January 4, 2021 - Vancouver City Council Meeting Minutes

WORKSHOPS

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

4:00-4:40 p.m. Shoreline Master Program Update and Periodic Review

Cayla Cothron, Associate Planner, 360-487-7899; Keith Jones, Senior Planner, 360-487-7887

Summary
Staff provided Council with an update on the periodic review and edits to the City's Shoreline Master Program.

4:40-6:00 p.m. Multifamily Tax Exemption Program Update - Proposed Work Program

Chad Eiken, Community and Economic Development Director, 360-487-7882; Peggy Sheehan, Community Development Programs Manager, 360-487-7952

Summary

Staff provided Council with an overview of the proposed work program for reviewing and updating the multifamily tax exemption program and sought preliminary Council feedback on specific elements of the program.

REGULAR COUNCIL MEETING

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

Call to Order and Roll Call

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

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

Absent: None

Also present on the call were the following: Eric Holmes, City Manager; Jonathan Young, City Attorney; Amanda Delapena, Assistant to the City Council; Brian Carlson, Interim Deputy City Manager; Brent Boger, Assistant City Attorney; Chad Eiken, Community and Economic Development Director; Keith Jones, Senior Planner; Jason Nortz, Development Review Manager; Peggy Sheehan, Community Development Programs Manager; Bryan Snodgrass, Principal Planner; Lisa Takach, Human Resources Director; and members of the public.

Approval of Minutes

Minutes - December 14, 2020

Motion by Councilmember Glover, seconded by Councilmember Fox, and carried unanimously to approve the meeting minutes of December 14, 2020.

Minutes - December 21, 2020

Motion by Councilmember Stober, seconded by Councilmember Fox, and carried unanimously to approve the meeting minutes of December 21, 2020.

Citizen Communication (Items 1-4) - see general protocol above

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

- Susan Steinbrenner, representing Evergreen Public Schools, stated she had submitted advanced written testimony regarding Item 2 (attached) and had no further comments at this time.

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

Consent Agenda (Items 1-4)

City Attorney Jonathan Young stated staff had requested Item 2 be pulled and remanded for further review and development before Council considers action on the item.

Motion by Councilmember Paulsen, seconded by Councilmember Glover, and carried unanimously to approve Items 1, 3 and 4 of the Consent Agenda and remand Item 2 to staff.

1. Approval for One Year Health Insurance Stop Loss Policy with Symetra Life Insurance Company

Staff Report 001-21

Summary
City staff worked with its broker, Davidson Benefits Planning, to seek stop loss coverage for its self-insured health benefits program. Symetra Life Insurance Coverage was the successful bidder and continues to offer competitive renewal terms. Council approval is needed to provide payment on the premium for the policy.

The individual deductible included in the renewed policy is $250,000. The City's self-insurance covers eligible claims below that threshold. The aggregate reimbursement maximum per policy period included in the insurance is $2 million. The stop loss insurance covers prescription coverage as well as vision coverage.

Request: Authorize the City Manager or designee to sign all necessary contract documents and approve payment of premiums to Symetra Life Insurance Company for Stop Loss coverage consistent with the terms described above. Authorize the City Manager to approve any legal action necessary to enforce the terms of such contracts.

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

Motion approved the request.

2. **Adjustment to Evergreen School District Impact Fees - Four Seasons Apartments Phase II**

Staff Report 002-21

A RESOLUTION approving the reduction of school impact fees (SIF) for the Four Seasons Phase II Apartment Project pursuant to Vancouver Municipal Code Section 20.915.020(C).

Summary

The City's impact fee program requires school districts to prepare and adopt CFPs meeting the specifications of the Growth Management Act (GMA) and City ordinances. Impact fees are calculated in accordance with the local jurisdiction's formula, which is based on projected school facility costs necessitated by new growth contained in the District's CFP. The formula allocates a portion of the cost for new facilities to the single family and multi-family house that create the demand (or need) based on a student factor, or the average number of students who live in new single family and multi-family homes. The formula also provides a credit for state match and Bond Proceeds (or property taxes).

In December 2019 the City Council adopted the Evergreen Public Schools Capital Facilities Plan 2019-2025 as part of the annual Comprehensive Plan and zoning map corrections, and text changes. The current SIF is listed on page 14 in the attached Evergreen School District Capital Facilities Plan and is reflected within VMC Table 20.915.060-1 School District Impact Fees. The SIF for multi-family development decreased by approximately 50% per multi-family unit from $7,641 to $3,753.

Importantly, while the City Council establishes the school impact fees by ordinance, it merely collects such fees from developers on behalf of the school districts.

The City recently received a request from an approved multi-family project to reduce the impact fee amount that was assessed under the previous Evergreen Public Schools CFP. The project details are shown below:

1. Four Seasons Apartments Phase II - 92 unit development located at 11211 NE 20th St.

Per VMC 20.915.020.C, the impact fee for new multi-family development is *calculated at the time of site plan approval and due and payable at time of building permit issuance. The project noted above received site plan approval on March 12, 2019 prior to the current Evergreen Public Schools CFP being adopted. The development subsequently applied for building permits in 2020. As a result, the project would be required to pay the older Evergreen SIF of $7,641/unit that was in place at the time of site plan approval.*

VMC 20.915.070.C further allows the development approval authority setting the impact fee, upon application by the developer, to reduce or eliminate such fee if it is shown that the formulae contained in Sections VMC 20.915.060 School Impact Fees does not accurately reflect traffic, park, or school impacts, respectively. The City Council is the authority that sets the impact fees.

The proponent of the development is requesting that City Council reduce their SIF to the 2020 impact fee amount reflected in the current Evergreen Public Schools CFP because it is their position that the 2020 impact fee amount most accurately reflects that cost of the public school facility impacts.

Additionally, City staff has heard from Evergreen School District regarding this request and although they are not necessarily in support of these request they understand the code provision that exists that allow such a request to be made.

Request: Adopt a resolution approving the request to reduce the impact fee to the current 2020 Evergreen Public School impact fee for the Four Seasons Apartment Phase II project.

Jason Nortz, Development Review Manager, 360-487-7844

Item returned to staff for further development.

3. **Proposed Comprehensive Plan and Zoning map designation change - Gregory Landing**

Staff Report 003-21

AN ORDINANCE relating to Comprehensive Plan and Zoning for the City of Vancouver and Vancouver Municipal Code (VMC) Title 20; amending Vancouver Comprehensive Plan and zoning map designations for property at 7401 NE 18th Street, tax lot 29378002; providing for severability; and establishing an effective date.

The applicant indicates that development of a 48-unit townhome *development will be proposed if the map designation change is approved, consisting of 3-4 bedroom units. In 2019, prior to the rezone application, the applicant obtained preliminary approval for a 125-unit mixed use market rate apartment building.*

The Planning Commission unanimously recommended approval at an October 27 public hearing, finding that the applicant's market study (see page 13 of hearing staff report) demonstrated there is sufficient existing commercial development and undeveloped commercial land in the surrounding area, and the proposed change would allow for likely future development of attached 3-4 bedroom townhomes which would expand rental opportunities for families in the area. One person testified at the Planning Commission hearing requesting more information about community benefits and how to ensure they are realized by future development that occurs following zone changes.

As noted previously, citywide there were 533 acres of vacant or underutilized commercially zoned land in 2018 according to the most recent Clark County modeling data available here, along with 1,192 acres of vacant or underutilized residential land. Local rezoning history was also considered by the Planning Commission in their review of this proposal, with data showing a recent trend towards proposed conversions of employment land to residential, but, with the exception of this year's Vancouver Innovation Center (VIC) proposal, in amounts that were small relative to available land supplies even when considered in the aggregate.

The following additional information has been gathered by staff:

- *There are currently 1.26 jobs per dwelling unit in the City of Vancouver, with unincorporated Clark County and the small cities all registering less than one job per household. See Attachment A. Historically employment has tended to concentrate somewhat more closely near a metropolitan region's core than population. King County data also included in Attachment A indicates the strength of that region's economy, as well as the impacts of relatively newer suburban job growth. Most of the King County jurisdictions have higher jobs-to-housing ratios than Vancouver, with some of the suburban cities also well ahead of Seattle.*

- *Both jobs and housing are needed in healthy communities. Higher levels of jobs to housing are generally associated with better fiscal and economic health, and lesser transportation impacts with fewer long work commutes outside the jurisdiction. More jobs and fewer housing units can have negative impacts on housing accessibility and affordability. Neither Vancouver's Comprehensive Plan nor CREDC's Clark County Comprehensive Economic Development Plan proscribe a specific jobs-to-housing target ratio.*

- *Immediately available studies on jobs-to-housing balance focus on the transportation rather than economic and fiscal implications, and in that context some suggest ratios in the range of 1.3 to 1.5 jobs per housing unit generally represent balance, depending heavily on local circumstances. See here and here.*

Fully estimating whether Vancouver has adequate land supplies and policies to meet future economic needs requires a more thorough analysis, which will be incorporated in the next full Comprehensive Plan update scheduled to begin in 2022 and be completed by 2025.

Complicating the issue is the need to assess future implications of the pandemic, the sharing economy, e-commerce and new transportation technology, among other trends evident since the current Comprehensive Plan was adopted in 2011.

City criteria for evaluating the proposed rezone call for comparison of likely development under the existing and proposed designations. If the current CC zoning is maintained, it is unknown whether the property would develop for commercial and residential mixed use as proposed by the applicant in 2019, or commercial only. If R-22 zoning is established, it is likely but not certain to develop as attached 3-4 bedroom townhomes. The relative citywide prevalence or scarcity of 3-bedroom rental units was also considered by the Council as part of the recent 112th Avenue rezone, with relevant information available here.

Request: On Monday, January 4, 2021, approve ordinance on first reading, setting date of second reading and public hearing for Monday, February 1, 2021.

Bryan Snodgrass, Principal Planner, 360-487-7946

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

Motion approved the request.

4. Approval of Claim Vouchers

Request: Approve claim vouchers for January 4, 2021.

Motion approve claim vouchers for January 4, 2021, in the amount of $20,166,518.28.

Public Hearings (Items 5-7) - see general protocol above

5. Development Agreement for Vancouver Clinic at Columbia Palisades

Staff Report 004-21

A RESOLUTION relating to the approval of a development agreement pursuant to RCW Chapter 36.70B; reserving traffic capacity for Phase II expansion, acknowledging the applicants proportionate share fee for the SR-14/SE 192nd Ave interchange, establishing that zoning code requirements for the floor area ratio may be deferred until future full-build out of the site and vesting development regulations; authorizing the City Manager to execute a development agreement; and providing for an effective date.

Summary

Columbia Palisades is a master-planned development located at a former quarry at 192nd Avenue and SR-14. The 84.2-acre mixed-use master plan was approved by City Council in 2016 and includes 607,000 square feet of general office uses, 118,500 square feet of retail uses, a 100 room hotel, 50 single-family detached lots, 26 attached single-family dwelling units, and 286 multi-family dwelling units. In 2017, the applicant obtained approval of a subdivision that divided the master plan into 90 lots including 74 detached single-family residential lots, one multifamily lot and 15 commercial lots. In 2019, the applicant completed installation of infrastructure improvements including installation of a new roundabout at SE Brady Road and SE Columbia Palisades Drive, new roads, water, sewer and stormwater improvements and the final subdivision plat was recorded. The applicant recently applied for a master plan amendment that it is currently being reviewed by the Vancouver Hearing Examiner. If approved, the amendment would reduce the land area devoted to office by 15%, increase multi-family residential by 2% and increase non-office commercial by 12%.

According to the Riverview Gateway Subarea Plan dated February 2, 2009, the plan envisions a future with a vibrant and urban mix of residential, commercial, office and employment uses, linked by a network of parks, trails and open spaces with connections to surrounding neighborhoods.

The Vancouver Clinic is located on Lot 8 of the Columbia Palisades subdivision, 4500 SE Columbia Palisades Drive. Vancouver Clinic is the first commercial development to be constructed within the master plan. The project includes the recently completed 26,000 square foot clinic and a future 30,400 square foot addition.

No development agreement exists for Columbia Palisades, therefore Vancouver Clinic proposes a development agreement related to their lot only to achieve the following:

1) Acknowledges PM trip proportionate share fee for SR-14/SE 192nd Avenue Traffic Signal.

With the site plan review application for the Vancouver Clinic, the applicant's traffic engineer, Kittelson & Associates submitted a Transportation Impact Analysis (TIA) dated March 13, 2019. The study concluded that that all but one of the study intersections satisfy City and WSDOT operating standards. The stop controlled westbound approach to the SR-14/SE 192nd Avenue from the SR-14 westbound off ramp does not meet operating standards and is projected to operate at level of service (LOS) "F" during the weekday PM peak hour prior to site development.

The City of Vancouver, working with WSDOT, determined that a new traffic signal is needed to address the level of service issue at this intersection. City staff determined that the proportional share amount is $2,000 per PM Peak hour trip. The fee is due prior to final occupancy permit.

The fee for Phase I is $82,000 ($2,000 x 42 PM peak hour trips) and has been paid. Phase II fee would be paid with a future building permit.

2) Reserves traffic capacity
The applicant requests to reserve capacity for the Phase II expansion, 34,000 square feet. This would reserve1,098 average daily trips (ADT), 73 AM peak hour trips, 109 PM peak hour trips.

As stated in item #1 above, the applicant proposes to pay proportionate share for the new traffic signal at SR-14/SE 192nd Avenue and with the reserved capacity would not need to pay any additional proportionate share in the future. Staff anticipates all other study area intersections will continue to meet level of service standards for the foreseeable future.

3) Establishes a covenant for the minimum 0.5 floor area ratio (FAR).
The Riverview Gateway standards can be deferred until future full-build out of the site, rather than each phase having to meet this standard. The applicant has prepared a concept plan showing full building out would include a second office building and a total of approximately 96,500 square feet. The proposed covenant would ensure that any future development of the second phase must result in this requirement being met for the overall site.

4) Vests development to current development regulations.

At the December 14, 2020 workshop, Council asked whether, under the proposed agreement, future phases would not have to comply with anticipated development regulations that implement the forthcoming City's Climate Action Strategy. Staff affirmed that this would be the case.

Request: On January 4, 2021, subject to public hearing, adopt a resolution authorizing the City Manager to sign the Development Agreement with The Vancouver Clinic.

Keith Jones, Senior Planner, 360-487-7887

Councilmember Stober recused himself from the discussion and action for this item, noting his husband is employed by The Vancouver Clinic.

Keith Jones, Senior Planner, provided an overview of the request and proposed development agreement (DA).

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

- Mark Mantei, CEO of The Vancouver Clinic, urged the Council to approve the development agreement, noting the addition of this clinic will provide improved medical access on the east side of the city, the clinic has taken steps to reduce the carbon footprint of its facilities, and approval of the DA will provide some certainty for the clinic in a time of great uncertainty.

- Alison Moss, representing the applicant, thanked City staff for their work on this DA and noted that the applicant is not seeking to vest impact fees.

- Peter Fels, Vancouver, spoke in opposition to the vesting of current development regulations, as proposed in the development agreement, due to the compounding impact that could have on climate change and the potential conflict it could have with the City's future climate strategy.

- Randal Friedman, Camas, Washington, urged denial of the vesting of current development regulations due to the compounding impact that could have on climate change.

- Teresa Hardy, Vancouver, echoed the comments of the previous two speakers and urged the City not to approve vesting of any new projects under current development regulations.

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

Motion by Councilmember Hansen, seconded by Councilmember Lebowsky, and carried unanimously to adopt Resolution M-4115 approving the request. Councilmember Stober recused.

6. Multifamily Tax Exemption: Johnson Mixed Use

Staff Report 005-21

A RESOLUTION of the City Council of the City of Vancouver approving an agreement with IMJ Properties for a 10 year property tax exemption for the property located at 1605 Columbia Street (Tax Lot 52810000) in Vancouver, Washington, as specifically described in Exhibit A.

Summary

IMJ Properties is requesting a multifamily tax exemption for a three-story, mixed use building with 10 apartment units, a 1,904 square foot retail space and 9 parking spaces. The project site is located in the Vancouver City Center Vision District at 1605 Columbia Street. The project site is a single parcel with an existing single-family building. The structure will be demolished to accommodate the new development. The developer is working with tenants on a relocation plan.

The proposed building will include studio, and 1-bedroom units, two of which will be income restricted units.

The applicant is requesting a 10-year exemption where 20% of the total units are reserved for tenants earning up to 80% area median income. The HUD 80% area median income in the Portland/Vancouver MSA for a two-person household is $59,000. Limiting that income amount to 30% for housing costs, the maximum monthly affordable rent would be $1,475 per month.

Unit types will include:
8 studio units starting at $984 per month,
2 one-bedroom units at $1,634 per month.

The total estimated development cost is just over $2.5 million.

Over 20 years (with the exemption) the project is estimated to generate approximately $352,000 in taxes benefitting all taxing districts (ports, county, city, etc.) with $107,000 specifically generated for the City of Vancouver. Potentially foregone revenue during the exemption is estimated at just over $58,000 for all taxing districts and $21,000 specifically for Vancouver. Without the proposed development and exemption the site might remain underutilized foregoing the higher developed site tax revenues as well as income restricted residential housing units. Following the exemption period the project will return to the tax rolls at full taxable value.

Request: On Monday, January 4, 2021, following a public hearing, adopt a resolution approving an agreement with IMJ Properties and authorizing the City Manager or designee execute a multifamily housing limited property tax exemption agreement and take any and all action necessary to enforce the terms thereof.

Peggy Sheehan, Community Development Programs Manager, 360-487-7952

Peggy Sheehan, Community Development Programs Manager, provided an overview of the multifamily tax exemption (MFTE) program and the details about this proposed project.

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

- Ian Johnson, the applicant, stated he is a longtime Vancouver resident and thanked the City for the opportunity to take advantage of the MFTE program.

- Glen Yung, Vancouver, expressed concerns about the MFTE program as a whole and urged the Council to deny this application until the Council is currently considering evaluation of and improvements to the program.

- Terry Ibert, Vancouver expressed concerns that no information had been provided about the impact of these tax exemptions on the City's ability to provide services.

- Teresa Hardy, Vancouver, stated that given the concerns about the MFTE program the Council had raised during its workshop, all MFTE applications should be postponed until further analysis of the program can be completed.

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

Councilmember Fox expressed concerns about the displacement of the resident who previously lived on the site of this property. City Attorney Jonathan Young stated Ms. Sheehan and Assistant City Attorney Brent Boger had researched this matter to ensure the prohibition of the displacement of current residents that is included in City code had not been violated. Ms. Sheehan confirmed that the applicant had worked out a relocation plan with the tenant to assist them with moving.

Councilmember Hansen asked whether all nine parking spaces are located in back of the building. Mr. Johnson confirmed all parking spaces are on site.

Motion by Councilmember Glover, seconded by Councilmember Lebowsky, and carried unanimously to adopt Resolution M-4116 approving the request.

7. **Multifamily Tax Exemption: Broadstone / Waterfront Block 17**

Staff Report 006-21

A RESOLUTION of the City Council of the City of Vancouver approving an agreement with VANCOUVER WATERFRONT APARTMENTS OWNER LLC for an 8 year property tax exemption for the property located at 1000 W Columbia Way (Tax Lot 49355000) in Vancouver, Washington, as specifically described in Exhibit A.

Summary

The applicant is requesting a multifamily tax exemption for a new mixed-use development. The project site is located in the Vancouver City Center Vision District on the Waterfront at 1000 W Columbia Way. The project site is currently vacant.

The proposed development will consist of a six-story mixed-use building containing 178 apartment units with 179 parking spaces in an internal parking structure.

The requested tax exemption is for 8-years where 20% of the total units are reserved for tenants earning 100% area median income or less. Currently the HUD 100% area median income in the Portland/Vancouver MSA for a four-person household is $92,100. Limiting the monthly housing costs to 30% of the gross monthly income, the maximum monthly affordable rent for this income level would be $2,302.50 per month. The area median income changes overtime and is recalculated annually by HUD.

The proposed residential portion of the development will include studio, 1-bedroom, and 2-bedroom units, 36 of which will be income restricted units.

Per the applicant the unit types and rents will be:

- *19 studio units at $1,550 per month,*
- *125 one-bedroom units at $1,955 per month.*
- *34 two-bedroom units at $2,825 per month.*

The total estimated development cost is $9.7 million. The City Center Redevelopment Authority reviewed and approved the development on December 3, 2020. Over 20 years (with the exemption) the project is estimated to generate nearly $7.6 million in taxes benefiting all taxing districts (ports, county, city, etc.) with $2 million specifically generated for the City of Vancouver. Potentially foregone revenue during the exemption is estimated at $2 million for all taxing districts and $743,000 specifically for Vancouver. Without the proposed development and exemption, the site might remain primarily vacant foregoing the higher developed site tax *revenues as well as income restricted residential housing units. Following the 8-year tax exemption period the project will return to the tax rolls at full taxable value.*

Request: On Monday, January 4, 2021, following a public hearing, adopt a resolution approving an agreement with Vancouver Waterfront Apartments Owner LLC and authorizing the City Manager or designee to execute a multi-family housing limited property tax exemption agreement and take any and all action necessary to enforce the terms thereof.

Peggy Sheehan, Community Development Programs Manager, 360-487-7952

Ms. Sheehan provided an overview of the details of the proposed project.

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

- David Armesy, representing the applicant, stated he has been involved in a number of projects that utilized the MFTE program and expressed appreciation for the program.

- Glen Yung, Vancouver, expressed concerns about the transparency and apparent lack of data supporting the City's MFTE program. He urged the Council to place a moratorium on accepting MFTE applications until it could evaluate the program.

- Terry Ibert, Vancouver, expressed concerns about the number of MFTE projects approved over the last couple months and urged the Council to place a hold on the program until it had completed its analysis.

- Teresa Hardy, Vancouver, echoed the comments of the previous two speakers, and spoke in support of postponing the MFTE program until it can be reviewed for its effectiveness of improving density and affordability in Vancouver.

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

Councilmember Stober clarified that a previous proposal he had made would place a moratorium specifically on the tax exemption for projects being proposed at the 100 percent area median income (AMI) level, as he sees that option as not providing a discount on rents at all but allows developers to not provide any public benefit in return for the exemption. He stated he would oppose this project for that reason.

Councilmember Fox stated it has clearly been shown that the definition of affordability used in the MFTE program for Vancouver is not accurate, and even though this project is not being presented as "affordable" she would not be able to support it unless there was insulation of a portion of the units from increased rents in the future. She stated she also could not support projects at the 100 percent AMI level until improvements are made to the program.

Councilmember Paulsen stated the concerns expressed about this and the previous MFTE project illustrate the need for the Council and City staff to conduct the review of the program that has been proposed.

Motion by Councilmember Hansen, seconded by Councilmember Paulsen, and carried 5-2 to adopt Resolution M-4117 approving the request. Councilmembers Stober and Fox voted no.

Communications

A. From the Council

B. From the Mayor

C. From the City Manager

Adjournment

7:51 p.m.

DocuSigned by:
Anne McEnerny-Ogle
58CB15C0032F403...
Anne McEnerny-Ogle, Mayor

Attest:

DocuSigned by:
Natasha Ramras
BCF6734E40E94AE...
Natasha Ramras, City Clerk

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

From:	Susan Steinbrenner
To:	Nortz, Jason; Eiken, Chad
Cc:	Boger, Brent; Delapena, Amanda; Mike Merlino
Subject:	1/4/2021 Council Agenda #2 - Adjustment to the Evergreen School District Impact Fees – Four Seasons Apartments Phase II
Date:	Monday, January 4, 2021 11:57:18 AM
Attachments:	image001.png

Hi Jason and Chad,
Just want to give you a heads up that I intend to testify tonight re: Agenda Item #2, Adjustment to the Evergreen School District Impact Fees – Four Seasons Apartments Phase II. The email below elaborates on the points that I will touch on tonight, and I would appreciate it if you include the email as part of my testimony.

As a preliminary matter, Evergreen Public Schools (the "District") was not informed that Jordan Ramis PC (the "Developer") paid school impact fees ("SIF") for the Four Seasons project (the "Project") under protest until December 14, 2020. Notification that SIFs are paid in protest is crucial for District capital expenditure planning and annual budgeting. Going forward, the District requests that the City provide notification of any SIFs paid under protest at the time the payments are made.

The District protests the Developer's request to adopt the current impact fee schedule for multi-family units, but not for single-family units for Project. As clearly stated in its December 11, 2020 letter to the City of Vancouver, the Developer believes that the current impact fee schedule should be applicable to the Project. However, the Developer only requests a refund for impact fees paid in connection with multifamily units, and makes no acknowledgement of fee adjustments that would result from the increase in SIFs for single family units (from $6,100 to $6,432) reflected in the current impact fee schedule. Nor does the proposed resolution adjusting the Developer's SIFs acknowledge single family units or the associated increase in SIFs. The Four Seasons North Project contains 113 remaining single-family units. Although the District disagrees with the Developer's position that the current fees are an inaccurate reflection of school impacts, if the City Council intends to move forward with the proposed resolution, the District firmly believes it must do so in a consistent and fair manner. If updates to SIFs are in order, they must be applied to not only multifamily units, but also to the Project's remaining single-family units. To do otherwise would essentially allow Developer's to pick and choose the fees they would like to pay, with little regard to the calculation and recalculation requirement for SIFs per the Vancouver Municipal Code.

The District also protests the Developer's request, reflected in the associated City Council resolution, to reduce SIFs for all units in the Project. The Developer only has a right to fee reductions for SIFs not yet collected or SIFs that were collected but paid under protest. Thus, the proposed SIF revisions should only apply to Project units for which fees will be collected after the Developer's formal written protest on December 11, 2020.

While the District agrees that the City Council has the authority to reduce SIFs under VMC 20.915.070(C), the Developer has made no substantiated claim that any of the three required criteria contained in this section of the Municipal Code apply in this situation. The three criteria are:

(i) the impact fee formula does not accurately reflect school impacts; (ii) due to unusual circumstances district improvements are not reasonably related to or would not reasonably benefit the proposed development; or (iii) the proposed development will include public facilities beneficial to the community pursuant to a separate concomitant rezone agreement. The applicable SIFs were correctly calculated when assessed pursuant to the Vancouver Municipal Code. Absent additional studies and data, the fact that the SIF schedule has changed since fees were initially assessed does not mean the original fees are an inaccurate reflection of school impacts.

Note also that VMC 20.915.070(C) requires that when making reductions to SIFs, such changes must be supported by "studies and data." To the District's knowledge, the Developer has presented no such studies or data.

The District would also like to point out that VMC 20.915.060(D) indicates that: "No new or revised school impact fees shall be effective until adopted by the council following a duly advertised public hearing to consider the school district's capital facilities plan or plan update." The District is unaware of any advertisement for a public hearing in advance of the January 4 meeting, and the inclusion of the impact fee resolution on the consent agenda suggests that the City Council does not indend to solicit public comment on the proposed SIF revisions at said meeting. The District requests that this matter be brought off the consent agenda for appropriate discussion of the issues.

Finally, it is the District's position that the Developer's request, and similar request from other developers, should not be viewed as merely a request to recalculate impact fees. Rather, these requests, if approved, suggest a change in the City's policy regarding the timing of calculation of SIFs. The District would support a policy change to bring impact fee assessment and collection closer together and would be happy to participate in Planning Commission work sessions and City Council meetings as needed to speak to SIF issues. In the interim, the District respectfully requests that the City Council reviews the points laid out above when considering the Developer's, and future developers', requests for SIF reductions.

Thank you for your consideration.

Susan Steinbrenner
Executive Director of Facilities
(360) 604-4077
Evergreen Public Schools

From: Cathryn Chudy
To: City of Vancouver - Office of the City Manager
Subject: Public Comment for Agenda Item # 5
Date: Monday, January 4, 2021 11:34:30 AM

Dear Mayor Anne and City Council Members,

I would like to support the testimony that will be offered this evening (January 4) by Peter Fels on Agenda Item # 5 (Development Agreement for Vancouver Clinic at Columbia Palisades).

We are closely following the process currently underway to fulfill the commitment within the Strategic Planning Process to establish a meaningful Climate Action Strategy for Vancouver that will reduce Greenhouse Gas Emissions.

This Development Agreement would vest development to **current** development regulations, and the staff report lists **no disadvantages.**

It seems clear that development regulations will be affected by the Climate Strategy adopted for Vancouver, and it will **disadvantage** that Strategy's effectiveness if decisions made now are "business as usual," versus proactively building into the Development Agreement the provision that future phases must comply with the Climate Action Strategy once it is fully in place.

I urge you to amend the agreement to include a provision that the development's future phases comply with whatever adjustments are made to development regulations in order to accomplish the targets and goals within the Climate Strategy.

Thank you for all you do,

Cathryn Chudy

Vancouver, WA 98663

[redacted]

From: lifeisgood720
To: City of Vancouver - Office of the City Manager
Subject: The Planning Commission Has a Point, But....
Date: Monday, January 4, 2021 10:53:46 AM

re: 1000 W. Columbia Way
and 1605 Columbia St.

When Andy Silver was Exec Director of Council for the Homeless, we discussed the state law that allows the tax abatements requested for the above two properties, and many others. He stated that it's a law that had "outlived its usefulness." The purpose was to get developers to invest in the dying downtowns of many cities. As he pointed out, downtowns have made their comeback. If people want to build there, they should pay their taxes like the rest of us. He accurately opined that the City was getting no affordable housing out of the abatements.

It was with great distress I heard four council members agree to continue giving eight year tax abatements to upscale apartments while getting nothing in return. Even Counselor Paulson, who was quoted in the Nov 28,2020 Columbian as saying it would be a positive step to align affordability with our own community's income, voted against making a change in the affordability index. Thus, in his own words, he voted to negatively affect the Council's credibility.

What is the justification for giving tax breaks on prime real estate like waterfront property? If it's an attempt to provide affordable housing, that will happen only when the median income number attached to the abatement is that of Vancouver, not that of metro Portland.

The Planning Commission is probably correct in saying more work is needed to separate the promotion of development from increasing affordable housing. The entire issue doesn't have to be resolved in order to change the median income basis. As one letter to the editor in the Columbian said, you might as well use New York City's median income as use Portland Metro. Makes as much sense.
Take one piece at a time starting with:
1) Abatements based only Vancouver income, and
2) No abatements when getting nothing in return.
Look closely: adopting (1) will make (2) happen.
I see in the 1-1-2021 Columbian that the City of Battle Ground is lowering their property tax rate six cents per thousand. Maybe you could do that for us, if you required new developments to carry their weight. That would help me keep my rental rates affordable.

I urge you only to approve the abatements on the above two properties today if you first change the affordable income requirements to those of the people who live here, not those south of the river.

Thank you,
CarolLee Braithwait,
Provider of affordable housing
Tenant educator