those services for reasons stated in VMC 2.46.020 (b).

Prior Council Review

- March 31, 2022 Memorandum to Mayor and City Council
- Council Workshop on April 11, 2022

Action Requested

On Monday, May 23, 2022, approve the ordinance on first reading, setting date of second reading and public hearing for Monday, June 6, 2022.

Nena Cook, Chief Assistant City Attorney, 360-487-8503

ATTACHMENTS:

- ▢ Memo
- ▢ Ordinance

DATE: March 31, 2022

TO: Mayor and City Council

FROM: Nena Cook, Chief Assistant City Attorney

RE: Potential changes to VMC 7.05.010, VMC 7.04 and VMC 2.46.020

CC: Eric Holmes, City Manager

Background

Recently, Council heard testimony about concerns for the personal safety of community members, including the safety of City officials, employees and volunteers in their homes and at their workplaces. In response, Council asked staff to review the Vancouver Municipal Code ("VMC") to determine what changes, if any, Council could make to better protect community members experiencing targeted noise disturbances, protests at their homes, and threats arising from their service to the City. This memo:

- Describes the scope of changes available in light of constitutional time, place and manner limitations posed by the First Amendment
- Outlines various permissible changes to the Public Disturbance section of VMC 7.05 that would constitutionally balance free speech while limiting the targeted attacks and threats directed at community members in their homes.
- Identifies a proposed change to VMC 7.04 to restrict picketing in front of homes.
- Sets forth proposed amendments to VMC 2.46.020 to enhance the legal protections currently afforded City officials, employees and volunteers acting on behalf of the City.

First Amendment to the United States Constitution.

The First Amendment guarantees the right of free speech, but the City may impose restrictions on that speech as long as those restrictions are content-neutral, narrowly tailored to serve a significant government interest, and leave open ample alternative channels of communication. The United States Supreme Court has held that local governments have a substantial and justifiable interest in banning public speech directed at a private residence in order to protect those who are presumptively unwilling to receive it. *Frisby v. Schultz*, 487 U.S. 474, 108 S.Ct. 2495, 101 L.Ed.2d 420 (1988). In *Frisby*, the Supreme Court upheld the constitutional validity of an ordinance passed by the town of Brookfield, Wisconsin that declared it "unlawful for any person to engage in picketing before or about the residence or dwelling of any individual in the Town of Brookfield." The Supreme Court reasoned that "[t]he type of picketers banned by the ordinance generally do not seek to disseminate a message to the general public, but to intrude upon the targeted resident, and to do so in an especially offensive way. Moreover,

even if some such picketers have a broader communicative purpose, their activity nonetheless inherently and offensively intrudes on residential privacy. The devastating effect of targeted picketing on the quiet enjoyment of the home is beyond doubt: To those inside... the home becomes something less than a home when and while the picketing... continue[s]...[The] tensions and pressures may be psychological, not physical, but they are not, for that reason, less inimical to family privacy and truly domestic tranquility.” *Frisby*, 487 U.S. at 486.

As a result, City Council has discretion to abridge speech as long as it does so in a manner that is **content neutral, narrowly tailored** and **leaves open ample alternative channels of communication**. One way that this may be accomplished is by limiting the **level** of noise and **location** of noises during certain **times of the day and night** through VMC Chapter 7.05.

[Ch. 7.05 Public Disturbance | Vancouver Municipal Code](#)

Currently, VMC 7.05.010 restricts activities based on the sounds made (“yelling, shouting, hooting, whistling, singing” (“Certain Noises”)) and based on the time of day that they are made, “between the hours of 10:00 pm to 7:00 am.” Notably, other communities have regulated sound based upon audio qualities capable of objective measurement. To this end, Council’s options include:

Adding objective levels above which, certain sounds would constitute a *per se* violation of City ordinance, such as:

- Sounds registering at or above forty-five dBA measured from any adjacent parcel or public right of way; and/or
- Sounds that exceed the maximum permissible noise levels (EDNA) for a given area.

Refining the manner and time restrictions contained within the VMC as it is currently written by:

- expanding the hours when those Certain Noises are restricted;
- applying the same restrictions to additional types of noise;
- expanding the definition of “public disturbance” to include vibrations from those sounds

Additionally, as Council evaluates the intended scope of this ordinance, it may be desirable to evaluate whether restrictions remain focused in residential districts or expanded to other parts of the City. Currently, VMC 7.05.010 restricts Certain Noises within “residential districts.” Staff would value Council’s feedback on whether it is desirable to restrict:

- Certain Noises citywide or based on zoning districts;
- Certain Noises and/or other noises in other districts like in Commercial, Mixed Use and/or Industrial Zones;
- Certain Noise and/or other noises within a set distance of any residence

[Ch. 7.04 Pedestrian Interference | Vancouver Municipal Code](#)

Under VMC 7.04.020, a person is guilty of pedestrian interference if s/he intentionally “obstructs pedestrian or vehicle traffic.” Section 7.04.040(1) however, makes an exception to this prohibition for a person who is exercising “one’s constitutional right to picket or legally protest.” Under the US Supreme Court case of *Frisby v. Schultz*, Council could consider changes to these code sections that would make it illegal for a person to picketing in front of residential homes.

Currently, VMC 2.46.020 authorizes the City to defend (and ultimately indemnify) an official, employee or volunteer of the City if those individuals are sued in their official capacity for conduct, acts or omissions they take (or do not take) on behalf of the City. However, currently this authorization does not permit the City Attorney's Office to initiate a civil action on behalf of an individual – even for the sake of obtaining a protective order. Council may wish to determine if the City should go beyond mere defense and indemnity under those circumstances and instead *initiate* a claim on the behalf of those individuals. Any type of affirmative relief would need to further a “fundamental public purpose of government” so as not to run afoul of the Gift of Public Funds Doctrine, which prevents the City from using money or resources to aid any one individual.

Council may wish to authorize the City Attorney's office to take certain action on behalf of an official, employee or volunteer for threats arising out of their work for the City, including:

- seek a restraining order or an anti-harassment order against the alleged perpetrator;
- seek an order of removal (trespass) of an unauthorized person;
- hiring outside counsel on behalf of the individual if the City has a conflict of interest

In addition to these proposed changes, the City Manager currently has the authority to craft a administrative policy that would allow the City to provide financial assistance to an official, employee or volunteer experiencing targeted noise disturbances, protests at their homes, or threats arising from their service to the City. The assistance could include reimbursement for reasonable expenses including deployment of private security and/or costs of alternative housing and rental cars. No action by Council is required to establish such a policy, which is currently under development.

Process

Amendments to the applicable titles of the municipal code do not require any review by advisory bodies but rather can be changed at the discretion of Council subject to Charter compliant public hearing provisions. Depending on the degree of changes, Council may expect some level of community engagement to understand community concerns or interests associated with the potential of more stringent limits on expressive speech. Staff would seek guidance from Council on such expectations. The scope of community engagement would inform the timing of when changes could be brought forward for Council consideration.

Staff is available to answer any questions and looks forward to additional discussion on these topics at the April 4 meeting under City Manager communications before returning to City Council with specific code revision proposals.

05/23/2022
6/6/2022

ORDINANCE NO. M- [Ordinance Number]

AN ORDINANCE of the City of Vancouver expanding the definition of public disturbances to restrict certain additional noises and vibrations, expanding the definition of pedestrian interference to prohibit targeted picketing or protesting, and allowing the City to assert a claim or lawsuit on behalf of an official, employee or volunteer to the extent it is reasonably necessary in order to further a public purpose; amending Vancouver Municipal Code Sections 7.05.010 “Public Disturbances”, 7.04.020 “Pedestrian Interference”, 7.04.030 “Definitions”, and 2.46.020 “Defense of Officials, Employees, and Volunteers”; providing for severability; and setting an effective date.

WHEREAS, Chapter 7.05 of the Vancouver Municipal Code (“VMC”) relating to Public Disturbances and VMC Chapter 7.04 relating to Pedestrian Interference and VMC Chapter have not been revised since 2003; and

WHEREAS, since 2003, noise produced by human activities has been increasingly recognized as a serious and growing environmental and health problem; and

WHEREAS, noise pollution has been implicated in a variety of health disorders, ranging from stress and hypertension to permanent hearing loss; and

ORDINANCE - 1

WHEREAS, inadequately controlled noise can adversely affect people's health, safety, welfare, property values and the environment;and

WHEREAS, effective control of noise is essential to conducting normal pursuits of life, including recreation, work and socializing; and

WHEREAS, Washington Administrative Code 173-60-060 allows local governments to regulate noise from any source as a nuisance; and

WHEREAS, this Ordinance enacts narrowly drawn, content-neutral regulations guaranteed by Article I, Section 5 of the Washington Constitution and the First Amendment of the United States Constitution; and

WHEREAS, VMC Chapter 2.46.020 relating to Defense of Officials, Employees and Volunteers has not been revised since 1995; and

WHEREAS in the past few years, cities and counties across the country have seen an increase in the number of elected officials, healthcare workers, elections workers, and other public servants experiencing increased threats, violence, and intimidation as a result of their work; and

WHEREAS, in recent years the City of Vancouver has seen an increase in the number of its officials, employees and volunteers being targeted for actions or inactions untaken in the course and scope of their duties on behalf of the City; and

WHEREAS the safety and well-being of the City's officials, employees and volunteers is of high priority of the Vancouver City Council; and

WHEREAS, with proper notice to the public, the Vancouver City Council conducted a first reading of the proposed ordinance on May 23, 2022, and a public hearing concerning the Ordinance and proposed code changes on June 6, 2022.

NOW, THEREFORE,

ORDINANCE - 2

BE IT ORDAINED BY THE CITY OF VANCOUVER:

Section 1. Findings. The recitals set forth above, together with Staff Report SR-____ and all attachments thereto are hereby incorporated by this reference as findings in support of this Ordinance.

Section 2. Section 7.05.010 of the Vancouver Municipal Code entitled “Public Disturbance” as established by Ordinance M-3624, (2003) is hereby amended to read as follows:

Section 7.05.010 Public Disturbance

A. A person is guilty of public disturbance if he or she:

1. Causes a public disturbance or is in possession and control of property on which a public disturbance occurs. The following sounds are determined to be public disturbances:

a. The frequent, repetitive or continuous sounding of any horn or siren attached to a motor vehicle, except as a warning of danger or as specifically permitted or required by law.

b. The creation of frequent, repetitive, or continuous sounds or vibrations (infrasound) in connection with the starting, operation, repair, rebuilding, or testing of any motor vehicle, motorcycle, off-highway vehicle, or internal combustion engine within a residential district, so as to unreasonably disturb or interfere with the peace, comfort, and repose of owners or possessors of real property.

c. Yelling, shouting, hooting, whistling, ~~or singing~~ or using noise makers like whistles, fireworks, sound amplifying equipment or airhorns within a residential district, on or near the public streets, particularly between the hours of 10:00 p.m. and 7:00 a.m. or at any time and place in a manner so as to unreasonably disturb or interfere with the peace, comfort, and repose of owners or possessors of real property.

d. The creation of frequent, repetitive, or continuous sounds or vibrations (infrasound) which emanate from any building, structure, apartment, condominium, or yard adjacent thereto that unreasonably interfere with the peace, comfort, and repose of owners or possessors of real property such as sounds from musical instruments, audio sound systems, band sessions, or social gatherings.

e. The creating of frequent, repetitive, or continuous sounds or vibrations (infrasound) made by any animal, such as barking or howling, except that such sounds made in animal shelters, commercial kennels, veterinary hospitals, pet shops, or pet kennels licensed under and in compliance with other provisions of the VMC shall be exempt from this provision.

ORDINANCE - 3

f. Sound or vibrations (infrasound) from portable audio equipment, such as tape players, radios, and compact disc players, operated at a volume so as to be audible greater than fifty (50) feet from the source, and if not operated upon the real property of the operator. This provision shall not apply to such sounds emitted from scheduled events or activities at parks and recreational facilities such as public address systems for park or game events or concerts or similar park or recreation activities.

g. The creation of frequent, repetitive, or continuous sounds or vibrations (infrasound) made in connection with outdoor construction or the movement of construction related materials, including noise made by devices capable of producing sound by either striking or cutting objects, such as hammers, saws, or other equipment with internal combustion engines; provided, however, such sounds shall be exempt from the provisions of this code under the following circumstances:

1. During the hours of 7:00 a.m. through 8:00 p.m., or
2. In commercial areas not within 300 feet of any residential areas.

B. The foregoing enumeration of acts and noises shall not be construed as excluding other acts and noises which offend the public peace.

C. Public disturbance is a misdemeanor. (Ord. M-3624, 2003)

Section 3. Section 7.04.020 of the Vancouver Municipal Code entitled “Pedestrian Interference” as established by Ordinance M-3624, (2003) is hereby amended to read as follows:

Section 7.04.020 Pedestrian Interference

A person is guilty of pedestrian interference if he or she intentionally:

1. Aggressively begs in a public place; ~~or~~
2. Obstructs pedestrian or vehicular traffic. (~~Ord. M-3624, 2003~~); or
3. Engages in targeted picketing or protesting before or about the residence or dwelling of another.

Section 4. Section 7.04.030 of the Vancouver Municipal Code entitled “Definitions” as established by Ordinance M-3624, (2003) is hereby amended to read as follows:

Section 7.04.030 Definitions

The following definitions shall apply in this chapter:

1. “Aggressively beg” means to beg with the intent to intimidate another person into giving money or goods.
2. “Beg” means to ask for money or goods as a charity, whether by words, bodily gestures, signs, or other means.
3. “Intimidate” means to engage in conduct which would make a reasonable person fearful or feel compelled.
4. “Obstruct pedestrian or vehicular traffic” means to:
 - a. Walk, stand, sit, lie, grasp a person, or place an object in such a manner as to block passage by another person or a vehicle, or to require another person or a driver of a vehicle to take evasive action to avoid physical contact; or
 - b. Sit or lie down upon a public sidewalk, during the hours between 7:00 a.m. and 9:00 p.m. in a manner which blocks the sidewalk.
 - c. Provided however, that no person shall be cited under subsection (b) unless the person engages in conduct prohibited in subsection (b), after having been notified by a law enforcement officer that the conduct violates this section.
5. “Public place” means an area generally visible to public view and/or open to public access and includes alleys, bridges, buildings, driveways, parking lots, parks, plazas, sidewalks, and streets open to the general public including places that serve food or drink or provide entertainment, and the doorways and entrances to such buildings or dwellings and the grounds enclosing them.
6. “Targeted picketing or protesting” means producing sounds in violation of VMC 7.05.010 (A)(1)(c), communicating an intention to inflict imminent bodily harm against the occupant of the residence or dwelling, encouraging immediate acts of violence where the encouragement goes beyond strong rhetoric, or demonstrating against the actions or inactions of the occupant of the residence or dwelling.

Section 5. The title of Chapter 2.46 of the Vancouver Municipal Code “Defense of Officials, Employees and Volunteers” as established by Ordinance M-3179, (1995) is hereby amended to read as follows:

ORDINANCE - 5

Chapter 2.46 ~~Defense~~ Protection of Officials, Employees and Volunteers

Section 6. Section 2.46.020 of the Vancouver Municipal Code entitled “Legal Representation” as established by Ordinance M-3179, (1995) is hereby amended to read as follows:

Section 2.46.020 Legal Representation

a. The city ~~shall~~ may provide to an official, employee or volunteer, subject to the conditions and requirements of this chapter, and notwithstanding the fact that such official, employee or volunteer may have concluded service or employment with the city, such legal representation as may be reasonably necessary to defend a claim or lawsuit filed against such official, employee or volunteer resulting from any conduct, act or omission of such official, employee, or volunteer performed or omitted on behalf of the city in their capacity as a city official, employee, or volunteer, which act or omission is within the scope of his/her service or employment with the city, or assert a claim or lawsuit reasonably necessary in order to further a public purpose.

b. The legal services shall be provided by the office of the city attorney unless:

1. Any provision of an applicable policy of insurance provides otherwise; or
2. A conflict of interest or ethical bar exists with respect to said representation; or
3. The city attorney appoints alternate legal counsel to the case.

c. In the event that outside counsel is retained under subsections (b)(1) and (b)(3) of this section, the city shall indemnify the official, employee or volunteer from the reasonable costs ~~of defense, and attorney's fees~~, provided that in no event shall the official, employee or volunteer be indemnified for attorney's fees in excess of the rates established by the city's contract with the attorney selected by the city. The official, employee or volunteer shall be liable for all attorney's fees in excess of said rate. In the event that outside counsel is retained under subsection (b)(2) of this section, the city shall indemnify the official, employee or volunteer from the reasonable costs ~~of defense, and attorney's fees~~, provided that in no event shall the official, employee or volunteer be indemnified for attorney's fees in excess of the then prevailing hourly rate in the Vancouver area. The official, employee or volunteer shall be liable for all attorney's fees in excess of said rate. (Ord. M-3179 §3, 1995)

Section 7. 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 8. Effective Date. This Ordinance shall be effective thirty days after adoption.

Read First Time:

PASSED BY THE FOLLOWING VOTE:

Ayes: Councilmembers

Nays: Councilmembers

Absent: Councilmembers

Read Second Time:

PASSED BY THE FOLLOWING VOTE:

ORDINANCE - 7

Ayes: Councilmember

Nays: Councilmembers

Absent: Councilmembers

SIGNED this _____ day of June, 2022.

Anne McEnery-Ogle, Mayor

Attest:

Natasha Ramras, City Clerk

Approved as to form:

Jonathan Young, City Attorney

ORDINANCE - 8

SUMMARY

ORDINANCE NO. M-_____

AN ORDINANCE relating to expanding the definition of public disturbances to restrict certain additional noises and vibrations, expanding the definition of pedestrian interference to prohibit targeted picketing or protesting, and allowing the City to assert a claim or lawsuit on behalf of an official, employee or volunteer to the extent it is reasonably necessary in order to further a public purpose; amending Vancouver Municipal Code Sections 7.05.010 “Public Disturbances”, 7.04.020 “Pedestrian Interference”, 7.04.030 “Definitions”, and 2.46.020 “Defense of Officials, Employees, and Volunteers”; providing for severability; and setting an immediate effective date. The full text of this ordinance will be mailed upon request. Contact Raelyn McJilton, Records Officer at 487-8711, or via www.cityofvancouver.us (Go to City Government and Public Records).



Staff Report: 064-22

TO: Mayor and City Council

FROM: Eric Holmes, City Manager

DATE: 5/23/2022
6/6/2022

SUBJECT HQ Master Plan and Subdivision

Key Points

- Per VMC Table 20.210.020-1, master plans in the Riverview Gateway Plan District require a Type IV process and recommendation by the Planning Commission to the City Council for final approval.
- At the February 22, 2022 hearing, the Planning Commission reviewed the staff recommendation and recommends the City Council approve the project as recommended by staff with the following considerations:
 1. *Within the Design Guidelines, Green Building commitments be strengthened.*
 2. *Development of a mutual letter of intent between the Applicant and C-Tran to serve the site as a key site within the transit network.*
 3. *The Design Guidelines name specific transit and multimodal design incentives, including bifurcation of rent and parking costs.*
 4. *Staff and the applicant team work together to strengthen Condition 10 to include safety as a top priority within development of the trail, prior to taking an updated recommendation to Council.*
- Following the February 22, 2022 Planning Commission hearing, staff worked with the applicant to address Planning Commission comments. A City Council workshop was held on April 4, 2022 and staff provided a memorandum to Council dated March 21, 2022 regarding updates to address Planning Commission comments.
- At the May 9, 2022 Council Meeting, Council directed staff to work with the applicant to change the current 12-lot single-family subdivision to a townhouse, duplex or triplex development.
- The applicant proposes a 25-lot single-family attached (townhouse) subdivision.
- Staff recommends that the City Council approve the project and adopt the findings contained in the staff report to the Planning Commission dated February 15, 2022 for the February 22, 2022 hearing with the updated and, additionally, the revised conditions of approval recommended by staff in the attached memorandum to Council dated May 17, 2022.
- As the final decision maker, the City Council may approve the application as recommended

- by staff and the Planning Commission, amend the recommendation, including adding or modifying the recommended conditions of approval, or deny the application.
- The decision by City Council is appealable to Superior Court.

Strategic Plan Alignment

GOAL 6: Facilitate the creation of neighborhoods where residents can walk or bike to essential amenities and services – “20-minute neighborhoods”

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

Objective 6.2: Improve amenities and services that allow residents to “age in place”

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

Objective 8.2: Strengthen neighborhood business districts

Actions 8.2.1: To provide additional job opportunities, and enhance and revitalize commercial districts, implement the following Subarea Plans: ...Action 1(H) Riverview Gateway

Present Situation

In 2009, the City adopted the Riverview Gateway Subarea Plan that established goals and policies and an overall vision for redevelopment of two former rock quarries at the intersection of SR-14 and SE 192nd Avenue. The subject site is the 99-acre Fisher’s Quarry that is located west of 192nd Avenue.^[1] The applicant has named the development the HQ Master Plan.

Following the completion of the Subarea Plan, the Riverview Gateway Plan district regulations were adopted into the development code (VMC 20.680). The Riverview Gateway Plan District requires that the applicant submit for and obtain approval of a master plan prior to the area being developed. Under the City’s development code, the master plan is a Type IV process requiring a hearing before the Planning Commission who makes a recommendation to City Council for final action.

The applicant requests approval of a master plan to develop the 99-acre Fishers Quarry Site and subdivide the property into 41 lots. Development includes approximately 331,934 square feet of office/light industrial, 350,765 square feet of non-office commercial (includes 120-room hotel), 1,950 multi-family dwelling units and 25 single-family attached (townhouse) residential lots.

the City Council remanded this master plan to staff at the May 9 first reading to amend conditions of approval to address a moderate increase in density in the northernmost residential portion of the project as well as to address conditions regarding trails within the project. These issues have been addressed in the supplemental materials provided with this staff report.

Staff requests that the City Council approve the project based on the findings contained in the staff report to the Planning Commission dated February 15, 2022 for the February 22, 2022 Planning Commission hearing with the staff proposed amended conditions contained in the

attached memo to City Council dated May 17, 2022

[1] The WSDOT quarry is the second quarry area identified in the subarea plan and is located generally east of 192nd Avenue. In 2016, the City Council approved the Columbia Palisades master plan for the WSDOT quarry. Columbia Palisades is currently being built out and is not part of this proposal.

Advantage(s)

1. Approval will allow for additional housing units, office and commercial to be constructed.
2. Approval will implement the Riverview Gateway Subarea Plan.
3. Approval will allow for the development in an area currently served by public utilities.

Disadvantage(s)

There will be additional traffic. However, the applicant's traffic study has been reviewed and the City has determined there is adequate capacity.

Budget Impact

None at this time. The proposed public park may be purchased by the City at a future date, using Park Impact Fee funds or funding from sources yet to be identified.

Prior Council Review

- Council workshop was held on April 4, 2022.
- City Council meeting May 9, 2022.

Action Requested

On May 23, 2022, approve the ordinance on the first reading, setting the date of second reading and public hearing for June 6, 2022.

Keith Jones, Senior Planner, 360-487-7887

ATTACHMENTS:

- ▢ Presentation
- ▢ Ordinance
- ▢ Memo - Proposed Amended Conditions
- ▢ Memo - Amended Proposal
- ▢ Townhouse Plan
- ▢ Applicant - Memo
- ▢ Applicant - Land Use and Development Summary
- ▢ Applicant - Master Plan
- ▢ Applicant - Land Use



HQ Master Plan

Fishers Quarry at Riverview Gateway Subarea



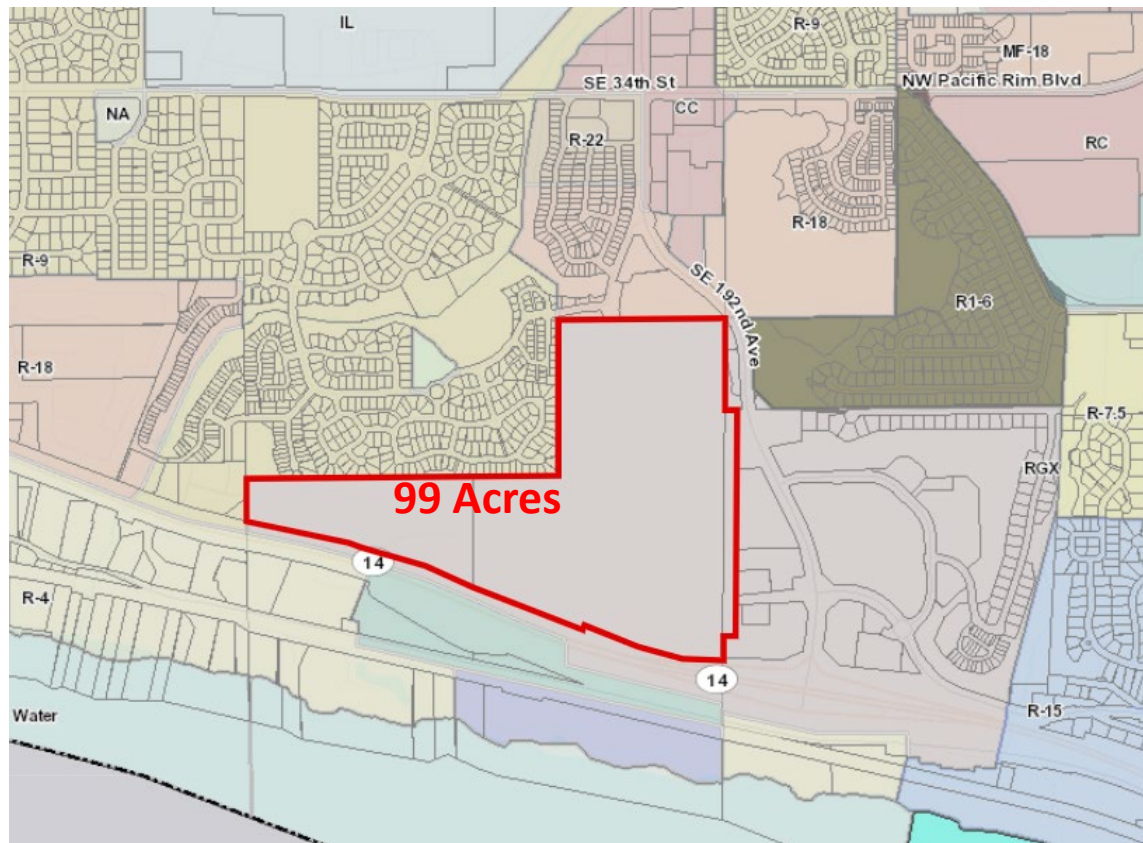
June 6, 2022

Vancouver City Council Hearing
Keith Jones, Senior Planner

Presentation Purpose

- Provide Overview of Riverview Gateway Subarea Plan and Plan District Requirements
- Provide Overview of HQ Master Plan Proposal
- Provide Overview of Approval Process
- Questions, discussion and feedback

Site Location



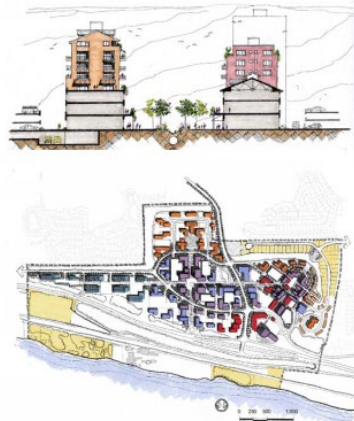
Riverview Gateway Subarea Plan



Riverview Gateway Subarea Plan

CITY OF VANCOUVER

Riverview Gateway Subarea Plan



February 2, 2009



CITY OF VANCOUVER

RIVERVIEW GATEWAY

DESIGN GUIDELINES

September 23, 2008

Riverview Gateway Design Guidelines

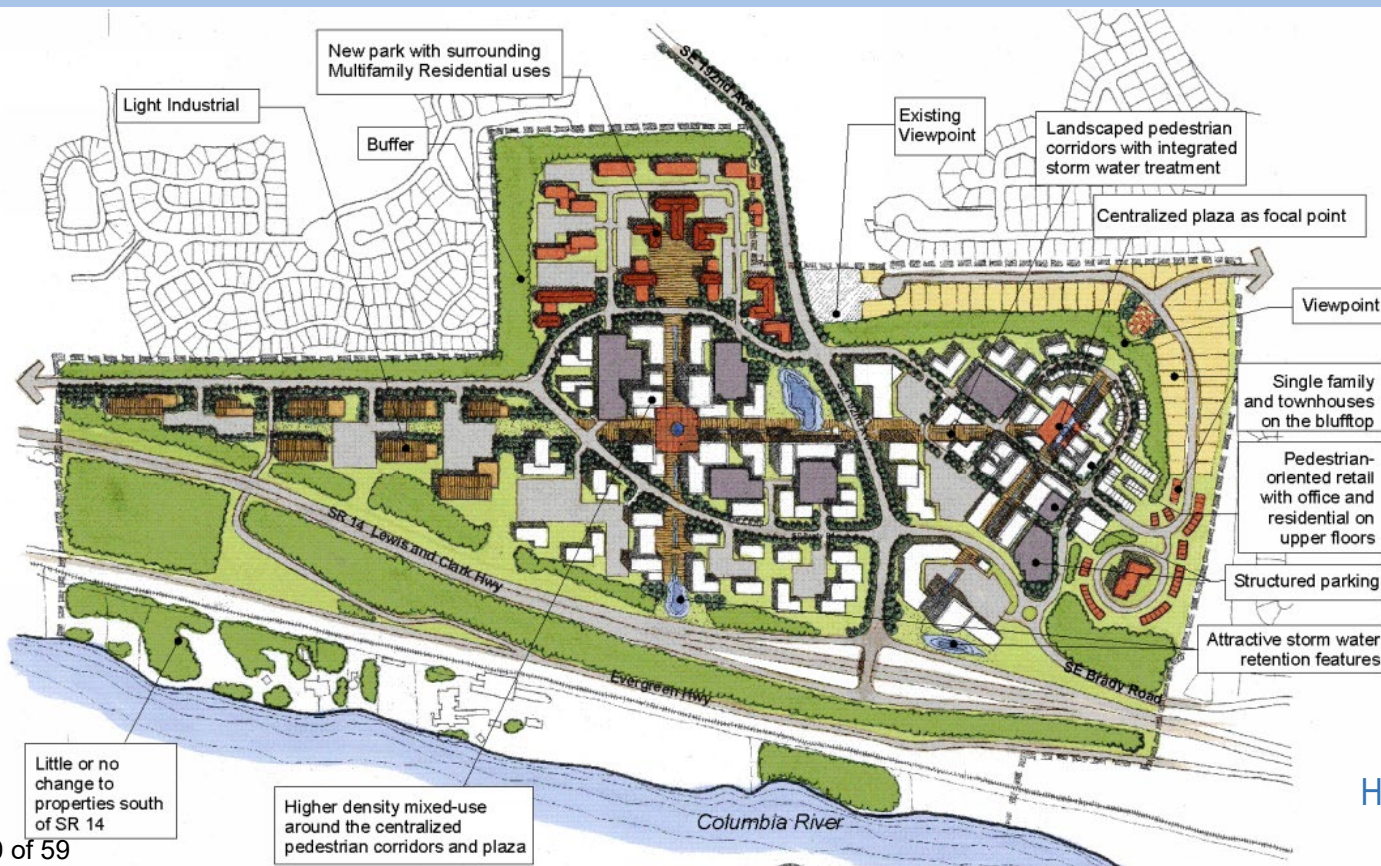
MAKERS

Riverview Gateway Subarea Plan

Plan Concepts

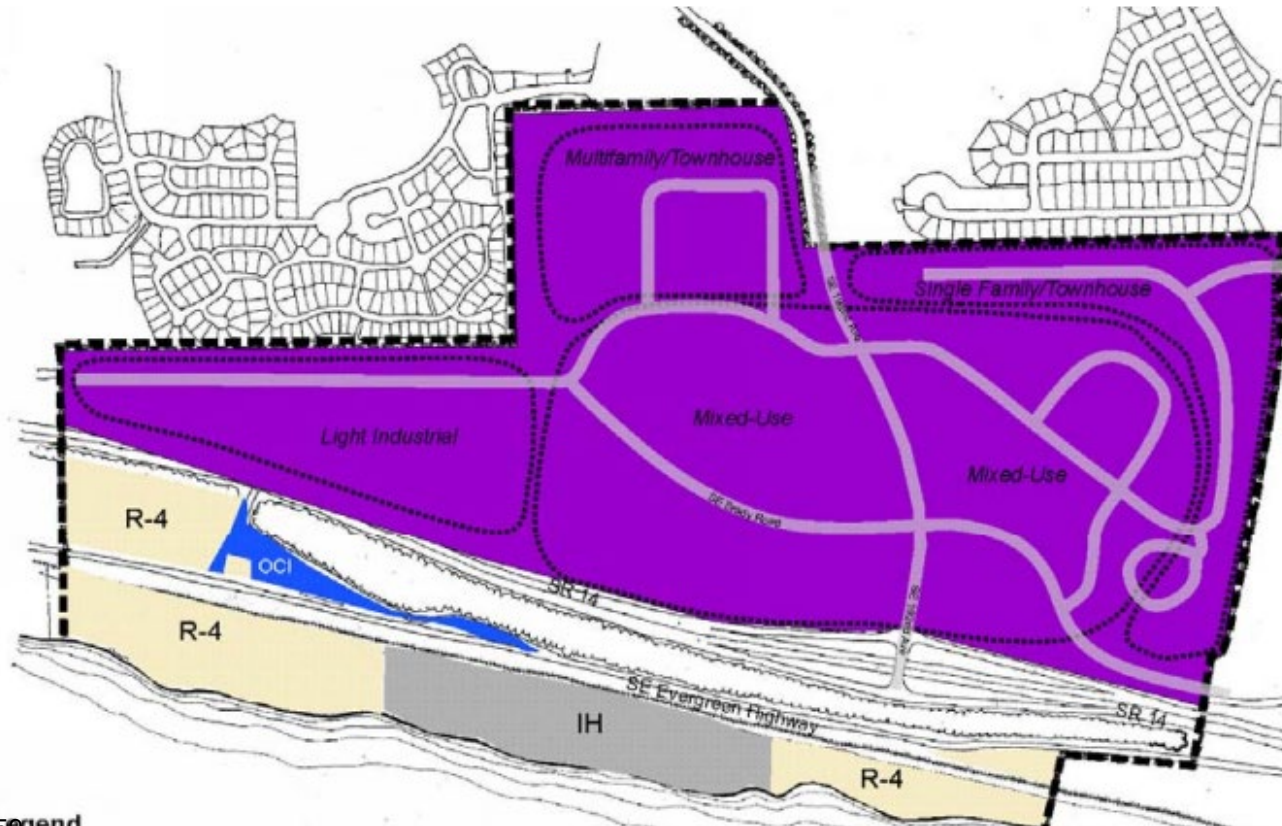
- A dynamic mix of urban uses
- Build on river views and quarry topography as a unique site amenity
- Connected network of attractive parks, open spaces, and trails
- Efficient multi-modal circulation system
- Encourage Low Impact Development Techniques (LID)
- Protect the Columbia River Shoreline

Riverview Gateway Subarea Plan



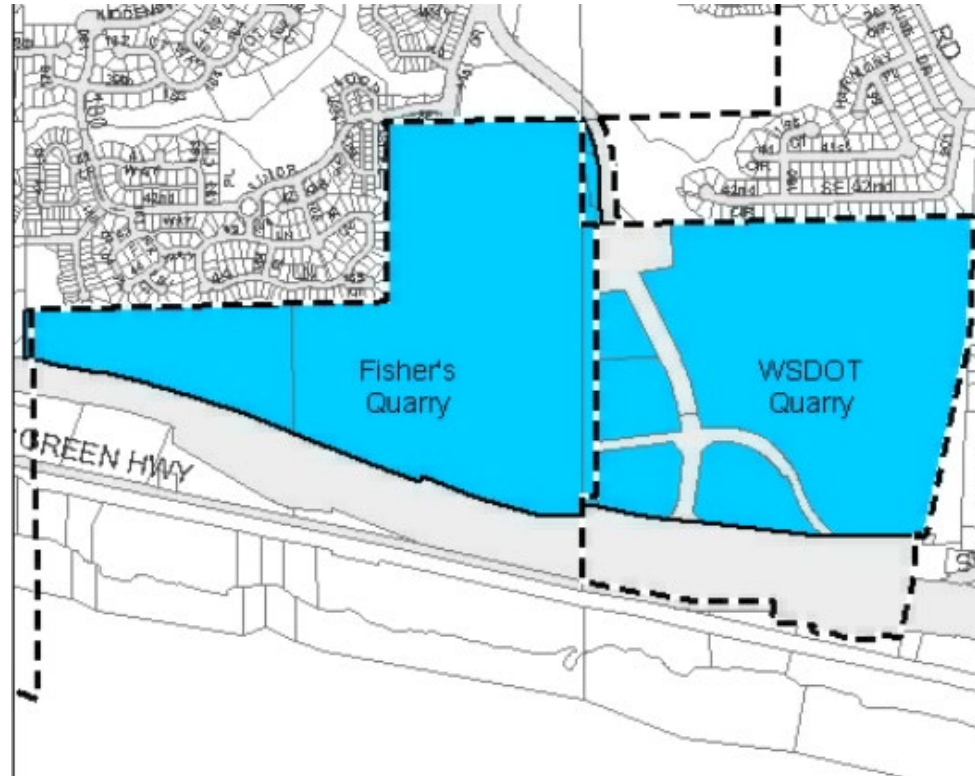
HQ Master Plan - 7

Riverview Gateway Subarea Plan



HQ Master Plan - 8

Riverview Gateway Plan District (VMC 20.680)



Riverview Gateway Plan District (VMC 20.680)

Land Use Allocation

- a. **Multi-family residential uses - maximum of 40%**
- b. **Non-office Commercial uses - maximum of 35%**
- c. **Office and/or light industrial - minimum of 30%.**
- d. **Parks and usable open space corridors - minimum of 7%**

Note: Maximum of 5% being added to accommodate Single-family Attached Development (Townhouse). Multi-family reduced to 35%

Riverview Gateway Plan District (VMC 20.680)

Building Requirements

1. *Vertical Mixing.* 10% of all buildings in the Fisher Quarry shall contain a mix of two or more use types.
2. *Floor Area Ratios.* All buildings minimum Floor Area Ratios (FAR) of 0.5 FAR.

Maximum building height of 75 feet.

Riverview Gateway Plan District (VMC 20.680)

Master Plan

1. Master Plan Approval Required (Type IV process)
2. Master Plan Review Criteria
 - Consistent with subarea plan
 - Achieves master plan objectives

HQ Master Plan- Development Overview

Overview of proposed development:

- 99-acre site (65 acres developable)
- 331,934 Square Feet of Office/Light Industrial
- 350,765 Square Feet of Non-Office Commercial (includes 120-room Hotel)
- 1,950 Multifamily Dwelling Units
- 25-Lot Single-Family Attached (Townhouse) Subdivision
- 6.5 Acre Park

HQ Master Plan

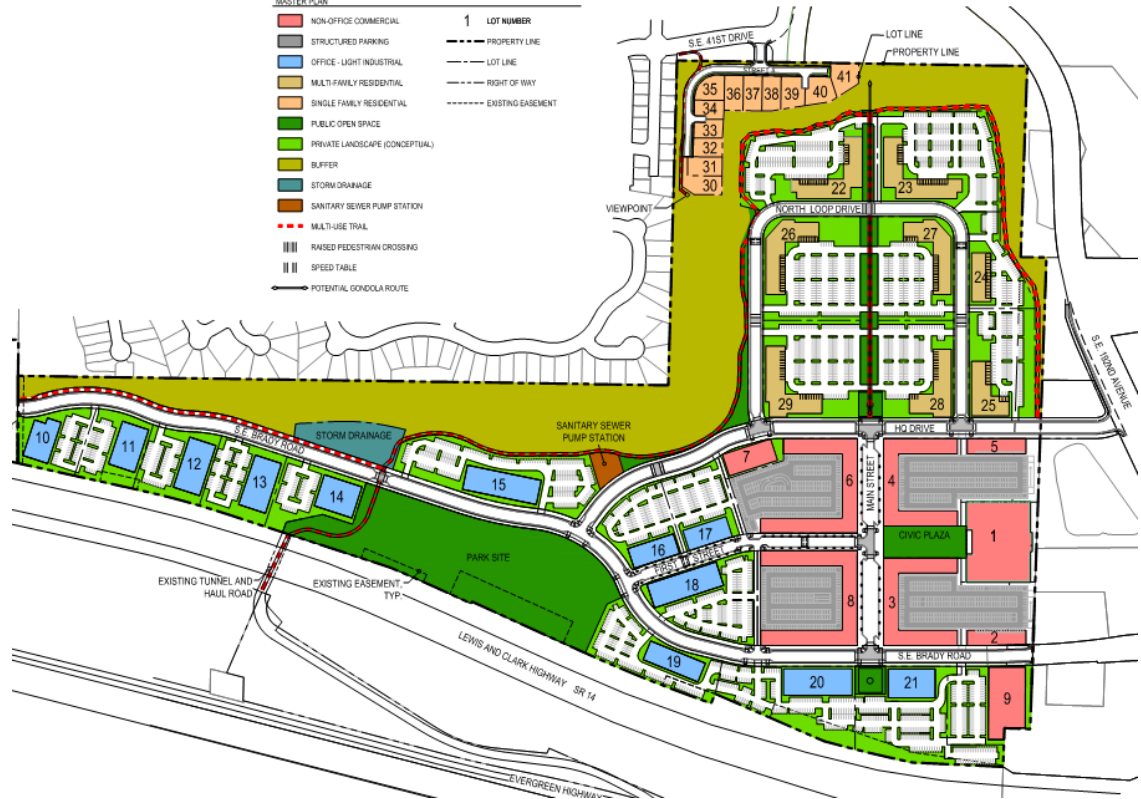
- **Parks and Usable Open Space (Subarea Plan)**
- 7% of Developable Land Area
 - *Includes:* parks and usable open space
 - *Excludes:* Planned public roads, buffers or regional drainage facilities
- Subarea plan shows 6.3 acres of Parks and Open Space
- Subarea plan shows:
 - 2-3 acre park (north end)
 - 10,000 square foot plaza (central mixed-use area).

HQ Master Plan

MASTER PLAN

- NON-OFFICE COMMERCIAL
- STRUCTURED PARKING
- OFFICE - LIGHT INDUSTRIAL
- MULTI-FAMILY RESIDENTIAL
- SINGLE FAMILY RESIDENTIAL
- PUBLIC OPEN SPACE
- PRIVATE LANDSCAPE (CONCEPTUAL)
- BUFFER
- STORM DRAINAGE
- SANITARY SEWER PUMP STATION
- MULTI-USE TRAIL
- RAISED PEDESTRIAN CROSSING
- SPEED TABLE

- MASTER PLAN**
- 1 LOT NUMBER
 - PROPERTY LINE
 - LOT LINE
 - RIGHT OF WAY
 - EXISTING EASEMENT
 - VIEWPOINT
 - SANITARY SEWER PUMP STATION
 - MULTI-USE TRAIL
 - RAISED PEDESTRIAN CROSSING
 - SPEED TABLE
 - POTENTIAL GONDOLA ROUTE



HQ Master Plan

Parks and Usable Open Space:

- 7% Required
- Proposed 7.98 acres, or 12.14%
- Includes 6.5-acre public park

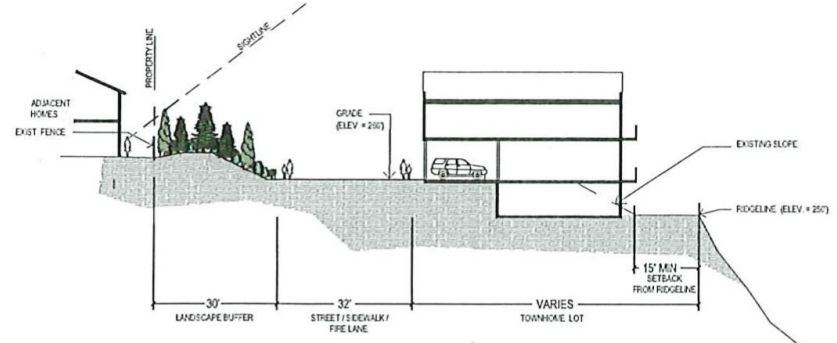


HQ Master Plan

Proposed Condition of Approval:

If the amount of parks and open spaces is reduced in the future, the applicant shall obtain a new Type IV master plan approval. Parks and open space can be either public or privately owned, however the total amount as presented in this application cannot be reduced without obtaining a new Type IV master plan approval.

HQ Master Plan



HQ Master Plan – Text Change

- a. ° > Multi-family residential uses shall account for a maximum of ~~40%~~ 35% of the total developable land area in the quarry as defined herein. ~~There shall be no single family uses.~~ ¶
- b. → Narrow Lot Development as attached single family consistent with the standards of VMC 20.927 shall account for a maximum of 5% of the total developable land area in the quarry as defined herein, and is limited to a 35-foot maximum building height. ¶
- ~~b.c.~~ ° → Non-Office Commercial uses shall account for a maximum of 35% of the total developable land area in the quarry. ¶
- e.d. ° → Office and/or light industrial areas shall together account for minimum of 30% of the total developable land area in the quarry. ¶
- d.e. ° → Parks and usable open space corridors shall account for a minimum of 7% of the total developable land area in the quarry, to be located generally as indicated in the Riverview Gateway Subarea Plan. ¶

HQ Master Plan – Use Text Change Request

1) Industrial Services (currently Conditional Use)

Applicant: requests the following used be permitted:

- Building, heating, plumbing or electrical contractors
- Exterminators
- Janitorial and building maintenance contractors where the indoor storage of materials is more than incidental to the office use
- Photo-finishing laboratories
- Bulk Sales

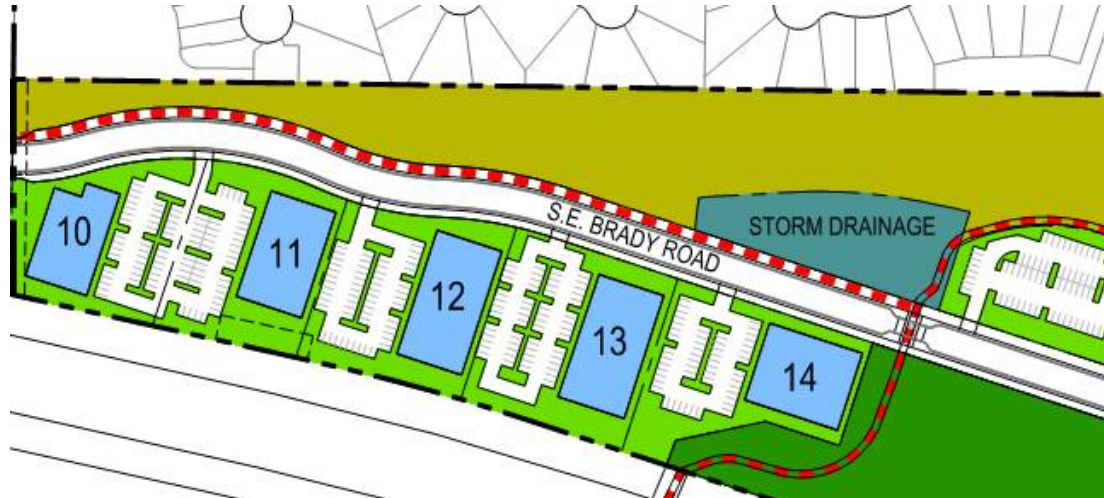
2) Extended Office

Applicant: requests Extend Office be Permitted (Currently Conditional)

HQ Master Plan – Use Text Change Request

Staff Proposal:

Only on Lots 10-14 with an L5 buffer (High Berm 4-6 foot tall) required on the west side of Lot 10. Table 20.430.030-1 would add a C/P to the table for RGX with P having a footnote indicating that these industrial services uses are permitted only in the west end of the Fishers Quarry Area per an approved master plan.



Staff Report Findings

- Staff finds that the proposal is consistent with the Riverview Gateway Plan District approval criteria and Subarea Plan.
- The application was noticed, one public comment and three agency comments were received within the 30-day comment period, several public comments were received prior to the 30-day comment period.
- Staff recommends approval of zoning text amendment to allow single-family attached residential uses, extended office and some limited industrial services uses.
- Based upon the findings detailed in the staff report, the criteria for master plan approval have been satisfactorily met or shall be met as conditioned.

Planning Commission Recommendation

1. *Within the Design Guidelines, Green Building commitments be strengthened.*

All vertical development shall meet at a minimum one of the following:

- a. LEED silver or better
- b. Earth Advantage Built Green Commercial silver standard or Multifamily silver standard or better
- c. Green Globes Two Globes or better
- d. Other equivalent

Planning Commission Recommendation

2. *Development of a mutual letter of intent between the Applicant and C-Tran to serve the site as a key site within the transit network.*

The applicant obtained a letter from C-TRAN dated March 16, 2022. The letter confirmed that C-TRAN does not currently provide fixed route transit service to the site. However, C-TRAN is supportive of the level of development and subsequent demand that will be generated.

Planning Commission Recommendation

3. *The Design Guidelines name specific transit and multimodal design incentives, including bifurcation of rent and parking costs.*

Staff recommends that the design standards be modified to read as follows:

The development shall comply with the January 2022 Parking Management Plan prepared by RBT Consultants including decoupled rent from parking usage for all multifamily residential development. This includes Phases B-1, C, D, E, and F of the Parking Management Plan. The decoupled rent is intended to increase efficiency of parking usage and reduce the cost of rent for those who do not own vehicles.

Planning Commission Recommendation

4. *Public Trail Connection to the North*

Staff recommends amending the decision to allow flexibility on where the trail can be located and if determined to be unfeasible due to safety then the trail connection will not be required. The applicant has agreed to work with staff on additional options that can provide a safe connection.

Questions and Discussion

- Keith Jones, Senior Planner
- Keith.Jones@cityofvancouver.us (360) 487-7887

5/23/2022
6/6/2022

ORDINANCE NO. M- [Ordinance Number]

AN ORDINANCE approving the HQ Master Plan and Subdivision at Fisher's Quarry and associated VMC Title 20 text amendments; and providing for severability and an effective date.

WHEREAS, on February 22, 2022, a hearing was held before the Vancouver Planning Commission regarding the approval of the HQ Master Plan and Subdivision at Fisher's Quarry.

WHEREAS, on February 22, 2022, the Vancouver Planning Commission recommended approval to the City Council of the HQ Master Plan and Subdivision at Fisher's Quarry and Title 20 Text Amendments under File PRJ-165963/LUP-81596 with the following considerations:

1. Within the Design Guidelines, Green Building commitments be strengthened.
2. Development of a mutual letter of intent between the Applicant and C-Tran to serve the site as a key site within the transit network.
3. The Design Guidelines name specific transit and multimodal design incentives, including bifurcation of rent and parking costs.
4. Staff and the applicant team work together to strengthen Condition 10 to include safety as a top priority within development of the trail, prior to taking an updated recommendation to Council.

; and

ORDINANCE - 1

WHEREAS, the Master Plan is consistent with the Comprehensive Plan, the Riverview Gateway Subarea Plan and the underlying zoning of the property.

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF VANCOUVER:

Section 1. Findings.

A. The Vancouver Planning Commission has found that all of the following criteria for approval of the Master Plan in the Riverview Gateway Plan District have been met, with conditions, as required by VMC 20.680.040.C:

1. Content. The Master Plan implements the Riverview Gateway Subarea Plan and the requirements of this chapter, and allows the adjacent quarry to implement the subarea plan, and the requirements of this chapter.
2. All applicable standards of Vancouver Municipal Code and other requirements are met.
3. There is or will be sufficient capacity in transportation system, and public sewer, water, police, fire and stormwater services to adequately serve all portions of the site at the time of development. Utilities should be placed underground to the fullest extent feasible.
4. Off-site impacts including noise, glare, and traffic are minimized to the extent practicable and as required under the Vancouver Municipal Code and Revised Code of Washington.
5. The Master Plan is consistent with the Riverview Gateway Design Guidelines or proposes standards that will achieve at least equal quality site development.
6. The Master Plan achieves the following objectives:
 - a. Capitalizes on the unique topography and view potential of the site.

ORDINANCE - 2

- b. Establishes a built environment along 192nd Avenue that is in scale with the road and creates a gateway through use of distinctive architectural elements at major intersections.
- c. Establishes a built environment throughout the site that is urban rather than suburban in terms of building intensity, local street networks, and pedestrian amenities and activity. Drive-through uses shall be limited to within parking structures or building enclosures.
- d. Includes design standards that ensures quality development and creates a sense of place, and avoids building architecture defined by individual corporate brands.
- e. Reflects sustainable building and low impact development site planning principles and incorporates design standards to encourage energy efficiency, water conservation and waste reduction.
- f. Includes the following standards or equivalent alternatives sufficient to ensure an active, safe and interesting sidewalk and streetfront environment.
 - 1. Buildings should be located adjacent to streets to the extent possible, with parking to the side or rear. Non-structured on-site parking and access drives shall account for no more than 35 percent of the major street frontage of any project. Alternative standards may be proposed for developments with multiple major street frontages, provided the overall objective of maximizing streetfront buildings is met to the fullest extent practicable;
 - 2. Surface parking areas shall include landscaping.
 - 3. Blank walls visible from pedestrian streetfronts are prohibited. Buildings adjacent to the streetfront shall include pedestrian entrances facing the street,

and at least 15 percent of the streetfront building facade shall be transparent, with the exception of light industrial uses;

4. To ensure human scale development and visual interest, larger buildings with front facades of 100 feet or longer shall include articulation or modulation of facades and rooflines

- g. Includes tree and landscaping standards that will create an attractive community and meets the City's Urban Forestry Management Plan overall target canopy goal of 28 percent.
- h. Includes parks and public natural areas, trails and recreational areas that meet the standards of the Vancouver Comprehensive Parks, Recreation and Natural Areas Plan.
- i. Includes standards ensuring that at least 10 percent of residential units in the master plan area are affordable to moderate income households, as defined by RCW 84.14.
- j. Includes standards or legal agreements ensuring shared parking is utilized to the maximum extent practicable throughout the master plan area. The number of nonstructured parking spaces provided for individual uses shall be no less than indicated in VMC Table 20.945.070-2, Minimum Off-Street Vehicle Parking Requirements, and no more than 115 percent of that amount.
- k. Ensures that the environmental impacts of the Master Plan and subsequent development projects within it are disclosed consistent with SEPA review requirements, including a site-specific hydrogeologic analysis

1. Buildings proposed or allowed by the Master Plan shall mitigate visual impacts to the adjacent area, in balance with the Subarea Plan development vision. At minimum this shall require the following:
 1. Buildings in the western portion of Fisher Quarry designated Industrial by the Comprehensive Plan shall not exceed maximum height of 35-75 feet per VMC 20.430.040-1;
 2. Buildings of any height extending above the farthest visible shore of the Columbia River, as seen from the Overlook facility or the southeast corner of the Fisher Quarry bluff, shall:
 - a. Be located towards the southern portion of the quarries to the fullest extent practicable;
 - b. Be separated from one another such that the east-west coordinates of the portions of the buildings impacting river views are a minimum of 200 feet apart;
 - c. Be discouraged from extending above the farthest visible Oregon ridge line. Only one such building shall be permitted per quarry; and
 3. The Master Plan shall include an assessment of how buildings will prevent off-site glare impacts from direct or reflected light sources as required by VMC 20.935.D.

B. The information for the Master Plan has been submitted and approved, as required by VMC 20.680.040.B.

C. The Vancouver Planning Commission has found that all of the following criteria for approval of the Title 20 text amendments have been met as required by VMC 20.680.040.C:

ORDINANCE - 5

Text amendments to VMC Title 20 zoning standards shall demonstrate the following:

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

D. The HQ Master Plan and Subdivision at Fisher's Quarry and VMC Title 20 text amendments are consistent with the Comprehensive Plan, the Riverview Gateway Subarea Plan and the underlying zoning.

E. City Council hereby adopts the foregoing findings of the Vancouver Planning Commission contained in the staff report to the Planning Commission dated February 15, 2022 with the amended conditions of approval as stated in the staff memo to the City Council titled, "HQ Master Plan at Fishers Quarry – Proposed Amended Conditions of Approval PRJ-165963/LUP-81596" dated May 17, 2022, which are hereby incorporated by reference, as its own.

Section 2. 20.430 Commercial and Mixed-Use Districts Text Amendments. That part of Ordinance M-3643 as last amended by that part of section 3 (Exh. B) of Ordinance M-4341, codified as 20.430.030, is hereby amended to read as follows:

Table 20.430.030-1. Commercial and Mixed-Use Districts Use Table	
USE	RGX⁴⁴
COMMERCIAL	
<i>General Retail</i>	
- <i>Bulk Sales</i>	C/ <u>P</u> ⁵³
<i>Office</i>	
- <i>Extended</i>	X <u>P</u>
INDUSTRIAL	
<i>Industrial Services</i>	C/ <u>P</u> ⁵⁴

⁵³Bulk sales are permitted outright on Lots 10-15 of the HQ master plan (west end of Fishers Quarry area) only. All other areas are conditional.

⁵⁴Building, heating, plumbing or electrical contractors, exterminators, janitorial and building maintenance contractors where the indoor storage of materials is more than incidental to the office use and photo-finishing laboratories are permitted outright on Lots 10-15 of the HQ master plan (west end of Fishers Quarry area).

Section 3. 20.680 Riverview Gateway Plan District Text Amendments. That part of Ordinance M-3911 codified as 20.680.030, is hereby amended to read as follows:

VMC 20.680.030 (C) 2.– Allowed Uses and Development Standards.

2. For the Fisher Quarry area as shown in Figure 20.680-1,

- a. Multi-family residential uses shall account for a maximum of ~~40%~~ 35% of the total developable land area in the quarry as defined herein. ~~There shall be no single family uses.~~
- b. Narrow Lot Development as attached single-family consistent with the standards of VMC 20.927 shall account for a maximum of 5% of the total developable land area in the quarry as defined herein, and is limited to a 35-foot maximum building height.
- ~~b-c.~~ Non-Office Commercial uses shall account for a maximum of 35% of the total developable land area in the quarry.

- e d. Office and/or light industrial areas shall together account for minimum of 30% of the total developable land area in the quarry.
- d e. Parks and usable open space corridors shall account for a minimum of 7% of the total developable land area in the quarry, to be located generally as indicated in the Riverview Gateway Subarea Plan.

Section 3. Legal Description.

The legal description of the lands referred to in this ordinance is as follows:

Parcels 126669000, 126941000, and 125830000 located in a portion of the northeast and northwest quarters of Section 7, Township 1 North, Range 3 East, Willamette Meridian, and Clark County, Washington.

Section 4. Approval Granted.

Based upon the foregoing findings, as well as the findings contained in Staff Report No. PRJ-165963/LUP-81596, which are hereby incorporated by reference, approval of the HQ Master Plan and Subdivision at Fisher's Quarry and VMC Title 20 text amendments is hereby granted, with the amended conditions outlined in the memo to City Council titled, "HQ Master Plan at Fishers Quarry – Proposed Amended Conditions of Approval PRJ-165963/LUP-81596" dated May 17, 2022 as supported by the Vancouver Planning Commission Findings, Conclusions, and Recommendations, incorporated above by reference.

Section 5. Severability.

If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder or the application of the provision to other persons or circumstances is not affected.

Section 6. Effective Date.

This ordinance shall take effect fifteen (15) days after passage and publication.

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 _____, 2022.

Anne McEnerny-Ogle, Mayor

Attest:

Natasha Ramras, City Clerk

Approved as to form:

Jonathan Young, City Attorney

ORDINANCE - 9

SUMMARY

ORDINANCE NO. _____

AN ORDINANCE approving the concept development plan for the HQ Master Plan and Subdivision at Fisher's Quarry and associated VMC Title 20 text amendments; and providing for severability and an effective date. The full text of this ordinance will be mailed upon request. Contact Raelyn McJilton, Records Officer at 487-8711, or via www.cityofvancouver.us (Go to City Government and Public Records).

DATE: May 17, 2022

TO: Mayor and City Council
CC: Eric Holmes, City Manager

FROM: Keith Jones, Senior Planner

RE: **HQ Master Plan at Fishers Quarry – Proposed Amended Conditions of Approval PRJ-165963/LUP-81596**

Background

Staff issued a staff report to the Planning Commission dated February 15, 2022. The Planning Commission held a public hearing on February 22, 2022. The Planning Commission recommends that the City Council approve the project based on the following considerations:

- 1. Within the Design Guidelines, Green Building commitments be strengthened.*
- 2. Development of a mutual letter of intent between the Applicant and C-Tran to serve the site as a key site within the transit network.*
- 3. The Design Guidelines name specific transit and multimodal design incentives, including bifurcation of rent and parking costs.*
- 4. Staff and the applicant team work together to strengthen Condition 10 to include safety as a top priority within development of the trail, prior to taking an updated recommendation to Council.*

Updated Conditions of Approval and Recommendation

To address Planning Commission and staff comments as well as to address City Council comments made at the May 9, 2022 Council meeting, staff recommends that the City Council approve the project based on the findings contained in the February 15, 2022 staff report to the Planning Commission with the following amended conditions of approval.

Additions are in **yellow highlight** with double underline for additions and in ~~strike through~~ for removal.

General

1. The “HQ Design Guidelines” dated July 2, 2021, prepared by Otak shall serve as the design guidelines for the master plan with the following amendment:

The applicant shall achieve one of the following under Green Building Commitments in the Design Guidelines:

- a. The equivalent of a Leadership in Energy Efficiency and Design (LEED) silver standard or better, as published by the U.S. Green Building Council on or before October 19, 2013 (LEED v4)

- b. The Earth Advantage/Built Green Commercial silver standard or Multifamily certificate silver standard or better as appropriate
- c. Green Globes – Two Globes or better as appropriate as published by the Green Building Institute on or before December 31, 2021 (Green Globes for New Construction 2021, Multifamily for New Construction (NC), Green Globes for New Construction 2013)
- d. Or other equivalent sustainable design standard reasonably acceptable to the City that complies with the currently adopted International Building Code, or as approved by other applicable City decision-making authority.

- 2. The landscaping percentage for sites with a parking structure is 0%. The remaining areas shall comply with the minimum landscape percentage.
- 3. If the amount of parks and open spaces is reduced in the future, the applicant shall obtain a new Type IV master plan approval. Parks and open space can be either public or privately owned, however the total amount as presented in this application cannot be reduced without obtaining a new Type IV master plan approval.

3.1 Any development at the far north end of the master plan on top of the quarry bluff, shown as single-family attached on the master plan, shall not exceed 35 feet in height as measured by Zoning and Development Code VMC Title 20.

Prior to Recording the Subdivision Plat(s)

- 4. All street names are placeholders for the master plan. The City may request new street names consistent with addressing requirements.
- 5. Since there is complete separation of infrastructure and access, the single-family attached residential lots at the north end of the master plan may be recorded separately from the rest of master plan. The applicant will need to complete a lot line adjustment so the north area is on its own lot prior to independently subdividing into single-family attached lots and all supporting infrastructure installed and accepted by the City. The open space, trail and landscaping associated with the single-family attached subdivision must be indicated on the civil engineering plans and installed prior to recording of the final plat. All other phasing must be approved by City of Vancouver Public Works. Phasing of infrastructure prior to recording the final plat is typically not allowed by Public Works.
- 6. Prior to recording the subdivision plat for the single-family attached residential subdivision, the applicant shall record a shared access and maintenance agreement for the private street. Further the plat cannot be recorded until and unless the City Council approves the sale of the City-owned parcel or approves access across the City-owned parcel located between the proposed attached single-family development and SE 41st Drive (Property ID: 125830000).
- 7. All single-family lots shall have 20 feet of frontage on a public or private street. The single-family attached subdivision shall comply with the Narrow Lot Developments standards VMC 20.927.
- 8. For both the main master plan subdivision and the single-family attached subdivision, public access easements shall be indicated on the plat that cover all pathways, parks and open spaces. The applicant may impose reasonable hours for these areas to be open to the public.
- 9. The applicant shall place signage along all public access trails stating that the path is open to the public, the sign may identify reasonable hours of operation. Signage locations shall be shown on the engineering plans for review and approval by the City.
- 10. Prior to recording the main master plan subdivision, the applicant shall extend a trail from the proposed single-family residential subdivision down to the base of the quarry that connects to the

main master plan trail system; and all other trails shall be installed unless a phasing plan is approved by the Planning Department work with City staff to find a location for a public trail connection that would extend from the proposed central trail system at the base of the quarry to the north, thus providing a north/south public trail connection. All types of trail surfaces, grades and widths are to be considered with ADA compliance preferred if feasible and a public access easement shall be placed over the trail. However, if determined to be unfeasible due to site constraints the trail connection will not be required. All trails and landscaping shall be indicated on the engineering plans and approved by the City with the civil engineering permit. Timing of installation of the City park can be installed per agreements with the City Parks Department and the public plaza can be delayed until development and permitting of surrounding buildings.

11. Signs shall be placed at minimum every 200 feet at the wetland buffer located at the west end of the master plan that reads, "The area beyond this sign is a wetland or wetland buffer. Alteration or disturbance is prohibited by law. Please call the City of Vancouver for more information."

11.1 The applicant shall record a minimum 20-foot wide public access easement extending along the existing haul road located south of SR-14. The easement shall extend from the proposed master plan trail system south through the tunnel under SR-14 to meet with SE Evergreen Hwy.

12. Prior to recording the single-family attached residential subdivision, the following improvements shall be completed on the Private Street(s):
- Dedicate appropriate easements or tracts and install a minimum 20-foot-wide street surface, planter strips on both sides of the street, and 5-foot detached sidewalk on both sides of the street.
 - Install a driveway approach on SE 41st Drive per the appropriate City of Vancouver standard, to provide access to the private streets.
 - Install appropriate turnarounds at the dead ends of the streets, per the appropriate City of Vancouver standard.
 - Install "No Parking – Fire Lane" signs on both sides of the private streets.

13. Prior to recording the main subdivision plat for the master plan (all areas other than the single-family attached residential subdivision) the following street improvements must be completed, however these improvements can be phased or required with future site plan review, with approval from the Public Works Director and/or the City Transportation Department and/or a future approved Development Agreement:

SE 192nd Ave / Brady Road

The eastbound left-turn lane shall be extended from 200 feet to at least 300 feet.

SE 192nd Ave / HQ Drive (Columbia Palisades Dr)

The southbound left turn lane shall be extended from 250 feet to 400 feet. The intersection shall be signalized when the fourth leg of the intersection is constructed.

SE 192nd Ave.

The following improvements to 192nd Avenue shall be completed:

- Dedicate public right of way as necessary to meet the standard.
- Per VMC 11.80.080(C), the City reserves the right to require improvements to non-abutting street if, in the opinion of the Director, the proposed development will cause an adverse impact

or create dangerous or hazardous condition on or to another street. Therefore, the applicant shall construct a 6-foot-wide detached sidewalk along the west side of SE 192nd Avenue, from where the sidewalk currently terminates along the Chevron property to the north to where the sidewalk terminates along the Fisher Quarry development.

- At the intersection with HQ Drive (Columbia Palisades Drive):
 - o Construct the west leg of the intersection. Curb radii must be a minimum of 35 feet per the design criteria tables of VMC 11.80.040.
 - o Construct a SB right-turn lane.
 - ~~o Extend the storage length of the existing SB left turn lane to 400 feet.~~
 - o Construct a NB left turn lane. The length of the NB left turn lane must be designed to accommodate the vehicle queueing length identified in the TIA.
 - o Install a traffic signal.
- Street lighting must be installed or updated to current City standards. See street lighting comments below.
- Install traffic control devices as warranted, and storm drainage as required by the city stormwater ordinance.

No direct driveway access shall be allowed on SE 192nd Avenue, per VMC 11.80.110(A), unless no other access to the site is available, and through city transportation approval of a Road Modification Request. ~~All driveway access shall be taken from the proposed streets within the development.~~

Brady Road

The following improvements shall be completed on Brady Road:

- Dedicate public right of way as necessary to meet the standard adopted for the Master Plan.
- Extend Brady Road to the project's west property line, using the standard adopted for the Master Plan.
- At the intersection with SE 192nd Avenue, extend the storage length of the EB left-turn lane to at least 300-feet.
- Install a raised pedestrian crossing where the proposed multi-modal trail intersects with Brady Road.
- Street lighting must be installed to current City standards. See street lighting comments below.
- Install traffic control devices as warranted, and storm drainage as required by the city stormwater ordinance.

The short length of Brady Road between SE 192nd Avenue and the project site was constructed in April 2019. Pursuant to VMC 11.80.100 B., a street cut prohibition is in effect through April 8, 2024. If the applicant finds it necessary to cut into the street to provide utility services and all options have been exhausted, submittal of a minor road modification request pursuant to VMC 11.80.160 will be required. This application shall be submitted for review in order to deviate from the five-year street cut moratorium.

There is a small area of remnant WSDOT right of way located at the end of Brady Road that impacts Lots 2 and 9 on the proposed preliminary plat. WSDOT has turned this remnant right of way back to the City. The City will reserve the right of way necessary for the extension of Brady Road.

Pursuant to State and City requirements, the remaining area can then be sold as surplus to the abutting property owner(s) upon completion of the required appraisal and surplus process.

North Loop Drive

The following improvements shall be completed on North Loop Drive:

- Dedicate public right of way as necessary to meet the standard adopted for the Master Plan.
- Construct the street, looping from and to HQ Drive, using the standard adopted for the Master Plan.
- Enhanced pedestrian crossings must be installed at key intersections and/or midblock crossing locations, as identified on the Master Plan. Intersections must be constructed with curb extension bump-outs and small-radius returns.
- Street lighting must be installed to current City standards. See street lighting comments below.
- Install traffic control devices as warranted, and storm drainage as required by the city stormwater ordinance.

Main Street

The following improvements shall be completed on Main Street:

- Dedicate public right of way as necessary to meet the standard adopted for the Master Plan.
- Construct the street, between HQ Drive and Brady Road, using the standard adopted for the Master Plan.
- Enhanced pedestrian crossings must be installed at key intersections and/or midblock crossing locations, as identified on the Master Plan. Intersections must be constructed with curb extension bump-outs and small-radius returns. At intersections, curb extension bump-outs and small-radius returns are preferred. Vehicular turning movement templates must be presented to verify the viability of the proposed intersection geometry.
- Street lighting must be installed to current City standards. See street lighting comments below.
- Install traffic control devices as warranted, and storm drainage as required by the City stormwater ordinance.

First Street

The following improvements shall be completed on First Street:

- Dedicate public right of way as necessary to meet the standard adopted for the Master Plan.
- Construct the street, between Main Street and Brady Road, using the standard adopted for the Master Plan.
- Enhanced pedestrian crossings must be installed at key intersections and/or midblock crossing locations, as identified on the Master Plan. Intersections must be constructed with curb extension bump-outs and small-radius returns.
- Street lighting must be installed to current City standards. See street lighting comments below.
- Install traffic control devices as warranted, and storm drainage as required by the city stormwater ordinance.

14. Prior to recording the main subdivision plat for the master plan and as part of the civil plan review and approval:

Coordinate with City staff on approved sanitary sewer pump station discharge locations, available discharge rates, and downstream public sanitary sewer capacity improvements.

Public Sanitary Sewer Pump Station Design Requirements: Modify the Draft Pump Station Technical Memorandum submitted in June 2021. Address City comments. Prepare a separate civil plan set for the public sanitary sewer pump station. Design according to current General Requirements and Details for the Design and Construction of Public Sanitary Pump and Lift Stations. Include on and off-site discharge piping, provisions for future discharge location changes, and any off-site downstream capacity improvements. Submit the final pump station technical memorandum. Include complete pump station design calculations as a sheet in the plan set. Schedule a minimum of three civil review cycles. Address redline comments, revise, and submit the final design for civil plan approval.

Public Gravity Sewer Requirements: Revise and complete the public on-site gravity sewer design. Prepare according to Vancouver's current General Requirements and Details for design and construction. Coordinate with the public pump station plans. Address redline comments, revise, and submit the final design for civil plan approval. On-site civil plan approval requires pump station civil plan approval.

15. Prior to recording the main subdivision plat for the master plan, show and note a separate pump station parcel. Specify as to be dedicated to the City of Vancouver by separate deed. Provide signatures and record the deed with (directly following) the plat.

Prior to Development of Each Multi-family, Commercial, Industrial and Mixed-Use Lot

16. If shared parking with a neighboring development or lot is proposed, shared access and parking agreements shall be recorded prior to issuance of building permits.
17. Prior to issuance of a site plan review approval and building permit, plans shall indicate that all site lighting is shielded to reduce or eliminate off-site glare.
18. With each site plan application, provide a report and inventory of Affordable Units and how it complies with the affordable housing requirement.
19. Prior to the issuance of civil plan approval, pay the concurrency modeling fees. The modeling fee will be calculated at time of site plan review.
20. Proportionate share fees for transportation improvements shall be calculated at time site plan approval and paid prior to issuance of a building permit.
21. Provide the City with a traffic impact analysis that reanalyzes the study area intersections based on existing traffic conditions in place at the time of site plan application, conditions at year of opening of the proposed site plan development, and conditions at future build-out (five years from year of opening). Any intersection movements or queueing lengths that do not meet City standards with the addition of project-generated trips will require mitigation prior to the issuance of occupancy approval for the site plan development.

During Construction

22. Secure all required public sanitary sewer pump station construction permits. Secure all required off-site construction permits. Schedule and attend pre-construction meeting for the pump station and off-site improvements. Construct the station and off-site improvements according to the approved plans and standards. Satisfy Construction Services testing, inspection, and start-up requirements and secure Construction Acceptance.

23. Secure on-site public gravity sewer construction permits. Schedule and attend a pre-construction meeting. Construct according to the approved plans and standards. Satisfy Construction Services testing, inspection, and start-up requirements and secure Construction Acceptance.
24. Satisfy submittal and other requirements itemized in both Notifications of Civil Plan Approval for the public sewer improvements. Secure Final Civil Project Acceptance for both the pump station and on-site gravity improvements. Final civil project acceptance of the on-site gravity project requires final civil project acceptance of the pump station.

Note: The Washington Uniform Common Interest Ownership Act (WUCIOA), RCW 64.90, may apply to the proposal. This legislation has a number of provisions that apply to developments with common interest elements including plats. It is the sole responsibility of the applicant to comply with the provisions of WUCIOA, as the city does not approve or advise on WUCIOA. The applicant should consult their attorney on how WUCIOA may apply to the proposal.

Note: Once a plat is recorded any change will require a Plat Alteration under RCW 58.17 and VMC 20.320.080. Plat Alterations require a Type II or Type III land use approval process and the recording of a new final plat.

Staff Contact

Keith Jones- Senior Planner

360-487-7887

keith.jones@cityofvancouver.us

MEMORANDUM

DATE: May 17, 2022

TO: Mayor and City Council
CC: Eric Holmes, City Manager

FROM: Keith Jones, Senior Planner

RE: **HQ Master Plan at Fishers Quarry – Amended Proposal
PRJ-165963/LUP-81596**

Background

At the May 9, 2022 Council meeting, Council directed staff to have the applicant revise their proposed 12-lot detached single-family residential subdivision in the far north end of the master plan to a townhouse, duplex and/or triplex style development.

Applicant's Updated Proposal

A townhouse or townhome is typically a dwelling unit attached on one or two sides to another unit to form a group of townhouses. The Zoning and Development Code does not define townhouse or townhome, however townhouse-style development is allowed as single-family attached development under the Narrow Lot Developments standards in VMC 20.927.

The developer is proposing to revise the development in the far north end of the master plan to a 25-unit single-family attached development. The property is proposed to be subdivided so each unit will be on a legal lot of record for individual sale. The applicant's proposed plan is attached.

Recommendation

Staff recommends approval of the proposed plan. The ordinance and recommended conditions of approval have been amended in support of this change.



HQ | LOT 30 - 25 TOWNHOME LOTS

NOVEMBER 4, 2021 | #19809





Memorandum

To: Keith Jones, AICP, Senior Planner, City of Vancouver
From: Li Alligood, AICP, Tim Leavitt, PE, Steve Dixon, PLA
Copies: Scot Brantley, Hurley Development; File
Date: May 12, 2022
Subject: HQ Master Plan (LUP-81596) – Additional Information Requested from Council
Project No.: 19809.100

This memo provides additional information and details to augment the HQ Master Plan application (LUP-81596) as requested by City Council at their May 9, 2022, scheduled first reading of the ordinance. These responses are intended to provide City staff with additional information to update the ordinances as directed and to respond to Council discussion.

Overview of Discussions to Date

The initial HQ Master Plan concept included a 5-story multifamily building on the north ridge of the site. The applicant and City staff received many comments from neighbors expressing concerns about traffic impacts and view impacts for existing residents.

During Planning Commission workshops in October and December, the Planning Commission reviewed the 5-story multifamily proposal and expressed support for a revised north ridge concept that included a landscaped buffer and 12 single-family detached homes.

The applicant met with neighborhood representatives and City staff multiple times between September and October 2021 to discuss their concerns and potential responses. As a result of those conversations and direction from the Planning Commission at their October 14, 2022 workshop, the revised the north ridge concept. Per staff direction, the lot dimension standards and height standards of the adjacent R-6 were applied to the north ridge site design. Two concepts were provided to staff and neighbors for review and discussion: a 12-lot detached single-family subdivision and a 25-lot attached townhome subdivision. The 12-lot detached single-family subdivision option was selected as the least impactful to adjacent properties.

The Planning Commission agreed with the proposed 12-lot concept, and unanimously recommended the current Master Plan concept and Title 20 text amendments for approval in February 2022.

Additional Detail

As part of the quarry reclamation process permitted and in process by Cadman, the seller, the berms in the northwest corner of the quarry have been removed. As a result, this area is now a developable site. As described by the *Preliminary Slope Stability Report: North Ridge MFR* memo prepared by NV5 and

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submitted as Appendix H of the Master Plan application, the north ridge area is sufficiently stable to support a 4-5 story building and associated site improvements.

At the October 14, 2021 Planning Commission workshop, Commissioners requested additional information regarding the proposed development of the multifamily development proposed for the north ridge of the quarry, including building massing, parking, and traffic.

Following the October 14, 2021 Planning Commission workshop, the applicant worked with the Otak design team to prepare revised concepts for discussion with the adjacent Fisher's Creek neighborhood association. The concepts included a 12-lot detached single-family subdivision and a 25-lot attached single-family (townhome) subdivision. Both concepts included a buffer between the proposed homes and the existing homes to the west, which varies in width from 20 ft. to 30 ft. This buffer will combine a berm with dense landscaping and include walking paths and benches and will lead to a public viewpoint. The landscaped buffer serves the intent of the buffer area shown in the Riverview Gateway Subarea Plan and provides additional open space for the community.

Through discussions with the neighborhood association and City staff, the 12-lot detached single-family development was identified as the preferred concept. This concept requires purchase or right-of-way dedication of the City-owned parcel (Parcel Number 125830000) directly to the north to establish a private street to serve the development. The Planning Commission unanimously recommended approval of the proposed Master Plan on February 2, 2022.

At the April 4, 2022, Council workshop, Councilors expressed an interest in denser housing on the north ridge of the site and encouraged the applicant to consider housing types beyond detached single-family housing. Council did not provide specific direction to staff or the applicant at that meeting to revise the master plan or the proposed code amendments, and the applicant did not submit revisions to the Master Plan for the May 9, 2022, Council first reading.

At the May 9, 2022 first reading, Councilors discussed the north ridge further and directed the applicant, via City staff, to revise the development concept for the north ridge to incorporate duplexes, townhomes, and other types of "middle housing" and directed staff to revise the draft Ordinances for Council review. The revised Master Plan and supporting documents included as Attachments 1, 2, and 3 have revised the north ridge development concept from 12 detached single-family homes on individual lots to 25 attached townhomes on individual lots. This concept was prepared and discussed with the City and neighbors in November 2021 but as noted above was not selected as the preferred concept. However, it does appear to meet Council's desire for denser residential development.

In addition to the revised Master Plan and subdivision documents, the requested code text amendments have been revised to permit a full range of attached dwelling units in this portion of the site.

Revised Proposed Text Changes – Single-Family Residential Uses

The Fisher Quarry site is zoned RGX which allows a full range of residential uses including Single Dwelling Units, Attached; Single Dwelling Units, Detached; Duplexes; and Multi-Dwelling units.¹ These housing types are defined by VMC Title 20 as:

¹ See Table 20.430.030-1 for a full list of permitted uses in the RGX zone.

- Dwelling, Multi-Family: A building or portion thereof designed or used as a residence by three or more households and containing three or more dwelling units.
- Dwelling, Single-Family: A building designed or used for residence purposes by not more than one household and containing one dwelling unit only. Such dwelling units may be either detached (i.e., free-standing) or attached (i.e., sharing) common walls with other such units
- Dwelling, Two-Family, or Duplex: A building designed or used for residence purposes by not more than two households and containing two dwelling units.

Stated another way, a building with two dwelling units on one lot is a duplex; a building with three or more dwelling units on one lot is a multi-family or multiple-family dwelling. A single-family dwelling could include a detached single-family dwelling (a typical single-family home) or attached single-family dwellings on individual lots (townhomes or rowhouses).

The permitted uses of the RGX zone are further refined by the provisions of the Riverview Gateway Plan District, which includes site-specific use allocations in 20.680.030.C.2 VMC. These use allocations state that “there shall be no single-family uses” in the Fisher Quarry area. To accommodate the neighborhood’s desire for lower-density single-family development on the north ridge, a text amendment to 20.680.030.C.2 VMC was requested to permit single-family residential use in the Fisher Quarry area.

Following City Council discussion at the May 9, 2022 first reading of the Master Plan ordinance, the proposed zoning text amendments have been revised to specify that only *attached* single-family housing (such as duplexes and townhome/rowhouses) is permitted, and *detached* single-family housing is not. The initial proposed text amendments are shown in underline/strikeout below, and proposed revised text amendments are shown in red:

2. For the Fisher Quarry area as shown in Figure 20.680-1,
 - a. Multi-family residential uses shall account for a maximum of ~~40%~~ 35% of the total developable land area in the quarry as defined herein. ~~There shall be no single-family uses.~~ As defined in Title 20, a multi[ple]-family² building contains three or more dwelling units.
 - b. ~~Attached Single-~~ single-family residential uses shall account for a maximum of 5% of the total developable land area in the quarry as defined herein. Allowed attached single-family residential uses include duplexes and townhouses/rowhouses on individual lots.
 - ~~b-c.~~ Non-office Commercial uses shall account for a maximum of 35% of the total developable land area in the quarry.
 - ~~c d.~~ Office and/or light industrial areas shall together account for minimum of 30% of the total developable land area in the quarry.
 - ~~d e.~~ Parks and usable open space corridors shall account for a minimum of 7% of the total developable land area in the quarry, to be located generally as indicated in the Riverview Gateway Subarea Plan.

Proposed Development Standards

Per Table 20.430.040-1 VMC, the RGX zone does not contain minimum lot sizes or dimensions, though Council could choose to apply standards through the Master Plan process. Maximum height is 35 ft. to 75

² Title 20 VMC uses both terms; both are used here to avoid any confusion about whether one or both terms apply.

ft. as determined through the Master Plan process. If Council chooses to apply height standards to the north ridge, the applicant requests a maximum height of 35 ft. so long as attached townhouse/rowhouse development on individual lots is allowed.

Attachments

1. Revised HQ Master Plan dated May 12, 2022
2. Revised HQ Use Allocation Plan dated May 12, 2022
3. Revised HQ Development Summary dated May 12, 2022

HQ Master Plan																				
Land Use and Development Summary 2022-05-12																				
Lot Number	Gross site area (sf)	Non-office commercial GFA	Office/Light Industrial GFA	Multi-family Residential GFA	Single Family Attached Residential Units	Total GFA (sf)	Total NFA (sf)	FAR	Surface parking (sf)	Tuck under parking (sf)	Structured parking (sf)	Units (750 sf average)	Surface parking (sp)	Tuck under parking (sp)	Structured parking (sp)	Total parking on-site(sp)	Residential on-site parking ratio	Commercial/Non-Office on-site parking ratio	Office on-site parking ratio	Available on-street parking
Lot 1	69,480																			
Floor 1		61,875																		
Floor 2		15,000																		
Total		76,875				76,875	61,500	1.11												
Lot 2	54,801																			
Floor 1		10,409																		
Floor 2		10,409																		
Floor 3		10,409																		
Floor 4		10,409																		
Floor 5		10,409																		
Total		52,045				52,045	41,636	0.95				120			300	300	2.50			8
Lot 3	80,399																			
Floor 1		26,000				26,000	18,200													
Floor 2				47,811		47,811	38,249					51								
Floor 3				47,811		47,811	38,249					51								
Floor 4				47,811		47,811	38,249					51								
Floor 5				47,811		47,811	38,249					51								
Floor 6				47,811		47,811	38,249					51								
Total		26,000		239,056		265,056	185,539	3.30				255			300	300	1.60	2.54		36
Lot 4	80,046																			
Floor 1		26,000				26,000	20,800													
Floor 2				47,811		47,811	38,249					51								
Floor 3				47,811		47,811	38,249					51								
Floor 4				47,811		47,811	38,249					51								
Floor 5				47,811		47,811	38,249					51								
Floor 6				47,811		47,811	38,249					51								
Total		26,000		239,056		265,056	212,045	3.31				255			350	350	1.60	2.54		28
Lot 5	58,674	Hotel																		
Floor 1		10,409				10,409	8,327													
Floor 2		10,409				10,409	8,327													
Floor 3		10,409				10,409	8,327													
Floor 4		10,409				10,409	8,327													
Floor 5		10,409				10,409	8,327													
Total		52,045				52,045	41,636	0.89				120			350	350	2.92			10
Lot 6	120,902																			
Floor 1		30,500				30,500	21,350													
Floor 2				53,625		53,625	42,900					57								
Floor 3				53,625		53,625	42,900					57								
Floor 4				53,625		53,625	42,900					57								
Floor 5				53,625		53,625	42,900					57								
Floor 6				53,625		53,625	42,900					57								
Total		30,500		268,125		298,625	235,850	2.47				285			684	684	1.60	2.46		42
Lot 7	19,446																			
Floor 1		12,900				12,900														
Floor 2		12,900				12,900														
Total		25,800				25,800		1.33					85			85		3.29		5
Lot 8	111,985																			
Floor 1		35,500				35,500	24,850									0				
Floor 2				61,650		61,650	49,320					66								
Floor 3				61,650		61,650	49,320					66								
Floor 4				61,650		61,650	49,320					66								
Floor 5				61,650		61,650	49,320					66								
Floor 6				61,650		61,650	49,320					66								
Total		35,500		308,250		343,750	240,625	3.07				330			603	603	1.59	2.54		44
Lot 9	71,714																			
Floor 1		26,000				26,000							80			80				
Total		26,000				26,000		0.36					80			80			3.08	7
Lot 10	46,507																			

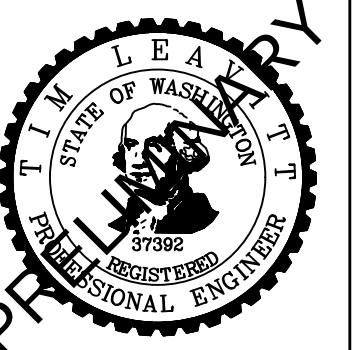
Lot Number	Gross site area (sf)	Non-office commercial GFA	Office/Light Industrial GFA	Multi-family Residential GFA	Single Family Attached Residential Units	Total GFA (sf)	Total NFA (sf)	FAR	Surface parking (sf)	Tuck under parking (sf)	Structured parking (sf)	Units (750 sf average)	Surface parking (sp)	Tuck under parking (sp)	Structured parking (sp)	Total parking on-site(sp)	Residential on-site parking ratio	Commercial/Non-Office on-site parking ratio	Office on-site parking ratio	Available on-street parking
Floor 1			12,256			12,256							44			44				
Total			12,256			12,256		0.26					44			44			3.59	10
Lot 11	49,657																			
Floor 1			14,416			14,416							48			48				
Total			14,416			14,416		0.29					48			48			3.33	9
Lot 12	56,315																			
Floor 1			16,815			16,815							63			63				
Total			16,815			16,815		0.30					63			63			3.75	10
Lot 13	59,787																			
Floor 1			16,904			16,904							63			63				
Total			16,904			16,904		0.28					63			63			3.73	7
Lot 14	53,732																			
Floor 1			15,018			15,018							55			55				
Total			15,018			15,018		0.28					55			55			3.66	11
Lot 15	116,174																			
Floor 1			21,615			21,615							172			172				
Floor 2			21,615			21,615														
Total			43,230			43,230		0.37					172			172			3.98	23
Lot 16	55,098																			
Floor 1			11,475			11,475							94			94				
Floor2			11,475			11,475														
Total			22,950			22,950		0.42					94			94			4.10	25
Lot 17	55,977																			
Floor 1			10,770			10,770							97			97				
Floor 2			10,770			10,770														
Floor 3			10,770			10,770														
Total			32,310			32,310		0.58					97			97			3.00	14
Lot 18	87,620																			
Floor 1			20,860			20,860							148			148				
Floor 2			20,860			20,860														
Total			41,720			41,720		0.48					148			148			3.55	32
Lot 19	72,979																			
Floor 1			13,782			13,782							109			109				
Floor 2			13,782			13,782														
Total			27,564			27,564		0.38					109			109			3.95	15
Lot 20	94,969																			
Floor 1			20,800			20,800							138			138				
Floor 2			20,800			20,800														
Total			41,600			41,600		0.44					138			138			3.32	16
Lot 21	116,380																			
Floor 1			15,717			15,717							154			154				
Floor 2			15,717			15,717														
Floor 3			15,717			15,717														
Total			47,151			47,151		0.41					154			154			3.27	18
Lot 22	125,189																			
Floor 1				17,500		17,500	14,000					19	171	17		188				
Floor 2				23,350		23,350	18,680					25								
Floor 3				23,350		23,350	18,680					25								
Floor 4				23,350		23,350	18,680					25								
Floor 5				23,350		23,350	18,680					25								
Total				107,577		107,577	86,062	0.86				119	171	17		188	1.58			10
Lot 23	133,529																			
Floor 1				19,100		19,100	15,280					20	206	17		223				
Floor 2				24,850		24,850	19,880					27								
Floor 3				24,850		24,850	19,880					27								
Floor 4				24,850		24,850	19,880					27								
Floor 5				24,850		24,850	19,880					27								

Lot Number	Gross site area (sf)	Non-office commercial GFA	Office/Light Industrial GFA	Multi-family Residential GFA	Single Family Attached Residential Units	Total GFA (sf)	Total NFA (sf)	FAR	Surface parking (sf)	Tuck under parking (sf)	Structured parking (sf)	Units (750 sf average)	Surface parking (sp)	Tuck under parking (sp)	Structured parking (sp)	Total parking on-site(sp)	Residential on-site parking ratio	Commercial/Non-Office on-site parking ratio	Office on-site parking ratio	Available on-street parking
Total				118,500		118,500	74,920	0.89				128	206	17		223	1.74			9
Lot 24	52,911																			
Floor 1				7,984		7,984	6,387					7	73	13		86				
Floor 2				10,781		10,781	8,625					11								
Floor 3				10,781		10,781	8,625					11								
Floor 4				10,781		10,781	8,625					11								
Floor 5				10,781		10,781	8,625					11								
Total				51,108		51,108	40,886	0.97				51	73	13		86	1.69			24
Lot 25	85,718																			
Floor 1				12,724		12,724	10,179					14	122	10		132				
Floor 2				16,100		16,100	12,880					17								
Floor 3				16,100		16,100	12,880					17								
Floor 4				16,100		16,100	12,880					17								
Floor 5				16,100		16,100	12,880					17								
Total				77,124		77,124	61,699	0.90				82	122	10		132	1.61			24
Lot 26	130,563																			
Floor 1				17,374		17,374	13,899					19	179	20		199				
Floor 2				22,711		22,711	18,169					24								
Floor 3				22,711		22,711	18,169					24								
Floor 4				22,711		22,711	18,169					24								
Floor 5				22,711		22,711	18,169					24								
Total				108,218		108,218	86,574	0.83				115	179	20		199	1.73			48
Lot 27	102,373																			
Floor 1				15,618		15,618	12,494					17	150	18		168				
Floor 2				20,709		20,709	16,567					22								
Floor 3				20,709		20,709	16,567					22								
Floor 4				20,709		20,709	16,567					22								
Floor 5				20,709		20,709	16,567					22								
Total				98,454		98,454	78,763	0.96				105	150	18		168	1.60			48
Lot 28	96,866																			
Floor 1				14,650		14,650	11,720					16	136	19		155				
Floor 2				19,100		19,100	15,280					20								
Floor 3				19,100		19,100	15,280					20								
Floor 4				19,100		19,100	15,280					20								
Floor 5				19,100		19,100	15,280					20								
Total				91,050		91,050	72,840	0.94				96	136	19		155	1.61			47
Lot 29	123,221																			
Floor 1				18,266		18,266	14,613					17	177	19		196				
Floor 2				23,407		23,407	18,726					25								
Floor 3				23,407		23,407	18,726					25								
Floor 4				23,407		23,407	18,726					25								
Floor 5				23,407		23,407	18,726					25								
Total				111,894		111,894	89,515	0.91				117	177	19		196	1.68			47
Lot 30	1,966				1								2			2				
Lot 31	2,524				1								2			2				
Lot 32	2,851				1								2			2				
Lot 33	2,083				1								2			2				
Lot 34	2,494				1								2			2				
Lot 35	2,494				1								2			2				
Lot 36	2,053				1								2			2				
Lot 37	2,395				1								2			2				
Lot 38	2,477				1								2			2				
Lot 39	2,022				1								2			2				
Lot 40	2,022				1								2			2				
Lot 41	2,022				1								2			2				
Lot 42	2,529				1								2			2				
Lot 43	2,529				1								2			2				
Lot 44	2,022				1								2			2				
Lot 45	2,022				1								2			2				
Lot 46	2,529				1								2			2				
Lot 47	2,529				1								2			2				

Lot Number	Gross site area (sf)	Non-office commercial GFA	Office/Light Industrial GFA	Multi-family Residential GFA	Single Family Attached Residential Units	Total GFA (sf)	Total NFA (sf)	FAR	Surface parking (sf)	Tuck under parking (sf)	Structured parking (sf)	Units (750 sf average)	Surface parking (sp)	Tuck under parking (sp)	Structured parking (sp)	Total parking on-site(sp)	Residential on-site parking ratio	Commercial/Non-Office on-site parking ratio	Office on-site parking ratio	Available on-street parking
Lot 48	2,022				1								2			2				
Lot 49	2,022				1								2			2				
Lot 50	2,497				1								2			2				
Lot 51	2,462				1								2			2				
Lot 52	1,934				1								2			2				
Lot 53	1,852				1								2			2				
Lot 54	2,583				1								2			2				
Total	56,935				25								50			50				
Development Summary		Non-office commercial GFA	Office/Light Industrial GFA	Multi-family Residential GFA	Single Family Residential Units	Total GFA (sf)	Total NFA (sf)		Surface parking (sf)	Tuck under parking (sf)	Structured parking (sf)	Multi-family Units (750 sf average)	Surface parking (sp)	Tuck under parking (sp)	Structured parking (sp)	Total parking (sp)				Total on-street parking (sp)
		350,765	331,934	1,818,413	25	2,501,112						1,938	2,614	133	2,587	5,334				627
Land Use Summary																				
Land Use	Site area (sf)	Site area (ac)	% of TDLA	Min/Max																
Non-office Commercial	667,447	15.32	23.93%	35% Max																
Office-Light Industrial	865,195	19.86	31.02%	30% Min																
Multi-family Residential	850,370	19.52	30.49%	40% Max																
Single Family Attached Residential	56,935	1.31	2.04%																	
Usable Open Space	349,350	8.02	12.52%	7% Min																
Public Pedestrian Trails *																				
Buffer	815,275	18.72																		
Storm Drainage Facilities	38,627	0.89																		
Right of Way	640,218	14.70																		
Sanitary Sewer Pump Station	9,528	0.22																		
Total	4,292,945	98.55																		
Total Developable Land Area	2,789,297	64.03	100.0%																	
* Area included in land use areas																				



700 Washington Street
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HURLEY DEVELOPMENT
275 W 3RD ST, STE 300
VANCOUVER, WA 98660

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

MASTER PLAN

MASTER PLAN AND SUBDIVISION APPLICATION

TITLE		
#	DATE	DESCRIPTION
REVISIONS		
OTAK CAD		TDL
DRAWN BY		CHECKED BY
STATUS		
MAY 12, 2022		
DATE		
19809.100		
PROJECT NUMBER		

MP-02

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May 12, 2022 - 11:15am
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HURLEY DEVELOPMENT
275 W 3RD ST, STE 300
VANCOUVER, WA 98660

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

TITLE
DATE DESCRIPTION

REVISIONS	
OTAK CAD	TDL
DRAWN BY	CHECKED BY

STATUS	
MAY 12, 2022	DATE
19809_100	PROJECT NUMBER

MP-01

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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:

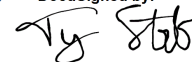
\$ 9,740,317.91 this 23rd day of May 2022.

DocuSigned by:



MAYOR

DocuSigned by:



COUNCILMEMBER

DocuSigned by:



COUNCILMEMBER



AUDITING OFFICER

DATE	INCLUSIVE CHECK NUMBERS	CHECK TOTAL
May 9, 2022 - May 15, 2022	Accounts Payable Checks (see attached)	\$ 6,328,889.40
May 9, 2022 - May 15, 2022	Hansen City Payments (see attached)	\$ 3,508.31
May 9, 2022 - May 15, 2022	Visa Refunds (see attached)	\$ 4,904.86
May 9, 2022 - May 15, 2022	Payroll Checks (see attached)	\$ 3,403,015.34
TOTAL		\$ 9,740,317.91

INVOICE PAYMENTS REPORT

<u>Payment Category</u>	<u>Payment Type</u>	<u>Check Number</u>	<u>Payment Date</u>	<u>Payment Amount</u>	<u>Payment Payee</u>	<u>Payment Memo if applicable</u>
Supplier Payment	Manual Wire	No Reference	5/6/2022	308.69	Allegiance Benefit Plan Management Inc - Remit-To: COBRA	
Supplier Payment	Manual Wire	No Reference	5/9/2022	226,016.02	Blue Cross Blue Shield of Oregon	
Supplier Payment	Manual Wire	No Reference	5/9/2022	22,039.47	JP Morgan Chase Bank, N.A.	
Supplier Payment	Manual Wire	No Reference	5/9/2022	268.71	Keybank National Association	
Supplier Payment	Manual Wire	No Reference	5/9/2022	15,368.48	Washington Dental Service	
Supplier Payment	Manual Wire	No Reference	5/10/2022	10,797.09	ICMA 401A	
Supplier Payment	Manual Wire	No Reference	5/10/2022	243,616.30	ICMA Corp	
Supplier Payment	Manual Wire	No Reference	5/10/2022	774.90	Oregon SDU	
Supplier Payment	Manual Wire	No Reference	5/10/2022	50,668.05	State of Washington Department of Retirement System (PERS)	
Supplier Payment	Manual Wire	No Reference	5/10/2022	1,085.92	Vancouver Fire Command Officers	
Supplier Payment	Manual Wire	No Reference	5/10/2022	23,763.06	Vancouver Firefighters Union Health & Welfare Trust	
Supplier Payment	Manual Wire	No Reference	5/10/2022	6,040.90	Washington SDU	
Supplier Payment	Manual Wire	No Reference	5/10/2022	18,700.00	Washington State Firefighters	
Supplier Payment	Manual Wire	No Reference	5/10/2022	18,240.08	Western States Health & Welfare Trust	
Supplier Payment	Manual Wire	No Reference	5/11/2022	224,854.62	Clark County - Remit-To: Clark County - Treasurer	
Supplier Payment	Manual Wire	No Reference	5/11/2022	28,841.05	Vancouver	
Supplier Payment	Manual Wire	No Reference	5/11/2022	1,063,340.60	Gallagher Bassett Services Inc	
Supplier Payment	Manual Wire	No Reference	5/11/2022	100,000.00	Internal Revenue Service	
Supplier Payment	Manual Wire	No Reference	5/11/2022	740,721.21	Liberty Mutual Group Inc.	
Supplier Payment	Manual Wire	No Reference	5/11/2022	11,185.93	State of Washington Department of Retirement System (PERS)	
Supplier Payment	Manual Wire	No Reference	5/12/2022	33,150.33	Bank Of America N.A. - Remit-To: Charlotte NC	
Supplier Payment	Manual Wire	No Reference	5/12/2022	2,748.00	State of Oregon Department of Revenue	
Supplier Payment	Manual Wire	No Reference	5/12/2022	1,531,646.53	State of Washington Department of Licensing - Remit-To: DOL - Seattle Remit	
Supplier Payment	Manual Wire	No Reference	5/13/2022	83,415.91	Cascade Fire Equipment	
			5/13/2022		Liberty Mutual Group Inc.	
			Manual Wire Total	4,457,591.85		
Cash Advance Payment	Direct Deposit	EFT-00146625	5/12/2022	206.50	Scott Woodhouse	Travel Advance
Cash Advance Payment	Direct Deposit	EFT-00146626	5/12/2022	333.00	Rocky Epperson	Travel Advance
Cash Advance Payment	Direct Deposit	EFT-00146627	5/12/2022	429.75	Alysha Chandra	Travel Advance
Cash Advance Payment	Direct Deposit	EFT-00146628	5/12/2022	429.75	Lacey Nichols	Travel Advance
Cash Advance Payment	Direct Deposit	EFT-00146629	5/12/2022	328.75	Justin Box	Travel Advance
Cash Advance Payment	Direct Deposit	EFT-00146630	5/12/2022	111.00	Kim Harless	Travel Advance
Cash Advance Payment	Direct Deposit	EFT-00146631	5/12/2022	185.00	Diana Perez	Travel Advance
Expense Payment	Direct Deposit	EFT-00146632	5/12/2022	131.00	Scott Willis	Employee Reimbursement
Cash Advance Payment	Direct Deposit	EFT-00146633	5/12/2022	267.50	Frank Dick	Travel Advance
Expense Payment	Direct Deposit	EFT-00146634	5/12/2022	516.01	Patrick Craney	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00146635	5/12/2022	407.00	Richard Rich	Employee Reimbursement

INVOICE PAYMENTS REPORT

<u>Payment Category</u>	<u>Payment Type</u>	<u>Check Number</u>	<u>Payment Date</u>	<u>Payment Amount</u>	<u>Payment Payee</u>	<u>Payment Memo if applicable</u>
Expense Payment	Direct Deposit	EFT-00146636	5/12/2022	439.07	Anne McEnerney-Ogle	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00146637	5/12/2022	84.00	Ty Stober	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00146638	5/12/2022	86.50	Erik Paulsen	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00146639	5/12/2022	25.86	Robert Givens	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00146640	5/12/2022	209.22	James Lewis	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00146641	5/12/2022	51.75	Eric Holmes	Employee Reimbursement
			Direct Deposit Total	4,241.66		
Supplier Payment	EFT	EFT-00146615	5/10/2022	23,546.60	IAFF Local #452	
Supplier Payment	EFT	EFT-00146616	5/10/2022	133.22	Legal Shield	
Supplier Payment	EFT	EFT-00146617	5/10/2022	13,637.57	Allegiance Benefit Plan Management Inc	
Supplier Payment	EFT	EFT-00146618	5/10/2022	10,760.81	Vancouver Police Officer Guild	
Supplier Payment	EFT	EFT-00146619	5/10/2022	531.84	Vancouver Command Guild	
Supplier Payment	EFT	EFT-00146642	5/12/2022	6,750.00	Arbutus Consulting LLC	
Supplier Payment	EFT	EFT-00146643	5/12/2022	22,753.24	Lynn K Wittwer MD PC	
Supplier Payment	EFT	EFT-00146644	5/12/2022	412.50	Net Transcripts Inc	
Supplier Payment	EFT	EFT-00146645	5/12/2022	1,593.75	Atlas Technical Consultants LLC	
Supplier Payment	EFT	EFT-00146646	5/12/2022	387.50	MacKay Sposito Inc	
Supplier Payment	EFT	EFT-00146647	5/12/2022	2,969.69	Sea Mar Community Health Center	
Supplier Payment	EFT	EFT-00146648	5/12/2022	1,925.00	Brad Piesch Aggressive Enterprises, Inc	
Supplier Payment	EFT	EFT-00146649	5/12/2022	543.85	Waxie's Enterprises Inc	
Supplier Payment	EFT	EFT-00146650	5/12/2022	1,947.44	Metro Overhead Door Inc	
Supplier Payment	EFT	EFT-00146651	5/12/2022	949.48	GeoDesign Inc	
Supplier Payment	EFT	EFT-00146652	5/12/2022	229,630.61	Operations Management International Inc	
Supplier Payment	EFT	EFT-00146653	5/12/2022	3,715.16	Eagle Newspaper Inc	
Supplier Payment	EFT	EFT-00146654	5/12/2022	238.82	Praxair Distribution Inc	
Supplier Payment	EFT	EFT-00146655	5/12/2022	560.00	Economic Consultants Oregon Ltd	
Supplier Payment	EFT	EFT-00146656	5/12/2022	3,087.69	Linguava Interpreters Inc	
Supplier Payment	EFT	EFT-00146657	5/12/2022	2,047.32	Canopy Wellbeing	
Supplier Payment	EFT	EFT-00146658	5/12/2022	40.73	Ziply Fiber	
Supplier Payment	EFT	EFT-00146659	5/12/2022	1,526.85	State of Washington Auditor's Office	
Supplier Payment	EFT	EFT-00146660	5/12/2022	6,927.00	Sequence Graphics LLC	
Supplier Payment	EFT	EFT-00146661	5/12/2022	9,424.84	Mead and Hunt Inc	
Supplier Payment	EFT	EFT-00146662	5/12/2022	4,162.50	The Gunter Group LLC	
Supplier Payment	EFT	EFT-00146663	5/12/2022	1,268.00	Rotschy Inc	
Supplier Payment	EFT	EFT-00146664	5/12/2022	9,100.00	JCI Jones Chemicals, Inc.	
Supplier Payment	EFT	EFT-00146665	5/12/2022	6,368.25	Salazar Architect Inc	
Supplier Payment	EFT	EFT-00146666	5/12/2022	1,483.24	State of Washington Consolidated Technology Services	
Supplier Payment	EFT	EFT-00146667	5/12/2022	5,972.34	Otak Inc	
Supplier Payment	EFT	EFT-00146668	5/12/2022	123.80	Accurate Investigation Services	
Supplier Payment	EFT	EFT-00146669	5/12/2022	96,048.28	Kamron Hedval	
			EFT Total	470,567.92		
Supplier Payment	Check	2891	5/10/2022	7,463.05	Aflac	
Supplier Payment	Check	2892	5/10/2022	4,789.95	AFSCME Local #307	
Supplier Payment	Check	2893	5/10/2022	700.00	IAM Local #1374	

INVOICE PAYMENTS REPORT

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Supplier Payment	Check	2894	5/10/2022	8,599.27	Life Insurance Company of North America	
Supplier Payment	Check	2895	5/10/2022	500.00	MFS Service Center Inc	
Supplier Payment	Check	2896	5/10/2022	8.51	OPEIU Local #11	
Supplier Payment	Check	2897	5/10/2022	4,004.99	OPEIU Local #11	
Supplier Payment	Check	2898	5/10/2022	672.00	Teamsters Local #58	
Supplier Payment	Check	2899	5/10/2022	297.50	UA Local #290	
Supplier Payment	Check	2900	5/10/2022	2,977.80	Western Conference of Teamsters	
Supplier Payment	Check	2901	5/10/2022	945.30	Western Metal Industry Pension Plan	
Ad Hoc Payment	Check	2902	5/11/2022	309.77	5 Points Apartments	Utility Refunds: 0500003815-03 Consolidated refund created from multiple refunds
Ad Hoc Payment	Check	2903	5/11/2022	61.47	Advanced Air Systems Inc	MPE-320553
Ad Hoc Payment	Check	2904	5/11/2022	90.00	Ah Yek, Roy Richard	Bus Lic fees ref COVID-19 surch ref prog
Ad Hoc Payment	Check	2905	5/11/2022	100.31	Banegas,David or Martha	Utility Refunds: 0085098413-02
Ad Hoc Payment	Check	2906	5/11/2022	112.00	Bob Synoground	LUP-82442
Ad Hoc Payment	Check	2907	5/11/2022	141.63	Boynton,Ronald L	Utility Refunds: 0112001112-11 Consolidated refund created from multiple refunds
Ad Hoc Payment	Check	2908	5/11/2022	105.84	Dorohov,Alexander or Tatiana	Utility Refunds: 0500001580-01
Ad Hoc Payment	Check	2909	5/11/2022	1,247.75	Earthworks Excavating Services Inc	SCIP loan - Earthworks Excavating PO Box 821624
Ad Hoc Payment	Check	2910	5/11/2022	60.32	Edwards,Eric D	Utility Refunds: 0002000112-01
Ad Hoc Payment	Check	2911	5/11/2022	379.50	Ethan Ogdee	Non-Employee Travel - SWAT Training
Ad Hoc Payment	Check	2912	5/11/2022	202.00	Flook,William	Utility Refunds: 0044081610-01 Consolidated refund created from multiple refunds
Ad Hoc Payment	Check	2913	5/11/2022	84.00	Good Health Naturally PLLC.	CIVICGOV dup paid inv 77040064 cust 721446
Ad Hoc Payment	Check	2914	5/11/2022	44.00	Green-Hite & Associates	CIVICGOV inv 77041489 cust 767263 dup paid
Ad Hoc Payment	Check	2915	5/11/2022	20.00	House of Smoke	Alarm Billing ovprymt acct 15280 inv 99294355
Ad Hoc Payment	Check	2916	5/11/2022	52.55	Jacob Morgan or Lydia Oliver	Utility Refunds: 0033032700-04
Ad Hoc Payment	Check	2917	5/11/2022	1,797.98	Johnson,Edward	Utility Refunds: 0074016998-00
Ad Hoc Payment	Check	2918	5/11/2022	57.02	Johnson,Lyle or Denise	Utility Refunds: 0084015072-03
Ad Hoc Payment	Check	2919	5/11/2022	720.00	Kiggins Theater LLC	Bus Lic fees ref COVID-19 surch ref prog
Ad Hoc Payment	Check	2920	5/11/2022	360.00	Kiggins Theater LLC	Bus Lic fees ref COVID-19 surch ref prog
Ad Hoc Payment	Check	2921	5/11/2022	120.35	KK Capital LLC	Utility Refunds: 0074017904-05
Ad Hoc Payment	Check	2922	5/11/2022	1,260.00	La Bottega INC	Bus lic fees ref COVID-19 surch ref prog
Ad Hoc Payment	Check	2923	5/11/2022	182.22	Larkspur Place LP	Utility Refunds: 0002000112-01
Ad Hoc Payment	Check	2924	5/11/2022	500.00	Leticia Zamora	Damage deposit refund
Ad Hoc Payment	Check	2925	5/11/2022	20.00	Lisa Slater	Alarm billing ovprymt acct 13724 inv 99469709
Ad Hoc Payment	Check	2926	5/11/2022	245.69	Louie,Jennifer	Utility Refunds: 0161012650-05
Ad Hoc Payment	Check	2927	5/11/2022	114.00	Low,Ronald	Utility Refunds: 0063802000-03 Consolidated refund created from multiple refunds
Ad Hoc Payment	Check	2928	5/11/2022	22.39	Mathews,Gary or Sharron	Utility Refunds: 0099049150-06
Ad Hoc Payment	Check	2929	5/11/2022	155.62	Moala,Latu or Ashley	Utility Refunds: 0140004783-04
Ad Hoc Payment	Check	2930	5/11/2022	77.98	Morris,Michael or Myrna	Utility Refunds: 0091012808-05
Ad Hoc Payment	Check	2931	5/11/2022	70.00	My Jeweler	Alarm Billing ovprymt acct 843 inv 99459511 & 99466591
Ad Hoc Payment	Check	2932	5/11/2022	76.49	Naydenov,Jordan	Utility Refunds: 0063076550-01
Ad Hoc Payment	Check	2933	5/11/2022	20.00	Old Spaghetti Factory	alarm billing ovprymt acct 9122 inv 99475576
Ad Hoc Payment	Check	2934	5/11/2022	20.00	Paul/Della Amos	alarm billing ovprymt acct 3791 inv 99474426
Ad Hoc Payment	Check	2935	5/11/2022	174.94	Perrin,Shea O W	Utility Refunds: 0070000500-05
Ad Hoc Payment	Check	2936	5/11/2022	200.00	Petco #1233	Alarm Billing ovprymt acct 5867 inv 99458147
Ad Hoc Payment	Check	2937	5/11/2022	3,131.15	Peter Brown	Claim Payment - DOL: 12/02/21 - Risk
Ad Hoc Payment	Check	2938	5/11/2022	111.18	Quiring,Eileen	Utility Refunds: 0117052510-06
Ad Hoc Payment	Check	2939	5/11/2022	33.14	Reid Family Trust	Utility Refunds: 0079070587-05

INVOICE PAYMENTS REPORT

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Ad Hoc Payment	Check	2940	5/11/2022	440.00	Ricardo Paredes	Damage Deposit Refund
Ad Hoc Payment	Check	2941	5/11/2022	116.22	Rolla,James P	Utility Refunds: 0046011100-03
Ad Hoc Payment	Check	2942	5/11/2022	110.25	Rolla,James P	Utility Refunds: 0046011100-03
Ad Hoc Payment	Check	2943	5/11/2022	143.96	Ronald Lee Graybeal Trust	Utility Refunds: 0039013860-04
Ad Hoc Payment	Check	2944	5/11/2022	20.00	Roylene/Michael Hamilton	alarm billing ovrpymt acct 9122 inv 99475576
Ad Hoc Payment	Check	2945	5/11/2022	200.00	Sekmi Souken	Damage deposit refund
Ad Hoc Payment	Check	2946	5/11/2022	1,350.00	Shari's Management Corporation	Bus Lic Fees Ref COVID-19 surch ref prog
Ad Hoc Payment	Check	2947	5/11/2022	1,440.00	Shari's Management Corporation	Bus Lic Fees Ref COVID-19 surch ref prog
Ad Hoc Payment	Check	2948	5/11/2022	1,620.00	Shari's Management Corporation	Bus Lic Fees Ref COVID-19 surch ref prog
Ad Hoc Payment	Check	2949	5/11/2022	57.00	Sonic Drive-In #5887	CIVICGOV inv 77039957 cust 721496 dup paid
Ad Hoc Payment	Check	2950	5/11/2022	75.00	Sorena Wagner	Damage Deposit Refund
Ad Hoc Payment	Check	2951	5/11/2022	178.09	Strickland,Traci	Utility Refunds: 0000001079-05
Ad Hoc Payment	Check	2952	5/11/2022	613.60	Sunworld Group	Utility Refunds: 0009004200-06
Ad Hoc Payment	Check	2953	5/11/2022	50.24	Thompson,Marlea	Utility Refunds: 0500004217-02
Ad Hoc Payment	Check	2954	5/11/2022	68.64	Wire Nutz Electric	MPE-319401
Ad Hoc Payment	Check	2955	5/11/2022	150.24	Zach,William	Utility Refunds: 0500001921-02
Ad Hoc Payment	Check	2956	5/11/2022	267.00	Zillow Homes Property Trust	Utility Refunds: 0500001483-03 Consolidated refund created from multiple refunds
Ad Hoc Payment	Check	2957	5/11/2022	164.00	Zillow Homes Property Trust	Utility Refunds: 0042008222-04 Consolidated refund created from multiple refunds
Customer Refund	Check	2958	5/11/2022	240.00	HOLLAND PARTNER GROUP - COEN & COLUMBIA	Refund for overpayment
Supplier Payment	Check	2959	5/11/2022	1,556.90	A-Check America Inc - Remit-To: A-Check - Glendale	
Supplier Payment	Check	2960	5/11/2022	4,430.06	Action Technology Systems	
Supplier Payment	Check	2961	5/11/2022	220.59	Airgas, Inc	
Supplier Payment	Check	2962	5/11/2022	2,225.00	A-Line Asphalt Maintenance Inc	
Supplier Payment	Check	2963	5/11/2022	8,757.39	Allegiance Benefit Plan Management Inc	
Supplier Payment	Check	2964	5/11/2022	68.00	American Sani-Can	
Supplier Payment	Check	2965	5/11/2022	143.12	Aramark Uniform & Career Apparel LLC - Remit-To: Aramark - Pasadena	
Supplier Payment	Check	2966	5/11/2022	8,326.53	AT & T Mobility II LLC	
Supplier Payment	Check	2967	5/11/2022	86.46	AT & T Mobility II LLC	
Supplier Payment	Check	2968	5/11/2022	8,781.46	Blackline Consulting	
Supplier Payment	Check	2969	5/11/2022	2,933.89	Bound Tree Medical LLC	
Supplier Payment	Check	2970	5/11/2022	920.00	CBG Communications Inc	
Supplier Payment	Check	2971	5/11/2022	775.60	Cellco Partnership - Remit-To: Cellco - Dallas	
Supplier Payment	Check	2972	5/11/2022	11,153.31	Century West Engineering Corp	
Supplier Payment	Check	2973	5/11/2022	5,000.00	CFM Strategic Communications, Inc.	
Supplier Payment	Check	2974	5/11/2022	1,692.00	City of Vancouver - Remit-To: COV Main	
Supplier Payment	Check	2975	5/11/2022	4,339.00	Clark Public Utility District No. 1	
Supplier Payment	Check	2976	5/11/2022	589.92	Clark Public Utility District No. 1	
Supplier Payment	Check	2977	5/11/2022	125.11	Clark Public Utility District No. 1	
Supplier Payment	Check	2978	5/11/2022	2,139.56	Clark Public Utility District No. 1	
Supplier Payment	Check	2979	5/11/2022	29,587.78	Clary Longview LLC	
Supplier Payment	Check	2980	5/11/2022	26,860.06	Columbia Resource Company	
Supplier Payment	Check	2981	5/11/2022	193.29	Comcast Holdings Corporation - Remit-To: Comcast Business - City of Industry	
Supplier Payment	Check	2982	5/11/2022	118.55	Comcast Holdings Corporation - Remit-To: Comcast Business - City of Industry	
Supplier Payment	Check	2983	5/11/2022	24.84	Comcast Holdings Corporation - Remit-To: Comcast Business - City of Industry	

INVOICE PAYMENTS REPORT

<u>Payment Category</u>	<u>Payment Type</u>	<u>Check Number</u>	<u>Payment Date</u>	<u>Payment Amount</u>	<u>Payment Payee</u>	<u>Payment Memo if applicable</u>
Supplier Payment	Check	2984	5/11/2022	245.11	Comcast Holdings Corporation - Remit-To: Comcast Business - City of Industry	
Supplier Payment	Check	2985	5/11/2022	113.55	Comcast Holdings Corporation - Remit-To: Comcast Business - City of Industry	
Supplier Payment	Check	2986	5/11/2022	108.29	Comcast Holdings Corporation - Remit-To: Comcast Business - City of Industry	
Supplier Payment	Check	2987	5/11/2022	113.55	Comcast Holdings Corporation - Remit-To: Comcast Business - City of Industry	
Supplier Payment	Check	2988	5/11/2022	193.80	Comcast Holdings Corporation - Remit-To: Comcast Business - City of Industry	
Supplier Payment	Check	2989	5/11/2022	32.88	Comcast Holdings Corporation - Remit-To: Comcast Business - City of Industry	
Supplier Payment	Check	2990	5/11/2022	14,924.26	Comcast Holdings Corporation - Remit-To: Comcast Holdings Corporation - Philadelphia	
Supplier Payment	Check	2991	5/11/2022	11,400.00	Critical Insight Inc	
Supplier Payment	Check	2992	5/11/2022	3,186.40	CyberSource Corporation - Remit-To: CyberSource - Los Angeles	
Supplier Payment	Check	2993	5/11/2022	264.00	Dex Media West	
Supplier Payment	Check	2994	5/11/2022	935.00	Examworks Inc	
Supplier Payment	Check	2995	5/11/2022	56.44	Experian Marketing Solutions - Remit-To: Experian Los Angeles	
Supplier Payment	Check	2996	5/11/2022	4,519.31	Ferguson Enterprises - Remit-To: Ferguson - Dallas	
Supplier Payment	Check	2997	5/11/2022	1,638.00	Fibernet Inc	
Supplier Payment	Check	2998	5/11/2022	19,285.88	Friends of Trees	
Supplier Payment	Check	2999	5/11/2022	613.03	Genuine Parts Company	
Supplier Payment	Check	3000	5/11/2022	690.89	Genuine Parts Company - Remit-To: NAPA - Los Angeles	
Supplier Payment	Check	3001	5/11/2022	154,399.67	Halbert Construction Services LLC	
Supplier Payment	Check	3002	5/11/2022	1,127.80	Iron Mountain Inc - Remit-To: Iron Mountain - New York	
Supplier Payment	Check	3003	5/11/2022	3,450.00	James Rickerd Day	
Supplier Payment	Check	3004	5/11/2022	10,224.38	Kittelson & Associates Inc	
Supplier Payment	Check	3005	5/11/2022	28,652.59	Kronos Incorporated - Remit-To: Atlanta	
Supplier Payment	Check	3006	5/11/2022	14,326.11	Kurita America Inc - Remit-To: US Water - Minneapolis	
Supplier Payment	Check	3007	5/11/2022	4,340.54	Landscape Management Services Inc	
Supplier Payment	Check	3008	5/11/2022	3,373.16	Langley's Ace Inc	
Supplier Payment	Check	3009	5/11/2022	2,512.50	Marcella Fleming Reed	
Supplier Payment	Check	3010	5/11/2022	300.00	Marquam Group LTD	
Supplier Payment	Check	3011	5/11/2022	928.84	Mascott Equipment Co	
Supplier Payment	Check	3012	5/11/2022	16,751.58	Maul Foster & Alongi Inc	
Supplier Payment	Check	3013	5/11/2022	1,000.00	Message Gears LLC	
Supplier Payment	Check	3014	5/11/2022	4,000.00	Milliman Inc	
Supplier Payment	Check	3015	5/11/2022	2,593.11	Municipal Emergency Services Inc - Remit-To: Municipal Emergency Services - Chicago	
Supplier Payment	Check	3016	5/11/2022	123.69	National Safety Inc	
Supplier Payment	Check	3017	5/11/2022	13,037.38	Northwest Natural Gas Company - Remit-To: NW Natural - Portland	
Supplier Payment	Check	3018	5/11/2022	11,461.98	Northwest Staffing Resources Inc - Remit-To: NW Staffing - Portland	
Supplier Payment	Check	3019	5/11/2022	382,449.48	Pallet SPC	
Supplier Payment	Check	3020	5/11/2022	31,515.05	Parametrix, Inc	
Supplier Payment	Check	3021	5/11/2022	50,064.22	Parkeon	

INVOICE PAYMENTS REPORT

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Supplier Payment	Check	3022	5/11/2022	5,769.78	Passport Labs Inc. - Remit-To: Passport Labs Inc	
Supplier Payment	Check	3023	5/11/2022	177.00	Performance Occupational Health Services, LLC	
Supplier Payment	Check	3024	5/11/2022	8,118.49	Portland Adventist Medical Center	
Supplier Payment	Check	3025	5/11/2022	25,738.52	PPC Solutions Inc	
Supplier Payment	Check	3026	5/11/2022	8,550.00	Prestige Care & Rehabilitation - Camas	
Supplier Payment	Check	3027	5/11/2022	30,682.35	Professional Service Industries	
Supplier Payment	Check	3028	5/11/2022	40,933.75	Public Safety Testing Inc	
Supplier Payment	Check	3029	5/11/2022	6,766.56	Qwest Corporation - Remit-To: Qwest Corp-Seattle	
Supplier Payment	Check	3030	5/11/2022	6,249.06	Retail Lockbox Inc	
Supplier Payment	Check	3031	5/11/2022	11,362.66	Rexel USA Inc - Remit-To: Rexel USA Inc	
Supplier Payment	Check	3032	5/11/2022	5,000.00	Right-Way CDL Academy, LLC	
Supplier Payment	Check	3033	5/11/2022	2,604.00	River City Environmental	
Supplier Payment	Check	3034	5/11/2022	49,992.46	SDB Contracting Services	
Supplier Payment	Check	3035	5/11/2022	26,122.50	Shiels Oblatz Johnsen, Inc	
Supplier Payment	Check	3036	5/11/2022	1,779.44	Shrums Pest Control	
Supplier Payment	Check	3037	5/11/2022	1,571.34	Software House International SHI - Remit-To: SHI - Dallas	
Supplier Payment	Check	3038	5/11/2022	26,950.00	Southwest Washington Humane Society	
Supplier Payment	Check	3039	5/11/2022	124,010.44	State of Washington Department of Labor and Industries	
Supplier Payment	Check	3040	5/11/2022	128.07	State of Washington Department of Licensing - Remit-To: DOL - Seattle Remit	
Supplier Payment	Check	3041	5/11/2022	350.00	Stephen P Capellas	
Supplier Payment	Check	3042	5/11/2022	22.30	Stericycle Inc	
Supplier Payment	Check	3043	5/11/2022	1,000.00	Talx UCM Services Inc	
Supplier Payment	Check	3044	5/11/2022	802.92	Towing & Recovering Services Inc	
Supplier Payment	Check	3045	5/11/2022	4,245.00	Triangle Resources Inc	
Supplier Payment	Check	3046	5/11/2022	1,508.07	Triple J Enterprises	
Supplier Payment	Check	3047	5/11/2022	265.00	United States Postal Service - Remit-To: United States Postal Service Caples	
Supplier Payment	Check	3048	5/11/2022	267.00	Vast Data Concepts	
Supplier Payment	Check	3049	5/11/2022	489.90	Washington State Fire Fighters Apprenticeship Trust	
Supplier Payment	Check	3050	5/11/2022	29,061.43	Waste Connections of Washington - Remit-To: Waste Connections - Vancouver	
Supplier Payment	Check	3051	5/11/2022	5,928.09	Water Systems Consulting Inc	
Supplier Payment	Check	3052	5/11/2022	964.07	WSP USA Inc. - Remit-To: WSP USA Inc. Dallas	
Supplier Payment	Check	3053	5/11/2022	50.30	XPO Logistics Enterprise Services, Inc - Remit-To: XPO - Portland	
Supplier Payment	Check	3054	5/11/2022	2,282.68	Zayo Group Holding Inc - Remit-To: Zayo Group Holding Inc	
			Check Total	1,396,487.97		
			Manual Wire Total	4,457,591.85		
			Direct Deposit Total	4,241.66		
			EFT Total	470,567.92		
			5/16/2022	3,508.31	City Payments	Posted 05-09-22 to 05-15-22
			Hansen Total	3,508.31		

INVOICE PAYMENTS REPORT

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			5/16/2022	2,366.00	Miscellaneous	Parks Class Refunds FCC 05-09-22 to 05-15-22
			5/16/2022	2,538.86	Miscellaneous	Parks Class Refunds MCC 05-09-22 to 05-15-22
			VISA Total	4,904.86		
			Payroll Total	3,403,015.34		
			GRAND TOTAL	9,740,317.91		

City of Vancouver
Payroll Council Report
May 9, 2022 - May 15, 2022

Check No.	Date	Explanation	Amount
237 - 263	05/10/22	May 10 Paychecks	\$ 14,507.25
144928 - 146614	05/10/22	May 10th Direct Deposits	\$ 3,388,508.09

\$ 3,403,015.34