



CITY COUNCIL MEETING MINUTES

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

Anne McEnery-Ogle, Mayor

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

February 6, 2023

WORKSHOPS

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

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

View the CVTV video recording, including presentations and discussion, for workshops at:

https://www.cvtv.org/vid_link/35349?startStreamAt=0&stopStreamAt=2388

4:30-5:30 p.m. Comprehensive Plan Update

*Domenic Martinelli, Senior Long Range Planner, 360-487-7943;
Rebecca Kennedy, Deputy Community Development Director, 360-487-7896*

Summary

Staff led Council through a discussion of the Comprehensive Plan Update.

COUNCIL DINNER / EXECUTIVE SESSION RE: LABOR NEGOTIATIONS STRATEGY AND PENDING LITIGATION (30 MIN)

Mayor McEnerny-Ogle announced the Council would be entering into executive session from 5:15-6:15 p.m. to discuss Labor Negotiations Strategy.

REGULAR COUNCIL MEETING

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

Vancouver City Council meeting minutes are a record of the action taken by Council. To view the CVTV video recording, including presentations, testimony and discussion, for this meeting please visit: https://www.cvtv.org/vid_link/35351?startStreamAt=0&stopStreamAt=8062 Electronic audio recording of City Council meetings are kept on file in the office of the City Clerk for a period of six years.

Pledge of Allegiance

Call to Order and Roll Call

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

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

Absent: None

Approval of Minutes

Minutes - January 23, 2023

Motion by Councilmember Hansen, seconded by Councilmember Stober, and carried unanimously to approve the meeting minutes of January 23, 2023.

Community Communications

Mayor McEnerny-Ogle opened Community Communication and received testimony from the following community members regarding Items 1-5:

- Kimberlee Elbon, La Center, WA
- Dmitri Stoyanoff, Vancouver
- Peter Fels, Vancouver

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

Consent Agenda (Items 1-5)

Council requested Item 4 be pulled for discussion.

Council discussed the Item with staff.

Motion by Councilmember Paulsen, seconded by Councilmember Perez, and carried unanimously to approve the Items on the Consent Agenda.

1. **Continued use of Washington State contract #06619 for Copiers and Managed Print Services**

Staff Report: 015-23

The City uses Washington State contract #06619 to purchase copiers, multi-function devices, supplies and related services. This contract is utilized by all departments.

The City is requesting authorization to continue to use the contract to procure these commodities through the end of the contract, which is 7/31/2024, and into any extended period negotiated by the State of Washington.

The City is approaching the \$300,000 City purchasing threshold and requests authority to continue to purchase from this contract up to the amounts approved by Council in the City's budget process.

Request: Authorize the City Manager or their designee to approve purchases under Washington State contract #006619 with Copiers Northwest for the life of the contract up to the current authorized budget.

Patrick Gilbride, Information Technology Director, 360-487-7650

Motion approved the request.

2. Approval of an increase to an existing contract with Associated Petroleum Products; C-100810 WA State Contract #08721

Staff Report: 016-23

On November 5 2022, the interlocal agreement the City had with Clark Public Utilities expired (C-100082). This contract was originally created to allow local municipalities to purchase alternative blends of renewable diesel fuel. Renewable diesel has many benefits, including reducing greenhouse gas emissions by up to 75% when compared to regular ultra-low sulfur diesel. In keeping with the City's climate action goals, and to protect itself from fluctuating fuel prices, staff is requesting the ability to purchase from this contract and take advantage of the contract pricing.

Request: Authorize the City Manager or their designee to approve purchases under Washington State Contract #08721 for the life of the contract with Associated Petroleum Products, up to the current authorized budget.

Dan Zenger, Fleet Services Manager, 360-487-8205

Motion approved the request.

3. Eighth Amendment to the Professional Services Agreement No. 80989 (Now 88635) with American Medical Response (AMR) for Ambulance Services

Staff Report: 017-23

- On November 10, 2014, the City Council authorized the City Manager to enter into a five-year Agreement with an additional five-year possible extension. The Contract became effective January 1, 2015. On December 17, 2018, the City Council authorized the City Manager to enter into a five year extension to the Agreement.*
- The Clark County MPD Office is requiring Clark County agencies to use the same patient care reporting system, ESO, to better serve patients. AMR is not currently using ESO. To facilitate the timelier transition to the new patient care reporting system, ESO, the City proposes to provide a one-time contract administrative fee reduction if the transition to ESO by AMR is completed by March 31, 2023.*
- The reduction is proposed to be the lesser of 30% of total first year costs paid by AMR to ESO and Central Square in 2022 and/or 2023 or \$26,534.*
- The proposed amendment seeks to clarify the timing and the Consumer Price Index for All Urban Consumers (CPI-U) used for annual increases to patient charges and contractor's administrative fee.*
- The modifications are set forth in the attached Eighth Amendment to the Ambulance Services Agreement.*

- *A Sixth Amendment to the Agreement requires that all subsequent amendments be presented to Council for approval.*

Request: Authorize the City Manager to execute the attached Eighth Amendment to the Professional Services Agreement No. 80989 (Now 88635) with AMR for Ambulance Services.

Brennan Blue, Vancouver Fire Chief, 360-487-7201

Motion approved the request.

4. **Appointments to the Planning Commission**

Staff Report: 018-23

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.

A council subcommittee of Hansen, Fox and Perez recently interviewed five candidates to fill one, mid-term vacancy and they recommend the appointment of Melissa von Borstel; with a term beginning immediately and expiring December 31, 2026.

A council subcommittee of Stober, Fox and Harless recently interviewed four candidates to fill one mid-term vacancy and they recommend the appointment of Patrick Adigweme; with a term beginning immediately and expiring December 31, 2026.

Request:

1. Appoint Melissa von Borstel to the Planning Commission with a term beginning immediately and expiring December 31, 2026. *(Councilmembers Hansen, Fox and Perez)*
2. Appoint Patrick Adigweme to the Planning Commission with a term beginning immediately and expiring December 31, 2026. *(Councilmembers Stober, Fox and Harless)*

Motion approved the request.

5. **Approval of Claim Vouchers**

Request: Approve claim vouchers for January 9, 2023.

Motion approved claim vouchers in the amount of \$12,769,570.52.

Public Hearings (Item 6)

6. **Public Hearing on a resolution in support of temporary moratorium on acceptance and processing of applications for**

permits for the development or expansion of warehouse and freight movement structures in the Light Industrial (IL) and Heavy Industrial (IH) zoning districts citywide

Staff Report: 019-23

A RESOLUTION making findings of fact in support of the adoption of Ordinance M-4396 declaring an emergency and imposing a temporary moratorium for the duration of six months upon the acceptance and processing of applications for permits for the development or expansion of large warehouse and distribution facilities totaling more than 100,000 square feet under the Warehouse/Freight Movement use classification in the Light Industrial (IL) and Heavy Industrial (IH) zoning districts, as defined in Vancouver Municipal Code Title 20 or as otherwise allowed, such as by prior development agreement, based on certain findings of fact justifying such action and adopted by City Council, and establishing an immediate effective date.

- *There have been seven pre-development or development applications inquiries for large warehouse and distribution facilities between 100,000 square feet up to 680,000 square feet, which are much larger than typical warehouses, for a total of 3.34 million square feet of proposed new warehouse structures;*
- *The proposed warehouses would consume approximately 15% of total buildable industrial land within city limits;*
- *These extremely large facilities appear to be a growing trend in response to an increased demand for online shopping and parcel delivery, and the size of these new types of facilities and fast pace of this change is a growing concern in other communities throughout the U.S.;*
- *Such facilities consume vast amounts of limited industrial land yet provide very few jobs per acre and are typically low skill and low wage positions, and are not a high priority use in the Clark County Economic Development Plan, which the City has adopted;*
- *A primary concern is the land-intensive nature of these large warehouses and low job creation, but other issues such as air pollution, implications on the City's climate action goals, increase in truck traffic to vulnerable neighborhoods, and appropriately locating such warehouses near major arterial routes and highways need to be analyzed;*
- *At the January 23, 2023 workshop, City Council directed staff to exempt the Port of Vancouver from the moratorium on property owned by the Port and provided that any warehouse is for shipment of bulk goods, not home delivery of retail goods. The Port, as a public agency responsible for receiving and shipping goods via rail and ship and which controls limited industrial land, promotes shipment of bulk goods rather home delivery distribution centers, which is the major type of warehouses greater than 100,000 square feet;*
- *Such an exemption for the Port of Vancouver must be made through adoption of an ordinance as opposed to a resolution, therefore staff*

will be returning to Council with an ordinance proposing this exemption for consideration at a separate public hearing on March 6, 2023;

- Staff presented a detailed work plan to City Council that outlines the proposed analysis of impacts, public outreach, code development and approval process, to be completed by December 2023. One six-month extension of the moratorium will be required in order for the necessary work to be completed. Staff will provide updates on its progress to the City Council throughout the year, which may include refinements to the parameters of the moratorium more frequently than at 6 month intervals.*
- The proposed resolution will meet the minimum requirements of RCW 35A.63.220 which requires that a resolution in support of the moratorium be adopted either prior to or immediately following a public hearing on the moratorium. However, in order for an exception to the moratorium for the Port of Vancouver to be in force, City Council will need to approve this exception by adoption of an ordinance. Accordingly, City staff will return to Council at the next available date with an ordinance that includes an exception to the moratorium for the Port of Vancouver.*

Request: On February 6, 2023, subject to public hearing, approve a resolution making findings of fact in support of ordinance M-4396.

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

Chad Eiken, Community Development Director, provided an overview of the Resolution on the Temporary Moratorium on Warehouse and Freight Movement Structures.

Mayor McEnery-Ogle opened the public hearing and received testimony from the following community members:

- Nick Massie, Vancouver
- Mark Childs, Vancouver
- Jennifer Baker, Vancouver
- Ron Arp, Vancouver
- Michael Bomar, Vancouver
- Cassidy Bolger, Portland, OR
- Heidi Cody, Vancouver
- Cathryn Chudy, Vancouver
- Zach Francis, Portland, OR
- Matt Lyman, Portland, OR
- Mary Eversole, Seattle, WA
- Brendan Mason, Tacoma, WA
- David Toyer, Lake Stevens, WA
- Kimberlee Elbon, La Center, WA

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

Council discussed the item with staff at length.

Motion by Councilmember Paulsen, seconded by Councilmember Stober, and carried 4-3, to amend the resolution text from 100,000 square feet of the development or expansion of large warehouse and distribution facilities to 250,000 square feet. Councilmembers Harless, Fox, and Hansen voted No.

Motion by Councilmember Paulsen, seconded by Councilmember Stober, and carried 5-2 to approve Resolution M-4207 as amended. Councilmembers Fox and Hansen voted No.

Communications

A. From the Council

B. From the Mayor

C. From the City Manager

PeaceHealth Development Agreement

Keith Jones, Senior Planner, and Ryan Lopossa, Transportation Division Manager, discussed the PeaceHealth Development Agreement with Council.

EXECUTIVE SESSION RE: REAL ESTATE (1 HR)

Mayor McEnerny-Ogle announced the Council would be entering executive session from 8:45-9:45 p.m. for the purpose of discussing Real Estate.

Adjournment

9:45 p.m.

Anne McEnerny-Ogle, Mayor

Attest:

Natasha Ramras, City Clerk

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

From: [Delapena, Amanda](#)
To: [Dollar, Sarah](#)
Subject: FW: Warehouse Moratorium
Date: Monday, February 6, 2023 12:02:00 PM
Attachments: [Moratorium.pdf](#)

Amanda Delapena

From: Susan Loenberg [REDACTED]
Sent: Monday, February 6, 2023 10:32 AM
To: City Council <council@cityofvancouver.us>
Cc: Ron Frederiksen [REDACTED]
Subject: Warehouse Moratorium

You don't often get email from susan@forsolutions.net. [Learn why this is important](#)

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

Mayor, Councilmembers, City Manager,

Please accept the attached letter regarding the emergency walk-on moratorium on warehouses and distribution centers.

Thank you,

Susan Leonberg
FOR Solutions, LLC

[REDACTED]



February 3, 2023

Mayor McEnerny-Ogle
Vancouver City Council
City Manager Holmes
PO Box 1995
Vancouver, WA 98660-1995

Dear Leaders:

FOR Solutions LLC represents property owners, developers and local businesses in creating space for local businesses to work in. A large part of our work is for warehouse and industrial users.

The public hearing is to establish the facts for imposing a moratorium. However, this moratorium is not fact based. Staff has described it as being based on “reading about other jurisdictions” and “impressions” and “concerns” from activity over the past few years. No case has been presented about forward-looking threats with the land we have available.

Before proposing an emergency moratorium with potentially severe ramifications to employment and tax generation, it would have been appropriate for staff to simply reach out to the people proposing new projects and ask two questions. “How many tenants do you anticipate having in this proposed complex?” “What are your anticipated tenant uses?”

Next, it would have been appropriate for staff to go back through the large projects that have been constructed in Vancouver and find out what exactly happened in terms of tenant size, tenant use, and number of employees.

Based on FOR Solutions research, it is no longer economically feasible for a single business user to construct a 30,000 square foot warehouse/office facility in the City of Vancouver for a wide variety of reasons. Yet, this is the sweet spot for established

businesses with great jobs. These companies are forced to lease space in much larger complexes.

Staff expressed interest in pursuing high job density with living-wage jobs. Due to automation in distribution facilities, employers not only create jobs where none existed before but in many cases workforce wages are higher than manufacturing jobs. In fact, in more than 1.2M square feet of space that FOR Solutions analyzed, wages exceeded average family wages in all instances. Job counts are not the issue in our community. Instead, we should consider wage levels, and skills required to earn wages that support families.

Finally, the City has practically no economic development tools to create warehouse and industrial parks. Private developers invest and create our built business community. With a moratorium, private developers stop, and step away. All planning and investment stops because there is no way to determine what might happen.

In effect, this moratorium will delay ANY new job-creating industrial space for at least 3 years in an environment where there is already a critical lack of space for businesses. Once the moratorium is clarified and lifted in a year, new decisions will be made and some projects may proceed forward. However, planning/design/engineering/permitting takes more than a year. Construction would take another year.

The damage this will do to relationships between the City and private sector, and to those citizens who want higher paying jobs, is simply unacceptable. This moratorium is totally unnecessary and damaging to our community.

Sincerely,



Ron Frederiksen
CEO
FOR Solutions LLC

From: [Cathryn Chudy](#)
To: [City of Vancouver - Office of the City Manager](#)
Subject: Public Comment for Item # 6 - City Council Feb. 6th Agenda
Date: Monday, February 6, 2023 11:43:34 AM
Attachments: [2023-02-06 City of Vancouver.pdf](#)

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My public comments for Item #6 (Warehouse Moratorium) on tonight's Council agenda.

See attached.

Thank you,

Cathryn

To: Vancouver City Council and Staff
Warehouse Moratorium/Feb. 6, 2023/Cathryn Chudy

As someone who actively supported the city in putting in place the Climate Action Framework in 2022, it makes sense that the city is suspending applications for large warehouses in order to hear from all in our community, to better understand impacts and develop potential code changes to address these impacts.

Our Climate Action Framework establishes greenhouse gas emissions reduction targets along with recognizing the public health and quality of life co-benefits that will be significant outcomes, provided that city policy actions are consistent with what is laid out in the Framework.

While economic development and employment are identified as key considerations in the Staff Report for the Moratorium, I would like to underscore that people live and raise their families near warehouses, which bring pollution and noise, influence traffic patterns, and can negatively affect health and quality of life, especially for those who may already be disproportionately affected based on where they live.

A published report on warehousing and goods movement includes several policy recommendations

[Storing Harm, the Health and Community Impacts of Goods Movement Warehousing and Logistics](#)

- Use zoning rules to protect health and quality of life and preserve farmland
- Require environmentally responsible operations by warehouse operators and truck drivers
- Inform and empower the public to improve community oversight

The warehouse pause is really a conversation about the future of Vancouver, and the Priority Resolution for the city's Climate Action Framework directed that such conversations "reflect, and support" the climate goals established in the Framework, and "shall consider alignment with and support of these climate goals in selecting preferred alternatives for large-scale infrastructure projects and developments."

I urge the city to make sure that these public health and quality of life concerns receive the attention and weight necessary to ensure that the logistical needs and profit motives involved in proposed warehouses are not given greater priority over what our Council has identified as core values of safety, equity, and climate protection for all in our community.

From: [Protect our children's future. Vote yes on 1287 and 1091](#)
To: [City of Vancouver - Office of the City Manager](#)
Subject: Support for Warehouse Moratorium
Date: Monday, February 6, 2023 10:09:14 AM

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From Don Steinke

Hello, my name is Don Steinke. I support the moratorium on large warehouses. It is not a ban on new warehouses, but just a temporary pause which is needed to assess the situation. Here is some context that is relevant as you develop a new ordinance for warehouses.

1. A year ago the Columbian reported that the proposed Amazon Development near East Fourth Plain and 143rd Ave, include covered roadways and parking lots.

I was hoping that meant they would cover those canopies with solar panels, but I haven't seen an update yet.

2. I've also heard that Amazon has ordered 100,000 electric delivery vans, and they already have one serving the Camas area.
3. Daimler-Freightliner is building electric semis on Swan Island.
4. Six years ago, the City of Richmond in British Columbia wanted to require electric charging stations in certain projects, but were not allowed to impose building codes distinct from the provincial codes. To get around that restriction, they put the requirement into their land use ordinance.
5. California is now banning diesel trucks built before 2010. Most likely, those trucks will be sold in neighboring states.
6. We need more electricity and it needs to be clean electricity.
7. On January 18, The port of Camas Washougal entered into an agreement with Clark Public Utilities to develop a large community solar project on their warehouse rooftops. It will be the largest one built west of the Cascades.
8. And you have a goal of reducing emissions community wide

With that in mind, a new ordinance might:

- Require that space and water be heated with electric heat pumps.
- Require adequate charging infrastructure for trucks.
- Require enough on-site solar panels to meet or exceed need for electricity.
- Require all diesel trucks serving the warehouse to be built after 2009.
- Direct staff to be more deliberate in their SEPA Determinations.

Don Steinke

Sent from [Mail](#) for Windows

From: [Delapena, Amanda](#)
To: [Dollar, Sarah](#)
Subject: FW: planning commission appointments - #4 on today's consent agenda
Date: Monday, February 6, 2023 9:50:00 AM

Sarah –

This is a written comment for today's Council agenda.

Amanda Delapena

From: Peter L. Fels [REDACTED]
Sent: Monday, February 6, 2023 9:42 AM
To: City Council <council@cityofvancouver.us>
Subject: planning commission appointments - #4 on today's consent agenda

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.

Councilors:

The meeting materials for today's City Council meeting show proposed appointments to the Planning Commission. However, there is no information about the proposed candidates other than their names and the names of the Council members who are recommending their appointments.

Too often in the past, the Planning Commission has been primarily comprised of builders and developers. The public deserves to know who these new proposed Commissioners are and what their background is.

While I have confidence that the selection committees have reviewed the various candidates with regard to their qualifications, I ask you to *pull this item from the consent agenda and discuss their qualifications before you vote on them.*

Thank you,

Peter Fels



February 4, 2023

Mayor Anne McEnery-Ogle
Honorable City Councilors
City of Vancouver
P.O. Box 1995
Vancouver, WA 98668-1995

OPPOSED TO ORDINANCE M-4396 PLACING A MORATORIUM ON WAREHOUSE & DISTRIBUTION PROJECTS

Mayor & Councilors:

I am writing on behalf of Toyer Strategic Advisors, Inc., a land use and economic development consultancy that in full disclosure has clients (developers, businesses and landowners) directly impacted by the city's approval of Ordinance M-4396.

For the reasons cited in the analysis that follows, we strongly encourage the city council to repeal the moratorium and alternatively form a task force with business leaders, tenants, property owners and industry stakeholders – a task force that would be directed to evaluate the city's concerns and identify short- and long-term actions that the city can take to sustain the city's economic development momentum and further the city's sustainability goals.

We believe without a change in approach, the moratorium will result in the accrual of unintended and long-term consequences to the city's economic conditions (i.e., city finances, local employment, business retention and expansion, etc.) without a commensurate nor substantive environmental benefit. This is because industrial projects of all types seeking to locate in the Vancouver/Portland metro area are likely to either locate elsewhere within the metro or at a site much further away – an outcome that will only increase congestion on a broader scale and reinforce a dependency and reliance upon single occupant vehicles (commutes to work or to shopping) and inefficient less-than-load (LTL) truck traffic.

However, by using a task force approach, the city can more quickly, cooperatively, and effectively work with key community and business stakeholders to identify short, medium, and long-term strategies that address climate change; identify and prioritize investments in transportation infrastructure; ensure a sustainable supply of industrial lands for development and redevelopment; and promote business retention, expansion, and attraction.

GENERAL MORATORIUM COMMENTS

How does the city's moratorium differentiate itself between placing a moratorium on warehousing and distribution as a use and industrial warehouses as a type of building design – the latter being what has been proposed in recent land use applications?

The moratorium is being applied to the expansion or development of facilities falling under the warehouse/freight movement use classification when the cumulative building square feet for the entire project exceeds 100,000 square feet. Thus, because new industrial facilities are designed as “industrial warehousing” (i.e. having dock doors, etc.), the moratorium essentially extends to all new industrial buildings unless the specific tenant is known to not be a warehouse/freight movement use.

Almost all new industrial development in the Vancouver metro is speculative in nature and designed as “industrial warehouses” to attract the broadest spectrum of likely industrial and commercial tenants which include manufacturing, warehousing, wholesale suppliers, contractors, wineries, gymnastics facilities, offices, etc. To the

extent the design of an industrial building resemble a warehouse, the moratorium doesn't just target warehousing and distribution facilities.

THE RIPPLE EFFECT OF A MORATORIUM

A one-year moratorium on development applications means that even once the city begins to accept applications again, it will at least 18 to 24 months for future projects to obtain permitting entitlements and finish construction. This means the city is effectively shutting down economic development opportunities for the next 3 years.

Can the city afford to be on the sidelines of economic development for the next 3 years, while those projects go elsewhere (and they will go elsewhere)?

DANGER OF GENERALIZING SIZE AND BUILDING TYPOLOGY

Below and on the next page are two examples of "industrial warehouses" the city has referenced when talking about the large warehouse projects that are the impetus for the moratorium even though these projects are designed to accommodate multiple industrial building tenants, much like strip commercial buildings accommodate multiple small businesses. The examples below are site plan images taken from project marketing materials available on-line.

The industrial warehouse design and site planning, like in these examples, clusters industrial uses on industrial sites in the same fashion that residential development is encouraged to cluster single family homes and/or apartment buildings.

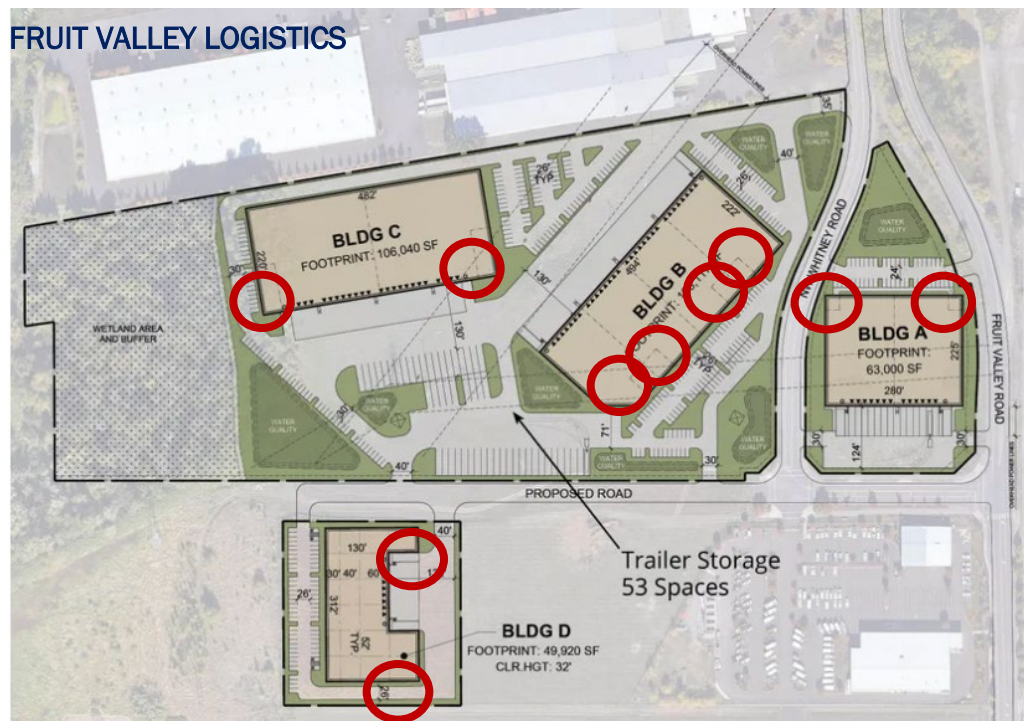
Example #1 – Fruit Valley Logistics

Moratorium's Perspective:

It's a 325,000 square feet warehouse distribution project.

What's Actually Shown:

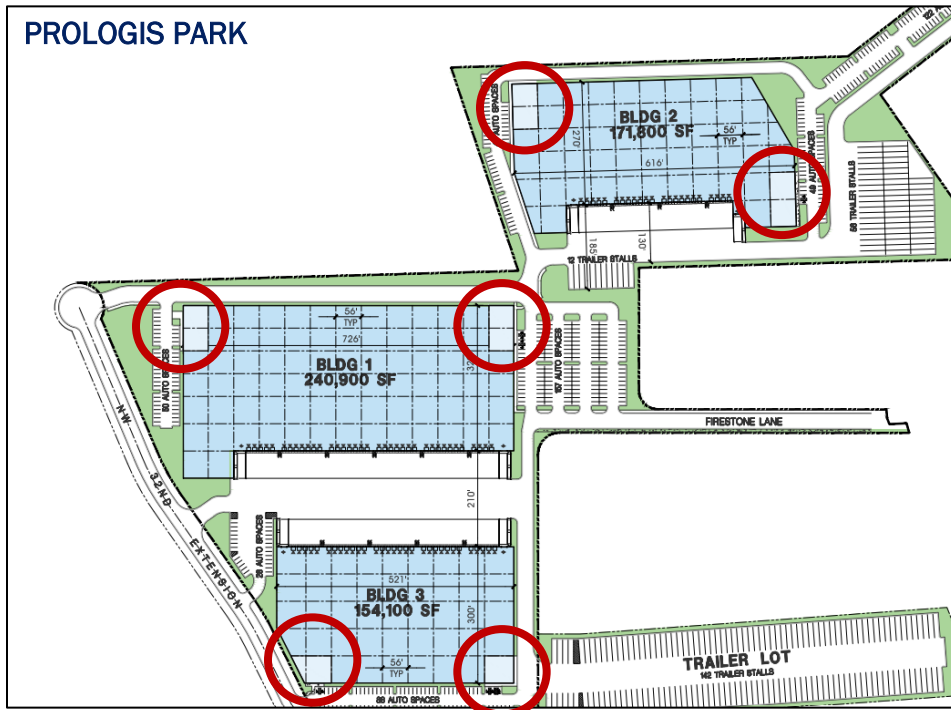
Overall building sizes that range from $\pm 49,000$ square feet to $\pm 108,000$ square feet, which the buildings have been designed to be demised into smaller spaces that could accommodate tenants seeking spaces as small as $\pm 24,960$ square feet. The red circles show proposed office nodes and reflect that site planning on this project anticipates as many as 10 tenants which could accommodate new or existing businesses in the Vancouver market.



Example #2 – Prologis Park

Moratorium Perspective: 566,800 square feet warehouse project.

What's Actually Shown: Three buildings that range from 154,100 square feet to 240,900 square feet with leasable areas as small as 50,000 square feet available. Given the office nodes on the buildings shown, this project could accommodate up to 6 businesses of varying use.



DOWNSTREAM IMPACT TO BUSINESS RETENTION, EXPANSION AND ATTRACTION

New large buildings aren't just for large new tenants, they facilitate business retention and expansion as well as attraction. In metro areas like Vancouver/Portland, logistics companies often lease space in multiple buildings throughout the area because larger spaces aren't available. However, if larger industrial warehouses become available, they can consolidate. The result is the vacancy of smaller spaces that can fulfill the needs of smaller industrial users, including small to medium sized manufacturers.

IMPACT TO THE CONSTRUCTION & TRADES INDUSTRIES

Every new building constructed directly supports a substantial number of contractors, subcontractors, material suppliers, and other local businesses that employ local workers. Slowing down new construction will have a direct impact on these businesses, their employees, and their families.

CITY REVENUE IMPLICATIONS

These industrial warehouse buildings are tax revenue juggernauts. Thus, a moratorium will reduce the revenues the city receives from many types of taxes during the moratorium and the restart period thereafter. Revenue impacts include:

- Sales taxes from construction, equipment purchases (racking, automation, etc.)
- Real estate excise taxes generated from the sale of the property
- Permit revenues generated from application, review and inspection fees
- Property taxes on the increased valuation created
- Water and sewer connection charges

- Traffic impact fees
- Utility taxes

SALES TAX IMPACT (EXAMPLE)

Estimated Sales Tax from Construction		
Building SF (Approx)		170,000
Construction Cost per SF		\$92
Total Construction Cost		\$15,640,000
State	6.50%	\$1,016,600.00
Vancouver, City	0.85%	\$132,940.00
C-Tran	0.70%	\$109,480.00
Clark County	0.15%	\$23,460.00
E911	0.10%	\$15,640.00
Mental Health	0.10%	\$15,640.00
Criminal Justice	0.10%	\$15,640.00
Affordable Housing	0.10%	\$15,640.00
	8.60%	\$1,345,040.00

- Assuming a construction cost of \$92 per square foot for a 170,000 square foot industrial warehouse building, the moratorium would impact city sales tax revenues by \$132,940:
- Of note, the Washington Employment Security Department County Data Tables report that in 2020 the "Construction of Buildings" accounted for \$998 million in annual taxable sales while the Transportation and Warehousing industry added another \$47 million in annual taxable sales.
- Sales taxes aren't the only tax revenues impacted by the moratorium. A delay in construction of new buildings also delays the additional of new taxable valuation to the property tax rolls.

PROPERTY TAX IMPACT (EXAMPLE)

		Estimated Taxable Valuation
Property Taxes Levy for a 170,000 SF "Industrial Warehouse"		\$ 20,369,020
County General	0.92759	\$ 18,894
County General ADREF	0.00166	\$ 34
Dev Disability	0.01087	\$ 221
Mental Health	0.01087	\$ 221
Veterans Assistance	0.00979	\$ 199
Conservations Futures ADREF	0.00007	\$ 1
Conservations Futures	0.03615	\$ 736
Ft. Vancouver Reg. Library	0.34275	\$ 6,981
Metropolitan Park District	0.17147	\$ 3,493
Metropolitan Park District ADREF	0.00041	\$ 8
Port of Vancouver Bonds	0.11449	\$ 2,332
Port of Vancouver General	0.15073	\$ 3,070
SD114 Evergreen Debt Svc	1.76351	\$ 35,921
SD114 Evergreen Enrichment	1.71968	\$ 35,028
SD114 Evergreen Technology Levy	0.42022	\$ 8,559
State Schools - Part 1	1.91284	\$ 38,963
State Schools - Part 2	1.03016	\$ 20,983
City of Vancouver Affordable Housing	0.22586	\$ 4,601
City of Vancouver General	1.97136	\$ 40,155
City of Vancouver ADREF	0.00595	\$ 121
Total All	10.82643	\$ 220,524

- The delay in adding the taxable valuation of the example 170,000 square foot building to the property tax rolls delays the city receiving approximately \$40,000 in property taxes annually.
- The impact is also felt by the Regional Library System, Mental Health Programs, and the local school district.
- For this example, based on current levy rates, the Evergreen School District would be delayed in receiving ±\$79,000 annually, impacting their ability to continue to upgrade technology in the classroom among other things.
- The delay in adding new industrial property valuation to the tax rolls ultimately impacts other classes of property as they have to absorb a greater share of the area's tax burden.

EMPLOYMENT & WAGES COMPARISON

The following graphic depicts the hourly wage data of full-time equivalent employees in manufacturing and transportation and warehouse. This data indicates that wages in both industries are very similar. For example, the percentage of workers in manufacturing making \$38/hour or greater accounts for 22% of its total workforce, while the same wage threshold for transportation and warehousing accounts for 23% of its total workforce. That said, manufacturing has a higher percentage of workers making less than \$19/hour than transportation and warehousing.

NAICS	Industry	Hourly Wages								
		<\$14.00	\$14.00 - \$19.99	\$20.00 - \$25.99	\$26.00 - \$31.99	\$32.00 - \$37.99	\$38.00 - \$43.99	\$44.00 - \$49.99	\$50.00 - \$55.99	>\$56.00+
31-33	Manufacturing	3.1%	23.9%	23.1%	17.5%	10.4%	6.4%	3.9%	2.8%	8.8%
48-49	Transportation & Warehousing	3.6%	20.9%	24.1%	19.7%	8.8%	6.4%	5.2%	3.3%	7.8%

Source: Washington Employment Security Department County Data Tables for Clark County, WA

Further, according to data from Washington Employment Security Department, the 2021 average annual wage for Transportation & Warehousing workers was \$65,221 (\$31.35/hour) compared to \$69,170 (\$33.25/hour) for manufacturing. Wholesale Trade, an industry that also uses industrial warehouse buildings, is shown to have an average annual wage of over \$96,000. When looked at wholistically, of the nineteen industries below, transportation and warehousing, manufacturing and wholesale trade are all within the top 10 of industries for average annual wages and each of these industries are tenants of industrial warehouse buildings.

All Sectors	Annual Average Wage
Accommodation & food services	\$ 25,755
Arts, entertainment, & recreation	\$ 28,000
Educational services	\$ 34,346
Retail trade	\$ 39,979
Ag., forestry, fishing & hunting	\$ 46,753
Other services, ex. public admin.	\$ 47,882
Administrative & waste services	\$ 51,315
Real estate & rental & leasing	\$ 55,165
Health care & social assistance	\$ 61,093
All Industries	\$ 65,032
Transportation & warehousing	\$ 65,221
Construction	\$ 68,945
Manufacturing	\$ 69,170
Government	\$ 70,890
Wholesale trade	\$ 96,060
Professional & technical services	\$ 99,131
Information	\$ 102,111
Mgmt.of companies & enterprises	\$ 112,029
Finance & insurance	\$ 122,988

THE MANUFACTURING SUPPLY CHAIN – WAREHOUSES NEEDED

Supply chain disruptions are projected to continue leading companies to onshore or nearshore, bringing manufacturing and distribution alike into the US in order to promote supply-chain resiliency and inventory availability. This will help reduce shortages for consumers, promote employment and mitigate negative economic impacts experienced during the pandemic.

- According to James Breeze, senior director and global head of industrial & logistics research at CBRE,

“Growth in manufacturing is also increasing demand for warehouse space in these regions, as companies want to locate warehouses as close to production as possible to either store raw materials or distribute finished products. Placing distribution centers near the point of manufacturing also saves money on transportation costs.”

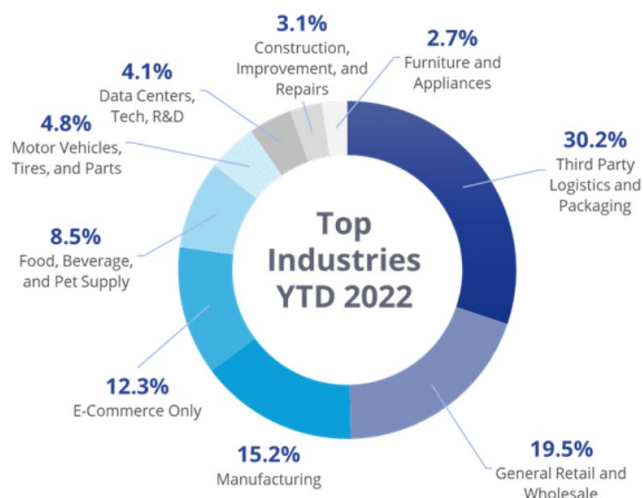
- According to an article by Wealth Management.com¹, over 1,800 companies re-shored production in 2021. The cite James Breeze, senior director and global head of industrial & logistics research at CBRE:

“. . . re-shoring activity is generating competition for industrial properties between manufacturers and logistics users, as those types of buildings can serve either purpose. Growth in manufacturing is also increasing demand for warehouse space in these regions, as companies want to locate warehouses as close to production as possible to either store raw materials or distribute finished products. Placing distribution centers near the point of manufacturing also saves money on transportation costs, Breeze notes.”

DEMAND FOR E-COMMERCE CONTINUES

E-commerce facilities are not the only users of large industrial warehouse buildings, but demand for e-commerce is increasing:

- E-commerce as a percentage of total retail sales has gone from ±14% in 2020 to ±17% currently. Forecasts suggest E-commerce as a percentage could be up to 22% by 2026.
- According to research by Colliers International, 1% of additional E-commerce growth equates to \$54.7 billion of retail sales, requiring ±37 million square feet of additional warehouse space.
- A November 2022 report by Colliers shows third party logistics and packaging, *which is needed by every other industrial user*, has the largest market share (±30%) of industrial building space nationwide compared to manufacturing and e-commerce at ±15% and ±12%:



E-COMMERCE HAS POSITIVE IMPACT ON SUSTAINABILITY

According to a study by the MIT Real Estateⁱⁱ Innovation Lab, online shopping demonstrates clear sustainability advantages over in-store shopping, even after factoring in higher returns and packaging.

- Carbon emissions from online shopping are 36% lower, on average, than those produced by in-store trips.
- Built-out logistics networks, which include urban fulfillment centers, can reduce transportation-related emissions by 50%.

EMPLOYMENT DENSITIES & BUILDABLE LANDS NOT AT RISK

Chris Reeves, a graduate student at Portland State University, released an Industrial Market Analysisⁱⁱⁱ in 2021 addressing employment density in e-commerce versus manufacturing. The study points out that e-commerce warehousing often has a higher employment density than manufacturing facilities:

“NAIOP cites that the average employment density for an e-commerce facility is 700 feet per worker (NAIOP). Most new Amazon facilities have one employee per 600 to 650 square feet, often employing a massive 2,000 to 3,000 workers per establishment. For some context, this contrasts the Cascades Tissue converting manufacturing facility in Scappoose, Oregon (Cascades) which has 1 employee per 4,000 square feet, or Wilsonart Wood Finishing Manufacturing plant in Klamath Falls (Wilsonart) which has 1,900 square feet per employee.”

According to NAIOP, the average E-commerce facility has three times the number of employees per square foot compared to traditional contract warehousing.

The 2021 Buildable Lands Report for Clark County assumes employment densities of 9 employees per acre for industrial and 20 employees per acre for commercial. And based on 2021 Buildable Lands Report for Clark County, the city's land supply does not require emergency actions. The report indicates the land supply the largest share of total net buildable employment land is the 2,423 net acres (62%) of industrial land within the City of Vancouver and its unincorporated UGA.

CONCLUSION

We are concerned that the city's moratorium was enacted without full evaluation and consideration of the information we've presented herein. Thus, we respectfully request that the city reconsider the enactment of the moratorium and encourage the city to repeal the moratorium and alternatively appoint a task force that can more rapidly address the city's concerns without risking the city's economic development future.

Very Sincerely,



David K. Toyer
President

ENDNOTES:

ⁱ [Surge in Re-Shoring Activity Creates More Demand for Industrial Space | Wealth Management](#)

ⁱⁱ MIT Study: [FINAL_Retail-carbon-footprints-report_011221.pdf \(mit.edu\)](#)

ⁱⁱⁱ https://www.pdx.edu/realestate/sites/g/files/znlchr3251/files/2021-06/Q1%20Industrial_Chris_Reeves_v2%20-%20Meagan%20An.pdf

From: [Fiona](#)
To: [City Council](#)
Subject: Submission: City Council Contact Form
Date: Friday, February 3, 2023 11:40:46 AM

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City Council Contact Form

Submitted date: Friday, February 3, 2023 - 11:40am

Contact Information

First name:

Fiona

Last name:

Humphrey

Email address:

[REDACTED]

Street address:

[REDACTED]

ZIP code:

98685

Inquiry Information

Subject:

Share an opinion about a City project or initiative

Recipient:

All of Council

Message:

Good morning, I do not live in City Limits, I am in the Salmon Creek area. But I wanted to comment on the Council's recent decision to approve a multifamily property tax exemption for Broadstone Apts. Bad enough to give the developer a large tax exemption, particularly since the Columbia reported a less than impressive \$20 savings for a studio apartment unit. Even worse, this was done even with an upcoming affordable housing levy renewal. It appears to me, and many others, that you are once again asking lower and middle income families to take all the burden for the housing problem while wealthy developers do just fine. I think those voters aware of this property tax break may vote against the housing levy

Upload a file:

From: [Jane](#)
To: [City Council](#)
Subject: Submission: City Council Contact Form
Date: Thursday, February 2, 2023 4:35:28 PM
Attachments: [hsus-expert-synopsis-force-feeding-duck-and-geese-welfare.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.



City Council Contact Form

Submitted date: Thursday, February 2, 2023 - 4:35pm

Contact Information

First name:

Jane

Last name:

McIntosh

Email address:

[REDACTED]

Street address:

[REDACTED]

ZIP code:

98686

Inquiry Information

Subject:

Comment on an upcoming Council agenda item

Recipient:

All of Council

Message:

Thank you so much for taking the time to read this letter. I am part of the Fur-Free Vancouver Group and just wanted to send along some evidence-based information on the deleterious effect of Foie Gras on individuals.

It goes without saying the horrible treatment that is involved in the making for Foie Gras and that there is no lack of evidence of the cruelty involved with regards to force-feeding. I have attached the Humane Society's expert synopsis on the making of Foie Gras.

I am sending this along as a Certified Nutrition Specialist concerned about the health risks of having

yet more unneeded sources of saturated fat for the residents of Vancouver. My intention in doing this just reflects that the amount of saturated fat in Foie Gras, along with Duck Liver Pate is unhealthy. The amount of saturated fat Americans are consuming is a public health concern. Why is saturated fat such an issue you might ask? High cholesterol levels can increase your risk of heart disease and stroke. Decades of research show that it is saturated fat intake responsible for raising cholesterol as previously thought it was dietary cholesterol. This information is what prompted the Dietary Guidelines for Americans in 2015 to revise the upper limit of 300 mg/day to emphasize that saturated fat intake is more of a concern than dietary cholesterol. Granted, Foie Gras is very high in vitamins, most notably, Vitamin B-12 along with Vitamin A. However, there are so many excellent options of Vitamin B-12 and Vitamin A that don't carry the amount of saturated fat, nor the tremendous cruelty associated with production of Foie Gras.

We know that Foie Gras is very rich and extremely fatty. It's also a well-known fact that the liver is the detoxifying organ, both in humans and non-human animals. Being a nutritionist and knowing the recent amount of foodborne contamination, if I were a chef/restaurateur, I would really want to know the specifics of that environment on how the animals were being raised and the conditions they were living under to prevent any type of food borne illness. That is a very time consuming task that many restaurateurs/chefs do not have time to do.

I am certainly no stranger to business and profits. I was once a business owner myself and know the challenge of running a business. I totally support business ventures and making business decisions. There is also something to be said for a business owner who makes ethical decisions. Mine was not in the food industry but the supplement industry where low profit margins also exist. There are so many ways of making profit without adding more unhealthy food choices to the menu. There is also something to be said for making decisions that support a compassionate community.

I also would like to present you with an article from WebMd that is very current with timely health information on evidence that Foie Gras may have certain effects on other conditions such as Alzheimer's and Diabetes. Below is a quote from the article and I have attached the article for your review. Although I typically don't like to use WebMd as a reference, I like the simplicity of it. Here is the link to the report that the article is referring to:

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC1894569/>

"New research suggests that a compound found in fatty goose and duck liver may be linked to a rare disease called amyloidosis, opening the door to a potential link between the delicacy and a host of other amyloid-related diseases ranging from Alzheimer's disease to type 2 diabetes."2

Vancouver is a beautiful community and one that I personally work as a health educator, yoga instructor and health advocate. I work daily with Vancouver residents helping them making better food choices for their bodies, their minds, along with their ecological and ethical concerns. I am voicing my concern about restaurants and new restaurants offering Foie Gras and Duck Liver on their menus as our Vancouver community does not need such a food.

If you would like more information, please let me know and I would be more than happy to talk with you, supply you with research, whatever it takes to convince that Foie Gras and Duck Liver does not belong on the menus or in the stomachs of Vancouver.

Again, thank you so much for allowing us to put on this workshop.

Sources*: 1 – The American Heart Association
2 – Healthy Reason To Forgo Foie Gras

In health,

Jane

Jane McIntosh, MA, CNS, E-RYT 500



Upload a file:

[hsus-expert-synopsis-force-feeding-duck-and-goose-welfare.pdf](#)

Scientists and Experts on Force-Feeding for Foie Gras Production and Duck and Goose Welfare

Abstract

The force-feeding of ducks and geese for the production of *pâté de foie gras* causes the birds' livers to become diseased and swollen, inducing hepatic lipidosis; pain and injury from feeding tube insertion; fear and stress during capture and handling; gait abnormality due to distended livers; pathologies in liver function; and increased mortality. An extensive body of scientific evidence confirms that the practice of force-feeding for foie gras is detrimental to animal welfare. Compiled below are statements by leading welfare scientists and experts, including veterinarians who have personally examined force-fed birds or reviewed necropsies.

Yvan Beck, Veterinarian, Brussels, Belgium

- “Generally speaking, foie gras production is directly or indirectly the source of several problems affecting animal welfare and health. These problems could be grouped as follows: 1. Problems directly linked to force-feeding: 1.1. The intentional hepatic steatosis causes pathology of the liver, and 1.2. The technique of force-feeding is the source of pathological complications; and, 2. Problems indirectly linked to force-feeding: 2.1. Extra-hepatic conditions linked to force-feeding, 2.2. Problems linked to the industrialization of production.”¹
- “The ability for lesions to be reversed in situations of hepatic steatosis is a question of threshold. Nutritional hepatic steatosis is a process which, at a certain level, cannot be reversed and will condemn animals to death. The lesions’ ability to reverse below this threshold can not in any way be used as an argument to deny the underlying pathological condition.
Thus, the hepatic lipidosis/steatosis induced as a finality of the force-feeding process is a pathological condition.”²
- “Another source for my conclusions is the mortality rates of birds used in foie gras production. If animals die during force-feeding, there is a reason for it, even if we ignore the statistical distribution of the correct pathological causes of each death. In fact, they die in large numbers and/or in proportions different from the proportions encountered when other breeding practices are applied to geese and ducks for human consumption. Force-feeding is recognized as the source of these mortality rates, which are 10 to 20 times higher than normal when force-feeding occurs. The induced disease of the liver explains why animals die at the end of the human-induced process, and the hepatic steatosis present in a fatty liver is a pathology that is also a source of direct or indirect complications (diseases) contributing to these mortality rates in breeding operations.”³
- “With force feeding, there are various diseases directly affecting the liver. Steatosis/lipidosis belongs to a progressive degeneration process, followed by a necrosis and a hepatic fibrosis. As shown in previous scientific elements, the repercussions of steatosis on the physiological functions of the liver increase as the steatosis develops by affecting with more or less intensity animal health and welfare. Passed [*sic*] a certain threshold, the structural problems—degeneration, sclerosis, vascular problems and necrosis—directly affect the anatomy of the liver and its quality as a finalized product for human consumption.”³

- “In addition, this degenerative process indirectly causes several other complications external to the liver for the animals, including secondary infections (exit germs). Deterioration of the musculoskeletal system resulting in fractures of bones is common, in part because immobilization of animals in cages, nutritional imbalance of portions (deficiency in proteins and in minerals), hormonal disturbance and excessive weight which all affect bone growth. Ultimately they cause fractures, as seen in breeding facilities and in slaughterhouses. There are also various respiratory problems which appear during force-feeding and are caused by the physiological reactions caused by the forced ingestion of a big quantity of neuron-vegetative reflex food. Furthermore, without a diaphragm to separate the thorax from the abdomen, the hypertrophied and voluminous liver compresses more and more the air sacs and affects respiration. At the end of force-feeding, the animals are most often panting and incapable of any effort.”⁴
- “Self-imposed force-feeding does not exist under breeding conditions where it always reflects a pathologic situation (physical or social stress). Food itself and its presentation do not correspond to prehension criteria under natural conditions: birds would refuse to eat it or would certainly not eat it in such quantities... The storage of supplies resulting from natural predispositions is thus hardly comparable to the results of force-feeding domestic species.”⁵
- “In conclusion, at a certain stage, the functional hepatic deficiency is considered as the unavoidable outcome of the hepatic steatosis (chap. 4.1.3.): fatty overload, steatosis, steatonecrosis are all steps of the same deleterious process. At the end of force-feeding, the liver is indeed a diseased organ. The bird is killed before collapsing on its own. To present the reversibility of the process as an argument proving the occurrence of a normal physiological process is, once again, tendentious. Indeed, the inherent characteristics of the hepatic parenchyma contribute to this reversibility regardless of the source of the disease and as long as we intervene early enough.”⁶
- “From the point of view of the veterinarian and...of his patient, the debate focuses on three questions of substance:
 First question: is it possible to consider that the nutritional hepatic steatosis is a phenomenon similar to the natural accumulation of fats supplies by palmipeds before migration?
 The answer is no.
 By controlling breeding techniques, man tends to produce foie gras, a quality product made under the ‘best conditions’. He uses natural predispositions present in some species. There is however no comparison between what nature planned (an hepatic synthesis followed by a peripheral accumulation of fats which respects the functioning of the hepatocyte) and the extreme result which is imposed by force-feeding on the organism. Birds at the end of this process are not able to make any exertions which is in total contradiction with the aim of this activity in natural conditions.
 Second question: is the nutritional hepatic steatosis a pathology of the liver?
 The answer is yes: the fatty liver (foie gras) is a diseased liver.
 Force-feeding causes structural modifications qualified as “nutritional steatosis” in all the veterinary literature. Hepatic steatosis is, regardless of its origin, a morbid process which perturbs the good functioning of the hepatic cell. The clinical table and the prognostic of this affection are directly linked to its degree of evolution at the time of the beginning of treatment.
 Would it then be necessary to distinguish between two types of steatosis: the steatosis of the medicine which we try to heal and the steatosis of force-feeding which we encourage?
 If fluctuations of intrahepatocytic and hepatic biochemical parameters are observed during force-feeding, the progressive introduction into the blood of several objective ‘markers’ indicating suffering or cellular necrosis is indubitable. The sequential anatomo-pathological connections established during force-feeding on sacrificed animals also demonstrate the introduction of a pathological process which causes an overload, a distension and finally a degeneration of the hepatic parenchyma.
 The argument presenting the foie gras as a ‘sane organ’ because of the reversibility of the process is partial and must be rejected as such. The reversibility of an hepatic lesion process is based on its degree of extension. Beyond a certain threshold, the animal is condemned. Below a certain threshold, reversibility depends on two essential characteristics of the organ: the functional supplies and the ability to regenerate

which both interfere with the delays in the appearance of an hepatic symptomatology. In the case of geese force-feeding, modifications of the hepatic parameters appear in the majority of cases on the 18th day and mark at this moment the presence of tissue necrosis. It is only at this stage the clinical symptoms appear (icterus, weight loss, digestive troubles...) revealing a very advanced pathology.

Third question: does nutritional hepatic steatosis cause suffering?

The answer is yes.

Ethological expertise is compelling at this level: breeding conditions (particularly for intensive breeding) are completely incompatible with meeting the physiological and ethological needs of normal palmipeds. Veterinary expert opinion also highlights the structural and functional suffering which is caused by the manipulations associated with force-feeding and by the steatosis, the goal of this process.”⁷

- “Force-feeding of palmipeds or nutritional hepatic steatosis provokes a pathological transformation of the liver which causes undeniable animal suffering. The economical goal of the process is to push the transformation of this organ to the maximum in the shortest amount of time in order to maximize profit. However, this must be stopped before the degenerative phenomena, unavoidable beyond a certain level, start affecting the quality (friability) of the product or damaging excessively the health of birds. The topic of this discussion is indeed a choice made by society: some communities consume dog meat, others eat whales or monkey brains...Are we ready to support a practice which scientifically transforms an organ on a living being by making it sick, to satisfy the gustatory pleasure of a few gourmets? And if yes, under what conditions?

I personally think that measures should be taken internationally and by the European Community to forbid this type of production in intensive breeding, regardless of the economic justifications and of the laws of the market in place today. These justifications and laws are not and will never be able to justify a practice which, with a little bit of reflection, can only be considered by civilized beings as a barbaric practice unworthy of the role of man as a guarantor of humanist ethics.”⁸

- “It has been noted that, as well as the pathologies normally attributed to palmipeds (not pursued in this account), force-feeding is the cause of a number of maladies.”⁹
- “Force-feeding to fatten palmipeds is an ethically unacceptable practice, and is in total contradiction to the recommendations concerning Barbary and Mallard ducks, issued by the Permanent Council of the European convention on the protection of farmed animals.”¹⁰
- “The end result of force-feeding is—hepatic steatosis—which is a liver disease. This causes—at different degrees during its development—physiological and physical problems which are detrimental to the state of health and well-being of birds. Eventually the hepatic steatosis will lead to the death of the birds.”¹¹
- “Force-feeding is finally, a practice against nature, which violates the natural prehension of food. Therefore the contention [is] that the introduction of such equipment reduces the well-being of the birds subjected to it.”¹¹

W. Molee, National School of Agronomics at Toulouse, Castanet-Tolosan Cedex, France

Marie-Hélène Bouillier-Oudot, National School of Agronomics at Toulouse, Castanet-Tolosan Cedex, France

Alain Auvergne, National School of Agronomics at Toulouse, Castanet-Tolosan Cedex, France

R. Babilé, National School of Agronomics at Toulouse, Castanet-Tolosan Cedex, France

- “This study provides evidence that overfeeding with a carbohydrate-rich corn-based diet induces a de novo hepatic lipogenesis in Mule duck which predominates over dietary lipid intake to change the lipid composition of the hepatocyte plasma membrane.”¹²

Ian J.H. Duncan, Emeritus Chair in Animal Welfare, University of Guelph, Ontario, Canada

- “In my opinion, the force feeding of ducks and geese, for the production of foie gras is a cruel and inhumane practice that should be banned. There are two aspects to the cruelty:
 1. Forcing food down a bird’s gullet beyond the limits of its appetite will cause pain and suffering. Also, the regular insertion of a feeding tube down the esophagus several times a day will inevitably lead to damage of the esophagus. When the esophagus becomes damaged, then the painfulness of every force feeding episode will be exacerbated.
 2. Force feeding quickly results in birds that are obese and in a pathological state, called hepatic lipidosis of [*sic*] fatty liver disease. There is no doubt, that in this pathological state, the birds will feel very ill. In my view it is completely unethical to deliberately promote a diseased state in an animal. The birds’ obesity will lead to a myriad of other problems from skeletal disorders to difficulties in coping with heat stress and all of which are accompanied by feelings of malaise.In my view, no civilized country would allow this barbaric practice to continue.”¹³

Lynn R. Dustin, Veterinarian, Bay Area Bird Hospital, San Francisco, California, USA

- “Numerous injuries can occur from the process of force feeding. Because a gavage tube is inserted down the esophagus, scalding can occur from food that is too hot, and the tube can cause inflammation of the throat, bruising or perforation of the esophagus, asphyxia, over expansion of the esophagus and lesions of the neck, throat or chest.

Some duck species gorge prior to migration. However, they do not gorge to the extent of causing illness or making themselves incapable of breathing or walking, which results from force feeding. Nor do they suffer the repeated trauma of gavage tube insertion.”¹⁴
- “There is nothing natural about the production of foie gras.”¹⁴
- “The practice of force feeding a duck to produce a fatty liver is inherently cruel and should be banned by law.”¹⁴

Scientific Committee on Animal Health and Animal Welfare of the European Commission

- “Ducks are fed considerably more during the force feeding period than they would eat voluntarily, and they receive this food without having the possibility to forage in a species-specific manner.”¹⁵
- “The avoidance behaviour by most ducks and geese in pens during force feeding observed by members of the working group indicates aversion to the force feeding procedure.”¹⁶
- “Daily hand-feeding of ducks and geese is normally associated with a positive response by the animals towards the person feeding them. In the preparation of this report, members of the Committee visited a number of farms practising force feeding but this behaviour was not observed by the visitors on these occasions. When ducks or geese were in a pen during the force feeding procedure, they kept away from the person who would force feed them even though that person normally supplied them with food. At the end of the force feeding procedure, the birds were less well able to move and were usually panting but they still moved away from or tried to move away from the person who had force fed them.”¹⁷
- “However, some experts of the working group observed on visits to fattening units that the legs of the force fed animals were pushed outwards, away from the mid-line of the body so that they met the ground considerably further apart than is normal and so that the leg could not be held vertically when the bird was standing or walking and they conclude that it was caused by the great expansion of the liver. They observed

that the consequence of this was that birds with expanded livers had difficulty in standing and their natural gait and ability to walk were severely impaired.”¹⁶

- “Birds, including ducks and geese, have a wide range of pain receptors and an elaborate pain recognition system. Most injuries caused by tissue damage during handling or tube insertion would result in pain. The oropharyngeal area is particularly sensitive and is physiologically adapted to perform a gag reflex in order to prevent fluids entering the trachea. Force feeding will have to overcome this reflex and hence the birds may initially find this distressing and injury may result.

The beak of a duck is richly innervated and the insertion of a ring through the beak would cause pain during the operation and might cause neuroma formation, and hence prolonged pain, thereafter. Similarly, most injuries to the feet caused by inadequate flooring would be painful.”¹⁸

- “Hence it appears that the level of steatosis normally found at the end of force feeding would not be sustainable for many of the birds. For this reason, and because normal liver function is seriously impaired in birds with the hypertrophied liver which occurs at the end of force feeding this level of steatosis should be considered pathological.”¹⁹
- “A further source of information concerning whether the liver is in a pathological condition at the end of gavage is to ask qualified pathologists for their opinion on the histology of such liver. In non-statistical surveys (Beck; 1994, 1996 unpublished) the opinions of 25 pathologists from various countries were sought on this point. Most of these considered that the liver condition was pathological. Several of them pointed out that some degree of steatosis can occur in healthy animals at certain times of life but they considered that the degree of steatosis at the end of force feeding was much more severe than any naturally occurring steatosis.”²⁰
- “In conclusion, there is good evidence that liver structure and function that would be classified as normal is severely altered and compromised in force fed ducks and geese, but that lipid metabolism biochemical pathways are still functioning normally, albeit at an increased rate. Other clinical signs that force fed birds exhibit which are not seen in age matched birds fed ad libitum on a ‘natural’ diet include: loose faeces, wet neck, increased time spent sitting and less time carrying out active behaviours, some aversion to the feeding process, increased incidence of bone fractures and liver lesions at the abattoir. Continued feeding would almost certainly result in an earlier death.”²¹
- “The changes in hepatocytes and other cells in the liver of force fed ducks and geese are substantial. The most obvious change is the increase in the number of large fat globules visible in the cells. A limited increase in the presence of fat globules in liver can occur in normal liver in certain conditions but no normal animal has steatosis of the liver to the extent which occurs in all force fed birds. During the force feeding period, liver function is impaired.”²²
- “Force feeding results in an increase in liver size to the extent that the abdomen expands. Logically this should result in the legs being held further away from the midline of the body, making locomotion more difficult. Panting occurs more often than in ducks or geese which are not force fed. Some members of the working group have observed this displacement of the legs and panting.”²²
- “Hypertrophied livers can cause discomfort in a variety of other species. Hence it may be that some discomfort results directly from the hypertrophied liver in force fed ducks and geese.”²²
- “The force feeding procedure deprives the bird of an important behaviour which is normal feeding.”²³
- “The problems of the force feeding procedure itself are: (1) handling by humans which, in the commercial force feeding situation, can cause aversion and discomfort for ducks and geese, (2) the potentially damaging

and distressing effects of the tube which is inserted into the oesophagus, (3) the rapid intubation of a large volume of food.”²³

- “The Scientific Committee on Animal Health and Animal Welfare concludes that force feeding, as currently practised, is detrimental to the welfare of the birds.”²⁴
- “The working group was informed that ducks at the end of the force feeding period can have serious injuries to the oesophagus or, more usually, having [*sic*] clear evidence of tissue damage in the oesophagus. It seems likely that birds have sufficient damage to oesophagus tissue, caused by the force feeding process to have been painful to the birds.”²⁵

Jean-François Gabarrou, National Institute for Agronomical Research, Nouzilly, France

Marie-Rose Salichon, National Institute for Agronomical Research, Nouzilly, France

Gérard Guy, Head of Experimental Unit, National Institute for Agronomical Research, Artiguères, France

Jean-Claude Blum, National Institute for Agronomical Research, Nouzilly, France

- “The liver of the overfed ducks weighed ten times more than that of controls (695 vs 69 g [24.5 vs 2.4 oz]). The phospholipid, ash, water, and protein content of the liver were only slightly higher (2.6-, 3.6-, 4.4- and 3.2-fold, respectively) but the liver lipid concentration was 16.5 times higher after than before overfeeding (56.1 vs 3.4 g/100 g [1.98 vs 0.12 oz/3.53 oz] liver, respectively). Liver phosphatidylcholine concentration was higher in the control group (32.4 vs 22.9 mol/100 mol phospholipid) revealing a choline deficiency that could contribute to the development of liver steatosis. In liver phospholipid, the level of linoleic and arachidonic acids were markedly decreased in the overfed ducks, from 5 and 18.1 to 3.7 and 7.1 mol/100 mol fatty acids, respectively, and were mainly replaced by oleic acid. Plasma triacylglycerols increased 5.9-fold, cholesterol 2.2-fold and phospholipids 1.6-fold. Heat-induced (50 min at 105 °C [221 °F]) fat release, an index of poor liver integrity, was particularly high for the large, fat livers which contained low levels of phospholipids and phosphatidylcholine.”²⁶

Marianne Heimann, Institut de Pathologie et de Génétique, Lovreval, Belgium

Annick Delire

- “The excessive lipid load observed in the livers of ducks and geese at the end of force-feeding is, from the anatomopathological point of view, a lesion, and not part of the normal physiological process. The lesional character of these alterations is also confirmed by the changes in clinical biology (increase of hepatic enzymes in the blood etc). In no instance, can this increase be considered normal. It is a categoric sign of a diseased state and a clinical symptom (difficulty in breathing, difficulties in regulating temperature, exhaustion, difficulties in making an effort etc.)[.] Therefore one is not making use of a natural physiological process in palmipeds to produce a delicacy but rather a pathological process which can be reproduced in certain species. If the liver of a goose or a duck is used, it is because the pathology is easier to reproduce.

In addition to the lesions caused directly by force-feeding, the immune system as well as the liver is rendered frail to cope with any stress to which the animal is subjected.

The animal therefore often develops infections, which can be combated by the use of antibiotics. This however, poses the very serious problem of having residues of antibiotics within food destined for human consumption.”²⁷

- “[T]he means of obtaining this delicacy, and the money which it fetches, above all for a minority, does not justify the extremely painful conditions in which this food is produced.”²⁷
- “In the force-feeding of geese, the liver reaches a very large size, distends the peritoneum and occupies a place normally reserved for other organs, notably air sacs. This leads to respiratory difficulties, which have

still not yet been detected because the animals, shut into narrow cages, cannot make any muscular effort, and above all have enormous difficulties in controlling their temperature. There is also vessel compression which develops into circulatory problems.

Apart from these facts, we are in the presence of animals which have been made extremely fragile, very sensitive to stress, changes in the environment, and to infections.”²⁸

Dominique Hermier, National Institute for Agronomical Research, Orsay, France

Gérard Guy, Head of Experimental Unit, National Institute for Agronomical Research, Benquet, France

Solange Guillaumin, National Institute for Agronomical Research, Nouzilly, France

Stéphane Davail, University Institute of Technology, Mont-de-Marsan, France

Jean-Marc André, University Institute of Technology, Mont-de-Marsan, France

Robert Hoo-Paris, University Institute of Technology, Mont-de-Marsan, France

- “In response to overfeeding, de novo hepatic lipogenesis from dietary carbohydrates is dramatically enhanced in the goose (Mourot et al., 2000). Despite that the concentration of Very low density lipoproteins (VLDL) and High density lipoproteins (HDL) is also increased (Fournier et al., 1997), the lipoprotein secretion pathway appears to be overwhelmed, and a large proportion of triglycerides remains stored in the liver, which results in in situ steatosis (Hermier et al., 1991a). Such an imbalance between triglyceride synthesis and secretion is a feature of both NASH [Non-alcoholic steatohepatitis] and alcoholic intoxication, whereas an increased HDL concentration resembles the modifications induced by moderate alcohol consumption in human (Sabesin, 1981; Baraona and Lieber, 1998; Mensenkamp et al., 2001).”²⁹

Tatty M. Hodge, Veterinarian, East Greenbush, New York, USA

- “Animals in this condition would experience constant pain...I consider the production of foie gras to be inhumane as it deliberately harms the duck...”³⁰

Wendy Jensen, Veterinarian, Concord, New Hampshire, USA

- “Having seen firsthand the terrible suffering of ducks...confirmed by autopsy reports...I am forced to conclude that foie gras is produced at a terrible cost to the birds themselves. Foie gras, touted as a gourmet delicacy to entice the palate, is really only the diseased tissue of a tortured sick animal.”³¹

Mark Lerman, Veterinarian, Monsey, New York, USA

- “[T]he oesophagus is so thickened and inflamed and infected from the force ‘feeding’ that he could never eat on his own....The lesions seen in this duck and others like him, are unique. They are the result of a continuous, perverse and concerted effort to physically force these poor creatures to do something they weren’t designed to do.”³²

Christine Nicol, Professor of Animal Welfare, School of Veterinary Science, University of Bristol, UK

- “My view on the production of foie gras is clear and supported by biological evidence. This practice causes unacceptable suffering to these animals. The primary issue is the use of force....Foie gras production takes no account of the physiological state of the bird, but involves force feeding far beyond the point at which the bird would naturally stop. This practice is repeated daily for a number of weeks, causing lesions to the throat, pathological changes to the liver and painful distension of the abdomen, limiting movement.”³³
- “Foie gras production significantly reduces welfare....It causes pain during and as a consequence of the force feeding, feelings of malaise as the body struggles to cope with extreme nutrient imbalance, and

distress due to the forceful handling. The most extreme distress is caused by loss of control of the birds' most basic homeostatic regulation mechanism as their hunger control system is over-ridden."³³

Laurie Siperstein-Cook, Mobile Avian Veterinarian, Davis, California, USA

- "[T]he esophagus of force-fed ducks exhibit[s] scarring from the repeated trauma from the wide metal tubes that are pushed down the esophagus during the force-feeding process. Rough handling by the workers doing the force-feeding would exacerbate this trauma to the mucosal surface of the esophagus.
Excess weight at fast growth rates causes pressure on the legs and joints, also making it difficult and painful to walk. Ducks in foie gras factories have been shown to suffer from a much higher rate of long bone fractures at the time of slaughter than ducks raised for meat and not force-fed."³⁴

Ward B. Stone, Wildlife Pathologist, New York State Department of Environmental Conservation, Wildlife Pathology Unit, Delmar, New York, USA

- "The overloading of the liver with lipid (lipidosis) is a pathological process and I have never seen extensive lipidosis in waterfowl except for the cases involving overfeeding for liver pate."³⁵
- "[T]he short tortured lives of ducks raised for Foie Gras is well outside the norm of farm practice. Having seen the pathology that occurs from Foie Gras production, I strongly recommend that this practice be outlawed."³⁵

Christine Van Berchem, Veterinarian, Brussels, Belgium

René Zayan, Professor of Ethology, Université Catholique de Louvain, Louvain-la-Neuve, Belgium

- "[T]here is absolutely no doubt, that force-feeding subjects them to physiological and behavioural suffering which dramatically reduces their well-being...[F]orce-feeding constitutes a reprehensible practice from an ethical point of view."³⁶

René Zayan, Professor of Ethology, Université Catholique de Louvain, Louvain-la-Neuve, Belgium

- "In short, autoforce-feeding does not exist in ducks in their natural state and, if hyperplagia is observed in a duck in daily life, it is always pathological behaviour, symptomatic of physical and social stress. In no case no-one can affirm that force-feeding satisfied in a maximum way a visceral or basic physiological need, in as much as the need for food in an animal is accompanied by a choice, spontaneous or learned, and an active search of adequate food for the maintenance of health."³⁷

Pew Commission on Industrial Farm Animal Production

- "[T]he Commission recommends the end to force-feeding of fowl to produce foie gras..."³⁸

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The Humane Society of the United States is the nation's largest animal protection organization—backed by 10 million Americans, or one of every 30. For more than a half-century, The HSUS has been fighting for the protection of all animals through advocacy, education, and hands-on programs. Celebrating animals and confronting cruelty. On the Web at humanesociety.org.

From: [David](#)
To: [City Council](#)
Subject: Submission: City Council Contact Form
Date: Saturday, February 4, 2023 1:54:08 PM
Attachments: [ltr_requesting_repeal_of_ord_m-4396 - toyer_strategic.pdf](#)

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City Council Contact Form

Submitted date: Saturday, February 4, 2023 - 1:53pm

Contact Information

First name:

David

Last name:

Toyer

Email address:

[REDACTED]

Street address:

[REDACTED]

ZIP code:

98258

Inquiry Information

Subject:

Comment on an upcoming Council agenda item

Recipient:

All of Council

Message:

Attached please find our letter regarding ORDINANCE M-4396, which has a public hearing before Council on Feb. 6th.

Thank you,
David Toyer

Upload a file:

[ltr_requesting_repeal_of_ord_m-4396 - _toyer_strategic.pdf](#)



February 4, 2023

Mayor Anne McEnery-Ogle
Honorable City Councilors
City of Vancouver
P.O. Box 1995
Vancouver, WA 98668-1995

OPPOSED TO ORDINANCE M-4396 PLACING A MORATORIUM ON WAREHOUSE & DISTRIBUTION PROJECTS

Mayor & Councilors:

I am writing on behalf of Toyer Strategic Advisors, Inc., a land use and economic development consultancy that in full disclosure has clients (developers, businesses and landowners) directly impacted by the city's approval of Ordinance M-4396.

For the reasons cited in the analysis that follows, we strongly encourage the city council to repeal the moratorium and alternatively form a task force with business leaders, tenants, property owners and industry stakeholders – a task force that would be directed to evaluate the city's concerns and identify short- and long-term actions that the city can take to sustain the city's economic development momentum and further the city's sustainability goals.

We believe without a change in approach, the moratorium will result in the accrual of unintended and long-term consequences to the city's economic conditions (i.e., city finances, local employment, business retention and expansion, etc.) without a commensurate nor substantive environmental benefit. This is because industrial projects of all types seeking to locate in the Vancouver/Portland metro area are likely to either locate elsewhere within the metro or at a site much further away – an outcome that will only increase congestion on a broader scale and reinforce a dependency and reliance upon single occupant vehicles (commutes to work or to shopping) and inefficient less-than-load (LTL) truck traffic.

However, by using a task force approach, the city can more quickly, cooperatively, and effectively work with key community and business stakeholders to identify short, medium, and long-term strategies that address climate change; identify and prioritize investments in transportation infrastructure; ensure a sustainable supply of industrial lands for development and redevelopment; and promote business retention, expansion, and attraction.

GENERAL MORATORIUM COMMENTS

How does the city's moratorium differentiate itself between placing a moratorium on warehousing and distribution as a use and industrial warehouses as a type of building design – the latter being what has been proposed in recent land use applications?

The moratorium is being applied to the expansion or development of facilities falling under the warehouse/freight movement use classification when the cumulative building square feet for the entire project exceeds 100,000 square feet. Thus, because new industrial facilities are designed as "industrial warehousing" (i.e. having dock doors, etc.), the moratorium essentially extends to all new industrial buildings unless the specific tenant is known to not be a warehouse/freight movement use.

Almost all new industrial development in the Vancouver metro is speculative in nature and designed as "industrial warehouses" to attract the broadest spectrum of likely industrial and commercial tenants which include manufacturing, warehousing, wholesale suppliers, contractors, wineries, gymnastics facilities, offices, etc. To the

extent the design of an industrial building resemble a warehouse, the moratorium doesn't just target warehousing and distribution facilities.

THE RIPPLE EFFECT OF A MORATORIUM

A one-year moratorium on development applications means that even once the city begins to accept applications again, it will at least 18 to 24 months for future projects to obtain permitting entitlements and finish construction. This means the city is effectively shutting down economic development opportunities for the next 3 years.

Can the city afford to be on the sidelines of economic development for the next 3 years, while those projects go elsewhere (and they will go elsewhere)?

DANGER OF GENERALIZING SIZE AND BUILDING TYPOLOGY

Below and on the next page are two examples of "industrial warehouses" the city has referenced when talking about the large warehouse projects that are the impetus for the moratorium even though these projects are designed to accommodate multiple industrial building tenants, much like strip commercial buildings accommodate multiple small businesses. The examples below are site plan images taken from project marketing materials available on-line.

The industrial warehouse design and site planning, like in these examples, clusters industrial uses on industrial sites in the same fashion that residential development is encouraged to cluster single family homes and/or apartment buildings.

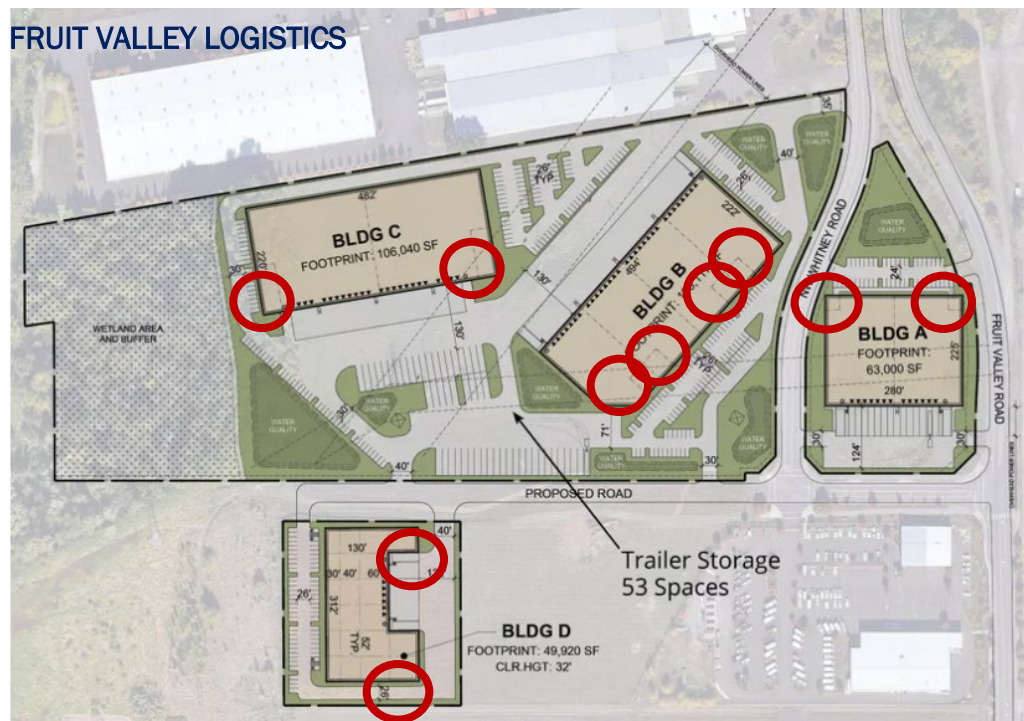
Example #1 – Fruit Valley Logistics

Moratorium's Perspective:

It's a 325,000 square feet warehouse distribution project.

What's Actually Shown:

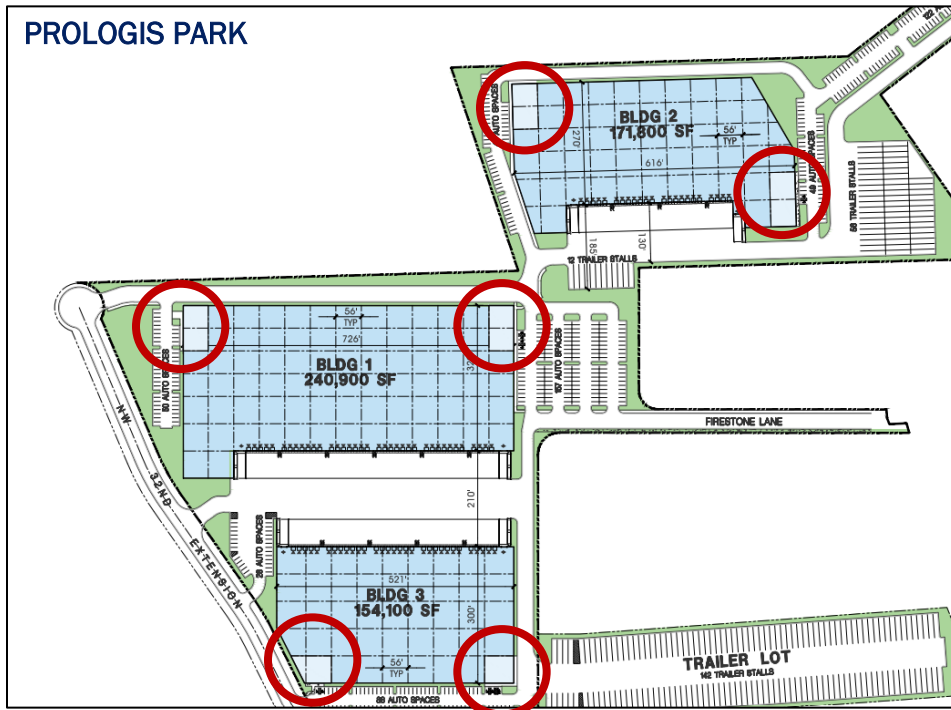
Overall building sizes that range from $\pm 49,000$ square feet to $\pm 108,000$ square feet, which the buildings have been designed to be demised into smaller spaces that could accommodate tenants seeking spaces as small as $\pm 24,960$ square feet. The red circles show proposed office nodes and reflect that site planning on this project anticipates as many as 10 tenants which could accommodate new or existing businesses in the Vancouver market.



Example #2 – Prologis Park

Moratorium Perspective: 566,800 square feet warehouse project.

What's Actually Shown: Three buildings that range from 154,100 square feet to 240,900 square feet with leasable areas as small as 50,000 square feet available. Given the office nodes on the buildings shown, this project could accommodate up to 6 businesses of varying use.



DOWNSTREAM IMPACT TO BUSINESS RETENTION, EXPANSION AND ATTRACTION

New large buildings aren't just for large new tenants, they facilitate business retention and expansion as well as attraction. In metro areas like Vancouver/Portland, logistics companies often lease space in multiple buildings throughout the area because larger spaces aren't available. However, if larger industrial warehouses become available, they can consolidate. The result is the vacancy of smaller spaces that can fulfill the needs of smaller industrial users, including small to medium sized manufacturers.

IMPACT TO THE CONSTRUCTION & TRADES INDUSTRIES

Every new building constructed directly supports a substantial number of contractors, subcontractors, material suppliers, and other local businesses that employ local workers. Slowing down new construction will have a direct impact on these businesses, their employees, and their families.

CITY REVENUE IMPLICATIONS

These industrial warehouse buildings are tax revenue juggernauts. Thus, a moratorium will reduce the revenues the city receives from many types of taxes during the moratorium and the restart period thereafter. Revenue impacts include:

- Sales taxes from construction, equipment purchases (racking, automation, etc.)
- Real estate excise taxes generated from the sale of the property
- Permit revenues generated from application, review and inspection fees
- Property taxes on the increased valuation created
- Water and sewer connection charges

- Traffic impact fees
- Utility taxes

SALES TAX IMPACT (EXAMPLE)

Estimated Sales Tax from Construction		
Building SF (Approx)		170,000
Construction Cost per SF		\$92
Total Construction Cost		\$15,640,000
State	6.50%	\$1,016,600.00
Vancouver, City	0.85%	\$132,940.00
C-Tran	0.70%	\$109,480.00
Clark County	0.15%	\$23,460.00
E911	0.10%	\$15,640.00
Mental Health	0.10%	\$15,640.00
Criminal Justice	0.10%	\$15,640.00
Affordable Housing	0.10%	\$15,640.00
	8.60%	\$1,345,040.00

- Assuming a construction cost of \$92 per square foot for a 170,000 square foot industrial warehouse building, the moratorium would impact city sales tax revenues by \$132,940:
- Of note, the Washington Employment Security Department County Data Tables report that in 2020 the “Construction of Buildings” accounted for \$998 million in annual taxable sales while the Transportation and Warehousing industry added another \$47 million in annual taxable sales.
- Sales taxes aren’t the only tax revenues impacted by the moratorium. A delay in construction of new buildings also delays the additional of new taxable valuation to the property tax rolls.

PROPERTY TAX IMPACT (EXAMPLE)

		Estimated Taxable Valuation
Property Taxes Levy for a 170,000 SF "Industrial Warehouse"		\$ 20,369,020
County General	0.92759	\$ 18,894
County General ADREF	0.00166	\$ 34
Dev Disability	0.01087	\$ 221
Mental Health	0.01087	\$ 221
Veterans Assistance	0.00979	\$ 199
Conservations Futures ADREF	0.00007	\$ 1
Conservations Futures	0.03615	\$ 736
Ft. Vancouver Reg. Library	0.34275	\$ 6,981
Metropolitan Park District	0.17147	\$ 3,493
Metropolitan Park District ADREF	0.00041	\$ 8
Port of Vancouver Bonds	0.11449	\$ 2,332
Port of Vancouver General	0.15073	\$ 3,070
SD114 Evergreen Debt Svc	1.76351	\$ 35,921
SD114 Evergreen Enrichment	1.71968	\$ 35,028
SD114 Evergreen Technology Levy	0.42022	\$ 8,559
State Schools - Part 1	1.91284	\$ 38,963
State Schools - Part 2	1.03016	\$ 20,983
City of Vancouver Affordable Housing	0.22586	\$ 4,601
City of Vancouver General	1.97136	\$ 40,155
City of Vancouver ADREF	0.00595	\$ 121
Total All	10.82643	\$ 220,524

- The delay in adding the taxable valuation of the example 170,000 square foot building to the property tax rolls delays the city receiving approximately \$40,000 in property taxes annually.
- The impact is also felt by the Regional Library System, Mental Health Programs, and the local school district.
- For this example, based on current levy rates, the Evergreen School District would be delayed in receiving ±\$79,000 annually, impacting their ability to continue to upgrade technology in the classroom among other things.
- The delay in adding new industrial property valuation to the tax rolls ultimately impacts other classes of property as they have to absorb a greater share of the area’s tax burden.

EMPLOYMENT & WAGES COMPARISON

The following graphic depicts the hourly wage data of full-time equivalent employees in manufacturing and transportation and warehouse. This data indicates that wages in both industries are very similar. For example, the percentage of workers in manufacturing making \$38/hour or greater accounts for 22% of its total workforce, while the same wage threshold for transportation and warehousing accounts for 23% of its total workforce. That said, manufacturing has a higher percentage of workers making less than \$19/hour than transportation and warehousing.

NAICS	Industry	Hourly Wages								
		<\$14.00	\$14.00 - \$19.99	\$20.00 - \$25.99	\$26.00 - \$31.99	\$32.00 - \$37.99	\$38.00 - \$43.99	\$44.00 - \$49.99	\$50.00 - \$55.99	>\$56.00+
31-33	Manufacturing	3.1%	23.9%	23.1%	17.5%	10.4%	6.4%	3.9%	2.8%	8.8%
48-49	Transportation & Warehousing	3.6%	20.9%	24.1%	19.7%	8.8%	6.4%	5.2%	3.3%	7.8%

Source: Washington Employment Security Department County Data Tables for Clark County, WA

Further, according to data from Washington Employment Security Department, the 2021 average annual wage for Transportation & Warehousing workers was \$65,221 (\$31.35/hour) compared to \$69,170 (\$33.25/hour) for manufacturing. Wholesale Trade, an industry that also uses industrial warehouse buildings, is shown to have an average annual wage of over \$96,000. When looked at wholistically, of the nineteen industries below, transportation and warehousing, manufacturing and wholesale trade are all within the top 10 of industries for average annual wages and each of these industries are tenants of industrial warehouse buildings.

All Sectors	Annual Average Wage
Accommodation & food services	\$ 25,755
Arts, entertainment, & recreation	\$ 28,000
Educational services	\$ 34,346
Retail trade	\$ 39,979
Ag., forestry, fishing & hunting	\$ 46,753
Other services, ex. public admin.	\$ 47,882
Administrative & waste services	\$ 51,315
Real estate & rental & leasing	\$ 55,165
Health care & social assistance	\$ 61,093
All Industries	\$ 65,032
Transportation & warehousing	\$ 65,221
Construction	\$ 68,945
Manufacturing	\$ 69,170
Government	\$ 70,890
Wholesale trade	\$ 96,060
Professional & technical services	\$ 99,131
Information	\$ 102,111
Mgmt.of companies & enterprises	\$ 112,029
Finance & insurance	\$ 122,988

THE MANUFACTURING SUPPLY CHAIN – WAREHOUSES NEEDED

Supply chain disruptions are projected to continue leading companies to onshore or nearshore, bringing manufacturing and distribution alike into the US in order to promote supply-chain resiliency and inventory availability. This will help reduce shortages for consumers, promote employment and mitigate negative economic impacts experienced during the pandemic.

- According to James Breeze, senior director and global head of industrial & logistics research at CBRE,

“Growth in manufacturing is also increasing demand for warehouse space in these regions, as companies want to locate warehouses as close to production as possible to either store raw materials or distribute finished products. Placing distribution centers near the point of manufacturing also saves money on transportation costs.”

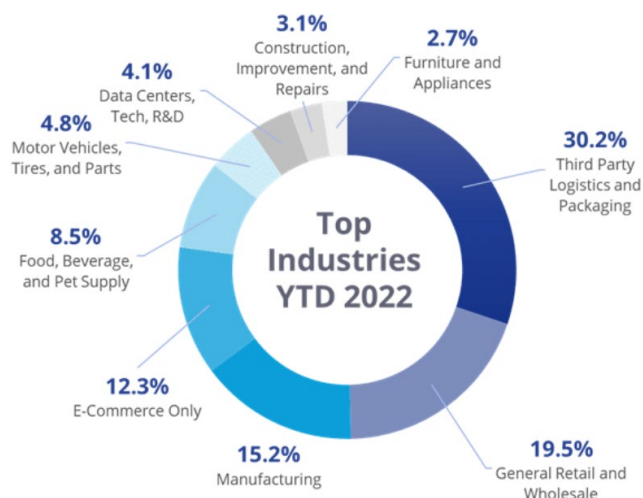
- According to an article by Wealth Management.com¹, over 1,800 companies re-shored production in 2021. The cite James Breeze, senior director and global head of industrial & logistics research at CBRE:

“. . . re-shoring activity is generating competition for industrial properties between manufacturers and logistics users, as those types of buildings can serve either purpose. Growth in manufacturing is also increasing demand for warehouse space in these regions, as companies want to locate warehouses as close to production as possible to either store raw materials or distribute finished products. Placing distribution centers near the point of manufacturing also saves money on transportation costs, Breeze notes.”

DEMAND FOR E-COMMERCE CONTINUES

E-commerce facilities are not the only users of large industrial warehouse buildings, but demand for e-commerce is increasing:

- E-commerce as a percentage of total retail sales has gone from $\pm 14\%$ in 2020 to $\pm 17\%$ currently. Forecasts suggest E-commerce as a percentage could be up to 22% by 2026.
- According to research by Colliers International, 1% of additional E-commerce growth equates to \$54.7 billion of retail sales, requiring ± 37 million square feet of additional warehouse space.
- A November 2022 report by Colliers shows third party logistics and packaging, *which is needed by every other industrial user*, has the largest market share ($\pm 30\%$) of industrial building space nationwide compared to manufacturing and e-commerce at $\pm 15\%$ and $\pm 12\%$:



E-COMMERCE HAS POSITIVE IMPACT ON SUSTAINABILITY

According to a study by the MIT Real Estateⁱⁱ Innovation Lab, online shopping demonstrates clear sustainability advantages over in-store shopping, even after factoring in higher returns and packaging.

- Carbon emissions from online shopping are 36% lower, on average, than those produced by in-store trips.
- Built-out logistics networks, which include urban fulfillment centers, can reduce transportation-related emissions by 50%.

EMPLOYMENT DENSITIES & BUILDABLE LANDS NOT AT RISK

Chris Reeves, a graduate student at Portland State University, released an Industrial Market Analysisⁱⁱⁱ in 2021 addressing employment density in e-commerce versus manufacturing. The study points out that e-commerce warehousing often has a higher employment density than manufacturing facilities:

“NAIOP cites that the average employment density for an e-commerce facility is 700 feet per worker (NAIOP). Most new Amazon facilities have one employee per 600 to 650 square feet, often employing a massive 2,000 to 3,000 workers per establishment. For some context, this contrasts the Cascades Tissue converting manufacturing facility in Scappoose, Oregon (Cascades) which has 1 employee per 4,000 square feet, or Wilsonart Wood Finishing Manufacturing plant in Klamath Falls (Wilsonart) which has 1,900 square feet per employee.”

According to NAIOP, the average E-commerce facility has three times the number of employees per square foot compared to traditional contract warehousing.

The 2021 Buildable Lands Report for Clark County assumes employment densities of 9 employees per acre for industrial and 20 employees per acre for commercial. And based on 2021 Buildable Lands Report for Clark County, the city's land supply does not require emergency actions. The report indicates the land supply the largest share of total net buildable employment land is the 2,423 net acres (62%) of industrial land within the City of Vancouver and its unincorporated UGA.

CONCLUSION

We are concerned that the city's moratorium was enacted without full evaluation and consideration of the information we've presented herein. Thus, we respectfully request that the city reconsider the enactment of the moratorium and encourage the city to repeal the moratorium and alternatively appoint a task force that can more rapidly address the city's concerns without risking the city's economic development future.

Very Sincerely,



David K. Toyer
President

ENDNOTES:

ⁱ [Surge in Re-Shoring Activity Creates More Demand for Industrial Space | Wealth Management](#)

ⁱⁱ MIT Study: [FINAL_Retail-carbon-footprints-report_011221.pdf \(mit.edu\)](#)

ⁱⁱⁱ https://www.pdx.edu/realestate/sites/g/files/znlchr3251/files/2021-06/Q1%20Industrial_Chris_Reeves_v2%20-%20Meagan%20An.pdf

From: [Peter L. Fels](#)
To: [City Council](#); [Kennedy, Rebecca](#)
Subject: Monday February 6 Workshop
Date: Friday, February 3, 2023 10:49:54 AM
Attachments: [Stakeholders.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.

Please see attached letter.

Thank you,

Peter Fels

Peter Fels

Vancouver WA 98663

TELEPHONE:

February 3, 2023

RE: Community Engagement in Comprehensive Plan Update

Dear Councilors,

The Presentation and Memo for Monday's (February 6, 2023) workshop on the Comprehensive Plan Update make several references to engaging "stakeholders" and "co-creative partners"*. I hope you will question who these people and groups are.

Development of the Comprehensive Plan Update is of vital interest to all citizens of Vancouver, as well as residents of its UGA. Community engagement should reach out to all citizens.

Typically "stakeholders" as used by government planners means business groups, developers, and established political or power groups. When these kind of "stakeholders" have the first opportunity to shape City plans, the outcome will naturally skew toward their interests.

Too often ordinary citizens only learn of plans when it is already too late for their voices to have much of an impact.

It is contrary to the City's goals to promote equity, inclusion and diversity for planners to talk to traditional "stakeholders" in the early stages of plan development while leaving out opportunities for ordinary citizens to learn of the potential plans and give their input.

During Monday's workshop I urge you to question staff about how ordinary citizens, particularly marginalized and underrepresented people, will be able to learn about and participate in the process.

Thank you,

s/

Peter Fels

*I could not find a definition of "co-creative partners" in the documents.

From: [Jean M. Avery](#)
To: [City Council](#)
Subject: Yes for warehouse moratorium
Date: Friday, February 3, 2023 12:33:06 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 vote YES for a moratorium on new or expanded warehouses in Vancouver.

Jean M. Avery
Vancouver

From: [Heidi Cody](#)
To: [City Council](#)
Subject: ACE letter to COV re: Warehouse Moratorium
Date: Sunday, February 5, 2023 2:29:25 PM
Attachments: [2.6.23 ACE ltr_warehousemoratorium.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.

Hello,

Attached please find a letter from Alliance for Community Engagement (ACE), supporting the City's proposed warehouse Moratorium.

Thank you,
Heidi Cody

--

Co-Director | Alliance for Community Engagement SWWA
Strategic Coordinator for SWWA | Stand Up to Oil Coalition
Sparkle with #climatetoothpaste. I do. climatetoothpaste.com #greennewdeal

February 6, 2023

Alliance for Community Engagement (ACE)

Vancouver City Council and Staff

Dear Mayor McEnerny-Ogle, City Council and City Staff:

Alliance for Community Engagement SWWA supports the City passing a six-month Moratorium on new and expanded warehouses over 100,000 feet. It is crucial that the City and our communities understand the health, safety and noise impacts of these large warehouses, before permitting more of them.

Warehouses can bring unwanted pollution, traffic congestion and noise to neighborhoods which are often already overburdened by these impacts. The warehouse projects already vested by the City have brought up issues about how effectively the City has engaged and notified the neighborhoods who will be impacted when a warehouse application is submitted. For example, the proposed Prologis Park warehouse would bring 1,200 trucks through these neighborhoods along with significant air pollution and noise to their route to major transportation corridors. Adequate City neighborhood notification and a transparent public engagement process for new and expanded warehouses is essential.

Our Climate Action Framework (CAF) set a goal for Vancouver to reduce 80% greenhouse gas emissions reductions city-wide by 2035. It will be impossible to meet this goal unless large warehouses are carefully regulated to include climate pollution impacts. 2035 is only 12 years away.

In the Staff report about the warehouse Moratorium, we noticed some key language missing from the goals that were referenced from the Strategic Plan Alignment section.

Goal 9 states: "Build the strongest, most resilient economy in the Pacific Northwest."
Consider adding "equitable." The Strategic Plan should elevate equity like our CAF does.

Objective 9.1 states: "Create infrastructure and policies that support job creation."
Consider adding "create sustainable infrastructure, and policies that support family wage jobs and a green economy."

ACE understands the practical and economic need for warehouses, and jobs they create. We support the City evaluating these new jobs on quantity, quality and wage issues. Thank you for your work, and for pausing warehouse approvals while you study this issue more closely during the warehouse Moratorium.

Sincerely,

Alliance for Community Engagement (ACE)

From: [Delapena, Amanda](#)
To: [Dollar, Sarah](#)
Subject: FW: Letter - Ann Donnelly - re Warehouse Moratorium - for February 6
Date: Monday, February 6, 2023 7:49:00 AM
Attachments: [Donnelly letter re Warehouse Moratorium Feb 4 2023.pdf](#)

Written communication for inclusion in the record.

Amanda Delapena

From: [REDACTED] >
Sent: Saturday, February 4, 2023 11:22 AM
To: McEnerny-Ogle, Anne <A.McEnerny-Ogle@cityofvancouver.us>; Hansen, Bart
[REDACTED]
[REDACTED]
[REDACTED], Eric
<Eric.Holmes@cityofvancouver.us>; Pluckhahn, Lon <Lon.Pluckhahn@cityofvancouver.us>; Eiken,
Chad <Chad.Eiken@cityofvancouver.us>; Quinton, Patrick <Patrick.Quinton@cityofvancouver.us>;
Delapena, Amanda <Amanda.Delapena@cityofvancouver.us>
Subject: Letter - Ann Donnelly - re Warehouse Moratorium - for February 6

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 Council and Staff:

Please include the attached letter in the contributions from the public for the February 6 hearing.

I greatly regret I cannot be there in person and will appreciate your including this written testimony as my contribution to this important evaluation.

Thank you!

Ann T. Donnelly, Ph.D

[REDACTED]

Vancouver WA 98661

[REDACTED]

Ann T. Donnelly, Ph.D.

Vancouver WA 98661

February 4, 2023

Mayor McEnery-Ogle
Vancouver City Council
City Manager Holmes
P.O. Box 1995
Vancouver WA, 98660-1995
Re: Proposed Warehouse Moratorium

Dear City Leaders:

I am writing as a taxpayer and long-time concerned community member in the City, County, and State. I am also now a member of ICC and was fortunate to be there when City staff briefed the ICC meeting recently.

At all levels of government, we have an interest in maximizing economic activity, thus bringing in more tax receipts and other economic benefits from the private sector growth at every governmental level. Balancing that, I fully understand that the specifics of any particular new project must be carefully analyzed.

With the Warehouse Moratorium, my concern is that the uncertainty it presents places an unknown but likely large amount of needed economic development at risk. I don't believe that risked opportunity cost has been assessed. It certainly should be prior to a decision on a moratorium.

I recognize that industrial land is scarce and must be carefully apportioned, but the benefits of the warehouse projects must be weighed against the risks.

The surprising number of currently proposed warehouse projects is telling us something about the market. These developers have studied the market and conclude that a long-term investment in warehouses is justified. That is a telling observation for us, who may not be as informed about market trends as those putting their money at risk.

I would hate to see Vancouver send a less than welcoming message to a significant developing market, and thus lose competitive advantage against other regions/cities.

I want to draw attention to a significant weakness (as I assess it) in the City's analysis of the moratorium. That is the estimate, using reasonable inputs, or using several scenarios, of the direct and indirect benefits of warehouse projects that may be lost during or as a result of the moratorium.

Such an analysis is routine and would not delay planning significantly, nor require a moratorium. We study trends and model risks and benefits all the time without moratoriums and none of these proposed projects fall outside of what is already zoned.

So my concern involves:

- a. Actual financial benefits (net present value over several decades of project life) potentially lost due to delay or cancellation of warehouse projects during and as a result of the moratorium; these may be:
 - a. Direct (lost tax receipts to the City).
 - b. Indirect (employee salaries, taxes paid to County and state, other businesses serving the project who benefit, etc. etc.).
 - c. Addition of valuable new load and thus income to our energy partners Clark PUD and Northwest Natural Gas.
- b. Possible negative message to the business community about the business climate here, resulting in loss of competitive advantage over other well-situated locations. This element is hard to quantify but for that reason is all the more significant.

Until such estimates are available for all of us to evaluate, I submit that the moratorium should not be adopted.

Thank you very much for considering my concerns, and for the efforts all of you make on behalf of our great City of Vancouver!

Sincerely,

A handwritten signature in black ink that reads "Ann T. Donnelly". The signature is written in a cursive, flowing style.

Ann T. Donnelly, Ph.D.

From: [Eiken, Chad](#)
To: [Dollar, Sarah](#)
Cc: [Holmes, Eric](#)
Subject: FW: Warehouse Moratorium
Date: Friday, February 3, 2023 4:05:31 PM
Attachments: [Moratorium.pdf](#)

Sarah, This came to me directly – not sure if it also went to the Mayor and Council. Thanks, Chad

From: Monty Anderson <montya@tapani.com>
Sent: Friday, February 3, 2023 3:36 PM
To: Leigh Tapani [REDACTED]
Cc: Kevin Tapani [REDACTED]
Subject: Warehouse Moratorium

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

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.

Sent on behalf of Leigh Tapani:

Please see attached

Dear Mayor, Councilors, and Executives:

As a local business involved in real estate, development, construction, and land-use we have some reservations regarding the proposed moratorium on the warehouse projects.

We know that the city is doing what they think is right for the people and appreciate the city's efforts to maintain development so it occurs in a controlled and orderly manner. We believe however, this plan does not allow for the growth that would bring jobs to the city with the lack of larger industrial development properties or parcels available in the plan.

The Vancouver metropolitan area has very little commercial and industrial land available to attract the companies that are willing to and want to pay living wages and salaries that are needed to support this community. With the lengthy permitting process, it takes years of planning before a business can begin to operate in a fully functional facility. A delay, such as a moratorium, puts a cog in this planning process, causing all to lose valuable time and the ability to attract those employers who are ready to expand or move into the city.

We ask you to seriously consider eliminating the emergency moratorium altogether, or at least significantly narrowing the scope of the moratorium to more effectively address your concerns while minimizing the impact to the job-creating, tax-producing, economy-driving development our community needs.

Sincerely,

Leigh Tapani, President
Tapani Inc and Its Subsidiaries

Monty Anderson | Corporate Treasurer

 O: 360.687.1148 W: tapani.com



Disclaimer: Please notify the sender if you have received this email in error and simply delete it.



February 2, 2023

Mayor McEnery-Ogle
Vancouver City Council
City Manager Holmes
PO Box 1995
Vancouver, WA 98660-1995

Dear Mayor, Councilors, and Executives:

As a local business involved in real estate, development, construction, and land-use we have some reservations regarding the proposed moratorium on the warehouse projects.

We know that the city is doing what they think is right for the people and appreciate the city's efforts to maintain development so it occurs in a controlled and orderly manner. We believe however, this plan does not allow for the growth that would bring jobs to the city with the lack of larger industrial development properties or parcels available in the plan.

The Vancouver metropolitan area has very little commercial and industrial land available to attract the companies that are willing to and want to pay living wages and salaries that are needed to support this community. With the lengthy permitting process, it takes years of planning before a business can begin to operate in a fully functional facility. A delay, such as a moratorium, puts a cog in this planning process, causing all to lose valuable time and the ability to attract those employers who are ready to expand or move into the city.

We ask you to seriously consider eliminating the emergency moratorium altogether, or at least significantly narrowing the scope of the moratorium to more effectively address your concerns while minimizing the impact to the job-creating, tax-producing, economy-driving development our community needs.

Sincerely,

Leigh Tapani, President
Tapani Inc and Its Subsidiaries

Headquarters

PO Box 1900, 1904 SE 6th Place
Battle Ground, WA 98604
(360) 687-1148

Tri-Cities Office

2213 Henderson Loop
Richland, WA 99354
(509) 590-1184

Sherwood Office

11175 SW Elligsen Way
Sherwood, OR 97140
(503) 883-3169

Website

tapani.com

Email

info@tapani.com

From: [Delapena, Amanda](#)
To: [Dollar, Sarah](#)
Subject: FW: Business Letter RE: Warehouse Moratorium
Date: Friday, February 3, 2023 2:49:09 PM
Attachments: [ICC Warehouse Moratorium Group Letter 020323.pdf](#)

Sarah,

Please add this to the written comments for Monday's Council meeting.

Amanda Delapena

From: Sean Philbrook [REDACTED]
Sent: Friday, February 3, 2023 2:48 PM
To: McEnerny-Ogle, Anne <A.McEnerny-Ogle@cityofvancouver.us>; Hansen, Bart
[REDACTED]
[REDACTED]
[REDACTED]; Holmes, Eric
<Eric.Holmes@cityofvancouver.us>
Cc: Pluckhahn, Lon <Lon.Pluckhahn@cityofvancouver.us>; Eiken, Chad
<Chad.Eiken@cityofvancouver.us>; Quinton, Patrick <Patrick.Quinton@cityofvancouver.us>;
Delapena, Amanda <Amanda.Delapena@cityofvancouver.us>; rarp amplifygroup.com
<rarp@amplifygroup.com>
Subject: Business Letter RE: Warehouse Moratorium

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

Mayor, Councilmembers, City Manager --

Please accept the attached letter regarding the emergency walk-on moratorium on warehouses and distribution centers, which will be considered at the public hearing scheduled Monday, February 6. The letter is submitted by Identity Clark County on behalf of a coalition of concerned business leaders.

Special thanks to Chad Eiken, Lon Pluckhahn and Patrick Quinton who took time to meet with our business leaders January 17.

Sean Philbrook

--
Sean Philbrook, Vice President of Programs
Clark County
[REDACTED]

February 3, 2023

Mayor McEnerny-Ogle
Vancouver City Council
City Manager Holmes
PO Box 1995
Vancouver, WA 98660-1995

Dear Leaders:

A group of about 40 business leaders involved in real estate, development, construction, finance and land-use were convened by the business group Identity Clark County and wish to offer a perspective regarding the proposed moratorium on warehouse projects.

Through small-group dialogue with three city staff and the city's January 23 workshop, we learned that the moratorium was initiated by staff who were overwhelmed with eight recent applications for warehouse projects and were unable to assess the cumulative impacts. Staff shared that projects that have begun the development process or are governed by prior development agreements are not subject to the moratorium. We also learned that the prime concern is the siting of very large distribution fulfillment facilities where finished goods are positioned for rapid delivery through e-commerce. Those very large facilities earn disfavor because of low job density and truck traffic.

We appreciate the city's efforts to ensure development occurs in an orderly manner, reserving the use of moratoria for only the most severe situations where land-use planning and code development is insufficient. In this case, however, we do not believe there is sufficient fact to justify imposing a moratorium, given that no large parcels are available for very large retail distribution centers and that the moratorium hampers efforts to bring more parcels into industrial development.

We offer the following perspective:

Available land. Staff shared concerns over very large distribution facilities, using as an example a 2.5 million square foot distribution facility proposed on 160 acres near Tacoma. We are not aware of a single available parcel of that size in the City of Vancouver. We could not find an available parcel even one-fifth that size. There appear to be just 2-3 properties in the 15-25 buildable acre range, which would be needed to accommodate a project one-tenth the size of the Tacoma project, or about 250,000 square feet under roof. The parcels remaining for development simply are not large enough for the large scale distribution staff described. They are, however, suited for manufacturing and related distribution.

Need for development. The Portland-Vancouver metropolitan area has minimal industrial and commercial inventory available, with inventories as low as 2-3 percent. More developed property is critical to welcome the manufacturing and industrial employers who pay living-wage salaries and need space to make, assemble and move their goods within and beyond the region. Operating on relatively

low operating margins, limited capital and with virtually no incentives, many decide to manage risk by leasing space in a shared-tenant property where they can move in quickly, scale up or down quickly, and share lease and operational costs with multiple tenants. Meanwhile, developers and property owners generally pursue such projects on a speculative basis, with the hope that after completing the lengthy multi-year permitting and construction process there are companies interested in becoming tenants. A moratorium significantly disrupts that planning cycle, causing our region to lose valued employers and jobs.

Job density and traffic. We certainly understand that the last few years have brought more industrial and distribution projects to our region, most employing land that has sat idle for many years without a higher or better use. Through permitting, these properties require assessments to ensure that our infrastructure can absorb the activity as modeled through land-use planning. Studying cumulative effects should be a component of comprehensive planning rather than taking the drastic measure of employing a moratorium.

The conditions surrounding large distribution facilities are to be expected after 25 years of persistent growth of e-commerce and ever-quicker delivery expectations, which are showing no signs of abating. Further magnified by the pandemic and ensuing supply chain crisis, manufacturers and distributors now place higher priority on positioning goods closer to their customers. In the spirit of building a “forever” community, we welcome further conversation with city and county leaders regarding how best to adapt our land-use planning to the age of e-commerce, including siting, transportation composition and flow, as part of the upcoming Growth Management Act comprehensive plan update.

We implore the council to eliminate the emergency moratorium altogether, or at least narrowing its scope by releasing from the moratorium any property being developed for manufacturing and distribution or for multiple tenants of parcels situated on up to 15 buildable acres or 250,000 combined square feet under roof in areas zoned for such activities. Any property larger than 15 buildable acres or petitions for rezoning could remain in a moratorium until Vancouver code can be updated, ideally in the next six months. Further, we are prepared to supply a task force willing to work with city staff who have lived experience and can bring valuable insights from development not only in Vancouver but elsewhere in the region and country.

We also support releasing all land owned by the Port of Vancouver USA.

A special thanks to Chad Eiken, Lon Pluckhahn and Patrick Quinton who took time to meet with our business leaders.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Ron Arp', with a stylized flourish extending upwards and to the right.

Ron Arp, President
Identity Clark County

On behalf of a coalition of concerned business leaders

From: [City of Vancouver - Office of the City Manager](#)
To: [Dollar, Sarah](#)
Subject: FW: Additional Public Testimony, VPD Ammunition spending
Date: Thursday, January 26, 2023 12:08:57 PM
Attachments: [image001.png](#)

I am happy to send this to council but since the subject line says it's public testimony I figured it needed to go through you instead...?

Thanks!

Shannon Ripp | Support Specialist III



CITY OF VANCOUVER, WASHINGTON
City Manager's Office
P: (360) 487-8607
www.cityofvancouver.us

From: Community Accountability [REDACTED]
Sent: Thursday, January 26, 2023 5:30 AM
To: City of Vancouver - Office of the City Manager <CMO@cityofvancouver.us>; Stober, Ty <T.Stober@cityofvancouver.us>
Subject: Additional Public Testimony, VPD Ammunition spending

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 Managers Office:

Would you please review and forward to the City Council? Thank you.

I wanted to provide some public perspective to the Council after Chief Mori and Ms Harris testified to council Monday night.

I agree with Councilperson Fox, most civilians have little idea what is involved in becoming a disciplined combat unit that is highly proficient on the weapon systems they are assigned.

My 3 points of concern are:

1. Are we scrutinizing the Police Budget enough, being 1/3 of our total expenses?
2. Police are training for combat instead of modifying their training to meet the needs of the calls they are sent on, given that the City has no one else to send on these calls
3. The amount of ammo used is more than I had for Basic Training as a Marine, or I had when

preparing to deploy to Iraq in 2005 and 2007, or I had while keeping up training while occupying Iraq.

It would be helpful if the Council and Police were more transparent with how they make decisions. For instance, did the Council have a knowledge of the 1 million rounds on hand before the Chief testified? Can the public have access to the same info the Council has before you Vote? Or is the Council relying heavily on the Chief for detailed scrutiny of the police budget?

My concern is the Council isn't showing the public at all how you are making decisions, therefore we don't know what oversight is being performed.

You can teach anyone to shoot straight on a firing range. What's more difficult is troop discipline, professionalism and leadership. I don't see that represented in the VPD when they are deployed to calls and targeted missions in my neighborhood. We need to know more details about what training they do receive to better understand why they conduct themselves as they do.

In Regards to the Ammo usage for the Vancouver PD:

Speaking from the perspective of a Marine Corps Veteran, VPD uses more live rounds for training than I received. Way more than we did for new recruits, preparing to invade foreign countries, or for annual training evolutions.

Below is a little about my background as a Marine Corps Combat Engineer.

Thank You for your time.

Dmitri Stoyanoff

.....

My experience with ammunition and training military troops comes mainly from my time in the United States Marine Corps Reserves. I volunteered at the recruiting office at the Vancouver Mall at 22 years old. I served from 2003 till 2011, I was a 1371 Combat Engineer, I also trained as a Tank Driver with C Co 4th Tank BN out of Boise, ID, and also served with 6th Engineer Support Bn in Portland, OR.

I deployed to Iraq in 2005 as a Provisional MP. I was assigned a gunners position behind a .50 cal Machine Gun. My job was to lean over the side of the HUMVEE and look for IED's. We provided security for everything that moved throughout the country. We also did regular transfers of Iraq's we captured from Ramadi to the notorious Abu Gharib Prison, where the US Army tortured them. I can still hear the sounds of young Iraq men and Farmers screaming as we loaded them onto the trucks.

In 2007 I volunteered to go back, this time on a Construction Squad. We would use a Mine Detector

and clear construction sites from IED's and then build troop housing and vehicle checkpoints.

If there was a deficiency or accountability needed, there was one place to look, their direct supervision, the fireteam leader. If a fireteam leader needed correction or individual training, it was their Squad Leaders direct responsibility to train them for whatever mission was given. We did not wait and were empowered to take action at the lowest possible level.

We didn't decide the missions, our job was to carry them out, as ordered. If we disobeyed an order, we were brought up on charges. We didn't have time for talking with a Union Rep. WE VOLUNTARILY GAVE UP OUR RIGHTS TO SERVE OUR COUNTRY. We received no pension, and below minimum wages.

As a Corporal I was assigned 3-12 other Marines. Fire team Leaders (teams of 4) and Squad leaders (3 teams of 4).

We were in charge of the Physical, Emotional, and Technical Readiness of our Marines.

It was the job of Cpl's and Sgt's to ensure our Marines were proficient to operate and maintain our M16 Rifle's, 9mm handguns, AT4 rocket launcher, 50 cal Machine guns, 240 G Machine gun, SAW, and various types of other weapons systems...

In addition to the tools and equipment we needed for individual missions/tasks.

We had very tight Rules of Engagement, nowhere near the amount of power and discretion a Vancouver Police Officer has. We had to identify the weapons in the Iraq people's hands, and/or identify they were actively trying to hurt us or others in order to use deadly force. Many times we had to call for permission before returning fire. We also had to know our target and our target background... we had to know if we were endangering the other people in the neighborhood.

I remember the rocks hitting my body armor, kids threw rocks at us just for driving through their neighborhood... or when some of our Marines killed a little girl, when her father drove too close. A stray warning shot broke the glass in their car, causing the little girl to die from blood loss. The Marine followed our rules of engagement correctly, so no charges were brought.

We were treated better here at home of course, people lined up to shake our hands as we landed in Bangor, Maine. And when we arrived in Boise, the entire airport was full of folks, happy and welcoming us home. To this day people thank me for my service and I have to ask, what part of my service are you thankful for?

Thank you for listening to my experience.

From: [Delapena, Amanda](#)
To: [Dollar, Sarah](#)
Cc: [Eiken, Chad](#)
Subject: FW: Comment letter on Moratorium on Warehouse and Distribution Centers
Date: Wednesday, January 25, 2023 9:08:54 AM
Attachments: [NAIOPWA Vancouver Letter_FV.pdf](#)
[image001.png](#)
Importance: High

Sarah-

The email below and attached comments were submitted late on Monday to the Council general inbox. Can you please distribute with other comments received after the noon deadline and incorporate into the minutes per your usual process?

Amanda Delapena | Assistant to the Mayor and City Manager
Pronouns: She/Her/Hers



CITY OF VANCOUVER, WASHINGTON

Mayor/City Manager's Office

P: (360) 487-8605

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



From: Mary Eversole <[REDACTED]>
Sent: Monday, January 23, 2023 2:54 PM
To: City Council <council@cityofvancouver.us>
Subject: Comment letter on Moratorium on Warehouse and Distribution Centers
Importance: High

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

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 find attached our comments on the Moratorium on Warehouse and Distribution Centers as part of the public record for this evening's hearing.

Sincerely,

Mary Eversole
Executive Director at NAIOPWA.



www.naiopwa.org



**DERMODY
PROPERTIES**



January 23, 2023

Vancouver City Council
415 West 6th Street, 2nd Floor
Vancouver, WA

Sent via email to council@cityofvancouver.us

Hon. City Council Members:

On behalf of NAIOP Washington State, the Commercial Real Estate Development Association Washington State (NAIOP) and our more than 1,000 members, we are writing to provide comments on the City of Vancouver's moratorium on large warehouse and distribution facilities.

Our members, are strong supporters of focused urban residential, retail and office development, as well as transit-oriented development and industrial growth that reflects a 21st century view of the industry and its future.

While the city states the advancement of the moratorium responds to jobs density concern, and carbon and climate change concern stemming from building and transportation sector emissions, the use of a blunt moratorium instrument could have a multi-year chilling effect on the Vancouver economy and broader southern Washington supply chain – especially while our state and nation continues to slowly recover from the pandemic and weather macroeconomic uncertainty.

The following comments on the moratorium are made with these parameters in mind.

- **Focus on the size new warehouse projects misses the harm to small businesses:** The city has stated the moratorium is in response to seven proposed new warehouse projects each totaling between 275,000 – 681,000 square feet. This assumes each project is looking for one or two very large tenants to fill a building. This is not the case. While the total gross square footage of the proposed warehouses reflects the square-footages above, each project is a multi-building plan targeting much smaller tenants, with some as low as 50,000 square feet.

As such, the moratorium inadvertently hurts small businesses in the 25,000 – 50,000 sq. ft. range, which is in high demand right now. The moratorium fundamentally hurts the ability of these small businesses to grow within Vancouver.

- **The Port's warehouses are no different from the private sector:** The arguments laid out by city staff in the memorandum and PowerPoint presentation for today's meeting state that the Port of Vancouver should be exempted from this legislation because of its impact on job creation and the economy and that it is delivering / receiving 'trans-shipment' goods versus the "home delivery of retail goods." This makes broad assumptions that the thousands of jobs created by the Vancouver warehouse industry – and their workers - are less beneficial to the Vancouver economy than jobs created by the Port. The presentation is lacking in any data showing that the jobs density for Port warehouses are any different from other warehouses in Vancouver. It also broadly assumes that businesses in the Vancouver warehousing private sector are solely warehousing the "home delivery of retail goods" and does not include an inventory of existing warehousing businesses or recent local data. As outlined in the climate data section below, there's strong data that demonstrates a nexus between carbon reduction and the built-in efficiencies from a strong local warehousing and manufacturing network, as in Vancouver.
- **Last mile "home delivery" warehouses lead to *lower* climate impact:** While the moratorium cites climate change as one of the main drivers for the emergency action, recent data by the MIT Real Estate Innovation Lab shows that online shopping demonstrates clear sustainability advantages over in-store shopping, even after factoring in higher returns and shipping. In addition, carbon emissions from online shopping are 36 percent lower on average than those produced by in-store trips, which are almost all driven by automobile traffic – a very high carbon emitter and a primary emissions source in Vancouver. Built-out logistics networks, which include urban fulfillment centers, can reduce transportation-related emissions by 50 percent due to their significant consolidation of vehicle trips. Aside from the operational impact on vehicle trips, it is well-documented that new buildings that must comply with state energy code requirements produce lower emissions compared to old buildings. Again, moratoriums are a blunt tool with steep, multi-layered economic impacts. We urge the city to first analyze the data and presumed impact warehouse buildings would have on Vancouver's climate policies before implementing a year-long moratorium.
- **The City should lift the moratorium until it can fully study its budget and economic impact:** The industrial warehouse sector contributes significantly to Vancouver's city budget. Vancouver directly receives revenue from permit revenues, utility charges, traffic impact fees, and a variety of tax sources including property tax, construction and equipment sales tax and real estate excise taxes. A possible one-year moratorium equates to a longer-term freeze on many of these income streams from new development. For example, delaying just a 170,000 sq. ft. building has a \$40,000 residual annual impact on city funds from property taxes alone. In addition, if a warehouse property sells for \$50 million, that would be \$2.5 million in city of

Vancouver excise tax. The 3.34 million square foot pipeline represents more than three-quarters of a million dollars in residual property tax impact, and tens of millions of dollars in revenue from other city revenue streams. The regional library system, mental health programs and the school district also are impacted by the deferral and potential loss of this revenue. Analyzing a multi-year budget impact from the deferral and possible loss of new warehouse development should be part of the city's approach before relying on a moratorium.

- **The moratorium will stifle middle-income jobs:** The moratorium would also have a chilling effect on new family-wage jobs in Vancouver. Data from the Washington Employment Security Department shows that the 2021 average annual wage for Transportation and Warehousing was \$65,221 (\$31.35 / hour), which is slightly higher than the construction and manufacturing industries. Freezing new middle-income jobs in this industry inequitably hurts families and the middle class in favor of what could be a marginal carbon reduction.
- **Warehousing is essential to supply chain economics, controlling inflation, and weathering macroeconomic uncertainty:** Supply chain disruptions are projected to continue leading companies to onshore or nearshore, bringing manufacturing and distribution alike into the US to promote supply-chain resiliency and inventory availability. This is key to bringing down inflation and promoting the future health of the Washington, US, and global economy. According to CBRE, companies are "...locating warehouses as close to production as possible to either store raw materials or to distribute finished products by placing distribution centers near the point of manufacturing, which also saves money on transportation costs" and thereby, reduces carbon and climate impact. Rather than citing nationwide warehouse demand numbers as a reason to halt new warehouse construction, we implore the city to engage property owners and partner with local real estate groups, like NAIOP, that can bring real-time state industry knowledge, trends and data for these rapidly-changing industries.

We appreciate the opportunity to comment on this sweeping legislation and its very serious impacts. We look forward to continued engagement with the City on this issue in the weeks and months ahead.

Sincerely,



Mary Eversole
Executive Director
NAIOP Washington State

From: [Wynn Grcich](#)
To: Sara.Lamnin@hayward-ca.gov; [Dollar, Sarah](#); [Rebecca Messinger](#); [Harris, Rep. Paul](#); electmichellebelkot@gmail.com
Subject: Fwd: ClarkCountyToday.com - new message
Date: Thursday, January 26, 2023 12:12:06 AM

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From: [follow.it](#) <[REDACTED]>
Date: Wed, Jan 25, 2023 at 4:06 AM
Subject: ClarkCountyToday.com - new message
To: [REDACTED]

Please send this to the city council member and Dr. Melneck. Put on public record and confirm that you did.

Top heart doc: COVID vaccines to blame for sudden deaths of young athletes

Thanks
Wynn Grcich

follow.it



ClarkCountyToday.com

Edit

Unfollow

Opinion: Adding climate change to the Growth Management Act adds cost but won't help the environment

Washington gas prices continue to spike as state readies for carbon auctions

Opinion: Abortion bills in Washington state include SB 5242, eliminating cost-sharing for enrollees

Cascade Treeworks donates heritage trees pruning

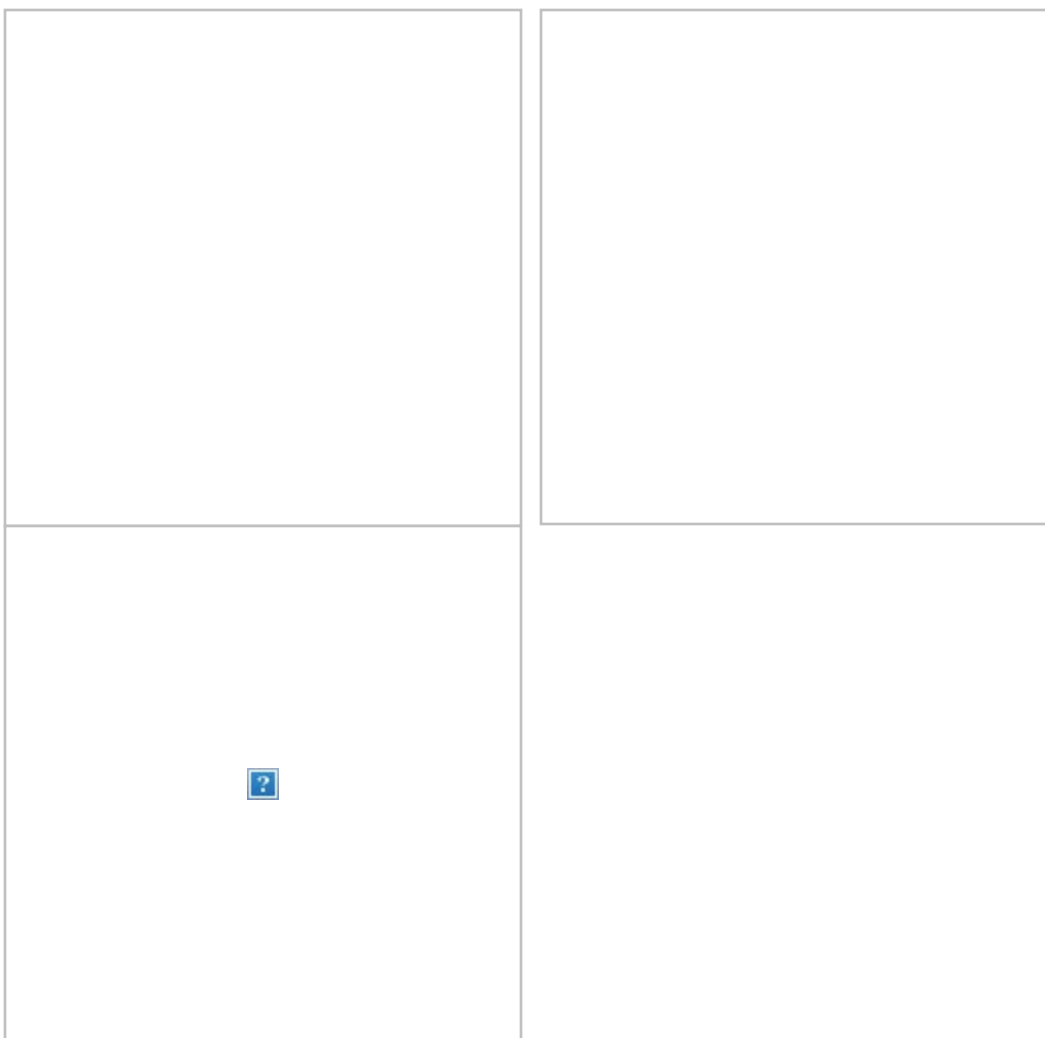
Top heart doc: COVID vaccines to blame for sudden deaths of young athletes

Woodland Public Schools address learning lost due to pandemic using new techniques and strategies to help struggling students

Stolen vehicle investigation leads to foot pursuit resulting in narcotics arrest

Vancouver Police working with FBI to locate missing child

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From: [Wynn Grcich](#)
To: [Rebecca Messinger](#); [Dollar, Sarah](#); electmichellebelkot@gmail.com; Sara.Lamnin@hayward-ca.gov; [Harris, Rep. Paul](#)
Subject: We need to stop boosters here in WA
Date: Thursday, January 26, 2023 1:38:48 PM

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Please send it to the council members, Melneck, and put it on public record. Confirm that you did.

Thanks,
Wynn

Look this up on the net and see The Slant depending upon the source

UK Government to End COVID Booster Shots for Healthy People Under 50

<https://survivalmagazine.org/news/uk-government-to-end-covid-booster-shots-for-healthy-people-under-50/>

The government of the United Kingdom officially declared that it would no longer require healthy people under the age of 50 to receive COVID booster doses.

As the UK begins to recover from the pandemic, the universal Covid vaccine program will be phased out this year.

“As the transition continues away from a pandemic emergency response towards pandemic recovery, the [Joint Committee on Vaccination and Immunisation] JCVI has advised that the 2021 booster offer (third dose) for persons aged 16 to 49 years who are not in a clinical risk group should close in alignment with the close of the autumn 2022 booster vaccination campaign,” the government said in a [news release](#) Wednesday.

On Wednesday, Brits under the age of 50 were urged to get their free booster shot before the program is discontinued.

From: [Wynn Grcich](#)
To: electmichellebelkot@gmail.com; [Dollar, Sarah](#); Sara.Lamnin@hayward-ca.gov; [Harris, Rep. Paul](#); [Rebecca Messinger](#); [Cemal Richards](#); [Charles Beck](#)
Subject: Jabs cause AIDS
Date: Thursday, January 26, 2023 1:54:24 PM

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Pfizer lied, COVID vaccinated Germans developed AIDS, then one million died in less than a year according to secret German government data

BY VICTORT // 2023-01-26

[HTTPS://CITIZENS.NEWS/694273.HTML](https://citizens.news/694273.html)

SEND THIS TO THE COUNCIL MEMBERS AND MELNECK. PUT ON PUBLIC RECORD AND PLEASE
CONFIRM THAT YOU DID.

THANKS

WYNN

From: [Wynn Grcich](#)
To: [Dollar, Sarah](#); [Rebecca Messinger](#)
Subject: Fwd: DR ROBERT MALONE- COVID-19 EXPERIMENTAL INJECTIONS MUST END
Date: Monday, January 30, 2023 10:28:59 AM

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THANKS, From Wynn

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

From: **rcoones102** [REDACTED] >
Date: Mon, Jan 30, 2023, 10:19 AM
Subject: DR ROBERT MALONE- COVID-19 EXPERIMENTAL INJECTIONS MUST END
To:

DR ROBERT MALONE- COVID-19 EXPERIMENTAL INJECTIONS MUST END

<https://rumble.com/v27peec-dr-robert-malone-covid-19-experimental-injections-must-end.html>

"The data confirms that the COVID-19 experimental genetic therapy injections must end... They can damage your heart, your brain, your reproductive tissue, and your lungs."

This channel is all about breaking down the electronic Wall of media control by reaching millions of people around the world - with more waking up every day. Circumventing the dying dinosaur media systems of information suppression,

Sent with [Proton Mail](#) secure email.

From: [Wynn Grcich](#)
To: [Dollar, Sarah](#); [Rebecca Messinger](#)
Subject: Fwd: UK Statistics Regulator Admits that the Claims Made About COVID "Vaccine" Effectiveness are Unfounded
Date: Monday, January 30, 2023 10:55:19 AM

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

From: rcoones102 <[REDACTED]>
Date: Mon, Jan 30, 2023, 6:53 AM
Subject: UK Statistics Regulator Admits that the Claims Made About COVID "Vaccine" Effectiveness are Unfounded
To:

UK Statistics Regulator Admits that the Claims Made About COVID "Vaccine" Effectiveness are Unfounded

<https://metatron.substack.com/p/uk-statistics-regulator-admits-that#play>

Sent with [Proton Mail](#) secure email.

From: [Wynn Grcich](#)
To: [Dollar, Sarah](#); [Rebecca Messinger](#)
Subject: Watch ""Massive" Blood Clots " on YouTube
Date: Monday, January 30, 2023 2:34:45 PM

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<https://youtube.com/shorts/dUWvXg3PaPA?feature=share>.

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From: [Wynn Grcich](#)
To: [Rebecca Messinger](#); [Dollar, Sarah](#)
Subject: Fwd: \$80M In Funds Available For Projects That Conserve Water, Improve Watershed Health
Date: Friday, February 3, 2023 4:05:17 PM

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From: **Water Online Newsletter** <[REDACTED]>
Date: Fri, Feb 3, 2023, 3:17 AM
Subject: \$80M In Funds Available For Projects That Conserve Water, Improve Watershed Health
To: <[REDACTED]>

Water Online Newsletter | February 03, 2023 | View web version [here](#).



Curated Editorial:

- [Source & Drinking Water Treatment](#)
- [Distribution & Collection Systems](#)
- [Wastewater Treatment](#)
- [Utility Management](#)

Source & Drinking Water Treatment

[Special Considerations For Extreme PFAS Sites](#)



By ALTRA Proven Solutions

The best way to combat the extreme PFAS at highly contaminated environments as economically as possible is to develop a custom approach that takes every factor into account and isn't beholden to any specific technology.

[Removing PFAS Is More Complicated \(And Solvable\) Than You Think](#)

By ChartWater

This article will explain the matrix of factors that can affect PFAS removal and why it is important to work with an experienced partner.

[How pH Standards Impact The Accuracy Of Water Quality Measurements](#)

By Myron L Company

When it comes to pH measurement in water and wastewater treatment, there are two focal points for the word 'standard' — a compliance-related state or federal water quality specification, and a specific fluid used as a calibration reference point to ensure accuracy. Here is why both are important and how they affect the best pH measurement outcomes in both areas.

[Ozone Simplified: Make Your Next Disinfection Project As Simple As 1-2-O₃](#)

By Pinnacle Ozone Solutions

Pinnacle Ozone products and systems are specifically designed to be modular, reliable, and both energy and cost efficient. Watch this informative video about Pinnacle's radically simple approach to ozone projects.

Distribution & Collection Systems

Redefining 'Reliable Connections' For Water Distribution



By Mueller Water Products

Sometimes the relationship with a manufacturer begins and ends when a product is purchased. Regrettably, this can often leave customers high and dry when it comes to installation, operation, or troubleshooting.

Take Control Of Your Water Distribution Network With Digitalization And Remote Monitoring

By Siemens Process Instrumentation

Any process plant constantly generates a high volume of status data. Today, this data can be extracted from the plant, stored, analyzed, and prepared to meet operator needs and lower marginal costs.

Pressure Point: Overlooked Pipeline Tech Strengthens Water Distribution Systems

By Trimble Utilities

Water distribution might sound as easy as passing water through pipes, but good municipal managers know better. With failing infrastructure rampant and an increased focus on operational efficiency, water quality, and conservation, distribution systems demand oversight and optimization.

Henry County Water Authority Ensures Water Distribution Keeps Up With Increasing Demand From A Growing Population

By Gorman-Rupp Pumps

To address the growing population and projected water demand over the next 30 Years, the Henry County Water Authority recently completed a master plan update that includes two booster pump stations — the Fairview booster pump station and the Southeastern booster pump station.

Wastewater Treatment

How AI Optimizes The Chemical Treatment Of Wastewater



By Innovyze an Autodesk Company

The chemical treatment of wastewater is perhaps the most crucial part of sewage processing and wastewater treatment practices, and it has largely remained unchanged for the last 100 years.

How To Handle Unexpected Contaminants In Water

By United Rentals

Read why temporary water treatment systems may encounter new or unexpected contaminants that did not initially show up in samples, and what businesses can do in response.

UV System Provides Safe, Effective Disinfection For Wastewater Treatment Plant On The Hudson River

By WEDECO — A Xylem Brand

In 2014, a cross-county plan to improve the water quality in the Albany Pool section of the Hudson River, a \$400,000 incentive from s New York state, and an innovative technology caused the area to decide to disinfect their water again.

[Kansas Wastewater Treatment Plant Makes A Long-Overdue UV System Upgrade](#)

By Trojan Technologies

Faced with rising operating costs, the Water Pollution Control Department of the Unified Government of Wyandotte County and Kansas City, KS, turned to Trojan for a long-overdue upgrade.

Utility Management

[Continuing Education: How About Online Training?](#)



By 360water

In this Q&A, Laura Tegethoff from 360water discusses online training for utilities.

[SAM PRO Solution Spotlight \(Digital Twin At Asset Level\)](#)

By Xylem Decision Intelligence

Xylem Smart Asset Management Performance & Reliability Optimization (SAM PRO) is a unique decision-intelligence tool, rooted in digital twin technology, that provides utilities with full monitoring, diagnostic, and prediction insights into an asset's technical and performance condition.

[How To Keep Inflation From Ruining Your Wastewater Projects](#)

By Aerzen

Read this article to learn how to mitigate the impact of inflation, reduce risk, and keep projects as close to on schedule and within budget as possible.

[Why Reliable Communication Is Key To The Future Of Water](#)

By Badger Meter

A reliable communications network must have robustness, redundancy, reconnaissance, and resiliency. This article will explain what this means, why it matters, and the necessary steps to build one.

Industry News



[\\$80M In Bipartisan Infrastructure Law Funds Available For Projects That Conserve Water, Improve Watershed Health](#)

The Bureau of Reclamation is making approximately \$80M available for water conservation, water management and restoration projects that will result in significant benefits to ecosystem or watershed health.

- [US Water Alliance Signs New EPA Principles For Lead Service Line Replacement](#)
- [Water's A 'Dealmaker' For Multilateral Cooperation And Sustainable Development Goals](#)
- [EPA Seeks Input From Small Entities On Meat And Poultry Products Effluent Guidelines Rulemaking Revision](#)
- [New Stanford Research Shows Droughts Can Make Water Unaffordable For Low-Income Households](#)
- [US\\$1.8T Water, Wastewater Utility CAPEX And OPEX Forecast Hinges On Inflation, Recessionary Concerns In U.S. And Canada](#)
- [Maltese Island Achieves Water Autonomy With SWRO Innovation](#)

Technology Showcase



Arsenic And Hexavalent Chromium Removal Brochure

- Request Information

AVANTech LLC



MS6 Chemical Feed Flow Meter

- Request Information

Blue-White Industries



Biological Treatment Technologies

- Request Information

Brentwood Industries



Loprest Multi-Cell Filter

- Request Information

WRT - Water Remediation Technology



SORB Contaminant Removal Solutions

- Request Information

De Nora



LANEXO System

- Request Information

MilliporeSigma

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From: [Wynn Greich](#)
To: [Dollar, Sarah](#); [Rebecca Messinger](#)
Subject: Fwd: California Drops COVID Vaccine Mandates for Kids + Online Pharmacy Caught Sharing Health Data With Facebook + More
Date: Monday, February 6, 2023 9:06:56 AM

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From: **Children's Health Defense** [REDACTED] >
Date: Thu, Feb 2, 2023, 2:35 PM
Subject: California Drops COVID Vaccine Mandates for Kids + Online Pharmacy Caught Sharing Health Data With Facebook + More
To: Wynn Greich <[REDACTED]>

Having trouble viewing this email? [View it in your web browser](#)

February 2, 2023

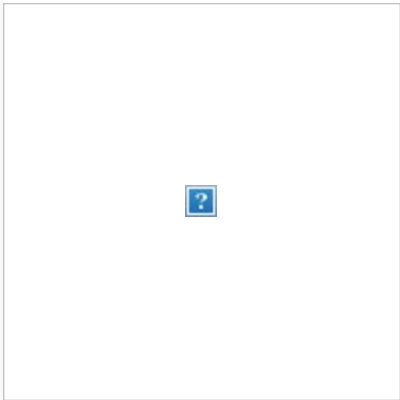
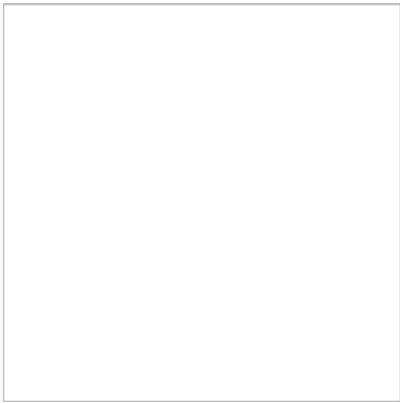


TOP NEWS OF THE DAY

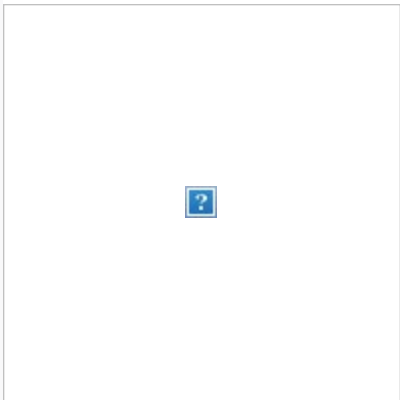


**California to Ditch Plans to Mandate
COVID Vaccines for Schoolchildren**

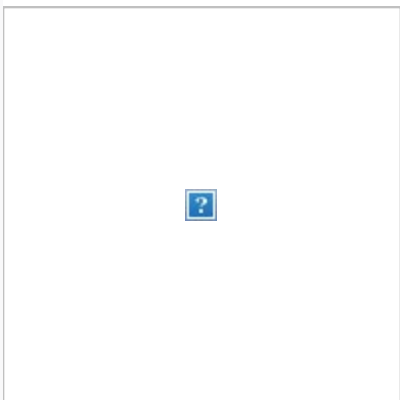
**GoodRx Ordered to Pay \$1.5 Million for
'Deceptively' Sharing Personal Health
Data With Google, Facebook**



Why Smart Meters Are Good for Utility Companies, Bad for Consumers



EU Revokes Impossible Foods' Patent, Fake Meat Maker Also Faces Patent Challenges in U.S.



U.S. Military Industrial Complex Is 'Choking Democracy' — How Do We Stop It?



How Industry ‘Megamergers’ Are Killing Off Family Dairy Farms



Moderna Booster Vaccine Singled Out for Chronic Hives + More



A New Bill Would Ban Anyone Under 16 From Using Social Media + More

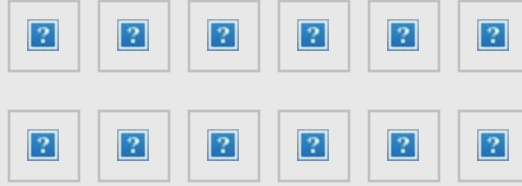
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Children's Health Defense depends on generous donations from our community. Large or small, every donation gets us closer to achieving our goals.

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Work for CHD



Children's Health Defense | ChildrensHealthDefense.org

Our mission is to end childhood health epidemics by working aggressively to eliminate harmful exposures, hold those responsible accountable, and establish safeguards to prevent future harm.

Children's Health Defense

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put on Public Record & announce to the mayor.

Point of order -

I could not tap on the
agenda - Communications C.

From the mayor -

Legislative Agenda -

No information was available
as it did tap on; but no info
came up to read!

Kimberlee Gohem Elbon
January 23, 2023

From: stevekirsch@substack.com,

To: we4the4people@aol.com,

Subject: They forgot to tell you: the new bivalent vaccines make it MORE likely you'll get COVID

Date: Wed, Jan 18, 2023 12:02 pm

P.R.

[Open in app](#) or [online](#)

They forgot to tell you: the new bivalent vaccines make it MORE likely you'll get COVID

The more boosters you get, the more depressed your immune system becomes. That's why every time they inject you, it makes you more vulnerable to getting COVID.

STEVE KIRSCH

JAN 18



SAVE

▷ LISTEN



health

Life, But Better

Fitness

Food

Sleep

Mindfulness

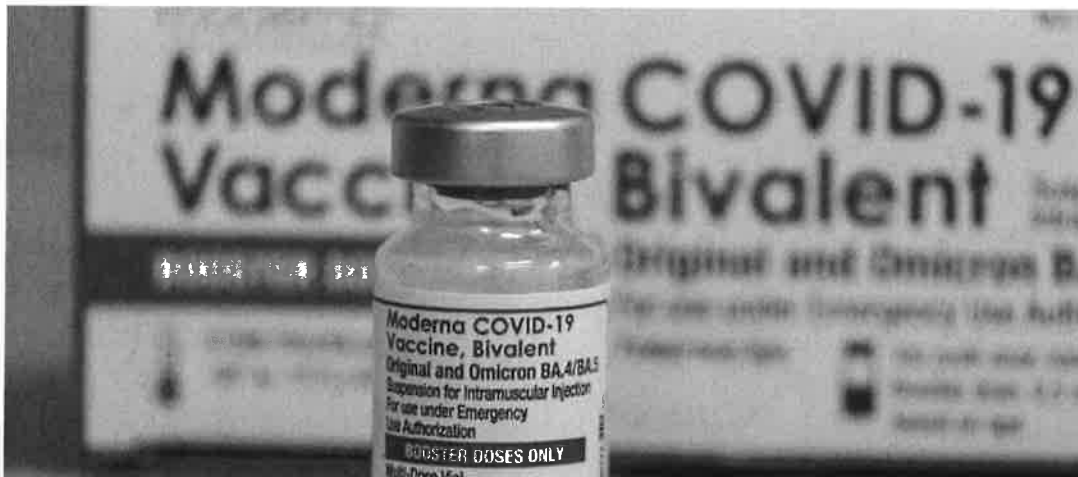
Relationships

FDA vaccine advisers 'disappointed' and 'angry' that early data about new Covid-19 booster shot wasn't presented for review last year



By Elizabeth Cohen and Naomi Thomas, CNN

Published 6:35 AM EST, Wed January 11, 2023





Executive summary

The data I've been able to collect is consistent with the hypothesis that the more boosters you get, the worse the outcome.

Even the Moderna data was consistent with that.

Introduction

I did a survey of hospitals on January 12, 2023 and got 101 responses.

Only one hospital, The Wayne Center (nursing home) Wayne PA, did they think the booster made things *slightly* better. In 10 places, it made NO DIFFERENCE. Everywhere else, the reporters believed it made things worse.

In 71 places, they believed it made things MUCH WORSE.

But wait... didn't the government agencies say it *reduces* your risk of death from COVID by 10X?

If that is true, then how come I can't find any nursing home in the world where that happened? It's easy to find places where the all-cause mortality (ACM) skyrocketed after the shot (one Australian nursing home in Clifton Hill lost over 20% of their residents in 12 months after the shots rolled out), but I can't seem to find a success story where the ACM plummeted after the shots. Odd, isn't it?

Moderna data that was initially withheld from the FDA

More troubling is that Moderna decided not to share with the FDA panel information that is consistent with my hypothesis that more boosters made you more likely to be infected with COVID.

Find this hard to believe? This is a direct quote from the CNN article entitled FDA vaccine advisers 'disappointed' and 'angry' that early data about new Covid-19 booster shot wasn't presented for review last year which said:

The data that was not presented to the experts looked at actual infections: who caught Covid-19 and who did not.

It found that **1.9%** of the study participants who received the original booster became infected. Among those who got the updated bivalent vaccine – the one that scientists hoped would work better – a **higher percentage, 3.2%, became infected**. Both versions of the shot were found to be safe.

In other words, when the data shows the vaccines aren't working, the drug companies do the only ethical (in their mind) thing: **they withhold the data from the FDA panel**.

Paul Offit said he's not getting the bivalent booster. He said there is no benefit and it's all risk. For once, I agree with Paul.

If Paul Offit isn't taking the new bivalent booster, why should you?

Answer: You shouldn't. Nobody should.

Will anyone from the drug companies debate any of us on whether more boosters are both safe and beneficial?

No way. They'd lose.

The drug companies don't stand behind their product. They don't need to because:

1. they have liability protection (why do they need that again???) and
2. because they have conned lawmakers all over the world into coercing people to take the vaccine.

The only thing a debate would do is expose that they are lying about the safety and efficacy of the vaccines. That's why none of them will take my \$1M bet (with a term sheet similar to this one I negotiated with Saar Wilf for \$500K) and show the world I'm wrong. Because they know they will lose and that will end their revenue stream.

I'm willing to bet anyone \$1M I'm right on any of these topics:

1. The mRNA vaccines in the US have killed more people than they've saved
2. The three randomized trials have not shown that masks make a measurable positive difference in protecting people from getting COVID
3. The mRNA COVID vaccines cause strokes
4. The mRNA vaccines cause measurable heart injury in >2% of people injected
5. The vaccines have seriously injured over 500,000 people in America
6. More boosters are safe and more beneficial (more is better)

You can accept any of these bets here if you are serious about negotiating a term sheet similar to this term sheet.

Summary

They (CDC and medical community) are willing to risk **your LIFE** that they are right about the safety of the COVID vaccines, but aren't willing to risk *even a dime* of **their MONEY** that they are wrong.

In short, for the drug companies, I'm willing to lower the bet to a dime just to prove that **they won't even risk a dime of their money. But risking your life? No problem! They have no liability!**

Think about it.

You should be very upset about this.

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Legislature approves historic Move Ahead Washington transportation package

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OLYMPIA – The Washington State Legislature gave final approval to a nearly \$17 billion transportation package today.

Move Ahead Washington (<https://housedemocrats.wa.gov/blog/2022/02/08/move-ahead-washington/>), sponsored by Sen. Marko Liias (<https://senatedemocrats.wa.gov>

(<https://senatedemocrats.wa.gov/liias/>)

trains, and so much more — and all without punting the cost to working families.”

The revenue package adopted a shift in funding sources after an export fuel tax projected to provide \$2 billion in funding was removed on the House floor. To make up most of that shortfall, \$57 million a year from the operating budget and \$57 million a year from the Public Works Assistance Account will be transferred to transportation to provide an additional \$1.7 billion over 16 years.

“From the beginning, this package has been about listening to people’s needs and making sustainable investments in our future,” said Fey. “We received critical feedback throughout the legislative process and incorporated that input into the final package. I am glad that we stuck with our priorities like preservation and maintenance, finishing critical projects, expanding accessible transportation options, reducing greenhouse gas emissions and addressing past harms caused by our transportation system.

“Move Ahead Washington is an important win for people in every corner of the state, especially those who have wanted to see stronger progress in our transportation system.”

The package presents a turning point in transportation policy for Washington, with historic investments in climate mitigation, preservation and maintenance, public transportation and pedestrian safety.

“I’m eager for residents across the state to have more efficient and safer commutes – no matter how they’re travelling,” Liias said.

(<https://senatedemocrats.wa.gov/liias/>)

-
- \$836 million to build four new hybrid-electric ferries.
 - \$150 million towards ultra-high-speed rail.
 - \$50 million for walking and biking infrastructure in underinvested communities, and more.

Full revenue and project lists can be found here (<http://leap.leg.wa.gov/leap/budget/detail/2022/st2022Supp.asp>). Passage of Move Ahead Washington marks the first time since 2015 that a transportation package has passed the Legislature.

Having been passed by both chambers of the Legislature, the bills now go to the governor to be signed into law.

###

Backyard Habitat Certification Program Proposal to Clark County - Public Works



August 22, 2022

Background

The Backyard Habitat Certification Program (BHCP) provides technical assistance, incentives, resources, and recognition to private property owners to restore native wildlife habitat, control noxious weeds, reduce pesticides, and manage stormwater at home. In May 2019, Watershed Alliance of SW Washington, Columbia Land Trust, and Portland Audubon partnered to bring BHCP to Clark County. The program is designed to increase effective management of privately-held lands by partnering with communities and by leveraging the time, labor, and skills of 80+ volunteers and 9,400+ program participants to steward more than 2,500 acres. The program prioritized engaging all residents, regardless of socioeconomic standing, in the program. Together we accomplish crucial ecological outcomes while fostering lasting behavior change and an ethic of stewardship.

As development and the population in the metropolitan area grows at an unprecedented rate — from 2.1 million people today to 3.2 million people in 2030 — it is a priority to enlist the help of county residents in efforts to combat environmental burdens. The BHCP directly responds to this call to action by engaging urban and sub-urban residents as partners in conservation. The objectives of the program are to increase the public's awareness of the benefits of ecological stewardship in the metropolitan area and to incentivize continual, measurable, on-the-ground habitat enhancements in five key areas:

- 1) removal of priority noxious weeds
- 2) planting of native vegetation for ecological and sustainability purposes
- 3) reduction or elimination of pesticide use
- 4) wildlife stewardship, including planting for pollinators
- 5) on-site stormwater management

*Millions of Hard earned Tax
Dollars spent in their \$ystem -
No monies to Volunteers or
Citizens,*

*They want Our
properties!*

From: stevekirsch@substack.com,**To:** we4the4people@aol.com,**Subject:** An important message from John Campbell**Date:** Thu, Dec 29, 2022 2:28 pm[Open in app or online](#)

An important message from John Campbell

This popular, highly respected medical educator has gone from full blue pill to full red pill on the COVID vax. He has just called for a pause to the COVID vaccine. BRAVO. The end is near.

STEVE KIRSCH

DEC 29



SAVE

▶ LISTEN

John Campbell, who has been a nurse and taught nurses for 27 years, has had a gradual journey from full blue pill to red pill.

As of yesterday, he's now officially on our side as far as the COVID vaccine only (the other vaccines will take more time):

In my view the UK health authorities should pause the current covid-19 vaccination programme, due to the risks associated with vaccination.

...

I therefore consider that the UK government authorities should pause the current covid mass vaccination programme, until a full, population scale risk / benefit analysis is carried out, and published for free and open peer review.

🔄 You Retweeted

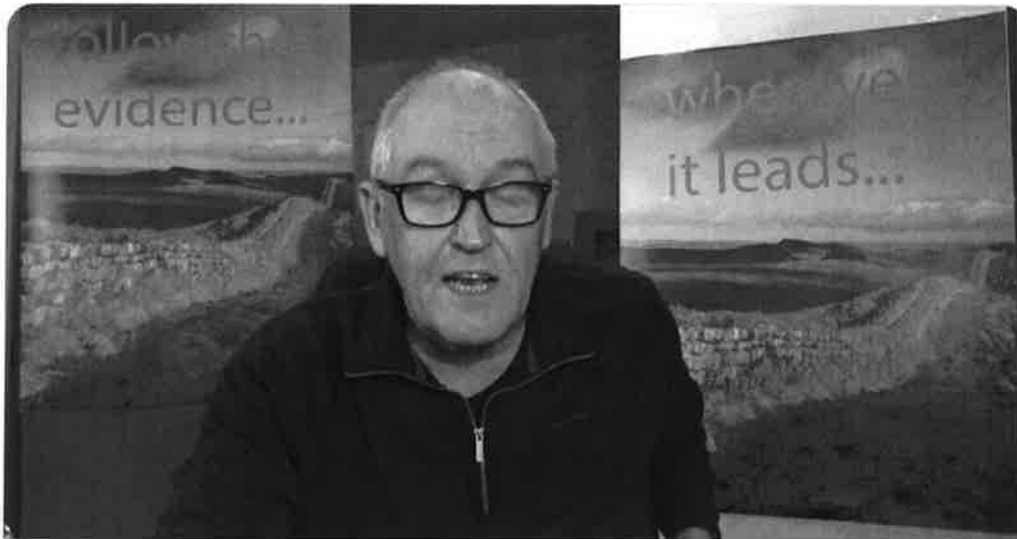
**john campbell**

@Johnincarlisle

...

Time to pause covid mass vaccination

rumble.com/v22ugd2-time-t... The risk benefit analysis has changed, time for a pause of the mass covid vaccination programme



rumble.com

Time to pause covid mass vaccination

My name is John Campbell, I am a semi-retired clinical nurse, nurse lecturer, academic, researcher and author of numerous articles and two text books. My ...

3:08 PM · Dec 28, 2022

627.1K Views 4,857 Retweets 310 Quote Tweets 14.4K Likes



Tweet your reply

Reply



Joseph @JXirtam · 22h

Replying to @Johnincarlisle

He's been providing unbiased, in depth coverage of the top studies related to covid throughout most of the pandemic, on youtube. Youtube is heavily censoring anything that doesn't fit the narrative and has been censoring for a while. Definitely recommend watching his videos.



13.2K



29



28



714



He couldn't announce his transition on his YouTube channel because they would cancel his channel. So he announced it on Rumble:



Videos ▾ Search



Time to pause covid mass vaccination

**Dr. John Campbell** ✓ · Published December 28, 2022 · 48,646 Views

+ - 1.83K rumbles

EMBED ↗

Here are some of the comments

All the comments I read were positive!

**urizen3030**, 22 hours ago

Whoa. Never thought I'd see the day you would say this, Dr. Campbell! The fact that YOU would say this carries a lot of weight. I've always viewed you as a moderate who would, as you say, follow the truth wherever it leads.



- 193 rumbles

REPLY

› Show 10 replies

**TruthandHonesty1**, 22 hours ago

great statement John, more people need to make strong statements following the very clear evidence. I doubt anybody is now not aware of many vaccine injured people



- 100 rumbles

REPLY

› Show 2 replies

**SebDep**, 22 hours ago

The next step will be to admit the mRNA « vaccines » were never safe and effective, never justified and never should have been forced on the population. The Covid panic was manufactured and amplified by the corrupt government, big pharma, MSM and medical establishment. Because effective treatments were available, these mRNA jabs should never have been approved for emergency use. In addition, even the rushed human trials showed unacceptable results, deaths and injuries, so they never should have been approved in the first place. The whole Covid pandemic and « vaccine » push stink from the start. Corruption, lies, fake news, fear porn, propaganda ... evll!

 - 90 rumbles

REPLY

[Show 4 replies](#)**DickRoberts**, 22 hours ago

Dr. Campbell, I have been a follower of yours since the beginning. You have been data driven and have arrived at the logical endpoint. Thank you for your honesty and sincerity.

 - 81 rumbles

REPLY

[Show 5 replies](#)

The end is near

There is no way anyone is going to explain how John Campbell could have switched sides.

Want to know how? Campbell looked at the data!

You aren't supposed to do that.

If you know of any prominent influencer who has gone from anti-vax to pro-vax after looking at the data, please let me know here and in the comments. I don't know of one case. I'm guessing this poll will be 100% No... let's see if I'm right:

POLL

Know any thought leader who switched from red pill to blue pill? (i.e., anti-vax --> pro-vax):

No

Yes (please specify who below)

Yes, more than one

Now let's look at a few more questions:

POLL

Know any cardiologist who plans to take more boosters?

No

Yes, one

Yes, more than one

Know any doctors or nurses at UCSF planning to take more jabs? Please note this and fill out the name in the comments:

POLL

Know any doctors or nurses at UCSF planning to take more jabs?

No

Yes, one

Yes, many

Summary

We're going to win this.

Campbell is on our side.

So are virtually all the doctors and nurses at UCSF and virtually all the cardiologists

in the UK.

There is no way to stop this.

The truth is finally coming out.

People need to decide whether they want to be on the right side of history or not.

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Start writing

From: stevekirsch@substack.com,

To: we4the4people@aol.com,

Subject: Drew Comments tacitly admits that the COVID vaccine increases your risk of dying from COVID!

Date: Thu, Dec 29, 2022 2:09 pm

[Open in app or online](#)

Drew Comments tacitly admits that the COVID vaccine increases your risk of dying from COVID!

We have been told the COVID vax would keep us from dying from COVID. Now, a pro-vax "science communicator" has just tacitly admitted that the vaccine will increase your risk of death!! Whoa!

STEVE KIRSCH

DEC 29



SAVE

▷ LISTEN

Executive summary

Drew Comments (a [stage alias used by Andrew Bullock](#)) spends an enormous amount of time on social networks promoting the safety of the vaccines. [Watch this video](#) for example.

Last night, he **tacitly** admitted that the COVID vaccines *increase* your risk of dying from COVID.

Yeah, that's right. Not a typo: *Increase* your risk of dying.

We have it on tape (see below). Whoa!

I want to acknowledge him for admitting this in front of a live audience of nearly 1,500 people. Finally, both sides agree the vaccines increase your risk of dying.

What this shows is the power of dialog. We started at polar opposite ends of the spectrum, but it was clear at the end that we are actually in agreement that the

vaccines increase your risk of dying.

I'm cautiously optimistic that more dialog such as this between opposing parties will lead to further agreement.

Introduction

People are told that the COVID vaccine is supposed to decrease their risk of dying from COVID.

But last night, Drew Comments, who calls himself a science communicator and claims to be an expert on medicine and science, came into my Twitter Space and dropped a bombshell.

Note: When asked, he declined to reveal his real name or where he works. Some people claim he's paid by Moderna and that he admitted this publicly, but Drew says that is not the case. He said he wished he was.

 **Drew Comments**
198.8K Tweets



...

Follow

Drew Comments
@sjs856

Creator | #NCAT alum |  strong safety |  Jesus is Lord | #ModernaGang |
#SciComm | [instagram.com/drewcomments/](https://www.instagram.com/drewcomments/) | drewcomments@gmail.com

 Los Angeles, California  [youtube.com/user/sjsafety1...](https://www.youtube.com/user/sjsafety1...)

 Born September 3  Joined January 2010

1,463 Following 37.1K Followers

 Followed by  OurVoicesMatter, Angela Reiersen, MD, MPE, and Liza Dunn

Drew was very clear: he said **it is IMPOSSIBLE for the vaccine to kill anyone**. He was arguing with Ryan Cole about mechanisms of action. Drew argued theory and Dr. Cole argued evidence in plain sight. Dr. Cole invited Drew to his lab to see the evidence first hand. Drew neglected to follow up on the offer. He still hasn't followed up. He said he'd send his people, but hasn't contacted me to arrange for this. My conclusion is that Drew's definition of science is based on belief rather than data.

So I asked Drew, "OK, so if the vaccine didn't kill these people, how do you explain the 15,000 excess deaths in VAERS?"

He said (*without citing any evidence*) that **it was COVID that killed these people**.

WHOA!!!!!!!!!!!!!! Stop the presses!

This is a stunning admission and we have it all on tape!

I'll get to the implications of this statement shortly.

The death safety signal in VAERS

Drew was also firm saying the death safety signal in VAERS hadn't triggered. That's new to me.

I asked him for his calculation, and he failed to produce it and he didn't even know what the criteria was.

I am looking forward to seeing his calculation.

This is a question he can't answer of course. Here's why:

1. If he comes up with the correct answer, he has egg on his face for making false statements.
2. If he comes up with the wrong answer, it will be easy to show where he made the error to everyone.

I had three independent statisticians do the calculation and they all came up with the same number that matched mine. So I predict he will never do this calculation and will come up with excuses as to why he can't do simple math or have any of his experts do the calculation. Not even professional debunker David Gorski will touch

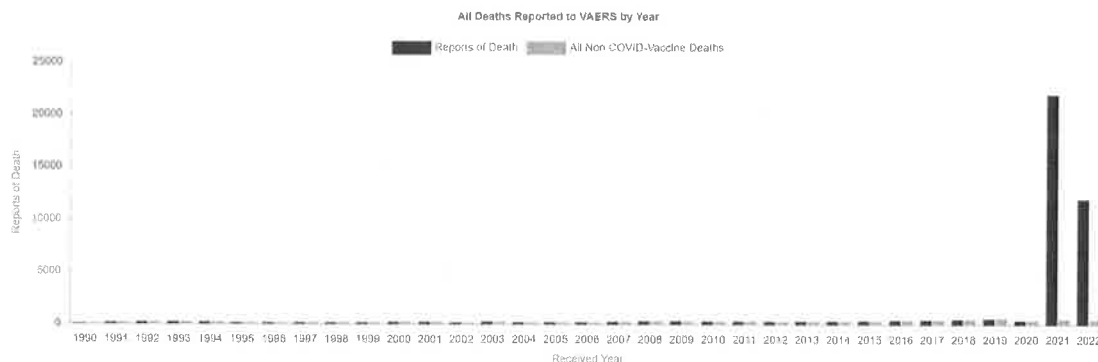
this calculation.

The right thing now for him to do is confirm the calculation and then go on social media and let people know that they should not trust the CDC to monitor for safety signals. I can't wait for that.

And he should also tell people he was wrong about the vaccine and call for a halt just like John Campbell just did.

The implications of Drew's VAERS admission that the excess deaths were from COVID, not the vaccine

We know from the VAERS data that at the peak of COVID in 2020, there were no excess deaths reported in VAERS. ZERO!!! See anything happening in the middle of the pandemic in the graph below? Nope. Not a single excess death! Just the normal death rates in the middle of the pandemic.



Then all of a sudden, deaths in VAERS skyrocketed when the COVID vaccines rolled out. The deaths skyrocketed only for the COVID vaccine, not for any other vaccine (the blue bars are unchanged).

Of course, when I looked at the data, I attributed it to the vaccine killing people. But according to our science communicator, I'm wrong. Drew said it was COVID that caused these deaths.

OK, we can quibble about the cause, but the implications are the same...

Put on your critical thinking hat

Time for some critical thinking...

All the 15,000 Americans in VAERS who died HAD THE COVID vaccine!

And Drew says they died *from* COVID.

The background death rate in VAERS from COVID was miniscule in 2020.

When the vax rolled out in 2021, it skyrocketed.

Yet the death rate from all other vaccines in the same period (2021 onwards) remained the same. Those people got COVID too.

This can only mean one thing: it was the COVID vaccine that caused people to die from COVID in record numbers *after* they got the vaccine. That is the only difference between the people in the red bar vs. the blue bar.

VAERS URF

For new readers, VAERS is underreported by a factor of at least 41 which I've written about many times.

So 15,000 excess deaths in America is over 600,000 people. That's a huge number of deaths.

Also on this call

Dr. Eugene Gu in a COVID Twitter Space earlier yesterday, dismissed anecdotal evidence as untrustworthy, arguing that only large trials should be the basis of treatment decisions.

Now, it appears this was not the case.

I asked what he would do if he vaccinated 20 patients and 10 of them died a week later. Would he halt the vaccine? After all, it is only 10 patients and 10 is a small number!

Dr. Gu said he would not. The audience was stunning.

I said if I were a doctor, I wouldn't wait to talk to my peers... 10 deaths in 20 patients within a week is very unlikely if the vaccine is safe. It should be an immediate halt; no calls to peers required. It is very unlikely the vaccine could be safe with this

observation.

Later, Dr. Gu admitted that this sort of anecdotal data can change his treatment decisions. Even numbers as small as 10 cases, if confirmed by several of his peers, would cause him to act in a way that is opposite to what the large trials claim.

So this is good. Both sides agree that anecdotal data, even as small as just 10 cases, can cause a doctor to change their treatment decisions.

The full recording (nearly 7 hours)

Dr. Gu joins at 2:23. Drew Comments comes in at 5:32:00 (i.e., five and a half hours into it).

[Audio only](#) (392K)

[Audio and video](#) (easier to see who is talking but a 2.1G download)

Summary

I'm glad we had the conversation because it looks like we were able to find common ground: do not take the vaccine.

If you believe me, those people in VAERS died from the COVID vaccine. So you shouldn't take it.

If you believe Drew, the only way you can interpret the VAERS data is that the vaccine dramatically increases your risk of dying from COVID so you should not take it.

So we just differ on how we believe the vaccine will kill you.

Share

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In secret vaccine contracts with governments, Pfizer took hard line in push for profit, report says

By Adam Taylor

October 19, 2021 at 12:08 p.m. EDT

The coronavirus vaccine developed by Pfizer and BioNTech has proved a success. First to receive emergency use authorization in the United States, the Pfizer shot has become the world's most popular, with 3.5 billion doses purchased. Sales could double in 2022, according to projections.

But the rapid proliferation of the vaccine, under contracts negotiated between the company and governments, has unfolded behind a veil of strict secrecy, allowing for little public scrutiny of Pfizer's burgeoning power, even as demand surges amid new negotiations for one of the world's most sought-after products.

A report released Tuesday by Public Citizen, a consumer rights advocacy group that gained access to a number of leaked, unredacted Pfizer contracts, sheds light on how the company uses that power to "shift risk and maximize profits," the organization argues.

The Manhattan-based pharmaceutical giant has maintained tight levels of secrecy about negotiations with governments over contracts that can determine the fate of populations. The "contracts consistently place Pfizer's interests before public health imperatives," said Zain Rizvi, the researcher who wrote the report.

Public Citizen found common themes across contracts, including not only secrecy but also language to block donations of Pfizer doses. Disputes are settled in secret arbitration courts, with Pfizer able to change the terms of key decisions, including delivery dates, and demand public assets as collateral.

Sharon Castillo, a spokeswoman for Pfizer, said that confidentiality clauses were "standard in commercial contracts" and "intended to help build trust between the parties, as well as protect the confidential commercial information exchanged during negotiations and included in final contracts."

Both Pfizer and Moderna, another U.S. company that developed a vaccine using breakthrough mRNA technology, are facing pressure from critics who accuse them of building a "duopoly." Although Pfizer did not accept government

Firefox <https://www.washingtonpost.com/world/2021/10/19/secret-vaccine-c...>
funding through the vaccine development program called Operation Warp Speed, it received huge advance orders from the United States. It opposed an intellectual property waiver that could have meant the sharing of its technology.

Experts who reviewed the terms of contracts with foreign governments suggested that some demands were extreme. In contracts reached with Brazil, Chile, Colombia and the Dominican Republic, those states forfeited “immunity against precautionary seizure of any of [their] assets.”

“It’s almost as if the company would ask the United States to put the Grand Canyon as collateral,” said Lawrence Gostin, a professor of public health law at Georgetown University.

The company rejected that logic. “Pfizer has not interfered and has absolutely no intention of interfering with any country’s diplomatic, military, or culturally significant assets,” Castillo said. “To suggest anything to the contrary is irresponsible and misleading.”

Some contract demands appear to have slowed vaccine rollouts in countries. At least two countries walked away from negotiations and publicly criticized the company’s demands. However, both later reached agreements with Pfizer.

Aspects of the contracts are not uncommon, including the reliance on arbitration courts and clauses designed to give companies legal protections. Pfizer’s price for its vaccine, as low as \$10 per dose in Brazil, appeared to be lower than some competitors’ prices.

“Pharma companies have concerns,” said Julia Barnes-Weise, director of the Global Healthcare Innovation Alliance Accelerator. “One of them is, especially for a not-yet-approved vaccine, that they could be held liable for any injury that that vaccine seems to have caused.”

Secret contracts

Pfizer has formalized 73 deals for its coronavirus vaccine. According to Transparency International, a London-based advocacy group, only five contracts have been formally published by governments, and these with “significant redactions.”

“Hiding contracts from public view or publishing documents filled with redacted text means we don’t know how or when vaccines will arrive, what happens if things go wrong and the level of financial risk buyers are absorbing,” said Tom Wright, research manager at the Transparency International Health Program.

Much of what is known about Pfizer’s contracts has come out in leaks, often through journalism from local outlets or international ones, including the Bureau of Investigative Journalism.

Public Citizen analyzed an unredacted draft agreement between the company and Albania, as well as unredacted final documents from Brazil, Colombia, the Dominican Republic, Peru and the European Commission. Redacted

Firefox documents published by Chile, the United States and Britain <https://www.washingtonpost.com/world/2021/10/19/agree-vaccine-c...> details.

The contract reached with Brazil prohibits the government from making “any public announcement concerning the existence, subject matter or terms of [the] Agreement” or commenting on its relationship with Pfizer without the prior written consent of the company.

“This is next-level stuff,” said Tahir Amin, an intellectual property lawyer who co-founded I-Mak, a nonprofit global health organization.

Pfizer exerted control over the supply of vaccine doses after contracts were signed. The Brazilian government was restricted from accepting donations of Pfizer doses or making its own donations. Pfizer also included clauses in contracts with Albania, Brazil and Colombia that it could unilaterally change delivery schedules in the case of shortages.

In contracts with Brazil, Chile, Colombia, the Dominican Republic and Peru, governments were required to sign a document that says each “expressly and irrevocably waives any right of immunity which either it or its assets may have or acquire in the future.” The first four also were required to waive immunity against “precautionary” seizure of their assets.

Public Citizen found contracts that required governments “to indemnify, defend and hold harmless Pfizer’ from and against any and all suits, claims, actions, demands, damages, costs and expenses related to vaccine intellectual property.”

An opaque giant

Pfizer has not experienced the same level of public scrutiny as Moderna, which has been accused of price-gouging and delaying deliveries. Analytics firm Airfinity this week predicted Pfizer will sell \$54.5 billion worth of coronavirus vaccine next year, almost twice the value of Moderna’s sales.

One official from a country in the midst of negotiations with Pfizer, who was not authorized to speak on the matter, said that the country found Pfizer difficult to negotiate with but reliable in the delivery of vaccine doses.

Like Moderna’s, Pfizer’s vaccine has been found to be highly effective against the delta variant of the coronavirus and to provide long-lasting immunity. From the leaked documents, Pfizer appears to have offered lower prices for its vaccine to poorer countries that had less leverage.

Castillo said that Pfizer had committed to a tiered pricing approach, with wealthier nations paying about the cost of a takeout meal per dose and lower-middle-income countries offered prices at a not-for-profit price. Some 99 million doses had reached low- and lower-middle-income countries so far, and the company expects “substantial increase in shipments to these countries through the end of the year.”

company has little control, including the use of new, unapproved vaccines in partner countries where the company has little oversight over storage and distribution. Pfizer may have been worried about opportunistic lawsuits, Barnes-Weise said.

Some countries, including the United States, have laws that provide indemnification to vaccine manufacturers, but most do not.

However, Transparency International argued that at least four contracts or drafts it examined went “much further” than other vaccine developers, with “more of the risk onto national governments, and away from the developer, even if missteps are made by the developer or supply chain partners, and not just if there is a rare adverse effect of the vaccines.”

Suerie Moon, co-director of the global health center at the Graduate Institute of International and Development Studies in Geneva, said that restrictions on donations were “appalling” and “counter to the goal of getting vaccines as quickly as possible to those who need them.”

Castillo said Pfizer is not currently pursuing legal action against any government related to its coronavirus vaccine.

At least two countries that initially backed out of negotiations with Pfizer later returned. In January, Brazil publicly said Pfizer was insisting on “unfair and abusive” contractual terms, pointing to the confidentiality clauses. Just months later, Brazil signed a \$1 billion contract with the drug giant for 100 million doses. Public Citizen says that the signed contract, later leaked, contained many of the provisions that Brazil once opposed.

Argentina also rejected early negotiations with Pfizer, with the country’s former health minister publicly saying the company “behaved very badly” and was making demands that did not comply with Argentine law. The country later agreed to purchase 20 million doses. The unredacted contract has not been released.

Covax, a World Health Organization-backed vaccine-sharing initiative, has purchased only a relatively modest 40 million doses directly from Pfizer, with reports of disputes during subsequent negotiations. Covax later reached an agreement with the United States for Washington to buy and redistribute 500 million Pfizer doses to low-income countries through Covax.

In its report, Public Citizen called on the U.S. government to use its leverage to force Pfizer to take a different approach, including requiring the company to share technology and intellectual property so that other manufacturers can produce the vaccine.

“The global community cannot allow pharmaceutical corporations to keep calling the shots,” Rizvi said. “The Biden administration can step up and balance the scales.”

From: team@childrenshealthdefense.org,
To: we4the4people@aol.com,
Subject: Fauci: Gone . . . but not forgotten.
Date: Thu, Dec 29, 2022 12:04 pm

Having trouble viewing this email? [View it in your web browser](#)



Dear Kimberlee,

In just a few days, Dr. Anthony Fauci will retire from the NIH after a 50+ year reign as one of history's most despotic and dangerous predators.

While Dr. Fauci may be stepping down . . . *Children's Health Defense is stepping up our campaign to hold him — and the government agencies he commandeered and corrupted — accountable.*

We need your help now more than ever. Please make a generous year-end tax-deductible donation today.

For weeks, the bought and braindead mainstream media has been ushering the NIAID chief out the door in a hail of bootlicking superlatives — dubbing him “a national hero,” “a superb administrator and scientist,” “a dedicated public servant” . . . and the guy who “saved more lives than anyone else.”

But you know who the real Tony Fauci is: a ruthless businessman and the

architect of NIH's metamorphosis from the world's premier science and health agency into a servile sock puppet for Big Pharma.

When asked recently by a reporter about the prospect of future investigations into him and his agency, Dr. Fauci said he has "nothing to hide at all . . . nothing that I could not explain clearly to the country and justify."

Yet during a recent court-ordered sworn deposition, when asked about his role in censoring truthful information about COVID, its origins and the vaccines, ***Dr. Fauci invoked some variation of "I don't recall" nearly 200 times.***

In the coming months, CHD will help Dr. Fauci "recall."

We will remind him how he tried to cover up his involvement in reckless gain-of-function experiments at the Wuhan lab in China — experiments that credible scientists believe led to the creation of the deadly SARS-CoV-2 virus.

We will remind Dr. Fauci how he lied to the world about masks and social distancing, lockdowns, and natural immunity.

We will help him recall how his COVID policies subverted the Constitution he swore to uphold . . . and propelled America down a slippery slope toward a grim future as an authoritarian surveillance state.

We will remind Dr. Fauci of his role in suppressing effective treatments for COVID while promoting deadly, ineffective vaccines.

And we will jog his memory about America's grotesque COVID-19 body counts — the world's highest — that accumulated in the wake of his cold-blooded focus on industry profits over public health.

Thirteen months ago we launched the campaign to expose Dr. Fauci and break his cult-like hold on the media and public with my bestselling book, "The Real Anthony Fauci."

After millions read the book, we turned it into a documentary . . . which reached many more.

Our efforts to educate the public, combined with our relentless fist fights on the legal front, are succeeding . . . we are chipping away at the image of the man behind the "In Fauci We Trust" yard signs and "St. Fauci" votive candles.

But we still have our work cut out for us.

I won't rest until we hold Dr. Fauci accountable for his historic role as the

leading architect of “agency capture” — the corporate seizure of America’s public health agencies by the pharmaceutical industry.

You have my word. But I need your help.

Please make a generous year-end tax-deductible donation today.

Thank you.

For our children’s future,



Robert F. Kennedy, Jr.

Chairman, Children’s Health Defense

P.S. We have a once-in-a-generation opportunity to expose Anthony Fauci and to end the dangerous and deadly submission of the government to Big Pharma. Please support this work with a generous year-end donation today. Thank you.

Children’s Health Defense
852 Franklin Ave., Suite 511
Franklin Lakes, New Jersey 07417
[Contact Us](#)

Want to change how many emails you receive?
You can update your preferences or unsubscribe below.

[Unsubscribe or Manage Your
Preferences](#)

From: info@stopworldcontrol.com,

To: we4the4people@aol.com,

Subject: Top experts are warning the world

Date: Wed, Dec 28, 2022 9:02 pm



Stop World Control

Experts from the United Nations reveal evidence for world dictatorship

**International lawyers and top level experts warn humanity for the
greatest threat our world has ever faced: the establishing of a
tyrannical world dictatorship.**



The experts who reveal this dangerous agenda come from the World Health Organization, the United Nations, the British and US military, and other world leading entities. They presented their evidence before a group of eleven international attorneys, and a judge, during historic Grand Jury proceedings.

Their information unveils a criminal plot to submit the entire world to totalitarian control, under the guise of pandemics, and other orchestrated crises.

Methods used to accomplish this goal, are government led operations of mind control, psychological manipulation, and hypnosis. These are executed in collaboration with the mainstream news media, which is controlled by the financial entities who orchestrate this worldwide operation.

Download the evidence!

GRAND JURY

EVIDENCE ①

Lawyers, a judge and top level experts from the WHO, United Nations, Royal Navy, US military, CDC & Pfizer reveal evidence of an agenda for world tyranny, executed under the guise of the COVID-19 pandemic



WITH A JUDGE
& 11 LAWYERS
FROM AROUND
THE WORLD

EXPERTS
FROM THE
FOLLOWING
ORGANIZATIONS:

CDC



DOWNLOAD THIS

For decades independent investigators have been warning humanity about this nefarious agenda, but they were disregarded as "conspiracy theorists". Now, for the first time in history, insiders from the world's leading organizations come forward to provide undeniable evidence for the agenda of tyrannical world domination.

This evidence is summarized in "The Grand Jury Evidence 1" which you can download.

We strongly encourage you to share this critical document with your contacts. Send it also to people who have influence in your community: local government officials, school directors, hospital staff, law enforcement officers, local newspapers, religious leaders, etc.

You can easily find their contact info online.

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Top experts from the WHO & UN reveal evidence for an agenda of world domination by financial elites



OFFICIALS from the World Health Organization, United Nations, British Intelligence Services, U.S. and U.K. military, Center for Disease Control, and other expert witnesses presented evidence during Grand Jury legal proceedings with 11 international lawyers and a judge, for an official agenda of world domination by financial elites. This agenda is covertly executed through orchestrated pandemics, fabricated climate change, and other manufactured crises.

THE EXPERTS show how mind control, psychological manipulation and hypnosis techniques are used in news media to shape the opinions and behavior of the public. The information is backed up with official documents issued by the governments and the named organizations.

THE EVIDENCE is presented during six Grand Jury legal proceedings, that each last six hours. Easy-to-read summaries are being created, so these extremely important revelations can reach a greater audience. The first summary can be downloaded for free at the website below:



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DAVID SÖRENSEN

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Big List of 10 ways FBI, White House pushed Big Tech to censor Americans **(<https://www.clarkcountytoday.com/news/big-list-of-10-ways-fbi-white-house-pushed-big-tech-to-censor-americans/>)**

Posted by ClarkCountyToday.com (<https://www.clarkcountytoday.com/author/for-clarkcountytoday-com/>) |

Date: Thursday, December 29, 2022



[big-tech-to-censor-americans/](https://www.clarkcountytoday.com/news/big-list-of-10-ways-fbi-white-house-pushed-big-tech-to-censor-americans/)

(<https://www.clarkcountytoday.com/news/big-list-of-10-ways-fbi-white-house-pushed-big-tech-to-censor-americans/>)

A popular news site, Just the News, has assembled a Big List of the "ten major revelations" in how the FBI, and the White House, demanded that Big Tech censor Americans commenting on everything from t ...

Read more >> ([https://www.clarkcountytoday.com/news/big-list-of-10-ways-fbi-white-house-pushed-](https://www.clarkcountytoday.com/news/big-list-of-10-ways-fbi-white-house-pushed-big-tech-to-censor-americans/)

Washington lawmakers to take another crack at emergency powers reform next session **(<https://www.clarkcountytoday.com/news/washington-lawmakers-to-take-another-crack-at-emergency-powers-reform-next-session/>)**

Posted by ClarkCountyToday.com (<https://www.clarkcountytoday.com/author/for-clarkcountytoday-com/>) |

Date: Wednesday, December 28, 2022



[at-emergency-powers-reform-next-session/](https://www.clarkcountytoday.com/news/washington-lawmakers-to-take-another-crack-at-emergency-powers-reform-next-session/)

(<https://www.clarkcountytoday.com/news/washington-lawmakers-to-take-another-crack-at-emergency-powers-reform-next-session/>)

Sen. Lynda Wilson is cosponsor of Senate Bill 5063; the legislation is known as the Bipartisan Approach to Legislative Authority Necessary in Continuing Emergencies. ...

Read more >> ([https://www.clarkcountytoday.com/news/washington-lawmakers-to-take-another-crack-](https://www.clarkcountytoday.com/news/washington-lawmakers-to-take-another-crack-at-emergency-powers-reform-next-session/)

Biden admin enraged MORE Americans weren't censored over COVID **(<https://www.clarkcountytoday.com/news/biden-admin-enraged-more-americans-werent-censored-over-covid/>)**

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Date: Wednesday, December 28, 2022



(<https://www.clarkcountytoday.com/news/biden-admin-enraged-more-americans-werent-censored-over-covid/>)

Social media showed more interest in moderation than government did in free speech. ...

Read more >> (<https://www.clarkcountytoday.com/news/biden-admin-enraged-more-americans-werent-censored-over-covid/>)

Military vaccine mandate overturned, but unvaxxed troops could still be booted **(<https://www.clarkcountytoday.com/news/military-vaccine-mandate-overturned-but-unvaxxed-troops-could-still-be-booted/>)**

Posted by ClarkCountyToday.com (<https://www.clarkcountytoday.com/author/for-clarkcountytoday-com/>) |

Date: Tuesday, December 27, 2022

([https://www.clarkcountytoday.com/news/military-vaccine-mandate-overturned-but-unvaxxed-](https://www.clarkcountytoday.com/news/military-vaccine-mandate-overturned-but-unvaxxed-troops-could-still-be-booted/)



[troops-could-still-be-booted/](#)

While the Biden administration has officially reversed the military COVID-19 vaccination mandate, servicemembers who escaped discharge for refusing the vaccine still risk retaliation and could be boot ...

[Read more >> \(https://www.clarkcountytoday.com/news/military-vaccine-mandate-overturned-but-unvaxxed-troops-could-still-be-booted/\)](#)

Top doc flips stance on COVID vax after suffering severe harm

[\(https://www.clarkcountytoday.com/news/top-doc-flips-stance-on-covid-vax-after-suffering-severe-harm/\)](https://www.clarkcountytoday.com/news/top-doc-flips-stance-on-covid-vax-after-suffering-severe-harm/)

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Date: Tuesday, December 20, 2022



[\(https://www.clarkcountytoday.com/news/top-doc-flips-stance-on-covid-vax-after-suffering-severe-harm/\)](https://www.clarkcountytoday.com/news/top-doc-flips-stance-on-covid-vax-after-suffering-severe-harm/)

A prominent physician in Australia – formerly president of the Australian Medical Association and a member of Parliament – has delivered explosive testimony to Parliament, declaring that she and her w ...

[Read more >> \(https://www.clarkcountytoday.com/news/top-doc-flips-stance-on-covid-vax-after-suffering-severe-harm/\)](https://www.clarkcountytoday.com/news/top-doc-flips-stance-on-covid-vax-after-suffering-severe-harm/)

Opinion: Gov. Inslee speaks about his vaccine mandate

[\(https://www.clarkcountytoday.com/opinion/opinion-gov-inslee-speaks-about-his-vaccine-mandate/\)](https://www.clarkcountytoday.com/opinion/opinion-gov-inslee-speaks-about-his-vaccine-mandate/)

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Date: Monday, December 19, 2022



[\(https://www.clarkcountytoday.com/opinion/opinion-gov-inslee-speaks-about-his-vaccine-mandate/\)](https://www.clarkcountytoday.com/opinion/opinion-gov-inslee-speaks-about-his-vaccine-mandate/)

Elizabeth Hovde of the Washington Policy Center shares that the governor's dealings with COVID-19 seem more political than about public health. ...

[Read more >> \(https://www.clarkcountytoday.com/opinion/opinion-gov-inslee-speaks-about-his-vaccine-mandate/\)](https://www.clarkcountytoday.com/opinion/opinion-gov-inslee-speaks-about-his-vaccine-mandate/)

GOP report ties COVID origins to China's bioweapons program

[\(https://www.clarkcountytoday.com/news/gop-report-ties-covid-origins-to-chinas-bioweapons-program/\)](https://www.clarkcountytoday.com/news/gop-report-ties-covid-origins-to-chinas-bioweapons-program/)

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Date: Friday, December 16, 2022



[\(https://www.clarkcountytoday.com/news/gop-report-ties-covid-origins-to-chinas-bioweapons-program/\)](https://www.clarkcountytoday.com/news/gop-report-ties-covid-origins-to-chinas-bioweapons-program/)

A report by Republicans on the House Permanent Select Committee on Intelligence concludes there are "indications" the COVID-19 pandemic is tied to China's biological weapons research program at the Wu ...

[Read more >> \(https://www.clarkcountytoday.com/news/gop-report-ties-covid-origins-to-chinas-bioweapons-program/\)](https://www.clarkcountytoday.com/news/gop-report-ties-covid-origins-to-chinas-bioweapons-program/)

[bioweapons-program/](#)

Opinion: House Bill 1029 aims to reemploy workers forced out of jobs for lack of a COVID-19 vaccination

[\(https://www.clarkcountytoday.com/opinion/opinion-house-bill-1029-aims-to-reemploy-workers-forced-out-of-jobs-for-lack-of-a-covid-19-vaccination/\)](https://www.clarkcountytoday.com/opinion/opinion-house-bill-1029-aims-to-reemploy-workers-forced-out-of-jobs-for-lack-of-a-covid-19-vaccination/)

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Date: Thursday, December 15, 2022

[\(https://www.clarkcountytoday.com/opinion/opinion-house-bill-1029-aims-to-reemploy-workers-forced-out-of-jobs-for-lack-of-a-covid-19-vaccination/\)](https://www.clarkcountytoday.com/opinion/opinion-house-bill-1029-aims-to-reemploy-workers-forced-out-of-jobs-for-lack-of-a-covid-19-vaccination/)



<https://www.clarkcountytoday.com/category/covid-19/>

workers-forced-out-of-jobs-for-lack-of-a-covid-19-vaccination/
Elizabeth Hovde of the Washington Policy Center is hopeful the bill and others will ensure lawmakers openly discuss how the mandate brings no demonstrable public health benefit while taking away peopl ...

[Read more >> \(https://www.clarkcountytoday.com/opinion/opinion-house-bill-1029-aims-to-reemploy-workers-forced-out-of-jobs-for-lack-of-a-covid-19-vaccination/\)](https://www.clarkcountytoday.com/opinion/opinion-house-bill-1029-aims-to-reemploy-workers-forced-out-of-jobs-for-lack-of-a-covid-19-vaccination/)

25-year-old former college football player dies suddenly **(https://www.clarkcountytoday.com/news/25-year-old-former-college-football-player-dies-suddenly/)**

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[\(https://www.clarkcountytoday.com/news/25-year-old-former-college-football-player-dies-suddenly/\)](https://www.clarkcountytoday.com/news/25-year-old-former-college-football-player-dies-suddenly/)

A 25-year-old former college football player died after suffering a heart attack while jogging. ...

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Musk hints he has messages from Fauci team urging Twitter to censor foes **(https://www.clarkcountytoday.com/news/musk-hints-he-has-messages-from-fauci-team-urging-twitter-to-censor-foes/)**

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Date: Wednesday, December 14, 2022



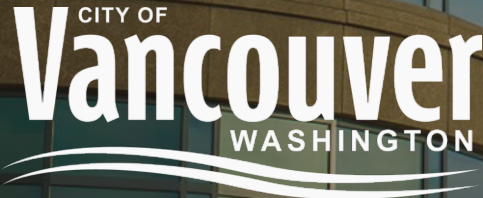
[\(https://www.clarkcountytoday.com/news/musk-hints-he-has-messages-from-fauci-team-urging-twitter-to-censor-foes/\)](https://www.clarkcountytoday.com/news/musk-hints-he-has-messages-from-fauci-team-urging-twitter-to-censor-foes/)

Twitter CEO Elon Musk hinted Wednesday he has unearthed messages from Dr. Anthony Fauci's team urging Twitter to censor anyone who didn't comply with the federal government's official narrative on COV ...

[\(https://www.clarkcountytoday.com/news/musk-hints-he-has-messages-from-fauci-team-urging-](https://www.clarkcountytoday.com/news/musk-hints-he-has-messages-from-fauci-team-urging-twitter-to-censor-foes/)

[twitter-to-censor-foes/\)](https://www.clarkcountytoday.com/news/musk-hints-he-has-messages-from-fauci-team-urging-twitter-to-censor-foes/)

Pearson Field Airport Status Update



March 6, 2023

Vancouver City Council Workshop

Guy Lennon, Airport Manager

Craig Redlinger, Construction Services Division Manager

Presentation Overview

- Background
- Annual Operations and Budget
- Recent Changes
- Capital Projects
- Next Steps

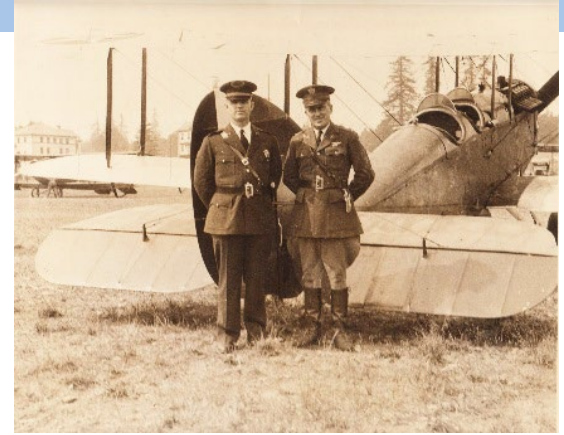


Pearson Field Background

- 2nd oldest operating airfield in the country - first flight in 1905
- Named in honor of Alexander Pearson - dedicated in 1925
- Pearson becomes the City's municipal airport- 1925
- Landing site of first transpolar flight from Russia - June 1937
- City sells the western half of Pearson Field to the National Park Service— 1972

Pearson Field Background

- Congress creates the “Vancouver National Historic Reserve” which includes Pearson Field- 1996
- City and Park Service sign a 40-year lease for the continued operation of the airport- 2011
- Designated as a “Historic Aerospace Site” by the American Institute of Aeronautics and Astronautics - 2012



Facilities at the Field

- Fixed Base Operator (FBO)
 - Flight School
 - Aircraft Maintenance
 - Fuel
- Aircraft Storage (hangars and tie-downs)
- Pearson Field Education Center (PFEC)



Annual Operations

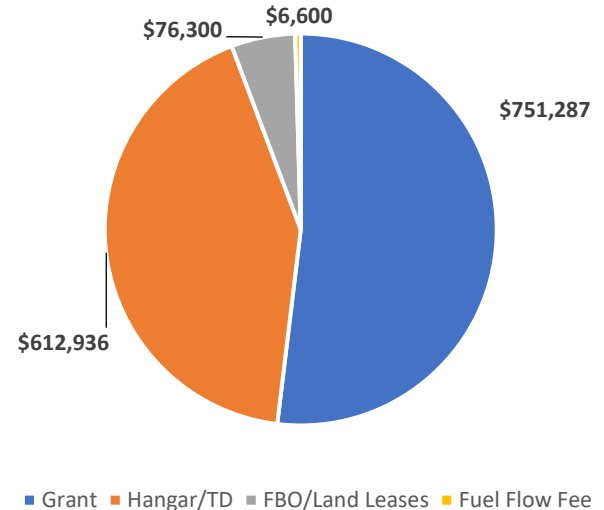
- 175 fixed wing aircraft based at the Field
- 53,000 annual operations
- 63% operations by based aircraft; 37% by itinerant
- 67% of based aircraft ops, business or commerce related
 - Of this 67%, 95% is Flight School activity, 5% is Business Aircraft
- 3% public (police, military, environmental, etc.)



Airport Budget

Annual Revenue (2022) = \$1,447,123

- FBO/Land leases
- Hangar and tie down rentals
- Fuel Fees
- FAA/WSDOT Grants



Annual Operating/Capital Expenses (2022) = \$681,900

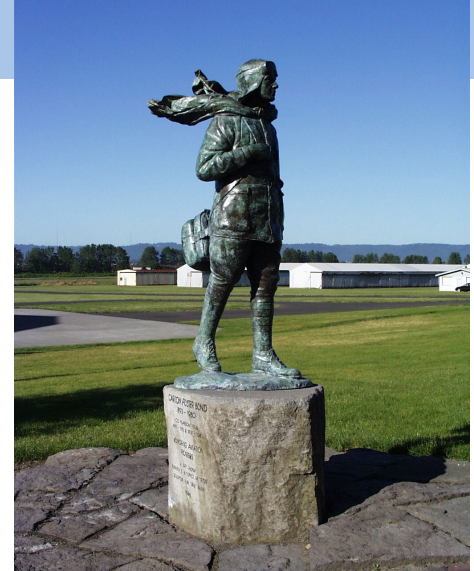
Airport Budget

- Pearson Field is an enterprise fund which receives no general fund support
- Unusual for a municipal airport of this size to not receive a general fund subsidy
- Current Fund balance is \$1.5M
- The Fund Balance is for Capital Projects



Airport Economic Impact

- Pearson Field acts as an economic engine to our community
- Pearson Provides for Business and Charter services



Recent Changes

Revised VMC to include the Aviation Advisory Committee(AAC)

- VMC outlines AAC
- Re-establishment of the AAC after temporary suspension in 2018

Recent Changes

Financial Changes Since 2018 Audit:

- Revised rental agreements and approval process
- Rental agreements now managed through Workday
- Consistent Hangar Rates

Recent Changes

Written Policies Established for:

- Wait list (over 240 people on the list);
- Hangar rates;
- Eviction procedures;
- Card key control;
- Rental agreement process



Capital Projects

- 2019- Repave runway, replace electronic guidance system
(90% funded by FAA, 5% WSDOT funded)
- 2020- Repave taxiways and aprons(100% funded by FAA)
- 2021- Construct new Taxiway A2(100% funded by FAA)
- 2022- Repaint commercial buildings (Airport funded)
- 2023- Design Airfield Electrical Upgrades(90% funded by FAA)

Capital Projects

2024- Airfield Electrical Upgrades(90% funded by FAA, 5% WSDOT funded)

2024- Terminal Remodel – Design & Construction (100% Bipartisan Infrastructure Law)

2026- Master Plan Update Study(90% funded by FAA, 5% WSDOT funded)

2026- Parking Apron – Design & Construction(100% Bipartisan Infrastructure Law)

Next Steps

- Appoint Aviation Advisory Committee
- RFP for Fixed Base Operator
- Address industry conversion to Unleaded Aviation Fuel

Questions and Discussion

VANCOUVER
CITY HALL

- Guy Lennon, Airport Manager
guy.lennon@cityofvancouver.us
(360) 487-8619
- Craig Redlinger, craig.redlinger@cityofvancouver.us
(360) 487-7754





Informational Workshop: Humane Treatment of Animals Issues

City Council Workshop
March 6, 2023



Rebecca Small
Senior Policy Analyst
CMO

Presentation Purpose

To provide information and context on three issues related to the humane treatment of animals in Vancouver, WA.

Issues of Concern

- Sale of furs
- Foie gras
- Sale of dogs from retail pet stores

Context

Why are we having this discussion?

- At a 2022 community forum, community members approached Council to request that the City enact bans on sales of fur, foie gras, and the sale of dogs from retail pet stores.
- Two Councilmembers requested a workshop from staff to learn more about the local context of these issues.



Issues for consideration

1

Fur sales

2

Foie Gras

3

**Dog sales from
retail pet stores**

Fur sales

Definition

Definition

“Fur” refers to pelts of farm-raised animals such as mink, sable, chinchilla, and fox.

Generally Excluded

- By-products of the food industry (cowhide, sheepskin)
- Fur used for religious, traditional, and cultural purposes
- Fur already in circulation (vintage sales)
- Possession of fur (fur that people already own)

Fur sales

Local context

Local context

- No known furrier businesses in Vancouver.
- Clark County Animal Control noted no incidents of Vancouver residents raising animals for fur.
- Request to Council for consideration of fur issue was for a preventative measure.
- Tradition of trapping and hunting in Washington (“Ft. Vancouver Trappers”)

Fur sales

Legislation

Relevant legislation

- WA HB 1718, a 2021-22 bill prohibiting production of fur products, did not pass
- California's AB 44 law (2019) bans sales of new fur clothing and accessories
- Cities with fur bans include Ann Arbor, MI and Boulder, CO

Foie Gras

Definition

Definition

- Defined in French Law as ‘the liver of a duck or goose fattened by gavage (force feeding)’.
- Typically produced by feeding birds until their livers fatten up to 10 times normal size.
- There are production methods that do not use gavage, though they are expensive and uncommon.

Foie Gras

Local context

Considerations

- No known local production or sales in Vancouver
- Large grocery stores generally do not sell this product
- Only known restaurateur that had offered this item in Vancouver has discontinued it from their menu
- Generally affiliated with fine dining

Foie gras

Legislation / legal issues

Existing legislation

- NYC (2019) and Chicago attempted bans that were later repealed or blocked in court.
- California's AB44 law (2019) bans the sale and production in-state.
 - This law was upheld by the Ninth Circuit last year (further review pending at U.S. Supreme Court)
- Washington has no laws, current or pending, directly pertaining to foie gras.

Sale of dogs from pet retail stores

Context

- Concern is with stores selling animals sourced from breeders
- Strongest concern with dogs sourced from out-of-state commercial breeding facilities.
- Advocates maintain that a direct relationship between breeders and buyers is important for well-being of dogs and people.

Sale of dogs from pet retail stores

Local context

Consideration

- One pet store in Vancouver sells dogs.
- It sources dogs from local, private hobby breeders in SW WA.
- Store is inspected annually by Clark County Animal Control and subject to additional inspections when complaints are issued; they report never having received a written violation.

Sale of dogs from pet retail stores

Legislation

Existing legislation

- WA 2021 Humane Pet Sales Bill
- Local ordinances in Renton and Pierce County (WA) place additional regulations on dogs sold in pet stores.
- House Bill 1424, currently in session, would extend regulations and additional oversight statewide

Considerations

- This workshop is informational only; no ordinances are being brought forward at this time.
- Any action by Council would require further outreach and engagement
- Public testimony on these issues is expected during the subsequent Council meeting



Possible courses of action

Possible actions

- **No action:** Defer to existing statewide regulations.
- **Moderate response:** Issue a resolution or statement from Council; support more stringent State policies – *focused public engagement*
- **Full policy and enforcement option:** Enact bans through ordinances; dedicate staff time and resources and coordinate with County agencies as necessary to develop monitoring and enforcement systems– *extensive public engagement*

Question for City Council

Does City Council wish to direct staff to pursue action on the following issues?:

- Fur sales
- Foie gras
- Dog sales from pet retail stores

Discussion

Contact: Rebecca Small
rebecca.small@cityofvancouver.us





MEMORANDU

DATE: February 3, 2023

TO: Mayor and City Council

FROM: Eric Holmes, City Manager
Rebecca Small, Senior Policy Analyst, CMO

RE: **Animal Welfare Issues: Foie gras, fur sales, and sales of animals from retail pet stores**

At a Community Forum in 2022, community members approached Council to request that the City address three issues related to animal welfare, proposing bans on (1) the sale of force-fed foie gras; (2) trade in fur products; and (3) the sale of dogs from retail pet stores. Two councilmembers requested a Workshop to explore the context around these issues and discuss possible courses of action. The purpose of this memo is to present context for that discussion.

Community-based animal welfare advocates have provided sample ordinances (for example purposes only) and supporting materials to Council previously, which are included here in Attachment A. These have not been reviewed by the City Attorney's office for legal sufficiency under other relevant legal parameters.

Summary

The sale of animals from pet retail centers, foie gras, and fur is limited in Vancouver. There are no retail furriers within the City. The only confirmed restaurant that has foie gras on its menu has indicated it will discontinue the item. Lastly, there is only one known pet store that sells dogs sourced from small breeders. Although the City likely has the authority to ban the sale of specific products or practices such as these within its borders, based on the current limited commercial environment for these practices new bans or policies enacted by Council would have limited practical effect.

Potential actions

If the Council were to pursue new regulations regarding these humane treatment of animal issues, such regulations can be adopted without substantial process beyond the Charter required first and second reading and public hearing. No SEPA is required, nor is there a review required by an adCounc'l'sommission or any required public engagement and outreach. It is solely within the Councils authority and discretion, and can be enacted with a relatively low commitment of resources.

In recent history, Council has had an expectation that there is an inclusive process that engages community and key stakeholders in the development of new policies. In this case, such stakeholders

would include some of those who have already been contacted in preparation for this workshop but may include others. The options outlined below contemplate some degree of further community engagement, which depending on Council direction may require resources that compete with other established priorities.

For any of the three issues, City Council could opt for any of the following:

1. **No action:** Allow continuation of the status quo and remain in compliance with existing statewide regulations.
2. **Moderate actions:**
 - Council could issue a statement to express its opinion or sentiment.
 - The City could advocate in support of statewide legislation.
 - Council could issue a resolution in support of stronger statewide legislation. This would equip advocates with an official statement from the City that could be used in advocating for statewide measures with broader impacts.
3. **Full policy and enforcement options:** Enact new City policies or ordinances to prohibit, restrict, or regulate practices related to animal welfare concerns. New prohibitions could include:
 - Total bans on current and future sales,
 - Phase-outs of current products or practices, or
 - Restrictions on future sales with grandfather clauses to protect any businesses that currently include these sales in their business model.

Because these three issues have little to no presence in Vancouver, any ban would have a limited practical effect. Impacts to local businesses would affect only one or two establishments at most.

If Council decided to pursue bans or prohibitions on any of the issues in question, it would be necessary to allocate staff time and resources to develop and enact monitoring and enforcement systems for the new policies. Monitoring systems could be proactive or complaint-based. Due to the nature of the issues in question, it may be necessary to coordinate with Clark County agencies, such as Animal Control and Public Health to implement such programs.

Outreach and Engagement

City staff contacted the following stakeholders who have specialized knowledge of these issues or who may have business interests affected by any actions that the City could choose to pursue:

- Humane Society of SW Washington – Megan Dennis (VP of Shelter Operations) and Dr. Margaret Wixson DVP (VP of Veterinary Services)
- Clark County Animal Control Services – Russ Onkka (Program Coordinator) and Donna Goddard (Program Manager)
- City of Vancouver Community Development Jeri Newbold (code enforcement)
- Pierce County Animal Control
- SW Washington Restaurateurs group
- El Gaucho restaurant– Executive Chef Beau Carr
- Alley Cat Pet Center (Vancouver Mall) – Larry Zimmer, Owner
- Curly Fur Imports – Customer Service representative
- Animal welfare advocates, including individuals from Animal Equality and Fur Free Vancouver.

Additional public engagement would be required if Council opted to pursue the development of new policies regarding the three issues under consideration. Due to the limited presence of these three issues in Vancouver, Communications staff have recommended a focused approach to outreach. While all community members would be invited to share feedback or comments on a draft ordinance, engagement would target those that would be most directly impacted economically or culturally by Council action. Specific strategies would include:

- Targeted outreach to impacted stakeholders, including those listed above that have already been contacted for this workshop, and organizations that represent such individuals.
- A City-issued public press release, social media posts and Be Heard page to gather community feedback on proposed Council actions.
- Public hearings prior to the adoption of any ordinances, resolutions, or changes to the Vancouver Municipal Code (VMC) (required).

Foie Gras

Foie gras is a food produced by *gavage*, the force-feeding of ducks or geese via a pipe inserted down the esophagus in order to induce enlargement of the liver with fat. There are alternative production methods that avoid force-feeding but these are niche operations whose products are more expensive and difficult to source.

Animal welfare advocates have encouraged Council to enact a ban on foie gras sales on account of inhumane treatment associated with force-feeding (see Attachment A for a sample ordinance provided by advocates). Other issues cited include health impacts associated with the saturated fat content of foie gras and the increased risk of disease among bird populations stressed by forced feeding. Local restaurant industry professionals posit that the two producers of foie gras in America represent “modern, ethical, and humane production of foie gras” with methods that differ from European traditions that many consider inhumane.

Connection to local businesses

Foie gras availability in Vancouver is limited, although as the City’s high-end dining scene expands it could become a more common menu offering. From a restaurateur’s perspective, being able to offer customers a specialty item helps them to distinguish their business from competitors and compete with other fine dining establishments in the Pacific Northwest.

Foie gras

In preparation for this Workshop, staff reached out to the single known establishment featuring a dish on its menu containing foie gras to let them know that the issue was being discussed with City Council. The Executive Chef of the restaurant responded to staff with the following message:

“...I have met with my colleagues on this matter, and in the interest of community harmony we will discontinue featuring foie gras on our menus. At the same time, it is my hope that the city council will not officially ban foie gras, for the reasons mentioned, and because it is enjoyed by many members of the Vancouver community.”

Legislation/Legal Obstacles

Bans or prohibitions on foie gras have been enacted by a handful of state and local jurisdictions with varying success due to lack of popular support and robust legal challenges.

- Chicago, IL, enacted a ban but repealed it in 2008 after two years by a vote of City Council.

- In New York City, a ban was approved by voters in but stalled shortly before the law was to take effect after a trial court judge issued an injunction prohibiting its enforcement subject to further litigation. Soon thereafter, the State Agriculture Department ruled the ban to be “unreasonably restrictive,” which prevented the ban from moving forward entirely.
- The State of California enacted an in-state ban in 2004, giving producers roughly eight years to modify their practices. The ban was then challenged repeatedly by a group of Canadian foie gras producers on several legal theories, including an argument that the federal government had “preempted” the field of regulating poultry by way of the Poultry Products Inspection Act. A 9th Circuit Court of Appeals panel rejected that argument and upheld the ban last May, but that decision may be overturned if the U.S. Supreme Court agrees to take the case. A decision whether to review the case is pending and will not be known until March 20, 2023, at the earliest. If the Court agrees to take the case, the legality of a foie gras ban would not be known until January or February 2024.

The State of Washington currently has no legislation (adopted or pending) regarding foie gras.

Fur Sales

Fur is defined as “animal skin or part thereof with hair, fleece or fur fibers attached thereto.” Bans on fur production and sales generally apply to furs from animals that were farmed for the purpose of fur production such as mink, fox, chinchilla, rabbit, sable, and raccoon.

Regulations generally do not pertain to fur by-products (generated when an animal is raised for food, like cowhide or sheepskin); used fur products sold at secondhand stores; fur that is used for religious, traditional, and cultural purposes; or fur ownership by individuals.

Connection to local businesses

There are no known fur producers or furriers operating within the City¹. Animal welfare advocates are seeking preventative legislation to deter such businesses from opening in the future.

Hunting and trapping for wild fur have a long tradition in Washington. Vancouver is home to the Fort Vancouver High School Center for International Studies and its mascot, the Fort Vancouver Trappers.

Legislation

The State of California and at least 12 individual cities in the U.S. have passed fur bans. Although several of these bans faced legal challenges, courts have generally upheld their constitutionality, including a challenge made to a ban enacted by the City of San Francisco.

In the State of Washington, the proposed [HB 1718 \(2021-22\)](#) would have prohibited activities related to the production and manufacturing of fur products, but the bill died in session and was not reintroduced in the 2023 session.

¹ One business with a distribution location in Vancouver, Curly Fur Imports, sells only by-products from the food industry; a customer service representative verified that they do not sell any farmed fur products.

Sale of dogs from retail pet stores

Commercial breeding operations, commonly known as “puppy mills,” are high-volume breeding facilities. Despite requirements to obtain licenses and permits, concerns remain about sanitation, overbreeding, premature separation of mothers from their offspring, and a lack of veterinary care. Animal welfare advocates see the prohibition of animal sales from retail pet stores as an avenue to decrease the market for disreputable breeding facilities.

In interviews, Clark County Animal Control and the Humane Society of SW Washington (HSSW) noted that perpetuating a market for commercial breeders is unfortunate when local shelters have large numbers of animals available for rescue adoption. HSSW expressed concerns with breeders who sell animals through pet stores, noting that responsible breeders meet prospective owners to provide counseling for the family and to ensure a connection between an animal and its new home. A direct connection between a breeder and new owners also helps to prevent discarded animals from burdening local shelters if the new home turns out to be a poor match.

Connection to local businesses

Only one retail pet store in Vancouver, Alley Cat Pet Center, sells dogs. State legislation in 2021 prohibited future stores from selling dogs (or cats) from breeders but this business was permitted to continue sales via a grandfather clause.

Alley Cat Pet Center has been in business at its location in the Vancouver Mall for 28 years. In an interview with staff, owner Larry Zimmer noted that his sale animals are sourced from private, in-home breeders in SW Washington who raise one or two litters of puppies per year, rather than from large commercial breeders. Mr. Zimmer noted that he inspects all animals for socialization, health, parasites, and other issues. Clark County Animal Control performs an annual inspection of Alley Cat Pet Center as well as making follow-up visits to investigate claims or complaints. Although the business has had complaints filed against it, the business has never received any written notices of violation.

Current legislation

Many states and cities have passed laws preventing pet stores from selling animals from commercial breeders. These laws have met with limited legal challenges and the courts have generally upheld their constitutionality.

In Washington, the State Legislature is considering a bill this session ([HB 1424 2023-24](#)) that would strengthen requirements on pet sales imposed by the original [2021 Humane Pet Sales Bill](#). With recent amendments, the bill would require pet stores to buy dogs from USDA-licensed breeders that meet Washington State requirements and require information about the breeders to be posted at the pet store.

Both Renton, WA, and Pierce County, WA, adopted ordinances in 2022 ([Ordinance 6072](#) and [Ordinance No. 2022-10s](#), respectively) to increase accountability, transparency, and the welfare of animals for sale.

APPENDIX A

Sample ordinances and related materials provided by animal treatment advocates regarding foie gras, fur sales, and the sale of animals from retail pet stores. Sample ordinances are provided as examples only.

ORDINANCE NO. ____

AN ORDINANCE regarding certain poultry products; prohibiting the sale of poultry products from force-fed birds; providing for civil penalties; and providing for a delayed effective date.

WHEREAS, a luxury poultry product often marketed as “foie gras” is produced from the diseased and enlarged liver of a duck or goose. The production of foie gras usually involves systematically force-feeding the animal until their liver becomes diseased and has enlarged up to ten times its normal size; and

WHEREAS, the practice of force-feeding birds for foie gras production is widely considered inhumane by veterinary professionals, because it involves inserting a foot-long metal or plastic tube down a bird’s throat and injecting large and unhealthy quantities of feed into the stomach. Force-feeding induces liver disease in the birds, which is both painful and often fatal. The process also causes the animals significant injury and illness, including bacterial and fungal infections, malnourishment, and/or lameness; and

WHEREAS, because of the constant stress they endure, birds force-fed for foie gras production have weakened immune systems, making them especially susceptible to avian influenza (bird flu) infections, which can spread to humans and lead to disease outbreaks, thereby creating a risk of another coronavirus pandemic; and

WHEREAS, it is in the public interest to avoid supporting animal cruelty and zoonotic disease risks by removing force-fed poultry products from the marketplace; and

WHEREAS, there is no evidence that any business in the City of Vancouver will be financially harmed by a prohibition on the sale of force-fed poultry products; and

WHEREAS, the City Council of the City of Vancouver desires to protect public health and codify values related to the humane treatment by removing force-fed poultry products from the marketplace.

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF VANCOUVER:

SECTION 1. Title 5 of the Vancouver Municipal Code is amended by adding a new Chapter 5.101 to read as follows:

Chapter 5.101 – Trade in Force-Fed Poultry Products

Section 5.101.010. Purpose.

The purpose of this chapter is to provide for the prohibition of trade in certain products from force-fed animals in order to avoid supporting animal cruelty, to protect the public health, to

APPENDIX A: Sample ordinances for animal treatment issues.

bolster the reputation of the City’s food service and retail community, to position the City as a humane tourist destination, and to protect public morals related to animal welfare.

Section 5.101.020. Definitions.

In this chapter:

“Food service establishment” means an establishment, located within the City of Vancouver, offering prepared food to be eaten by customers, whether such food is provided free of charge or sold, and whether consumption occurs on or off the premises.

“Force-fed product” means any product that is the result of force-feeding a bird, including but not limited to a duck or a goose, with the intent to fatten or enlarge the bird’s liver.

“Force-feeding” means the practice of forcing, by any means, food or supplements into the throat, esophagus, crop, or stomach of a bird.

“Retail establishment” means any vendor, store, shop, sales outlet, e-commerce site, or other establishment, including but not limited to a grocery store or a delicatessen, which provides, offers for sale, or sells food within the City of Vancouver.

“Sell or sale” means any act of selling, trading, or bartering for monetary or nonmonetary consideration, and includes any transfer of ownership that occurs in the course of a commercial transaction.

Section 5.101.030. Prohibited acts.

No retail establishment or food service establishment, or its owners or managers, shall store, keep, maintain, provide, offer for sale, or sell any force-fed product or food containing a force-fed product. For purposes of this section, a sale or provision shall be deemed to occur at the location where the recipient takes physical possession of the item.

For purposes of this chapter, it shall be a rebuttable presumption that an item advertised or represented as “foie gras” is a force-fed product. A party seeking to rebut such presumption shall provide documentary evidence proving that the product they are storing, keeping, maintaining, providing, offering for sale, selling, shipping, or transporting is not a force-fed product as defined in this chapter. Products not represented as “foie gras” but which meet the force-fed definition are covered by this chapter.

Section 5.101.040. Penalties for violations.

- A. Any person who violates any of the provisions of this chapter shall have committed a civil infraction and shall be subject to a monetary penalty not to exceed \$1,000. Each act of violation and every day upon which any such violation shall occur shall constitute a separate offense.

APPENDIX A: Sample ordinances for animal treatment issues.

- B. In the event that any provision of this chapter is violated by a corporate entity, the owner(s), officers, or the person or persons responsible for the violation, shall be subject to the penalty herein provided.

Section 5.101.050. Severability.

Each section or subdivision of this chapter is declared to be independent of every other section or subdivision of this chapter, and the invalidity of any section or subdivision shall not invalidate any other section or subdivision of a section thereof.

Section 5.101.060. Effective Date.

This Ordinance shall take effect six months after passage.

ORDINANCE NO. XXX

AN ORDINANCE relating to trade in fur products; prohibiting trade in fur products with exceptions; providing for civil penalties; and providing for a delayed effective date.

BE IT ORDAINED BY THE CITY OF VANCOUVER:

SECTION 1. Title 5 of the Vancouver Municipal Code is amended by adding a new Chapter 5.100 to read as follows:

Chapter 5.100 – Trade in Fur Products

Section 5.100.010. Purpose. The City Council finds that:

1. Animals that are slaughtered for their fur endure tremendous suffering. Animals raised on fur farms typically spend their entire lives in cramped and filthy cages. Fur farmers typically use the cheapest killing methods available, including suffocation, electrocution, gas, and poison.

2. Fur farms are reservoirs and transmission vectors for dangerous zoonotic diseases, including SARS coronaviruses, that threaten public health, including in the City of Vancouver. COVID-19 infections have been confirmed at fur farms in Europe and the United States, and scientific studies have linked mink, raccoon dogs, and foxes – the animals most commonly farmed for their fur – to a variety of coronaviruses.

3. The fur production process is energy intensive and has a significant environmental impact, including air and water pollution. Runoff from the fur production process contains high concentrations of phosphorus and nitrogen, which are the most common forms of water pollution in the United States, including Washington. In addition, the tanning and dying processes used in fur production use toxic chemicals and heavy metals like chromium and formaldehyde.

(A) Considering the wide array of alternatives for fashion and apparel, the City Council finds that the demand for fur products does not justify the unnecessary killing and cruel treatment of animals, harm to the environment, and the public health risks to the people of the City of Vancouver caused by these practices.

(B) The City Council believes that eliminating the sale of fur products in the City of Vancouver will decrease the demand for these cruel and environmentally harmful products and promote community awareness of animal welfare and, in turn, will foster a more humane environment in the City of Vancouver and enhance the reputation of the city.

Section 5.100.020. Definitions.

In this Chapter:

1. “Fur” means any animal skin or part thereof with hair, fleece, or fur fibers attached thereto, either in its raw or processed state.
2. “Fur product” means any article of clothing or covering for any part of the body, or any fashion accessory, including but not limited to handbags, shoes, slippers, hats, earmuffs, scarves, shawls, gloves, jewelry, keychains, toys or trinkets, and home accessories and décor, that is made in whole or part of fur. “Fur product” does not include any of the following:
 - (A) An animal skin or part thereof that is to be converted into leather, or which in processing will have the hair, fleece, or fur fiber completely removed;
 - (B) Cowhide with the hair attached thereto;
 - (C) Deerskin with the hair attached thereto;
 - (D) Lambskin or sheepskin with the fleece attached thereto; or
 - (E) The pelt or skin of any animal that is preserved through taxidermy or for the purpose of taxidermy.
3. “Non-profit organization” means any corporation that is organized under 26 U.S.C. § 501(c)(3) that is created for charitable, religious, philanthropic, educational, or similar purposes.
4. “Taxidermy” means the practice of preparing and preserving the skin of an animal that is deceased and stuffing and mounting it in lifelike form.
5. “Ultimate consumer” means an individual who buys a fur product for their own use, or for the use of another, but not for resale or trade.
6. “Used fur product” means a fur product that has been worn or used by an ultimate consumer.

Section 5.100.030. Prohibitions.

Notwithstanding any other provision of law, a person may not sell, offer for sale, display for sale, trade, or otherwise distribute for monetary or nonmonetary

APPENDIX A: Sample ordinances for animal treatment issues.

consideration a fur product in the city. For purposes of this section, the sale of a fur product shall be deemed to occur in the City of Vancouver if:

1. The buyer takes physical possession of the fur product in the city; or,
2. The seller is located in the city.

Section 5.100.040. Exemptions.

The prohibitions in Section 5.100.030 do not apply to the sale, offer for sale, display for sale, trade, or distribution of:

1. A used fur product by an individual (excluding a retail transaction), non-profit organization, or second-hand store, including a pawn shop;
2. A fur product used for traditional tribal, cultural, or spiritual purposes by a member of a federally recognized or state recognized Native American tribe; or
3. A fur product where the activity is expressly authorized by federal or state law.

Section 5.100.050. Penalties.

Any person who violates any of the provisions of this chapter shall have committed a civil infraction and shall be subject to a monetary penalty not to exceed \$1,000. Each act of violation and every day upon which any such violation shall occur shall constitute a separate offense.

SECTION 2. Each section or subdivision of this chapter is declared to be independent of every other section or subdivision of this chapter, and the invalidity of any section or subdivision shall not invalidate any other section or subdivision of a section thereof.

SECTION 3. This Ordinance shall take effect six months after passage.

Ordinance No. _____

**AN ORDINANCE OF THE CITY OF VANCOUVER, WASHINGTON,
REGULATING THE RETAIL SALE OF DOGS AND CATS, AND ENACTING A
NEW CHAPTER OF TITLE 8 OF THE VANCOUVER MUNICIPAL CODE FOR
SAID PURPOSE.**

WHEREAS, pet stores selling live animals have traditionally been a sales outlet for young dogs and cats bred in "puppy mill" and "kitten mills" both within the United States and abroad. According to the Humane Society of the United States, it is estimated that 10,000 puppy mills produce more than 2,400,000 puppies a year in the United States and that most pet store puppies and many pet store kittens come from puppy mills and kitten mills, respectively. When consumers buy puppies and kittens from pet stores, there is a strong likelihood that consumers are unknowingly supporting the puppy mill or kitten mill industry; and

WHEREAS, the documented abuses of puppy and kitten mills include over-breeding; inbreeding; minimal to non-existent veterinary care; lack of adequate food, water and shelter; lack of socialization; lack of adequate space; and the euthanizing of unwanted animals. The inhumane conditions in puppy and kitten mill facilities lead to health and behavioral issues with animals, which many consumers are unaware of when purchasing animals from retailers due to both a lack of education on the issue and misleading tactics of retailers in some cases. These health and behavioral issues, which may not present themselves until years after the purchase of the animals, can impose exorbitant financial and emotional costs on consumers; and

WHEREAS, the lack of enforcement resources at local, state and federal levels allow many inhumane puppy and kitten mills to operate with impunity. According to The Humane Society of the United States, American consumers purchase dogs and cats from pet stores that the consumers believe to be healthy and genetically sound, but in reality, the animals often face an array of health problems including communicable diseases or genetic disorders that present immediately after sale or that do not surface until several years later, all of which lead to costly veterinary bills and distress to the pet owners; and

WHEREAS, the homeless pet problem notwithstanding, there are many reputable dog and cat breeders who refuse to sell through pet stores and who work carefully to screen families and ensure good, lifelong matches; and

WHEREAS, responsible dog and cat breeders do not sell their animals to pet stores. The United Kennel Club (UKC), the second oldest all-breed registry of purebred dog pedigrees in the United States and the second largest in the world, asks all of its member breeders to agree to a Code of Ethics which includes a pledge not to sell their puppies to pet stores. Similar pledges are included in Codes of Ethics for many breed clubs for individual breeds; and

WHEREAS, across the country, thousands of independent pet stores as well as large chains operate profitably with a business model focused on the sale of pet services and supplies and not on the sale of dogs and cats. Many of these stores collaborate with local animal sheltering and rescue organizations to offer space and support for showcasing adoptable homeless pets on their premises; and

WHEREAS, the Vancouver City Council recognizes that not all dogs and cats retailed in pet stores are products of inhumane breeding conditions and would not classify every commercial breeder selling dogs or cats to pet stores as a "puppy mill" or "kitten factory," it is the City Council's belief that puppy mills and kitten factories continue to exist in part because of public demand and the sale of dogs and cats in pet stores; and

WHEREAS, the Vancouver City Council believes that eliminating the retail sale of dogs and cats in pet stores in the City will promote community awareness of animal welfare and, in turn, will foster a more humane environment in the city; and

WHEREAS, the Vancouver City Council also believes that elimination of the retail sale of dogs and cats in pet stores in the City will also encourage pet consumers to adopt dogs and cats from shelters, thereby saving animals' lives and reducing the cost to the public of sheltering animals; and

WHEREAS, the Washington State legislature passed SHB1424, during the regular session of 2021, which added a new section to chapter 16.52 of the RCW which prohibits the sale of dogs and cats by retail pet stores, but allowed existing pet stores to continue to sell dogs if they offered for sale any dog prior to the effective date of the legislation, and

WHEREAS, this legislation left local municipalities to regulate dog and cat sales from existing pet retail shops, and

WHEREAS, this Ordinance will not affect a consumer's ability to obtain a dog or cat of his or her choice directly from a breeder, a breed-specific rescue or a shelter; and

WHEREAS, the Vancouver City Council desires to adopt a new chapter to the Vancouver Municipal Code to prohibit the retail sale of dogs and cats in existing pet retail stores in the City of Vancouver by adding the language shown below:

NOW, THEREFORE, THE VANCOUVER CITY COUNCIL ORDAINS AS FOLLOWS:

Section 1. Findings. The above recitals are incorporated herein by reference and made the findings of the Vancouver City Council.

Section 2. Addition of New Vancouver Municipal Code Chapter 8.34. A new Chapter 8.34 is hereby added to the Vancouver Municipal Code to read as follows:

Title 8 PUBLIC PEACE AND SAFETY

Chapters:

8.24 Animals

8.34 Retail Sale of Dogs and Cats

Chapter 8.34 RETAIL SALE OF DOGS AND CATS

8.34.000 Chapter Contents

Sections:

- 8.34.010 Definitions
- 8.34.020 Prohibition on Retail Sale of Dogs and Cats
- 8.34.030 Existing Pet Stores
- 8.34.040 Exemptions
- 8.34.050 Adoption of Shelter and Rescue Animals
- 8.34.060 Right of Entry for Inspection and Enforcement
- 8.34.070 Violations
- 8.34.080 Abatement of Nuisance

8.34.010 Definitions

For purposes of the Chapter, the following definitions shall apply:

- a. “Animal Shelter” means a municipal or related public agency animal shelter devoted to the rescue, care and adoption of stray, abandoned or surrendered animals, and which does not breed animals.
- b. “Breeder” means a person who maintains a dog or a cat for the purpose of breeding and selling their offspring.
- c. “Broker” means a person who transfers a dog or cat from a breeder for resale by another person.
- d. “Dog” means an animal of the Canidae family of the order Carnivora.
- e. “Cat” means an animal of the Felidae family of the order Carnivora.
- f. “Certificate of source” shall mean a document declaring the source of the dog or cat sold or transferred by the pet store. The certificate shall include the name and address of the source of the dog or cat.

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- g. “Existing pet store” means any pet store or pet store operator that displayed, sold, delivered, offered for sale, offered for adoption, bartered, auctioned, gave away, or otherwise transferred dogs in the City of Vancouver on the effective date of this Chapter, and complied with all applicable provisions of the Vancouver Municipal Code.
- h. “Pet store” means a retail establishment open to the public and engaging in the business of offering for sale and/or selling animals, including dogs, at retail.
- i. “Pet store operator” means a person or legal entity who owns or operates a retail pet store, or both.
- j. “Rescue organization” means any nonprofit organization that has tax exempt status under Section 501(c)(3) of the United States Internal Revenue Code, whose mission and practice is, in whole or in significant part, the rescue and placement of dogs and cats. This term does not include an entity that is a breeder or broker or one that obtains animals from a breeder or broker for profit or compensation.

8.34.020 Prohibition on Retail Sale of Dogs and Cats

Notwithstanding any provision in the Vancouver Municipal Code to the contrary, no pet store shall display, sell, deliver, offer for sale, barter, auction, give away, or otherwise transfer or dispose of dogs or cats in the City of Vancouver on or after the effective date of this Chapter.

8.34.030 Existing Pet Stores

An existing pet store may continue to display, offer for sale, offer for adoption, barter, auction, give away, or otherwise transfer dogs or cats until (fill in date).

8.34.040 Exemptions

This chapter does not apply to:

- a. A person or establishment that sells, delivers, offers for sale, barter, auctions, gives away, or otherwise transfers or disposes of animals that were bred and reared on the premises of the person or the retail establishment;
- b. A publicly operated animal control facility or animal shelter;
- c. A charitable, nonprofit animal humane society or animal rescue organization which does not acquire or sell dogs or cats for profit;

- d. A publicly operated animal control agency, nonprofit humane society, or nonprofit animal rescue organization that operates out of or in connection with a pet store;

8.34.050 Adoption of Shelter and Rescue Animals

Nothing in this Chapter shall prevent a pet store or its owner or employees from providing space and appropriate care for animals owned by a publicly operated animal control agency, nonprofit humane society, or nonprofit animal rescue organization and maintained at the pet store for the purpose of adopting those animals to the public, provided the pet store operator shall not have any ownership interest in the animals offered for adoption and shall not receive a fee for providing space for the adoption of any of these animals.

8.34.060 Right of Entry for Inspection and Enforcement

The City retains all rights of entry into any pet store as allowed by any law, code, constitutional provision, common law, or any other legal authority for purpose of inspection and enforcement of the provisions of this Chapter.

8.34.070 Violations

It shall be a civil infraction for any person or corporation to violate or fail to comply with any of the provisions of this Chapter. Each day shall be a separate infraction. A person or corporation found to have committed a civil infraction shall be assessed a monetary penalty as follows:
(fill in penalties here)

8.34.080 Abatement of Nuisance

The City retains the right to enforce the provisions of this Chapter in superior court by any and all legal means in its sole discretion, including but not limited to pursuing abatement of any nuisance through injunctive relief and warrant of abatement.

Section 2. Corrections. The City Clerk and codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance, including the correction of scrivener/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 3. Severability. If any provision of this Ordinance or its application to any person or circumstance is held invalid, the remainder of the Ordinance or application of the provisions to other persons or circumstances shall remain unaffected.

Section 4. Ratification. Any act consistent with the authority and prior to the effective date of this Ordinance is hereby ratified and affirmed.

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Section 5. Effective Date. This Ordinance shall take effect thirty (30) days after publication, as provided by law.

Feb. 8, 2023

Legal Memorandum: A Ban on Sale of Force-Fed Poultry Products in the City of Vancouver Is Lawful

The product of force-feeding poultry is known as “foie gras.” Foie gras is French for “fatty liver,” and producers create the product by forcing a rigid tube down the esophagus of ducks and geese and administering large volumes of food multiple times each day, until their livers develop fatty liver disease.¹ Foie gras is the fatty spread made from these diseased duck and goose livers.² Due to animal welfare and public health concerns related to force-feeding process, numerous localities across the country have enacted bans on the commercial sale of foie gras within city limits.

In preparation for the Vancouver City Council workshop on this topic scheduled for March 6, 2023, we conducted the legal research to confirm that the proposed sales ban in Vancouver would be legally permissible. We conclude that it is. Our analysis of potentially relevant Washington state laws found no pre-emption concerns, and an analysis of Vancouver’s home-rule authority confirms that the proposed sales ban is squarely within the City’s police powers to enact. **Therefore, the City of Vancouver possesses clear legal authority to enact an ordinance banning the sale of force-fed poultry products within its borders.**

Vancouver Has “Home Rule” Authority to Ban the Sale of Force-fed Poultry Products

Washington is a home rule state. “Home rule” refers to the right of municipalities to locally govern on issues of local concern, or “the authority of a local government to control its local affairs without interference from the state.”³ Vancouver is a first-class, “home rule” city.⁴ As a home rule city, Vancouver has authority to ban the sale of specific products within its borders, so long as there is no state or federal law preempting it from doing so.

Vancouver City Council has passed other local retail bans, including a ban on fireworks in 2015.⁵ The City Council even enacted a permanent ban on the establishment of fossil fuel facilities in October 2022.⁶ These examples illustrate how Vancouver may legally exercise its home-rule authority to legislate on issues of local concern. These commercial bans result in a local marketplace that more accurately reflects the social and economic priorities of its residents, as home-rule authority is designed to do.

¹ Animal Equality, *Ban Foie Gras in the U.S. Now*, <https://animalequality.org/action/foie-gras>.

² *Id.*

³ Steve Lundin, *The Closest Governments to the People: A Complete Reference Guide to Local Government in Washington State* at 883 (2015).

⁴ *Heinsma v. City of Vancouver*, 144 Wash. 2d 556, 560 (2001).

⁵ City of Vancouver Washington, *Are Fireworks Legal in Vancouver, Washington?*, <https://www.cityofvancouver.us/fire/page/are-fireworks-legal-vancouver-washington>.

⁶ Lauren Ellenbecker, *Vancouver council enacts permanent ban on fossil fuel facilities*, THE COLUMBIAN (2022), <https://www.columbian.com/news/2022/oct/04/vancouver-council-enacts-permanent-ban-of-fossil-fuel-facilities/>.

Similarly, Vancouver's home-rule authority gives it the power to pass a ban on the sale of force-fed poultry products.

The Proposed Sales Ban Is Not Preempted by Any State or Federal Law

Given that Vancouver has home-rule authority, it may enact a local ban on the sale of force-fed poultry products unless a state or federal law preempts it from doing so. After thoroughly analyzing all potential Washington state laws that could present a preemption challenge to such a ban, we found none. Additionally, the Ninth Circuit Court's decision in *Association des Eleveurs de Canards et d'Oies du Quebec v. Harris*⁷ confirms there is likewise no federal preemption.

Although Washington has legislation to preserve agricultural lands and to protect Washington's agricultural industry and its dependent rural communities,⁸ none of this legislation would preempt a local sales ban on force-fed poultry products. These agricultural-land preservation laws still allow home-rule cities to restrict the types of agricultural products which may be sold within their borders.

Therefore, there are no preemption concerns arising out of the proposed sales ban on force-fed foie gras in Vancouver.

Conclusion

The Vancouver City Council may lawfully enact a local ban on the sale of products from force-fed poultry.

Kind regards,

Sarah Hanneken, Esq.
Legal Counsel, Animal Equality
sarahh@animalequality.org

⁷ 729 F.3d 937 (9th Cir. 2013).

⁸ RCW 15.04.400 and RCW 15.04.402. These laws are easily contrasted with the State of New York's Agriculture and Markets Law § 305, which prevents non-agricultural areas from dictating what farmers in agricultural areas can produce. The New York State Senate, LEGISLATION (2021), <https://www.nysenate.gov/legislation/laws/AGM/305-A>. New York foie gras producers' attempt to overturn New York City's retail ban on force-fed poultry products on the basis of that NY law is already highly tenuous, but in any case, the State of Washington has no such law (and no in-state foie gras producers), eliminating any concern over a similar challenge here.

Puppy mills and pet stores

Most Americans have pets.

About 50% of people in the United States own a dog and about 34% own a cat. Yet only about 30% of pets in homes come from shelters and rescues. Three million adoptable dogs and cats are euthanized in shelters every year.¹

Pet store puppies come from puppy mills.

Responsible breeders do not sell their puppies to pet stores because they want to meet their puppy buyers in person—and a majority of national breed clubs' codes of ethics prohibit or discourage their members from selling their dogs to pet stores. The suppliers of pet store puppies are largely puppy mills, commercial facilities that mass-produce puppies for sale without adequate attention to their physical, behavioral, or psychological needs. The Humane Society of the United States has conducted several hidden-camera investigations² showing that many of the breeding facilities that supply pet stores are mills.

Puppies sold in pet stores come from all over the country—and many come from breeders with one or more Animal Welfare Act violations.

Some breeders found selling to pet stores have a record of repeat violations of the federal Animal Welfare Act. USDA inspection reports reveal breeders with sick and injured dogs who had not been treated by a vet; underweight dogs with their ribs, hips and spines protruding; puppies with their feet falling through wire floors; puppies with severe deformities or missing limbs; dogs standing in piles of feces; and food contaminated by mold and insects.

Pet stores often do not disclose the origin of the puppies they sell.

Most pet stores do not disclose the true origins of their puppies, instead using deceptive sales pitches about “USDA-licensed” or “professional” breeders. Unfortunately, the federal Animal Welfare Act prescribes survival standards for dogs, not humane care standards. The USDA has repeatedly asserted that their regulations and standards are *minimum* requirements.³ Indeed, the agency's own Animal Welfare Act Fact Sheet⁴ states “*Although Federal requirements establish basic standards, regulated businesses are encouraged to exceed the specified minimum standards.*”

The pipeline of puppy sales to pet stores exposes puppies to stress and disease

As they are shipped to pet stores, very young puppies typically spend days in cramped cages on a truck, exposed to puppies from a variety of other sources, some of whom may be sick. During this time, their immune systems are not fully developed and they can be exposed to a range of diseases. In addition, puppies have died from overheating on unattended transport vehicles and other dangerous incidents on the road.

¹ Pet Industry Market Size and Ownership Statistics, https://www.americanpetproducts.org/press_industrytrends.asp (accessed January 13, 2020).

² Read about our pet store investigations <https://www.humanesociety.org/resources/investigations-reports>

³ See 7 U.S.C. § 2143(A)(8), stating that the federal Animal Welfare Act does not preempt state laws.

⁴ U.S. Department of Agriculture, Animal Plant and Health Inspection Service, “Fact Sheet: Animal Care. The Animal Welfare Act,” in https://www.aphis.usda.gov/publications/animal_welfare/2012/animal_welfare_act_english.pdf (accessed January 13, 2020).



Puppies sold at pet stores often have serious health or psychological problems.

Some of the illnesses common to pet store puppies include zoonotic diseases, which can be spread to other pets and humans. Buyers are often faced with enormous vet bills or even the death of the puppy within days or weeks of purchase. A puppy may seem healthy for months only to develop symptoms of serious congenital conditions much later. These health problems are often the result of unsanitary conditions, insufficient veterinary care and poor breeding at puppy mills.

Pet stores do not have to sell puppies to be successful.

More than 3,000 pet stores nationwide have signed an HSUS pledge not to sell puppies,⁵ demonstrating that it is possible to have a successful pet-related business without supporting puppy mills.



PHOTO BY THE HSUS

The HSUS recommends never purchasing a puppy from a pet store due to the health, safety and animal welfare concerns described above. People who want to add a puppy to their family are urged to visit a reputable shelter or rescue organization, or purchase only from a small, responsible breeder who will show the buyer the parent of the puppy and allow them to see where the puppy was born and raised. For more information on buying a puppy, see [humanesociety.org/puppy](https://www.humanesociety.org/puppy).

Find out more information at [humanesociety.org/puppymills](https://www.humanesociety.org/puppymills).



⁵ Learn more about Puppy Friendly Pet Stores at [humanesociety.org/puppystores](https://www.humanesociety.org/puppystores).



Ban Force-Fed "Foie Gras" in Vancouver

The City of Vancouver has a vested interest in promoting responsible and sustainable business practices and protecting animal welfare. By prohibiting the sale of force-fed foie gras, the City will uphold its commitment to these values and help end the suffering of countless animals on foie gras factory farms.

What is foie gras?

Foie gras ('fwä-'grä)—French for "fatty liver"—refers to a luxury food made from the diseased liver of a duck or goose. Foie gras is typically produced by force-feeding ducks and geese until their livers fatten to as much as 10 times their normal, healthy size. After enduring weeks of force-feeding, the birds are slaughtered, and their livers are processed to be sold as foie gras.

Foie gras production poses a significant risk to public health. Because of the constant abuse they suffer, ducks and geese on factory foie gras farms have weakened immune systems, making them especially susceptible to avian influenza (bird flu). This is alarming, in part because bird flu can spread to humans, and as COVID-19 has shown us, a zoonotic disease outbreak can quickly turn into a global pandemic.

Policy Proposal

Our proposed legislation would prohibit the sale of foie gras from force-fed ducks and geese in the City of Vancouver. Numerous other cities across the country, from California to New York, have already banned the sale of this cruel product. The Ninth Circuit Court of Appeals has ruled that local laws banning the sale of foie gras are lawful.

What is the impact of a prohibition on the sale of foie gras?

Supporting a prohibition on the sale of cruelly produced foie gras aligns with Vancouver's values and would prevent needless and significant animal cruelty. There is no evidence that such a ban would have any negative impact on jobs or businesses. In fact, the ordinance's passage would further bolster Vancouver's reputation as an ethical and forward-thinking city.



Who supports a prohibition on the sale of foie gras?

Numerous Vancouver-based restaurants support a ban on the sale of foie gras with the city. In addition, many major retailers—such as Costco, Safeway, Target, Giant Eagle, Whole Foods Market, and Wolfgang Puck—already refuse to sell foie gras because of the animal cruelty involved and the associated consumer dissatisfaction.

THANK YOU FOR YOUR CONSIDERATION

Questions? Please contact Sarah Hanneken, Esq. at sarahh@animalequality.org



Vancouver Restaurant/Retailer Statement of Support for an Ordinance Prohibiting the Sale of Foie Gras from Force-Fed Birds

We, the undersigned Vancouver-based restaurants, retailers, and food manufacturers, strongly support the passage of a city ordinance prohibiting the sale of “force-fed” foie gras.

Foie gras is a black mark on our industry. This fatty liver delicacy is produced by forcing a long rigid tube down a duck’s or goose’s esophagus, and rapidly delivering huge amounts of concentrated grain, fat, and compressed air into the bird via a pneumatic or hydraulic pump. The process is repeated up to three times a day for several weeks until the animal’s liver becomes diseased – often growing up to 10 times its normal size – inflicting significant pain and suffering as a result.

We support a ban on the sale of force-fed foie gras not only because it is the right thing to do, but also because protecting the reputation of Vancouver dining and retail is in our economic interest. Allowing a tiny percentage of restaurants and grocers to serve a product that derives from tortured animals gives our culinary reputation a black eye.

Consumer goodwill is everything in our industry, and we know the vast majority of people do not want to see foie gras on Vancouver menus. By coming together as a community and putting our collective foot down against force-fed foie gras, we can make a positive name for Vancouver’s food and dining scene. Other esteemed culinary hubs around the world have already embraced a foie-gras-free identity, and we want Vancouver to be among them.

A ban on the sale of force-fed foie gras directly affects our industry – in a positive way. By passing an ordinance banning the sale of force-fed foie gras, the City Council would be supporting the Vancouver food sector. We stand to benefit from the reputational gains associated with a local policy against cruel force-fed ingredients. What’s more, this ordinance will send a clear message to the world about Vancouver’s humane values and help end the horrific treatment of sensitive ducks and geese.

For all these reasons, we strongly urge the City Council to adopt an ordinance banning the sale of force-fed foie gras.

Sincerely,

Casa Colima

6700 NE 162nd Ave #623, Vancouver, WA
(360) 433-2742

Chandelier Bakery

5206 NE 78th St., Vancouver, WA
(360) 718-2175

(List continues on next page)

Chutneys Indian Cuisine

3000 SE 164th Ave #100, Vancouver, WA
(360) 254-7254

Dandelion Tea House

109 W 7th St, Vancouver, WA
(360) 718-7642

Funky Fresh Juice Co.

1701 Broadway St, Vancouver, WA
(360) 607-5690

Madhouse Coffee Co.

13503 SE Mill Plain Blvd B4, Vancouver, WA
(360) 828-7874

Slow Fox Chili

108 E 7th St, Vancouver, WA
(360) 721-0634

Thai Little Home

3214 E 4th Plain Blvd, Vancouver, WA
(360) 693-4061

Vegan Dude Foods

Vancouver, WA
Jason@vegandudefoods.com

4 Caminos Mexican Restaurant

3503 E 4th Plain Blvd, Vancouver, WA
(360) 695-1797

Veterinary Professional Support for Vancouver, WA to Prohibit Sale of Foie Gras Products from Force-Fed Birds

On behalf of the Humane Society Veterinary Medical Association (HSVMA), a national organization of more than 9,000 veterinary professional members with a focus on animal health and welfare, we convey our strong support for a Vancouver ordinance prohibiting the sale of foie gras from force-fed ducks and geese. Joining with HSVMA, several individual licensed Washington veterinary professionals have also signed this letter of support.

Foie gras is a luxury food produced by inserting a pipe down the esophagus and inhumanely force-feeding ducks or geese up to several times daily, in order to intentionally induce hepatic lipidosis, a diseased state of liver enlargement. The fatty livers, which can be enlarged 10 times past their normal size, are then sold as a delicacy. Serious health ramifications to the birds can include esophageal trauma, difficulty breathing, mobility problems, aspiration, liver hemorrhage, and even cardiac or renal failure.

There is significant scientific evidence to support ending force-feeding in the foie gras industry: The Scientific Committee on Animal Health and Animal Welfare of the European Commission declared that “there is good evidence that liver structure and function...is severely altered and compromised in force-fed ducks and geese. [The Committee] concludes that force-feeding, as currently practiced, is detrimental to the welfare of the birds.”

Additionally, several well-respected veterinarians and animal welfare experts have attested to the harm caused by force-feeding ducks and geese:

- "Due to the enormous size of the livers ... the birds have no room for their air sacs to fill with oxygen ... analogous to feeling as if one is [being smothered]."
– Dr. Holly Cheever, DVM, of the Humane Society Veterinary Medical Association
- “The practice of force-feeding amounts of food far beyond the limits of the duck’s need to eat causes pain and suffering. Ducks are highly capable of feeling pain, especially in the throat area. They have a gag reflex that would be overcome by the tube insertion, and this would cause distress in the bird.”
– Dr. Debra Teachout, DVM, MVS
- “Force-feeding in the foie gras industry is inherently cruel. ... This feeding beyond what the ducks would eat normally causes hepatic lipidosis, or fatty liver, which impairs liver function. Severe liver impairment can lead to conditions like enlargement of the liver, fluid in the abdomen and eventually death.”
– Dr. Lorelei Wakefield, VMD
- “In my opinion, [force-feeding] is cruel and inhumane, as it involves rough, invasive handling and can result in trauma and injuries to the esophagus. The process overrides the natural system of hunger and satiety and the birds in the video appear to be frightened

and distressed - they move immediately away from the handler as soon as they are released.”

– Dr. Sara Shields, PhD, an animal welfare expert with an emphasis in poultry

- “[T]he process of force-feeding birds in order to deliberately induce a disease state is patently inhumane, causing severe physical pain and psychological distress.”

– Dr. Lee Schrader, DVM

Establishing a prohibition on the sale of foie gras from force-fed ducks and geese is a common-sense reform that advances the welfare of animals and upholds the principles of good animal husbandry.

We strongly encourage members of the Vancouver City Council to introduce and pass an ordinance banning the sale of force-fed foie gras.

Submitted by:

Erin Zamzow, DVM

Veterinarian & Washington State Representative, Humane Society Veterinary Medical Association (HSVMA)

Holly Cheever, DVM

Veterinarian

Leadership Council, HSVMA

Barbara Hodges, DVM, MBA

Veterinarian

Last updated: 02/10/2023

Scientists and Experts on Force-Feeding for Foie Gras Production and Duck and Goose Welfare

Abstract

The force-feeding of ducks and geese for the production of *pâté de foie gras* causes the birds' livers to become diseased and swollen, inducing hepatic lipidosis; pain and injury from feeding tube insertion; fear and stress during capture and handling; gait abnormality due to distended livers; pathologies in liver function; and increased mortality. An extensive body of scientific evidence confirms that the practice of force-feeding for foie gras is detrimental to animal welfare. Compiled below are statements by leading welfare scientists and experts, including veterinarians who have personally examined force-fed birds or reviewed necropsies.

Yvan Beck, Veterinarian, Brussels, Belgium

- “Generally speaking, foie gras production is directly or indirectly the source of several problems affecting animal welfare and health. These problems could be grouped as follows: 1. Problems directly linked to force-feeding: 1.1. The intentional hepatic steatosis causes pathology of the liver, and 1.2. The technique of force-feeding is the source of pathological complications; and, 2. Problems indirectly linked to force-feeding: 2.1. Extra-hepatic conditions linked to force-feeding, 2.2. Problems linked to the industrialization of production.”¹
- “The ability for lesions to be reversed in situations of hepatic steatosis is a question of threshold. Nutritional hepatic steatosis is a process which, at a certain level, cannot be reversed and will condemn animals to death. The lesions’ ability to reverse below this threshold can not in any way be used as an argument to deny the underlying pathological condition.
Thus, the hepatic lipidosis/steatosis induced as a finality of the force-feeding process is a pathological condition.”²
- “Another source for my conclusions is the mortality rates of birds used in foie gras production. If animals die during force-feeding, there is a reason for it, even if we ignore the statistical distribution of the correct pathological causes of each death. In fact, they die in large numbers and/or in proportions different from the proportions encountered when other breeding practices are applied to geese and ducks for human consumption. Force-feeding is recognized as the source of these mortality rates, which are 10 to 20 times higher than normal when force-feeding occurs. The induced disease of the liver explains why animals die at the end of the human-induced process, and the hepatic steatosis present in a fatty liver is a pathology that is also a source of direct or indirect complications (diseases) contributing to these mortality rates in breeding operations.”³
- “With force feeding, there are various diseases directly affecting the liver. Steatosis/lipidosis belongs to a progressive degeneration process, followed by a necrosis and a hepatic fibrosis. As shown in previous scientific elements, the repercussions of steatosis on the physiological functions of the liver increase as the steatosis develops by affecting with more or less intensity animal health and welfare. Passed [*sic*] a certain threshold, the structural problems—degeneration, sclerosis, vascular problems and necrosis—directly affect the anatomy of the liver and its quality as a finalized product for human consumption.”³

- “In addition, this degenerative process indirectly causes several other complications external to the liver for the animals, including secondary infections (exit germs). Deterioration of the musculoskeletal system resulting in fractures of bones is common, in part because immobilization of animals in cages, nutritional imbalance of portions (deficiency in proteins and in minerals), hormonal disturbance and excessive weight which all affect bone growth. Ultimately they cause fractures, as seen in breeding facilities and in slaughterhouses. There are also various respiratory problems which appear during force-feeding and are caused by the physiological reactions caused by the forced ingestion of a big quantity of neuron-vegetative reflex food. Furthermore, without a diaphragm to separate the thorax from the abdomen, the hypertrophied and voluminous liver compresses more and more the air sacs and affects respiration. At the end of force-feeding, the animals are most often panting and incapable of any effort.”⁴
- “Self-imposed force-feeding does not exist under breeding conditions where it always reflects a pathologic situation (physical or social stress). Food itself and its presentation do not correspond to prehension criteria under natural conditions: birds would refuse to eat it or would certainly not eat it in such quantities... The storage of supplies resulting from natural predispositions is thus hardly comparable to the results of force-feeding domestic species.”⁵
- “In conclusion, at a certain stage, the functional hepatic deficiency is considered as the unavoidable outcome of the hepatic steatosis (chap. 4.1.3.): fatty overload, steatosis, steatonecrosis are all steps of the same deleterious process. At the end of force-feeding, the liver is indeed a diseased organ. The bird is killed before collapsing on its own. To present the reversibility of the process as an argument proving the occurrence of a normal physiological process is, once again, tendentious. Indeed, the inherent characteristics of the hepatic parenchyma contribute to this reversibility regardless of the source of the disease and as long as we intervene early enough.”⁶
- “From the point of view of the veterinarian and...of his patient, the debate focuses on three questions of substance:
 First question: is it possible to consider that the nutritional hepatic steatosis is a phenomenon similar to the natural accumulation of fats supplies by palmipeds before migration?
 The answer is no.
 By controlling breeding techniques, man tends to produce foie gras, a quality product made under the ‘best conditions’. He uses natural predispositions present in some species. There is however no comparison between what nature planned (an hepatic synthesis followed by a peripheral accumulation of fats which respects the functioning of the hepatocyte) and the extreme result which is imposed by force-feeding on the organism. Birds at the end of this process are not able to make any exertions which is in total contradiction with the aim of this activity in natural conditions.
 Second question: is the nutritional hepatic steatosis a pathology of the liver?
 The answer is yes: the fatty liver (foie gras) is a diseased liver.
 Force-feeding causes structural modifications qualified as “nutritional steatosis” in all the veterinary literature. Hepatic steatosis is, regardless of its origin, a morbid process which perturbs the good functioning of the hepatic cell. The clinical table and the prognostic of this affection are directly linked to its degree of evolution at the time of the beginning of treatment.
 Would it then be necessary to distinguish between two types of steatosis: the steatosis of the medicine which we try to heal and the steatosis of force-feeding which we encourage?
 If fluctuations of intrahepatocytic and hepatic biochemical parameters are observed during force-feeding, the progressive introduction into the blood of several objective ‘markers’ indicating suffering or cellular necrosis is indubitable. The sequential anatomo-pathological connections established during force-feeding on sacrificed animals also demonstrate the introduction of a pathological process which causes an overload, a distension and finally a degeneration of the hepatic parenchyma.
 The argument presenting the foie gras as a ‘sane organ’ because of the reversibility of the process is partial and must be rejected as such. The reversibility of an hepatic lesion process is based on its degree of extension. Beyond a certain threshold, the animal is condemned. Below a certain threshold, reversibility depends on two essential characteristics of the organ: the functional supplies and the ability to regenerate

which both interfere with the delays in the appearance of an hepatic symptomatology. In the case of geese force-feeding, modifications of the hepatic parameters appear in the majority of cases on the 18th day and mark at this moment the presence of tissue necrosis. It is only at this stage the clinical symptoms appear (icterus, weight loss, digestive troubles...) revealing a very advanced pathology.

Third question: does nutritional hepatic steatosis cause suffering?

The answer is yes.

Ethological expertise is compelling at this level: breeding conditions (particularly for intensive breeding) are completely incompatible with meeting the physiological and ethological needs of normal palmipeds. Veterinary expert opinion also highlights the structural and functional suffering which is caused by the manipulations associated with force-feeding and by the steatosis, the goal of this process.”⁷

- “Force-feeding of palmipeds or nutritional hepatic steatosis provokes a pathological transformation of the liver which causes undeniable animal suffering. The economical goal of the process is to push the transformation of this organ to the maximum in the shortest amount of time in order to maximize profit. However, this must be stopped before the degenerative phenomena, unavoidable beyond a certain level, start affecting the quality (friability) of the product or damaging excessively the health of birds. The topic of this discussion is indeed a choice made by society: some communities consume dog meat, others eat whales or monkey brains...Are we ready to support a practice which scientifically transforms an organ on a living being by making it sick, to satisfy the gustatory pleasure of a few gourmets? And if yes, under what conditions?

I personally think that measures should be taken internationally and by the European Community to forbid this type of production in intensive breeding, regardless of the economic justifications and of the laws of the market in place today. These justifications and laws are not and will never be able to justify a practice which, with a little bit of reflection, can only be considered by civilized beings as a barbaric practice unworthy of the role of man as a guarantor of humanist ethics.”⁸

- “It has been noted that, as well as the pathologies normally attributed to palmipeds (not pursued in this account), force-feeding is the cause of a number of maladies.”⁹
- “Force-feeding to fatten palmipeds is an ethically unacceptable practice, and is in total contradiction to the recommendations concerning Barbary and Mallard ducks, issued by the Permanent Council of the European convention on the protection of farmed animals.”¹⁰
- “The end result of force-feeding is—hepatic steatosis—which is a liver disease. This causes—at different degrees during its development—physiological and physical problems which are detrimental to the state of health and well-being of birds. Eventually the hepatic steatosis will lead to the death of the birds.”¹¹
- “Force-feeding is finally, a practice against nature, which violates the natural prehension of food. Therefore the contention [is] that the introduction of such equipment reduces the well-being of the birds subjected to it.”¹¹

W. Molee, National School of Agronomics at Toulouse, Castanet-Tolosan Cedex, France

Marie-Hélène Bouillier-Oudot, National School of Agronomics at Toulouse, Castanet-Tolosan Cedex, France

Alain Auvergne, National School of Agronomics at Toulouse, Castanet-Tolosan Cedex, France

R. Babilé, National School of Agronomics at Toulouse, Castanet-Tolosan Cedex, France

- “This study provides evidence that overfeeding with a carbohydrate-rich corn-based diet induces a de novo hepatic lipogenesis in Mule duck which predominates over dietary lipid intake to change the lipid composition of the hepatocyte plasma membrane.”¹²

Ian J.H. Duncan, Emeritus Chair in Animal Welfare, University of Guelph, Ontario, Canada

- “In my opinion, the force feeding of ducks and geese, for the production of foie gras is a cruel and inhumane practice that should be banned. There are two aspects to the cruelty:
 1. Forcing food down a bird’s gullet beyond the limits of its appetite will cause pain and suffering. Also, the regular insertion of a feeding tube down the esophagus several times a day will inevitably lead to damage of the esophagus. When the esophagus becomes damaged, then the painfulness of every force feeding episode will be exacerbated.
 2. Force feeding quickly results in birds that are obese and in a pathological state, called hepatic lipidosis of [*sic*] fatty liver disease. There is no doubt, that in this pathological state, the birds will feel very ill. In my view it is completely unethical to deliberately promote a diseased state in an animal. The birds’ obesity will lead to a myriad of other problems from skeletal disorders to difficulties in coping with heat stress and all of which are accompanied by feelings of malaise.In my view, no civilized country would allow this barbaric practice to continue.”¹³

Lynn R. Dustin, Veterinarian, Bay Area Bird Hospital, San Francisco, California, USA

- “Numerous injuries can occur from the process of force feeding. Because a gavage tube is inserted down the esophagus, scalding can occur from food that is too hot, and the tube can cause inflammation of the throat, bruising or perforation of the esophagus, asphyxia, over expansion of the esophagus and lesions of the neck, throat or chest.

Some duck species gorge prior to migration. However, they do not gorge to the extent of causing illness or making themselves incapable of breathing or walking, which results from force feeding. Nor do they suffer the repeated trauma of gavage tube insertion.”¹⁴
- “There is nothing natural about the production of foie gras.”¹⁴
- “The practice of force feeding a duck to produce a fatty liver is inherently cruel and should be banned by law.”¹⁴

Scientific Committee on Animal Health and Animal Welfare of the European Commission

- “Ducks are fed considerably more during the force feeding period than they would eat voluntarily, and they receive this food without having the possibility to forage in a species-specific manner.”¹⁵
- “The avoidance behaviour by most ducks and geese in pens during force feeding observed by members of the working group indicates aversion to the force feeding procedure.”¹⁶
- “Daily hand-feeding of ducks and geese is normally associated with a positive response by the animals towards the person feeding them. In the preparation of this report, members of the Committee visited a number of farms practising force feeding but this behaviour was not observed by the visitors on these occasions. When ducks or geese were in a pen during the force feeding procedure, they kept away from the person who would force feed them even though that person normally supplied them with food. At the end of the force feeding procedure, the birds were less well able to move and were usually panting but they still moved away from or tried to move away from the person who had force fed them.”¹⁷
- “However, some experts of the working group observed on visits to fattening units that the legs of the force fed animals were pushed outwards, away from the mid-line of the body so that they met the ground considerably further apart than is normal and so that the leg could not be held vertically when the bird was standing or walking and they conclude that it was caused by the great expansion of the liver. They observed

that the consequence of this was that birds with expanded livers had difficulty in standing and their natural gait and ability to walk were severely impaired.”¹⁶

- “Birds, including ducks and geese, have a wide range of pain receptors and an elaborate pain recognition system. Most injuries caused by tissue damage during handling or tube insertion would result in pain. The oropharyngeal area is particularly sensitive and is physiologically adapted to perform a gag reflex in order to prevent fluids entering the trachea. Force feeding will have to overcome this reflex and hence the birds may initially find this distressing and injury may result.

The beak of a duck is richly innervated and the insertion of a ring through the beak would cause pain during the operation and might cause neuroma formation, and hence prolonged pain, thereafter. Similarly, most injuries to the feet caused by inadequate flooring would be painful.”¹⁸

- “Hence it appears that the level of steatosis normally found at the end of force feeding would not be sustainable for many of the birds. For this reason, and because normal liver function is seriously impaired in birds with the hypertrophied liver which occurs at the end of force feeding this level of steatosis should be considered pathological.”¹⁹
- “A further source of information concerning whether the liver is in a pathological condition at the end of gavage is to ask qualified pathologists for their opinion on the histology of such liver. In non-statistical surveys (Beck; 1994, 1996 unpublished) the opinions of 25 pathologists from various countries were sought on this point. Most of these considered that the liver condition was pathological. Several of them pointed out that some degree of steatosis can occur in healthy animals at certain times of life but they considered that the degree of steatosis at the end of force feeding was much more severe than any naturally occurring steatosis.”²⁰
- “In conclusion, there is good evidence that liver structure and function that would be classified as normal is severely altered and compromised in force fed ducks and geese, but that lipid metabolism biochemical pathways are still functioning normally, albeit at an increased rate. Other clinical signs that force fed birds exhibit which are not seen in age matched birds fed ad libitum on a ‘natural’ diet include: loose faeces, wet neck, increased time spent sitting and less time carrying out active behaviours, some aversion to the feeding process, increased incidence of bone fractures and liver lesions at the abattoir. Continued feeding would almost certainly result in an earlier death.”²¹
- “The changes in hepatocytes and other cells in the liver of force fed ducks and geese are substantial. The most obvious change is the increase in the number of large fat globules visible in the cells. A limited increase in the presence of fat globules in liver can occur in normal liver in certain conditions but no normal animal has steatosis of the liver to the extent which occurs in all force fed birds. During the force feeding period, liver function is impaired.”²²
- “Force feeding results in an increase in liver size to the extent that the abdomen expands. Logically this should result in the legs being held further away from the midline of the body, making locomotion more difficult. Panting occurs more often than in ducks or geese which are not force fed. Some members of the working group have observed this displacement of the legs and panting.”²²
- “Hypertrophied livers can cause discomfort in a variety of other species. Hence it may be that some discomfort results directly from the hypertrophied liver in force fed ducks and geese.”²²
- “The force feeding procedure deprives the bird of an important behaviour which is normal feeding.”²³
- “The problems of the force feeding procedure itself are: (1) handling by humans which, in the commercial force feeding situation, can cause aversion and discomfort for ducks and geese, (2) the potentially damaging

and distressing effects of the tube which is inserted into the oesophagus, (3) the rapid intubation of a large volume of food.”²³

- “The Scientific Committee on Animal Health and Animal Welfare concludes that force feeding, as currently practised, is detrimental to the welfare of the birds.”²⁴
- “The working group was informed that ducks at the end of the force feeding period can have serious injuries to the oesophagus or, more usually, having [*sic*] clear evidence of tissue damage in the oesophagus. It seems likely that birds have sufficient damage to oesophagus tissue, caused by the force feeding process to have been painful to the birds.”²⁵

Jean-François Gabarrou, National Institute for Agronomical Research, Nouzilly, France

Marie-Rose Salichon, National Institute for Agronomical Research, Nouzilly, France

Gérard Guy, Head of Experimental Unit, National Institute for Agronomical Research, Artiguères, France

Jean-Claude Blum, National Institute for Agronomical Research, Nouzilly, France

- “The liver of the overfed ducks weighed ten times more than that of controls (695 vs 69 g [24.5 vs 2.4 oz]). The phospholipid, ash, water, and protein content of the liver were only slightly higher (2.6-, 3.6-, 4.4- and 3.2-fold, respectively) but the liver lipid concentration was 16.5 times higher after than before overfeeding (56.1 vs 3.4 g/100 g [1.98 vs 0.12 oz/3.53 oz] liver, respectively). Liver phosphatidylcholine concentration was higher in the control group (32.4 vs 22.9 mol/100 mol phospholipid) revealing a choline deficiency that could contribute to the development of liver steatosis. In liver phospholipid, the level of linoleic and arachidonic acids were markedly decreased in the overfed ducks, from 5 and 18.1 to 3.7 and 7.1 mol/100 mol fatty acids, respectively, and were mainly replaced by oleic acid. Plasma triacylglycerols increased 5.9-fold, cholesterol 2.2-fold and phospholipids 1.6-fold. Heat-induced (50 min at 105 °C [221 °F]) fat release, an index of poor liver integrity, was particularly high for the large, fat livers which contained low levels of phospholipids and phosphatidylcholine.”²⁶

Marianne Heimann, Institut de Pathologie et de Génétique, Loverval, Belgium

Annick Delire

- “The excessive lipid load observed in the livers of ducks and geese at the end of force-feeding is, from the anatomopathological point of view, a lesion, and not part of the normal physiological process. The lesional character of these alterations is also confirmed by the changes in clinical biology (increase of hepatic enzymes in the blood etc). In no instance, can this increase be considered normal. It is a categoric sign of a diseased state and a clinical symptom (difficulty in breathing, difficulties in regulating temperature, exhaustion, difficulties in making an effort etc.)[.] Therefore one is not making use of a natural physiological process in palmipeds to produce a delicacy but rather a pathological process which can be reproduced in certain species. If the liver of a goose or a duck is used, it is because the pathology is easier to reproduce.

In addition to the lesions caused directly by force-feeding, the immune system as well as the liver is rendered frail to cope with any stress to which the animal is subjected.

The animal therefore often develops infections, which can be combated by the use of antibiotics. This however, poses the very serious problem of having residues of antibiotics within food destined for human consumption.”²⁷

- “[T]he means of obtaining this delicacy, and the money which it fetches, above all for a minority, does not justify the extremely painful conditions in which this food is produced.”²⁷
- “In the force-feeding of geese, the liver reaches a very large size, distends the peritoneum and occupies a place normally reserved for other organs, notably air sacs. This leads to respiratory difficulties, which have

still not yet been detected because the animals, shut into narrow cages, cannot make any muscular effort, and above all have enormous difficulties in controlling their temperature. There is also vessel compression which develops into circulatory problems.

Apart from these facts, we are in the presence of animals which have been made extremely fragile, very sensitive to stress, changes in the environment, and to infections.”²⁸

Dominique Hermier, National Institute for Agronomical Research, Orsay, France

Gérard Guy, Head of Experimental Unit, National Institute for Agronomical Research, Benquet, France

Solange Guillaumin, National Institute for Agronomical Research, Nouzilly, France

Stéphane Davail, University Institute of Technology, Mont-de-Marsan, France

Jean-Marc André, University Institute of Technology, Mont-de-Marsan, France

Robert Hoo-Paris, University Institute of Technology, Mont-de-Marsan, France

- “In response to overfeeding, de novo hepatic lipogenesis from dietary carbohydrates is dramatically enhanced in the goose (Mourot et al., 2000). Despite that the concentration of Very low density lipoproteins (VLDL) and High density lipoproteins (HDL) is also increased (Fournier et al., 1997), the lipoprotein secretion pathway appears to be overwhelmed, and a large proportion of triglycerides remains stored in the liver, which results in in situ steatosis (Hermier et al., 1991a). Such an imbalance between triglyceride synthesis and secretion is a feature of both NASH [Non-alcoholic steatohepatitis] and alcoholic intoxication, whereas an increased HDL concentration resembles the modifications induced by moderate alcohol consumption in human (Sabesin, 1981; Baraona and Lieber, 1998; Mensenkamp et al., 2001).”²⁹

Tatty M. Hodge, Veterinarian, East Greenbush, New York, USA

- “Animals in this condition would experience constant pain...I consider the production of foie gras to be inhumane as it deliberately harms the duck...”³⁰

Wendy Jensen, Veterinarian, Concord, New Hampshire, USA

- “Having seen firsthand the terrible suffering of ducks...confirmed by autopsy reports...I am forced to conclude that foie gras is produced at a terrible cost to the birds themselves. Foie gras, touted as a gourmet delicacy to entice the palate, is really only the diseased tissue of a tortured sick animal.”³¹

Mark Lerman, Veterinarian, Monsey, New York, USA

- “[T]he oesophagus is so thickened and inflamed and infected from the force ‘feeding’ that he could never eat on his own....The lesions seen in this duck and others like him, are unique. They are the result of a continuous, perverse and concerted effort to physically force these poor creatures to do something they weren’t designed to do.”³²

Christine Nicol, Professor of Animal Welfare, School of Veterinary Science, University of Bristol, UK

- “My view on the production of foie gras is clear and supported by biological evidence. This practice causes unacceptable suffering to these animals. The primary issue is the use of force....Foie gras production takes no account of the physiological state of the bird, but involves force feeding far beyond the point at which the bird would naturally stop. This practice is repeated daily for a number of weeks, causing lesions to the throat, pathological changes to the liver and painful distension of the abdomen, limiting movement.”³³
- “Foie gras production significantly reduces welfare....It causes pain during and as a consequence of the force feeding, feelings of malaise as the body struggles to cope with extreme nutrient imbalance, and

distress due to the forceful handling. The most extreme distress is caused by loss of control of the birds' most basic homeostatic regulation mechanism as their hunger control system is over-ridden."³³

Laurie Siperstein-Cook, Mobile Avian Veterinarian, Davis, California, USA

- "[T]he esophagus of force-fed ducks exhibit[s] scarring from the repeated trauma from the wide metal tubes that are pushed down the esophagus during the force-feeding process. Rough handling by the workers doing the force-feeding would exacerbate this trauma to the mucosal surface of the esophagus.
Excess weight at fast growth rates causes pressure on the legs and joints, also making it difficult and painful to walk. Ducks in foie gras factories have been shown to suffer from a much higher rate of long bone fractures at the time of slaughter than ducks raised for meat and not force-fed."³⁴

Ward B. Stone, Wildlife Pathologist, New York State Department of Environmental Conservation, Wildlife Pathology Unit, Delmar, New York, USA

- "The overloading of the liver with lipid (lipidosis) is a pathological process and I have never seen extensive lipidosis in waterfowl except for the cases involving overfeeding for liver pate."³⁵
- "[T]he short tortured lives of ducks raised for Foie Gras is well outside the norm of farm practice. Having seen the pathology that occurs from Foie Gras production, I strongly recommend that this practice be outlawed."³⁵

Christine Van Berchem, Veterinarian, Brussels, Belgium

René Zayan, Professor of Ethology, Université Catholique de Louvain, Louvain-la-Neuve, Belgium

- "[T]here is absolutely no doubt, that force-feeding subjects them to physiological and behavioural suffering which dramatically reduces their well-being...[F]orce-feeding constitutes a reprehensible practice from an ethical point of view."³⁶

René Zayan, Professor of Ethology, Université Catholique de Louvain, Louvain-la-Neuve, Belgium

- "In short, autoforce-feeding does not exist in ducks in their natural state and, if hyperplagia is observed in a duck in daily life, it is always pathological behaviour, symptomatic of physical and social stress. In no case no-one can affirm that force-feeding satisfied in a maximum way a visceral or basic physiological need, in as much as the need for food in an animal is accompanied by a choice, spontaneous or learned, and an active search of adequate food for the maintenance of health."³⁷

Pew Commission on Industrial Farm Animal Production

- "[T]he Commission recommends the end to force-feeding of fowl to produce foie gras..."³⁸

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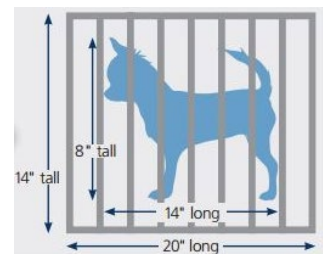
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The Humane Society of the United States is the nation's largest animal protection organization—backed by 10 million Americans, or one of every 30. For more than a half-century, The HSUS has been fighting for the protection of all animals through advocacy, education, and hands-on programs. Celebrating animals and confronting cruelty. On the Web at humanesociety.org.

USDA'S LOW STANDARDS AND POOR ENFORCEMENT

A USDA-licensed facility may legally:

- ✓ Confine dogs in cages only 6 inches larger than their bodies for their entire lives
- ✓ Provide only coated wire flooring in cages
- ✓ Deny dogs adequate exercise and socialization
- ✓ Keep dogs in frigid or sweltering temperatures for up to 4 hours
- ✓ Breed dogs repeatedly and excessively, without limits
- ✓ Provide no regular veterinary care beyond annual walk-through of facility



A USDA license has never meant a facility was humane, as standards have always been shockingly low and enforcement has always lacked. For instance, back in 2010, the Office of Inspector General released a report stating that the enforcement process was ineffective against problem dealers because inspectors did not cite or document violations properly, penalties were minimal, and inspectors allowed facilities to operate unimpeded, year after year, despite repeat violations. Despite efforts from the HSUS, other animal protection groups, and concerned citizens, things have only gotten worse since this 2010 report was released.

USDA'S PRIORITIES ARE CLEAR: PROMOTE AND PROTECT PUPPY MILLS

- **August 2019:** [Washington Post reported](#) that USDA leaders told inspectors of a new policy that emphasized “education, not enforcement” and treating regulated entities “more as partners than as potential offenders.”
 - A USDA veterinarian who oversaw inspectors in 27 states told *the Post* the weakened enforcement had caused an “untold numbers of animals” to experience unnecessary suffering.
 - A USDA inspector for 20 years, who left at the end of 2017 told *the Post*: “It feels like your hands are tied behind your back. You can’t do many things you’re supposed to when it comes to protecting animals.”
 - *The Post* reported that since 2016 citations by the USDA have plummeted 65% and enforcement cases have declined 92%.
- **May 2019:** The HSUS released our annual [Horrible Hundred Report](#) with documented instances of breeders with numerous and egregious violations spanning many years who remain licensed and breeders that had been cited by state officials for serious issues, such as emaciated dogs and dying puppies, but received clean inspection reports from the USDA.
- **October 2018:** [Washington Post reported](#) the USDA was issuing significantly fewer written warnings than in previous years and had settled only one complaint; a USDA spokesperson told *the Post* this was in part due to “working more closely with alleged violators” rather than taking enforcement actions.
- **May 2018:** [USDA introduced](#) a self-reporting policy: an incentive program that allows licensees to avoid penalties for violations by self-reporting them, even if the violations resulted in animal deaths.
- **April 2018:** [USDA announced](#) an announced inspections pilot program where it would abandon its policy to only conduct unannounced inspections of breeders; for the first time some facilities would be notified in advance, allowing them time to cover up violations or even hide sick or injured dogs.
- **February 2017:** [USDA abruptly removed](#) inspection reports from its website and began redacting all pertinent information from reports obtained via FOIA request; [this effort to protect violators continues](#), as some reports have been restored online, but names and license numbers remain hidden and it is nearly impossible to connect breeders with violations.
- **January 2016:** [USDA announced](#) updates to its Animal Welfare Inspection Guide, including a “teachable moments” policy, where inspectors are instructed to no longer cite breeders for violating the law, but rather to teach them how to come into compliance.

The HSUS continues to push back against the USDA for its failure to follow its congressional mandate to protect animals with lawsuits, public pressure, and private meetings. Congress has also applied pressure, to no avail. The best way to stop puppy mill cruelty is for state and local elected officials to cut off puppy mill sales outlets and place strict requirements on puppy mills themselves.



Staff Report: 034-23

TO: Mayor and City Council

FROM: Eric Holmes, City Manager

DATE: 3/6/2023

SUBJECT Approval of Allocation and Participation Agreements for State of Washington Settlement with Certain Opioid Manufacturers and Retailers

Key Points

- On Council authority, the City initiated litigation in 2019 against numerous manufacturers, distributors, and retailers of opioids.
- The State of Washington has joined a recent national settlement with several Opioid manufacturers and retailers (Teva, Allergan, CVS, Walgreens, and Walmart). Washington did not join the national settlement with Johnson & Johnson.
- By joining the settlement, Vancouver will be eligible to recover approximately \$3 million in funds to be used to abate the public nuisance caused by opioids.
- The settlement only releases these five defendants; the claims against other defendants remain pending.

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

Present Situation

Since 2015, local governments around the Country have been united in efforts seeking to hold the manufacturers, distributors, and pharmacies of opioids responsible for the harms caused to their residents. The City of Vancouver joined this fight in 2019, filing suit against a number of manufacturers, distributors and pharmacies. That lawsuit was then transferred to the Northern District of Ohio as part of a nationwide multi-district litigation. The lawsuit has been pending there ever since.

On January 20, 2023, the City received notice that the State of Washington formally joined a national settlement with several major Opioid retailers. Specifically, the State joined the national

settlement with Teva, Allergan, CVS, Walgreens, and Walmart. The State did not join the national settlement with Johnson & Johnson. In this settlement, the State will receive roughly \$434 million, but this settlement is contingent upon how many local jurisdictions within Washington join the settlement. The State has agreed to split the settlement funds 50% to the State and 50% to local jurisdictions.

The Council approved a memorandum of understanding in April 2022 that delineates the amount the City of Vancouver would receive if any statewide settlement was reached: 1.7306605325%. As such, assuming the requisite number of jurisdictions join this settlement, the City could recover approximately \$3 million, after attorneys' fees, to be used to combat the impacts of opioids. To join in this settlement, the Council must authorize execution of the attached Allocation Agreement and Participation Form on or before April 18, 2023.

Of note, the settlement does not affect or impact the City's claims against any entity other than the five released retailers identified above.

Advantage(s)

By approving this agreement, the City will receive funds that may be used to address the community impacts of the opioid epidemic in Vancouver, which range from substance addiction to mental health to homelessness.

Disadvantage(s)

Forecloses (possibly) a greater share of recovery vis-a-vis other Washington local governments, but the City would have to litigate for that result if it was desired.

Budget Impact

Appropriation of the settlement funds will be required and must comply with the terms of the MOU authorized in April 2022. The budget will be adjusted once the spending plan is identified in one of the future supplemental budget actions.

Prior Council Review

- Council authorized litigation against the opioid manufacturers, distributors, and retailers in 2019.
- Council authorized the One Washington MOU on April 4, 2022.
- Council authorized the City to join a national settlement with distributors on September 12, 2022.
- This specific settlement has not been presented to Council.

Action Requested

Authorize the City Manager or designee to execute the "Washington State Allocation Agreement Governing the Allocation of Funds Paid by Certain Settling Opioid Manufacturers and Pharmacies," all attached Exhibits thereto, and any additional required documentation to settle the City of Vancouver's claims against Teva, Allergan, CVS, Walgreens, and Walmart.

Dan Lloyd, Assistant City Attorney, 360-487-8520

ATTACHMENTS:

- ▣ Notice of National Settlement
- ▣ Allocation Agreement

National Opioid Settlements: Teva, Allergan, CVS, Walgreens, and Walmart

Vancouver city, WA

Reference Number: CL-393382

**TO LOCAL POLITICAL SUBDIVISIONS AND SPECIAL DISTRICTS:
THIS NOTICE CONTAINS IMPORTANT INFORMATION ABOUT NATIONAL OPIOID SETTLEMENTS.**

SETTLEMENT OVERVIEW

Proposed nationwide settlement agreements (“Settlements”) have been reached that would resolve opioid litigation brought by states, local political subdivisions, and special districts against two pharmaceutical manufacturers, Teva and Allergan (“Manufacturers”), and three pharmacies, CVS, Walgreens, and Walmart (“Pharmacies”). Local political subdivisions and special districts are referred to as “subdivisions.”

The Settlements require the settling Manufacturers and Pharmacies to pay billions of dollars to abate the opioid epidemic. The Settlements total over \$20 billion. Of this amount, approximately \$17 billion will be used by participating states and subdivisions to remediate and abate the impacts of the opioid crisis. Depending on participation by states and subdivisions, the Settlements require:

- Teva to pay up to \$3.34 billion over 13 years and to provide either \$1.2 billion of its generic version of the drug Narcan over 10 years or an agreed upon cash equivalent over 13 years;
- Allergan to pay up to \$2.02 billion over 7 years;
- CVS to pay up to \$4.90 billion over 10 years;
- Walgreens to pay up to \$5.52 billion over 15 years; and
- Walmart to pay up to \$2.74 billion in 2023, and all payments to be made within 6 years.

As provided under the Agreements, these figures are net of amounts attributable to prior settlements between the Defendants and certain states/subdivisions, and include amounts for attorneys’ fees and costs.

The Settlements also contain injunctive relief governing opioid marketing, sale, distribution, and/or dispensing practices.

Each of the proposed settlements has two key participation steps.

First, each eligible state decides whether to participate in each Settlement. A list of participating states for each settlement can be found at <https://nationalopioidsettlement.com>.

Second, eligible subdivisions within each participating state decide whether to participate in each Settlement. The more subdivisions that participate, the more funds flow to that state and its subdivisions. Any subdivision that does not participate cannot directly share in any of the settlement funds, even if the subdivision’s state is settling and other participating subdivisions are sharing in settlement funds. If the state does not participate in a particular Settlement, the subdivisions in that state are not eligible to participate in that Settlement.

WHO IS RUBRIS INC. AND WHAT IS THE IMPLEMENTATION ADMINISTRATOR?

The Settlements provide that an Implementation Administrator will provide notice and manage the collection of participation forms. Rubris Inc. is the Implementation Administrator for these new Settlements and was also retained for the 2021 national opioid settlements.

WHY IS YOUR SUBDIVISION RECEIVING THIS NOTICE?

Your state has elected to participate in one or more of the Settlements with the Manufacturers and/or the Pharmacies, and your subdivision may participate in those Settlements in which your state has elected to participate. This notice is also sent directly to counsel for such subdivisions if the Implementation Administrator has their information.

If you are represented by an attorney with respect to opioid claims, please contact them. **Subdivisions can participate in the Settlements whether or not they filed a lawsuit or are represented.**

WHERE CAN YOU FIND MORE INFORMATION?

Detailed information about the Settlements, including each settlement agreement, may be found at: <https://nationalopioidsettlement.com>. This website also includes information about how the Settlements are being implemented in most states and how funds will be allocated within your state.

You are encouraged to review the settlement agreement terms and discuss the terms and benefits with your counsel, your Attorney General's Office, and other contacts within your state. Information and documents regarding the Settlements and your state allocation can be found on the settlement website at <https://nationalopioidsettlement.com>.

Your subdivision will need to decide whether to participate in the proposed Settlements, and subdivisions are encouraged to work through this process before the **April 18, 2023** deadline.

HOW DO YOU PARTICIPATE IN THE SETTLEMENTS?

The Settlements require that you take affirmative steps to "opt in" to the Settlements.

In the next few weeks, you will receive documentation and instructions from the Implementation Administrator or, in some cases, your Attorney General's Office. In order to participate in a settlement, a subdivision must sign and return the required Participation Form for that settlement.

Please add the following email addresses to your "safe" list so emails do not go to spam / junk folders: dse_na3@docusign.net and opioidsparticipation@rubris.com. Please monitor your email for the Participation Forms and instructions.

All required documentation must be signed and returned on or before **April 18, 2023**.

**WASHINGTON STATE ALLOCATION AGREEMENT GOVERNING THE
ALLOCATION OF FUNDS PAID BY CERTAIN SETTLING OPIOID
MANUFACTURERS AND PHARMACIES**

JANUARY 27, 2023

This Washington State Allocation Agreement Governing the Allocation of Funds Paid by Certain Settling Opioid Manufacturers and Pharmacies (the “Allocation Agreement II”) governs the distribution of funds obtained from (1) Walmart, (2) Teva, (3) Allergan, (4) CVS, and (5) Walgreens (the “Settling Entities”) in connection with the resolution of any and all claims by the State of Washington and the counties, cities, and towns in Washington State (“Local Governments”) against the Settling Entities via the following settlements:

- Walmart Settlement Agreement dated November 12, 2022 and any subsequent amendments (“Walmart Settlement”).
- Teva Public Global Settlement Agreement dated November 22, 2022 and any subsequent amendments (“Teva Settlement”).
- Allergan Public Global Settlement Agreement dated November 22, 2022 and any subsequent amendments (“Allergan Settlement”).
- CVS Settlement Agreement dated December 9, 2022 and any subsequent amendments (“CVS Settlement”).
- Walgreens Settlement Agreement dated December 9, 2022 and any subsequent amendments (“Walgreens Settlement”).

Collectively, the Walmart Settlement, the Teva Settlement, the Allergan Settlement, the CVS Settlement, and the Walgreens Settlement shall be referred to as “the Settlements”. Each of the Settlements can be accessed at <https://nationalopioidsettlement.com/>. The terms and definitions of each of the respective Settlement are incorporated into this Allocation Agreement II, and any undefined terms in this Allocation Agreement II are as defined in the Settlements.

1. This Allocation Agreement II is intended to be a State-Subdivision Agreement as defined in the Settlements. This Allocation Agreement II shall be interpreted to be consistent with the requirements of a State-Subdivision Agreement in the Settlements.
2. This Allocation Agreement II shall become effective only if all of the following occur:
 - A. The State of Washington joins one of the Settlements and becomes a Settling State as provided for in the respective Settlement.
 - B. One of the Settlements becomes final and effective and a Consent Judgment is filed and approved as provided for in the respective Settlement.

- C. The number of Local Governments that execute and return this Allocation Agreement II satisfies the participation requirements for a State-Subdivision Agreement as specified in one of the Settlements, Washington is a Settling State for that Settlement, and a Consent Judgment has been filed and approved for that Settlement.
3. Requirements to become a Participating Local Government. To become a Participating Local Government that can participate in this Allocation Agreement II with respect to any one of the Settlements, a Local Government must do all of the following:
- A. The Local Government must execute and return this Allocation Agreement II.
 - B. The Local Government must release its claims against the Settling Entities identified in the respective Settlement and agree to be bound by the terms of the Settlement by timely executing and returning the Participation Form for that Settlement. The forms are attached hereto as Exhibits 1-5.
 - C. Litigating Subdivisions, also referred to as Litigating Local Governments, must dismiss the Settling Entities identified in the respective Settlement with prejudice from their lawsuits.
 - D. Each of the Local Governments that is eligible to participate in this Allocation Agreement II has previously executed and signed the One Washington Memorandum of Understanding Between Washington Municipalities (“MOU”) agreed to by the Participating Local Governments in Washington State, which is attached hereto as Exhibit 6. By executing this Allocation Agreement II, the local government agrees and affirms that the MOU applies to and shall govern the Local Government Share as modified by this Allocation Agreement II for each of the Settlements in which the Local Government participates.

A Local Government that meets all of the conditions in this paragraph for any of the Settlements shall be deemed a “Participating Local Government” for that Settlement. A Local Government can be a “Participating Local Government” for less than all of the Settlements. If a Local Government is a Participating Local Government for less than all of the Settlements, the Local Government can only receive a portion of the Washington Abatement Amount for the specific Settlement(s) for which it is a Participating Local Government.

- 4. This Allocation Agreement II applies to the following, all of which collectively shall be referred to as the “Washington Abatement Amount”:
- A. For the Walmart Settlement, the State of Washington’s allocation of the (1) Global Settlement Remediation Amount and (2) Additional Remediation Amount.

- B. For the Teva Settlement, the State of Washington's allocation of the (1) Net Abatement Amount and (2) Additional Restitution Amount.
- C. For the Allergan Settlement, the State of Washington's allocation of the (1) Global Settlement Abatement Amount and (2) Additional Restitution Amount.
- D. For the CVS Settlement, the State of Washington's allocation of the (1) Maximum Remediation Payment and (2) Additional Remediation Amount.
- E. For the Walgreens Settlement, the State of Washington's allocation of the (1) Adjusted State Remediation Payment and (2) Additional Remediation Amount.

As specified in each of the Settlements, the Washington Abatement Amount will vary dependent on the percentage of Participating Local Governments and whether there are any Later Litigating Subdivisions.

- 5. The Teva Settlement provides the option for Settling States to obtain Settlement Product or the discretion to convert any portion of the Settlement Product allocated to the Settling State into a cash value equaling twenty percent (20%) of the WAC value of the Settling State's allocated Settlement Product in specified years. It shall be solely the decision of the State regarding whether to convert any portion of the Settlement Product allocated to Washington into a cash value or to obtain the Settlement Product. If the State elects to obtain Settlement Product, the State in its sole discretion shall make all decisions related to the Settlement Product, including but not limited to where, how, and to whom it shall be distributed. For purposes of calculating the division of the Washington Abatement Amount in Paragraph 10 of this Allocation Agreement II, the Settlement Product allocated to Washington shall be considered "State Share" and shall have the cash value assigned to it in the Teva Public Global Settlement Agreement dated November 22, 2022.
- 6. This Allocation Agreement II does not apply to the State Cost Fund, State AG Fees and Costs, or any attorneys' fees, fees, costs, or expenses referred to in the Settlement or that are paid directly or indirectly via the Settlements to the State of Washington ("State's Fees and Costs").
- 7. This Allocation Agreement II and the MOU are a State Back-Stop Agreement. The Settling Entities are paying a portion of the Local Governments' attorneys' fees and costs as provided for in the Settlements. The total contingent fees an attorney receives from the Contingency Fee Fund in the Settlements, the MOU, and this Allocation Agreement II combined cannot exceed 15% of the portion of the LG Share paid to the Litigating Local Government that retained that firm to litigate against the Settling Entities (i.e., if City X filed suit with outside counsel on a contingency fee contract and City X receives \$1,000,000 from the Walmart

Settlement, then the maximum that the firm can receive is \$150,000 for fees as to the Walmart Settlement; if City X did not retain the same firm for potential litigation against CVS and City X receives \$1,000,000 from the CVS Settlement, then the firm receives no fees from the CVS Settlement.)

8. No portion of the State's Fees and Costs and/or the State Share as defined in Paragraphs 6 and 10 of this Allocation Agreement II shall be used to fund the Government Fee Fund ("GFF") referred to in Paragraph 12 of this Allocation Agreement II and Section D of the MOU, or in any other way to fund any Participating Local Government's attorneys' fees, costs, or common benefit tax.
9. The Washington Abatement Amount shall and must be used by the State and Participating Local Governments for future Opioid Remediation as defined in the Settlements, except as allowed by the Settlements.
10. The State and the Participating Local Governments agree to divide the Washington Abatement Amount as follows:
 - A. Fifty percent (50%) to the State of Washington ("State Share").
 - B. Fifty percent (50%) to the Participating Local Governments ("LG Share").
11. The LG Share shall be distributed to Participating Local Governments pursuant to the MOU attached hereto as Exhibit 6 as amended and modified in this Allocation Agreement II.
12. For purposes of this Allocation Agreement II only, the MOU is modified as follows and any contrary provisions in the MOU are struck:
 - A. Exhibit A of the MOU is replaced by Exhibit E of each of the respective Settlements.
 - B. The definition of "Litigating Local Governments" in Section A.4 of the MOU shall mean Litigating Subdivisions as defined in each the respective Settlements.
 - C. The definition of "National Settlement Agreement" in Section A.6 of the MOU shall mean the Settlements.
 - D. The definition of "Settlement" in Section A.14 of the MOU shall mean the Settlements.
 - E. The MOU is amended to add new Section C.4.g.vii, which provides as follows:

"If a Participating Local Government receiving a direct payment (a) uses Opioid Funds other than as provided for in the respective Settlements, (b) does not comply with conditions for receiving

direct payments under the MOU, or (c) does not promptly submit necessary reporting and compliance information to its Regional Opioid Abatement Counsel (“Regional OAC”) as defined at Section C.4.h of the MOU, then the Regional OAC may suspend direct payments to the Participating Local Government after notice, an opportunity to cure, and sufficient due process. If direct payments to Participating Local Government are suspended, the payments shall be treated as if the Participating Local Government is foregoing their allocation of Opioid Funds pursuant to Section C.4.d and C.4.j.iii of the MOU. In the event of a suspension, the Regional OAC shall give prompt notice to the suspended Participating Local Government and the Settlement Fund Administrator specifying the reasons for the suspension, the process for reinstatement, the factors that will be considered for reinstatement, and the due process that will be provided. A suspended Participating Local Government may apply to the Regional OAC to be reinstated for direct payments no earlier than five years after the date of suspension.”

- F. The amounts payable to each law firm representing a Litigating Local Government from the GFF shall be consistent with the process set forth in the *Order Appointing the Fee Panel to Allocate and Disburse Attorney’s Fees Provided for in State Back-Stop Agreements*, Case No. 1:17-md-02804-DAP Doc #: 4543 (June 17, 2022). JoJo Tann (the “GFF Administrator”), who is authorized by the MDL Fee Panel (David R. Cohen, Randi S. Ellis and Hon. David R. Herndon (ret.)) to calculate the amounts due to eligible counsel from each State Back-Stop fund (i.e., the GFF) (*see id.* at p. 4), will oversee and confirm the amounts payable to each law firm representing a Litigating Local Government from the GFF. Upon written agreement between the law firms representing the Litigating Local Governments on the one hand and the Washington Attorney General’s Office on the other, in consultation with the Washington State Association of Counties and the Association of Washington Cities, the GFF Administrator may be replaced by another person, firm, or entity.
- G. The GFF set forth in the MOU shall be funded by the LG Share of the Washington Abatement Amount only. To the extent the common benefit tax is not already payable by the Settling Entities as contemplated by Section D.8 of the MOU, the GFF shall be used to pay Litigating Local Government contingency fee agreements and any common benefit tax referred to in Section D of the MOU, which shall be paid on a pro rata basis to eligible law firms as determined by the GFF Administrator.
- H. To fund the GFF, fifteen percent (15%) of the LG Share shall be deposited in the GFF from each LG Share settlement payment until the Litigating Subdivisions’ contingency fee agreements and common benefit tax (if any) referred to in Section D of the MOU are satisfied. Under no

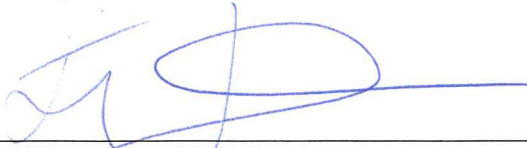
circumstances will any Primary Subdivision or Litigating Local Government be required to contribute to the GFF more than 15% of the portion of the LG Share allocated to such Primary Subdivision or Litigating Local Government. In addition, under no circumstances will any portion of the LG Share allocated to a Litigating Local Government be used to pay the contingency fees or litigation expenses of counsel for some other Litigating Local Government.

- I. The maximum amount of any Litigating Local Government contingency fee agreement (from the Contingency Fee Fund of the respective Settlements) payable to a law firm permitted for compensation shall be fifteen percent (15%) of the portion of the LG Share paid to the Litigating Local Government that retained that firm (i.e., if City X filed suit with outside counsel on a contingency fee contract and City X receives \$1,000,000 from the Walmart Settlement, then the maximum that the firm can receive is \$150,000 for fees.) The firms also shall be paid documented expenses due under their contingency fee agreements that have been paid by the law firm attributable to that Litigating Local Government. Consistent with Agreement on Attorneys' Fees, Costs, and Expenses, which is Exhibit R of the Settlements, amounts due to Participating Litigating Subdivisions' attorneys under this Allocation Agreement II shall not impact (i) costs paid by the subdivisions to their attorneys pursuant to a State Back-Stop agreement, (ii) fees paid to subdivision attorneys from the Common Benefit Fund for common benefit work performed by the attorneys pursuant to Exhibit R of the Settlements, or (iii) costs paid to subdivision attorneys from the MDL Expense Fund for expenses incurred by the attorneys pursuant to the Settlements.
- J. Under no circumstances may counsel receive more for its work on behalf of a Litigating Local Government than it would under its contingency agreement with that Litigating Local Government. To the extent a law firm was retained by a Litigating Local Government on a contingency fee agreement that provides for compensation at a rate that is less than fifteen percent (15%) of that Litigating Local Government's recovery, the maximum amount payable to that law firm referred to in Section D.3 of the MOU shall be the percentage set forth in that contingency fee agreement.
- K. For the avoidance of doubt, both payments from the GFF and the payment to the Participating Litigating Local Governments' attorneys from the Contingency Fee Fund in the respective Settlements shall be included when calculating whether the aforementioned fifteen percent (15%) maximum percentage (or less if the provisions of Paragraph 10.J of this Allocation Agreement II apply) of any Litigating Local Government contingency fee agreement referred to above has been met.

- L. To the extent there are any excess funds in the GFF, the GFF Administrator and the Settlement Administrator shall facilitate the return of those funds to the Participating Local Governments as provided for in Section D.6 of the MOU.
13. In connection with the execution and administration of this Allocation Agreement II, the State and the Participating Local Governments agree to abide by the Public Records Act, RCW 42.56 *et seq.*
14. All Participating Local Governments, Regional OACs, and the State shall maintain all non-transitory records related to this Allocation Agreement II as well as the receipt and expenditure of the funds from the Settlements for no less than five (5) years.
15. If any party to this Allocation Agreement II believes that a Participating Local Government, Regional OAC, the State, an entity, or individual involved in the receipt, distribution, or administration of the funds from the Settlements has violated any applicable ethics codes or rules, a complaint shall be lodged with the appropriate forum for handling such matters, with a copy of the complaint promptly sent to the Washington Attorney General, Complex Litigation Division, Division Chief, 800 Fifth Avenue, Suite 2000, Seattle, Washington 98104.
16. To the extent (i) a region utilizes a pre-existing regional body to establish its Opioid Abatement Council pursuant to the Section 4.h of the MOU, and (ii) that pre-existing regional body is subject to the requirements of the Community Behavioral Health Services Act, RCW 71.24 *et seq.*, the State and the Participating Local Governments agree that the Opioid Funds paid by the Settling Entities are subject to the requirements of the MOU and this Allocation Agreement II.
17. Upon request by any of the Settling Entities, the Participating Local Governments must comply with the Tax Cooperation and Reporting provisions of the respective Settlement.
18. Venue for any legal action related to this Allocation Agreement II (separate and apart from the MOU or the Settlements) shall be in King County, Washington.
19. Each party represents that all procedures necessary to authorize such party's execution of this Allocation Agreement II have been performed and that such person signing for such party has been authorized to execute this Allocation Agreement II.

FOR THE STATE OF WASHINGTON:

ROBERT W. FERGUSON
Attorney General



JEFFREY G. RUPERT
Division Chief

Date: 1-27-23

FOR THE PARTICIPATING LOCAL GOVERNMENT:

Name of Participating Local Government: _____

Authorized signature: _____

Name: _____

Title: _____

Date: _____

EXHIBIT 1
Subdivision Settlement Participation Form
(Exhibit K of the Walmart Settlement)

EXHIBIT K

Subdivision Participation Form

Governmental Entity:	State:
Authorized Official:	
Address 1:	
Address 2:	
City, State, Zip:	
Phone:	
Email:	

The governmental entity identified above ("Governmental Entity"), in order to obtain and in consideration for the benefits provided to the Governmental Entity pursuant to the Settlement Agreement dated November 14, 2022 ("Walmart Settlement"), and acting through the undersigned authorized official, hereby elects to participate in the Walmart Settlement, release all Released Claims against all Released Entities, and agrees as follows.

1. The Governmental Entity is aware of and has reviewed the Walmart Settlement, understands that all terms in this Election and Release have the meanings defined therein, and agrees that by this Election, the Governmental Entity elects to participate in the Walmart Settlement and become a Participating Subdivision as provided therein.
2. The Governmental Entity shall promptly, and in any event within 14 days of the Effective Date and prior to the filing of the Consent Judgment, dismiss with prejudice any Released Claims that it has filed. With respect to any Released Claims pending in In re National Prescription Opiate Litigation, MDL No. 2804, the Governmental Entity authorizes the Plaintiffs' Executive Committee to execute and file on behalf of the Governmental Entity a Stipulation of Dismissal With Prejudice substantially in the form found at <https://nationalopioidsettlement.com/>.
3. The Governmental Entity agrees to the terms of the Walmart Settlement pertaining to Subdivisions as defined therein.
4. By agreeing to the terms of the Walmart Settlement and becoming a Releasor, the Governmental Entity is entitled to the benefits provided therein, including, if applicable, monetary payments beginning after the Effective Date.
5. The Governmental Entity agrees to use any monies it receives through the Walmart Settlement solely for the purposes provided therein.



6. The Governmental Entity submits to the jurisdiction of the court in the Governmental Entity's state where the Consent Judgment is filed for purposes limited to that court's role as provided in, and for resolving disputes to the extent provided in, the Walmart Settlement.
7. The Governmental Entity has the right to enforce the Walmart Settlement as provided therein.
8. The Governmental Entity, as a Participating Subdivision, hereby becomes a Releasor for all purposes in the Walmart Settlement, including but not limited to all provisions of Section X (Release), and along with all departments, agencies, divisions, boards, commissions, districts, instrumentalities of any kind and attorneys, and any person in their official capacity elected or appointed to serve any of the foregoing and any agency, person, or other entity claiming by or through any of the foregoing, and any other entity identified in the definition of Releasor, provides for a release to the fullest extent of its authority. As a Releasor, the Governmental Entity hereby absolutely, unconditionally, and irrevocably covenants not to bring, file, or claim, or to cause, assist or permit to be brought, filed, or claimed, or to otherwise seek to establish liability for any Released Claims against any Released Entity in any forum whatsoever. The releases provided for in the Walmart Settlement are intended by the Parties to be broad and shall be interpreted so as to give the Released Entities the broadest possible bar against any liability relating in any way to Released Claims and extend to the full extent of the power of the Governmental Entity to release claims. The Walmart Settlement shall be a complete bar to any Released Claim.
9. In connection with the releases provided for in the Walmart Settlement, each Governmental Entity expressly waives, releases, and forever discharges any and all provisions, rights, and benefits conferred by any law of any state or territory of the United States or other jurisdiction, or principle of common law, which is similar, comparable, or equivalent to § 1542 of the California Civil Code, which reads:

General Release; extent. A general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release that, if known by him or her, would have materially affected his or her settlement with the debtor or released party.

A Releasor may hereafter discover facts other than or different from those which it knows, believes, or assumes to be true with respect to the Released Claims, but each Governmental Entity hereby expressly waives and fully, finally, and forever settles, releases and discharges, upon the Effective Date, any and all Released Claims that may exist as of such date but which Releasors do not know or suspect to exist, whether through ignorance, oversight, error, negligence or through no fault whatsoever, and which, if known, would materially affect the Governmental Entities' decision to participate in the Walmart Settlement.

10. Nothing herein is intended to modify in any way the terms of the Walmart Settlement, to which Governmental Entity hereby agrees. To the extent this Election and Release is interpreted differently from the Walmart Settlement in any respect, the Walmart Settlement controls.



I have all necessary power and authorization to execute this Election and Release on behalf of the Governmental Entity.

Signature: _____

Name: _____

Title: _____

Date: _____



EXHIBIT 2
Subdivision Settlement Participation Form
(Exhibit K of the Teva Settlement)

Exhibit K
Subdivision and Special District Settlement Participation Form

Governmental Entity:	State:
Authorized Signatory:	
Address 1:	
Address 2:	
City, State, Zip:	
Phone:	
Email:	

The governmental entity identified above (“*Governmental Entity*”), in order to obtain and in consideration for the benefits provided to the Governmental Entity pursuant to the Agreement dated November 22, 2022 (“*Teva Settlement*”), and acting through the undersigned authorized official, hereby elects to participate in the Teva Settlement, release all Released Claims against all Released Entities, and agrees as follows.

1. The Governmental Entity is aware of and has reviewed the Teva Settlement, understands that all terms in this Election and Release have the meanings defined therein, and agrees that by this Election, the Governmental Entity elects to participate in the Teva Settlement as provided therein.
2. Following the execution of this Settlement Participation Form, the Governmental Entity shall comply with Section III.B of the Teva Settlement regarding Cessation of Litigation Activities.
3. The Governmental Entity shall, within 14 days of the Reference Date and prior to the filing of the Consent Judgment, file a request to dismiss with prejudice any Released Claims that it has filed. With respect to any Released Claims pending in In re National Prescription Opiate Litigation, MDL No. 2804, the Governmental Entity authorizes the Plaintiffs’ Executive Committee to execute and file on behalf of the Governmental Entity a Stipulation of Dismissal With Prejudice substantially in the form found at <https://nationalopioidsettlement.com>.
4. The Governmental Entity agrees to the terms of the Teva Settlement pertaining to Subdivisions as defined therein.
5. By agreeing to the terms of the Teva Settlement and becoming a Releasor, the Governmental Entity is entitled to the benefits provided therein, including, if applicable, monetary payments beginning after the Effective Date.
6. The Governmental Entity agrees to use any monies it receives through the Teva Settlement solely for the purposes provided therein.
7. The Governmental Entity submits to the jurisdiction of the court in the Governmental Entity’s state where the Consent Judgment is filed for purposes limited to that court’s role as provided in, and for resolving disputes to the extent provided in, the Teva Settlement.



8. The Governmental Entity has the right to enforce the Teva Settlement as provided therein.
9. The Governmental Entity, as a Participating Subdivision or Participating Special District, hereby becomes a Releasor for all purposes in the Teva Settlement, including but not limited to all provisions of Section V (Release), and along with all departments, agencies, divisions, boards, commissions, districts, instrumentalities of any kind and attorneys, and any person in their official capacity elected or appointed to serve any of the foregoing and any agency, person, or other entity claiming by or through any of the foregoing, and any other entity identified in the definition of Releasor, provides for a release to the fullest extent of its authority. As a Releasor, the Governmental Entity hereby absolutely, unconditionally, and irrevocably covenants not to bring, file, or claim, or to cause, assist or permit to be brought, filed, or claimed, or to otherwise seek to establish liability for any Released Claims against any Released Entity in any forum whatsoever. The releases provided for in the Teva Settlement are intended by Released Entities and the Governmental Entity to be broad and shall be interpreted so as to give the Released Entities the broadest possible bar against any liability relating in any way to Released Claims and extend to the full extent of the power of the Governmental Entity to release claims. The Teva Settlement shall be a complete bar to any Released Claim.
10. The Governmental Entity hereby takes on all rights and obligations of a Participating Subdivision or Participating Special District as set forth in the Teva Settlement.
11. In connection with the releases provided for in the Teva Settlement, each Governmental Entity expressly waives, releases, and forever discharges any and all provisions, rights, and benefits conferred by any law of any state or territory of the United States or other jurisdiction, or principle of common law, which is similar, comparable, or equivalent to § 1542 of the California Civil Code, which reads:

General Release; extent. A general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release that, if known by him or her, would have materially affected his or her settlement with the debtor or released party.

A Releasor may hereafter discover facts other than or different from those which it knows, believes, or assumes to be true with respect to the Released Claims, but each Governmental Entity hereby expressly waives and fully, finally, and forever settles, releases and discharges, upon the Effective Date, any and all Released Claims that may exist as of such date but which Releasors do not know or suspect to exist, whether through ignorance, oversight, error, negligence or through no fault whatsoever, and which, if known, would materially affect the Governmental Entities' decision to participate in the Teva Settlement.

12. Nothing herein is intended to modify in any way the terms of the Teva Settlement, to which Governmental Entity hereby agrees. To the extent this Election and Release is interpreted differently from the Teva Settlement in any respect, the Teva Settlement controls.



I have all necessary power and authorization to execute this Election and Release on behalf of the Governmental Entity.

Signature: _____

Name: _____

Title: _____

Date: _____



EXHIBIT 3
Subdivision Settlement Participation Form
(Exhibit K of the Allergan Settlement)

EXHIBIT K
Subdivision and Special District Settlement Participation Form

Governmental Entity:	State:
Authorized Signatory:	
Address 1:	
Address 2:	
City, State, Zip:	
Phone:	
Email:	

The governmental entity identified above (“*Governmental Entity*”), in order to obtain and in consideration for the benefits provided to the Governmental Entity pursuant to the Agreement dated November 22, 2022 (“*Allergan Settlement*”), and acting through the undersigned authorized official, hereby elects to participate in the Allergan Settlement, release all Released Claims against all Released Entities, and agrees as follows.

1. The Governmental Entity is aware of and has reviewed the Allergan Settlement, understands that all terms in this Election and Release have the meanings defined therein, and agrees that by this Election, the Governmental Entity elects to participate in the Allergan Settlement as provided therein.
2. Following the execution of this Settlement Participation Form, the Governmental Entity shall comply with Section III.B of the Allergan Settlement regarding Cessation of Litigation Activities.
3. The Governmental Entity shall, within fourteen (14) days of the Reference Date and prior to the filing of the Consent Judgment, file a request to dismiss with prejudice any Released Claims that it has filed. With respect to any Released Claims pending in *In re National Prescription Opiate Litigation*, MDL No. 2804, the Governmental Entity authorizes the MDL Plaintiffs’ Executive Committee to execute and file on behalf of the Governmental Entity a Stipulation of Dismissal With Prejudice substantially in the form found at <https://nationalopioidsettlement.com>.
4. The Governmental Entity agrees to the terms of the Allergan Settlement pertaining to Subdivisions and Special Districts as defined therein.
5. By agreeing to the terms of the Allergan Settlement and becoming a Releasor, the Governmental Entity is entitled to the benefits provided therein, including, if applicable, monetary payments beginning after the Effective Date.
6. The Governmental Entity agrees to use any monies it receives through the Allergan Settlement solely for the purposes provided therein.



7. The Governmental Entity submits to the jurisdiction of the court in the Governmental Entity's state where the Consent Judgment is filed for purposes limited to that court's role as provided in, and for resolving disputes to the extent provided in, the Allergan Settlement.
8. The Governmental Entity has the right to enforce the Allergan Settlement as provided therein.
9. The Governmental Entity, as a Participating Subdivision or Participating Special District, hereby becomes a Releasor for all purposes in the Allergan Settlement, including, but not limited to, all provisions of **Section V (Release)**, and along with all departments, agencies, divisions, boards, commissions, Subdivisions, districts, instrumentalities of any kind and attorneys, and any person in their official capacity whether elected or appointed to serve any of the foregoing and any agency, person, or other entity claiming by or through any of the foregoing, and any other entity identified in the definition of Releasor, provides for a release to the fullest extent of its authority. As a Releasor, the Governmental Entity hereby absolutely, unconditionally, and irrevocably covenants not to bring, file, or claim, or to cause, assist in bringing, or permit to be brought, filed, or claimed, or to otherwise seek to establish liability for any Released Claims against any Released Entity in any forum whatsoever. The releases provided for in the Allergan Settlement are intended to be broad and shall be interpreted so as to give the Released Entities the broadest possible bar against any liability relating in any way to Released Claims and extend to the full extent of the power of the Governmental Entity to release claims. The Allergan Settlement shall be a complete bar to any Released Claim.
10. The Governmental Entity hereby takes on all rights and obligations of a Participating Subdivision or Participating Special District as set forth in the Allergan Settlement.
11. In connection with the releases provided for in the Allergan Settlement, each Governmental Entity expressly waives, releases, and forever discharges any and all provisions, rights, and benefits conferred by any law of any state or territory of the United States or other jurisdiction, or principle of common law, which is similar, comparable, or equivalent to § 1542 of the California Civil Code, which reads:

General Release; extent. A general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release that, if known by him or her, would have materially affected his or her settlement with the debtor or released party.

A Releasor may hereafter discover facts other than or different from those which it knows, believes, or assumes to be true with respect to the Released Claims, but each Governmental Entity hereby expressly waives and fully, finally, and forever settles, releases and discharges, upon the Effective Date, any and all Released Claims that may exist as of such date but which Releasors do not know or suspect to exist, whether through ignorance, oversight, error, negligence or through no fault whatsoever, and which, if known, would materially affect the Governmental Entities' decision to participate in the Allergan Settlement.

12. Nothing herein is intended to modify in any way the terms of the Allergan Settlement, to which the Governmental Entity hereby agrees. To the extent this Settlement Participation Form is interpreted differently from the Allergan Settlement in any respect, the Allergan Settlement controls.



I have all necessary power and authorization to execute this Settlement Participation Form on behalf of the Governmental Entity.

Signature: _____

Name: _____

Title: _____

Date: _____



EXHIBIT 4
Subdivision Settlement Participation Form
(Exhibit K of the CVS Settlement)

EXHIBIT K

Subdivision Participation and Release Form

Governmental Entity:	State:
Authorized Signatory:	
Address 1:	
Address 2:	
City, State, Zip:	
Phone:	
Email:	

The governmental entity identified above ("*Governmental Entity*"), in order to obtain and in consideration for the benefits provided to the Governmental Entity pursuant to the Settlement Agreement dated December 9, 2022 ("*CVS Settlement*"), and acting through the undersigned authorized official, hereby elects to participate in the CVS Settlement, release all Released Claims against all Released Entities, and agrees as follows.

1. The Governmental Entity is aware of and has reviewed the CVS Settlement, understands that all terms in this Participation and Release Form have the meanings defined therein, and agrees that by executing this Participation and Release Form, the Governmental Entity elects to participate in the CVS Settlement and become a Participating Subdivision as provided therein.
2. The Governmental Entity shall promptly, and in any event no later than 14 days after the Reference Date and prior to the filing of the Consent Judgment, dismiss with prejudice any Released Claims that it has filed. With respect to any Released Claims pending in *In re National Prescription Opiate Litigation*, MDL No. 2804, the Governmental Entity authorizes the Plaintiffs' Executive Committee to execute and file on behalf of the Governmental Entity a Stipulation of Dismissal with Prejudice substantially in the form found at <https://nationalopioidsettlement.com>.
3. The Governmental Entity agrees to the terms of the CVS Settlement pertaining to Participating Subdivisions as defined therein.
4. By agreeing to the terms of the CVS Settlement and becoming a Releasor, the Governmental Entity is entitled to the benefits provided therein, including, if applicable, monetary payments beginning after the Effective Date.
5. The Governmental Entity agrees to use any monies it receives through the CVS Settlement solely for the purposes provided therein.



6. The Governmental Entity submits to the jurisdiction of the court in the Governmental Entity's state where the Consent Judgment is filed for purposes limited to that court's role as provided in, and for resolving disputes to the extent provided in, the CVS Settlement. The Governmental Entity likewise agrees to arbitrate before the National Arbitration Panel as provided in, and for resolving disputes to the extent otherwise provided in, the CVS Settlement.
7. The Governmental Entity has the right to enforce the CVS Settlement as provided therein.
8. The Governmental Entity, as a Participating Subdivision, hereby becomes a Releasor for all purposes in the CVS Settlement, including without limitation all provisions of Section XI (Release), and along with all departments, agencies, divisions, boards, commissions, districts, instrumentalities of any kind and attorneys, and any person in their official capacity elected or appointed to serve any of the foregoing and any agency, person, or other entity claiming by or through any of the foregoing, and any other entity identified in the definition of Releasor, provides for a release to the fullest extent of its authority. As a Releasor, the Governmental Entity hereby absolutely, unconditionally, and irrevocably covenants not to bring, file, or claim, or to cause, assist or permit to be brought, filed, or claimed, or to otherwise seek to establish liability for any Released Claims against any Released Entity in any forum whatsoever. The releases provided for in the CVS Settlement are intended by the Parties to be broad and shall be interpreted so as to give the Released Entities the broadest possible bar against any liability relating in any way to Released Claims and extend to the full extent of the power of the Governmental Entity to release claims. The CVS Settlement shall be a complete bar to any Released Claim.
9. The Governmental Entity hereby takes on all rights and obligations of a Participating Subdivision as set forth in the CVS Settlement.
10. In connection with the releases provided for in the CVS Settlement, each Governmental Entity expressly waives, releases, and forever discharges any and all provisions, rights, and benefits conferred by any law of any state or territory of the United States or other jurisdiction, or principle of common law, which is similar, comparable, or equivalent to § 1542 of the California Civil Code, which reads:

General Release; extent. A general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release that, if known by him or her would have materially affected his or her settlement with the debtor or released party.

A Releasor may hereafter discover facts other than or different from those which it knows, believes, or assumes to be true with respect to the Released Claims, but each Governmental Entity hereby expressly waives and fully, finally, and forever settles, releases and discharges, upon the Effective Date, any and all Released Claims that may exist as of such date but which Releasors do not know or suspect to exist, whether through ignorance, oversight, error, negligence or through no fault whatsoever, and which, if known, would materially affect the Governmental Entities' decision to participate in the CVS Settlement.



11. Nothing herein is intended to modify in any way the terms of the CVS Settlement, to which Governmental Entity hereby agrees. To the extent this Participation and Release Form is interpreted differently from the CVS Settlement in any respect, the CVS Settlement controls.

I have all necessary power and authorization to execute this Participation and Release Form on behalf of the Governmental Entity.

Signature: _____

Name: _____

Title: _____

Date: _____



EXHIBIT 5
Subdivision Settlement Participation Form
(Exhibit K of the Walgreens Settlement)

EXHIBIT K

Subdivision Participation and Release Form

Governmental Entity:	State:
Authorized Signatory:	
Address 1:	
Address 2:	
City, State, Zip:	
Phone:	
Email:	

The governmental entity identified above (“*Governmental Entity*”), in order to obtain and in consideration for the benefits provided to the Governmental Entity pursuant to the Settlement Agreement dated December 9, 2022 (“*Walgreens Settlement*”), and acting through the undersigned authorized official, hereby elects to participate in the Walgreens Settlement, release all Released Claims against all Released Entities, and agrees as follows.

1. The Governmental Entity is aware of and has reviewed the Walgreens Settlement, understands that all terms in this Participation and Release Form have the meanings defined therein, and agrees that by executing this Participation and Release Form, the Governmental Entity elects to participate in the Walgreens Settlement and become a Participating Subdivision as provided therein.
2. The Governmental Entity shall promptly, and in any event no later than 14 days after the Reference Date and prior to the filing of the Consent Judgment, dismiss with prejudice any Released Claims that it has filed. With respect to any Released Claims pending in *In re National Prescription Opiate Litigation*, MDL No. 2804, the Governmental Entity authorizes the Plaintiffs’ Executive Committee to execute and file on behalf of the Governmental Entity a Stipulation of Dismissal with Prejudice substantially in the form found at <https://nationalopioidsettlement.com>.
3. The Governmental Entity agrees to the terms of the Walgreens Settlement pertaining to Participating Subdivisions as defined therein.
4. By agreeing to the terms of the Walgreens Settlement and becoming a Releasor, the Governmental Entity is entitled to the benefits provided therein, including, if applicable, monetary payments beginning after the Effective Date.
5. The Governmental Entity agrees to use any monies it receives through the Walgreens Settlement solely for the purposes provided therein.



6. The Governmental Entity submits to the jurisdiction of the court in the Governmental Entity's state where the Consent Judgment is filed for purposes limited to that court's role as provided in, and for resolving disputes to the extent provided in, the Walgreens Settlement. The Governmental Entity likewise agrees to arbitrate before the National Arbitration Panel as provided in, and for resolving disputes to the extent otherwise provided in, the Walgreens Settlement.
7. The Governmental Entity has the right to enforce the Walgreens Settlement as provided therein.
8. The Governmental Entity, as a Participating Subdivision, hereby becomes a Releasor for all purposes in the Walgreens Settlement, including without limitation all provisions of Section XI (Release), and along with all departments, agencies, divisions, boards, commissions, districts, instrumentalities of any kind and attorneys, and any person in their official capacity elected or appointed to serve any of the foregoing and any agency, person, or other entity claiming by or through any of the foregoing, and any other entity identified in the definition of Releasor, provides for a release to the fullest extent of its authority. As a Releasor, the Governmental Entity hereby absolutely, unconditionally, and irrevocably covenants not to bring, file, or claim, or to cause, assist or permit to be brought, filed, or claimed, or to otherwise seek to establish liability for any Released Claims against any Released Entity in any forum whatsoever. The releases provided for in the Walgreens Settlement are intended by the Parties to be broad and shall be interpreted so as to give the Released Entities the broadest possible bar against any liability relating in any way to Released Claims and extend to the full extent of the power of the Governmental Entity to release claims. The Walgreens Settlement shall be a complete bar to any Released Claim.
9. The Governmental Entity hereby takes on all rights and obligations of a Participating Subdivision as set forth in the Walgreens Settlement.
10. In connection with the releases provided for in the Walgreens Settlement, each Governmental Entity expressly waives, releases, and forever discharges any and all provisions, rights, and benefits conferred by any law of any state or territory of the United States or other jurisdiction, or principle of common law, which is similar, comparable, or equivalent to § 1542 of the California Civil Code, which reads:

General Release; extent. A general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release that, if known by him or her would have materially affected his or her settlement with the debtor or released party.

A Releasor may hereafter discover facts other than or different from those which it knows, believes, or assumes to be true with respect to the Released Claims, but each Governmental Entity hereby expressly waives and fully, finally, and forever settles, releases and discharges, upon the Effective Date, any and all Released Claims that may exist as of such date but which Releasors do not know or suspect to exist, whether through ignorance, oversight, error, negligence or through no fault whatsoever, and which, if known, would materially affect the Governmental Entities' decision to participate in the Walgreens Settlement.



11. Nothing herein is intended to modify in any way the terms of the Walgreens Settlement, to which Governmental Entity hereby agrees. To the extent this Participation and Release Form is interpreted differently from the Walgreens Settlement in any respect, the Walgreens Settlement controls.

I have all necessary power and authorization to execute this Participation and Release Form on behalf of the Governmental Entity.

Signature: _____

Name: _____

Title: _____

Date: _____



EXHIBIT 6
One Washington Memorandum of Understanding Between Washington Municipalities

ONE WASHINGTON MEMORANDUM OF UNDERSTANDING BETWEEN WASHINGTON MUNICIPALITIES

Whereas, the people of the State of Washington and its communities have been harmed by entities within the Pharmaceutical Supply Chain who manufacture, distribute, and dispense prescription opioids;

Whereas, certain Local Governments, through their elected representatives and counsel, are engaged in litigation seeking to hold these entities within the Pharmaceutical Supply Chain of prescription opioids accountable for the damage they have caused to the Local Governments;

Whereas, Local Governments and elected officials share a common desire to abate and alleviate the impacts of harms caused by these entities within the Pharmaceutical Supply Chain throughout the State of Washington, and strive to ensure that principals of equity and equitable service delivery are factors considered in the allocation and use of Opioid Funds; and

Whereas, certain Local Governments engaged in litigation and the other cities and counties in Washington desire to agree on a form of allocation for Opioid Funds they receive from entities within the Pharmaceutical Supply Chain.

Now therefore, the Local Governments enter into this Memorandum of Understanding (“MOU”) relating to the allocation and use of the proceeds of Settlements described.

A. Definitions

As used in this MOU:

1. “Allocation Regions” are the same geographic areas as the existing nine (9) Washington State Accountable Community of Health (ACH) Regions and have the purpose described in Section C below.
2. “Approved Purpose(s)” shall mean the strategies specified and set forth in the Opioid Abatement Strategies attached as Exhibit A.
3. “Effective Date” shall mean the date on which a court of competent jurisdiction enters the first Settlement by order or consent decree. The Parties anticipate that more than one Settlement will be administered according to the terms of this MOU, but that the first entered Settlement will trigger allocation of Opioid Funds in accordance with Section B herein, and the formation of the Opioid Abatement Councils in Section C.
4. “Litigating Local Government(s)” shall mean Local Governments that filed suit against any Pharmaceutical Supply Chain Participant pertaining to the Opioid epidemic prior to September 1, 2020.

5. “Local Government(s)” shall mean all counties, cities, and towns within the geographic boundaries of the State of Washington.

6. “National Settlement Agreements” means the national opioid settlement agreements dated July 21, 2021 involving Johnson & Johnson, and distributors AmerisourceBergen, Cardinal Health and McKesson as well as their subsidiaries, affiliates, officers, and directors named in the National Settlement Agreements, including all amendments thereto.

7. “Opioid Funds” shall mean monetary amounts obtained through a Settlement as defined in this MOU.

8. “Opioid Abatement Council” shall have the meaning described in Section C below.

9. “Participating Local Government(s)” shall mean all counties, cities, and towns within the geographic boundaries of the State that have chosen to sign on to this MOU. The Participating Local Governments may be referred to separately in this MOU as “Participating Counties” and “Participating Cities and Towns” (or “Participating Cities or Towns,” as appropriate) or “Parties.”

10. “Pharmaceutical Supply Chain” shall mean the process and channels through which controlled substances are manufactured, marketed, promoted, distributed, and/or dispensed, including prescription opioids.

11. “Pharmaceutical Supply Chain Participant” shall mean any entity that engages in or has engaged in the manufacture, marketing, promotion, distribution, and/or dispensing of a prescription opioid, including any entity that has assisted in any of the above.

12. “Qualified Settlement Fund Account,” or “QSF Account,” shall mean an account set up as a qualified settlement fund, 468b fund, as authorized by Treasury Regulations 1.468B-1(c) (26 CFR §1.468B-1).

13. “Regional Agreements” shall mean the understanding reached by the Participating Local Counties and Cities within an Allocation Region governing the allocation, management, distribution of Opioid Funds within that Allocation Region.

14. “Settlement” shall mean the future negotiated resolution of legal or equitable claims against a Pharmaceutical Supply Chain Participant when that resolution has been jointly entered into by the Participating Local Governments. “Settlement” expressly does not include a plan of reorganization confirmed under Title 11 of the United States Code, irrespective of the extent to which Participating Local Governments vote in favor of or otherwise support such plan of reorganization.

15. “Trustee” shall mean an independent trustee who shall be responsible for the ministerial task of releasing Opioid Funds from a QSF account to Participating Local Governments as authorized herein and accounting for all payments into or out of the trust.

16. The “Washington State Accountable Communities of Health” or “ACH” shall mean the nine (9) regions described in Section C below.

B. Allocation of Settlement Proceeds for Approved Purposes

1. All Opioid Funds shall be held in a QSF and distributed by the Trustee, for the benefit of the Participating Local Governments, only in a manner consistent with this MOU. Distribution of Opioid Funds will be subject to the mechanisms for auditing and reporting set forth below to provide public accountability and transparency.

2. All Opioid Funds, regardless of allocation, shall be utilized pursuant to Approved Purposes as defined herein and set forth in Exhibit A. Compliance with this requirement shall be verified through reporting, as set out in this MOU.

3. The division of Opioid Funds shall first be allocated to Participating Counties based on the methodology utilized for the Negotiation Class in *In Re: National Prescription Opiate Litigation*, United States District Court for the Northern District of Ohio, Case No. 1:17-md-02804-DAP. The allocation model uses three equally weighted factors: (1) the amount of opioids shipped to the county; (2) the number of opioid deaths that occurred in that county; and (3) the number of people who suffer opioid use disorder in that county. The allocation percentages that result from application of this methodology are set forth in the “County Total” line item in Exhibit B. In the event any county does not participate in this MOU, that county’s percentage share shall be reallocated proportionally amongst the Participating Counties by applying this same methodology to only the Participating Counties.

4. Allocation and distribution of Opioid Funds within each Participating County will be based on regional agreements as described in Section C.

C. Regional Agreements

1. For the purpose of this MOU, the regional structure for decision-making related to opioid fund allocation will be based upon the nine (9) pre-defined Washington State Accountable Community of Health Regions (Allocation Regions). Reference to these pre-defined regions is solely for the purpose of

drawing geographic boundaries to facilitate regional agreements for use of Opioid Funds. The Allocation Regions are as follows:

- King County (Single County Region)
- Pierce County (Single County Region)
- Olympic Community of Health Region (Clallam, Jefferson, and Kitsap Counties)
- Cascade Pacific Action Alliance Region (Cowlitz, Grays Harbor, Lewis, Mason, Pacific, Thurston, and Wahkiakum Counties)
- North Sound Region (Island, San Juan, Skagit, Snohomish, and Whatcom Counties)
- SouthWest Region (Clark, Klickitat, and Skamania Counties)
- Greater Columbia Region (Asotin, Benton, Columbia, Franklin, Garfield, Kittitas, Walla Walla, Whitman, and Yakima Counties)
- Spokane Region (Adams, Ferry, Lincoln, Pend Oreille, Spokane, and Stevens Counties)
- North Central Region (Chelan, Douglas, Grant, and Okanogan Counties)

2. Opioid Funds will be allocated, distributed and managed within each Allocation Region, as determined by its Regional Agreement as set forth below. If an Allocation Region does not have a Regional Agreement enumerated in this MOU, and does not subsequently adopt a Regional Agreement per Section C.5, the default mechanism for allocation, distribution and management of Opioid Funds described in Section C.4.a will apply. Each Allocation Region must have an OAC whose composition and responsibilities shall be defined by Regional Agreement or as set forth in Section C.4.

3. King County's Regional Agreement is reflected in Exhibit C to this MOU.

4. All other Allocation Regions that have not specified a Regional Agreement for allocating, distributing and managing Opioid Funds, will apply the following default methodology:

- a. Opioid Funds shall be allocated within each Allocation Region by taking the allocation for a Participating County from Exhibit B and apportioning those funds between that Participating County and its Participating Cities and Towns. Exhibit B also sets forth the allocation to the Participating Counties and the Participating Cities or Towns within the Counties based on a default allocation formula. As set forth above in Section B.3, to determine the allocation to a county, this formula utilizes: (1) the amount of opioids shipped to the county; (2) the number of opioid deaths that occurred in that county; and (3) the number of people who suffer opioid use disorder in that county. To determine the allocation within a county, the formula utilizes historical federal data showing how the specific Counties and the Cities and Towns within the Counties have

made opioids epidemic-related expenditures in the past. This is the same methodology used in the National Settlement Agreements for county and intra-county allocations. A Participating County, and the Cities and Towns within it may enter into a separate intra-county allocation agreement to modify how the Opioid Funds are allocated amongst themselves, provided the modification is in writing and agreed to by all Participating Local Governments in the County. Such an agreement shall not modify any of the other terms or requirements of this MOU.

b. 10% of the Opioid Funds received by the Region will be reserved, on an annual basis, for administrative costs related to the OAC. The OAC will provide an annual accounting for actual costs and any reserved funds that exceed actual costs will be reallocated to Participating Local Governments within the Region.

c. Cities and towns with a population of less than 10,000 shall be excluded from the allocation, with the exception of cities and towns that are Litigating Participating Local Governments. The portion of the Opioid Funds that would have been allocated to a city or town with a population of less than 10,000 that is not a Litigating Participating Local Government shall be redistributed to Participating Counties in the manner directed in C.4.a above.

d. Each Participating County, City, or Town may elect to have its share re-allocated to the OAC in which it is located. The OAC will then utilize this share for the benefit of Participating Local Governments within that Allocation Region, consistent with the Approved Purposes set forth in Exhibit A. A Participating Local Government's election to forego its allocation of Opioid Funds shall apply to all future allocations unless the Participating Local Government notifies its respective OAC otherwise. If a Participating Local Government elects to forego its allocation of the Opioid Funds, the Participating Local Government shall be excused from the reporting requirements set forth in this Agreement.

e. Participating Local Governments that receive a direct payment maintain full discretion over the use and distribution of their allocation of Opioid Funds, provided the Opioid Funds are used solely for Approved Purposes. Reasonable administrative costs for a Participating Local Government to administer its allocation of Opioid Funds shall not exceed actual costs or 10% of the Participating Local Government's allocation of Opioid Funds, whichever is less.

f. A Local Government that chooses not to become a Participating Local Government will not receive a direct allocation of Opioid Funds. The portion of the Opioid Funds that would have been allocated to a Local Government that is not a Participating Local Government shall be

redistributed to Participating Counties in the manner directed in C.4.a above.

g. As a condition of receiving a direct payment, each Participating Local Government that receives a direct payment agrees to undertake the following actions:

- i. Developing a methodology for obtaining proposals for use of Opioid Funds.
- ii. Ensuring there is opportunity for community-based input on priorities for Opioid Fund programs and services.
- iii. Receiving and reviewing proposals for use of Opioid Funds for Approved Purposes.
- iv. Approving or denying proposals for use of Opioid Funds for Approved Purposes.
- v. Receiving funds from the Trustee for approved proposals and distributing the Opioid Funds to the recipient.
- vi. Reporting to the OAC and making publicly available all decisions on Opioid Fund allocation applications, distributions and expenditures.

h. Prior to any distribution of Opioid Funds within the Allocation Region, The Participating Local Governments must establish an Opioid Abatement Council (OAC) to oversee Opioid Fund allocation, distribution, expenditures and dispute resolution. The OAC may be a preexisting regional body or may be a new body created for purposes of executing the obligations of this MOU.

i. The OAC for each Allocation Region shall be composed of representation from both Participating Counties and Participating Towns or Cities within the Region. The method of selecting members, and the terms for which they will serve will be determined by the Allocation Region's Participating Local Governments. All persons who serve on the OAC must have work or educational experience pertaining to one or more Approved Uses.

j. The Regional OAC will be responsible for the following actions:

- i. Overseeing distribution of Opioid Funds from Participating Local Governments to programs and services within the Allocation Region for Approved Purposes.

- ii. Annual review of expenditure reports from Participating Local Jurisdictions within the Allocation Region for compliance with Approved Purposes and the terms of this MOU and any Settlement.
- iii. In the case where Participating Local Governments chose to forego their allocation of Opioid Funds:
 - (i) Approving or denying proposals by Participating Local Governments or community groups to the OAC for use of Opioid Funds within the Allocation Region.
 - (ii) Directing the Trustee to distribute Opioid Funds for use by Participating Local Governments or community groups whose proposals are approved by the OAC.
 - (iii) Administrating and maintaining records of all OAC decisions and distributions of Opioid Funds.
- iv. Reporting and making publicly available all decisions on Opioid Fund allocation applications, distributions and expenditures by the OAC or directly by Participating Local Governments.
- v. Developing and maintaining a centralized public dashboard or other repository for the publication of expenditure data from any Participating Local Government that receives Opioid Funds, and for expenditures by the OAC in that Allocation Region, which it shall update at least annually.
- vi. If necessary, requiring and collecting additional outcome-related data from Participating Local Governments to evaluate the use of Opioid Funds, and all Participating Local Governments shall comply with such requirements.
- vii. Hearing complaints by Participating Local Governments within the Allocation Region regarding alleged failure to (1) use Opioid Funds for Approved Purposes or (2) comply with reporting requirements.

5. Participating Local Governments may agree and elect to share, pool, or collaborate with their respective allocation of Opioid Funds in any manner they choose by adopting a Regional Agreement, so long as such sharing, pooling, or collaboration is used for Approved Purposes and complies with the terms of this MOU and any Settlement.

6. Nothing in this MOU should alter or change any Participating Local Government's rights to pursue its own claim. Rather, the intent of this MOU is to join all parties who wish to be Participating Local Governments to agree upon an allocation formula for any Opioid Funds from any future binding Settlement with one or more Pharmaceutical Supply Chain Participants for all Local Governments in the State of Washington.

7. If any Participating Local Government disputes the amount it receives from its allocation of Opioid Funds, the Participating Local Government shall alert its respective OAC within sixty (60) days of discovering the information underlying the dispute. Failure to alert its OAC within this time frame shall not constitute a waiver of the Participating Local Government's right to seek recoupment of any deficiency in its allocation of Opioid Funds.

8. If any OAC concludes that a Participating Local Government's expenditure of its allocation of Opioid Funds did not comply with the Approved Purposes listed in Exhibit A, or the terms of this MOU, or that the Participating Local Government otherwise misused its allocation of Opioid Funds, the OAC may take remedial action against the alleged offending Participating Local Government. Such remedial action is left to the discretion of the OAC and may include withholding future Opioid Funds owed to the offending Participating Local Government or requiring the offending Participating Local Government to reimburse improperly expended Opioid Funds back to the OAC to be re-allocated to the remaining Participating Local Governments within that Region.

9. All Participating Local Governments and OAC shall maintain all records related to the receipt and expenditure of Opioid Funds for no less than five (5) years and shall make such records available for review by any other Participating Local Government or OAC, or the public. Records requested by the public shall be produced in accordance with Washington's Public Records Act RCW 42.56.001 *et seq.* Records requested by another Participating Local Government or an OAC shall be produced within twenty-one (21) days of the date the record request was received. This requirement does not supplant any Participating Local Government or OAC's obligations under Washington's Public Records Act RCW 42.56.001 *et seq.*

D. Payment of Counsel and Litigation Expenses

1. The Litigating Local Governments have incurred attorneys' fees and litigation expenses relating to their prosecution of claims against the Pharmaceutical Supply Chain Participants, and this prosecution has inured to the benefit of all Participating Local Governments. Accordingly, a Washington

Government Fee Fund (“GFF”) shall be established that ensures that all Parties that receive Opioid Funds contribute to the payment of fees and expenses incurred to prosecute the claims against the Pharmaceutical Supply Chain Participants, regardless of whether they are litigating or non-litigating entities.

2. The amount of the GFF shall be based as follows: the funds to be deposited in the GFF shall be equal to 15% of the total cash value of the Opioid Funds.

3. The maximum percentage of any contingency fee agreement permitted for compensation shall be 15% of the portion of the Opioid Funds allocated to the Litigating Local Government that is a party to the contingency fee agreement, plus expenses attributable to that Litigating Local Government. Under no circumstances may counsel collect more for its work on behalf of a Litigating Local Government than it would under its contingency agreement with that Litigating Local Government.

4. Payments from the GFF shall be overseen by a committee (the “Opioid Fee and Expense Committee”) consisting of one representative of the following law firms: (a) Keller Rohrback L.L.P.; (b) Hagens Berman Sobol Shapiro LLP; (c) Goldfarb & Huck Roth Riojas, PLLC; and (d) Napoli Shkolnik PLLC. The role of the Opioid Fee and Expense Committee shall be limited to ensuring that the GFF is administered in accordance with this Section.

5. In the event that settling Pharmaceutical Supply Chain Participants do not pay the fees and expenses of the Participating Local Governments directly at the time settlement is achieved, payments to counsel for Participating Local Governments shall be made from the GFF over not more than three years, with 50% paid within 12 months of the date of Settlement and 25% paid in each subsequent year, or at the time the total Settlement amount is paid to the Trustee by the Defendants, whichever is sooner.

6. Any funds remaining in the GFF in excess of: (i) the amounts needed to cover Litigating Local Governments’ private counsel’s representation agreements, and (ii) the amounts needed to cover the common benefit tax discussed in Section C.8 below (if not paid directly by the Defendants in connection with future settlement(s), shall revert to the Participating Local Governments *pro rata* according to the percentages set forth in Exhibits B, to be used for Approved Purposes as set forth herein and in Exhibit A.

7. In the event that funds in the GFF are not sufficient to pay all fees and expenses owed under this Section, payments to counsel for all Litigating Local Governments shall be reduced on a *pro rata* basis. The Litigating Local Governments will not be responsible for any of these reduced amounts.

8. The Parties anticipate that any Opioid Funds they receive will be subject to a common benefit “tax” imposed by the court in *In Re: National Prescription Opiate Litigation*, United States District Court for the Northern District of Ohio, Case No. 1:17-md-02804-DAP (“Common Benefit Tax”). If this occurs, the Participating Local Governments shall first seek to have the settling defendants pay the Common Benefit Tax. If the settling defendants do not agree to pay the Common Benefit Tax, then the Common Benefit Tax shall be paid from the Opioid Funds and by both litigating and non-litigating Local Governments. This payment shall occur prior to allocation and distribution of funds to the Participating Local Governments. In the event that GFF is not fully exhausted to pay the Litigating Local Governments’ private counsel’s representation agreements, excess funds in the GFF shall be applied to pay the Common Benefit Tax (if any).

E. General Terms

1. If any Participating Local Government believes another Participating Local Government, not including the Regional Abatement Advisory Councils, violated the terms of this MOU, the alleging Participating Local Government may seek to enforce the terms of this MOU in the court in which any applicable Settlement(s) was entered, provided the alleging Participating Local Government first provides the alleged offending Participating Local Government notice of the alleged violation(s) and a reasonable opportunity to cure the alleged violation(s). In such an enforcement action, any alleging Participating Local Government or alleged offending Participating Local Government may be represented by their respective public entity in accordance with Washington law.

2. Nothing in this MOU shall be interpreted to waive the right of any Participating Local Government to seek judicial relief for conduct occurring outside the scope of this MOU that violates any Washington law. In such an action, the alleged offending Participating Local Government, including the Regional Abatement Advisory Councils, may be represented by their respective public entities in accordance with Washington law. In the event of a conflict, any Participating Local Government, including the Regional Abatement Advisory Councils and its Members, may seek outside representation to defend itself against such an action.

3. Venue for any legal action related to this MOU shall be in the court in which the Participating Local Government is located or in accordance with the court rules on venue in that jurisdiction. This provision is not intended to expand the court rules on venue.

4. This MOU may be executed in two or more counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same instrument. The Participating Local Governments approve the use of electronic signatures for execution of this MOU. All use of electronic signatures

shall be governed by the Uniform Electronic Transactions Act. The Parties agree not to deny the legal effect or enforceability of the MOU solely because it is in electronic form or because an electronic record was used in its formation. The Participating Local Government agree not to object to the admissibility of the MOU in the form of an electronic record, or a paper copy of an electronic document, or a paper copy of a document bearing an electronic signature, on the grounds that it is an electronic record or electronic signature or that it is not in its original form or is not an original.

5. Each Participating Local Government represents that all procedures necessary to authorize such Participating Local Government's execution of this MOU have been performed and that the person signing for such Party has been authorized to execute the MOU.

[Remainder of Page Intentionally Left Blank – Signature Pages Follow]

This One Washington Memorandum of Understanding Between Washington Municipalities is signed this _____ day of _____, 2022 by:

Name & Title _____

On behalf of _____

4894-0031-1574, v. 2

EXHIBIT A

OPIOID ABATEMENT STRATEGIES

PART ONE: TREATMENT

A. TREAT OPIOID USE DISORDER (OUD)

Support treatment of Opioid Use Disorder (OUD) and any co-occurring Substance Use Disorder or Mental Health (SUD/MH) conditions, co-usage, and/or co-addiction through evidence-based, evidence-informed, or promising programs or strategies that may include, but are not limited to, the following:

1. Expand availability of treatment for OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction, including all forms of Medication-Assisted Treatment (MAT) approved by the U.S. Food and Drug Administration.
2. Support and reimburse services that include the full American Society of Addiction Medicine (ASAM) continuum of care for OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction, including but not limited to:
 - a. Medication-Assisted Treatment (MAT);
 - b. Abstinence-based treatment;
 - c. Treatment, recovery, or other services provided by states, subdivisions, community health centers; non-for-profit providers; or for-profit providers;
 - d. Treatment by providers that focus on OUD treatment as well as treatment by providers that offer OUD treatment along with treatment for other SUD/MH conditions, co-usage, and/or co-addiction; or
 - e. Evidence-informed residential services programs, as noted below.
3. Expand telehealth to increase access to treatment for OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction, including MAT, as well as counseling, psychiatric support, and other treatment and recovery support services.
4. Improve oversight of Opioid Treatment Programs (OTPs) to assure evidence-based, evidence-informed, or promising practices such as adequate methadone dosing.
5. Support mobile intervention, treatment, and recovery services, offered by qualified professionals and service providers, such as peer recovery coaches, for persons with OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction and for persons who have experienced an opioid overdose.
6. Support treatment of mental health trauma resulting from the traumatic experiences of the opioid user (e.g., violence, sexual assault, human trafficking, or adverse childhood experiences) and family members (e.g., surviving family members after an overdose

or overdose fatality), and training of health care personnel to identify and address such trauma.

7. Support detoxification (detox) and withdrawal management services for persons with OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction, including medical detox, referral to treatment, or connections to other services or supports.
8. Support training on MAT for health care providers, students, or other supporting professionals, such as peer recovery coaches or recovery outreach specialists, including telementoring to assist community-based providers in rural or underserved areas.
9. Support workforce development for addiction professionals who work with persons with OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction.
10. Provide fellowships for addiction medicine specialists for direct patient care, instructors, and clinical research for treatments.
11. Provide funding and training for clinicians to obtain a waiver under the federal Drug Addiction Treatment Act of 2000 (DATA 2000) to prescribe MAT for OUD, and provide technical assistance and professional support to clinicians who have obtained a DATA 2000 waiver.
12. Support the dissemination of web-based training curricula, such as the American Academy of Addiction Psychiatry's Provider Clinical Support Service-Opioids web-based training curriculum and motivational interviewing.
13. Support the development and dissemination of new curricula, such as the American Academy of Addiction Psychiatry's Provider Clinical Support Service for Medication-Assisted Treatment.

B. SUPPORT PEOPLE IN TREATMENT AND RECOVERY

Support people in treatment for and recovery from OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction through evidence-based, evidence-informed, or promising programs or strategies that may include, but are not limited to, the following:

1. Provide the full continuum of care of recovery services for OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction, including supportive housing, residential treatment, medical detox services, peer support services and counseling, community navigators, case management, and connections to community-based services.
2. Provide counseling, peer-support, recovery case management and residential treatment with access to medications for those who need it to persons with OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction.

3. Provide access to housing for people with OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction, including supportive housing, recovery housing, housing assistance programs, or training for housing providers.
4. Provide community support services, including social and legal services, to assist in deinstitutionalizing persons with OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction.
5. Support or expand peer-recovery centers, which may include support groups, social events, computer access, or other services for persons with OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction.
6. Provide employment training or educational services for persons in treatment for or recovery from OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction.
7. Identify successful recovery programs such as physician, pilot, and college recovery programs, and provide support and technical assistance to increase the number and capacity of high-quality programs to help those in recovery.
8. Engage non-profits, faith-based communities, and community coalitions to support people in treatment and recovery and to support family members in their efforts to manage the opioid user in the family.
9. Provide training and development of procedures for government staff to appropriately interact and provide social and other services to current and recovering opioid users, including reducing stigma.
10. Support stigma reduction efforts regarding treatment and support for persons with OUD, including reducing the stigma on effective treatment.

**C. CONNECT PEOPLE WHO NEED HELP TO THE HELP THEY NEED
(CONNECTIONS TO CARE)**

Provide connections to care for people who have – or are at risk of developing – OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction through evidence-based, evidence-informed, or promising programs or strategies that may include, but are not limited to, the following:

1. Ensure that health care providers are screening for OUD and other risk factors and know how to appropriately counsel and treat (or refer if necessary) a patient for OUD treatment.
2. Support Screening, Brief Intervention and Referral to Treatment (SBIRT) programs to reduce the transition from use to disorders.
3. Provide training and long-term implementation of SBIRT in key systems (health, schools, colleges, criminal justice, and probation), with a focus on youth and young adults when transition from misuse to opioid disorder is common.

4. Purchase automated versions of SBIRT and support ongoing costs of the technology.
5. Support training for emergency room personnel treating opioid overdose patients on post-discharge planning, including community referrals for MAT, recovery case management or support services.
6. Support hospital programs that transition persons with OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction, or persons who have experienced an opioid overdose, into community treatment or recovery services through a bridge clinic or similar approach.
7. Support crisis stabilization centers that serve as an alternative to hospital emergency departments for persons with OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction or persons that have experienced an opioid overdose.
8. Support the work of Emergency Medical Systems, including peer support specialists, to connect individuals to treatment or other appropriate services following an opioid overdose or other opioid-related adverse event.
9. Provide funding for peer support specialists or recovery coaches in emergency departments, detox facilities, recovery centers, recovery housing, or similar settings; offer services, supports, or connections to care to persons with OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction or to persons who have experienced an opioid overdose.
10. Provide funding for peer navigators, recovery coaches, care coordinators, or care managers that offer assistance to persons with OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction or to persons who have experienced on opioid overdose.
11. Create or support school-based contacts that parents can engage with to seek immediate treatment services for their child; and support prevention, intervention, treatment, and recovery programs focused on young people.
12. Develop and support best practices on addressing OUD in the workplace.
13. Support assistance programs for health care providers with OUD.
14. Engage non-profits and the faith community as a system to support outreach for treatment.
15. Support centralized call centers that provide information and connections to appropriate services and supports for persons with OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction.
16. Create or support intake and call centers to facilitate education and access to treatment, prevention, and recovery services for persons with OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction.

17. Develop or support a National Treatment Availability Clearinghouse – a multistate/nationally accessible database whereby health care providers can list locations for currently available in-patient and out-patient OUD treatment services that are accessible on a real-time basis by persons who seek treatment.

D. ADDRESS THE NEEDS OF CRIMINAL-JUSTICE-INVOLVED PERSONS

Address the needs of persons with OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction who are involved – or are at risk of becoming involved – in the criminal justice system through evidence-based, evidence-informed, or promising programs or strategies that may include, but are not limited to, the following:

1. Support pre-arrest or post-arrest diversion and deflection strategies for persons with OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction, including established strategies such as:
 - a. Self-referral strategies such as the Angel Programs or the Police Assisted Addiction Recovery Initiative (PAARI);
 - b. Active outreach strategies such as the Drug Abuse Response Team (DART) model;
 - c. “Naloxone Plus” strategies, which work to ensure that individuals who have received naloxone to reverse the effects of an overdose are then linked to treatment programs or other appropriate services;
 - d. Officer prevention strategies, such as the Law Enforcement Assisted Diversion (LEAD) model;
 - e. Officer intervention strategies such as the Leon County, Florida Adult Civil Citation Network or the Chicago Westside Narcotics Diversion to Treatment Initiative;
 - f. Co-responder and/or alternative responder models to address OUD-related 911 calls with greater SUD expertise and to reduce perceived barriers associated with law enforcement 911 responses; or
 - g. County prosecution diversion programs, including diversion officer salary, only for counties with a population of 50,000 or less. Any diversion services in matters involving opioids must include drug testing, monitoring, or treatment.
2. Support pre-trial services that connect individuals with OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction to evidence-informed treatment, including MAT, and related services.
3. Support treatment and recovery courts for persons with OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction, but only if these courts provide referrals to evidence-informed treatment, including MAT.

4. Provide evidence-informed treatment, including MAT, recovery support, or other appropriate services to individuals with OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction who are incarcerated in jail or prison.
5. Provide evidence-informed treatment, including MAT, recovery support, or other appropriate services to individuals with OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction who are leaving jail or prison have recently left jail or prison, are on probation or parole, are under community corrections supervision, or are in re-entry programs or facilities.
6. Support critical time interventions (CTI), particularly for individuals living with dual-diagnosis OUD/serious mental illness, and services for individuals who face immediate risks and service needs and risks upon release from correctional settings.
7. Provide training on best practices for addressing the needs of criminal-justice-involved persons with OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction to law enforcement, correctional, or judicial personnel or to providers of treatment, recovery, case management, or other services offered in connection with any of the strategies described in this section.

E. ADDRESS THE NEEDS OF PREGNANT OR PARENTING WOMEN AND THEIR FAMILIES, INCLUDING BABIES WITH NEONATAL ABSTINENCE SYNDROME

Address the needs of pregnant or parenting women with OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction, and the needs of their families, including babies with neonatal abstinence syndrome, through evidence-based, evidence-informed, or promising programs or strategies that may include, but are not limited to, the following:

1. Support evidence-based, evidence-informed, or promising treatment, including MAT, recovery services and supports, and prevention services for pregnant women – or women who could become pregnant – who have OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction, and other measures to educate and provide support to families affected by Neonatal Abstinence Syndrome.
2. Provide training for obstetricians or other healthcare personnel that work with pregnant women and their families regarding treatment of OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction.
3. Provide training to health care providers who work with pregnant or parenting women on best practices for compliance with federal requirements that children born with Neonatal Abstinence Syndrome get referred to appropriate services and receive a plan of safe care.
4. Provide enhanced support for children and family members suffering trauma as a result of addiction in the family; and offer trauma-informed behavioral health treatment for adverse childhood events.

5. Offer enhanced family supports and home-based wrap-around services to persons with OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction, including but not limited to parent skills training.
6. Support for Children's Services – Fund additional positions and services, including supportive housing and other residential services, relating to children being removed from the home and/or placed in foster care due to custodial opioid use.

PART TWO: PREVENTION

F. PREVENT OVER-PRESCRIBING AND ENSURE APPROPRIATE PRESCRIBING AND DISPENSING OF OPIOIDS

Support efforts to prevent over-prescribing and ensure appropriate prescribing and dispensing of opioids through evidence-based, evidence-informed, or promising programs or strategies that may include, but are not limited to, the following:

1. Training for health care providers regarding safe and responsible opioid prescribing, dosing, and tapering patients off opioids.
2. Academic counter-detailing to educate prescribers on appropriate opioid prescribing.
3. Continuing Medical Education (CME) on appropriate prescribing of opioids.
4. Support for non-opioid pain treatment alternatives, including training providers to offer or refer to multi-modal, evidence-informed treatment of pain.
5. Support enhancements or improvements to Prescription Drug Monitoring Programs (PDMPs), including but not limited to improvements that:
 - a. Increase the number of prescribers using PDMPs;
 - b. Improve point-of-care decision-making by increasing the quantity, quality, or format of data available to prescribers using PDMPs or by improving the interface that prescribers use to access PDMP data, or both; or
 - c. Enable states to use PDMP data in support of surveillance or intervention strategies, including MAT referrals and follow-up for individuals identified within PDMP data as likely to experience OUD.
6. Development and implementation of a national PDMP – Fund development of a multistate/national PDMP that permits information sharing while providing appropriate safeguards on sharing of private health information, including but not limited to:
 - a. Integration of PDMP data with electronic health records, overdose episodes, and decision support tools for health care providers relating to OUD.

- b. Ensuring PDMPs incorporate available overdose/naloxone deployment data, including the United States Department of Transportation’s Emergency Medical Technician overdose database.
- 7. Increase electronic prescribing to prevent diversion or forgery.
- 8. Educate Dispensers on appropriate opioid dispensing.

G. PREVENT MISUSE OF OPIOIDS

Support efforts to discourage or prevent misuse of opioids through evidence-based, evidence-informed, or promising programs or strategies that may include, but are not limited to, the following:

- 1. Corrective advertising or affirmative public education campaigns based on evidence.
- 2. Public education relating to drug disposal.
- 3. Drug take-back disposal or destruction programs.
- 4. Fund community anti-drug coalitions that engage in drug prevention efforts.
- 5. Support community coalitions in implementing evidence-informed prevention, such as reduced social access and physical access, stigma reduction – including staffing, educational campaigns, support for people in treatment or recovery, or training of coalitions in evidence-informed implementation, including the Strategic Prevention Framework developed by the U.S. Substance Abuse and Mental Health Services Administration (SAMHSA).
- 6. Engage non-profits and faith-based communities as systems to support prevention.
- 7. Support evidence-informed school and community education programs and campaigns for students, families, school employees, school athletic programs, parent-teacher and student associations, and others.
- 8. School-based or youth-focused programs or strategies that have demonstrated effectiveness in preventing drug misuse and seem likely to be effective in preventing the uptake and use of opioids.
- 9. Support community-based education or intervention services for families, youth, and adolescents at risk for OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction.
- 10. Support evidence-informed programs or curricula to address mental health needs of young people who may be at risk of misusing opioids or other drugs, including emotional modulation and resilience skills.
- 11. Support greater access to mental health services and supports for young people, including services and supports provided by school nurses or other school staff, to

address mental health needs in young people that (when not properly addressed) increase the risk of opioid or other drug misuse.

H. PREVENT OVERDOSE DEATHS AND OTHER HARMS

Support efforts to prevent or reduce overdose deaths or other opioid-related harms through evidence-based, evidence-informed, or promising programs or strategies that may include, but are not limited to, the following:

1. Increase availability and distribution of naloxone and other drugs that treat overdoses for first responders, overdose patients, opioid users, families and friends of opioid users, schools, community navigators and outreach workers, drug offenders upon release from jail/prison, or other members of the general public.
2. Provision by public health entities of free naloxone to anyone in the community, including but not limited to provision of intra-nasal naloxone in settings where other options are not available or allowed.
3. Training and education regarding naloxone and other drugs that treat overdoses for first responders, overdose patients, patients taking opioids, families, schools, and other members of the general public.
4. Enable school nurses and other school staff to respond to opioid overdoses, and provide them with naloxone, training, and support.
5. Expand, improve, or develop data tracking software and applications for overdoses/naloxone revivals.
6. Public education relating to emergency responses to overdoses.
7. Public education relating to immunity and Good Samaritan laws.
8. Educate first responders regarding the existence and operation of immunity and Good Samaritan laws.
9. Expand access to testing and treatment for infectious diseases such as HIV and Hepatitis C resulting from intravenous opioid use.
10. Support mobile units that offer or provide referrals to treatment, recovery supports, health care, or other appropriate services to persons that use opioids or persons with OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction.
11. Provide training in treatment and recovery strategies to health care providers, students, peer recovery coaches, recovery outreach specialists, or other professionals that provide care to persons who use opioids or persons with OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction.
12. Support screening for fentanyl in routine clinical toxicology testing.

PART THREE: OTHER STRATEGIES

I. FIRST RESPONDERS

In addition to items C8, D1 through D7, H1, H3, and H8, support the following:

1. Current and future law enforcement expenditures relating to the opioid epidemic.
2. Educate law enforcement or other first responders regarding appropriate practices and precautions when dealing with fentanyl or other drugs.

J. LEADERSHIP, PLANNING AND COORDINATION

Support efforts to provide leadership, planning, and coordination to abate the opioid epidemic through activities, programs, or strategies that may include, but are not limited to, the following:

1. Community regional planning to identify goals for reducing harms related to the opioid epidemic, to identify areas and populations with the greatest needs for treatment intervention services, or to support other strategies to abate the opioid epidemic described in this opioid abatement strategy list.
2. A government dashboard to track key opioid-related indicators and supports as identified through collaborative community processes.
3. Invest in infrastructure or staffing at government or not-for-profit agencies to support collaborative, cross-system coordination with the purpose of preventing overprescribing, opioid misuse, or opioid overdoses, treating those with OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction, supporting them in treatment or recovery, connecting them to care, or implementing other strategies to abate the opioid epidemic described in this opioid abatement strategy list.
4. Provide resources to staff government oversight and management of opioid abatement programs.

K. TRAINING

In addition to the training referred to in various items above, support training to abate the opioid epidemic through activities, programs, or strategies that may include, but are not limited to, the following:

1. Provide funding for staff training or networking programs and services to improve the capability of government, community, and not-for-profit entities to abate the opioid crisis.
2. Invest in infrastructure and staffing for collaborative cross-system coordination to prevent opioid misuse, prevent overdoses, and treat those with OUD and any co-occurring SUD/MH conditions, co-usage, and/or co-addiction, or implement other

strategies to abate the opioid epidemic described in this opioid abatement strategy list (e.g., health care, primary care, pharmacies, PDMPs, etc.).

L. RESEARCH

Support opioid abatement research that may include, but is not limited to, the following:

1. Monitoring, surveillance, and evaluation of programs and strategies described in this opioid abatement strategy list.
2. Research non-opioid treatment of chronic pain.
3. Research on improved service delivery for modalities such as SBIRT that demonstrate promising but mixed results in populations vulnerable to opioid use disorders.
4. Research on innovative supply-side enforcement efforts such as improved detection of mail-based delivery of synthetic opioids.
5. Expanded research on swift/certain/fair models to reduce and deter opioid misuse within criminal justice populations that build upon promising approaches used to address other substances (e.g. Hawaii HOPE and Dakota 24/7).
6. Research on expanded modalities such as prescription methadone that can expand access to MAT.

EXHIBIT B

County	Local Government	% Allocation
<u>Adams County</u>		
	Adams County	0.1638732475%
	Hatton	
	Lind	
	Othello	
	Ritzville	
	Washtucna	
	County Total:	0.1638732475%
<u>Asotin County</u>		
	Asotin County	0.4694498386%
	Asotin	
	Clarkston	
	County Total:	0.4694498386%
<u>Benton County</u>		
	Benton County	1.4848831892%
	Benton City	
	Kennewick	0.5415650564%
	Prosser	
	Richland	0.4756779517%
	West Richland	0.0459360490%
	County Total:	2.5480622463%
<u>Chelan County</u>		
	Chelan County	0.7434914485%
	Cashmere	
	Chelan	
	Entiat	
	Leavenworth	
	Wenatchee	0.2968333494%
	County Total:	1.0403247979%
<u>Clallam County</u>		
	Clallam County	1.3076983401%
	Forks	
	Port Angeles	0.4598370527%
	Sequim	
	County Total:	1.7675353928%

EXHIBIT B

County	Local Government	% Allocation
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Clark County

Clark County	4.5149775326%
Battle Ground	0.1384729857%
Camas	0.2691592724%
La Center	
Ridgefield	
Vancouver	1.7306605325%
Washougal	0.1279328220%
Woodland***	
Yacolt	
County Total:	6.7812031452%

Columbia County

Columbia County	0.0561699537%
Dayton	
Starbuck	
County Total:	0.0561699537%

Cowlitz County

Cowlitz County	1.7226945990%
Castle Rock	
Kalama	
Kelso	0.1331145270%
Longview	0.6162736905%
Woodland***	
County Total:	2.4720828165%

Douglas County

Douglas County	0.3932175175%
Bridgeport	
Coulee Dam***	
East Wenatchee	0.0799810865%
Mansfield	
Rock Island	
Waterville	
County Total:	0.4731986040%

Ferry County

Ferry County	0.1153487994%
Republic	
County Total:	0.1153487994%

EXHIBIT B

County	Local Government	% Allocation
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Franklin County

Franklin County	0.3361237144%
Connell	
Kahlotus	
Mesa	
Pasco	0.4278056066%
County Total:	0.7639293210%

Garfield County

Garfield County	0.0321982209%
Pomeroy	
County Total:	0.0321982209%

Grant County

Grant County	0.9932572167%
Coulee City	
Coulee Dam***	
Electric City	
Ephrata	
George	
Grand Coulee	
Hartline	
Krupp	
Mattawa	
Moses Lake	0.2078293909%
Quincy	
Royal City	
Soap Lake	
Warden	
Wilson Creek	
County Total:	1.2010866076%

EXHIBIT B

County	Local Government	% Allocation
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Grays Harbor County

Grays Harbor County	0.9992429138%
Aberdeen	0.2491525333%
Cosmopolis	
Elma	
Hoquiam	
McCleary	
Montesano	
Oakville	
Ocean Shores	
Westport	
County Total:	1.2483954471%

Island County

Island County	0.6820422610%
Coupeville	
Langley	
Oak Harbor	0.2511550431%
County Total:	0.9331973041%

Jefferson County

Jefferson County	0.4417137380%
Port Townsend	
County Total:	0.4417137380%

EXHIBIT B

County	Local Government	% Allocation
<u>King County</u>		
	King County	13.9743722662%
	Algona	
	Auburn***	0.2622774917%
	Beaux Arts Village	
	Bellevue	1.1300592573%
	Black Diamond	
	Bothell***	0.1821602716%
	Burien	0.0270962921%
	Carnation	
	Clyde Hill	
	Covington	0.0118134406%
	Des Moines	0.1179764526%
	Duvall	
	Enumclaw***	0.0537768326%
	Federal Way	0.3061452240%
	Hunts Point	
	Issaquah	0.1876240107%
	Kenmore	0.0204441024%
	Kent	0.5377397676%
	Kirkland	0.5453525246%
	Lake Forest Park	0.0525439124%
	Maple Valley	0.0093761587%
	Medina	
	Mercer Island	0.1751797481%
	Milton***	
	Newcastle	0.0033117880%
	Normandy Park	
	North Bend	
	Pacific***	
	Redmond	0.4839486007%
	Renton	0.7652626920%
	Sammamish	0.0224369090%
	SeaTac	0.1481551278%
	Seattle	6.6032403816%
	Shoreline	0.0435834501%
	Skykomish	
	Snoqualmie	0.0649164481%
	Tukwila	0.3032205739%
	Woodinville	0.0185516364%
	Yarrow Point	
	County Total:	26.0505653608%

*** - Local Government appears in multiple counties B-5

EXHIBIT B

County	Local Government	% Allocation
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Kitsap County

Kitsap County	2.6294133668%
Bainbridge Island	0.1364686014%
Bremerton	0.6193374389%
Port Orchard	0.1009497162%
Poulsbo	0.0773748246%
County Total:	3.5635439479%

Kittitas County

Kittitas County	0.3855704683%
Cle Elum	
Ellensburg	0.0955824915%
Kittitas	
Roslyn	
South Cle Elum	
County Total:	0.4811529598%

Klickitat County

Klickitat County	0.2211673457%
Bingen	
Goldendale	
White Salmon	
County Total:	0.2211673457%

Lewis County

Lewis County	1.0777377479%
Centralia	0.1909990353%
Chehalis	
Morton	
Mossyrock	
Napavine	
Pe Ell	
Toledo	
Vader	
Winlock	
County Total:	1.2687367832%

EXHIBIT B

County	Local Government	% Allocation
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Lincoln County

Lincoln County	0.1712669645%
Almira	
Creston	
Davenport	
Harrington	
Odessa	
Reardan	
Sprague	
Wilbur	
County Total:	0.1712669645%

Mason County

Mason County	0.8089918012%
Shelton	0.1239179888%
County Total:	0.9329097900%

Okanogan County

Okanogan County	0.6145043345%
Brewster	
Conconully	
Coulee Dam***	
Elmer City	
Nespelem	
Okanogan	
Omak	
Oroville	
Pateros	
Riverside	
Tonasket	
Twisp	
Winthrop	
County Total:	0.6145043345%

Pacific County

Pacific County	0.4895416466%
Ilwaco	
Long Beach	
Raymond	
South Bend	
County Total:	0.4895416466%

EXHIBIT B

County	Local Government	% Allocation
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Pend Oreille County

Pend Oreille County	0.2566374940%
Cusick	
Ione	
Metaline	
Metaline Falls	
Newport	
County Total:	0.2566374940%

Pierce County

Pierce County	7.2310164020%
Auburn***	0.0628522112%
Bonney Lake	0.1190773864%
Buckley	
Carbonado	
DuPont	
Eatonville	
Edgewood	0.0048016791%
Enumclaw***	0.0000000000%
Fife	0.1955185481%
Fircrest	
Gig Harbor	0.0859963345%
Lakewood	0.5253640894%
Milton***	
Orting	
Pacific***	
Puyallup	0.3845704814%
Roy	
Ruston	
South Prairie	
Steilacoom	
Sumner	0.1083157569%
Tacoma	3.2816374617%
University Place	0.0353733363%
Wilkeson	
County Total:	12.0345236870%

San Juan County

San Juan County	0.2101495171%
Friday Harbor	
County Total:	0.2101495171%

EXHIBIT B

County	Local Government	% Allocation
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Skagit County

Skagit County	1.0526023961%
Anacortes	0.1774962906%
Burlington	0.1146861661%
Concrete	
Hamilton	
La Conner	
Lyman	
Mount Vernon	0.2801063665%
Sedro-Woolley	0.0661146351%
County Total:	1.6910058544%

Skamania County

Skamania County	0.1631931925%
North Bonneville	
Stevenson	
County Total:	0.1631931925%

Snohomish County

Snohomish County	6.9054415622%
Arlington	0.2620524080%
Bothell***	0.2654558588%
Brier	
Darrington	
Edmonds	0.3058936009%
Everett	1.9258363241%
Gold Bar	
Granite Falls	
Index	
Lake Stevens	0.1385202891%
Lynnwood	0.7704629214%
Marysville	0.3945067827%
Mill Creek	0.1227939546%
Monroe	0.1771621898%
Mountlake Terrace	0.2108935805%
Mukilteo	0.2561790702%
Snohomish	0.0861097964%
Stanwood	
Sultan	
Woodway	
County Total:	11.8213083387%

EXHIBIT B

County	Local Government	% Allocation
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Spokane County

Spokane County	5.5623859292%
Airway Heights	
Cheney	0.1238454349%
Deer Park	
Fairfield	
Latah	
Liberty Lake	0.0389636519%
Medical Lake	
Millwood	
Rockford	
Spangle	
Spokane	3.0872078287%
Spokane Valley	0.0684217500%
Waverly	
County Total:	8.8808245947%

Stevens County

Stevens County	0.7479240179%
Chewelah	
Colville	
Kettle Falls	
Marcus	
Northport	
Springdale	
County Total:	0.7479240179%

Thurston County

Thurston County	2.3258492094%
Bucoda	
Lacey	0.2348627221%
Olympia	0.6039423385%
Rainier	
Tenino	
Tumwater	0.2065982350%
Yelm	
County Total:	3.3712525050%

Wahkiakum County

Wahkiakum County	0.0596582197%
Cathlamet	
County Total:	0.0596582197%

EXHIBIT B

County	Local Government	% Allocation
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Walla Walla County

Walla Walla County	0.5543870294%
College Place	
Prescott	
Waitsburg	
Walla Walla	0.3140768654%
County Total:	0.8684638948%

Whatcom County

Whatcom County	1.3452637306%
Bellingham	0.8978614577%
Blaine	
Everson	
Ferndale	0.0646101891%
Lynden	0.0827115612%
Nooksack	
Sumas	
County Total:	2.3904469386%

Whitman County

Whitman County	0.2626805837%
Albion	
Colfax	
Colton	
Endicott	
Farmington	
Garfield	
LaCrosse	
Lamont	
Malden	
Oakesdale	
Palouse	
Pullman	0.2214837491%
Rosalia	
St. John	
Tekoa	
Uniontown	
County Total:	0.4841643328%

EXHIBIT B

County	Local Government	% Allocation
<u>Yakima County</u>		
	Yakima County	1.9388392959%
	Grandview	0.0530606109%
	Granger	
	Harrah	
	Mabton	
	Moxee	
	Naches	
	Selah	
	Sunnyside	0.1213478384%
	Tieton	
	Toppenish	
	Union Gap	
	Wapato	
	Yakima	0.6060410539%
	Zillah	
	County Total:	2.7192887991%

Exhibit C

KING COUNTY REGIONAL AGREEMENT

King County intends to explore coordination with its cities and towns to facilitate a Regional Agreement for Opioid Fund allocation. Should some cities and towns choose not to participate in a Regional Agreement, this shall not preclude coordinated allocation for programs and services between the County and those cities and towns who elect to pursue a Regional Agreement. As contemplated in C.5 of the MOU, any Regional Agreement shall comply with the terms of the MOU and any Settlement. If no Regional Agreement is achieved, the default methodology for allocation in C.4 of the MOU shall apply.



Staff Report: 035-23

TO: Mayor and City Council

FROM: Eric Holmes, City Manager

DATE: 3/6/2023

SUBJECT Sourcewell Contract Renewal

Key Points

- The City utilizes piggyback cooperative purchasing agreements thru Sourcewell Contract #010521-LSI for purchase of Landscape Structures' play equipment, playground surfacing, and site furnishings.
- Purchases from this contract will exceed the City's \$300,000 purchasing threshold.
- The contract is set to expire February 17, 2025 and has the option to be extended one additional year.
- The original competitive solicitation Request for Proposal was issued under Sourcewell RFP#010521 and awarded to Landscape Structures on February 15, 2021.
- The City has and will continue to purchase playground equipment from many different manufactures. Landscape Structures is just one vendor.

Strategic Plan Alignment

Goal 4: Ensure that Vancouver's Parks and Trail systems is the highest quality and most complete in the region

Present Situation

The City has used the Sourcewell contract to purchase play equipment for Esther Short, Marshall and Ida Jones Bell Parks for a sum of \$295,000. Any future purchases will exceed the current contract's \$300,000 spending threshold. This request will amend the request contract for purchases to be made according to the departments' current authorized budget in place of setting a new spending threshold. In keeping with Park's effort to streamline purchases, staff is requesting the ability to purchase from this contract and take advantage of the contract pricing.

Advantage(s)

1. The vendor covered under this contract has continuously provided high quality, dependable equipment and service that help maintain uniformity in replacement parts. Products are of high quality and competitively priced.

2. Allows the City to work with the vendor early in the design process to select appropriate products and to be able to order in a timely manner to have it available at time of installation.

Disadvantage(s)

None

Budget Impact

No additional budget requests are anticipated to result from approving of this contract modification. The City will utilize the contract for purchasing products through the duration of the Sourcewell contract and funded by each individual park project.

Prior Council Review

None

Action Requested

Authorize the City Manager or their designee to approve purchases under Sourcewell Contact #010521-LSI for play equipment, shade, shelters, splash play, site furnishings and playground surfacing from Landscape Structures, Dealno, MN, for the life of the contract up to the current authorized budget.

Terry Snyder, Senior Park Developer, 360-487-8317

ATTACHMENTS:

- ▢ Landscape Structures Contract

**Solicitation Number: RFP #010521****CONTRACT**

This Contract is between Sourcewell, 202 12th Street Northeast, P.O. Box 219, Staples, MN 56479 (Sourcewell) and Landscape Structures Inc., 601 7th St. S., Delano, MN 55328 (Vendor).

Sourcewell is a State of Minnesota local government agency and service cooperative created under the laws of the State of Minnesota (Minnesota Statutes Section 123A.21) that offers cooperative procurement solutions to government entities. Participation is open to federal, state/province, and municipal governmental entities, higher education, K-12 education, nonprofit, tribal government, and other public entities located in the United States and Canada. Sourcewell issued a public solicitation for Playground and Water Play Equipment with Related Accessories and Services from which Vendor was awarded a contract.

Vendor desires to contract with Sourcewell to provide equipment, products, or services to Sourcewell and the entities that access Sourcewell's cooperative purchasing contracts (Participating Entities).

1. TERM OF CONTRACT

- A. **EFFECTIVE DATE.** This Contract is effective upon the date of the final signature below.
- B. **EXPIRATION DATE AND EXTENSION.** This Contract expires February 17, 2025, unless it is cancelled sooner pursuant to Article 22. This Contract may be extended up to one additional one-year period upon request of Sourcewell and with written agreement by Vendor.
- C. **SURVIVAL OF TERMS.** Articles 11 through 14 survive the expiration or cancellation of this Contract.

2. EQUIPMENT, PRODUCTS, OR SERVICES

- A. **EQUIPMENT, PRODUCTS, OR SERVICES.** Vendor will provide the Equipment, Products, or Services as stated in its Proposal submitted under the Solicitation Number listed above. Vendor's Equipment, Products, or Services Proposal (Proposal) is attached and incorporated into this Contract.

All Equipment and Products provided under this Contract must be new/current model. Vendor may offer close-out or refurbished Equipment or Products if they are clearly indicated in Vendor's product and pricing list. Unless agreed to by the Participating Entities in advance, Equipment or Products must be delivered as operational to the Participating Entity's site.

This Contract offers an indefinite quantity of sales, and while substantial volume is anticipated, sales and sales volume are not guaranteed.

B. **WARRANTY.** Vendor warrants that all Equipment, Products, and Services furnished are free from liens and encumbrances, and are free from defects in design, materials, and workmanship. In addition, Vendor warrants the Equipment, Products, and Services are suitable for and will perform in accordance with the ordinary use for which they are intended. Vendor's dealers and distributors must agree to assist the Participating Entity in reaching a resolution in any dispute over warranty terms with the manufacturer. Any manufacturer's warranty that is effective past the expiration of the Vendor's warranty will be passed on to the Participating Entity.

C. **DEALERS, DISTRIBUTORS, AND/OR RESELLERS.** Upon Contract execution, Vendor will make available to Sourcewell a means to validate or authenticate Vendor's authorized dealers, distributors, and/or resellers relative to the Equipment, Products, and Services related to this Contract. This list may be updated from time-to-time and is incorporated into this Contract by reference. It is the Vendor's responsibility to ensure Sourcewell receives the most current version of this list.

3. PRICING

All Equipment, Products, or Services under this Contract will be priced as stated in Vendor's Proposal.

When providing pricing quotes to Participating Entities, all pricing quoted must reflect a Participating Entity's total cost of acquisition. This means that the quoted cost is for delivered Equipment, Products, and Services that are operational for their intended purpose, and includes all costs to the Participating Entity's requested delivery location.

Regardless of the payment method chosen by the Participating Entity, the total cost associated with any purchase option of the Equipment, Products, or Services must always be disclosed in the pricing quote to the applicable Participating Entity at the time of purchase.

A. **SHIPPING AND SHIPPING COSTS.** All delivered Equipment and Products must be properly packaged. Damaged Equipment and Products may be rejected. If the damage is not readily apparent at the time of delivery, Vendor must permit the Equipment and Products to be returned within a reasonable time at no cost to Sourcewell or its Participating Entities. Participating Entities reserve the right to inspect the Equipment and Products at a reasonable

time after delivery where circumstances or conditions prevent effective inspection of the Equipment and Products at the time of delivery.

Vendor must arrange for and pay for the return shipment on Equipment and Products that arrive in a defective or inoperable condition.

Sourcwell may declare the Vendor in breach of this Contract if the Vendor intentionally delivers substandard or inferior Equipment or Products. In the event of the delivery of nonconforming Equipment and Products, the Participating Entity will notify the Vendor as soon as possible and the Vendor will replace nonconforming Equipment and Products with conforming Equipment and Products that are acceptable to the Participating Entity.

B. SALES TAX. Each Participating Entity is responsible for supplying the Vendor with valid tax-exemption certification(s). When ordering, a Participating Entity must indicate if it is a tax-exempt entity.

C. HOT LIST PRICING. At any time during this Contract, Vendor may offer a specific selection of Equipment, Products, or Services at discounts greater than those listed in the Contract. When Vendor determines it will offer Hot List Pricing, it must be submitted electronically to Sourcwell in a line-item format. Equipment, Products, or Services may be added or removed from the Hot List at any time through a Sourcwell Price and Product Change Form as defined in Article 4 below.

Hot List program and pricing may also be used to discount and liquidate close-out and discontinued Equipment and Products as long as those close-out and discontinued items are clearly identified as such. Current ordering process and administrative fees apply. Hot List Pricing must be published and made available to all Participating Entities.

4. PRODUCT AND PRICING CHANGE REQUESTS

Vendor may request Equipment, Product, or Service changes, additions, or deletions at any time. All requests must be made in writing by submitting a signed Sourcwell Price and Product Change Request Form to the assigned Sourcwell Contract Administrator. This form is available from the assigned Sourcwell Contract Administrator. At a minimum, the request must:

- Identify the applicable Sourcwell contract number;
- Clearly specify the requested change;
- Provide sufficient detail to justify the requested change;
- Individually list all Equipment, Products, or Services affected by the requested change, along with the requested change (e.g., addition, deletion, price change); and
- Include a complete restatement of pricing documentation in Microsoft Excel with the effective date of the modified pricing, or product addition or deletion. The new pricing

restatement must include all Equipment, Products, and Services offered, even for those items where pricing remains unchanged.

A fully executed Sourcewell Price and Product Request Form will become an amendment to this Contract and be incorporated by reference.

5. PARTICIPATION, CONTRACT ACCESS, AND PARTICIPATING ENTITY REQUIREMENTS

A. PARTICIPATION. Sourcewell's cooperative contracts are available and open to public and nonprofit entities across the United States and Canada; such as federal, state/province, municipal, K-12 and higher education, tribal government, and other public entities.

The benefits of this Contract should be available to all Participating Entities that can legally access the Equipment, Products, or Services under this Contract. A Participating Entity's authority to access this Contract is determined through its cooperative purchasing, interlocal, or joint powers laws. Any entity accessing benefits of this Contract will be considered a Service Member of Sourcewell during such time of access. Vendor understands that a Participating Entity's use of this Contract is at the Participating Entity's sole convenience and Participating Entities reserve the right to obtain like Equipment, Products, or Services from any other source.

Vendor is responsible for familiarizing its sales and service forces with Sourcewell contract use eligibility requirements and documentation and will encourage potential participating entities to join Sourcewell. Sourcewell reserves the right to add and remove Participating Entities to its roster during the term of this Contract.

B. PUBLIC FACILITIES. Vendor's employees may be required to perform work at government-owned facilities, including schools. Vendor's employees and agents must conduct themselves in a professional manner while on the premises, and in accordance with Participating Entity policies and procedures, and all applicable laws.

6. PARTICIPATING ENTITY USE AND PURCHASING

A. ORDERS AND PAYMENT. To access the contracted Equipment, Products, or Services under this Contract, a Participating Entity must clearly indicate to Vendor that it intends to access this Contract; however, order flow and procedure will be developed jointly between Sourcewell and Vendor. Typically, a Participating Entity will issue an order directly to Vendor. If a Participating Entity issues a purchase order, it may use its own forms, but the purchase order should clearly note the applicable Sourcewell contract number. All Participating Entity orders under this Contract must be issued prior to expiration of this Contract; however, Vendor performance, Participating Entity payment, and any applicable warranty periods or other Vendor or Participating Entity obligations may extend beyond the term of this Contract.

Vendor's acceptable forms of payment are included in Attachment A. Participating Entities will be solely responsible for payment and Sourcewell will have no liability for any unpaid invoice of any Participating Entity.

B. **ADDITIONAL TERMS AND CONDITIONS/PARTICIPATING ADDENDUM.** Additional terms and conditions to a purchase order, or other required transaction documentation, may be negotiated between a Participating Entity and Vendor, such as job or industry-specific requirements, legal requirements (e.g., affirmative action or immigration status requirements), or specific local policy requirements. Some Participating Entities may require the use of a Participating Addendum; the terms of which will be worked out directly between the Participating Entity and the Vendor. Any negotiated additional terms and conditions must never be less favorable to the Participating Entity than what is contained in this Contract.

C. **SPECIALIZED SERVICE REQUIREMENTS.** In the event that the Participating Entity requires service or specialized performance requirements (such as e-commerce specifications, specialized delivery requirements, or other specifications and requirements) not addressed in this Contract, the Participating Entity and the Vendor may enter into a separate, standalone agreement, apart from this Contract. Sourcewell, including its agents and employees, will not be made a party to a claim for breach of such agreement.

D. **TERMINATION OF ORDERS.** Participating Entities may terminate an order, in whole or in part, immediately upon notice to Vendor in the event of any of the following events:

1. The Participating Entity fails to receive funding or appropriation from its governing body at levels sufficient to pay for the goods to be purchased;
2. Federal, state, or provincial laws or regulations prohibit the purchase or change the Participating Entity's requirements; or
3. Vendor commits any material breach of this Contract or the additional terms agreed to between the Vendor and a Participating Entity.

E. **GOVERNING LAW AND VENUE.** The governing law and venue for any action related to a Participating Entity's order will be determined by the Participating Entity making the purchase.

7. CUSTOMER SERVICE

A. **PRIMARY ACCOUNT REPRESENTATIVE.** Vendor will assign an Account Representative to Sourcewell for this Contract and must provide prompt notice to Sourcewell if that person is changed. The Account Representative will be responsible for:

- Maintenance and management of this Contract;
- Timely response to all Sourcewell and Participating Entity inquiries; and
- Business reviews to Sourcewell and Participating Entities, if applicable.

B. BUSINESS REVIEWS. Vendor must perform a minimum of one business review with Sourcewell per contract year. The business review will cover sales to Participating Entities, pricing and contract terms, administrative fees, supply issues, customer issues, and any other necessary information.

8. REPORT ON CONTRACT SALES ACTIVITY AND ADMINISTRATIVE FEE PAYMENT

A. CONTRACT SALES ACTIVITY REPORT. Each calendar quarter, Vendor must provide a contract sales activity report (Report) to the Sourcewell Contract Administrator assigned to this Contract. A Report must be provided regardless of the number or amount of sales during that quarter (i.e., if there are no sales, Vendor must submit a report indicating no sales were made).

The Report must contain the following fields:

- Customer Name (e.g., City of Staples Highway Department);
- Customer Physical Street Address;
- Customer City;
- Customer State/Province;
- Customer Zip Code;
- Customer Contact Name;
- Customer Contact Email Address;
- Customer Contact Telephone Number;
- Sourcewell Assigned Entity/Participating Entity Number;
- Item Purchased Description;
- Item Purchased Price;
- Sourcewell Administrative Fee Applied; and
- Date Purchase was invoiced/sale was recognized as revenue by Vendor.

B. ADMINISTRATIVE FEE. In consideration for the support and services provided by Sourcewell, the Vendor will pay an administrative fee to Sourcewell on all Equipment, Products, and Services provided to Participating Entities. The Administrative Fee must be included in, and not added to, the pricing. Vendor may not charge Participating Entities more than the contracted price to offset the Administrative Fee.

The Vendor will submit payment to Sourcewell for the percentage of administrative fee stated in the Proposal multiplied by the total sales of all Equipment, Products, and Services purchased by Participating Entities under this Contract during each calendar quarter. Payments should note the Vendor's name and Sourcewell-assigned contract number in the memo; and must be mailed to the address above "Attn: Accounts Receivable" or remitted electronically to Sourcewell's banking institution per Sourcewell's Finance department instructions. Payments must be received no later than 45 calendar days after the end of each calendar quarter.

Vendor agrees to cooperate with Sourcewell in auditing transactions under this Contract to ensure that the administrative fee is paid on all items purchased under this Contract.

In the event the Vendor is delinquent in any undisputed administrative fees, Sourcewell reserves the right to cancel this Contract and reject any proposal submitted by the Vendor in any subsequent solicitation. In the event this Contract is cancelled by either party prior to the Contract's expiration date, the administrative fee payment will be due no more than 30 days from the cancellation date.

9. AUTHORIZED REPRESENTATIVE

Sourcewell's Authorized Representative is its Chief Procurement Officer.

Vendor's Authorized Representative is the person named in the Vendor's Proposal. If Vendor's Authorized Representative changes at any time during this Contract, Vendor must promptly notify Sourcewell in writing.

10. AUDIT, ASSIGNMENT, AMENDMENTS, WAIVER, AND CONTRACT COMPLETE

A. **AUDIT.** Pursuant to Minnesota Statutes Section 16C.05, subdivision 5, the books, records, documents, and accounting procedures and practices relevant this Agreement are subject to examination by Sourcewell or the Minnesota State Auditor for a minimum of six years from the end of this Contract. This clause extends to Participating Entities as it relates to business conducted by that Participating Entity under this Contract.

B. **ASSIGNMENT.** Neither the Vendor nor Sourcewell may assign or transfer any rights or obligations under this Contract without the prior consent of the parties and a fully executed assignment agreement. Such consent will not be unreasonably withheld.

C. **AMENDMENTS.** Any amendment to this Contract must be in writing and will not be effective until it has been fully executed by the parties.

D. **WAIVER.** If either party fails to enforce any provision of this Contract, that failure does not waive the provision or the right to enforce it.

E. **CONTRACT COMPLETE.** This Contract contains all negotiations and agreements between Sourcewell and Vendor. No other understanding regarding this Contract, whether written or oral, may be used to bind either party. For any conflict between the attached Proposal and the terms set out in Articles 1-22, the terms of Articles 1-22 will govern.

F. **RELATIONSHIP OF THE PARTIES.** The relationship of the parties is one of independent contractors, each free to exercise judgment and discretion with regard to the conduct of their

respective businesses. This Contract does not create a partnership, joint venture, or any other relationship such as master-servant, or principal-agent.

11. LIABILITY

Vendor must indemnify, save, and hold Sourcewell and its Participating Entities, including their agents and employees, harmless from any claims or causes of action, including attorneys' fees, arising out of the performance of this Contract by the Vendor or its agents or employees; this indemnification includes injury or death to person(s) or property alleged to have been caused by some defect in the Equipment, Products, or Services under this Contract to the extent the Equipment, Product, or Service has been used according to its specifications.

12. GOVERNMENT DATA PRACTICES

Vendor and Sourcewell must comply with the Minnesota Government Data Practices Act, Minnesota Statutes Chapter 13, as it applies to all data provided by or provided to Sourcewell under this Contract and as it applies to all data created, collected, received, stored, used, maintained, or disseminated by the Vendor under this Contract.

If the Vendor receives a request to release the data referred to in this article, the Vendor must immediately notify Sourcewell and Sourcewell will assist with how the Vendor should respond to the request.

13. INTELLECTUAL PROPERTY, PUBLICITY, MARKETING, AND ENDORSEMENT

A. INTELLECTUAL PROPERTY

1. *Grant of License.* During the term of this Contract:
 - a. Sourcewell grants to Vendor a royalty-free, worldwide, non-exclusive right and license to use the Trademark(s) provided to Vendor by Sourcewell in advertising and promotional materials for the purpose of marketing Sourcewell's relationship with Vendor.
 - b. Vendor grants to Sourcewell a royalty-free, worldwide, non-exclusive right and license to use Vendor's Trademarks in advertising and promotional materials for the purpose of marketing Vendor's relationship with Sourcewell.
2. *Limited Right of Sublicense.* The right and license granted herein includes a limited right of each party to grant sublicenses to its and their respective distributors, marketing representatives, and agents (collectively "Permitted Sublicensees") in advertising and promotional materials for the purpose of marketing the Parties' relationship to Participating Entities. Any sublicense granted will be subject to the terms and conditions of this Article. Each party will be responsible for any breach of this Article by any of their respective sublicensees.
3. *Use; Quality Control.*

- a. Sourcewell must not alter Vendor's Trademarks from the form provided by Vendor and must comply with Vendor's removal requests as to specific uses of its trademarks or logos.
 - b. Vendor must not alter Sourcewell's Trademarks from the form provided by Sourcewell and must comply with Sourcewell's removal requests as to specific uses of its trademarks or logos.
 - c. Each party agrees to use, and to cause its Permitted Sublicensees to use, the other party's Trademarks only in good faith and in a dignified manner consistent with such party's use of the Trademarks. Upon written notice to the breaching party, the breaching party has 30 days of the date of the written notice to cure the breach or the license will be terminated.
4. As applicable, Vendor agrees to indemnify and hold harmless Sourcewell and its Participating Entities against any and all suits, claims, judgments, and costs instituted or recovered against Sourcewell or Participating Entities by any person on account of the use of any Equipment or Products by Sourcewell or its Participating Entities supplied by Vendor in violation of applicable patent or copyright laws.
5. *Termination.* Upon the termination of this Contract for any reason, each party, including Permitted Sublicensees, will have 30 days to remove all Trademarks from signage, websites, and the like bearing the other party's name or logo (excepting Sourcewell's pre-printed catalog of vendors which may be used until the next printing). Vendor must return all marketing and promotional materials, including signage, provided by Sourcewell, or dispose of it according to Sourcewell's written directions.

B. **PUBLICITY.** Any publicity regarding the subject matter of this Contract must not be released without prior written approval from the Authorized Representatives. Publicity includes notices, informational pamphlets, press releases, research, reports, signs, and similar public notices prepared by or for the Vendor individually or jointly with others, or any subcontractors, with respect to the program, publications, or services provided resulting from this Contract.

C. **MARKETING.** Any direct advertising, marketing, or offers with Participating Entities must be approved by Sourcewell. Materials should be sent to the Sourcewell Contract Administrator assigned to this Contract.

D. **ENDORSEMENT.** The Vendor must not claim that Sourcewell endorses its Equipment, Products, or Services.

14. GOVERNING LAW, JURISDICTION, AND VENUE

Minnesota law governs this Contract. Venue for all legal proceedings out of this Contract, or its breach, must be in the appropriate state court in Todd County or federal court in Fergus Falls, Minnesota.

15. FORCE MAJEURE

Neither party to this Contract will be held responsible for delay or default caused by acts of God or other conditions that are beyond that party's reasonable control. A party defaulting under this provision must provide the other party prompt written notice of the default.

16. SEVERABILITY

If any provision of this Contract is found to be illegal, unenforceable, or void then both Sourcewell and Vendor will be relieved of all obligations arising under such provisions. If the remainder of this Contract is capable of performance, it will not be affected by such declaration or finding and must be fully performed.

17. PERFORMANCE, DEFAULT, AND REMEDIES

A. **PERFORMANCE.** During the term of this Contract, the parties will monitor performance and address unresolved contract issues as follows:

1. *Notification.* The parties must promptly notify each other of any known dispute and work in good faith to resolve such dispute within a reasonable period of time. If necessary, Sourcewell and the Vendor will jointly develop a short briefing document that describes the issue(s), relevant impact, and positions of both parties.
2. *Escalation.* If parties are unable to resolve the issue in a timely manner, as specified above, either Sourcewell or Vendor may escalate the resolution of the issue to a higher level of management. The Vendor will have 30 calendar days to cure an outstanding issue.
3. *Performance while Dispute is Pending.* Notwithstanding the existence of a dispute, the Vendor must continue without delay to carry out all of its responsibilities under the Contract that are not affected by the dispute. If the Vendor fails to continue without delay to perform its responsibilities under the Contract, in the accomplishment of all undisputed work, any additional costs incurred by Sourcewell and/or its Participating Entities as a result of such failure to proceed will be borne by the Vendor.

B. **DEFAULT AND REMEDIES.** Either of the following constitutes cause to declare this Contract, or any Participating Entity order under this Contract, in default:

1. Nonperformance of contractual requirements, or
2. A material breach of any term or condition of this Contract.

Written notice of default and a reasonable opportunity to cure must be issued by the party claiming default. Time allowed for cure will not diminish or eliminate any liability for liquidated or other damages. If the default remains after the opportunity for cure, the non-defaulting party may:

- Exercise any remedy provided by law or equity, or
- Terminate the Contract or any portion thereof, including any orders issued against the Contract.

18. INSURANCE

A. REQUIREMENTS. At its own expense, Vendor must maintain insurance policy(ies) in effect at all times during the performance of this Contract with insurance company(ies) licensed or authorized to do business in the State of Minnesota having an "AM BEST" rating of A- or better, with coverage and limits of insurance not less than the following:

1. *Workers' Compensation and Employer's Liability.*

Workers' Compensation: As required by any applicable law or regulation.

Employer's Liability Insurance: must be provided in amounts not less than listed below:

Minimum limits:

\$500,000 each accident for bodily injury by accident

\$500,000 policy limit for bodily injury by disease

\$500,000 each employee for bodily injury by disease

2. *Commercial General Liability Insurance.* Vendor will maintain insurance covering its operations, with coverage on an occurrence basis, and must be subject to terms no less broad than the Insurance Services Office ("ISO") Commercial General Liability Form CG0001 (2001 or newer edition), or equivalent. At a minimum, coverage must include liability arising from premises, operations, bodily injury and property damage, independent contractors, products-completed operations including construction defect, contractual liability, blanket contractual liability, and personal injury and advertising injury. All required limits, terms and conditions of coverage must be maintained during the term of this Contract.

Minimum Limits:

\$1,000,000 each occurrence Bodily Injury and Property Damage

\$1,000,000 Personal and Advertising Injury

\$2,000,000 aggregate for Products-Completed operations

\$2,000,000 general aggregate

3. *Commercial Automobile Liability Insurance.* During the term of this Contract, Vendor will maintain insurance covering all owned, hired, and non-owned automobiles in limits of liability not less than indicated below. The coverage must be subject to terms no less broad than ISO Business Auto Coverage Form CA 0001 (2010 edition or newer), or equivalent.

Minimum Limits:

\$1,000,000 each accident, combined single limit

4. *Umbrella Insurance*. During the term of this Contract, Vendor will maintain umbrella coverage over Workers' Compensation, Commercial General Liability, and Commercial Automobile.

Minimum Limits:

\$2,000,000

5. *Professional/Technical, Errors and Omissions, and/or Miscellaneous Professional Liability*. During the term of this Contract, Vendor will maintain coverage for all claims the Vendor may become legally obligated to pay resulting from any actual or alleged negligent act, error, or omission related to Vendor's professional services required under this Contract.

Minimum Limits:

\$2,000,000 per claim or event

\$2,000,000 – annual aggregate

Failure of Vendor to maintain the required insurance will constitute a material breach entitling Sourcewell to immediately terminate this Contract for default.

B. CERTIFICATES OF INSURANCE. Prior to commencing under this Contract, Vendor must furnish to Sourcewell a certificate of insurance, as evidence of the insurance required under this Contract. Prior to expiration of the policy(ies), renewal certificates must be mailed to Sourcewell, 202 12th Street Northeast, P.O. Box 219, Staples, MN 56479 or sent to the Sourcewell Contract Administrator assigned to this Contract. The certificates must be signed by a person authorized by the insurer(s) to bind coverage on their behalf.

Failure to request certificates of insurance by Sourcewell, or failure of Vendor to provide certificates of insurance, in no way limits or relieves Vendor of its duties and responsibilities in this Contract.

C. ADDITIONAL INSURED ENDORSEMENT AND PRIMARY AND NON-CONTRIBUTORY INSURANCE CLAUSE. Vendor agrees to list Sourcewell and its Participating Entities, including their officers, agents, and employees, as an additional insured under the Vendor's commercial general liability insurance policy with respect to liability arising out of activities, "operations," or "work" performed by or on behalf of Vendor, and products and completed operations of Vendor. The policy provision(s) or endorsement(s) must further provide that coverage is primary and not excess over or contributory with any other valid, applicable, and collectible insurance or self-insurance in force for the additional insureds.

D. WAIVER OF SUBROGATION. Vendor waives and must require (by endorsement or otherwise) all its insurers to waive subrogation rights against Sourcewell and other additional insureds for losses paid under the insurance policies required by this Contract or other insurance applicable to the Vendor or its subcontractors. The waiver must apply to all deductibles and/or self-insured retentions applicable to the required or any other insurance

maintained by the Vendor or its subcontractors. Where permitted by law, Vendor must require similar written express waivers of subrogation and insurance clauses from each of its subcontractors.

E. UMBRELLA/EXCESS LIABILITY/SELF-INSURED RETENTION. The limits required by this Contract can be met by either providing a primary policy or in combination with umbrella/excess liability policy(ies), or self-insured retention.

19. COMPLIANCE

A. LAWS AND REGULATIONS. All Equipment, Products, or Services provided under this Contract must comply fully with applicable federal laws and regulations, and with the laws in the states and provinces in which the Equipment, Products, or Services are sold.

B. LICENSES. Vendor must maintain a valid and current status on all required federal, state/provincial, and local licenses, bonds, and permits required for the operation of the business that the Vendor conducts with Sourcewell and Participating Entities.

20. BANKRUPTCY, DEBARMENT, OR SUSPENSION CERTIFICATION

Vendor certifies and warrants that it is not in bankruptcy or that it has previously disclosed in writing certain information to Sourcewell related to bankruptcy actions. If at any time during this Contract Vendor declares bankruptcy, Vendor must immediately notify Sourcewell in writing.

Vendor certifies and warrants that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from programs operated by the State of Minnesota; the United States federal government or the Canadian government, as applicable; or any Participating Entity. Vendor certifies and warrants that neither it nor its principals have been convicted of a criminal offense related to the subject matter of this Contract. Vendor further warrants that it will provide immediate written notice to Sourcewell if this certification changes at any time.

21. PROVISIONS FOR NON-UNITED STATES FEDERAL ENTITY PROCUREMENTS UNDER UNITED STATES FEDERAL AWARDS OR OTHER AWARDS

Participating Entities that use United States federal grant or FEMA funds to purchase goods or services from this Contract may be subject to additional requirements including the procurement standards of the Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards, 2 C.F.R. § 200. Participating Entities may also require additional requirements based on specific funding specifications. Within this Article, all references to "federal" should be interpreted to mean the United States federal government.

The following list only applies when a Participating Entity accesses Vendor's Equipment, Products, or Services with United States federal funds.

A. **EQUAL EMPLOYMENT OPPORTUNITY.** Except as otherwise provided under 41 C.F.R. § 60, all contracts that meet the definition of "federally assisted construction contract" in 41 C.F.R. § 60-1.3 must include the equal opportunity clause provided under 41 C.F.R. §60-1.4(b), in accordance with Executive Order 11246, "Equal Employment Opportunity" (30 FR 12319, 12935, 3 C.F.R. §, 1964-1965 Comp., p. 339), as amended by Executive Order 11375, "Amending Executive Order 11246 Relating to Equal Employment Opportunity," and implementing regulations at 41 C.F.R. § 60, "Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor." The equal opportunity clause is incorporated herein by reference.

B. **DAVIS-BACON ACT, AS AMENDED (40 U.S.C. § 3141-3148).** When required by federal program legislation, all prime construction contracts in excess of \$2,000 awarded by non-federal entities must include a provision for compliance with the Davis-Bacon Act (40 U.S.C. § 3141-3144, and 3146-3148) as supplemented by Department of Labor regulations (29 C.F.R. § 5, "Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction"). In accordance with the statute, contractors must be required to pay wages to laborers and mechanics at a rate not less than the prevailing wages specified in a wage determination made by the Secretary of Labor. In addition, contractors must be required to pay wages not less than once a week. The non-federal entity must place a copy of the current prevailing wage determination issued by the Department of Labor in each solicitation. The decision to award a contract or subcontract must be conditioned upon the acceptance of the wage determination. The non-federal entity must report all suspected or reported violations to the federal awarding agency. The contracts must also include a provision for compliance with the Copeland "Anti-Kickback" Act (40 U.S.C. § 3145), as supplemented by Department of Labor regulations (29 C.F.R. § 3, "Contractors and Subcontractors on Public Building or Public Work Financed in Whole or in Part by Loans or Grants from the United States"). The Act provides that each contractor or subrecipient must be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he or she is otherwise entitled. The non-federal entity must report all suspected or reported violations to the federal awarding agency. Vendor must be in compliance with all applicable Davis-Bacon Act provisions.

C. **CONTRACT WORK HOURS AND SAFETY STANDARDS ACT (40 U.S.C. § 3701-3708).** Where applicable, all contracts awarded by the non-federal entity in excess of \$100,000 that involve the employment of mechanics or laborers must include a provision for compliance with 40 U.S.C. §§ 3702 and 3704, as supplemented by Department of Labor regulations (29 C.F.R. § 5). Under 40 U.S.C. § 3702 of the Act, each contractor must be required to compute the wages of every mechanic and laborer on the basis of a standard work week of 40 hours. Work in excess of the standard work week is permissible provided that the worker is compensated at a rate of not less than one and a half times the basic rate of pay for all hours worked in excess of 40

hours in the work week. The requirements of 40 U.S.C. § 3704 are applicable to construction work and provide that no laborer or mechanic must be required to work in surroundings or under working conditions which are unsanitary, hazardous or dangerous. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence. This provision is hereby incorporated by reference into this Contract. Vendor certifies that during the term of an award for all contracts by Sourcewell resulting from this procurement process, Vendor must comply with applicable requirements as referenced above.

D. RIGHTS TO INVENTIONS MADE UNDER A CONTRACT OR AGREEMENT. If the federal award meets the definition of “funding agreement” under 37 C.F.R. § 401.2(a) and the recipient or subrecipient wishes to enter into a contract with a small business firm or nonprofit organization regarding the substitution of parties, assignment or performance of experimental, developmental, or research work under that “funding agreement,” the recipient or subrecipient must comply with the requirements of 37 C.F.R. § 401, “Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements,” and any implementing regulations issued by the awarding agency. Vendor certifies that during the term of an award for all contracts by Sourcewell resulting from this procurement process, Vendor must comply with applicable requirements as referenced above.

E. CLEAN AIR ACT (42 U.S.C. § 7401-7671Q.) AND THE FEDERAL WATER POLLUTION CONTROL ACT (33 U.S.C. § 1251-1387). Contracts and subgrants of amounts in excess of \$150,000 require the non-federal award to agree to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 U.S.C. § 7401- 7671q) and the Federal Water Pollution Control Act as amended (33 U.S.C. § 1251- 1387). Violations must be reported to the Federal awarding agency and the Regional Office of the Environmental Protection Agency (EPA). Vendor certifies that during the term of this Contract will comply with applicable requirements as referenced above.

F. DEBARMENT AND SUSPENSION (EXECUTIVE ORDERS 12549 AND 12689). A contract award (see 2 C.F.R. § 180.220) must not be made to parties listed on the government wide exclusions in the System for Award Management (SAM), in accordance with the OMB guidelines at 2 C.F.R. §180 that implement Executive Orders 12549 (3 C.F.R. § 1986 Comp., p. 189) and 12689 (3 C.F.R. § 1989 Comp., p. 235), “Debarment and Suspension.” SAM Exclusions contains the names of parties debarred, suspended, or otherwise excluded by agencies, as well as parties declared ineligible under statutory or regulatory authority other than Executive Order 12549. Vendor certifies that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation by any federal department or agency.

G. BYRD ANTI-LOBBYING AMENDMENT, AS AMENDED (31 U.S.C. § 1352). Vendors must file any required certifications. Vendors must not have used federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any

agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any federal contract, grant, or any other award covered by 31 U.S.C. § 1352. Vendors must disclose any lobbying with non-federal funds that takes place in connection with obtaining any federal award. Such disclosures are forwarded from tier to tier up to the non-federal award. Vendors must file all certifications and disclosures required by, and otherwise comply with, the Byrd Anti-Lobbying Amendment (31 U.S.C. § 1352).

H. RECORD RETENTION REQUIREMENTS. To the extent applicable, Vendor must comply with the record retention requirements detailed in 2 C.F.R. § 200.333. The Vendor further certifies that it will retain all records as required by 2 C.F.R. § 200.333 for a period of 3 years after grantees or subgrantees submit final expenditure reports or quarterly or annual financial reports, as applicable, and all other pending matters are closed.

I. ENERGY POLICY AND CONSERVATION ACT COMPLIANCE. To the extent applicable, Vendor must comply with the mandatory standards and policies relating to energy efficiency which are contained in the state energy conservation plan issued in compliance with the Energy Policy and Conservation Act.

J. BUY AMERICAN PROVISIONS COMPLIANCE. To the extent applicable, Vendor must comply with all applicable provisions of the Buy American Act. Purchases made in accordance with the Buy American Act must follow the applicable procurement rules calling for free and open competition.

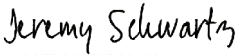
K. ACCESS TO RECORDS (2 C.F.R. § 200.336). Vendor agrees that duly authorized representatives of a federal agency must have access to any books, documents, papers and records of Vendor that are directly pertinent to Vendor's discharge of its obligations under this Contract for the purpose of making audits, examinations, excerpts, and transcriptions. The right also includes timely and reasonable access to Vendor's personnel for the purpose of interview and discussion relating to such documents.

L. PROCUREMENT OF RECOVERED MATERIALS (2 C.F.R. § 200.322). A non-federal entity that is a state agency or agency of a political subdivision of a state and its contractors must comply with Section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act. The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 C.F.R. § 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds \$10,000 or the value of the quantity acquired during the preceding fiscal year exceeded \$10,000; procuring solid waste management services in a manner that maximizes energy and resource recovery; and establishing an affirmative procurement program for procurement of recovered materials identified in the EPA guidelines.

22. CANCELLATION

Sourcewell or Vendor may cancel this Contract at any time, with or without cause, upon 60 days' written notice to the other party. However, Sourcewell may cancel this Contract immediately upon discovery of a material defect in any certification made in Vendor's Proposal. Cancellation of this Contract does not relieve either party of financial, product, or service obligations incurred or accrued prior to cancellation.

Sourcewell

DocuSigned by:

By: C0FD2A139D06489...
Jeremy Schwartz
Title: Director of Operations &
Procurement/CPO
Date: 2/15/2021 | 10:32 PM CST

Landscape Structures Inc.

DocuSigned by:

By: 1A3A8D886566403...
Fred Caslavka
Title: Chief Financial Officer
Date: 2/15/2021 | 11:44 AM PST

Approved:

DocuSigned by:

By: 7E42B8F817A64CC...
Chad Coauette
Title: Executive Director/CEO
Date: 2/15/2021 | 10:43 PM CST

RFP 010521 - Playground and Water Play Equipment with Related Accessories and Services

Vendor Details

Company Name: Landscape Structures Inc.

Does your company conduct business under any other name? If yes, please state: No

Address: 601 7th Street S.
Delano, MN 55328

Contact: Elaine Harkess

Email: elaineharkess@playlsi.com

Phone: 763-972-5243

Fax: 763-972-3185

HST#: 41-0971842

Submission Details

Created On: Friday November 20, 2020 15:44:26

Submitted On: Tuesday January 05, 2021 14:56:03

Submitted By: Elaine Harkess

Email: elaineharkess@playlsi.com

Transaction #: 9a53de68-bd30-44d7-924d-6248bbd8d68b

Submitter's IP Address: 96.39.128.58

Specifications

Table 1: Proposer Identity & Authorized Representatives

General Instructions (applies to all Tables) Sourcewell prefers a brief but thorough response to each question. Please do not merely attach additional documents to your response without also providing a substantive response. Do not leave answers blank; mark "NA" if the question does not apply to you (preferably with an explanation).

Line Item	Question	Response *	
1	Proposer Legal Name (and applicable d/b/a, if any):	Landscape Structures Inc.	*
2	Proposer Address:	601 7th ST S Delano, MN 55328	*
3	Proposer website address:	https://www.playlsi.com/	*
4	Proposer's Authorized Representative (name, title, address, email address & phone) (The representative must have authority to sign the "Proposer's Assurance of Compliance" on behalf of the Proposer and, in the event of award, will be expected to execute the resulting contract):	Fred Caslavka Chief Financial Officer 601 7th ST S Delano, MN 55328 fredcaslavka@playlsi.com 763-972-5362	*
5	Proposer's primary contact for this proposal (name, title, address, email address & phone):	Elaine Harkess Contract Administrator 601 7th ST S Delano, MN 55328 elaineharkess@playlsi.com 763-972-5243	*
6	Proposer's other contacts for this proposal, if any (name, title, address, email address & phone):	David Smith Vice President of Sales 601 7th ST S Delano, MN 55328 DavidSmith@playlsi.com 763-972-5205	

Table 2: Company Information and Financial Strength

Line Item	Question	Response *	
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7	Provide a brief history of your company, including your company's core values, business philosophy, and industry longevity related to the requested equipment, products or services.	Landscape Structures celebrates its 50th Anniversary in 2021. Our vision is to be the industry leader in innovation and operational excellence, have the best sales consultants and be the most highly recognized manufacturer of commercial playground equipment. We strive to offer world class service and products with our continuous improvement processes, and values-based employee culture. Landscape Structures was founded in 1971 by Steve King and Barb King (1947-2008). Steve is a landscape architect with a keen eye for beautiful aesthetics and functionality. Steve is also the creator of the concept of continuous play and was the first to interconnect play events including slides, climbers, horizontal ladders and more. The continuous play concept allowed him to create more play value in a smaller space and encourage more social interaction and skill development among children. Barb was educated as a home economist with a talent for organization development and the ability to plan, coordinate and execute. Their complementary styles and backgrounds proved to be the right combination as they turned a great idea into a successful business. Now, almost 50 years later, the company is a global leader in the commercial playground industry with nearly 500 employees, approximately 500,000+ square feet of manufacturing space in Minnesota and over 300 playground consultants spread across the world. Landscape Structures is one of the few remaining independently owned manufacturers of playground equipment. We are 100 percent employee owned (ESOP), and each and every employee is committed to creating playgrounds and play spaces that encourage kids of all ages and abilities to learn persistence, leadership, competition, bravery, support and empathy through play. We push the limits to help kids realize there is no limit to what they can do today and in the future. Our core values--relationships, integrity, commitment, innovation, team and passion--enable us to fulfill our mission of enhancing the lives of children through play while honoring the environment. For a better tomorrow, we play today. Cofounder and Chairman Steve King is the only leader of a playground company who is also a landscape architect. With Steve's passion for creating playground products and designs that go beyond ADA requirements, we create truly inclusive play environments for children of all abilities. We also push the design envelope by creating some of the most creatively themed play events in the world, along with nature-inspired playground equipment that blends into the surrounding environments. Landscape Structures' overall reputation in the marketplace is based on offering leading edge innovation and best value. Independent research conducted with the recreation industry over several years indicated superiority in areas of product quality, product innovation, custom capabilities, environmental stewardship, and customer service. Our products are of the highest quality and best long-term value to the customer. Our attention to detail in manufacturing and design along with the durability and product performance in the field, has earned us this reputation. See attached Landscape Structures History for more detailed information.	*
8	What are your company's expectations in the event of an award?	Landscape Structures currently holds a Sourcwell contract (April 2017 thru April 2022 (extended in response to customer request)). We have seen sales under this contract nearly double from 2018 to 2020. If we are awarded a new Sourcwell contract, we expect the strong growth to continue. The Landscape Structures team is finishing one of the most challenging year's in our country's history with no lapse in service, no manufacturing delays and an increase in sales under our current Sourcwell contract. Our team continued to deliver at 99.1% on time with 94.3% clean shipments which was similar to the past 5 years. We have an established history and customer base to continue growing these sales. As customers look for more streamlined methods to make their purchases and purchasing vehicles to help make the most of their project dollars, we anticipate sales under cooperative contracts will continue to grow. With our strong dealer network and our ability to provide personalized service through that partnership, we believe our existing customers will continue to purchase Landscape Structures' products while at the same time referring new customers who will see the benefits of utilizing the Sourcwell contract.	*

9	Demonstrate your financial strength and stability with meaningful data. This could include such items as financial statements, SEC filings, credit and bond ratings, letters of credit, and detailed reference letters. Upload supporting documents (as applicable) in the document upload section of your response.	Landscape Structures Inc. (LSI) was a privately owned manufacturer until 2012 when it became 100% employee owned. Historically, we have only provided limited financial information to parties other than our financial institutions and insurance company. For competitive reasons we are very protective of this information. However, we understand our financial stability is a critical aspect in the decision-making process. Landscape Structures employs nearly 500 people who, once eligibility requirements are met, all participate as owners of the company through a qualified Employee Stock Ownership Plan and Trust. On December 31, 2020 our total assets were over \$90 million, our current ratio was 2.9 and our fixed charge coverage ratio was over 15.2 (U.S. Bank requires it to be no less than 1.15). We also have a \$20.0 million line of credit with U.S. Bank that is rarely drawn upon and had an outstanding balance of zero on the date of this response as well as on December 31, 2020, 2019 and 2018. PriceWaterhouseCoopers LLP has issued clean opinions for the each of the past 29 years they audited Landscape Structures Inc. The clean opinion for 2019 and 2018 is attached. We anticipate another clean opinion to be issued for 2020 when the audit is completed in August of 2021. Our current bonding capacity of \$10,000,000 is also testimony by an independent third party of their belief in our ability to meet our obligations. We have the ability to increase the limit but have not found a business need to do so. As you are probably already aware, sureties like International Fidelity Insurance Company (AM Best rating of A-, Financial Size Category VII) insure to a zero-loss ratio and base their limits on the financial substance and stability of the company they are bonding. We have supplemented this information with our bank and trade references. LSI has been working with U.S. Bank for over 29 years and many of our key suppliers over a similar time period. In totality this information should provide you with the assurance that we have the financial means to fulfill our short and long-term obligations. If you determine that the information is inadequate, I would welcome and appreciate the opportunity to discuss this so that I may address any of your concerns. Fred Caslavka, MBA, CMA, CPA (inactive) Chief Financial Officer and Risk Manager Direct: 763-972-5362 Cell: 763-221-0067 Report of Independent Auditors and Bank & Supplier References are attached.	*
10	What is your US market share for the solutions that you are proposing?	Market share data is confidential and typically not disclosed. However, we are highly confident we hold significant market share. Based on the most recent information from IPEMA (International Play Equipment Manufacturer's Association) LSI estimates its U.S. market share at 22%. IPEMA members voluntarily report their sales to IPEMA which in turn supplies summary information to its members.	*
11	What is your Canadian market share for the solutions that you are proposing?	Based on the most recent information from IPEMA (International Play Equipment Manufacturer's Association) LSI estimates its Canadian market share at 25%. IPEMA members voluntarily report their sales to IPEMA which in turn supplies summary information to its members.	*
12	Has your business ever petitioned for bankruptcy protection? If so, explain in detail.	Landscape Structures has never filed a petition for bankruptcy protection.	*

13	How is your organization best described: is it a manufacturer, a distributor/dealer/reseller, or a service provider? Answer whichever question (either a) or b) just below) best applies to your organization. a) If your company is best described as a distributor/dealer/reseller (or similar entity), provide your written authorization to act as a distributor/dealer/reseller for the manufacturer of the products proposed in this RFP. If applicable, is your dealer network independent or company owned? b) If your company is best described as a manufacturer or service provider, describe your relationship with your sales and service force and with your dealer network in delivering the products and services proposed in this RFP. Are these individuals your employees, or the employees of a third party?	Landscape Structures is a manufacturer. We market our products through a global network of 50 independent sales organizations comprised of more than 700 sales and service people. The sales organizations have exclusive territories and are not allowed to carry competing product lines. In the U.S. these independent sales organizations provide full sales and service coverage for all 50 states. As a 100% employee owned company with Landscape Structures being the sole legal entity under which our products are sold, our sales organizations do not compete against other entities owned by us. In short, Landscape Structures is not owned by another company, nor do we own any other companies that are selling and marketing similar products that effectively compete against each other. Landscape Structures products account for more than 50% of the total revenue for 32 of the 36 North American sales organizations. The percentage increases significantly when complimentary lines and services such as surfacing and installation are included. All of which would not be sold if it were not for the sale of our products. The distribution structure at Landscape Structures is led by our Vice President of Sales, two North American Regional Sales Managers, Custom Sales Manager and International Sales Manager. The independent sales organizations each maintain a team of sales representatives and support staff who serve the clients in their respective territories. Our sales organizations have been with Landscape Structures for an average of 25 years with several of our largest currently being led by the 2nd generation. Our shared values and commitment to serving our customers are the foundation of our relationship. The long tenure has resulted in strong synergies and shared quality, service and delivery values. We consider our sales channel true partners, and an integral part of the Landscape Structures family.
14	If applicable, provide a detailed explanation outlining the licenses and certifications that are both required to be held, and actually held, by your organization (including third parties and subcontractors that you use) in pursuit of the business contemplated by this RFP.	The playground industry does not require any special licenses to be held by manufacturers. Landscape Structures is proud to be at the forefront of an industry that cares about children. We promote healthy kids and a sustainable world. We are one of the founders of the International Play Equipment Manufacturers Association (IPEMA), an organization that promotes quality and safety for all playground manufacturers. It is a member-driven international trade organization that represents and promotes an open market for manufacturers of play equipment of which Landscape Structures has been a member in good standing since its inception. In the interest of playground safety, IPEMA provides a Third Party Certification Service whereby a designated independent laboratory validates a participant's certification of conformance to ASTM F1487, Standard Consumer Safety Performance Specification for Playground Equipment for Public Use, except sections 7.1.1, 10 and 12.6.1; CAN/CSA Z614, Children's Playspaces and Equipment Standards, except clauses 9.8, 10 and 11; or both. The use of the corresponding logo in the Landscape Structures catalog signifies that Landscape Structures Inc. has received written validation from the independent laboratory that the product(s) associated with the use of the logo conforms with the requirements of the indicated standards. CSA: The Canadian Standards Association. Nearly all equipment developed by Landscape Structures is certified to meet CAN/CSA-Z614-07, the Children's Playspaces and Equipment Standard, through IPEMA. CPSIA Safety Compliance: At Landscape Structures, product safety is a top priority. We believe there is no investment more valuable than the protection and safety of our children. That's why we always strive to go beyond the minimum safety requirements and build this value into every piece of playground equipment we produce. The Consumer Products Safety Improvement Act (CPSIA) of 2008 specifies safe limits on the maximum allowable amount of lead in paints, coatings and other materials used on children's products, and sets limits on certain heavy metals and six different phthalates (plasticizers used to make vinyl and other plastics soft and flexible) used in certain toys and childcare articles. Landscape Structures has tested hundreds of materials to validate compliance to this safety act. All products manufactured and distributed through Landscape Structures meet or exceed the requirements of the CPSIA. ISO Certification: ISO (the International Organization for Standardization) is a worldwide federation of national standards bodies (ISO member bodies). Its purpose is to promote common standards for businesses worldwide. ISO 9001:2015 has a process-oriented structure, is customer focused and emphasizes continuous improvement in quality. ISO 14001:2015 drives us toward operating in a manner that is environmentally conscious. Both standards provide guidelines for establishing a company's quality and environmental management programs. In 1998 Landscape Structures became the first play equipment manufacturer to be certified in ISO 9001 and ISO 14001. Annual audits by a 3rd party are required to maintain these certifications which LSI has done successfully for each year since 2015 through the date of this response. What does this mean to a customer? This means that a customer can purchase from Landscape Structures, a premier commercial playground equipment manufacturer, with confidence because we have the

		processes in place to consistently manufacture the highest quality products while being conscious of how we are impacting the environment. Although not an industry requirement, Landscape Structures requires members of our staff to be certified by the National Playground Safety Institute (NPSI). This includes many of our product development team, playground design team and our technical services (installation support) team. This ensures our customers receive the benefit of the knowledge of and compliance with government standards. This occurs at all levels from the development of the equipment, design of the play structures, through installation and maintenance services. In addition, many key staff members are actively involved in the development of the standards for our industry. Steve King, co-founder and chairman, is an American Society of Landscape Architects (ASLA) Fellow, a Certified Playground Safety Inspector, and a founding member and past President of IPEMA (International Play Equipment Manufacturers Association). Steve has been chairman of a task group of the American Society for Testing and Materials (ASTM) that worked with the U.S. Consumer Products Safety Commission (CPSC) to update the ASTM F1487 Specification: a voluntary safety and accessibility standard for public playground equipment designed for children ages 2 to 12. His task group had the added responsibility of developing playground accessibility standards to comply with the Americans with Disabilities Act (ADA). Landscape Structures was also the first company to develop new playground events specifically meeting ADA requirements. Randy Watermill, Vice President of Product Development, has been with Landscapes Structures Inc. for 27 years. Randy serves as a committee member for ASTM, has served as President of IPEMA, and is currently the Treasurer of IPEMA. He is certified by NRPA as a Certified Playground Safety Inspector (CPSI). Tom Fitzpatrick, P.E. Product Development Engineer, has been with Landscape Structures for 15 years. Tom serves as a committee member for ASTM, is a member of the IPEMA Equipment Certification Committee and is certified by NRPA as a Certified Playground Safety Inspector (CPSI). Landscape Structures is authorized to sell products in all 50 states. We currently hold contractor's licenses in the states of Alabama, Arizona, Arkansas, California, Florida, Hawaii, Idaho, Louisiana, Maryland, Mississippi, New Jersey, New Mexico, Tennessee and Washington (other states may not require them) allowing us to provide turn-key solutions to our customers in all of the states. Third Party Certifications Landscape Structures requires all playground equipment installers, with which we subcontract, to be manufacturer trained. Once trained, these installers are issued a Certified Installers Certificate. Many of our installers are also NPSI trained and Certified Playground Safety Inspectors. Installers are expected to maintain required permits and licenses applicable in their state to perform their work in a legal and professional manner. If required by local regulations, installers may also be required to be OSHA certified. Most members of our independent sales team are NPSI certified. This ensures that when they are meeting with a customer, the customer has the assurance of working with an experienced and knowledgeable playground expert. Our sales organizations hold necessary contractor licenses as required.	
15	Provide all "Suspension or Debarment" information that has applied to your organization during the past ten years.	NONE – Landscape Structures has never been suspended or debarred.	*

Table 3: Industry Recognition & Marketplace Success

Line Item	Question	Response *	
16	Describe any relevant industry awards or recognition that your company has received in the past five years	• 2020 Nineteen-year participant in the annual EPCOT International Flower & Garden Festival (since 2001) • 2019 Landscape Structures was honored with the Best in Show award at the NRPA Annual Conference in Baltimore, MD • 2018 Landscape Structures recognized for its Total Retirement Offering at the 2018 Plan Sponsor of the Year Awards. The company was honored for its innovation in helping employees reach a secure retirement. • 2017 Landscape Structures receives a LAMMY Advertising Award for Best Message by Landscape Architecture Magazine • 2016 Winner of the Episerver™ North American Website Awards for Best B2B Website • 2016 Winner of Minnesota PRSA Classics Award for community relations campaign on inclusive play • 2015 Pat Faust inducted as an Honorary Member of the American Society of Landscape Architects (ASLA) • 2015 Landscape Structures receives Landscape Architecture Magazine Advertising Award (LAMMY) for Most Persuasive ad • 2015 Winner of Landscape Architect Magazine's Advertising Award (Lammy) for Best Graphic Presentation	*
17	What percentage of your sales are to the governmental sector in the past three years	Sales to the government sector accounts for 52% of our sales over the last 3 years. The government sector comprises the majority of our sales. This segment is critical to our business and growth prospects, as well as our overall success.	*
18	What percentage of your sales are to the education sector in the past three years	Sales to the education sector accounts for 32% of our sales over the last 3 years. The education sector also makes up a significant portion of our sales and is key to our business and growth prospects, as well as our overall success.	*
19	List any state, provincial, or cooperative purchasing contracts that you hold. What is the annual sales volume for each of these contracts over the past three years?	Landscape Structures currently holds cooperative purchasing contracts with the following agencies: Sourcewell HGAC NASPO ValuePoint NCPA National IPA/Omnia Partners TIPS New York State Contract Ohio State Contract Minnesota State Contract California Multiple Award Schedule (CMAS) KCDA (King County Directors Association) Please see attached document "Cooperative Purchasing Contracts" for annual sales volume for 2018-2020.	*
20	List any GSA contracts or Standing Offers and Supply Arrangements (SOSA) that you hold. What is the annual sales volume for each of these contracts over the past three years?	Landscape Structures does not hold any GSA contracts or Standing Offers and Supply Arrangements.	*

Table 4: References/Testimonials

Line Item 21. Supply reference information from three customers who are eligible to be Sourcewell participating entities.

Entity Name *	Contact Name *	Phone Number *	
City of Los Angeles Department of Recreation & Parks	Michael Shull, General Manager michael.a.shull@lacity.org	818-524-9053	*
Maryland National Capital Park & Planning Commission	Bridget Stesney, Division Chief Bridget.Stesney@pgparks.com	301-699-2533	*
Arlington Heights School District #25	Ryan Schulz, Buildings & Grounds Director ryanschulz@sd25.org	(847) 506-6900	*

Table 5: Top Five Government or Education Customers

Line Item 22. Provide a list of your top five government, education, or non-profit customers (entity name is optional), including entity type, the state or province the entity is located in, scope of the project(s), size of transaction(s), and dollar volumes from the past three years.

Entity Name	Entity Type *	State / Province *	Scope of Work *	Size of Transactions *	Dollar Volume Past Three Years *	
See attached	Government	New York - NY	Varies by project to include supply equipment, installation, site work, protective surfacing	Varies by project - see attached.	See attached	*
See attached	Government	ON - Ontario	Varies by project to include supply equipment, installation, site work, protective surfacing	Varies by project - see attached.	See attached	*
See attached	Government	California - CA	Varies by project to include supply equipment, installation, site work, protective surfacing	Varies by project - see attached.	See attached	*
See attached	Education	New Mexico - NM	Varies by project to include supply equipment, installation, site work, protective surfacing	Varies by project - see attached.	See attached	*
See attached	Education	Illinois - IL	Varies by project to include supply equipment, installation, site work, protective surfacing	Varies by project - see attached.	See attached	*

Table 6: Ability to Sell and Deliver Service

Describe your company's capability to meet the needs of Sourcewell participating entities across the US and Canada, as applicable. Your response should address in detail at least the following areas: locations of your network of sales and service providers, the number of workers (full-time equivalents) involved in each sector, whether these workers are your direct employees (or employees of a third party), and any overlap between the sales and service functions.

Line Item	Question	Response *	
23	Sales force.	Landscape Structures does not have a direct sales force. We partner with a network of exclusive independent sales representatives, led by our Vice President of Sales, two North America Regional Sales Managers, a Custom Sales Manager and International Sales Manager. We have an internal customer experience team who works with our distributor network supporting service on a daily basis.	*
24	Dealer network or other distribution methods.	Landscape Structures' sales team is comprised of 50 independent organizations, 36 in North America and 14 internationally. A total of 300+ salespeople focus 100 percent of their attention on the sales and service of the products considered in this RFP. Landscape Structures playground equipment, fabric shade, water play equipment, site amenities, fitness equipment and surfacing are our sales reps' primary business. They also carry complementary product lines and services so their total offering of products and services provide member agencies with a turn-key solution for their park and playground needs.	*
25	Service force.	Landscape Structures' goal is to provide the highest quality of service possible. We understand it is a journey that will never end which meshes perfectly with our continuous improvement culture. Our customer experience team is a long tenured group whose job is 100 percent customer service focused. The team's slogan is "we support play". These team members support specific geographical territories and focus on everything service related including presale designs through post installation field support. They have ISO-audited standard work processes that have proven to be very successful. Responses are same day. Our corrective action process includes meeting weekly to review any issues and discuss proactive opportunities for greater service. In addition, Landscape Structures' technical services team has two full-time staff members devoted to installation concerns and questions from both professional installers and customers. Our technical services team is available 24 hours a day, 7 days a week via a toll-free hotline.	*

26	Describe in detail the process and procedure of your customer service program, if applicable. Include your response-time capabilities and commitments, as well as any incentives that help your providers meet your stated service goals or promises.	Hours of operation vary between local offices but are typically 8 a.m. to 5 p.m., Monday through Friday. Many offices have personnel available for early morning, evening or weekend appointments to accommodate their customers. Landscape Structures' customer experience team members, referenced earlier, are available from 7 a.m. to 6 p.m. CT, Monday through Friday. Furthermore, our contact center representatives are available from 8 a.m. to 5 p.m. CT, Monday through Friday. We also offer a toll-free hotline for installation questions 24 hours a day, 7 days a week. Landscape Structures has a standard work, ISO audited customer service program. Our primary process is called CCN (customer contact note). CCNs come in from the field and address concerns about shipping shortages, freight damage, warranty issues, etc. We respond to CCNs within 24 hours, document and review weekly with operations. This process results in corrective action and continuous improvement efforts. Replacement parts are another unique aspect of Landscape Structures customer service and manufacturing expertise. We are the only play equipment company in the world that supplies replacement parts irrespective of the age of the equipment. The replacement parts will be identical to the original equipment except in situations where the original product has been redesigned for safety or conformance reasons. In these situations, Landscape Structures will provide replacements that are similar in form, fit and function. Our archived records include all documentation of orders including customer purchase orders, playground layout drawings, order acknowledgements, invoices, shipment documents and more. Standard lead time on replacement parts is nine business days, same lead time as provided on all of our standard play equipment. Upon request most standard hardware can be supplied next day while common painted welded parts can be shipped within 24 to 72 hours. Part of our post-sale customer service is a customer satisfaction survey that is sent out eight weeks after every order is shipped. Feedback and results of those surveys are recorded, shared and followed up with our local representative organizations.	*
27	Describe your ability and willingness to provide your products and services to Sourcewell participating entities in the United States.	Landscape Structures has nearly 50 years of experience successfully providing the products and services represented by this RFP to the same customer base Sourcewell represents in their participating entities. We have a network of independent sales representatives which covers all areas of the United States including Alaska and Hawaii. In cooperation with our sales channel, we are dedicated to continuing our legacy of providing premier products and services to the same customers Sourcewell serves.	*
28	Describe your ability and willingness to provide your products and services to Sourcewell participating entities in Canada.	Landscape Structures has the ability and willingness to offer Sourcewell in Canada. We have a long-established and successful sales network covering all Canadian provinces and territories and have a growing market share (currently estimated at 25%) in Canada.	*
29	Identify any geographic areas of the United States or Canada that you will NOT be fully serving through the proposed contract.	Landscape Structures has the ability and fully intends to serve the entire United States. In fact, we must serve the entire United States as that is what our current customer base currently requires and has required for decades. We have the ability to fully serve Canada but due to administrative challenges of direct selling in Canada we are not planning to include Canada immediately if awarded. We are continually evaluating the potential of contract sales in Canada and are open to including Canada if the interest from Canadian customers changes.	*
30	Identify any Sourcewell participating entity sectors (i.e., government, education, not-for-profit) that you will NOT be fully serving through the proposed contract. Explain in detail. For example, does your company have only a regional presence, or do other cooperative purchasing contracts limit your ability to promote another contract?	N/A - Landscape Structures has the ability and fully intends to serve all Sourcewell participating entity sectors. In fact, Sourcewell's entity sectors are currently and have been for over 30 years, our core customer base. We have built our business around serving these entity sectors.	*
31	Define any specific contract requirements or restrictions that would apply to our participating entities in Hawaii and Alaska and in US Territories.	N/A – Landscape Structures does not have any specific contract requirements or restrictions for participating entities in Hawaii, Alaska or any U.S. Territory.	*

Table 7: Marketing Plan

Line Item	Question	Response *
32	Describe your marketing strategy for promoting this contract opportunity. Upload representative samples of your marketing materials (if applicable) in the document upload section of your response.	Upon contract award and notification to our sales channel, our immediate plan would be to send out co-branded press releases and social media announcements. As is currently, Sourcewell's presence on our website would continue to provide links and all other pertinent contract details and information. In addition, we would continue to advertise our Sourcewell contract with our current trade audience and promote at applicable trade shows. We would continue to partner with our sales channel on direct mail and/or email campaigns to send to their local territories, markets and customers. Landscape Structures has a strong marketing team with specialists in communications, public relations, advertising, graphic design, multimedia design and production, web and social media. Our marketing materials are innovative, professional, and reflect our brand image of quality and customer focus. We have the ability to create and collaborate on the most effective marketing approaches to promote the contract whether the format is digital or printed. We have robust capabilities and produce most of our marketing materials internally. Four examples of internal marketing materials are included in an electronic format. Examples included with this RFP are Play Catalog, SkyWays Catalog, Aquatix Catalog, and Hedra Brochure. In addition, Landscape Structures' entire product line can be viewed and/or downloaded directly from our Virtual Catalogs page on our website. Visit https://www.playlsi.com/en/view-playground-catalogs/ to view the most current version of our catalogs and product brochures.
33	Describe your use of technology and digital data (e.g., social media, metadata usage) to enhance marketing effectiveness.	Landscape Structures uses the latest technology as it relates to our digital footprint. Our public website, playlsi.com, will continue to promote the Sourcewell contract. Our representative organizations rely on PlayCentral, our extranet, as a source of information where all of the contract details and marketing tools are available 24 by 7. We are active participants in social media outlets such as Facebook, Twitter and Instagram, as well as sending regular email communications to our client base. Additionally, we invest in ongoing organic and paid search efforts to improve our visibility to the marketplace. We would use a variety of digital vehicles to promote the Sourcewell contract and are open to, and constantly search for, new outlets to communicate awareness of the contract. In addition, our sales channel uses their websites, social media, email and other local and regional marketing to further the reach of Landscape Structures messages.
34	In your view, what is Sourcewell's role in promoting contracts arising out of this RFP? How will you integrate a Sourcewell-awarded contract into your sales process?	Our view of Sourcewell's role in promoting an awarded contract is a collaborative one. As we have done in the past, we would request that Sourcewell staff participate in webinars and live meetings with our rep network. We would also continue to ask for assistance with specific agencies when needed. We want to be included in Sourcewell's marketing efforts among other contract holders to bring depth and strength to the program. We also appreciate Sourcewell's participation in conferences specific to our industry such as NRPA. We will continue to collaborate with Sourcewell on new marketing opportunities. Sourcewell is already integrated into our sales process with many of our sales reps leading with Sourcewell as their primary contract vehicle. Our sales leaders would continue to educate and promote the Sourcewell contract to new and existing sales reps. We will update the current Sourcewell specific marketing to further encourage use of the contract.
35	Are your products or services available through an e-procurement ordering process? If so, describe your e-procurement system and how governmental and educational customers have used it.	No. Due to the unique nature of designing play structures and playground environments to meet individual customer needs and comply with government regulations (CPSC, ASTM, ADAAG) applicable to public playgrounds, it is not feasible to provide online ordering. To date, governmental and educational customers have not expressed any interest in purchasing our products and/or services in this manner.

Table 8: Value-Added Attributes

Line Item	Question	Response *
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36	Describe any product, equipment, maintenance, or operator training programs that you offer to Sourcewell participating entities. Include details, such as whether training is standard or optional, who provides training, and any costs that apply.	Landscape Structures offers many education and training sessions free of charge. "Playground Safety and Maintenance – Keeping Your Playground Safe and Compliant" is one of the topics provided in our Learning Academy program. Other topics offered are: Designing Natural Play Environments; Inclusive Play; Designing Fitness-Focused Playgrounds. The Landscape Structures Learning Academy provides opportunities to customers to earn CEUs (Continuing Education Units - Park and Recreation) or PDHs (Professional Development Hours - Landscape Architects) and gain valuable information they can use in their everyday work. Landscape Structures is an Authorized Provider by the International Association for Continuing Education and Training (IACET). In obtaining this approval, Landscape Structures has demonstrated that it complies with the ANSI/IACET Standards, which are widely recognized as standards of good practice internationally. As a result of our Authorized Provider status, Landscape Structures is authorized to offer IACET CEUs for its programs that qualify under the ANSI/IACET Standards. IACET is the organization NRPA uses for accreditation. All trainings provided are optional. The trainings are a regular practice at Landscape Structures and available to all Sourcewell members, either in person or online. See attached Learning Academy brochure for more information on courses offered or visit our website at https://www.playlsi.com/en/playground-planning-tools/education/continuing-education-seminars/	*
37	Describe any technological advances that your proposed products or services offer.	Landscape Structures invests heavily in the latest equipment and training to ensure the highest quality play equipment is provided to our customers. Our product development team of 25 professionals is the largest among U.S. based playground manufacturers. Our annual spend on technology exceeds \$4.5M. We implement the latest technology in our manufacturing processes in order for us to improve our service levels and expand our product offering. One example is DigiFuse® technology, which provides vivid, full-color, photo-realistic graphics to create one-of-a-kind playground designs. Images are fused onto metal panels using a proprietary process to create engaging graphical elements for the optimal combination of beauty, durability and play value. We continue to invest in new capabilities that enhance our innovation and allow us to lead the market. To see more of our capabilities, see attached brochures: DigiFuse Inspirations, Concrete Solutions and Custom Playgrounds.	*
38	Describe any "green" initiatives that relate to your company or to your products or services, and include a list of the certifying agency for each.	Landscape Structures has a long-standing history of environmental awareness. Through our more than 75,000 playgrounds worldwide, we've helped create healthy kids and a sustainable world. Long before it was fashionable, Landscape Structures built a culture of sustainability, designing products that keep kids active, while going far beyond what was required to protect the environment during manufacturing processes. In fact, we began putting formal environmental processes in place more than 20 years ago, and Landscape Structures received its certification to the ISO 14001 environmental standard more than a decade ago. We are the first playground manufacturer in North America to receive that certification of environmental responsibility. Landscape Structures has been recognized as a Minnesota Waste Wise Leader for its outstanding waste reduction and recycling efforts. We partner with American Forests to plant trees to offset the carbon produced during the manufacturing of every play structure we sell, supporting the planting of more than 350,000 trees since 2010. In 2008, we received the Tekne Green Award for our commitment to sustainability. Landscape Structures believes in and practices building environmentally preferable playground products through one-playground flow manufacturing. "The foremost environmental protection is to design and produce products that last and perform for a very long time." -Steve King, Cofounder and Chairman, Landscape Structures Design • Each person involved in the design and production of our play structures is an owner of the company, and quality and environmental stewardship are integral parts of our culture • Evos® playsystem: No PVC and provides a 30 percent smaller carbon footprint than traditional play structures • Weevos® playsystem: Offers a 17 percent smaller carbon footprint and is 100 percent recyclable at the end of its life. • Recycled Permalene® panels offer post-consumer recycled content of 73 percent. Manufacturing • Green Boards track the environmental aspects and impacts of each stage of production and document improvements made to reduce these impacts • Steel and aluminum arrive cut to length to eliminate waste • High-efficiency light fixtures reduce energy use • Recapture and use heat energy from curing oven • Industry-leading recycling rates for all manufacturing waste Packaging • Individualized, custom installation documents – no wasted pages • Automated wrapping to reduce waste • Most packaging materials are recyclable and are provided with recycling instructions Transportation • Whenever possible, playground equipment shipments are pooled to conserve the use of fossil fuels and limit the production of greenhouse gases	*

39	Identify any third-party issued eco-labels, ratings or certifications that your company has received for the equipment or products included in your Proposal related to energy efficiency or conservation, life-cycle design (cradle-to-cradle), or other green/sustainability factors.	NA - Landscape Structures does not currently have any third-party eco-labels or certifications in this category.	*
40	Describe any Women or Minority Business Entity (WMBE), Small Business Entity (SBE), or veteran owned business certifications that your company or hub partners have obtained. Upload documentation of certification (as applicable) in the document upload section of your response.	Landscape Structures is neither a woman-owned business nor a certified small business entity. We do utilize several woman-owned, minority-owned and/or small businesses through our supplier network, sales distribution channel and subcontractors. Our 100% ESOP owned company by definition cannot qualify for certification as a WMBE.	*
41	What unique attributes does your company, your products, or your services offer to Sourcewell participating entities? What makes your proposed solutions unique in your industry as it applies to Sourcewell participating entities?	We are particularly proud of our continuous improvement culture at Landscape Structures. This way of doing business measures the quality of our equipment and our total customer experience. "Cool Journey", our formal continuous improvement program, started in the Fall of 1999 and has dramatically improved our lead times, efficiencies and organizational effectiveness. Even though our standard lead time is two (2) weeks on standard products, our "lean" manufacturing practices and one order flow enables us to consistently manufacture an entire order within two days. The two-week lead time is set so that demand on production can be spread out or smoothed. Through our Kaizen events and daily improvement efforts, we have tackled thousands of issues throughout the company; from significantly improving paint line changeover times to decreasing the cost of our annual catalog. In all opportunities, the cross-functional thought and talent of our empowered employee-owners have found innovative solutions to help us run better, faster and smarter. Here is a sample of the improvements we have made that result in providing our customers with a premier experience: • Manufacturing lead-time has been reduced from 40 days to 2 days. • Most replacement parts are shipped out within two business days. We have provided replacement parts on product that was installed in the late 1970s. Promptly responding to replacement part requests reduces the amount of time children can't play on the equipment and significantly reduces the chances of a child getting injured. We have maintained on-time, clean deliveries to our customers over 99.4% of the time for nine years running. No other play equipment manufacturer in the world does this. • If a customer contacts us with a challenge, we document it, trend it and drill down to the source to make sure it does not happen again. • Safety – Kaizen activity has focused on safety and ergonomics since the start of 2009. During one event alone we implemented over 50 improvements! There are many things that distinguish Landscape Structures from our competitors: manufacturing excellence, the highest quality product, and product innovation are a few. Our biggest value to our customers is the total cost of ownership: our product is built to last. We have an unparalleled commitment to Inclusive Play and lead the industry with the movement to create the best play spaces for children of all abilities. We partner with experts and organizations that help us respond to societal issues. Topics such as fighting childhood obesity, bringing nature inspired play opportunities to children, creating multigenerational recreation areas, promoting intense engagement on the playground, exercising the mind and body through innovative play are just a few of the areas we take very seriously. We have capabilities like no other manufacturer to provide custom solutions to playground projects, an emerging trend in our industry. As an ESOP organization, the biggest differentiation Landscape Structures has is our people – a culture of ownership, pride, and continuous improvement.	*

Table 9: Warranty

Describe in detail your manufacturer warranty program, including conditions and requirements to qualify, claims procedure, and overall structure. You may upload representative samples of your warranty materials (if applicable) in the document upload section of your response in addition to responding to the questions below.

Line Item	Question	Response *	
42	Do your warranties cover all products, parts, and labor?	Product warranties do not cover labor. If purchased through Landscape Structures, installation will be warranted for one year. See attached manufacturer warranties.	*
43	Do your warranties impose usage restrictions or other limitations that adversely affect coverage?	No, Landscape Structures warranties do not impose usage restrictions.	*
44	Do your warranties cover the expense of technicians' travel time and mileage to perform warranty repairs?	No. Due to the variables impacting travel time and mileage there is no feasible way to calculate these factors to cover all potential situations. Landscape Structures has playground equipment in both highly populated areas as well as very remote locations.	*
45	Are there any geographic regions of the United States or Canada (as applicable) for which you cannot provide a certified technician to perform warranty repairs? How will Sourcewell participating entities in these regions be provided service for warranty repair?	Although a certified technician/installer is not required to replace/install warranty parts on Landscape Structures playground equipment, it is highly recommended. We have a network of certified installers available in all areas of the continental U.S., Alaska and Hawaii. Sourcewell members should contact their local sales representative for assistance with service for warranty repair.	*
46	Will you cover warranty service for items made by other manufacturers that are part of your proposal, or are these warranties issues typically passed on to the original equipment manufacturer?	Warranty issues for items made by other manufacturers would be passed on to the applicable equipment manufacturer. However, the bottom line is if the other manufacturer(s) does not support their warranty, Landscape Structures will work with the customer to make it right.	*
47	What are your proposed exchange and return programs and policies?	As an indication of our commitment to customers, Landscape Structures will accept returns of new structures and/or new equipment purchased within 60 days of the original invoice date. Advance notification is necessary to ensure proper credit. Parts not included in this return policy are custom parts (including PlayShaper® posts), as well as used or damaged parts. A 20 percent restock fee plus all return freight charges will apply to all product returns.	*
48	Describe any service contract options for the items included in your proposal.	Maintenance contracts are offered through some of our sales organizations.	*

Table 10: Payment Terms and Financing Options

Line Item	Question	Response *	
49	What are your payment terms (e.g., net 10, net 30)?	Standard payment terms are net 30 days from invoice date.	*
50	Describe any leasing or financing options available for use by educational or governmental entities.	Landscape Structures partners with NCL Government Capital (NCL) to offer Sourcewell members a complete suite of finance solutions. NCL is a current Sourcewell financing contract holder (#011620-NCL) and is an industry expert in municipal financing solutions. NCL will offer leasing terms from 12-120 months on transactions from \$5,000 and up. Traditional leasing and financing programs will be offered along with programs specifically designed for schools and governmental entities including Tax-Exempt Municipal Leases and a Purchase Order Only program. There is no ownership, common ownership, or control between Landscape Structures and NCL or any other leasing company. In addition, Landscape Structures is not incented financially to use NCL or any other leasing company.	*
51	Briefly describe your proposed order process. Include enough detail to support your ability to report quarterly sales to Sourcewell as described in the Contract template. For example, indicate whether your dealer network is included in your response and whether each dealer (or some other entity) will process the Sourcewell participating entities' purchase orders.	As we have been doing since April 2017, if awarded, all Sourcewell contract orders will be made directly between the customer and Landscape Structures with service provided through our sales network. Orders will be submitted to the corporate office. Once entered and processed, the customer will receive an order acknowledgement listing all the equipment and/or services they are purchasing along with the scheduled ship date of the order. This allows for internal auditing of each purchase order against the requirements of the contract and insures accurate quarterly reporting.	*
52	Do you accept the P-card procurement and payment process? If so, is there any additional cost to Sourcewell participating entities for using this process?	Yes, P-cards are accepted up to \$3,000 at time of order with no additional cost to the customer.	*

Table 11: Pricing and Delivery

Provide detailed pricing information in the questions that follow below. Keep in mind that reasonable price and product adjustments can be made during the term of an awarded Contract as described in the RFP, the template Contract, and the Sourcewell Price and Product Change Request Form.

Line Item	Question	Response *
53	Describe your pricing model (e.g., line-item discounts or product-category discounts). Provide detailed pricing data (including standard or list pricing and the Sourcewell discounted price) on all of the items that you want Sourcewell to consider as part of your RFP response. If applicable, provide a SKU for each item in your proposal. Upload your pricing materials (if applicable) in the document upload section of your response.	Landscape Structures strives to provide a fair and easily understood pricing model. Therefore, we are proposing a single discount percentage off list price (with a volume discount) on our park and playground equipment and a single discount percentage off list price for our Aquatix product line. Aquatix Mechanicals and Design Services and all ancillary products and services are priced on a guaranteed not to exceed model. A complete price list showing list price is attached. Price list includes unique model numbers for all products offered. Since its inception, Landscape Structures goal has been to provide the highest quality and innovative products and services at a fair price while providing exceptional value. Even though value is defined differently by each customer, Landscape Structures strives to attract and retain customers that define it with characteristics such as durability, great service, working with a manufacturer that “does the right thing” irrespective of the wording of the warranty, values relationships and gives back to the community. Throughout its history, Landscape Structures has NEVER had a “sale”. Unlike many other manufacturers, we don’t inventory finished product so “excess inventory” does not drive our spring or fall pricing. We do not offer “Grant” programs that are merely disguised discounts. We do not utilize a retail pricing model whereby the product is priced above market and offered at a significant “discount” to entice potential buyers to act so they can take advantage of the limited time “discount”. Our contract discounts are not intended to be recovered through higher markups on freight, installation or other products and services. When we became frustrated with competitors offering a “lifetime” warranty that included small print restrictions essentially reducing the warranty period to a few years, Landscape Structures began offering a warranty defined in years. The 100-year warranty on certain items seen today originated from this clarification.
54	Quantify the pricing discount represented by the pricing proposal in this response. For example, if the pricing in your response represents a percentage discount from MSRP or list, state the percentage or percentage range.	Landscape Structures is proposing a six (6) percent discount off list price on Landscape Structures play and shade equipment. We are proposing a five (5) percent discount off list price on Aquatix® by Landscape Structures products. Mechanical and Design Services provided by Aquatix are priced on a line item basis.
55	Describe any quantity or volume discounts or rebate programs that you offer.	An additional two (2) percent discount off list price on Landscape Structures play and shade equipment is offered for orders exceeding \$80,000 in equipment (total discount of eight (8) percent). No additional discounts are offered for Aquatix. Volume rebate programs will be considered on a case-by-case basis with the Sourcewell member. Landscape Structures would extend that same volume discount program to all Sourcewell members, provided the same or similar volume commitment is given.
56	Propose a method of facilitating “sourced” products or related services, which may be referred to as “open market” items or “nonstandard options”. For example, you may supply such items “at cost” or “at cost plus a percentage,” or you may supply a quote for each such request.	Landscape Structures local sales representatives work closely with individual customers to determine their unique playground project needs. Once the needs are identified, the sales representative works with local suppliers to propose applicable sourced products/equipment and services to provide a turn-key project. Installation services offered through our certified installer network is provided on a “not to exceed” percentage of list price of Landscape Structures equipment on a state-by-state basis. Sourced product/equipment and related services will be quoted on a cost-plus basis not to exceed a 25% margin. Landscape Structures custom products are quoted on a per project basis and receive the same discount applied to our standard equipment. Landscape Structures PebbleFlex® and AquaFlex® surfacing systems are quoted on a per project basis.

57	Identify any element of the total cost of acquisition that is NOT included in the pricing submitted with your response. This includes all additional charges associated with a purchase that are not directly identified as freight or shipping charges. For example, list costs for items like pre-delivery inspection, installation, set up, mandatory training, or initial inspection. Identify any parties that impose such costs and their relationship to the Proposer.	Bonding is not included in pricing. If bonding is required, the cost is 3% of the purchase order total payable to Landscape Structures. Also excluded are installation services, site preparation, unloading of equipment upon delivery, safety audits and inspections. All of these services can be contracted through Landscape Structures and they will be provided by qualified independent, third party vendors/contractors.	*
58	If freight, delivery, or shipping is an additional cost to the Sourcewell participating entity, describe in detail the complete freight, shipping, and delivery program.	To best serve our customers and provide them the best price for shipping, Landscape Structures provides freight FOB Destination, Pre-paid and Added. Freight is calculated on the entire order (not per component) and quoted based on negotiated shipping rates. Custom freight quotes are requested on orders which contain over-sized components that have been identified by our shipping department Once Landscape Structures receives an order, the product is entered in the computerized scheduling system. Based on the product ordered, a ship date is scheduled. Every order generates a Sales Order Acknowledgement detailing to the customer what they ordered. The Scheduled Ship Date is included on this acknowledgement, which is mailed and/or emailed directly to the customer. If there are any conflicts with the shipping schedule, the customer works with their local sales representative to coordinate any adjustments. Landscape Structures has a 99.8 percent on-time shipping rate. In the event there is a delay in shipment, the local sales representative is notified. They in turn notify the customer to work out a satisfactory solution for the customer. Possible options include but are not limited to splitting the delayed items into a separate shipment at no charge to the customer; shipping the entire order at a later date agreed upon by the customer and possibly expediting the shipment to meet the customer's requirements.	*
59	Specifically describe freight, shipping, and delivery terms or programs available for Alaska, Hawaii, Canada, or any offshore delivery.	Shipping, delivery, exchange and return programs for Alaska, Hawaii and other offshore orders are treated in the same manner as orders shipping to the continental United States with the exception of ocean freight. On ocean freight shipments, the maintenance kit, which contains touch-up paint cannot be shipped with the product, so it is shipped via air freight.	*
60	Describe any unique distribution and/or delivery methods or options offered in your proposal.	Landscape Structures prides itself on how it packages its products. We go to great lengths to ensure the product is delivered to the site undamaged. Landscape Structures will work with individual customers to accommodate any special shipping requirements. Individually marked hardware packets create efficiency for installation and accuracy of contents.	*

Table 12: Pricing Offered

Line Item	The Pricing Offered in this Proposal is: *	Comments
61	b. the same as the Proposer typically offers to GPOs, cooperative procurement organizations, or state purchasing departments.	

Table 13: Audit and Administrative Fee

Line Item	Question	Response *
62	Specifically describe any self-audit process or program that you plan to employ to verify compliance with your proposed Contract with Sourcewell. This process includes ensuring that Sourcewell participating entities obtain the proper pricing, that the Vendor reports all sales under the Contract each quarter, and that the Vendor remits the proper administrative fee to Sourcewell.	All Sourcewell customer orders will be directly invoiced by Landscape Structures. As orders are received and submitted into our order processing system, they will be flagged as Sourcewell contract orders. A daily report is generated alerting our Contract Administrator of all contract orders keyed the previous day. This contract coding is also the basis for all quarterly reporting and administrative fee payments. All discounts on orders require a discount code which provides another checkpoint to ensure the order has received pricing in compliance with the contract. The Sourcewell discount code will be keyed on the order alerting our accounting personnel to verify the order has received the proper pricing. All order keyers and accounting personnel are trained to review orders for contract compliance. Landscape Structures shares the responsibility for the contract discount with the local sales representative. If they fail to submit the order correctly, they do not receive Landscape Structures' share of the discount and must cover the entire amount themselves. This provides a monetary incentive for the sales representative to submit the order with the correct contract information. As an approved supplier on the Sourcewell contract for the past 3-½ years, we are unaware of any instances of non-compliance with the contract. We have incorporated the necessary controls to ensure compliance.
63	Identify a proposed administrative fee that you will pay to Sourcewell for facilitating, managing, and promoting the Sourcewell Contract in the event that you are awarded a Contract. This fee is typically calculated as a percentage of Vendor's sales under the Contract or as a per-unit fee; it is not a line-item addition to the Member's cost of goods. (See the RFP and template Contract for additional details.)	Landscape Structures is respectfully proposing consideration of a 1.5% administrative fee on the net sales price of all products and services (excluding freight, bonding fees and taxes). Even though we believe the current 2% fee is not a major deterrent, internally marketing the lower fee to our sales channel will make the Sourcewell contract that much more attractive for them to promote over other contracts in our portfolio.

Table 14A: Depth and Breadth of Offered Equipment Products and Services

Line Item	Question	Response *
64	Provide a detailed description of the equipment, products, and services that you are offering in your proposal.	Landscape Structures is offering a turn-key solution to the marketplace need for playground and recreation-related equipment, accessories and supplies. Landscape Structures offers a full product suite that includes standard and custom playground equipment, freestanding play, shade, surfacing, sports & fitness equipment, site furnishings and splashpads. Turnkey services are offered to include design and site consultation, installation and site construction services. To complement and enhance park and playground projects, we can provide turn-key solutions through our partnerships to include, but are not limited to, installation, site work (i.e., grading, concrete walkways, landscaping, drainage solutions), shelters, site amenities, waterplay, and independent safety audits. These are sourced products and services.
65	Within this RFP category there may be subcategories of solutions. List subcategory titles that best describe your products and services.	Playgrounds Recreation Shade Playground surfacing Outdoor exercise equipment Site amenities or furnishings such as picnic tables, benches and trash receptacles Aquatic solutions and splash pads

Table 14B: Depth and Breadth of Offered Equipment Products and Services

Indicate below if the listed types or classes of equipment, products, and services are offered within your proposal. Provide additional comments in the text box provided, as necessary.

Line Item	Category or Type	Offered *	Comments
66	Playground equipment, site furnishings, site amenities, and accessories.	☒ Yes ☐ No	Landscape Structures' products include playground equipment for all ages and abilities. Children ages 6 to 23 months are gaining strength, stability and motor skills, along with a host of other physical and cognitive skills. At ages 2 to 5, children are developing physical play and are thinking more creatively. We have many playground designs that offer age-appropriate play to test their motor skills, strength, agility and more. Equipment includes Weevos®, arches with no prescribed entry points; PlayShaper®, playgrounds scaled for preschoolers and PlaySense® and Smart Play®, preconfigured toddler playgrounds Our PlayShaper®, Smart Play®, Weevos®, PlaySense® and Smart Play® playsystems support physical and cognitive development by following standard learning curricula for infants, toddlers and preschoolers. They're also designed to meet the unique safety needs of these age groups Kids ages 5 to 12 need physical and mental challenges while they play. Our commercial playground equipment for 5- to 12-year-olds help them develop balance, coordination, muscle endurance, problem-solving skills, social skills and much more. Equipment includes Evos®, gyroscopic-shaped playground equipment; PlayBooster®, our gold standard in playground design, and PlaySense® and Smart Play®, preconfigured playgrounds Kids 13+ love to stay active through play. We offer a wide variety of playground activities that meet the needs of this group to keep them engaged and challenged. From challenging net climbers to outdoor fitness products, you'll find choices that this hard-to-please age group will love. Site Amenities and Furnishings include shade structures, picnic tables, benches, trash receptacles and more—all designed to coordinate with your playground. Choose from our, Nature-Inspired Collection, Vivid Collection and more. The right pieces will create a clean, safe and welcoming spot for the whole community.

67	Water play and aquatic recreational structures and equipment.	☒ Yes ☐ No	With nearly 35 years of water experience, Aquatix (formerly Aquatic Recreation Company) is a leader in water feature, splash park, and spray park design, fabrication and construction. Pioneering integrated recirculation systems, the company provides a sustainable solution that empowers hours of innovative activity without water consumption limits, and the only manufacturer to offer a completely UL Listed system. By joining forces with leading playground equipment manufacturer Landscape Structures, Aquatix applies the ground-breaking design and innovation they are known for to the creation of imaginative new water experiences. Both Aquatix and Landscape Structures lead the way in forward thinking design, leadership in the industry, and all-around play knowledge. Designed and engineered in-house, Aquatix focuses on creating interactive water park and splash pad products that encourage kids to experience water in novel ways. From aim-and-sprays to dumping buckets, ground sprays and much more, our water products provide an inclusive, sensory-rich play experience in water for children of all ages and abilities. Aquatix products meet or exceed ADA standards of accessibility for inclusive water play. Recycled materials and earth conscious manufacturing practices make Aquatix a leader in sustainability in aqua play products. Even more, Aquatix offers versatility by being a water play design and engineering company that uses stainless steel, fiberglass, and GFRP materials.	*
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68	Playground surfacing and fall protection, and water play and aquatic recreational surfacing.	☒ Yes ☐ No	Landscape Structures surfacing options include PebbleFlex® 2.0, a Landscape Structures product provided by Surface America, which combines the benefits of design, technology and safety into one revolutionary, high-performance breakthrough surfacing solution and AquaFlex® Porous Water Play and Pool Surfacing - Surfacing Solutions for Outdoor Water Play Areas. AquaFlex® Porous, a Landscape Structures product provided by Surface America, is the most common application for outdoor water play environments, such as municipal water play areas, splash pads and pool decks, as it allows water to penetrate through the surface. Even more, it helps evacuate water off the surface to allow for better traction. Landscape Structures combines the benefits of design, technology and safety into a revolutionary, high-performance breakthrough surfacing solution. AquaFlex® is the best surfacing option for your water play and pool deck needs.	*
69	Services related to the solutions above.	☒ Yes ☐ No	Landscape Structures, and our local sales channel, partners with manufacturer-certified playground installers and local contractors to provide installation services and other site work related to your playground project to provide turn-key solutions. These relationships mean the customer receives the benefit of best pricing available.	*

Table 15: Industry Specific Questions

Line Item	Question	Response *	
70	If you are awarded a contract, provide a few examples of internal metrics that will be tracked to measure whether you are having success with the contract.	Landscape Structures' sales leadership team uses Power BI to obtain current information on contract usage. The finance team also provides quarterly and annual contract usage reports to the executive and sales leadership teams. All contract sales are coded for easy data retrieval. Reporting shows how the contract is doing against company sales by month, quarter and against previous years. It provides sales data segmented geographically and by sales organization. In addition, it provides a comprehensive list of sales by order size and repeat customers. This reporting allows us to see where the contract is strongest and areas across the country that our sales leadership team can focus on to increase usage of the Sourcewell contract.	*
71	Describe how your offering addresses the needs of user's safety, well-being, and range or level of accessibility?	We believe good design matters. Whether realized or not, design affects our perceptions and experiences. Our environment influences how we engage, learn and develop. A playground is a social space, and every child is different. We design with these differences in mind, in ways that respect and honor each pathway, while offering fun and exciting new challenges. There's nothing better than seeing a child's curiosity rewarded with the joy of discovery. Safety is Our Top Priority. Kids are always finding new and inventive—but not necessarily safe—ways to play on or around playground equipment. And while they may scrape an elbow or bruise a shin, it's important to take steps to eliminate the risk of more serious mishaps. We make playground safety a top priority at Landscape Structures, and we'll help keep kids safe with our age-appropriate products, safety surfacing and shade systems. We certify our products comply with standards to help keep your kids safe while they play.	

Landscape Structures has been actively involved with ASTM International (formerly American Society for Testing and Materials) in the development and on-going updates to ASTM F1487 (Standard Consumer Safety Performance Specification for Playground Equipment for Public Use) for the design, manufacture, installation and maintenance of public playground equipment. We are also a charter member of the International Play Equipment Manufacturers Association (IPEMA).

All standard products covered under the scope of the Standard in our 2020 (and upcoming 2021) Playground Catalog have been tested and certified to be in compliance with the requirements of the ASTM F1487-17 Safety Standard, except where noted. Our facilities, procedures and test results have been validated by an independent testing laboratory according to procedures set forth by the IPEMA. To verify product certification, visit www.ipema.org.

It is our opinion we also conform to the U.S. Consumer Products Safety Commission's (CPSC) Handbook for Public Playground Safety published in 2010, with the exception of Rhapsody Outdoor Musical Instruments. Most of our playstructures are also designed to be in compliance with the 2010 ADA Standard for Accessible Design.

The company has had continuous certification to the quality standard, ISO 9001, since 1996 and to the environmental standard, ISO 14001, since 1998. The pursuit of ISO certification helped Landscape Structures establish its quality management systems and establish the infrastructure for continued growth.

Landscape Structures received our ISO 9001 certification in 1996 and were the first U.S. commercial playground equipment manufacturer to achieve this standard. In 1998, we were certified to ISO 14001 as the first U.S. playground equipment manufacturer and seventh company in the state of Minnesota to achieve the highest standard for conservation and recycling process. We comply with the latest versions of both the 9001 and 14001 standards for both our play and shade divisions.

What this means is that you can purchase park and playground equipment from us with confidence because we have processes in place to manufacture a quality product while being conscious of how we are impacting the environment.

We offer a playground safety program to help teach elementary school students the importance of safe play. The program, featuring the Super Safety Team, Guardians of the Playground, contains practical tools for schools.

In addition, Landscape Structures has developed and made available Continuing Education Sessions approved by both the International Association for Continuous Education and Training (IACET) and the Landscape Architecture Continuing Education System™ (LA CES). Sessions related to safety include the following:

- Maintaining Safe Play Environments
- Play it Cool: Have Fun in the Sun with Shade
- Designing a Safe Spray Park

Inclusive Play Allows Children of All Abilities to Grow Together. We believe all kids are created equal. That's why we create play environments using inclusive playground equipment that welcome kids and families of all abilities to learn, play and grow together.

Inclusive Play Design Philosophy: Our inclusive playground designs promote A Higher Level of Inclusive Play® by addressing accessibility, age and developmental appropriateness and sensory-stimulating activity.

Our team of designers follows the Seven Principles of Universal Design to create a playground that best fits the needs of those in your community:

1. Equitable Use. The design is useful to people with diverse abilities.
2. Flexibility in Use. The design accommodates a wide range of individual preferences and abilities.
3. Simple and Intuitive Use. Use of the design is easy to understand regardless of the user's experience, knowledge, language skills or current concentration level.
4. Perceptible Information. The design communicates necessary information effectively to the user regardless of ambient conditions or the user's sensory abilities.
5. Tolerance for Error. The design minimizes hazards and the adverse consequences of accidental or unintended actions.
6. Low Physical Effort. The design can be used efficiently and comfortably.
7. Size and Space for Approach and Use. Appropriate size and space are provided for approach, reach, manipulation and use regardless of user's body size, posture or mobility.

Universal Design is a framework for the design of environments, products, buildings, ideas and more with the express goal that they be usable by the widest range of abilities. This framework influences our Inclusive Play Design Philosophy to ultimately increase access, safety, comfort and social participation within our play environments.

		To help achieve our goals, Landscape Structures works with the following partners because we believe in what they are doing to create equity through play. Giving all children the opportunity to play together teaches them about their differences and their commonalities, thus eliminating bias. • Sensory Processing Disorder (SPD) Foundation and STAR Center • Inclusion Matters® by Shane's Inspiration • The Miracle League® To learn more about our Inclusive Play Partners, visit our website at https://www.playlsi.com/en/playground-design-ideas/inclusive-play/partnerships/
72	Describe how your offering addresses the user's desire to customize the offering (e.g. themes, etc.).	Landscape Structures' Design Philosophy: Creating Space for Future Leaders We believe Design Matters. Play Matters More.® For us, design refers to what a play structure looks like as much as it does to the play value built into it. We simply cannot design one without the other. And for one good reason: Play value is what creates return visitors. That's why Landscape Structures designs play environments to be newly fresh and exciting upon every visit. Children enjoy a hive of activity that sparks the imagination, facilitates discovery and lends itself to new adventure. Integrated play opportunities ensure that there are always multiple options for a child's next move. Inclusive play spaces encourage children of all abilities to play alongside one another. And so we ask ourselves: Is it extremely fun? Once a playground has captured a child's attention, does it hold their attention better than a video game? Does it cause them to return on a regular basis? Do they bypass other playgrounds to get to it? Does it imprint itself upon their memory and become part of their childhood story? When those answers are yes, a destination playground has become a legend. By design. A Customized Experience – No company has more design talent, material options, advanced manufacturing capabilities or can provide more guidance to bring a unique destination to life. We learn about goals and vision, and work collaboratively to make it real. Whether a distinctive landscape, historical homage, custom fantasy or abstract wonderland, our design inspiration can jumpstart imagination. We strive to build something iconic together that will engage communities for decades. Landscape Structures has a long history of innovation and custom offerings. With our concrete operations, shade/heavy play capabilities as well as our basic manufacturing operations we have the ability to design and build almost anything our customers can imagine. We have a dedicated team of Custom Engineers and Custom Designers whose dedicated purpose is to design what the customer has envisioned. Whether the request is something as simple as adding a school logo or school colors to the play structure, creating a unique signage or as comprehensive as creating a completely unique themed playground we have the staff in place to make dreams come true.

73	Identify any certification(s) that your business or the products included in your proposal have attained or received.	ISO: Landscape Structures is certified to the latest versions of both the 9001 and 14001 standards for both our play and shade divisions: • ISO 9001:2015 standard has a process-oriented structure, is customer focused and emphasizes continuous improvement in quality • ISO 14001:2015 standard drives us toward operating in a manner that is environmentally conscious AISC - Certified Fabricator: Our SkyWays® shade products are certified to the American Institute of Steel Construction (AISC), which demonstrates our commitment to building in quality from the beginning. By complying with the rigorous standards established by the most recognized national quality certification program for the structural steel industry, you can feel confident about the superior quality of our shade products. The Consumer Product Safety Commission (CPSC) is a governmental organization that provides technical safety guidelines for designing, constructing, operating and maintaining public playgrounds. It is our opinion we conform to the U.S. Consumer Products Safety Commission's (CPSC) Handbook for Public Playground Safety published in 2010 with noted exceptions. Additionally, we meet or exceed the CPSC's Consumer Products Safety Improvement Act (CPSIA) of 2008. The CPSIA specifies safe limits on the maximum allowable amount of lead in paints, coatings and other materials used on children's products, and sets limits on certain heavy metals and six different phthalates (plasticizers used to make vinyl and other plastics soft and flexible) used in certain toys and childcare products. CSA Group: Nearly all of our playground and park equipment is certified to meet CAN/CSA-Z614-07, the Children's Playspaces and Equipment Standard, through IPEMA. IACET: We are approved as an Authorized Provider of continuing education and training by the International Association for Continuing Education and Training (IACET). IPEMA: We're proud to be a founding member of the International Play Equipment Manufacturers Association (IPEMA™), a member-driven international trade organization that represents and promotes an open market for manufacturers of play equipment. In the interest of public safety, IPEMA provides third-party Product Certification services for U.S. and Canadian public play equipment and U.S. public play surfacing materials. The services, administered by TÜV SÜD America, validate our certification of conformance to the standards referenced below. • ASTM F1487-11, excluding sections 7.1.1, 10 and 12.6.1 - Standard Consumer Safety Performance Specification for Playground Equipment for Public use • CAN/CSA-Z614-07 excluding clauses 9.8, 10, and 11 - Children's Playspaces and Equipment Most of our playstructures are also designed to comply with the 2010 ADA Standard for Accessible Design.
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Table 16: Exceptions to Terms, Conditions, or Specifications Form

Line Item 74. NOTICE: To identify any exception, or to request any modification, to the Sourcwell template Contract terms, conditions, or specifications, a Proposer must submit the exception or requested modification on the **Exceptions to Terms, Conditions, or Specifications Form** immediately below. The contract section, the specific text addressed by the exception or requested modification, and the proposed modification must be identified in detail. Proposer's exceptions and proposed modifications are subject to review and approval of Sourcwell and will not automatically be included in the contract.

Contract Section	Term, Condition, or Specification	Exception or Proposed Modification
		NO EXCEPTIONS REQUESTED

Proposer's Affidavit

PROPOSER AFFIDAVIT AND ASSURANCE OF COMPLIANCE

I certify that I am the authorized representative of the Proposer submitting the foregoing Proposal with the legal authority to bind the Proposer to this Affidavit and Assurance of Compliance:

1. The Proposer is submitting this Proposal under its full and complete legal name, and the Proposer legally exists in good standing in the jurisdiction of its residence.
2. The Proposer warrants that the information provided in this Proposal is true, correct, and reliable for purposes of evaluation for contract award.
3. The Proposer, including any person assisting with the creation of this Proposal, has arrived at this Proposal independently and the Proposal has been created without colluding with any other person, company, or parties that have or will submit a proposal under this solicitation; and the Proposal has in all respects been created fairly without any fraud or dishonesty. The Proposer has not directly or indirectly entered into any agreement or arrangement with any person or business in an effort to influence any part of this solicitation or operations of a resulting contract; and the Proposer has not taken any action in restraint of free trade or competitiveness in connection with this solicitation. Additionally, if Proposer has worked with a consultant on the Proposal, the consultant (an individual or a company) has not assisted any other entity that has submitted or will submit a proposal for this solicitation.
4. To the best of its knowledge and belief, and except as otherwise disclosed in the Proposal, there are no relevant facts or circumstances which could give rise to an organizational conflict of interest. An organizational conflict of interest exists when a vendor has an unfair competitive advantage or the vendor's objectivity in performing the contract is, or might be, impaired.
5. The contents of the Proposal have not been communicated by the Proposer or its employees or agents to any person not an employee or legally authorized agent of the Proposer and will not be communicated to any such persons prior to Due Date of this solicitation.
6. If awarded a contract, the Proposer will provide to Sourcwell Participating Entities the equipment, products, and services in accordance with the terms, conditions, and scope of a resulting contract.
7. The Proposer possesses, or will possess before delivering any equipment, products, or services, all applicable licenses or certifications necessary to deliver such equipment, products, or services under any resulting contract.
8. The Proposer agrees to deliver equipment, products, and services through valid contracts, purchase orders, or means that are acceptable to Sourcwell Members. Unless otherwise agreed to, the Proposer must provide only new and first-quality products and related services to Sourcwell Members under an awarded Contract.
9. The Proposer will comply with all applicable provisions of federal, state, and local laws, regulations, rules, and orders.
10. The Proposer understands that Sourcwell will reject RFP proposals that are marked "confidential" (or "nonpublic," etc.), either substantially or in their entirety. Under Minnesota Statutes Section 13.591, subdivision 4, all proposals are considered nonpublic data until the evaluation is complete and a Contract is awarded. At that point, proposals become public data. Minnesota Statutes Section 13.37 permits only certain narrowly defined data to be considered a "trade secret," and thus nonpublic data under Minnesota's Data Practices Act.
11. Proposer its employees, agents, and subcontractors are not:
 - a. Included on the "Specially Designated Nationals and Blocked Persons" list maintained by the Office of Foreign Assets Control of the United States Department of the Treasury found at: <https://www.treasury.gov/ofac/downloads/sdnlist.pdf>;
 - b. Included on the government-wide exclusions lists in the United States System for Award Management found at: <https://sam.gov/SAM/>; or
 - c. Presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from programs operated

by the State of Minnesota; the United States federal government or the Canadian government, as applicable; or any Participating Entity. Vendor certifies and warrants that neither it nor its principals have been convicted of a criminal offense related to the subject matter of this solicitation.

☒ By checking this box I acknowledge that I am bound by the terms of the Proposer's Affidavit, have the legal authority to submit this Proposal on behalf of the Proposer, and that this electronic acknowledgment has the same legal effect, validity, and enforceability as if I had hand signed the Proposal. This signature will not be denied such legal effect, validity, or enforceability solely because an electronic signature or electronic record was used in its formation. - Elaine Harkess, Contract Administrator, Landscape Structures Inc.

The Proposer declares that there is an actual or potential Conflict of Interest relating to the preparation of its submission, and/or the Proposer foresees an actual or potential Conflict of Interest in performing the contractual obligations contemplated in the bid.

☒ Yes ☐ No

The Bidder acknowledges and agrees that the addendum/addenda below form part of the Bid Document.

Check the box in the column "I have reviewed this addendum" below to acknowledge each of the addenda.

File Name	I have reviewed the below addendum and attachments (if applicable)	Pages
Addendum 6_Playground_Water_Play_Equipment_RFP_010521 Tue December 22 2020 03:29 PM	☒	1
Addendum 5_Playground_Water_Play_Equipment_RFP_010521 Fri December 18 2020 04:15 PM	☒	1
Addendum 4_Playground_Water_Play_Equipment_RFP_010521 Mon December 7 2020 07:55 AM	☒	1
Addendum 3_Playground_Water_Play_Equipment_RFP_010521 Thu November 19 2020 08:52 AM	☒	1
Addendum 2_Playground_Water_Play_Equipment_RFP_010521 Fri November 13 2020 09:09 AM	☒	2
Addendum 1_Playground_Water_Play_Equipment_RFP_010521 Thu November 12 2020 10:53 AM	☒	2



Staff Report: 036-23

TO: Mayor and City Council

FROM: Eric Holmes, City Manager

DATE: 3/6/2023

SUBJECT Kuni Playground Donation

Key Points

- Kuni Foundation contacted staff in mid-2022 to discuss a partnership with the City to build an accessible playground.
- After several months of discussion, a decision was reached to renovate the playground at Fruit Valley Park. The new playground will be planned, designed and constructed with an inclusive playground.
- The City will ensure that the Project is built to create a balance of play experiences that are engaging to children of all abilities. An inclusive playground empowers children of all abilities to develop physically, cognitively, socially and emotionally and takes into account physical, intellectual, developmental and sensory disabilities.
- The Project will be built and designed similar to other play areas described as “inclusive playgrounds” in the region.
- The Kuni Foundation is donating one million dollars \$1,000,000.00 for the planning and construction of the playground. It is a condition of Kuni Foundation’s grant that the new playground be named the Elizabeth Austin Playground.
- The Playground Name shall be in perpetuity and the City shall not re-name the Project without written consent from Kuni Foundation.

Strategic Plan Alignment

Goal 4: Ensure that Vancouver’s Parks and Trail systems is the highest quality and most complete in the region

Present Situation

Staff within the City has been working with the staff at the Kuni Foundation over the last 6-8 months to explore and agree on a redesign agreement for Fruit Valley Park playground. Fruit Valley Park currently contains a playground that is 29 years old and is on the list to be replaced in the next few years.

Both staff at the City and the Foundation are interested in providing more inclusive playgrounds in Vancouver. The playground to be built will give more community members the ability to use and enjoy. The playground will be built to ensure accessibility for mobility devices and also to create a balance of play experiences that are engaging to children of all abilities, including those with limited mobility, sensory deficits or other developmental issues. The playground will be named to honor Elizabeth Austin.

The timeline for the playground process is to complete the public engagement on a new playground master plan in 2023. Some design work may be accomplished in 2023, but the majority of the plans and specification will be completed in 2024. Once the plans and specification are complete, the park documents will be sent out for bids. It is anticipated that some of the playground removal work can begin in the later part of 2024, with the playground being complete and open to the public in 2025.

Once the playground is complete a grand re-opening of the playground will occur and the "Elizabeth Austin Playground" will be open to the public.

During the entire planning process and through construction, the City of Vancouver will be actively engaged with the Kuni Foundation on the process and details through the installation of the new playground elements. The Kuni Foundation has pledged one million dollars in funding for this new playground.

Advantage(s)

1. A new accessible playground will be built at Fruit Valley Park
2. The Kuni Foundation is donating \$1,000,000 for this effort

Disadvantage(s)

None

Budget Impact

The approved City of Vancouver 2023-24 Capital Budget does not include budget for this project. The costs associated with the project will be paid by the donation from the Kuni Foundation on the schedule detailed in attachment D of the grant agreement. New budget will be requested as part of the Supplemental appropriation.

Action Requested

City Council to accept the Kuni donation of \$1,000,000 for the development of a new Fruit Valley playground to be named Elizabeth Austin Playground.

Julie Hannon, Park Development Services Manager, 360-487-8309

ATTACHMENTS:

- ▯ Kuni Playground Donation Agreement

PROJECT FUNDING AGREEMENT FRUIT VALLEY PARK PLAYGROUND

This Project Funding Agreement (this “Agreement”) is entered into effective [MONTH] [DAY], 2023 (the “Effective Date”) by and between the Wayne D. Kuni and Joan E. Kuni Foundation, a Washington nonprofit corporation also known as the Kuni Foundation (“Kuni Foundation”) and the City of Vancouver, a Washington municipal corporation (“City” and together with Kuni Foundation the “Parties”) for the purpose of designing and constructing a commemorative, inclusive playground area at Fruit Valley Park in Vancouver, Washington.

RECITALS

A. WHEREAS, part of Kuni Foundation’s mission is to fund projects that enhance opportunity, possibility and quality of life for individuals who experience intellectual and developmental disabilities in order to advance equity and inclusion with respect to the disability community;

B. WHEREAS, Kuni Foundation desires to donate certain funds to the City specifically for the purpose of designing and installing an accessible and inclusive memorial namesake playground at Fruit Valley Park (the “Purpose”);

C. WHEREAS, City desires to accept funds from Kuni Foundation order to further the creation of inclusive and accessible public recreational spaces and to enhance the parks, recreation opportunities, natural areas and public spaces for art and culture which are critical components of community health, wellness and quality of life in City;

D. WHEREAS, the City’s Parks, Recreation, and Cultural Services Director (“Parks Director”) has the authority, pursuant to Vancouver Municipal Code (VMC) Section 2.16.090(2), to establish and operate all facilities and establishments situated in public parks and playgrounds;

E. WHEREAS, the Parks Director is authorized to approve all plans for the improvement of lands for public recreation, and for the erection, construction, or improvement of equipment, structures, and facilities for the purpose of recreation under VMC 2.16.090(7);

F. WHEREAS, the City may receive moneys from lawful sources by contribution, gift, or otherwise for park and recreation purposes pursuant to VMC Section 2.16.100; and

G. WHEREAS, this Agreement is subject to review and recommendation by the City’s Parks and Recreation Advisory Commission (“PRAC”) in accordance with its advisory responsibilities as set forth in VMC 2.16.070(9) and must be subsequently reviewed and approved by the Vancouver City Council.

NOW THEREFORE, The Parties mutually agree as follows:

AGREEMENT

I. PROJECT AND GRANT.

- A. Grant. Kuni Foundation commits to grant One Million Dollars (\$1,000,000) to the City for the Project (“Project Funds”), subject to the conditions and contingent upon fulfillment of the City’s obligations contained in this Agreement.
- B. Project Description and Plan. The City will use the Project Funds to fund the design, permitting, public outreach and construction of an Inclusive Playground (as defined below) sited on a portion of the City’s Fruit Valley Park, located at 3200 Fruit Valley Road, Vancouver, Washington (the “Project”), as more particularly described on the attached Exhibit A.1.
- C. Inclusive Design. The City will ensure that the Project is built to ensure accessibility for mobility devices and also to create a balance of play experiences that are engaging to children of all abilities, including those with limited mobility, sensory deficits or other developmental issues, in a manner similar to other play areas described as “inclusive playgrounds” in the region (an “Inclusive Playground”).
- D. Project Plan. The Project will be designed and constructed in accordance with certain milestones (“Project Plan”), set forth on the attached Exhibit A.2.
- E. Playground Naming. It is a condition to Kuni Foundation’s grant of the Project Funds that the Project be named the Elizabeth Austin Playground (“Playground Name”). The Playground Name shall be in perpetuity and City shall not re-name the Project without written consent from Kuni Foundation.
- F. Future Playground Repairs. After the completion of the Project, if an inspector engaged by City as part of its routine parks assessment determines that the Project or any components of the Project are in need of repair or replacement, then City shall contact Foundation to determine if Foundation may provide additional funds to assist with such repair or replacement. Any repair or replacement of Project components shall be performed in a manner to ensure that the Project remains an Inclusive Playground.

II. GENERAL OBLIGATIONS OF THE PARTIES

A. Obligations of City.

- 1. Project Oversight. The City agrees to perform, bid, contract for, and otherwise cause the Project to be completed in accordance with the Project Plan. The City will cause the Project to be constructed in accordance with public bid and prevailing

wage requirements based on statutory requirements and the City's procurement procedures. The City will be solely responsible for the construction and design of the Project, including the hiring and payment of any contractors and for procurement of all equipment, materials, and other resources necessary for the Project and may rely on the Project Funds to do so. The city will be responsible for payroll costs associated with city staff working on the project.

2. Kuni Foundation Involvement. The City will engage in open communication and provide regular Project updates to Kuni Foundation for the duration of this Agreement (the "Foundation Involvement"). As part of the Foundation Involvement, City must obtain approval from Kuni Foundation in the following Project stages:
 - (a) City must seek approval from Kuni Foundation prior to selecting a landscape architect for the Project. Kuni Foundation will review the selection of a landscape architect to ensure that such architect is able to create an Inclusive Playground. If Foundation does not approve of the selection, then City must select a different landscape architect in consultation with Foundation.
 - (b) City must seek approval from Kuni Foundation prior to finalizing the design plan for the Project. If, in the reasonable judgment of Kuni Foundation, the design does not meet the standards of an Inclusive Playground, then City and Kuni Foundation will work together with the landscape architect to make necessary alterations to the design.
3. Playground Name. The City will propose the Playground Name in accordance with the park naming policy procedure described on the attached Exhibit B (the "Naming Procedure"). In the event that the Playground Name is not approved pursuant to the Naming Procedure and the Parties cannot agree on an alternative name, then Kuni Foundation shall have no obligation to grant the Project Funds, any disbursed Project Funds shall be returned to Kuni Foundation, and this Agreement shall be null and void.
4. Use of Funds. The City will not use any portion of the Project Funds for any purpose other than as expressly detailed in the Project Plan and necessary to complete the Project. In the event that there are unused Project Funds after the completion of the Project, the City shall return any such unused Project Funds to Kuni Foundation.

B. Obligations of Kuni Foundation.

1. Grant of Project Funds. Subject to the conditions and contingent upon the continuing fulfillment of the City's obligations contained in this Agreement, Kuni Foundation will disburse the Project Funds to the City in accordance with the Budget and Reimbursement Schedule attached hereto as Exhibit C.

2. Kuni Foundation Involvement. Kuni Foundation will engage in open communication with the City for the duration of this Agreement, including in the Foundation Involvement described above.
3. No Other Obligations. Kuni Foundation will have no obligations with respect to the Playground other than as specifically set forth in this Agreement.

III. TERM AND TERMINATION

- A. Term. This Agreement is effective as of the Effective Date and will continue for the duration of the Project, ending on Kuni Foundation's delivery to the City of the final disbursement of the Project Funds or Kuni Foundation's final approval of the Project design as described in Section II.A.2, whichever is later.
- B. Termination. This Agreement may be terminated earlier for the following reasons:
 1. Kuni Foundation, after reasonable consultation with the City and sufficient exploration of other options and possible mutual agreements to amend this Agreement, may terminate this Agreement effective immediately by written notice to the City if Kuni Foundation reasonably determines that the Project is no longer feasible, that Project will not be completed in accordance with its intended purpose and design, or in the event of a material breach of this Agreement by City.
 2. If the City, after reasonable consultation with Kuni Foundation and sufficient exploration of other options and possible mutual agreements to amend this Agreement, determines that circumstances beyond its control prevent it from continuing the Project, the City may terminate this Agreement at any time by written notice to Kuni Foundation. In the event that the Project is terminated by the City after any disbursement of Project Funds by Kuni Foundation, City must return all disbursed Project Funds to Kuni Foundation.

IV. STANDARD TERMS

- A. Survival. All terms which by their nature and intent are required to be performed after termination of this Agreement will survive to the extent necessary to enable their fulfillment.
- B. Authority. The individuals executing this Agreement on behalf of the respective parties represent and certify that they have the right, power, legal capacity, and appropriate authority to enter into this Agreement on behalf of that party.
- C. Modifications. No provision, requirement, or term of this Agreement may be modified, supplemented or amended, nor may it be waived or discharged, except in writing, signed by both Parties. A written waiver of a breach of one provision in this Agreement will not operate as a waiver of a subsequent breach of the same provision.

- D. Integration.** This Agreement and all attachments and exhibits hereto contains the entire understanding between the parties relating to this Agreement. This Agreement supersedes all prior and contemporaneous understandings, representations, negotiations, and agreements between the parties whether written or oral. In the event of a conflict between the terms of an exhibit or other document referenced herein and this Agreement, the terms of this Agreement control.
- E. Severability.** The provisions of this Agreement are severable, and the invalidity, illegality, or unenforceability of any provision of this Agreement will not affect the validity or enforceability of any other provisions. If any provision of this Agreement is found to be invalid, illegal, or unenforceable, such provision will be modified to the extent necessary to render it enforceable, and as modified, this Agreement will remain in full force and effect.
- F. Notices.** Any notice, request, demand, or communication required or allowed under this Agreement will be sent in writing to the addresses and contact information for the Parties set forth in Exhibit D, and will be deemed sufficiently given upon delivery, if delivered by hand (signed receipt obtained), or three (3) days after posting if properly addressed and sent certified mail return receipt requested, or upon receipt if sent via email, if delivery can be confirmed by the sender.
- G. Force Majeure.** No Party will be liable for any delay or default in performance caused by conditions beyond its control, including, but not limited to, environmental or natural disasters, government restrictions, epidemics or pandemics, continuing domestic or international problems such as wars, threats of terrorism, or insurrections, strikes, work stoppages and embargoes; provided, however, that either party will have the right to terminate this Agreement upon thirty (30) days prior written notice if the other party's delay or default due to any of the above-mentioned causes continues for a period of more than ninety (90) days.
- H. Governing Law and Venue.** This Agreement is written and is to be construed in accordance with and governed by the laws of the State of Washington and venue shall lie in Clark County, Washington.
- I. Counterparts.** This Agreement may be executed and delivered in counterparts, and by email, and each will be valid as if all parties had executed the same document.
- J. Independent Relationship.** The parties are independent contractors and no agency, employer-employee, partnership, or joint venture relationship is intended or created by this Agreement. Neither party has any right or authority to assume or create any obligation, commitment or responsibility for or on behalf of the other except as provided herein or as the other may expressly authorize in writing. Each party is solely responsible for the performance and compensation of its respective employees.

IN WITNESS, WHEREOF, the parties hereto have caused this Agreement to be signed and dated as of the Effective Date.

KUNI FOUNDATION:

By: _____
Name: _____
Title: _____

CITY OF VANCOUVER:

By: _____
Name: _____
Title: _____

ATTEST:

By: _____
Name: Natasha Ramras
Title: City Clerk

APPROVED AS TO FORM:

By: _____
Name: Jonathan Young
Title: City Attorney

EXHIBIT A.1

PROJECT DESCRIPTION

The Project is built to ensure accessibility for mobility devices to create a balance of play experiences that are engaging to children of all abilities, including those with limited mobility, sensory deficits or other developmental issues, in a manner similar to other play areas described as “inclusive playgrounds” in the region

EXHIBIT A.2
PROJECT PLAN

Tasks to be completed in 2023

- PRAC Recommendation to City Council to accept Kuni donation
- City Council acceptance of the Kuni Foundation Donation for the use of \$1,000,000 for new playground in Fruit Valley Park, named for Elizabeth Austin
- Selection of a contracting firm to help with the outreach, public input, permitting, design, specification and construction review assistance for the Elizabeth Austin Playground
- Completion of a Master Plan for Fruit Valley Playground, AKA Elizabeth Austin Playground

Tasks to be completed in 2024

- All plans and specifications for the new playground and surrounding area
- Project submitted to the city and approved for all permits required to build the playground and associated improvements
- Preparation of bidding schedule and bid documents
- Closing of bids and selection of a general contractor for the playground installation
- City Council approval of the selected general contractor for the Elizabeth Austin Playground

Tasks to be completed in 2025

- Completing the construction of the Elizabeth Austin Playground
- Close out all permits.
- Completion of final punch list for Elizabeth Austin Playground
- Grand Opening of the new Elizabeth Austin Playground

EXHIBIT B
PLAYGROUND NAMING PROCEDURE

The Playground Name must be reviewed and approved in accordance with the City's Park Naming Policy and requires submission of a written report including the information excerpted from that policy below. This report is designed to assist PRAC in affirming an initial determination by the Parks Director that such commemorative naming is justified and complies with the City's policy.

- A. Factors to be considered include, but are not limited to:
 - 7.2.1 The proposed name and the reason for the naming or renaming
 - 7.2.2 The background information, biographical information demonstrating the contribution or other factors associated with a person or place to be named.
 - 7.2.3 Whether and to what extent the appropriate and/or impacted communities support the proposal.
 - 7.2.4 In cases of proposals recognizing deceased individuals, documentation verifying that the living family members or relatives agree with the proposal.
 - 7.2.5 Any other factors which would support the proposal or request, including consistency with this policy.
- B. The Parks Director's consideration regarding the naming or renaming of parks, recreation facilities or features within such areas – here a playground feature within a park – must be guided by the following considerations:
 - 7.4.1 Recognized geographic names- relative location of the park, facility, neighborhood, area, etc.;
 - 7.4.2 Natural or geological features proximate to the park or facility;
 - 7.4.3 Cultural or historical significance to the City, County or surrounding neighborhood; or
 - 7.4.4 A deceased individual who made a significant community contribution, exhibited outstanding achievement, performed distinctive service or otherwise has well documented community support.

EXHIBIT C
BUDGET AND REIMBURSEMENT SCHEDULE

Funding for Elizabeth Austin Playground at Fruit Valley Park

<u>FUNDING AMOUNT</u>	<u>DISBURSED TO THE CITY OF VANCOUVER*</u>
\$100,000	Following completion of: Selection and Contracting of Landscape firm to handle the plans, specifications, and construction inspection of the Fruit Valley playground area. Funding to be used for pre-develop/development tasks, such as site survey, permits and public outreach costs.
\$100,000	Following completion of: Adopted master plan of playground by Kuni Foundation and PRAC
\$100,000	Following completion of: Plans and Specification for the new Elizabeth Austin playground
\$250,000	Following the: City Council action to approve the contractor for the playground construction at Fruit Valley Park
\$250,000	Following the: Selected contractor complete 50% of the work on site. As a note, provided that funding remains after installation of playground equipment and completion of the accessibility elements of the Inclusive Playground, remaining Kuni Foundation funding may be used for the following items to accompany the playground: parking improvements, picnic tables, benches, shade shelters, trash cans, etc.
\$200,000	Following the: Completion of final punch list and Grand Opening of the Elizabeth Austin playground

*All funding disbursements will occur within 30 days of completion of the funded task itemized above.

EXHIBIT D
NOTICE AND CONTACTS

Kuni Foundation Key Contacts:

Kuni Foundation
900 Washington Street, Suite 830
Vancouver, WA 98660
FEIN Number: 81-5181832

Name:	Function/Title:	Phone:	Email:
Angela Hult	President		
Greg Goodwin	Board Chair		
Robyn Shuey	Director of Grants and Programs	(360) 360-4811, ext. 202	robyn@kunifoundation.org
Jenny Tuohy	Attorney, Stoel Rives LLP	(503) 294-9275	jenny.tuohy@stoel.com

City of Vancouver Key Contacts:

City of Vancouver
Department of Parks, Recreation, and Cultural Services
PO Box 1995
Vancouver, WA 98668-1995

Name:	Function/Title:	Phone:	Email:
Eric Holmes	City Manager	(360) 487-8640	eric.holmes@cityofvancouver.us
Dave Perlick	Interim Director, Parks, Recreation and Cultural Services Department	(360) 487-8314	david.perlick@cityofvancouver.us
Julie Hannon	Parks and Recreation Manager	(360) 487-8309	julie.hannon@cityofvancouver.us
Becky Rude	Assistant City Attorney	(360) 487-8513	becky.rude@cityofvancouver.us

Each party will provide the other party written notice of changes to its contact persons, addresses, telephone, and email address.



Staff Report: 037-23

TO: Mayor and City Council

FROM: Eric Holmes, City Manager

DATE: 3/6/2023

SUBJECT Ida Bell Jones Park Closeout

Key Points

- Completes the contract with Allcon, LLC, to make new improvements to Ida Bell Jones (Rose Village) Park that was awarded June 6, 2022.
- Construction began in June of 2022 and was physically complete in January of 2023.
- Final construction costs for the project are \$602,079.24.
- The City's apprenticeship utilization requirement is based on the engineer's estimate that was published at the time of bidding. The engineer's estimate, calculated in March of 2022, for this project was below the required threshold for apprenticeship utilization and therefore there were no apprenticeship goals for this contract.
- This project is funded solely with Parks Impact Fees. The park impact fees are from district A and can only be used for park development and acquisition in that district and cannot be used for other purposes.

Strategic Plan Alignment

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

Present Situation

- Allcon, LLC, of Brush Prairie, Washington has satisfactorily completed the subject improvements in accordance with the plans and specifications.

TOTAL CONTRACT COSTS	
Labor, Equipment and Material	\$562,142.46
Sales Tax	\$39,936.78
Total	\$602,079.24
Retainage	\$28,107.12

- The original construction contract bid amount was \$580,234.00. Change orders and quantity adjustments during construction increased the contract amount by 3.6% to \$602,079.24.

- The City's apprenticeship utilization requirement is based on the engineer's estimate that was published at the time of bidding. The engineer's estimate, calculated in March of 2022, for this project was below the required threshold for apprenticeship utilization, and therefore there will be no apprenticeship goals for this contract.

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 retainage.

Disadvantage(s)

None

Budget Impact

None.

Prior Council Review

The City Council approved the contract on June 6, 2022.

Action Requested

On March 6, 2023, accept the Ida Bell Jones (Rose Village) Neighborhood Park project as constructed by Allcon, LLC of Brush Prairie, and authorize release of the retainage, subject to receipt of all documentation required by law.

Terry Snyder, Senior Park Developer, 360-487-8317



Staff Report: 038-23

TO: Mayor and City Council

FROM: Eric Holmes, City Manager

DATE: 3/6/2023

SUBJECT Clark County Comprehensive Plan update – Resolution stating City of Vancouver principles for decisions impacting Vancouver UGA and City

Key Points

- Clark County, like Vancouver, has begun updating its 20-year Comprehensive Plan, as required to be completed by June 2025.
- Counties have no direct authority for land use planning or growth assumptions within city limits, but are authorized to adopt new 20-year population forecasts for the county and each Urban Growth Area (UGA), resulting UGA boundaries and land use designations, and Countywide Planning Policies.
- These decisions impact cities by establishing plans for areas that are generally anticipated to be annexed during the planning period, and that irrespective of annexation will generate various cross border impacts related to traffic and overall public service needs, economics, housing markets, climate, and other issues.
- These decisions must be made in consultation with Cities.

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

Goal 9: Build the strongest, most resilient economy in the region

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

Present Situation

Local growth forecasts, UGA boundaries and associated land uses were last adopted in 2016.

The current update will be the fifth since the Growth Management Act (GMA) was established in 1990 and 1991. Clark County initiated the current update with a public kick-off meeting on January 19, followed by release of a County Public Participation Plan identifying key regional growth decisions in spring and summer 2023, followed by environmental review and identification of updated UGA designations in 2024, with final adoption of final plans including policies and land use designation in spring 2025.

The potential magnitude of the growth decisions is unclear. If Clark County adopts the medium local forecast option provided by the state Office of Financial Management (OFM) of 698,000 persons by 2045, which OFM estimates as most likely to occur, it would mean planning for roughly an additional 175,000 persons countywide beyond estimated current levels. Vancouver's share of this is also unclear. Under past practices, cities were only allocated what they had room for under County capacity modeling, with the remainder allocated to UGAs.

Under GMA changes adopted in 2021 under HB 1220 addressing affordable housing, if the medium countywide forecast is chosen locally, there would likely be an obligation to plan for and accommodate roughly 50,000 housing units countywide that are affordable at 80% of Area Median Income or below, with most of these required to be affordable at the 50% or below AMI level. Specific housing obligations are unclear, as other legislation being considered in the current session may replace these requirements.

City staff has participated in the County update thus far through the County public kick-off meeting and monthly interjurisdictional staff meeting and has commented on the recent draft County Public Participation Plan.

Going forward, staff envisions confirming specific direction with the City Council in advance of key decision points, beginning with the County hearing to adopt a countywide population forecast on April 18.

To better guide City engagement at all levels throughout the process, a Council resolution containing a set of framework principles is provided for Council consideration as an attachment to this staff report. By necessity given the various uncertainties at this time, it is framed as principles, rather than specific outcomes.

Advantage(s)

The resolution links to existing City policies and values in the context of the Comprehensive Plan update process.

Disadvantage(s)

None

Budget Impact

None

Prior Council Review

February 27, 2023, Council review under Communications.

Action Requested

Adopt the Resolution stating the City of Vancouver Principals.

Bryan Snodgrass, Principal Planner, 360-487-7946

ATTACHMENTS:

- ▣ Resolution

March 6, 2023

RESOLUTION NO. _____

A RESOLUTION establishing guiding principles for City of Vancouver engagement in regional decisions impacting Vancouver Urban Growth Area (UGA) and City of Vancouver as part of the 2025 Clark County Comprehensive Plan update.

WHEREAS, RCW 36.70.A.110 requires Clark County, the City of Vancouver and other local cities within the County to adopt updated 20-year Comprehensive Plans by June 30, 2025, and as part of this process Clark County is required to adopt countywide 20-year population and employment forecasts, allocate those forecasts among local urban growth areas, and designate UGA boundaries and land use designations so there is sufficient land at sufficient densities to accommodate the allocated growth forecasts, based on a Land Capacity Analysis, and

WHEREAS, The Growth Management Act (GMA) at RCW 36.70A.210 further requires Clark County and local cities to adopt Countywide Planning Policies addressing UGAs and joint planning within, urban services, capital facilities including transportation, affordable housing, economic development, fiscal impacts, and tribal resource protection; and

WHEREAS, the 2025 Comprehensive Plan update is the fifth update of growth forecasts and UGAs undertaken by Clark County since enactment of the GMA in 1990 and 1991. As of 2022 the City of Vancouver population is estimated at 197,600 persons. In 2020 the unincorporated Vancouver UGA population outside city limits was estimated in the Clark County Buildable Lands Report at 161,500 persons; and

WHEREAS, the GMA envisions cities as generally the provider of urban services and envisions UGAs to transfer governance to municipalities through annexation or incorporation

RESOLUTION - 1

during the planning period and, irrespective of annexation, spillover impacts to local economies, housing markets, traffic, public service demand, climate change implications and other factors will flow from UGAs to cities, and vice versa; and

WHEREAS, Clark County has begun the 2025 Clark County Comprehensive Plan update with a public kick-off meeting on January 19, 2023, and an upcoming County Council public hearing to adopt a County Public Participation Plan on March 21, 2023 and countywide population forecast on April 18, 2023; and

WHEREAS, the City of Vancouver, as a partner agency, will guide and influence decisions impacting the Vancouver UGA and the City in a timely manner and within the framework of identified guiding principles;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF VANCOUVER:

The City of Vancouver City Council supports regional and Vancouver UGA land use decisions that:

a. Pursue technically and legally sound processes and outcomes:

Ensure that decisions are data-driven and consistent with GMA requirements;

b. Engage Cities as partners rather than impacted parties or stakeholders in County regional land use decisions, as directed by state and local policy:

Ensure County regional decisions are made in partnership with Vancouver and other cities, as required by the GMA, associated state administrative code, and longstanding existing Countywide Planning Policies adopted in all local jurisdictions' Comprehensive Plans;

c. Consider implications for equity, safety, and climate:

Ensure that decisions consider impacts to those who have been underrepresented or negatively impacted in past decisions. Ensure that public health and safety is considered. Ensure that climate impacts, including analysis of greenhouse gas (GHG) emissions associated with different land use decisions, are included and considered;

d. Consider implications for housing affordability, employment, and service provisions:

Ensure that decisions consider housing attainability, employment implications, and capital facilities costs;

e. Facilitate placemaking and location of inter-related uses near one another:

Ensure that employment, shopping, recreating and gathering opportunities are near and accessible to where people live and work;

f. Consider implications for potential future annexation:

Ensure that decisions consider implications for annexation of urban areas over time as envisioned by the GMA and local Countywide Planning Policies;

g. Pursue equity among the City of Vancouver and other jurisdictions, including the unincorporated VUGA, in providing for attainable housing, recognizing differing histories and geographies:

Although Vancouver is likely to continue to develop at higher densities, all local jurisdictions should provide a fair share of attainable and affordable housing to meet local needs;

h. Consider how decisions in this update cycle impact future longer term options, and what options exist for future adjustments:

Consider at a minimum the role of future updates, and how long current choices can be sustained given finite countywide land supplies; and

i. Consider UGA expansions only where clearly and demonstrably needed to further the balance of these and other City objectives:

Pursue efficient development of existing urban areas with existing services before expanding into other areas.

ADOPTED at a Regular Meeting of the Vancouver City Council this 6th day of March, 2023.

Anne McEnery-Ogle, Mayor

ATTEST:

By: Natasha Ramras, City Clerk (or Designee)

APPROVED AS TO FORM:

By: Jonathan Young, City Attorney (or Designee)



Staff Report: 014-23

TO: Mayor and City Council

FROM: Eric Holmes, City Manager

DATE: 3/6/2023
3/20/2023

SUBJECT Title 17 Building Code Ordinance Changes

Key Points

- The City's Building Code is codified as Title 17 of the Vancouver Municipal Code (VMC). Chapter 17.08 of this title is the Administrative Code, which provides for the rules and regulations for the administration and enforcement of the technical codes adopted by the City.
- The focus of the proposed updates is primarily to address some minor clean-up items. One substantive proposed change will help align VMC 17.08 with another chapter of the VMC.
- The proposed changes have been reviewed and recommended for approval by the City's Building and Fire Code Commission.

Strategic Plan Alignment

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

Present Situation

The Community Development Department, which includes the building plan review, inspection and code compliance programs, is responsible for the administration and enforcement of the building codes ordinance. The "Building Official" for the City provides direct day-to-day management and oversight of the enforcement and administration of City building codes and ordinances codified in VMC Title 17, as well as for construction permits under Section 105 of the International Fire Code (IFC), adopted in VMC Chapter 16.04.

The City established the Building and Fire Codes Commission (BFCC) to advise the City Council regarding the technical codes and methods contained in VMC Title 16 and 17, and to provide for reasonable interpretations of the adopted technical codes. One of the primary duties of the BFCC is to review and make recommendations to City Council prior to its action on all proposed new codes and proposed changes to existing construction codes and regulations relating to building and fire. The BFCC reviewed the proposed changes to Title 17 VMC on October 6, 2022, and

recommended them for adoption by City Council.

SUMMARY OF PROPOSED CHANGES

The focus of the proposed updates is to address minor clean-up items and to capture a few larger and substantive items which help align VMC 17.08 with other sections of the VMC. The following is a summary of the proposed changes (staff has noted which items are considered clean-up items or more substantive in nature):

- To clarify the Application Filing Date to mean the date on which the electronic record of the permit application is created in the City's e Plans permit system and a permit number is assigned. [clean-up]
- The City has transitioned from a paper-based permit submittal process to an electronic based permit submittal process. All references to a paper-based process have been removed and updated to refer to an electronic-based process which the City now uses. [clean-up]
- To adjust the permit application expiration deadline from 180 days to one year, which will reduce an administrative burden on applicants and staff. The one-year timeframe aligns the permit process with the requirements of the City's impact fee payment process (VMC 20.915.020). The building official may grant an extension of the permit application beyond one year where, in the judgment of the building official, extenuating circumstances exist that warrant such an extension and the development review approvals are being actively pursued. [clean-up]
- To update the inspection processes to allow virtual inspections when, in the opinion of the building official, the work is minor enough in nature that the inspection can be performed remotely. This enables the City the option of providing more timely inspections and aligns with the current protocol being used by the State of Washington Labor and Industries. [clean-up]
- To adjust the inspection scheduling timeframe from a 10-day maximum window to a three-day maximum window to complete the inspections upon the inspection request, to better align with department practices. [clean-up]
- To ensure the work being completed is the responsibility of the property owner, the project contractor, and the permit holder. Previously this was only the responsibility of the permit holder. [clean-up]
- To adjust the fee refund process to capture administrative costs, to better align with Council's target cost recovery policy. Fees assessed that are less than \$222 will be retained by the city as a non-refundable administrative processing fee unless the building official or fire code official determine that the fees assessed and collected were a result of an error by the City. [clean-up]

A more substantive clarification is recommended to VMC 17.32.040 "Unfit buildings, dwellings and structures defined" whereby each itemized defect listed in this chapter shall be considered a distinct code violation for the purpose of enforcement action under VMC Title 22, which will allow for individual violations to be addressed and resolved separately.

- For the purposes of this chapter, any dwelling, building or structure which has any or all of the conditions or defects described in this section shall be deemed to be an unfit dwelling, building or structure, provided that such conditions or defects exist to the extent that the life, health, property or safety of the public is endangered. Each itemized defect listed in this chapter is considered a distinct code violation for the purpose of enforcement action under VMC Title 22.

Advantage(s)

To clarify existing language and align VMC 17.08 with current city policy, administrative practice and other sections of the VMC.

Disadvantage(s)

No identified disadvantages.

Budget Impact

No City budget impact.

Prior Council Review

None

Action Requested

On March 6, 2023, approve the Ordinance on first reading, setting the date of the second reading and public hearing for March 20, 2023.

Jason Nortz, Development Review Division Manager, 360-487-7844

ATTACHMENTS:

- ▣ Ordinance

03/06/23
03/20/23

ORDINANCE NO. _____

AN ORDINANCE relating to the updating of VMC Title 17 to align the permit deadlines with impact fee deadlines, to update the permit application process to an electronic format, update the inspection scheduling process, to allow for remote inspections at the discretion of the Building Official, adjust the minimum fee refund amount, to clarify violations for the purpose of enforcement, and general cleanup of repetitive sections; providing for savings, severability and an effective date.

WHEREAS, as reflected in SR - _____, the purpose of the Vancouver Municipal Code (VMC) 17.08 Administrative Code is to provide for the administrative rules and regulations for the administration and enforcement of the technical codes adopted by the City of Vancouver; and

WHEREAS, the focus of the proposed amendments is to address some minor cleanup items and to capture a few larger and substantive items which help align VMC 17.08 with other sections of the VMC.

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF VANCOUVER:

Section 1. That part of section 8 of Ordinance M-3958, and last amended by that part of section 2 of Ordinance M-4165, codified as 17.08.075, is hereby amended to read as follows:

17.08.075 Definitions.

For the purposes of this Title, certain terms, phrases, words and their derivatives shall be construed as specified in this section. Where terms are not defined, they shall have their ordinarily accepted meanings within the context with which they are used. Words used in the singular include the plural, and the plural the singular.

“Addition” means an extension or increase in floor area or height of a building or structure.

“Alter or alteration” means any construction or renovation to an existing structure other than repair or addition.

“Application filing date” means the date on which electronic record of permit application deemed to be complete per the requirements of VMC 17.08.100A is created in the City’s permit system and a permit number is assigned.

“Approved”, as to materials, types of construction, equipment and systems, refers to approval by the building official as the result of investigation and tests, or by reason of accepted principles or tests by recognized authorities, technical or scientific organizations.

“Building” means any structure used or intended for supporting or sheltering any use or occupancy.

“Building code” means the Building Code of the City of Vancouver.

“Building official” means the designated City official who is charged with the administration and enforcement of this Title.

“Building service equipment” refers to the plumbing, mechanical, electrical and elevator equipment including piping, wiring, fixtures and other accessories which provide potable water, sanitation, lighting, heating, ventilation, cooling, refrigeration, fire suppression, fire warning, fire-fighting facilities essential for the occupancy of the building or structure for its designated use and occupancy.

“Construction documents” are plans, specifications, supporting calculations and other data prepared to describe the design, materials, physical characteristics, location, orientation, and scope of the proposed project necessary to obtain a permit.

“Department” means the City of Vancouver Community and Economic Development Department, or successor department or division charged with administering this chapter.

“Existing Building” means a building erected prior to the adoption of the currently adopted building code of the City of Vancouver, or one for which a legal, unexpired building permit has been issued by the City.

“Fire Official” means the designated City official who is charged with the administration and enforcement of fire related matters in this Title.

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

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

“Listed and listing” are terms referring to equipment and materials which are shown in a list published by an approved testing agency qualified and equipped for experimental testing and maintaining an adequate periodic inspection of current productions and who’s listing states that the equipment complies with recognized safety standards.

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

“Occupancy” means the purpose for which a building, site, or portion thereof, is used or intended to be used. The term “occupancy” as used in this Chapter shall include the building or part thereof housing the intended use.

“Occupant” means the person or persons who reside in and/or has primary use of a building or a portion of a building or site.

“Owner” means any person having a recorded legal or equitable interest in the property.

“Permit” means an official document or certificate issued by the Building Official authorizing performance of a specified activity.

“~~Permittee~~Permit holder” means the person to whom a permit is issued.

“Permitted work” means the work for which a permit is issued.

“Person” means a natural person, any form of business or social organization and any other legal entity including but not limited to a corporation, partnership, association, trust or unincorporated organization.

"Premises" means and includes any lot, parcel, real estate, or land, or portion of land whether improved or unimproved, including adjacent sidewalks and parking strips, and any lake, river, stream, drainage way, or wetland, within the territorial limits of the city.

"Registered design professional" means an individual who is registered or licensed to practice their respective design profession as defined by the statutory requirements of the professional registration laws of the State of Washington.

"Repair" means the reconstruction or renewal of any part of an existing building, structure or building service equipment for the purpose of its maintenance.

"Structure" means that which is built or constructed, an edifice or building.

"Technical codes" are those codes adopted in various titles of the Vancouver Municipal Code, including but not limited to Titles 16, 17, 20 and 22.

"Unfit building" means any structure determined by the building official to be in violation of the standards and provisions of Chapter 17.32 VMC.

"Unfit premises" means any premises determined by the building official to be in violation of the standards and provisions of Chapter 17.32 VMC.

"Valuation or value" for the purposes of this Title, shall include total market value of work including materials and labor, grading, site development, electrical, gas, mechanical, plumbing, painting, finish work, roofing, fire protection and any other permanent systems or equipment for which a permit is being issued.

Section 2. That part of section 4 of Ordinance M-3660, and last amended by that part of section 9 of Ordinance M-4079, codified as 17.08.100, is hereby amended to read as follows:

17.08.100 Building Permit Applications.

A. To obtain a building permit, the applicant shall first file electronically submit a completed permit application. ~~with the city a written application on a form furnished by the city for that purpose.~~ Every application shall:

1. Identify and describe all work to be covered by the permit for which application is made.
2. Describe the land on which the proposed work is to be done by legal description, street address or similar description that will clearly readily identify the and definitely locate the location of the proposed building or work.

3. Indicate the use or occupancy for which the proposed work is intended.
4. Be accompanied by plans, diagrams computations and specifications and other data as required ~~elsewhere in~~ by this code or and the technical codes.
5. State the valuation of any and all work to be performed under said permit.
6. Indicate either:
 - a. The name, address, and phone number of the office of the lender administering the interim construction financing if any; or
 - b. The name and address of the firm that has issued a payment bond, if any, on behalf of the prime contractor for the protection of the owner, if the bond is for an amount not less than fifty percent of the total amount of the construction project.
7. If any of the information required by subsection (A)(6) of this section is not available at the time the application is submitted, the applicant shall so state and the application shall be processed forthwith and the permit issued as if the information had been supplied, and the lack of the information shall not cause the application to be deemed incomplete for the purposes of vesting under the building code. However, the applicant shall provide the remaining information as soon as the applicant can reasonably obtain such information.
8. Provide both the property owner's and the permit applicant's names, addresses, email addresses and phone numbers, if they are different.
9. Be signed by the ~~building property~~ owner or the owner's authorized agent.
10. Provide the general ~~prime~~ contractor's and the plumbing contractor's business names, addresses, phone numbers, email addresses if available, current state contractor registration numbers; if the work being done is being done by someone other than the property owner.
11. ~~Give~~Provide such other data and information as may be required by the building official.

B. Time limitation of permit applications. ~~An application for a permit shall be deemed to have been abandoned 180 days after filing, unless such application has been pursued in good faith or a permit has been obtained. The building official is authorized to grant one or more extensions of time for additional periods not exceeding 90 days. Each extension shall be requested in writing by the applicant and justifiable cause shall be demonstrated. No application shall be extended for more than (3) three times or for more than 90 days if there has been a new edition of the state building code adopted. The building official is authorized to extend or deny the application beyond the timeliness stated herein if~~

~~additional development review process and approvals are pending and being actively pursued.~~

1. ~~Expiration of permit application.~~ Permit applications for which a permit has not been issued within one year of application filing date shall be deemed to have expired. The building official may grant an extension of the permit application beyond one year where, in the judgment of the building official, extenuating circumstances exist that warrant an extension and the development review process and approvals are pending and are being actively pursued.
2. If a permit application is extended beyond one year, the impact fees owed under VMC 20.915 shall be recalculated using the rate at the time of the extension. Permit applications associated with code enforcement cases shall expire 60 days from the permit application filing date or as determined by the building official.

C. Submittal documents. Plans, specifications, engineering calculations, diagrams, soil investigation reports, special inspection and structural observation programs, and other data shall be submitted in the electronic format required by the city. ~~in two sets for residential, and three sets for commercial with each application for a permit. An additional copy may be required for projects involving plan review by the Fire Department and/or plan review consultants.~~

1. The construction documents shall be prepared by a registered design professional when required by state law.
2. The building official is authorized to waive the submission of construction documents and other data not required to be prepared by a registered design professional if it is found that the nature of the work applied for is such that review of construction documents is not necessary to obtain compliance with this code or other technical codes adopted by the city.

D. Real Property Survey. A survey of the lot, site or premise performed by a registered surveyor as required by state law, may be required by the building official to verify/demonstrate the legal existence and location of the lot, site, or premises. ~~or dimensions of a building site and that the structure is located in accordance with land use and building code requirements.~~ The cost of such survey shall be the responsibility of the permit applicant and/or property owner. ~~of the applicable permit property.~~

E. Information on plans and specifications. Plans and specifications documents shall be dimensioned ~~and drawn upon suitable material.~~ Documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this code and technical codes, and other laws, as determined by the building official.

F. Information for construction areas prone to flooding. For buildings and structures in flood hazard areas construction documents shall demonstrate compliance with VMC Chapter 20.730 and applicable provisions of the technical codes.

~~G. Fire protection system shop drawings. Shop drawings for the fire protection system(s) shall be submitted to indicate conformance with this code and the construction documents and shall be approved prior to the start of system installation. Shop drawings shall contain all information as required by IFC Chapter 9, applicable portions of the IBC and VMC Chapter 16.04.~~

GH. Registered design professional in responsible charge. When it is required that documents be prepared by a registered design professional, the building official is authorized to require the owner to engage and designate on the building permit application a registered design professional who shall act as the registered design professional in responsible charge. If circumstances require, the owner may designate a substitute registered design professional who shall perform all the duties required of the original registered design professional in responsible charge. The building official shall be notified in writing by the owner if the registered design professional in charge is changed or is unable to continue to perform required ~~his or her~~ duties. The registered design professional in responsible charge shall be responsible for reviewing and coordinating all submittal documents prepared by others, including deferred submittal items for compatibility with the design of the building.

HI. Deferred submittals. When a project is so large that it requires a registered design professional to prepare construction documents, the project may be processed as a "deferred submittal". A "deferred submittal" project is one in which construction is authorized for phases while review of plans for subsequent phases proceeds. The holders of such a permit shall proceed at their own risk without assurance that subsequent phases of construction will meet technical code requirements or will be approved. Deferred submittal projects are subject to the following:

1. Prior written approval by the building official.
2. Work must be under the seal of the registered design professional in responsible charge. The registered design professional in responsible in charge shall list the deferred submittals on the plans and shall submit the deferred submittal documents for review by the building official.
3. Submittal documents for deferred submittal items shall be submitted to the registered design professional in responsible charge who shall review them and forward them to the building official with a notation indicating that the deferred submittal documents have been reviewed and that they have been found to be in general conformance with the design of the building
4. The plans check fee for deferred submittal is established in VMC Section 17.08.130 Table V.

IJ. Structural tests, special inspections and structural observation. When structural tests, special inspection and/or structural observation is required by IBC Chapter 17 the permit applicant shall submit a statement of special inspection and/or structural observation prepared by the registered design professional in responsible charge to the building official for approval prior to issuance of the building permit. The statement shall be in compliance with IBC Section 1705.

1. The special inspector(s) shall be employed by the owner, the registered design professional in responsible charge, or an agent of the owner, but not the contractor or any other person responsible for performing the work.
2. The special inspector and the inspectors employing agency shall be certified as a special inspector and special inspection agency by the Washington Association of Building Officials in order to perform special inspections. Washington Association of Building Officials/Oregon Building Officials Association special inspector certification reciprocity is also acceptable providing the employing agency is a Washington Association of Building Officials registered agency.
3. Where structural observation is required by IBC Section 1709, the owner shall employ a registered design professional to perform structural observations as defined in the IBC.
4. Reports shall be prepared and submitted to the Building Official as required in IBC Section 1704 and 1709.

Section 3. That part of section 12 of Ordinance M-3958, codified as 17.08.105, is hereby amended to read as follows:

17.08.105 ~~Application for permit and plan review~~Review of building and fire permit applications and construction documents.

A. Examination of documents. After the plan review fee has been paid and the required permit documents have been correctly uploaded for review by the city, the building official shall examine or cause to be examined the application, plans, specifications, computations and other data filed by an applicant for permit. An application for plan review shall not be accepted without payment in full of the plan review fee. Fees shall be as set forth in VMC 17.08.130 and VMC 17.08.130 Table V or as authorized by City Council as part of a Development Agreement.

Such plans may be reviewed by other departments and agencies to verify compliance with applicable laws of this jurisdiction.

B. Plan review by an agent. The building official may delegate all or part of plan review to an agent approved by the building official and under professional services contract

with the city when workload of staff would cause an undue delay of any plan review, or if the project involves construction materials or techniques beyond the experience of staff to review, subject to the following:

1. When plans are reviewed by an agent, a plan check fee shall be collected by the city pursuant to the fee schedule set by this chapter.
2. The agent(s), upon completion of their review, shall return the plans directly to the building official, together with their report of any potential code violations, along with a non-conflict of interest statement avowing no financial or design interest with the applicant or with the building division in this matter, other than their direct compensation by the city as provided in this section.

C. Approval of construction documents. When the building official or ~~his or her~~ designee issues a permit, the construction documents shall be approved, in writing or by stamp, as "APPROVED". ~~One set of e~~Construction documents so reviewed shall be retained by the building official as required by state records retention laws. ~~The other set shall be returned to the applicant with the issued permit. An electronic copy of approved plans shall be provided to the permit applicant upon issuance of the building permit.~~

1. Such approved construction plans, documents, specifications and scope of work identified in the issued permit shall not be changed, modified or altered without authorizations from the building official and all work authorized under the issued permit shall be done in accordance with the approved plans, the technical codes and conditions of the permit.
2. Any changes made during construction that are not in compliance with the approved construction plans, documents and specifications shall be resubmitted for approval as an amended set of construction documents. Inspection approval will not be given for work not in conformance with the approved construction plans, documents, specifications, technical codes and/or the issued permit.
3. ~~The building official or his or her designee may issue a permit for the construction of part of a building, structure or building service equipment before the completed construction plans, documents and specifications for the whole building, structure or building service equipment have been submitted or approved, provided adequate information and detailed statements have been filed complying with all pertinent requirements of this code and technical codes. The holder of a partial permit shall proceed without assurance that the permit for the entire building structure or building services will be granted.~~

Section 4. That part of section 4 of Ordinance M-3660, and last amended by that part of section 3 of Ordinance M-4165, codified as 17.08.110, is hereby amended to read as follows:

17.08.110 Permit issuance.

~~A. Examination of documents. The building official shall examine or cause to be examined the application, plans, specifications, computations and other data filed by an applicant for permit.~~

~~1. Such plans may be reviewed by other departments and agencies to verify compliance any applicable laws of this jurisdiction.~~

~~2. If the building official finds that the work described in the application for a permit and the plans, specifications, and other data filed therewith conform to the requirements of this code and the technical codes and other pertinent laws and ordinances and that the fees specified in 17.08.130 have been paid, the building official shall issue a permit to the applicant.~~

~~B. Plan review by an agent. The building official may delegate all or part of plan review to an agent approved by the building official and under professional services contract with the city when workload of staff would cause an undue delay of any plan review, or if the project involves construction materials or techniques beyond the experience of staff to review, subject to the following:~~

~~1. When plans are reviewed by an agent, a plan check fee shall be collected by the city pursuant to the fee schedule set by this chapter.~~

~~2. The agent(s), upon completion of their review, shall return the plans directly to the building official, together with their report of any potential code violations, along with a non-conflict of interest statement avowing no financial or design interest with the applicant or with the building division in this matter, other than their direct compensation by the city as provided in this section.~~

~~C. Approval of construction documents. When the building official issues a permit, the construction documents shall be approved, in writing or by stamp, as "APPROVED". One set of construction documents so reviewed shall be retained by the building official as required by state records retention laws. The other set shall be returned to the applicant.~~

~~1. Such approved plans and specifications shall not be changed, modified or altered without authorizations from the building official, and all work regulated by this code shall be done in accordance with the approved plans.~~

~~2. Any changes made during construction that are not in compliance with the approved construction documents shall be resubmitted for approval as an amended set of construction documents. Inspection approval will not be given for work not in conformance with the approved plans.~~

~~3. The building official may issue a permit for the construction of part of a building, structure or building service equipment before the entire plans and specifications for the whole building, structure or building service equipment have been submitted or approved, provided adequate information and detailed statements have been filed complying with all pertinent requirements of this code and the technical codes. The holder of a partial permit shall proceed without assurance that the permit for the entire building structure or building services will be granted.~~

A. After the plan review process has been completed, required approvals from other departments have been obtained, and all fees that are due at the time of permit issuance have been collected by the city, the building official or designee shall issue the building permit.

1. The building official may issue a permit for the construction of part of a building, structure or building service equipment before the entire plans and specifications for the whole building, structure or building service equipment have been submitted or approved, provided adequate information and detailed statements have been filed complying with all pertinent requirements of this code and the technical codes. The holder of a partial permit shall proceed without assurance that the permit for the entire building structure or building services will be granted.

~~D. Previous approvals. This code shall not require changes in the construction documents, construction or designated occupancy of a structure for which a lawful permit has been issued or otherwise lawfully authorized, and the construction of which has been pursued in good faith within 180 days after the effective date of this code and has not been abandoned.~~

BE. Validity of permit~~Limitations.~~ The issuance of a permit or approval of plans, specifications and computations shall not be construed to be a permit for or an approval of any violation of any provision of this code, the technical codes or an any other ordinance of the city. Permits presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the city shall not be valid.

CF. Corrective action. The issuance of a permit based on plans, specifications and other data shall not prevent the building official from thereafter requiring the correction of errors in said plans, specifications and other data. ~~The building official may also revoke a permit, a Certificate of Occupancy or a use or uses in a building when in violation of this code, the technical codes or other applicable laws of the city. Enforcement action shall be taken pursuant to VMC Title 22.~~

DG. Expiration. Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance. CMI and RES permits expire two years from date of issuance. DMO permits expire ninety days

from the date of issuance. FRI permits associated with CMI and RES permit expire two years from the date of issuance. Annual permits shall expire one year from the date of issuance. All other permits regulated by VMC Title 17 expire 180 days after permit issuance. When a permit has been obtained as a result of code enforcement action, the building official may set a requirement for the permitted work to be completed by date certain thus limiting the permit expiration date.

1. A permit holder who holds an unexpired permit, that was not obtained as a result of a code enforcement action, may apply in writing for an extension of time within which work may commence under that permit when the permit holder is unable to commence work, or obtain an approved inspection, within the time required by this section for good and satisfactory reasons. The building official is authorized to grant one extension not to exceed 180 days. Permits shall not be extended more than once.
2. When a permit has expired, before such work can be recommenced, a new permit shall be first obtained to do so and the fee for such permit shall be up to one-half the amount required for a new permit for such work to be determined by the Building Official based on estimated staff time needed, provided no changes have been made or will be made in the original plans and specifications for said work and provided further that such suspension or abandonment has not exceeded one year, and there has not been a new edition of the state building code adopted. At the Building Official's discretion a permit may be reactivated to complete the inspection process. New permits required by this section are subject to investigation fees where applicable.
3. Where work has been suspended or abandoned for a period exceeding one year, a new application shall be filed and a new permit obtained and fees shall be paid prior to recommencing work.
4. It is a violation of this code to allow a permit to expire after work has commenced without obtaining the required inspection approvals, ~~including final inspection approvals. In addition to the expired permit holder, there is a rebuttable presumption that an~~ The property owner of the property and the contractor(s) are also responsible for violations of this chapter, including, but not limited to, the expiration of a permit, when the owner had or has actual or constructive knowledge that the permit was going to expire.

EH. Suspension or revocation. The building official may, in writing, suspend or revoke a permit issued under the provisions of this code and the technical codes when the permit is issued in error or on the basis of incorrect information supplied or in violation of an ordinance or regulation or the provisions of this code or the technical codes. An order to revoke a permit shall comply with VMC Title 22.

FI. Duties of the property owner and the project contractor(s) permit holder. It shall be the responsibility of the property owner, the project contractor(s) and the permit holder to

~~ensure person to whom a permit is issued (the permit holder) to assure that all work that is authorized by a permit is in conformance with the permit and all applicable codes and ordinances. The permit holder shall be responsible to see that all of the contractors and suppliers associated with the project are licensed by the city and state and that required inspections are requested at appropriate times. Should correction of the work be required, the permit holder and property owner shall be responsible for such correction. Where~~ correction of work is required, it shall be the responsibility of the property owner and the project contractor(s) to correct the work and obtain re-inspection and the required approvals.

Section 5. That part of section 4 of Ordinance M-3660, and last amended by that part of section 7 of Ordinance M-4376, codified as 17.08.130, is hereby amended to read as follows:

17.08.130 Fees.

A. *Application/Plan review fee.* When submittal of documents is required, a plan review fee shall be assessed per Table V. ~~paid at the time of submitting the submittal documents for plan review. The fee shall be as specified in Table V.~~

B. *Permit fee.* A permit shall not be valid until the permit and construction documents have been approved and the fees prescribed in this section have been paid. Amendment to a permit shall not be released until the additional fee, where applicable, has been paid.

C. *Determination of valuation.* The valuation used to determine permit and plan review fees shall be generated from national statistical averages as found in “Building Standards” or similar source for the type of construction and the type of occupancy.

1. The determination of value or valuation under any of the provisions of this code shall be made by the building official and/or fire marshal.

D. Generally, fees should be adopted at a level sufficient to cover costs ~~or a substantial portion of the costs~~, associated with processing permit applications, conducting review and inspections required by this chapter, issuing permits, and providing related services, as set by city council. Consistent with the intent of this code section, the building official and fire marshal are authorized to make adjustments to categories of fees provided such adjusted fees do not exceed those adopted by this section or as authorized by City Council as part of a development agreement.

E. *January 1st of each year.* Building- and fire-related permit and plan review fees shall be adjusted annually pursuant to the methodology set forth in VMC 3.08.100. Each such newly adjusted fee shall be rounded to the next higher whole dollar.

F. Building- and fire-related permit and plan review fees shall be reviewed periodically to ensure that they accurately reflect the current cost of providing services.

G. The following tables contain all building- and fire-related fees unless otherwise authorized by City Council as part of a development agreement:

1. *Table I. Building permit fees.* When work for which a permit is required involves two or more codes, the permit holder shall pay a single permit fee of one and six-tenths times the fee set forth herein.

Table I. Building Permit Fees

Valuation	Permit Fees	
	January 2022	July 2022
\$1 to \$500	\$30.09	
\$501 to \$2,000	\$30.09 for the first \$500 plus \$3.90 for each additional \$100.00 or fraction thereof up to and including \$2,000	
\$2,001 to \$25,000	\$88.69 for the first \$2,000 plus \$17.93 for each additional \$1,000 or fraction thereof up to and including \$25,000	
\$25,001 to \$50,000	\$501.51 for the first \$25,000 plus \$12.92 for each additional \$1,000 or fraction thereof up to and including \$50,000	
\$50,001.00 to \$100,000.00	\$824.89 for the first \$50,000 plus \$8.96 for each additional \$1,000 or fraction thereof up to and including \$100,000	
\$100,001 to \$500,000	\$1,272.73 for the first \$100,000 plus \$7.15 for each additional \$1,000 or fraction thereof up to and including \$500,000	
\$500,001 to \$1,000,000	\$4,135.15 for the first \$500,000 plus \$6.08 for each additional \$1,000 or fraction thereof	
\$1,000,001 and up	\$7,177.65 for the first \$1,000,000 plus \$4.03 for each additional \$1,000 or fraction thereof	

Valuation	Permit Fees	
	January 2022	July 2022
Manufactured Structures Setup Fee	\$184.45 per section, with a minimum fee of \$368.90 per permit. (This fee is in addition to the valuation-based fee for the site improvements required in addition to the setup fee.)	

Footnotes:

1 For commercial and multifamily residential permits, an additional fee per Table IV.1, Fire – Building Permit Fees, shall be added to the amounts listed in Table I, Building Permit Fees, to cover actual costs relating to fire department acceptance inspection work.

2. *Table II. Electrical Permit Fees.*

Table II. Electrical Permit Fees

Fees are per each item to be installed or altered.

	January 2022	July 2022
Electrical Permit Items (1)		
Residential		
Placement or Altered Service (2)		
Electrical Service 0 – 200 Amps With Feeder	\$85.80	\$85.80
Electrical Service 201 – 600 Amps With Feeder	\$125.51	\$125.51
Electrical Service 601 Amps and Greater	\$188.94	\$188.94
Mobile Home Service or Feeder	\$61.46	\$61.46
Mobile Home Service and Feeder	\$101.17	\$101.17
Additional Feeders (2)	\$61.46	\$61.46
Branch Circuits (4)		
1 – 4 Circuits	\$61.46	\$61.46
Each Additional Circuit	\$7.05	\$7.05
Maintenance/Repair Mast or Meter (3)	\$46.74	\$46.74
Commercial Industrial		

	January 2022	July 2022
New or Altered Service/Feeder (5, 6, 7)		
0 – 100 Amps	\$101.17	\$101.17
101 – 200 Amps	\$122.96	\$122.96
201 – 400 Amps	\$235.67	\$235.67
401 – 600 Amps	\$287.67	\$287.67
601 – 800 Amps	\$356.08	\$356.08
801 – 1000 Amps	\$434.20	\$434.20
1001 Amps and Over	\$473.91	\$473.91
Additional Feeders (6)		
0 – 200 Amps	\$101.17	\$101.17
201 – 600 Amps	\$235.67	\$235.67
601 – 1000 Amps	\$356.08	\$356.08
1001 Amps and Over	\$395.13	\$395.13
Maintenance Repair Mast or Meter 1	\$85.80	\$85.80
Branch Circuits Only (4)		
First 5 Circuits per Branch Circuit Panel	\$78.14	\$78.14
Each Additional Circuit per Branch Circuit Panel	\$7.05	\$7.05
Over 600 Volts Surcharge Per Permit	\$78.14	\$78.14
Temporary Service (8)		
0 – 200 Amps With Feeder	\$76.84	\$76.84
201 – 400 Amps With Feeder	\$93.51	\$93.51
401 – 600 Amps With Feeder	\$125.51	\$125.51
601 Amps and Over	\$142.18	\$142.18
Each Additional Feeder	\$27.53	\$27.53
Low Voltage/Telecommunications (9)		
First 2500 Square Feet or Less	\$54.28	\$54.28

	January 2022	July 2022
Each Additional 2500 Square Feet or Portion Thereof	\$14.73	\$14.73
Signs and Outline Lighting (10, 11)		
First Sign (no service included)	\$46.74	\$46.74
Each Additional Sign Inspected at Same Time	\$22.41	\$22.41
Generators (12)		
Installed Transfer for Portable Generators	\$85.48	\$85.48
Electrical Annual Permit for Commercial Industrial Location (13)		
1 to 3 Plant Electricians (up to 6 Inspections)	\$1,130.69	\$1,130.69
1 to 3 Plant Electricians (up to 12 Inspections)	\$2,261.36	\$2,261.36
4 to 6 Plant Electricians (up to 24 Inspections)	\$4,526.48	\$4,526.48
7 to 12 Plant Electricians (up to 36 Inspections)	\$6,787.31	\$6,787.31
13 to 35 Plant Electricians (up to 52 Inspections)	\$9,050.60	\$9,050.60
25+ Plant Electricians (up to 75 Inspections)	\$11,314.53	\$11,314.53
Trip Fees – Rounded to Nearest Whole Dollar		
Inspection Requested but Not Ready	\$48.00	\$48.00
Each Additional Inspection Over 2 Per Permit	\$48.00	\$48.00
Inspection of Existing Installation	\$94.00	\$94.00
Progress Inspections Per 1/2 Hour (Minimum)	\$48.00	\$48.00
Plan Review	35% of permit fee plus submission fee	35% of permit fee plus submission fee
Plan Review Submission Fee	\$78.74	\$78.74
Permit of Record	\$31.00	\$31.00
Minimum Fee (14)	\$76.84	\$76.84

Footnotes:

1 A maximum of two inspections are provided per permit. Additional inspections will be subject to Trip Fee assessment.

2 Service and feed must be inspected together when using this fee. Inspections at different times requires a \$60.00 fee for each inspection.

3 Scope of work is limited to wind, weather, vehicular or terminal failure damage to existing systems. May also include the repair or replacement of the mast, meter and conductors up to the first point of termination on the service or building disconnecting means. Relocated meters or masts and overhead-underground conversions shall be evaluated as altered services.

4 Altered or added circuits calculated per panelboard.

5 Service and feed must be inspected together when using this fee. Inspections at different times requires the Service Fee plus additional fee calculated Commercial Additional Feeders fee.

6 All field-installed power transformers that are the source of a separately derived system shall have both their primary and secondary feeds identified/fee-valued. All multi-section lighting and appliance branch circuit panelboards shall have each section evaluated/fee-valued. All feeder taps that terminate in an overcurrent device rated 30 amps or larger shall be identified/fee-valued.

7 Multiple section switch boards that have continuous, full ampacity bussing between sections shall be fee-valued as single feeders. Switchboard subsections that have reduced ampacity bussing and individual overcurrent protection for the section shall be evaluated as additional feeders.

8 Service and feed must be inspected together when using this fee. Inspections at different times requires an additional fee per the Service and Fee schedule.

9 Low voltage and telecommunications systems includes all telecommunication systems, fire alarms, burglar alarms, nurse call, intercom, security systems, energy management controls, HVAC/refrigeration control, industrial and automation control systems, lighting controls, stand alone sound systems, public address and similar low-energy circuits and equipment in all occupancy except one- and two-family dwellings as regulated by the International Residential Code. Multiple low-voltage systems installed by a single contractor at a single address and ready for a single inspection may be fee-valued at one fee.

10 Service or feeder equipment installed exclusively to power a sign shall be fee-valued at the Commercial Industrial Service fee schedule.

11 Multiple sign faces and enclosures mounted on the same structure, each disconnecting means or set of disconnects to a separate enclosure shall be considered an individual sign. For outline lighting, neon channel letters and skeletal neon lighting, a sign will be defined as the sign transformer or power supply fed by a primary sign circuit.

12 Permanently installed generators shall be fee-valued under the appropriate residential or commercial service/feeder schedule.

13 For commercial and industrial location employing full-time electrical maintenance staff or having a yearly maintenance contract with a licensed electrical contractor. All yearly maintenance contracts must detail the number of contract electricians necessary to do the work required under the contract. This number will be used for calculating the fees. Each inspection is based on a two-hour maximum. Annual permits are valid for inspection at one facility (site) only.

14 The electrical permit fee shall be the calculated fee per the fee table or the minimum fee, whichever is greater, except Trip Fees which will be calculated from the fee schedule.

3. Table III. Mechanical Permit Fees.

Table III. Mechanical Permit Fees

Fees are per each item to be installed or altered.

	January 2022	July 2022
Mechanical Permit Item (1)		
Heating and Cooling		
A/C or Heat Pump	\$14.07	\$14.07
Furnace < 100,000 BTU (ducts/vents)	\$14.07	\$14.07
Furnace > 100,000 BTU (ducts/vents)	\$18.57	\$18.57
Gas Heat Pump	\$14.07	\$14.07
Duct Work	\$14.07	\$14.07
Hydronic Hot Water System	\$14.07	\$14.07
Residential Boiler (Radiator or Hydronic)	\$14.07	\$14.07
Unit Heater (Recessed, Suspended, etc.)	\$14.07	\$14.07
Flue or Vent for Heating/Cooling	\$14.07	\$14.07
Other Fuel Appliances		
Water Heater	\$14.07	\$14.07
Gas Fireplace	\$14.07	\$14.07
Flue Vent for Water Heater or Gas Fireplace	\$14.07	\$14.07
Log Lighter (Gas)	\$14.07	\$14.07
Wood/Pellet Stove	\$14.07	\$14.07
Wood Fireplace/Insert	\$14.07	\$14.07
Chimney/Liner/Flue/Vent	\$14.07	\$14.07
Environmental Exhaust and Ventilation		
Range Hood or Kitchen Equipment	\$14.07	\$14.07
Clothes Dryer Exhaust	\$14.07	\$14.07
Single Duct Exhaust	\$14.07	\$14.07

	January 2022	July 2022
Attic/Crawl Space Fan	\$14.07	\$14.07
Fuel Piping		
Fuel Piping: 1 – 4 Outlets	\$5.75	\$5.75
Fuel Piping: More Than 4 Outlets, Each	\$1.28	\$1.28
Mechanical Annual Permit for Commercial Industrial Locations (4)		
1 to 3 Plant Mechanical Technicians (up to 6 Inspections)	\$1,130.69	\$1,130.69
1 to 3 Plant Mechanical Technicians (up to 12 Inspections)	\$2,261.36	\$2,261.36
4 to 6 Plant Mechanical Technicians (up to 24 Inspections)	\$4,526.48	\$4,526.48
7 to 12 Plant Mechanical Technicians (up to 36 Inspections)	\$6,787.31	\$6,787.31
13 to 35 Plant Mechanical Technicians (up to 52 Inspections)	\$9,050.61	\$9,050.61
25+ Plant Mechanical Technicians (up to 75 Inspections)	\$11,314.52	\$11,314.52
Plan Review Fee	35% of permit fee plus submission fee	35% of permit fee plus submission fee
Plan Review Submission Fee	\$78.74	\$78.74
Other (2)		
Minimum Fee: Gas Water Heater (3)	\$65.95	\$65.95
Minimum Fee: All Others	\$76.84	\$76.84
Trip Fees - Rounded to Nearest Whole Dollar		
Inspection Requested but Not Ready	\$48.00	\$48.00
Each Additional Inspection Over 2 Per Permit	\$48.00	\$48.00
Inspection of Existing Installation	\$94.00	\$94.00
Progress Inspections Per 1/2 Hour (Minimum)	\$48.00	\$48.00
Minimum Fee (2)	\$76.84	\$76.84

Footnotes:

1 A maximum of two inspections are provided with each permit. Additional inspections will be assessed a trip fee.

2 The mechanical permit fee shall be the calculated fee per the fee table or the minimum fee, whichever is greater.

3 For replacement in like kind, requiring no new power/fuel source or venting system.

4 For commercial and industrial location employing full-time mechanical maintenance staff or having a yearly maintenance contract with a licensed mechanical contractor. All yearly maintenance contracts must detail the number of contract mechanical technicians necessary to do the work required under the contract. This number will be used for calculating the fees. Each inspection is based on a two-hour maximum. Annual permits are valid for inspection at one facility (site) only.

4. *Table IV. Plumbing Permit Fees.*

Table IV. Plumbing Permit Fees

Fees are per each item to be installed or altered.

	January 2022	July 2022
Plumbing Item (1)		
Site Utilities		
Catch Basin	\$14.73	\$14.73
Drywell, Leach Line, Trench Drain	\$14.73	\$14.73
Manufactured Home Utilities	\$95.97	\$95.97
Manholes	\$14.73	\$14.73
Rain Drain Connector	\$14.73	\$14.73
Footing Drain (1st 100 feet)	\$48.00	\$48.00
Footing Drain (Each Additional 100 Feet)	\$40.33	\$40.33
Sanitary Service (1st 100 feet)	\$48.00	\$48.00
Sanitary Service (Each Additional 100 Feet)	\$40.33	\$40.33
Storm Service (1st 100 Feet)	\$48.00	\$48.00
Storm Service (Each Additional 100 Feet)	\$40.33	\$40.33
Water Service (1st 100 Feet)	\$48.00	\$48.00
Water Service (Each Additional 100 Feet)	\$40.33	\$40.33

	January 2022	July 2022
Fixture or Item		
Absorption Value	\$14.73	\$14.73
Backflow Preventer: Commercial	\$40.33	\$40.33
Backflow Preventer: Residential	\$23.70	\$23.70
Backwater Valve	\$14.73	\$14.73
Clothes Washer	\$14.73	\$14.73
Dishwasher	\$14.73	\$14.73
Drinking Fountain	\$14.73	\$14.73
Ejectors/Sump Pump	\$14.73	\$14.73
Expansion Tank	\$14.73	\$14.73
Fixture/Sewer Cap	\$14.73	\$14.73
Floor Drain/Floor Sink/Hub	\$14.73	\$14.73
Garbage Disposal	\$14.73	\$14.73
Hose Bib	\$14.73	\$14.73
Ice Maker	\$14.73	\$14.73
Interceptor/Grease Trap	\$14.73	\$14.73
Primer	\$14.73	\$14.73
Rain Drain: Commercial	\$14.73	\$14.73
Rain Drain: Single-Family Residential	\$57.01	\$57.01
Sink/Basin/Lavatory	\$14.73	\$14.73
Tub/Shower/Shower Pan	\$14.73	\$14.73
Urinal	\$14.73	\$14.73
Water Closet	\$14.73	\$14.73
Water Heater	\$14.73	\$14.73
Medical Gas Systems (Valuation)		
\$1.00 – \$5,000 Valuation	\$65.21	\$65.21

	January 2022	July 2022
\$5,001 – \$10,000 Valuation	\$65.21 plus \$1.28 for each \$1,000 or fraction thereof over \$5,000	\$65.21 plus \$1.28 for each \$1,000 or fraction thereof over \$5,000
\$10,001 and Over Valuation	\$71.62 plus \$1.28 for each \$1,000 or fraction thereof over \$10,000	\$71.62 plus \$1.28 for each \$1,000 or fraction thereof over \$10,000
Other (2)		
Minimum Fee: Electrical Water Heater	\$65.95	\$65.95
Minimum Fee: Residential Backflow	\$65.95	\$65.95
Minimum Fee: All Other	\$76.84	\$76.84
Plumbing Annual Permit for Commercial Industrial Locations (3)		
1 to 3 Plant Plumbers (up to 6 Inspections)	\$1,130.69	\$1,130.69
1 to 3 Plant Plumbers Technicians (up to 12 Inspections)	\$2,261.36	\$2,261.36
4 to 6 Plant Plumbers (up to 24 Inspections)	\$4,526.48	\$4,526.48
7 to 12 Plant Plumbers (up to 36 Inspections)	\$6,787.31	\$6,787.31
13 to 35 Plant Plumbers (up to 52 Inspections)	\$9,050.60	\$9,050.60
25+ Plant Plumbers (up to 75 Inspections)	\$11,314.53	\$11,314.53
Plan Review Fee	35% of permit fee plus submission fee	35% of permit fee plus submission fee
Plan Review Submission Fee	\$78.74	\$78.74
Trip Fees - Rounded to Nearest Whole Dollar		
Inspection Requested but Not Ready	\$48.00	\$48.00
Each Additional Inspection Over 2 per Permit	\$48.00	\$48.00
Inspection of Existing Installation	\$94.00	\$94.00
Progress Inspections Per 1/2 Hour (Minimum)	\$48.00	\$48.00
Minimum Fee (2)	\$76.84	\$76.84

Footnotes:

1 A maximum of two inspections are provided with the permit. Additional inspections will be assessed a Trip Fee.

2 The plumbing permit fee shall be the calculated fee per the fee table or the minimum fee, whichever is greater.

3 For commercial and industrial location employing full-time plumbing maintenance staff or having a yearly maintenance contract with a licensed plumbing contractor. All yearly maintenance contracts must detail the number of contract plumbers necessary to do the work required under the contract. This number will be used for calculating the fees. Each inspection is based on a two-hour maximum. Annual permits are valid for inspection at one facility (site) only.

4.1. *Table IV.1.* These fees apply to multifamily residential and commercial building permits for approval and acceptance by the Vancouver fire marshal's office.

January 2022 Fees

Valuation	Permit Fees
\$1.00 to \$500.00	\$13.46
\$501.00 to \$2,000	\$13.46 for the first \$500.00 plus \$0.35 for each additional \$100.00 or fraction thereof up to and including \$2,000
\$2,001 to \$25,000	\$18.65 for the first \$2,000 plus \$1.34 for each additional \$1,000 or fraction thereof up to and including \$25,000
\$25,001 to \$50,000	\$49.65 for the first \$25,000 plus \$1.01 for each additional \$1,000 or fraction thereof up to and including \$50,000
\$50,001 to \$100,000	\$74.69 for the first \$50,000 plus \$0.65 for each additional \$1,000 or fraction thereof up to and including \$100,000
\$100,001 to \$500,000	\$108.06 for the first \$100,000 plus \$0.59 for each additional \$1,000 or fraction thereof up to and including \$500,000
\$500,001 to \$1,000,000	\$345.38 for the first \$500,000 plus \$0.55 for each additional \$1,000 or fraction thereof up to and including \$1,000,000
\$1,000,001 and Up	\$617.33 for the first \$1,000,000 plus \$0.35 for each additional \$1,000 or fraction thereof
Manufactured Structures Setup Fee	\$13.46 per section, with a minimum fee of \$26.93 per permit

July 2022 Fees

Valuation	Permit Fees
\$1.00 to \$500.00	\$13.89

Valuation	Permit Fees
\$501.00 to \$2,000	\$13.89 for the first \$500.00 plus \$0.36 for each additional \$100.00 or fraction thereof up to and including \$2,000
\$2,001 to \$25,000	\$19.25 for the first \$2,000 plus \$1.38 for each additional \$1,000 or fraction thereof up to and including \$25,000
\$25,001 to \$50,000	\$51.24 for the first \$25,000 plus \$1.04 for each additional \$1,000 or fraction thereof up to and including \$50,000
\$50,001 to \$100,000	\$77.08 for the first \$50,000 plus \$0.67 for each additional \$1,000 or fraction thereof up to and including \$100,000
\$100,001 to \$500,000	\$111.52 for the first \$100,000 plus \$0.61 for each additional \$1,000 or fraction thereof up to and including \$500,000
\$500,001 to \$1,000,000	\$356.43 for the first \$500,000 plus \$0.57 for each additional \$1,000 or fraction thereof up to and including \$1,000,000
\$1,000,001 and Up	\$637.08 for the first \$1,000,000 plus \$0.36 for each additional \$1,000 or fraction thereof
Manufactured Structures Setup Fee	\$13.89 per section, with a minimum fee of \$27.79 per permit

5. *Table V. Plan review fees.* When submittal documents are required by this code, a plan review fee pursuant to Table V shall be paid at the time of submitting the submittal documents for plan review. The plan review fees specified in Table V are separate fees from the permit fees specified in this section and are in addition to the permit fees.

Table V. Plan Review Fees

Review	Fee
Building Plan Review	65% of building permit fee (100% for fast track review)
Single Permit Plan Review	50% of single permit fee (77% for fast track review)
Fire Plan Review (Commercial and Multifamily Permits Only)	65% of the fire building permit fee
Mechanical or Plumbing Plan Review	35% of permit fee
Electrical Plan Review	35% of permit fee plus submission fee

6. *Table VI. Grading and erosion control permit and plan review fees.*

Table VI. Grading and Erosion Control Permit and Plan Review Fees

Building – Grading and Erosion Control	January 2022		July 2022	
	Plan Review Fee	Permit Fee	Plan Review Fee	Permit Fee
10 to 50 c.y.		\$30.09		\$30.09
51 to 100 c.y.	\$30.09	\$47.38	\$30.09	\$47.38
101 to 1,000 c.y.				
Base Fee	\$47.38	\$47.38	\$47.38	\$47.38
Plus Fee per 100 c.y. (or Fraction Thereof)		\$22.41		\$22.41
1,001 to 10,000 c.y.				
Base Fee	\$63.09	\$249.12	\$63.09	\$249.12
Plus Fee per 1,000 c.y. (or Fraction Thereof)		\$18.57		\$18.57
10,001 to 100,000 c.y.				
Base Fee for First 10,000 c.y.	\$63.09	\$416.27	\$63.09	\$416.27
Plus Fee per 10,000 c.y. (or Fraction Thereof)	\$31.37	\$84.55	\$31.37	\$84.55
100,001 to 200,000 c.y.				
Base Fee for First 100,000 c.y.	\$345.51	\$1,177.09	\$345.51	\$1,177.09
Plus Fee per 10,000 c.y. (or Fraction Thereof)	\$16.96	\$46.74	\$16.96	\$46.74
200,001 c.y. or More				
Base Fee for First 200,000 c.y.	\$515.23	Use 100,001 above	\$515.23	Use 100,001 above
Plus Fee per 10,000 c.y. (or Fraction Thereof)	\$9.30	Use 100,001 above	\$9.30	Use 100,001 above

7. *Table VII. Fire Protection System Fees.*

Table VII. Fire Fees

No.	Activity	January 2022		July 2022	
		Base Fee	Per Head or Device	Base Fee	Per Head or Device
FIRE PROTECTION SYSTEMS AND COMPONENTS					
1.	Fire Pumps (each pump)				
	a) Review	\$289.60		\$298.87	
	b) Inspection	\$778.78		\$803.70	
2.	Stand Pipes (each stand pipe)				
	a) Review	\$108.47		\$111.94	
	b) Inspection	\$218.01		\$224.99	
3.	Underground Fire Service (each lateral)				
	a) Review	\$77.01		\$79.47	
	b) Inspection	\$218.01		\$224.99	
4.	Fire Sprinklers (each system)				
	a) Review	\$233.20	\$2.33	\$240.66	\$2.40
	b) Inspection	\$233.20	\$3.86	\$240.66	\$3.98
B.	Fire Sprinkler Tenant Improvements:				
	Category 1: Affidavit 1 to 10 heads: (Limited to arm-overs and drops with a head location diagram for inspection reference)				
	a) Review	—		—	
	b) Inspection	\$77.01		\$79.47	
	Category 2: Affidavit 11 to 20 heads: (Limited to arm-overs and drops in a light hazard occupancy with a head location diagram for inspection reference)				
	a) Review	—		—	
	b) Inspection	\$156.19		\$161.19	
	Category 3: Fire sprinkler system alterations that involve only changing heads of the same performance characteristics and minor adjustments				

No.	Activity	January 2022		July 2022	
		Base Fee	Per Head or Device	Base Fee	Per Head or Device
	to drop lengths:				
	a) Review		–		–
	b) Inspections	\$156.19	\$2.33	\$161.19	\$2.40
	Category 4: Fire sprinkler system alterations or additions that don't fall under Category 1, 2, or 3: (With full plans)				
	a) Review	\$77.01	\$0.75	\$79.47	\$0.77
	b) Inspections	\$156.19	\$2.33	\$161.19	\$2.40
C.	Dry Pipe, Antifreeze, Preaction (each in addition to fire sprinkler system)				
	a) Review	\$108.47		\$111.94	
	b) Inspection	\$218.01		\$224.99	
5.	Clean Agent System (CO2, FM-200, Inergen, etc.)				
	a) Review	\$388.30		\$400.73	
	b) Inspection	\$545.58		\$563.04	
6.	Commercial Cooking Hood and Duct Protection (per new system)				
	a) Review	\$279.84		\$288.79	
	b) Inspection	\$187.64		\$193.64	
	Commercial Cooking Hood and Duct Protection Minor Revisions (Permit not required if modification is limited to normal maintenance, replacing or reconfiguring heads and no increase in flow points used.) Applicant to notify fire marshal's office of location and extent of work.				
	a) Review	–		–	
	b) Inspection	–		–	
7.	Fire Alarm Systems - Minor (additions, no new panel, up to 10 devices)				
	Category 1: Affidavit 1 to 4 devices (limited to spot smoke or heat detectors, horn/strobes, strobes, horns, mini-horns, manual pull stations or one communication device)				
	Category 1: Affidavit 1 to 4 devices (limited to spot smoke or heat detectors, horn/strobes, strobes, horns, mini-horns, manual pull stations or one communication device)				

No.	Activity	January 2022		July 2022	
		Base Fee	Per Head or Device	Base Fee	Per Head or Device
	a) Review	No review fees for fire alarms – minor per ordinance			
	b) Inspections		\$135.58		\$139.92
	Category 2: Modifications of up to 10 devices not qualifying for affidavit (e.g., additions, no new panel)				
	a) Review		\$77.01	\$3.11	\$79.47
	b) Inspections		\$156.19	\$7.81	\$161.19
8.	Fire Alarm Systems - Major (new panel or 11+ devices, central station)				
	a) Review		\$233.20	\$3.11	\$240.66
	b) Inspection		\$233.20	\$7.81	\$240.66
OTHER PERMITS					
9.	Underground Tank Demolition (each tank)				
	a) Review		–		–
	b) Inspection		\$27.12		\$27.99
10.	Smoke Control Systems (up to 3 shafts)			Each add'l shaft	(up to 3 shafts)
	a) Review		\$467.48	\$156.19	\$482.44
	b) Inspections		\$932.80	\$311.29	\$962.65
	Other Smoke Control (atriums, malls, others)				
	a) Review		\$467.48	\$156.19	\$482.44
	b) Inspections		\$932.80	\$311.29	\$962.65
TRIP FEES¹					
11.	Trip Fee Assessment		\$57.49		\$59.33

Footnotes:

1 Trip fees are intended to recover actual costs and may be assessed where the requested inspections are for work that is not ready for inspection, the work is not accessible for inspection, or the appropriate personnel or documentation is not on site.

8. *Other inspection and service fees.*

- a. Other inspections outside of the normal business hours (8:00 a.m. to 5:00 p.m.) shall be a minimum fee of \$296.00 per inspector providing a maximum of two hours of inspection per trip. Additional consecutive hours of inspection are \$148.00 per hour per inspector. Inspector is defined as a building inspector, electrical inspector and/or a deputy fire marshal.
- b. Reinspection fees when required shall be \$148.00 per hour, with a minimum of \$74.00 per inspection.
- c. Inspections for which no fee is established shall be \$148.00 per hour, with a minimum of \$74.00 per inspection.
- d. Additional plan review time required due to changes or revisions to already approved construction documents and plans shall be calculated at \$148.00 per hour, but shall not exceed an amount equal to the original plan check fee. Major revisions to construction documents or plans after approval or during plan review shall require a new plan review fee.
- e. There shall be a \$31.00 issuance fee added for each permit identified in Tables I (Building Permit Fees), VI (Grading and Erosion Control Permit and Plan Review Fees), and VII (Fire Fees).
- f. Permit fees not clearly defined by this section, or fees that are found by the building official and/or fire code official to be inequitable using a valuation base, shall be determined by the building official and/or fire code official by using a rational cost-of-service analysis. Fee determinations in such cases shall be made available to the public and disseminated to the applicable segments of the construction industry for use in future such cases.
- g. *Expiration date extension fee.* A fee of \$40.00 shall be assessed to process a permit expiration date extension request for CMI and RES permits. A fee of \$26.00 shall be assessed to process expiration date extension requests for other permit types covered under this title.
- h. *Fee refunds.* Requests for fee refunds must be made in writing by the permit holder~~permittee~~. Fees assessed under this Chapter that are less than \$222 will be retained by the city as a non-refundable administrative processing fee unless the

building official or fire code official determines that fees assessed and collected as a result of an error by the city. The building official and/or fire code official may authorize refund of a fee paid as follows:

- i. Refunding of not more than 80 percent of the permit fee paid when no work has commenced under a permit issued in accordance with this code.
 - ii. Authorize refunding of not more than 80 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any examination time has been expended.
 - iii. There shall be no refunding of any fee paid except upon written application filed by the original applicant not later than 180 days after the date of fee payment.
- i. *Reinspection/Trip Fees.* A reinspection/trip fee may be assessed for each inspection or reinspection when such portion of work for which inspection is called for is not complete or when corrections called for are not made.
- i. Reinspection/trip fees are designed to discourage the practice of calling for inspections before the job is ready for such inspection or reinspection.
 - ii. Reinspection/trip fees may also be assessed under the following circumstances:
 - A. When the inspection record card and permit are not posted or otherwise available on the work site.
 - B. When approved plans are not readily available to the inspector for failure to provide access on the date the inspection is scheduled.
 - C. When there is deviation from the approved plans.
 - D. When required corrections have not been completed upon request for reinspection.
 - E. When the cost per hour of inspection or reinspection has exceeded the permit fee paid. A minimum of three inspections per category are allowed for all “single permit fee” permits.

iii. The ~~permittee~~ permit holder or their designated agent shall pay the required fee as set forth in the fee schedule and noted in the reinspection/trip fee notice.

iv. In instances where reinspection/trip fees have been assessed, additional inspection of the work will not be performed until the required fee has been paid.

v. Reinspection/trip fees will be assessed on electrical, plumbing and mechanical permits where the number of requested inspections exceeds two. Reinspection fees may be assessed on all other permits where the number of requested inspections in a required inspection category exceeds three. See VMC 17.08.090(G) for limited trade reinspection fee requirements.

j. *Work commencing before permit issuance.* Any person who commences any work on a building, structure, electrical, gas, mechanical, plumbing system, fire sprinkler, fire alarm system and/or other fire code permits before obtaining the necessary permits shall be subject to an investigation fee established by the building official and/or fire code official in addition to the required fees as set forth in this code.

i. The investigation fee for work commencing before permit issuance shall be the same as the required permit fees contained in the fee tables.

ii. The investigation fee shall be paid prior to or at the time of the permit issuance.

iii. The payment of the investigation fee shall not exempt an applicant from compliance with all provisions of this code or other applicable laws.

iv. Such investigation fees may be in addition to any other penalty assessed under VMC Title 22.

Section 6. That part of section 4 of Ordinance M-3660, and last amended by that part of section 5 of Ordinance M-4165, codified as 17.08.140, is hereby amended to read as follows:

17.08.140 Inspections.

A. Construction or work for which a permit is required shall be subject to inspection by the building official and the construction or work shall remain accessible and exposed for inspection purposes until approved by the building official. In addition, certain types of construction shall have continuous and/or special inspections as specified in IBC Chapter 17.

B. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances. Inspections presuming to give authority to violate or cancel the provisions of this code or of other ordinances shall not be valid.

C. It shall be the duty of the property owner, general contractor and the permit holder to maintain access for the required inspections. Work shall remain exposed for proper visual verification. ~~permittee to cause the work to remain accessible and exposed for inspection purposes.~~ Neither the building official nor the city shall be liable for expense entailed in the removal or replacement of any material required to be removed to allow inspection. Where in the opinion of the building official, the nature of the work is minor in nature and the inspection can be performed remotely via photographs, live video feed or recording, the building official may require or allow remote inspection.

D. Inspection record card and approved construction documents. Work requiring a permit shall not be commenced until the permit card and approved construction documents are made readily available for the building official or designee at the construction site. ~~the permittee or their authorized agent has posted or otherwise made available the permit and inspection record card and approved construction documents such as to allow the building official to conveniently make the required entries there on regarding inspection of the work~~ The permit, inspection record card, and the approved construction documents shall be made available by the permittee until final approval has been granted by the building official.

E. Inspection scheduling Requests. Required inspections shall be scheduled utilizing the city's inspection scheduling system. ~~It shall be the duty of the permittee, their authorized agent or contractor to notify the building official that such work is ready for inspection within ten (10) days of the work being completed.~~ The building official may require that inspections be scheduled at least three (3) working days in advance of the inspection date. Scheduled inspections may be moved by the building official for good cause. The building official or designee shall notify the contractor or permit holder of the revised inspection date and time.

~~1. The building official may require that every request for inspection be filed at least one working day before such inspection is desired.~~

~~2. Such request shall be made by the method provided by the city for requesting and scheduling inspections.~~

~~3. It shall be the responsibility of the permittee their authorized agent and/or the person requesting an inspection required by this code or the technical codes to provide the building official access to the premises and means for inspection of the work.~~

F. ~~Approval required~~Inspection results and approval. Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the building official.

1. Upon completion of the scheduled inspection, the building official or designee shall make the results of the inspection accessible to the contractor or permit holder. The building official upon notification shall make the required inspections and shall either indicate that that portion of the construction is satisfactory as completed or shall notify the permit holder or an agent of the permittee or their authorized agent of conditions not in compliance with code requirements.

2. Such notification of conditions not in compliance with code requirements shall be in writing in the form of a correction notice and shall specify the work that is not in conformance, identify the section of the code that the work does not comply with and shall set a time period for correction and request for re-inspection. Failure to correct the noncompliant condition and request re-inspection within the time period noted in the correction notice will be considered a violation and will be subject to enforcement under VMC Title 22.

3. Any portions of construction which do not comply with code requirements shall be corrected and such portion shall not be covered or concealed until re-inspected and approved by the building official or designee.~~authorized by the building official.~~

4. There shall be a final inspection and approval of all and any buildings, structures, appurtenances and building service equipment when completed and ready for occupancy or use.

G. Preliminary inspection. Before issuing a permit, the building official is authorized to examine or cause to be examined buildings structures and site for which an application has been filed.

H. Required inspections. Inspections are required as determined necessary by the building official in order to verify compliance with the applicable codes. The building official shall perform the required inspection upon notification that the work performed is ready for inspection and/or scheduling of the inspection. The required inspections may include, but are not limited to the following:

1. Erosion Control. Erosion control mitigation measure requirements shall be installed, inspected and approved before proceeding with any other site or construction work. Erosion control measures must be maintained until the project is completed and will be verified at all subsequent inspections.
2. Setback, footing and foundation inspections. Setback, footing and foundation inspections shall be made after excavations for footings are complete and any required reinforcing steel is in place. For concrete foundations, any required forms shall be in place prior to inspections. Materials for foundation shall be on the job except where concrete is ready mixed in accordance with ACI 38, the concrete need not be on the job. No concrete shall be placed prior to inspection approval.
3. Concrete slab and under floor inspection. Concrete slab inspections shall be made after in slab reinforcing steel and building services, equipment, conduit, piping accessories and other ancillary equipment items are in place but before any concrete is place.
4. Under floor inspection. Under floor inspection shall be made before any floor-deck or floor-sheathing is installed. Under floor inspection includes, but is not limited to, post, beam, joists, low point drains and radon piping.
5. Storm water systems. Storm water inspections shall be made to determine compliance with approved construction plans and applicable codes including LID standards.
6. Frame inspection. Framing inspections shall be made after the floor deck or sheathing, all framing, fire blocking and bracing are in place, and after pipes, chimneys and vents to be concealed are complete, and after the rough electrical, plumbing, heating wires, pipes and ducts are inspected and approved.
7. Gypsum board inspection. Gypsum board inspections when part of a required fire-rated assembly or part of a structural framing system (shear/lateral bracing) shall be made after lathing and gypsum board, interior and/or exterior, is in place, but before any plastering is applied or gypsum board joints and fasteners are taped and finished. In multiple layer systems, the fastening of each layer must be inspected before the application of the next layer.
8. Fire-resistive penetrations. Protection of joints and penetrations in fire-resistive-rated assemblies shall not be concealed from view until inspected and approved.
9. Energy efficiency inspections. Inspections shall be made to determine compliance with the Washington State Energy Code and shall include, but shall not be limited to, inspection for envelope insulation R and U values, fenestration U value, duct system R value, HVAC, water heating equipment efficiency,

installation methods, weather sealing and similar energy related items. No interior finish that would conceal the energy efficiency component shall be applied prior to energy efficiency inspection and approval.

I. Building service equipment inspections. Building service equipment for which a permit is required by this code shall be inspected.

1. Building service equipment includes, but is not limited to, electrical, mechanical, plumbing, fuel gas, private storm water facility, and fire sprinkler and fire alarm system installations.

Exception: Rough tub/shower inspection not required when a manufactured tub and/or shower unit is installed.

2. Building service equipment intended to be concealed by a permanent portion of the building shall not be concealed until inspected and approved.

3. When the installation of building service equipment is complete final inspection shall be made.

4. Building service equipment regulated by the technical codes shall not be connected to the water, fuel or power supply or sewer system until authorized by the building official.

J. Barrier free accessibility inspection. Inspection shall be made of required barrier free accessibility features as part of any other required inspection including final inspection

K. Zoning inspection. Inspections are required for all signs, parking lots, landscaping, wetland delineation, critical areas delineation, tree preservation protection and other features regulated and required as part of a land use approval under VMC Title 20 and noted on the approved plans and/or permit.

L. Other inspections. In addition to the inspections specified in this section, the building official is authorized to make or require other inspections, including third party inspections, of any construction work to ascertain compliance with the provisions of this code and other laws enforced by the city.

M. Special Inspection. Special inspection, as detailed in IBC Chapter 17, and the IRC when the design requirements of the International Building Code are required, shall be performed by agencies as defined in VMC Section 17.08.100(J).

N. Structural observation. Structural observation shall be made by the registered design professional as required in IBC Section 1709. Reports shall be submitted to the building official.

O. Floor elevation certification within flood prone areas. Upon placement of the lowest floor in flood hazard areas, including the basement, and prior to further vertical construction, the elevation certification required in the IBC or IRC shall be submitted to the building official.

P. Final inspection. Final inspection shall be made after all work required and/or authorized to be performed by the building permit, is completed.

Section 7. That part of section 6 of Ordinance M-4047, codified as 17.32.040, is hereby amended to read as follows:

17.32.040 Unfit dwellings, buildings or structures defined.

For the purposes of this chapter, any dwelling, building or structure which has any or all of the conditions or defects described in this section shall be deemed to be an unfit dwelling, building or structure, provided that such conditions or defects exist to the extent that the life, health, property or safety of the public is endangered. Each itemized defect listed in this chapter is considered a distinct code violation for the purpose of enforcement action under VMC Title 22.

Section 8. Savings. Those ordinances or parts of ordinances which are amended or repealed by this ordinance shall remain in full force and effect until the effective date of this ordinance.

Section 9. 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 10. Effective date. This ordinance shall become effective thirty (30) days following the date of final adoption.

DATE OF FINAL PASSAGE by the Vancouver City Council:_____.

SIGNED this _____ day of _____, 2023.

Anne McEnerny-Ogle, Mayor

Attest:

Approved as to form:

Natasha Ramras, City Clerk

Jonathan Young, City Attorney



Item #7.

TO: Mayor and City Council

FROM: Eric Holmes, City Manager

DATE: 3/6/2023

SUBJECT Appointment to the Vancouver Housing Authority Board

Present Situation

The Vancouver Housing Authority (VHA) Board is appointed by the Mayor to provide opportunities to people who experience barriers to housing because of income, disability or special needs in an environment which preserves personal dignity, and in a manner which maintains the public trust.

Recently Mayor McEnemy-Ogle interviewed four applicants, including one incumbent, for one position and recommends the reappointment of Joan Caley with a term beginning immediately and expiring February 1, 2028.

Action Requested

Reappoint Joan Caley to the Vancouver Housing Authority Board of Directors, term beginning immediately and expiring February 1, 2028.

Mayor McEnemy-Ogle

ATTACHMENTS:

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:

\$ 7,391,036.27 this 6th day of March 2023.

MAYOR

COUNCILMEMBER

AUDITING OFFICER

COUNCILMEMBER

DATE	INCLUSIVE CHECK NUMBERS	CHECK TOTAL
February 20, 2023 - February 26, 2023	Accounts Payable Checks (see attached)	\$ 3,698,426.63
February 20, 2023 - February 26, 2023	Hansen City Payments (see attached)	\$ 21,404.11
February 20, 2023 - February 26, 2023	Visa Refunds (see attached)	\$ 1,885.60
February 20, 2023 - February 26, 2023	Payroll Checks (see attached)	\$ 3,669,319.93
TOTAL		\$ 7,391,036.27

Payment Category	Payment Type	Transaction Reference	Payment Date	Payment Amount	Payment Payee	Memo
Ad Hoc Payment	Check	9611	2/22/2023	172.77	ANA OR PETRE NITA	Utility Refunds: 0500001809-01
Ad Hoc Payment	Check	9612	2/22/2023	60.98	Betty Parks or Susan Grace	Utility Refunds: 0093008400-04
Ad Hoc Payment	Check	9613	2/22/2023	1,294.99	Brindle, Rebecca	Utility Refunds: 0002000111-02
Ad Hoc Payment	Check	9614	2/22/2023	86.90	Carter, Pamela	Utility Refunds: 0077000314-11
Ad Hoc Payment	Check	9615	2/22/2023	53.40	Estate of Donald Andresen	Utility Refunds: 0028006905-07
Ad Hoc Payment	Check	9616	2/22/2023	132.81	GG Property Management Inc	Utility Refunds: 0009056901-04
Ad Hoc Payment	Check	9617	2/22/2023	327.96	Kirkpatrick, Ryan or Marie	Utility Refunds: 0000001092-02
Ad Hoc Payment	Check	9618	2/22/2023	330.68	Leslie or Lucio Quintana Jr	Utility Refunds: 0062042535-04
Ad Hoc Payment	Check	9619	2/22/2023	44.87	Macdonald, Steven	Utility Refunds: 0048029501-07
Ad Hoc Payment	Check	9620	2/22/2023	64.02	Parks, Betty P	Utility Refunds: 0093008400-04
Ad Hoc Payment	Check	9621	2/22/2023	100.72	Randall, Lu Ann or Donald or Lori	Utility Refunds: 0039023800-17
Ad Hoc Payment	Check	9622	2/22/2023	360.00	Skelly, Marylee	Utility Refunds: 0004002500-15 Consolidated refund created from multiple refunds
Ad Hoc Payment	Check	9623	2/22/2023	99.44	The Estate of Michael J Hatfield	Utility Refunds: 0070044900-07 Consolidated refund created from multiple refunds
Ad Hoc Payment	Check	9624	2/22/2023	131.21	The Estate of Theresa Stillwell	Utility Refunds: 0112000406-01
Ad Hoc Payment	Check	9625	2/22/2023	100.28	The Randall Trust	Utility Refunds: 0039023800-17
Supplier Payment	Check	9626	2/22/2023	5,222.19	Alcon LLC	
Supplier Payment	Check	9627	2/22/2023	456.00	Allegiance Benefit Plan Management Inc	
Supplier Payment	Check	9628	2/22/2023	103.62	Allegiance Benefit Plan Management Inc - Remit-To: Pensioners	
Supplier Payment	Check	9629	2/22/2023	5,728.36	Allegiance Benefit Plan Management Inc - Remit-To: Pensioners	
Supplier Payment	Check	9630	2/22/2023	115.50	Allegiance Benefit Plan Management Inc - Remit-To: Pensioners	
Supplier Payment	Check	9631	2/22/2023	38.50	Allegiance Benefit Plan Management Inc - Remit-To: Pensioners	
Supplier Payment	Check	9632	2/22/2023	68.09	Allegiance Benefit Plan Management Inc - Remit-To: Pensioners	
Supplier Payment	Check	9633	2/22/2023	20.49	Allegiance Benefit Plan Management Inc - Remit-To: Pensioners	
Supplier Payment	Check	9634	2/22/2023	654.00	Allegiance Benefit Plan Management Inc - Remit-To: Pensioners	
Supplier Payment	Check	9635	2/22/2023	577.00	Allegiance Benefit Plan Management Inc - Remit-To: Pensioners	
Supplier Payment	Check	9636	2/22/2023	7,362.50	Allegis Group Holdings Inc - Remit-To: TekSystems Inc - Atlanta	
Supplier Payment	Check	9637	2/22/2023	136.00	American Sani-Can	
Supplier Payment	Check	9638	2/22/2023	138.19	Aramark Uniform & Career Apparel LLC - Remit-To: Aramark - Pasadena	
Supplier Payment	Check	9639	2/22/2023	59,651.81	Arborscape Ltd Inc	
Supplier Payment	Check	9640	2/22/2023	83,118.23	Avaya Inc - Remit-To: Avaya New York	
Supplier Payment	Check	9641	2/22/2023	2,910.95	Bacon Collision	
Supplier Payment	Check	9642	2/22/2023	1,328.07	Bound Tree Medical LLC	
Supplier Payment	Check	9643	2/22/2023	2,240.00	Bret M Young	
Supplier Payment	Check	9644	2/22/2023	1,405.87	Brightview Holdings Inc	
Supplier Payment	Check	9645	2/22/2023	1,100.00	Brown and Caldwell - Remit-To: Brown & Caldwell - San Francisco	
Supplier Payment	Check	9646	2/22/2023	442.21	Celco Partnership - Remit-To: Celco - Dallas	
Supplier Payment	Check	9647	2/22/2023	7,198.01	Cessco Inc	
Supplier Payment	Check	9648	2/22/2023	399.00	City of Vancouver - Remit-To: COV Main	
Supplier Payment	Check	9649	2/22/2023	30,240.01	Clark County - Remit-To: Clark County - Treasurer Vancouver	
Supplier Payment	Check	9650	2/22/2023	1,028.48	Clark Public Utility District No. 1	
Supplier Payment	Check	9651	2/22/2023	439.08	Clark Public Utility District No. 1	

Supplier Payment	Check	9652	2/22/2023	1,022.26	Clark Public Utility District No. 1	
Supplier Payment	Check	9653	2/22/2023	2,243.18	Clark Public Utility District No. 1	
Supplier Payment	Check	9654	2/22/2023	2,038.76	Clark Public Utility District No. 1	
Supplier Payment	Check	9655	2/22/2023	2,698.31	Clark Public Utility District No. 1	
Supplier Payment	Check	9656	2/22/2023	2,487.63	Clark Public Utility District No. 1	
Supplier Payment	Check	9657	2/22/2023	2,038.76	Clark Public Utility District No. 1	
Supplier Payment	Check	9658	2/22/2023	2,038.76	Clark Public Utility District No. 1	
Supplier Payment	Check	9659	2/22/2023	123,834.00	Clary Longview LLC	
Supplier Payment	Check	9660	2/22/2023	2,184.81	Columbia Resource Company	
Supplier Payment	Check	9661	2/22/2023	188.31	Comcast Holdings Corporation - Remit-To: Comcast Business - City of Industry	
Supplier Payment	Check	9662	2/22/2023	95.88	Comcast Holdings Corporation - Remit-To: Comcast Business - City of Industry	
Supplier Payment	Check	9663	2/22/2023	3,088.07	CUES Inc - Remit-To: CUES Inc - Cincinnati	
Supplier Payment	Check	9664	2/22/2023	6,342.33	DKS Associates Inc	
Supplier Payment	Check	9665	2/22/2023	734.01	Ecolights Northwest LLC	
Supplier Payment	Check	9666	2/22/2023	607.24	Envirolssues Inc	
Supplier Payment	Check	9667	2/22/2023	12,966.75	Erickson Structural Consulting Engineers	
Supplier Payment	Check	9668	2/22/2023	54.30	Experian Marketing Solutions - Remit-To: Experian - Los Angeles	
Supplier Payment	Check	9669	2/22/2023	1,230.55	Ferguson Enterprises - Remit-To: Ferguson - Dallas	
Supplier Payment	Check	9670	2/22/2023	11,152.00	FFA Architecture and Interiors, Inc	
Supplier Payment	Check	9671	2/22/2023	1,085.00	Fidelity National Title Co of Washington	
Supplier Payment	Check	9672	2/22/2023	44,703.12	Friends of Trees	
Supplier Payment	Check	9673	2/22/2023	795.27	GVP Ventures Inc	
Supplier Payment	Check	9674	2/22/2023	4,396.00	Harper Houf Peterson Righellis Inc	
Supplier Payment	Check	9675	2/22/2023	40,786.75	Herrera Environmental Consultants Inc	
Supplier Payment	Check	9676	2/22/2023	9,000.00	Hyas Group, LLC	
Supplier Payment	Check	9677	2/22/2023	1,132.44	Industrial Scientific Corporation - Remit-To: Industrial Scientific Corp - Pittsburgh	
Supplier Payment	Check	9678	2/22/2023	17,423.18	Janus Youth Programs Inc	
Supplier Payment	Check	9679	2/22/2023	4,490.04	Kittelson & Associates Inc	
Supplier Payment	Check	9680	2/22/2023	1,200.06	Lakeside Industries Inc - Remit-To: Lakeside - LB Seattle	
Supplier Payment	Check	9681	2/22/2023	96.60	Legacy Laboratory Services Inc	
Supplier Payment	Check	9682	2/22/2023	8,830.00	LSW Architects PC	
Supplier Payment	Check	9683	2/22/2023	2,000.00	Marquam Group LTD	
Supplier Payment	Check	9684	2/22/2023	1,301.34	Municipal Emergency Services Inc - Remit-To: Municipal Emergency Services - Chicago	
Supplier Payment	Check	9685	2/22/2023	6,016.71	Northwest Natural Gas Company - Remit-To: NW Natural - Portland	
Supplier Payment	Check	9686	2/22/2023	12,981.95	Northwest Staffing Resources Inc - Remit-To: Northwest Staffing Resources	
Supplier Payment	Check	9687	2/22/2023	275.84	Pacific Towing INC.	
Supplier Payment	Check	9688	2/22/2023	3,023.92	PBS Engineering and Environmental Inc	
Supplier Payment	Check	9689	2/22/2023	35,063.68	PC Specialists Inc - Remit-To: TIG - San Diego	
Supplier Payment	Check	9690	2/22/2023	35.00	Porter W Yett Company	
Supplier Payment	Check	9691	2/22/2023	1,542.64	Portland Mechanical Construction LLC	
Supplier Payment	Check	9692	2/22/2023	19.77	Qwest Corporation - Remit-To: CenturyLink - Phoenix	
Supplier Payment	Check	9693	2/22/2023	6,860.51	Qwest Corporation - Remit-To: Qwest Corp- Seattle	
Supplier Payment	Check	9694	2/22/2023	500.00	Rapid Response Bio Clean Inc.	
Supplier Payment	Check	9695	2/22/2023	617.31	RH2 Engineering, Inc.	
Supplier Payment	Check	9696	2/22/2023	3,580.50	SafeFire LLC	
Supplier Payment	Check	9697	2/22/2023	4,658.94	San Diego Police Equipment Co Inc	

Supplier Payment	Check	9698	2/22/2023	297.05	Software House International SHI - Remit-To: SHI - Dallas	
Supplier Payment	Check	9699	2/22/2023	220.00	Standridge Design Inc	
Supplier Payment	Check	9700	2/22/2023	13.72	State of Oregon Department of Transportation - Remit-To: OR DMV - Salem	
Supplier Payment	Check	9701	2/22/2023	365.42	State of Washington Department of Ecology - Remit-To: State of Washington Department of Ecology	
Supplier Payment	Check	9702	2/22/2023	0.76	State of Washington Department of Licensing - Remit-To: DOL - Seattle Remit	
Supplier Payment	Check	9703	2/22/2023	4,881.79	State of Washington Office of the State Treasurer	
Supplier Payment	Check	9704	2/22/2023	336.00	Sunbelt Controls Inc - Remit-To: Sunbelt Controls - Pasadena	
Supplier Payment	Check	9705	2/22/2023	144.00	Tandem Publishing Group, Inc.	
Supplier Payment	Check	9706	2/22/2023	9,489.71	Tapani Materials Inc	
Supplier Payment	Check	9707	2/22/2023	559.29	Towing & Recovering Services Inc	
Supplier Payment	Check	9708	2/22/2023	5,653.23	Triple J Enterprises	
Supplier Payment	Check	9709	2/22/2023	21,061.02	Troxler Electronic Laboratories Inc - Remit-To: Troxler Electronic Laboratories Inc	
Supplier Payment	Check	9710	2/22/2023	6,090.74	Vanessa Bohatch	
Supplier Payment	Check	9711	2/22/2023	299.00	Vast Data Concepts	
Supplier Payment	Check	9712	2/22/2023	570.08	W.B. Sprague Co. Inc.	
Supplier Payment	Check	9713	2/22/2023	1,572.66	Walter E Nelson Company	
Supplier Payment	Check	9714	2/22/2023	2,145.50	Wapiti NW LLC	
Supplier Payment	Check	9715	2/22/2023	230.40	Washington State Healthcare Authority	
Supplier Payment	Check	9716	2/22/2023	6,010.17	Waste Connections of Washington - Remit-To: Waste Connections - Vancouver	
Supplier Payment	Check	9717	2/22/2023	11,646.15	Wesco Distribution, Inc.	
Supplier Payment	Check	9718	2/22/2023	8,075.28	Western Water Works Supply Co Inc	
Supplier Payment	Check	9719	2/22/2023	5,391.10	Xchange Recovery	
Customer Refund	Check	9720	2/22/2023	169.26	CITY SANDWICH COMPANY	Refund for overpayment RES-319359 (3304 SE Biddle Road)
Miscellaneous Payment	Check	9721	2/22/2023	9,955.00	David Fanning	
Miscellaneous Payment	Check	9722	2/22/2023	25.75	Elbert County Clerk of Court	Certified Copy Request re: C0202021M 000160 Jean Andre Alvarez
Miscellaneous Payment	Check	9723	2/22/2023	61.47	Eric Olson Electric Inc	MPE-333378 (jobsite: 800 S Lieser Road)
Miscellaneous Payment	Check	9724	2/22/2023	1,173.04	Gramor Development Inc	LUP-83159 (jobsite: Parcel 48900000)
Miscellaneous Payment	Check	9725	2/22/2023	691.04	Marleea Henkel	Claim Payment - DOL: 12/01/22 - Risk
Miscellaneous Payment	Check	9726	2/22/2023	91.00	NW Culinary Institute (Inactive)	Refund of Duplicate Payment of Inv#77047840
Miscellaneous Payment	Check	9727	2/22/2023	703.95	Steven Ward	Claim Payment - DOL: 01/16/23 - Risk
Miscellaneous Payment	Check	9728	2/22/2023	50.00	Tonisha Carrasco (Inactive)	Voucher #2010226.030
Miscellaneous Payment	Check	9729	2/22/2023	1,100.00	Treva Morgan	Claim Payment - DOL: 01/04/23 - Risk
Miscellaneous Payment	Check	9730	2/22/2023	68.64	Wire Nutz Electrical Svcs LLC	MPE-333508
Miscellaneous Payment	Check	9731	2/22/2023	11,768.00	National League of Cities	Inv 181004
Supplier Payment	Check	9732	2/24/2023	6,918.51	Aflac	
Supplier Payment	Check	9733	2/24/2023	5,313.57	AFSCME Local #307	
Supplier Payment	Check	9734	2/24/2023	496.05	California State Disbursement Unit	
Supplier Payment	Check	9735	2/24/2023	491.00	Hawaii SDU	
Supplier Payment	Check	9736	2/24/2023	792.75	IAM Local #1374	
Supplier Payment	Check	9737	2/24/2023	9,035.15	Life Insurance Company of North America	
Supplier Payment	Check	9738	2/24/2023	675.00	MFS Service Center Inc	
Supplier Payment	Check	9739	2/24/2023	75.00	OPEIU Local #11	
Supplier Payment	Check	9740	2/24/2023	4,015.47	OPEIU Local #11	
Supplier Payment	Check	9741	2/24/2023	640.00	Teamsters Local #58	
Supplier Payment	Check	9742	2/24/2023	280.00	UA Local #290	
Supplier Payment	Check	9743	2/24/2023	3,126.05	Western Conference of Teamsters	
Supplier Payment	Check	9744	2/24/2023	1,273.74	Western Metal Industry Pension Plan	
			Check	748,988.18		
Cash Advance Payment	Direct Deposit	EFT-00183972	2/23/2023	224.00	Joseph Graaff	
Cash Advance Payment	Direct Deposit	EFT-00183973	2/23/2023	245.50	Spencer Harris	
Cash Advance Payment	Direct Deposit	EFT-00183974	2/23/2023	245.50	Carole Boswell	
Cash Advance Payment	Direct Deposit	EFT-00183975	2/23/2023	224.00	Amy Foster	
Cash Advance Payment	Direct Deposit	EFT-00183976	2/23/2023	224.00	Brian Viles	

Cash Advance Payment	Direct Deposit	EFT-00183977	2/23/2023	245.50	Ken Hess	
Cash Advance Payment	Direct Deposit	EFT-00183978	2/23/2023	259.00	Lee Gelsinger	
Expense Payment	Direct Deposit	EFT-00183979	2/23/2023	250.00	John Honrath	
Expense Payment	Direct Deposit	EFT-00183980	2/23/2023	120.97	Anne McEnerny-Ogle	
Expense Payment	Direct Deposit	EFT-00183981	2/23/2023	250.00	John Lodahl	
Expense Payment	Direct Deposit	EFT-00183982	2/23/2023	138.86	Ty Stober	
Expense Payment	Direct Deposit	EFT-00183983	2/23/2023	108.44	Jordan Macfarlane	
Expense Payment	Direct Deposit	EFT-00183984	2/23/2023	170.00	Emily Snodgrass	
Expense Payment	Direct Deposit	EFT-00183985	2/23/2023	111.00	Gregory Raquer	
Expense Payment	Direct Deposit	EFT-00183986	2/23/2023	144.00	Nathan Schmierer	
Expense Payment	Direct Deposit	EFT-00183987	2/23/2023	198.41	Morgan Wells	
Expense Payment	Direct Deposit	EFT-00183988	2/23/2023	172.00	Lisa Takach	
Expense Payment	Direct Deposit	EFT-00183989	2/23/2023	18.80	Shannon Williams	
			Direct Deposit	3,349.98		
Supplier Payment	EFT	EFT-00183990	2/23/2023	80.00	League of Oregon Cities	
Supplier Payment	EFT	EFT-00183991	2/23/2023	18,820.17	Living Hope Church	
Supplier Payment	EFT	EFT-00183992	2/23/2023	5,090.88	JH Kelly, LLC	
Supplier Payment	EFT	EFT-00183993	2/23/2023	1,921.50	State of Washington Auditor's Office	
Supplier Payment	EFT	EFT-00183994	2/23/2023	215,156.41	MacKay Sposito Inc	
Supplier Payment	EFT	EFT-00183995	2/23/2023	669.00	Purple Communications Inc	
Supplier Payment	EFT	EFT-00183996	2/23/2023	2,345.67	Exo Contracting	
Supplier Payment	EFT	EFT-00183997	2/23/2023	88,515.84	S & S Legacy, Inc	
Supplier Payment	EFT	EFT-00183998	2/23/2023	155,918.43	Cascade Fire Equipment	
Supplier Payment	EFT	EFT-00183999	2/23/2023	3,000.00	CivicPlus, LLC	
Supplier Payment	EFT	EFT-00184000	2/23/2023	2,703.18	MPGTandem	
Supplier Payment	EFT	EFT-00184001	2/23/2023	95.00	T2 Systems Inc - Remit-To: T2- Atlanta	
Supplier Payment	EFT	EFT-00184002	2/23/2023	59,099.66	Stellar J Corporation	
Supplier Payment	EFT	EFT-00184003	2/23/2023	68,945.00	Economic Consultants Oregon Ltd	
Supplier Payment	EFT	EFT-00184004	2/23/2023	322.34	Restored and Revived	
Supplier Payment	EFT	EFT-00184005	2/23/2023	3,368.93	Eagle Newspaper Inc	
Supplier Payment	EFT	EFT-00184006	2/23/2023	2,768.15	Universal Field Services Inc	
Supplier Payment	EFT	EFT-00184007	2/23/2023	3,001.05	Waxie's Enterprises Inc	
Supplier Payment	EFT	EFT-00184008	2/23/2023	608.66	Columbia West Engineering	
Supplier Payment	EFT	EFT-00184009	2/23/2023	3,688.63	HDR Engineering Inc - Remit-To: HDR Engineering - Chicago	
Supplier Payment	EFT	EFT-00184010	2/23/2023	6,937.00	Sequence Graphics LLC - Remit-To: Sequence Graphics	
Supplier Payment	EFT	EFT-00184011	2/23/2023	177.29	Praxair Distribution Inc	
Supplier Payment	EFT	EFT-00184012	2/23/2023	870.00	ERP Analysts, Inc.	
Supplier Payment	EFT	EFT-00184013	2/23/2023	80,641.67	Parker Pacific Development LLC	
Supplier Payment	EFT	EFT-00184014	2/23/2023	3,089.92	Sonic Boom Wellness LLC	
Supplier Payment	EFT	EFT-00184015	2/23/2023	1,240.00	The Gunter Group LLC	
Supplier Payment	EFT	EFT-00184016	2/23/2023	289,585.83	Halme Excavating Inc	
Supplier Payment	EFT	EFT-00184017	2/23/2023	12,010.00	Cascadia Partners LLC	
Supplier Payment	EFT	EFT-00184018	2/23/2023	91,216.49	Outsiderinn.org	
Supplier Payment	EFT	EFT-00184019	2/23/2023	15,172.27	Global Software	
Supplier Payment	EFT	EFT-00184020	2/23/2023	13,506.91	Halbert Construction Services LLC	
Supplier Payment	EFT	EFT-00185792	2/24/2023	14,918.44	Allegiance Benefit Plan Management Inc	
Supplier Payment	EFT	EFT-00185793	2/24/2023	131.22	Legal Shield	
Supplier Payment	EFT	EFT-00185794	2/24/2023	950.40	Vancouver Command Guild	
Supplier Payment	EFT	EFT-00185795	2/24/2023	23,757.63	IAFF Local #452	
Supplier Payment	EFT	EFT-00185796	2/24/2023	11,988.75	Vancouver Police Officer Guild	
			EFT	1,202,312.32		
Supplier Payment	Manual Wire		2/21/2023	115,397.50	Liberty Mutual Group Inc.	
Supplier Payment	Manual Wire		2/21/2023	1,509.72	VSP Vision Care Inc	
Supplier Payment	Manual Wire		2/21/2023	21,098.70	Washington Dental Service	
Supplier Payment	Manual Wire		2/21/2023	148,725.21	Blue Cross Blue Shield of Oregon	
Supplier Payment	Manual Wire		2/21/2023	58,279.89	Paymentus Corporation	
Supplier Payment	Manual Wire		2/23/2023	6,279.46	Washington Dental Service	
Supplier Payment	Manual Wire		2/23/2023	90,932.62	Reliastar Life Insurance Co	
Supplier Payment	Manual Wire		2/23/2023	77,255.64	Liberty Mutual Group Inc.	
Procurement Card Payment	Manual Wire		2/23/2023	829,682.34	CoV JPM Procurement Card	
Supplier Payment	Manual Wire		2/24/2023	1,192.18	Vancouver Fire Command Officers	
Supplier Payment	Manual Wire		2/24/2023	25,973.46	Western States Health & Welfare Trust	
Supplier Payment	Manual Wire		2/24/2023	5,078.81	Washington SDU	
Supplier Payment	Manual Wire		2/24/2023	859.50	Oregon SDU	
Supplier Payment	Manual Wire		2/24/2023	24,334.56	Vancouver Firefighters Union Health & Welfare Trust	
Supplier Payment	Manual Wire		2/24/2023	19,200.00	Washington State Firefighters	
Supplier Payment	Manual Wire		2/24/2023	7,975.14	ICMA 401A	
Supplier Payment	Manual Wire		2/24/2023	259,737.29	ICMA Corp	

Supplier Payment	Manual Wire		2/24/2023	50,264.13	State of Washington Department of Retirement System (PERS)	
			Manual Wire	1,743,776.15		
			Check Total	748,988.18		
			Direct Deposit Total	3,349.98		
			EFT Total	1,202,312.32		
			2/27/2023	21,404.11	City Payments	Posted 02-20-23 to 02-26-23
			Hansen Total	21,404.11		
			2/27/2023	1,126.60	Miscellaneous	Parks Class Refunds FCC 02-20-23 to 02-26-23
			2/27/2023	759.00	Miscellaneous	Parks Class Refunds MCC 02-20-23 to 02-26-23
			VISA Total	1,885.60		
			Payroll Total	3,669,319.93		
			GRAND TOTAL	7,391,036.27		

City of Vancouver
Payroll Council Report
February 20, 2023 - February 26, 2023

Check No.	Date	Explanation	Amount
1035 - 1062	02/24/23	February 24th Checks	\$ 17,538.41
184021 - 185791	02/24/23	February 24th Direct Deposits	\$ 3,651,781.52

\$ 3,669,319.93



Staff Report: 028-23

TO: Mayor and City Council

FROM: Eric Holmes, City Manager

DATE: 3/6/2023

SUBJECT Kevanna Park Meadows Planned Development

Key Points

- The applicant, Ginn Development Group, requests approval of a 33-lot planned development and subdivision in the Kevanna Park Neighborhood at the west end of NE 46th Street.
- 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. Planned developments provide flexibility for innovative planning practices that result in well-designed, efficient and functional urban environments.
- The proposed development includes over three acres of open space, as well as the restoration of the Burnt Bridge Creek riparian management area through the planting of 70 native trees and 920 native shrubs. The City Hearing Examiner, following a duly noticed public hearing, has determined that the proposed development will meet all applicable approval criteria and is recommending that the City Council approve the planned development and subdivision.
- City Council may approve the application, add conditions of approval, or deny the application as the final decision maker. The decision by City Council is appealable to Superior Court.

Strategic Plan Alignment

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

Present Situation

The applicant requests approval of a proposed planned development consisting of a 33-lot single-family subdivision totaling 6.08 acres in the R-6 Lower Density Residential zone.

Planned developments allow for flexibility in certain development standards in order to promote creativity in design and efficient use of the land; increase economic feasibility; and preserve existing landscape features and amenities. The proposed planned development includes over

three acres of open space, as well as restoration of the Burnt Bridge Creek riparian management area through the planting of 70 native trees and 920 native shrubs.

Planned developments allow for an increase in density of up to 15% more lots than the maximum density of the R-6 District, which results in up to 33 lots. The proposed development is proposing 33 lots, only four more than is allowed under the standard R-6 requirement.

On Jan. 17, 2023, a duly noticed public hearing was conducted before the City's Land Use Hearings Examiner. On Feb. 1, 2023, the Hearings Examiner issued findings, conclusions and recommendations. The Hearings Examiner recommends that both the planned development and subdivision ordinance, subject to recommended conditions, be approved by City Council.

Advantage(s)

1. Approval will allow for additional housing units to be constructed.
2. Approval will allow for flexible design and environmental restoration.
3. Approval will allow for development in an area currently served by public utilities.

Disadvantage(s)

There will be additional traffic generated by the development. However, the City has reviewed the traffic impacts that the proposal will generate and determined there is adequate capacity on city streets to accommodate the anticipated increase in traffic.

Budget Impact

None

Prior Council Review

February 27, 2023 - City Council first reading

Action Requested

On Monday, March 6, 2023, subject to second reading and a public hearing, approve either the Option A ordinance or the Option B ordinance, with conditions, approving the planned development; and subject to the Council's decision on the proposed ordinance, grant preliminary plat approval of the proposed subdivision.

Andrew Reule, Senior Planner, 360-487-7891

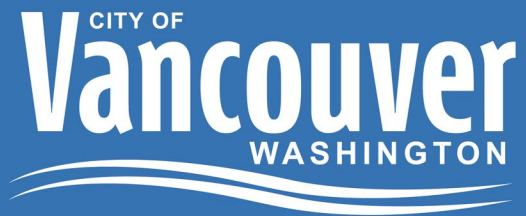
ATTACHMENTS:

- ▣ Presentation
- ▣ Ordinance - Option A
- ▣ Ordinance - Option B (with conditions)
- ▣ Hearing Examiner Recommendation
- ▣ Staff Report
- ▣ Staff Report Exhibits

- ▣ Critical Areas Report Exhibit
- ▣ Mitigation Bank Exhibit
- ▣ Applicant's Presentation

Kevanna Park Meadows Planned Development PRJ-168078/LUP-82789

Andrew Reule
Senior Planner
Community Development
Dept.

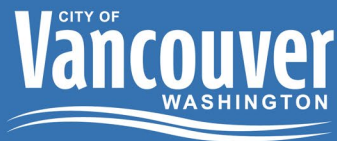


Kevanna Park Meadows Planned Development

PRJ-168078/LUP-82789

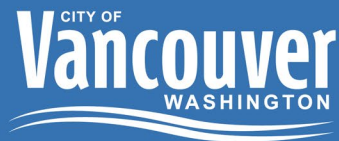
Request

- Approval of a 33-lot subdivision and planned development for single-family homes in the R-6 zoning district.



Kevanna Park Meadows Planned Development

PRJ-168078/LUP-82789

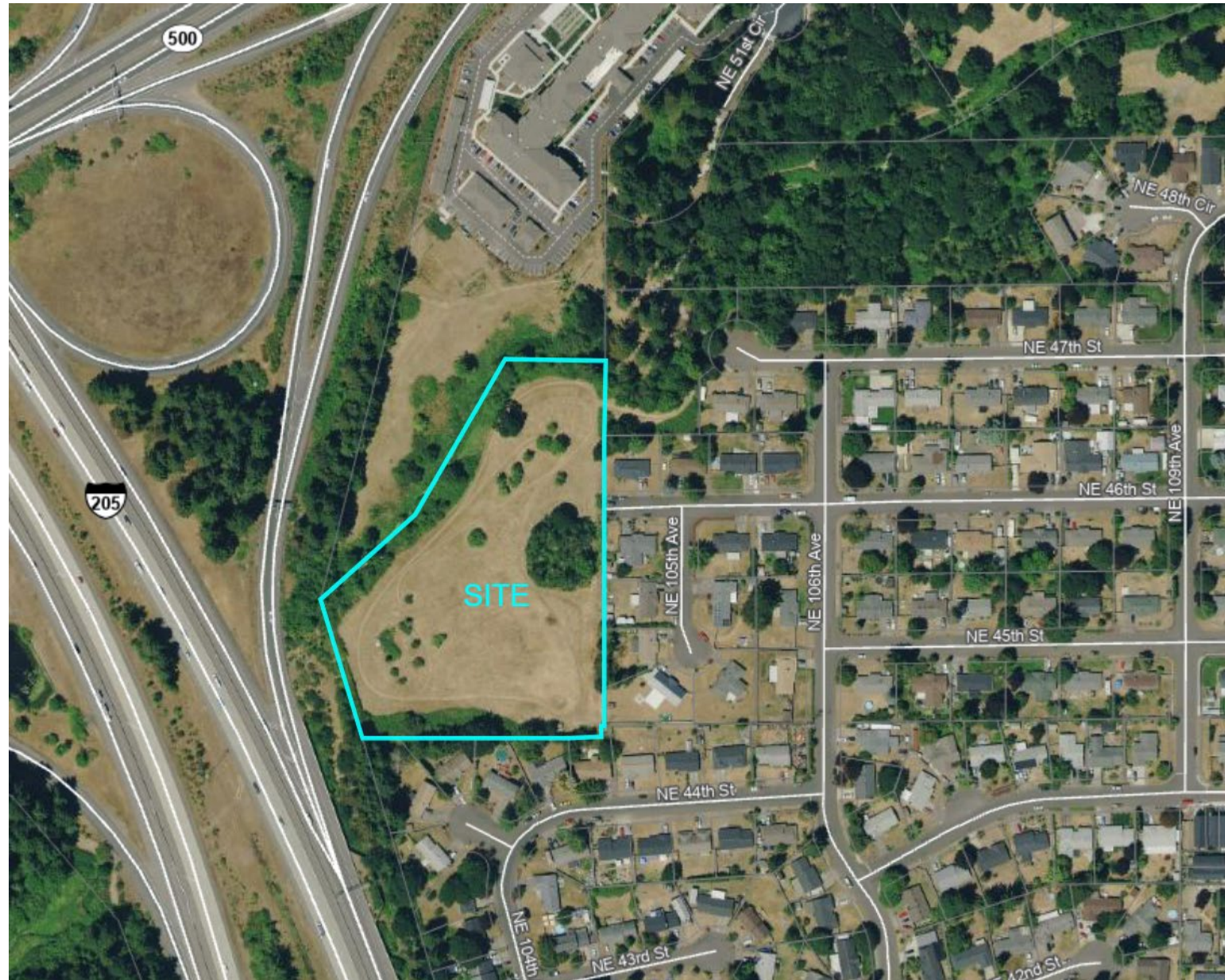
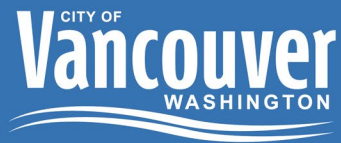


Procedural History

- Notice of Application and SEPA DNS issued Oct. 19, 2022 with 30-day public comment period. One comment from Dept. of Ecology.
- Staff report issued Jan. 3, 2023.
- Public hearing before the Hearing Examiner Jan. 17, 2023.
- Hearing Examiner's final order and recommendation of approval issued Feb. 1, 2023.
- First reading on Consent Feb. 27, 2023.

Kevanna Park Meadows Planned Development

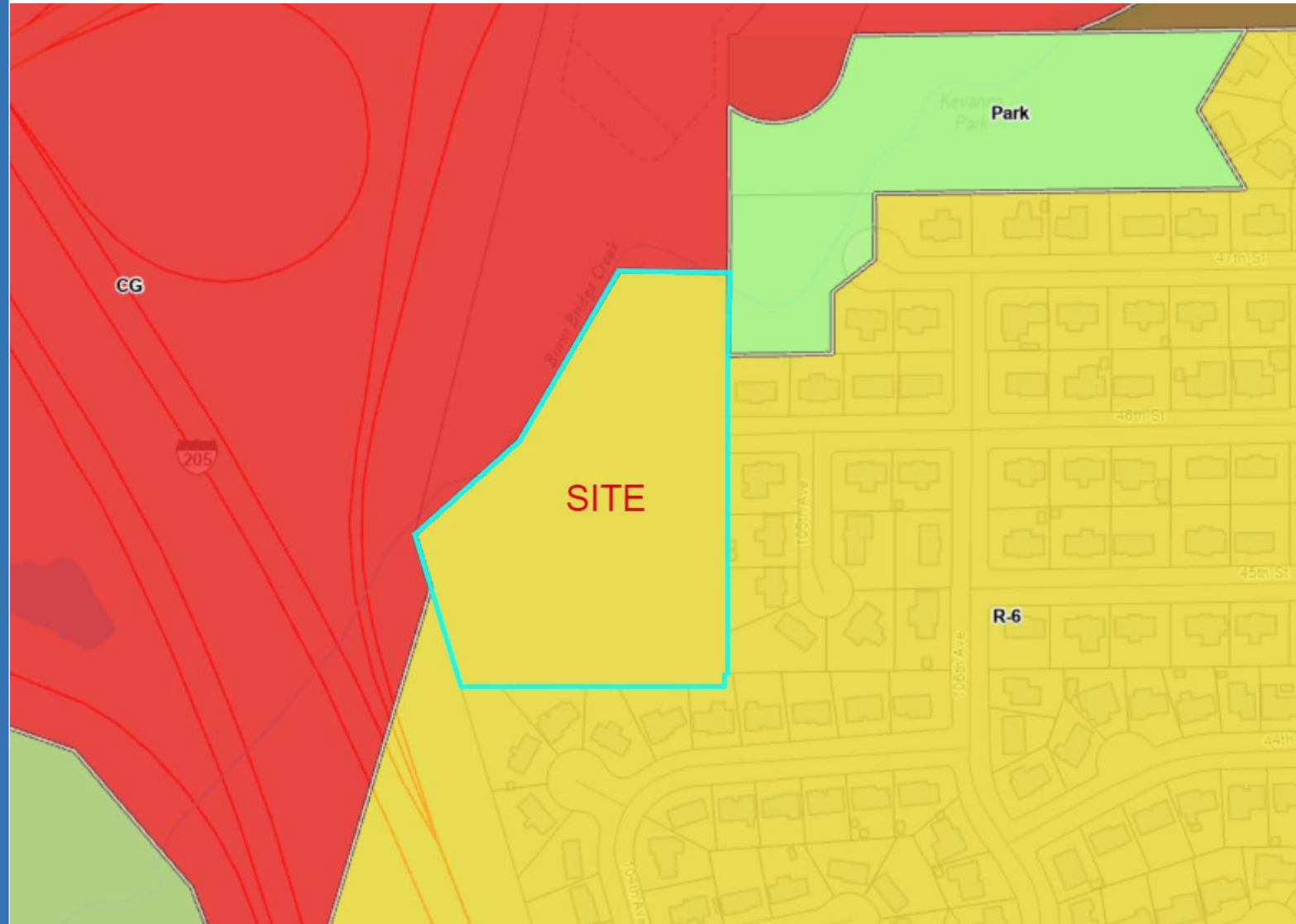
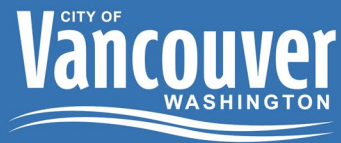
PRJ-168078/LUP-82789



Kevanna Park — 4

Kevanna Park Meadows Planned Development

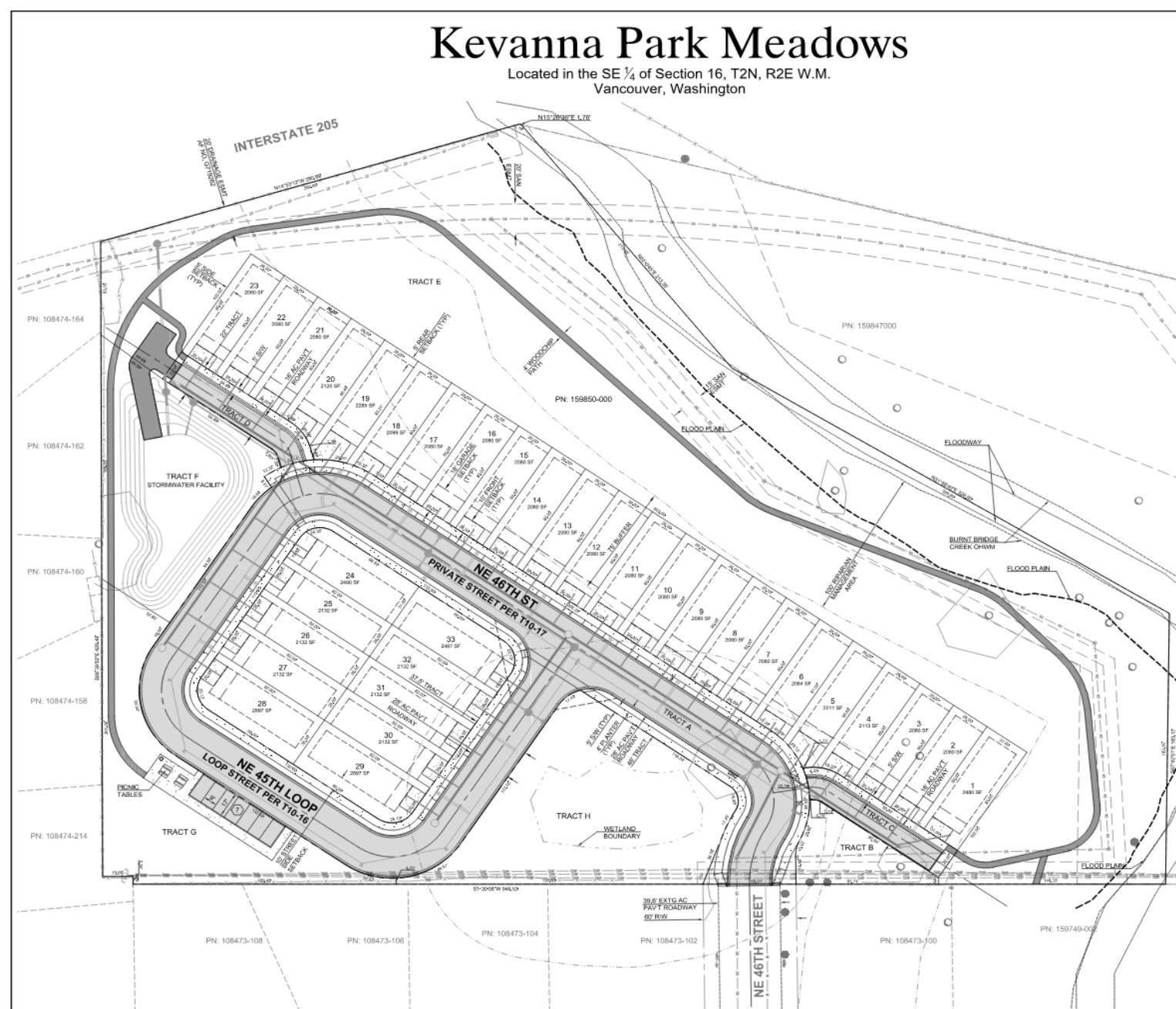
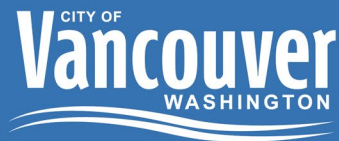
PRJ-168078/LUP-82789



Kevanna Park — 5

Kevanna Park Meadows Planned Development

PRJ-168078/LUP-82789



Kevanna Park — 6

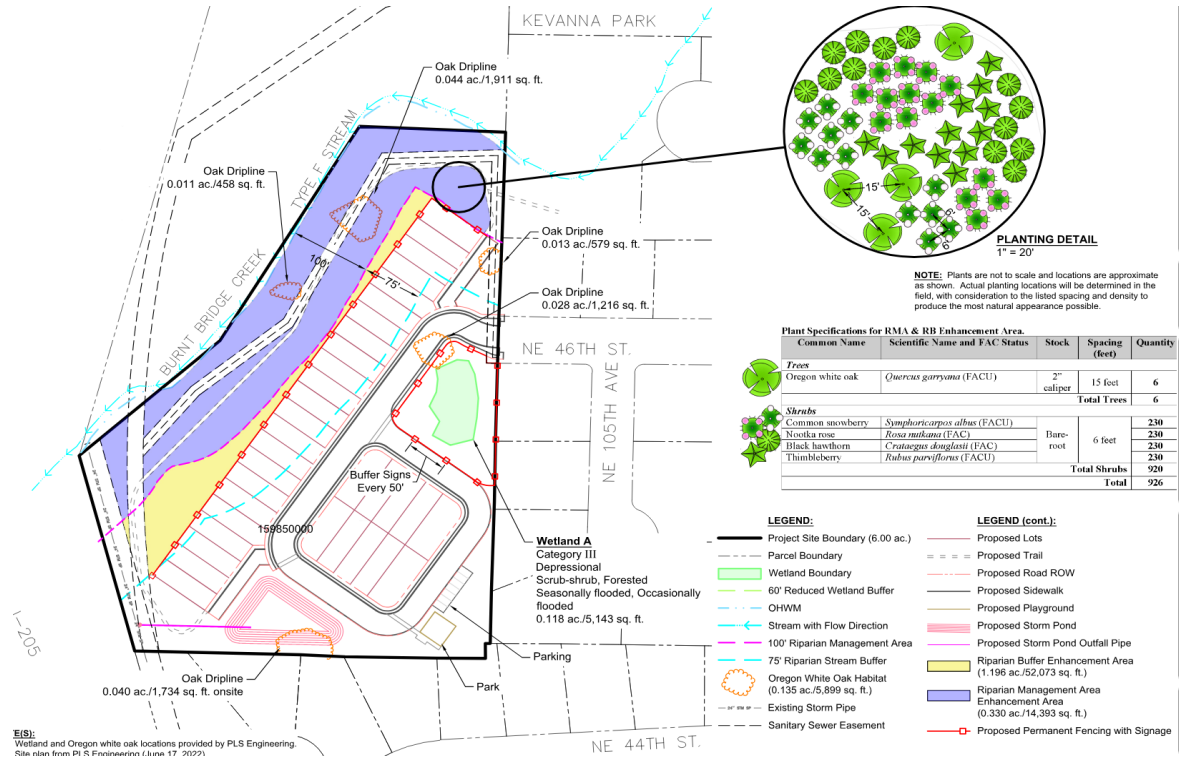
Kevanna Park Meadows Planned Development

PRJ-168078/LUP-82789



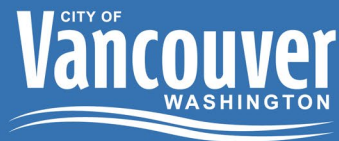
Critical Areas

- No development proposed within floodplain or Riparian Management Area of Burnt Bridge Creek.
- Riparian Buffer impact of 0.76-acre. Permitted subject to 1.53 acres of mitigation planting.
- Buffer of on-site wetland will be impacted by 4,625 sq. ft. Mitigated through purchase of wetland mitigation bank credits.
- One Oregon white oak removed with mitigation planting of six 2" caliper Oregon white oak.



Kevanna Park Meadows Planned Development

PRJ-168078/LUP-82789

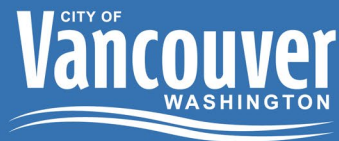


Approval Criteria for Planned Developments VMC 20.260.050

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 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.

Kevanna Park Meadows Planned Development

PRJ-168078/LUP-82789



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.

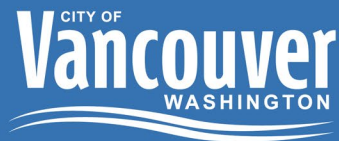
5. Protection of designated resources. City-designated resources such as historic landmarks, significant trees and sensitive natural resources are protected in compliance with the standards in this and other Titles of the VMC.

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.

Kevanna Park - 9

Kevanna Park Meadows Planned Development

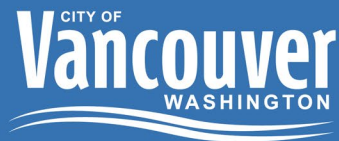
PRJ-168078/LUP-82789



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.

Kevanna Park Meadows Planned Development

PRJ-168078/LUP-82789

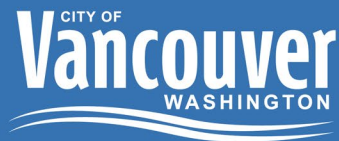


Conditions for Consideration based on Council Comments on Consent

1. Revise the landscape and tree plans to include the addition of 20 five-foot tall conifers along the southwest property line of the site, 20 to 25 feet on center, offset from the existing utility lines.
2. Revise the landscape and tree plans to indicate all deciduous trees to be a minimum of two-inch caliper and all conifers to be a minimum of five feet tall when planted.
3. Revise the landscape and tree plans to indicate that an automatic irrigation system shall be installed for all required landscaping and trees.
4. Prior to final plat approval, a note shall be placed on the plat indicating that prior to occupancy of any residence in the development, an air conditioning system shall be installed within the unit.

Kevanna Park Meadows Planned Development

PRJ-168078/LUP-82789



Recommendation

That the City Council approve the application subject to the conditions noted in the Hearing Examiner's final order and recommendation dated Feb. 1, 2023, and any additional conditions Council finds are necessary for the development to comply with the applicable approval criteria of the City's Development Code.

02/27/2023
03/6/2023

Ordinance - Option A

ORDINANCE NO. M- [Ordinance Number]

AN ORDINANCE approving the concept development plan for the Kevanna Park Meadows Planned Development; and providing for severability and an effective date.

WHEREAS, on January 17, 2023, a hearing was held before the Vancouver Hearings Examiner regarding the approval of the concept development plan for the Kevanna Park Meadows Planned Development.

WHEREAS, on February 1, 2023, the Vancouver Hearing Examiner recommended approval of the concept development plan for the Kevanna Park Meadows Planned Development under File PRJ-168078, LUP-82789; 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. The proposed development and uses comply with all applicable standards of the Title as conditioned.

ORDINANCE - 1

2. Architectural and site design. The proposed development demonstrates the use of innovative, aesthetic, energy-efficient and environmentally-friendly design and materials.
 3. Transportation system capacity. There is sufficient capacity in the transportation system to safely support the development.
 4. Availability of public services. There is 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.
 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.
 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 Kevanna Park Meadows 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 attached hereto and hereby incorporated by reference, as its own.

ORDINANCE - 2

Section 2. Legal Description.

The legal description of the lands referred to in this ordinance is as follows:

Parcel 159850000, located in a portion of the southeast quarter of Section 16, Township 2 North, Range 2 East, Willamette Meridian, Clark County, Washington.

Section 3. Approval Granted.

Based upon the foregoing findings, as well as the findings contained in Staff Report No. PRJ-168078/LUP-82789, which are hereby incorporated by reference, approval of the concept development plan for the Kevanna Park Meadows 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:

DATE OF FINAL PASSAGE by the Vancouver City Council:_____.

SIGNED this _____ day of _____, 2023.

ORDINANCE - 3

Anne McEnery-Ogle, Mayor

Attest:

Natasha Ramras, City Clerk

Approved as to form:

Jonathan Young, City Attorney

ORDINANCE - 4

SUMMARY

ORDINANCE NO. _____

AN ORDINANCE approving the concept development plan for the Kevanna Park Meadows 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).

03/06/2023

Ordinance - Option B

ORDINANCE NO. M- [Ordinance Number]

AN ORDINANCE approving with conditions the concept development plan for the Kevanna Park Meadows Planned Development; and providing for severability and an effective date.

WHEREAS, on January 17, 2023, a hearing was held before the Vancouver Hearings Examiner regarding the approval of the concept development plan for the Kevanna Park Meadows Planned Development.

WHEREAS, on February 1, 2023, the Vancouver Hearing Examiner recommended approval of the concept development plan for the Kevanna Park Meadows Planned Development under File PRJ-168078, LUP-82789;

WHEREAS, VMC 20.260.030(B)(1) specifically vests the Vancouver City Council as the final authority for planned developments in the city of Vancouver;

WHEREAS, VMC 20.260.050 lists the approval criteria to be considered when an application for a planned development is received by the City;

WHEREAS, VMC 20.260.050(A)(2) – requires that the proposed development demonstrates the use of innovative, aesthetic, energy-efficient and environmentally-friendly architectural and site design;

ORDINANCE - 1

WHEREAS, VMC 20.260.050(A)(6) – requires that the concept plan contain design, landscaping, parking/traffic management and multi-modal transportation elements that limit conflicts between the planned development and adjacent uses;

WHEREAS, the Vancouver City Council finds that under the approval criteria contained in VMC 20.260.050, additional conditions are required for compliance with the VMC; 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. The proposed development and uses comply with all applicable standards of the Title as conditioned.
2. Architectural and site design. The proposed development demonstrates the use of innovative, aesthetic, energy-efficient and environmentally-friendly design and materials.
3. Transportation system capacity. There is sufficient capacity in the transportation system to safely support the development.
4. Availability of public services. There is 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.

ORDINANCE - 2

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.
 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 Kevanna Park Meadows 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 attached hereto and hereby incorporated by reference, as its own, subject to the additional conditions noted below. These conditions are to mitigate the impact of vehicle exhaust from I-205 and SR-500 on the future residents of the development and are consistent with the approval criteria contained in VMC 20.260.050:
1. Revise the landscape and tree plans to include the addition of 20 five-foot tall conifers along the southwest property line of the site, 20 to 25 feet on center, offset from the existing utility lines.
 2. Revise the landscape and tree plans to indicate all deciduous trees to be a minimum of two-inch caliper and all conifers to be a minimum of five feet tall when planted.

3. Revise the landscape and tree plans to indicate that an automatic irrigation system shall be installed and used for all required landscaping and trees.

4. Prior to final plat approval, a note shall be placed on the plat indicating that prior to occupancy of any residence in the development, an air conditioning system shall be installed within the unit.

Section 2. Legal Description.

The legal description of the lands referred to in this ordinance is as follows:

Parcel 159850000, located in a portion of the southeast quarter of Section 16, Township 2 North, Range 2 East, Willamette Meridian, Clark County, Washington.

Section 3. Approval Granted.

Based upon the foregoing findings, as well as the findings contained in Staff Report No. PRJ-168078/LUP-82789, which are hereby incorporated by reference, approval with conditions of the concept development plan for the Kevanna Park Meadows Planned Development is hereby granted, with the conditions outlined in the Hearing Examiner's Findings, Conclusions, and Recommendation, incorporated above by reference, and the additional conditions outlined above.

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:

DATE OF FINAL PASSAGE by the Vancouver City Council:_____.

SIGNED this _____ day of _____, 2023.

Anne McEnerny-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 Kevanna Park Meadows Planned Development with conditions; 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-168078/LUP-82789
	)	
	)	
Ginn Group, LLC	)	Kevanna Park Meadows
	)	Planned Development
	)	
	)	
	)	
for Approval of a Preliminary Plat	)	FINDINGS, CONCLUSIONS,
and Planned Development	)	AND RECOMMENDATION

SUMMARY OF RECOMMENDATION

The City's Hearing Examiner recommends to the Vancouver City Council that the requested preliminary plat and planned development to subdivide 6.08 acres into 33 single-family residential lots be **APPROVED** subject to conditions.

SUMMARY OF RECORD

Request:

Ginn Group, LLC (Applicant) requested a preliminary plat and planned development to subdivide 6.08 acres into 33 single-family residential lots for development of detached residences. The subject property is located at the west terminus of NE 46th Street, at 11017 NE 51st Circle, Vancouver, Washington.

Hearing Date:

The Vancouver Hearing Examiner held a virtual open record hearing on the application on January 17, 2023. 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 had difficulty joining the virtual hearing, with additional time arranged for responses by the parties. No post-hearing public comment was submitted, and the record closed on January 19, 2023.

Testimony:

At the open record hearing the following individuals presented testimony under oath:

Andrew Reule, Senior Planner, City of Vancouver

Jayson Taylor, Applicant Representative

Travis Johnson, PLS Engineering

Ann Dabbs

Lamont Dabbs

Findings, Conclusions, and Recommendation

Vancouver Hearing Examiner

Kevanna Park Meadows Planned Development, PRJ-168078/LUP-82789

page 1 of 23

Exhibits:

At the open record hearing the following exhibits were admitted into the record:

Exhibit 1 Staff Report, dated January 3, 2023

- A. Application
- B. Applicant's narrative
- C. Plans
- D. SEPA checklist
- E. Notice of Application, Public Hearing and Optional SEPA Determination of Non-Significance, dated October 19, 2022
- F. Final SEPA Determination of Non-Significance
- G. Public Health Development Review Evaluation, dated June 2, 2022
- H. Department of Ecology letter, dated November 18, 2022
- I. Department of Ecology email, dated November 29, 2022
- J. Critical areas report by Ecological Land Services, dated August 11, 2022
- K. Mitigation plan by Ecological Land Services, dated August 18, 2022
- L. Transportation impact study by Lancaster Mobley, dated August 17, 2022
- M. Geotechnical report by Earth Engineering, Inc., dated June 2022
- N. Preliminary TIR (stormwater) report by PLS Engineering, dated August 2022

Exhibit 2 Applicant PowerPoint Presentation

Exhibit 3 City PowerPoint Presentation

After considering the testimony and exhibits admitted in the record, the Hearing Examiner enters the following findings and conclusions:

FINDINGS

1. Ginn Group, LLC (Applicant) requested a preliminary plat and planned development to subdivide 6.08 acres into 33 single-family residential lots for development of detached residences. The subject property is located at the west terminus of NE 46th Street, at 11017 NE 51st Circle, Vancouver, Washington.¹ *Exhibits 1, 1.A, 1.B, and 1.C.*
2. The application was subject to a pre-application conference and, pursuant to VMC 20.210.110.B, is vested to the development regulations in place as of the date the pre-application was filed (April 8, 2022) because a fully complete application was submitted

¹ The legal description of the subject property is a portion of the southwest quarter of Section 16, Township 2 North, Range 2 East of the Willamette Meridian; also known Tax Parcel No. 159850000. *Exhibits 1 and 1.N.*

within six months of the pre-application conference report.² The pre-application conference date was May 12, 2022, the application was submitted on September 6, 2022, and the application was determined to be fully complete on October 5, 2022. The project is therefore not subject to the new R-6 development standards set forth in Ordinance No. M-4377, which became effective July 27, 2022. *Exhibits 1, 1.B, and 1.E; Jayson Taylor Testimony; Ordinance No. M-4377.*

3. The proposal is not a re-plat of a prior subdivision. *Exhibit 1.*
4. The subject property contains several regulated critical areas: a 0.118-acre Category III wetland, which is in the eastern portion of the subject property, near the NE 46th Street approach; Oregon white oak habitat; and the floodway, floodplain, riparian management area (RMA), and riparian buffer (RB) of Burnt Bridge Creek, a perennial Type F stream which runs along the northern and western property boundaries. *Exhibits 1 and 1.J.*
5. The subject property is zoned Low-Density Residential (R-6). *Exhibits 1 and 3.* The purpose of the R-6 zone is “to accommodate detached single dwellings with or without accessory residential units at a minimum lot size of 7,500 square feet and a density of 4.5 to 5.8 units/net acre.” *Vancouver Municipal Code (VMC) 20.410.020.C.* 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-6 zone. *VMC 20.260.020.*
6. Surrounding land uses include natural areas and a residential care facility (CG zone) to the north, single-family residences and a City park (R-6 and Park zones) to the east, single-family residences (R-6 zone) to the south, and natural areas and I-205 (CG zone) to the west. Although the subject property is undeveloped, it contains a looped walking trail that connects to the park to the east. *Exhibits 1 and 3.*
7. In support of the requested planned development, the Applicant has submitted a concept plan containing the requirements set forth in VMC 20.260.070. The Applicant proposes to develop the site consistent with applicable standards, except that a reduced lot area is proposed. Lot area reductions may be authorized pursuant to VMC 20.260.060.B.4. *Exhibits 1 and 1.B.*
8. The Applicant proposes 33 detached residences, a housing type allowed within planned developments in the R-6 zone. *VMC 20.260.020.B; Exhibit 1.B.* The minimum net density in the R-6 zone is 4.5 dwelling units per acre and the maximum net density is 5.8 dwelling units per acre. In addition, a 15% density bonus is provided to planned

² A copy of the preapplication was not submitted into the record; the April 8, 2022 date was provided by the Applicant in the project narrative (Exhibit 1.B). City Planning Staff did not submit any information on vesting, but did not object to or seek to correct the Applicant’s assertion that the application vested on April 8, 2022.

developments. For the subject property, which has a net area (i.e., net of proposed streets) of 5.07 acres, the minimum number of lots is 23 and the maximum number of lots, without the density bonus, is 29. The 15% density bonus provides an additional four lots, for a total of 33. The proposed 33 lots are consistent with the applicable density standard. *Exhibit 1; VMC 20.410.040; VMC 20.260.020.*

9. The Applicant proposes lots as small as 2,080 square feet, each of which would be developed with a two-story detached residence that would be approximately 1,500 square feet in area. The building elevations depict variation in building materials and roof types. *Exhibits 1.B and 1.C.* The lots in the surrounding neighborhood range from approximately 8,000 to 12,000 square feet and contain single-level residences ranging from approximately 1,200 to 1,800 square feet. The proposed site design ensures compatibility with surrounding development by clustering the residences towards the interior of the site, such that no lots would directly abut the larger neighboring residential lots, and by providing a minimum 40-foot setback between the proposed smaller residential lots and the site perimeter. Most of the residences would be set back more than 80 feet from the neighboring residential lots. The effect of the small lots and proposed two-story design would be mitigated through these significant setbacks. The building heights would be lower than the 35-foot maximum permitted in the zone. *Exhibits 1.B and 1.C.*
10. Pursuant to VMC 20.260.060, the minimum lot depth and width standards of the zone do not apply to planned developments, and “the hearings examiner can reduce the minimum lot size requirement for attached and detached single-family residential uses.” VMC 20.260.060.B.4. The minimum average lot area required in the R-6 zone is 7,500 square feet, with the smallest lot area at least 6,000 square feet. VMC 20.410.050. The Applicant proposes a minimum lot area of 2,080 square feet. *Exhibits 1.B and 1.C.* Adjustments to numerical development standards may be 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.³ VMC 20.260.050(B). In support of the lot size reduction, the Applicant noted the large amount of open space that would be provided on site as a result of the smaller lots, including a publicly-accessible perimeter trail, which would offset the reduced private yard space; the public benefit of relatively affordable housing, which would result from the smaller lot sizes and homes; the benefit to neighbors of increased exterior setbacks with the clustering of the homes in the interior of the site; and the mitigation provided in the form of resident and guest parking in excess

³ Planning staff submitted that the request for lot size reduction is not an adjustment of a “numerical development standard,” and that it could be approved without reference to any criteria (VMC 20.260.060.B.4 does not specify any criteria – it just states that the lot area may be reduced). Because it is arguable that the criteria of VMC 20.260.050 should apply, given that lot area is both numeric and a development standard, and because the Applicant submitted evidence in support of the criteria, the Hearing Examiner will include analysis of the criteria in this decision, in case Council finds it relevant to its review. It is the Hearing Examiner’s interpretation, and Staff concurred, that the decision whether to approve reduced lot size should be made by Council as part of its decision on the project as a whole. *Exhibits 1 and 1.B; Andrew Reule Testimony.*

of code standards to prevent spillover into the surrounding neighborhood. The Hearing Examiner also notes that the site is constrained by critical areas, reducing the area available to divide into lots. *Exhibits 1, 1.B, and 1.C.*

11. The Applicant proposes to utilize the zero lot line standards of VMC 20.910.050, which require the setback on the adjacent lot to be zero feet or at least five feet, subject to covenants addressing obstructions within the setback and maintenance. The zero lot line requirements are referenced in the recommended conditions of preliminary plat approval. Compliance with the setback standards would be reviewed at the time of building permit submittal. *Exhibits 1, 1.C, and 2.*
12. 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 26 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 (34 spaces) and an off-street guest parking area. Although the project plans depict seven off-street parking stalls, Staff recommended that the number be reduced to five to comply with VMC 20.927.040.A.2, which restricts common parking areas to five stalls each unless the required parking cannot otherwise be provided; in this case, the required guest parking can be provided on the street. With respect to solid waste, the site design provides adequate collection truck access and circulation, and cart set-out locations have been identified for each lot that are consistent with ordinance requirements. Carts would be set out in front of individual lots except for Lots 1 through 4 and 20 through 23, which would have shared cart set-out locations. *Exhibits 1, 1.C, and 2; Andrew Reule Testimony.*
13. 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. None of the blocks would exceed 800 feet in length, such as to require a mid-block pedestrian/bicycle path per VMC 20.320.070.A.1.d.3. *Exhibits 1 and 1.C; VMC 20.320.070.*
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. Up to half of the area may be met through environmentally constrained land, as long as it is accessible to pedestrians or visually

accessible from adjoining common open space. The open space requirement for the proposed planned development is 26,485 square feet. At least half of the requirement would be met through non-environmentally constrained open space in Tract G. Tract G would include picnic tables, a lawn area, and perimeter landscaping. The remainder would be met through protected critical areas. Proposed Tract E would be 2.29 acres in area (more than a third of the site area) and would contain the riparian area of Burnt Bridge Creek. To provide access to this area, the Applicant proposes to improve the existing walking path within the tract. The path would be surfaced with wood chips and would extend around the site perimeter to connect to open space Tract G in the southeast corner of the site and to the public park at the northeast corner of the site. The trail would also connect to the internal street system at two locations. The total length of the trail would be 1,250 lineal feet, and the total area of open space provided on site would be 135,693 square feet. The improved trail would be open for public use. *Exhibits 1, 1.B, and 1.C.*

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, which would be calculated at the time of building permit application and payable at the time of building permit issuance. The subject property is within Park Impact Fee District C. *Exhibit 1; VMC 20.915.020.*
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 the planting of street trees along all internal streets. *Exhibits 1 and 1.C.*
17. The proposal is subject to the requirements of the City's tree conservation ordinance, which requires tree preservation and planting to achieve a minimum of 30 tree units per acre. For the subject site, 171 tree units are required. There are currently 26 trees on site, 23 of which (constituting 108.5 tree units) would be retained. The Applicant proposes to plant 70 additional trees (each credited at one tree unit per VMC 20.770.080.V) to satisfy the remainder of the tree density requirement. The City's urban forester reviewed the submitted tree plans and recommended additional conditions regarding tree species and placement, which were incorporated into the recommended conditions of project approval. *Exhibits 1 and 1.C.*
18. Access to the subdivision would be from an extension of NE 46th Street into the site. The extension would be constructed as a private street. Although City standard plan T10-17 only requires a paved street width of 24 feet, the Applicant proposes a paved width of 28 feet to allow parking on one side of the street. The street section would also include curbs, gutters, landscape strips, and detached sidewalks within a 46-foot wide tract. A private street loop would extend from the extension of NE 46th Street, which would also be subject to City standard plan T10-17. Similarly to the extension of NE 46th Street, the paved street width would be 28 feet to allow for on-street parking. The difference would be that the landscape strip and sidewalk would be on one side of the street and the overall tract width would be 37.5 feet. No residences would abut the side of the loop lacking a

sidewalk. *Exhibits 1 and 1.C.*

19. The subject property contains Oregon white oak habitat, a priority habitat listed by the Washington Department of Fish and Wildlife. Consequently, the removal of Oregon white oak trees is regulated and subject to mitigation requirements. In this case, there are five Oregon white oaks on site with an estimated combined dripline area of 0.135 acres. Four of the five oaks would be retained on site. One oak must be removed because it is within the NE 46th Street corridor, near where the road enters the site. Because there is no alternative access to the subject property, removal of the tree is unavoidable. As mitigation for this impact, six two-inch caliper Oregon white oaks would be planted within the RMA or RB of Burnt Bridge Creek. *Exhibits 1.J and 1.C; Exhibit 2.*
20. Burnt Bridge Creek is classified as a Type F stream. 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, the Applicant proposes to preserve the full width of the RMA within Tract E⁴, but develop most of the RB into housing. The impact area would be 0.76 acres. *Exhibit 1.C.* At present, the RMA and RB are dominated by herbaceous vegetation with scattered trees and shrubs near the ordinary high water mark. They provide moderate to low functions of sediment trapping and vegetative protection from surrounding land uses. No functionally significant habitat would be eliminated for development of the RB. *Exhibit 1.J, pages 6 and 11.* As mitigation for the encroachment into the RB, the Applicant proposes to enhance 1.196 acres of the RMA and 0.33 acres of the RB by removing invasive species, planting 920 native shrubs (plus the six Oregon white oaks required to mitigate tree removal), and monitoring the planted shrubs for five years. This mitigation would ensure no net loss of riparian habitat functions, as it would provide greater habitat diversity, refuge, and forage opportunities. *Exhibit 1.J.*
21. Although the submitted mitigation plan for development of the RB meets critical areas ordinance requirements (which are intended to ensure no net loss of critical areas functions), Planning Staff recommended that additional plantings be required for compliance with the planned development criterion that the development must demonstrate use of “innovative, aesthetic, energy-efficient and environmentally-friendly architectural and site design.” *VMC 20.260.050.A.2.* Planning Staff recommended, in consultation with the urban forester, that 70 native trees be planted in the RMA to provide additional creek shading and habitat. Staff submitted that the additional mitigation is appropriate given the density bonus and proposed reduced lot sizes. The Applicant did not

⁴ The pedestrian/sewer maintenance path within the RMA is allowed pursuant to *VMC 20.740.110.C.2.b.2*, as the sewer lines are a preexisting use and require maintenance access, which access could not be located elsewhere. *Exhibit 1.*

object to the condition. *Exhibit 1; Testimony of Andrew Reule and Jayson Taylor.*

22. With respect to the on-site wetland, 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 1.J.*
23. The Category III wetland and a portion of its buffer would be preserved within Tract H. There would be no direct impact to the wetland. However, a portion of the buffer would be permanently impacted by proposed road construction, resulting in an indirect impact to the wetland of 4,625 square feet. The impact is unavoidable because the wetland is adjacent to the NE 46th road stub such that the buffer covers the only means of access into the subject property. *Exhibits 1.C and 1.J.*
24. To minimize impacts to the wetland buffer and to support reducing the buffer pursuant to VMC 20.740.140.C.1.b.iii, the Applicant proposes to fence and sign the wetland to prevent human and pet disturbance. The wetland would be protected from untreated stormwater runoff because runoff from the adjacent streets would be treated and routed to the proposed stormwater detention pond. Upland runoff is not required for the wetland's hydrology. *Exhibit 1.J.*
25. To compensate for the loss of wetland buffer, the Applicant proposes to purchase 0.053 credits at Terrance Mitigation Bank, which represents a 0.50:1 ratio of compensation to impact. The reduced ratio reflects that the wetland impact on the subject property would only be indirect – the wetland itself would not be disturbed. The Terrance Mitigation Bank site is approximately 2.5 miles from the subject property and within the same watershed. The purpose of the bank is to restore 89.15 acres of wetland habitat to pre-agricultural conditions. The project is expected to lift the wetland ratings of the wetlands on the site from the current Category III or IV to Category I. *Exhibit 1.K.*
26. The Washington State Department of Ecology reviewed the critical areas report and mitigation plan and did not comment. *Exhibit 1.I.*
27. No development would occur within the floodway or floodplain of Burnt Bridge Creek. These features would be entirely contained within Tract E. The floodplain elevation on site is between 188.36 feet and 189.39 feet, and the minimum lot grade depicted on preliminary grading plans is approximately 195 feet. While the final lot elevation might be slightly lower, the Applicant submitted that all lots would be at least four feet above the floodplain elevation. Initially, City Staff initially recommended as a condition of approval that the Applicant provide FEMA elevation certificates for each residence to ensure compliance with VMC 20.740.120.J.10.c (requiring the lowest floor to be elevated at least one foot above base flood elevation). However, based on the information and arguments presented by the Applicant at hearing, Staff concurred that the requirement

could be eliminated in favor of a condition requiring the Applicant's engineer to certify by letter that all of the lots are elevated at least one foot above the floodplain, and requiring a plat note prohibiting underground structures or basements on the lots. *Exhibits 1, 1.C, and 2; Jayson Taylor, Travis Johnson, and Andrew Reule Testimony.*

28. VMC 20.320.070.A.1.d.2 specifies that if a subdivision is traversed by a watercourse (such as a stream), a stormwater easement must be provided for the width of the watercourse plus 15 feet on each side of the watercourse. The easement requirement was incorporated into the conditions of project approval. *Exhibit 1.*
29. The Applicant submitted a professionally prepared transportation impact study dated August 17, 2022. The trip generation of the development was estimated using the rates contained in the Institute of Transportation Engineers (ITE) *Trip Generation Manual, 11th Edition* for Land Use Code 210 – Single-Family Detached Housing and the comparable rates adopted by the City of Vancouver. Using these rates, the project is expected to generate 330 average weekday trips, including 25 AM peak hour trips and 33 PM peak hour trips. For purposes of evaluating the off-site traffic impact, the Applicant's consultant assumed that all of the traffic generated by the subdivision would use the intersection of NE 46th Street and NE 112th Avenue, an unsignalized intersection that currently operates at Level of Service (LOS) F during the AM peak hour and LOS D during the PM peak hour. This resulted in a conservative, worst-case analysis because there are alternative routes to exit the neighborhood. The result of the study was that the intersection is expected to operate at LOS F during both the AM and PM peak hours at project buildout. Comparing projected 2024 background traffic conditions to projected with-project traffic conditions, the traffic generated by the subdivision would cause the AM peak hour delay to increase from 57 seconds (LOS F) to 109 seconds (LOS F), and the PM peak hour delay to increase from 31 seconds (LOS D) to 65 seconds (LOS F). However, the consultant concluded that no mitigation is warranted under VMC 11.80.130.B because the volume to capacity ratio at the approach would be less than 0.95. Further, signal warrants are not met at the intersection and there is sufficient queuing distance at the intersection. The crash history at the intersection does not indicate design deficiencies. City Staff concurred with the Applicant's analysis, submitting that the intersection operates acceptably under City standards and would continue to do so after completion of the project. *Exhibits 1 and 1.L.*
30. The subject property is located within the #303 Transportation Analysis Zone. The project would add PM peak hour trips to several Transportation Management Zones, including three Fourth Plain Blvd corridors (five trips total), Andresen Road (one trip), two 112th Avenue corridors (27 trips total), two Burton Road/28th Street corridors (two trips total), and two NE 18th Street corridors (four trips total). Based on these impacts, the Applicant would be required to pay concurrency modeling fees of \$1,500.00 prior to civil plan approval. *Exhibits 1 and 1.L.*
31. Pursuant to VMC 11.70.090, the segment of NE 112th Avenue between NE 28th Street and NE 51st 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.*

32. The Applicant is required to pay traffic impact fees pursuant to VMC 20.915, which would be calculated at the time of building permit application and payable at the time of building permit issuance. *Exhibit 1; VMC 20.915.*
33. 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. As proposed, the residences would each have two-car garages and driveways for off-street parking. *Exhibits 1, 1.B, and 1.C; Jayson Taylor Testimony.*
34. There are no known septic systems or wells on the subject property. Consistent with comments submitted by the Clark County Public Health Department, the recommended conditions of project approval require the Applicant to abandon/decommission any septic systems or wells found on the property consistent with Health Department and state requirements. *Exhibit 1.G.*
35. Public water is available to the site through extension of an existing main in NE 46th Street. *Exhibit 1.*
36. Public sewer is available to the site. There are existing sewers that run through the site along a portion of the eastern property line and parallel to Burnt Bridge Creek in the northern and northwestern portions of the site, in the general area of the walking path. The City submitted that a portion of the existing sewer was mistakenly constructed outside of the recorded easement, and that if the Applicant moved the sewer, it would receive a credit towards the sewer connection fees. The potential for a credit is addressed in the recommended conditions of approval. To meet required sewer access requirements, the Applicant would widen the walking path as needed to be suitable for the City's maintenance vehicles. This would not affect the critical areas mitigation requirements applicable to the project. *Exhibits 1 and 1.C; Testimony of Jayson Taylor and Andrew Reule.*
37. Infiltration of stormwater is not feasible on the site. Consequently, stormwater runoff would be routed to a detention pond located in proposed Tract F, which would discharge to an existing 30-inch storm pipe that outfalls to Burnt Bridge Creek. The rate of discharge would be consistent with City of Vancouver requirements. Runoff from pollution-generating surfaces would be treated through Storm Filter catch basin filter cartridges, a methodology that has been approved by the Washington Department of Ecology. *Exhibits 1, 1.N and 1.M.*
38. The Applicant has submitted a stormwater pollution prevention plan that describes the temporary and permanent erosion and sediment control measures, pollution prevention

measures, inspection and monitoring activities, and recordkeeping that would be implemented during construction of the project. Because more than one acre would be disturbed and stormwater would be discharged to a surface water, the Applicant must apply for coverage under the Washington Department of Ecology's Construction Stormwater General Permit. Per the conditions recommended by City Staff, the Applicant must submit a copy of the permit prior to civil plan approval. *Exhibits 1, 1.N, and 1.F.*

39. 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. *Exhibit 1.*
40. The subject property is located within the Evergreen School District. School aged residents of the plat would attend Orchards Elementary, Covington Middle, and Heritage High Schools. Impacts to school capacity would be mitigated through payment of mitigation fees pursuant to VMC 20.915. *Exhibit 1.*
41. Because the subject property is within an area of high probability for the discovery of archaeological resources, a predetermination report was prepared pursuant to VMC Chapter 20.710. Based on the report, the City's contract archaeologist determined that no archaeological resource survey is required. However, Planning Staff recommended a condition of approval requiring work to stop if any archaeological deposits are discovered during ground-disturbing activities. *Exhibit 1.*
42. 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 October 19, 2022. After reviewing agency comments received, the City issued a final DNS on November 22, 2022, which was not appealed. *Exhibits 1, 1.E, 1.F, 1.H, and 3.*
43. Public comment on the proposal related to the proposed usage and landscaping of open space Tract G, which is in the southeast corner of the property. The concern was that larger trees planted along the perimeter of the tract would impact the adjacent commenter's septic system, and that there would be noise resulting from tract usage. In addition, there was concern about loss of privacy from the two two-story homes nearest Tract G. *Ann Dabbs Testimony.* In response to the concerns raised in public comment, Planning Staff noted that the overhead powerlines along the property line limit tree placement. *Andrew Reule Testimony.* The Applicant submitted that the trees proposed would not be particularly tall – incense cedars – and that they would be placed approximately 20 feet from the property line. At that distance, the roots are not expected to impact septic systems on abutting parcels. With respect to noise, Tract G would not be lighted. The lack of lighting would effectively restrict usage to daytime hours. With respect to the privacy impact, the two-story homes would be approximately 100 feet from

the property line, and any second floor windows facing the commenter's house would be approximately 17 feet high and screened by the incense cedars. *Jayson Taylor Testimony.*

44. Having considered all public comment and the full Applicant submittal, Planning Staff recommended approval of the subdivision and planned development, subject to the conditions presented in the Staff Report as modified at the hearing. *Exhibit 1; Andrew Reule Testimony.* With the exception of the flood certificate issue described in previous findings, the Applicant did not object to the recommended conditions. *Jayson Taylor 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.

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.

Additional Applicable Provisions:

Pursuant to VMC 20.740.060, proposed development within critical areas 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). The adjustment is warranted due to site conditions (the presence of critical areas) and the proposed site design (placement of the residences in the interior of the site, and providing common open spaces with trail and picnic amenities in lieu of larger yards). The affordability of the smaller residences would be a community benefit. Any impacts associated with the small lot sizes would be mitigated through the increased setbacks. The Hearing Examiner recommends that the reduced lot sizes be approved. *Findings 5, 7, 8, 9, 10, 11, 14, 43, and 44.*
2. As conditioned, the development demonstrates use of innovative, aesthetic, energy-efficient and environmentally friendly architectural and site design. The Hearing Examiner concurs with Planning Staff that the project requires additional mitigation to be aesthetically and environmentally friendly, and that tree planting within the Burnt Bridge Creek RMA would be an appropriate solution. The Hearing Examiner notes that the Applicant, by developing nearly all of the RB and reducing the lot sizes to a third of the minimum of the R-6 zone, is able to achieve the maximum overall development density of the R-6 zone including all bonus density. This benefit warrants requiring more than the minimum with respect to critical areas mitigation. *Findings 8, 9, 10, 14, 20, 21, and 44.*
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 29, 30, 31, and 32.*
4. Adequate public services are available to the development. *Findings 35 and 36.*
5. As conditioned, resources such as significant trees and critical areas would be protected consistent with ordinance requirements. Consistent with the critical areas criteria of VMC 20.740.060, impacts to the RMA of Burnt Bridge Creek and direct impacts to the Category III wetland would be avoided. Indirect impacts to the wetland (i.e., buffer reduction) are unavoidable because the buffer encompasses the only access to the site. However, impacts to the wetland would be minimized through techniques such as fencing, and compensatory mitigation would be provided through purchase of mitigation bank credits. With respect to the RB of Burnt Bridge Creek, mitigation would be provided on site through enhancement of the RMA. The mitigation plan for both the creek and the wetland would ensure that there is no net loss of critical area functions and values. No evidence was presented that the development would pose a threat to the public health, safety, or welfare. The relevant performance standards for critical areas have been addressed or are addressed in the conditions of approval. The conditions of approval require the Applicant to implement the mitigation plan, record a conservation

covenant, provide financial assurance for mitigation maintenance and monitoring, install fencing and signage along the wetland buffer, and submit engineer-stamped certification that the lots are elevated at least one foot above the floodplain. A condition is added that will prohibit construction of basements on any of the lots. *Findings 17, 19, 20, 21, 22, 23, 24, 25, 26, 27, 43, and 44.*

6. As conditioned, the proposed development would be compatible with adjacent residential land uses. The site design provides for significant setbacks between the proposed residences and surrounding larger residential lots and provides parking far in excess of code requirements to ensure that project-related parking does not affect the surrounding neighborhood. The trail system would be retained and open for public use, providing a connection between the adjacent park and the Burnt Bridge Creek riparian area. *Findings 6, 9, 14, and 44.*
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. Although concern was raised regarding noise from usage of open space Tract G, based on the relatively small size of the tract, the number of residences potentially using the tract, and the lack of lighting, it is the Hearing Examiner's opinion that additional conditions of approval are not warranted. In the event that future privacy and noise issues arise, if outreach to the homeowners association is not successful, affected neighbors could seek redress through City code enforcement. *Findings 14, 15, 32, 40, and 43.*

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 18, 29, 30, 31, 32, 35, 36, 37, 38, and 44.*
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. *Findings 18, 35, 36, 39, and 44.*
3. The proposed open space exceeds the 10% minimum requirement for planned developments and would include a trail that is accessible to the public. Impacts to schools and City parks would be mitigated through payment of mitigation fees. Easement requirements are addressed in the conditions of approval. *Findings 14 and 15.*
4. The design of the subdivision takes into account the physical features of the site, including critical areas. Most of the Oregon white oak on site would be retained. Impacts to the wetland would be limited to unavoidable indirect impacts. The RMA of Burnt Bridge Creek would be preserved and enhanced. The site design preserves a

walking path that connects to the adjacent park. The stormwater management system would not rely on infiltration due to soil limitations. *Findings 14, 19, 20, 22, 23, 24, 27, and 37.*

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 13, 18, and 44.*
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. The public interest would be served by the provision of housing developed consistent with the density standard of the R-6 zone and the planned development criteria. *Findings 5, 6, 7, 8, 9, 14, 15, 18, 27, 32, 35, 36, 37, 38, 39, 40, and 44.*
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. However, because the criteria for narrow lot guest parking areas in excess of five spaces have not been met, the number of parking spaces in Tract G must be limited to five. *Finding 12.*

RECOMMENDATION

Based on the foregoing findings and conclusions, the requested preliminary plat and planned development to subdivide 6.08 acres into 33 single-family residential lots at 11017 NE 51st Circle **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. The common parking area shall be reduced to five stalls.
4. Revise the street names so that the main leg of the proposed private street shall be named NE 46th Street. The southernmost leg of the loop shall be named NE 103rd Place and the northernmost leg of the loop shall be named NE 104th Place.

5. A note shall be added to the plans stating: “In the event that archaeological deposits are encountered during construction, work shall be halted immediately and the City of Vancouver’s Community Development Department and the Washington State Department of Archaeology and Historic Preservation shall be notified in order for the findings to be investigated and assessed by a professional archaeologist.”
6. The mitigation and landscape plans shall be revised to include the planting of 70 native trees within the riparian zone, such as bigleaf maple, red alder, Oregon white oak, Douglas fir and western red cedars to shade the creek and provide habitat value. Do not plant conifers south of any Oregon white oak.
7. Include this note on civil plans: “Trees and Shrubs in Sight Distance Triangles: All shrubs within sight distance triangles shall be maintained so that foliage height above pavement does not exceed 2.5 feet. Street trees within sight distance triangles shall be limbed up to a height of 10 feet consistent with ANSI A300 standards to provide for sight distance visibility.”
8. Show protection of off-site trees with tree protection fencing on the grading plan.
9. Space conifer trees 20 feet on center to provide enough canopy and root space for trees to mature. Given the proximity to a riparian zone, utilize approximately 33% Douglas fir, 33% Western Red Cedars, and 33% Alaskan Yellow Cedars. If not all conifers can meet this spacing requirement in the developed portion of the site, the remaining trees shall be planted within the riparian zone, and they will count towards the 70 native trees required to be planted in the riparian zone.
10. Do not plant conifers south of Oregon White Oak 16. Plant additional White Oaks 30 feet from this tree in the open space.
11. Pay concurrency modeling fees totaling \$1,500.
12. Prepare the utility plan in accordance with the City of Vancouver’s *General Requirements and Details for the Design and Construction of Public Sanitary Sewers*. Address comments and submit the final design for civil plan approval. Note: this may include widening and resurfacing the walking path through the RMW to adequately accommodate sewer maintenance vehicle access.
13. A Construction Stormwater Pollution Prevention Plan (SWPPP) must be submitted to the City.
14. A copy of the NPDES construction permit must be submitted to the City.
15. An easement in the form of a covenant running with the land shall be dedicated to the City of Vancouver around the stormwater facilities for access and inspection.

16. New and existing fire hydrant locations related to this project shall be shown.
17. Fire lane signs and details shall be shown on the sign and striping pages if applicable.

Prior to Construction

18. Fire hydrants for emergency use shall be established and maintained.
19. Fire apparatus access roads shall be established and maintained.
20. Site security measures shall be installed to prevent unauthorized access.

During Construction

21. Comply with the requirements for solid waste management and water quality noted in the Department of Ecology's letter dated November 18, 2022.
22. If the Applicant keeps the existing on-site public sewers as-is, pay the \$117,309.17 sewer main fee prior to issuance of construction permits.
23. If the Applicant moves the sewer, pay the difference between the \$117,309.17 sewer main fee and the city-approved credit for moving the sewer into the existing easement prior to issuance of construction permits.
24. Secure construction permits and schedule and attend a pre-construction meeting. Construct new sewers, service laterals, and maintenance access shown on the approved plans. Satisfy construction services inspection requirements and secure construction acceptance.
25. Satisfy submittal and other requirements itemized in the Notification of Civil Plan Approval and secure final civil project acceptance.
26. Temporary street and building address signage shall be visible and legible from the street fronting the property for emergency response during construction.
27. All fire safety provisions of the International Fire Code shall be adhered to.
28. No smoking signage shall be posted throughout the site except in designated smoking areas.
29. Site security shall be maintained to prevent unauthorized access.
30. Consideration for emergency vehicle access shall be taken when staging materials for 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

Findings, Conclusions, and Recommendation

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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.

Prior to Final Plat Approval

32. Submit a final plat application. Applications can be found under Building, Planning and Environment on the City of Vancouver website, www.cityofvancouver.us.
33. A stormwater easement the width of Burnt Bridge Creek plus 15 feet on each side within the subject site shall be provided to the City.
34. Complete all mitigation planting and the wetland bank credit purchase.
35. Record a conservation covenant per VMC 20.740.040B. The covenant shall acknowledge the presence of the sewer easement and trail within the Riparian Buffer and/or RMA.
36. Provide a financial assurance in the amount of 125 percent of the estimated cost of mitigation maintenance and monitoring for five years per VMC 20.740.040C.
37. Install a physical demarcation with signage along the outer perimeter of the wetland buffer and riparian area per VMC 20.740.140C1c and VMC 20.740.110C1d.
38. Place a note on the plat stating: "Zero lot line development is subject to the standards of VMC 20.910.050."
39. Covenants running with the land, approved by the City Attorney, which guarantee that the opposite side yard setback of not less than five feet shall be kept perpetually free of permanent obstructions (for exception, see Section 20.902.020), shall be filed with the deed(s) or noted on the plat.
40. Covenants running with the land, approved by the City Attorney, shall convey a four-foot maintenance easement with a 1-1/2-foot encroachment into the easement provision, in order to permit variations in design from the adjoining lot. No windows shall be allowed along this wall in any case.
41. Place a note on the plat stating: "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. These fees do not constitute liens against the lots in this subdivision but are collected as a condition of initial building permit issuance."
42. A note shall be added to the plat stating: "In the event that archaeological deposits are encountered during construction, work shall be halted immediately and the City of Vancouver's Community Development Department and the Washington State Department of Archaeology and Historic Preservation shall be notified in order for the

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findings to be investigated and assessed by a professional archaeologist.”

43. If a septic system is found, it must be properly abandoned, with written verification submitted to the Health Department. The proposed development must connect to public sewer. A copy of the final acceptance letter from the purveyor shall be submitted to the Health Department along with the final plat.
44. If a well is found, it must be properly decommissioned by a licensed well driller per WAC 173-160-381. Written verification of abandonment must be submitted to the Health Department. The location of any decommissioned well must be shown on the final plat. The proposed development must connect to an approved public water system. A copy of the final acceptance letter from the purveyor shall be submitted to the Health Department along with the final plat.
45. Identify on the plat responsibility/ownership of tracts and how they will be maintained.
46. Provide a letter from a licensed professional engineer certifying that all finished lot elevations are at least one foot above FEMA floodplain elevations, and provide a note on the plat indicating that basements are prohibited.
47. The following note shall be placed on the final plat: “Development within this subdivision is subject to an approved tree plan. Tree removal is subject to approval by the City of Vancouver. Street trees must be planted prior to occupancy per the approved plan.”
48. Show and note proposed on-site public sanitary sewer and access easements on the plat. Specify that the easements are recorded with the plat. Include standard required City of Vancouver plat easement recording language.
49. Revise the street names so that the main leg of the proposed private street shall be named NE 46th Street. The southernmost leg of the loop shall be named NE 103rd Place and the northernmost leg of the loop shall be named NE 104th Place.
50. Provide the following improvements to NE 46th Street, per City of Vancouver standards:
 - Dedicate a 46-foot private street tract.
 - Construct a private street with 28-foot pavement width. Curb, gutter, and five-foot detached sidewalks must be constructed on both sides of the street, per T10-17.
 - Install ‘No Parking – Fire Lane’ signs at appropriate spacing along one side of the street.
 - Utility trenching within the public portion of NE 46th Street shall be restored per T05-04A&B and T05-05. Asphalt restoration shall meet T05-01A&B and T05-07. A single continuous width restoration is required.

- Street lighting must be installed to current standards, see street lighting comments below.
 - Install traffic control devices as warranted, and storm drainage as required by the City stormwater ordinance.
51. Provide the following improvements to NE 103rd Place and NE 104th Place, per City of Vancouver standards:
- Dedicate a 37.5-foot private street tract.
 - Construct a private street loop with 28-foot pavement width. Curb and gutter must be constructed on both sides of the street and five-foot detached sidewalk must be constructed on one side of the street, per T10-17. The sidewalk must be constructed on the side of the street from which the lots take access.
 - Install ‘No Parking – Fire Lane’ signs at appropriate spacing along one side of the street.
 - Street lighting must be installed to current standards, see street lighting comments below.
 - Install traffic control devices as warranted, and storm drainage as required by the City stormwater ordinance.
52. Place a note on the plat stating: “All lots shall conform to the City of Vancouver’s driveway spacing standards, per VMC 11.90.016.”
53. Place a note on the plat stating: “The City of Vancouver has no responsibility to improve or maintain the private streets contained within, or private streets providing access to, the property described in this plat, nor does the City of Vancouver have responsibility for any of the infrastructure associated with the roadway such as sidewalks, drainage facilities, streetlights, curbs, or landscaping.”

Prior to Building Permit Approval

54. The building wall on the zero-foot yard setback shall be constructed of window-free, fire resistive construction per the Building Code standards of Title 17, no portion of which shall project over any property line. The construction shall be subject to review by the building official.

Prior to Occupancy

55. Street and 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. Where applicable, apartment building designations shall be visible and legible from all potential fire lane approaches.
56. Required fire lane signage shall be installed.

57. Any fire protection features identified as being required during the construction permit review shall be installed and approved prior to occupancy.
58. Permanent vehicle gates crossing required fire lanes shall remain unlocked or open until approved by the fire department.
59. Conditions identified in the construction permit shall be met.
60. All requirements of the applicable fire and building codes and their referenced standards shall be met regardless of approved construction plans.

Issued February 1, 2023.

By:



Sharon A. Rice
City of Vancouver Hearing Examiner



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

**Staff Report and Recommendation to the Hearing Examiner
PRJ-168078/LUP-82789**

Project Name	Kevanna Park Meadows Planned Development
Report Date	January 3, 2023
Hearing Date	January 17, 2023
Proposal	Approval of a 33-lot subdivision and planned development for single-family homes using the Type IV process.
Location	11017 NE 51st Circle, at the west end of NE 46th Street. Burnt Bridge Creek runs along the northern and western boundaries of the site. Assessor's serial number: 159850000.
Contact	Travis Johnson, PE, PLS Engineering, 604 West Evergreen Blvd., Vancouver, WA 98660. 360-944-6519.
Applicant	Chad Stewart, Ginn Group, LLC, 502 NE 72nd Street, Vancouver, WA 98665. 360-768-5025.
Property Owner	Affinity Vancouver Manager, LLC, 120 West Cataldo Ave., Ste. 100, Spokane, WA 99201. 509-321-3218.
Staff	Andrew Reule, Senior Planner (Case Manager) Eric Hahn, Senior Civil Engineer – Transportation/Concurrency Mark Hazuka, Senior Civil Engineer – Stormwater/Erosion Control Catherine Morey, Senior Civil Engineer – Sanitary Sewer Giff Hancock, Senior Engineering Technician – Water Andrew Jorgenson, Deputy Fire Marshal Patricia Thomson, Building Plans Examiner
SEPA Determination	Final Determination of Nonsignificance
Approval Criteria	Planned Development – VMC20.260.050 Subdivision – VMC20.320.040
Staff Recommendation	Preliminary subdivision and planned development approval with conditions. Project conditions are identified in the conclusion of this report.

RECOMMENDATION

This report to the land use hearing examiner is a recommendation from the Community Development Department. The examiner may adopt, modify or reject this recommendation. The hearing examiner recommendation will be forwarded to the City Council for a final decision.



Report Prepared by
Andrew Reule, Senior Planner/Case Manager

January 3, 2023

Date



Greg Turner, Manager
Land Use Team

January 3, 2023

Date

BACKGROUND

Project Summary

The project is a 33-lot single-family subdivision and planned development reviewed through the Type IV process. The development includes common open space and critical areas. Vehicular access will be provided via a connection to NE 46th Street to the east.

General Site Information

Zoning District	R-6
Adjacent Zoning Designations	R-6 to south and east. Park to northeast. CG to north and west.
Comprehensive Plan Designation	UL
Parcel Size	6.08 per site survey
Adjacent Land Uses	Residential to north, south and east. I-205 to west.
Access Roads	NE 46 th Street
Existing Vegetation	Mix of grass, trees and shrubs
Existing Structures	None
Topography	Generally level
Geologic Hazards	No mapping indicators
Seismic Hazard	Site class B-C and C. Very low liquefaction susceptibility.
Habitat and Species Impacts	Riparian and Oregon white oak habitat
Flood Plains	Floodway and floodplain of Burnt Bridge Creek
Wetlands	Wetland mapping
Archaeology	Level A and site buffer
Drainage Basin	Burnt Bridge Creek
Wellhead Protection	Not in buffer area
Soils	LgB and ThA
Park Impact Fee District	C
School Impact Fee District	Evergreen
Impacted Schools	Orchards, Covington and Heritage
Traffic Impact Fee District	Pacific
Transportation Analysis Zone	303
Sewer District	Vancouver
Water District	Vancouver
Fire Service	Vancouver
Neighborhood Association	Kevanna Park

Procedural History

Activity	Case #	Date
Pre-application conference	PIR-82372	05-12-2022
Application accepted	LUP-82789	09-06-2022
Application determined fully complete		10-05-2022
Notice of application and notice of public hearing		10-19-2022
SEPA determination: DNS		10-19-2022
Hearing Date		01-17-2023

APPLICABLE REGULATIONS

Vancouver Municipal Code

VMC Chapters 11.80 Street Standards; 11.90 Transportation; 11.95 Transportation Concurrency; 14.04 Water and Sewer Use Regulations; 14.16 Water and Sewer Service Connections; 14.24 Erosion Control; 14.25 Stormwater Control; 16.04.160 Water Supply and Fire Hydrants; 16.04.150 Fire Apparatus Access; 16.04.170 through 16.04.210 Fire Protection Systems; 16.04.010 Premises Identification; 20.210 Decision Making Procedures; 20.260 Planned Development; 20.320 Subdivisions; 20.410 Lower Density Residential Districts; 20.710 Archaeological Resource Protection; 20.740 Critical Areas Protection; 20.770 Tree Conservation; 20.910.050 Zero Lot Line Developments; 20.915 Impact Fees; 20.925 Landscaping and Open Storage; 20.927 Narrow Lots; 20.945 Parking and Loading; 20.970 Solid Waste; and 20.790 State Environmental Policy Act.

Comprehensive Plan

Public Works Publications

General Requirements & Details for Water Main Construction
General Requirements & Details for Sewer Main Construction

Other

RCW 58.17
Manual on Uniform Traffic Control Devices

ANALYSIS

Staff reviewed the proposal for compliance with applicable regulations, code criteria and standards in order to determine whether all potential impacts will be mitigated by the requirements of the code.

PUBLIC AND AGENCY COMMENTS

Clark County Public Health

Public Health issued a Development Review Evaluation dated June 2, 2022 for the proposal (Exhibit G). A summary of the findings of that report are below.

No septic system is known to exist on the subject site. **If a septic system is found, it must be properly abandoned, with written verification submitted to the Health Department prior to final plat approval. The proposed development must connect to public sewer. A copy of the final acceptance letter from the purveyor shall be submitted to the Health Department along with the final plat.**

No well is known to exist on the subject site. **If a well is found, it must be properly decommissioned by a licensed well driller per WAC 173-160-381. Written verification of abandonment must be submitted to the Health Department prior to final plat approval. The location of any decommissioned well must be shown on the final plat. The proposed development must connect to an approved public water system. A copy of the final acceptance letter from the purveyor shall be submitted to the Health Department along with the final plat.**

Dept. of Ecology

The Department of Ecology submitted a letter dated Nov. 18, 2022 (Exhibit H) and a follow-up email dated Nov. 29, 2022 (Exhibit I). The letter indicates requirements for critical areas protection, solid waste management and water quality. **The applicant must comply with the requirements for solid waste management and water quality.** Critical area issues are addressed in the Critical Areas Protection section of this report. The follow-up email indicated no concerns with the critical area report or mitigation.

FINDINGS

20.210 Decision Making Procedures

Finding: Per Table 20.210-1, planned developments require a Type IV process. This process requires a 30-day public comment period, a hearing before the city's land use hearing examiner, and a decision by the City Council. As noted in the procedural history section above, staff followed the required notification procedures and review timelines for a Type IV development application. Public comments are addressed in the Public and Agency Comments section above.

Conclusion: The proposal complies with the procedural requirements of VMC 20.210.

20.260 Planned Developments

Finding: Per VMC 20.260.030B, planned developments, 25 acres or less in area, require a Type IV process with a recommendation by the hearing examiner to the City Council for final approval.

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.

Finding: The base zone of the parcels is R-6; therefore, a planned development is allowed.

B. Permitted Uses.

Finding: The applicant is proposing 33 single-family detached residential units. In the R-6 residential district, single-family detached dwellings are a permitted use.

20.260.030 Approval Process

A. Elements of approval process. *The two elements of the planned development approval process*

- 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.*

Finding: The applicant has submitted a concept development plan and a detailed development plan as part of their planned development application. In addition, the applicant is requesting approval of a subdivision. Per VMC 20.260.030(C), filing multiple applications is permitted and shall be reviewed by the procedure type of the highest level. The review of a new planned development concept plan requires a Type IV procedure which is the highest level of application. Staff finds the proposed concurrent reviews adhere to VMC 20.260.030(C).

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. 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 submitted a Concept Development Plan with their application. Elements of this plan were reviewed against VMC 20.260.070. Further analysis of this plan will be addressed throughout this report.

2. Architectural and site design. The proposed development demonstrates the use of innovative, aesthetic, energy-efficient and environmentally-friendly architectural and site design.

Finding: The proposed development includes small energy-efficient homes that maximize the density of the site while maintaining some environmentally sensitive areas pursuant to the city's critical areas ordinance; however, the proposal also develops most of the riparian buffer, which is the area between 100 and 175 feet from the ordinary high water mark of Burnt Bridge Creek. While this is permitted under the critical areas ordinance (VMC 20.740.110C2a) because functionally significant habitat has been preserved within the buffer and the Clark County habitat biologist has determined that, with mitigation, there is no net loss of habitat functions, it does not meet the above standard of "innovative, aesthetic and environmentally-friendly site design." **Therefore, prior to civil plan approval, the mitigation and landscape plans shall be revised to include the planting of 70 native trees within the riparian zone, such as bigleaf maple, red alder, Oregon white oak, Douglas fir and western red cedars to shade the creek and provide habitat value.** This will result in a development that complies with the requirement for innovative, aesthetic 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.

Finding: A transportation impact study was submitted to the City of Vancouver's Transportation Department for review. The analysis of this study found that there is adequate capacity in the city's transportation system to support the proposed development. See the Transportation section of this report for more details.

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: The proposal has been reviewed by the Public Works Department for public service availability. Their comments and conditions are addressed in the engineering sections of this report.

5. Protection of designated resources. 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.

Finding: The site contains the floodway and floodplain of Burnt Bridge Creek, the Riparian Management Area (RMA) and Riparian Buffer (RB) of the creek, Oregon white oak habitat, and a wetland. The proposal has been reviewed for compliance with the city's tree preservation and critical areas ordinances. The requirements of these ordinances are addressed in the applicable sections of this report. See criterion 2 above for additional tree planting requirements.

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.

Finding: The subject site is bordered by natural areas and a residential care facility to the north, single-family homes and a city park to the east, single-family homes to the south, and natural areas and I-205 to the west. Based on the surrounding uses, the proposed development of single-family homes is compatible with adjacent uses. The proposed lots are all interior to the subject site, and none border adjacent lots.

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.

Finding: The development will be subject to applicable building codes, routine site inspections during construction and VMC 8.20 Nuisances and VMC 20.935 Off-Site Impacts.

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.
2. The benefits accruing from the implementation of the adjustment outweigh any potential adverse impacts.
3. Any impacts resulting from the adjustment are mitigated to the extent practical.

Finding: The applicant is not requesting adjustments to numerical development standards.

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 recommends the conditions of approval that are documented within this report and are listed at the end of the report. **The additional tree planting required within the riparian zone under criterion A2 above will mitigate adverse impacts from developing most of the riparian buffer.**

D. Detailed site plan approval criteria. During the site plan review process, the planning official shall approve the detailed development plan for one or more phases of the development upon finding that the final plan conforms to the approved conceptual development plan, including all conditions of approval, unless the modification of the concept plan is sought concurrently as described in 20.260.030 (C)(6) VMC.

Finding: The applicant has submitted detailed plans showing proposed houses for the new single-family lots. The applicant is not proposing phasing for this project.

20.260.060 Development Standards

A. Minimum development size. There shall be no minimum site size for any type of planned development.

Finding: The applicant is proposing a planned development for a tract of land 6.08 acres in size.

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: As noted above, no minimum lot depth or width standard applies.

2. *Lot coverage:* The site coverage provisions of the base zone shall apply.

Finding: The R-6 zone allows for 50 percent lot coverage. The plans indicate a maximum lot coverage of 50 percent.

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).*

Finding: The proposed lots are all located within the interior of the site.

- 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.*

Finding: Each new house will be reviewed for compliance with the city's adopted building code at the time of building permit application.

- 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.*

Finding: The proposal meets the front and rear yard setback requirements in the base zone.

- d. *All buildings will meet the front and rear yard setback standards 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 is not proposing an adjustment to the height requirement of the base zone.

4. *The hearings examiner can reduce the minimum lot size requirement for attached and detached single-family residential uses in planned developments.*

Finding: The applicant is proposing lots as small as 2,080 square feet. The minimum lot size in the R-6 zone is 7,500 square feet. The smaller lot size accommodates the density permitted under a planned development in the R-6 zone, and increased preservation of environmentally sensitive lands. Staff recommends that the minimum lot size be reduced as proposed by the applicant.

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. Unlandscaped 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.*

- In planned developments, the following requirements shall apply.
 - a. At least 10 percent 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 gross area of the site is 6.08 acres or 264,845 square feet. Ten percent of the site equals 26,485 square feet. The applicant is proposing 135,693 square feet, or 51 percent of the site, as open space that is accessible to residents.

- 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: No fenced yards or landscaping associated with parking lots are counted toward the open space requirement.

- 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 percent 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: The plans indicate 15,619 square feet of open space that is not environmentally constrained. This represents 59 percent of the minimum open space requirement of 26,485 square

feet. The environmentally constrained open space is accessible to pedestrians via sidewalks and a walking path.

- 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.

Finding: A condition of approval has been added requiring the following note to be placed on the final plat, **"A homeowners' association shall be responsible for maintenance of all open space tracts listed on the plat."**

- The applicant may not seek a variance or adjustment to reduce the minimum open space requirement specified in Subsection (2)(a) above.

Finding: The applicant did not request a variance or adjustment to the minimum open space requirement.

D. Residential Density. An applicant for a planned development shall be entitled to an automatic residential density bonus of 15 percent above the maximum density allowed in the underlying base zone on the portions of the site devoted to housing.

Finding: The site has a zoning designation of R-6. The gross area of the site is 6.08 acres per a stamped survey. The total area of streets is 1.01 acres, for a net site area of 5.07 acres. The allowed density range for development within the R-6 zone is 4.5 to 5.8 units per acre.

Zone	Total Net Area	Minimum Units Required	Maximum Units Allowed
R-6	5.07 acres	23	29

Per VMC 20.260.060D2, planned developments are entitled to a 15 percent density bonus. Therefore, the maximum number of dwelling units permitted on the site is 33. The proposal is for 33 units.

Conclusion: The proposal complies with the planned development standards of VMC 20.260 as conditioned.

20.320 Subdivisions

Finding: Per VMC 20.320.020A2, the hearing examiner shall approve, approve with conditions or deny an application for subdivision preliminary plat by means of a Type III procedure using approval criteria contained in VMC 20.320.040 and 20.927.030 for narrow lot development.

Approval Criteria. Per VMC 20.320.040, to receive approval of a preliminary subdivision, the applicant must demonstrate compliance with the following criteria:

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 as indicated and conditioned in the engineering sections of this report.

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: As noted in the engineering sections of this report, the proposed plat can comply with city requirements for streets, alleys and public ways, utilities, and other improvements as conditioned. Clark County Public Health performed a Development Review Evaluation for the project site June 2, 2022. Their requirements are noted in the Public and Agency Comments section of this report.

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, and the creation of open space tracts. The applicant will be required to provide any necessary easements prior to final plat approval. **Prior to final plat approval, indicate on the plat the ownership and maintenance responsibilities for the private tracts.**

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.

Finding: The physical characteristics of the site have been considered and are addressed in the Critical Areas section of this report.

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: The subject site is not part of a recorded subdivision.

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.

Finding: The provisions of this title have been met or will be met with conditions of approval as noted in this report.

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 affordable to a large segment of the population at allowed densities; by providing the necessary infrastructure, including sidewalks, 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 is largely developed and has urban services, and it will implement city goals promoting development while limiting urban sprawl.

Street improvement standards. *All proposed streets and street improvements shall comply with the provisions of Title 11 and approved transportation standards details on file with Transportation Services.*

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.

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.*

The proposed plat layout results in the creation of two blocks of single-family lots. The blocks provide for adequate building sites and access as noted and conditioned in this report.

Blocks – sizes. *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 condition justifies 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.*

No block exceeds 1,300 feet in length between street lines or is adjacent to arterial streets. The length of the smallest block between streets is 183 feet.

Easements - 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.*

All water, storm, and sanitary sewer lines constructed within the public right of way do not require easements. However, if these lines, hydrants, water meters or other utilities are constructed outside the public right of way, dedication or easements will be required prior to final plat approval.

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.*

Burnt Bridge creek traverses the western edge of the site. **A stormwater easement the width of the creek plus 15 feet on each side within the subject site shall be provided to the city prior to final plat approval.**

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.*

No blocks are being created over 800 feet in length.

Flag lots. *Flag lots may be permitted, provided that the minimum width of the flag stem is 15 feet for a single lot and 20 feet for a shared flag access. No more than four lots may be accessed from a single flag stem.*

No flag lots are proposed.

Lot side lines. *Side lines, as far as practical, shall run at right angles to the street on which the lot faces.*

Side lot lines, as far as practical, run at right angles to adjacent streets.

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.*

All lots have at least 20 feet of frontage.

Lot depth and setbacks. *Lots fronting or accessing on primary or secondary arterials shall be avoided when possible. If lots front on arterials, the lots shall have an average minimum depth of 100 feet.*

Finding: No proposed lot fronts on a primary or secondary arterial.

Parks and playgrounds. *The review authority shall see that appropriate provision is made for parks and playgrounds to serve the proposed subdivision.*

Park impact fees, assessed for each new residence, are to be used for the acquisition of new parklands and improvements to existing parks. The plat also includes several open space tracts.

Existing trees. *All subdivision developments shall comply with the tree and vegetation management provisions contained in Chapter 20.770 VMC Tree Conservation.*

The proposal complies with the tree ordinance as noted and conditioned in the Tree Conservation section of this report.

Public improvements. *Public improvements, which are installed by the developer either as a requirement of this approval or at his own option, shall conform to the requirements, improvement standards, specifications, inspections and procedures of Title 20.*

The applicant has submitted preliminary engineering plans. These have been reviewed by city engineers, and their comments and conditions are noted in the applicable engineering sections of

this report. Civil plans will be required to be submitted for review, approval and construction prior to recording the final plat.

Conclusion: The proposal complies with the approval criteria of VMC 20.320.040 as conditioned.

20.410.030 Lower Density Residential Uses

Finding: Per table 20.410.030-1, single-family dwellings are a permitted use within the R-6 zoning district.

20.410.040 Minimum and Maximum Densities

Finding: The site has a zoning designation of R-6. The gross area of the site is 6.08 acres per a stamped survey. The total area of streets is 1.01 acres, for a net site area of 5.07 acres. The allowed density range for development within the R-6 zone is 4.5 to 5.8 units per acre.

Zone	Total Net Area	Minimum Units Required	Maximum Units Allowed
R-6	5.07 acres	23	29

Per VMC 20.260.060D2, planned developments are entitled to a 15 percent density bonus. Therefore, the maximum number of dwelling units permitted on the site is 33. The proposal is for 33 units.

20.410.050 Development Standards

Finding: Development standards are listed in the table below for the R-6 zoning district. The proposed lots meet the minimum standards for a planned development in the R-6 zone, provided the hearing examiner reduces the minimum lot size to 2,080 square feet as permitted in a planned development.

Standard	Required	Existing/Proposed
Minimum lot size	7,500 sq. ft. average, 6,000 min. ¹	2,080 sq. ft. ¹
Minimum lot width	0' per Planned Development standards	NA
Minimum lot depth	0' per Planned Development standards	NA
Maximum lot coverage	50%	50%
Minimum setbacks		
Front yard	0' per Planned Development standards 18' to garage	NA 18'
Rear yard	0' per Planned Development standards	NA
Rear through-street	NA	NA
Side yard	0' per Planned Development standards	0'
Street side yard	0' per Planned Development standards	10'

Between buildings on site	NA	NA
Maximum height	35'	2 stories
Minimum landscaping requirement (percentage of total net area)	10%	23%

The hearings examiner can reduce the minimum lot size requirement for attached and detached single-family residential uses in planned developments.

Finding: The proposal includes zero lot line development. Per VMC 20.910.050, the following conditions shall exist before any building permit is issued for zero lot line development:

A. Side-yard setbacks. The setback on the adjacent lot to the zero-setback side yard lot shall be either zero or at least five feet; for exceptions, see Section 20.902.020 VMC.

B. Covenants. Covenants running with the land, approved by the City Attorney, which guarantee that the opposite side yard setback of not less than five feet shall be kept perpetually free of permanent obstructions (for exception, see Section 20.902.020), shall be filed with the deed(s) or noted on a plat.

C. Building Walls.

1. The building wall on the zero-foot yard setback shall be constructed of window-free, fire resistive construction per the Building Code standards of Title 17, no portion of which shall project over any property line. The construction shall be subject to review by the Building Official.

2. Covenants running with the land, approved by the City Attorney, shall convey a 4-foot maintenance easement with a 1-1/2-foot encroachment into the easement provision, in order to permit variations in design from the adjoining lot. No windows shall be allowed along this wall in any case.

Requirements for building wall construction will be reviewed at the time of building permit application.

Conclusion: The proposal complies with R-6 zoning standards as conditioned.

20.710 Archaeological Resource Protection

Finding: This project is located within an area of high probability for the discovery of archaeological resources; therefore, a predetermination report was required as part of the application. The predetermination report was reviewed by the city's contract archaeologist. It was determined that the report and fieldwork adequately cover the objective of the predetermination, and that no archaeological resource survey is necessary. However, if any cultural or historical resources are discovered during construction activity, construction shall cease until a qualified archaeologist assesses the find. **Prior to final civil and plat approval, a note shall be added to the plans and plat stating: "In the event that archaeological deposits are encountered during construction, work shall be halted immediately and the City of Vancouver's Community Development Department and the Washington State Department of Archaeology and Historic Preservation shall be notified in order for the findings to be investigated and assessed by a professional archaeologist."**

Conclusion: The proposal complies with VMC 20.710 as conditioned.

20.740 Critical Areas Protection

Finding: The site contains the floodway and floodway fringe of Burnt Bridge Creek, the Riparian Management Area (RMA) and Riparian Buffer (RB) of the creek, Oregon white oak habitat, and a wetland; therefore, a critical areas report prepared by qualified professionals is required. The applicant has submitted a critical areas report by Ecological Land Services (ELS) dated Aug. 11, 2022 (Exhibit J) and a mitigation plan by ELS dated Aug. 18, 2022 (Exhibit K).

20.740.060 Approval Criteria

Any activity 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. This may necessitate redesign of the proposal.*

Finding: No work is proposed within the floodway or floodway fringe of Burnt Bridge Creek; therefore, the floodplain is avoided.

Finding: No development is proposed within the Riparian Management Area (RMA) of Burnt Bridge Creek, which is the land within 100 feet of the creek's ordinary high water mark, except for a pedestrian path of wood chips. Trails are permitted in the RMA per VMC 20.740.110C2b2. The Clark County wetland and habitat biologist has confirmed that the proposed path complies with this code section. Therefore, the RMA has been avoided. City sanitary sewer engineering requires an upgrade of the proposed wood chip path so that it would be suitable for the city's sewer maintenance vehicles in the event that existing city sewer lines running through the site require maintenance. This would result in the path being up to 10 feet wide. Because the sanitary sewer lines to be served by this maintenance path are existing within the RMA, it is not possible to avoid the RMA. The Riparian Buffer (RB), which is the area between 100 and 175 feet of the ordinary high water mark of Burnt Bridge Creek, is not avoided. The applicant proposes to develop most of the buffer. This is permitted under the critical areas ordinance (VMC 20.740.110C2a) because functionally significant habitat has been preserved within the buffer and the Clark County habitat biologist has determined that, with mitigation, there will be no net loss of habitat function.

Finding: All Oregon white oak trees have been avoided except for one. This tree is near the point where NE 46th Street will enter the site. Because this is the only point of access for the subject property, the tree cannot be avoided.

Finding: A category III wetland is located on the site. The wetland will be avoided; however, 4,625 square feet of wetland buffer will be impacted. The wetland is located near the end of NE 46th Street. Because this is the only access into the site, the wetland buffer cannot be completely avoided.

- 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.*

Finding: As noted above, no work is proposed within the floodway or floodway fringe of Burnt Bridge Creek. While development has been proposed within the Riparian Buffer, this is permitted by the critical areas ordinance as noted above. Impacts to Oregon white oak have been minimized by retaining all but one tree that is located at the only access point into the site. While impacts to the entire wetland buffer on-site could not be avoided, they have been limited to only that necessary to provide vehicular access to the development.

- C. Compensatory Mitigation. *The applicant shall compensate for 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.*

Finding: Because the critical areas ordinance requires that the lowest floor of homes be elevated to a minimum of one-foot above the base flood elevation (VMC 20.740.120J10c), **FEMA elevation certificates will be required prior to occupancy of each home.**

Finding: Although development is permitted within the Riparian Buffer as noted above, mitigation is required. The applicant has proposed to plant 920 native shrubs and six Oregon white oak within the riparian area as mitigation for impacts to the buffer and for the removal of one oak tree. This has been reviewed by the Clark County wetland and habitat manager who concurs with the proposed mitigation.

Finding: The applicant has proposed to mitigate impacts to the on-site wetland buffer through the purchase of mitigation credits at the Terrace Mitigation Bank, which is located at the headwaters of Burnt Bridge Creek. This proposal has been reviewed by the Clark County wetland and habitat manager who has found it acceptable.

- 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.*

Finding: The critical areas report, proposed mitigation and review by the Clark County wetland and habitat manager indicate no net loss of critical area functions and values from the proposal.

- E. Consistency with General Purposes. *The proposal is consistent with the general purposes of this Chapter and does not pose a significant threat to public health, safety, or welfare on or off the development site.*

Finding: Based on the technical information submitted for this project, the proposal is consistent with the general purposes of the Critical Areas Ordinance. The reports and plans do not indicate a significant threat to public health, safety or welfare.

- F. Performance Standards. *The proposal meets the specific performance standards of VMC 20.740.110 Fish and Wildlife Habitat Conservation Areas, 20.740.120 Frequently Flooded Areas, and VMC 20.740.140 wetlands.*

Frequently Flooded Areas

Finding: The proposal will comply with the performance standards for frequently flooded areas provided that FEMA elevation certificates are required prior to occupancy of each home as noted and conditioned above.

Fish and Wildlife Habitat and Wetlands

The proposal will comply with the performance standards for habitat areas and wetlands provided that, **prior to final plat approval, the applicant shall:**

Complete all mitigation planting and the wetland bank credit purchase.

Record a conservation covenant per VMC 20.740.040B. The covenant shall acknowledge the presence of the sewer easement and trail within the Riparian Buffer and/or RMA.

Provide a financial assurance in the amount of 125 percent of the estimated cost of maintenance and monitoring for five years per VMC 20.740.040C.

Provide a physical demarcation with signage along the outer perimeter of the wetland and riparian area per VMC 20.740.140C1c and VMC 20.740.110C1d.

Conclusion: Based on the findings noted above, the proposal complies with the requirements of the critical areas ordinance as conditioned.

20.770 Tree Conservation

Finding: The city's forester has reviewed the proposed plans and found that the proposal can comply with the requirements of VMC 20.770 subject to the following conditions:

Prior to civil approval, show protection of off-site trees with tree protection fencing on the grading plan.

Prior to civil plan approval, space conifer trees 20 feet on center to provide enough canopy and root space for trees to mature. Given the proximity to a riparian zone, utilize approximately 33 percent Douglas fir, 33 percent Western Red Cedars and 33 percent Alaskan Yellow Cedars. If not all conifers can meet this spacing requirement in the developed portion of the site, the remaining trees shall be planted within the riparian zone, and they will count towards the 70 native trees required to be planted in the riparian zone.

Prior to civil approval, do not plant conifers south of Oregon White Oak 16. Plant additional White Oaks 30 feet from this tree in the open space.

Prior to final plat approval, clearly identify responsibility of tracts and how they will be maintained, especially within critical areas on the final plat.

Prior to final plat approval, the following note shall be placed on the final plat: "Development within this subdivision is subject to an approved tree plan. Tree removal is subject to approval by the City of Vancouver. Street trees must be planted prior to occupancy per the approved plan".

Conclusion: The requirements of VMC 20.770 can be met as conditioned.

20.790 SEPA

Finding: The applicant submitted an environmental checklist for review (Exhibit D). Staff issued a Notice of Application, Public Hearing and optional SEPA Determination of Nonsignificance (DNS) Oct. 19, 2022 (Exhibit E). One comment letter from the Dept. of Ecology was received during the 30-day public comment period, which is addressed in the Public and Agency Comments and Critical Areas Protection sections of this report. A Final Determination of Nonsignificance (DNS) was issued Nov. 22, 2022 (Exhibit F). The appeal period ended Dec. 6, 2022. No appeals were received.

Conclusion: SEPA requirements have been met.

20.915 Impact Fees

Finding: This project is subject to park, transportation and school impact fees. The site is within Park District C, the Pacific Traffic Impact Fee area, and the Evergreen School District. **The applicant shall place a note on the plat stating: "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. These fees do not constitute liens against the lots in this subdivision but are collected as a condition of initial building permit issuance."**

Conclusion: The proposal can comply with impact fee requirements as conditioned.

20.925 Landscaping

Finding: Ten percent of the net lot area of each single-family lot shall be landscaped. Compliance with this requirement will be verified at the time of building permit review for each of the single-family lots.

Prior to civil approval, street trees are required to be shown along public and private streets. The plans indicate compliance with this requirement.

Conclusion: The proposal can comply with the landscaping requirements of VMC 20.925.

20.927 Narrow Lot Development

Finding: Each of the proposed single-family lots in this subdivision are less than 40 feet in width, which requires adherence to the requirements of 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, streetlights, fire hydrants, water meters etc.; provide adequate guest parking; and ensure adequate access for solid waste collection vehicles eliminating conflicts with frontage requirements.

In order for the city to grant approval of a preliminary subdivision, the applicant shall demonstrate compliance with the following criteria:

A. Conflicts on narrow lots shall be eliminated. The development shall be 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.

Finding: The applicant has submitted a narrow lot plan showing that utilities, driveways, sidewalks, street trees, infiltration systems, guest parking, light poles, fire hydrants and mailboxes can all be accommodated as conditioned in this report.

B. Adequate guest parking shall be provided. The development must be 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.

Finding: Because the subdivision has 33 narrow lots, 11 guest parking spaces are required. The plans indicate seven guest spaces off-street, and internal streets that will accommodate parking on one side of the street, for approximately 34 additional spaces. Per VMC 20.927.040A2, common areas reserved for guest parking shall have no more than five parking stalls in each area unless the applicant demonstrates required parking cannot otherwise be provided. **Required parking can be provided on-street; therefore, the common parking area shall be reduced to five stalls. The parking area shall be maintained by a homeowners' association according to a maintenance agreement to be recorded with the plat.**

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.

Finding: The city's Solid Waste Division has reviewed the proposed subdivision. Their findings and conditions are in the Solid Waste section of this report.

Conclusion: The proposal complies with narrow lot standards as conditioned.

20.945 Parking

Finding: Each new single-family residence will require one off-street parking space. The space must be a minimum of 9 feet wide by 17 feet deep, paved and located outside the minimum setbacks. Each lot will be reviewed for compliance with this requirement at the time of building permit review.

Finding: Because the subdivision has 33 narrow lots, 11 guest parking spaces are required. The plans indicate that both on-street and off-street parking will be available in excess of 11 spaces.

Conclusion: The proposal can comply with the requirements of VMC 20.945.

20.970 Solid Waste Disposal and Recycling

Finding: Narrow lot developments are subject to specific standards with regard to solid waste collection established by VMC 20.927.

Concerning Cart Set Out

Finding: The proposed Kevanna Park Meadows plat with 33 lots will have to plan for future garbage and recycling service. Each lot will most likely be served as a single-family customer; each will have a cart for garbage, a cart for recycling and a bin for glass. As proposed, the collection will take place in front of each residence, except for grouped set-out for Lots 1-4 and 20-23. The applicant has illustrated on plans the cart set-out location for each lot (003 Narrow Lot Plan.pdf V1).

Per VMC 20.927.040(A)(3)(c), where collection is not feasible on each lot, a designated common collection point to serve up to four lots, located no further than 150 feet from any lot it serves, may be provided. Common collection points shall be shown on the solid waste and recycling plan and sized to accommodate the carts and bins associated with the city's garbage, yard debris and recycling collection system. System specifics may be obtained from the city's Solid Waste Services Department.

Conclusion: The proposal has satisfied solid waste requirements for providing adequate cart set-out.

Concerning Solid Waste Collector Access

Finding: Per VMC 20.927.030(C), solid waste/recycling collection and access shall be provided. The development shall be designed to provide safe access and maneuvering by solid waste and recycling collection vehicles to designated collection points for each lot. The proposed public alley/private road, with a width of 28 feet, appears sufficient for collection trucks to safely access and service the development. Turnaround appears feasible using the proposed NE 45th Loop.

Conclusion: The proposal has satisfied solid waste requirements for providing collector access.

11.04 Transportation – Street Numbering and Naming

Finding: The applicant is proposing a 33-lot planned development and subdivision utilizing the narrow lot development standards for the construction of single-family detached, zero lot line homes. The project is located at the west end of NE 46th Street. The site address is 11017 NE 51st Circle. The site is currently vacant. Access to the lots will be by way of a new private street loop extending from the end of NE 46th Street.

As described above, the proposed lots will take access by way of a new private street loop. **Per the standards and requirements for street naming provided in VMC 11.04, the main leg of the proposed private street shall be named NE 46th Street. The southernmost leg of the loop shall be named NE 103rd Place and the northernmost leg of the loop shall be named NE 104th Place. Revise the street naming prior to civil and final plat approval.**

Conclusion: The proposed development meets the requirements of VMC 11.04 as conditioned.

11.70 Transportation Concurrency

Finding: The applicant submitted a Transportation Impact Study (TIS), dated Aug. 17, 2022, from Lancaster Mobley (Exhibit L). The TIS included trip generation, trip distribution, intersection queueing and capacity analysis, crash history analysis, and signal warrant analysis for the intersection of NE 46th Street and NE 112th Avenue. Trip generation rates in the TIS were based on the Institute of Transportation Engineers (ITE) Trip Generation Manual, 10th Edition, utilizing Land Use Code 210 (Single-Family Detached Housing). Based on this information, the proposed project will generate 330 new Average Daily Trips, including 25 new a.m. peak hour trips and 33 new p.m. peak hour trips.

The results of the analysis of the intersection of NE 46th Street and NE 112th Avenue indicate that the intersection is operating acceptably within the city's standards and will continue to do so through 2029 after completion of the project. Further, the analysis indicates that crash history at the intersection has a relatively low occurrence rate and MUTCD signal warrants will not be

exceeded after the project is completed, so a traffic signal will not be installed at the intersection as part of the development project.

Pursuant to VMC 11.70.090, the segment of NE 112th Avenue between NE 28th Street and NE 51st 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 18 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 303 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
Fourth Plain Blvd	I-5 to Andresen Road	1
Fourth Plain Blvd	Andresen Road to I-205	2
Fourth Plain Blvd	I-205 to 162 nd Ave.	2
Andresen Road	Mill Plain Blvd. to SR-500	1
112 th Avenue	Mill Plain Blvd. to 28 th Street	9
112 th Avenue	28 th Street to 51 st Street	18
Burton Road / 28 th St.	18 th Street to 112 th Ave.	1
Burton Road / 28 th St.	112 th Ave. to 138 th Ave.	1
NE 18 th Street	112 th Avenue to 138 th Avenue	2
NE 18 th Street	138 th Avenue to 162 nd Avenue	2

Based on the above table, **prior to the issuance of civil plan approval, the applicant shall pay concurrency modeling fees totaling \$1,500.** Pursuant to the applicant's information, the project will not distribute trips to any other Transportation Management Zone.

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. The submitted documentation fulfills the city's requirements for concurrency analysis.

Conclusion: The proposed development meets the requirements of VMC 11.70 as conditioned.

11.80 Transportation – Street and Development Standards

Finding: The extension of NE 46th Street is a private street which requires a minimum 24-foot paved street width per city standard plan T10-17. According to the preliminary drawings submitted by the applicant, the intent is to construct a private street with 28 feet of paved width to allow parking on one side of the street. **Prior to final plat approval, the applicant shall provide the following improvements to NE 46th Street, per City of Vancouver standards:**

- **Dedicate a 46-foot private street tract.**
- **Construct a private street with 28-foot pavement width. Curb, gutter, and 5-foot detached sidewalks must be constructed on both sides of the street, per T10-17.**
- **Install 'No Parking – Fire Lane' signs at appropriate spacing along one side of the street.**

- **Utility trenching within the public portion of NE 46th Street shall be restored per T05-04A&B and T05-05. Asphalt restoration shall meet T05-01A&B and T05-07. A single continuous width restoration is required.**
- **Street lighting must be installed to current standards, see street lighting comments below.**
- **Install traffic control devices as warranted, and storm drainage as required by the city stormwater ordinance.**

The private street loop (NE 103rd Place and NE 104th Place) requires a minimum 24-foot paved street width per city standard plan T10-17. According to the preliminary drawings submitted by the applicant, the intent is to construct a private street with 28 feet of paved width to allow parking on one side of the street. **Prior to final plat approval, the applicant shall provide the following improvements to NE 103rd Place and NE 104th Place, per City of Vancouver standards:**

- **Dedicate a 37.5-foot private street tract.**
- **Construct a private street loop with 28-foot pavement width. Curb and gutter must be constructed on both sides of the street and 5-foot detached sidewalk must be constructed on one side of the street, per T10-17. The sidewalk must be constructed on the side of the street from which the lots take access.**
- **Install 'No Parking – Fire Lane' signs at appropriate spacing along one side of the street.**
- **Street lighting must be installed to current standards, see street lighting comments 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.

Title 14 Water

Finding: There is an existing 6-inch ductile iron (DI) water main in NE 46th Street. The applicant is proposing to extend an 8-inch zinc-coated ductile iron (ZDI) main through the site as needed to serve all required water meters, fire hydrants, and fire protection services. Additional requirements may be outlined during the detailed civil plan review process to ensure compliance with the city's water requirements as detailed in the *General Requirements & Details for the Design and Construction of Water, Sanitary Sewer and Surface Water Systems* (latest revision).

Conclusion: The submitted plans indicate that city water requirements can be met.

Title 14 Sewer

Finding: Public sewer traverses the site within public sewer easements. An interceptor sewer flows south across the west portion of the site. A smaller sewer flows north across the northeast portion of the site, and the third stretch continues southwest, parallel to Burnt Bridge Creek. The smaller sewer was constructed as part of a City Sewer Connection Incentive Program (SCIP) project. If the property connects to the sewer constructed by the SCIP project, a sewer main fee in the amount of \$117,309.17 will be owed by the subject parcel.

Developments are required to extend public sewer to and through the site, and across frontages (VMC 14.04.280). In this case, public sewer construction within the proposed private roads is required. The code also requires subdivisions to construct sewer service laterals from the public sewer main to serve each proposed lot (VMC 20.320.070 (A)(2)). Code and standards require a minimum of one 4-inch diameter sewer service lateral per single-family residence (VMC 14.08.050; VMC 14.16.010). The city's sewer standards require developing properties with existing public sewer easements to construct maintenance access roads to provide access to all existing on-site sewers (Section 3-2.02).

The application was reviewed for its "fully complete" determination in September 2022. It was discovered that the city mistakenly constructed a portion of public sewer outside of the easement recorded under Auditor File Number 3706578. The city is working with the applicant to remedy this.

Sewer Engineering met with the applicant Oct. 26, 2022 to discuss sewer design alternatives. The city offered a credit towards the sewer main fee to move the public sewer into the existing easement. Sewer Engineering and the applicant also discussed abandoning the existing sewers along the northeast and north sides of the subject parcel. This alternative would remove most of the required upgraded wood chip pathway and new access easement that was agreed upon for maintenance access. Furthermore, since the applicant would not use the SCIP sewer, the \$117,309.17 sewer main fee would no longer apply to the site. The city and the applicant have not yet reached a final agreement.

Sewer Engineering met with the applicant Dec. 13, 2022 to discuss the maintenance access road requirement. Due to the existing sewer's proximity to Burnt Bridge Creek, the city agreed to an upgrade of the proposed wood chip walking pathway along the west, north and east sides of the site, that would be suitable for the city's maintenance vehicles. The proposed pathway is outside of the extents of the existing public sewer easement and will require a new access easement. The city and applicant discussed a credit towards the sewer main fee for the construction costs associated with upgrading the access path.

The application was reviewed for sanitary sewer in December 2022. Page 15 of the narrative acknowledges that existing public sewer is available to the site. The civil drawings submitted with the application show the existing and proposed sewers. The proposal general satisfies the code's sewer service requirements.

Sanitary Sewer Conditions
(Prior to Civil Plan Approval)

Prepare the utility plan in accordance with the City of Vancouver's *General Requirements and Details for the Design and Construction of Public Sanitary Sewers*. Address comments and submit the final design for civil plan approval.

(During Construction)

If the applicant keeps the existing on-site public sewers as-is, pay the \$117,309.17 sewer main fee prior to issuance of construction permits.

If the applicant moves the sewer, pay the difference between the \$117,309.17 sewer main fee and the city-approved credit for moving the sewer into the existing easement prior to issuance of construction permits.

Secure construction permits and schedule and attend a pre-construction meeting. Construct new sewers, service laterals, and maintenance access shown on the approved plans. Satisfy construction services inspection requirements and secure construction acceptance.

Satisfy submittal and other requirements itemized in the Notification of Civil Plan Approval and secure final civil project acceptance.

(Prior to Final Plat Approval)

Show and note proposed on-site public sanitary sewer and access easements on the plat. Specify that the easements are recorded with the plat. Include standard required City of Vancouver plat easement recording language.

Conclusion: The applicant has demonstrated that the standards for public sewer can be met as conditioned.

Title 14 Erosion Control

Finding: The property is currently undeveloped and flat. The site will be disturbed during the construction of the subdivision. A preliminary erosion control plan was submitted with the preliminary civil plans. **A Construction Stormwater Pollution Prevention Plan (SWPPP) must be submitted to the city prior to civil plan approval.**

This site is greater than one-acre. The owner of a construction site that disturbs one or more acres of total land area, and which has or will have a discharge of stormwater to a surface water or to a storm sewer system, must apply for coverage under Washington Department of Ecology's Baseline General Permit for Storm Water Discharges Associated with Construction Activities. **A copy of the NPDES construction permit must be submitted to the city prior to civil plan approval.**

Conclusion: The applicant has demonstrated the requirements of the City of Vancouver's erosion control ordinance can be met as conditioned.

Title 14 Stormwater

Finding: The site is currently undeveloped. New impervious areas will be created with the development of the roads, driveways and homes. Currently, stormwater either infiltrates on-site or discharges to the north into Burnt Bridge Creek.

The proposed development is a qualifying project for Minimum Requirements 1 through 9. Calculations have been submitted with the preliminary civil engineering plans indicating the amount of new impervious surface being created.

Washington State Department of Ecology Minimum Requirement 6: Runoff Treatment will be satisfied by using Contech Storm Filters to treat runoff from the pollution generating surfaces.

The applicant proposes to detain stormwater runoff in a detention pond and discharge flows to an existing 30-inch storm pipe which discharges into Burnt Bridge Creek, satisfying Washington State Department of Ecology Minimum Requirement 7: Flow Control.

The on-site stormwater facilities will be owned by the property owners. **An easement in the form of a covenant running with the land shall be dedicated to the City of Vancouver around the stormwater facilities for access and inspection.**

Conclusion: The applicant has demonstrated that the requirements of the City of Vancouver's stormwater ordinance can be met as conditioned.

Title 16 Fire

Finding: The fire department has determined that the requirements of the Vancouver Municipal Code can be met with adherence to the conditions contained herein:

Staff Report Conditions for Approval

Prior to Civil Plan Approval

1. New and existing fire hydrant locations related to this project shall be shown.
2. Fire lane signs and details shall be shown on the sign and striping pages if applicable.

Prior to combustible construction

1. Fire hydrants for emergency use shall be established and maintained.
2. Fire apparatus access roads shall be established and maintained.
3. Site security measures shall be installed to prevent unauthorized access.

During construction

1. Temporary street and building address signage shall be visible and legible from the street fronting the property for emergency response during construction.
2. All fire safety provisions of the International Fire Code shall be adhered to.
3. No smoking signage shall be posted throughout the site except in designated smoking areas.
4. Site security shall be maintained to prevent unauthorized access.
5. Consideration for emergency vehicle access shall be taken when staging materials for construction.

Prior to Issuance of Certificate of Occupancy

1. Street and 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. Where applicable, apartment building designations shall be visible and legible from all potential fire lane approaches.
2. Required fire lane signage shall be installed.
3. Any fire protection features identified as being required during the construction permit review shall be installed and approved prior to occupancy.
4. Permanent vehicle gates crossing required fire lanes shall remain unlocked or open until approved by the fire department.
5. Conditions identified in the construction permit shall be met.
6. All requirements of the applicable fire and building codes and their referenced standards shall be met regardless of approved construction plans.

Conclusion: Fire department requirements can be met as conditioned.

Title 17 Building

Finding: Per VMC 17.08.090, a building department review and permit will be required for this project. Buildings shall comply with the applicable codes listed in VMC 17.08.010 in effect at the time of building permit application. A complete building code review of plans is not performed during subdivision review. The filing of a 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.

Finding: Plans provided propose to divide 6.08 acres into 33 lots for the construction of single-family detached residences.

Washington State Codes and Amendments are at <http://www.sbcc.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. The 2021 I-Codes & Amendments are expected to be in effect July 1, 2023.**

DESIGN REQUIREMENTS

Seismic Design Category D-1, Soils class D or as determined by geotechnical engineer, Wind 97 MPH (Vult) Exposure B, Minimum Ground and Roof Snow Load 25 psf, Frost depth 12 inches.

Prior to final grading: 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 .

Finding: Single-Family Dwellings - per IRC R302, exterior walls, openings, 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. Refer to planning requirements for setbacks. Construction closer than five feet from the property line shall meet fire resistive requirements of IRC Section R302. The building wall on the zero-foot yard setback shall be constructed of window-free, fire resistive construction per the Building Code

standards of Title 17, no portion of which shall project over any property line. The construction shall be subject to review by the building official.

Finding: This site is partially in a flood zone. The base flood elevation (BFE) must be verified and meet the requirements of IRC Section R322 for all lots. Buildings and structures in flood hazard areas, including flood hazard areas designated as Coastal A Zones, shall have the lowest floors elevated to or above the base flood elevation plus one-foot, or the design flood elevation, whichever is higher. A registered design professional shall prepare and seal documentation of the elevations specified in Section R322.2 or R322.3. Additionally, the design and construction of buildings and structures located in flood hazard areas, as defined by Section 1612.3 of the 2018 IBC, shall be in accordance with the following standards: IBC 1603.1.7, IBC 1612, Chapter 5 of ASCE 7, ASCE 24, and Title 17 and Title 20 of the VMC.

Finding: 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 are impounding Class I, II, or III-A Liquids, require a RES building permit and to be engineered per VMC 17.08.090.

Finding: The proposed plat appears acceptable for building code related and accessibility issues; however, a complete building plan review will be required to determine final compliance.

Conclusion: As submitted, the project could be approved for building code requirements pertaining to the plat. The subdivision review process is a separate and distinct process from the building permit process.

RECOMMENDATION

Based upon the findings herein, the criteria for approval have been satisfactorily met or shall be met as conditioned, and no significant adverse impacts have been identified. Staff concludes this request meets the applicable requirements of the zoning district, comprehensive plan and other applicable codes, and recommends preliminary approval with conditions as noted below and throughout this staff 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. The common parking area shall be reduced to five stalls.
4. Revise the street names so that the main leg of the proposed private street shall be named NE 46th Street. The southernmost leg of the loop shall be named NE 103rd Place and the northernmost leg of the loop shall be named NE 104th Place.
5. A note shall be added to the plans stating: "In the event that archaeological deposits are encountered during construction, work shall be halted immediately and the City of Vancouver's Community Development Department and the Washington State Department of Archaeology and Historic Preservation shall be notified in order for the findings to be investigated and assessed by a professional archaeologist."
6. The mitigation and landscape plans shall be revised to include the planting of 70 native trees within the riparian zone, such as bigleaf maple, red alder, Oregon white oak, Douglas fir and western red cedars to shade the creek and provide habitat value. Do not plant conifers south of any Oregon white oak.
7. Include this note on civil plans: "Trees and Shrubs in Sight Distance Triangles: All shrubs within sight distance triangles shall be maintained so that foliage height above pavement does not exceed 2.5 feet. Street trees within sight distance triangles shall be limbed up to a height of 10 feet consistent with ANSI A300 standards to provide for sight distance visibility."
8. Show protection of off-site trees with tree protection fencing on the grading plan.
9. Space conifer trees 20 feet on center to provide enough canopy and root space for trees to mature. Given the proximity to a riparian zone, utilize approximately 33 percent Douglas fir, 33 percent Western Red Cedars and 33 percent Alaskan Yellow Cedars. If not all conifers can meet this spacing requirement in the developed portion of the site, the remaining trees shall be planted within the riparian zone, and they will count towards the 70 native trees required to be planted in the riparian zone.
10. Do not plant conifers south of Oregon White Oak 16. Plant additional White Oaks 30 feet from this tree in the open space.
11. Pay concurrency modeling fees totaling \$1,500.
12. Prepare the utility plan in accordance with the City of Vancouver's *General Requirements and Details for the Design and Construction of Public Sanitary Sewers*. Address comments and submit the final design for civil plan approval.
13. A Construction Stormwater Pollution Prevention Plan (SWPPP) must be submitted to the city.
14. A copy of the NPDES construction permit must be submitted to the city.

15. An easement in the form of a covenant running with the land shall be dedicated to the City of Vancouver around the stormwater facilities for access and inspection.
16. New and existing fire hydrant locations related to this project shall be shown.
17. Fire lane signs and details shall be shown on the sign and striping pages if applicable.

Prior to Construction

18. Fire hydrants for emergency use shall be established and maintained.
19. Fire apparatus access roads shall be established and maintained.
20. Site security measures shall be installed to prevent unauthorized access.

During Construction

21. Comply with the requirements for solid waste management and water quality noted in the Dept. of Ecology's letter dated Nov. 18, 2022.
22. If the applicant keeps the existing on-site public sewers as-is, pay the \$117,309.17 sewer main fee prior to issuance of construction permits.
23. If the applicant moves the sewer, pay the difference between the \$117,309.17 sewer main fee and the city-approved credit for moving the sewer into the existing easement prior to issuance of construction permits.
24. Secure construction permits and schedule and attend a pre-construction meeting. Construct new sewers, service laterals, and maintenance access shown on the approved plans. Satisfy construction services inspection requirements and secure construction acceptance.
25. Satisfy submittal and other requirements itemized in the Notification of Civil Plan Approval and secure final civil project acceptance.
26. Temporary street and building address signage shall be visible and legible from the street fronting the property for emergency response during construction.
27. All fire safety provisions of the International Fire Code shall be adhered to.
28. No smoking signage shall be posted throughout the site except in designated smoking areas.
29. Site security shall be maintained to prevent unauthorized access.
30. Consideration for emergency vehicle access shall be taken when staging materials for 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.

Prior to Final Plat Approval

32. Submit a final plat application. Applications can be found under Building, Planning and Environment on the City of Vancouver website, www.cityofvancouver.us.
33. A stormwater easement the width of Burnt Bridge Creek plus 15 feet on each side within the subject site shall be provided to the city.
34. Complete all mitigation planting and the wetland bank credit purchase.
35. Record a conservation covenant per VMC 20.740.040B. The covenant shall acknowledge the presence of the sewer easement and trail within the Riparian Buffer and/or RMA.
36. Provide a financial assurance in the amount of 125 percent of the estimated cost of mitigation maintenance and monitoring for five years per VMC 20.740.040C.
37. Install a physical demarcation with signage along the outer perimeter of the wetland buffer and riparian area per VMC 20.740.140C1c and VMC 20.740.110C1d.

38. Place a note on the plat stating: "Zero lot line development is subject to the standards of VMC 20.910.050."
39. Covenants running with the land, approved by the City Attorney, which guarantee that the opposite side yard setback of not less than five feet shall be kept perpetually free of permanent obstructions (for exception, see Section 20.902.020), shall be filed with the deed(s) or noted on the plat.
40. Covenants running with the land, approved by the City Attorney, shall convey a 4-foot maintenance easement with a 1-1/2-foot encroachment into the easement provision, in order to permit variations in design from the adjoining lot. No windows shall be allowed along this wall in any case.
41. Place a note on the plat stating: "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. These fees do not constitute liens against the lots in this subdivision but are collected as a condition of initial building permit issuance."
42. A note shall be added to the plat stating: "In the event that archaeological deposits are encountered during construction, work shall be halted immediately and the City of Vancouver's Community Development Department and the Washington State Department of Archaeology and Historic Preservation shall be notified in order for the findings to be investigated and assessed by a professional archaeologist."
43. If a septic system is found, it must be properly abandoned, with written verification submitted to the Health Department. The proposed development must connect to public sewer. A copy of the final acceptance letter from the purveyor shall be submitted to the Health Department along with the final plat.
44. If a well is found, it must be properly decommissioned by a licensed well driller per WAC 173-160-381. Written verification of abandonment must be submitted to the Health Department. The location of any decommissioned well must be shown on the final plat. The proposed development must connect to an approved public water system. A copy of the final acceptance letter from the purveyor shall be submitted to the Health Department along with the final plat.
45. Identify on the plat responsibility/ownership of tracts and how they will be maintained.
46. Place a note on the plat indicating that FEMA elevation certificates will be required prior to occupancy of each home.
47. The following note shall be placed on the final plat: "Development within this subdivision is subject to an approved tree plan. Tree removal is subject to approval by the City of Vancouver. Street trees must be planted prior to occupancy per the approved plan."
48. Show and note proposed on-site public sanitary sewer and access easements on the plat. Specify that the easements are recorded with the plat. Include standard required City of Vancouver plat easement recording language.
49. Revise the street names so that the main leg of the proposed private street shall be named NE 46th Street. The southernmost leg of the loop shall be named NE 103rd Place and the northernmost leg of the loop shall be named NE 104th Place.
50. Provide the following improvements to NE 46th Street, per City of Vancouver standards:
 - Dedicate a 46-foot private street tract.
 - Construct a private street with 28-foot pavement width. Curb, gutter, and 5-foot detached sidewalks must be constructed on both sides of the street, per T10-17.
 - Install 'No Parking – Fire Lane' signs at appropriate spacing along one side of the street.

- Utility trenching within the public portion of NE 46th Street shall be restored per T05-04A&B and T05-05. Asphalt restoration shall meet T05-01A&B and T05-07. A single continuous width restoration is required.
 - Street lighting must be installed to current standards, see street lighting comments below.
 - Install traffic control devices as warranted, and storm drainage as required by the city stormwater ordinance.
51. Provide the following improvements to NE 103rd Place and NE 104th Place, per City of Vancouver standards:
- Dedicate a 37.5-foot private street tract.
 - Construct a private street loop with 28-foot pavement width. Curb and gutter must be constructed on both sides of the street and 5-foot detached sidewalk must be constructed on one side of the street, per T10-17. The sidewalk must be constructed on the side of the street from which the lots take access.
 - Install 'No Parking – Fire Lane' signs at appropriate spacing along one side of the street.
 - Street lighting must be installed to current standards, see street lighting comments below.
 - Install traffic control devices as warranted, and storm drainage as required by the city stormwater ordinance.
52. Place a note on the plat stating: "All lots shall conform to the City of Vancouver's driveway spacing standards, per VMC 11.90.016."
53. Place a note on the plat stating: "The City of Vancouver has no responsibility to improve or maintain the private streets contained within, or private streets providing access to, the property described in this plat, nor does the City of Vancouver have responsibility for any of the infrastructure associated with the roadway such as sidewalks, drainage facilities, streetlights, curbs, or landscaping."

Prior to Building Permit Approval

54. The building wall on the zero-foot yard setback shall be constructed of window-free, fire resistive construction per the Building Code standards of Title 17, no portion of which shall project over any property line. The construction shall be subject to review by the building official.

Prior to Occupancy

55. FEMA elevation certificates will be required for each home.
56. Street and 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. Where applicable, apartment building designations shall be visible and legible from all potential fire lane approaches.
57. Required fire lane signage shall be installed.
58. Any fire protection features identified as being required during the construction permit review shall be installed and approved prior to occupancy.
59. Permanent vehicle gates crossing required fire lanes shall remain unlocked or open until approved by the fire department.
60. Conditions identified in the construction permit shall be met.
61. All requirements of the applicable fire and building codes and their referenced standards shall be met regardless of approved construction plans.

EXHIBITS

1. Staff report
 - A. Application
 - B. Applicant's narrative
 - C. Plans
 - D. SEPA checklist
 - E. Notice of Application, Public Hearing and Optional SEPA DNS dated Oct. 19, 2022
 - F. Final SEPA DNS
 - G. Public Health Development Review Evaluation dated June 2, 2022
 - H. Dept. of Ecology letter dated Nov. 18, 2022
 - I. Dept. of Ecology email dated Nov. 29, 2022
 - J. Critical areas report by Ecological Land Services (ELS) dated Aug. 11, 2022 **
 - K. Mitigation plan by ELS dated Aug. 18, 2022 **
 - L. Transportation impact study by Lancaster Mobley dated Aug. 17, 2022**
 - M. Geotechnical report by Earth Engineering, Inc. dated June 2022 **
 - N. Preliminary TIR (stormwater) report by PLS Engineering dated Aug. 2022 **

**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.

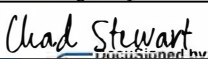
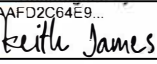


Planning Permit Application

LAND USE PRELIMINARY APPLICATION (LUP)

415 W 6th ST ~ Vancouver, WA 98660, P.O. Box 1995 ~ Vancouver, WA 98668, Phone (360) 487-7800

Email completed application to plans@cityofvancouver.us

REVIEW TYPE (Check one review and one process type)					
Review Type: ☐ Type I ☐ Type II ☐ Type III ☒ Type IV ☐ Tree Removal Only (nuisance or hazard)					
Process Type: ☒ Standard ☐ Streamline (Type I & II applications only. Pre-submittal Meeting required. By selecting streamline process, applicant waives all land use review timelines in VMC Title 20)					
USE					
☒ Single-Family		☐ Commercial		☐ Multi-family	
				☐ Mixed Use (commercial with multi-family)	
☐ Duplex		☐ Industrial			
		☐ Residential			
		☐ Wireless Communications Facility (new) see VMC 20.890			
PROJECT INFORMATION					
Site Acres: 5.7		Disturbed Acres: 1.31		Zoning: R-6	
				Sewer: ☐ Septic ☒ Public	
				Water: ☐ Well ☒ Public	
Proposed # of Lots: 33		Proposed Dwelling Units: 33			
Non-Residential Bldg. Square Footage:		Ground Floor:		Total of All Upper Floors:	
Hard Surface Area Square Feet - New:		Replacement:		Total:	
PROJECT NAME AND LOCATION					
Proposed project name: Kevanna Park Meadows					
Project site address: 11017 NE 51st Circle, Vancouver, WA				Parcel #(s): 159850000	
PROJECT DESCRIPTION					
(Briefly describe the proposed project. Provide more detail in project narrative)					
33 lot planned unit development					
PRIMARY APPLICANT			CONTACT		
Business Name: Ginn Group LLC			Business Name: PLS Engineering		
Contact Name: Chad Stewart			Contact Name: Travis Johnson		
Address: 502 NE 72nd St.			Address: 604 W Evergreen Blvd		
City/State/Zip: Vancouver, WA 98665			City/State/Zip: Vancouver, WA 98660		
Phone: (360) 768-5025			Phone: (360) 944-6519		
Email: chad@ginngroup.com			Email: pm@plsengineering.com		
ELECTRONIC PLANS SUBMITTER (required)			OWNER		
(responsible for ePlans uploading and correspondence)			(attached additional sheets for multiple owners)		
Name: PLS Engineering			Name: Affinity Vancouver Manager LLC		
Address: 04 W Evergreen Blvd			Address: 120 W Cataldo Ave Suite 100		
City/State/Zip: Vancouver, WA 98660			City/State/Zip: Spokane, WA 99201		
Email (required): pm@plsengineering.com			Email: keithj@inlandconstruction.com		
Phone: (360) 944-6519			Phone: (509) 321-3218		
ONLINE PAYMENT					
Existing ePermits User Name: projects@ginndevelopment.com				Request an ePermits Account	
REQUIRED SIGNATURES					
As evidenced by my signature below, I/we agree that City of Vancouver staff has my/our full permission to enter upon the subject property at any reasonable time to consider the merits of the application, to take photographs and to post public notices.					
Applicant Signature: 			Date: 8/24/2022		
Property Owner Signature: 			Date: 8/24/2022		

LUP APPLICATION SUB TYPES

Please check all applicable applications and information where necessary

☐ Airport Height Overlay District
☒ Archaeological Pre-determination
☐ Binding Site Plan ☐ Conceptual (without Site Plan Review) ☐ Detailed (with Site Plan Review)
☐ Boundary Line Adjustment # of lots to be adjusted:
☐ Comprehensive Plan Amendment (Including Zone Map Amendment with Comp Plan)
☐ Conditional Use Permit ☐ Initial (Type III) (Comm. Centers, Group Meal Service, Shelters) ☐ Major Modification (Type III) ☐ Minor Modification (Type I) Engineering Review Required ☐ Yes ☐ No
☐ Covenant Release
☒ Critical Areas (not used when in Shoreline) Check one → ☐ Duplex/Single Family ☐ All Other Uses Check one → ☐ Permit ☐ Statement of Exemption (No Fee) Check the applicable critical area(s) ☒ Fish & Wildlife ☒ Frequently Flooded ☐ Geological Hazards ☒ Wetlands ☐ Minor Exception (not common) ☐ Reasonable Use (not common)
☐ Design Review ☐ Exterior Modification Only ☐ All Others
☐ Development Agreement ☐ Initial ☐ Modification ☐ Extension
☐ Historic Preservation ☐ Modification ☐ Registry ☐ Historic Preservation – Special Valuation
☐ Legal Lot Determination # of lots to be reviewed:
☐ Master Plan (Mixed Use) ☐ Public Facilities MP ☐ Conceptual (without Site Plan Review) ☐ Detailed (with Site Plan Review) ☐ Hybrid (Some areas with Site Plan Review)
☒ Planned Development ☐ Commercial ☒ Residential ☐ Mixed Use* *Ground Floor SF: Upper Floor SF:
☐ Plat Alteration
☐ Post Decision Review/Modification (Includes Planned Development/Master Plan Modifications) ☐ Type I ☐ Type II ☐ Type III Engineering Review Required ☐ Yes ☐ No

☐ Road Modification ☐ Minor ☐ Technical ☐ Major Submitted: ☐ Before ☐ After Decision (submitted after decision is not common)
☐ Shoreline Permits ☐ Substantial Development Permit ☐ Shoreline Permit - Statement of Exemption (no fee) ☐ Shoreline Conditional Use ☐ Shoreline Variance
☐ Site Plan Review ☐ Type I ☐ Type II <u>Check Use Type below</u> ☐ Residential ☐ Non-Residential ☐ Qualified Planned Action ☐ Unoccupied Commercial/Utility Structure ☐ Commercial Pad ☐ Land Extensive Stormwater ☐ Yes ☐ No Transportation ☐ Yes ☐ No
☒ State Environmental Policy Act (SEPA) ☐ Check if for Single-Family Residential house (only) ☐ Residential Site Plan Review (SPR) ☐ Grading Only ☒ Subdivision or Planned Development ☐ Non-Project Actions (not common) ☐ All Other (Includes Comm/Indust SPR) (When more than one applies check All Other)
☒ Subdivision/Short Subdivision ☐ Short Subdivision (2-9 lots) ☒ Subdivision (10+ Lots)
☐ Temporary Use ☐ Commercial/Industrial ☐ Unforeseen Emergency ☐ Seasonal Event ☐ Model Home ☐ Sales Office
☒ Tree Plan Enter Tree Plan Level (1 to 7): 5 (Tree Removal for nuisance or hazard tree(s) is Level 3)
☐ Variance ☐ Check if for Single Family Residential house ☐ Type I - # requested: ☐ Type II - # requested: Stormwater ☐ Yes ☐ No Transportation ☐ Yes ☐ No
☐ Zoning Map Amendment (Not involving Comprehensive Plan Amendment)

PLS ENGINEERING

**PROJECT NARRATIVE
FOR
KEVANNA PARK MEADOWS**

**A TYPE IV PLANNED
DEVELOPMENT AND
SUBDIVISION APPLICATION**

Submitted to
THE CITY OF VANCOUVER

**FOR
GINN GROUP, LLC
502 NE 72nd Street
Vancouver, WA 98685
(360) 768-5048**

August 2022

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General Information

Owner: Affinity Vancouver Manager, LLC
120 West Cataldo Ave., Ste. 100
Spokane, WA 99201

Applicant: Ginn Group LLC
Contact: Chad Stewart
502 NE 72nd St.
Vancouver, WA 98665
(360) 768-5048
chad@ginngrp.com

Project Contacts: PLS Engineering
Travis Johnson, PE
604 W Evergreen Boulevard
Vancouver, WA 98660
(360) 944-6519
pm@plsengineering.com

Location:	SE ¼ of Section 16, T2N, R2E, WM
Address:	11017 NE 51 st Circle, Vancouver, WA
Project Size:	6 acres (261,531 sf)
Zoning:	R-6
Comprehensive Plan:	UL
Current Use:	Vacant
Tax Lot Information:	159850000
School District:	Evergreen
Elementary:	Orchards
Middle School:	Covington
High School:	Heritage
Water District:	Vancouver
Sewer District:	Vancouver
Fire District:	Vancouver Fire
Park District:	C
Case File:	PRJ-168078/PIR-82372
Transportation Impact Fee:	Pacific

Project Description

The Kevanna Park Meadows project proposes to subdivide 6 acres of R-6 zoned land into 33 single-family residential lots utilizing planned development standards. The applicant is proposing a minimum lot width of 26', a minimum lot depth of 80', and a minimum lot area of 2080 sf. 50% of the site will be retained as open space for both passive and active recreational uses.

The site is currently vacant. The adjacent parcels are developed with residential uses to the south and east with a senior living facility located to the north on commercial zoned land. I-205 borders the site to the west.

Transportation and Utilities:

NE 46th Street provides access to the site from the east. This project proposes to continue the roadway as a private road to serve the site. The internal private road will consist of a 28' wide roadway with detached sidewalk where lots take access from the street.

Stormwater runoff from the site will be collected, treated, and routed to a storm detention facility on site.

The site will be served by public water and sewer services with connection points within NE 46th Street.

Landscape and Critical Areas:

The site has the following critical areas: wetlands, riparian habitat, and Oregon white oak habitat, floodway and floodplain associated with Burnt Bridge Creek. Burnt Bridge Creek is a Type F stream that flows westerly along the north parcel boundary and continues offsite. The wetland buffer and outer riparian buffers are proposed to be impacted. One oak tree is proposed to be removed with the roadway construction. A Critical Areas Report, Mitigation Plan, Archaeological Predetermination and Level V tree plan are included with this application.

Proposal & Code Compliance Discussion

Land Use and Development Code – VMC Title 20

Decision Making Procedures – 20.210

The subdivision is proposed as a planned development so the application will follow a type IV process. The application will be required to follow the timelines for review and approval as indicated in this code section.

A preapplication conference was required for this project. The applicant submitted a substantially similar plan on 4/8/2022 and received a report from the city on 5/12/2022. Because the application was subject to a preapplication conference, the application will be contingently vested to 4/8/2022 if a fully complete application is filed with the city before 10/5/2022.

Planned Developments – 20.260

Purpose (20.260.010):

The purpose of the planned development provisions as stated in section 20.260.010 are to provide:

- Flexibility that will result in well designed, efficient, and functional urban environments.
- Efficient use of urban land.
- Increase economic feasibility.
- Critical Area resource protection.

The Kevanna Park Meadows project complies with the purpose of these provision as shown in the discussions below.

Applicability (20.260.020):

Planned developments are allowed in all zoning districts except for park, greenway and natural area districts. Single-family detached residential units are allowed by right within planned developments in the R-6 zone.

Approval Process (20.260.030):

A concurrent planned development review is proposed for this project. Initial approval as discussed in this section is proposed to be concurrently reviewed with a preliminary plat and environmental reviews. A Hearings Examiner will be the initial review authority for the

planned development and the City Council will be the final authority. A Type IV review is required for this process.

Approval Criteria (20.260.050):

The following is the approval criteria for the proposed planned development:

A. Concept development plan approval criteria:

1. *Content.* The concept plan contains all of the components required in Section 20.260.070. The proposed development and uses comply with all applicable standards of the Title, except where adjustments are being requested. The applicant is proposing to adjust the lot width, depth, and area standards. The applicant is proposing a minimum lot width of 26', a minimum lot depth of 80', and a minimum lot area of 2080 sf.

2. *Architectural and site design.* The proposed development demonstrates the use of innovative, aesthetic, energy-efficient and environmentally friendly architectural and site design.

- Detached homes are significantly more desirable than attached homes because they do not have shared walls which have significant noise transfer. This subdivision utilizes zero lot line standards to reduce the generally unusable side yard while still providing detached homes. This results in a more efficient design that does not compromise the feel of a detached home.
- Most homes are proposed to back up against the green space adjacent to Burnt Bridge Creek. This aesthetic of the site layout is desirable and is better than homes that back up to other homes. The other homes do not back up to the site perimeter to create a buffer from the adjacent single-family homes. This improves the aesthetic for the neighbors because the proposed 2-story homes are far from the property line and the neighbor's view will generally be of the front of the proposed homes, not the rear, which are generally more aesthetically pleasing. See the conceptual architectural plan included with this application.
- The proposed homes will be energy efficient. The smaller size of around 1500 sf results in an efficient 3-bedroom home. The applicant proposes slab on grade homes with efficient building envelope with better than industry standard windows. The buildings will likely include high efficiency HVAC systems using heat pumps with a minimum HSPF rating of 9.5. The hot water heaters will use a higher efficiency heat pump system.
- The smaller homes and the compact subdivision design results in an environmentally friendly development. The smaller homes are planned efficiently to maximize functionality without wasted space. A larger 3-bedroom home would be less environmentally friendly due to the additional heating/cooling and energy costs. The subdivision is efficiently planned and compact. Higher density development within urban areas with existing urban services are significantly more environmentally friendly than large-lot subdivisions or development outside of the urban areas. The compact design of

the site also limits the impervious surfaces and retains significant open space around the perimeter of the site.

3. *Transportation system capacity.* There is sufficient capacity in the transportation system to safely support the development as proposed. A Traffic Study has been prepared for this site and is included with this application.

4. *Availability of public services.* There is 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 as proposed. Please see the Preliminary Plans for further information.

5. *Protection of designated resources.* There are no historic landmarks, however much of the onsite critical areas have been considered in the design and will be protected. The inner buffer of Burnt bridge creek will be enhanced, an onsite wetland will be retained, and most onsite oak trees are proposed to be retained.

6. *Compatibility with adjacent uses.* The residential subdivision is compatible with the adjacent residential neighborhood. The reduced lot sizes will result in the new homes being a similar value to the 1960's homes on larger lots. 2 story homes are proposed where much of the adjacent neighborhood includes single level homes. No homes are proposed to be within 40' of the site perimeter, and most homes are more than 80' from the site perimeter. This will minimize perceived impacts and result in a more compatible design.

7. *Mitigation of off-site impacts.* Potential off-site impacts include noise, shading, glare, parking, and traffic.

- Noise – Construction will occur only during the approved hours according to VMC 7.05.010. At full buildout the general residential noise from the new development is not expected to cause any off-site impacts.
- Shading – The proposed homes are proposed to be well under the 35' height limit and will be at least 40' from the property line. This will significantly minimize potential shading of adjacent properties.
- Glare – Street lights are proposed on the new private street. These lights will include shielding to prevent excessive lighting of adjacent properties.
- Parking – Ample parking is provided on each lot in addition to a common parking area and on-street parking. The available onsite parking will minimize the potential for residents of the new development to park along existing streets in front of existing homes.
- Traffic – While there will be a slight increase in traffic, the existing roadways will continue to operate at acceptable levels and per the traffic report, no off-site mitigation is required.

B. Adjustment approval criteria:

1. The adjustment(s) is warranted given site conditions and/or characteristics of the design.

The applicant is proposing a to have a minimum lot width of 26', a minimum lot depth of 80', and a minimum lot area of 2080 sf. The site takes access from a lower density neighborhood

that has single level homes on 8000-12,000 sf lots that were constructed in the late 60s. The west end of the site is adjacent to I-205 and to the north is commercially zoned property with a high-density senior living facility.

A standard subdivision meeting the minimum lot size of 7500 sf would not match the character of the neighborhood. Large lots, with new larger homes would not fit in with the older 1,200-1,800 sf single level homes. The new homes would be double the size and more than double the value of adjacent homes in the existing neighborhood. The proposed planned development proposes 1,500 sf two-story homes that are setback significantly from the adjacent single-family homes. The homes are proposed to be at least 40' from the site perimeter. The size and value of the proposed homes will be compatible with the homes in the adjacent neighborhood. The lot sizes of the proposed development are smaller than the neighborhood, but a significant open space area is provided around the development. With the open space, the density of the proposed development is similar to the density of the adjacent neighborhood. Instead of providing larger private yard for individual homes, the site includes smaller yards and ample common open space that will benefit the future residents of the Kevanna Park Subdivision. The applicant also plans to keep the proposed trails open to the public. Because of these reasons we believe that the adjustments are warranted.

An alternative design for the project would be to propose a cottage development which would result in even smaller homes and a much higher density. Up to 70 units would be allowed under a cottage site plan which could all become rental units as opposed to the individual lots proposed. This hypothetical scenario would result in more impervious surfacing, significantly more traffic, and be more visually impactful to the adjacent neighbors. The proposed subdivision is more compatible with the adjacent neighborhood than a potential cottage development.

2. The benefits accruing from the implementation of the adjustment outweigh any potential adverse impacts.

The proposed subdivision will result in relatively affordable housing being added to the market which will allow first time homebuyers to purchase homes with the City of Vancouver. Given the ongoing housing shortage/crisis, this type of project provides a significant benefit to the community. In addition, the open space proposed with this site will benefit the community. The open space includes a 1,250 lf trail that wraps around the site and parallels Burnt Bridge Creek. This trail also connects into the existing public park "Kevanna Park" and is planned to be open for the neighborhood to enjoy.

The adjustment will also benefit the neighbors directly adjacent to the development. 10 homes have a shared lot line along the south and east ends of the site. These neighbors will have a direct view of the site that will be modified. The proposed development has been designed to minimize the visual impacts to the neighbors. The zone allows homes to be developed on the subject site with a minimum 5' side/rear setback and a 35' building height. The applicant is proposing 2-story buildings that will be well below the height limit and has designed the subdivision to keep the proposed homes at least 40' from the adjacent single-family properties. Only 7 of the proposed homes are within 80' of the neighboring single-family lots. The proposed adjustments will increase the separation between the new and existing homes.

3. Any impacts resulting from the adjustment are mitigated to the extent practical.

The proposed adjustments allow for the site to concentrate the proposed units in the center of the development while retaining critical areas, providing usable open space, and creating a buffer from adjacent uses. The theoretical maximum number of lots allowed on this site under a standard subdivision would be 30 lots where 26 lots is a more likely number based on the area of the site taken up by the buffer for Burnt Bridge Creek. The proposed reductions to lot width, depth, and area result in an estimated increase in density of 7 units or 25% for the site from a comparable standard subdivision. This is a relatively minor increase in units which would generate additional traffic and require additional parking within the site. Mitigation of these impacts is discussed below:

- Parking – Ample parking opportunities are being provided within the site that will help prevent spillover into the adjacent neighborhoods. The applicant is providing a 28' wide roadway where parking will be allowed on one side of the road. The private road only has driveways on one side so the other side will be available for parking. With at least 800' of roadway the new roadway will be able to accommodate up to 36 cars in addition to the 7 parking stalls and 2-4 parking spaces proposed on each lot.
- Traffic – The addition of 33 homes will add traffic to the to the existing residential roadways and could be seen as an impact to the neighboring community. The applicant has completed a traffic report and concluded that the existing roadway network has sufficient capacity to accommodate the additional traffic.

Development Standards (20.260.060):

The applicant is proposing a to have a minimum lot width of 26', a minimum lot depth of 80', and a minimum lot area of 2080 sf. For planned developments the minimum lot depth and width standards of the base zone do not apply and the hearings examiner can reduce the minimum lot size requirements.

VMC 20.260.060.C states, "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."

The applicant is required to provide at least 10% of the gross area of the site as open space. This area must be fully accessible to the future residents of the subdivision. Environmentally constrained land may be used to meet up to 50% of the total requirement provided that the areas area also accessible to pedestrians or visible from adjacent common open space.

With a 6-acre site, 0.6 acres of open space is required, and 0.3 acres is allowed to be environmentally constrained. Tract E is 2.29 acres is size and contains 1000 lf of trail located within the riparian buffer of Burnt Bridge Creek. The trail connects back into the private street at the adjacent public park on the north end of the site. On the south end of the site the

trail extends to Tract G which contains unencumbered common open space. The trail will be 4' wide and surfaced with woodchips and will generally follow the alignment of an existing sewer easement to minimize impacts to the critical areas. The trail makes the environmentally constrained land in Tract E accessible to pedestrians and connected to the unencumbered common open space. Tract G is 0.3 acres in size and meets the requirements for unencumbered open space. This area features a grass lawn, picnic area, and appealing landscaping along the perimeter.

Residential density may be adjusted to allow for on-site density transfers and a density bonus of 15% above the maximum density is allowed.

The proposed density calculation and a detailed table showing required and proposed lot standards is included further below in the section that discusses Lower Density Residential Districts – 20.410.

Concept and Detailed Development Plan Submission Requirements (20.260.070 and 080):

All elements of these sections have been submitted with this application. Per VMC 20.260.070.B, a planning history is required to be addressed. A search of past permits and plats on Clark County GIS shows that there are no open or active application, and no outstanding conditions of approval that affect the property.

Subdivisions – 20.320

The purpose of this narrative is to demonstrate compliance with City and State standards and to show that there are adequate public facilities to serve the site. The following addresses VMC 20.320.040:

- A. There are adequate public facilities at or near the site to support the development.
 - a. Mitigation is not required for the minor traffic impacts that the development will produce in the area. See the Transportation Impact Study prepared by Lancaster Mobley included with this application.
 - b. Public water access is available at the site and there is adequate capacity to support the development with minimal impacts.
 - c. Onsite stormwater will be managed according to the applicable standards. Any offsite impacts will be negligible.
 - d. A grading plan has been included with the application. A SWPPP is included in the Stormwater report. Applicable regulations will be followed to minimize the risk of erosion related impacts.
 - e. Public sanitary sewer is available at the site and will be extended to serve all the proposed lots.
- B. The proposed improvements are consistent with the City's current ordinances, standards, and plans.

- C. The subdivision will provide ample open space that connect into the adjacent public park, “Kevanna Park”. Impact fees will be paid for parks and schools to offset the potential impacts.
- D. The subdivision design has taken into account the physical characteristics of the site. There are wetlands and riparian and Oregon white oak habitat on site as well as floodway and floodplain. Most of the critical areas will be retained onsite.
- E. There are no known existing subdivision conditions that apply to the proposed project.
- F. The proposal complies with the applicable requirement of VMC Title 20 as indicated in other sections discussed in more detail below.
- G. The subdivision complies with the requirements of RCW 58.17.110 as indicated at the end of the narrative.
- H. This subdivision complies with the additional criteria for narrow lots as displayed in VMC 20.927. This section of code is discussed below in more detail.

The proposed subdivision meets the technical standards listed under VMC 20.320.070. Many of these items are discussed in additional detail below under the applicable section of the narrative.

The proposed subdivision meets the technical standards listed under VMC 20.320.070. Many of these items are discussed in additional detail below under the applicable section of the narrative.

A.1. The subdivision layout and meets the applicable code and shows the required improvements.

- a. All proposed streets comply with VMC Title 11 and the approved transportation standard details.
- b. Block lengths proposed provide for convenient access and circulation. There are no opportunities to improve block length at the site, but the proposed access will be convenient for the future residents.
- c. The site is in surrounded by existing development and bounded by Burnt Bridge Creek and I-205. There are no opportunities to create “blocks” with the proposed development.
- d. Easements are shown on plan for access and utilities. Utility easements will be reviewed and approved by the appropriate utility provider.
- e. No flag lots are proposed.
- f. The side lot lines run at right angles to the proposed streets.
- g. All lots meet the minimum frontage requirement of 20’.
- h. Park impact fees will be paid at the time of building permit issuance for each lot. Nearby Kevanna Park in addition to the connected

onsite open spaces will provide recreational opportunities for residents in this area.

- i. The narrow lots comply with VMC 20.927. Additional discussion of this section has been provided below.
 - j. Existing trees have been addressed with the tree plan provided with this application and are also discussed below.
- B. Public utility improvements are proposed with this subdivision. The public improvements will be designed under the direct supervision of a professional civil engineer and meet the requirements stated in the VMC.
- C. Monument setting will meet the requirements of this section at the time of construction.
- D. Surveys will comply with the standards of the state and of the VMC.
- E. The project drawings comply with the drafting standards stated in this section. Future drawings will also comply with these standards.

Lower Density Residential Districts – 20.410

The applicant proposes to construct a 33-lot subdivision for single-family detached homes in the R-6 zone and will utilize the Planned Development standards. The Planned Development standards allow for reduced lot sizes, widths and depths. This is addressed under the section above that discusses VMC 20.260.

Standard	Required (R-6 zone)	Proposed
Minimum Lot Size	7,500 sf average, 6,000 min.*	2,080 sf
Minimum Lot Width	50'	26'
Minimum Lot Depth	90'	80'
Maximum Lot Coverage	50%	50%
Front Yard	0', 18' to garage	10', 18' to garage
Rear Yard	5'	5'
Side Yard	0'/5'	0'/5'
Street Side Yard	8'	10'
Maximum Bldg Height	35'	35'
Minimum Landscape	10%	10%

Density Calculations:

Site Area: 6 acres

Street Area: 1.01 acres

Minimum Allowable Density: 4.5 units/net acre (22 units)

Maximum Allowable Density: 5.8 units/net acre (29 units)

Maximum Density with 15% Planned development bonus: 6.7 units/net acre (33 units)

Archaeological Resource Protection – 20.710

An Archaeological Predetermination for this site was done by Archaeological Services of Clark County. A site visit performed on June 27, 2022 which found no artifacts. A report summarizing their field work is included with this application. In the unlikely event that cultural or historical resources are discovered during construction activity, construction will cease, and all applicable authorities will be contacted.

Critical Areas Protection – 20.740

The site contains a portion of Burt Bridge Creek, the floodway and floodplain of Burnt Bridge Creek, the Riparian Management Area and Riparian Buffer of Burnt Bridge Creek, Oregon white oak habitat, and a wetland. A Critical Areas Report and Mitigation Plan has been prepared for this project by Ecological Land Services which provided the following key data:

- Wetland A is a Category III wetland with an 80' buffer.
- Burnt Bridge Creek is a perennial Type F stream with a 100' riparian management area and a 75' riparian buffer.
- A total of 5 Oregon white oaks measuring 12 to 40 inches DBH were located onsite.
- Wetland buffer reduction is proposed to reduce the 80' buffer to 60'.
- Indirect impacts to Wetland A will be mitigated by purchasing credits at Terrace Mitigation Bank.
- Impacts to oaks and the riparian buffer of Burnt Bridge Creek will be mitigated through onsite riparian management area and riparian buffer enhancement.

Please see the report included with this application for further details.

Tree, Vegetation, and Soil Conservation – 20.770

A Level V tree plan is required for this application. See that landscape and tree plans included with the application that shows the retained trees, proposed trees, and includes a calculation of tree density. A large portion of the site will remain undeveloped and retain significant native vegetation. Silt fence will be installed onsite prior to construction to ensure that the retained areas are not impacted during construction.

SEPA Regulations – 20.790

The State Environmental Policy Act (SEPA) procedures require documentation of critical areas as well as discussion on earth, air, water, plants and animals, energy and natural resources, environmental health, noise, land and shoreline uses, aesthetics, recreation, historic and cultural preservation, transportation, and public services and utilities. A SEPA application has been submitted with this application.

Impact Fees – 20.915

Newly constructed homes will be required to pay impact fees at the time of building permit issuance. Impact fees are collected to ensure that adequate public facilities are available to serve new growth and development; promote orderly growth and development by requiring that new development pay a proportionate share of the cost of new facilities needed to serve growth; and ensure that impact fees are imposed through established procedures and criteria so that specific developments do not pay arbitrary fees or duplicate fees for the same impact. Impact fees for traffic, Parks, and Schools will be paid at the time of building construction.

Landscaping – 20.925

A landscape and tree plan has been provided with the development plans showing compliance with this section.

Landscaping equal to 10% of the net lot area of the site is required. These criteria will be reviewed for compliance at building permit review.

Street trees are proposed along NE 46th Street and NE 45th Loop.

The existing landscape and mitigation planting within the riparian are of Burnt Bridge Creek meets the buffering standards required to the north and west of the site. A landscape buffer is not required to the east and south next to residential areas, but trees and shrubs are provided in these areas.

Narrow Lot Developments– 20.927

Developments that propose lot widths less than 40' are subject to the narrow lot development standards. Lots are proposed to be approximately 26' wide, therefore this section applies to the development.

The approval criteria must be addressed, which includes the following:

A. Conflicts on narrow lots shall be eliminated.

The development has been designed to eliminate conflicts between on-site and off-site improvements. 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., have been considered in the design of the development and any conflicts have been eliminated.

B. Adequate guest parking shall be provided.

The development has been designed to provide parking spaces on each lot in the driveway and garages. A guest parking area on the SE corner of the site provides 7 parking spaces. There are also large portions of the private road that will accommodate parking on one side. With over 800 lf of roadway up to 36 cars will be able to park on the street.

C. Solid waste and recycling collection and access shall be provided.

The development has been designed to provide for safe access and maneuvering by solid waste and recycling collection vehicles along public roadways. Solid waste collection areas will be located in front of each lot on the adjacent street. The carts can be set out either on the street or over the curb/planter. Lots that are served by the narrow private drives will be required to set out the carts on the wider private road. General locations of collection areas are shown on the narrow lot plan.

Parking and Loading – 20.945

Each lot will have a minimum 12' wide driveway that can accommodate at least 1 parked vehicle on the lot. The homes will also have at least a single car garage. 18' wide driveways and 2-car garages are also an option for this development. This configuration will exceed the required parking standards for single family homes.

Vision Clearance – 20.985

Vision clearance triangles and sight distance triangles are shown on the preliminary plat. Vision clearance meets the requirements in standard Plan T04-04.

Streets and Sidewalks – VMC Title 11

Concurrency - 11.70

A Transportation Impact Study has been prepared by Lancaster Mobley for this development and is included with this application. The analysis found the following:

- The trip generation calculations show that the proposed project is projected to generate 25 morning peak hour trips, 33 evening peak hour trips, and 330 average weekday trips.
- The proposed Kevanna Park Meadows project will nominally impact City of Vancouver transportation facilities where proportionate share contributions are being collected. Therefore, no proportionate share contributions are required as part of the development proposal.
- No significant trends or crash patterns were identified at the intersection of NE 46th Street at NE 112th Avenue that are indicative of safety concerns. Accordingly, no safety mitigation is recommended per the crash data analysis.
- Based on an evaluation of the MUTCD traffic signal warrants, the installation of a traffic signal at the intersection of NE 46th Street at NE 112th Avenue is not projected to be warranted, with or without the proposed development. Therefore, no new traffic signal is necessary or recommended at this location.
- Intersection of NE 46th Street at NE 112th Avenue is currently operating acceptably per City of Vancouver standards and is projected to continue

operating acceptably through year 2029, approximately five years beyond the anticipated buildout year of the site. Accordingly, no operational mitigation is necessary or recommended at the study intersection.

- All applicable turning movements at the intersection of NE 46th Street at NE 112th Avenue have adequate storage space to accommodate projected 95th percentile queues at the intersection. Accordingly, no intersection queuing related mitigation is necessary or recommended as part of the proposed development.

Street and Development Standards – 11.80

Roadway Standards for NE 46th Street:

NE 46th Street is an existing Local Access Street that is stubbed to the east property line of the site. Existing improvements off-site include a 60' right-of-way with 40' paved width and no sidewalks. No improvements are proposed for this roadway except for minor adjustment to match the private roadway section into the existing roadway.

Private roadways:

Private roads serving more than 8 lots are allowed with planned developments. This development will extend NE 46th Street to serve the site as a private road. The onsite private roads, NE 46th Street and NE 45th Loop, will include 46' wide tract with 28' paved roadway width and 5' detached sidewalks on at least on side of the street. This roadway will follow standard detail T10-17.

Tract C and D contain short narrow private drives that serve up to 4 lots each. These driveways will follow standard detail T10-18. The current proposal includes a 16' roadway with a 5' attached sidewalk within a 22' wide tract.

Road Modifications:

No road modifications requests are required for this proposal.

Trees and Vegetation – VMC Title 12

Street trees are required on all public roads constructed with this project. After street trees are installed and the right-of-way is dedicated to the city, any work that is proposed on or near street trees will need to meet the requirements of VMC Title 12. Future property owners will have responsibilities regarding street tree maintenance as described in this section.

Water and Sewers – VMC Title 14.04, 14.10 and 14.16

All lots will be served by public sewer and water.

The site will be served by the City of Vancouver for public sewer service. Public sewer is available at the site within NE 46th Street and along the east buffer of Burnt Bridge Creek. The proposed connection point is near NE 46th Street.

Water for the site will be provided by the City of Vancouver. Public water is available at the site within NE 46th Street.

Erosion Control – 14.24

An Erosion Control Plan in conformance with VMC 14.24 has been designed and included in this submittal. The plan clearly shows existing topography, specific erosion prevention BMPs, and includes measures to ensure that sediment and sediment laden runoff does not leave the site. In the final site configuration, the contributing drainage area runoff will be conveyed to infiltration trenches so that runoff does not leave the site.

Stormwater – 14.25

Stormwater will be collected from impervious surfaces and routed to a detention pond on the south end of the site. Stormwater from pollution generation surfaces will be treated using filter cartridges. Infiltration was no deemed feasible for the site. Treated stormwater will be discharged to an existing stormwater pipe at the SW corner of the site which eventually discharges into Burnt Bridge Creek.

A preliminary stormwater plan and technical information report (TIR) has been submitted with this application. The report shows how the project complies with the standards of the VMC.

Water Resource Protection – 14.26

The entire city is located within a Critical Aquifer Recharge area. The proposal does not include any prohibited discharges to groundwater or surface waters. Infiltration of stormwater is not proposed with this project. Stormwater generated by this site will eventually reach the surface waters of Burnt Bridge Creek. Stormwater from streets and driveways will be treated using filter cartridges prior to entering the stormwater facility.

Fire – VMC Title 16

NE 45th Loop is a looped roadway that provides the opportunity for emergency vehicles to turnaround within the site. New fire hydrants are proposed within the development to meet the applicable spacing requirements.

Building & Construction – VMC Title 17

Future residential structures will be built under a separate permit. The homes will be required to follow this section of code at that time.

Grading, Excavation, Fill, and, Stockpile:

The site contractors will be required to follow the recommendations found in the geotechnical report regarding temporary and permanent cut slopes in order to preserve a safe worksite and safeguard property.

A stormwater protection plan will be provided prior to construction. This plan will help prevent potential water quality degradation, prevent excessive sedimentation or erosion by surface waters, and prevent the creation of public nuisances such as the fouling of surface or groundwater.

Revised Code of Washington (RCW)

The subdivision complies with the applicable portions of RCW 58.17. The preliminary plat is in the public interest and will provide additional housing that is needed in the City of Vancouver.

This application and narrative show that there are adequate facilities to serve the proposed subdivision. There are adequate public roads, open spaces, drainage facilities, potable water, sanitary waste collection and treatment, schools and educational services, pedestrian facilities, and fire prevention services.

The proposed development is located over 1 mile away from Orchards Elementary, Covington Middle and Heritage High Schools. Students living in the future development will be bused to schools.

This application and narrative also show compliance with the applicable standards of the Vancouver Municipal Code.

EXHIBIT C

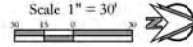
Kevanna Park Meadows

Located in the SE ¼ of Section 16, T2N, R2E W.M.
Vancouver, Washington

Sheet Index

1. Existing Conditions Plan
2. Preliminary Plat
3. Preliminary Narrow Lot Plan
4. Preliminary Grading and Erosion Control Plan
5. Preliminary Stormwater Plan
6. Preliminary Water & Sanitary Sewer Plan
7. Preliminary Street & Lighting Plan
8. Preliminary Landscape Plan
9. Preliminary Tree Plan

Scale 1" = 30'



VICINITY MAP
NOT TO SCALE

GENERAL NOTES

APPLICANT:
Ginn Group LLC
502 NE 72nd Ave
Vancouver, WA 98665
(360) 748-6044
lindsey@ginngrp.com

CONTACT:
PLS Engineering
Contact: Travis Johnson, PE
604 W Evergreen Blvd
Vancouver, WA 98660
PH: (360) 944-6519
pm@plsengineering.com

SITE ADDRESS:
Parcel # 159850-000
11017 NE 51st Circle
Vancouver, WA 98682

LAND USE:

The 6 acre site is currently vacant with no onsite structures. The zoning of the site is low density residential with a R-6 zone. An R-6 zone is located to the east and south of the site. I-205 is located to the west and commercial zoned land is located to the north across Burnt Bridge Creek.

TRANSPORTATION:

NE 46th Street is an Urban Local Access Road that provides public access to the site. The existing roadway has a 60' ROW and a 40' paved width and does not have a sidewalk. There are no existing pedestrian or bicycle facilities in the immediate vicinity of the site. The nearest public transit bus stop is located on NE 112th Ave.

UTILITIES:

The City of Vancouver is the public water and sanitary sewer purveyor. Both water and sanitary sewer lines are located at the site within NE 46th Street. There are no known wells or septic systems located onsite. Stormwater runoff on the site currently surface flows across the field before entering Burnt Bridge Creek.

CRITICAL AREAS:

The site contains a stream, wetland, and Oregon White oak trees. Burnt Bridge Creek runs along the northern and western property lines of the site. This stream has a 100' Riparian Management Area with an additional 75' riparian buffer and associated floodplain. A small, isolated wetland area is located within a vegetated area on the east end of the site. An Oregon white oak tree is also located onsite near the wetland and two more are located along the property line. Per the FEMA flood insurance rate map number 530110C389D the flood plain elevation is 193' at the NE end of the site and 192' at the SW corner of the site with a NAVD88 datum. The conversion between NAVD88 and the City of Vancouver Datum is 3.64' so the flood plain elevation onsite is between 189.36' and 189.36'.

HORIZONTAL DATUM:

NAD 83 (2011), Washington State plane coordinate system, South zone, U.S. survey feet. Based on real time kinematic corrections from the Washington State reference network.

VERTICAL DATUM:

City of Vancouver Datum based on based on real time kinematic corrections from the Washington State Reference Network.

Existing Conditions Plan Per:

Revisions



Project No. 3440
SCALE: 1" = 30'
DESIGNED BY: SWG
DRAFTED BY: JVN
REVIEWED BY: TJG

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PLS ENGINEERING

604 W Evergreen Blvd, Vancouver, WA 98660
PH: (360) 944-6519
PM@PLSENGINEERING.COM

Kevanna Park Meadows
A Subdivision Located In The City Of Vancouver, Washington

Kevanna Park Meadows

Located in the SE ¼ of Section 16, T2N, R2E W.M.
Vancouver, Washington



VICINITY MAP
NOT TO SCALE

GENERAL NOTES

APPLICANT:

PLS Engineering
Ginn Group LLC
502 NE 72nd Ave
Vancouver, WA 98665
(360) 768-5048
chad@ginngrp.com

CONTACT:

PLS Engineering
Ginn Group LLC
502 NE 72nd Ave
Vancouver, WA 98665
(360) 768-5048
chad@ginngrp.com

SITE ADDRESS:

502 NE 72nd Ave
Vancouver, WA 98665

LAND USE:

The Kevanna Park Meadows Planned Development proposes to divide 6 acres into 33 single-family residential lots in the R-d zone. Detached homes are proposed and the zero-lot line and narrow lot

discuss a discussion of density and development standards applicable to Planned Developments.

TRANSPORTATION:

NE 45th Street is an Urban Local Access Road that provides public access to the site. The existing roadway has 60' ROW and a 40' paved width and does not have a sidewalk.

The applicant is proposing a private road to serve the site that extends from the end of NE 45th Street. The private road will be paved with 28' and a detached sidewalk on at least on side of the roadway.

UTILITIES:

The City of Vancouver is the public water and sanitary sewer purveyor. The proposed connection points are at the end of NE 45th Street.

Sanitary runoff from the site will be treated and routed to a detention pond on the south end of the site. Controlled runoff will be routed to an existing stormwater pipe on the west end of the site that eventually discharges into Burnt Bridge Creek.

CRITICAL AREAS

The site contains a stream, floodplain, wetland, and an Oregon White oak trees. Burnt Bridge Creek runs along the northern and western property lines of the site. The floodplain is located within the 100' buffer proposed to be impacted and will be mitigated by enhancing the 100' buffer. No impacts are proposed within the floodplain. A small, isolated wetland area is mapped within a vegetated area on the east end of the site. The wetland will be avoided for with a wetlandbank use plan. An Oregon white oak tree is also located on-site near the wetland that is proposed to be removed and mitigated. Other oak trees are either located near the property line or within the critical areas are proposed to be retained.

Scale 1" = 30'

Legend

Proposed Asphalt Concrete

Proposed Cement Concrete

Proposed Woodchip Path

Proposed Parking Count

Proposed

Proposed

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Proposed

Kevanna Park Meadows

Located in the SE ¼ of Section 16, T2N R2E W.M.
Vancouver, Washington



VICINITY MAP
NOT TO SCALE

GENERAL NOTES

APPLICANT:
Gim Group LLC
11017 NE 5th Circle
Vancouver, WA 98665
(360) 768-5048
chad@gimgroup.com

CONTACT:
Jesse Williams
Contact: Tonia Johnson, PE
604 W. Evergreen Blvd
Vancouver, WA 98660
PH: (360) 944-4519
jim@plseengineering.com

SITE ADDRESS:
Parcel # 158856-000
11017 NE 5th Circle
Vancouver, WA 98662

NARROW LOT STANDARDS

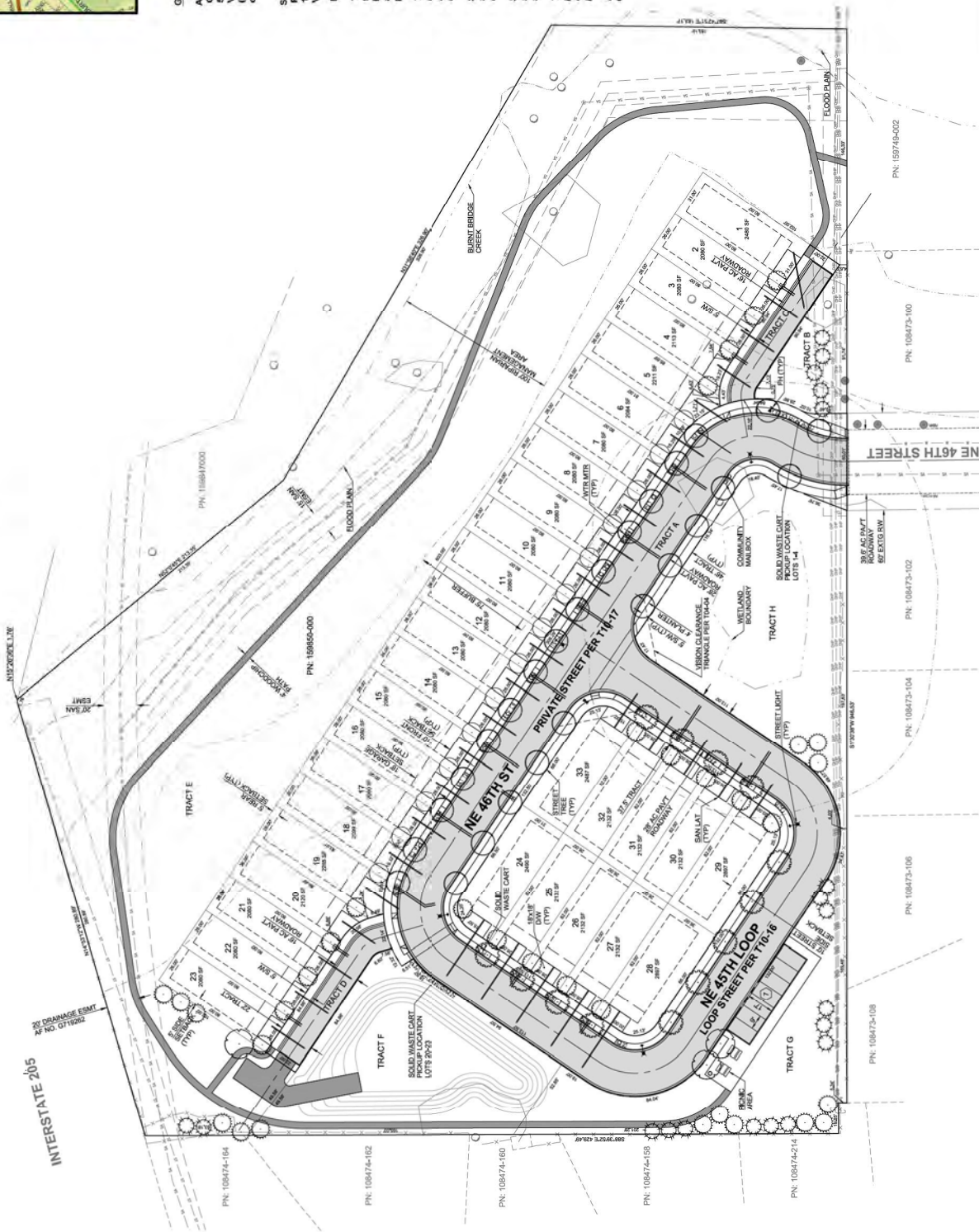
The Kevanna Park Meadows Planned Development proposes a subdivision of 26 narrow lots, each with a minimum width of 10 feet. The lots are proposed along the north-south line and narrow lot development standards will apply to the proposal.

This subdivision was prepared in accordance with the requirements of WAC sections 20.877.030, and 20.827.040. All utilities, driveways, street trees, and other features have been placed such that they avoid conflict with one another. See the landscape plan sheet L1 for details on the location, species, and size of street trees, including the mature heights and crown widths.

Solid waste and recycling access for the development will be provided by a dedicated alleyway. The alleyway is shown on plan and can accommodate 3 cars each.

The improved private roadways will allow for on-street parking to serve the development. At least 26 cars will be provided for the development in addition to the 7 common parking spaces shown in Tract G.

All setback requirements are reflected in the building envelopes shown on the site plan.



Kevanna Park Meadows

A Subdivision Located in The City Of Vancouver, Washington

Preliminary Narrow Lot Plan For:

Revisions



Project No. 3486
Scale: 1" = 30'
Designed By: JAW
Drawn By: JAW
Reviewed By: JAW

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Legend	
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[Symbol]	Proposed Wooding Path
[Symbol]	Proposed Parking Court
[Symbol]	Proposed Solid Waste Carts



Kevanna Park Meadows

A Subdivision Located In The City Of Vancouver, Washington

Preliminary Grading & Erosion Control Plan For

Revisions

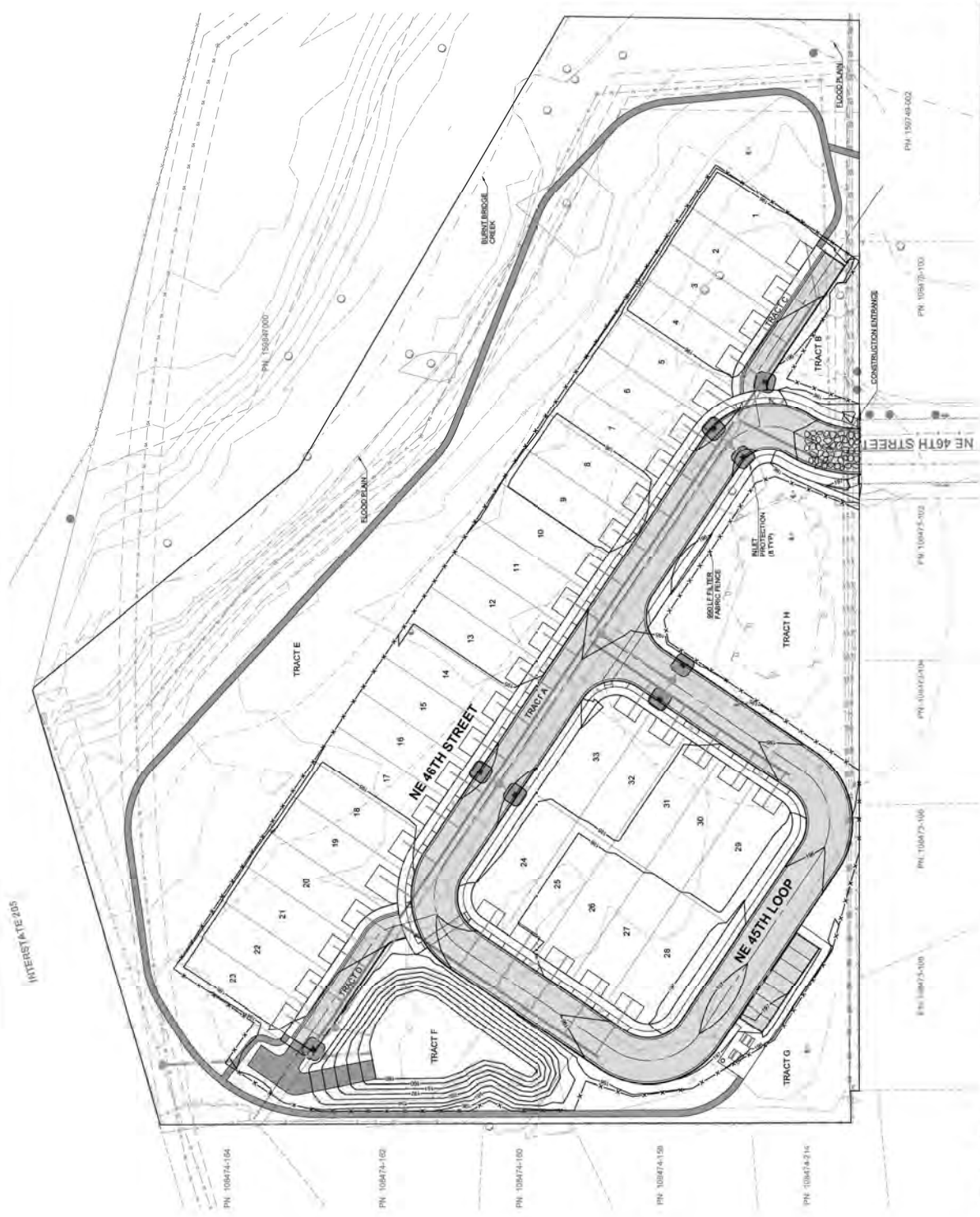


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 DESIGNED BY: [blank]
 CHECKED BY: [blank]
 REVIEWED BY: [blank]

4 9

Legend	
	Proposed Asphalt Concrete
	Proposed Cement Concrete
	Proposed Woodchip Path
	Proposed Inlet Protection

Scale 1" = 30'



HORIZONTAL DATUM:

NAD 83 (2011). Washington State plane coordinate system. South zone, U.S. survey feet. Based on real time kinematic corrections from the Washington State reference network.

VERTICAL DATUM:

City of Vancouver Datum based on based on real time kinematic corrections from the Washington State Reference Network.

Kevanna Park Meadows

A Subdivision Located in The City Of Vancouver, Washington

Preliminary Surveyor Plan For:

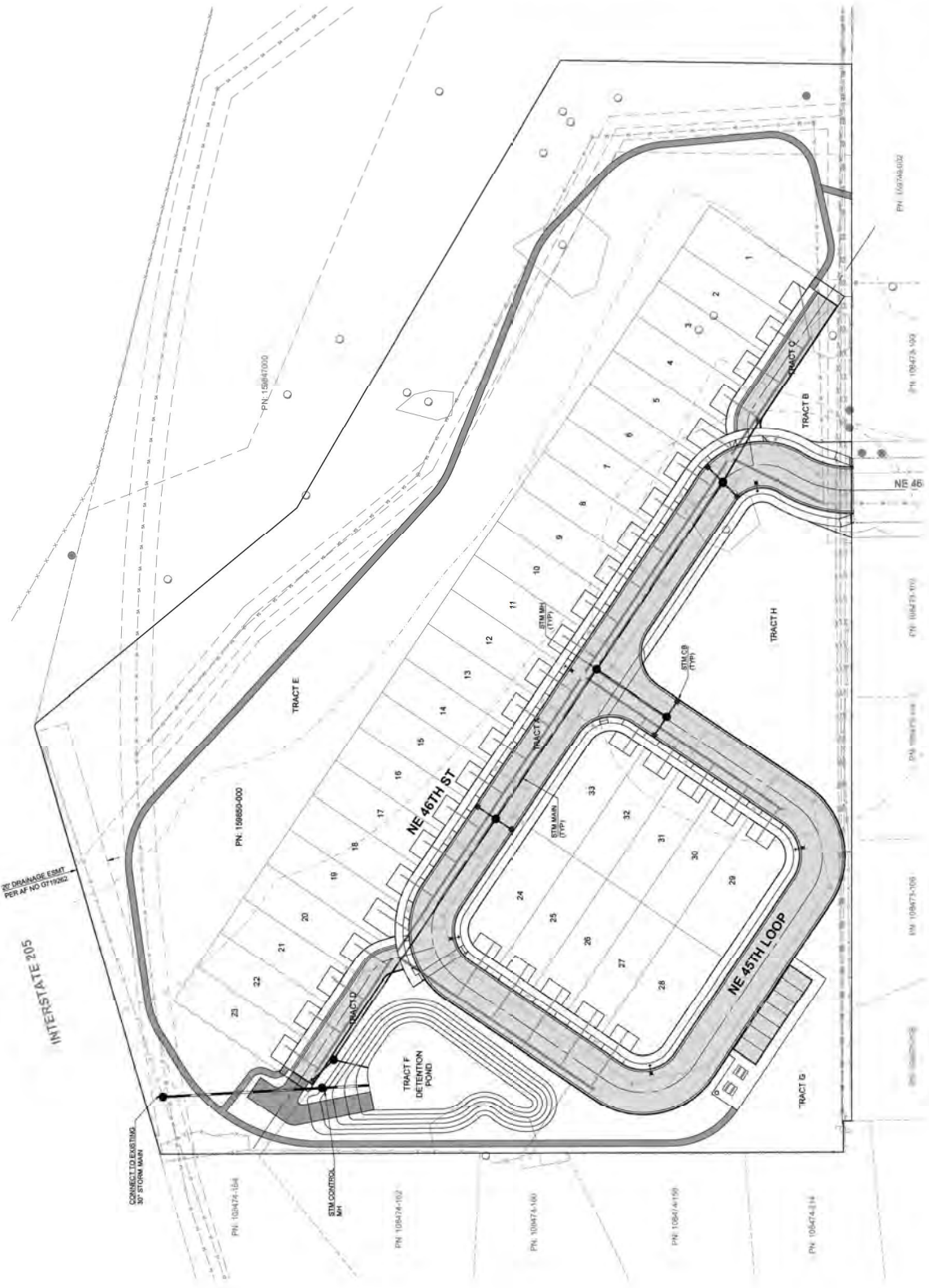
Revisions



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DESIGNED BY: [Signature]	DATE: 10/1/2024
DRAWN BY: [Signature]	DATE: 10/1/2024
REVIEWED BY: [Signature]	DATE: 10/1/2024

5 9

Legend	
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[Pattern]	Proposed Cement Concrete
[Pattern]	Proposed Woodchip Path



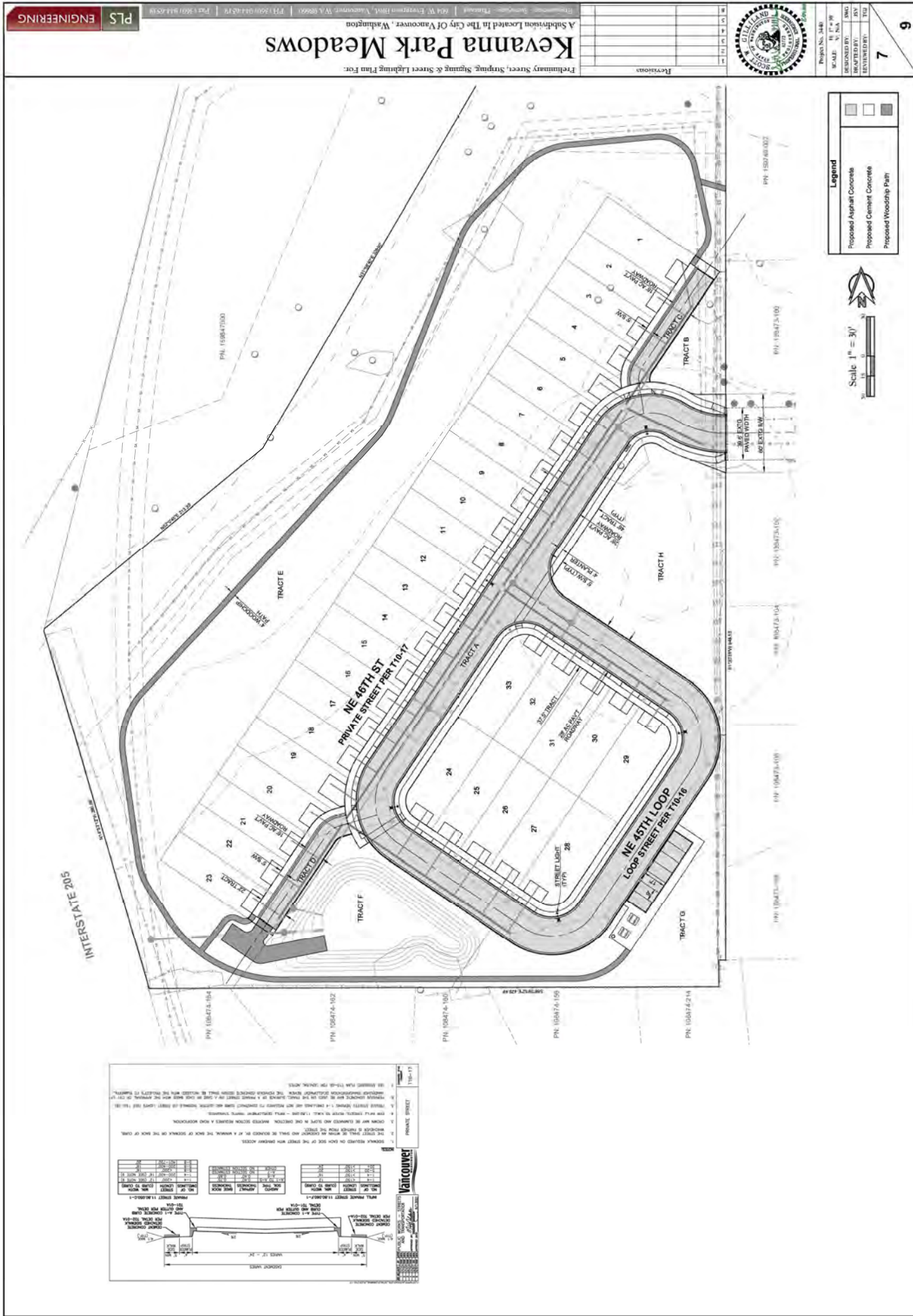
Kevanna Park Meadows

A Subdivision Located In The City Of Vancouver, Washington

Preliminary Water & Sanitary Sewer Plan For:

Revisions

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Kevanna Park Meadows

A Subdivision Located In The City Of Vancouver, Washington

Preliminary Street, Shopping, Signage & Street Lighting Plan For

THE DEVELOPER SHALL BE RESPONSIBLE FOR PLANTING AND MAINTAINING THE PROPOSED TREES.

[illegible]

GROUND COVER SHALL BE PLANTED AT EQUAL TRIANGLE SPACING AS SPECIFIED IN PLANTING LEGEND

PLANTS SHOULD BE LOCATED ONE HALF OF SPECIFIED SPACING DISTANCE ON ANY HARD SURFACE, UNLESS OTHERWISE SPECIFIED

Ground Cover Planting Detail

NOTE:
REFER TO NOTES AND PLAN PRIOR TO SOILING AND CONSTRUCTION.

NOTE:
ADVISED AND/OR SOIL UNDER ROOT BALL PROVIDE POSITIVE DRAINAGE AWAY FROM ROOT BALL.

NOTE:
FERTILIZER TABLES REFER TO NOTES.

NOTE:
PLANTING PIT TO BE A MINIMUM 18" DEEP THE ROOT BALL FOR EACH PLANT. REFER TO NOTES.

NOTE:
SET GROUND OF ROOT BALL 1" ABOVE FINISH GRADE. PROVIDE POSITIVE DRAINAGE AWAY FROM ROOT BALL.

NE 45TH LOOP

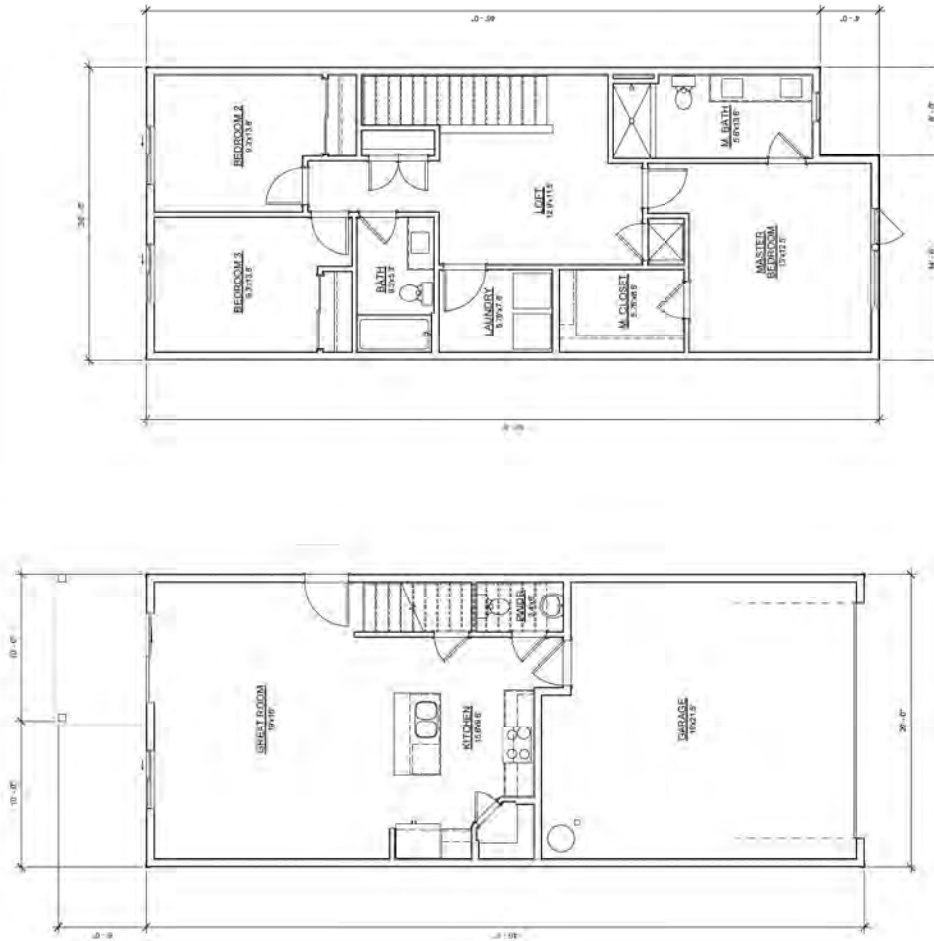
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ELEVATION 1



ELEVATION 2



1 FIRST FLOOR
NET = 110'

2 SECOND FLOOR
NET = 110'

ELEVATION NOTES:
EXTERIOR MATERIALS INCLUDE:
BOARD AND BATTEN SIDING
HARDI SMOOTH SIDING
HARDI LAP SIDING
COMPOSITION SHINGLES
CORRUGATED METAL



1 FIRST FLOOR
14'-0" x 10'-0"



2 SECOND FLOOR
14'-0" x 10'-0"

ELEVATION NOTES:
 EXTERIOR MATERIALS INCLUDE:
 BOARD AND BATTEN SIDING
 HARDI SMOOTH SIDING
 HARDI LAP SIDING
 COMPOSITION SHINGLES
 CORRUGATED METAL

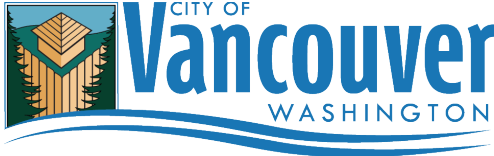


ELEVATION 1



ELEVATION 2

EXHIBIT D



SUBMIT TO:

City of Vancouver
Community & Economic Development
415 W. 6th ST
Vancouver, WA 98660
www.cityofvancouver.us

SEPA ENVIRONMENTAL CHECKLIST

WAC 197-11-960

Property Owner: <u>Affinity Vancouver Manager, LLC</u> (Print or Type Name)	Telephone: _____
Mailing Address: <u>120 West Cataldo Ave., Ste. 100, Spokane, WA 99201</u> (No., City, State, ZIP)	
Applicant: <u>Ginn Group, LLC – contact Chad Stewart</u> (Print or Type Name)	Telephone: <u>360-768-5025</u>
Mailing Address: <u>502 NE 72nd St. Vancouver, WA 98665</u> (No., City, State, ZIP)	
Relationship to Owner: <u>buyer</u>	
Tax Assessor Serial Number(s): <u>159850000</u>	
Legal description: Lot(s) <u>#99 THOMAS</u> Block(s) _____ Plat name <u>NERTON DLC 5.7A</u> (If a Metes and Bounds description, check here ☐, and attach narrative to this application.)	
Site Address (if any): <u>11017 NE 51st Circle, Vancouver, WA</u>	

② Include 8½" x 11" copies of ☐ Quarter Section Map, ☐ Topographic Map, ☐ Scaled Site Plan. Delineate site on maps.

Notice to Applicants: You must use the current revision of this form or your application will not be accepted. If you use our disk version of this form (MS Word 6.0) you may not alter the format. Make sure you have the current version before submittal.

Purpose of checklist:

Governmental agencies use this checklist to help determine whether the environmental impacts of your proposal are significant. This information is also helpful to determine if available avoidance, minimization or compensatory mitigation measures will address the probable significant impacts or if an environmental impact statement will be prepared to further analyze the proposal.

Instructions for applicants: [\[help\]](#)

This environmental checklist asks you to describe some basic information about your proposal. Please answer each question accurately and carefully, to the best of your knowledge. You may need to consult with an agency specialist or private consultant for some questions. You may use "not applicable" or "does not apply" only when you can explain why it does not apply and not when the answer is unknown. You may also attach or incorporate by reference additional studies reports. Complete and accurate answers to these questions often avoid delays with the SEPA process as well as later in the decision-making process.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

Instructions for Lead Agencies:

Additional information may be necessary to evaluate the existing environment, all interrelated aspects of the proposal and an analysis of adverse impacts. The checklist is considered the first but not necessarily the only source of information needed to make an adequate threshold determination. Once a threshold determination is made, the lead agency is responsible for the completeness and accuracy of the checklist and other supporting documents.

Use of checklist for nonproject proposals: [\[help\]](#)

For nonproject proposals (such as ordinances, regulations, plans and programs), complete the applicable parts of sections A and B plus the [SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS \(part D\)](#). Please completely answer all questions that apply and note that the words "project," "applicant," and "property or site" should be read as "proposal," "proponent," and "affected geographic area," respectively. The lead agency may exclude (for non-projects) questions in Part B - Environmental

Elements –that do not contribute meaningfully to the analysis of the proposal.

A. BACKGROUND [\[help\]](#)

1. Name of proposed project, if applicable: [\[help\]](#)

Kevanna Park Meadows

2. Name of applicant: [\[help\]](#)

Ginn Group, LLC

3. Address and phone number of applicant and contact person: [\[help\]](#)

Chad Stewart – (360) 768-5025
502 NE 72nd Street
Vancouver, WA 98665

4. Date checklist prepared: [\[help\]](#)

August 18, 2022

5. Agency requesting checklist: [\[help\]](#)

City of Vancouver

6. Proposed timing or schedule (including phasing, if applicable): [\[help\]](#)

Development is expected to start at the time of the final construction drawing approval. No phasing proposed.

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain. [\[help\]](#)

Not at this time.

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal. [\[help\]](#)

SEPA Checklist, Geotechnical Report, Archaeological
Predetermination, Critical Areas Report and Mitigation Plan

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain. [\[help\]](#)

There are no other applications that are pending for governmental approvals directly affecting the property.

10. List any government approvals or permits that will be needed for your proposal, if known. [\[help\]](#)

- Preliminary Type IV Planned Development & Subdivision Review
- Public notification and staff report publications
- Land Use Hearing Examiner Decision
- City Council Approval
- Final engineering plan review and approval
- Final Plat Approval
- SEPA
- NPDES

11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.) [\[help\]](#)

The project site is zoned R-6 (Residential) with a comprehensive plan designation of UL (Urban Low). The site covers 6 acres. The applicant proposes to develop the site with a 33-lot single-family subdivision.

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist. [\[help\]](#)

The site address is 11017 NE 51st Circle, Vancouver, WA and is located in the Southeast ¼ of Section 16, Township 2 North, Range 2 East of the Willamette Meridian. The site is identified as tax serial number 159850000.

B. ENVIRONMENTAL ELEMENTS [\[help\]](#)

1. Earth

- a. General description of the site [\[help\]](#)
(circle one): **Flat**, **rolling**, hilly, steep slopes, mountainous,
other _____

- b. What is the steepest slope on the site (approximate percent slope)? [\[help\]](#)

Approximately 5-10%.

- c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils. [\[help\]](#)

Per the geotechnical report the site contains native silt, silty gravel and sandy Clay.

- d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe. [\[help\]](#)

No, there are no surface indications or history of unstable soils.

- e. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill. [\[help\]](#)

There will be grading for the construction of private roads, driveways, the installation of utilities, and the preparation of the site for single family residential housing. Surplus material may be required to be hauled from the site to an approved dump site or offsite fill may be required. Quantities and source are unknown at this time.

- f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe. [\[help\]](#)

Standard erosion control measures will be followed during grading construction on the site. A final erosion control plan will be reviewed and approved by City of Vancouver prior to construction on the site. A copy of that final erosion control plan will be filed with the final construction plans with City of Vancouver Public Works.

- g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)? [\[help\]](#)

The site will be approximately 30% impervious surfaces post-development.

- h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any: [\[help\]](#)

Proposed measures to reduce and control erosion include providing an erosion control plan for review and approval prior to starting construction on the site and following the conditions of the approved drainage and erosion control plan during all phases of construction.

2. Air

- a. What types of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known. [\[help\]](#)

Construction equipment emissions and dust on the short term. Long-term emissions will be produced by automobile traffic and normal residential activities, possibly including wood burning stoves and fireplaces.

- b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe. [\[help\]](#)

There are no known off-site sources of emissions or odor that would affect the proposal.

- c. Proposed measures to reduce or control emissions or other impacts to air, if any: [\[help\]](#)

Dust from construction can be mitigated by sprinkling the site with water during construction as needed.

3. Water

- a. Surface Water: [\[help\]](#)

- 1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into. [\[help\]](#)

Burnt Bridge Creek flows westerly along the north parcel boundary and continues offsite. A wetland is also located onsite.

- 2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans. [\[help\]](#)

Yes, work will be performed within 200' of Burnt Bridge Creek and the wetland.

- 3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material. [\[help\]](#)

Direct impact to the stream or wetland are not proposed with project.

- 4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known. [\[help\]](#)

There will be no surface water withdrawals or diversions.

- 5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan. [\[help\]](#)

Yes, the site does lie within the Burnt Bridge Creek floodway and floodway fringe.

- 6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge. [\[help\]](#)

No, there are no proposals to discharge of waste material to surface waters.

b. Ground Water:

- 1) Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known. [\[help\]](#)

No ground water will be withdrawn from the site. Stormwater runoff from the site will be collected, treated, and routed to a stormwater detention facility on site. Stormwater infiltration is not proposed for this site due to the soil type.

- 2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals. . . ; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve. [\[help\]](#)

No waste material is proposed to be discharged into the ground.

c. Water runoff (including stormwater):

- 1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe. [\[help\]](#)

The main source of runoff is from stormwater. There will runoff from impervious roof area, driveways, roadways, and landscaped areas. Stormwater runoff from the site will be collected, treated, and routed to a storm facility on site.

- 2) Could waste materials enter ground or surface waters? If so, generally describe. [\[help\]](#)

Yes, if waste materials were somehow released or dumped into surface runoff flows, substances associated with the source material could enter ground or other surface waters.

- 3) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe.

No.

- 4) Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any:

All stormwater runoff is proposed to be routed to a stormwater detention facility on the south end of the site that will control the flow of stormwater runoff of the site.

4. Plants [\[help\]](#)

- a. Check the types of vegetation found on the site: [\[help\]](#)
☒ deciduous tree: alder, maple, aspen, other : **aspen, ash, Oregon white oak**
☐ evergreen tree: fir, cedar, pine, other
☒ shrubs
☒ grass
☒ pasture
☐ crop or grain
☐ Orchards, vineyards or other permanent crops.
☐ wet soil plants: cattail, buttercup, bullrush, **skunk cabbage**, other
☐ water plants: water lily, eelgrass, milfoil, other
☐ other types of vegetation: **Himalyan blackberry, poison hemlock, thistle.**
- b. What kind and amount of vegetation will be removed or altered? [\[help\]](#)

Approximately 60% of the site vegetation will be stripped for site preparation.

- c. List threatened and endangered species known to be on or near the site. [\[help\]](#)

None known.

- d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any: [\[help\]](#)

The single-family homes will be landscaped with grass lawns or other appealing landscaping.

- e. List all noxious weeds and invasive species known to be on or near the site.

Poison hemlock, Himalyan blackberry

5. Animals

- a. List any birds and other animals which have been observed on or near the site or are known to be on or near the site. Examples include: [\[help\]](#)
birds: hawk, heron, eagle, **songbirds**, other:

Local birds are observed on the site and in the area.

mammals: deer, bear, elk, beaver, **other**:

Small mammals, such as mice, voles, and rabbits are located on and near the site. This site is also in an area where larger mammals, such as raccoons, opossum, and mammals indigenous to the Clark County area are sometimes located.

fish: bass, salmon, trout, herring, shellfish, other:

Burnt Bridge Creek is designated as a fish bearing creek.

- b. List any threatened and endangered species known to be on or near the site. [\[help\]](#)

There are no known threatened or endangered species on or near the site.

- c. Is the site part of a migration route? If so, explain. [\[help\]](#)

This site is part of the Pacific Flyway for migratory waterfowl.

- d. Proposed measures to preserve or enhance wildlife, if any: [\[help\]](#)

The riparian buffer of Burnt Bridge Creek is proposed to be enhances as part of the mitigation plan for other onsite impacts. Oregon white oak trees and an isolated wetland are proposed to be retained onsite.

- e. List any invasive animal species known to be on or near the site.

None known.

6. Energy and natural resources

- a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc. [\[help\]](#)

The new homes on the site will be served primarily by electricity and natural gas. Wood stoves might be used for heating. Other forms of energy will depend on homeowners.

- b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe. [\[help\]](#)

No, the developed site will not affect the potential use of solar energy by adjacent properties.

- c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any: [\[help\]](#)

The new homes will comply with the state building codes which includes conservation measures.

7. Environmental health

- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste that could occur as a result of this proposal? If so, describe. [\[help\]](#)

There are no known environmental health hazards that could occur as a result of this proposal.

- 1) Describe any known or possible contamination at the site from present or past uses.

There are no known possible contaminants at the site from present or past uses. None known on site. Utilizing the Department of Ecology's (DOE), "What's in My Neighborhood" online mapping tool, there are no clean-up sites within 0.5 miles of the site.

- 2) Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity.

None known.

- 3) Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project.

There are no known toxic or hazardous chemicals that will be stored, used, or produced during project development or construction.

- 4) Describe special emergency services that might be required.

There are no special emergency services that might be required, outside of those normally expected for a typical residential development, in association with the proposal.

- 5) Proposed measures to reduce or control environmental health hazards, if any:

There are no proposed measures to reduce or control environmental health hazards.

b. Noise

- 1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)? [\[help\]](#)

Light traffic noise from surrounding areas/roads along with typical residential noises. None of these will affect the proposal.

- 2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site. [\[help\]](#)

Short term noises would include construction noises which would occur during approved hours as mandated by The City of Vancouver and Washington State. Long term noises could include slight increase in traffic noise and normal household noises.

- 3) Proposed measures to reduce or control noise impacts, if any: [\[help\]](#)

Construction activities will only be performed during City of Vancouver approved construction hours.

8. Land and shoreline use

- a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe. [\[help\]](#)

The site is currently vacant. Surrounding parcels to the east and south are developed with single family homes. To the north is a retirement home and to the west and NW are I-205 and SR-500 freeways. This development will not affect those current land uses.

- b. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses as a result of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use? [\[help\]](#)

The applicant is not aware of the site ever having been used as working farmlands or working forest lands.

- 1) Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how:

Not to the applicant's knowledge.

- c. Describe any structures on the site. [\[help\]](#)

There are no structures on site.

- d. Will any structures be demolished? If so, what? [\[help\]](#)

No structures will be demolished.

- e. What is the current zoning classification of the site? [\[help\]](#)

The site is zoned R-6, Low Density Residential.

- f. What is the current comprehensive plan designation of the site? [\[help\]](#)

UL-Urban Low Density Residential

- g. If applicable, what is the current shoreline master program designation of the site? [\[help\]](#)

There is no shoreline designation for the site.

- h. Has any part of the site been classified as a critical area by the city or county? If so, specify. [\[help\]](#)

The site contains the following critical areas: wetlands, riparian and Oregon white oak habitat, floodway and floodplain associated with Burnt Bridge Creek. Burnt Bridge Creek is a Type F stream that flows westerly along the north parcel boundary and continues offsite.

- i. Approximately how many people would reside or work in the completed project? [\[help\]](#)

It is currently planned that this development will contain 33 residential lots. At 2.8 people per household there would be approximately 95 people residing within this development at completion.

- j. Approximately how many people would the completed project displace? [\[help\]](#)

No people will be displaced by this project.

- k. Proposed measures to avoid or reduce displacement impacts, if any: [\[help\]](#)

The buildout of this project will provide new housing options.

- l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any: [\[help\]](#)

By complying with the zoning designation, the comprehensive plan, and the City of Vancouver Municipal Code, the proposal will be compatible with the existing and projected land uses.

- m. Proposed measures to ensure the proposal is compatible with nearby agricultural and forest lands of long-term commercial significance, if any:

Not applicable, there are no nearby agricultural or forest lands.

9. Housing

- a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing. [\[help\]](#)

33 residential lots/homes are proposed. Type is unknown at this time.

- b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing. [\[help\]](#)

No units will be eliminated.

- c. Proposed measures to reduce or control housing impacts, if any: [\[help\]](#)

33 new housing units will be constructed on the site. Impact fees will be paid at the time of building permit for each new home.

10. Aesthetics

- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed? [\[help\]](#)

All new home construction will meet City code for residential housing development and not exceed height limits of 35'. Exterior building materials are unknown at this time.

- b. What views in the immediate vicinity would be altered or obstructed? [\[help\]](#)

Views will be altered as the existing site will change from a vacant lot with large grassy and treed areas to a 33-lot subdivision.

- c. Proposed measures to reduce or control aesthetic impacts, if any: [\[help\]](#)

The single-family homes will be landscaped with grass lawns and other appealing landscaping. A significant portion of the site will be retained as open space.

11. Light and glare

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur? [\[help\]](#)

When homes are constructed on the proposed lots, there will most likely be light produced from houses, yards, and porch lights during evenings and early mornings.

- b. Could light or glare from the finished project be a safety hazard or interfere with views? [\[help\]](#)

No, light or glare from the finished project will not be a safety hazard or interfere with views.

- c. What existing off-site sources of light or glare may affect your proposal? [\[help\]](#)

Light and glare from surrounding homes and buildings will not affect the proposed development.

- d. Proposed measures to reduce or control light and glare impacts, if any: [\[help\]](#)

Any lights used on the site will be oriented inward and will be shielded to reduce the light that may affect adjacent properties. Proposed lighting will comply with City of Vancouver code.

12. Recreation

- a. What designated and informal recreational opportunities are in the immediate vicinity? [\[help\]](#)

Kevanna Park is located adjacent to the site to the NE.

- b. Would the proposed project displace any existing recreational uses? If so, describe. [\[help\]](#)

No.

- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any: [\[help\]](#)

The applicant proposes to pay all park impact fees associated with building permits.

13. Historic and cultural preservation

- a. Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers located on or near the site? If so, specifically describe. [\[help\]](#)

No. There are no known places or objects on or near the site which are listed or proposed for national, state, or local preservation registers.

- b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources. [\[help\]](#)

Archaeological Services of Clark County conducted an archaeological predetermination for this site and found no artifacts. The report concluded that no further work was required. Please see the report prepared by Archaeological Services of Clark County and dated August 18, 2022 included with this application.

- c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc. [\[help\]](#)

Archaeological Services of Clark County did background review, reviewed existing literature on file with DAHP, conducted a field search and filed a copy of their report with DAHP.

- d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required.

None proposed. If during development of the site any potentially significant artifacts are discovered, all work will cease, and proper notification will be given to City of Vancouver and DAHP.

14. Transportation

- a. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any. [\[help\]](#)

NE 46th Street is an existing Local Access Street that is stubbed to the eastern property line. Existing improvements off-site include a 60' right-of-way with 40' paved width and no sidewalks. This development will extend NE 46th Street to serve the site as a private road. The onsite private roads NE 46th Street and NE 45th Loop will include 46' tract with 28' paved width and 5' sidewalks on both sides of streets, except along NE 45th Loop where sidewalks will be provided on one side only.

- b. Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop? [\[help\]](#)

The nearest bus stop is approximately 0.4 miles to the east along NE 112th Avenue.

- c. How many additional parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate? [\[help\]](#)

2-4 parking spaces per single-family home are proposed. 7 spaces of shared parking are proposed and there will be opportunity for on street parking on one side of the private roadways.

- d. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private). [\[help\]](#)

No frontage improvements are proposed. NE 46th Street will be extended as a private road to serve the development.

- e. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe. [\[help\]](#)

No.

- f. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and nonpassenger vehicles). What data or transportation models were used to make these estimates? [\[help\]](#)

It is anticipated that 330 new average weekday trips would be generated by the project with 25 morning peak hour trips and 33 evening peak hour trips. Trip generation calculations utilized the Institute of Transportation Engineers (ITE), *Trip Generation Manual*, 11th Edition, 2021.

- g. Will the proposal interfere with, affect or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe.

The proposed development will not interfere with, affect or be affected by the movement of agricultural and forest products on roads or streets in the area.

- h. Proposed measures to reduce or control transportation impacts, if any: [\[help\]](#)

The applicant will pay transportation impact fees.

15. Public Services

- a. Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe. [\[help\]](#)

Yes. The completion of this development and the construction of new residential units will increase the need for public services in the area.

- b. Proposed measures to reduce or control direct impacts on public services, if any. [\[help\]](#)

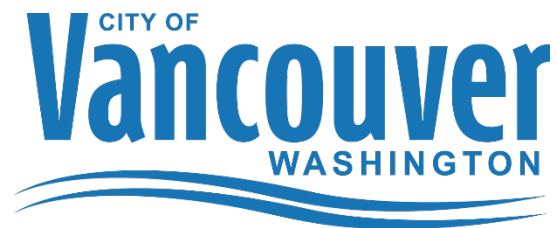
This project will pay impact fees for schools, parks, and traffic at the time of building permit.

16. Utilities

- a. Circle utilities currently available at the site: [\[help\]](#)
electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other _____
- b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed. [\[help\]](#)

- Electricity: Clark Public Utilities
- Natural Gas: NW Natural
- Water: City of Vancouver
- Sanitary Sewer: City of Vancouver
- Garbage: Waste Connections

DocuSigned by:
Signature: Chad Stewart
2FA0CAAFD2C64E9
Name of signee: Chad Stewart
Position and Agency/Organization: Project Manager Ginn Group, LLC
Date Submitted: 8/27/2022



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

www.cityofvancouver.us

Oct. 19, 2022

**Notice of Application, Remote Public Hearing, and
Optional SEPA Determination of Nonsignificance
Kevanna Park Meadows Planned Development
PRJ-168078/LUP-82789**

Request: The applicant requests approval of a 33-lot subdivision and planned development for single-family homes.

The application was accepted Sept. 6, 2022 and deemed fully complete Oct. 5, 2022.

Location: 11017 NE 51st Circle, at the west end of NE 46th Street. Burnt Bridge Creek runs along the northern and western boundaries of the site. Assessor's serial number: 159850000. The site is zoned R-6.

Contact: Travis Johnson, PE, PLS Engineering, 604 West Evergreen Blvd., Vancouver, WA 98660. 360-944-6519.

Applicant: Chad Stewart, Ginn Group, LLC, 502 NE 72nd Street, Vancouver, WA 98665 360-768-5025.

Property Owner: Affinity Vancouver Manager, LLC, 120 West Cataldo Ave., Ste. 100, Spokane, WA 99201. 509-321-3218.

Remote Public Hearing Scheduled Land Use Hearing conducted by the Hearing Examiner
Tuesday, January 17, 2023, 6 p.m.

The City of Vancouver will hold a virtual hearing. Interested parties can participate in the virtual hearing by emailing the project manager at andrew.reule@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 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., Nov. 18, 2022, 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 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: Andrew Reule, Senior Planner
E-mail: andrew.reule@cityofvancouver.us



Name

October 19, 2022

Date

Coverage of this hearing is being cablecast live on Clark/Vancouver Television Channel 23, Comcast Cable Television System.

Kevanna Park Meadows

Located in the SE ¼ of Section 16, T2N, R2E W.M.
Vancouver, Washington



VICINITY MAP
NOT TO SCALE

GENERAL NOTES

APPLICANT:
Ginn Group LLC
502 NE 72nd Ave
Vancouver, WA 98665
(360)768-5048
chad@ginngrp.com

CONTACT:
PLS Engineering
Contact: Travis Johnson, PE
604 W Evergreen Blvd
Vancouver, WA 98660
PH: (360) 944-6519
pm@plsengineering.com

SITE ADDRESS:
Parcel # 159850-000
11017 NE 51st Circle
Vancouver, WA 98682

LAND USE:

The Kevanna Park Meadows Planned Development proposes to divide 6 acres into 33 single-family residential lots in the R-6 zone. Detached homes are proposed and the zero-lot line and narrow lot development standards apply to the proposal. See the narrative for a discussion of density and development standards applicable to Planned Developments.

TRANSPORTATION:

NE 46th Street is an Urban Local Access Road that provides public access to the site. The existing roadway has 60' ROW and a 40' paved width and does not have a sidewalk.

The applicant is proposing a private road to serve the site that extends from the end of NE 46th Street. The private road will have a paved width of 28' and a detached sidewalk on at least on side of the roadway.

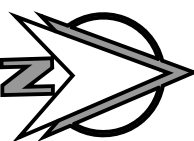
UTILITIES:

The City of Vancouver is the public water and sanitary sewer purveyor. The proposed connection points are at the end of NE 46th Street. Stormwater runoff from the site will be treated and routed to a detention pond on the south end of the site. Controlled runoff will be routed to an existing stormwater pipe on the west end of the site that eventually discharges into Burnt Bridge Creek.

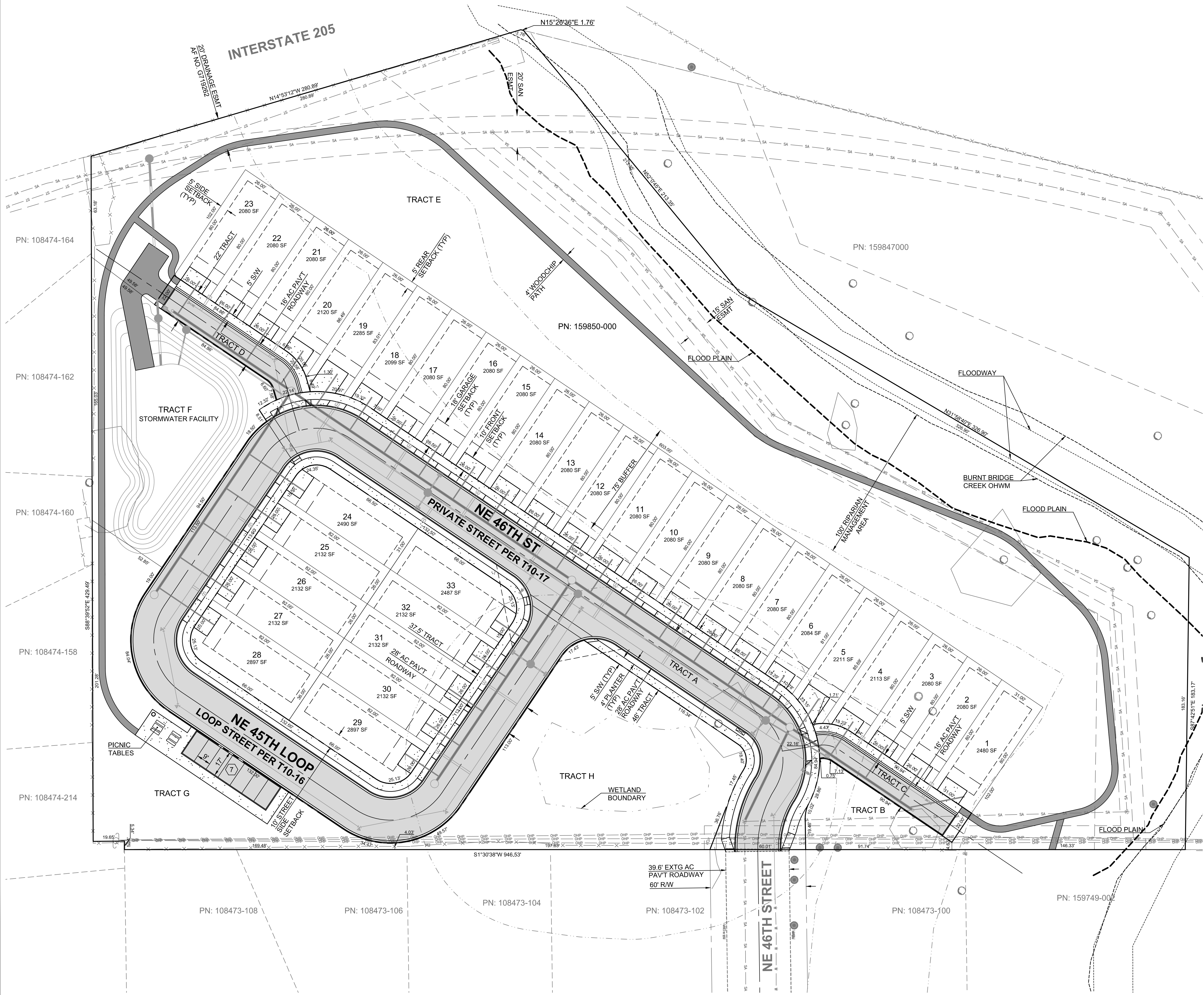
CRITICAL AREAS:

The site contains a stream, floodplain, wetland, and an Oregon White oak trees. Burnt Bridge Creek runs along the northern and western property lines of the site. This stream has a 100' Riparian Management Area with an additional 75' riparian buffer. The 75' buffer is proposed to be impacted and will be mitigated for by enhancing the 100' buffer. No impacts are proposed within the floodplain. A small, isolated wetland area is mapped within a vegetated area on the east end of the site. The buffer is proposed to be impacted with the roadway construction and will be mitigated for with a wetland bank use plan. An Oregon white oak tree is also located onsite near the wetland that is proposed to be removed and mitigated for. Other oak trees are either located near the property line or within the critical areas are proposed to be retained.

Scale 1" = 30'



Legend	
Proposed Asphalt Concrete	
Proposed Cement Concrete	
Proposed Woodchip Path	
Proposed Parking Count	



Preliminary Plat For:

Kevanna Park Meadows

A Subdivision Located In The City Of Vancouver , Washington

Revisions



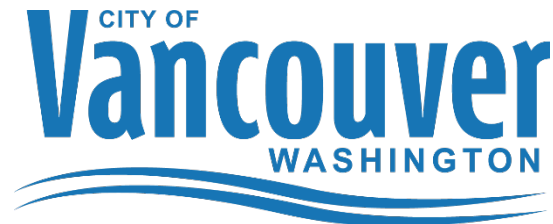
Project No. 3440
SCALE: H: 1" = 30'
V: N/A
DESIGNED BY: SWG
DRAFTED BY: JSV
REVIEWED BY: TGJ

2

9

PLS ENGINEERING

Engineering - Surveying - Planning 604 W. Evergreen Blvd., Vancouver, WA 98660 PH (360) 944-6519 Fax (360) 944-6539



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

www.cityofvancouver.us

Nov. 22, 2022

**Notice of Final Determination of Nonsignificance (DNS)
Kevanna Park Meadows Planned Development
PRJ-168078/LUP-82789**

The city issued a determination of nonsignificance for this project Oct. 19, 2022. This determination is retained. The city received comments from the Department of Ecology.

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: Approval of a 33-lot subdivision and planned development for single-family homes.

Location: 11017 NE 51st Cir., at the west end of NE 46th St. Burnt Bridge Creek runs along the northern and western boundaries of the site. Assessor's serial number: 159850000. The site is zoned R-6.

Contact: Travis Johnson, PE, PLS Engineering, 604 West Evergreen Blvd., Vancouver, WA 98660. 360-944-6519.

Applicant: Chad Stewart, Ginn Group, LLC, 502 NE 72nd Street, Vancouver, WA 98665 360-768-5025.

Property Owner: Affinity Vancouver Manager, LLC, 120 West Cataldo Ave., Ste. 100, Spokane, WA 99201. 509-321-3218.

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., Dec. 6, 2022.

The appeal request shall be emailed to plans@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: Andrew Reule, Senior Planner
E-mail: Andrew.reule@cityofvancouver.us

A handwritten signature in blue ink, appearing to read "Andrew Reule", is written over a horizontal line.

Andrew Reule

Nov. 22, 2022

Date



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Southwest Region Office
PO Box 47775, Olympia, WA 98504-7775 • 360-407-6300

November 18, 2022

Andrew Reule, Senior Planner
City of Vancouver
P.O. Box 1995
Vancouver, WA 98668

Dear Andrew Reule:

Thank you for the opportunity to comment on the optional determination of nonsignificance/notice of application for the Kevanna Park Meadows Planned Development project (PRJ-168078/LUP-82789) located at 11017 NE 51st Court as proposed by Ginn Group, LLC. The Department of Ecology (Ecology) reviewed the environmental checklist and has the following comment(s):

SHORELANDS & ENVIRONMENTAL ASSISTANCE: Meghan Tait, (360) 210-2783

The required mitigation sequencing is avoidance, minimization, and then compensatory mitigation for any unavoidable wetland buffer impacts associated with a project. It appears that the applicant could avoid impacts to at least some of the on-site wetlands by reducing or reconfiguring lots and roads.

The proposal should limit impacts to the wetland buffer as much as possible, and any buffer reductions or wetland modifications must be consistent with the City of Vancouver Critical Areas Ordinance.

Ecology requests an opportunity to review the wetland report for this project, including the wetland delineation and wetland rating. A site visit may be necessary to confirm the wetland rating and delineation to determine the extent of wetlands on-site, and whether the wetland is appropriately rated. Please submit the wetland report to Ecology Wetlands Specialist Meghan Tait, via email at meghan.tait@ecy.wa.gov. For questions or technical assistance, contact Meghan via the provided email or phone number, 360-210-2783.

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 your 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 or Department of Ecology for proper management of these materials.

TOXICS CLEANUP: Sam Meng (360) 999-9587

No confirmed or suspected cleanup sites within a quarter of mile from the project area. No comment. For questions contact Sam Meng with the Toxics Cleanup Program at the Southwest Regional Office at (360) 999-9587.

**WATER QUALITY/WATERSHED RESOURCES UNIT:
Brian Johnson (360) 624-5741**

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.

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 Evan Wood at evan.wood@ecy.wa.gov, or by phone at (360) 706-4599.

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.

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

(JKT:202205241)

cc: Meghan Tait, SEA
Derek Rockett, SWM
Sam Meng, TCP
Brian Johnson, WQ



June 2nd, 2022

Affinity Vancouver Manager, LLC
c/o Keith James, Inland Construction
120 W Cataldo Ave Suite 100
Spokane, WA 99201

RE: Conditional Development Review Evaluation for "Kevanna Park Meadows Planned Development" located at 11017 NE 51st Street Vancouver, WA (SR54201; Tax Parcel(s) 159850000; PRJ-168078/PIR-82372)

****Final Plat approval by Clark County Public Health**

The Development Review Evaluation for which you applied has been completed by Clark County Public Health (CCPH). This evaluation is limited to the area of the proposed development located at addresses 11017 NE 51st Street, Vancouver, Washington southwest of Kevanna Park and south of Burnt Bridge Creek.

On-Site Sewage Treatment Systems (CCC 24.17, WAC 246-272A, CCC 40.370, RCW 58.17):

A municipal sewage system is proposed and required for this development. No records pertaining to onsite septic systems were identified during the development review or field inspection of the subject property. It appears that no development has occurred on the property other than storm sewer extending from 46th Street to Burnt Bridge Creek was present on the property. OSS may exist on the property without records.

If any OSS is discovered during development must be properly abandoned with written notice provided to Clark County Public Health. Please submit to CCPH a notification of abandonment with a written description of the actions taken to legally abandon the system identified on the property with an Online RME Pumper Report attached. Proper abandonment of the system requires tank pumping by a licensed pumper, breaking in the tank lids, and filling the cavities with compacted soil. Also, note that any cesspools, drywells, or pump chambers discovered during development must also be abandoned in this manner.

The proposed development must connect to an approved public sewer system. A copy of the final acceptance letter from the sanitary sewer purveyor or the equivalent must be submitted along with the Mylar (final plat).

Water Systems (WAC 173-160, WAC 246-290, CCC 40.370, RCW 58.17):

A municipal water supply is proposed and required for this development. No records of water wells were identified during the development review for the subject property. A field inspection revealed no wells on the property either. A small structure was identified on the southern portion of the proposed development area but appeared to be a playhouse (see photo). It is unclear if the structure is on the subject property or the neighboring property to the south. No wells were identified within this structure.

Wells may be present on the subject property not identified as part of this review. Wells identified on the subject property must be decommissioned by a licensed driller in accordance with WAC 173-160-381. A notice of intent and decommissioning records must be provided to CCPH prior to final approval. Decommissioned wells must be shown on the final plat.

The proposed development must connect to an approved public water system. A copy of the final acceptance letter from the purveyor or the equivalent must be submitted along with the Mylar (final plat).

If you have any questions concerning this letter, please contact me at (564) 397-7376.

Sincerely,

Andrew
Lembrick

Digitally signed by Andrew
Lembrick
Date: 2022.06.02 12:07:34 -07'00'

Environmental Health Specialist II

CC: Travis Johnson, PLS Surveying
Andrew Ruele, City of Vancouver



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Southwest Region Office
PO Box 47775, Olympia, WA 98504-7775 • 360-407-6300

November 18, 2022

Andrew Reule, Senior Planner
City of Vancouver
P.O. Box 1995
Vancouver, WA 98668

Dear Andrew Reule:

Thank you for the opportunity to comment on the optional determination of nonsignificance/notice of application for the Kevanna Park Meadows Planned Development project (PRJ-168078/LUP-82789) located at 11017 NE 51st Court as proposed by Ginn Group, LLC. The Department of Ecology (Ecology) reviewed the environmental checklist and has the following comment(s):

SHORELANDS & ENVIRONMENTAL ASSISTANCE: Meghan Tait, (360) 210-2783

The required mitigation sequencing is avoidance, minimization, and then compensatory mitigation for any unavoidable wetland buffer impacts associated with a project. It appears that the applicant could avoid impacts to at least some of the on-site wetlands by reducing or reconfiguring lots and roads.

The proposal should limit impacts to the wetland buffer as much as possible, and any buffer reductions or wetland modifications must be consistent with the City of Vancouver Critical Areas Ordinance.

Ecology requests an opportunity to review the wetland report for this project, including the wetland delineation and wetland rating. A site visit may be necessary to confirm the wetland rating and delineation to determine the extent of wetlands on-site, and whether the wetland is appropriately rated. Please submit the wetland report to Ecology Wetlands Specialist Meghan Tait, via email at meghan.tait@ecy.wa.gov. For questions or technical assistance, contact Meghan via the provided email or phone number, 360-210-2783.

SOLID WASTE MANAGEMENT: Derek Rockett (360) 407-6287

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No confirmed or suspected cleanup sites within a quarter of mile from the project area. No comment. For questions contact Sam Meng with the Toxics Cleanup Program at the Southwest Regional Office at (360) 999-9587.

**WATER QUALITY/WATERSHED RESOURCES UNIT:
Brian Johnson (360) 624-5741**

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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 Evan Wood at evan.wood@ecy.wa.gov, or by phone at (360) 706-4599.

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

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<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.

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

(JKT:202205241)

cc: Meghan Tait, SEA
Derek Rockett, SWM
Sam Meng, TCP
Brian Johnson, WQ

EXHIBIT I

Reule, Andrew

From: Tait, Meghan (ECY) <mtai461@ECY.WA.GOV>
Sent: Tuesday, November 29, 2022 9:37 AM
To: Reule, Andrew
Cc: Brent Davis
Subject: RE: ECY SEPA 202205241 - Kevanna Park Meadows Planned Development - Comments

Hi Andrew,

Thank you for providing Ecology the opportunity to review the critical areas report and mitigation plan for this project. I do not have any comments at this time.

Meghan Tait

Wetland/Shoreland Specialist
Shorelands & Environmental Assistance Program
WA Department of Ecology | Vancouver Field Office
(360) 210-2783 | meghan.tait@ecy.wa.gov



This communication is public record and may be subject to disclosure as per the Washington State Public Records Act, RCW 42.56.

From: Reule, Andrew <Andrew.Reule@cityofvancouver.us>
Sent: Monday, November 21, 2022 8:17 AM
To: Tait, Meghan (ECY) <mtai461@ECY.WA.GOV>
Cc: Brent Davis <Brent.Davis@clark.wa.gov>
Subject: RE: ECY SEPA 202205241 - Kevanna Park Meadows Planned Development - Comments

Hi Meghan, per your request, here is the wetland/habitat report. I'll also send the mitigation plan in a separate email. Please coordinate with Brent Davis on this since he is reviewing the wetland and habitat issues for the city. I need comments from Brent by Dec. 2 for this one.
Thanks.

From: ECY RE SWRO SEPA COORDINATOR <swrosepacoordinator@ECY.WA.GOV>
Sent: Friday, November 18, 2022 9:00 AM
To: Reule, Andrew <Andrew.Reule@cityofvancouver.us>
Cc: Tait, Meghan (ECY) <mtai461@ECY.WA.GOV>; Rockett, Derek (ECY) <droc461@ecy.wa.gov>; Meng, Sam (ECY) <same461@ECY.WA.GOV>; Johnson, Brian (ECY) <BRJO461@ECY.WA.GOV>
Subject: ECY SEPA 202205241 - Kevanna Park Meadows Planned Development - Comments
Importance: High

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.

Andrew Reule, Senior Planner:

Thank you for the opportunity to comment on the Kevanna Park Meadows Planned Development Project (Lead Agency File No(s). PRJ-168078/LUP-82789). Ecology's comments are attached.

[[Statewide SEPA Register](#) No. 202205241]

Have a great day,

Garret Peck

SEPA Coordinator | Southwest Regional Office

Desk: 360-407-6300 | **Cell:** 360-480-3300



EXHIBIT J

Critical Areas Report

****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 K

Mitigation Plan

****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 L

Transportation Impact Study

****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 M

Geotechnical Report

****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 N

Preliminary TIR Report

****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.**

CRITICAL AREAS REPORT AND STREAM BUFFER MITIGATION PLAN

August 11, 2022



Kevanna Park Meadows
Vancouver/Clark County, WA

Prepared for
Ginn Development
502 NE 72nd Street
(360)-608-6026

Prepared by
Ecological Land Services
1157 3rd Avenue, Suite 220A • Longview, WA 98632
(360) 578-1371 • Project Number 2671.30

SIGNATURE PAGE

The information in this report was compiled and prepared under the supervision and direction of the undersigned.



Sara Hastings
Biologist I

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Table 2. Precipitation Data.

Table 3. Summary of Critical Areas Onsite.

Table 4. Summary of Critical Area Impacts.

Table 5. Summary of Proposed RMA and RB Mitigation.

Table 6. Summary of Oak Impacts and Proposed Mitigation

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Figure 6	USFWS National Wetlands Inventory
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Figure 10 Wetland Rating Form-303(d) and TMDL's
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APPENDIX A

Wetland Determination Data Forms

APPENDIX B

Wetland Rating Forms

INTRODUCTION

Ecological Land Services, Inc. (ELS) was contracted by Ginn Development to conduct a critical areas assessment and mitigation plan in Vancouver, Washington, for Clark County Tax Parcel No. 159850000, located at 11017 NE 51st Circle in Vancouver, Washington, (Figure 1). The project site is approximately six acres and is located within Section 16, Township 2 North, Range 2 East of the Willamette Meridian. ELS conducted a wetland delineation and critical areas determination to determine the presence and extent of wetlands, fish and wildlife habitat critical areas, and priority habitat areas onsite. Credit purchase at Terrace Mitigation Bank is proposed to mitigate for indirect wetland impacts.

This critical areas report and stream buffer mitigation plan summarizes ELS findings according to the following *Vancouver Municipal Code (VMC 2021)* sections:

- *VMC 20.740.110, Fish and Wildlife Habitat Conservation Areas*, for proposed stream buffer impacts and removal of one Oregon white oak,
- *VMC 20.740.140, Wetlands*, for proposed wetland buffer reduction, and
- For indirect wetland impacts and compliance with *VMC 20.740.140*, please refer to *Kevanna Park Meadows Bank Use Plan* (ELS 2022).

SITE DESCRIPTION

The six acre site is zoned as “Low Density Residential-6du/ac (R-6)”. The project site is currently vacant containing no structures and is accessed where NE 46th Street dead ends at the property. The topography of the site is generally flat, but slopes down from east to west dropping approximately nine feet in elevation. Burn Bridge Creek, a Type F (fish bearing) stream, flows westerly along the northern parcel boundary and continues offsite. Flow was evident during the site visit on June 29, 2022. The stream channel is approximately five feet wide and two feet below the top of the bank (Figure 2). One wetland, Wetland A, was delineated in the central eastern portion of the site within a topographic depression. Wetland A is composed of forested and scrub-shrub vegetation communities and no discernible outlet, receiving the majority of its hydrology from runoff originating from uplands. The project site consists mainly of pasture grass that is mowed annually, with scrub-shrub and herbaceous vegetation along the stream at the northern property boundary and forested with scrub-shrub vegetation within the wetland. Additionally, an existing trail circumnavigates the project site. The properties to the north and northeast contain an apartment complex with 100 or more units and Kevanna Park. Properties to the east and south of the site consist of single-family residences on similar sized lots, while the site is bordered to the west by Highway Interstate 205 (I-205) and I-205 Exit to NE 122nd Ave (Figure 2).

PROJECT HISTORY

A pre-application report was issued on May 12, 2022 (Case File: Kevanna Park Meadows; PRJ-168078/PIR-82372) with Andrew Reule, Senior Planner for the City of Vancouver (CoV), overseeing the project. Because the CoV typically asks Clark County (County) to help with environmental review, ELS met with Brent Davis, Wetland and Habitat Review Manager with the County, along with Mr. Stewart, Mr. Reule, and Jayson Taylor of PLS Engineering via Zoom on July 21, 2022. During the zoom meeting, proposed mitigation for impacts to critical area buffers

were discussed given the constraints of an existing sanitary sewer line easement within the Riparian Management Area (RMA) of Burnt Bridge Creek and a required road extension/alignment of NE 46th Street.

PROJECT DESCRIPTION

The applicant is proposing the development of a 35-lot planned development for single-family detached homes. This will require clearing, grading, leveling of the site, installing utilities, constructing a stormwater facility, frontage street improvements, and constructing a 4-foot wide pervious walking path (wood chips). The walking path will be designed to follow the existing trail which will meander along/near the existing sanitary sewer line easement within the RMA and Riparian Buffer (RB) enhancement area as allowed per *VMC 20.740.110(C)(2)(b)(2)*. Plans for the trail will be provided upon further engineering. The required road extension/alignment of NE 46th Street will avoid direct impacts to Wetland A but will require the removal of one Oregon white oak (*Quercus garryana*). The planned development of single-family homes will encroach into a total of 0.760 acres (33,098 sq. ft.) of the riparian buffer (RB) of Burnt Bridge Creek. Additionally, one Oregon white oak must be removed to install NE 46th Street. This will result in 0.028 acres (1,216 square feet) of canopy loss.

Compensation for encroachment into the RB and for removal of one Oregon white oak includes enhancement of the entirety of the remaining RB (0.298 acres, 12,965 sq. ft.) and 1.228 acres, (53,501 sq. ft.) of the riparian management area (RMA) of Burnt Bridge Creek (excluding the trail itself and the 15-foot sanitary sewer easement) for an overall enhancement ratio of 1.94:1. Enhancement activities will consist of planting Oregon white oaks and native shrubs, and invasive species control to provide an overall higher ecological function than currently exists (Figure 4). In the event that oak credits become available at Terrace Mitigation Bank, the applicant's preference would be to purchase credits. If this situation arises, the applicant will contact the City to discuss how to proceed. Table 1 summarizes proposed impacts, enhancement, and mitigation.

Impacts will be avoided and minimized by utilizing best management practices (BMPs) including installing silt fencing along the outer buffer boundary, applying native grass seed to disturbed areas not being paved when grading is complete, and making a water truck available to prevent dust blowing during construction. The development area will be cleared of vegetation and levelled prior to construction. Additional BMPs are discussed in the *Avoidance and Minimization Section* later in this report. Construction is anticipated to start upon receipt of permits.

Due to the proposed development adjacent to the wetland and buffer consisting of public sidewalks, permanent fencing will be installed to discourage disturbance of the wetland buffer from human and pet use. Additionally, signage 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" will be placed every 50 feet along the permanent fencing. For more information regarding indirect wetland impacts, please refer to *Kevanna Park Meadows Bank Use Plan* (ELS 2022).

Table 1. Proposed Impacts, Enhancement, and Mitigation.

Critical Areas	Proposed Impact	Proposed Enhancement	Proposed Mitigation
RMA		1.196 acres (52,073 sq. ft.)	▪ Remove invasive species ▪ Plant native shrubs ▪ Monitor planted shrubs for 5 years
RB	Buffer/Lot Construction 0.760 acres (33,098 sq. ft.)	0.330 acres (14,393 sq. ft.)	
Oregon White Oak Canopy	Removal/Road Construction 0.028 acres (1,216 sq. ft.)	Plant 6 Oaks	▪ Remove invasive species ▪ Plant 6, 2" caliper oaks, depending on availability, in the RMA or RB ▪ Monitor planted oaks for 5 years
Total	0.788 acres (34,314 sq. ft.)	1.526 acres (66,466 sq. ft.)	

*Oregon white oak canopy enhancement total is not included in the total enhancement area as enhancement will occur in the RMA and RB.

METHODOLOGY

The site was evaluated for the presence of wetlands using the Routine Determination Method according to the U.S. Army Corps of Engineers' 1987 *Wetland Delineation Manual* and the *Regional Supplement to the Corps of Engineers' Wetland Delineation Manual* (Environmental Laboratory 1987); *Western Mountains, Valleys, and Coast Region (Version 2.0)* (Corps 2010). The Routine Determination Method examines three parameters—vegetation, soils, and hydrology—to determine if wetlands exist in a given area. Hydrology is critical in determining what is wetland but is often difficult to assess because hydrologic conditions can change periodically (hourly, daily, or seasonally). Consequently, it is necessary to determine if hydrophytic vegetation and hydric soils are present, which would indicate that water is present for long enough duration to support a wetland plant community. By definition, wetlands are those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands are regulated as "Waters of the United States" by the U.S. Army Corps of Engineers (Corps), "Waters of the State" by Washington Department of Ecology (Ecology), and locally by the City of Vancouver (VMC).

ELS conducted a site visit on June 29, 2022, to collect vegetation, soils, and hydrology data, and to make determinations about the presence or absence of critical areas onsite. ELS delineated one wetland and collected data on five Oregon white oaks. The wetland boundary was demarcated using consecutively numbered fluorescent pink flags. Wetland boundaries were determined through breaks in topography, changes in vegetation, and evidence of surface hydrology. Vegetation, hydrology, and soil data were collected from four test plots to determine the location and extent of wetlands onsite. Test plots were mapped with a hand-held GPS unit capable of sub-meter accuracy. Test plot data sheets can be found in Appendix A. The ordinary high water mark (OHWM) of Burnt Bridge Creek, wetland boundaries, and oaks were surveyed by PLS Engineering on June 8th and 20th, 2022 (Figure 2).

VEGETATION

Wetlands

Dominant wetland vegetation consists of **trees**: quaking aspen (*Populus tremuloides*, FACU) and Oregon ash (*Fraxinus latifolia*, FACW); **shrubs**: Nootka rose (*Rosa nutkana*, FAC); and **herbs**: slough sedge (*Carex obnupta*, OBL), curly dock (*Rumex crispus*, FAC), and reed canarygrass (*Phalaris arundinacea*, FACW).

Uplands

Dominant upland vegetation consists of **trees**: quaking aspen and Oregon ash; **shrubs**: common snowberry (*Symphoricarpos albus*, FACU) and Nootka rose; **herbs**: American vetch (*Vicia americana*, FAC), reed canarygrass, prickly lettuce (*Lactuca serriola*, FACU), Canada thistle (*Cirsium arvense*, FAC), cleavers (*Galium aparine*, FACU), bluegrass (*Poa sp.* assumed FAC), field brome (*Bromus arvensis*, UPL), common velvetgrass (*Holcus lanatus*, FAC), poison hemlock (*Conium maculatum*, FAC), fringed willowherb (*Epilobium ciliatum*, FACW), jewelweed (*Impatiens capensis*, FACW), American skunkcabbage (*Lysichiton americanus*, OBL), oxeye daisy (*Leucanthemum vulgare*, FACU), common selfheal (*Prunella vulgaris*, FACU), yellow glandweed (*Parentucellia viscosa*, FAC), common sheep sorrel (*Rumex acetosella*, FACU), bentgrass (*Agrostis sp.*, assumed FAC), sweet vernalgrass (*Anthoxanthum odoratum*, FACU), and **vines**: Himalayan blackberry (*Rubus armeniacus*, FAC).

The indicator status, following the scientific names, indicates the likelihood of the species to be found in wetlands. Listed from most likely to least likely to be found in wetlands, the indicator status categories are:

- **OBL** (obligate wetland) - occur almost always under natural conditions in wetlands.
- **FACW** (facultative wetland) - usually occur in wetlands, but occasionally found in non-wetlands.
- **FAC** (facultative) - equally likely to occur in wetlands or non-wetlands.
- **FACU** (facultative upland) - usually occur in non-wetlands, but occasionally found in wetlands.
- **UPL** (obligate upland) - occur almost always under natural conditions in non-wetlands.
- **NI** (no indicator) - insufficient data to assign to an indicator category.

SOILS

As referenced on the U.S.D.A. Natural Resources Conservation Service (NRCS) website, the onsite soils are mapped as (LgB) Lauren gravelly loam, 0 to 8 percent slopes (Figure 4). Lauren gravelly loam is characterized as a somewhat excessively drained soils formed from alluvium with volcanic ash on terraces. The soil type is not rated as hydric by NRCS (NRCS 2022). Mapped hydric soils do not necessarily mean that an area is or is not a wetland—hydrology, hydrophytic wetland vegetation, and hydric soils must all be present to classify an area as a wetland.

Evaluated wetland soils met hydric soil indicator Depleted Matrix (F3). Though Test Plot 4 also met hydric soil indicator Depleted Matrix (F3), it lacked hydrophytic vegetation and hydrology; therefore, did not meet the criteria to be considered a wetland. Test plot determination data forms can be found in Appendix A.

HYDROLOGY

Wetland A

Wetland A is located in a depression in the central eastern portion of the project site. Hydrology sources include a shallow groundwater table, runoff from surrounding uplands, and precipitation. Wetland A appears to be hydrologically isolated as it has no inlet or outlet and is located in a depression where wetland ponding infiltrates or evaporates. It provides flood storage and delay, and groundwater recharge functions. No surface water or saturation was present in the wetland during the site visit; however, primary hydrology indicators Algal Mat or crust (B4), Water-Stained Leaves (B9), and Oxidized Rhizospheres along Living Roots (C3), and secondary indicator Geomorphic Position (D2) were present within the wetland test plot. Test plot data sheets can be found in Appendix A.

Burnt Bridge Creek

Burnt Bridge Creek is a perennial, Type F stream that flows westerly through the site and continues offsite to the west approximately 9 miles where it outlets to Vancouver Lake. Vancouver Lake outlets to Lake River and flows northerly for approximately 13 miles to the Columbia River. The creek channel is approximately five feet wide, and flow was approximately two feet below the top of bank during the June 2022 site visit.

Precipitation Data

Precipitation data was gathered from the NOAA Regional Climate Centers *Clark County, Washington, WETS Station: Vancouver Pearson AP* (2022), the closest WETS station to the project site. Precipitation two weeks prior to the site visit on June 29th totaled 0.24 inches, with no rainfall occurring the day of the field visit. April, May, and June far exceeded normal precipitation levels. Table 2 summarizes the WETS precipitation data.

Table 2. Precipitation Data.

Date of Site Visit	Precipitation (inches)							
	Day of Site Visit ¹	2 Weeks Prior ¹	3 Months Prior			Deviation from Average	30% Below ¹	30% Above ¹
			Month	Average ¹	Actual ¹			
6/29	0.00	0.24	4/2022	2.57	5.41	+110%	1.70	3.09
			5/2022	2.40	4.06	+69%	1.44	2.91
			6/2022	1.65	3.22	+95%	1.04	1.99

¹Climatological data based on 1992-2022 data.

NATIONAL AND LOCAL WETLANDS INVENTORY

The National Wetlands Inventory (NWI) mapping indicates the presence of a riverine, lower perennial, unconsolidated bottom, permanently flooded, excavated (R2UBHx) riverine system onsite that is consistent with the location of Burnt Bridge Creek (Figure 5). Clark County Wetlands Inventory (CCWI) map indicates the presence of a wetland along the mapped floodway or floodway

fringe of Burt Bridge Creek and another in the central eastern portion near the eastern property boundary. Though ELS generally agrees with the mapping of the creek by NWI and CCWI, ELS' findings differed from NWI and CCWI maps, as one wetland was delineated in the central eastern portion of the site (Figure 2; NWI 2022).

CRITICAL AREAS SUMMARY

Wetland A

Wetland A is a Category III forested and scrub-shrub, depressional wetland totaling approximately 0.118 acres. The wetland/upland boundary is characterized by an obvious change in vegetation and in elevation. The wetland vegetation onsite is dominated by quaking aspen, Oregon ash, Nootka rose, slough sedge, curly dock, and reed canarygrass. Wetland hydrology likely comes from a shallow groundwater table, runoff, and precipitation. Hydroperiods include seasonally flooded and occasionally flooded. According to the *Washington State Wetland Rating System for Western Washington: 2014 Update* (Rating System); Wetland A is a Category III wetland with 18 points; scoring 7 points for water quality functions, 6 points for hydrologic functions, and 5 points for habitat functions. The wetland rating form can be found in Appendix B.

Wetland Buffers

Standard wetland buffers are based on wetland category and habitat function score from the Rating System in conjunction with the proposed land use intensity (*VMC 20.740.140(C)(1)(b)*). Wetland A is a Category III wetland with a low habitat score of 5. According to *VMC Table 20.740.140-5*, Category III wetlands with a low habitat score and a proposed high intensity land use are determined to have an 80-foot buffer.

Riparian Management Areas and Buffers

Burnt Bridge Creek is a perennial, Type F stream flowing along the northern border of the site. According to *VMC 20.740.110*, Type F waterbodies are defined as lakes, streams, and rivers that contain fish habitat. These waterbodies have a designated 100-foot RMA extending outward from the OHWM, and a 75-foot riparian buffer extending outward from the RMA, for low, moderate, or high intensity land-uses. Burnt Bridge Creek's RMA and RB onsite are primarily dominated by herbaceous vegetation with scattered trees and shrubs near the OHWM of the stream. The RMA and RB provide moderate to low functions of sediment trapping and vegetative protection from surrounding land uses.

Priority Habitat and Species

Oregon White Oak

In urban or urbanizing areas west of the Cascades, WDFW defines priority oak habitat as single oaks, or stands of pure oak, or oak/conifer associations, 1 acre or greater in size. WDFW may also consider individual Oregon white oak trees a priority habitat when found to be particularly valuable to wildlife (i.e., contains many cavities, has a large DBH, is used by priority species, or has a large canopy) (Larsen and Morgan 1998). WDFW recommendation is that in urban and urbanizing areas, single trees should be maintained if they are deemed important to species highly associated with Oregon white oak. As the project site is located within an urban area, individual oak trees are subject to regulation per *VMC 20.740.110*. Oaks and their associated floras comprise distinct woodland ecosystems with various plant communities providing valuable habitat that contributes to wildlife

diversity; Oak woodlands provide a mix of feeding, resting, and breeding habitat for many wildlife species (Larsen and Morgan 1998).

A total of five Oregon white oak trees measuring approximately 12 to 40 inches DBH were mapped throughout the project area during the ELS site visit (Figure 2). Oak locations and driplines were surveyed by PLS Engineering. The combined estimated dripline area of all five oaks is approximately 0.135 acres (5,899 sq. ft.). Table 3 summarizes onsite critical areas.

Table 3. Summary of Critical Areas Onsite.

Critical Area	Category¹/Cowardin²/ HGM³/ Type⁶	Size/Canopy Area	Buffer Width^{4,5}
Wetland A	III/Forested, Scrub-shrub/Depressional	0.118 acres (5,143 sq. ft.)	80 feet
Burnt Bridge Creek	Type F	N/A	175 feet (RMA and RB)
Oregon White Oaks (5)		0.135 acres (5,899 sq. ft.)	

¹Hruby 2014, ²Cowardin et al. 1979, ³NRCS 2008, ⁴VMC Table 20.740.140-5, ⁵VMC 20.740.140(C)(1)(b), ⁶VMC Table 20.740.110-1

FISH AND WILDLIFE HABITAT CONSERVATION AREAS REQUIREMENTS

According to VMC 20.740.110(B)(1), *A Critical Areas Report for a Riparian Management Area or Riparian Buffer shall include evaluation of the habitat functions using the Clark County Habitat Conservation Ordinance Riparian Habitat Field Rating Form or another habitat evaluation tool approved by the Washington Department of Fish and Wildlife.* The RMA and RB were assessed using best available science. The Riparian Habitat Field Rating Form was not necessary, as the area proposed for impact in the RB is nearly completely devoid of vegetation and has very low functional value to Burnt Bridge Creek.

The following are excerpts from the code listing the criteria required in italics, with a description of how the criteria will be met in regular font.

VMC 20.740.110(B)(1)(a):

In addition to the standards of (VMC 20.740.050(F)), where a mitigation plan is required as part of the Critical Areas Report for a fish and wildlife habitat conservation area that involves a water body, Riparian Management Area or Riparian Buffer, the monitoring program protocol shall include where relevant to the impacted functions:

- 1. Observations and measurements of riparian integrity and quality (buffer width, riparian corridor continuity or fragmentation, species diversity, stand age, plant survival rates)*

Observations and measurements of riparian integrity and quality are met through the proposed mitigation and monitoring plan detailed in the *Mitigation Plan* section of this report. Mitigation will fully compensate for RB impacts and Oregon white oak canopy loss associated with the development of the proposed subdivision. Approximately 1.526

acres (66,466 sq. ft.) of the RMA and RB onsite will be enhanced (Figure 4). The area is currently comprised of scattered trees, scrub-shrub, herbaceous species, and invasive blackberries. The enhancement area will be cleared of invasive species and planted with 6 Oregon white oak trees and 920 native shrubs, providing greater habitat diversity, refuge, and forage opportunities than currently exist, resulting in an overall lift in ecological function. The monitoring program protocol will include monitoring and maintenance of the enhancement area for a 5-year period with annual monitoring and reporting occurring in Years, 1, 2, 3, and 5 wherein:

- Invasive species will be removed or controlled
- Oregon white oaks and native shrubs will be installed
- Minimum plant survival rates in years 1 and 2 and percent aerial cover in years 3 and 5 will be monitored and documented.
- Dead plants will be replaced if the performance standard is not met
- Observations will be documented in an annual monitoring report
- Long term protection will be provided for the enhancement area via a conservation covenant with Clark County
- Permanent fencing and signage will be installed along the final RB buffer

2. *Large woody debris surveys*

No large woody debris surveys are proposed, as all proposed impacts are to the RB and not within the RMA or in Burnt Bridge Creek itself, therefore, this requirement is not applicable.

3. *Streamflow monitoring*

Streamflow monitoring should not be required as there will be no direct impacts to Burnt Bridge Creek associated with the proposed development.

4. *Water quality monitoring to detect pollution impacts*

Water quality monitoring to detect pollution impacts should not be required as there will be no direct impacts to Burnt Bridge Creek associated with the proposed development. The project was designed to limit impacts to the riparian buffer only, while still allowing for feasible use of the site. Additionally, installation of native vegetation will improve the stream buffer's ability to trap sediments and pollutants and protect the stream from the surrounding development.

5. *Biological monitoring (including fish surveys and benthic macroinvertebrate sampling)*

Biological monitoring should not be required as there will be no direct impacts to Burnt Bridge Creek associated with the proposed development.

VMC 20.740.110(C)(1):

a. *Development or clearing activities shall protect the functions of the Habitat Conservation Areas on the site. The activity shall result in no net loss of functions. Protection can be provided by avoiding (the preferred protection) or minimizing and mitigating as described in the general critical areas approval criteria (VMC 20.740.060). Functions include:*

1. *Providing habitat for breeding, rearing, foraging, protection and escape, migration, and over-wintering; and*

2. *Providing complexity of physical structure, supporting biological diversity, regulating stormwater runoff and infiltration, removing pollutants from water, and maintaining appropriate temperatures.*

Avoidance and minimization for unavoidable priority habitat impacts was taken into consideration during the project's design. Impacts to oaks and the RB were minimized to the greatest extent practicable:

- The proposed lot layout for the buildings has gone through several revisions to avoid oaks.
- Native vegetation removal will be avoided to the greatest extent possible.
- Construction BMPs will be utilized including:
 - installing orange construction fencing along the project area
 - installing silt fencing along the edge of the ground disturbance area,
 - applying native grass seed to temporarily disturbed areas, stabilizing work area entrances via installation of gravel, and
 - making a water truck available to prevent wind erosion and dust blowing during construction.
- Permanent fencing will be installed after construction along the RB buffer, and
- Signs will be posted on public and private properties at an interval of one per lot for single-family residential uses and installed at 50-foot intervals affixed to the fencing that will read, "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" according to VMC 20.740.110(C)(1)(d)(2).

Additionally, installation of native vegetation will improve the stream buffer's ability to trap sediments and pollutants, reduce stormwater surface flows, and protect the stream from the surrounding development. The enhancement will also create more habitat interspersed adjacent to Burnt Bridge Creek, making it more valuable to a greater variety of animal species and providing higher levels of screening from the proposed and existing development.

b. *An applicant shall replace any lost functions preferably by restoring or if not, then by enhancing other habitat functions, so long as the applicant demonstrates that enhancement of the other functions provides no net loss in overall functions and maintains habitat connectivity. An example of unavoidable loss of function would be interruption of a travel corridor in a Riparian Management Area or Buffer. To the maximum extent feasible, enhancement shall be undertaken on-site.*

Habitat functions will be enhanced onsite via installation of native vegetation to the RMA and RB to improve the stream buffer's ability to trap sediments and pollutants, reduce stormwater surface flows, and protect the stream from the surrounding development. Though the existing sanitary sewer easement bisects the RMA from east to west, it does not functionally isolate or interrupt the connectivity of the RMA, therefore, enhancement on either side of the easement will allow for habitat interspersed adjacent to Burnt Bridge Creek, making it more valuable to a greater variety of animal species and providing higher levels of screening from the proposed and existing development.

c. *If development or clearing activity is within a Priority Habitat and Species area the applicant shall follow Washington Department of Fish and Wildlife Management Guidelines, Management Recommendations or other standards approved by the Washington Department of Fish and Wildlife. Where there are no guidelines, recommendations or other standards, development or clearing may occur provided that:*

- 1. The development or clearing results in no net loss of habitat function on the site; and*
- 2. Functionally significant habitat, defined as habitat that cannot be replaced or restored within 20 years, shall be preserved.*

The area is currently comprised of scattered trees, scrub-shrub, herbaceous species, and invasive blackberries. The enhancement area will be cleared of invasive species and planted with 6 Oregon white oak trees and 920 native shrubs, providing greater habitat diversity, refuge, and forage opportunities than currently exist. The proposed species were selected due to being observed elsewhere onsite and appearing healthy, therefore environmental conditions onsite are likely ideal. The enhancement will create more habitat interspersed adjacent to Burnt Bridge Creek, making it more valuable to a greater variety of animal species and providing higher levels of screening from the proposed and existing development. Additionally, functionally significant habitat, such as oaks, will not be removed from the RMA or RB.

d. *Signs for Fish and Wildlife Conservation Areas*

- 1. Temporary markers. 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.*

The outer perimeter of the fish and wildlife habitat conservation area adjacent to the proposed construction will be staked or flagged throughout the duration of the permit.

- 2. Permanent signs. 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."*

Permanent fencing will be installed after construction along the RB buffer, and signs will be posted on public and private properties at an interval of one per lot for single-family residential uses or installed at 50-foot intervals, whichever more frequent, affixed to the fencing that will read, "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"

VMC 20.740.110(C)(2)(a):

Riparian Buffer. Development or clearing activity may occur in the Riparian Buffer, providing that:

- 1. The planned mitigation results in no net loss of riparian habitat functions on the site, and*

2. *Functionally significant habitat, defined as habitat that cannot be replaced or restored within 20 years, shall be preserved unless the activity meets the conditions of VMC 20.740.110(C)(2)(b). An example of habitat that cannot be replaced within 20 years would be a stand of mature trees or a peat bog.*

The planned mitigation results in no net loss of riparian habitat functions on the site. The RB and RMA are both currently low functioning and comprised of scattered trees, scrub-shrub, herbaceous species, and invasive blackberries. The enhancement area will be cleared of invasive species and planted with 6 Oregon white oak trees and 920 native shrubs, providing greater habitat diversity, refuge, and forage opportunities than currently exist. The proposed species were selected due to being observed elsewhere onsite and appearing healthy, therefore environmental conditions onsite are likely ideal. Additionally, all functionally significant habitat will be preserved. No Oregon white oaks will be removed from the RMA or RB.

WETLAND BUFFER REDUCTION

Wetland Buffer Reduction

According to VMC 20.740.140 (C)(1)(b)(iii)(B), wetland buffers recommended for high impact land uses may be reduced to those for moderate impacts if certain criteria are met. As allowed by VMC, the applicant is proposing to reduce the standard buffer width of Wetland A, onsite, from the high intensity land use width of 80 feet to the moderate land use intensity width of 60 feet, as listed in VMC Table 20.740.140-7 (Figure 3). The following is an excerpt from the code listing the criteria required to authorize buffer reduction in italics with a description of how the criteria will be met in regular font.

VMC 20.740.140 (C)(1)(b)(iii):

Buffer Width Reduction Based on Reducing the Intensity of Impacts from Land Uses. Buffer widths required for high intensity land uses may be reduced to those required for moderate land use intensity under the following conditions:

B. For wetlands with low habitat function measures to minimize the impacts of different land uses on wetlands (subsection (C)(1)(b)(iii)(A)(2) of this section) are applied.

Wetland A scored 5 points for habitat function; therefore, this buffer reduction is applicable. This project will meet the standards to minimize land use impacts detailed in subsection (C)(1)(b)(iii)(A)(2) and contained in VMC Table 20.740.140-7 by:

- *Directing lights away from the wetland*
Streetlights will be directed down and away from the wetland.
- *Locate activity that generates noise away from the wetland*
Noise will not be generated above current ambient background levels as the wetland is located adjacent to high residential densities and I-205 traffic.
- *Route all new untreated runoff away from wetland. Establish covenants limiting use of toxic chemicals within 150' of wetland. Apply integrated pest management.*
Road runoff will be collected and directed to the onsite stormwater facility for detention and treatment. No runoff will be directed to the wetland. No

residential lots are proposed next to the wetland, therefore covenants and integrated pest management shouldn't be required. The final outer buffer will be protected via fencing and signage to prevent human and pet disturbance of the wetland.

- *Infiltrate or treat, detain, and disperse new runoff into buffer*

Road runoff will be collected and directed to the onsite stormwater facility for detention and treatment. No runoff will be directed to the wetland. No residential lots are proposed next to the wetland therefore, no new runoff is able to disperse into the buffer. Runoff from the surrounding uplands is not Wetland A's main source of hydrology and the groundwater table will continue to support wetland hydrology. All indirect wetland impacts due to insufficient buffer width will be compensated for via appropriate mitigation. Refer to the *Bank Use Plan* for indirect wetland impact mitigation details (ELS 2022).

- *Plant dense vegetation around buffer, such as rose or hawthorn*

Due to the proposed development adjacent to the wetland and buffer consisting of public sidewalks permanent fencing instead of dense vegetation is proposed to protect the wetland and buffer from human and pet disturbance. Additionally, signage 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" will be placed every 50 feet along the permanent fencing.

- *Utilize best management practices to control dust*

A water truck will be made available to prevent wind erosion and dust blowing during construction.

AVOIDANCE AND MINIMIZATION

This plan describes a series of measures that will be implemented to avoid, minimize, and compensate for impacts to wetland A, RB impacts, as well as the removal of one mature Oregon white oak. Allowed uses and activities within RB per VMC discussed in the *Mitigation Plan* section of this report include:

- Indirect impacts to Wetland A will be satisfied by purchasing bank credits at Terrace Mitigation Bank, please refer to *Kevanna Park Meadows Bank Use Plan* (ELS 2022).
- Impacts to oaks and the RB are avoided and minimized to the greatest extent practicable.
- RB and Oak impacts will be compensated for through onsite RMA and RB enhancement described in the *Mitigation Plan* section.

Avoidance Measures

Avoiding impacts to critical areas and priority habitat were the primary consideration during the project's design. Impacts to the RB, one oak, and Wetland A's buffer could not be avoided in order to accommodate the proposed development of 35 residential lots and the required road construction and alignment per the City of Vancouver. The proposed lot layout for the buildings has gone through several revisions to avoid oak, RMA, and direct wetland impacts. All impacts that could not be

avoided during the design process can be fully compensated to result in no net loss of ecological function

Minimization Measures

In addition to the avoidance measures made possible by the preliminary lot redesign, the following minimization measures will further reduce impacts to the wetland, oaks, and RB, and minimize habitat disruption beyond the extent required to undertake the proposal. The minimization measures are as follows:

- Install temporary construction fencing as needed around the mitigation and construction areas.
- Install permanent fencing between the proposed lots along the RB and between the sidewalk and the wetland buffer.
- Grading to occur during the dry season to minimize surface runoff.
- Best management practices, including, applying native grass seed to temporarily disturbed areas, stabilizing work area entrances via installation of gravel, and making a water truck available to prevent wind erosion and dust blowing during construction.
- Buffer reduction techniques have been implemented to minimize indirect impacts to Wetland A.
- Road runoff associated with the proposed road construction will be routed to the proposed stormwater facility onsite.
- Permanent fencing will be installed after construction along Wetland A's buffer, and signs will be installed at 50-foot intervals affixed to the fencing that will read, "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" according to *VMC 20.740.140(C)(1)(c)(iv)*.
- Permanent fencing will be installed after construction along the RB buffer, and signs will be posted on public and private properties at an interval of one per lot for single-family residential uses and installed at 50-foot intervals affixed to the fencing that will read, "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" according to *VMC 20.740.110(C)(1)(d)(2)*.

Compensation Measures

Wetland Buffer Reduction and Indirect Wetland Impacts – The land use intensity will be reduced from high to moderate through site design measures, translating to a buffer reduction from 80 feet down to 60 feet per *VMC 20.740.140 (C)(1)(b)(iii)(B)*. Indirect impacts to Wetland A will be mitigated through bank credit purchase at Terrace Mitigation Bank, see *Kevanna Park Meadows Bank Use Plan* (ELS 2022).

RMA and RB Enhancement - In accordance with *VMC 20.740.110(C)(2)*, 1.526 acres (66,466 square feet) of the RMA and RB within the vicinity of the impact will be enhanced with native shrub species, Oregon white oaks, and invasive species removal, for an overall enhancement ratio of 1.94:1. (Figure 4).

UNAVOIDABLE IMPACTS

The installation of NE 46th Avenue will result in 0.106 acres (4,625 sq. ft.) of indirect wetland impacts to Wetland A due to insufficient buffer width (Figure 3). All indirect wetland impacts will be compensated for via credit purchase at the Terrace Mitigation Bank (See *Kevanna Park Meadows Bank Use Plan*, ELS 2022).

As designed, the proposed residential development and installation of NE 46th Avenue will result in unavoidable impacts to one Oregon white oak and the riparian buffer of Burnt Bridge Creek. This will result in a total of 0.028 acres (1,216 sq. ft.) of oak canopy removal and 0.760 acres (33,098 sq. ft.) of RB impacts. Table 4 summarizes proposed critical area impacts.

Table 4. Summary of Critical Area Impacts.

Impact Area	Category ¹ / Cowardin Class ² / HGM Class ³ /Type ⁴	Impact Type	Impact Amount
Wetland A Buffer	III/Forested, Scrub-shrub/Depressional	Indirect/ Road Construction	0.106 acres (4,625 sq. ft.)
Burnt Bridge Creek RB (Type F)	Type F	Buffer/ Lot Construction	0.760 acres (33,098 sq. ft.)
Oregon White Oak Canopy	N/A	Removal/ Road Construction	0.028 acres (1,216 sq. ft.)

¹Hruby 2004, ²Cowardin et al. 1979, ³NRCS 2008, ⁴VMC Table 20.740.110-1

MITIGATION PLAN

Burnt Bridge Creek Riparian Management Area and Riparian Buffer

Approximately 0.760 acres (33,098 sq. ft.) of the Burnt Bridge Creek RB will be impacted by the proposed subdivision (Figure 3). In accordance with VMC 20.740.110(C)(2), 1.526 acres (66,466 square feet) of the RMA and RB within the vicinity of the impact will be enhanced with native shrub species, Oregon white oaks, and invasive species removal, for an overall enhancement ratio of 1.94:1. Most of the impacted RMA and RB currently consist of mowed grasses and the proposed enhancement will result in a net gain of ecological functions. Installation of native vegetation will improve the stream buffer's ability to trap sediments and pollutants, reduce stormwater surface flows, and protect the stream from the surrounding development. The enhancement will also create more habitat interspersed adjacent to Burnt Bridge Creek, making it more valuable to a greater variety of animal species and providing higher levels of screening from the proposed and existing development.

Table 5. Summary of Proposed RMA and RB Mitigation.

Critical Areas	Proposed Impact	Impact Amount	Ratio	Enhancement Amount	Mitigation Activities
RMA			1.94:1	1.196 acres (52,073sq. ft.)	- Remove invasive species - Plant native shrubs - Monitor planted shrubs for 5 years
RB	Buffer/ Lot Construction	0.760 acres (33,098 sq. ft.)		0.330 acres (14,393 sq. ft.)	
Total				1.526 acres (66,466 sq. ft.)	

Table 6. Summary of Oak Impacts and Proposed Mitigation

Impact Amount	Ratio	Oak Size	LSER ¹	Amount	Enhancement Amount	Mitigation Activities
Oregon White Oak Canopy Loss 0.028 acres (1,216 sq. ft.)	6:1	Bare Root/Gallon	N/A	33	*0.167 acres (7,296 sq. ft.)	- Remove invasive species - Plant 6, 2" caliper oaks, depending on availability, in the RMA or RB - Monitor planted oaks for 5 years
		1" Caliper	1:3	11		
		1.5" Caliper	1:4	9		
		2" Caliper	1:6	6		

¹The large stem equivalency ratios are from Brent Davis at Clark County. The ratios indicate how many large stem stock need to be installed in comparison to small stock. For example, the 1:3 ratio for 1" caliper oaks translates to one 1" caliper oak for every 3 bare root plantings. *Oregon white oak canopy enhancement total is not included in the total enhancement area as enhancement will occur in the RMA and RB.

Goals, Objectives, and Performance Standards

The goal of this mitigation plan is to fully compensate for RB impacts and Oregon white oak canopy loss associated with the development of the proposed subdivision. The applicant proposes to enhance approximately 1.526 acres (66,466 sq. ft.) of the RMA and RB onsite (Figure 4). This area is currently comprised of scattered trees, scrub-shrub, herbaceous species, and invasive blackberries. The enhancement area will be cleared of invasive species and planted with 6 Oregon white oak trees and 920 native shrubs, providing greater habitat diversity, refuge, and forage opportunities than currently exist. To accomplish this goal, the following objectives and performance standards are appropriate to ensure the success of the enhancement area.

Vegetation

*Objective 1. Enhance a minimum of 1.526 acres of RMA and RB by thoroughly investigating for and removing or controlling the growth of invasive species through cutting or spraying, including, but not limited to, reed canarygrass (*Phalaris arundinacea*), Canada thistle (*Cirsium arvense*), scotch broom (*Cytisus scoparius*), evergreen blackberry (*Rubus laciniatus*) and Himalayan blackberry (*Rubus armeniacus*).*

Performance Standard 1a: Remove or control existing invasive species from at least 1.526 acres in the RMA and RB enhancement area. Document the removal of invasive plants within the enhancement areas in the as-built report.

Performance Standard 1b: In all years, invasive plant species will not exceed 10 percent aerial cover within the RMA and RB enhancement area. Percent cover of invasive species will be documented in annual monitoring reports.

Objective 2. Enhance a minimum of 1.526 acres of the existing RMA and RB plant community by planting Oregon white oak trees and native shrubs within the RMA and RB enhancement area.

Performance Standard 2a: Oregon white oaks and native shrubs will be installed at spacing intervals of 15-foot and 6-foot centers, respectively.

Performance Standard 2b: In Year 1, planted species will achieve 100 percent survival. If dead plants are replaced, this performance standard will be met. Document in annual monitoring report.

Performance Standard 2c: In Year 2, planted species will achieve 95 percent survival. If dead plants are replaced, this performance standard will be met. Document in annual monitoring report.

Performance Standard 2d: In Year 3, planted oaks will have a minimum 15 percent aerial cover, and a minimum 25 percent aerial cover by native shrubs. Dead plants will be replaced if this performance standard is not met. Document in annual monitoring report.

Performance Standard 2e: In Year 5, planted oaks will have a minimum 25 percent aerial cover, and a minimum 35 percent aerial cover by native shrubs. Dead plants will be replaced if this performance standard is not met. Document in annual monitoring report.

Protection

Objective 3. Provide long-term protection for the enhancement area.

Performance Standard 3a: Record a conservation covenant with Clark County protecting the enhancement area in perpetuity. This performance standard will be met when the conservation covenant is recorded at the County and a copy will be provided in the as-built report.

Performance Standard 3b: Permanent fencing will be installed along the final RB buffer and along the wetland buffer. This performance standard will be met when fencing is reported to be in place in the final monitoring report.

Performance Standard 3c: RB buffer signs reading, “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.” will be posted every 50 feet along the fencing and will remain in legible condition. They will be replaced if they become missing or illegible. This performance standard will be met when signs are reported to be in place in the final monitoring report.

Planting Plan

Site Specifications

1. Stake or flag the RMA and RB boundaries.
2. Stake or flag the enhancement area boundaries.
3. Install silt fencing at the edge of disturbance.
4. Remove invasive species.
5. Install native plantings according to plant specifications.
6. Install native plantings with tree protection tubes.
7. Install fencing and signage.
8. Remove silt fencing once bare area has been stabilized.

Planting Implementation

1. Plant the specified trees and shrubs in the fall (October-November) or early spring (February-March) at the intervals listed in Table 4. Space the plants somewhat irregularly and in groups to create heterogeneity in the density and appearance of the enhancement areas. Plant the 1-gallon potted stock with a tree shovel or comparable tool.
2. Remove the plant from the pot and work the roots free from majority of potted soil.
3. Place the potted plant species in the planting holes so that their roots can extend down entirely and do not bend upward or circle inside the hole (no “J” or “U” roots).
4. Position the root crowns so that they are at or slightly above the level of the surrounding soil.
5. Compact the soil around the planted species to eliminate air spaces.
6. Irrigate all newly installed plants as site and weather conditions warrant.

Gallon Stock

1. 1-gallon potted species will be purchased from a native plant nursery.
2. 1-gallon potted plants will be a minimum size of 18- to 36-inches tall.
3. 1-gallon potted stock will be kept cool and moist prior to being planted.
4. 1-gallon potted stock will have well-developed roots and sturdy stems, with an appropriate root-to-shoot ratio.
5. Unplanted potted stock will be properly stored at the end of each day.
6. The environmental consultant will be responsible for inspecting potted plant stock prior to and during planting, culling unacceptable plant materials.

Bare-Root Stock

1. Bare-root species will be purchased from a native plant nursery.
2. Plants will be protected until installation by being refrigerated, covered with damp burlap, and placed in moist sand, peat, or other method of keeping the roots cool and moist.
3. Plants will have well-developed roots and sturdy stems, with an appropriate root-to-shoot ratio.
4. No damaged or desiccated roots or diseased plants will be accepted. In particular, bare-root trees must not have damaged or “J-rooted” taproots.
5. All bare-root stock must be kept cool and moist prior to installation.
6. Unused bare-root stock must be properly stored at the end of each planting day to prevent the roots from desiccating.
7. The planter will be responsible for inspecting the bare root stock prior to and during planting; unacceptable plant materials will not be planted.

Planting Specifications

The enhancement area will be cleared of invasive species by hand, mechanically, or through herbicide application, and then planted with 6 Oregon white oak trees and 920 native shrubs, providing greater habitat diversity, refuge, and forage opportunities than currently exist. Mitigation plantings will be installed in the late fall to early spring when the site conditions are wettest, and the plants are dormant. Additionally, plants will be installed in mono-specific groups to better mimic the natural environment and enhance plant survival. The proposed species were selected due to being observed elsewhere onsite and appearing healthy, therefore environmental conditions onsite are likely ideal. Mitigation plantings will be installed with tree protection tubes surrounded by mulch to discourage herbivory and further increase the survivability of planted tree and shrub species. The table below summarizes the plant species, spacing, and quantities for the wetland enhancement area. Figure 4 details the enhancement area and plant spacing.

Table 7. Plant Specifications for RMA & RB Enhancement Area.

Common Name	Scientific Name and FAC Status	Stock	Spacing (feet)	Quantity
Trees				
Oregon white oak	Quercus garryana (FACU)	2” caliper	15 feet	6
Total Trees				6
Shrubs				
Common snowberry	Symphoricarpos albus (FACU)	Bare-root	6 feet	230
Nootka rose	Rosa nutkana (FAC)			230
Black hawthorn	Crataegus douglasii (FAC)			230
Thimbleberry	Rubus parviflorus (FACU)			230
Total Shrubs				920
Total				926

Monitoring, Maintenance, and Contingency Measures

Monitoring and maintenance of the enhancement area will occur for a 5-year period with annual monitoring and reporting occurring in Years, 1, 2, 3, and 5. Monitoring will be conducted by the applicant unless otherwise assigned. A minimum of 4 permanent monitoring plots, demarcated by metal t-posts, will be established in the RB and RMA enhancement areas. Plants will be counted and assessed for health during each monitoring visit. Additionally, at least three photo stations will be established, one at each monitoring plot to photo-document vegetation establishment. Photo station location and the direction in which the picture is taken will also be recorded on the as-built.

The goal of monitoring will be to determine if the previously stated performance standards are met. Monitoring reports will be submitted to the County by December 31st of each monitoring year. At minimum, the following items will be included in the report:

- Location map and as-built drawing, including any changes.
- Historic description of project, including dates of plant installation, current year of monitoring, and remedial actions taken (if any).
- Description of monitoring methods.

- Documentation of vegetative performance standards and overall development of plant communities.
- Assessment of invasive plant species and recommendations for management.
- Photographs from established photopoints.
- Observations of wildlife, including, amphibians, invertebrates, reptiles, birds, and mammals. If photographs are taken, they will be included.
- Summary of maintenance and contingency measures completed for the past year and proposed for the next year.

Vegetation

Monitoring will occur annually during the growing season, preferably during the same two-week period to better compare data. The following information will be gathered within the established monitoring plots:

- Percent survival of woody species in Years 1, 2, 3, and 5.
- Percent cover of non-native, invasive species in all monitoring years
- General health of plants in the monitoring plot, noting specific problems and potential causes.
- Photographic documentation of vegetative changes over time from established photopoints

Overall vegetative conditions outside monitoring plots will also be observed and discussed in the monitoring reports.

Maintenance

Maintenance will occur during the growing season and will include the following:

- Irrigating planting areas every other week or as needed in the dry season for the first three years. Taper watering in Years 2 and 3, watering approximately every 3 to 4 weeks in the dry season, or as needed.
- Remove competing herbaceous species at least three times yearly within a 3-foot radius of planted trees and shrubs and re-apply mulch as needed.
- Weed-eat, spray, or mow invasive species as needed during the growing season.
- Replace dead or failed plants as described for the original installation to meet the minimum performance standards.

Contingency Plan

If the performance criteria are not met, steps will be taken to correct the situation in a timely manner. The following steps will be implemented when an area is identified as failing or potentially failing:

- Identify the cause(s) of the failure or potential failure.
- Identify the extent of the failure or potential failure.
- Implement corrective actions such as irrigating, fertilizing, and replanting.
- Document the activities and include this data in the monitoring reports.
- If a routine corrective action will not correct the problem, immediately consult with the appropriate agencies.
- Evaluate recommendations from resource agency staff and implement recommendations in a timely manner.

Funding for corrective actions will be the responsibility of the applicant.

LIMITATIONS

ELS bases the above listed determinations and conclusions on standard scientific methodology and best professional judgment. In our opinion, local, state, and federal regulatory agencies should agree with the conclusions of this report. However, this should be considered a preliminary report and should be used at your own risk until it has been reviewed and approved in writing by the appropriate regulatory agencies.

REFERENCES

- City of Vancouver. 2021. *Vancouver Municipal Code (VMC)*, Chapter 20.740.110 *Fish and Wildlife Habitat Conservation Areas*. Vancouver, Washington.
- City of Vancouver. 2021. *Vancouver Municipal Code (VMC)*, Chapter 20.740.140 *Wetlands*. Vancouver, Washington.
- Cowardin, L.M., C. Carter, F.C. Golet, and E.T. LaRoe. 1979. *Classification of Wetlands and Deepwater Habitats of the United States*. FWS/OBS-78/31. U.S. Department of the Interior, Fish and Wildlife Service, Office of Biological Services, Washington D.C.
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- Larsen, Eric M. and Morgan, John T. 1998. *Management Recommendations for Washington's Priority Habitats Oregon White Oak Woodlands*. Washington Department of Fish and Wildlife (WDFW). January 1998.
- Natural Resource Conservation Service (NRCS). 2008. *Hydrogeomorphic Wetland Classification System: An Overview and Modification to Better Meet the Needs of the Natural Resources Conservation Service*. United States Department of Agriculture Technical Note, #190-8-76.
- Natural Resources Conservation Service (NRCS). 2022. Web Soil Survey. Available at: <https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx>. Accessed July 2022.
- U.S. Army Corps of Engineers (USACE). 2010. *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Western Mountains, Valleys, and Coast Region (Version 2.0)*, ed. J.S. Wakeley, R.W. Lichvar, and C.V. Noble. ERDC/EL TR-08-13. Vicksburg, MS: U.S. Army Engineer Research and Development Center.
- U.S. Fish & Wildlife Service (USFWS). 2022. National Wetlands Inventory. Online document <https://www.fws.gov/wetlands/data/mapper.html>. Accessed July 2022.

FIGURES AND PHOTOPLATES

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WASHINGTON

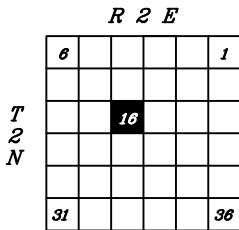


PROJECT SITE

Latitude: 45.6553°

Longitude: -122.5664°

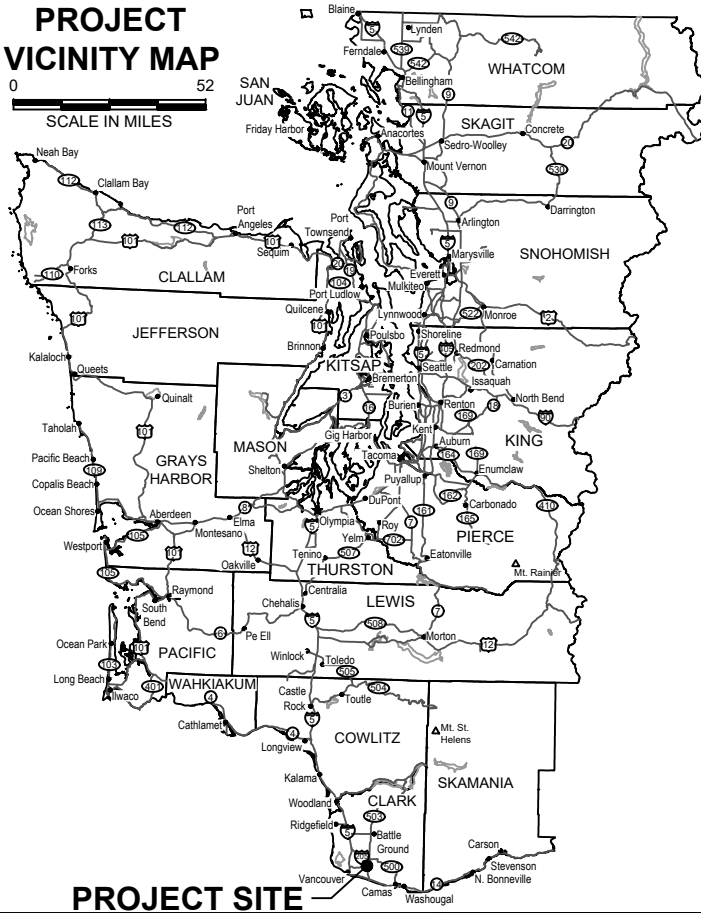
LOCATION MAP



NOTE:

Quadrangle topographic map from USGS.

PROJECT VICINITY MAP



PROJECT SITE

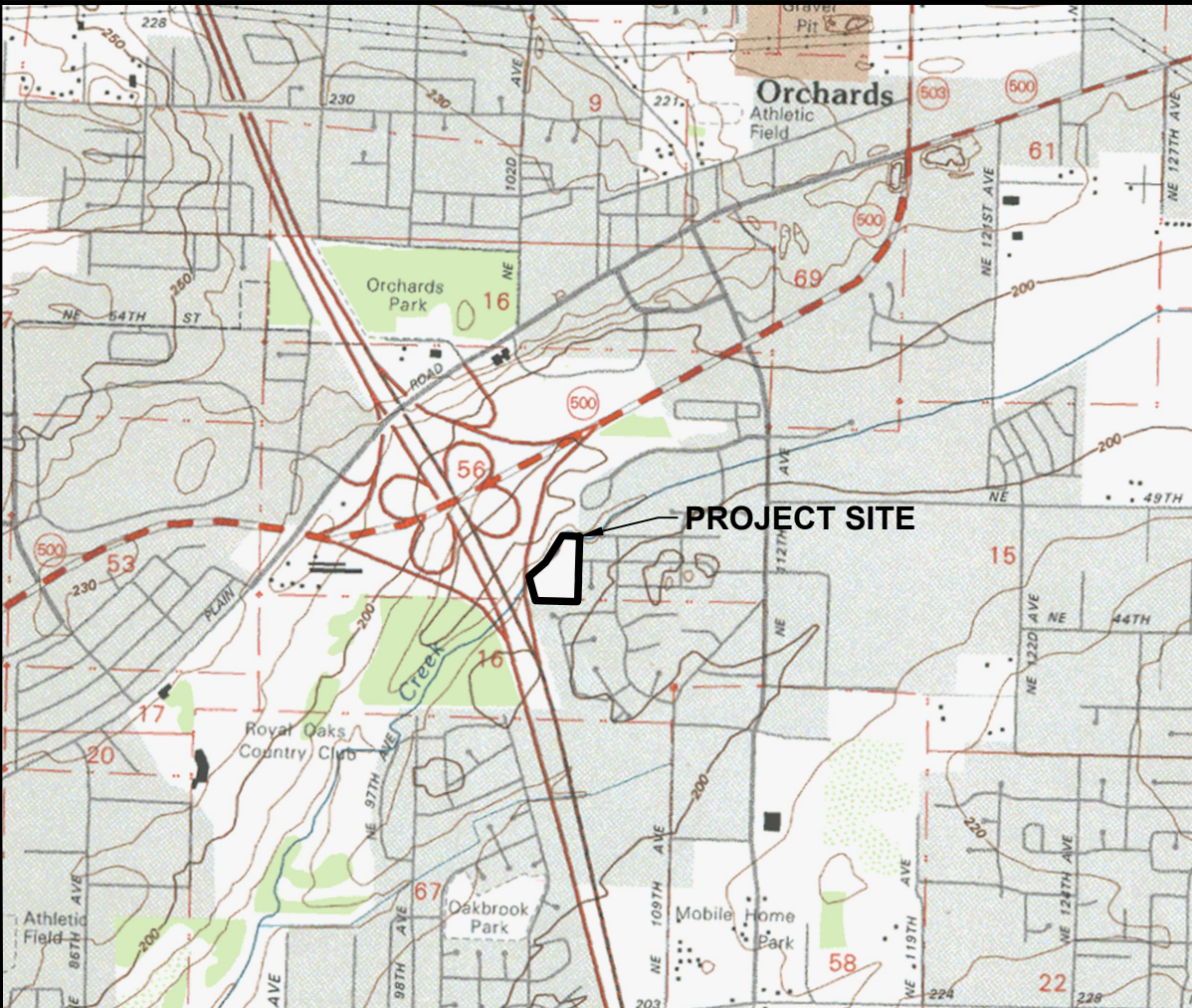


Figure 1

VICINITY MAP

Kevanna Park Meadows

Ginn Development

City of Vancouver, Clark County, Washington
Section 16, Township 2N, Range 2E, W.M.

DATE: 8/15/22

DWN: JKJ

REQ. BY: SH

PRJ. MGR: SH

CHK: LH

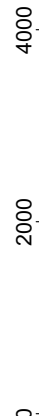
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Longview, WA 98632

Phone: (360) 578-1371

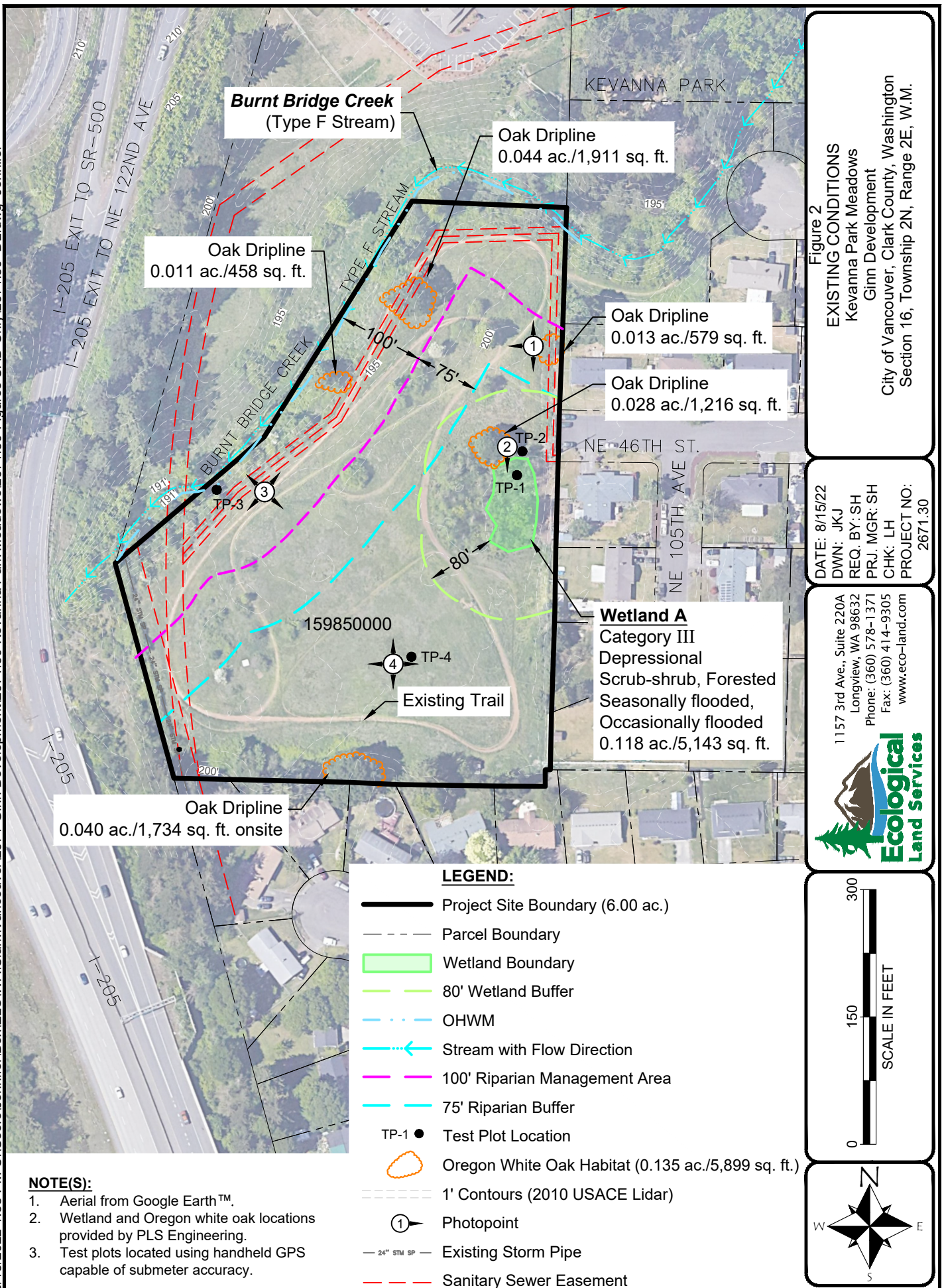
Fax: (360) 414-9305

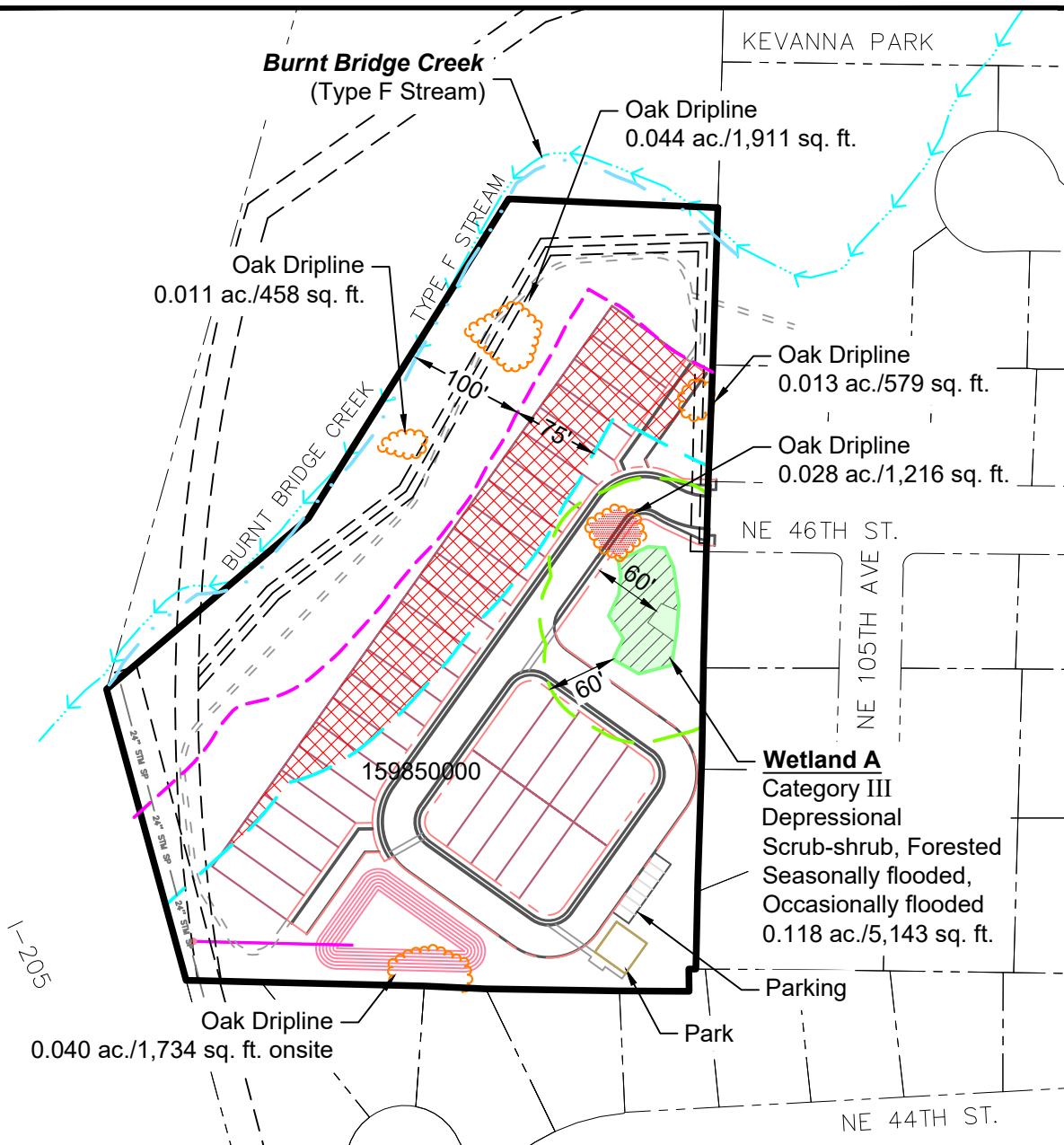
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SCALE IN FEET







LEGEND:

- Project Site Boundary (6.00 ac.)
- Parcel Boundary
- Wetland Boundary
- 60' Reduced Wetland Buffer
- OHWM
- Stream with Flow Direction
- 100' Riparian Management Area
- 75' Riparian Buffer
- Oregon White Oak Habitat (0.135 ac./5,899 sq. ft.)
- 24" STM SP Existing Storm Pipe
- Sanitary Sewer Easement

LEGEND (cont.):

- Proposed Lots
- Proposed Trail
- Proposed Road ROW
- Proposed Sidewalk
- Proposed Playground
- Proposed Storm Pond
- Proposed Storm Pond Outfall Pipe
- Riparian Buffer Impact (0.760 ac./33,098 sq. ft.)
- Oak Dripline Impact (0.028 ac./1,216 sq. ft.)
- Indirect Wetland Impact (0.106 ac./4,625 sq. ft.) (See Bank Use Plan for mitigation details)

NOTE(S):

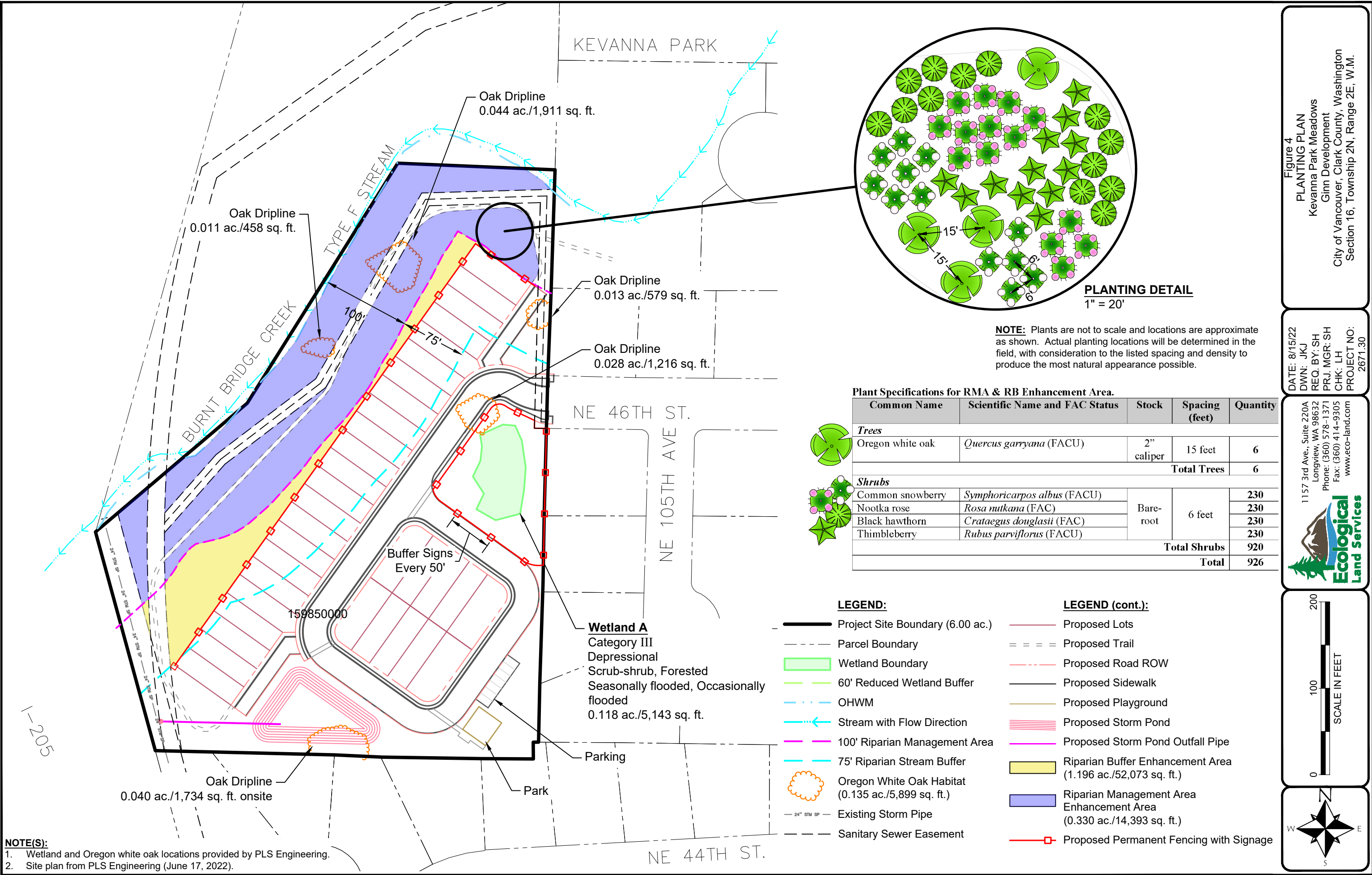
1. Wetland and Oregon white oak locations provided by PLS Engineering.
2. Test plots located using handheld GPS capable of submeter accuracy.
3. Site plan from PLS Engineering (June 17, 2022).

Figure 3
PROPOSED CONDITIONS
Kevanna Park Meadows
Ginn Development
City of Vancouver, Clark County, Washington
Section 16, Township 2N, Range 2E, W.M.

DATE: 8/15/22
DWN: JKJ
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SCALE IN FEET



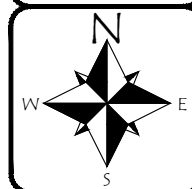


LEGEND:

- Project Site Boundary
- NRCS Soil Boundary
- LgB** Lauren gravelly loam, 0 to 8 percent slopes. Not hydric.

NOTE(S):

- Map provided on-line by NRCS at web address:
<http://websoilsurvey.nrcs.usda.gov/app/>



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CHK: LH
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Figure 5
NRCS SOIL SURVEY
Kevanna Park Meadows
Ginn Development
City of Vancouver, Clark County, Washington
Section 16, Township 2N, Range 2E, W.M.



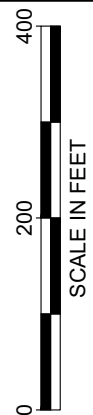
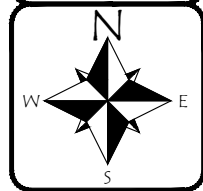
LEGEND:

- Project Site Boundary
- Wetlands**
- Riverine

R2UBHx Riverine, lower perennial, unconsolidated bottom, excavated.

NOTE(S):

1. Map provided on-line by US Fish & Wildlife Service at web address:
<https://www.fws.gov/program/national-wetlands-inventory/wetlands-mapper>



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CHK: LH
PROJECT NO:
2671.30

Figure 6
USFWS NATIONAL WETLANDS INVENTORY
Kevanna Park Meadows
Ginn Development
City of Vancouver, Clark County, Washington
Section 16, Township 2N, Range 2E, W.M.

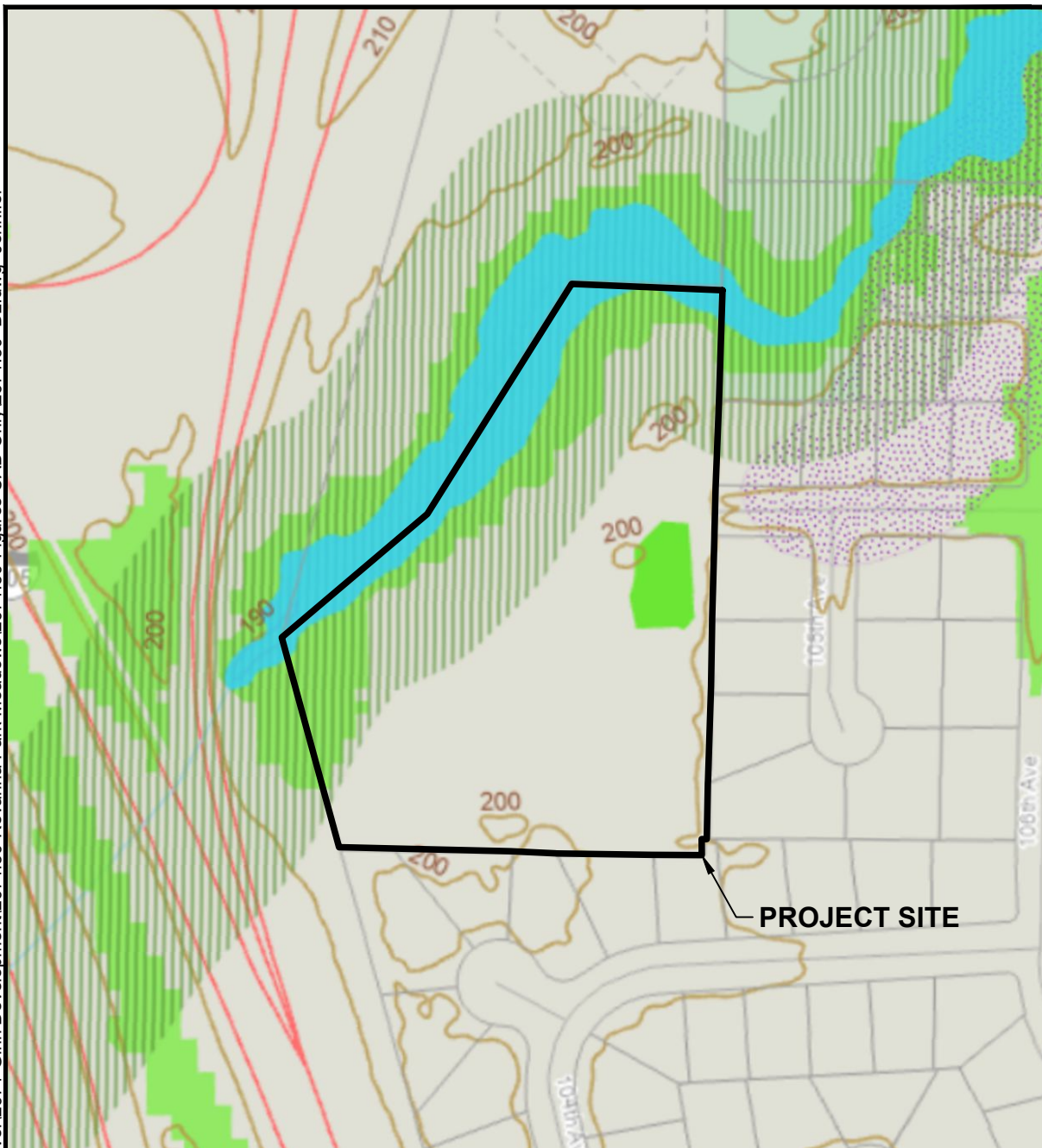


Figure 7
CLARK COUNTY CRITICAL AREAS
 Kevanna Park Meadows
 Ginn Development
 City of Vancouver, Clark County, Washington
 Section 16, Township 2N, Range 2E, W.M.

DATE: 8/15/22
 DWN: JKJ
 REQ. BY: SH
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Ecological Land Services

LEGEND:

— Project Site Boundary

Environmental

Priority Habitats and Species Group

Riparian Habitat

▨▨▨▨ Riparian Habitat Area

Slopes and Geologic Hazards Group

Contour Lines

— Contour Lines - 10 ft

Soils and Wetlands Inventory

▨▨▨▨ Hydric Soils

▨▨▨▨ Potential Wetlands Presence

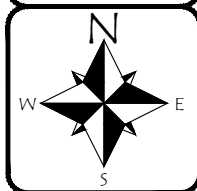
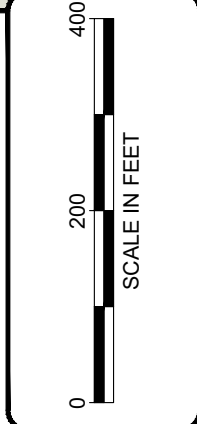
▨▨▨▨ Permitted Wetland

Environmental Constraints

▨▨▨▨ Floodway or Floodway Fringe

NOTE(S):

1. Map provided on-line by Clark County at web address: <https://gis.clark.wa.gov/maponline/index.cfm?site=Environmental>



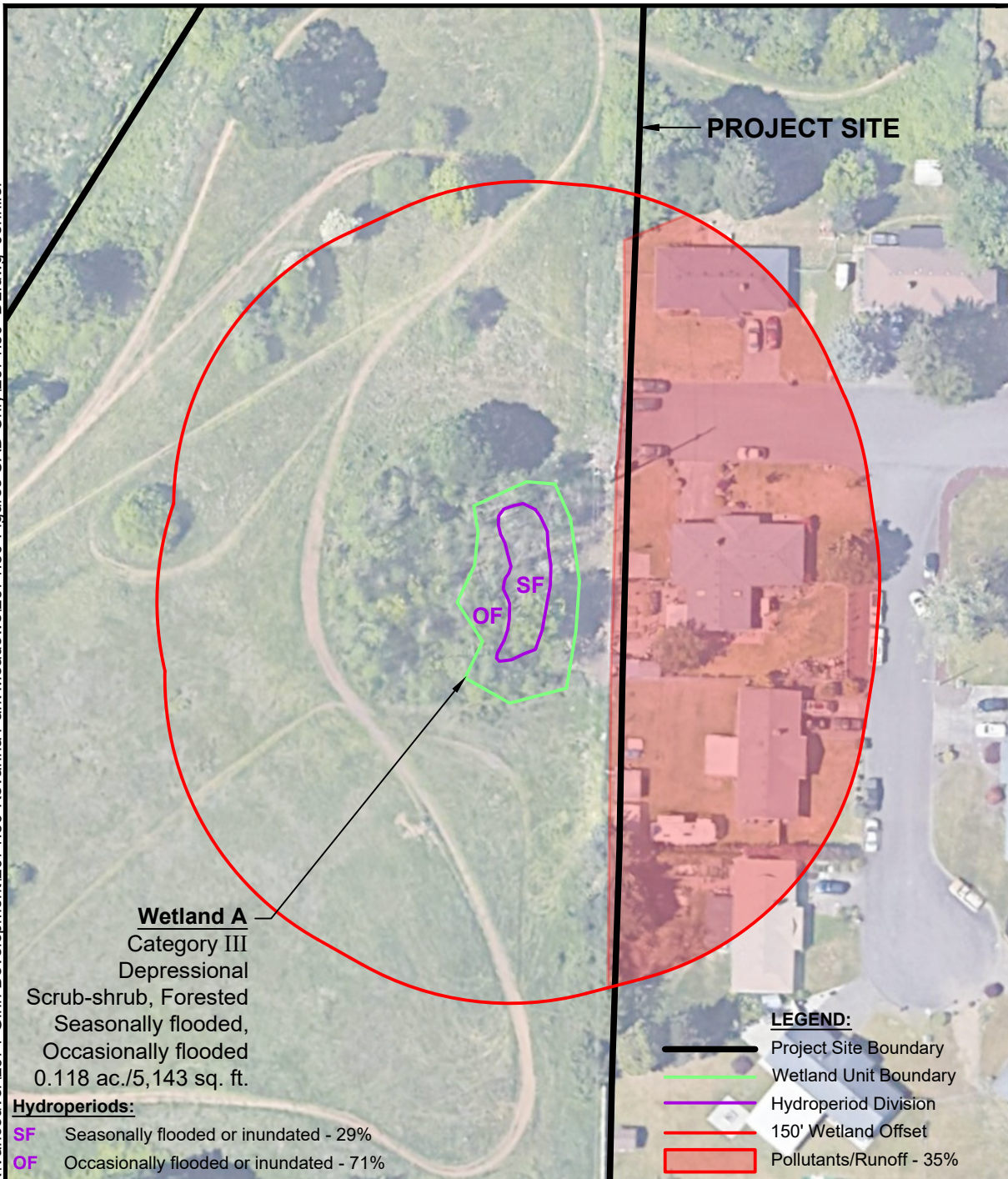
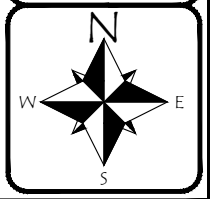
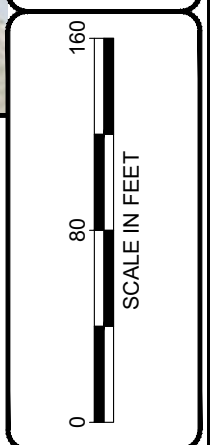


Figure 8
WETLAND RATING FORM-150' OFFSET
Kevanna Park Meadows
Ginn Development
City of Vancouver, Clark County, Washington
Section 16, Township 2N, Range 2E, W.M.

DATE: 8/15/22
DWN: JKJ
REQ. BY: SH
PRJ. MGR: SH
CHK: LH
PROJECT NO:
2671.30

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Ecological Land Services



Rating Question	Description	Wetland A
D 1.1, D 4.1	Location of Outlet	Wetland is a depression with no outlet
D 1.3	Distribution of persistent plants	Wetland has persistent plants >1/2 the area
D. 1.4	Area of seasonally flooded	Area seasonally ponded >1/4 of area
D 2.2	Boundary of area w/in 150' of the wetland in land uses that generate pollutants	>10% area within 150' in land use that generate pollutants
D 5.2	Boundary of area w/in 150' of the wetland in land uses that generate excess runoff	>10% area within 150' in land use that generate excess runoff
D 4.3	Contributing Basin-Contribution of wetland to storage in the watershed	The area of the basin is 10 to 100 times the area of the unit
D 5.3	Contributing Basin covered in intensive land uses	<25% of the contributing basin is covered with intensive land uses
H 1.1	Cowardin Plant Classes	Scrub-shrub, forested
H 1.2	Hydroperiods	Seasonally flooded, occasionally flooded
H 1.4	Interspersion of habitats	Low interspersion of habitats

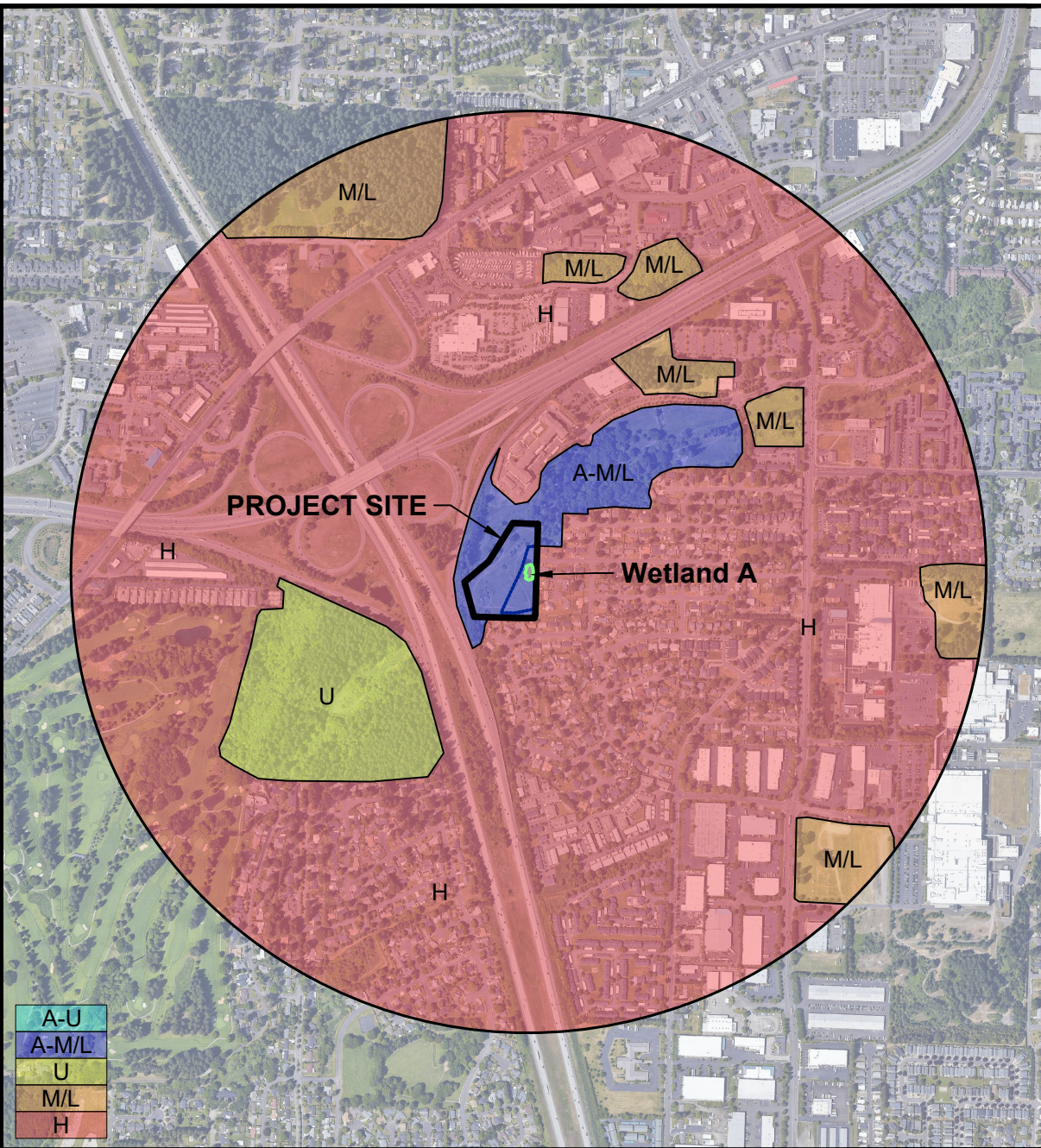
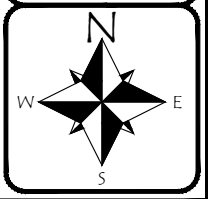
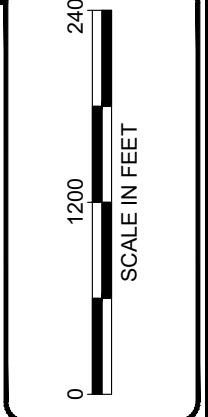


Figure 9
WETLAND RATING FORM-1 km OFFSET
 Kevanna Park Meadows
 Ginn Development
 City of Vancouver, Clark County, Washington
 Section 16, Township 2N, Range 2E, W.M.

DATE: 8/15/22
 DWN: JKJ
 REQ. BY: SH
 PRJ. MGR: SH
 CHK: LH
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Ecological Land Services



LEGEND:

- Project Site Boundary
- Wetland Unit Boundary
- Contributing Basin
11x area of Wetland A

H2.1 Accessible Habitat

A-U	A-U (00.0%)
A-M/L	A-M/L (3.8%)

H2.2 Undisturbed Habitat

U	U (4.8%)
M/L	M/L (6.2%)

H2.3 Land Use Intensity

H	H (85.3%)
---	-----------

H 2.1. Accessible Habitat Equation

$$\% \text{ [A-U] habitat } 00.0\% + [(\% \text{ [A-M/L] intensity land uses})/2] \text{ } 1.9\% = 1.9\%$$

H 2.2. Total Undisturbed Habitat Equation

$$\% \text{ [A-U] } + \% \text{ [U] habitat } 4.8\% + [(\% \text{ [A-M/L] } + \% \text{ [M/L] land uses})/2] \text{ } 5.0\% = 9.8\%$$

Assessed Waters/Sediment

Water

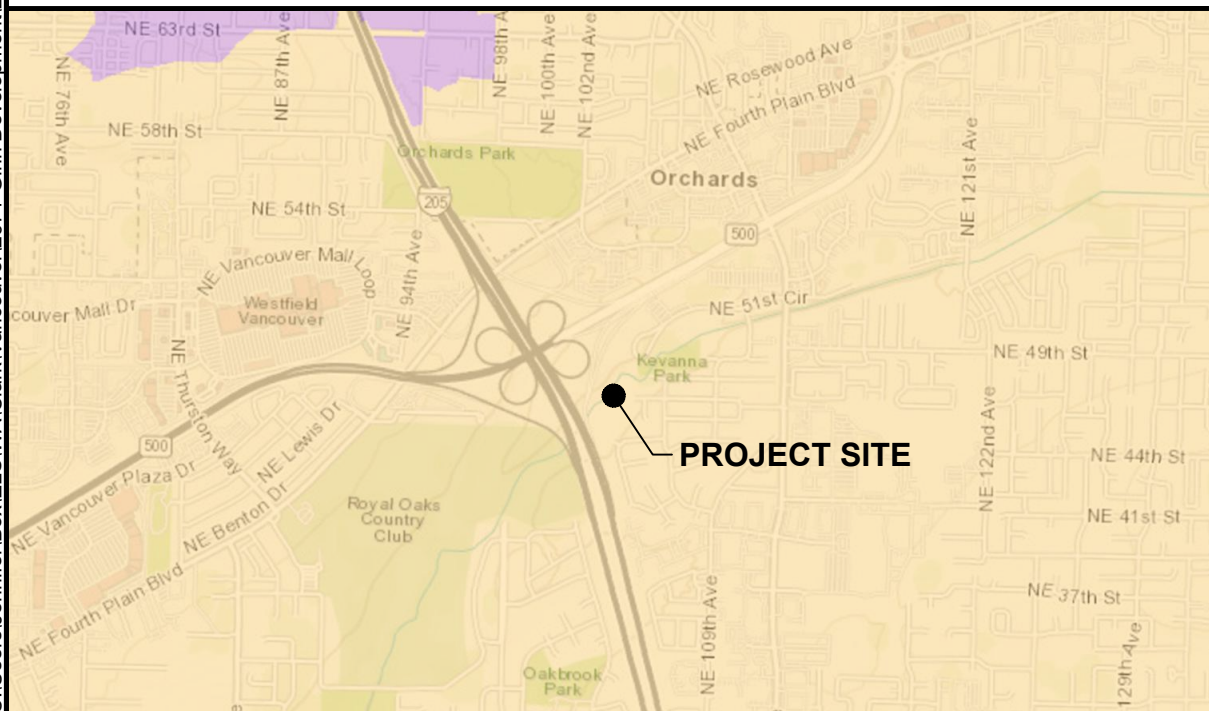
-  Category 5 - 303d
-  Category 4C
-  Category 4B
-  Category 4A
-  Category 2
-  Category 1

Sediment

-  Category 5 - 303d
-  Category 4C
-  Category 4B
-  Category 4A
-  Category 2
-  Category 1

Subbasins

-  12 Digit HUC Boundary



WQ Improvement Projects

- Approved
In Development

NOTE(S):

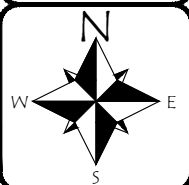
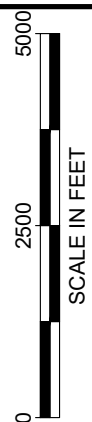
1. Map provided on-line by Washington State Department of Ecology at web address:
<https://fortress.wa.gov/ecy/waterqualityatlas/map.aspx?>

Figure 10

WETLAND RATING FORM-303(d) and TMDLS
Figure 10
Kevanna Park Meadows
Ginn Development
City of Vancouver, Clark County, Washington
Section 16, Township 2N, Range 2E, W.M.

DATE: 8/15/22
DWN: JKJ
REQ. BY: SH
PRJ. MGR: SH
CHK: LH
PROJECT NO:
2671.30

1157 3rd Ave., Suite 220A
Longview, WA 98632
Phone: (360) 578-1371
Fax: (360) 414-9305
www.eco-land.com





Photopoint 1. North view, taken near eastern property boundary.



**Photopoint 1. South view, taken near eastern property boundary.
Wetland A pictured at top right of photo.**



Photopoint 1. West view, taken near eastern property boundary. On-site Oregon white oak pictured at top right of photo.



Photopoint 2. South view of Wetland A.



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DATE: 6/29/22
DWN: SH
PRJ. MGR: SH
PROJ.#: 2671.30

**Photoplate #1
Site Photos**
Kevanna Park Meadows
Vancouver, WA
Section 16, Township 2N, Range 2E, W.M.



Photopoint 3. Northeast view, taken near western property boundary. Burnt Bridge Creek is to the left of photo (not pictured).



Photopoint 3. West view, taken near western property boundary. Burnt Bridge Creek is just beyond the blackberry brambles.



Photopoint 3. Southeast view, taken near western property boundary.



Photopoint 3. Southwest view, taken near western property bounda-



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PROJ.#: 2671.30

Photoplate #2
Site Photos
Kevanna Park Meadows
Vancouver, WA
Section 16, Township 2N, Range 2E, W.M.



Photopoint 4. East view, taken from southern portion of project area.



Photopoint 4. North view, taken from southern portion of project area.



Photopoint 4. South view, taken from southern portion of project area.



Photopoint 4. West view, taken from southern portion of project area.



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Phone: (360) 578-1371
Fax: (360) 414-9305

DATE: 6/29/22
DWN: SH
PRJ. MGR: SH
PROJ.#: 2671.30

Photoplate #3
Site Photos
Kevanna Park Meadows
Vancouver, WA
Section 16, Township 2N, Range 2E, W.M.

APPENDIX A: WETLAND DETERMINATION DATA FORMS

WETLAND DETERMINATION DATA FORM – Western Mountains, Valleys and Coast Region

Project/Site: Kevanna Park Meadows City/County: Vancouver / Clark County Sampling Date: 6/29/22
 Applicant/Owner: Ginn Development State: WA Sampling Point: TP-1
 Investigator(s): Hastings, S.; Johnson, B. Section, Township, Range: S16, T2N, R2E
 Landform (hillslope, terrace, etc.): Terraces Local relief: (concave, convex, none): Concave Slope (%): 0-8%
 Subregion (LRR): LRRa Lat: 45.6551566 Long: -122.5658043 Datum: 83
 Soil Map Unit Name: Lauren gravelly loam, 0 to 8 percent slopes NWI classification: None
 Are climatic / hydrologic conditions on the site typical for this time of year? Yes ☐ No ☒ (If no, explain Remarks.)
 Are Vegetation ☐, Soil ☐, or Hydrology ☐ significantly disturbed? Are "Normal Circumstances" present? Yes ☒ No ☐
 Are Vegetation ☐, Soil ☐, or Hydrology ☐ naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present? Yes ☒ No ☐ Hydric Soils Present? Yes ☒ No ☐ Wetland Hydrology Present? Yes ☒ No ☐	Is the Sampled Area within a Wetland? Yes ☒ No ☐
--	---

Remarks: This test plot was located within parcel 159850000, near the central eastern Project Area boundary in Wetland A. This test plot met all three wetland indicators with 57% hydrophytic vegetation, soils with Depleted Matrix (F3), and the presence of primary hydrologic indicators: Algal Mat or crust (B4) and Oxidized Rhizospheres Along Living Roots (C3), and secondary hydrologic indicators Water-Stained Leaves (B9) and Geomorphic Position (D2). Hydrologic conditions within this Project Area were not typical for the time of year, as antecedent rainfall was determined to be wetter for the 3 months prior to the site visit.

VEGETATION – Use scientific names of plants.

Tree Stratum (Plot size: <u>30</u> ft radius)	Absolute % Cover	Dominant Species?	Indicator Status	Dominance Test Worksheet	
1. <u>Populus tremuloides</u>	50%	yes	FACU	Number of Dominant Species That Are OBL, FACW, or FAC:	<u>4</u> (A)
2. <u>Fraxinus latifolia</u>	20%	yes	FACW	Total Number of Dominant Species Across All Strata:	<u>7</u> (B)
3. _____	%			Percent of Dominant Species That Are OBL, FACW, or FAC	<u>57</u> (A/B)
4. _____	%			Prevalence Index worksheet	
50% = <u>35</u> 20% = <u>14</u>	70%	=Total Cover		Total % Cover of:	Multiply by:
				OBL species _____	x 1= _____
				FACW species _____	x 2= _____
				FAC species _____	x 3= _____
				FACU species _____	x 4= _____
				UPL species _____	x 5= _____
				Column Totals: _____ (A)	_____ (B)
				Prevalence Index = B/A = _____	
Hydrophytic Vegetation Indicators:					
☐ 1 – Rapid Test for Hydrophytic Vegetation					
☒ 2 – Dominance Test is >50%					
☐ 3 - Prevalence Index is ≤3.0 ¹					
☐ 4 - Morphological Adaptations ¹ (Provide supporting data in Remarks or on a separate sheet)					
☐ 5 - Wetland Non-Vascular Plants ¹					
☐ Problematic Hydrophytic Vegetation ¹ (Explain)					
¹ Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.					
				Hydrophytic Vegetation Present?	
				Yes ☒ No ☐	
Sapling/Shrub Stratum (Plot size: <u>15</u> ft. radius) 1. <u>Rosa nutkana</u> 30% yes FACU 2. <u>Populus tremuloides</u> 15% yes FACU 3. _____ % _____ 4. _____ % _____ 5. _____ % _____ 50% = <u>23</u> 20% = <u>9</u> 45% =Total Cover					
Herb Stratum (Plot size: <u>5</u> ft radius) 1. <u>Carex obnupta</u> 40% yes OBL 2. <u>Rumex crispus</u> 15% yes FAC 3. <u>Phalaris arundinacea</u> 15% yes FACW 4. _____ % _____ 5. _____ % _____ 6. _____ % _____ 7. _____ % _____ 8. _____ % _____ 9. _____ % _____ 10. _____ % _____ 11. _____ % _____ 50% = <u>35</u> 20% = <u>14</u> 70% =Total Cover					
Woody Vine Stratum (Plot size: <u>15</u> ft radius) 1. _____ % _____ 2. _____ % _____ 50% = ____ 20% = ____ % =Total Cover					
% Bare Ground in Herb Stratum <u>30%</u>					
Remarks:					

SOIL

Sampling Point: TP-1

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type ¹	Loc ²		
0-5	10YR 2/2	97%	10YR 5/8	3%	C	PL	Silt loam	
5-16	10YR 4/2	40%	10YR 4/6	25%	C	M	Clay	
	10YR 5/1	35%		%				
		%		%				
		%		%				
		%		%				
		%		%				
		%		%				

¹Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains.²Location: PL=Pore Lining, M=Matrix

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)

Indicators for Problematic Hydric Soils

☐ Histosol (A1)

☐ Histic Epipedon (A2)

☐ Black Histic (A3)

☐ Hydrogen Sulfide (A4)

☐ Depleted Below Dark Surface (A11)

☐ Thick Dark Surface (A12)

☐ Sandy Mucky Minerals (S1)

☐ Sandy Gleyed Matrix (S4)

☐ Sandy Redox (S5)

☐ Stripped Matrix (S6)

☐ Loamy Mucky Mineral (F1) (except MLRA 1)

☐ Loamy Gleyed Matrix (F2)

☒ Depleted Matrix (F3)

☐ Redox Dark Surface (F6)

☐ Depleted Dark Surface (F7)

☐ Redox Depressions (F8)

☐ 2 cm Muck (A10)

☐ Red Parent Material (TF2)

☐ Very Shallow Dark Surface (TF12)

☐ Other (Explain in Remarks)

³Indicators of hydrophytic vegetation and Wetland hydrology must be present, unless disturbed or problematic

Restrictive Layer (if present):

Type:

Depth (inches):

Remarks:

Hydric Soil Present?

Yes☒ No☐

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (min. of one required; check all that apply)

Secondary Indicators (2 or more required)

☐ Surface Water (A1)

☐ High Water Table (A2)

☐ Saturation (A3)

☐ Water Marks (B1)

☐ Sediment Deposits (B2)

☐ Drift Deposits (B3)

☒ Algal Mat or crust (B4)

☐ Iron Deposits (B5)

☐ Surface Soil Cracks (B6)

☐ Inundation Visible on Aerial Imagery (B7)

☐ Sparsely Vegetated Concave Surface (B8)

☐ Water-Stained Leaves (B9) (except MLRA 1, 2, 4A, and 4B)

☐ Salt Crust (B11)

☐ Aquatic Invertebrates (B13)

☐ Hydrogen Sulfide Odor (C1)

☒ Oxidized Rhizospheres along Living Roots (C3)

☐ Presence of Reduced Iron (C4)

☐ Recent Iron Reduction in Tilled Soils (C6)

☐ Stunted or Stressed Plants (D1) (LRR A)

☐ Other (Explain in Remarks)

☒ Water-Stained Leaves (B9) (MLRA 1, 2, 4A, and 4B)

☐ Drainage Patterns (B10)

☐ Dry-Season Water Table (C2)

☐ Saturation Visible on Aerial Imagery (C9)

☒ Geomorphic Position (D2)

☐ Shallow Aquitard (D3)

☐ FAC Neutral Test (D5)

☐ Raised Ant Mounds (D6) (LRR A)

☐ Frost-Heave Hummocks (D7)

Field Observations:

Surface Water Present? Yes☐ No☒ Depth (Inches):

Water Table Present? Yes☐ No☒ Depth (Inches):

Saturation Present? Yes☐ No☒ Depth (Inches):

(Includes Capillary fringe)

Wetland Hydrology Present?

Yes☒ No☐

Describe Recorded Data (Stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:Hydrologic conditions within this Project Area were not typical for the time of year, as antecedent rainfall was determined to be wetter for the 3 months prior to the site visit.

WETLAND DETERMINATION DATA FORM – Western Mountains, Valleys and Coast Region

Project/Site: Kevanna Park Meadows City/County: Vancouver / Clark County Sampling Date: 6/29/22
 Applicant/Owner: Ginn Development State: WA Sampling Point: TP-2
 Investigator(s): Hastings, S.; Johnson, B. Section, Township, Range: S16, T2N, R2E
 Landform (hillslope, terrace, etc.): Terraces Local relief: (concave, convex, none): Convex Slope (%): 0-8%
 Subregion (LRR): LRRa Lat: 45.6552337 Long: -122.565782 Datum: 83
 Soil Map Unit Name: Lauren gravelly loam, 0 to 8 percent slopes NWI classification: None
 Are climatic / hydrologic conditions on the site typical for this time of year? Yes ☐ No ☒ (If no, explain Remarks.)
 Are Vegetation ☐, Soil ☐, or Hydrology ☐ significantly disturbed? Are "Normal Circumstances" present? Yes ☒ No ☐
 Are Vegetation ☐, Soil ☐, or Hydrology ☐ naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present? Yes ☒ No ☐ Hydric Soils Present? Yes ☐ No ☒ Wetland Hydrology Present? Yes ☐ No ☒	Is the Sampled Area within a Wetland? Yes ☐ No ☒
Remarks: This test plot was located within parcel 159850000, near the central eastern Project Area boundary upslope of Wetland A. This test plot met one wetland indicator with 55% hydrophytic vegetation; therefore, it does not meet the criteria of being a wetland. Hydrologic conditions within this Project Area were not typical for the time of year, as antecedent rainfall was determined to be wetter for the 3 months prior to the site visit.	

VEGETATION – Use scientific names of plants.

Tree Stratum (Plot size: <u>50</u> ft radius)	Absolute % Cover	Dominant Species?	Indicator Status	Dominance Test Worksheet
1. <u>Populus tremuloides</u>	20%	yes	FACU	Number of Dominant Species That Are OBL, FACW, or FAC: <u>6</u> (A) Total Number of Dominant Species Across All Strata: <u>11</u> (B) Percent of Dominant Species That Are OBL, FACW, or FAC: <u>55</u> (A/B)
2. <u>Fraxinus latifolia</u>	15%	yes	FACW	
3. _____	%			
4. _____	%			
50% = <u>18</u> 20% = <u>7</u>	35%	=Total Cover		Prevalence Index worksheet Total % Cover of: _____ Multiply by: _____ OBL species _____ x 1= _____ FACW species _____ x 2= _____ FAC species _____ x 3= _____ FACU species _____ x 4= _____ UPL species _____ x 5= _____ Column Totals: _____ (A) _____ (B) Prevalence Index = B/A= _____
Sapling/Shrub Stratum (Plot size: <u>15</u> ft. radius)				Hydrophytic Vegetation Indicators: ☐ 1 – Rapid Test for Hydrophytic Vegetation ☒ 2 – Dominance Test is >50% ☐ 3 - Prevalence Index is ≤3.0 ¹ ☐ 4 - Morphological Adaptations ¹ (Provide supporting data in Remarks or on a separate sheet) ☐ 5 - Wetland Non-Vascular Plants ¹ ☐ Problematic Hydrophytic Vegetation ¹ (Explain)
1. <u>Populus tremuloides</u>	30%	yes	FACU	
2. <u>Rosa nutkana</u>	15%	yes	FAC	
3. _____	%			
4. _____	%			
5. _____	%			
50% = <u>23</u> 20% = <u>9</u>	45%	=Total Cover		
Herb Stratum (Plot size: <u>5</u> ft radius)				
1. <u>Galium aparine</u>	30%	yes	FACU	
2. <u>Lactuca serriola</u>	20%	yes	FACU	
3. <u>Poa sp.*</u>	15%	yes	FAC	
4. <u>Bromus arvensis</u>	15%	yes	UPL	
5. <u>Holcus lanatus</u>	15%	yes	FAC	
6. <u>Phalaris arundinacea</u>	15%	yes	FACW	
7. <u>Vicia americana</u>	5%	no	FAC	
8. <u>Cirsium arvense</u>	5%	no	FAC	
9. _____	%			
10. _____	%			
11. _____	%			
50% = <u>60</u> 20% = <u>24</u>	120%	=Total Cover		
Woody Vine Stratum (Plot size: <u>15</u> ft radius)				
1. <u>Rubus armeniacus</u>	15%	yes	FAC	¹ Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.
2. _____	%			
50% = <u>8</u> 20% = <u>3</u>	15%	=Total Cover		Hydrophytic Vegetation Present? Yes ☒ No ☐
% Bare Ground in Herb Stratum _____ %				
Remarks: *Poa sp. assumed FAC.				

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type ¹	Loc ²		
0-16	10YR 3/3	100%		%			Loam	See Remarks Below
		%		%				
		%		%				
		%		%				
		%		%				
		%		%				
		%		%				
		%		%				

¹Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains.²Location: PL=Pore Lining, M=Matrix

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)

Indicators for Problematic Hydric Soils

☐ Histosol (A1)

☐ Histic Epipedon (A2)

☐ Black Histic (A3)

☐ Hydrogen Sulfide (A4)

☐ Depleted Below Dark Surface (A11)

☐ Thick Dark Surface (A12)

☐ Sandy Mucky Minerals (S1)

☐ Sandy Gleyed Matrix (S4)

☐ Sandy Redox (S5)

☐ Stripped Matrix (S6)

☐ Loamy Mucky Mineral (F1) (except MLRA 1)

☐ Loamy Gleyed Matrix (F2)

☐ Depleted Matrix (F3)

☐ Redox Dark Surface (F6)

☐ Depleted Dark Surface (F7)

☐ Redox Depressions (F8)

☐ 2 cm Muck (A10)

☐ Red Parent Material (TF2)

☐ Very Shallow Dark Surface (TF12)

☐ Other (Explain in Remarks)

³Indicators of hydrophytic vegetation and Wetland hydrology must be present, unless disturbed or problematic

Restrictive Layer (if present):

Type:

Depth (inches):

Hydric Soil Present? Yes ☐ No ☒

Remarks: Rocks/gravel were observed throughout the soil profile.

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (min. of one required; check all that apply)

☐ Surface Water (A1)

☐ High Water Table (A2)

☐ Saturation (A3)

☐ Water Marks (B1)

☐ Sediment Deposits (B2)

☐ Drift Deposits (B3)

☐ Algal Mat or crust (B4)

☐ Iron Deposits (B5)

☐ Surface Soil Cracks (B6)

☐ Inundation Visible on Aerial Imagery (B7)

☐ Sparsely Vegetated Concave Surface (B8)

☐ Water-Stained Leaves (B9) (except MLRA 1, 2, 4A, and 4B)

☐ Salt Crust (B11)

☐ Aquatic Invertebrates (B13)

☐ Hydrogen Sulfide Odor (C1)

☐ Oxidized Rhizospheres along Living Roots (C3)

☐ Presence of Reduced Iron (C4)

☐ Recent Iron Reduction in Tilled Soils (C6)

☐ Stunted or Stressed Plants (D1) (LRR A)

☐ Other (Explain in Remarks)

Secondary Indicators (2 or more required)

☐ Water-Stained Leaves (B9) (MLRA 1, 2, 4A, and 4B)

☐ Drainage Patterns (B10)

☐ Dry-Season Water Table (C2)

☐ Saturation Visible on Aerial Imagery (C9)

☐ Geomorphic Position (D2)

☐ Shallow Aquitard (D3)

☐ FAC Neutral Test (D5)

☐ Raised Ant Mounds (D6) (LRR A)

☐ Frost-Heave Hummocks (D7)

Field Observations:

Surface Water Present? Yes ☐ No ☒

Water Table Present? Yes ☐ No ☒

Saturation Present? Yes ☐ No ☒

(Includes Capillary fringe)

Depth (Inches):

Depth (Inches):

Depth (Inches):

Wetland Hydrology Present? Yes ☐ No ☒

Describe Recorded Data (Stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:Hydrologic conditions within this Project Area were not typical for the time of year, as antecedent rainfall was determined to be wetter for the 3 months prior to the site visit.

WETLAND DETERMINATION DATA FORM – Western Mountains, Valleys and Coast Region

Project/Site: Kevanna Park Meadows City/County: Vancouver / Clark County Sampling Date: 6/29/22
 Applicant/Owner: Ginn Development State: WA Sampling Point: TP-3
 Investigator(s): Hastings, S.; Johnson, B. Section, Township, Range: S16, T2N, R2E
 Landform (hillslope, terrace, etc.): Terraces Local relief: (concave, convex, none): Convex Slope (%): 0-8%
 Subregion (LRR): LRRA Lat: 45.65508403 Long: -122.5671853 Datum: 83
 Soil Map Unit Name: Lauren gravelly loam, 0 to 8 percent slopes NWI classification: None
 Are climatic / hydrologic conditions on the site typical for this time of year? Yes ☐ No ☒ (If no, explain Remarks.)
 Are Vegetation ☐, Soil ☐, or Hydrology ☐ significantly disturbed? Are "Normal Circumstances" present? Yes ☒ No ☐
 Are Vegetation ☐, Soil ☐, or Hydrology ☐ naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present? Yes ☒ No ☐ Hydric Soils Present? Yes ☐ No ☒ Wetland Hydrology Present? Yes ☐ No ☒	Is the Sampled Area within a Wetland? Yes ☐ No ☒
Remarks: This test plot was located within parcel 159850000, near the central western Project Area boundary adjacent to Burnt Bridge Creek. This test plot met one wetland indicator with 100% hydrophytic vegetation; therefore, it does not meet the criteria of being a wetland. Hydrologic conditions within this Project Area were not typical for the time of year, as antecedent rainfall was determined to be wetter for the 3 months prior to the site visit.	

VEGETATION – Use scientific names of plants.

Tree Stratum (Plot size: <u>30</u> ft radius)	Absolute % Cover	Dominant Species?	Indicator Status	Dominance Test Worksheet
1. _____	%			Number of Dominant Species That Are OBL, FACW, or FAC: <u>1</u> (A) Total Number of Dominant Species Across All Strata: <u>1</u> (B) Percent of Dominant Species That Are OBL, FACW, or FAC: <u>100</u> (A/B)
2. _____	%			
3. _____	%			
4. _____	%			
50% = ____ 20% = ____	%	=Total Cover		Prevalence Index worksheet Total % Cover of: _____ Multiply by: _____ OBL species _____ x 1= _____ FACW species _____ x 2= _____ FAC species _____ x 3= _____ FACU species _____ x 4= _____ UPL species _____ x 5= _____ Column Totals: _____ (A) _____ (B) Prevalence Index = B/A= _____
Sapling/Shrub Stratum (Plot size: <u>15</u> ft. radius)				
1. _____	%			
2. _____	%			
3. _____	%			
4. _____	%			
5. _____	%			
50% = ____ 20% = ____	%	=Total Cover		
Herb Stratum (Plot size: <u>5</u> ft radius)				Hydrophytic Vegetation Indicators: ☐ 1 – Rapid Test for Hydrophytic Vegetation ☒ 2 – Dominance Test is >50% ☐ 3 - Prevalence Index is ≤3.0 ¹ ☐ 4 - Morphological Adaptations ¹ (Provide supporting data in Remarks or on a separate sheet) ☐ 5 - Wetland Non-Vascular Plants ¹ ☐ Problematic Hydrophytic Vegetation ¹ (Explain)
1. <u>Phalaris arundinacea</u>	50%	yes	FACW	
2. <u>Conium maculatum</u>	15%	no	FAC	
3. <u>Impatiens capensis</u>	10%	no	FACW	
4. <u>Galium aparine</u>	8%	no	FACU	
5. <u>Cirsium arvense</u>	5%	no	FAC	
6. <u>Epilobium ciliatum</u>	5%	no	FACW	
7. <u>Lysichiton americanus</u>	2%	no	OBL	
8. _____	%			
9. _____	%			
10. _____	%			
11. _____	%			
50% = <u>48</u> 20% = <u>19</u>	95%	=Total Cover		
Woody Vine Stratum (Plot size: <u>15</u> ft radius)				
1. _____	%			
2. _____	%			
50% = ____ 20% = ____	%	=Total Cover		
% Bare Ground in Herb Stratum <u>5%</u>				Hydrophytic Vegetation Present? Yes ☒ No ☐
Remarks:				

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type ¹	Loc ²		
0-14	10YR 3/2	100%		%			Silty clay loam	
14-16	10YR 3/2	95%	5YR 5/8	5%	C	M	Silty clay loam	
		%		%				
		%		%				
		%		%				
		%		%				
		%		%				
		%		%				

¹Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains.²Location: PL=Pore Lining, M=Matrix

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)

Indicators for Problematic Hydric Soils

☐ Histosol (A1)

☐ Histic Epipedon (A2)

☐ Black Histic (A3)

☐ Hydrogen Sulfide (A4)

☐ Depleted Below Dark Surface (A11)

☐ Thick Dark Surface (A12)

☐ Sandy Mucky Minerals (S1)

☐ Sandy Gleyed Matrix (S4)

☐ Sandy Redox (S5)

☐ Stripped Matrix (S6)

☐ Loamy Mucky Mineral (F1) (except MLRA 1)

☐ Loamy Gleyed Matrix (F2)

☐ Depleted Matrix (F3)

☐ Redox Dark Surface (F6)

☐ Depleted Dark Surface (F7)

☐ Redox Depressions (F8)

☐ 2 cm Muck (A10)

☐ Red Parent Material (TF2)

☐ Very Shallow Dark Surface (TF12)

☐ Other (Explain in Remarks)

³Indicators of hydrophytic vegetation and Wetland hydrology must be present, unless disturbed or problematic

Restrictive Layer (if present):

Type:

Depth (inches):

Remarks:

Hydric Soil Present? Yes ☐ No ☒

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (min. of one required; check all that apply)

Secondary Indicators (2 or more required)

☐ Surface Water (A1)

☐ High Water Table (A2)

☐ Saturation (A3)

☐ Water Marks (B1)

☐ Sediment Deposits (B2)

☐ Drift Deposits (B3)

☐ Algal Mat or crust (B4)

☐ Iron Deposits (B5)

☐ Surface Soil Cracks (B6)

☐ Inundation Visible on Aerial Imagery (B7)

☐ Sparsely Vegetated Concave Surface (B8)

☐ Water-Stained Leaves (B9) (except MLRA 1, 2, 4A, and 4B)

☐ Salt Crust (B11)

☐ Aquatic Invertebrates (B13)

☐ Hydrogen Sulfide Odor (C1)

☐ Oxidized Rhizospheres along Living Roots (C3)

☐ Presence of Reduced Iron (C4)

☐ Recent Iron Reduction in Tilled Soils (C6)

☐ Stunted or Stressed Plants (D1) (LRR A)

☐ Other (Explain in Remarks)

☐ Water-Stained Leaves (B9) (MLRA 1, 2, 4A, and 4B)

☐ Drainage Patterns (B10)

☐ Dry-Season Water Table (C2)

☐ Saturation Visible on Aerial Imagery (C9)

☐ Geomorphic Position (D2)

☐ Shallow Aquitard (D3)

☒ FAC Neutral Test (D5)

☐ Raised Ant Mounds (D6) (LRR A)

☐ Frost-Heave Hummocks (D7)

Field Observations:

Surface Water Present? Yes ☐ No ☒ Depth (Inches):

Water Table Present? Yes ☐ No ☒ Depth (Inches):

Saturation Present? Yes ☐ No ☒ Depth (Inches):

(Includes Capillary fringe)

Wetland Hydrology Present? Yes ☐ No ☒

Describe Recorded Data (Stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:Hydrologic conditions within this Project Area were not typical for the time of year, as antecedent rainfall was determined to be wetter for the 3 months prior to the site visit.

WETLAND DETERMINATION DATA FORM – Western Mountains, Valleys and Coast Region

Project/Site: Kevanna Park Meadows City/County: Vancouver / Clark County Sampling Date: 6/29/22
 Applicant/Owner: Ginn Development State: WA Sampling Point: TP-4
 Investigator(s): Hastings, S.; Johnson, B. Section, Township, Range: S16, T2N, R2E
 Landform (hillslope, terrace, etc.): Terraces Local relief: (concave, convex, none): Convex Slope (%): 0-8%
 Subregion (LRR): LRRA Lat: 45.6545606 Long: -122.5662681 Datum: 83
 Soil Map Unit Name: Lauren gravelly loam, 0 to 8 percent slopes NWI classification: None
 Are climatic / hydrologic conditions on the site typical for this time of year? Yes ☐ No ☒ (If no, explain Remarks.)
 Are Vegetation ☐, Soil ☐, or Hydrology ☐ significantly disturbed? Are "Normal Circumstances" present? Yes ☒ No ☐
 Are Vegetation ☐, Soil ☐, or Hydrology ☐ naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present? Yes ☐ No ☒ Hydric Soils Present? Yes ☒ No ☐ Wetland Hydrology Present? Yes ☐ No ☒	Is the Sampled Area within a Wetland? Yes ☐ No ☒
Remarks: This test plot was located within parcel 159850000, in the southern portion of the Project Area. This test plot met one wetland indicator, Depleted Matrix (F3); therefore, it does not meet the criteria of being a wetland. Hydrologic conditions within this Project Area were not typical for the time of year, as antecedent rainfall was determined to be wetter for the 3 months prior to the site visit.	

VEGETATION – Use scientific names of plants.

Tree Stratum (Plot size: <u>30</u> ft radius)	Absolute % Cover	Dominant Species?	Indicator Status	Dominance Test Worksheet
1. _____	%			Number of Dominant Species That Are OBL, FACW, or FAC: <u>2</u> (A) Total Number of Dominant Species Across All Strata: <u>4</u> (B) Percent of Dominant Species That Are OBL, FACW, or FAC <u>50</u> (A/B)
2. _____	%			
3. _____	%			
4. _____	%			
50% = ____ 20% = ____	%	=Total Cover		Prevalence Index worksheet Total % Cover of: _____ Multiply by: _____ OBL species _____ x 1= _____ FACW species _____ x 2= _____ FAC species _____ x 3= _____ FACU species _____ x 4= _____ UPL species _____ x 5= _____ Column Totals: _____ (A) _____ (B) Prevalence Index = B/A= _____
Sapling/Shrub Stratum (Plot size: <u>15</u> ft. radius)				
1. <u>Rosa nutkana</u>	10%	yes	FAC	
2. <u>Symphoricarpos albus</u>	5%	no	FACU	
3. _____	%			
4. _____	%			
5. _____	%			
50% = <u>8</u> 20% = <u>3</u>	15%	=Total Cover		Hydrophytic Vegetation Indicators: ☐ 1 – Rapid Test for Hydrophytic Vegetation ☐ 2 – Dominance Test is >50% ☐ 3 - Prevalence Index is ≤3.0 ¹ ☐ 4 - Morphological Adaptations ¹ (Provide supporting data in Remarks or on a separate sheet) ☐ 5 - Wetland Non-Vascular Plants ¹ ☐ Problematic Hydrophytic Vegetation ¹ (Explain)
Herb Stratum (Plot size: <u>5</u> ft radius)				
1. <u>Bromus arvensis</u>	30%	yes	UPL	
2. <u>Anthoxanthum odoratum</u>	30%	yes	FACU	
3. <u>Agrostis sp.*</u>	20%	yes	FAC	
4. <u>Leucanthemum vulgare</u>	5%	no	FACU	
5. <u>Prunella vulgaris</u>	5%	no	FACU	
6. <u>Parentucellia viscosa</u>	5%	no	FAC	
7. <u>Rumex acetosella</u>	5%	no	FACU	
8. _____	%			
9. _____	%			
10. _____	%			
11. _____	%			
50% = <u>50</u> 20% = <u>20</u>	100%	=Total Cover		
Woody Vine Stratum (Plot size: <u>15</u> ft radius)				
1. _____	%			¹ Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.
2. _____	%			
50% = ____ 20% = ____	%	=Total Cover		Hydrophytic Vegetation Present? Yes ☐ No ☒
% Bare Ground in Herb Stratum <u>0%</u>				
Remarks: * <i>Agrostis sp.</i> assumed FAC.				

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type ¹	Loc ²		
0-9	10YR 4/2	40%		%			Silt loam	
	10YR 4/3	30%		%				
	10YR 3/3	30%		%				
9-16	10YR 2/1	85%	10YR 5/6	3%	C	M	Silt loam	
	10YR 6/4	12%		%				
		%		%				
		%		%				
		%		%				

¹Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains.²Location: PL=Pore Lining, M=Matrix

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)

Indicators for Problematic Hydric Soils

☐ Histosol (A1)

☐ Histic Epipedon (A2)

☐ Black Histic (A3)

☐ Hydrogen Sulfide (A4)

☐ Depleted Below Dark Surface (A11)

☐ Thick Dark Surface (A12)

☐ Sandy Mucky Minerals (S1)

☐ Sandy Gleyed Matrix (S4)

☐ Sandy Redox (S5)

☐ Stripped Matrix (S6)

☐ Loamy Mucky Mineral (F1) (except MLRA 1)

☐ Loamy Gleyed Matrix (F2)

☒ Depleted Matrix (F3)

☐ Redox Dark Surface (F6)

☐ Depleted Dark Surface (F7)

☐ Redox Depressions (F8)

☐ 2 cm Muck (A10)

☐ Red Parent Material (TF2)

☐ Very Shallow Dark Surface (TF12)

☐ Other (Explain in Remarks)

³Indicators of hydrophytic vegetation and Wetland hydrology must be present, unless disturbed or problematic

Restrictive Layer (if present):

Type:

Depth (inches):

Remarks:

Hydric Soil Present? Yes☒ No☐

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (min. of one required; check all that apply)

Secondary Indicators (2 or more required)

☐ Surface Water (A1)

☐ High Water Table (A2)

☐ Saturation (A3)

☐ Water Marks (B1)

☐ Sediment Deposits (B2)

☐ Drift Deposits (B3)

☐ Algal Mat or crust (B4)

☐ Iron Deposits (B5)

☐ Surface Soil Cracks (B6)

☐ Inundation Visible on Aerial Imagery (B7)

☐ Sparsely Vegetated Concave Surface (B8)

☐ Water-Stained Leaves (B9) (except MLRA 1, 2, 4A, and 4B)

☐ Salt Crust (B11)

☐ Aquatic Invertebrates (B13)

☐ Hydrogen Sulfide Odor (C1)

☐ Oxidized Rhizospheres along Living Roots (C3)

☐ Presence of Reduced Iron (C4)

☐ Recent Iron Reduction in Tilled Soils (C6)

☐ Stunted or Stressed Plants (D1) (LRR A)

☐ Other (Explain in Remarks)

☐ Water-Stained Leaves (B9) (MLRA 1, 2, 4A, and 4B)

☐ Drainage Patterns (B10)

☐ Dry-Season Water Table (C2)

☐ Saturation Visible on Aerial Imagery (C9)

☐ Geomorphic Position (D2)

☐ Shallow Aquitard (D3)

☐ FAC Neutral Test (D5)

☐ Raised Ant Mounds (D6) (LRR A)

☐ Frost-Heave Hummocks (D7)

Field Observations:

Surface Water Present? Yes☐ No☒ Depth (Inches):

Water Table Present? Yes☐ No☒ Depth (Inches):

Saturation Present? Yes☐ No☒ Depth (Inches):

(Includes Capillary fringe)

Wetland Hydrology Present? Yes☐ No☒

Describe Recorded Data (Stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:Hydrologic conditions within this Project Area were not typical for the time of year, as antecedent rainfall was determined to be wetter for the 3 months prior to the site visit.

APPENDIX B: WETLAND RATING FORM

Wetland name or number A

RATING SUMMARY – Western Washington

Name of wetland (or ID #): Wetland A Date of site visit: 6/29/2022

Rated by S. Hastings Trained by Ecology? Yes Date of training 6-2022

HGM Class used for rating Depressional Wetland has multiple HGM classes? Y X N

NOTE: Form is not complete without the figures requested (*figures can be combined*).

Source of base aerial photo/map Google Earth

OVERALL WETLAND CATEGORY III (based on functions___or special characteristics___)

1. Category of wetland based on FUNCTIONS

_____ Category I – Total score = 23 – 27

_____ Category II – Total score = 20 – 22

X Category III – Total score = 16 – 19

_____ Category IV – Total score = 9 – 15

FUNCTION	Improving Water Quality	Hydrologic	Habitat	
<i>Circle the appropriate ratings</i>				
Site Potential	H <u>M</u> L	H <u>M</u> L	H M <u>L</u>	
Landscape Potential	H <u>M</u> L	H <u>M</u> L	H M <u>L</u>	
Value	<u>H</u> M L	H <u>M</u> L	<u>H</u> M L	TOTAL
Score Based on Ratings	7	6	5	18

**Score for each
function based
on three
ratings
(order of ratings
is not
important)**

9 = H,H,H

8 = H,H,M

7 = H,H,L

7 = H,M,M

6 = H,M,L

6 = M,M,M

5 = H,L,L

5 = M,M,L

4 = M,L,L

3 = L,L,L

2. Category based on SPECIAL CHARACTERISTICS of wetland

CHARACTERISTIC	CATEGORY
Estuarine	I II
Wetland of High Conservation Value	I
Bog	I
Mature Forest	I
Old Growth Forest	I
Coastal Lagoon	I II
Interdunal	I II III IV
None of the above	<u>N/A</u>

Wetland name or number A

Maps and figures required to answer questions correctly for Western Washington

Depressional Wetlands

Map of:	To answer questions:	Figure #
Cowardin plant classes	D 1.3, H 1.1, H 1.4	2
Hydroperiods	D 1.4, H 1.2	2
Location of outlet (<i>can be added to map of hydroperiods</i>)	D 1.1, D 4.1	2
Boundary of area within 150 ft of the wetland (<i>can be added to another figure</i>)	D 2.2, D 5.2	8
Map of the contributing basin	D 4.3, D 5.3	9
1 km Polygon: Area that extends 1 km from entire wetland edge - including polygons for accessible habitat and undisturbed habitat	H 2.1, H 2.2, H 2.3	9
Screen capture of map of 303(d) listed waters in basin (from Ecology website)	D 3.1, D 3.2	10
Screen capture of list of TMDLs for WRIA in which unit is found (from web)	D 3.3	10

Riverine Wetlands

Map of:	To answer questions:	Figure #
Cowardin plant classes	H 1.1, H 1.4	
Hydroperiods	H 1.2	
Ponded depressions	R 1.1	
Boundary of area within 150 ft of the wetland (<i>can be added to another figure</i>)	R 2.4	
Plant cover of trees, shrubs, and herbaceous plants	R 1.2, R 4.2	
Width of unit vs. width of stream (<i>can be added to another figure</i>)	R 4.1	
Map of the contributing basin	R 2.2, R 2.3, R 5.2	
1 km Polygon: Area that extends 1 km from entire wetland edge - including polygons for accessible habitat and undisturbed habitat	H 2.1, H 2.2, H 2.3	
Screen capture of map of 303(d) listed waters in basin (from Ecology website)	R 3.1	
Screen capture of list of TMDLs for WRIA in which unit is found (from web)	R 3.2, R 3.3	

Lake Fringe Wetlands

Map of:	To answer questions:	Figure #
Cowardin plant classes	L 1.1, L 4.1, H 1.1, H 1.4	
Plant cover of trees, shrubs, and herbaceous plants	L 1.2	
Boundary of area within 150 ft of the wetland (<i>can be added to another figure</i>)	L 2.2	
1 km Polygon: Area that extends 1 km from entire wetland edge - including polygons for accessible habitat and undisturbed habitat	H 2.1, H 2.2, H 2.3	
Screen capture of map of 303(d) listed waters in basin (from Ecology website)	L 3.1, L 3.2	
Screen capture of list of TMDLs for WRIA in which unit is found (from web)	L 3.3	

Slope Wetlands

Map of:	To answer questions:	Figure #
Cowardin plant classes	H 1.1, H 1.4	
Hydroperiods	H 1.2	
Plant cover of dense trees, shrubs, and herbaceous plants	S 1.3	
Plant cover of dense, rigid trees, shrubs, and herbaceous plants (<i>can be added to figure above</i>)	S 4.1	
Boundary of 150 ft buffer (<i>can be added to another figure</i>)	S 2.1, S 5.1	
1 km Polygon: Area that extends 1 km from entire wetland edge - including polygons for accessible habitat and undisturbed habitat	H 2.1, H 2.2, H 2.3	
Screen capture of map of 303(d) listed waters in basin (from Ecology website)	S 3.1, S 3.2	
Screen capture of list of TMDLs for WRIA in which unit is found (from web)	S 3.3	

HGM Classification of Wetlands in Western Washington

For questions 1-7, the criteria described must apply to the entire unit being rated.

If the hydrologic criteria listed in each question do not apply to the entire unit being rated, you probably have a unit with multiple HGM classes. In this case, identify which hydrologic criteria in questions 1-7 apply, and go to Question 8.

1. Are the water levels in the entire unit usually controlled by tides except during floods?

☒ NO – go to 2

YES – the wetland class is **Tidal Fringe** – go to 1.1

- 1.1 Is the salinity of the water during periods of annual low flow below 0.5 ppt (parts per thousand)?

NO – **Saltwater Tidal Fringe (Estuarine)**

YES – **Freshwater Tidal Fringe**

*If your wetland can be classified as a Freshwater Tidal Fringe use the forms for **Riverine** wetlands. If it is Saltwater Tidal Fringe it is an **Estuarine** wetland and is not scored. This method **cannot** be used to score functions for estuarine wetlands.*

2. The entire wetland unit is flat and precipitation is the only source (>90%) of water to it. Groundwater and surface water runoff are NOT sources of water to the unit.

☒ NO – go to 3

YES – The wetland class is **Flats**

*If your wetland can be classified as a Flats wetland, use the form for **Depressional** wetlands.*

3. Does the entire wetland unit **meet all** of the following criteria?

- ☐ The vegetated part of the wetland is on the shores of a body of permanent open water (without any plants on the surface at any time of the year) at least 20 ac (8 ha) in size;
☐ At least 30% of the open water area is deeper than 6.6 ft (2 m).

☒ NO – go to 4

YES – The wetland class is **Lake Fringe** (Lacustrine Fringe)

4. Does the entire wetland unit **meet all** of the following criteria?

- ☐ The wetland is on a slope (*slope can be very gradual*),
☐ The water flows through the wetland in one direction (unidirectional) and usually comes from seeps. It may flow subsurface, as sheetflow, or in a swale without distinct banks,
☐ The water leaves the wetland **without being impounded**.

☒ NO – go to 5

YES – The wetland class is **Slope**

NOTE: Surface water does not pond in these type of wetlands except occasionally in very small and shallow depressions or behind hummocks (depressions are usually <3 ft diameter and less than 1 ft deep).

5. Does the entire wetland unit **meet all** of the following criteria?

- ☐ The unit is in a valley, or stream channel, where it gets inundated by overbank flooding from that stream or river,
☐ The overbank flooding occurs at least once every 2 years.

Wetland name or number A

NO – go to 6

YES – The wetland class is **Riverine**

NOTE: The Riverine unit can contain depressions that are filled with water when the river is not flooding

6. Is the entire wetland unit in a topographic depression in which water ponds, or is saturated to the surface, at some time during the year? *This means that any outlet, if present, is higher than the interior of the wetland.*

NO – go to 7

YES – The wetland class is **Depressional**

7. Is the entire wetland unit located in a very flat area with no obvious depression and no overbank flooding? The unit does not pond surface water more than a few inches. The unit seems to be maintained by high groundwater in the area. The wetland may be ditched, but has no obvious natural outlet.

NO – go to 8

YES – The wetland class is **Depressional**

8. Your wetland unit seems to be difficult to classify and probably contains several different HGM classes. For example, seeps at the base of a slope may grade into a riverine floodplain, or a small stream within a Depressional wetland has a zone of flooding along its sides. **GO BACK AND IDENTIFY WHICH OF THE HYDROLOGIC REGIMES DESCRIBED IN QUESTIONS 1-7 APPLY TO DIFFERENT AREAS IN THE UNIT** (make a rough sketch to help you decide). Use the following table to identify the appropriate class to use for the rating system if you have several HGM classes present within the wetland unit being scored.

NOTE: Use this table only if the class that is recommended in the second column represents 10% or more of the total area of the wetland unit being rated. If the area of the HGM class listed in column 2 is less than 10% of the unit; classify the wetland using the class that represents more than 90% of the total area.

HGM classes within the wetland unit being rated	HGM class to use in rating
Slope + Riverine	Riverine
Slope + Depressional	Depressional
Slope + Lake Fringe	Lake Fringe
Depressional + Riverine along stream within boundary of depression	Depressional
Depressional + Lake Fringe	Depressional
Riverine + Lake Fringe	Riverine
Salt Water Tidal Fringe and any other class of freshwater wetland	Treat as ESTUARINE

*If you are still unable to determine which of the above criteria apply to your wetland, or if you have **more than 2 HGM classes** within a wetland boundary, classify the wetland as Depressional for the rating.*

Wetland name or number A

DEPRESSIONAL AND FLATS WETLANDS		
Water Quality Functions - Indicators that the site functions to improve water quality		
D 1.0. Does the site have the potential to improve water quality?		
D 1.1. Characteristics of surface water outflows from the wetland: Wetland is a depression or flat depression (QUESTION 7 on key) with no surface water leaving it (no outlet). points = 3 Wetland has an intermittently flowing stream or ditch, OR highly constricted permanently flowing outlet. points = 2 Wetland has an unconstricted, or slightly constricted, surface outlet that is permanently flowing points = 1 Wetland is a flat depression (QUESTION 7 on key), whose outlet is a permanently flowing ditch. points = 1		3
D 1.2. The soil 2 in below the surface (or duff layer) is true clay or true organic (use NRCS definitions). Yes = 4 No = 0		0
D 1.3. Characteristics and distribution of persistent plants (Emergent, Scrub-shrub, and/or Forested Cowardin classes): Wetland has persistent, ungrazed, plants > 95% of area points = 5 Wetland has persistent, ungrazed, plants > ½ of area points = 3 Wetland has persistent, ungrazed plants > 1/10 of area points = 1 Wetland has persistent, ungrazed plants < 1/10 of area points = 0		3
D 1.4. Characteristics of seasonal ponding or inundation: <i>This is the area that is ponded for at least 2 months. See description in manual.</i> Area seasonally ponded is > ½ total area of wetland points = 4 Area seasonally ponded is > ¼ total area of wetland points = 2 Area seasonally ponded is < ¼ total area of wetland points = 0		2
Total for D 1		8

Rating of Site Potential If score is: 12-16 = H X 6-11 = M 0-5 = L Record the rating on the first page

D 2.0. Does the landscape have the potential to support the water quality function of the site?		
D 2.1. Does the wetland unit receive stormwater discharges?	Yes = 1 No = 0	0
D 2.2. Is > 10% of the area within 150 ft of the wetland in land uses that generate pollutants?	Yes = 1 No = 0	1
D 2.3. Are there septic systems within 250 ft of the wetland?	Yes = 1 No = 0	0
D 2.4. Are there other sources of pollutants coming into the wetland that are not listed in questions D 2.1-D 2.3?		0
Source	Yes = 1 No = 0	
Total for D 2		1

Rating of Landscape Potential If score is: 3 or 4 = H X 1 or 2 = M 0 = L Record the rating on the first page

D 3.0. Is the water quality improvement provided by the site valuable to society?		
D 3.1. Does the wetland discharge directly (i.e., within 1 mi) to a stream, river, lake, or marine water that is on the 303(d) list?	Yes = 1 No = 0	0
D 3.2. Is the wetland in a basin or sub-basin where an aquatic resource is on the 303(d) list?	Yes = 1 No = 0	1
D 3.3. Has the site been identified in a watershed or local plan as important for maintaining water quality (answer YES if there is a TMDL for the basin in which the unit is found)?	Yes = 2 No = 0	2
Total for D 3		3

Rating of Value If score is: X 2-4 = H 1 = M 0 = L Record the rating on the first page

Wetland name or number A

DEPRESSIONAL AND FLATS WETLANDS

Hydrologic Functions - Indicators that the site functions to reduce flooding and stream degradation

D 4.0. Does the site have the potential to reduce flooding and erosion?

D 4.1. Characteristics of surface water outflows from the wetland:

- | | | |
|---|------------|----------|
| Wetland is a depression or flat depression with no surface water leaving it (no outlet) | points = 4 | 4 |
| Wetland has an intermittently flowing stream or ditch, OR highly constricted permanently flowing outlet | points = 2 | |
| Wetland is a flat depression (QUESTION 7 on key), whose outlet is a permanently flowing ditch | points = 1 | |
| Wetland has an unconstricted, or slightly constricted, surface outlet that is permanently flowing | points = 0 | |

D 4.2. Depth of storage during wet periods: Estimate the height of ponding above the bottom of the outlet. For wetlands with no outlet, measure from the surface of permanent water or if dry, the deepest part.

- | | | |
|--|------------|----------|
| Marks of ponding are 3 ft or more above the surface or bottom of outlet | points = 7 | 3 |
| Marks of ponding between 2 ft to < 3 ft from surface or bottom of outlet | points = 5 | |
| Marks are at least 0.5 ft to < 2 ft from surface or bottom of outlet | points = 3 | |
| The wetland is a "headwater" wetland | points = 3 | |
| Wetland is flat but has small depressions on the surface that trap water | points = 1 | |
| Marks of ponding less than 0.5 ft (6 in) | points = 0 | |

D 4.3. Contribution of the wetland to storage in the watershed: Estimate the ratio of the area of upstream basin contributing surface water to the wetland to the area of the wetland unit itself.

- | | | |
|---|------------|----------|
| The area of the basin is less than 10 times the area of the unit | points = 5 | 3 |
| The area of the basin is 10 to 100 times the area of the unit | points = 3 | |
| The area of the basin is more than 100 times the area of the unit | points = 0 | |
| Entire wetland is in the Flats class | points = 5 | |

Total for D 4

Add the points in the boxes above

10

Rating of Site Potential If score is: 12-16 = H X 6-11 = M 0-5 = L

Record the rating on the first page

D 5.0. Does the landscape have the potential to support hydrologic functions of the site?

D 5.1. Does the wetland receive stormwater discharges? Yes = 1 No = 0

0

D 5.2. Is >10% of the area within 150 ft of the wetland in land uses that generate excess runoff? Yes = 1 No = 0

1

D 5.3. Is more than 25% of the contributing basin of the wetland covered with intensive human land uses (residential at >1 residence/ac, urban, commercial, agriculture, etc.)? Yes = 1 No = 0

0

Total for D 5

Add the points in the boxes above

1

Rating of Landscape Potential If score is: 3 = H X 1 or 2 = M 0 = L

Record the rating on the first page

D 6.0. Are the hydrologic functions provided by the site valuable to society?

D 6.1. The unit is in a landscape that has flooding problems. Choose the description that best matches conditions around the wetland unit being rated. Do not add points. Choose the highest score if more than one condition is met.

The wetland captures surface water that would otherwise flow down-gradient into areas where flooding has damaged human or natural resources (e.g., houses or salmon redds):

- | | | |
|---|------------|----------|
| • Flooding occurs in a sub-basin that is immediately down-gradient of unit. | points = 2 | 1 |
| • Surface flooding problems are in a sub-basin farther down-gradient. | points = 1 | |
| Flooding from groundwater is an issue in the sub-basin. | points = 1 | |

The existing or potential outflow from the wetland is so constrained by human or natural conditions that the water stored by the wetland cannot reach areas that flood. Explain why _____ points = 0

There are no problems with flooding downstream of the wetland. points = 0

D 6.2. Has the site been identified as important for flood storage or flood conveyance in a regional flood control plan?

Yes = 2 No = 0

0

Total for D 6

Add the points in the boxes above

1

Rating of Value If score is: 2-4 = H X 1 = M 0 = L

Record the rating on the first page

Wetland name or number A

These questions apply to wetlands of all HGM classes.

HABITAT FUNCTIONS - Indicators that site functions to provide important habitat

H 1.0. Does the site have the potential to provide habitat?

H 1.1. Structure of plant community: *Indicators are Cowardin classes and strata within the Forested class. Check the Cowardin plant classes in the wetland. Up to 10 patches may be combined for each class to meet the threshold of ¼ ac or more than 10% of the unit if it is smaller than 2.5 ac. Add the number of structures checked.*

- | | | |
|---|----------------------------------|----------|
| ☐ Aquatic bed | 4 structures or more: points = 4 | 1 |
| ☐ Emergent | 3 structures: points = 2 | |
| ☒ Scrub-shrub (areas where shrubs have > 30% cover) | 2 structures: points = 1 | |
| ☒ Forested (areas where trees have > 30% cover) | 1 structure: points = 0 | |
| <i>If the unit has a Forested class, check if:</i> | | |
| ☐ The Forested class has 3 out of 5 strata (canopy, sub-canopy, shrubs, herbaceous, moss/ground-cover) that each cover 20% within the Forested polygon | | |

H 1.2. Hydroperiods

Check the types of water regimes (hydroperiods) present within the wetland. The water regime has to cover more than 10% of the wetland or ¼ ac to count (*see text for descriptions of hydroperiods*).

- | | | |
|--|-------------------------------------|-----------------|
| ☐ Permanently flooded or inundated | 4 or more types present: points = 3 | 1 |
| ☒ Seasonally flooded or inundated | 3 types present: points = 2 | |
| ☒ Occasionally flooded or inundated | 2 types present: points = 1 | |
| ☐ Saturated only | 1 type present: points = 0 | |
| ☐ Permanently flowing stream or river in, or adjacent to, the wetland | | |
| ☐ Seasonally flowing stream in, or adjacent to, the wetland | | |
| ☐ Lake Fringe wetland | | 2 points |
| ☐ Freshwater tidal wetland | | 2 points |

H 1.3. Richness of plant species

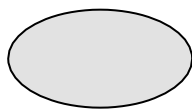
Count the number of plant species in the wetland that cover at least 10 ft².

*Different patches of the same species can be combined to meet the size threshold and you do not have to name the species. **Do not include Eurasian milfoil, reed canarygrass, purple loosestrife, Canadian thistle***

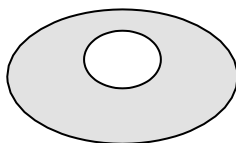
- | | | |
|------------------------------|------------|----------|
| If you counted: > 19 species | points = 2 | 1 |
| 5 - 19 species | points = 1 | |
| < 5 species | points = 0 | |

H 1.4. Interspersion of habitats

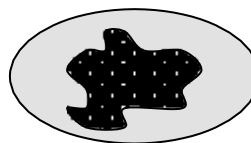
Decide from the diagrams below whether interspersions among Cowardin plants classes (described in H 1.1), or the classes and unvegetated areas (can include open water or mudflats) is high, moderate, low, or none. *If you have four or more plant classes or three classes and open water, the rating is always high.*



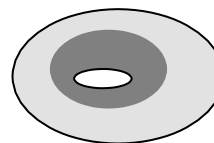
None = 0 points



Low = 1 point

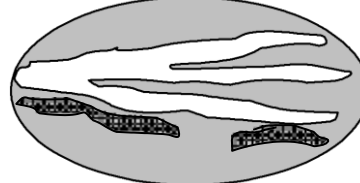
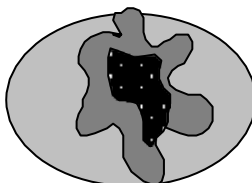
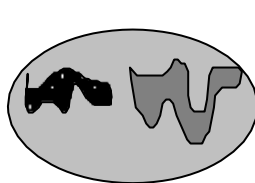


Moderate = 2 points



1

All three diagrams in this row are **HIGH** = 3points



Wetland name or number A

H 1.5. Special habitat features: Check the habitat features that are present in the wetland. <i>The number of checks is the number of points.</i> ☒ Large, downed, woody debris within the wetland (> 4 in diameter and 6 ft long). ☒ Standing snags (dbh > 4 in) within the wetland ☐ Undercut banks are present for at least 6.6 ft (2 m) and/or overhanging plants extends at least 3.3 ft (1 m) over a stream (or ditch) in, or contiguous with the wetland, for at least 33 ft (10 m) ☐ Stable steep banks of fine material that might be used by beaver or muskrat for denning (> 30 degree slope) OR signs of recent beaver activity are present (<i>cut shrubs or trees that have not yet weathered where wood is exposed</i>) ☐ At least ¼ ac of thin-stemmed persistent plants or woody branches are present in areas that are permanently or seasonally inundated (<i>structures for egg-laying by amphibians</i>) ☐ Invasive plants cover less than 25% of the wetland area in every stratum of plants (<i>see H 1.1 for list of strata</i>)	2
Total for H 1	6

Rating of Site Potential If score is: 15-18 = H 7-14 = M X 0-6 = L

Record the rating on the first page

H 2.0. Does the landscape have the potential to support the habitat functions of the site?	
H 2.1. Accessible habitat (include <i>only habitat that directly abuts wetland unit</i>). Calculate: % undisturbed habitat <u>0</u> + [(<u>3.8</u>% moderate and low intensity land uses)/2] <u>1.9</u> = <u>1.9</u>% If total accessible habitat is: > 1/3 (33.3%) of 1 km Polygon points = 3 20-33% of 1 km Polygon points = 2 10-19% of 1 km Polygon points = 1 < 10% of 1 km Polygon points = 0	0
H 2.2. Undisturbed habitat in 1 km Polygon around the wetland. Calculate: % undisturbed habitat <u>4.8</u> + [(<u>3.8</u>% moderate and <u>6.2</u>% low intensity land uses)/2] <u>5</u> = <u>9.8</u>% Undisturbed habitat > 50% of Polygon points = 3 Undisturbed habitat 10-50% and in 1-3 patches points = 2 Undisturbed habitat 10-50% and > 3 patches points = 1 Undisturbed habitat < 10% of 1 km Polygon points = 0	0
H 2.3. Land use intensity in 1 km Polygon: If > 50% of 1 km Polygon is high intensity land use points = (- 2) ≤ 50% of 1 km Polygon is high intensity points = 0	-2
Total for H 2	-1

Rating of Landscape Potential If score is: 4-6 = H 1-3 = M X < 1 = L

Record the rating on the first page

H 3.0. Is the habitat provided by the site valuable to society?	
H 3.1. Does the site provide habitat for species valued in laws, regulations, or policies? <i>Choose only the highest score that applies to the wetland being rated.</i> Site meets ANY of the following criteria: points = 2 ☒ It has 3 or more priority habitats within 100 m (see next page) ☐ It provides habitat for Threatened or Endangered species (any plant or animal on the state or federal lists) ☐ It is mapped as a location for an individual WDFW priority species ☐ It is a Wetland of High Conservation Value as determined by the Department of Natural Resources ☐ It has been categorized as an important habitat site in a local or regional comprehensive plan, in a Shoreline Master Plan, or in a watershed plan Site has 1 or 2 priority habitats (listed on next page) within 100 m points = 1 Site does not meet any of the criteria above points = 0	2

Rating of Value If score is: X 2 = H 1 = M 0 = L

Record the rating on the first page

WDFW Priority Habitats

Priority habitats listed by WDFW (see complete descriptions of WDFW priority habitats, and the counties in which they can be found, in: Washington Department of Fish and Wildlife. 2008. Priority Habitat and Species List. Olympia, Washington. 177 pp. <http://wdfw.wa.gov/publications/00165/wdfw00165.pdf> Error! Hyperlink reference not valid. <http://wdfw.wa.gov/conservation/phs/list/>Error! Hyperlink reference not valid.

Count how many of the following priority habitats are within 330 ft (100 m) of the wetland unit: **NOTE:** *This question is independent of the land use between the wetland unit and the priority habitat.*

☐ **Aspen Stands:** Pure or mixed stands of aspen greater than 1 ac (0.4 ha).

☐ **Biodiversity Areas and Corridors:** Areas of habitat that are relatively important to various species of native fish and wildlife (*full descriptions in WDFW PHS report*).

☐ **Herbaceous Balds:** Variable size patches of grass and forbs on shallow soils over bedrock.

☐ **Old-growth/Mature forests:** Old-growth west of Cascade crest – Stands of at least 2 tree species, forming a multi-layered canopy with occasional small openings; with at least 8 trees/ac (20 trees/ha) > 32 in (81 cm) dbh or > 200 years of age. Mature forests – Stands with average diameters exceeding 21 in (53 cm) dbh; crown cover may be less than 100%; decay, decadence, numbers of snags, and quantity of large downed material is generally less than that found in old-growth; 80-200 years old west of the Cascade crest.

☒ **Oregon White Oak:** Woodland stands of pure oak or oak/conifer associations where canopy coverage of the oak component is important (*full descriptions in WDFW PHS report p. 158 – see web link above*).

☒ **Riparian:** The area adjacent to aquatic systems with flowing water that contains elements of both aquatic and terrestrial ecosystems which mutually influence each other.

☐ **Westside Prairies:** Herbaceous, non-forested plant communities that can either take the form of a dry prairie or a wet prairie (*full descriptions in WDFW PHS report p. 161 – see web link above*).

☒ **Instream:** The combination of physical, biological, and chemical processes and conditions that interact to provide functional life history requirements for instream fish and wildlife resources.

☐ **Nearshore:** Relatively undisturbed nearshore habitats. These include Coastal Nearshore, Open Coast Nearshore, and Puget Sound Nearshore. (*full descriptions of habitats and the definition of relatively undisturbed are in WDFW report – see web link on previous page*).

☐ **Caves:** A naturally occurring cavity, recess, void, or system of interconnected passages under the earth in soils, rock, ice, or other geological formations and is large enough to contain a human.

☐ **Cliffs:** Greater than 25 ft (7.6 m) high and occurring below 5000 ft elevation.

☐ **Talus:** Homogenous areas of rock rubble ranging in average size 0.5 - 6.5 ft (0.15 - 2.0 m), composed of basalt, andesite, and/or sedimentary rock, including riprap slides and mine tailings. May be associated with cliffs.

☒ **Snags and Logs:** Trees are considered snags if they are dead or dying and exhibit sufficient decay characteristics to enable cavity excavation/use by wildlife. Priority snags have a diameter at breast height of > 20 in (51 cm) in western Washington and are > 6.5 ft (2 m) in height. Priority logs are > 12 in (30 cm) in diameter at the largest end, and > 20 ft (6 m) long.

Note: All vegetated wetlands are by definition a priority habitat but are not included in this list because they are addressed elsewhere.

Wetland name or number A

CATEGORIZATION BASED ON SPECIAL CHARACTERISTICS

Wetland Type	Category
<i>Check off any criteria that apply to the wetland. Circle the category when the appropriate criteria are met.</i>	
SC 1.0. Estuarine wetlands Does the wetland meet the following criteria for Estuarine wetlands? — The dominant water regime is tidal, — Vegetated, and — With a salinity greater than 0.5 ppt Yes – Go to SC 1.1 No = Not an estuarine wetland	
SC 1.1. Is the wetland within a National Wildlife Refuge, National Park, National Estuary Reserve, Natural Area Preserve, State Park or Educational, Environmental, or Scientific Reserve designated under WAC 332-30-151? Yes = Category I No - Go to SC 1.2	Cat. I
SC 1.2. Is the wetland unit at least 1 ac in size and meets at least two of the following three conditions? — The wetland is relatively undisturbed (has no diking, ditching, filling, cultivation, grazing, and has less than 10% cover of non-native plant species. (If non-native species are <i>Spartina</i> , see page 25) — At least ¾ of the landward edge of the wetland has a 100 ft buffer of shrub, forest, or un-grazed or unmowed grassland. — The wetland has at least two of the following features: tidal channels, depressions with open water, or contiguous freshwater wetlands. Yes = Category I No = Category II	Cat. I Cat. II
SC 2.0. Wetlands of High Conservation Value (WHCV) SC 2.1. Has the WA Department of Natural Resources updated their website to include the list of Wetlands of High Conservation Value? Yes – Go to SC 2.2 No – Go to SC 2.3 SC 2.2. Is the wetland listed on the WDNR database as a Wetland of High Conservation Value? Yes = Category I No = Not a WHCV SC 2.3. Is the wetland in a Section/Township/Range that contains a Natural Heritage wetland? http://www1.dnr.wa.gov/nhp/refdesk/datasearch/wnhpwetlands.pdf Error! Hyperlink reference not valid. Yes – Contact WNHP/WDNR and go to SC 2.4 No = Not a WHCV SC 2.4. Has WDNR identified the wetland within the S/T/R as a Wetland of High Conservation Value and listed it on their website? Yes = Category I No = Not a WHCV	Cat. I
SC 3.0. Bogs Does the wetland (or any part of the unit) meet both the criteria for soils and vegetation in bogs? <i>Use the key below. If you answer YES you will still need to rate the wetland based on its functions.</i> SC 3.1. Does an area within the wetland unit have organic soil horizons, either peats or mucks, that compose 16 in or more of the first 32 in of the soil profile? Yes – Go to SC 3.3 No – Go to SC 3.2 SC 3.2. Does an area within the wetland unit have organic soils, either peats or mucks, that are less than 16 in deep over bedrock, or an impermeable hardpan such as clay or volcanic ash, or that are floating on top of a lake or pond? Yes – Go to SC 3.3 No = Is not a bog SC 3.3. Does an area with peats or mucks have more than 70% cover of mosses at ground level, AND at least a 30% cover of plant species listed in Table 4? Yes = Is a Category I bog No – Go to SC 3.4 NOTE: If you are uncertain about the extent of mosses in the understory, you may substitute that criterion by measuring the pH of the water that seeps into a hole dug at least 16 in deep. If the pH is less than 5.0 and the plant species in Table 4 are present, the wetland is a bog. SC 3.4. Is an area with peats or mucks forested (> 30% cover) with Sitka spruce, subalpine fir, western red cedar, western hemlock, lodgepole pine, quaking aspen, Engelmann spruce, or western white pine, AND any of the species (or combination of species) listed in Table 4 provide more than 30% of the cover under the canopy? Yes = Is a Category I bog No = Is not a bog	Cat. I

Wetland name or number A

SC 4.0. Forested Wetlands Does the wetland have at least <u>1 contiguous acre</u> of forest that meets one of these criteria for the WA Department of Fish and Wildlife's forests as priority habitats? <i>If you answer YES you will still need to rate the wetland based on its functions.</i> — Old-growth forests (west of Cascade crest): Stands of at least two tree species, forming a multi-layered canopy with occasional small openings; with at least 8 trees/ac (20 trees/ha) that are at least 200 years of age OR have a diameter at breast height (dbh) of 32 in (81 cm) or more. — Mature forests (west of the Cascade Crest): Stands where the largest trees are 80- 200 years old OR the species that make up the canopy have an average diameter (dbh) exceeding 21 in (53 cm). Yes = Category I No = Not a forested wetland for this section	Cat. I
SC 5.0. Wetlands in Coastal Lagoons Does the wetland meet all of the following criteria of a wetland in a coastal lagoon? — The wetland lies in a depression adjacent to marine waters that is wholly or partially separated from marine waters by sandbanks, gravel banks, shingle, or, less frequently, rocks — The lagoon in which the wetland is located contains ponded water that is saline or brackish (> 0.5 ppt) during most of the year in at least a portion of the lagoon (<i>needs to be measured near the bottom</i>) Yes – Go to SC 5.1 No = Not a wetland in a coastal lagoon SC 5.1. Does the wetland meet all of the following three conditions? — The wetland is relatively undisturbed (has no diking, ditching, filling, cultivation, grazing), and has less than 20% cover of aggressive, opportunistic plant species (see list of species on p. 100). — At least ¾ of the landward edge of the wetland has a 100 ft buffer of shrub, forest, or un-grazed or unmowed grassland. — The wetland is larger than 1/10 ac (4350 ft²) Yes = Category I No = Category II	Cat. I Cat. II
SC 6.0. Interdunal Wetlands Is the wetland west of the 1889 line (also called the Western Boundary of Upland Ownership or WBUO)? <i>If you answer yes you will still need to rate the wetland based on its habitat functions.</i> In practical terms that means the following geographic areas: - X Long Beach Peninsula: Lands west of SR 103 — Grayland-Westport: Lands west of SR 105 — Ocean Shores-Copalis: Lands west of SR 115 and SR 109 Yes – Go to SC 6.1 No = not an interdunal wetland for rating SC 6.1. Is the wetland 1 ac or larger and scores an 8 or 9 for the habitat functions on the form (rates H,H,H or H,H,M for the three aspects of function)? Yes = Category I No – Go to SC 6.2 SC 6.2. Is the wetland 1 ac or larger, or is it in a mosaic of wetlands that is 1 ac or larger? Yes = Category II No – Go to SC 6.3 SC 6.3. Is the unit between 0.1 and 1 ac, or is it in a mosaic of wetlands that is between 0.1 and 1 ac? Yes = Category III No = Category IV	Cat I Cat. II Cat. III Cat. IV
Category of wetland based on Special Characteristics If you answered No for all types, enter "Not Applicable" on Summary Form	N/A

Wetland name or number A

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BANK USE PLAN

August 18, 2022



Kevanna Park Meadows *Vancouver/Clark County, WA*

Prepared for
Ginn Development
502 NE 72nd Street
(360)-608-6026

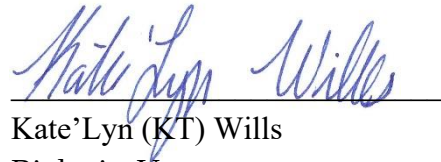
Prepared by
Ecological Land Services
1157 3rd Avenue, Suite 220A • Longview, WA 98632
(360) 578-1371 • Project Number 2671.30

SIGNATURE PAGE

The information and data in this report were compiled and prepared under the supervision and direction of the undersigned.

A handwritten signature in blue ink, reading "Sara Hastings", written over a horizontal line.

Sara Hastings
Biologist I

A handwritten signature in blue ink, reading "Kate'Lyn Wills", written over a horizontal line.

Kate'Lyn (KT) Wills
Biologist V

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Table 2	Summary of Wetland Impacts.
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Table 4	Mitigation Bank credits proposed for project impacts.

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Figure 4	Terrace Mitigation Bank Site Design
Figure 5	Terrace Mitigation Bank Service Area

RESPONSIBLE PARTIES

APPLICANT

Ginn Development
Attn: Chad Stewart
502 NE 72nd Street
Vancouver, WA 98665
Chad@ginngroup.com
(360) 608-6026

PROPERTY OWNER

Affinity Vancouver Manager, LLC
120 W Cataldo Ave, STE 100
Spokane, WA 99201

MITIGATION BANK

Terrace Mitigation Bank, LLC
Contact: Neil Pedersen
7408 NE 113th Circle
Vancouver, WA 98662
neil.pedersen@rotschyinc.com
(360) 334-3100

PROJECT ENGINEER

PLS Engineering
Attn: Jason Taylor
604 W. Evergreen Blvd.
Vancouver, WA 98660
jason@plsengineering.com
(360) 944-6519

ENVIRONMENTAL CONSULTANT

Ecological Land Services, Inc.
Attn: Sara Hastings, Biologist
1157 3rd Avenue, Suite 220A
Longview, Washington 98632
sara@eco-land.com
(360) 578-1371

INTRODUCTION

Ecological Land Services, Inc. (ELS) prepared this Bank Use Plan on behalf of the applicant, Ginn Development, for the development of a 33-lot planned development of single-family detached homes in the City of Vancouver (CoV), Clark County, Washington. The approximately 6-acre project site is located within a portion of Section 16, Township 2 North, Range 2 East, of the Willamette Meridian (Figure 1).

The project will result in 0.106 acres (4,625 sq. ft.) of indirect Category III wetland impacts. Mitigation will consist of purchasing 0.053 credits from the Terrace Mitigation Bank (TMB) to:

- 1) Compensate for indirect wetland impacts to a Category III wetland and
- 2) Ensure no net loss of ecological functions

This Bank Use Plan was prepared according to the City of Vancouver Municipal Code (VMC), *Chapter 20.740 Critical Areas Protection* (2021), the Interagency Review Team (IRT) for Washington State's Guidance Paper, *Using Credits from Wetland Mitigation Banks: Guidance to Applicants on Submittal Contents for Bank Use Plans* (2009), the Washington State Department of Ecology (Ecology) *Wetland Mitigation in Washington State* (2006), and the U.S. Army Corps of Engineers' (Corps) *Compensatory Mitigation for Losses of Aquatic Resources* (33 C.F.R. §332 (2008)).

PROPOSED DESCRIPTION

PROJECT LOCATION

The project site consists of Clark County Tax Parcel 159850000 located at the terminus of NE 46th Street, in Vancouver, Washington. The approximately 6-acre project site is located within a portion of Section 16, Township 2 North, Range 2 East, of the Willamette Meridian (Figure 1).

PROPOSED DEVELOPMENT

The applicant is proposing the development of a 33-lot planned development for single-family detached homes. This will require clearing, grading, leveling of the site, installing utilities, constructing a stormwater facility, frontage street improvements, constructing a 4-foot wide pervious walking path (wood chips), and a required road extension/alignment of NE 46th Street per the City of Vancouver (CoV). Construction activities associated with the road extension and alignment of NE 46th Street, and the pedestrian sidewalk will result in a total of 0.106 acres (4,625 sq. ft.) of indirect wetland impacts due to insufficient buffer width (Figure 3). Due to the proposed development adjacent to the wetland and buffer consisting of public sidewalks, permanent fencing will be installed to discourage disturbance of the wetland buffer from human and pet use. Additionally, signage 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" will be placed every 50 feet along the permanent fencing.

Additional critical area impacts from the proposed development of single-family homes includes impacts to the riparian buffer (RB) of Burnt Bridge Creek and one Oregon white oak that must be removed to install the required NE 46th Street extension and alignment. Mitigation for the RB and

Oregon white oak impacts will include onsite enhancement. For more information regarding RB and oak impacts and onsite mitigation, please refer to *Kevanna Park Meadows Critical Areas Report and Stream Mitigation Plan* (ELS 2022).

Further wetland impacts will be avoided and minimized by utilizing best management practices (BMPs) including installing silt fencing along the outer buffer boundary, applying native grass seed to disturbed areas not being paved when grading is complete, and making a water truck available to prevent dust blowing during construction. The development area will be cleared of vegetation and levelled prior to construction. Additional BMPs are discussed in the *Avoidance and Minimization Section* of the *Kevanna Park Meadows Critical Areas Report and Stream Mitigation Plan* (ELS 2022). Construction is anticipated to start upon receipt of permits.

EXISTING CONDITIONS

EXISTING AND SURROUNDING LAND USES

The 6-acre site is zoned as “Low Density Residential-6du/ac (R-6)”. The project site is currently vacant containing no structures and is accessed at the terminus of NE 46th Street. The topography of the site is generally flat, but slopes down from east to west dropping approximately nine feet in elevation. Burn Bridge Creek, a Type F (fish bearing) stream, flows westerly along the northern parcel boundary and continues offsite. Flow was evident during the site visit on June 29, 2022. The stream channel is approximately five feet wide and two feet below the top of the bank (Figure 2). One wetland, Wetland A, was delineated in the central eastern portion of the site within a topographic depression. Wetland A is composed of forested and scrub-shrub vegetation communities and has no discernible outlet, receiving the majority of its hydrology from runoff originating from uplands. The project site consists mainly of pasture grass that is mowed annually, with scrub-shrub and herbaceous vegetation along the stream at the northern property boundary and forested with scrub-shrub vegetation within the wetland. Additionally, an existing trail circumnavigates the project site. The properties to the north and northeast contain an apartment complex with 100 or more units and Kevanna Park. Properties to the east and south of the project site consist of single-family residences, while the site is bordered to the west by Highway Interstate 205 (I-205) and I-205 Exit to NE 122nd Ave (Figure 2).

LANDSCAPE POSITION

The Washington State Department of Ecology’s Water Quality Atlas maps the project site in Watershed Resource Inventory Areas (WRIA) 28-Salmon-Washougal within the Burnt Bridge Creek 12-digit Hydrologic Unit Code (HUC): 170800030101. The project site lies within the service area of TMB, and approximately 2.5 miles southwest of the TMB location.

CRITICAL AREAS DESCRIPTIONS

ELS completed a critical areas assessment for the project site on June 29, 2022, to make determinations about the presence or absence of critical areas. ELS delineated one wetland and identified five Oregon white oaks. PLS Engineering determined the ordinary high water mark (OHWM) of Burnt Bridge Creek and mapped the driplines of the oaks. All critical areas flagging was surveyed by PLS Engineering. For details regarding existing conditions of Burnt Bridge Creek and the Oregon white oak, please refer to *The Kevanna Park Meadows Critical Areas Report and Stream Buffer Mitigation Plan* (ELS 2022).

Wetland A

Wetland A is a Category III forested and scrub-shrub, depressional wetland totaling approximately 0.118 acres. The wetland/upland boundary is characterized by an obvious change in vegetation and in elevation. The wetland vegetation onsite is dominated by quaking aspen, Oregon ash, Nootka rose, slough sedge, curly dock, and reed canarygrass. Wetland hydrology likely comes from a shallow groundwater table, runoff, and precipitation. Hydroperiods include seasonally flooded and occasionally flooded. According to the *Washington State Wetland Rating System for Western Washington: 2014 Update* (Rating System); Wetland A is a Category III wetland with 18 points; scoring 7 points for water quality functions, 6 points for hydrologic functions, and 5 points for habitat functions.

Wetland Buffers

Standard wetland buffers are based on wetland category and habitat function score from the Rating System in conjunction with the proposed land use intensity (VMC 20.740.140(C)(1)(b)). Wetland A is a Category III wetland with a low habitat score of 5. According to VMC Table 20.740.140-5, Category III wetlands with a low habitat score and a proposed high intensity land use are determined to have an 80-foot buffer. Table 1 summarizes the wetland onsite.

Table 1. Summary of Wetlands Onsite.

Critical Area	Category¹/Cowardin²/ HGM³	Size/Canopy Area	Buffer Width⁴
Wetland A	III/Forested, Scrub-shrub/Depressional	0.118 acres (5,143 sq. ft.)	80 feet

¹Hruby 2014, ²Cowardin et al. 1979, ³NRCS 2008, ⁴VMC Table 20.740.140-5

AVOIDANCE AND MINIMIZATION OF IMPACTS

This plan describes a series of measures that will be implemented to avoid, minimize, and compensate for indirect impacts to wetland A. Allowed uses and activities within the wetland and wetland buffer per VMC discussed in this report include:

- Direct impacts to Wetland A are completely avoided.
- Indirect impacts to Wetland A are minimized to the greatest extent practicable through the implementation of best management practices (BMPs).
- Indirect impacts to Wetland A will be satisfied by purchasing 0.053 bank credits at Terrace Mitigation Bank.

Avoidance Measures

Avoiding impacts to critical areas and priority habitat were the primary consideration during the project's design. Indirect wetland impacts to Wetland A could not be completely avoided due to the required road construction and alignment per the City of Vancouver. The proposed lot layout for the buildings has gone through several revisions to avoid direct wetland impacts. All impacts that could not be avoided during the design process can be fully compensated to result in no net loss of ecological function.

Minimization Measures

In addition to the avoidance measures made possible by the preliminary lot redesign, the following minimization measures and BMPs will further reduce impacts to the wetland and minimize habitat disruption beyond the extent required to undertake the proposal. The minimization measures are as follows:

- Install temporary construction fencing as needed around the mitigation and construction areas.
- Install permanent fencing between the sidewalk and the wetland buffer.
- Grading to occur during the dry season to minimize surface runoff.
- Best management practices, including, applying native grass seed to temporarily disturbed areas, stabilizing work area entrances via installation of gravel, and making a water truck available to prevent wind erosion and dust blowing during construction.
- Buffer reduction techniques have been implemented to minimize indirect impacts to Wetland A.
- Road runoff associated with the proposed road construction will be routed to the proposed stormwater facility onsite.
- Permanent fencing will be installed after construction along Wetland A's buffer, and signs will be installed at 50-foot intervals affixed to the fencing that will read, "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" according to VMC 20.740.140(C)(1)(c)(iv).

Compensation Measures

To reduce the total indirect wetland impacts, the wetland buffer will be reduced as allowed by the VMC. The land use intensity will be reduced from high to moderate through site design measures, translating to a buffer reduction from 80 feet down to 60 feet per VMC 20.740.140 (C)(1)(b)(iii)(B). To accommodate the required road construction, indirect wetland impacts are unavoidable. A total of 0.106 acres (4,625 sq ft) indirect impacts to Wetland A are proposed due to insufficient buffer width (Figure 3). The applicant proposes that mitigation for indirect wetland impacts will be satisfied by purchasing 0.053 credits at Terrace Mitigation Bank.

UNAVOIDABLE WETLAND IMPACT ACREAGE

The installation of NE 46th Avenue will result in 0.106 acres (4,625 sq. ft.) of indirect wetland impacts to Wetland A due to insufficient buffer width (Figure 3). All indirect wetland impacts will be compensated for via credit purchase at the Terrace Mitigation Bank. Table 4 summarizes proposed critical area impacts.

Table 2. Summary of Critical Area Impacts.

Critical Area	Category ¹ / Cowardin Class ² / HGM Class ³	Impact Type	Impact Amount
Wetland A	III/Forested, Scrub-shrub/Depressional	Indirect	0.106 acres (4,625 sq. ft.)

¹Hruby 2014, ²Cowardin et al. 1979, ³NRCS 2008

IMPACTED WETLAND FUNCTIONS

Wetland functions were assessed based on the Rating System. Indirect impacts as described in Table 2 will result in a loss of available habitat area and reduced wetland functions. Wetlands and their buffers provide habitat opportunity for forage, refuge, mobility, and thermal protection. Additionally, buffers help screen the wetland from adjacent developments blocking noise, providing visual separation, and providing protection from other human disturbances (Castelle et al 1992). Depressional wetlands provide groundwater detention functions, and their buffers help reduce impacts to wetland functions by moderating the effects of stormwater runoff, stabilizing soil to prevent erosion, filtering runoff, and moderating water level fluctuations. The remaining buffer surrounding Wetland A will continue to provide some screening from surrounding development, and because direct wetland fill was avoided, Wetland A will continue to provide groundwater recharge and detention functions.

Water Quality Functions

Wetland A provides a moderate level of water quality functions because Wetland A has no outlet and has persistent ungrazed plants covering greater than half the area. Greater than 10 percent of the area within 150 feet of the wetland generates pollutants. The wetland has a moderate value to society due to its ability to improve water quality because of an aquatic resource in the basin on the 303(d) list. Additionally, there is a total maximum daily load (TMDL) in development for the site. Vegetation onsite consists of regularly mowed grasses which have a low potential to slow the velocity of surface runoff, therefore indirect wetland impacts resulting from insufficient buffer width will be minimal. Best management practices will be in place prior to construction to prevent sedimentation or other water-quality impacts to Wetland A.

Hydrologic Functions

Wetland A provides a moderate level of hydrologic functions due to the wetland having greater than a quarter of the area within the contributing basin where land uses generate excess surface runoff. A change to hydroperiods in Wetland A is unlikely as runoff from the surrounding uplands is not Wetland A's main source of hydrology and the groundwater table will continue to support wetland hydrology. Surface flooding problems are known to exist in a sub-basin farther down-gradient.

Habitat Functions

Wetland A has a low potential to provide wildlife habitat due to being comprised of only two Cowardin classes and having only two hydroperiods: seasonally flooded and occasionally flooded. Additionally, Wetland A has a moderate richness of plant species and a low interspersions of habitats which reduces the number of available ecological niches. The proposed development will result in minimal habitat function loss as accessibility of habitat provided by the wetland and its buffer to other wetlands or forested areas in the local vicinity is limited by the adjacent highway, community park, residential land uses, and paved roads that decrease the suitability for different guilds of wildlife. Fauna that likely occur on the project site include birds and rodents. The landscape potential is low due to the degree of accessibility of adjacent undisturbed habitat.

MITIGATION SITE SELECTION RATIONALE

The wetland proposed for impact is located within the service area for the Terrace Mitigation Bank. The project site is located approximately 2.5 miles southwest of the Bank site near the central portion of the Burnt Bridge Creek watershed (Figure 4). The proposed indirect wetland impacts lie within the Middle Burnt Bridge Creek sub-watershed which is within the central portion of the service area. The 0.106 acres of proposed indirect wetland impacts will be mitigated by purchasing credits from Terrace Mitigation Bank at ratios specified in the Terrace Mitigation Bank's Mitigation Banking Instrument (MBI) for impacts to Category III wetlands (2017).

Rationale for selecting this mitigation bank is as follows:

- The development project does not propose impacts to critical wetland functions that should be replaced onsite. The impacted habitat functions can be fully replaced within the Bank site.
- The wetland mitigation needs of the project correspond directly with the purpose, goals, and objectives of the Bank, as the general Bank goal is to restore approximately 89.15 acres of self-sustaining, diverse forest, scrub-shrub, and emergent wetland habitat. This restoration will be accomplished through re-establishment of a native emergent wetland plant community, and re-establishment of hydrology through the disabling of the drain tiles throughout the Bank site.

The 2008 *Compensatory Mitigation for Losses of Aquatic Resources, Final Rule* (Corps) recommends purchasing mitigation bank credits for ecological considerations (lower risk of failure and lower temporal loss of resources and services) and to avoid the maintenance and contingency issues and outright failures that often accompany permittee-responsible mitigation sites. Use of the Terrace Mitigation Bank substantially lowers the risk of failure and temporal loss of resource functions and services over newly established, permittee-responsible mitigation sites. Offsite mitigation will be more meaningful and beneficial to the watershed. As described below, the functional lift anticipated in the Terrace Mitigation Bank will adequately compensate for any wetland or buffer functions lost by this project.

WETLAND FUNCTIONS PROVIDED AT MITIGATION BANK

The general goal of the Bank is to restore approximately 89.15 acres of self-sustaining, diverse forest, scrub-shrub, and emergent wetland habitat, similar to pre-agricultural conditions.

The primary ecological goals of Terrace Mitigation Bank consist of:

- Re-establishing hydrology through the disabling of the drain tiles throughout the site;
- Establishing a native historic forested, scrub-shrub, and emergent wetland plant community in re-established and rehabilitated wetland areas;
- Establishing a native upland scrub-shrub plant community in the upland buffer area within the BPA easement;
- Reshaping of incised stream banks to reconnect the stream to its floodplain and existing wetlands;
- Enhancement of the riparian area along Burnt Bridge Creek by removing invasive species and planting native trees and shrubs to increase shading and lower water temperatures, and provide improved habitat structure and diversity;

- Removing an existing culvert crossing at the west property boundary to improve stream flow, and;
- Removing existing invasive species and preventing the establishment of invasive species throughout the Bank site.

A wetland functions assessment was performed for the Bank, which was based on the water quality, hydrology, and habitat functions identified in the *Rating System* (Hruby 2014).

Water Quality

Water quality functions will be significantly improved over current conditions by replacing the existing disturbed wetland vegetation with forested, scrub-shrub, and emergent persistent vegetation that can trap sediments and pollutants, and the increased inundation resulting from disabling the drain tiles will increase the wetland's ability to provide denitrification.

Additionally, the Bank site itself directly contributes agricultural runoff high in sediment and herbicides. Establishment of the Bank will allow onsite agricultural practices to cease, eliminating the potential for chemical contaminants to enter the downstream watershed from the site. The resulting overall score for the wetland unit improving water quality functions is high (9 points), which reflects a 3 point increase over baseline conditions.

Hydrology

Currently, groundwater, runoff, and flood water from Burnt Bridge Creek within the Bank site is quickly and effectively conveyed downstream through the extensive drain tile system. Once the drain tiles are disabled, water will be impounded for a much longer duration than current conditions, and groundwater storage will be increased, improving the site's hydrologic function. This will supplement summer base flows within Burnt Bridge Creek, buffer peak flows during flood events, reduce offsite flooding, reduce erosion, provide temperature regulation within the Burnt Bridge Creek during the summer, and recharge groundwater.

By increasing groundwater levels at the Bank site through disabling drain tiles, it will have an effect of "mounding" the groundwater. This adds downward pressure on the groundwater as well as increased storage due to the highly absorbent peat soils. Therefore, it should not be assumed that a groundwater elevation increase at the Bank site only benefits Burnt Bridge Creek Watershed hydrologically. Once the tiles are disabled, the flow path of the shallower groundwater will not only be lateral to Burnt Bridge Creek but also vertical and downward to the larger aquifer within the Upper Troutdale Formation (that bisects and discharges to both Burnt Bridge Creek and Lacamas Watersheds), thus providing hydrological improvements to areas well outside of the Bank boundary. The resulting overall score for the wetland unit improving hydrologic functions is moderately high (7 points), which reflects a 3 point increase over baseline conditions.

Wildlife Habitat

The majority of the Bank site currently contains limited habitat for wildlife. The wetlands onsite are low quality wetlands within managed agricultural fields. Within the Bank site, Burnt Bridge Creek consists of a ditched, incised channel with very little native riparian vegetation, and provides less than ideal conditions for resident fish. The Oregon white oak woodland adjacent to the northeast portion of the Bank provides some adjacent priority habitat for the Bank, but this habitat

has been impacted by the construction of residential and commercial structures and associated impervious surfaces, invasive species, and competition and succession by Douglas-fir (*Pseudotsuga menziesii*). The woodland area is currently disconnected from the existing wetlands by the historic and existing agricultural use of the majority of the Bank site.

The site plan will provide diverse wetland habitat for a variety of large and small mammals, song birds, waterfowl, amphibians, and insects. The addition of trees and shrubs along Burnt Bridge Creek will provide temperature regulation, cover, leaf litter, all important to the overall health of the stream system. Large woody material incorporated within the Bank site, in the form of horizontal logs and snags, and habitat features such as bird boxes and perch poles will provide additional areas for perching and nesting habitat for avian species. The resulting overall score for the wetland unit providing wildlife habitat functions is moderately high (7 points), which reflects a 2 point increase over baseline conditions.

ANTICIPATED FUNCTIONAL LIFT

The Bank site will re-establish high quality wetlands and associated wildlife habitat where there is currently a mostly barren, drained agricultural field, providing for significant overall functional lift. Wetlands onsite are expected to be rated as Category I wetlands post-construction (20 years following final mitigation site work and plantings, in contrast to the majority of onsite wetlands which are currently considered Category IV wetlands. The overall functional lift (an increase of 7 to 8 wetland rating points) provided by the post-construction wetlands is reflected in the change (lift) in wetland rating score from the baseline conditions of the four existing Category III, and fourteen Category IV wetlands with the post-construction wetlands scoring 23 points (Category I wetland), and the existing wetlands scoring 15 or 16 total points (Category IV or Category III wetland).

The Bank site location within the landscape and overall design will provide a significant ecological benefit not only to the immediate, surrounding area, but throughout a large portion of the watershed. The post-construction Bank site will consist of a forested, scrub-shrub, and emergent depressional flow-through wetland system that contain the headwaters of a perennial stream. As a whole, the Bank site will provide variety of water regimes, vegetation interspersions, and habitat features which will provide diverse habitat opportunity for wildlife. The re-established wetlands will also increase flood storage, improve water quality, help prevent downstream erosion, recharge groundwater to supplement low summer flows and keep summer water temperatures cooler, similar to pre-agricultural conditions.

WETLAND FUNCTIONS NOT MITIGATED AT MITIGATION BANK

The Bank site is designed to have an overall functional lift in all its baseline water quality, hydrology, and habitat functions over time raising them from their existing low moderate to high functions. Terrace Mitigation Bank will adequately mitigate for all habitat functions permanently impacted by the proposed development of 33 residential lots and required road construction/alignment.

PROPOSED MITIGATION CREDITS

Table 3 is taken from the Terrace Mitigation Bank MBI and lists the recommended credit ratios for purchasing credits based on the impacted resource category.

Table 3. Credits Recommended for Wetland and Buffer Impacts at TMB.

Resource Impact	Bank Credits: Impact Area
Category I Wetland	Case-by-case
Category II Wetland	1.2:1
Category III Wetland	1:1
Category IV Wetland	0.85:1
Critical Area Buffer	Case-by-case

Per Table 3, direct impacts to a Category III wetland are to be mitigated at a 1:1 ratio. For the 0.106 acres of indirect impacts due to insufficient buffer width, a multiplier of 50 percent (0.50:1) is proposed based on the rationale that indirect impacts can be adequately compensated for by using 50 percent of the banks required ratio for direct wetland impacts. Indirect impacts adversely affect the ability of a wetland to provide functions and values which the wetland provided prior to disturbance. Examples are changes in drainage characteristics, changes in water levels, and changes in wetland characteristics. Direct impacts result in immediate changes of hydrological characteristics of a wetland, loss of habitat, loss of flood storage, and loss of nutrient removal or retention. Indirect impacts do not result in these immediate changes, therefore mitigating at 50 percent of the Bank's required ratio for direct impacts is reasonable and scientifically sound. This bank use plan proposes to purchase a total of 0.053 Bank credits to compensate for 0.106 acres of indirect impacts to a Category III wetland. Purchasing 0.053 credits will fully compensate for the proposed indirect impacts and ensure there is no net loss of ecological function. Table 4 details the mitigation ratios used to calculate the number of Bank credits needed to compensate for project impacts.

Table 4. Mitigation Bank Credits Proposed for Project Impacts.

Impacted Resource	Impact Type	Impact Area	Bank Ratio	Impact Multiplier	Proposed Credit Purchase ¹
Category III Wetland A	Permanent /Indirect	0.106 acres (4,625 sq. ft.)	1:1	0.50	0.053

¹ Credit purchase based on acreage totals

CREDIT PURCHASE OR TRANSFER TIMING

Ginn Development will enter into a Buy/Sell Agreement with Terrace Mitigation Bank for purchasing mitigation credits as specified in Table 4 to appropriately mitigate for the proposed project impacts. The actual purchase of credits will occur following permit issuance, and prior to project impacts from the development. In no case shall credits be applied (e.g. debited from the bank) to a receiving (impact) project unless and until permits have been issued for the underlying

activity by the agencies with jurisdiction. Nothing in the mitigation credit Purchase Agreement shall be interpreted or construed to permit any activity that otherwise requires a federal, state, and/or local permit.

CONFIRMATION OF MITIGATION CREDIT AVAILABILITY

Terrace Mitigation Bank, LLC, the Bank Sponsor, has met all the required terms and conditions for the release of mitigation credits from the Terrace Mitigation Bank. Proof of the current number of available mitigation credits at the Terrace Mitigation Bank site can be confirmed by approving agency(s) through the Interagency Review Team.

Interagency Review Team contact information:

Kate Thompson

Washington Department of Ecology
Shorelands and Environmental Assistance
Program
P.O. Box 47600
Olympia, WA 98504
(360) 407-6749
kate.thompson@ecy.wa.gov

Suzanne Anderson

US Army Corps of Engineers
Regulatory Branch, Seattle District
PO Box 3755
Seattle, WA 98124
206-764-3708
Suzanne.L.Anderson@usace.army.mil

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- Castelle, A.J., C. Conolly, M. Emers, E.D. Metz, S. Meyer, M. Witter, S. Mauermann, T. Erickson, S.S. Cooke. 1992. *Wetland Buffers: Use and Effectiveness*. Adolfson Associates, Inc., Shorelands and Coastal Zone Management Program, Washington Department of Ecology, Olympia, Pub. No. 92-10.
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- U.S. Army Corps of Engineers (Corps). 2008. *Compensatory Mitigation for Losses of Aquatic Resources*. Corps and Environmental Protection Agency (EPA). Available at: http://www.usace.army.mil/Portals/2/docs/civilworks/regulatory/final_mitig_rule.pdf.

FIGURES

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WASHINGTON

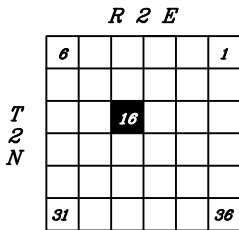


PROJECT SITE

Latitude: 45.6553°

Longitude: -122.5664°

LOCATION MAP



NOTE:

Quadrangle topographic map from USGS.

PROJECT VICINITY MAP



BANK SITE

PROJECT SITE

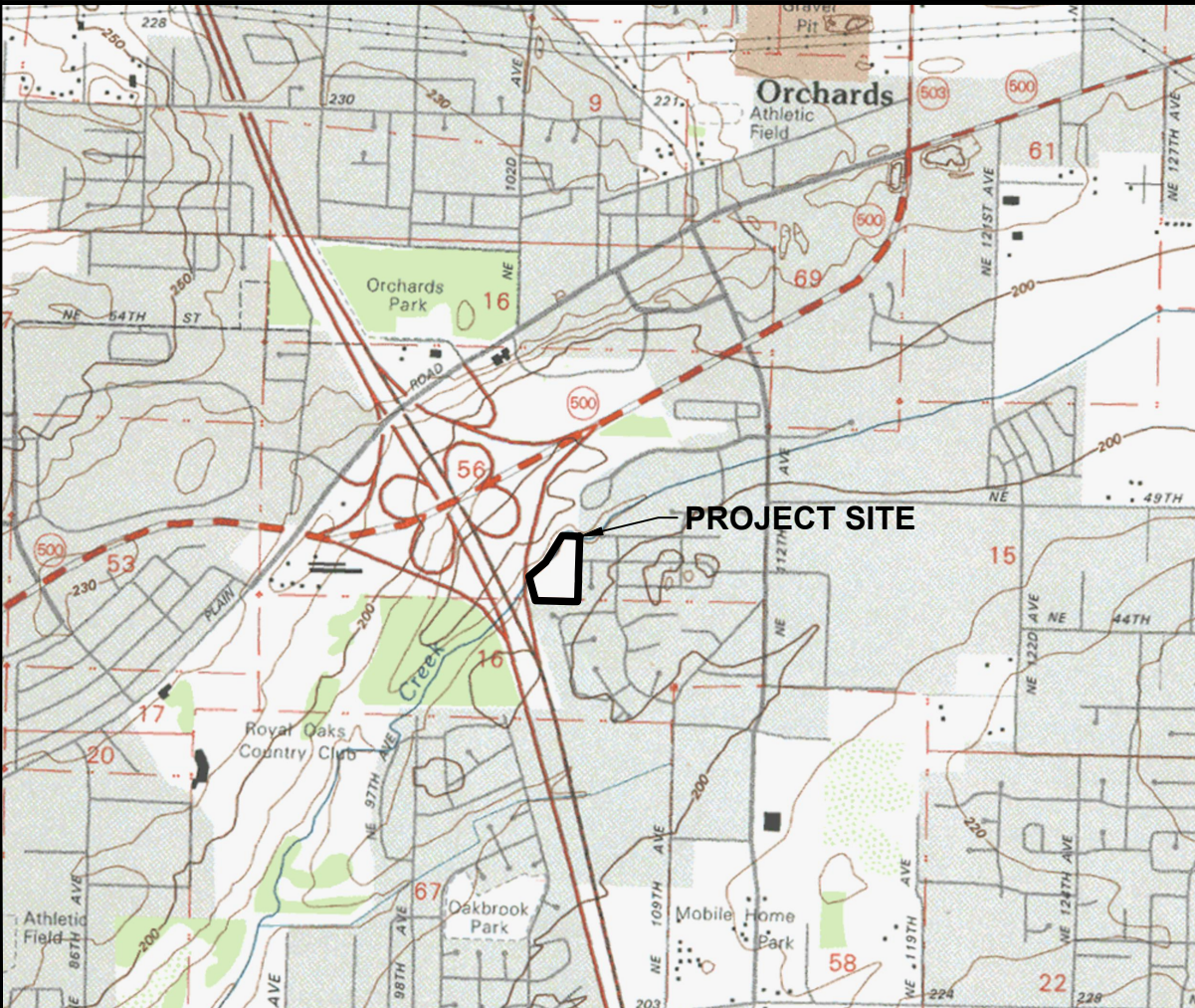


Figure 1
VICINITY MAP

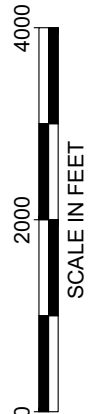
Kevanna Park Meadows

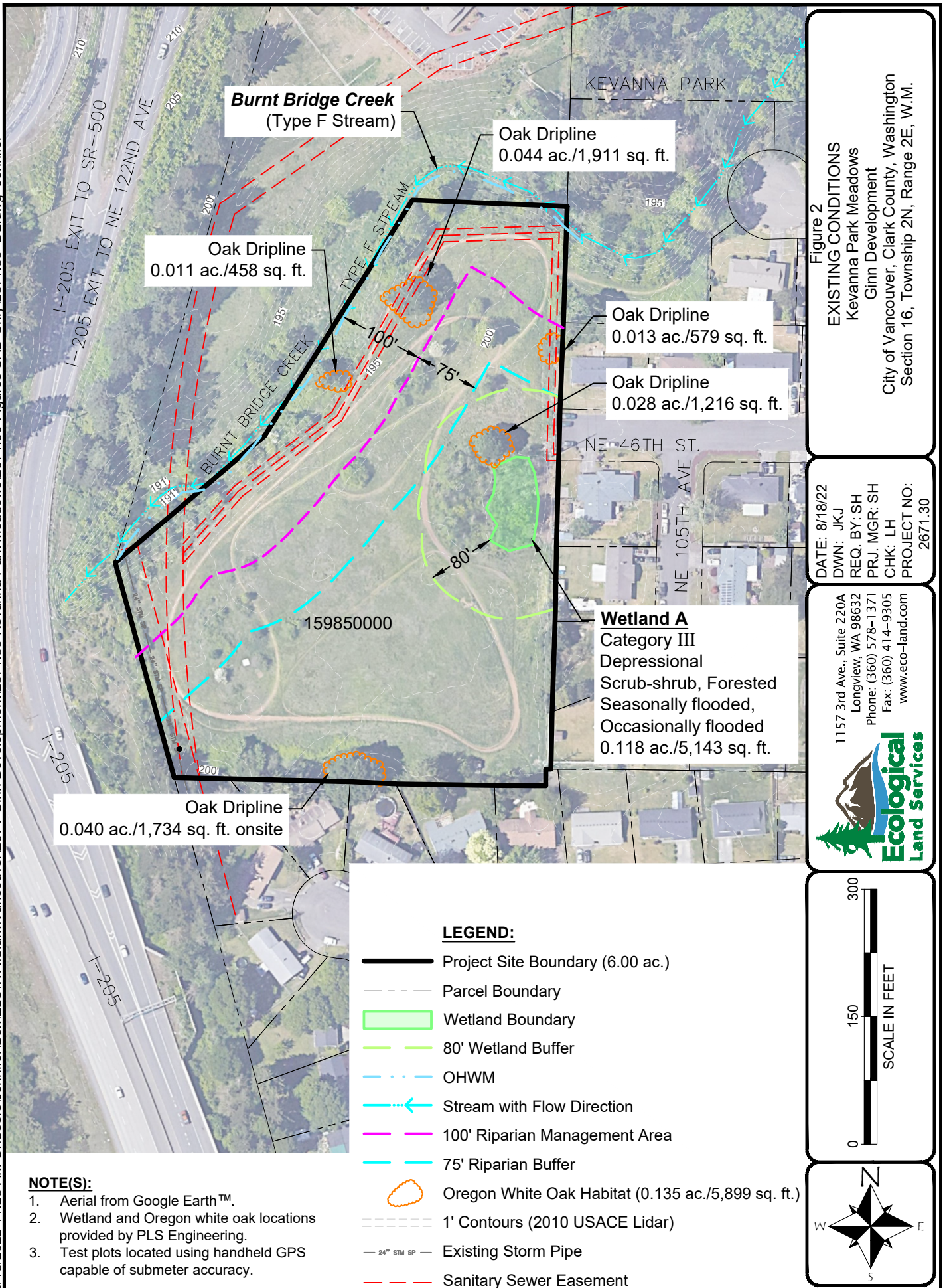
Ginn Development

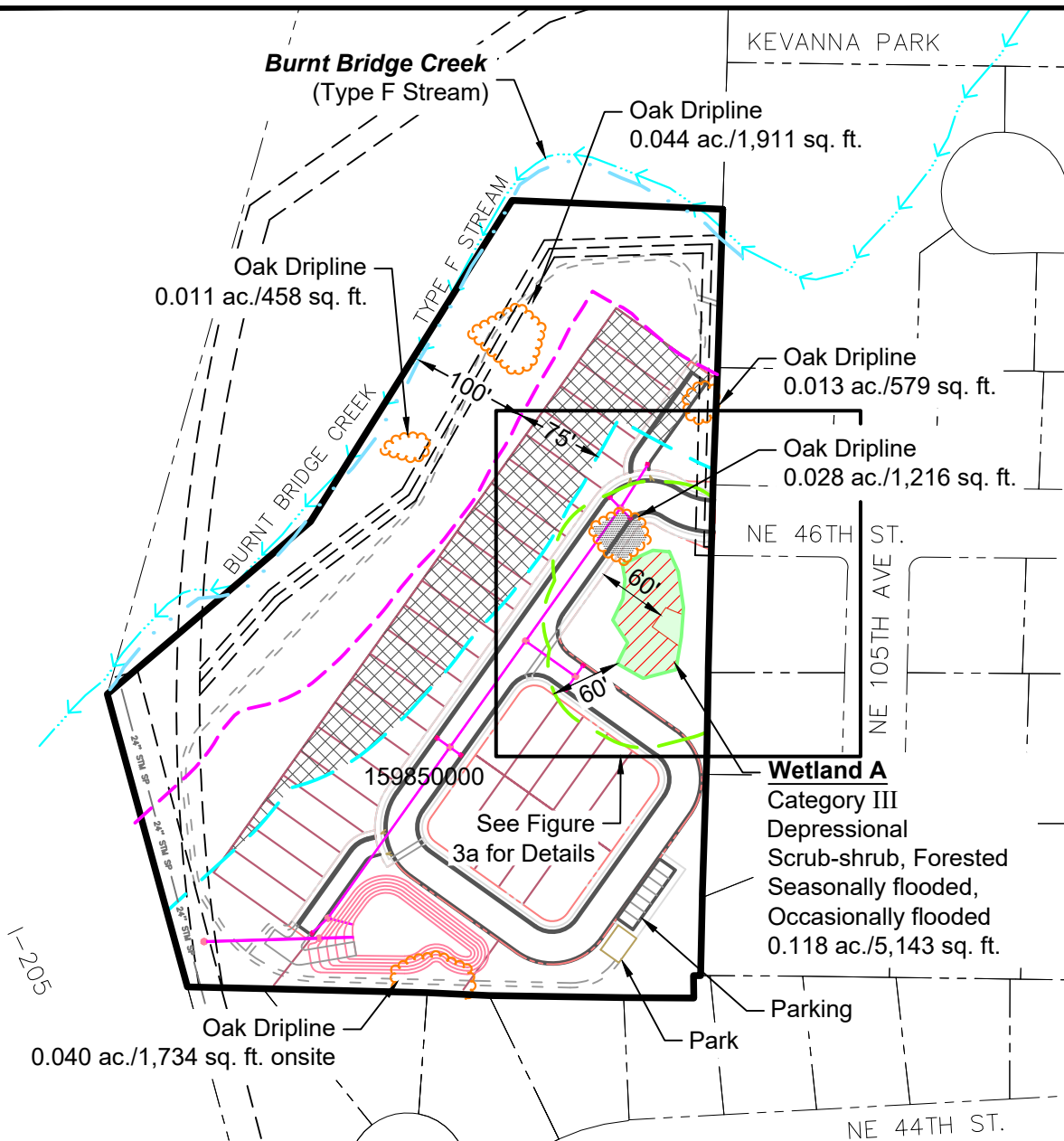
City of Vancouver, Clark County, Washington
Section 16, Township 2N, Range 2E, W.M.

DATE: 8/18/22
DWN: JKJ
REQ. BY: SH
PRJ. MGR: SH
CHK: LH
PROJECT NO:
2671.30

1157 3rd Ave., Suite 220A
Longview, WA 98632
Phone: (360) 578-1371
Fax: (360) 414-9305
www.eco-land.com







LEGEND:

- Project Site Boundary (6.00 ac.)
- Parcel Boundary
- Wetland Boundary
- 60' Reduced Wetland Buffer
- OHWM
- Stream with Flow Direction
- 100' Riparian Management Area
- 75' Riparian Buffer
- Oregon White Oak Habitat (0.135 ac./5,899 sq. ft.)
- 24" STM SP Existing Storm Pipe
- Sanitary Sewer Easement

LEGEND (cont.):

- Proposed Lots
- Proposed Trail
- Proposed Road ROW
- Proposed Sidewalk
- Proposed Playground
- Proposed Storm Pond
- Proposed Storm Pond Outfall Pipe
- Indirect Wetland Impact (0.106 ac./4,625 sq. ft.)
- Riparian Buffer Impact (0.760 ac./33,098 sq. ft.) (See Critical Areas Report and Stream Buffer Mitigation Plan for Mitigation Details)
- Oak Dripline Impact (0.028 ac./1,216 sq. ft.) (See Critical Areas Report and Stream Buffer Mitigation Plan for Mitigation Details)

NOTE(S):

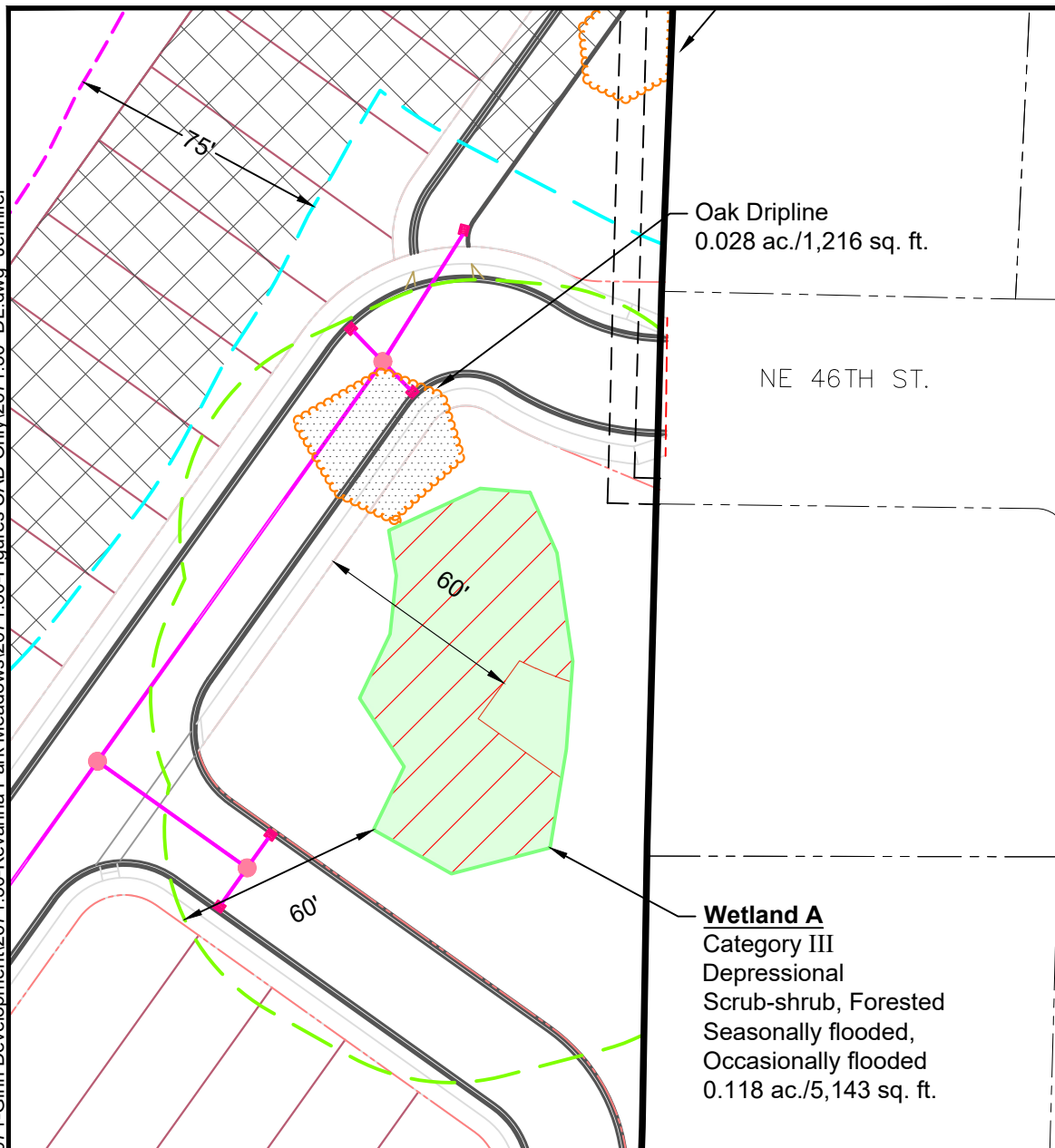
1. Wetland and Oregon white oak locations provided by PLS Engineering.
2. Site plan from PLS Engineering (August 17, 2022).

Figure 3
PROPOSED CONDITIONS
Kevanna Park Meadows
Ginn Development
City of Vancouver, Clark County, Washington
Section 16, Township 2N, Range 2E, W.M.

DATE: 8/18/22
DWN: JKJ
REQ. BY: SH
PRJ. MGR: SH
CHK: LH
PROJECT NO: 2671.30

1157 3rd Ave., Suite 220A
Longview, WA 98632
Phone: (360) 578-1371
Fax: (360) 414-9305
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SCALE IN FEET



LEGEND:

- Project Site Boundary (6.00 ac.)
- Parcel Boundary
- Wetland Boundary
- 60' Reduced Wetland Buffer
- 100' Riparian Management Area
- 75' Riparian Buffer
- Oregon White Oak Habitat (0.135 ac./5,899 sq. ft.)

LEGEND (cont.):

- Proposed Lots
- Proposed Trail
- Proposed Road ROW
- Proposed Sidewalk
- Proposed Stormwater Pipe
- Indirect Wetland Impact (0.106 ac./4,625 sq. ft.)
- Riparian Buffer Impact (0.760 ac./33,098 sq. ft.) (See Critical Areas Report and Stream Buffer Mitigation Plan for Mitigation Details)
- Oak Dripline Impact (0.028 ac./1,216 sq. ft.) (See Critical Areas Report and Stream Buffer Mitigation Plan for Mitigation Details)

NOTE(S):

1. Wetland and Oregon white oak locations provided by PLS Engineering.
2. Site plan from PLS Engineering (August 17, 2022).

DATE: 8/18/22
DWN: JKJ
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PROJECT NO: 2671.30

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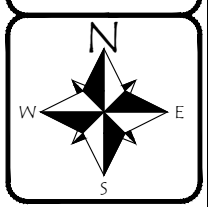
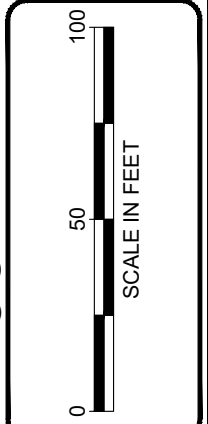
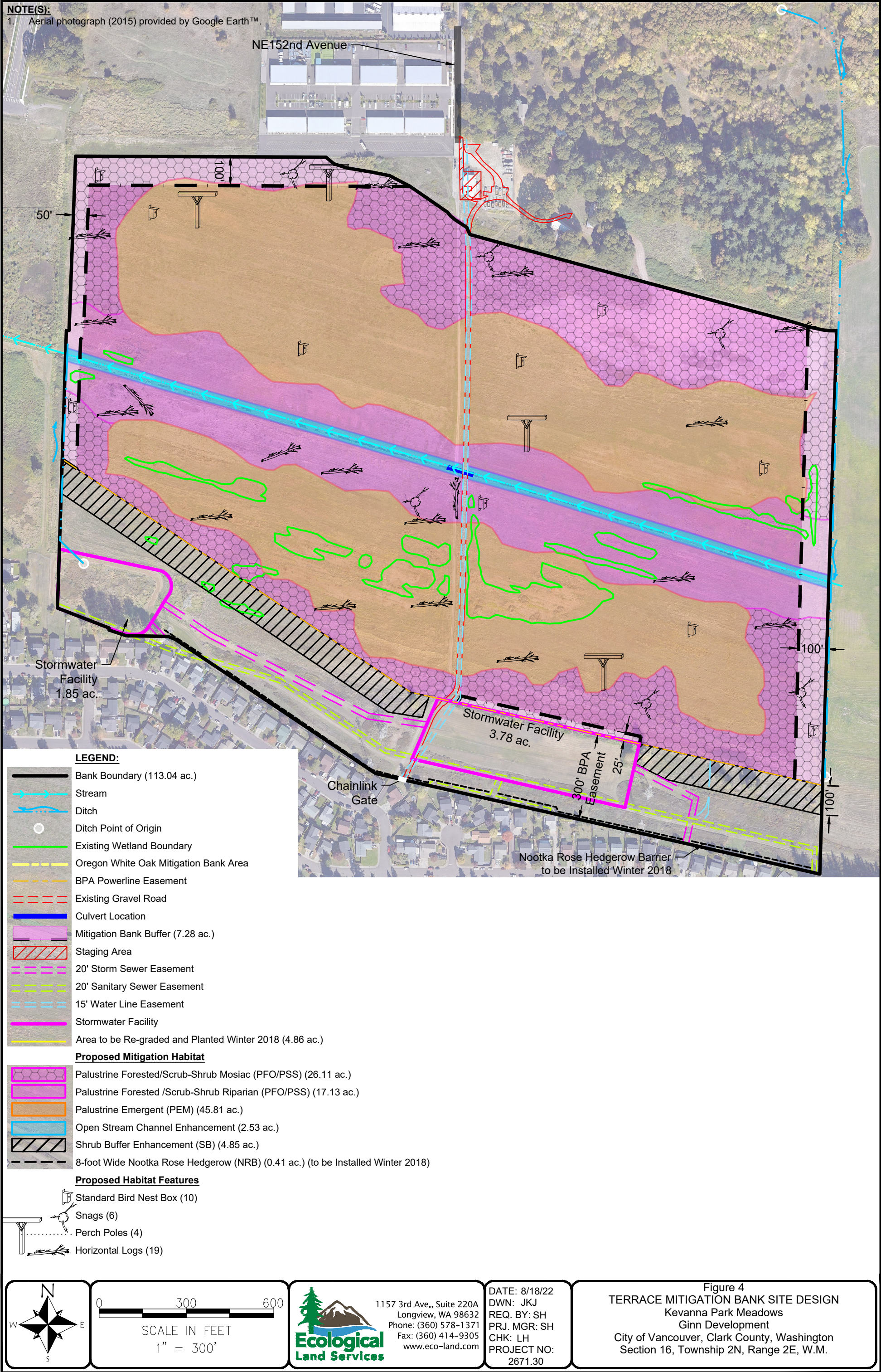
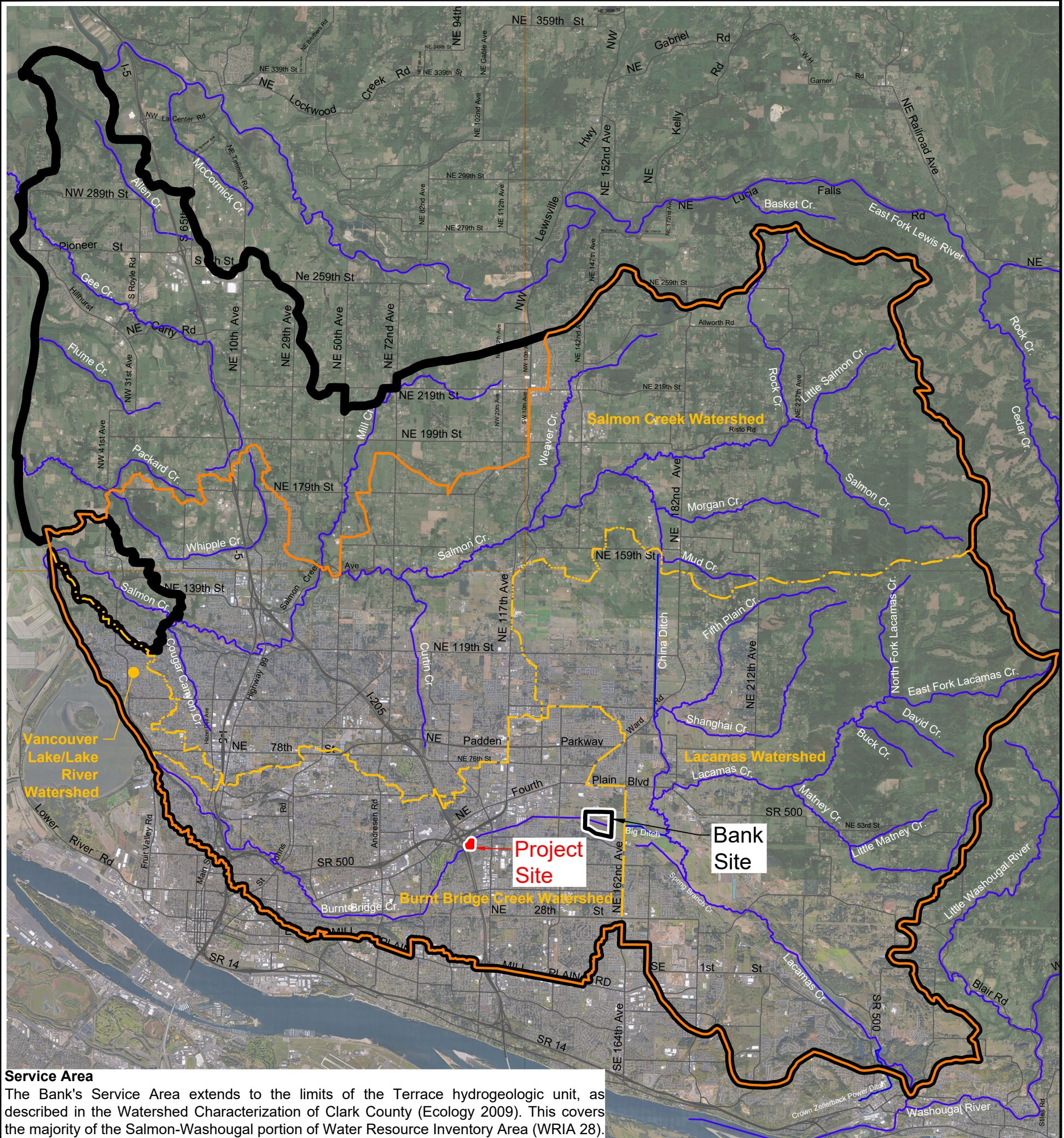


Figure 3a PROPOSED CONDITIONS DETAIL

Kevanna Park Meadows
Ginn Development
City of Vancouver, Clark County, Washington
Section 16, Township 2N, Range 2E, W.M.





Service Area
The Bank's Service Area extends to the limits of the Terrace hydrogeologic unit, as described in the Watershed Characterization of Clark County (Ecology 2009). This covers the majority of the Salmon-Washougal portion of Water Resource Inventory Area (WRIA 28).

Limits of Terrace Mitigation Bank Service Area	
Northern Limits	Salmon Creek RM 0.60 and 8.96; Upper Whipple Creek, Woodin Creek, and Rock Creek Subwatersheds
Western Limits	Lakeshore and Lower Burnt Bridge Creek Subwatersheds
Southern Limits	Middle Burnt Bridge Creek, Burton Sink, Dwyer Creek, and Lacamas Lake Subwatersheds
Eastern Limits	Matney Creek, Upper Lacamas, and Salmon Creek RM 22.20
Watersheds that are wholly (Lacamas/Burnt Bridge Creek) or partially (Salmon Creek/Vancouver Lake/Lake River) encompassed within the Service Area	Sub-watersheds in Service Area
Lacamas	China Ditch, Lower Fifth Plain, Upper Fifth Plain Creek, Shanghai Creek, Upper Lacamas Creek, Lower Lacamas Creek, Matney Creek, Dwyer Creek, and Lacamas Lake
Burnt Bridge Creek	Lower Burnt Bridge Creek, Middle Burnt Bridge Creek, Upper Burnt Bridge Creek, and Burton Sink
Salmon Creek	Salmon Creek RM 0.60, 3.83, 8.96, 14.66, and 22.20; Cougar Creek, Curtin Creek, Woodin Creek, Morgan Creek, Rock Creek, and Upper Whipple Creek
Vancouver Lake/Lake River	Lakeshore

- LEGEND:**
- Service Area
 - Watershed Boundary
 - Terrace Hydrogeologic Unit
 - Roads
 - Streams

NOTES: Aerial photo from Google Earth™. Subwatershed boundaries from Clark County GIS Department.

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DATE: 8/18/22
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REQ. BY: SH
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CHK: LH
PROJECT NO: 2671.30

Figure 5
TERRACE MITIGATION BANK SERVICE AREA
Kevanna Park Meadows
Ginn Development
City of Vancouver, Clark County, Washington
Section 16, Township 2N, Range 2E, W.M.

KEVANNA PARK MEADOWS



Existing Conditions

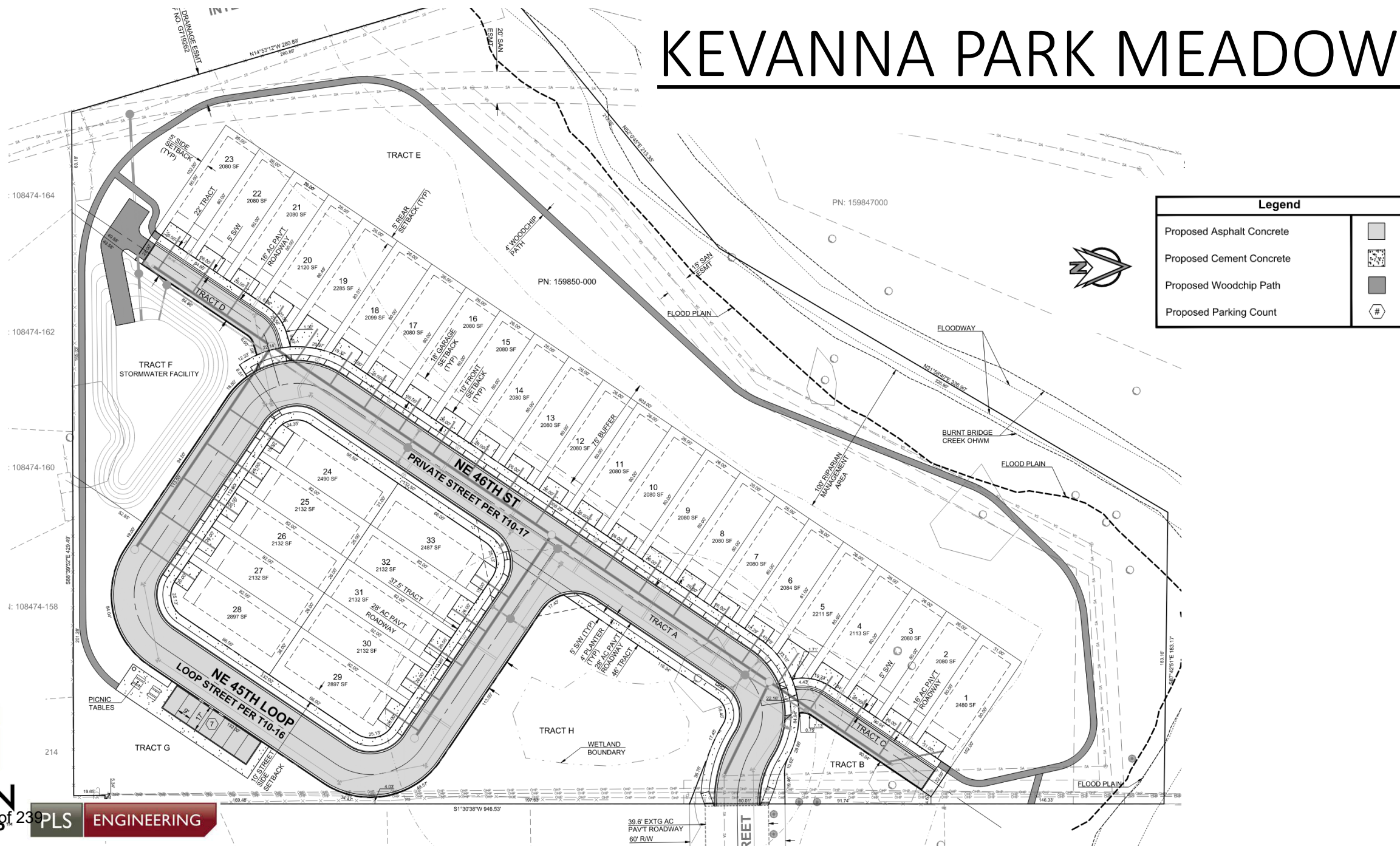


Existing Conditions



Kevanna Park (nearby)
City of Vancouver neighborhood park

KEVANNA PARK MEADOWS



KEVANNA PARK

Conclusions

- All application requirements met
- All applicable approval criteria met

**RECOMMEND APPROVAL, CONSISTENT WITH HEARING
EXAMINER'S FINAL ORDER & RECOMMENDATIONS**



Staff Report: 029-23

TO: Mayor and City Council

FROM: Eric Holmes, City Manager

DATE: 3/6/2023

SUBJECT Stutesman Rezone Proposal

Key Points

- On January 9, 2023, along with other proposals the City Council approved the Stutesman rezone proposal to change the designations on three adjacent properties in the Vancouver Mall neighborhood from Commercial/CC to Urban High Density/R-22.
- Although the mapping in the staff report and presentation was accurate, one parcel number and address was omitted in the ordinance. The accompanying proposed ordinance makes the necessary correction to allow the rezone to be implemented as intended.

Strategic Plan Alignment

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

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

Present Situation

The approved Comprehensive Plan and zone change was for three adjacent properties, which carried four addresses (9309 NE 52nd St, 5204 NE 94th Avenue, 5205 NE 94th Avenue, 5118 NE 94th Avenue) and four assessor serial numbers (159762000, 159801000, 6047575000, 159800000), because one of the properties included two mobile homes. The adopting ordinance only referenced three parcel numbers and three addresses.

Advantage(s)

Effectuates the full comprehensive plan and zone change as intended by the City Council at the January 9, 2023 hearing to include all properties.

Disadvantage(s)

None

Budget Impact

No significant impacts anticipated.

Prior Council Review

Council first reading was held on December 19, 2022, and a public hearing on January 9, 2023, at which Council approved the rezone request.

Council first reading of the corrected ordinance was held on February 27, 2023.

Action Requested

On March 6, 2023, subject to second reading and a public hearing, approve the attached ordinance.

Bryan Snodgrass, Principal Planner, 360-487-7946

ATTACHMENTS:

- ▣ Ordinance
- ▣ Parcel Map

ATTACHMENT A: ORDINANCE FOR CORRECTED STUTESMAN MAP DESIGNATION CHANGE

02/27/23

03/06/23

ORDINANCE NO. M_____

AN ORDINANCE relating to zoning for the City of Vancouver and Vancouver Municipal Code (VMC) Title 20; amending the Vancouver Comprehensive Plan and Zoning map designation for adjacent tax lots 159762000, 158901000, 604757000, and 159800000, located at 9309 NE 52nd Street, and 5204, 5206 and 5118 NE 94th Avenue, respectively; providing for severability; and providing for an effective date.

WHEREAS, an application for property-specific changes to Comprehensive Plan and zoning map designations was submitted to the City of Vancouver to change the Comprehensive Plan and zoning map designations on said properties from Commercial and CG to Urban High Density Residential and R-22; and

WHEREAS, the Vancouver Planning Commission reviewed the proposed map designation changes at duly advertised workshops on July 12 and September 13, 2022, and a duly advertised public hearing on October 11, 2022, and at which the Planning Commission voted 5-0 to recommend approval of the map designation change; and

WHEREAS, the City Council conducted duly advertised workshops on November 14, 2022, a duly advertised first reading on December 19, 2022, and a duly advertised public hearing January 9, 2023 2022, at which the Council voted unanimously to adopt the Planning Commission recommendation for approval; and

WHEREAS, because of an error in the parcel number listings in the original adopting ordinance, the City Council conducted a follow-up duly advertised first reading of a corrected ordinance on February 27, 2023, and a duly advertised public hearing of the corrected ordinance March 6, 2023 2022, at which the Council re-adopted the Planning Commission recommendation for approval; and

ORDINANCE - 1

WHEREAS, the cumulative impacts of proposal have been reviewed in conjunctions with other Comprehensive Plan change applications under consideration in 2022; and

WHEREAS, the cumulative environmental impacts of the proposed zoning change 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 September 22, 2022, and no comments or appeals to the DNS were received; and

WHEREAS, the City Council finds and concludes that the proposed change is consistent with the balance of relevant criteria for Comprehensive Plan and Zoning Map Amendments (VMC 20.285), Mixed Use Master Plans (VMC 20.430.060) and Development Agreements (VMC 20.250) and is consistent with the policies and provisions of the Comprehensive Plan and Strategic Plan that encourage orderly development within the community and the Growth Management Act pursuant to the requirements of Chapter 36.70A. RCW.

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF VANCOUVER:

Section 1. Findings and Conclusions. The Planning Commission findings and conclusions as set forth in the staff report for the October 11, 2022, public hearing, and subsequent deliberation, are hereby adopted as the City Council's findings of fact

Section 2. Comprehensive Plan Map Amendments. The Vancouver Comprehensive Plan Land Use Map, established as part of the Vancouver Comprehensive Plan 2011-2030, adopted through Ordinance M-3994, is amended to change the Comprehensive Plan Land Use Map designation at tax lots 159762000, 158901000, 604757000, and 159800000, located at 9309 NE 52nd Street, and 5204, 5206 and 5118 NE 94th Avenue, respectively, from Commercial to Urban High Density Residential.

Section 2 Zoning Code Map Amendments. The City of Vancouver Zoning Map established under VMC 20.130.020 is hereby amended to change the Zoning Map designation at tax lots

ORDINANCE - 2

159762000, 158901000, 604757000, and 159800000, located at 9309 NE 52nd Street, and 5204, 5206 and 5118 NE 94th Avenue, respectively, from CG to R-22.

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

Section 6. Effective Date. This ordinance shall go into effect 90 days after adoption

Section 7. Instruction to City Clerk. The City Clerk shall transmit a copy of the revised development code to the Washington Department of Commerce.

SIGNED this _____ day of _____, 2022

Anne McEnerny Ogle, Mayor

Attest:

Natasha Ramras, City Clerk

Approved as to form:

Jonathan Young, City Attorney

SUMMARY

ORDINANCE NO. M_____

AN ORDINANCE relating to zoning for the City of Vancouver and Vancouver Municipal Code (VMC) Title 20; amending the Vancouver Comprehensive Plan and Zoning map designation for adjacent tax lots 159762000, 158901000, 604757000, and 159800000, located at 9309 NE 52nd Street, and 5204, 5206 and 5118 NE 94th Avenue, respectively; providing for severability; and providing for 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).

**Stutesman
Plan/zone map
change –
CG to R-22
in the Van Mall
Neighborhood,
Intended to allow
11 townhome
units.**





Staff Report: 030-23

TO: Mayor and City Council

FROM: Eric Holmes, City Manager

DATE: 3/6/2023

SUBJECT Revisions to Temporary 6-Month Moratorium Ordinance on Large Warehouses greater than 100,000 square feet in the IL Light Industrial and IH Heavy Industrial Districts

Key Points

- On December 12, 2022, City Council enacted by ordinance, a temporary moratorium on the acceptance of new or expanded warehouses larger than 100,000 square feet in order to allow time to study long term land use implications and develop any necessary code changes to address identified issues;
- On February 6, 2023, following a public hearing, City Council passed a resolution affirming the moratorium, but requested that staff return with several amendments to the original ordinance, including: 1) increase the threshold of warehouse space covered by the moratorium from 100,000 square feet or larger to 250,000 square feet or larger; 2) exempt warehouses proposed by the Port of Vancouver on port property from the moratorium; and 3) exempt warehouses that will exclusively supply storage intended for the traded sector;
- Staff has prepared an ordinance that incorporates the above amendments for consideration at a public hearing on March 6.

Strategic Plan Alignment

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

Goal 9: Build the strongest, most resilient economy in the Pacific Northwest

Objective 9.1: Create infrastructure and policies that support job creation

Present Situation

- There have been seven pre-development or development applications for large warehouse and distribution facilities between 275,000 square feet up to 680,000 square feet, which are

much larger than typical warehouses, for a total of 3.34 million square feet of proposed new warehouse structures;

- These extremely large facilities appear to be a growing trend in response to an increased demand for online shopping and parcel delivery, and the size of these new types of facilities and fast pace of this change is a growing concern in other communities throughout the U.S.;
- Such facilities consume vast amounts of limited industrial land, yet provide very few jobs per acre and offer typically low skill and low wage positions, and are therefore not a high priority use in the Clark County Economic Development Plan, which the City has adopted;
- A primary concern is the land-intensive nature of these large warehouses and low job creation, but other issues such as air pollution, implications on the City's climate action goals, increase in truck traffic to vulnerable neighborhoods, and appropriately locating such warehouses near major arterial routes and highways need to be analyzed;
- On February 6, 2023, City Council affirmed the moratorium but, in order to minimize impacts to local manufacturers or business-to-business storage needs, requested that the scope be narrowed as follows: 1) increase the total size of warehouse projects subject to the moratorium from 100,000 square feet to 250,000 square feet; 2) exempt the Port of Vancouver from the moratorium on property owned by the Port and provided that any warehouse is for shipment of bulk goods, not home delivery of retail goods; and 3) exempt warehouse facilities that are exclusively for traded sector goods;
- The initial moratorium was enacted by ordinance, therefore any changes to the scope including exemptions must also be enacted by ordinance, following a public hearing;

Advantage(s)

- Increasing the threshold for warehouses covered by the moratorium to 250,000 square feet will narrow the scope of the forthcoming study, to focus on only the largest facilities which are of most concern;
- Adding an exception for the Port of Vancouver, a public agency, will ensure that sufficient storage for the shipment of bulk goods into and out of Southwest Washington is provided, while preventing new storage facilities strictly for home-based delivery of retail goods on Port property;
- Adding an exception for exclusive storage of traded sector goods has the same positive benefits as the exception for the Port of Vancouver, but citywide.

Disadvantage(s)

- Narrowing the scope of the moratorium increases the likelihood that warehouses of up to 250,000 total square feet may be proposed and vested during the moratorium, before any development code changes can be made;
- It may be difficult to ensure that warehouses will be exclusively for traded sector goods, (e.g. products manufactured for wholesale distribution, not retail delivery) because warehouse tenants are not typically known or identified early in the permit application stage; however, the requirement to obtain approval of a development agreement in order to vest the project will help to mitigate concerns.

Budget Impact

No impact to approved budget.

Prior Council Review

- 12/12/22 Adoption of Temporary Moratorium Ordinance
- 1/23/23 City Council Workshop
- 2/6/23 Council Public Hearing Affirming the Moratorium
- 2/27/23 Council Consent Agenda for Temporary Moratorium Ordinance

Action Requested

On March 6, 2023, subject to second reading and a public hearing, approve the ordinance.

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

ATTACHMENTS:

- ▣ Presentation
- ▣ Ordinance

Proposed Revisions to Large Warehouse and Distribution Facilities Moratorium Ordinance

City Council Public Hearing
March 6, 2023

Chad Eiken, Director
Community Development Dept.



Presentation Overview



**Prior Council
Action**



**Proposed
Modifications to
Ordinance**



**Staff
Recommendation**

Prior Council Action

- On December 12, 2022, City Council adopted Ordinance M-4396
- Established an emergency six-month moratorium on establishment of new or expansion of existing warehouse and distribution facilities larger than 100,000 square feet
- January 23, 2023 Council Workshop
- February 6, 2023 Council passed a resolution affirming the moratorium but directing staff to return with an ordinance modifying the scope of the moratorium

Proposed Changes in Moratorium Scope

1. Increase the total size of buildings subject to the moratorium to larger than 250,000 square feet
2. Include an exception to the moratorium for warehouses proposed by the Port of Vancouver on Port land
3. Include an exception to the moratorium for warehouses to be exclusively used for storage of traded sector goods

#1 Proposed Increase in Building Size Threshold

- Council direction to increase the size of buildings subject to the warehouse moratorium, from 100,000 to 250,000 square feet
- Intent is to allow certain warehouses to be proposed that might be more likely to serve local needs (vs. a regional distribution center) while the moratorium is in effect
- The study will continue to evaluate warehouses of 100,000 square feet or larger even though not subject to the moratorium

#2 Proposed Exception for Port of Vancouver

- Council direct staff to include an exception from the moratorium for the Port of Vancouver
- Port is unique as the primary point of entry for bulk goods arriving by ship and rail in SW Washington
- As a steward of its property, Port must maintain a long-term view of how it is utilized in terms of job creation, vs. private property owners
- Proposed exception states that such exception from the moratorium shall not apply to any warehouse that is involved in the home delivery of retail goods

#3 Proposed Exception for Storage of Traded Sector Goods

- Council directed staff to include an exception for warehouses that will be exclusively used for storage of traded sector goods, with no limit on size
- “Traded Sector Industry” is defined as North American Industry Classification (NAICS) sectors 31,32, 33, 42, 51, 54, and 55
- Staff strongly recommends that no vested rights be granted to such an application until a Development Agreement is approved by City Council and recorded, in order to enforce the requirement on type of storage

Recommendation



Staff recommends that Council approve Ordinance M-4407 modifying the scope of the Temporary Moratorium on Large Warehouse Uses as contained in Ordinance M-4396.

Thank You

Chad Eiken, Director
Community Development
chad.eiken@cityofvancouver.us



2/27/2023
3/06/2023

ORDINANCE NO. M-_____

AN ORDINANCE amending and restating Vancouver City Ordinance M-4396, an ordinance declaring an emergency and imposing a temporary moratorium for the duration of six months upon the acceptance and processing of applications for permits for the development or expansion of large warehouse and distribution facilities totaling more than 250,000 square feet under the Warehouse/Freight Movement use classification in the Light Industrial (IL) and Heavy Industrial (IH) zoning districts, as defined in Vancouver Municipal Code Title 20 or as otherwise allowed, such as by prior development agreement, based on certain findings of fact justifying such action and adopted by City Council, and establishing an immediate effective date.

WHEREAS, in accordance with to Section 2.12 of the Vancouver City Charter, an ordinance to be revised or amended shall be re-enacted at length as revised or amended, this ordinance amends and restates Vancouver City Ordinance M-4396, originally adopted December 12, 2022; and

WHEREAS, the City has the authority to adopt temporary moratoria pursuant to RCW 36.70A.390 and RCW 35.63.200, provided that such action is justified by adopted findings of fact and a public hearing is scheduled and held within 60 days of adopting this emergency moratorium in accordance with these statutes; and

WHEREAS, this temporary moratorium may be renewed for one or more six-month periods if a subsequent public hearing is held and findings of fact demonstrating the necessity for such an extension are made prior to each renewal; and

WHEREAS, warehouse and distribution facilities have a role in the local and regional

economy but, because they are typically a low skill and low employment use, they are not a high priority sector in the *2018 – 2023 Clark County Economic Development Plan*; and

WHEREAS, as described in the *2018 – 2023 Clark County Economic Development Plan*, certain Traded Sector Industry cluster uses do promote economic development and job growth and may require facilities that would otherwise be delayed or prohibited by this ordinance; and

WHEREAS, permit applications for large warehouse and distribution facilities tend to be speculative in nature and may not have a defined user at the time of application or when land use approval rights may conditionally vest; and

WHEREAS, as set forth in the City's recent climate action plan workshops, building energy and transportation are the most significant sources of greenhouse gas emissions and are unavoidable elements of the large warehouse and distribution facility use; and

WHEREAS, warehouse capacity is reportedly at a premium in the United States with ninety-six percent of available space in use and the continued post-COVID-19 growth in e-commerce represents a fundamental shift in warehouse and shipping logistics requiring more and larger facilities not contemplated by the existing code or evaluated in the context of the City's current climate action priorities; and

WHEREAS, commercial real estate market data and warehouse development standards indicate that warehouses are typically constructed at less than 25,000 square feet or greater than 250,000 square feet for large-scale distribution and that those large warehouse and distribution facilities of greater than 250,000 square feet are developing at an unprecedented and unforeseen rate; and

WHEREAS, the City currently has eight such proposed development projects in the land use application or building permit process, one with 80,000 square feet and seven with between

275,000 to 681,000 square feet of planned large warehouse and distribution facility space resulting in a total of 3.34 million allocated square feet; and

WHEREAS, the City currently allows warehouse and distribution facilities as a permitted use in the Light Industrial (IL) and Heavy Industrial (IH) zones with no limit on size and such facilities may be a permitted pursuant to existing development agreements; and

WHEREAS, the City does not have unlimited industrial land, particularly larger, contiguous parcels, and the consumptive nature of these facilities may foreclose opportunities for higher value employment sectors with lesser climate impacts; and

WHEREAS, the surge in new, large warehouse developments and national trends suggest that more such proposals will be forthcoming with unconsidered and potentially irreversible implications for the City's climate action goals, transportation systems, and stated goal of attracting high-skilled, high-wage employment uses; and

WHEREAS, bulk storage warehouses are integral to the operations of the Port of Vancouver USA, which, since it was established in 1912 as the authorized Port district for Clark County pursuant to Chapter 53.04 RCW, has played a key role in the region's economy and is the primary point of entry for goods arriving by ship and rail in Southwest Washington, and that the Port of Vancouver USA, in accordance with its authorized purposes under RCW 53.04.010 as a Washington port district, requires warehouse space to store goods that are arriving or being shipped to other destinations in fulfillment of its mission as a public jobs-creating agency; and

WHEREAS, an exception to Ordinance M-4396 for warehouse development projects for the transshipment and storage of bulk goods and wholesale distribution on land owned and retained by the Port of Vancouver USA is merited based on the unique character of the Port of Vancouver USA as a public agency, provided that such an exception would not allow the Port of Vancouver

USA to transfer any vested rights that would otherwise be prohibited by this temporary moratorium and were obtained pursuant to this exception to a third party or to develop facilities for home delivery of retail goods; and

WHEREAS, without a temporary moratorium the City could, in the near future, receive applications for development that would conflict with the achievement of the long-range vision for the City's economic development and climate action initiatives but be vested to existing land use regulations before the City can study potential effects; and

WHEREAS, the enactment of this ordinance constitutes an emergency, due to potential land use, climate, transportation, and economic impacts that may result from continued development of large warehouse and distribution facilities without adequate standards to address unintended consequences; and

WHEREAS, a temporary moratorium will require the City to hold public hearings and maximize public input in the development of standards without jeopardizing any possible land use options that may be precluded by unrestricted development; and

WHEREAS, the City Council finds that the adoption of a temporary moratorium promotes the public health, safety, and general welfare and convenience of the people of Vancouver, and will encourage the most desirable and productive use of land and properties; and

WHEREAS, based on the facts recited above, the City Council finds that it would be appropriate to enact a moratorium on new applications for such projects to allow the City time to study the climate, transportation infrastructure, and economic implications from this recent trend and, if merited by such study, recommend regulatory changes to the Vancouver Municipal Code as needed to address concerns;

NOW, THEREFORE,

ORDINANCE - 4

BE IT ORDAINED BY THE CITY OF VANCOUVER:

Section 1. Temporary Moratorium. As authorized by RCW 36.70A.390 and RCW 35.63.200 and justified by the findings of fact set forth above, the City Council hereby adopts a temporary moratorium for the duration of six months upon the acceptance and processing of applications for permits for the development or expansion of large warehouse and distribution facilities totaling more than 250,000 square feet under the Warehouse/Freight Movement use classification in the Light Industrial (IL) and Heavy Industrial (IH) zoning districts, as defined in Vancouver Municipal Code Title 20 or as otherwise allowed, such as by prior development agreement.

Section 2. Exemptions.

Subsection A. Maintenance. The moratorium established in Section 1 of this ordinance shall not apply to permits required for upkeep, repair, or basic maintenance of existing large warehouse and distribution facilities or to work mandated by the City as necessary to maintain public health and safety.

Subsection B. Port of Vancouver USA. The moratorium established in Section 1 of this ordinance shall not apply to warehouse development projects on land owned and retained by the Port of Vancouver USA for the transshipment and storage of bulk goods and wholesale distribution; provided that such exception will not apply to the transfer of any Vested Rights obtained by the Port of Vancouver USA pursuant to this exception that would otherwise be prohibited by this ordinance and provided that any such warehouse development shall not be for home delivery of retail goods.

Subsection C. Traded Sector Industry Use. Applications for permits otherwise prohibited by the moratorium established in Section 1 of this ordinance that are exclusively for use

by a Traded Sector Industry shall continue to be processed throughout the duration of this ordinance, however no Vested Rights shall attach to any such Traded Sector Industry application until a Development Agreement is entered into with the City and recorded on the subject property in accordance with Chapter 20.250 VMC. For purposes of this ordinance, “Traded Sector Industry” shall be defined as North American Industry Classification System (NAICS) sectors 31, 32, 33, 42, 51, 54, and 55, in accordance with the respective industry sector clusters specified in the *2018-2023 Clark County Comprehensive Economic Development Plan*.

Section 3. Duration. This moratorium shall be in effect for six months following the effective date established in Section 6 of Ordinance M-4396.

Section 4. Vested Rights. The moratorium created by this ordinance does not apply to properties with vested rights existing on the date of enactment of this ordinance. “Vested Rights” shall be defined in accordance with VMC 20.210.110 and VMC 20.250.040.

Section 5. Public Hearing Required. Pursuant to RCW 35.63.200 and RCW 36.70A.390, a public hearing on the adopted moratorium will be held no more than sixty days following the adoption of this ordinance.

Section 6. Effective Date. The City Council hereby finds and declares that an emergency exists which necessitates that this ordinance become effective immediately in order to preserve the public health, safety, and welfare. This ordinance shall become effective immediately upon passage. The City Clerk is directed to publish a summary hereof including the title at the earliest possible publication date.

SIGNED this 6th day of March 2023.

Anne McEnery-Ogle, Mayor

ATTEST:

By: Natasha Ramras, City Clerk (or Designee)

APPROVED AS TO FORM:

By: Jonathan Young, City Attorney (or Designee)

ORDINANCE - 7

SUMMARY

ORDINANCE NO. M-

AN ORDINANCE amending and restating Vancouver City Ordinance M-4396, an ordinance declaring an emergency and imposing a temporary moratorium for the duration of six months upon the acceptance and processing of applications for permits for the development or expansion of large warehouse and distribution centers totaling more than 250,000 square feet under the Warehouse/Freight Movement use classification in the Light Industrial (IL) and Heavy Industrial (IH) zoning districts, as defined in Vancouver Municipal Code Title 20 or as otherwise allowed, such as by prior development agreement, based on certain findings of fact justifying such action and adopted by City Council, and establishing 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).

The background image shows a residential street intersection. On the left, there is a white house with a grey roof and a blue pickup truck parked in the driveway. A stop sign is visible on the left side of the road. On the right, there is a blue house with a grey roof and a black car parked in the driveway. A stop sign and a street sign for 'SE Taiton Ave' and 'SE 132nd Ave' are visible on the right side of the road. The road is paved with asphalt and has white lane markings. The sky is blue with some clouds.

McGillivray Boulevard Safety & Mobility Project

Vancouver City Council
March 6, 2023



Emily Benoit, Senior Transportation Planner, CDD
Kara Hall, Consultant Project Manager, Fehr & Peers

Purpose & Outcome

Purpose

- Introduce the McGillivray Boulevard Safety & Mobility Project.
- Share how the community has been engaged in the first phase of the project.
- Provide an overview of upcoming project milestones.

Target Outcome

- Identify additional information needed to support upcoming decisions.

Alignment with Universal Policy Priorities

Safety

Increase safety and comfortability for all users, regardless of age, ability or mode, to reach desired destinations safely.

Equity

Increase access and opportunity for all users, regardless of age, ability or mode, to travel safely throughout the transportation network.

Climate

Increase options for low- or no-emissions travel, helping to reduce transportation related emissions.

What is a Safety and Mobility Project?

- Evaluates potential changes to a corridor to **improve safety and mobility for all users**
- Considers:
 - **Safety improvements at intersections and enhanced crossings** to better accommodate people walking, biking, rolling or taking transit
 - **Traffic calming design features** to reduce vehicle speeding

Project Phases



Phase 1: Analyze The Corridor

Evaluate how McGillivray Boulevard operates and how people use it today by engaging with the community and conducting a traffic analysis

Phase 2: Develop Design Options

Develop design options that incorporate safety elements to address what we hear from the community and learn from the traffic analysis

Phase 3: Design Improvements

A preferred design option will be selected based on feedback from stakeholders and community members

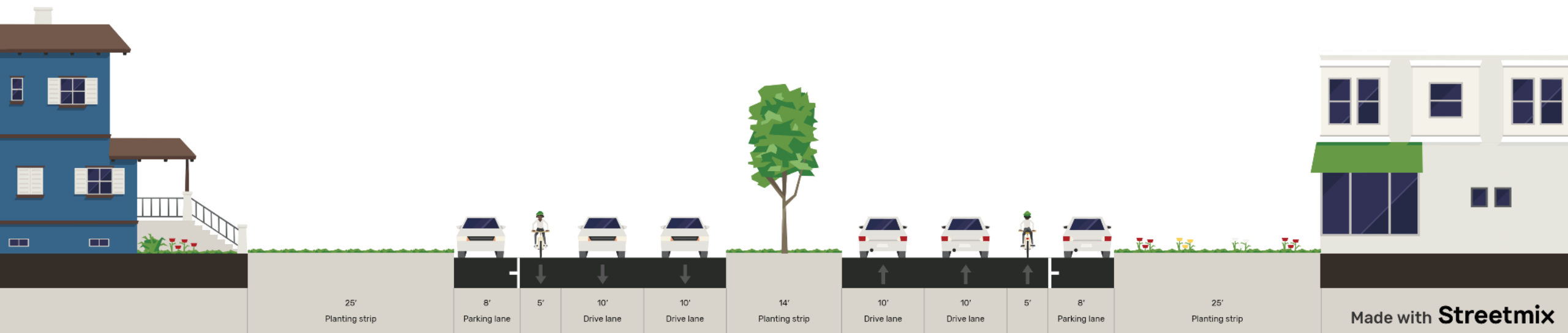
What is analyzed?

Topic	Information
Driver Experience	• Delay at intersections • Travel time between SE 164th and SE Chkalov • Queuing at intersections
Safety	• Historical crash data • Illumination • Speed
Bicycle & Pedestrian	• Gaps in existing infrastructure • How comfortable is it for users of all ages/abilities to travel on the corridor
Other	• Parking occupancy • Signal warrants

Project Study Area



McGillivray Boulevard Today



Challenges



- High vehicle speeds
- Large intersections:
 - Hard to cross, especially for people walking, biking, and rolling
 - Confusing for drivers in determining who has the right of way
- Hazards in mobility lanes

What are potential safety improvements?

- Repurposing travel lanes
- Future proofing and enhancing mobility lanes
- Narrowing vehicle travel lanes
- Intersection improvements
- Enhancements to existing marked crossings and consideration of additional marked crossings



Phase 1: Identifying the Issues



Asked community members to share:

- How they travel today
- How they would like to travel in the future
- Barriers to traveling
- Locations where improvements are needed
- Concerns with changes to the corridor

Community Engagement Takeaways

#1: Vehicle speeding is impacting all users.

#2: Intersection improvements are needed.

#3: People walk, bike and roll today, but McGillivray is not inclusive.

What's Next?

- **Develop** project goals and design options evaluation framework based on input gathered during Phase 1.
- **Share** project goals and design options evaluation framework with the community.
- **Develop** design options based on project goals and issues identified during Phase 1.
- **Gather** feedback on design options from stakeholders and the community.

Ongoing Community Engagement

Community engagement in Phase 2 and 3 will include:

- Focus group with project stakeholders and targeted outreach to equity priority communities
- Engagement with neighborhood associations
- Online surveys and open houses
- Outreach at community events
- In-person events

Thank You

Emily.Benoit@cityofvancouver.us

VancouverMoves@cityofvancouver.us

www.beheardvancouver.org/mcgillivray-safety



DATE: 02/17/2023

TO: Mayor and City Council

CC: Eric Holmes, City Manager

FROM: Emily Benoit, Senior Transportation Planner, Community Development
Rebecca Kennedy, Deputy Director, Community Development
Ryan Lopossa, Streets & Transportation Division Manager, Public Works

RE: **Complete Streets - McGillivray Boulevard Safety and Mobility Project Introduction**

I. Background

The McGillivray Boulevard Safety and Mobility Project (Project) is evaluating potential changes to improve safety and mobility for all who travel on SE McGillivray Boulevard between SE Chkalov Drive and SE 164th Avenue and SE Chkalov Drive between SE 7th Street and SE McGillivray Boulevard. The Project will evaluate how McGillivray Boulevard can better meet the needs of people walking, biking, rolling, taking transit, and driving.

This Project will advance the City's priorities of safety, equity, and climate by:

- Identifying changes that will increase safety and comfort for all users regardless of age, ability, or mode choice.
- Increase access and opportunity for all users to travel safely throughout the transportation network.
- Increase options for low- or no-emissions travel, helping to reduce transportation related emissions.



Figure 1: McGillivray Boulevard Safety and Mobility Project Corridor Boundary

The Project is being completed in advance of pavement preservation work scheduled to occur in Summer 2024 on this corridor. Pavement preservation projects present an opportunity to implement improvements within the existing roadway, so the Project will consider improvements such as:

- Repurposing travel lanes to enhance mobility facilities.
- Future proofing the existing mobility lanes with painted buffers and/or vertical barriers to separate people using mobility lanes from vehicle traffic and for mobility users traveling at different speeds (e.g. regular bikes versus electric bikes).
- Narrowing vehicle travel lanes and adding traffic calming elements to slow vehicle speeds.

- Intersection improvements to reduce crossing distances and improve driver compliance with existing stop signs.
- Enhancements to existing marked crossings to improve visibility and consideration of where additional marked crossings may be needed.

II. Project Phases

The Project began in Fall 2022 and is expected to conclude in Fall 2023, with pavement and construction occurring in 2024. Each phase of the Project includes an opportunity for community members to review technical work, share their input, and provide feedback that will inform the Project as it progresses and the final design and recommendations.

Phase 1: Analyze the Corridor (Fall 2022 to Winter 2023)

As part of Phase 1, the project team is evaluating how McGillivray Boulevard operates, how people travel on the corridor today, and how this key east-west multimodal connection is likely to be used in the future. Work being completed as part of Phase 1 includes:

- Collecting traffic counts including speed and volume, on-street parking occupancy rates, illumination data and collision data along the corridor.
- Analyzing how safe and comfortable existing bicycle, small mobility and pedestrian facilities are for people of all ages and abilities and identifying gaps in these facilities.
- Analyzing delay experienced by drivers at key intersections along the corridor and how long it takes to drive the corridor during morning and evening commute times.
- Analyzing how easy it is for people to walk, bike, or roll to travel to key destinations along the corridor, including parks and schools.
- Engaging with community members, key stakeholders, and equity priority communities to understand how they use the corridor to travel and existing barriers to traveling on the corridor.

Phase 2: Develop Options (Winter 2023 to Summer 2023)

During Phase 2, the project team will use information gathered during the Phase 1 to:

- Develop a project framework and set of project goals that will be used to align proposed improvements with community needs and desires and City policy objectives.
- Develop design options that would make it safer and more comfortable for all users to travel on McGillivray Boulevard.
- Use the project framework to evaluate how the design options align with the project goals.
- Use the project framework to evaluate how the design options will change the experience for people driving, biking, walking, or rolling on McGillivray Boulevard.
- Engage with community members, key stakeholders, and equity priority communities to gather feedback on design options.

Phase 3: Design Improvements (Summer 2023 to Fall 2023)

Based on the feedback gathered during the first two phases of the Project, a preferred design option will be selected. Following selection of a preferred design option, the project team will:

- Share the proposed design with community members, key stakeholders, and equity priority communities to gather feedback and identify any additional improvements that may be needed to achieve the project goals.
- Prepare Design/Striping Plans to be included with the pavement preservation work.

III. Community Engagement

Each of the Project phases will include an opportunity for community members to participate in both in-person and online open-houses to review project information and share their input.

In Phase 1, there were four opportunities for community members to share their experience using the corridor and concerns or hopes for the Project. The first opportunity was through participating in walking and bicycling audits of the corridor with the project team. Two community members participated in the walk audit and 12 community members joined for the bicycle audit. This provided community members an opportunity to experience the corridor together and with the project team to highlight specific locations that are challenging today.

Community members have also had the opportunity to share their input through an online survey hosted on the Project's [Be Heard Vancouver](#) webpage. As of mid-February, over 1,200 community members have responded to the survey and 780 comments were received.

In January, online surveys were distributed to students, parents and staff at Wy'East Middle School and Mountain View High School. These surveys provide an opportunity for the school communities to share how they travel to/from school, identify barriers to walking, biking, or rolling to/from school, and identify their specific safety concerns related to traveling to/from school on McGillivray Boulevard.

Community members were also invited to attend an in-person community open house, hosted at Wy'East Middle School, on Saturday February 11th, to learn about the Project and share how they travel on the corridor today. Over 110 community members attended and provided input that will inform the project goals and be used to identify locations where improvements are needed.

Key takeaways from the community engagement completed to-date include:

- **Vehicle speeding is impacting all users.** Many community members shared that speeding vehicles make them feel unsafe while walking, biking, or rolling and driving on the corridor and impacts the quality of life of residents that live on the corridor.
- **Intersection improvements are needed.** Intersections along the corridor are very large and can be confusing for drivers. Driver confusion paired with the long crossing distances make people walking, biking, or rolling feel unsafe when navigating intersections.
- **McGillivray Boulevard is not inclusive.** While some community members shared that they walk and bike on the corridor today, many community members said they feel unsafe to do so due to the proximity to vehicles traveling at high speeds.

The input we heard from the community during Phase 1 will be incorporated into the next steps, including:

- Developing project goals and an evaluation framework that will ensure recommendations address issues experienced by community members.
- Sharing the project goals and evaluation framework with the community.
- Developing design options based on the project goals and issues identified during Phase 1.
- Gathering feedback on design options from stakeholders and the community.

Complete Streets - McGillivray Boulevard Safety and Mobility Project Introduction

February 17, 2023

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In Phase 2 and Phase 3 of the Project, community engagement will rely on the following methods to reach community members that live and travel on McGillivray Boulevard:

- Focus groups with project stakeholders, such as youth, students and families, and seniors.
- Outreach to neighborhood associations and attendance at neighborhood association meetings.
- Online surveys and digital open houses.
- Outreach at community-wide and neighborhood-specific events.

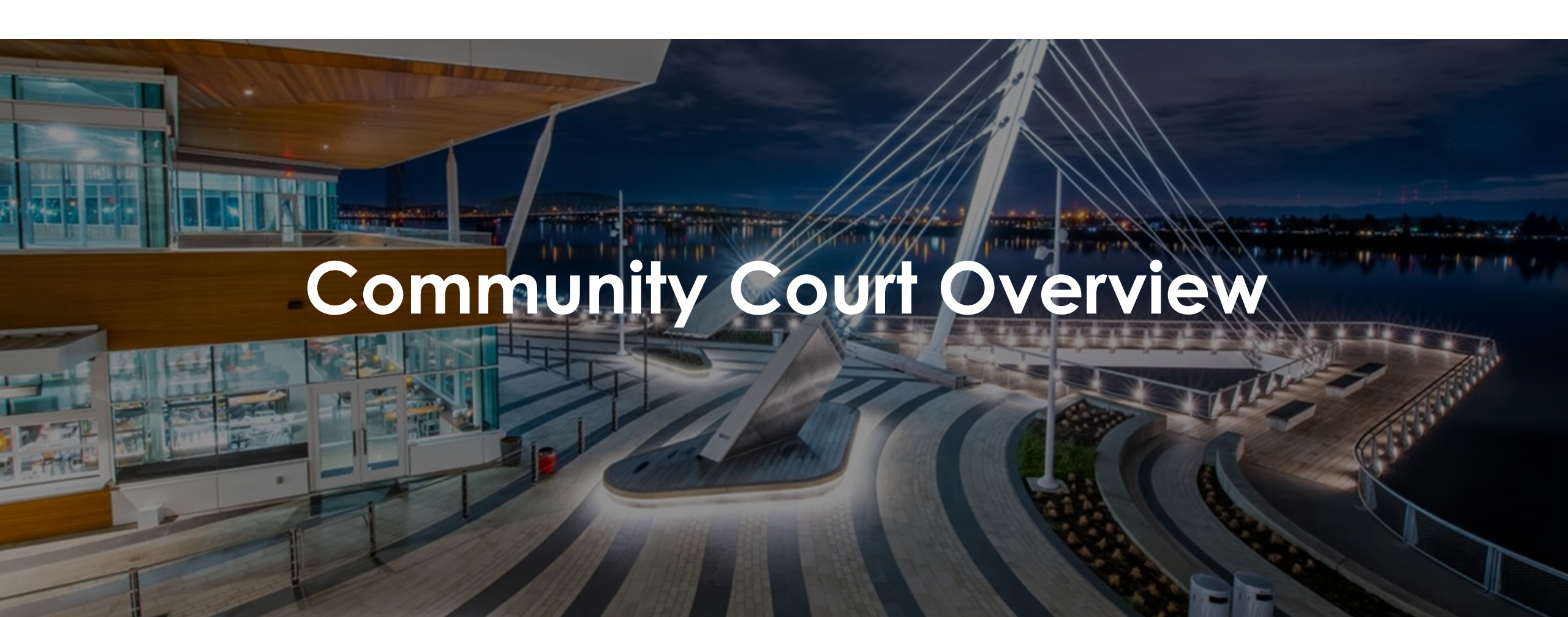
Throughout the Project, targeted outreach will focus on schools, including Wy'East Middle School and Mountain View High School, which are heavy users of and adjacent to the corridor. Students, staff, and parents will receive school specific surveys and informational emails. The Project team is also working to coordinate input and learning activities with students.

Prior to this Project, there was also engagement with the community through the [Neighborhood Traffic Calming Program](#). In 2021, a traffic calming project was selected on McGillivray Blvd for the area near the pedestrian path from SE Laver St and SE Park St. New traffic calming elements, like an enhanced pedestrian crossing and upgraded street striping for a pedestrian pathway, were put on hold to be incorporated into this Project. There has been and continues to be coordination with the Riveridge Neighborhood Association and project proponent to implement these elements in this Project.

IV. Attachment:

- McGillivray Boulevard Safety and Mobility Project Introduction Presentation

Emily Benoit, Senior Transportation Planner, Community Development, 360-487-7944,
Emily.Benoit@cityofvancouver.us

A nighttime photograph of a modern building with large glass windows and a curved wooden roof. The building is situated on a waterfront plaza with a curved wooden deck and a large, illuminated, curved structure in the foreground. The plaza is lit up, and the city lights are visible in the background across the water.

Community Court Overview

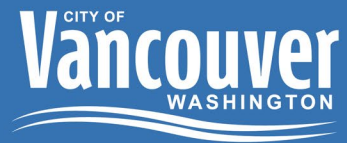


Kevin McClure | City Prosecutor
Vancouver, Washington
www.cityofvancouver.us/law

Housing Barriers



Legal Framework 2015-2021

A large, dark gray triangle with a slight gradient and a thin white border, pointing upwards. It is centered on the right side of the slide.

No Camping
6:30am-9:30pm
(Everywhere)

Legal Framework 2022-Present



What is Community Court?



The community court model seeks to give the justice system a problem-solving orientation to address community challenges, reduce crime, strengthen neighborhoods, support victims, and improve public trust in justice. This problem-solving approach helps to solve quality of life concerns in communities by using evidence-based practices including: (1) conducting an assessment of the participant's needs and risk of reoffending, (2) promoting sanctions that increase participant accountability, and (3) immediately engaging participants in treatment or connecting them to needed services.

What kinds of cases are eligible for community court?

- Criminal Trespass 2 (RCW 9A.52.080)
- Disorderly Conduct (RCW 9A.84.030)
- Intoxicating Liquor in the Park (VMC 15.04.120)
- Park Curfew Violation (VMC 15.04.150)
- Pedestrian Interference (VMC 7.04.020)
- Unlawful Bus Conduct (VMC 7.13.040)
- Unlawful Camping (VMC 8.22.040)
- Unlawful Storage of Personal Property in Public (VMC 8.22.050)
- Unlawful Transit Conduct (RCW 9.91.025)
- Urinating in Public (VMC 7.10.020)



How do cases get to Community Court?

- Police officers will cite eligible offenses into Community Court at the next available court date
- Prosecutor will screen to make sure the case is appropriate
- Additional appropriate cases can be referred from the arraignment docket



What will participants be required to do?



- Work Crew- directly from the court
- Based upon a needs assessment the participant will be required to meet and participate with providers of relevant services:
 - Housing, mental health, substance abuse
 - Driver's license/ valid ID, benefits help
 - Medical help etc.

Will the participants have access to a defense attorney?



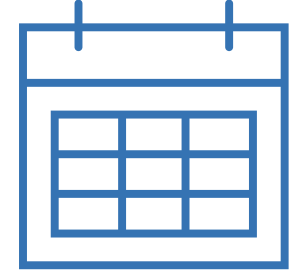
- Court appointed attorneys will be a vital part of the program
- A court appointed attorney will be available at arraignment to go over the process, review police reports, and advise participants prior to entry into the program

What is the benefit to the participant?

- Charges will be dismissed if conditions successfully completed
- Ideally the participant accesses services to help get housing and treatment
- Failure to appear or participate will mean a warrant and the case will return to “regular” court



Where and when will Community Court be held?



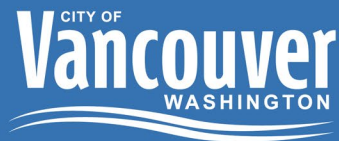
- A trial run of the system was conducted in February 2023
- Referrals will start in late March
- Court will be held at the Recovery Café
- Court will occur each Friday

What about other charges or people needing more treatment?



- Prosecutor can refer other charges if appropriate
- Community Court will augment the work performed in Substance Abuse Court, Mental Health Court, and Veteran's Court
- Those courts are likely to better serve more serious charges and individuals who need longer term services (1-year intensive programs)

Referral form for Police



Community Court *Referral*



Clark County
District Court

CITATION NO. _____

NAME _____
FIRST MIDDLE LAST

You are being referred to the City of Vancouver/Clark County Community Court.
This is an alternative to traditional court, and it may result in your charges being dismissed.

Your first court date will be at:

The Recovery Café
3312 E 4th Plain Blvd.
Vancouver, WA 98661

Your court date is Friday, _____ at 9:00 a.m.

**YOU ARE REQUIRED TO APPEAR IN COURT ON THE DATE INDICATED. FAILURE TO
APPEAR AS DIRECTED WILL RESULT IN THE ISSUANCE OF A WARRANT FOR YOUR ARREST.**

Clark County District Court
Community Court • Recovery Café
3312 E 4th Plain • Vancouver, WA 98661
(564) 397-2424 • fax (564) 397-6044

3700 / Rev 01-2023

Thank You

To learn more, visit www.cityofvancouver.us/law

