

November 15, 2021 - Vancouver City Council Meeting Minutes

WORKSHOPS

Workshops were conducted remotely over video conference utilizing a GoToMeeting platform. Members of the public were invited to view the meeting via the live broadcast on www.cvtv.org and CVTV cable channels 23 or HD 323, or on the City's Facebook page, www.facebook.com/VancouverUS, or listen via the GoToMeeting conference call.

4:00-5:00 p.m. American Rescue Plan Act (ARPA) Funds Framework

Eric Holmes, City Manager

Summary

The City Manager provided an update and sought Council feedback on the framework for use of the City's prospective allocation of ARPA funds.

5:00-6:00 p.m. City Council Policy Updates

Jonathan Young, City Attorney, 360-487-8500

Summary

The City Attorney provided Council with an overview of proposed updates to City Council policies and procedures.

REGULAR COUNCIL MEETING

This meeting was conducted remotely over video conference utilizing a GoToMeeting platform. Members of the public were invited to view the meeting via the live broadcast on www.cvtv.org and CVTV cable channels 23 or HD 323, or on the City's Facebook page, www.facebook.com/VancouverUS. Public access and testimony were also facilitated via the GoToMeeting conference call.

Call to Order and Roll Call

The regular meeting of the Vancouver City Council was called to order at 6:30 p.m. by Mayor McEnery-Ogle. This meeting was conducted remotely over video conference.

Present: Councilmembers Fox, Paulsen Lebowsky Glover, Stober, Hansen, Mayor McEnery-Ogle

Absent: Councilmember Lebowsky

Motion by Councilmember Stober, seconded by Councilmember Paulsen, and carried unanimously to excuse Councilmember Lebowsky.

Approval of Minutes

Minutes - October 18, 2021

Motion by Councilmember Paulsen, seconded by Councilmember Glover, and carried unanimously to approve the meeting minutes of October 18, 2021.

Minutes - October 25, 2021

Motion by Councilmember Fox, seconded by Councilmember Stober, and carried unanimously to approve the meeting minutes of October 25, 2021.

Community Communication (Items 1-2)

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

- Kimberlee Elbon, La Center, Washington, stated an independent audit needs to be conducted of all City bonds and activities before the Council takes action on any items.

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

Consent Agenda (Items 1-2)

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

1. Renewal of an Interlocal Services Agreement between Clark County and the City of Vancouver in support of the Student Watershed Monitoring Network (SWMN) Program

Staff Report 170-21

Summary

Since 1998, the City of Vancouver has worked closely with interested classroom teachers (currently 44 in 23 schools) to offer training, equipment, and other essential support that allows them and their students to monitor chemical, physical, and biological parameters in and around streams, lakes, and stormwater facilities. This affords the students frequent hands-on opportunities to be in and learn about their environment. Near the end of each school year a culminating event(s) is organized that provides an opportunity for many students (selected from all those participating, currently 2,240) to meet with their teachers, parents, and environmental professionals to share details of what they've learned about their monitoring location and watershed throughout the year. Beginning in 2002, Clark County has helped make this program possible through an interlocal agreement to provide the City with financial support that extends the program to operate in schools located throughout Clark County. The most recent agreement will expire on December 31st of this year and needs to be renewed to allow for continued funding.

County funding in recent years has been \$60,000 per year and this amount has been allocated in the 2022 scope of work (Attachment A) as part of the new ILA. Direct City support for the program is currently projected to be approximately \$50,000 per year, however, the program also benefits from the City's "in kind" contribution of a full-time Water Educator who helps support other Water Center programming. The position was included in the 2021 budget as "limited-term", however, it had not been included in the adopted 2022 budget as the ILA was set to expire. Fund balance in 2021 is sufficient to continue the Water Educator position for the SWMN program through 2022 and the position is anticipated to be requested for an ongoing role as a part of the 2023/2024 Water Center budget. The new Interlocal Services Agreement for 2022 through 2026 includes a Budget and Scope of Work for 2022 (Attachment A), which can either be continued or adjusted as agreed to each year by the County and City Public Works Directors. The ILA and its scope do allow for other jurisdictions to join with Vancouver and Clark County in supporting the SWMN program as their funding becomes available during the term of the interlocal.

Request: Authorize the City Manager or his designee to sign the interlocal agreement with Clark County for support of the Student Watershed Monitoring Network program.

Rich McConaghy, Environmental Resources Manager, 360-487-7165

2. **Approval of Claim Vouchers**

Request: Approve claim vouchers for November 15, 2021.

Motion approved claim vouchers for November 15, 2021, in the amount of \$3,309,081.24.

Public Hearings (Item 3)

3. **Garbage, Recycling and Organics Collection Rate Increases for 2022**

Staff Report 168-21

AN ORDINANCE relating to the collection of solid waste, recyclable materials and organics, and amending certain sections of VMC 6.12 to increase or adjust rates and charges consistent with approved utility user taxes and rates and in accordance with current contracts for the coming year; providing for savings, severability and an effective date.

Summary

City Council is the rate-making authority for garbage, residential recycling, and organics collection services within the City of Vancouver. The City contracts with a private hauling company, Waste Connections of Washington, to provide comprehensive garbage, recycling and organics collection services to residents and businesses within city limits. The contract terms authorize Waste Connections to receive annual adjustments to customer rates based on changing operating conditions including:

- an inflation adjustment factor tied to a percentage of the CPI and fuel costs,*
- disposal tip fees,*
- the number of customers served and,*
- fees paid to the City to support solid waste related programs.*

All adjustments to rates are made in accordance with Exhibit D of the contract. Garbage rates also include the City's utility tax that is embedded

within them. The City's utility tax does not apply to recycling or organics collection services.

Consistent with the contract, the updated model for 2022 requires an increase of 2.3 percent for garbage rates, while recycling, organics and selected other fees not linked to the disposal tip fee or utility tax, will need to increase by 2.1 percent, effective January 1, 2022. Key reasons for this increase are a 3.29 percent increase in the CPI, a 4.75 percent decrease in the diesel fuel index, and a 2.6 percent increase in the disposal tip fees. For the most typical residential customer with 32gallons per week of garbage, every-other-week recycling and every-other-week organics collection (96gallons for each) this means a monthly rate increase of 0.2 percent, from \$33.27 per month to \$33.33 per month, or an increase of \$0.06.

Inflation Adjustment Factor

Under the contract, collection costs for garbage, recycling and organics adjust at 80 percent of a blended and combined CPI (92 percent) and diesel fuel index (8 percent) – Inflation Adjustment Factor (IAF), which leads to a 2.12 percent increase for the collection cost component, the City Fee and other miscellaneous fees.

Disposal Tip Fees

On January 1, 2022, the disposal tip fee is scheduled to increase \$2.49 per ton (or 2.6 percent) from \$97.39 per ton to \$99.88 per ton. In addition to the allowed CPI increase on the base tip fee (going from \$95.72 per ton to \$98.08 per ton), this tip fee includes \$0.37 per ton for additional work being done under the Clark County contract by Columbia Resource Company at the Central Transfer and Recycling Station (\$0.31 of this is new for 2022 related to construction access improvements for safety) as well as \$1.43 per ton for a surcharge approved by the Clark County Council in 2017 to make up for lost state funding for regional solid waste programs and planning.

Recycling Fees

The rates proposed for January 1, 2022, include adjustments to curbside (increasing from \$3.30 to \$3.37) and multi-family collection fees (increasing from \$1.33 to \$1.36) based on the Inflation Adjustment Factor (2.1%) detailed above as well as adjustments to the recycling processing surcharges which were added April 1, 2019 to recover costs associated with the local response to the global market issues and the ongoing need for supplying quality materials to these markets. Based on a review of operational factors, Clark County has indicated that the \$62.52 per ton processing fee in 2021 will be adjusted to \$48.56 on January 1, 2022. Through 2021, Vancouver residential customers paid recycling surcharges based on a \$68.11 “preliminary” per ton processing fee that was subsequently reduced by the County and Columbia Resource Company after City Council adopted the Vancouver 2021 rates. Also, during 2021 the contractor billed customers using the 2020 approved recycling surcharge

rates rather than the lower rates authorized for 2021. Both of these overcharges are offset through a “true up” with 2022 reductions in the amounts of these fees. As a result, the proposed rates reflect a net \$0.25/mo. reduction for single family customers and a net \$0.20/mo. reduction for multi-family customers. The processing surcharge for curbside customers will decrease from \$1.46 per month to \$0.81 per month. The processing surcharge for multi-family customers goes from \$0.70 per month to \$0.29 per month. The combined impact for recycling fee components is a 12.1 percent decrease (\$0.58 per month) in curbside recycling charges and a 18.7 percent decrease (\$0.38 per month) in multi-family recycling charges.

Organics Fees

The rates proposed for January 1, 2022, include 2.1 percent adjustments to the organics rates, which are tied to the Inflation Adjustment Factor. For the standard subscription service of 96gallons collected every-other-week, the current rate of \$7.88 per month adjusts to \$8.05 per month. Recommended 2022 rates at other levels of service, following the same every-other-week schedule, are \$6.97 for 64-gallon carts, \$5.88 for 32-gallon carts, and \$4.80 for 20-gallon carts.

Typical Residential Rate Impact

For 2022 overall, the typical residential customer rates for 32gallons of weekly garbage service with recycling and organics collection increases 0.2 percent, or \$0.06 per month, under this recommendation. This reflects a \$0.47 increase in garbage charges, a net \$0.58 decrease in combined recycling collection rate and recycling processing surcharge fees, and a \$0.17 increase in the organics charge. Households that have chosen different service levels may experience slightly different rate impacts.

Staff recommends adjusting customer rates as detailed in the Summary of Proposed 2022 Solid Waste Rates to meet the contractual obligations associated with the defined Inflation Adjustment Factor and to set the City Fee amount for the coming year. If approved, all adjustments will be effective January 1, 2022.

Request: On November 15, 2021, subject to second reading and public hearing, approve the ordinance.

*Julie Gilbertson, Solid Waste Supervisor, 360-487-7162;
Rich McConaghy, Environmental Services Manager, 360-487-7165*

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

Julie Gilbertson, Solid Waste Supervisor, provided an overview of the proposed rate adjustments.

Mayor McEnery-Ogle opened the public hearing and, receiving no testimony, closed the public hearing.

Councilmember Fox asked whether the City has a sense of the number of accounts that became delinquent during and due to the pandemic. Ms. Gilbertson stated staff has tracked that very closely since the beginning of the pandemic and reported over the past 18 months, three accounts went past 90 days due. She stated the City's contractor has a process to recuperate debt, but during the pandemic, the City did not authorize suspension of service due to debt.

Councilmember Stober asked whether customers discontinued service during the pandemic. Ms. Gilbertson stated there was not a reduction in the number of single-family customers, but there were instances in changes of service, such as increased cart size due to people being home more. She stated there were fluctuations in commercial accounts due to a decrease of activity stemming from closures.

Motion by Councilmember Hansen, seconded by Councilmember Paulsen, and carried unanimously to approve Ordinance M-4353.

Communications

- A. From the Council**
- B. From the Mayor**
- C. From the City Manager**

Adjournment

6:48 p.m.

Anne McEnery-Ogle, Mayor

Attest:

Natasha Ramras, City Clerk

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

From: [Delapena, Amanda](#)
To: [Delapena, Amanda](#)
Subject: FW: Discontinuing Broadcasting of Community Forums
Date: Monday, November 15, 2021 11:50:15 AM

Amanda Delapena

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From: Teresa Hardy <teshardy31@gmail.com>
Sent: Monday, November 15, 2021 11:33 AM
To: City of Vancouver - Office of the City Manager <CMO@cityofvancouver.us>
Cc: Kennedy, Rebecca <Rebecca.Kennedy@cityofvancouver.us>
Subject: Discontinuing Broadcasting of Community Forums

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

Below are some thoughts shared in emails about discontinuing broadcasting.

"there is broad latitude to change and improve the opportunities for Council members to connect with, and listen to, the community members we serve. "

The Community Forum has more value than simply Council Members "connecting with and listening to the community members they serve" which is a one way frame on this, community to council.

The value also includes community voices being heard by the community as well - eliminating this value to the community by eliminating CVTV coverage and broadcast does not "improve" the broader connection that includes community members with each other, as well as to their Council).

Whatever "problem" is driving this "policy" proposal ("discontinue CVTV") does not solve the collateral damage of less (rather than more) communication opportunity and access, preventing community access to shared voices as they communicate with our elected representatives.

Is the problem with "trepidation" or accessibility that hinders more public engagement. Several times it has been requested to extend the registration time period for people who wish to testify. When Community Forum time is at the end of meetings that start at 6:30 and have very long agendas and hearings, expecting people who work one or two jobs to wait to speak is limiting. If you review the "comments" in the minutes, they are brief and can lack the intent of the speaker so discontinuing broadcasting means relying on minutes.

Has anyone asked the people who feel trepidation how they view the problem? Is it feeling surveilled? Is it feeling ill-equipped in communicating their concerns confidently enough to speak publicly? What are they asking for, to get help to exercise their rights?

If trepidation is the concern, and a free exchange of ideas is sought, perhaps the solution would be to create a different venue, for example, a non-televised workshop, where a stakeholder community can connect, develop, and articulate their concerns, allowing people to feel more confident in expressing those distilled concerns publicly, and for the record.

Recognizing that it is difficult for community members or (“ particularly, members of historically marginalized communities”) merits consideration and support.

However, it seems discontinuing broadcasting coverage of Community forums doesn't seem the appropriate solution. It's only at the communication forum every other week that residents can address an issue not on the agenda. It prevents anyone who was not able to attend the meeting to listen to the concerns raised and/or review a speaker's comments.

CVTV City Council gets repeated during the week. This seems like an infringement on our rights to be heard, especially around ongoing issues, that are important to have as many residents hear.

From: [City of Vancouver - Office of the City Manager](#)
To: [Delapena, Amanda](#)
Subject: FW: For City Council and staff for the Policy discussion workshop - Policy 100-32, Section 5.7
Date: Monday, November 15, 2021 12:17:04 PM
Attachments: [image001.png](#)

For council meeting tonight

Kerry Peck | Administrative Assistant



CITY OF VANCOUVER, WASHINGTON

City Manager's Office/Administrative Assistant

P: (360) 487-8616

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



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

From: Cathryn Chudy <chudyca@gmail.com>
Sent: Monday, November 15, 2021 12:00 PM
To: City of Vancouver - Office of the City Manager <CMO@cityofvancouver.us>
Subject: For City Council and staff for the Policy discussion workshop - Policy 100-32, Section 5.7

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

To Mayor, Council members and staff,

re: today's workshop on Policy Review,
Policy 100-32, Section 5.7

I am concerned about the potential for discontinuing CVTV coverage.

I hope that a way of addressing the underlying problem/concern that prompted this suggestion can be accomplished in a different way.

I support problem solving to:

*"...facilitate the free exchange of dialog with community members
and
minimize the trepidation some community members face when*

*speaking
to their elected officials (particularly, members of historically
marginalized communities)"*

And, I understand this:

*"There is no legal requirement to host a community
communication forum, therefore there is broad latitude to change
and
improve the opportunities for Councilmembers to connect with, and
listen to, the community members we serve."*

Here are my thoughts on this: I believe the Community Forum has more value than simply Council Members "connecting with and listening to the community members they serve" which is a "one-way" framework on this, community members to Council.

I strongly believe that there is immeasurable value in community voices being heard by other community members as well. Eliminating this value by discontinuing CVTV coverage and broadcast does not "improve" the broader connection that includes community members with each other, as well as to their Council.

There is an unintended but very real collateral damage to the community of **less** (rather than **more**) citizen communication opportunity and access with regard to shared voices in communicating with our elected representatives.

I am urging the Council to find another way to address the underlying issues that have prompted this potential "solution."

Thank you,

Cathryn Chudy

November 22, 2021 - Vancouver City Council Meeting Minutes

WORKSHOPS

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Councilmember Lebowsky arrived at 4:46 p.m.

4:00-5:00 p.m. Funding Additional Fire Resources

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

Summary

Staff presented Council with a final proposal for a potential levy lid lift ballot measure to fund Fire and EMS services; Council provided feedback on final details of the proposed ballot measure.

5:00-6:00 p.m. Review of 2022-2032 Parks, Recreation and Cultural Services Comprehensive Plan

Dave Perlick, Interim Director, 360-487-8314; Monica Tubberville, Senior Planner, 360-487-8353

Summary

Staff presented Council with the final draft of the 2022-2032 Parks,

COUNCIL CONSENT AGENDA MEETING

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

Call to Order and Roll Call

The consent agenda meeting of the Vancouver City Council was called to order at 6:30 p.m. by Mayor McEnerny-Ogle. This meeting was conducted remotely over video conference.

Present: Councilmembers Fox, Paulsen, Lebowsky, Glover, Stober, Hansen, Mayor McEnerny-Ogle

Absent: none

Community Communication (Items 1-9)

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

- Peter Fels, Vancouver, expressed concerns regarding Item 3 and authorizing the City Manager to approve settlement of claims up to \$300,000 without Council approval, stating Council and the public should at least be aware of the details of smaller claims.
- Cathryn Chudy, Vancouver, spoke in support of Item 8.
- Den Mark Wichar, Vancouver, spoke in support of Item 8.
- Rebecca Ponzio, representing Washington Environmental Council and Washington Conservation Voters, spoke in support of Item 8.
- Kimberlee Elbon, La Center, Washington, spoke regarding Item 4 and stated she contacted the contractor to ask if they were affiliated with ICLEI and that she intends to question all businesses doing business with the City to determine if they are affiliated with anything pertaining to sustainability or diversity, equity and inclusion.

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

Consent Agenda (Items 1-9)

Council pulled Items 1 and 2 from the Consent Agenda for discussion.

Councilmember Fox stated she wanted to highlight these two items to note that both contractors had exceeded the apprenticeship goals for the respective projects.

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

1. 2021 Resurfacing Project, construction acceptance and release of retainage bond

Staff Report 171-21

Summary

Lakeside Industries, Inc., of Vancouver, Washington, has satisfactorily completed the subject improvements in accordance with the plans and specifications. The original construction contract bid amount was \$2,520,734.23. Final construction costs were \$2,575,572.18, an increase of approximately 2% from original bid amount. The increase in costs were due to an aggregation of minor bid item overruns and not significantly attributable to any one item.

This project had a minimum apprenticeship goal of 4% of the utilized labor hours for this project, which corresponded to 262 labor hours required. The contractor exceeded this goal by delivering a total of 974 apprenticeship labor hours for the project, yielding a percentage of approximately 13% of the total hours used.

Request: On November 22, 2021, accept the 2021 Resurfacing Project as constructed by Lakeside Industries, Inc., of Vancouver, Washington, and authorize release of the retainage bond on file, subject to receipt of all documentation required by law.

Nicollette Roth, Civil Engineer, 360-487-7763

Motion approved the request.

2. 2021 West Curb Ramps Project, construction acceptance and release of retainage bond

Staff Report 172-21

Summary

Advanced Excavating Specialists, LLC, of Longview, WA, has satisfactorily completed the subject improvements in accordance with the contract plans and specifications. The original contract bid amount was \$875,442.00. Change orders and quantity adjustments increased the contract amount by 6.6% to \$933,180.64. This increase can be significantly attributed to quantity overruns for the total flagging hours and total asphalt tonnage required to complete the project as well as a contract change order to install brick pavers on curb ramps located downtown.

There was an apprenticeship requirement of 3% for this project. To fulfill the apprenticeship requirements the contractor needed a minimum of 216.7 delivered apprenticeship hours. The contractor successfully met the apprenticeship goal by delivering a total of 1055.7 apprenticeship hours for the project, yielding an actual apprenticeship utilization rate of 15%.

Request: On November 22, 2021, accept the 2021 West Curb Ramps Project as constructed by Advanced Excavating Specialists, LLC, of Longview, Washington, and authorize release of the retainage bond subject to receipt of all documentation required by law.

Bailey Smithline, Associate Civil Engineer, 360-487-7791

Motion approved the request.

3. 2020 East Curb Ramps, construction acceptance and release of retainage bond

Staff Report 173-21

Summary

The project constructed 55 ADA curb ramps.

The original construction contract bid amount was \$442,300.00. Minor quantity adjustments during construction increased the contract amount by 0.3% to \$443,711.49. Advanced Excavating Specialists of Longview, Washington, has satisfactorily completed the subject improvements in accordance with the plans and specifications. Due to an oversight by City staff, the project tracking system did not generate a reminder to complete a staff report, and the error was not noticed until this month. The City's project-tracking database has since been enhanced to make it more error-proof. The delay did not affect the Contractor's own closeout procedures in any way.

Request: On November 22, 2021, accept the 2020 East Curb Ramps

Project as constructed by Advanced Excavating Specialists of Longview, Washington, and authorize release of the retainage bond, subject to receipt of all documentation required by law.

Charles Fell, Senior Civil Engineer, 360-487-7790

Motion approved the request.

4. Bid Award for Water Tower 7 Internal Coating Project

Staff Report 174-21

Summary

Water Station 7 is a 3.7-acre site located adjacent to Evergreen Memorial Cemetery at 11595 NE 16th St. Water Station 7 has been used for both water production and elevated water storage since the City purchased the property. The existing water tower was built in 1968 and holds up to 1 million gallons of water. Combined with elevated water storage towers at Water Stations 5 and 6, the Water Station 7 tower provides northeast Vancouver with hydraulic pressure for drinking water and fire protection.

This project provides a new internal coating to replace the current Tower 7 internal coating that was applied in 1984. The exterior coating was replaced in 2012 and continues to perform well. The typical life expectancy of coating on a steel water tank like Water Tower 7 is approximately 30 years for both the internal and external coating.

On November 2, 2021, the City received two (2) bids for the subject project. The bids are as follows:

SUMMARY OF RESPONSIVE BIDS	
BIDDER	AMOUNT
<i>HCI Industrial and Marine Coatings, Brush Prairie, WA</i>	<i>\$481,197.50</i>
<i>Long Painting, Kent, WA</i>	<i>\$953,206.14</i>
<i>Engineers' Estimate with tax</i>	<i>\$550,000.00</i>

HCI has completed projects of similar size and scope in the past and has met the requested supplemental responsible bidder criteria.

Although the bid came in below \$500,000, setting a formal apprenticeship utilization requirement for a project is based upon the engineer's estimate established before bids are received per current policy. In this case the engineer's estimate of \$550,000 was over \$500,000 threshold, so the project carries a 3% apprenticeship utilization requirement. The contractor

acknowledges the City's desire for Apprenticeship Utilization on this project and is anticipating exceeding the 3% goal.

Request: On November 22, 2021, award a construction contract for the Water Tower 7 Internal Coating project to the lowest responsive and responsible bidder, HCI Industrial and Marine Coatings of Brush Prairie, WA, at their bid price of \$481,197.50, which includes Washington State sales tax; and authorize the City Manager or designee to execute a contract with HCI Industrial and Marine Coatings for the same.

Tyler Clary, Water Engineering Program Manager, 360-487-7169

Motion approved the request.

5. Commute Trip Reduction Program 2021-2023 Contract

Staff Report 175-21

In 2006, the Washington Legislature passed the Commute Trip Reduction (CTR) Efficiency Act, requiring local governments in identified urban areas with traffic congestion to develop programs that reduce the drive-alone trips and vehicle miles traveled per capita. The CTR Efficiency Act amended the 1991, Commute Trip Reduction Law, codified as §70.94.521-.551 RCW. Biannually, the State Legislature allocates grant funds to support local CTR activities. Since 2005, the City of Vancouver, Clark County and the cities of Camas and Washougal, have developed an intergovernmental agreement establishing a regional work plan and assignment of administration responsibilities for the CTR program.

The City of Vancouver provides program management and oversight of the CTR program for Vancouver, Clark County (those portions lying within the unincorporated Vancouver UGA), Camas and Washougal. Through this program, the City will provide direct services to a total of approximately 55 affected participating worksites (100 + employees that report to work between 6 am – 9 pm).

As part of the 2021 Legislative session, the CTR program was authorized for funding for the 2021-2022 biennium with a projected funding for the 2022-2023 biennium. These funds are distributed on a formula basis through the Washington State Department of Transportation, Office of Public Transportation and Commute Options. In this case, the City of Vancouver will be the primary contracting agency for the Vancouver, Camas and Washougal urban growth areas. Council approval is requested to enter into an agreement with the Washington State Department of Transportation that authorizes the City of Vancouver to receive state grant

funds which cover the costs of the regional CTR administration and program costs for the 2021-2023 Commute Trip Reduction (CTR) program.

Request: Authorize the City Manager or his designee to sign the Transportation Demand Implementation Agreement with the Washington Department of Transportation (PTD0436).

Jennifer Campos, Principal Transportation Planner, 360-487-7728

Motion approved the request.

6. Resolution re: City Manager Contracting Authority

Staff Report 176-21

A RESOLUTION relating to the City Manager's authority to enter into agreements; the city's policy and procedure on initiating, handling and settling claims and lawsuits; delegating authority to settle claims and lawsuits within certain thresholds; and repealing Resolution M-3837 and Policy 310-02.

Summary

In 2010, the Council passed Ordinance M-3960, which enabled procurement contracts of three hundred thousand dollars (\$300,000) or less to be approved by the City Manager or City Manager's designee. As reflected in the accompanying staff report, the purpose of the revision was "[t]o provide for more streamlined and timely purchasing procedures and methods by increasing purchasing limits necessary for Council review." This revision has enabled the City to provide services to residents far more efficiently, while still retaining direct Council oversight for larger purchases or projects in excess of \$300,000. However, the City Manager has not been granted similar authority for many contracts, including settlement agreements and those contracts in which the City utilizes property for purposes of police and fire training and there is no financial consideration given other than a promise to hold the property owner harmless for any injuries or damages. The present resolution aligns the City Manager's authority in those situations to the same authority possessed by virtue of Council's 2010 Ordinance modifying procurement procedures. In so doing, Council is asked to repeal conflicting provisions in its earlier resolution (M-3836 (2014)) addressing settlement authority.

Request: Adopt a resolution pertaining to the City Manager's authority to enter into agreements, initiate legal proceedings to enforce terms of contracts, and settle claims.

Dan Lloyd, Assistant City Attorney, 360-487-8500

Motion adopted Resolution M-4151 approving the request.

7. Fall 2021 Title 20 Zoning Code Map and Text Corrections

Staff Report 177-21

AN ORDINANCE relating to Comprehensive Plan and Zoning for the City of Vancouver and Vancouver Municipal Code (VMC) Title 20; amending the Vancouver zoning map, and VMC 20.180, 20.230, 20.320, 20.410, 20.440, 20.450, 20.912, 20.920, and 20.790; providing for severability; and establishing an effective date.

Summary

The proposed corrections to the Title 20 Zoning Code and map are being brought forward for Council consideration:

- Change the VMC 20.450-2 map of the Vancouver Lake Greenway Overlay District. Exclude 50-acre parcel 986028822 which should have been excluded from the Overlay District when its underlying zoning designation was changed to IL in 2007, and add nearby 39-acre parcel 985026887, which should have been included when annexed to the City of Vancouver in 2009. See October 25 Council workshop staff report (attached) for more detail.*
- Change VMC Title 20 zoning code text as follows:*

Code Section	Change
<i>1. Fees (20.180.050)</i>	<i>Change Consumer Price Index reference to Seattle/Tacoma/Bellevue because Portland Metro CPI no longer tracked by the federal government</i>
<i>2. Application vesting (20.210.110)</i>	<i>Change “permit application” to “land use application” reflecting current code terminology</i>
<i>3. County to City map designation conversion table for annexation (20.230.030-1)</i>	<i>Update to reflect latest County Comprehensive Plan and zoning designation titles</i>
<i>4. Final Plat Application (20.320.050)</i>	<i>Change references to surveyors to be consistent with state law</i>
<i>5. Technical Standards for subdivisions (20.320.070)</i>	<i>Eliminate reference to septic systems, which is not allowed for land divisions</i>
<i>6. Minimum and Maximum Densities in</i>	<i>Eliminate footnote reference to infill, which has its own standards</i>

<i>single family zones (20.410.040)</i>	
<i>7. Uses in Industrial Zones (20.440.030)</i>	<i>Eliminate implied allowance for mixed use buildings in IL and OCl zone, which are not allowed by MX standards of VMC 20.430.060</i>
<i>8. Fences and walls, permits required (20.912.030)</i>	<i>Correct inaccurate cross reference</i>
<i>9. Fences and walls, Planned Unit Developments (20.912.070)</i>	<i>Clarify application of sound walls</i>
<i>10. Infill relationship to other standards (20.920.030)</i>	<i>Correct inaccurate cross reference</i>
<i>11. SEPA substantive authority (20.790.620)</i>	<i>Correct inaccurate cross reference</i>

Request: On Monday, November 22, 2021, approve ordinance on first reading, setting date of second reading and public hearing for Monday, December 6, 2021.

Bryan Snodgrass, Principal Planner, 360-487-7946

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

Motion approved the request.

8. Six-month extension of temporary moratorium prohibiting the establishment of new, or expansion of existing, large-scale fossil fuel facilities

Staff Report 178-21

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, and subsequently extended a second time by Ordinance No. M-4335, 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.

Summary

The current moratorium prohibits the acceptance, processing, and granting of applications for permits for establishment of new, or expansion of existing, large-scale fossil fuel facilities until December 8, 2020. This provides time for work to continue on updates to the Strategic Plan, VCCV, Title 20 updates, and the drafting of a Climate Action Plan. This extension would keep the current moratorium in place until June 8, 2021.

Request: On Monday, November 22, 2021, approve ordinance on first reading, setting date of second reading and public hearing for Monday, December 6, 2021.

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

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

Motion approved the request.

9. Approval of Claim Vouchers

Request: Approve claim vouchers for November 22, 2021.

Motion approved claim vouchers in the amount of \$7,683,831.62.

Unfinished Business

City Council Policy Updates

Council continued its discussion from the November 15 workshop regarding potential updates to Council policies and procedures.

City Attorney Jonathan Young summarized the policy updates Council had previously recommended move forward for formal action.

Council discussed additional updates to its policies pertaining to filling vacancies on the Council, appointments to advisory boards and commissions, and Council meetings structure.

A series of updates based on Council's feedback will be presented for action at the December 13 Council meeting. Additional discussion pertaining to Council policy updates will be scheduled in early 2022.

Community Forum

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

- Casey Wyckoff, Vancouver, expressed concerns regarding certain City processes, and stated he would be sharing with the City specific gaps and issues he has observed and potential methods for addressing them.
- Dan Serres, Portland, Oregon, representing Columbia Riverkeeper, thanked City staff for its work on the City's climate policy and the moratorium on fossil fuel facilities. He expressed support for extension of the moratorium.
- Jean Avery, Vancouver, expressed support for extending the moratorium on fossil fuel facilities, and requested the City participate in meetings with a group convened to work towards preservation and improvement of Vancouver's tree canopy.
- Audra Houston, Vancouver, expressed concerns regarding removal of mature trees due to development projects and urged the City to work with the community to discuss how to align climate goals with preservation of Vancouver's tree canopy.
- Teresa Hardy, Vancouver, spoke in support of extending the moratorium on fossil fuel facilities, urged the Council to maintain CVTV coverage of Community Forums in its discussion of Council policies, and acknowledge the work of staff and the Parks and Recreation Advisory Commission in developing the updates to the Parks, Recreation and Cultural Services Comprehensive Plan.
- Glen Yung, Vancouver, expressed concerns that the proposed levy lid lift ballot measure is moving forward too quickly and will not allow for appropriate public outreach. He also expressed concerns about the proposed framework for utilizing American Rescue Plan Act funding.
- Justin Forsman, Vancouver, spoke in opposition to mask and vaccine mandates related to the COVID-19 pandemic.
- Melanie Gabriel, Vancouver, spoke in opposition to mask and vaccine mandates related to the COVID-19 pandemic, and requested the Council return to in-person meetings.
- Megan Gabriel, Vancouver, spoke in opposition to mask and vaccine mandates related to the COVID-19 pandemic, and requested the Council return to in-person meetings.
- Harold Hanson, Vancouver, expressed concerns regarding a camp of people who are experiencing homelessness near 112th Avenue and Chkalov; he also expressed concerns about the ICLEI and stated Vancouver and Clark County should only do business with local companies.

- Laurel Pascual, Vancouver, spoke in opposition to mask and vaccine mandates related to the COVID-19 pandemic, and stated people should be able to be treated with Ivermectin for COVID-19.
- Wynn Grcich, Vancouver, stated COVID-19 vaccines are bio-weapons developed for the intentional killing of the public.
- Peter Bracchi, Vancouver, expressed concerns about potential environmental impacts of the City's first Safe Stay community for people who are experiencing homelessness.
- Meridian Green, Vancouver, urged the City to protect the existing tree canopy by placing a moratorium on the removal of trees and habitat until wildlife corridors can be established. She also expressed concerns regarding potential conflicts of interest of Planning Commissioners in reviewing development projects where they may have a financial stake.
- Cambrie Murray, Vancouver, spoke in opposition to mask and vaccine mandates related to the COVID-19 pandemic.
- Kimberlee Elbon, La Center, Washington, urged the Council to return to in-person meetings with no mask requirements and allow members of the public to speak on all agenda topics. She stated the Council should require an immediate election to fill any vacancies, and stated she is against any equity groups.

There being no further testimony, Mayor McEnerny-Ogle closed the Community Forum. The Mayor reminded listeners and those in attendance that the Community Forum is the opportunity for the Council to listen to members of the public, and the opinions expressed by speakers are those of the individuals and may not necessarily represent the view of the City of Vancouver or CVTV.

Adjournment

8:22 p.m.

Anne McEnerny-Ogle, Mayor

Attest:

Natasha Ramras, City Clerk

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

From: [Peter L. Fels](#)
To: [City of Vancouver - Office of the City Manager](#); [Young, Jonathan](#)
Subject: Consent Agenda Nov. 21, #6, CMO contracting authority
Date: Sunday, November 21, 2021 3:53:51 PM

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

Dear Mayor, City Councilors, City Manager and City Attorney,

I hope you will carefully consider Section 3 of the proposed resolution. This section authorizes the City Manager to approve settlement of legal claims under \$300,000 without bringing them before the City Council.

While I understand and appreciate the need for efficiency in resolving small claims, as an attorney I represented many people with small claims and I can tell you that small claims sometimes involve larger policy concerns. Here are a couple of examples:

- 1) Someone sues the city for violation of their constitutional rights. As is often the case, the individual's monetary damages are small (fortunately they are not injured or killed) but it turns out a City employee or Department involved has had multiple tangles with people of color or a City policy has been routinely interpreted in a way that adversely impacts the BIPOC community or some other specific group. The person harmed realizes they cannot afford financially or emotionally to pursue the matter further and agrees to a financial settlement. However, with the matter settled administratively and confidentially, the problems that caused the violation, whether due to a "bad apple" employee, bad policy, or poor implementation of a policy, may never come to the attention of the public or the City Council.
- 2) There are multiple suits against the City for the same problem, each causing less than \$300,000 damages. Examples might be a hazardous road condition, leaking sewage, negligent repair by City crews, etc. The multiple claims might point to a need to better manage City property or projects, to create a budgetary solution, or change City policies. But if you don't know about the details of the claims, you will not be in a position to resolve the issues.

I realize you have good reasons to have confidence in the current City Manager. However, the City Manager may not be adequately informed of all the details of an incident or some future CM may not want to expose their own failure to supervise and direct City operations.

While it may not be necessary for the Council to review the details of every minor claim, you should be aware of them *and the public needs to know about them*. I suggest this provision of the proposed Resolution be deleted or be amended to require the City Manager, City Attorney's office or designee to advise the Council in written and oral reports with a summary of each claim settled.

s/

Peter Fels

From: [Cathryn Chudy](#)
To: [City of Vancouver - Office of the City Manager](#)
Subject: Testimony in support of Consent Agenda Item #8 - Fossil Fuel Moratorium Extension
Date: Monday, November 22, 2021 11:37:22 AM
Attachments: [ACE ltr toCOV 11.1.2021.pdf](#)

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

Vancouver City Council and staff,

I am planning to testify this evening, at the first reading of the Ordinance, Item #8 on the Consent Agenda this evening:

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, and subsequently extended a second time by Ordinance No. M-4335, 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.

I am personally in support of the Moratorium being extended, in order to continue protecting the health and safety of Vancouver citizens, while giving city staff the time necessary to address issues raised in the appeal by industry operators in September 2021.

I am also submitting, **for the record, for both the first reading (Nov. 22) and the second reading and public hearing (Dec. 6)**, the attached letter from our Alliance For Community Engagement (ACE). The letter conveys the support of our coalition of eleven community and regional organizations, for the City to resolve any concerns and complete a strong, protective ordinance update as soon as possible:

"The City is well positioned to move forward with a strong and protective policy against bulk fossil fuel terminals. We encourage the City to do this in a way that protects our health and safety and aligns local land use codes with existing City policy and goals."

Cathryn Chudy

Vancouver City Council
Vancouver WA

Dear Staff and Vancouver City Councilmembers:

In a global pandemic, the Vancouver City Council had the forethought and courage to establish a moratorium on bulk fossil fuel terminals in its jurisdiction. Your leadership carries a lot of weight on this issue as a City that faced the threat of the largest oil-by-rail terminal in North America. We applaud your action and ask that you continue on course to turn the moratorium into an updated code, in spite of the delay due to the procedural appeal by the Western State Petroleum Association (WSPA.) WSPA is an industry group representing some of the largest fossil fuel companies, including Exxon, Shell, and Marathon, the company that now owns what was once Tesoro. ACE contends that WSPA should not have an outsized voice in a process designed to protect Vancouver.

Critical issues of seismic instability, public health and community safety were revealed through the long EFSEC process of evaluating and understanding [impacts](#)¹ of the proposed [Tesoro-Savage oil terminal](#)². These same concerns apply to all bulk fossil fuel facilities in this region and are relevant should any new project be proposed. The language the Council passed to establish the moratorium addressed these issues as a matter of public health and community safety. That language also spoke to the vision of the City for future development not being tied to the fossil fuel industry. Foreshadowing this foundational reasoning, in 2019 the [Port of Vancouver Commission passed a policy](#)³ to not pursue bulk fossil fuel terminals, in direct response to the long, contentious and costly Tesoro-Savage project review.

Yet, in an effort to delay and intimidate the City, WSPA appealed the State Environmental Policy Act (SEPA) decision on procedural grounds. This delay has stalled the momentum of the Council and the community, as they convert the moratorium into a well-constructed permanent policy to protect public health and safety, while the SEPA analysis is updated. In addition to this delay, other industry groups are seeking to gain a foothold for other high-risk energy infrastructure. Top on that list is Northwest Natural, which is trying to establish Renewable Natural Gas (RNG) in Vancouver. RNG is a false solution that will keep Vancouver tied to fossil fuels while doing nothing to reduce emissions.

As a coalition of organizations and community members, ACE fully supports and protects the public engagement and issue evaluation required under SEPA. The review of impacts and the required public engagement is core to any lead agency adequately understanding the weight of its decision. Industry tactics of delay and obstruction undermine Vancouver's ability to protect the health and safety of its community. We support the City ensuring all SEPA procedural requirements are met on this crit-

ical and timely issue. We urge the City to continue moving forward, while updating the SEPA analysis, turning the moratorium into a permanent ban against new and expansion of existing bulk fossil fuel terminals. The reasons City Council gave when it first initiated the moratorium in 2020 still ring true, and are more timely than ever.

Additionally, the push to consider how this code change interacts with the intention to have cleaner industry instead of bulk fossil fuel facilities is important, as mentioned in the staff memo discussed Monday, Nov. 1, 2021. However, we urge the City to consider focusing this particular code change on the issue of what is not allowed, and then lean into changes needed to enable and incentivize a clean energy transition through the City's climate action planning work. This focus will lead to a more clear and consistent direction for community and industry alike.

Finally, learning from other jurisdictions is a point identified in the staff memo. This learning is important, to understand what others have done and how they are navigating this work. That said, we encourage the City of Vancouver to assert its own path based on its experience with the Tesoro-Savage proposal and other facilities, as well as the Port of Vancouver's policy and work to transition away from fossil fuels. The City is well positioned to move forward with a strong and protective policy against bulk fossil fuel terminals. We encourage the City to do this in a way that protects our health and safety, and aligns local land use codes with existing City policy and goals.

Signed,

Alliance for Community Engagement SWWA (ACE)
Climate Action SWWA
Columbia Riverkeeper
Friends of Clark County
Friends of the Columbia Gorge
Loo Wit Sierra Club
Oregon Physicians for Social Responsibility
Sunrise Movement SWWA
Vancouver Audubon
Washington Environmental Council
Washington Physicians for Social Responsibility

Erin Saylor, Columbia Riverkeeper
Mark Leed, Sierra Club Loo Wit Group
Anna Doty, Washington Environmental Council
Nick Manning, Washington Physicians for Social Responsibility
Cathryn Chudy
Heidi Cody
Don and Alona Steinke



**Friends of
Clark
County**



**SIERRA
CLUB**



**SUNRISE
MOVEMENT**



**WASHINGTON
ENVIRONMENTAL
COUNCIL**



Vancouver Audubon Society



**WASHINGTON PHYSICIANS
FOR SOCIAL RESPONSIBILITY**

ENDNOTES

- 1 "Tesoro Savage Adjudication Findings | Stand up to Oil." n.d.
<https://www.standuptooil.org/tesoro-savage/tesoro-savage-adjudication-findings/>.
- 2 "Final Report on Vancouver Oil Terminal Highlights Safety, Environmental Risks." n.d. Opb. Accessed October 28, 2021. <https://www.opb.org/news/article/vancouver-port-terminal-final-report-safety-risk/>.
- 3 "Tesoro Savage Adjudication Findings | Stand up to Oil." n.d.
<https://www.standuptooil.org/tesoro-savage/tesoro-savage-adjudication-findings/>.

From: [Lori Benton](#)
To: [City of Vancouver - Office of the City Manager](#)
Subject: Agenda item #8
Date: Sunday, November 21, 2021 5:13:04 PM

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

Please extend the Fossil Fuel Moratorium, for our health and safety, now and in the future. Thank you.
Lori Benton 13210 Se 7th St., Unit E25 97218 971-444-2905

From: [Peter L. Fels](#)
To: [City of Vancouver - Office of the City Manager](#)
Cc: [Don Steinke](#); [Cathryn Chudy](#); [ACE](#); [Lande, Aaron](#); [Alona](#); [Coal-WA-SW-Leaders](#); [felget](#)
Subject: Fossil Fuel Moratorium extension: Item #8 on 11/22 consent agenda
Date: Monday, November 22, 2021 10:49:24 AM

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

RE: Consent Agenda #8, Fossil Fuel Storage Moratorium Extension

Dear Mayor and Councilors:

I urge you to extend the Fossil Fuel Storage Moratorium until you can make it permanent.

Prohibiting large fossil fuel storage facilities is a benefit to the health and safety of the citizens of Vancouver, Clark County, the Columbia River drainage area, and the world as a whole. Further, it is an economic benefit to Vancouver.

When citizens opposed the creation of an oil terminal at the Port of Vancouver, some people, including Port Commissioners and staff, expressed concerns that denying the oil terminal would send a message that the Port was not open for business and that the denial would hurt the Port's revenues. In reality, stopping the oil terminal allowed for development of the Vancouver waterfront and the Port has had record revenues in the following years.

People and businesses want to live in a clean and safe environment. Prohibiting expansion of existing fossil fuel storage facilities and the building of new storage facilities is a step in that direction.

I support the permanent prohibition of fossil fuel storage as drafted by your staff. I encourage you to extend the moratorium until the permanent ordinances can be completed and approved.

Thank you.

s/
Peter Fels

From: [Kim Linden](#)
To: [City of Vancouver - Office of the City Manager](#)
Cc: [Audra Houston](#)
Subject: 11/22/21 City Council comments
Date: Monday, November 22, 2021 11:25:49 AM

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

Dear Honorable Mayor and Council Members:

I am requesting an immediate moratorium of the cutting and removal of Trees of any age in any location in Clark County, specifically those within newly proposed development projects or those projects currently speeding through your approval process.

In view of the climate crisis currently becoming acknowledged as a reality, I am trying to understand more fully the City of Vancouver's planning philosophy.

For example:

I see there is a Parks plan for 2022-2032 with no obvious connection to climate.

The Urban Forestry people work within the Planning and Zoning.

Rezoning is taking place within the City of Vancouver.

Acres of trees are slated to be cut.

There is an expiring 6 month moratorium of fossil fuels.

I am seeing piecemealing of a process that could be holistic in addressing the climate crisis.

Thank you for your time.

Kim Linden

To: Nov 22 City Council Meeting & Community Forum

RE: Comment on the Vancouver Innovation Center

There is a large forested area of contiguous forest of 21 acres in the NW corner of the Vancouver Innovation Center project. Neighbors have taken videos of wildlife dependent on this habitat. This acreage includes mature 50 year old mature Douglas Fir Trees. This is the last large forested area and wildlife habitat in Fishers Landing.

Vancouver Innovation Center removes this active forest, leaving one smaller contiguous area with many smaller narrow areas with newly planted trees. This would not allow the current wildlife to continue living in this area.

Vancouver needs to promote responsible land use. The project fails in protecting trees, habitat, a wildlife corridor, and carbon sequestration. The policy of Vancouver is to increase the tree canopy over time. It will be difficult to mitigate for this removal of most of 21 acres of wildlife habitat that includes 50 year old mature Douglas Fir Trees. If this project is approved including removing that forest, it should include that mitigation to replace it.

We want future generations to recreate and enjoy the serenity and beauty of Vancouver's natural environment.

Helen Ost
414 Flint Way
Vancouver WA 98664
503-367-5672
Helen.madsen.ost@gmail.com

From: [Jean M. Avery](#)
To: [City of Vancouver - Office of the City Manager](#)
Subject: Citizen Comment for Nov. 22 City Council meeting
Date: Monday, November 22, 2021 6:34:59 AM

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

Hello, City Manager, Madam Mayor, and City Councilors,

I would like to share some impressions after attending City meetings recently:

First, as you know, City staff recommended extending the Fossil Fuel Moratorium. As part of a leading edge Climate Action Plan, **the Fossil Fuel ban must become permanent.**

Second, at a Policy workshop, there was a discussion of how best to receive citizens' comments. **Would it be possible to have focus groups, with give-and-take of information and ideas between citizens and the City?**

Third, I attended last Wednesday's Urban Forestry meeting. If my note-taking was accurate, the city-wide Urban Tree Canopy is currently 19%, with a goal of reaching 26% overall. The speaker, Jeremy Cantor, stressed the benefits of tree canopy -- air quality, storm-water runoff, carbon sequestration, etc. -- resulting in millions of dollars in annual savings. I urge you to review this impressive report.

Against the backdrop of this report and amid COP26 warnings of climate catastrophe, I urge you to prioritize tree canopy and green spaces, which are threatened by development. **Would you be willing to meet with a group of citizens called, "Save Vancouver Trees"?**

Thank you.
Jean M. Avery
Vancouver resident

From: [Kimberlee Elbon](#)
To: [City of Vancouver - Office of the City Manager](#); [Kimberlee Elbon](#)
Subject: City Council meeting Nov. 22, 2021
Date: Monday, November 22, 2021 11:59:35 AM

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

Kimberlee Elbon
unityisachild@gmail.com
613 East 6th Street
La Center, Washington 98629

WE THE PEOPLE DEMAND the Vancouver City Council members, Clark County Managers meetings and ALL PUBLIC ACCESS NOW !!!

WE HAVE SENT Legal Documentation showing that THIS CITY COUNCIL and ALL PUBLIC SERVANTS of Clark County ARE FOLLOWING AN ILLEGAL MANDATE by governor jay inslee; of whom MAY HAVE TWO FELONY CHARGES coming soon !!!

WE WANT IN PERSON MEETINGS with OUR ELECTED officials !!!!!!! NOW !!!!!!!

THIS ILLEGAL MANDATE IS AFFECTING ALL AGES in more ways than imaginable !!!
HEALTH, SUICIDE, DIVISION between Loved Ones, PROPAGANDA is rampant
BECAUSE YOU HAVE NOT PUT THE CITIZENS FIRST !!!

WE WILL COME TOGETHER AND WE WILL PREVAIL !!!!!!! YOU WILL BE INDIVIDUALLY SUED IN a Court of Law as WE THE PEOPLE PREPARE TO DO SO.

You ALL took an OATH and YOU ALL WILL BE HELD ACCOUNTABLE !!!!!!! THIS MOVEMENT IS HAPPENING ALL ACROSS AMERICA and WE WILL DO THE SAME.

STOP THE ILLEGAL MANDATE - ITS BEEN ALMOST TWO YEARS that the CITIZENS of Clark County ARE HELD UNDER TYRANNY.

The web site for the City of Vancouver IS NOT TRANSPARENT !!! THE CITIZENS MUST BE INFORMED of the KNOWLEDGE the City has about this ILLEGAL MANDATE !!!

YOU ARE NOT PERFORMING YOUR DUTIES with TRANSPARENCY to THE CITIZENS !!!

WHEN WILL THIS STOP ??? WE believe the City is putting Our DEMANDS on HOLD - THIS MUST STOP NOW !!! Time WILL DOCUMENT these DEMANDS and compare them to the time the City Council members etc. had KNOWLEDGE of the ILLEGAL ACTIONS TAKEN by ALL Members of ALL PUBLIC SERVICE Workers as You continue to CONTROL WITH AN ILLEGAL MANDATE and SUPPRESS THE PEOPLE !!!

UNMASK THE CHILDREN in Our Schools
NOW !!! THIS STATE IS CORRUPT and is suffering under TYRANNY. YOU ARE

PART OF THE PROBLEM if the City of Vancouver continues this INHUMANE
TREATMENT of CHILDREN !!!!!!!!!!!!!!! WE ARE GATHERING IN MASSES and You
KNOW THIS and DO NOTHING !!! SHAME ON EACH OF YOU and LIFE, LIBERTY
and JUSTICE for ALL - and that's what WE MUST DO - JUSTICE !!!

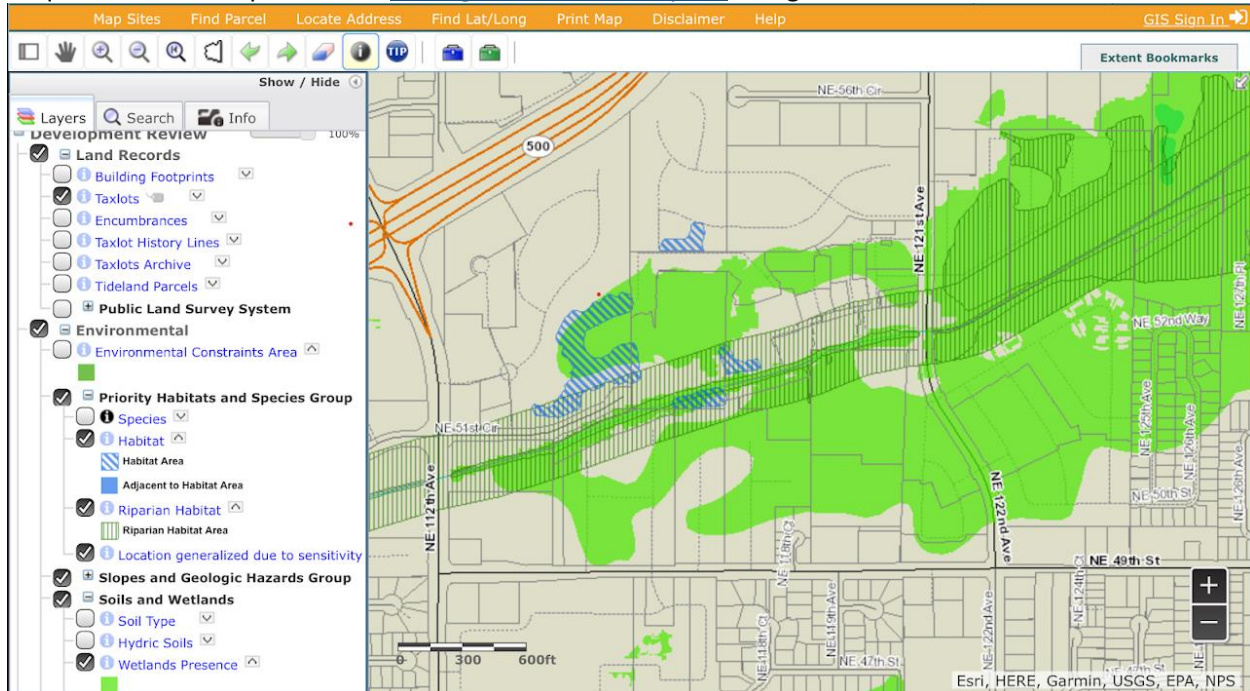
NO JABS' - SHOT MANDATES. We do not call it a vaccine; as it is not !!!

WE WILL CONTINUE OUR DEMANDS and I look forward to speaking tonight.

to Vancouver City Council from Peter Bracchi Nov 22,2021

I'd like to request ability to show pictures, movies, or power point presentations during my three minutes that I have for presentation to the City Council and City members.

Request for SEPA Report for 1st Manage Homeless Campsite along BBC and 51st Circle



Definition of Environmental Terrorism

Environmental terrorism consists of one or more unlawful actions that harm or destroy environmental resources or deprive others of their use.

More colloquially, the phrase is also used to label actions seen as the unnecessary or unjustified destruction of the environment for personal or corporate

The City of Vancouver has utilized Environmental Terrorism along BBC as a homeless solution.

I have presented prior emails with Movies and Photographs with GPS coordinates as witness

Link to one of several photo Libraries <https://photos.app.goo.gl/kE66S1DnUUUWir6MA>

It is easy to prove to you the City is using Environmental Terrorism as a Homeless solution because they refuse to Acknowledge, or Document the Destruction of the Environment and Pollution of Storm Water along BBC.

Refusal by the Storm Water Management Process Review to recognize damage done to the Environment, Storm Water Pollution and Flood Plain Damage along Class 5 303d list Burnt Bride Creek

Urban Forester Reports

2021

[2021 URBAN TREE CANOPYASSESSMENT](#)

[2020 Annual Report](#)

Water Reports

[Feb 2019 VANCOUVER WATERSHED HEALTH ASSESSMENT](#)

List goes on

From: [Wendy Withrow](#)
To: [City of Vancouver - Office of the City Manager](#)
Subject: Comments for 11/22/21 Vancouver City Council Meeting
Date: Sunday, November 21, 2021 2:50:04 PM
Attachments: [Video.MOV](#)

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

City Manager Holmes and City Council members,

As I cannot attend the November 22 City Council meeting, I wish to communicate my concerns, using both the written word and video.

Attached is a 28-second video I took Sep. 5, 2021 as I was walking by the old HP campus, the site of the proposed Vancouver Innovation Center development. I live a block away from the west side of the site, and walk or bike next to it several times a week. As you see, birds were swarming around the mature trees near SE 29th (the street which will be extended through the VIC site), flying from trees to bushes to ground, back up into the air, swirling about and feeding. I took this video, because I thrive on Nature and was absolutely thrilled to see such a sight!

When you hear the term “world-wide web,” I’m sure you think of the internet. My concern today, however, is the World-Wide Web of Life. You probably learned about “the web of life” clear back in elementary school. It is clear that all life forms — both flora and fauna — have their place in this web of interconnectedness and interdependency. When one strand is broken, the structure begins to lose its integrity. When numerous strands are broken, the web collapses.

Are you aware that the bird population in North America has plummeted? Since 1970, there are nearly 3 billion fewer birds on the continent — far more humans but far fewer birds. There’s a direct connection. The main reason for this staggering decline is loss of habitat.

That’s where you come in. Being in a position of power, you can protect habitat for birds, insects and other wild animals. You are in a position to protect forests and mature trees on open land. *All you have to do is make certain that Vancouver’s existing zoning laws are obeyed.* It’s an important role you play in keeping the world-wide web of life healthy and flourishing. Ultimately, humankind’s continued existence depends on that.

Thank you for your time.

Wendy Withrow

17200 SE 26th Dr., P55
Vancouver WA 98683

From: gstewart@orbiter.com
To: [City of Vancouver - Office of the City Manager](#)
Subject: For COVID Masks Don't Work and Harm You. This per Yale, Stanford, Danish Studies..
Date: Sunday, November 21, 2021 7:35:30 AM

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

Masks Harm us all and the data proves it. The CDC & UW IHME has no data with large sample sizes or confidence intervals.

Vaccination works.

Pushing masks caused my company to lose \$ 3 million annually because I am in the outdoor Sports business.

When it is known as a fact Masks don't work for COVID, not even for nurses in hospitals why wear them?

The only reason the CDC changed it's original recommendation of "If sick, wear a mask. If sick, stay at home." to a Mask Mandate is because Dr. Christopher Murray "Guessed" that wearing masks would reduce COVID 85%."

Everyone including the CDC now knows for COVID masks don't work. There are no studies that say masks work for COVID. NONE.

A trusting populace that believes in authority needs your help. As a German boss from WWII once told me "It is easy to get people that believe in authority to walk into a shower. Just order them and they will do it."

Stop the Mask Mandate. Liberate those that suffer like those in the fast food industry.

Download the studies from www.PHASE4.us

Thank you,
Greg Stewart
Executive Director
Open Washington (501-C3)

For the City Council Meeting on Monday, November 22 at 6:30pm

Written comment submission.

To City Council Members,

I'm bringing a concern forward to you regarding my observation of the rapid destruction of our tree canopy and our natural resources.

West Minnehaha

After watching at least fifty mature trees destroyed in the heart of nesting season near my home in West Minnehaha, I began to research municipal and state code. I also called for two meetings in August with the Urban Forestry department of Vancouver and Planning staff. What I learned is that the VMC code language is actually strong, and Vancouver has impressive goals including increasing the canopy significantly by 2030, as well as being carbon neutral by 2050.

Yet despite these bold city goals, the city approved a development plan wherein every last tree on a multi-acre site was destroyed. Additionally, all topsoil was removed or buried on the same site West Minnehaha site. Not one blade of grass, tree or natural landscape feature was left intact.

The reason the Urban Forestry lead gave in the meetings was that high density development gives special carte blanche and overrides code protections. I believe this is the heart of the problem.

As it stands, the city is using this arbitrary "high-density" designation as its ultimate trump card over natural resource protection outlined in the VMC code.

The city appears to be violating existing zoning designations and allowing lot sizes well under the zoning specification of R9. The city is allowing itself and developers such latitude through this questionable "high-density" label on development sites that violate the zone they are in. This practice ultimately allows the override of environmental protections in the VMC code and ordinances, leaving no protections whatsoever.

Kiggins Bowl

A similar case in point is the massive destruction of mature firs at the Kiggins Bowl in July. What is even more astonishing about Kiggins Bowl is that the State of Washington's Department of Ecology designated the area as sensitive due to its proximity to the Burnt Bridge Creek and Lake Vancouver watershed. The state applied this protection many years ago in the 1970s. An additional layer of protection to this sensitive area was given a "conditional use" status also by the State of WA.

And yet, despite the intent and additional protections applied to the Kiggins Bowl, the city of Vancouver allowed massive deforestation at the site.

And the rationale for doing so, especially in light of the sensitive environment is alarming. The city's rationale was that a second football field was desired at that site *despite a football field already there*.

How alarming it is to see that even in such a case of a sensitive area and protective "conditional use" provision, the city still allowed yet more of our canopy and forest area to be lost forever- and for a capricious reason at that. It leads one to the assumption, therefore, that the citizens can no longer rely on the city to protect our forests and wildlife. Really, what other conclusion can one come to?

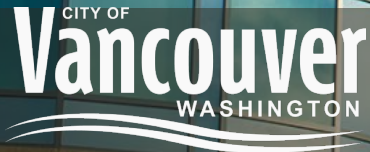
With these two recent examples in mind, and now with additional proposed wildlife and 35-acre forest destruction at The VIC site, myself and many citizens are concerned and outraged.

I am interested to hear from the city council how they will re-examine these recent decisions, but also how Vancouver might become a leader among cities in a new commitment to the environment. The city has committed to goals, but the city needs to demonstrate a true commitment in its action.

From everything I have witnessed, the city has a critical systemic problem and needs to completely transform to ensure environmental protection for our vanishing natural resources and environmental justice for all communities. Otherwise, the city's goals are nothing more than cheap talk.

With great concern,
Audra Houston

Vancouver City Council Vancouver Transportation Benefit District (TBD) Board Joint Workshop | 2021 In Review



December 20, 2021

Ryan Lopossa, Public Works Streets & Transportation Manager
Chris Malone, Public Works Finance and Asset Manager

Workshop Purpose/Agenda

- Street Funding Strategy (SFS) Guiding Principles/Key Outcomes
- Complete Streets
- 2021 Street Funding Strategy Revenues, Expenses and Accomplishments
- 2022 Transportation Benefit District (TBD) Work Plan
- Next Steps
- Questions and Discussion



Street Funding Strategy Guiding Principles

- Supplement – Not Supplant – Current Street Funds
- Equitable Responsibility for Supporting Vancouver's Streets
- Predictability of Funds
- Provide Annual Reporting to Council and Community
- Require Public Outreach Process/Review of any Proposal to Shift Recommended Revenues to Anything Other than Streets
- Reinvest Retired Transportation Debt Service into the SFS
- *Added in 2021: Emphasis on Equity, Safety, and Climate Action*



Why: Transportation is Essential to Our Community



Street Funding Strategy Revenues

Funding Source	2020 Revenue	2021 Revenue
	(Millions)	(Millions)
	Actuals	Est. Actuals
TBD Vehicle License Fee	\$5.51	\$5.50
Utility Tax	\$2.09	\$2.22
Business License Surcharge	\$0.26	\$0.42
State Gas Tax	\$0.47	\$0.36
Paid-off Debt	\$1.40	\$2.20
Total	\$9.73	\$10.70

Street Funding Strategy Expenditures

Program	2020 (Millions)	2021 (Millions)	2022 (Millions)
	Actuals	Estimated	Estimated
Transportation Capital Program	\$2.00	\$0.00*	\$3.20
Mobility Safety Accessibility	\$0*	\$1.00	\$1.00
Pavement Reconstruction	\$0*	\$1.00	\$1.00
ROW Management	\$0.75	\$0.75	\$0.75
Sidewalk Management	\$0.32	\$0.17	\$0.30
Pavement Preservation	\$2.50	\$4.20	\$4.20
Asset Replacement	\$0*	\$0.20	\$0.20
Neighborhood Traffic Management	\$0*	\$0.13	\$0.13
Total	\$5.57	\$ 7.45	\$10.78

* Temporarily on hold in 2020 due to COVID

Street Funding Strategy Key Outcomes

Adopted Key Outcomes

- Mobility, Accessibility, and Safety
- Grant-funded Capital Projects
- Sidewalk Maintenance
- Right-of-Way Maintenance (Restore to Historic Levels)
- Pavement Preservation
- Pavement Reconstruction
- Asset Replacement (Streetlights, Traffic Signals, etc.)

Serve as Catalysts for Complete Streets Improvements!



Complete Streets Policy

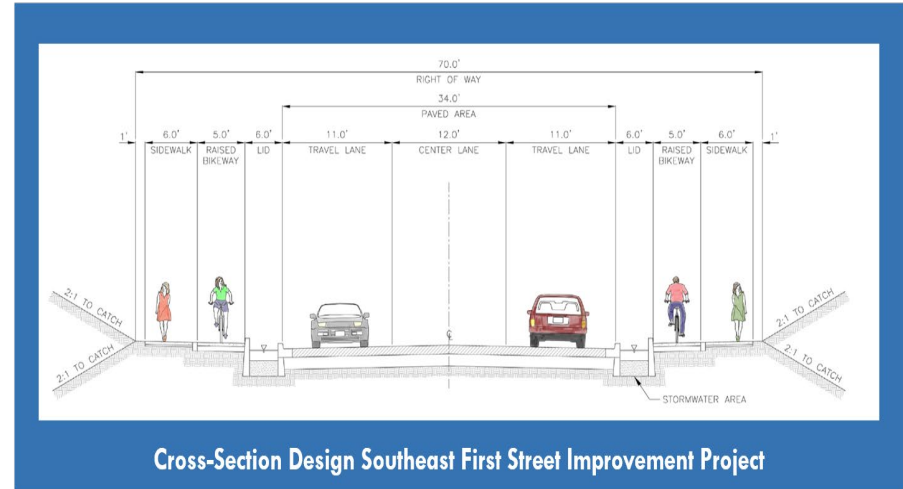
What are Complete Streets? **Streets for Everyone.**

- All Users and Modes (Motorized, Bike, Pedestrians, Mobility, Transit)
- Interconnected Networks • Flexible Design • Environmental Design
- Best Use Practices • Prioritizes Safety, Comfort, Access



Complete Streets Implementation

- Street Funding Strategy
 - ✓ Multimodal Safety & Accessibility Program
 - ✓ Transportation Capital Program
 - ✓ Pavement Management Program
 - ✓ Sidewalk Program
 - ✓ Asset Replacement
- Transportation Development Review (TDRS)



Complete Streets Projects to Date

McArthur Blvd, Mill Plain to Lieser

Pavement Management

McLoughlin Blvd, Reserve to Mill Plain

Pavement Management

Mill Plain Blvd, Ft Vancouver to Reserve

Pavement Management

East 5th Street, Grand to Blandford

Pavement Management

8th Street, Grant to C Street

Pavement Management



Complete Streets Projects to Date

Tech Center Drive, Mill Plain to Tech Center PL
Pavement Management

SE Talton, Cascade Park to McGillivray
Pavement Management

NE 18th Street, 112th Avenue to 136th Avenue
Street Funding Strategy/Grants

Mill Plain Blvd, 104th Avenue to Chkalov
Street Funding Strategy/Grants



Complete Streets Projects to Date

Columbia Way, Columbia Street to Columbia Shores
Pavement Management

Devine Road/Idaho Pedestrian Crossing
Grants

Neals/Rossiter Lane Sidewalk Infill
Grants

McGillivray Blvd Sidewalk Infill
TDRS



Complete Streets Projects to Date

Mill Plain Blvd, 104th Avenue to Chkalov
Street Funding Strategy/Grants

Lower River Road Multi-Use Path
Port of Vancouver/Partnership

Evergreen Highway Trail
Street Funding Strategy/Grants

Ellsworth Road Bike Lanes
Pavement Management



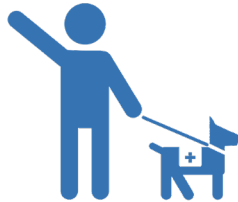
Complete Streets Projects to Date



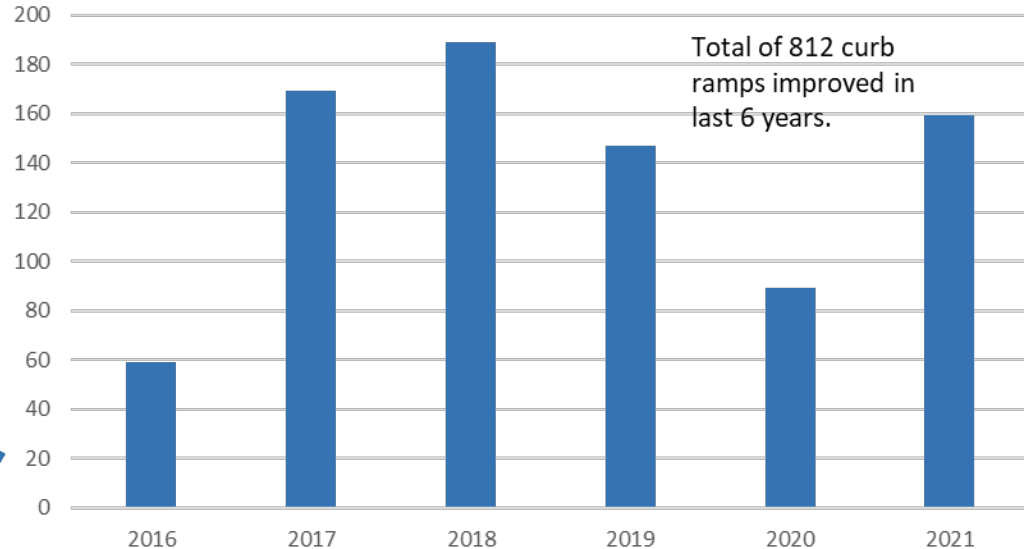
Curb Ramps

Pavement Management

- 59 in 2016
- 169 in 2017
- 189 in 2018
- 147 in 2019
- 89 in 2020
- 159 in 2021
- 209 in 2022



Number of curb ramps improved per year



Complete Streets Projects to Date



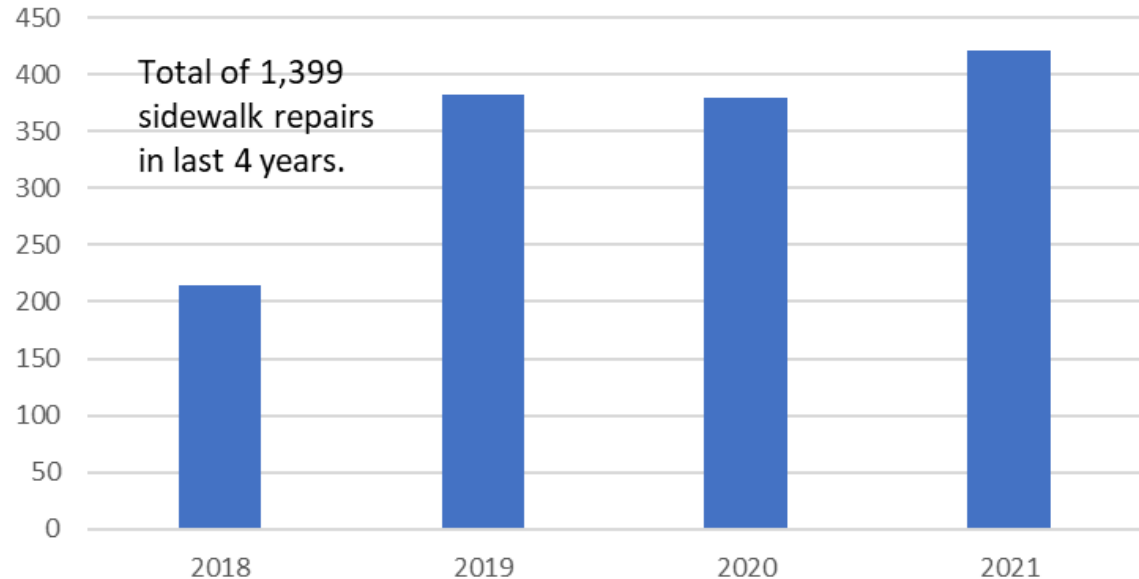
Sidewalk Repairs

Street Funding Strategy

- 215 in 2018
- 383 in 2019
- 380 in 2020
- 421 in 2021



Number of sidewalk repairs per year



Complete Streets Projects 2021-2024



- Columbia Street,
Columbia Way to 45th Street
2021-2022 Pavement
Management/Grants
- Mill Plain Couplet,
Fourth Plain to I-5
2021-2022 (WSDOT)



Complete Streets Projects 2021-2024

Street/Area	Funding Sources
• SE 1 st Street (164 th Avenue to 177 th Avenue)	2022 Street Funding Strategy/Grants
• NW Sidewalks (Lincoln/NW 53 rd Street)	2022 Street Funding Strategy/Grants
• Devine Sidewalks (Idaho to 18 th Street)	2022 Street Funding Strategy/Grants
• 18 th Street/Devine ADA	2022 Street Funding Strategy
• Fourth Plain Pedestrian Crossings	2022 Street Funding Strategy
• Fourth Plain/Stapleton ADA	2022 Street Funding Strategy/Grants
• East 5 th Street (Ft Vancouver Way to Reserve)	2022 Pavement Management/Grants/NPS



Complete Streets Projects 2021-2024

Street/Area

Funding Sources

- | | |
|---|-------------------------------------|
| • SE 34 th Street (164 th Avenue to 192 nd Avenue) | 2022 Pavement Management |
| • SE 15 th Street (164 th Avenue to 192 nd Avenue) | 2022 Pavement Management |
| • NE 68 th Street Sidewalks (Hwy 99 to St. Johns) | 2022 County Partnership/Grants |
| • SE 1 st Street (177 th Avenue to 192 nd Avenue) | 2023 Street Funding Strategy/Grants |
| • Fourth Plain Blvd (Main Street to Andresen) | 2023 Pavement Management |
| • Ft Vancouver Way (Mill Plain to Fourth Plain) | 2023 Pavement Management |



Complete Streets Projects 2021-2024

Street/Area

- NE 137th Avenue (49th Street to Fourth Plain)
- Jefferson/Kauffman (Mill Plain to Evergreen)
- NE 18th Street (97th Avenue to 107th Avenue)
- McGillivray (I-205 to 164th Avenue)
- NE 112th Avenue (28th Street to SR-500)

Funding Sources

2023 Street Funding Strategy/Grants

2024 Street Funding Strategy/Grants

2024 Street Funding Strategy/Grants

2024 Pavement Management

2024 Pavement Management



Grant-funded Program Outcome



- \$2 Million in 2020 towards SE 1st Street, 164th Avenue to 177th Avenue
- \$3.2 Million in 2022 towards SE 1st Street, 177th Avenue to 192nd Avenue

Project Name	* TIP ID	2022	2023	2024
1 st Street 177 th Ave to 192 nd Ave	Trans 870	\$3,200,000	\$0.00	\$0.00
137 th Avenue 49 th Street to Fourth Plain	Trans 275	\$0.00	\$5,000,000	\$0.00
Jefferson Street Realignment	Trans 531	\$0.00	\$0.0	\$4,000,000

* Project ID numbers from the 2022-2027 Transportation Improvement Program (TIP) adopted 06/21/2021



Mobility Safety Accessibility Outcome 2021

\$1 Million to Multimodal Safety and Accessibility Projects

- 18th Street and Devine intersection improvements to connect to future Devine Sidewalk Project
- Fourth Plain Pedestrian Crossing Improvements

Note: In addition to multimodal improvements through other capital projects, development projects, etc.



Neighborhood Traffic Management 2021



\$0.13 Million to Neighborhood Traffic Management Program + combined with annual REET allocation for this program

- McGillivray Blvd pedestrian crossing
- 155th Ave/Countryside Drive speed cushions
- Evergreen Blvd/5th Street radar feedback signs
- 1st Street/4th Street radar feedback signs
- Saint Helens Avenue radar feedback signs
- 18th Street trail crossing
- 58th Street speed tables
- 49th Street speed cushions/radar feedback signs



Pavement Management Outcome 2021



Total 2021 expenses = \$11.7 million

- \$5.2 million from Street Funding Strategy
- \$1.6 million from TBD
- Paved/Resurfaced: 21 lane miles
- Preservation treatments: 55 lane miles
- ADA Accessible Ramps: 159 reconstructed

Note: Dollars shown above are end-of-year projections.

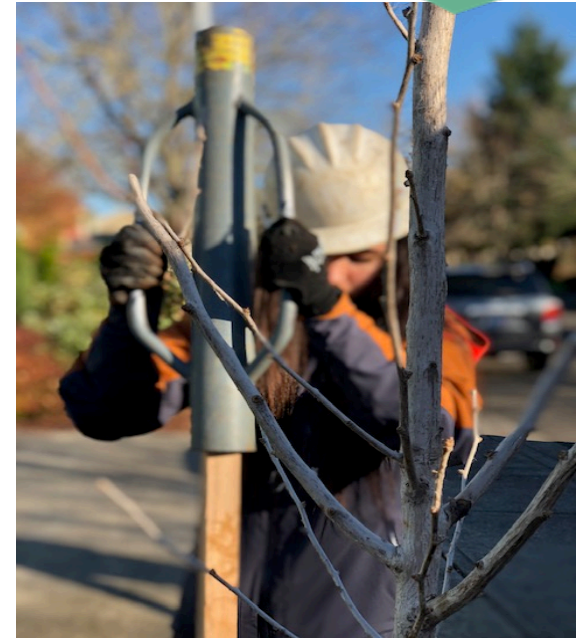


ROW Maintenance Outcome 2021

\$0.75 Million from Street Funding Strategy

- Continued arterial sweeping on two-week cycles
- Restored levels of ROW maintenance: Emphasis on litter collection, weed management, and sight-distance maintenance
- Continued work with Urban Forestry to replace dead/damaged trees

Note: Dollars shown above are end-of-year projections.



Sidewalk Management Program - 2021



2021 sidewalk program expenses = \$0.17 million

- 683 inspections, 421 correction notices, 41 rights-of-way permits, 14 sidewalk seating permits
- Working with residential and businesses to fix defects in sidewalk
- Construction work zone compliance



Asset Replacement Outcome 2021

2021 asset replacement expenses = \$0.05 million

- Annual funding = \$0.2 million Street Funding Strategy + \$0.215 million existing funds
- Saving for Columbia/13th Street signal improvements to be constructed in 2022
- Next project will be replacing traffic signal controller system in 2022/2023.

Note: Dollars shown above are end-of-year projections.



2022 Vancouver TBD Adopted Workplan

Project Name	* TIP ID	Vancouver TBD Funds	Other Funding	Total Estimated Project Cost
Traffic Signal and Lighting Sustainability	Trans 237	\$200,000	\$215,000	\$415,000
Pavement Preservation Program	Trans 241	\$600,000	\$11,840,000	\$12,440,000
Pavement Reconstruction Program	Trans 421	\$1,000,000	\$0.0	\$1,000,000
Multimodal Safety and Accessibility	Trans 844	\$1,000,000	**	\$1,000,000
Neighborhood Traffic Management Program	Trans 240	\$130,000	\$170,000	\$300,000
SE 1st Street 177 th Ave to 192 nd Ave	Trans 870	\$3,200,000	\$6,800,000	\$10,000,000
Total		\$6,130,000	\$19,025,000	\$25,155,000

* Project ID numbers from the 2022-2027 Transportation Improvement Program (TIP) adopted 06/21/2021

** Multimodal improvements also being implemented by capital projects and paving projects

2021 Vancouver TBD Adopted Budget



2021 Estimated Beginning Fund Balance	\$8,400,000
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2021 Estimated Revenues

TBD Vehicle License Fees Revenue	\$5,000,000
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Investment Interest Revenue	\$50,000
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Total 2021 Estimated Available	\$13,450,000
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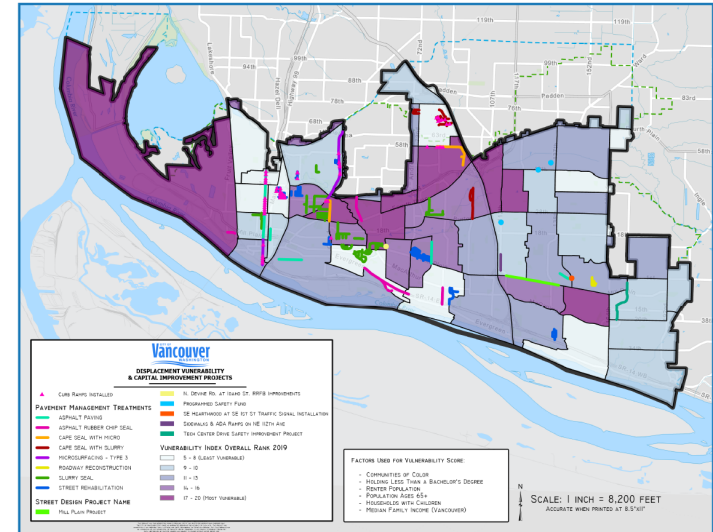
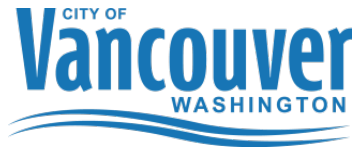
2021 Total Estimated Expenditures	\$2,930,000
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2021 Estimated Ending Fund Balance	\$10,520,000
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Where Can We Go From Here?

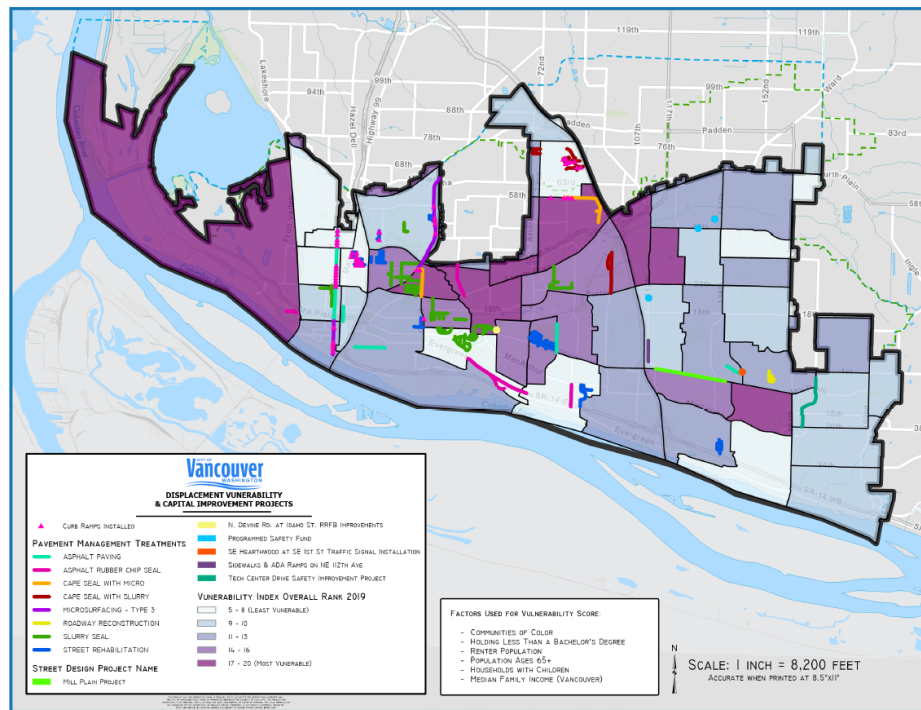


- Continue to maximize benefits to the community by facilitating and expanding programs that meet City goals for safety, equity and climate action.
- Increase consistency and outcomes on curb ramp reconstruction program to increase accessibility, advance multi-modal opportunities through sidewalk infill and safe biking facilities, especially in historically underserved areas.
- Utilize an equity lens for Street Funding Strategy and TBD projects to better identify and focus priorities for improvements that benefit vulnerable areas of the community. Work has already begun.

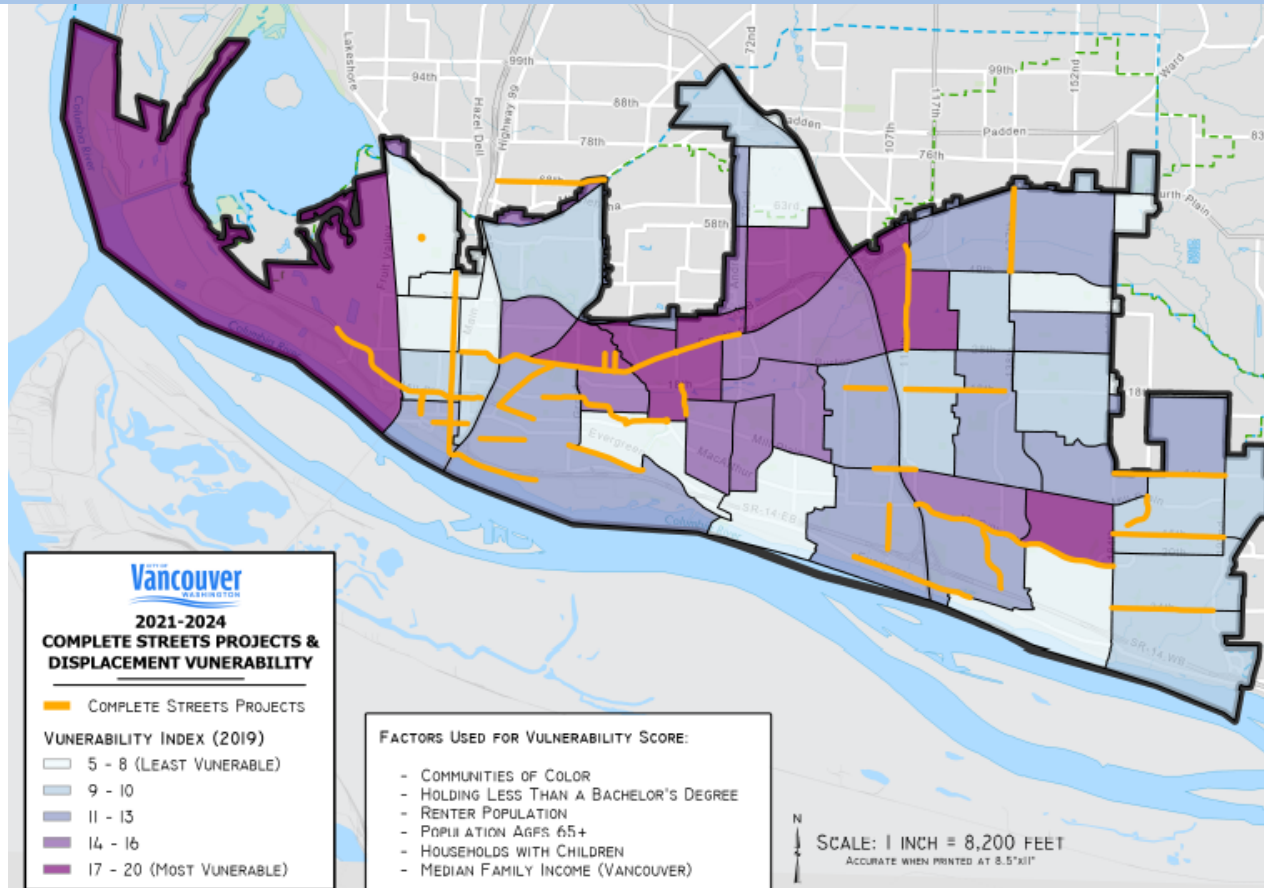


Understanding and Increasing Equity

Work is underway to better understand and focus priorities for transportation investments in multi-modal, accessibility and safety improvements that benefit vulnerable areas of our community.



Understanding and Increasing Equity



Next Steps

Next TBD Board of Directors Meeting: March 7, 2022

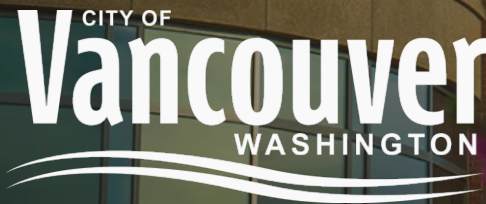
- Consider TBD Annual Report for 2021
- Set 2022 Meeting Schedule

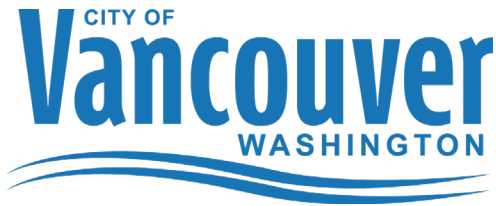


Questions and Discussion

Ryan Lopossa, Public Works Streets & Transportation Manager
Chris Malone, Public Works Finance and Asset Manager

www.cityofvancouver.us/tbd





Memorandum

DATE: December 9, 2021

TO: Mayor and City Council

FROM: Bryan Snodgrass, Principal Planner, Community Development Department

RE: December 20 workshop review of the Clark County Housing Study and Action Plan for the Vancouver UGA

CC: Eric Holmes, City Manager

As requested, a City Council workshop has been scheduled on December 20 to provide an update on the ongoing [Clark County Housing Options Study and Action Plan](#) which focuses on the unincorporated portion of the Vancouver UGA.

The unincorporated portion of the Vancouver UGA has a population of approximately 160,000 persons and a similar land area to the City of Vancouver, but significantly more of the VUGA land is zoned for single family residential development. Single family homes have accounted for 81% of VUGA housing units built in the past five years, compared to 24% in the City of Vancouver. The VUGA also has more undeveloped residential land in which policy changes can have an impact, approximately 1,700 acres versus 400 acres in the City, according to recent County estimates.

The County housing process for the VUGA was mentioned briefly at the last City Council workshop review of the City Housing Code Updates project on September 20. The County intends to identify local challenges and opportunities to encourage creation of housing types that would be affordable to a variety of income levels within the VUGA. The process has been overseen by the County's Community Planning Department staff and project consultants, and an 18-member [Advisory Committee](#) including Bryan Snodgrass of the City's Community Development Department. The Committee met eight times in 2021, most recently on October 26. A final advisory committee meeting is planned for January 2022, following which policy recommendations will be developed for the County Planning Commission and County Council consideration in a final Action Plan in early 2022. Implementing zoning code changes will be drafted later.

The County released a [draft recommendations document](#) on November 30, which identifies 50 near and long term strategies. In addition to time frame, the County strategies are divided into four categories. The most prominent of these are *Housing Options*, which are regulatory strategies focused primarily on private development. Also included are *Affordable Housing* strategies, focusing on subsidized housing for lower income households; *Programs and Partnership* strategies focusing on administration of County programs such as permitting; and *Advocacy* strategies focusing on trying to facilitate changes at the state level.

The County will solicit Community feedback on the draft recommendations at an informal [virtual open house](#) on December 14. The County Council, Planning Commission, and Development and Engineering Advisory Board (DEAB) have been consulted previously in the process.

The main substantive difference between the City and County approaches at this time is in regard to scope. The County Action Plan process is at the stage of identifying and prioritizing strategies, and is broader than the more targeted approach the City is taking toward increasing housing options through specific changes to the City's Land Use and Development Code (VMC Title 20). The City Housing Code Updates project is drafting code changes in nine areas, many originally identified in an earlier strategy document, the 2016 Affordable Housing Task Force report.

More specific comparisons of City and County housing policy work are provided below:

Anticipated City Housing Code Update Component	Status under current County standards and/or draft Action Plan recommendations
New single family zoning district standards allowing 2,500 to 5,000 s.f lots, to be mapped through future rezones	Similar proposal in draft recommendations (HO-18, p10)
New multi-family zoning district standards allowing densities up to 50 units per acre, to be mapped through future rezones. Reduce minimum parking requirement in this and other MFR zones from 1.5 to 1.0 spaces per unit to be consistent with SFR requirement and reduce housing construction costs.	Existing R-43 district currently mapped on limited basis in the Salmon Creek area Draft recommendations to reduce minimum parking requirement for duplexes, triplexes and townhomes below the SFR standard (HO-5, p4) and to study possible reductions in apartment parking requirements (HO-20, p11)
New Cottage Cluster standards	Cottage Cluster allowed. Draft recommendations (HO-9, p5) propose updating those standards with more flexibility regarding allowed housing types, design standards, parking and open space requirements. Separate recommendation (HO-2, p3) to create distinct small home/small lot subdivision option not requiring cottages or open space
New Micro-Housing standards allowing apartments to have shared kitchen and bathroom facilities	Boarding homes allowed. Updates to standard not identified in draft recommendations.
Adjusted ADU standards to allow existing garages with non-conforming setbacks to be eligible	ADUs currently allowed but on or off-site parking and architectural compatibility with main unit required. Draft recommendations (HO-11, p6) include removal of these requirements and allowance for two ADUs per property
New building code fee incentives for new homes to include "visitable" features for aging in place	Visitability program recommended (HO-13, p7)
Updated setbacks for new apartments abutting existing single family homes. Current requirement is only a 5-foot setback with 6-foot high fence or shrub screen	Existing standard appears similar

Comply with statutory requirement to provide unspecified density bonus for affordable housing projects from religious institutions	Similar proposal in draft recommendations (AH-3, p8)
Comply with statutory requirement for reduced minimum parking requirements for market rate, affordable, disabled and senior housing near frequent transit	Similar proposal in draft recommendations (HO-7, p5) although statute may apply more narrowly because of less frequent transit service in the VUGA.

The above listing of short-term City code changes does not include increased flexibility for locating individual duplexes, triplexes or townhomes in single family zones where appropriate, which requires a more extensive public process and will be considered after the initial Housing Code Updates work is completed in 2022, as part of the City's forthcoming Comprehensive Plan Update.

Current County standards provide some flexibility in this area by allowing corner lot duplexes on oversized lots in certain single family residential districts. The draft County Action Plan recommendations (HO-4, p4) propose expanding on this to also allow the following in single family districts: 1) mid-block duplexes on the same lots sizes as single family homes, without any additional review process; 2) to allow triplexes and quadplexes through a Type I Site Plan review; and 3) to allow townhouses if proposed within a new subdivision. Internal division of existing homes into more than one unit is also recommended to be allowed and encouraged.

County as well as City staff will be available at the December 20 workshop to answer any questions. City staff will continue to participate in the County process through the remaining advisory committee meeting and any subsequent adoption hearings. Staff will also continue to learn and, where appropriate, borrow from the County process various ideas for furthering housing options within the City.

Draft City code changes under the Housing Code Updates project are currently being reviewed by the City Planning Commission, at workshops on December 14 and January 25.

Clark County Housing Options Study and Action Plan for the unincorporated VUGA

VANCOUVER
CITY HALL

CITY OF
Vancouver
WASHINGTON

December 20, 2021

Vancouver City Council Workshop
Bryan Snodgrass, Principal Planner, Community
Development Department

Presentation Outline

- Review of County process and emerging draft recommendations for the unincorporated Vancouver UGA
- Comparison with City Housing Code Updates project
- Next steps
- City and County staff available to answer questions



County Housing Action Plan

- Intended to encourage creation of housing affordable to a variety of income levels within the Vancouver UGA.
- 18-member advisory committee met eight times in 2021, final meeting in January 2022. Action Plan adoption anticipated in spring 2022, implementing zoning changes to follow.
- Draft recommendations recently circulated with 50 short and long- term strategies, primarily for local regulatory changes aimed at private development. Strategies also directed at low-income housing, local government administration, and state-level changes.



Comparing County and City Approaches

- Somewhat different starting places. VUGA zoning and recent development dominated by single family housing. More undeveloped residential land in the VUGA.
- Different Scope. County process is broader, currently identifying and prioritizing strategies, with zoning changes later. City process is drafting specific code changes, many from previously identified strategies.



Comparing County and City Approaches (cont.)

Similar policy direction as several components as the City's Housing Code Updates project:

- Both considering new smaller lot SFR zoning district standards.
- City considering new denser MFR district standards, and reduced minimum parking requirements for all MFR districts to match SFR standards and lower costs.
- County has existing higher density MFR district, and is considering reducing parking requirements in lower density MFR districts to be lower than SFR requirements, and further study of higher density MFR parking.



Comparing County and City Approaches (cont.)

- Both considering “visitability” incentives to facilitate aging-in-place for new homes
- City considering standards to meet GMA mandates to provide density bonuses for affordable housing proposals by faith-based organizations, and reduce parking minimums for market, affordable, senior and disabled housing located near frequent transit. County considering similar changes, although some mandates apply only to cities.



Next Steps

- Final County process advisory committee in January, with Action Plan adoption process anticipated in spring, and implementing zoning code standards after that. City staff to continue participating.
- City Housing Code Updates currently undergoing Planning Commission review, with next workshop on January 25.



Next Steps (cont.)

- City to explore standards for increased flexibility in SFR zones for duplexes, triplexes or townhomes where appropriate after anticipated adoption of Housing Code Updates in 2022.
- County currently allows duplexes on oversized corner lots in some SFR zones. County draft recommends expanded allowance for mid-block duplexes on normal sized lots, triplexes and fourplexes subject to Site Plan review, and townhouses in new subdivisions. Allowances for internal home divisions also recommended.



Questions and Discussion

Bryan Snodgrass, Principal Planner, bryan.snodgrass@cityofvancouver.us,
360-487-7946

www.cityofvancouver.us/cdd/page/housing-code-updates

Housing Options Study and Action Plan | Clark County
(wa.gov)





Staff Report 198-21

TO: Mayor and City Council

FROM: Eric Holmes, City Manager

DATE: 12/20/2021

SUBJECT Officers Row Re-Roofing Project, construction acceptance and release of retainage

Key Points

- The project constructed new roofing systems and associated repairs of two registered historic buildings, 603 and 701 (Buildings 1 and 2), on Officers Row.
- The project addresses deterioration and preserves nationally registered historic structures.
- The project is consistent with the City of Vancouver Asset Management policies and the agreement with The Historic Trust.
- The project did not have an apprentice hours requirement as it fell below the \$500,000 threshold.

Strategic Plan Alignment

Goal 5: Continue to build high quality historical and cultural experiences for residents and visitors.

Present Situation

The Officers Row Re-Roof of buildings 603 and 701 was successfully completed with a long lasting roof, elimination of the water leaks into the buildings, repair of water intrusion damage and the addition of measures to enhance the aesthetic beauty of the buildings.

The original construction bid was for \$246,851.61. Plywood replacement required for the roofs and window repairs due to water intrusion were additive change orders. The total project cost was \$312,921.60.

Lake Oswego Construction has satisfactorily completed the subject improvements in accordance with the plans and specifications. No apprenticeship hours were required as the project fell below the \$500,000 minimum threshold.

Contract costs are summarized below.

TOTAL CONTRACT COST

Labor, Equipment and Materials	\$ 288,407.00
Sales Tax	\$ 24,514.60
Total	\$ 312,921.60
Retainage	\$ 14,420.35

Advantage(s)

1. Completes the City's contractual and statutory process for accepting the project.
2. Formal project acceptance allows for closure on third party bond claims and facilitates release of retainage.

Disadvantage(s)

None

Budget Impact

The project cost of \$312,921.60 was funded in part by the Vancouver National Historic Reserve Property Capital Fund and a grant from the Washington Historical Society. The grant was \$1 for every \$3 expended, not to exceed \$145,000, which was not exceeded. The budget was approved in the 2021 Supplemental.

Prior Council Review

None, the original contract amount was below the minimum threshold requiring Council action to award.

Action Requested

Accept the Officers Row Re-Roof - Buildings 603 and 701 project as constructed by Lake Oswego Construction and authorize the release of retainage of \$14,420.36, subject to all documentation required by law.

Pete Capell, Facilities Capital Project Manager, 360-487-7792



Staff Report 199-21

TO: Mayor and City Council

FROM: Eric Holmes, City Manager

DATE: 12/20/2021

SUBJECT Washington Traffic Safety Grant Renewal

Key Points

- The Washington Traffic Safety Commission provides federal and state grant funding to enhance local traffic safety initiatives.
- Vancouver participates in a regional interagency collaborative team of local law enforcement agencies working together to enhance traffic safety.
- This grant will allow Vancouver Police to participate in traffic safety activities as part of a cohesive regional campaign to promote traffic safety through an evidence-based and data-driven national program model.

Strategic Plan Alignment

Goal 2, Objective 2.1: Provide reliable and responsive police, fire and EMS service.

Present Situation

The Washington Traffic Safety Commission (WTSC), as the statewide administering organization for the National Highway Traffic Safety Administration, has awarded \$72,520 in grant funding for regional initiatives to reduce and prevent fatal traffic crashes. Approximately \$18,130 will be available to Vancouver Police to participate in high visibility enforcement patrols as part of an evidence-based program model.

Traffic safety affects all who live or travel in Southwest Washington. Vancouver will partner with the Washington Traffic Safety Commission and local law enforcement agencies to participate in statewide high visibility enforcement campaigns throughout the year. Local law enforcement agencies will participate in targeted outreach and education campaigns to address risk factors often involved in fatal and serious injury crashes.

Washington Traffic Safety Commission funding is effective October 1, 2021 - September 30, 2022, and will provide a total of \$72,520 for traffic safety overtime. Of the total amount,

approximately \$18,130 will be available to the Vancouver Police Department for officer overtime to participate in regional and statewide traffic safety emphasis patrols. No match or retention funding is required.

Advantage(s)

1. This program will improve the reach of our traffic safety efforts by providing additional resources to target traffic safety.
2. The 12-month grant requires no local match or retention funding.
3. WTSC funding will support a multiagency evidence-based model to reduce fatal crashes by enhancing traffic safety outreach and enforcement across the region.

Disadvantage(s)

None.

Budget Impact

There is no local match or ongoing costs required, and no net impact to the General Fund. The appropriation of revenues and budget for expenditures associated with this grant will come forward as part of the City's next Supplemental Budget Appropriation process.

Prior Council Review

None

Action Requested

Authorize the City Manager or designee to execute an agreement approving the receipt of grant funds to enhance traffic safety.

Mike Lester, Assistant Police Chief, 360-487-7494; Brenda Tryon, Police Management Analyst, 360-487-7497

ATTACHMENTS:

- 2021-22 WTSC Grant Agreement

INTERAGENCY AGREEMENT

BETWEEN THE

Washington Traffic Safety Commission

AND

THIS AGREEMENT is made and entered into by and between the Washington Traffic Safety Commission, hereinafter referred to as "WTSC," and [REDACTED], hereinafter referred to as "SUB-RECIPIENT."

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

1. PURPOSE OF THE AGREEMENT

The purpose of this Agreement is to provide funding, provided by the United States Department of Transportation (USDOT) National Highway Traffic Safety Administration (NHTSA) and allowed under the Assistance Listings Catalog of Federal Domestic Assistance (CFDA) numbers 20.600 and 20.608, for traffic safety grant project **2022-HVE-4448-Region 6 Target Zero Task Force**, specifically to provide funding for the law enforcement agencies in WTSC Region 6 to conduct overtime high-visibility enforcement (HVE) traffic safety emphasis patrols as outlined in the Statement of Work (SOW), in support of Target Zero priorities. The Target Zero Manager (TSM) and/or the Law Enforcement Liaison (LEL) shall coordinate the SOW with the SUB-RECIPIENT with the goal of reducing traffic crashes.

Grant **2022-HVE-4448-Region 6 Target Zero Task Force** was awarded to the **Region 6** to support collaborative efforts to conduct HVE activities. By signing this agreement, the SUB-RECIPIENT is able to seek reimbursement for approved overtime expenses incurred as a participant in the region's HVE grant.

2. PERIOD OF PERFORMANCE

The period of performance of this Agreement shall commence upon the date of execution by both Parties, but not earlier than October 1, 2021, and remain in effect until September 30, 2022 unless terminated sooner, as provided herein.

3. STATEMENT OF WORK

SCOPE OF WORK:

Problem and Opportunity Statement / Project Overview

The main causes of serious injury and fatality collisions on Washington's roadways are driver impairment through drug and/or alcohol use, and distracted driving. Motorcyclists also represent a high number of injured and killed as a result of unsafe and poorly trained riders and the challenges vehicle drivers face in observing motorcycles on the road.

This project will fund locally coordinated high visibility enforcement mobilizations for distracted driving and motorcycle safety. Selected regions will also be given funding for Impaired Driving HVE. Overtime patrols will be organized by local Target Zero Managers (TZMs) & the statewide Law Enforcement Liaison networks and their local Target Zero Task Force. These patrols will also be coordinated with the Washington State Patrol (WSP). Target Zero Managers will establish or strengthen relationships with key WSP district personnel to improve interagency coordination.

Goal

Prevent traffic crashes to reduce traffic related deaths and serious injuries through active, visible, consistent, and targeted traffic law enforcement.

Strategy

Prevent drivers from engaging in high-risk behaviors by increasing their perception of the risk of receiving a citation through high visibility enforcement campaigns (HVE).

HVE Campaigns influence driver behavior by creating the perception that there is an increased risk of engaging in risky driving behaviors. This perception is achieved through 1) an increase in media messages about upcoming emphasis periods so that the targeted drivers know when the patrols will occur and what will be enforced and 2) drivers have the perception of increased enforcement because they can see a significant and noticeable increase in law enforcement presence (officers pulling cars over) that reinforces the media messages they received and influences them to modify their driving behavior.

Objectives and Requirements for All High Visibility Patrols

1. SUB-RECIPIENT will participate in their task force to plan and execute HVE events. The SUB-RECIPIENT in cooperation with the local task force will:
 - a. Conduct robust planning for each HVE event. WTSC recommends creating an operational plan developed by the local traffic safety task force for each HVE event that includes:
 - i. Goals for the event – For example, what behaviors is the event intended to influence?
 - ii. Summary of participating law enforcement agencies, target violations, and target locations.
 - iii. Summary of the public outreach that will be done to promote the event so that drivers in the targeted locations are forewarned and can anticipate it.
 - iv. Use data and information such as crash data, anecdotes of near misses, and professional judgement to pick target locations where the patrols will occur.

- b. The planning for HVE events will be data informed; based on crash data, anecdotal evidence, and the professional judgement of task force members.
- c. Execute the event using multiple officers (a minimum of three) at the same time in the same target areas to create a visible presence so that the driving public has the perception of law enforcement omnipresence on the targeted roads. Enforcement is highly visible – clearly more than a typical day.
- d. Participating officers should maximize their contacts during their patrols so that their activity contributes to the goals of the HVE event. See this requirement described below in the section called Other Considerations, Exceptions, And Notes Regarding HVE Events.
- e. Promote the event through all earned, owned and, if funded, paid media that is available so that the public is made aware of the event before, during, and after the enforcement takes place. Translate messages as needed to reach the majority of drivers in the targeted locations.
- f. Invite local media involvement in the effort to reach communities in which HVE will occur.
- g. Strive to actively enforce traffic safety laws focused on collision causing behaviors in priority areas throughout the year outside of HVE events.
- h. Ensure all participating personnel will use the WEMS system provided by the WTSC to record all activities in digital activity logs conducted by their commissioned officers pursuant to the HVE events. Participating officers will fill out all applicable fields of the digital activity log and use the comments field to provide details on an irregularities, challenges or other details that would help explain what was encountered during their shift. SUB-RECIPIENT will also ensure all supervisors and fiscal staff have the ability to review and edit those activity logs.
- i. Ensure all participating personnel will receive a briefing prior to the event so that every participant understands the purpose and goals of the HVE event. This can be done in person (preferred) or electronic via telephone or virtual software. Below is a recommended briefing checklist:
 - i. Event goals, and summary of participating law enforcement agencies and officers, target violations, and target locations.
 - ii. List of on-call DREs and request procedures
 - iii. How to fill out their digital activity log in WEMS
 - iv. Information on how the Mobile Impaired Driving Unit will be used (if applicable)
 - v. Dispatch information
 - vi. Spotter processes (if applicable)
 - vii. Available Draeger machines and locations

- j. Ensure all officers participating in these patrols is BAC certified and received and passed the SFST refresher training.
- k. Support the promotion of HVE events utilizing all of their owned media channels (i.e., Facebook, Twitter, website, email newsletters, or other social media).
- l. Ensure at least one individual available for weekend media contacts, beginning at noon on Fridays before HVE mobilizations.

Objectives and Requirements for Distracted Driving HVE Patrols

1. SUB-RECIPIENT must use the spotter method for all distracted driving HVE events. This method will utilize a team of no less than three officers – one spotter identifying violations and at least two officers responding to violations.
2. Participating officers will document, in the “Comments” box of their activity log, the names of the spotter and chasers with which they were working.
3. SUB-RECIPIENTS utilizing motorcycle officers are exempt from the spotter requirement.
4. SUB-RECIPIENT agrees that distracted driving patrols conducted without using the spotter method will not be compensated by the WTSC.
5. SUB-RECIPIENT will only expend funds for these HVE events in support of the national distracted driving campaign from April 4 to April 11.
6. SUB-RECIPIENT may expend funds outside of the April national campaign, but only when 1) the Target Zero Manager receives written approval from WTSC in advance and 2) the event is in support of a distracted driving focused HVE event organized by the Task Force. Patrols conducted outside of the campaign window, and without pre-approval from WTSC will not be reimbursed.

Objectives and Requirements for Motorcycle Safety HVE Patrols

1. SUB-RECIPIENT will focus on the illegal and unsafe driving actions of all other motor vehicles when relating to motorcycles. This includes speeding, failure to yield to a motorcycle, following too closely to a motorcycle, distracted driving, etc.
2. SUB-RECIPIENT ensures that enforcement will focus on the illegal and unsafe driving actions of motorcycles that are known to cause serious and fatal crashes. This includes impaired driving, speeding, and following too closely.
3. The SUB-RECIPIENT will utilize motorcycle officers in these patrols to the fullest extent possible.
4. The SUB-RECIPIENT will only expend funds for these motorcycle HVE events in support of the following campaigns:
5. It’s a Fine Line – (July 8-10, July 15-17, or July 22-24). Note: Patrols must take place Friday, Saturday, or Sunday during the campaign.

6. Oyster Run Event – Summer 2022 (Region 11 only).
7. ABATE Spring Opener – Summer 2022 (Region 12 only).
8. Hog Wild Ocean Shores Motorcycle Event – Summer 2022 (Region 2 only).
9. Motorcycle HVE Patrols must take place Friday, Saturday, or Sunday during the It's a Fine Line campaign, however the local Traffic Safety Task Force can request to conduct patrols during other days in the week if data shows the need for this or for special events. These requests must be sent to Mark Medalen via email (mmedalen@wtsc.wa.gov) at least one week in advance of the proposed event. During special events, patrols should be scheduled during the dates of the event and could start one day before the official event start date and end one day after the official event end date.

Other Considerations, Exceptions, And Notes Regarding HVE Events

Maximizing contacts: Participating law enforcement officers should make as many contacts as they can during their patrol in the spirit of changing driving behavior. Active, visible, consistent, and targeted traffic law enforcement has an impact on helping to modify driver behavior. A traffic stop affects future driving habits that has a positive influence on reducing the number and severity of collisions. People believe what they hear from each other and it influences what they do. Traffic stops act as a deterrent to risky driving behavior. This strategy has three primary purposes that traffic stops achieve:

- The first purpose is to stop a violation of the law for public safety. Officers will accomplish this purpose merely by stopping vehicles.
- The second purpose of the stop is to serve as a general deterrent to other drivers. Officers' visible presence with a vehicle at the roadside has this symbolic effect on other drivers.
- Finally, the third purpose is to change the drivers' future driving behavior.

Process Measures

- Percent of officers that receive a briefing prior to HVE events.
- Percent of HVE activity logs with a start date and end date / time within prescribed campaign windows.
- Percent of stops resulting in an infraction or citations issued for high-risk behaviors including but not limited to impaired driving, speeding, distracted driving, and aggressive driving.

Objectives and Requirements for Impaired Driving HVE Patrols

1. SUB-RECIPIENT will implement a data driven, sustained enforcement and education efforts.
 - a. Use local traffic crash data and any other useful data to identify the locations where the enforcement patrols should occur.
 - b. Education and local media efforts should incorporate a Positive Community Norms approach with the desired outcome of influencing drivers with the highest potential of causing traffic crashes.

- c. Commit to an increased level of sustained enforcement as outlined in the operations plan. *NOTE: These funds are meant to provide an increase in DUI enforcement efforts, not meant to replace current DUI enforcement.*
2. SUB-RECIPIENT will participate in national impaired driving HVE events including:
 - a. Holiday DUI Patrols (December 15 – January 1)
 - b. Drive Sober or Get Pulled Over (August 17 – September 5)
3. SUB-RECIPIENT will focus enforcement efforts on driving behaviors that are commonly exhibited by drivers operating a motor vehicle under the influence of alcohol/drugs or a combination. Stopping vehicles for “high discretionary” style stops should not be the priority.
4. SUB-RECIPIENT ensures all officers participating in these patrols has received the Advanced Roadside Impaired Driving Enforcement (ARIDE) training.
5. SUB-RECIPIENT should not supplant regular patrol officer activity during HVE events.

Scope of Work - Impaired Driving HVE Patrols

Contacts

Project Director: Jesamie Peters

Agency Name: REGION 6 Task Force

Address: 801 N 5th ST

City, State, Zip: Kalama, WA 98625

Phone: 503.341.8896

Email: TZMJesamie@outlook.com

Program Manager: LEL Sgt. Alex Schoening

Address: 707 W 13th ST

City, State, Zip: Vancouver, WA 98660

Phone: 564.397.6127

Email: alex.schoening@clark.wa.gov

Media Manager / PIO Network

Kim Kapp – Vancouver PD

Kim.Kapp@cityofvancouver.us

Sgt. Schoening – Clark County Sheriff’s Office

alex.schoening@clark.wa.gov

Bonnie Gilberti – Battle Ground Police Department

bonnie.gilberti@cityofbg.org

Bryan Rachal – Camas Police Department

brachal@cityofcamas.us

Operations

- Conduct 3 DUI HVE events per quarter
 - o Staffing levels: min 3 officers / 1 dispatcher
- Time 7pm-3am (option to adjust for staffing and new developments in DUI trends)
- Dates (option to adjust for staffing and new developments in DUI trends)
 - o QTR 1: 10/30/2021, 11/27/2021, 12/26/2021
 - o QTR 2: 1/1/2022, 2/19/2022, 3/17/2022
 - o QTR 3: 4/20/2022, 5/27/2022 / 5/28/2022
 - o QTR 4: 7/2/2022, 8/20/2022, 9/3/2022
- HVE Briefings will include:
 - o Purpose and goal of HVE
 - o WEMS recap
 - o Patrol logs no later than 24 hours after HVE
 - o Shift length reminder – 8 hours, unless arrest keeps them over
 - o At each DUI arrest document, (when feasible):
 - Last known place of drink
 - Reason for consuming
 - Reason for getting behind the wheel

HVE Measures

- Number of completed HVE
- Results of new data collection to begin new targeted outreach
- Continuous evaluation of locations and effectiveness of HVE

Mentorship

Mentorship opportunities will be offered to interested officers to gain a greater proficiency and enhanced competency in DUI arrests.

- o One Mentor / One mentee per quarter
- o Two days, two 8-hour shifts

Candidate Selection: An officer within Region 6 may request participation and mentorship in writing to their Task Zero Sgt. representative, who will forward the request to the Target Zero LEL and Manager for approval.

The Target Zero Manager will approve or deny the request based on available funding. The request letter should be submitted 30 days prior to mentorship and include:

- Name and agency of the officer requesting mentorship
- Reason for request and what the officer hopes to gain from the additional training

- Identify a mentor from within their own agency. If no mentor available, include that information in the letter and identify a mentor from another agency that you feel will benefit you in your training. If no mentor is identified, one will be selected for you.
- Approximate dates you wish to complete your mentorship.

Field Training: An officer requesting participation in this program will participate in up to 16 hours (two 8-hour shifts). The officer will be paired with an officer, DRE or Supervisor who has extensive knowledge and experience in processing DUIs.

- The mentor officer will spend up to 4 hours reviewing SFSTs, blood warrants, report writing or other policy related processes in a classroom setting. This is not required if the student officer does not need this instruction.
- The remainder of the first shift the student officer will observe the mentor while they conduct DUI patrol.
- The remaining time will be spent in the field with the mentor officer shadowing the student officer. The field time will be spent looking for, and arresting DUIs.

Expectations: The student officer will be expected to participate in at least 1 TZT or DUI emphasis patrol within a calendar year of their mentorship training. This requirement can be waived by the Target Zero Manager on a case-by-case basis.

Mentors: Mentors will be identified by the task force as being leaders in DUI arrests. The student officer may be paired up with an officer from any agency within the task force. It is the intent that the mentor comes from the same agency, if available.

Reimbursement: Reimbursement to both the mentor and student officer agency will be submitted to the Target Zero Manager via WEMS. No backfill overtime is allowed. The reimbursement packet should include an A19 form, overtime certification, patrol logs, the original request letter, and a summary of all activity conducted during the mentorship.

Mentorship Measures

- Number of mentorships requested and completed
- Number of Officers who worked ID HVE as a result of mentorship
- Number of DUIs arrested by Officers who received mentorship

Publicity/Earned Media Efforts

Publicity

- Local Media – Build relationships with local media partners; quarterly goal to provide press releases and letters to the editor. Memorial messaging and offer HVE ride-alongs as approved.

- Social Media – Post DUI Target Zero messaging minimum pre-HVE and bi-monthly following NHTSA calendar, post memorial messaging quarterly, begin to recruit & enlist driving age social media supporters to repost and increase reach, Instagram, Facebook, and Twitter.
- Region 6 Public Information Officers - Engage, provide messaging, and encourage to disseminate and educate local citizenry via their department media channels, pre-HVE and monthly following NHTSA calendar.
- Community Events / Print Media – During HVE disseminate rack cards and memorial victim remembrance cards, continuously look for opportunities to post posters, and other signage around community spaces.

Visibility/Outreach Efforts

- Utilize Clark County Sheriff's Office mobile digital sign to create awareness and promote safe driving, as well as alert the public to HVE dates. Deployment hope is quarterly, but dependent on availability.
- Maintain bi-monthly regular social media postings, including buying ads as possible, to educate and inform citizens of hopes and concerns related to DUI prevention and driving/riding safe and sober.
- Create memorial cards for Officers to hand out through the course of their shifts.
- Identify new environments for outreach:
 - When possible during DUI processing, DUI arresting officer to interview arrestee around motivation for intoxication
 - Did they know they were intoxicated?
 - Reason for intoxication? Celebration / happy hour / night out / blues or depression, questions around their choice to drive, etc.,
 - Hope is to hone in on places to engage, educate and offer resources to community members, prior to choosing to drive.
 - Capture feedback in Logs or spreadsheet for later use.

Publicity/Earned Media Measures

- Number of press releases
- Number of social media posts
- Number of rack cards disseminated
- Number of CCSO Digital Sign deployment
- Community feedback and their continued effort outside of Target Zero

Budget and Budget Narrative

A minimum of 3 Officers working per event is needed to qualify for HVE. The TZM reserves the flexibility to move dates and add dates to adapt to unexpected challenges and budget in Region 6. The budget for the mentorship program may be utilized for HVE or vice versa. Any changes to the ID HVE budget will be communicated via email to the ID HVE Program Manager. The Region 6 Traffic Safety Task Force may reimburse overtime or straight time via the WEMS reimbursement process. Agencies seeking reimbursement for straight time work are only eligible to seek reimbursement for traffic safety emphasis patrol event activity and must submit an officer activity log.

Mentorship Program Budget

Frequency to be determined by request

TOTAL: \$10,400**HVE Budget and Schedule**

1st Quarter - October 2021 to December 31, 2021	2nd Quarter – January 1 to March 31, 2022	3rd Quarter – April 1 to June 30, 2022	4th Quarter – July 1, 2022 to September 30, 2022
<u>10/30/2021 7pm-3am</u> Saturday before Halloween 4 +\ - Officers/1 Dispatcher	<u>1/1/2022 7pm- 3am</u> Holiday Saturday 4 +\ - Officers/1 Dispatcher	<u>4/20/2022 7pm- 3am</u> Marijuana Holiday 4 +\ - Officers/1 Dispatcher	<u>7/2/2022 7pm- 3am</u> Holiday weekend Saturday 4 +\ - Officers/1 Dispatcher
<u>11/27/2021 7pm-3am</u> Holiday weekend Saturday 4 +\ - Officers/1 Dispatcher	<u>2/19/2022 7pm- 3am</u> Holiday weekend Saturday 4 +\ - Officers/1 Dispatcher	<u>5/27/2022 7pm- 3am</u> Holiday weekend Friday 4 +\ - Officers/1 Dispatcher	<u>8/20/2022 7pm- 3am</u> Saturday in summer 4 +\ - Officers/1 Dispatcher
<u>12/26/2021 7pm-3am</u> Holiday weekend Sunday, Monday off for some workers 4 +\ - Officers/1 Dispatcher	<u>3/17/2022 7pm- 3am</u> Holiday 4 +\ - Officers/1 Dispatcher	<u>5/28/2022 7pm- 3am</u> Holiday weekend Saturday 4 +\ - Officers/1 Dispatcher	<u>9/3/2022 7pm- 3am</u> Holiday weekend Saturday 4 +\ - Officers/1 Dispatcher
Q1 Budget: \$7,030	Q2 Budget: \$7,030	Q3 Budget: \$7,030	Q4 Budget: \$7,030
TOTAL \$28,120			

Total ID HVE/Mentorship Program Total: \$38,520

3.1. MILESTONES AND DELIVERABLES

Mobilization	Dates
Holiday DUI	December 15, 2021 – January 1, 2022
U Drive. U Text. U Pay.	April 4 – 11, 2022
It's a Fine Line	July 8 – 24, 2022
DUI Drive Sober or Get Pulled Over	August 17 – September 5, 2022

3.2. COMPENSATION

3.2.1. Compensation for the overtime work provided in accordance with this Agreement has been established under the terms of RCW 39.34. The cost of accomplishing the work described in the SOW will not exceed dollar total from amounts listed below. Payment for satisfactory performance of the overtime work shall not exceed this amount unless the WTSC and SUB-RECIPIENT mutually agree to a higher amount in a written Amendment to this Agreement executed by both the WTSC and SUB-RECIPIENT. Comp-time is not considered overtime and will not be approved for payment. All law enforcement agencies who are active members of the Region 6 traffic safety task force with a fully executed grant agreement are eligible to participate in this grant.

3.2.2. WTSC will reimburse for personnel overtime expenses at 150 percent of the officer's normal salary rate plus SUB-RECIPIENT's contributions to employee benefits, limited to the following:

- FICA
- Medicare
- Any portion of L & I that is paid by the employer (SUB-RECIPIENT)
- Retirement contributions paid by the employer (SUB-RECIPIENT) can be included if the contribution is based on a percentage of their hours worked

Health insurance, or any other benefits not listed above, are not eligible for reimbursement.

The SUB-RECIPIENT will provide law enforcement officers with appropriate equipment (e.g., vehicles, radars, portable breath testers, etc.) to participate in the emphasis patrols.

3.2.3. Funding alterations are permitted as follows: Upon agreement by the regional TZM and all other parties impacted by a proposed budget alteration, the allocation amounts may be increased or decreased without amending this agreement. HVE grant funds should be managed collaboratively by the SUB-RECIPIENT and the TZM.

These alterations must be requested through email communication among all involved parties, including the TZM, and the WTSC Fiscal Analyst. This communication shall include an HVE Allocation Adjustment form, which details the funding alterations.

Funds within the same HVE campaign budget category only, can be increased and decreased across parties, so long as the modified total does not exceed the regional total allocation per funding category.

3.2.4. These funds, designated for salaries and benefits, are intended to pay for the hourly overtime costs and proportional amounts of fringe benefits of commissioned staff pursuing the activities described in the statement of work. These funds may not be used for any other purpose for example any work required to maintain a law enforcement commission including recertification trainings like firearm qualification.

3.2.5. Dispatch: WTSC will reimburse communications officers/dispatch personnel for work on this project providing SUB-RECIPIENT has received prior approval from their region's TZM. This activity must be overtime and only the expenses listed in section 3.2 and its subsections will be reimbursed.

3.2.6. Transport Officers: WTSC will reimburse transport officers for their work on this project providing SUB-RECIPIENT has received approval from their regions TZM. The TZM will work with the regional LEL to determine if need is warranted for the type of HVE activity. This activity must be overtime and only the expenses listed in section 3.2 and its subsections will be reimbursed.

3.2.7. The law enforcement agency involved will not schedule individual officer overtime shifts for longer than eight hours. WTSC understands there may be instances when more than eight hours are billed due to DUI processing or other reasons and an explanation should be provided on the WEMS Officer Activity Log.

3.2.8. The law enforcement agency involved will ensure that any reserve officer for whom reimbursement is claimed has exceeded his/her normal weekly working hours when participating in an emphasis patrol and is authorized to be paid at the amount requested. Reserve officers may only be paid at the normal hourly rate and not at the 150 percent overtime rate.

3.3. SUMMARY OF PROJECT COSTS

The WTSC has awarded **\$72,520.00** to the **Region 6 Traffic Safety Task Force** for the purpose of conducting coordinated overtime HVE activities. By signing this agreement, the SUB-RECIPIENT is able to seek reimbursement for approved overtime expenses incurred as a participant in this grant. All activity must be coordinated by the region's traffic safety task force and TZM in order to be eligible for reimbursement.

The funding for **Region 6** is as follows:

EMPHASIS PATROL

Impaired Driving Patrols (Section 402, CFDA 20.600)	\$38,520.00
Distracted Driving Patrols (Section 402, CFDA 20.600)	\$19,000.00
Motorcycle Safety	\$15,000.00

(164 Funds, CFDA 20.608)	
TOTAL	\$72,520.00

3.3.1. The funds issued under this Agreement are only to be used for the specified category and shall not be commingled between categories.

APPLICABLE STATE AND FEDERAL TERMS AND CONDITIONS:

4. ACTIVITY REPORTS

The SUB-RECIPIENT agrees to have all personnel who work HVE patrols submit a WEMS Officer Activity Log within 24 hours of the end of all shifts worked. These same logs will be associated with invoices as detailed in the “BILLING PROCEDURE” section. Use of the Officer Activity Log in the WTSC’s online grant management system, WEMS, is required. Supervisor review and accuracy certification will also be done in WEMS.

5. ADVANCE PAYMENTS PROHIBITED

No payments in advance of or in anticipation of goods or services to be provided under this Agreement shall be made by the WTSC.

6. AGREEMENT ALTERATIONS AND AMENDMENTS

This Agreement may be amended by mutual agreement of the Parties in the form of a written request to amend this Agreement. Such amendments shall only be binding if they are in writing and signed by personnel authorized to bind each of the Parties. Changes to the budget, SUB-RECIPIENT’S Primary Contact, and WTSC Program Manager can be made through email communication and signatures are not required.

7. ALL WRITINGS CONTAINED HEREIN

This Agreement contains all the terms and conditions agreed upon by the Parties. No other understandings, oral or otherwise, regarding the subject matter of this Agreement shall be deemed to exist or to bind any of the Parties hereto.

8. ASSIGNMENT

The SUB-RECIPIENT may not assign the work to be provided under this Agreement, in whole or in part, without the express prior written consent of the WTSC, which consent shall not be unreasonably withheld. The SUB-RECIPIENT shall provide the WTSC a copy of all third-party contracts and agreements entered into for purposes of fulfilling the SOW. Such third-party contracts and agreements must follow applicable federal, state, and local law, including but not limited to procurement law, rules, and procedures. If any of the funds provided under this Agreement include funds from NHTSA, such third-party contracts and agreements must include the federal provisions set forth in this Agreement in sections 34 through 42.

9. ATTORNEYS’ FEES

In the event of litigation or other action brought to enforce the Agreement terms, each Party agrees to bear its own attorney fees and costs.

10. BILLING PROCEDURE

All invoices for reimbursement of HVE activities will be done using the WTSC's grant management system, WEMS. WEMS Officer Activity logs will be attached to invoices, directly linking the cost of the activity to the invoice. Because the activity, approval, and invoicing are all done within WEMS, no back up documentation is required in most cases.

Once submitted by the SUB-RECIPIENT, invoices are routed to the regional TZM for review and approval. The TZM will submit all approved invoices to the WTSC via WEMS within 10 days of receipt.

Payment to the SUB-RECIPIENT for approved and completed work will be made by warrant or account transfer by WTSC within 30 days of receipt of such properly documented invoices acceptable to WTSC. Upon expiration of the Agreement, any claim for payment not already made shall be submitted within 45 days after the expiration date of this Agreement. All invoices for goods received or services performed on or prior to June 30, 2021, **must be received by WTSC no later than August 10, 2022**. All invoices for goods received or services performed between July 1, 2022 and September 30, 2022, **must be received by WTSC no later than November 15, 2022**.

11. CONFIDENTIALITY/SAFEGUARDING OF INFORMATION

The SUB-RECIPIENT shall not use or disclose any information concerning the WTSC, or information which may be classified as confidential, for any purpose not directly connected with the administration of this Agreement, except with prior written consent of the WTSC, or as may be required by law.

12. COST PRINCIPLES

Costs incurred under this Agreement shall adhere to provisions of 2 CFR Part 200 Subpart E.

13. COVENANT AGAINST CONTINGENT FEES

The SUB-RECIPIENT warrants that it has not paid, and agrees not to pay, any bonus, commission, brokerage, or contingent fee to solicit or secure this Agreement or to obtain approval of any application for federal financial assistance for this Agreement. The WTSC shall have the right, in the event of breach of this section by the SUB-RECIPIENT, to annul this Agreement without liability.

14. DISPUTES

14.1. Disputes arising in the performance of this Agreement, which are not resolved by agreement of the Parties, shall be decided in writing by the WTSC Deputy Director or designee. This decision shall be final and conclusive, unless within 10 days from the date of the SUB-RECIPIENT's receipt of WTSC's written decision, the SUB-RECIPIENT furnishes a written appeal to the WTSC Director. The SUB-RECIPIENT's appeal shall be decided in writing by the Director or designee within 30 days of receipt of the appeal by the Director. The decision shall be binding upon the SUB-RECIPIENT and the SUB-RECIPIENT shall abide by the decision.

14.2. Performance During Dispute. Unless otherwise directed by WTSC, the SUB-RECIPIENT shall continue performance under this Agreement while matters in dispute are being resolved.

15. GOVERNANCE

15.1. This Agreement is entered into pursuant to and under the authority granted by the laws of the state of

Washington and any applicable federal laws. The provisions of this Agreement shall be construed to conform to those laws.

15.2. In the event of an inconsistency in the terms of this Agreement, or between its terms and any applicable statute or rule, the inconsistency shall be resolved by giving precedence in the following order:

15.2.1. Applicable federal and state statutes and rules

15.2.2. Terms and Conditions of this Agreement

15.2.3. Any Amendment executed under this Agreement

15.2.4. Any SOW executed under this Agreement

15.2.5. Any other provisions of the Agreement, including materials incorporated by reference

16. INCOME

Any income earned by the SUB-RECIPIENT from the conduct of the SOW (e.g., sale of publications, registration fees, or service charges) must be accounted for, and that income must be applied to project purposes or used to reduce project costs.

17. INDEMNIFICATION

17.1. To the fullest extent permitted by law, the SUB-RECIPIENT shall indemnify and hold harmless the WTSC, its officers, employees, and agents, and process and defend at its own expense any and all claims, demands, suits at law or equity, actions, penalties, losses, damages, or costs of whatsoever kind ("claims") brought against WTSC arising out of or in connection with this Agreement and/or the SUB-RECIPIENT's performance or failure to perform any aspect of the Agreement. This indemnity provision applies to all claims against WTSC, its officers, employees, and agents arising out of, in connection with, or incident to the acts or omissions of the SUB-RECIPIENT, its officers, employees, agents, contractors, and subcontractors. Provided, however, that nothing herein shall require the SUB-RECIPIENT to indemnify and hold harmless or defend the WTSC, its agents, employees, or officers to the extent that claims are caused by the negligent acts or omissions of the WTSC, its officers, employees or agents; and provided further that if such claims result from the concurrent negligence of (a) the SUB-RECIPIENT, its officers, employees, agents, contractors, or subcontractors, and (b) the WTSC, its officers, employees, or agents, or involves those actions covered by RCW 4.24.115, the indemnity provisions provided herein shall be valid and enforceable only to the extent of the negligence of the SUB-RECIPIENT, its officers, employees, agents, contractors, or subcontractors.

17.2. The SUB-RECIPIENT waives its immunity under Title 51 RCW to the extent it is required to indemnify, defend, and hold harmless the WTSC, its officers, employees, or agents.

17.3. The indemnification and hold harmless provision shall survive termination of this Agreement.

18. INDEPENDENT CAPACITY

The employees or agents of each Party who are engaged in the performance of this Agreement shall continue to be employees or agents of that Party and shall not be considered for any purpose to be employees or agents of the other Party.

19. INSURANCE COVERAGE

19.1. The SUB-RECIPIENT shall comply with the provisions of Title 51 RCW, Industrial Insurance, if required by law.

19.2. If the SUB-RECIPIENT is not required to maintain insurance in accordance with Title 51 RCW, prior to the start of any performance of work under this Agreement, the SUB-RECIPIENT shall provide WTSC with proof of insurance coverage (e.g., vehicle liability insurance, private property liability insurance, or commercial property liability insurance), as determined appropriate by WTSC, which protects the SUB-RECIPIENT and WTSC from risks associated with executing the SOW associated with this Agreement.

20. LICENSING, ACCREDITATION, AND REGISTRATION

The SUB-RECIPIENT shall comply with all applicable local, state, and federal licensing, accreditation, and registration requirements and standards necessary for the performance of this Agreement. The SUB-RECIPIENT shall complete registration with the Washington State Department of Revenue, if required, and be responsible for payment of all taxes due on payments made under this Agreement.

21. RECORDS MAINTENANCE

21.1. During the term of this Agreement and for six years thereafter, the SUB-RECIPIENT shall maintain books, records, documents, and other evidence that sufficiently and properly reflect all direct and indirect costs expended in the performance of the services described herein. These records shall be subject to inspection, review, or audit by authorized personnel of the WTSC, the Office of the State Auditor, and federal officials so authorized by law. All books, records, documents, and other material relevant to this Agreement will be retained for six years after expiration. The Office of the State Auditor, federal auditors, the WTSC, and any duly authorized representatives shall have full access and the right to examine any of these materials during this period.

21.2. Records and other documents, in any medium, furnished by one Party to this Agreement to the other Party, will remain the property of the furnishing Party, unless otherwise agreed. The receiving Party will not disclose or make available this material to any third Parties without first giving notice to the furnishing Party and giving them a reasonable opportunity to respond. Each Party will utilize reasonable security procedures and protections to assure that records and documents provided by the other Party are not erroneously disclosed to third Parties.

22. RIGHT OF INSPECTION

The SUB-RECIPIENT shall provide right of access to its facilities to the WTSC or any of its officers, or to any other authorized agent or official of the state of Washington or the federal government, at all reasonable times, in order to monitor and evaluate performance, compliance, and/or quality assurance under this Agreement. The SUB-RECIPIENT shall make available information necessary for WTSC to comply with the right to access, amend, and receive an accounting of disclosures of their Personal Information according to the Health Insurance Portability and Accountability Act of 1996 (HIPAA) or any regulations enacted or revised pursuant to the HIPAA provisions and applicable provisions of Washington State law. The SUB-RECIPIENT shall upon request make available to the WTSC and the United States Secretary of the Department of Health and Human Services all internal policies and procedures, books, and records relating

to the safeguarding, use, and disclosure of Personal Information obtained or used as a result of this Agreement.

23. RIGHTS IN DATA

23.1. WTSC and SUB-RECIPIENT agree that all data and work products (collectively called “Work Product”) pursuant to this Agreement shall be considered works made for hire under the U.S. Copyright Act, 17 USC §101 et seq., and shall be owned by the state of Washington. Work Product includes, but is not limited to, reports, documents, pamphlets, advertisement, books, magazines, surveys, studies, computer programs, films, tapes, sound reproductions, designs, plans, diagrams, drawings, software, and/or databases to the extent provided by law. Ownership includes the right to copyright, register the copyright, distribute, prepare derivative works, publicly perform, publicly display, and the ability to otherwise use and transfer these rights.

23.2. If for any reason the Work Product would not be considered a work made for hire under applicable law, the SUB-RECIPIENT assigns and transfers to WTSC the entire right, title, and interest in and to all rights in the Work Product and any registrations and copyright applications relating thereto and any renewals and extensions thereof.

23.3. The SUB-RECIPIENT may publish, at its own expense, the results of project activities without prior review by the WTSC, provided that any publications (written, visual, or sound) contain acknowledgment of the support provided by NHTSA and the WTSC. Any discovery or invention derived from work performed under this project shall be referred to the WTSC, who will determine through NHTSA whether patent protections will be sought, how any rights will be administered, and other actions required to protect the public interest.

24. SAVINGS

In the event funding from state, federal, or other sources is withdrawn, reduced, or limited in any way after the effective date of this Agreement and prior to completion of the SOW under this Agreement, the WTSC may terminate the Agreement under the "TERMINATION FOR CONVENIENCE" clause, without the 30-day notice requirement. The Agreement is subject to renegotiation at the WTSC's discretion under any new funding limitations or conditions.

25. SEVERABILITY

If any provision of this Agreement or any provision of any document incorporated by reference shall be held invalid, such invalidity shall not affect the other provisions of this Agreement which can be given effect without the invalid provision, if such remainder conforms to the requirements of applicable law and the fundamental purpose of this Agreement, and to this end the provisions of this Agreement are declared to be severable.

26. SITE SECURITY

While on WTSC premises, the SUB-RECIPIENT, its agents, employees, or sub-contractors shall conform in all respects with all WTSC physical, fire, or other security policies and applicable regulations.

27. TAXES

All payments of payroll taxes, unemployment contributions, any other taxes, insurance, or other such expenses for the SUB-RECIPIENT or its staff shall be the sole responsibility of the SUB-RECIPIENT.

28. TERMINATION FOR CAUSE

If the SUB-RECIPIENT does not fulfill in a timely and proper manner its obligations under this Agreement or violates any of these terms and conditions, the WTSC will give the SUB-RECIPIENT written notice of such failure or violation, and may terminate this Agreement immediately. At the WTSC's discretion, the SUB-RECIPIENT may be given 15 days to correct the violation or failure. In the event that the SUB-RECIPIENT is given the opportunity to correct the violation and the violation is not corrected within the 15-day period, this Agreement may be terminated at the end of that period by written notice of the WTSC.

29. TERMINATION FOR CONVENIENCE

Except as otherwise provided in this Agreement, either Party may terminate this Agreement, without cause or reason, with 30 days written notice to the other Party. If this Agreement is so terminated, the WTSC shall be liable only for payment required under the terms of this Agreement for services rendered or goods delivered prior to the effective date of termination.

30. TREATMENT OF ASSETS

30.1. Title to all property furnished by the WTSC shall remain property of the WTSC. Title to all property furnished by the SUB-RECIPIENT for the cost of which the SUB-RECIPIENT is entitled to be reimbursed as a direct item of cost under this Agreement shall pass to and vest in the WTSC upon delivery of such property by the SUB-RECIPIENT. Title to other property, the cost of which is reimbursable to the SUB-RECIPIENT under this Agreement, shall pass to and vest in the WTSC upon (i) issuance for use of such property in the performance of this Agreement, or (ii) commencement of use of such property in the performance of this Agreement, or (iii) reimbursement of the cost thereof by the WTSC in whole or in part, whichever first occurs.

30.2. Any property of the WTSC furnished to the SUB-RECIPIENT shall, unless otherwise provided herein or approved by the WTSC, be used only for the performance of this Agreement.

30.3. The SUB-RECIPIENT shall be responsible for any loss or damage to property of the WTSC which results from the negligence of the SUB-RECIPIENT or which results from the failure on the part of the SUB-RECIPIENT to maintain and administer that property in accordance with sound management practices.

30.4. If any WTSC property is lost, destroyed, or damaged, the SUB-RECIPIENT shall immediately notify the WTSC and shall take all reasonable steps to protect the property from further damage.

30.5. The SUB-RECIPIENT shall surrender to the WTSC all property of the WTSC upon completion, termination, or cancellation of this Agreement.

30.6. All reference to the SUB-RECIPIENT under this clause shall also include SUB-RECIPIENT's employees, agents, or sub-contractors.

31. WAIVER

A failure by either Party to exercise its rights under this Agreement shall not preclude that Party from subsequent exercise of such rights and shall not constitute a waiver of any other rights under this Agreement.

APPLICABLE CERTIFICATIONS AND ASSURANCES FOR HIGHWAY SAFETY GRANTS (23 CFR PART 1300 APPENDIX A):

32. BUY AMERICA ACT

The SUB-RECIPIENT will comply with the Buy America requirement (23 U.S.C. 313) when purchasing items using federal funds. Buy America requires the SUB-RECIPIENT to purchase only steel, iron, and manufactured products produced in the United States, unless the Secretary of Transportation determines that such domestically produced items would be inconsistent with the public interest, that such materials are not reasonably available and of a satisfactory quality, or that inclusion of domestic materials will increase the cost of the overall project contract by more than 25 percent. In order to use federal funds to purchase foreign produced items, the WTSC must submit a waiver request that provides an adequate basis and justification, and which is approved by the Secretary of Transportation.

33. DEBARMENT AND SUSPENSION

Instructions for Lower Tier Certification

33.1. By signing this Agreement, the SUB-RECIPIENT (hereinafter in this section referred to as the “lower tier participant”) is providing the certification set out below and agrees to comply with the requirements of 2 CFR part 180 and 23 CFR part 1300.

33.2. The certification in this section is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the federal government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

33.3. The lower tier participant shall provide immediate written notice to the WTSC if at any time the lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

33.4. The terms covered transaction, debarment, suspension, ineligible, lower tier, participant, person, primary tier, principal, and voluntarily excluded, as used in this clause, have the meanings set out in the Definitions and Covered Transactions sections of 2 CFR part 180.

33.5. The lower tier participant agrees by signing this Agreement that it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by NHTSA.

33.6. The lower tier participant further agrees by signing this Agreement that it will include the clause titled "Instructions for Lower Tier Certification" including the "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions, and will require lower tier participants to comply with 2 CFR part 180 and 23 CFR part 1300.

33.7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the List of Parties Excluded from Federal Procurement and Non-procurement Programs.

33.8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

33.9. Except for transactions authorized under paragraph 35.5. of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, the department or agency with which this transaction originated may disallow costs, annul or terminate the transaction, issue a stop work order, debar or suspend you, or take other remedies as appropriate.

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transactions

33.10. The lower tier participant certifies, by signing this Agreement, that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any federal department or agency.

33.11. Where the lower tier participant is unable to certify to any of the statements in this certification, such participant shall attach an explanation to this Agreement.

34. THE DRUG-FREE WORKPLACE ACT OF 1988 (41 U.S.C. 8103)

34.1. The SUB-RECIPIENT shall:

34.1.1. Publish a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the workplace and shall specify the actions that will be taken against employees for violation of such prohibition.

34.1.2. Establish a drug-free awareness program to inform employees about the dangers of drug abuse in the workplace; the SUB-RECIPIENT's policy of maintaining a drug-free workplace; any available drug

counseling, rehabilitation, and employee assistance programs; and the penalties that may be imposed upon employees for drug violations occurring in the workplace.

34.1.3. Make it a requirement that each employee engaged in the performance of the grant be given a copy of the statement required by paragraph 36.1.1. of this section.

34.1.4. Notify the employee in the statement required by paragraph 36.1.1. of this section that, as a condition of employment under the grant, the employee will abide by the terms of the statement, notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction, and notify the WTSC within 10 days after receiving notice from an employee or otherwise receiving actual notice of such conviction.

34.1.5. Take one of the following actions within 30 days of receiving notice under paragraph 36.1.3. of this section, with respect to any employee who is so convicted: take appropriate personnel action against such an employee, up to and including termination, and/or require such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health, law enforcement, or other appropriate agency.

34.1.6. Make a good faith effort to continue to maintain a drug-free workplace through implementation of all of the paragraphs above.

35. FEDERAL FUNDING ACCOUNTABILITY AND TRANSPARENCY ACT (FFATA)

In accordance with FFATA, the SUB-RECIPIENT shall, upon request, provide WTSC the names and total compensation of the five most highly compensated officers of the entity, if the entity in the preceding fiscal year received 80 percent or more of its annual gross revenues in federal awards, received \$25,000,000 or more in annual gross revenues from federal awards, and if the public does not have access to information about the compensation of the senior executives of the entity through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 or section 6104 of the Internal Revenue Code of 1986.

36. FEDERAL LOBBYING

36.1. The undersigned certifies, to the best of his or her knowledge and belief, that:

36.1.1. No federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement.

36.1.2. If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this federal

contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, Disclosure Form to Report Lobbying, in accordance with its instructions.

36.1.3. The undersigned shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including sub-contracts, sub-grants, and contracts under grant, loans, and cooperative agreements), and that all sub-recipients shall certify and disclose accordingly.

36.2. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

37. NONDISCRIMINATION (Title VI, 42 U.S.C. § 2000d et seq.)

37.1. During the performance of this Agreement, the SUB-RECIPIENT agrees:

37.1.1. To comply with all federal nondiscrimination laws and regulations, as may be amended from time to time.

37.1.2. Not to participate directly or indirectly in the discrimination prohibited by any federal non-discrimination law or regulation, as set forth in Appendix B of 49 CFR Part 21 and herein.

37.1.3. To permit access to its books, records, accounts, other sources of information, and its facilities as required by the WTSC, USDOT, or NHTSA.

37.1.4. That, in the event a contractor/funding recipient fails to comply with any nondiscrimination provisions in this contract/funding Agreement, the WTSC will have the right to impose such contract/agreement sanctions as it or NHTSA determine are appropriate, including but not limited to withholding payments to the contractor/funding recipient under the contract/agreement until the contractor/funding recipient complies, and/or cancelling, terminating, or suspending a contract or funding agreement, in whole or in part.

37.1.5. To insert this clause, including all paragraphs, in every sub-contract and sub-agreement and in every solicitation for a sub-contract or sub-agreement that receives federal funds under this program.

38. POLITICAL ACTIVITY (HATCH ACT)

The SUB-RECIPIENT will comply with provisions of the Hatch Act (5 U.S.C. 1501-1508), which limit the political activities of employees whose principal employment activities are funded in whole or in part with federal funds.

39. PROHIBITION ON USING GRANT FUNDS TO CHECK FOR HELMET USAGE

The SUB-RECIPIENT will not use 23 U.S.C. Chapter 4 grant funds for programs to check helmet usage or to

create checkpoints that specifically target motorcyclists. This Agreement does not include any aspects or elements of helmet usage or checkpoints, and so fully complies with this requirement.

40. STATE LOBBYING

None of the funds under this Agreement will be used for any activity specifically designed to urge or influence a state or local legislator to favor or oppose the adoption of any specific legislative proposal pending before any state or local legislative body. Such activities include both direct and indirect (e.g., “grassroots”) lobbying activities, with one exception. This does not preclude a state official whose salary is supported with NHTSA funds from engaging in direct communications with state or local legislative officials, in accordance with customary state practice, even if such communications urge legislative officials to favor or oppose the adoption of a specific pending legislative proposal.

41. DESIGNATED CONTACTS

The following named individuals will serve as designated contacts for each of the Parties for all communications, notices, and reimbursement regarding this Agreement:

The Contact for the SUB-RECIPIENT is:	The Target Zero Manager for Region 6 is:	The Contact for WTSC is:
Chief James McElvain Vancouver Police Department vanpd@cityofvancouver.us 360-487-7400	Jesamie Peters Region 6 Target Zero Manager TZMJesamie@outlook.com 503-341-8896	Hilary Torres WTSC Program Manager htorres@wtsc.wa.gov 360-725-9888

42. AUTHORITY TO SIGN

The undersigned acknowledges that they are authorized to execute this Agreement and bind their respective agencies or entities to the obligation set forth herein.

IN WITNESS WHEREOF, the parties have executed this Agreement.

Signature Eric Holmes Printed Name City Manager Title Date	WASHINGTON TRAFFIC SAFETY COMMISSION Signature Printed Name Title Date
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Grant Requirements Acknowledgement Form for High Visibility Enforcement (HVE) Mobilizations

WEMS ID: 2022-HVE-4448-Region 6 Target Zero Task Force

Before beginning work on this grant project, the grantee Project Manager should thoroughly read and understand the terms of the Interagency Agreement (IAA). This Grant Requirements Acknowledgement Form provides an explanation of some key terms and highlights but is not comprehensive. If the Project Manager has questions after reviewing this document, please refer to the WTSC Grants Management Manual, or contact the WTSC Program Manager assigned to this grant.

When you, the grant Project Manager, agree to this document, you certify that you understand the grant requirements and agree to fully comply with the terms and conditions set forth in the Agreement/Contract, as well as additional federal requirements outlined in the Code of Federal Regulations for Federal Grants and Agreements, as referenced below.

If anything in this document conflicts with the Agreement/Contract, the Agreement/Contract takes precedence.

Before you begin work, you must have:

- A fully executed IAA or contract signed by both parties.
- Attested to the Grant Requirements Acknowledgment Form (this document).

Work cannot begin before the start date on the IAA, or before the IAA is signed by all parties. WTSC will only reimburse expenses incurred after the IAA is fully executed.

Select Contract Provisions:

- **Statement of Work:** This summarizes the work to be done for this grant. If this changes significantly, the grantee will need to request a change in WEMS, and an IAA amendment may be required.
- **High Visibility Enforcement (HVE) Operational Requirements:** The specific HVE requirements listed in the Scope of Work are extremely important to the success of the high visibility enforcement strategy. ALL of these requirements must be followed.
- **WEMS Digital Activity Log:** WTSC requires all agencies participating in high visibility enforcement to use the WEMS system to document the activity of all participating officers. An officer cannot participate if they do not have a WEMS account and do not input their activities into the WEMS digital activity log.
- **Officer Training Requirements:** Any officer participating officer must document in WEMS that they have current qualifications for BAC and SFST.
- **Period of Performance:** All work must be completed, and goods and services must be received, during the period of performance on the IAA.

- **Compensation:**
 - Comp time is not an allowable expense for reimbursement on a high visibility enforcement (HVE) campaign contract or other OT (Overtime) patrol projects. The funding for these types of projects are for the actual activity of patrolling and comp time or any other type of leave will not be reimbursed.
 - All expenses must be incurred during the period of performance on the IAA.
 - Expenses cannot exceed the total amount of the agreement and must fall within the amounts of each budget category as listed in the IAA.
 - Funds may be moved, with prior approval and within certain limits, between planned budget categories. A formal request must be submitted to the Target Zero Manager.
- **Advance Payments Prohibited:** WTSC cannot pay for any costs prior to the work being completed or the goods being delivered.
- **Agreement Alterations and Amendments:** If your agency wants to seek an exception to any of the HVE operational requirements, you must submit an exception request to the WTSC's primary contact listed in the Interagency Agreement.
- **Billing Procedure:** Your agency is required to utilize the Digital Activity Log in the WEMS system, supplied by the WTSC for all of your invoices. Your local TZM can give you training and support if you need assistance using this system.
- **Buy America Act:** For any manufactured goods over \$5,000, the grantee must provide written certification that the goods, including IT software and hardware, were produced in the USA.
- **Cost Principles:** Grantee cannot use grant funds to replace routine and/or existing staff or expenditures. Must comply with [2 CFR Part 200 Subpart E](#).
- **Income:** Any income generated with this grant must be accounted for and applied to project purposes or used to reduce project costs.
- **Lobbying/Political Activity:** Because this grant uses federal funds, no work being funded by this grant can be used to lobby or otherwise influence state or federal officials, or support or oppose legislation; there is an allowance for "customary state practice."
- **Records Maintenance:** Maintain records pertaining to this agreement for 6 years after expiration

Other Requirements:

- **Promotional Item Purchase Restrictions:** No promotional items can be purchased with these grant funds.
- **Single Audit Requirements:** Required of an entity that expends \$750,000 or more annually of federal funds, federal grants, or federal awards; usually performed annually.

By checking this box and typing your name below, you certify that you agree to fully comply with the terms and conditions set forth in the Agreement, as well as the requirements listed in this document. Typing your name below constitutes your electronic signature on this document.

☐

I Agree Eric Homes, City of Vancouver City Manager

(Name, Agency, Title)

(Date)



Staff Report 200-21

TO: Mayor and City Council

FROM: Eric Holmes, City Manager

DATE: 12/20/2021

SUBJECT 2022 Lodging Tax Grant Funding Award

Key Points

- The City collects a 4% lodging tax on hotel and motel room nights. These funds can be used by municipalities and community organizations and for the purpose of supporting tourism-related events, activities and facilities.
- The City's Lodging Tax Advisory Committee, which is required by state regulations in order to expend the funds, reviewed Visit Vancouver USA's request for lodging tax funds and is making recommendations to the City Council.
- Council is being asked to approve \$700,000 to Visit Vancouver and \$125,000 for a Lodging Tax Grant program in 2022.

Strategic Plan Alignment

Goal 5: Continue to build high quality historical and cultural experiences for residents and visitors.

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

Present Situation

RCW 67.28.180 allows municipalities to impose a 4% lodging tax on stays of more than 30 days at hotels, motels, campgrounds, bed and breakfasts and RV parks. Those funds can only be used for tourism-related projects, events and facilities. Vancouver increased its lodging tax from 2% to 4% in 1998 with the second 2% dedicated to debt service and capital improvements for the downtown Hotel/Convention Center. The original 2% continued to be used to fund other tourism related projects. One of the impacts of the recession was that from 2009-2016, all of Vancouver's lodging tax funds were allocated to support the Hotel/Convention Center.

For 2022, the City has lodging tax revenue that is excess to the needs of the Hotel/Convention Center and is available for other tourism related projects. The RCW requires that in order to expend lodging tax funds, municipalities must appoint a Lodging Tax Advisory Committee,

comprising equal numbers of lodging tax generators and potential lodging tax recipients, who will make recommendations on proposed expenditures to the City Council. The Committee was appointed in May 2016. On October 22, 2021 and November 3, 2021, the Committee reviewed a proposal from Visit Vancouver for 2022 funding. The Committee is proposing a new one-year pilot program with Visit Vancouver, with the following deliverables: ongoing organizational support, a new deliverable of increased marketing, a new deliverable of a tourism plan, and a new deliverable of a true-up at the end of 2022 for this pilot program.

Advantage(s)

Visit Vancouver will support Vancouver's growing tourism industry. Future Lodging Tax Grants will support tourism-related events, activities and facilities that help strengthen Vancouver's appeal to day and overnight visitors.

Disadvantage(s)

None.

Budget Impact

Current approved 2021-2022 budget is currently not sufficient to cover the recommended increase. An additional appropriation will be requested during the next formal budget amendment opportunity to accommodate the request.

Prior Council Review

- Workshop on "The State of Tourism" September 13, 2021.
- Visit Vancouver Workshop December 6, 2021

Action Requested

Adopt a resolution approving recommendations by the Lodging Tax Advisory Committee and authorizing the City Manager or his designee to execute a professional services agreement with Visit Vancouver.

Teresa Brum, Economic Development Division Manager, 360-487-7949

ATTACHMENTS:

- ▢ Resolution
- ▢ Destination Services and Tourism Marketing Contract

12/20/21

RESOLUTION NO. _____

A RESOLUTION relating to the award of lodging tax grant funds for 2022 as recommend by the City Council appointed Lodging Tax Advisory Committee.

WHEREAS, RCW 67.28.180 and 67.28.181 allow municipalities to impose a lodging tax of up to 4% on overnight stays in a lodging establishment such as a hotel, motel, bed and breakfast facility, or campground; and

WHEREAS, funds collected through the lodging tax can be used for the purpose of supporting tourism promotion, including but not limited to events, activities and facilities designed to increase tourism; and

WHEREAS, RCW 67.28.1816 and 67.28.1817 require that in order to expend lodging tax funds, municipalities appoint a Lodging Tax Advisory Committee, comprised of equal numbers of lodging tax generators and potential lodging tax recipients, who will make recommendations on proposed expenditures to the City Council; and

WHEREAS, the City solicited lodging tax grant proposals from interested parties which were reviewed by the Lodging Tax Advisory Committee in order to provide the City Council recommendations on grant funding to support tourism promotion.

NOW, THEREFORE,

BE IT RESOLVED BY THE CITY OF VANCOUVER:

Section 1. For 2022, the Vancouver City Council hereby approves the Lodging Tax Advisory Committee recommended award of \$700,000 in Lodging Tax grant funds to Visit Vancouver and \$125,000 to fund a Lodging Tax Grant program as described in Staff Report No. _____-21.

Section 2. The City Manager or his designee is hereby authorized to execute a professional services contract with Visit Vancouver on behalf of the City to carry out the provisions of this Resolution, as well as all necessary agreements with the recipients to ensure compliance with the terms of the grant.

ADOPTED at regular session of the Council of the City of Vancouver, on this 13th day of December 2021.

Anne McEnery-Ogle, Mayor

Attest:

Approved as to form:

Natasha Ramras, City Clerk

Jonathan Young, City Attorney



**CITY OF VANCOUVER
SERVICES AGREEMENT**

No. C-100774 DESTINATION SERVICES AND TOURISM MARKETING

This Services Agreement (hereinafter referred to as the "Agreement") is entered into by and between the City of Vancouver, Washington, a municipal corporation organized under the laws of the State of Washington, (hereinafter referred to as the "City") and Visit Vancouver, USA (hereinafter referred to as the "Contractor"). The City and Contractor may be collectively referred to herein as the "parties" or individually as a "party".

WHEREAS, the City desires to engage the Contractor to perform services as described in this Agreement; and

WHEREAS, the Contractor represents by entering into this Agreement that it is fully qualified to perform the services described herein in a competent and professional manner, and to the full satisfaction of the City.

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

- 1. SCOPE OF WORK:** The Contractor agrees to provide the City all services and materials set forth in the scope of work identified in Attachment "A".

All work must be authorized and approved by the City's Project Manager before any work can begin. The Contractor shall approach each project in a manner consistent with its usual customary business practices. The Contractor shall actively seek collaborative input from City staff.

- 2. COMPENSATION:** Payment to the Contractor for the work described in this Agreement shall not exceed \$700,000.00 USD.

This payment shall be maximum compensation for the work and for all labor, materials, supplies, equipment and incidentals necessary to complete the work as set forth herein, and it shall not be exceeded without the City's prior written authorization in the form of a negotiated and executed amendment.

3. **PAYMENT FOR CONTRACTOR SERVICES:** The Contractor shall submit quarterly invoices to City covering both professional fees and project expenses, if any, for fees and expenses from the previous quarter. Payments to Contractor shall be net thirty (30) days.

The City reserves the right to correct any invoices paid in error. The Contractor shall be paid according to the rates set forth below:

Visit Vancouver staff, for work performed in Scope of Work:

	Hourly Rate
President & CEO	225
Director of Marketing	175
Art Director	150
Communications Coordinator	125
Senior Sales Manager	175
Sales Manager	150
Sales Coordinator	125
Tourism Plan, Private Consultant	250

Work performed developing the Tourism Master Plan shall not exceed \$200,000.

City and Contractor agree that any amount paid in error by City does not constitute a rate change in the amount of the contract. The City's contract/purchase order (PO) number given on the notice to proceed **must** be referenced on any invoice submitted for payment.

4. **TERM OF AGREEMENT:** The term of this Agreement shall commence on January 1, 2022 and continue until December 31, 2022. Unless directed otherwise by the City, Contractor shall perform the work in accordance with any schedules made a part of this Agreement.
5. **ORDER OF PRECEDENCE:** Where there is a conflict among or between any of these documents, the controlling documents shall be the first listed in the following sequence: Amendments to this Agreement; this Agreement; Contract Purchase Orders; the Contractor's responsive proposal to the City's solicitation, and the City's solicitation.

- 6. RELATION OF PARTIES:** The Contractor, and its subcontractors, agents, employees, or other vendors contracted by the Contractor to provide services or other work for the purpose of meeting the Contractor's obligations under this agreement (collectively referred to as "subcontractors"), are independent contractors performing professional services for the City and are not employees of the City. The Contractor and its subcontractors shall not, as a result of this Agreement, accrue leave, retirement, insurance, bonding or any other rights, privileges, or benefits afforded to City employees. The Contractor and its subcontractors shall not have the authority to bind City in any way except as may be specifically provided herein.
- 7. SUBCONTRACTING:** The City does not permit subcontractors for the work performed under this Agreement. The Contractor shall not subcontract for the performance of any work under this Agreement without prior written permission of the City.
- 8. E-VERIFY:** The Contractor shall enter into and register a Memorandum of Understanding with the Department of Homeland Security E-Verify program within sixty (60) days after execution of this Agreement. The Contractor shall ensure all Contractor employees and any subcontractors assigned to perform work under this Agreement are eligible to work in the United States. The Contractor shall provide verification of compliance upon the request of the City. Failure by the Contractor to comply with this subsection shall be considered a material breach.
- 9. DELAYS AND EXTENSIONS OF TIME:** If the Contractor is delayed at any time in the progress of the work covered by this Agreement, by any causes beyond Contractor's control, the time for performance may be extended by such time as shall be mutually agreed upon by the Contractor and the City and shall be incorporated in a written amendment to this Agreement. Any request for an extension of time shall be made in writing to the City.
- 10. 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 Agreement, 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, and any know-how, methodologies or processes used by the Contractor to provide the services or project deliverables under this Agreement shall remain property of the Contractor.
- 11. TERMINATION FOR PUBLIC 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 Agreement is terminated prior to the completion of work, the Contractor will only be paid for the portion of the work completed at the time of termination of the Agreement.

- 12. TERMINATION FOR DEFAULT:** If the Contractor defaults by failing to perform any of the obligations of the Agreement, including violating any law, regulation, rule or ordinance applicable to this Agreement, or becomes insolvent or is declared bankrupt or commits any act of bankruptcy or insolvency or makes an assignment for the benefit of creditors, the City may, by depositing written notice to the Contractor in the U.S. mail, postage prepaid, terminate the Agreement, and at the City's option, obtain performance of the work elsewhere.

If the Agreement is terminated for default, the Contractor shall not be entitled to receive any further payments under the Agreement until all work called for has been fully performed. Any extra cost or damage to the City resulting from such default(s) shall be deducted from any money due or coming due to the Contractor. The Contractor shall bear any extra expenses incurred by the City in completing the work, and all damage sustained, or which may be sustained by the City by reason of such default.

If a notice of termination for default has been issued and it is later determined for any reason that the Contractor was not in default, the rights and obligations of the parties shall be the same as if the notice of termination had been issued pursuant to the termination for public convenience paragraph herein.

- 13. 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.

- 14. COMPLIANCE WITH THE LAW:** The Contractor agrees to comply with all relevant, Federal, State, and Municipal laws, rules, policies, regulations or ordinances in the performance of work under this Agreement.

- 15. CITY BUSINESS AND OCCUPATION LICENSE:** The Contractor will be required to obtain a business license when contracting with the City unless allowable exemptions apply. The Contractor shall contact the State of Washington Business License Service (BLS) at: <http://bls.dor.wa.gov/file.aspx>, or by phone at 800-451-7985, or go to www.bls.dor.wa.gov/cities/vancouver.aspx or www.cityofvancouver.us/businesslicense, to

determine whether a business license is required pursuant to the Vancouver Municipal Code (VMC) Chapter 5.04.

16. LIABILITY AND HOLD HARMLESS: The Contractor agrees to indemnify, defend, save and hold harmless the City, its officials, employees and agents from any and all liability, demands, claims, causes of action, suits or judgments, including costs, attorney fees and expenses incurred in connection therewith, of whatsoever kind or nature (including patent infringement or copyright claims) to the extent arising out of, or in connection with, or incident to, the negligent performance or willful misconduct pursuant to this Agreement. This indemnity and hold harmless shall include any claim made against the City by an employee of Contractor or subcontractor or agent even if Contractor is thus otherwise immune from liability pursuant to the workers' compensation statute, Title 51 Revised Code of Washington (RCW), except to the extent that such liability arises from the concurrent negligence of both the City and the Contractor, such costs, fees and expenses shall be shared between the City and the Contractor in proportion to their relative degrees of negligence. The Contractor specifically acknowledges the provisions contained herein have been mutually negotiated by the parties and it is the intent of the parties that the Contractor provide the broadest scope of indemnity permitted by RCW 4.24.115. The Contractor is an independent contractor and responsible for the safety of its employees.

17. INSURANCE: The Contractor shall obtain and keep in force during the entire term of this agreement, liability insurance against any and all claims for damages to person or property which may arise out of the performance of this Contract whether such work shall be by the Contractor, subcontractor or anyone directly or indirectly employed by either the Contractor or a subcontractor.

All liability insurance required herein shall be under a Comprehensive or Commercial General Liability and business policies.

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	
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	\$1,000,000

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

- a. City Listed as an Additional Insured. The City of Vancouver, its Agents, Representatives, Officers, Directors, Elected and Appointed Officials, and Employees must be named as an additional insured. The required Additional Insured endorsements shall be at least as broad as ISO CG 20 10 11 85, or its equivalent CG 20 10 07 04 and CG 20 37 07 04 must be included with the Certificate of Insurance.
- b. Either the Commercial General Liability or the Workers' Compensation policy must be endorsed to include "Washington Stop Gap" insurance. The limits and aggregates referenced must apply to the Stop Gap coverage as well and must be indicated on the certificate.
- c. Employment Security. The Contractor shall comply with all employment security laws of the State in which services are provided and shall timely make all required payments in connection therewith.
- d. The City of Vancouver shall be listed on the Certificate as the Certificate Holder.
- e. Coverage Trigger: The insurance must be written on an "occurrence" basis. This must be indicated on the Certificate.

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

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

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

For the City:

Anna Vogel

City of Vancouver

415 W 6th Street

P O Box 1995

Vancouver WA 98668-1995

Email: anna.vogel@cityofvancouver.us

For the Contractor:

President & CEO

Visit Vancouver, USA

1220 Main Street, Suite 220

Vancouver, WA 98660

Either party may change the designated contact or any information listed above by giving advance notice in writing to the other party.

19. AMENDMENTS: All changes to this Agreement, including changes to the scope of work and compensation sections, must be made by written amendment and signed by all parties to this Agreement.

20. SCOPE OF AGREEMENT: This Agreement incorporates all the agreements, covenants and understanding between the parties hereto and are merged into this written Agreement. 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 Agreement.

21. RATIFICATION: Acts taken pursuant to this Agreement but prior to its effective date are hereby ratified and confirmed.

22. GOVERNING LAW/VENUE: This Agreement shall be deemed to have been executed and delivered within the State of Washington, and the rights and obligations of the parties hereunder shall be construed and enforced in accordance with, and governed by, the laws of the State of Washington without regard to the principles of conflict of laws. Any action or suit brought in connection with this Agreement shall be brought in the Superior Court of Clark County, Washington.

23. COOPERATIVE PURCHASING: The Washington State Inter-local Cooperation Act, Ch. 39.34 RCW, authorizes public agencies to cooperatively purchase goods and services if all parties agree. By having executed this Agreement, 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 incurring any financial or legal liability for such purchases. The City agrees to allow other public agencies to purchase goods and services under this solicitation or contract, provided that the City 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.

- 24. 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.
- 25. DEBARMENT:** The Contractor certifies that that it is not presently debarred, suspended, proposed for debarment, and declared ineligible or voluntarily excluded from covered transactions by any Federal, State or local department or agency.
- 26. NONDISCRIMINATION:** The City of Vancouver, WA is an equal opportunity employer. In the performance of this Agreement, the Contractor will not discriminate against any employee or applicant for employment on the grounds of race, creed, color, national origin, sex, sexual orientation, marital status, age or the presence of any sensory, mental or physical handicap.

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

CITY OF VANCOUVER

A municipal corporation

CONTRACTOR:

Visit Vancouver, USA

Eric Holmes, City Manager

Signature

Date

Printed Name /Title

Attest:

Date

Natasha Ramras, City Clerk

Approved as to form:

Jonathan Young, City Attorney

ATTACHMENT “A”

2022 Scope of Services Visit Vancouver USA

- **Marketing materials and campaigns**
 - New production and print runs of the Vancouver Walking Map
 - Expand distribution of the Vancouver USA Travel Magazine
 - Expand statewide advertising to position Vancouver USA as premier destination in regional media outlets
 - New large scale advertising campaigns in key markets through such mediums as billboards, bus wraps, radio ads and airport displays
 - Grow digital targeting and retargeting of travelers with a strong intent to travel to the area, bolstering transient lodging
 - Increase Co-op marketing with strategic partners and events focused on drawing visitors
- **Group Solicitation & Sales Promotions**
 - Expand staffing levels to better solicit and service convention groups and lodging properties
 - Grow tradeshow representation to solicit larger pieces of business for the Vancouver Convention Center and overflow rooms at nearby hotel properties
 - Drive new growth in the sports market (phase 1 feasibility study; phase 2 sports sponsorship program to competitively bid for larger sports events to be hosted at Vancouver's natural venues and regional sports complexes)
- **Branding & Public Relations**
 - Evolve Vancouver's brand to reflect changes in the community
 - Produce new media familiarization tours to showcase the attractions, local businesses and culture that contribute to Vancouver as a desirable destination
 - Expand staffing capabilities either in-house or thru contract to generate greater story placements in targeted media
- **Destination Servicing & Development**
 - Continue and expand current programming such as Dine the Couve, Show Your Badge, Savor the Couve and customized itineraries for groups
 - Identify, recruit, and provide site tours for product development such as food tours, helicopter tours, walking tours, etc.
- **Other Tourism Opportunities**
 - Other marketing projects and operations as identified and approved by Visit Vancouver USA's Governing Board of Directors
 - Partner with the City of Vancouver to implement the Lodging Tax Grant program.

- **Tourism Master Plan**

- Visit Vancouver will develop a Tourism Master Plan for Vancouver and Clark County. It is anticipated that this project will involve a multi-disciplinary work group, will investigate alignment with existing community strategic and economic development documents, will incorporate situational and contextual analysis, will develop specific actionable recommendations, and then will communicate this plan to local stakeholders. Although this project will be fully funded in 2022, it is possible a project of this size may take longer than one year to fully complete.

- **Reporting**

- Quarterly: Visit Vancouver USA will provide City Council with written reports on progress, including new initiatives and campaigns.
- Annual: Visit Vancouver USA will give an in-person presentation to City Council each year showing year over year comparisons on established benchmarks currently reported in the Annual Report including but not limited to Visitor Spending comparison, group room nights booked, and digital analytics on marketing campaign.



Staff Report 201-21

TO: Mayor and City Council

FROM: Eric Holmes, City Manager

DATE: 12/20/2021

SUBJECT Approval of Parking License Agreement for the Long-Term Use of Two Parking Stalls in the VancouverCenter Parking Garage

Key Points

- This License Agreement formalizes a contractual arrangement between the City and Vancouvercenter BD Owner LLC, a Delaware limited liability company (VBDO), the owner of the Coen & Columbia Building located adjacent to the City's VancouverCenter Parking Garage, allowing VBDO to occupy two parking spaces for a generator serving that project.
- The situation has previously been managed as if it were a month-to-month parking situation, but the parties recognize the usage is more permanent and raises different risks and liabilities that are more appropriately addressed through a formal agreement.
- The long-term license also has implications for an Option to Purchase held by Holland Partner Group, an affiliate of VBDO, for the VancouverCenter Parking Garage that is expected to be exercised by December 31, 2022.
- Transfer of the license agreement upon exercise of the Option to Purchase is addressed within the Parking License Agreement and Holland has agreed to acknowledge the Parking License Agreement.

Strategic Plan Alignment

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

Present Situation

City staff has negotiated a long-term license agreement with VBDO for use of two parking spaces in the VancouverCenter Parking Garage to house a generator necessary to VBDO's adjacent project, the Coen & Columbia building. VBDO is an affiliate of Holland Acquisition Co., LLC, (Holland), the developer for Block 10 located immediately north of VancouverCenter.

The City has owned (with the exception of a limited number of spaces held under separate

ownership) and operated the VancouverCenter Parking Garage, located immediately east of Columbia Street and north of 6th Street, for public and tenant parking since its completion in 2004.

Pursuant to Exhibit 5.4.2 of the VancouverCenter Disposition and Development Agreement of June of 1999, as subsequently amended (DDA), Holland also holds an exclusive Option to Purchase the VancouverCenter Parking Garage from the City. Exercise of the Option to Purchase is anticipated on or before December 31, 2022.

VBDO's use of the parking spaces has been paid for based on monthly parking rates, but this arrangement is insufficient to address liability for the generator equipment and the permanent nature of the equipment. Additionally, ownership of these spaces is included in the Option to Purchase. The Parking License Agreement clarifies treatment of these spaces upon a transfer in ownership of the VancouverCenter Parking Garage.

Advantage(s)

1. The License Agreement confirms the current month-to-month economic relationship between the parties, clarifies the responsibilities of the parties, and resolves anticipated issues that may arise related to the use of these two spaces upon exercise of the existing Option to Purchase.
2. Because the two parking stalls are currently being used for a non-parking, permanent equipment use, continued treatment of the relationship under a month-to-month temporary vehicle parking permit is not ideal.

Disadvantage(s)

Failure to approve could complicate and potentially delay any purchase and sale transaction implemented under the already authorized Option to Purchase.

Budget Impact

The budget impact is neutral. The City is currently being compensated on a month-to-month basis for use of the parking stalls in accordance with the standard expenses and fees of a monthly parking permit. The City will receive intended proceeds of a sale of the VancouverCenter Parking Garage resulting from any exercise of the Option to Purchase.

Prior Council Review

City Council approved extension of the Option to Purchase pursuant to a public hearing held on November 18, 2019, as described in Staff Report 169-19. City Council also held a public hearing on the Block 10 development agreement with Holland on October 21, 2019.

Action Requested

Authorize the City Manager or his designee to sign the Parking License Agreement between the City of Vancouver and Vancouvercenter BD Owner LLC, a Delaware limited liability company, for the long-term use of parking space units 204 and 205 in the VancouverCenter Parking Garage.

Patrick Quinton, Economic Development Director, 360-487-7845; Steve Kaspan, Parking

ATTACHMENTS:

- ▣ Resolution relating to the License of Two Parking Stalls in the Vancouvercenter Parking Garage
- ▣ Parking License Agreement between the City of Vancouver and the Vancouvercenter BD Owner LLC, a Delaware limited liability company for the long-term use of parking space units 204 and 205 in the VancouverCenter Parking Garage.

12/20/2021

RESOLUTION NO. M-_____

A RESOLUTION relating to the grant of a license from the City to Vancouvercenter BD Owner LLC, a Delaware limited liability company (VBDO), for the use of parking space units 204 and 205 in the VancouverCenter Parking Garage, located immediately east of Columbia Street and north of 6th Street, for a generator serving the adjacent mixed-use condominium building known as Coen & Columbia, subject to that certain Option to Purchase held by its affiliate, Holland Acquisition Co. LLC, a Washington limited liability company (Holland); providing approval for and authorizing the City Manager to execute a Parking License Agreement.

WHEREAS, the City has owned (with the exception of a limited number of spaces held under separate ownership) and operated the VancouverCenter Parking Garage, located immediately east of Columbia Street and north of 6th Street, for public and tenant parking since its completion in 2004.; and

WHEREAS, under that certain VancouverCenter Disposition and Development Agreement of June of 1999, as subsequently amended, Holland holds an exclusive Option to Purchase the VancouverCenter Parking Garage from the City through December 31, 2022; and

WHEREAS, the VBDO relies on placement of a generator within the VancouverCenter Parking Garage to support the Coen & Columbia Building; and

WHEREAS, such an arrangement is best served by a formal license agreement acknowledging the uniqueness of the situation from typical parking garage use and the implications of a potential acquisition of the parking garage from the City by Holland pursuant to the Option to Purchase;

RESOLUTION - 1

NOW, THEREFORE,

BE IT RESOLVED BY THE CITY OF VANCOUVER:

Section 1. The City Manager or his designee is hereby authorized to execute a “Parking License Agreement” with Vancouvercenter BD Owner LLC, a Delaware limited liability company, and any ancillary documents necessary to fulfill the City’s obligations thereunder, for the parking spaces units 204 and 205 located in the VancouverCenter Parking Garage.

ADOPTED at a Regular Meeting of the Vancouver City Council this _____, of _____, 2021.

Anne McEnerny-Ogle, Mayor

Attest:

Natasha Ramras, City Clerk

Approved as to form:

Jonathan Young, City Attorney

RESOLUTION - 2

PARKING LICENSE AGREEMENT

Between: **City of Vancouver,**
a State of Washington municipality "City"

And: **Vancouvercenter BD Owner LLC,**
a Delaware limited liability company "Owner"

Dated December __, 2021 "Effective Date"

This Parking License Agreement ("License") is made on the Effective Date by and between the City and Owner.

Background

- A. Owner owns the real property legally described Exhibit A (the "Land").
- B. Owner constructed on Land a real estate development project consisting of a multi-story, mixed-use building with residential and retail components (the "Project").
- C. City owns parking space units 204 and 205 ("Licensed Spaces") located in the Parking Garage Unit (Unit 2) of Vancouvercenter as legally described in Exhibit B (the "Parking Garage").
- D. The Licensed Spaces are subject to an option to purchase held by Holland Acquisition Co., LLC, a Washington limited liability company and an affiliate of Owner ("HAC") pursuant to that certain Option to Purchase Agreement for Parking Garage dated June 21, 1999, as amended March 15, 2010 and included as Exhibit 5.4.2 to the Fifth Amendment to Disposition and Development Agreement between City and Assignor, Recorded in Clark County WA on March 30, 2010, #4677467 AMD, and as further modified by that certain Eighth Amendment to Disposition and Development Agreement between City and Assignor, Recorded in Clark County WA on January 2, 2018, #5475774 AMD (the "Parking Option").
- E. City is the owner and operator of the Parking Garage pursuant to R.C.W. Ch. 35.86.
- F. The Parking Garage is one of five condominium units that was created under and is governed by the Condominium Declaration for Vancouvercenter, A Condominium, recorded under Clark County, Washington Auditor's File No. 3463179 on May 13, 2002, as amended (the "Declaration").
- G. This License sets forth the terms under which City will license to Owner the use of the Licensed Spaces in the Parking Garage.

License

1. Grant of License. City does hereby grant to Owner and Owner's successors and assigns a license to use the Licensed Spaces in the Parking Garage for the occupation of a generator serving the Project. This License includes the right to repair, maintain and replace the generator.

2. Authorized Users. The Licensed Spaces are licensed to Owner for use solely by Owner and its property manager for the Project and their respective employees, consultants, customers, guests and other invitees (collectively the "Authorized Users"). The Licensed Spaces may be used by the Authorized Users twenty-four (24) hours per day, seven (7) days per week.

3. Term. The term of the License will begin on the Effective Date and will expire on the ninety-ninth (99th) anniversary of the Effective Date unless this License is terminated earlier as provided in Section 14 and Section 20 below.

4. Damage and Destruction. If all or a portion of the Parking Garage is the subject of Damage or Substantial Damage (as those terms are defined in the Declaration), or is the subject matter of any condemnation or eminent domain proceedings, the City's obligation to repair, rebuild or restore the Parking Garage shall be as specified in and limited by the Declaration, and this License shall neither enlarge or modify that obligation nor create any independent obligation of the City to repair, rebuild or restore the Parking Garage. In the event the City does not undertake to repair, rebuild or restore the Parking Garage in accordance with the Declaration, then this License shall immediately and automatically be terminated.

5. No Interference. Owner and any Authorized Users shall not do or permit anything to be done in or about the Parking Garage that will in any way interfere with the rights of City or other occupants of the Parking Garage, or injure or annoy them, or use or allow the Parking Garage to be used for any improper, unlawful or objectionable purpose; nor shall Owner cause, maintain, permit or allow any nuisance in, on or about the Parking Garage arising from the use of the Licensed Spaces. Owner shall not commit or suffer to be committed any waste in or about the Licensed Spaces or Parking Garage.

6. No Interest in Parking Garage. Owner expressly agrees that it does not and shall not claim at any time any interest or estate of any kind or extent whatsoever in the Parking Garage by virtue of the rights granted under this License or its occupancy or use under this License. Owner expressly agrees that this License is not a lease and does not create any leasehold interest in the Parking Garage in favor of Owner, and that landlord-tenant laws do not apply to this License.

7. License Fee. The license fee charged to Owner for the Licensed Spaces shall be a one-time payment in the amount of Fifty-Seven Thousand Two Hundred Sixteen and Three One Hundredths Dollars (\$57,216.03)(the "License Fee"). Payment of the License Fee shall be made to the Director of Finance, City of Vancouver, within ten (10) business days after the Effective Date.

8. Occupation of Generator Use Only. Owner and the Authorized Users shall use the Licensed Spaces only for the purpose of the occupation of a generator serving the Project and for no other purpose.

9. Repairs. Excepting normal use and wear, all damage or injury to the Licensed Spaces caused by or resulting from use or occupation thereof or caused by or resulting from the negligence or improper conduct of Owner, its agents, employees or invitees, shall be repaired, restored or replaced promptly by Owner, at no cost to City to the reasonable satisfaction of City. All said repairs, restoration and replacements shall be of a quality and class reasonably equivalent to the original work or installations. If Owner fails to make such repairs, restorations or replacements within thirty (30) days after City notifies Owner in writing to make them, the same may be made by City at the expense of Owner and such expense, to the extent reasonable, shall be paid by Owner within ten (10) business days after receipt of an invoice therefor.

10. Maintenance. The City agrees to maintain the Parking Garage in good order, condition and repair. The Owner agrees to maintain the generator in good order, condition and repair.

11. Indemnity. Except to the extent of the City's gross negligence or willful misconduct, Owner will defend, indemnify and hold harmless the City from any claim, liability or suit, including attorneys' fees, on behalf of any party for any injury or damage occurring on, about or in relation to the Licensed Spaces.

12. Inspection. Owner has thoroughly inspected the Parking Garage and accepts the Parking Garage in its AS IS WITH ALL FAULTS condition, provided this acceptance does not mitigate the City's obligation to maintain the Parking Garage in good order, condition and repair. Owner acknowledges that neither the City nor any agent of City has made any representation as to the condition of the Licensed Spaces or their suitability for Owner's use.

13. Personal Property. All of Owner's and any Authorized Users' personal property of any kind or description whatsoever in the Parking Garage shall be at such person's sole risk. The City shall not be liable for any damage done to or loss of such personal property or damage or loss suffered by the business or occupation of Owner or Authorized Users arising from any acts or neglect of other occupants or users of the Parking Garage, or of any other persons, or from bursting, overflowing or leaking of water, sewer or steam pipes, or from the heating or plumbing or sprinkler fixtures, or from electric wires, or from gas, or odors, or caused in any other manner whatsoever.

14. Default. If Owner (a) fails to pay the License Fee, or any part thereof, within ten (10) business days after written notice that payment of such use fees are delinquent, or (b) is in breach of any other covenant under this License thirty (30) days after written notice from the City stating the nature of such breach (unless Owner has commenced the correction for such breach and such correction will reasonably require more than thirty (30) days to complete) then City may cancel this License upon giving thirty (30) days' written notice.

15. Enforcement. City will use reasonable efforts to enforce parking regulations in the Parking Garage, including by means of issuance of tickets or citations and/or by removal of parked cars that are not authorized to park in it or that are parked in violation of regulations.

16. Taxes. City shall pay when due all taxes, assessments, and public charges on the Licensed Spaces and the Parking Garage, but not including leasehold tax, which shall be the responsibility of Owner.

17. Partial Rebate. If HAC exercises the Parking Option, the Parking Option requires that HAC purchase and pay for the two Licensed Spaces that are the subject of this Agreement. In order to avoid a double payment for the Licensed Spaces, in the event that HAC exercises the Parking Option and closes on the purchase of the Parking Garage, City will repay to Owner a portion of the License Fee based on Owner's actual usage of the Licensed Spaces. The amount of the Licensee Fee to be repaid will be equal to the License Fee minus the sum of the Standard Monthly Parking Fee, as defined herein, for each calendar month beginning October 1, 2021 through the date of the closing of the purchase of the Parking Garage pursuant to the Parking Option. If the closing of the Parking Option is other than on the last day of a calendar month, the Standard Monthly Parking Fee for the last month will be prorated based on the number of calendar days in the month. The Standard Monthly Parking Fee will be equal to \$240 per month (\$120 per month for each of the two Licensed Spaces) for the balance of calendar 2021 and \$250 per month (\$125 per month for each of the two Licensed Spaces) beginning January 1, 2022. The amount due to Owner will be paid within ten (10) business days after the closing of the HAC's acquisition of the Parking Garage pursuant to the Parking Option. For clarity, this partial rebate does not (a) imply or cause any reduction in the purchase price for the Parking Garage under Section 5 of the Parking Option or (b) imply or require that City to pay or transfer to HAC any part of the License Fee or any part of the partial rebate to be paid to Owner.

18. Notices. All notices required or permitted hereunder will be in writing and will be served on the parties at the addresses set forth below. Any such notices will be either (a) sent by overnight delivery using a nationally recognized overnight courier, in which case notice will be deemed delivered one business day after deposit with such courier or (b) sent by email, in which case notice will be deemed delivered upon transmission, or (c) sent by personal delivery, in which case notice will be deemed delivered upon receipt. Any notice sent by facsimile, email or personal delivery and delivered after 5:00 p.m. local time where the Property is located will be deemed received on the next business day. A party's address may be changed by written notice to the other party; provided, however, that no notice of a change of address will be effective until actual receipt of such notice. Copies of notices are for informational purposes only, and a failure to give or receive copies of any notice will not be deemed a failure to give notice.

City's notice address:

City of Vancouver
PO Box 1995
Vancouver, WA 98668-1995
Attn: City Manager

With a copy to:

City of Vancouver
PO Box 1995
Vancouver, WA 98668-1995
Attn: City Attorney

City of Vancouver
PO Box 1995
Vancouver, WA 98668-1995
Attn: Parking Manager

Owner's notice address:

Vancouvercenter BD Owner LLC
1111 Main St, Ste 700
Vancouver, WA 98660
Email: judy@hollandpartnergroup.com

With a copy to:

Oregon Law Group, P.C.
1675 SW Marlow Avenue, Suite 404
Portland, OR 97225
Attn: Joel Kaplan
Email: notices@oregonlawgroup.com

And to:

EJF OpZone Fund I LP
c/o EJF Capital LLC
2107 Wilson Boulevard, Suite 410
Arlington, VA 22201
Attn: General Counsel
Email: legal@ejfcap.com

19. Counterparts. This License may be executed in any number of counterparts, each of which will be deemed to be an original, and all of such counterparts will constitute one License. To facilitate execution of this License, the parties may execute and exchange by telephone or electronic facsimile counterparts of the signature pages, provided the Memorandum will be signed in ink for recording.

20. Binding Effect. The License runs with the Land and is binding upon and insures to the benefit of Owner and successor owners of the Land. Owner may grant a collateral assignment of its interest in this License to any lender that provides mortgage financing secured by the Land. Except as otherwise provided herein, the License is binding upon and insures to the benefit of the City and successor owners, lessees, operators and managers of the Parking Garage.

21. No Assignment. The License shall not be assignable and shall automatically terminate upon the sale of the Parking Garage to HAC upon exercise of the Parking Option.

22. Memorandum. A memorandum of this License (the "Parking Memo"), substantially in the form attached as Exhibit C, will be mutually executed and recorded in the real property records of Clark County, Washington, as soon as practical following the execution and delivery of this License. In addition to the Parking Memo, at the request of either party, the parties will execute and record in the real property records of Clark County, Washington, a supplementary memorandum confirming the termination or expiration date of this License as determined pursuant to Section 3.

[Remainder of this page intentionally left blank; signature page follows.]

IN WITNESS WHEREOF, the parties hereto have executed this instrument the day and year first indicated above.

CITY OF VANCOUVER,
a municipal corporation

By: _____
Title: City Manager

By: _____
Title: City Clerk

Approved as to form:

By: _____
Title: City Attorney

VANCOUVERCENTER BD OWNER LLC,
a Delaware limited liability company

By: Vancouvercenter BD Investors LLC,
a Delaware limited liability company,
its Sole Member

By: VIG QOF 2019 IV, LLC,
a Washington limited liability company,
its Managing Member

By: _____
Judy Schneider
Co-Manager

Holland Acquisition Co., LLC hereby acknowledges this License and agrees that if it exercises the Purchase Option, its purchase and ownership will be subject to the terms of this License.

HOLLAND ACQUISITION CO., LLC,
a Washington limited liability company

By: Holland Partner Group Management, Inc.,
a Delaware corporation
its Manager

By: _____
Clyde P. Holland, Jr.
Chairman and Chief Executive Officer

EXHIBIT A

Legal Description of the Land

UNIT 1B OF VANCOUVERCENTER CONDOMINIUM, TOGETHER WITH THOSE RIGHTS IN AND TO THE LIMITED AND COMMON ELEMENTS, INCLUDING BUT NOT LIMITED TO ACCESS AND PARKING RIGHTS, AS SET FORTH IN THE DECLARATION AND SURVEY MAPS AND PLANS, RECORDED UNDER CLARK COUNTY AUDITOR'S FILE NO. 3463179 AND BOOK 310, PAGE 985, ON MAY 13, 2002, AS AMENDED BY A FIRST AMENDMENT TO THE CONDOMINIUM DECLARATION AND SURVEY MAPS AND PLANS, RECORDED UNDER AUDITOR'S FILE NO. 3476342 AND BOOK 310, PAGE 990, ON JUNE 12, 2002, AND AS AMENDED BY A SECOND AMENDMENT TO THE CONDOMINIUM DECLARATION AND SURVEY MAPS AND PLANS, RECORDED UNDER CLARK COUNTY AUDITOR'S FILE NO. 3769572 AND BOOK 311, PAGE 130, ON DECEMBER 22, 2003, AND AS AMENDED BY A THIRD AMENDMENT TO THE CONDOMINIUM DECLARATION AND SURVEY MAPS AND PLANS, RECORDED UNDER CLARK COUNTY AUDITOR'S FILE NO. 3804646 AND BOOK 700, PAGE 3, ON MARCH 24, 2004, AS AMENDED BY A FOURTH AMENDMENT TO THE CONDOMINIUM DECLARATION AND SURVEY MAPS AND PLANS, RECORDED UNDER CLARK COUNTY AUDITOR'S FILE NO. 4206086 AND BOOK 700, PAGE 48, ON AUGUST 8, 2006, AS AMENDED BY A FIFTH AMENDMENT TO THE CONDOMINIUM DECLARATION AND SURVEY MAPS AND PLANS, RECORDED UNDER CLARK COUNTY AUDITOR'S FILE NO. 4446128 AND BOOK 700, PAGE 83, ON APRIL 17, 2008 AND AS AMENDED BY A SIXTH AMENDMENT TO THE CONDOMINIUM DECLARATION AND SURVEY MAPS AND PLANS, RECORDED UNDER CLARK COUNTY AUDITOR'S FILE NO. 4601174 AND BOOK 700, PAGE 99, ON SEPTEMBER 19, 2009, AS AMENDED BY A SEVENTH AMENDMENT TO CONDOMINIUM DECLARATION RECORDED UNDER CLARK COUNTY AUDITOR'S FILE NO. 5310970, ON AUGUST 3, 2016, AS MAY BE FURTHER AMENDED. SITUATE IN THE COUNTY OF CLARK, STATE OF WASHINGTON.

UNIT 1D OF VANCOUVERCENTER CONDOMINIUM, TOGETHER WITH THOSE RIGHTS IN AND TO THE LIMITED AND COMMON ELEMENTS, INCLUDING BUT NOT LIMITED TO ACCESS AND PARKING RIGHTS, AS SET FORTH IN THE DECLARATION AND SURVEY MAPS AND PLANS, RECORDED UNDER CLARK COUNTY AUDITOR'S FILE NO. 3463179 AND BOOK 310, PAGE 985, ON MAY 13, 2002, AS AMENDED BY A FIRST AMENDMENT TO THE CONDOMINIUM DECLARATION AND SURVEY MAPS AND PLANS, RECORDED UNDER AUDITOR'S FILE NO. 3476342 AND BOOK 310, PAGE 990, ON JUNE 12, 2002, AND AS AMENDED BY A SECOND AMENDMENT TO THE CONDOMINIUM DECLARATION AND SURVEY MAPS AND PLANS, RECORDED UNDER CLARK COUNTY AUDITOR'S FILE NO. 3769572 AND BOOK 311, PAGE 130, ON DECEMBER 22, 2003, AND AS AMENDED BY A THIRD AMENDMENT TO THE CONDOMINIUM DECLARATION

AND SURVEY MAPS AND PLANS, RECORDED UNDER CLARK COUNTY AUDITOR'S FILE NO. 3804646 AND BOOK 700, PAGE 3, ON MARCH 24, 2004, AS AMENDED BY A FOURTH AMENDMENT TO THE CONDOMINIUM DECLARATION AND SURVEY MAPS AND PLANS, RECORDED UNDER CLARK COUNTY AUDITOR'S FILE NO. 4206086 AND BOOK 700, PAGE 48, ON AUGUST 8, 2006, AS AMENDED BY A FIFTH AMENDMENT TO THE CONDOMINIUM DECLARATION AND SURVEY MAPS AND PLANS, RECORDED UNDER CLARK COUNTY AUDITOR'S FILE NO. 4446128 AND BOOK 700, PAGE 83, ON APRIL 17, 2008 AND AS AMENDED BY A SIXTH AMENDMENT TO THE CONDOMINIUM DECLARATION AND SURVEY MAPS AND PLANS, RECORDED UNDER CLARK COUNTY AUDITOR'S FILE NO. 4601174 AND BOOK 700, PAGE 99, ON SEPTEMBER 19, 2009, AS AMENDED BY A SEVENTH AMENDMENT TO CONDOMINIUM DECLARATION RECORDED UNDER CLARK COUNTY AUDITOR'S FILE NO. 5310970, ON AUGUST 3, 2016, AS MAY BE FURTHER AMENDED. SITUATE IN THE COUNTY OF CLARK, STATE OF WASHINGTON.

EXHIBIT B

Legal Description of the Parking Spaces

PARKING SPACE UNITS 204 & 205 LOCATED IN, THE PARKING GARAGE UNIT (UNIT 2) OF VANCOUVERCENTER, A CONDOMINIUM, AS SET FORTH IN THE DECLARATION AND SURVEY MAPS AND PLANS, RECORDED UNDER CLARK COUNTY AUDITOR'S FILE NO. 3463179 AND BOOK 310 OF PLATS, PAGE 985, ON MAY 13, 2002, AS AMENDED BY A FIRST AMENDMENT TO THE CONDOMINIUM DECLARATION AND SURVEY MAPS AND PLANS, RECORDED UNDER AUDITOR'S FILE NO. 3476342 AND BOOK 310 OF PLATS, PAGE 990, ON JUNE 12, 2002, AND AS AMENDED BY A SECOND AMENDMENT TO THE CONDOMINIUM DECLARATION AND SURVEY MAPS AND PLANS, RECORDED UNDER CLARK COUNTY AUDITOR'S FILE NO. 3769572 AND BOOK 311 OF PLATS, PAGE 130, ON DECEMBER 22, 2003, AND AS AMENDED BY A THIRD AMENDMENT TO THE CONDOMINIUM DECLARATION AND SURVEY MAPS AND PLANS, RECORDED UNDER CLARK COUNTY AUDITOR'S FILE NO. 3804646 AND BOOK 700 OF CONDOMINIUMS, PAGE 3, ON MARCH 24, 2004, AS AMENDED BY A FOURTH AMENDMENT TO THE CONDOMINIUM DECLARATION AND SURVEY MAPS AND PLANS, RECORDED UNDER CLARK COUNTY AUDITOR'S FILE NO. 4206086 AND BOOK 700 OF CONDOMINIUMS, PAGE 48, ON AUGUST 8, 2006, AS AMENDED BY A FIFTH AMENDMENT TO THE CONDOMINIUM DECLARATION AND SURVEY MAPS AND PLANS, RECORDED UNDER CLARK COUNTY AUDITOR'S FILE NO. 4446128 AND BOOK 700 OF CONDOMINIUMS, PAGE 83, ON APRIL 17, 2008 AND AS AMENDED BY A SIXTH AMENDMENT TO THE CONDOMINIUM DECLARATION AND SURVEY MAPS AND PLANS, RECORDED UNDER CLARK COUNTY AUDITOR'S FILE NO. 4601174 AND BOOK 700 OF CONDOMINIUMS, PAGE 99, ON SEPTEMBER 19, 2009, AS AMENDED BY A SEVENTH AMENDMENT TO CONDOMINIUM DECLARATION RECORDED UNDER CLARK COUNTY AUDITOR'S FILE NO. 5310970, ON AUGUST 3, 2016, AS MAY BE FURTHER AMENDED, SITUATE IN THE COUNTY OF CLARK, STATE OF WASHINGTON.

EXHIBIT C

Form of Memorandum of Parking License

After Recording Return to:

Oregon Law Group, P.C.
1675 SW Marlow Avenue, Suite 404
Portland, OR 97225

MEMORANDUM OF PARKING LICENSE AGREEMENT

THIS MEMORANDUM OF PARKING LICENSE AGREEMENT (the “Memorandum”) is executed as of this ____ day of December, 2021, by The City of Vancouver, a Washington municipal corporation (“Grantor”), and Vancouvercenter BD Owner LLC, a Delaware limited liability company (“Grantee”).

1. Grantor and Grantee are parties to that certain Parking License Agreement dated December ____, 2021, (the “License”), by which Grantor has agreed to license to Grantee parking space units 204 and 205 located in a parking garage unit owned by Grantor and located in the real property described in Exhibit A. The License is for the use and benefit of Grantee’s real estate project located on the real property particularly described in Exhibit B (the “Grantee’s Land”). The License sets forth the terms and conditions under which the parking units are licensed, including provisions related to license fees to be paid to Grantor.

2. The License is binding upon and insures to the benefit of the Grantor and its successor owners of the real property described in Exhibit A.

3. The License will run with the Land and is binding upon and insures to the benefit of the Grantee and its successor owners of Grantee’s Land.

4. Grantee expressly agrees that it does not and shall not claim at any time any interest or estate of any kind or extent whatsoever in the Parking Garage by virtue of the rights granted under the License or its occupancy or use under the License.

5. Grantor and Grantee desire to execute and record this Memorandum to give record notice of the License.

6. The sole purpose of this Memorandum is to give notice of the License. This Memorandum does not amend or alter the terms of the License.

[Signature Pages Follow.]

CITY OF VANCOUVER,
a municipal corporation

By: _____
Title: City Manager

By: _____
Title: City Clerk

STATE OF WASHINGTON)
) ss.
COUNTY OF CLARK)

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

Dated the ____ day of _____, 2021.

Notary Public for Washington
My Appointment Expires:_____

Approved as to form:

By: _____
Title: City Attorney

VANCOUVERCENTER BD OWNER LLC,
a Delaware limited liability company

By: Vancouvercenter BD Investors LLC,
a Delaware limited liability company,
its Sole Member

By: VIG QOF 2019 IV, LLC,
a Washington limited liability company,
its Managing Member

By: _____
Judy Schneider
Co-Manager

STATE OF WASHINGTON)
) ss.
COUNTY OF CLARK)

I certify that I know or have satisfactory evidence that Judy Schneider is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it as the Co-Manager of VIG QOF 2019 I, LLC, to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated the _____ day of _____, 2021.

Notary Public for Washington
My Appointment Expires:_____

EXHIBIT A

Legal Description of the Parking Spaces

PARKING SPACE UNITS 204 & 205 LOCATED IN, THE PARKING GARAGE UNIT (UNIT 2) OF VANCOUVERCENTER, A CONDOMINIUM, AS SET FORTH IN THE DECLARATION AND SURVEY MAPS AND PLANS, RECORDED UNDER CLARK COUNTY AUDITOR'S FILE NO. 3463179 AND BOOK 310 OF PLATS, PAGE 985, ON MAY 13, 2002, AS AMENDED BY A FIRST AMENDMENT TO THE CONDOMINIUM DECLARATION AND SURVEY MAPS AND PLANS, RECORDED UNDER AUDITOR'S FILE NO. 3476342 AND BOOK 310 OF PLATS, PAGE 990, ON JUNE 12, 2002, AND AS AMENDED BY A SECOND AMENDMENT TO THE CONDOMINIUM DECLARATION AND SURVEY MAPS AND PLANS, RECORDED UNDER CLARK COUNTY AUDITOR'S FILE NO. 3769572 AND BOOK 311 OF PLATS, PAGE 130, ON DECEMBER 22, 2003, AND AS AMENDED BY A THIRD AMENDMENT TO THE CONDOMINIUM DECLARATION AND SURVEY MAPS AND PLANS, RECORDED UNDER CLARK COUNTY AUDITOR'S FILE NO. 3804646 AND BOOK 700 OF CONDOMINIUMS, PAGE 3, ON MARCH 24, 2004, AS AMENDED BY A FOURTH AMENDMENT TO THE CONDOMINIUM DECLARATION AND SURVEY MAPS AND PLANS, RECORDED UNDER CLARK COUNTY AUDITOR'S FILE NO. 4206086 AND BOOK 700 OF CONDOMINIUMS, PAGE 48, ON AUGUST 8, 2006, AS AMENDED BY A FIFTH AMENDMENT TO THE CONDOMINIUM DECLARATION AND SURVEY MAPS AND PLANS, RECORDED UNDER CLARK COUNTY AUDITOR'S FILE NO. 4446128 AND BOOK 700 OF CONDOMINIUMS, PAGE 83, ON APRIL 17, 2008 AND AS AMENDED BY A SIXTH AMENDMENT TO THE CONDOMINIUM DECLARATION AND SURVEY MAPS AND PLANS, RECORDED UNDER CLARK COUNTY AUDITOR'S FILE NO. 4601174 AND BOOK 700 OF CONDOMINIUMS, PAGE 99, ON SEPTEMBER 19, 2009, AS AMENDED BY A SEVENTH AMENDMENT TO CONDOMINIUM DECLARATION RECORDED UNDER CLARK COUNTY AUDITOR'S FILE NO. 5310970, ON AUGUST 3, 2016, AS MAY BE FURTHER AMENDED, SITUATE IN THE COUNTY OF CLARK, STATE OF WASHINGTON.

EXHIBIT B

Legal Description of the Land

UNIT 1B OF VANCOUVERCENTER CONDOMINIUM, TOGETHER WITH THOSE RIGHTS IN AND TO THE LIMITED AND COMMON ELEMENTS, INCLUDING BUT NOT LIMITED TO ACCESS AND PARKING RIGHTS, AS SET FORTH IN THE DECLARATION AND SURVEY MAPS AND PLANS, RECORDED UNDER CLARK COUNTY AUDITOR'S FILE NO. 3463179 AND BOOK 310, PAGE 985, ON MAY 13, 2002, AS AMENDED BY A FIRST AMENDMENT TO THE CONDOMINIUM DECLARATION AND SURVEY MAPS AND PLANS, RECORDED UNDER AUDITOR'S FILE NO. 3476342 AND BOOK 310, PAGE 990, ON JUNE 12, 2002, AND AS AMENDED BY A SECOND AMENDMENT TO THE CONDOMINIUM DECLARATION AND SURVEY MAPS AND PLANS, RECORDED UNDER CLARK COUNTY AUDITOR'S FILE NO. 3769572 AND BOOK 311, PAGE 130, ON DECEMBER 22, 2003, AND AS AMENDED BY A THIRD AMENDMENT TO THE CONDOMINIUM DECLARATION AND SURVEY MAPS AND PLANS, RECORDED UNDER CLARK COUNTY AUDITOR'S FILE NO. 3804646 AND BOOK 700, PAGE 3, ON MARCH 24, 2004, AS AMENDED BY A FOURTH AMENDMENT TO THE CONDOMINIUM DECLARATION AND SURVEY MAPS AND PLANS, RECORDED UNDER CLARK COUNTY AUDITOR'S FILE NO. 4206086 AND BOOK 700, PAGE 48, ON AUGUST 8, 2006, AS AMENDED BY A FIFTH AMENDMENT TO THE CONDOMINIUM DECLARATION AND SURVEY MAPS AND PLANS, RECORDED UNDER CLARK COUNTY AUDITOR'S FILE NO. 4446128 AND BOOK 700, PAGE 83, ON APRIL 17, 2008 AND AS AMENDED BY A SIXTH AMENDMENT TO THE CONDOMINIUM DECLARATION AND SURVEY MAPS AND PLANS, RECORDED UNDER CLARK COUNTY AUDITOR'S FILE NO. 4601174 AND BOOK 700, PAGE 99, ON SEPTEMBER 19, 2009, AS AMENDED BY A SEVENTH AMENDMENT TO CONDOMINIUM DECLARATION RECORDED UNDER CLARK COUNTY AUDITOR'S FILE NO. 5310970, ON AUGUST 3, 2016, AS MAY BE FURTHER AMENDED. SITUATE IN THE COUNTY OF CLARK, STATE OF WASHINGTON.

UNIT 1D OF VANCOUVERCENTER CONDOMINIUM, TOGETHER WITH THOSE RIGHTS IN AND TO THE LIMITED AND COMMON ELEMENTS, INCLUDING BUT NOT LIMITED TO ACCESS AND PARKING RIGHTS, AS SET FORTH IN THE DECLARATION AND SURVEY MAPS AND PLANS, RECORDED UNDER CLARK COUNTY AUDITOR'S FILE NO. 3463179 AND BOOK 310, PAGE 985, ON MAY 13, 2002, AS AMENDED BY A FIRST AMENDMENT TO THE CONDOMINIUM DECLARATION AND SURVEY MAPS AND PLANS, RECORDED UNDER AUDITOR'S FILE NO. 3476342 AND BOOK 310, PAGE 990, ON JUNE 12, 2002, AND AS AMENDED BY A SECOND AMENDMENT TO THE CONDOMINIUM DECLARATION AND SURVEY MAPS AND PLANS, RECORDED UNDER CLARK COUNTY AUDITOR'S FILE NO. 3769572 AND BOOK 311, PAGE 130, ON DECEMBER 22, 2003, AND AS AMENDED BY A THIRD AMENDMENT TO THE CONDOMINIUM DECLARATION AND SURVEY MAPS AND PLANS, RECORDED UNDER CLARK COUNTY AUDITOR'S FILE NO. 3804646 AND BOOK 700, PAGE 3, ON MARCH 24, 2004, AS

AMENDED BY A FOURTH AMENDMENT TO THE CONDOMINIUM DECLARATION AND SURVEY MAPS AND PLANS, RECORDED UNDER CLARK COUNTY AUDITOR'S FILE NO. 4206086 AND BOOK 700, PAGE 48, ON AUGUST 8, 2006, AS AMENDED BY A FIFTH AMENDMENT TO THE CONDOMINIUM DECLARATION AND SURVEY MAPS AND PLANS, RECORDED UNDER CLARK COUNTY AUDITOR'S FILE NO. 4446128 AND BOOK 700, PAGE 83, ON APRIL 17, 2008 AND AS AMENDED BY A SIXTH AMENDMENT TO THE CONDOMINIUM DECLARATION AND SURVEY MAPS AND PLANS, RECORDED UNDER CLARK COUNTY AUDITOR'S FILE NO. 4601174 AND BOOK 700, PAGE 99, ON SEPTEMBER 19, 2009, AS AMENDED BY A SEVENTH AMENDMENT TO CONDOMINIUM DECLARATION RECORDED UNDER CLARK COUNTY AUDITOR'S FILE NO. 5310970, ON AUGUST 3, 2016, AS MAY BE FURTHER AMENDED. SITUATE IN THE COUNTY OF CLARK, STATE OF WASHINGTON.

EXHIBIT 5 4 2

AMENDED

OPTION TO PURCHASE AGREEMENT FOR PARKING GARAGE

~~THIS OPTION TO PURCHASE AGREEMENT FOR PARKING GARAGE (the "Agreement") is made and entered into this 21st day of June 1999 by and between the CITY OF VANCOUVER, a Washington municipal corporation ("City") and Vandevco Limited a Washington corporation ('Developer')~~

~~FOR AND IN CONSIDERATION of the execution of the Disposition and Development Agreement the receipt and sufficiency of which is hereby acknowledged, the parties hereto agree as follows~~

~~1 Exclusive Option City herein grants Developer the exclusive option to purchase (the "Option") upon the terms and conditions hereinafter set forth, the parking garage (Parking Garage) in the City of Vancouver County of Clark, State of Washington, and legally described as follows~~

~~See Exhibit "A" attached hereto and incorporated herein by reference for legal description of real property purchased and portion of parking garage purchased~~

~~2 Consideration for Option The consideration for this Option is the entering into the transaction set forth in the Disposition and Development Agreement to which this Agreement is attached as Exhibit 5 4 2~~

~~3 Option Period Developer is granted a right to exercise an option to purchase the Parking Garage which purchase may be closed only after no tax-exempt bonds issued to provide financing for the Parking Garage remain outstanding Such option may be exercised at any time during the period beginning on January 1 2015, and extending through December 31 2019 or a longer period as extended by agreement between the parties (Option Period)~~

~~4 Method of Exercising Option Developer shall exercise the option by giving notice in writing ("Option Notice ") to City within the Option Period set forth in Section 3 above~~

~~4.1 Developer shall deliver to City, concurrently with its notice of its exercise of its right to reacquire the Parking Garage its estimate of the Fair Market Value (as defined hereinbelow) of the Parking Garage Following receipt of such notice the parties shall negotiate in good faith in an attempt to reach agreement concerning the then Fair Market Value of the Parking Garage If they are unable to so agree within thirty (30) days after City's receipt of Developer's notice of its exercise of its right to reacquire the Parking Garage either party may by~~

EXHIBIT 5 4 2
OPTION TO PURCHASE AGREEMENT FOR PARKING GARAGE

C10030101/EH MW

C10030101 Exhibit 5 4 2 Option to Repurchase Parking Garage fifth amendment.doc (4/3/2010)

-1-

written notice to the other submit the determination of Fair Market Value to Arbitration in accordance with Section 4 2 below

4 2 If either party elects to submit the determination of Fair Market Value to arbitration, then it shall also in the same notice in which it elects arbitration, designate an appraiser Within ten (10) days after receipt of such notice, the other party shall give notice designating a second appraiser The two appraisers so selected shall, within ten (10) days following the selection of the second appraiser, select a third appraiser The appraisers so selected shall, within ten (10) days following the selection of the final appraiser meet review such information as may be submitted by Developer or City and such other information as they deem pertinent to the determination of the then Fair Market Value of the Parking Garage and within thirty (30) days of the selection of the final appraiser, determine (either unanimously or by a vote of two of the three appraisers) the applicable Fair Market Value of the Parking Garage The appraisers shall give written notice to the parties of the Fair Market Value so determined

4 3 If either Developer or City shall fail to designate an appraiser within the time period specified in Section 4 2 above, the defaulting party shall be deemed to have accepted the appraiser designated by the other in which event the one appraiser described in Section 4 2 above shall make the determination of the then Fair Market Value of the Parking Garage in accordance with Section 4 2 above

4 4 If the two appraisers designated by the parties are unable to agree on a third appraiser within the time period specified in Section 4 2 above then either Developer or City may apply to the Superior Court of the State of Washington for Clark County to designate a third appraiser

4 5 All appraisers designated pursuant to Section 4 2 above shall be disinterested MAI appraisers with not less than ten (10) years experience in appraising commercial properties in Portland metropolitan area A disinterested appraiser shall be one who has no direct or indirect financial interest in the outcome of the arbitration (other than payment of a reasonable appraisal fee) and who is not a member manager officer, director employee or agent of City or Developer

4 6 "Fair Market Value means the most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller acting prudently and knowledgeably and assuming the price is not affected by undue stimulus Implicit in this definition is a consummation of sale as of a specified date, and the passing of title from the seller to the buyer under conditions whereby

4 6 1 The buyer and seller are typically motivated

4 6 2 Both parties are well informed or well advised and each acting in what each considers its own best interest

EXHIBIT 5 4 2

OPTION TO PURCHASE AGREEMENT FOR PARKING GARAGE

C10030101/EH MW

C10030101 Exhibit 5 4 2 Option to Repurchase Parking Garage fifth amendment.doc (4/5/2010)

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4 6 3 A reasonable time is allowed for exposure in the open market,

4 6 4 Payment is made in terms of U S dollars or in terms of financial arrangements comparable thereto and

4 6 5 The price represents a normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale

5 Purchase Price Notwithstanding the provisions of Section 4 above, the purchase price for the Parking Garage shall be the Fair Market Value as defined in Section 4 6 above but shall in no circumstances be less than the City s original purchase price of the garage of thirteen million two hundred forty three thousand seven hundred sixty four dollars (\$13 2436 764) adjusted by the annual CPI-W for Portland/Vancouver in the years 2001 through the date the option is exercised In the event the Developer exercises this option prior to commencement of construction of the south tower the Developer shall pay the penalty identified in the Disposition and Development Agreement as amended in addition to the purchase price provided for herein

6 Payment of Purchase Price The entire purchase price shall be payable by Developer to City at close of escrow in cash

7 Title to Property City shall convey the Parking Garage Unit(s) to Developer by Statutory Warranty Deed free and clear of all right title or interest of City and subject only to the (i) Condominium Declaration, (ii) the parking covenant executed by Developer running with the land which shall provide that Developer will make available for public parking 488 parking spaces at commercially reasonable rates on weekdays evenings after 6 p m and on weekends in connection with community activities and events, (iii) general governmental building or use restrictions consistent with the then applicable zoning regulations for the Project (iv) utility and other easements not inconsistent with the use of the Parking Garage Unit(s) as a commercial parking garage (v) all easements, covenants conditions and restrictions which may be imposed on the Property the Project or the Parking Garage Unit(s) during the course of construction of the Project as a result of permits or other conditions imposed by any governmental authority as a condition to issuing a master use permit, building permit or any other license or approval (vi) exceptions to title created by previously approved in writing by, or arising through the actions of Developer, (vii) real property taxes and assessments (including but not limited to any assessments issued pursuant to the Condominium Declarations) not-delinquent by non-payment, and (viii) the rights of persons holding monthly parking permits to parking in the Parking Garage Unit(s)

8 Disclaimer CITY MAKES NO REPRESENTATIONS OR WARRANTIES WITH RESPECT TO (I) THE CONDITION OF THE PARKING GARAGES OR ANY IMPROVEMENTS THEREIN OR THE COMMON ELEMENTS ASSOCIATED THEREWITH OR THE SUITABILITY OF THE PARKING GARAGES FOR DEVELOPER S

EXHIBIT 5 4 2

OPTION TO PURCHASE AGREEMENT FOR PARKING GARAGE

C10030101/EH MW

C10030101 Exhibit 5 4 2 Option to Repurchase Parking Garage fifth amendment.doc (4/5/2010)

--3--

INTENDED USE OR FOR ANY USE WHATSOEVER, (II) THE PRESENCE OF ANY HAZARDOUS SUBSTANCES IN THE PARKING GARAGES OR ANY OF THE OTHER UNITS COMPRISING THE CONDOMINIUMS OF WHICH THE PARKING GARAGE UNITS ARE A PART WHICH MAY HAVE BEEN CAUSED BY DEVELOPER DEVELOPER ACKNOWLEDGES THAT DEVELOPER WAS GIVEN THE OPPORTUNITY UNDER THIS AGREEMENT TO FULLY INSPECT THE PARKING GARAGES AND THEIR ENVIRONMENTAL CONDITION DEVELOPER AGREES THAT BY PURCHASING THE PARKING GARAGES DEVELOPER IS AGREEING TO PURCHASE THE PARKING GARAGES (SUBJECT TO THE FOREGOING CONTAINED IN THIS PARAGRAPH) IN THEIR 'AS IS' CONDITION AND STATE OF REPAIR

9 Escrow The sale shall be consummated through a Washington State title insurance company mutually agreeable to the parties (the "Escrow Holder") to be opened by City within five (5) business days after the Option Notice has been given to City Escrow shall be deemed to be opened under this paragraph on the date the escrow instructions are drawn The parties shall execute all documents required by escrow holder as long as they are consistent with the provisions of this paragraph Escrow shall close within one hundred eighty (180) days after the purchase price of the Parking Garage has been set under Paragraph 6 Escrow shall be deemed to be closed pursuant to this paragraph on the date of recording

10 Title Insurance At the close of escrow escrow holder must be prepared to have issued by a Washington State title insurance company, an ALTA Standard Coverage Policy of Title Insurance in the amount of the purchase price insuring title to the Parking Garage or Parking Garage Unit(s) vested in Developer

11 Proration of Costs All revenues and all expenses of the Parking Garage Unit(s) including, but not limited to real and personal property taxes, special assessments Condominium Assessments rents water sewer, and utility charges amounts payable under contracts assumed by Developer if any annual permits and/or inspection fees (calculated on the basis of the respective periods covered thereby) and other expenses normal to the ownership, use, operation and maintenance of the Parking Garage Unit(s) shall be prorated as of the Closing Date(s) for each Parking Garage Unit If any revenue or expense amount cannot be ascertained with certainty as of the Close of Escrow it shall be prorated on the basis of the parties' reasonable estimate of such amounts and shall be the subject of a final proration sixty (60) days after the Close of Escrow or as soon thereafter as the precise amount can be ascertained

12 Closing Costs Excise taxes and recording fees on the Deed shall be paid by City if required Charges for a title insurance policy escrow and all other closing costs shall be paid equally between the parties in accordance with the custom of Clark County, Washington

13 Notices Any payments or notices required or desired to be given under this Agreement shall be in writing and personally served or given by mail Any notice or payment given by mail shall be sent, postage prepaid, by certified mail, return receipt requested and addressed to the

EXHIBIT 5 4 2

OPTION TO PURCHASE AGREEMENT FOR PARKING GARAGE

C10030101/EH MW

C10030101 Exhibit 5 4 2 Option to Repurchase Parking Garage fifth amendment.doc (4/5/2010)

-4-

party to receive the same at the following address or at such other address or addresses as the parties may from time to time direct in writing, as follows

City	City Manager City of Vancouver P O Box 1995 Vancouver WA 98668-1995
With a Copy to	City Attorney City of Vancouver P O Box 1995 Vancouver WA 98668-1995
Developer	Vandevco Limited c/o Nawzad Othman 17355 SW Boones Ferry Road Lake Oswego, OR 97035
With a Copy to	Stephen Horenstein Miller Nash LLP 500 East Broadway, Ste 400 Vancouver WA 98660
And to	Kenton R Barnes P C 121 SW Salmon Street Ste 1100 Portland OR 97204

14 Close of Escrow-Termination Prior to the close of escrow Developer will have inspected (or had the opportunity to inspect) all of the Property and such documents as deemed relevant by Developer relating to the Property and Developer s intended use thereof and based on Developer s best judgment and the best judgment of independent experts available to Developer accepts same AS IS including any latent defects with no warranties express or implied except for those expressly provided to survive and continue under the terms of this Agreement and with no obligation of City to make repairs or replacements

15 Assignment The parties may not assign their rights under this Agreement without the written consent of the other party (which consent shall not be unreasonably withheld or delayed)

16 Miscellaneous

16 1 Entire Agreement This Agreement and the Disposition and Development Agreement constitute the entire Agreement between the parties. Any inconsistency between this Agreement and the Disposition and Development Agreement shall be resolved in favor of the Disposition and Development Agreement.

16 2 Binding Nature All rights and obligations arising out of this Agreement shall inure to the benefit of and be binding upon the respective successors, heirs, assigns, administrators, executors and marital communities, if any, of the parties hereto.

16 3 Washington Law This Agreement shall be construed, interpreted and enforced pursuant to the laws of the State of Washington, and the parties agree that the Superior Court of Clark County for the State of Washington shall have sole and exclusive jurisdiction of any suit or proceeding brought with respect to this Agreement or the Parking Garage.

16 4 Attorney Fees In the event any action or legal proceedings are commenced to enforce any of the terms and conditions hereof or to terminate this Agreement (whether the same shall proceed to judgment or otherwise), the prevailing party shall receive from the other a reasonable sum as attorneys' fees together with costs.

16 5 Time Time is of the essence hereof.

16 6 Captions The captions and section headings hereof are inserted for convenience purposes only and shall not be deemed to limit or expand the meaning of any section.

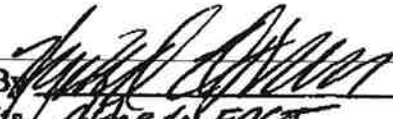
16 7 Counterparts This Agreement may be signed in counterparts, any one of which shall be deemed an original.

IN WITNESS WHEREOF we have hereunto set our hands as of the day and year first above written

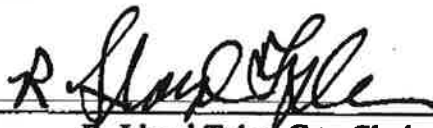
CITY OF VANCOUVER, a municipal corporation

By 
Pat McDonnell City Manager

Vandevco Limited a Washington corporation

By 
Its Attorney in Fact

Attest


R Lloyd Tyler City Clerk
~~by Carrie Lewellen, Deputy~~

Approved as to Form

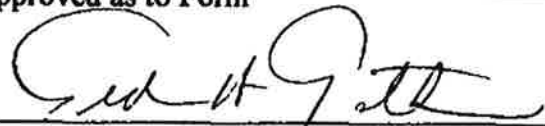

Ted H Gathe City Attorney

EXHIBIT A
LEGAL DESCRIPTION

To be attached upon completion of Condominium Survey

EXHIBIT 5 4 2 - EXHIBIT A"
LEGAL DESCRIPTION

C10030101 Exhibit 5 4 2 Option to Repurchase Parking Garage fifth amendment.doc (4/5/2010)

-1-



Staff Report 202-21

TO: Mayor and City Council

FROM: Eric Holmes, City Manager

DATE: 12/20/2021

SUBJECT Complete Streets 2021-2022 Program Resolution for Project Goals and Objectives

Key Points

- The City adopted a Complete Streets policy in 2017 with the vision and intent of providing safe, accessible streets for all users, ages and abilities regardless of their preferred mode of travel.
- On July 19th, 2021, staff provided an overview of the 2021-2022 Complete Streets Program to City Council.
- Based on Council feedback and direction at that workshop, staff have updated the project process and are returning to Council for review and endorsement.

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 1.1: Develop and maintain a safe, balanced and innovative transportation system that will meet the needs of future generations.

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

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

Present Situation

Through the 2021-22 biennial budget process, Council identified and funded four roadway segments for Complete Streets planning processes. On July 19th, 2021, staff provided an overview of the 2021-2022 Complete Streets Program to City Council, including a process for identifying the range of potential improvements for each corridor segment. Based on Council feedback and direction at that workshop, staff have updated the project process and are returning

to Council for review and endorsement via resolution. Adoption of the resolution is part of the formal project chartering process outlined by staff during the July 19 presentation, and represents the culmination of the Goals and Objectives step below.

The project needs for the 2021-2022 projects were initially established through the budget process and directed staff to study safety and mobility improvements that can be completed in partnership with planned upcoming pavement work. The goals for each project are:

- Complete a public outreach and design alternative process that identifies improvements to advance safety, mobility, and equity in each corridor segment in preparation for pavement treatment planned for the coming years.
- The analysis for each project will include identifying a suite of safety and mobility improvements that can be applied to each individual corridor, including potentially repurposing a travel lane in each direction and adding other safety enhancements such as traffic signal modifications, pedestrian crossing and lighting improvements, traffic calming, and street tree enhancements.
- Each project will include stakeholder engagement with impacted groups as appropriate, including residents, businesses, corridor users, neighborhood associations, community-based organizations, historically excluded and underserved communities, and the City of Vancouver Transportation and Mobility Commission.

Along with the four projects identified through the 2021-22 biennial budget process: Fourth Plain Boulevard: Main Street to Andresen Road; SE 34th Street: SE 164th Avenue. – SE 192nd Avenue/City Limits; NE 112th Avenue/SE Chkalov Drive: SE McGillivray Boulevard – NE Fourth Plain Boulevard/City Limits; and Fort Vancouver Way: Mill Plain Boulevard – Fourth Plain Boulevard, SE McGillivray Boulevard from SE Chkalov Drive to SE 164th Avenue will be added to the current program and integrated into the 2023-24 Complete Streets Program as a continuing project in order to leverage upcoming pavement work.

The Pavement Management program previously identified SE McGillivray Boulevard from SE 136th Ave to SE 162nd Ave as part of their draft 2022 resurfacing program and then from Chkalov Dr to SE 136th Ave in 2024. The City has received recurring complaints from residents over the years about speeding on McGillivray and safety for people walking, biking and using mobility devices, and while several projects have been implemented on the corridor in the past to address these concerns, the issues still persist.

In addition to feedback from users, Councilmembers have also raised this as a corridor in need of potential improvements. Given the timeline for repaving, and to provide the opportunity to evaluate potential safety improvements on McGillivray, including repurposing a travel lane, the planned resurfacing project for 2022 has been postponed to 2024 and adjusted so work for the entire corridor can be done in the same year.

This will allow staff the opportunity to complete a public outreach and design alternative process that could improve safety, mobility, and equity on the corridor. It is proposed that the planning process for this project would start in early 2022 to allow for sufficient time to complete the process prior to paving work. If Council supports this, staff will plan to include it in the 2023-24 Complete Streets Program as a continuing project

Advantage(s)

Adoption of the resolution formalizes the Complete Streets process, including stakeholder and policymaker review and an updated project list, timelines and outreach process, in alignment with Council direction.

Disadvantage(s)

None

Budget Impact

None. The planning costs have been anticipated and are included in the 2021-2022 Transportation Planning and Capital Fund budgets. Projects slated for 2023 -2024 will be brought forward during the new budget cycle.

Prior Council Review

July 19, 2021 workshop

Action Requested

Adopt a resolution defining the Complete Streets process for analyzing opportunities to improve safety, equity, and mobility for all users.

Jennifer Campos, Principal Transportation Planner, 360-487-7728

ATTACHMENTS:

- ▣ Resolution
- ▣ Memo: Complete Streets 2021-2022 Programs - Project Goals and Objectives

RESOLUTION NO. _____

A RESOLUTION defining the Complete Streets process for analyzing opportunities to improve safety, equity, and mobility on five upcoming pavement projects: Fourth Plain Boulevard: Main Street to Andresen Road; SE 34th Street: SE 164th Avenue to SE 192nd Avenue/City Limits; NE 112th Avenue/SE Chkalov Drive: SE McGillivray Boulevard to NE Fourth Plain Boulevard/City Limits; Fort Vancouver Way: Mill Plain Boulevard to Fourth Plain Boulevard; and SE McGillivray Boulevard: SE Chkalov Drive to SE 164th Avenue.

WHEREAS, goal one of the City’s 2016-2021 Strategic Plan is to “Ensure our built environment is one of the safest, most environmentally responsible and well maintained in the Pacific Northwest” and included Objective 1.1 which stated: “Develop and maintain a safe, balanced, and innovative transportation system that will meet the needs of future generations”; and

WHEREAS, The City adopted a Complete Streets policy in 2017 with the vision and intent of providing safe, accessible streets for all users, ages and abilities regardless of their preferred mode of travel; and

WHEREAS, City Council identified safety, equity and climate action as guiding priorities through the 2021-22 biennial budget process, and further identified additional core values in January 2021 that include building a healthy, thriving, inclusive, equitable community; achieving a resilient city and sustainable environment; and building on the city’s heritage of pioneering and courageous decision-making by boldly working toward a shared vision for Vancouver.; and

WHEREAS, the City leverages upcoming pavement projects as opportunities to implement improvements that advance safety, equity, and mobility for all users of the transportation system;
NOW, THEREFORE,
BE IT RESOLVED BY THE CITY OF VANCOUVER:

Section 1. The recitals above and Staff Report No. ____-21 and all attachments thereto are hereby adopted and incorporated by reference as findings in support of this Resolution.

Section 2. The Vancouver City Council hereby adopts the following recommendations defining the Complete Streets process for analyzing opportunities to improve safety, equity, and mobility for all users:

A. In preparation for upcoming pavement treatments, analyze improvements that could improve safety, equity, and mobility on the following corridors:

1. Fourth Plain Boulevard: Main Street to Andresen Road
2. SE 34th Street: SE 164th Avenue. – SE 192nd Avenue/City Limits
3. NE 112th Avenue/SE Chkalov Drive: SE McGillivray Boulevard – NE Fourth Plain Boulevard/City Limits
4. Fort Vancouver Way: Mill Plain Boulevard – Fourth Plain Boulevard
5. McGillivray Boulevard: SE Chkalov Drive – SE 164th Avenue

B. Complete the following project scope elements for each project analysis:

1. Traffic analysis for each corridor
2. Development and implementation of a comprehensive public outreach process that is tailored to the specific context of each project

3. Development of design alternatives and associated improvements for review by project stakeholders, the Transportation and Mobility Commission, and City Council;
 4. Recommendations on final design concept that reflects Council policies and goals, stakeholder engagement, and supports mobility for users of all ages and abilities regardless of their mode of travel.
- C. Complete a project analysis that includes a review of opportunities to repurpose pavement space including travel lanes and implement a suite of other tools that can be used to improve safety, equity, and mobility. Additional tools could include, but are not limited to:
1. Traffic signal modifications (leading pedestrian intervals, accessible pedestrian signals, no right on red)
 2. Traffic calming (speed cushions, speed tables)
 3. Pedestrian crossings (refuge islands, HAWK signals)
 4. Access management (medians, limited access to driveways)
 5. Signing and striping enhancements (bike boxes, green bike facilities)
- D. For all phases of every process, use the guiding principle of implementing an inclusive outreach process that focuses on involving historically excluded and underserved community members, as well as residents, businesses, neighborhood associations, community organizations, agency partners, the Transportation and Mobility Commission, and other stakeholders.

ADOPTED at a Regular Meeting of the Vancouver City Council this 20th day of
December, 2021.

Attest:

Anne McEnery-Ogle, Mayor

Natasha Ramras, City Clerk

Approved as to form:

Jonathan Young, City Attorney

DATE: October 4, 2021

TO: City Council

FROM: Eric Holmes, City Manager

RE: **Complete Streets 2021-2022 Program- Project Goals and Objectives**

CC: Chad Eiken, Director, CDD; Rebecca Kennedy, Deputy Director, CDD; Jennifer Campos, Principal Transportation Planner, CDD; Jennifer Belknap-Williams, Director, PW; Ryan Lopossa, Streets and Transportation Manager, PW

Intent

Update Council on the 2021-2022 Complete Streets Program and address recommendations made by City Council at a July 19, 2021 workshop on a process for moving forward Complete Streets planning projects identified for the 2021-22 biennium via a resolution on project process, in preparation for initiating Council review and public engagement on individual projects in 2022.

Background

Through the 2021-22 biennial budget process, Council identified and funded four roadway segments for Complete Streets planning processes. On July 19th, 2021 staff provided an overview of the 2021-2022 Complete Streets Program to City Council, including a process for identifying the range of potential improvements for each corridor segment (see Complete Streets Program- Project Council Review Process below). Based on Council feedback and direction at that workshop, staff have updated the project process and are returning to Council for review and endorsement via resolution. Adoption of the resolution is part of the formal project chartering process outlined by staff during the July 19 presentation, and represents the culmination of the Goals and Objectives step below.

The project needs for the 2021-2022 projects were initially established through the budget process and directed staff to study safety and mobility improvements that can be completed in partnership with planned upcoming pavement work. The goals for each project are:

- Complete a public outreach and design alternative process that identifies improvements to advance safety, mobility, and equity in each corridor segment in preparation for pavement treatment planned for the coming years.
- The analysis for each project will include identifying a suite of safety and mobility improvements that can be applied to each individual corridor, including potentially repurposing a travel lane in each direction and adding other safety enhancements such as

traffic signal modifications, pedestrian crossing and lighting improvements, traffic calming, and street tree enhancements.

- Each project will include stakeholder engagement with impacted groups as appropriate, including residents, businesses, corridor users, neighborhood associations, community-based organizations, historically excluded and underserved communities, and the City of Vancouver Transportation and Mobility Commission.

After the Goals and Objectives resolution is passed, staff will return to Council to review findings from each step in the project process for each individual project. This includes the results of traffic analysis, public outreach to date, and potential design alternatives.

Complete Streets Program- Project Council Review Process

Project Phase	Description	Elements	Core Considerations	Representative Council Action (to be tailored by project)
Goals and Objectives	Identify the desired outcomes of the project that will be used to guide the public engagement and analysis process	• Council priorities & Strategic Plan • Complete Streets Policy • Safety history • Other policies or considerations • Consider potential designs	Project process and outcomes – what are we trying to address?	Council Resolution
Project Baseline	Provide location specific context on what we know about the project within the broader community and network	• Traffic Analysis • Equity zone(s) • Collision history • Infrastructure gaps • Other data sources • TMC recommendations	Existing conditions—do we agree on the problem?	Council Review
Design Alternatives	Review planning process, early community engagement findings and design concept alternatives	• Summary of early public engagement to date and TMC recommendations • Consider tradeoffs with different design concepts • Provide guidance on design concepts to move forward • TMC recommendations	Alternatives analysis—knowing the tradeoffs, what concepts and design elements will move forward	Council Resolution
Community Outreach	Review process for integrated community outreach for design options	• Community outreach plan and initial findings • Opportunities working with Community Based Organizations • TMC recommendations	Community feedback – has the process properly met the needed level of input?	Council Review
Final Design	Provide final design concept alternatives for implementation	• Clear understanding of project tradeoffs • Outline of needed project costs • Implementation timeline • Other project challenges • Integration of TMC recommendations	Process results – is this an appropriate solution to address the project goals and objectives?	Council Resolution

← Current step in the process

Project Timeline Updates

To address concerns from Council on several of the proposed project timelines, staff went back to the Pavement Management team and discussed different timing options. The Pavement Management program staff continue to be flexible and understanding of project needs and made some adjustments to the original paving project timelines and/or striping plan deadlines in response.

Timelines for some projects **have changed** since the Council presentation:

1. NE 112th Avenue - SE Mill Plain Blvd to NE Fourth Plain Blvd./city Limits: the paving project has been moved out to 2024 instead of 2023. With this change the project will now be the entire corridor from SR-500/city limits all the way south to Chkalov Drive. Chkalov Drive will also have a pavement treatment done from SE 112th Ave to McGillivray Blvd. The timeline for completing the planning phase of this project **has been extended through 2023** to allow additional time given its scope and complexity, and staff anticipate including it in the 2023-24 Complete Streets Program as a continuing project.
2. SE 34th Street - SE 162nd Ave to SE 192nd Ave/city Limits: in coordination with Pavement Program staff, the timeline for completing the planning phase of this project **has been extended** to May of 2022 instead of December 2021. Implementation of this project will still occur in 2022.
3. Fort Vancouver Way - Mill Plain Blvd to Fourth Plain Blvd: the street is still scheduled for micro-surfacing treatment in 2023. Staff is currently working with a consultant to finalize the project scope, schedule, and budget. The project will start in early 2022. The timeline for completing the planning phase of this project **has not changed** since the July Council presentation.
4. Fourth Plain Boulevard - Main St to Andresen Rd: the street is still scheduled for a chip seal treatment in 2023. The project is already underway with the traffic analysis scheduled to be complete this year, with a forthcoming Council workshop on project baseline conditions anticipated in early 2022. The timeline for completing the planning phase of this project **has not changed** since the July Council presentation.

Additions to Complete Streets Work Program

With the city looking at potential ways to improve Ft. Vancouver Way from Mill Plain to Fourth Plain, several Council members brought up the need to extend the corridor review north to include St. James and St. Johns. This project will be included in list put forward for Council's consideration for the 2023-2024 Complete Street Program, with the goal of identifying potential safety improvements for both corridors that can connect to Ft. Vancouver improvements.

The Pavement Management program previously identified SE McGillivray Boulevard from SE 136th Ave to SE 162nd Ave as part of their draft 2022 resurfacing program and then from Chkalov Dr to SE 136th Ave in 2024. The city has received continuous complaints from residents over the years about speeding on McGillivray and safety for people walking, biking and using mobility devices, and while several projects have been implemented on the corridor in the past to address these concerns, the issues still persist.

In addition to feedback from users, Council members have also raised this as a corridor in need of potential improvements. Given the timeline for repaving, and to provide the opportunity to evaluate potential safety improvements on McGillivray, including repurposing a travel lane, the planned resurfacing project for 2022 has been bumped out to 2024 and adjusted so work for the entire corridor can be done in the same year.

This will allow staff the opportunity to complete a public outreach and design alternative process that could improve safety, mobility, and equity on the corridor. It is proposed that the planning process for this project would start in early 2022 to allow for sufficient time to complete the process prior to paving work. If Council supports this, staff will plan to include it in the 2023-24 Complete Streets Program as a continuing project.

Transportation and Mobility Commission Touchpoints

The presentation provided to Council in July did not adequately identify the involvement of the Transportation and Mobility Commission (TMC) in the planning process for the 2021-2022 Complete Streets corridors. In response, the project planning process has been updated to include review by the TMC at each point in the process, and feedback and recommendations from this review will be included in what is shared with Council.

Complete Streets 2021-2022 Program Next Steps

Several projects for the 2021-2022 program are underway and are on track to meet the needed project timeline requirements:

Project	Current Status
SE 34 th Street	Existing conditions analysis
Fourth Plain Boulevard	Existing conditions analysis
Ft. Vancouver Way	Project scope completed
SE 112 th Avenue	Anticipated to start May 2022
SE McGillivray Boulevard	Anticipated to start July 2022

As these projects continue to progress, they will be reviewed by City Council and the TMC as outlined in the project chartering process.



Staff Report 203-21

TO: Mayor and City Council

FROM: Eric Holmes, City Manager

DATE: 12/20/2021

SUBJECT Transportation System Plan Chartering Resolution

Key Points

- The Transportation System Plan will provide a framework to guide transportation investments over the next 20 years in accordance with the community's vision and goals through a robust, equitable, and collaborative process.
- On June 14, 2021, staff provided a review of the Transportation System Plan (TSP) purpose and key deliverables, an update on the community engagement process to date, and an overview of the existing conditions analysis.
- Based on Council feedback and direction at that workshop, staff have refined project processes and analyses, and are returning to Council for review and consideration of endorsement via resolution.

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 1.1: Develop and maintain a safe, balanced and innovative transportation system that will meet the needs of future generations.

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

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

Present Situation

In response to Council feedback on the previous methodology and map indicating areas of vulnerability, and in alignment with parallel efforts to develop and citywide Vulnerability Index that all disciplines and departments can use to understand the equity implications of investment

decisions, the TSP methodology has been updated to reflect the citywide process. This was previously presented to Council as part of the American Rescue Plan Action (ARPA) funding Investment Methodology on November 15, 2021. In order to ensure consistency with other citywide efforts and ensure equitable transportation investments in the future, the TSP will utilize the citywide Vulnerability Index to understand the implications of policy and investment decisions.

As part of the review of the community engagement process that took place through June 2021, several Councilmembers were interested in ways that the project team can better engage residents on the east side of the city. Based on this feedback staff utilized several tools as the public engagement process continued into September:

- Boosting of Facebook posts for geographic areas on the east side of the City, which resulted in a significant number of new responses for the online survey from that area.
- Ensuring dissemination of information about the survey was delivered through established connections such as newsletters, email lists, neighborhood associations and leaders, Nextdoor, etc.
- Tabling at events such as the east side Farmer's Market and a Party in the Park at Oakbrook Park (other events were cancelled due to excessive heat) that allowed staff to provide several different alternatives to taking the online survey.

The on-going pandemic has continued to make community engagement challenging, and the project team continues to adapt by changing methods as needed and finding new opportunities for outreach. The next major phase of community engagement for the TSP will start in late winter 2022 and the project team is committed to working with the community to provide the most equitable and extensive outreach as possible.

Staff developed a GIS analysis tool that provides the opportunity to quantify and visualize the transportation capital expenditures the City has made through dedicated capital funds in the last 20 years. The analysis does not include on-going programs such as pavement management, and signal controller upgrades, nor does it include the cost for planning initiatives. It provides the cost for stand-alone capital projects such as street improvements (urban upgrades, new street extensions, etc.), the installation of a new signal, sidewalk infill, and bike lane projects. All costs for the project – grant funds if applicable and local funds – are included in the project totals.

The following is a breakdown of the number of projects and associated costs for the 3 defined areas of the City that are typically used by the pavement program to define service areas:

- West of I- 5: 56 projects for a total of \$86,317,153
- Between I-5 and I-205: 90 projects for a total cost of \$68,069,668
- East of I-205: 75 projects for a total cost of \$102,485,461

Cumulatively this is a total of 222 projects at a cost of \$256,872,282.

Advantage(s)

Adoption of the resolution is the first Council review milestone and part of the formal project chartering process, and confirms the approach for integrating equity and safety into the TSP, specifically as it relates to the underserved areas/vulnerability analysis, the collision dashboard, and existing conditions.

Disadvantage(s)

None

Budget Impact

None. The planning costs have been anticipated and are included in the 2021-2022 Transportation Planning and Capital Fund budgets. Appropriation for the 222 projects identified will be brought to council for consideration during a budget process before proceeding.

Prior Council Review

- Approval of the 2021-2022 budget
- June 14, 2021 workshop

Action Requested

Adopt the resolution confirming the approach for using of the City's Vulnerability Index as the baseline data for transportation investments and supporting equitable investment in historically underserved areas, publication of a collision dashboard that provides public access to collision data from traffic-related collisions, and overall integration of Council values of equity and safety into the Transportation System Plan.

Jennifer Campos, Principal Transportation Planner, 360-487-7728

ATTACHMENTS:

- ▢ Resolution
- ▢ Memo: Transportation System Plan - Project Process, Policymaker Review, and Integrating Equity and Safety

12/20/21

RESOLUTION NO. _____

A RESOLUTION confirming the approach for analyzing underserved focus areas, the collision dashboard, and integration of Council values of equity, safety, and climate change into the Transportation System Plan.

WHEREAS, the Washington State Growth Management Act requires the City ensure capital facilities and transportation plans are consistent with land use and growth targets; and

WHEREAS, the City of Vancouver is required to have a transportation element of the Comprehensive Plan; and

WHEREAS, the City's last Transportation System Plan was adopted in 2004; and

WHEREAS, factors such as increases in population, changes in land use, improved mobility options, advancements in technology, and the evolution of transportation best practices have led the City to identify the TSP update as a high priority; and

WHEREAS, completion of subarea plans such as the Vancouver City Center Vision Plan (VCCV), Section 30 Subarea Plan, the Heights District Plan, and Westside Mobility Strategy, as well as the adoption of the City's Complete Streets policy, have established new policy and guidance that need to be incorporated more comprehensively into the City's TSP in order to provide consistent policy implementation; and

WHEREAS, goal one of the City's 2016-2021 Strategic Plan is to "Ensure our built environment is one of the safest, most environmentally responsible and well maintained in the

Pacific Northwest” which included Objective 1.1 which stated: “Develop and maintain a safe, balanced, and innovative transportation system that will meet the needs of future generations”; and

WHEREAS, in 2016 the City Council adopted a Complete Streets Policy that applies to all public and private street design, construction and retrofit projects, and requires the use of best practices for facility design that is safe for all users regardless of age, ability or mode of travel, and directs staff to update City policies, guides and manuals to implement the policy and to evaluate all projects for compliance with the policy; and;

WHEREAS, City Council identified decision-making values in March of 2021 that include building a healthy, thriving, equitable, resilient and sustainable community, and building on the city’s heritage of pioneering and courageous decision-making by boldly working toward a shared vision for Vancouver; and

WHEREAS, The Transportation System Plan will provide a framework to guide transportation investments over the next 20 years in accordance with the community’s vision and goals through a robust, equitable, and collaborative process with stakeholders and the community to help improve safety, mobility, and quality of life for City residents;

NOW, THEREFORE,

BE IT RESOLVED BY THE CITY OF VANCOUVER:

The Vancouver City Council hereby confirms its support for inclusion of the following elements of the Transportation System Plan:

- Use of the City’s Vulnerability Index as described in the attached staff report and detailed project memo as the baseline data for understanding and supporting equitable investment in historically underserved areas as well as broad investments in the overall transportation

system, in alignment with goals and policies developed through the TSP Update for a 20-year time horizon; and

- Publication of a collision dashboard that provides the public access to collision data from all traffic-related collisions collected by Washington State Department of Transportation (WSDOT) through the Washington State Patrol and Vancouver Police Department since 2015 (Non-traffic collisions such as collisions on private property have been excluded from the datasets) that provides the data we need to lead with safety; and
- Other City Council decision-making values to guide the goals, visions, and policies of the Transportation System Plan that include but are not limited to an engagement process designed to foster civic participation and engage diverse voices, policies and programs that proactively address climate change, forward looking investments that provide a legacy for future generations, and manage growth and technology to benefit the community

ADOPTED at a Regular Meeting of the Vancouver City Council this 20th day of December, 2021.

Attest:

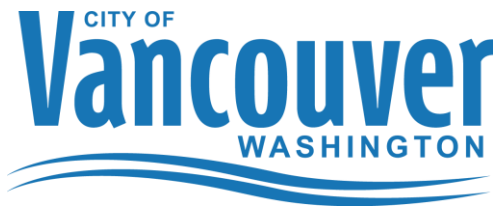
Anne McEnery-Ogle, Mayor

Natasha Ramras, City Clerk

Approved as to form:

Jonathan Young, City Attorney

RESOLUTION - 3



MEMORANDUM

DATE: December 20, 2021

TO: City Council

FROM: Eric Homes, City Manager

RE: **Transportation System Plan- Project Process, Policymaker Review, and Integrating Equity and Safety**

CC: Chad Eiken, Director, CDD; Rebecca Kennedy, Deputy Director, CDD; Jennifer Campos, Principal Transportation Planner, CDD; Jennifer Belknap-Williams, Director, PW; Ryan Lopossa, Streets and Transportation Manager, PW

Intent

Update Council on the status of the citywide Transportation System Plan (TSP) that is currently underway, including recommendations made by City Council at a June 14, 2021 workshop on the integration of City values of climate, equity, and safety into the TSP process, in preparation for continued review of project milestones and anticipated plan adoption in late 2022.

Background

On June 14, 2021 staff provided a review of the Transportation System Plan (TSP) purpose and key deliverables, an update on the community engagement process to date, and an overview of the existing conditions analysis. Based on Council feedback and direction at that workshop, staff have refined project processes and analyses, and are returning to Council for review and consideration of endorsement via resolution. Adoption of the resolution is the first Council review milestone and part of the formal project chartering process, and confirms the approach for integrating equity and safety into the TSP, specifically as it relates to the underserved areas/vulnerability analysis, the collision dashboard, and existing conditions.

Updates and additional information included in this reflect Council feedback and discussion at the June workshop and include the following three items:

- Update on the methodology for the citywide vulnerability index, which will be overlaid in the future with transportation specific information (collision history; multimodal infrastructure like sidewalks, curb ramps and mobility lanes; school and park walking routes; etc.) to create an Underserved Areas tool to help guide future transportation investments.
- Community engagement tools to improve participation in the east side of the city
- Information on how transportation capital expenditures on projects have been historically distributed geographically throughout the city

Underserved Areas Analysis Tool

City Council has identified equity as a primary value for guiding future transportation system investments, and the Transportation System Plan will update policies and project and program guidelines to direct resources to historically underserved areas as well as meet overall system needs over a 20-year time horizon.

One element of this work, which was presented at the June 14 Council workshop, is the development a census-based tool for identifying geographic equity focus areas which include both social vulnerability as well as transportation system characteristics like collision history, the presence of lack of multimodal and safety infrastructure (sidewalks, curb ramps and mobility lanes), proximity to key destinations like schools and parks and other factors that can help inform where transportation investments are made. Once integrated, all this information will constitute the Underserved Areas Analysis Tool that policymakers and staff will use to inform future transportation investment decisions.

At the June workshop, staff outlined a methodology for understanding social vulnerability geographically based on the following data points:

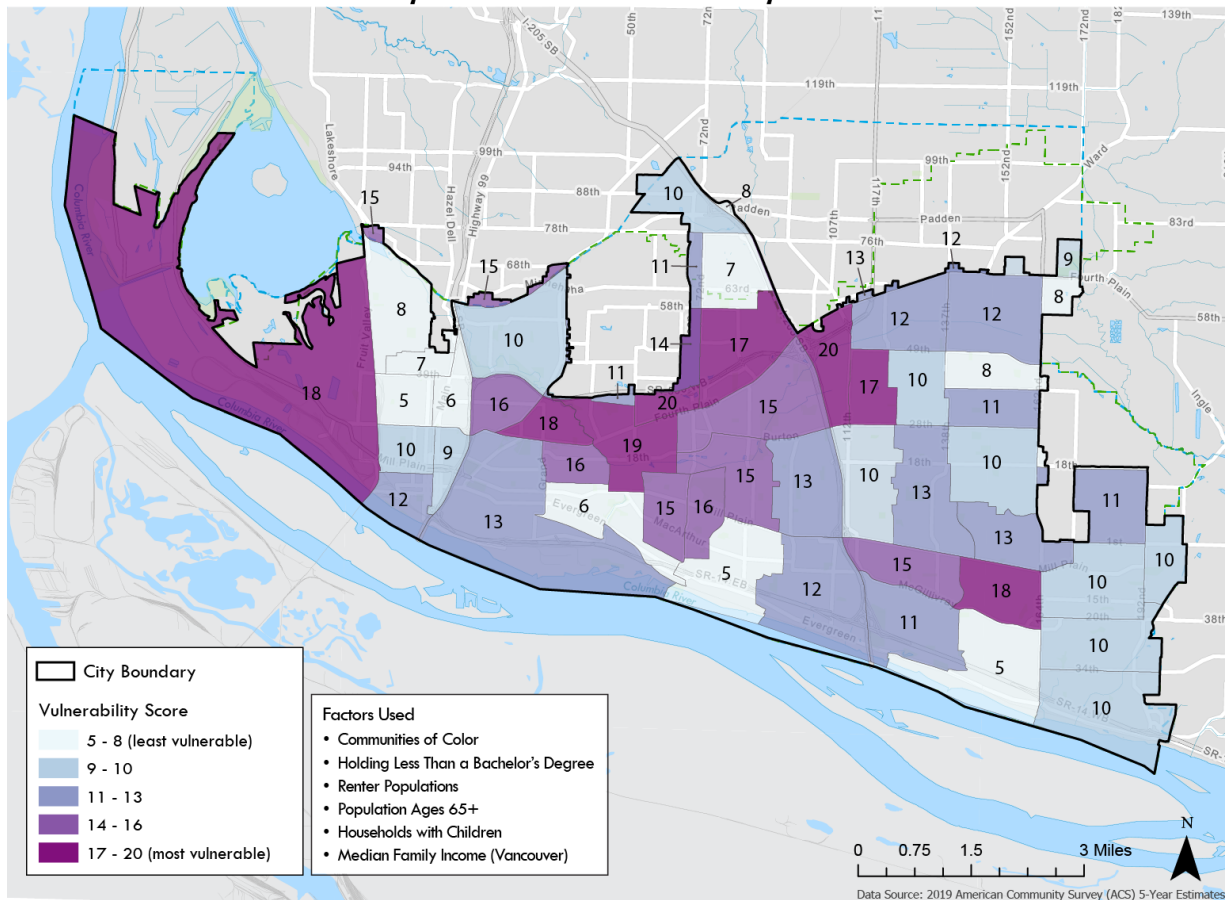
- Percentage of residents that are people of color (non-white and/or Hispanic/Latino)
- Percentage of renters
- Median family income
- Percentage of residents with at least a bachelor's degree

In response to Council feedback on the previous methodology and map indicating areas of vulnerability, and in alignment with parallel efforts to develop a citywide Vulnerability Index that all disciplines and departments can use to understand the equity implications of investment decisions, the TSP methodology has been updated to reflect the citywide process. This was previously presented to Council as part of the American Rescue Plan Action (ARPA) funding Investment Methodology on December 15, and includes the following data points by census block group:

- Percentage of residents that are people of color (non-white and/or Hispanic/Latino)
- Percentage of renters
- Median family income
- Percentage of residents with at least a bachelor's degree
- Percentage households with children (new)
- Percentage of residents that are 65 and over (new)

These various demographic markers are combined into overall vulnerability index, which provides a way to ensure projects serve vulnerable residents as well as overall systems that benefit the entire community. To ensure consistency with other citywide efforts and ensure equitable transportation investments in the future, the TSP will utilize the citywide Vulnerability Index to understand the implications of policy and investment decisions. The Vulnerability Index map is included below.

City of Vancouver Vulnerability Index



Geographically Distributed Community Engagement

As part of the review of the community engagement process that took place through June 2021, several Council members were interested in ways that the project team can better engage residents on the east side of the city. Based on this feedback staff utilized several tools as the public engagement process continued into September:

- Boosting of Facebook posts for geographic areas on the east side of the City, which resulted in a significant number of new responses for the online survey from that area.
- Ensuring dissemination of information about the survey was delivered through established connections such as newsletters, email lists, neighborhood associations and leaders, Nextdoor, etc.
- Tabling at events such as the east side Farmer's Market and a Party in the Park at Oakbrook Park (other events were cancelled due to excessive heat) that allowed staff to provide several different alternatives to taking the online survey.

The on-going pandemic has continued to make community engagement challenging, and the project team continues to adapt by changing methods as needed and finding new opportunities for outreach. The next major phase of community engagement for the TSP will start in late winter 2022 and the project team is committed to working with the community to provide the most equitable and extensive outreach as possible.

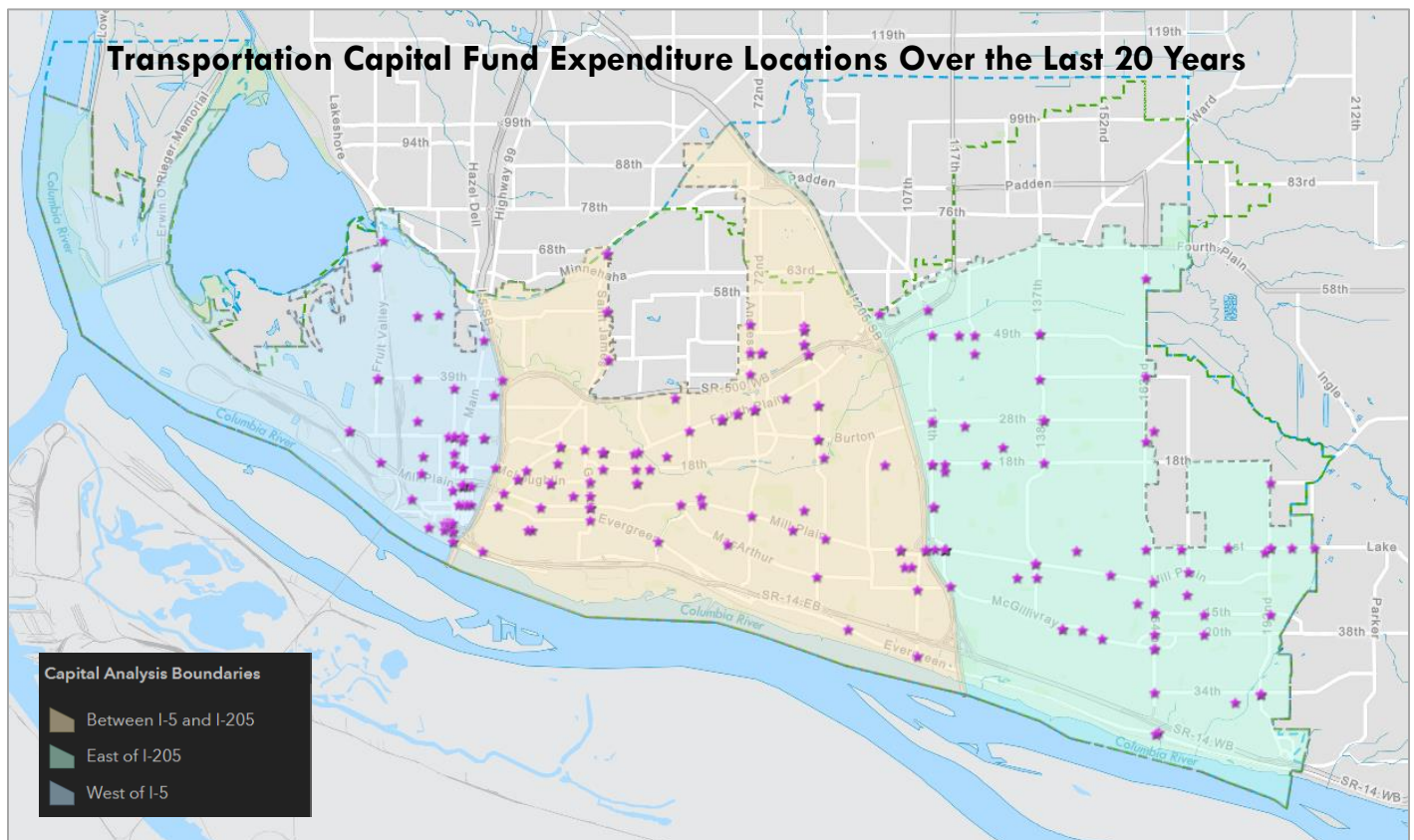
Historical Transportation Capital Project Expenditures

Staff developed a GIS analysis tool that provides the opportunity to quantify and visualize the transportation capital expenditures the City has made through capital funds 330 and 331 in the last 20 years. The analysis does not include on-going programs such as pavement management, and signal controller upgrades, nor does it include the cost for planning initiatives. It provides the cost for stand-alone capital projects such as street improvements (urban upgrades, new street extensions, etc.), the installation of a new signal, sidewalk infill, and bike lane projects. All costs for the project – grant funds if applicable and local funds – are included in the project totals.

The following is a breakdown of the number of projects and associated costs for the 3 sections of using boundary area that are typically used by the City's pavement program to define service areas:

- West of I-5: 56 projects for a total of \$86,317,153
- Between I-5 and I-205: 90 projects for a total cost of \$68,069,668
- East of I-205: 75 projects for a total cost of \$102,485,461

Cumulative this is a total of 222 projects at a cost of \$256,872,282. Locations of the projects are shown on the following map.



Transportation System Plan Next Steps

As outlined in the June 14, 2021 Council workshop, the process for the TPS will involve numerous touchpoints with City Council and review by the TMC. The following table provides an outline of the remaining project phases and their associated proposed timelines. Information for all phases will be shared with City Council during periodic updates, workshops, and resolution adoption. It is anticipated for the plan to be adopted by the end of 2022.

Project Phase	Elements	Representative Council and TMC Action	Tentative Timeline
Project Baseline - 1	• State of mobility • Existing conditions • Vulnerability analysis • Community input on existing conditions	TMC review Council resolution	In process
Project Baseline - 2	• Enhanced Transit Corridor analysis • Project opportunities • Community input on project values	TMC review Council resolution	January March – April
Goals and Solutions	• Vision, goals, and policies • Project prioritization process • Program development • Community input on proposed policies and solutions	TMC review Council resolution	May June - July
Implementation	• Street standards update • Performance measures • Pedestrian crossing policy • Funding recommendations	TMC review Council resolution	July July - August
Plan Adoption	• Review of draft plan • Community input on draft plan • Plan adoption	TMC action item Council resolution	September October - December



Staff Report 204-21

TO: Mayor and City Council

FROM: Eric Holmes, City Manager

DATE: 12/20/2021
1/3/2022

SUBJECT Amendments to VMC 2.40.020 City Holidays

Key Points

- First-class cities have the power to establish the days and hours when they will be open for business including the establishment of legal holidays by ordinance.
- VMC 2.40.020 "Holidays" was established by ordinance in 1989. Since then, the Washington Legislature has recognized additional legal holidays.
- If passed, the proposed ordinance would add Juneteenth as a new City holiday and formally codify the City's recognition of Martin Luther King, Jr. Day and Native American Heritage Day.

Strategic Plan Alignment

Goal 3: Create new programs that engage people of all ages, cultures, family configurations, educational backgrounds, trades and professions.

Goal 3, Objective 3.1: Strengthen community identity and sense of belonging.

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

Present Situation

First-class cities, such as Vancouver, have the power to establish the days and hours when they will be open for business. This power includes the ability to establish legal holidays if passed by ordinance.

The holidays recognized by the City of Vancouver are set forth in Section 2.40.020 of the Vancouver Municipal Code. VMC 2.40.020 was enacted by Ordinance M-2851 on December 5, 1989. Since its passage, the Washington Legislature has recognized additional legal holidays. Most recently, the State Legislature amended the status of Juneteenth from a non-legal holiday to a fully observed legal holiday.

In researching possible amendments to the Vancouver Municipal Code, City staff observed that two other holidays designated for observance of Martin Luther King, Jr. and Native American Heritage, have been observed, but not formally codified in City code.

Adoption of the proposed ordinance would formally codify three holidays: Martin Luther King, Jr. Day; Juneteenth; and Native American Heritage Day. If adopted, the legal observance of Juneteenth would fall on Monday, June 20, 2022 (because June 19th is a Sunday). As a result, an amended City Council calendar would be published following formal passage of the ordinance.

Advantage(s)

1. Observance of Juneteenth is an opportunity to uplift the liberation of Black American descendants of enslaved people.
2. Formally observes and honors the peace and social justice legacy of Rev. Dr. Martin Luther King Jr. and the progress made during the civil rights struggle to end discrimination, poverty and racial disparity in America.
3. Formally observes Native American Heritage Day as an opportunity to pay honor and celebrate Indigenous People's cultures, traditions, and history as the first people of our nation.

Disadvantage(s)

None

Budget Impact

The addition of a new City holiday will not pose a direct budget impact, but will result in one less working day for non-represented City staff. The City's Collective Bargaining Team will coordinate the implementation of an additional holiday with union-represented work groups.

Prior Council Review

- VMC 2.40.020 was last amended by Ordinance M-2851 on December 5, 1989.
- The 2022 City Council Meeting Calendar was approved on 11/1/2021.

Action Requested

On Monday, December 20, 2021, approve ordinance on first reading, setting date of second reading and public hearing for Monday, January 3, 2022.

Lisa Takach, Human Resources Director, 360-487-8611; Alicia Sojourner, Director of Diversity, Equity & Inclusion, 360-487-8618

ATTACHMENTS:

- ▣ Ordinance
- ▣ Amended 2022 City Council Meeting Calendar

December 20, 2021
January 3, 2022

ORDINANCE NO. M-_____

AN ORDINANCE of the City of Vancouver relating to legal holidays; requiring observance of certain holidays and closure of city offices for the same; amending Section 2.40.020 of the Vancouver Municipal Code; providing for severability; and setting an immediate effective date.

WHEREAS, first-class cities of the State of Washington are vested with the power to prescribe the days and hours when city offices will be kept open for business, and RCW 35.21.175 provides that such hours be established by ordinance; and

WHEREAS, the days and hours of business kept by the City of Vancouver were first established by Ordinance M-2851 on December 5, 1989; and

WHEREAS, since this Section was enacted in 1989, the State of Washington has codified additional legal holidays and it is in the public interest to amend the Vancouver Municipal Code to also observe such holidays, and to recognize the people who are honored by such holidays; and

WHEREAS, Washington State law, Section 1, chapter 189, Laws of 1985, established that the third Monday of January should be observed to honor the peace and social justice legacy of Rev. Dr. Martin Luther King Jr. and the progress made during the civil rights struggle to end discrimination, poverty and racial disparity in America; and Rev. Dr. Martin Luther King Jr. Day is day of service when community members across the City of Vancouver strive to make our communities more equitable and take action to build the Beloved Community of Dr. King's dream; and

WHEREAS, the Friday immediately following the fourth Thursday in November, known as Native American Heritage Day, was first recognized as a legal holiday by the Washington Legislature in 2014, and the Vancouver City Council recognizes that the land upon which City of Vancouver is located has been called home by Indigenous Peoples since time immemorial. There is a deep, rich Native American history in the City of Vancouver going back 10,000 years. Vancouver area is home to more than 30 Tribal Nations with a resilient and robust urban Native American community. Native American Heritage Day is an opportunity to pay honor and celebrate Indigenous People's cultures, traditions, and history as the first people of our nation; and

WHEREAS, the nineteenth day of June, recognized as Juneteenth, was first recognized as a non-legal holiday by the Washington Legislature in 2007, and later as a legal holiday in 2021; Juneteenth commemorates the day in 1865 when the last of enslaved people in the U.S. received news of their freedom and entitlement to natural born human rights under the law, which had actually been bestowed upon them two and a half years earlier with the signing of the Emancipation Proclamation. Juneteenth is an opportunity to uplift the liberation of Black American descendants of enslaved people; and

WHEREAS, with proper notice to the public, the Vancouver City Council conducted a first reading of the proposed ordinance on December 20, 2021, and a public hearing concerning the ordinance and proposed code changes on January 3, 2022.

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF VANCOUVER:

Section 1. Section 2.40.020 of the Vancouver Municipal Code entitled “Holidays” as established by Ordinance M-2851 §2 on December 5, 1989, is hereby amended to read as follows:

Section 2.40.020 Holidays.

The city government shall observe the following holidays and close city offices on: New Year’s Day, President’s Day, Martin Luther King, Jr. Day, Memorial Day, Juneteenth, Independence Day, Labor Day, Veteran’s Day, Thanksgiving Day, Native American Heritage Day ~~the day after Thanksgiving~~ and Christmas Day. Such holidays shall be observed on the day provided for each such holiday by state law at RCW 1.16.050. When a holiday falls on a Sunday, it shall be observed on the following Monday. When a holiday falls on a Saturday, it shall be observed on the preceding Friday.

Section 2. 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 3. Effective Date. This ordinance shall be effective immediately upon passage and the City Manager shall cause notice of changes to the 2022 City Council Calendar to be made public accordingly.

[This space intentionally left blank.]

Read First Time:

Ayes: Councilmembers

Nays: Councilmembers

Absent: Councilmembers

Read Second Time:

PASSED BY THE FOLLOWING VOTE:

Ayes: Councilmember

Nays: Councilmembers

Absent: Councilmembers

SIGNED this _____ day of January, 2022.

Anne McEnery-Ogle, Mayor

Attest:

Natasha Ramras, City Clerk

Approved as to form:

Jonathan Young, City Attorney

ORDINANCE - 4

SUMMARY

ORDINANCE NO. M-_____

AN ORDINANCE relating to legal holidays; requiring observance of certain holidays and closure of city offices for the same; amending Section 2.40.020 of the Vancouver Municipal Code; 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).

Vancouver City Council

2022 Meeting Calendar

Amended January 3, 2022



January

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November

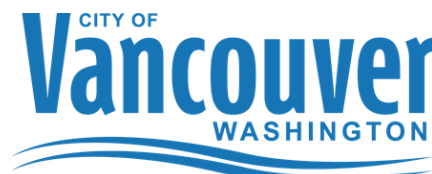
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- Regular Meeting
- Consent Agenda Meeting & Community Forum
- Holiday/5th Monday—No Meeting (see reverse side for details)

Workshops 4-6 pm, unless otherwise noted on agenda | All meetings begin at 6:30 pm



Unless otherwise advertised, City Council meets at 6:30 p.m., every 1st through 4th Mondays every month in the *Council Chambers at Vancouver City Hall, 415 W. 6th Street, Vancouver, WA.

**While under state and local emergency public health orders, Council meetings will be held remotely over video conference, as needed. Details regarding any revised format and/or venue required to comply with such orders and/or public health guidance, as well as information regarding opportunities for public attendance and participation, will be published with the final agenda for each respective Council meeting.*

- ◆ Regular Meetings, which may or may not include public hearings, are held on the 1st and 3rd Mondays.
- ◆ Consent Agenda Meetings are held on the 2nd and 4th Mondays. Consent meetings conclude with a Community Forum of up to 90 minutes, during which members of the public are invited to testify to the Council regarding any matter of interest.

Council does not meet on 5th Mondays or on most federally recognized holidays. City Charter requires Council to hold at least two Regular Meetings per month. In the event a holiday falls on a Regular Meeting date, that Regular Meeting will be held the following Monday in lieu of a Consent Agenda meeting.

2022 Monday Holidays—No Council

- ◆ Jan. 17—Rev. Dr. Martin Luther King Jr. Day
- ◆ Feb. 21—President’s Day
- ◆ May 30—Memorial Day
- ◆ June 20—Juneteenth (observed)
- ◆ July 4—Independence Day
- ◆ Aug. 22—Council break
- ◆ Sept. 5—Labor Day
- ◆ Dec. 26—Council break

2022 5th Mondays—No Council

- ◆ Jan. 31
- ◆ Aug. 29
- ◆ Oct. 31

Additional 2022 Holidays—City offices closed

- ◆ Thursday, Nov. 11—Veteran’s Day
- ◆ Thursday Nov. 24 —Thanksgiving Day
- ◆ Friday, Nov. 25—Native American Heritage Day
- ◆ Monday, December 26—Christmas Day
(holiday observed)

Anne McEnery-Ogle, Mayor

Bart Hansen | Ty Stober | Erik Paulsen | Sarah J. Fox | Diana Perez | Kim Harless |

www.cityofvancouver.us/council



MEMORANDUM

DATE: Thursday, December 9, 2021
TO: City Councilmembers
FROM: Mayor McEnerny-Ogle
CC: Eric J. Holmes, City Manager
Shannon Ripp, Boards and Commissions

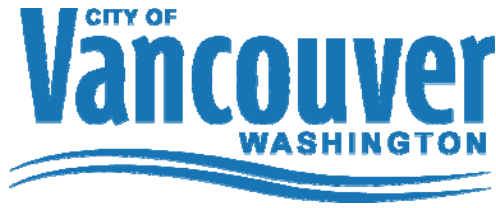
RE: Recommendations for Appointment to the Salary Review Commission
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This seven-member volunteer commission studies the relationship of salaries to the duties of Mayor and City Councilmembers and establishes the salary and compensation for the Mayor and City Council.

Mayor McEnerny-Ogle interviewed five applicants for two full term positions and one, mid-term position and recommends the appointment of Patricia Stepp and Peter Marez to the full-term positions, with a terms beginning December 31 and expiring December 31, 2025, and the appointment of Daniel Buckley to the mid-term seat with a term beginning immediately and expiring December 31, 2024.

If there are no objections, I would like to make these appointments at the **Monday, December 20, 2021** Council meeting.

Attachments:
Application
Roster



MEMORANDUM

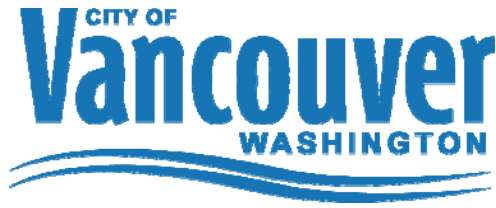
DATE: Tuesday, December 14, 2021
TO: Mayor and City Council
FROM: Council Committee 1 & 2
CC: Eric J. Holmes, City Manager
Shannon Ripp, Boards & Commissions

RE: Recommendation for Reappointment on the Transportation and Mobility Commission

The Transportation and Mobility Commission provides advice to Vancouver City Council, the City Manager and city staff on a variety of transportation and mobility-related projects, programs and policies. It also provides ongoing feedback and guidance on development of citywide transportation policy through the update of the city's Transportation System Plan.

On June 21, 2021, Council directed that members of the Transportation Mobility Commission (TMC) and Culture Arts & Heritage Commission (CAHC) with initial terms expiring this year (2021) be given the opportunity to be reappointed to a full term if so desired. (Both commissions normally have term lengths of 3 years. TMC per [VMC 11.75.020](#); CAHC per [VMC 2.88.080](#).) The TMC had four seats eligible for automatic reappointment; of these, Derya Ruggles indicated that they would like to be reappointed; their new term expiration would be October 6, 2024. The remaining three seats were filled by Council action on October 11, 2021.

If there are no objections, we would like to confirm this reappointment at the **Monday, December 20, 2021** Council meeting.



MEMORANDUM

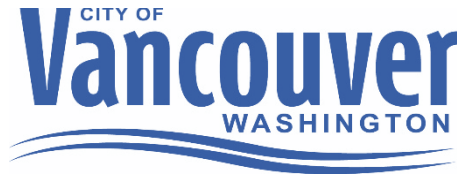
DATE: Tuesday, December 14, 2021
TO: Mayor and City Council
FROM: Council Committee 1 & 2
CC: Eric J. Holmes, City Manager
Shannon Ripp, Boards & Commissions

RE: Recommendation for Reappointment on the Culture, Arts and Heritage Commission
--

The Culture, Arts and Heritage Commission (CAHC) is nine-member volunteer citizen's group responsible for undertaking, assisting with and facilitating the development and promotion of a thriving cultural, art and heritage environment in the city through programs, ownership of buildings and public art, and community partnerships.

On June 21, 2021, Council directed that members of the Transportation Mobility Commission (TMC) and Culture Arts & Heritage Commission (CAHC) with initial terms expiring this year (2021) be given the opportunity to be reappointed to a full term if so desired. (Both commissions normally have term lengths of 3 years. TMC per [VMC 11.75.020](#); CAHC per [VMC 2.88.080](#).) The CAHC had three seats eligible for automatic reappointment and all of these members, Beth Harrington, Linda Reid and Kevin Weaver, indicated that they would like to be reappointed. Their new term expirations will be December 31, 2024.

If there are no objections, we would like to confirm these reappointments at the **Monday, December 20, 2021** Council meeting.



DATE: December 15, 2021

TO: Anne McEnerny-Ogle, Mayor
City Council

FROM: Eric J. Holmes, City Manager

RE: **Planning Commission Appointments**

The Planning Commission is in the circumstance of having three of its seven seats expiring simultaneously, which occurs every four years. To support a full range of Council perspectives in the recruitment and selection process to fill the three vacancies, the interview and nomination for these seats was distributed among both Council subcommittees; Subcommittee 1 interviewed to fill two vacancies and Subcommittee 2 interviewed to fill one.

The subcommittee recommendations for appointment are reflected in the agenda in a manner that allows Council to consider recommendations collectively or individually. As always, Council may affirm the subcommittee recommendations, move to appoint another candidate or remand the recruitment to a subcommittee for an advertised refresh of the candidate pool.

The subcommittee recommendation memo and associated applicant material is attached.



MEMORANDUM

DATE: Wednesday, December 15, 2021

TO: Mayor and City Councilmembers

FROM: Council Subcommittee 1 (Hansen, Glover and Fox)
Council Subcommittee 2 (Stober, Lebowsky and Paulsen)

CC: Eric J. Holmes, City Manager
Shannon Ripp, Boards and Commissions

RE: Recommendations for Appointments to the Planning Commission
--

The Planning Commission (PC) serves as a volunteer advisory body and makes recommendations to the City Council on the topics related to the future growth and development of Vancouver.

Council Subcommittee 1 recently interviewed seven candidates, including one seeking reappointment, to fill two of three vacancies, and they recommend the appointment of Glen Yung and Hannah Burak for appointment; with terms beginning December 31, 2021, and expiring December 31, 2025.

Council Subcommittee 2 recently interviewed five candidates, including one seeking reappointment, to fill one of three vacancies, and they recommend the appointment of Nena Cavel; with a term beginning December 31, 2021, and expiring December 31, 2025.

If there are no objections we would like to make these appointments at the **Monday, December 20, 2021** Council meeting.

Attachments:
Applications
Roster

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:

\$ 10,076,763.70 this 20th day of December 2021.

MAYOR

Cyndi A Turner

AUDITING OFFICER

COUNCILMEMBER

COUNCILMEMBER

DATE	INCLUSIVE CHECK NUMBERS	CHECK TOTAL
December 7, 2021 - December 13, 2021	Accounts Payable Checks (see attached)	\$ 6,056,125.79
December 7, 2021 - December 13, 2021	Hansen City Payments (see attached)	\$ 14,966.60
December 7, 2021 - December 13, 2021	Visa Refunds (see attached)	\$ 1,772.40
December 7, 2021 - December 13, 2021	Payroll Checks (see attached)	\$ 4,003,898.91
TOTAL		\$ 10,076,763.70

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	12/2/2021	1,065.00	State of Washington Department of Licensing - Remit-To: DOL - Seattle Remit	
Supplier Payment	Manual Wire	No Reference	12/6/2021	23,850.53	Bank Of America N.A.	
Supplier Payment	Manual Wire	No Reference	12/8/2021	30,996.95	Gallagher Bassett Services Inc	
Supplier Payment	Manual Wire	No Reference	12/9/2021	504.00	State of Washington Department of Licensing - Remit-To: DOL - Seattle Remit	
Supplier Payment	Manual Wire	No Reference	12/10/2021	1,267,261.11	Clark County - Remit-To: Clark County - Treasurer Vancouver	
Supplier Payment	Manual Wire	No Reference	12/10/2021	29,851.83	Gallagher Bassett Services Inc	
Supplier Payment	Manual Wire	No Reference	12/10/2021	5,863.35	ICMA 401A	
Supplier Payment	Manual Wire	No Reference	12/10/2021	320,609.83	ICMA Corp	
Supplier Payment	Manual Wire	No Reference	12/10/2021	223.50	Oregon SDU	
Supplier Payment	Manual Wire	No Reference	12/10/2021	52,145.27	State of Washington Department of Retirement System (PERS)	
Supplier Payment	Manual Wire	No Reference	12/10/2021	834.80	Vancouver Fire Command Officers	
Supplier Payment	Manual Wire	No Reference	12/10/2021	23,192.66	Vancouver Firefighters Union Health & Welfare Trust	
Supplier Payment	Manual Wire	No Reference	12/10/2021	5,281.90	Washington SDU	
Supplier Payment	Manual Wire	No Reference	12/10/2021	17,900.00	Washington State Firefighters	
Supplier Payment	Manual Wire	No Reference	12/10/2021	18,722.46	Western States Health & Welfare Trust	
			Manual Wire Total	1,798,303.19		
Supplier Payment	EFT	EFT-00127794	12/9/2021	30,889.00	Mead and Hunt Inc	
Supplier Payment	EFT	EFT-00127795	12/9/2021	25,369.06	Meterereaders LLC	
Supplier Payment	EFT	EFT-00127796	12/9/2021	2,262.00	State of Washington Auditor's Office	
Supplier Payment	EFT	EFT-00127797	12/9/2021	850.05	GeoDesign Inc	
Supplier Payment	EFT	EFT-00127798	12/9/2021	4,174.02	Boys and Girls Clubs of Southwest Washington	
Supplier Payment	EFT	EFT-00127799	12/9/2021	20,389.32	Consolidated Supply Co	
Supplier Payment	EFT	EFT-00127800	12/9/2021	7,520.75	Otak Inc	
Supplier Payment	EFT	EFT-00127801	12/9/2021	11,179.00	Sumuri LLC	
Supplier Payment	EFT	EFT-00127802	12/9/2021	290.00	Investigative Solutions LLC	
Supplier Payment	EFT	EFT-00127803	12/9/2021	325.50	Kurita America Inc	
Supplier Payment	EFT	EFT-00127804	12/9/2021	458,425.47	Rotschy Inc	
Supplier Payment	EFT	EFT-00127805	12/9/2021	29,225.72	Allegiance Benefit Plan Management Inc	
Supplier Payment	EFT	EFT-00127806	12/9/2021	1,602.81	Outsiderinn.org	
Supplier Payment	EFT	EFT-00127807	12/9/2021	4,026.08	Eagle Newspaper Inc	
Supplier Payment	EFT	EFT-00127808	12/9/2021	3,366.00	JCI Jones Chemicals, Inc.	
Supplier Payment	EFT	EFT-00127809	12/9/2021	2,728.55	Net Transcripts Inc	
Supplier Payment	EFT	EFT-00127810	12/9/2021	4,071.54	Second Step Housing	
Supplier Payment	EFT	EFT-00127811	12/9/2021	5,129.19	Vancouvercenter Condominium Association	
Supplier Payment	EFT	EFT-00127812	12/9/2021	21,146.14	Lynn K Wittwer MD PC	
Supplier Payment	EFT	EFT-00127813	12/9/2021	427.24	Praxair Distribution Inc	
Supplier Payment	EFT	EFT-00127814	12/9/2021	2,341.44	Prestige Glossworx	
Supplier Payment	EFT	EFT-00127815	12/9/2021	11,839.75	Rapid Response Bio Clean Inc.	
Supplier Payment	EFT	EFT-00127816	12/9/2021	18,616.87	Fire Systems West	
Supplier Payment	EFT	EFT-00127817	12/9/2021	633,179.09	Operations Management International Inc	
Supplier Payment	EFT	EFT-00127818	12/9/2021	258.23	Harrys Key Service Inc	
Supplier Payment	EFT	EFT-00127819	12/9/2021	85,000.00	Vancouver Housing Authority	

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Supplier Payment	EFT	EFT-00127820	12/10/2021	866.25	Allegiance Benefit Plan Management Inc	
Supplier Payment	EFT	EFT-00127829	12/10/2021	917.40	Vancouver Command Guild	
Supplier Payment	EFT	EFT-00127830	12/10/2021	10,778.87	Vancouver Police Officer Guild	
Supplier Payment	EFT	EFT-00127831	12/10/2021	14,107.19	Allegiance Benefit Plan Management Inc	
Supplier Payment	EFT	EFT-00127832	12/10/2021	68.12	Legal Shield	
			EFT Total	1,411,370.65		
Expense Payment	Direct Deposit	EFT-00127779	12/9/2021	168.00	Cody Uskoski	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00127780	12/9/2021	102.00	Nicholas Popravak	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00127781	12/9/2021	30.00	Jason Gillespie	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00127782	12/9/2021	219.00	Sarah Pettett	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00127783	12/9/2021	85.00	Chris Kimberling	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00127784	12/9/2021	272.28	Michael Schelling	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00127785	12/9/2021	46.00	Sean Dumas	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00127786	12/9/2021	106.00	Kevin Barton	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00127787	12/9/2021	154.95	Tracy Livingston	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00127788	12/9/2021	160.57	Eugene Chargualaf	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00127789	12/9/2021	348.25	John Scukanec	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00127790	12/9/2021	225.00	Mikey Permin	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00127791	12/9/2021	20.00	Hayley Woodbridge	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00127792	12/9/2021	102.00	Norman Ballhorn	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00127793	12/9/2021	249.93	Eric Stinson	Employee Reimbursement
			Direct Deposit Total	2,288.98		
Supplier Payment	Check	26888	12/7/2021	370.50	State of Washington Department of Licensing	
Ad Hoc Payment	Check	26889	12/8/2021	87.96	Abbink,Marilyn	Utility Refunds: 0046057704-03
Ad Hoc Payment	Check	26890	12/8/2021	42.96	Alt,David	Utility Refunds: 0053078205-03
Ad Hoc Payment	Check	26891	12/8/2021	65.21	Ana Sanchez Diaz, J Refugio Salazar-Magana,and Cheryle Lee-Salazar Magana	Utility Refunds: 0055029600-07
Ad Hoc Payment	Check	26892	12/8/2021	50.18	Anderson,Cori	Utility Refunds: 0070006300-02
Ad Hoc Payment	Check	26893	12/8/2021	25.17	Anh Thi Nhat Tran	Utility Refunds: 0149001406-04
Ad Hoc Payment	Check	26894	12/8/2021	279.00	Armstrong,Richard A	Utility Refunds: 0021066000-04
Ad Hoc Payment	Check	26895	12/8/2021	159.00	Back Deck LLC	Utility Refunds: 0000004444-03
Ad Hoc Payment	Check	26896	12/8/2021	16.84	Barker,John	Utility Refunds: 0024025508-01
Ad Hoc Payment	Check	26897	12/8/2021	257.68	Bergeron,Karla	Utility Refunds: 0036014500-09
Ad Hoc Payment	Check	26898	12/8/2021	356.00	BILL NICHOLS	VOUCHER 2008609.030
Ad Hoc Payment	Check	26899	12/8/2021	290.00	Bridgestone Retail Operations LLC	Refund: bus lic fees ref outside city bus lic not req
Ad Hoc Payment	Check	26900	12/8/2021	385.00	Bryan Miller	Membership Refund
Ad Hoc Payment	Check	26901	12/8/2021	20.00	Burgerville USA #39	Refund: Alarm billing acct 5284 inv 99458763
Ad Hoc Payment	Check	26902	12/8/2021	140.12	Cha,Arnold and Carole	Utility Refunds: 0147002012-03
Ad Hoc Payment	Check	26903	12/8/2021	50.00	CHIMIKO WRIGHT	VOUCHER 2008707.030
Ad Hoc Payment	Check	26904	12/8/2021	106.33	Collins,Gary and Shannon	Utility Refunds: 0027010200-09
Ad Hoc Payment	Check	26905	12/8/2021	450.19	Cosovan,Alexei	Utility Refunds: 0045038108-03
Ad Hoc Payment	Check	26906	12/8/2021	36.92	Cunningham,Logan	Utility Refunds: 0039014082-08
Ad Hoc Payment	Check	26907	12/8/2021	230.00	Degagne,Mikel	Utility Refunds: 0019075600-01 Consolidated refund created from multiple refunds
Ad Hoc Payment	Check	26908	12/8/2021	149.00	Eiko Builders LLC	PIR-81956
Ad Hoc Payment	Check	26909	12/8/2021	177.98	Eliason,Larissa	Utility Refunds: 0165000410-06
Ad Hoc Payment	Check	26910	12/8/2021	40.00	Estate of Richard Coleman	Utility Refunds: 0078033600-05

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Ad Hoc Payment	Check	26911	12/8/2021	56.81	Frisk,Douglas G and Rosella M	Utility Refunds: 0149001068-03
Ad Hoc Payment	Check	26912	12/8/2021	81.33	Gabler,Lynne	Utility Refunds: 0087010314-04
Ad Hoc Payment	Check	26913	12/8/2021	70.97	Gail E Briggs and Estate of Richard Coleman	Utility Refunds: 0078033600-05
Ad Hoc Payment	Check	26914	12/8/2021	59.51	George Allen	MPE-311373
Ad Hoc Payment	Check	26915	12/8/2021	114.75	Gibson,Aaron M and Amanda J	Utility Refunds: 0019029500-09
Ad Hoc Payment	Check	26916	12/8/2021	34.55	Groshong,Ashley M and Kevin M	Utility Refunds: 0000004304-04
Ad Hoc Payment	Check	26917	12/8/2021	13,454.00	Henco Plumbing Services LLC	SCIP Prog Truax 628,630,632,634 Martin Way inv 16266662
Ad Hoc Payment	Check	26918	12/8/2021	70.06	Hildermann,Steven	Utility Refunds: 0074034400-12
Ad Hoc Payment	Check	26919	12/8/2021	1,000.00	Hoff,Judy	Utility Refunds: 0003030800-12
Ad Hoc Payment	Check	26920	12/8/2021	146.39	Ian McDonald	MPE-311355
Ad Hoc Payment	Check	26921	12/8/2021	30.28	Jenks,Justin	Utility Refunds: 0500003698-02
Ad Hoc Payment	Check	26922	12/8/2021	25.00	Jesse Kane	Refund: ovr paymt 7200801199
Ad Hoc Payment	Check	26923	12/8/2021	96.71	Joyce T Jakubiak Trustee	Utility Refunds: 0054008964-01
Ad Hoc Payment	Check	26924	12/8/2021	111.00	Kaiser Permanente	Refund:CIVICGOV inv 77036317,77036318,77036319 cust# 747773
Ad Hoc Payment	Check	26925	12/8/2021	71.85	Kirsch,Justin	Utility Refunds: 0124000464-04
Ad Hoc Payment	Check	26926	12/8/2021	41.01	Koenders,Rebecca and Jason	Utility Refunds: 0101021670-04
Ad Hoc Payment	Check	26927	12/8/2021	92.57	Koscinska,Maria Anna	Utility Refunds: 0000001429-03
Ad Hoc Payment	Check	26928	12/8/2021	298.47	Kunkel,Barbara J	Utility Refunds: 0109012204-02
Ad Hoc Payment	Check	26929	12/8/2021	586.77	Leary,Michele M and Mitchell R	Utility Refunds: 0099064900-03
Ad Hoc Payment	Check	26930	12/8/2021	172.34	Lucas,Paula	Utility Refunds: 0019054600-09
Ad Hoc Payment	Check	26931	12/8/2021	36.72	Lucille LLC	Utility Refunds: 0000007358-02
Ad Hoc Payment	Check	26932	12/8/2021	134.99	Malychewski,Gary and Mari	Utility Refunds: 0008016902-02
Ad Hoc Payment	Check	26933	12/8/2021	25.00	Melissa Pocock	Refund: ovrpymt citation 7202908179
Ad Hoc Payment	Check	26934	12/8/2021	211.75	Mellen,Daniel and April	Utility Refunds: 0030001300-07
Ad Hoc Payment	Check	26935	12/8/2021	176.50	Mikhaylenko,Sergey and Natalya	Utility Refunds: 0127020270-01
Ad Hoc Payment	Check	26936	12/8/2021	122.07	Moran,Kirstin	Utility Refunds: 0000002967-02
Ad Hoc Payment	Check	26937	12/8/2021	97.17	Morgan,Amanda	Utility Refunds: 0141003680-02
Ad Hoc Payment	Check	26938	12/8/2021	118.99	Moshe,David	Utility Refunds: 0500002009-02
Ad Hoc Payment	Check	26939	12/8/2021	708.55	Nagy-Nero,Debra	Utility Refunds: 0116293820-03
Ad Hoc Payment	Check	26940	12/8/2021	57.98	Pattee,Jacalyn	Utility Refunds: 0093016400-11
Ad Hoc Payment	Check	26941	12/8/2021	50.00	Professional Credit Service	Refund: alarm billing Nadia Chapman Photography LLC acct T-5175 inv 99436377
Ad Hoc Payment	Check	26942	12/8/2021	50.00	Professional Credit Service	Refund: 7202907612 Jennifer Bivona
Ad Hoc Payment	Check	26943	12/8/2021	306.00	PROVIDENCE HEALTH ASSURANCE	VOUCHER 2008608.030
Ad Hoc Payment	Check	26944	12/8/2021	35.72	Revocable Trust of Douglas,Grubbs	Utility Refunds: 0034000406-09
Ad Hoc Payment	Check	26945	12/8/2021	119.69	Richter,Margaret	Utility Refunds: 0083010271-05
Ad Hoc Payment	Check	26946	12/8/2021	289.04	Robertson,Donald and Mary Kay	Utility Refunds: 0126003190-03
Ad Hoc Payment	Check	26947	12/8/2021	59.00	Robert Syverson	Membership Cancellation Refund
Ad Hoc Payment	Check	26948	12/8/2021	59.89	Scott,Marise	Utility Refunds: 0124033088-02 Consolidated refund created from multiple refunds
Ad Hoc Payment	Check	26949	12/8/2021	160.00	Shaw,Karyn	Utility Refunds: 0062042533-02
Ad Hoc Payment	Check	26950	12/8/2021	102.67	Simpson Plumbing LLC	MPE-308574
Ad Hoc Payment	Check	26951	12/8/2021	119.43	Sorochan,Viktor G	Utility Refunds: 0122006666-02
Ad Hoc Payment	Check	26952	12/8/2021	210.00	Special Olympics Washington	Damage Deposit Refund
Ad Hoc Payment	Check	26953	12/8/2021	20.00	Ted Gathe/Sharon Wylie	Refund: Alarm billing acct 21054 inv 99457029
Ad Hoc Payment	Check	26954	12/8/2021	250.00	The Revocable Living Trust of Joyce Camp	Utility Refunds: 0050050700-00 Consolidated refund created from multiple refunds
Ad Hoc Payment	Check	26955	12/8/2021	129.83	Thi Hougng Giang Nguyen	Utility Refunds: 0149001406-04
Ad Hoc Payment	Check	26956	12/8/2021	35.76	Weaver,Rebecca	Utility Refunds: 0074020322-02
Ad Hoc Payment	Check	26957	12/8/2021	236.93	William Brown Jr and Sherrie Lappe-Brown	Utility Refunds: 0151000120-02

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Ad Hoc Payment	Check	26958	12/8/2021	90.87	Zenith Properties NW LLC	Utility Refunds: 0076086300-02
Supplier Payment	Check	26959	12/8/2021	166,464.23	3 Kings Environmental Inc	
Supplier Payment	Check	26960	12/8/2021	2,421.96	Abatement Services Inc.	
Supplier Payment	Check	26961	12/8/2021	2,421.96	Abatement Services Inc. - Remit-To: ASI - Beavercreek	
Supplier Payment	Check	26962	12/8/2021	286.00	Accurate Corporate Services Inc	
Supplier Payment	Check	26963	12/8/2021	702.00	Action Technology Systems	
Supplier Payment	Check	26964	12/8/2021	42.54	Airgas, Inc	
Supplier Payment	Check	26965	12/8/2021	1,005.46	A-Line Asphalt Maintenance Inc	
Supplier Payment	Check	26966	12/8/2021	798.00	Allegheny Answering Services	
Supplier Payment	Check	26967	12/8/2021	6,400.00	Allegis Group Holdings Inc - Remit-To: TekSystems Inc - Atlanta	
Supplier Payment	Check	26968	12/8/2021	200.00	American Inns of Court Foundation	
Supplier Payment	Check	26969	12/8/2021	200.00	American Medical Response Northwest Inc - Remit-To: AMR - Vancouver	
Supplier Payment	Check	26970	12/8/2021	900.00	Amex Products Inc	
Supplier Payment	Check	26971	12/8/2021	286.29	Aramark Uniform & Career Apparel LLC - Remit-To: Aramark - Pasadena	
Supplier Payment	Check	26972	12/8/2021	3,070.55	Arborscape Ltd Inc	
Supplier Payment	Check	26973	12/8/2021	86.46	AT & T Mobility II LLC	
Supplier Payment	Check	26974	12/8/2021	4,035.00	Bacon Collision	
Supplier Payment	Check	26975	12/8/2021	2,112.50	Barran Liebman LLP	
Supplier Payment	Check	26976	12/8/2021	2,026.86	Bound Tree Medical LLC	
Supplier Payment	Check	26977	12/8/2021	1,485.00	Bret M Young	
Supplier Payment	Check	26978	12/8/2021	95,484.15	Brightview Holdings Inc	
Supplier Payment	Check	26979	12/8/2021	22,177.00	Brown and Caldwell	
Supplier Payment	Check	26980	12/8/2021	84,651.44	Brown and Caldwell - Remit-To: Brown & Caldwell - San Francisco	
Supplier Payment	Check	26981	12/8/2021	4,553.00	BSK Associates - Remit-To: Supplier BSK Associates	
Supplier Payment	Check	26982	12/8/2021	9,937.28	Cadman Materials - Remit-To: Cadman - Chicago	
Supplier Payment	Check	26983	12/8/2021	13,553.75	Cascadia Consulting Group Inc	
Supplier Payment	Check	26984	12/8/2021	4,171.06	CBG Communications Inc	
Supplier Payment	Check	26985	12/8/2021	27,785.32	CECO Inc	
Supplier Payment	Check	26986	12/8/2021	415.47	Cellco Partnership - Remit-To: Cellco - Dallas	
Supplier Payment	Check	26987	12/8/2021	9,084.00	Century West Engineering Corp	
Supplier Payment	Check	26988	12/8/2021	12,768.19	CFM Strategic Communications, Inc.	
Supplier Payment	Check	26989	12/8/2021	1,065.28	Chicago Title Company of WA	
Supplier Payment	Check	26990	12/8/2021	583.00	City of Vancouver - Remit-To: COV Main	
Supplier Payment	Check	26991	12/8/2021	27,599.89	Clark County - Remit-To: Clark County - Treasurer Vancouver	
Supplier Payment	Check	26992	12/8/2021	2,400.00	Clark County Title Company - Remit-To: Clark County - Reconveyance Fees	
Supplier Payment	Check	26993	12/8/2021	347.85	Clark Public Utility District No. 1	
Supplier Payment	Check	26994	12/8/2021	77,400.85	Clary Longview LLC	
Supplier Payment	Check	26995	12/8/2021	56,851.47	Columbia Resource Company	
Supplier Payment	Check	26996	12/8/2021	64.95	Comcast Holdings Corporation - Remit-To: Comcast Business - City of Industry	
Supplier Payment	Check	26997	12/8/2021	151.11	Comcast Holdings Corporation - Remit-To: Comcast Business - City of Industry	

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Supplier Payment	Check	26998	12/8/2021	108.29	Comcast Holdings Corporation - Remit-To: Comcast Business - City of Industry	
Supplier Payment	Check	26999	12/8/2021	193.29	Comcast Holdings Corporation - Remit-To: Comcast Business - City of Industry	
Supplier Payment	Check	27000	12/8/2021	32.76	Comcast Holdings Corporation - Remit-To: Comcast Business - City of Industry	
Supplier Payment	Check	27001	12/8/2021	151.11	Comcast Holdings Corporation - Remit-To: Comcast Business - City of Industry	
Supplier Payment	Check	27002	12/8/2021	188.29	Comcast Holdings Corporation - Remit-To: Comcast Business - City of Industry	
Supplier Payment	Check	27003	12/8/2021	7,500.00	Conventions Sports & Leisure International, LLC	
Supplier Payment	Check	27004	12/8/2021	95,932.44	Core and Main LP - Remit-To: Core and Main LP	
Supplier Payment	Check	27005	12/8/2021	880.90	Corporate Translation Services Inc	
Supplier Payment	Check	27006	12/8/2021	97.88	CPS HR Consulting	
Supplier Payment	Check	27007	12/8/2021	6,770.37	CUES Inc - Remit-To: CUES Inc - Cincinnati	
Supplier Payment	Check	27008	12/8/2021	772.22	Cummins Inc	
Supplier Payment	Check	27009	12/8/2021	1,500.00	David Corey PHD PC	
Supplier Payment	Check	27010	12/8/2021	12,600.00	Davidson Benefits Planning	
Supplier Payment	Check	27011	12/8/2021	99,470.89	Del Sol Inc	
Supplier Payment	Check	27012	12/8/2021	4,602.55	DKS Associates Inc	
Supplier Payment	Check	27013	12/8/2021	18,805.35	DLT Solutions LLC	
Supplier Payment	Check	27014	12/8/2021	17,500.00	Donna Jensen Family LLC	
Supplier Payment	Check	27015	12/8/2021	8,000.00	EEG Enterprises	
Supplier Payment	Check	27016	12/8/2021	10,913.91	Epic Land Solutions, Inc.	
Supplier Payment	Check	27017	12/8/2021	1,046.91	Eric Atwell	
Supplier Payment	Check	27018	12/8/2021	564.50	Erickson Structural Consulting Engineers	
Supplier Payment	Check	27019	12/8/2021	646.25	Eric Thomas Lanciault	
Supplier Payment	Check	27020	12/8/2021	56.43	Experian Marketing Solutions - Remit-To: Experian Los Angeles	
Supplier Payment	Check	27021	12/8/2021	19,804.30	Ferguson Enterprises - Remit-To: Ferguson - Dallas	
Supplier Payment	Check	27022	12/8/2021	1,238.40	Fire, Health & Safety Equipment Co., Inc	
Supplier Payment	Check	27023	12/8/2021	1,139.25	First American Title Ins Co	
Supplier Payment	Check	27024	12/8/2021	994.50	Foster Garvey PC	
Supplier Payment	Check	27025	12/8/2021	769.48	General Pacific Inc	
Supplier Payment	Check	27026	12/8/2021	530.38	Genuine Parts Company	
Supplier Payment	Check	27027	12/8/2021	6,446.43	Gordon Truck Centers	
Supplier Payment	Check	27028	12/8/2021	1,215.49	H D Fowler Company Inc	
Supplier Payment	Check	27029	12/8/2021	4,056.68	Herrera Environmental Consultants Inc	
Supplier Payment	Check	27030	12/8/2021	6,249.99	Hispanic Metropolitan Chamber	
Supplier Payment	Check	27031	12/8/2021	745.90	Iron Mountain Inc - Remit-To: Iron Mountain - New York	
Supplier Payment	Check	27032	12/8/2021	5,199.32	ISSQUARED Inc.	
Supplier Payment	Check	27033	12/8/2021	400.00	J.D. Vaults + Services	
Supplier Payment	Check	27034	12/8/2021	238.70	J-2 Blueprint Supply Co.	
Supplier Payment	Check	27035	12/8/2021	1,464.75	Jamestown Networks	
Supplier Payment	Check	27036	12/8/2021	15,142.52	Janus Youth Programs Inc	
Supplier Payment	Check	27037	12/8/2021	22,971.49	King County Directors Association Purchasing Department	

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Supplier Payment	Check	27038	12/8/2021	759.50	Kurita America Inc - Remit-To: US Water - Minneapolis	
Supplier Payment	Check	27039	12/8/2021	1,146,434.40	Lakeside Industries Inc	
Supplier Payment	Check	27040	12/8/2021	4,100.00	Liliya Sayenko	
Supplier Payment	Check	27041	12/8/2021	3,595.00	LSW Architects PC	
Supplier Payment	Check	27042	12/8/2021	298.38	Mark IV Enterprises Inc	
Supplier Payment	Check	27043	12/8/2021	1,000.00	Message Gears LLC	
Supplier Payment	Check	27044	12/8/2021	500.00	National Association for County Community and Economic Development	
Supplier Payment	Check	27045	12/8/2021	4,380.11	Neles USA Inc	
Supplier Payment	Check	27046	12/8/2021	16,357.52	Nelson Nygaard Consulting Associates Inc	
Supplier Payment	Check	27047	12/8/2021	3,885.92	Northwest Cascade Inc	
Supplier Payment	Check	27048	12/8/2021	12,019.78	Northwest Construction General Contracting Inc	
Supplier Payment	Check	27049	12/8/2021	10,340.91	Northwest Natural Gas Company - Remit-To: NW Natural - Portland	
Supplier Payment	Check	27050	12/8/2021	7,297.87	Northwest Staffing Resources Inc - Remit-To: NW Staffing - Portland	
Supplier Payment	Check	27051	12/8/2021	1,194.12	One Call Concepts Inc	
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Supplier Payment	Check	27053	12/8/2021	32,339.15	Parametrix, Inc	
Supplier Payment	Check	27054	12/8/2021	5,494.98	PBS Engineering and Environmental Inc	
Supplier Payment	Check	27055	12/8/2021	22,733.62	PC Specialists Inc - Remit-To: TIG - San Diego	
Supplier Payment	Check	27056	12/8/2021	508.20	Physio-Control Inc - Remit-To: Stryker Medical	
Supplier Payment	Check	27057	12/8/2021	5,045.00	Pitney Bowes Inc	
Supplier Payment	Check	27058	12/8/2021	1,034.10	Porter W Yett Company	
Supplier Payment	Check	27059	12/8/2021	1,798.87	Portland Adventist Medical Center	
Supplier Payment	Check	27060	12/8/2021	35,424.26	PPC Solutions Inc	
Supplier Payment	Check	27061	12/8/2021	173.25	Quick Caption Inc	
Supplier Payment	Check	27062	12/8/2021	13,782.73	Qwest Corp - Remit-To: Qwest Corp- Seattle	
Supplier Payment	Check	27063	12/8/2021	4,646.07	Rapco Industries Inc	
Supplier Payment	Check	27064	12/8/2021	6,992.85	Retail Lockbox Inc	
Supplier Payment	Check	27065	12/8/2021	2,701.44	Seanette Corkill	
Supplier Payment	Check	27066	12/8/2021	6,415.00	Shiels Oblatz Johnsen, Inc	
Supplier Payment	Check	27067	12/8/2021	412.52	Software House International SHI - Remit-To: SHI - Dallas	
Supplier Payment	Check	27068	12/8/2021	82,840.00	Southwest Washington Humane Society	
Supplier Payment	Check	27069	12/8/2021	8.39	State of Oregon Department of Transportation - Remit-To: OR DMV - Salem	
Supplier Payment	Check	27070	12/8/2021	2,653.00	State of Washington Department of Health - Remit-To: WA Dept of Health	
Supplier Payment	Check	27071	12/8/2021	1,128.50	State of Washington State Patrol	
Supplier Payment	Check	27072	12/8/2021	41.15	Stericycle Inc	
Supplier Payment	Check	27073	12/8/2021	3,584.12	The Salvation Army	
Supplier Payment	Check	27074	12/8/2021	5,768.60	Tierra Right of Way Services LTD	
Supplier Payment	Check	27075	12/8/2021	786.63	Towing & Recovering Services Inc	
Supplier Payment	Check	27076	12/8/2021	802.14	Transunion Risk & Alternative Data Solutions Inc	
Supplier Payment	Check	27077	12/8/2021	2,170.00	Treewise LLC	
Supplier Payment	Check	27078	12/8/2021	17,775.00	Triangle Resources Inc	
Supplier Payment	Check	27079	12/8/2021	569.64	Triple J Enterprises	

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	27080	12/8/2021	21,273.41	TV Etc ESD 112	
Supplier Payment	Check	27081	12/8/2021	1,539.49	Tyree Oil Inc	
Supplier Payment	Check	27082	12/8/2021	114.02	United States Dosimetry Technology Inc	
Supplier Payment	Check	27083	12/8/2021	4,642.66	Univar Solutions USA Inc - Remit-To: Supplier Univar Solutions USA Inc	
Supplier Payment	Check	27084	12/8/2021	48,841.56	Utility Service Associates LLC	
Supplier Payment	Check	27085	12/8/2021	140.00	Vancouver Aire LLC	
Supplier Payment	Check	27086	12/8/2021	488.28	Vancouver Granite Works Inc	
Supplier Payment	Check	27087	12/8/2021	56,961.25	Vancouver USA Regional Tourism Office	
Supplier Payment	Check	27088	12/8/2021	2,608.48	Walter E Nelson Company	
Supplier Payment	Check	27089	12/8/2021	25,292.05	Waste Connections of Washington - Remit-To: Waste Connections - Vancouver	
Supplier Payment	Check	27090	12/8/2021	340.42	Waste Equipment Sales and Service Inc	
Supplier Payment	Check	27091	12/8/2021	2,224.82	Weldon WMS & Lick Inc	
Supplier Payment	Check	27092	12/8/2021	10,401.35	Western Water Works Supply Co Inc	
Supplier Payment	Check	27093	12/8/2021	407.00	Wex Bank	
Supplier Payment	Check	27094	12/8/2021	29,590.81	Wilson Oil Inc	
Supplier Payment	Check	27095	12/8/2021	33,688.00	Wright National Flood Insurance Company	
Supplier Payment	Check	27096	12/8/2021	4,611.70	WSP USA Inc. - Remit-To: WSP USA Inc. Dallas	
Supplier Payment	Check	27097	12/8/2021	3,512.09	W Todd Pascoe	
Supplier Payment	Check	27098	12/8/2021	872.95	WW Grainger Inc	
Supplier Payment	Check	27099	12/8/2021	209.21	XPO Logistics Enterprise Services, Inc - Remit-To: XPO - Portland	
Supplier Payment	Check	27100	12/8/2021	9,832.02	YOLO Washington LLC	
Supplier Payment	Check	27101	12/8/2021	40.73	Ziply Fiber	
Supplier Payment	Check	27102	12/8/2021	3,312.14	State of Washington Department of Natural Resources - Remit-To: Dept of Natural Resources - Box 47041	
Supplier Payment	Check	27103	12/8/2021	7,425.08	Waste Connections of Washington - Remit-To: Waste Connections - Vancouver	
Supplier Payment	Check	27104	12/10/2021	7,861.62	Aflac	
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Supplier Payment	Check	27106	12/10/2021	22,446.83	IAFF Local #452	
Supplier Payment	Check	27107	12/10/2021	617.50	IAM Local #1374	
Supplier Payment	Check	27108	12/10/2021	8,153.74	Life Insurance Company of North America	
Supplier Payment	Check	27109	12/10/2021	500.00	MFS Service Center Inc	
Supplier Payment	Check	27110	12/10/2021	4,101.33	OPEIU Local #11	
Supplier Payment	Check	27111	12/10/2021	608.00	Teamsters Local #58	
Supplier Payment	Check	27112	12/10/2021	297.50	UA Local #290	
Supplier Payment	Check	27113	12/10/2021	2,972.40	Western Conference of Teamsters	
Supplier Payment	Check	27114	12/10/2021	739.68	Western Metal Industry Pension Plan	
		Check Total		2,844,162.97		
		Manual Wire Total		1,798,303.19		
		EFT Total		1,411,370.65		
		Direct Deposit Total		2,288.98		
		SUBTOTAL		6,056,125.79		

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>
Hansen		Hansen Total	12/13/2021	14,966.60	Posted 12-06-2021 thru 12-12-2021	
VISA			12/13/2021	1,316.40	Miscellaneous	Parks Class Refunds - FCC 12-06-21 thru 12-12-21
VISA			12/13/2021	456.00	Miscellaneous	Parks Class Refunds - MCC 12-06-21 thru 12-12-21
VISA			12/13/2021	0.00	Miscellaneous	Parks Class Refunds - Special Events 12-06-21 thru 12-12-21
VISA			12/13/2021	0.00	Miscellaneous	Parks Class Refunds - WREC 12-06-21 thru 12-12-21
		VISA Total		1,772.40		
		Payroll Total		4,003,898.91		See backup attached
		GRAND TOTAL		10,076,763.70		

**City of Vancouver
Payroll Council Report
December 7, 2021 - December 13, 2021**

[illegible]

\$ 4,003,898.91

Proposed Operations Center Annexation

VANCOUVER
CITY HALL



December 20, 2021

Vancouver City Council

Bryan Monroe, Associate Planner

Jennifer Belknap Williamson, Public Works Director

David Galazin, Assistant City Attorney

Presentation Overview

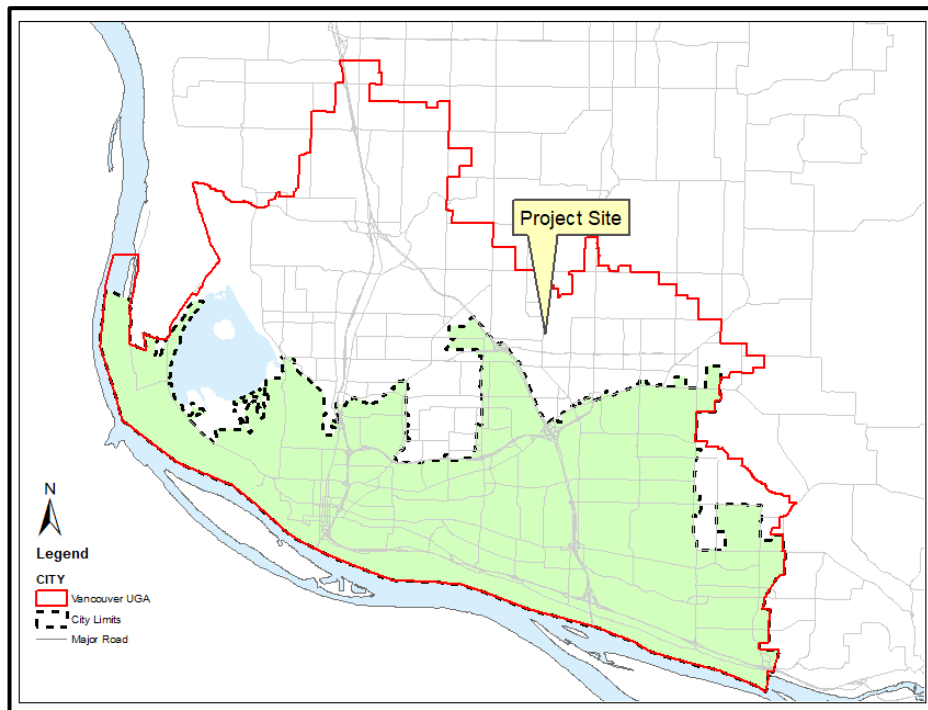
- Overview of Proposed Annexation
- Annexation Method
- Annexation Location
- Purpose of Resolution Meeting
- Next Steps

Method of Annexation

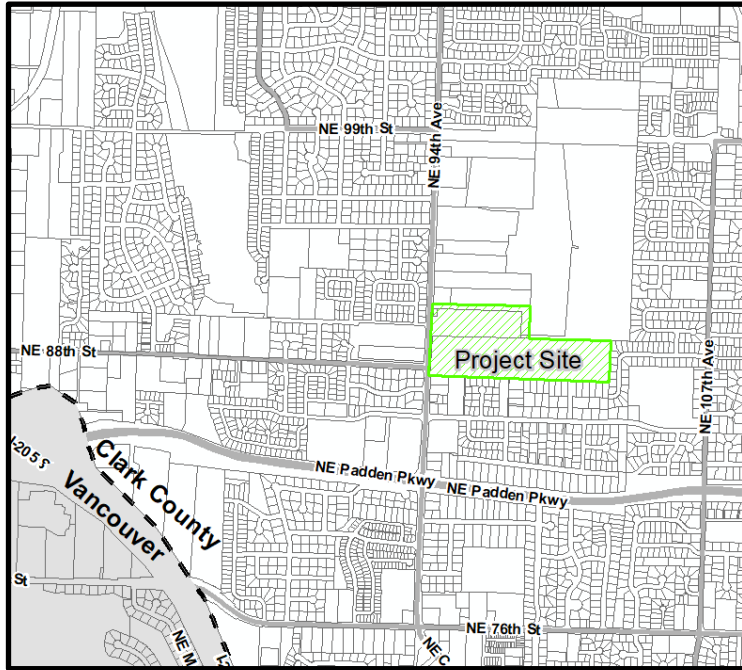
The City will use the Municipal Purposes method of annexation.

- This method allows for the annexation area to be non-contiguous to city limits
- The City must own all of the annexation area or receive written consent from any other owners.
- The land must only be used for municipal purposes.

General Vicinity Map



Proposed Annexation Area



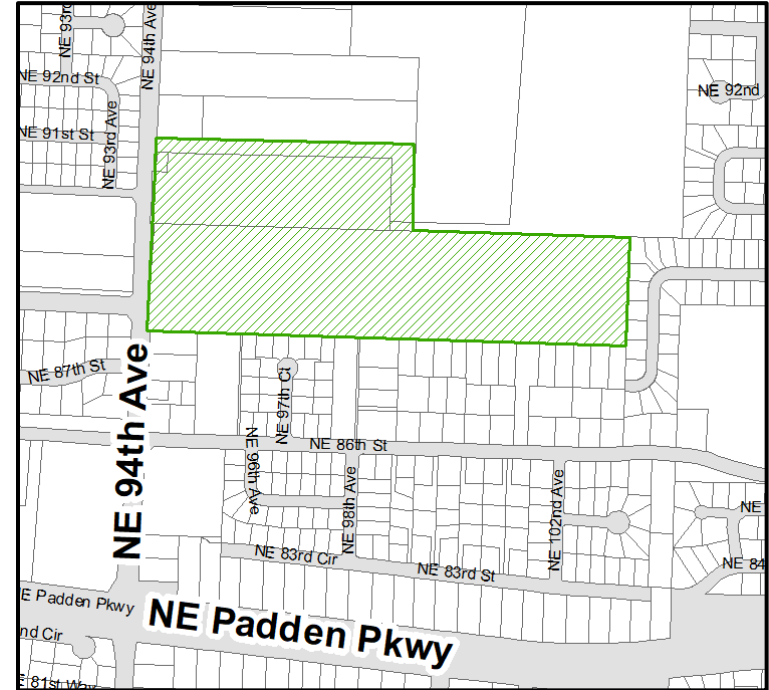
Purpose of the Resolution Meeting

Council Will:

- Become familiar with the proposed annexation
- Determine Geographic Area
- Determine Comprehensive Plan and Zoning Designations
- Determine Any Assumption of Indebtedness for Annexed Area
- Vote on Resolution to Proceed

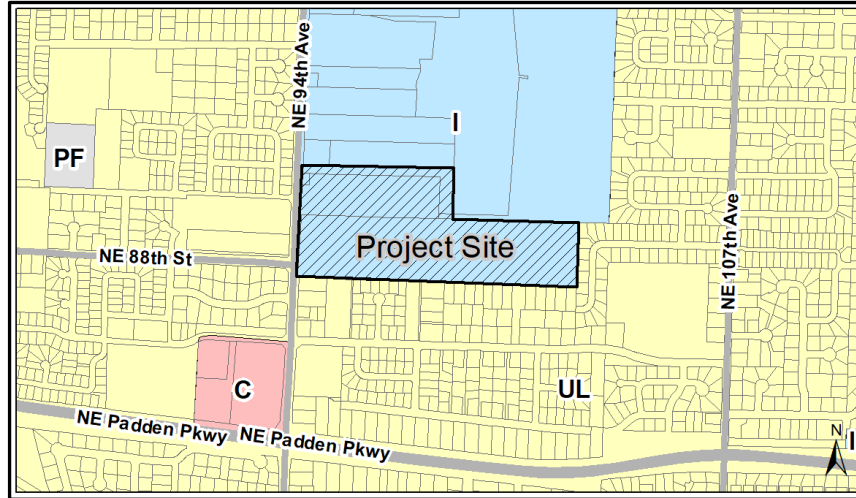
Geographic Area

- 32.1-acre site
- 8713 NE 94th Avenue
- East of I-205 /North of Padden
- 94th Avenue right-of-way excluded

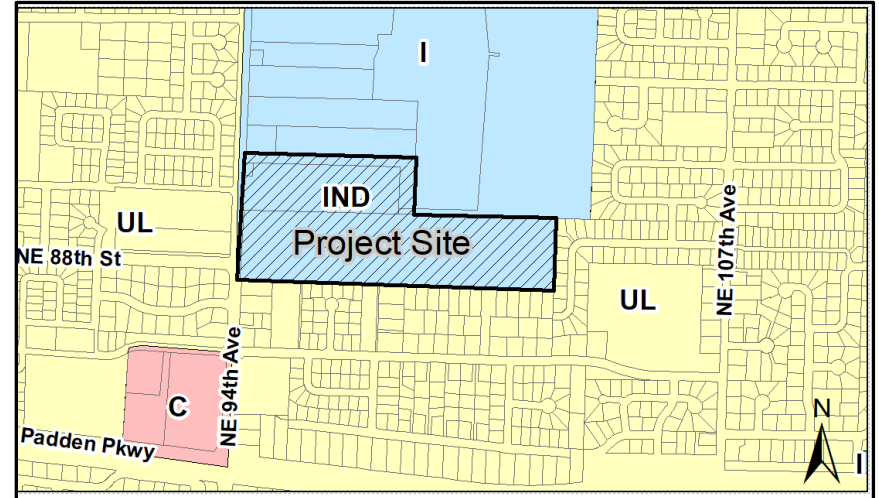


Comprehensive Plan Designations

Clark County Comprehensive Plan – Industrial (I)

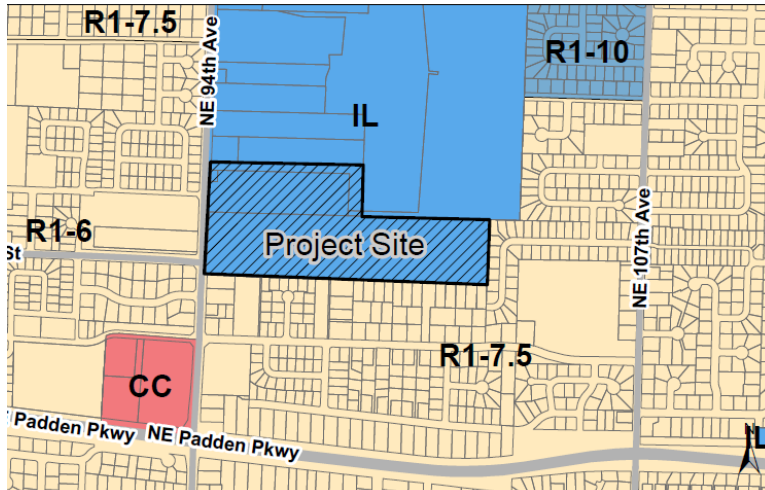


Proposed City of Vancouver Comprehensive Plan – Industrial (IND)

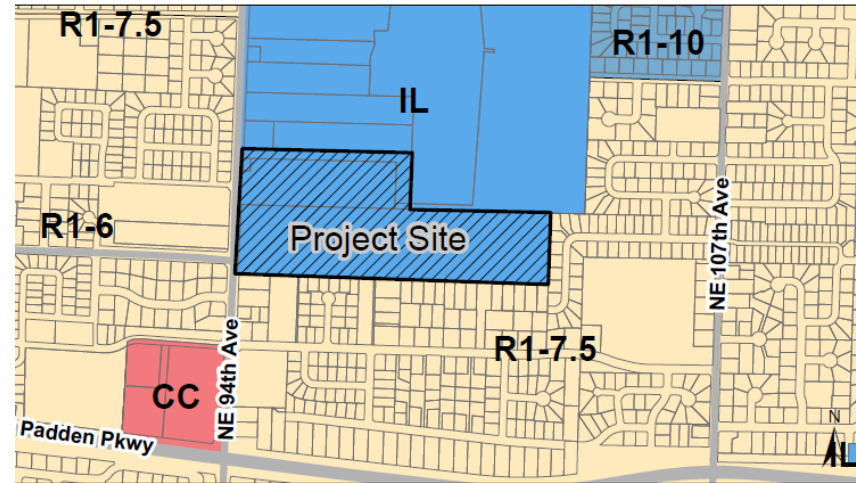


Zoning Designations

County: Current Zoning Designation –
Light Industrial (IL)



City: Proposed Zoning Designation-
Light Industrial (IL)



Assumption of Debt

- As the City of Vancouver is the applicant there will be no assumption of any debt to pass on.

Resolution Objective Summary

Council to:

- Determine Geographic Area
- Determine Initial Comprehensive Plan and Zoning Designations
- Determine Assumption of Indebtedness for Annexed Area
- Vote on Resolution to Proceed

Next Steps

- Obtain all property within the annexation area or letter of consent from Clark County
- Schedule ordinance hearings for annexation
- Notice of Annexation sent to Department of Revenue, Clark County tax Assessor, and other service providers
- Submit census documents to Washington State Office of Financial Management for final approval

Questions and Discussion

VANCOUVER
CITY HALL

Bryan Monroe, Associate Planner, bryan.monroe@cityofvancouver.us

Jennifer Belknap Williamson, Public Works Director, jennifer.belknapwilliamson@cityofvancouver.us

David Galazin, Assistant City Attorney, David.galazin@cityofvancouver.us

www.cityofvancouver.us/annexation





Staff Report 205-21

TO: Mayor and City Council

FROM: Eric Holmes, City Manager

DATE: 12/20/2021

SUBJECT Public Meeting - Annexation of Future Operations Center

Key Points

- Initial public meeting for the annexation of the future City Public Works and Emergency Operations Center.
- The 32.1-acre site is located in Vancouver's unincorporated urban growth area located at 8713 NE 94th Avenue, Vancouver, WA.
- The City will use the Municipal Purposes method to annex the property, under RCW 35.13.180 for non-contiguous property.
- It is in the City's interest to have jurisdictional control of the property for the processing of required land use approvals and building permits, as well as future site operations.

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

The City of Vancouver Public Works Department has requested annexation of this property, which has been chosen as the site of the future City Public Works and Emergency Operations Center. The proposed 32.1-acre annexation area is located at 8713 NE 94th Avenue.

The property is within the City of Vancouver's Urban Growth Area (UGA), which is established by Clark County. Under the State's Growth Management Act, all properties within the City's UGA are intended to be annexed into the City at some point.

The site is currently zoned Light Industrial in Clark County. Surrounding uses include single family residences to the south, east and west. The property to the north is vacant industrial land. The City owns all of the property within the annexation area with the exception of a 35 foot by 100 foot tract along the east property boundary, which is owned by Clark County. City staff is working with the County to adjust the property boundary lines so the County-owned tract can be combined with the City-owned property and included in the annexation. In this instance the right-of-way for NE 94th Avenue will not be included in the proposed annexation area.

The City typically uses the "Direct Petition" method for annexation areas that directly abut city limits. In this case, however, the proposed annexation area does not directly abut current city limits. The annexation area is approximately .75 miles east of the current City limits. Therefore, the "Municipal Purposes" method will be used. RCW 35.33.570 allows first class charter cities such as the City of Vancouver to exercise all powers that are available to second class cities. This includes the authority to use the Municipal Purposes method described in RCW 35.13.180 to facilitate an annexation of non-contiguous property into the city. Use of the municipal purposes method requires that the annexed site be used only for municipal purposes and that all property owners consent to the annexation. Prior to the final annexation ordinance hearing, the City must either obtain full title to all property within the proposed annexation area or obtain a letter of consent from Clark County for the small County-owned tract to be included in the annexation.

A public notice of the proposed annexation was published in the Columbian newspaper and posted in several locations on the subject property.

The exact legal description for the annexation boundary has been provided with the "notice of intent to annex" letter provided by the City Public Works Department.

The County comprehensive plan designation for this site is currently Industrial with a Light Industrial zoning designation. Upon annexation the comprehensive plan and zoning designations of the annexation area would remain the same. The regulations of the City land use and building code ordinances would be applied to future development. Following annexation the proposed building and site improvements will be processed under the City's development standards by the City of Vancouver. In addition to controlling review timelines, annexation will also allow the City of Vancouver to capture permitting fees and sales tax revenue generated from the construction of the facility.

Advantage(s)

1. Future development will be subject to City land use and building regulations.
2. The City will receive any permitting fees resulting from the future site development.
3. The City will receive any related construction sales taxes resulting from the future site development.

Disadvantage(s)

Creates a jurisdictional island until surrounding properties annex into the City of Vancouver.

Budget Impact

None. Construction sales tax will be generated and collected from future site construction.

Prior Council Review

Ratification of the Property Purchase and Sale Agreement of the future Operations Center site on November 18, 2019.

Action Requested

On Monday, December 20, 2021, adopt a resolution to proceed with the annexation request.

Bryan Monroe, Associate Planner, 360-487-7958

ATTACHMENTS:

- ▣ Annexation of Future Ops Center Resolution
- ▣ Annexation of Future Ops Center Presentation (*separate cover*)

12/20/2021

RESOLUTION NO. _____

A RESOLUTION relating to support of an annexation request (Exhibit “A”) using the municipal purposes method pursuant to RCW 35.13.180; establishing the geographic extent, determining the comprehensive plan and land use designations, and determining whether the property owners will assume all or any portion of existing City indebtedness for the proposed annexation area.

WHEREAS, pursuant to RCW 35.13.005, no city located in a county in which urban growth areas have been designated under RCW 36.70A.110 may annex territory beyond an urban growth area; and,

WHEREAS, pursuant to RCW 36.70A, the City of Vancouver has an urban growth area designated under the Growth Management Act; and,

WHEREAS, the proposed Annexation area is located in Vancouver’s urban growth boundary; and,

WHEREAS, the owners of real property within the proposed Annexation area notified the City of their intent to commence annexation; and,

WHEREAS, pursuant to RCW 35.13.180, the land in question must only be used for municipal purposes; and,

WHEREAS, the site is proposed to be used for a municipal public works operations center; and,

WHEREAS, the Vancouver City Council scheduled and advertised a public meeting with the interested parties to decide whether to accept, reject or geographically modify the proposed

RESOLUTION - 1

annexation area; whether to require simultaneous adoption of comprehensive plan and land use zoning designations as provided for in VMC 20.230.030; and whether to require assumption of all or any portion of the existing city indebtedness by the area to be annexed; and

WHEREAS, the 32.1 acre site is currently within the City of Vancouver urban growth area and non-adjacent to the City limits as shown in a proximity map attached as Exhibit “B”; and,

WHEREAS, the site is currently designated as Industrial (I) in Clark County for comprehensive plan and Light Industrial for zoning; and

WHEREAS, because the Applicant is not seeking to change the Comprehensive Plan designation or underlying zoning, the proposed annexation site would convert under VMC 20.230.030(B) to the City’s corresponding I (Industrial) comprehensive plan designation and IL zoning, as depicted in exhibit “D”; and

WHEREAS, there is no existing indebtedness for the annexation area;

NOW, THEREFORE,

BE IT RESOLVED BY THE CITY OF VANCOUVER:

Section 1. Pursuant to Ch. 35.13 RCW, and as discussed in the associated Staff Report, the proposed annexation area is 32.1 acres of unincorporated land located in Vancouver’s urban growth boundary and is non-contiguous to the City of Vancouver boundary.

The notice of intent to annex is attached hereto as Exhibit “A.” A map of the proposed annexation area is set forth in Exhibit “B,” attached hereto and incorporated herein.

RESOLUTION - 2

The legal description of the proposed annexation area is set forth in Exhibit “C,” attached hereto and incorporated herein. The proposed zoning of the annexation area is set forth in Exhibit “D,” attached hereto and incorporated herein.

Section 2. City Council hereby supports the proposed annexation.

Section 3. Under VMC 20.230.030, a land use plan will be adopted, to become effective in the event the subject area is annexed by the City.

Section 4. Currently there is no City indebtedness for the annexation area to assume, therefore assumption of existing debt is not required.

Section 5. This resolution shall become effective immediately upon adoption, and is not subject to appeal.

Signed this 20th day of December 2021.

Anne McEnery-Ogle, Mayor

Attest:

Natasha Ramras, City Clerk

Approved as to form:

Jonathan Young, City Attorney

RESOLUTION - 3

EXHIBIT A

NOTICE OF INTENT TO COMMENCE ANNEXATION PROCEEDINGS TO THE CITY OF VANCOUVER WASHINGTON

TO: Honorable Mayor Anne McEnerny-Ogle and City Council of Vancouver, Washington
P.O. Box 1995
Vancouver WA 98668

This is a Notice of Intent to Annex, submitted to the City Council of Vancouver, Washington, that states the undersigned property owner request that City Council commence annexation proceedings to annex certain property to the City of Vancouver.

This Notice of Intent is presented on behalf of the undersigned property owner who owns real property in the unincorporated Vancouver Urban Growth Area, which is adjacent and contiguous to the City of Vancouver, Washington, and which is legally described in **Exhibit A**. The parties to this Notice of Intent to commence annexation proceedings request annexation of parcels as shown on the map provided as **Exhibit B**. The area proposed to be annexed is approximately 35.16 acres in size. The undersigned owns the majority of the total area as shown in the database provided as **Exhibit C**. The Clark County Washington Public Works Department has submitted a letter of consent to annex for the proposed annexation area in their ownership. This meets the requirements of RCW 3 5.13.180, the statute under which this Notice of Intent is filed. The City Council of the City of Vancouver, Washington, is hereby requested to proceed under RCW 35.13.180 and to schedule a public meeting to be held within sixty days after the filing of the Notice of Intent and to determine the following:

1. Whether the City of Vancouver will accept this proposed annexation as defined in **Exhibit A** and shown in **Exhibit B**; and,
2. Whether City of Vancouver shall require the simultaneous adoption of comprehensive plan and land use zoning designations; and,
3. Whether the City of Vancouver shall require the assumption of all or any portion of the existing City indebtedness by the area to be annexed.

The undersigned property owners hereby request the following:

1. That the City of Vancouver accept the proposed annexation as defined in **Exhibit A** and shown in **Exhibit B**; and,
2. That the City of Vancouver shall simultaneously adopt the most similar comprehensive plan of Industrial (I) and land use zoning designation Light Industrial (IL) as provided for by Clark County and as defined in VMC Table 20.230.030.1; and,
3. That the City of Vancouver shall not require the assumption of any portion of the existing City indebtedness by the area to be annexed.

Dated this 18th day of November, 2021

Jennifer Bellip Williams
(Signature)

Jennifer Belknap Williamson
(Print Name)

STATE OF WASHINGTON)
)
COUNTY OF CLARK)

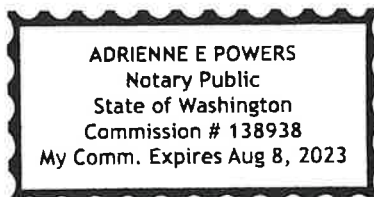
SS

I hereby certify that I know or have satisfactory evidence that Jennifer Belknap Williamson
(Print Name)

signed this instrument, on oath stated that (she/he) is authorized to execute the instrument as a

Public Works Director of City of Vancouver
(Position/Title) (Name of Corporation)

and acknowledge it to be (her/his) free and voluntary act of such party for uses and purposes mentioned in the instrument.




(Signature of Notary)

Adrienne E. Powers
(Print Name of Notary)

My Appointment Expires: Aug 8, 2023
Notary Public for the State of Washington

Vancouver Operations Center Annexation

Current Owners constitute 100% ownership of proposed annexation area.

OWNERSHIP LIST	SERIAL NUMBER	AREA
City of Vancouver	105740000	25.49
City of Vancouver	199863000	7.42
City of Vancouver	199864000	.13
City of Vancouver	199845000	2.12
Clark County Public Works	Portion of 199858000	.9

Exhibit B: Annexation Boundary

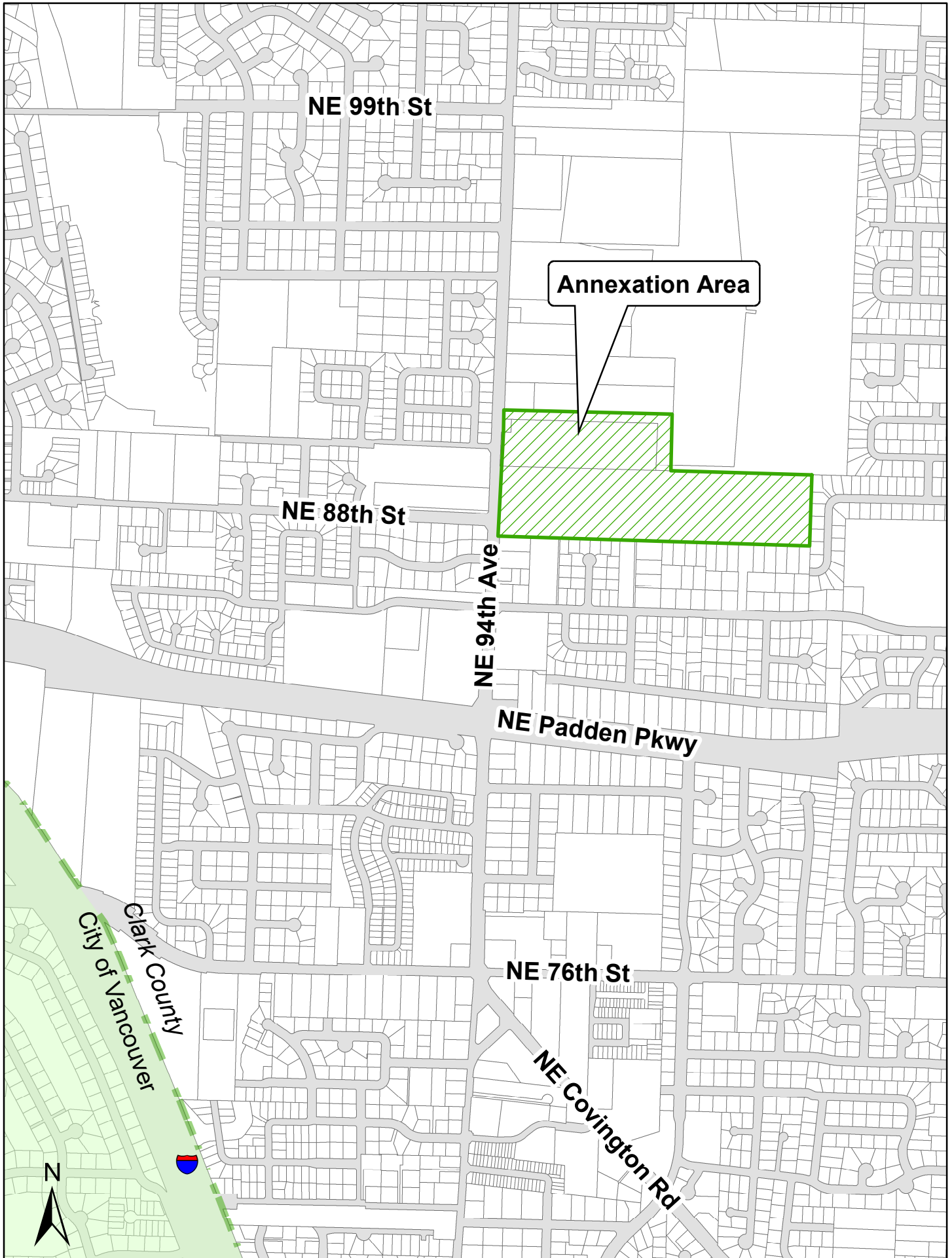


EXHIBIT C

Project # 083491

Vancouver Ops Center Annexation Legal Description

A tract of land lying in Section 4, Township 2 North, Range 2 East of the Willamette Meridian, Clark County, Washington, being a portion of the McAllister Donation Land Claim, more particularly described as follows:

Beginning at the Southwest corner of the James McAllister Donation Land Claim;

Thence easterly a distance of 45.00 feet along the South line of said Donation Land Claim, also being the South line of Parcel 2 as described in Statutory Warranty Deed, Clark County to City of Vancouver, recorded December 17, 2020 under Auditor's File Number 5836206, records of Clark County, Washington, to the East right-of-way line of NE 94th Avenue, also being the True Point of Beginning;

Thence northerly along said right-of-way line, parallel with and 45.00 feet east of the West line of said Donation Land Claim, a distance of 236.53 feet to the South line of Parcel 1 as described in Statutory Warranty Deed, Clark County to City of Vancouver, recorded December 17, 2020 under Auditor's File Number 5836206, records of Clark County, Washington;

Thence westerly along said right-of-way line and the South line of said Parcel 1 a distance of 5.00 feet to a point 40.00 feet east of the West line of said Donation Land Claim;

Thence northerly along said right-of-way line, parallel with and 40.00 feet east of the West line of said Donation Land Claim a distance of 140.00 feet to the North line of Parcel 4 as described in Statutory Warranty Deed, Clark County to City of Vancouver, recorded December 17, 2020 under Auditor's File Number 5836206, records of Clark County, Washington;

Thence easterly along the North line of said Parcel 4 a distance of 1143.34 feet to the West line of that certain Tract conveyed to Northern Pacific Railway Company by deed, recorded in Book 71, at Page 255 of said records, as shown on Record of Survey Book 18, Page 9 of said records;

Thence southerly along said West line a distance of 376.53 feet to the South line of said Donation Land Claim, also being the North line of Parcel 3 as described in Statutory Warranty Deed, Clark County to City of Vancouver, recorded December 17, 2020 under Auditor's File Number 5836206, records of Clark County, Washington, and as shown on Record of Survey Book 18, Page 9 of said records;

Thence easterly along the South line of the said Donation Land Claim line and the North line of said Parcel 3 a distance of 913.11 feet to the East line of said Parcel 3 as shown on Record of Survey Book 50, Page 97 of said records;

Thence southerly along the East line of said Parcel 3 a distance of 473.71 feet to the South Line of said Parcel 3 as shown on Record of Survey Book 50, Page 97;

Thence westerly along the South line of said Parcel 3 a distance of 981.21 feet as shown on said Survey, Book 50, Page 97;

Thence southerly along said South line of Parcel 3 a distance of 0.41 feet as shown on said Survey Book 50, Page 97;

Thence westerly along the South line of said Parcel 3 a distance of 1074.46 feet to the said East right-of-way line of NE 94th Avenue being 45.00 feet east of the West line of said Donation Land Claim;

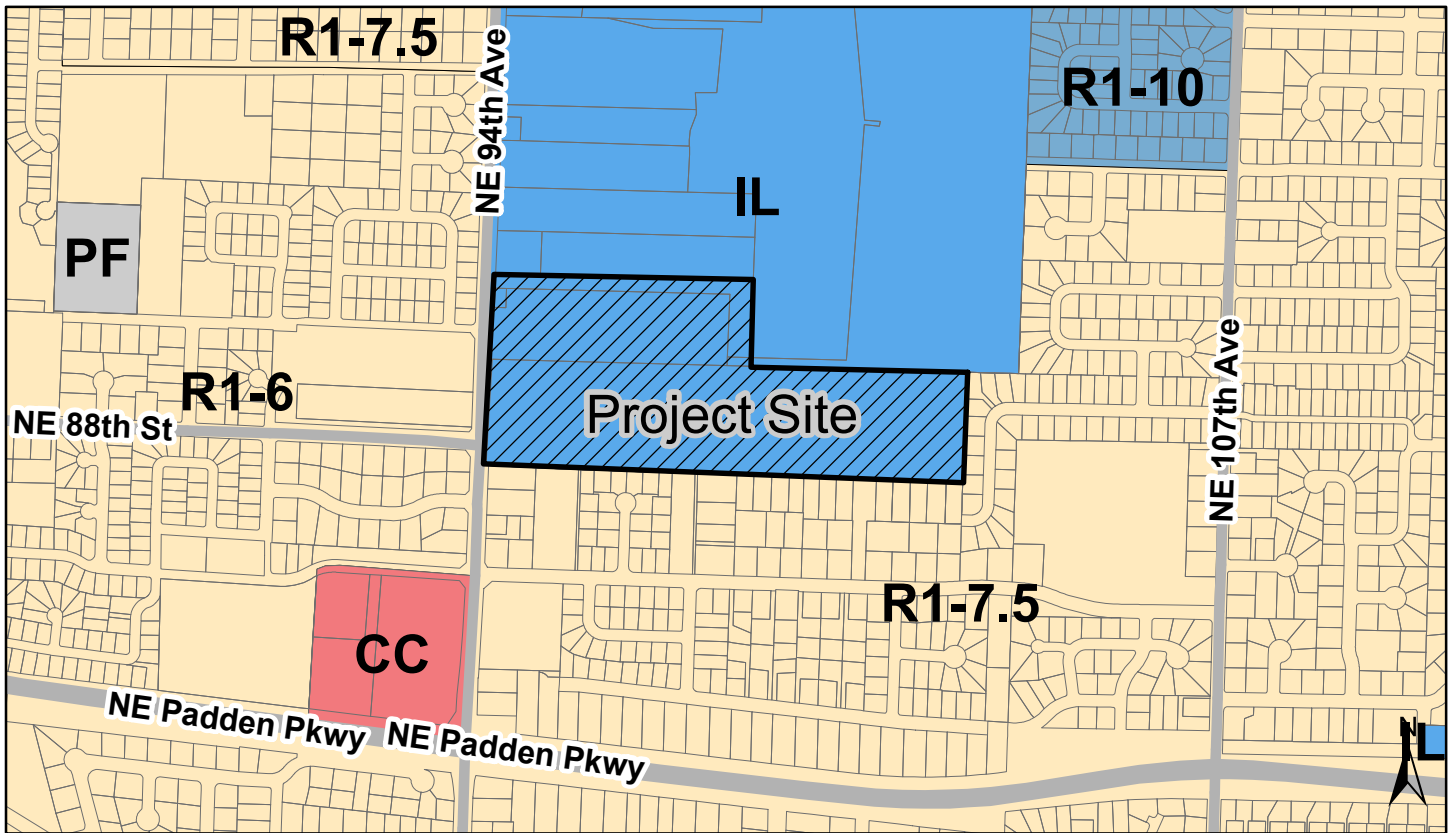
Thence northerly along said East right-of-way line a distance of 466.2 feet to the Point of Beginning.

Contains approximately 32.1 Acres.

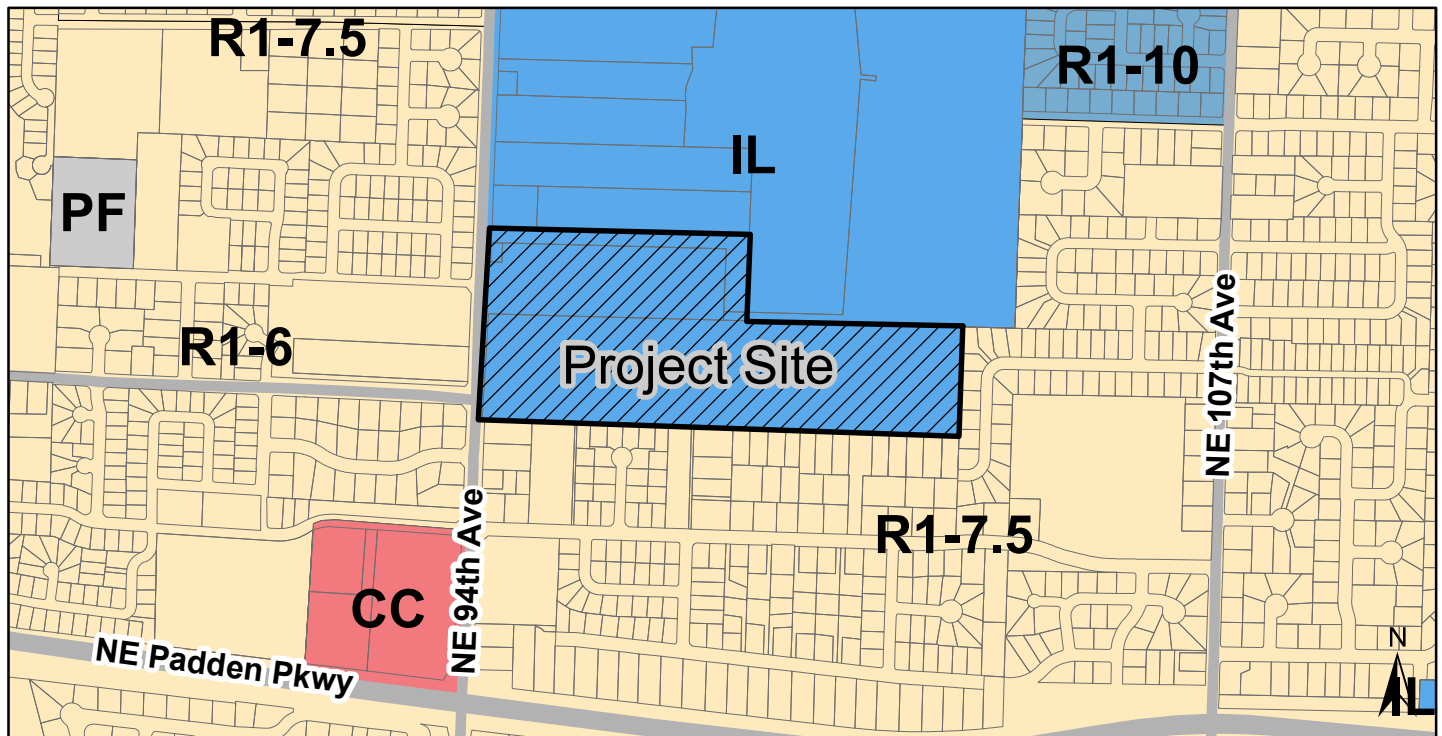


Exhibit D

Current Clark County Zoning Designation



Proposed City of Vancouver Zoning Designation





Staff Report 185-21

TO: Mayor and City Council

FROM: Eric Holmes, City Manager

DATE: 12/20/2021

SUBJECT Banking Services Contract Amendment

Key Points

- The City currently has a banking service and merchant services contract with Bank of America that was originally entered into in January 2016.
- In December 2020, Council authorized a one-year extension of the contract. The contract period ends on December 31, 2021.
- City Charter Section 11.05 requires City Council approve the execution of contracts with a duration of more than five (5) years by Ordinance.
- Due to the time needed to convert existing banking and merchant services to the two new financial institutions, JP Morgan Chase NA and Paymentus, staff is requesting Council authorize a contract extension with Bank of America through December 31, 2022, and increase the current contract not-to-exceed amount by an additional \$1,300,000 for a total of \$6,800,000.
- Approval will authorize the City Manager or designee to execute a contract amendment with Bank of America.

Strategic Plan Alignment

This is consistent with the City Vision as well as the City's commitment to stewardship and fiscal accountability.

Present Situation

The City currently is under contract with Bank of America for general banking services. This includes depository account services, electronic payment services, settling credit/debit card transactions for money the City collects for its various fees and services, and other banking transactions. Council authorized the City Manager or his designee to sign banking services agreements with Bank of America from January 1, 2016, through December 31, 2020, for a total contract not-to-exceed amount of \$4,000,000. In December 2020, Council authorized by ordinance a one-year extension to the contract with Bank of America and increased the contract limit to \$5,500,000 through December 31, 2021.

On July 19, 2021, Council authorized a contract for general banking services with JP Morgan Chase, NA, and authorized a contract on July 12, 2021, with Paymentus for merchant services. Staff is currently working with both companies to convert banking and merchant services from Bank of America to the two financial institutions. It is anticipated that general banking services will be converted by January 2022, however it will take time for checks to clear or go through the unclaimed property process, and to transition other banking services to the new City bank accounts. Staff anticipates it will take until July 2022 to fully convert merchant services from Bank of America to Paymentus because this also involves an upgrade and implementation of Selectron for Utility billing and Permitting.

Staff is requesting that Council authorize a one-year extension of the existing banking services agreement with Bank of America to expire on December 31, 2022. City Charter Section 11.05 requires City Council approve the execution of contracts with a duration of more than five (5) years by ordinance.

The existing banking service contract was initially estimated not to exceed \$5,500,000 through December 31, 2021. Staff is recommending adding an additional \$1,300,000 to the contract limit for a total of \$6,800,000 through the contract extension. About 90% of the banking service fees paid were attributed to credit/debit card processing fees added on by Visa/MasterCard/Discover. Currently merchant service fees represent 97% of the total annual fees paid for banking services. Over the past five years, the City has implemented new software payment systems that allow more individuals and businesses to pay for City fees and services by credit/debit card on-line. Most recently the City implemented the on-line permit module, which has significantly increased payments by credit cards through the Community and Economic Development department. Parking is also seeing an increase as more pay stations were added.

Advantage(s)

The contract extension will allow continuity of operations for processing financial transactions.

Disadvantage(s)

None

Budget Impact

The 2021-2022 Biennial City Budget includes enough appropriation for banking service fees.

Prior Council Review

- December 7, 2020 Ordinance approval, City Council meeting
- Contract approval December 7, 2015 City Council meeting.

Action Requested

On Monday, December 20, 2021, subject to second reading and public hearing, approve ordinance.

Carrie Lewellen, City Treasurer, 360-487-8482

ATTACHMENTS:

- ▣ Ordinance
- ▣ Amendment to Banking Services Agreement

12/06/21
12/20/21

ORDINANCE M - _____

AN ORDINANCE authorizing the execution of a contract amendment with Bank of America N.A., a national banking association (hereinafter “Contractor”), to continue the provision of professional banking services (hereinafter “Services”) to the City of Vancouver, Washington (“City”); authorizing a contract amendment extending the contract beyond its original five (5) year duration; providing for severability; and setting an effective date.

WHEREAS, Contractor has provided necessary professional banking services to the City pursuant to agreements effective on December 7, 2015 and expiring on December 31, 2020; and

WHEREAS, Council authorized an extension of the contract for one (1) year with an expiration of December 31, 2021; and

WHEREAS, in order to ensure continuity of professional banking services, the City wishes to extend the use of Contractor’s Services for an additional one (1) year period beyond the extended December 31, 2021 expiration date; and

WHEREAS, pursuant to City Charter Section 11.05, the City Council has the authority to approve the execution of contracts with a duration of more than five (5) years by Ordinance; and

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF VANCOUVER:

Section 1. Approval. The City Manager or designee is hereby authorized to execute a contract amendment with Contractor for the continuation of Contractor’s Services to the City.

ORDINANCE - 1

Does not require codification

Section 2. Duration. The duration of such contract amendment is hereby authorized to extend the contract beyond its original five (5) year duration, until no later than December 31, 2022.

Section 3. Severability. If any clause, sentence, paragraph, section, or part of this ordinance or the application thereof to any person or circumstances shall be adjudged by any court of competent jurisdiction to be invalid, such order or judgment shall be confined in its operation to the controversy in which it was rendered and shall not affect or invalidate the remainder of any parts thereof to any other person or circumstances and to this end the provisions of each clause, sentence, paragraph, section or part of this law are hereby declared to be severable.

Section 4. Effective Date. This ordinance shall go into effect five (5) days after its recording.

Read First Time:

Ayes: Councilmembers

Nays: Councilmembers

Absent: Councilmembers

Read Second Time:

Passed by the following vote:

Ayes: Councilmembers

Nays: Councilmembers

Absent: Councilmembers

ORDINANCE - 2

Does not require codification

SIGNED this _____ day of _____, 2021.

Anne McEnerny-Ogle, Mayor

Attest:

Natasha Ramras, City Clerk

Approved as to form:

Jonathan Young, City Attorney

ORDINANCE - 3

Does not require codification

SUMMARY

ORDINANCE M-_____

AN ORDINANCE authorizing the execution of a contract amendment with Bank of America N.A., a national banking association, to continue the provision of professional banking services to the City of Vancouver, Washington; authorizing a contract amendment extending the contract beyond its original five (5) year duration; providing for severability; and setting an effective date. The full text of this ordinance will be mailed upon request. Contact Raelyn McJilton, Records Officer at (360) 487-8799, or via www.cityofvancouver.us (Go to City Government and Public Records).

ORDINANCE - 4

Does not require codification

AMENDMENT No. 3
BANKING AND RELATED SERVICES

This is an Amendment to the **UMBRELLA AGREEMENT FOR GOVERNMENT BANKING SERVICES** dated December 9, 2015, hereinafter referred to as the "Agreement", by and between the City of Vancouver, a municipal corporation under the laws of the State of Washington, hereinafter referred to as "City", and Bank of America, a national banking association, hereinafter referred to as "Contractor," whose address is PO Box 15284, Wilmington, DE, 19850.

This amendment modifies the Agreement as follows:

1. The termination date of the Agreement is extended to December 31, 2022.

This amendment in no way alters any other provisions of the original agreement.

CITY OF VANCOUVER
A municipal corporation

CONTRACTOR:
Bank of America N.A.

Eric Holmes, City Manager

Julianne Elliott
Signature

Date

Julianne Elliott, VP Client Manager
Printed Name / Title

Attest:

11/17/2021
Date

Natasha Ramras, City Clerk

Approved as to form:

Jonathan Young, City Attorney



Staff Report 193-21

TO: Mayor and City Council

FROM: Eric Holmes, City Manager

DATE: 12/20/2021

SUBJECT Fisher's Creek Planned Development and Subdivision

Key Points

- The applicant's development proposal includes the following elements:
 - 34-lot single-family and detached planned development and narrow lot subdivision with 28 single-family attached and six detached houses (Lot sizes range from 2,250 to 3,750 square feet).
 - Extend SE 178th Avenue as a public street from the north into the site.
 - Stub SE Brady Road to the east to eventually connect to existing SE Brady Road. Connection will occur with future development to the east not subject to this proposal.
 - Establish two open space tracts including:
 - Tract A (59,820 square feet) – active/usable open space tract and Fisher's Creek Riparian buffer.
 - Tract B (21,982 square feet) – wetland and wetland buffer.
- Per VMC 20.210-1, planned developments require a Type IV process and recommendation by the Hearing Examiner to the City Council for final approval. The Hearing Examiner held a public hearing on October 19, 2021.
- Planned developments provide flexibility for innovative planning practices that result in well-designed, efficient and functional urban environments.
- The proposed development includes an active/usable open space area and creek and wetland buffers.
- Applicant requests approval of a planned development ordinance and approval of a preliminary plat to allow for the development.
- As the final decision maker, the City Council may approve the application as recommended by the Hearing Examiner, amend the Hearing Examiner 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

N/A

Present Situation

The proposed Fisher's Creek planned development is located on 4.67 acres of land at the west end of Fisher's Quarry. The site is undeveloped and zoned Low Density Residential (R-9). The site is bounded by existing residential subdivisions to the north (Fisher's Creek Neighborhood Association), State Route 14 to the south, Riverview Gateway Plan District (Fisher's Quarry) to the east and Fishers Creek to the west.

The Vancouver Hearing Examiner held a virtual open record hearing on the application on October 19, 2021. The record was held open two business days to allow for written public comment from members of the public who may have had difficulty joining the virtual hearing, with additional time arranged for responses by the parties. Following the close of the public record, the Hearing Examiner issued a written recommendation to City Council dated November 8, 2021. The Hearing Examiner recommends that the City Council approved the application with the conditions.

Advantage(s)

1. Approval will allow for additional housing units to be constructed.
2. Approval will allow for flexible design.
3. Approval will allow for the development in an area currently served by public utilities.

Disadvantage(s)

There will be additional traffic. However, this has been reviewed and City Staff has determined there is adequate capacity.

Budget Impact

None

Prior Council Review

Briefing memo dated Nov. 24, 2021

Action Requested

On Monday, December 20, 2021, subject to second reading and public hearing, approve ordinance.

Keith Jones, Senior Planner, 360-487-7887

ATTACHMENTS:

- ▣ Ordinance
- ▣ Hearing Examiner Recommendation dated November 8, 2021
- ▣ Planning Commission staff report - October 5, 2021
- ▣ Site Plan
- ▣ Landscape Plan
- ▣ Presentation

12/13/2021
12/20/2021

ORDINANCE NO. M-

AN ORDINANCE approving the concept development plan for the Fisher's Creek Planned Development; and providing for severability and an effective date.

WHEREAS, on October 19, 2021, a hearing was held before the Vancouver Hearings Examiner regarding the approval of the concept development plan for the Fisher's Creek Planned Development.

WHEREAS, on October 19, 2021, the Vancouver Hearing Examiner recommended approval of the concept development plan for the Fisher's Creek Planned Development under File PRJ-166679, LUP-81488; and

WHEREAS, the concept development plan is consistent with the Comprehensive Plan and the underlying zoning of the property.

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF VANCOUVER:

Section 1. Findings.

A. The Vancouver Hearing Examiner has found that all of the following criteria have been met, with conditions, as required by VMC 20.260.050:

1. Content. The concept plan contains all of the components required in Section 20.260.070. Compliance with all applicable standards. The proposed development and uses comply with all applicable standards of the Title, except where adjustments are being approved as part of the concept plan application, pursuant to Section 20.260.030(D)(2).
2. Architectural and site design. The proposed development demonstrates the use of innovative, aesthetic, energy-efficient and environmentally-friendly site design.
3. Transportation system capacity. There is either sufficient capacity in the transportation system to safely support the development proposed in all future phases or there will be adequate capacity by the time each phase of development is completed.
4. Availability of public services. There is either sufficient capacity within public services such as water supply, police and fire services, and sanitary waste and storm water disposal, to adequately serve the development proposed in all future phases, or there will be adequate capacity available by the time each phase of development is completed.
5. Protection of designated resources. City-designated resources such as historic landmarks, significant trees and sensitive natural resources are protected in compliance with the standards in this and other Titles of the VMC.
6. Compatibility with adjacent uses. The concept plan contains design, landscaping, parking, traffic management and multi-modal transportation elements that limit conflicts between the planned development and adjacent uses. If zoning districts are shifted per Section 20.260.020(C) VMC, there shall be a demonstration that the

- reconfiguration of uses is compatible with surrounding uses by means of appropriate setbacks, design features or other techniques.
7. Mitigation of off-site impacts. All potential off-site impacts including litter, noise, shading, glare and traffic, will be identified and mitigated to the extent practicable.
- B. The information for the concept development plan has been submitted and approved, as required by VMC 20.260.070.
- C. The concept development plan of the Fisher's Creek Planned Development is consistent with the Comprehensive Plan and the underlying zoning.
- D. City Council hereby adopts the foregoing findings and the findings of the Vancouver Hearings Examiner contained in the Findings, Conclusions, and Recommendation, which are hereby incorporated by reference, as its own.

Section 2. Legal Description.

The legal description of the lands referred to in this ordinance is as follows:

Parcels 126779000, 126780000 and 126778000 located in a portion of the northwest quarter of Section 7, Township 1 North, Range 3 East, Willamette Meridian, and Clark County, Washington.

Section 3. Approval Granted.

Based upon the foregoing findings, as well as the findings contained in Staff Report No. PRJ-166679/LUP-81488, which are hereby incorporated by reference, approval of the concept development plan for the Fisher's Creek Planned Development is hereby granted, with the

conditions outlined in the Hearing Examiner's Findings, Conclusions, and Recommendation, incorporated above by reference.

Section 4. 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 5. 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 _____, 2020.

Anne McEnery-Ogle, Mayor

Attest:

Natasha Ramras, City Clerk

Approved as to form:

Jonathan Young, City Attorney

ORDINANCE - 5

SUMMARY

ORDINANCE NO. _____

AN ORDINANCE approving the concept development plan for the Fisher's Creek Planned Development; 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).

**BEFORE THE HEARING EXAMINER
FOR CITY OF VANCOUVER**

In the Matter of the Application of	)	NO. PRJ-166679/LUP-81488
	)	
	)	
Kevin Brady, Otak, Inc., on behalf of	)	Fisher's Creek
HQ Vancouver LLC	)	Planned Development
	)	
	)	
	)	
for Approval of a Preliminary Plat	)	FINDINGS, CONCLUSIONS,
<u>and Planned Development</u>	)	AND RECOMMENDATION

SUMMARY OF RECOMMENDATION

The City's Hearing Examiner recommends to the Vancouver City Council that the requested narrow lot preliminary plat and planned development to subdivide 4.67 acres into 34 single-family residential lots and the associated critical area permit be **APPROVED** subject to conditions.

SUMMARY OF RECORD

Request:

Kevin Brady of Otak, Inc., on behalf of HQ Vancouver LLC (Applicant), requested a preliminary plat and planned development to subdivide 4.67 acres into 34 single-family residential lots, including 28 for attached residences and six for detached residences. A critical areas permit is associated with the request. The subject property is located at 17700 SE Evergreen Highway in Vancouver, Washington.

Hearing Date:

The Vancouver Hearing Examiner held a virtual open record hearing on the application on October 19, 2021. In an abundance of caution, the record was held open two business days to allow for written public comment from members of the public who may have had difficulty joining the virtual hearing, with additional time arranged for responses by the parties. Post-hearing public comment was timely submitted (Exhibit 24). City Staff and the Applicant submitted timely responses (Exhibits 25 and 26), and the record closed on October 25, 2021.

Testimony:

At the open record hearing the following individuals presented testimony under oath:

Kevin Brady, Senior Planner, Otak, Inc., Applicant

Keith Jones, Senior Planner, City of Vancouver

Exhibits:

At the open record hearing the following exhibits were admitted into the record:

1. Staff Report
2. Application Form
3. Applicant Narrative
4. Site Plan and Landscape Plan, dated May 2021
5. Preliminary Plat
6. Notice of Application, Public Hearing & Optional SEPA determination, dated July 16, 2021
7. Department of Ecology comments, dated August 16, 2021
8. Southwest Clean Air Agency Letter, dated August 16, 2021
9. E-mail from Washington Department of Transportation, dated August 16, 2021
10. Public Comments
11. Applicant Response to Public Comments
12. Tree Plan Recommendations Memo, dated April 22, 2021
13. Critical Areas Report, dated April 30, 2021
14. City Trip and Traffic Fee Calculation Worksheet, dated August 9, 2021
15. E-mail, dated July 27, 2021 regarding sewer coordination
16. Final SEPA
17. Traffic Generation Letter
18. Geotechnical Report, dated March 29, 2021
19. Stormwater Report, dated May 2021
20. Applicant PowerPoint Presentation
21. City Staff PowerPoint Presentation
22. Public comments from Sonya Zalubowski, dated October 8, 2021 and Ryoichi Kuwabara, dated October 14, 2021
23. Email from Keith Jones, dated October 20, 2021 (confirmation of who added text to Exhibit 10)
24. Post-hearing public comment email from Miranda Chiu, dated October 21, 2021, with three attached photographs
25. Planning Staff response to post-hearing public comment, dated October 25, 2021
26. Applicant response to post-hearing public comment, dated October 25, 2021

After considering the testimony and exhibits admitted in the record, the Hearing Examiner enters the following findings and conclusions:

FINDINGS

1. Kevin Brady of Otak, Inc., on behalf of HQ Vancouver LLC (Applicant) requested a narrow lot preliminary plat and planned development to subdivide 4.67 acres into 34 single-family residential lots, including 28 for attached residences and six for detached residences. A critical areas permit is associated with the request. The subject property is located at 17700 SE Evergreen Highway in Vancouver, Washington.¹ *Exhibits 1, 2, 3, 4, and 5.*
2. The application was received by the City on June 12, 2021 and determined fully complete on July 2, 2021. *Exhibits 1 and 6.*
3. The proposal is not a re-plat of a prior subdivision. *Exhibit 3.*
4. The subject property is at the west end of the Fisher's Quarry mine site and has been used as a storage yard for large mining equipment, vehicles, and trailers. It has been largely cleared of vegetation and in intensive use since at least 1955. *Exhibits 13, 16 (Otak Technical Memorandum), and 21 (aerial photograph).*
5. The subject property contains two regulated critical areas: a Category III wetland, which is located in the northeast corner of the subject property, and Fisher's Creek, a type F perennial fish-bearing stream that runs along the western site boundary. *Exhibit 13.*
6. Due to the presence of critical areas on the site, a critical areas permit (CAP) is required for the project. Although a CAP is classified as a Type 1 administrative decision, when submitted with another land use application, the highest classification review process is applied to all applications. A recommendation on the CAP is therefore included in this recommendation on the preliminary plat and planned development. *VMC 20.740.040.2; Exhibit 1; Keith Jones Testimony.*
7. The subject property is zoned Low-Density Residential (R-9). *Exhibit 1.* The purpose of the R-9 zone is "to accommodate detached single dwellings with or without accessory residential units at a minimum lot size of 5,000 square feet and a density of 5.9 to 8.7 units/net acre." *Vancouver Municipal Code (VMC) 20.410.020.* Planned developments are a land use development tool intended to provide a means for creating planned environments in any base zoning district through the application of flexible standards, including zero-lot lines, narrower streets, and other innovative planning practices that result in well-designed, efficient, and functional urban environments. *VMC 20.260.010.* Planned developments are allowed in the R-9 zone. *VMC 20.260.020.*
8. Surrounding land uses include residential development (R-18 zone) to the west, residential

¹ The subject property is comprised of Tax Parcels 126779000, 126780000, and 126778000. *Exhibit 2.*

development (R-9 zone) to the north and northeast, and currently undeveloped land (RGX zone) to the east (additional portion of the former quarry). State Route 14 (SR-14) abuts the southern property boundary. *Exhibits 1, 4, and 18.*

9. The Applicant proposes 28 attached residences, in groupings of two, and six detached residences. Both housing types are allowed outright within planned developments in the R-9 zone, subject to a maximum building height of 35 feet for attached residences directly abutting single-family zoning. The proposed attached residences would not exceed 35 feet in height. *VMC 20.260.020(B)(1); Exhibits 1, 3, and 4.* The minimum net density (net of public and private streets and critical areas) in the R-9 zone is 5.9 dwelling units per acre, which is 20 dwelling units for the subject property. The maximum net density (in contrast to the minimum net density, net of public and private streets) is 8.7 dwelling units per acre, not including a 15% density bonus applicable to planned developments, which allows up to 37 dwelling units on the subject property. The proposed 34 dwelling units falls within the allowed density range. The Applicant does not propose to utilize the planned development density bonus. *Exhibit 1; VMC 20.410.040; VMC 20.260.020.*
10. The minimum lot area required in the R-9 zone is 5,000 square feet, with a maximum lot coverage allowed of 50%. *VMC 20.410.050.* Adjustments to these development standards are authorized by *VMC 20.260.050(B)* if: (1) the adjustment is warranted given site conditions and/or characteristics of the design; (2) the benefits outweigh any potential adverse impacts; and (3) any impacts are mitigated to the extent practical. *VMC 20.260.050(B).* The Applicant proposes to adjust the lot area standard to a minimum of 2,250 square feet. Proposed lot sizes would range from 2,250 to 3,750 square feet. No reduction in the minimum lot coverage standard is proposed. In support of the lot size reduction, the Applicant noted the critical areas protection, common open space, and street access requirements applicable to the project, which limit available lot area and affect the minimum density. The proposed design would protect critical areas and would provide common open space to offset reduced private yard space. Amenities including a walking path, picnic table, and picnic shelter would be provided in the open space. *Exhibits 3, 4, and 5.* The site plan depicts that none of the reduced yards would immediately abut existing residential development; the critical areas and common open space would provide a buffer between the units and the western, northern, and northeast property boundaries. *Exhibit 4.*
11. Although the minimum lot width requirement of the underlying zone does not apply to planned developments, subdivisions with lots of less than 40 feet in width (such as the one proposed, as most of the lots would be 25 feet wide) must comply with the narrow lot criteria of *VMC 20.927.030* and the development standards of *VMC 20.927.040*. The criteria require that conflicts on narrow lots be eliminated, that adequate guest parking be provided, and that solid waste and recycling collection and access be provided. Consistent with the criteria and the associated development standards, the Applicant has submitted plans showing that utilities, driveways, street trees and other features have been located and designed to minimize conflicts with one another. Guest parking exceeding the standard of one space per three narrow lots would be provided in the form

of street parking. Fifteen spaces would be provided along the east side of Fisher's Creek Road and along the west side of SE 178th Avenue within the project boundaries. In addition, each residence would have a driveway. With respect to solid waste, the site design provides adequate collection truck access and circulation, but the submitted plans do not illustrate the garbage and recycling cart locations for each dwelling unit. Ten feet of frontage per set of carts is needed for automated collection. Planning Staff incorporated this requirement into the recommended conditions of project approval. *Exhibits 1, 3, 4, and 5; Kevin Brady Testimony.*

12. The subdivision ordinance requires a minimum street frontage of 20 feet per lot and requires side lots to be at right angles to facing streets to the extent practical. Each of the proposed lots would satisfy these requirements. In addition, the length of blocks within the development would fall within the minimum of 180 feet and the maximum of 1,300 feet specified in the ordinance. The longest block would be 412 feet. *Exhibits 3 and 5; VMC 20.320.070.*
13. The Applicant has submitted conceptual building elevations depicting the use of aesthetic design features for the residential units, with variation in roof types and materials. *Exhibits 3 and 20.*
14. In exchange for approval of higher residential densities, smaller lots, and relaxed development standards, VMC 20.260.060(C) requires developers of planned developments to provide common open space for active and passive recreational activities in an amount that is at least 10% of the gross site area. The Applicant proposes 28,057 square feet of active open space, which is approximately 12.5% of the gross site area. No open spaces designed for critical areas protection were counted towards the 10% common open space requirement.² The common open space would be aggregated in the north central portion of the subdivision and accessible to residents via the internal street system and a paved path. The open space would provide a lawn activity area, a concrete patio, an ADA-accessible picnic table, a gazebo picnic shelter with tables, and a trash bin. *Exhibits 1, 3, and 4; Kevin Brady Testimony.*
15. In addition to providing open space on site, the Applicant must mitigate impacts to parks through payment of a mitigation fee pursuant to VMC 20.915. The current fee amount is \$2,819 per dwelling unit, payable prior to building permit issuance. The fee is subject to change for building permit applications filed more than three years after preliminary plat approval. *Exhibit 1.*
16. VMC Chapter 20.925.060 requires street trees to be planted at a maximum spacing of 30 feet. The Applicant has submitted a landscape plan depicting street trees along the internal streets. *Exhibits 3 and 4.*
17. The proposal is subject to the requirements of the City's tree conservation ordinance,

² Open spaces including critical areas would total 81,950 square feet. *Exhibits 3 and 4.*

which requires tree preservation and planting to achieve a minimum of 30 tree units per acre. For the 4.67-acre site, 140 units of trees is required. The Applicant proposes to remove 79 trees, retain 62 trees (constituting 128 tree units), and plant 44 tree units of trees, for a total of 172 tree units. In response to comments from the adjacent Lakes at Fisher's Landing Homeowners Association objecting to the retention of large cottonwood trees along the northern property boundary due to their roots' encroachment into its common area landscaping and individual yards, the City's urban forester recommended that four additional trees (including three cottonwoods) along the shared boundary be removed. Planning staff recommended that the tree plan be revised to remove the trees, and that the tree density calculation be updated. *Exhibits 1, 3, 10, and 12.*

18. Access to the subdivision would be from two locations: an extension of SE 178th Avenue into the site from the north, and an extension of SE Brady Road into the site from the east.³ These street extensions would intersect within the subdivision, providing for vehicle circulation between neighborhoods to the north and the future Vancouver HQ Master Plan to the east. Southeast 178th Avenue is designated a neighborhood circulator, requiring 36 feet of pavement, curbs, gutters, landscape strips, and detached sidewalks within 54 feet of right-of-way per City standard plan T10-14. The portion of SE Brady Road to the east of its intersection with SE 178th Avenue would be designated a minor arterial (final street section to be determined, based on street section constructed within HQ Vancouver), and the portion of SE Brady Road to the west of its intersection with SE 178th Avenue would be designated a loop/cul-de-sac street, requiring 28 feet of pavement, curbs, gutters, landscape strips, and detached sidewalks within 50 feet of right-of-way per City standard plan T10-16. In lieu of providing a cul-de-sac turnaround at the terminus of SE Brady Road, the Applicant proposes a short street segment - SE Fisher's Creek Road – to serve as a hammerhead turnaround and to provide access to Lots 1 through 10. The Applicant has obtained City approval of a technical road modification request to allow the hammerhead turnaround. *Exhibits 1 and 4.*
19. The Applicant submitted a professionally prepared trip generation and distribution report dated April 27, 2021. The trip generation of the development was estimated using the rate contained in the Institute of Transportation Engineers (ITE) *Trip Generation Manual, 10th Edition* for Land Use Code 210 – Single-Family Detached Housing and Land Use Code 220 – Multifamily Housing (Low-Rise). Using these rates, the trip generation of the development would be 265 average daily trips, including 17 AM peak hour trips and 22 PM peak hour trips. *Exhibit 17.*
20. The subject property is located within the #247 Transportation Analysis Zone. The project would add PM peak hour trips to two Transportation Management Zones, including the 164th/162nd Avenue corridor (5 trips), and the 192nd Avenue corridor (11 trips). Based on these impacts, the Applicant would be required to pay concurrency modeling fees of \$912.00. In addition, the Applicant would be required to pay a

³ The segment of SE Brady Road between SE 192nd Avenue and the subdivision's east boundary would be constructed by the developer of the future Vancouver HQ Master Plan. *Exhibit 17.*

proportionate share towards the City's planned improvements at the SR-14/192nd Avenue interchange, which has been calculated to be \$16,000 (\$2,000 per each of eight PM peak hour trips impacting the intersection). Both fees would be due prior to civil plan approval. *Exhibits 1, 14, and 17.*

21. Pursuant to VMC 11.70.090, the segment of 192nd Avenue between SR-14 and NE 18th Street is designated as a Category 1 Concurrency Corridor, which stipulates that the corridor is operating at or above the City's adopted level of service standards. The number of PM peak hour trips generated by the instant development is not anticipated to cause the corridor to drop below the adopted level of service standard. *Exhibit 1.*
22. The Applicant is required to pay traffic impact fees pursuant to VMC 20.915. The calculated fee amount for the development as a whole, based on the submitted traffic study, is \$61,943.75. Traffic impact fees are payable prior to building permit issuance, and are subject to change for building permit applications filed more than three years after preliminary plat approval. *Exhibits 1 and 14.*
23. Compliance with the City's off-street parking requirement of one space per dwelling unit (VMC 20.945) would be confirmed at the time of building permit issuance. The proposed residences would include garages for off-street parking. *Exhibits 1, 3, and 20; Kevin Brady Testimony.*
24. The Fire Department has reviewed the proposed project and determined that it can meet the requirements of VMC Title 16 and the International Fire Code if properly conditioned. Planning Staff included the Fire Department's conditions in the recommended conditions or approval. Approval of a fire response plan would be required. *Exhibit 1.*
25. Public water and sewer utilities are available to the site within SE 178th Place and would be extended through the development to serve the proposed lots. *Exhibit 1; Keith Jones Testimony.*
26. The subject property is located within the Evergreen School District. Students residing within the proposed subdivision would attend Fisher's Landing Elementary School, Shahala Middle School, and Mt. View High School. The elementary school is within one-half mile of the subject property. There are existing sidewalks along the walking route between the school and the proposed lots. Impacts to schools would be mitigated through payment of mitigation fees pursuant to VMC 20.915. The current fee amount is \$2,880.75 per dwelling unit, payable prior to building permit issuance. The fee is subject to change for building permit applications filed more than three years after preliminary plat approval. *Exhibit 1; Keith Jones Testimony.*
27. A cultural resources study was prepared for the subject property pursuant to VMC 20.710. The study found that due to past quarry operations on site there are no historic or cultural resources present. However, Planning Staff recommended a condition of

approval requiring work to stop if any item of archaeological interest is found during ground-disturbing activities. *Exhibit 1.*

28. For stormwater management, the Applicant proposes to use a water quality filter vault to treat runoff from pollution-generating surfaces, and an underground pipe detention system with flow control manhole to ensure discharge rates meet City and Department of Ecology standards. The treated stormwater would discharge into Fisher's Creek, which is where site runoff flows under current conditions. Based on evaluation by a geotechnical engineer, the soils on site are not suitable for infiltration. City Staff have reviewed the preliminary stormwater plans and concluded that the applicable stormwater standards can be satisfied; however, in response to comments submitted by the Washington State Department of Transportation (WSDOT) regarding concern over potential increases or decreases in the amount of runoff from the site to SR-14, City Staff recommended that the Applicant obtain WSDOT approval of the drainage plans prior to civil plan approval. *Exhibits 1, 9, 18, and 19.*
29. The Applicant submitted a preliminary erosion control plan that demonstrates compliance with City requirements. Consistent with comments submitted by the Washington Department of Ecology, the Applicant would apply for a stormwater construction general permit. The Applicant would also prepare a stormwater pollution prevention plan to be implemented during construction. *Exhibits 1, 10, and 11.*
30. City of Vancouver critical areas regulations require a 100-foot riparian management area (RMA) from the ordinary high water mark of Type F stream, and an additional 75-foot riparian buffer (RB) beyond the edge of the RMA. Development may occur within the RB as long as mitigation is proposed that results in no net loss of riparian habitat functions on the site, and that functionally significant habitat (i.e., habitat that cannot be replaced or restored within 20 years) is preserved. *VMC 20.740.110.C.2 and Table 20.740.110-1.* In this case, proposed Lots 1 through 10, storm drainage facilities, and a picnic area would encroach into the RB. The area of impact would be 22,390 square feet. The impacted area is low functioning due to previous vegetation clearing, frequent disturbance from mining activities, and the highly compacted nature of the soils following mining. There is no existing functionally significant habitat that would be affected. As mitigation for the encroachment, the Applicant proposes to restore 11,185 square feet of the inner RMA to native forest habitat. A Clark County biologist on contract with the City reviewed the Applicant's mitigation plan and determined that the mitigation proposed is sufficient to satisfy the criteria for development within the RB. *Exhibit 13.*
31. City of Vancouver critical areas regulations require an 80-foot buffer from the edge of Category III wetlands with low habitat functions (score of 3 to 5) when adjacent to high-intensity land use activities. *VMC Tables 20.730.140-2 and 20.740.140-5.* Because the wetland on the subject property has a habitat score of 5 and residential zoning is considered a high-intensity land use, the 80-foot buffer width is applicable. *VMC Table 20.740.140-1; Exhibit 13.* Wetland buffers may be averaged if the criteria in VMC in 20.740.140.C.1.b.ii are satisfied, which criteria include: that the averaging not result in

reduced wetland functions; that the wetland or buffer varies in characteristics and that the wetland would benefit from a wider buffer in places and not be adversely impacted by a narrower buffer in other places; that the total area contained within the averaged buffer be at least as large as the standard buffer; and that the buffer width not be reduced by more than 25%. *VMC 20.740.140.C.1.b.ii.* The Applicant proposes buffer averaging to address the permanently reduced buffer at the northern site boundary resulting from the extension of SE 178th Avenue into the site. The buffer would be reduced by 510 square feet in that area, to a width no less than 60 feet wide (75% of the standard buffer width) at its narrowest point. To offset the reduction, 4,063 square feet of buffer would be added to the south, at the intersection of SE 178th Avenue and SE Brady Road. The buffer addition area contains a dense thicket of Himalayan blackberry, which inhibits the growth of saplings and seedlings in the area. This area would be restored to a native mixed conifer-deciduous forest to provide additional water quality and habitat functions. The result of the averaging, with mitigation, would be a functional gain in wetland buffer functions. *Exhibit 13.* The Clark County biologist concurred with the Applicant's biologist's rating of the wetland and the sufficiency of the mitigation proposed. *Exhibit 1; Keith Jones Testimony.*

32. In support of the CAP request, the Applicant's biologist submitted that the project avoids direct impacts to the wetland, Fisher's Creek, and the RMA of Fisher's Creek. To minimize impacts associated with road extension into the wetland buffer, temporarily impacted areas would be restored. Impacts associated with development within the RB of Fisher's Creek would be minimized through preserving and restoring the RMA. Restoration of the RMA in lieu of preserving the RB would result in functional gains to the critical area. In addition to providing a greater level of protection to Fisher's Creek, the mitigation would result in a wider wildlife corridor relative to existing conditions. *Exhibit 13.* Planning Staff concurred that the CAP criteria are satisfied in this case. *Exhibit 1.*
33. No known state or federally listed species of wildlife or designated critical habitat are present on site. *Exhibits 13 and 16 (Otak Technical Memorandum).*
34. Pursuant to the State Environmental Policy Act (SEPA), the City of Vancouver acted as lead agency for review of environmental impacts caused by the proposal. After review of the Applicant's environmental checklist and application materials, the SEPA Responsible Official issued a notice of application, remote public hearing, and optional SEPA determination of non-significance (DNS) on July 16, 2021. After reviewing public and agency comments, the City issued a final DNS on August 31, 2021, which was not appealed. *Exhibits 1, 6, and 16; Keith Jones Testimony.*
35. The Lakes at Fisher's Landing Homeowners Association (HOA), representing gated communities immediately north of the subject property, along with individual property owners, commented on the project. The HOA requested that a six-foot barrier be installed along the northern property boundary to prevent trespass into the community. One of the HOA's private roads (177th Lane) abuts the northwest project boundary, and while there

are trees along the road, residents are concerned that they do not present a sufficient barrier and would not prevent children from accessing a pond within the community. The HOA also requested that a sound barrier be installed on SR-14, that construction noise mitigation be provided, that construction traffic be prevented from accessing the site from SE 178th Avenue, that parking not be restricted for HOA residents along the existing segment SE 178th Avenue, that residents from the proposed development only be allowed to park on the section of SE 178th Avenue within the project boundaries, and that large, invasive cottonwood trees be removed from the shared property boundary. Additional public comments included concerns regarding the proposed lot sizes and density, traffic impacts within the adjacent residential communities, and wildlife protection. *Exhibits 10, 22, and 24.*

36. With respect to the requested fence along the north project boundary, Planning Staff recommended that the Applicant install a solid wood fence. Noting that no code provision establishes a requirement for a fence, Staff submitted that based on comments from the neighbors who are afraid of trespass onto their private property, installation of a solid barrier would provide for optimal demarcation of property boundaries and prevent unintentional trespass by residents of the proposed project onto adjacent private property. Staff submitted that while there is no code authority, the final decision maker may find that compatibility dictates requiring the Applicant to provide this barrier. *Keith Jones Testimony.*
37. In response to comments concerning construction traffic, City Staff recommended as a condition of approval that construction traffic be limited to accessing the site from SE Brady Road to the east, through the quarry. Construction noise would be addressed through the hours of construction specified in City code and the City code enforcement process. *Exhibits 1 and 11.*
38. With respect to general traffic concerns, it is expected that the extension of SE Brady Road from 192nd to the east would serve as the primary access to the subdivision, not the residential streets within the communities to the north. *Exhibit 10.*
39. With respect to parking on SE 178th Avenue, the Applicant argued, and the City concurred, that there is no legal basis for reserving parking on public streets to specific members of the public. Residents of the adjacent HOA would not be restricted from parking on SE 178th Avenue, and neither would residents of the proposed community. *Exhibits 1, 11, and 25.*
40. The issues regarding the cottonwood trees, lot sizes/development density, and wildlife protection are addressed in previous findings. As described previously, the conditions of approval specify the removal of four additional trees in the area of concern. *Exhibit 1.*
41. Having considered all public comment and the full Applicant submittal, Planning Staff recommended approval of the subdivision, planned development, and critical area permit

subject to conditions as outlined in the Staff Report. *Exhibit 1; Keith Jones Testimony.*
The Applicant did not object to the recommended conditions. *Kevin Brady Testimony.*

CONCLUSIONS

Jurisdiction:

Per Vancouver Municipal Code 20.210.020 Table 20.210-1, preliminary subdivisions are Type III development applications, which are decided by the Hearing Examiner. Per Vancouver Municipal Code 20.260.030, the Hearing Examiner is authorized to hear and issue findings, conclusions, and recommendations on planned developments pursuant to the Type IV review process, per 20.210 VMC. Pursuant to VMC 20.210.020.D, when more than one permit is required for a given proposal, all applications are consolidated into a single review subject to the highest type of procedure that applies to any of the applications. Thus, the Hearing Examiner also has jurisdiction to issue findings and a recommendation on the critical area permit.

Planned Development Criteria for Review:

Pursuant to VMC 20.260.050.A, to receive approval for a planned development, the Applicant must demonstrate compliance with all of the following criteria:

1. Content. The concept plan contains all of the components required in Section 20.260.070. Compliance with all applicable standards. The proposed development and uses comply with all applicable standards of the Title, except where adjustments are being approved as part of the concept plan application, pursuant to Section 20.260.030(D)(2).
2. Architectural and site design. The proposed development demonstrates the use of innovative, aesthetic, energy-efficient and environmentally-friendly architectural and site design.
3. Transportation system capacity. There is either sufficient capacity in the transportation system to safely support the development proposed in all future phases or there will be adequate capacity by the time each phase of development is completed.
4. Availability of public services. There is either sufficient capacity within public services such as water supply, police and fire services, and sanitary waste and storm water disposal, to adequately serve the development proposed in all future phases, or there will be adequate capacity available by the time each phase is completed.
5. Protection of designated resources. City-designated resources such as historic landmarks, significant trees and sensitive natural resources are protected in compliance with the standards in this and other Titles of the VMC.
6. Compatibility with adjacent uses. The concept plan contains design, landscaping, parking/traffic management and multi-modal transportation elements that limit conflicts between the planned development and adjacent uses. If zoning districts are

shifted per section 20.260.020(C) VMC, there shall be a demonstration that the reconfiguration of uses is compatible with surrounding uses by means of appropriate setbacks, design features or other techniques.

7. Mitigation of off-site impacts. All potential off-site impacts including litter, noise, shading, glare and traffic, will be identified and mitigated to the extent practicable.

Subdivision Criteria for Review:

Pursuant to VMC 20.320.040, to obtain approval of a preliminary subdivision, the Applicant must demonstrate compliance with all of the following criteria:

- A. Public facilities provision. Appropriate provisions to the extent necessary to mitigate an impact of the development have been made for transportation, water, storm drainage, erosion control and sanitary sewage disposal methods that are consistent with the City's current ordinances, standards and plans;
- B. Proposed improvements. Appropriate provisions have been made for proposed streets, alleys and public ways, utilities and other improvements that are consistent with the City's current ordinances, standards and plans, and Department of Health and/or Washington State Department of Transportation standards and plans, where applicable;
- C. Open space and dedications. Appropriate provisions to the extent necessary to mitigate an impact of the development have been made for open space, parks, schools, dedications, easements and reservations;
- D. Physical characteristics. The design of the proposed short subdivision or subdivision site has taken into consideration the physical features of the site, including but not limited, to: topography, soil conditions, susceptibility to flooding, inundation or swamp conditions, steep slopes or unique natural features such as wildlife habitat or wetlands;
- E. Re-platting of existing subdivisions. When re-platting an existing subdivision, the short subdivision or subdivision shall comply with all of the terms and conditions of the existing subdivision's conditions of approval;
- F. Compliance with all requirements of this title. The proposed short subdivision or subdivision complies with all applicable requirements of this title unless modified through the approval; and
- G. Compliance with State requirements. That the proposed short subdivision or subdivision complies with the requirements of RCW 58.17.110.

- H. Narrow Lot Additional Criteria. Land divisions which contain one or more residential lots having a width of less than 40 feet shall meet additional criteria of VMC 20.927.030 A, B and C.

Critical Area Permit Criteria for Review:

Pursuant to VMC 20.740.060, proposed development shall be reviewed and approved, approved with conditions, or denied based on the proposal's ability to comply with all of the following criteria:

- A. Avoid Impacts. The Applicant shall first seek to avoid all impacts that degrade the functions and values of (a) critical area(s). This may necessitate a redesign of the proposal.
- B. Minimize Impacts. Where avoidance is not feasible, the applicant shall minimize the impact of the activity and mitigate to the extent necessary to achieve the activity's purpose and the purpose of this ordinance. The applicant shall seek to minimize the fragmentation of the resource to the greatest extent possible.
- C. Compensatory Mitigation. The applicant shall compensate for the unavoidable impacts by replacing each of the affected functions to the extent feasible. The compensatory mitigation shall be designed to achieve the functions as soon as practicable. Compensatory mitigation shall be in-kind and on-site, when feasible, and sufficient to maintain the functions of the critical area, and to prevent risk from a hazard posed by a critical area to a development or by a development to a critical area.
- D. No Net Loss. The proposal protects the critical area functions and values and results in no net loss of critical area functions and values.
- E. Consistency with General Purposes. The proposal is consistent with the general purposes of this chapter and does not pose a significant threat to the public health, safety, or welfare on or off the development proposal site;
- F. Performance Standards. The proposal meets the specific performance standards of Fish and Wildlife Habitat Conservation Areas VMC 20.740.110, Frequently Flooded Areas VMC 20.740.120, Geologic Hazard Areas VMC 20.740.130, and Wetlands VMC 20.740.140, as applicable.

Conclusions Based on Findings:

A. Planned Development

1. As conditioned, the plans demonstrate compliance with the content requirements and development standards for planned developments set forth in VMC 20.260, including those relating to housing type, building height, density, lot dimensions, and open space. The requested adjustment to the lot area standard satisfies the criteria of VMC 20.260.050(B) for discretionary reduction in lot standards. The site conditions, including critical areas at both the west and east ends, and the proposed site design providing

recreation amenities within common open space areas in lieu of large yards, together, warrant the requested reduced lot sizes. The benefits resulting from the reduced lot sizes (including the increased open space and critical areas protection) outweigh potential adverse impacts. Reduced yard space would be mitigated by common open space. *Findings 4, 5, 7, 9, 10, 11, 12, 14, 30, 31, 32, and 41.*

2. The proposed architectural and site design would be aesthetic and environmentally friendly. The site design includes landscaping, pathways, and a gazebo-style picnic shelter. Restoration of the stream corridor is proposed, and with a picnic area facing the stream corridor, residents would have an opportunity to enjoy the natural setting. *Findings 5, 9, 10, 12, 13, 14, 16, 23, 30, 31, and 32.*
3. There is sufficient capacity in the transportation system for the traffic generated by the development. Traffic mitigation fees would be paid in accordance with ordinance requirements. *Findings 12, 18, 19, 20, 21, 22, 23, and 41.*
4. Adequate public services are available to the development. *Finding 24 and 25.*
5. As conditioned, significant trees and sensitive natural resources would be protected consistent with ordinance requirements. The City's tree density standard would be met or exceeded through a combination of tree retention and tree planting. The addition of a condition requiring the cottonwood trees to be removed would not prevent compliance with the City's tree standards, and such condition would ensure compatibility with adjacent land uses consistent with criterion 6. The proposed encroachment into the Fisher's Creek riparian buffer is consistent with the criteria of VMC 20.740.110.C.2 in that, with the proposed restoration of the riparian management area, there would be no net loss of riparian habitat functions, and no functionally significant habitat would be eliminated. The proposed wetland buffer averaging is consistent with the criteria of VMC 20.740.140.C.1. The record demonstrates that averaging would not result in reduced wetland functions. The wetland would benefit from additional buffer area and mitigation plantings at the intersection of SE 178th Avenue and SE Brady Road and would not be adversely affected by the reduced buffer in the northern portion of the site; the resulting total buffer area would exceed the area required by code, and the width would not be decreased by more than 25%. Conditions of approval address code requirements for demarcation and signage of critical areas and financial security for mitigation plantings. There are no cultural resources anticipated to be affected by the development. *Findings 5, 14, 16, 17, 27, 30, 31, 32, 33, and 41.*
6. As conditioned, the proposed development would be compatible with adjacent residential land uses. As described previously, the site plan includes open spaces between the proposed smaller lots and surrounding development, and the conditions of approval specify additional invasive cottonwood trees to be removed along the shared property boundary. With the condition of approval requiring construction traffic to access the site through the quarry, and with the future extension of SE Brady Road providing residents more direct access to 192nd, the traffic generated by the development would not conflict

with adjacent neighborhoods, and the connectivity resulting from the street layout would benefit the adjacent neighborhoods. Conditions of approval restricting parking are not warranted, as SE 178th Avenue is a public street and adequate parking within the development is proposed. The record does not support the requested sound barrier along SR-14, as highway noise is not an impact caused by the proposed development. Given that the code does not require a developer to provide a fence, the City lacks express authority to require the Applicant to undertake that additional cost; no condition imposing such a requirement is recommended. The Applicant may choose to voluntarily install a fence along the site perimeter, or the Applicant and the neighboring homeowner association may join forces to coordinate in design and cost sharing of such a fence. Of course the neighbors are free to install a fence to protect their own property if they choose. Consideration should be given to the impact of a solid fence in proximity to critical areas on ease of wildlife movements. *Findings 5, 7, 8, 9, 10, 12, 14, 16, 17, 18, 19, 20, 21, 22, 23, 35, 36, 37, 38, 39, 40, and 41.*

7. Mitigation of off-site impacts would be accomplished through payment of park, school, and traffic mitigation fees. As conditioned, street lighting would be installed consistent with City standards. Potential noise impacts would be limited to construction noise. The evidence submitted did not suggest the need for noise mitigation in addition to existing code requirements and processes. The project was reviewed as required by the State Environmental Policy Act and a DNS was issued. *Findings 15, 20, 22, 26, 34, 35, 37, and 41.*

B. Preliminary Plat

1. As conditioned, appropriate provision has been made for transportation, water, storm drainage, erosion control, and sewage disposal. The conditions of approval detail the applicable street requirements. The local street system has capacity to serve the development. Traffic mitigation fees would mitigate the impact of the project's increased trips on the surrounding transportation system. *Findings 9, 10, 12, 16, 18, 19, 20, 21, 22, 23, 28, 29, and 41.*
2. As conditioned, appropriate provision has been made for streets, alleys, utilities, and other improvements consistent with City and State standards. The conditions of approval detail the applicable street requirements and require the Applicant to obtain WSDOT approval of the stormwater management system. *Findings 9, 10, 12, 16, 18, 19, 20, 21, 22, 23, 24, 25, 28, 29, and 41.*
3. The proposed open space, which would serve residents of the subdivision, exceeds the 10% minimum requirement for planned developments. Impacts to schools and City parks would be mitigated through payment of mitigation fees. No dedication of park or school land is required. *Findings 9, 10, 14, 15, 26, and 41.*
4. The design of the subdivision takes into account the physical features of the site, including critical areas and soil conditions from former mining use. As described in Conclusion A.5, the site design is consistent with critical areas protection requirements.

The riparian management area of Fisher's Creek would be preserved, and the wetland would be adequately buffered through the buffer averaging process. The site does not currently provide quality wildlife habitat, but habitat would be improved with the proposed mitigation plantings. The stormwater management system would not rely on infiltration due to soil limitations. *Findings 4, 5, 8, 9, 10, 12, 14, 17, 27, 28, 29, 30, 31, 32, and 41.*

5. The proposed subdivision is not a re-plat of an existing subdivision. *Finding 3.*
6. As conditioned, the subdivision complies with the applicable requirements of VMC 20.320, which address subdivision layout and access requirements. *Findings 7, 9, 10, 12, 18, and 41.*
7. The above criteria largely address the requirements of RCW 58.17.110. The RCW also includes a requirement that a subdivision make appropriate provision for safe walking conditions for students who only walk to and from school. In this case, appropriate provision is made for safe walking conditions through sidewalks along the internal streets that connect to the external sidewalk system. The sidewalk system would provide a continuous safe walking route between the subject property and the elementary school, which is within walking distance of the subject property. The public interest would be served by the provision of housing developed consistent with the density standard of the R-9 zone. *Findings 7, 8, 9, 10, 11, 12, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 34, 35, 36, 37, 38, 39, 40, and 41.*
8. As conditioned, the proposal is consistent with the narrow lot development criteria. The site is designed to avoid conflicts on narrow lots, and sufficient guest parking would be provided. The conditions of approval require that set-out locations for garbage and recycling carts be depicted on the plans, and that sufficient street frontage for each set of carts be allocated. *Findings 9, 10, 11, 12, 14, 23, and 41.*

C. Critical Area Permit

1. The record demonstrates that critical areas impacts that would degrade critical areas functions and values were avoided in the site design. For example, the 100-foot riparian management area of Fisher's Creek would be preserved and restored. The restoration project would provide greater ecological benefits than simply preserving the outer riparian buffer in its current condition. The wetland buffer reduction associated with the extension of SE 178th Avenue is unavoidable. *Findings 4, 5, 9, 10, 30, 31, 32, 33, and 41.*
2. The record demonstrates that unavoidable critical area impacts have been minimized, through restoration of temporarily impacted wetland buffer areas and through the proposed buffer averaging and mitigation plantings. The impact of development within the outer riparian buffer of Fisher's Creek would be minimized through the restoration project. There would be no fragmentation of the critical areas as a result of the site design. *Findings 5, 30, 31, 32, and 41.*

3. The proposed on-site compensatory mitigation is adequate to replace (and exceed) existing critical areas functions and values. *Findings 4, 30, 31, 32, and 41.*
4. The proposal ensures no net loss of critical areas functions and values. With the mitigation proposed, even though the outer riparian buffer of Fisher's Creek would be developed, the functions and values of the riparian area would be improved. With the proposed buffer averaging, the area of protected wetland buffer would exceed the amount required by code, and the new buffer area would be restored to a native forested condition. *Findings 5, 30, 31, 32, 33, and 41.*
5. The proposal is consistent with the general purpose of VMC 20.740 to "designate and protect ecologically sensitive and hazardous areas (critical areas) and their functions and values, while also allowing for reasonable use of property." *VMC 20.740.010.* The development plan is reasonable given the density range of the zone, the infrastructure requirements of the project, and the proportion of the site containing critical areas. *Findings 5, 9, 10, 18, 30, 31, 32, 33, and 41.*
6. As described in Conclusion A.5, the proposal meets the performance standards for fish and wildlife habitat conservation areas and wetlands. The conditions of approval address code requirements for demarcation and signage of critical areas, and financial security for mitigation plantings, and require the critical areas to be placed within recorded conservation covenants. *Findings 5, 14, 16, 17, 27, 30, 31, 32, 33, and 41.*

RECOMMENDATION

Based on the foregoing findings and conclusions, the requested preliminary plat and planned development to subdivide 4.67 acres into 34 single-family residential lots at 17700 SE Evergreen Highway, together with the associated critical areas permit, **SHOULD BE APPROVED** subject to the following conditions to be satisfied by the Applicant or successors in interest:

Prior to Civil Plan Approval

1. Upload the civil plan review set showing all the revisions requested as well as all necessary reports (geotechnical, hydrology, traffic analysis, road modification, etc.). Include a detailed site plan in the civil plan review set. For questions on these requirements please contact 360-487-7804.
2. Grading plan review fees will be due upon submittal of civil plans for review. Contact Permit Center staff at 360-487-7802 to obtain a fee quote.
3. Add a note to the grading plans that states: "If any archaeological deposits are found during construction, work shall stop and the City of Vancouver's Community & Economic Development Department and the Washington State Department of Archaeology and Historic Preservation shall be notified."

4. Submit drainage plans to the Washington Department of Transportation (WSDOT) for review and approval. Provide evidence to the City of approval of drainage plans from WSDOT.
5. Applicant shall pay concurrency modeling fees totaling \$912.
6. Applicant shall pay proportional share cost of \$16,000.
7. Unless the urban forester indicates otherwise, tree numbers 50655, 50657, 50658 and 50659 shall be indicated for removal. The tree density calculation shall be updated to maintain 30 tree units per acre.
8. The demolition and erosion control designs must be prepared showing construction access being taken through the quarry site.
9. Coordinate and accommodate the HQ Master Plan and Subdivision's (LUP-81596) final public sanitary sewer development extension requirements.
10. Revise and complete the public sanitary sewer design on the civil drawings. Prepare according to Vancouver's current General Requirements and Details for design and construction. Address redline comments and submit the final design for civil plan approval.
11. New and existing fire hydrant locations shall be shown.
12. An approved fire response plan shall be included in both the civil plans and the architectural plans.
 - Fire Lane boundaries, width, turning radii, gates across fire lanes and required turnarounds
 - Fire Lane signage and striping as demonstrated in the Development Standard 503 - Fire Department Emergency Access.
 - Fire hydrants, mains, Fire Department Connections for fire sprinkler systems, underground fire sprinkler supply mains into building
 - Location of Fire Sprinkler Riser Rooms and Fire Alarm Control Panels (FACP)
 - Location of Knox-Box if known.
 - Known hazards or obstructions to Fire Emergency Response (overhead power lines, outdoor hazardous storage, etc.)
13. Show designated collection point for two carts per lot. Adequate minimum frontage shall be provided, 10 feet for set out of carts from each lot is needed to permit automated collection from the right side of the truck body.

Prior to Final Plat Approval

14. Submit a final plat application along with two size copies and one reduced 8 ½ x 11 copy of the proposed plat and tree/landscape plan. Applications can be found under Building, Planning and Environment on the City of Vancouver website, www.cityofvancouver.us.
15. Provide the following improvements to SE 178th Avenue, per City of Vancouver standards:
 - Dedicate public right of way per the standard.
 - Install asphalt street, curb, gutter, planting strips, detached sidewalks, ADA ramps, and driveway approaches, per the applicable city standards.
 - The curb radii at the intersection of SE 178th Avenue and Brady Road shall be a minimum of 25 feet per the design criteria of VMC Table 11.80.040.C-1. Additional right of way dedication may be required to accommodate this.
 - Install new streetlights per current city standards. See detailed information below.
 - Install traffic control devices as warranted and storm drainage as required by the city stormwater ordinance.
16. Construct the east length of SE Brady Road to match the paved street width of the pending HQ Vancouver Master Plan and provide an appropriate transition between sidewalk designs.
17. Provide the following improvements for the west length of SE Brady Road:
 - Dedicate public right of way per the standard.
 - Install asphalt street, curb, gutter, planting strips, detached sidewalks, ADA ramps, and driveway approaches, per the applicable City standards.
 - Install 'No Parking - Fire Lane' signs at appropriate spacing along one side of the street.
 - Install new streetlights per current City standards. See detailed information below.
 - Install traffic control devices as warranted and storm drainage as required by the City stormwater ordinance.
18. Provide the following improvements for SE Fisher's Creek Road:
 - Dedicate public right of way per the standard.
 - Install asphalt street, curb, gutter, planting strips, detached sidewalks, ADA ramps, and driveway approaches, per the applicable City standards.
 - The curb radii at the intersection of SE Fisher's Creek Road and SE Brady Road shall be a minimum of 25 feet per the design criteria of VMC Table 11.80.040.C-1. Additional right-of-way dedication may be required to accommodate this.

- Install 'No Parking - Fire Lane' signs at appropriate spacing along one side of the street.
 - Install new streetlights per current city standards. See detailed information below.
 - Install traffic control devices as warranted and storm drainage as required by the City stormwater ordinance.
19. Show, note, and specify any public sanitary sewer easements to the City of Vancouver. Include standard required plat easement recording language.
 20. Signs shall be placed at minimum every 200 feet around both the Fisher's Creek Riparian Management area that reads, "The area beyond this sign is a fish and wildlife habitat conservation area. Alteration or disturbance is prohibited by law. Please call the City of Vancouver for more information."
 21. Signs shall be placed at minimum every 200 feet at the wetland and wetland buffer and at the wetland mitigation site 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."
 22. A permanent physical demarcation along the upland boundary of the wetland buffer and riparian management area shall be installed and thereafter maintained. Such demarcation may consist of fencing, hedging or other prominent physical marking that allows wildlife passage, blends with the wetland environment.
 23. A conservation covenant running with the land shall be recorded with the county that shall contain the wetland/wetland buffer area and one for the Fisher's Creek Riparian Management Area.
 24. Submit a cost estimate for the mitigation planting along with a financial security in the amount of 125 percent of the cost estimate. The financial security can be in the form of a bond, escrow or standing letter of credit. Once the monitoring plan as stated in the critical areas report is completed, the security can be returned.
 25. A licensed landscape architect shall provide a certificate verifying that the landscaping has been installed per the city-approved construction documents. Please submit to Keith Jones, keith.jones@cityofvancouver.us.
 26. The following note shall be in place on the plat: Pursuant to VMC 20.915, Park, School and Traffic impact fees must be paid prior to the issuance of a building permit for any single-family home within this subdivision. Said fees will be recalculated for building permit application filed more than three years after preliminary plat approval. These fees do not constitute liens against the lots in this subdivision but are collected as a condition of initial building permit issuance.

27. The Applicant shall establish a homeowners association. The homeowners association shall be responsible for maintenance of the park and common open space areas.
28. The following note shall be in place on the final plat: If any archaeological deposits are found during construction, work shall stop and the City of Vancouver's Community & Economic Development Department and the Washington State Department of Archaeology and Historic Preservation shall be notified.

Prior to combustible construction

29. Fire hydrants for emergency use shall be installed, approved, and maintained.
30. Fire apparatus access shall be provided and maintained.

During construction

31. A final summary report by the geotechnical engineer of record shall be prepared and submitted to the City of Vancouver that states that the project soils were prepared in accordance with the governing geotechnical report and construction documents. Provide a current report with lot specific conditions and compaction test results by final grading. Please send to inspectionreports@cityofvancouver.us.
32. Secure construction permits and schedule and attend a pre-construction meeting. Construct the new public sanitary sewer mains and service laterals as shown on the approved civil plans. Satisfy construction services testing and inspection requirements and secure construction acceptance.
33. Satisfy submittal and other requirements itemized in the Notification of Civil Plan Approval and secure final civil project acceptance.
34. Address signage shall be visible and legible from the street fronting the property for emergency response. If applicable, individual suite numbers shall be posted at the suite doors.
35. Required fire lane signage shall be installed.
36. Any fire protection features identified as being required during the construction permit review shall be installed and approved prior to occupancy.
37. If a Fire Department Knox-Box was identified as a requirement during the construction permit review, then it shall be installed at an approved location and locked with the required content.
38. If any archaeological deposits are found during construction, work shall stop and the City of Vancouver's Community & Economic Development Department and the Washington State Department of Archaeology and Historic Preservation shall be notified.

39. If an on-site sewage system is found during development, it must be properly abandoned to Clark County Health Department standards.
40. If a well is found during development, it must be properly decommissioned by a licensed well driller and the Clark County Health Department notified.

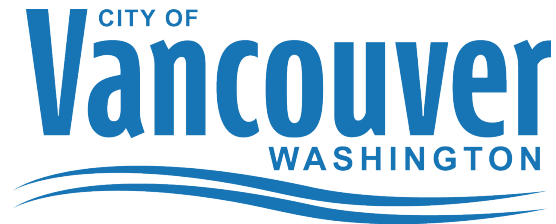
Issued November 8, 2021.⁴

By:



Sharon A. Rice
City of Vancouver Hearing Examiner

⁴ On November 9, 2021, a scrivener's error in Finding 26 indicating the site is served by Vancouver School District was corrected to reflect the fact that the subject property is within the Evergreen School District service boundary. This error was corrected without change to the document issuance date. No other changes were made.



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**Staff Report and Recommendation to the Hearing Examiner
Fisher's Creek Planned Development Subdivision
PRJ-166679/LUP-81488**

Report Date	October 5, 2021
Hearing Date	October 19, 2021
Proposal	A 34-lot single-family residential attached and detached subdivision and planned development. The property is zoned Low Density Residential (R-9).
Location	17700 SE Evergreen Hwy. 126779000, 126780000 and 126778000
Applicant/Contact	Kevin Brady, Otak, Inc. 700 Washington Street, Suite 300 Vancouver, WA 98660 503-504-1951
Owner	Scot Brantley, HQ Vancouver, LLC 275 W. 3rd Street, Suite 300 Vancouver, WA 98660 360-608-6026
Staff	Keith Jones, Senior Planner/Case Manager Eric Hahn, Senior Civil Engineer – Transportation/Concurrency Andrew Jorgenson, Fire Marshal Aaron Odegard, Civil Engineer - Sewer Mike Swanson, Civil Engineer - Stormwater Patricia Clerf, Building Plans Examiner Julie Gilbertson, Solid Waste Cole Benak, Water Charles Ray, Urban Forestry
SEPA Determination	Final Determination of Nonsignificance (DNS) issued Aug. 31, 2021
Approval Criteria	<u>Vancouver Shoreline Master Program</u> Planned Development Approval Criteria – Section 20.260.050 Preliminary Plat - Section 20.320.040 Narrow Lot Development – Section 20.927.030 Critical Areas Approval Criteria – Section 20.740.060
Staff Recommendation	Approval with conditions. Project conditions and/or required revisions are identified in the conclusion of and throughout this report.

RECOMMENDATION

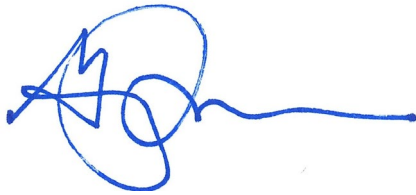
This report to the hearing examiner is a recommendation from Community & Economic Development Department. The examiner may adopt, modify or reject this recommendation. The hearing examiner recommendation will be forwarded to City Council for a final decision.

For questions or additional information, you may contact the case manager by telephone at 360-487-7887 or by email at keith.jones@cityofvancouver.us.



Report Prepared by
Keith Jones, Senior Planner/Case Manager

Oct. 5, 2021
Date



Greg Turner, Manager
Land Use Team

Oct. 5, 2021
Date

BACKGROUND

The applicant proposes a 34-lot single-family attached and detached planned development and narrow lot subdivision including 28 single-family attached and six detached houses. SE 178th Avenue is proposed to be extended from the north where it is currently stubbed. SE Brady Road will then be extended east/west to serve the development and stubbed to the east for eventual connection to 192nd Avenue. Tract A includes Fisher's Creek and the riparian management area and an active/usable open space area including gazebo, picnic areas and trails. Tract B includes a protected wetland area and associated buffer.

General Site Information

Zoning District	R-9
Adjacent Zoning Designation	R-18, RGX & R-4
Comprehensive Plan Designation	Urban Low Density Residential
Parcel Size	4.67 acres
Adjacent Land Uses	Vacant and residential
Access Roads	SE 178 th Avenue
Existing Vegetation	Trees and grass
Existing Structures	none
Topography	Generally flat with steep slopes near drainage at west end of site
Geologic Hazards	Slopes in excess of 25%
Seismic Hazard	NEHRP Class: B-C
Habitat and Species Impacts	Habitat Conservation Area
Flood Plains	No Mapping Indicators
Wetlands	Presence
Archaeology	High and Low probability
Drainage Basin	Columbia Slope
Wellhead Protection	No Mapping Indicators
Soils	Non-Hydric / OID and Non-Hydric / Ro
Park Impact Fee District	District C
School Impact Fee District	Evergreen
Impacted Schools	Fisher's Landing, Shahala & Mt. View
Traffic Impact Fee District	Cascade
Transportation Analysis Zone	247
Sewer District	Vancouver
Water District	Vancouver
Fire Service	Vancouver
Neighborhood Association	n/a

Procedural History

Activity	Case #	Date
Pre-application Meeting	PIR-80788	03/04/2021
Application Accepted (counter complete)	LUP-81488	06/12/2021
Application determined fully complete		07/02/2021
Notice of Application		07/16/2021
Final DNS		08/31/2021
Land Use Hearing		10/19/2021

APPLICABLE REGULATIONS

Vancouver Municipal Code

VMC Chapters 11.70 Transportation Concurrency; 11.80 Street and Development Standards; 14.04 Water and Sewer Use Regulations and Charges; 14.08 Connection to Public Sewers; 14.16 Water and Sewer Service Connections; 14.24 Erosion Control; 14.25 Stormwater Control; 16.04.150 Fire Apparatus Access; 16.04.160 Fire Protection Water Supplies; 16.04.170 through 16.04.200 Fire Protection Systems; 20.210 Decision Making Procedures; 20.260 Planned Developments; 20.320 Subdivisions, 20.410 Lower Density Residential Districts; 20.740 Critical Areas 20.770 Tree, Vegetation and Soil Conservation, 20.915 Impact Fees; 20.927 Narrow Lot Developments; 20.925 Landscaping; 20.945 Parking and Loading; 20.970 Solid Waste Disposal and Recycling and 20.985 Vision Clearance

ANALYSIS

Major Issues

Staff reviewed the proposal for compliance with applicable regulations, code criteria and standards in order to determine whether the project complies with the requirements of the code. Staff's recommendation reflects review of agency and public comments received during the comment period and knowledge gained from a site visit.

Only the major issues, errors in the development proposal and/or justification for any conditions of approval are discussed below. Staff finds all other aspects of this proposed development comply with the applicable code requirements and require no discussion in this report.

Building code review is not performed during pre-application or site plan review. Filing of building permit application with required fees and review materials is required for a building code review.

AGENCY AND PUBLIC COMMENTS

Agency and public comments are listed below. The proposed project has been reviewed and recommendations made in light of these comments.

Washington State Department of Ecology

The Department of Ecology submitted a comment letter dated Aug. 16, 2021 (Exhibit 7). **Development of the site must be in conformance with the requirements noted in this letter.**

Southwest Clean Air Agency (SWCAA)

The SWCAA submitted a comment letter dated Aug. 16, 2021 (Exhibit 8). **Development of the site must be in conformance with the requirements noted in this letter.**

Washington Department of Transportation (WSDOT).

WSDOT submitted an e-mail dated Aug. 16, 2021 (Exhibit 9). WSDOT requests the drainage plans be reviewed and approved prior to issuing permits for this project. The applicant shall obtain WSDOT approval of stormwater plans prior to civil plan approval.

Public Comments

Public comments received are provided in Exhibit 10-. The applicant provided a response to the public comments (Exhibit 11). Comments consisted of the following:

1. Install SR 14 Sound Barrier
Neighbors indicated the desire to install sound barrier along SR-14.

Applicant Response: There is no intention by the project proponent to install a sound barrier wall. There are many examples of residential development adjacent to SR 14 that do not have sound barrier walls.

Staff Response: The city does not have any code requirement for installation of sound wall.

2. Install fence along the north property line
Neighbors indicated desire of the applicant to install a 6-foot solid fence along the north property line.

Applicant Response: The project proponent is not planning to install a permanent barrier along the project's north property line, at the Open Space area. It is reasonable to anticipate that the individual homes will have fencing installed to separate privately owned back yard spaces.

Staff Response: The city does not have a specific code requirement to install a fence along the north property line. However, staff encourages the applicant to consider installation of a solid fence. A fence could be installed with the required site improvements and would not impact installation of fencing for the house lots.

3. Mitigation of Noise

Applicant Response: The city code (Table 10.935.030-1) defines allowed hours of construction (7am to 8pm) for all construction projects in the city of Vancouver. The city also defines the process for which complaints about construction noise can be made with city code enforcement. During the project pre-construction conference, the city typically reviews allowable conditions for standard construction. Should any non-standard construction effort be necessary, these matters would be reviewed during the pre-construction conference and specific conditions set that address duration/time, methods and means, and mitigation.

Staff Response: Staff concurs with the applicant response.

4. Use of public street parking by construction contractors.

Applicant Response: Public streets provide parking for the public and including those conducting business and/or construction. Because SE 178th Street is presently a dead-end street, the city might consider allowing temporary parking on both sides of the street to create more organized/regulated parking that will support the construction activity for this project.

Staff Response: To minimize disruptions to the neighborhood, staff is conditioning the applicant to access the site and stage construction within the former quarry area as opposed to parking and accessing through the neighborhood.

5. Restrictions to parking on SE 178th Avenue

Applicant Response: The project proponent agrees with the Homeowners Association about requesting no restrictions on public parking on SE 178th Avenue. Public parking is available to all members of the public and cannot legally be reserved for use by only

specific members of the public, excepting for provisions of the Americans with Disabilities Act (ADA). City code provides for restrictions to public parking (e.g., long-term parking, abandoned vehicles) and code enforcement requirements.

Staff Response: Staff concurs with the applicant.

6. Guest Parking should only be on-site not in the street.

Applicant Response: As noted above, public parking is provided for public use and cannot be exclusive to specific residents, excepting for ADA. However, the proposed Fishers Creek Planned Development Subdivision does meet the city code requirements for both resident and on-street guest parking. As detailed on project plan sheet C-01 (Site Plan), a total of fifteen (15) on-street guest parking spaces are proposed, exceeding the city code requirement of 12 guest parking spaces.

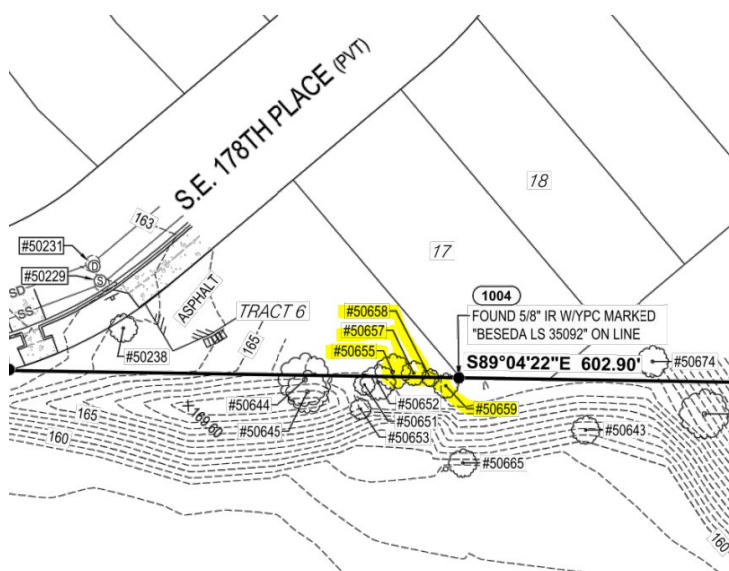
Staff Response: Per the narrow lot standards, Section 20.927, three guest parking spaces are required per every three lots. At 34 lots, 12 spaces area required. On-street spaces can count towards the required guest parking spaces. The applicant proposes 15 on-street spaces which complies with the code.

7. Large cottonwood trees along common border

Applicant Response: Per requirement of city code, a professional arborist (Teragon & Associates) was retained to evaluate the existing tree conditions. The arborist identified 16 cottonwood trees in the vicinity of the north property line, and recommended removal of 7 of those trees. The proposed landscape plan thus indicates retention of 9 of the existing cottonwood trees, if they do not conflict with earthwork associated with the development. There is limited proposed earthwork in the Open Space area long the common border.

The project proponent is willing to work with the City and the HOA on a shared solution.

Staff Response: Charles Ray, City Urban Forester, reviewed the plans and indicated that tree numbers 50655, 50657, 50658 and 50659 can be removed. A condition of approval has been added related to these trees.



8. Lot sizes less than 5,000 square feet

Applicant Response: The proposed project is a planned development, prepared following criteria and requirements of Vancouver Municipal Code (VMC 20.260). The base zone of the project site is R-9, which would allow for up to 37 single-family lots based on the project area. The project proponent is instead proposing a planned development with a total of 34 single-family lots, with a combination of both attached (e.g., 'townhome' style) and detached homes. (Note: the Planned Development allows for a 15% increase in density above the base zone). In addition, a total open space area of over 12% of the site is proposed; the minimum required by the planned development code is 10%. These adjustments allow the project proponent to preserve natural areas, create a sizable open space, limit overall construction earthwork, and create a more enjoyable and livable community.

Staff Response: Staff concurs with the applicant.

9. Expansion of SR-14

Applicant Response: The proposed project is located outside of the state's right of way. Washington State Department of Transportation has been engaged in the planning of development along the north side of their right of way and made no indication of desire to acquire/purchase additional land for expansion of the state highway.

Staff Response: Staff concurs, WSDOT has commented on the project and has not identified expansion of the highway in this location.

10. Sanitary Sewer Connection

Applicant Response: The public sanitary sewer connection is in SE 177th Lane, per instruction from the city public works department. Present understanding is the existing public sanitary sewer system has the capacity to accommodate the proposed project.

Staff Response: Sanitary sewer staff has reviewed the proposal and finds that the proposal complies with recommended conditions of approval see Section under Title 14 of this report.

11. Protection of Wildlife

Applicant Response: A critical areas assessment was completed, and a Critical Areas Report (CAR) was submitted with the project land use application (Otak, 2020). To complete this effort, professional and experienced biologists met onsite with agency environmental and planning staff from the City of Vancouver and Washington State Department of Ecology. Fisher Creek (downstream) is characterized as a Type F (perennial fish bearing), requiring a total of 175-ft buffer. The proposed project respects the restrictions and allowances of the required buffer, minimizing development activity in this location. Temporary construction impacts to the outside habitat buffer will occur. The project proposes to mitigate for these impacts with improved vegetation/plantings around the previously delineated and permitted wetland located northeast and adjacent to the project site.

At request of the City, additional assessment of the local habitat was completed and submitted to the City on August 19th, 2021 (Otak). This effort affirmed that there are no known State or Federally listed wildlife or plant species, or their designated habitat present on the site. Onsite observations confirmed that potential habitat areas onsite did not reveal the presence of rare plants of high conservation value.

Staff Response: Staff concurs with applicant. Further, the county biologist has reviewed the proposal and found that the project provides adequate mitigation for impacts; see Critical Areas, Section 20.740 of this report.

12. Traffic Impacts

Applicant Response: A traffic impact assessment has been submitted with the project land use application, completed by a professional and experienced traffic engineer (Mackenzie). City Transportation Staff have already provided accurate response to public inquiry about traffic (Eric Hahn, July 29th, 2021); creation network of public streets provides connectivity between neighborhoods and alternative routes to destination points, for vehicles, bicycles, pedestrians, and emergency response. Extension of SE 178th Avenue to the proposed SE Brady Road (HQ project) will create connection for local neighborhoods to access services and amenities more readily in HQ and along SE 192nd Avenue, as well as State Route 14.

While it is not expected that traffic calming is necessary within the abbreviated roadways of the proposed project, the HQ project to the east is planned with traffic calming roadway improvements.

Staff Response: Transportation staff has reviewed the proposal and finds that the proposal complies with recommended conditions of approval. See Section under Title 11 of this report for further analysis.

COMPLIANCE WITH THE APPLICABLE SECTIONS OF THE VANCOUVER MUNICIPAL CODE (VMC)

VMC Title 20 – Land Use and Development Code

20.200 – Land Use Decisions

20.210 Decision Making Procedures

Finding: The applicant requests approval of a planned development, a Type IV procedure per VMC 20.210.020-1. The applicant completed the required preapplication meeting March 4, 2021. The application was accepted June 12, 2021, and deemed fully complete July 2, 2021. A notice of application with a 30-day comment permit was issued July 16, 2021. The 30-day comment period ended Aug. 16, 2021. Comments received are addressed in the Agency and Public Comments section of this report.

20.260 Planned Developments

20.260.020 – Applicability

- A. *Applicable in all zones. The planned development is a development vehicle that may be used in all base zoning districts except in the Park, Greenway and Natural Area districts.*
- B. *Permitted uses. The following uses shall be allowed in various base zoning districts:*
 - 1. *Lower-Density Residential Zoning Districts. In the R-2, R-4, R-6 and R-9 zoning districts, an applicant with a planned development approval may develop the site to contain a mixture of uses subject to the maximum density provisions of the underlying zone, as contained in Chapter 20.410 VMC, plus 15 percent density bonus per the provisions of VMC 20.260.060(D).*

a. *The following uses are allowed by right within planned developments:*

1. *Single-family detached residential units with or without accessory dwelling units.*
2. *Two or more single-family attached residential units, duplex, triplex, and townhome and other fourplex residential units. Duplexes, triplexes, fourplexes, and townhomes located on the perimeter of the development directly abutting single-family zoning districts shall have a height limit of 35 feet.*

Finding: The site is zoned R-9. Of the 34 lots proposed, 28 include single-family attached where a common wall between two units is also a common property line. The remaining six lots are proposed as single-family detached. The applicant has submitted elevations (Sheet A01) in the plan set indicating that building height will be between 28 and 30 feet complying with the 35-foot maximum building height. The building height for each lot will be confirmed at time of building permit.

The proposal complies with required density, see Section 20.410.

20.260.030 – Approval Process

A. *Elements of approval process. The two elements of the planned development approval process are:*

1. *Approval of the planned development concept development plan which contains a substantial level of detail for the whole project; and*
2. *Approval of the detailed site plan(s) to be constructed in one or more phases that provide all of the additional detail not contained in the concept plan.*

B. *Decision-making process.*

1. *Initial approval. A new planned development concept plan shall be processed by means of a Type IV review, per 20.210 VMC, using approval criteria contained in 20.260.050 VMC. The Planning Commission shall be the initial review authority for planned developments greater than 25 acres in size and the Hearings Examiner shall be the initial review authority for planned development 25 acres or less in size. The initial reviewer shall issue a recommendation to the City Council. The City Council shall be the final authority for planned developments.*
2. *Subsequent reviews. The detailed site plan, and phases thereof, shall be reviewed by means of a Site Plan Review under 20.270 VMC, to ensure that it is substantially in compliance with the approved concept development plan, using approval criteria contained in 20.260.050 VMC.*
3. *Applicable in all zones.*

Finding: The applicant requests approval of a concept development plan and a preliminary subdivision plat, a Type IV process with the Hearing Examiner as the initial review authority who makes recommendation to City Council. The proposed uses are single-family residential. Site plan review is not required for single-family residential, therefore a final development plan is not required. Following approval of the concept development plan and subdivision, the applicant shall submit for a civil engineer permit and final subdivision plat. The civil engineering permit shall include construction documents for roads, utilities, landscaping, wetland mitigation and open spaces. Following approval of the civil engineering permit, the applicant shall construct all site improvements. After the site improvements are completed and accepted by the city, the final subdivision plat can be recorded. After the plat is recorded building permits can be issued for each individual lot.

- D. *Adjustment approval criteria. Adjustments to numerical development standards in the underlying zoning district shall meet the criteria contained in Section 20.260.050(B) VMC below in lieu of requirements for variances contained in Chapter 20.290 VMC. The exception to this is a request to exceed the maximum height permitted in the underlying zone, which will require a concurrent variance request per 20.290 VMC.*

Finding: The site is zoned R-9, a low-density residential district, with a minimum lot size of 5,000 square feet (see Table 20.410.050-1). The applicant proposes an adjustment to numerical development standard with this planned development approval request to reduce the minimum lot size from 5,000 square feet to 2,250 square feet, with proposed lots ranging from 2,250 square feet to 3,750 square feet. The proposal complies with the approval criteria for adjustment as stated under Section 20.260.050(B) below.

20.260.040 – Time Limits

Finding: Since the project includes single-family residential a site plan review or detailed development plan is not required. The applicant shall be required to obtain a civil engineering permit and complete all site work prior to recording a final plat. Once the final plat is recorded, building permits can be issued for each lot in the subdivision. Per Section 20.320.020 the preliminary plat shall be valid for a period of seven years. Phased development is not proposed.

20.260.050 – Approval Criteria

A. *Concept development plan approval criteria. To receive approval for a planned development, the applicant shall demonstrate compliance with all of the following criteria:*

1. *Content. The concept plan contains all of the components required in Section 20.260.070. Compliance with all applicable standards. The proposed development and uses comply with all applicable standards of the Title, except where adjustments are being approved as part of the concept plan application, pursuant to Section 20.260.030 (D)(2).*

Finding: The applicant has provided all of the required components as stated in Section 20.260.070. The proposed development complies with the applicable standards as stated in this staff report. An adjustment to the R-9-minimum lot size of 5,000 square feet is proposed as stated under criterion B, below.

2. *Architectural and site design. The proposed development demonstrates the use of innovative, aesthetic, energy-efficient and environmentally friendly architectural and site design.*

Applicant Response: The architectural design of the future townhomes includes both hip roof and gable options, with each option providing modern and aesthetic design features, including refined selection of both materials and colors. See Appendix M for details. The design of the site includes preservation of Fisher's Creek and an open space tract (Tract B) at the northwest corner of the site that provides protection and buffering of an existing wetland. Tract A provides on-site, active open space for residents and visitors through a trail system and outdoor amenities, such as benches, picnic tables and gazebo for shelter.

Finding: Staff finds the applicant has demonstrated compliance with this section.

3. *Transportation system capacity. There is either sufficient capacity in the transportation system to safely support the development proposed in all future phases or there will be adequate capacity by the time each phase of development is completed.*

Finding: Transportation staff has determined that sufficient capacity exists for the proposal, see Title 11 response in this report.

4. *Availability of public services. There is either sufficient capacity within public services such as water supply, police and fire services, and sanitary waste and storm water disposal, to adequately serve the development proposed in all future phases, or there will be adequate capacity available by the time each phase of development is completed.*

Finding: City departments have reviewed the proposal and as stated in the findings of this report, the public services can be made available per the recommended conditions of approval.

5. Protection of designated resources. City-designated resources such as historic landmarks, significant trees and sensitive natural resources are protected in compliance with the standards in this and other Titles of the VMC.

Applicant Response: Fisher's Creek, a stream located at the western edge of the site, includes a Riparian Management Area (RMA) and associated Riparian Buffer (RB). No development is proposed in the RMA, and impact mitigation is proposed for development in the RB. A wetland buffer area at the northeast corner of the site will be slightly impacted with development, with 510 square feet of permanent wetland buffer encroachment and 2,310 square feet of mitigation area. The applicant has also provided a Tree Plan (Appendix G), indicating protection of significant trees, and a Landscape Plan, indicating retention of trees and planting of additional trees to meet requirements for minimum tree density. In addition, the applicant has provided a Critical Areas Report (Appendix J) and a Buffer Mitigation Plan (Sheet L-03 in the Plan Set, Appendix Q) that specifically details mitigation for impacted buffer areas on the site.

Finding: A cultural resources study titled "Results of a Cultural Resources Study of the Proposed Fishers Quarry Development Property, Vancouver, Washington" was prepared by Applied Archaeological Research, Inc. The study found that due to quarry operations over time there is no existence of historic or cultural resources and no further study is recommended.

A Tree Plan memorandum was prepared by Teragan & Associates dated April 22, 2021 (Exhibit 12). A total of 141 trees were included in the tree inventory. Of the 141 trees, 115 are on the project site and 26 are off-site. Based on the impacts from grading, utilities, and construction, 79 trees are recommended for removal. The remaining 62 trees will be retained and protected according to the tree protection recommendations of the memorandum. The tree plan was reviewed by the urban forester and has concurred with the findings in the report.

Fisher's Creek is located at the western edge of the project site. Fisher's Creek is a critical area protected by the city's critical areas regulations as a Fish and Wildlife Conservation Area (VMC 20.740.110). The north east area of the site contains a wetland, wetlands are critical areas and protected by VMC 20.740.140. The proposal has been determined to comply with critical areas, see findings under Section 20.740.

6. *Compatibility with adjacent uses. The concept plan contains design, landscaping, parking/traffic management and multi-modal transportation elements that limit conflicts between the planned development and adjacent uses. If zoning districts are shifted per Section 20.260.020(C) VMC, there shall be a demonstration that the reconfiguration of uses is compatible with surrounding uses by means of appropriate setbacks, design features or other techniques.*

Applicant Response: The proposed planned development (and associated single family units and townhomes) is considered a residential use, which is the same use as the existing attached and detached homes that surround the subject site, which are also considered residential uses. Based on proposed residential use(s) and associated minimal trip generation, as well as provision of adequate resident and guest parking, the impact associated with traffic and parking is limited. Thoughtful design of the townhomes provides architectural compatibility with existing surrounding neighborhoods, with a robust landscape plan providing additional site aesthetics. In addition to landscaped areas and street trees, Fisher's Creek and associated protected areas act as a natural buffer along the western boundary of the site. The site also includes a small wetland area at the northeast corner of the site that provides further natural area and buffering between the site and adjacent residential uses. The combination of landscaping and protected natural areas and buffers provide substantial compatibility with adjacent neighborhoods with similar natural areas and landscaping. No zoning districts are proposed for shifting.

Finding: Staff concurs with the applicant's finding.

7. *Mitigation of off-site impacts. All potential off-site impacts including litter, noise, shading, glare and traffic, will be identified and mitigated to the extent practicable.*

Applicant Response: The proposal includes coordination with the associated sanitary trash and recycle service, which will significantly reduce any trash impacts related to the site. Noise impacts from short-term construction noise will be inevitable; however, after construction only normal ambient noise associated with residential neighborhoods are anticipated, and no other uses that might produce higher levels of noise are proposed. Large groups of trees associated with environmental protections areas, i.e. wetlands and stream, will provide suitable shading for the site, as will proposed landscaping and street trees. Normal glare from residential homes is anticipated, with no other sources of glare proposed or anticipated. The applicant has provided a Trip Generation and Distribution Letter as part of the application, which provides analysis of traffic impacts and proportional share of fees for mitigation.

Finding: Staff concurs with the applicant's finding.

- B. *Adjustment approval criteria. Adjustments to numerical development standards may be processed as part of the request for concept if the applicant can demonstrate compliance with all of the following approval criteria:*

1. *The adjustment(s) is warranted given site conditions and/or characteristics of the design.*

Applicant Response: The adjustment for reduction in minimum lot size is warranted based on the site conditions and requirements for site design. The main warrant for the adjustment is the significant critical areas on the site that require protection. In addition, development standards such as minimum density requirements, lot frontage and required right of way for access all create restrictions on minimum lot size. In addition, the required common open space further restricts options for lot sizes and dimensions.

Finding: Staff concurs with applicant's finding.

2. *The benefits accruing from the implementation of the adjustment outweigh any potential adverse impacts.*

Applicant Response: The benefits of the proposed adjustment include protection and enhancement of critical areas, the ability to provide significant areas for common opens space

and the ability to still comply with density standards. The only adverse impact is a minor reduction in private yard space, which is mitigated through the creation of usable open space and provision of associated amenities.

Finding: Staff concurs with applicant's finding.

3. *Any impacts resulting from the adjustment are mitigated to the extent practical.*

Applicant Response: Again, the only potential adverse impact is a minor reduction in private yard space, which is mitigated through the creation of usable open space and provision of associated amenities.

Finding: Staff concurs with applicant's finding.

C. Conditions of approval. The review authority shall impose any conditions of approval necessary to mitigate potentially adverse impacts on surrounding properties to the greatest extent practicable.

Finding: Staff has provided recommended conditions of approval as stated at the end of this report.

20.260.060 – Development Standards

A. *Minimum development size. There shall be no minimum site size for any type of planned development.*

Finding: There is no minimum site size, therefore, this standard is met.

B. *Applicability of base zone development standards. The provisions of the base zone are applicable as follows. When the zoning districts within the planned development have been shifted as permitted in Section 20.260.020 (C) VMC, the applicable development standards for the underlying zones shall shift accordingly.*

1. *Lot dimensional standards: The minimum lot depth and lot width standards shall not apply.*

Finding: There is no minimum lot depth or width, therefore, this standard is met.

2. *Lot coverage: The site coverage provisions of the base zone shall apply.*

Applicant Response: The maximum lot coverage for R-9 is 50%. The applicant proposes site coverage for townhomes to be approximately 39%; therefore, the lot coverage standard is met.

Finding: Staff concurs with applicant's finding.

3. Setbacks

- a. *Front and rear yard setbacks for structures at the perimeter of the project shall be the same as required by the base zone except when an adjustment is approved, per Section 20.260.030(D).*
- b. *The side yard setback provisions shall not apply except that all detached structures shall meet the City's adopted building code requirements for type of construction.*
- c. *Front yard and rear yard setback requirements in the base zone setback shall not apply to structures on the interior of the project except that any garage facing a street shall be set back a minimum of 18 feet from the front or side street property line.*

- d. *All other provisions of the base zone shall apply except as modified pursuant to this Chapter, except for maximum height for which a variance shall be sought, as governed by Chapter 20.290 VMC.*

Finding: The applicant proposes to comply with the setbacks of the base R-9 zone without modification.

4. *The Planning Commission or Hearings Examiner can reduce the minimum lot size requirement for attached single family residential uses in planned developments.*

Applicant Response: The applicant is proposing a reduction in minimum lot sizes; the proposed reduction is satisfied through findings in the adjustment criteria addressed above.

Finding: Staff concurs with applicant's finding.

- C. *Common open space. In exchange for the approval of higher residential densities, smaller lots and relaxed development standards, the developer of a planned development is required to provide common open space for the active and passive recreational activities of residents, employees and visitors. Such space shall be aggregated and centralized to the development to the fullest extent feasible and shall consist primarily of a combination of landscaped open areas. Un-landscaped natural areas or paved hardscape areas may also be included if they also promote active or passive recreational uses. Features may include plazas, arbors, sitting areas, picnic areas, playing fields and trails.*

1. *In planned developments, the following requirements shall apply.*

- a. *At least 10% of the gross area of the site must be devoted to such open space. Such space must be fully accessible to the residents, employees, visitors and/or other users of the site. Reduction of this standard in PDs of two acres or more is prohibited. A reduction of this standard in PDs of less than two acres is subject to an adjustment per Section 20.260.030(D) VMC using approval criteria in Section 20.260.050(B) VMC.*

Finding: The site plan indicates the total site area is 223,898 square feet. The applicant proposes open space are of 28,057 square feet of active accessible open space area or 12.5 percent. The proposal complies with the 10 percent minimum open space requirement.

- b. *Fenced yards associated with buildings immediately adjacent to designated open space and landscaping in parking lots shall not count toward the total requirement.*

Finding: Fenced yards have not been included in the calculation of open space.

- c. *Environmentally-constrained land within the planned development, including wetlands, geologically hazardous areas, sensitive wildlife habitats, pursuant to Section 20.740 VMC or native vegetation and healthy soil preservation pursuant to 20.770 VMC or stormwater facilities pursuant to Chapter 14.25 VMC; may be used to meet up to 50% of the total requirement specified in Subsection (a) above, provided that these areas are not fenced and are either accessible to pedestrians to the extent practical or are visually accessible from adjacent and adjoining common open space.*

Finding: Not proposed by the applicant. Subsection (a), the requirement to provide 10 percent accessible or usable open space, is complied with without counting environment-constrained land.

2. *The common open space designated to meet this requirement shall be permanently maintained by and conveyed to one of the following:*
 - a. *A homeowners' or property owners' association as regulated by State law.*
 - b. *A public agency that agrees to maintain the common open space and any buildings, structures or improvements placed within it.*

Applicant Response: The homeowners' association will permanently maintain the proposed common open space area.

Finding: A homeowner's association is required.

Note to the applicant: 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.

3. *The applicant may not seek a variance or adjustment to reduce the minimum open space requirement specified in Subsection (2)(a) above.*

Finding: A variance is not proposed.

4. *The open space created under this provision is not subject to the Park Impact Fee (PIF) credit unless so authorized by the Vancouver-Clark Parks Department.*

Finding: The applicant acknowledges that the open space created under this provision is not subject to the Park Impact Fee (PIF) credit unless so authorized by the Vancouver-Clark Parks Department.

D. Residential density.

1. *On-site density transfers. An applicant for a planned development may shift allowed residential densities around the site to protect and preserve critical or sensitive areas while providing the overall maximum density permitted by the underlying zoning district.*
2. *Density bonuses. An applicant for a planned development shall be entitled to an automatic residential density bonus of 5% above the maximum density allowed in the underlying base zone on the portions of the site devoted to housing.*

Finding: The applicant is not proposing on-site density transfers or bonuses.

Chapter 20.300 – Land Division

20.320 Subdivisions

20.320.015 – Applicability

Finding: The proposed 34-lot land division is considered a subdivision since it is a division of land into 10 or more lots. Subdivisions are a Type III process, however, since the applicant proposes a Planned Development, the Type IV process applies to the entire proposal.

20.320.020 – Approval Process

A. Decision-making process.

Finding: Subdivisions are a Type III process, however, since the applicant proposes a Planned Development, the Type IV process applies to the entire proposal.

B. Term of preliminary plat approval.

Finding: The preliminary plat shall be valid for a period of seven years. In this case the seven-year period shall begin once the planned development is approved by Council ordinance.

20.320.040 – Preliminary Plat Approval Criteria

Approval criteria. To grant approval of a preliminary short subdivision or subdivision, the applicant must demonstrate compliance with all of the following criteria:

A. Public facilities provision. Appropriate provisions to the extent necessary to mitigate an impact of the development have been made for transportation, water, storm drainage, erosion control and sanitary sewage disposal methods that are consistent with the City's current ordinances, standards and plans;

Finding: All utilities required for development are available to the site and will be extended as required for connection. The project complies with this criterion.

B. Proposed improvements. Appropriate provisions have been made for proposed streets, alleys and public ways, utilities and other improvements that are consistent with the City's current ordinances, standards and plans, and Department of Health and/or Washington State Department of Transportation standards and plans, where applicable;

Finding: Streets and utilities will be provided as stated in the findings of this report under the transportation and utilities section. WSDOT comment that stormwater must be coordinated with them and a condition of approval has been added to ensure coordination happens. The project complies with this criterion.

C. Open space and dedications. Appropriate provisions to the extent necessary to mitigate an impact of the development have been made for open space, parks, schools, dedications, easements and reservations;

Finding: Appropriate provisions to mitigate impacts of this development will be made with the payment of park and school impact fees. The applicant will be required to provide any necessary easements for sidewalks, streetlights and utility extensions prior to final plat approval. The project complies with this criterion.

D. Physical characteristics. The design of the proposed short subdivision or subdivision site has taken into consideration the physical features of the site, including but not limited, to topography, soil conditions, susceptibility to flooding, inundation or swamp conditions, steep slopes or unique natural features such as wildlife habitat or wetlands;

Applicant Response: The design of the proposed subdivision has taken into consideration a riparian area (Fisher's Creek), a wetland, steep slopes and buildable portions of the site, mostly through review and consideration of the Geotechnical Report (see Appendix I) and Critical Areas Report (Appendix J). Sheet L-03 in the Plan Set (Appendix Q) identifies proposed buffer impact mitigation areas. The applicant is also requesting approval of a Critical Areas Permit, which provides greater opportunity for staff to review critical areas associated with the site.

Finding: Staff concurs with the applicant.

E. Re-platting of existing subdivisions. When re-platting an existing subdivision, the short subdivision or subdivision shall comply with all of the terms and conditions of the existing subdivision's conditions of approval;

Finding: Does not apply. The property is not within an existing subdivision.

F. Compliance with all requirements of this title. The proposed short subdivision or subdivision complies with all applicable requirements of this title unless modified through the approval; and

Finding: The provisions of this title have been met or will be met with proposed mitigation and with conditions of approval imposed on the approval of this request. The project complies with this criterion.

G. Compliance with State requirements. That the proposed short subdivision or subdivision complies with the requirements of RCW 58.17.110.

Finding: The comprehensive plan identifies goals and policies that guide development in the City of Vancouver for the benefit of the public health, safety and general welfare. The proposed plat complies with these goals and policies by providing new housing units; by providing the necessary infrastructure to serve the development, including the payment of impact fees for schools, parks and transportation; and by demonstrating all applicable laws can be complied with as conditioned.

The proposed plat will assist in the expansion of the city's housing supply; it will facilitate development in an area that has surrounding development and has urban services; it will implement city goals promoting development while limiting urban sprawl.

The site is located in the Vancouver School District including Fisher's Landing Elementary, Shahala Middle and Mt. View High School attendance areas. The school district states that bus transportation is provided for elementary students who live more than one mile from school or when there are unsafe walking conditions. Fisher's Landing Elementary is located within 0.5 miles while Shahala Middle and Mt. View High are located more than one mile away. The applicant proposes to install sidewalk within the development that will connect to SE 178th Avenue There are sidewalks that connect the site to Fisher's Landing Elementary School.

H. Narrow Lot Additional Criteria. Land divisions which contain one or more residential lots having a width of less than 40 feet shall meet additional criteria of VMC 20.927.030 A, B and C.

Finding: The project complies with this criterion. See response to narrow lot standards Section 20.927.

20.320.070 - Technical Standards

A. Subdivision Layout and Required Improvements.

1. Principles of acceptability. The short subdivision or subdivision shall conform to the comprehensive plan. The short subdivision or subdivision shall conform to the requirements of the state law and to the standards established by this title.

a. Street improvement standards. All proposed streets and street improvements shall comply with the provisions of VMC Title 11 and approved transportation standards details on file with the public works department.

Finding: As stated in the Transportation section of this report, proposed street improvements will comply with the provisions of Title 11, subject to the conditions of approval.

b. Blocks. The length, width and shape of blocks shall be designed with due regard to providing adequate building sites for the use contemplated; consideration of the needs for convenient access, circulation, control, safety of motor vehicular, bicycle and pedestrian traffic and recognition of limitations and opportunities of topography.

Finding: The development is relatively small and constrained by existing surrounding development pattern. The layout of the subdivision is logical given the shape of the lot and surrounding development and allows for adequate building sites, convenient access, safety and circulation. Pedestrian circulation is addressed with the proposed sidewalks.

c. Blocks shall not exceed 1,300 feet in length between street lines, except blocks adjacent to arterial streets or unless a previous adjacent layout or topographical conditions justify variation. The recommended minimum distance between intersections of arterial streets is 1,800 feet. Minimum length of a block shall not be less than 180 feet.

Finding: A road will be extended through the development that will be stubbed to the east. Development to the east will extend the road to 192nd Avenue ensure circulation.

d. Easements

1. Utility lines. Easements for sewers, drainage, water lines, electric lines or other public use utilities shall be provided. The size and location of the easement shall be reviewed and approved by the appropriate utility provider.

2. Watercourses. If a subdivision is traversed by a watercourse, such as a drainage way, channel or stream, there shall be provided a stormwater easement for the width of the watercourse plus 15 feet on each side of the watercourse. Streets or parkways parallel to a major watercourse may be required.

3. Pedestrian/bicycle ways in and through residential subdivisions. In blocks over 800 feet in length, a pedestrian/bicycle way with a minimum width of 16 feet shall be required through the middle of the block when required by the transportation manager for public convenience and safety; 12 feet of the 16-foot corridor shall be paved in a durable material. If unusual conditions require blocks longer than 1,200 feet in length, two pedestrian/bicycle ways shall be required. When required by the transportation manager for public convenience and safety, pedestrian ways shall be required to connect cul-de-sacs or to pass through unusually shaped lots.

Finding: All water, storm, and sanitary sewer lines will be extended from the public right of way. Fisher's Creek and the riparian management area will be placed in a tract.

e. Flag lots. Flag lots may be permitted, provided that the minimum width of the flag stem be 15 feet for a single lot and 20 feet for a shared flag access, and it is in compliance with fire access standards contained in VMC 16.04.150. No more than four lots may be accessed from a single flag stem. A private maintenance agreement shall be recorded for driveways which serve more than one lot.

Finding: Does not apply.

f. Lot side lines. Side lines, as far as practical, shall run at right angles to the street on which the lot faces.

Finding: Project complies with this standard.

g. Lot frontage. With the exception of flag lots, all lots shall abut on a public or private street with a minimum frontage of not less than 20 feet.

Finding: Project complies with this standard; all lots abut a public street.

h. Parks and playgrounds. The review authority shall see that appropriate provision is made for parks and playgrounds to serve the proposed subdivision.

Finding: An active open space area is proposed that complies with the Planned Development requirements, see Section 20.260.

i. Narrow Lot Land Divisions. Land divisions which contain one or more residential lots having a width or less than 40 feet shall meet the development standards of VMC 20.927.040.

Finding: See response to narrow lot standards Section 20.927.030.

j. Existing trees. All subdivision developments shall comply with the tree and vegetation management provisions contained in Chapter 20.770 VMC, Tree, Vegetation and Soil Conservation.

Finding: See response to tree requirements Section 20.770.

20.400 – Zoning Districts

20.410 Lower Density Residential Districts

20.410.030 Uses

Finding: The property is zoned R-9. The applicant proposes single-family residential attached and detached, both are in a Planned Development as proposed.

20.410.040 Minimum and Maximum Densities

Finding: Required density is 20 to 37 dwelling units, 34 dwelling units are proposed complying with minimum and maximum density.

Residential Density in a Planned Development is calculated as follows:

Maximum Density

- There shall be no minimum lot size (VMC 20.260.060.A).
- In the R-9 zone the applicant within a Planned Development is subject to the maximum density of the underlying zone contained within Chapter 20.410 plus a 15 percent density bonus (VMC 20.260.020.B.1).
- Maximum Net Density in the R-9 zone is indicated in Table 20.410.040-1 as 8.7 units per net acre.
- Section 20.150.040A defines Density, Net as:
The development density derived by dividing the net buildable area of the subject property (gross area less the total aggregate area required by the city for public or private streets, schools or other public facilities, not including parks and public or private recreation facilities dedicated or created as an integral part of the development) by the applicable lot size or area per unit.

Therefore, maximum density is calculated by taking the gross acres of the site minus public/private streets, critical areas. Dedicated public/private parks are not deducted.

The maximum density for the site is 37 dwelling units calculated as follows:

$$4.22 \text{ (net developable acres*)} \times 8.7 \text{ units per acre} = 36.8 \text{ dwelling units (37 rounded up)}$$

*Total site area (223,898 square feet) - streets/sidewalks area (39,595 square feet) = 184,303 square feet or 4.23 acres of net development area.

The applicant proposes 34 units complying with maximum density, a density bonus is not proposed

Minimum Density

The R-9 zone has a minimum density of 5.9 units per net acre as stated in Table 20.410.040-1. Minimum density is calculated similar to maximum density; however, critical areas are also deducted from the net development area per Table 20.410.040-1, Footnote 1:

Minimum densities shall be calculated based on the gross area of the site minus any public rights of way, street tracts, private road easements, lots for dwellings existing on December 11, 2004, or designated critical areas.

Minimum density is 20 dwelling units calculated as follows:

$$3.38 \text{ (net developable acres*)} \times 5.9 \text{ units per acre} = 19.94 \text{ dwelling units (20 rounded up)}$$

*Total site area (223,898 square feet) - critical area (37,070 square feet) - streets/sidewalks area (39,595 square feet) = 147,233 square feet (3.38 acres) net developable area.

20.420.050 Development Standards

Finding: The applicant proposes a planned development. As allowed by the planned development requirements (see Section 20.260), the 5,000-square-foot lot will be reduced and lot sizes range from 2,250 to 3,750 square feet. The applicant proposes to meet all other development standards of the R-9 zone including setback. Compliance with setbacks will be reviewed during building permit.

20.700 – Environmental Regulations

20.710 - Archaeological Resource Protection

Finding: A cultural resources study titled “Results of a Cultural Resources Study of the Proposed Fishers Quarry Development Property, Vancouver, Washington” was prepared by Applied Archaeological Research, Inc. The study found that due to quarry operations over time there is no existence of historic or cultural resources and no further study is recommended.

In the event that any item of archaeological interest is uncovered during the course of a permitted or approved ground-disturbing action or activity, all ground-disturbing activity shall immediately cease. The applicant shall immediately notify the City of Vancouver planning official and Department of Archaeology and Historic Preservation in Olympia, Washington.

20.740 – Critical Areas Protection

20.740.040 Approval Process

Finding: Fisher’s Creek is located at the western edge of the project site, Wetland B, a Category III wetland is located at the northeastern area of the project site. Therefore a critical areas permit is required. The applicant has prepared a critical areas report for both impacts to the riparian buffer for Fisher’s Creek and wetland buffer impacts for Wetland B (Exhibit 13).

Ariel Whitacre, Clark County Biologist, reviewed the proposal and made the following findings in an email dated Sept. 14, 2021:

Staff have determined that the proposed project and riparian mitigation plan meet the standards of VMC 20.740.110(C). According to the provided mitigation plan, the proposed project will impact approximately 22,390 square feet of the riparian buffer associated with the Type F stream. No development is proposed within the inner 100' riparian management zone. The applicant is proposing restoration of approximately 11,185 square feet of the inner riparian management area associated with the Type F stream. Because the majority of the proposed development is within an area containing existing compacted gravel from mining operations, staff concurs that the proposed riparian mitigation is sufficient. The applicant (or successor in ownership) shall implement the approved riparian mitigation maintenance and monitoring plan and submit performance reports to the City for periodic inspection and approval as specified.

Per VMC 20.740.110(C)(1)(d)(1), the location of the outer perimeter of the fish and wildlife habitat conservation area shall be marked in the field, and such marking shall be approved by the planning official prior to the commencement of permitted activities. Such field markings shall be maintained throughout the duration of the permit.

Per VMC 20.740.110(C)(1)(d)(2) permanent signs shall be posted on public and private properties at an interval of one per lot for single family residential uses or at a maximum interval of 200 feet or as otherwise determined by the planning official, and must be perpetually maintained by the property owner. The sign shall be worded as follows or with alternative language approved by the planning official: "The area beyond this sign is a fish and wildlife habitat conservation area. Alteration or disturbance is prohibited by law. Please call the City of Vancouver for more information."

Staff concurs that the site contains a Category III wetland with a habitat score of 5 requiring an 80-foot High Land Use Intensity buffer as shown in VMC Table 20.740.140-5. Based on the provided plans, the applicant is proposing approximately 510 square feet of permanent wetland buffer impacts and 1,430 square feet of temporary wetland buffer impacts. The applicant is proposing mitigating for wetland impacts through wetland buffer width averaging, as allowed under VMC 20.740.140(C)(1)(b)(ii), by expanding the wetland buffer by 4,063 square feet and enhancing that portion of the wetland buffer addition area. Staff have determined that the proposed development meets the requirements under VMC 20.740.140(C)(1) as the mitigation plan states that wetland impacts have been minimized and that alternate site designs were considered that encroached further into the wetland buffer but were subsequently dismissed due to mitigation needs to achieve the no net loss of buffer functions standard.

Per VMC 20.740.140(C)(1)(c) the following is required:

- i. The location of the outer perimeter of the wetland and buffer shall be marked in the field, and such marking shall be approved by the shoreline administrator prior to the commencement of permitted activities. Such field markings shall be maintained throughout the duration of the permit.
- ii. A permanent physical demarcation along the upland boundary of the wetland buffer shall be installed and thereafter maintained. Such demarcation may consist of fencing, hedging or other prominent physical marking that allows wildlife passage, blends with the wetland environment, and is approved by the shoreline administrator.
- iii. Permanent fencing of the wetland buffer on the outer perimeter shall be erected and thereafter maintained when there is a substantial likelihood of the presence of domestic grazing animals within the property unless the shoreline administrator determines that the animals would not degrade the functions of the wetland or buffer.

iv. *Permanent signs shall be posted at an interval of one per lot for single-family residential uses or at a maximum interval of two hundred feet, or as otherwise determined by the shoreline administrator, and must be perpetually maintained by the property owner. The sign shall be worded as follows or with alternative language approved by the shoreline administrator: "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."*

Staff concurs that the proposed wetland mitigation is sufficient. The applicant (or successor in ownership) shall implement the approved wetland mitigation maintenance and monitoring plan and submit performance reports to the city for periodic inspection and approval as specified.

20.740.060 Approval Criteria

Any activity or development subject to this chapter, unless otherwise provided for in this chapter, shall be reviewed and approved, approved with conditions, or denied based on the proposal's ability to comply with all of the following criteria. The city may condition the proposed activity as necessary to mitigate impacts to critical areas and their buffers and to conform to the standards required by this chapter. Activities shall protect the functions of the critical areas and buffers on the site.

- A. Avoid Impacts. The Applicant shall first seek to avoid all impacts that degrade the functions and values of (a) critical area(s). This may necessitate a redesign of the proposal.*
- B. Minimize Impacts. Where avoidance is not feasible, the applicant shall minimize the impact of the activity and mitigate to the extent necessary to achieve the activity's purpose and the purpose of this ordinance. The applicant shall seek to minimize the fragmentation of the resource to the greatest extent possible.*
- C. Compensatory Mitigation. The applicant shall compensate for the unavoidable impacts by replacing each of the affected functions to the extent feasible. The compensatory mitigation shall be designed to achieve the functions as soon as practicable. Compensatory mitigation shall be in-kind and on-site, when feasible, and sufficient to maintain the functions of the critical area, and to prevent risk from a hazard posed by a critical area to a development or by a development to a critical area.*
- D. No Net Loss. The proposal protects the critical area functions and values and results in no net loss of critical area functions and values.*
- E. Consistency with General Purposes. The proposal is consistent with the general purposes of this chapter and does not pose a significant threat to the public health, safety, or welfare on or off the development proposal site;*
- F. Performance Standards. The proposal meets the specific performance standards of Fish and Wildlife Habitat Conservation Areas VMC 20.740.110, Frequently Flooded Areas VMC 20.740.120, Geologic Hazard Areas VMC 20.740.130, and Wetlands VMC 20.740.140, as applicable.*

Finding: The applicant responded to the approval criteria, commonly referred to as mitigation sequencing in Section 4.2 of the critical areas report (Exhibit 13). Staff concurs with the applicant's findings. The applicant proposes mitigation for impacts to the stream riparian buffer and wetland buffer. As stated in Section 20.740.040 Approval Process above, the county biologist has reviewed the critical areas report and has determined the mitigation proposed is adequate

20.770 – Tree, Vegetation and Soil Conservation

Finding: The applicant has prepared a Level V Tree Plan. The minimum tree density required is 30 trees per acre. Based on a 4.67-acre site, the minimum number of tree units required is 140. The applicant proposes to preserve 128 tree units and plant an additional 44 tree units for a total of 172 tree units. The project complies.

The city's urban forester has reviewed the tree plan and application and concurs with the findings in the tree plan, however as stated in the public comment section of this report, four additional trees shall be removed along the north property line. Prior to civil plan approval, these trees shall be shown for removal and the tree density calculation updated.

Chapter 20.900 – Additional Development Regulations

20.915 - Impact Fees

Finding: Traffic impact fees are required to be paid for residential development. The Transportation Impact Fees (TIF) are based upon the approved traffic study and are paid at the time of building permit issuance. This property is located in the Cascade TIF district. The total fee is \$ 61,943.75. For the ADT calculation (Exhibit 14).

School impact fees are required for the proposed residential units. For the school impact fees, the development is located within the Vancouver School District which for a single-family and duplex development is \$2,880.75 per residential unit. The fee is summarized in the following table:

School District	Housing Type (Single or Multi-family)	Fee/Unit	# of Units	Total School Impact Fee
Vancouver	Single/Duplex	\$2,880.75	34	\$97,945.50

For the park impact fees, the development is located within Park District C which for a single-family is \$2,819 per residential unit.

Park District #	Fee/Unit	# of Units	Total Park Impact Fees
C	\$2,819	34	\$95,846

The following note shall be place on the plat: Pursuant to VMC 20.915, Park, School and Traffic impact fees must be paid prior to the issuance of a building permit for any single-family home within this subdivision. Said fees will be recalculated for building permit application filed more than three years after preliminary plat approval. These fees do not constitute liens against the lots in this subdivision but are collected as a condition of initial building permit issuance.

20.925 - Landscaping

20.925.060 Street Trees

Finding: Street trees are provided to the satisfaction of the urban forester and determined at the time of building permit.

20.927 – Narrow Lot Developments

20.927.020 Applicability of Provisions

Finding: All single-family lots in this subdivision are less than 40 feet in width which requires adherence to the narrow lot development chapter. The purpose of this chapter is to provide additional standards to eliminate conflicts between the design and location of driveways with utilities, street lights, fire hydrants, water meters etc.; provide adequate guest parking; and ensure adequate access for solid waste collection vehicles eliminating conflicts with frontage requirements.

20.927.030 Narrow Lot Development Approval Criteria

A. Conflicts on narrow lots shall be eliminated

Finding: The applicant has submitted a development plan showing utilities, driveways, street trees, etc. have been located and designed to minimize conflicts with one another.

B. Adequate Guest Parking Provided

Finding: Adequate guest parking shall be provided. At least one guest parking space for every three narrow lots in the development shall be provided. These parking spaces can either be provided on-street or off-street in private tracts.

With 34 narrow lots, 12 guest parking spaces are required and provided on-street in front of the development. The applicant indicates 15 on-street spaces will be provided.

C. Solid waste and collection, and access shall be provided

Finding: Solid Waste has reviewed the proposal and concludes the proposal complies.

20.945 – Parking and Loading

Finding: The applicant shall demonstrate compliance with required parking for each lot at time of building permit.

20.970 – Solid Waste

Concerning the Single-Family (Narrow Lot) Residences:

Finding: As proposed, the design appears to allow for adequate garbage and recycling collection services for the entire subdivision. Each of the 28 attached houses is anticipated to be served as a single-family customer by the city's contracted service provider, meaning each residence will have cart for garbage and recycling and a bin for glass. The applicant echoes this intent in their narrative and proposes that the carts will be set out on the street on service days for collection. This plan will work; however be advised, parking and cart spacing will likely be tight on collection days in narrow lot developments. It is anticipated that each of the 34 residences will have individual garbage and recycling carts, therefore requiring ample frontage to fit up to two carts and a bin set out for weekly collection. Approximately 10 feet along the street for each lot is ideal.

The applicant has not illustrated on plans the proposed locations for cart set out from each dwelling unit, nor for the single-family detached homes. This is a requirement that applies to the narrow lot portion of the site; therefore, prior to final civil plan approval the applicant is encouraged to add this detail to their plans to show designated collection point for two carts per lot. Adequate minimum frontage shall be provided; again 10 feet for set out of carts from each lot is needed to permit automated collection from the right side of the truck body.

Conclusion: Generally, the subdivision proposal satisfies solid waste requirements for basic solid waste planning. The provisions for staging solid waste carts for the single-family residences can be met.

Truck Access

Finding: The provisions for automated sideload collection vehicles to safely maneuver and collect throughout the project site have been met. On-site backing will be required for the trucks to service lots at the hammerhead or dead-end streets. Cart grouping or staging for a few lots may be needed and will be determined by the collector at the time service is initiated for the future residences.

Conclusion: The proposal satisfies solid waste requirements for providing adequate collection truck access and circulation in the subdivision.

Note: The solid waste services and standards set forth in VMC 6.12 will apply to the future residences. Specifically, carts are not permitted to be stored at the street and must be promptly removed following collection, per VMC 6.12.110 (d).

20.985 – Vision Clearance

Finding: The plans demonstrate that the requirements of this section are met.

VMC Title 11 – Streets and Sidewalks

Chapter 11.70 – Transportation Concurrency

Finding: The applicant submitted a Trip Generation and Distribution Letter dated April 27, 2021, from Mackenzie. The report developed trip generation rates based on the Institute of Transportation Engineers (ITE) Trip Generation Manual, 10th Edition, utilizing Land Use Codes 210 (Single-Family Detached Housing) and 220 (Multi-family Housing – Low-Rise). Based on this information, the proposed project will generate 265 new Average Daily Trips (ADT), 17 new a.m. peak hour trips, and 22 new p.m. peak hour trips. The submitted documentation fulfills the city's requirements for concurrency analysis.

Pursuant to VMC 11.70.090, the segment of 192nd Avenue between SR-14 and NE 18th Street is designated as a Category 1 Concurrency corridor, which stipulates that the corridor is operating at or above the city's adopted level of service standards. Based on the traffic report, the proposed development will generate 11 new p.m. peak hour trips to this corridor. This is not anticipated to cause the corridor to drop below the adopted level of service standard.

The proposed use is located within the #247 Transportation Analysis Zone. The proposed project contributes p.m. peak hour trips to the following Transportation Management Zones (TMZ):

Corridor Name	Corridor Limit	PM Peak Trips
164 th /162 nd Avenue	SR-14 to SE 1 st Street	5
192 nd Avenue	SR-14 to NE 18 th Street	11

Based on the above table, **prior to the issuance of civil plan approval, the applicant shall pay concurrency modeling fees totaling \$912.00.** Pursuant to the applicant's information, the project will not distribute trips to any other Transportation Management Zones.

The applicant's traffic analysis provides distribution of trips used to establish the proportionate share contribution towards one off-site traffic mitigation project pursuant to VMC 11.80.080(C). A list of the intersection(s) slated for proportionate share contributions is as follows:

Intersection	Development Phase	Cost Per PM Peak Hour Trip	Number of Trips	Proportionate Share
192 nd Ave & SR-14 ramp terminals	N/A	\$2,000	8	\$16,000
Total Proportionate Share Cost			\$16,000.00	

Based on the above table, **prior to the issuance of civil plan approval, the applicant shall pay proportionate share fees totaling \$16,000.00.**

Transportation Impact Fees (TIF) are imposed per VMC 20.915. See the section of this staff report addressing VMC 20.915 for calculation of TIF.

Conclusion: The proposed development meets the requirements of VMC 11.70 as conditioned.

Chapter 11.80 – Streets and Development Standards

Finding: In an effort to limit construction-related impacts to the existing adjacent neighborhoods, **all construction access for this project must be taken via Brady Road through the adjacent quarry (HQ Vancouver) site, rather than using SE 178th Avenue. Prior to civil plan approval, the demolition and erosion control designs must be prepared showing construction access being taken through the quarry site.**

Southeast 178th Avenue is designated a neighborhood circulator which requires 54 feet full-width right of way and 36 feet paved street width per city standard plan T10-14. **Prior to the issuance of subdivision approval, the applicant shall provide the following improvements to SE 178th Avenue, per City of Vancouver standards:**

- **Dedicate public right of way per the standard.**
- **Install asphalt street, curb, gutter, planting strips, detached sidewalks, ADA ramps, and driveway approaches, per the applicable city standards.**
- **The curb radii at the intersection of SE 178th Avenue and Brady Road shall be a minimum of 25 feet per the design criteria of VMC Table 11.80.040.C-1. Additional right of way dedication may be required to accommodate this.**
- **Install new streetlights per current city standards. See detailed information below.**
- **Install traffic control devices as warranted and storm drainage as required by the city stormwater ordinance.**

Southeast 178th Avenue is scheduled to receive a slurry seal treatment in the summer of 2022. Pursuant to VMC 11.80.100(B), after the slurry seal a street cut prohibition will be in effect for five years. The applicant proposes to cut the street pavement to make a water main connection. **The city does not intend to issue a road modification for this proposed work, therefore the water main connection must be approved and constructed prior to placement of the slurry seal.**

On the east side of the proposed intersection with SE 178th Avenue, SE Brady Road is designated a minor arterial. This length of SE Brady Road should be constructed to match the street section that will be adopted with the pending master plan for the HQ Vancouver project, which is located immediately east of this project. Currently, the proposed street section includes a 38-foot paved street width, planter strips, and a combined bike/pedestrian sidewalk which is between 11 feet and 15 feet wide. **Prior to the issuance of subdivision approval, the applicant shall construct the east length of SE Brady Road to match the paved street width of the pending HQ Vancouver Master Plan and provide an appropriate transition between sidewalk designs.**

On the west side of the proposed intersection with SE 178th Avenue, SE Brady Road is designated a Loop/Cul-De Sac street which requires a minimum 50 feet full-width right of way and 28 feet paved street width per city standard plan T10-16. **Prior to the issuance of subdivision approval, the applicant shall provide the following improvements for the west length of SE Brady Road:**

- **Dedicate public right of way per the standard.**
- **Install asphalt street, curb, gutter, planting strips, detached sidewalks, ADA ramps, and driveway approaches, per the applicable city standards.**
- **Install ‘No Parking – Fire Lane’ signs at appropriate spacing along one side of the street.**
- **Install new streetlights per current city standards. See detailed information below.**
- **Install traffic control devices as warranted and storm drainage as required by the city stormwater ordinance.**

Per VMC Table 11.80.070.C-1, for a dead-end public street which is greater than 200 feet long and less than 400 feet long, the minimum turnaround requirement includes a cul-de-sac with a 35-foot radius centered within right of way with a 44-foot radius. The project proposal includes a short dead-end street, SE Fisher's Creek Road, to serve as a hammerhead turnaround at the end of Brady Road, rather than a standard cul-de-sac. The applicant has submitted a technical road modification request for this turnaround configuration, and the city has reviewed and approved the request.

The short dead-end street which creates the hammerhead turnaround, SE Fisher's Creek Road, is designated a Loop/Cul-De Sac street which requires a minimum 50 feet full-width right of way and 28 feet paved street width per city standard plan T10-16. **Prior to the issuance of subdivision approval, the applicant shall provide the following improvements for SE Fisher's Creek Road:**

- **Dedicate public right of way per the standard.**
- **Install asphalt street, curb, gutter, planting strips, detached sidewalks, ADA ramps, and driveway approaches, per the applicable city standards.**
- **The curb radii at the intersection of SE Fisher's Creek Road and SE Brady Road shall be a minimum of 25 feet per the design criteria of VMC Table 11.80.040.C-1. Additional right of way dedication may be required to accommodate this.**
- **Install 'No Parking – Fire Lane' signs at appropriate spacing along one side of the street.**
- **Install new streetlights per current city standards. See detailed information below.**
- **Install traffic control devices as warranted and storm drainage as required by the city stormwater ordinance.**

Street lighting is required on public streets per VMC 11.80.090 and on private streets per VMC 11.80.050(L). Any substandard street lighting shall be required to be upgraded to current city standards as part of this project. Street lighting shall be installed and/or updated to meet the design standards per city standard plans T21-01A through T21-01D. If the applicant proposes to retain the existing lighting or install lighting that exceeds the maximum spacing requirement a photometric analysis will be required to ensure the lighting level standards are met. If the maximum spacing per T21-01A is met, the photometric analysis is not necessary.

When required, photometrics shall be analyzed in zones. Zones for each direction of travel of a straight roadway are done in luminance method. Intersections, sidewalks, and curved roadway sections are their own zones and done in illuminance. Average maintained luminance is measured in candela per square meter. Veiling luminance shall be shown. Average maintained illuminance is measured in foot-candles. Stationing is a required item on the lighting plans. IES files for lighting software can be obtained from lighting manufacturer. Use lighting materials from the City of Vancouver approved material list.

New lights will be LED and existing HPS lights will be retrofitted to LED unless otherwise noted by Traffic. Any new or existing lights that are within 10 feet of primary power and/neutral lines, will require the developer to raise the power lines. The developer will need to work with Clark Public Utilities for requirements and costs.

Conclusion: The proposed development meets the requirements of VMC 11.80 as conditioned.

VMC Title 14 – Water and Sewers

Water

City records indicate that there is:

- 8-inch Ductile Iron water main within SE 178th Place
- 8-inch Ductile Iron water main within SE 177th Lane
- 8-inch Ductile Iron water main stub onto the project lot on the South side of SE 178th Place
- Nearest Fire Hydrant is located directly across from the project lot on the North side of SE 178th Place.

To obtain water supply for the project:

- Connect to the existing 8-inch Ductile Iron (DI) stub extending from SE 178th Place and extend a new 8-inch Zinc Coated DI water main onto the project lot to service any domestic water, fire protection systems or fire hydrants.
- Fire hydrant locations are to be specified by the fire marshal. **If new hydrants are required**, they shall be served by water mains with a minimum of 8-inch diameter. The exception allows utilization of a 6-inch main for dead-end run shorter than 50 feet to a hydrant.
- A public easement will be required for any public water main, meter or hydrant located outside of City of Vancouver right of way.
- Separate water services are required for each building. Water meters shall be located in a non-paved area, centered along the property frontage.
- If wells are found to be on-site, future use or abandonment requirements from the Departments of Health and Ecology must be met. If an existing well is to remain in service, approval from the city's Water Quality Department will also be required, including appropriate backflow protection.

Conclusion: The submitted plan indicates the City of Vancouver requirements for water can be met. The applicant shall meet the water requirements as per the *General Requirements & Details for the Design and Construction of Water, Sanitary Sewer and Surface Water Systems* (latest revision). Additional fees associated with permits, System Development Charges (SDC) and Main fees will/may also be required. Further requirements may be necessary depending on the final project configuration.

Sewer

Finding: A pre-application report for the proposal was issued March 4, 2021 (PIR-80788). Existing public sanitary sewers fronting the site in SE 178th Place are available to serve the site.

Developments are required to extend public sewers to, through, and across sites (VMC 14.04.280). In this case existing sewers already satisfy the development extension criteria's frontage requirements. Codes also require separate service connections for each lot (VMC14.08.050, 14.16.010). Public sewer construction thru the site is required to provide services to the new lots.

The application was reviewed for sanitary sewer in late June. Service is mentioned on Page 25 of the application narrative. Preliminary utility plans are included on Sheets UT-01 and UT-02. The plans propose to construct onsite gravity sewers and separate service laterals for each new lot. The proposal generally satisfies the codes development extension and service criteria.

Staff asked the applicant to submit an addendum summarizing proposed sanitary sewer coordination with the east adjoining project (HQ Master Plan and Subdivision, LUP-81596). The

applicant submitted the addendum July 23rd. A copy is posted to the ePlans Documents Folder (*Appendix R Sanitary Sewer Coordination.pdf*). The addendum is attached as Exhibit 15. The Fishers Creek Subdivision proposes to construct gravity sewers thru the site to accommodate proposed HQ flows.

LUP-81596 HQ Master Plan and Subdivision: The east adjoining project is proceeding with land applications with slightly different timing. The Fishers Quarry Master Plan pre-application report (PIR-79907) was issued prior to the Fishers Creek Subdivision pre-application report. The HQ Master Plan and Subdivision land application (LUP-81596) was submitted in early July after the Fishers Creek Subdivision application.

The HQ application includes a previously submitted preliminary feasibility study (*Appx P Sanitary Analysis*). Staff provided comments in mid-July requesting some clarifications on the flow estimates. Some existing public sewers downstream of both the Fisher's Creek and HQ sewers do not have capacity to accommodate proposed HQ buildout flows. Staff is currently confirming existing system capacities. The HQ project will be required to provide all needed downstream capacity improvements (VMC 14.04.280). At the time of this report detailed downstream requirements for the HQ project have not been finalized.

Conclusion: The applicant has demonstrated the standards for public sewer can be met as conditioned.

Erosion Control

Finding: The project site is currently part of the former quarry operations with the majority of the site disturbed. The site is uneven terrain with little native vegetation. Fisher's Creek and it's riparian buffer is to the west of the site which must be protected from sediment and sediment laden runoff. The applicant has submitted a preliminary erosion control plan that demonstrates the requirements of the ordinance can be met for the project. A final erosion/sedimentation control plan and a Stormwater Pollution Prevention Plan (SWPPP) shall be submitted for civil review.

Stormwater

Finding: The proposed project will create more than 2.4 acres of new and replaced hard surfaces and is subject to the requirements of the Western Washington Phase II Municipal Stormwater Permit including Minimum Requirements 1-9.

The applicant has submitted preliminary storm plans and a preliminary storm report which show that the requirements of the permit and the ordinance can be met for the project. The plans include runoff treatment for pollution generating surfaces and a flow control facility prior to discharge to Fisher's Creek. The plans show a runoff treatment vault downstream of the flow control facility adjacent to the creek in a location that would be difficult to maintain. This vault shall be moved to a location north of Fisher Creek Road with better access.

It is unclear how the project will handle roof runoff. The lot size and soil conditions do not appear to be suitable for infiltration. If roof runoff is routed to the flow control facility, it shall bypass the runoff treatment facility since residential roof runoff is considered non-pollution generating and routing to the facility would require a larger facility to be constructed and maintained. The final stormwater plan and report shall clearly show how roof runoff will be handled. Final storm plans and a final storm report shall be submitted for civil review.

VMC Title 16 – Fire

Findings: The fire department has determined the requirements of Vancouver Municipal Code can be met with adherence to the conditions contained herein.

VMC Title 17 – Buildings and Construction

Finding: 17.08.090 a building department plan review and permit will be required for this project. Building shall comply with the applicable codes listed in 17.08.010 in effect at the time of building permit application. A complete building code review of plans is not performed during site plan review. Filing of building permit application with required fees and review material is required for a complete building code review. At this time, plans and information necessary to verify compliance with all applicable building code provisions is neither required nor provided.

Plans provided propose to divide 4.67 acres of three existing lots into 34 lots for the construction of 28 two-family attached (townhouse construction) and six detached single-family residences.

Washington State Codes and Amendments: <http://www.sbccc.wa.gov/sbccindx.html>.

Please note the **2018 I-Codes & WA Amendments are in effect as of Feb 1, 2021 and the 2020 NEC is in effect as of Oct. 29, 2020.**

DESIGN REQUIREMENTS

Seismic Design Category D-1, Soils class D or as determined by geotechnical engineer Wind 97 MPH (Vult) Exposure C, Minimum Ground and Roof Snow Load 25 psf, Frost depth 12 inches.

Prior to final grading: Condition of approval: A final summary report by the geotechnical engineer of record shall be prepared and submitted to the City of Vancouver that states that the project soils were prepared in accordance with the governing geotechnical report and construction documents. Provide a current report with lot specific conditions and compaction test results by final grading. Please send to inspectionreports@cityofvancouver.us.

Single-family dwelling: Per IRC R302, exterior walls, opening, penetrations and projections shall be as per Table R302.1(1) or if equipped with fire sprinklers, then Table R302.1(2) shall apply. Eaves may not extend closer than two feet to a property line.

Townhouse design will need to meet IRC section R302.2 and WAC 51-51-0302 for fire separation and Structural independence. **Please note that starting with the 2018 I-codes, WAC 51-51-0302 will require sprinkler protection for attached units greater than four.**

Where there is a real property line between attached units, City of Vancouver requires each unit to have a separate one-hour wall per R302.2.1 as opposed to a single two-hour common wall. Structural independence requires each unit to be designed as a separate building with no other units present (no shielding from wind). No eaves or overhangs are allowed to cross property lines. Utilities are required to be located on the property served and may not cross property lines. Shared gutters and downspouts require a maintenance agreement.

Retaining walls over four feet in height from the bottom of the footing to the top of the wall, or that support a surcharge or impounding Class I, II, or III-A Liquids require a RES building permit and to be engineered. VMC 17.08.090.

The proposed site plan appears acceptable for building codes related issues and accessibility issues; however, a complete building plan review will be required to determine final compliance.

Conclusion: As submitted the project can be reviewed for building code issues related to the site plan. The site plan review process is a separate and distinct process from the building permit process.

As submitted project could be approved for building code requirements pertaining to the site plan.

RECOMMENDATION

Staff hereby recommends approval with conditions as noted below and throughout this report. Based upon the analysis and findings herein, the criteria for approval have been satisfactorily met, or shall be met with the conditions of approval and no significant adverse impacts have been identified. This approval does not grant the right to permits, but only determines the development can meet the requirements of the applicable ordinances as described in this report.

CONDITIONS OF APPROVAL

Prior to Civil Plan Approval

1. Upload the civil plan review set showing all the revisions requested as well as all necessary reports (geotechnical, hydrology, traffic analysis, road modification, etc.). Include a detailed site plan in the civil plan review set. For questions on these requirements please contact 360-487-7804.
2. Grading plan review fees will be due upon submittal of civil plans for review. Contact Permit Center staff at 360-487-7802 to obtain a fee quote.
3. Add a note to the grading plans that states: "If any archaeological deposits are found during construction, work shall stop and the City of Vancouver's Community & Economic Development Department and the Washington State Department of Archaeology and Historic Preservation shall be notified."
4. Submit drainage plans to the Washington Department of Transportation (WSDOT) for review and approval. Provide evidence to the city of approval of drainage plans from WSDOT.
5. Pay concurrency modeling fees totaling \$912.
6. Pay proportional share cost of \$16,000.
7. Unless the urban forester indicates otherwise, tree numbers 50655, 50657, 50658 and 50659 shall be indicated for removal. The tree density calculation shall be updated to maintain 30 tree units per acre.
8. The demolition and erosion control designs must be prepared showing construction access being taken through the quarry site.
9. Coordinate and accommodate the HQ Master Plan and Subdivision's (LUP-81596) final public sanitary sewer development extension requirements.
10. Revise and complete the public sanitary sewer design on the civil drawings. Prepare according to Vancouver's current General Requirements and Details for design and construction. Address redline comments and submit the final design for civil plan approval.
11. New and existing fire hydrant locations shall be shown.
12. An approved fire response plan shall be included in both the civil plans and the architectural plans.
 - Fire Lane boundaries, width, turning radii, gates across fire lanes and required turnarounds
 - Fire Lane signage and striping as demonstrated in the Development Standard 503 - Fire Department Emergency Access.
 - Fire hydrants, mains, Fire Department Connections for fire sprinkler systems, underground fire sprinkler supply mains into building
 - Location of Fire Sprinkler Riser Rooms and Fire Alarm Control Panels (FACP)
 - Location of Knox-Box if known.
 - Known hazards or obstructions to Fire Emergency Response (overhead power lines, outdoor hazardous storage, etc.)

13. Show designated collection point for two carts per lot. Adequate minimum frontage shall be provided, 10 feet for set out of carts from each lot is needed to permit automated collection from the right side of the truck body.

Prior to Final Plat Approval

14. Submit a final plat application along with two size copies and one reduced 8 1/2 x 11 copy of the proposed plat and tree/landscape plan. Applications can be found under Building, Planning and Environment on the City of Vancouver website, www.cityofvancouver.us.
15. Provide the following improvements to SE 178th Avenue, per City of Vancouver standards:
- Dedicate public right of way per the standard.
 - Install asphalt street, curb, gutter, planting strips, detached sidewalks, ADA ramps, and driveway approaches, per the applicable city standards.
 - The curb radii at the intersection of SE 178th Avenue and Brady Road shall be a minimum of 25 feet per the design criteria of VMC Table 11.80.040.C-1. Additional right of way dedication may be required to accommodate this.
 - Install new streetlights per current city standards. See detailed information below.
 - Install traffic control devices as warranted and storm drainage as required by the city stormwater ordinance.
16. Construct the east length of SE Brady Road to match the paved street width of the pending HQ Vancouver Master Plan and provide an appropriate transition between sidewalk designs.
17. Provide the following improvements for the west length of SE Brady Road:
- Dedicate public right of way per the standard.
 - Install asphalt street, curb, gutter, planting strips, detached sidewalks, ADA ramps, and driveway approaches, per the applicable city standards.
 - Install 'No Parking - Fire Lane' signs at appropriate spacing along one side of the street.
 - Install new streetlights per current city standards. See detailed information below.
 - Install traffic control devices as warranted and storm drainage as required by the city stormwater ordinance.
18. Provide the following improvements for SE Fisher's Creek Road:
- Dedicate public right of way per the standard.
 - Install asphalt street, curb, gutter, planting strips, detached sidewalks, ADA ramps, and driveway approaches, per the applicable city standards.
 - The curb radii at the intersection of SE Fisher's Creek Road and SE Brady Road shall be a minimum of 25 feet per the design criteria of VMC Table 11.80.040.C-1. Additional right of way dedication may be required to accommodate this.
 - Install 'No Parking - Fire Lane' signs at appropriate spacing along one side of the street.
 - Install new streetlights per current city standards. See detailed information below.
 - Install traffic control devices as warranted and storm drainage as required by the city stormwater ordinance.
19. Show, note, and specify any public sanitary sewer easements to the City of Vancouver. Include standard required plat easement recording language.
20. Signs shall be placed at minimum every 200 feet around both the Fisher's Creek Riparian Management area that reads, "The area beyond this sign is a fish and wildlife habitat conservation area. Alteration or disturbance is prohibited by law. Please call the City of Vancouver for more information."

21. Signs shall be placed at minimum every 200 feet at the wetland and wetland buffer and at the wetland mitigation site 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."
22. A permanent physical demarcation along the upland boundary of the wetland buffer and riparian management area shall be installed and thereafter maintained. Such demarcation may consist of fencing, hedging or other prominent physical marking that allows wildlife passage, blends with the wetland environment.
23. A conservation covenant running with the land shall be recorded with the county that shall contain the wetland/wetland buffer area and one for the Fisher's Creek Riparian Management Area.
24. Submit a cost estimate for the mitigation planting along with a financial security in the amount of 125 percent of the cost estimate. The financial security can be in the form of a bond, escrow or standing letter of credit. Once the monitoring plan as stated in the critical areas report is completed, the security can be returned.
25. A licensed landscape architect shall provide a certificate verifying that the landscaping has been installed per the city-approved construction documents. Please submit to Keith Jones, keith.jones@cityofvancouver.us.
26. The following note shall be placed on the plat: Pursuant to VMC 20.915, Park, School and Traffic impact fees must be paid prior to the issuance of a building permit for any single-family home within this subdivision. Said fees will be recalculated for building permit application filed more than three years after preliminary plat approval. These fees do not constitute liens against the lots in this subdivision but are collected as a condition of initial building permit issuance.
27. The applicant shall establish a homeowners association. The homeowners association shall be responsible for maintenance of the park and common open space areas.
28. Include the following note on the final plat: If any archaeological deposits are found during construction, work shall stop and the City of Vancouver's Community & Economic Development Department and the Washington State Department of Archaeology and Historic Preservation shall be notified.

Prior to combustible construction

29. Fire hydrants for emergency use shall be installed, approved and maintained.
30. Fire apparatus access shall be provided and maintained.

During construction

31. A final summary report by the geotechnical engineer of record shall be prepared and submitted to the City of Vancouver that states that the project soils were prepared in accordance with the governing geotechnical report and construction documents. Provide a current report with lot specific conditions and compaction test results by final grading. Please send to inspectionreports@cityofvancouver.us.
32. Secure construction permits and schedule and attend a pre-construction meeting. Construct the new public sanitary sewer mains and service laterals as shown on the approved civil plans. Satisfy construction services testing and inspection requirements and secure construction acceptance.
33. Satisfy submittal and other requirements itemized in the Notification of Civil Plan Approval and secure final civil project acceptance.
34. Address signage shall be visible and legible from the street fronting the property for emergency response. If applicable, individual suite numbers shall be posted at the suite doors.
35. Required fire lane signage shall be installed.

36. Any fire protection features identified as being required during the construction permit review shall be installed and approved prior to occupancy.
37. If a Fire Department Knox-Box was identified as a requirement during the construction permit review, then it shall be installed at an approved location and locked with the required content.
38. If any archaeological deposits are found during construction, work shall stop and the City of Vancouver's Community & Economic Development Department and the Washington State Department of Archaeology and Historic Preservation shall be notified.
39. If an on-site sewage system is found during development, it must be properly abandoned to Clark County Health Department standards.
40. If a well is found during development, it must be properly decommissioned by a licensed well driller and the Clark County Health Department notified.

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.

EXHIBITS

1. Staff Report
2. Application Form
3. Applicant Narrative
4. Site Plan and Landscape Plan May 2021
5. Preliminary Plat
6. Notice of Application, public hearing & optional SEPA determination dated July 16, 2021
7. Dept. of Ecology Letter dated Aug. 16, 2021
8. Southwest Clean Air Agency Letter Aug. 16, 2021
9. E-mail from Washington Dept. of Transportation Aug. 16, 2021
10. Public Comments
11. Applicant response to public comments
12. Tree Plan Recommendations Memo April 22, 2021**
13. Critical Areas Report April 30, 2021**
14. City Trip and Traffic Fee Calculation Worksheet Aug. 9, 2021
15. E-mail dated July 27, 2021 regarding sewer coordination
16. Final SEPA
17. Traffic Generation Letter
18. Geotechnical Report dated March 29, 2021**
19. Stormwater Report May 2021**

**Because of the size of the exhibit, it is not included with this report. The document is available for review via email. Please email the case manager for this project to receive electronic copies of the requested exhibit.



Planning Permit Application

LAND USE PRELIMINARY APPLICATION (LUP)

415 W 6th ST ~ Vancouver, WA 98660, P.O. Box 1995 ~ Vancouver, WA 98668, Phone (360) 487-7800

www.cityofvancouver.us

Email Completed Applications to plans@cityofvancouver.us

Type Of Work		
☐ Type I**	☐ Type II	☐ Type III
☒ Type IV	☐ Tree Removal Only	
Use Type (Check One Box Only)		
☐ Single Family	☐ Commercial	☐ Multi-Family
☐ Industrial	☒ Residential	☐ Duplex
☐ Wireless Communications Facility (new) <i>please see VMC 20.890</i>		
Process Type		
☒ Standard	☐ Streamline-Type II Application Only <i>Pre-Submittal Meeting must be completed prior to submitting this application.</i>	

Project Site Information And Location	
Project site address:	17700 SE Evergreen Highway
Suite/bldg./apt #:	N/A
Project name:	Fisher's Creek Subdivision
Tax Assessor Serial Number:	126778000, 12679000, 126780000
Nearest Intersection if no site address:	SE 178th Avenue

Description Of Project
Planned Development Subdivision - 34 lots developed with attached townhomes.
Development includes designated open space and landscaping.
New street system includes utilities, separated stormwater facility.

PROPERTY OWNER	
Name	HQ Vancouver, LLC
Address:	275 W. 3rd Street, Suite 300
City/State/Zip:	Vancouver, WA 98660
Phone:	360.608.6026
E-mail:	scot@hurleydev.com

APPLICANT	
Name	Kevin Brady
Address:	700 Washington Street, Suite 300
City/State/Zip:	Vancouver, WA 98660
Phone:	503.504.1951
E-mail (required):	kevin.brady@otak.com

ELECTRONIC PLANS SUBMITTER*	
Name	Otak Civil
Address:	808 SW 3rd Avenue, Suite 800
City/State/Zip:	Portland, OR 97204
Phone:	503.287.6825
E-mail (required):	otakcivil@otak.com
ePermits Username (if existing account)	Otak Vancouver

Additional Information		
Special Review Type: (If applicable)	☐ Tenant Improvement ☐ Other	
	☐ Unoccupied Commercial/Utility Structure	
Plan Approval Type: (If applicable)	☒ Conceptual	☒ Detailed ☐ Hybrid
Sewage Disposal:	☐ Septic ☒ Public	
Water Source:	☐ Private Well ☒ Public	
# of Units:	34	
# of Proposed Lots:	34	
# of Acres:	4.67	
Size:	☒ Up to 25 acres ☐ Over 25 acres	
New Hard Surface Area:	89,537	Sq. Ft.
Replaced Hard Surface Area:	0	Sq. Ft.
Total Hard Surface Area:	89,537	Sq. Ft.
Square Feet:	Ground Floor:	40,800
	Upper Floor:	40,800

Notice
<i>I/we understand that per VMC 20.210.090 (Review for Counter Complete Status), if it is determined that the application is not complete, the City shall immediately reject and return the application.</i>
<i>If submitting electronically, I/we understand that if my electronic plan submission is deemed to be incomplete I will receive notification after the prescreening process and review will not begin.</i>
<i>I/we agree that City of Vancouver staff may enter upon the subject property at any reasonable time to consider the merits of the application, to take photographs and to post public notices.</i>

Required Signatures	
Applicant signature:	
Print name: Kevin Brady, Otak	Date: 4/30/21
Property Owner signature:	
Print name: Ryan Hurley	Date: 4/27/21

* Please note that the contact listed as "Electronic Plans Submitter" should be the individual responsible for accessing ePlans, (electronic plan review software), and will receive all ePlans correspondence.

** Type I projects may need to complete a Stormwater Applicability form.

APPLICATION SUB TYPES			
Please check all applicable boxes and enter information where necessary			
☒ Archaeological Predetermination (fill out supplemental application)			
☐ Binding Site Plan	☐ Land Extensive	☐ Non-Residential	
	☐ Commercial Pad	☐ Unoccupied Com/Utility Structure	
☐ Boundary Line Adjustment	# of lots to be reviewed:		
☐ Comprehensive Plan Amendment			
☐ Conditional Use Permit	Type of Use:		
	Civil Review required?	☐ Yes	☐ No
☐ Covenant Release			
☒ Critical Areas Permit	☐ Minor Exception		☐ Reasonable Use
	Area Types:		
	☒ Fish & Wildlife		☐ Freq. Flooded
	☒ Geological Hazard		☒ Wetlands
☐ Design Review (contact case manager for submittal requirements)	☐ Vancouver Central Park		
	☐ Downtown	☐ Exterior Mod. Only	
☐ Development Agreement (see VMC 20.250 for requirements)	☐ Initial Agreement		
	☐ Modification		
	☐ Extension		
☐ Engineering Variance Request / Road Modification (see supplemental checklist)	☐ Administrative		
	☐ Design Major		
	☐ Technical / Minor		
☐ Historic Preservation * (contact case manager for submittal requirements)	Historic Type:		
	☐ Major Modification		
	☐ Place Property on Registry		
	☐ Special Valuation		
	Register Type:		
	☐ State	☐ Local	
	☐ National		
☐ Human Services Siting Request (fill out supplemental application)			
☐ Joint Use Parking Agreement (see VMC 20.945.030 for requirements)			
☐ Legal Lot Determination	# of lots to be reviewed:		
☐ Master Plan Public Facilities			
☐ Modification	Modification Type:		
	☐ Conditional Use	☐ Minor	
		☐ Major	
	☐ Mixed Use Master Plan		
	☐ Public Facilities Master Plan		
	☐ Planned Unit Development		
	☐ Post Decision Review		
	Type:	☐ Planning ☐ Planning and Engineering	
☐ Planned Unit Development / Master Plan	☐ Commercial		
	☐ Mixed		
	☐ Residential		
☐ Preliminary Land Division	Plat Alteration?	☐ Yes	☐ No

☐ Preliminary Site Plan Review	☐ Commercial Pad	☐ Land Extensive
	☐ Non-Residential	☐ Residential
	☐ Unoccupied Comm"/Utility Structure	
☐ Shoreline Permit	Request Type:	
	☐ Conditional Use	
	☐ Variance Request	
	☐ Substantial Development	
	Shoreline Designation:	
	☐ Aquatic	☐ Natural
	☐ High Intensity	☐ Med. Intensity
	☐ Urban Conservancy	
☐ Similar Use Determination * (see VMC 20.160.030 for requirements)		
☐ Statement of Exemption*	Exemption Type:	
	☐ Shoreline Permit	
	☐ Critical Area Permit	
	Exemptions Requested: (Critical Areas only)	
	☐ Fish & Wildlife	☐ Wetlands
	☐ Geological Hazard	☐ Frequently Flooded
☒ State Environmental Policy (SEPA) (fill out supplemental application)	Use Type:	
	☒ Single Family	
	☐ Other	
	SEPA Type:	
	☐ Grading	☐ Non-Projects
	☐ Other	☐ Site Plan (RES)
	☒ Land-division or PUD	
☐ Temporary Use * (see VMC 20.885 for requirements)	Temporary Use Type:	
	☐ Commercial/Industrial	
	☐ Unforeseen Emergency	
	☐ Seasonal or Special Event	
	☐ Model Home	
	☐ Temp Sales Office	
☒ Tree Plan (see VMC 20.770.050 for requirements or see submittal requirement document for additional information)	☐ Level 1	☐ Level 2
	☐ Level 3	☐ Level 4
	☒ Level 5	☐ Level 6
	☐ Level 7	
☐ Variance	Total # of Variance Requests:	
☐ Zoning Certification* (see submittal checklist for additional information)	Year Built:	
	Footprint/Lot Coverage:	
	Existing Bldg. Height:	
	Existing # Parking Spaces:	
☐ Zoning Verification * (see submittal checklist for add'l information)		
☐ Zoning Change	Change Type	With Comp Plan Change?
	☐ Map Change	☐ Yes
	☐ Code Change	☐ No
	Proposed Zoning:	

*These application sub-types must be submitted as a separate LUP application. They may not be bundled with other sub-types.

EXHIBIT 3



**Fisher's Creek Subdivision
Vancouver, WA**

Request for Type IV Application(s) Approvals:

**Planned Development Subdivision
Critical Areas Permit – Fish and Wildlife Habitat Conservation Areas,
Wetlands, Geologic Hazards
Level V Tree Plan
SEPA
Minor Road Modification Request**

Prepared for:
Hurley Development
275 SW 3rd Street, Suite 300
Vancouver, WA 98660

May 28, 2021

Prepared By:
Otak, Inc.
700 Washington Street, Suite 300
Vancouver, WA 98660

19809.200



REQUESTS

Planned Development Subdivision, Critical Areas Permit, Level 5 Tree Plan, SEPA and Minor Road Modification approvals are requested for this Type IV application.

SITE INFORMATION

SUBJECT
PROPERTY: 17700 SE Evergreen Highway (Tax Lots: 126778000, 12679000
&126780000)

SITE AREA: 4.67 acres

COMPREHENSIVE PLAN
DESIGNATION: Urban Low Density Residential

ZONING DESIGNATION: Low Density Residential-9du/ac (R-9)

APPLICANT/PROPERTY OWNER

APPLICANT/OWNER: HQ Vancouver, LLC
275 W. 3rd Street, suite 300
Vancouver, WA 98660

Contact: Scot Brantley
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PROJECT DEVELOPMENT TEAM

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Appendices

Appendix A – Master Application Form and Submittal Checklists
Appendix B – Clark County Public Health Application Receipt
Appendix C – Pre-Application Report (PIR)
Appendix D – Title Report
Appendix E – SEPA Checklist
Appendix F – Trip Generation Letter
Appendix G – Tree Plan
Appendix H – Stormwater Report (TIR)
Appendix I – Geotechnical Report
Appendix J – Critical Areas Report
Appendix K – Archeological Report (Pre-Determination)
Appendix L – Mailing Labels and Map
Appendix M – Architectural Elevations/Floor Plans
Appendix N – GIS Developer's Packet
Appendix O – Road Modification Application
Appendix P – Narrative
Appendix Q – Plan Set (see details below)

Plan Set

Sheet G-01 – Cover Sheet
Sheet G-02 – General Notes and Legend
Sheet EX-01 – Existing Conditions, Demolition and Erosion Control
Sheet C-00 – Preliminary Plat
Sheet C-01 – Site Plan
Sheet GR-01 – Grading and Erosion Control Plan
Sheet PP-01 – SE Brady Road Plan and Profile
Sheet PP-02 – Fisher's Creek Plan and Profile
Sheet PP-03 – SE 172nd Avenue Plan and Profile
Sheet STRM-01 through STRM-02 – Stormwater Plan and Profile
Sheet UT-01 – Utility Fisher's Creek Plan and Profile
Sheet UT-02 – Utility SE Brady Road Plan and Profile
Sheet SS-01 – Signing and Striping Plan
Sheets STD-01 through STD-02 – Standard Detail
Sheet L-01 – Landscape Plan
Sheet L-02 – Landscape Details and Notes
Sheet L-03 – Landscape Buffer Mitigation Plan
Sheet L-04 – Landscape Details

I. Requests

Planned Development Subdivision, Critical Areas Permit, Level 5 Tree Plan, SEPA and Minor Road Modification approvals are requested for this Type IV application. The subject site is identified as Tax Lots: 126778000, 12679000 & 126780000, as well 17700 SE Evergreen Highway. The PAC Report is case file 14PRJ-166679/ PIR-80788 (Fisher's Creek Planned Development) and was evaluated and prepared by the City of Vancouver staff.

II. Project Description

The applicant proposes a 34-lot single-family attached and detached Planned Development and narrow lot Subdivision for the construction of 28 townhomes and 6 detached single family houses. The Preliminary Plat includes extension of SE 178th Avenue from the north and the connection to SE Brady Road to the east, with Fisher's Creek Road providing access to 10 lots and Tract A. Tract A includes the Fisher's Creek 100-foot riparian management zone protected area and associated buffer, a stormwater detention and treatment facility and an active/usable open space area equal to 12.5% of the site, including gazebo, picnic areas and trails. Tract B includes a protected wetland area and associated buffer and impact mitigation areas. Guest parking is provided along the streets and in driveways. Landscaping is proposed in the tracts and as street trees along public streets.

III. Compliance with Vancouver Municipal Code – Title 20, Land Use and Development Code

A. Chapter 20.200 Land Use Decisions

20.210 Decision Making Procedures

Response: The applicant requests approval of a Planned Development Subdivision, Critical Areas Permit, Level 5 Tree Plan, SEPA and Minor Road Modification for new subdivision and development, classified as a Type IV procedure per VMC 20.210.020-1. The applicant completed the required preapplication meeting (no meeting - report only due to COVID restrictions). The PAC Report is case file PRJ-166679/ PIR-80788 (Fisher's Creek Planned Development). See Appendix C. After submittal, the application will eventually be accepted and deemed fully complete. Once the application is deemed complete, a notice of application with a 14-day comment permit will be issued. The staff report will be issued thereafter, with subsequent public hearings with both Hearings Examiner and City Council.

B. Chapter 20.260 Planned Developments

20.260.020 Applicability

- A. *Applicable in all zones. The planned development is a development vehicle that may be used in all base zoning districts except in the Park, Greenway and Natural Area districts.*
- B. *Permitted uses. The following uses shall be allowed in various base zoning districts:*
 - 1. *Lower-Density Residential Zoning Districts. In the R-2, R-4, R-6 and R-9 zoning districts, an applicant with a planned development approval may develop the site to contain a mixture of uses subject to the maximum density provisions of the underlying zone, as contained in Chapter 20.410 VMC, plus 15 percent density bonus per the provisions of VMC 20.260.060(D).*
 - a. *The following uses are allowed by right within planned developments:*
 - 1. *Single-family detached residential units with or without accessory dwelling units.*
 - 2. *Two or more single-family attached residential units, duplex, triplex, and townhome and other fourplex residential units. Duplexes, triplexes, fourplexes, and townhomes located on the perimeter of the development directly abutting single-family zoning districts shall have a height limit of 35 feet.*

Response: The subject site is zoned R-9; therefore, the proposed townhomes are allowed and can comply with the use thresholds of this Subsection. The proposed maximum height for the townhomes is 35 feet; therefore, the height limit in this Subsection is met. All other applicable design and development standards contained in this Title, as well as other applicable regulations, are thoroughly addressed below under specific Subsections, including the base zoning District (R-9).

20.260.030 Approval Process

- A. *Elements of approval process. The two elements of the planned development approval process are:*
1. *Approval of the planned development concept development plan which contains a substantial level of detail for the whole project; and*
 2. *Approval of the detailed site plan(s) to be constructed in one or more phases that provide all of the additional detail not contained in the concept plan.*
- B. *Decision-making process.*
1. *Initial approval. A new planned development concept plan shall be processed by means of a Type IV review, per 20.210 VMC, using approval criteria contained in 20.260.050 VMC. The Planning Commission shall be the initial review authority for planned developments greater than 25 acres in size and the Hearings Examiner shall be the initial review authority for planned development 25 acres or less in size. The initial reviewer shall issue a recommendation to the City Council. The City Council shall be the final authority for planned developments.*
 2. *Subsequent reviews. The detailed site plan, and phases thereof, shall be reviewed by means of a Site Plan Review under 20.270 VMC, to ensure that it is substantially in compliance with the approved concept development plan, using approval criteria contained in 20.260.050 VMC.*
 3. *Applicable in all zones.*

Response: The applicant understands that the Type IV procedure is required, including public hearings with both the Hearings Examiner and City Council. This application and procedure includes review of both Concept Plan and Detailed Site Plan, as well as the other reviews indicated in the request above.

- C. *Concurrent reviews. An applicant may file two or more related requests concurrently. These concurrent reviews will be reviewed by the procedure type of the higher/highest level, that is, if one review is subject to a Type III process and the other a Type II process, both will be subject to a Type III review process. Examples of concurrent reviews include:*
1. *Concept development and one or more phases of a detailed site plan.*
 2. *Concept development plan and one or more environmental reviews.*
 3. *Concept development plan and land division.*
 4. *Concept development plan and height variance.*
 5. *Concept development plan and one or more conditional use(s).*
 6. *Detailed site plan and modification of an already-approved concept development plan may be reviewed concurrently by means of a Type II or III process, depending upon the nature of the concept plan modification as defined in Section B(3) above.*
 7. *A concept development plan and any combination of the above.*

Response: The applicant proposes the following as part of the Concept Plan review, per the allowances in this Subsection:

- Concept development and one or more phases of a detailed site plan;
- Concept development plan and one or more environmental reviews;
- Concept development plan and land division.

D. *Adjustment approval criteria. Adjustments to numerical development standards in the underlying zoning district shall meet the criteria contained in Section 20.260.050(B) VMC below in lieu of requirements for variances contained in Chapter 20.290 VMC. The exception to this is a request to exceed the maximum height permitted in the underlying zone, which will require a concurrent variance request per 20.290 VMC.*

Response: The applicant proposes to reduce the minimum lot size from 5,000 square feet to 2,250 square feet, with proposed lots ranging from 2,250 square feet to 3,750 square feet. The associated approval criteria for this requested adjustment is addressed below in Subsection Section 20.260.050(B).

20.260.050 Approval Criteria

A. Concept development plan approval criteria. To receive approval for a planned development, the applicant shall demonstrate compliance with all of the following criteria:

- 1. Content. The concept plan contains all of the components required in Section 20.260.070. Compliance with all applicable standards. The proposed development and uses comply with all applicable standards of the Title, except where adjustments are being approved as part of the concept plan application, pursuant to Section 20.260.030 (D)(2).*

Response: The applicant has provided all of the components required in Section 20.260.070, as addressed below. The proposed development and uses comply with all applicable standards of this Title, as addressed in the narrative herein.

- 2. Architectural and site design. The proposed development demonstrates the use of innovative, aesthetic, energy-efficient and environmentally-friendly architectural and site design.*

Response: The architectural design of the future townhomes includes both hip roof and gable options, with each option providing modern and aesthetic design features, including refined selection of both materials and colors. See Appendix M for details. The design of the site includes preservation of Fisher's Creek and an open space tract (Tract B) at the northwest corner of the site that provides protection and buffering of an existing wetland. Tract A provides on-site, active open space for residents and visitors through a trail system and outdoor amenities, such as benches, picnic tables and gazebo for shelter.

- 3. Transportation system capacity. There is either sufficient capacity in the transportation system to safely support the development proposed in all future phases or there will be adequate capacity by the time each phase of development is completed.*

Response: The applicant has not been required to provide a formal Traffic Impact Analysis (TIA). Instead, a Trip Generation and Distribution Letter has been provided. The Letter provides estimated trip generation based on a proposal consisting of 6 single-family dwelling units and 28 attached townhomes, with associated ITE Codes 210 (Single-Family Detached Housing) and 221 (Multifamily Housing) used in the proposed trip generation calculation. A total of 265 trips will be generated by the proposal. The Letter also identifies trip distribution and the intersections impacted by more than 5 peak hour trips, with trip distribution based on travel demand model plots obtained from the Southwest Washington Regional Transportation Council (RTC). This information and data has been correlated with the relevant Transportation Management Zone (TMZ), which are all part of the analysis in the Letter that provides the basis for an estimated proportionate share of fees for the SR-14/192nd Avenue Intersection. This estimated fee amount is \$16,000. Based on the data and analysis provided in the Trip Generation and Distribution Letter, there is sufficient capacity in the transportation system to safely support the proposed development.

- 4. Availability of public services. There is either sufficient capacity within public services such as water supply, police and fire services, and sanitary waste and storm water disposal, to adequately serve the development proposed in all future phases, or there will be adequate capacity available by the time each phase of development is completed.*

Response: The applicant has reviewed the Pre-App Report, which indicates that with specific improvements, the site can be served with water supply, sanitary waste and storm water disposal. The applicant has provided a set of Preliminary Civil Plans (Appendix Q) that provide specific information about utilities that will serve the site. Existing water service can serve the proposal through extension of the 8-inch main within SE 178th Avenue. Existing sanitary sewer service can serve the proposal through extension to the public sewer line within SE 177th Lane. A stormwater system has been designed and proposed per applicable minimum requirements and Best Management Practices (BMPs), as indicated in the Stormwater Report (Appendix H).

5. *Protection of designated resources. City-designated resources such as historic landmarks, significant trees and sensitive natural resources are protected in compliance with the standards in this and other Titles of the VMC.*

Response: Fisher's Creek, a stream located at the western edge of the site, includes a Riparian Management Area (RMA) and associated Riparian Buffer (RB). No development is proposed in the RMA, and impact mitigation is proposed for development in the RB. A wetland buffer area at the northeast corner of the site will be slightly impacted with development, with 510 square feet of permanent wetland buffer encroachment and 2,310 square feet of mitigation area. The applicant has also provided a Tree Plan (Appendix G), indicating protection of significant trees, and a Landscape Plan, indicating retention of trees and planting of additional trees to meet requirements for minimum tree density. In addition, the applicant has provided a Critical Areas Report (Appendix J) and a Buffer Mitigation Plan (Sheet L-03 in the Plan Set, Appendix Q) that specifically details mitigation for impacted buffer areas on the site.

6. *Compatibility with adjacent uses. The concept plan contains design, landscaping, parking/traffic management and multi-modal transportation elements that limit conflicts between the planned development and adjacent uses. If zoning districts are shifted per Section 20.260.020(C) VMC, there shall be a demonstration that the reconfiguration of uses is compatible with surrounding uses by means of appropriate setbacks, design features or other techniques.*

Response: The proposed planned development (and associated single family units and townhomes) is considered a residential use, which is the same use as the existing attached and detached homes that surround the subject site, which are also considered residential uses. Based on proposed residential use(s) and associated minimal trip generation, as well as provision of adequate resident and guest parking, the impact associated with traffic and parking is limited.

Thoughtful design of the townhomes provides architectural compatibility with existing surrounding neighborhoods, with a robust landscape plan providing additional site aesthetics. In addition to landscaped areas and street trees, Fisher's Creek and associated protected areas act as a natural buffer along the western boundary of the site. The site also includes a small wetland area at the northeast corner of the site that provides further natural area and buffering between the site and adjacent residential uses. The combination of landscaping and protected natural areas and buffers provide substantial compatibility with adjacent neighborhoods with similar natural areas and landscaping. No zoning districts are proposed for shifting.

7. *Mitigation of off-site impacts. All potential off-site impacts including litter, noise, shading, glare and traffic, will be identified and mitigated to the extent practicable.*

Response: The proposal includes coordination with the associated sanitary trash and recycle service, which will significantly reduce any trash impacts related to the site. Noise impacts from short-term construction noise will be inevitable; however, after construction only normal ambient noise associated with residential neighborhoods are anticipated, and no other uses that might produce higher levels of noise are proposed. Large groups of trees associated with environmental protections areas, i.e. wetlands and stream, will provide suitable shading for the site, as will proposed landscaping and street trees. Normal glare from residential homes is anticipated, with no other sources of glare proposed or anticipated. The applicant has provided a Trip Generation and Distribution Letter as part of the application, which provides analysis of traffic impacts and proportional share of fees for mitigation.

B. Adjustment approval criteria. Adjustments to numerical development standards may be processed as part of the request for concept if the applicant can demonstrate compliance with all of the following approval criteria:

1. *The adjustment(s) is warranted given site conditions and/or characteristics of the design.*

Response: The adjustment for reduction in minimum lot size is warranted based on the site conditions and requirements for site design. The main warrant for the adjustment is the significant critical areas on the site that require protection. In addition, development standards such as minimum density requirements, lot frontage and required right-of-way for access all create restrictions on minimum lot size. In addition, the required common open space further restricts options for lot sizes and dimensions.

2. *The benefits accruing from the implementation of the adjustment outweigh any potential adverse impacts.*

Response: The benefits of the proposed adjustment include protection and enhancement of critical areas, the ability to provide significant areas for common open space and the ability to still comply with density standards. The only adverse impact is a minor reduction in private yard space, which is mitigated through the creation of usable open space and provision of associated amenities.

3. *Any impacts resulting from the adjustment are mitigated to the extent practical.*

Response: Again, the only potential adverse impact is a minor reduction in private yard space, which is mitigated through the creation of usable open space and provision of associated amenities.

20.260.060 Development Standards

1. *Minimum development size. There shall be no minimum site size for any type of planned development.*

Response: There is not minimum site size, therefore, this standard is met.

2. *Applicability of base zone development standards. The provisions of the base zone are applicable as follows. When the zoning districts within the planned development have been shifted as permitted in Section 20.260.020 (C) VMC, the applicable development standards for the underlying zones shall shift accordingly.*

a. Lot dimensional standards: The minimum lot depth and lot width standards *shall not apply*.

Response: There is no minimum lot depth or width, therefore, this standard is met.

3. *Lot coverage: The site coverage provisions of the base zone shall apply.*

Response: The maximum lot coverage for R-9 is 50%. The applicant proposes site coverage for townhomes to be approximately 39%; therefore, the lot coverage standard is met.

4. Setbacks

- a. Front and rear yard setbacks for structures at the perimeter of the project shall be the same as required by the base zone except when an adjustment is approved, per Section 20.260.030(D).
- b. The side yard setback provisions shall not apply except that all detached structures shall meet the City's adopted building code requirements for type of construction.
- c. Front yard and rear yard setback requirements in the base zone shall not apply to structures on the interior of the project except that any garage facing a street shall be set back a minimum of 18 feet from the front or side street property line.
- d. All other provisions of the base zone shall apply except as modified pursuant to this Chapter, except for maximum height for which a variance shall be sought, as governed by Chapter 20.290 VMC.

Response: The proposed planned development includes 34 lots, with all proposed townhomes meeting the applicable setback standards.

Based on the table above, all of the proposed setbacks meet the front, side and rear setback standards.

5. *The Planning Commission or Hearings Examiner can reduce the minimum lot size requirement for attached single family residential uses in planned developments.*

Response: The applicant is proposing a reduction in minimum lot sizes; the proposed reduction is satisfied through findings in the adjustment criteria addressed above.

- C. *Common open space. In exchange for the approval of higher residential densities, smaller lots and relaxed development standards, the developer of a planned development is required to provide common open space for the active and passive recreational activities of residents, employees and visitors. Such space shall be aggregated and centralized to the development to the fullest extent feasible and shall consist primarily of a combination of landscaped open areas. Un-landscaped natural areas or paved hardscape areas may also be included if they also promote active or passive recreational uses. Features may include plazas, arbors, sitting areas, picnic areas, playing fields and trails.*
1. *In planned developments, the following requirements shall apply.*
- a. *At least 10% of the gross area of the site must be devoted to such open space. Such space must be fully accessible to the residents, employees, visitors and/or other users of the site. Reduction of this standard in PDs of two acres or more is prohibited. A reduction of this standard in PDs of less than two acres is subject to an adjustment per Section 20.260.030(D) VMC using approval criteria in Section 20.260.050(B) VMC.*

Response: The proposal includes 12.5% of the site be devoted to open space in the form of Tract A. Therefore, the minimum 10% open space requirement is met. See Sheet C-01 in the Plan Set in Appendix Q for details.

- b. *Fenced yards associated with buildings immediately adjacent to designated open space and landscaping in parking lots shall not count toward the total requirement.*

Response: Fences yards have not been included in the calculation of open space.

- c. *Environmentally-constrained land within the planned development, including wetlands, geologically hazardous areas, sensitive wildlife habitats, pursuant to Section 20.740 VMC or native vegetation and healthy soil preservation pursuant to 20.770 VMC or stormwater facilities pursuant to Chapter 14.25 VMC; may be used to meet up to 50% of the total requirement specified in Subsection (a) above, provided that these areas are not fenced and are either accessible to pedestrians to the extent practical or are visually accessible from adjacent and adjoining common open space.*

Response: The open space area provided in the proposal includes a total of 81,950 square feet located in Tracts A and B, which is approximately 36% of total site area. This area includes 28,057 square feet of active/useable open space area within Tract A, which equates to approximately 34% of the overall open space area and 12.5% of overall site area.

2. *The common open space designated to meet this requirement shall be permanently maintained by and conveyed to one of the following:*
- a. *A homeowners' or property owners' association as regulated by State law.*
- b. *A public agency that agrees to maintain the common open space and any buildings, structures or improvements placed within it.*

Response: The homeowners' association will permanently maintain the proposed common open space area.

3. *The applicant may not seek a variance or adjustment to reduce the minimum open space requirement specified in Subsection (2)(a) above.*

Response: The applicant does not seek a variance or adjustment to reduce the minimum open space requirement specified in Subsection (2)(a) above.

4. *The open space created under this provision is not subject to the Park Impact Fee (PIF) credit unless so authorized by the Vancouver-Clark Parks Department.*

Response: The applicant understands that the open space created under this provision is not subject to the Park Impact Fee (PIF) credit unless so authorized by the Vancouver-Clark Parks Department.

D. Residential density.

1. *On-site density transfers. An applicant for a planned development may shift allowed residential densities around the site to protect and preserve critical or sensitive areas while providing the overall maximum density permitted by the underlying zoning district.*
2. *Density bonuses. An applicant for a planned development shall be entitled to an automatic residential density bonus of 5% above the maximum density allowed in the underlying base zone on the portions of the site devoted to housing.*

Response: The applicant is not proposing on-site density transfers or bonuses.

20.260.070 Concept Development Plan Submission Requirements

A. Existing conditions. *An application for a planned development shall contain the following information related to existing conditions on the site, presented in narrative, tabular and/or graphic formats:*

1. *Vicinity map that identifies surrounding uses within 400 feet of the site boundary.*

Response: As part of the Cover Sheet, a vicinity maps are included that identify surrounding uses within 400 feet of the site boundary.

2. *Zoning map that identifies base and overlay zoning designations for the site and surrounding properties uses within 400 feet of the site boundary.*

Response: As part of the Existing Conditions Plan on Sheet EX-01, zoning and uses on adjacent properties within 400 feet of the site boundary are identified.

3. *Site description including the following information provided in narrative, tabular and/or graphic formats:*
 - a. *Topography and natural resources including 100-year flood plain; natural drainage patterns and courses; wetlands, rivers, springs, seeps, closed depression areas, and other water bodies; aquifer and wellhead protection areas; professional survey of existing vegetation and significant stands of trees and individual trees with a caliper greater than 6"; significant fish and wildlife habitat, and professional soils report including hydraulic conductivity, groundwater depths and geological hazards such as steep slopes greater than 15%, unstable, impermeable or weak soils. Exhibit must include a site plan with no greater than five- (5) foot contours for slopes of 0– 10% and no greater than two-(2) feet for slopes greater than 10%.*
 - b. *Open space inventory including all natural and landscaped areas.*
 - c. *Inventory of cultural, historic and/or archaeological resources on the site, if any.*
 - d. *Existing buildings, if any, including use, location, size and date of construction.*
 - e. *Existing on-site pedestrian, bicycle and vehicular circulation system, if any.*
 - f. *Inventory of existing vehicular and bicycle parking spaces and location of surface and structured parking facilities, if any.*
 - g. *Location and size of all public and private utilities on the site including water, sanitary sewer, storm water retention/treatment facilities, and electrical, telephone and data transmission lines.*
 - h. *Location of all public and private easements.*
 - i. *A description of the type, design and characteristics of surrounding properties.*

Response: The applicant has included site descriptions in the following formats and documents:

- Written narrative (herein)
- Topographic Survey
- Existing Conditions Plan (Sheet EX-01)
- Proposed Plat (Sheet C-00)
- Site Plan (Sheet C-01)

- Critical Areas Report
- Preliminary Storm Report (TIR)

4. *Detailed description of the transportation system within and adjacent to the site including:*
 - a. *Street classification of all internal and adjacent streets.*
 - b. *Transit service availability.*
 - c. *Baseline traffic impact study prepared by a licensed engineer to include information as required by the City's Traffic Engineer.*

Response: Street classifications are listed in the Trip Generation and Distribution Letter, as well as in the Plan Set (Sheets PP-01 through PP-03)

5. *Analysis of existing infrastructure capacity on and in the vicinity of the site.*

Response: The applicant has reviewed the Pre-App Report, which indicates that with specific improvements, the site can be served with water supply, sanitary waste and storm water disposal. The applicant has provided a set of Preliminary Civil Plans (Appendix Q) that provide specific information about utilities that will serve the site. Existing water service can serve the proposal through extension of the 8-inch main within SE 178th Avenue. Existing sanitary sewer service can serve the proposal through extension to the public sewer line within SE 177th Lane. A stormwater system has been designed and proposed per applicable minimum requirements and Best Management Practices (BMPs), as indicated in the Stormwater Report (Appendix H).

6. *SEPA checklist.*

Response: The applicant has provided a SEPA Checklist in Appendix E.

7. *Applicable review fees.*

Response: The applicant has paid the required fees for all of the required applications.

- B. *Planning history. Summary of all previous known land use cases affecting the applicant's property and a list of all outstanding conditions of approval that either have not been addressed in the past and/or that remain in force at the time of the application.*

Response: The applicant is not aware of previous land use cases affecting the subject site.

- C. *Proposed development plan.*

1. *Description of all proposed development within the planned development, presented in narrative, tabular and graphic formats:*
 - a. *Underlying zoning district boundaries. If these are shifted around the site as permitted by Section 20.260.020, the existing and proposed configuration of zoning districts shall be illustrated.*
 - b. *Description of the mix of uses, including number of units and/or total gross square feet devoted to each, and approximate location on the site.*
 - c. *All other site improvements including the approximate size and location of walls, barriers and fences; surface and structured parking facilities; bicycle parking facilities; on-site pedestrian, transit and vehicular circulation; transit stops and pedestrian/transit amenities; and open space and landscaped areas.*
 - d. *The conceptual location of new and/or expanded existing public and private infrastructure including water, sanitary sewer, stormwater management facilities; and electrical, telephone and data transmission lines. This includes wireless telecommunications facilities.*

Response: The applicant has provided thorough descriptions of the proposed development, in narrative, tabular and graphic forms. There are not proposed changes or 'shifts' to current zoning boundaries, and no mix of uses are proposed. The proposed development consists of 34 lots and 34 units, with total square footages clearly

depicted in the Plan Set (Appendix Q). All other site improvements are also included in the Plan Set, including all proposed utilities, such as water, sanitary service and stormwater management facilities.

2. *Phasing plan for implementation of the proposed development.*

Response: The applicant does not propose to phase this development; therefore, this element of the proposed development plan is not applicable.

3. *Summary of development intensity at full build-out including average floor area ratio and lot coverage.*

Response: Floor area ratio is not applicable to the proposed development. The maximum lot coverage for R-9 is 50%. The applicant proposes site coverage for townhomes to be approximately 39%; therefore, the lot coverage standard is met.

4. *Summary of transportation facilities including:*

- a. *Traffic impact study prepared by a licensed engineer that describes traffic impacts associated with each phase of development and at full build-out of the project, and a plan for accommodating this traffic in compliance with Title 11. The specific content of the traffic impact study shall be determined by the City's Traffic Engineer.*
- b. *Parking impact study describing the parking demand associated with each phase of the development and at full build-out of the project, and a mitigation plan for accommodating parking demand on the site.*
- c. *Concurrent or proposed street vacations, with a description of potential parking and traffic/pedestrian impacts, if any, and appropriated measures to mitigate these impacts.*

Response: The applicant has not been required to provide a formal Traffic Impact Analysis (TIA). Instead, a Trip Generation and Distribution Letter has been provided. The Letter provides estimated trip generation based on a proposal consisting of 6 single-family dwelling units and 28 attached townhomes, with associated ITE Codes 210 (Single-Family Detached Housing) and 221 (Multifamily Housing) used in the proposed trip generation calculation. A total of 265 trips will be generated by the proposal. The Letter also identifies trip distribution and the intersections impacted by more than 5 peak hour trips, with trip distribution based on travel demand model plots obtained from the Southwest Washington Regional Transportation Council (RTC). This information and data has been correlated with the relevant Transportation Management Zone (TMZ), which are all part of the analysis in the Letter that provides the basis for an estimated proportionate share of fees for the SR-14/192nd Avenue Intersection. This estimated fee amount is \$16,000. Based on the data and analysis provided in the Trip Generation and Distribution Letter, there is sufficient capacity in the transportation system to safely support the proposed development.

5. *Plan for protecting designated environmental, historic/cultural and open space resources.*

Response: A Critical Areas Report is also included with this application (See Appendix J). The report identifies a riparian stream (Fisher's Creek) and a wetland (Wetland B) and overall identifies, characterizes, and delineates critical areas at the subject site. The report and buffer mitigation plan (also see Sheet L-03 in the Plan Set, Appendix Q) was completed for the Fisher's Creek Subdivision project per Vancouver Municipal Code (VMC) Chapter 20.740 (Critical Areas Protection). Critical areas reviewed include wetlands, streams, fish and wildlife habitat conservation areas (FWHCAs), frequently flooded areas, and critical aquifer recharge areas.

Biologists from Otak conducted the field investigation on October 6, 2020. The study area for this report includes the proposed Fisher's Creek Subdivision site, which includes three tax parcels covering the smaller western portion of the former Fisher Quarry site, plus approximately 200 feet beyond the parcel boundary to identify offsite critical areas and buffers that could extend onto the study area. One wetland (Wetland B) and one stream (Fisher Creek) were identified within the study area and delineated in the field.

Wetland B was classified as depressional per the hydrogeomorphic (HGM) classification system and has palustrine forested (deciduous) Cowardin habitat. The standard buffer width for Wetland B was determined by VMC Chapter 20.740.140 (Wetlands – buffers) based on category and habitat score using the Washington State Wetland Rating System for Western Washington – 2014 Update (Hruby 2014). Wetland B is rated Category III

with a habitat score of 5, which is considered to be low habitat function per VMC 20.740.140. Therefore, Wetland B has a buffer width of 80 feet for high intensity land uses.

Fisher Creek flows north to south along the western study area boundary and continues offsite to the south. Along the western study area boundary, Fisher Creek outlets from a culvert underneath SE 177th Lane, flows in a forested ravine, and then enters another culvert underneath State Route (SR 14). Fisher Creek is a Type F (perennial fish bearing) stream and has a 100-foot Riparian Management Area and a 75-foot Riparian Buffer for a total buffer width of 175 feet per VMC 20.740.110.

No known state or federally listed (Endangered and Threatened) wildlife or plant species or their designated critical habitats occur on the property. There are no frequently flooded areas on the property. Critical Aquifer Recharge Areas are mapped throughout the site as the entire City of Vancouver is designated as a Critical Aquifer Recharge Area per VMC 14.26.115.

Wetland buffer averaging in accordance with VMC 20.740.140(C)1.b.ii is proposed in the northeast corner of the proposed subdivision to accommodate the new SE 178th Ave road extension. Approximately 1,430 square feet (SF) of wetland buffer will be temporarily impacted during construction and restored to in-kind. Approximately 510 SF of the outer wetland buffer will be reduced to accommodate the proposed road and sidewalk hardscape, and 4,063 SF of buffer addition and restoration is proposed for a net gain of 3,553 SF of forested wetland buffer.

On the west of the proposed project, residential units, stormwater facilities, and a neighborhood park are proposed within 22,390 SF of the low-functioning riparian buffer zone. This area is currently disturbed and cleared of vegetation, and has been historically used for equipment staging during mining operations. The mining equipment has been removed but the compacted soils remain. To offset these impacts to the riparian buffer zone, 11,185 SF of the inner riparian management zone along Fisher's Creek will be restored by de-compacting soils and restoring native riparian forest habitat. The proposed restoration of the riparian management zone along Fisher's Creek will result in a functional lift in overall riparian functions and habitat on site relative to the existing heavily disturbed condition as required per VMC 20.740.110(C)2.a. A 5-year monitoring program is proposed to ensure successful restoration of the riparian management zone on site.

6. *Design standards that will govern the orientation and design of buildings and other improvements include but are not limited to the following. Applicants for planned developments shall be encouraged to use building techniques and materials that result in projects that architecturally attractive, durable and energy-efficient.*
 - a. *Architecture, including design standards and building materials board(s), for buildings, fences, walls and other structures.*

Response: The future townhomes will be constructed based on designs similar to the elevations provided in Appendix M, Architectural Elevations and Floor Plans. These elevations illustrate two separate design options predicated primarily on hip roof and gable roof designs. Material and color options are also included in the exhibit.

- b. *Landscaping, including design standards and standard plant list. Native plant materials are preferred.*

Response: The applicant is providing a Landscape Plan and Plant List – see Sheets L-01 through L-04. The Plant List includes native plant materials.

- c. *Pedestrian circulation, including development standards, amenities and materials.*

Response: The applicant has proposing a connective on-site sidewalk system that connects with the sidewalk along the west side of NE 178th Avenue and future connection to Brady Road to the east. The on-site sidewalk system includes 5-foot wide sidewalks and 5-foot wide planter strips, with ground cover and street trees buffering the sidewalk from the street. In addition, trails are included in Tract A as part of the open space amenity areas.

- d. *Bicycle parking facilities, including specifications.*

Response: The applicant proposes bicycle parking within individual homes and garages.

e. *Signs.*

Response: The applicant is not proposing any commercial signs.

f. *Lighting.*

Response: The applicant is providing street lights along proposed streets. See Sheet SS-01 for details.

20.260.080 Detailed Development Plan Submission Requirements

A. *Submission requirements. At the time of construction of a project or phase of development that was approved as part of the concept development plan, the applicant shall submit the following documentation demonstrating that the proposed project or phase is in substantial compliance with that contained in the original approval by means of a site plan review, using procedures contained in 20.270 VMC. An application submitted for a detailed development shall include the following:*

1. *Detailed site plan.*

Response: The applicant has submitted a Detailed Site Plan. See Sheets C-00 and C-01 for details.

2. *Elevations of all buildings.*

Response: The applicant has submitted proposed elevations for the townhomes. See Appendix M for details.

3. *Landscape plan.*

Response: The applicant has submitted a Landscape Plan. See Sheets L-01 through L-04 for details.

4. *Erosion control plan.*

Response: The applicant has submitted an Erosion Control Plan. See Sheet GR-01 for details.

5. *Stormwater management plan including low impact development site analysis determining feasibility of using LID techniques.*

Response: The applicant has submitted a Stormwater Management Plan. See Appendix H, as well as Sheets STRM-01 and STRM-02 for details.

6. *Narrative documenting the following:*

- a. *Compliance with all development and design standards in the base zone, as modified in the initial concept plan approval.*
- b. *Compliance with all relevant conditions of approval.*
- c. *Consistency with traffic, parking and infrastructure plans contained in the initial concept plan approval.*

Response: The applicant has addressed all of the items above in the narrative herein.

C. Chapter 20.270 Site Plan Review

20.440.050 Approval Criteria

A. *Compliance with applicable standards. The proposed development shall comply with all applicable design and development standards contained in this Title and other applicable regulations.*

Response: The proposal can comply with the standards of Title 20 and other applicable design and development standards contained in this Title, as well as other applicable regulations. All applicable standards are thoroughly addressed below under specific Subsections, including the base zoning District (R-9). The following applicable regulations are also addressed below:

VMC Chapters 11.70 Transportation Concurrency; 11.80 Street and Development Standards; 14.04 Water and Sewer Use Regulations and Charges; 14.08 Connection to Public Sewers; 14.16 Water and Sewer Service Connections; 14.24 Erosion Control; 14.25 Stormwater Control; 16.04.150 Fire Apparatus Access; 16.04.160 Fire Protection Water Supplies; 16.04.170 through 16.04.200 Fire Protection Systems; 20.210 Decision Making Procedures; 20.270 Site Plan Review; 20.430 Commercial and Mixed Use Districts; 20.740 Critical Areas Protection; 20.770 Tree, Vegetation and Soil Conservation; 20.790 SEPA Regulations; 20.915 Impact Fees; 20.925 Landscaping; 20.935 Off-Site Impacts; 20.945 Parking and Loading; 20.970 Solid Waste Disposal and Recycling and 20.985 Vision Clearance.

- B. Adequacy of public facilities. The applicant shall demonstrate availability of adequate public services, e.g., roads, sanitary and storm sewer and water, available to serve the site at the time development is to occur, unless otherwise provided for by the applicable regulations.*

Response: Public facilities can be determined to be adequate through the analysis of the applicant's Plan Set addressing public facilities, including Sheet C-01 (Site Plan), GR-01 (Grading/Erosion Control Plan), UT-01 and UT-02 (Utility Plan) and STRM-01 and STRM-02 (Stormwater Plan). Public facilities are also specifically addressed below under the applicable Subsections addressing water, sewer, stormwater, erosion control, fire protection and transportation. Overall, existing water service can serve the proposal through extension of the 8-inch main within SE 178th Avenue. Existing sanitary sewer service can serve the proposal through extension to the public sewer line within SE 177th Lane. A stormwater system has been designed and proposed per applicable minimum requirements and Best Management Practices (BMPs), as indicated in the Stormwater Report (Appendix H).

D. Chapter 20.320 Subdivisions

20.320.015 Applicability

All divisions of land except those listed in Subsection (D) below, shall be subject to the requirements of this Section.

- A. Short subdivisions. A short subdivision is a land partition containing nine (9) or fewer lots.*

Response: The applicant proposes to divide the existing 1.31 acre (57,043 square feet) parcel into two smaller parcels: Lot 1 at .61 acres (26,741 square feet) and Lot 2 at .70 acres (30,302 square feet). Two lots are proposed for this project; therefore, the application is a short subdivision.

20.320.020 Approval Process

- 1. Short subdivisions. The planning official shall approve, approve with conditions or deny an application for a short subdivision preliminary plat by means of a Type II procedure, pursuant to VMC 20.285.050, using approval criteria contained in VMC 20.320.040, and additional requirements of Chapter 20.920 VMC if a qualifying infill development, and Chapter 20.927 VMC if a qualifying narrow lot development.*

Response: The applicant proposes a 2-lot short subdivision as a Type II application, to be reviewed concurrently with the other applications in this Type II request. The approval criteria contained in VMC 20.320.040 is addressed below. Chapter 20.920 VMC and Chapter 20.927 VMC do not apply to this proposal and application.

- A. Term of preliminary plat approval.
B. Phasing.
C. Extensions.
D. Transportation concurrency.*

Response: The applicant understands that the term of the subdivision is 7 years, and that extensions can be reviewed and approved at a later date. No phasing is proposed as part of this subdivision. Transportation concurrency is addressed below.

20.320.030 Preliminary Plat Application Requirements

- A. Application – Fees
B. Submittal Requirements*

Response: The applicant has provided the appropriate fees as part of this application. The applicant has also provided all submittal requirements, including an existing conditions plan, grading/erosion control plan, preliminary

plat, written narrative (herein), geotechnical report, traffic report, stormwater plan and report, title report, and mailing list/labels.

20.320.040 Preliminary Plat Approval Criteria

Approval criteria. To grant approval of a preliminary short subdivision or subdivision, the applicant must demonstrate compliance with all of the following criteria:

- A. Public facilities provision. Appropriate provisions to the extent necessary to mitigate an impact of the development have been made for transportation, water, storm drainage, erosion control and sanitary sewage disposal methods that are consistent with the City's current ordinances, standards and plans;*

Response: Public facilities can be determined to be adequate through the analysis of the applicant's Plan Set addressing public facilities, including Sheet C-01 (Civil Site Plan), GR-01 Grading/Erosion Control Plan), UT-01 (Utility Plan) and STRM-01 (Stormwater Plan). Public facilities are also specifically addressed below under the applicable Subsections addressing water, sewer, stormwater, erosion control, fire protection and transportation.

- B. Proposed improvements. Appropriate provisions have been made for proposed streets, alleys and public ways, utilities and other improvements that are consistent with the City's current ordinances, standards and plans, and Department of Health and/or Washington State Department of Transportation standards and plans, where applicable;*

Response: Public improvements are required and to serve the proposed development. These include the construction of SE 178th Avenue, SE Brady Road and Fisher's Creek Road, with associated water and sewer facilities to serve the site. The applicant has also included a copy of the development application submitted to Clark County Public Health for additional review of adequacy of public/private utility facilities.

- C. Open space and dedications. Appropriate provisions to the extent necessary to mitigate an impact of the development have been made for open space, parks, schools, dedications, easements and reservations;*

Response: The open space area provided in the proposal includes a total of 81,950 square feet located in Tracts A and B, which is approximately 36% of total site area. This area includes 28,057 square feet of active/useable open space area within Tract A, which equates to approximately 34% of the overall open space area and 12.5% of overall site area. The active open space areas are accessible through trails and provide recreation opportunities for residents and the general public.

- D. Physical characteristics. The design of the proposed short subdivision or subdivision site has taken into consideration the physical features of the site, including but not limited, to: topography, soil conditions, susceptibility to flooding, inundation or swamp conditions, steep slopes or unique natural features such as wildlife habitat or wetlands;*

Response: The design of the proposed subdivision has taken into consideration a riparian area (Fishers's Creek), a wetland, steep slopes and buildable portions of the site, mostly through review and consideration of the Geotechnical Report (see Appendix I) and Critical Areas Report (Appendix J). Sheet L-03 in the Plan Set (Appendix Q) identifies proposed buffer impact mitigation areas. The applicant is also requesting approval of a Critical Areas Permit, which provides greater opportunity for staff to review critical areas associated with the site.

- E. Re-platting of existing subdivisions. When re-platting an existing subdivision, the short subdivision or subdivision shall comply with all of the terms and conditions of the existing subdivision's conditions of approval;*

Response: The applicant is not re-platting an existing subdivision; therefore, this criterion does not apply.

- F. Compliance with all requirements of this title. The proposed short subdivision or subdivision complies with all applicable requirements of this title unless modified through the approval; and*

Response: The applicable requirements of this title are addressed through various sections of this narrative, as well as the Plan Set (Appendix Q)

- G. *Compliance with State requirements. That the proposed short subdivision or subdivision complies with the requirements of RCW 58.17.110.*

Response: A SEPA Checklist was submitted with this application (Appendix E).

- H. *Narrow Lot Additional Criteria. Land divisions which contain one or more residential lots having a width of less than 40 feet shall meet additional criteria of VMC 20.927.030 A, B and C.*

Response: Narrow Lot criteria in VMC 20.927.030 A, B and C is addressed below.

20.320.070.A.1 (a-j) Technical Standards

1. *Principles of acceptability. The short subdivision or subdivision shall conform to the comprehensive plan. The short subdivision or subdivision shall conform to the requirements of the state law and to the standards established by this title.*
 - a. *Street improvement standards. All proposed streets and street improvements shall comply with the provisions of VMC Title 11 and approved transportation standards details on file with the public works department.*
 - b. *Blocks. The length, width and shape of blocks shall be designed with due regard to providing adequate building sites for the use contemplated; consideration of the needs for convenient access, circulation, control, safety of motor vehicular, bicycle and pedestrian traffic and recognition of limitations and opportunities of topography.*
 - c. *Blocks shall not exceed 1,300 feet in length between street lines, except blocks adjacent to arterial streets or unless a previous adjacent layout or topographical conditions justify variation. The recommended minimum distance between intersections of arterial streets is 1,800 feet. Minimum length of a block shall not be less than 180 feet.*
 - d. *Easements*

Response: All proposed streets are designed per the applicable standards, as specifically conveyed in the Plan Profiles for proposed streets in Sheets PP-02 through PP-03 in the Plan Set (Appendix Q). The maximum proposed block length is approximately 412 feet and the minimum proposed block length is approximately 252 feet; therefore, the block length standards herein are met.

1. *Utility lines. Easements for sewers, drainage, water lines, electric lines or other public use utilities shall be provided. The size and location of the easement shall be reviewed and approved by the appropriate utility provider.*

Response: All utilities are proposed to be in public rights-of-way or easements.

2. *Watercourses. If a subdivision is traversed by a watercourse, such as a drainageway, channel or stream, there shall be provided a stormwater easement for the width of the watercourse plus 15 feet on each side of the watercourse. Streets or parkways parallel to a major watercourse may be required.*

Response: Fisher's Creek traverses the western portion of the site. This area, including the 100-foot Riparian Management Zone (RPZ) and 175-foot Riparian Buffer Zone.

3. *Pedestrian/bicycle ways in and through residential subdivisions. In blocks over 800 feet in length, a pedestrian/bicycle way with a minimum width of 16 feet shall be required through the middle of the block when required by the transportation manager for public convenience and safety; 12 feet of the 16-foot corridor shall be paved in a durable material. If unusual conditions require blocks longer than 1,200 feet in length, two pedestrian/bicycle ways shall be required. When required by the transportation manager for public convenience and safety, pedestrian ways shall be required to connect cul-de-sacs or to pass through unusually shaped lots.*
 - a. *Flag lots. Flag lots may be permitted, provided that the minimum width of the flag stem be 15 feet for a single lot and 20 feet for a shared flag access, and it is in compliance with fire access standards contained in VMC 16.04.150. No more than four lots may be accessed*

from a single flag stem. A private maintenance agreement shall be recorded for driveways which serve more than one lot.

- b. *Lot side lines.* Side lines, as far as practical, shall run at right angles to the street on which the lot faces.
- c. *Lot frontage.* With the exception of flag lots, all lots shall abut on a public or private street with a minimum frontage of not less than 20 feet.
- d. *Parks and playgrounds.* The review authority shall see that appropriate provision is made for parks and playgrounds to serve the proposed subdivision.
- e. *Narrow Lot Land Divisions.* Land divisions which contain one or more residential lots having a width or less than 40 feet shall meet the development standards of VMC 20.927.040.
- f. *Existing trees.* All subdivision developments shall comply with the tree and vegetation management provisions contained in Chapter 20.770 VMC, Tree, Vegetation and Soil Conservation.

Response: The maximum block length proposed is less than 400 feet; therefore, the 800-foot threshold for requirements in this Subsection is not exceeded, and compliance with standards are not required.

E. Chapter 20.400 Zoning Districts

20.410 Residential Districts

20.410.030 Uses

Response: The property is zoned Urban Low Density Residential (R-9). Per Table 20.410.030-1, Household Living is a permitted use in the R-9 zone.

20.410.040 Minimum and maximum Densities

Response: Per VMC 20.410.040 – 1, the density standards in the R-9 zone are proposed, as follows:

Standard	Required	Proposed
Minimum lot size	5,000 square feet	Lot sizes range from 2250 to 3750 square feet. The proposal is to adjust the minimum lot size to 2250, per the Adjustment criteria addressed below.
Maximum net density	36.7 (37 rounded up) - Calculation based on total site area (223,898 sq. ft.) minus streets/sidewalks area (39,595 sq. ft.) = 184,303 sq. ft. of net development area. Net developable area (184,303 sq. ft.) = 4.22 net developable acres. 4.22 multiplied by 8.7 units per acre = 36.7	34 units proposed.
Maximum average size	7,400	Lot sizes range from 2250 to 3750 square feet.
Minimum net density	25.3 (26 rounded up) - Calculation based on total site area (223,898 sq. ft.) minus critical area (37,070 sq. ft.) = 186,828 sq. ft. of net development area. Net developable area (186,828 sq. ft.) = 4.29 net developable acres. 4.29 multiplied by 5.9 units per acre = 25.31	34 units proposed.

The table above indicates that most of the density standards in this Subsection are met. Minimum lot size is not met, and is addressed in Planned Development Adjustment criteria below.

20.410.050 Development Standards

Response: Per VMC 20.430.050 – 1, the development standards in the R-9 zone are proposed, as follows:

Standard	Required	Proposed
Maximum lot coverage	50%	50% maximum lot coverage proposed (39% overall impervious surface for the site).
Minimum setbacks (yard)		
Front yard (perimeter lots only)	10 feet	10 feet
Rear yard (perimeter lots only)	5 feet	Various, 10 feet minimum
Side yard	None – superseded by PD Development Standards	Various
Street side	10 feet	10 feet
Maximum height	35 feet	35 feet
Minimum landscape area	10%	Approximately 35% for the entire site

The table above indicates that all of the development standards in this Subsection are met.

F. Chapter 20.710 Archaeological Protection

20.710. Archaeological Resource Protection

Response: An Archeological Report (Study) was submitted as part of this application. See Archeological Report, Appendix K, for reference. The Abstract of this study reports, “No definitively historical, quarry-related features, artifacts or pieces of equipment were observed in the quarry.”

G. Chapter 20.740 Critical Areas Protection

Response: A Geotechnical Report addressing slope stability and geologic hazard analysis for slopes over 25% has been included in this application (See Appendix E). The report indicates no slopes over 25%, with an overall conclusion that there are not geologic hazards and the site is suitable for development. The report also includes recommendations for design and construction, including those for site preparation, foundation support, floor slab support, retaining wall design and construction, pavement design, excavation, surface drainage, seismic design and construction monitoring/testing.

A Critical Areas Report is also included with this application (See Appendix J). The report identifies a riparian stream (Fisher’s Creek) and a wetland (Wetland B) and overall identifies, characterizes, and delineates critical areas at the subject site. The report and buffer mitigation plan (also see Sheet L-03 in the Plan Set, Appendix Q) was completed for the Fisher’s Creek Subdivision project per Vancouver Municipal Code (VMC) Chapter 20.740 (Critical Areas Protection). Critical areas reviewed include wetlands, streams, fish and wildlife habitat conservation areas (FWHCAs), frequently flooded areas, and critical aquifer recharge areas.

Biologists from Otak conducted the field investigation on October 6, 2020. The study area for this report includes the proposed Fisher’s Creek Subdivision site, which includes three tax parcels covering the smaller western portion of the former Fisher Quarry site, plus approximately 200 feet beyond the parcel boundary to identify offsite critical areas and buffers that could extend onto the study area. One wetland (Wetland B) and one stream (Fisher Creek) were identified within the study area and delineated in the field.

Wetland B was classified as depressional per the hydrogeomorphic (HGM) classification system and has palustrine forested (deciduous) Cowardin habitat. The standard buffer width for Wetland B was determined by VMC Chapter 20.740.140 (Wetlands – buffers) based on category and habitat score using the Washington State Wetland Rating System for Western Washington – 2014 Update (Hruby 2014). Wetland B is rated Category III with a habitat score of 5, which is considered to be low habitat function per VMC 20.740.140. Therefore, Wetland B has a buffer width of 80 feet for high intensity land uses.

Fisher Creek flows north to south along the western study area boundary and continues offsite to the south. Along the western study area boundary, Fisher Creek outlets from a culvert underneath SE 177th Lane, flows in a forested ravine, and then enters another culvert underneath State Route (SR 14). Fisher Creek is a Type F (perennial fish bearing) stream and has a 100-foot Riparian Management Area and a 75-foot Riparian Buffer for a total buffer width of 175 feet per VMC 20.740.110.

No known state or federally listed (Endangered and Threatened) wildlife or plant species or their designated critical habitats occur on the property. There are no frequently flooded areas on the property. Critical Aquifer Recharge Areas are mapped throughout the site as the entire City of Vancouver is designated as a Critical Aquifer Recharge Area per VMC 14.26.115.

Wetland buffer averaging in accordance with VMC 20.740.140(C)1.b.ii is proposed in the northeast corner of the proposed subdivision to accommodate the new SE 178th Ave road extension. Approximately 1,430 square feet (SF) of wetland buffer will be temporarily impacted during construction and restored to in-kind. Approximately 510 SF of the outer wetland buffer will be reduced to accommodate the proposed road and sidewalk hardscape, and 4,063 SF of buffer addition and restoration is proposed for a net gain of 3,553 SF of forested wetland buffer.

On the west of the proposed project, residential units, stormwater facilities, and a neighborhood park are proposed within 22,390 SF of the low-functioning riparian buffer zone. This area is currently disturbed and cleared of vegetation, and has been historically used for equipment staging during mining operations. The mining equipment has been removed but the compacted soils remain. To offset these impacts to the riparian buffer zone, 11,185 SF of the inner riparian management zone along Fisher's Creek will be restored by de-compacting soils and restoring native riparian forest habitat. The proposed restoration of the riparian management zone along Fisher's Creek will result in a functional lift in overall riparian functions and habitat on site relative to the existing heavily disturbed condition as required per VMC 20.740.110(C)2.a. A 5-year monitoring program is proposed to ensure successful restoration of the riparian management zone on site.

H. Chapter 20.770 Tree, Vegetation and Soil Conservation

20.770.020 Applicability

B. Tree, Vegetation, and Soil Plan required Unless otherwise exempted in Section 20.770.030 VMC, any site subject to a development within the City of Vancouver shall be required to develop a tree, vegetation, and soil plan and shall be required to meet the minimum tree density herein created.

Response: A Tree Plan, Planting Plan and Planting Details have all been included in this application. See the Landscape Plan Set for details. The minimum tree density required is 30 trees per acre. Based on a 4.67-acre site, the minimum number of trees required to meet the tree density requirement is 140 trees. The applicant proposes 128 trees be preserved and 44 trees be provided, for a total of 172 trees provided; therefore, the minimum tree density requirement is met. See Landscape Plan (Sheet L-01 in Appendix Q) and Tree Plan (Appendix G) for details.

20.770.050 Tree, Vegetation, and Soil Plan Preparation

20.770.070 Tree, Vegetation, and Soil Plan Review Standards

Response: The site does contain on-site trees; therefore, tree preservation and the review procedures and standards are applicable for a Level V Tree Plan Review.

5. *Level V Tree, Vegetation, and Soil Plan. A level V tree, vegetation, and soil plan is required for proposed residential subdivisions, commercial, industrial, multi-family (more than four units), parks, conditional use sites in which existing trees are proposed for removal, could be damaged by construction activities, and/or could become hazardous. If the activity includes tree retention and necessary protection adjacent to the development activity, the plan must be developed with the assistance of a qualified professional. The plan shall include the following information:*

Response: The applicant has included a Level V Tree, Vegetation, and Soil Plan as part of this application. Also included is a calculation for tree density. The minimum tree density required is 30 trees per acre. Based on a 4.67-acre site and the requirements of the Master Plan, the minimum number of trees required to meet the tree density requirement is 140 trees. The applicant proposes 128 trees be preserved and 44 trees be provided, for a total of 172 trees provided; therefore, the minimum tree density requirement is met. See Landscape Plan (Sheet L-01 in Appendix Q) and Tree Plan (Appendix G) for details.

20.770.080 Tree Density Requirement

- C. Minimum tree density requirement established. The required minimum tree density is 30 tree units per acre for new development; 30 tree units per acre of site disturbance for commercial, industrial and multiple-family (more than four units) development; and 200 tree units for Conversion Option Harvest Forest Practices. For properties within the City Center District, the minimum tree density does not apply.*
- 5. The tree density may consist of existing trees, replacement trees or a combination of existing and replacement trees, pursuant to the priority established in Section 20.770.070 VMC. Existing tree units in excess of the minimum density may be required to be retained based on the tree, vegetation, and soil plan review standards of 20.770.070. Required street trees may not be counted toward the minimum tree density requirement except as provided in VMC 20.770.070.B.4.f.*
- 6. When trees are retained in tree tract(s) in a residential subdivision, a higher minimum tree density is set based on the nature of the grove(s); provided, that the creation and establishment of tree tract(s) shall not reduce the housing density allowed on the subject sit under applicable requirements of this Title.*

Response: A Tree Plan, Planting Plan and Planting Details have all been included in this application. See the Landscape Plan Set for details. The minimum tree density required is 30 trees per acre. Based on a 4.67-acre site, the minimum number of trees required to meet the tree density requirement is 140 trees. The applicant proposes 128 trees be preserved and 44 trees be provided, for a total of 172 trees provided; therefore, the minimum tree density requirement is met. See Landscape Plan (Sheet L-01 in Appendix Q) and Tree Plan (Appendix G) for details.

20.770.100 Maintenance Requirements

[...]

- C. Multifamily Residential, Commercial, Industrial Developments, Conditional Use. For all soils, vegetation, and trees covered by the tree, vegetation, and soil plan, the maintenance requirement shall apply in perpetuity to developments that are multifamily residential developments in excess of four units, commercial and industrial. The applicant shall execute a covenant in a form agreeable to the city which shall require that the applicant and his successors comply with the maintenance requirement imposed by this section. The covenant shall be binding on successor property owners and owners' associations. The covenant shall be recorded by the county auditor. The recording fee shall be paid by the applicant.*
- D. Maintenance agreement. Each development to which the maintenance requirement for this Chapter applies and that contain protected areas shall also be subject to a maintenance agreement. The Planning Official shall require the applicant to execute a maintenance agreement with the City, in a form acceptable to the city attorney, which shall include the provisions of the maintenance requirement in this Chapter, to ensure the survival and proper care of any soils, vegetation, and trees identified in the tree, vegetation, and soil plan*

Response: The applicant understands that required covenants and maintenance agreements may be a condition of approval, and those documents will be provided if required.

I. Chapter 20.790 SEPA Regulations

Response: See SEPA Checklist, Appendix E.

J. Chapter 20.915 Impact Fees

Response: The applicant understand that impact fees are calculated at the time of project approval.

K. Chapter 20.925 Landscaping

20.925.030 General Provisions

- A. Landscaping Requirements. Landscaping shall be provided and maintained per Table 20.925.030–1 and 20.925.030-2 of this section*

Response: The site is zoned R-9 and these provisions apply to properties zoned R-9. However, based on Note 3 in Table 20.925.030–1, the landscape and buffer requirements only apply to multi-family site plan applications and the perimeter of a land division, and not to individual single-family lot developments. The proposal is for single-family lot development, therefore, the landscape and buffer requirements in this Subsection should not apply.

However, if staff determines that these provisions apply to the perimeter of the proposed land division, the applicant has provided findings to address the Subsection further. Overall, most of the site boundaries are not separated from another site by a public street, with only the R-9 site to the south separated from the site by SR-14. Per Table 20.925.030–1 and 20.925.030-2 of this section, as well as the zoning of the abutting development site(s), the following landscape buffer width requirements and provisions are indicated below:

- Site to the north – R-9, none required
- Site to the south – R-9, none required
- Site to the west – R-18, none required
- Site to the east – RGX, 5 feet of L3 (not applicable to single-family lot developments)

If required, the applicant can provide 5 feet of L3 along the eastern perimeter of the site, i.e. Lot 34.

B. Obligation to maintain. Unless otherwise provided by the lease agreement, the owner, tenant and his agent, if any, shall be jointly and severally responsible for the maintenance of all landscaping and screening, which shall be maintained in good condition so as to present a healthy, neat and orderly appearance, shall be replaced or repaired as necessary, and shall be kept free from refuse and debris.

Response: The applicant understands the obligation to maintain all proposed landscaping.

- C. Pruning required. All plant growth in landscaped areas of developments shall be controlled by pruning, trimming or otherwise so that:*
- 1. It will not interfere with the maintenance or repair of any public utility;*
 - 2. It will not restrict pedestrian or vehicular access;*
 - 3. It will not constitute a traffic hazard because of reduced visibility; and*
 - 4. Trees shall be pruned to provide at least 8' of clearance above sidewalks and 13' above a local street, 15' above a collector street, and 18' above an arterial street roadway surfaces.*

Response: The applicant understands the obligation to prune all proposed landscaping.

- D. Installation requirements. The installation of all landscaping shall be as follows:*
- 5. All landscaping shall be installed according to accepted planting procedures;*
 - 6. The plant materials shall be of high grade, and shall meet the quality and size standards of the American Standards for Nursery Stock (ANSI Z60, 1-1986, as updated); and*
 - 7. Landscaping shall be installed in accordance with Section 20.925.050 VMC.*
 - 8. All landscaped areas shall be provided with an irrigation system or a readily available water supply with at least one outlet located within 50' of all plant material.*
 - 9. All landscaped areas shall be provided with a 6 inch curb which could include curb cuts, wheel stops or other protective measure to allow for stormwater flow as part of LID.*
 - 10. Landscaped areas shall have a minimum length or width dimension of 5 feet in order to count toward the minimum required landscaped area.*

Response: The applicant has included a Level V Tree Plan (Appendix G) and Landscape Plan (Appendix Q, Sheets L-01 through L-03). The Landscape Plan is focused on proposed street trees and includes details required in this Subsection, including irrigation details.

20.925.040 Protection of Existing Vegetation

Protection of existing vegetation. Existing vegetation on a site shall be protected as much as possible, and the protection of existing vegetation during development activities shall whenever possible, include open field or non-treed areas. Chapter 20.770 Tree, Vegetation, and Soil Conservation Ordinance contains additional standards for protection and retention of trees, vegetation, and soil.

Methods of protection. The developer shall provide methods for the protection of existing vegetation to be retained, such as protective fencing to remain during the construction process.

Remaining plants and undisturbed areas. Plants to be saved and areas not to be disturbed shall be noted on the landscape plans. The plan shall locate fencing used to protect vegetation and soils from damage during construction.

Response: The applicant has included a Level V Tree Plan (Appendix G) and Landscape Plan (Appendix Q, Sheets L-01 through L-03). The minimum tree density required is 30 trees per acre. Based on a 4.67-acre site,

the minimum number of trees required to meet the tree density requirement is 140 trees. The applicant proposes 128 trees be preserved and 44 trees be provided, for a total of 172 trees provided; therefore, the minimum tree density requirement is met. Details for tree protection are provided in the Landscape Plan (Sheet L-01 in Appendix Q) and Tree Plan (Appendix G).

20.925.050 Installation Requirements

A. Minimum plant specifications.

1. *All required trees shall be at least 2" in caliper and shrubs at least 1 gallon.*
2. *Trees shall optimize tree diversity; include native species and at least 60% conifers; utilize insect and disease resistant trees unless determined by the Planning Official as not appropriate for the site conditions.*
3. *Trees, shrubs, perennials, perennial grasses, and groundcovers shall be located and spaced to accommodate their mature size on the site.*

B. Soils, soil conditioning and mulching.

1. *A minimum of 12" depth of non-mechanically compacted soil shall be available for water absorption and root growth in planted areas.*
2. *A minimum of a 4" layer of porous mulch shall be applied to all exposed soil surfaces of non-turf areas within the landscape area. Plant types that are intolerant of mulch shall be exempt from this requirement. Non-porous material, such as plastic sheeting, shall not be placed under the mulch. However, porous landscape fabric is permitted.*
3. *Areas that have been cleared, graded, or compacted and that have not been covered by impervious surface, incorporated into a drainage facility or engineered as structural fill or slope shall be amended with organic matter.*

Response: The applicant has included a Level V Tree Plan (Appendix G) and Landscape Plan (Appendix Q, Sheets L-01 through L-03). The minimum tree density required is 30 trees per acre. Based on a 4.67-acre site, the minimum number of trees required to meet the tree density requirement is 140 trees. The applicant proposes 128 trees be preserved and 44 trees be provided, for a total of 172 trees provided; therefore, the minimum tree density requirement is met. Details for tree protection are provided in the Landscape Plan (Sheet L-01 in Appendix Q) and Tree Plan (Appendix G).

20.925.060 Street Trees

- ##### **A. Street trees required.**
- All development projects fronting on a public street or a private street approved after the adoption of this Title shall be required to plant street trees in accordance with the standards in VMC 20.925.060(C).*

Response: Street trees are planned along SE 178th Avenue, SE Brady Road and Fisher's Creek, per the requirements and standards in VMC 20.925.060(C). Details for street trees are provided in the Landscape Plan (Sheet L-01 in Appendix Q).

20.925.070 Buffering, Screening and Open Storage

Buffering and screening of parking, solid waste containers, and open storage shall be required as follows:

- A. Parking lots. All parking, loading and maneuvering areas including driveways and drive-through lanes shall be screened from view per the standards of 20.945.040(1)(2) VMC.*
- B. Screening of service facilities. Except for one-family and two-family dwellings, any solid waste container or recycling or disposal area and ground-level service facilities such as gas meters and air conditioners which would be visible from a public street, parking area, or any residentially-zoned property shall be screened from view per the standards of 20.970 VMC by placement of a solid wood fence, evergreen hedge or masonry wall. All refuse materials shall be contained within the screened area.*
- C. Open Storage. Open storage, or storage not wholly within an enclosed building shall be required to meet the following requirements of Table 20.945.070-1.*

Response: No surface parking, exterior service facilities or open storage is proposed, therefore, buffering and screening requirements are not applicable.

20.925.080 Interior Parking Areas

New developments and redevelopments shall provide interior parking lot landscaping per the standards of 20.945.040

Response: No surface interior parking lot area is proposed; therefore, landscape requirements are not applicable.

L. Chapter 20.927 Narrow Lot Developments

Approval criteria. In order for the City to grant approval of a preliminary short subdivision or subdivision, the applicant shall demonstrate compliance with the following criteria, which shall be in addition to the preliminary subdivision approval criteria of VMC 20.320.040 A-G:

A. Conflicts on narrow lots shall be eliminated. The development has been designed to eliminate conflicts between on-site and off-site improvements and features associated with narrow lots. Specifically, the location, size, and design of features including driveways, public and private utilities (water, fire hydrants, sewer, roof infiltration, gas, cable, phone, electricity, etc.), on-street parking spaces, street trees, existing trees, light poles, common mailboxes, street signs, etc., shall be considered in the design of the development and coordinated to eliminate conflicts with one another and meet minimum spacing requirements.

Response: The design of the development, especially for attached townhomes, has considered minimization of any potential conflicts between driveways, utilities, parking, street trees, street lights and street signs. See Plan Set in Appendix Q for details.

B. Adequate guest parking shall be provided. The development has been designed to provide for at least one guest parking space for every three narrow lots in the development. Such spaces may be located on-street (on local access or loop classification roadways only) or in common parking areas subject to the development standards of 20.927.040A2.

Response: Guest parking has been provided through on-street parking and residential driveways.

C. Solid waste and recycling collection and access shall be provided. The development shall be designed to provide for safe access and maneuvering by solid waste and recycling collection vehicles to designated collection points for each lot.

Response: Individual residences will provide individual trash collection and recycle bins curbside near driveways.

M. Chapter 20.935 Off-Site Impacts

20.935.030 Performance Standards

- A. Environmental Noise. Unless otherwise exempted by WAC 173-60-050, no development or use may create noise impacts, measured at the property line of the receiving property that exceed the maximum environmental noise levels established by WAC 173-60-050 listed in Table 20.935.030-1*
- 1. The above maximum noise levels shall be reduced by 10 dBAs between the hours of 10 p.m. and 7:00 a.m. for the receiving property. Also, at any hour of the day or night the applicable noise limitations above may be exceeded for any receiving property by no more than 5 dBA for a total of 15 minutes in any one-hour period, or 10 dBA for a total of 5 minutes in any one-hour period, or 15 dBA for a total of 1.5 minutes in any one-hour period.*
 - 2. Where potential noise impacts to adjacent uses from a proposed land use or development activity are identified, measures to mitigate such impacts may be imposed upon the land use or activity through the applicable review process, and may include: construction of a sound wall or fence; reorientation of buildings, parking and loading areas; and/or placement of berms and landscaping.*
 - 3. Sound walls shall meet the design standards of VMC 20.912.080 Fences and Walls.*
 - 4. Outdoor construction activity, including construction staging, shall occur no earlier than 7 a.m. and no later than 8 p.m., seven days a week.*
 - 5. Due to the negative effect excessive levels of environmental noise have upon the public health, safety and welfare, the noise standards set out in Table 20.935-1 are intended to apply to all uses in existence on the date of adoption of this ordinance and no right to maintain a use not in conformance with those standards shall exist.*
- B. Off-site drainage. No property may be graded, filled, or otherwise altered in a way that allows stormwater runoff to flow onto another property. All stormwater runoff shall be contained on-site and directed to an approved stormwater facility (such as an infiltration system) unless otherwise approved by the City, and such facility shall be maintained in proper working condition.*

- C. *Smoke and particulate matter. No development or use may create air emissions that exceed the legal limits established by the Southwest Clean Air Agency (SWCAA).*
- D. *Light and glare. No development or use shall create off-site glare impacts from direct or reflected light sources. For new developments, the Planning Official may impose conditions which minimize potential off-site light and glare impacts, such as placement of light sources away from adjacent properties, requiring shields on lights, or reducing the number of lights to the minimum needed for safety and security. For existing sources of glare, the Code Enforcement Supervisor may require sources of glare to be shielded or redirected to minimize off-site glare. Due to the negative effect off-site light and glare have upon the public health, safety and welfare, the prohibition on off-site light and glare is intended to apply to all uses in existence on the date of adoption of this ordinance and no right to maintain a use creating off-site light and glare impacts shall exist.*
- E. *Vibration. No development or use shall create off-site vibration impacts, discernible without instruments at the property line of the affected use.*

Response: The applicant understands that the proposal must at all times comply with the environmental noise, off-site drainage, smoke and particulate, light and glare, and vibration limits of VMC 20.935. If at any time in the future the proposal is out of compliance with the off-site impact regulations of VMC 20.935, the applicant/owner understands the requirement to bring the site back into compliance.

N. Chapter 20.945 Parking and Loading

20.945.020 Applicability and Provisions

[...]

- B. *Types of parking. For the purposes of this chapter, there are three types of parking:*
 - 1. *Accessory parking is parking associated with a specific development that is reserved for the use of the customers, residents, employees, students and/or visitors associated with the development. Accessory parking shall be subject to the minimum vehicle parking ratios contained in Table 20.945.070-2 and all of the other design and development standards in this chapter.*

Response: The proposed parking for the project is intended for the residents and visitors, therefore, is considered accessory parking. Compliance with the minimum parking ratios associated with the proposed accessory parking is addressed below.

20.945.030 General Provisions

- A. *Location of accessory vehicle parking in relation to the primary use. The location of off-street parking will be as follows:*
 - 1. *Whenever possible, the required accessory parking shall be located on the same site as the primary use to which it is accessory.*
 - 2. *When it is not feasible to locate all or part of the minimum accessory parking on the same site, the following shall apply:*

Response: The applicant proposes that all parking be located on-site with the proposed residential use. Since this on-site parking is feasible, the remainder of the items in 20.945.030.A.2. apply to this project. The total proposed number of units for the project is 34, with 12 spaces required as visitor parking. Townhomes are considered 'residential' in Section 20.210.040 of the VMC. There are 34 units proposed and 34 parking spaces are proposed. The parking requirement is 1.0 space per unit, therefore, the requirement for this project is 34 spaces. 34 spaces are required, and 34 spaces are proposed. Therefore, the minimum parking requirement is met.

- C. *Parking in mixed-use projects.*

Response: The project does not propose a mix of uses, therefore, this Subsection does not apply.

- D. *Disabled-accessible parking and access. All parking areas and accessible routes of travel for the disabled shall comply with the standards of the State of Washington and the City of Vancouver applicable building code.*

Response: No accessible parking spaces are required and none are proposed for this project.

20.945.030 General Provisions

Response: Parking is located on the same site as the use, therefore in compliance with this requirement.

20.945.040 General Design Standards for Surface Parking Areas

Response: No surface parking lot areas are proposed; therefore, these design standards do not apply.

20.945.050 Bicycle Parking Design Standards

- A. *Standards for all bicycle parking. Any bicycle parking implemented under this section must meet the following standards:*

Response: Bicycle parking is not required under 20.945, and the applicant is not currently proposing formal bicycle parking, therefore, the design standards under 20.945.050 do not apply.

20.945.070 Minimum Off-Street Parking Requirements

Per table 20.945.070-2, 1.5 spaces per Dwelling Unit are required for Multi-Dwelling units.

Response: The applicant proposes that all parking be located on-site with the proposed residential use. Since this on-site parking is feasible, the remainder of the items in 20.945.030.A.2. apply to this project. The total proposed number of units for the project is 34, with 12 spaces required as visitor parking. Townhomes are considered 'residential' in Section 20.210.040 of the VMC. There are 34 units proposed and 34 parking spaces are proposed. The parking requirement is 1.0 space per unit, therefore, the requirement for this project is 34 spaces. 34 spaces are required, and 34 spaces are proposed. Therefore, the minimum parking requirement is met.

20.945.080 Minimum Off-Street Loading Requirements

Per table 20.945.080-2, one off-street loading space, 10 feet wide by 45 feet long with 14 feet of clearance, is required.

Response: Staff has confirmed that the Minimum Off-Street Loading Standards do not apply to residential or multi-family residential projects, as there is no need for receipt, delivery or distribution of materials and merchandise by trucks.

O. Chapter 20.970 Solid Waste

20.970.020 Applicability

- A. *Chapter applicability*
This section shall apply to new multi-family residential buildings containing five or more units and nonresidential construction projects that are subject to site plan review, as governed by Chapter 20.270 VMC

Response: the applicant is not proposing multifamily residential containing five or more units, nor nonresidential construction projects that are subject to site plan review; therefore, the standards in this section are not applicable. Community storage areas are not proposed for trash or recycling. Residents will place approved bins on garbage pick-up days and place at the street. The garbage collector will drive the truck along the street and will then load the bins into their truck through the forklift mechanism of the truck.

P. Chapter 20.985 Vision Clearance

20.985.020 Development Standards

- A. *Conditional sight obstructions. Nothing in this title shall be deemed to permit a sight obstruction at a street intersection or service drive interfering with the view of the operation of motor vehicles on the streets to such an extent as to constitute a traffic hazard.*
- B. *Provisions with precedence. The provisions of this Section shall take precedence over any building and parking setbacks, except in the City Center District (CX) where the City Transportation Manager may authorize lesser requirements upon a finding that the public health, safety and welfare will not be adversely impacted.*
- C. *Provisions for established vision area. There shall be no sight obstruction between 30" and 10' above the street grade within the triangular vision clearance area established as follows:*

1. *Street Intersection. In the case of a street intersection, or street and alley intersection, two sides of this triangle are lot lines measured 20' from their intersection, and the third side is a line across the corner of the lot joining the extremities of the other two sides. See Figure 20.985-1.*

Response: A vision clearance triangle has been included on Sheet C-01 in the Plan Set. The vision clearance area indicates that there is no sight obstruction between 30" and 10' above the street grade within the triangular vision clearance area.

IV. Compliance with Vancouver Municipal Code – Title 11, Streets and Sidewalks More here from TIA

A. Chapter 11.70 Transportation Concurrency

Response: The applicant has not been required to provide a formal Traffic Impact Analysis (TIA). Instead, a Trip Generation and Distribution Letter has been provided. The Letter provides estimated trip generation based on a proposal consisting of 6 single-family dwelling units and 28 attached townhomes, with associated ITE Codes 210 (Single-Family Detached Housing) and 221 (Multifamily Housing) used in the proposed trip generation calculation. A total of 265 trips will be generated by the proposal. The Letter also identifies trip distribution and the intersections impacted by more than 5 peak hour trips, with trip distribution based on travel demand model plots obtained from the Southwest Washington Regional Transportation Council (RTC). This information and data has been correlated with the relevant Transportation Management Zone (TMZ), which are all part of the analysis in the Letter that provides the basis for an estimated proportionate share of fees for the SR-14/192nd Avenue Intersection. This estimated fee amount is \$16,000. Based on the data and analysis provided in the Trip Generation and Distribution Letter, there is sufficient capacity in the transportation system to safely support the proposed development.

B. Chapter 11.80 Streets and Development Standards

Response: SE 178th Avenue is classified as a Neighborhood Circulator and the proposed design is based on the T 10-14 street section standards. SE Brady Road is classified as a Minor Arterial and the proposed design is based on the T 10-14 and T 10-15B street section standards. Fisher's Creek Road is classified as a Local Access Street and the proposed design is based on the T 10-15B street section standards.

The applicant has submitted a Minor Road Modification request as part of this Type IV application, with anticipated review and approval by Transportation staff. The Road Modification is intended to address three separate requests: pavement re-construction; modifications to Brady Road standards; and elimination of a hammerhead at the end of Brady Road. The Road Modifications are addressed separately in a Technical Memorandum, Appendix O.

Prior to civil plan approval, the applicant proposes to include the City of Vancouver standard advanced pavement restoration requirements on the civil drawings. Prior to final building occupation approval, the applicant proposes to comply with all requirements set forth on the civil drawings pursuant to the minor road modification approval. Therefore, the proposed development meets the requirements of VMC 11.80.

VI. Compliance with Vancouver Municipal Code – Title 14, Water and Sewers

Response: Public facilities can be determined to be adequate through the analysis of the applicant's Plan Set addressing public facilities, including Sheet C-01 (Site Plan), GR-01 (Grading/Erosion Control Plan), UT-01 and UT-02 (Utility Plan) and STRM-01 and STRM-02 (Stormwater Plan). Public facilities are also specifically addressed below under the applicable Subsections addressing water, sewer, stormwater, erosion control, fire protection and transportation. Overall, existing water service can serve the proposal through extension of the 8-inch main within SE 178th Avenue. Existing sanitary sewer service can serve the proposal through extension to the public sewer line within SE 177th Lane.

A. Water

Response: The applicant has included with this application a Utility Plan for review by The Water Systems Planning and Design Department. The project site is located within City of Camas water jurisdiction, therefore, subject to review and approval by this authority. See Sheets UT-01 and UT-02 and associated notes and details for reference and compliance with the City of Vancouver design requirements. The proposed lots will each be served by a domestic water line and fire line connections with associated water meters and backflow prevention, as depicted on the plans on Sheets UT-01 and UT-02. The services will be tapped at the existing 8" water line in SE 178th Avenue.

B. Sewer

Response: The applicant has included with this application a Utility Plan for review by The Sewer Systems Planning and Design Department. The applicant proposes a 6-inch sanitary sewer service line to each of the buildings. The proposed development will be connected to the existing manhole in SE 177th Lane, as depicted on the UT-01 and UT-02 Plan Sheets. As part of this service line, one cleanout at the end of the line and one 4-foot diameter sanitary manhole at the change of direction. The proposed sewer lateral to the site will be connected to an 8-inch sanitary sewer main stub in SE 177th Lane. This 8-inch sewer line will extend and terminate at the proposed 4-foot manhole. See Sheet (UT-1) and associated details and notes for reference and compliance with the City of Vancouver design requirements. Therefore, the submittal satisfies the Code's public sewer and service requirements of VMC14.04.280, 14.08.050, and 14.16.010.

C. Erosion Control

Response: The project site currently exists as a partially graded and excavation area, with little or no vegetation. The site slopes moderately to the south-west, with a steep slope near the edge of the site. See Geotechnical Report in Appendix I for details. The project will require about 8,153 cubic yards of cut material and about 23,115 cubic yards of fill material, with a total net earthwork of 14,965 cubic yards. Any potential threat of erosion control will be from the potential for sediment laden runoff from unprotected disturbed areas leaving the site. Any potential sediment tracking onto adjacent streets will be mitigated by installation of Vehicle Tracking BMP for haul vehicles used for exporting fill material. To mitigate the potential erosion resulting from the construction operations, the applicant proposes the use of concrete and wheel wash equipment. The water runoff from the site will be trapped in the temporary sediment pond and sediment will be periodically removed. Steep slopes below the site are going to be protected from erosion by installation of the silt fence and wattles along the perimeter of the site. The applicant has included an Erosion Control Plan and a Stormwater Pollution Prevention Plan (SWPPP) for the project that includes detailed management of potential material related to construction and soil disturbance at the site. See Sheet GR-1 and associated notes for details of erosion control plan.

D. Stormwater

Response: The applicant understands that the proposed project must meet the requirements of the Ordinance and the Western Washington Phase II Municipal Stormwater permit because more than 5,000 square feet of hard surfaces will be created for the project. The applicant also understands that the project will be required to meet the runoff treatment and flow control requirements of the permit. Therefore, the applicant has submitted both a Stormwater Plan and a Stormwater Report for the project which are both included in this Type IV application. See Appendix D and Sheet STRM-01 – Stormwater Plan for details on storm water management.

A stormwater system has been designed and proposed per applicable minimum requirements and Best Management Practices (BMPs), as indicated in the Stormwater Report (Appendix H). The stormwater for the project will be directly conveyed through an 8-inch underground pipe to the regional stormwater facility (IC1) located downstream approximately 1,500 feet. The plans include runoff treatment and flow control with approved Best Management Practices (BMP). The report demonstrates the BMP have been sized properly and meet the requirements of the ordinance and the permit.

VII. Compliance with Vancouver Municipal Code – Title 16, Fire

Response: The applicant has submitted a set of plans that demonstrate compliance with the requirements of Title 16. The applicant has included with this application a Utility Plan for review by The Vancouver Fire Department. See Sheets UT-01 and UT-02 for notes and associated details for reference. The development proposed on the site will be served by a domestic water line and fire line connections with associated water meters and backflow prevention, as depicted on the plans on Sheet UT-01 and UT-02. The services will be tapped at the existing 8-inch water line in SE 178th Avenue. Fire hydrants are included in the overall system.

VIII. Compliance with Vancouver Municipal Code – Title 17, Buildings and Construction

A. Scope of Review

Response: The applicant understands that a complete building code review of plans is not performed during pre-application or site plan review. Filing of building permit application with required fees and review material is required for a complete building code review. At this time, plans and information necessary to verify compliance with all applicable building code provisions is neither required nor provided.

B. Applicable Codes

Response: The applicant understands that for a building permit to be issued, the project must comply with building codes applicable at the time of building permit application. Title 17 of the Vancouver Municipal Code contains rules and regulations for the technical codes as they regulate to site preparation and construction, alteration, moving, demolition, repair, use and occupancy of buildings, structures and building service equipment.

As part of future design, the applicant will be applying the following codes, as applicable:

- 2018 I-codes (Washington Amendments adopted July 1, 2020)
- 2015 International Building Code w/ WAC 51-50
- 2015 International Mechanical Code w/ WAC 51-52
- 2015 International Fire Code w/ WAC 51-54A
- 2015 Uniform Plumbing Code w/ WAC 51-56
- 2017 National Electrical Code
- 2015 Washington State Energy Code (WAC 51-11R & 51-11C)
- ICC/ANSI A117.1-2009 Accessibility w/ Washington Amendments (including IBC Ch. 11 amendments)
- 2015 International Fuel Gas Code
- Vancouver Municipal Code Title 17

The applicant will also be applying the following: City of Vancouver design criteria (135 mph wind speed 3 second gust, per ASCE 7-10); seismic zone D1; ground snow load of 25 psf; and roof snow load of minimum 25 psf.

Overall, the applicant understands that the building department plan review and permit will be required for this project at which time final site issues will be reviewed, and that an engineer and architect licensed in the state of Washington will be required. A current geotechnical report will also be included for this project at time of building permit submittal. The site plan review process is a separate and distinct process from the land use process. Further, the applicant understands that building permit documents will demonstrate compliance including but not limited to: fire separation distance; fire resistance of exterior walls and opening limitations (per Chapter 7); electric vehicle charging infrastructure (per 427); and provision of accessible parking & route in compliance with Chapter 11 of the 2015 IBC & ICC A117.1-2009.

Finally, the applicant understands that each independent structure requires a separate building permit unless specifically exempted by VMC 17.08.090, including: buildings, retaining walls over four feet, fences and trash enclosures over six feet, and covered structure.

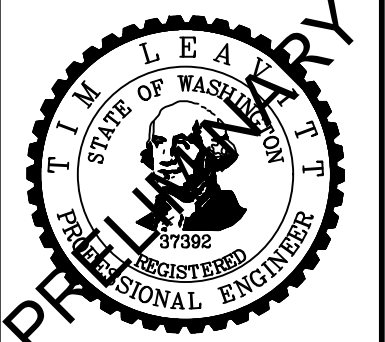
IX. Conclusion

The applicant requests approval of the following applications: Planned Development Subdivision, SEPA, Critical Areas Permit, Level 5 Tree Plan and Minor Road Modification Request. The application and narrative demonstrate consistency and compliance with the applicable standards of Vancouver Municipal Code Titles 11, 14, 16 and 17. Therefore, the applicant respectfully requests approval of the application(s).

EXHIBIT 4



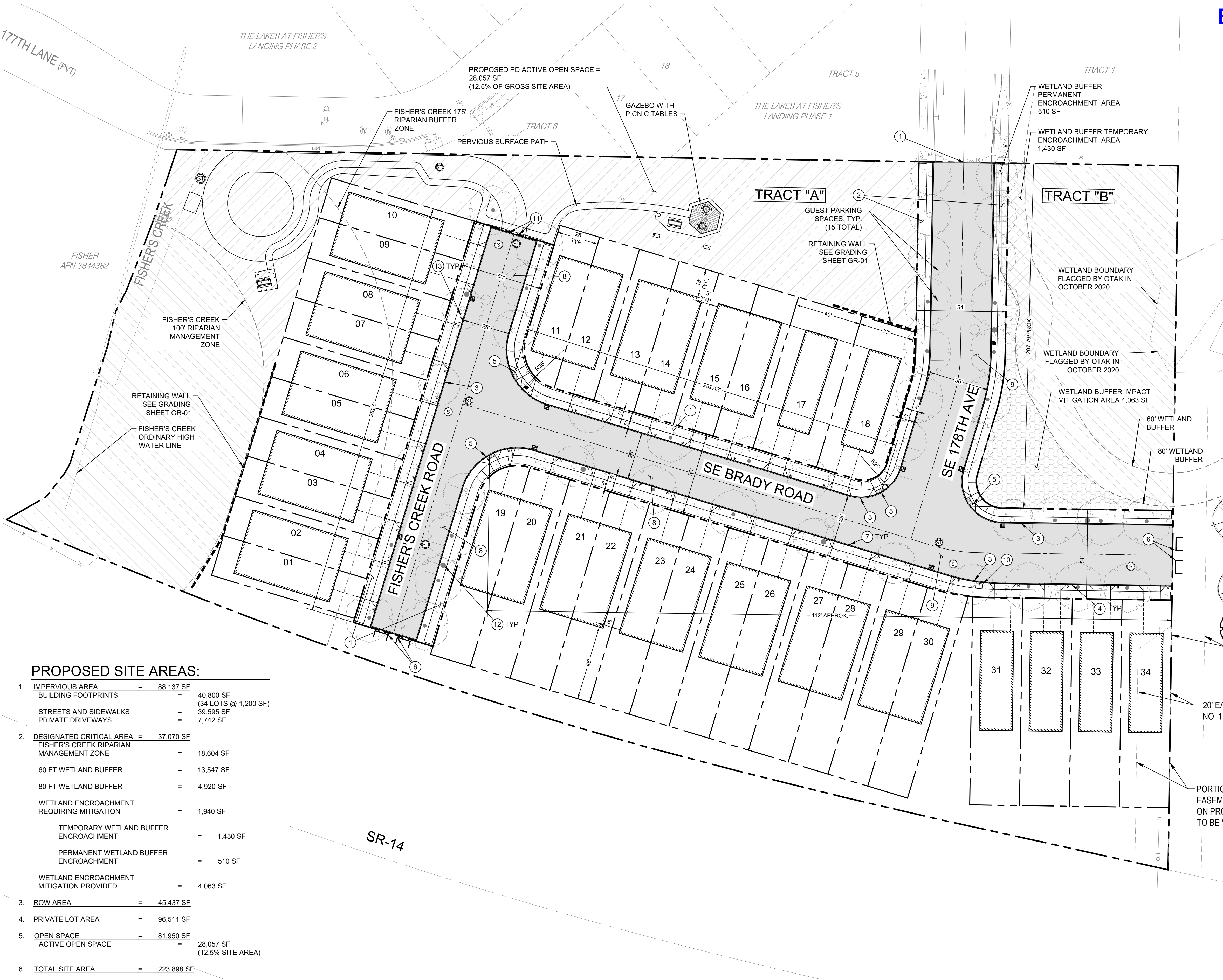
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FISHER'S CREEK SUBDIVISION
17700 SE EVERGREEN HWY
CITY OF VANCOUVER, WASHINGTON
SITE PLAN
LAND-USE SUBMITTAL

TITLE		
#	DATE	DESCRIPTION
REVISIONS		
NAB	TDL	
DRAWN BY	CHECKED BY	
LAND-USE		
STATUS		
MAY 2021		
DATE		
19809.002		
PROJECT NUMBER		
C-01		
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GENERAL NOTES:

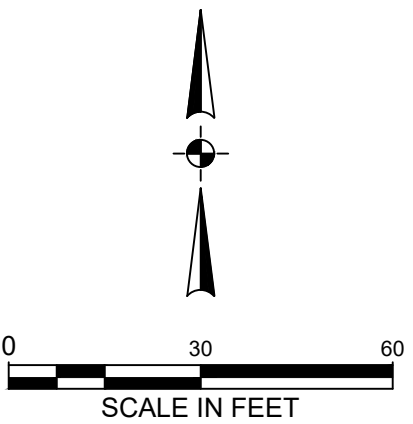
- SE 178TH AVE IS CLASSIFIED BY COV AS A NEIGHBORHOOD CIRCULATOR. SEE STREET SECTION T10-14.
- SE BRADY RD IS CLASSIFIED BY COV AS A MINOR ARTERIAL. SEE STREET SECTIONS T10-14 AND T10-15B.
- FISHER'S CREEK RD IS CLASSIFIED BY COV AS A LOCAL ACCESS. SEE STREET SECTION T10-15B.

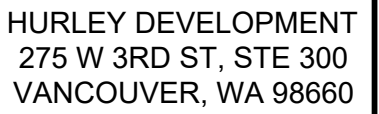
KEY NOTES:

- SAWCUT AND MATCH EXISTING PAVEMENT PER COV STD PLAN T05-01B AND T05-07.
- INSTALL NEW SIDEWALK PER COV STD PLAN T02-01A.
- INSTALL TYPE E-1 CURB PER COV STD PLAN T01-01A.
- INSTALL RESIDENTIAL DRIVEWAY (THROAT WIDTH PER PLAN). SEE COV STD PLAN T01-04A.
- INSTALL ADA ACCESSIBLE CURB RAMP WITH DETECTABLE SURFACE WARNING PER COV STD PLANS T02-04A AND T02-15.
- INSTALL TYPE III BARRICADE PER COV STD PLAN T07-06.
- INSTALL SHARED DRIVEWAY WITH DETACHED SIDEWALK PER COV STD PLAN T01-08.
- CONSTRUCT ROADWAY PER COV STD PLAN T10-15B.
- CONSTRUCT ROADWAY PER COV STD PLAN T10-14.
- INSTALL MAILBOXES PER COV STD PLAN T07-01.
- INSTALL REMOVABLE BOLLARD PER COV STD PLAN T07-05.
- INSTALL TYPE-A STREET LIGHT PER COV STD PLAN T21-02.
- INSTALL SIGNAGE, SEE SIGNING, STRIPING, LIGHTING AND FIRE PLAN.

PROPOSED SITE AREAS:

- | | | |
|---|---|-----------------------------------|
| 1. IMPERVIOUS AREA | = | 88,137 SF |
| BUILDING FOOTPRINTS | = | 40,800 SF
(34 LOTS @ 1,200 SF) |
| STREETS AND SIDEWALKS | = | 39,595 SF |
| PRIVATE DRIVEWAYS | = | 7,742 SF |
| 2. DESIGNATED CRITICAL AREA | = | 37,070 SF |
| FISHER'S CREEK RIPARIAN MANAGEMENT ZONE | = | 18,604 SF |
| 60 FT WETLAND BUFFER | = | 13,547 SF |
| 80 FT WETLAND BUFFER | = | 4,920 SF |
| WETLAND ENCROACHMENT REQUIRING MITIGATION | = | 1,940 SF |
| TEMPORARY WETLAND BUFFER ENCROACHMENT | = | 1,430 SF |
| PERMANENT WETLAND BUFFER ENCROACHMENT | = | 510 SF |
| WETLAND ENCROACHMENT MITIGATION PROVIDED | = | 4,063 SF |
| 3. ROW AREA | = | 45,437 SF |
| 4. PRIVATE LOT AREA | = | 96,511 SF |
| 5. OPEN SPACE | = | 81,950 SF |
| ACTIVE OPEN SPACE | = | 28,057 SF
(12.5% SITE AREA) |
| 6. TOTAL SITE AREA | = | 223,898 SF |





FISHER'S CREEK SUBDIVISION
17700 SE EVERGREEN HWY
CITY OF VANCOUVER, WASHINGTON

LANDSCAPE PLAN

LAND-USE SUBMITTAL

TITLE		
#	DATE	DESCRIPTION

REVISIONS

NAB	TDL
DRAWN BY	CHECKED BY

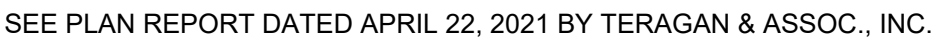
LAND-USE STATUS

MAY 2021
DATE

19809.002
PROJECT NUMBER

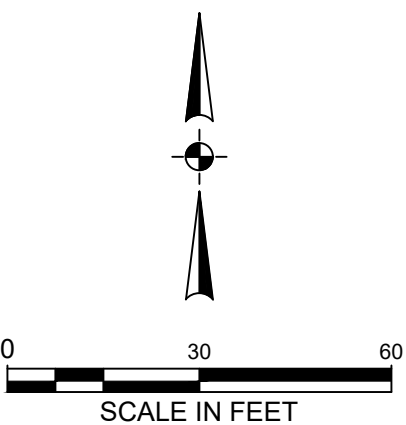
L-01

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- 1) SEE PLANTING DETAILS AND NOTES SHEET L-02.
- 2) PLANT TREES IN GROUPS OF 3-5 AND AND SHRUBS IN GROUPS OF 7-15 IN ACCORDANCE WITH DETAILS AND NOTES. SEE SHEET L-02.
- 3) UNIFORMLY DISTRIBUTE PLANT SPECIES IN EACH CONTIGUOUS AREA AND AS DIRECTED BY LANDSCAPE ARCHITECT.
- 4) PLANT MATERIAL INSTALLATION MEANS AND METHODS TO BE IN ACCORDANCE WITH CITY OF VANCOUVER STANDARDS.

<u>TREES</u>		<u>QTY</u>	<u>BOTANICAL / COMMON NAME</u>	<u>CONT</u>	<u>CAL</u>
	24	KOELREUTERIA PANICULATA / GOLDEN RAIN TREE	2" CAL.	2"	
	20	OSTRYA VIRGINIANA / AMERICAN HOPHORNBEAM	8&B	2"	
<u>GRASSES</u>					
	TBD	SUNMARK TURF SEED MIX	7 LBS PER 1000 SF		
	TBD	SUNMARK NATIVE UPLAND SEED MIX	45 LBS PER ACRE		



May 21, 2021 15:44:51
L:\Project\19809\19809 CAD\VCAD\Drawings\19809.200\19809.2_C-00 PRELIMINARY PLAT.dwg

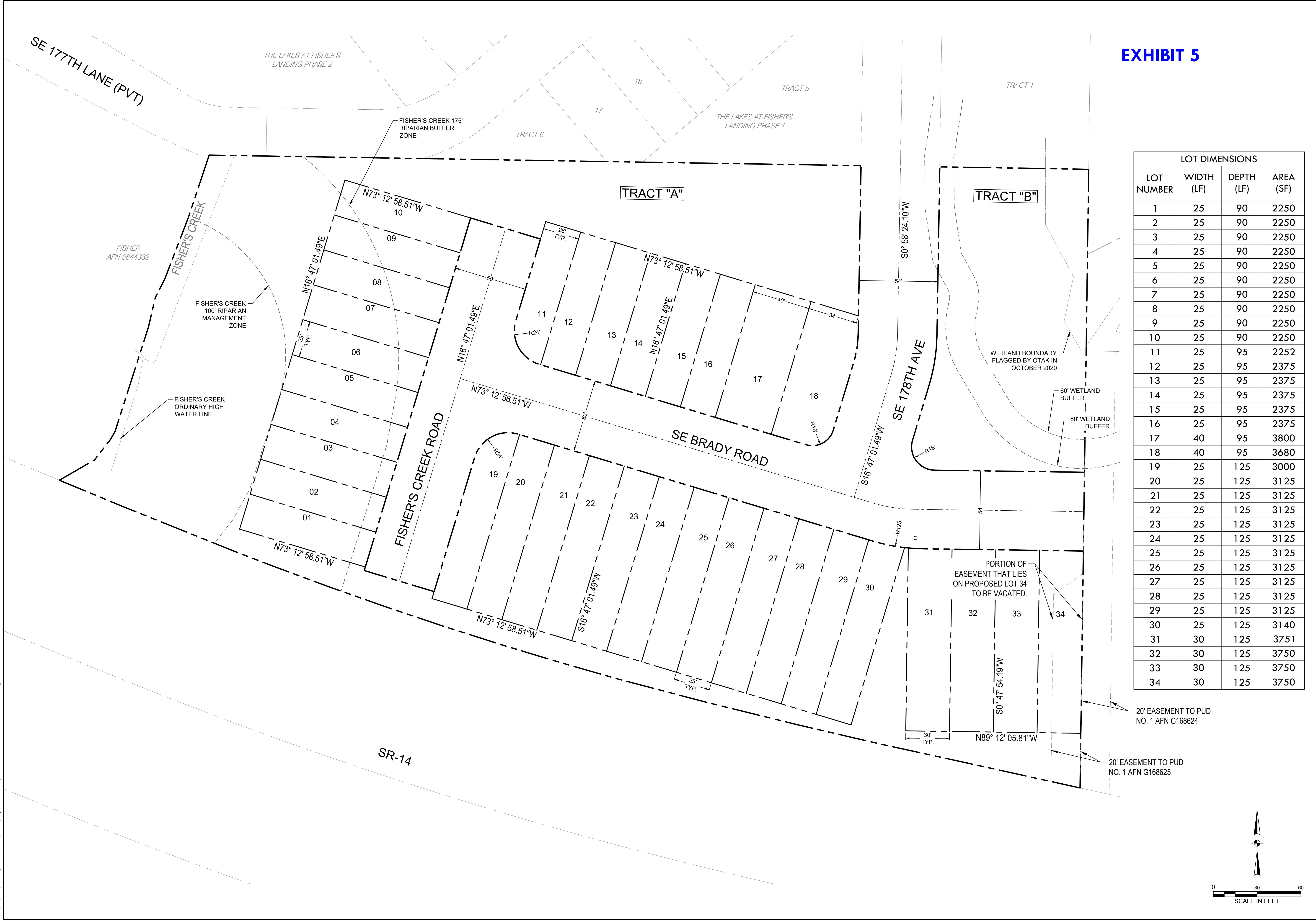
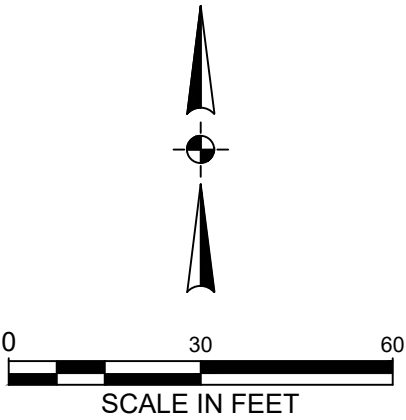


EXHIBIT 5

LOT DIMENSIONS			
LOT NUMBER	WIDTH (LF)	DEPTH (LF)	AREA (SF)
1	25	90	2250
2	25	90	2250
3	25	90	2250
4	25	90	2250
5	25	90	2250
6	25	90	2250
7	25	90	2250
8	25	90	2250
9	25	90	2250
10	25	90	2250
11	25	95	2252
12	25	95	2375
13	25	95	2375
14	25	95	2375
15	25	95	2375
16	25	95	2375
17	40	95	3800
18	40	95	3680
19	25	125	3000
20	25	125	3125
21	25	125	3125
22	25	125	3125
23	25	125	3125
24	25	125	3125
25	25	125	3125
26	25	125	3125
27	25	125	3125
28	25	125	3125
29	25	125	3125
30	25	125	3140
31	30	125	3751
32	30	125	3750
33	30	125	3750
34	30	125	3750



700 Washington Street
Suite 300
Vancouver, WA 98660
Phone: 360.737.9613
FAX: 360.737.9651
www.otak.com

PRELIMINARY

HURLEY DEVELOPMENT
275 W 3RD ST, STE 300
VANCOUVER, WA 98660

FISHER'S CREEK SUBDIVISION
17700 SE EVERGREEN HWY
CITY OF VANCOUVER, WASHINGTON

PRELIMINARY PLAT

LAND-USE SUBMITTAL

TITLE	#	DATE	DESCRIPTION

REVISIONS

NAB	TDL
DRAWN BY	CHECKED BY

LAND-USE STATUS

MAY 2021

DATE

19809.002

PROJECT NUMBER

C-00

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

July 16, 2021

**Notice of Application, Remote Public Hearing, and
Optional SEPA Determination of Nonsignificance
Fisher's Creek Subdivision and Planned Development
PRJ-166679/LUP-81488**

Request: 34-lot single-family residential attached and detached subdivision and planned development. The property is zoned Low Density Residential (R-9).

Application was submitted June 12, 2021, and deemed fully complete July 2, 2021.

Location: 17700 SE Evergreen Hwy. 126779000, 126780000 & 126778000

Contact: Kevin Brady, Otak, Inc., 700 Washington Street, Suite 300, Vancouver, WA 98660
503-504-1951

Applicant/Owner: Scot Brantley, HQ Vancouver, LLC, 275 W. 3rd Street, Suite 300, Vancouver, WA 98660 360-608-6026

Remote Public Hearing Scheduled Land Use Hearing conducted by the Hearing Examiner
Tuesday, October 19, 2021, 6 p.m.

To avoid the spread of COVID-19, and to meet the Governor's orders, City of Vancouver will hold a virtual hearing. Interested parties can participate in the virtual hearing by emailing the project manager at keith.jones@cityofvancouver.us. **Due to remote work conditions, e-mail is strongly preferred.**

Under the authority of VMC 20.790.230, the City of Vancouver will use the optional combined determination of nonsignificance (DNS) and notice of application process. Based on the initial review of the proposed project, the City of Vancouver expects to issue a DNS on the proposal, finding the project will not create probable significant adverse environmental impacts.

The comment period for the notice of application may be the only opportunity to comment on the environmental impacts of the proposal. The proposal may include mitigation measures under applicable codes, and the review process may incorporate or require mitigation measures regardless of whether an environmental impact statement is prepared.

Comments on the project received electronically before 4 p.m., Aug. 16, 2021, will be incorporated into the staff report; comments received electronically after that date will be presented at the hearing.

A decision by the hearing examiner may be appealed to City Council by the applicant or any aggrieved person. Such an appeal must be in writing and be filed with Community and Economic Development Department within 14 calendar days after the hearing examiner's decision. In the absence of such appeal, the examiner's decision shall be final and conclusive.

Procedural appeals to the SEPA determination shall be filed in writing within 14 calendar days following the last day of the comment period. The hearing examiner's decision of the SEPA procedural appeal shall be final and not subject to further administrative appeal.

Substantive SEPA appeals shall be filed in writing within 14 calendar days of the issuance of staff's decision approving, conditioning, or denying the project.

A copy of the final determination may be obtained upon e-mail request. Please include any one of the project numbers listed.

Case Manager: Keith Jones, Senior Planner
E-mail: keith.jones@cityofvancouver.us



July 16, 2021

Name

Date

Coverage of this hearing is being cablecast live on Clark/Vancouver Television Channel 23, Comcast Cable Television System.



- ☐ Taxlots

Annexations

- | Effective 2020 | Effective 2019 | Effective 2018 | Effective 2017 | Effective 2016 | Years 1932-2015 | Pending | Failed |
|---|---|---|---|---|---|---|---|
|  |  |  |  |  |  |  |  |

All Roads

-  Interstate
 State Route
 Arterial

— Forest

- Minor Collector
Forest Collector
Private or Other

 Cities
Boundaries

- ## Urban Growth Boundaries

Notes:



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

PO Box 47775 • Olympia, Washington 98504-7775 • (360) 407-6300
711 for Washington Relay Service • Persons with a speech disability can call 877-833-6341

August 16, 2021

Keith Jones, AICP, Senior Planner
City of Vancouver
Community & Economic Development
PO Box 1995
Vancouver, WA 98668

Dear Keith Jones:

Thank you for the opportunity to comment on the optional determination of nonsignificance/notice of application for the Fisher's Creek Subdivision Project (PRJ-166679, LUP-81488) located at 17700 Southeast Evergreen Highway as proposed by HQ Vancouver, LLC. The Department of Ecology (Ecology) reviewed the environmental checklist and has the following comment(s):

SHORELANDS & ENVIRONMENTAL ASSISTANCE:
Miranda Adams, Wetlands/Shorelands Specialist
(360) 690-7164 | miranda.adams@ecv.wa.gov

In absence of a critical areas report submitted as part of the SEPA package, regulatory agencies are unable to effectively comment on the proposed impacts associated with a project. Future submittals should include all pertinent information needed to assess resource impacts associated with project proposals.

SOLID WASTE MANAGEMENT: Derek Rockett (360) 407-6287

All grading and filling of land must utilize only clean fill. All other materials may be considered solid waste and permit approval may be required from the local jurisdictional health department prior to filling. All removed debris resulting from this project must be disposed of at an approved site. Contact the local jurisdictional health department for proper management of these materials.

WATER QUALITY/WATERSHED RESOURCES UNIT:
Greg Benge (360) 690-4787

Erosion control measures must be in place prior to any clearing, grading, or construction. These control measures must be effective to prevent stormwater runoff from carrying soil and other pollutants into surface water or stormdrains that lead to waters of the state. Sand, silt, clay particles, and soil will damage aquatic habitat and are considered to be pollutants.

Any discharge of sediment-laden runoff or other pollutants to waters of the state is in violation of Chapter 90.48 RCW, Water Pollution Control, and WAC 173-201A, Water Quality Standards for Surface Waters of the State of Washington, and is subject to enforcement action.

Section A #10 of the SEPA checklist does not reflect the need for coverage under the Construction Stormwater General Permit (CSWGP), which will likely be required for the proposed project. If site disturbance is over one acre or the project reasonably expects to cause a violation of any water quality standards, and stormwater discharges to surface Waters of the State, a CSWGP is required.

Construction Stormwater General Permit:

The following construction activities require coverage under the Construction Stormwater General Permit:

1. Clearing, grading and/or excavation that results in the disturbance of one or more acres **and** discharges stormwater to surface waters of the State; and
2. Clearing, grading and/or excavation on sites smaller than one acre that are part of a larger common plan of development or sale, if the common plan of development or sale will ultimately disturb one acre or more **and** discharge stormwater to surface waters of the State.
 - a) This includes forest practices (including, but not limited to, class IV conversions) that are part of a construction activity that will result in the disturbance of one or more acres, **and** discharge to surface waters of the State; and
3. Any size construction activity discharging stormwater to waters of the State that Ecology:
 - a) Determines to be a significant contributor of pollutants to waters of the State of Washington.
 - b) Reasonably expects to cause a violation of any water quality standard.

If there are known soil/ground water contaminants present on-site, additional information (including, but not limited to: temporary erosion and sediment control plans; stormwater pollution prevention plan; list of known contaminants with concentrations and depths found; a site map depicting the sample location(s); and additional studies/reports regarding contaminant(s)) will be required to be submitted. For additional information on contaminated construction sites, please contact Carol Serdar at Carol.Serdar@ecy.wa.gov, or by phone at (360) 742-9751.

Additionally, sites that discharge to segments of waterbodies listed as impaired by the State of Washington under Section 303(d) of the Clean Water Act for turbidity, fine sediment, high pH, or phosphorous, or to waterbodies covered by a TMDL may need to meet additional sampling and record keeping requirements. See condition S8 of the Construction Stormwater General Permit for a description of these requirements. To see if your site discharges to a TMDL or 303(d)-listed waterbody, use Ecology's Water Quality Atlas at: <https://fortress.wa.gov/ecy/waterqualityatlas/StartPage.aspx>.

The applicant may apply online or obtain an application from Ecology's website at: [http://www.ecy.wa.gov/programs/wq/stormwater/construction/- Application](http://www.ecy.wa.gov/programs/wq/stormwater/construction/-Application). Construction site operators must apply for a permit at least 60 days prior to discharging stormwater from construction activities and must submit it on or before the date of the first public notice.

Keith Jones
August 16, 2021
Page 3

Ecology's comments are based upon information provided by the lead agency. As such, they may not constitute an exhaustive list of the various authorizations that must be obtained or legal requirements that must be fulfilled in order to carry out the proposed action.

If you have any questions or would like to respond to these comments, please contact the appropriate reviewing staff listed above.

Department of Ecology
Southwest Regional Office

(GMP:202103846)

cc: Miranda Adams, SEA
Derek Rockett, SWM
Greg Bengel, WQ

August 16, 2021

Attn: Keith Jones
City of Vancouver
P.O. Box 1995
Vancouver WA 98668-1995

RE: Fisher's Creek Subdivision; PRJ-166679; SEPA 202103846

Mr. Jones:

The Southwest Clean Air Agency (SWCAA) has learned that your agency has issued/will issue a SEPA Determination for the above project. Please be advised that SWCAA administers/enforces a number of regulations that may apply to the proposed project. The applicability of these regulations depends on the exact nature of the project in question. The following section provides a brief summary of the requirements for the general types of activity that may be affected by this project.

Construction Dust [SWCAA 400 - General Regulations for Air Pollution Sources]:

- Construction and earthmoving activities have the potential to generate excessive dust emissions if reasonable control measures are not implemented. SWCAA Regulation 400-040(2) requires that "no person shall cause or permit the emission of particulate matter from any stationary source to be deposited beyond the property under direct control of the owner or operator of the stationary source in sufficient quantity to interfere unreasonably with the use and enjoyment of the property upon which the material is deposited". Furthermore, SWCAA Regulation 400-040(8)(a) requires that "the owner or operator of any source of fugitive dust shall take reasonable precautions to prevent fugitive dust from becoming airborne and shall maintain and operate the source to minimize emissions".
- Common control measures to mitigate the emission of dust from construction and earthmoving activities include: application of water before and during earthmoving operations, application of water to disturbed surface areas (including access roads and staging areas) after earthmoving operations, application of chemical dust control products and/or surfactants, limiting access to open/disturbed areas, reducing equipment/vehicle speeds, establishing vegetative cover on inactive areas and ceasing operations altogether during high wind events.
- Violations of SWCAA Regulation 400-040 may result in civil penalties being assessed against the project operator and/or property owner.

The proponent of this project may contact SWCAA at 360-574-3058 for more information regarding the agency's requirements. Notification forms, permit applications, air quality regulations and other information are available on the internet at <http://www.swcleanair.gov>.

Sincerely,



Duane Van Johnson
Air Quality Specialist II



EXHIBIT 9

From: [Cullums, Logan](#)
To: [Jones, Keith \(CED\)](#)
Subject: Fisher's Creek Subdivision SEPA Comments
Date: Monday, August 16, 2021 2:28:43 PM

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

Good afternoon,

WSDOT staff have reviewed the SEPA checklist for the Fisher's Creek Subdivision proposal. We would like to offer the following comments:

The proposed filling and grading work will change the drainage characteristics of the site. WSDOT's drainage policy states that there will be no net gain in the stormwater runoff transported to the WSDOT right of way from adjacent property. If the applicant is proposing changes to drainage patterns that will either increase or decrease the amount of runoff to the State's right of way, then WSDOT will require the following:

- The applicant shall contact WSDOT directly, or through the permitting agency, to obtain WSDOT approval of the proposed changes.
- Hydraulic calculations and plans must be submitted for WSDOT review and approval. The drainage plans and calculations will need to meet the requirements set forth in the WSDOT Hydraulics Manual (Engineer Publication M23-03) and the Highway Runoff Manual (Engineer Publication M31-16).
- Documentation that WSDOT's drainage requirements have been satisfied should be provided to the permitting agency, by the applicant, prior to granting final approval of this project.

Please let me know if you have any questions about these comments, and feel free to pass along my contact information to the applicant.

Logan Cullums, AICP
Land Use Planner
WSDOT SW Region
CullumL@wsdot.wa.gov
Cell: (360) 949-6871

EXHIBIT 10

From: [LC](#)
To: [Jones, Keith \(CED\)](#)
Cc: [L Chad](#)
Subject: Fisher's Creek Subdivision and Planned Development PRJ-166679/LUP-81488
Date: Saturday, July 24, 2021 9:40:35 AM

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Keith, forgive me for calling you Kevin. One more thing I would like to add I don't think The Lakes should be responsible for future fencing around the property below us.

Lisa Chadek

From: LC <chadlm@comcast.net>
Date: July 24, 2021 at 7:05:41 AM PDT
To: keith.jones@cityofvancouver.us
Cc: L Chad <chadlm@comcast.net>
Subject: Fisher's Creek Subdivision and Planned Development PRJ-166679/LUP-81488

Hi Kevin,
I reside at The Lakes at Fisher's Landing. My concerns are:
privacy, noise impact, traffic conditions, protecting the wildlife.

The following was suggested & I agree: privacy fencing between The Lakes & new subdivision. A sound wall from Hwy 14, build Brady Road extension from 192nd west to subdivision to alleviate traffic on 178th.

I'm sure once completed this project will be beautiful...it's just getting through it. Thank you for keeping us informed.

Lisa Chadek
4317 SE 178th Pl
Vancouver WA 98683

From: [Kimila](#)
To: [Jones, Keith \(CED\)](#)
Cc: [Kimila](#)
Subject: Fisher's Creek Subdivision and Planned Development PRJ-166679/LUP-81488
Date: Saturday, July 24, 2021 12:27:07 PM

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

Dear Mr. Jones,

We are residents of Fisher Creek and we wanted to submit these questions and concerns to the developer and the officer for the following.

Privacy fencing between lakes property and new subdivision

Sound wall from hwy 14?

What if hwy 14 is widened in future? Is there adequate room?

Noise impacts, standard is construction from 7 am to 8 pm

Left turn out of 178, new impact of 235 trips or whatever they estimate per day

Animal corridor from fisher creek impact

Will brady road extension from 192 west to subdivision be built in time to help alleviate added traffic on 178?

They will tie into sewer water lines to our area, impact?

Please contact us if you have any questions.

Best Regards,

Kimila and Kristian de Groot
4324 SE 178th Pl, Vancouver, WA 98683
(360)907-1200

From: [Hahn, Eric](#)
To: [Dennis Miller](#)
Cc: [Jones, Keith \(CED\)](#); [Lopossa, Ryan](#); [Campos, Jennifer](#); [Jorgenson, Andrew](#)
Subject: RE: Fisher's Creek Subdivision Public Hearing
Date: Thursday, July 29, 2021 4:18:33 PM

Mr. Miller,

Please see answers to your traffic-related questions in **red font** below.

Eric Hahn, PE | Sr. Civil Engineer
CITY OF VANCOUVER, WASHINGTON
Public Works | Streets & Transportation | TDRS
Marine Park Engineering – 4500 SE Columbia Way
P.O. Box 1995 • Vancouver, WA, 98668-1995
P: (360) 487-7702 | Fax: (360) 487-7139 | TTY: (360) 487-8602
www.cityofvancouver.us

From: Jones, Keith (CED) <Keith.Jones@cityofvancouver.us>
Sent: Thursday, July 29, 2021 3:30 PM
To: Dennis Miller <dennismiller@hotmail.com>
Cc: Hahn, Eric <Eric.Hahn@cityofvancouver.us>
Subject: RE: Fisher's Creek Subdivision Public Hearing

Hi Dennis,

Below are answers to your questions in **green**

Eric will follow up with responses to your other questions related to traffic.

From: Dennis Miller <dennismiller@hotmail.com>
Sent: Wednesday, July 28, 2021 8:39 AM
To: Jones, Keith (CED) <Keith.Jones@cityofvancouver.us>
Cc: Hahn, Eric <Eric.Hahn@cityofvancouver.us>
Subject: Fisher's Creek Subdivision Public Hearing

Keith and Eric,
Here are the initial questions I talked about in the original email. With some answers, our formal letter to the Planning Commission can probably be much shorter.
Thanks,
Dennis Miller

FIRST DRAFT

Questions and comments regarding planned development south of Lakes at Fisher's Landing to be sent to Keith Jones, City of Vancouver Senior Planner

Our concerns revolve around the 178th Avenue stub extension and transportation/traffic issues concerning the new development, not the fact that there will be a new development.

A. 178th Avenue stub

1. When will extension to new neighborhood be constructed and street opened to traffic?

The extension of 178th Ave into the new subdivision will be made as part of the construction of public facilities for the subdivision. Once land-use approval is issued, the applicant will prepare civil construction plans. Construction will begin after the civil plans are approved. Once street construction is completed and has been inspected/accepted by the City's inspectors from the Construction Services Division, the applicant will record the new plat and the extension of 178th Ave will be open for public use.

2. Will construction traffic for new neighborhood be allowed to use 178th Avenue or required to go through 192nd?

City staff intends to require all construction traffic to access the site from 192nd Ave, through the old quarry.

3. Will 178th Ave. open before new development finished?

Once street construction is completed and has been inspected/accepted by the City's inspectors from the Construction Services Division, the applicant will record the new plat and the extension of 178th Ave will be open for public use. So, it is likely the street will be open before all the new residences are constructed.

4. Will new development have traffic access from rest of Riverview Gateway development?

Yes. The extension of Brady Road through Riverview Gateway will be the primary access street to the Fisher's Creek Subdivision.

5. Can there be speed bumps such as on Hiddenbrook at entrance to Hiddenbrook/Fisher's Creek Neighborhood Association off 34th Street?

It is not anticipated that the relatively small amount of traffic generated by the proposed Fisher's Creek Subdivision will create a new speeding problem in the existing neighborhoods. However, if the existing Neighborhood Associations have previously submitted a Neighborhood Traffic Calming application to the City and have demonstrated that there is an existing speeding problem, the City can require the developer to install new speed bumps or participate in the installation of new speed bumps. A link to the City's webpage for the Neighborhood Traffic Calming Program is included [here](https://www.cityofvancouver.us/publicworks/page/neighborhood-traffic-calming-program). If the link does not work, here is the page address:

<https://www.cityofvancouver.us/publicworks/page/neighborhood-traffic-calming-program>

6. Is opening of 178th Avenue supposed to be a short cut to 34th St.

No. The extension of 178th Avenue from its current dead-end will provide secondary access to the Fisher's Creek Subdivision and improve overall circulation for all residents living in this area. This is what was intended when the existing neighborhoods were originally constructed. This is how the City connects individual neighborhoods as they develop, to create and maintain good circulation for vehicles, bicyclists, pedestrians, and emergency vehicles. Based on historic travel patterns in the area, it is expected that the

majority of traffic generated by the Fisher's Creek Subdivision will use Brady Road – a wide arterial street – to access 192nd Ave, rather than winding through the existing local neighborhood roads to 34th Street.

B. New neighborhood

1. What exactly does R-9 zoning mean? Are they single family homes, attached or detached?

Zoned R-9, a single family residential zone. Single-family detached is allowed. The applicant is proposing a planned development that also allows single-family attached. The applicant proposes both.

2. Maximum of how many units per acre (approximately 4.6 acres)?

The applicant is proposing 34 units. The maximum density is 37 units.

3. Will a pocket park, sidewalks be required?

Yes, I included the site plan and landscape plan for the project.

4. Will buffer / fencing be required between back of homes and Lakes @ Fisher's Landing?

As shown on the site plan there will be open space between the proposed development and the development to the north, fencing is not shown on the plans.

5. Can the new neighborhood be gated at each end?

C. Riverview Gateway

1. Will all roads and utilities be installed before any construction starts?

Generally, yes. The required public facilities, including streets and utilities, must be completed before the applicant can file the plat and sell the lots or start construction on the buildings.

2. Will Riverview tenants or homeowners have access to 178th Stub extension?
And why?

Yes. All of the proposed street connections will be public streets available for public use. Again, this is how the City connects individual neighborhoods to create and maintain good circulation for vehicles, bicyclists, pedestrians, and emergency vehicles. Also, without this connection it is likely that the long dead-end that would be created on Brady Road would not meet minimum emergency access requirements.

- 3.

From: Jones, Keith (CED) <Keith.Jones@cityofvancouver.us>

Sent: Monday, July 26, 2021 2:57 PM

To: Dennis Miller <dennisrmiller@hotmail.com>

Cc: Hahn, Eric <Eric.Hahn@cityofvancouver.us>

Subject: RE: Fisher's Creek Subdivision Public Hearing

Hello Dennis,

It sounds like you have questions about traffic.

I have copied Eric Hahn in Transportation who can better answer your question.

From: Dennis Miller <dennismiller@hotmail.com>

Sent: Monday, July 26, 2021 2:52 PM

To: Jones, Keith (CED) <Keith.Jones@cityofvancouver.us>

Subject: Fisher's Creek Subdivision Public Hearing

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

Keith,

We live in the Lakes @ Fisher's Landing townhouse development in the southeast corner of the Hiddenbrook area, along SE 178th Court and Place. I am speaking on behalf of several owners with concerns and questions, not the Board of the association. Would it be possible to speak with you before we send the formal list of questions to you next week-10 days?

We have general questions about the development and specifically the 178th Avenue stub located outside our gate. Perhaps I can save you some time but asking questions on behalf of several neighbors here, rather than your having to go through several emails. Concerns include timing of, and even the need for opening the stub outside our gate. Residents of the new-ish townhouse area at the SE corner of 164th have to drive a few blocks east, then north to get to a major arterial, so why do the neighborhoods along SE 43rd, 42nd and 180th have to take on the burden from SE 192nd? A compromise might be to have a double gate at the east end of the new Fisher's Creek subdivision, keeping the larger source of traffic away from established neighborhoods. Our Lakes at Fisher's Landing is especially concerned about security, as the average age of residents is about 62, including five single women and some folks around 80 years old. From prior experience, some of us have experienced and/or know others who have had the homes burgled by nearby construction workers.

My cell phone number is 360-513-1572 and I will be available most of the week except Wed and Fri mornings. I

look forward to talking to you about the development and the process to get our questions answered so that we and other affected neighborhoods can address the issues about the new R-9 area and traffic from the entire development to the east.

Dennis Miller
dennismiller@hotmail.com

From: [Sonya Zalubowski](#)
To: [Jones, Keith \(CED\)](#)
Subject: Re: Aug 16 fisher creek subdivision. Comments
Date: Wednesday, July 28, 2021 4:49:13 PM

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

Hi Keith

I looked again at the narrative..do you think that amount of space they give in riparian area is enough? For animals You had told me the developer Hurley didn't have in end to do mitigation

And along the sides will it-be fenced so residents can't walk thru riparian area into our space, our roadway and the dam and ponds

I think of kids..we had trouble before w nhood teens swimming in ponds..big liability

We of course want fencing all around their development next to ours with NO access

Otherwise it is even more deleterious for the wetland animal corridor which is so sensitive and meagre

I want to enter these comments for the aug 16 deadline on fisher creek subdivision under the sepa part

Thnx

Sonya Zalubowski

Lakes resident

4214 se 178 ct

98683

Sent from my iPad

> On Jul 28, 2021, at 3:55 PM, Sonya Zalubowski <szalubowski@gmail.com> wrote:

>

> Hi Keith

> On my comments, I raised the issue in that sepa portion of the hearing re the wildlife corridor. Can you tell me what Hurley plans viz a vis how the animals would access their subdivision to get to further habitat? I want to protect the wildlife, squeezed out of so much habitat by Greedy ever burgeoning humanity..we have a doe now with two spotted fawns scampering around to forage...they use fisher creek and it's wooded area to survive and make it to the Columbia river

>

> Now they will run into homes and peep..we have wetland buffers, do they plan same?

>

> What is Hurley doing? Want to specially address that in a comment addenda to you

>

> Much thnx!

> Best

> Sonya

>

> Sent from my iPad

From: [Sonya Zalubowski](#)
To: [Jones, Keith \(CED\)](#)
Subject: Re: Question on skinny houses
Date: Monday, August 2, 2021 8:40:01 AM

Thnx for explaining
Sonya

Sent from my iPad

> On Aug 2, 2021, at 8:02 AM, Jones, Keith (CED) <Keith.Jones@cityofvancouver.us> wrote:
>
> Yes,
>
> The applicant is requesting approval of a Planned Development that allows for a 15% density increase. The
Planned Development is not held to the lot size requirements just the overall maximum density. Planned
Developments require 10% open space and are required to go the City Council for approval.
>
>
>
> -----Original Message-----
> From: Sonya Zalubowski <szalubowski@gmail.com>
> Sent: Thursday, July 29, 2021 6:40 PM
> To: Jones, Keith (CED) <Keith.Jones@cityofvancouver.us>
> Subject: Question on skinny houses
>
> CAUTION: This email originated from outside of the City of Vancouver. Do not click links or open attachments
unless you recognize the sender and know the content is safe.
>
> Hi Keith
> My hoa works on comments
> Question arose: how can developer qualify for its proposed skinny lots of 2250 to 3750 sq feet vs 5000 sq ft under
r9?
> Is it just as stated in the narrative that the size of parcel altogether is considered and would have allowed 37 lots if
total land was just used for lots, not the open spaces?
>
> Could you pls respond?
>
> Thnx
> Sonya
>
> Sent from my iPad

Aug. 13, 2021

Bradd Hill
President, The Lakes at Fishers Landing Homeowners Association
4116 SE 178th Court
Vancouver, WA 98683-2800
bradd1229@gmail.com

Keith Jones
Senior Planner
City of Vancouver
P.O. Box 1995
Vancouver, WA 98665-1995
keith.jones@cityofvancouver.us

re: Fisher's Creek Subdivision and Planned Development PRJ-166679/LUP-81488

Dear Mr. Jones,

On behalf of the 40 homeowners and the directors of The Lakes at Fishers Landing Homeowners Association, I would like to place in the record the following issues and concerns regarding the proposed 34-unit residential subdivision proposed by Hurley Development adjacent to our property in Southeast Vancouver. The project abuts the southern border of The Lakes property and is currently under consideration by the City of Vancouver. The developer has expressed its interest in being transparent and a good neighbor before and during the construction phase of the development until it's completion. 1-3 years. It's with that same spirit of transparency and goodwill that we offer our observations and recommendations before the project receives final approval.

We understand that the project is in its final phase of consideration, but recommendations from the public with vested interests are still being heard. While we realize that the project is moving forward, it is our desire to point out several issues that directly impact The Lakes and its homeowners.

We have identified the following issues that we would like to be heard, considered and resolved prior to the final approval of the project:

1) Sound barrier along Washington Highway 14. We assume that Hurley Development and/or the eventual homebuilder(s) plan to work with the Washington Department of Transportation to recommend and secure a sound barrier along Highway 14 to mitigate traffic noise as well as enhance the value and overall desirability of the project. A sound barrier – regardless of its exact form – would be consistent with the existing sound barrier (wall) that currently exists along the north side of Highway 14 from SE 164th Avenue to the proposed Hurley development property line..

2) Install a permanent barrier of at least six feet in height on the northern boundary of the Hurley development and the southern boundary of The Lakes/Lakes II property. The Lakes and Lakes II are both gated communities. Since we are not able to guarantee that the Hurley development will be likewise gated, we insist that the developer bear the cost and erect a fence along the entire length of the Hurley development's northern border and The Lakes and Lakes II southern border. It is incumbent that the developer be required to pay for installation and guarantee ongoing maintain of a six-foot high fence that is suitable to serve as a barrier to entry into The Lakes and Lakes II gated properties from the proposed Hurley development. Current plans indicate that the area of the fence would be located in an approximately 50-foot wide buffer zone between the developments.

3) Mitigation of construction noise to The Lakes homeowners during infrastructure buildout and homebuilding. During the infrastructure buildout and the eventual construction of homes (7 a.m. to 8 p.m. Monday-Friday and 9 a.m. to 6 p.m. on weekends), we ask for a written plan of noise mitigation both on the construction site and SE 178th Avenue, which runs parallel to the entrance to The Lakes. This plan should be of sufficient detail to clarify what is meant by noise mitigation and contain details for reporting, enforcement and resolution of complaints. We also would like to require all construction related traffic be required to use SE Brady Road or other access routes from east of the development through the quarry and not on SE 178th Avenue adjacent to The Lakes. No parking on SE 178th Avenue should be allowed by anyone associated with the development during the entire length of the infrastructure and home construction period.

4) Parking on SE 178th Avenue. We are opposed to any restrictions on parking on SE 178th Avenue along the existing portion of the street from The Lakes security gate south to where the proposed new portion of SE 178th Avenue begins. The streets within The Lakes and Lakes II communities are narrow and don't allow for street parking. Therefore, it is sometimes necessary for homeowners to park on the street outside the gate. Guest parking for the Hurley development should be restricted strictly to the streets within the Hurley development and not the portions of SE 178th Avenue adjacent to The Lakes property.

5) Remove large Cottonwood trees along the common border. The roots from these invasive trees are wreaking havoc with landscaping in common areas and on homeowners' adjacent property in The Lakes as well as threatening to invade foundations. This has been an ongoing battle for years. They serve no useful purpose and are a threat to both homes and landscaping. Since these are on property that is part of the proposed development, we would like them removed and mitigated from returning at the expense of the developer. Since the grade is being elevated to the level of our property, this would be the easiest and best way to remove this problem and the threat it poses to the future relationship between The Lakes, Lakes II and the proposed Hurley development.

We look forward to hearing your thoughts about our recommendations as well as any questions you may have about them. Please don't hesitate to be in touch if I can answer any questions you may have.

Sincerely,
Bradd Hill

cc: Bobbi Thale, The Lakes Board
Phil Smith, The Lakes Board
Lyman Potts, The Lakes Board
Greg Allison, The Lakes Board
Chelsea Greenhill, AMS Management

From: [Bradd Hill](#)
To: [Hildreth, Johnnie](#)
Cc: [Jones, Keith \(CED\)](#)
Subject: Re: Keith Jones: August 16th Deadline
Date: Monday, August 16, 2021 1:55:50 PM

Thank you!

On Mon, Aug 16, 2021, 1:52 PM Hildreth, Johnnie <Johnnie.Hildreth@cityofvancouver.us> wrote:

Hi Bradd,

Keith will receive your email with your comments/concerns which he will include those in is staff report comments.

Thank you,

Johnnie Hildreth | Assistant Planner
CITY OF VANCOUVER, WASHINGTON

Community and Economic Development Department

415 W. 6th St. | Vancouver, WA 98668-1995

P: 360-487-7824 | TTY: 360-487-8602

www.cityofvancouver.us

Permit Center Moves to Virtual Operations in Response to Virus. Please visit our [website for more information.](#)

From: Bradd Hill <bradd1229@gmail.com>
Sent: Monday, August 16, 2021 12:51 PM
To: City CDD Planning <cddplanning@cityofvancouver.us>

Subject: Fwd: Keith Jones: August 16th Deadline

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

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

From: **Bradd Hill** <bradd1229@gmail.com>

Date: Mon, Aug 16, 2021 at 12:36 PM

Subject: Keith Jones: August 16th Deadline

To: <cvdplanning@cityofvancouver.us>

We were told that August 16th was the deadline to submit comments on the HQ (Hurley Development) project, by Keith, and send to his email. Now his email reply says he is out until August 23rd. Is there another email to submit our HOA comments.

Attached is another copy of our submission for consideration.

Thanks

Bradd Hill

--

Bradd Hill
4116 SE 178th Ct.
Vancouver, WA 98683
cell: 503-803-9477

--

Bradd Hill
4116 SE 178th Ct.
Vancouver, WA 98683
cell: 503-803-9477

From: [Sonya Zalubowski](#)
To: [Jones, Keith \(CED\)](#)
Subject: Comment on fisher creek subdivision by hurley
Date: Wednesday, August 4, 2021 2:25:09 PM

Hi Keith

Sorry this is so disjointed but I keep learning more and thus want to add to my comments due by aug 16

I want to question the Hurley request for a 15% increase in density for their proposed fisher creek subdivision off 178 street in former fisher quarry. This is an environmentally fragile area since it is part of the shrinking wildlife animal corridor

That fisher creek represents. The Hurley plans show a skinny buffer along the backs of homes and a small riparian area. What is the justification of packing in even more homes? The quarry area was empty all night long, homes will not be. And use of the quarry was not continual as will residency now be,affording the wildlife some necessary relief from human presence.

Than you
Sonya Zalubowski

Sent from my iPad

> On Aug 2, 2021, at 8:02 AM, Jones, Keith (CED) <Keith.Jones@cityofvancouver.us> wrote:

>

> Yes,

>

> The applicant is requesting approval of a Planned Development that allows for a 15% density increase. The Planned Development is not held to the lot size requirements just the overall maximum density. Planned Developments require 10% open space and are required to go the City Council for approval.

>

>

>

> -----Original Message-----

> From: Sonya Zalubowski <szalubowski@gmail.com>

> Sent: Thursday, July 29, 2021 6:40 PM

> To: Jones, Keith (CED) <Keith.Jones@cityofvancouver.us>

> Subject: Question on skinny houses

>

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

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> Hi Keith

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> Question arose: how can developer qualify for its proposed skinny lots of 2250 to 3750 sq feet vs 5000 sq ft under r9?

> Is it just as stated in the narrative that the size of parcel altogether is considered and would have allowed 37 lots if total land was just used for lots, not the open spaces?

>

> Could you pls respond?

>

> Thnx

> Sonya

>

> Sent from my iPad

From: [Sonya Zalubowski](#)
To: [Jones, Keith \(CED\)](#)
Subject: Comments from Sonya Zalubowski on fisher creek subdivision
Date: Friday, July 23, 2021 5:07:34 PM
Attachments: [COVID-19 NOA, Hearing, SEPA template.pdf](#)

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

Hi Keith

Pls accept my comments below for the hearing examiner on the Hurley proposal for said subdivision off se 178th :

>> Privacy fencing to be paid for by builder between lakes property and new subdivision
>> Sound wall from hwy 14
>> What if hwy 14 is widened in future? Is there adequate room?
>> Noise impacts, standard is construction from 7 am to 8 pm
Flying dirt, debris during construction
>> Left turn out of lakes at 178, new impact of 235 trips or whatever they estimate per day
>> Animal corridor from fisher creek impact
>> Will brady road extension from 192 west to subdivision be built in time to help alleviate added traffic on 178?

What are impacts on using existing sewer, water lines in area?

>>

>> Thnx

>> Sonya Zalubowski

4214 se178 ct

98683

>> Lakes resident

>>

>>

>>

>>

>> Sent from my iPad

From: [Ryoichi Kuwabara](#)
To: [Jones, Keith \(CED\)](#)
Subject: Comments on the proposed Fisher's Creek Subdivision and Planned Development PRJ-166679/LUP-81488
Date: Tuesday, August 3, 2021 7:19:52 AM

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

Hi Keith,

I'm forwarding you the comment shown below that I sent to Scot Brantley of HQ Vancouver, LLC regarding the proposed Fisher's Creek Subdivision. Please include this comment in your list. Thank you in advance.

Hi Scot,

I'm a resident of The Lakes at Fishers Landing, the gated community that borders your proposed residential development in the former Fishers Rock Quarry site. My unit is located at the back side of Units 11, 12 and 13 in your Site Plan/Landscape Plan. I was invited to the conference call but I'm unable to attend, so I'm sending you my concern regarding the white-colored area enclosed with the dotted line with the remark "Protect existing vegetation."

When we moved in The Lakes about 13 years ago, there were only a few cottonwood trees in the area mentioned above, which is behind the cedar trees that were planted by our developer along the property line. Now there are more than a dozen cottonwood trees that are taller than the cedar trees, some of which are close to the cedar trees and are obstructing their growth. Their roots also spread so fast and have been invading the Lakes side; we continually see new shoots all over the place. Since these cottonwood trees are not on our property, we can't do anything to prevent them from growing so fast or stopping the roots from spreading into our area. I wanted to let you know that once the irrigation system is installed at your side, these cottonwood trees will start spreading towards backyards of your Units 11-18.

Our HOA president will provide additional concerns/issues voiced by other residents within our community, one of which is requesting for a fence/barrier along the property line. To install a fence/barrier, cottonwood trees growing right next to the cedar trees need to be removed and something should be done to prevent these cottonwood trees from growing/spreading fast.

I would appreciate it if you would look into my comments. We honestly are looking forward to sharing a common border with your planned new development next to our community.

Thank you,
Ryoichi Kuwabara/Julius Kaneshiro
4325 SE 178th Place



Memorandum

To: Keith Jones, Senior Planner | City of Vancouver
From: Tim Leavitt, PE
Copies: Scot Brantley; File
Date: September 5, 2021
File: *I:\project\19800\19809\planning\19809.200 fisher's creek subdivision\city of vancouver\lup application\19809.200_fcs_publiccommentsresponse_09-05-2021.docx*
Subject: ***Public Comments Responses
Fishers Creek Planned Development Subdivision
(LUP-81488, PRJ-166679)***

The purpose of this memorandum is to provide responses to public comments received regarding the Fishers Creek Planned Development Subdivision. This memorandum is prepared by Otak, Inc. (Otak), on behalf Hurley Development (project proponent). We appreciate this opportunity to respond and supplement the public record for this proposed development.

As of September 2, 2021, Otak is in receipt of comments delivered to the City of Vancouver from six (6) individuals, one (1) homeowner association, and three (3) public agencies.

This response is organized such that comments received from The Lakes at Fishers Landing Homeowners Association and public agencies will be addressed specifically.

Comments received from individuals happen to be similar to each other and/or similar to those provided by The Lakes at Fishers Landing Homeowners Association. Thus, responses are provided for unique questions or in general categories of concern(s).

The Lakes at Fisher's Landing Homeowners Associations

Comment 1: Installation of Hwy 14 sound barrier? **Response:** There is no intention by the project proponent to install a sound barrier wall. There are many examples of residential development adjacent to SR 14 that do not have sound barrier walls.

Comment 2: Installation of a 6-ft permanent barrier along the FCS north property line? **Response:** The project proponent is not planning to install a permanent barrier along the project's north property line, at the Open Space area. It is reasonable to anticipate that the individual homes will have fencing installed to separate privately owned back yard spaces.

Comment 3(a): Mitigation of construction noise? **Response:** The city code (Table 10.935.030-1) defines allowed hours of construction (7am to 8pm) for all construction projects in the city of Vancouver. The city also defines the process for which complaints about construction noise can be made with city code enforcement. During the project pre-construction conference, the city typically reviews allowable

conditions for standard construction. Should any non-standard construction effort be necessary, these matters would be reviewed during the pre-construction conference and specific conditions set that address duration/time, methods and means, and mitigation.

Comment 3(b): Use of public street parking by construction contractors? **Response:** Public streets provide parking for the public and including those conducting business and/or construction. Because SE 178th Street is presently a dead-end street, the city might consider allowing temporary parking on both sides of the street to create more organized/regulated parking that will support the construction activity for this project.

Comment 4(a): Restrictions to parking on SE 178th Avenue? **Response:** The project proponent agrees with the Homeowners Association about requesting no restrictions on public parking on SE 178th Avenue. Public parking is available to all members of the public and cannot legally be reserved for use by only specific members of the public, excepting for provisions of the Americans with Disabilities Act (ADA). City code provides for restrictions to public parking (e.g., long-term parking, abandoned vehicles) and code enforcement requirements.

Comment 4(b): Guest parking for the FCS project should be limited to only onsite parking and not allowed on SE 178th Street? **Response:** As noted above, public parking is provided for public use and cannot be exclusive to specific residents, excepting for ADA. However, the proposed Fishers Creek Planned Development Subdivision does meet the city code requirements for both resident and *on-street* guest parking. As detailed on project plan sheet C-01 (Site Plan), a total of fifteen (15) on-street guest parking spaces are proposed, exceeding the city code requirement of 12 guest parking spaces.

Comment 5: Remove large cottonwood trees along common border? **Response:** Per requirement of city code, a professional arborist (Teragon & Associates) was retained to evaluate the existing tree conditions. The arborist identified 16 cottonwood trees in the vicinity of the north property line, and recommended removal of 7 of those trees. The proposed landscape plan thus indicates retention of 9 of the existing cottonwood trees, if they do not conflict with earthwork associated with the development. There is limited proposed earthwork in the Open Space area long the common border.

The project proponent is willing to work with the City and the HOA on a shared solution.

Southwest Washington Clean Air Agency

Comment: Construction Dust. **Response:** The project proposes erosion and sediment control best management practices, recommended by the City and Washington Department of Ecology, to be implemented by the construction contractor for the duration of the construction project, until the site soils are stabilized. Appropriated and diligent application of these measures should result in minimization and/or elimination of construction dust, meeting the requirements of SWCCA Regulation 400-040.

Washington State Department of Transportation

Comment: Stormwater drainage. **Response:** The proposed project will manage surface water runoff (water quality and water quantity) to rules of the Washington Department of Ecology's Surface Water

Management Manual for Western Washington (SWMMWW), as adopted and modified by the City of Vancouver. As such, the project will collect, treat, convey and detain post-developed surface waters, then release runoff to lesser than pre-development site conditions. The design intention is to have no impact on the adjacent WSDOT SR 14 right-of-way. As a courtesy, Otak will provide WSDOT SW Region with a copy of the proposed stormwater plan and stormwater hydrological report for their review and confirmation of the development conditions.

Washington State Department of Ecology

Comment 1: Shorelines and Environmental Assistance. **Response:** Shorelines are not applicable to this proposed project. Environmental assistance has been sought with Ecology, including both meeting onsite and garnering informal review and approval of the existing site conditions. The project land use application includes a Critical Areas Report that details these matters.

Comment 2: Solid Waste Management. **Response:** The project proponent intends to utilize only clean materials for any proposed earthwork fill onsite. Any excess cut material (imbalance of cut to fill) will be disposed of per permit allowance from the City of Vancouver.

Comment 3: Water Quality/Watershed Resources Unit. **Response:** Ecology and City approved erosion and sediment control best management practices (BMPs) will be installed prior to initiation of onsite construction activity, in order to prevent stormwater runoff from carrying soil and other pollutants into surface water or stormdrains (not applicable) that lead to waters of the state.

A Stormwater Construction General Permit will be submitted to Ecology, and including the preparation of a Stormwater Pollution Prevention Plan (SWPPP) will be prepared for the project construction, and implementation by the construction contractor.

Construction phasing and staging will be reviewed with city construction inspection staff during the project pre-construction conference.

Individual Citizen Comments

As noted previously, the comments provided by individual citizens have some redundancy with each other and with the comments provided by The Lakes at Fisher's Landing Homeowners Association. The responses below are either to singular and unique comments, or the response caters to a general issue common between individual comments.

Comment: Lot sizes less than 5000 SF. **Response:** The proposed project is a planned development, prepared following criteria and requirements of Vancouver Municipal Code (VMC 20.260). The base zone of the project site is R-9, which would allow for up to 37 single-family lots based on the project area. The project proponent is instead proposing a planned development with a total of 34 single-family lots, with a combination of both attached (e.g., 'townhome' style) and detached homes. (Note: the Planned Development allows for a 15% *increase* in density above the base zone). In addition, a total open space area of over 12% of the site is proposed; the minimum required by the planned development code is 10%. These adjustments allow the project proponent to preserve natural areas, create a sizable open space, limit overall construction earthwork, and create a more enjoyable and livable community.

Comment: Construction access. **Response:** The project proponent is committed to constructing as much of this project as possible through access from the property to the east. There is no formal/paved roadway through the property to the east (HQ), only unimproved gravel/dirt roadway access.

Comment: Expansion of Hwy 14? **Response:** The proposed project is located outside of the state's right-of-way. Washington State Department of Transportation has been engaged in the planning of development along the north side of their right-of-way and made no indication of desire to acquire/purchase additional land for expansion of the state highway.

Comment: Sanitary sewer connection? **Response:** The public sanitary sewer connection is in SE 177th Lane, per instruction from the city public works department. Present understanding is the existing public sanitary sewer system has the capacity to accommodate the proposed project.

Comment: Protection of wildlife. **Response:** A critical areas assessment was completed, and a Critical Areas Report (CAR) was submitted with the project land use application (Otak, 2020). To complete this effort, professional and experienced biologists met onsite with agency environmental and planning staff from the City of Vancouver and Washington State Department of Ecology. Fisher Creek (downstream) is characterized as a Type F (perennial fish bearing), requiring a total of 175-ft buffer. The proposed project respects the restrictions and allowances of the required buffer, minimizing development activity in this location. Temporary construction impacts to the outside habitat buffer will occur. The project proposes to mitigate for these impacts with improved vegetation/plantings around the previously delineated and permitted wetland located northeast and adjacent to the project site.

At request of the City, additional assessment of the local habitat was completed and submitted to the City on August 19th, 2021 (Otak). This effort affirmed that there are no known State or Federally listed wildlife or plant species, or their designated habitat present on the site. Onsite observations confirmed that potential habitat areas onsite did not reveal the presence of rare plants of high conservation value.

Comment: Traffic impacts. **Response:** A traffic impact assessment has been submitted with the project land use application, completed by a professional and experienced traffic engineer (Mackenzie). City Transportation Staff have already provided accurate response to public inquiry about traffic (Eric Hahn, July 29th, 2021); creation network of public streets provides connectivity between neighborhoods and alternative routes to destination points, for vehicles, bicycles, pedestrians, and emergency response. Extension of SE 178th Avenue to the proposed SE Brady Road (HQ project) will create connection for local neighborhoods to access services and amenities more readily in HQ and along SE 192nd Avenue, as well as State Route 14.

While it is not expected that traffic calming is necessary within the abbreviated roadways of the proposed project, the HQ project to the east is planned with traffic calming roadway improvements.

Thank you for this opportunity to address the public comments on this important project. Please don't hesitate to contact us with questions or for further information.

EXHIBIT 12

Tree Plan

dated

April 22 2021

****Because of the size of the exhibit, it is not included with this report. The documents are available for review via email. Please email the case manager for this project to receive electronic copies of the requested exhibits.**

EXHIBIT 13

Critical Areas Report

dated
April 30, 2021

****Because of the size of the exhibit, it is not included with this report. The documents are available for review via email. Please email the case manager for this project to receive electronic copies of the requested exhibits.**

City of Vancouver Transportation Services Trip and Traffic Impact Fee Calculation Worksheet Application Number: PRJ-166679

Project Name:	Fishers Creek Subdivision	Date:	8/9/2021 12:00:00 AM
Project Address:	17700 SE EVERGREEN HWY	TAZ:	TA247
Project Number:	PRJ-166679	Primary Corridor:	192ND
ENG Number:		Parcel 1 ID:	126780000
TIF District:	Cascade	Parcel 2 ID:	
TIF Overlay District:	Overlay - Mill Plain / I-205	Parcel 3 ID:	

Existing Site Trips ^^										
LU Description	ITE LU Code	Existing AM Peak Rate	Existing PM Peak Rate	Existing ADT Rate	Unit of Measure	Size**		Existing AM Peak Trips	Existing PM Peak Trips	Existing ADT
^^ equals zero if this is a new development on greenfield or if old use has been gone > 1 year.								Existing Trips Total		

New Trip Generation Calculation										
LU Description	ITE LU Code	AM Peak Rate	PM Peak Rate	ADT Rate	Unit of Measure*	Size**		New AM Peak	New PM Peak	New ADT
Single Family Det.Homes	210	0.75	1	10	1	6		4	6	60
Multifamily Housing (Low-Rise)	220	0.46	0.56	7.32	1	28		13	16	205
*Unit of measure = ITE Unit by which total size is divided by in order to calc. trip generation								New Project Trips		
**Size - Total size of development, eg 10 dwelling units or 50,000 sqf.								Net New Project Trips (new trip = existing trips)		
***% reduction applied to trip generation, eg. .35 passby reduction for 100 trips - (1 - .35) * 100 - .65 - from approved traffic impact study only								17	22	265
****% reduction applied to trip generation, eg. .10 internal capture reduction for 100 trips - (1 - .10) * 100 - .9 * 100 - 90 - from approved traffic impact study only								17	22	265

Traffic Impact Fee Calculation									
LU Description	ITE LU Code	Proposed Project ADT	Net New Proj ADT	TIF Rate/Trip	TIF Overlay rate/trip	BEF Reduction = .3 for retail commercial uses & ITE LU 912	Tax Reduction	TIF Due	Overlay TIF Due
Single Family Det.Homes	210	60	60.00	275	0		0.15	\$14,025.00	\$0.00
Multifamily Housing (Low-Rise)	220	205	205.00	275	0		0.15	\$47,918.75	\$0.00
Sum		265	265	TIF Totals:				\$61,943.75	\$0.00

Concurrency Monitoring Fees			
Corridor	PM Peak Trips	Cost/Trip	max. \$1500/corridor
SR-14 to SE 1st St	5	\$57.00	\$285.00
SR-14 to NE 18th St	11	\$57.00	\$627.00
Total Monitoring Fee =			\$912.00

Total Modeling Fee = \$912.00

Disclaimer: This information is provided based on the TIF program in place as of the date shown above and is only an estimate of the fee. The fee will be recalculated based on approved development dimensions and reflecting any changes to the TIF program that are applicable. Per VMC20.97.060 B,...for non-residential development, the impact fee shall be calculated at the time of site plan approval or building permit application if the proposed development is not sufficiently defined to permit such calculations. Notwithstanding the foregoing, the fee shall be re-calculated for building permit applications filed more than 3 years following the date of the applicable preliminary plat, preliminary short plat or site plan approval. See VMC20.97 for more information. Note: TIF Overlay fees cannot be paid with TIF Credits from a district other than the TIF Overlay district.



City of Vancouver Transportation Services
Trip and Traffic Impact Fee Calculation Worksheet

Application Number: PRJ-166679

Project Name:	Fishers Creek Subdivision	Date:	8/9/2021 12:00:00 AM
Project Address:	17700 SE EVERGREEN HWY	TAZ:	TA247
Project Number:	PRJ-166679	Primary Corridor:	192ND
ENG Number:		Parcel 1 ID:	126780000
TIF District:	Cascade	Parcel 2 ID:	
TIF Overlay District:	Overlay - Mill Plain / I-205	Parcel 3 ID:	

Proportionate Shares				
Case Number	Project	Fee/Unit	Trips/Lots	Final Fee
	192nd/SR14	\$2,000.00	8	\$16,000.00
Total Proportionate Share Fees =				\$16,000.00

COMMENTS:

Type IV planned development subdivision for proposed 35 lots development (single dwelling-attached)

District: Cascade	District TIF =	\$61,943.75
Overlay - Mill Plain / I-205	Overlay TIF =	\$0.00
	Total TIF =	\$61,943.75

SF Dwellings
Fee per SFDU
Plat Calculation Total: \$61,943.75

Disclaimer: This information is provided based on the TIF program in place as of the date shown above and is only an estimate of the fee. The fee will be recalculated based on approved development dimensions and reflecting any changes to the TIF program that are applicable. Per VMC20.97.060 B,...for non-residential development, the impact fee shall be calculated at the time of site plan approval or building permit application if the proposed development is not sufficiently defined to permit such calculations. Notwithstanding the foregoing, the fee shall be re-calculated for building permit applications filed more than 3 years following the date of the applicable preliminary plat, preliminary short plat or site plan approval. See VMC20.97 for more information. Note: TIF Overlay fees cannot be paid with TIF Credits from a district other than the TIF Overlay district.

EXHIBIT 15

From: Odegard, Aaron
Sent: Tuesday, July 27, 2021 4:15 PM
To: Mark Zeman
Cc: Tim Leavitt; Kevin Brady; Jones, Keith (CED)
Subject: LUP-81488 Appendix R Receipt Confirmation RE: Fishers Creek Subdivision; Sanitary Sewer Coordination

Mark,

The coordination summary below and its attachments have been safely received. This submittal is well received and just what the FCS application needs. The combination provides a clear explanation of the project's proposed sanitary sewer service coordination.

This email and the submitted attachments will be titled '*16 Appendix R Sanitary Sewer Coordination*' and will be added to the LUP-81488 ePlans Documents Folder on your behalf.

Thanks and good luck with the projects,

Aaron A. Odegard P.E. Civil Engineer
CITY OF VANCOUVER, WASHINGTON
Public Works Department/Engineering Services Division
TTY: 360-487-8602



From: Mark Zeman <Mark.Zeman@otak.com>
Sent: Friday, July 23, 2021 9:09 AM
To: Odegard, Aaron <Aaron.Odegard@cityofvancouver.us>
Cc: Tim Leavitt <Tim.Leavitt@otak.com>; Kevin Brady <Kevin.Brady@otak.com>
Subject: Fishers Creek Subdivision; Sanitary Sewer Coordination

Aaron,

We appreciate you taking the time to discuss this project on the phone today. Per your request, the following is a brief summary of the Sanitary Coordination for FCS and the adjoining proposed development to the east (HQ).

- The attached "HQPS Service Map" shows the area highlighted in red as being the gravity flow service area that will discharge raw sewage to the HQ pump station.
- A force main is proposed to convey the sewage from the pump station up the hill along Brady Road towards the west.
- The western edge of the red area near Lot 12 is where the force main will terminate and gravity sewer will begin.
- The utility plan for HQ is proposing to construct the gravity sewer to connect to the pipe stub constructed by FCS in Brady Road.
- See plan UT-02 for Brady Road, sewer note #2 calls for the proposed sewer to be constructed 3' beyond the FCS property line and capped for future connection.

- The Brady Road sewer flows towards the west to connect with the sewer proposed on sheet UT-01 which makes the connection to the existing city sewer system in 177th Lane.
- The FCS plans were completed before flow data for the HQ site was calculated.
- According to the HQPS technical memo, the peak instantaneous discharge from the force main will be 746 GPM.
- The FCS sewer system will need to convey the force main flow as well as the flow from 34 residential units and Lots 10, 11 and 12 of the HQ site.
- Washington State adopted a minimum design flow rate of 240 gallon/day for residential units which averages to 0.16 GPM per household.
- Recommended assumption for peak flow rates are 4 times the average flow rate which is still less than 1 GPM per household.
- For this exercise, let us assume a design flow rate of 1 GPM per residential unit.
- According to the HQPS TM the daily flow from Lots 10-12 will be 39,025 gallons per day, averaging 27 GPM with an assumed peak of 108 GPM (4 times the average).
- Together the peak design conveyance should be $746 + 34 + 108 = 888$ GPM.
- The FCS sanitary sewer system is proposed with 8" diameter pipe.
- Using the Manning's equation for pipe flow capacity, a minimum of slope of 2% is recommended for this Development with a flow capacity of 1010 GPM at 100% full.
- When the pipe is 90% full capacity is 1076 GPM.
- This is adequate to convey the expected design flow of 888 GPM with a 1.2 factor of safety.



Mark Zeman, PE | Sr Civil Engineer/Project Manager

Direct: 360.912.9575 | Cell: 503.867.0211 | Main: 360.737.9613

www.otak.com

From: Kevin Brady Kevin.Brady@otak.com

Sent: Monday, July 12, 2021 7:38 AM

To: Odegard, Aaron Aaron.Odegard@cityofvancouver.us

Cc: Tim Leavitt Tim.Leavitt@otak.com; Mark Zeman Mark.Zeman@otak.com

Subject: RE: LUP-81488 Sanitary Sewer FC Supplemental Requirements Fisher's Creek Subdivision KEITH JONES

Thanks for the follow up, Aaron ... I see our civil team has responded, and will be getting back to you with the submittal item (i.e. Appendix R, Narrative).



Kevin Brady | Senior Planner

700 Washington Street, Suite 300 | Vancouver, WA 98660

Direct: 360.906.9423 | Main: 360.737.9613 | Mobile: 503-504-1951

www.otak.com

From: Odegard, Aaron <Aaron.Odegard@cityofvancouver.us>

Sent: Friday, July 9, 2021 3:16 PM

To: Kevin Brady <Kevin.Brady@otak.com>; GRP Otak Civil <otakcivil@otak.com>

Subject: RE: LUP-81488 Sanitary Sewer FC Supplemental Requirements Fisher's Creek Subdivision KEITH JONES

Kevin,

The email should have asked...

Please briefly acknowledge your safe receipt of the email below.

Thanks, aao

From: Odegard, Aaron

Sent: Monday, June 28, 2021 2:36 PM

To: kevin.brady@otak.com; otakcivil@otak.com

Cc: Jones, Keith (CED) <Keith.Jones@cityofvancouver.us>; Hale, Sheryl <Sheryl.Hale@cityofvancouver.us>

Subject: LUP-81488 Sanitary Sewer FC Supplemental Requirements Fisher's Creek Subdivision KEITH JONES

Good Afternoon,

Below are the Sanitary Sewer requirements posted to your Application's FC review (determination).

Yes, this app is FC for Sanitary Sewer with the following Supplemental Requirements.

Project Coordination Narrative: *Submit an addendum summarizing proposed east adjoining project coordination. At a minimum summarize the following elements.*

East adjoining project proposal.

Proposal provided in the Draft Tech Memo dated 08 June 2021.

Current application's provisions to accommodate the east adjoining proposal.

Submittal Requirements: *Prepare the narrative as Appendix R. Upload the Addendum R (and a copy of its transmittal) to the ePlans Documents Folder.*

Send questions about these requirements to me. (We can discuss on the phone as needed.)

Finally, please prepare and submit at your earliest. We look forward to approving the supplement.

Good luck with the project,

Aaron A. Odegard P.E. Civil Engineer

CITY OF VANCOUVER, WASHINGTON

Public Works Department/Engineering Services Division

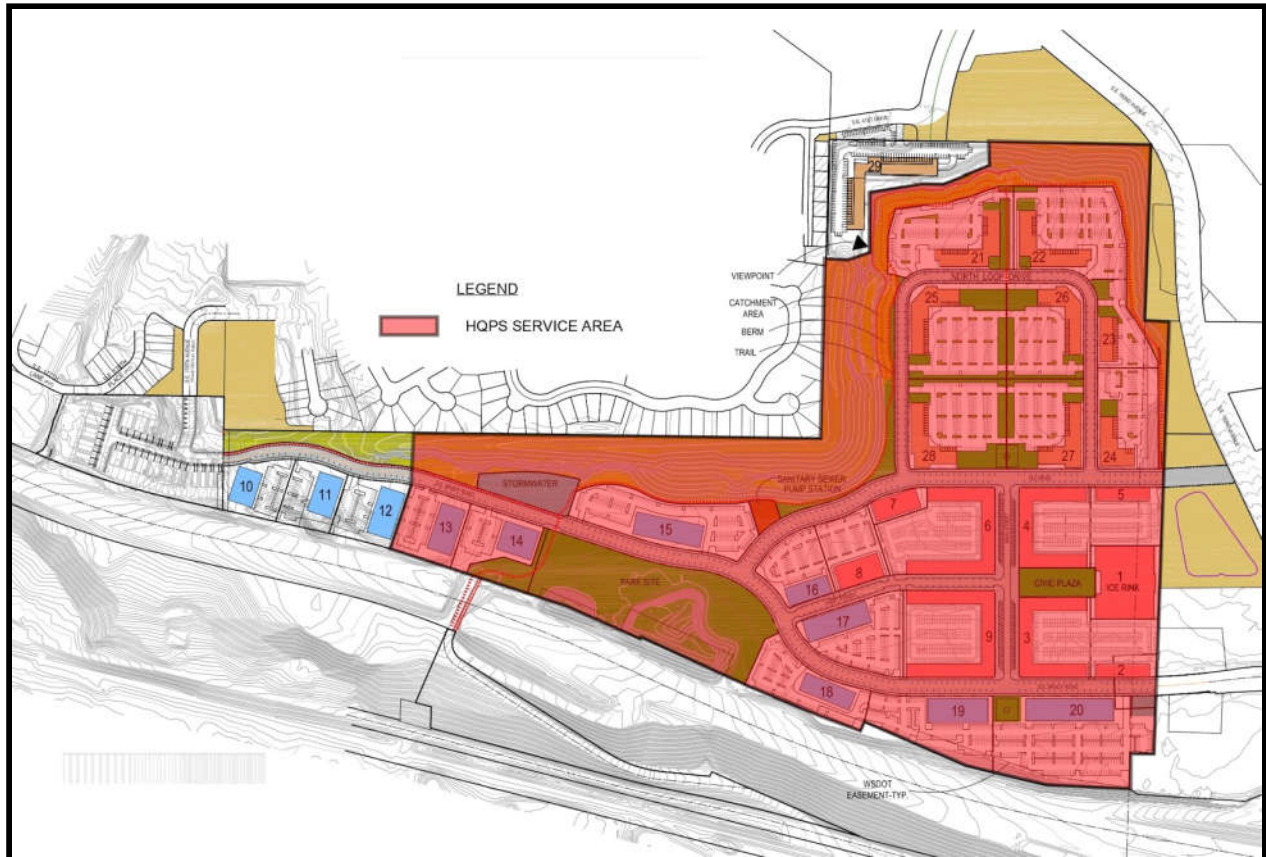
TTY: 360-487-8602



Service Area

As stated previously, the service area for HQ encompasses approximately 100 acres of residential, mixed use, commercial, and industrial zoned properties. However, not all portions of the development will contribute flow to the HQPS. The service area for the HQPS is shown in **Figure 1**.

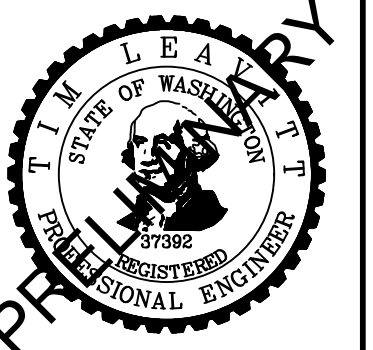
Figure 1. HQPS Service Area



Flow Projections

Criteria used for determining projected wastewater flows were taken from the City's General Sewer Plan (GSP)¹ and density assumptions provided by Otak. Criteria are shown in **Table 1**.

¹ City of Vancouver, Washington General Sewer Plan Volume 1 dated 15 April 2011 by Kennedy Jenks Consultants



HURLEY DEVELOPMENT
275 W 3RD ST, STE 300
VANCOUVER, WA 98660

FISHER'S CREEK SUBDIVISION
17700 SE EVERGREEN HWY
CITY OF VANCOUVER, WASHINGTON

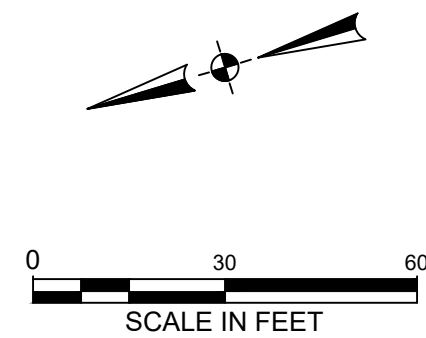
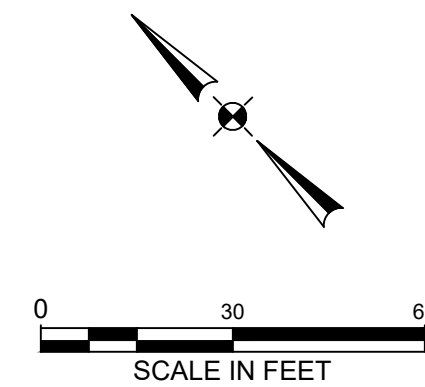
FISHER'S CREEK UTILITY PLAN

LAND-USE SUBMITTAL

TITLE		
#	DATE	DESCRIPTION
REVISIONS		
DRAWN BY		TOL
LAND-USE		CHECKED BY
STATUS		
MAY 2021		
DATE		
19809.002		
PROJECT NUMBER		

UT-01

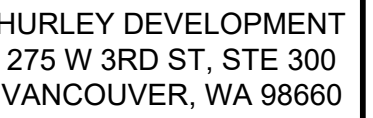
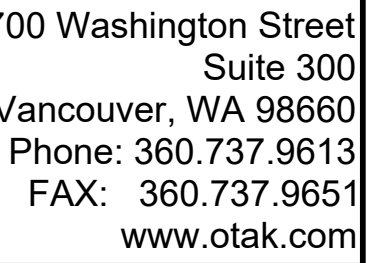
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1. SEE SHEET G-02 FOR NOTES AND LEGENDS.
2. SEE SHEET STRM-01 FOR PROPOSED STORMWATER SYSTEM.

- ① INSTALL 1" WATER SERVICE WITH DOMESTIC METER PER COV STANDARDS W-1 AND W-4.
- ② INSTALL FIRE HYDRANT ASSEMBLY PER COV STANDARD W-10.
- ③ INSTALL STANDARD VALVE BOX AND COVER PER COV STANDARD W-12.
- ④ INSTALL STANDARD BLOW OFF ASSEMBLY PER COV STANDARD W-14.

1	CONSTRUCT STANDARD PRECAST MANHOLE PER COV STANDARD S-2.1A.
2	CONNECT TO EXISTING SANITARY MH.



FISHER'S CREEK SUBDIVISION
17700 SE EVERGREEN HWY
CITY OF VANCOUVER, WASHINGTON

SE BRADY RD UTILITY PLAN AND

LAND-USE SUBMITTAL

TITLE		
#	DATE	DESCRIPTION
REVISIONS		
DRAWN BY		TOL
LAND-USE		CHECKED BY
STATUS		
MAY 2021		
DATE		
19809.002		
PROJECT NUMBER		

UT-02

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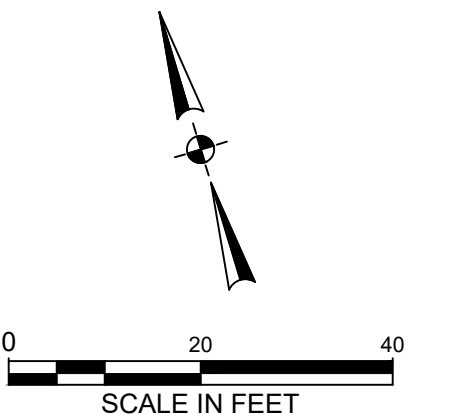


- ① INSTALL 1" WATER SERVICE WITH DOMESTIC METER PER COV STD PLANS W-1 AND W-4.
- ② INSTALL FIRE HYDRANT ASSEMBLY PER COV STD PLAN W-10.
- ③ INSTALL STANDARD VALVE BOX AND COVER PER COV STD PLAN W-12.
- ④ INSTALL STANDARD BLOW OFF ASSEMBLY PER COV STD PLAN W-14.

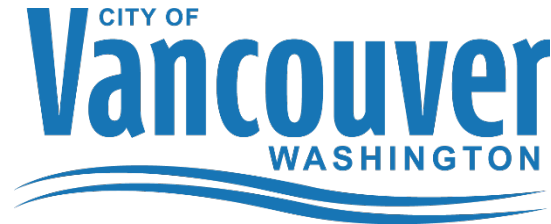
SANITARY SEWER KEY NOTES:

- | | |
|---|--|
| 1 | CONSTRUCT STANDARD PRECAST MANHOLE PER COV STD
PLAN S-2.1A |
| 2 | EXTEND PIPE 3' PAST PROPERTY LINE AND CAP IN PLACE
FOR FUTURE CONNECTION. |

SE BRADY RD PLAN



SE BRADY RD PROFILE



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

www.cityofvancouver.us

August 31, 2021

**Notice of Final Determination of Nonsignificance (DNS)
Fisher's Creek Subdivision and Planned Development
PRJ-166679/LUP-81488**

The city issued a determination of nonsignificance for this project July 16, 2021, this determination is retained. The city received public comments as well as comments from the Department of Ecology, Southwest Clean Air Agency and WSDOT. The majority of these comments will be address with the forth coming staff report and recommendation to the Hearing Examiner. However, some of these comments were related to the SEPA determination. The applicant has provided a response, attached, that addresses the environmental concerns raised.

It has been determined the following described project will not have a probable significant adverse impact on the environment. Under the authority of WAC 197-11-330(1) and 197-11-350, a determination of nonsignificance has been issued.

Request: 34-lot single-family residential attached and detached subdivision and planned development. The property is zoned Low Density Residential (R-9).

Location: 17700 SE Evergreen Hwy. 126779000, 126780000 & 126778000

Applicant/Owner: Scot Brantley, HQ Vancouver, LLC, 275 W. 3rd Street, Suite 300, Vancouver, WA 98660 360-608-6026

Requests to appeal this decision must be made in writing within 14 calendar days after the date the decision is mailed. The letter of appeal shall state the case number designated by the city, the name of the applicant, name and signature of each petitioner, a statement showing that each petitioner is entitled to file the appeal under VMC Chapter 20.210, the specific aspect(s) of the decision and/or SEPA issue being appealed, the reasons each aspect is in error as a matter of fact or law, and the evidence relied on to prove the error. A substantive appeal of the SEPA determination must be filed in conjunction with and within the limitation period applicable to an available administrative appeal of the applicable permit or approval (VMC 20.790.640.D).

All appeals, along with the required fee, must be received by 4 p.m., Sept. 14, 2021.

During the current COVID-19 crisis, the appeal request shall be emailed to epians@cityofvancouver.us as well as to the case manager's e-mail address below and the appeal fee electronically paid to the City.

Responsible Official: Keith Jones, Senior Planner

E-mail: keith.jones@cityofvancouver.us

A handwritten signature in blue ink that reads "Keith Jones".

Aug. 31, 2021

Name

Date



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

PO Box 47775 • Olympia, Washington 98504-7775 • (360) 407-6300
711 for Washington Relay Service • Persons with a speech disability can call 877-833-6341

August 16, 2021

Keith Jones, AICP, Senior Planner
City of Vancouver
Community & Economic Development
PO Box 1995
Vancouver, WA 98668

Dear Keith Jones:

Thank you for the opportunity to comment on the optional determination of nonsignificance/notice of application for the Fisher's Creek Subdivision Project (PRJ-166679, LUP-81488) located at 17700 Southeast Evergreen Highway as proposed by HQ Vancouver, LLC. The Department of Ecology (Ecology) reviewed the environmental checklist and has the following comment(s):

SHORELANDS & ENVIRONMENTAL ASSISTANCE:
Miranda Adams, Wetlands/Shorelands Specialist
(360) 690-7164 | miranda.adams@ecv.wa.gov

In absence of a critical areas report submitted as part of the SEPA package, regulatory agencies are unable to effectively comment on the proposed impacts associated with a project. Future submittals should include all pertinent information needed to assess resource impacts associated with project proposals.

SOLID WASTE MANAGEMENT: Derek Rockett (360) 407-6287

All grading and filling of land must utilize only clean fill. All other materials may be considered solid waste and permit approval may be required from the local jurisdictional health department prior to filling. All removed debris resulting from this project must be disposed of at an approved site. Contact the local jurisdictional health department for proper management of these materials.

WATER QUALITY/WATERSHED RESOURCES UNIT:
Greg Benge (360) 690-4787

Erosion control measures must be in place prior to any clearing, grading, or construction. These control measures must be effective to prevent stormwater runoff from carrying soil and other pollutants into surface water or stormdrains that lead to waters of the state. Sand, silt, clay particles, and soil will damage aquatic habitat and are considered to be pollutants.

Any discharge of sediment-laden runoff or other pollutants to waters of the state is in violation of Chapter 90.48 RCW, Water Pollution Control, and WAC 173-201A, Water Quality Standards for Surface Waters of the State of Washington, and is subject to enforcement action.

Section A #10 of the SEPA checklist does not reflect the need for coverage under the Construction Stormwater General Permit (CSWGP), which will likely be required for the proposed project. If site disturbance is over one acre or the project reasonably expects to cause a violation of any water quality standards, and stormwater discharges to surface Waters of the State, a CSWGP is required.

Construction Stormwater General Permit:

The following construction activities require coverage under the Construction Stormwater General Permit:

1. Clearing, grading and/or excavation that results in the disturbance of one or more acres **and** discharges stormwater to surface waters of the State; and
2. Clearing, grading and/or excavation on sites smaller than one acre that are part of a larger common plan of development or sale, if the common plan of development or sale will ultimately disturb one acre or more **and** discharge stormwater to surface waters of the State.
 - a) This includes forest practices (including, but not limited to, class IV conversions) that are part of a construction activity that will result in the disturbance of one or more acres, **and** discharge to surface waters of the State; and
3. Any size construction activity discharging stormwater to waters of the State that Ecology:
 - a) Determines to be a significant contributor of pollutants to waters of the State of Washington.
 - b) Reasonably expects to cause a violation of any water quality standard.

If there are known soil/ground water contaminants present on-site, additional information (including, but not limited to: temporary erosion and sediment control plans; stormwater pollution prevention plan; list of known contaminants with concentrations and depths found; a site map depicting the sample location(s); and additional studies/reports regarding contaminant(s)) will be required to be submitted. For additional information on contaminated construction sites, please contact Carol Serdar at Carol.Serdar@ecy.wa.gov, or by phone at (360) 742-9751.

Additionally, sites that discharge to segments of waterbodies listed as impaired by the State of Washington under Section 303(d) of the Clean Water Act for turbidity, fine sediment, high pH, or phosphorous, or to waterbodies covered by a TMDL may need to meet additional sampling and record keeping requirements. See condition S8 of the Construction Stormwater General Permit for a description of these requirements. To see if your site discharges to a TMDL or 303(d)-listed waterbody, use Ecology's Water Quality Atlas at: <https://fortress.wa.gov/ecy/waterqualityatlas/StartPage.aspx>.

The applicant may apply online or obtain an application from Ecology's website at: [http://www.ecy.wa.gov/programs/wq/stormwater/construction/- Application](http://www.ecy.wa.gov/programs/wq/stormwater/construction/-Application). Construction site operators must apply for a permit at least 60 days prior to discharging stormwater from construction activities and must submit it on or before the date of the first public notice.

Keith Jones
August 16, 2021
Page 3

Ecology's comments are based upon information provided by the lead agency. As such, they may not constitute an exhaustive list of the various authorizations that must be obtained or legal requirements that must be fulfilled in order to carry out the proposed action.

If you have any questions or would like to respond to these comments, please contact the appropriate reviewing staff listed above.

Department of Ecology
Southwest Regional Office

(GMP:202103846)

cc: Miranda Adams, SEA
Derek Rockett, SWM
Greg Bengel, WQ

From: [LC](#)
To: [Jones, Keith \(CED\)](#)
Cc: [L Chad](#)
Subject: Fisher's Creek Subdivision and Planned Development PRJ-166679/LUP-81488
Date: Saturday, July 24, 2021 9:40:35 AM

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

Keith, forgive me for calling you Kevin. One more thing I would like to add I don't think The Lakes should be responsible for future fencing around the property below us.

Lisa Chadek

From: LC <chadlm@comcast.net>
Date: July 24, 2021 at 7:05:41 AM PDT
To: keith.jones@cityofvancouver.us
Cc: L Chad <chadlm@comcast.net>
Subject: Fisher's Creek Subdivision and Planned Development PRJ-166679/LUP-81488

Hi Kevin,
I reside at The Lakes at Fisher's Landing. My concerns are:
privacy, noise impact, traffic conditions, protecting the wildlife.

The following was suggested & I agree: privacy fencing between The Lakes & new subdivision. A sound wall from Hwy 14, build Brady Road extension from 192nd west to subdivision to alleviate traffic on 178th.

I'm sure once completed this project will be beautiful...it's just getting through it. Thank you for keeping us informed.

Lisa Chadek
4317 SE 178th Pl
Vancouver WA 98683

From: [Kimila](#)
To: [Jones, Keith \(CED\)](#)
Cc: [Kimila](#)
Subject: Fisher's Creek Subdivision and Planned Development PRJ-166679/LUP-81488
Date: Saturday, July 24, 2021 12:27:07 PM

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

Dear Mr. Jones,

We are residents of Fisher Creek and we wanted to submit these questions and concerns to the developer and the officer for the following.

Privacy fencing between lakes property and new subdivision

Sound wall from hwy 14?

What if hwy 14 is widened in future? Is there adequate room?

Noise impacts, standard is construction from 7 am to 8 pm

Left turn out of 178, new impact of 235 trips or whatever they estimate per day

Animal corridor from fisher creek impact

Will brady road extension from 192 west to subdivision be built in time to help alleviate added traffic on 178?

They will tie into sewer water lines to our area, impact?

Please contact us if you have any questions.

Best Regards,

Kimila and Kristian de Groot
4324 SE 178th Pl, Vancouver, WA 98683
(360)907-1200

From: [Hahn, Eric](#)
To: [Dennis Miller](#)
Cc: [Jones, Keith \(CED\)](#); [Lopossa, Ryan](#); [Campos, Jennifer](#); [Jorgenson, Andrew](#)
Subject: RE: Fisher's Creek Subdivision Public Hearing
Date: Thursday, July 29, 2021 4:18:33 PM

Mr. Miller,

Please see answers to your traffic-related questions in **red font** below.

Eric Hahn, PE | Sr. Civil Engineer
CITY OF VANCOUVER, WASHINGTON
Public Works | Streets & Transportation | TDRS
Marine Park Engineering – 4500 SE Columbia Way
P.O. Box 1995 • Vancouver, WA, 98668-1995
P: (360) 487-7702 | Fax: (360) 487-7139 | TTY: (360) 487-8602
www.cityofvancouver.us

From: Jones, Keith (CED) <Keith.Jones@cityofvancouver.us>
Sent: Thursday, July 29, 2021 3:30 PM
To: Dennis Miller <dennismiller@hotmail.com>
Cc: Hahn, Eric <Eric.Hahn@cityofvancouver.us>
Subject: RE: Fisher's Creek Subdivision Public Hearing

Hi Dennis,

Below are answers to your questions in **green**

Eric will follow up with responses to your other questions related to traffic.

From: Dennis Miller <dennismiller@hotmail.com>
Sent: Wednesday, July 28, 2021 8:39 AM
To: Jones, Keith (CED) <Keith.Jones@cityofvancouver.us>
Cc: Hahn, Eric <Eric.Hahn@cityofvancouver.us>
Subject: Fisher's Creek Subdivision Public Hearing

Keith and Eric,
Here are the initial questions I talked about in the original email. With some answers, our formal letter to the Planning Commission can probably be much shorter.
Thanks,
Dennis Miller

FIRST DRAFT

Questions and comments regarding planned development south of Lakes at Fisher's Landing to be sent to Keith Jones, City of Vancouver Senior Planner

Our concerns revolve around the 178th Avenue stub extension and transportation/traffic issues concerning the new development, not the fact that there will be a new development.

A. 178th Avenue stub

1. When will extension to new neighborhood be constructed and street opened to traffic?

The extension of 178th Ave into the new subdivision will be made as part of the construction of public facilities for the subdivision. Once land-use approval is issued, the applicant will prepare civil construction plans. Construction will begin after the civil plans are approved. Once street construction is completed and has been inspected/accepted by the City's inspectors from the Construction Services Division, the applicant will record the new plat and the extension of 178th Ave will be open for public use.

2. Will construction traffic for new neighborhood be allowed to use 178th Avenue or required to go through 192nd?

City staff intends to require all construction traffic to access the site from 192nd Ave, through the old quarry.

3. Will 178th Ave. open before new development finished?

Once street construction is completed and has been inspected/accepted by the City's inspectors from the Construction Services Division, the applicant will record the new plat and the extension of 178th Ave will be open for public use. So, it is likely the street will be open before all the new residences are constructed.

4. Will new development have traffic access from rest of Riverview Gateway development?

Yes. The extension of Brady Road through Riverview Gateway will be the primary access street to the Fisher's Creek Subdivision.

5. Can there be speed bumps such as on Hiddenbrook at entrance to Hiddenbrook/Fisher's Creek Neighborhood Association off 34th Street?

It is not anticipated that the relatively small amount of traffic generated by the proposed Fisher's Creek Subdivision will create a new speeding problem in the existing neighborhoods. However, if the existing Neighborhood Associations have previously submitted a Neighborhood Traffic Calming application to the City and have demonstrated that there is an existing speeding problem, the City can require the developer to install new speed bumps or participate in the installation of new speed bumps. A link to the City's webpage for the Neighborhood Traffic Calming Program is included [here](https://www.cityofvancouver.us/publicworks/page/neighborhood-traffic-calming-program). If the link does not work, here is the page address:

<https://www.cityofvancouver.us/publicworks/page/neighborhood-traffic-calming-program>

6. Is opening of 178th Avenue supposed to be a short cut to 34th St.

No. The extension of 178th Avenue from its current dead-end will provide secondary access to the Fisher's Creek Subdivision and improve overall circulation for all residents living in this area. This is what was intended when the existing neighborhoods were originally constructed. This is how the City connects individual neighborhoods as they develop, to create and maintain good circulation for vehicles, bicyclists, pedestrians, and emergency vehicles. Based on historic travel patterns in the area, it is expected that the

majority of traffic generated by the Fisher's Creek Subdivision will use Brady Road – a wide arterial street – to access 192nd Ave, rather than winding through the existing local neighborhood roads to 34th Street.

B. New neighborhood

1. What exactly does R-9 zoning mean? Are they single family homes, attached or detached?

Zoned R-9, a single family residential zone. Single-family detached is allowed. The applicant is proposing a planned development that also allows single-family attached. The applicant proposes both.

2. Maximum of how many units per acre (approximately 4.6 acres)?

The applicant is proposing 34 units. The maximum density is 37 units.

3. Will a pocket park, sidewalks be required?

Yes, I included the site plan and landscape plan for the project.

4. Will buffer / fencing be required between back of homes and Lakes @ Fisher's Landing?

As shown on the site plan there will be open space between the proposed development and the development to the north, fencing is not shown on the plans.

5. Can the new neighborhood be gated at each end?

C. Riverview Gateway

1. Will all roads and utilities be installed before any construction starts?

Generally, yes. The required public facilities, including streets and utilities, must be completed before the applicant can file the plat and sell the lots or start construction on the buildings.

2. Will Riverview tenants or homeowners have access to 178th Stub extension?
And why?

Yes. All of the proposed street connections will be public streets available for public use. Again, this is how the City connects individual neighborhoods to create and maintain good circulation for vehicles, bicyclists, pedestrians, and emergency vehicles. Also, without this connection it is likely that the long dead-end that would be created on Brady Road would not meet minimum emergency access requirements.

- 3.

From: Jones, Keith (CED) <Keith.Jones@cityofvancouver.us>

Sent: Monday, July 26, 2021 2:57 PM

To: Dennis Miller <dennisrmiller@hotmail.com>

Cc: Hahn, Eric <Eric.Hahn@cityofvancouver.us>

Subject: RE: Fisher's Creek Subdivision Public Hearing

Hello Dennis,

It sounds like you have questions about traffic.

I have copied Eric Hahn in Transportation who can better answer your question.

From: Dennis Miller <dennismiller@hotmail.com>

Sent: Monday, July 26, 2021 2:52 PM

To: Jones, Keith (CED) <Keith.Jones@cityofvancouver.us>

Subject: Fisher's Creek Subdivision Public Hearing

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

Keith,

We live in the Lakes @ Fisher's Landing townhouse development in the southeast corner of the Hiddenbrook area, along SE 178th Court and Place. I am speaking on behalf of several owners with concerns and questions, not the Board of the association. Would it be possible to speak with you before we send the formal list of questions to you next week-10 days?

We have general questions about the development and specifically the 178th Avenue stub located outside our gate. Perhaps I can save you some time but asking questions on behalf of several neighbors here, rather than your having to go through several emails. Concerns include timing of, and even the need for opening the stub outside our gate. Residents of the new-ish townhouse area at the SE corner of 164th have to drive a few blocks east, then north to get to a major arterial, so why do the neighborhoods along SE 43rd, 42nd and 180th have to take on the burden from SE 192nd? A compromise might be to have a double gate at the east end of the new Fisher's Creek subdivision, keeping the larger source of traffic away from established neighborhoods. Our Lakes at Fisher's Landing is especially concerned about security, as the average age of residents is about 62, including five single women and some folks around 80 years old. From prior experience, some of us have experienced and/or know others who have had the homes burgled by nearby construction workers.

My cell phone number is 360-513-1572 and I will be available most of the week except Wed and Fri mornings. I

look forward to talking to you about the development and the process to get our questions answered so that we and other affected neighborhoods can address the issues about the new R-9 area and traffic from the entire development to the east.

Dennis Miller
dennismiller@hotmail.com

From: [Sonya Zalubowski](#)
To: [Jones, Keith \(CED\)](#)
Subject: Re: Question on skinny houses
Date: Monday, August 2, 2021 8:40:01 AM

Thnx for explaining
Sonya

Sent from my iPad

> On Aug 2, 2021, at 8:02 AM, Jones, Keith (CED) <Keith.Jones@cityofvancouver.us> wrote:
>
> Yes,
>
> The applicant is requesting approval of a Planned Development that allows for a 15% density increase. The
Planned Development is not held to the lot size requirements just the overall maximum density. Planned
Developments require 10% open space and are required to go the City Council for approval.
>
>
>
> -----Original Message-----
> From: Sonya Zalubowski <szalubowski@gmail.com>
> Sent: Thursday, July 29, 2021 6:40 PM
> To: Jones, Keith (CED) <Keith.Jones@cityofvancouver.us>
> Subject: Question on skinny houses
>
> CAUTION: This email originated from outside of the City of Vancouver. Do not click links or open attachments
unless you recognize the sender and know the content is safe.
>
> Hi Keith
> My hoa works on comments
> Question arose: how can developer qualify for its proposed skinny lots of 2250 to 3750 sq feet vs 5000 sq ft under
r9?
> Is it just as stated in the narrative that the size of parcel altogether is considered and would have allowed 37 lots if
total land was just used for lots, not the open spaces?
>
> Could you pls respond?
>
> Thnx
> Sonya
>
> Sent from my iPad

Aug. 13, 2021

Bradd Hill
President, The Lakes at Fishers Landing Homeowners Association
4116 SE 178th Court
Vancouver, WA 98683-2800
bradd1229@gmail.com

Keith Jones
Senior Planner
City of Vancouver
P.O. Box 1995
Vancouver, WA 98665-1995
keith.jones@cityofvancouver.us

re: Fisher's Creek Subdivision and Planned Development PRJ-166679/LUP-81488

Dear Mr. Jones,

On behalf of the 40 homeowners and the directors of The Lakes at Fishers Landing Homeowners Association, I would like to place in the record the following issues and concerns regarding the proposed 34-unit residential subdivision proposed by Hurley Development adjacent to our property in Southeast Vancouver. The project abuts the southern border of The Lakes property and is currently under consideration by the City of Vancouver. The developer has expressed its interest in being transparent and a good neighbor before and during the construction phase of the development until it's completion. 1-3 years. It's with that same spirit of transparency and goodwill that we offer our observations and recommendations before the project receives final approval.

We understand that the project is in its final phase of consideration, but recommendations from the public with vested interests are still being heard. While we realize that the project is moving forward, it is our desire to point out several issues that directly impact The Lakes and its homeowners.

We have identified the following issues that we would like to be heard, considered and resolved prior to the final approval of the project:

1) Sound barrier along Washington Highway 14. We assume that Hurley Development and/or the eventual homebuilder(s) plan to work with the Washington Department of Transportation to recommend and secure a sound barrier along Highway 14 to mitigate traffic noise as well as enhance the value and overall desirability of the project. A sound barrier – regardless of its exact form – would be consistent with the existing sound barrier (wall) that currently exists along the north side of Highway 14 from SE 164th Avenue to the proposed Hurley development property line..

2) Install a permanent barrier of at least six feet in height on the northern boundary of the Hurley development and the southern boundary of The Lakes/Lakes II property. The Lakes and Lakes II are both gated communities. Since we are not able to guarantee that the Hurley development will be likewise gated, we insist that the developer bear the cost and erect a fence along the entire length of the Hurley development's northern border and The Lakes and Lakes II southern border. It is incumbent that the developer be required to pay for installation and guarantee ongoing maintain of a six-foot high fence that is suitable to serve as a barrier to entry into The Lakes and Lakes II gated properties from the proposed Hurley development. Current plans indicate that the area of the fence would be located in an approximately 50-foot wide buffer zone between the developments.

3) Mitigation of construction noise to The Lakes homeowners during infrastructure buildout and homebuilding. During the infrastructure buildout and the eventual construction of homes (7 a.m. to 8 p.m. Monday-Friday and 9 a.m. to 6 p.m. on weekends), we ask for a written plan of noise mitigation both on the construction site and SE 178th Avenue, which runs parallel to the entrance to The Lakes. This plan should be of sufficient detail to clarify what is meant by noise mitigation and contain details for reporting, enforcement and resolution of complaints. We also would like to require all construction related traffic be required to use SE Brady Road or other access routes from east of the development through the quarry and not on SE 178th Avenue adjacent to The Lakes. No parking on SE 178th Avenue should be allowed by anyone associated with the development during the entire length of the infrastructure and home construction period.

4) Parking on SE 178th Avenue. We are opposed to any restrictions on parking on SE 178th Avenue along the existing portion of the street from The Lakes security gate south to where the proposed new portion of SE 178th Avenue begins. The streets within The Lakes and Lakes II communities are narrow and don't allow for street parking. Therefore, it is sometimes necessary for homeowners to park on the street outside the gate. Guest parking for the Hurley development should be restricted strictly to the streets within the Hurley development and not the portions of SE 178th Avenue adjacent to The Lakes property.

5) Remove large Cottonwood trees along the common border. The roots from these invasive trees are wreaking havoc with landscaping in common areas and on homeowners' adjacent property in The Lakes as well as threatening to invade foundations. This has been an ongoing battle for years. They serve no useful purpose and are a threat to both homes and landscaping. Since these are on property that is part of the proposed development, we would like them removed and mitigated from returning at the expense of the developer. Since the grade is being elevated to the level of our property, this would be the easiest and best way to remove this problem and the threat it poses to the future relationship between The Lakes, Lakes II and the proposed Hurley development.

We look forward to hearing your thoughts about our recommendations as well as any questions you may have about them. Please don't hesitate to be in touch if I can answer any questions you may have.

Sincerely,
Bradd Hill

cc: Bobbi Thale, The Lakes Board
Phil Smith, The Lakes Board
Lyman Potts, The Lakes Board
Greg Allison, The Lakes Board
Chelsea Greenhill, AMS Management

From: [Bradd Hill](#)
To: [Hildreth, Johnnie](#)
Cc: [Jones, Keith \(CED\)](#)
Subject: Re: Keith Jones: August 16th Deadline
Date: Monday, August 16, 2021 1:55:50 PM

Thank you!

On Mon, Aug 16, 2021, 1:52 PM Hildreth, Johnnie <Johnnie.Hildreth@cityofvancouver.us> wrote:

Hi Bradd,

Keith will receive your email with your comments/concerns which he will include those in is staff report comments.

Thank you,

Johnnie Hildreth | Assistant Planner
CITY OF VANCOUVER, WASHINGTON

Community and Economic Development Department

415 W. 6th St. | Vancouver, WA 98668-1995

P: 360-487-7824 | TTY: 360-487-8602

www.cityofvancouver.us

Permit Center Moves to Virtual Operations in Response to Virus. Please visit our [website](#) for more information.

From: Bradd Hill <bradd1229@gmail.com>
Sent: Monday, August 16, 2021 12:51 PM
To: City CDD Planning <cddplanning@cityofvancouver.us>

Subject: Fwd: Keith Jones: August 16th Deadline

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

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

From: **Bradd Hill** <bradd1229@gmail.com>

Date: Mon, Aug 16, 2021 at 12:36 PM

Subject: Keith Jones: August 16th Deadline

To: <cvdplanning@cityofvancouver.us>

We were told that August 16th was the deadline to submit comments on the HQ (Hurley Development) project, by Keith, and send to his email. Now his email reply says he is out until August 23rd. Is there another email to submit our HOA comments.

Attached is another copy of our submission for consideration.

Thanks

Bradd Hill

--

Bradd Hill
4116 SE 178th Ct.
Vancouver, WA 98683
cell: 503-803-9477

--

Bradd Hill
4116 SE 178th Ct.
Vancouver, WA 98683
cell: 503-803-9477

From: [Sonya Zalubowski](#)
To: [Jones, Keith \(CED\)](#)
Subject: Comment on fisher creek subdivision by hurley
Date: Wednesday, August 4, 2021 2:25:09 PM

Hi Keith

Sorry this is so disjointed but I keep learning more and thus want to add to my comments due by aug 16

I want to question the Hurley request for a 15% increase in density for their proposed fisher creek subdivision off 178 street in former fisher quarry. This is an environmentally fragile area since it is part of the shrinking wildlife animal corridor

That fisher creek represents. The Hurley plans show a skinny buffer along the backs of homes and a small riparian area. What is the justification of packing in even more homes? The quarry area was empty all night long, homes will not be. And use of the quarry was not continual as will residency now be,affording the wildlife some necessary relief from human presence.

Than you
Sonya Zalubowski

Sent from my iPad

> On Aug 2, 2021, at 8:02 AM, Jones, Keith (CED) <Keith.Jones@cityofvancouver.us> wrote:

>

> Yes,

>

> The applicant is requesting approval of a Planned Development that allows for a 15% density increase. The Planned Development is not held to the lot size requirements just the overall maximum density. Planned Developments require 10% open space and are required to go the City Council for approval.

>

>

>

> -----Original Message-----

> From: Sonya Zalubowski <szalubowski@gmail.com>

> Sent: Thursday, July 29, 2021 6:40 PM

> To: Jones, Keith (CED) <Keith.Jones@cityofvancouver.us>

> Subject: Question on skinny houses

>

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>

> Hi Keith

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> Question arose: how can developer qualify for its proposed skinny lots of 2250 to 3750 sq feet vs 5000 sq ft under r9?

> Is it just as stated in the narrative that the size of parcel altogether is considered and would have allowed 37 lots if total land was just used for lots, not the open spaces?

>

> Could you pls respond?

>

> Thnx

> Sonya

>

> Sent from my iPad

From: [Sonya Zalubowski](#)
To: [Jones, Keith \(CED\)](#)
Subject: Comments from Sonya Zalubowski on fisher creek subdivision
Date: Friday, July 23, 2021 5:07:34 PM
Attachments: [COVID-19 NOA, Hearing, SEPA template.pdf](#)

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

Hi Keith

Pls accept my comments below for the hearing examiner on the Hurley proposal for said subdivision off se 178th :

>> Privacy fencing to be paid for by builder between lakes property and new subdivision
>> Sound wall from hwy 14
>> What if hwy 14 is widened in future? Is there adequate room?
>> Noise impacts, standard is construction from 7 am to 8 pm
Flying dirt, debris during construction
>> Left turn out of lakes at 178, new impact of 235 trips or whatever they estimate per day
>> Animal corridor from fisher creek impact
>> Will brady road extension from 192 west to subdivision be built in time to help alleviate added traffic on 178?

What are impacts on using existing sewer, water lines in area?

>>

>> Thnx

>> Sonya Zalubowski

4214 se178 ct

98683

>> Lakes resident

>>

>>

>>

>>

>> Sent from my iPad

From: [Ryoichi Kuwabara](#)
To: [Jones, Keith \(CED\)](#)
Subject: Comments on the proposed Fisher's Creek Subdivision and Planned Development PRJ-166679/LUP-81488
Date: Tuesday, August 3, 2021 7:19:52 AM

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

Hi Keith,

I'm forwarding you the comment shown below that I sent to Scot Brantley of HQ Vancouver, LLC regarding the proposed Fisher's Creek Subdivision. Please include this comment in your list. Thank you in advance.

Hi Scot,

I'm a resident of The Lakes at Fishers Landing, the gated community that borders your proposed residential development in the former Fishers Rock Quarry site. My unit is located at the back side of Units 11, 12 and 13 in your Site Plan/Landscape Plan. I was invited to the conference call but I'm unable to attend, so I'm sending you my concern regarding the white-colored area enclosed with the dotted line with the remark "Protect existing vegetation."

When we moved in The Lakes about 13 years ago, there were only a few cottonwood trees in the area mentioned above, which is behind the cedar trees that were planted by our developer along the property line. Now there are more than a dozen cottonwood trees that are taller than the cedar trees, some of which are close to the cedar trees and are obstructing their growth. Their roots also spread so fast and have been invading the Lakes side; we continually see new shoots all over the place. Since these cottonwood trees are not on our property, we can't do anything to prevent them from growing so fast or stopping the roots from spreading into our area. I wanted to let you know that once the irrigation system is installed at your side, these cottonwood trees will start spreading towards backyards of your Units 11-18.

Our HOA president will provide additional concerns/issues voiced by other residents within our community, one of which is requesting for a fence/barrier along the property line. To install a fence/barrier, cottonwood trees growing right next to the cedar trees need to be removed and something should be done to prevent these cottonwood trees from growing/spreading fast.

I would appreciate it if you would look into my comments. We honestly are looking forward to sharing a common border with your planned new development next to our community.

Thank you,
Ryoichi Kuwabara/Julius Kaneshiro
4325 SE 178th Place



Technical Memorandum

To: Keith Jones – City of Vancouver
From: Travis Kessler, PWS – Otak, Inc.
Copies: Tim Leavitt, Kevin Brady, and Jeff Gray, PWS — Otak, Inc.
Date: August 19, 2021
Subject: Fisher's Creek Subdivision
Project No.: 019809.200

This technical memorandum was prepared to address public concerns that have arisen on the Fisher's Creek Subdivision in Vancouver, Washington regarding the potential for wildlife impacts to occur as a result of the proposed project. This memorandum accompanies the *Critical Areas Report and Buffer Mitigation Plan* prepared by Otak on April 30, 2021. The sections outlined below briefly summarize and clarify the determinations made by Otak according to field studies, desktop analysis, and critical areas reporting in accordance with the City of Vancouver Municipal Code.

Site Location

The project site for the Fisher's Creek Subdivision is addressed as 17700 SE Evergreen Highway in the City of Vancouver, Clark County, Washington (see Figure 1 of critical areas report). It is located north of State Route (SR) 14, west of SE 192nd Avenue, and south of SE 178th Street, and comprises of three tax parcels: 126779000, 126780000, and 126778000. The site is currently zoned R-9 (Low Density Residential) and has a Comprehensive Plan designation of Residential. The project is located in Section 7 of Township 01 North, Range 03 East of the Public Land Survey System, and in Water Resource Inventory Area (WRIA) 28 (Salmon-Washougal). The study area for the report includes the three tax parcels covering approximately 4.67 acres, plus 200 feet around the parcel boundaries to identify critical areas that could have buffers that extend across parcel boundaries.

Site History

The site was used in the past as a storage yard for large mining equipment, vehicles, and trailers, and includes compacted gravel and dirt driveways. Fisher's Quarry has been in operation since the 1880's, and this portion of the quarry has been cleared of vegetation and in intensive land uses since at least 1955 per a review of historical aerial photography (Clark County 2021). SR 14 that abuts the southern edge of the project boundary was constructed around 1960. Ongoing reclamation activities in the gravel mining portion of Fisher's Quarry will not affect the project site per Reclamation Permit #70-010379 issued by the Washington Department of Natural Resources (WDNR) in October 2019.

Due to past mining operations that have occurred since 1955, there is no wildlife habitat present onsite. The entire site has been cleared of all native vegetation and native habitat that occurred historically before 1955. Operations of Fisher's Quarry consisted of the operation of heavy machinery and construction equipment, which produce loud noise, dust and emissions from equipment exhaust fumes. These industrialized conditions with heavy machinery are not favorable for wildlife. Any wildlife present on the site would stray away from these conditions and would pass through quickly to find more favorable habitat areas adjacent to the site for food, water and cover.

Sensitive Plants, Fish and Wildlife

According to the field investigation by Otak on October 6, 2020 and the desktop analysis presented within the *Critical Areas Report and Buffer Mitigation Plan* prepared on April 30, 2021, there are no known state or federally listed (Endangered or Threatened) wildlife or plant species or their designated critical habitats present on the site.

According to Washington Department of Fish and Wildlife Priority Habitat and Species Mapping, coho salmon (*Oncorhynchus kisutch*), rainbow trout (*Oncorhynchus mykiss*), and winter steelhead (*Oncorhynchus mykiss*) are mapped as occurring within Fisher's Creek, which is a Type F (perennial fish bearing) stream that flows north to south along the west site boundary. Caves or cave-rich areas are also mapped within the boundaries of the site, but were not determined to be present according to field observations.

Per the Washington Natural Heritage Program, known rare plants and nonvascular species of high conservation value are mapped on the Washington Wetlands of High Conservation Value Map Viewer within the project vicinity (WDNR 2020a). The rare plant mapped within the study area is known as western wahoo. Western wahoo was not observed onsite in suitable habitat areas (e.g., moist forest, Fisher's Creek ravine) during the field investigation by Otak on April 1, 2021.

Conclusion

According to the data gathered from field investigations and desktop analyses conducted by Otak that were presented in the *Critical Areas Report and Buffer Mitigation Plan* prepared by Otak on April 30, 2021, no known state or federally listed (Endangered or Threatened) wildlife or plant species or their designated critical habitats occur on the site.

In addition, there is no wildlife habitat present on the site due to the historic clearing and grading activities that have occurred since 1955, based on Clark County historic aerial photography. Any wildlife that would be present on the property would only be passing through to adjacent habitat areas along the riparian corridor of Fisher's Creek or other vegetated areas surrounding the active expansion areas, which will not be impacted by the proposed subdivision.

To compensate for project impacts, 11,185 square feet of riparian forested buffer associated with Fisher's Creek; 1,430 square feet of temporarily impacted buffer around Wetland B; and 4,063 square feet of Wetland B buffer will be restored with native species. This restoration strategy will expand the wildlife corridor adjacent to the site to restore what's historically been impacted. This will allow the site to have a net increase in function and value over the existing site.

Due to the factors discussed above and presented within the critical areas report, the Fisher's Creek Subdivision project will have no effect to wildlife or wildlife habitat. In the instance that wildlife are present within the active construction areas during proposed work, construction will be halted until the wildlife are able to travel safely outside the impact areas to offsite locations.

From: [Sonya Zalubowski](#)
To: [Jones, Keith \(CED\)](#)
Subject: Re: Aug 16 fisher creek subdivision. Comments
Date: Wednesday, July 28, 2021 4:49:13 PM

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

Hi Keith

I looked again at the narrative..do you think that amount of space they give in riparian area is enough? For animals You had told me the developer Hurley didn't have in end to do mitigation

And along the sides will it-be fenced so residents can't walk thru riparian area into our space, our roadway and the dam and ponds

I think of kids..we had trouble before w nhood teens swimming in ponds..big liability

We of course want fencing all around their development next to ours with NO access

Otherwise it is even more deleterious for the wetland animal corridor which is so sensitive and meagre

I want to enter these comments for the aug 16 deadline on fisher creek subdivision under the sepa part

Thnx

Sonya Zalubowski

Lakes resident

4214 se 178 ct

98683

Sent from my iPad

> On Jul 28, 2021, at 3:55 PM, Sonya Zalubowski <szalubowski@gmail.com> wrote:

>

> Hi Keith

> On my comments, I raised the issue in that sepa portion of the hearing re the wildlife corridor. Can you tell me what Hurley plans viz a vis how the animals would access their subdivision to get to further habitat? I want to protect the wildlife, squeezed out of so much habitat by Greedy ever burgeoning humanity..we have a doe now with two spotted fawns scampering around to forage...they use fisher creek and it's wooded area to survive and make it to the Columbia river

>

> Now they will run into homes and peep..we have wetland buffers, do they plan same?

>

> What is Hurley doing? Want to specially address that in a comment addenda to you

>

> Much thnx!

> Best

> Sonya

>

> Sent from my iPad

April 27, 2021

City of Vancouver
Attention: Eric Hahn
4500 SE Columbia Way
Vancouver, WA 98661

Re: **HQ Vancouver – Fisher’s Creek Subdivision**
Trip Generation and Distribution Letter
Project Number 2200431.01

Dear Eric:

Mackenzie has prepared this letter to satisfy the concurrency requirements as described in the March 4, 2021 Pre-Application Conference for the proposed Fisher’s Creek Planned Development at 17700 SE Evergreen Highway in Vancouver, Washington. This letter presents trip generation and distribution estimates for the proposed development.

INTRODUCTION

The proposed development will include up to 28 attached townhomes and six (6) single-family detached houses. All units will be located on separate lots. The proposed site is located at 17700 SE Evergreen Highway. The site is approximately 4.67 acres and comprises tax lots 126778000, 12679000, and 126780000. The site is currently undeveloped and zoned Low Density Residential (R-9). The proposed subdivision will be located west of the future HQ Master Plan area, which will construct the extension of SE Brady Road west of SE 192nd Avenue to the subject site. The site will have access from this future SE Brady Road extension to the east and from SE 176th Avenue to the north.

TRIP GENERATION

Trip generation estimates were developed using trip rates presented in the Institute of Transportation Engineers’ (ITE) *Trip Generation Manual*, 10th Edition. As confirmed with City staff, trip rates for ITE’s “Single-Family Detached Housing” (LUC 210) will be used for the detached units and trip rates for ITE’s “Multifamily Housing (Low-Rise)” (LUC 220) will be used for the attached townhomes. Per the City’s March 4, 2021 pre-application notes, a daily trip rate of 10.0 trips/unit will be applied for the proposed single-family detached unit.

Table 1 below summarizes the trip generation estimates for the proposed subdivision.

TABLE 1 – PROPOSED TRIP GENERATION										
ITE Code	Land Use	Size	Trip Type	AM Peak Hour			PM Peak Hour			Daily
				In	Out	Total	In	Out	Total	
210	Single-Family Detached Housing	6 d.u.	Total	1	3	4	4	2	6	60
220	Multifamily Housing (Low-Rise)	28 d.u.	Total	3	10	13	10	6	16	205
TOTAL				4	13	17	14	8	22	265



As presented in Table 1, the proposed development is estimated to generate 17 AM peak hour, 22 PM peak hour, and 265 daily trips.

TRIP DISTRIBUTION

Primary trip distribution for the proposed development will be based on travel demand model plots obtained from the Southwest Washington Regional Transportation Council (RTC). The attached figures present the proposed trip distribution percentages and traffic assignment for the AM and PM peak hours.

- 30% to/from the west on SR-14
- 10% to/from the east on SR-14
- 5% to/from the west on SE Cascade Park Drive
- 5% to/from the west on SE McGillivray Boulevard
- 10% to/from the north on SE 164th Avenue
- 5% to/from the west on Mill Plain Boulevard
- 5% to/from the north on SE 192nd Avenue
- 5% to/from the east on SE 1st Street
- 5% to/from the west on SE 1st Street
- 5% to/from the west on SE 15th Street
- 5% to/from the east on SE 20th Street
- 10% to/from the east on SE 34th Street

Trip Impact

Based on the proposed trip distribution above and the future roadway network for the adjacent HQ Master Plan area, the following intersections are projected to be impacted by 5 or more PM peak hour trips:

- SE 192nd Avenue/SE 15th Street
- SE 192nd Avenue/SE 20th Street
- SE 164th Avenue/SE McGillivray Boulevard
- SE 164th Avenue/SE Cascade Park Drive/SE 34th Street
- SE 34th Street/SE Hiddenbrook Drive
- SE 192nd Avenue/SE 34th Street
- SE 192nd Avenue/SE Columbia Palisades Drive
- SE 192nd Avenue/SE Brady Road
- SE 192nd Avenue/SR-14 WB Ramps
- SE 192nd Avenue/SR-14 EB Ramps

TRANSPORTATION CONCURRENCY REQUIREMENTS

For concurrency purposes, the City requires that proposed developments generating five (5) or more PM peak hour trips list the number of trips assigned to the appropriate Transportation Management Zone (TMZ), also known as a concurrency corridor. The project is anticipated to add trips to 192nd Avenue between SR 14 and NE 18th Street, as presented in the March 2021 pre-application comments. The project trips assigned to this corridor are presented in Table 2.

TABLE 2 – TRIPS ADDED TO CONCURRENCY CORRIDORS		
Concurrency Corridor or Transportation Analysis Zone (TAZ)	Corridor Limits	Added Weekday PM Peak Hour Trips
Mill Plain Boulevard	Fourth Plain to I-5	N/A
	I-5 to Andresen	N/A
	Andresen to I-205	N/A
	I-205 to 136th Avenue	N/A
	136th Avenue to 164th Avenue	N/A
	164th Avenue to 192nd Avenue	N/A
St. Johns Way/Ft. Van Way	Mill Plain to 63rd Street	N/A
Fourth Plain Boulevard	Mill Plain to I-5	N/A
	I-5 to Andresen	N/A
	Andresen to I-205	N/A
	I-205 to 162nd Avenue	N/A
Andresen Road	Mill Plain to SR 500	N/A
	SR 500 to 78th Street	N/A
112th Avenue	Mill Plain to 28th Street	N/A
	28th Street to 51st Street	N/A
164th/162nd Avenue	SR 14 to SE 1st Street	5
	SE 1st Street to Fourth Plain	N/A
Burton Road/28th Street	18th Street to 112th Avenue	N/A
	112th Avenue to 138th Avenue	N/A
	138th Avenue to 162nd Avenue	N/A
18th Street	112th Avenue to 138th Avenue	N/A
	138th Avenue to 164th Avenue	N/A
136th/137th Avenue	Mill Plain to 28th Street	N/A
	28th Street to Fourth Plain	N/A
192nd Avenue	SR14 to NE 18th Street	11*

*The proposed development is located within the identified TMZ.

PROPORTIONATE SHARE

The City of Vancouver is collection proportionate share fees for the planned improvements of the SR-14/SE 192nd Avenue interchange. Improvements at this location will include signalization of the westbound ramp intersection, a second westbound right-turn lane, a second southbound through lane to the eastbound ramp, elimination of the northbound left-turn lane at the westbound ramp, installation of a raised median, and a bike lane on the northbound approach. For these improvements, the City is collection a fee of \$2,000 per PM peak hour trip projected to impact the subject interchange. Based on the estimated 22 new PM peak hour trips and the trip distribution presented above, we estimate eight (8) PM peak hour trips will impact the SR-14 Westbound Ramp/SE 192nd Avenue intersection. Therefore, the proportionate share fee for the Fisher’s Creek Subdivision is \$16,000.

SUMMARY

In summary, the proposed residential development will add 22 new PM peak hour trips to the adjacent roadway network and is not anticipated to adversely affect transportation concurrency along 192nd Avenue. Based on the estimated eight (8) PM peak hour trip impact to the SR 14/192nd Avenue interchange, the Fisher's Creek Subdivision will pay a proportionate share fee of \$16,000 toward the improvements at this location.

Please contact me at bahrend@mcknze.com or 971-346-3781 if you have any questions or comments regarding the information presented in this letter.

Sincerely,



Brent Ahrend, PE
Associate Principal | Traffic Engineer



Janet Jones
Associate | Traffic Engineer

Enclosure(s): Attachment A – Site Plan dated April 2021
Attachment B – Trip Distribution Figure dated April 20, 2021

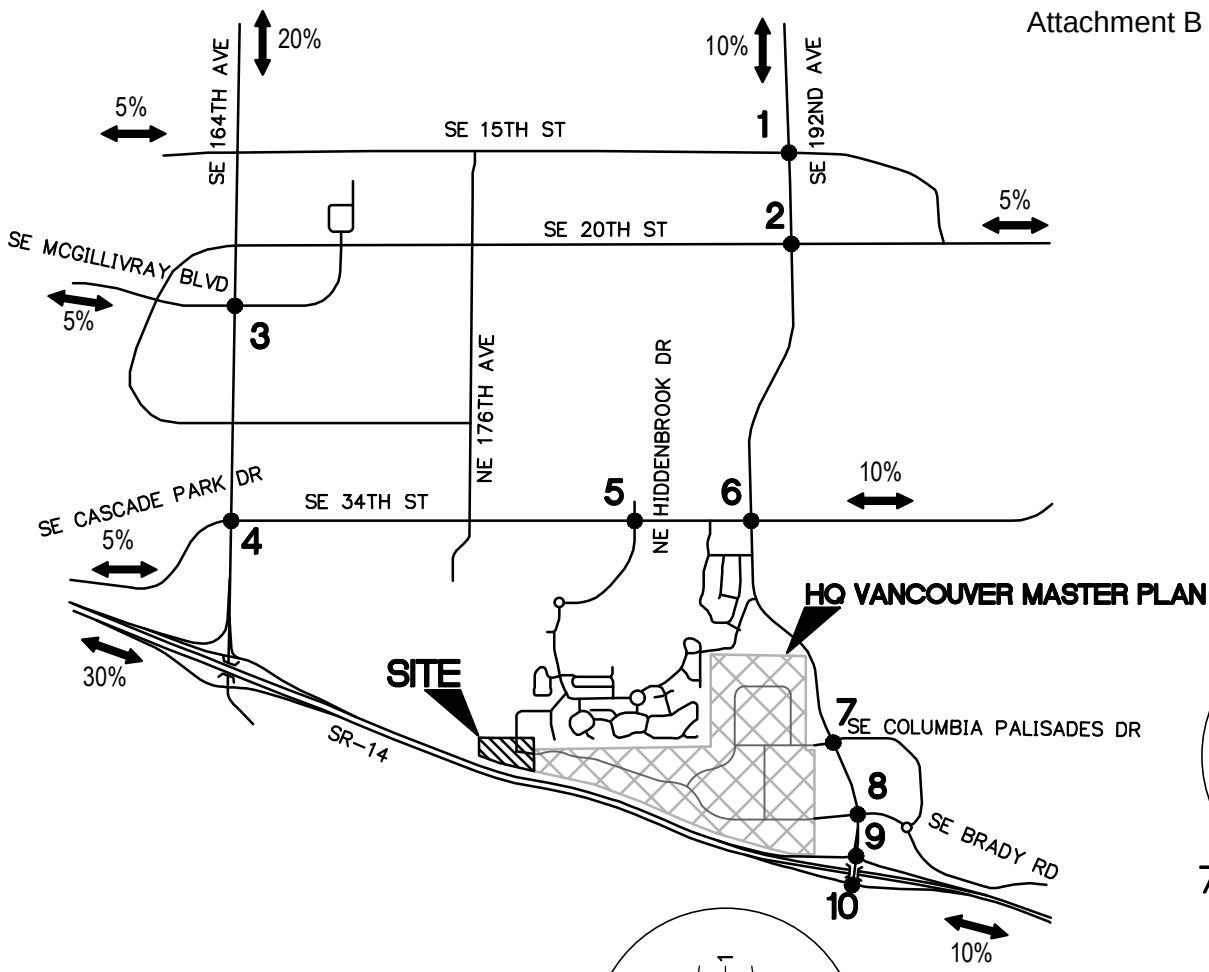
c: Jennifer Patrick – City of Vancouver
Arthur Ryapolov, Scot Brantley – Hurley Development
Kevin Brady – Otak, Inc.



4-28-21

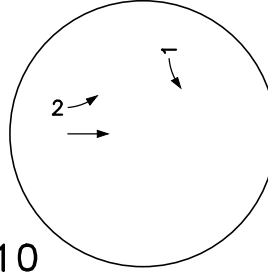
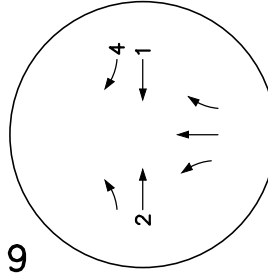
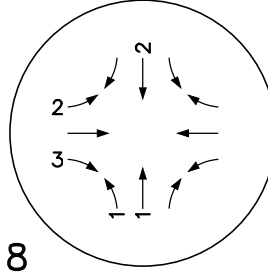
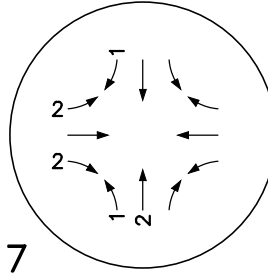
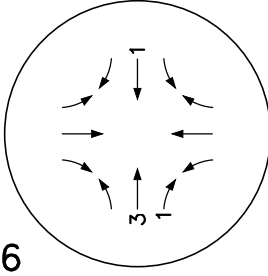
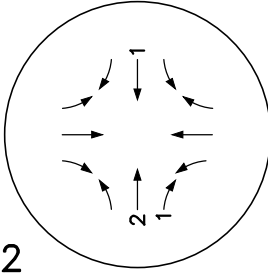
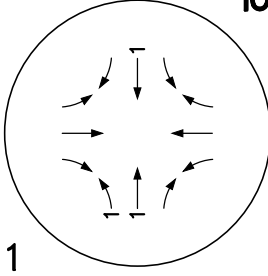
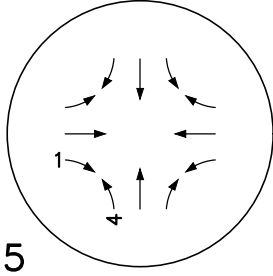
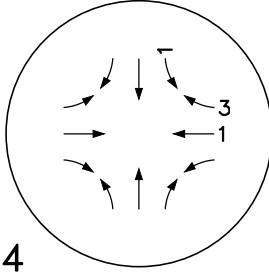
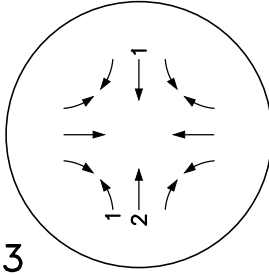


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AM PEAK HOUR

Enter - 4
Exit - 13
Total - 17



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Planning - Engineering

MACKENZIE

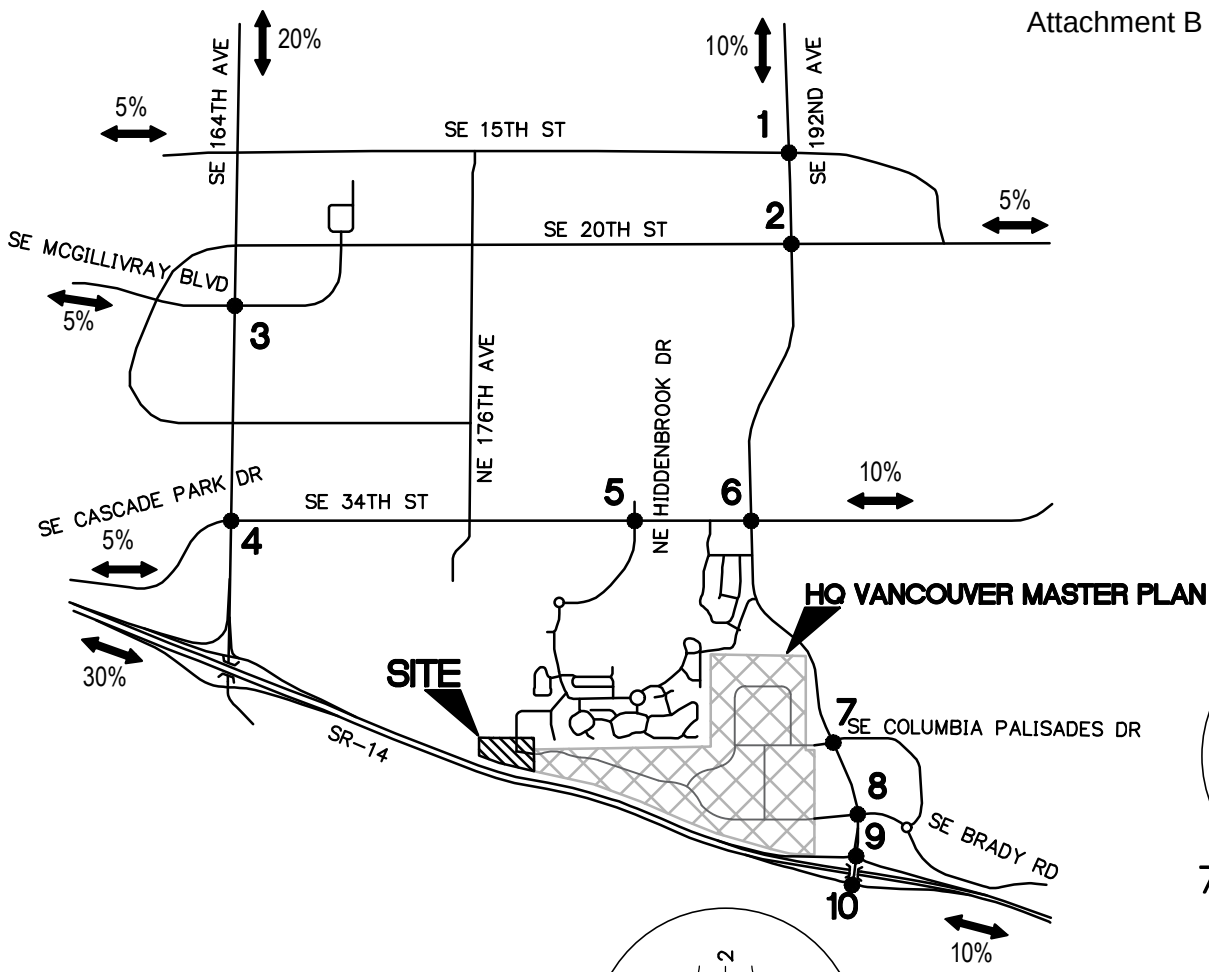
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DRAWN BY: JHA
CHECKED BY: JTJ
JOB NO:
220043100

PROJECT TRIP DISTRIBUTION +
TRAFFIC ASSIGNMENT -
AM PEAK HOUR
FISHER'S CREEK SUBDIVISION
VANCOUVER, WASHINGTON

FIGURE
A

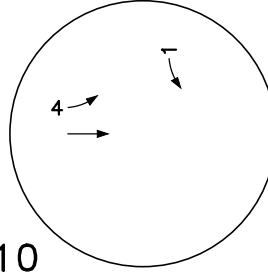
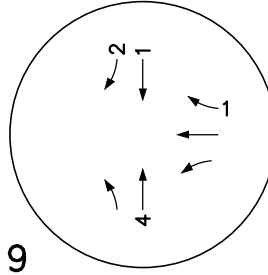
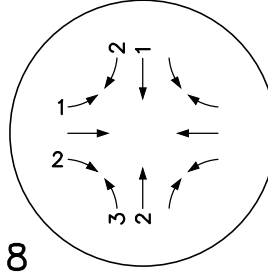
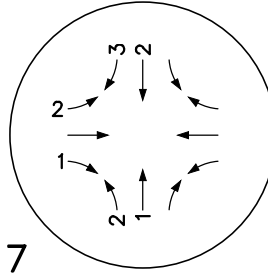
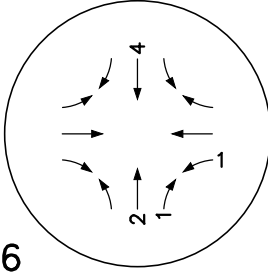
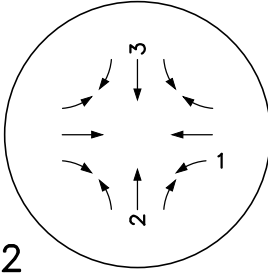
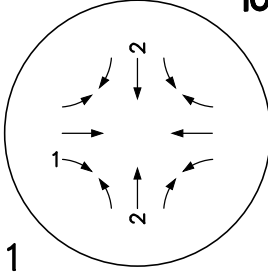
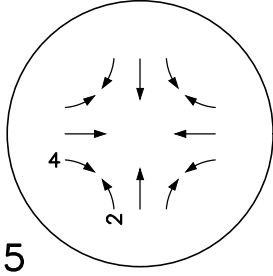
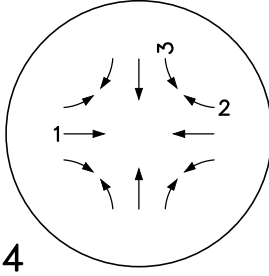
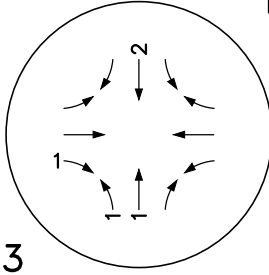


NOT TO SCALE



PM PEAK HOUR

Enter - 14
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Total - 22



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MACKENZIE

DATE: 04.20.2021
DRAWN BY: JHA
CHECKED BY: JTJ
JOB NO:
220043100

PROJECT TRIP DISTRIBUTION +
TRAFFIC ASSIGNMENT -
PM PEAK HOUR
FISHER'S CREEK SUBDIVISION
VANCOUVER, WASHINGTON

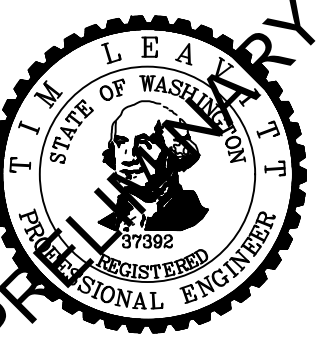
FIGURE
B

EXHIBIT 18
Geotechnical Report
dated
March 29, 2021

**Because of the size of the exhibit, it is not included with this report. The documents are available for review via email. Please email the case manager for this project to receive electronic copies of the requested exhibits.

EXHIBIT 19
Stormwater Report
dated
May 2021

**Because of the size of the exhibit, it is not included with this report. The documents are available for review via email. Please email the case manager for this project to receive electronic copies of the requested exhibits.



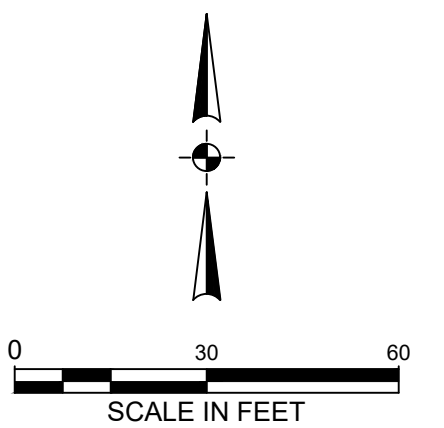
MURLEY DEVELOPMENT
275 W 3RD ST, STE 300
VANCOUVER, WA 98660

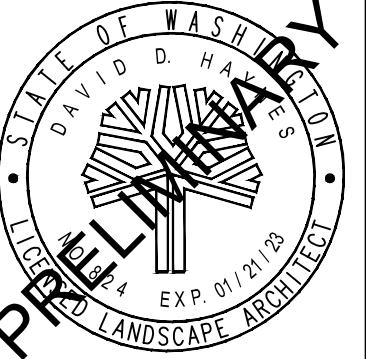
FISHER'S CREEK SUBDIVISION
17700 SE EVERGREEN HWY
CITY OF VANCOUVER, WASHINGTON
SITE PLAN
LAND-USE SUBMITTAL

TITLE	
DATE	DESCRIPTION
REVISIONS	
DRAWN BY	TDL
CHECKED BY	
AND-USE	
STATUS	
MAY 2021	
DATE	
9809.002	
PROJECT NUMBER	

C-01

2021 OTAK, INC.





HURLEY DEVELOPMENT
275 W 3RD ST, STE 300
VANCOUVER, WA 98660

FISHER'S CREEK SUBDIVISION
17700 SE EVERGREEN HWY
CITY OF VANCOUVER, WASHINGTON

LANDSCAPE PLAN

LAND-USE SUBMITTAL

TITLE		
#	DATE	DESCRIPTION

REVISIONS

NAB	TDL
DRAWN BY	CHECKED BY

LAND-USE
STATUS

MAY 2021
DATE

19809.002
PROJECT NUMBER

L-01

2021 OTAK, INC.



1. ALL PLANTED AREAS TO RECEIVE ESTABLISHMENT IRRIGATION.
2. ALL STREET AND PRIVATE PLANTED AREAS TO BE IRRIGATED BY FULLY AUTOMATIC UNDERGROUND IRRIGATION SYSTEM.
3. PRIOR TO INITIATING WORK IN THE PUBLIC RIGHT-OF-WAY, CONTRACTOR TO PREPARE, SUBMIT, AND OBTAIN APPROVAL FROM THE CITY OF VANCOUVER FOR TRAFFIC CONTROL.

TREE PLANTING NOTES

1. SEE SHEET L-02 FOR TREE INSTALLATION DETAILS AND NOTES.
2. PROTECT INSTALLED TREES THROUGHOUT DURATION OF CONSTRUCTION.
3. FERTILIZE, PRUNE, PROVIDE PEST CONTROL, AND WATER TREES THROUGHOUT CONSTRUCTION AND MAINTENANCE PERIOD IN ACCORDANCE WITH SPECIFICATIONS.
4. SCHEDULE TREE INSTALLATION TO AVOID OBSTRUCTING CONSTRUCTION ACCESS AND POTENTIAL DAMAGE TO TREES.
5. COST OF PROCUREMENT, INSTALLATION, AND 3-YEAR MAINTENANCE OF TREES ESTIMATED TO BE \$600 PER TREE.

TREE DENSITY CALCULATION

SEE PLAN REPORT DATED APRIL 22, 2021 BY TERAGAN & ASSOC., INC.

1. SITE AREA = 4.67 ACRES
2. TREE UNITS REQUIRED = 140 (30 UNITS PER ACRE)
3. UNITS PROVIDED BY EXISTING TREES TO BE PRESERVED = 128
4. ADDITIONAL TREE UNITS REQUIRED = 12
5. ADDITIONAL TREE UNITS PROVIDED = 44

RESTORATION AND MITIGATION PLANT LIST

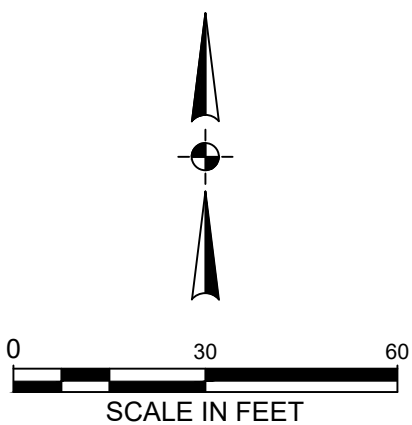
	AREA 1	AREA 2		
	14,950 SF	4,063 SF		
TREES	PLANT QTY	PLANT QTY	SIZE	SPACING
ABIES GRANDIS	40	10	1 GAL.	10 FT O.C.
ACER MACROPHYLLUM	30	10	1 GAL.	10 FT O.C.
ALNUS RUBRA	40	10	1 GAL.	10 FT O.C.
PSEUDOTSUGA MENZIESII	40	10	1 GAL.	10 FT O.C.
SHRUBS				
ACER CIRCINATUM	100	30	1 GAL.	4 FT O.C.
CORYLUS CORNUTA	100	30	1 GAL.	4 FT O.C.
LODODISCUS DISCOLOR	100	30	1 GAL.	4 FT O.C.
MAHONIA AQUIFOLIUM	100	30	1 GAL.	4 FT O.C.
SAMBUCUS RACEMOSA	100	30	1 GAL.	4 FT O.C.
SYMPHORICARPOS ALBUS	135	30	1 GAL.	4 FT O.C.
HERBACEOUS				
FRAGARIA VESCA	100	30	1 GAL.	4 FT O.C.
POLYSTICHUM MUNITUM	100	30	1 GAL.	4 FT O.C.
RUBUS URSINUS	100	30	1 GAL.	4 FT O.C.

RESOURCE PLANTING NOTES

- 1) SEE PLANTING DETAILS AND NOTES SHEET L-02.
- 2) PLANT TREES IN GROUPS OF 3-5 AND SHRUBS IN GROUPS OF 7-15 IN ACCORDANCE WITH DETAILS AND NOTES. SEE SHEET L-02.
- 3) UNIFORMLY DISTRIBUTE PLANT SPECIES IN EACH CONTIGUOUS AREA AND AS DIRECTED BY LANDSCAPE ARCHITECT.
- 4) PLANT MATERIAL INSTALLATION MEANS AND METHODS TO BE IN ACCORDANCE WITH CITY OF VANCOUVER STANDARDS.

PLANT SCHEDULE

<u>TREES</u>		<u>QTY</u>	<u>BOTANICAL / COMMON NAME</u>	<u>CONT</u>	<u>CAL</u>
	24	KOELREUTERIA PANICULATA / GOLDEN RAIN TREE	2" CAL.	2"	
	20	OSTRYA VIRGINIANA / AMERICAN HOPHORNBEAM	B&B	2"	
<u>GRASSES</u>					
	TBD	SUNMARK TURF SEED MIX	7 LBS PER 1000 SF		
	TBD	SUNMARK NATIVE UPLAND SEED MIX	45 LBS PER ACRE		





CONCEPT FLOOR PLANS



CONCEPT ELEVATION A

BUILDING HT: 28'



CONCEPT ELEVATION B

BUILDING HT: 30'

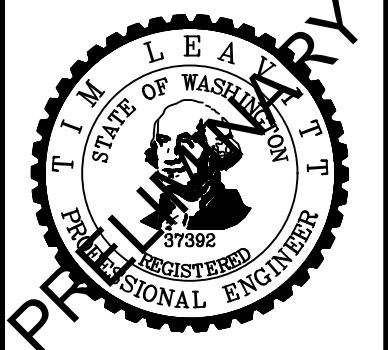
ELEVATION NOTES:

EXTERIOR MATERIALS INCLUDE:
FIBER CEMENT BOARD AND BATTEN SIDING
FIBER CEMENT LAP SIDING
COMPOSITION SHINGLES
CULTURED STONE

ALTERNATE MATERIALS MAY INCLUDE:
BRICK
WOOD SIDING
FIBER CEMENT PANEL SIDING



700 Washington Street
Suite 300
Vancouver, WA 98660
Phone: 360.737.9613
FAX: 360.737.9651
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HURLEY DEVELOPMENT
275 W 3RD ST, STE 300
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FISHER'S CREEK SUBDIVISION
17700 SE EVERGREEN HWY
CITY OF VANCOUVER, WASHINGTON
FLOOR PLANS / ELEVATIONS
LAND-USE SUBMITTAL

TITLE		
#	DATE	DESCRIPTION
REVISIONS		
NAB	TDL	
DRAWN BY	CHECKED BY	
LAND-USE STATUS		
MAY 2021		
DATE		
19809.002		
PROJECT NUMBER		

A -01

Fisher's Creek Planned Development

VANCOUVER
CITY HALL



December 20, 2021

Vancouver City Council

PRJ-166679/LUP-81488

Keith Jones, Senior Planner

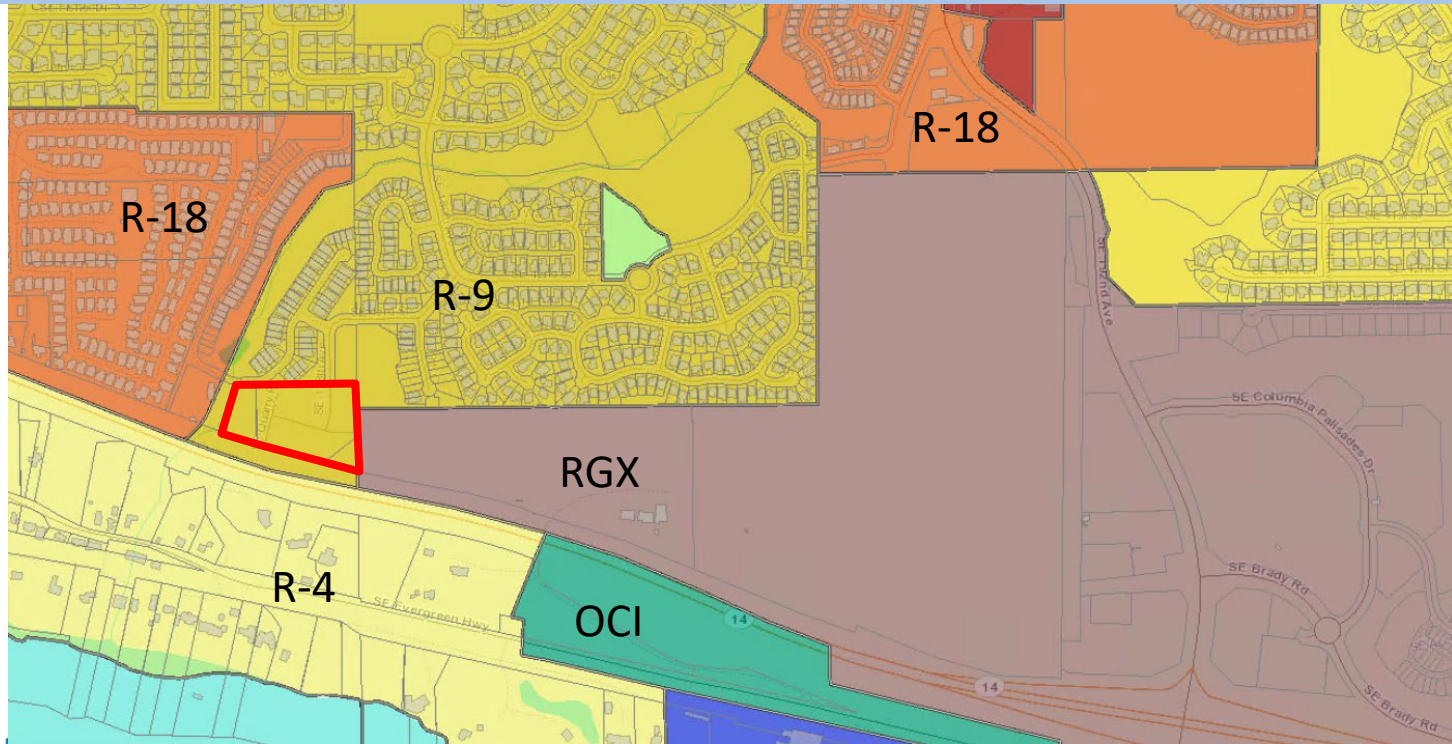
Process

- Staff review and issuance of the October 5, 2021 staff report and conditions
- Public Hearing on October 19, 2021 before the Hearing Examiner
- Hearing Examiner final order and recommendation of approval issued November 8, 2021
- First reading on the consent agenda on December 13, 2021

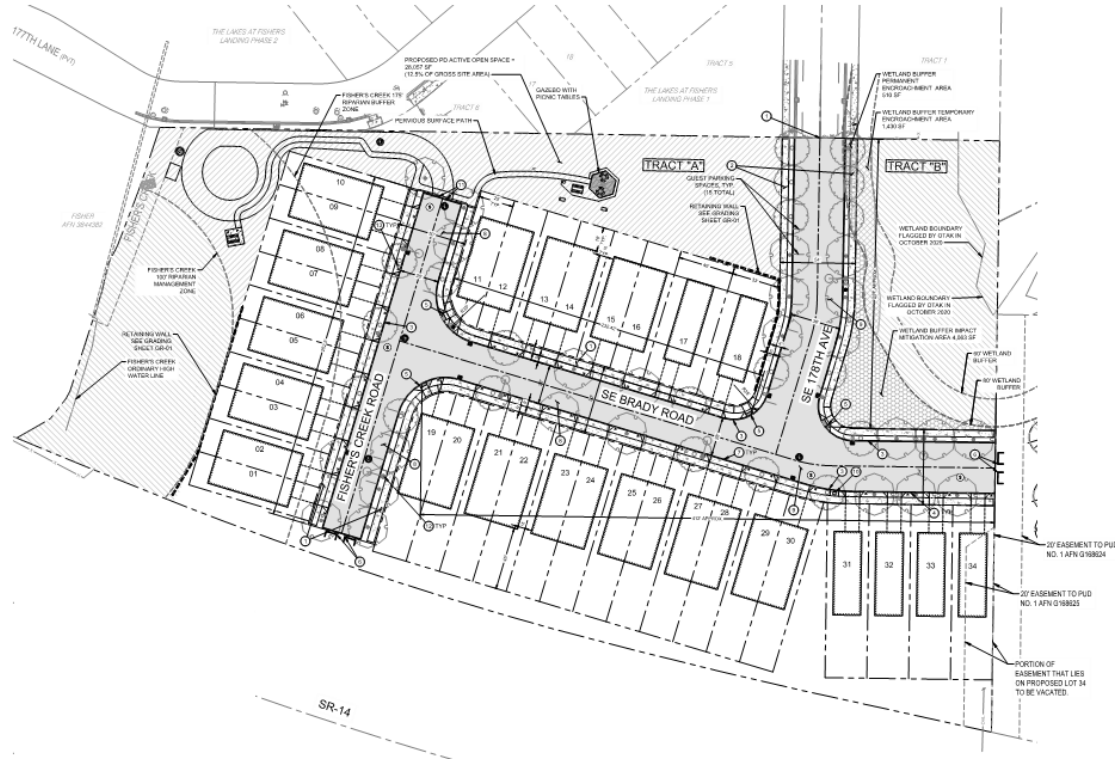
Aerial Photo



Zoning



Site Plan



Recommendation

Staff Recommends Preliminary Approval
as conditioned in the

October 5, 2021 staff report and recommended by the Hearing Examiner in
the November 8, 2021 Final Order

Questions and Discussion

- Keith Jones, Senior Planner
- 360-487-7887 or keith.jones@cityofvancouver.us



Staff Report 194-21

TO: Mayor and City Council

FROM: Eric Holmes, City Manager

DATE: 12/20/2021

SUBJECT Amendments to VMC Title 3.12, Air Park Fund

Key Points

- Staff is proposing changes to Title 3.12.095; Title 10.05.041; Title 10.05.050; and multiple sections of Title 14 of the Vancouver Municipal Code (VMC).
- The proposed changes help ensure accuracy, comply with current practices, correct errors, and make the code language gender neutral.
- There are three separate ordinances, one for each title proposed for updates. This action pertains to proposed amendments to VMC Title 3.

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

Staff regularly proposes code updates, clarifications, and changes as needed. For VMC Title 3, staff is proposing the following changes:

- Vancouver Municipal Code (VMC) 3.12.095 (Air Park Fund):
 - Revise language to match current practices for how the Air Park Fund is managed.

Advantage(s)

1. Help ensure accuracy in the application of the code.
2. Help maintain compliance with current practices.

Disadvantage(s)

None

Budget Impact

None

Prior Council Review

Council memo describing the proposed changes dated November 22, 2021.

Action Requested

On Monday, December 20, 2021, subject to second reading and public hearing, approve the ordinance.

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

ATTACHMENTS:

- ▣ Title 3 ordinance
- ▣ Presentation

12/06/21
12/20/21

ORDINANCE NO. M-_____

AN ORDINANCE relating to the air park fund, amending Section 3.12.095 of the Vancouver Municipal Code; providing for a savings clause, and an effective date.

WHEREAS, it is in the public interest to amend Title 3 of the Vancouver Municipal Code to reflect current policies and practices; and

WHEREAS, with proper notice to the public, the City Council conducted a first reading of the proposed ordinance on December 13, 2021, and a public hearing concerning the ordinance and proposed code changes on December 20, 2021.

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF VANCOUVER:

SECTION 1. Vancouver Municipal Code Section 3.12.095, as enacted by Ordinance 1576, is hereby amended to read as follows:

3.12.095 Air park fund—Use.

Expenditures and disbursements may, from time to time, be made from said fund for construction, maintenance and operation of the municipal airport, ~~upon recommendation and approval of the airport committee~~, and the city clerk is empowered and directed to issue ~~warrants thereon in~~ payment of such expenditures as in like cases.

SECTION 2. Savings. Those ordinances or parts of ordinances which are amended by this ordinance shall remain in full force and effect until the effective date of this ordinance.

SECTION 3. Effective date. This ordinance shall become effective as of January 1, 2022, following the date of final adoption.

Read First Time:

Ayes: Councilmembers

Nays: Councilmembers

Absent: Councilmembers

Read Second Time:

PASSED BY THE FOLLOWING VOTE:

Ayes: Councilmember

Nays: Councilmembers

Absent: Councilmembers

SIGNED this _____ day of _____, 2021

Anne McEnery-Ogle, Mayor

Attest:

Natasha Ramras, City Clerk

Approved as to form:

Jonathan Young, City Attorney

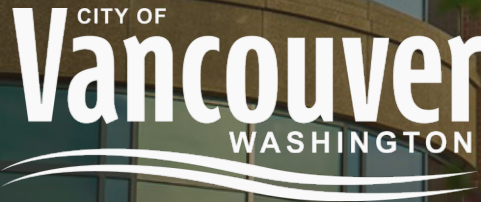
SUMMARY

ORDINANCE NO. _____

AN ORDINANCE relating to the air park fund, amending Section 3.12.095 of the Vancouver Municipal Code; providing for a savings clause, 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).

City Council Public Hearing- Title 3, 10, 14 Code Amendments



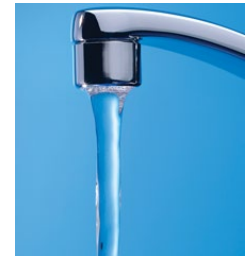
December 20, 2021

Chris Malone

Public Works Finance and Asset Manager

Proposed Code Revisions – Titles 3, 10 and 14

- Vancouver Municipal Code (VMC) 3.12.095 (Air Park Fund):
 - Revise language to match current practices
- VMC 10.05.041 (3) (Aviation Advisory Committee):
 - Correct length of terms for initial committee members
- VMC 10.05.050:
 - Clarify language to recognize federal, state, or local grant opportunities
- VMC 14 (Ordinance pertaining to Water/Sewer Utilities):
 - Multiple sections updating “Director of Public Works” to “Director”
 - Multiple sections updating text to be gender neutral
 - Multiple sections correcting grammar



Proposed Code Revisions continued

- VMC 14.04.035 (Public Utility Easements):
 - Updating language for future public utility easements
- VMC 14.04.040 (definitions):
 - Clarify definitions for single-family, multi-family, dwelling unit, and Accessory Dwelling Unit (ADU)
- VMC 14.04.155 (Water Cross-Connections):
 - Adopting City's cross-connection control procedures manual
 - Update remainder of section to reflect adoption of manual

Proposed Code Revisions continued

- VMC 14.04.210 (B)(3) (Water User Charges):
 - Clarify definitions for single-family and multi-family for ADUs
- VMC 14.04.235 (B) (System Development Charges):
 - Clarify definitions for single-family, multi-family and ADUs
- VMC 14.04.235 (D)(3) (System Development Charges):
 - Update section for inflation and consumer price index information

Proposed Code Revisions continued

- VMC 14.04.235 (I)(2) (System Development Charges):
 - Note #5 not needed since definitions provide clarity for ADUs
- VMC 14.04.242 (A) (Recording Fees):
 - Update recording fee since Clark County Auditor increased fees
- VMC 14.04.260 (B) (Fire Sprinkler Systems):
 - Clarify that customers pay for water used for non-firefighting purposes
- VMC 14.04.265 (B) (Fire Sprinkler Systems):
 - Remove reference to sections 14.04.210(4) and 14.04.260

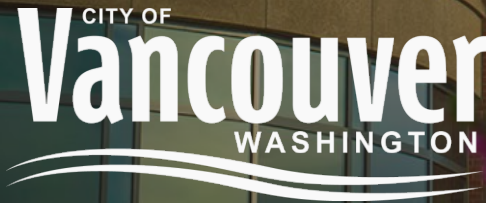
Next Steps

- Three separate ordinances (Title 3, Title 10 and Title 14)
- Public hearing – December 20, 2021
- If approved, changes take effect January 1, 2022



Questions and Discussion

- Chris Malone — Public Works Finance & Asset Manager





Staff Report 195-21

TO: Mayor and City Council

FROM: Eric Holmes, City Manager

DATE: 12/20/2021

SUBJECT Amendments to VMC Title 10.05, Pearson Field Airport

Key Points

- Staff is proposing changes to Title 3.12.095; Title 10.05.041; Title 10.05.050; and multiple sections of Title 14 of the Vancouver Municipal Code (VMC).
- The proposed changes help ensure accuracy, comply with current practices, correct errors, and make the code language gender neutral.
- There are three separate ordinances, one for each title proposed for updates. This action pertains to proposed amendments to VMC Title 10.05.

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

Staff regularly proposes code updates, clarifications, and changes as needed. For VMC Title 10.05, staff is proposing the following changes:

- VMC 10.05.041 (3) (Aviation Advisory Committee):
 - Correct length of terms for initial Aviation Advisory Committee members
- VMC 10.05.050 (Grants):
 - Clarify language to recognize federal, state, or local grant opportunities

Advantage(s)

1. Help ensure accuracy in the application of the code.
2. Help maintain compliance with current practices.
3. Help correct errors in the code.

Disadvantage(s)

None

Budget Impact

None

Prior Council Review

Council memo describing the proposed changes dated November 22, 2021.

Action Requested

On Monday, December 20, 2021, subject to second reading and public hearing, approve the ordinance.

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

ATTACHMENTS:

- ▣ Title 10 ordinance
- ▣ Presentation

12/06/21
12/20/21

ORDINANCE NO. M-_____

AN ORDINANCE relating to the aviation advisory committee, amending Sections 10.05.040 and 10.05.050 of Vancouver Municipal Code; providing for savings, severability, and an effective date.

WHEREAS, it is in the public interest to amend Sections 10.05.040 and 10.05.050 of the Vancouver Municipal Code to clarify membership appointments and federal and state grant opportunities, respectively; and

WHEREAS, with proper notice to the public, the City Council conducted a first reading of the proposed ordinance on December 13, 2021, and a public hearing concerning the ordinance and proposed code changes on December 20, 2021.

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF VANCOUVER:

SECTION 1. Vancouver Municipal Code Section 10.05.040, adopted by Ordinance M-2733 and last amended by Ordinance M-4347, Section 5, is hereby amended to read as follows:

10.05.040 Aviation advisory committee.

A. *Purpose.* The purpose of the aviation advisory committee is to provide advice and recommendations to the airport manager, city manager, and city council, as well as other city departments, regarding the management and operations of the airport and other aviation-related issues affecting Pearson Field Airport. The committee shall provide advice and recommendations on:

1. Issues pertaining to maximizing the historic, economic, public safety, educational, and cultural value of the airport.
2. Airspace compatibility of any economic development projects with potential to affect the airport (ex. zoning, building standards, etc.).
3. General financial oversight of the airfield, including all proposed fees, commercial leases, rental rates, and rental agreement formats.
4. Proposals to construct or remove any building, capital improvements, or to enlarge airport facilities.
5. The adoption or amendment of airport rules and regulations, commercial minimum standards, and the development of airport-related plans including the master plan and airport layout plan.
6. Formal agreements with the National Park Service, or any other entity, with either operational or financial implications for the airport
7. Operations, changes and advancements in aviation technology and airspace use.
8. Aviation matters referred to the committee by city council, city manager, or their designee.
9. Other aviation matters that originate from within the committee.
10. Review all airport grants before application and before submission to the city council for acceptance of the grant. The exception will be if grant acceptance and council action are required sooner than the AAC can meet.

B. *Members – Appointment.* The aviation advisory committee shall consist of nine members selected by city council subcommittee and appointed by the city council. Committee members will serve without compensation. Members will have a demonstrable interest in the airport, and/or aviation and aeronautical activities, and preferably have skills in one or more relevant areas such as airport management, legal, marketing, finance, FAA knowledge, real estate, business, and engineering. Members shall demonstrate the ability to work effectively with others in a volunteer committee role.

If a suitable candidate is available, one member shall be a representative from the Port of Portland and one member will be from a surrounding neighborhood. In support of assuring a balanced range of community perspective on the AAC and subject to exception by the city council in their process of appointing members of the committee, no more than three members of the committee may be a tenant of the airport, subject to council exception. No members will be employees of the city of Vancouver.

C. *Terms.* Aviation advisory committee members shall be appointed for three-year terms; provided of the nine initial members, three shall be appointed to a three-year term, three to a two-year term and ~~one~~three to a one-year term. Subsequent appointments shall be to fill any unexpired term or to a three-year term. Service of members may not exceed three consecutive full terms.

D. *Officers.* Each year, the committee shall elect by majority vote a chair and vice chair and such other officers as the committee finds necessary. Officers shall serve for one-year and may not serve for more than two consecutive years.

E. *Removal.* Any member may be removed, prior to the expiration of their term of appointment, by a majority vote of the city council

F. *Meeting – Quorum.* The committee shall hold meetings at least quarterly and may hold such other meetings as it finds necessary. A majority of the current members of the aviation advisory committee shall constitute a quorum.

G. *Bylaws.* The aviation advisory committee shall adopt bylaws that outline the transaction of its business. The bylaws will be consistent with city values and subject to review by the city manager or designee. The aviation advisory committee may thereafter amend the bylaws or repeal and replace the bylaws subject to review by the city manager or designee and referral, if appropriate, to the city council for ratification. The bylaws may only contain provisions for the regulation and management of the affairs of the aviation advisory committee as consistent with law and this chapter.

H. *Assistance.* The airport manager or the manager’s designee shall serve as staff liaison and secretary to the committee (“secretary”). The city’s staff and consultants, under direction of the secretary, shall furnish professional and technical information and advice to the committee.

SECTION 2. Vancouver Municipal Code Section 10.05.050, as enacted by Ordinance M-2733 and last amended by Ordinance M-4347, Section 6, is hereby amended to read as follows:

10.05.050 Federal and state grants.

All funds shall be disbursed only for the purposes approved by the FAA, and other federal, state, or local granting agency. ~~or granting state or local agency.~~ Such funds shall not be dispersed or loaned for any other reason unless permitted under the grant and approved by the city council.

SECTION 3. Savings. Those ordinances or parts of ordinances which are amended 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 as of January 1, 2022, following the date of final adoption.

Read First Time:

Ayes: Councilmembers

Nays: Councilmembers

Absent: Councilmembers

Read Second Time:

PASSED BY THE FOLLOWING VOTE:

Ayes: Councilmember

Nays: Councilmembers

Absent: Councilmembers

SIGNED this _____ day of _____, 2021

Anne McEnery-Ogle, Mayor

Attest:

Natasha Ramras, City Clerk

Approved as to form:

Jonathan Young, City Attorney

SUMMARY

ORDINANCE NO. _____

AN ORDINANCE relating to the aviation advisory committee, amending Sections 10.05.040 and 10.05.050 of Vancouver Municipal Code; providing for savings, severability, and an effective date.

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



Staff Report 196-21

TO: Mayor and City Council

FROM: Eric Holmes, City Manager

DATE: 12/20/2021

SUBJECT Amendments to VMC Title 14, Water and Sewers

Key Points

- Staff is proposing changes to Title 3.12.095; Title 10.05.041; Title 10.05.050; and multiple sections of Title 14 of the Vancouver Municipal Code (VMC).
- The proposed changes help ensure accuracy, comply with current practices, correct errors, and make the code language gender neutral.
- There are three separate ordinances, one for each title proposed for updates. This action pertains to proposed amendments to VMC Title 14.

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

Staff regularly proposes code updates, clarifications, and changes as needed. For VMC Title 14, pertaining to Water/Sewer Utilities, staff is proposing a number of changes to ensure accuracy, comply with current practices, correct grammatical errors, and provide additional clarity. The attached summary provides a complete list of the proposed amendments to Title 14.

Advantage(s)

1. Help ensure accuracy in the application of the code.
2. Help maintain compliance with current practices.
3. Help correct errors in the code.
4. Make the code language gender neutral.

Disadvantage(s)

None

Budget Impact

None

Prior Council Review

Council memo describing the proposed changes dated November 22, 2021.

Action Requested

On Monday, December 20, 2021, subject to second reading and public hearing, approve the ordinance.

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

ATTACHMENTS:

- ▣ Title 14 summary of changes
- ▣ Title 14 ordinance
- ▣ Presentation

2021 summary of proposed changes for VMC Chapter 14 – Water and Sewers

1st Reading is December 13, 2021; public hearing is December 20, 2021

Chapter 14.04 – Water and Sewer Use – Regulations and Charges

This list contains the substantive changes proposed. See the ordinance for the complete wording of all changes.

Changed Section	Topic	Proposed Change
Chapter 14.04 – WATER AND USE - REGULATIONS AND CHARGES	Revise/capitalize title of Director in VMC 14.04 list of sections for consistency	Revise section title to “Power and duties of director of public works ”
Section VMC 14.04.010	Revise/capitalize section title for consistency	Revise to read “...the Director of public works .”
Section VMC 14.04.020	Revise/capitalize title of Director for consistency	Revise to read “...the director of public works .”
Section VMC 14.04.035	Clarify “Right of Entry to Public Utility Easements”	Revise to read “...the Public Works Director”; Insert “ <u>public information, education and outreach, code enforcement</u> ” after “..... sampling, testing,.... ”
Section VMC 14.04.040	Add ADU definition from VMC 14.04.235(B)	Add new definition - “ <u>Accessory Dwelling Unit (ADU)</u> ” means one or more rooms with private bath and kitchen facilities comprising an independent, self-contained dwelling unit within or attached to a single-family dwelling, or in a detached building on the same lot as the primary dwelling unit. An ADU is distinguishable from a duplex in that, unlike a duplex, it is clearly subordinate to the primary dwelling unit, both in use and appearance. Approved ADU’s shall not be subject to separate metering requirements of VMC 14.04.190(I)”. Revise Building permit definition
		Revise to read – “ his <u>their</u> ” two locations

Revise title of Director for consistency	Revise to read – “ Director of utilities ” or “Director...”
Add Dwelling Unit definition	Add new definition – “ <u>Dwelling Unit</u> ” means <u>one room or a suite of one or two or more rooms, designed for use by one family, or housekeeping unit for living and sleeping purposes and having one kitchen. Each unit shall provide a complete independent living space for one or more persons, including permanent facilities for living, sleeping, cooking and sanitation.</u>
Revise Final Acceptance definition	Revise to read – “Director of Public Works ”
Add Multiple Family (multifamily) definition	Add “ <u>Multiple family (multifamily) dwelling</u> ” means <u>a building or portion thereof designed or used as a residence by two or more families and containing two or more dwelling units. This also includes ADU’s that share water or sewer service from service connections for the primary residence.”</u>
Revise Premises definition	Revise to read – “ therefore <u>therefor</u> ”
Revise Right of way use permit definition	Revise to read – “ his <u>their</u> ”
Add Single-family dwelling definition	Add ...“ <u>Single-family dwelling</u> ” means <u>a building designed or used for residence purposes by not more than one family and containing one dwelling unit only, including mobile homes when not located in a mobile home park and including condominium units subject to fee simple ownership, and excluding multiple-family dwellings, apartments and motels. This also includes ADU’s that take water and sewer service from service connections separate from the primary residence.”</u>

Section VMC 14.04.060	Remove gender references	Revise to read “ designate their designee , and by him or her them ”
Section VMC 14.04.100(C)	Remove gender reference	Revise to read “ his <u>their</u> ”
Section VMC 14.04.100(D)	Revise title of Department for consistency	Revise to read “Department of Public Works ”
Section VMC 14.04.100(E)	Remove gender reference	Revise to read “ he <u>the customer</u> ”
Section VMC 14.04.100(F)	Grammar correction/remove gender reference	Revise to read “ re-laid <u>re-laid</u> ” and “ his <u>the customer’s</u> ”
Section VMC 14.04.100(G)	Remove gender reference	Revise to read “ his <u>the customer’s</u> ”
Section VMC 14.04.100(H)	Grammar correction	Revise to read “ value <u>valve</u> ”
Section VMC 14.04.100(L)	Revise title of Director for consistency	Revise to read “Director of Public Works or designee ” and “The Director of Public Works ” and “the Public Works Director”
Section VMC 14.04.100(M)	Revise title of Director for consistency	Revise to read “Director of Public Works ”
Section VMC 14.04.105	Remove gender reference	Revise to read “ him <u>the permittee</u> ”
Section VMC 14.04.110	Grammar corrections	Revise to read “ forthwith ” and “ theretofore ” and add “ <u>delivered to the premises</u> ”
Section VMC 14.04.130	Remove references to gender/grammar corrections	Revise “ their his or her ” and “ their his or her ” and “ he <u>the customer</u> ” and “ his or her <u>their</u> ” and “ after ” and “ <u>leave post a written notice in a conspicuous location on the premises, documenting the reason for such termination of service as to its action and the reason therefore</u> ”
Section VMC 14.04.140(B)	Grammar correction	Revise to read “in conformity with Section 9 of this ordinance, codified as VMC 14.04.155”
Section VMC 14.04.140(G)	Revise title of Department for consistency	Revise to read “Department of Public Works ”
Section VMC 14.04.140(N)(3)	Revise title of Director for consistency	Revise to read “Director of Public Works ”
Section VMC 14.04.140(N)(5)	Revise title of Director for consistency	Revise to read “Director of Public Works ”
Section VMC 14.04.140(N)(6)	Revise title of Director for consistency	Revise to read “Director of Public Works or his designee ”

Section VMC 14.04.155 B.(new)	Add new paragraph B. requiring adoption of rules and regulations for cross connection control	Insert “ <u>B. Adoption of City Cross Connection Control Procedures Manual.</u> Rules and regulations for cross connection control shall be outlined in a <u>written manual, approved by the Director.</u> This manual is hereby adopted, as it presently exists and as it may be periodically amended by the Director at the Director’s.” <u>Discretion.</u> ”
Section VMC 14.04.155 B.	Relabel paragraph “B.” as “C.” and revise	Replace “ B. ” with “ <u>C.</u> ” before” ... <i>Backflow prevention assemblies....</i> ” and delete, “ In addition to situations requiring backflow prevention assemblies as set forth in subsection A of this section... ”. Also delete the second sentence as follows, “ Premises isolation for all service connections by an approved air gap or reduced pressure backflow assembly is required for all customers with access to unapproved auxiliary water supplies, as defined by WAC 246-290-010, connected to a piping system whether or not an interconnection exists between an unapproved auxiliary water supply and the city water system. ”
Section VMC 14.04.155 C.	Delete paragraph “C.”	Delete entire paragraph C. as this is covered in the current procedures manual
Section VMC 14.04.155 C.	Delete paragraph “D.”	Delete paragraph D. as these requirements are included in the current procedures manual
Section VMC 14.04.155 C.	Delete paragraph “E.”	Delete paragraph E. as these requirements are included in the current procedures manual
Section VMC 14.04.155 F.	Revise paragraph “F.” to relabel as paragraph “D.”	Delete “ F. ” and replace with “ <u>D</u> ” and add “ <u>the manual Adopted pursuant to subsection B of this section.</u> ”
Section VMC 14.04.160 C.	Revise/capitalize title of Director for consistency	Revise to read “the director or utilities , suitably...”.
Section VMC 14.04.160 E.	Revise/capitalize title of Director for consistency	Revise to read “...it is the duty of the director of utilities..... ”
Section VMC 14.04.170 A.	Revise/capitalize title of Director for consistency	Revise to read “...the <u>D</u> irector of Public Works. ”

Section VMC 14.04.170 C.	Minor clean-up/revise title of Director	Delete “ + ” and revise to read “...the Director of Public Works .” And revise “Meters”
Section VMC 14.04.170 D.	Minor code clean-up	Revise to read “subsection C-4”
Section VMC 14.04.180 D.	Revise language per staff recommendation	Revise to read “... department <u>customer</u> for its <u>their</u> ..”
Section VMC 14.04.191	“Termination of utility service to rental Dwellings” – Remove reference to gender	Delete “ his/her ” and replace with “ <u>their</u> ”
Section VMC 14.04.192 A. 1.	“Termination of utility service to rental Dwellings – Exceptions” - Remove reference To gender	Delete “ his or her ” and replace with “ <u>their</u> ”
Section VMC 14.04.192 A. 2.	“Termination of utility service to rental Dwellings – Exceptions” - Remove reference To gender	Delete “ his or her ” and replace with “ <u>their</u> ”
Section VMC 14.04.192 B.	“Termination of utility service to rental Dwellings – Exceptions” - Remove reference To gender	Delete “ his/her ” and replace with “ <u>their</u> ” 3 locations
Section VMC 14.04.193	“Termination of utility service to rental Dwellings – Service restored” - remove reference To gender	Delete “ his/her ” and replace with “ <u>their</u> ” 2 locations
Section VMC 14.04.194(C)	“Termination of utility service to rental Dwellings – Actions by utilities administration” - remove reference to gender	Revise to read “ his <u>and provide your landlord’s</u> ”
Section VMC 14.04.195	Code clean-up and remove reference to gender	Revise to read “ the tenant he or she ” and “ his or her <u>their</u> ” 2 locations and “ except by handicap persons as provided in unless exempt due to disability, in accordance with Section 14.04.192” and “Section 14.04.0300 <u>20</u> ”
Section VMC 14.04.210 (B)(3)	To include an ADU with shared water/sewer Services in definition of “single-family customer”	Add at the end – “ <u>This also includes ADU’s that take water and sewer service from service connections Separate from the primary residence.</u> ”
Section VMC 14.04.210 (B)(4)	To include an ADU with separate water/sewer Services in definition of “Multifamily customer”	Add at the end – “ <u>This also includes ADU’s that share water or sewer service from service connections for the primary residence.</u> ”

Section VMC 14.04.210 C.2.a.	Grammar corrections	Revise to read “ the charge <u>there</u> shall be no charge for the first such request, <u>if requested</u> during regular <u>working office</u> hours.”
Section VMC 14.04.210 C.2.b.	Revise/capitalize title of director for consistency	Revise to read “...the director -public works or designee ”
Section VMC 14.04.210 C.2.c.	Grammar correction	Revise to read “during <u>regular</u> office hours.”
Section VMC 14.04.230 A.2.c.	Grammar correction	Revise to read “ int his <u>in this</u> ”
Section VMC 14.04.230 B. H.	Revise/capitalize title of Director for consistency	Revise to read “...the Public Works Director”
Section VMC 14.04.235 A.4.	Revise/capitalize title of Director for consistency	Revise to read “...the director of public works”
Section VMC 14.04.235(B)	Definitions - Clarify ADU exemption for separate metering	Add the last sentence to “Accessory Dwelling Unit “definition... “ <u>Approved ADU’s shall not be subject to the separate metering requirements of VMC 14.04.190(I).</u> ”
Section VMC 14.04.235(B)	in “Equivalent Dwelling Unit EDU” – definition -Revise/capitalize title of director for consistency	Revise to read “...the director of public works”
Section VMC 14.04.235(B) -	Definitions - To clarify ADU in definition of “multifamily dwelling”	For definition of “multifamily dwelling”, add - “ <u>This also includes ADU’s that share water or sewer service from service connections for the primary residence.</u> ”
Section VMC 14.04.235(B) -	Definitions - To include ADU in definition of “Single-family dwelling”	For definition of “Single-family dwelling”, add - “ <u>This also includes approved ADU’s that take water and sewer service from service connections separate from the primary residence.</u> ”
Section VMC 14.04.235 D	Revise/capitalize title of Director for consistency	Revise to read “...the director of public works”
Section VMC 14.04.235 D.3.-	Revise/adjust average annual compensation for 26 yrs. of inflation since original code adoption	Revise “...in excess of \$30,000- <u>\$51,742</u> including...” and revise “...exceeded \$30,000- <u>\$51,742</u> including..” And revise “... 1996 <u>2023</u> .”

Section VMC 14.04.235 D.3.	Revise CPI for Employment Base Requirement	Revise “for the Portland Metropolitan Area for Urban Wage Earners and Clerical Workers (CPI-W), All items (Revised Series West Region). ”
Section VMC 14.04.235 D.3.	Revise/capitalize title of Director for consistency	Revise to read “...the director of public works”
Section VMC 14.04.235 D.3.	Revise/capitalize title of Director for consistency	Revise to read “...the director of public works”
Section VMC 14.04.235 E.	Revise/capitalize title of Director for consistency	Revise to read “...the director of public works”
Section VMC 14.04.235 E.1.	Revise/capitalize title of Director for consistency	Revise to read “...the public works director....”
Section VMC 14.04.235 F.	Revise/capitalize title of Director for consistency	Revise to read “...the public works director....”
Section VMC 14.04.235 G.	Revise/capitalize title of Director for consistency	Revise to read “...the director of public works”
Section VMC 14.04.235 I.2.	Note 3: Revise/capitalize title of Director for consistency	Revise to read “...the director of public works .”
Section VMC 14.04.235 I.2.	Note 5: Delete note 5. Not needed since definitions Provide clarity for ADUs.	Delete “ 5 An accessory dwelling unit (ADU) shall be charged the same sewer system development charge as a multifamily dwelling. ”
Section VMC 14.04.235 L.	Revise/capitalize title of Director for consistency	Revise to read “...the public works director....”
Section VMC 14.04.240 -	Sewer connection fee installment contract – revise PWD title for consistency; and remove references to gender	Revise “Director of Public Works or <u>their</u> designate.”, delete “ his/her ” and replace with “ <u>their</u> ” in four locations
Section VMC 14.04.241 -	Water connection fee installment contract – remove references to gender	Substitute “ <u>their</u> ” for “ his/her ” “ his ” in five locations
Section VMC 14.04.241 -	Water connection fee installment contract – remove reference to gender	Revise “city manager or his designee” to “ <u>city manager or their designee</u> ”
Section VMC 14.04.242A.	Update for increase in Clark County recording fees	Revise paragraph A. to read, “A document recording fee in the amount of one two hundred dollars (\$100 <u>\$200</u>) will be collected in advance of any document needed to be recorded for purposes of water, sewer, and/or stormwater construction and/or connection.”

Section VMC 14.04.260B. -	Automatic sprinkler systems – add requirement to report, be billed and pay for fire protection system flushing, or for any other non-firefighting purpose.	Revise to... “...other than firefighting protection . <u>Customers shall report water use volume for any non-firefighting related purpose and shall be charged at the applicable customer class rate of their primary domestic service.</u> No fire protection <u>monthly base user service charge.....</u> ”
Section VMC 14.04.265 -	Automatic sprinkler systems – remove reference to Sections VMC 14.04.210(4) and 14.04.260	Delete....”, and Section VMC 14.04.210(4) and Section 14.04.260 are not applicable to connections under this section, to the extent inconsistent herewith. ”
Section VMC 14.04.280 A.	Revise/capitalize title of Director for consistency	Revise to read “the Director of Public Works”,
Section VMC 14.04.280 A.	Modify requirement for main extensions, remove gender reference “to him”	Revise to read as “...larger than six <u>eight</u> inches....”; and revise “...if it appears to him ...”
Section VMC 14.04.280 C.	Add language to authorize off site sewer main extension	Add” ... to provide an <u>offsite sewer line extension.</u> ”
Section VMC 14.04.280 D.	Revise/capitalize title of Director for consistency	Revise to read “the Director of Public Works”,
Section VMC 14.04.280 E.	Revise/capitalize title of director for consistency	Revise to read “...the <u>Director of Public Works</u>” in two locations
Section VMC 14.04.280 G.	Revise/capitalize title of director for consistency	Revise to read “...the Public Works Director”
Section VMC 14.04.280 J.	Revise/capitalize title of Director for consistency	Revise to read “the Director of Public Works”,
Section VMC 14.04.285 D.1.b.	Grammar correction	Revise to read “must <u>be</u> ”
Section VMC 14.04.230 E.4.	Grammar correction	Revise to read “with in ”
Chapter 14.08– Connection to Public Sewers This list contains the substantive changes proposed. The complete proposal, including complete wording for all changes, is available separately.		
Section VMC 14.08.010	Grammar correction	Revise to read “ therefore to do so. ”
Section VMC 14.08.061	Grammar correction	Revise to read “dollars and ”
Section VMC 14.08.064 A. 2b.	Revise/capitalize title of Director for consistency	Revise to read “the Director of Public Works”
Section VMC 14.08.064 C.	Revise/capitalize title of Director for consistency	Revise to read “the Director of Public Works”

Section VMC 14.08.064 D.2.	“Combined disposable income” Revise for gender neutral language	Revise to read “ his or her <u>their</u> ” 2 locations
Section VMC 14.08.064 D.2.	“Economically disadvantaged” Revise for gender neutral language	Revise to read “ his or her <u>their</u> ” 2 locations
Section VMC 14.08.064 D.2.	“Ownership interest” Revise for gender neutral language	Revise to read “ his or her <u>their</u> ” and “ he or she <u>the applicant</u> resides.”
Section VMC 14.08.064 D.3.	Revise for gender neutral language	Revise to read “ his or her <u>their</u> ”
Chapter 14.09– Stormwater Management – Regulations and Charges This list contains the substantive changes proposed. The complete proposal, including complete wording for all changes, is available separately.		
Section VMC 14.09.020	Grammar correction	Revise to “ effect affect”
Section VMC 14.09.120	Revise/capitalize title of Director for consistency	Revise to read “the Director of Public Works”,
Chapter 14.12– Discharge of Industrial Wastes to the Industrial Wastewater Pretreatment Facility This list contains the substantive changes proposed. The complete proposal, including complete wording for all changes, is available separately.		
Section VMC 14.12.020	Add definition for Director for consistency	Add new definition “4. “ <u>Director</u> ” means the <u>Director of Public Works or duly authorized representative.</u> ”; and renumber remaining paragraphs.
Section VMC 14.12.020	Renumber paragraph 4. as paragraph 5.	Delete”4.” and insert “5.”
Section VMC 14.12.020	Renumber paragraph 5. as paragraph 6.	Delete”5.” and insert “6.”
Section VMC 14.12.020	Renumber paragraph 6. as paragraph 7.	Delete”6.” and insert “7.”
Section VMC 14.12.020	Renumber paragraph 7. as paragraph 8.	Delete”7.” and insert “8.”
Section VMC 14.12.020	Renumber paragraph 8. as paragraph 9.	Delete”8.” and insert “9.”
Section VMC 14.12.020	Renumber paragraph 9. as paragraph 10.	Delete”9.” and insert “10.”
Section VMC 14.12.030	Revise/capitalize title of Director for consistency	Revise to read “.....from the <u>Director</u> department of public works”
Section VMC 14.12.040	Clarify authority for issuance of prior written approval	Revise to read “...the <u>D</u> irector of public works”
Section VMC 14.12.040 A.	Revise/capitalize title of Director for consistency	Revise to read “...the director of public works”
Section VMC 14.12.040 B.	Revise/capitalize title of Director for consistency	Revise to read “...the director of public works”
Section VMC 14.12.040 C.	Revise/capitalize title of Director for consistency	Revise to read “...the director of public works”
Section VMC 14.12.040 F.	Revise/capitalize title of Director for consistency	Revise to read “...the director of public works”
Section VMC 14.12.040 H.	Revise/capitalize title of Director for consistency	Revise to read “...the director of public works” In

		three locations
Section VMC 14.12.050 B.	Revise/capitalize title of Director for consistency	Revise to read “...the director of public works”
Section VMC 14.12.060 B.	Grammar correction/gender neutral language	Revise to read “the director of public works ; and <u>upon</u> a finding by him <u>the director</u> ” and “ he <u>the customer</u> ”
Section VMC 14.12.080 A.	Revise/capitalize title of Director for consistency	Revise to read “...the director of public works”
Section VMC 14.12.080 B.	Revise/capitalize title of Director for consistency	Revise to read “...the director of public works”
Section VMC 14.12.090 B.	Revise/capitalize title of Director for consistency	Revise to read “...the Director of public works”

12/06/21
12/20/21

ORDINANCE NO. M-_____

AN ORDINANCE relating to the sewer and surface water utility user charges, amending Chapters 14.04, 14.08, 14.09, and 14.12 of the Vancouver Municipal Code; providing for savings, severability and an effective date.

WHEREAS, it is in the public interest to amend certain sections of Title 14 of the Vancouver Municipal Code to clarify definitions; maintain consistency; utilize gender neutral language; and ensure compliance with current practices; and

WHEREAS, with proper notice to the public, the City Council conducted a first reading of the proposed ordinance on December 13, 2021, and a public hearing concerning the ordinance and proposed code changes on December 20, 2021.

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF VANCOUVER:

SECTION 1. Chapter 14.04 of the Vancouver Municipal Code is hereby amended to read as follows:

Chapter 14.04

WATER AND SEWER USE – REGULATIONS AND CHARGES

Sections:

14.04.010 Water-sewer department created – Appointment of personnel.

ORDINANCE -

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14.04.020	Power and duties of director of public works.
14.04.022	General Sewer Plan.
14.04.030	Departmental regulations – Altering.
14.04.035	Right of entry to public utility easements.
14.04.040	Definitions.
14.04.060	Deposit of moneys.
14.04.070	Information on charges or delinquent accounts.
14.04.080	Inspection and Approval.
14.04.090	Charges for water meter and service line installation.
14.04.100	Condition of water and/or sewer service.
14.04.105	Permit required for plumbing work.
14.04.110	Unauthorized use of water.
14.04.120	Sharing or selling water to another.
14.04.130	Effect of leakage on bills.
14.04.140	Unlawful acts.
14.04.145	Cause of action for tampering, unauthorized connections and diversion
	of services.
14.04.150	Fluoridation authorized.
14.04.155	Cross Connection Control Program.
14.04.160	Department employee rules.
14.04.170	Meter connections – Exceptions – Placement.
14.04.180	Meter tests and adjustments.
14.04.190	Billing procedure and conditions.
14.04.191	Termination of utility service to rental dwellings.
14.04.192	Termination of utility service to rental dwellings – Exceptions.
14.04.193	Termination of utility service to rental dwellings – Service restored.
14.04.194	Termination of utility service to rental dwellings – Action by utilities
	administration.
14.04.195	Termination of utility service to rental dwellings – Transfer charges.
14.04.196	Termination of utility service – City’s rights.

- 14.04.197 Termination of utility service to customers other than residential rental tenants occupying single-family units or individually metered multifamily units – Action by utilities administration.**
- 14.04.210 Water service – User charges.**
- 14.04.230 Sanitary sewer service – User charges.**
- 14.04.230B Conditions and charges applicable to water, sewer and stormwater accounts.**
- 14.04.235 System development charges – Connection fees.**
- 14.04.236 In-city rates for some property – When.**
- 14.04.237 In-city rates for property outside city – When.**
- 14.04.240 Sewer connection fee installment contract.**
- 14.04.241 Water connection fee installment contract.**
- 14.04.242 Recording Fees.**
- 14.04.250 Fire hydrants.**
- 14.04.260 Automatic sprinkler systems for fire protection services.**
- 14.04.265 Automatic sprinkler systems for fire protection purposes – Unmetered water connections – No charge.**
- 14.04.270 Polluting or obstructing water supply.**
- 14.04.280 Procedure for extending mains.**
- 14.04.285 Water and Sewer Reimbursement Contracts.**

14.04.010 Water-sewer department created – Appointment of personnel.

There is hereby established a Water-Sewer Department of the City of Vancouver which shall be under the supervision of the Director of ~~Public Works~~ for the purposes hereinafter enumerated. The officers and other employees of the department shall consist of a superintendent and such officials, clerks, accountants, engineers, laborers and assistants, to be appointed by the city manager, as may be necessary for the efficient administration of the department.

ORDINANCE -

14.04.020 Power and duties of director of ~~public works~~.

The director ~~of public works~~ shall have full supervision, charge and control of the water-sewer department, and shall make, in addition to the rules and regulations contained in this chapter, such additional written rules and regulations from time to time as they may deem necessary for the efficient administration and regulation of the department.

14.04.022 General Sewer Plan.

A. The City hereby adopts by reference the “City of Vancouver April 2011 General Sewer Plan as amended August 2011” (2011 General Sewer Plan) as its general sewer plan. The 2011 General Sewer Plan is a required comprehensive plan for a system of sewers adopted by the local government entity. The 2011 General Sewer Plan is adopted by ordinance as required by RCW 35.67.030. The Washington State Department of Ecology has approved the 2011 General Sewer Plan as required by RCW 90.48.110, as being in compliance with WAC 173-240-030, 173-240-040, and 173-240-050.

B. At least one copy of the 2011 General Sewer Plan shall be filed in the Office of the City Clerk for use and examination by the public. The 2011 General Sewer Plan may also be made available for use and examination by the public at the Office of the Director, and on the City website.

14.04.030 Departmental regulations – Altering.

The following rules and regulations are the effective rules and regulations of the municipal water-sewer department of Vancouver. No officer, employee or agent of the water-sewer department has any authority to waive, alter or amend in any respect the provisions of these rules and regulations. Changes, amendments or additions may be made at any time by action of the city council. The city

ORDINANCE -

4

council shall have authority to decide any question which may arise and which is not fully settled by any of the provisions of this chapter and its decision in such cases shall be final.

14.04.035 Right of entry to public utility easements.

After January 1, 2013 all new public utility easements required under this Title shall provide that the ~~Public Works~~ Director and other duly authorized employees of the City of Vancouver bearing proper credentials and identification shall be permitted to enter all utility easements located on private properties for the purposes of inspection, observation, measurement, sampling, testing, public information, education and outreach, code enforcement and maintenance in accordance with the provisions of this title.

14.04.040 Definitions.

For the purposes of construing this chapter, the following definitions are made a part thereof:

“Accessory Dwelling Unit (ADU)” means one or more rooms with private bath and kitchen facilities comprising an independent, self-contained dwelling unit within or attached to a single-family dwelling, or in a detached building on the same lot as the primary dwelling unit. An ADU is distinguishable from a duplex in that, unlike a duplex, it is clearly subordinate to the primary dwelling unit, both in use and appearance. Approved ADU’s shall not be subject to separate metering requirements of VMC 14.04.190(I).

“Agent” means any person empowered to act on behalf of the legal owner in matters concerning utility service.

“Building permit” means those permits issued pursuant to Title 17 of the Vancouver Municipal Code, authorizing the customer or ~~his~~ their agent to perform work upon ~~his~~ their premises.

“Combined sewer” means those sewers which are designed to carry both waste matter permitted by this title to enter the system and surface drainage water.

“Commercial” means all property zoned or used for nonresidential purposes.

“Consumer” means any person who uses services of the city’s utility; provided that in the case of calculating the pro rata charges for service when one line serves multiple premises owned by multiple customers, it shall mean each single family unit, or unit of a multi-family residential complex, or each separate business which occupies a commercial or industrial building.

“Customer” means the fee owner of property or premises served by the city’s utility through and by the department, provided that the fee owner may designate an agent for purposes managing the customer’s account and provided further that a tenant may put service in ~~his/her~~ their own name under the provisions of Sections 14.04.192 through 14.04.195 of this chapter.

“Customer line” means the pipe, valves and fittings leading from the water meter into the premises served.

“Department” means the water/sewer/stormwater division of the department of public works of the City of Vancouver, and the City of Vancouver, acting by and through its water/sewer/stormwater utility, its authorized agents and employees.

~~“Director of utilities”~~ or “Director” means the Director of Public Works or duly authorized representative.

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“Dwelling unit” means one room or a suite of two or more rooms, designed for use by one family or housekeeping unit for living and sleeping purposes, and having one kitchen. Each unit shall provide a complete independent living space for one or more persons, including permanent facilities for living, sleeping, cooking and sanitation.

“Fee owner” means the owner of record, as shown by the records of Clark County. (See also “customer.”)

“Final Acceptance” means the acceptance of civil improvements by the City of Vancouver upon completion of all required development conditions, document submittals, and final inspections of all civil improvements installed as part of a project. Final acceptance shall be documented by signature of the Director of ~~Public Works~~ or designee on the Final Acceptance letter. Once final acceptance is issued the City of Vancouver will assume operation and maintenance of said civil improvements.

“Latecomer fee,” for purposes of VMC 14.04.285, means a charge collected by the City, whether separately stated or as part of a connection fee for providing access to a City system, against a real property owner who connects to or uses a water or sewer facility subject to a reimbursement contract created under RCW 35.91.020 as implemented by VMC 14.04.285.

“Main Line Fee” means reimbursement to the City paid by new customers under the terms of VMC 14.04.280 for the costs of City-extended water and/or sewer mains.

“Monthly base charge” means the minimum charge for water/sewer service as established by this chapter or as hereafter amended.

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“Municipality,” for purposes of VMC 14.04.285, means the governing body of any county, city, town, or drainage district.

"Multiple family (multifamily) dwelling" means a building or portion thereof designed or used as a residence by two or more families and containing two or more dwelling units. This also includes ADU's that share water and sewer service from service connections for the primary residence.

“Person” means any individual, firm, company, partnership, association, society, corporation or group.

“Premises” means a continuous tract of land, building or groups of adjacent buildings under a single ownership or control with respect to water or sewer service and responsibility for payment ~~therefore~~ therefor. Subdivisions of such use or responsibility shall constitute a division into separate premises as defined here.

“Public sewer” means a sewer constructed for conveyance of liquid wastes and which is located in a public right-of-way, street, alley or easement and is controlled by the city or other public authority. The public sewer does not include sewer laterals serving individual buildings, properties or premises.

“Reimbursement contract,” for purposes of VMC 14.04.285, means a contract entered into under RCW 35.91.020 as implemented by VMC 14.04.285 which provides for the pro rata reimbursement to an owner of real estate or the owner’s assigns within a period of twenty years for a portion of the costs of the water or sewer facilities improved or constructed by the owner from latecomer fees received by the City from property owners who subsequently connect to or use the water or sewer facilities, but who did not contribute to the original cost of the facilities.

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“Right of way use permit” means any permit required by any public agency authorizing the customer or ~~his~~ their agent to perform work within public rights-of-way. For the purpose of this title, the term “right of way use permit” includes, but is not limited to, street-cut permit, sidewalk permit, driveway permit, curb permit, utility permit.

“Sanitary sewer” means those sewers used to collect and transport only domestic, commercial or industrial waterborne wastes permitted to be discharged thereto by this title.

“Service line” means the pipe, fittings and water meter connecting the main to the customer’s meter.

“Sewer lateral” means the pipe and fittings necessary for connecting the customer’s building sewer to the public sewer main.

“Sewer system” means the system of conduits, pipes, pumps, treatment facilities and structures used for the purpose of conveying from their source, treating in any manner, and conveying to final points of disposal all wastes of any nature permitted by this title.

“Single-family dwelling” means a building designed or used for residence purposes by not more than one family and containing one dwelling unit only, including mobile homes when not located in a mobile home park and including condominium units subject to fee simple ownership, and excluding multiple-family dwellings, apartments and motels. This also includes ADU’s that take water and sewer service from service connections separate from the primary residence.

“Storm sewer” means those sewers used to collect and transport stormwater runoff, surface drainage, or other water which may be permitted under this title.

“Utility” means the water/sewer/stormwater utility consisting of the water/sewer/stormwater division of the city department of public works and the utility administration division of the city department of public works, or successor department or division which are charged with the furnishing of water and sewer service within the City of Vancouver’s water and sewer and stormwater service areas.

“Water main” means the pipe laid in a public right-of-way, street, alley, or easement owned by the city, and used or intended for the distribution of water to customers through service lines, and may also be referred to as “main.”

“Water meter” means any device used for the measurement of water delivered to an individual location, customer or user.

“Water or sewer facilities,” for purposes of VMC 14.04.285, means storm, sanitary, or combination sewers, pumping stations, and disposal plants, water mains, hydrants, reservoirs, or appurtenances.

“Water system” means the system of conduits, pumps, treatment facilities, and structures used for the purpose of production and conveying potable water from their source, treating in any manner, and conveying to users in the city and adjacent areas.

14.04.060 Deposit of moneys.

All charges, deposits, late fees, penalties and other moneys of whatever kind accruing to the benefit of the department shall be paid to the City of Vancouver through the Director of Financial and Management Services, or ~~designate their designee~~, and by ~~him or her~~ them deposited to the credit of the water-sewer fund.

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14.04.070 Information on charges or delinquent accounts.

The city shall upon request of any interested person give information as to whether any water service lien or other charge is outstanding against any given piece of property.

14.04.080 Inspection and Approval.

All work done under a permit issued pursuant to this chapter shall be subject to the inspection by the director or designee, and the work shall not be deemed completed until it has been inspected and approved as satisfactory.

14.04.090 Charges for water meter and service line installation.

If any street or alley is to be improved, the service lines to all adjacent tracts, lots or parcels of lands, either vacant or occupied, shall be installed prior to such improvement at the property owner's expense.

A. Effective January 1, 2017, rates for meter and service installation shall be as follows:

Meter/Service Diameter	Meter and Service	Service Only	Meter Only
5/8 x 3/4 with 1" service	\$2,000.00	\$1,930.00	\$135.00
1 inch	\$2,045.00	\$1,930.00	\$180.00
1-1/2 inch	\$3,220.00	\$2,835.00	\$450.00
2 inch	\$3,535.00	\$3,140.00	\$460.00
3 inch	Note 1	Note 1	\$2,700.00

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Meter/Service Diameter	Meter and Service	Service Only	Meter Only
4 inch	Note 1	Note 1	\$3,200.00
6 inch	Note 1	Note 1	\$4,900.00
8 inch and larger	Note 1	Note 1	Note 2

Note 1. The city does not install service larger than 2 inch. For larger services the customer is responsible for submitting drawings for city approval and for installation of the service.

Note 2. Prices available upon request.

B. *Meter and Service Relocates*. Effective January 1, 2017, rates for relocation of water service shall be as follows:

Service relocates ten feet (10') and less	\$265.00
Service relocates over ten feet (10')	\$1,180.00
Meter box raise/raise yoke fee	\$130.00
One (1") inch yoke replacement fee	\$260.00

The city does not perform half-street restoration work. If the service installation or relocation requires half-street restoration, the applicant shall hire a contractor approved by the city to work within the right-of-way, obtain a right-of-way permit, and complete all work themselves (including service installation or relocation). The service installation or relocation and the half-street restoration work must be complete prior to the city setting the water meter.

C. Commencing January 1, 2018, and effective January 1st of each year thereafter, the fees set by subsections A and B of this section shall be adjusted annually at a rate based upon the change in the Consumer Price Index for Urban Wage Earners and Clerical Workers for the Seattle-Bellevue Metropolitan Area as prepared by the United States Department of Labor, Bureau of Labor Statistics and as published as of the preceding June 30th. The annual fee adjustment for each rate category shall be rounded to the nearest \$5.00. This annual adjustment shall not apply to the “Meter Only” fees.

14.04.100 Condition of water and/or sewer service.

A. *Accounts to be in name of the fee owner.* Effective October 1, 2006, all accounts for water/sewer/stormwater shall be kept in the name of the fee owner of the property or premises served; provided that:

1. Rental tenants whose accounts are in their own names as of October 1, 2006, may retain their existing accounts in their names until they change service address or their accounts are otherwise terminated;
2. Tenants may put service in their own names pursuant to Sections 14.04.192 through 14.04.195 of this chapter;
3. As provided by RCW 35.21.217, the fee owner may request to have duplicate bills mailed to a tenant, lessee, contract buyer, or agent, provided that:
 - a. This shall not relieve the fee owner from liability for charges incurred; and

b. Current contact information for the fee owner and for the tenant, lessee, contract buyer, or agent must be provided to the city, on forms approved by the city, in order for a customer/owner to have bills mailed to a tenant, lessee, or agent; and

4. Nothing in this section shall prevent a tenant from paying a utility charge which has been billed to a fee owner.

B. *Ownership of Lines.* The department shall install, own and maintain all water service lines from the main to and including the meter. Water service lines from the main to and including the meter box may be installed by the customer's contractor, subject to payment of fees, inspection and approval by the city. Customer lines from the meter to the building or premises shall be installed, owned and maintained by the customer. Insofar as is possible, customer lines leading to such service lines shall be installed so that they will not be under any concrete walk or driveway or other obstruction.

C. *Individual Service Required.* Each service line or sewer lateral shall be connected to only one house or building or a multi-tenant commercial building and for only one consumer insofar as practicable; provided, that the owner of a multifamily building may at ~~his~~ their option supply such building from a single connection, in which case the billing provisions of Section 14.04.190 shall apply. Any meters that are inter-tied within the customer's system shall be combined into one account; separate accounts for inter-tied meters will not be allowed.

D. *Installation on Private Property.* Service lines and meters shall not be installed on private property except where the Department of ~~Public Works~~ finds that service can be afforded in no

other practical way, in which case an easement granted to the city shall be secured from the legal owner.

E. Charge for Installation of Larger Service Line or Relocation of Existing Service Line.

Whenever a customer desires to have a service line changed to a larger size, ~~he~~ the customer shall pay all charges and fees applicable for installation of such larger size line and meter. Whenever a customer desires to have an existing service line relocated without a change in size of service the customer shall pay the costs as required in Section 14.04.210.G. In either case, the work shall be done by the department at the customer's expense as provided in Section 14.04.090. In all cases, the customer shall pay the costs thereof in advance.

F. Transferring Customer Line. Whenever a service line is ~~re-laid~~ re-laid or changed in position for any reason by the department, the customer shall immediately upon notice and at ~~his~~ the customer's own expense transfer the customer line to the newly laid or newly positioned service line.

G. Customer Responsible for Installation and Maintenance.

1. The water customer to be served by the department's mains shall install and maintain, at the customer's own expense, all water pipe, fixtures, and plumbing on ~~his~~ the customer's premises and shall own and maintain the customer line to the meter.
2. The sewer customer to be served by the department's mains shall install and maintain, at the customer's own expense, the sewer lateral from the premises to the public sewer main and shall own and maintain the sewer lateral from the premises to the public sewer main.

3. The customer or authorized agent shall be responsible for obtaining all building and right of way use permits required for work performed either on the premises or within public rights-of-way; provided, that the city may reimburse the customer for the cost of repair of that portion of the sewer lateral within dedicated public right-of-way, if damage to the sewer lateral was the result of deficiencies caused by acts or omissions of the city or third parties not acting as agents of the customer, and specifically excluding damage to the sewer lateral resulting from deficiencies caused by acts of God, root intrusion from the customer's trees or any other act or omission of the customer or customer's agent(s) or contractor(s). A claim for such reimbursement shall be submitted to the city within ten days of the incurrence of such costs and shall meet all of the following criteria:

- a. Eligible costs shall include only those actual expenses paid by the customer for any required city permits or to a licensed, bonded contractor.
- b. Only that portion of costs for repair work done within the dedicated right-of-way shall be eligible.
- c. The customer shall submit copies of the itemized invoices from the contractor. Such invoices shall indicate the type and cause or suspected cause of such damage.
- d. The amount of the reimbursement shall not exceed the estimated cost for installation of a new sewer lateral from the public sewer to the property line.
- e. All work shall be in conformance with city codes, ordinances and standards, including obtaining all necessary permits, inspections and approvals.

f. The director shall investigate all claims submitted for reimbursement and shall determine the validity of such claims and the amount of reimbursement, if any, which is due the customer.

H. *Specifications for Customer Lines and Sewer Laterals.* All customer lines shall be laid to a depth of two feet below the surface of the ground and shall be equipped with a readily accessible ~~valve~~ valve for each house or building so that the customer may at any time shut off the entire water supply. Customer lines larger than two inches shall be equipped with an accessible gate valve controlling the full supply on the premises.

All sewer laterals shall be installed in accordance with the department's standard details and with Chapter 17.20 of this code. When a property is connected to public sewer each sewer lateral shall be provided with a clean out to within six inches of finish grade at the property line, except that when a cleanout is provided at a distance not to exceed thirty feet from the property line, no additional cleanout will be required at the property line.

I. *Installation of Service Lines and Sewer Laterals.* All installations performed within public rights-of-way shall be performed by a licensed contractor acting as the owner's agent. The contractor shall be responsible for obtaining all necessary permits for work within the right-of-way. All installation shall be performed in accordance with the department's standard details.

J. *Liability for Leakage or Stoppage.* Under no condition shall the department be held responsible or liable for any partial or complete stopping of flow, any leakage, or damage to any customer's pipeline, fixtures, sewer lateral, plumbing, premises or contents therein, served by the water/sewer utility.

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K. *Approval of New, Re-laid Lines.* Approval of all new, re-laid or relocated customer lines must be secured from the department before water will be turned into the service.

L. *Temporary Water Use from Hydrants.* Temporary use of water from fire hydrants may be authorized by the Director ~~of Public Works or designee~~. “Temporary Water Use from Hydrants” is defined as use of water from a fire hydrant where an established service point or permanent water meter is not available. The Director ~~of Public Works~~ shall approve a written policy that will include, but not be limited to; when temporary water use from hydrants will be permitted, the appropriate deposit for the renting of a temporary meter, conditions of forfeiture of water meter deposit, rental fees for the temporary meter, and fees for temporary water use from hydrants. Persons requesting temporary water use from hydrants shall apply for a temporary water use permit on forms prescribed by the city at the City of Vancouver Utilities Administration offices. Such permits shall be subject to conditions of use set forth therein, and subject to the written policy of the ~~Public Works~~ Director, including provisions for cross connection control and other measures prescribed by the Director to ensure the public safety and health and water conservation. This subsection shall not apply to authorized fire-fighting agencies.

M. *Temporary Service.* Where water service is desired from a permanent service line for a period of less than three years, upon approval of the Director ~~of Public Works~~, it shall be considered temporary service, except that permanent buildings or establishments where service is discontinued because of change of occupancy shall not be considered as coming under this regulation.

N. *Tap and Line for Temporary Service.* When a new tap and service line is required for a temporary service, the department shall collect, at the time application is made, an amount

covering the estimated installation cost as provided in Section 14.04.090. The installation cost shall include all labor and material necessary for connection and disconnection and shall not be less than the regular charge for a new service.

O. *Advance Payment for Temporary Service.* In all cases of temporary service, the department shall collect in advance the minimum charge for one month for the size of meter in use and in no case shall the charge be less than this amount. Temporary services shall be billed at the rate applicable to the current use of the premises.

P. *Transfer of Temporary to Permanent Status.* Temporary service may be transferred to permanent service status upon payment of system development charges effective as of the date of transfer to permanent status as assessed by VMC 14.04.235.

Q. *Existing Service Out of Use.* When any existing service line of two inches or less has been out of use for three years or more, the same shall be considered out of service and shall not be used again for water service purposes, unless the department determines that the existing service line is acceptable.

14.04.105 Permit required for plumbing work.

It shall be a violation of this chapter for a plumber or any other person to make connection, installation, replacement, extension or repair to any city water service pipe, or to connect one service pipe with another building, without having first obtained a permit from the department. Upon issuance of a permit to a plumber or other person authorized by the department to do plumbing work, the permittee shall make a report in writing to the department of all connections,

attachments and extensions made by ~~him~~ the permittee in accordance with the permit within three days after the completion of work.

14.04.110 Unauthorized use of water.

If any person makes or lays or installs any pipe or pipes or connections thereto or makes or breaks any connection to any meter or breaks any seal attached to any meter or seal or reseals any meter with the purpose or intent of obtaining water without paying the just charges for the same, the department shall, ~~forthwith~~ upon becoming aware of the fact, have the authority to shut off and stop the entire supply to the premises affected without prejudice to its right to collect any and all charges due for water legally or illegally or properly or improperly ~~theretofore~~ obtained or delivered to the premises. Such authority shall include the right to shut off the water supply serving the premises in any public street or right-of-way and charge the costs of labor and materials to such person or customer. If the improper connection is on public property, the department will make the necessary changes, removals or repairs, but if on private property, the owner shall do the work directed immediately upon demand. The customer having had such unauthorized supply shall pay on an estimated basis for the water used for the period during which such unauthorized service may have been obtained. The customer shall also pay all costs for labor and material used in removing the unlawful connections wherever found and in restoring the service line and meter to perfect conditions and all this work must be done and the cost thereof must be paid before service may be restored. Violation of any provisions of this section and failure to pay for all costs incurred shall constitute a violation of this chapter. These penalties shall be in addition to amounts assessed under VMC Title 22.

14.04.120 Sharing or selling water to another.

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No person shall sell or permit any person or persons to carry water from, or to connect to any water pipe or hose heading from the customer's piping, whether on the same premises or adjoining property unless such person first obtain written permission or approval from the department. Where such use has been made the customer shall discontinue the practice on demand and pay for all charges and use as estimated to be reasonable by the department. Any person so doing shall be guilty of a violation of this chapter.

14.04.130 Effect of leakage on bills.

When any customer in any given billing period because of a broken water pipe on ~~their~~ ~~his or her~~ premises, has used according to ~~their~~ ~~his or her~~ meter, an amount of water which is more than double the average amount of water which had been used on such premises in similar period in prior years, ~~he~~ the customer may apply to the city in writing for an adjustment under this section. If the customer reports that there are broken water pipes on ~~his or her~~ their premises which have caused the high consumption of water and if repairs are verified by inspections by the city, the city shall thereupon reduce the bill in question to the average amount billed to such property for similar periods in previous years plus, for the excess over such average caused by such breakage, a special rate of only twenty cents per hundred cubic feet. In cases where repairs are not visible, proof of repairs must be supplied. A given piece of property shall be entitled to the benefits of this section unless it appears that continued waste of water is due to a continued negligent failure to repair. Reductions shall not be permitted on account of leaking toilets, plumbing fixtures, or unexplained usage and shall not exceed two bills.

The department may discontinue service to any premises if the owner, customer or consumer refuses to make repairs necessary to avoid waste of water. If ~~after~~ reasonable efforts to contact the

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customer or consumer at the premises are not successful, and it is observable that water is being lost through leakage, the department at its option may terminate water service and shall ~~leave~~ post a written notice in a conspicuous location on the premises, documenting the reason for such termination of service ~~as to its action and the reason therefore.~~

14.04.140 Unlawful acts.

A. *Trespass.* Any person or persons found trespassing upon the watershed, polluting the water, damaging or attempting to sabotage or destroy any reservoir, tank pump, pump house, pipeline, treatment plant, or any other property of the department shall be guilty of a violation of this chapter.

B. *Cross Connections.* No person shall connect in any manner any fire pump or other apparatus drawing from any other water supply or carrying any foreign liquid or material to any main or pipe connected to the city water system even though such connection may be protected to some extent by check valves or closed gate valves, except in conformity with ~~Section 9 of this ordinance,~~ ~~codified as~~ VMC 14.04.155. Particular attention is called to the danger of pollution from ice machines, compressors, sewage pumps and other apparatus causing pressures higher than those in the system. Any customer having or making any such cross connection shall immediately remove it and pay the department all costs, direct and consequential, incurred because of the connection. The existence of any cross connection, whether open or not, shall be deemed cause to hold the customer solely responsible and liable for any and all expense, claims, or suits and damages, either direct or resultant, that could in any possible manner have been caused by such cross connection.

C. *Authority to Disconnect.* The department shall have the right to shut off the supply of water whenever it is necessary to make repairs, improvements, enforce rules or for any operating reason.

In all such cases, reasonable previous notice will be given to consumers, except in emergencies shut-off to prevent damage to plumbing. The department shall be responsible for closing at the meter all service lines which are affected by a shut-down to preclude drainage of water from tanks. The necessary work will be done as rapidly as practicable and whenever feasible, at times which will cause the least inconvenience. The department shall not be held responsible or liable for any direct or resultant damage to any person, company or consumer or to any pipe, fixture or plumbing caused by cessation of supply or reduced or insufficient pressure.

D. *Dangerous Industrial Uses.* Water for steam boilers, gas engines, ice plants or other industrial use involving possible danger will not be furnished by direct pressure from the mains.

E. *Defective Customer Equipment.* The department shall have the right to refuse water service or to discontinue water service without notice at any time to any customer upon finding any apparatus or appliances, the operation of which will be detrimental to the water system or an annoyance to any or all of its customers. Standpipes, hydrants, gate valves or any other apparatus or equipment that causes water-hammer or any danger to the water system or other customer's plumbing shall be immediately repaired or removed upon notice from the department.

F. *Liability for Damage.* The customer shall be responsible for and pay for any damage to meter, meter boxes, seals, curb stops, yokes, pipe, and other appliances belonging to the department caused by any unauthorized use, carelessness or neglect by the customer.

G. *Unauthorized Alteration of Equipment.* The department shall, under all circumstances and conditions, exercise through its authorized employee, full authority and complete jurisdiction over the entire water system. No one other than an authorized employee of the Department of Public

~~Works~~ shall remove, relocate, turn off, turn on, test, regulate, repair, damage, or otherwise molest or alter any meter, curb stop, yoke, valve, or other property of the department. Any person so doing shall be guilty of a violation of this chapter and subject to amounts assessed under VMC Title 22.

H. *Department Access.* The department shall have access to all portions of the premises of the consumer at any reasonable time for inspection of the use of water and the customer's pipe, fixtures, plumbing and any other apparatus, in any manner connected with the city water system. The department shall have the right and option to demand termination of use or to require any repair, change, removal or improvement of any pipe, fixture, plumbing or other apparatus that will in the opinion of its engineer in any manner affect the water supply or water system or the supply or fixtures of other consumers.

I. *Noncompliance.* If any customer fails to comply with any of the rules and regulations in force the department shall give notice of such failure. If the customer does not comply as the rules provide and within reasonable time, the department shall have the right to shut off the water and collect the scheduled charge for restoration of service or to remove the meter and make the same charge for resetting as if the meter were removed at the customer's request. Any person who fails to comply with any of the rules and regulations in force consistent with this chapter shall be guilty of a violation of this chapter.

J. *Tampering with Fire Hydrants.* It shall be a violation of this chapter for any person other than an employee of the department or the city Fire Department to operate, alter, change, remove, disconnect, connect with, or interfere or attempt to interfere in any manner with any fire hydrant owned or used by the city without first obtaining a permit from the department.

K. *Unlawful to Turn on Water Without Authority or After Shut Off for Nonpayment.* Subject to the provisions contained in Sections 14.04.191 through 196, if water is shut off for nonpayment and is subsequently turned on by any water customer or other person without authority from the department and any outstanding bill for prior water service charges remains unpaid, the department may then stop water service by either shutting off the water at the main, by removing the meter, or by any other appropriate method. The charge for stopping water service by any other method and the charge for subsequent restoring of the water service shall be as set forth in this title. All such charges shall be charged to the customer or such other person and when the delinquent customer and/or such other person occupies the premises, water shall not again be furnished to the premises until the charges have been paid. The remedies and charges set forth in this section shall be in addition to and not in lieu of amounts assessed under VMC Title 22.

L. *Unauthorized use of water.* If any person makes or lays or installs any pipe or pipes or connections thereto or makes or breaks any connection to any meter or breaks any seal attached to any meter or seal or reseals any meter with the purpose or intent of obtaining water without paying the just charges for the same, the department shall forthwith upon becoming aware of the fact, have the authority to shut off and stop the entire supply to the premises affected without prejudice to its right to collect any and all charges due for water legally or illegally or properly or improperly theretofore obtained or delivered. Such authority shall include the right to shut off the water supply serving the premises in any public street or right-of-way and charge the costs of labor and materials to such person or customer or to both. If the improper connection is on public property, the department will make the necessary changes, removals or repairs, but if on private property, the customer shall do the work directed immediately upon demand. The customer having had such unauthorized supply shall pay on an estimated basis for the water used for the period during which

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such unauthorized service may have been obtained. The department's estimate of charges due shall be deemed conclusive unless rebutted by the customer by clear and convincing evidence. The customer shall also pay all costs for labor and material used in removing the unlawful connections wherever found and in restoring the service line and meter to perfect conditions and all this work must be done and the cost thereof must be paid before service may be restored. Violation of any provisions of this subsection and failure to pay for all costs incurred shall constitute a violation of this title.

M. *Sharing or selling water to another.* No person shall sell or permit any person or persons to carry water from, or to connect to any water pipe or hose heading from the customer's piping, whether on the same premises or adjoining property unless such person first obtain written permission or approval from the department. Where such use has been made the customer shall discontinue the practice on demand and pay for all charges and use as estimated to be reasonable by the department. Any person so doing shall be guilty of a violation of this chapter.

N. Access to and obstruction of meters, hydrants, manholes, and easements.

1. No material or obstruction shall be placed on or over the meter box at any time regardless of whether the box is installed on public or private land.
2. No vegetation will be allowed to overgrow a meter box. Vegetation will be trimmed at the Department's discretion within an area that is 2' horizontal and 5' vertical of the meter box.
3. No person shall open, enter into, place, or allow anything to be placed in a manhole of the City's sanitary sewer system without written approval from the Director of Public Works or his designee.

4. No person shall damage, obstruct or cover a manhole of the City's sanitary sewer system.
5. No person shall plant trees, shrubs, or other plants within a water or sewer easement or obstructing a meter without prior written approval from the Director of Public Works or his designee.
6. No person shall place any part of a structure or any permanent equipment within a water or sewer easement or obstructing a meter without prior written approval from the Director of Public Works or his designee. Prohibited structures include buildings, houses, decks, garages, tool or storage sheds, swimming pools, walls, and fences. Prohibited permanent equipment includes air conditioning units and heat pumps.

14.04.145 Cause of action for tampering, unauthorized connections and diversion of services.

RCW 80.28.240 is hereby adopted by reference. Pursuant to RCW 35.21.180, an amendment, addition or repeal by the Washington State Legislature of such statute shall be deemed to amend, add or repeal this subsection without further action of the city. The remedies provided by RCW 80.28.240 and this subsection shall be in addition to and supplemental to all other remedies set forth in this chapter for tampering, unauthorized connections and diversion of services.

14.04.150 Fluoridation authorized.

The city council of the City of Vancouver hereby authorizes and directs that a source of fluoridation approved by the state department of health be added to the City of Vancouver water supply, under the rules and regulations of the Washington State Department of Public Health, such

addition to be administered in a manner approved by the State Director of Public Health, and in accordance with the laws of the State of Washington.

14.04.155 Cross Connection Control Program.

A. *Adoption of state regulations.* Rules and regulations of the Washington State Department of Health regarding public water supplies, entitled “Cross-Connection Control,” WAC 246-290-490, as they presently exist and as they may, from time to time, be amended, are hereby adopted and incorporated herein by this reference as if set forth in full.

B. *Adoption of City Cross Connection Control Procedures Manual.* Rules and regulations for cross connection control shall be outlined in a written manual, approved by the Director. This manual is hereby adopted and incorporated into the city code by reference, as it presently exists and as it may be periodically amended by the Director at the Director’s discretion.

~~B.C. Backflow prevention assemblies to be installed. In addition to situations requiring backflow prevention assemblies as set forth in subsection A of this section, the~~ The city reserves the right, as a condition of water service, to require any party seeking water service to install a backflow prevention assembly when the city, or the city’s designee, determines a need to protect the city’s water system and/or facilities. ~~Premises isolation for all service connections by an approved air gap or reduced pressure backflow assembly is required for all customers with access to unapproved auxiliary water supplies, as defined by WAC 246-290-010, connected to a piping system whether or not an interconnection exists between the unapproved auxiliary water supply and the city water system.~~ All backflow prevention assemblies shall be installed and maintained by, and at the expense of, the customer.

~~C. Backflow prevention assemblies to be inspected.~~ Backflow prevention assemblies installed shall be inspected and tested:

- ~~1. At the time of initial installation;~~
- ~~2. Annually after initial installation;~~
- ~~3. After the device is repaired;~~
- ~~4. After the device is moved, relocated, or reinstated; and~~
- ~~5. More often if tests indicate repeated failures.~~

~~D. The city shall provide 30-day advance notification to the customer of the required annual test of the backflow prevention assembly. Failure of the city to provide notification shall not affect the customer's duty to obtain testing under this section. The customer shall have such test performed by any person certified by the Washington State Department of Health, and the results shall be delivered to the city on a form prescribed by the city. If such test is not performed within the time required herein, the city may initiate proceedings for termination of water service.~~

~~E. The customer shall be responsible for the repair, overhaul or replacement of backflow prevention assemblies as required by the city whenever they are found to be defective within a time period as required by the city.~~

FD. Pursuant to VMC 14.04.020, the director may promulgate administrative rules and procedures and set fees to have the customer's backflow prevention assembly device tested by a properly certified independent contractor. The fees for such service may be added to the customer's water utility bill. Such service shall be at the customer's option and shall not preclude the customer from

making their own arrangements for testing in accordance with the manual adopted pursuant to subsection D B of this section.

14.04.160 Department employee rules.

A. *Office Transactions Only.* All transactions concerning water service and the business of the department shall be made only through the office of the department and no service shall be commenced other than by and through the procedure herein provided and in conformity with these regulations.

B. *Identification.* Every employee of the department being authorized to enter upon private property to inspect or have charge of the services, mains, plant or equipment of the department shall be furnished with means of identification and shall carry such identification at all times when engaged upon the duties of their position and produce and exhibit the same upon request.

C. *Tips Prohibited.* Every employee of the department is strictly prohibited from demanding or accepting if offered any gratuity, tip or compensation in any form whatsoever from any person during or in connection with his performance of their duties and any disrespect or unwarranted act of any employee shall be, upon complaint made to the director ~~or utilities~~, suitably dealt with.

D. *Department Employees are Not Permitted to Work on Customer Equipment.* No employee of the department shall do any work whatsoever on any customer's pipe lines, fixtures, or plumbing.

E. *Communicating Regulations.* It shall be the duty of the director ~~of utilities~~ to see that every employee is aware of all regulations governing their conduct.

14.04.170 Meter connections – Exceptions – Placement.

A. *Unmetered Connections.* There shall be no unmetered connections to the city water system except to automatic sprinkler systems for fire protection services which are approved by the Director of Public Works. This subsection shall not apply to single-family residential structures; all single-family residential fire protection services shall be metered.

B. *Meters.* All meters and meter boxes shall be owned, installed and maintained by the department.

C. *Meter Location Specifications.*

4. Whenever practicable the meter shall be installed in a convenient place in the public right-of-way between the curb line and the property line. When the meter cannot be placed in the usual position within public right of way, then the legal owner of the premises shall give consent in writing and grant an easement to the city and the meter and the meter box shall be placed at a suitable place which will be permanently accessible at all reasonable times for meter inspection, reading and testing. Meters shall not be located within any finished surface area other than dirt, grass, barked or landscaping rock and shall not be located within a driveway or sidewalk area unless prior approval is obtained from the Director of Public Works. Meters shall not be obstructed, as set forth under VMC 14.04.140.N. Where meters are at present or may be installed within a building, the department shall not be held responsible for damage from leaking meter, pipe or fittings. No rent or other charge whatever shall be made by any customer against the department for placing or maintaining meters upon the customer's premises.

D. *Maintenance of Service Line.* The service line from the main to the meter shall be maintained by the department. The department may charge the customer for damage to the service line or meter which is located outside the public right-of-way. In the event of a maintenance repair on a water service or meter that is located within a surface area other than allowed in subsection C-4 above, the property owner will be responsible for the repair of the surface area or the City may repair at the property owner's expense. The customer shall be charged for such damage on a time and material basis and shall be provided with a specific account of such charges.

E. *Meter Connection Shut Off By City.* If a service has been shut off for nonpayment, and the customer has turned the water service on without city authorization, the department may cut off service to the premises from the public right of way. The minimum base fee charged the customer for such cut off shall be \$1300, plus any additional actual and reasonable costs incurred by the city on a time and materials basis. The customer shall be provided with a specific account of such additional charges.

14.04.180 Meter tests and adjustments.

A. *Customer Request for Test.* The department shall test meters as it finds necessary or upon the request of any customer.

B. *Result of Test – Meter Repair.* If the meter is found by such test to be defective, it shall be replaced or repaired at the city's expense and affected bills outstanding or paid during the previous six months shall be adjusted. Such adjustments shall be based, at the option of the department, upon either the nearest preceding six-month average use when the meter was in good order, or upon the same month of the preceding year if the use is seasonal.

C. *Meters for Seasonal Requirements.* Meters of different sizes will not be installed to meet seasonal or temporary requirements except on payment of the cost of all charges by the customer.

D. *Deduct Meter.* Deduct meters, for the purpose of subdividing the registration of the master meter, may be installed by the ~~department~~ customer for its their convenience. Where one or more deduct meters are installed the master meter consumer shall be billed by deducting the amount registered on the deduct meter or meters from the master meter registration.

E. *Meter Damaged by Hot Water.* Whenever a meter is found to have been damaged by hot water from the customer's heating equipment, the customer shall pay the actual cost of removing, repairing and replacing the meter. The previous water bills shall be corrected on an estimated basis to cover the period during which the meter was evidently so damaged and all such charges and amounts shall be thereupon due and payable.

F. *Check and Relief Valve Installation.* The department may, at its option, install a check valve in any service where there has been damage to the meter caused by hot water, or where there is reason to believe danger of such damage exists. The customer shall be notified at the time of installation of a check valve and shall be warned of the danger of possible bursting of hot water tanks and piping. The department will not resume service prior to such installation by the customer of a relief valve, and will not be liable for any damage, direct or consequential, from any accident due to the placing of a check valve or failure of the consumer to receive notice and install a relief valve.

14.04.190 Billing procedure and conditions.

A. *Billing Period.* Bills for metered water service shall be rendered according to the registration of the meter at regular intervals and shall be due and payable upon mailing. Bills shall clearly state when they will be considered delinquent; provided, that no bill shall be considered delinquent until at least 15 days after mailing.

B. *Reading Meters.* Residential meters shall be read as nearly as possible at regular intervals, unless otherwise arranged by the department. There shall be no special vacation rate or reduction made on any water bill because of part-time or restricted use. If a meter is pulled and the account is closed at the customer's request or if the account has been inactive for more than five years, upon installation of a new meter, all new meter installation fees shall apply.

C. *Billing When Meter Unread.* On metered service where the meter has not been read, the bill rendered shall be an average bill for the preceding year or applicable portion of year.

D. *Billing for Special Periods.* Opening and closing bills and bills for water service for periods less than the regular intervals shall be calculated on a pro rata basis.

E. *Bills for Special Services.* All bills for service charges, material and labor furnished, contributions to extensions and other authorized charges, shall be due and payable immediately upon presentation. If such bills are not paid, the department may refuse to furnish water service, and may shut off and discontinue service already being supplied until all bills are paid, and this without prejudice to its right to collect all amounts theretofore due.

F. *Separate Billing for Separate Meters.* When one customer is served by more than one meter on separate service lines, the meter minimum for each meter and the surcharge for water supplied may be calculated and billed separately.

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G. *Responsibility for Joint Use.* When more than one consumer, whether a family, business, or other person, receives water through one meter on a single service line, in one building, and it is found impractical by the department to separate the water piping for each consumer, the customer shall be solely responsible and shall pay the total bill for such joint water service.

H. *Joint Consumer Responsibility.* All service to joint consumers shall be on the basis that if it becomes necessary to enforce these rules and regulations against any or all joint consumers that the department shall have the right to shut off the entire supply to all the joint consumers. Separate meters shall be installed and separate bills rendered to each consumer if the customer separates the piping and installs individual supply pipes from the property line.

I. *Separate Billings Required.* When two or more houses, buildings or other premises occupied by separate consumers are supplied from a single service connection, the customer shall immediately, upon notice from the department, separate each customer's lines and connect up individually to meters at the property line, and if separate services are not established within a reasonable time thereafter, the department may shut off the water and refuse further service to all such consumers.

J. *Billing Before Lines Are Separated.* Until the joint consumer lines are separated, computation of the total bill shall be made by multiplying the quantity in each bracket of the rate schedule by the number of consumers on one meter. The minimum charge shall be the regular minimum charge multiplied by the number of consumers served.

K. *Customer Emergency Assistance.*

1. *Eligibility.* Upon satisfactory proof, emergency assistance may be issued to each household for which:

- a. A member of the household is billed by the city for water services;
- b. The household has been verified by the city or the city's agent:
 - i. To have an annual income that, when combined with the annual income of all household members, meets the eligibility standards for the Low Income Home Energy Assistance Program (LIHEAP) authorized by the Low Income Home Energy Assistance Act of 1981, the Omnibus Budget Reconciliation Act of 1981, the Energy Policy Act of 2005, Public Law 109-58; and
 - ii. To not receive subsidized housing assistance;
- c. The household has received notice from the city that payment or payment arrangements must be made to prevent disconnection;
- d. The household is served with city water service at a residential, single-family account.

2. *Emergency Credit – Maximum.* Upon verification of eligibility, the household may receive an emergency credit of a maximum of \$400.00 of the delinquent bill for the service address; provided, that the household may only receive such credit once in a 24-calendar-month period. The household emergency credit maximum may be adjusted not more than once per calendar year by the director to address the impacts of future rate increases.

3. *Administrative Rules and Procedures.* Pursuant to VMC 14.04.020 and this section, the director of public works jointly with the director of financial and management services shall

promulgate administrative rules and procedures not inconsistent with this section to implement the customer emergency assistance program.

14.04.191 Termination of utility service to rental dwellings.

Except in cases involving public health or safety, or as otherwise provided in this chapter, the city will terminate utility service to a residential tenant occupying a rented dwelling pursuant to RCW 35.21.290 and 35.21.300 for a delinquent bill only when: (a) the bill was incurred by a current occupant; or (b) the dwelling is vacant. When a rented dwelling is occupied by a tenant who has opened an account in their ~~his/her~~ own name, no termination or threat of termination will occur because of the nonpayment of a bill for water or sewer utility services if the bill is the obligation of the tenant's landlord or the obligation of a prior occupant of the premises not currently residing therein; provided, however, that the term "threat of termination" shall not include the notices authorized by subsequent sections of this chapter.

14.04.192 Termination of utility service to rental dwellings – Exceptions.

A. Delinquent Status.

1. When a rented dwelling for which a delinquent utility bill is owed is occupied by a tenant, and the delinquent bill is in the landlord's name, no termination will occur until the tenant is first provided an opportunity to place the account in ~~his or her~~ their name without liability for the landlord's delinquent bill.
2. When a rented dwelling for which a delinquent utility bill is owed is occupied by a tenant and the delinquent bill is in the name of, and incurred by, a prior tenant no longer occupying the dwelling, no termination will occur until the current tenant is first provided the opportunity

to have the account placed in ~~his or her~~ their own name without liability for the delinquent bill.

B. *Application for Exception.* The current tenant must make application in person at a designated city office during normal office hours unless this is proved to be impossible because of a disability, to complete any forms required by the city in order to place service in ~~his/her~~ their name. Arrangements for continued service cannot be made by phone except that on Fridays such applicants can arrange by phone to have service over the weekend, pending applications to be made on the next Monday. Such applicant will be required to present personal identification, a copy of ~~his/her~~ their rental agreement, and/or a bill from another utility in ~~his or her~~ their name, and to provide the name, address, and telephone number of the landlord.

14.04.193 Termination of utility service to rental dwellings – Service restored.

If service is terminated before the current tenant has exercised the right provided for in the preceding section to have the account placed in ~~his or her~~ their own name, the current tenant can have water restored without liability for the delinquent bill by applying to place the account in ~~his or her~~ their own name for future service, as provided in Section 14.04.192, and by paying the usual reconnect charges.

14.04.194 Termination of utility service to rental dwellings – Action by utilities administration.

The city will not take any action which encourages or permits, whether by regulation, informal policy or oral statement, the termination of water services to residential tenants occupying single-family units or individually metered multifamily units because a prior occupant of the residence owes an unpaid bill or where the tenant's landlord has contracted for water service to the dwelling

and the account is delinquent, unless the following procedures are complied with. Procedures applicable to termination of utility services to consumers other than residential tenants occupying single-family units or individually metered multifamily units are set forth in VMC Section 14.04.197.

A. If payment on a utility account has not been received by the twenty-fifth day after the bill date the utility division will send or mail a reminder notice to the service address, and to the address (if any) listed for the property's owner of record or agent in the department's file. This notice will advise that payment is past due and will alert interested parties that service may be terminated unless payment is received or arrangements acceptable to city have been made. A statement describing tenants' rights as provided in this chapter will be presented on the back of the reminder notice.

B.

1. If payment on a utility account has not been received by the thirty-seventh day after the bill date, the utility division will send or mail a final notice to the service address, and to the address (if different) listed for the property's owner of record or agent in the department's file. This final notice will advise that the payment is past due and payment must be received to avoid disruption of service.

2. Such final notice shall advise that the account is past due and that service will be terminated not less than eight (8) days from the final notice date and will advise the customer of the process for service restoration.

3. A statement describing tenants' rights will be printed on the back of the disconnection notice.

C. The statement of tenants' rights included with the reminder notice(s) and printed on the disconnection notice shall be substantially in the following form:

NOTICE OF TENANTS' RIGHTS

If you are a tenant residing at the service address and water is presently being delivered to your home: You are not responsible for water and sewer utility bills incurred by a previous tenant who moved out before you moved in and you also are not responsible for water and sewer utility bills incurred by your landlord.

If this bill is the obligation of a prior tenant or your landlord, and you have made reasonable efforts to resolve the issue with the landlord, you have the right to obtain continued water and sewer utility services by contacting the utility division and having the account placed in your name. If you do place the account in your own name services will not be disconnected because of an unpaid bill for which you are not responsible. You will be responsible for future bills coming due during your tenancy.

To place service in your own name you must go to the City of Vancouver Utilities Administration offices, and make application in person for continued service during normal work hours. You will be required to present personal identification, your current written rental agreement, and/or a bill from another utility in your name. You also will be required to identify your landlord, ~~his~~ and provide your landlord's current address, and telephone number.

If service is disconnected before you have contacted the Utility Division a reconnection fee will be charged before service is restored.

You have the right to appeal the decision of the utility division relating to responsibility for past due utility bills or the right to have service placed in your own name. Utility service will not be disconnected during the appeal process.

14.04.195 Termination of utility service to rental dwellings – Transfer charges.

If a tenant elects to contract for future water service under the preceding sections, the tenant ~~he or she~~ must agree to pay appropriate transfer of account charges, reconnection charges if service has been terminated before the tenant has exercised the right to have the account placed in ~~his or her~~ their name, and all future utility bills coming due during ~~his or her~~ their occupancy of the premises. Application must be made in person at the City of Vancouver Utilities Administration offices during normal working hours ~~except by handicapped persons as provided in~~ unless exempt due to disability, in accordance with Section 14.04.192. The tenant will not be required to pay a deposit to obtain service unless that tenant's own credit worthiness justifies the imposition of a deposit under rules or policies regularly adopted under Section 14.04.030020 and applied to all customers.

All notices required by this chapter will also give notice of the Utility Division's customer appeal process. A tenant may request a hearing under this customer appeal process if the tenant has a dispute with the utility regarding the new account for the premises.

14.04.196 Termination of utility service – City’s rights.

Nothing set forth in this chapter shall be construed to limit the city’s rights to proceed either by judicial process or by the remedies prescribed by RCW 35.21.290 and 35.21.300 to the extent that such actions do not interfere with tenant’s rights as provided in this chapter. A “tenant” means any person who is entitled to occupy a dwelling unit primarily for living or dwelling purposes under a rental agreement. A “landlord” is the owner of record of the dwelling unit, as shown by the records of Clark County, or the owner’s agent.

14.04.197 Termination of utility service to customers other than residential rental tenants occupying single-family units or individually metered multifamily units – Action by utilities administration.

A. *Applicability.* This section specifies procedures applicable to termination of utility services to consumers other than residential rental tenants occupying single-family units or individually metered multifamily units. Procedures applicable to termination of utility services to residential tenants occupying single-family units or individually metered multifamily units are set forth in VMC Section 14.04.191 through VMC Section 14.04.196.

B. *Past Due Reminder Notice For All Service Types.*

1. This past due reminder procedure is applicable to all service types governed by this VMC Section 14.04.197.
2. If payment on a utility account has not been received by the twenty-fifth day after the bill date the utility division will send or mail a past due reminder notice to the service address, and to the address (if any) listed for the property’s owner of record or agent in the department’s

file. This past due reminder notice will advise that payment is past due and will alert interested parties that service may be terminated unless payment is received or arrangements acceptable to city have been made.

C. Termination of Service For Single Family units and Multi Family units that are individually metered.

1. For single family units and multi family units that are individually metered, if payment on a utility account has not been received by the thirty-seventh day after the bill date the utility division will send or mail a final notice to the service address, and to the address (if different) listed for the property's owner of record or agent in the department's file. This final notice will advise that the payment is past due and payment must be received to avoid disruption of service.

2. If payment on the utility account has not been received by the forty-fifth (45) day the account will be transferred to the shut off list and service will be terminated.

3. Thereafter, a utility service inspector will physically deliver to the services address a disconnection notice and will terminate the service

4. Such disconnection notice shall advise that the account is past due and that service has been terminated and will advise the customer of the process for service restoration.

D. Termination of Service For Multi-Family units that share a single meter.

1. For multi-family units that share a single meter, if payment on a utility account has not been received by the thirty-seventh day after the bill date the account will be transferred to the shut off list.
2. Thereafter, a utility service inspector will physically deliver to the service address(es) or will post at the service address door(s) a 10 day disconnection notice.
3. Such 10 day disconnection notice shall advise that the account is past due and that service will be terminated not less than ten (10) days after such delivery or posting of the notice unless payment is made or other arrangements satisfactory to the city have been made. Such notice will advise other tenants sharing the service, if any, of their rights for continuing service

E. Termination of Service For Commercial units.

1. For commercial units, if payment on a utility account has not been received by the thirty-seventh day after the bill date the account will be transferred to the shut off list.
2. Thereafter, a utility service inspector will physically deliver to the service address or will post at the service address door a twenty four (24) hour disconnection notice.
3. Such twenty four (24) hour disconnection notice shall advise that the account is past due and that service will be terminated not less than twenty four (24) hours after such delivery or posting of the notice unless payment made or other arrangements satisfactory to the city have been made. Such notice shall advise other tenants sharing the service, if any, of their rights for continuing service.

F. The statement of tenants' rights included with the reminder notice(s) and printed on the disconnection notice shall be substantially in the following form:

If you are a tenant residing at the service address and water is presently being delivered to your home: You are not responsible for water and sewer utility bills incurred by a previous tenant who moved out before you moved in and you also are not responsible for water and sewer utility bills incurred by your landlord.

If this bill is the obligation of a prior tenant or your landlord, and you have made reasonable efforts to resolve the issue with the landlord, you have the right to obtain continued water and sewer utility services by contacting the utility division and having the account placed in your name. If you do place the account in your own name services will not be disconnected because of an unpaid bill for which you are not responsible. You will be responsible for bills coming due during your tenancy.

To place service in your own name you must go to the City of Vancouver Utilities Administration offices, during normal work hours and make application in person for continued service. You will be required to present personal identification, your current written rental agreement, and/or a bill from another utility in your name. You also will be required to identify your landlord, their current address and current phone number.

If service is disconnected before you have contacted the Utility Division a reconnection fee will be charged before service is restored.

You have the right to appeal the decision of the utility division relating to responsibility for past due utility bills or the right to have service placed in your own name. Utility service will not be disconnected during the appeal process.

14.04.210 Water service – User charges.

A. Base Charge, All Customer Classes.

1. For all water customers, each customer shall pay a monthly base charge as follows:

Effective January 1, 2020

<u>Meter Size</u>		<u>Base Charge</u>	<u>Base Charge</u>
		Inside City Limits	Outside City Limits
a. 5/8 x 3/4 inch and under	per month	9.15	13.73
b. 3/4 inch	per month	12.15	18.22
c. 1 inch	per month	18.55	27.83
d. 1-1/2 inch	per month	34.48	51.72
e. 2 inch	per month	53.44	80.16
f. 3 inch	per month	97.97	146.96
g. 4 inch	per month	161.42	242.12
h. 6 inch	per month	320.31	480.46

<u>Meter Size</u>		<u>Base Charge</u>	<u>Base Charge</u>
		Inside City Limits	Outside City Limits
i. 8 inch	per month	510.92	766.37
j. 10 inch	per month	764.90	1,147.35
k. 12 inch	per month	1,486.27	2,229.41

Effective January 1, 2021

<u>Meter Size</u>		<u>Base Charge</u>	<u>Base Charge</u>
		Inside City Limits	Outside City Limits
a. 5/8 x 3/4 inch and under	per month	9.61	14.42
b. 3/4 inch	per month	12.75	19.13
c. 1 inch	per month	19.48	29.22
d. 1-1/2 inch	per month	36.21	54.31
e. 2 inch	per month	56.11	84.17
f. 3 inch	per month	102.87	154.31
g. 4 inch	per month	169.49	254.23
h. 6 inch	per month	336.32	504.48

<u>Meter Size</u>		<u>Base Charge</u>	<u>Base Charge</u>
		Inside City Limits	Outside City Limits
i. 8 inch	per month	536.46	804.69
j. 10 inch	per month	803.15	1,204.72
k. 12 inch	per month	1,560.58	2,340.88

Effective January 1, 2022

<u>Meter Size</u>		<u>Base Charge</u>	<u>Base Charge</u>
		Inside City Limits	Outside City Limits
a. 5/8 x 3/4 inch and under	per month	10.09	15.14
b. 3/4 inch	per month	13.39	20.09
c. 1 inch	per month	20.45	30.68
d. 1-1/2 inch	per month	38.02	57.02
e. 2 inch	per month	58.92	88.38
f. 3 inch	per month	108.01	162.02
g. 4 inch	per month	177.96	266.94
h. 6 inch	per month	353.14	529.70

<u>Meter Size</u>		<u>Base Charge</u>	
		Inside City Limits	Outside City Limits
i. 8 inch	per month	563.28	844.93
j. 10 inch	per month	843.30	1,264.95
k. 12 inch	per month	1,638.61	2,457.92

2. The monthly base charge set in subsection (A)(1) of this section does not include any charge for consumption of water.

3. The monthly base charge for any single-family residential customer shall not exceed the charge set in (b) above.

B. *Volume Charge (Uniform Volume).*

1. In addition to the monthly base charge in subsection (A)(1) of this section, each customer shall pay the following additional charge on his/her bill, based upon the amount of water consumed per each billing period:

Effective January 1, 2020

Customer Class	Inside City Limits	Outside City Limits
Single-Family:	2.59/CCF	3.88/CCF
Multifamily:	2.22/CCF	3.34/CCF

Customer Class	Inside City Limits	Outside City Limits
Nonprofit Shelters:	0.57/CCF	0.86/CCF
Commercial ¹ and Industrial ¹ :	2.22/CCF	3.34/CCF
Government ¹ :	1.98/CCF	2.97/CCF

Effective January 1, 2021

Customer Class	Inside City Limits	Outside City Limits
Single-Family:	2.71/CCF	4.07/CCF
Multifamily:	2.34/CCF	3.50/CCF
Nonprofit Shelters:	0.60/CCF	0.90/CCF
Commercial ¹ and Industrial ¹ :	2.34/CCF	3.50/CCF
Government ¹ :	2.08/CCF	3.12/CCF

Effective January 1, 2022

Customer Class	Inside City Limits	Outside City Limits
Single-Family:	2.85/CCF	4.28/CCF
Multifamily:	2.45/CCF	3.68/CCF
Nonprofit Shelters:	0.63/CCF	0.94/CCF

Customer Class	Inside City Limits	Outside City Limits
Commercial ¹ and Industrial ¹ :	2.45/CCF	3.68/CCF
Government ¹ :	2.18/CCF	3.27/CCF

1 Note: As this use is classified under VMC Title 20.

2. All volume charges are computed per 100 cubic feet (CCF).

3. “Single-family customer” class shall include single dwelling unit with one meter, mobile homes either on individual lots or in mobile home parks. This also includes ADU’s that take water and sewer service from service connections separate from the primary residence. This definition is for utility billing purposes only.

4. “Multifamily customer” class shall apply to customers with two or more living units per meter. This also includes ADU’s that share water or sewer service from service connections for the primary residence. This definition is for utility billing purposes only.

5. *Nonprofit Shelter.* For the purpose of applying the rates as set forth in subsection (B)(1) of this section, the term “nonprofit shelters” shall be defined to mean a facility operated by a nonprofit organization that provides clients with on-site food, beds or shelter for free or at significantly below market rates.

C. *Charges for Cutting Off and Restoring Service.*

1. *Service Cut-Off.*

- a. *Cutting Off Service for Nonpayment.* There shall be a \$40.00 charge to cut off service for nonpayment. There shall be no additional charge for restoring service after such cut-off.
- b. *Emergencies – Cut-Off.* No cut-off charge shall be made if service is cut off to meet an actual emergency.
- c. *Customer Request.* No cut-off charge shall be made if service is cut off at customer's request for the first such request.

2. *Starting or Restoring Service.*

- a. For starting or restoring service at the customer's request, ~~the charge there~~ shall be no charge for the first such request, if requested during regular ~~working~~ office hours, and a fee of \$50.00 for each such request outside of regular office hours.
- b. *Altered Service.* If the meter or service has been altered without the written authorization of the director ~~public works or designee~~, the charge shall be \$15.00 additional to all other charges in this section.
- c. *Multiple Cut-Off/Restoration Requests.* For customers who require more than one trip to the service address to cut off or restore service at their request, there shall be a fee of \$25.00 per each additional trip during regular office hours.

D. *Testing Meters – Customer's Request.* Schedule of meter test charges for test of a meter at the request of a customer where meter is found not defective:

1 inch and under	\$50.00
1-1/2 inch	\$60.00
2 inch	\$60.00
3 inch	\$80.00
4 inches or more	At cost
Meter resets	\$50.00

Meters tested and found to be defective will be replaced at no cost to the customer for testing or for replacement.

E. *Testing Meters – Other Than at Customer’s Request.* The city reserves the right to test meters at any time. No charge will be made to the customer for meters tested pursuant to this subsection.

F. Temporary water use from hydrant fees shall be set by the director pursuant to VMC 14.04.100(L).

14.04.230 Sanitary sewer service – User charges.

A. *Monthly User Charges.*

1. *Residential Customers.* Each residential customer shall pay a monthly user charge as follows:

Effective January 1, 2020

Customer Class	Inside City Limits	Outside City Limits
a. Single-Family Residential	\$58.04 per mo. or \$5.80 per CCF	\$87.06 per mo. or \$8.71 per CCF
b. Multifamily Residential	\$46.43 per mo. or \$5.80 per CCF	\$69.65 per mo. or \$8.71 per CCF
c. Nonprofit Shelter	\$1.57 per CCF	\$2.35 per CCF

Effective January 1, 2021

Customer Class	Inside City Limits	Outside City Limits
a. Single-Family Residential	\$47.84 per mo. or \$5.98 per CCF	\$71.76 per mo. or \$8.97 per CCF
b. Multifamily Residential	\$47.84 per mo. or \$5.98 per CCF	\$71.76 per mo. or \$8.97 per CCF
c. Nonprofit Shelter	\$1.62 per CCF	\$2.42 per CCF

Effective January 1, 2022

Customer Class	Inside City Limits	Outside City Limits
a. Single-Family Residential	\$49.28 per mo. or \$6.16 per CCF	\$73.92 per mo. or \$9.24 per CCF
b. Multifamily Residential	\$49.28 per mo. or \$6.16 per CCF	\$73.92 per mo. or \$9.24 per CCF
c. Nonprofit Shelter	\$1.66 per CCF	\$2.50 per CCF

2. Sewer charges for each single-family or multifamily residential customer shall be based upon that customer's average water usage, recorded when meters are normally read for billing purposes, within the previous January through March window. Each customer, other than qualifying low-income seniors as defined in subsection (A)(2)(e) of this section, is subject to a minimum volume charge of three CCF per month.

a. Single-family or multifamily residential customers shall be charged an average 60-day consumption of the billing periods specified above at the applicable inside city or outside city rate per CCF for sewer as set forth in subsection (A)(1) of this section. For new accounts in which the two-month water consumption history has not been established, the director may establish an interim rate in accordance with department policies. The director shall approve a written policy for the setting of this interim rate that will include, but not be limited to, how the interim rate is calculated.

b. The applicable inside city or outside city flat rate set forth in subsection (A)(1) of this section shall be used as the monthly sewer billing rate for any customer for whom for any reason the provisions of this subsection cannot be used.

c. The utilities division shall develop written rules consistent with this subsection and the ordinance codified ~~in this~~ in this section for the fair and efficient administration of such sewer rate.

d. For the purpose of applying the rates as set forth in subsection (A)(2)(c) of this section, the term "nonprofit shelter" shall be defined to mean a facility operated by a nonprofit

organization that provides clients with on-site food, beds or shelter for free or at significantly below-market rates.

e. For the purpose of applying the low income senior minimum sewer flow waiver as set forth in subsection (A)(2) of this section, applicants shall meet the following:

i. Applications shall be obtained from and filed with the director or their designee. The application shall be on a form prescribed by the director, and shall contain the information necessary to evaluate the applicant's qualification for the low income senior minimum sewer flow waiver.

A. Submission of an application for a utility discount shall constitute a verification by the applicant that all information provided in such application is true and correct to the best of the applicant's knowledge.

B. Once approved by the department, the application shall become effective the next billing cycle after approval of the application.

C. Each application is effective for 12 months commencing the first month the reduced rate becomes effective for the applicant. It shall be the sole responsibility of the applicant to reapply for successive 12-month periods of eligibility.

D. The rate reduction shall only apply to utility charges for service to a residence. The residence for which the rate reduction is requested must be the applicant's principal place of residence.

E. The applicant must be the head of the household for the residence for which the rate reduction is requested.

F. The utility account must be in the applicant's name or the name of the applicant's spouse.

ii. For purposes of this section, the term "low-income senior" shall be defined as follows:

A. Be 62 years of age or older at all times during any period for which a minimum sewer flow waiver is requested; and

B. Have been a sewer customer of the city at all times during any period for which a minimum sewer flow waiver is requested; and

C. Have an income during the calendar year or portion thereof for which a minimum sewer flow waiver is requested, from all sources whatsoever, either (1) not exceeding 200 percent of the federal poverty guidelines for a household of any size as published by the Secretary of Housing and Urban Development or (2) not exceeding the income qualification for low-income seniors set forth in RCW 84.36.381(5)(a), whichever is greater.

3. *Commercial, Industrial, Electronics and Government Customers.* Each such customer shall pay a monthly user charge per hundred cubic feet (CCF) as follows; provided, each such customer is subject to a minimum user charge equal to the applicable inside or outside city flat monthly rate for one single-family service set forth in subsection (A)(1) of this section:

Effective January 1, 2020:

Customer Class	Inside City Limits	Outside City Limits
a. Commercial	\$6.80 per CCF	\$10.20 per CCF
b. Government	\$4.16 per CCF	\$6.24 per CCF
c. Industrial	\$7.04 per CCF	\$10.56 per CCF
d. Electronics	\$5.18 per CCF ¹⁵	\$7.77 per CCF ¹⁶

Notes for Electronic Customer Class – Effective January 1, 2020 – December 31, 2020:

15 For monthly average flows above 2.88 million gallons per day, the rate shall be \$4.14 per CCF.

16 For monthly average flows above 2.88 million gallons per day, the rate shall be \$6.21 per CCF.

Effective January 1, 2021:

Customer Class	Inside City Limits	Outside City Limits
a. Commercial	\$7.01 per CCF	\$10.51 per CCF
b. Government	\$4.28 per CCF	\$6.42 per CCF
c. Industrial	\$7.25 per CCF	\$10.87 per CCF
d. Electronics	\$5.33 per CCF ¹⁷	\$8.00 per CCF ¹⁸

Notes for Electronic Customer Class – Effective January 1, 2021 – December 31, 2021:

17 For monthly average flows above 2.88 million gallons per day, the rate shall be \$4.27 per CCF.

18 For monthly average flows above 2.88 million gallons per day, the rate shall be \$6.40 per CCF.

Effective January 1, 2022:

Customer Class	Inside City Limits	Outside City Limits
a. Commercial	\$7.22 per CCF	\$10.82 per CCF
b. Government	\$4.41 per CCF	\$6.62 per CCF
c. Industrial	\$7.47 per CCF	\$11.20 per CCF
d. Electronics	\$5.49 per CCF ¹⁹	\$8.24 per CCF ²⁰

Notes for Electronic Customer Class – Effective January 1, 2022 – December 31, 2022:

19 For monthly average flows above 2.88 million gallons per day, the rate shall be \$4.39 per CCF.

20 For monthly average flows above 2.88 million gallons per day, the rate shall be \$6.59 per CCF.

4. The rate for discharging septage at the city’s publicly owned treatment works (POTW) as provided for in Chapter 5.72 VMC effective January 1, 2021, shall be \$155.00 for each 1,000

gallons, or fraction thereof, discharged into the POTW. The rate for discharging septage at the city's POTW may be adjusted not more than once per calendar year by the director to address the unique operational and capital needs associated with providing this service.

5. "Industrial customer" is defined as an industrial user of the public sewer system who:

- a. Has a discharge flow of 10,000 gallons of processed wastewater or more per average workday; or
- b. Has a concentration of biochemical oxygen demand (BOD) and suspended solids (SS) in excess of 200 milligrams per liter per average work day; or
- c. Is found by the city, State Department of Ecology or U.S. Environmental Protection Agency to have potential for a significant impact on the wastewater treatment system.

6. "Electronics user" is defined as an industrial user of the public sewer system who:

- a. Has a discharge flow of 500,000 gallons or more per average work day; and
- b. Has a concentration of biochemical oxygen demand (BOD) and suspended solids (SS) less than 200 milligrams per liter per average work day.

B. *Liquids Not Originating From City Water System.* Any person discharging into the city sanitary sewerage system sewage which has in it liquids which did not originate from the city water system shall meter or measure by some method approved by the director all water used in the premises, whether the water is obtained from the municipal water supply system or from wells, private water systems or other sources.

C. *Used Water Not Flowing Into Sewer System.* Where the user of water is such that a portion of all of the water used does not flow into a city sewer but is lost by evaporation or is used in manufacture or processes such as ice, beverages, foods or the like and the person in control provides proof of this fact and installs a meter or other measuring device approved by the director to measure the amount of water so used or lost, no charge shall be made for sewerage because of water so used or lost.

D. *Computation of Utility Rates.* For the purpose of computing water and sewer bills, all residences, regardless of number of units, shall be deemed residential, and each unit therein shall be deemed a residence. All other uses shall be deemed commercial, industrial or government.

14.04.230B Conditions and charges applicable to water, sewer and stormwater accounts.

A. *Deposits.*

1. *Customer.* Applications for water, sewer or stormwater/drainage service by a customer who is the owner or owner's agent of the serviced property and who has previously been delinquent in paying for such service shall be accompanied by a deposit equal to twice the largest bill at the service address applied for the prior two years. Payments must be made by owner or owner's agent.

2. As authorized by 11 U.S.C. section 366, unless otherwise directed by the director of the affected department, the minimum deposit for adequate assurance of payment in the event of bankruptcy shall be:

- a. Two months estimated utility charges for Chapter 7 and Chapter 11 filings; and

b. One month estimated utility charges for Chapter 13 filings.

3. *Rental tenants.* Applications for service made by the tenant of a rented or leased residential or commercial premises who has previously been delinquent in paying for such service, shall be accompanied by a deposit equal to twice the amount of the largest bill at the service address applied for or at the tenant's previous service address for the prior two years.

4. *Processing of deposits.* Deposits shall not bear interest. Upon termination of service to the customer/owner or rental tenant, the amount of the deposit shall be applied against any water, sewer, stormwater/drainage or other utility charges then due or to become due from the customer/owner or rental tenant, including any late fees, interest, penalties, reconnection/disconnect fees, or other charges or fees, and shall be remitted to the appropriate fund. If the amount of the deposit is not sufficient to pay the total unpaid charges, remittance shall be made to the appropriate fund or funds pursuant to rules prescribed pursuant to VMC 14.04.020. If there is a balance remaining on the deposit after payment of all charges, such balance shall be refunded, less a city processing fee of five dollars.

5. *Application of deposit prior to termination of service.* In the event that the Director determines, based on rules and criteria prescribed pursuant to VMC 14.04.020, that a deposit is no longer needed to ensure payment prior to termination of services to the customer, the deposit may, with customer consent, be applied to current utility charges.

6. Nothing in this ordinance shall prevent the city from requiring new or additional deposits should the conditions so warrant.

B. *Late fee.* There shall be added to any delinquent water, sewer, or stormwater bill a one-time late fee equal to ten percent (10%) of the delinquent bill.

C. *Missed appointments.* There shall be a twenty five dollar (\$25) fee for customers who miss an appointment for which a city employee is dispatched to the service address unless the service call is cancelled by the customer twenty four (24) hours prior to the appointment.

D. *Incorrect bank numbers.* For those customers who choose to utilize an electronic bill paying system, and who provide the city an incorrect routing transit number of the bank or incorrect bank account number, there shall be a fifteen (\$15) dollar fee assessed for each time the city utilizes such bank number until the customer provides the correct number.

E. *Requested reads.* For customers who request for meter reads not resulting from the sale or transfer of property will be charged seven dollars and fifty cents (\$7.50) for the first meter read, and twenty five dollars (\$25) for each additional meter read.

F. *Dishonored checks.* Utility customers whose checks to the city are dishonored shall be subject to the fees established under VMC 3.08.060. The city reserves the right to require payment by cash or certified funds from any customer who has previously tendered a dishonored check.

G. *Application of payments.* Payments, when received, shall be applied by date in the following sequence:

1. Deposits;
2. Service charges;
3. Stormwater penalties;

4. Sewer penalties;
5. Water penalties;
6. Stormwater;
7. Sewer; and then
8. Water.

H. *Budget payment plan.* The ~~Public Works~~ Director is hereby authorized to create and implement a budget payment plan in accordance with state law. Such plan shall permit the authorized customer to make payments of utility charges on an annual averaged basis rather than on a per billing cycle basis, with at least one annual adjustment to ensure that the amount paid by the customer on an annual basis reflects the actual charges incurred.

14.04.235 System development charges – Connection fees.

A. *General.* The following facts are found by city council based upon staff reports furnished to it and upon the testimony and evidence presented at public hearings:

1. Findings of fact made in Section (1) of Ordinance M-2267 and in the whereas clauses thereto are ratified and confirmed and this section is adopted pursuant to and consistent with RCW 35.92.025.
2. The need for connection charges has been previously established through engineering studies, task force reports, consultant reports and council action.

3. This chapter is consistent with the intent of previous ordinances and resolutions relating to system development charges.

4. It is found desirable to provide the director of ~~public works~~ with the authority to establish rules and regulations necessary to administer collection of system development charges; provided, that such rules and regulations shall be consistent with the intent of this chapter and related resolution.

5. The "unit" or "equivalent dwelling unit" measure used in this chapter is found to be the best method available to council to provide that customers will bear their equitable shares of the cost of the utility system and is found to comply with RCW 35.92.025.

B. *Definitions.* The following definitions are adopted for the following words and phrases as used for computing system development charges (connection fees):

“Accessory Dwelling Unit” (ADU) means one or more rooms with private bath and kitchen facilities comprising an independent, self-contained dwelling unit within or attached to a single-family dwelling or in a detached building on the same lot as the primary dwelling unit. An ADU is distinguishable from a duplex in that, unlike a duplex, it is clearly subordinate to the primary dwelling unit, both in use and appearance. Approved ADU’s shall not be subject to the separate metering requirements of VMC 14.04.190(I).

"Average daily attendance (ADA)" means the average number of students attending an elementary or secondary school used for the design of the facility.

"Commercial unit" means any building or facility used for any purpose other than dwelling.

"Dry industry" means any industry which does not produce industrial waste as defined in VMC 14.12.010.

"Dwelling unit" means one room or a suite of two or more rooms, designed for or used by one family or housekeeping unit for living and sleeping purposes and having one kitchen. Each unit shall provide a complete independent living space for one or more persons, including permanent facilities for living, sleeping, eating, cooking and sanitation.

"Equivalent dwelling unit (EDU)" means any residential or nonresidential use which has been reasonably found by the director of public works to place a demand on the city's sewerage system or water system approximately equal to the demands thereon by a single-family dwelling.

"Expanded service" means any additional use, expanded use or change in use which will cause an additional demand on the water-sewer utility. Such additional demand shall be recognized to include, but shall not be limited to, the following changes in service:

1. Additional water meter;
2. Increased size of existing water meter;
3. Additional number of dwelling units on an existing water meter or sewer lateral;
4. Any change of occupancy or use which would increase the number of equivalent dwelling units connected or to be connected to an existing water meter or sewer lateral;
5. Expansion of an existing use where the system development charge is independent of the meter equivalent size.

"Fast food restaurant" means a restaurant in which the majority of items sold are served on paper or other nonwashable materials.

"Full-time equivalent (FTE)" means the equivalent number of full-time students attending a post secondary school such as a trade school, college or university.

"Industrial unit" means any building or facility other than a single-family dwelling, multiple-family dwelling, or hotel which discharges or is expected to discharge to the sanitary sewerage system a flow containing a total of more than 50 pounds of suspended solids and BOD in any one day.

"Industrial user" means a nonresidential user of the public sewer who discharges a waste that is distinct from sanitary sewage, resulting in an industrial waste.

"Industrial waste" means any liquid, solid or gaseous material or combination thereof resulting from any process of industry, manufacturing, commercial, food processing, business, agriculture, trade or research, including, but not limited to, development, recovering, or processing of natural resources and leachate from landfill or other disposal site.

"Irrigation meter" means a water meter used exclusively for irrigation of landscaped areas.

"Meter equivalent size (MES)" means the hydraulic equivalency of any meter related to a 5/8" by 3/4" meter. By definition a 5/8" by 3/4" meter has an MES of 1.

<u>Meter Size</u>	<u>Meter Equivalent Size (MES)</u>
5/8 " x 3/4"	1.0

<u>Meter Size</u>	<u>Meter Equivalent Size (MES)</u>
1"	2.5
1-1/2"	5.0
2"	8.0
3"	15.0
4"	25.0
6"	50.0
8"	80.0
10"	144.0
12"	231.0

"Mobile home" means any unit used or designed to be used for living or sleeping purposes or both, and which is designed to be equipped with wheels for the purpose of transporting the unit.

"Mobile home park" means a commercial enterprise in which rented or leased space, area, and/or buildings are designed, equipped or maintained for the harboring, parking or storing of two or more trailer coaches, or vehicles which haul such trailer coaches, or motor homes being used as living and/or sleeping quarters for humans; provided, two or more mobile homes located on a single parcel, allowed under a variance, conditional use or nonconforming use, shall be considered as single-family dwellings.

"Multiple family (multifamily) dwelling" means a building or portion thereof designed or used as a residence by two or more families and containing two or more dwelling units. This includes ADU's that share water or sewer service from service connections for the primary residence.

"Noncontact cooling water" means a separate water system exclusively for temperature conditioning that remains in a closed system from the water meter to the point of discharge into a storm sewer or dry well.

"Significant industrial user" means any industrial user of the public sewer system who:

1. Has a discharge flow of 25,000 gallons or more per average workday; or
2. Has a concentration of biochemical oxygen demand (BOD) and suspended solids (SS) in excess of 300 milligrams per liter per average workday; or
3. Is found by the city, State Department of Ecology, or U.S. Environmental Protection Agency to have significant impact on the waste system's effluent quality.

"Single-family dwelling" means a building designed or used for residence purposes by not more than one family and containing one dwelling unit only, including mobile homes when not located in a mobile home park and including condominium units subject to fee simple ownership, and excluding multiple-family dwellings, apartments and motels. This also includes ADU's that take water and sewer service from service connections separate from the primary residence.

"System development charge (SDC)" means that connection fee charged so that the property upon which it is imposed will pay its equitable share of the costs of water-sewer system facilities which

are system-wide in nature and are not site-specific needs, including such property's equitable share of the amount required to upgrade such system to meet the demands imposed by the development.

"Wet industry" means any industry which generates industrial wastes in addition to domestic wastes.

C. *Payment Required Prior to Connection.* A system development charge is imposed as a connection charge pursuant to RCW 35.92.025 upon all lands in the city and all lands outside the boundaries of the city which connect to either the city water system or sewerage system or to both. The system development charge shall be paid in full with an application for connection to the sewer system or water system; provided, that a building permit application or an application for expanded service has been filed. In any case in which a building permit expires from passage of time any utility connection permit which had been issued for the use provided for in that building permit shall likewise expire and a new system development charge must be paid and a new utility connection permit secured.

D. *Waiver and/or Mitigation.* The city council may authorize the city manager to enter into a contract to mitigate or waive systems development charges as set forth in this section provided that a written application for such mitigation or waiver is submitted to the director of public works from an applicant proposing a new or expanded development within the city of Vancouver.

In order to be eligible for mitigation or waiver, an applicant shall meet all of the following criteria:

1. *Type of Industry.* The applicant proposes a new development or an expansion of an existing development within the city of Vancouver that is environmentally compatible with the surrounding area and the city as a whole.

2. *Capital Investment Requirement.* Any new development or expansion of an existing development within the city of Vancouver will result in a minimum capital investment of \$100,000,000 over a five-year period. At least \$30,000,000 in capital investment will be completed within the first two years (adjusted for inflation).

3. *Employment Base Requirement.* The employment base generated by any new development or expansion of an existing development within the city of Vancouver shall provide an average annual compensation amount for employees of that new or expanded development equal to or in excess of ~~\$30,000~~ \$51,742 including all fringe benefits. For existing companies, average annual compensation for employees shall have equaled or exceeded ~~\$30,000~~ \$51,742 including fringe benefits, bonuses, etc., over the previous two-year period. Effective January 1, ~~1996~~ 2023, and every January 1st thereafter, the average annual compensation amount set forth above shall be adjusted by an amount equal to the percentage change in the Consumer Price Index for ~~the Portland Metropolitan Area for Urban~~ Wage Earners and Clerical Workers (CPI-W), All Items (~~Revised Series - West Region~~), 1967=100, July to July, prepared by the Department of Labor, Bureau of Labor Statistics (the "CPI") or a replacement index.

If the director of ~~public works~~ finds that the applicant meets such criteria, the director is authorized to negotiate a performance contract with any such qualifying company. The terms of such performance contract may include, if applicable, a timeline by which the entire capital investment commitment and the established annual compensation requirement shall be met. The extent of mitigation or the waiver of a systems development charge will be determined on a case-by-case basis which determination shall include, but not be limited to, the following:

- a. The estimated amount and characteristics of waste flow generated by the industry;

- b. The then current capacity and capability of the water-sewer utility;
- c. The number of jobs created by the proposed development and the extent to which such jobs exceed the average annual compensation requirement;
- d. Probability of significant increases in assessed valuation and generation of property tax revenues to reduce the tax burden;
- e. A determination that the location or expansion of the company is in compliance with the land use, transportation and other elements of the city of Vancouver comprehensive plan;
- f. An agreement by the company to contribute to the mitigation of impacts on the provision of public services attributable to the proposed development or expansion as the city of Vancouver deems justifiable.

Each such contract or agreement will include a recapture provision or other remedies to ensure that appropriate systems development charges will be paid by the industry in the event that it fails to meet its contractual obligations. Such recapture provisions shall not be imposed if the industry has made a good faith effort to comply and has failed to do so for reasons beyond its control. Each such contract shall be submitted to the city council for consideration at a public meeting.

E. *Credit for Existing and Prior Uses.* A credit against the system development charge (SDC) may be allowed by the director of public works for the elimination or conversion of existing water services or sewer connections in conjunction with improvement, expansion of use or

redevelopment on such parcel. The credit shall be calculated using the prevailing SDC rate schedule and is subject to the following limitations:

1. Existing and prior use sewer and water credit shall be allowed if the ~~public works~~ director finds that sewer and water capacity is available in the service area; and
 - a. If the existing or prior use has paid monthly water and sewer fees, respectively, within the 10-year period immediately prior to the date of application for connection, the customer may apply for a 100 percent credit against any new SDCs associated with the new use; or
 - b. If the existing or prior use has paid monthly water and sewer fees, respectively, prior to 10 years before the date of application for connection, the customer may apply for a partial credit for previous payments of SDCs, using the entire amount previously paid to be applied as credit against the current SDC charge calculated using the prevailing SDC rate schedule; or
 - c. If the city council approves a development agreement authorized under RCW 36.70B.170 that provides for a use credit for prior water and sewer uses if the city council finds that the proposed development will substantially advance the policies of the comprehensive plan.
2. Calculation of system development charge credits for water or sewer shall be separate, that is, not interchangeable or counter balancing toward one another; and
3. The credit against the SDC shall apply only to the parcel that the existing or prior water service or sewer connection serves; and

4. No refunds shall be allowed for credits which exceed the amount of the SDC for which an application for connection is made.

F. *Credit for System Improvements.* The ~~public works~~ director will consider requests for project participation by the city for the construction of water and/or sewer extensions or local improvement districts, in the form of a credit against the system development charge (SDC) for system improvements. The restrictions in subsections (E)(2), (E)(3) and (E)(4) of this section shall apply to any SDC credits. Consideration may be given when the improvements meet one of the following criteria:

1. There is a high economic return to the utility. A project will qualify for consideration under this criteria when the following equation is true:

$$2 \times (\text{City Participation Costs}) < \text{1st Year of Estimated Revenue from SDCs}$$

2. There is future city cost avoidance, such as installing utilities in advance of new road construction.

3. Master plan sizing is required under VMC 14.04.280(B) and the pipe size required is 12 inches or larger in diameter.

G. *Administration.* The ~~director of public works~~ is authorized to establish rules and regulations consistent with this title, for the express purpose of interpretation and administration of this title.

H. *Additional Fees Permitted.* The city reserves the right to maintain, develop and impose other charges as may be found necessary for the support and improvement of the water-sewer system.

I. *System Development Charge Schedule.* The following system development charge schedule shall be used to determine the connection fees for new connections and expanded use or conversion of use:

1. *Water System Development Charge.* The system development charge for all types of use except multifamily shall be based upon the meter equivalent size of the water meter serving the premises without regard to type of use as follows:

Effective January 1, 2010

One meter equivalent size (MES)	\$2,360.00
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The water system development charge for each unit of a multifamily dwelling shall be 57 percent of the system development charge for a single-family dwelling.

2. *Sewer System Development Charge.* The system development charge shall be based upon equivalent dwelling units (EDU) as follows:

a. Charge per equivalent unit:

Effective January 1, 2010

One meter equivalent	\$2,740.00
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The sewer system development charge for each unit of a multifamily dwelling shall be 70 percent of the system development charge for a single-family dwelling.

b. Distribution of equivalent dwelling units shall be as set forth in Table 14.04.235.

Table 14.04.235.

Type of Unit	Unit	EDU Per Unit
I. Residential		
1. Single-family residential (including condominium)	Each	1.00
2. Multifamily dwelling	Each dwelling unit	0.70
3. Mobile home park	Space	1.00
4. Living group with shared kitchen and bath facilities	Bed	0.33
II. Nonresidential		
5. Hotel, motel, resort		
a. Without kitchen	Room	0.40
b. With kitchen	Room	0.60
6. Schools		

Type of Unit	Unit	EDU Per Unit
a. Day (nonresidential)		
i. Grades 13 and up (post-secondary)	25 students (FTE)	1.00
ii. Grades 9 through 12 (high)	25 students	1.00
iii. Grades K through 8 (elementary)	50 students (ADA)	1.00
b. Board (residential)	Student (ADA)	0.50
7. Churches, lodges, club houses, theaters		
a. Without kitchen facilities	100 seats	0.90
b. Kitchen facilities	Each	0.60
(added to the amount calculated for seating)		
8. Institutions		
a. Medical hospitals	Bed	1.00
b. Convalescent/rest homes	Bed	0.60
9. Restaurant, lounge, tavern		
a. Full service (indoor seating)	12 seats	1.00

Type of Unit	Unit	EDU Per Unit
b. Fast-food or tavern (indoor seats)	12 seats	1.00
c. Fast-food without seats		1.00
10. Commercial and industrial		(2)
a. Commercial and dry industrial		
b. Special commercial		
i. Laundries (commercial)		
ii. Car wash		
iii. Laundromat (self service)		
c. Service stations and garages		(3)
d. Wet industry		
11. Irrigation systems		(4)
12. Noncontact cooling water systems		(4)

Notes to system development charge schedule:

1 Restaurants, lounges or taverns located within a main commercial or industrial building shall be charged a separate SDC, in addition to the SDC for the main building.

2 Fast-food restaurants without seats (9c) and commercial and industrial uses (10a through 10c) shall be charged system development charges, based upon water meter equivalent size (MES).

3 System development charges for any wet industrial use (10d) shall be based on a separate engineering study by the director of public works. Such study shall assess the utility's actual costs to serve the specific use, but shall not be less than if calculated as a commercial or dry industrial use (10a).

4 Irrigation meters (11) and noncontact cooling water (12) shall be charged system development charges for water only.

~~5 An accessory dwelling unit (ADU) shall be charged the same sewer system development charge as a multifamily dwelling.~~

J. *Determination of SDC for Other Uses.* Other establishments not defined specifically in this chapter shall be determined on a specific use basis, consistent with the criteria of this section.

K. *Combined Uses.* Developments which include a combination of two or more uses as defined in this chapter shall be charged system development charges based on the summation of SDC calculated on each separate use.

L. *System Development Charge Capital Surcharge.* In lieu of paying a sewer system development charge prior to connection as required pursuant to subsection C of this section, any new nonresidential sewer customer that uses the equivalent of 50 EDUs per month or less of capacity may apply for the option to pay a higher monthly sewer service user charge that includes a capital surcharge equivalent to the carrying cost of sewer capacity recovered through the sewer system

development charge. In calculating the applicable SDC capital surcharge, the department will generally use the methodology for sewer connection fee installment contracts described in VMC 14.04.240. The system development charge capital surcharge program is voluntary. As such no customer may remain on the program for longer than 10 years. After 10 years the sewer customer shall pay the entire SDC as originally calculated or request an extension in writing from the ~~public works~~ director. The city reserves the right to record a notice against the title for any property owner who has agreed to participate in this program. Any nonresidential customer authorized by the city to pay the sewer capital surcharge rate may elect to return to the standard sewer service user charge by paying in full the sewer system development charge at the rate in effect as of the date of the election.

14.04.236 In-city rates for some property – When.

Property in any area for which city council per RCW 35.13.125 has accepted a ten percent annexation petition, which property receives city water or sewer service, shall receive such service at the in-city utility rates for the next six months after such acceptance, provided that the city council specifically approves such rates at the time it accepts a ten percent annexation petition. Thereafter, city council by motion may continue such in-city rates or it may discontinue them.

14.04.237 In-city rates for property outside city – When.

For property outside the city limits for which a ten percent annexation petition has been accepted by city council under RCW 35.13.125, connection charges computed under Section 14.04.235 shall be at the inside city limits rates for the six-month period so provided in Section 14.04.236.

14.04.240 Sewer connection fee installment contract.

Any person who has a sewer available to ~~his/her~~ their property but who on the date of ~~his or her~~ their application to connect to a sewer is using a subsurface sewage disposal system and/or any person whose property is included in a sewer LID established after the effective date of the ordinance codified in this section, may, in either case, enter into a written installment contract with the city on a form approved by the city attorney and signed for the city by the Director of Public Works or their ~~his~~-designate. Such contract shall include or incorporate the legal description of the property, be signed by the owner of the property and provide for the property owner to pay ~~his or her~~ their connection fee (systems development charge computed under Section 14.04.235) as specified in the contract over a term of ten years in annual installments or as may be provided in the contract. Such contract shall provide for interest to be paid at the rate shown for revenue bonds in the then most recent Revenue Bond Chart issued weekly as the "Municipal Bond Index Merrill Lynch 500," plus one percent. Such interest shall be computed and compounded annually on the unpaid balance. Such contract shall provide that the property owner may at any time pay off such contract without penalty and shall provide that upon any sale or transfer of ownership of the property the contract shall become due and be paid in full. Such contract shall provide that the property owner shall pay off such contract upon any future land division, prior to final plat approval. Such contract shall be filed by the city with the county auditor. Delinquent payments under such installment contracts shall be a lien upon the described property as provided in RCW 35.67.200, enforceable in accordance with RCW 35.67.220 through 35.67.280, and as an additional or concurrent method of enforcement, water service to the property may be terminated in accordance with RCW 35.67.290 until the delinquent payments have been paid. Upon full payment of the contract the director of Financial and Management Services or ~~his/her~~ their

designate shall execute and mail to such property owner a release of such lien. The interest shall be the only compensation to the city for its administrative costs.

The provisions of this section are only to provide an alternative for eligible property owners and they may choose to pay such fee in cash.

In any local improvement district approved by ordinance after the effective date of the ordinance codified in this section, such a contract may be entered into with any property owner in the LID and shall provide for payments to be made annually at the same time as payment of the LID assessment or as is otherwise provided in such contract, but such contractual obligation shall not be a part of the assessment nor be included in the assessment roll.

14.04.241 Water connection fee installment contract.

Any person who has water available to ~~his/her~~ their property but who on the date of ~~his/her~~ their application to connect to the city water system is using well water and/or any person whose property is included in a water LID established after the effective date of the ordinance codifying this section, may, in either case, enter into a written installment contract with the city on a city attorney approved form and signed for the city by the city manager or ~~his~~-their designee. Such contract shall include or incorporate the legal description of the property, be signed by the owner to pay ~~his-or-her~~ their connection fee (systems development charge computed under section 14.04.235) as specified in the contract over a term of ten years in annual installments or as may be provided in the contract. Such contract shall provide for interest to be paid at the rate shown for revenue bonds in the most recent Revenue Bond Chart issued weekly as the "Municipal Bond Index Merrill Lynch 500", plus one percent. Such interest shall be computed and compounded

annually on the unpaid balance. Such contract shall provide that the property owner may at any time pay off such contract without penalty and shall provide that upon any sale or transfer of ownership of the property the contract shall become due and be paid in full. Such contract shall be filed by the city with the county auditor. Delinquent payments under such installment contracts shall be a lien upon the described property as described in RCW 35.67.200, enforceable in accordance with RCW 35.67.220 through 35.67.280, and as an additional or concurrent method of enforcement, water service may be terminated in accordance with RCW 35.67.290, until the delinquent payments have been paid. Upon full payment of the contract, the city manager or ~~his~~ their designee shall execute and mail to such property owner a release of such lien. The interest charged shall be the only compensation to the city for its administrative costs.

The provisions of this section are only to provide an alternative for eligible property owners and they may elect to pay the entire connection charges at the time of application for connection to the city water system.

In any local improvement district approved by ordinance after the effective date of the ordinance codified in this section, such contract may be entered into with any property owner in the LID and shall provide for payments to be made annually at the same time as payment of the LID assessment or as is otherwise provided in such contract, but such contractual obligation shall not be part of the assessment nor be included in the assessment roll.

14.04.242 Recording Fees.

A. A document recording fee in the amount of ~~one~~ two hundred dollars (~~\$100~~ \$200) per document will be collected in advance of any document needing to be recorded for the purposes of water, sewer, and/or stormwater construction and/or connection.

14.04.250 Fire hydrants.

A. *Fire Hydrants – City Ownership.* All public fire hydrants with their gate valves, tees and connections from the mains shall, when inside the city, be installed, owned, maintained and used only by the various departments of the city, or may be used by a fire district when acting under an agreement with the city. The city shall solely be responsible for the costs of installation and maintenance of hydrants inside the city limits, except that in newly developed parcels of land and subdivisions the costs of installation shall be borne by the property owner. All hydrants, whether inside or outside the city limits, are to protect the public safety and are not to protect any specific property or class. The city shall never be liable for any failure or refusal to install any hydrant or for the failure of any hydrant to perform as designed. If the city is unable to supply water within or without the city for the prevention or suppression of fire, the city will in no manner be liable for damages by reason of any such failure to any patron of the water system, or to any person or persons whose property may have been damaged or destroyed by fire. Any duty created by this ordinance is a general duty running in favor of the public.

B. *Fire Hydrants – Outside City.* The city may install such hydrants outside the city in areas in which the city provides water service as the applicable fire district finds necessary if consistent with the fire plans for such areas; provided, no hydrant shall be installed except with the prior written concurrence of the city fire chief. The city shall solely be responsible for the costs of installation and maintenance of hydrants except that in newly developed parcels of land and

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subdivisions the costs of installation shall be borne by the property owner. All hydrants, whether inside or outside the city limits, are to protect the public safety and are not to protect any specific property or class. The city shall never be liable for any failure or refusal to install any hydrant, or for the failure of any hydrant to perform as designed. If the city is unable to supply water within or without the city for the prevention or suppression of fire, the city will in no manner be liable for damages by reason of any such failure to any patron of the water system, or to any person or persons whose property may have been damaged or destroyed by fire. Any duty created by this ordinance is a general duty running in favor of the public.

14.04.260 Automatic sprinkler systems for fire protection services.

A. *City Installation.* Upon application of any customer installing an automatic sprinkler system for fire protection service only, the department shall permit laying of service lines to the affected property line. Such installations shall be made in accordance with city standards and shall be approved prior to connection to the building.

B. *Meters not Required.* A meter shall not be required on such automatic sprinkler system installed for fire protection service, provided that there is an approved backflow assembly and a water motorized flow alarm on sprinkler system pipes going into the building and that no water is drawn from such service for any purpose other than ~~firefighting protection~~. Customers shall report water use volume for any non-firefighting related purposes and shall be charged at the applicable customer class rate of their primary domestic service. No fire protection monthly base user service charge will be made for customers receiving separate metered domestic water to the structure or property served. Customers not receiving domestic metered water shall be charged the minimum monthly user charge based upon the size of the fire service line in accordance with

rates in Section 14.04.210(A)(1) of this chapter, in addition to any reimbursement or main line fees. This subsection shall not apply to single-family residential structures; all single family residential fire protection services shall be metered.

C. The department requires that all new single family dwelling residential structure combination domestic/fire sprinkler service and meters be served by a minimum 1-inch service and 1-inch meter. The customer is required to pay all fees to construct said 1-inch service and 1-inch meter and all applicable main charges. The monthly customer charge will be at the standard charge for a 1-inch meter as set forth in VMC 14.04.210A.1.

D. If a residential customer has an existing 3/4-inch x 5/8-inch service and meter that shows inadequate flow capacity, the customer will be required to pay the additional fees to retire the 3/4-inch service and install a new 1-inch service. The monthly customer charge will be at the standard charge for a 1-inch meter as set forth in VMC 14.04.210.A.1.

E. *Meter Bypass.* The department may at any time place a small meter bypass around the main gate valve to detect leakage or unauthorized use of water.

F. *Repairing Defective Equipment.* Immediately upon notice from the department, the customer shall repair or replace any defective piping and cease unauthorized use of water.

G. *Service Termination on Failure to Comply.* For failure of the customer to comply with the rules and regulations as directed, the department may terminate the service and render an estimated bill for the water used or wasted, and may install a meter in the service at the customer's expense and charge thereafter at the regular rate for metered service.

H. *Liability in Fire.* The city shall not be held responsible or liable for any fire loss or damage of any nature directly or indirectly caused by the condition of the customer's fire mains or other apparatus, by flow or fluctuating pressure, by amount of water available, or by shutoff for nonpayment, to make tests or to enforce rules.

14.04.265 Automatic sprinkler systems for fire protection purposes – Unmetered water connections – No charge.

Unmetered water connections for automatic sprinkler systems for fire protection purposes which meet the requirements of Section 14.04.260 (that is, where the alarm system is connected to a fire alarm system and there is an approved backflow assembly and a water motorized flow alarm on the alarm system), shall be furnished with water for fire protection and fire fighting purposes only at no charge, ~~and Section 14.04.210(4) and Section 14.04.260 are not applicable to connections under this section, to the extent inconsistent herewith.~~

14.04.270 Polluting or obstructing water supply.

A. *Polluting Water.* It is unlawful for any person to bathe in, fish in, or throw any substance into any reservoir or standpipe, or to place any foreign substance upon any ground belonging to or under the control of the water supply system of the City of Vancouver.

B. *Obstructing Access.* It is unlawful for any person to obstruct the access to any fire hydrant by placing around, thereon, or within twenty feet thereof, any stone, brick, lumber, dirt, rubbish or other material, or to open or operate any fire hydrant, or to draw or attempt to draw water therefrom, or to willfully or carelessly injure the same. Property owners shall maintain a three foot (3') minimum landscaping clearance around fire hydrants.

14.04.280 Procedure for extending mains.

A. *Size of Main Extensions.* All sewer and water main extensions installed whether within or without the corporate limits of the city shall be eight inches in diameter or larger unless otherwise authorized by the Director of Public Works; provided, the director may require the main extensions to be larger than ~~six~~ eight inches if it appears to him that the water and/or sewer needs of the area will require larger mains within the expected life of the main.

B. *Design Criteria.* Proposed water and sewer lines must be designed in accordance with master plan sizes, elevations, alignments, and capacities as found necessary by city staff for overall system development and network extensions.

C. *Development Extension Criteria.* Developing properties must at a minimum extend utility lines to the site, across the property frontage, and through the property, to allow connection and also to allow extensions for the development of adjacent parcels. Additional offsite work may be required at the department's discretion to provide an offsite sewer line extension, or a looped water main for water quality, fire protection, or system redundancy purposes. All development main extensions must be made from existing public mains.

D. *City Participation Criteria.* The Director of Public Works will consider requests for project participation under the conditions of VMC 14.04.235.G whereby SDC credits may be granted. In addition to SDC credits, the director may instead, under the same criteria as for SDC credits, authorize the contribution of city-supplied materials.

E. *Customer Expense.* All new mains and all new extensions of mains required to serve new customers shall be laid at the expense of the customers. The cost of such mains shall be assessed

either by the formation of a local improvement district under Chapter 35.50, RCW, as applicable, or in lieu of formation of such district such new customers may pay to the city in cash the actual costs of the pipes, valves and fittings to be installed and the actual costs of the mains to be installed, according to the records which shall be kept by the city.

Anyone later desiring to connect a house or building to a main which has been constructed or extended by the city by means other than by formation of a local improvement district may do so only upon payment to the city, in addition to normal connection charges, of a "main line fee." Said fee shall have been computed by the Director of Public Works upon completion of construction of the main by dividing the cost thereof by the number of parcels of property and considering the lineal feet of each such parcel which in his opinion could connect thereto either at the time of construction or later. Said fee shall be filed in the office of the Department of Public Works and be a public record. When applicable the "main line fee" must be paid in cash prior to connection to the main. The cost for each customer shall be ratable and computed in proportion to the whole cost according the entire number of continuous lineal feet of frontage owned by the customer which abuts upon the street, alley or easement in which the main lies or by some other equitable method selected by the Director of Public Works.

F. *Terms of Payment.* The charge mentioned in subsection E of this section is in addition to any other new tap, service line, or connection charge and either must be paid in full in cash or by LID warrants before such customer shall receive water service.

G. *Requirement to Install Larger Main.* If in the judgment of the city it is to the best interests of the city and of the general locality where a new main is contemplated to install a larger main than that needed by the owners immediately abutting upon the street, alley or easement in which the

main is to be placed, the city may require installation of such larger main and shall with the ~~Public Works~~ Director's approval pay the increased difference in cost between installation of the smaller and of the larger main or supply the pipe or apply SDC credits.

H. *Development Agreement.* The city may enter into a development agreement pursuant to RCW 36.70B.170 under which a developer will construct water or sewer facilities to serve an area in which the development is located and the expense of such facilities may be reimbursed by the city through system development charge (SDC) credits pursuant to section 14.04.235 of this title. Anyone later desiring to connect to and use facilities constructed pursuant to such a development agreement may do so only upon payment to the city of normal connection charges. This must be paid in full in cash before such customer shall receive water or sewer service.

I. *Supervision of Connection.* The department shall not connect to or provide service to any main or pipe unless that pipe was installed under the supervision of the department engineer and approved in writing with the consent of the state health department.

J. *Conditions for Approval.* The Director of ~~Public Works~~ shall not grant such approval if the main or pipe be of inferior material or improperly constructed or likely to produce future difficulties for the department through complaints of insufficient supply or pressure, leakage or waste.

K. *Meter Accessibility.* The department shall not connect to or provide service to any main unless that pipe was installed in a public road or alley in such manner that each and every meter shall be easily accessible to the meter reader.

L. *Quality of System.* In the interest of development of desirable districts the department shall not supply nor connect to its own or by private line any recorded or unrecorded subdivision or part thereof hereafter laid out, inside or outside the city limits, unless the plat or plan of same is substantially equal in standard to that adopted by the City of Vancouver of suburban areas.

M. *Negotiating Contract.* If the foregoing regulations are complied with, and not otherwise, the department may negotiate the terms of a contract (to be approved by the city attorney and accepted by the council) for the supply of water through lines owned by others. Such supply may be at wholesale rates through a single meter or through individual service meters owned by the city. Such contract shall specify that the prevailing schedule or rate shall apply. If the supply is through individual meters, a percentage of the annual total of bills for water sold through such a system may under such contract be paid annually in one sum to the owners thereof to amortize the purchase of the system.

N. *Easement Requirements.* When public sanitary sewer and water mains are extended outside of public right-of-ways to serve new development, the mains shall be extended in easements dedicated to the City of Vancouver. The minimum easement width for a single utility main is 15 feet. Two utilities require a minimum 20-foot wide easement. Obstructions, including fences and other structures, shall not be placed over grantee's facilities or in, upon, or over the property within such an easement without the prior written consent of the City of Vancouver. An access easement shall also be dedicated to the City of Vancouver to provide proper access to the sewer and water easement location and infrastructure for maintenance.

14.04.285 Water and Sewer Reimbursement Contracts.

A. *Purpose.* The purpose of this section VMC 14.04.285 is to implement the authority for water and sewer reimbursement contracts granted to municipalities under the most current version of Ch. 35.91 RCW, the Municipal Water and Sewer Facilities Act. This section shall be interpreted in a manner that is consistent with the purposes and provisions of the most current version of Ch. 35.91, the Municipal Water and Sewer Facilities Act.

B. *Delegation of Authority.* The City Council of the City of Vancouver, as the governing body of the City of Vancouver, hereby delegates its authority to enter into and administer water and sewer reimbursement contracts under Ch. 35.91 RCW to the Vancouver City Manager or designee. This authority shall include the ability to establish policies and procedures, including setting fees that are reasonable and proportionate to the total expenses incurred by the City in complying with this section VMC 14.04.285.

C. *General Description of Water and Sewer Reimbursement Contracts.* Under the conditions and provisions set forth in this section VMC 14.04.285, the City will enter into a water and/or sewer reimbursement contract with the owner of real estate for the construction or improvement of water or sewer facilities that the owner elects to install solely at the owner's expense. The contract will provide for the pro rata reimbursement to the owner or the owner's assigns for a period of twenty years from latecomer fees received by the City from property owners who subsequently connect to or use the water or sewer facilities, but who did not contribute to the original cost of the facilities.

D. *Conditions Required for Entering Into Contract.* The City must enter into a water or sewer reimbursement contract when all of the following conditions are met.

1. *General Conditions.*

- a. The owner must submit a request for a contract to the City prior to approval of the water or sewer facility for final acceptance by the City.
- b. The water or sewer facilities subject to a contract under this section VMC 14.04.285 must be in locations where the City's ordinances require the facilities to be improved or constructed as a prerequisite to further property development.
- c. Water or sewer facilities improved or constructed in accordance with this section VMC 14.04.285 must be located within the City's corporate limits or within ten miles outside of the City's corporate limits.
- d. The contract shall be filed and recorded by the City with the Clark County auditor. The provisions of the contract may not be effective as to any owner of real estate not a party thereto unless the contract has been recorded in the office of the Clark County auditor prior to the time the owner taps into or connects to the water or sewer facilities.
- e. The requirement for the City to contract with an owner of real estate for the construction or improvement of water or sewer facilities under this section VMC 14.04.285 is only applicable if the facilities are consistent with all applicable comprehensive plans and development regulations of the City. Determination of such consistency will be made by the City Community and Economic Development Department during the development review process.

2. *Conditions Related to Water or Sewer Facilities.* In order to be eligible for a water or sewer reimbursement contract under this section VMC 14.04.285, the water or sewer facility

must connect to the City system. Connection of water and sewer facilities to the City system must be conditioned upon compliance with all of the following:

- a. Compliance with all requirements of VMC 14.04.280, procedure for extending mains, and VMC 14.08.040, conditions for permit issuance;
- b. Construction of the water or sewer facility according to plans and specifications approved by the City;
- c. Inspection and approval of the water or sewer facility by the City;
- d. Transfer to the City of the water or sewer facility, without cost to the municipality, upon acceptance by the municipality of the water or sewer facility;
- e. Full compliance with the owner's obligations under the contract and with the municipality's rules and regulations;
- f. Provision of sufficient security as required by the City to ensure completion of the water or sewer facility and other performance under the contract;
- g. Payment by the owner to the municipality of all of the City's costs associated with the water or sewer facility including, but not limited to, engineering, legal, and administrative costs; and
- h. Verification by the owner, and approval by the City, of all contracts and costs related to the water or sewer facility, as follows: Within one hundred twenty days of the completion of a water or sewer facility, the owners of the real estate must submit the total cost of the water or sewer facility to the City. This information must be used by the City

as the basis for determining reimbursements by future users who benefit from the water or sewer facility, but who did not contribute to the original cost of the water or sewer facility.

E. *Contract Requirements.* A standard form of water or sewer reimbursement contract will be provided by the City to the owner, containing such contract provisions as required by the City. The contract shall be filed and recorded by the City with the Clark County auditor. The contract shall include, at a minimum, the following mandatory provisions.

1. The contract will provide for the pro rata reimbursement to the owner or the owner's assigns.
2. The contract will be in effect for twenty years from the date of its filing for recording by the City.
3. The reimbursements must be received by the City within the period of time that the contract is effective.
4. The contract will set forth the reimbursement obligation as calculated by the City for each affected parcel for a portion of the costs of the water or sewer facilities improved or constructed in accordance with ~~in~~ the contract. The amount of the total reimbursement obligation under the contract is limited to the dollar amount verified and approved as costs related to the water or sewer facility.
5. The reimbursements will be paid from latecomer fees received by the City from property owners who subsequently connect to or use the water or sewer facilities, but who did not contribute to the original cost of the facilities. All latecomer fees received by the City within

the period of time that the contract is effective shall be paid out by the city under the terms of its contract within sixty days after receipt thereof.

6. The contract will include a provision requiring that every two years from the date the contract is executed a property owner entitled to reimbursement under this section provide the City with information regarding the current contact name, address, and telephone number of the person, company, or partnership that originally entered into the contract. If the property owner fails to comply with the notification requirements of this subsection within sixty days of the specified time, then the City may collect any reimbursement funds owed to the property owner under the contract. The funds collected under this subsection must be deposited in the capital fund of the City.

F. *Payment of Reimbursement Obligation a Condition of Facility Use.* No person shall be granted a permit or be authorized to tap into or use any such water or sewer facility without first paying to the City, in addition to any and all other costs and charges made or assessed for such tap or connection, or for the water lines or sewers constructed in connection therewith, the fair pro rata charge above referred to, computed under such contract for the parcel of land.

G. *Non-liability of City.* Nothing in this section VMC 14.04.285 creates a private right of action for damages against the City for failing to comply with the requirements of this section. The City, its officials, employees, or agents may not be held liable for failure to collect a latecomer fee unless the failure was willful or intentional. Failure of the City to comply with the requirements of this section does not relieve the City of any future requirement to comply with this section.

H. *Separate Obligation for Additional Charges.* Nothing in this section VMC 14.04.285 prevents the City from collecting amounts for services or infrastructure that are additional expenditures not subject to the ordinance, contract, or agreement, nor does it prevent the collection of fees that are reasonable and proportionate to the total expenses incurred by the City in complying with this section.

SECTION 2. Chapter 14.08 of the Vancouver Municipal Code is hereby amended to read as follows:

Chapter 14.08

CONNECTION TO PUBLIC SEWERS

Sections:

14.08.010	Permit required.
14.08.011	Inspection and Approval.
14.08.015	Sewer availability.
14.08.020	Application – Fee.
14.08.040	Conditions for permit issuance.
14.08.041	Contract in lieu of connection fee for industrial sewer customers.
14.08.050	Separate connections by Tee – or Wye-branch required.
14.08.061	Sewer incentive fund – Established.
14.08.064	Sewer connection incentive fund – SCIP Phase II.
14.08.070	Sewerage – Filing of notice – Alternate enforcement.

14.08.010 Permit required.

No person shall make or cause to be made or maintain any sewer connection with any sewer of the city or with any sewer which is connected directly or indirectly with any sewer of the City of Vancouver without first having obtained a permit ~~therefore~~ to do so.

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14.08.011 Inspection and Approval.

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 approved as satisfactory.

14.08.015 Sewer availability.

For the purposes of Chapters 14.04 and 14.08, a sewer is available if one is within two hundred feet of the nearest property line for existing structures. Sewer is available if one is within three hundred feet of the nearest property line for new structures.

14.08.020 Application – Fee.

Application for any such permit shall be made to the department of public works upon a form to be provided by the city. A fee of twenty-five dollars for each connection shall be paid by the applicant. All work shall be done and inspection of the work shall be made in accordance with the plumbing code of the city of Vancouver.

14.08.040 Conditions for permit issuance.

The following subsections relate to proper payment of connection charges by persons connecting to a sewer constructed by any means other than a Local Improvement District (LID) for which such property was assessed:

A. As a condition precedent to issuance of a permit to connect any premises to any sewer or water facility constructed as part of a local improvement district for which the applicant's property was not assessed, the applicant shall pay the system development charge and a sum equal to the amount

that would have been assessed against such property if it had been included in such LID regardless of other provisions of Ordinance M-2267.

B. As a condition precedent to issuance of a permit to connect any premises to a sewer or water facility constructed by a developer under a reimbursement contract pursuant to a contract with the city under Section 14.04.285, as amended, the applicant shall pay a system development charge and the fee provided for in the reimbursement contract.

C. As a condition precedent to issuance of a permit to connect any premises to a sewer or water facility constructed by a developer pursuant to a development agreement with the city under Section 14.04.280, as amended, the applicant shall pay a system development charge.

D. As a condition precedent to issuance of a permit to connect any premises to any sewer constructed by the applicant, through the developer extension process, to serve the applicant's property, the applicant shall pay a system development charge.

E. As a condition precedent to issuance of any permit to connect any premises directly to any trunk or interceptor sewer, the applicant shall be required to pay, in addition to the system development charge, the following trunk line fee:

1. If standard construction which involves any pavement removal or replacement, a sum equal to the amount that would have been assessed against such property in such LID using the zone and termini average cost of sewer LIDs imposed in the two previous years in which the trunk to which such connection is permitted had been constructed;
2. If construction did not involve pavement removal and replacement, a figure equal to eighty-three percent of such LID figure;

3. If construction did not involve the installation of sewer laterals, a figure equal to eighty-three percent of such average LID cost;

4. If no construction of sewer laterals was involved, and removal and replacement of pavement was also not required, a figure equal to sixty-six percent of such average LID cost.

14.08.041 Contract in lieu of connection fee for industrial sewer customers.

Any new or potential industrial sewer customer who wishes to reserve treatment plant capacity may, in lieu of paying connection fees set forth in Section 14.08.040, enter into a contract or contracts with the city to reserve such capacity. Such contract shall be approved as to form by the city attorney and shall not be entered into except upon a finding by the Director of Public Works that the capacity to be reserved either is or will be available for such customer. Such contracts shall provide that such customer, after the effective date of the agreement, shall make monthly payments of its proportionate share of capital improvements made to the system, and its proportionate share of capital improvements to be made to the system within the term of the contract as are necessary for the system to treat sewage produced or to be produced by such customer during the contract term, and its proportionate share of base operation and maintenance costs, as defined in Section 14.12.010, Ordinance M-1977, and as are set and agreed to in said contract.

14.08.050 Separate connections by Tee – or Wye-branch required.

It is unlawful for any person to make or cause to be made any individual connection to a city sewer unless such connection is made by means of a Tee-or Wye-Branch, using city-approved methods and materials. Every main building shall be separately connected to or with the public sewer unless otherwise approved by the Director of Public Works. A private garage, out-building or Accessory

Dwelling Unit located on the same property may have its plumbing connected to or with the plumbing of the main building if approved by the Director.

14.08.061 Sewer incentive fund – Established.

There is established a new fund designated the sewer connection incentive fund. The sum of six hundred thousand dollars ~~and~~ is provided to be paid the sewer connection incentive fund from moneys presently in the water/sewer fund which are proceeds of fees paid since 1979 by property owners who have a city sewer available to their property but who have not been connected to it. Such fees have been imposed by the city, pursuant to city ordinances codified as Sections 14.08.015 and 14.08.035 of this code and to state statute codified as RCW 35.67.190. Such fees shall be discontinued effective January 1, 1999, pursuant to Sections 1 and 2 of this amendatory ordinance. The city may pay such additional water sewer fund moneys into said sewer connection incentive fund as council finds necessary from time to time to accomplish the program's purposes as set forth in VMC 14.08.062 and in Section 5 of this amendatory ordinance codified as VMC 14.08.064.

14.08.064 Sewer connection incentive fund – SCIP Phase II.

Sewer Connection Incentive Program Phase II (SCIP II) funds shall be spent only for the purposes authorized in subsection A of this section, in conformity with the eligibility criteria set forth in subsection B of this section, subject to the priorities set pursuant to subsection C of this section, and subject to the deferral criteria set forth in subsection D of this section. For purposes of this section, "existing single family residential property" shall mean the property on which a

conforming single family residence is situated as of the effective date of this section of this ordinance.

A. *Authorized Expenditures.* Moneys in the sewer connection incentive fund established in VMC Section 14.08.061 shall be spent only for the following purposes under the Sewer Connection Incentive Program Phase II (SCIP II):

1. To finance a system development charge imposed by VMC Section 14.04.235 upon an existing single family residential property or a property that uses 50 EDUs of sewer capacity or less.
2. To finance city sewer main line fees for city-extended sewers outstanding pursuant to VMC 14.04.280(E) for an existing single-family residential property or property that uses 50 EDUs of sewer capacity or less, subject to the following limitations and conditions:
 - a. In the case of main line fees for the city's sewer line construction costs related to the 60th Street sewer and the Northgate sewer, such funds may be spent to pay any costs of main line fees for sewer line construction for such projects in excess of \$3,424.00.
 - b. In the case of main line fees for city-extended sewer projects constructed after the effective date of this amendatory ordinance, and notwithstanding the provisions of VMC 14.04.280(B), there shall be a maximum guaranteed main line fee assessed for single family residences accepted into SCIP Phase II based on the sewer construction costs for a single family residential lot with a nominal 75 foot frontage served by a standard 8-inch sewer, installed at a typical depth of nine feet, in residential street paving. The fee

maximum calculation shall be made by the Director of Public Works or designate using latest cost factors.

c. In the event any main line fee for a single family residential property accepted into SCIP Phase II calculated pursuant to VMC 14.04.280(E) exceeds the main line fee calculated pursuant to subsections A.2.a or A.2.b of this section, the excess main line fee shall become a lien on the property which shall become due and payable upon final approval for any further short platting or subdivision of the property. Any financing contracts executed after January 1, 2013 under SCIP II associated with the original parcel (prior to development) shall be paid in full prior to final plat approval.

d. The maximum guaranteed main line fee as calculated in 14.08.064.A.2.b will be available to a single family residence up to two years after the project's public sewer is available for connection. After two years the main line fee will be raised to the actual per lot cost or the guaranteed main line fee for that year in which connection is being sought, whichever is less.

e. Payment of the sewer main line fee is not allowed unless the appropriate applications and permits are also completed for connection of the parcel to the public sewer.

f. Properties, other than single family residential, that use 50 EDUs of sewer capacity or less shall be required to pay the actual sewer main fee for the SCIP II associated with that parcel and shall not be eligible for the maximum guaranteed main line fee as calculated in 14.08.064.A.2.b.

3. To finance payment of any sewer reimbursement contract outstanding under VMC Section 14.04.285.

4. To finance the actual costs to any owner of an existing single family residential property or a property that uses 50 EDUs of sewer capacity or less to connect the property to a city sewer lateral and to pay for the costs of abandonment of the septic system for the property as documented by an invoice from a licensed plumber.

5. To finance the costs of payment deferrals of system development charges, main line fees, and sewer reimbursement contracts, and actual on-site sewer connection and septic decommissioning costs for the owner/occupants of existing single family residences who are found to be economically disadvantaged, subject to the deferral criteria and standards set forth in subsection (D) of this section.

B. *Eligibility for SCIP II.* Payments and waivers as set forth in subsection (A) of this section shall be made only subject to the following eligibility criteria:

1. The property is an existing single family residential property.

2. The property is a property that uses 50 EDUs of sewer capacity or less.

3. The property is on a septic or other on-site sewage disposal system and is not connected to sewer or a substandard connection is being corrected.

4. The property has sewer available as defined by VMC 14.08.015 whether constructed by the city or by a developer.

5. The applicant for financial assistance is the owner of the property.

6. The applicant enters into an agreement with the city that the applicant will connect to the city sewer within one hundred eighty (180) days of execution of the agreement and that the use of the septic tank or other on-site sewage disposal system will immediately cease upon connection of the property to sewer and that such on-site system will immediately be properly treated and terminated.

7. The applicant pays all application and permit fees pursuant to VMC 14.08.020.

8. The applicant enters into loan and security agreements with the city providing for repayment and financing of the SCIP II funds expended for the property and for any excess main line fees calculated pursuant to subsection (A)(2)(c) of this section. Such agreements shall provide that the applicant at any time may elect to pay the debt in full together with accrued interest. For contracts executed after November 1, 2012, repayment shall be due upon sale or transfer of the benefited property and shall be paid prior to final plat approval if the property is subdivided.

C. *Prioritization Criteria.* The Director of ~~Public Works~~ or designate shall develop administrative criteria for prioritizing selection of projects and applications for assistance under SCIP II taking into consideration:

1. Projected risks to water resources.
2. Viability of existing septic systems in an area or particular property.
3. Coordination with roadway and other utility projects.
4. Total cost of connection.

5. Other available resources for sewer construction and connections.

D. *Deferrals.*

1. *Eligibility.* An economically disadvantaged applicant for SCIP II funds under this section may defer repayment installments for sums advanced from the sewer connection incentive fund pursuant to this section up to eighty percent of the amount of the applicant's equity value in the existing residential property which is benefited by such sewer connection incentive fund monies, and collection of installments for repayment of such funds may be deferred, upon application to the director of Financial and Management Services for a deferral certificate; provided that the director or his or her designate finds all of the following:

- a. The applicant has, at the time of application, an ownership interest in the existing residential property which is subject to repayment for the allowable costs set forth in subsection (A) of this section;
- b. The applicant resides in such residence and the property is used for residential use only;
- c. The applicant is economically disadvantaged as defined by this section.
- d. Each certificate shall be for no longer period than one year, with provision for annual reviews of continued eligibility; and provided further that no deferral certificate period so granted shall extend beyond the term of the loan and security agreements entered into by the applicant for repayment and financing of SCIP II funds.

2. *Definitions.* As used in this section, except where the context clearly indicates a different meaning:

“Applicant” means a person who applies to defer repayment of installments of funds from the sewer connection incentive fund which benefit the applicant’s existing single family residence by filing an application for a certificate of deferral as provided by this section. When two or more individuals of a household file or seek to file a certificate of deferral, they may determine between them as to who the applicant shall be.

“Combined disposable income” means the disposable income of the person applying for the deferral, plus the disposable income of ~~his or her~~ their spouse, and the disposable income of each co-tenant occupying the residence for the calendar year, less amounts paid by the person claiming the exemption or ~~his or her~~ their spouse during the calendar year for:

- a. Drugs supplied by prescription of a medical practitioner authorized by the laws of this state or another jurisdiction to issue prescriptions; and
- b. The treatment or care of either person received in the home or in a nursing home.

“Co-tenant” means a person who resides with the applicant for the deferral and who has an ownership interest in the residence.

“Disposable income” means adjusted gross income as defined in the federal internal revenue code, as amended prior to January 1, 1989, or such subsequent date as the director of Financial and Management Services or designate may provide by rule consistent with

the purpose of this subsection, plus all of the following items to the extent they are not included in or have been deducted from adjusted gross income:

- a. Capital gains, other than nonrecognized gain on the sale of a principal residence under section 1034 of the federal internal revenue code, or gain excluded from income under section 121 of the federal internal revenue code to the extent it is reinvested in a new principal residence;
- b. Amounts deducted for loss;
- c. Amounts deducted for depreciation;
- d. Pension and annuity receipts;
- e. Military pay and benefits other than attendant-care and medical-aid payments;
- f. Veterans benefits other than attendant-care and medical-aid payments;
- g. Federal social security act and railroad retirement benefits;
- h. Dividend receipts; and
- i. Interest received on state and municipal bonds.

“Economically disadvantaged” means at the time of application the applicant’s combined disposable income shall not exceed 80% of the area median income adjusted for family size as determined by the Department of Housing and Urban Development (HUD). An applicant is presumed to be economically disadvantaged if ~~his or her~~ their entire income

and that of ~~his or her~~ their spouse and any co-tenant is derived from benefits under the Federal Social Security Act.

“Equity value” means the amount by which the fair market value of a residence as determined from the records of the county assessor exceeds the total amount of any liens or other obligations against the property.

“Ownership interest” means a property interest in an existing single family residence under a recorded deed or under a contract of purchase, recorded mortgage, recorded deed of trust or recorded lease by which the applicant is responsible under penalty of forfeiture, foreclosure or default for payment of real property taxes and/or local improvement district assessments. The term shall also include a share ownership in a cooperative housing association, corporation or partnership if the applicant can establish that ~~his or her~~ their share represents the specific unit or portion of such structure in which ~~he or she~~ the applicant resides.

3. *Security Provisions.* The director of Financial and Management Services or designate shall not issue such a deferral certificate, however, unless the applicant and ~~his or her~~ their spouse and co-tenant, if any, has signed a contract with the city providing that:

a. Unpaid interest on any deferred payments shall accrue and be added annually to the unpaid principal balance. The deferred payments together with any unpaid interest shall bear the same rate of interest as under the payment agreement.

- b. The city shall have a lien on the benefited property in an amount equal to the amount paid from the sewer connection incentive fund, plus interest at the same rate of interest as under the payment agreement, computed to the date the payment is made;
- c. The applicant shall have and keep in force fire and casualty insurance on the benefited property in sufficient amount to protect the interest of the city in the property; provided, if the applicant fails to keep such insurance in force, the amount deferred shall not exceed one hundred percent (100%) of the applicant's equity in the land or lot only;
- d. The obligations deferred pursuant to this section shall become due and payable in full, including principal and accrued interest, upon the earliest of the following dates:
 - 1. Upon the sale of property which is the subject of the deferral;
 - 2. Upon the death of the applicant with an outstanding deferred certificate except a surviving spouse who is qualified under this ordinance may elect to continue the deferral and who agrees that the deferral lien shall then be payable by that spouse or co-tenant as provided in this section.
 - 3. Upon the condemnation of property with a deferral lien upon it by a public or private body exercising eminent domain power, except as otherwise provided in RCW 84.60.070 for properties subject to a lien for taxes.
 - 4. At such time as the applicant ceases to reside permanently in the residential property upon which the deferral certificate has been granted; provided that a spouse or co-tenant may apply for the continuance of the deferral.

5. Upon the failure of any eligibility criteria or condition set forth in subsection (A) of this section.

e. If any obligations deferred pursuant to this section are not paid in full (including principal and interest) within thirty (30) days of the occurrence of any of the events listed in subsection (D)(3)(d) of this section, the entire remaining amount of the debt shall become due and payable and the city may begin foreclosure upon the entire remaining debt.

f. No deferral period shall be granted or shall extend beyond the end of the loan term of the original payment agreement.

g. The applicant to whom a deferral certificate is granted at any time may elect to pay the debt in full together with accrued interest.

h. *Filing of Contract and Certificate.* Each contract and deferral certificate executed pursuant to this section shall be filed by the city with the county auditor.

i. *Rules.* The director of Financial and Management Services, with assistance of the city attorney, shall adopt reasonable rules and forms for administration of the deferral program consistent with this section.

14.08.070 Sewerage – Filing of notice – Alternate enforcement.

A. All delinquent and unpaid rates and charges for sewer service and connection charges, including interest charges, if any, shall become a lien upon the property to which such sewer service is furnished or such connection is made, superior to all other liens or encumbrances except

those for general taxes and special assessments. Enforcement and foreclosure of such lien or liens shall be in the manner provided by law for enforcement of the same and for delinquent sewerage service charges, as provided in Chapter 35.67 RCW.

B. The sewerage lien provided in this section shall be effective for a total not to exceed twelve (12) months' delinquent service charges without the necessity of any writing or recording of the lien with the county auditor; provided that if such delinquent charges are not paid upon demand, the Finance Director shall cause to be filed with the Clark County Auditor a notice of sewerage lien in the form prescribed by law for a total charges not to exceed one year's delinquent charges, plus future charges. All costs associated with the filing and release of the lien shall be charged to the delinquent property's sewer account at the time the lien is filed.

C. As an additional and concurrent method of enforcing its lien upon any premises for sewer service charges, the city may, in accordance with RCW 35.67.290 and in the manner provided by Chapter 14.04 VMC, terminate water service to such premises for so long as any delinquent fees or charges remain unpaid.

D. The city reserves the right to terminate sewer service to premises for nonpayment of sewer charges.

SECTION 3. Chapter 14.09 of the Vancouver Municipal Code is hereby amended to read as follows:

Chapter 14.09

STORMWATER MANAGEMENT – REGULATIONS AND CHARGES

Sections:

ORDINANCE -
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14.09.010	Purpose.
14.09.020	Stormwater management.
14.09.030	Ownership of city stormwater facilities and assets.
14.09.035	Inspection and Approval.
14.09.040	Definitions.
14.09.050	Surface water program and stormwater capital plan.
14.09.060	Rates for storm and surface water management.
14.09.070	Authority for charges for connection to the stormwater system.
14.09.080	Surface water management fund.
14.09.090	Billing.
14.09.100	Credits allowed.
14.09.110	Remedies.
14.09.120	Appeals.
14.09.130	Liens for service/interest.

14.09.010 Purpose.

Council finds that this chapter is necessary to protect public and private property, to preserve streams, wetlands and floodways, to minimize water quality degradation from urban runoff and to ensure the sound development of property within the city to the benefit of all citizens.

The recognition of the city's stormwater system as an additional component of the municipal water-sewer utility is necessary to provide for the proper management and funding of the stormwater system, and for the orderly development of required stormwater systems and facilities.

14.09.020 Stormwater management.

Pursuant to RCW 35.67, the City of Vancouver water and sewer utility establishes provisions for storm and surface water management. Such provisions shall give the utility authority and responsibility for carrying out the comprehensive stormwater plan, including responsibility for

planning, design, construction, maintenance, administration and operation of all city stormwater facilities, as well as establishing standards for design, construction and maintenance of improvements on private property where these may ~~effect~~ affect stormwater management.

14.09.030 Ownership of city stormwater facilities and assets.

Title and all other incidents of ownership of the following assets are vested in the water and sewer utility:

All properties, interests, and physical and intangible rights of every nature owned or held by the city, however acquired, insofar as they relate to or concern storm or surface water runoff.

14.09.035 Inspection and Approval.

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 approved as satisfactory.

14.09.040 Definitions.

As used in this chapter:

"Commercial/multifamily" means all property zoned or used for multifamily, commercial, industrial, retail, governmental, or other nonresidential purposes.

"Director" shall mean the city of Vancouver public works' director.

"Hard surface" means any 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 soil 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 rooftops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, and oiled, macadam or other surfaces which similarly impede the natural infiltration of stormwater.

"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.

"Single-family" means all property zoned or used for single-family detached housing units. Except as noted in VMC 14.09.060(C)(2), all other residential development shall be classified as "multifamily."

"Single-family equivalent unit (SFU)" means the area of impervious surface on a property divided by 2,500 square feet.

"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), five volumes, 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 amended or reissued.

"Utility" means City of Vancouver water-sewer-surface water utility.

14.09.050 Surface water program and stormwater capital plan.

The stormwater capital plan shall be reviewed and updated by staff periodically as necessary to meet the needs of the system and returned for public hearing and may then be added to or amended. Such plan provides a practical and reasonable means to relieve the stormwater flooding issues in the City, and to preserve the integrity of the City's water supply, to protect its wastewater collection and treatment system, and to prevent surface water quality degradation.

14.09.060 Rates for storm and surface water management.

A. Because all real property in the city contributes stormwater runoff to and/or benefits from the city's stormwater system, the owners thereof shall pay monthly charges as set forth in this section.

Monthly charges will have two components as follows:

1. *Operation and Maintenance.* To provide for administrative and field operations, billing, accounting, and for the maintenance, repair and upgrade of existing stormwater facilities.
2. *Capital Expenditures.* To provide for basin-wide and system master planning and subsequent capital improvement projects as identified in the stormwater capital plan.

B. The water and sewer utility is authorized to establish charges for the use and discharge to the city's stormwater system. Such charges shall be based on the cost of providing stormwater service

to all properties within the city and may be different for properties receiving different classes of service. Monthly charges shall be established as follows:

Effective January 1, 2020

Single-Family	Multifamily	Commercial	Industrial
\$11.80 per month	\$11.80 per 2,500 sq. ft. hard surface per month (\$11.80 minimum)	\$11.80 per 2,500 sq. ft. hard surface per month (\$11.80 minimum)	\$11.80 per 2,500 sq. ft. hard surface per month (\$11.80 minimum)

Effective January 1, 2021

Single-Family	Multifamily	Commercial	Industrial
\$12.39 per month	\$12.39 per 2,500 sq. ft. hard surface per month (\$12.39 minimum)	\$12.39 per 2,500 sq. ft. hard surface per month (\$12.39 minimum)	\$12.39 per 2,500 sq. ft. hard surface per month (\$12.39 minimum)

Effective January 1, 2022

Single-Family	Multifamily	Commercial	Industrial
\$13.01 per month	\$13.01 per 2,500 sq. ft. hard surface per month (\$13.01 minimum)	\$13.01 per 2,500 sq. ft. hard surface per month (\$13.01 minimum)	\$13.01 per 2,500 sq. ft. hard surface per month (\$13.01 minimum)

C. “Multifamily customer” class shall apply to customers with living units that share a common wall.

1. Multifamily customers with two or more living units per meter will be charged the effective rate per 2,500 square feet of impervious surface.

2. Multifamily customers with one water meter per living unit will be charged the prevailing “single-family customer rate” per unit. “Single-family customer rate” shall apply to mobile homes either on individual lots or in a mobile home park.

D. *State Highway Charge.* Pursuant to RCW 90.03.525, the monthly charge for all state highway properties within the city shall be 30 percent of the charge provided in subsection B of this section, unless the city and state agree to a different rate or unless the court of competent jurisdiction holds otherwise.

E. *Application to Publicly Owned Properties.* Other publicly owned properties shall be charged at the industrial rate as set forth herein.

F. *Application to Active Gravel Mining Operations and Publicly Owned Streets, Alleys and Rights-of-Way.* Active gravel mining operations, publicly owned streets, alleys and rights-of-way shall be charged at the state highway charge rate provided in subsection D of this section.

G. *Application to Certain Qualifying Properties.* For qualifying properties meeting all of the following criteria, the monthly charge shall be 30 percent of the charge provided in subsection B of this section.

1. The qualifying property is subject to a stormwater management program regulated by and in compliance with the requirements for a Phase 1, Phase 2, or secondary permittee as defined by Special Condition S6 of the NPDES Western Washington Phase II Municipal Stormwater Permit, and as hereafter amended; and

2. The qualifying property does not discharge stormwater into the city of Vancouver surface water drainage system; and
3. If infiltrating on site, water quality treatment shall meet current city of Vancouver and Department of Ecology standards and requirements for the land use.

14.09.070 Authority for charges for connection to the stormwater system.

The utilities shall be authorized to establish a systems connection charge for properties seeking to be developed and discharge stormwater to the city's stormwater system. Such connection charges shall be adopted by separate ordinance as either part of the service charge ordinance referenced in Section 14.09.060 or the city's general development fee ordinance. The fees for connection to the city's stormwater system shall be modified from time-to-time to reflect the true cost of service to new development. The city's stormwater master plan shall form the basis for such modifications to these charges.

14.09.080 Surface water management fund.

There is established a surface water management fund as part of the water and sewer utility into which all revenue from user fees, connection charges, grants, taxes and other funding sources shall be deposited and from which all expenditures related to the city's stormwater system shall be paid. This fund shall be kept in the manner prescribed by state law as to accounting and reporting expenditures.

14.09.090 Billing.

The charges imposed by this chapter shall be billed in conjunction with the property or user's customary water and sanitary sewer bill issued by the city. Such charges shall be due and payable as provided in this chapter. In the event a property does not have water or sanitary sewer service, but is subject to the charges imposed in this chapter, a new account shall be established and that property shall be billed separately for the surface water service charges.

14.09.100 Credits allowed.

A reduction in the rates described herein may be granted for the following reasons and purposes:

A. Multi-family, commercial and industrial accounts may receive a fifty percent rate reduction if the affected property either meets or exceeds the water quantity and water quality requirements established by the Stormwater Manual or city ordinance, whichever is more restrictive, applicable to civil plan approval of new development or redevelopment. In order to be eligible for such discounts, an applicant must submit the following:

1. Stormwater quantity and quality facilities site plan; and,
2. Report prepared by a professional registered civil engineer verifying by appropriate calculations that the facilities meet or exceed the requirements of the Stormwater Manual applicable to civil plan approval of new development or redevelopment.
3. Documentation that an existing water quality or quantity facility is properly maintained in accordance with the applicable requirements of the Stormwater Manual as defined in VMC 14.25.105. Failure to provide documentation demonstrating proper maintenance may result in revocation of credits.

B. Properties with facilities that provide water quality treatment to publicly-owned property or right of way and which have been identified in the surface water program as facilities of basin or system-wide importance may be eligible for a percentage reduction in the surface water charge.

C. Accounts identified for special rates in VMC 14.09.060 sections D, F and G shall not be eligible for additional credits allowed herein.

D. Properties relying on publicly-owned or maintained stormwater facilities for water quality or quantity treatment shall not be eligible for credits.

E. *Rainwater harvesting credits.* Pursuant to RCW 35.67.020, accounts not eligible for any other credit allowed herein shall be eligible for a 10 percent reduction in the monthly charge for any new or remodeled commercial building that utilizes a permissive rainwater harvesting system. Rainwater harvesting systems shall be properly sized to utilize the available roof surface of the building(s). The reduced rate shall apply only to the portion of the site impervious area draining to the rainwater harvesting system.

14.09.110 Remedies.

In the event a customer or property owner shall fail to pay the surface water service charge, the city shall have the authority to terminate domestic water service to said property or customer. Termination of such water service shall not limit other remedies available to the city under state law.

14.09.120 Appeals.

Any customer or property owner who feels that the surface water service charge as set forth in VMC 14.09.060 for their property has been incorrectly computed or applied, and/or that credits have not been properly granted may petition, in writing, to the Director of ~~Public Works~~ for a review of said computations, application or credit. The petitioner shall provide drawings and calculations demonstrating the factual basis of the claimed error in the service charge.

If not satisfied with the determination of the director, the petitioner may appeal to the hearing officer in accordance with the provisions of Chapter 14.20 of this code. Any credits authorized by the appeals process shall only be applied toward billings subsequent to the date the appeal is filed.

14.09.130 Liens for service/interest.

Pursuant to RCW 35.67.200, the city shall have a lien for delinquent or unpaid surface water service charges. Enforcement and foreclosure of said lien(s) shall be as provided by law. Interest on the unpaid balance shall be eight percent per year or such higher rate as authorized by state law. Penalties, as authorized by state law in the amount of five percent will also be assessed

SECTION 4. Chapter 14.12 of the Vancouver Municipal Code is hereby amended to read as follows:

Chapter 14.12

**DISCHARGE OF INDUSTRIAL WASTES TO THE INDUSTRIAL WASTEWATER
PRETREATMENT FACILITY**

Sections:

14.12.010 Purpose and policy.

14.12.020 Definitions.

14.12.030	Wastewater characteristics.
14.12.040	Sewer use service charges – High strength industrial waste charges.
14.12.050	<i>Reserved capacity charge – Rates.</i>
14.12.060	<i>Reserved capacity charge – When imposed – After imposed reserved capacity charge.</i>
14.12.070	Allocated capacity charge.
14.12.080	Excessive waste discharge.
14.12.090	Sewer use service charges – Billing – Amount.

14.12.010 Purpose and policy.

A. The ordinance codified in this chapter sets forth uniform requirements for discharges into the city of Vancouver's (city) industrial wastewater collection system and pretreatment facility, sometimes known as the pretreatment lagoon, but hereinafter referred to as facility. Charges for facility users are also set forth in this chapter.

B. By Ordinance M-1977 in June of 1979, the city entered into contracts with certain industrial users of the pretreatment facility by which such users agreed to pay certain charges for reserve and allocated capacity in such pretreatment facility. Such contracts are not affected by this ordinance and are ratified and confirmed, as modified by the parties since execution; provided, that the capital costs remain constant, as established in Ordinance M-1977 and as thereafter adjusted by the parties in KCM report dated August 19, 1980; operational and maintenance costs shall continue to be charged based upon actual annual operating costs.

C. The provisions in Chapter 14.10 of this title, in addition to the provisions of this chapter, shall apply to all dischargers with discharges to the facility. In the event of a conflict between the two chapters, Chapter 14.12 of this title shall govern facility users.

14.12.020 Definitions.

Unless the context specifically indicates otherwise, the meaning of terms used in this chapter shall conform to the definitions in Chapter 14.10 of this title, with supplemental definitions as follows:

1. "Allocated capacity" means that capacity in the facility which by contracts has been allocated to specific industrial users and for which such users have agreed to pay charges representing fixed capital costs, base operation and maintenance costs, and demand operation and maintenance charges based upon actual usage. (See contracts incorporated into Ordinance M-1977).

2. "Base operation and maintenance" means those operation and maintenance functions of a general upkeep nature which are performed regardless of amount of usage to preserve the full value of the capital facilities.

3. "Demand operation and maintenance" means those operation and maintenance functions which vary directly with usage and would not be incurred if such usage ceased.

4. "Director" means the Director of Public Works or duly authorized representative.

~~5.4.~~ "Facility" means the city of Vancouver's industrial wastewater collection system and industrial wastewater pretreatment facility constructed in 1979, and sometimes known as the pretreatment lagoon.

~~6.5.~~ "Final treatment cost" means those operation and maintenance functions which vary with usage that are required for secondary treatment of the effluent discharges from the facility.

~~7.6.~~ "Peak hourly rate" means that maximum mass emission made by any individual user during any single continuous sixty-minute period.

~~8.7.~~ "Peak monthly rate" means that maximum mass emission made by any individual user during any single continuous thirty-day period.

~~9.8.~~ "Reserve capacity" means that capacity for which the facility has been designed and for which specific existing industrial users have contracted to pay the capital costs thereof. (See contracts incorporated into Ordinance M-1977).

~~10.9.~~ "Unallocated capacity" means that capacity for which the facility has been designed which has not been assigned to any specific user as allocated or reserve capacity and for which city pays capital and base O & M costs.

14.12.030 Wastewater characteristics.

Unless prior written approval is obtained from the Director ~~department of public works~~, no discharger shall discharge into the facility wastes with the following characteristics:

- A. pH lower than 5.5 or higher than 11.5;
- B. BOD of more than three thousand mg/1;
- C. Suspended solids of more than three thousand mg/1;
- D. Or any other discharge prohibited by Chapter 14.10 of this title.

14.12.040 Sewer use service charges – High strength industrial waste charges.

A. Industrial waste charges shall be based on flow, BOD and suspended solids. All measurement methods shall first be approved by the director ~~of public works~~ before any consideration of

industrial waste charges. The rates of charge and methods of determining sewage strength are set forth below in this section and in Section 14.12.060.

B. To cover allocated capacity capital costs, an annualized charge (to be collected in equal monthly payments) is levied on each customer discharging into the facility, based on a peak hourly rate of sixteen thousand three hundred six dollars per million gallons per day of allocated capacity, plus an annualized charge (to be collected in equal monthly payments) based on a peak monthly rate of four thousand seven hundred ninety-one dollars per million gallons per day of allocated capacity; plus an annualized charge (to be collected in equal monthly payments) based on a peak monthly rate of four hundred twenty-seven dollars per each one hundred pounds of BOD per day of allocated capacity; plus an annualized charge (to be collected in equal monthly payments) based on a peak monthly rate of one hundred sixty-eight dollars per each one hundred pounds suspended solids (SS) per day of allocated capacity, in terms of committed loadings in the total industrial wastewater stream, as determined by the director of public works. Recovery of such capital costs from the users shall cease upon payment by the city of revenue bonds issued in 1979 to pay for the facility.

C. To cover base operating and maintenance (O & M) costs, an annualized charge (to be collected in equal monthly payments) is levied, based on a peak hourly rate of five hundred seventy-two dollars per million gallons per day of allocated capacity; plus an annualized charge (to be collected in equal monthly payments) based on a peak monthly rate of one thousand four hundred fifty-six dollars per million gallons per day of allocated capacity; plus an annualized charge (to be collected in equal monthly payments) based on a peak monthly rate of fifty dollars per each one hundred pounds of BOD per each day of allocated capacity, in terms of committed BOD loading in the total

industrial wastewater stream, as determined by the director ~~of public works~~; plus an annualized charge (to be collected in equal monthly payments) based on a peak monthly rate of thirty-seven dollars per each one hundred pounds of suspended solids (SS) per day of allocated capacity.

D. To cover demand O & M costs, a monthly charge is levied based on a rate of one hundred thirty dollars per million gallons of measured volume of total industrial wastewater plus rates for strength of industrial wastes as established at five dollars and ninety cents per each one hundred pounds of BOD and four dollars per each one hundred pounds of suspended solids.

E. To cover final treatment costs of all facility effluent discharged to the Westside Wastewater Treatment Plant, a monthly final treatment cost is established based on a rate of seventy-one dollars and eighty-three cents per million gallons of measured volume of total industrial wastewater plus an industrial strength rate established at eighteen dollars and thirty cents for each one hundred pounds of BOD and nine dollars and twenty cents per each one hundred pounds of suspended solids. Waste loads will be determined on the basis that the average annual facility performance is ninety-one percent removal for BOD and eighty percent removal for suspended solids. Removal rates shall be reviewed annually by the city.

F. Waste water samples are to be taken by authorized representatives of the director ~~of public works~~. The samples taken shall be twenty-four-hour flow proportioned composite samples. Except for seasonal industrial wastes, charges shall apply as determined on the basis of at least eight twenty-four-hour flow proportioned sample analyses to be obtained each month, and at least twelve times per month in the case of seasonal users during respective canning seasons, and such analyses averaged for each month.

G. All sampling authorized in this chapter shall be in addition to, and shall not limit, the city's authority under Chapter 14.10 of this title.

H. Sampling procedures and methods conducted by or under direction of the director ~~of public works~~ shall involve a twenty-four-hour flow-proportioning sampling device and be in accordance with methods established by good engineering practices. Sampling shall be conducted at sampling manholes or other locations adjudged by the director ~~of public works~~ to be suitable points from which samples would be representative, either singly or with other samples of the industrial waste to be sampled. Samples shall be analyzed at an approved laboratory as designated by the director ~~of public works~~.

I. Rates established under this chapter shall be reviewed annually and may be amended as determined to be necessary and proper by the city council, but subject to contractual obligations to users. The annual review shall include, among other things, the principals and methodology included in the August 1980 Industrial Pretreatment Facility Rates Analysis and other sound engineering practices. Base O & M, demand O & M, and final treatment cost shall be reviewed annually.

14.12.050 Reserved capacity charge – Rates.

A. The charges established in Section 14.12.040 are to recover from users the capital and operation cost of the facility as referred to in Section 14.12.040; however, such user charges do not include the capital cost of currently unallocated capacity.

B. Each user of the facility shall pay the city such fees for its use thereof as are set by Section 14.12.040. In addition, each such customer who wishes to reserve capacity in the facility for its

own use may, by contract approved by the director of ~~public works~~ and the city attorney, agree to pay each month after the effective date of the ordinance codified in this chapter, a reserve capacity charge as set by this section. Such user shall thereafter be allowed to discharge flow, BOD and suspended solids up to its thus reserved amount, at the rates set by Section 14.12.040, and such capacity is guaranteed to such users by the city from September 1979 to and beyond the life of bonds issued for the construction of the facility.

C. Customers who thus have reserved capacity shall pay for the amount beyond their allocated capacity at the following reserve capacity charges; an annual charge of ten thousand two hundred dollars for each million gallons of peak hourly flow rates, plus two thousand four hundred sixty dollars for each one million gallons of peak monthly flow rates, plus two hundred eighty-five dollars per each one hundred pounds of BOD, and seventy-nine dollars for each one hundred pounds of suspended solids. Such charge shall be terminated by the city upon final payment by it of revenue bonds issued to pay for the facility.

D. All the above "reserve capacity charges" are to pay the capital costs (only) of such increased capacity.

14.12.060 Reserved capacity charge – When imposed – After imposed reserved capacity charge.

A. For the purposes of this chapter, an industry is considered to be using its reserve capacity, and thus is subject to base operating and maintenance (O & M) costs on a permanent ongoing basis, when its monthly mass emissions exceed its allocated capacity by five percent for either flow, BOD or suspended solids for any three months in a twelve-month period. Such base O & M costs shall be levied for the third such month thereof and on a monthly basis continuously thereafter. In

the case of a seasonal user, the base O & M costs shall be levied when its weekly mass emissions exceed its allocated capacity by ten percent for any three weeks in a twelve-month period.

B. Any existing industrial customer who chooses not to contract for sufficient reserve capacity to meet its needs and to pay therefore under this section, or any new customer, who thereafter seeks to discharge or is determined by monitoring by the city to be discharging more than its allocated capacity (plus reserve capacity, if any) flow or more BOD or more suspended solids into the system may do so upon approval of the director of public works, and upon a finding by ~~him~~ the director that the facility can accommodate the increased use and will not infringe upon any allocated or reserved capacity of any other user. For such connection or for such increased use, ~~he~~ the customer shall pay a fee (composed of the allocated capacity plus base O & M fees and lease costs) of sixteen thousand six hundred eighty-six dollars for each million gallons of peak hourly flow rate, plus five thousand eight hundred twelve dollars for each million gallons of peak monthly flow rate, plus four hundred sixty-three dollars per each one hundred pounds of BOD, and one hundred ninety-four dollars per each one hundred pounds of suspended solids. This shall be an accumulated annual charge with a starting date of September 1, 1979. Such fee is set as an after-imposed reserved capacity charge required for such user to pay its fair share of the capital cost and base operating and maintenance costs which have been incurred in preserving full value of such capital facility with such increased capacity. In addition, a fee of one thousand dollars shall be collected at time of such new connection to pay city administrative costs in connection therewith.

14.12.070 Allocated capacity charge.

A minimum monthly charge is set for each industrial customer.

A. Each industrial customer has contracted with the city for a specified amount of allocated capacity in the facility. Each industrial user shall pay an allocated capacity charge for its actual use up to such allocated amount at the rates set in this chapter.

B. Such specified amount of allocated capacity may be reduced only with the agreement of the city and upon a finding that the city can transfer such capacity to another customer. Such specified amount of allocated capacity may be increased up to the amount of reserve capacity agreed to by the city and customer under Section 14.12.050, or in the absence of such an agreement only as set forth in that section.

14.12.080 Excessive waste discharge.

A. The city, by written order of the director of public works, may prohibit any industrial customer from increasing its flow or BOD or suspended solids beyond its amount of permitted loading as indicated in Exhibit A of Ordinance M-1977 plus (if previously contracted) its reserve capacity; and the department of public works may install devices on facilities serving such customer to prevent excess flows.

B. An industrial customer is considered to be discharging excessive waste quantities when its monthly mass emissions, for any one of the cost allocation parameters, exceed its allocated plus any reserve capacity for a continuous eight-week period by more than five percent. In the case of seasonal users, such excessive emissions shall be deemed exceeded by ten percent of its allocated plus any reserve capacity for a continuous ten-day period, provided, that, if the seasonal user has advised the director of public works in writing of an anticipated excessive use fifteen days prior to

the start of the excessive use period, then it shall not be deemed to exceed its allocated or reserve capacities.

14.12.090 Sewer use service charges – Billing – Amount.

A. Sewer use service charges under this chapter shall be billed monthly by the city director of Financial and Management Services. The amount of the charge will be determined by the director of public works at the end of each month and will be submitted to the city director of Financial and Management Services after sufficient time has been given for laboratory analysis of all sewage samples and/or computations. Charges will be computed and billed based on records of flow for the previous month and mean waste strengths as determined in Section 14.12.040.

B. The Director of ~~Public Works~~ may check wastewater strength as outlined in this section and adjust charges where applicable at any time in accordance with all the provisions of this chapter.

SECTION 5. Savings. Those ordinances or parts of ordinances which are amended by this ordinance shall remain in full force and effect until the effective date of this ordinance.

SECTION 6. 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 7. Effective date. This ordinance shall become effective as of January 1, 2022, following the date of final adoption.

Read first time:

Ayes: Councilmembers

Nays: Councilmembers

Absent: Councilmembers

Read second time:

PASSED by the following vote:

Ayes: Councilmembers

Nays: Councilmembers

Absent: Councilmembers

SIGNED this _____ day of _____, 2021.

Anne McEnery-Ogle, Mayor

Attest:

Natasha Ramras, City Clerk

Approved as to form:

Jonathan Young, City Attorney

SUMMARY

ORDINANCE NO. _____

AN ORDINANCE relating to the sewer and surface water utility user charges, amending Chapters 14.04, 14.08, 14.09, and 14.12 of the Vancouver Municipal Code; providing for savings, severability and an effective date.

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

Parks, Recreation & Cultural Services

Comprehensive Plan Update 2022 – 2031



December 20, 2021
Vancouver City Council Workshop

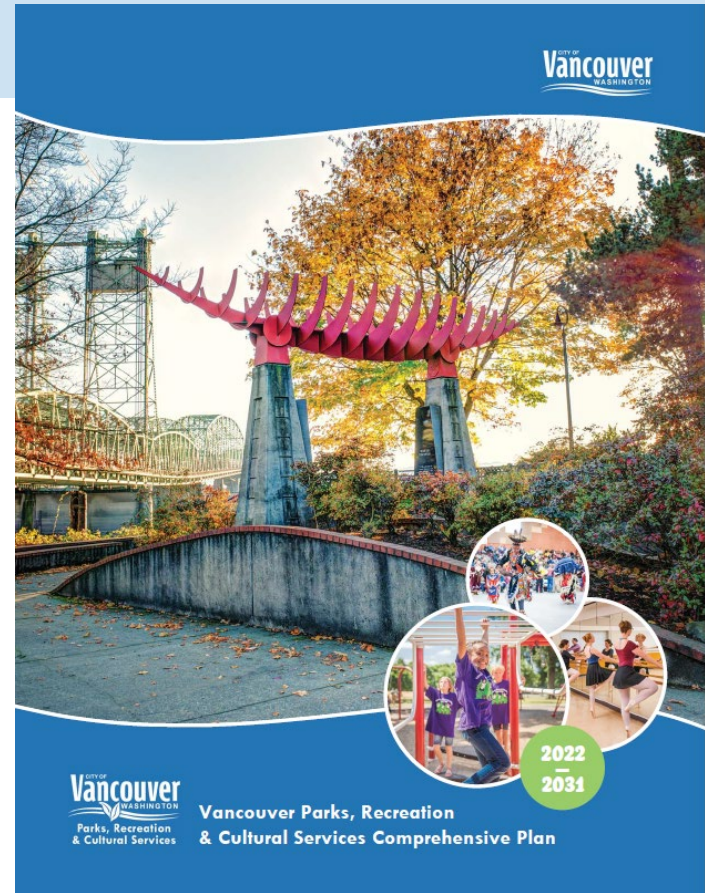
Julie Hannon, Director
Monica Tubberville, Senior Planner

Purpose

- Update required Park Plan elements for **grant eligibility** through RCO
- Ensure proposed amendments are consistent with the **Vancouver Comprehensive Plan**, **Strategic Plan** and **GMA**
- Park Plan is part of a **phased coordination** to update the Vancouver Comprehensive Plan
- Implement an extensive **public outreach plan** to reflect the interests and needs of the community

Action Request of Council:

Adopt the Vancouver Parks, Recreation & Cultural Services Comprehensive Plan by reference in the Vancouver Comprehensive Plan (*Appendix E*).



April – November 2021

Public Outreach & Community Priorities

Deliverables

- User Survey
- Survey Analysis & Report

Involvement Opportunities

- Project Website
- Introduction Video
- Visioning Videos
- Online Open House
- PRAC Public Meetings
- CAH Public Meetings
- Drop-In Events
- Social media
- Online Survey
- Online interactive activities

April – September 2021

Inventory & Community Need Assessment

Deliverables

- Inventory Analysis & Adjustments
- LOS Analysis
- Need Analysis
- Goals & Objectives

Involvement Opportunities

- Project Website
- Stakeholder & Staff Discussions

October – December 2021

Implementation Strategies

Deliverables

- Capital Facilities Plan
- Financing Options
- Implementation Strategies

Involvement Opportunities

- Project Website
- Stakeholder & Staff Discussions

Plan Adoption

Deliverables

- Draft / Final Plan
- Grant Eligibility

Involvement Opportunities

- Draft Plan Review
- SEPA Review
- Public Work Sessions
- Hearing Review

Figure 1 – Plan Update Process

Public Outreach



- **Be Heard Vancouver Essential Spaces**
 - Community Survey (2,339 responses)
 - Priorities Survey (1,478)
 - Multi-language flyers, signs, surveys, bilingual staff
- **In Person Outreach**
 - Party & Movies in the Park (11 events)
 - Community Centers
 - Farmer's Markets
- **Stakeholder Discussions**
 - Diverse Organizations
 - Public School Districts
 - Internal Departments
- **SEPA Review** – No comments submitted

Comprehensive Plan Updates

- Vision, Mission, DEI Statement; Goals & Objectives
- Definition of Planning Area
- Adoption of Program & Cultural Services Chapters
- Update Park Inventory, Demand, Need & LOS
- Park reclassifications (7)
- Maintain current Park & Natural Area Standards
- ❖ Expanded Level-of-Service criteria
- ❖ Added public elementary school field acres
- ❖ New Urban Center Park classifications
- ❖ Revised Park Improvement Levels
- ❖ Capital Facilities Plan



Expanded Level of Service Criteria



- **Park Standards:** Walkability & Acquisition
- **Demographic Equity:** GIS demographic analysis identifies high-density neighborhoods & concentrations of vulnerable & underserved residents.
- **Park Safety & Creativity:** Accounts for the age, quality & accessibility of park assets to consider the visitor experience at each park site.

More informed criteria for the Level-of-Service evaluation identifies service and equity gaps to prioritize project funding to the areas and residents who need it most.

Add Elementary School Fields to Park Inventory



- Add elementary school fields to the park inventory under **Neighborhood Park classification at 46% equivalence** (155 field acres = 71 park acres)
- Increases the level of service for Neighborhood Parks by approximately **0.40 acres / 1,000 residents**.

Reflects the availability of school grounds for public recreational use and the lived experience of many residents who use these spaces outside of school hours.

Urban Center Park Classifications

New classifications include
Civic Plazas and **Linear Parks**

- Applicable to high density residential, Mixed Use, Commercial, Industrial
- Urban Center parks have different development, use and maintenance needs to serve high density areas
- Park System Improvements assure future RCW compliance



Urban Center Parks will support the increasing density throughout the city, help create **unique community identities**, opportunities for **community events**, and improve **connectivity**.

Revise Park Improvement Levels



Themed Play Areas



Expanded Support Facilities



Universal Accessibility



Pollinator Habitat Support



Improve Underutilized Sites

Revised park improvement levels will encourage unique neighborhood identities while maximizing use of existing infrastructure and public investment.

Capital Facilities Plan

- Estimated current cost at \$166 million for all projects
- Available and potential funding estimated at 40-60% of total costs
- Additional funding will be necessary to supplement PIF and General Fund
- Projects will move forward only when funding is identified and approved through the budget process



Reflects the system need based on adopted standards and the expanded LOS analysis for an equitable and sustainable system.

PRAC & Planning Commission Actions

- Parks & Recreation Advisory Commission
 - October 20th
 - Unanimous recommendation for adoption
- Planning Commission
 - November 9th
 - Unanimous recommendation for adoption





Questions & Final Motion



Julie Hannon, Director
Monica Tubberville, Senior Planner



Staff Report 197-21

TO: Mayor and City Council

FROM: Eric Holmes, City Manager

DATE: 12/20/2021

SUBJECT Parks, Recreation & Cultural Services Comprehensive Plan Update (2022-2031)

Key Points

- The Park Plan is proposed for adoption by reference in the Vancouver Comprehensive Plan (Appendix E).
- The current Park Plan was adopted in 2014 and must be updated for grant eligibility through the Washington State Recreation and Conservation Office (WAC 286-13-040(2)), and the proposed plan is consistent with required elements as identified in RCO guidelines.
- The Park Plan is consistent with the Vancouver Strategic Plan, the Vancouver Comprehensive Plan, necessary to further the public interest (VMC 20.220.010 and 20.285.070), and Growth Management Act (GMA) requirements (RCW 36.70A.070).
- The Parks and Recreation Advisory Commission (PRAC) and Planning Commission voted unanimously to recommend support of the proposed update.
- No significant amendments are proposed to current standards, policies, or the Vancouver Municipal Code.
- Equity, and park quality, safety, and sustainability metrics are included to evaluate level of service to better inform park need and capital priorities.
- The park inventory and classifications were updated.
- Additional park classifications for civic plazas and linear parks are proposed to better support urban center mixed land use developments and increasing urban density.
- Park Improvement Levels were amended to create unique neighborhood identity, maximize use of existing infrastructure, and provide the full spectrum of community benefits offered by a robust and interconnected system.
- Goals and objectives were refreshed to reflect Strategic Plan goals and Council themes for diversity, equity and inclusion; climate readiness and public safety.
- The Capital Facilities Plan is proposed for the required 10-year planning period based upon need for acquisition, development and repairs throughout the park system.
- Amendments formally redefine the planning area to be Vancouver city limits.
- An extensive public outreach plan supported the plan update process to evaluate the effectiveness of existing policies, programs and priorities, trends and the community vision, needs, and goals for the future.
- An estimated 40%-50% of the proposed 10-year CFP project list can be supported through

existing projected funding sources.

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

Goal 5: Continue to build high quality historical and cultural experiences for residents and visitors.

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

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

City Council Themes and Values:

- Inclusivity
- Resilience: Climate action, safety, open spaces, stewardship
- Courage: Legacy, innovation, leadership
- Resourcefulness
- Partnerships

Present Situation

The current Park Plan was adopted in 2014. The 2022-2031 update of the Vancouver Parks, Recreation, & Cultural Services Comprehensive Plan will guide how best to serve the community needs over the next ten years. The proposed 2022 update is also required for the City to be eligible for grant applications and awards through the Washington State Recreation and Conservation Office (RCO). RCO is a significant funding source for acquisition and development projects for the City, and has funded more than \$10 trillion in park projects.

In addition, the Parks Plan offers an opportunity to renew the City's vision of the kind of community we want to be, ensure good stewardship of our park system, be intentional to reflect the community we serve, incorporate innovative policies to better meet the growing demand for access to the outdoors, and be strategic in our investments.

The Park Plan is adopted by reference in the Vancouver Comprehensive Plan (Appendix E) and part of a phased coordination with the update of the City Comprehensive Plan that will begin in 2022, including compliance with the parks and recreation elements of the GMA. This phased approach accommodates an abbreviated timeline for the Park Plan to accomplish grant eligibility, and allow for additional analysis and adjustments to the Park Plan as needed during the Vancouver Comprehensive Plan review process to align the two documents more closely.

Adoption of or amendments to the Park Plan involve Parks and Recreation Advisory Commission

(PRAC), Planning Commission and Council review. Pursuant to VMC 2.16.070, the Parks and Recreation Commission is the primary developer of the Parks Plan, providing high level oversight and policy recommendations to City Council in development, adoption, and revisions to the Park Plan.

Proposed changes must be consistent with the policies and provision of VMC 20.220.010 and 20.285.070 for Planning Commission review to evaluate consistency with the Vancouver Strategic Plan and Comprehensive Plan and consistency with the Growth Management Act (RCW Chapter 36.70A.070) Park and Recreation elements; and Planning requirements of the Recreation and Conservation Office.

The Parks and Recreation Advisory Commission reviewed the proposed changes at work sessions on April 21, May 19, July 21, and August 18, 2021, and public hearings on September 15 and October 20, 2021. On October 20, 2021, PRAC voted unanimously to recommend approval of the Park Plan amendments described herein for adoption by City Council.

The Planning Commission reviewed the proposed changes at a work session on October 26, 2021, and at a public hearing on November 9, 2021, and at that hearing the commission voted unanimously to recommend approval of the Park Plan amendments for adoption to the City Council.

An extensive public outreach plan supported the planning process, including a project website, project branding, a visioning video, email and social media campaigns, community survey (four languages), priorities survey (two languages), five stakeholder meetings, in-person outreach at 12 events across the city that included a translator, flyers to recreation program participant households and eighty signs (four languages) placed throughout the parks and trails. The public outreach process and findings are described in detail in Exhibit B of this staff report.

Pursuant to the State Environmental Policy Act (SEPA) and WAC 197-11, the City of Vancouver as lead agency determined that the 2022-2031 Park Plan as updated does not have a probable significant adverse impact on the environment. A Determination of Nonsignificance (DNS) was published on October 13, 2021, and no comments have been received to date.

Proposed amendments to the Park Plan are intended to improve equitable access to the park system with expanded criteria for the need analysis and the additional enrichment of community culture, arts and heritage amenities. These changes reflect the changing social, economic, and environmental conditions of the community. A more detailed description of the plan amendments is provided in Exhibit A.

Summary of the proposed amendments:

1. **Planning period:** Updated to 2022 through 2031.
2. **Level of Service Metrics:** Equity and park quality metrics were added to the level of service analysis to identify areas more accurately with the greatest need for additional park acquisition, new development, reinvestment and repairs to inform capital project priorities.
3. **Park Inventory:** Inventory adjustments are proposed for public elementary school field acres to be added to the park inventory at a discounted rate based on available daylight hours in a calendar year.

4. Park Classifications: New Civic Plazas and Linear Park classifications are proposed for urban center mixed land use areas to better serve high density day use and residential population areas emerging throughout the city. These park types are proposed for funding support through consideration of future amendments to the Park Impact Fee program for commercial, industrial and mixed land use development projects.

5. Park Improvement Levels: Typical improvements proposed for park projects by park classification are amended to include:

- a. Themed play structures in all parks throughout the park system to create unique neighborhood identity and vitality, and recreation and educational variety.
- b. Support services such as restrooms, picnic shelters, and designated parking areas at strategically located neighborhood parks, particularly where community parks are limited.
- c. Universally accessible play structures and other assets in all community parks to serve people of all abilities.
- d. Support for pollinator species in landscaped areas throughout the park systems as much as feasible, with a target of 25%.
- e. Improvements to underutilized Urban Natural Areas for enhanced public access and safety to facilitate more passive recreational opportunities. This initial effort is to maximize existing infrastructure, connectivity, and public investment in existing ownerships with relatively minimal investment. Enhancements could include soft surface trails and improved connectivity, seating areas, natural resource enhancements and signage.

6. Goals and Objectives: Vision, Mission and Goals and Objectives were refreshed to be more concise, reflect public feedback, changing conditions, and the current Strategic Plan goals and themes of City Council as they relate to all aspects of the department services.

7. Capital Facilities Plan: Based on public input and the results of the technical analysis a 10-year Capital Facilities Plan (CFP) project list is proposed for acquisition, development and repairs throughout the park system. In review of available and projected revenue it becomes clear that a significant funding shortfall exists, and additional funding support may be needed to improve equitable access to recreation to supplement the Park Impact Fee program. The capital facilities plan must anticipate potential opportunities and future needs to qualify for grant programs. However, projects will not move forward until committed funding sources are identified and approved through the budget process.

8. Definition of the Planning Area: When the 2014 Plan was adopted the City-County interlocal agreement was still in effect, therefore the planning area encompassed the entire county. The proposed 2022 Park Plan update will formally amend the planning area of the Vancouver Parks, Recreation and Cultural Services Comprehensive Plan to be consistent with the Vancouver city limits.

Advantage(s)

The proposed updates to the Park Plan are found to be consistent with:

1. Applicable provisions of the Growth Management Act, state and federal law, SEPA and other legal mandates;
2. Applicable provisions and policies of the Vancouver Comprehensive Plan and Strategic Plan;
3. Washington State Recreation and Conservation Office (RCO) planning requirements;
4. Changing social, economic, and environmental conditions in the City of Vancouver;
5. Necessary to further the public interest based on current and future needs including the urbanizing character of our city land use patterns and conditions; and
6. Accurately reflect the general priorities of the community identified in our public outreach and needs analysis.

Disadvantage(s)

Additional funding sources will be required to supplement current funding sources to address equitable access, ADA compliance and asset repair and replacement needs.

Budget Impact

Of the \$166 million project total, an estimated 40%-50% of the cost can be supported through reasonable projections of existing funding sources. Additional funding sources should be explored to supplement proposed projects, particularly to address equitable access, ADA compliance and delayed asset repair and replacement needs.

This is a planning document. Most projects and the ongoing maintenance costs associated have not been included in the current budget. The budget for capital and maintenance budget consistent with this document will be requested through the formal budget process in the upcoming years.

Prior Council Review

City Council conducted duly advertised public work sessions on July 12, September 27 and November 22, 2021.

Action Requested

On December 20, 2021, subject to second reading and public hearing, approve the ordinance.

Monica Tubberville, Senior Park Planner, 360-487-8353

ATTACHMENTS:

- ▣ Final Draft - Vancouver Parks, Recreation & Cultural Service Comprehensive Plan (2022-2031) and appendices
- ▣ Ordinance
- ▣ Exhibit A - Park Plan Text Amendment Summary
- ▣ Exhibit B - Park Plan Outreach Summary
- ▣ Exhibit C - How Essential Spaces benefit the community
- ▣ Exhibit D - Park Plan Acronyms
- ▣ Presentation

The Final Draft City of Vancouver Parks, Recreation & Cultural Service Comprehensive Plan (2022-2031) and appendices are available for review here:

<https://www.cityofvancouver.us/parksrecculture/page/2022-31-parks-recreation-cultural-services-comprehensive-plan-review-documents>

2022-31 Parks, Recreation & Cultural Services Comprehensive Plan Review Documents

-  [Cover, Acknowledgments & Table of Contents](#) (880 KB)
-  [Executive Summary](#) (245 KB)
-  [Section 1 - Introduction](#) (566 KB)
-  [Section 2 - Community Profile](#) (16 MB)
-  [Section 3 - Planning Framework](#) (939 KB)
-  [Section 4 - Community Engagement](#) (863 KB)
-  [Section 5 - Classifications and Standards](#) (21 MB)
-  [Section 6 - Park Facility Inventory](#) (1 MB)
-  [Section 7 - Park Need and Level of Service](#) (26 MB)
-  [Section 8 - Recreation](#) (1 MB)
-  [Section 9 - Cultural Services](#) (547 KB)
-  [Section 10 - Special Events](#) (1 MB)
-  [Section 11 - Urban Youth](#) (585 KB)
-  [Section 12 - Volunteer Programs](#) (506 KB)
-  [Section 13 - Implementation](#) (12 MB)
-  [Section 14 - Maintenance & Operations](#) (930 KB)
-  [Section 15 - Appendices Table of Contents](#) (216 KB)
-  [Appendix A - Terms and Acronyms](#) (79 KB)
-  [Appendix B - Surveys & Community Engagement Tools](#) (936 KB)
-  [Appendix C - Stakeholder Meeting Notes](#) (223 KB)
-  [Appendix D - Partnerships](#) (101 KB)
-  [Appendix E - Funding Programs](#) (147 KB)
-  [Appendix F - Park Impact Fee Program](#) (108 KB)
-  [Appendix G - PIF Technical Document](#) (360 KB)
-  [Appendix H - Total Cost of Ownership](#) (2 MB)
-  [Appendix I - Population Growth](#) (70 KB)
-  [Appendix J - Capital Facilities Plan](#) (6 MB)
-  [Appendix K - Park Inventory and Analysis](#) (131 KB)
-  [Appendix L - Land Acquisition & Development](#) (136 KB)
-  [Appendix M - Reference Documents & Relevant Policies](#) (122 KB)
-  [Section 16 - Maps](#) (3 MB)

**ORDINANCE FOR COMPREHENSIVE PLAN TEXT CHANGES FOR ADOPTION OF
THE 2022-2031 VANCOUVER PARKS, RECREATION & CULTURAL SERVICES
COMPREHENSIVE PLAN BY REFERENCE.**

12/13/21

12/20/21

ORDINANCE NO. M_____

AN ORDINANCE adopting the 2022-2031 Vancouver Parks, Recreation & Cultural Services Comprehensive Plan (“Park Plan”) by reference into Appendix E of Vancouver Comprehensive Plan, providing for severability, and establishing an effective date.

WHEREAS, the Park Plan was adopted in 2014 (Ordinance M-4080); and

WHEREAS, the Park Plan update is an overall update that more specifically addresses:

1. The 2022-2031 planning period;
2. Revised level of service metrics to include equity and park quality;
3. Inventory updates for projects since 2014 and the addition of public elementary school field acres at a discounted rate based on available daylight hours outside of school use;
4. Park reclassifications of seven sites and new park classifications for civic plazas and linear parks for high density land use areas;
5. Updated Park Improvement Levels to include:
 - a) Addition of themed play structures through the park system,
 - b) Support services at neighborhood parks where community park access is limited,
 - c) Universally accessible play structures in all community parks,
 - d) Support of pollinator species through park design and maintenance practices, and
 - e) Improvements at underutilized urban natural areas for increased passive use opportunities;

6. Refreshed vision, mission, and goals and objectives to reflect public feedback, changing conditions, and Council themes and objectives;

7. A 10-year Capital Facilities Plan; and

8. Definition of the planning area to be consistent with Vancouver city limits.

WHEREAS, the adoption of this updated Park Plan will allow the City to remain eligible for grants awarded through the Washington State Recreation and Conservation Office (RCO) which is a significant funding source for acquisition and development projects for the city; and

WHEREAS, pursuant to the Growth Management Act the City Council has adopted a Comprehensive Plan for the City of Vancouver (Ordinance M-3994) that includes adoption of the Park Plan by reference; and

WHEREAS, the proposed changes must be consistent with the policies and provision of Vancouver Municipal Code 2.16.070 for review by the Parks and Recreation Advisory Commission for adoption and revisions to the Park Plan; policies and provisions of Vancouver Municipal Code 20.220.010 and 20.285.070 for Planning Commission review to evaluate consistency with the Vancouver Strategic Plan and Comprehensive Plan to encourage orderly development within the community and necessary to further the public interest based on present needs and conditions; and consistency with the Growth Management Act pursuant to the requirements of RCW Chapter 36.70A.070 Park and Recreation elements; and consist with the Planning requirements of the Recreation and Conservation Office for the City of Vancouver to be eligible for grant application and awards; and

WHEREAS, the Parks and Recreation Advisory Commission reviewed the proposed changes at duly advertised work sessions on April 21, May 19, July 21, and August 18, 2021, and duly advertised public hearings on September 15, and October 20, 2021 and at those

hearings, in consideration of cumulative impacts of all the proposed Park Plan changes, voted unanimously to recommend approval of the amended and restated Park Plan described herein for adoption to the City Council; and

WHEREAS, the Planning Commission reviewed the proposed changes at a duly advertised work session on October 26, 2021, and a duly advertised public hearing on November 9, 2021 and at that hearing, in consideration of cumulative impacts of all the proposed Park Plan changes, voted unanimously to recommend approval of the amended and restated Park Plan described herein for adoption to the City Council; and

WHEREAS, the City Council conducted duly advertised public work sessions on July 12, September 27 and November 22, 2021, a first reading of the proposed ordinance on December 13, and a public hearing on December 20, 2021, following which the Council agrees with the Park and Recreation Commission and Planning Commission recommendations; and

WHEREAS, pursuant to VMC 20.780 the cumulative environmental impacts of the proposed Comprehensive Plan have been reviewed and determined to be nonsignificant pursuant to the State Environmental Policy Act. A Notice of Determination of Non-significance (DNS) was issued on October 13, 2021 for the proposed Park Plan update, and no SEPA comments or appeals were received; and

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF VANCOUVER:

Section 1. Council Findings and Conclusions.

The Council makes the following findings:

1. The requirements of VWC 20.780 (SEPA Regulations) have been met; and

2. The adoption of the 2022-31 Park Plan is consistent with the applicable provisions of the Growth Management Act, state and federal law, or other legal mandates; and

3. The adoption of the 2022-31 Park Plan is consistent with the applicable provisions of the Vancouver Strategic Plan and Vancouver Comprehensive Plan and necessary to further the public interest based on present needs and conditions; and

4. The adoption of the 2022-31 Park Plan is consistent with the planning requirements of the Recreation and Conservation Office; and

5. The Parks and Recreation Advisory Commission findings and conclusions as set forth in the public hearing staff reports for September 15, 2021 and October 20, 2021, and Planning Commission findings and conclusions as set forth in the public hearing staff report for November 9, 2021 are hereby adopted as the City Council's findings of fact.

Section 2. Comprehensive Plan Text Changes.

A. Vancouver Comprehensive Plan 2011-2030 Appendix E, Other Plans and Documents adopted by Reference, Item I, adopted by Ordinance M-4147, is amended as follows: ~~Vancouver Parks, Recreation and Natural Areas Comprehensive Plan 2014, and 2017-2022 Capital Facilities Plan.~~ Vancouver Parks, Recreation & Cultural Services Comprehensive Plan (2022-2031), and attached hereto as Exhibits A – Exhibit X.

Section 3. Repeal of 2014 Park Plan.

Ordinance M-4080 adopting the 2014 Park Plan is hereby repealed.

Section 3. Severability. If any clause, sentence, paragraph, section, or part of this ordinance or the application thereof to any person or circumstances shall be adjudged by any court of competent jurisdiction to be invalid, such order or judgment shall be confined in its operation to the controversy in which it was rendered and shall not affect or invalidate the remainder of any

parts thereof to any other person or circumstances and to this end the provisions of each clause, sentence, paragraph, section or part of this law are hereby declared to be severable.

Section 5. Effective Date. This ordinance shall go into effect on January 1, 2022.

Section 6. Instruction to City Clerk. The City Clerk shall transmit a copy of the revised development code to the Washington Department of Commerce.

Read First Time:

Ayes: Councilmembers

Nays: Councilmembers

Absent: Council Members

Read Second Time:

PASSED BY THE FOLLOWING VOTE:

Ayes: Councilmembers

Nays: Councilmembers

Absent: Councilmembers

SIGNED this _____ day of _____, 2021

Anne McEnery-Ogle, Mayor

Attest:

Natasha Ramras, City Clerk

Approved as to form:

Jonathan Young, City Attorney

ORDINANCE - 5

SUMMARY

ORDINANCE NO. M_____

An ORDINANCE relating to amending and restating the entire text of Vancouver Comprehensive for adoption of the 2022-2031 Vancouver Parks, Recreation & Cultural Services Comprehensive Plan by reference into Appendix E; providing for severability; and establishing 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).

VANCOUVER COMPREHENSIVE PARKS, RECREATION AND NATURAL AREAS PLAN

2022 – 2031

EXHIBIT A – SUMMARY OF AMENDMENTS

The City of Vancouver serves a community with diverse recreational interests and a strong legacy of valuing parks, natural spaces and cultural services. Vancouver Parks, Recreation & Cultural Services Comprehensive Plan establishes a community-informed framework for the provision of a premier parks, recreation and cultural services to enhance the quality of life for the residents of our community.

Amendments to the Comprehensive Plan provide components required to satisfy grant eligibility and responds to community needs as identified through the assessment process. These amendments include:

1. Definition of the planning area
2. Description of the public involvement plan and planning process to allow residents adequate opportunity to comment, including user surveys.
3. Park Inventory Updates and Reclassifications
4. New Park Classifications for urban centers
5. Evaluation of the Level-of-Service (LOS) and Need for acquisition and development of park facilities over the project planning period of 2022 through 2031
6. Park Improvement Levels
7. Updated Goals and Objectives
8. An updated 10-year capital facilities plan (CFP)

The plan update includes goals to reflect the needs, values and priorities of the community. In addition, the plan includes new park classifications and development definitions for innovative approaches to meet the needs of a growing and diversified community and maximize the accessibility of the park system. The level of service review criteria was expanded to assure access, equity, and safety and sustainability. The updated vision, mission and goals support themes and objectives identified by the Vancouver City Council including climate readiness; diversity, equity and inclusion; and public safety.

1. Planning Area

When the 2014 Plan was adopted the city-county interlocal was still in effect, therefore the planning area encompassed the entire county. Through amendments to the PIF Technical Document following dissolution of the interlocal in 2016, the City redefined the planning area as the incorporated area. The proposed 2022 Park Plan update will formally amend the planning area of the Vancouver Parks, Recreation and Cultural Services Comprehensive Plan to be within the Vancouver city limits.

2. Public Involvement

Involving our community in the planning process was critical in evaluating the effectiveness of existing policies, programs and priorities and to capture a snapshot of the community vision, needs, and goals for the future. Multiple methods were utilized to encourage public involvement throughout the update process. The steps utilized in the public involvement process included:

- A project website including a visioning video regarding the important role that the park system plays in the quality of life in our community, and a call to action to get involved in the planning process.
- Project branding: Essential Spaces was selected for the comprehensive plan update to reflect the importance of Parks, Recreation & Cultural Services in the community.

- Community engagement tabling events at eight locations for twelve events that included: Party in the Park, Movie in the Park, Community centers, and Farmer's markets.
- Opportunities for public input at Parks Recreation Advisory Commission public meetings.
- Two user surveys provided in several languages.
- Multiple stakeholder meetings.
- On-line draft plan review; and
- Planning Commission and City Council Public Meetings

3. Park Inventory Updates and Reclassifications

A thorough update of the park inventory was completed, and park classifications were used to categorize existing park and recreation facilities based upon their natural characteristics, functions, and typical assets.

Inventory Changes Since 2014: New subsection describes the additions to the inventory since the 2014 Plan was adopted, as well as corrections of omissions and name changes.

Public elementary school field acres estimated at 155 acres are added to the Neighborhood inventory at a discounted rate of 46% based on public access outside of school hours and events, and available daylight hours in a calendar year.

Geographic Information System (GIS) acreage: The entire park system inventory migrated to the GIS acres data set to provide more consistent maintenance and coordination with level of service analysis. Previous inventories utilized Assessor acres.

Proposed Reclassifications: During review of park inventory some properties were reclassified to reflect site resources, functions, and typical assets amendments. Recommended changes to site classifications are reflected below:

PIF District	Park Name	Existing Classification	Proposed Classification	Total Acres
C	Behrens Woods	NH	UNA	2.05
C	Evergreen School Park	NH	UNA	10.56
C	Hanna Acres	NH	UNA	4.10
B	Sam Brown	NH	RNA	2.46
B	Oak Brook	NH	CP	13.35
A	Dollie and Ed's Park	NH	CP	9.56
B	David Douglas Park Natural Area	CP	UNA	25.00
A, B, C	Burnt Bridge Creek Greenway	UNA	RNA	423.72

Acronyms:

- | | | | |
|-------------|--------------------------|---------|------------------------|
| • CP | Community Park | • UNA | Urban Natural Area |
| • NH | Neighborhood Park | • I-UNA | Improved Urban Natural |
| • PIF Dist. | Park Impact Fee District | Area | |
| • RNA | Regional Natural Area | | |

4. New Park Classifications

New Urban Center Park classifications added to the plan to address the needs of a rapidly developing city.

Urban Center Parks:

Civic Plazas and Linear Parks classifications serve high density day use and residential population areas emerging throughout the city. These park types are proposed for funding support through amendments to the Park Impact Fee program for commercial, industrial and mixed land use developments for consideration by City Council in the future. Urban center parks may serve as the neighborhood park for local residents and day use population, but also provide opportunities for community events that draw from outside the project area, improve connectivity and have a unique identify or sense of place. These essential spaces aim to provide access to natural spaces, visit with neighbors, and relief from the built environment.

Civic Plazas or Community Squares:

Civic Plazas are typically located in higher density urban landscapes or town centers. They provide the day-to-day recreational needs of nearby residents and the day use population generated by employees, shoppers, transit-users, and visitors, but also provide opportunities that draw from outside the project area.

Civic Plazas provide a unique sense of community connection and identify, offer a variety of natural and built spaces and landscapes, and designed with the necessary infrastructure to support community events. They often include benches or other seating areas, landscaping, performance and vendor space, public art, and fountains or water features.

These facilities should be centrally located with good connectivity to the surrounding pedestrian network and services, and generally target one acre in size or an average city block or larger to provide sufficient space to functionally support and draw community events.

Civic plazas may be developed and managed by other public or private entities in partnership with the city when consistent with funding policies but are intended to be public spaces. Civic plazas must contribute to park system improvements based on standards and need versus designed to primarily serve a project development.

Linear Parks:

Linear parks are developed landscaped areas and other lands that follow linear corridors such as abandoned railroad rights-of-ways, canals, streams and rivers, power lines, and other elongated features. Linear Parks add to the network and connectivity of the park systems rather than isolated features and designed and coordinated with designated pedestrian corridors and signature trails, including the regional trail system. They include park amenities such as way finding and interpretive signage, benches or respite areas, landscaping, small play areas and viewpoints.

5. Level of Service and Park Need

A detailed analysis was completed for both the population-based and geographic distribution standards as currently adopted. New metrics were added to the analysis process to better inform the plan update and future planning. These results were used to inform and prioritize the capital facilities project list for the next ten years. The metrics and criterion are provided here.

Equity and Park Quality metrics are added to the level of service analysis to identify areas more accurately with the greatest need for additional park acquisition, new development, redevelopment and repairs to inform capital project priorities.

Park Equity Analysis Criteria *(evaluated by census tract):*

Density per Acre, Populations Age (% 19 and Under), Populations Age (% 65 and over); BIPOC Population (%); Income Below Poverty Level (%); Median Household Income: Households with 1+ Disability (%); Obesity (%).

Park Quality Analysis Criteria *(evaluated by park service area):*

- Level of Service (Park ac/1000 People)
- Geographic Distribution: ½ mile / 10-minute walk
- Park Development Level (Level-1 through Level-4)
- Length of time sites have remained undeveloped
- Urban Natural Areas: Identified sites for accessibility and safety improvements
- Variety of recreational experience and landscape
- Safety – Age/Lifespan of play structure
- Safety – Other built assets
- Sustainability – built assets
- Sustainability of Natural Landscape and resources
- Accessibility

6. Park Improvement Levels

Typical improvements proposed for park projects by park classification are amended to include:

Themed play structures will be included in all parks as much as funding and space availability allow throughout the park system to create unique neighborhood identity, vitality, and recreational and educational variety.

Support services such as restrooms, picnic shelters, and designated parking areas will be in strategically located throughout the park system in larger neighborhood parks, particularly where community parks are limited, to provide more equitable access to expanded recreational opportunities.

Universally accessible play structures and other assets will be incorporated into all new community parks and replacements of aging structures.

Pollinator species will be supported through park design and maintenance practices throughout the park system. Compatible plant species will be included in landscaped areas as well as natural spaces as much as feasible, with a target of 25%.

Underutilized Urban Natural Areas. Natural areas that are appropriate candidates for improved public access and safety will be identified (designated as I-UNA) to facilitate more passive recreational opportunities and access to nature. This effort is to maximize existing infrastructure, connectivity, and public investment in existing ownerships. Improvements could include soft surface trails and connectivity, seating areas, natural resource enhancements and signage.

7. Goals & Objectives

Most of the proposed plan changes are housekeeping amendments intended to add clarity and remove outdated references, errors, or redundancies. No significant amendments are proposed to current standards, policies or the Vancouver Municipal Code. Goals and objectives were refreshed to reflect the current Strategic Plan goals and preliminary themes of City Council. By implementing these goals and objectives, VPRCS can develop meaningful public spaces that best serve our community.

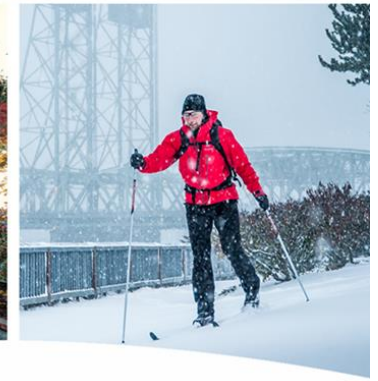
8. Capital Facilities Plan

The Capital Facilities Plan is a ten-year work plan that is based on compiling public input, recreational trends, level-of-service, existing inventory, and the Need Analysis based upon current and projected population.

The proposed capital facilities plan exceeds projected revenues, including REET, General Fund, Park Impact Fees, Grants and Conservation Futures. It is important to emphasize that the CFP must plan for the future and anticipate opportunities of additional funding through grants, donations, or changes in economic conditions. The proposed project list reflects actions needed to support adopted standards and goals, anticipate future opportunities and partnerships, comply with expenditure requirements of the Park Impact Fee (PIF) program, and maintain and enhance current and proposed facility infrastructure. Projects will not move forward until committed funding sources are identified and approved through the budget process.

2022 - 2031 CAPITAL FACILITIES PLAN SUMMARY

Project Name	Uninflated Local Cost	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031
Project Type											
Park Acquisition	33,716,221	4,722,622	3,988,804	2,517,115	680,356	1,679,347	721,790	1,773,200	1,491,372	586,036	603,617
Park Development	114,996,800	4,878,000	7,920,700	8,752,425	9,534,043	16,520,593	18,711,650	18,437,163	14,205,043	18,013,471	17,515,014
Urban Park Improvements & Repair	4,896,000	622,000	1,104,160	394,655	413,051	429,944	442,843	468,069	482,111	496,574	511,471
Capital Repairs, Planning, Trails	7,263,000	320,000	366,886	292,808	1,537,904	472,714	1,350,091	322,394	356,417	1,401,048	2,107,209
Special Facility Devel. & Imp.	3,333,000	617,000	541,780	531,511	743,054	769,848	307,208	17,911	18,448	19,002	19,572
GRAND TOTAL	164,205,021	11,159,622	13,922,330	12,488,514	12,908,408	19,872,446	21,533,580	21,018,736	16,553,391	20,516,130	20,756,883



Parks, Recreation & Cultural Services Comprehensive Plan Public Engagement Update



Be Heard Vancouver: [Essential Spaces page](#) and initial survey launch: 5/20/2021

- Number of responses for survey (5/20 to 8/30/2021): **2,339**
- Over 3,000 individuals have visited the Essential Spaces page
- Number of responses for the priorities survey (9/1-30/2021): **1,478**
- Please see page 2 for what we've learned so far

Emails

- Survey Launch Email to 45,000 recipients
- Diverse community groups to extend our reach
- Newsletters: Vancouver Connects (COV), Parks & REcord and Office of Neighborhoods

Social Media *(posts will continue to be spread across platforms throughout the project)*

- Multiple posts to encourage participation.

In-person Outreach

- Party in the Park & Movies in the Park (11 events)
- Parks and Recreation Community Centers
- Farmer's Markets

Other Outreach

- Signs placed in parks and along trails (80 signs)
- Presentations

Stakeholder Discussions:

- Public Works: Maintenance & Urban Forestry
- Transportation, Surface Water Management, Utilities
- Community & Economic Development
- Public School Districts
- Diversity Equity & Inclusion

Outreach to diverse community members:

- Signs were posted within local parks and on trails in multiple languages: English, Spanish, Russian and Vietnamese
- Surveys provided in multiple languages
- Flyers were distributed to schools, provided at day camps and local libraries
- Posters at the community recreation centers
- In-person outreach with bi-lingual staff support in 8 parks for 11 events, Farmer's Markets & Community Centers
- Diverse stakeholders group discussion



Survey #1 Results: May 1 to August 30, 2021 / 2,339 Responses

- 98% of respondents agree that public parks, trails, natural areas, community centers, programs, activities and events make the City of Vancouver a more desirable place to live.
- 94% have visited a park in the past 30 days
- 82% used a public trail (some let us know they like the trails in their local park within the comments)
- 53% walk, 41% drive and 5% ride a bike or roll to get to their local park.
- 98% responded that it is important to have a park or trail within walking distance from their home
- 44% of the respondents have children living in their home

Top reasons survey respondents use local parks: *Note – Respondents could select their top 2 choices*

1. To enjoy the outdoors or nature: 57%
2. To exercise: 56%
3. To take children in their care to the playground: 25%
4. To reduce stress and improve mental health: 19%
5. To participate in activities with friends or family: 11%

Most valued in outdoor parks and recreation: *Note - Respondents could select their top 5 choices*

1. Hiking, walking and biking trails (86%)
2. Public access to streams, rivers & lakes (60%)
3. Picnic areas and shelters (46%)
4. Children's play structures (48%)
5. Wildlife viewing (41%)

Areas of concern:

- Facilities need updating
- Facilities are too far away
- Too few walking (25%) or biking connections (13%)
- Homelessness in parks and along trails
- Other maintenance needs



Top items respondents would change: *Note – Respondents could select their top 3 choices*

1. Add restrooms (36%)
2. Provide more park benches (25%)
3. Add nature play areas: (25%)
4. Water play / splash pad (23%)
5. Include exercise equipment stations / Inclusive play areas for all ages (20%)

Survey #2 Results Budget Priorities: September 1 to 30, 2021 / 1,478 Responses

More than two thirds (68%) of respondents support increasing funding to provide a higher quality of maintenance for existing and future parks and trails, 20% were unsure and 12% were not supportive of increased funding.

The following table provides the prioritized goals by rank per community feedback:

Rank	Priority Goal	Rank	Priority Goal
1	Repair or replace worn or older park features.	5	Enhance parks, recreation amenities & trails along natural waterways to create more opportunities for water contact.
2	Purchase land & develop new parks in areas where residents have limited access to parks & natural areas.	6	Buy land to connect and/or extend existing local or regional trails.
3	Add improvements such as restrooms, picnic shelters & parking in more neighborhood parks.	7	Expand the size and/or variety of amenities at existing parks, where feasible.
4	Develop / build new local or regional trails.	8	Develop/build more playgrounds that are centered on themes like dinosaurs, outer space, etc.



ESSENTIAL SPACES

Parks, trails, recreation and cultural services improve quality of life in Vancouver. These Essential Spaces contribute to a vibrant and connected community and open doors to economic vitality.

Society

COMMUNITY AND CONNECTION

Relationships developed between people and the places they live foster a sense of belonging, attachment and stewardship. Recent studies reveal that residents with access to parks, trails and greenspaces feel more connected to their community and neighbors.

ARTS AND CULTURAL PROGRAMS

Urban parks have always been an important setting for arts and cultural programs and displays. Concerts, movies and festivals in the parks are popular events that bring community members together and enrich our quality of life. Arts and culture help to communicate emotions, ideas, history and more, enriching our experience of public spaces.

EQUITY

Parks must offer **safety** and a be welcoming gathering place for people of all ages, abilities and backgrounds to enjoy and thrive. Concentrations of lower income households, high density developments, seniors, those under age 19, people of color and those with higher disposition to chronic disease and obesity rely most on the benefits provided by the public park system. Any disparity in the access to public parks and natural areas demands focused and creative funding approaches to ensure equity for all residents.

Environmental Sustainability

ECOSYSTEM CONSERVATION

Just as growing communities need to upgrade and expand infrastructure like roads and utilities to serve their residents, they also need to enhance and expand their green infrastructure to **balance the impact of the built environment**. The park system enhances and compliments natural green spaces to improve water quality, reduce flood risk, shade homes and streams during extreme heat and enhance fish and wildlife habitat for environmental and economic sustainability.

An interconnected system of parks, trails, and green spaces help to **conserve the natural ecosystem** resulting in cleaner air and water for improved short- and long-term health benefits. The park system provides **transportation alternatives** with trails and bikeways to **reduce the use of carbon fuels**; offers areas for infiltration of surface water such as rain gardens to **recharge ground water** and protect stream levels; **creates habitat** for urban bird and wildlife species; and supports diverse plant life. These amenities can translate into direct cost savings to city residents.

STEWARDSHIP

Fond childhood memories are often connected to an experience in the outdoors. Whether it be climbing a tree, seeing your first eagle or the exciting view behind the dugout; each experience connects the outdoors to our own wellbeing. Nature is an outdoor classroom where youth and adults can learn the ecological value of the beautiful natural landscapes we enjoy in the Pacific Northwest. Access to natural environment fosters community connection and stewardship through activities like tree planting; advocating for a larger tree canopy to improve **air quality** and protect scenic views; building bat boxes; planting native species to support pollinators, wildlife and diverse ecosystems; volunteering at a clean-up event; or selling locally grown produce at a farmer's market.

Economy

ECONOMIC DEVELOPMENT

Essential spaces can be a source for renewed neighborhood or community vitality. Quality parks, recreation and cultural services attract and help retain businesses; encourage home ownership; draw new tenants and retirees; provide space for community and corporate events; and encourage a diverse and qualified workforce.

LAND VALUE

Parks and recreation services are often cited as one of the most important factors in attracting new residents and creating a quality of life that makes them want to stay in a community. Access to interconnected parks, trails and community event spaces **increases property values**.

TOURISM

Iconic community spaces like Vancouver Waterfront Park draw visitors from outside the area to enjoy our city and all it has to offer! Whether it's a family picnic in the park or an extended stay where visitors enjoy nearby restaurants, hotels and shopping, parks play an important role in attracting tourism. A vibrant and culturally enriched park system boosts the city revenues that **support improved community services** for all.

COMMUNITY VITALITY

Urban parks broadly include parkland, trails, waterfront promenades, natural areas and riparian corridors, and public gardens. These areas define the layout of a city, its real estate value, traffic flow, land use buffers, public event spaces and the civic culture of our communities. A rich and interconnected green infrastructure **creates cities and neighborhoods with beauty, breathing room and value**.

Health

PUBLIC HEALTH

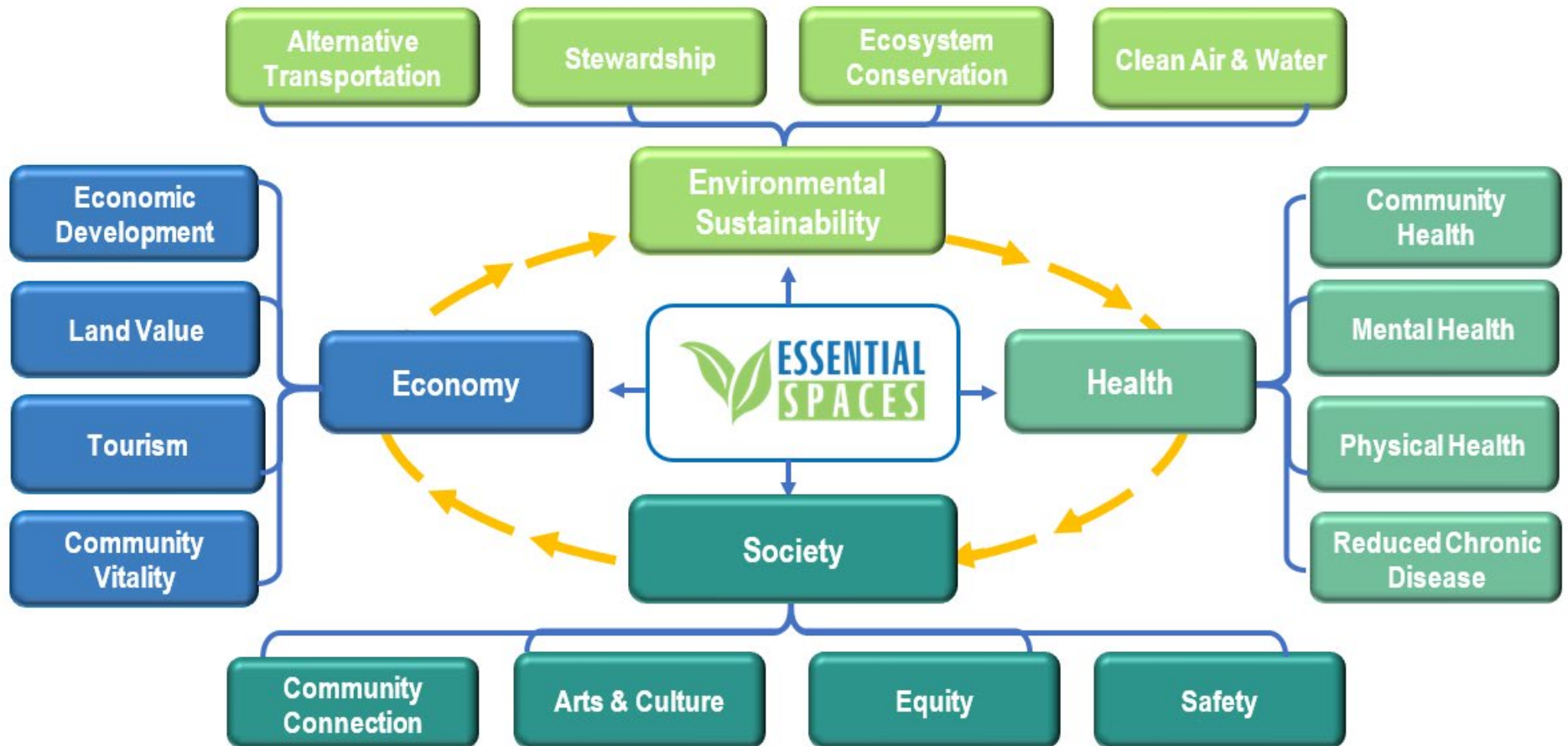
People value the time they spend in city parks, whether walking a dog, playing basketball, having a picnic or sitting quietly under the shade of a White Oak. Along with these expected leisure amenities, parks provide measurable **physical and mental health benefits** simply through direct contact with nature, a cleaner environment, and opportunities for **physical activity and social interaction**. Access to parks and trails promote increased activity levels for adults and youth, **reduce obesity and the impacts of chronic diseases**, especially in vulnerable populations. Parks and recreation opportunities have been strongly linked to reduced juvenile delinquency, reduced health care costs and improved quality of life in a community.

SAFETY

Recent studies report that green spaces adjacent to residential areas create neighborhoods with **lower crime rates**, where neighbors tend to support and protect one another because they are more socially connected. Parks and recreation opportunities have been strongly linked to reduced juvenile delinquency and health care costs and an increased quality of life in a community.



Parks, trails, recreation and cultural services improve quality of life in Vancouver.
These Essential Spaces contribute to a vibrant and connected community and open doors to economic vitality.



Parks, Recreation & Cultural Services Department - Common Acronyms		
Acronym	Full Name	Brief Description
ADA	Americans with Disabilities Act	Program to make new and existing facilities readily accessible to and usable by persons with disabilities.
CAF	Cost Adjustment Factor (PIF)	Discount for taxes and fees currently paid by new homeowners towards park acquisition and development within the park impact fee formula.
CDBG	Community Development Block Grant	Units of local government receive federal funds through the State. The funds help develop and preserve affordable housing and provide services to the most vulnerable in our communities. The funds also help to create and retain jobs. The requirements of 24 CFR 570.486 must be followed.
CFP	Capital Facilities Plan	A required component of the comprehensive plan dealing with proposed projects and services and their related costs.
CP	Community Park	Urban Park Type, typically 20+ acres, serving residents within a 3 mile radius area. Common amenities typically include walking paths, themed play areas, open lawns, benches, shelters, picnic tables, play courts, & sport fields. Parking and restrooms are needed due to the larger service area.
DOC - WA	Washington State Department of Commerce	The Department of Commerce strengthens communities and works to grow Washington's economy. Grant programs support local projects.
GIS	Geographic Information Systems	A computer application used to store, view, and analyze geographical information. Maps are an important function of the system.
GMA	Growth Management Act	State law that requires the fastest growing counties in the state to construct comprehensive plans (<i>see RCW 36.70A</i>).
ILA	Interlocal Agreement	An agreement between local public agencies in the interest of sharing resources for their mutual benefit.
I-UNA	Improved Urban Natural Area	This is a proposed new category to include improved natural areas for passive recreation that may include trails, benches, and picnic tables.
LOS	Level of Service	A method of measuring and defining the type and quality of a particular public service.
M & O	Maintenance and Operations	The various activities commonly undertaken to maintain and operate park and recreation facilities
MOU	Memorandum of Understanding	A document describing a bilateral or multilateral agreement between parties
NH	Neighborhood Park	Urban Park Type, typically 2-5 acres, service area = 1/2 mile radius. Common amenities include walking paths, play areas, open lawns, benches, picnic tables and sport courts. This is a walk to destination to serve the local community and do not typically include supportive facilities such as restrooms and parking. Some high use areas may warrant expanded amenities and support services where community parks are not available or in higher density land use areas.
NRPA	National Recreation and Parks Association	NRPA is the leading advocacy organization dedicated to the advancement of public parks and recreation opportunities.
OFM	Washington State Office of Financial Management	State office that officially provides the County and City population projections that as a minimum must be used in growth management planning.
Park AC	Park Acreage	Number of acres per type of park. For example the current level of service is Park Ac / 1000 residents.
PC	Planning Commission	A group of people appointed by the city council to administer planning and land use regulations for the jurisdiction.
PIF	Park Impact Fee	A fee levied on the developer of a single or multi-family residential unit as compensation for the expected effect of that development on the provision of park, trails and open space (<i>RCW 82.02</i>) .
PIF District	Park Impact Fee District	A defined area in which park impact fees are collected and expended to provided urban park and open space services.
PRAC	Parks & Recreation Advisory Commission	A collection of city appointed citizen and agency representatives who advise the city council and board of commissioners on matters related to the provision of park & recreation services.
RCO	Recreation & Conservation Office	An executive branch state agency that serves five boards; it implements policies and programs established by the boards, the Legislature, and the Governor; and it administers state and federal grant programs for recreation and habitat conservation.
RCW	Revised Code of Washington	The most recent edition, in a consolidated form, of all laws of the state of a general and permanent nature (https://apps.leg.wa.gov/rcw/)
REET	Real Estate Excise Tax	A tax on all sales of real estate, measured by the full selling price, including the amount of any liens, mortgages and other debts given to secure the purchase, at a pre-determined rate, subject to state law.
REET-C	City Real Estate Excise Tax	Real Estate Excise Tax collected within the city limits
REET-R	Regional Real Estate Excise Tax	Real Estate Excise Tax collected outside city limits and urban growth areas.
REET-U	Urban Unincorporated Real Estate Excise Tax	Real Estate Excise Tax collected outside the Vancouver City limits, but within the Vancouver Urban Area
RG PK	Regional Park	including sport fields, extensive trail systems and large picnic areas. Amenities vary by site. Location examples include Vancouver Lake Regional Park and Frenchman's Bar within the City of Vancouver boundaries.
SEPA	State Environmental Policy Act	Washington State Environmental Policy Act which requires that the environmental impacts of a proposed action be considered, analyzed, and, if necessary, mitigated prior to enactment.
UC	Urban Center (Proposed new category)	Mixed use, high density residential, commercial/industrial area that includes plazas, civic squares and public areas.

UGA	Urban Growth Area	Areas established as part of the growth management process to allow for the efficient provision of urban levels of governmental services and where urban growth will be encouraged.
UGB	Urban Growth Boundary	The line designating the extent of the urban growth area.
UNA	Urban Natural Area	Any parcel or area of land or water that is essentially unimproved and devoted to an open space use such as preservation of natural resources, outdoor recreation not requiring development, or public health and safety - i.e.. flood control. Also known as Urban Open Space (UOS).
UUA	Urban Unincorporated Area	The area within the Vancouver Urban Growth Area that is outside of the City limits.
VPRCS	Parks, Recreation & Cultural Services Department	City of Vancouver, Parks, Recreation and Cultural Services Department name.
VMC	Vancouver Municipal Code	A codification of the General Ordinances of the City of Vancouver
WAC	Washington Administrative Code	Laws adopted by state agencies to implement state legislation.

NOTES: *Dense Urban Center Park Types will be added when available.*
 Some of the 'typical' amenities of current park types may change, including themed structures, hybrid NH/CP, etc.