

## November 1, 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](http://www.cvtv.org) and CVTV cable channels 23 or HD 323, or on the City's Facebook page, [www.facebook.com/VancouverUS](https://www.facebook.com/VancouverUS), or listen via the GoToMeeting conference call.*

Councilmember Paulsen was absent from workshops.

### **4:00-5:00 p.m. Fossil Fuel Facilities Moratorium and Potential Permanent Regulations**

*Chad Eiken, Community Development Director, 360-487-7882; Aaron Lande, Policy and Program Manager, 360-487-8612; Bryan Snodgrass, Principal Planner, 360-487-7946*

#### **Summary**

Staff provided Council with an update on the moratorium on large-scale fossil fuel facilities and outlined next steps regarding future potential regulations.

### **Executive Session re: Pending Litigation (1 hour)**

Mayor McEnerny-Ogle announced the Council would be entering executive session for one hour to discuss pending litigation from 5:15-6:15 p.m.

### **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](http://www.cvtv.org) and CVTV cable channels 23 or HD 323, or on the City's Facebook page, [www.facebook.com/VancouverUS](https://www.facebook.com/VancouverUS). Public access and testimony were also facilitated via the GoToMeeting conference call.*

### **Call to Order and Roll Call**

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

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

**Absent:** Councilmember Paulsen

*Councilmember Lebowsky left at 7:58 p.m.*

**Motion by Councilmember Hansen, seconded by Councilmember Fox, and carried unanimously to excuse Councilmember Paulsen.**

## **Approval of Minutes**

Minutes - October 11, 2021

**Motion by Councilmember Glover, seconded by Councilmember Stober, and carried unanimously to approve the meeting minutes of October 11, 2021.**

## **Community Communication**

Mayor McEnerny-Ogle noted staff had submitted a request to add a walk-on item to the Consent Agenda. Jonathan Young explained staff is presenting a proposed settlement agreement with CloudOne LLC pertaining to a commercial lease agreement between CloudOne and the City (details summarized below.

Mayor McEnerny-Ogle opened Community Communication on Consent Agenda items and received the following testimony:

- Roy Johnson, representing the Vancouver Housing Authority, thanked the City for its ongoing support, and recognized Peggy Sheehan, Community Development Programs Manager, for her work on housing issues. Mr. Johnson spoke in support of Item 2 on the Consent Agenda.
- Kimberlee Elbon, La Center, Washington, expressed concerns about the Local Governments for Sustainability (ICLEI).
- Wynn Grich, Vancouver, expressed concerns about the Local Governments for Sustainability (ICLEI), and expressed concerns regarding Item 1, stating she would like to know the background on all bidders before Council makes a decision.

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

## **Consent Agenda**

Council requested Items 1, 2, 4 and 5 be pulled from the Consent Agenda for discussion.

Regarding Item 1, Councilmember Stober noted the Water Station 5 site is a large piece of property and it would be good to establish more native trees on the site or better illustrate where they are to be included.

Regarding Item 2, Councilmember Stober requested in the future staff provide a spreadsheet that provides information on all local funding sources for Affordable Housing projects so Council can have a more complete understanding of the contributions to these projects.

Regarding Item 4, Councilmember Stober asked for clarification on the future ownership of the components of the Fourth Plain Commons. Ms. Sheehan confirmed the City would maintain ownership of the community space, and the Vancouver Housing Authority (VHA) would maintain ownership over the housing component.

Regarding Item 5, Councilmember Stober stated he would like to see some of the language in the Pearson Airfield Rules and Regulations cleaned up prior to Council approval, and he noted Council had received correspondence from Paul Speer (attached outlining concerns and proposed revisions within the document. He requested Council vote on this item separately.

Jennifer Belknap Williamson, Public Works Director, stated staff has identified some minor grammatical

edits to be made within the document. She stated there have been no recommendations made in regards to proposed revisions that would substantively prevent the document from doing what it is meant to do, and nothing has been suggested that would practically or legally indicate the rules and regulations would not be a document that can be enforced.

Councilmember Fox agreed there are grammatical edits that should be made, as well as stylistic clean-up that could be done. She also recommended the pronouns be edited to be neutral throughout. Ms. Belknap Williamson stated that some of the comments in Mr. Speers' letter are more a matter of opinion and staff would not recommend blanket adoption of all recommendations. She recommended Council adopt the rules and regulations as presented and stated staff will continue to work on refining the document in consultation with the Aviation Advisory Committee (AAC), once that body is seated, and bring back revisions for Council consideration.

Councilmember Stober stated this document should move forward so the City can move forward with setting up the AAC.

**Motion by Councilmember Stober, seconded by Councilmember Fox, and carried unanimously to approve Item 5 of the Consent Agenda.**

**Motion by Councilmember Hansen, seconded by Councilmember Fox, and carried unanimously to approve Items 1-4, 6 and the Walk-On Item (new Item 7).**

1. **Bid Award for the Water Station 5 Reservoirs and Pump Station project, per Bid # 21-28.**

Staff Report 161-21

**Summary**

*Water Station 5 is a 5.3-acre water utility site located east of I-5 along the north side of East Mill Plain Boulevard, next to Fire Station 3, in the Heights Redevelopment District. Major facilities on the Water Station 5 site include a rectangular shaped concrete ground-level water storage reservoir with a wooden roof structure, an elevated steel water tower, and a booster pump station. Water Station 5 is unique from other water stations in that there are no water production wells on the site so its main purpose is the storage and distribution of drinking water. With a combined storage capacity of 8,750,000 gallons, Water Station 5 directly supplies clean drinking water to 8,010 residents and transfers water to and from other water sites through large transmission mains to support another 214,000 residents within Vancouver's water service area.*

*Water storage facilities are deemed critical infrastructure needed to supply water for fire-fighting, consumption, and sanitation as part of our community's normal daily operations as well as in the aftermath of a natural disaster. The 8 million gallon ground-level reservoir was constructed in 1944. The steel water tower and pump station were constructed in 1955 and 1956 respectively. The aging water facilities were evaluated for seismic resiliency with a study completed in 2015, which found the facilities in need of structural improvements. The steel water tower was seismically upgraded in 2017. The analysis showed the cost of structural retrofits to the existing ground level reservoir would be significant enough to warrant full replacement. The project to replace the reservoir and pump station has been identified in the City of Vancouver 2015 Comprehensive Water System Plan and further listed in the water utility's Capital Improvement Program.*

*On April 6, 2020, the City entered into a professional service agreement with the engineering firm, Jacobs, to develop bid ready plans and specifications for the construction of the Water Station 5 Reservoirs and Pump Station project based on a 2019 conceptual site plan. The work to develop bid ready plans and specifications has been completed and the City advertised the project for bids on August 13, 2021.*

*The construction project will demolish the existing 8 million gallon water reservoir and replace it with two 4 million gallon circular concrete water reservoirs, demolish and replace the existing booster pump station, and install an emergency backup generator to provide power in the event of a power outage. In addition, the project includes frontage improvements which will improve the site's aesthetics consistent with the Heights District Redevelopment plan. Access improvements*

for operations and maintenance will be improved along with added site security and upgrades to automated controls for efficient water system operations.

*This project was designed to include a multitude of energy efficient improvements. The site will have improved site lighting with energy efficient LED fixtures. As it is with all City pump station projects, the pump station will provide for energy efficient pumping through hydraulic design and use of high-efficiency equipment. The pumps will have individual power meters to allow the City to monitor power consumption and identify when adjustments are needed to maintain the optimal energy performance. The new pump station will take advantage of natural lighting using translucent window panels. The hydraulic flow through the pump station piping will account for most of the building's heating and cooling needs using air circulation. In addition to the energy efficient improvements, sustainable practices are to be followed during construction. The large wood timbers from the existing reservoir roof are to be reclaimed for re-use and other building materials are to be recycled. Existing trees will be maintained where practical and new trees planted after the reservoir construction.*

*At this time, the project does not include affixing solar panels to the reservoirs. However, water utility staff are currently exploring this sustainable alternative as an addition to this project.*

*On September 28, 2021, the City received three bids for the subject project and the low bidder, Rotschy Incorporated of Vancouver, Washington was responsive. If the contract is awarded, construction is anticipated to start December 2021. The project has an anticipated final completion date of December 31, 2023.*

*The bids results are as follows:*

| <b>SUMMARY OF BIDS</b>                                        |                        |
|---------------------------------------------------------------|------------------------|
| <b>BIDDER</b>                                                 | <b>AMOUNT</b>          |
| <i>Rotschy Inc., Vancouver, Washington</i>                    | <i>\$25,080,080.84</i> |
| <i>Emery &amp; Sons Construction Group LLC, Salem, Oregon</i> | <i>\$25,673,335.10</i> |
| <i>Ward-Henshaw Construction Co. Inc., Canby, Oregon</i>      | <i>\$27,736,791.36</i> |
| <i>Engineers' Estimate</i>                                    | <i>\$28,250,000.00</i> |

*Rotschy Incorporated of Vancouver, Washington has completed projects of similar size and scope in the past and have met the required supplemental responsible bidder criteria for the project.*

*Rotschy Incorporated acknowledges the City's requirement for Apprenticeship Utilization on this project and is anticipating exceeding the 8% goal.*

Request: On November 1, 2021, award a construction contract for the Water Station 5 Reservoirs and Pump Station project to the lowest responsive and responsible bidder, Rotschy Incorporated of Vancouver, Washington, at their bid price of \$25,080,080.84, which includes Washington State sales tax, and authorize the City Manager or designee to execute a contract with Rotschy Incorporated for the same.

*Tyler Clary, Water Engineering Program Manager, 360-487-7169; Michelle Henry, Senior Civil Engineer, 360-487-7155*

**Motion approved the request.**

## **2. Affordable Housing Funding for Development Projects**

Staff Report 162-21

**A RESOLUTION** relating to low-income housing; providing for adoption of 2021 - 2023 funding awards for the Affordable Housing Fund and authorizing the City Manager to execute agreements and other related documents on behalf of the City of Vancouver consistent with Affordable Housing Fund 2021 – 2023 Council approved funding awards; providing for Severability and an Effective Date.



## Summary

On July 28, the City of Vancouver began accepting applications for 2021 – 2023 Affordable Housing Funds totaling \$12 million to support housing construction, acquisition, and rehabilitation projects. City staff is reviewing applications on a rolling basis until all funds are awarded. The following four applications were received. The recommended awards total \$6.18 million and support the development and acquisition of 162 housing units for households experiencing low income or homelessness. Please note that the applicants are applying to the Department of Commerce for funding and would like the commitment from Vancouver to support that application. One of the projects will also be applying for the Affordable Housing Tax Credit allocation.

- Evergreen Habitat for Humanity's (EHH) Johnson Village is a new construction project of nine single family homes that will house families experiencing low-income. The Johnson Village project was awarded \$495,000 as an Affordable Housing Fund grant as approved by City Council on June 1, 2020. EHH is requesting an additional \$180,000 Affordable Housing Fund grant award to support increased costs of the infrastructure development phase of this project.
- Community Roots Collaborative (CRC) St. John Village is a new construction project of approximately 50 cottage-style, "tiny" homes that will house individuals and families experiencing low-income and homelessness. CRC is requesting \$2,000,000 in Affordable Housing Funds for the purchase of land and development of the homes.
- Columbia Non-Profit Housing's (CNPH) Laurel Manor project is a new construction, mid-rise 82-unit one-bedroom development located on NE 66<sup>th</sup> Ave in Vancouver. The project will house 82 seniors an expected placed-in-service date of October 1, 2023. This project is in partnership with the Vancouver Housing Authority (VHA). CNPH is requesting \$2,000,000 in Affordable Housing Funds for the development of the units. Agency will apply for Affordable Housing Federal Tax Credits
- VHA's Affordable Housing Project is a unit acquisition project that aims to create and/or maintain affordable housing in Vancouver. The development will have a minimum of 26 units. Several potential projects have been identified, but purchase and sale agreements are not finalized due to a need to secure funding. VHA is requesting \$2,000,000 in Affordable Housing Funds for the acquisition of the units.

All four organizations previously partnered with the City of Vancouver on Affordable Housing Fund projects. The City will place affordability covenants on the additional 50% AMI units for projects that receive an increased award. See attached summaries for a detailed description of each project.

## AHF Status and Updates

Since its creation through a tax levy in 2016, the AHF has awarded \$28,416,199 to support 47 projects for the construction, rehabilitation, acquisition, and preservation of affordable housing in the city of Vancouver for residents earning less than 50% AMI. The AHF funds were leveraged with tax credits and other funding to support a total project cost of \$261,980,938.

Below is a chart that indicates the status of the outcomes of the Affordable Housing Funds to date.

|                                                        | 7-Year Goal | 5-Year Actual<br>(October 2021) | % of Goal<br>Completion |
|--------------------------------------------------------|-------------|---------------------------------|-------------------------|
| Housing Production (units)                             | 475         | 480                             | 101%                    |
| Housing Preservation (units)                           | 459         | 321                             | 70%                     |
| Homelessness Prevention: Rent<br>Vouchers and Services | 1,873       | 1,130*                          | 60%                     |

|                                                      |     |     |      |
|------------------------------------------------------|-----|-----|------|
| (households)                                         |     |     |      |
| Homelessness Prevention:<br>Temporary Shelter (beds) | 158 | 230 | 146% |

*\*NOTE: this number includes the reported households for four completed projects and the contracted number of households for three ongoing projects*

Request: Adopt a resolution approving the proposed 2021 Affordable Housing Fund awards for housing production.

*Peggy Sheehan, Community Development Programs Manager, 36-0-487-7952*

**Motion adopted Resolution M-4147 to approve the request.**

### 3. **Approval of 2022 Council Meeting Schedule**

Staff Report 163-21

#### **Summary**

*City staff develops and publishes the annual Council meeting schedule and calendar every fall for the following year. Council Policy 100-32 includes a provision for Council adoption of the upcoming annual Council meeting schedule by the first meeting of December each year.*

*The annual schedule identifies the date, time and type of each Council meeting, as well as any Mondays when the Council will not meet. Per Council policy, the Council meets every first, second, third, and fourth Monday of each month, excluding any City-recognized holidays that fall on a Monday. Per City Charter, Council must meet at least twice per month for Regular meetings, which will typically fall on the first and third Mondays; Consent Agenda meetings with Community Forum fall on the second and fourth Mondays, unless otherwise pre-empted by a Regular meeting and identified as such on the approved schedule. Informational workshops may be held, as needed, before any Council meeting. The specific time and topic for each workshop will be identified on the published agenda for a given meeting date.*

*The 2022 Council schedule includes 24 Regular Council meetings, and 18 Consent Agenda meetings with Community Forums. All City Council meetings will begin at 6:30 p.m., per Council Policy 100-32. Workshops will be held between 4:00 and 6:00 p.m., unless otherwise noted on a published agenda. Community Forums will be held for up to 90 minutes following the business items of the agenda.*

*Subject to Council approval, the 2022 annual schedule will be publicly noticed in The Columbian newspaper, and the calendar will be posted on the City's website and distributed to the media and all City departments. Copies of the printed Council meeting calendar may be requested by contacting the Council Assistant at 360-487-8600.*

*Any cancellations or changes to the annual schedule, or the addition of Council retreats or other special Council meetings, will be advertised in accordance with Council Policy and the Washington Open Public Meetings Act.*

#### 2022 Annual Meeting Schedule

*All meetings begin at 6:30 p.m. | Workshops 4:00-6:00 p.m. (subject to change)*

|           |                                                   |
|-----------|---------------------------------------------------|
| 1/3/2022  | Regular Meeting                                   |
| 1/10/2022 | Consent Agenda Meeting w/ Community Forum         |
| 1/17/2022 | No Meeting - holiday (Martin Luther King Jr. Day) |
| 1/24/2022 | Regular Meeting                                   |
| 2/7/2022  | Regular Meeting                                   |

|            |                                           |
|------------|-------------------------------------------|
| 2/14/2022  | Consent Agenda Meeting w/ Community Forum |
| 2/21/2022  | No Meeting - holiday (Presidents Day)     |
| 2/28/2022  | Regular Meeting                           |
| 3/7/2022   | Regular Meeting                           |
| 3/14/2022  | Consent Agenda Meeting w/ Community Forum |
| 3/21/2022  | Regular Meeting                           |
| 3/28/2022  | Consent Agenda Meeting w/ Community Forum |
| 4/4/2022   | Regular Meeting                           |
| 4/11/2022  | Consent Agenda Meeting w/ Community Forum |
| 4/18/2022  | Regular Meeting                           |
| 4/25/2022  | Consent Agenda Meeting w/ Community Forum |
| 5/2/2022   | Regular Meeting                           |
| 5/9/2022   | Consent Agenda Meeting w/ Community Forum |
| 5/16/2022  | Regular Meeting                           |
| 5/23/2022  | Consent Agenda Meeting w/ Community Forum |
| 5/30/2022  | No Meeting - holiday (Memorial Day)       |
| 6/6/2022   | Regular Meeting                           |
| 6/13/2022  | Consent Agenda Meeting w/ Community Forum |
| 6/20/2022  | Regular Meeting                           |
| 6/27/2022  | Consent Agenda Meeting w/ Community Forum |
| 7/4/2022   | No meeting - holiday (Independence Day)   |
| 7/11/2022  | Regular Meeting                           |
| 7/18/2022  | Regular Meeting                           |
| 7/25/2022  | Consent Agenda Meeting w/ Community Forum |
| 8/1/2022   | Regular Meeting                           |
| 8/8/2022   | Consent Agenda Meeting w/ Community Forum |
| 8/15/2022  | Regular Meeting                           |
| 8/22/2022  | No Meeting - Mid-Year Break               |
| 8/29/2022  | No Meeting - 5th Monday                   |
| 9/5/2022   | No Meeting - holiday (Labor Day)          |
| 9/12/2022  | Regular Meeting                           |
| 9/19/2022  | Regular Meeting                           |
| 9/26/2022  | Consent Agenda Meeting w/ Community Forum |
| 10/3/2022  | Regular Meeting                           |
| 10/10/2022 | Consent Agenda Meeting w/ Community Forum |
| 10/17/2022 | Regular Meeting                           |
| 10/24/2022 | Consent Agenda Meeting w/ Community Forum |
| 10/31/2022 | No Meeting - 5th Monday                   |
| 11/7/2022  | Regular Meeting                           |
| 11/14/2022 | Consent Agenda Meeting w/ Community Forum |
| 11/21/2022 | Regular Meeting                           |
| 11/28/2022 | Consent Agenda Meeting w/ Community Forum |
| 12/5/2022  | Regular Meeting                           |
| 12/12/2022 | Consent Agenda Meeting w/ Community Forum |
| 12/19/2022 | Regular Meeting                           |
| 12/26/2022 | No Meeting - End of Year Break            |

Request: Approve the 2022 annual City Council meeting schedule.

*Amanda Delapena, Assistant to the Mayor and City Manager, 360-487-8605*

**Motion approved the request.**

#### 4. **Section 108 Loan Ordinance for Fourth Plain Commons**

Staff Report 164-21

**AN ORDINANCE** of the City of Vancouver, Washington, approving and authorizing a loan guarantee contract and note and related documents under Section 108 of the Housing and Urban Development

Act of 1974, as amended to provide funds for the Commons Community Center as a part of the Fourth Plain Commons project and delegating authority to execute and deliver the note and the contract and related documents.

**Summary**

*Fourth Plain Commons is a new-construction, mixed-use condominium project located in a low-income census tract (427.00) on the Fourth Plain Corridor. The development is a partnership between the City of Vancouver and the Vancouver Housing Authority and consists of two separate components: The Commons Community Center, with public plaza and outdoor playground, on the first floor and a 106-unit affordable housing development, located on floors 2-6. The CDBG funds will be used to support the purchase of the community center, plaza and shared space only. The Commons Community Center will consist of a 9,758-square-foot community space and is envisioned as a flexible area where people from the Fourth Plain community can gather, hold events, and access services. This space will include a commercial kitchen, office space for nonprofits to provide supportive services, a community gathering space, an outdoor space with infrastructure for a farmers market and food carts, and a space for business incubation for food entrepreneurship. The thirteen-month construction on this project is scheduled to begin in November 2021.*

*Following City Council approval for the Section 108 loan application on July 26, 2021, the City received a commitment from HUD (September 2021) for approval of a Section 108 Loan of approximately \$4,199,000 to purchase and build out the community center and pay the cost of issuance. The Section 108 loan provides Community Development Block Grant (CDBG) jurisdictions the opportunity to leverage up to five times the jurisdiction's annual CDBG grant allocation. The loan is low-cost, flexible financing for economic development, public facility, and infrastructure projects. Initially the loan will be a variable rate note tied to three-month Treasury Auction Bill rate plus 35 basis points (0.35) but could eventually be converted to a fixed rate note. The Section 108 loan requires Council authorization and reduces the City's overall outstanding debt capacity. It commits the City to repay debt service for the next 20-years, however, the City always has the option to pay the loan off early with no penalty.*

*The City will set aside CDBG funds up to \$300,000 annually to make the debt service payments. In addition, the City's full faith and credit is pledged as a repayment source, if CDBG grant funds are not sufficient to meet the annual debt service requirements.*

*Authorization of the ordinance will delegate to the City Manager to execute and deliver the required documents on behalf of the City to HUD.*

Request: On Monday November 1, 2021, approve ordinance on first reading, setting date of second reading and public hearing for Monday November 8, 2021.

*Peggy Sheehan, Community Development Programs Manager, 36-487-7952;  
Carrie Lewellen, City Treasurer, 360-487-8482*

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

**Motion approved the request.**

**5. Adoption of Rules and Regulations Document for Pearson Airfield**

Staff Report 145A-21

**A RESOLUTION** relating to the adoption of the Pearson Field Airport Rules and Regulations including Minimum Standards for Commercial Operations, repealing Resolution M-3857 Minimum Standards for Commercial Activities at Pearson Field, providing for severability and an effective date.

**Summary**

*Vancouver Municipal Code section 10.05.030 requires and references a separate "Rules and Regulations" document containing guidance and direction for the management and use of Pearson Airfield.*

*The previous Vancouver Municipal Code, Title 10.05, contained codification of many operational rules for Pearson Airfield. Recent City Council changes to VMC Title 10.05 moved many of these operational rules out of code and into the proposed "Rules and Regulations" document. The recently revised code includes a requirement for the "Rules and Regulations" document to be adopted by Council resolution. This change creates a more streamlined way for the "Rules and Regulations" to be changed in the future when needed. In addition, the proposed action repeals previous Council action to create a stand-alone Minimum Standards for Commercial Operations, and incorporates those minimum standards into the rules and regulations document.*

Request: Adopt a resolution adopting the proposed "Pearson Field Airport Rules and Regulations Including Minimum Standards for Commercial Operations."

*Jennifer Belknap Williamson, Public Works Director, 360-487-7131; Guy Lennon, Airport Manager, 360-487-8619*

**Motion adopted Resolution M-4148 to approve the request.**

**6. Approval of Claim Vouchers**

Request: Approve claim vouchers for November 1, 2021.

**Motion approved claim vouchers for November 1, 2021, in the amount of \$7,327,528.85.**

**7. WALK-ON Item - Proposed settlement of a lawsuit brought by CloudOne LLC**

Staff Report 167-21

***Summary***

*The lawsuit at issue arises from a commercial lease agreement. In June 2016, CloudOne entered into a commercial office lease agreement with the former owner of the Town Plaza. The City acquired the lease when it purchased the Town Plaza in June 2017. CloudOne's lease term extended through October 31, 2021.*

*The City and CloudOne attempted to negotiate an amendment to the lease, whereby CloudOne would relocate by the end of June 2020. The parties never reached agreement and the lease was never amended. Nevertheless, CloudOne vacated the Town Plaza, moved its business to Nashville, Tennessee, and ceased paying rent roughly 20 months before the lease's expiration date. Despite vacating the premises and withholding rent, CloudOne sued the City and claimed its breach was justified under a belief that the City breached the lease first and forced CloudOne out. CloudOne alleged entitlement to \$1,234,340 from the City.*

*After CloudOne filed a lawsuit, the City filed a counterclaim against CloudOne, seeking the amount CloudOne owed under the lease. By motion, the City moved for summary dismissal of CloudOne's claims and sought judgment in its favor. On March 25, 2021, the Court granted the City's motions, dismissed CloudOne's claims, and found in favor of the City by determining that CloudOne breached the lease agreement. A trial concerning how much money CloudOne owes under the lease is scheduled on November 8, 2021.*

*Both the City and CloudOne recognize that there are benefits to both sides in resolving this case before trial. To that end, Staff recommends Council approve a settlement offer made by CloudOne. The proposed settlement requires CloudOne to pay the City \$121,853.82, which represents the amount owed under the lease agreement from March 1, 2020, through January 31, 2021. The settlement amount will be paid in 12 equal monthly installments of \$10,154.49, with payments to begin December 1, 2021. The settlement would extinguish CloudOne's right to appeal a judgment in favor of the City, including the Court's March 2021 order, and resolve any and all liability the City or CloudOne might have under the lease agreement.*

Request: On November 1, 2021, authorize the City Manager or his designee and the City Attorney to execute any and all documents necessary to complete the settlement with CloudOne LLC and dismiss the lawsuit.

*Sara Baynard-Cooke, Assistant City Attorney, 360-487-8500*

**Motion approved the request.**

## **Public Hearings**

### **8. Block 20 MFTE Development Block Agreement Amendment**

Staff Report 165-21

**A RESOLUTION** of the City Council of the City of Vancouver approving an amended development agreement with TC WATERFRONT, LLC, a Delaware limited liability company, CG WATERFRONT, LLC, a Delaware limited liability company, and JSP WATERFRONT, LLC, a Delaware limited liability company (hereinafter collectively referred to as the "Applicant"), for an 8 year property tax exemption with public improvements for the abutting property located at 1111 W. Columbia Way ( Exhibit A) in Vancouver, Washington.

#### **Summary**

*City Council approved a multifamily tax exemption (MFTE) for the waterfront Block 20 development on April 15, 2019. The MFTE agreement included a provision that as a public benefit, the construction of playground equipment and restrooms at Esther Short Park (up to \$500,000) would be completed. The initial date of completion (September 2021) was based on the City providing the construction specification prior to September 1, 2020. The date was negotiated on to coincide with the building construction.*

*Due to COVID-19, the process to finalize design of the new playground is taking longer than expected. This includes development of a masterplan and associated public outreach to provide a unique all-inclusive playground. The City is currently working with AKS Engineering and Forestry, LLC to complete the design, provide permit documents, construction drawings and specifications needed by the applicant for construction. City staff continues to be interested in the Applicant constructing the upgrades at Esther Short Park. The Applicant has agreed to meet this requirement by December 2023, provided that the City provide the needed documents and information by December 2022. The documents to be furnished by the City include: permits, construction drawings and specifications for the all-inclusive playground and as money allows, additional support in replacement of the restroom with future Portland Loos.*

Request: On Monday, November 1, 2021, following a public hearing, adopt a resolution approving the amended Development Agreement providing for an extension of the timelines needed to complete the playground improvements to Esther Short Park.

*Patrick Quinton, Economic Development Director, 360-487-7845; Peggy Sheehan, Community Development Programs Manager, 360-487-7952*

Patrick Quinton, Economic Development Director, provided an overview of the proposed amendment to the Block 20 MFTE Agreement. Peggy Sheehan, Community Development Programs Manager, was also available to address Council comments.

Councilmember Fox noted that typically the City bases performance thresholds on a certificate of occupancy or something similar for projects like this, but this proposal would just shift the overall time frame, and she asked if there was any consideration for requiring a performance bond or some other surety to be in place. Ms. Sheehan stated that under the MFTE program, the exemption does not take effect until a year after the certificate is issued, during which time the City could request the exemption be revoked if elements of the agreement are out of compliance. She noted for this project particularly, the developer is very eager to work with the City and have been a very good partner, so staff believes this is a low risk adjustment to the agreement.

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

- Glen Yung, Vancouver, stated he does not oppose the amendment but wanted to note that the exemption in this case is for \$2.8 million but the public benefit is at about \$500,000, and urged the City to keep these examples in mind when considering revisions to the overall MFTE program.

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

**Motion by Councilmember Stober, seconded by Councilmember Lebowsky, and carried unanimously to adopt Resolution M-4149 approving the request.**

## 9. **Multifamily Tax Exemption Amendment: Jefferson Street Apartments**

Staff Report 166-21

**A RESOLUTION** of the City Council of the City of Vancouver approving an amended agreement with FARVIEW DRIVE, LLC, a Washington limited liability company ("Applicant"), for limited property tax exemption.

### **Summary**

*Due to COVID-related issues, the developer, Farview Drive LLC, is requesting a change from the initial multifamily tax exemption approval to reduce the number of proposed units from 92 units to 68 units. In order to combat increased costs and meet the required certificate of occupancy completion timeline, the applicant has eliminated one of the buildings. The initial estimated cost for the 92 units was \$13.5 million. The applicant's revised construction cost estimate for the 68 units is now \$15.25 million.*

*The development will now be one four-story building with 69 off-street parking spaces. The exemption duration and income restriction will remain the same at 12 years, with 20% of the units restricted to 115% of the HUD area median income.*

Request: On November 1, 2021, adopt a resolution authorizing the City Manager or designee to sign the amended multifamily tax exemption agreement with Farview Drive LLC.

*Patrick Quinton, Economic Development Director, 360-487-7845; Peggy Sheehan, Community Development Programs Manager, 360-487-7952*

Patrick Quinton, Economic Development Director, provided an overview of the proposed amendment to the Jefferson Street Apartments MFTE Agreement. Bryan Monroe, Associate Planner, was also available to address Council comments.

Councilmember Fox asked for clarification as to whether the City's code had changed since this MFTE agreement was originally approved, specifically in regards to the project's eligibility for the 12-year exemption at the proposed percentage of units meeting certain income thresholds. Mr. Quinton confirmed the code had changed since the project first applied for the 12-year exemption, now requiring 20 percent of units be reserved for households at or below 60 percent of Area Median Income (AMI); however, the program has been applied to allow a certain amount of time for a project to be completed under the existing rules that were in place. Additionally, he explained the state has allowed for a two-year extension under the pandemic, so this project has a five-year window under the original regulations from 2017 to be completed.

Councilmember Fox noted the terms "low" and "moderate" income are both included in the amended development agreement, and asked for clarification as to what percentage of units will be low-income in this project. Mr. Quinton stated the units for this project are proposed to be at 115 percent of AMI, so targeted more toward working class housing rather than low-income.

Councilmember Stober asked for clarification as to how the reduction in size to the project is being accomplished. Mr. Monroe stated the developer is eliminating a single building.

Councilmember Stober asked for further clarification regarding proposed rents for the units, noting the proposal presented by staff seems to include very reasonable rental rates, but also that there is room for the rates to be raised. Mr. Monroe stated the rents are what the developer is proposing, not the HUD maximum allowable rents.

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

- Glen Yung, Vancouver, expressed concerns about granting a large exemption without commitment of a public benefit in return, and urged the Council to consider renegotiating the agreement under the current MFTE regulations given the substantial change to the project.

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

Councilmember Fox stated she has many concerns about moving forward with an amended agreement given the changes to the project. She stated it would not be a big stretch to request the rents be set for a mix of income levels, and proposed returning the agreement to staff for more work.

Councilmember Glover stated this developer has been working with good intentions under the 2017 regulations and the Council should not change the rules midstream but should rather address concerns with future overall program changes.

Councilmember Lebowsky stated she agreed with Councilmember Glover.

Council spoke at length regarding how the rental rates are set and how income levels are characterized in the agreement.

Councilmember Stober asked what obligation the City is under considering an agreement is in place, the state has allowed a two-year extension, but there is a significant decrease in proposed units. He asked what the boundaries are in considering whether this is still the same project. City Attorney Jonathan Young stated the City has a valid and enforceable agreement with the developer for units set at 115 percent of AMI. Scope and scale concerns have prompted the applicant to scale down the project but they are required to seek Council approval on the MFTE agreement for that change. He stated Council has the authority to amend the contract without changing the language pertaining to affordability requirements, or the Council could request a change to those requirements, but that would require staff to redraft the agreement and the developer would have to agree to those new terms. He stated Council could also do nothing and require compliance with the original agreement.

Councilmember Fox suggested Council also could consider revisions to the agreement to bring into account a mix of low- and moderate-income units at the original 2017 regulations. Mr. Young recommended Council return the agreement to staff to continue discussions with the developer if the Council wishes to open up the affordability terms.

City Manager Eric Holmes stated there are practical challenges if the Council does nothing, as it is unlikely the developer could still build the additional units within the time period to continue to access the exemption.

**Motion by Councilmember Glover, seconded by Councilmember Lebowsky to adopt the resolution approving the amended development agreement.**

Councilmember Stober stated he questioned whether it would still be possible for density to be achieved with the proposed changes, and whether there is a way to create a graduated ramp up of rent limits to start significantly less than 115 percent of AMI for some time and increase to those levels over time.

Councilmember Hansen stated he shares similar concerns and believes it would be better to send the agreement back to staff to continue negotiations rather than the Council potentially voting against the amended agreement at this point in time.

Councilmember Glover asked what the timeline would be to bring it back to Council. Mr. Holmes stated the next opportunity likely would be the first Council meeting of December. Councilmember Glover stated she was amenable to that.

**Councilmember Glover withdrew her motion to approve. Councilmember Lebowsky**



withdrew her second of the motion.

Council remanded the item to staff for further work.

10. **Property Tax Levy for 2022**

Staff Report 158-21

**AN ORDINANCE** relating to the annual property tax levy; authorizing an increase of 1.0% in the City's regular levy from the amount levied the previous year; and providing for an effective date.

**Summary**

*On November 6, 2001, Washington voters approved Initiative 747 (I-747), which limits the allowable increase in the property tax levy to 1.0%, or the rate of inflation, whichever is less. The intent of the Initiative was reaffirmed by the Legislature in November 2007. The measure of inflation used under this law is the Implicit Price Deflator (IPD). The IPD inflation rate for 2022 levy calculations is 3.86%.*

*Staff recommends that City Council approve a 1.0% increase in the property tax levy, which is the maximum increase allowed. Based on last year's General Fund levy of \$52,527,179.31, the increase will be \$525,271.79. Authorization of this increase requires a simple majority vote of City Council.*

*Staff estimates that the City's general fund property tax levy rate in 2022 will range between \$1.73 per \$1,000 of assessed value to \$1.83 per \$1,000 of assessed value, compared to the actual 2021 general fund property tax levy rate of \$1.977 per \$1,000. The decrease in the property tax levy rate is attributed to assessed values in the City increasing by approximately 12.2% compared to the prior year. Because of the limit on property tax increases, as discussed above, the property tax levy rate declines as assessed value increases. The statutory cap for the City's levy rate is \$3.325 per \$1,000 of assessed value.*

*Example calculation of City Property Tax:*

|                                                                                 |                                                                                               |                                                          |
|---------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------|----------------------------------------------------------|
| Assessed Value 2021<br>\$389,240                                                | Levy Rate 2021<br>\$1.977 (per \$1,000 assessed<br>value; General Fund Levy<br>only)          | 2021 City Property Tax<br>= \$769.53                     |
| Assessed Value 2022<br>\$436,709 (assumes<br>assessed value increases<br>12.2%) | Estimated Levy Rate 2022<br>\$1.78 (per \$1,000 assessed<br>value; General Fund Levy<br>only) | 2022 City Property Tax<br>(hypothetical)<br>= \$777.34   |
| AV increases 12.2%                                                              | Levy Rate declines                                                                            | Annual tax increase \$7.81 for<br>this example taxpayer* |

*\*If the assessed value of the resident's property as a percentage increased by less than 12.2%, the resident's annual taxes would be equal to or slightly less than the taxes paid to the city in 2021. If the assessed value of the resident's property increased by more than 12.2% from the previous year, the increase in the annual taxes would be slightly higher.*

*Some citizens may qualify for tax relief, or qualify for a deferral program. To find out more information about this, residents should contact the Clark County Assessor's Office at 564-397-2391 or visit their website at <http://www.clark.wa.gov/assessor/taxrelief/index.html>.*

*In addition to the base levy, the City collects new property tax revenue based on the value of new construction added to the assessment rolls during the prior year. The revenue to the City is calculated using the assessed value of new construction multiplied by the prior year's levy rate. The value of new construction is still being finalized by the County Assessor's Office and includes the value of utility new construction provided to the County Assessor by the State. The most recent estimate from the County Assessor's Office indicates more than \$453 million of new construction, which translates into \$897,000 of additional City property tax revenue, which is slightly more than the \$675,000 received for new construction values for 2021 taxes. The City's ordinance states the percentage and dollar amount increase in the City's base property tax levy as required by RCW*

84.55.120. The County Assessor will determine the levy amount for new construction based on their final calculations.

Request: On November 1, 2021, subject to second reading and public hearing, approve the ordinance.

Carrie Lewellen, City Treasurer, 360-487-8482

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

Carrie Lewellen, City Treasurer, provided an overview of the proposed property tax levy for 2022.

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

- Kimberlee Elbon, La Center, Washington, spoke in opposition to all Council actions and City and County membership to the ICLEI.

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

**Motion by Councilmember Stober, seconded by Councilmember Hansen, and carried unanimously to approve Ordinance M-4349.**

## 11. **Property Tax Affordable Housing Levy for 2022**

Staff Report 159-21

**AN ORDINANCE** relating to the annual property tax levy; authorizing an increase of 0.0% in the City's Affordable Housing Fund levy from the amount levied the previous year; and providing for an effective date.

### **Summary**

*Proposition 1 was approved by the citizens of Vancouver in November 2016, and authorized a \$6,000,000 annual property tax levy for 7 years, beginning in 2017. Information provided by the Washington State Department of Revenue states that the dollar amount stated in the ballot title is limiting amount, and the highest lawful levy amount is \$6,000,000.*

*Staff recommends that City Council approve a 0.0% increase in the property tax levy for the Affordable Housing Levy. Based on last year's Affordable Housing Fund levy of \$6,000,000, the increase will be \$0.00. Authorization of this requires a simple majority vote of City Council.*

*Staff estimates that the City's Affordable Housing Fund property tax levy rate in 2022 will range between \$0.20 per \$1,000 of assessed value to \$0.21 per \$1,000 of assessed value, compared to the actual 2021 affordable housing fund property tax levy rate of \$0.2258 per \$1,000. The decrease in the property tax levy rate is attributed to assessed values in the City increasing by approximately 12.2% compared to the prior year. Because of the limit on property tax increases, as discussed above, the property tax levy rate declines as assessed value increases. The statutory cap for the City's levy rate is \$3.325 per \$1,000 of assessed value.*

*Example calculation of City Property Tax:*

|                                                                                 |                                                                                                        |                                                          |
|---------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------|----------------------------------------------------------|
| Assessed Value 2021<br>\$389,240                                                | Levy Rate 2021<br>\$0.22586 (per \$1,000<br>assessed value; Affordable<br>Housing Levy only)           | 2021 City Property Tax<br>= \$87.91                      |
| Assessed Value 2022<br>\$436,709 (assumes<br>assessed value increases<br>12.2%) | Estimated Levy Rate 2022<br>\$0.20131 (per \$1,000<br>assessed value; Affordable<br>Housing Levy only) | 2022 City Property Tax<br>(hypothetical)<br>= \$87.91    |
| AV increases 12.2%                                                              | Levy Rate declines                                                                                     | Annual tax increase \$0.00 for<br>this example taxpayer* |

*\*If the assessed value of the resident's property as a percentage increased by less than 12.2%, the resident's annual taxes would be equal to or slightly less than the taxes paid to the city in 2021. If the assessed value of the resident's property increased by more than 12.2% from the previous year, the increase in the annual taxes would be slightly higher.*

*Some citizens may qualify for tax relief, or qualify for a deferral program. To find out more information about this, residents should contact the Clark County Assessor's Office at 564-397-2391 or visit their website at <http://www.clark.wa.gov/assessor/taxrelief/index.html>.*

Request: On November 1, 2021, subject to second reading and public hearing, approve the ordinance.

*Carrie Lewellen, City Treasurer, 360-487-8482*

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

Carrie Lewellen, City Treasurer, provided an overview of the proposed Affordable Housing property tax levy for 2022.

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

**Motion by Councilmember Hansen, seconded by Councilmember Stober, and carried unanimously to approve Ordinance M-4350.**

## 12. **Ad Valorem Taxes for 2022**

Staff Report 160-21

**AN ORDINANCE** fixing and levying the amount of ad valorem taxes necessary to balance estimated revenue with estimated expenditures for the 2021/2022 Budget for the City of Vancouver; providing for an effective date.

### **Summary**

*Pursuant to RCW 35.33.135, Council must approve an ordinance to fix and authorize the Clark County Assessor's Office to levy ad valorem taxes necessary to fund the City of Vancouver's 2021-2022 Biennial Budget.*

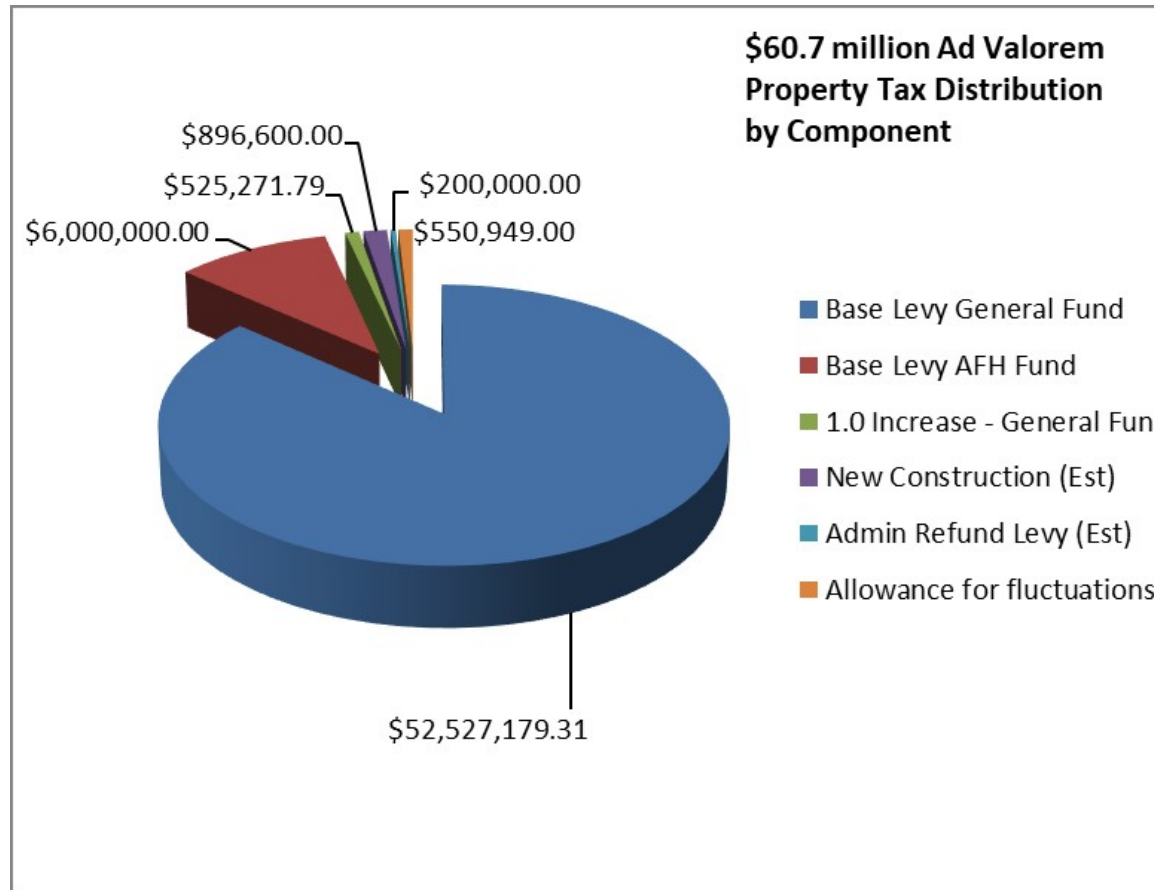
*An ad valorem tax (Latin for "according to value") is defined as a tax based on the value of real estate or personal property. An ad valorem tax is typically imposed at the time of a transaction(s) (a sales tax or value-added tax (VAT)), but it may be imposed on an annual basis (real or personal property tax) or in connection with another significant event (i.e. inheritance tax).*

*Staff currently estimates the 2022 real and personal property tax levy as \$60.7 million, which includes a preliminary estimate of \$897,000 in property tax revenue from new construction. The estimate of property tax from new construction will be updated based on the final new construction valuation provided by the Assessor's Office. The estimate of property tax revenue does not include the change in value of state-assessed utility property. Both of these amounts will not be final until December 2021.*

*City staff recommends that Council approve ad valorem taxes in the amount of \$60.7 million, which is needed to fund the City's 2021-2022 biennial budget. Of the total, \$54.7 million is for general fund purposes, and \$6 million is for the affordable housing fund. Approving ad valorem taxes of \$60.7 million allows the County Assessor's Office to levy real and personal property taxes to the full extent allowed under Washington State law. Staff anticipates that the final certified levy will be between \$60.1 million and \$60.3 million in 2022. If Council authorizes the ad valorem tax amount too low, the County Assessor's Office will only be allowed to levy up to the amount authorized by Council.*

*Staff recommends that City Council approve ad valorem taxes in the amount of \$60.7 million for*

*the 2022 real and personal property tax levy within the city limits of Vancouver. This estimated revenue source is necessary to fund the 2021-2020 Biennial Budget for the City of Vancouver.*



Request: On November 1, 2021, subject to second reading and public hearing, approve the ordinance.

*Carrie Lewellen, City Treasurer, 360-487-8482*

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

Carrie Lewellen, City Treasurer, provided an overview of the proposed ad valorem taxes for 2022.

Councilmember Stober asked Ms. Lewellen to clarify what ad valorem taxes are. Ms. Lewellen explained the first ordinance Council approved was to allow for a one percent increase over last year's property tax levy. In order for the County Assessor's office to levy that tax to the full extent possible on behalf of the City, the Council must pass ad valorem taxes to give the Assessor's Office that authority to collect the entirety of the property tax levy.

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

**Motion by Councilmember Stober, seconded by Councilmember Glover, and carried unanimously to approve Ordinance M-4351.**

## Communications

Councilmember Lebowsky left the meeting at 7:58 p.m.

Councilmember Lebowsky left the meeting at 7:58 p.m.

### A. From the Council

## **B. From the Mayor**

### **a. Interstate Bridge Replacement Program - Executive Steering Group Update**

Katherine Kelly, Senior Transportation Policy Advisory, provided Council with an update on the work of the Interstate Bridge Replacement Program Executive Steering Group.

## **C. From the City Manager**

### **a. Introduction of Economic Development Director**

Lon Pluckhahn, Deputy City Manager, formally introduced Patrick Quinton, the City's new Economic Development Director, to the City Council.

### **b. Climate Action Plan Status Report**

Aaron Lande, Policy and Program Manager, provided Council with an update on the Climate Action Plan work program.

### **c. Clark County Transportation Alliance 2022 Policy Statement**

Mr. Lande and Rebecca Kennedy, Deputy Director of Community Development, presented the Council with the final draft of the Clark County Transportation Alliance 2022 policy statement. By consensus, the Council agreed to accept the policy statement.

City Manager Eric Holmes noted the Council does not take formal action to approve this policy statement in recognition that some flexibility may be needed for changes over the course of the state legislative session. He stated this is similar to the approach the Council takes in regards to the City's state and federal legislative agendas each year.

### **d. Vancouver Homelessness Plan - Supported Campsite Update**

Jamie Spinelli, Homeless Response Coordinator, provided an update on the City's supported campsite program.

## **Adjournment**

8:34 p.m.

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Anne McEnery-Ogle, Mayor

Attest:

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Natasha Ramras, City Clerk

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

October 31, 2021

Mayor McEnery-Ogle  
Councilmember Hansen  
Councilmember Stober

Councilmember Lebowsky  
Councilmember Paulson  
Councilmember Fox

Mayor Pro Tem Glover

Subject: Pearson Field Airport Rules and Regulations

On Monday November 1, 2021 the Vancouver City Council will be considering a resolution for the adoption of Pearson Field Airport Rules and Regulations, including incorporation of previously adopted Minimum Standards for Commercial Activities at Pearson Field (March 13, 2015, M-3857).

I have reviewed this new combined document as published at:

<https://vancouvercity.novusagenda.com/agendapublic/CoverSheet.aspx?ItemID=2209&MeetingID=256>, and offer the following recommendations for your consideration prior to conducting a vote on the matter.

**ARTICLE 1(A).** Remove redundant parenthetical "(Ord.M-2733 (part), 1987)."

**ARTICLE 1(E).** Unlike SECTION 1(A) of the minimum standards, ARTICLE 1(E) does not specify that in the event of conflict between a lawfully-executed agreement and the Rules and Regulations document that the agreement shall control. The language in ARTICLE 1 and SECTION 1 should match, with the agreement controlling.

**ARTICLE 2 DEFINITIONS.** Items missed in the last city update:

- Term 1 has only one usage (in Article 5). Remove definition and clarify in Article 5.
- Term 2. Remove "(under either Federal Aviation Regulation [FAR] Part 121 or 135)." This is defined in term 19.
- Term 3. Remove "(defined below)".
- Term 8 has no usage in the document. Remove definition.
- Term 11 has no usage in the document. Remove definition or modify term to reflect use in the remainder of document.
- Term 17 has no usage in the document. Remove definition.
- Term 18 has only one usage (Section 6(I) bullet 2). Remove definition and describe in Section 6.
- Term 24 "his or her". Replace with gender inclusive "their."
- Term 27 has no usage in the document. Change "Fees and Charges" to "'Fees" or "Charges" to reflect use in the remainder of document.
- Term 29 has only one usage (Section 6(D)(1)) where it is further defined. Remove definition.
- Term 31 has only one usage (Section 5.3) where it is further defined. Remove definition.
- Term 32 has no usage in the document. Change "Fueling or Fuel Handling" to "Fueling" or "Fuel handling" to reflect use in the remainder of document.
- Term 33 has only one usage (Article 15(C)). Remove definition and describe in Article 15(C).
- Term 36 has only one usage (Section 5.1(E)(1) where it is additionally defined. Remove definition.

- Term 44. Remove "(defined below)."
- Term 52 has only one usage (Section 2(A)(7)). Remove definition and clarify in Section 2(A)(7).
- Term 53 has only one usage (Section 2(A)(3)). Remove definition and clarify in Section 2(A)(3).  
Term 53 also does not match language in the recently approved VMC 10.05 (M-4347).

**ARTICLE 3(B).** Sentence 1 is redundant with **ARTICLE 8(A)** sentence 1. Remove one of them.

**ARTICLE 3(J).** As written, this provides for the airport manager to grant themselves authority in point "a)." This should be clarified. Also, while the city attorney would know better than me, if there were harm caused by an employee or agent of the city related to their conduct under RCW 9.41.230(1)(a) it is doubtful that the disclaimer in ARTICLE 3(J) would prevent civil and/or criminal proceedings against the individual and the city. If so, the last sentence adds no value and should be removed.

**ARTICLE 5.** As shared in my public comments to your September 27, 2021 council meeting (<https://vancouvercity.novusagenda.com/agendapublic/CoverSheet.aspx?ItemID=2196&MeetingID=254>) a significant safety concern has been communicated to the city of pedestrians on or near active taxiways and the runway, accessing from public (City of Vancouver, National Park Service, and Washington State Department of Transportation) property. Either Article 5 should be expanded to include public property or another article added. Article 5 as written is a customary method of limiting trespass and "through the fence" operation prohibited in Section 2(A)(7) of the document.

**ARTICLE 8(B).** Remove Article 8(B)1-5.

Council has on multiple occasions been made aware that the sub-bullets in ARTICLE 8(B) are unenforceable by the city. The FAA, WSDOT, AOPA, community advisors, and even city staff by their most recent revision of Article 17 (Penalties for Violation), concur on this point. **That the language persists in this document is inexplicable.**

If the city's intent is to merely imply to tenants that this section could be used to support enforcement (as city staff has indicated in writing) then the city is opening itself to needless legal liability, risks FAA grant assurance, and exposes tenants to potentially costly defense.

If it is not the city's intent to imply enforcement then it makes no sense to have this language as the sole unenforceable section in a rules and regulations document that is not a reference for flight information. Further confusing things, sub-bullet 3 differs from guidance in FAA publications for the airport, is different than guidance on airport signage, and is different from guidance on the city's airport web page.

Article 8(B) was inserted by your community advisors to provide for cooperative and intentional consideration of how Pearson can be a good neighbor in an increasingly dense urban environment. The city has and continues to make decisions that are encroaching on historic flight paths that need to be thoughtfully considered. That the city has chosen at its first opportunity to violate the spirit of why this language was originally submitted has advanced no meaningful discussion and opens the door to several unintended consequences previously shared.

**ARTICLE 10(A).** Sentence 1 is redundant with ARTICLE 14(E). One should be removed or modified.

**ARTICLE 14(B)(9).** Correct "... except as allowed in Article 13...." to ".... except as allowed in Article 15...".

**SECTION 2(A)(1).** The last sentence should end with the words ".... aeronautical purposes." As originally published.

**SECTION 2(A)(3).** Last sentence should refer to "Appendix 1", not "Appendix I."

**A Final Comment on M-4347**

At the council's Monday September 20, 2021 meeting Ordinance M-4347 adopting changes to VMC 10.05 was approved. Despite over four years of community involvement and encouragement the council, citing inadequate time, chose to forgo any discussion on substantive and well documented policy concerns presented by the community relating to Section 10.05.040(1)(x), Section 10.05.040(2), Section 10.05.060, and Section 10.05.015. While that input has not been included in the updated VMC, the underlying issues, nevertheless, remain for future councils, city staff, Pearson tenants, and the community to deal with.

The council did see fit to use its authority to approve a variety of typographical errors in the document. However, be advised that in doing so the council omitted an important edit to 10.05.040(3) describing the term length for two of the nine initial AAC members.

While I am pleased that this work initiated by the AAC so many years ago is finally nearing fruition, the process to get to this point has been among the most unprofessional and disrespectful to community members that I have experienced in nearly 30 years of working with the city. This entire process could have been completed in 3-4 months. If the council expects committed, knowledgeable, well networked, and engaged community advisory groups who provide you with candid assessment and advisement, substantial reform is required within both staff and council process and practice.

Regards,

Paul Speer



**From:** [Cathryn Chudy](#)  
**To:** [McEnerny-Ogle, Anne](#); [Stober, Ty](#); [Lebowsky, Laurie \(City Council\)](#); [Paulsen, Erik](#); [Fox, Sarah](#); [Glover, Linda](#); [Hansen, Bart](#)  
**Cc:** [Snodgrass, Bryan](#); [Lande, Aaron](#); [Eiken, Chad](#); [City of Vancouver - Office of the City Manager](#)  
**Subject:** Re: Today's Workshop - Fossil Fuel Facilities Moratorium and Potential Permanent Regulations  
**Date:** Monday, November 1, 2021 10:02:14 AM  
**Attachments:** [ACE ltr toCOV 11.1.2021.pdf](#)

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**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.

The attached letter is being submitted for the record, for today's workshop: Fossil Fuel Facilities Moratorium and Potential Permanent Regulations.

We appreciate all you are doing to protect our health and safety,

Cathryn Chudy and Heidi Cody

Alliance for Community Engagement (ACE)

Vancouver City Council  
Vancouver WA

Dear Staff and Vancouver City Councilmembers:

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

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

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

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

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

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

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

Signed,

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

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



**Friends of  
Clark  
County**



**SIERRA  
CLUB**



**SUNRISE  
MOVEMENT**



**WASHINGTON  
ENVIRONMENTAL  
COUNCIL**



**Vancouver Audubon Society**



**WASHINGTON PHYSICIANS  
FOR SOCIAL RESPONSIBILITY**

## ENDNOTES

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

**From:** [Jean M. Avery](#)  
**To:** [City of Vancouver - Office of the City Manager](#)  
**Subject:** Fwd: Citizen Forum Comment for 11/1/2021  
**Date:** Friday, October 29, 2021 11:41:46 AM

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

From: **Jean M. Avery** <[jeanmavery@gmail.com](mailto:jeanmavery@gmail.com)>  
Date: Fri, Oct 29, 2021 at 11:34 AM  
Subject: Citizen Forum Comment for 11/1/2021  
To: JMA <[JeanMAvery@gmail.com](mailto:JeanMAvery@gmail.com)>

To Madam Mayor and Vancouver City Council:

My comment today is about EV charging stations: **Where are they?**

I am grateful that the City of Vancouver has a Climate Action Plan. Electric vehicles and EV charging stations have been discussed often and would help transition to cleaner energy use.

But where are the charging stations? Out of curiosity, I took an informal survey of available EV charging stations in my Cascade Park neighborhood. The results were disappointing:

- At the popular Cascade Park Library and adjacent Firstenburg Community Center, there are no EV charging stations. (Okay, so what about newer construction?)
- At the new Wy-east Middle School (just south of the Library), the parking lot was completely redone. Yet, there are no EV charging stations.
- Just north of the Library are several brand new buildings associated with the Evergreen School District. There are no EV charging stations at Legacy High School, Hollingsworth Academy, the Transition Program building, or the Administrative Service Center. These new buildings are modern and attractive, with pleasant landscaping. But where are the EV charging stations?

**I urge the City of Vancouver to include requirements for EV charging stations as part of all new development projects.**

Thank you,  
Jean M. Avery  
Vancouver

**From:** [Don Steinke](#)  
**To:** [Jean M. Avery](#)  
**Cc:** [City of Vancouver - Office of the City Manager](#)  
**Subject:** Re: Citizen Forum Comment for 11/1/2021  
**Date:** Friday, October 29, 2021 11:56:50 AM

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Awesome?

I love it.

The city could and should make that a requirement for new construction.

(I believe it is a requirement for new construction, but only for 10% of the parking spaces. It needs to be mainly in multifamily developments.)

Don S

On Fri, Oct 29, 2021 at 11:41 AM Jean M. Avery <[jeanmavery@gmail.com](mailto:jeanmavery@gmail.com)> wrote:

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

From: **Jean M. Avery** <[jeanmavery@gmail.com](mailto:jeanmavery@gmail.com)>  
Date: Fri, Oct 29, 2021 at 11:34 AM  
Subject: Citizen Forum Comment for 11/1/2021  
To: JMA <[JeanMAvery@gmail.com](mailto:JeanMAvery@gmail.com)>

To Madam Mayor and Vancouver City Council:

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I am grateful that the City of Vancouver has a Climate Action Plan. Electric vehicles and EV charging stations have been discussed often and would help transition to cleaner energy use.

But where are the charging stations? Out of curiosity, I took an informal survey of available EV charging stations in my Cascade Park neighborhood. The results were disappointing:

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**I urge the City of Vancouver to include requirements for EV charging stations as part of all new development projects.**

Thank you,  
Jean M. Avery  
Vancouver

**From:** [Kimberlee Elbon](#)  
**To:** [City of Vancouver - Office of the City Manager](#); [Kimberlee Elbon](#)  
**Subject:** From Citizen Kimberlee Elbon  
**Date:** Monday, November 1, 2021 12:27:17 PM

---

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

Good day Vancouver City employees of The PEOPLE.

I have requested an answer to My earlier emails to this question -

Are any Vancouver City Council members, mayor, city managers office, any and ALL ELECTED or Employees including CLARK COUNTY Employees - MEMBERS of the

ICLEI - renamed for confusion now is called  
LOCAL GOVERNMENT for \$USTAINABILITY,  
any Green New Deal\$, AGENDA 21, EQUIUTY related Agendas/Group OR ANY of the sort -

ARE YOU MEMBERS of the above as the ICLEI web Site State\$; and THIS  
'GOVERNMENT' here in Vancouver Washington USA where I was born WILL COMPLY  
TO THE WILL OF THE PEOPLE and WE ARE EDUCATING THE PEOPLE that this  
member\$hip IS UNDERMINING THE TAX PAYER DOLLAR !\$!\$ THIS IS DEEP

I ask for a reply and if the mayor and council would like to meet with My Group - let Me  
know; as WE must have TRAN\$PARENCY and inform THE VERY PEOPLE THAT  
TRUSTED YOU to do THEIR GOOD bidding; NOT u\$e OUR funding with un-  
CONSTITUTIONAL dollar\$ !\$!\$

Thank you for reading and taking this URGENT REQUEST of CONCERNS to Heart -  
Kimberlee Elbon  
[unityisachild@gmail.com](mailto:unityisachild@gmail.com)

REPLY to this email is Appreciated and required

cc  
Telegram site  
Columbian New\$ paper  
Hand outs on the streets of Vancouver



**From:** [Kimberlee Elbon](#)  
**To:** [City of Vancouver - Office of the City Manager](#); [Kimberlee Elbon](#)  
**Subject:** from Kimberlee Elbon - CONTINUED  
**Date:** Monday, November 1, 2021 12:30:31 PM

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**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.

I got a call and missed the cut off noon time !!!

I ask that the first email I sent is RECORDED and ANSWERED - Thank You.

I will also submit for next weeks meeting.

Kimberlee Elbon  
[unityisachild@gmail.com](mailto:unityisachild@gmail.com)

## **November 8, 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](http://www.cvtv.org) and CVTV cable channels 23 or HD 323, or on the City's Facebook page, [www.facebook.com/VancouverUS](https://www.facebook.com/VancouverUS), or listen via the GoToMeeting conference call.*

Councilmember Lebowsky was absent from workshops.

### **4:00-6:00 p.m. Funding Additional Fire Resources**

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

#### **Summary**

Staff presented Council with an overview of potential funding tools that could be utilized to fund Fire and EMS services.

### **COUNCIL CONSENT AGENDA MEETING**

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

### **Call to Order and Roll Call**

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

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

**Absent:** Councilmember Lebowsky

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

### **Community Communication (Items 1-5)**

Mayor McEnerny-Ogle opened Community Communication on Consent Agenda items and, receiving no testimony, closed Community Communication.

### **Consent Agenda (Items 1-5)**

Council requested Item 2 be pulled from the Consent Agenda for separate consideration.

**Motion by Councilmember Glover, seconded by Councilmember Fox, and carried unanimously to approve Items 1 and 3-5 of the Consent Agenda.**

Regarding Item 2, City Attorney Jonathan Young explained City staff received late notice from the Vancouver Housing Authority's (VHA) lender on the Fourth Plain Commons project of some necessary modifications (attached) to the associated parking easement, and noted legal staff had shared the requested modifications prior to the Council meeting.

Becky Rude, Assistant City Attorney, summarized the proposed modifications, and explained the parking easement is part of the terms of the overall purchase and sale agreement between the City and VHA.

Councilmember Fox stated she had not had a chance to review the proposed modifications yet, and requested Council delay action on this item until later in the agenda. Action on Item 2 was postponed to follow action on Item 6 of the agenda below.

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

Staff Report 168-21

**AN ORDINANCE** relating to the collection of solid waste, recyclable materials and organics, and amending certain sections of VMC 6.12 to increase or

adjust rates and charges consistent with approved utility user taxes and rates and in accordance with current contracts for the coming year; providing for savings, severability and an effective date.

### **Summary**

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

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

*All adjustments to rates are made in accordance with Exhibit D of the contract. Garbage rates also include the City's utility tax that is embedded within them. The City's utility tax does not apply to recycling or organics collection services.*

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

### **Inflation Adjustment Factor**

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

### **Disposal Tip Fees**

*On January 1, 2022, the disposal tip fee is scheduled to increase \$2.49 per ton (or 2.6 percent) from \$97.39 per ton to \$99.88 per ton. In addition to the allowed CPI increase on the base tip fee (going from \$95.72 per ton to \$98.08 per ton), this tip fee includes \$0.37 per ton for additional work being*

done under the Clark County contract by Columbia Resource Company at the Central Transfer and Recycling Station (\$0.31 of this is new for 2022 related to construction access improvements for safety) as well as \$1.43 per ton for a surcharge approved by the Clark County Council in 2017 to make up for lost state funding for regional solid waste programs and planning.

### *Recycling Fees*

The rates proposed for January 1, 2022, include adjustments to curbside (increasing from \$3.30 to \$3.37) and multi-family collection fees (increasing from \$1.33 to \$1.36) based on the Inflation Adjustment Factor (2.1%) detailed above as well as adjustments to the recycling processing surcharges which were added April 1, 2019 to recover costs associated with the local response to the global market issues and the ongoing need for supplying quality materials to these markets. Based on a review of operational factors, Clark County has indicated that the \$62.52 per ton processing fee in 2021 will be adjusted to \$48.56 on January 1, 2022. Through 2021, Vancouver residential customers paid recycling surcharges based on a \$68.11 “preliminary” per ton processing fee that was subsequently reduced by the County and Columbia Resource Company after City Council adopted the Vancouver 2021 rates. Also, during 2021 the contractor billed customers using the 2020 approved recycling surcharge rates rather than the lower rates authorized for 2021. Both of these overcharges are offset through a “true up” with 2022 reductions in the amounts of these fees. As a result, the proposed rates reflect a net \$0.25/mo. reduction for single family customers and a net \$0.20/mo. reduction for multi-family customers. The processing surcharge for curbside customers will decrease from \$1.46 per month to \$0.81 per month. The processing surcharge for multi-family customers goes from \$0.70 per month to \$0.29 per month. The combined impact for recycling fee components is a 12.1 percent decrease (\$0.58 per month) in curbside recycling charges and a 18.7 percent decrease (\$0.38 per month) in multi-family recycling charges.

### *Organics Fees*

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

### *Typical Residential Rate Impact*

For 2022 overall, the typical residential customer rates for 32gallons of weekly garbage service with recycling and organics collection increases 0.2 percent, or \$0.06 per month, under this recommendation. This reflects a \$0.47 increase in garbage charges, a net \$0.58 decrease in combined

*recycling collection rate and recycling processing surcharge fees, and a \$0.17 increase in the organics charge. Households that have chosen different service levels may experience slightly different rate impacts.*

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

Request: On November 8, 2021, approve ordinance on first reading, setting date of second reading and public hearing for November 15, 2021.

*Julie Gilbertson, Solid Waste Supervisor, 360-487-7162;  
David Galazin, Assistant City Attorney, 360-487-8500*

**Motion approved the request.**

**2. Fourth Plain Commons Community Center funding & purchase**

Staff Report 169-21

**A RESOLUTION** relating to the Fourth Plain Commons project; providing approval for and authorizing the City Manager to execute a Purchase and Sale Agreement and a Parking, Access, and Utilities Easement Agreement.

***Summary***

***Commons Community Center***

*Fourth Plain Commons is a mixed-use project to be constructed in a low-income census tract (427.00) in the Fourth Plain Corridor. The development is a partnership between the City of Vancouver and the Vancouver Housing Authority and consists of two separate components: the Commons Community Center on the first floor and an 106-unit affordable housing development, located on floors 2-6. CDBG funds previously appropriated for this project will be used to support the community center, plaza, and shared space only.*

*The Commons Community Center will consist of a 9,758 square foot community space and is envisioned as a flexible area where people from the Fourth Plain community can gather, hold events, and access services. This space will include a commercial kitchen, office space for nonprofits to provide supportive services, a community gathering space, an outdoor space with infrastructure for farmers markets and food carts, and a space for*

*business incubation for food entrepreneurship. Construction on this project is scheduled to begin in November 2021 and take approximately 13 months.*

*Based on the Council-approved Section 108 Loan application, the City received approval from HUD in September to move forward with the loan authorization. The Section 108 loan program provides Community Development Block Grant (CDBG) jurisdictions the opportunity to leverage up to five times the jurisdiction's annual CDBG grant allocation. The loan is low-cost, flexible financing for economic development, public facility, and infrastructure projects. Currently, the City of Vancouver is eligible to borrow up to \$4,199,000 of Section 108 loan funds. Approval of the Section 108 loan contract will be considered under separate Council action.*

*The Section 108 loan will be used to support the purchase and buildout of the Commons Community Center including a percentage of onsite infrastructure including sewer, water, sidewalks, the foundation, etc. Any revenue generated from the Commons Community Center after expenses will be used to pay back the loan. Additionally, the City will set aside CDBG funds up to \$300,000 annually to make payments. The annual debt payments will be calculated based on LIBOR plus 20 points and the amount of money that is borrowed.*

### **Purchase and Sale Agreement (PSA)**

*The Purchase and Sale Agreement provides the terms and conditions by which the City will acquire a commercial condominium unit containing approximately 19,006 square feet including interior space for a community center, a public plaza, and playground as part of an affordable housing project on vacant land located at 2200 Norris Road, Vancouver, Washington. The construction period is approximately 13 months. Under the PSA, the VHA, through 2200 Norris LLP, its Low-Income Housing Tax Credit partnership, will develop and construct certain improvements on the property that will include a comprehensive build out of a residential condominium with 106 low-income apartment units and related amenities and construction of the City's commercial condominium unit containing a warm vanilla building shell for the community center, in accordance with plans and specifications referenced in the PSA. The plans and specifications are very large architectural and engineering files, however these documents are available for review upon request.*

*The purchase price for the commercial unit is a not-to-exceed price of \$5,500,000 based on the total development cost of the Commons Community Center and the commercial unit's proportionate share of costs of shared improvements for the project. The City's obligation to perform under the PSA is contingent upon approval of the Section 108 loan.*

*Payment of the purchase price and closing of the PSA transaction will occur once the Project is deemed complete upon issuance of certification of substantial completion, in conformance with the PSA plans, by 2200 Norris LLP's architect pursuant to the industry standard AIA G704 Certificate of Substantial Completion Form. VHA is financing construction of the project and the City will pay the purchase price at Closing.*

*A draft form of the Purchase and Sale Agreement is attached. The substantive terms of the transaction have been mutually agreed upon by the parties and minor edits may still be necessary to prepare the execution form of the PSA.*

### ***Parking, Access, and Utilities Easement Agreement***

*The Parking, Access, and Utilities Easement Agreement is a condition of the Purchase and Sale Agreement and is intended to be granted concurrent with execution of the Purchase and Sale Agreement. The easement will provide for additional parking to support the Commons Project through construction of a parking lot on the vacant land portion of Fire Station #2's parcel. The parking lot will be constructed at VHA's sole expense, subject to an ongoing shared maintenance agreement with the City for the community center's proportionate use and will be available for use by residents of the Commons Project and the City.*

*The Parking Easement is excluded from the City's surplus property requirements pursuant to Vancouver Municipal Code 3.30.020(B)(3) as an intergovernmental transfer of property rights from the City to VHA, subject to RCW 39.33.015, for the public benefit purpose of providing related facilities, the parking lot, supporting the goals of affordable housing development in accordance with the requirements of RCW 39.33.015(8)(a) and RCW 43.63A.510 ("Public Benefit Purpose"). The Parking Easement contains a covenant that the land must be continuously used for and comply with the Public Benefit Purpose affordable housing requirements, otherwise the easement will terminate, and the parking lot improvements will become property of the City.*

*A draft form of the Parking, Access, and Utilities Easement Agreement is attached. The substantive terms of the easement have been mutually agreed upon by the parties and minor edits may still be necessary to prepare the execution form of the Parking Easement. The Parking Easement will be executed and recorded concurrent with the PSA, conditioned on the VHA's fulfillment of the affordable housing Public Benefit Purpose requirements.*

Request:        Adopt a resolution approving the transactions contemplated by the draft Purchase and Sale Agreement and the draft Parking,



Access, and Utilities Easement Agreement and authorizing the City Manager or his designee to sign the PSA, Easement, and all related documents necessary to facilitate the development, construction, and acquisition of the commercial condominium unit of the Fourth Plain Commons Project.

*Peggy Sheehan, Community Development Programs Manager, 360-487-7952; Becky Rude, Assistant City Attorney, 360-487-8500*

### **3. Appointment to Building and Fire Code Commission**

*The Building and Fire Code Commission advises City Council on building and fire codes and all proposed code changes; hears appeals of building official and fire code interpretations.*

*Council Committee 2 recently conducted interviews to fill two seats on the Building/Fire Code Commission. They recommend the reappointment of incumbent John Gentry and the appointment of Jimmy Stewart, with terms beginning January 31, 2022, and expiring January 31, 2028.*

Request: Reappoint John Gentry and appoint Jimmy Stewart to the Building and Fire Code Commission, terms beginning January 31, 2022, and expiring January 31, 2028.

*Council Committee 2*

**Motion approved the request.**

### **4. Appointment to Lodging Tax Advisory Committee**

*The Lodging Tax Advisory Committee is a volunteer body that makes recommendations to the Vancouver City Council about how that tax revenue is spent. Over the years, the committee has helped award hundreds of thousands of dollars in lodging tax grants to local projects and events that increase tourism in the city.*

*During 2020, operations of LTAC were halted due to the effects of the pandemic and within that time the terms on LTAC had expired. After a recent recruitment and subsequent reappointment of the seven previous LTAC incumbents, the eighth seat remained and a recruitment for that was just concluded.*

*Council Subcommittee 1 interviewed for this mid-term appointment and*

*they recommend appointing Jennifer Kenney, with a term beginning immediately and expiring September 30, 2022.*

Request: Appoint Jennifer Kenney to the Lodging Tax Advisory Committee, term beginning immediately and expiring September 30, 2022.

*Council Committee 1*

**Motion approved the request.**

**5. Approval of Claim Vouchers**

Request: Approve claim vouchers for November 8, 2021.

**Motion approved claim vouchers in the amount of \$6,117,453.55.**

**Public Hearings (Item 6)**

**6. Section 108 Loan Ordinance for Fourth Plain Commons**

Staff Report 164-21

**AN ORDINANCE** of the City of Vancouver, Washington, approving and authorizing a loan guarantee contract and note and related documents under Section 108 of the Housing and Urban Development Act of 1974, as amended to provide funds for the Commons Community Center as a part of the Fourth Plain Commons project and delegating authority to execute and deliver the note and the contract and related documents.

*Fourth Plain Commons is a new-construction, mixed-use condominium project located in a low-income census tract (427.00) on the Fourth Plain Corridor. The development is a partnership between the City of Vancouver and the Vancouver Housing Authority and consists of two separate components: The Commons Community Center, with public plaza and outdoor playground, on the first floor and a 106-unit affordable housing development, located on floors 2-6. The CDBG funds will be used to support the purchase of the community center, plaza and shared space only. The Commons Community Center will consist of a 9,758-square-foot community space and is envisioned as a flexible area where people from the Fourth Plain community can gather, hold events, and access services. This space will include a commercial kitchen, office space for nonprofits to provide supportive services, a community gathering space, an outdoor space with infrastructure for a farmers market and food carts, and a space*

*for business incubation for food entrepreneurship. The thirteen-month construction on this project is scheduled to begin in November 2021.*

*Following City Council approval for the Section 108 loan application on July 26, 2021, the City received a commitment from HUD (September 2021) for approval of a Section 108 Loan of approximately \$4,199,000 to purchase and build out the community center and pay the cost of issuance. The Section 108 loan provides Community Development Block Grant (CDBG) jurisdictions the opportunity to leverage up to five times the jurisdiction's annual CDBG grant allocation. The loan is low-cost, flexible financing for economic development, public facility, and infrastructure projects. Initially the loan will be a variable rate note tied to three-month Treasury Auction Bill rate plus 35 basis points (0.35) but could eventually be converted to a fixed rate note. The Section 108 loan requires Council authorization and reduces the City's overall outstanding debt capacity. It commits the City to repay debt service for the next 20-years, however, the City always has the option to pay the loan off early with no penalty.*

*The City will set aside CDBG funds up to \$300,000 annually to make the debt service payments. In addition, the City's full faith and credit is pledged as a repayment source, if CDBG grant funds are not sufficient to meet the annual debt service requirements.*

*Authorization of the ordinance will delegate to the City Manager to execute and deliver the required documents on behalf of the City to HUD.*

Request: On Monday November 8, 2021, subject to second reading and public hearing, approve the ordinance.

*Peggy Sheehan, Community Development Programs Manager, 36-487-7952; Carrie Lewellen, City Treasurer, 360-487-8482*

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

Peggy Sheehan, Community Development Programs Manager, provided an overview of the project and the bond ordinance that will allow the City to borrow funding to purchase the Community Center of the Fourth Plain Commons Project.

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

**Motion by Councilmember Stober, seconded by Councilmember Paulsen, and carried unanimously to approve Ordinance M-4352.**

Regarding Item 2, Councilmember Fox requested Council consideration take place following the Community Forum.

## 7. **Community Forum**

Request:

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

- Harold Hanson, Vancouver, expressed concerns about an unsanctioned camp north of Mill Plain Blvd and 112th Avenue and requested the City address it.
- Cathryn Chudy, Vancouver, urged the City to move as quickly as possible in implementing an early action package pertaining to reducing carbon emissions and improving the City's climate resiliency.
- Glen Yung, Vancouver, spoke regarding the earlier workshop on resourcing fire and EMS services and urged the City to consider utilizing bonds to pay for these services and also encouraged the Council to be wary of implementing impact fees, as those have a direct impact on housing costs.
- Cambrie Murray, Vancouver, urged the Council to begin conducting meetings in person again, and spoke in opposition to mask and vaccine mandates related to the COVID-19 pandemic.
- Diane Moeglein, Vancouver, urged the Council to begin conducting meetings in person again, and spoke in opposition to mask and vaccine mandates related to the COVID-19 pandemic.
- Justin Forsman, Vancouver, spoke in opposition to mask and vaccine mandates related to the COVID-19 pandemic and spoke in support of a silver-based currency.
- Kimberlee Elbon, La Center, Washington, expressed concerns about the Local Governments for Sustainability (ICLEI).
- Wynn Grcich, Vancouver, spoke in opposition to mask and vaccine mandates related to the COVID-19 pandemic.
- Patrick Locke, Ridgefield, Washington, spoke in opposition to mask and vaccine mandates related to the COVID-19 pandemic

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

Following the Community Forum, Council considered Item 2 of the Consent Agenda: **Fourth Plain Commons Community Center funding & purchase (Staff Report 169-21)**

Councilmember Fox stated she was able to review the proposed modifications and had no further questions or concerns.

**Motion by Councilmember Fox, seconded by Councilmember Paulsen, and carried unanimously to adopt Resolution M-4150, approving the request with the inclusion of revisions to the Parking Easement as outlined by the City Attorney's Office.**

## **Adjournment**

7:15 p.m.

---

Anne McEnery-Ogle, Mayor

Attest:

---

Natasha Ramras, City Clerk

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

After recording, return to:

Vancouver Housing Authority  
2500 Main Street  
Vancouver, WA 98109-1028  
Attn: General Counsel

---

Space Above for Recording Information Only

**PARKING, ACCESS, AND UTILITIES EASEMENT AGREEMENT**

Grantor: City of Vancouver

Grantee: Housing Authority of the City of Vancouver

Abbrev. Legal Descriptions: Tax Lot #9 & #99 and #18 & #82, Robert Rockett DLC,  
Section 24, Township 2 North, Range 1 East

Assessor's Tax Parcel ID Nos.: 029844000; 29849000

This Parking, Access, and Utilities Easement Agreement (this "Agreement") is made this \_\_\_\_ day of November, 2021 (the "Effective Date"), by and between the City of Vancouver, a Washington municipal corporation ("City") and Housing Authority of the City of Vancouver, a public body corporate and politic of the State of Washington ("VHA").

A. City owns a parcel of land commonly known as 2106 Norris Road more particularly described in Exhibit A attached hereto (the "City Parcel"). The City Parcel currently includes a building for the City of Vancouver International District Fire Station #2 ("Fire Station"), an existing parking lot, and vacant land, with the vacant land portion of the City Parcel being the Easement Area, as defined below, that is the subject of this Agreement.

B. VHA owns a parcel of land, located adjacent to the City Parcel and more particularly described in Exhibit B (the "Commons Parcel").

C. VHA is leasing the Commons Parcel and Easement Area to 2200 Norris LLLP, a Washington limited liability limited partnership ("2200 Norris"), under that Lease Agreement between VHA and 2200 Norris of even date herewith- ~~("Lease Agreement"). The City has no~~

objection to the leasing of the Easement Area to 2200 Norris subject to the covenants and restrictions provided herein.

D. 2200 Norris will construct and operate an affordable housing project on the Commons Parcel in compliance with the definition of “affordable housing” provided by the Revised Code of Washington (RCW) 43.63A.510(4)(a), and a parking lot on the Easement Area (the “Commons Project”).

DE. VHA is the sole general partner of 2200 Norris.

EF. City and VHA are parties to that certain Condominium Purchase and Sale Agreement of even date herewith which establishes terms under which VHA will convey to the City the commercial unit within the Commons Project.

FG. The City and VHA wish to have the parking lot that is included in the Commons Project available for use by 2200 Norris, the residents of the Commons Project, the City, and their respective invitees.

GH. This Agreement is excluded from the City’s surplus property requirements pursuant to Vancouver Municipal Code 3.30.020(B)(3) as an intergovernmental transfer of property rights from the City to VHA subject to RCW 39.33.015 for the public benefit purpose of providing related facilities supporting the goals of affordable housing development in accordance with the requirements of RCW 39.33.015(8)(a) and RCW 43.63A.510 (“Public Benefit Purpose”).

HI. It is anticipated that upon completion of the Commons Project, the Commons Project and the Commons Parcel will be subjected to the condominium form of ownership and governed by a condominium owners association, subject to compliance with the Public Benefit Purpose and affordable housing requirements of this Agreement and the Commons Project.

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, and incorporating the background recitals above, the City and VHA hereby agree as follows:

1. Declaration of Easement Grant. City does hereby grant and convey to VHA, its successors and/or assigns, a perpetual, exclusive, nonpublic easement for the installation, construction (including temporary storage of materials and equipment during construction of the Commons Project), maintenance, repair, and improvement of the Parking Lot, and for ingress, egress, parking, and utilities over and across real property situated in Clark County, Washington legally described on Exhibit C and depicted on Exhibit D, being the vacant portion of the City Parcel (the “Easement Area”), which shall be appurtenant to the City Parcel and the Commons Parcel and which shall burden the City Parcel and benefit the

Commons Parcel. Such easement shall establish a vehicular parking area to be constructed by 2200 Norris, as more fully described herein (the "Parking Lot").

2. Public Benefit Purpose. In order to satisfy the requirements of RCW 39.33.015(2), VHA hereby covenants and agrees that the Easement Area and Parking Lot shall be designated and continuously used for the Public Benefit Purpose ("Public Benefit Covenant"). In the event that VHA violates this Public Benefit Covenant by failing or ceasing to use the Easement Area or Parking Lot allocated to the VHA Shared Split (as defined in Section 6.1 below) for the Public Benefit Purpose, the City shall have the remedies provided herein.

3. Compliance with Laws. VHA shall, at VHA's own cost and expense, comply with all applicable laws, statutes, ordinances, regulations, orders and requirements now or hereafter made or issued by any governmental entities and courts having jurisdiction, whether federal or state or county or municipal ("Applicable Laws"). If any license, permit, or other governmental authorization is required for the lawful use or occupancy of the Easement Area or Commons Parcel or any portion of the Easement Area or Commons Parcel, VHA shall procure and maintain such license, permit, or governmental approval so long as this Agreement remains in effect. The judgment of any court of competent jurisdiction, or the admission by VHA in a proceeding brought against VHA by any government entity, that VHA has violated any Applicable Laws shall be conclusive as between City and VHA and shall constitute a VHA default within the meaning of Section 8.

4. Utilities. VHA shall pay or cause to be paid prior to the delinquency date therefor, and hold City free and harmless from, all charges for the furnishing of gas, water, electricity, telephone service, internet and other public utilities to the Easement Area so long as this Agreement is in effect and for the removal of garbage and rubbish from the Easement Area so long as this Agreement is in effect. Without limiting the generality of the foregoing, VHA shall be solely responsible for all utility hook-up, connection, impact, metering and other fees in connection with utility service for the Easement Area. In the event that any utilities on the Easement Area are shared with City, City will install a separate meter and be solely responsible for the cost of utilities it uses.

5. Construction of Parking Lot.

5.1 Duty to Construct. VHA shall require that 2200 Norris construct or cause the Parking Lot to be constructed on the Easement Area in accordance with the development approvals and entitlements issued to or obtained by 2200 Norris from the City of Vancouver and other governmental agencies for the Commons Project and the Parking Lot (the "**Final Approvals**").

5.2 All Work on Written Contract. All work required in the construction of the Parking Lot, including any site preparation work, landscaping work, and utility



installation work, as well as actual construction work, shall be performed only by competent contractors licensed under the laws of the State of Washington and reasonably experienced in performance of comparable work, and shall be performed in accordance with written contracts with those contractors.

5.3 Construction Costs. VHA shall require 2200 Norris to pay when due all Construction Costs associated with the Parking Lot. The term "Construction Costs" means all hard and soft costs of construction of the Parking Lot described in any enforceable construction agreement with the contractor of the Parking Lot. Construction costs do not include any costs incurred by City except costs incurred or suffered by City as a result of 2200 Norris's non-payment of 2200 Norris's contractor.

5.4 Mechanics' Liens. VHA shall at all times keep the Easement Area free and clear of all liens and claims of liens for labor, services, materials, supplies, or equipment performed on or furnished to the Easement Area ("Mechanics' Liens"), except for liens for release of retainage as described in Chapter 60.28 RCW ("Retainage Liens"). Should VHA fail to pay and discharge or cause the Easement Area to be released from any such Mechanics' Lien within 30 days after service on VHA of written request from City to do so, City may pay, adjust, compromise, and discharge any such lien or claim of lien on any terms and in any manner that City may deem appropriate; provided, however, that VHA shall discharge any Retainage Liens only after it receives releases from the Department of Revenue, Labor and Industries, and Employment Security (all as required by Applicable Laws) and shall otherwise discharge any Retainage Liens in accordance with Washington statutes. VHA shall reimburse City for the full amount paid by City in paying, adjusting, compromising, and discharging any Mechanics' Lien.

5.5 Necessary Plans and Agreements. City, in its capacity as a property owner, agrees to take the following actions, within ten business days of VHA's written request, if and to the extent required to implement or finalize the Final Approvals for the Parking Lot or to facilitate the construction or operation of the Parking Lot:

5.5.1 Join in the grants of easements to public and/or private utility companies required to provide utility services to the Parking Lot or within the right-of-way of any streets shown on a recorded final map or parcel map;

5.5.2 Execute consents to or join in any reciprocal easement agreement or covenants, conditions, easements and/or restrictions entered into by VHA with owners or tenants of adjoining property, in connection with the creation, improvement, use and maintenance of any new or existing appurtenant easements required to construct and operate the Parking Lot; and

5.5.3 Execute such other documents, including maps, easements, covenants, consents, agreements, conditions, easements, restrictions, instruments and other documents as reasonably necessary to facilitate the construction or operation of the Parking Lot;

Provided, however, that City, in its capacity as a property owner, shall have the right to review and approve of any such map, easement, consent, grant, agreement, covenant, condition, easement, restriction, instrument or other document to be so executed or joined in by City, which approval shall not be unreasonably withheld, conditioned or delayed.

5.6 Permits and Authorizations. Should VHA deem it necessary or appropriate to obtain any zoning or land use permit to construct or operate the Parking Lot, City agrees to execute any documents, petitions, applications, utility easements and authorizations, that may be necessary or appropriate in its capacity as landowner; provided, however, that nothing within this Agreement shall be construed as limiting the City when acting in its governmental and regulatory capacity; and provided further, that any such permits, variances, or rezoning shall be obtained at the sole cost and expense of VHA, except to the extent that such documents, petitions, applications, utility easements and authorizations are for the exclusive benefit of City and not as a condition of the Parking Lot. City shall have the right to review and approve of any such documents, petitions, applications, utility easements, authorizations or other instrument to be so executed or joined in by City, which approval shall not be unreasonably withheld, conditioned or delayed.

5.7 Ownership of the Parking Lot. In the event this Agreement is terminated, the Parking Lot shall automatically and, without any act of VHA, 2200 Norris, the City, or any third party, become City's property, and VHA shall surrender the Parking Lot to City free and clear of all liens and encumbrances, other than those, if any, expressly permitted under this Agreement to survive the termination of this Agreement or otherwise created or consented to by City, and VHA agrees to execute, acknowledge, and deliver to City any instrument requested by City as necessary in City's opinion to perfect City's right, title, and interest to the Parking Lot and the Easement Area.

5.8 Archaeological Discovery. If any objects of cultural or archaeological significance are discovered on the Easement Area (a "Discovery"), VHA will comply with all Applicable Laws governing discovery and preservation of such items. In the event that compliance with Applicable Laws related to a Discovery creates either (a) a substantial impact to the Parking Lot, including material delays or a material increase in costs, or (b) conditions related to the Easement Area that are outside the scope of VHA's Parking Lot, then City and VHA will enter good faith negotiations to reasonably allocate Discovery costs associated with compliance with Applicable Laws.

5.9 Impacts to Fire Station; Coordination.

5.9.1 If during construction of the Parking Lot, 2200 Norris causes a net reduction in number of existing parking stalls used by Fire Station employees, then VHA will temporarily provide the Fire Station with the additional parking stalls required to offset the net reduction.

5.9.2 ~~During construction~~ Except as provided in Section 5.9.1, VHA will maintain the Fire Station's access to its existing parking lot during all hours.

5.9.3 Before the commencement of construction VHA will prepare a Construction Impact Mitigation Plan, with input from City, 2200 Norris and Fire Station, which is intended to reduce or eliminate certain anticipated impacts, to the extent reasonably practicable, to the Fire Station arising from the construction of the Parking Lot, including with respect to transportation, noise, and dust control. VHA will require 2200 Norris to direct its contractor to make commercially reasonable efforts to contain dust and odor on site and to schedule its work in a manner designed to minimize the impacts to the Fire Station.

5.9.4 VHA shall offer to meet regularly with a designated representative of the Fire Station in order to discuss and address impacts of the construction of the Parking Lot and methods for eliminating or minimizing adverse impacts to the Fire Station.

6. Parking Agreement.

6.1 VHA and the City agree to a shared use and allocation of maintenance costs and responsibilities of the Parking Lot as follows: VHA at 82.3 percent and the City at 17.7 percent (the "Shared Split").

6.2 The Parking Lot stalls shall be divided between VHA and the City in accordance with the Shared Split and as mutually agreed to between the parties

6.3 For purposes of this Agreement, "Maintenance" is defined as the work normally necessary to preserve and keep the Parking Lot, including all roadways, road structures, sidewalks, landscaping, and road facilities in a good and reasonably safe condition. Maintenance of the Parking Lot includes normal road improvement and maintenance work to adequately maintain the Parking Lot and related drainage facilities to permit all weather access, and includes prompt patching or filling of holes, treating for an extended life, repairing cracks, repairing and resurfacing roadbeds, gravelling, grading, repairing and maintaining drainage structures, removing debris, maintaining any signs, markers, striping, and lighting, if any, and maintenance, repair, or improvements required by law.

6.3.1 VHA will regularly determine the nature and cost of the Maintenance needed for the Parking Lot, including payment of prevailing wage in accordance with Washington law, Chapter 39.12 RCW ("Maintenance Costs"), and will prepare a budget for such Maintenance Costs annually, subject to the City's review and approval, which approval shall not be unreasonably withheld ("Maintenance Budget"). ~~The~~ VHA shall perform the approved Maintenance and the Maintenance Costs shall be divided between VHA and the City in accordance with the Shared Split.

6.3.2 In the case of an emergency, VHA will determine the nature of the repairs to be undertaken, the contractor to perform the maintenance or repairs, and the costs for such maintenance or repairs, provided that such repairs must be performed in compliance with RCW 39.12. In such a case, VHA may repair the Parking Lot to the extent required to resolve the emergency at its sole cost and expense and invoice the City for such emergency repair costs in accordance with the Shared Split.

6-46.3.3 The City may at any time require reasonable and necessary documentation from VHA for any Maintenance performed, including emergency repairs, and any Maintenance Costs or emergency repair costs charged to justify the City's payment of its Shared Split, which request shall not be unreasonably made. In the event that the VHA does not reasonably comply with such documentation requests, the City shall have no obligation whatsoever to reimburse the VHA or pay its Shared Split of the Maintenance Costs or any costs associated with or arising from any maintenance, repair, or improvement of the Parking Lot.

6-56.4 If VHA desires to improve or reconstruct improvements to the Parking Lot ("Capital Improvements"), VHA shall determine the nature and cost of the improvements and present such Capital Improvements to the City for consideration. Upon the City's approval of the Capital Improvements, which approval shall not be unreasonably withheld, the City shall pay for the Capital Improvements in accordance with the Shared Split unless the parties agree to a different cost allocation by written agreement.

6-66.5 The City may notify VHA in writing of any Maintenance necessary to adequately maintain the Parking Lot in a good and reasonably safe condition and VHA must perform, or present the City a plan to perform, such Maintenance within 60 days of receipt of the written notice. If, after 60 days of VHA's receipt of written notice, VHA has failed to act, the City may perform such Maintenance after providing an additional 15 days' notice and recover the cost thereof from the VHA in accordance with the Shared Split.

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7. Indemnity and Insurance.

7.1 VHA Indemnity. VHA shall hold harmless, indemnify, and defend City, its elected and appointed officials, officers, employees and agents, from any and all claims, actions, suits, liability, loss, damages, or expenses (including by not limited to reasonable attorney fees) (collectively, "Claims") resulting from the construction of the Parking Lot and occupation and use of the Easement Area by VHA after the Effective Date except to the extent that such Claims are the sole result of the negligence or willful misconduct of City. VHA shall retain the right to obtain indemnity or recovery for any liability or costs VHA incurs relating to contaminants, Hazardous Substances, wastes or materials on the Property from other potentially responsible party under appropriate state or federal environmental laws. This section shall survive the termination of this Agreement.

7.2 City's Indemnity. City shall hold harmless, indemnify, and defend VHA, its officers, directors, and assigns , from any and all Claims resulting from the occupation and use of the Easement Area by City before the Effective Date, except to the extent that such Claims are the sole result of the negligence or willful misconduct of VHA. City shall retain the right to obtain indemnity or recovery for any liability or costs City incurs relating to contaminants, Hazardous Substances, wastes or materials on the Easement Area from other potentially responsible party under appropriate state or federal environmental laws. This section shall survive the expiration or earlier termination of this Agreement.

7.3 Industrial Indemnification Waiver. The foregoing indemnities contained in Sections 7.1 and 7.2 are specifically and expressly intended to constitute a waiver of the indemnifying party's immunity under Washington's Industrial Insurance Act, RCW Title 51, with respect to the indemnifying party only, and only to the extent necessary to provide the indemnified party with a full and complete indemnity of claims made by the indemnitor's employees. The parties acknowledge that these provisions were specifically negotiated and agreed by them.

7.4 General Liability Insurance. VHA will require that 2200 Norris procure and maintain for the duration of this Agreement commercial general liability (CGL) insurance written on an occurrence (and not "claims-made") basis, insuring against all liability of 2200 Norris with respect to the Easement Area, including contractual liability coverage recognizing the liability assumed by 2200 Norris under Section 7.1 above providing coverage at least as broad as ISO policy form CG 00 01. Such insurance shall name 2200 Norris as named insured and City as additional insured thereunder and shall be primary and non-contributing with respect to any insurance maintained by City. Such policy shall be annually renewing and not have a deductible in excess of Ten Thousand Dollars (\$10,000). Such insurance shall be issued by an

insurance company licensed by the State of Washington insuring 2200 Norris and City against loss or liability caused by or connected with operation, occupation and use of the Easement Area by 2200 Norris, shall expressly provide that such policies shall not be canceled or altered without 30 days' prior written notice to City, and be issued in amounts not less than the following:

7.4.1 \$2,000,000 CGL Limit for injury to or death of one person and, subject to that limitation for the injury or death of one person, of not less than \$5,000,000 for injury to or death of two or more persons as a result of any one accident or incident; written as an Umbrella or Excess Coverage and as an option, written as Single Combined Limit or separate for \$1,000,000 Automobile Losses that occur during ingress, egress or around the leased property; and

7.4.2 \$5,000,000 CGL Limit for damage to or destruction of any property.

7.5 Casualty Insurance. VHA will require that 2200 Norris maintain for the duration of the Agreement casualty insurance for the full replacement value of the buildings and improvements on the Easement Area against loss or destruction by fire and the perils commonly covered under the standard extended coverage endorsement to fire insurance policies in the county where the Easement Area are located, providing coverage at least as broad as ISO policy forms CP 10 30 and CP 00 10.

7.6 Waiver of Subrogation. Any insurance carried by either party as required by this Agreement shall include a clause or endorsement denying to the insurer a right of subrogation against the other party to the extent rights have been waived by the insured prior to occurrence of an injury or loss. Each party, notwithstanding any provisions of this Agreement to the contrary, hereby waives any rights of recovery against the other for injury or loss due to hazards covered by insurance containing such a clause or endorsement.

8. Default.

8.1 Events of Default. Each of the following events shall be an "Event of Default" by VHA and a "breach" of this Agreement:

8.1.1 Failure to continuously abide by the Public Benefit Covenant;

8.1.2 Failure to perform any term, condition, covenant, or requirement of this Agreement, or failure to satisfy a covenant encumbering the City Parcel, if such failure is not cured within 90 days after VHA receives from City of written notice of such failure;

~~8.2 — City's Remedies. This Agreement may be revoked by the City and terminated upon an Event of Default, if not cured within the provided cure period, and shall automatically terminate upon a breach of the Public Benefit Covenant or upon an Unpermitted Transfer, as defined in Section 12 below.~~

~~8.38.2 City's Default.~~ City shall be in default under this Agreement if City fails to cure any breach of its obligations under this Agreement within ~~30~~180 days after receipt of written notice from VHA specifying in reasonable detail the nature of City's breach; provided, however, that if the nature of City's breach is such that more than ~~30~~90 days are required for performance, then City shall not be in default if City commences the cure of such breach within ~~30~~180 days of the receipt of such notice from VHA and pursues such curative action with due diligence to completion.

~~8.48.3 Injunctive Relief.~~ Each party acknowledges and agrees that a non-defaulting party may be irreparably harmed by a breach of this Agreement, and, notwithstanding the cure periods set forth above in this Section 8, in the event of such irreparable harm, the non-defaulting party shall be entitled without waiting for the expiration of such cure periods to obtain equitable relief in the form of specific performance, a temporary restraining order, a temporary or permanent injunction, or any other equitable remedy that may be available. The foregoing remedies are not exclusive.

~~8.4 Lender's Remedies. In all instances City shall not exercise any of its remedies hereunder without having given notice of the Event of Default to Wells Fargo, National Association (the "Lender"). The Lender shall have the same cure period after the giving of a notice as provided to VHA, plus an additional period of 90 days. If the Lender elects to cure the default, City agrees to accept such performance as though the same had been done or performed by VHA. Notwithstanding anything to the contrary contained herein, the Lender shall be deemed a third-party beneficiary of the provisions of this Section 8.4 for the sole and exclusive purpose of entitling the Lender to exercise its rights to notice and cure, as expressly stated in this Section 8.4.~~

~~8.5 City's Remedies. Subject to Sections 8.1 and 8.4 above, and in addition to any rights in law or equity, the City may immediately terminate this Agreement following an uncured Event of Default.~~

9. Costs and Attorney Fees. In the event a party hereunder takes any action to enforce this Agreement, with or without bringing suit, brings suit or action to enforce this Agreement or obligation under the law, or to collect any money due thereunder or to foreclose a lien, the non-prevailing party must pay all costs and expenses incurred by the prevailing party in connection with such suit or action, including a litigation guaranty report issued by a title

company doing business in Clark County, Washington, and the prevailing party in such suit or action shall recover such amount as the court may determine to be reasonable as attorney fees at trial and upon any appeal or petition for review thereof.

10. Hazardous Substances.

10.1 The term "Hazardous Substance", as used in this Agreement, means any substance, material, or waste which is: (a) defined as a "hazardous waste," "hazardous material," "hazardous substance," "extremely hazardous waste," "restricted hazardous waste," "pollutant," or any other terms comparable to the foregoing terms under any provision of Washington law or federal law; (b) petroleum and any fraction thereof; (c) asbestos and asbestos containing materials; (d) polychlorinated biphenyls; (e) radioactive materials; (f) mold; (g) Methyl Tertiary Butyl Ether ("MTBE"); or (h) determined by Washington, federal, or local governmental authority to be capable of posing a risk of injury to health, safety, property, or the environment. Without limiting the foregoing, Hazardous Substance means and includes any substance or material defined or designated as hazardous or toxic waste, hazardous or toxic material, hazardous, toxic or radioactive substance, or other similar term, by any environmental laws including any federal, state, or local environmental statute, regulation, or ordinance presently in effect that may be promulgated in the future, as such as statutes, regulations, and ordinances may be amended from time to time.

**10.2 CITY MAKES NO REPRESENTATIONS OR WARRANTIES WITH RESPECT TO THE CONDITION OF THE EASEMENT AREA, THE PRESENCE OF ANY HAZARDOUS SUBSTANCE ON THE CITY PARCEL, OR WITH RESPECT TO COMPLIANCE WITH ANY ENVIRONMENTAL LAW.**

10.3 VHA shall not bring onto, create or dispose of, in or about the Easement Area, any Hazardous Substances other than as is required for or customary for construction, maintenance, repair, and operation of a comparable project and done in compliance with Applicable Laws; and VHA shall not engage in any activity that violates any environmental laws. VHA, at VHA's sole expense, shall promptly take all investigatory and remedial action reasonably required or ordered by governmental authorities for the clean-up of any Hazardous Substances in, on, or about the Easement Area due to actions of VHA. VHA shall provide all notices or reports required pursuant to any Environment Law requiring notices or reports by VHA. VHA shall provide prompt written notice to City upon discovery of the existence of Hazardous Substances on the Easement Area and all notices of violation of environmental laws received by VHA.



11. Not a Public Easement. This Agreement is intended to grant a private and not a public easement. Nothing in this Agreement shall be construed to provide for public use or entry onto the Easement Area.

12. Run with the Land. The Agreement granted herein and its corresponding benefits and burdens shall run with the land and shall benefit and burden the Commons Parcel and the City Parcel. This Agreement shall be binding on and shall inure to the benefit of the heirs, executors, administrators, successors, and assigns of the parties hereto. Notwithstanding the foregoing, this Agreement may only be assigned or transferred with written consent from the City and any assignment or transfer without the City's written consent shall be deemed an "Unpermitted Transfer" resulting in automatic termination of the Agreement-; provided, however, as a result of foreclosure by Lender, a transfer or deed in lieu shall not require the City's consent nor constitute an "Unpermitted Transfer."

13. City Parcel Surplus. Upon expiration or termination of the Low Income Housing Covenant Agreement dated November \_\_, 2021, recorded on the Commons Parcel and in the event that the City determines the City Parcel is surplus to the needs of the City in accordance with VMC 3.30, the City shall have the right to terminate this Agreement for the sole purpose of disposing of the City Parcel pursuant to VMC 3.30.

14. General Provisions.

14.1 Force Majeure. Except as otherwise expressly provided in this Agreement, if the performance of any act required by this Agreement to be performed by either City or VHA is prevented or delayed by reason of any act of God, strike, lockout, labor trouble, discovery of unexpected subsurface conditions or artifacts, inability to secure materials, restrictive governmental laws or regulations or any other cause (except financial inability), provided such condition is not the fault of the party required to perform the act, the time for performance of the act will be extended for a reasonable period equivalent to the period of delay and performance of the act during the period of delay will be excused. However, nothing contained in this section shall excuse the performance of any act rendered difficult or impossible solely because of the financial condition of the party required to perform the act.

14.2 Notice to the Parties. Except as otherwise expressly provided by law, any and all notices or other communications required or permitted by this Agreement or by law to be served on or given under this Agreement shall be in writing and shall be deemed duly served and given when personally delivered to City or to any managing employee of City, or, in lieu of personal service, when sent by express mail or expedited courier that allows for tracking,

If to City at:

Vancouver City Manager  
City of Vancouver  
415 W. 6th Street  
PO Box 1995  
Vancouver, WA 98668-1995

With a copy to:

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

If to VHA at:

Housing Authority of the City of Vancouver  
2500 Main Street  
Vancouver, WA 98660  
Attn: Roy A. Johnson

A party may change its address for the purpose of this section by giving written notice of that change.

14.3 Conflict Resolution. The parties will first attempt to mediate any controversy or claim arising out of or relating to this Agreement prior to initiating binding arbitration. The parties shall first attempt to mutually agree upon a mediator. If the parties are unable to agree, then either party may submit a demand for mediation with JAMS, and the mediator shall then be selected according to JAMS's procedures. If the parties are unable to resolve such dispute by mediation, then in that case any controversy or claim arising out of or relating to this Agreement, or the breach thereof, shall be subject to arbitration. All settlement negotiations pursuant to this section shall remain confidential and shall be treated as compromise and settlement discussions for purposes of the applicable rules of evidence, including Rule of Evidence 408. The arbitrator shall have the power to award fees, costs and expenses, as well as reasonable attorney fees and witness fees, against the party that loses on substantially all of its claim(s) but only if the arbitrator determines that the proceeding was commenced or opposed in bad faith or recklessly or with intent to hinder or delay the other party from receiving the benefits to which it is entitled hereunder. The parties shall otherwise bear their own attorney fees, witness fees, costs, and expenses.

14.4 JURY TRIAL WAIVER. EACH PARTY TO THIS AGREEMENT HEREBY EXPRESSLY WAIVES ANY RIGHT TO TRIAL BY JURY OF ANY CLAIM, DEMAND, ACTION OR CAUSE OF ACTION ARISING UNDER THE AGREEMENT OR THE TRANSACTIONS RELATED HERETO OR THERETO, IN EACH CASE WHETHER NOW EXISTING OR HEREAFTER ARISING, AND WHETHER SOUNDING IN CONTRACT OR TORT OR OTHERWISE; AND EACH PARTY HEREBY AGREES AND CONSENTS THAT ANY PARTY TO THIS AGREEMENT MAY FILE AN ORIGINAL COUNTERPART OR A COPY OF THIS SECTION WITH ANY COURT AS WRITTEN EVIDENCE OF THE CONSENT OF THE PARTIES HERETO TO THE WAIVER OF THEIR RIGHT TO TRIAL BY JURY.

14.5 Governing Law. This Agreement, and all matters relating to this Agreement, shall be governed by the laws of the state of Washington in force at the time any need for interpretation of this Agreement or any decision or holding concerning this Agreement arises.

14.6 Severability. If any term, provision or covenant of this Agreement or the application thereof to any party or circumstances shall, to any extent, be held invalid or unenforceable, the remainder of this Agreement, or the application of such term, provision or covenant to persons or circumstances other than those as to whom or which it is held invalid or unenforceable, shall not be affected thereby, and each term and provision of this Agreement shall be valid and enforceable to the fullest extent permitted by law; provided, however, that the parties agree to meet and confer, in good faith, to negotiate a replacement provision that is consistent with the intent of the parties and the remainder of the Lease.

14.7 Approvals by City. If City's approval is required under any provisions of this Agreement, such approval shall be obtained in the manner described in Section 5.6.

14.8 No Partnership or Joint Venture. Nothing in this Agreement shall be construed to render City in any way or for any purpose a partner, joint venturer, or associate in any relationship with VHA other than that of easement grantor and grantee nor shall this Agreement be construed to authorize either to act as agent for the other.

14.9 Headings. Headings and captions used in this Agreement are for convenience only, do not define or limit the scope of this Agreement, and are not intended to interpret or change the meaning of any of the provisions of this Agreement.

14.10 Estoppel Certificates. Each party shall execute, acknowledge, and deliver to the other party, within ten business days' request, a certificate certifying:

14.10.1 That this Agreement is unmodified and in full force and effect or, if there have been modifications, that this Agreement is in full force and effect, as modified, and that the modifications are as described in (or attached to) the certificate.

14.10.2 That the party delivering the certificate has not given to the other party notice of default under this Agreement that has not been cured and, to the best of the party's knowledge and belief, no default exists or, if there has been notice given or a default exists, certifying to those facts and to the accuracy of the description of the default.

14.10.3 If the certificate is delivered by City, whether, to City's actual knowledge, all necessary construction, repairs, and maintenance, have been completed in accordance with the provisions hereof, without City giving any representation that the construction, repairs, and maintenance were performed or completed in compliance with applicable laws (including ordinances, regulations, and rules).

14.10.4 Certificates delivered under this section may be relied on by the receiving party's prospective lenders, prospective tenants, and prospective successors in interest under this Agreement.

14.11 Third Party Beneficiary. 2200 Norris will be a third-party beneficiary of this Agreement and is entitled to enforce its provisions as if a party hereto so long as (1) 2200 Norris is a party to the Lease Agreement, (2) the premises described in the Lease Agreement includes the Easement Area, and (3) the Lease Agreement remains in full force and effect.

~~14.11~~14.12 Counterparts; Amendments. This Agreement may be executed in multiple counterparts, each of which shall be deemed to be an original and all of which together shall constitute one document. This Agreement supersedes all prior agreements between the parties with respect to the subject hereof and all discussions, understandings, offers, and negotiations with respect thereto, whether oral or written. This Agreement shall not be amended or modified, except in a writing signed by each party hereto. If amended or modified as permitted by this section, the term "Agreement" shall thereafter be read as including all said amendments and modifications. All exhibits that are referenced in this Agreement or attached to it are incorporated herein and made a part hereof as if fully set forth in the body of the document.

~~14.12~~14.13 Recording the Agreement. The parties agree that this Agreement will be recorded at VHA's expense in the official records of Clark County, Washington.

***Signatures on following page***

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date first above written.

CITY OF VANCOUVER

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Its: \_\_\_\_\_

Approved as to Form:

By: \_\_\_\_\_

By: Jonathan Young, City Attorney

State of Washington )  
 ) ss.  
County of Clark )

This record was acknowledged before me on \_\_\_\_\_,  
2021 by \_\_\_\_\_ as \_\_\_\_\_ of the  
City of Vancouver, a Washington municipal corporation.

Dated: \_\_\_\_\_, 2021.

Notary Seal

---

Notary Public for Washington

Name of Notary

My appointment expires: \_\_\_\_\_

Housing Authority of the City of Vancouver,  
a public body corporate and politic of the  
State of Washington

\_\_\_\_\_  
Roy A. Johnson, Executive Director

State of Washington                    )  
                                                  ) ss.  
County of Clark                        )

This record was acknowledged before me on \_\_\_\_\_,  
2021 by \_\_\_\_\_ as \_\_\_\_\_ of  
Housing Authority of the City of Vancouver, a public body corporate and politic of the State  
of Washington.

Dated: \_\_\_\_\_, 2021.

Notary Seal

\_\_\_\_\_  
Notary Public for Washington

Name of Notary

My appointment expires: \_\_\_\_\_

## **EXHIBIT A**

### **Legal Description of the City Parcel**

A portion of the Robert Rockets Donation Land Claim (D.L.C.) in the Southwest quarter of the Southwest quarter of Section 24, Township 2 North, Range 1 East, Willamette Meridian, City of Vancouver, Clark County, Washington, described as follows:

Beginning at concrete monument with triangular brass cap in case with cover marking the Southwest corner of the Joseph Durgan Donation Land Claim (said point also being on the North line of the Edward Moore Donation Land Claim and also being on the East Right-of-Way Line of Norris Road);

Thence North 88°54'01" West, along the North line of said Edward Moore Donation Land Claim, for a distance of 50.00 feet to a 1/2" iron pipe set in a survey for "Fourth Plains School" by U. Ernest Nelson in May and October 1944 and recorded in Clark County Surveyor Bin File No. 251-G (said point bears South 88°54'01" East, 319.61 feet from a concrete monument with 2" brass disc marking the Northwest corner of the Edward Moore Donation Land Claim);

Thence North 00°58'44" East, along the West Right-of-Way Line of Norris Road parallel with and 50.00 feet West measured at right angles to the West line of the Joseph Durgan Donation Land Claim, for a distance of 293.67 feet to the TRUE POINT OF BEGINNING;

Thence continuing North 00°58'44" East, along said West Right-of-Way Line, for a distance of 201.62 feet;

Thence leaving said West Right-of-Way Line, North 81°44'54" West, for a distance of 468.31 feet to the East line of the "Kadow Tract" as described under Clark County Auditor's File Number F-53945 (recorded February 6, 1946);

Thence South 01°32'22" West, along the East line of said "Kadow Tract". For a distance of 201.38 feet;

Thence leaving said East line, South 81°44'54" East, for a distance of 470.30 feet to the TRUE POINT OF BEGINNING.

EXCEPT that portion conveyed in Deed of Dedication to the City of Vancouver, a municipal corporation of the State of Washington on November 19, 2018 under Auditor's File No. 5565215.



## **EXHIBIT B**

### **Legal Description of the Commons Parcel**

A portion of the Robert Rockett Donation Land Claim (D.L.C.) in the Southwest quarter of the Southwest quarter of Section 24, Township 2 North, Range 1 East, Willamette Meridian, City of Vancouver, Clark County, Washington, described as follows:

Beginning at concrete monument with triangular brass cap in case with cover marking the Southwest corner of the Joseph Durgan Donation Land Claim (said point also being on the North line of the Edward Moore Donation Land Claim and also being on the East Right-of-Way Line of Norris Road);

Thence North 88°54'01" West, along the North line of said Edward Moore Donation Land Claim, for a distance of 50.00 feet to a 1/2" iron pipe set in a survey for "Fourth Plains School" by U. Ernest Nelson in May and October 1944 and recorded in Clark County Surveyor Bin File No, 251-G (said point bears South 88°54'01" East, 319.61 feet from a concrete monument with 2" brass disc marking the Northwest corner of the Edward Moore Donation Land Claim);

Thence North 00°58'44" East, along the West Right-of-Way Line of Norris Road parallel with and 50.00 feet West measured at right angles to the West line of the Joseph Durgan Donation Land Claim, for a distance of 495.29 feet to the TRUE POINT OF BEGINNING;

Thence continuing North 00°58'44" East, along said West Right-of-Way Line, for a distance of 201.62 feet to the South Right-of-Way Line of East Fourth Plain Boulevard;

Thence North 81°44'54" West, along said South Right-of-Way Line, for a distance of 306.78 feet;

Thence leaving said South Right-of-Way Line, South 01°32'22" West, for a distance of 150.00 feet;

Thence North 88°26'58" West, for a distance of 158.45 feet to the East line of the "Kadow Tract" as described under Clark County Auditor's File Number F-53945 (recorded February 6, 1946);

Thence South 01°32'22" West, along the East line of said "Kadow Tract", for a distance of 32.76 feet;

Thence leaving said East line, South 81°44'54" East, for a distance of 468.31 feet to the TRUE POINT OF BEGINNING.

### EXHIBIT C

#### Legal Description of the Easement Area

A portion of that tract of land labeled and described as "Exhibit B – BLA PARCEL 2" in that BOUNDARY LINE ADJUSTMENT deed under Clark County Auditor's File Number 5238922 BLA (recorded December 9, 2015), located in a portion of the Robert Rockets Donation Land Claim (D.L.C.) in the Southwest quarter of the Southwest quarter of Section 24, Township 2 North, Range 1 East, Willamette Meridian, City of Vancouver, Clark County, Washington, described as follows:

Beginning at a concrete monument marking the Southwest corner of the Joseph Durgan Donation Land Claim (said point also being on the North line of the Edward Moore Donation Land Claim and also being on the East Right-of-Way Line of Norris Road); Thence North 88°54'01" West, 50.00 feet, along the North line of said Edward Moore Donation Land Claim to the West Right-of-Way Line of Norris Road; Thence North 00°58'44" East, 293.67 feet along said West Right-of-Way Line of Norris Road to the Southeast corner of said BLA-Parcel 2; Thence leaving said West Right-of-Way Line along the southerly line of BLA-Parcel 2 North 81°44'54" West, 319.95 feet to the **TRUE POINT OF BEGINNING**; Thence continuing along the southerly line of BLA-Parcel 2, North 81°44'54" West, 150.34 feet to the southeast corner, also being a point on the East line of the "Kadow Tract" as described under Clark County Auditor's File Number F-53945 (recorded February 6, 1946); Thence North 01°32'22" East 201.38 feet along the East line of said "Kadow Tract" and west line of said BLA-Parcel 2 to the northwest corner thereof and the southwest corner of BLA-Parcel 1 per said Auditors file Number 5238922; Thence along the southerly line of said BLA-PARCEL 1 and Northerly line of said BLA-Parcel 2, South 81°44'54" East, 173.88 feet to a point; Thence South 8°15'06" West, 200.0 feet the **TRUE POINT OF BEGINNING**. Containing 32,422 square feet or 0.744 acres more or less.

Subject to Easements and Restrictions of Record.

Bearings based on survey #68-12, Washington state plane NAD83 (2011), south zone Washington state reference network.

**EXHIBIT D**  
Depiction of the Easement Area

[TO BE INSERTED]

**Formatted:** Body Text, Adjust space between Latin and Asian text, Adjust space between Asian text and numbers, Tab stops: 6.3", Right

To: Vancouver City Council and Staff  
Citizen Forum Public Comment/November 8, 2021/Cathryn Chudy

Yesterday, thousands of people on every continent took to their streets demanding governments move from climate inaction to climate justice. What they are asking for is a world that works for all of us. This means rejecting false solutions and empty promises. A spokesperson for the COP26 Coalition, said in a statement. "We won't tolerate warm words and long-term targets anymore, we want action now."

Five young climate activists spent two weeks on hunger fasts at the Capitol in Washington DC, struggling to find hope for a safe and healthy future. They begged their Congressional representatives to make bold policy decisions that will make a difference to slow the accelerating impacts of catastrophic climate change in their lifetime. One of the young fasters was observed pleading with a key senator as he rushed by her: "I want to live"

At the federal level, uncertainty over the content and pace of climate policy means that state and local climate policy decisions take on even greater urgency, recognizing that the current lull in climate disaster impacts will not spare us from what comes at us next. We can't let the rain relief we are experiencing now blur the intensity of the drought and life threatening heat domes of this past summer. Concrete actions to reduce emissions and evolve resilience in our city and community should not wait until a future date certain. Timely, meaningful and effective climate policy must be set in motion as soon as possible and reflected in day-to-day decisions that are made by city staff and our City Council.

I appreciate Council member Ty Stober's question last week about the Early Action Package previewed by the City Council in July. I am encouraged that Senior Policy Analyst Rebecca Small is now in place to work with internal staff and external partners to move the actions in that package forward. I would like to see our City Council members actively involving themselves in that process as well.

The recent Columbian editorial about Vancouver leadership having a clear vision for the future refers to "wise development that provides jobs, boosts the economy, and adds to the aesthetics of the city." "Aesthetics" are the window dressing, but the rubber meets the road in ensuring we don't dig deeper with fossil fuel infrastructure that will only continue to add to the problem whose wide-ranging impacts have been felt especially by those who are focused less on "aesthetics" and "vibrancy" but are simply struggling to find a way to survive and stay healthy.

The homeless tents featured in a recent City Council candidate's messaging to voters are not the result of "extreme politics" but rather reflect a system of inequality that focuses more on safety and prosperity for some rather than equity, survival, health, prosperity and safety for all.

The present and future well being of **all** who live here should be the underlying measure of a meaningful vision for Vancouver. This means continuing the momentum set in place by our current City Council to do as much as we can, as fast as we can, to keep our Vancouver safe, healthy and affordable for all, by reducing emissions in all sectors, especially transportation, buildings and energy, and our natural systems.

**From:** [Kimberlee Elbon](#)  
**To:** [City of Vancouver - Office of the City Manager](#); [Kimberlee Elbon](#)  
**Subject:** TO ALL ICLEI-Local Government for \$u\$tainability !\$!\$ !\$!\$ !\$!\$  
**Date:** Monday, November 8, 2021 11:57:12 AM

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**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.

Addressing the mayor, city council member\$, Clark County Manager\$ and ALL Employee\$ in Vancouver Washington USA and Clark County that WE THE PEOPLE, MySelf included - DEMAND TRANSPARENCY in this current - what I call - \$ociali\$tic Government - AND

WE THE PEOPLE, MySelf included DEMAND the above entitie\$ listed to \$TOP I REPEAT STOP THE in\$lee ILLEGAL and CRIMINAL MANDATES\$ that ARE HARMING THE PEOPLE here in Clark County and across what use to be My GREAT STATE OF WASHINGTON !!!

WE WILL DO WHAT IT TAKES for WE THE PEOPLE to get OUR COUNTY AND CITY BACK TO THE PEOPLE

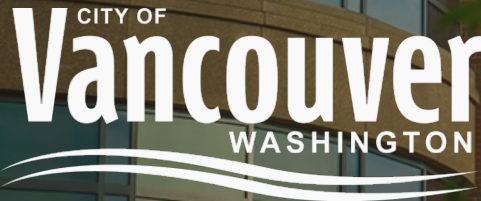
WE ARE ORGANIZED and 'REQUEST' to address the mayor, city council and Clark County Managers at a PUBLIC local place that does not require MASK\$ - WE WANT AN IN PERSON MEETING. MAKE IT HAPPEN and Thank You.

When THE PEOPLE UNDERSTAND They actually have NO SAY in what is going on in Their \$crew ball government - They might want TRANSPARENCY and OUT OF the ICLEI-Local Government for \$u\$tainability Agenda 21 green new one world order equity agenda\$ this City government and County Managers ARE MEMBER\$ OF. EDUCATING THE PEOPLE IS KEY.

I am also wanting this email to be in PUBLIC RECORDS, read out loud and talked over in your 'private' meetings.

Thank you and consider THE PEOPLE.  
Kimberlee Elbon  
[unityisachild@gmail.com](mailto:unityisachild@gmail.com)

# 2022 Proposed Legislative Agenda



**December 13, 2021**

**Brian Enslow, Arbutus Consulting**  
w/ Aaron Lande, Policy and Program Manager

# 2022 Session Context: Virtual 2.0

As it presently stands the 2022 session will be a hybrid of virtual and in-person:

- Senate has announced virtual committee meetings, but members on the floor. Senate members can host up to three attendees in their offices.
- House has announced virtual committee meetings. No members of the public in office buildings. Vaccine requirement for floor participation.
- Both chambers allowing up to 12 members of the viewing public during floor debate in each respective gallery.
- Lobbying/Outreach will still be mostly over Zoom.

# 2022 Session Context: Financial

- Revenue collections continue to exceed official State forecast:
  - July up \$1.8 billion
  - September up \$927 million
  - November up \$898 million
- Total General Fund revenues are now projected at more than \$60.2 billion for the current two-year state budget cycle, which began July 1.
- Unless the economy takes a down-turn there is reason to believe this trend will continue and the February forecast will be positive as well.
- Should be capital resources available as well; will be opportunities.



# 2022 Session Context: Redistricting

- The Redistricting Commission apparently failed to deliver an agreed upon set of maps to the Supreme Court prior to midnight of November 15<sup>th</sup>.
- The Commission as well as 3 of the 4 caucuses requested the courts to approve the “agreed” upon maps as provided by the Commission.
- The Courts have found that the Commission had substantially met its legal obligations by voting on a map framework just before the midnight Nov. 15.
- Final maps “unseat” 5 current Legislators, including Rep. Kraft and 2 retiring Legislators, including Sen. Rivers.
- Yakima Valley was reported to be an area of much disagreement.

# Legislative Agenda: I-5 Bridge Replacement

- Support interstate efforts for an I-5 bridge replacement consisting of a replacement bridge and high-capacity transit in a dedicated guideway.
- Project should include highway, high-capacity transit, bicycle and pedestrian improvements to support Vancouver and the regions travel needs.
- Uncertainly surrounds State Transportation Package; including loss of Senate Transportation Chairman Hobbs, supporter of the project.
- Federal package creates both incentive and disincentive for the State to act.

# Legislative Agenda: Homelessness/Housing

The City is seeking a variety of tools to address the problems of homelessness and affordable housing, such as:

- Additional resources to address housing instability created by the economic impacts of the COVID-19 pandemic.
- Continued support for supplemental clean-up and service outreach capacity on DOT rights-of-ways.
- Support for the Challenge Seattle Initiative, including significantly more State funding for affordable housing and wrap around services.
- Flexibly of local resources such as Local Sales Tax, REET or Document Fees.
- Additional financial incentives for private development of affordable housing.

# Legislative Agenda: Broadband

- Support policies and funding that provide greater access and equity for broadband services, including the potential expansion of authority to cities and other public entities.
- Look for opportunities that maximize resources and connectivity.

# Legislative Agenda: Property Tax Authority

The City supports changes to the existing 1% property tax cap to allow for factoring in both population growth and inflation.

- Consumer Price Index up 6.2 % in 2021.
- State general fund revenues for the 2021-23 biennium have tracked or exceeded inflation.
- Impacts workforce competitiveness and back-office resources.

# Legislative Agenda: Ranked Choice Voting

- The City supports HB 1156, the Ranked-Choice Voting Local Options Bill, which will allow the City to conduct elections using Ranked-Choice Voting as allowed under the city charter.
- HB 1156 permits the use of ranked choice voting in elections for offices for local government and allows Secretary of State to provide grants to local governments to help implement.
- HB 1156 advanced to the House Rules last session.

# Legislative Agenda: Main Street Program

Support the City's continued participation in the Mainstreet Program.

- Clarify that the population limit of 190,000 residents applies only when a program initially applies for designation.
- Ensure that Vancouver can continue to participate in the Main Street Program even with a growing population.

# Legislative Agenda: Preserving Fire Response Assets

The City is requesting \$1 million to assist with a remodel construction project at Fire Station 5 to secure equipment inside and in a climate-controlled environment.

- The fire department logistics division is in the undesirable condition of having to storing expensive firefighting equipment, as well as regional technical rescue equipment in an outside covered area, or in steel storage containers.
- This diminishes the useful life of the equipment and presents a theft risk.
- Funding would the fire department to enclose a large, covered area of the building that is currently open on 3 sides and allow for secure and dry equipment storage.



# Legislative Agenda: Community Policing, Use of Force

Major issues being discussed by the Legislature include, but are not limited to:

- Are definitions of relevant statutory terms including “Physical Force”, “Appropriate”, “Available” needed?
- Whether clarification on use of force and the requirements to leave the scene in absence of a crime or an imminent threat of death or substantial bodily harm is needed?
- Whether it is appropriate to permit law enforcement to use reasonable and proportional force when necessary to detain persons suspected of serious felony?
- When is use of force authorized in non-arrest circumstances, such as Involuntary Treatment Act court orders and what does it look like?

# Legislative Agenda: Community Policing, Tactics

HB 1054, which amended requirements for tactics and equipment used by police officers, could be benefitted by:

- Clarifying the definition of prohibited “Military Equipment” that would expressly allow for the possession deployment of less lethal tools by law enforcement to include less lethal munitions and platforms regardless of caliber or propellant used.
- Allowing public safety personnel or the chief executive authority of the city to determine use of tear gas at public riots rather than the mayor as currently required.

# Legislative Agenda: Clark County Transportation Alliance

Support the 2022 Policy Statement of the CCTA, including:

- NW 32nd Ave Industrial Corridor (\$10 million): planning, engineering, environmental review for new north-south freight arterial.
- SE 1st St at 164th to 192nd Ave (\$7 million): arterial widening and multi-modal upgrade; leverages significant private sector investments.
- SR-500/Fourth Plain/SR-503 (\$15 million): following recent planning study, provide funds for initial intersection improvement to address congestion.
- SR-500 Intersections at 42nd Ave and 54th Ave (\$6 million): implement cost effective safety improvements from 2018 practical solutions study.
- I-205/SR-500 to Padden Parkway (\$36 million): add auxiliary lanes to address congestion hotspot.

# Legislative Agenda: Association of Washington Cities

- The City supports the AWC's top priorities, including:
  - Adopt a new transportation revenue package.
  - Provide flexible state and federal dollars through programs like the Public Works Assistance Account.
  - Support clarification of the civil standards for use of force.
  - Actively defend against preemption of local land use authority
  - Support efforts to review and revise both state and local tax structures so they rely less on regressive revenue options.
  - Revise the property tax cap to tie it to inflation and population.

# Next Steps

- Scheduling for Legislative Breakfast in the works; likely first week in January.
- AWC City Action Days scheduled for January 27<sup>th</sup>, virtual event.
- The Legislature is scheduled to convene on January 10, 2022 and adjourn on March 10, 2022.

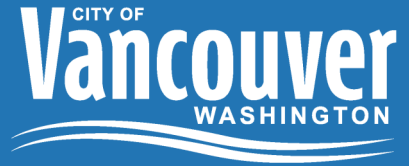
# Questions

VANCOUVER  
CITY HALL

CITY OF  
**Vancouver**  
WASHINGTON

**Brian Enslow**, Arbutus Consulting  
360.489.8121  
[brian@arbutusllc.com](mailto:brian@arbutusllc.com)

# CITY OF VANCOUVER 2022 STATE LEGISLATIVE PRIORITIES



## SESSION PRIORITIES SUMMARY

- ★ **I-5 Bridge Replacement**
- ★ **Homelessness & Affordable Housing**
- ★ **Broadband Access**
- ★ **Property Tax Cap**
- ★ **Ranked-choice Voting**
- ★ **Main Street Program Amendment**
- ★ **VFD Secure Equipment Storage - Capital Budget Request**
- ★ **Support Clark County Transportation Alliance**
- ★ **Association of Washington Cities' Top Priorities**

### I-5 BRIDGE REPLACEMENT

Support interstate efforts for an I-5 bridge replacement consisting of a replacement bridge and high-capacity transit in a dedicated guideway. Project should include highway, high-capacity transit, bicycle and pedestrian improvements to support the travel needs of Vancouver and the region.

### HOMELESSNESS and AFFORDABLE HOUSING | Policy Item

The City is seeking a variety of tools to address the problems of homelessness and affordable housing. There is also the need for additional resources to address housing instability created by the economic impacts of the COVID-19 pandemic, including rent assistance and foreclosure-prevention assistance.

### BROADBAND ACCESS/AFFORDABILITY | Policy Item

Support policies and funding that provide greater access and equity for broadband services, including the potential expansion of authority to cities and other public entities.

### PROPERTY TAX CAP | Policy Item

The City supports changes to the existing 1% property tax cap to allow for factoring in both population growth and inflation.

### RANKED-CHOICE VOTING | Policy Item

The City supports HB 1156, the Ranked-choice Voting Local Options Bill, which will allow the City to conduct elections using ranked-choice voting, as allowed under the city charter.

### MAIN STREET PROGRAM AMENDMENT | Policy Item

Clarify RCW 43.360.030 (Designation of specific programs—Criteria) to make clear that the population limit of 190,000 residents applies only when a program initially applies for designation and that a program can continue to participate once it exceeds the population limit to allow the City of Vancouver to continue to participate in the Main Street Program.



## FIRE STATION 5 SECURE EQUIPMENT STORAGE | Capital Budget Item

The City is requesting \$1 million to assist with a remodel construction project at Fire Station 5 to secure the equipment inside in a climate-controlled environment.

Currently, the Vancouver Fire Department's Logistics Division has resorted to storing expensive firefighting equipment, as well as regional technical rescue equipment, in an outside covered area or in steel storage containers. This is not good for the equipment and is somewhat unsecure from theft.

The funds requested would allow the fire department to enclose a large, covered area of the building that is currently open on three sides to allow for secure and dry equipment storage.

## CLARK COUNTY TRANSPORTATION ALLIANCE

The City supports the 2022 Policy Statement of the Clark County Transportation Alliance, including:

- Support for the I-5 bridge replacement and influence area improvements
- NW 32nd Ave Industrial Corridor (\$10 million): planning, engineering and environmental review for new north-south freight arterial
- SE 1st Street at 164th to 192nd Avenue (\$7 million): arterial widening and multi-modal upgrade; leverages significant private sector investments
- SR-500/Fourth Plain/SR-503 (\$15 million): following a recent planning study, provide funds for initial intersection improvements to address congestion
- SR-500 Intersections at 42nd Avenue and 54th Avenue (\$6 million): implement cost-effective safety improvements from 2018 practical solutions study; additional investments, including overpasses, may be warranted
- I-205/SR-500 to Padden Parkway (\$36 million): add auxiliary lanes to address traffic congestion hotspot

## ASSOCIATION OF WASHINGTON CITIES' TOP PRIORITIES

The City supports the Association of Washington Cities' top priorities, including:

- Adopt a new transportation revenue package that emphasizes maintenance/preservation funding and provides an equitable level of local funding and additional long-term, sustainable revenue options for cities
- Provide flexible state and federal dollars through programs like the Public Works Assistance Account to help cities finance basic infrastructure such as drinking water and wastewater
- Support clarification of the civil standards for use of force requirements so law enforcement can better understand the state requirements and know when they can use force to intervene in a situation, including a mental health crisis where a crime is not being committed
- Actively defend against preemption of local land use authority, but support policies that help cities provide more equitable access to housing in our cities
- Support efforts to review and revise both state and local tax structures so they rely less on regressive revenue options. Changes to the state tax structure should not negatively impact cities' revenue authority
- Revise the property tax cap to tie it to inflation and population growth factors so that local elected officials can adjust the local property tax rate to better serve their communities

## FOR MORE INFORMATION

**Brian Enslow, Lobbyist**

**Arbutus Consulting**

brian@arbutusllc.com

360-489-8121

**Aaron Lande, Program & Policy Manager**

**City of Vancouver**

aaron.lande@cityofvancouver.us

360-487-8606





# MEMORANDUM

**DATE:** December 13, 2021

**TO:** Mayor and Council

**FROM:** Eric Holmes, City Manager  
Aaron Lande, Policy & Program Manager

**RE:** Review of Boards and Commissions

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## Periodic Review of Boards and Commissions

Per Section 6.4 of Council Policy 100-06, the City Manager should, in consultation with the Mayor and Mayor Pro-Tem, conduct a review of all established boards, commissions, and committees every four years. The schedule of review should be staggered to prevent all bodies from being under review simultaneously. The review will examine the bodies' purpose and compliance with their respective bylaws, Vancouver Municipal Code, Council policy, and other pertinent governing documents and legislation. Council can further direct the City Manager on additional topics to include in the review, such as effectiveness of the body and interaction between the body and Council. Annually, the City Manager will prepare a report to the Council summarizing the findings of the review, including any recommended actions.

Boards, commissions and committees at the City of Vancouver represent a wide range of purposes and origins. A schedule for review is expected to be developed in the first quarter of 2022, in consultation with the Mayor and then Mayor Pro-Tem. Anticipated considerations in establishing priority and schedule for review include:

- Enabling authority for each board
- Scope of City authority relative to each board
- If of another agency, importance and relevance of City's continued participation
- Type of board (advisory, authority, corporate)
- Mandate for each board, if any
- Scope of board authority
- Degree of imminence to current and near-term issues facing the City for which the board has some responsibility
- Recent history of review of each board, if any
- Process and timing of making changes relative to enabling document (i.e. City Charter)

Boards and commissions that will be scheduled for review are:

- City/County Telecommunications Commission
- Clark County Historic Preservation Commission
- Civil Service Commission
- Parking Advisory Committee
- Urban Forestry Commission
- Planning Commission
- Parks and Recreation Advisory Commission
- City Center Redevelopment Authority Board
- Downtown Redevelopment Authority Board
- Aviation Advisory Committee
- Building-Fire Code Commission
- Lodging Tax Advisory Committee
- Salary Review Commission
- Vancouver Housing Authority Board of Commissioners
- Vancouver Public Facilities District Board
- PDX Citizen Noise Advisory Committee
- Culture, Arts and Heritage Commission

### **Continued Review of New Boards and Commissions**

Over the past few years Council and staff have raised the idea of creating new boards and commissions. Included on that list of proposed bodies are a Housing Commission, Human Rights Commission, and Ethics Board. Staff anticipates consideration of new or expanded commissions to be incorporated into the schedule of review developed in consultation with the Mayor and Mayor Pro-Tem.

### **Reimagining the Strategic Plan Oversight Committee**

Staff anticipates a proposal to change the Strategic Plan Oversight Committee (SPOC) to both extend the applicability of the SPOC beyond the current Vancouver Strategic Plan and to better reflect the changing diversity of the community.

The current SPOC was created to manage the implementation of the 2016-2021 Vancouver Strategic Plan. The SPOC is chaired by the Mayor Pro-Tem with support from the Policy and Program Manager and Performance Analyst. City staff who represent the program and service areas addressed in the Plan and other interested community members make up the SPOC.

To reflect the intention that the SPOC continue their work beyond the sunset of the current Strategic Plan and to better define the SPOC's role and relationship to Council on recommending proposed changes to the Strategic Plan, staff will be bringing forward a charter for a new body focused on the Strategic Plan that is more reflective of community needs and vision.

The approach to this reimagined SPOC will seek to ensure greater representation and participation that reflect the diversity of the community. Similar to municipalities across the country, the SPOC reflects traditional engagement patterns and approaches. Demographically, SPOC participants are higher income, less racially diverse, and above the City's median age. As the City of Vancouver's demographics shift, and as commitments and best practices around equity

are realized, there is a unique opportunity to create a committee whose structure and makeup align with those shifts and values.

To ensure the new group is reflective of the Vancouver community, the Charter, in addition to the geographic consideration called for in Council Policy 100-06, will consider the following criteria:

- Candidates from culturally specific organizations, typically organizations with a majority of members/clients from a particular community of color, and specifically organizations whose mission statements are aligned with the needs of the communities being served and based on the community's lived experience
- Candidates from organizations that are aligned with and whose missions are related to other marginalized communities, including: LGBTQ, people with disabilities, faith-based communities, youth and seniors
- Diversity of skills and background of candidates who bring both lived and professional experience that benefit the work. This includes policy, program development, community engagement, experience as a utilizer of City functions, budget and legal expertise

### **Application of DEI Principles**

Starting with the chartering process of the new Strategic Plan body, staff will seek to embed DEI principles and approaches in all city boards, commissions, and committees. The concepts and frameworks below reflect intentional consideration of practices that are critical to effective, equitable and inclusive public involvement.

*Accountability:* Accountability refers to the ways in which individuals and communities hold themselves to their goals and actions and acknowledge the values and groups to which they are responsible. Any body formed by the City is an opportunity to build credibility and trust with community stakeholders. Accountability in these structures is a foundational element of equitable engagement.

*Meaningful involvement:* Meaningful involvement reflects stakeholders' opportunity to participate in decisions about activities that may affect them. It ensures that the public can influence decisions, that their concerns will be considered throughout processes, and that decision-makers intentionally seek out and facilitate the involvement of those most negatively impacted by disparities in outcomes and decisions.

*Diverse Representation:* The makeup of bodies convened by the City should reflect the demographic diversity of the city across race/ethnicity, gender, socioeconomic status, geography and areas of expertise. When selecting members, the Council has the opportunity to elevate communities that have historically been excluded from public decision-making processes. These include "underserved communities" which can be defined in many ways, but typically include populations that have experienced systemic and institutional barriers resulting in disparate outcomes (in health, education, housing, employment, etc.). These populations may include communities of color, LGBTQ+ communities, low-income communities, people with disabilities, and those who are unhoused.

*Equity:* Broadly, equity can be defined by concepts of fairness or justice in the way people are treated. It ensures that all communities have the resources and support they need to reach their full potential. In the context of stakeholder involvement, equitable approaches center the voices of those most impacted, identify and analyze the unique needs of specific populations in relationship

to an issue or decision, and ensure that identity (e.g., race or ethnicity) is not a predictor of outcomes.

Incorporation of these DEI principles is anticipated as part of the methodical and cyclical review of the City's boards, commissions, and committees.

**Attachment**

[Council Policy 100-06](#)

# Boards & Commissions Review

VANCOUVER  
CITY HALL

CITY OF  
**Vancouver**  
WASHINGTON

December 13, 2021

Vancouver City Council Workshop  
Aaron Lande, Policy & Program Manager

# Presentation Overview

- Periodic Review of Boards and Commissions
- Continued Review of New Boards & Commissions
- Reimagining of Strategic Plan Oversight Committee (SPOC)
- Application of DEI principles

# Periodic Review of Boards and Commissions

- Council adopted a revised Boards & Commission policy in 2018
- Purpose was to establish policies and procedures for city boards, commissions, advisory committees and task forces
- Section 6.4 of policy calls for a periodic review of all established boards, commissions, and committees by City Manager in consultation with the Mayor and Mayor Pro Tem
- “Review will examine the bodies’ purpose and compliance with their respective bylaws, Vancouver Municipal Code, Council policy, and other pertinent governing documents and legislation”

# Periodic Review of Boards and Commissions

Anticipated considerations in establishing priority and schedule for review include:

- Enabling authority for each board
- Scope of City authority relative to each board
- If of another agency, importance and relevance of City's continued participation
- Type of board (advisory, authority, corporate)
- Mandate for each board, if any
- Scope of board authority
- Degree of imminence to current and near-term issues facing the City for which the board has some responsibility
- Recent history of review of each board, if any
- Process and timing of making changes relative to enabling document (i.e. City Charter)



# Periodic Review of Boards and Commissions

Boards and commissions that will be scheduled for review are:

|                                                                                    |                                                    |
|------------------------------------------------------------------------------------|----------------------------------------------------|
| City/County Telecommunications Commission                                          | Downtown Redevelopment Authority Board             |
| Clark County Historic Preservation Commission                                      | Aviation Advisory Committee                        |
| Civil Service Commission                                                           | Building-Fire Code Commission                      |
| Parking Advisory Committee                                                         | Lodging Tax Advisory Committee                     |
| Urban Forestry Commission                                                          | Salary Review Commission                           |
| Planning Commission                                                                | Vancouver Housing Authority Board of Commissioners |
| Parks and Recreation Advisory Committee                                            | Vancouver Public Facilities District Board         |
| City Center Redevelopment Authority Board                                          | PDX Citizen Noise Advisory Committee               |
|  | Culture, Arts and Heritage Commission              |

# Continued Review of New Boards & Commissions

- Housing Commission
- Human Rights Commission
- Ethics Board
- Strategic Plan group

# Reimagining the Strategic Plan Oversight Committee

- Current SPOC was assembled to advise of implementation of 2016-2021

## Vancouver Strategic Plan

- Consists of city staff and community members
- Current SPOC reflects traditional engagement patterns and approaches
- Proposal to reimagine the SPOC to ensure greater representation and participation to reflect the diversity of Vancouver

# Application of DEI Principles

- Starting with the reimagined SPOC, staff will work to imbue DEI principles and approaches into all city boards, commissions and committees
  - *Accountability*
  - *Meaningful Involvement*
  - *Diverse Representation*
  - *Equity*

# Next Steps

- Q1 2022: Confer with Mayor & Mayor Pro Tem on priority and scheduling
- Q2 2022: Council review and endorsement of schedule and approach
- 2022-2024: Review of Boards and Commissions per schedule; annual reporting to Council

# Questions and Discussion

VANCOUVER  
CITY HALL



**Aaron Lande, Policy & Program Manager**

**360-487-8612**

**[Aaron.Lande@cityofvancouver.us](mailto:Aaron.Lande@cityofvancouver.us)**



## **Staff Report 190-21**

**TO:** Mayor and City Council

**FROM:** Eric Holmes, City Manager

**DATE:** 12/13/2021

**SUBJECT** 2021 Joint Agency Road Preservation Project, construction acceptance and release of retainage

### **Key Points**

- This project completed approximately 31 lane miles of street preservation.
- Doolittle Construction of Bellevue, Washington, was awarded the contract for the Joint Agency Road Preservation Project in April 2021, began work in June 2021, and was physically complete in September 2021.
- Final construction costs for the project are \$1,455,928.07.
- This project was funded by the Pavement Management Program.
- This project had a 4% apprenticeship goal, which the contractor exceeded at an apprenticeship utilization rate of 10%.

### **Strategic Plan Alignment**

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

### **Present Situation**

Doolittle Construction of Bellevue, Washington, has satisfactorily completed the subject improvements in accordance with the contract plans and specifications. The original contract bid amount was \$1,367,486.00. Change orders and quantity adjustments increased the contract amount by 6.5% to \$1,455,928.07. This increase can primarily be attributed to minor quantity increases in multiple bid items, an increase in the green thermo-plastic pavement marking bid item for added work to install bike boxes on upper Columbia, and a change order which revised the aggregate source for the type 3 microsurfacing. Revisions to the type 3 microsurfacing aggregate were made to provide a more durable product.

There was an apprenticeship requirement of 4% for this project. To fulfill the apprenticeship requirements the contractor needed a minimum of 221.2 delivered apprenticeship hours. The

contractor successfully met the apprenticeship goal by delivering a total of 568 apprenticeship hours for the project, yielding an actual apprenticeship utilization rate of 10%.

**Advantage(s)**

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

**Disadvantage(s)**

None

**Budget Impact**

This project was funded by the Pavement Management Program.

**Prior Council Review**

Award of construction contract for the 2021 Joint Agency Road Preservation Project in April 2021 (Staff Report 063-21).

**Action Requested**

Accept the 2021 Joint Agency Road Preservation Project as constructed by Doolittle Construction of Bellevue, Washington, and authorize release of retainage in the amount of \$72,796.40 subject to receipt of all documentation required by law.

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





## **Staff Report 191-21**

**TO:** Mayor and City Council

**FROM:** Eric Holmes, City Manager

**DATE:** 12/13/2021

**SUBJECT** Award of grant funds from the PEG Capital Support Fund

### **Key Points**

- Under the terms of the City's cable franchise agreement with Comcast, \$1.00 per month per residential cable subscriber is collected and can be used for grants to support capital equipment purchases by the designated Public, Education and Government (PEG) access providers.
- The City Council is being asked to approve \$332,979.96 in grants to TV ETC and \$135,043.00 to CVTV.

### **Strategic Plan Alignment**

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

### **Present Situation**

The franchise agreements between the City of Vancouver, Clark County and Comcast Corporation provide for a capital contribution in the amount of \$1/month per subscriber for support of Public, Education, and Government (PEG) access and monthly transport costs for public I-NET users. This contribution may only be awarded to designated access providers and iNET users.

The Vancouver Educational Telecommunications Consortium ("TV ETC"), the Designated Access Provider for Education and Clark/Vancouver Television ("CVTV"), the Designated Access Provider for Government submitted applications for PEG capital support funds under the requirements established by the City/County Telecommunications Commission ("Commission"). In total, twelve proposals were received totaling \$467,983.42. Estimated funds available for distribution in 2022 are approximately \$600,000. The grant applications were reviewed by outside technical experts and the PEG Committee, a subcommittee of the Commission.

The Telecommunications Commission through Resolution 2021-04 (attached) recommends that Vancouver City Council award PEG Capital Support Funding as follows:

| <b>Applicant</b>                                | <b>Total Amount Requested</b> | <b>Total Amount Funded</b> |
|-------------------------------------------------|-------------------------------|----------------------------|
| TV ETC                                          | \$332,940.42                  | \$332,979.96               |
| CVTV                                            | \$135,043.00                  | \$135,043.00               |
| <b>Total PEG Access<br/>Capital Grant Funds</b> | <b>\$467,983.42</b>           | <b>\$468,022.96</b>        |

**Advantage(s)**

1. Provides capital funds which will enhance local access programming on the Vancouver/Clark County Comcast Cable system.
2. Awards funds consistent with the requirement of the cable television franchise agreements with Comcast.
3. Provides a tangible community benefit consistent with objectives of the Telecommunications Commission.

**Disadvantage(s)**

None

**Budget Impact**

The PEG Capital Support Fund has approximately \$600,000 available for distribution in 2022. An appropriation for the proposed grant awards is included in the PEG Capital Support Fund, 2021-2022 biennial budget. Remaining unallocated funds will be carried forward for future grant awards.

**Prior Council Review**

None

**Action Requested**

Adopt a resolution, under the terms of the interlocal agreement between the City of Vancouver and Clark County, awarding from the PEG Capital Support Funds of \$332,979.96 to TV ETC and \$135,043.00 to CVTV. (Note: Under the terms of the Interlocal agreement between the City and the County, both Councils must approve the grants for funds to be awarded.)

*Aaron Lande, Policy and Program Manager, 360-487-8612*

**ATTACHMENTS:**

- ▢ Council resolution
- ▢ Telecommunications Commission Resolution #2021-04

12-13-21

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION relating to cable television and to the award of Public, Educational and Governmental (“PEG”) capital contribution funds to The Vancouver Educational Telecommunications Consortium (“TV ETC”) and Clark Vancouver Television (“CVTV”) respectively, the designated educational and government access providers for the City of Vancouver.

WHEREAS, the PEG Capital Support Fund, has funds available and appropriated for the purpose of financing PEG capital purchases by designated access providers; and

WHEREAS, the Vancouver/Clark County Telecommunications Commission (“Commission”) adopted criteria for award and administration of PEG capital grants; and

WHEREAS, after review of applications for PEG capital grant awards from TV ETC, and CVTV, the Commission recommended in Resolution 2021-04 to Vancouver City Council an award from the PEG Capital Support Fund of \$332,979.96 to TV ETC and \$135,043.00 to CVTV for purchase of certain capital expenditures; and

WHEREAS, the City of Vancouver and Clark County entered into an interlocal agreement whereby the City administers PEG capital grants, but all grants will require approval by both the City and County Councils.

NOW, THEREFORE,

BE IT RESOLVED BY THE CITY OF VANCOUVER:

**RESOLUTION - 1**

Section 1. As recommended in the City/County Telecommunications Commission Resolution 2021-04 attached hereto as Exhibit “A”, TV ETC and CVTV are hereby awarded grants to be paid from funds appropriated from the PEG Capital Support Fund for the capital purchases described as follows:

| Applicant                                   | Total Amount Requested | Total Amount Funded |
|---------------------------------------------|------------------------|---------------------|
| TV ETC                                      | \$332,940.42           | \$332,979.96        |
| CVTV                                        | \$135,043.00           | \$135,043.00        |
| <b>Total PEG Access Capital Grant Funds</b> | <b>\$467,983.42</b>    | <b>\$468,022.96</b> |

Section 2. Award of the grants described in Section 1 is conditioned upon:

- A. Approval of such grants by the Clark County Council; and
- B. Compliance by TV ETC and CVTV with the PEG grant guidelines and criteria set forth in Vancouver/Clark County Telecommunications Commission Resolution 2021-003.

Section 3. The City Manager or the Manager’s designee is authorized to execute on behalf of the City all necessary agreements with TV ETC and CVTV to ensure compliance with the terms of the grant.

Section 4. Acts taken pursuant to this resolution but prior to its approval are hereby ratified and confirmed.

**RESOLUTION - 2**

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

---

Anne McEnery-Ogle, Mayor

Attest:

Approved as to form:

---

Natasha Ramras, City Clerk

---

Jonathan Young, City Attorney

Attachment: Exhibit “A” – Telecommunications Commission Resolution 2021-04

**RESOLUTION - 3**

**City/County Telecommunications Commission**

**RESOLUTION 2021-04**

**Regarding Recommendations to Award PEG Capital Support  
Funds to Designated Access Providers TV ETC and CVTV**

**Section 1. Findings**

- 1.1 Under the terms of the cable television franchise agreements between the City of Vancouver ("City"), Clark County ("County") and Comcast of Washington V, LLC ("Comcast") adopted June 2013, funding is available to support Public, Educational and Governmental ("PEG") Access capital costs and monthly transport costs by public users related to the Institutional Network ("iNET").
- 1.2 As stated in Section 9.9 "Support for Access Capital Costs" of the franchise, "During the term of this Agreement, Grantee (Comcast) shall provide for a maximum of one dollar (\$1.00) per month, per Residential Subscriber (the "Capital Contribution") for Public, Educational and Governmental ("PEG") Access capital.
- 1.3 The City/County Telecommunications Commission ("Commission") is authorized under Section 5.19.300 of the Vancouver Municipal Code and under Clark County Code 36.12.160 to administer Ordinances and any Franchise granted pursuant to the implementation of Franchise compliance procedures.
- 1.4 The Commission's authorized duties, pursuant to the codes mentioned in Section 1.3 of this Resolution, include "To have primary responsibility for advising the City and County regarding public, educational and governmental access programming including the development of processes for the selection of designated access providers, and for evaluating their performance, for assigning and designating access channels, for allocating access funds and for making written reports and recommendations to the City and County Councils."
- 1.5 The Commission Chair appointed a subcommittee of the Commission to review applications from Designated Access Providers and present recommendations to the Commission, which if approved by the Commission, are forwarded to the Vancouver City Council and Clark County Council for review and action.
- 1.6 The Vancouver Educational Telecommunications Consortium ("TV ETC"), the Designated Access Provider for Education and Clark/Vancouver Television ("CVTV"), the Designated Access Provider for Government submitted applications to the Commission for PEG Capital Support Fund consideration.
- 1.7 Grant applications were reviewed by the PEG Committee in concert with outside experts who reviewed the applications from a technical perspective. The PEG Committee also met with each designated access provider to review the proposals.

- 1.8 The Committee presented their recommendations and findings to the Commission in the **Recommendations for the 2021 PEG Capital Support Grants** (Exhibit A) exhibit attached hereto. Estimated funds available for distribution in 2022 are approximately \$600,000.00. The Commission reviewed and approved the recommendations and findings of the PEG Committee as outlined in the report.

**NOW, THEREFORE BE IT RESOLVED:**

**Section 2.**

- 2.1 The Commission recommends, barring any substantial issues raised by the City and County governing boards, and upon signing the required PEG Capital Grant agreements, that TV ETC and CVTV be awarded PEG Capital Support Funds as follows:

| <b>Applicant</b>             | <b>Total Amount Requested</b> | <b>Total Amount Funded</b> |
|------------------------------|-------------------------------|----------------------------|
| TV ETC                       | \$332,940.42                  | \$332,979.96               |
| CVTV                         | \$135,043.00                  | \$135,043.00               |
| <b>Total PEG Grant Funds</b> | <b>\$467,983.42</b>           | <b>\$468,022.96</b>        |

The City/County Telecommunications Commission, through this Resolution, adopts the findings and recommendations contained herein and as outlined in Exhibit A: **Recommendations for the 2021 PEG Capital Support Grants**

- 2.2 The Commission directs staff to forward this Resolution and finalized copies of the **Recommendations for the 2021 PEG Capital Support Grants** to the Vancouver City Council and the Clark County Council, as well as to the applicants.
- 2.3 The Commission recommends that the Vancouver City Council and Clark County Council award funds to TV ETC and CVTV as outlined in this Resolution.

**Approved (Date): December 1, 2021**



**Paul Dicker, Chair, City/County Telecommunications Commission**

**EXHIBIT "A" – Recommendations for the 2021 PEG Capital Support Grants**

# CITY • COUNTY

## CABLE TELEVISION OFFICE

**TO:** CITY/COUNTY TELECOMMUNICATIONS COMMISSION

**FROM:** PEG COMMITTEE  
Paul Hunter, Chair  
Doug Green  
Eric Hale

**DATE:** December 1, 2021

**SUBJECT:** Recommendations for the 2021 PEG Capital Support Grants

**Purpose of the PEG Capital Grant Program:**

The purpose of the PEG Capital Support Fund, established under the 1997 cable franchise agreement and renewed in the 2013 cable franchise agreement, is to promote the use and availability of local programming by providing capital support for equipment and facilities for use by the public, education, and local government for the benefit of Vancouver/Clark County cable television subscribers. Comcast collects a “PEG fee” of \$1 per month per cable subscriber which is remitted to the City and County to support this purpose. PEG funds may also be used for costs related to the use of the Institutional Network (iNET) as provided in the franchise agreement.

**Grant Proposal Evaluation:**

Grant proposals for the current round of funding were due by October 8, 2021. Twelve proposals were received totaling \$467,983.42 in requests: one (1) from CVTV and eleven (11) from TV ETC. There is \$600,000.00 available for PEG grants this year.

Grant applications were reviewed by the PEG Committee in concert with outside experts who reviewed the applications from a technical perspective. The PEG Committee also met with each of the applicants to review the proposals.

**PEG Capital Grant Program: Recommended Projects for 2021**

The Committee asked for clarification on equipment needs and uses on several of the grants. One request from Evergreen School District was amended slightly to allow for the correct connectors. Another request from TV ETC was amended to reflect a change in drives being purchased once it was discovered that the original drives are no longer available. In general, the Committee was very complimentary of the submissions.

With these grant awards, there is approximately \$132,016.58 remaining in the PEG fund for future grant distribution. The PEG Committee is recommending the following funding for approval by the Telecommunications Commission:

*Serving the citizens of Vancouver and Clark County since 1982*

P.O. Box 1995 | Vancouver, WA 98668-1995 | 360-487-8702 | Fax: 360-487-8625 | [www.cvtv.org](http://www.cvtv.org)



| <b>Grant Applications *</b>                                  | <b>Requested</b>    | <b>Recommended</b>  |
|--------------------------------------------------------------|---------------------|---------------------|
| Studio Cameras Upgrade (Evergreen School District)           | \$62,976.55         | \$62,918.50         |
| Editing Computers Upgrades (Evergreen School District)       | \$16,220.67         | \$16,220.67         |
| McKenzie Stadium Facility (Evergreen School District)        | \$49,609.88         | \$49,609.88         |
| Mountain View High School Studio (Evergreen School District) | \$23,557.94         | \$23,557.94         |
| Live Event Broadcasting (Battle Ground School District)      | \$23,422.85         | \$23,422.85         |
| TV Studio Upgrade (Vancouver School District)                | \$65,199.81         | \$65,199.81         |
| Game Time Update (Vancouver School District)                 | \$56,278.74         | \$56,278.74         |
| School of Arts and Academics (Vancouver School District)     | \$4,106.73          | \$4,106.73          |
| Hudson's Bay High School (Vancouver School District)         | \$14,727.12         | \$14,727.12         |
| Fort Vancouver High School (Vancouver School District)       | \$10,728.41         | \$10,728.41         |
| Travel/Remote Post-Production Laptop (TV ETC)                | \$6,111.72          | \$6,209.31          |
| Mobile Production Unit Upgrade – Phase 2 (CVTV)              | \$135,043.00        | \$135,043.00        |
| <b>Total PEG Access Capital Grant Funds</b>                  | <b>\$467,983.42</b> | <b>\$468,022.96</b> |

| <b>Applicant</b>                            | <b>Total Amount Requested</b> | <b>Total Amount Funded</b> |
|---------------------------------------------|-------------------------------|----------------------------|
| TV ETC                                      | \$332,940.42                  | \$332,979.96               |
| CVTV                                        | \$135,043.00                  | \$135,043.00               |
| <b>Total PEG Access Capital Grant Funds</b> | <b>\$467,983.42</b>           | <b>\$468,022.96</b>        |

\*PEG Grant Applications are available on file at the City/County Cable Television Office.



**Staff Report 192-21**

**TO:** Mayor and City Council

**FROM:** Eric Holmes, City Manager

**DATE:** 12/13/2021

**SUBJECT** City Council Policy Updates

**Key Points**

- City Council policies and procedures provide a valuable operational framework which, though non-legally binding, is generally followed absent more specific, policy-level direction from the City Council.
- The Vancouver City Council meets periodically to review its policies and make amendments as necessary.
- City Council met on November 15, 2021, and November 22, 2021, to review the City Council Policies and provided direction to make specific changes as outlined more fully below.

**Strategic Plan Alignment**

N/A

**Present Situation**

The City Council's operating policies and procedures were originally adopted in 1999. Periodic review and update to the policies are necessary to reflect changes in City policy as well as best practices in municipal governance and state law.

After recent review of the Council policies with City Council, staff recommends the revisions as reflected in the redlined versions of the policy documents attached to this staff report. The updates primarily reflect common practices for certain operations and procedures that have evolved since the previous policy review, clarifications to processes and protocols, requests from Council, as well as some routine text changes. Pursuant to Council direction, Staff will also administratively add one (1) year to the term of all Board and Commission members in consideration for the period of inactivity caused by the COVID-19 pandemic.

Revisions to Council policies must be made by Resolution.

**Advantage(s)**

1. Modernizes pronouns to reflect the gender inclusive “they/them/their”.
2. Utilizes greater precision when referring to “citizenship” as opposed to community members and residents.
3. Provides that the total time for community member testimony on Consent Agenda and Public Hearings is generally 90 minutes unless otherwise extended by vote of the Council.
4. Adds Harassment Prevention provisions to the City Council Ethics Policy.
5. Establishes uniform timelines of 15 minutes per side and uniform briefing submission dates for quasi-judicial hearings.
6. Clarifies that social media may be used by the Vancouver City Council and/or individual Council members to communicate with the public. When used in relation to City business, social media must be archived in compliance with applicable record retention laws.

**Disadvantage(s)**

None

**Budget Impact**

None

**Prior Council Review**

- Council workshop - November 15, 2021
- Continued discussion under Unfinished Business - November 22, 2021

**Action Requested**

Adopt a resolution amending City Council Policies 100-06, 100-32, 100-34, 100-35, 100-36, 100-37, 100-38, 100-39, and 100-40.

*Jonathan Young, City Attorney, 360-487-8500*

**ATTACHMENTS:**

- ▢ Resolution
- ▢ Policy 100-06 - Appointments to Community Member Boards and Commissions
- ▢ Policy 100-32 - City Council Meetings
- ▢ Policy 100-34 - Relations with Staff
- ▢ Policy 100-35 - Miscellaneous Procedures
- ▢ Policy 100-36 - Code of Ethics
- ▢ Policy 100-37 - Email
- ▢ Policy 100-38 - Filling City Council Vacancies
- ▢ Policy 100-39 - Appearance of Fairness
- ▢ Policy 100-40 - Social Media
- ▢ Memorandum from City Attorney - November 15, 2021

12/13/2021

RESOLUTION NO. M-\_\_\_\_\_

A RESOLUTION relating to City Council policies and procedures for “Appointments to Community Member Boards and Commissions,” “City Council Meetings,” “Relations with Staff,” “Miscellaneous Procedures,” “Code of Ethics,” “Email,” “Filling City Council Vacancies,” “Appearance of Fairness,” and “Social Media;” amending City Council Policies 100-06, 100-32, 100-34, 100-35, 100-36, 100-37, 100-38, 100-39, and 100-40.

WHEREAS, Council policies and procedures provide a valuable operational framework and are reviewed periodically by the City Council for updates and revisions; and

WHEREAS, the Vancouver City Council met on November 15th and November 22, 2021, reviewed Council Policies and Procedures, and identified areas for revision and improvement;

NOW, THEREFORE

BE IT RESOLVED BY THE CITY OF VANCOUVER:

**Section 1.** That as recommended in SR 192-21 and materials attached thereto, the title of City Council Policy and Procedure 100-06 is amended to read “Appointments to Community Member Boards and Commissions,” and the attached revisions to Policy 100-06, last modified September 24, 2018 by Resolution M-3980, are hereby adopted.

**RESOLUTION - 1**

**Section 2.** That as recommended in SR 192-21 and materials attached thereto, the attached revisions to City Council Policy and Procedure entitled “City Council Meetings,” No. 100-32, last modified September 24, 2018, by Resolution M-3980, are hereby adopted.

**Section 3.** That as recommended in SR 192-21 and materials attached thereto, the attached revisions to City Council Policy and Procedure entitled “Relations with Staff,” No. 100-34, last modified January 3, 2011, by Resolution M-3730, are hereby adopted.

**Section 4.** That as recommended in SR 192-21 and materials attached thereto, the attached revisions to City Council Policy and Procedure entitled “Miscellaneous Procedures,” No. 100-35, last modified September 24, 2018, by Resolution M-3980, are hereby adopted.

**Section 5.** That as recommended in SR 192-21 and materials attached thereto, the attached revisions to City Council Policy and Procedure entitled “Code of Ethics,” No. 100-36, last modified July 18, 2011, by Resolution M-3741, are hereby adopted.

**Section 6.** That as recommended in SR 192-21 and materials attached thereto, a new Section 7 “Harassment Prevention” and corresponding paragraph numbering changes as attached, are made to City Council Policy and Procedure entitled “Code of Ethics,” No. 100-36, last modified July 18, 2011, by Resolution M-3741, are hereby adopted.

**Section 7.** That as recommended in SR 192-21 and materials attached thereto, the attached revisions to City Council Policy and Procedure entitled “Email Policy,” No. 100-37, last modified January 3, 2011, by Resolution M-3730, are hereby adopted.

**Section 8.** That as recommended in SR 192-21 and materials attached thereto, the attached revisions to City Council Policy and Procedure entitled “Filling Council Vacancies,” No. 100-38, last modified September 24, 2018, by Resolution M-3980, are hereby adopted.

**RESOLUTION - 2**

**Section 9.** That as recommended in SR 192-21 and materials attached thereto, the attached revisions to City Council Policy and Procedure entitled “Appearance of Fairness,” No. 100-39, last modified June 11, 2007, by Resolution M-3622, are hereby adopted.

**Section 10.** That as recommended in SR 192-21 and materials attached thereto, the attached revisions to City Council Policy and Procedure entitled “Social Media,” No. 100-40, last modified December 15, 2014, by Resolution M-3844, are hereby adopted.

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

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Anne McEnery-Ogle, Mayor

Attest:

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Natasha Ramras, City Clerk

Approved as to form:

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Jonathan Young, City Attorney

**RESOLUTION - 3**



## POLICY AND PROCEDURE

|                                                                                                                          |                                                                |                                       |                                                        |                     |
|--------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------|---------------------------------------|--------------------------------------------------------|---------------------|
| CITY OF VANCOUVER WASHINGTON                                                                                             | <b>INDEX</b><br><br><b>Administrative/Council/City Manager</b> |                                       |                                                        |                     |
| <b>Subject</b>                                                                                                           | <b>Number</b><br>100-06                                        | <b>Rev.</b><br><del>DE</del>          | <b>Effective Date</b><br><del>9/24/18</del> 12/13/2021 | <b>Page 1 of 13</b> |
| Council Appointment of <del>Citizens-Community Members</del> to Boards, Commissions, Advisory Committees and Task Forces | <b>Supersedes</b><br><del>1/4/11</del> 9/24/18                 | <b>Prepared by:</b><br>[City Manager] | <b>Approved by:</b><br>[Mayor]                         |                     |

### 1.0 Purpose

The purpose of this policy is to establish policies and procedures for selection of ~~citizens~~ community members to serve on city boards, commissions, advisory committees and task forces.

### 2.0 Organizations Affected

All boards, commissions, and committees.

### 3.0 References

Resolution No. M-1751, March 25, 1974  
 Resolution No. M-2386, February 2, 1984  
 Memorandum to Mayor and City Council, April 15, 1998  
 Resolution No. M-3179, June 15, 1999  
 Resolution No. M-3254, November 22, 1999  
 Resolution No. M-3298, July 3, 2000  
 Resolution No. M-3347, June 25, 2001  
 Resolution No. M-3460, July 12, 2004  
 Resolution No. M-3607, April 16, 2007  
 Resolution No. M-3730, January 3, 2011  
 Resolution No. M-3980, September 24, 2018  
Resolution No. M-\_\_\_\_, December 13, 2021

### 4.0 Declaration of Policy

The City of Vancouver's boards, commissions, committees and task forces provide an invaluable service to the City. Their advice on a variety of subjects aids the Mayor and Councilmembers in the decision-making process. Effective ~~citizen-community member~~ participation is an invaluable tool for local government.

City regulatory and advisory bodies provide an opportunity for ~~citizens~~-community members who want to participate in public service to be involved in governmental boards, commissions, committees and task forces. These bodies can also serve as a training ground or stepping-stone for qualified persons who are interested in seeking public office.

#### **4.1 Authority**

The City Council of the City of Vancouver is specifically empowered by state law, City Charter, and ordinance to fill by appointment all boards and commissions established by such state law, charter or ordinance, or such other advisory boards or commissions as the Council deems necessary or advisable. In the exercise of this power, it is the desire of the City Council to establish a consistent policy in its decision-making role to fairly select ~~citizens of the~~-community members who desire to serve on boards or commissions. To this end, this policy has been created, and it shall remain in effect until such time as the City Council desires to amend or modify it in part or revoke it in whole.

The City Manager is responsible for the oversight and administration of the process by which the advisory boards and commissions program is managed. The City Manager shall assign primary coordination of the Boards and Commissions program to a staff member within the City Manager's Office.

#### **4.2 Length of Service for Boards and Commission Members**

Appointees serving in a three- (3) year term may be reappointed twice for a maximum of three (3) terms.

Appointees serving in a four- (4), five- (5), or six- (6) year term may be reappointed once for a maximum of two (2) terms.

Appointments to an unexpired term of less than half the length of the full term, up to two (2) years, shall not be considered as a term in these criteria. Appointments for any length over this shall be considered a full term.

If a candidate is selected to fill the remainder of an unexpired term of six (6) months or less, their appointment shall be for the unexpired term plus the next full term.

Specific boards and commissions may have different term lengths and term limits that are exceptions to the general rule above.

#### **4.3 Initial Appointment Criteria**

It shall be the policy of the City Council to evaluate each applicant for appointment on an objective basis, utilizing the following criteria:



Residency - Appointments to certain boards and commissions must, by state law or local ordinance, be limited to residents of the City of Vancouver. It is preferable that all appointments be filled by city residents. However, persons living outside the City of Vancouver may be considered and appointed to positions not legally restricted to city residents when determined appropriate by the Council.

City employees will not be appointed to City boards, committees, commissions, and task forces, but they may apply and be considered appointment to non-City bodies. The City Council may choose to nominate a City staff member to serve as the City representative on the Clark County ~~Solid Waste~~ Advisory Commissions.

Contributive Potential – City Council shall evaluate the potential contribution that each applicant may make if appointed to a board or commission. Factors to guide Council in its evaluation of this could include:

- a) Desire to perform public service.
- b) Ability to express ideas, concepts or philosophies.
- c) Experience in the community on other boards and committees.
- d) Special knowledge important to a particular board or commission.

Time Available to Serve – City Council will need to be assured that the candidate will be available to serve at the scheduled meetings.

Sectional Composition - Maintaining geographic balance of community representation is recognized as a desirable goal in the appointment of boards and commissions when applicable.

#### **4.4 Reappointment**

Incumbents who wish to be reappointed and who are eligible for reappointment in accordance with the provisions of section 4.2 shall provide a Letter of Continued Interest to the Mayor's Office within 60 days prior to the expiration of their term. There is not a vested right to reappointment for any position.

The board or commission Staff Liaison and Chair will provide an overview of the prior service for any incumbent seeking reappointment. This memo will accompany the incumbent's Letter of Continued interest and include the following information:

- a) Regularity of attendance.
- b) Understanding of committee or commission function.
- c) Effectiveness.
- d) Demonstrated contribution during past term of office on issues, programs, policies, etc., of the advisory board, committee or commission.
- e) Number of terms served.

Once a Letter of Continued Interest has been received and City staff has determined the incumbent seeking reappointment is eligible to continue service, the position will be advertised as a position whose incumbent member is seeking reappointment and in accordance with Section 4.5. Incumbents seeking reappointment will be interviewed by the Council interview committee, along with any other eligible candidates who submit applications during the open recruiting process in accordance with section 4.5.

## **4.5 Recruitment and Appointment Timeline**

### **4.5.1 Determination of Vacancy**

At such time as a vacancy occurs in a city board, commission or committee, or 90 days prior to the expiration of a term of office, it shall be the policy of the City Council to determine whether an incumbent member is interested in and eligible for reappointment in accordance with the provisions of Section 4.5. If so, City staff will request a Letter of Continued Interest from the applicant.

### **4.5.2 Announcement of Position Recruitment**

60 days prior to the expiration of a term, staff in the City Manager's Office will:

- a) Schedule a tentative consent item on a future Council meeting agenda for appointment or reappointment for the subject recruitment;
- b) Accept a Letter of Continued Interest from incumbent, if applicable;
- c) Contact the Council subcommittee assigned to reviewing the subject recruitment to provide information pertinent to the recruitment and schedule a tentative date for the subcommittee to conduct candidate interviews;
- d) Establish a 30-day minimum filing period and publicly announce recruitment for the position by news release and other City communication methods;
- e) Notify applicants who have expressed an interest in being considered for the subject board or committee and who have valid applications (less than one year old) of the upcoming recruitment.

Subject to section 4.3, any interested ~~resident of the~~ community member who is not at that time a member of that board or commission may submit an application and resume for consideration of appointment during the announced application filing period. Applications will remain active for one year from the date received by the City Manager's Office.

### **4.5.3 Assessment of Applicant Pool**

30 days prior to the expiration of a term, and upon closure of the application filing period, staff in the City Manager's Office will:

- a) Confirm the date of the Council meeting agenda on which the subject appointment or reappointment will appear;

- b) Request from the subject board or commission Staff Liaison a Status Summary Memo to be provided as reference for the Council subcommittee assigned to evaluate candidates. Such memo should not include specific recommendations from the staff member but should rather include general information pertaining to the board or commission's work over the past year, the current environment, future goals, and other general information as appropriate;
- c) Assess the applicant pool and advance the process as follows:
  - a. If no qualified applications have been received, the recruitment will be reposted for an additional 30 days;
  - b. If 10 or fewer qualified applications have been received, all applications and Letters of Continued Interest will be provided to the assigned Council subcommittee, and all applicants and incumbents (if applicable) will be scheduled for interviews;
  - c. If 10 or more qualified applications have been received, all applications and Letters of Continued Interest will be provided to the assigned Council subcommittee, and the Council subcommittee will collectively review applicants and identify candidates to be interviewed. All incumbents and the candidates identified by the Council subcommittee will be scheduled for interviews.

#### **4.5.4 Confirmation of Interview Process**

Three weeks prior to expiration of term, staff in the City Manager's Office will:

- a) Confirm with the Council subcommittee members if they would like to meet with the subject board or commission Staff Liaison prior to candidate interviews, and if so, schedule such meeting immediately prior to the first candidate interview;
- b) Finalize the interview date and block of time with the Council subcommittee;
- c) Schedule interviews with candidates selected in accordance with the provisions of Section 4.5.3.
  - a. In-person interviews are preferred, but interviews via available audio or video conferencing technology are acceptable and may be scheduled when a candidate is unable to come in person.
  - b. Applicants unable to accommodate an interview on the scheduled date and time will not be considered for the current position, but such applicants will be notified of future board and commission openings for up to one year from the application submission date.

#### **4.5.5 Distribution of Recruitment Packet**

Two weeks prior to expiration of term, staff in the City Manager's Office will distribute the recruitment packet to the Council subcommittee evaluating candidates via email. Such packet will include the following:

- Interview schedule

- News release
- Status summary from board or commission staff member
- Current board or commission roster
- Individual applications of those candidates scheduled for interview and any Letter(s) of Continued Interest, if applicable

#### **4.6 Interview and Selection**

In accordance with Section 4.5.3, all candidates will be interviewed by the Council subcommittee assigned to the subject recruitment unless an exceptionally large number of applications is received and the committee decides, after screening the applications, to interview a smaller number of applicants. If insufficient applications are received, the committee may decide to re-open the application period.

The Council subcommittee will conduct interviews at City Hall during the timeframe previously scheduled by staff in the City Manager's Office. Council subcommittee members will conduct individual interviews and utilize a standard list of interview questions and a Rater Panel Notes template to capture relevant information.

Upon conclusion of all interviews, the Council subcommittee will deliberate and complete an Interview Outcome Form, which will be provided to the City Manager's staff along with all interview notes for recordkeeping purposes.

Upon conclusion of all interviews, the Council subcommittee members will notify the City Manager's staff as to which candidate(s) they wish to recommend to the full Council for appointment and/or reappointment

#### **4.7 Council Appointment**

Council subcommittee recommendations are brought forward for consideration by the full City Council at a Council meeting. The appointment or reappointment will appear on the Council's Consent Agenda for the scheduled meeting date.

Upon recommendation of the Council subcommittee evaluating the subject recruitment, the City Manager's staff will prepare an appointment memo to be included in the advance packet provided to the full City Council for the scheduled Council meeting date.

Members of all boards and commissions will be appointed by a majority vote of the Council.

#### **4.8 Notification of Council Decision**

Each applicant shall be notified by email of the decision of the Council within three (3) business days of the Council action on the proposed appointment(s) at a Council meeting.

The appointed applicant shall be provided information regarding next steps. A confirmation letter from the Mayor will be sent to the appointment applicant.

Applicants who were interviewed but not appointed will be notified via email and provided information regarding any upcoming potential opportunities to serve. A letter from the Mayor will also be sent.

The City Manager's Office will also notify the Staff Liaison assigned to support the subject advisory board, committee or commission of the Council decision.

#### **4.9 Records**

The City Manager's Office shall maintain records of persons who have applied for a vacancy on a given board, commission or committee for one (1) year after each filing period. If another appointment shall become available within that year, all such applicants shall be notified thereof by mail so that such persons can file for such new appointment.

The City Manager's Office shall collect and maintain Council subcommittee interview notes, including all Interview Outcome Forms completed upon conclusion of subcommittee deliberations.

#### **4.10 Recognition**

The Mayor will send a certificate of appreciation and letter of thanks to each member of a board or commission upon the completion of a term.

### **5.0 Definitions**

#### **5.1 Public Development Authority/ Public Corporation**

A public development authority is an independent legal entity established pursuant to state statute (RCW 35.21.730 - .755) to administer and execute federal grants or programs and to receive and administer other public and private funds in order to accomplish a public purpose. Authorities include the Downtown Redevelopment Authority and the City Center Redevelopment Authority.

#### **5.2 Board**

A semi-autonomous body established pursuant to federal or state statute or authority or city ordinance. Actions of a board are usually appealable to designated courts of law. Boards related to city affairs include, Building - Fire Codes Board of Appeals, Vancouver Public Facilities District Board, Vancouver Housing Authority Board,

~~and~~ Fort Vancouver Regional Library District Board, ~~and~~ ~~and~~ Clark County Mosquito Control District Board of Trustees.

### **5.3 Commission**

A body established by city ordinance to study and recommend action to the City Council. Authority of commissions is delegated from Council or, in the case of telecommunications and solid waste, in conjunction with the County Commissioners.

-With the exception of the Civil Service Commission, some actions of commissioners are appealed directly to City Council. Commissions established by city ordinances include: City/County Telecommunications Commission, Cultural Commission, Civil Service Commission, Parks and Recreation Commission, Planning Commission, Private For-Hire Transportation Commission, Salary Review Commission, and Urban Forestry Commission.

### **5.4 Committee**

A body appointed by Council with a specified task or function. Committee action ordinarily will be subjected to review and/or appeal to City Council or to a commission established by Council. City of Vancouver committees include the Aviation Advisory Committee, Charter Review Committee, Lodging Tax Advisory Committee, Parking Advisory Committee, Port of Portland Citizen Noise Advisory Committee, and the Design Review Committee.

### **5.5 Ad Hoc Task Force**

A body appointed by Council to study or work on a particular subject or problem. A task force will cease to exist upon completion of its charge as given by the Council. Examples of previously appointed task force bodies are the Water/Sewer Rate Task Force and the Cruising Task Force.

## **6.0 Formation and Dissolution of Committees**

### **6.1 Establishment**

These advisory bodies originate from different sources. Some are established by ordinance while others are established by motion of the City Council. It is at the discretion of the Council as to whether or not any advisory body should be established by ordinance. See Section 16.0 for the current list of City Advisory Committees.

### **6.2 Statement of Purpose and Function**

Every advisory body, when it is formed, will have a specific statement of purpose and function, which will be re-examined periodically by City Council to determine

its effectiveness. This statement of purpose is made available to all ~~citizen~~ community members when they are appointed.

### **6.3 Size**

The size of each advisory group is determined by City Council and the size is related to its duties and responsibilities.

### **6.4 Periodic Review**

Every four years, established boards, commissions and committees will be evaluated on a regular cycle by the City Manager in consultation with the Mayor and Mayor Pro Tem. The schedule of review of each body will be staggered in a rational manner to prevent all bodies from being under review simultaneously. Review will examine the bodies' purpose and compliance with their respective bylaws, Vancouver Municipal Code, Council policy, and other pertinent governing documents and legislation. The system of evaluation will be determined by the City Manager in consultation with the Mayor and Mayor Pro Tem. The City Manager shall prepare a report to the Council summarizing the review, including any recommended actions.

Upon Council direction, such evaluation of an individual board, commission, or committee may take place outside of the regular four-year cycle if the Council deems it necessary to do so.

### **6.5 Dissolution**

City Council may dissolve any advisory body that, in their opinion, is no longer necessary to the work of the city, is not functioning as intended or for any other reason.

## **7.0 Mayoral Authority in Evaluating Candidates and Making Appointments**

### **7.1 Vancouver Housing Authority Board of Directors**

The Mayor shall evaluate, interview and appoint members to the Vancouver Housing Authority (VHA) Board of Commissioners, in accordance with and as directed by RCW 35.82.040).

### **7.2 Charter Review Committee and Salary Review Commission**

The Mayor shall appoint members to the Charter Review Committee (City Charter Section 11.17) and the Salary Review Commission (City Charter Section 2.18), subject to City Council confirmation. The Mayor has discretion as to the process by which candidates for these bodies are evaluated prior to Council confirmation.

## **8.0 City Council Authority in Evaluating Candidates for Appointment**

The Mayor, with the concurrence of Council, shall appoint two subcommittees consisting of three Councilmembers each to review, interview and recommend appointments to all boards and commissions, except as provided for under Section 7.0.

The Council Committee assignments will be reviewed following the change of Councilmembers based on elections or appointments or at the beginning of the calendar year and in accordance with Council Policy 100-33. The Council Committee will be chaired by the most senior Councilmember, unless the most senior Councilmember chooses not to chair the subcommittee. In this event, the subcommittee will select an alternative Councilmember to serve as chair.

## **9.0 Council Concerns about Recommendations**

Councilmembers should raise any concerns about any recommendation with the Mayor prior to the City Council meeting that is scheduled for the approval of the appointment.

## **10.0 Appointment of Members**

Appointees to ~~citizen~~community member boards, commissions, committees and task forces should serve on only one committee, unless qualified applicants cannot be identified or other special circumstances are identified.

Members of all advisory bodies are appointed by a majority vote of the Council during a regularly scheduled meeting.

## **11.0 Removal of Members**

Council may terminate any Council-confirmed appointment prior to the expiration of that member's term of office by a majority vote of the City Council if the Council finds cause for removal, unless otherwise provided for in governing bylaws, and city, state or federal law applicable to the City board, commission, advisory committee, or task force at issue.

## **12.0 Overlapping Terms Intended**

Lengths of terms vary from one advisory body to another, but in all cases, overlapping terms are intended. On special work task forces, where a specific project is the purpose, there need not be terms of office.

## **13.0 Committee Operation**

City Council expects new members will be oriented to the roles and responsibilities of their appointment.



## 14.0 Yearly Report to City Council

Each Committee should make a report to City Council each year. This report need not be presented in person.

## 15.0 Lobbying Efforts Consistent with City Policy

Lobbying efforts by any advisory bodies on legislative or political matters should first be checked for consistency with existing City policy by contacting the City Manager's office. In the event a position is taken that differs from that of the City's policy, an advisory body acting as an official body of the City of Vancouver cannot represent that position before another body, i.e., the State Legislature or the Clark County Board of Commissioners. An individual member is free to voice a position, oral or written, on any issue as long as it is made clear that ~~he or she is~~they are not speaking as a representative of the City of Vancouver, or as a member of ~~his or her~~their commission, committee or task force.

## 16.0 Current Boards, Committees, Commissions and Task Forces

### 16.1 Appointments Made by Council

Council appointments are subject to the provisions of Section 8.0.

|                                           | Term    | Governing Legislation                                             |
|-------------------------------------------|---------|-------------------------------------------------------------------|
| Aviation Advisory Committee               | 3 years | VMC 10.05.020;<br>Resolution M-545                                |
| Building-Fire Code Commission             | 6 years | VMC 17.08.040                                                     |
| City/County Telecommunications Commission | 3 years | VMC 5.19.300(a)                                                   |
| Lodging Tax Advisory Committee            | 2 years | RCW 67.28.1817                                                    |
| Civil Service Commission                  | 6 years | VMC 2.57.010                                                      |
| City Center Redevelopment Authority Board | 4 years | VMC 2.71.010                                                      |
| Cultural Commission (inactive)            | 3 years | VMC 2.88.010                                                      |
| Downtown Redevelopment Authority Board    | 4 years | VMC 2.73.080                                                      |
| Parking Advisory Committee                | 4 years | VMC Section 2.63                                                  |
| Parks and Recreation Advisory Commission  | 3 years | VMC 2.16.020<br>Vancouver City Charter<br>Section 8.054           |
| Planning Commission                       | 4 years | Vancouver City Charter 8.01<br>(authorization);<br>VMC 20.220.010 |

|                                            |         |               |
|--------------------------------------------|---------|---------------|
| Urban Forestry Commission                  | 4 years | VMC 12.02.010 |
| Vancouver Public Facilities District Board | 4 years | RCW 35.57     |

## 16.2 Appointments Made by Mayor Subject to Council Confirmation

Mayoral appointments are subject to the provisions of Section 7.0.

|                          | <b>Term</b>                                       | <b>Governing Legislation</b>        |
|--------------------------|---------------------------------------------------|-------------------------------------|
| Charter Review Committee | <i>Length of service;<br/>Meets every 5 years</i> | Charter Section 11.17               |
| Salary Review Commission | 4 years                                           | Vancouver City Charter Section 2.18 |

## 16.3 Appointments Made by Mayor

Appointments made by the Mayor and are subject to the provisions of Section 7.0.

|                                                    | <b>Term</b> | <b>Governing Legislation</b>                                    |
|----------------------------------------------------|-------------|-----------------------------------------------------------------|
| Vancouver Housing Authority Board of Commissioners | 5 years     | RCW 35.82.040;<br>Charter Section 8.03;<br>VHA Resolution #2477 |

## 16.4 Non-City Boards, Commissions, Committees, and Task Forces

The City has the opportunity to nominate representatives to sit on boards, commissions, committees and task forces outside of City jurisdiction. City Council shall evaluate candidates and take action on nominations for appointment to these positions in accordance with the provisions of this policy, unless otherwise directed by the subject body's governing agency.

|                                                          | <b>Term</b> | <b>Governing Legislation</b>                              |
|----------------------------------------------------------|-------------|-----------------------------------------------------------|
| Clark County Arts Commission                             | 4 years     | Clark County Resolution # 2010-03-07                      |
| Clark County Historic Preservation Commission            | 3 years     | County Code 40.250.030;<br>Ord. M-3673;<br>VMC 20.220.050 |
| Clark County Mosquito Control District Board of Trustees | 2 years     | RCW 17.28.110                                             |
| Clark County Public Health Advisory Council              | 3 years     | Clark County Resolution 2003                              |
| Clark County Public Facilities                           | 3 years     | Clark County Code 2.19.010                                |

|                                                   |         |                                             |
|---------------------------------------------------|---------|---------------------------------------------|
| District                                          |         |                                             |
| Fort Vancouver Regional Library Board of Trustees | 7 years | RCW 27.12.190,<br>City Charter Section 8.05 |
| PDX Citizen Noise Advisory Committee              | 3 years | Port of Portland Port<br>Executive Director |



## POLICY AND PROCEDURE

| CITY OF VANCOUVER WASHINGTON | INDEX                                |                                |                         |              |
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|                              | Administrative/Council/City Manager  |                                |                         |              |
| Subject                      | Number                               | Rev.                           | Effective Date          | Page 1 of 12 |
| City Council Meetings        | 100-32                               | <u>GH</u>                      | <u>9/24/1812/13/21</u>  |              |
|                              | Supersedes<br><u>11/14/169/24/18</u> | Prepared by:<br>[City Manager] | Approved by:<br>[Mayor] |              |

### 1.0 Purpose

The purpose of this policy is to establish formal procedures for the conduct of City Council meetings.

### 2.0 Organizations Affected

City Council/City Manager

### 3.0 References

City Council Resolution M-3239, August 9, 1999  
City Council Resolution M-3258, November 22, 1999  
City Council Resolution M-3350, July 23, 2001  
City Council Resolution M-3412, December 12, 2002  
City Council Resolution M-3607, April 16, 2007  
City Council Resolution M-3737, March 21, 2011  
City Council Resolution M-3844, December 15, 2014  
City Council Resolution M-3912, November 14, 2016  
City Council Resolution M-3980, September 24, 2018  
City Council Resolution M-\_\_\_\_, December 13, 2021

### 4.0 Presiding Officer

The Presiding Officer at all meetings of the Council is the Mayor, and in the absence of the Mayor, the Mayor Pro Tempore will act in that capacity. If both the Mayor and Mayor Pro Tempore are absent, the most senior member in attendance shall act in that capacity. Seniority amongst members of the Council shall be established according to the date members first join the Council. In the event two or more members of the Council are elected from the same election, seniority among such members shall be established

according to number of votes received (such that the highest available seniority is conferred to the Councilmember-elect who received the greatest number of votes).

#### **4.1. Choosing Mayor Pro Tempore**

The Mayor Pro Tempore shall be chosen according to *Section 2.04 of the Vancouver City Charter and Roberts Rules of Order*.

#### **4.2. Obligations of Presiding Officer**

The Presiding Officer shall:

- (1) Preserve order and decorum in the Council chambers in accordance with Section 10.15;
- (2) Observe and enforce all rules adopted by the Council;
- (3) Decide all questions on procedure and order, in accordance with these rules, subject to appeal by a Councilmember;
- (4) Recognize Councilmembers in the order in which they request the floor, giving every Councilmember who wishes an opportunity to speak. The Presiding Officer, as a Councilmember, shall have only those rights, and shall be governed in all matters and issues by the same rules and restrictions as other Councilmembers.
- (5) From time to time, appoint Councilmembers to serve on ad hoc committees.

### **5.0 General Information**

#### **5.1. Meetings Schedule**

City Council meetings are held on the first, second, third, and fourth Mondays of a month in the City Council Chambers, 415 West 6<sup>th</sup> Street, Vancouver, Washington. Meetings are not scheduled on the fifth Monday of a month.

The Vancouver City Charter requires that Council conduct two “regular” meetings each month. Regular Council meetings will be scheduled on the first and third Mondays of each month. Consent Agenda meetings will be scheduled on the second and fourth Mondays of each month. All Regular and Consent Agenda meetings will begin at 6:30 p.m., unless otherwise advertised, and will adjourn no later than 11 p.m. To continue past this time, a majority of the Council must concur.

In the event a City-recognized holiday occurs on Monday, the Council shall not meet. When such a holiday falls on a first or third Monday, a Regular Council meeting will be scheduled on the following Monday (second or fourth), thereby pre-empting the Consent Agenda Meeting that would typically fall on that Monday under the normal schedule described above.

The City Manager's Office will develop the next year's annual Council meeting schedule by December 1 each year. The meeting calendar will be presented for Council approval at the first meeting in December.

The adopted annual schedule will be distributed to Council, the media, and all City departments, and will be placed on the City's website before January 1 of each year. City Council may, at any time, add, cancel or change a meeting date and/or time by a majority vote of the Council and proper notification to the press. Special meetings not included in the adopted annual meeting schedule may be called in accordance with Section 9.0.

## **5.2. Quorum**

At all meetings of the Council, a majority of the Council constitutes a quorum for the transaction of business, but a lesser number may adjourn from day to day or until the time of the next regular meeting and may compel the attendance of absent members in such manner and under such penalties as the City Council shall prescribe. *(Section 2.10 of Vancouver City Charter)*

## **5.3 Councilmember Absences from Meetings**

Councilmembers shall inform the Mayor or City Manager, as well as Council Assistant, if they are unable to attend any Council meeting, or if they will be late to any meeting. A majority vote is required following the initial meeting roll call to excuse any Councilmember absence as outlined per Section 10.1.

## **5.4. Council Seating**

The Presiding Officer and six elected Councilmembers sit on a dais facing the public with the Presiding Officer seated in the middle. The Councilmembers are seated based on seniority, with the most senior Councilmember seated on the Presiding Officer's left side and continuing in decreasing seniority away from the Presiding Officer. Maintaining order, exceptions may be made to balance seating on the dais. The order is continued at the far opposite side of the dais and progressing toward the Presiding Officer's right side, resulting in the least senior Councilmember seated on the Presiding Officer's right side.

## **5.5 Council Meeting Staffing**

The City Manager shall attend all meetings of the Council. In the event of the City Manager's absence, the Deputy City Manager shall attend. At the discretion of the City Manager, the Deputy City Manager, department heads, and other staff members shall attend. The City Manager may make recommendations to the Council and shall have the right to take part in the discussions of the Council but shall have no vote.

## **5.6 Recording Proceedings**

The City Clerk or delegate shall maintain minutes of all Regular, Consent, Special Meetings and Workshops of the Council in accordance with statutory requirements and Section 2.11 of the Vancouver City Charter. Such minutes shall be open to public inspection and will also be posted on the City's website. City Council meeting minutes can be corrected if in error but shall not be revised without a majority affirmative vote of the Council at a regularly scheduled Council meeting.

## **5.7 Broadcasting**

Regular and Consent Agenda meetings, including workshops, are cablecast live and replayed on CVTV-23 and CVTV-323, and streamed live at [www.cvtv.org](http://www.cvtv.org), whenever reasonable use of technology allows.

## **5.8 Media Representation at Council Meetings**

All public meetings of the City Council and its advisory committees shall be open to the media, freely subject to recording by radio, television, electronic, and photographic services at any time, provided that such arrangements do not interfere with the orderly conduct of the meeting.

## **6.0 Order of Business**

Regular and Consent Agenda meetings shall follow a general order of business to ensure consistency and enhance public expectations as to the general format of the agenda.

Modifications to the order of business and meeting format as provided for in Sections 6.1 and 6.2 may occur in the event of scheduling necessities or by Council action.

### **6.1. Regular Meetings**

The order of the agenda for Regular Council meetings will be as follows:

- Pledge of Allegiance
- Call to Order and Roll
- Approval of Minutes
- Proclamations and Special Presentations
- ~~Citizen~~ Community Member Communication
- Consent Agenda
- Public Hearings
- New Business
- Unfinished Business
- Communications
  - From the Council
  - From the Mayor
  - From the City Manager

- Adjournment

## **6.2 Consent Agenda Meetings**

The order of the agenda for Consent Agenda Council meetings will be as follows:

- Pledge of Allegiance
- Call to Order and Roll
- Proclamations and Special Presentations
- ~~Citizen~~ Community Member Communication
- Consent Agenda
- Public Hearings\*
- ~~Citizen~~ Community Member Forum (per Section 10.11)
- Adjournment

\*Public hearings should typically appear on Regular Meeting agendas unless it is impractical to do so due to scheduling concerns. In such cases, they may be scheduled for a Consent Agenda Meeting, subject to the provisions of Section 10.6.

## **7.0 Workshops**

At the discretion of Council, Council workshops are held Mondays from 4 to 6 p.m. Occasionally, the Mayor and City Manager may extend workshops beyond this timeframe as needed. Workshop times will be published on the final agenda, and Councilmembers will be given as much advance notice as possible if a workshop is scheduled to fall outside this normal timeframe.

During these meetings, items needing in-depth discussion are introduced and reviewed. No formal action is taken at workshops. Formal action is defined as a collective positive or negative decision following an actual vote by a majority of the Council upon a resolution, order or ordinance.

Council will, on a regular basis, be provided with an on-going preview of upcoming workshops.

## **8.0 Executive Sessions**

An Executive Session is a council meeting or portion of a council meeting that is closed except to the Council, City Manager and authorized staff members and/or consultants authorized by the City Manager. The public is restricted from attendance. Executive Sessions may be held during Regular, Consent Agenda, Workshops or Special council meetings and will be announced by the Mayor. Before convening an Executive Session, the Mayor shall announce the purpose of the meeting and the anticipated time when the session will be concluded. Should the session require more time, a public announcement shall be made that the meeting is being extended and the duration of the extension. Executive Sessions shall be held in accordance with the provisions of the Washington



State Open Meetings Act. Council Regular Meetings, Consent Agenda Meetings, and Workshops are “regular meetings” as that term is defined by RCW 42.30.075 and used in RCW 42.30.110(1).

## **9.0 Special Meetings**

The city clerk shall call special public meetings of the City Council upon the approval of the Mayor or a majority of the Councilmembers. Any request shall state the subjects to be considered at such special meeting and no other subject shall there be acted upon. (Section 2.10 of the Vancouver City Charter)

Notice of every special meeting shall be given in writing personally, by fax or email to every Councilmember, to the City Manager, to the City Attorney, and to all local news media representatives who have on file with the city clerk a request for such notices. The notice shall be posted on the City’s website, prominently displayed at the main entrance to City Hall and the meeting site if the meeting is not being held at City Hall. The notice must be delivered or posted at least 24 hours before the meeting. The notice shall state the place and time of the meeting and the business to be conducted. The Council shall not make final disposition of any matter not included in the notice.

Councilmembers are active in their community and attend many meetings and events. The ~~citizens-people~~ of Washington have declared that all meetings of a public agency shall be open and public. When a quorum of the council is present at a meeting where action is taken, the meeting is subject to the Open Public Meetings Act. A “meeting” of the Council occurs “when a majority of its members gathers with the collective intent of transacting the governing body’s business.”<sup>1</sup> “Action” is broadly defined as the transaction of the official business of an agency including “deliberations, discussions, considerations, reviews, [and] evaluations” and receipt of testimony.<sup>2</sup> If Councilmembers plan to attend an event or meeting with the intent of transacting City business, they should notify the City Manager’s Office so that it can be determined if a quorum of the Council will be present. If a quorum will be present the City Manager’s Office will provide a notice of a special meeting of the Council. In order to prepare and give notice of the meeting, Councilmembers need to notify the City ~~M~~anager’s Office at least one week before the meeting.

If a quorum of Council is present at an event or meeting without notice having been provided, Councilmembers shall “self-police” by either having members leave to avoid a quorum or by not sitting together and not discussing City business. In the absence of an agreement otherwise, the Councilmember(s) whose arrival triggered the quorum shall leave the event or meeting.

## **10.0 Council Meeting Protocol**

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<sup>1</sup> Citizens All. for Prop. Rights Legal Fund v. San Juan County, 184 Wn.2d 428, 444, 359 P.3d 753, 761, 2015 Wash. LEXIS 1146, \*18

<sup>2</sup> RCW 42.30.020

### **10.1 Call to Order and Roll Call**

The Presiding Officer shall call the meeting to order and request the Council Assistant call roll of Councilmember attendance. Lack of response by a Councilmember at the time of roll call will indicate the absence of that Councilmember. A majority vote is required to excuse any Councilmember absence. Councilmembers should provide advance notice of absences whenever possible, as provided for in Section 5.3.

### **10.2 Changes to Agenda Item Order**

The Presiding Officer may, with the concurrence of the Councilmembers, take agenda items out of order or change the order of the agenda.

### **10.3 Approval of Minutes**

Meeting minutes shall be approved by a majority vote of the Council. Councilmembers who were absent from the meeting may either vote on approval of those minutes or may choose to abstain from voting.

### **10.4 Formal Proclamations and Special Presentations**

A proclamation is an official announcement or recognition as defined and signed by the Mayor. The issuance of a proclamation at a Council meeting shall be at the discretion of the Mayor.

Proclamations will be briefly summarized by the Mayor and presented to the recipient(s). The recipient(s) will be allowed to make brief comments.

Special presentations include, but are not limited to, retirements, commendations and recognition by the Mayor and City Council.

### **10.5 ~~Citizen-Community Member~~ Communications on Agenda Items**

Members of the public are invited to speak for approximately three minutes each about any item on that evening's Council Agenda that is not already scheduled for public hearing or which otherwise allows for public testimony. Such public comment is taken at the beginning of the meeting under ~~Citizen-Community Member~~ Communication and is subject to the provisions of Section 10.14. A total of ninety (90) minutes of public testimony (or less depending on the number of speakers) will be taken on the Consent Agenda, unless the opportunity for public testimony is extended by majority vote of the Council.

Item numbers to be considered under ~~Citizen-Community Member~~ Communications shall be indicated on the agenda. Testimony taken under ~~Citizen-Community Member~~ Communications shall follow protocol set forth in Section 10.14.

### **10.6 Consent Agenda**

Items appearing on the Consent Agenda are routine items voted on by a single motion. Typical items include payment of bills, awarding contracts, adoption of resolutions that do not require a public hearing, and first reading of ordinances. Any Councilmember may remove any item from the Consent Agenda for discussion and separate action. Councilmembers should indicate which items they wish to pull from the Consent Agenda prior to the Council's vote on the full Consent Agenda.

### **10.7 Ordinances for First Reading**

First readings of ordinances shall follow the provisions provided for in the City of Vancouver Charter, Section 2.13. The Mayor shall read into the record the title of any ordinance appearing for first reading at the time of its consideration on the agenda. Council then sets a date for second reading and public hearing.

### **10.8 Public Hearings**

Public hearing items are those specific items being considered by Council on which ~~citizens~~ community members are invited to present their views. Certain item types may be required by law to be scheduled as a public hearing. The Presiding Officer will state the public hearing procedures before each public hearing. Except as otherwise required by law, or otherwise announced by the Presiding Officer, a total of ninety (90) minutes of public testimony (or less depending on the number of speakers) will be taken on the Public Hearings. Provided, that the opportunity for public testimony on Public Hearings may be extended by majority vote of the Council.

All public hearings are advertised in The Columbian at least three days in advance, or as required by law, and information is posted on the City's website. In an emergency, most public hearings can be called within 24 hours with proper media notification, unless longer notice is required by law.

Public testimony on public hearing items is subject to the provisions of Section 10.14.

### **10.9 Ordinances for Second Reading and Public Hearing**

~~Citizens~~ Community members are invited to present their views on proposed ordinances before a final vote by Council. All public hearings on proposed ordinances are advertised in accordance with Section 10.8.

The Mayor shall read into the record the title of any ordinance appearing for second reading at the time of its consideration on the agenda. Second readings of ordinances shall follow the provisions provided for in the City of Vancouver Charter, Sections 2.14 and 2.15.

## **10.10 Council and City Manager Communications**

City Councilmembers, Mayor and the City Manager make special announcements or provide updates on current issues or items of Council interest.

Councilmembers, the Mayor and the City Manager may also present new proposals and seek feedback on such at this time.

## **10.11 ~~Citizen-Community Member~~ Forum**

A ~~Citizen-Community Member~~ Forum will be held at the end of Consent Agenda meetings. A ~~Citizen-Community Member~~ Forum includes up to ninety (90) minutes of public testimony or less depending on the number of speakers. ~~Citizens-Community members~~ may speak on any issue of concern or interest, provided that speakers may not use this opportunity to speak in favor of or opposition to any ballot measure or candidate for elected office. Speakers are asked to fill out testimony cards as provided for in Section 10.14 and to limit their comments to approximately three minutes. Each speaker shall have one opportunity to address the Council. During ~~Citizen-Community Member~~ Forum, Councilmembers have the ability to ask questions and reply to speakers.

## **10.12 New Business**

Matters that do not appear on the agenda may be raised as new business.

## **10.13 Unfinished Business**

Council discusses ongoing issues or items continued from earlier meetings.

## **10.14 Public Testimony and Conduct**

Speakers who wish to testify before the City Council are required to complete a "Testimony Registration Form" which requests the speaker's name, address, agency or group represented, the item the speaker wishes to testify on, and their position on the subject. Distinct cards will be identified to be used for either agenda item or ~~Citizen-Community Member~~ Forum testimony.

At the appropriate time, speakers are requested by the Presiding Officer to step up to the place designated for testimony, give their name for the record, and limit remarks to approximately three minutes. (Council prefers lengthy written testimony to be submitted at least a week prior, so Council has a chance to fairly consider the comments.) All remarks will be addressed to the Council as a whole. Each person who addresses the Council shall do so in an orderly manner and shall not make slanderous or profane remarks to any member of the Council, staff or the general public. Any person who makes such remarks or who becomes boisterous, threatening or personally abusive while addressing the Council and which disrupts or otherwise impedes the orderly conduct of any Council meeting may be requested to leave the meeting.

The Presiding Officer and City Manager have the authority to preserve order at all meetings of the Council, to cause the removal of any person from any meeting for disorderly conduct as described herein and which disrupts or otherwise impedes the orderly conduct of a Council meeting and to enforce the Rules of the Council. The Presiding Officer and City Manager may command assistance of any peace officer of the City to enforce all lawful orders to restore order at any meeting.

#### **10.15 Council Discussion**

All Council discussion shall be governed by Robert's Rules of Order, Newly Revised. The City Attorney is the Parliamentarian. Every Councilmember shall be provided with a copy of Robert's Rules of Order, Newly Revised when first joining the Council.

#### **10.16 Voting**

##### **10.16.1 Roll Call Votes**

The Council Assistant will take a roll call vote, if requested by the Presiding Officer, a Councilmember, or as required by law. The roll call vote shall be by seniority with the least senior member voting first.

##### **10.16.2 Tie Vote**

The passage of a Motion, Resolution or Ordinance is lost by a tie vote, provided that the question may be brought forward again at the request of any member at the same meeting or at the next meeting when any members who were absent or disqualified at the time of the tie vote are present.

##### **10.16.3 Votes on Questions**

Each member present shall vote on all questions put to the City Council except on matters on which he or she has been disqualified for a conflict of interest or under the Appearance of Fairness Doctrine. Such a member shall disqualify himself or herself prior to any discussion of the matter. If abstaining, the Councilmember must state the reasons for abstaining, identifying one or more of the following: (1) an excused absence from the prior council meeting and/or (2) a conflict of interest and/or (3) an Appearance of Fairness issue. See Policy 100-39. A Councilmember, who abstains but fails to identify the absence, conflict of interest and/or Appearance of Fairness issue, will be considered to have voted for the majority's position in respect to questions before the council and have their vote so recorded. When disqualification of a member or members results, or would result, in the inability of the Council to act on a matter on which it is required by law to take action, any member who is absent or who is disqualified under the Appearance of Fairness Doctrine may subsequently participate, provided such

member first shall have reviewed all materials and listened to all tapes of the proceedings in which the member did not participate.

#### **10.17 Adjournment**

There being no further business, the Presiding Officer adjourns the meeting.

### **11.0 Agenda Preparation**

#### **11.1 General Information**

The City Manager's office will prepare an agenda for each Council meeting specifying the time and place of the meeting and set forth a brief general description of each item to be considered by the Council. The agenda is subject to approval by the Mayor and the City Manager.

#### **11.2 Placing Item on the Agenda**

An item may be placed on a Council meeting agenda by any of the following methods:

- (1) By any two (2) or more Councilmembers
- (2) By the City Manager, or
- (3) By the Mayor.

#### **11.3 Adding an Item to a Published Agenda**

An item may be added to a Regular or Consent meeting agenda, per Section 11.2, after the agenda is closed and the notice published if an amended agenda is published, provided to the Mayor and City Councilmembers and posted on the City's website prior to the subject meeting date.

An item may be added to a Regular or Consent meeting agenda on the subject Council meeting date as a walk-on item if the Councilmember or City Manager requesting the addition of the item explains the necessity and receives a majority vote of the Council to amend the agenda at the public meeting.

#### **11.4 Agenda Finalization Schedule**

Agenda materials will be available at City Hall and on the City's website for City staff, the media and public by Wednesday prior to the meeting. Agenda materials will be available for Councilmembers by Tuesday prior to the meeting.



## POLICY AND PROCEDURE

|                                        |                                                  |                                |                                                 |             |
|----------------------------------------|--------------------------------------------------|--------------------------------|-------------------------------------------------|-------------|
| CITY OF VANCOUVER WASHINGTON           | INDEX<br><br>Administrative/Council/City Manager |                                |                                                 |             |
| Subject                                | Number<br>100-34                                 | Rev.<br><u>C</u>               | Effective Date<br><u>1/4/11</u> <u>12/13/21</u> | Page 1 of 3 |
| City Council Relations with City Staff | Supersedes<br><u>11/22/99</u> <u>1/4/11</u>      | Prepared by:<br>[City Manager] | Approved by:<br>[Mayor]                         |             |

### 1.0 **Purpose**

The purpose of this policy is to establish formal procedures for interaction between City Council and City staff.

### 2.0 **Organizations Affected**

City Council/City Manager

### 3.0 **References**

City Council Resolution M-3256, November 11, 1999  
City Council Resolution, M-3730, January 3, 2011  
City Council Resolution, M-\_\_\_\_, December 13, 2021

### 4.0 **Respect**

There will be mutual respect from both City staff and Councilmembers of their respective roles and responsibilities when, and if, expressing criticism in a public meeting. When feasible, questions should be asked of staff before the public meetings.

### 5.0 **Roles**

City staff will acknowledge the Council as policy makers, and the Councilmembers will acknowledge City staff as administering the Council's policies.

### 6.0 **Requested Written Material**

When written materials relating to policy issues are requested of staff by individual Councilmembers, staff will contact the other Councilmembers via e-mail to inquire if they would also like a copy of the materials.

**7.0. Personnel Selection and Awarding of Contracts**

Councilmembers shall not attempt to coerce or influence City staff in the selection of personnel, the awarding of contracts, the selection of consultants, the processing of development applications or the granting of City licenses or permits (Section 3.04 of the Vancouver City Charter)

**8.0 City Department Non-Interference**

Council should not attempt to change or interfere with the operating rules and practices of any City department.

**9.0. Mail Delivery**

Mail that is addressed to the Mayor and Councilmembers should be date stamped, copied and circulated, including the envelope, by the City Manager as soon as practical after it arrives. [Email will be managed in accordance with the Council Email Policy 100-37.](#)

**10.0. Confidential Mail**

The City Manager and ~~his/her~~[their](#) staff should not open mail addressed to individual Councilmembers if it is marked personal and/or confidential.

**11.0. Individual Councilmember Directed Actions**

No Councilmember should direct the city Manager to initiate any action or prepare any report that is significant in nature, or initiate any project or study without the consent of a majority of the Council.

**12.0. Councilmember Requests for Information**

Individual requests for information can be made directly to the Service Manager, unless otherwise determined by the City Manager. If the request would create a change in work assignments or City staffing levels, the request must be made through the City Manager.

**13.0 Councilmember Staff Support for Boards and Commissions**

The City Manager will provide an acceptable level of staff support for Councilmembers in their appointed roles on boards and commissions.

**14.0. Staff Assistance for Councilmembers**



Councilmembers needing staff assistance should work through the assistant to the City Manager.

C:\C\Procedure 100-34, Council Relations with Staff



## POLICY AND PROCEDURE

|                                       |                                            |                                |                                                  |             |
|---------------------------------------|--------------------------------------------|--------------------------------|--------------------------------------------------|-------------|
| CITY OF VANCOUVER WASHINGTON          | INDEX                                      |                                |                                                  |             |
|                                       | Administrative/Council/City Manager        |                                |                                                  |             |
| Subject                               | Number<br>100-35                           | Rev.<br><u>CB</u>              | Effective Date<br><u>9/24/18</u> <u>12/13/21</u> | Page 1 of 2 |
| City Council Miscellaneous Procedures | Supersedes<br><u>1/4/11</u> <u>9/24/18</u> | Prepared by:<br>[City Manager] | Approved by:<br>[Mayor]                          |             |

### 1.0 Purpose

The purpose of this policy is to establish formal procedures for endorsing or supporting political candidates, the State of the City Report, retreat reports, answering identical letters addressed to a majority of Councilmembers, and the Council Sunshine Fund.

### 2.0 Organizations Affected

City Council/City Manager

### 3.0 References

City Council Resolution M-3266, December 13, 1999.  
City Council Resolution M-3730, January 3, 2011.  
City Council Resolution M-3980, September 24, 2018  
City Council Resolution M-\_\_\_\_, December 13, 2021

### 4.0 Endorsing or Supporting Political Candidates

The Mayor and Council, as private ~~citizens~~residents, are entitled to support any political candidates or support or oppose any ballot measure; however, such action might have an adverse affect on the City and/or the City Council and the Mayor and Council should consider the potential consequences prior to taking such action. Caution should be exercised in raising these issues at council meetings since State law prohibits the use of public facilities to support or oppose political candidates or ballot measures subject to certain exceptions as set forth in ~~RCW 42.17.130~~RCW 42.17A.555.

## **5.0. State of City Report**

The Mayor will make an annual State of the City report at a public meeting during the first quarter of each year. A written report will be made available to the public at the time of the meeting.

## **6.0. Retreat Report**

The City Manager will provide an Executive Summary following each City Council retreat. A written report shall be made available to the public as soon as possible.

## **7.0. Answering Identical Letters Addressed to a Majority of Councilmembers**

If a substantially similar letter, ~~e-mail~~ or ~~other similar~~ type of correspondence is sent to four or more Councilmembers, the Mayor's office will, in a timely manner, develop a response to the correspondence that shall be reviewed and approved by the Mayor prior to being sent to the constituent. Email will be managed in accordance with the Council Email Policy 100-37.

A copy of the reply and original letter will, in a timely manner, be provided to all Councilmembers. At their discretion, individual Councilmembers may provide a reply.

## **8.0 Council Sunshine Fund**

A fund has been established to allow Councilmembers to acknowledge individuals and events, as appropriate. The Sunshine Fund is an account independent from all City of Vancouver funds and accounts and is to be managed by existing Councilmembers.

The Sunshine Fund is Council-supported and intended to cover expenses that cannot be paid for by City funds, which may relate to:

- Gifts for dignitaries;
- Acknowledgment of significant events and other personal issues among Council or staff.
- Other expenses as deemed appropriate by Council.

The Sunshine Fund account is co-owned by two active Councilmembers serving as double signatories on a voluntary basis. Each Councilmember is encouraged to donate \$300 annually.

In the event there is an ending balance in the Sunshine Fund bank account at the end of a calendar year, the Council may decide to:

- Roll the balance forward into the next year
- Make a group cash donation to a project or fund of the Council's choice



## POLICY AND PROCEDURE

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|-----------------------------------------|--------------------------------------------------|--------------------------------|-----------------------------------------------|-------------|
| CITY OF VANCOUVER WASHINGTON            | INDEX<br><br>Administrative/Council/City Manager |                                |                                               |             |
| Subject                                 | Number<br>100-36                                 | Rev.<br><del>BC</del>          | Effective Date<br><del>7/18/11</del> 12/13/21 | Page 1 of 9 |
| City Council Code of Ethics and Conduct | Supersedes<br><del>12/20/99</del> 7/18/11        | Prepared by:<br>[City Manager] | Approved by:<br>[Mayor]                       |             |

### 1.0 Purpose

The purpose of this policy is to establish a formal code of ethics by which Councilmembers will conduct themselves while serving on the Vancouver City Council.

### 2.0 Organizations Affected

City Council/City Manager

### 3.0 References

City Council Resolution M-3268, December 20, 1999

City Council Resolution M-3741, July 18, 2011

City Council Resolution M-\_\_\_\_, December 13, 2021

### 4.0 Declaration of Policy

It is essential to the proper administration and operation of the City of Vancouver that the City Council be and give the appearance of being independent and impartial; that elective office with the City of Vancouver not be used for personal benefit; and that the public have confidence in the integrity of the City. In recognition of these goals, the City has adopted this Code of Ethics, which is applicable to all members of the City Council.

The purpose of this Code is to establish standards of ethical conduct applicable to the City Councilmembers, including the Mayor, in the discharge of their duties by prescribing essential restrictions against conflict of interest and other conduct not consistent with good ethical practices while not creating unnecessary barriers to public service. To that end, Councilmembers should not be denied the opportunity available to

all other ~~citizens-community members~~ to acquire and maintain private economic interests, except in circumstances in which a conflict of interest would reasonably result.

It is required that all Councilmembers comply with the law and all other applicable rules and regulations governing the conduct of public officials. The standards in this Code shall not preclude other standards required by law including but not limited to, Ch.42.23 RCW- Code of Ethics for Municipal Officers-Contract Interests, Ch. 42.20 RCW- Misconduct of Public Officers and Ch. 42.36- Appearance of Fairness. Nothing in this Code of Ethics shall be construed to limit full compliance with applicable federal and state laws and applicable rules and regulations governing the conduct of public officials now existing or hereinafter enacted.

## **5.0 Avoidance of the Appearance of Impropriety**

All members of the City Council should conduct their official duties with integrity and impartiality and in a manner that avoids even the appearance of impropriety or a conflict of interest between public duties and private interests.

No Councilmember shall, by their conduct or participation in activities, give reasonable basis for the impression that any person can improperly influence the Councilmember or unduly enjoy the Councilmember's favor in the performance of official City actions, or that the Councilmembers is affected in the performance of the official act or actions by the kinship, rank, or association with any person.

### **Example:**

A Councilmember actively pursues the award of a city contract to a company owned by a close friend. Such activity gives the appearance of impropriety and should be avoided.

## **6.0 Standards of Ethical Conduct**

### **A. Personal Interests in Contracts Prohibited**

No Councilmember shall participate in their capacity as a councilmember in the making of a contract in which the Councilmember has a personal interest, direct or indirect, or performs in regard to such a contract some function requiring the exercise of discretion on behalf of the City. Except, that this prohibition shall not apply where the councilmember has only a remote interest in the contract as defined in RCW 42.23.040 and summarized below and where the fact and the extent of such interest is disclosed and noted in the official minutes or similar records of the City prior to formation of the contract and thereafter the City Council authorizes, approves, or ratifies the contract in good faith by a vote of its membership without counting the vote or votes of the Councilmember(s) having the remote interest

For purposes of this section, a "remote interest" means:

1. that of a non-salaried officer of a non-profit corporation;

2. that of an employee or agent of a contracting party where the compensation of such employee or agent consists entirely of fixed wages or salary;
3. that of a landlord or tenant of a contracting party;
4. that of a holder of less than one percent of the shares of a corporation, limited liability company or other entity which is a contracting party.

#### B. Personal Influence in Contract Selection Prohibited.

No Councilmember shall influence the City's selection of, or its conduct of business with, a corporation, person, or firm having or proposing to do business with the City if the Councilmember has a personal financial interest, direct or indirect in or with the corporation, person, or firm, unless such interest is a remote interest as defined in RCW 42.23.040 and summarized herein and where the fact and extent of such interest is disclosed and noted in the official minutes or similar records of the City prior to formation of the contract and thereafter the City Council authorizes, approves, or ratifies the contract in good faith by a vote of its membership sufficient for the purpose without counting the vote or votes of the Councilmember(s) having the remote interest.

#### **Example:**

A Councilmember is requested to vote to award a contract to a company that employs the Councilmember. If the Councilmember has a beneficial interest in the contract either direct or indirect such as through a business profit sharing plan, the contract cannot be approved. If the Councilmember has no such interest and/or is subject to the remote interest rule, the Councilmember must disclose ~~his/her~~their interest and abstain from voting. Further, the Councilmember may not attempt to influence the votes of other Councilmembers. Questions regarding these kinds of situations should be directed to the City Attorney for review.

#### C. Disclosure of Confidential Information

A Councilmember shall not disclose or use any confidential, privileged, or proprietary information gained by reason of ~~his or her~~their position for a purpose other than a City purpose; provided, that nothing shall prohibit the disclosure or use of information which is a matter of public knowledge, or which is available to the public on request. Information obtained during Executive Sessions is deemed confidential.

#### **Examples:**

A Councilmember purchases land with advanced, undisclosed knowledge of the route of a new transit line that, when completed, will substantially increase the value of the land. The Councilmember's purchase of the land based on "inside" information violates this section off the Code of Ethics.

While having a conversation with Union leadership, a Councilmember discloses information discussed during Executive Session about labor negotiation strategy. The Councilmember's conduct violates this section's prohibition against disclosing information discussed in Executive Session.

D. Acceptance of Compensation, Gifts, Favors, Rewards, or Gratuity Prohibited.

1. City Councilmembers may not, directly or indirectly, give or receive, or agree to give or receive, any compensation, gift, favor, reward, or gratuity for a matter connected with or related to the officer's performance of official duties for the city. Prohibited conduct includes, but is not limited to, the following:

- a. Accepting cash or other cash equivalents such as gift cards or gift certificates regardless of value except as part of an internal, recognized, and sanctioned city incentive program.
- b. Accepting gifts, gratuities, loans, entertainment or other items of value from anyone with whom the city regularly transacts business, who has or seeks a contract with the city, or who desires other official action from the city.
- c. Giving, offering or promising anything of value to a customer, a potential customer, or a financial institution in connection with any transaction or business that the city may have with that customer, potential customer, or financial institution.
- d. Misusing confidential city information or disclosing such information to any individual who does not have a need to know the information.
- e. Using the city's name, account or credit to purchase merchandise for personal use

2. Exceptions. The prohibition regarding accepting compensation, gifts, or rewards shall not apply to:

- a. Receiving items from family members or friends where it is clear beyond a reasonable doubt that the gift was not made to gain or maintain influence;
- b. Receiving items exchanged equally among Councilmembers at a social event hosted or sponsored by an officer of the city for other officers or employees of the city.
- c. Receiving items of nominal value provided for advertising purposes such as pens, calendars, or items received at a conference;
- d. Payment by a governmental or non-governmental entity of reasonable expenses incurred in connection with a speech, presentation, appearance or trade mission made in an official capacity. Reasonable expenses are limited to travel, lodging and subsistence expenses incurred the day before through the day after the event;
- e. Payment of fees and reasonable travel expenses for attending seminars or educational programs sponsored by a government or *bona fide* non-profit professional, educational, trade or charitable association or institution. Reasonable expenses are limited to travel, lodging and subsistence expenses incurred the day before through the day after the event;
- f. Discounts available to the individual as a member of a group, occupation or similar broad-based group;

- g. Awards, prizes, scholarships or other items provided in recognition of academic, sport, or scientific achievement;
- h. Attendance of the Councilmember at a hosted meal where official attendance by the Councilmember as a city representative is appropriate;
- i. Campaign contributions that are in compliance with Chapter 42.17 RCW.

**Example:**

The Anyname Company has submitted a bid on a City project. The President of Anyname approaches a City Councilmember and promises that if ~~his~~-~~their~~ firm is the successful contract bidder, ~~he~~-~~they~~ will buy supplies from a firm owned by the Councilmember. The Councilmember promises to use ~~his/her~~~~their~~ position to secure the contract for Anyname. Such actions are a violation of this section of the Ethics Code.

E. Certain Employment Prohibited.

No City Councilmember shall engage in or accept employment or render services for any employer when such employment or service creates a conflict of interest with a duty owed to the city or conflicts with the proper discharge of official city duties.

**Example:**

A Councilmember, who is also a real estate agent, represents a client who is in competition with the City for a parcel of land. The Councilmember is in violation of this section of the Code of Ethics.

F. Personal Interest in Legislation Prohibited.

No City Councilmember shall benefit either directly or indirectly from any legislation or have a financial interest in any legislation coming before the City Council nor participate in discussion with or give an opinion on such legislation, unless such interest is a remote interest as defined in this section and where the fact and extent of such interest is disclosed and noted on the record of the Council, or similar records of the City prior to consideration of the legislation by the City Council. City Councilmembers' participation in the enactment of legislation shall be governed by Ch. 42.23 RCW- the Code of Ethics for Municipal Officers and Ch. 42.36 RCW- The Appearance of Fairness Doctrine. City Councilmembers shall not be prohibited from participating in the adoption of legislation when the Councilmember has only a remote interest in the legislation as defined in this section, which has been disclosed, and the legislation is applicable to the general public and not of specific or unique benefit to the Councilmember. Questions regarding these kinds of situations should be directed to the City Attorney for review.

G. Improper Use of Position Prohibited.

A Councilmember shall not knowingly use ~~his-or-her~~~~their~~ office or position to secure personal benefit, gain or profit, or use ~~his-or-her~~~~their~~ position to secure special privileges



or exceptions for ~~himself or herself~~themselves, or for the benefit, gain, or profits of any other persons.

#### H. Improper Use of City Personnel Prohibited.

A Councilmember shall not employ or use any person under ~~his or her~~their official control or direction for personal benefit, gain, or profit.

#### I. Improper Use of City Property Prohibited.

A City Councilmember shall not use city-owned vehicles, equipment, materials, money, or property for personal or private convenience or profit. Such use is restricted to those city services that are available to the public generally, for the authorized conduct of official business or for such purposes and under such conditions as are approved by the city council, city manager or designee.

A Councilmember shall not utilize the City's name, letterhead or logo for the purpose of endorsing any political candidate, business, commercial product, or service.

### 7.0 **Harassment Prevention**

#### A. Policy: harassment prohibited.

The City of Vancouver is committed to providing a diverse work environment free from discrimination and harassment where all people are treated, and are expected to treat others, with dignity and respect. The City does not condone or tolerate discriminatory, harassing, retaliatory, intimidating, offensive, or disrespectful conduct. Councilmembers have a responsibility to assist in this commitment by modeling appropriate conduct, and refraining from engaging in harassing conduct directed at an individual because of their race, religion, color, national origin, pregnancy, military status, age, gender, sexual orientation, marital status and/or the presence of any physical or mental disability and/or any other status protected by law. Such harassing conduct is strictly prohibited. Any conduct which may be construed as retaliation against an individual because they made a complaint of harassment is also strictly prohibited.

#### B. Definitions and Guidelines.

1. "Harassing Conduct." As a general rule, harassing conduct includes behavior that is demeaning, insulting, offensive or intimidating. It can include verbal conduct such as unwanted sexual or racist comments; non-verbal behavior such as suggestive looks; and physical behavior such as pats, squeezes or brushing against someone's body. The conduct will be considered harassing and a violation of this policy if it is offensive or unwelcome, even if the conduct was not intended to be harassing.

Harassing conduct can take many forms. It can include:

- Demeaning, insulting, intimidating, or sexually suggestive written, recorded or electronically transmitted messages;
- Using demeaning or inappropriate names or labels that others find offensive;
- Making vulgar comments, using profane language, using indecent gestures or discussing sexual activities;
- Unwanted physical contact or conduct of any kind, including sexual flirtations, touching, advances, or propositions;
- Verbal abuse of any kind;
- The display of demeaning, insulting or sexually suggestive objects or pictures, including nude photographs;
- Blaming victims of harassment for causing the problem; or
- Continuing offensive behaviors after one has objected to that behavior.

2. “Retaliation.” Retaliation is any action taken to punish an individual for making a complaint of harassment or to obtain revenge for making the complaint is retaliation, even if the complaint is unfounded.

Examples of retaliatory conduct include any of the following when made for making a complaint of harassing conduct:

- Harassing or intimidating an individual in any way;
- Making or encouraging unjustified disciplinary action;
- Directly or indirectly encouraging others to retaliate against an individual who has made a complaint of harassment; or
- Making or encouraging any action which is detrimental to the employee’s job such as a demotion, a poor performance evaluation, or making it difficult for the employee to perform job duties.

This Policy applies equally to all Council members regardless of whether they are working inside City Hall or within the community.

## **8.0 Impermissible Conduct After Leaving City Office**

A. Disclosure of Privileged, Confidential, or Proprietary Information Prohibited.

No former City Councilmember shall disclose or use for ~~his or her~~their personal gain or that of any other person any privileged, confidential, or proprietary information gained because of ~~his or her~~their eCity office .

B. Participation in City Matters Prohibited.

No former City Councilmember shall, during the period of one year after leaving office:

1. Assist any person in matters involving the city if, while in the course of duty with the city, the former Councilmember was officially involved in the matter, or personally and substantially participated in the matter, or acted on the matter; or.
2. Represent any person as an advocate in any matter in which the former Councilmember was involved while a Councilmember; or
3. Participate as or with a bidder, vendor, or consultant in any competitive selection process for a city contract in which he or she assisted the city in determining the project, or work to be done or the process to be used.

## **89.0 Violation of the Code of Ethics**

Any person who has information that a Councilmember may have violated the Code of Ethics shall provide that information in writing to the City Council and the City Manager. The written complaint must be based substantially upon the personal knowledge of the complainant and signed by the person filing the complaint. No action will be taken on any complaint which is filed later than three (3) years after a violation of the Code of Ethics is alleged to have occurred.

Upon receipt of the complaint, the City Council, and/or the City Manager shall provide it to the City Attorney who shall promptly review the information and determine whether the complaint, on its face, alleges facts that, if true, would substantiate a violation of the Code of Ethics and shall report back to the Council in writing. The City Council at its next regular meeting, shall review the City Attorney's report and make a determination as to whether or not the Council shall refer the allegation(s) to a Hearings Examiner designated by the Council to conduct an investigation.

If so referred, the Hearings Examiner shall conduct an investigation of the complaint and prepare written findings and conclusions within sixty 60 days of the date the complaint was received by the City unless an extension is granted by the Council. The Councilmember accused of the ethics violation shall have the right to review any and all information obtained as a result of the investigation and shall have the right to respond in writing to the complaint which information shall be reviewed and taken into consideration by the Hearings Examiner.

Upon completion of the investigation, the Hearings Examiner shall issue an advisory report to the Council for its consideration as well as to the City Manager and City Attorney. The report shall set forth findings and conclusions demonstrating whether or not, based on a preponderance of the evidence, the councilmember has violated the Code of Ethics.

Within 5 (five) business days of the receipt of the report, the City Manager shall provide copies of the report via certified mail to the complaining party and to the Councilmember against whom the complaint was filed at their last known addresses.

Within fifteen (15) business days of the receipt of the report, the Council (excluding the accused Councilmember) shall convene to review the alleged violation and the report and take action. Action may include the following: 1.) dismissal of the complaint on the basis that no violation of the Code of Ethics has occurred; or 2.) remand to the Hearings Examiner to obtain additional information in order for the Council to decide whether a violation has occurred; or 3.) a determination that by a preponderance of the evidence, a violation of the Code of Ethics has occurred in which case the Council shall adopt written findings, conclusions and appropriate sanctions as forth herein.

Adoption of the findings, conclusions and sanction(s) by the City Council shall be by majority vote; provided that the Councilmember accused of the violation shall not vote on any matter involving that member; and provided further that in the event the Mayor is accused of the violation, the Mayor Pro Tempore shall act in the Mayor's stead.

Within 5 (five) business days thereafter, the City Manager shall provide copies of the Council's findings, conclusions and sanction(s) via certified mail to the complaining party and to the Councilmember against whom the complaint was filed at their last known addresses. No final disposition of the matter will be implemented for a period of 10 (ten) days to allow the Councilmember against whom the complaint was filed to request a review of the Council's decision. Such a request shall be submitted to the City Manager in writing and shall state the reasons for ~~his or her~~their objections and request a review of the action taken. The Council shall review the action taken in light of the findings and conclusions and request for review and may take whatever further action, if any, appears appropriate under the circumstances. The action of the Council shall be final and not subject to further review or appeal except as may otherwise be provided by law.

Action by Council may take any of the following sanctions:

1. Admonition. An admonition shall be verbal non-public statement made by the Mayor to the member.
2. Reprimand. A reprimand shall be administered to the Councilmember by letter. The letter shall be prepared by the City Council and shall be signed by the Mayor.
3. Censure. A censure shall be a written statement administered personally to the member. The individual shall appear at a time and place directed by the City Council to receive the censure. It shall be given publicly, and the member shall not make any statement in support of or in opposition thereto or in mitigation thereof. A censure shall be deemed administered at the time it is scheduled whether or not the member appears as required.
4. Other sanctions. Any sanction imposed under this Code of Ethics is in addition to and not in lieu of any other penalty, sanction or remedy which may be imposed or sought according to law or equity, including, but not limited to:

- (a) Declaration of vacancy by City Council pursuant to Charter Sections 2.02 or 2.06.
- (b) Voiding of a contract entered into in violation of Charter Section 11.07 (Personal Interest)
- (c) Forfeiture of office for violation of Charter Section 11.07 (Personal Interest)
- (d) Civil penalties of \$500 and possible forfeiture of office pursuant to RCW 42.23.050.
- (e) Removal or recall from office pursuant to state law.
- (f) Removal from leadership positions, boards and commissions and other official positions or duties that do not conflict with Washington statutes.
- (g) Initiation of appropriate civil actions against any person member who violates this Code.
- (h) Injunctive relief to ensure that violation of this Code or of other provisions of law cease and desist.

C:\C\Procedure 100-36 Ethics Policy



## POLICY AND PROCEDURE

|                                              |                                                  |                                |                                              |             |
|----------------------------------------------|--------------------------------------------------|--------------------------------|----------------------------------------------|-------------|
| CITY OF VANCOUVER WASHINGTON                 | INDEX<br><br>Administrative/Council/City Manager |                                |                                              |             |
| Subject                                      | Number<br>100-37                                 | Rev.<br><del>BC</del>          | Effective Date<br><del>1/4/11</del> 12/13/21 | Page 1 of 6 |
| City Council Electronic Mail (e-mail) Policy | Supersedes<br><del>4/6/07</del> 1/4/11           | Prepared by:<br>[City Manager] | Approved by:<br>[Mayor]                      |             |

### 1.0 **Purpose**

The purpose of this policy is to establish a formal process for electronic mail (e-mail) communications by Vancouver City Council.

### 2.0 **Organizations Affected**

City Council/City Manager

### 3.0 **References**

City Council Resolution M-3269, December 20, 1999

City Council Resolution, M-3730, January 3, 2011

~~City Council Resolution, M-\_\_\_\_, December 13, 2021~~

### 4.0 **Declaration of Policy**

City computers, electronic mail (e-mail), Internet and other technology resources are available to the Mayor and Councilmembers to assist them in conducting City business. E-mail is a fast and convenient way to communicate within the City organization, with ~~citizens~~ community members, and with outside organizations.

The following guidelines are provided to aid the Mayor and Council in their use of these resources.

### 5.0 **Use of E-mail Communication by the Mayor and Councilmembers**

E-mail is simply a communication tool. Councilmembers may use it for the same communication purposes and under the same basic guidelines as they have previously

used the mail service, hand-delivery, the telephone, face-to-face conversations and meetings in the past. The City Manager will facilitate the establishment and maintenance of Council e-mail accounts in collaboration with Council members, the City Information Technology Department, and Public Records Officer.

Some uses that are best adapted to e-mail communications include:

- Distributing Council agendas and meeting notices.
- Referring citizen-community member questions and concerns to the City Manager for staff response.
- Responding to citizen-community member or CMO inquiries about City business.
- Scheduling meetings or other events without playing “phone tag”.

## **6.0 Inappropriate Uses of E-mail or other Electronic Communication**

City computers, e-mail, Internet and other technology resources are public assets. These resources are City property and they are therefore generally not to be used for personal reasons. Personal use is allowed if:

- There is little or no cost to the City;
- The use does not disrupt or distract from the conduct of City business; and
- The use otherwise complies with all other City policies and the Operating Principles, and will not lead to embarrassment of the City. Examples of prohibited uses include, but are not limited to:
  - Creating distributing, downloading or viewing any material that is offensive, obscene, pornographic, profane, sexually oriented, harassing and/or violates City policies or the City’s Operating Principles.
  - Distributing, downloading or modifying copyrighted materials, trade secrets, proprietary information, or confidential, privileged or similar materials without prior authorization.
  - Creating, distributing, downloading or viewing any material that is threatening or related to violence or hate that is in violation of City policies and/or the City’s Operating Principles.
  - Engaging in any activities for personal business or gain.
  - Use that violates any local, state or federal law.

## **7.0 E-mail as a Public Record**

In most cases, e-mail is considered a public record.

E-mail systems send and receive both public records and information with no retention value. E-mail messages that contain information about the City’s activities, decisions, and policies, as well as those that function as evidence of business transactions qualify as

“public records” of the City. Electronic mail and other electronic documents that meet this definition must be treated like paper documents for the purpose of the Public Records Act, including any retention schedules.

For the purpose of satisfying public record laws, e-mail is defined as not only the messages sent and received by e-mail systems, but all transmission and receipt data as well. In order to retain the metadata (send timestamp, receive timestamp, and other properties that are not part of the printed document) e-mail that meets the criteria of a public record that has retention value shall be maintained for the required retention period on a City server in a format that preserves the metadata of the original record. E-mail that exists on personal, non-City computers or in personal e-mail accounts may also be a public record subject to disclosure. Therefore, all City-related e-mail should occur from a City e-mail account hosted on a City server.

In addition to the public records requirements, courts have accepted e-mail as a legitimate source of evidence and it may therefore subject to legal discovery in lawsuits and/or administrative proceedings.

Email that does not have retention value as a public record can be deleted. Examples of types of messages that have no retention value are:

- Personal messages and announcements not related to official business
- Information-only copies or extracts of documents distributed for convenience of reference
- Published reference materials
- Copies of inter- or intra-agency memoranda, bulletins or directions of a general information and non-continuing nature
- Announcements of social events, such as retirement parties or holiday celebrations.

## **8.0 Use of E-mail for Sensitive or Confidential Information**

Generally, e-mail should not be used to communicate sensitive or confidential communications. E-mail can be easily forwarded to large numbers of people who may then copy it and/or send to others. E-mail is generally not recommended for such information as attorney/client communications; property appraisals and other information related to City property transactions; and personnel information such as information on labor negotiations, performance evaluations, or employee disciplinary matters.

If, however, time or other constraints make it necessary to communicate such information through e-mail, provide warning notice in the “Subject” box of the message such as “Confidential Communication – Do Not Forward.”

Note, however, that just calling a document “confidential” does not preclude the recipient from forwarding it to another party. It is still a public record and a court may later find that the document is subject to public disclosure despite its “confidential” designation.



Note as well that e-mail is retrievable long after you delete it from your e-mail box. Recipients may save, print or forward the message, and backups are made of the email system on a regular basis.

#### **9.0 Process for Responding to E-mail from Outside the City Organization**

E-mail received by the Mayor and Councilmembers from outside the City organization should receive the same response as communications received by traditional means such as mail or telephone. The City Manager may provide support staff and technology solutions to assist Council members with the management of e-mail as resources permit.

~~Please forward e-mails, along with any special requests for handling or response, to the attention of the designated contact in the City Manager's Office (CMO).~~

If you respond to the e-mail as the Mayor or as a Councilmember, "cc" the City Manager with your response and forward the outside e-mail communication to CMO for copying and filing in accordance with public record requirements.

#### **10. Application of the Washington Open Public Meetings Act to Mayor and Council Electronic Communications, such as E-mail or Instant Messaging**

In most cases, the Washington Open Public Meetings Act does apply to electronic communications, which can include e-mail, instant messaging, or other methods that allow electronic interaction.

In the context of telephone calls, use of a "telephone tree" in which members of a governing body repeatedly call one another to form a majority position on a matter to be decided by the body would violate the Washington Open Public Meetings Act.

Since 2001, it has become well established in Washington law that interactive e-mail discussions among a quorum of a governing body regarding a matter which will come to the body for a vote is a "meeting" under the OPMA.

To avoid violating either the letter or spirit of the Open Public Meetings Act, any interactive electronic communications (i.e. that requires or invites two-way communication) between or among the Mayor or any members of City Council are subject to the following:

- Restrict use of interactive electronic communication among the Mayor and Councilmembers to matters that do not require a vote or other formal action of Council. Interactive electronic communications regarding upcoming ceremonial or social events or about availability for meetings would not violate the Act.
- Do not exchange electronic messages regarding matters which may come to Council for a vote or other formal action. Although interactive communication among three or fewer members of Council would not constitute quorum for purposes of Open Meetings Act, the ease with which electronic mail can be forwarded and exchanged

invites interactive communication among a majority of Council. The better practice would be to simply avoid interactive electronic communication among the Mayor and Councilmembers on any matter that may require formal Council action.

- Do feel free to electronically forward informational materials, e-mails from the public, and other information received electronically to the Mayor and other Councilmembers on a “no comment” or “FYI” basis. This one-way communication is qualitatively no different than routing or forwarding a “hard copy” of a news article or letter and should not violate the Open Meetings Act. Courts have held that it is not improper for members of Council to individually review material in advance of a meeting. These materials should be simultaneously forwarded to the City Manager’s Office to be printed out and made available for public inspection unless otherwise exempted by the Public Disclosure Act.

#### **11. Application of Appearance of Fairness Doctrine to Mayor and Council E-mail**

The Appearance of Fairness Doctrine applies if the e-mail to or from the Mayor or Councilmembers relates to quasi-judicial matters, which come before Council for decision (e.g. appeals from land use hearing examiner decisions.)

As with any ex parte communication about a quasi-judicial matter, the Mayor or Councilmember who receives the e-mail should:

- Advise the sender by return e-mail that on advice of the City Attorney, ~~s/he~~they may not comment outside a public meeting on a pending matter before Council and that the sender’s e-mail is being forward to the CMO for inclusion in the public record on the matter.
- Immediately forward the e-mail to the CMO for inclusion in the public record of the matter.
- Disclose on the record in the public hearing or meeting on the matter that the e-mail has been received and is in the record.

#### **12. Additional Information about Use of City E-mail and Other Electronic Communication**

Applicable City policies include the following

- Use of Computers, E-mail, Internet and Other Technology Resources;
- Use of City Property and Systems; and
- Harassment Prevention;

Copies of these policies are available through the City Manager’s Office or on the Human Resources Department Web site on Citynet.

For more information about specific situations or about training for use of City e-mail and other technology resources, contact the City Manager’s Office.

C:\C\Procedure 100-37 Electronic Mail (E-mail) Policy



## POLICY AND PROCEDURE

|                                |                           |                                     |                             |             |
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|                                | 100-38                    | <del>DC</del>                       | <del>9/24/18</del> 12/13/21 |             |
| Filling City Council Vacancies | Supersedes                | Prepared by:                        | Approved by:                |             |
|                                | <del>1/4/11</del> 9/24/18 | [City Manager]                      | [Mayor]                     |             |

### 1.0 Purpose

The purpose of this policy is to provide guidance to City Council when a Vancouver Councilmember position becomes vacant before the expiration of the official's elected term of office. Pursuant to state law, a vacancy shall be filled only to serve the remainder of the unexpired term until the next regular election.

### 2.0 Organizations Affected

City Council/City Manager

### 3.0 References

Vancouver City Charter – Sections 2.01 Terms; 2.02 Qualifications; 2.06 Vacancies Defined; 2.08 Vacancies in Council

RCW 29A.60.270 Beginning of terms; RCW 29A.60.280 Term of office; 42.30.110(h) – Executive Session Allowed to Consider Qualifications of a Candidate for Appointment of Elective Office; RCW 42.30.060 – Prohibitions on Secret Ballots; RCW 42.12 – Vacant Position

City Council Resolution M-3274, January 3, 2000

City Council Resolution, M-3730, January 3, 2011

City Council Resolution M-3980, September 24, 2018

City Council Resolution M-\_\_\_\_, December 13, 2021

### 4.0 Notification Process

A Council position shall be officially declared vacant upon the occurrence of any of the causes of vacancy set forth in City of Vancouver Charter, Section 2.06, including resignation, recall, forfeiture, written intent to resign, or death of a Councilmember. The

Councilmember who is vacating ~~his or her~~their position cannot participate in the appointment process.

Vacancies in the City Council shall be filled by a majority vote of the remaining members of the City Council. Such appointee shall hold office only until the next regular general election, at which time the appointee may run to serve the remainder of the unexpired term.

City Council shall direct staff to begin the Councilmember appointment process and establish an interview and appointment schedule so that the position is filled at the earliest opportunity. In the case of a councilmember submitting an intent to resign, the application process may commence prior to the effective date of the resignation. The overall length of the process timeline should allow for the expedient conclusion of the appointment process, but also sufficient time for Council evaluation of candidates. The City Manager's Office will propose an appointment schedule to the Council prior to advertisement of the vacancy.

The City Manager's Office shall prepare and submit a display advertisement to *The Columbian, Oregonian and Daily Insider*, posted on the City's website and social media site, distributed via the City's internal and external newsletter services (*Currents, Emma, Office of Neighborhoods, etc.*), and distributed to all current members of Vancouver advisory boards, commissions, committees, and task forces (per Council policy 100-06) via email to the staff of those bodies with copies to other local media outlets, which announces the vacancy consistent with the requirements necessary to hold public office: that the applicant be a qualified elector<sup>1</sup> and hold no other public office; and have no employment under the city government.

This display advertisement shall be published once each week for two consecutive weeks. This display advertisement shall contain other information, including, but not limited to; time to be served in the vacant position; election information, including qualifications of an elected official; salary information; Councilmember powers and duties; complete list of materials required to apply for appointment; the deadline date and time for submitting applications; interview and appointment schedules; and such other information that the City Council deems appropriate.

## **5.0 Application Process**

### **5.1 The Application**

The City Manager's Office shall prepare an application form which requests appropriate information for City Council consideration of the applicants. The application form will request the following information from the applicant:

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<sup>1</sup> To be a "qualified elector" a person must be at least 18; a citizen of the United States; have lived in the city for at least 30 days prior to the election at which they offer to vote; have not been convicted of a felony unless their civil rights have been restored. Washington State Constitution Article VI, Section 1.

- Pertinent contact information
- Confirmation the applicant is a qualified elector<sup>1</sup>
- Answers to the following:
  1. Is there anything in your background that would attract heightened public scrutiny if undisclosed and later discovered?
  2. Please give a brief summary of your background and experience, including education, work history and civic engagement activities.
  3. Why are you seeking appointment to the City Council? What do you feel your qualifications are for the position?

Applications will be available at City of Vancouver offices, on the City's website and such other locations that the City Council deems appropriate.

## **5.2 Supplemental Materials**

In addition to the application form, the applicants will also be required to provide a completed Washington State PDC form F-1 and a current resume. The F-1 form must be provided directly to the City Manager's Office. It should not be submitted on the Washington PDC website.

In addition to the required supplemental materials, candidates may also submit additional supportive information, such as a list of endorsements, up to three (3) letters of reference, and other pertinent materials. Endorsements and letters of reference should include contact information for the person(s) supporting the candidate.

## **5.3 Conclusion of Application Period**

The application period shall be open for at least two weeks and no more than 30 days following the announcement of the vacancy and details of the appointment process. The length of the application period will be included in the proposed appointment schedule, as set forth in section 4.0.

Applications received by the deadline date and time will be copied and circulated by the City Manager's Office to the Mayor and City Council within one (1) business day following the deadline. Candidates who submit completed application packets by the deadline will be required to also submit information necessary for the City to conduct a criminal background check, the results of which will be provided to the City Council.

All completed candidate application packets will be posted on the City's website following the application deadline and delivery of the packets to the City Council. Applicant materials will be redacted for non-disclosable information prior to being made public.

## 6.0 Council Evaluation of Candidates

City Councilmembers, individually, will conduct an initial review of all completed applications.

Council will meet in executive session at the next Council meeting to discuss applicant qualifications. It is permissible to meet in executive session to “evaluate the qualifications of a candidate for appointment to elective office.”<sup>2</sup> The City Manager’s Office will provide Council with the results of the candidate criminal background checks during this executive session.

In the event the City receives more than 10 completed applications, each City Councilmember will submit to the Council Assistant an unranked list of names of the candidates the Councilmember wishes to move forward in the process. Each Councilmember’s list should contain no more than 15 names. The Council Assistant shall aggregate all Councilmember lists into one unranked master list of the 10-15 candidates most commonly selected among the individual lists provided. The list shall be arranged in alphabetical order and shall only include the names of the candidates. This aggregated list shall be provided to the Council during the executive session held prior to the interview meeting.

Immediately following executive session, Council shall meet in public session to select which candidates to invite to participate in an interview at the next City Council meeting. The decision as to which applicants to interview will be based on the information contained in the application forms and Council’s evaluation of the qualifications of the candidates. The decision as to which candidates will be interviewed will be at the sole discretion of the City Council.

The City Manager’s Office shall notify applicants selected for interview of the location, date and time and format (per Section 7.0) of City Council interviews. In the event Council does not select all applicants to move forward to the interview, staff in the City Manager’s Office will notify those candidates not selected of their status. Information about the interview meeting and those applicants selected for an interview will be announced to the public via a news release and posted on the City’s website after all applicants have been contacted.

Prior to the date and time of the interview meeting, each Councilmember shall submit one interview question and one back-up question to the Mayor and Council Assistant. If two or more Councilmembers submit the same primary question, the Mayor shall choose whose to accept, and the back-up question(s) from the other Councilmember(s) will be used. The final list of questions will be provided to all of Council prior to the interview meeting. Each Councilmember will ask ~~his or her~~their question during the interviews.

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<sup>2</sup> RCW 42.30.110(1)(h).

## 7.0 Interview Meeting

An interview meeting shall be scheduled for a regularly scheduled Council meeting. The meeting will be open to the public and broadcast and live streamed by CVTV.

At the opening of the interview meeting, the Mayor shall provide an overview of the format and ground rules for the meeting. The applicant's order of appearance also shall be determined at this time by a random lot drawing performed by the Council Assistant.

In order to ensure each candidate has a fair and equal opportunity to speak with Council, all candidates shall be sequestered at City Hall for the duration of all candidate interviews. Access to electronic devices shall be prohibited during sequestration. Candidates will be ushered to and from the City Council Chambers by a member of City staff in order to participate in their interview at the pre-determined time. Candidates will be released from sequestration upon conclusion of the final interview and may observe the remainder of the public portion of the Council meeting.

Each candidate interview shall be no more than 30 minutes in length. The Council may reduce the 30-minute interview time if the number of applicants exceeds six candidates. Each interview shall follow the following format:

- The applicant shall present ~~his or her~~their credentials to the City Council (up to 10 minutes).
- The City Council shall ask the predetermined set of questions, one question per Councilmember, which must be responded to by the applicant. Each applicant will be asked and will answer the same set of questions and will have two (2) minutes to answer each question (up to 14 minutes)
- An informal question-and-answer period during which Councilmembers may ask and receive answers to miscellaneous or follow-up questions (remainder of time).

## 8.0 Voting

Upon completion of the interviews, Councilmembers may convene into Executive Session to further evaluate the qualifications of the candidates; however, all interviews, nominations and votes taken by the Council shall be in open public session.

Balloting will continue until a nominee receives a majority of votes.

At any time during the balloting process, the City Council may postpone balloting until a date certain or regular meeting if a majority vote has not been received.

Nothing in this policy shall prevent the City Council from reconvening into Executive Session to further discuss the candidate qualifications.



The Mayor shall declare the nominee receiving the majority vote as the new Councilmember and he or she shall be sworn into office at the earliest opportunity, or no later than the next regularly scheduled City Council Meeting.



## POLICY AND PROCEDURE

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| Subject                                                         | Number<br>100-39             | Rev.<br><u>B</u>               | Effective Date<br><u>6/11/0712/13/21</u> | Page 1 of <u>45</u> |
| City Council Appearance of Fairness<br>Standards and Procedures | Supersedes<br><u>6/11/07</u> | Prepared by:<br>[City Manager] | Approved by:<br>[Mayor]                  |                     |

### 1.0 Purpose

The purpose of this policy is to affirm the applicability of the Appearance of Fairness Doctrine to quasi-judicial proceedings before the Vancouver City Council, and to establish proceedings for implementation of the Appearance of Fairness Doctrine in quasi-judicial proceedings before the Vancouver City Council.

### 2.0 Organizations Affected

City Council

### 3.0 References

City Council Resolution M-3622, adopted June 11, 2007;  
City Council Resolution M- , adopted December 13, 2021

### 4.0 Declaration of Policy

**Applicability of Appearance of Fairness Doctrine:** The Appearance of Fairness Doctrine is a requirement of Washington law that protects the integrity of quasi-judicial public hearings before the Vancouver City Council. The Appearance of Fairness Doctrine imposes the following requirements: “When the law which calls for public hearings gives the public not only the right to attend but the right to be heard as well, the hearings must not only be fair but must appear to be so. It is a situation where appearances are quite as important as substance. The test of whether the appearance of fairness doctrine has been

violated is as follows: Would a disinterested person, having been apprised of the totality of a boardmember's personal interest in a matter being acted upon, be reasonably justified in thinking that partiality may exist? If answered in the affirmative, such deliberations, and any course of conduct reached thereon, should be voided." *Zehring v. Bellevue*, 99 Wn.2d 488 (1983).

**Procedures for Implementation of the Appearance of Fairness Doctrine.** This Policy establishes procedures for implementation of the Appearance of Fairness Doctrine in quasi-judicial proceedings before the Vancouver City Council.

## **5.0 Types of Hearings to Which Doctrine Applies**

The appearance of Fairness Doctrine applies only to quasi-judicial actions before the Council. Quasi-judicial actions are defined as action of the City Council that determine the legal rights, duties, or privileges of specific parties in a hearing or other contested proceeding. Quasi-judicial actions do not include the legislative actions adopting, amending, or revising comprehensive, community, or neighborhood plans or other land use planning documents of the adoption of area-wide zoning ordinances or the adoption of a zoning amendment that is of area-wide significance. RCW 42.36.010. Some examples of quasi-judicial actions that may come before the Council are: rezones or reclassifications of specific parcels of property; appeals from decisions of the Hearing Examiner; substantive appeals of threshold decisions under the State Environmental Protection Act, and special land use permits.

## **6.0 General Obligations Under the Appearance of Fairness Doctrine**

Council Members should recognize that the Appearance of Fairness Doctrine does not require establishment of a conflict of interest. Rather, a violation of the Appearance of Fairness Doctrine occurs when there is an appearance of conflict of interest to the average person. This may involve the Council Member or a Council Member's business associate or a member of the Council Member's immediate family. It could involve *ex parte* communications, ownership of property in the vicinity, business dealings with the proponents or opponents before or after the hearing, business dealings of the Council Member's employer with the proponents or opponents, announced predisposition, and the like.

## **7.0 Procedures for Implementation of the Appearance of Fairness Doctrine**

**Prior to any quasi-judicial hearing,** each Councilmember should give consideration to whether a potential violation of the Appearance of Fairness Doctrine exists. If the answer is in the affirmative, no matter how remote, the Councilmember should disclose such facts to the City Attorney, or to the City Manager who will seek the opinion of the City Attorney, as to whether a potential violation of the Appearance of Fairness Doctrine exists. The City Attorney, or the City Manager, shall communicate such opinion to the Council Member and the Mayor.

**Anyone, including a member of the public, seeking to disqualify a Council Member** from participating in a decision on the basis of a violation of the Appearance of Fairness Doctrine must raise the challenge as soon as the basis for disqualification is made known or reasonably should have been made known prior to the issuance of the decision; upon failure to do so, the Doctrine may not be relied upon to invalidate the decision. RCW 42.36.080. The party seeking to disqualify the Council Member shall state with specificity the basis for disqualification; for example: demonstrated bias or prejudice for or against a party to the proceedings, a monetary interest in outcome of the proceedings, prejudgment of the issue prior to the hearing, the City Manager shall direct the City Attorney to interview the Council Member and render an opinion as to the likelihood that an Appearance of Fairness violation would be sustained in superior court. Should such challenge be made in the course of a quasi-judicial hearing, the Mayor shall call a recess, if necessary, to permit the City Attorney to make such interview and render such opinion.

**When Council conducts a hearing** to which the Appearance of Fairness Doctrine applies, the Mayor, or in the case of a potential violation by that individual, the Mayor Pro Tem, will ask if any Council Member knows of any reason which would require such member to excuse themselves pursuant to the Appearance of Fairness Doctrine. The form of the announcement is as follows:

“All Council Members should now give consideration as to whether they have: (1) a demonstrated bias or prejudice for or against any party to the proceedings; (2) a direct or indirect monetary interest in the outcome of the proceedings; (3) a prejudgment of the issue prior to hearing the facts on the record; or (4) ex parte contact with any individual, excluding Administrative staff, with regard to an issue prior to the hearing. If any Council Member should answer in the affirmative, then the Council Member should state the reason for their answer at this time so that the Chair may inquire of the City Attorney as to whether a violation of the Appearance of Fairness Doctrine exists.”

**The Mayor shall have authority** to request a Councilmember to excuse ~~himself/herselfthemselves~~ on the basis of an Appearance of Fairness violation. **If two or more Council Members believe that another Council Member is in violation of the Appearance of Fairness Doctrine,** such Council Members may move to request a Council Member to excuse ~~himself/herselfthemselves~~ on the basis of an Appearance of Fairness violation. In making such request, the Mayor or other Council Members shall take action that is consistent with the opinion of the City Attorney.

**Notwithstanding the request** of a party, the Presiding Officer or other Council Members, the Councilmember may participate in any such proceeding.

**If an Appearance of Fairness challenge to a Council Member would cause a lack of a quorum** or would result in a failure to obtain a majority vote as required

by law, any such challenged Council Member shall be permitted to fully participate in the proceeding and vote as though the challenge had not occurred, if the Council Member publicly discloses the basis for disqualification prior to rendering a decision. Such participation shall not void the decision by reason of violation of the Appearance of Fairness Doctrine. RCW 42.36.090.

While conducting a quasi-judicial hearing the Presiding Officer will afford equal time (generally fifteen minutes per side) to proponents, opponents and neutral parties who testify about the matter under consideration.

Written materials may be submitted by parties to quasi-judicial hearings or others as permitted by the Presiding Officer. Written materials should be submitted to the Assistant to the City Manager at least one week prior to the quasi-judicial hearing to ensure a full opportunity for consideration by the Council.

## **8.0 Consequences of Violation of the Appearance of Fairness Doctrine**

The remedy for an action taken by the City Council in violation of the Appearance Fairness Doctrine is to void the action.

## **9.0 Actions That Do NOT Violate the Appearance of Fairness Doctrine**

No member of the Council may be disqualified by the Appearance of Fairness Doctrine for conducting the business of ~~his or her~~their office with any constituent on any matter other than a quasi-judicial action then pending before the local legislative body. RCW 42.36.02. This means, for example, that the Mayor and Council may exercise a power of appointment to office, such as making an appointment to the Planning Commission, without violating the Appearance of Fairness Doctrine.

Candidates for the City Council may express their opinions about pending or proposed quasi-judicial actions while campaigning. RCW 42.36.040.

A candidate for the City Council who complies with all provisions of applicable public disclosure and ethics laws shall not be limited under the Appearance of Fairness Doctrine from accepting campaign contributions to finance the campaign, including outstanding debts. RCW 42.36.050.

During the pendency of any quasi-judicial proceeding, no Councilmember may engage in ex parte (outside the hearing) communications with proponents or opponents about a proposal involved in the pending proceeding, unless the Councilmember: (a) places on the record the substance of such oral or written communications; and (b) provides that a public announcement of the content of the communication and of the parties' right to rebut the substance of the communication shall be made at each hearing where action is taken or considered on the subject. This does not prohibit correspondence between a ~~citizen~~

| community member and ~~his or her~~their elected official if the correspondence is made a part of the records, when it pertains to the subject matter of the quasi-judicial proceedings. RCW 42.36.060.

**Participation by a member of the Council in earlier proceedings that result in an advisory recommendation** to the Council shall not disqualify that person, under the Appearance of Fairness Doctrine, from participating in any subsequent quasi-judicial proceeding. RCW 42.36.070. This means, for example, that the Mayor and Council may attend events such as open houses or workshops on an issue, and may still participate in Council's quasi-judicial decision on the issue.



## POLICY AND PROCEDURE

|                              |                                               |                                |                                                   |             |
|------------------------------|-----------------------------------------------|--------------------------------|---------------------------------------------------|-------------|
| CITY OF VANCOUVER WASHINGTON | INDEX                                         |                                |                                                   |             |
|                              | Administrative/Council/City Manager           |                                |                                                   |             |
| Subject                      | Number<br>100-40                              | Rev.<br><u>CA</u>              | Effective Date<br><u>12/15/14</u> <u>12/13/21</u> | Page 1 of 6 |
| Social Media Policy          | Supersedes<br><u>01/03/11</u> <u>12/15/14</u> | Prepared by:<br>[City Manager] | Approved by:<br>[Mayor]                           |             |

### 1.0 Purpose

The purpose of this policy is to establish a formal process for the use of social media/new media by individual Councilmembers in their capacity as elected officials.

### 2.0 Organizations Affected

City Council/City Manager

### 3.0 References

Ch. 42.56 RCW- Public Records Act  
 Ch. 42.30 RCW- Open Public Meetings Act  
 RCW 41.06.250- political activities  
 RCW 42.17.130- use of public office  
 RCW 42.17.190- use of public facilities in campaigns  
 Council Policy 100-36- Code of Ethics  
 Council Policy 100-37- E-Mail Policy  
 Council Policy 100-39- Appearance of Fairness  
 City Council Resolution M-3730, January 3, 2011  
 City Council Resolution M-3844, December 15, 2014  
City Council Resolution M-\_\_\_\_, December 13, 2021

#### 4.0 Declaration of policy

This policy outlines the roles, responsibilities, and best practice recommendations for the use of social media/new media by individual Council members in their capacity as elected officials. The City Council is committed to open and progressive communications between Councilmembers and constituents utilizing available and future on line technologies within the limits of the law.

#### 5.0 Definitions

~~“Social Media,” is the use of third-party hosted online technologies that facilitate social interactions and dialogue. These online technologies are operated by non-city hosted services and may be used by the City Council and/or individual Councilmembers to communicate with the public. Such third party hosted services/tools may include, but are not limited to: social networking sites (MySpace, FaceBook, Linked-In), micro-blogging tools (Twitter, RSS feeds), audiovisual networking sites (YouTube, Flickr), blogs, etc.~~

~~These guidelines apply to any social media site or tool used by individual Councilmembers in their official capacity to communicate with constituents or the general public. It is the individual Council Member's responsibility to ensure compliance with this policy.~~

“Comment” is a response to an article or social media content submitted by a commenter.

"Councilmember" here includes Councilmembers and any staff working on a Councilmember's behalf to represent him or her using a social media tool.

#### 6.0 General Policy

Social media may be used by the Vancouver City Council and/or individual Council members to communicate with the public. When used in relation to City business, social media must be archived in compliance with applicable record retention laws. To ensure adherence to applicable record retention schedules, Council members should register all social media accounts used for City business with the City Information Technology Department so that such accounts may be set-up for appropriate social capture and archiving.

While social media, with its use of popular abbreviations and shorthand, does not adhere to standard conventions of correspondence, the content and tenor of online conversations, discussions, and information posts should model the same professional behavior displayed during Council meetings and community meetings.

Social media are not to be used as mechanisms for conducting official city business other than to informally communicate with the public. Examples of business that may not be conducted through social media include making policy decisions, official public noticing, and discussing items of legal or fiscal significance that have not previously been released to the public. Councilmembers' social media site(s) should contain links directing users back to the City's official website for in-depth information, forms, documents or online services necessary to conduct official city business.



Upon the advice and recommendation of the City Manager and staff and at the discretion of the Council, social media applications, tools or sites may be limited or banned by Council if they are not or cannot be used in compliance with this policy.

## **7.0 Ethics and Elections Rules of Compliance**

All content posted on individual Councilmember's City-registered social media sites shall comply with Council Policies and Procedures, City ordinances and administrative rules and Washington State law regulating elected officials.

No content that promotes or advertises commercial services, entities, or products may be posted.

Councilmembers will not post or release proprietary, confidential or sensitive information on social media websites.

Councilmembers shall not post comments or links to any content that endorses or opposes political candidates or ballot propositions, including links to a Councilmember's campaign site, on any City-registered social media site (RCW 41.06.250; RCW 42.17.130; RCW 42.17.190).

## **8.0 Records Retention Act Compliance**

State and local records retention laws and schedules apply to social media content. All social media content that is required to be retained by the City shall be maintained for the required retention period on a City server in a format that preserves the metadata of the original record. Prior approval of the retention format and procedures *for each social media tool being used* by Council members to conduct City business must be received from the City Manager upon the advice and recommendations of the Public Records and Information Technology staff. It is the responsibility of each Councilmember to either register their social media account(s) with the City Information Technology Department for capture and archiving by the City, or independently maintain current, approved retention procedures, and to ensure that those procedures are followed.

~~As with any correspondence sent in his or her capacity as a Councilmember, Councilmember postings to social media sites maintained by others must be retained by the posting Councilmember. Printouts of postings to others' sites may suffice for retention purposes. Councilmembers who do not register applicable social media accounts with the City should consult with the City Manager and appropriate staff for the applicable retention schedule and method.~~

## **9.0 Public Records Act Compliance**

Any content maintained in a social media format, i.e., FaceBook, YouTube, Twitter, etc., that is related to City business, including communication between an individual Councilmember and

constituents or the general public, and a site's listing of "friends" or "followers", may be considered a public record subject to disclosure under the state Public Records Act.

Any social media tools used should clearly state that all content submitted by members of the public is potentially subject to public disclosure pursuant to the Public Records Act RCW 42.56. If it is not possible to display this notice prominently on the site, Councilmembers must notify users by including a link from the site to the Public Records notice set out in Exhibit B, notify new users via response to posts, and/or periodically notify existing users via broadcast message.

Under the state Public Records Act, the City is responsible for responding accurately and completely to any public records request including a request for public records on social media maintained by individual Councilmembers. Therefore it is critical that records have been retained according to approved procedures.

Users and visitors to social media sites shall be notified that public disclosure requests must be directed to the City's Public Records Officer pursuant to the City's Public Records Disclosure Policy.

## **10.0 Open Public Meetings Act Compliance**

Communication between Councilmembers via social media, as with telephone and email, may constitute a "meeting" under the Open Public Meetings Act. For this reason, Councilmembers are strongly discouraged from "friending" other Councilmembers.

In addition, receiving or making comments regarding quasi-judicial matters via social media may violate the Council Policy and Procedure 100-39 (Appearance of Fairness Standards and Procedures- Resolution M-3622). To avoid receiving any constituent comments on quasi-judicial matters that may violate the Appearance of Fairness Doctrine, Councilmembers are strongly encouraged to maintain social media sites with settings that can restrict users ability to post content.

## **11.0 Content Guidelines**

Users of social media sites who submit comments should be clearly notified that the intended purpose of the site is to serve as a mechanism for informal communication between Councilmembers and the public regarding the topics discussed. If the public is allowed to post comments to a Councilmember's site, the Use Policy set out in Exhibit A must be displayed or made available by hyperlink. Any content removed in compliance with the Use Policy must be retained, including the time, date, and identity of the poster when available. *See above* Records Retention Act Compliance.

To avoid violations of the Use Policy set out in Exhibit A regarding the content submitted to social media sites, Councilmembers are strongly encouraged to maintain social media sites with settings that can restrict users ability to comment.

## **12.0 Equal Access**

Sites requiring membership or subscription should be avoided. When posting information or soliciting feedback on such a site, always provide an alternate source for the same information or mechanism for feedback on the City's public web site, so that those who are not members of the social media site may have equal access. Sites should use the most open settings possible to allow the public to view content without requiring membership or login.

## **Appendix**

### **General Approach**

Maintain data online as long as possible.

Use retention processes and tools approved by the City's Information Technology Department.

Maintain current documentation of the approved method and schedule for preserving social media content.

Ideally, this process will store data in searchable electronic formats and will store information about transmissions, subscribers, and other metadata associated with the site.

Maintain original appearance and layout of social media site where possible.

Secure usernames and passwords for all sites by not sharing such information and using unique passwords to minimize the potential for cross site hacks and malicious mischief.

Consistently monitor activity and posts. Avoid stale or outdated information, respond to questions or responses, quickly remove inappropriate or spam content.

Notify site visitors that correspondence posted to a Councilmember's social media site will be considered public records and may be released per Chapter 42.56 RCW.

Notify visitors that individual Councilmember social media sites are not intended to be used to conduct official city business and any public records request must be made with the City's Public Records Officer.

### **Special Notes about text messaging, cellular phone and electronic tablet devices:**

Regardless of whether the device used is paid or reimbursed by public funds, business conducted in the official capacity as a Councilmember is a public record. Care should be taken to ensure that records created are maintained and can be provided if requested. Know your device's capabilities and devise a strategy for archiving texts, call logs, and other communications.

Use of electronic devices for real-time communication between Councilmembers during Council meetings is discouraged. At the discretion of the Council, certain types of devices or use may be banned or limited. Each Councilmember is issued an electronic tablet device which is intended to facilitate the conduct of City business, including for use during Council meetings for accessing informational materials pertaining to the agenda items scheduled for discussion or action at the meeting. All content and use of these devices shall comply with Council Policies and Procedures, City ordinances and administrative rules, and the Washington State law regulating elected officials.

### **Video Posts**

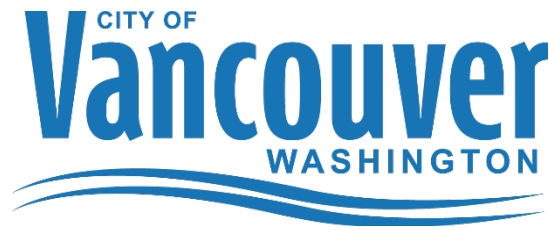
Videos posted by Councilmembers are likely to be of historical interest and archival value, as well as being public records. Consult with the City Manager and Public Records Officer regarding storage method and format of these videos so that they can be provided in response to public records requests and later transferred to an archival video collection. Keep a record of which videos were posted, including dates and host site.

### **Exhibit A**

The following content will be removed from this site: (1) comments not related to the topics for discussion; (2) comments in support of or opposition to political campaigns or ballot measures; (3) profane language; (4) discriminatory comments; (5) solicitations of commerce; (6) sexual content or links to sexual content; (7) encouragement of illegal activity; (8) information that may tend to compromise the safety or security of the public; and (9) content that violates a legal ownership interest of any party.

### **Exhibit B**

All comments or other content posted to this site may be considered public records subject to public disclosure under the Washington State Public Records Act (RCW 42.56).



City of Vancouver • P.O. Box 1995 • Vancouver, WA 98668-1995  
[www.cityofvancouver.us](http://www.cityofvancouver.us)

**DATE:** November 15, 2021  
**TO:** Mayor and City Council  
**CC:** Eric Holmes, City Manager  
**FROM:** Jonathan Young, City Attorney  
**RE:** City Council Policy Updates

## MEMORANDUM

A handwritten signature in black ink, appearing to be "JY", is written over the "FROM:" line.

---

Mayor, City Council:

On November 15, 2021, we have reserved time for a 1-hour Workshop for you to review your current City Council Policies and provide Staff direction on any policies you might wish to modify or update. To assist in facilitating this discussion, I have noted the following points as a non-exhaustive list of possible changes for your consideration:

### **1. All Council Policies<sup>1</sup>**

- a. Pronoun modernization: replace all pronouns with the gender inclusive "they/their."
- b. Citizenship neutrality: replace all instances of "citizen" with either "resident", "community member" except where citizenship is required by law (e.g., Council Vacancies must be filled with a "qualified elector" which requires U.S. citizenship. Washington State Constitution Article VI, Section 1. In these instances, I would propose using the legally precise term "qualified elector.")

### **2. Policy 100-06 Appointments to Citizen Boards and Commissions**

- a. Term limits – Section 4.2 of Policy 100-06 imposes term limits for certain board and commission positions. Looking ahead to issues that may arise in the years ahead, the City has a number of boards and commissions that were placed on-hold and did not meet during the first year of the pandemic.

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<sup>1</sup> City Council policies can be found online at: [www.cityofvancouver.us/citycouncil/page/city-council-policies](http://www.cityofvancouver.us/citycouncil/page/city-council-policies)

City Council may wish to provide direction to City Staff to ensure that the impact of this period of inactivity is uniformly addressed across all City boards and commissions. If desired, this could be done in at least three different ways:

- i. Provide general direction *without amending your policy* but directing Staff to calculate term limits so that all effected board and commission members are afforded additional time on their term limits (e.g., one extra year or one extra term) in consideration for the period of inactivity caused by the pandemic; or
- ii. Modify policy 100-06 to create an express (written) tolling provision specifying that in calculating term limits, any periods of prolonged board/commission inactivity should be excluded; or

Alternatively:

- iii. Direct staff to calculate term limits as written in the policy, without regard to tolling periods of inactivity.

Selecting any one of the above would bring clarity to the question of whether the time period that boards, commissions and committees were placed on hold during COVID-19 should be counted for purposes of calculating future term limits or whether Staff should deem members' term limits tolled for periods of inactivity due to COVID-19.

- b. Board/Commission Member Reappointment Process. Council may wish to review and discuss possible modifications to the Reappointment Process (City Council Policy 100-06, Section 4.4.) Currently:

- i. Board and Commission members who desire reappointment should submit a letter of continued interest which should trigger a review of factors including attendance, effectiveness, and duration of service.
- ii. The position is re-advertised even if the incumbent wishes to retain their seat.
- iii. Interviews are conducted with all candidates if fewer than 10 applications are received. Interviews are conducted with candidates selected by the Council subcommittee if more than 10 applications are received.

There are recognized benefits and drawbacks to the current process. A benefit is that the selection of board and commission members is an impactful process and Councilmembers are currently closely involved in the selection process.

A corresponding drawback is that Staff recognize that this process requires a significant time investment from Councilmembers. Should Council wish to make any modifications to the current process, Staff would welcome that feedback.

- c. Minor technical revisions. The City's Boards & Commissions Coordinator has identified a short list of additional updates, including updating the list of Boards and Commissions to include PDX Community Advisory Committee.

### **3. Policy 100-31a City Manager Evaluation**

- a. No proposed revisions identified for discussion at this time.

### **4. 100-32 City Council Meetings**

- a. Councilmember Seniority and Seating. Policy 100-32, Section 4.0 and Section 5.6 reference Councilmember seniority. However, these sections are silent as to seniority is established between two (or more) councilmembers who are elected in the same election cycle. Staff recommends clarifying the process for establishing Councilmember seniority in the event that two City Councilmembers join the City Council from the same election cycle. Options include:
  - i. The Councilmember-Elect who received the greatest *number of votes* is sworn in first and afforded higher seniority; or
  - ii. The Councilmember-Elect who won by the greatest *percentage margin*, or alternate suggestions are welcome.
- b. Duration of Public Communication on Consent Items and Public Hearings. Section 10.5 of Policy 100-32 governs public communication regarding the Consent Agenda and Public Hearings. Staff suggests considering limiting the total duration of community communication on items that appear on the Consent Agenda and as Public Hearings to 90 minutes for consistency with the time limits imposed at the Community Communication Forum. (Section 10.11). As within Section 10.11, Staff would suggest permitting extension of these time limits by majority vote of the Council.
- c. Community Communication Forum. Policy 100-32 Section 10.11 provides an opportunity for community members to speak to the City Council on topics related to City business. City Council may wish to consider whether this process could be improved by one or more of the following:

- i. Discontinue broadcasting coverage of community communication forum.  
To facilitate the free exchange of dialog with community members and minimize the trepidation some community members face when speaking to their elected officials (particularly, members of historically marginalized communities), it is recommended that Council consider revising Policy 100-32, Section 5.7 to discontinue broadcasting community communication forums on CTV, Facebook-Live and similar platforms. (Attendance would still be open to the public in-person and/or via telephone and GoToMeeting platform as applicable).
- ii. Receptions or Sub-Quorum Breakouts: Consider transitioning to a community reception before in-person meetings of the Vancouver City Council and/or increased opportunities for sub-quorum meetings with community members.
- iii. Other ideas welcome. There is no legal requirement to host a community communication forum, therefore there is broad latitude to change and improve the opportunities for Councilmembers to connect with, and listen to, the community members we serve.

**5. 100-33 Councilmember Appointments on Boards and Commissions**

- a. No proposed revisions identified for discussion at this time.

**6. 100-34 Relations with Staff**

- a. No proposed revisions identified for discussion at this time.

**7. 100-35 Miscellaneous Procedures**

- a. Section 7.0 of Policy 100-35 contains a cross-reference to answering identical emails addressed to City Council. This Section should be revised to reflect any changes to the City Council Email Policy (100-37) for sake of consistency.

**8. 100-36 Code of Ethics**

- a. Staff would suggest Council consider adding harassment prevention and reporting in a manner similar to that used by the Washington State Legislature (see e.g., WA House of Representatives [Respectful Workplace Policy](#).)



**9. 100-37 Email Policy**

- a. As a cybersecurity measure, Staff recommend that the City Manager's Office monitor all email to new, proprietary Councilmember email addresses. Doing so will allow CMO Staff to quickly ascertain whether duplicate emails have been sent to all Councilmembers. Doing so will also allow City Communications Staff to better identify recurring themes of interest to our community.
- b. As a means of modernizing communication with the City's 190,000 residents, City Council may wish to consider employing automated responses acknowledging receipt of all email messages and inquiring whether further follow-up is desired.

**10. 100-38 Filling City Council Vacancies**

City Council may wish to consider one or more of the following:

- a. Referring a proposed Charter Amendment that would establish one or more 'freeze periods' during which City Council vacancies would remain open and unfilled. Such 'freeze periods' might be proposed for:
  - i. The time-period when Council has the heaviest perceived influence on selection of the next Councilmember-Elect (i.e., vacancies that occur on or after the first day of the regular filing period through completion of the general election as in partisan offices. *See e.g., [RCW 42.12.040](#)*); and/or
  - ii. Periods in which the selection of an appointed Councilmember are impracticable due to timing of vacancy (e.g., less than 90 days before a successor will take office through election).
- b. Direct Staff to develop an implementation strategy to create new opportunities for a diverse pool of community members to increase their knowledge, skill and qualifications for elected leadership through service opportunities on the City's boards and commissions. Such strategies may include implementation of one or more of the [Final Recommendations](#) of the Community Task Force on Council Representation.
- c. Explore the possibility of establishing a slate of prospective Councilmember-appointees who would serve on the condition of not seeking election in the next general election.

**11. 100-39 Appearance of Fairness**

- a. Establish uniform, equal, time limits for proponents and opponents of parties with direct interests in quasi-judicial hearings (e.g., generally 15 min. per side unless otherwise specified by the Mayor.)
- b. Establish uniform briefing deadlines for parties to closed-record hearings (e.g., briefs must be submitted to the Assistant to the Council and Mayor no later than the Tuesday before the hearing to ensure timely inclusion in Council's packet.)
- c. Consider directing Staff to explore alternatives to having Council serve as quasi-judicial decision makers wherever legally permissible. As this Council has observed, conducting quasi-judicial hearings can be time-intensive and require considerable legal guidance. Other Washington cities have observed the same. (See [MRSC - Should Legislative Bodies Conduct Quasi-Judicial Hearings?](#)) As the City's business and regulatory environments continue to grow in vibrancy and complexity, it may be prudent to look for opportunities to amend City Code to maximize the use of hearing examiners in conducting quasi-judicial hearings wherever allowed by law.

**12. 100-40 Social Media**

- a. To ensure compliance with applicable Public Records laws, Staff suggests adding requirement that all Councilmembers who use social media to conduct any manner of City business register their accounts with the City's Information Technology Department for inclusion in Social Capture.

**13. 100-41 Council Health Insurance Opt-Out**

- a. No proposed revisions identified for discussion at this time.

**14. City Council Compact**

- a. To be discussed at 2022 Council Retreat.

**Workshop format and deliverables.**

Mayor and City Council – As a final note, I would simply emphasize that the hour that has been set aside for your discussion on November 15, 2021 belongs to you. I will be prepared to guide your discussion to the extent you desire, but I invite you to request topics out of sequence and flip freely between topics, particularly as several subjects are inter-related. For ease of reference (mine and yours) a table containing a summary of discussion topics appears below.

Vancouver City Council Policy Updates  
(Sample Table for Ease of Reference)

| Vancouver City Council Policy Updates<br>(Sample Table for Ease of Reference) |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                 |
|-------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| All Council Policies                                                          | <input checked="" type="checkbox"/> Pronoun Modernization                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                           | <input checked="" type="checkbox"/> Citizenship Neutrality                                                                                                                                                                                                      |
| Community Member Appointment to Boards & Commissions 100-06                   | Term Limits:<br><input checked="" type="checkbox"/> General Direction to allow 1-extra term to all Bd/Commission members serving during COVID-19<br><input type="checkbox"/> Written change to Council policy, or<br><input type="checkbox"/> Strict enforcement of term limits.                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                           | Bd/Commission Reappointment Process:<br><input type="checkbox"/> No change desired<br><input type="checkbox"/> Less Council involvement<br><input type="checkbox"/> Other:_____.                                                                                |
| Council Meetings 100-32                                                       | Councilmember Seniority:<br><br><input type="checkbox"/> Highest number votes rec’d<br><input type="checkbox"/> Highest percentage of votes<br><br><input type="checkbox"/> Other:_____.                                                                                                                                                                                                                                                                                                                                                                                                                                       | Total time for testimony:<br><br><input checked="" type="checkbox"/> All Consent agenda items limited to 90 min.<br><input checked="" type="checkbox"/> Public Hearings limited to 90 min. each.<br><input checked="" type="checkbox"/> All time limits may be extended by majority vote. | Community Forum:<br><br><input type="checkbox"/> Discontinue CVTV<br><input type="checkbox"/> Add Reception Format upon return to in-person meetings<br><input type="checkbox"/> Pilot sub-quorum break-out groups<br><br><input type="checkbox"/> Other:_____. |
| Code of Ethics 100-36                                                         | Addition of Harassment Prevention Policy:<br><br><input checked="" type="checkbox"/> Direct Staff to formulate harassment prevention policy comparable to WA Legislature.<br><br><input type="checkbox"/> Revisit in the future.                                                                                                                                                                                                                                                                                                                                                                                               | Other revisions:<br><br><input type="checkbox"/> _____<br>_____<br>_____                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                 |
| Email Policy 100-37                                                           | <input type="checkbox"/> Implement proprietary Councilmember addresses for cyber-security.<br><input type="checkbox"/> Direct Staff to explore auto-responses to ensure prompt feedback.<br><input checked="" type="checkbox"/> Take no action at this time.                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                 |
| Filling Council Vacancies 100-38                                              | Direct Staff to:<br><br><input type="checkbox"/> Draft proposed Charter amendment re: appointment freeze from filing week through general election.<br><input type="checkbox"/> Draft proposed Charter amendment re: appointment freeze for periods when appt. impracticable < 90 days.<br><input type="checkbox"/> Develop work plan to broaden diverse pool of exceptional candidates.<br><input type="checkbox"/> Establish slate of prospective Councilmember-appointees to serve on condition of not seeking election.<br><input type="checkbox"/> Take no action at this time.<br><input type="checkbox"/> Other: _____. |                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                 |
| Appearance of Fairness 100-39                                                 | <input checked="" type="checkbox"/> Establish uniform time-limits of 15 min. per side.<br><br><input checked="" type="checkbox"/> Set briefing deadlines for Tuesday before hearing.<br><br><input checked="" type="checkbox"/> Direct Staff to explore options for increased utilization of hearings examiners.                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                 |
| Social Media                                                                  | <input checked="" type="checkbox"/> Add language directing use of Social Media Capture whenever social platforms used for City business.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                 |



Recommended.



Not advised but legally permissible.



## **Staff Report 193-21**

**TO:** Mayor and City Council

**FROM:** Eric Holmes, City Manager

**DATE:** 12/13/2021  
12/20/2021

**SUBJECT** Fisher's Creek Planned Development and Subdivision

### **Key Points**

- The applicant's development proposal includes the following elements:
  - 34-lot single-family and detached planned development and narrow lot subdivision with 28 single-family attached and six detached houses (Lot sizes range from 2,250 to 3,750 square feet).
  - Extend SE 178th Avenue as a public street from the north into the site.
  - Stub SE Brady Road to the east to eventually connect to existing SE Brady Road. Connection will occur with future development to the east not subject to this proposal.
  - Establish two open space tracts including:
    - Tract A (59,820 square feet) – active/usable open space tract and Fisher's Creek Riparian buffer.
    - Tract B (21,982 square feet) – wetland and wetland buffer.
- Per VMC 20.210-1, planned developments require a Type IV process and recommendation by the Hearing Examiner to the City Council for final approval. The Hearing Examiner held a public hearing on October 19, 2021.
- Planned developments provide flexibility for innovative planning practices that result in well-designed, efficient and functional urban environments.
- The proposed development includes an active/usable open space area and creek and wetland buffers.
- Applicant requests approval of a planned development ordinance and approval of a preliminary plat to allow for the development.
- As the final decision maker, the City Council may approve the application as recommended by the Hearing Examiner, amend the Hearing Examiner recommendation including adding or modifying the recommended conditions of approval, or deny the application.
- The decision by City Council is appealable to Superior Court.

### **Strategic Plan Alignment**

N/A

**Present Situation**

The proposed Fisher's Creek planned development is located on 4.67 acres of land at the west end of Fisher's Quarry. The site is undeveloped and zoned Low Density Residential (R-9). The site is bounded by existing residential subdivisions to the north (Fisher's Creek Neighborhood Association), State Route 14 to the south, Riverview Gateway Plan District (Fisher's Quarry) to the east and Fishers Creek to the west.

The Vancouver Hearing Examiner held a virtual open record hearing on the application on October 19, 2021. The record was held open two business days to allow for written public comment from members of the public who may have had difficulty joining the virtual hearing, with additional time arranged for responses by the parties. Following the close of the public record, the Hearing Examiner issued a written recommendation to City Council dated November 8, 2021. The Hearing Examiner recommends that the City Council approve the application with the conditions.

**Advantage(s)**

1. Approval will allow for additional housing units to be constructed.
2. Approval will allow for flexible design.
3. Approval will allow for the development in an area currently served by public utilities.

**Disadvantage(s)**

There will be additional traffic. However, this has been reviewed and City Staff has determined there is adequate capacity.

**Budget Impact**

None

**Prior Council Review**

Briefing memo dated Nov. 24, 2021

**Action Requested**

On Monday, December 13, 2021, approve ordinance on first reading, setting date of second reading and public hearing for Monday, December 20, 2021.

*Keith Jones, Senior Planner, 360-487-7887*

**ATTACHMENTS:**

- ▣ Ordinance
- ▣ Hearing Examiner Recommendation dated November 8, 2021
- ▣ Planning Commission staff report - October 5, 2021
- ▣ Site Plan
- ▣ Landscape Plan

12/13/2021  
12/20/2021

ORDINANCE NO. M-

AN ORDINANCE approving the concept development plan for the Fisher's Creek Planned Development; and providing for severability and an effective date.

**WHEREAS**, on October 19, 2021, a hearing was held before the Vancouver Hearings Examiner regarding the approval of the concept development plan for the Fisher's Creek Planned Development.

**WHEREAS**, on October 19, 2021, the Vancouver Hearing Examiner recommended approval of the concept development plan for the Fisher's Creek Planned Development under File PRJ-166679, LUP-81488; and

**WHEREAS**, the concept development plan is consistent with the Comprehensive Plan and the underlying zoning of the property.

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF VANCOUVER:

**Section 1. Findings.**

A. The Vancouver Hearing Examiner has found that all of the following criteria have been met, with conditions, as required by VMC 20.260.050:

1. Content. The concept plan contains all of the components required in Section 20.260.070. Compliance with all applicable standards. The proposed development and uses comply with all applicable standards of the Title, except where adjustments are being approved as part of the concept plan application, pursuant to Section 20.260.030(D)(2).
2. Architectural and site design. The proposed development demonstrates the use of innovative, aesthetic, energy-efficient and environmentally-friendly site design.
3. Transportation system capacity. There is either sufficient capacity in the transportation system to safely support the development proposed in all future phases or there will be adequate capacity by the time each phase of development is completed.
4. Availability of public services. There is either sufficient capacity within public services such as water supply, police and fire services, and sanitary waste and storm water disposal, to adequately serve the development proposed in all future phases, or there will be adequate capacity available by the time each phase of development is completed.
5. Protection of designated resources. City-designated resources such as historic landmarks, significant trees and sensitive natural resources are protected in compliance with the standards in this and other Titles of the VMC.
6. Compatibility with adjacent uses. The concept plan contains design, landscaping, parking, traffic management and multi-modal transportation elements that limit conflicts between the planned development and adjacent uses. If zoning districts are shifted per Section 20.260.020(C) VMC, there shall be a demonstration that the



reconfiguration of uses is compatible with surrounding uses by means of appropriate setbacks, design features or other techniques.

7. Mitigation of off-site impacts. All potential off-site impacts including litter, noise, shading, glare and traffic, will be identified and mitigated to the extent practicable.

B. The information for the concept development plan has been submitted and approved, as required by VMC 20.260.070.

C. The concept development plan of the Fisher's Creek Planned Development is consistent with the Comprehensive Plan and the underlying zoning.

D. City Council hereby adopts the foregoing findings and the findings of the Vancouver Hearings Examiner contained in the Findings, Conclusions, and Recommendation, which are hereby incorporated by reference, as its own.

## **Section 2. Legal Description.**

The legal description of the lands referred to in this ordinance is as follows:

Parcels 126779000, 126780000 and 126778000 located in a portion of the northwest quarter of Section 7, Township 1 North, Range 3 East, Willamette Meridian, and Clark County, Washington.

## **Section 3. Approval Granted.**

Based upon the foregoing findings, as well as the findings contained in Staff Report No. PRJ-166679/LUP-81488, which are hereby incorporated by reference, approval of the concept development plan for the Fisher's Creek Planned Development is hereby granted, with the

conditions outlined in the Hearing Examiner's Findings, Conclusions, and Recommendation, incorporated above by reference.

**Section 4. Severability.**

If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder or the application of the provision to other persons or circumstances is not affected.

**Section 5. Effective Date.**

This ordinance shall take effect fifteen (15) days after passage and publication.

Read first time:

Ayes: Councilmembers

Nays: Councilmembers

Absent: Councilmembers

Read second time:

PASSED by the following vote:

Ayes: Councilmembers

Nays: Councilmembers

Absent: Councilmembers

SIGNED this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

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Anne McEnery-Ogle, Mayor

Attest:

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Natasha Ramras, City Clerk

Approved as to form:

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Jonathan Young, City Attorney

ORDINANCE - 5

## SUMMARY

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE approving the concept development plan for the Fisher's Creek Planned Development; and providing for severability and an effective date.

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

**BEFORE THE HEARING EXAMINER  
FOR CITY OF VANCOUVER**

|                                              |   |                            |
|----------------------------------------------|---|----------------------------|
| In the Matter of the Application of          | ) | NO. PRJ-166679/LUP-81488   |
|                                              | ) |                            |
|                                              | ) |                            |
| <b>Kevin Brady, Otak, Inc., on behalf of</b> | ) | <b>Fisher's Creek</b>      |
| <b>HQ Vancouver LLC</b>                      | ) | <b>Planned Development</b> |
|                                              | ) |                            |
|                                              | ) |                            |
|                                              | ) |                            |
| for Approval of a Preliminary Plat           | ) | FINDINGS, CONCLUSIONS,     |
| <u>and Planned Development</u>               | ) | AND RECOMMENDATION         |

**SUMMARY OF RECOMMENDATION**

The City's Hearing Examiner recommends to the Vancouver City Council that the requested narrow lot preliminary plat and planned development to subdivide 4.67 acres into 34 single-family residential lots and the associated critical area permit be **APPROVED** subject to conditions.

**SUMMARY OF RECORD**

**Request:**

Kevin Brady of Otak, Inc., on behalf of HQ Vancouver LLC (Applicant), requested a preliminary plat and planned development to subdivide 4.67 acres into 34 single-family residential lots, including 28 for attached residences and six for detached residences. A critical areas permit is associated with the request. The subject property is located at 17700 SE Evergreen Highway in Vancouver, Washington.

**Hearing Date:**

The Vancouver Hearing Examiner held a virtual open record hearing on the application on October 19, 2021. In an abundance of caution, the record was held open two business days to allow for written public comment from members of the public who may have had difficulty joining the virtual hearing, with additional time arranged for responses by the parties. Post-hearing public comment was timely submitted (Exhibit 24). City Staff and the Applicant submitted timely responses (Exhibits 25 and 26), and the record closed on October 25, 2021.

**Testimony:**

At the open record hearing the following individuals presented testimony under oath:

Kevin Brady, Senior Planner, Otak, Inc., Applicant

Keith Jones, Senior Planner, City of Vancouver

**Exhibits:**

At the open record hearing the following exhibits were admitted into the record:

1. Staff Report
2. Application Form
3. Applicant Narrative
4. Site Plan and Landscape Plan, dated May 2021
5. Preliminary Plat
6. Notice of Application, Public Hearing & Optional SEPA determination, dated July 16, 2021
7. Department of Ecology comments, dated August 16, 2021
8. Southwest Clean Air Agency Letter, dated August 16, 2021
9. E-mail from Washington Department of Transportation, dated August 16, 2021
10. Public Comments
11. Applicant Response to Public Comments
12. Tree Plan Recommendations Memo, dated April 22, 2021
13. Critical Areas Report, dated April 30, 2021
14. City Trip and Traffic Fee Calculation Worksheet, dated August 9, 2021
15. E-mail, dated July 27, 2021 regarding sewer coordination
16. Final SEPA
17. Traffic Generation Letter
18. Geotechnical Report, dated March 29, 2021
19. Stormwater Report, dated May 2021
20. Applicant PowerPoint Presentation
21. City Staff PowerPoint Presentation
22. Public comments from Sonya Zalubowski, dated October 8, 2021 and Ryoichi Kuwabara, dated October 14, 2021
23. Email from Keith Jones, dated October 20, 2021 (confirmation of who added text to Exhibit 10)
24. Post-hearing public comment email from Miranda Chiu, dated October 21, 2021, with three attached photographs
25. Planning Staff response to post-hearing public comment, dated October 25, 2021
26. Applicant response to post-hearing public comment, dated October 25, 2021

After considering the testimony and exhibits admitted in the record, the Hearing Examiner enters the following findings and conclusions:

### FINDINGS

1. Kevin Brady of Otak, Inc., on behalf of HQ Vancouver LLC (Applicant) requested a narrow lot preliminary plat and planned development to subdivide 4.67 acres into 34 single-family residential lots, including 28 for attached residences and six for detached residences. A critical areas permit is associated with the request. The subject property is located at 17700 SE Evergreen Highway in Vancouver, Washington.<sup>1</sup> *Exhibits 1, 2, 3, 4, and 5.*
2. The application was received by the City on June 12, 2021 and determined fully complete on July 2, 2021. *Exhibits 1 and 6.*
3. The proposal is not a re-plat of a prior subdivision. *Exhibit 3.*
4. The subject property is at the west end of the Fisher's Quarry mine site and has been used as a storage yard for large mining equipment, vehicles, and trailers. It has been largely cleared of vegetation and in intensive use since at least 1955. *Exhibits 13, 16 (Otak Technical Memorandum), and 21 (aerial photograph).*
5. The subject property contains two regulated critical areas: a Category III wetland, which is located in the northeast corner of the subject property, and Fisher's Creek, a type F perennial fish-bearing stream that runs along the western site boundary. *Exhibit 13.*
6. Due to the presence of critical areas on the site, a critical areas permit (CAP) is required for the project. Although a CAP is classified as a Type 1 administrative decision, when submitted with another land use application, the highest classification review process is applied to all applications. A recommendation on the CAP is therefore included in this recommendation on the preliminary plat and planned development. *VMC 20.740.040.2; Exhibit 1; Keith Jones Testimony.*
7. The subject property is zoned Low-Density Residential (R-9). *Exhibit 1.* The purpose of the R-9 zone is "to accommodate detached single dwellings with or without accessory residential units at a minimum lot size of 5,000 square feet and a density of 5.9 to 8.7 units/net acre." *Vancouver Municipal Code (VMC) 20.410.020.* Planned developments are a land use development tool intended to provide a means for creating planned environments in any base zoning district through the application of flexible standards, including zero-lot lines, narrower streets, and other innovative planning practices that result in well-designed, efficient, and functional urban environments. *VMC 20.260.010.* Planned developments are allowed in the R-9 zone. *VMC 20.260.020.*
8. Surrounding land uses include residential development (R-18 zone) to the west, residential

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<sup>1</sup> The subject property is comprised of Tax Parcels 126779000, 126780000, and 126778000. *Exhibit 2.*

development (R-9 zone) to the north and northeast, and currently undeveloped land (RGX zone) to the east (additional portion of the former quarry). State Route 14 (SR-14) abuts the southern property boundary. *Exhibits 1, 4, and 18.*

9. The Applicant proposes 28 attached residences, in groupings of two, and six detached residences. Both housing types are allowed outright within planned developments in the R-9 zone, subject to a maximum building height of 35 feet for attached residences directly abutting single-family zoning. The proposed attached residences would not exceed 35 feet in height. *VMC 20.260.020(B)(1); Exhibits 1, 3, and 4.* The minimum net density (net of public and private streets and critical areas) in the R-9 zone is 5.9 dwelling units per acre, which is 20 dwelling units for the subject property. The maximum net density (in contrast to the minimum net density, net of public and private streets) is 8.7 dwelling units per acre, not including a 15% density bonus applicable to planned developments, which allows up to 37 dwelling units on the subject property. The proposed 34 dwelling units falls within the allowed density range. The Applicant does not propose to utilize the planned development density bonus. *Exhibit 1; VMC 20.410.040; VMC 20.260.020.*
10. The minimum lot area required in the R-9 zone is 5,000 square feet, with a maximum lot coverage allowed of 50%. *VMC 20.410.050.* Adjustments to these development standards are authorized by *VMC 20.260.050(B)* if: (1) the adjustment is warranted given site conditions and/or characteristics of the design; (2) the benefits outweigh any potential adverse impacts; and (3) any impacts are mitigated to the extent practical. *VMC 20.260.050(B).* The Applicant proposes to adjust the lot area standard to a minimum of 2,250 square feet. Proposed lot sizes would range from 2,250 to 3,750 square feet. No reduction in the minimum lot coverage standard is proposed. In support of the lot size reduction, the Applicant noted the critical areas protection, common open space, and street access requirements applicable to the project, which limit available lot area and affect the minimum density. The proposed design would protect critical areas and would provide common open space to offset reduced private yard space. Amenities including a walking path, picnic table, and picnic shelter would be provided in the open space. *Exhibits 3, 4, and 5.* The site plan depicts that none of the reduced yards would immediately abut existing residential development; the critical areas and common open space would provide a buffer between the units and the western, northern, and northeast property boundaries. *Exhibit 4.*
11. Although the minimum lot width requirement of the underlying zone does not apply to planned developments, subdivisions with lots of less than 40 feet in width (such as the one proposed, as most of the lots would be 25 feet wide) must comply with the narrow lot criteria of *VMC 20.927.030* and the development standards of *VMC 20.927.040*. The criteria require that conflicts on narrow lots be eliminated, that adequate guest parking be provided, and that solid waste and recycling collection and access be provided. Consistent with the criteria and the associated development standards, the Applicant has submitted plans showing that utilities, driveways, street trees and other features have been located and designed to minimize conflicts with one another. Guest parking exceeding the standard of one space per three narrow lots would be provided in the form



of street parking. Fifteen spaces would be provided along the east side of Fisher's Creek Road and along the west side of SE 178th Avenue within the project boundaries. In addition, each residence would have a driveway. With respect to solid waste, the site design provides adequate collection truck access and circulation, but the submitted plans do not illustrate the garbage and recycling cart locations for each dwelling unit. Ten feet of frontage per set of carts is needed for automated collection. Planning Staff incorporated this requirement into the recommended conditions of project approval. *Exhibits 1, 3, 4, and 5; Kevin Brady Testimony.*

12. The subdivision ordinance requires a minimum street frontage of 20 feet per lot and requires side lots to be at right angles to facing streets to the extent practical. Each of the proposed lots would satisfy these requirements. In addition, the length of blocks within the development would fall within the minimum of 180 feet and the maximum of 1,300 feet specified in the ordinance. The longest block would be 412 feet. *Exhibits 3 and 5; VMC 20.320.070.*
13. The Applicant has submitted conceptual building elevations depicting the use of aesthetic design features for the residential units, with variation in roof types and materials. *Exhibits 3 and 20.*
14. In exchange for approval of higher residential densities, smaller lots, and relaxed development standards, VMC 20.260.060(C) requires developers of planned developments to provide common open space for active and passive recreational activities in an amount that is at least 10% of the gross site area. The Applicant proposes 28,057 square feet of active open space, which is approximately 12.5% of the gross site area. No open spaces designed for critical areas protection were counted towards the 10% common open space requirement.<sup>2</sup> The common open space would be aggregated in the north central portion of the subdivision and accessible to residents via the internal street system and a paved path. The open space would provide a lawn activity area, a concrete patio, an ADA-accessible picnic table, a gazebo picnic shelter with tables, and a trash bin. *Exhibits 1, 3, and 4; Kevin Brady Testimony.*
15. In addition to providing open space on site, the Applicant must mitigate impacts to parks through payment of a mitigation fee pursuant to VMC 20.915. The current fee amount is \$2,819 per dwelling unit, payable prior to building permit issuance. The fee is subject to change for building permit applications filed more than three years after preliminary plat approval. *Exhibit 1.*
16. VMC Chapter 20.925.060 requires street trees to be planted at a maximum spacing of 30 feet. The Applicant has submitted a landscape plan depicting street trees along the internal streets. *Exhibits 3 and 4.*
17. The proposal is subject to the requirements of the City's tree conservation ordinance,

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<sup>2</sup> Open spaces including critical areas would total 81,950 square feet. *Exhibits 3 and 4.*

which requires tree preservation and planting to achieve a minimum of 30 tree units per acre. For the 4.67-acre site, 140 units of trees is required. The Applicant proposes to remove 79 trees, retain 62 trees (constituting 128 tree units), and plant 44 tree units of trees, for a total of 172 tree units. In response to comments from the adjacent Lakes at Fisher's Landing Homeowners Association objecting to the retention of large cottonwood trees along the northern property boundary due to their roots' encroachment into its common area landscaping and individual yards, the City's urban forester recommended that four additional trees (including three cottonwoods) along the shared boundary be removed. Planning staff recommended that the tree plan be revised to remove the trees, and that the tree density calculation be updated. *Exhibits 1, 3, 10, and 12.*

18. Access to the subdivision would be from two locations: an extension of SE 178th Avenue into the site from the north, and an extension of SE Brady Road into the site from the east.<sup>3</sup> These street extensions would intersect within the subdivision, providing for vehicle circulation between neighborhoods to the north and the future Vancouver HQ Master Plan to the east. Southeast 178th Avenue is designated a neighborhood circulator, requiring 36 feet of pavement, curbs, gutters, landscape strips, and detached sidewalks within 54 feet of right-of-way per City standard plan T10-14. The portion of SE Brady Road to the east of its intersection with SE 178th Avenue would be designated a minor arterial (final street section to be determined, based on street section constructed within HQ Vancouver), and the portion of SE Brady Road to the west of its intersection with SE 178th Avenue would be designated a loop/cul-de-sac street, requiring 28 feet of pavement, curbs, gutters, landscape strips, and detached sidewalks within 50 feet of right-of-way per City standard plan T10-16. In lieu of providing a cul-de-sac turnaround at the terminus of SE Brady Road, the Applicant proposes a short street segment - SE Fisher's Creek Road – to serve as a hammerhead turnaround and to provide access to Lots 1 through 10. The Applicant has obtained City approval of a technical road modification request to allow the hammerhead turnaround. *Exhibits 1 and 4.*
19. The Applicant submitted a professionally prepared trip generation and distribution report dated April 27, 2021. The trip generation of the development was estimated using the rate contained in the Institute of Transportation Engineers (ITE) *Trip Generation Manual, 10th Edition* for Land Use Code 210 – Single-Family Detached Housing and Land Use Code 220 – Multifamily Housing (Low-Rise). Using these rates, the trip generation of the development would be 265 average daily trips, including 17 AM peak hour trips and 22 PM peak hour trips. *Exhibit 17.*
20. The subject property is located within the #247 Transportation Analysis Zone. The project would add PM peak hour trips to two Transportation Management Zones, including the 164th/162nd Avenue corridor (5 trips), and the 192nd Avenue corridor (11 trips). Based on these impacts, the Applicant would be required to pay concurrency modeling fees of \$912.00. In addition, the Applicant would be required to pay a

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<sup>3</sup> The segment of SE Brady Road between SE 192nd Avenue and the subdivision's east boundary would be constructed by the developer of the future Vancouver HQ Master Plan. *Exhibit 17.*

proportionate share towards the City's planned improvements at the SR-14/192nd Avenue interchange, which has been calculated to be \$16,000 (\$2,000 per each of eight PM peak hour trips impacting the intersection). Both fees would be due prior to civil plan approval. *Exhibits 1, 14, and 17.*

21. Pursuant to VMC 11.70.090, the segment of 192nd Avenue between SR-14 and NE 18th Street is designated as a Category 1 Concurrency Corridor, which stipulates that the corridor is operating at or above the City's adopted level of service standards. The number of PM peak hour trips generated by the instant development is not anticipated to cause the corridor to drop below the adopted level of service standard. *Exhibit 1.*
22. The Applicant is required to pay traffic impact fees pursuant to VMC 20.915. The calculated fee amount for the development as a whole, based on the submitted traffic study, is \$61,943.75. Traffic impact fees are payable prior to building permit issuance, and are subject to change for building permit applications filed more than three years after preliminary plat approval. *Exhibits 1 and 14.*
23. Compliance with the City's off-street parking requirement of one space per dwelling unit (VMC 20.945) would be confirmed at the time of building permit issuance. The proposed residences would include garages for off-street parking. *Exhibits 1, 3, and 20; Kevin Brady Testimony.*
24. The Fire Department has reviewed the proposed project and determined that it can meet the requirements of VMC Title 16 and the International Fire Code if properly conditioned. Planning Staff included the Fire Department's conditions in the recommended conditions or approval. Approval of a fire response plan would be required. *Exhibit 1.*
25. Public water and sewer utilities are available to the site within SE 178th Place and would be extended through the development to serve the proposed lots. *Exhibit 1; Keith Jones Testimony.*
26. The subject property is located within the Evergreen School District. Students residing within the proposed subdivision would attend Fisher's Landing Elementary School, Shahala Middle School, and Mt. View High School. The elementary school is within one-half mile of the subject property. There are existing sidewalks along the walking route between the school and the proposed lots. Impacts to schools would be mitigated through payment of mitigation fees pursuant to VMC 20.915. The current fee amount is \$2,880.75 per dwelling unit, payable prior to building permit issuance. The fee is subject to change for building permit applications filed more than three years after preliminary plat approval. *Exhibit 1; Keith Jones Testimony.*
27. A cultural resources study was prepared for the subject property pursuant to VMC 20.710. The study found that due to past quarry operations on site there are no historic or cultural resources present. However, Planning Staff recommended a condition of

approval requiring work to stop if any item of archaeological interest is found during ground-disturbing activities. *Exhibit 1.*

28. For stormwater management, the Applicant proposes to use a water quality filter vault to treat runoff from pollution-generating surfaces, and an underground pipe detention system with flow control manhole to ensure discharge rates meet City and Department of Ecology standards. The treated stormwater would discharge into Fisher's Creek, which is where site runoff flows under current conditions. Based on evaluation by a geotechnical engineer, the soils on site are not suitable for infiltration. City Staff have reviewed the preliminary stormwater plans and concluded that the applicable stormwater standards can be satisfied; however, in response to comments submitted by the Washington State Department of Transportation (WSDOT) regarding concern over potential increases or decreases in the amount of runoff from the site to SR-14, City Staff recommended that the Applicant obtain WSDOT approval of the drainage plans prior to civil plan approval. *Exhibits 1, 9, 18, and 19.*
29. The Applicant submitted a preliminary erosion control plan that demonstrates compliance with City requirements. Consistent with comments submitted by the Washington Department of Ecology, the Applicant would apply for a stormwater construction general permit. The Applicant would also prepare a stormwater pollution prevention plan to be implemented during construction. *Exhibits 1, 10, and 11.*
30. City of Vancouver critical areas regulations require a 100-foot riparian management area (RMA) from the ordinary high water mark of Type F stream, and an additional 75-foot riparian buffer (RB) beyond the edge of the RMA. Development may occur within the RB as long as mitigation is proposed that results in no net loss of riparian habitat functions on the site, and that functionally significant habitat (i.e., habitat that cannot be replaced or restored within 20 years) is preserved. *VMC 20.740.110.C.2 and Table 20.740.110-1.* In this case, proposed Lots 1 through 10, storm drainage facilities, and a picnic area would encroach into the RB. The area of impact would be 22,390 square feet. The impacted area is low functioning due to previous vegetation clearing, frequent disturbance from mining activities, and the highly compacted nature of the soils following mining. There is no existing functionally significant habitat that would be affected. As mitigation for the encroachment, the Applicant proposes to restore 11,185 square feet of the inner RMA to native forest habitat. A Clark County biologist on contract with the City reviewed the Applicant's mitigation plan and determined that the mitigation proposed is sufficient to satisfy the criteria for development within the RB. *Exhibit 13.*
31. City of Vancouver critical areas regulations require an 80-foot buffer from the edge of Category III wetlands with low habitat functions (score of 3 to 5) when adjacent to high-intensity land use activities. *VMC Tables 20.730.140-2 and 20.740.140-5.* Because the wetland on the subject property has a habitat score of 5 and residential zoning is considered a high-intensity land use, the 80-foot buffer width is applicable. *VMC Table 20.740.140-1; Exhibit 13.* Wetland buffers may be averaged if the criteria in VMC in 20.740.140.C.1.b.ii are satisfied, which criteria include: that the averaging not result in

reduced wetland functions; that the wetland or buffer varies in characteristics and that the wetland would benefit from a wider buffer in places and not be adversely impacted by a narrower buffer in other places; that the total area contained within the averaged buffer be at least as large as the standard buffer; and that the buffer width not be reduced by more than 25%. *VMC 20.740.140.C.1.b.ii*. The Applicant proposes buffer averaging to address the permanently reduced buffer at the northern site boundary resulting from the extension of SE 178th Avenue into the site. The buffer would be reduced by 510 square feet in that area, to a width no less than 60 feet wide (75% of the standard buffer width) at its narrowest point. To offset the reduction, 4,063 square feet of buffer would be added to the south, at the intersection of SE 178th Avenue and SE Brady Road. The buffer addition area contains a dense thicket of Himalayan blackberry, which inhibits the growth of saplings and seedlings in the area. This area would be restored to a native mixed conifer-deciduous forest to provide additional water quality and habitat functions. The result of the averaging, with mitigation, would be a functional gain in wetland buffer functions. *Exhibit 13*. The Clark County biologist concurred with the Applicant's biologist's rating of the wetland and the sufficiency of the mitigation proposed. *Exhibit 1; Keith Jones Testimony*.

32. In support of the CAP request, the Applicant's biologist submitted that the project avoids direct impacts to the wetland, Fisher's Creek, and the RMA of Fisher's Creek. To minimize impacts associated with road extension into the wetland buffer, temporarily impacted areas would be restored. Impacts associated with development within the RB of Fisher's Creek would be minimized through preserving and restoring the RMA. Restoration of the RMA in lieu of preserving the RB would result in functional gains to the critical area. In addition to providing a greater level of protection to Fisher's Creek, the mitigation would result in a wider wildlife corridor relative to existing conditions. *Exhibit 13*. Planning Staff concurred that the CAP criteria are satisfied in this case. *Exhibit 1*.
33. No known state or federally listed species of wildlife or designated critical habitat are present on site. *Exhibits 13 and 16 (Otak Technical Memorandum)*.
34. Pursuant to the State Environmental Policy Act (SEPA), the City of Vancouver acted as lead agency for review of environmental impacts caused by the proposal. After review of the Applicant's environmental checklist and application materials, the SEPA Responsible Official issued a notice of application, remote public hearing, and optional SEPA determination of non-significance (DNS) on July 16, 2021. After reviewing public and agency comments, the City issued a final DNS on August 31, 2021, which was not appealed. *Exhibits 1, 6, and 16; Keith Jones Testimony*.
35. The Lakes at Fisher's Landing Homeowners Association (HOA), representing gated communities immediately north of the subject property, along with individual property owners, commented on the project. The HOA requested that a six-foot barrier be installed along the northern property boundary to prevent trespass into the community. One of the HOA's private roads (177th Lane) abuts the northwest project boundary, and while there

are trees along the road, residents are concerned that they do not present a sufficient barrier and would not prevent children from accessing a pond within the community. The HOA also requested that a sound barrier be installed on SR-14, that construction noise mitigation be provided, that construction traffic be prevented from accessing the site from SE 178th Avenue, that parking not be restricted for HOA residents along the existing segment SE 178th Avenue, that residents from the proposed development only be allowed to park on the section of SE 178th Avenue within the project boundaries, and that large, invasive cottonwood trees be removed from the shared property boundary. Additional public comments included concerns regarding the proposed lot sizes and density, traffic impacts within the adjacent residential communities, and wildlife protection. *Exhibits 10, 22, and 24.*

36. With respect to the requested fence along the north project boundary, Planning Staff recommended that the Applicant install a solid wood fence. Noting that no code provision establishes a requirement for a fence, Staff submitted that based on comments from the neighbors who are afraid of trespass onto their private property, installation of a solid barrier would provide for optimal demarcation of property boundaries and prevent unintentional trespass by residents of the proposed project onto adjacent private property. Staff submitted that while there is no code authority, the final decision maker may find that compatibility dictates requiring the Applicant to provide this barrier. *Keith Jones Testimony.*
37. In response to comments concerning construction traffic, City Staff recommended as a condition of approval that construction traffic be limited to accessing the site from SE Brady Road to the east, through the quarry. Construction noise would be addressed through the hours of construction specified in City code and the City code enforcement process. *Exhibits 1 and 11.*
38. With respect to general traffic concerns, it is expected that the extension of SE Brady Road from 192nd to the east would serve as the primary access to the subdivision, not the residential streets within the communities to the north. *Exhibit 10.*
39. With respect to parking on SE 178th Avenue, the Applicant argued, and the City concurred, that there is no legal basis for reserving parking on public streets to specific members of the public. Residents of the adjacent HOA would not be restricted from parking on SE 178th Avenue, and neither would residents of the proposed community. *Exhibits 1, 11, and 25.*
40. The issues regarding the cottonwood trees, lot sizes/development density, and wildlife protection are addressed in previous findings. As described previously, the conditions of approval specify the removal of four additional trees in the area of concern. *Exhibit 1.*
41. Having considered all public comment and the full Applicant submittal, Planning Staff recommended approval of the subdivision, planned development, and critical area permit

subject to conditions as outlined in the Staff Report. *Exhibit 1; Keith Jones Testimony.*  
The Applicant did not object to the recommended conditions. *Kevin Brady Testimony.*

## **CONCLUSIONS**

### **Jurisdiction:**

Per Vancouver Municipal Code 20.210.020 Table 20.210-1, preliminary subdivisions are Type III development applications, which are decided by the Hearing Examiner. Per Vancouver Municipal Code 20.260.030, the Hearing Examiner is authorized to hear and issue findings, conclusions, and recommendations on planned developments pursuant to the Type IV review process, per 20.210 VMC. Pursuant to VMC 20.210.020.D, when more than one permit is required for a given proposal, all applications are consolidated into a single review subject to the highest type of procedure that applies to any of the applications. Thus, the Hearing Examiner also has jurisdiction to issue findings and a recommendation on the critical area permit.

### **Planned Development Criteria for Review:**

Pursuant to VMC 20.260.050.A, to receive approval for a planned development, the Applicant must demonstrate compliance with all of the following criteria:

1. Content. The concept plan contains all of the components required in Section 20.260.070. Compliance with all applicable standards. The proposed development and uses comply with all applicable standards of the Title, except where adjustments are being approved as part of the concept plan application, pursuant to Section 20.260.030(D)(2).
2. Architectural and site design. The proposed development demonstrates the use of innovative, aesthetic, energy-efficient and environmentally-friendly architectural and site design.
3. Transportation system capacity. There is either sufficient capacity in the transportation system to safely support the development proposed in all future phases or there will be adequate capacity by the time each phase of development is completed.
4. Availability of public services. There is either sufficient capacity within public services such as water supply, police and fire services, and sanitary waste and storm water disposal, to adequately serve the development proposed in all future phases, or there will be adequate capacity available by the time each phase is completed.
5. Protection of designated resources. City-designated resources such as historic landmarks, significant trees and sensitive natural resources are protected in compliance with the standards in this and other Titles of the VMC.
6. Compatibility with adjacent uses. The concept plan contains design, landscaping, parking/traffic management and multi-modal transportation elements that limit conflicts between the planned development and adjacent uses. If zoning districts are

shifted per section 20.260.020(C) VMC, there shall be a demonstration that the reconfiguration of uses is compatible with surrounding uses by means of appropriate setbacks, design features or other techniques.

7. Mitigation of off-site impacts. All potential off-site impacts including litter, noise, shading, glare and traffic, will be identified and mitigated to the extent practicable.

**Subdivision Criteria for Review:**

Pursuant to VMC 20.320.040, to obtain approval of a preliminary subdivision, the Applicant must demonstrate compliance with all of the following criteria:

- A. Public facilities provision. Appropriate provisions to the extent necessary to mitigate an impact of the development have been made for transportation, water, storm drainage, erosion control and sanitary sewage disposal methods that are consistent with the City's current ordinances, standards and plans;
- B. Proposed improvements. Appropriate provisions have been made for proposed streets, alleys and public ways, utilities and other improvements that are consistent with the City's current ordinances, standards and plans, and Department of Health and/or Washington State Department of Transportation standards and plans, where applicable;
- C. Open space and dedications. Appropriate provisions to the extent necessary to mitigate an impact of the development have been made for open space, parks, schools, dedications, easements and reservations;
- D. Physical characteristics. The design of the proposed short subdivision or subdivision site has taken into consideration the physical features of the site, including but not limited, to: topography, soil conditions, susceptibility to flooding, inundation or swamp conditions, steep slopes or unique natural features such as wildlife habitat or wetlands;
- E. Re-platting of existing subdivisions. When re-platting an existing subdivision, the short subdivision or subdivision shall comply with all of the terms and conditions of the existing subdivision's conditions of approval;
- F. Compliance with all requirements of this title. The proposed short subdivision or subdivision complies with all applicable requirements of this title unless modified through the approval; and
- G. Compliance with State requirements. That the proposed short subdivision or subdivision complies with the requirements of RCW 58.17.110.



- H. Narrow Lot Additional Criteria. Land divisions which contain one or more residential lots having a width of less than 40 feet shall meet additional criteria of VMC 20.927.030 A, B and C.

**Critical Area Permit Criteria for Review:**

Pursuant to VMC 20.740.060, proposed development shall be reviewed and approved, approved with conditions, or denied based on the proposal's ability to comply with all of the following criteria:

- A. Avoid Impacts. The Applicant shall first seek to avoid all impacts that degrade the functions and values of (a) critical area(s). This may necessitate a redesign of the proposal.
- B. Minimize Impacts. Where avoidance is not feasible, the applicant shall minimize the impact of the activity and mitigate to the extent necessary to achieve the activity's purpose and the purpose of this ordinance. The applicant shall seek to minimize the fragmentation of the resource to the greatest extent possible.
- C. Compensatory Mitigation. The applicant shall compensate for the unavoidable impacts by replacing each of the affected functions to the extent feasible. The compensatory mitigation shall be designed to achieve the functions as soon as practicable. Compensatory mitigation shall be in-kind and on-site, when feasible, and sufficient to maintain the functions of the critical area, and to prevent risk from a hazard posed by a critical area to a development or by a development to a critical area.
- D. No Net Loss. The proposal protects the critical area functions and values and results in no net loss of critical area functions and values.
- E. Consistency with General Purposes. The proposal is consistent with the general purposes of this chapter and does not pose a significant threat to the public health, safety, or welfare on or off the development proposal site;
- F. Performance Standards. The proposal meets the specific performance standards of Fish and Wildlife Habitat Conservation Areas VMC 20.740.110, Frequently Flooded Areas VMC 20.740.120, Geologic Hazard Areas VMC 20.740.130, and Wetlands VMC 20.740.140, as applicable.

**Conclusions Based on Findings:**

**A. Planned Development**

1. As conditioned, the plans demonstrate compliance with the content requirements and development standards for planned developments set forth in VMC 20.260, including those relating to housing type, building height, density, lot dimensions, and open space. The requested adjustment to the lot area standard satisfies the criteria of VMC 20.260.050(B) for discretionary reduction in lot standards. The site conditions, including critical areas at both the west and east ends, and the proposed site design providing

recreation amenities within common open space areas in lieu of large yards, together, warrant the requested reduced lot sizes. The benefits resulting from the reduced lot sizes (including the increased open space and critical areas protection) outweigh potential adverse impacts. Reduced yard space would be mitigated by common open space. *Findings 4, 5, 7, 9, 10, 11, 12, 14, 30, 31, 32, and 41.*

2. The proposed architectural and site design would be aesthetic and environmentally friendly. The site design includes landscaping, pathways, and a gazebo-style picnic shelter. Restoration of the stream corridor is proposed, and with a picnic area facing the stream corridor, residents would have an opportunity to enjoy the natural setting. *Findings 5, 9, 10, 12, 13, 14, 16, 23, 30, 31, and 32.*
3. There is sufficient capacity in the transportation system for the traffic generated by the development. Traffic mitigation fees would be paid in accordance with ordinance requirements. *Findings 12, 18, 19, 20, 21, 22, 23, and 41.*
4. Adequate public services are available to the development. *Finding 24 and 25.*
5. As conditioned, significant trees and sensitive natural resources would be protected consistent with ordinance requirements. The City's tree density standard would be met or exceeded through a combination of tree retention and tree planting. The addition of a condition requiring the cottonwood trees to be removed would not prevent compliance with the City's tree standards, and such condition would ensure compatibility with adjacent land uses consistent with criterion 6. The proposed encroachment into the Fisher's Creek riparian buffer is consistent with the criteria of VMC 20.740.110.C.2 in that, with the proposed restoration of the riparian management area, there would be no net loss of riparian habitat functions, and no functionally significant habitat would be eliminated. The proposed wetland buffer averaging is consistent with the criteria of VMC 20.740.140.C.1. The record demonstrates that averaging would not result in reduced wetland functions. The wetland would benefit from additional buffer area and mitigation plantings at the intersection of SE 178th Avenue and SE Brady Road and would not be adversely affected by the reduced buffer in the northern portion of the site; the resulting total buffer area would exceed the area required by code, and the width would not be decreased by more than 25%. Conditions of approval address code requirements for demarcation and signage of critical areas and financial security for mitigation plantings. There are no cultural resources anticipated to be affected by the development. *Findings 5, 14, 16, 17, 27, 30, 31, 32, 33, and 41.*
6. As conditioned, the proposed development would be compatible with adjacent residential land uses. As described previously, the site plan includes open spaces between the proposed smaller lots and surrounding development, and the conditions of approval specify additional invasive cottonwood trees to be removed along the shared property boundary. With the condition of approval requiring construction traffic to access the site through the quarry, and with the future extension of SE Brady Road providing residents more direct access to 192nd, the traffic generated by the development would not conflict

with adjacent neighborhoods, and the connectivity resulting from the street layout would benefit the adjacent neighborhoods. Conditions of approval restricting parking are not warranted, as SE 178th Avenue is a public street and adequate parking within the development is proposed. The record does not support the requested sound barrier along SR-14, as highway noise is not an impact caused by the proposed development. Given that the code does not require a developer to provide a fence, the City lacks express authority to require the Applicant to undertake that additional cost; no condition imposing such a requirement is recommended. The Applicant may choose to voluntarily install a fence along the site perimeter, or the Applicant and the neighboring homeowner association may join forces to coordinate in design and cost sharing of such a fence. Of course the neighbors are free to install a fence to protect their own property if they choose. Consideration should be given to the impact of a solid fence in proximity to critical areas on ease of wildlife movements. *Findings 5, 7, 8, 9, 10, 12, 14, 16, 17, 18, 19, 20, 21, 22, 23, 35, 36, 37, 38, 39, 40, and 41.*

7. Mitigation of off-site impacts would be accomplished through payment of park, school, and traffic mitigation fees. As conditioned, street lighting would be installed consistent with City standards. Potential noise impacts would be limited to construction noise. The evidence submitted did not suggest the need for noise mitigation in addition to existing code requirements and processes. The project was reviewed as required by the State Environmental Policy Act and a DNS was issued. *Findings 15, 20, 22, 26, 34, 35, 37, and 41.*

#### *B. Preliminary Plat*

1. As conditioned, appropriate provision has been made for transportation, water, storm drainage, erosion control, and sewage disposal. The conditions of approval detail the applicable street requirements. The local street system has capacity to serve the development. Traffic mitigation fees would mitigate the impact of the project's increased trips on the surrounding transportation system. *Findings 9, 10, 12, 16, 18, 19, 20, 21, 22, 23, 28, 29, and 41.*
2. As conditioned, appropriate provision has been made for streets, alleys, utilities, and other improvements consistent with City and State standards. The conditions of approval detail the applicable street requirements and require the Applicant to obtain WSDOT approval of the stormwater management system. *Findings 9, 10, 12, 16, 18, 19, 20, 21, 22, 23, 24, 25, 28, 29, and 41.*
3. The proposed open space, which would serve residents of the subdivision, exceeds the 10% minimum requirement for planned developments. Impacts to schools and City parks would be mitigated through payment of mitigation fees. No dedication of park or school land is required. *Findings 9, 10, 14, 15, 26, and 41.*
4. The design of the subdivision takes into account the physical features of the site, including critical areas and soil conditions from former mining use. As described in Conclusion A.5, the site design is consistent with critical areas protection requirements.

The riparian management area of Fisher's Creek would be preserved, and the wetland would be adequately buffered through the buffer averaging process. The site does not currently provide quality wildlife habitat, but habitat would be improved with the proposed mitigation plantings. The stormwater management system would not rely on infiltration due to soil limitations. *Findings 4, 5, 8, 9, 10, 12, 14, 17, 27, 28, 29, 30, 31, 32, and 41.*

5. The proposed subdivision is not a re-plat of an existing subdivision. *Finding 3.*
6. As conditioned, the subdivision complies with the applicable requirements of VMC 20.320, which address subdivision layout and access requirements. *Findings 7, 9, 10, 12, 18, and 41.*
7. The above criteria largely address the requirements of RCW 58.17.110. The RCW also includes a requirement that a subdivision make appropriate provision for safe walking conditions for students who only walk to and from school. In this case, appropriate provision is made for safe walking conditions through sidewalks along the internal streets that connect to the external sidewalk system. The sidewalk system would provide a continuous safe walking route between the subject property and the elementary school, which is within walking distance of the subject property. The public interest would be served by the provision of housing developed consistent with the density standard of the R-9 zone. *Findings 7, 8, 9, 10, 11, 12, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 34, 35, 36, 37, 38, 39, 40, and 41.*
8. As conditioned, the proposal is consistent with the narrow lot development criteria. The site is designed to avoid conflicts on narrow lots, and sufficient guest parking would be provided. The conditions of approval require that set-out locations for garbage and recycling carts be depicted on the plans, and that sufficient street frontage for each set of carts be allocated. *Findings 9, 10, 11, 12, 14, 23, and 41.*

#### *C. Critical Area Permit*

1. The record demonstrates that critical areas impacts that would degrade critical areas functions and values were avoided in the site design. For example, the 100-foot riparian management area of Fisher's Creek would be preserved and restored. The restoration project would provide greater ecological benefits than simply preserving the outer riparian buffer in its current condition. The wetland buffer reduction associated with the extension of SE 178th Avenue is unavoidable. *Findings 4, 5, 9, 10, 30, 31, 32, 33, and 41.*
2. The record demonstrates that unavoidable critical area impacts have been minimized, through restoration of temporarily impacted wetland buffer areas and through the proposed buffer averaging and mitigation plantings. The impact of development within the outer riparian buffer of Fisher's Creek would be minimized through the restoration project. There would be no fragmentation of the critical areas as a result of the site design. *Findings 5, 30, 31, 32, and 41.*

3. The proposed on-site compensatory mitigation is adequate to replace (and exceed) existing critical areas functions and values. *Findings 4, 30, 31, 32, and 41.*
4. The proposal ensures no net loss of critical areas functions and values. With the mitigation proposed, even though the outer riparian buffer of Fisher's Creek would be developed, the functions and values of the riparian area would be improved. With the proposed buffer averaging, the area of protected wetland buffer would exceed the amount required by code, and the new buffer area would be restored to a native forested condition. *Findings 5, 30, 31, 32, 33, and 41.*
5. The proposal is consistent with the general purpose of VMC 20.740 to "designate and protect ecologically sensitive and hazardous areas (critical areas) and their functions and values, while also allowing for reasonable use of property." *VMC 20.740.010.* The development plan is reasonable given the density range of the zone, the infrastructure requirements of the project, and the proportion of the site containing critical areas. *Findings 5, 9, 10, 18, 30, 31, 32, 33, and 41.*
6. As described in Conclusion A.5, the proposal meets the performance standards for fish and wildlife habitat conservation areas and wetlands. The conditions of approval address code requirements for demarcation and signage of critical areas, and financial security for mitigation plantings, and require the critical areas to be placed within recorded conservation covenants. *Findings 5, 14, 16, 17, 27, 30, 31, 32, 33, and 41.*

### **RECOMMENDATION**

Based on the foregoing findings and conclusions, the requested preliminary plat and planned development to subdivide 4.67 acres into 34 single-family residential lots at 17700 SE Evergreen Highway, together with the associated critical areas permit, **SHOULD BE APPROVED** subject to the following conditions to be satisfied by the Applicant or successors in interest:

#### **Prior to Civil Plan Approval**

1. Upload the civil plan review set showing all the revisions requested as well as all necessary reports (geotechnical, hydrology, traffic analysis, road modification, etc.). Include a detailed site plan in the civil plan review set. For questions on these requirements please contact 360-487-7804.
2. Grading plan review fees will be due upon submittal of civil plans for review. Contact Permit Center staff at 360-487-7802 to obtain a fee quote.
3. Add a note to the grading plans that states: "If any archaeological deposits are found during construction, work shall stop and the City of Vancouver's Community & Economic Development Department and the Washington State Department of Archaeology and Historic Preservation shall be notified."

4. Submit drainage plans to the Washington Department of Transportation (WSDOT) for review and approval. Provide evidence to the City of approval of drainage plans from WSDOT.
5. Applicant shall pay concurrency modeling fees totaling \$912.
6. Applicant shall pay proportional share cost of \$16,000.
7. Unless the urban forester indicates otherwise, tree numbers 50655, 50657, 50658 and 50659 shall be indicated for removal. The tree density calculation shall be updated to maintain 30 tree units per acre.
8. The demolition and erosion control designs must be prepared showing construction access being taken through the quarry site.
9. Coordinate and accommodate the HQ Master Plan and Subdivision's (LUP-81596) final public sanitary sewer development extension requirements.
10. Revise and complete the public sanitary sewer design on the civil drawings. Prepare according to Vancouver's current General Requirements and Details for design and construction. Address redline comments and submit the final design for civil plan approval.
11. New and existing fire hydrant locations shall be shown.
12. An approved fire response plan shall be included in both the civil plans and the architectural plans.
  - Fire Lane boundaries, width, turning radii, gates across fire lanes and required turnarounds
  - Fire Lane signage and striping as demonstrated in the Development Standard 503 - Fire Department Emergency Access.
  - Fire hydrants, mains, Fire Department Connections for fire sprinkler systems, underground fire sprinkler supply mains into building
  - Location of Fire Sprinkler Riser Rooms and Fire Alarm Control Panels (FACP)
  - Location of Knox-Box if known.
  - Known hazards or obstructions to Fire Emergency Response (overhead power lines, outdoor hazardous storage, etc.)
13. Show designated collection point for two carts per lot. Adequate minimum frontage shall be provided, 10 feet for set out of carts from each lot is needed to permit automated collection from the right side of the truck body.

**Prior to Final Plat Approval**

14. Submit a final plat application along with two size copies and one reduced 8 ½ x 11 copy of the proposed plat and tree/landscape plan. Applications can be found under Building, Planning and Environment on the City of Vancouver website, [www.cityofvancouver.us](http://www.cityofvancouver.us).
15. Provide the following improvements to SE 178th Avenue, per City of Vancouver standards:
  - Dedicate public right of way per the standard.
  - Install asphalt street, curb, gutter, planting strips, detached sidewalks, ADA ramps, and driveway approaches, per the applicable city standards.
  - The curb radii at the intersection of SE 178th Avenue and Brady Road shall be a minimum of 25 feet per the design criteria of VMC Table 11.80.040.C-1. Additional right of way dedication may be required to accommodate this.
  - Install new streetlights per current city standards. See detailed information below.
  - Install traffic control devices as warranted and storm drainage as required by the city stormwater ordinance.
16. Construct the east length of SE Brady Road to match the paved street width of the pending HQ Vancouver Master Plan and provide an appropriate transition between sidewalk designs.
17. Provide the following improvements for the west length of SE Brady Road:
  - Dedicate public right of way per the standard.
  - Install asphalt street, curb, gutter, planting strips, detached sidewalks, ADA ramps, and driveway approaches, per the applicable City standards.
  - Install 'No Parking - Fire Lane' signs at appropriate spacing along one side of the street.
  - Install new streetlights per current City standards. See detailed information below.
  - Install traffic control devices as warranted and storm drainage as required by the City stormwater ordinance.
18. Provide the following improvements for SE Fisher's Creek Road:
  - Dedicate public right of way per the standard.
  - Install asphalt street, curb, gutter, planting strips, detached sidewalks, ADA ramps, and driveway approaches, per the applicable City standards.
  - The curb radii at the intersection of SE Fisher's Creek Road and SE Brady Road shall be a minimum of 25 feet per the design criteria of VMC Table 11.80.040.C-1. Additional right-of-way dedication may be required to accommodate this.

- Install 'No Parking - Fire Lane' signs at appropriate spacing along one side of the street.
  - Install new streetlights per current city standards. See detailed information below.
  - Install traffic control devices as warranted and storm drainage as required by the City stormwater ordinance.
19. Show, note, and specify any public sanitary sewer easements to the City of Vancouver. Include standard required plat easement recording language.
  20. Signs shall be placed at minimum every 200 feet around both the Fisher's Creek Riparian Management area that reads, "The area beyond this sign is a fish and wildlife habitat conservation area. Alteration or disturbance is prohibited by law. Please call the City of Vancouver for more information."
  21. Signs shall be placed at minimum every 200 feet at the wetland and wetland buffer and at the wetland mitigation site that reads, "The area beyond this sign is a wetland or wetland buffer. Alteration or disturbance is prohibited by law. Please call the City of Vancouver for more information."
  22. A permanent physical demarcation along the upland boundary of the wetland buffer and riparian management area shall be installed and thereafter maintained. Such demarcation may consist of fencing, hedging or other prominent physical marking that allows wildlife passage, blends with the wetland environment.
  23. A conservation covenant running with the land shall be recorded with the county that shall contain the wetland/wetland buffer area and one for the Fisher's Creek Riparian Management Area.
  24. Submit a cost estimate for the mitigation planting along with a financial security in the amount of 125 percent of the cost estimate. The financial security can be in the form of a bond, escrow or standing letter of credit. Once the monitoring plan as stated in the critical areas report is completed, the security can be returned.
  25. A licensed landscape architect shall provide a certificate verifying that the landscaping has been installed per the city-approved construction documents. Please submit to Keith Jones, [keith.jones@cityofvancouver.us](mailto:keith.jones@cityofvancouver.us).
  26. The following note shall be in place on the plat: Pursuant to VMC 20.915, Park, School and Traffic impact fees must be paid prior to the issuance of a building permit for any single-family home within this subdivision. Said fees will be recalculated for building permit application filed more than three years after preliminary plat approval. These fees do not constitute liens against the lots in this subdivision but are collected as a condition of initial building permit issuance.



27. The Applicant shall establish a homeowners association. The homeowners association shall be responsible for maintenance of the park and common open space areas.
28. The following note shall be in place on the final plat: If any archaeological deposits are found during construction, work shall stop and the City of Vancouver's Community & Economic Development Department and the Washington State Department of Archaeology and Historic Preservation shall be notified.

**Prior to combustible construction**

29. Fire hydrants for emergency use shall be installed, approved, and maintained.
30. Fire apparatus access shall be provided and maintained.

**During construction**

31. A final summary report by the geotechnical engineer of record shall be prepared and submitted to the City of Vancouver that states that the project soils were prepared in accordance with the governing geotechnical report and construction documents. Provide a current report with lot specific conditions and compaction test results by final grading. Please send to [inspectionreports@cityofvancouver.us](mailto:inspectionreports@cityofvancouver.us).
32. Secure construction permits and schedule and attend a pre-construction meeting. Construct the new public sanitary sewer mains and service laterals as shown on the approved civil plans. Satisfy construction services testing and inspection requirements and secure construction acceptance.
33. Satisfy submittal and other requirements itemized in the Notification of Civil Plan Approval and secure final civil project acceptance.
34. Address signage shall be visible and legible from the street fronting the property for emergency response. If applicable, individual suite numbers shall be posted at the suite doors.
35. Required fire lane signage shall be installed.
36. Any fire protection features identified as being required during the construction permit review shall be installed and approved prior to occupancy.
37. If a Fire Department Knox-Box was identified as a requirement during the construction permit review, then it shall be installed at an approved location and locked with the required content.
38. If any archaeological deposits are found during construction, work shall stop and the City of Vancouver's Community & Economic Development Department and the Washington State Department of Archaeology and Historic Preservation shall be notified.

39. If an on-site sewage system is found during development, it must be properly abandoned to Clark County Health Department standards.
40. If a well is found during development, it must be properly decommissioned by a licensed well driller and the Clark County Health Department notified.

**Issued** November 8, 2021.<sup>4</sup>

By:

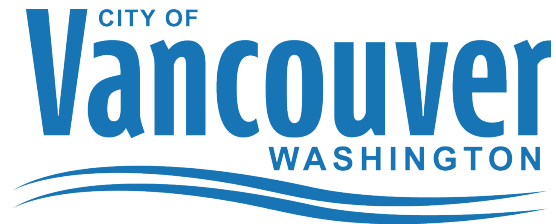


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Sharon A. Rice  
City of Vancouver Hearing Examiner

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<sup>4</sup> On November 9, 2021, a scrivener's error in Finding 26 indicating the site is served by Vancouver School District was corrected to reflect the fact that the subject property is within the Evergreen School District service boundary. This error was corrected without change to the document issuance date. No other changes were made.



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

[www.cityofvancouver.us](http://www.cityofvancouver.us)

**Staff Report and Recommendation to the Hearing Examiner  
Fisher's Creek Planned Development Subdivision  
PRJ-166679/LUP-81488**

|                                 |                                                                                                                                                                                                                                                                                                                                                                   |
|---------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Report Date</b>              | October 5, 2021                                                                                                                                                                                                                                                                                                                                                   |
| <b>Hearing Date</b>             | October 19, 2021                                                                                                                                                                                                                                                                                                                                                  |
| <b>Proposal</b>                 | A 34-lot single-family residential attached and detached subdivision and planned development. The property is zoned Low Density Residential (R-9).                                                                                                                                                                                                                |
| <b>Location</b>                 | 17700 SE Evergreen Hwy. 126779000, 126780000 and 126778000                                                                                                                                                                                                                                                                                                        |
| <b>Applicant/Contact</b>        | Kevin Brady, Otak, Inc.<br>700 Washington Street, Suite 300<br>Vancouver, WA 98660<br>503-504-1951                                                                                                                                                                                                                                                                |
| <b>Owner</b>                    | Scot Brantley, HQ Vancouver, LLC<br>275 W. 3rd Street, Suite 300<br>Vancouver, WA 98660<br>360-608-6026                                                                                                                                                                                                                                                           |
| <b>Staff</b>                    | Keith Jones, Senior Planner/Case Manager<br>Eric Hahn, Senior Civil Engineer – Transportation/Concurrency<br>Andrew Jorgenson, Fire Marshal<br>Aaron Odegard, Civil Engineer - Sewer<br>Mike Swanson, Civil Engineer - Stormwater<br>Patricia Clerf, Building Plans Examiner<br>Julie Gilbertson, Solid Waste<br>Cole Benak, Water<br>Charles Ray, Urban Forestry |
| <b>SEPA<br/>Determination</b>   | Final Determination of Nonsignificance (DNS) issued Aug. 31, 2021                                                                                                                                                                                                                                                                                                 |
| <b>Approval Criteria</b>        | <u>Vancouver Shoreline Master Program</u><br>Planned Development Approval Criteria – Section 20.260.050<br>Preliminary Plat - Section 20.320.040<br>Narrow Lot Development – Section 20.927.030<br>Critical Areas Approval Criteria – Section 20.740.060                                                                                                          |
| <b>Staff<br/>Recommendation</b> | Approval with conditions. Project conditions and/or required revisions are identified in the conclusion of and throughout this report.                                                                                                                                                                                                                            |

## RECOMMENDATION

This report to the hearing examiner is a recommendation from Community & Economic Development Department. The examiner may adopt, modify or reject this recommendation. The hearing examiner recommendation will be forwarded to City Council for a final decision.

For questions or additional information, you may contact the case manager by telephone at 360-487-7887 or by email at [keith.jones@cityofvancouver.us](mailto:keith.jones@cityofvancouver.us).

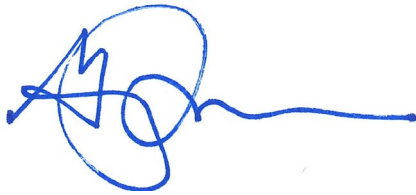


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Report Prepared by  
Keith Jones, Senior Planner/Case Manager

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Oct. 5, 2021  
Date



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Greg Turner, Manager  
Land Use Team

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Oct. 5, 2021  
Date

## BACKGROUND

The applicant proposes a 34-lot single-family attached and detached planned development and narrow lot subdivision including 28 single-family attached and six detached houses. SE 178th Avenue is proposed to be extended from the north where it is currently stubbed. SE Brady Road will then be extended east/west to serve the development and stubbed to the east for eventual connection to 192nd Avenue. Tract A includes Fisher's Creek and the riparian management area and an active/usable open space area including gazebo, picnic areas and trails. Tract B includes a protected wetland area and associated buffer.

### General Site Information

|                                |                                                                    |
|--------------------------------|--------------------------------------------------------------------|
| Zoning District                | R-9                                                                |
| Adjacent Zoning Designation    | R-18, RGX & R-4                                                    |
| Comprehensive Plan Designation | Urban Low Density Residential                                      |
| Parcel Size                    | 4.67 acres                                                         |
| Adjacent Land Uses             | Vacant and residential                                             |
| Access Roads                   | SE 178 <sup>th</sup> Avenue                                        |
| Existing Vegetation            | Trees and grass                                                    |
| Existing Structures            | none                                                               |
| Topography                     | Generally flat with steep slopes near drainage at west end of site |
| Geologic Hazards               | Slopes in excess of 25%                                            |
| Seismic Hazard                 | NEHRP Class: B-C                                                   |
| Habitat and Species Impacts    | Habitat Conservation Area                                          |
| Flood Plains                   | No Mapping Indicators                                              |
| Wetlands                       | Presence                                                           |
| Archaeology                    | High and Low probability                                           |
| Drainage Basin                 | Columbia Slope                                                     |
| Wellhead Protection            | No Mapping Indicators                                              |
| Soils                          | Non-Hydric / OID and Non-Hydric / Ro                               |
| Park Impact Fee District       | District C                                                         |
| School Impact Fee District     | Evergreen                                                          |
| Impacted Schools               | Fisher's Landing, Shahala & Mt. View                               |
| Traffic Impact Fee District    | Cascade                                                            |
| Transportation Analysis Zone   | 247                                                                |
| Sewer District                 | Vancouver                                                          |
| Water District                 | Vancouver                                                          |
| Fire Service                   | Vancouver                                                          |
| Neighborhood Association       | n/a                                                                |

### Procedural History

| Activity                                | Case #    | Date       |
|-----------------------------------------|-----------|------------|
| Pre-application Meeting                 | PIR-80788 | 03/04/2021 |
| Application Accepted (counter complete) | LUP-81488 | 06/12/2021 |
| Application determined fully complete   |           | 07/02/2021 |
| Notice of Application                   |           | 07/16/2021 |
| Final DNS                               |           | 08/31/2021 |
| Land Use Hearing                        |           | 10/19/2021 |

## APPLICABLE REGULATIONS

### **Vancouver Municipal Code**

VMC Chapters 11.70 Transportation Concurrency; 11.80 Street and Development Standards; 14.04 Water and Sewer Use Regulations and Charges; 14.08 Connection to Public Sewers; 14.16 Water and Sewer Service Connections; 14.24 Erosion Control; 14.25 Stormwater Control; 16.04.150 Fire Apparatus Access; 16.04.160 Fire Protection Water Supplies; 16.04.170 through 16.04.200 Fire Protection Systems; 20.210 Decision Making Procedures; 20.260 Planned Developments; 20.320 Subdivisions, 20.410 Lower Density Residential Districts; 20.740 Critical Areas 20.770 Tree, Vegetation and Soil Conservation, 20.915 Impact Fees; 20.927 Narrow Lot Developments; 20.925 Landscaping; 20.945 Parking and Loading; 20.970 Solid Waste Disposal and Recycling and 20.985 Vision Clearance

## ANALYSIS

### **Major Issues**

Staff reviewed the proposal for compliance with applicable regulations, code criteria and standards in order to determine whether the project complies with the requirements of the code. Staff's recommendation reflects review of agency and public comments received during the comment period and knowledge gained from a site visit.

Only the major issues, errors in the development proposal and/or justification for any conditions of approval are discussed below. Staff finds all other aspects of this proposed development comply with the applicable code requirements and require no discussion in this report.

Building code review is not performed during pre-application or site plan review. Filing of building permit application with required fees and review materials is required for a building code review.

## AGENCY AND PUBLIC COMMENTS

Agency and public comments are listed below. The proposed project has been reviewed and recommendations made in light of these comments.

### **Washington State Department of Ecology**

The Department of Ecology submitted a comment letter dated Aug. 16, 2021 (Exhibit 7). **Development of the site must be in conformance with the requirements noted in this letter.**

### **Southwest Clean Air Agency (SWCAA)**

The SWCAA submitted a comment letter dated Aug. 16, 2021 (Exhibit 8). **Development of the site must be in conformance with the requirements noted in this letter.**

### **Washington Department of Transportation (WSDOT).**

WSDOT submitted an e-mail dated Aug. 16, 2021 (Exhibit 9). WSDOT requests the drainage plans be reviewed and approved prior to issuing permits for this project. The applicant shall obtain WSDOT approval of stormwater plans prior to civil plan approval.

### **Public Comments**

Public comments received are provided in Exhibit 10-. The applicant provided a response to the public comments (Exhibit 11). Comments consisted of the following:

1. Install SR 14 Sound Barrier  
Neighbors indicated the desire to install sound barrier along SR-14.

**Applicant Response:** There is no intention by the project proponent to install a sound barrier wall. There are many examples of residential development adjacent to SR 14 that do not have sound barrier walls.

**Staff Response:** The city does not have any code requirement for installation of sound wall.

2. Install fence along the north property line  
Neighbors indicated desire of the applicant to install a 6-foot solid fence along the north property line.

**Applicant Response:** The project proponent is not planning to install a permanent barrier along the project's north property line, at the Open Space area. It is reasonable to anticipate that the individual homes will have fencing installed to separate privately owned back yard spaces.

**Staff Response:** The city does not have a specific code requirement to install a fence along the north property line. However, staff encourages the applicant to consider installation of a solid fence. A fence could be installed with the required site improvements and would not impact installation of fencing for the house lots.

3. Mitigation of Noise

**Applicant Response:** The city code (Table 10.935.030-1) defines allowed hours of construction (7am to 8pm) for all construction projects in the city of Vancouver. The city also defines the process for which complaints about construction noise can be made with city code enforcement. During the project pre-construction conference, the city typically reviews allowable conditions for standard construction. Should any non-standard construction effort be necessary, these matters would be reviewed during the pre-construction conference and specific conditions set that address duration/time, methods and means, and mitigation.

**Staff Response:** Staff concurs with the applicant response.

4. Use of public street parking by construction contractors.

**Applicant Response:** Public streets provide parking for the public and including those conducting business and/or construction. Because SE 178th Street is presently a dead-end street, the city might consider allowing temporary parking on both sides of the street to create more organized/regulated parking that will support the construction activity for this project.

**Staff Response:** To minimize disruptions to the neighborhood, staff is conditioning the applicant to access the site and stage construction within the former quarry area as opposed to parking and accessing through the neighborhood.

5. Restrictions to parking on SE 178th Avenue

**Applicant Response:** The project proponent agrees with the Homeowners Association about requesting no restrictions on public parking on SE 178th Avenue. Public parking is available to all members of the public and cannot legally be reserved for use by only

specific members of the public, excepting for provisions of the Americans with Disabilities Act (ADA). City code provides for restrictions to public parking (e.g., long-term parking, abandoned vehicles) and code enforcement requirements.

**Staff Response:** Staff concurs with the applicant.

6. Guest Parking should only be on-site not in the street.

**Applicant Response:** As noted above, public parking is provided for public use and cannot be exclusive to specific residents, excepting for ADA. However, the proposed Fishers Creek Planned Development Subdivision does meet the city code requirements for both resident and on-street guest parking. As detailed on project plan sheet C-01 (Site Plan), a total of fifteen (15) on-street guest parking spaces are proposed, exceeding the city code requirement of 12 guest parking spaces.

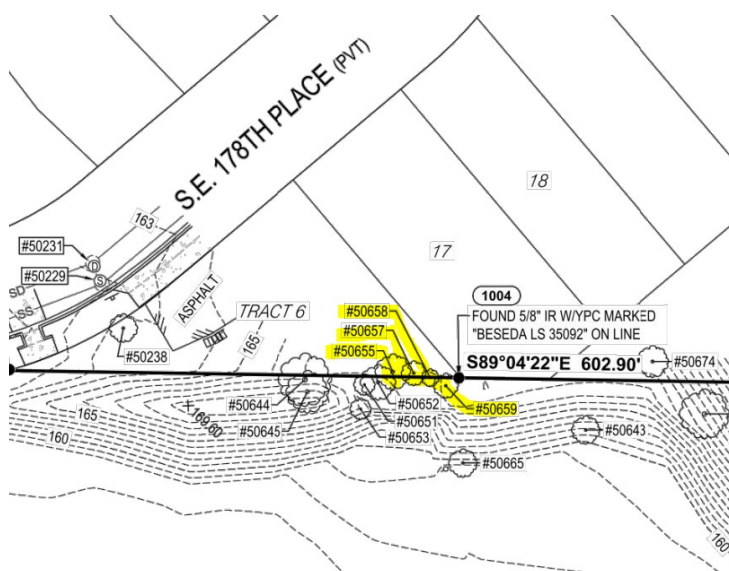
**Staff Response:** Per the narrow lot standards, Section 20.927, three guest parking spaces are required per every three lots. At 34 lots, 12 spaces area required. On-street spaces can count towards the required guest parking spaces. The applicant proposes 15 on-street spaces which complies with the code.

7. Large cottonwood trees along common border

**Applicant Response:** Per requirement of city code, a professional arborist (Teragon & Associates) was retained to evaluate the existing tree conditions. The arborist identified 16 cottonwood trees in the vicinity of the north property line, and recommended removal of 7 of those trees. The proposed landscape plan thus indicates retention of 9 of the existing cottonwood trees, if they do not conflict with earthwork associated with the development. There is limited proposed earthwork in the Open Space area long the common border.

The project proponent is willing to work with the City and the HOA on a shared solution.

**Staff Response:** Charles Ray, City Urban Forester, reviewed the plans and indicated that tree numbers 50655, 50657, 50658 and 50659 can be removed. A condition of approval has been added related to these trees.





8. Lot sizes less than 5,000 square feet

**Applicant Response:** The proposed project is a planned development, prepared following criteria and requirements of Vancouver Municipal Code (VMC 20.260). The base zone of the project site is R-9, which would allow for up to 37 single-family lots based on the project area. The project proponent is instead proposing a planned development with a total of 34 single-family lots, with a combination of both attached (e.g., 'townhome' style) and detached homes. (Note: the Planned Development allows for a 15% increase in density above the base zone). In addition, a total open space area of over 12% of the site is proposed; the minimum required by the planned development code is 10%. These adjustments allow the project proponent to preserve natural areas, create a sizable open space, limit overall construction earthwork, and create a more enjoyable and livable community.

**Staff Response:** Staff concurs with the applicant.

9. Expansion of SR-14

**Applicant Response:** The proposed project is located outside of the state's right of way. Washington State Department of Transportation has been engaged in the planning of development along the north side of their right of way and made no indication of desire to acquire/purchase additional land for expansion of the state highway.

**Staff Response:** Staff concurs, WSDOT has commented on the project and has not identified expansion of the highway in this location.

10. Sanitary Sewer Connection

**Applicant Response:** The public sanitary sewer connection is in SE 177th Lane, per instruction from the city public works department. Present understanding is the existing public sanitary sewer system has the capacity to accommodate the proposed project.

**Staff Response:** Sanitary sewer staff has reviewed the proposal and finds that the proposal complies with recommended conditions of approval see Section under Title 14 of this report.

11. Protection of Wildlife

**Applicant Response:** A critical areas assessment was completed, and a Critical Areas Report (CAR) was submitted with the project land use application (Otak, 2020). To complete this effort, professional and experienced biologists met onsite with agency environmental and planning staff from the City of Vancouver and Washington State Department of Ecology. Fisher Creek (downstream) is characterized as a Type F (perennial fish bearing), requiring a total of 175-ft buffer. The proposed project respects the restrictions and allowances of the required buffer, minimizing development activity in this location. Temporary construction impacts to the outside habitat buffer will occur. The project proposes to mitigate for these impacts with improved vegetation/plantings around the previously delineated and permitted wetland located northeast and adjacent to the project site.

At request of the City, additional assessment of the local habitat was completed and submitted to the City on August 19th, 2021 (Otak). This effort affirmed that there are no known State or Federally listed wildlife or plant species, or their designated habitat present on the site. Onsite observations confirmed that potential habitat areas onsite did not reveal the presence of rare plants of high conservation value.

**Staff Response:** Staff concurs with applicant. Further, the county biologist has reviewed the proposal and found that the project provides adequate mitigation for impacts; see Critical Areas, Section 20.740 of this report.

## 12. Traffic Impacts

**Applicant Response:** A traffic impact assessment has been submitted with the project land use application, completed by a professional and experienced traffic engineer (Mackenzie). City Transportation Staff have already provided accurate response to public inquiry about traffic (Eric Hahn, July 29th, 2021); creation network of public streets provides connectivity between neighborhoods and alternative routes to destination points, for vehicles, bicycles, pedestrians, and emergency response. Extension of SE 178th Avenue to the proposed SE Brady Road (HQ project) will create connection for local neighborhoods to access services and amenities more readily in HQ and along SE 192nd Avenue, as well as State Route 14.

While it is not expected that traffic calming is necessary within the abbreviated roadways of the proposed project, the HQ project to the east is planned with traffic calming roadway improvements.

**Staff Response:** Transportation staff has reviewed the proposal and finds that the proposal complies with recommended conditions of approval. See Section under Title 11 of this report for further analysis.

### COMPLIANCE WITH THE APPLICABLE SECTIONS OF THE VANCOUVER MUNICIPAL CODE (VMC)

#### VMC Title 20 – Land Use and Development Code

##### 20.200 – Land Use Decisions

##### 20.210 Decision Making Procedures

**Finding:** The applicant requests approval of a planned development, a Type IV procedure per VMC 20.210.020-1. The applicant completed the required preapplication meeting March 4, 2021. The application was accepted June 12, 2021, and deemed fully complete July 2, 2021. A notice of application with a 30-day comment permit was issued July 16, 2021. The 30-day comment period ended Aug. 16, 2021. Comments received are addressed in the Agency and Public Comments section of this report.

##### 20.260 Planned Developments

##### 20.260.020 – Applicability

- A. *Applicable in all zones. The planned development is a development vehicle that may be used in all base zoning districts except in the Park, Greenway and Natural Area districts.*
- B. *Permitted uses. The following uses shall be allowed in various base zoning districts:*
  - 1. *Lower-Density Residential Zoning Districts. In the R-2, R-4, R-6 and R-9 zoning districts, an applicant with a planned development approval may develop the site to contain a mixture of uses subject to the maximum density provisions of the underlying zone, as contained in Chapter 20.410 VMC, plus 15 percent density bonus per the provisions of VMC 20.260.060(D).*

a. *The following uses are allowed by right within planned developments:*

1. *Single-family detached residential units with or without accessory dwelling units.*
2. *Two or more single-family attached residential units, duplex, triplex, and townhome and other fourplex residential units. Duplexes, triplexes, fourplexes, and townhomes located on the perimeter of the development directly abutting single-family zoning districts shall have a height limit of 35 feet.*

**Finding:** The site is zoned R-9. Of the 34 lots proposed, 28 include single-family attached where a common wall between two units is also a common property line. The remaining six lots are proposed as single-family detached. The applicant has submitted elevations (Sheet A01) in the plan set indicating that building height will be between 28 and 30 feet complying with the 35-foot maximum building height. The building height for each lot will be confirmed at time of building permit.

The proposal complies with required density, see Section 20.410.

#### 20.260.030 – Approval Process

A. *Elements of approval process. The two elements of the planned development approval process are:*

1. *Approval of the planned development concept development plan which contains a substantial level of detail for the whole project; and*
2. *Approval of the detailed site plan(s) to be constructed in one or more phases that provide all of the additional detail not contained in the concept plan.*

B. *Decision-making process.*

1. *Initial approval. A new planned development concept plan shall be processed by means of a Type IV review, per 20.210 VMC, using approval criteria contained in 20.260.050 VMC. The Planning Commission shall be the initial review authority for planned developments greater than 25 acres in size and the Hearings Examiner shall be the initial review authority for planned development 25 acres or less in size. The initial reviewer shall issue a recommendation to the City Council. The City Council shall be the final authority for planned developments.*
2. *Subsequent reviews. The detailed site plan, and phases thereof, shall be reviewed by means of a Site Plan Review under 20.270 VMC, to ensure that it is substantially in compliance with the approved concept development plan, using approval criteria contained in 20.260.050 VMC.*
3. *Applicable in all zones.*

**Finding:** The applicant requests approval of a concept development plan and a preliminary subdivision plat, a Type IV process with the Hearing Examiner as the initial review authority who makes recommendation to City Council. The proposed uses are single-family residential. Site plan review is not required for single-family residential, therefore a final development plan is not required. Following approval of the concept development plan and subdivision, the applicant shall submit for a civil engineer permit and final subdivision plat. The civil engineering permit shall include construction documents for roads, utilities, landscaping, wetland mitigation and open spaces. Following approval of the civil engineering permit, the applicant shall construct all site improvements. After the site improvements are completed and accepted by the city, the final subdivision plat can be recorded. After the plat is recorded building permits can be issued for each individual lot.

- D. *Adjustment approval criteria. Adjustments to numerical development standards in the underlying zoning district shall meet the criteria contained in Section 20.260.050(B) VMC below in lieu of requirements for variances contained in Chapter 20.290 VMC. The exception to this is a request to exceed the maximum height permitted in the underlying zone, which will require a concurrent variance request per 20.290 VMC.*

**Finding:** The site is zoned R-9, a low-density residential district, with a minimum lot size of 5,000 square feet (see Table 20.410.050-1). The applicant proposes an adjustment to numerical development standard with this planned development approval request to reduce the minimum lot size from 5,000 square feet to 2,250 square feet, with proposed lots ranging from 2,250 square feet to 3,750 square feet. The proposal complies with the approval criteria for adjustment as stated under Section 20.260.050(B) below.

#### *20.260.040 – Time Limits*

**Finding:** Since the project includes single-family residential a site plan review or detailed development plan is not required. The applicant shall be required to obtain a civil engineering permit and complete all site work prior to recording a final plat. Once the final plat is recorded, building permits can be issued for each lot in the subdivision. Per Section 20.320.020 the preliminary plat shall be valid for a period of seven years. Phased development is not proposed.

#### *20.260.050 – Approval Criteria*

A. *Concept development plan approval criteria. To receive approval for a planned development, the applicant shall demonstrate compliance with all of the following criteria:*

1. *Content. The concept plan contains all of the components required in Section 20.260.070. Compliance with all applicable standards. The proposed development and uses comply with all applicable standards of the Title, except where adjustments are being approved as part of the concept plan application, pursuant to Section 20.260.030 (D)(2).*

**Finding:** The applicant has provided all of the required components as stated in Section 20.260.070. The proposed development complies with the applicable standards as stated in this staff report. An adjustment to the R-9-minimum lot size of 5,000 square feet is proposed as stated under criterion B, below.

2. *Architectural and site design. The proposed development demonstrates the use of innovative, aesthetic, energy-efficient and environmentally friendly architectural and site design.*

**Applicant Response:** The architectural design of the future townhomes includes both hip roof and gable options, with each option providing modern and aesthetic design features, including refined selection of both materials and colors. See Appendix M for details. The design of the site includes preservation of Fisher's Creek and an open space tract (Tract B) at the northwest corner of the site that provides protection and buffering of an existing wetland. Tract A provides on-site, active open space for residents and visitors through a trail system and outdoor amenities, such as benches, picnic tables and gazebo for shelter.

**Finding:** Staff finds the applicant has demonstrated compliance with this section.

3. *Transportation system capacity. There is either sufficient capacity in the transportation system to safely support the development proposed in all future phases or there will be adequate capacity by the time each phase of development is completed.*

**Finding:** Transportation staff has determined that sufficient capacity exists for the proposal, see Title 11 response in this report.

4. *Availability of public services. There is either sufficient capacity within public services such as water supply, police and fire services, and sanitary waste and storm water disposal, to adequately serve the development proposed in all future phases, or there will be adequate capacity available by the time each phase of development is completed.*

**Finding:** City departments have reviewed the proposal and as stated in the findings of this report, the public services can be made available per the recommended conditions of approval.

5. Protection of designated resources. City-designated resources such as historic landmarks, significant trees and sensitive natural resources are protected in compliance with the standards in this and other Titles of the VMC.

**Applicant Response:** Fisher's Creek, a stream located at the western edge of the site, includes a Riparian Management Area (RMA) and associated Riparian Buffer (RB). No development is proposed in the RMA, and impact mitigation is proposed for development in the RB. A wetland buffer area at the northeast corner of the site will be slightly impacted with development, with 510 square feet of permanent wetland buffer encroachment and 2,310 square feet of mitigation area. The applicant has also provided a Tree Plan (Appendix G), indicating protection of significant trees, and a Landscape Plan, indicating retention of trees and planting of additional trees to meet requirements for minimum tree density. In addition, the applicant has provided a Critical Areas Report (Appendix J) and a Buffer Mitigation Plan (Sheet L-03 in the Plan Set, Appendix Q) that specifically details mitigation for impacted buffer areas on the site.

**Finding:** A cultural resources study titled "Results of a Cultural Resources Study of the Proposed Fishers Quarry Development Property, Vancouver, Washington" was prepared by Applied Archaeological Research, Inc. The study found that due to quarry operations over time there is no existence of historic or cultural resources and no further study is recommended.

A Tree Plan memorandum was prepared by Teragan & Associates dated April 22, 2021 (Exhibit 12). A total of 141 trees were included in the tree inventory. Of the 141 trees, 115 are on the project site and 26 are off-site. Based on the impacts from grading, utilities, and construction, 79 trees are recommended for removal. The remaining 62 trees will be retained and protected according to the tree protection recommendations of the memorandum. The tree plan was reviewed by the urban forester and has concurred with the findings in the report.

Fisher's Creek is located at the western edge of the project site. Fisher's Creek is a critical area protected by the city's critical areas regulations as a Fish and Wildlife Conservation Area (VMC 20.740.110). The north east area of the site contains a wetland, wetlands are critical areas and protected by VMC 20.740.140. The proposal has been determined to comply with critical areas, see findings under Section 20.740.

6. *Compatibility with adjacent uses. The concept plan contains design, landscaping, parking/traffic management and multi-modal transportation elements that limit conflicts between the planned development and adjacent uses. If zoning districts are shifted per Section 20.260.020(C) VMC, there shall be a demonstration that the reconfiguration of uses is compatible with surrounding uses by means of appropriate setbacks, design features or other techniques.*

**Applicant Response:** The proposed planned development (and associated single family units and townhomes) is considered a residential use, which is the same use as the existing attached and detached homes that surround the subject site, which are also considered residential uses. Based on proposed residential use(s) and associated minimal trip generation, as well as provision of adequate resident and guest parking, the impact associated with traffic and parking is limited. Thoughtful design of the townhomes provides architectural compatibility with existing surrounding neighborhoods, with a robust landscape plan providing additional site aesthetics. In addition to landscaped areas and street trees, Fisher's Creek and associated protected areas act as a natural buffer along the western boundary of the site. The site also includes a small wetland area at the northeast corner of the site that provides further natural area and buffering between the site and adjacent residential uses. The combination of landscaping and protected natural areas and buffers provide substantial compatibility with adjacent neighborhoods with similar natural areas and landscaping. No zoning districts are proposed for shifting.

**Finding:** Staff concurs with the applicant's finding.

7. *Mitigation of off-site impacts. All potential off-site impacts including litter, noise, shading, glare and traffic, will be identified and mitigated to the extent practicable.*

**Applicant Response:** The proposal includes coordination with the associated sanitary trash and recycle service, which will significantly reduce any trash impacts related to the site. Noise impacts from short-term construction noise will be inevitable; however, after construction only normal ambient noise associated with residential neighborhoods are anticipated, and no other uses that might produce higher levels of noise are proposed. Large groups of trees associated with environmental protections areas, i.e. wetlands and stream, will provide suitable shading for the site, as will proposed landscaping and street trees. Normal glare from residential homes is anticipated, with no other sources of glare proposed or anticipated. The applicant has provided a Trip Generation and Distribution Letter as part of the application, which provides analysis of traffic impacts and proportional share of fees for mitigation.

**Finding:** Staff concurs with the applicant's finding.

- B. *Adjustment approval criteria. Adjustments to numerical development standards may be processed as part of the request for concept if the applicant can demonstrate compliance with all of the following approval criteria:*

1. *The adjustment(s) is warranted given site conditions and/or characteristics of the design.*

**Applicant Response:** The adjustment for reduction in minimum lot size is warranted based on the site conditions and requirements for site design. The main warrant for the adjustment is the significant critical areas on the site that require protection. In addition, development standards such as minimum density requirements, lot frontage and required right of way for access all create restrictions on minimum lot size. In addition, the required common open space further restricts options for lot sizes and dimensions.

**Finding:** Staff concurs with applicant's finding.

2. *The benefits accruing from the implementation of the adjustment outweigh any potential adverse impacts.*

**Applicant Response:** The benefits of the proposed adjustment include protection and enhancement of critical areas, the ability to provide significant areas for common opens space

and the ability to still comply with density standards. The only adverse impact is a minor reduction in private yard space, which is mitigated through the creation of usable open space and provision of associated amenities.

**Finding:** Staff concurs with applicant's finding.

3. *Any impacts resulting from the adjustment are mitigated to the extent practical.*

**Applicant Response:** Again, the only potential adverse impact is a minor reduction in private yard space, which is mitigated through the creation of usable open space and provision of associated amenities.

**Finding:** Staff concurs with applicant's finding.

C. Conditions of approval. The review authority shall impose any conditions of approval necessary to mitigate potentially adverse impacts on surrounding properties to the greatest extent practicable.

**Finding:** Staff has provided recommended conditions of approval as stated at the end of this report.

#### 20.260.060 – Development Standards

A. *Minimum development size. There shall be no minimum site size for any type of planned development.*

**Finding:** There is no minimum site size, therefore, this standard is met.

B. *Applicability of base zone development standards. The provisions of the base zone are applicable as follows. When the zoning districts within the planned development have been shifted as permitted in Section 20.260.020 (C) VMC, the applicable development standards for the underlying zones shall shift accordingly.*

1. *Lot dimensional standards: The minimum lot depth and lot width standards shall not apply.*

**Finding:** There is no minimum lot depth or width, therefore, this standard is met.

2. *Lot coverage: The site coverage provisions of the base zone shall apply.*

**Applicant Response:** The maximum lot coverage for R-9 is 50%. The applicant proposes site coverage for townhomes to be approximately 39%; therefore, the lot coverage standard is met.

**Finding:** Staff concurs with applicant's finding.

#### 3. Setbacks

- a. *Front and rear yard setbacks for structures at the perimeter of the project shall be the same as required by the base zone except when an adjustment is approved, per Section 20.260.030(D).*
- b. *The side yard setback provisions shall not apply except that all detached structures shall meet the City's adopted building code requirements for type of construction.*
- c. *Front yard and rear yard setback requirements in the base zone setback shall not apply to structures on the interior of the project except that any garage facing a street shall be set back a minimum of 18 feet from the front or side street property line.*

- d. *All other provisions of the base zone shall apply except as modified pursuant to this Chapter, except for maximum height for which a variance shall be sought, as governed by Chapter 20.290 VMC.*

**Finding:** The applicant proposes to comply with the setbacks of the base R-9 zone without modification.

4. *The Planning Commission or Hearings Examiner can reduce the minimum lot size requirement for attached single family residential uses in planned developments.*

**Applicant Response:** The applicant is proposing a reduction in minimum lot sizes; the proposed reduction is satisfied through findings in the adjustment criteria addressed above.

**Finding:** Staff concurs with applicant's finding.

- C. *Common open space. In exchange for the approval of higher residential densities, smaller lots and relaxed development standards, the developer of a planned development is required to provide common open space for the active and passive recreational activities of residents, employees and visitors. Such space shall be aggregated and centralized to the development to the fullest extent feasible and shall consist primarily of a combination of landscaped open areas. Un-landscaped natural areas or paved hardscape areas may also be included if they also promote active or passive recreational uses. Features may include plazas, arbors, sitting areas, picnic areas, playing fields and trails.*

1. *In planned developments, the following requirements shall apply.*

- a. *At least 10% of the gross area of the site must be devoted to such open space. Such space must be fully accessible to the residents, employees, visitors and/or other users of the site. Reduction of this standard in PDs of two acres or more is prohibited. A reduction of this standard in PDs of less than two acres is subject to an adjustment per Section 20.260.030(D) VMC using approval criteria in Section 20.260.050(B) VMC.*

**Finding:** The site plan indicates the total site area is 223,898 square feet. The applicant proposes open space are of 28,057 square feet of active accessible open space area or 12.5 percent. The proposal complies with the 10 percent minimum open space requirement.

- b. *Fenced yards associated with buildings immediately adjacent to designated open space and landscaping in parking lots shall not count toward the total requirement.*

**Finding:** Fenced yards have not been included in the calculation of open space.

- c. *Environmentally-constrained land within the planned development, including wetlands, geologically hazardous areas, sensitive wildlife habitats, pursuant to Section 20.740 VMC or native vegetation and healthy soil preservation pursuant to 20.770 VMC or stormwater facilities pursuant to Chapter 14.25 VMC; may be used to meet up to 50% of the total requirement specified in Subsection (a) above, provided that these areas are not fenced and are either accessible to pedestrians to the extent practical or are visually accessible from adjacent and adjoining common open space.*

**Finding:** Not proposed by the applicant. Subsection (a), the requirement to provide 10 percent accessible or usable open space, is complied with without counting environment-constrained land.



2. *The common open space designated to meet this requirement shall be permanently maintained by and conveyed to one of the following:*
  - a. *A homeowners' or property owners' association as regulated by State law.*
  - b. *A public agency that agrees to maintain the common open space and any buildings, structures or improvements placed within it.*

**Applicant Response:** The homeowners' association will permanently maintain the proposed common open space area.

**Finding:** A homeowner's association is required.

Note to the applicant: The Washington Uniform Common Interest Ownership Act (WUCIOA), RCW 64.90, may apply to the proposal. This legislation has a number of provisions that apply to developments with common interest elements including plats. It is the sole responsibility of the applicant to comply with the provisions of WUCIOA, as the city does not approve or advise on WUCIOA. The applicant should consult their attorney on how WUCIOA may apply to the proposal.

3. *The applicant may not seek a variance or adjustment to reduce the minimum open space requirement specified in Subsection (2)(a) above.*

**Finding:** A variance is not proposed.

4. *The open space created under this provision is not subject to the Park Impact Fee (PIF) credit unless so authorized by the Vancouver-Clark Parks Department.*

**Finding:** The applicant acknowledges that the open space created under this provision is not subject to the Park Impact Fee (PIF) credit unless so authorized by the Vancouver-Clark Parks Department.

**D. Residential density.**

1. *On-site density transfers. An applicant for a planned development may shift allowed residential densities around the site to protect and preserve critical or sensitive areas while providing the overall maximum density permitted by the underlying zoning district.*
2. *Density bonuses. An applicant for a planned development shall be entitled to an automatic residential density bonus of 5% above the maximum density allowed in the underlying base zone on the portions of the site devoted to housing.*

**Finding:** The applicant is not proposing on-site density transfers or bonuses.

**Chapter 20.300 – Land Division**

20.320 Subdivisions

20.320.015 – Applicability

**Finding:** The proposed 34-lot land division is considered a subdivision since it is a division of land into 10 or more lots. Subdivisions are a Type III process, however, since the applicant proposes a Planned Development, the Type IV process applies to the entire proposal.

20.320.020 – Approval Process

A. Decision-making process.

**Finding:** Subdivisions are a Type III process, however, since the applicant proposes a Planned Development, the Type IV process applies to the entire proposal.

*B. Term of preliminary plat approval.*

**Finding:** The preliminary plat shall be valid for a period of seven years. In this case the seven-year period shall begin once the planned development is approved by Council ordinance.

*20.320.040 – Preliminary Plat Approval Criteria*

*Approval criteria. To grant approval of a preliminary short subdivision or subdivision, the applicant must demonstrate compliance with all of the following criteria:*

*A. Public facilities provision. Appropriate provisions to the extent necessary to mitigate an impact of the development have been made for transportation, water, storm drainage, erosion control and sanitary sewage disposal methods that are consistent with the City's current ordinances, standards and plans;*

**Finding:** All utilities required for development are available to the site and will be extended as required for connection. The project complies with this criterion.

*B. Proposed improvements. Appropriate provisions have been made for proposed streets, alleys and public ways, utilities and other improvements that are consistent with the City's current ordinances, standards and plans, and Department of Health and/or Washington State Department of Transportation standards and plans, where applicable;*

**Finding:** Streets and utilities will be provided as stated in the findings of this report under the transportation and utilities section. WSDOT comment that stormwater must be coordinated with them and a condition of approval has been added to ensure coordination happens. The project complies with this criterion.

*C. Open space and dedications. Appropriate provisions to the extent necessary to mitigate an impact of the development have been made for open space, parks, schools, dedications, easements and reservations;*

**Finding:** Appropriate provisions to mitigate impacts of this development will be made with the payment of park and school impact fees. The applicant will be required to provide any necessary easements for sidewalks, streetlights and utility extensions prior to final plat approval. The project complies with this criterion.

*D. Physical characteristics. The design of the proposed short subdivision or subdivision site has taken into consideration the physical features of the site, including but not limited, to topography, soil conditions, susceptibility to flooding, inundation or swamp conditions, steep slopes or unique natural features such as wildlife habitat or wetlands;*

**Applicant Response:** The design of the proposed subdivision has taken into consideration a riparian area (Fisher's Creek), a wetland, steep slopes and buildable portions of the site, mostly through review and consideration of the Geotechnical Report (see Appendix I) and Critical Areas Report (Appendix J). Sheet L-03 in the Plan Set (Appendix Q) identifies proposed buffer impact mitigation areas. The applicant is also requesting approval of a Critical Areas Permit, which provides greater opportunity for staff to review critical areas associated with the site.

**Finding:** Staff concurs with the applicant.

*E. Re-platting of existing subdivisions. When re-platting an existing subdivision, the short subdivision or subdivision shall comply with all of the terms and conditions of the existing subdivision's conditions of approval;*

**Finding:** Does not apply. The property is not within an existing subdivision.

*F. Compliance with all requirements of this title. The proposed short subdivision or subdivision complies with all applicable requirements of this title unless modified through the approval; and*

**Finding:** The provisions of this title have been met or will be met with proposed mitigation and with conditions of approval imposed on the approval of this request. The project complies with this criterion.

*G. Compliance with State requirements. That the proposed short subdivision or subdivision complies with the requirements of RCW 58.17.110.*

**Finding:** The comprehensive plan identifies goals and policies that guide development in the City of Vancouver for the benefit of the public health, safety and general welfare. The proposed plat complies with these goals and policies by providing new housing units; by providing the necessary infrastructure to serve the development, including the payment of impact fees for schools, parks and transportation; and by demonstrating all applicable laws can be complied with as conditioned.

The proposed plat will assist in the expansion of the city's housing supply; it will facilitate development in an area that has surrounding development and has urban services; it will implement city goals promoting development while limiting urban sprawl.

The site is located in the Vancouver School District including Fisher's Landing Elementary, Shahala Middle and Mt. View High School attendance areas. The school district states that bus transportation is provided for elementary students who live more than one mile from school or when there are unsafe walking conditions. Fisher's Landing Elementary is located within 0.5 miles while Shahala Middle and Mt. View High are located more than one mile away. The applicant proposes to install sidewalk within the development that will connect to SE 178th Avenue There are sidewalks that connect the site to Fisher's Landing Elementary School.

*H. Narrow Lot Additional Criteria. Land divisions which contain one or more residential lots having a width of less than 40 feet shall meet additional criteria of VMC 20.927.030 A, B and C.*

**Finding:** The project complies with this criterion. See response to narrow lot standards Section 20.927.

#### 20.320.070 - Technical Standards

##### A. Subdivision Layout and Required Improvements.

*1. Principles of acceptability. The short subdivision or subdivision shall conform to the comprehensive plan. The short subdivision or subdivision shall conform to the requirements of the state law and to the standards established by this title.*

*a. Street improvement standards. All proposed streets and street improvements shall comply with the provisions of VMC Title 11 and approved transportation standards details on file with the public works department.*

**Finding:** As stated in the Transportation section of this report, proposed street improvements will comply with the provisions of Title 11, subject to the conditions of approval.

b. *Blocks. The length, width and shape of blocks shall be designed with due regard to providing adequate building sites for the use contemplated; consideration of the needs for convenient access, circulation, control, safety of motor vehicular, bicycle and pedestrian traffic and recognition of limitations and opportunities of topography.*

**Finding:** The development is relatively small and constrained by existing surrounding development pattern. The layout of the subdivision is logical given the shape of the lot and surrounding development and allows for adequate building sites, convenient access, safety and circulation. Pedestrian circulation is addressed with the proposed sidewalks.

c. *Blocks shall not exceed 1,300 feet in length between street lines, except blocks adjacent to arterial streets or unless a previous adjacent layout or topographical conditions justify variation. The recommended minimum distance between intersections of arterial streets is 1,800 feet. Minimum length of a block shall not be less than 180 feet.*

**Finding:** A road will be extended through the development that will be stubbed to the east. Development to the east will extend the road to 192nd Avenue ensure circulation.

d. *Easements*

1. *Utility lines. Easements for sewers, drainage, water lines, electric lines or other public use utilities shall be provided. The size and location of the easement shall be reviewed and approved by the appropriate utility provider.*

2. *Watercourses. If a subdivision is traversed by a watercourse, such as a drainage way, channel or stream, there shall be provided a stormwater easement for the width of the watercourse plus 15 feet on each side of the watercourse. Streets or parkways parallel to a major watercourse may be required.*

3. *Pedestrian/bicycle ways in and through residential subdivisions. In blocks over 800 feet in length, a pedestrian/bicycle way with a minimum width of 16 feet shall be required through the middle of the block when required by the transportation manager for public convenience and safety; 12 feet of the 16-foot corridor shall be paved in a durable material. If unusual conditions require blocks longer than 1,200 feet in length, two pedestrian/bicycle ways shall be required. When required by the transportation manager for public convenience and safety, pedestrian ways shall be required to connect cul-de-sacs or to pass through unusually shaped lots.*

**Finding:** All water, storm, and sanitary sewer lines will be extended from the public right of way. Fisher's Creek and the riparian management area will be placed in a tract.

e. *Flag lots. Flag lots may be permitted, provided that the minimum width of the flag stem be 15 feet for a single lot and 20 feet for a shared flag access, and it is in compliance with fire access standards contained in VMC 16.04.150. No more than four lots may be accessed from a single flag stem. A private maintenance agreement shall be recorded for driveways which serve more than one lot.*

**Finding:** Does not apply.

f. *Lot side lines. Side lines, as far as practical, shall run at right angles to the street on which the lot faces.*

**Finding:** Project complies with this standard.

*g. Lot frontage. With the exception of flag lots, all lots shall abut on a public or private street with a minimum frontage of not less than 20 feet.*

**Finding:** Project complies with this standard; all lots abut a public street.

*h. Parks and playgrounds. The review authority shall see that appropriate provision is made for parks and playgrounds to serve the proposed subdivision.*

**Finding:** An active open space area is proposed that complies with the Planned Development requirements, see Section 20.260.

*i. Narrow Lot Land Divisions. Land divisions which contain one or more residential lots having a width or less than 40 feet shall meet the development standards of VMC 20.927.040.*

**Finding:** See response to narrow lot standards Section 20.927.030.

*j. Existing trees. All subdivision developments shall comply with the tree and vegetation management provisions contained in Chapter 20.770 VMC, Tree, Vegetation and Soil Conservation.*

**Finding:** See response to tree requirements Section 20.770.

## **20.400 – Zoning Districts**

### 20.410 Lower Density Residential Districts

#### 20.410.030 Uses

**Finding:** The property is zoned R-9. The applicant proposes single-family residential attached and detached, both are in a Planned Development as proposed.

#### 20.410.040 Minimum and Maximum Densities

**Finding:** Required density is 20 to 37 dwelling units, 34 dwelling units are proposed complying with minimum and maximum density.

Residential Density in a Planned Development is calculated as follows:

#### Maximum Density

- There shall be no minimum lot size (VMC 20.260.060.A).
- In the R-9 zone the applicant within a Planned Development is subject to the maximum density of the underlying zone contained within Chapter 20.410 plus a 15 percent density bonus (VMC 20.260.020.B.1).
- Maximum Net Density in the R-9 zone is indicated in Table 20.410.040-1 as 8.7 units per net acre.
- Section 20.150.040A defines Density, Net as:  
*The development density derived by dividing the net buildable area of the subject property (gross area less the total aggregate area required by the city for public or private streets, schools or other public facilities, not including parks and public or private recreation facilities dedicated or created as an integral part of the development) by the applicable lot size or area per unit.*

Therefore, maximum density is calculated by taking the gross acres of the site minus public/private streets, critical areas. Dedicated public/private parks are not deducted.

The maximum density for the site is 37 dwelling units calculated as follows:

$$4.22 \text{ (net developable acres*)} \times 8.7 \text{ units per acre} = 36.8 \text{ dwelling units (37 rounded up)}$$

\*Total site area (223,898 square feet) - streets/sidewalks area (39,595 square feet) = 184,303 square feet or 4.23 acres of net development area.

The applicant proposes 34 units complying with maximum density, a density bonus is not proposed

#### Minimum Density

The R-9 zone has a minimum density of 5.9 units per net acre as stated in Table 20.410.040-1. Minimum density is calculated similar to maximum density; however, critical areas are also deducted from the net development area per Table 20.410.040-1, Footnote 1:

*Minimum densities shall be calculated based on the gross area of the site minus any public rights of way, street tracts, private road easements, lots for dwellings existing on December 11, 2004, or designated critical areas.*

Minimum density is 20 dwelling units calculated as follows:

$$3.38 \text{ (net developable acres*)} \times 5.9 \text{ units per acre} = 19.94 \text{ dwelling units (20 rounded up)}$$

\*Total site area (223,898 square feet) - critical area (37,070 square feet) - streets/sidewalks area (39,595 square feet) = 147,233 square feet (3.38 acres) net developable area.

#### 20.420.050 Development Standards

**Finding:** The applicant proposes a planned development. As allowed by the planned development requirements (see Section 20.260), the 5,000-square-foot lot will be reduced and lot sizes range from 2,250 to 3,750 square feet. The applicant proposes to meet all other development standards of the R-9 zone including setback. Compliance with setbacks will be reviewed during building permit.

### **20.700 – Environmental Regulations**

#### 20.710 - Archaeological Resource Protection

**Finding:** A cultural resources study titled “Results of a Cultural Resources Study of the Proposed Fishers Quarry Development Property, Vancouver, Washington” was prepared by Applied Archaeological Research, Inc. The study found that due to quarry operations over time there is no existence of historic or cultural resources and no further study is recommended.

In the event that any item of archaeological interest is uncovered during the course of a permitted or approved ground-disturbing action or activity, all ground-disturbing activity shall immediately cease. The applicant shall immediately notify the City of Vancouver planning official and Department of Archaeology and Historic Preservation in Olympia, Washington.

#### 20.740 – Critical Areas Protection

##### 20.740.040 Approval Process

**Finding:** Fisher’s Creek is located at the western edge of the project site, Wetland B, a Category III wetland is located at the northeastern area of the project site. Therefore a critical areas permit is required. The applicant has prepared a critical areas report for both impacts to the riparian buffer for Fisher’s Creek and wetland buffer impacts for Wetland B (Exhibit 13).

Ariel Whitacre, Clark County Biologist, reviewed the proposal and made the following findings in an email dated Sept. 14, 2021:

Staff have determined that the proposed project and riparian mitigation plan meet the standards of VMC 20.740.110(C). According to the provided mitigation plan, the proposed project will impact approximately 22,390 square feet of the riparian buffer associated with the Type F stream. No development is proposed within the inner 100' riparian management zone. The applicant is proposing restoration of approximately 11,185 square feet of the inner riparian management area associated with the Type F stream. Because the majority of the proposed development is within an area containing existing compacted gravel from mining operations, staff concurs that the proposed riparian mitigation is sufficient. The applicant (or successor in ownership) shall implement the approved riparian mitigation maintenance and monitoring plan and submit performance reports to the City for periodic inspection and approval as specified.

Per VMC 20.740.110(C)(1)(d)(1), the location of the outer perimeter of the fish and wildlife habitat conservation area shall be marked in the field, and such marking shall be approved by the planning official prior to the commencement of permitted activities. Such field markings shall be maintained throughout the duration of the permit.

Per VMC 20.740.110(C)(1)(d)(2) permanent signs shall be posted on public and private properties at an interval of one per lot for single family residential uses or at a maximum interval of 200 feet or as otherwise determined by the planning official, and must be perpetually maintained by the property owner. The sign shall be worded as follows or with alternative language approved by the planning official: "The area beyond this sign is a fish and wildlife habitat conservation area. Alteration or disturbance is prohibited by law. Please call the City of Vancouver for more information."

Staff concurs that the site contains a Category III wetland with a habitat score of 5 requiring an 80-foot High Land Use Intensity buffer as shown in VMC Table 20.740.140-5. Based on the provided plans, the applicant is proposing approximately 510 square feet of permanent wetland buffer impacts and 1,430 square feet of temporary wetland buffer impacts. The applicant is proposing mitigating for wetland impacts through wetland buffer width averaging, as allowed under VMC 20.740.140(C)(1)(b)(ii), by expanding the wetland buffer by 4,063 square feet and enhancing that portion of the wetland buffer addition area. Staff have determined that the proposed development meets the requirements under VMC 20.740.140(C)(1) as the mitigation plan states that wetland impacts have been minimized and that alternate site designs were considered that encroached further into the wetland buffer but were subsequently dismissed due to mitigation needs to achieve the no net loss of buffer functions standard.

Per VMC 20.740.140(C)(1)(c) the following is required:

- i. The location of the outer perimeter of the wetland and buffer shall be marked in the field, and such marking shall be approved by the shoreline administrator prior to the commencement of permitted activities. Such field markings shall be maintained throughout the duration of the permit.
- ii. A permanent physical demarcation along the upland boundary of the wetland buffer shall be installed and thereafter maintained. Such demarcation may consist of fencing, hedging or other prominent physical marking that allows wildlife passage, blends with the wetland environment, and is approved by the shoreline administrator.
- iii. Permanent fencing of the wetland buffer on the outer perimeter shall be erected and thereafter maintained when there is a substantial likelihood of the presence of domestic grazing animals within the property unless the shoreline administrator determines that the animals would not degrade the functions of the wetland or buffer.

iv. *Permanent signs shall be posted at an interval of one per lot for single-family residential uses or at a maximum interval of two hundred feet, or as otherwise determined by the shoreline administrator, and must be perpetually maintained by the property owner. The sign shall be worded as follows or with alternative language approved by the shoreline administrator: "The area beyond this sign is a wetland or wetland buffer. Alteration or disturbance is prohibited by law. Please call the City of Vancouver for more information."*

*Staff concurs that the proposed wetland mitigation is sufficient. The applicant (or successor in ownership) shall implement the approved wetland mitigation maintenance and monitoring plan and submit performance reports to the city for periodic inspection and approval as specified.*

#### **20.740.060 Approval Criteria**

*Any activity or development subject to this chapter, unless otherwise provided for in this chapter, shall be reviewed and approved, approved with conditions, or denied based on the proposal's ability to comply with all of the following criteria. The city may condition the proposed activity as necessary to mitigate impacts to critical areas and their buffers and to conform to the standards required by this chapter. Activities shall protect the functions of the critical areas and buffers on the site.*

- A. Avoid Impacts. The Applicant shall first seek to avoid all impacts that degrade the functions and values of (a) critical area(s). This may necessitate a redesign of the proposal.*
- B. Minimize Impacts. Where avoidance is not feasible, the applicant shall minimize the impact of the activity and mitigate to the extent necessary to achieve the activity's purpose and the purpose of this ordinance. The applicant shall seek to minimize the fragmentation of the resource to the greatest extent possible.*
- C. Compensatory Mitigation. The applicant shall compensate for the unavoidable impacts by replacing each of the affected functions to the extent feasible. The compensatory mitigation shall be designed to achieve the functions as soon as practicable. Compensatory mitigation shall be in-kind and on-site, when feasible, and sufficient to maintain the functions of the critical area, and to prevent risk from a hazard posed by a critical area to a development or by a development to a critical area.*
- D. No Net Loss. The proposal protects the critical area functions and values and results in no net loss of critical area functions and values.*
- E. Consistency with General Purposes. The proposal is consistent with the general purposes of this chapter and does not pose a significant threat to the public health, safety, or welfare on or off the development proposal site;*
- F. Performance Standards. The proposal meets the specific performance standards of Fish and Wildlife Habitat Conservation Areas VMC 20.740.110, Frequently Flooded Areas VMC 20.740.120, Geologic Hazard Areas VMC 20.740.130, and Wetlands VMC 20.740.140, as applicable.*

**Finding:** The applicant responded to the approval criteria, commonly referred to as mitigation sequencing in Section 4.2 of the critical areas report (Exhibit 13). Staff concurs with the applicant's findings. The applicant proposes mitigation for impacts to the stream riparian buffer and wetland buffer. As stated in Section 20.740.040 Approval Process above, the county biologist has reviewed the critical areas report and has determined the mitigation proposed is adequate

#### **20.770 – Tree, Vegetation and Soil Conservation**

**Finding:** The applicant has prepared a Level V Tree Plan. The minimum tree density required is 30 trees per acre. Based on a 4.67-acre site, the minimum number of tree units required is 140. The applicant proposes to preserve 128 tree units and plant an additional 44 tree units for a total of 172 tree units. The project complies.



The city's urban forester has reviewed the tree plan and application and concurs with the findings in the tree plan, however as stated in the public comment section of this report, four additional trees shall be removed along the north property line. Prior to civil plan approval, these trees shall be shown for removal and the tree density calculation updated.

## **Chapter 20.900 – Additional Development Regulations**

### **20.915 - Impact Fees**

**Finding:** Traffic impact fees are required to be paid for residential development. The Transportation Impact Fees (TIF) are based upon the approved traffic study and are paid at the time of building permit issuance. This property is located in the Cascade TIF district. The total fee is \$ 61,943.75. For the ADT calculation (Exhibit 14).

School impact fees are required for the proposed residential units. For the school impact fees, the development is located within the Vancouver School District which for a single-family and duplex development is \$2,880.75 per residential unit. The fee is summarized in the following table:

| School District | Housing Type<br>(Single or Multi-family) | Fee/Unit   | # of Units | Total School Impact Fee |
|-----------------|------------------------------------------|------------|------------|-------------------------|
| Vancouver       | Single/Duplex                            | \$2,880.75 | 34         | \$97,945.50             |

For the park impact fees, the development is located within Park District C which for a single-family is \$2,819 per residential unit.

| Park District # | Fee/Unit | # of Units | Total Park Impact Fees |
|-----------------|----------|------------|------------------------|
| C               | \$2,819  | 34         | \$95,846               |

**The following note shall be place on the plat:** Pursuant to VMC 20.915, Park, School and Traffic impact fees must be paid prior to the issuance of a building permit for any single-family home within this subdivision. Said fees will be recalculated for building permit application filed more than three years after preliminary plat approval. These fees do not constitute liens against the lots in this subdivision but are collected as a condition of initial building permit issuance.

### **20.925 - Landscaping**

#### **20.925.060 Street Trees**

**Finding:** Street trees are provided to the satisfaction of the urban forester and determined at the time of building permit.

### **20.927 – Narrow Lot Developments**

#### **20.927.020 Applicability of Provisions**

**Finding:** All single-family lots in this subdivision are less than 40 feet in width which requires adherence to the narrow lot development chapter. The purpose of this chapter is to provide additional standards to eliminate conflicts between the design and location of driveways with utilities, street lights, fire hydrants, water meters etc.; provide adequate guest parking; and ensure adequate access for solid waste collection vehicles eliminating conflicts with frontage requirements.

#### **20.927.030 Narrow Lot Development Approval Criteria**

##### **A. Conflicts on narrow lots shall be eliminated**

**Finding:** The applicant has submitted a development plan showing utilities, driveways, street trees, etc. have been located and designed to minimize conflicts with one another.

*B. Adequate Guest Parking Provided*

**Finding:** Adequate guest parking shall be provided. At least one guest parking space for every three narrow lots in the development shall be provided. These parking spaces can either be provided on-street or off-street in private tracts.

With 34 narrow lots, 12 guest parking spaces are required and provided on-street in front of the development. The applicant indicates 15 on-street spaces will be provided.

*C. Solid waste and collection, and access shall be provided*

**Finding:** Solid Waste has reviewed the proposal and concludes the proposal complies.

20.945 – Parking and Loading

**Finding:** The applicant shall demonstrate compliance with required parking for each lot at time of building permit.

20.970 – Solid Waste

**Concerning the Single-Family (Narrow Lot) Residences:**

**Finding:** As proposed, the design appears to allow for adequate garbage and recycling collection services for the entire subdivision. Each of the 28 attached houses is anticipated to be served as a single-family customer by the city's contracted service provider, meaning each residence will have cart for garbage and recycling and a bin for glass. The applicant echoes this intent in their narrative and proposes that the carts will be set out on the street on service days for collection. This plan will work; however be advised, parking and cart spacing will likely be tight on collection days in narrow lot developments. It is anticipated that each of the 34 residences will have individual garbage and recycling carts, therefore requiring ample frontage to fit up to two carts and a bin set out for weekly collection. Approximately 10 feet along the street for each lot is ideal.

The applicant has not illustrated on plans the proposed locations for cart set out from each dwelling unit, nor for the single-family detached homes. This is a requirement that applies to the narrow lot portion of the site; therefore, prior to final civil plan approval the applicant is encouraged to add this detail to their plans to show designated collection point for two carts per lot. Adequate minimum frontage shall be provided; again 10 feet for set out of carts from each lot is needed to permit automated collection from the right side of the truck body.

**Conclusion:** Generally, the subdivision proposal satisfies solid waste requirements for basic solid waste planning. The provisions for staging solid waste carts for the single-family residences can be met.

**Truck Access**

**Finding:** The provisions for automated sideload collection vehicles to safely maneuver and collect throughout the project site have been met. On-site backing will be required for the trucks to service lots at the hammerhead or dead-end streets. Cart grouping or staging for a few lots may be needed and will be determined by the collector at the time service is initiated for the future residences.

**Conclusion:** The proposal satisfies solid waste requirements for providing adequate collection truck access and circulation in the subdivision.

**Note:** The solid waste services and standards set forth in VMC 6.12 will apply to the future residences. Specifically, carts are not permitted to be stored at the street and must be promptly removed following collection, per VMC 6.12.110 (d).

## 20.985 – Vision Clearance

**Finding:** The plans demonstrate that the requirements of this section are met.

## VMC Title 11 – Streets and Sidewalks

### Chapter 11.70 – Transportation Concurrency

**Finding:** The applicant submitted a Trip Generation and Distribution Letter dated April 27, 2021, from Mackenzie. The report developed trip generation rates based on the Institute of Transportation Engineers (ITE) Trip Generation Manual, 10th Edition, utilizing Land Use Codes 210 (Single-Family Detached Housing) and 220 (Multi-family Housing – Low-Rise). Based on this information, the proposed project will generate 265 new Average Daily Trips (ADT), 17 new a.m. peak hour trips, and 22 new p.m. peak hour trips. The submitted documentation fulfills the city's requirements for concurrency analysis.

Pursuant to VMC 11.70.090, the segment of 192nd Avenue between SR-14 and NE 18th Street is designated as a Category 1 Concurrency corridor, which stipulates that the corridor is operating at or above the city's adopted level of service standards. Based on the traffic report, the proposed development will generate 11 new p.m. peak hour trips to this corridor. This is not anticipated to cause the corridor to drop below the adopted level of service standard.

The proposed use is located within the #247 Transportation Analysis Zone. The proposed project contributes p.m. peak hour trips to the following Transportation Management Zones (TMZ):

| Corridor Name                               | Corridor Limit                      | PM Peak Trips |
|---------------------------------------------|-------------------------------------|---------------|
| 164 <sup>th</sup> /162 <sup>nd</sup> Avenue | SR-14 to SE 1 <sup>st</sup> Street  | 5             |
| 192 <sup>nd</sup> Avenue                    | SR-14 to NE 18 <sup>th</sup> Street | 11            |

Based on the above table, **prior to the issuance of civil plan approval, the applicant shall pay concurrency modeling fees totaling \$912.00.** Pursuant to the applicant's information, the project will not distribute trips to any other Transportation Management Zones.

The applicant's traffic analysis provides distribution of trips used to establish the proportionate share contribution towards one off-site traffic mitigation project pursuant to VMC 11.80.080(C). A list of the intersection(s) slated for proportionate share contributions is as follows:

| Intersection                                 | Development Phase | Cost Per PM Peak Hour Trip | Number of Trips    | Proportionate Share |
|----------------------------------------------|-------------------|----------------------------|--------------------|---------------------|
| 192 <sup>nd</sup> Ave & SR-14 ramp terminals | N/A               | \$2,000                    | 8                  | \$16,000            |
| <b>Total Proportionate Share Cost</b>        |                   |                            | <b>\$16,000.00</b> |                     |

Based on the above table, **prior to the issuance of civil plan approval, the applicant shall pay proportionate share fees totaling \$16,000.00.**

Transportation Impact Fees (TIF) are imposed per VMC 20.915. See the section of this staff report addressing VMC 20.915 for calculation of TIF.

**Conclusion:** The proposed development meets the requirements of VMC 11.70 as conditioned.

## **Chapter 11.80 – Streets and Development Standards**

**Finding:** In an effort to limit construction-related impacts to the existing adjacent neighborhoods, **all construction access for this project must be taken via Brady Road through the adjacent quarry (HQ Vancouver) site, rather than using SE 178th Avenue. Prior to civil plan approval, the demolition and erosion control designs must be prepared showing construction access being taken through the quarry site.**

Southeast 178th Avenue is designated a neighborhood circulator which requires 54 feet full-width right of way and 36 feet paved street width per city standard plan T10-14. **Prior to the issuance of subdivision approval, the applicant shall provide the following improvements to SE 178th Avenue, per City of Vancouver standards:**

- **Dedicate public right of way per the standard.**
- **Install asphalt street, curb, gutter, planting strips, detached sidewalks, ADA ramps, and driveway approaches, per the applicable city standards.**
- **The curb radii at the intersection of SE 178th Avenue and Brady Road shall be a minimum of 25 feet per the design criteria of VMC Table 11.80.040.C-1. Additional right of way dedication may be required to accommodate this.**
- **Install new streetlights per current city standards. See detailed information below.**
- **Install traffic control devices as warranted and storm drainage as required by the city stormwater ordinance.**

Southeast 178th Avenue is scheduled to receive a slurry seal treatment in the summer of 2022. Pursuant to VMC 11.80.100(B), after the slurry seal a street cut prohibition will be in effect for five years. The applicant proposes to cut the street pavement to make a water main connection. **The city does not intend to issue a road modification for this proposed work, therefore the water main connection must be approved and constructed prior to placement of the slurry seal.**

On the east side of the proposed intersection with SE 178th Avenue, SE Brady Road is designated a minor arterial. This length of SE Brady Road should be constructed to match the street section that will be adopted with the pending master plan for the HQ Vancouver project, which is located immediately east of this project. Currently, the proposed street section includes a 38-foot paved street width, planter strips, and a combined bike/pedestrian sidewalk which is between 11 feet and 15 feet wide. **Prior to the issuance of subdivision approval, the applicant shall construct the east length of SE Brady Road to match the paved street width of the pending HQ Vancouver Master Plan and provide an appropriate transition between sidewalk designs.**

On the west side of the proposed intersection with SE 178th Avenue, SE Brady Road is designated a Loop/Cul-De Sac street which requires a minimum 50 feet full-width right of way and 28 feet paved street width per city standard plan T10-16. **Prior to the issuance of subdivision approval, the applicant shall provide the following improvements for the west length of SE Brady Road:**

- **Dedicate public right of way per the standard.**
- **Install asphalt street, curb, gutter, planting strips, detached sidewalks, ADA ramps, and driveway approaches, per the applicable city standards.**
- **Install ‘No Parking – Fire Lane’ signs at appropriate spacing along one side of the street.**
- **Install new streetlights per current city standards. See detailed information below.**
- **Install traffic control devices as warranted and storm drainage as required by the city stormwater ordinance.**

Per VMC Table 11.80.070.C-1, for a dead-end public street which is greater than 200 feet long and less than 400 feet long, the minimum turnaround requirement includes a cul-de-sac with a 35-foot radius centered within right of way with a 44-foot radius. The project proposal includes a short dead-end street, SE Fisher's Creek Road, to serve as a hammerhead turnaround at the end of Brady Road, rather than a standard cul-de-sac. The applicant has submitted a technical road modification request for this turnaround configuration, and the city has reviewed and approved the request.

The short dead-end street which creates the hammerhead turnaround, SE Fisher's Creek Road, is designated a Loop/Cul-De Sac street which requires a minimum 50 feet full-width right of way and 28 feet paved street width per city standard plan T10-16. **Prior to the issuance of subdivision approval, the applicant shall provide the following improvements for SE Fisher's Creek Road:**

- **Dedicate public right of way per the standard.**
- **Install asphalt street, curb, gutter, planting strips, detached sidewalks, ADA ramps, and driveway approaches, per the applicable city standards.**
- **The curb radii at the intersection of SE Fisher's Creek Road and SE Brady Road shall be a minimum of 25 feet per the design criteria of VMC Table 11.80.040.C-1. Additional right of way dedication may be required to accommodate this.**
- **Install 'No Parking – Fire Lane' signs at appropriate spacing along one side of the street.**
- **Install new streetlights per current city standards. See detailed information below.**
- **Install traffic control devices as warranted and storm drainage as required by the city stormwater ordinance.**

Street lighting is required on public streets per VMC 11.80.090 and on private streets per VMC 11.80.050(L). Any substandard street lighting shall be required to be upgraded to current city standards as part of this project. Street lighting shall be installed and/or updated to meet the design standards per city standard plans T21-01A through T21-01D. If the applicant proposes to retain the existing lighting or install lighting that exceeds the maximum spacing requirement a photometric analysis will be required to ensure the lighting level standards are met. If the maximum spacing per T21-01A is met, the photometric analysis is not necessary.

When required, photometrics shall be analyzed in zones. Zones for each direction of travel of a straight roadway are done in luminance method. Intersections, sidewalks, and curved roadway sections are their own zones and done in illuminance. Average maintained luminance is measured in candela per square meter. Veiling luminance shall be shown. Average maintained illuminance is measured in foot-candles. Stationing is a required item on the lighting plans. IES files for lighting software can be obtained from lighting manufacturer. Use lighting materials from the City of Vancouver approved material list.

New lights will be LED and existing HPS lights will be retrofitted to LED unless otherwise noted by Traffic. Any new or existing lights that are within 10 feet of primary power and/neutral lines, will require the developer to raise the power lines. The developer will need to work with Clark Public Utilities for requirements and costs.

**Conclusion:** The proposed development meets the requirements of VMC 11.80 as conditioned.

## VMC Title 14 – Water and Sewers

### Water

City records indicate that there is:

- 8-inch Ductile Iron water main within SE 178<sup>th</sup> Place
- 8-inch Ductile Iron water main within SE 177<sup>th</sup> Lane
- 8-inch Ductile Iron water main stub onto the project lot on the South side of SE 178<sup>th</sup> Place
- Nearest Fire Hydrant is located directly across from the project lot on the North side of SE 178<sup>th</sup> Place.

To obtain water supply for the project:

- Connect to the existing 8-inch Ductile Iron (DI) stub extending from SE 178<sup>th</sup> Place and extend a new 8-inch Zinc Coated DI water main onto the project lot to service any domestic water, fire protection systems or fire hydrants.
- Fire hydrant locations are to be specified by the fire marshal. **If new hydrants are required**, they shall be served by water mains with a minimum of 8-inch diameter. The exception allows utilization of a 6-inch main for dead-end run shorter than 50 feet to a hydrant.
- A public easement will be required for any public water main, meter or hydrant located outside of City of Vancouver right of way.
- Separate water services are required for each building. Water meters shall be located in a non-paved area, centered along the property frontage.
- If wells are found to be on-site, future use or abandonment requirements from the Departments of Health and Ecology must be met. If an existing well is to remain in service, approval from the city's Water Quality Department will also be required, including appropriate backflow protection.

**Conclusion:** The submitted plan indicates the City of Vancouver requirements for water can be met. The applicant shall meet the water requirements as per the *General Requirements & Details for the Design and Construction of Water, Sanitary Sewer and Surface Water Systems* (latest revision). Additional fees associated with permits, System Development Charges (SDC) and Main fees will/may also be required. Further requirements may be necessary depending on the final project configuration.

### Sewer

**Finding:** A pre-application report for the proposal was issued March 4, 2021 (PIR-80788). Existing public sanitary sewers fronting the site in SE 178<sup>th</sup> Place are available to serve the site.

Developments are required to extend public sewers to, through, and across sites (VMC 14.04.280). In this case existing sewers already satisfy the development extension criteria's frontage requirements. Codes also require separate service connections for each lot (VMC14.08.050, 14.16.010). Public sewer construction thru the site is required to provide services to the new lots.

**The application was reviewed for sanitary sewer in late June. Service is mentioned on Page 25 of the application narrative.** Preliminary utility plans are included on Sheets UT-01 and UT-02. The plans propose to construct onsite gravity sewers and separate service laterals for each new lot. The proposal generally satisfies the codes development extension and service criteria.

Staff asked the applicant to submit an addendum summarizing proposed sanitary sewer coordination with the east adjoining project (HQ Master Plan and Subdivision, LUP-81596). The

applicant submitted the addendum July 23rd. A copy is posted to the ePlans Documents Folder (*Appendix R Sanitary Sewer Coordination.pdf*). The addendum is attached as Exhibit 15. The Fishers Creek Subdivision proposes to construct gravity sewers thru the site to accommodate proposed HQ flows.

LUP-81596 HQ Master Plan and Subdivision: The east adjoining project is proceeding with land applications with slightly different timing. The Fishers Quarry Master Plan pre-application report (PIR-79907) was issued prior to the Fishers Creek Subdivision pre-application report. The HQ Master Plan and Subdivision land application (LUP-81596) was submitted in early July after the Fishers Creek Subdivision application.

The HQ application includes a previously submitted preliminary feasibility study (*Appx P Sanitary Analysis*). Staff provided comments in mid-July requesting some clarifications on the flow estimates. Some existing public sewers downstream of both the Fisher's Creek and HQ sewers do not have capacity to accommodate proposed HQ buildout flows. Staff is currently confirming existing system capacities. The HQ project will be required to provide all needed downstream capacity improvements (VMC 14.04.280). At the time of this report detailed downstream requirements for the HQ project have not been finalized.

**Conclusion:** The applicant has demonstrated the standards for public sewer can be met as conditioned.

### **Erosion Control**

**Finding:** The project site is currently part of the former quarry operations with the majority of the site disturbed. The site is uneven terrain with little native vegetation. Fisher's Creek and it's riparian buffer is to the west of the site which must be protected from sediment and sediment laden runoff. The applicant has submitted a preliminary erosion control plan that demonstrates the requirements of the ordinance can be met for the project. A final erosion/sedimentation control plan and a Stormwater Pollution Prevention Plan (SWPPP) shall be submitted for civil review.

### **Stormwater**

**Finding:** The proposed project will create more than 2.4 acres of new and replaced hard surfaces and is subject to the requirements of the Western Washington Phase II Municipal Stormwater Permit including Minimum Requirements 1-9.

The applicant has submitted preliminary storm plans and a preliminary storm report which show that the requirements of the permit and the ordinance can be met for the project. The plans include runoff treatment for pollution generating surfaces and a flow control facility prior to discharge to Fisher's Creek. The plans show a runoff treatment vault downstream of the flow control facility adjacent to the creek in a location that would be difficult to maintain. This vault shall be moved to a location north of Fisher Creek Road with better access.

It is unclear how the project will handle roof runoff. The lot size and soil conditions do not appear to be suitable for infiltration. If roof runoff is routed to the flow control facility, it shall bypass the runoff treatment facility since residential roof runoff is considered non-pollution generating and routing to the facility would require a larger facility to be constructed and maintained. The final stormwater plan and report shall clearly show how roof runoff will be handled. Final storm plans and a final storm report shall be submitted for civil review.

### **VMC Title 16 – Fire**

**Findings:** The fire department has determined the requirements of Vancouver Municipal Code can be met with adherence to the conditions contained herein.

## **VMC Title 17 – Buildings and Construction**

**Finding:** 17.08.090 a building department plan review and permit will be required for this project. Building shall comply with the applicable codes listed in 17.08.010 in effect at the time of building permit application. A complete building code review of plans is not performed during site plan review. Filing of building permit application with required fees and review material is required for a complete building code review. At this time, plans and information necessary to verify compliance with all applicable building code provisions is neither required nor provided.

Plans provided propose to divide 4.67 acres of three existing lots into 34 lots for the construction of 28 two-family attached (townhouse construction) and six detached single-family residences.

Washington State Codes and Amendments: <http://www.sbccc.wa.gov/sbccindx.html>.

Please note the **2018 I-Codes & WA Amendments are in effect as of Feb 1, 2021 and the 2020 NEC is in effect as of Oct. 29, 2020.**

### **DESIGN REQUIREMENTS**

Seismic Design Category D-1, Soils class D or as determined by geotechnical engineer Wind 97 MPH (Vult) Exposure C, Minimum Ground and Roof Snow Load 25 psf, Frost depth 12 inches.

**Prior to final grading:** Condition of approval: A final summary report by the geotechnical engineer of record shall be prepared and submitted to the City of Vancouver that states that the project soils were prepared in accordance with the governing geotechnical report and construction documents. Provide a current report with lot specific conditions and compaction test results by final grading. Please send to [inspectionreports@cityofvancouver.us](mailto:inspectionreports@cityofvancouver.us).

Single-family dwelling: Per IRC R302, exterior walls, opening, penetrations and projections shall be as per Table R302.1(1) or if equipped with fire sprinklers, then Table R302.1(2) shall apply. Eaves may not extend closer than two feet to a property line.

Townhouse design will need to meet IRC section R302.2 and WAC 51-51-0302 for fire separation and Structural independence. **Please note that starting with the 2018 I-codes, WAC 51-51-0302 will require sprinkler protection for attached units greater than four.**

Where there is a real property line between attached units, City of Vancouver requires each unit to have a separate one-hour wall per R302.2.1 as opposed to a single two-hour common wall. Structural independence requires each unit to be designed as a separate building with no other units present (no shielding from wind). No eaves or overhangs are allowed to cross property lines. Utilities are required to be located on the property served and may not cross property lines. Shared gutters and downspouts require a maintenance agreement.

Retaining walls over four feet in height from the bottom of the footing to the top of the wall, or that support a surcharge or impounding Class I, II, or III-A Liquids require a RES building permit and to be engineered. VMC 17.08.090.

The proposed site plan appears acceptable for building codes related issues and accessibility issues; however, a complete building plan review will be required to determine final compliance.

**Conclusion:** As submitted the project can be reviewed for building code issues related to the site plan. The site plan review process is a separate and distinct process from the building permit process.

As submitted project could be approved for building code requirements pertaining to the site plan.



## RECOMMENDATION

**Staff hereby recommends approval with conditions as noted below and throughout this report.** Based upon the analysis and findings herein, the criteria for approval have been satisfactorily met, or shall be met with the conditions of approval and no significant adverse impacts have been identified. This approval does not grant the right to permits, but only determines the development can meet the requirements of the applicable ordinances as described in this report.

## CONDITIONS OF APPROVAL

### Prior to Civil Plan Approval

1. Upload the civil plan review set showing all the revisions requested as well as all necessary reports (geotechnical, hydrology, traffic analysis, road modification, etc.). Include a detailed site plan in the civil plan review set. For questions on these requirements please contact 360-487-7804.
2. Grading plan review fees will be due upon submittal of civil plans for review. Contact Permit Center staff at 360-487-7802 to obtain a fee quote.
3. Add a note to the grading plans that states: "If any archaeological deposits are found during construction, work shall stop and the City of Vancouver's Community & Economic Development Department and the Washington State Department of Archaeology and Historic Preservation shall be notified."
4. Submit drainage plans to the Washington Department of Transportation (WSDOT) for review and approval. Provide evidence to the city of approval of drainage plans from WSDOT.
5. Pay concurrency modeling fees totaling \$912.
6. Pay proportional share cost of \$16,000.
7. Unless the urban forester indicates otherwise, tree numbers 50655, 50657, 50658 and 50659 shall be indicated for removal. The tree density calculation shall be updated to maintain 30 tree units per acre.
8. The demolition and erosion control designs must be prepared showing construction access being taken through the quarry site.
9. Coordinate and accommodate the HQ Master Plan and Subdivision's (LUP-81596) final public sanitary sewer development extension requirements.
10. Revise and complete the public sanitary sewer design on the civil drawings. Prepare according to Vancouver's current General Requirements and Details for design and construction. Address redline comments and submit the final design for civil plan approval.
11. New and existing fire hydrant locations shall be shown.
12. An approved fire response plan shall be included in both the civil plans and the architectural plans.
  - Fire Lane boundaries, width, turning radii, gates across fire lanes and required turnarounds
  - Fire Lane signage and striping as demonstrated in the Development Standard 503 - Fire Department Emergency Access.
  - Fire hydrants, mains, Fire Department Connections for fire sprinkler systems, underground fire sprinkler supply mains into building
  - Location of Fire Sprinkler Riser Rooms and Fire Alarm Control Panels (FACP)
  - Location of Knox-Box if known.
  - Known hazards or obstructions to Fire Emergency Response (overhead power lines, outdoor hazardous storage, etc.)

13. Show designated collection point for two carts per lot. Adequate minimum frontage shall be provided, 10 feet for set out of carts from each lot is needed to permit automated collection from the right side of the truck body.

**Prior to Final Plat Approval**

14. Submit a final plat application along with two size copies and one reduced 8 1/2 x 11 copy of the proposed plat and tree/landscape plan. Applications can be found under Building, Planning and Environment on the City of Vancouver website, [www.cityofvancouver.us](http://www.cityofvancouver.us).
15. Provide the following improvements to SE 178th Avenue, per City of Vancouver standards:
- Dedicate public right of way per the standard.
  - Install asphalt street, curb, gutter, planting strips, detached sidewalks, ADA ramps, and driveway approaches, per the applicable city standards.
  - The curb radii at the intersection of SE 178th Avenue and Brady Road shall be a minimum of 25 feet per the design criteria of VMC Table 11.80.040.C-1. Additional right of way dedication may be required to accommodate this.
  - Install new streetlights per current city standards. See detailed information below.
  - Install traffic control devices as warranted and storm drainage as required by the city stormwater ordinance.
16. Construct the east length of SE Brady Road to match the paved street width of the pending HQ Vancouver Master Plan and provide an appropriate transition between sidewalk designs.
17. Provide the following improvements for the west length of SE Brady Road:
- Dedicate public right of way per the standard.
  - Install asphalt street, curb, gutter, planting strips, detached sidewalks, ADA ramps, and driveway approaches, per the applicable city standards.
  - Install 'No Parking - Fire Lane' signs at appropriate spacing along one side of the street.
  - Install new streetlights per current city standards. See detailed information below.
  - Install traffic control devices as warranted and storm drainage as required by the city stormwater ordinance.
18. Provide the following improvements for SE Fisher's Creek Road:
- Dedicate public right of way per the standard.
  - Install asphalt street, curb, gutter, planting strips, detached sidewalks, ADA ramps, and driveway approaches, per the applicable city standards.
  - The curb radii at the intersection of SE Fisher's Creek Road and SE Brady Road shall be a minimum of 25 feet per the design criteria of VMC Table 11.80.040.C-1. Additional right of way dedication may be required to accommodate this.
  - Install 'No Parking - Fire Lane' signs at appropriate spacing along one side of the street.
  - Install new streetlights per current city standards. See detailed information below.
  - Install traffic control devices as warranted and storm drainage as required by the city stormwater ordinance.
19. Show, note, and specify any public sanitary sewer easements to the City of Vancouver. Include standard required plat easement recording language.
20. Signs shall be placed at minimum every 200 feet around both the Fisher's Creek Riparian Management area that reads, "The area beyond this sign is a fish and wildlife habitat conservation area. Alteration or disturbance is prohibited by law. Please call the City of Vancouver for more information."

21. Signs shall be placed at minimum every 200 feet at the wetland and wetland buffer and at the wetland mitigation site that reads, "The area beyond this sign is a wetland or wetland buffer. Alteration or disturbance is prohibited by law. Please call the City of Vancouver for more information."
22. A permanent physical demarcation along the upland boundary of the wetland buffer and riparian management area shall be installed and thereafter maintained. Such demarcation may consist of fencing, hedging or other prominent physical marking that allows wildlife passage, blends with the wetland environment.
23. A conservation covenant running with the land shall be recorded with the county that shall contain the wetland/wetland buffer area and one for the Fisher's Creek Riparian Management Area.
24. Submit a cost estimate for the mitigation planting along with a financial security in the amount of 125 percent of the cost estimate. The financial security can be in the form of a bond, escrow or standing letter of credit. Once the monitoring plan as stated in the critical areas report is completed, the security can be returned.
25. A licensed landscape architect shall provide a certificate verifying that the landscaping has been installed per the city-approved construction documents. Please submit to Keith Jones, [keith.jones@cityofvancouver.us](mailto:keith.jones@cityofvancouver.us).
26. The following note shall be placed on the plat: Pursuant to VMC 20.915, Park, School and Traffic impact fees must be paid prior to the issuance of a building permit for any single-family home within this subdivision. Said fees will be recalculated for building permit application filed more than three years after preliminary plat approval. These fees do not constitute liens against the lots in this subdivision but are collected as a condition of initial building permit issuance.
27. The applicant shall establish a homeowners association. The homeowners association shall be responsible for maintenance of the park and common open space areas.
28. Include the following note on the final plat: If any archaeological deposits are found during construction, work shall stop and the City of Vancouver's Community & Economic Development Department and the Washington State Department of Archaeology and Historic Preservation shall be notified.

#### **Prior to combustible construction**

29. Fire hydrants for emergency use shall be installed, approved and maintained.
30. Fire apparatus access shall be provided and maintained.

#### **During construction**

31. A final summary report by the geotechnical engineer of record shall be prepared and submitted to the City of Vancouver that states that the project soils were prepared in accordance with the governing geotechnical report and construction documents. Provide a current report with lot specific conditions and compaction test results by final grading. Please send to [inspectionreports@cityofvancouver.us](mailto:inspectionreports@cityofvancouver.us).
32. Secure construction permits and schedule and attend a pre-construction meeting. Construct the new public sanitary sewer mains and service laterals as shown on the approved civil plans. Satisfy construction services testing and inspection requirements and secure construction acceptance.
33. Satisfy submittal and other requirements itemized in the Notification of Civil Plan Approval and secure final civil project acceptance.
34. Address signage shall be visible and legible from the street fronting the property for emergency response. If applicable, individual suite numbers shall be posted at the suite doors.
35. Required fire lane signage shall be installed.

36. Any fire protection features identified as being required during the construction permit review shall be installed and approved prior to occupancy.
37. If a Fire Department Knox-Box was identified as a requirement during the construction permit review, then it shall be installed at an approved location and locked with the required content.
38. If any archaeological deposits are found during construction, work shall stop and the City of Vancouver's Community & Economic Development Department and the Washington State Department of Archaeology and Historic Preservation shall be notified.
39. If an on-site sewage system is found during development, it must be properly abandoned to Clark County Health Department standards.
40. If a well is found during development, it must be properly decommissioned by a licensed well driller and the Clark County Health Department notified.

Note: The Washington Uniform Common Interest Ownership Act (WUCIOA), RCW 64.90, may apply to the proposal. This legislation has a number of provisions that apply to developments with common interest elements including plats. It is the sole responsibility of the applicant to comply with the provisions of WUCIOA, as the city does not approve or advise on WUCIOA. The applicant should consult their attorney on how WUCIOA may apply to the proposal.

Note: Once a plat is recorded any change will require a Plat Alteration under RCW 58.17 and VMC 20.320.080. Plat Alterations require a Type II or Type III land use approval process and the recording of a new final plat.

## **EXHIBITS**

1. Staff Report
2. Application Form
3. Applicant Narrative
4. Site Plan and Landscape Plan May 2021
5. Preliminary Plat
6. Notice of Application, public hearing & optional SEPA determination dated July 16, 2021
7. Dept. of Ecology Letter dated Aug. 16, 2021
8. Southwest Clean Air Agency Letter Aug. 16, 2021
9. E-mail from Washington Dept. of Transportation Aug. 16, 2021
10. Public Comments
11. Applicant response to public comments
12. Tree Plan Recommendations Memo April 22, 2021\*\*
13. Critical Areas Report April 30, 2021\*\*
14. City Trip and Traffic Fee Calculation Worksheet Aug. 9, 2021
15. E-mail dated July 27, 2021 regarding sewer coordination
16. Final SEPA
17. Traffic Generation Letter
18. Geotechnical Report dated March 29, 2021\*\*
19. Stormwater Report May 2021\*\*

\*\*Because of the size of the exhibit, it is not included with this report. The document is available for review via email. Please email the case manager for this project to receive electronic copies of the requested exhibit.



## Planning Permit Application

### LAND USE PRELIMINARY APPLICATION (LUP)

415 W 6<sup>th</sup> ST ~ Vancouver, WA 98660, P.O. Box 1995 ~ Vancouver, WA 98668, Phone (360) 487-7800

[www.cityofvancouver.us](http://www.cityofvancouver.us)

Email Completed Applications to [epians@cityofvancouver.us](mailto:epians@cityofvancouver.us)

| Type Of Work                                                                                 |                                                                                                                                                      |                                       |
|----------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------|
| <input type="checkbox"/> Type I**                                                            | <input type="checkbox"/> Type II                                                                                                                     | <input type="checkbox"/> Type III     |
| <input checked="" type="checkbox"/> Type IV                                                  | <input type="checkbox"/> Tree Removal Only                                                                                                           |                                       |
| Use Type<br>(Check One Box Only)                                                             |                                                                                                                                                      |                                       |
| <input type="checkbox"/> Single Family                                                       | <input type="checkbox"/> Commercial                                                                                                                  | <input type="checkbox"/> Multi-Family |
| <input type="checkbox"/> Industrial                                                          | <input checked="" type="checkbox"/> Residential                                                                                                      | <input type="checkbox"/> Duplex       |
| <input type="checkbox"/> Wireless Communications Facility (new) <i>please see VMC 20.890</i> |                                                                                                                                                      |                                       |
| Process Type                                                                                 |                                                                                                                                                      |                                       |
| <input checked="" type="checkbox"/> Standard                                                 | <input type="checkbox"/> Streamline-Type II Application Only<br><i>Pre-Submittal Meeting must be completed prior to submitting this application.</i> |                                       |

| Project Site Information And Location    |                                |
|------------------------------------------|--------------------------------|
| Project site address:                    | 17700 SE Evergreen Highway     |
| Suite/bldg./apt #:                       | N/A                            |
| Project name:                            | Fisher's Creek Subdivision     |
| Tax Assessor Serial Number:              | 126778000, 12679000, 126780000 |
| Nearest Intersection if no site address: | SE 178th Avenue                |

| Description Of Project                                                       |
|------------------------------------------------------------------------------|
| Planned Development Subdivision - 34 lots developed with attached townhomes. |
| Development includes designated open space and landscaping.                  |
| New street system includes utilities, separated stormwater facility.         |

| PROPERTY OWNER  |                              |
|-----------------|------------------------------|
| Name            | HQ Vancouver, LLC            |
| Address:        | 275 W. 3rd Street, Suite 300 |
| City/State/Zip: | Vancouver, WA 98660          |
| Phone:          | 360.608.6026                 |
| E-mail:         | scot@hurleydev.com           |

| APPLICANT          |                                  |
|--------------------|----------------------------------|
| Name               | Kevin Brady                      |
| Address:           | 700 Washington Street, Suite 300 |
| City/State/Zip:    | Vancouver, WA 98660              |
| Phone:             | 503.504.1951                     |
| E-mail (required): | kevin.brady@otak.com             |

| ELECTRONIC PLANS SUBMITTER*             |                              |
|-----------------------------------------|------------------------------|
| Name                                    | Otak Civil                   |
| Address:                                | 808 SW 3rd Avenue, Suite 800 |
| City/State/Zip:                         | Portland, OR 97204           |
| Phone:                                  | 503.287.6825                 |
| E-mail (required):                      | otakcivil@otak.com           |
| ePermits Username (if existing account) | Otak Vancouver               |

| Additional Information                  |                                                                                                                                                |                                                                              |
|-----------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|
| Special Review Type:<br>(If applicable) | <input type="checkbox"/> Tenant Improvement <input type="checkbox"/> Other<br><input type="checkbox"/> Unoccupied Commercial/Utility Structure |                                                                              |
| Plan Approval Type:<br>(If applicable)  | <input checked="" type="checkbox"/> Conceptual                                                                                                 | <input checked="" type="checkbox"/> Detailed <input type="checkbox"/> Hybrid |
| Sewage Disposal:                        | <input type="checkbox"/> Septic <input checked="" type="checkbox"/> Public                                                                     |                                                                              |
| Water Source:                           | <input type="checkbox"/> Private Well <input checked="" type="checkbox"/> Public                                                               |                                                                              |
| # of Units:                             | 34                                                                                                                                             |                                                                              |
| # of Proposed Lots:                     | 34                                                                                                                                             |                                                                              |
| # of Acres:                             | 4.67                                                                                                                                           |                                                                              |
| Size:                                   | <input checked="" type="checkbox"/> Up to 25 acres <input type="checkbox"/> Over 25 acres                                                      |                                                                              |
| New Hard Surface Area:                  | 89,537                                                                                                                                         | Sq. Ft.                                                                      |
| Replaced Hard Surface Area:             | 0                                                                                                                                              | Sq. Ft.                                                                      |
| Total Hard Surface Area:                | 89,537                                                                                                                                         | Sq. Ft.                                                                      |
| Square Feet:                            | Ground Floor:                                                                                                                                  | 40,800                                                                       |
|                                         | Upper Floor:                                                                                                                                   | 40,800                                                                       |

| Notice                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><i>I/we understand that per VMC 20.210.090 (Review for Counter Complete Status), if it is determined that the application is not complete, the City shall immediately reject and return the application.</i></p> <p><i>If submitting electronically, I/we understand that if my electronic plan submission is deemed to be incomplete I will receive notification after the prescreening process and review will not begin.</i></p> <p><i>I/we agree that City of Vancouver staff may enter upon the subject property at any reasonable time to consider the merits of the application, to take photographs and to post public notices.</i></p> |

| Required Signatures           |               |
|-------------------------------|---------------|
| Applicant signature:          |               |
| Print name: Kevin Brady, Otak | Date: 4/30/21 |
| Property Owner signature:     |               |
| Print name: Ryan Hurley       | Date: 4/27/21 |

\* Please note that the contact listed as "Electronic Plans Submitter" should be the individual responsible for accessing ePlans, (electronic plan review software), and will receive all ePlans correspondence.

\*\* Type I projects may need to complete a Stormwater Applicability form.

| APPLICATION SUB TYPES                                                                                     |                                                                                                                |                                                           |                                              |
|-----------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------|----------------------------------------------|
| Please check all applicable boxes and enter information where necessary                                   |                                                                                                                |                                                           |                                              |
| <input checked="" type="checkbox"/> Archaeological Predetermination (fill out supplemental application)   |                                                                                                                |                                                           |                                              |
| <input type="checkbox"/> Binding Site Plan                                                                | <input type="checkbox"/> Land Extensive                                                                        | <input type="checkbox"/> Non-Residential                  |                                              |
|                                                                                                           | <input type="checkbox"/> Commercial Pad                                                                        | <input type="checkbox"/> Unoccupied Com/Utility Structure |                                              |
| <input type="checkbox"/> Boundary Line Adjustment                                                         | # of lots to be reviewed:                                                                                      |                                                           |                                              |
| <input type="checkbox"/> Comprehensive Plan Amendment                                                     |                                                                                                                |                                                           |                                              |
| <input type="checkbox"/> Conditional Use Permit                                                           | Type of Use:                                                                                                   |                                                           |                                              |
|                                                                                                           | Civil Review required?                                                                                         | <input type="checkbox"/> Yes                              | <input type="checkbox"/> No                  |
| <input type="checkbox"/> Covenant Release                                                                 |                                                                                                                |                                                           |                                              |
| <input checked="" type="checkbox"/> Critical Areas Permit                                                 | <input type="checkbox"/> Minor Exception                                                                       |                                                           | <input type="checkbox"/> Reasonable Use      |
|                                                                                                           | Area Types:                                                                                                    |                                                           |                                              |
|                                                                                                           | <input checked="" type="checkbox"/> Fish & Wildlife                                                            |                                                           | <input type="checkbox"/> Freq. Flooded       |
|                                                                                                           | <input checked="" type="checkbox"/> Geological Hazard                                                          |                                                           | <input checked="" type="checkbox"/> Wetlands |
| <input type="checkbox"/> Design Review<br>(contact case manager for submittal requirements)               | <input type="checkbox"/> Vancouver Central Park                                                                |                                                           |                                              |
|                                                                                                           | <input type="checkbox"/> Downtown                                                                              | <input type="checkbox"/> Exterior Mod. Only               |                                              |
| <input type="checkbox"/> Development Agreement<br>(see VMC 20.250 for requirements)                       | <input type="checkbox"/> Initial Agreement                                                                     |                                                           |                                              |
|                                                                                                           | <input type="checkbox"/> Modification                                                                          |                                                           |                                              |
|                                                                                                           | <input type="checkbox"/> Extension                                                                             |                                                           |                                              |
| <input type="checkbox"/> Engineering Variance Request / Road Modification<br>(see supplemental checklist) | <input type="checkbox"/> Administrative                                                                        |                                                           |                                              |
|                                                                                                           | <input type="checkbox"/> Design Major                                                                          |                                                           |                                              |
|                                                                                                           | <input type="checkbox"/> Technical / Minor                                                                     |                                                           |                                              |
| <input type="checkbox"/> Historic Preservation *<br>(contact case manager for submittal requirements)     | Historic Type:                                                                                                 |                                                           |                                              |
|                                                                                                           | <input type="checkbox"/> Major Modification                                                                    |                                                           |                                              |
|                                                                                                           | <input type="checkbox"/> Place Property on Registry                                                            |                                                           |                                              |
|                                                                                                           | <input type="checkbox"/> Special Valuation                                                                     |                                                           |                                              |
|                                                                                                           | Register Type:                                                                                                 |                                                           |                                              |
|                                                                                                           | <input type="checkbox"/> State                                                                                 | <input type="checkbox"/> Local                            |                                              |
|                                                                                                           | <input type="checkbox"/> National                                                                              |                                                           |                                              |
| <input type="checkbox"/> Human Services Siting Request (fill out supplemental application)                |                                                                                                                |                                                           |                                              |
| <input type="checkbox"/> Joint Use Parking Agreement (see VMC 20.945.030 for requirements)                |                                                                                                                |                                                           |                                              |
| <input type="checkbox"/> Legal Lot Determination                                                          | # of lots to be reviewed:                                                                                      |                                                           |                                              |
| <input type="checkbox"/> Master Plan Public Facilities                                                    |                                                                                                                |                                                           |                                              |
| <input type="checkbox"/> Modification                                                                     | Modification Type:                                                                                             |                                                           |                                              |
|                                                                                                           | <input type="checkbox"/> Conditional Use                                                                       | <input type="checkbox"/> Minor                            |                                              |
|                                                                                                           |                                                                                                                | <input type="checkbox"/> Major                            |                                              |
|                                                                                                           | <input type="checkbox"/> Mixed Use Master Plan                                                                 |                                                           |                                              |
|                                                                                                           | <input type="checkbox"/> Public Facilities Master Plan                                                         |                                                           |                                              |
|                                                                                                           | <input type="checkbox"/> Planned Unit Development                                                              |                                                           |                                              |
|                                                                                                           | Post Decision Review Type: <input type="checkbox"/> Planning <input type="checkbox"/> Planning and Engineering |                                                           |                                              |
| <input type="checkbox"/> Planned Unit Development / Master Plan                                           | <input type="checkbox"/> Commercial                                                                            |                                                           |                                              |
|                                                                                                           | <input type="checkbox"/> Mixed                                                                                 |                                                           |                                              |
|                                                                                                           | <input type="checkbox"/> Residential                                                                           |                                                           |                                              |
| <input type="checkbox"/> Preliminary Land Division                                                        | Plat Alteration?                                                                                               | <input type="checkbox"/> Yes                              | <input type="checkbox"/> No                  |

|                                                                                                                                                         |                                                                                  |                                             |
|---------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------|---------------------------------------------|
| <input type="checkbox"/> Preliminary Site Plan Review                                                                                                   | <input type="checkbox"/> Commercial Pad                                          | <input type="checkbox"/> Land Extensive     |
|                                                                                                                                                         | <input type="checkbox"/> Non-Residential                                         | <input type="checkbox"/> Residential        |
|                                                                                                                                                         | <input type="checkbox"/> Unoccupied Comm"/Utility Structure                      |                                             |
| <input type="checkbox"/> Shoreline Permit                                                                                                               | Request Type:                                                                    |                                             |
|                                                                                                                                                         | <input type="checkbox"/> Conditional Use                                         |                                             |
|                                                                                                                                                         | <input type="checkbox"/> Variance Request                                        |                                             |
|                                                                                                                                                         | <input type="checkbox"/> Substantial Development                                 |                                             |
|                                                                                                                                                         | Shoreline Designation:                                                           |                                             |
|                                                                                                                                                         | <input type="checkbox"/> Aquatic                                                 | <input type="checkbox"/> Natural            |
|                                                                                                                                                         | <input type="checkbox"/> High Intensity                                          | <input type="checkbox"/> Med. Intensity     |
|                                                                                                                                                         | <input type="checkbox"/> Urban Conservancy                                       |                                             |
| <input type="checkbox"/> Similar Use Determination * (see VMC 20.160.030 for requirements)                                                              |                                                                                  |                                             |
| <input type="checkbox"/> Statement of Exemption*                                                                                                        | Exemption Type:                                                                  |                                             |
|                                                                                                                                                         | <input type="checkbox"/> Shoreline Permit                                        |                                             |
|                                                                                                                                                         | <input type="checkbox"/> Critical Area Permit                                    |                                             |
|                                                                                                                                                         | Exemptions Requested: (Critical Areas only)                                      |                                             |
|                                                                                                                                                         | <input type="checkbox"/> Fish & Wildlife                                         | <input type="checkbox"/> Wetlands           |
|                                                                                                                                                         | <input type="checkbox"/> Geological Hazard                                       | <input type="checkbox"/> Frequently Flooded |
| <input checked="" type="checkbox"/> State Environmental Policy (SEPA)<br>(fill out supplemental application)                                            | Use Type:                                                                        |                                             |
|                                                                                                                                                         | <input checked="" type="checkbox"/> Single Family <input type="checkbox"/> Other |                                             |
|                                                                                                                                                         | SEPA Type:                                                                       |                                             |
|                                                                                                                                                         | <input type="checkbox"/> Grading                                                 | <input type="checkbox"/> Non-Projects       |
|                                                                                                                                                         | <input type="checkbox"/> Other                                                   | <input type="checkbox"/> Site Plan (RES)    |
|                                                                                                                                                         | <input checked="" type="checkbox"/> Land-division or PUD                         |                                             |
| <input type="checkbox"/> Temporary Use *<br>(see VMC 20.885 for requirements)                                                                           | Temporary Use Type:                                                              |                                             |
|                                                                                                                                                         | <input type="checkbox"/> Commercial/Industrial                                   |                                             |
|                                                                                                                                                         | <input type="checkbox"/> Unforeseen Emergency                                    |                                             |
|                                                                                                                                                         | <input type="checkbox"/> Seasonal or Special Event                               |                                             |
|                                                                                                                                                         | <input type="checkbox"/> Model Home                                              |                                             |
|                                                                                                                                                         | <input type="checkbox"/> Temp Sales Office                                       |                                             |
| <input checked="" type="checkbox"/> Tree Plan<br>(see VMC 20.770.050 for requirements or see submittal requirement document for additional information) | <input type="checkbox"/> Level 1                                                 | <input type="checkbox"/> Level 2            |
|                                                                                                                                                         | <input type="checkbox"/> Level 3                                                 | <input type="checkbox"/> Level 4            |
|                                                                                                                                                         | <input checked="" type="checkbox"/> Level 5                                      | <input type="checkbox"/> Level 6            |
|                                                                                                                                                         | <input type="checkbox"/> Level 7                                                 |                                             |
| <input type="checkbox"/> Variance                                                                                                                       | Total # of Variance Requests:                                                    |                                             |
| <input type="checkbox"/> Zoning Certification*<br>(see submittal checklist for additional information)                                                  | Year Built:                                                                      |                                             |
|                                                                                                                                                         | Footprint/Lot Coverage:                                                          |                                             |
|                                                                                                                                                         | Existing Bldg. Height:                                                           |                                             |
|                                                                                                                                                         | Existing # Parking Spaces:                                                       |                                             |
| <input type="checkbox"/> Zoning Verification * (see submittal checklist for add'l information)                                                          |                                                                                  |                                             |
| <input type="checkbox"/> Zoning Change                                                                                                                  | Change Type                                                                      | With Comp Plan Change?                      |
|                                                                                                                                                         | <input type="checkbox"/> Map Change                                              | <input type="checkbox"/> Yes                |
|                                                                                                                                                         | <input type="checkbox"/> Code Change                                             | <input type="checkbox"/> No                 |
|                                                                                                                                                         | Proposed Zoning:                                                                 |                                             |

\*These application sub-types must be submitted as a separate LUP application. They may not be bundled with other sub-types.



## EXHIBIT 3



**Fisher's Creek Subdivision  
Vancouver, WA**

### **Request for Type IV Application(s) Approvals:**

**Planned Development Subdivision  
Critical Areas Permit – Fish and Wildlife Habitat Conservation Areas,  
Wetlands, Geologic Hazards  
Level V Tree Plan  
SEPA  
Minor Road Modification Request**

Prepared for:  
Hurley Development  
275 SW 3<sup>rd</sup> Street, Suite 300  
Vancouver, WA 98660

May 28, 2021

Prepared By:  
Otak, Inc.  
700 Washington Street, Suite 300  
Vancouver, WA 98660

19809.200





## REQUESTS

**Planned Development Subdivision, Critical Areas Permit, Level 5 Tree Plan, SEPA and Minor Road Modification** approvals are requested for this Type IV application.

## SITE INFORMATION

SUBJECT  
PROPERTY: 17700 SE Evergreen Highway (Tax Lots: 126778000, 12679000  
&126780000)

SITE AREA: 4.67 acres

COMPREHENSIVE PLAN  
DESIGNATION: Urban Low Density Residential

ZONING DESIGNATION: Low Density Residential-9du/ac (R-9)

## APPLICANT/PROPERTY OWNER

APPLICANT/OWNER: HQ Vancouver, LLC  
275 W. 3<sup>rd</sup> Street, suite 300  
Vancouver, WA 98660

Contact: Scot Brantley  
360.608.6026  
scot@hurleydev.com

## PROJECT DEVELOPMENT TEAM

APPLICANT'S  
REPRESENTATIVE: Otak, Inc.  
700 Washington Street, Suite 300  
Vancouver, WA 98660

Contact: Kevin Brady  
503.504.1951  
kevin.brady@otak.com

ARCHITECT: Otak Architects, Inc.  
808 SW Third Avenue, Suite 800  
Portland, OR 97204

Contact: Ron Dean  
503.415.2455  
ron.dean@otak.com

CIVIL ENGINEER: Otak, Inc.  
700 Washington Street, Suite 300  
Vancouver, WA 98660

Contact: Tim Leavitt  
360-737-9613  
tim.leavitt@otak.com

LANDSCAPE ARCHITECT: Otak, Inc.  
808 SW Third Avenue, Suite 800  
Portland, OR 97204

Contact: David Haynes  
503-287-6825  
david.haynes@otak.com

SURVEYOR: Olson Land Surveyors  
222 E Evergreen Boulevard  
Vancouver, WA 98660

Contact: Kurt Stonex  
360-695-1385  
kurt@olsonengr.com

ARBORIST: Teragan & Associates  
3145 Westview Circle  
Lake Oswego, OR 97034

Contact: Todd Prager  
971.295.4835  
todd@teragan.com

TRAFFIC ENGINEER: Mackenzie  
1515 SE Water Avenue  
Portland, OR 97214

Contact: Janet Jones  
971.346.3741  
jtj@mcknze.com

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| Sheet EX-01 – Existing Conditions, Demolition and Erosion Control |
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| Sheet PP-01 – SE Brady Road Plan and Profile                      |
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# I. Requests

**Planned Development Subdivision, Critical Areas Permit, Level 5 Tree Plan, SEPA and Minor Road Modification** approvals are requested for this Type IV application. The subject site is identified as Tax Lots: 126778000, 12679000 & 126780000, as well 17700 SE Evergreen Highway. The PAC Report is case file 14PRJ-166679/ PIR-80788 (Fisher's Creek Planned Development) and was evaluated and prepared by the City of Vancouver staff.

## II. Project Description

The applicant proposes a 34-lot single-family attached and detached Planned Development and narrow lot Subdivision for the construction of 28 townhomes and 6 detached single family houses. The Preliminary Plat includes extension of SE 178<sup>th</sup> Avenue from the north and the connection to SE Brady Road to the east, with Fisher's Creek Road providing access to 10 lots and Tract A. Tract A includes the Fisher's Creek 100-foot riparian management zone protected area and associated buffer, a stormwater detention and treatment facility and an active/usable open space area equal to 12.5% of the site, including gazebo, picnic areas and trails. Tract B includes a protected wetland area and associated buffer and impact mitigation areas. Guest parking is provided along the streets and in driveways. Landscaping is proposed in the tracts and as street trees along public streets.

## III. Compliance with Vancouver Municipal Code – Title 20, Land Use and Development Code

### A. Chapter 20.200 Land Use Decisions

#### 20.210 Decision Making Procedures

**Response:** The applicant requests approval of a Planned Development Subdivision, Critical Areas Permit, Level 5 Tree Plan, SEPA and Minor Road Modification for new subdivision and development, classified as a Type IV procedure per VMC 20.210.020-1. The applicant completed the required preapplication meeting (no meeting - report only due to COVID restrictions). The PAC Report is case file PRJ-166679/ PIR-80788 (Fisher's Creek Planned Development). See Appendix C. After submittal, the application will eventually be accepted and deemed fully complete. Once the application is deemed complete, a notice of application with a 14-day comment permit will be issued. The staff report will be issued thereafter, with subsequent public hearings with both Hearings Examiner and City Council.

### B. Chapter 20.260 Planned Developments

#### 20.260.020 Applicability

- A. *Applicable in all zones. The planned development is a development vehicle that may be used in all base zoning districts except in the Park, Greenway and Natural Area districts.*
- B. *Permitted uses. The following uses shall be allowed in various base zoning districts:*
  - 1. *Lower-Density Residential Zoning Districts. In the R-2, R-4, R-6 and R-9 zoning districts, an applicant with a planned development approval may develop the site to contain a mixture of uses subject to the maximum density provisions of the underlying zone, as contained in Chapter 20.410 VMC, plus 15 percent density bonus per the provisions of VMC 20.260.060(D).*
    - a. *The following uses are allowed by right within planned developments:*
      - 1. *Single-family detached residential units with or without accessory dwelling units.*
      - 2. *Two or more single-family attached residential units, duplex, triplex, and townhome and other fourplex residential units. Duplexes, triplexes, fourplexes, and townhomes located on the perimeter of the development directly abutting single-family zoning districts shall have a height limit of 35 feet.*

**Response:** The subject site is zoned R-9; therefore, the proposed townhomes are allowed and can comply with the use thresholds of this Subsection. The proposed maximum height for the townhomes is 35 feet; therefore, the height limit in this Subsection is met. All other applicable design and development standards contained in this Title, as well as other applicable regulations, are thoroughly addressed below under specific Subsections, including the base zoning District (R-9).

#### **20.260.030 Approval Process**

- A. *Elements of approval process. The two elements of the planned development approval process are:*
1. *Approval of the planned development concept development plan which contains a substantial level of detail for the whole project; and*
  2. *Approval of the detailed site plan(s) to be constructed in one or more phases that provide all of the additional detail not contained in the concept plan.*
- B. *Decision-making process.*
1. *Initial approval. A new planned development concept plan shall be processed by means of a Type IV review, per 20.210 VMC, using approval criteria contained in 20.260.050 VMC. The Planning Commission shall be the initial review authority for planned developments greater than 25 acres in size and the Hearings Examiner shall be the initial review authority for planned development 25 acres or less in size. The initial reviewer shall issue a recommendation to the City Council. The City Council shall be the final authority for planned developments.*
  2. *Subsequent reviews. The detailed site plan, and phases thereof, shall be reviewed by means of a Site Plan Review under 20.270 VMC, to ensure that it is substantially in compliance with the approved concept development plan, using approval criteria contained in 20.260.050 VMC.*
  3. *Applicable in all zones.*

**Response:** The applicant understands that the Type IV procedure is required, including public hearings with both the Hearings Examiner and City Council. This application and procedure includes review of both Concept Plan and Detailed Site Plan, as well as the other reviews indicated in the request above.

- C. *Concurrent reviews. An applicant may file two or more related requests concurrently. These concurrent reviews will be reviewed by the procedure type of the higher/highest level, that is, if one review is subject to a Type III process and the other a Type II process, both will be subject to a Type III review process. Examples of concurrent reviews include:*
1. *Concept development and one or more phases of a detailed site plan.*
  2. *Concept development plan and one or more environmental reviews.*
  3. *Concept development plan and land division.*
  4. *Concept development plan and height variance.*
  5. *Concept development plan and one or more conditional use(s).*
  6. *Detailed site plan and modification of an already-approved concept development plan may be reviewed concurrently by means of a Type II or III process, depending upon the nature of the concept plan modification as defined in Section B(3) above.*
  7. *A concept development plan and any combination of the above.*

**Response:** The applicant proposes the following as part of the Concept Plan review, per the allowances in this Subsection:

- Concept development and one or more phases of a detailed site plan;
- Concept development plan and one or more environmental reviews;
- Concept development plan and land division.

D. *Adjustment approval criteria. Adjustments to numerical development standards in the underlying zoning district shall meet the criteria contained in Section 20.260.050(B) VMC below in lieu of requirements for variances contained in Chapter 20.290 VMC. The exception to this is a request to exceed the maximum height permitted in the underlying zone, which will require a concurrent variance request per 20.290 VMC.*

**Response:** The applicant proposes to reduce the minimum lot size from 5,000 square feet to 2,250 square feet, with proposed lots ranging from 2,250 square feet to 3,750 square feet. The associated approval criteria for this requested adjustment is addressed below in Subsection Section 20.260.050(B).

### **20.260.050 Approval Criteria**

*A. Concept development plan approval criteria. To receive approval for a planned development, the applicant shall demonstrate compliance with all of the following criteria:*

- 1. Content. The concept plan contains all of the components required in Section 20.260.070. Compliance with all applicable standards. The proposed development and uses comply with all applicable standards of the Title, except where adjustments are being approved as part of the concept plan application, pursuant to Section 20.260.030 (D)(2).*

**Response:** The applicant has provided all of the components required in Section 20.260.070, as addressed below. The proposed development and uses comply with all applicable standards of this Title, as addressed in the narrative herein.

- 2. Architectural and site design. The proposed development demonstrates the use of innovative, aesthetic, energy-efficient and environmentally-friendly architectural and site design.*

**Response:** The architectural design of the future townhomes includes both hip roof and gable options, with each option providing modern and aesthetic design features, including refined selection of both materials and colors. See Appendix M for details. The design of the site includes preservation of Fisher's Creek and an open space tract (Tract B) at the northwest corner of the site that provides protection and buffering of an existing wetland. Tract A provides on-site, active open space for residents and visitors through a trail system and outdoor amenities, such as benches, picnic tables and gazebo for shelter.

- 3. Transportation system capacity. There is either sufficient capacity in the transportation system to safely support the development proposed in all future phases or there will be adequate capacity by the time each phase of development is completed.*

**Response:** The applicant has not been required to provide a formal Traffic Impact Analysis (TIA). Instead, a Trip Generation and Distribution Letter has been provided. The Letter provides estimated trip generation based on a proposal consisting of 6 single-family dwelling units and 28 attached townhomes, with associated ITE Codes 210 (Single-Family Detached Housing) and 221 (Multifamily Housing) used in the proposed trip generation calculation. A total of 265 trips will be generated by the proposal. The Letter also identifies trip distribution and the intersections impacted by more than 5 peak hour trips, with trip distribution based on travel demand model plots obtained from the Southwest Washington Regional Transportation Council (RTC). This information and data has been correlated with the relevant Transportation Management Zone (TMZ), which are all part of the analysis in the Letter that provides the basis for an estimated proportionate share of fees for the SR-14/192<sup>nd</sup> Avenue Intersection. This estimated fee amount is \$16,000. Based on the data and analysis provided in the Trip Generation and Distribution Letter, there is sufficient capacity in the transportation system to safely support the proposed development.

- 4. Availability of public services. There is either sufficient capacity within public services such as water supply, police and fire services, and sanitary waste and storm water disposal, to adequately serve the development proposed in all future phases, or there will be adequate capacity available by the time each phase of development is completed.*

**Response:** The applicant has reviewed the Pre-App Report, which indicates that with specific improvements, the site can be served with water supply, sanitary waste and storm water disposal. The applicant has provided a set of Preliminary Civil Plans (Appendix Q) that provide specific information about utilities that will serve the site. Existing water service can serve the proposal through extension of the 8-inch main within SE 178<sup>th</sup> Avenue. Existing sanitary sewer service can serve the proposal through extension to the public sewer line within SE 177<sup>th</sup> Lane. A stormwater system has been designed and proposed per applicable minimum requirements and Best Management Practices (BMPs), as indicated in the Stormwater Report (Appendix H).

5. *Protection of designated resources. City-designated resources such as historic landmarks, significant trees and sensitive natural resources are protected in compliance with the standards in this and other Titles of the VMC.*

**Response:** Fisher's Creek, a stream located at the western edge of the site, includes a Riparian Management Area (RMA) and associated Riparian Buffer (RB). No development is proposed in the RMA, and impact mitigation is proposed for development in the RB. A wetland buffer area at the northeast corner of the site will be slightly impacted with development, with 510 square feet of permanent wetland buffer encroachment and 2,310 square feet of mitigation area. The applicant has also provided a Tree Plan (Appendix G), indicating protection of significant trees, and a Landscape Plan, indicating retention of trees and planting of additional trees to meet requirements for minimum tree density. In addition, the applicant has provided a Critical Areas Report (Appendix J) and a Buffer Mitigation Plan (Sheet L-03 in the Plan Set, Appendix Q) that specifically details mitigation for impacted buffer areas on the site.

6. *Compatibility with adjacent uses. The concept plan contains design, landscaping, parking/traffic management and multi-modal transportation elements that limit conflicts between the planned development and adjacent uses. If zoning districts are shifted per Section 20.260.020(C) VMC, there shall be a demonstration that the reconfiguration of uses is compatible with surrounding uses by means of appropriate setbacks, design features or other techniques.*

**Response:** The proposed planned development (and associated single family units and townhomes) is considered a residential use, which is the same use as the existing attached and detached homes that surround the subject site, which are also considered residential uses. Based on proposed residential use(s) and associated minimal trip generation, as well as provision of adequate resident and guest parking, the impact associated with traffic and parking is limited.

Thoughtful design of the townhomes provides architectural compatibility with existing surrounding neighborhoods, with a robust landscape plan providing additional site aesthetics. In addition to landscaped areas and street trees, Fisher's Creek and associated protected areas act as a natural buffer along the western boundary of the site. The site also includes a small wetland area at the northeast corner of the site that provides further natural area and buffering between the site and adjacent residential uses. The combination of landscaping and protected natural areas and buffers provide substantial compatibility with adjacent neighborhoods with similar natural areas and landscaping. No zoning districts are proposed for shifting.

7. *Mitigation of off-site impacts. All potential off-site impacts including litter, noise, shading, glare and traffic, will be identified and mitigated to the extent practicable.*

**Response:** The proposal includes coordination with the associated sanitary trash and recycle service, which will significantly reduce any trash impacts related to the site. Noise impacts from short-term construction noise will be inevitable; however, after construction only normal ambient noise associated with residential neighborhoods are anticipated, and no other uses that might produce higher levels of noise are proposed. Large groups of trees associated with environmental protections areas, i.e. wetlands and stream, will provide suitable shading for the site, as will proposed landscaping and street trees. Normal glare from residential homes is anticipated, with no other sources of glare proposed or anticipated. The applicant has provided a Trip Generation and Distribution Letter as part of the application, which provides analysis of traffic impacts and proportional share of fees for mitigation.

*B. Adjustment approval criteria. Adjustments to numerical development standards may be processed as part of the request for concept if the applicant can demonstrate compliance with all of the following approval criteria:*

1. *The adjustment(s) is warranted given site conditions and/or characteristics of the design.*

**Response:** The adjustment for reduction in minimum lot size is warranted based on the site conditions and requirements for site design. The main warrant for the adjustment is the significant critical areas on the site that require protection. In addition, development standards such as minimum density requirements, lot frontage and required right-of-way for access all create restrictions on minimum lot size. In addition, the required common open space further restricts options for lot sizes and dimensions.

2. *The benefits accruing from the implementation of the adjustment outweigh any potential adverse impacts.*

**Response:** The benefits of the proposed adjustment include protection and enhancement of critical areas, the ability to provide significant areas for common open space and the ability to still comply with density standards. The only adverse impact is a minor reduction in private yard space, which is mitigated through the creation of usable open space and provision of associated amenities.

3. *Any impacts resulting from the adjustment are mitigated to the extent practical.*

**Response:** Again, the only potential adverse impact is a minor reduction in private yard space, which is mitigated through the creation of usable open space and provision of associated amenities.

#### **20.260.060 Development Standards**

1. *Minimum development size. There shall be no minimum site size for any type of planned development.*

**Response:** There is not minimum site size, therefore, this standard is met.

2. *Applicability of base zone development standards. The provisions of the base zone are applicable as follows. When the zoning districts within the planned development have been shifted as permitted in Section 20.260.020 (C) VMC, the applicable development standards for the underlying zones shall shift accordingly.*

a. Lot dimensional standards: The minimum lot depth and lot width standards *shall not apply*.

**Response:** There is no minimum lot depth or width, therefore, this standard is met.

3. *Lot coverage: The site coverage provisions of the base zone shall apply.*

**Response:** The maximum lot coverage for R-9 is 50%. The applicant proposes site coverage for townhomes to be approximately 39%; therefore, the lot coverage standard is met.

#### **4. Setbacks**

- a. Front and rear yard setbacks for structures at the perimeter of the project shall be the same as required by the base zone except when an adjustment is approved, per Section 20.260.030(D).
- b. The side yard setback provisions shall not apply except that all detached structures shall meet the City's adopted building code requirements for type of construction.
- c. Front yard and rear yard setback requirements in the base zone shall not apply to structures on the interior of the project except that any garage facing a street shall be set back a minimum of 18 feet from the front or side street property line.
- d. All other provisions of the base zone shall apply except as modified pursuant to this Chapter, except for maximum height for which a variance shall be sought, as governed by Chapter 20.290 VMC.

**Response:** The proposed planned development includes 34 lots, with all proposed townhomes meeting the applicable setback standards.

Based on the table above, all of the proposed setbacks meet the front, side and rear setback standards.

5. *The Planning Commission or Hearings Examiner can reduce the minimum lot size requirement for attached single family residential uses in planned developments.*



**Response:** The applicant is proposing a reduction in minimum lot sizes; the proposed reduction is satisfied through findings in the adjustment criteria addressed above.

- C. *Common open space. In exchange for the approval of higher residential densities, smaller lots and relaxed development standards, the developer of a planned development is required to provide common open space for the active and passive recreational activities of residents, employees and visitors. Such space shall be aggregated and centralized to the development to the fullest extent feasible and shall consist primarily of a combination of landscaped open areas. Un-landscaped natural areas or paved hardscape areas may also be included if they also promote active or passive recreational uses. Features may include plazas, arbors, sitting areas, picnic areas, playing fields and trails.*
1. *In planned developments, the following requirements shall apply.*
- a. *At least 10% of the gross area of the site must be devoted to such open space. Such space must be fully accessible to the residents, employees, visitors and/or other users of the site. Reduction of this standard in PDs of two acres or more is prohibited. A reduction of this standard in PDs of less than two acres is subject to an adjustment per Section 20.260.030(D) VMC using approval criteria in Section 20.260.050(B) VMC.*

**Response:** The proposal includes 12.5% of the site be devoted to open space in the form of Tract A. Therefore, the minimum 10% open space requirement is met. See Sheet C-01 in the Plan Set in Appendix Q for details.

- b. *Fenced yards associated with buildings immediately adjacent to designated open space and landscaping in parking lots shall not count toward the total requirement.*

**Response:** Fences yards have not been included in the calculation of open space.

- c. *Environmentally-constrained land within the planned development, including wetlands, geologically hazardous areas, sensitive wildlife habitats, pursuant to Section 20.740 VMC or native vegetation and healthy soil preservation pursuant to 20.770 VMC or stormwater facilities pursuant to Chapter 14.25 VMC; may be used to meet up to 50% of the total requirement specified in Subsection (a) above, provided that these areas are not fenced and are either accessible to pedestrians to the extent practical or are visually accessible from adjacent and adjoining common open space.*

**Response:** The open space area provided in the proposal includes a total of 81,950 square feet located in Tracts A and B, which is approximately 36% of total site area. This area includes 28,057 square feet of active/useable open space area within Tract A, which equates to approximately 34% of the overall open space area and 12.5% of overall site area.

2. *The common open space designated to meet this requirement shall be permanently maintained by and conveyed to one of the following:*
- a. *A homeowners' or property owners' association as regulated by State law.*
- b. *A public agency that agrees to maintain the common open space and any buildings, structures or improvements placed within it.*

**Response:** The homeowners' association will permanently maintain the proposed common open space area.

3. *The applicant may not seek a variance or adjustment to reduce the minimum open space requirement specified in Subsection (2)(a) above.*

**Response:** The applicant does not seek a variance or adjustment to reduce the minimum open space requirement specified in Subsection (2)(a) above.

4. *The open space created under this provision is not subject to the Park Impact Fee (PIF) credit unless so authorized by the Vancouver-Clark Parks Department.*

**Response:** The applicant understands that the open space created under this provision is not subject to the Park Impact Fee (PIF) credit unless so authorized by the Vancouver-Clark Parks Department.

**D. Residential density.**

1. *On-site density transfers. An applicant for a planned development may shift allowed residential densities around the site to protect and preserve critical or sensitive areas while providing the overall maximum density permitted by the underlying zoning district.*
2. *Density bonuses. An applicant for a planned development shall be entitled to an automatic residential density bonus of 5% above the maximum density allowed in the underlying base zone on the portions of the site devoted to housing.*

**Response:** The applicant is not proposing on-site density transfers or bonuses.

**20.260.070 Concept Development Plan Submission Requirements**

**A. Existing conditions.** *An application for a planned development shall contain the following information related to existing conditions on the site, presented in narrative, tabular and/or graphic formats:*

1. *Vicinity map that identifies surrounding uses within 400 feet of the site boundary.*

**Response:** As part of the Cover Sheet, a vicinity maps are included that identify surrounding uses within 400 feet of the site boundary.

2. *Zoning map that identifies base and overlay zoning designations for the site and surrounding properties uses within 400 feet of the site boundary.*

**Response:** As part of the Existing Conditions Plan on Sheet EX-01, zoning and uses on adjacent properties within 400 feet of the site boundary are identified.

3. *Site description including the following information provided in narrative, tabular and/or graphic formats:*
  - a. *Topography and natural resources including 100-year flood plain; natural drainage patterns and courses; wetlands, rivers, springs, seeps, closed depression areas, and other water bodies; aquifer and wellhead protection areas; professional survey of existing vegetation and significant stands of trees and individual trees with a caliper greater than 6"; significant fish and wildlife habitat, and professional soils report including hydraulic conductivity, groundwater depths and geological hazards such as steep slopes greater than 15%, unstable, impermeable or weak soils. Exhibit must include a site plan with no greater than five- (5) foot contours for slopes of 0– 10% and no greater than two-(2) feet for slopes greater than 10%.*
  - b. *Open space inventory including all natural and landscaped areas.*
  - c. *Inventory of cultural, historic and/or archaeological resources on the site, if any.*
  - d. *Existing buildings, if any, including use, location, size and date of construction.*
  - e. *Existing on-site pedestrian, bicycle and vehicular circulation system, if any.*
  - f. *Inventory of existing vehicular and bicycle parking spaces and location of surface and structured parking facilities, if any.*
  - g. *Location and size of all public and private utilities on the site including water, sanitary sewer, storm water retention/treatment facilities, and electrical, telephone and data transmission lines.*
  - h. *Location of all public and private easements.*
  - i. *A description of the type, design and characteristics of surrounding properties.*

**Response:** The applicant has included site descriptions in the following formats and documents:

- Written narrative (herein)
- Topographic Survey
- Existing Conditions Plan (Sheet EX-01)
- Proposed Plat (Sheet C-00)
- Site Plan (Sheet C-01)

- Critical Areas Report
- Preliminary Storm Report (TIR)

4. *Detailed description of the transportation system within and adjacent to the site including:*
  - a. *Street classification of all internal and adjacent streets.*
  - b. *Transit service availability.*
  - c. *Baseline traffic impact study prepared by a licensed engineer to include information as required by the City's Traffic Engineer.*

**Response:** Street classifications are listed in the Trip Generation and Distribution Letter, as well as in the Plan Set (Sheets PP-01 through PP-03)

5. *Analysis of existing infrastructure capacity on and in the vicinity of the site.*

**Response:** The applicant has reviewed the Pre-App Report, which indicates that with specific improvements, the site can be served with water supply, sanitary waste and storm water disposal. The applicant has provided a set of Preliminary Civil Plans (Appendix Q) that provide specific information about utilities that will serve the site. Existing water service can serve the proposal through extension of the 8-inch main within SE 178<sup>th</sup> Avenue. Existing sanitary sewer service can serve the proposal through extension to the public sewer line within SE 177<sup>th</sup> Lane. A stormwater system has been designed and proposed per applicable minimum requirements and Best Management Practices (BMPs), as indicated in the Stormwater Report (Appendix H).

6. *SEPA checklist.*

**Response:** The applicant has provided a SEPA Checklist in Appendix E.

7. *Applicable review fees.*

**Response:** The applicant has paid the required fees for all of the required applications.

- B. *Planning history. Summary of all previous known land use cases affecting the applicant's property and a list of all outstanding conditions of approval that either have not been addressed in the past and/or that remain in force at the time of the application.*

**Response:** The applicant is not aware of previous land use cases affecting the subject site.

- C. *Proposed development plan.*

1. *Description of all proposed development within the planned development, presented in narrative, tabular and graphic formats:*
  - a. *Underlying zoning district boundaries. If these are shifted around the site as permitted by Section 20.260.020, the existing and proposed configuration of zoning districts shall be illustrated.*
  - b. *Description of the mix of uses, including number of units and/or total gross square feet devoted to each, and approximate location on the site.*
  - c. *All other site improvements including the approximate size and location of walls, barriers and fences; surface and structured parking facilities; bicycle parking facilities; on-site pedestrian, transit and vehicular circulation; transit stops and pedestrian/transit amenities; and open space and landscaped areas.*
  - d. *The conceptual location of new and/or expanded existing public and private infrastructure including water, sanitary sewer, stormwater management facilities; and electrical, telephone and data transmission lines. This includes wireless telecommunications facilities.*

**Response:** The applicant has provided thorough descriptions of the proposed development, in narrative, tabular and graphic forms. There are not proposed changes or 'shifts' to current zoning boundaries, and no mix of uses are proposed. The proposed development consists of 34 lots and 34 units, with total square footages clearly

depicted in the Plan Set (Appendix Q). All other site improvements are also included in the Plan Set, including all proposed utilities, such as water, sanitary service and stormwater management facilities.

2. *Phasing plan for implementation of the proposed development.*

**Response:** The applicant does not propose to phase this development; therefore, this element of the proposed development plan is not applicable.

3. *Summary of development intensity at full build-out including average floor area ratio and lot coverage.*

**Response:** Floor area ratio is not applicable to the proposed development. The maximum lot coverage for R-9 is 50%. The applicant proposes site coverage for townhomes to be approximately 39%; therefore, the lot coverage standard is met.

4. *Summary of transportation facilities including:*

- a. *Traffic impact study prepared by a licensed engineer that describes traffic impacts associated with each phase of development and at full build-out of the project, and a plan for accommodating this traffic in compliance with Title 11. The specific content of the traffic impact study shall be determined by the City's Traffic Engineer.*
- b. *Parking impact study describing the parking demand associated with each phase of the development and at full build-out of the project, and a mitigation plan for accommodating parking demand on the site.*
- c. *Concurrent or proposed street vacations, with a description of potential parking and traffic/pedestrian impacts, if any, and appropriated measures to mitigate these impacts.*

**Response:** The applicant has not been required to provide a formal Traffic Impact Analysis (TIA). Instead, a Trip Generation and Distribution Letter has been provided. The Letter provides estimated trip generation based on a proposal consisting of 6 single-family dwelling units and 28 attached townhomes, with associated ITE Codes 210 (Single-Family Detached Housing) and 221 (Multifamily Housing) used in the proposed trip generation calculation. A total of 265 trips will be generated by the proposal. The Letter also identifies trip distribution and the intersections impacted by more than 5 peak hour trips, with trip distribution based on travel demand model plots obtained from the Southwest Washington Regional Transportation Council (RTC). This information and data has been correlated with the relevant Transportation Management Zone (TMZ), which are all part of the analysis in the Letter that provides the basis for an estimated proportionate share of fees for the SR-14/192<sup>nd</sup> Avenue Intersection. This estimated fee amount is \$16,000. Based on the data and analysis provided in the Trip Generation and Distribution Letter, there is sufficient capacity in the transportation system to safely support the proposed development.

5. *Plan for protecting designated environmental, historic/cultural and open space resources.*

**Response:** A Critical Areas Report is also included with this application (See Appendix J). The report identifies a riparian stream (Fisher's Creek) and a wetland (Wetland B) and overall identifies, characterizes, and delineates critical areas at the subject site. The report and buffer mitigation plan (also see Sheet L-03 in the Plan Set, Appendix Q) was completed for the Fisher's Creek Subdivision project per Vancouver Municipal Code (VMC) Chapter 20.740 (Critical Areas Protection). Critical areas reviewed include wetlands, streams, fish and wildlife habitat conservation areas (FWHCAs), frequently flooded areas, and critical aquifer recharge areas.

Biologists from Otak conducted the field investigation on October 6, 2020. The study area for this report includes the proposed Fisher's Creek Subdivision site, which includes three tax parcels covering the smaller western portion of the former Fisher Quarry site, plus approximately 200 feet beyond the parcel boundary to identify offsite critical areas and buffers that could extend onto the study area. One wetland (Wetland B) and one stream (Fisher Creek) were identified within the study area and delineated in the field.

Wetland B was classified as depressionnal per the hydrogeomorphic (HGM) classification system and has palustrine forested (deciduous) Cowardin habitat. The standard buffer width for Wetland B was determined by VMC Chapter 20.740.140 (Wetlands – buffers) based on category and habitat score using the Washington State Wetland Rating System for Western Washington – 2014 Update (Hruby 2014). Wetland B is rated Category III

with a habitat score of 5, which is considered to be low habitat function per VMC 20.740.140. Therefore, Wetland B has a buffer width of 80 feet for high intensity land uses.

Fisher Creek flows north to south along the western study area boundary and continues offsite to the south. Along the western study area boundary, Fisher Creek outlets from a culvert underneath SE 177th Lane, flows in a forested ravine, and then enters another culvert underneath State Route (SR 14). Fisher Creek is a Type F (perennial fish bearing) stream and has a 100-foot Riparian Management Area and a 75-foot Riparian Buffer for a total buffer width of 175 feet per VMC 20.740.110.

No known state or federally listed (Endangered and Threatened) wildlife or plant species or their designated critical habitats occur on the property. There are no frequently flooded areas on the property. Critical Aquifer Recharge Areas are mapped throughout the site as the entire City of Vancouver is designated as a Critical Aquifer Recharge Area per VMC 14.26.115.

Wetland buffer averaging in accordance with VMC 20.740.140(C)1.b.ii is proposed in the northeast corner of the proposed subdivision to accommodate the new SE 178th Ave road extension. Approximately 1,430 square feet (SF) of wetland buffer will be temporarily impacted during construction and restored to in-kind. Approximately 510 SF of the outer wetland buffer will be reduced to accommodate the proposed road and sidewalk hardscape, and 4,063 SF of buffer addition and restoration is proposed for a net gain of 3,553 SF of forested wetland buffer.

On the west of the proposed project, residential units, stormwater facilities, and a neighborhood park are proposed within 22,390 SF of the low-functioning riparian buffer zone. This area is currently disturbed and cleared of vegetation, and has been historically used for equipment staging during mining operations. The mining equipment has been removed but the compacted soils remain. To offset these impacts to the riparian buffer zone, 11,185 SF of the inner riparian management zone along Fisher's Creek will be restored by de-compacting soils and restoring native riparian forest habitat. The proposed restoration of the riparian management zone along Fisher's Creek will result in a functional lift in overall riparian functions and habitat on site relative to the existing heavily disturbed condition as required per VMC 20.740.110(C)2.a. A 5-year monitoring program is proposed to ensure successful restoration of the riparian management zone on site.

6. *Design standards that will govern the orientation and design of buildings and other improvements include but are not limited to the following. Applicants for planned developments shall be encouraged to use building techniques and materials that result in projects that architecturally attractive, durable and energy-efficient.*
  - a. *Architecture, including design standards and building materials board(s), for buildings, fences, walls and other structures.*

**Response:** The future townhomes will be constructed based on designs similar to the elevations provided in Appendix M, Architectural Elevations and Floor Plans. These elevations illustrate two separate design options predicated primarily on hip roof and gable roof designs. Material and color options are also included in the exhibit.

- b. *Landscaping, including design standards and standard plant list. Native plant materials are preferred.*

**Response:** The applicant is providing a Landscape Plan and Plant List – see Sheets L-01 through L-04. The Plant List includes native plant materials.

- c. *Pedestrian circulation, including development standards, amenities and materials.*

**Response:** The applicant has proposing a connective on-site sidewalk system that connects with the sidewalk along the west side of NE 178<sup>th</sup> Avenue and future connection to Brady Road to the east. The on-site sidewalk system includes 5-foot wide sidewalks and 5-foot wide planter strips, with ground cover and street trees buffering the sidewalk from the street. In addition, trails are included in Tract A as part of the open space amenity areas.

- d. *Bicycle parking facilities, including specifications.*

**Response:** The applicant proposes bicycle parking within individual homes and garages.

e. *Signs.*

**Response:** The applicant is not proposing any commercial signs.

f. *Lighting.*

**Response:** The applicant is providing street lights along proposed streets. See Sheet SS-01 for details.

#### **20.260.080 Detailed Development Plan Submission Requirements**

A. *Submission requirements. At the time of construction of a project or phase of development that was approved as part of the concept development plan, the applicant shall submit the following documentation demonstrating that the proposed project or phase is in substantial compliance with that contained in the original approval by means of a site plan review, using procedures contained in 20.270 VMC. An application submitted for a detailed development shall include the following:*

1. *Detailed site plan.*

**Response:** The applicant has submitted a Detailed Site Plan. See Sheets C-00 and C-01 for details.

2. *Elevations of all buildings.*

**Response:** The applicant has submitted proposed elevations for the townhomes. See Appendix M for details.

3. *Landscape plan.*

**Response:** The applicant has submitted a Landscape Plan. See Sheets L-01 through L-04 for details.

4. *Erosion control plan.*

**Response:** The applicant has submitted an Erosion Control Plan. See Sheet GR-01 for details.

5. *Stormwater management plan including low impact development site analysis determining feasibility of using LID techniques.*

**Response:** The applicant has submitted a Stormwater Management Plan. See Appendix H, as well as Sheets STRM-01 and STRM-02 for details.

6. *Narrative documenting the following:*

- a. *Compliance with all development and design standards in the base zone, as modified in the initial concept plan approval.*
- b. *Compliance with all relevant conditions of approval.*
- c. *Consistency with traffic, parking and infrastructure plans contained in the initial concept plan approval.*

**Response:** The applicant has addressed all of the items above in the narrative herein.

### **C. Chapter 20.270 Site Plan Review**

#### **20.440.050 Approval Criteria**

A. *Compliance with applicable standards. The proposed development shall comply with all applicable design and development standards contained in this Title and other applicable regulations.*

**Response:** The proposal can comply with the standards of Title 20 and other applicable design and development standards contained in this Title, as well as other applicable regulations. All applicable standards are thoroughly addressed below under specific Subsections, including the base zoning District (R-9). The following applicable regulations are also addressed below:

VMC Chapters 11.70 Transportation Concurrency; 11.80 Street and Development Standards; 14.04 Water and Sewer Use Regulations and Charges; 14.08 Connection to Public Sewers; 14.16 Water and Sewer Service Connections; 14.24 Erosion Control; 14.25 Stormwater Control; 16.04.150 Fire Apparatus Access; 16.04.160 Fire Protection Water Supplies; 16.04.170 through 16.04.200 Fire Protection Systems; 20.210 Decision Making Procedures; 20.270 Site Plan Review; 20.430 Commercial and Mixed Use Districts; 20.740 Critical Areas Protection; 20.770 Tree, Vegetation and Soil Conservation; 20.790 SEPA Regulations; 20.915 Impact Fees; 20.925 Landscaping; 20.935 Off-Site Impacts; 20.945 Parking and Loading; 20.970 Solid Waste Disposal and Recycling and 20.985 Vision Clearance.

- B. Adequacy of public facilities. The applicant shall demonstrate availability of adequate public services, e.g., roads, sanitary and storm sewer and water, available to serve the site at the time development is to occur, unless otherwise provided for by the applicable regulations.*

**Response:** Public facilities can be determined to be adequate through the analysis of the applicant's Plan Set addressing public facilities, including Sheet C-01 (Site Plan), GR-01 (Grading/Erosion Control Plan), UT-01 and UT-02 (Utility Plan) and STRM-01 and STRM-02 (Stormwater Plan). Public facilities are also specifically addressed below under the applicable Subsections addressing water, sewer, stormwater, erosion control, fire protection and transportation. Overall, existing water service can serve the proposal through extension of the 8-inch main within SE 178<sup>th</sup> Avenue. Existing sanitary sewer service can serve the proposal through extension to the public sewer line within SE 177<sup>th</sup> Lane. A stormwater system has been designed and proposed per applicable minimum requirements and Best Management Practices (BMPs), as indicated in the Stormwater Report (Appendix H).

#### **D. Chapter 20.320 Subdivisions**

##### **20.320.015 Applicability**

*All divisions of land except those listed in Subsection (D) below, shall be subject to the requirements of this Section.*

- A. Short subdivisions. A short subdivision is a land partition containing nine (9) or fewer lots.*

**Response:** The applicant proposes to divide the existing 1.31 acre (57,043 square feet) parcel into two smaller parcels: Lot 1 at .61 acres (26,741 square feet) and Lot 2 at .70 acres (30,302 square feet). Two lots are proposed for this project; therefore, the application is a short subdivision.

##### **20.320.020 Approval Process**

- 1. Short subdivisions. The planning official shall approve, approve with conditions or deny an application for a short subdivision preliminary plat by means of a Type II procedure, pursuant to VMC 20.285.050, using approval criteria contained in VMC 20.320.040, and additional requirements of Chapter 20.920 VMC if a qualifying infill development, and Chapter 20.927 VMC if a qualifying narrow lot development.*

**Response:** The applicant proposes a 2-lot short subdivision as a Type II application, to be reviewed concurrently with the other applications in this Type II request. The approval criteria contained in VMC 20.320.040 is addressed below. Chapter 20.920 VMC and Chapter 20.927 VMC do not apply to this proposal and application.

- A. Term of preliminary plat approval.  
B. Phasing.  
C. Extensions.  
D. Transportation concurrency.*

**Response:** The applicant understands that the term of the subdivision is 7 years, and that extensions can be reviewed and approved at a later date. No phasing is proposed as part of this subdivision. Transportation concurrency is addressed below.

##### **20.320.030 Preliminary Plat Application Requirements**

- A. Application – Fees  
B. Submittal Requirements*

**Response:** The applicant has provided the appropriate fees as part of this application. The applicant has also provided all submittal requirements, including an existing conditions plan, grading/erosion control plan, preliminary

plat, written narrative (herein), geotechnical report, traffic report, stormwater plan and report, title report, and mailing list/labels.

#### **20.320.040 Preliminary Plat Approval Criteria**

*Approval criteria. To grant approval of a preliminary short subdivision or subdivision, the applicant must demonstrate compliance with all of the following criteria:*

- A. Public facilities provision. Appropriate provisions to the extent necessary to mitigate an impact of the development have been made for transportation, water, storm drainage, erosion control and sanitary sewage disposal methods that are consistent with the City's current ordinances, standards and plans;*

**Response:** Public facilities can be determined to be adequate through the analysis of the applicant's Plan Set addressing public facilities, including Sheet C-01 (Civil Site Plan), GR-01 Grading/Erosion Control Plan), UT-01 (Utility Plan) and STRM-01 (Stormwater Plan). Public facilities are also specifically addressed below under the applicable Subsections addressing water, sewer, stormwater, erosion control, fire protection and transportation.

- B. Proposed improvements. Appropriate provisions have been made for proposed streets, alleys and public ways, utilities and other improvements that are consistent with the City's current ordinances, standards and plans, and Department of Health and/or Washington State Department of Transportation standards and plans, where applicable;*

**Response:** Public improvements are required and to serve the proposed development. These include the construction of SE 178<sup>th</sup> Avenue, SE Brady Road and Fisher's Creek Road, with associated water and sewer facilities to serve the site. The applicant has also included a copy of the development application submitted to Clark County Public Health for additional review of adequacy of public/private utility facilities.

- C. Open space and dedications. Appropriate provisions to the extent necessary to mitigate an impact of the development have been made for open space, parks, schools, dedications, easements and reservations;*

**Response:** The open space area provided in the proposal includes a total of 81,950 square feet located in Tracts A and B, which is approximately 36% of total site area. This area includes 28,057 square feet of active/useable open space area within Tract A, which equates to approximately 34% of the overall open space area and 12.5% of overall site area. The active open space areas are accessible through trails and provide recreation opportunities for residents and the general public.

- D. Physical characteristics. The design of the proposed short subdivision or subdivision site has taken into consideration the physical features of the site, including but not limited, to: topography, soil conditions, susceptibility to flooding, inundation or swamp conditions, steep slopes or unique natural features such as wildlife habitat or wetlands;*

**Response:** The design of the proposed subdivision has taken into consideration a riparian area (Fishers's Creek), a wetland, steep slopes and buildable portions of the site, mostly through review and consideration of the Geotechnical Report (see Appendix I) and Critical Areas Report (Appendix J). Sheet L-03 in the Plan Set (Appendix Q) identifies proposed buffer impact mitigation areas. The applicant is also requesting approval of a Critical Areas Permit, which provides greater opportunity for staff to review critical areas associated with the site.

- E. Re-platting of existing subdivisions. When re-platting an existing subdivision, the short subdivision or subdivision shall comply with all of the terms and conditions of the existing subdivision's conditions of approval;*

**Response:** The applicant is not re-platting an existing subdivision; therefore, this criterion does not apply.

- F. Compliance with all requirements of this title. The proposed short subdivision or subdivision complies with all applicable requirements of this title unless modified through the approval; and*

**Response:** The applicable requirements of this title are addressed through various sections of this narrative, as well as the Plan Set (Appendix Q)



- G. *Compliance with State requirements. That the proposed short subdivision or subdivision complies with the requirements of RCW 58.17.110.*

**Response:** A SEPA Checklist was submitted with this application (Appendix E).

- H. *Narrow Lot Additional Criteria. Land divisions which contain one or more residential lots having a width of less than 40 feet shall meet additional criteria of VMC 20.927.030 A, B and C.*

**Response:** Narrow Lot criteria in VMC 20.927.030 A, B and C is addressed below.

**20.320.070.A.1 (a-j) Technical Standards**

1. *Principles of acceptability. The short subdivision or subdivision shall conform to the comprehensive plan. The short subdivision or subdivision shall conform to the requirements of the state law and to the standards established by this title.*
  - a. *Street improvement standards. All proposed streets and street improvements shall comply with the provisions of VMC Title 11 and approved transportation standards details on file with the public works department.*
  - b. *Blocks. The length, width and shape of blocks shall be designed with due regard to providing adequate building sites for the use contemplated; consideration of the needs for convenient access, circulation, control, safety of motor vehicular, bicycle and pedestrian traffic and recognition of limitations and opportunities of topography.*
  - c. *Blocks shall not exceed 1,300 feet in length between street lines, except blocks adjacent to arterial streets or unless a previous adjacent layout or topographical conditions justify variation. The recommended minimum distance between intersections of arterial streets is 1,800 feet. Minimum length of a block shall not be less than 180 feet.*
  - d. *Easements*

**Response:** All proposed streets are designed per the applicable standards, as specifically conveyed in the Plan Profiles for proposed streets in Sheets PP-02 through PP-03 in the Plan Set (Appendix Q). The maximum proposed block length is approximately 412 feet and the minimum proposed block length is approximately 252 feet; therefore, the block length standards herein are met.

1. *Utility lines. Easements for sewers, drainage, water lines, electric lines or other public use utilities shall be provided. The size and location of the easement shall be reviewed and approved by the appropriate utility provider.*

**Response:** All utilities are proposed to be in public rights-of-way or easements.

2. *Watercourses. If a subdivision is traversed by a watercourse, such as a drainageway, channel or stream, there shall be provided a stormwater easement for the width of the watercourse plus 15 feet on each side of the watercourse. Streets or parkways parallel to a major watercourse may be required.*

**Response:** Fisher's Creek traverses the western portion of the site. This area, including the 100-foot Riparian Management Zone (RPZ) and 175-foot Riparian Buffer Zone.

3. *Pedestrian/bicycle ways in and through residential subdivisions. In blocks over 800 feet in length, a pedestrian/bicycle way with a minimum width of 16 feet shall be required through the middle of the block when required by the transportation manager for public convenience and safety; 12 feet of the 16-foot corridor shall be paved in a durable material. If unusual conditions require blocks longer than 1,200 feet in length, two pedestrian/bicycle ways shall be required. When required by the transportation manager for public convenience and safety, pedestrian ways shall be required to connect cul-de-sacs or to pass through unusually shaped lots.*
  - a. *Flag lots. Flag lots may be permitted, provided that the minimum width of the flag stem be 15 feet for a single lot and 20 feet for a shared flag access, and it is in compliance with fire access standards contained in VMC 16.04.150. No more than four lots may be accessed*

from a single flag stem. A private maintenance agreement shall be recorded for driveways which serve more than one lot.

- b. *Lot side lines.* Side lines, as far as practical, shall run at right angles to the street on which the lot faces.
- c. *Lot frontage.* With the exception of flag lots, all lots shall abut on a public or private street with a minimum frontage of not less than 20 feet.
- d. *Parks and playgrounds.* The review authority shall see that appropriate provision is made for parks and playgrounds to serve the proposed subdivision.
- e. *Narrow Lot Land Divisions.* Land divisions which contain one or more residential lots having a width or less than 40 feet shall meet the development standards of VMC 20.927.040.
- f. *Existing trees.* All subdivision developments shall comply with the tree and vegetation management provisions contained in Chapter 20.770 VMC, Tree, Vegetation and Soil Conservation.

**Response:** The maximum block length proposed is less than 400 feet; therefore, the 800-foot threshold for requirements in this Subsection is not exceeded, and compliance with standards are not required.

## **E. Chapter 20.400 Zoning Districts**

### **20.410 Residential Districts**

#### **20.410.030 Uses**

**Response:** The property is zoned Urban Low Density Residential (R-9). Per Table 20.410.030-1, Household Living is a permitted use in the R-9 zone.

#### **20.410.040 Minimum and maximum Densities**

**Response:** Per VMC 20.410.040 – 1, the density standards in the R-9 zone are proposed, as follows:

| <b>Standard</b>      | <b>Required</b>                                                                                                                                                                                                                                                                                | <b>Proposed</b>                                                                                                                                     |
|----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------|
| Minimum lot size     | 5,000 square feet                                                                                                                                                                                                                                                                              | Lot sizes range from 2250 to 3750 square feet. The proposal is to adjust the minimum lot size to 2250, per the Adjustment criteria addressed below. |
| Maximum net density  | 36.7 (37 rounded up) -<br>Calculation based on total site area (223,898 sq. ft.) minus streets/sidewalks area (39,595 sq. ft.) = 184,303 sq. ft. of net development area.<br>Net developable area (184,303 sq. ft.) = 4.22 net developable acres. 4.22 multiplied by 8.7 units per acre = 36.7 | 34 units proposed.                                                                                                                                  |
| Maximum average size | 7,400                                                                                                                                                                                                                                                                                          | Lot sizes range from 2250 to 3750 square feet.                                                                                                      |
| Minimum net density  | 25.3 (26 rounded up) -<br>Calculation based on total site area (223,898 sq. ft.) minus critical area (37,070 sq. ft.) = 186,828 sq. ft. of net development area. Net developable area (186,828 sq. ft.) = 4.29 net developable acres. 4.29 multiplied by 5.9 units per acre = 25.31            | 34 units proposed.                                                                                                                                  |

The table above indicates that most of the density standards in this Subsection are met. Minimum lot size is not met, and is addressed in Planned Development Adjustment criteria below.

#### **20.410.050 Development Standards**

**Response:** Per VMC 20.430.050 – 1, the development standards in the R-9 zone are proposed, as follows:

| <b>Standard</b>                  | <b>Required</b>                               | <b>Proposed</b>                                                                  |
|----------------------------------|-----------------------------------------------|----------------------------------------------------------------------------------|
| Maximum lot coverage             | 50%                                           | 50% maximum lot coverage proposed (39% overall impervious surface for the site). |
| Minimum setbacks (yard)          |                                               |                                                                                  |
| Front yard (perimeter lots only) | 10 feet                                       | 10 feet                                                                          |
| Rear yard (perimeter lots only)  | 5 feet                                        | Various, 10 feet minimum                                                         |
| Side yard                        | None – superseded by PD Development Standards | Various                                                                          |
| Street side                      | 10 feet                                       | 10 feet                                                                          |
| Maximum height                   | 35 feet                                       | 35 feet                                                                          |
| Minimum landscape area           | 10%                                           | Approximately 35% for the entire site                                            |

The table above indicates that all of the development standards in this Subsection are met.

### **F. Chapter 20.710 Archaeological Protection**

#### **20.710. Archaeological Resource Protection**

**Response:** An Archeological Report (Study) was submitted as part of this application. See Archeological Report, Appendix K, for reference. The Abstract of this study reports, “No definitively historical, quarry-related features, artifacts or pieces of equipment were observed in the quarry.”

### **G. Chapter 20.740 Critical Areas Protection**

**Response:** A Geotechnical Report addressing slope stability and geologic hazard analysis for slopes over 25% has been included in this application (See Appendix E). The report indicates no slopes over 25%, with an overall conclusion that there are not geologic hazards and the site is suitable for development. The report also includes recommendations for design and construction, including those for site preparation, foundation support, floor slab support, retaining wall design and construction, pavement design, excavation, surface drainage, seismic design and construction monitoring/testing.

A Critical Areas Report is also included with this application (See Appendix J). The report identifies a riparian stream (Fisher’s Creek) and a wetland (Wetland B) and overall identifies, characterizes, and delineates critical areas at the subject site. The report and buffer mitigation plan (also see Sheet L-03 in the Plan Set, Appendix Q) was completed for the Fisher’s Creek Subdivision project per Vancouver Municipal Code (VMC) Chapter 20.740 (Critical Areas Protection). Critical areas reviewed include wetlands, streams, fish and wildlife habitat conservation areas (FWHCAs), frequently flooded areas, and critical aquifer recharge areas.

Biologists from Otak conducted the field investigation on October 6, 2020. The study area for this report includes the proposed Fisher’s Creek Subdivision site, which includes three tax parcels covering the smaller western portion of the former Fisher Quarry site, plus approximately 200 feet beyond the parcel boundary to identify offsite critical areas and buffers that could extend onto the study area. One wetland (Wetland B) and one stream (Fisher Creek) were identified within the study area and delineated in the field.

Wetland B was classified as depressional per the hydrogeomorphic (HGM) classification system and has palustrine forested (deciduous) Cowardin habitat. The standard buffer width for Wetland B was determined by VMC Chapter 20.740.140 (Wetlands – buffers) based on category and habitat score using the Washington State Wetland Rating System for Western Washington – 2014 Update (Hruby 2014). Wetland B is rated Category III with a habitat score of 5, which is considered to be low habitat function per VMC 20.740.140. Therefore, Wetland B has a buffer width of 80 feet for high intensity land uses.

Fisher Creek flows north to south along the western study area boundary and continues offsite to the south. Along the western study area boundary, Fisher Creek outlets from a culvert underneath SE 177th Lane, flows in a forested ravine, and then enters another culvert underneath State Route (SR 14). Fisher Creek is a Type F (perennial fish bearing) stream and has a 100-foot Riparian Management Area and a 75-foot Riparian Buffer for a total buffer width of 175 feet per VMC 20.740.110.

No known state or federally listed (Endangered and Threatened) wildlife or plant species or their designated critical habitats occur on the property. There are no frequently flooded areas on the property. Critical Aquifer Recharge Areas are mapped throughout the site as the entire City of Vancouver is designated as a Critical Aquifer Recharge Area per VMC 14.26.115.

Wetland buffer averaging in accordance with VMC 20.740.140(C)1.b.ii is proposed in the northeast corner of the proposed subdivision to accommodate the new SE 178th Ave road extension. Approximately 1,430 square feet (SF) of wetland buffer will be temporarily impacted during construction and restored to in-kind. Approximately 510 SF of the outer wetland buffer will be reduced to accommodate the proposed road and sidewalk hardscape, and 4,063 SF of buffer addition and restoration is proposed for a net gain of 3,553 SF of forested wetland buffer.

On the west of the proposed project, residential units, stormwater facilities, and a neighborhood park are proposed within 22,390 SF of the low-functioning riparian buffer zone. This area is currently disturbed and cleared of vegetation, and has been historically used for equipment staging during mining operations. The mining equipment has been removed but the compacted soils remain. To offset these impacts to the riparian buffer zone, 11,185 SF of the inner riparian management zone along Fisher's Creek will be restored by de-compacting soils and restoring native riparian forest habitat. The proposed restoration of the riparian management zone along Fisher's Creek will result in a functional lift in overall riparian functions and habitat on site relative to the existing heavily disturbed condition as required per VMC 20.740.110(C)2.a. A 5-year monitoring program is proposed to ensure successful restoration of the riparian management zone on site.

## **H. Chapter 20.770 Tree, Vegetation and Soil Conservation**

### **20.770.020 Applicability**

*B. Tree, Vegetation, and Soil Plan required Unless otherwise exempted in Section 20.770.030 VMC, any site subject to a development within the City of Vancouver shall be required to develop a tree, vegetation, and soil plan and shall be required to meet the minimum tree density herein created.*

**Response:** A Tree Plan, Planting Plan and Planting Details have all been included in this application. See the Landscape Plan Set for details. The minimum tree density required is 30 trees per acre. Based on a 4.67-acre site, the minimum number of trees required to meet the tree density requirement is 140 trees. The applicant proposes 128 trees be preserved and 44 trees be provided, for a total of 172 trees provided; therefore, the minimum tree density requirement is met. See Landscape Plan ( Sheet L-01 in Appendix Q) and Tree Plan (Appendix G) for details.

### **20.770.050 Tree, Vegetation, and Soil Plan Preparation**

### **20.770.070 Tree, Vegetation, and Soil Plan Review Standards**

**Response:** The site does contain on-site trees; therefore, tree preservation and the review procedures and standards are applicable for a Level V Tree Plan Review.

5. *Level V Tree, Vegetation, and Soil Plan. A level V tree, vegetation, and soil plan is required for proposed residential subdivisions, commercial, industrial, multi-family (more than four units), parks, conditional use sites in which existing trees are proposed for removal, could be damaged by construction activities, and/or could become hazardous. If the activity includes tree retention and necessary protection adjacent to the development activity, the plan must be developed with the assistance of a qualified professional. The plan shall include the following information:*

**Response:** The applicant has included a Level V Tree, Vegetation, and Soil Plan as part of this application. Also included is a calculation for tree density. The minimum tree density required is 30 trees per acre. Based on a 4.67-acre site and the requirements of the Master Plan, the minimum number of trees required to meet the tree density requirement is 140 trees. The applicant proposes 128 trees be preserved and 44 trees be provided, for a total of 172 trees provided; therefore, the minimum tree density requirement is met. See Landscape Plan ( Sheet L-01 in Appendix Q) and Tree Plan (Appendix G) for details.

#### **20.770.080 Tree Density Requirement**

- C. Minimum tree density requirement established. The required minimum tree density is 30 tree units per acre for new development; 30 tree units per acre of site disturbance for commercial, industrial and multiple-family (more than four units) development; and 200 tree units for Conversion Option Harvest Forest Practices. For properties within the City Center District, the minimum tree density does not apply.*
- 5. The tree density may consist of existing trees, replacement trees or a combination of existing and replacement trees, pursuant to the priority established in Section 20.770.070 VMC. Existing tree units in excess of the minimum density may be required to be retained based on the tree, vegetation, and soil plan review standards of 20.770.070. Required street trees may not be counted toward the minimum tree density requirement except as provided in VMC 20.770.070.B.4.f.*
- 6. When trees are retained in tree tract(s) in a residential subdivision, a higher minimum tree density is set based on the nature of the grove(s); provided, that the creation and establishment of tree tract(s) shall not reduce the housing density allowed on the subject sit under applicable requirements of this Title.*

**Response:** A Tree Plan, Planting Plan and Planting Details have all been included in this application. See the Landscape Plan Set for details. The minimum tree density required is 30 trees per acre. Based on a 4.67-acre site, the minimum number of trees required to meet the tree density requirement is 140 trees. The applicant proposes 128 trees be preserved and 44 trees be provided, for a total of 172 trees provided; therefore, the minimum tree density requirement is met. See Landscape Plan ( Sheet L-01 in Appendix Q) and Tree Plan (Appendix G) for details.

#### **20.770.100 Maintenance Requirements**

[...]

- C. Multifamily Residential, Commercial, Industrial Developments, Conditional Use. For all soils, vegetation, and trees covered by the tree, vegetation, and soil plan, the maintenance requirement shall apply in perpetuity to developments that are multifamily residential developments in excess of four units, commercial and industrial. The applicant shall execute a covenant in a form agreeable to the city which shall require that the applicant and his successors comply with the maintenance requirement imposed by this section. The covenant shall be binding on successor property owners and owners' associations. The covenant shall be recorded by the county auditor. The recording fee shall be paid by the applicant.*
- D. Maintenance agreement. Each development to which the maintenance requirement for this Chapter applies and that contain protected areas shall also be subject to a maintenance agreement. The Planning Official shall require the applicant to execute a maintenance agreement with the City, in a form acceptable to the city attorney, which shall include the provisions of the maintenance requirement in this Chapter, to ensure the survival and proper care of any soils, vegetation, and trees identified in the tree, vegetation, and soil plan*

**Response:** The applicant understands that required covenants and maintenance agreements may be a condition of approval, and those documents will be provided if required.

#### **I. Chapter 20.790 SEPA Regulations**

**Response:** See SEPA Checklist, Appendix E.

#### **J. Chapter 20.915 Impact Fees**

**Response:** The applicant understand that impact fees are calculated at the time of project approval.

#### **K. Chapter 20.925 Landscaping**

##### **20.925.030 General Provisions**

- A. Landscaping Requirements. Landscaping shall be provided and maintained per Table 20.925.030–1 and 20.925.030-2 of this section*

**Response:** The site is zoned R-9 and these provisions apply to properties zoned R-9. However, based on Note 3 in Table 20.925.030–1, the landscape and buffer requirements only apply to multi-family site plan applications and the perimeter of a land division, and not to individual single-family lot developments. The proposal is for single-family lot development, therefore, the landscape and buffer requirements in this Subsection should not apply.

However, if staff determines that these provisions apply to the perimeter of the proposed land division, the applicant has provided findings to address the Subsection further. Overall, most of the site boundaries are not separated from another site by a public street, with only the R-9 site to the south separated from the site by SR-14. Per Table 20.925.030–1 and 20.925.030-2 of this section, as well as the zoning of the abutting development site(s), the following landscape buffer width requirements and provisions are indicated below:

- Site to the north – R-9, none required
- Site to the south – R-9, none required
- Site to the west – R-18, none required
- Site to the east – RGX, 5 feet of L3 (not applicable to single-family lot developments)

If required, the applicant can provide 5 feet of L3 along the eastern perimeter of the site, i.e. Lot 34.

*B. Obligation to maintain. Unless otherwise provided by the lease agreement, the owner, tenant and his agent, if any, shall be jointly and severally responsible for the maintenance of all landscaping and screening, which shall be maintained in good condition so as to present a healthy, neat and orderly appearance, shall be replaced or repaired as necessary, and shall be kept free from refuse and debris.*

**Response:** The applicant understands the obligation to maintain all proposed landscaping.

- C. Pruning required. All plant growth in landscaped areas of developments shall be controlled by pruning, trimming or otherwise so that:*
- 1. It will not interfere with the maintenance or repair of any public utility;*
  - 2. It will not restrict pedestrian or vehicular access;*
  - 3. It will not constitute a traffic hazard because of reduced visibility; and*
  - 4. Trees shall be pruned to provide at least 8' of clearance above sidewalks and 13' above a local street, 15' above a collector street, and 18' above an arterial street roadway surfaces.*

**Response:** The applicant understands the obligation to prune all proposed landscaping.

- D. Installation requirements. The installation of all landscaping shall be as follows:*
- 5. All landscaping shall be installed according to accepted planting procedures;*
  - 6. The plant materials shall be of high grade, and shall meet the quality and size standards of the American Standards for Nursery Stock (ANSI Z60, 1-1986, as updated); and*
  - 7. Landscaping shall be installed in accordance with Section 20.925.050 VMC.*
  - 8. All landscaped areas shall be provided with an irrigation system or a readily available water supply with at least one outlet located within 50' of all plant material.*
  - 9. All landscaped areas shall be provided with a 6 inch curb which could include curb cuts, wheel stops or other protective measure to allow for stormwater flow as part of LID.*
  - 10. Landscaped areas shall have a minimum length or width dimension of 5 feet in order to count toward the minimum required landscaped area.*

**Response:** The applicant has included a Level V Tree Plan (Appendix G) and Landscape Plan (Appendix Q, Sheets L-01 through L-03). The Landscape Plan is focused on proposed street trees and includes details required in this Subsection, including irrigation details.

#### **20.925.040 Protection of Existing Vegetation**

*Protection of existing vegetation. Existing vegetation on a site shall be protected as much as possible, and the protection of existing vegetation during development activities shall whenever possible, include open field or non-treed areas. Chapter 20.770 Tree, Vegetation, and Soil Conservation Ordinance contains additional standards for protection and retention of trees, vegetation, and soil.*

*Methods of protection. The developer shall provide methods for the protection of existing vegetation to be retained, such as protective fencing to remain during the construction process.*

*Remaining plants and undisturbed areas. Plants to be saved and areas not to be disturbed shall be noted on the landscape plans. The plan shall locate fencing used to protect vegetation and soils from damage during construction.*

**Response:** The applicant has included a Level V Tree Plan (Appendix G) and Landscape Plan (Appendix Q, Sheets L-01 through L-03). The minimum tree density required is 30 trees per acre. Based on a 4.67-acre site,

the minimum number of trees required to meet the tree density requirement is 140 trees. The applicant proposes 128 trees be preserved and 44 trees be provided, for a total of 172 trees provided; therefore, the minimum tree density requirement is met. Details for tree protection are provided in the Landscape Plan (Sheet L-01 in Appendix Q) and Tree Plan (Appendix G).

#### **20.925.050 Installation Requirements**

##### **A. Minimum plant specifications.**

1. *All required trees shall be at least 2" in caliper and shrubs at least 1 gallon.*
2. *Trees shall optimize tree diversity; include native species and at least 60% conifers; utilize insect and disease resistant trees unless determined by the Planning Official as not appropriate for the site conditions.*
3. *Trees, shrubs, perennials, perennial grasses, and groundcovers shall be located and spaced to accommodate their mature size on the site.*

##### **B. Soils, soil conditioning and mulching.**

1. *A minimum of 12" depth of non-mechanically compacted soil shall be available for water absorption and root growth in planted areas.*
2. *A minimum of a 4" layer of porous mulch shall be applied to all exposed soil surfaces of non-turf areas within the landscape area. Plant types that are intolerant of mulch shall be exempt from this requirement. Non-porous material, such as plastic sheeting, shall not be placed under the mulch. However, porous landscape fabric is permitted.*
3. *Areas that have been cleared, graded, or compacted and that have not been covered by impervious surface, incorporated into a drainage facility or engineered as structural fill or slope shall be amended with organic matter.*

**Response:** The applicant has included a Level V Tree Plan (Appendix G) and Landscape Plan (Appendix Q, Sheets L-01 through L-03). The minimum tree density required is 30 trees per acre. Based on a 4.67-acre site, the minimum number of trees required to meet the tree density requirement is 140 trees. The applicant proposes 128 trees be preserved and 44 trees be provided, for a total of 172 trees provided; therefore, the minimum tree density requirement is met. Details for tree protection are provided in the Landscape Plan (Sheet L-01 in Appendix Q) and Tree Plan (Appendix G).

#### **20.925.060 Street Trees**

- ##### **A. Street trees required.**
- All development projects fronting on a public street or a private street approved after the adoption of this Title shall be required to plant street trees in accordance with the standards in VMC 20.925.060(C).*

**Response:** Street trees are planned along SE 178<sup>th</sup> Avenue, SE Brady Road and Fisher's Creek, per the requirements and standards in VMC 20.925.060(C). Details for street trees are provided in the Landscape Plan (Sheet L-01 in Appendix Q).

#### **20.925.070 Buffering, Screening and Open Storage**

*Buffering and screening of parking, solid waste containers, and open storage shall be required as follows:*

- A. Parking lots. All parking, loading and maneuvering areas including driveways and drive-through lanes shall be screened from view per the standards of 20.945.040(1)(2) VMC.*
- B. Screening of service facilities. Except for one-family and two-family dwellings, any solid waste container or recycling or disposal area and ground-level service facilities such as gas meters and air conditioners which would be visible from a public street, parking area, or any residentially-zoned property shall be screened from view per the standards of 20.970 VMC by placement of a solid wood fence, evergreen hedge or masonry wall. All refuse materials shall be contained within the screened area.*
- C. Open Storage. Open storage, or storage not wholly within an enclosed building shall be required to meet the following requirements of Table 20.945.070-1.*

**Response:** No surface parking, exterior service facilities or open storage is proposed, therefore, buffering and screening requirements are not applicable.

#### **20.925.080 Interior Parking Areas**

*New developments and redevelopments shall provide interior parking lot landscaping per the standards of 20.945.040*

**Response:** No surface interior parking lot area is proposed; therefore, landscape requirements are not applicable.

## **L. Chapter 20.927 Narrow Lot Developments**

*Approval criteria. In order for the City to grant approval of a preliminary short subdivision or subdivision, the applicant shall demonstrate compliance with the following criteria, which shall be in addition to the preliminary subdivision approval criteria of VMC 20.320.040 A-G:*

*A. Conflicts on narrow lots shall be eliminated. The development has been designed to eliminate conflicts between on-site and off-site improvements and features associated with narrow lots. Specifically, the location, size, and design of features including driveways, public and private utilities (water, fire hydrants, sewer, roof infiltration, gas, cable, phone, electricity, etc.), on-street parking spaces, street trees, existing trees, light poles, common mailboxes, street signs, etc., shall be considered in the design of the development and coordinated to eliminate conflicts with one another and meet minimum spacing requirements.*

**Response:** The design of the development, especially for attached townhomes, has considered minimization of any potential conflicts between driveways, utilities, parking, street trees, street lights and street signs. See Plan Set in Appendix Q for details.

*B. Adequate guest parking shall be provided. The development has been designed to provide for at least one guest parking space for every three narrow lots in the development. Such spaces may be located on-street (on local access or loop classification roadways only) or in common parking areas subject to the development standards of 20.927.040A2.*

**Response:** Guest parking has been provided through on-street parking and residential driveways.

*C. Solid waste and recycling collection and access shall be provided. The development shall be designed to provide for safe access and maneuvering by solid waste and recycling collection vehicles to designated collection points for each lot.*

**Response:** Individual residences will provide individual trash collection and recycle bins curbside near driveways.

## **M. Chapter 20.935 Off-Site Impacts**

### **20.935.030 Performance Standards**

- A. Environmental Noise. Unless otherwise exempted by WAC 173-60-050, no development or use may create noise impacts, measured at the property line of the receiving property that exceed the maximum environmental noise levels established by WAC 173-60-050 listed in Table 20.935.030-1*
- 1. The above maximum noise levels shall be reduced by 10 dBAs between the hours of 10 p.m. and 7:00 a.m. for the receiving property. Also, at any hour of the day or night the applicable noise limitations above may be exceeded for any receiving property by no more than 5 dBA for a total of 15 minutes in any one-hour period, or 10 dBA for a total of 5 minutes in any one-hour period, or 15 dBA for a total of 1.5 minutes in any one-hour period.*
  - 2. Where potential noise impacts to adjacent uses from a proposed land use or development activity are identified, measures to mitigate such impacts may be imposed upon the land use or activity through the applicable review process, and may include: construction of a sound wall or fence; reorientation of buildings, parking and loading areas; and/or placement of berms and landscaping.*
  - 3. Sound walls shall meet the design standards of VMC 20.912.080 Fences and Walls.*
  - 4. Outdoor construction activity, including construction staging, shall occur no earlier than 7 a.m. and no later than 8 p.m., seven days a week.*
  - 5. Due to the negative effect excessive levels of environmental noise have upon the public health, safety and welfare, the noise standards set out in Table 20.935-1 are intended to apply to all uses in existence on the date of adoption of this ordinance and no right to maintain a use not in conformance with those standards shall exist.*
- B. Off-site drainage. No property may be graded, filled, or otherwise altered in a way that allows stormwater runoff to flow onto another property. All stormwater runoff shall be contained on-site and directed to an approved stormwater facility (such as an infiltration system) unless otherwise approved by the City, and such facility shall be maintained in proper working condition.*



- C. *Smoke and particulate matter. No development or use may create air emissions that exceed the legal limits established by the Southwest Clean Air Agency (SWCAA).*
- D. *Light and glare. No development or use shall create off-site glare impacts from direct or reflected light sources. For new developments, the Planning Official may impose conditions which minimize potential off-site light and glare impacts, such as placement of light sources away from adjacent properties, requiring shields on lights, or reducing the number of lights to the minimum needed for safety and security. For existing sources of glare, the Code Enforcement Supervisor may require sources of glare to be shielded or redirected to minimize off-site glare. Due to the negative effect off-site light and glare have upon the public health, safety and welfare, the prohibition on off-site light and glare is intended to apply to all uses in existence on the date of adoption of this ordinance and no right to maintain a use creating off-site light and glare impacts shall exist.*
- E. *Vibration. No development or use shall create off-site vibration impacts, discernible without instruments at the property line of the affected use.*

**Response:** The applicant understands that the proposal must at all times comply with the environmental noise, off-site drainage, smoke and particulate, light and glare, and vibration limits of VMC 20.935. If at any time in the future the proposal is out of compliance with the off-site impact regulations of VMC 20.935, the applicant/owner understands the requirement to bring the site back into compliance.

## **N. Chapter 20.945 Parking and Loading**

### **20.945.020 Applicability and Provisions**

[...]

- B. *Types of parking. For the purposes of this chapter, there are three types of parking:*
  - 1. *Accessory parking is parking associated with a specific development that is reserved for the use of the customers, residents, employees, students and/or visitors associated with the development. Accessory parking shall be subject to the minimum vehicle parking ratios contained in Table 20.945.070-2 and all of the other design and development standards in this chapter.*

**Response:** The proposed parking for the project is intended for the residents and visitors, therefore, is considered accessory parking. Compliance with the minimum parking ratios associated with the proposed accessory parking is addressed below.

### **20.945.030 General Provisions**

- A. *Location of accessory vehicle parking in relation to the primary use. The location of off-street parking will be as follows:*
  - 1. *Whenever possible, the required accessory parking shall be located on the same site as the primary use to which it is accessory.*
  - 2. *When it is not feasible to locate all or part of the minimum accessory parking on the same site, the following shall apply:*

**Response:** The applicant proposes that all parking be located on-site with the proposed residential use. Since this on-site parking is feasible, the remainder of the items in 20.945.030.A.2. apply to this project. The total proposed number of units for the project is 34, with 12 spaces required as visitor parking. Townhomes are considered 'residential' in Section 20.210.040 of the VMC. There are 34 units proposed and 34 parking spaces are proposed. The parking requirement is 1.0 space per unit, therefore, the requirement for this project is 34 spaces. 34 spaces are required, and 34 spaces are proposed. Therefore, the minimum parking requirement is met.

- C. *Parking in mixed-use projects.*

**Response:** The project does not propose a mix of uses, therefore, this Subsection does not apply.

- D. *Disabled-accessible parking and access. All parking areas and accessible routes of travel for the disabled shall comply with the standards of the State of Washington and the City of Vancouver applicable building code.*

**Response:** No accessible parking spaces are required and none are proposed for this project.

### **20.945.030 General Provisions**

**Response:** Parking is located on the same site as the use, therefore in compliance with this requirement.

### **20.945.040 General Design Standards for Surface Parking Areas**

**Response:** No surface parking lot areas are proposed; therefore, these design standards do not apply.

### **20.945.050 Bicycle Parking Design Standards**

- A. *Standards for all bicycle parking. Any bicycle parking implemented under this section must meet the following standards:*

**Response:** Bicycle parking is not required under 20.945, and the applicant is not currently proposing formal bicycle parking, therefore, the design standards under 20.945.050 do not apply.

### **20.945.070 Minimum Off-Street Parking Requirements**

*Per table 20.945.070-2, 1.5 spaces per Dwelling Unit are required for Multi-Dwelling units.*

**Response:** The applicant proposes that all parking be located on-site with the proposed residential use. Since this on-site parking is feasible, the remainder of the items in 20.945.030.A.2. apply to this project. The total proposed number of units for the project is 34, with 12 spaces required as visitor parking. Townhomes are considered 'residential' in Section 20.210.040 of the VMC. There are 34 units proposed and 34 parking spaces are proposed. The parking requirement is 1.0 space per unit, therefore, the requirement for this project is 34 spaces. 34 spaces are required, and 34 spaces are proposed. Therefore, the minimum parking requirement is met.

### **20.945.080 Minimum Off-Street Loading Requirements**

*Per table 20.945.080-2, one off-street loading space, 10 feet wide by 45 feet long with 14 feet of clearance, is required.*

**Response:** Staff has confirmed that the Minimum Off-Street Loading Standards do not apply to residential or multi-family residential projects, as there is no need for receipt, delivery or distribution of materials and merchandise by trucks.

## **O. Chapter 20.970 Solid Waste**

### **20.970.020 Applicability**

- A. *Chapter applicability*

*This section shall apply to new multi-family residential buildings containing five or more units and nonresidential construction projects that are subject to site plan review, as governed by Chapter 20.270 VMC*

**Response:** the applicant is not proposing multifamily residential containing five or more units, nor nonresidential construction projects that are subject to site plan review; therefore, the standards in this section are not applicable. Community storage areas are not proposed for trash or recycling. Residents will place approved bins on garbage pick-up days and place at the street. The garbage collector will drive the truck along the street and will then load the bins into their truck through the forklift mechanism of the truck.

## **P. Chapter 20.985 Vision Clearance**

### **20.985.020 Development Standards**

- A. *Conditional sight obstructions. Nothing in this title shall be deemed to permit a sight obstruction at a street intersection or service drive interfering with the view of the operation of motor vehicles on the streets to such an extent as to constitute a traffic hazard.*
- B. *Provisions with precedence. The provisions of this Section shall take precedence over any building and parking setbacks, except in the City Center District (CX) where the City Transportation Manager may authorize lesser requirements upon a finding that the public health, safety and welfare will not be adversely impacted.*
- C. *Provisions for established vision area. There shall be no sight obstruction between 30" and 10' above the street grade within the triangular vision clearance area established as follows:*

1. *Street Intersection. In the case of a street intersection, or street and alley intersection, two sides of this triangle are lot lines measured 20' from their intersection, and the third side is a line across the corner of the lot joining the extremities of the other two sides. See Figure 20.985-1.*

**Response:** A vision clearance triangle has been included on Sheet C-01 in the Plan Set. The vision clearance area indicates that there is no sight obstruction between 30" and 10' above the street grade within the triangular vision clearance area.

## **IV. Compliance with Vancouver Municipal Code – Title 11, Streets and Sidewalks More here from TIA**

### **A. Chapter 11.70 Transportation Concurrency**

**Response:** The applicant has not been required to provide a formal Traffic Impact Analysis (TIA). Instead, a Trip Generation and Distribution Letter has been provided. The Letter provides estimated trip generation based on a proposal consisting of 6 single-family dwelling units and 28 attached townhomes, with associated ITE Codes 210 (Single-Family Detached Housing) and 221 (Multifamily Housing) used in the proposed trip generation calculation. A total of 265 trips will be generated by the proposal. The Letter also identifies trip distribution and the intersections impacted by more than 5 peak hour trips, with trip distribution based on travel demand model plots obtained from the Southwest Washington Regional Transportation Council (RTC). This information and data has been correlated with the relevant Transportation Management Zone (TMZ), which are all part of the analysis in the Letter that provides the basis for an estimated proportionate share of fees for the SR-14/192<sup>nd</sup> Avenue Intersection. This estimated fee amount is \$16,000. Based on the data and analysis provided in the Trip Generation and Distribution Letter, there is sufficient capacity in the transportation system to safely support the proposed development.

### **B. Chapter 11.80 Streets and Development Standards**

**Response:** SE 178<sup>th</sup> Avenue is classified as a Neighborhood Circulator and the proposed design is based on the T 10-14 street section standards. SE Brady Road is classified as a Minor Arterial and the proposed design is based on the T 10-14 and T 10-15B street section standards. Fisher's Creek Road is classified as a Local Access Street and the proposed design is based on the T 10-15B street section standards.

The applicant has submitted a Minor Road Modification request as part of this Type IV application, with anticipated review and approval by Transportation staff. The Road Modification is intended to address three separate requests: pavement re-construction; modifications to Brady Road standards; and elimination of a hammerhead at the end of Brady Road. The Road Modifications are addressed separately in a Technical Memorandum, Appendix O.

Prior to civil plan approval, the applicant proposes to include the City of Vancouver standard advanced pavement restoration requirements on the civil drawings. Prior to final building occupation approval, the applicant proposes to comply with all requirements set forth on the civil drawings pursuant to the minor road modification approval. Therefore, the proposed development meets the requirements of VMC 11.80.

## **VI. Compliance with Vancouver Municipal Code – Title 14, Water and Sewers**

**Response:** Public facilities can be determined to be adequate through the analysis of the applicant's Plan Set addressing public facilities, including Sheet C-01 (Site Plan), GR-01 (Grading/Erosion Control Plan), UT-01 and UT-02 (Utility Plan) and STRM-01 and STRM-02 (Stormwater Plan). Public facilities are also specifically addressed below under the applicable Subsections addressing water, sewer, stormwater, erosion control, fire protection and transportation. Overall, existing water service can serve the proposal through extension of the 8-inch main within SE 178<sup>th</sup> Avenue. Existing sanitary sewer service can serve the proposal through extension to the public sewer line within SE 177<sup>th</sup> Lane.

### **A. Water**

**Response:** The applicant has included with this application a Utility Plan for review by The Water Systems Planning and Design Department. The project site is located within City of Camas water jurisdiction, therefore, subject to review and approval by this authority. See Sheets UT-01 and UT-02 and associated notes and details for reference and compliance with the City of Vancouver design requirements. The proposed lots will each be served by a domestic water line and fire line connections with associated water meters and backflow prevention, as depicted on the plans on Sheets UT-01 and UT-02. The services will be tapped at the existing 8" water line in SE 178<sup>th</sup> Avenue.

### **B. Sewer**

**Response:** The applicant has included with this application a Utility Plan for review by The Sewer Systems Planning and Design Department. The applicant proposes a 6-inch sanitary sewer service line to each of the buildings. The proposed development will be connected to the existing manhole in SE 177<sup>th</sup> Lane, as depicted on the UT-01 and UT-02 Plan Sheets. As part of this service line, one cleanout at the end of the line and one 4-foot diameter sanitary manhole at the change of direction. The proposed sewer lateral to the site will be connected to an 8-inch sanitary sewer main stub in SE 177<sup>th</sup> Lane. This 8-inch sewer line will extend and terminate at the proposed 4-foot manhole. See Sheet (UT-1) and associated details and notes for reference and compliance with the City of Vancouver design requirements. Therefore, the submittal satisfies the Code's public sewer and service requirements of VMC14.04.280, 14.08.050, and 14.16.010.

### **C. Erosion Control**

**Response:** The project site currently exists as a partially graded and excavation area, with little or no vegetation. The site slopes moderately to the south-west, with a steep slope near the edge of the site. See Geotechnical Report in Appendix I for details. The project will require about 8,153 cubic yards of cut material and about 23,115 cubic yards of fill material, with a total net earthwork of 14,965 cubic yards. Any potential threat of erosion control will be from the potential for sediment laden runoff from unprotected disturbed areas leaving the site. Any potential sediment tracking onto adjacent streets will be mitigated by installation of Vehicle Tracking BMP for haul vehicles used for exporting fill material. To mitigate the potential erosion resulting from the construction operations, the applicant proposes the use of concrete and wheel wash equipment. The water runoff from the site will be trapped in the temporary sediment pond and sediment will be periodically removed. Steep slopes below the site are going to be protected from erosion by installation of the silt fence and wattles along the perimeter of the site. The applicant has included an Erosion Control Plan and a Stormwater Pollution Prevention Plan (SWPPP) for the project that includes detailed management of potential material related to construction and soil disturbance at the site. See Sheet GR-1 and associated notes for details of erosion control plan.

### **D. Stormwater**

**Response:** The applicant understands that the proposed project must meet the requirements of the Ordinance and the Western Washington Phase II Municipal Stormwater permit because more than 5,000 square feet of hard surfaces will be created for the project. The applicant also understands that the project will be required to meet the runoff treatment and flow control requirements of the permit. Therefore, the applicant has submitted both a Stormwater Plan and a Stormwater Report for the project which are both included in this Type IV application. See Appendix D and Sheet STRM-01 – Stormwater Plan for details on storm water management.

A stormwater system has been designed and proposed per applicable minimum requirements and Best Management Practices (BMPs), as indicated in the Stormwater Report (Appendix H). The stormwater for the project will be directly conveyed through an 8-inch underground pipe to the regional stormwater facility (IC1) located downstream approximately 1,500 feet. The plans include runoff treatment and flow control with approved Best Management Practices (BMP). The report demonstrates the BMP have been sized properly and meet the requirements of the ordinance and the permit.

## VII. Compliance with Vancouver Municipal Code – Title 16, Fire

**Response:** The applicant has submitted a set of plans that demonstrate compliance with the requirements of Title 16. The applicant has included with this application a Utility Plan for review by The Vancouver Fire Department. See Sheets UT-01 and UT-02 for notes and associated details for reference. The development proposed on the site will be served by a domestic water line and fire line connections with associated water meters and backflow prevention, as depicted on the plans on Sheet UT-01 and UT-02. The services will be tapped at the existing 8-inch water line in SE 178<sup>th</sup> Avenue. Fire hydrants are included in the overall system.

## VIII. Compliance with Vancouver Municipal Code – Title 17, Buildings and Construction

### A. Scope of Review

**Response:** The applicant understands that a complete building code review of plans is not performed during pre-application or site plan review. Filing of building permit application with required fees and review material is required for a complete building code review. At this time, plans and information necessary to verify compliance with all applicable building code provisions is neither required nor provided.

### B. Applicable Codes

**Response:** The applicant understands that for a building permit to be issued, the project must comply with building codes applicable at the time of building permit application. Title 17 of the Vancouver Municipal Code contains rules and regulations for the technical codes as they regulate to site preparation and construction, alteration, moving, demolition, repair, use and occupancy of buildings, structures and building service equipment.

As part of future design, the applicant will be applying the following codes, as applicable:

- 2018 I-codes (Washington Amendments adopted July 1, 2020)
- 2015 International Building Code w/ WAC 51-50
- 2015 International Mechanical Code w/ WAC 51-52
- 2015 International Fire Code w/ WAC 51-54A
- 2015 Uniform Plumbing Code w/ WAC 51-56
- 2017 National Electrical Code
- 2015 Washington State Energy Code (WAC 51-11R & 51-11C)
- ICC/ANSI A117.1-2009 Accessibility w/ Washington Amendments (including IBC Ch. 11 amendments)
- 2015 International Fuel Gas Code
- Vancouver Municipal Code Title 17

The applicant will also be applying the following: City of Vancouver design criteria (135 mph wind speed 3 second gust, per ASCE 7-10); seismic zone D1; ground snow load of 25 psf; and roof snow load of minimum 25 psf.

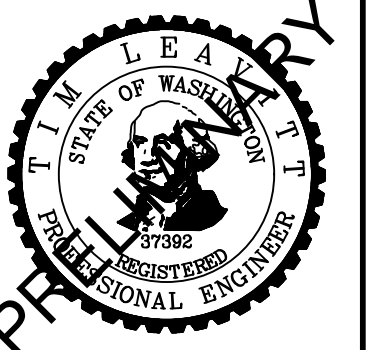
Overall, the applicant understands that the building department plan review and permit will be required for this project at which time final site issues will be reviewed, and that an engineer and architect licensed in the state of Washington will be required. A current geotechnical report will also be included for this project at time of building permit submittal. The site plan review process is a separate and distinct process from the land use process. Further, the applicant understands that building permit documents will demonstrate compliance including but not limited to: fire separation distance; fire resistance of exterior walls and opening limitations (per Chapter 7); electric vehicle charging infrastructure (per 427); and provision of accessible parking & route in compliance with Chapter 11 of the 2015 IBC & ICC A117.1-2009.

Finally, the applicant understands that each independent structure requires a separate building permit unless specifically exempted by VMC 17.08.090, including: buildings, retaining walls over four feet, fences and trash enclosures over six feet, and covered structure.

## IX. Conclusion

The applicant requests approval of the following applications: Planned Development Subdivision, SEPA, Critical Areas Permit, Level 5 Tree Plan and Minor Road Modification Request. The application and narrative demonstrate consistency and compliance with the applicable standards of Vancouver Municipal Code Titles 11, 14, 16 and 17. Therefore, the applicant respectfully requests approval of the application(s).





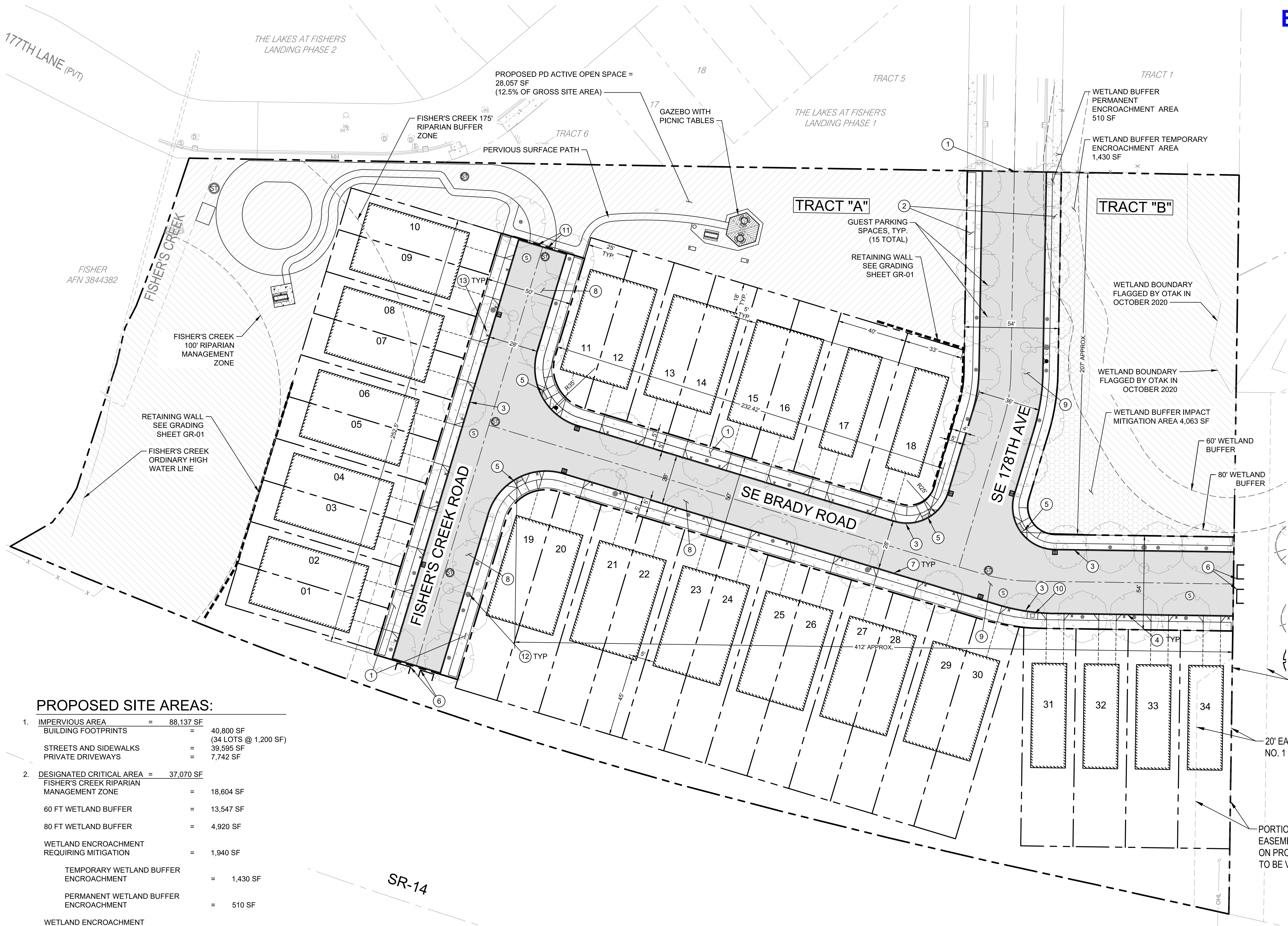
HURLEY DEVELOPMENT  
275 W 3RD ST, STE 300  
VANCOUVER, WA 98660

GENERAL NOTES:

1. SE 178TH AVE IS CLASSIFIED BY COV AS A NEIGHBORHOOD CIRCULATOR. SEE STREET SECTION T10-14.
2. SE BRADY RD IS CLASSIFIED BY COV AS A MINOR ARTERIAL. SEE STREET SECTIONS T10-14 AND T10-15B.
3. FISHER'S CREEK RD IS CLASSIFIED BY COV AS A LOCAL ACCESS. SEE STREET SECTION T10-15B.

- ① SAWCUT AND MATCH EXISTING PAVEMENT PER COV STD PLAN T05-01B AND T05-07.
- ② INSTALL NEW SIDEWALK PER COV STD PLAN T02-01A.
- ③ INSTALL TYPE E-1 CURB PER COV STD PLAN T01-01A.
- ④ INSTALL RESIDENTIAL DRIVEWAY (THROAT WIDTH PER PLAN). SEE COV STD PLAN T01-04A.
- ⑤ INSTALL ADA ACCESSIBLE CURB RAMP WITH DETECTABLE SURFACE WARNING PER COV STD PLANS T02-04A AND T02-15.
- ⑥ INSTALL TYPE III BARRICADE PER COV STD PLAN T07-06.
- ⑦ INSTALL SHARED DRIVEWAY WITH DETACHED SIDEWALK PER COV STD PLAN T01-08.
- ⑧ CONSTRUCT ROADWAY PER COV STD PLAN T10-15B.
- ⑨ CONSTRUCT ROADWAY PER COV STD PLAN T10-14.
- ⑩ INSTALL MAILBOXES PER COV STD PLAN T07-01.
- ⑪ INSTALL REMOVABLE BOLLARD PER COV STD PLAN T07-05.
- ⑫ INSTALL TYPE-A STREET LIGHT PER COV STD PLAN T21-02.
- ⑬ INSTALL SIGNAGE, SEE SIGNING, STRIPING, LIGHTING AND FIRE PLAN.

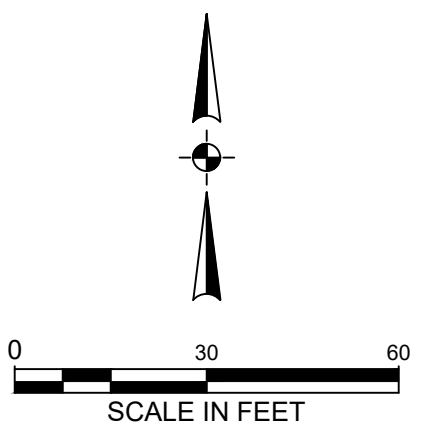
|    |                                              |   |                      |                   |
|----|----------------------------------------------|---|----------------------|-------------------|
| 1. | <u>IMPERVIOUS AREA</u>                       | = | 88,137 SF            |                   |
|    | BUILDING FOOTPRINTS                          | = | 40,800 SF            |                   |
|    |                                              |   | (34 LOTS @ 1,200 SF) |                   |
|    | STREETS AND SIDEWALKS                        | = | 39,595 SF            |                   |
|    | PRIVATE DRIVEWAYS                            | = | 7,742 SF             |                   |
| 2. | <u>DESIGNATED CRITICAL AREA</u>              | = | 37,070 SF            |                   |
|    | FISHER'S CREEK RIPARIAN<br>MANAGEMENT ZONE   | = | 18,604 SF            |                   |
|    | 60 FT WETLAND BUFFER                         | = | 13,547 SF            |                   |
|    | 80 FT WETLAND BUFFER                         | = | 4,920 SF             |                   |
|    | WETLAND ENCROACHMENT<br>REQUIRING MITIGATION | = | 1,940 SF             |                   |
|    | TEMPORARY WETLAND BUFFER<br>ENCROACHMENT     | = | 1,430 SF             |                   |
|    | PERMANENT WETLAND BUFFER<br>ENCROACHMENT     | = | 510 SF               |                   |
|    | WETLAND ENCROACHMENT<br>MITIGATION PROVIDED  | = | 4,063 SF             |                   |
| 3. | <u>ROW AREA</u>                              | = | 45,437 SF            |                   |
| 4. | <u>PRIVATE LOT AREA</u>                      | = | 96,511 SF            |                   |
| 5. | <u>OPEN SPACE</u>                            | = | 81,950 SF            |                   |
|    | ACTIVE OPEN SPACE                            | = | 28,057 SF            | (12.5% SITE AREA) |
| 6. | <u>TOTAL SITE AREA</u>                       | = | 223,898 SF           |                   |



20' EASEMENT TO PUD  
NO. 1 AFN G168624

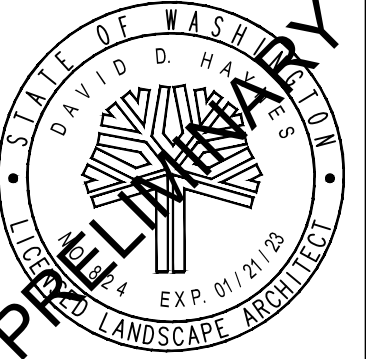
20' EASEMENT TO PUD  
NO. 1 AFN G168625

-PORTION OF  
EASEMENT THAT LIES  
ON PROPOSED LOT 34  
TO BE VACATED.



| TITLE          |      |             |
|----------------|------|-------------|
| #              | DATE | DESCRIPTION |
|                |      |             |
| REVISIONS      |      |             |
| DRAWN BY       |      | TOL         |
| LAND-USE       |      | CHECKED BY  |
| STATUS         |      |             |
| MAY 2021       |      |             |
| DATE           |      |             |
| 19809.002      |      |             |
| PROJECT NUMBER |      |             |





HURLEY DEVELOPMENT  
275 W 3RD ST, STE 300  
VANCOUVER, WA 98660

**FISHER'S CREEK SUBDIVISION**  
17700 SE EVERGREEN HWY  
CITY OF VANCOUVER, WASHINGTON

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**LANDSCAPE PLAN**

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**LAND-USE SUBMITTAL**

| TITLE |      |             |
|-------|------|-------------|
| #     | DATE | DESCRIPTION |

REVISIONS

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| NAB      | TDL        |
| DRAWN BY | CHECKED BY |

| LAND-USE |
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|----------|
| MAY 2021 |
| DATE     |

|                |
|----------------|
| 19809.002      |
| PROJECT NUMBER |

L-01

2021 OTAK, INC



1. ALL PLANTED AREAS TO RECEIVE ESTABLISHMENT IRRIGATION.
2. ALL STREET AND PRIVATE PLANTED AREAS TO BE IRRIGATED BY FULLY AUTOMATIC UNDERGROUND IRRIGATION SYSTEM.
3. PRIOR TO INITIATING WORK IN THE PUBLIC RIGHT-OF-WAY, CONTRACTOR TO PREPARE, SUBMIT, AND OBTAIN APPROVAL FROM THE CITY OF VANCOUVER FOR TRAFFIC CONTROL.

## TREE PLANTING NOTES

1. SEE SHEET L-02 FOR TREE INSTALLATION DETAILS AND NOTES.
2. PROTECT INSTALLED TREES THROUGHOUT DURATION OF CONSTRUCTION.
3. FERTILIZE, PRUNE, PROVIDE PEST CONTROL, AND WATER TREES THROUGHOUT CONSTRUCTION AND MAINTENANCE PERIOD IN ACCORDANCE WITH SPECIFICATIONS.
4. SCHEDULE TREE INSTALLATION TO AVOID OBSTRUCTING CONSTRUCTION ACCESS AND POTENTIAL DAMAGE TO TREES.
5. COST OF PROCUREMENT, INSTALLATION, AND 3-YEAR MAINTENANCE OF TREES ESTIMATED TO BE \$600 PER TREE.

## TREE DENSITY CALCULATION

SEE PLAN REPORT DATED APRIL 22, 2021 BY TERAGAN & ASSOC., INC.

1. SITE AREA = 4.67 ACRES
2. TREE UNITS REQUIRED = 140 (30 UNITS PER ACRE)
3. UNITS PROVIDED BY EXISTING TREES TO BE PRESERVED = 128
4. ADDITIONAL TREE UNITS REQUIRED = 12
5. ADDITIONAL TREE UNITS PROVIDED = 44

## RESTORATION AND MITIGATION PLANT LIST

|                       |                  |                  |             |                |
|-----------------------|------------------|------------------|-------------|----------------|
|                       | AREA 1           | AREA 2           |             |                |
|                       | 14,950 SF        | 4,063 SF         |             |                |
| TREES                 | <u>PLANT QTY</u> | <u>PLANT QTY</u> | <u>SIZE</u> | <u>SPACING</u> |
| ABIES GRANDIS         | 40               | 10               | 1 GAL.      | 10 FT O.C.     |
| ACER MACROPHYLLUM     | 30               | 10               | 1 GAL.      | 10 FT O.C.     |
| ALNUS RUBRA           | 40               | 10               | 1 GAL.      | 10 FT O.C.     |
| PSEUDOTSUGA MENZIESII | 40               | 10               | 1 GAL.      | 10 FT O.C.     |
| SHRUBS                |                  |                  |             |                |
| ACER CIRCINATUM       | 100              | 30               | 1 GAL.      | 4 FT O.C.      |
| CORYLUS CORNUTA       | 100              | 30               | 1 GAL.      | 4 FT O.C.      |
| LODODISCUS DISCOLOR   | 100              | 30               | 1 GAL.      | 4 FT O.C.      |
| MAHONIA AQUIFOLIUM    | 100              | 30               | 1 GAL.      | 4 FT O.C.      |
| SAMBUCUS RACEMOSA     | 100              | 30               | 1 GAL.      | 4 FT O.C.      |
| SYMPHORICARPOS ALBUS  | 135              | 30               | 1 GAL.      | 4 FT O.C.      |
| HERBACEOUS            |                  |                  |             |                |
| FRAGARIA VESCA        | 100              | 30               | 1 GAL.      | 4 FT O.C.      |
| POLYSTICHUM MUNITUM   | 100              | 30               | 1 GAL.      | 4 FT O.C.      |
| RUBUS URSINUS         | 100              | 30               | 1 GAL.      | 4 FT O.C.      |

## RESOURCE PLANTING NOTES

- 1) SEE PLANTING DETAILS AND NOTES SHEET L-02.
- 2) PLANT TREES IN GROUPS OF 3-5 AND AND SHRUBS IN GROUPS OF 7-15 IN ACCORDANCE WITH DETAILS AND NOTES. SEE SHEET L-02.
- 3) UNIFORMLY DISTRIBUTE PLANT SPECIES IN EACH CONTIGUOUS AREA AND AS DIRECTED BY LANDSCAPE ARCHITECT.
- 4) PLANT MATERIAL INSTALLATION MEANS AND METHODS TO BE IN ACCORDANCE WITH CITY OF VANCOUVER STANDARDS.

## PLANT SCHEDULE

| TREES                                                                                 |     | QTY                                        | BOTANICAL / COMMON NAME | CONT | CAL |
|---------------------------------------------------------------------------------------|-----|--------------------------------------------|-------------------------|------|-----|
|  | 24  | KOELREUTERIA PANICULATA / GOLDEN RAIN TREE | 2" CAL.                 | 2"   |     |
|                                                                                       | 20  | OSTRYA VIRGINIANA / AMERICAN HOPHORNBEAM   | B&B                     | 2"   |     |
| GRASSES                                                                               |     |                                            |                         |      |     |
|  | TBD | SUNMARK TURF SEED MIX                      | 7 LBS PER 1000 SF       |      |     |
|                                                                                       | TBD | SUNMARK NATIVE UPLAND SEED MIX             | 45 LBS PER ACRE         |      |     |

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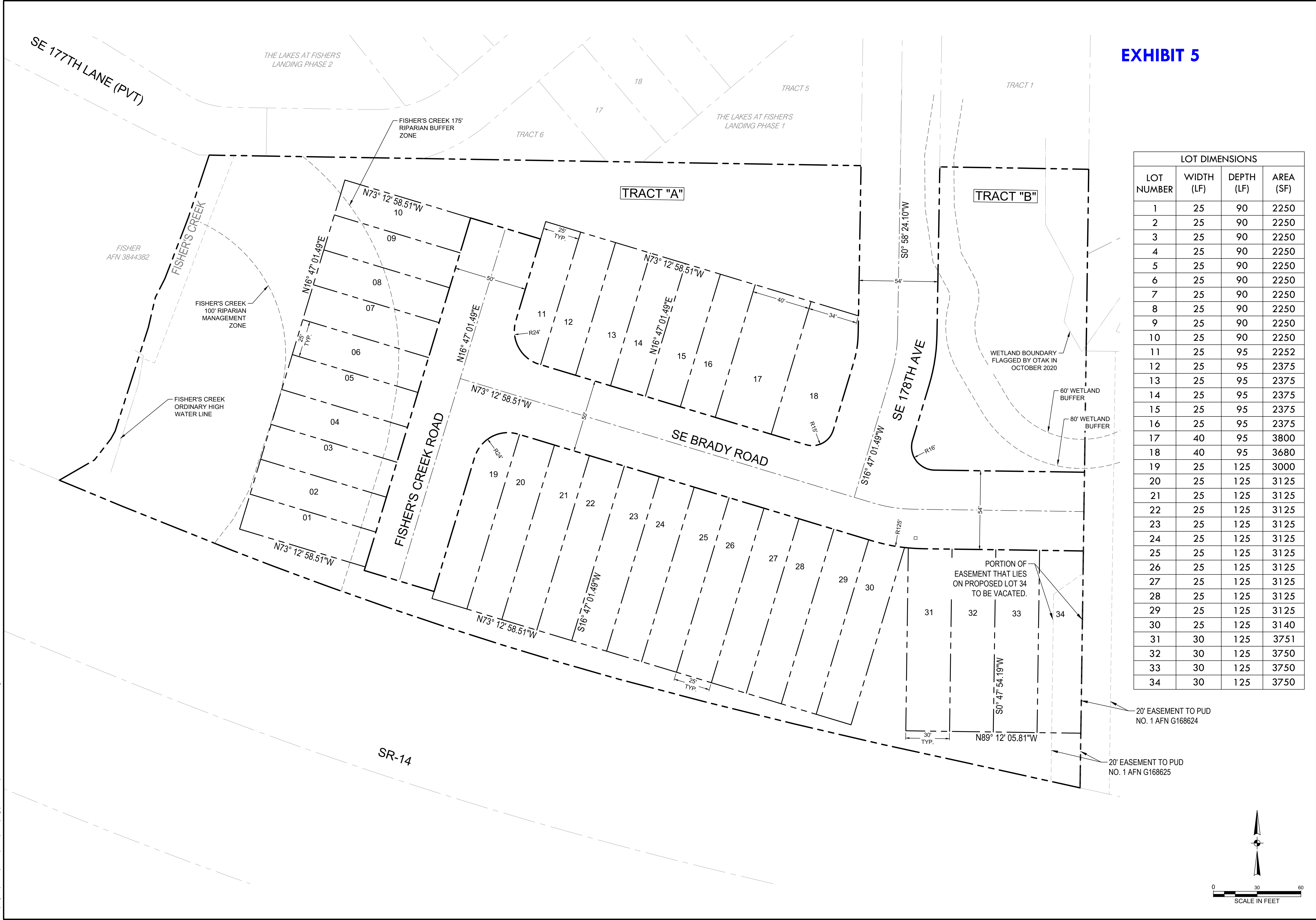
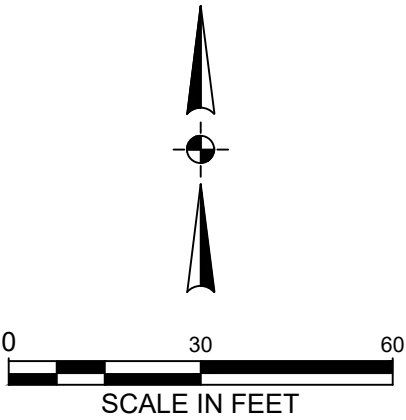


EXHIBIT 5

| LOT DIMENSIONS |            |            |           |
|----------------|------------|------------|-----------|
| LOT NUMBER     | WIDTH (LF) | DEPTH (LF) | AREA (SF) |
| 1              | 25         | 90         | 2250      |
| 2              | 25         | 90         | 2250      |
| 3              | 25         | 90         | 2250      |
| 4              | 25         | 90         | 2250      |
| 5              | 25         | 90         | 2250      |
| 6              | 25         | 90         | 2250      |
| 7              | 25         | 90         | 2250      |
| 8              | 25         | 90         | 2250      |
| 9              | 25         | 90         | 2250      |
| 10             | 25         | 90         | 2250      |
| 11             | 25         | 95         | 2252      |
| 12             | 25         | 95         | 2375      |
| 13             | 25         | 95         | 2375      |
| 14             | 25         | 95         | 2375      |
| 15             | 25         | 95         | 2375      |
| 16             | 25         | 95         | 2375      |
| 17             | 40         | 95         | 3800      |
| 18             | 40         | 95         | 3680      |
| 19             | 25         | 125        | 3000      |
| 20             | 25         | 125        | 3125      |
| 21             | 25         | 125        | 3125      |
| 22             | 25         | 125        | 3125      |
| 23             | 25         | 125        | 3125      |
| 24             | 25         | 125        | 3125      |
| 25             | 25         | 125        | 3125      |
| 26             | 25         | 125        | 3125      |
| 27             | 25         | 125        | 3125      |
| 28             | 25         | 125        | 3125      |
| 29             | 25         | 125        | 3125      |
| 30             | 25         | 125        | 3140      |
| 31             | 30         | 125        | 3751      |
| 32             | 30         | 125        | 3750      |
| 33             | 30         | 125        | 3750      |
| 34             | 30         | 125        | 3750      |



700 Washington Street  
Suite 300  
Vancouver, WA 98660  
Phone: 360.737.9613  
FAX: 360.737.9651  
www.otak.com

PROFESSIONAL ENGINEER

HURLEY DEVELOPMENT  
275 W 3RD ST, STE 300  
VANCOUVER, WA 98660

FISHER'S CREEK SUBDIVISION  
17700 SE EVERGREEN HWY  
CITY OF VANCOUVER, WASHINGTON

PRELIMINARY PLAT

LAND-USE SUBMITTAL

| TITLE | # | DATE | DESCRIPTION |
|-------|---|------|-------------|
|       |   |      |             |

REVISIONS

|                |            |
|----------------|------------|
| NAB            | TDL        |
| DRAWN BY       | CHECKED BY |
| LAND-USE       |            |
| STATUS         |            |
| MAY 2021       |            |
| DATE           |            |
| 19809.002      |            |
| PROJECT NUMBER |            |

C-00

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P.O. Box 1995 • Vancouver, WA 98668-1995  
[www.cityofvancouver.us](http://www.cityofvancouver.us)

July 16, 2021

**Notice of Application, Remote Public Hearing, and  
Optional SEPA Determination of Nonsignificance  
Fisher's Creek Subdivision and Planned Development  
PRJ-166679/LUP-81488**

**Request:** 34-lot single-family residential attached and detached subdivision and planned development. The property is zoned Low Density Residential (R-9).

Application was submitted June 12, 2021, and deemed fully complete July 2, 2021.

**Location:** 17700 SE Evergreen Hwy. 126779000, 126780000 & 126778000

**Contact:** Kevin Brady, Otak, Inc., 700 Washington Street, Suite 300, Vancouver, WA 98660  
503-504-1951

**Applicant/Owner:** Scot Brantley, HQ Vancouver, LLC, 275 W. 3rd Street, Suite 300, Vancouver, WA 98660 360-608-6026

**Remote Public Hearing Scheduled** Land Use Hearing conducted by the Hearing Examiner  
**Tuesday, October 19, 2021, 6 p.m.**

To avoid the spread of COVID-19, and to meet the Governor's orders, City of Vancouver will hold a virtual hearing. Interested parties can participate in the virtual hearing by emailing the project manager at [keith.jones@cityofvancouver.us](mailto:keith.jones@cityofvancouver.us). **Due to remote work conditions, e-mail is strongly preferred.**

Under the authority of VMC 20.790.230, the City of Vancouver will use the optional combined determination of nonsignificance (DNS) and notice of application process. Based on the initial review of the proposed project, the City of Vancouver expects to issue a DNS on the proposal, finding the project will not create probable significant adverse environmental impacts.

**The comment period for the notice of application may be the only opportunity to comment on the environmental impacts of the proposal.** The proposal may include mitigation measures under applicable codes, and the review process may incorporate or require mitigation measures regardless of whether an environmental impact statement is prepared.

**Comments on the project received electronically before 4 p.m., Aug. 16, 2021, will be incorporated into the staff report; comments received electronically after that date will be presented at the hearing.**

A decision by the hearing examiner may be appealed to City Council by the applicant or any aggrieved person. Such an appeal must be in writing and be filed with Community and Economic Development Department within 14 calendar days after the hearing examiner's decision. In the absence of such appeal, the examiner's decision shall be final and conclusive.

Procedural appeals to the SEPA determination shall be filed in writing within 14 calendar days following the last day of the comment period. The hearing examiner's decision of the SEPA procedural appeal shall be final and not subject to further administrative appeal.

Substantive SEPA appeals shall be filed in writing within 14 calendar days of the issuance of staff's decision approving, conditioning, or denying the project.

A copy of the final determination may be obtained upon e-mail request. Please include any one of the project numbers listed.

**Case Manager:** Keith Jones, Senior Planner  
**E-mail:** [keith.jones@cityofvancouver.us](mailto:keith.jones@cityofvancouver.us)



July 16, 2021

---

**Name**

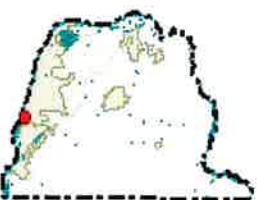
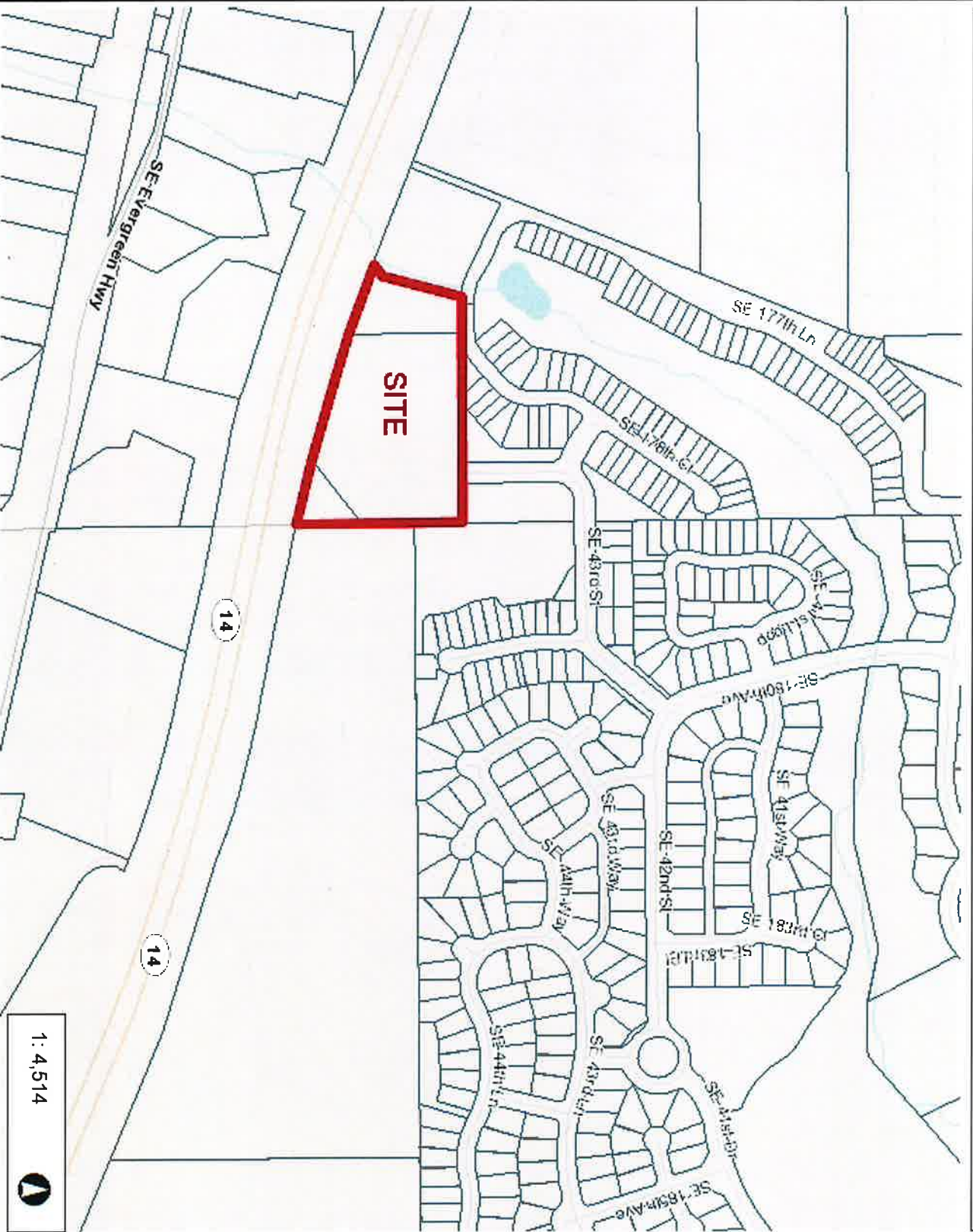
**Date**

Coverage of this hearing is being cablecast live on Clark/Vancouver Television Channel 23, Comcast Cable Television System.





# Fisher's Creek PRJ - 166679/LUP- 81488



## Legend

- Taxlots
- Annexations**
  - Effective 2020
  - Effective 2019
  - Effective 2018
  - Effective 2017
  - Effective 2016
  - Years 1992-2015
  - Pending
  - Failed
- All Roads**
  - Interstate
  - State Route
  - Arterial
  - Forest Arterial
  - Minor Collector
  - Forest Collector
  - Private or Other
- Cities Boundaries**
- Urban Growth Boundaries**

## Notes:

This map was generated by Clark County's "MapOnline" website. Clark County does not warrant the accuracy, reliability or timeliness of any information on this map, and shall not be held liable for losses caused by using this information.

1: 4,514



752.3  
0 376.17 752.3 Feet  
WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere  
Clark County, WA. GIS - <http://gis.clark.wa.gov>



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

PO Box 47775 • Olympia, Washington 98504-7775 • (360) 407-6300  
711 for Washington Relay Service • Persons with a speech disability can call 877-833-6341

August 16, 2021

Keith Jones, AICP, Senior Planner  
City of Vancouver  
Community & Economic Development  
PO Box 1995  
Vancouver, WA 98668

Dear Keith Jones:

Thank you for the opportunity to comment on the optional determination of nonsignificance/notice of application for the Fisher's Creek Subdivision Project (PRJ-166679, LUP-81488) located at 17700 Southeast Evergreen Highway as proposed by HQ Vancouver, LLC. The Department of Ecology (Ecology) reviewed the environmental checklist and has the following comment(s):

**SHORELANDS & ENVIRONMENTAL ASSISTANCE:**  
**Miranda Adams, Wetlands/Shorelands Specialist**  
**(360) 690-7164 | [miranda.adams@ecv.wa.gov](mailto:miranda.adams@ecv.wa.gov)**

In absence of a critical areas report submitted as part of the SEPA package, regulatory agencies are unable to effectively comment on the proposed impacts associated with a project. Future submittals should include all pertinent information needed to assess resource impacts associated with project proposals.

**SOLID WASTE MANAGEMENT: Derek Rockett (360) 407-6287**

All grading and filling of land must utilize only clean fill. All other materials may be considered solid waste and permit approval may be required from the local jurisdictional health department prior to filling. All removed debris resulting from this project must be disposed of at an approved site. Contact the local jurisdictional health department for proper management of these materials.

**WATER QUALITY/WATERSHED RESOURCES UNIT:**  
**Greg Benge (360) 690-4787**

Erosion control measures must be in place prior to any clearing, grading, or construction. These control measures must be effective to prevent stormwater runoff from carrying soil and other pollutants into surface water or stormdrains that lead to waters of the state. Sand, silt, clay particles, and soil will damage aquatic habitat and are considered to be pollutants.

Any discharge of sediment-laden runoff or other pollutants to waters of the state is in violation of Chapter 90.48 RCW, Water Pollution Control, and WAC 173-201A, Water Quality Standards for Surface Waters of the State of Washington, and is subject to enforcement action.

Section A #10 of the SEPA checklist does not reflect the need for coverage under the Construction Stormwater General Permit (CSWGP), which will likely be required for the proposed project. If site disturbance is over one acre or the project reasonably expects to cause a violation of any water quality standards, and stormwater discharges to surface Waters of the State, a CSWGP is required.

Construction Stormwater General Permit:

The following construction activities require coverage under the Construction Stormwater General Permit:

1. Clearing, grading and/or excavation that results in the disturbance of one or more acres **and** discharges stormwater to surface waters of the State; and
2. Clearing, grading and/or excavation on sites smaller than one acre that are part of a larger common plan of development or sale, if the common plan of development or sale will ultimately disturb one acre or more **and** discharge stormwater to surface waters of the State.
  - a) This includes forest practices (including, but not limited to, class IV conversions) that are part of a construction activity that will result in the disturbance of one or more acres, **and** discharge to surface waters of the State; and
3. Any size construction activity discharging stormwater to waters of the State that Ecology:
  - a) Determines to be a significant contributor of pollutants to waters of the State of Washington.
  - b) Reasonably expects to cause a violation of any water quality standard.

If there are known soil/ground water contaminants present on-site, additional information (including, but not limited to: temporary erosion and sediment control plans; stormwater pollution prevention plan; list of known contaminants with concentrations and depths found; a site map depicting the sample location(s); and additional studies/reports regarding contaminant(s)) will be required to be submitted. For additional information on contaminated construction sites, please contact Carol Serdar at [Carol.Serdar@ecy.wa.gov](mailto:Carol.Serdar@ecy.wa.gov), or by phone at (360) 742-9751.

Additionally, sites that discharge to segments of waterbodies listed as impaired by the State of Washington under Section 303(d) of the Clean Water Act for turbidity, fine sediment, high pH, or phosphorous, or to waterbodies covered by a TMDL may need to meet additional sampling and record keeping requirements. See condition S8 of the Construction Stormwater General Permit for a description of these requirements. To see if your site discharges to a TMDL or 303(d)-listed waterbody, use Ecology's Water Quality Atlas at: <https://fortress.wa.gov/ecy/waterqualityatlas/StartPage.aspx>.

The applicant may apply online or obtain an application from Ecology's website at: [http://www.ecy.wa.gov/programs/wq/stormwater/construction/- Application](http://www.ecy.wa.gov/programs/wq/stormwater/construction/-Application). Construction site operators must apply for a permit at least 60 days prior to discharging stormwater from construction activities and must submit it on or before the date of the first public notice.

Keith Jones  
August 16, 2021  
Page 3

Ecology's comments are based upon information provided by the lead agency. As such, they may not constitute an exhaustive list of the various authorizations that must be obtained or legal requirements that must be fulfilled in order to carry out the proposed action.

If you have any questions or would like to respond to these comments, please contact the appropriate reviewing staff listed above.

Department of Ecology  
Southwest Regional Office

(GMP:202103846)

cc: Miranda Adams, SEA  
Derek Rockett, SWM  
Greg Bengel, WQ



August 16, 2021

Attn: Keith Jones  
City of Vancouver  
P.O. Box 1995  
Vancouver WA 98668-1995

RE: Fisher's Creek Subdivision; PRJ-166679; SEPA 202103846

Mr. Jones:

The Southwest Clean Air Agency (SWCAA) has learned that your agency has issued/will issue a SEPA Determination for the above project. Please be advised that SWCAA administers/enforces a number of regulations that may apply to the proposed project. The applicability of these regulations depends on the exact nature of the project in question. The following section provides a brief summary of the requirements for the general types of activity that may be affected by this project.

**Construction Dust [SWCAA 400 - General Regulations for Air Pollution Sources]:**

- Construction and earthmoving activities have the potential to generate excessive dust emissions if reasonable control measures are not implemented. SWCAA Regulation 400-040(2) requires that "no person shall cause or permit the emission of particulate matter from any stationary source to be deposited beyond the property under direct control of the owner or operator of the stationary source in sufficient quantity to interfere unreasonably with the use and enjoyment of the property upon which the material is deposited". Furthermore, SWCAA Regulation 400-040(8)(a) requires that "the owner or operator of any source of fugitive dust shall take reasonable precautions to prevent fugitive dust from becoming airborne and shall maintain and operate the source to minimize emissions".
- Common control measures to mitigate the emission of dust from construction and earthmoving activities include: application of water before and during earthmoving operations, application of water to disturbed surface areas (including access roads and staging areas) after earthmoving operations, application of chemical dust control products and/or surfactants, limiting access to open/disturbed areas, reducing equipment/vehicle speeds, establishing vegetative cover on inactive areas and ceasing operations altogether during high wind events.
- Violations of SWCAA Regulation 400-040 may result in civil penalties being assessed against the project operator and/or property owner.

The proponent of this project may contact SWCAA at 360-574-3058 for more information regarding the agency's requirements. Notification forms, permit applications, air quality regulations and other information are available on the internet at <http://www.swcleanair.gov>.

Sincerely,

Duane Van Johnson  
Air Quality Specialist II





## EXHIBIT 9

**From:** [Cullums, Logan](#)  
**To:** [Jones, Keith \(CED\)](#)  
**Subject:** Fisher's Creek Subdivision SEPA Comments  
**Date:** Monday, August 16, 2021 2:28:43 PM

---

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

Good afternoon,

WSDOT staff have reviewed the SEPA checklist for the Fisher's Creek Subdivision proposal. We would like to offer the following comments:

The proposed filling and grading work will change the drainage characteristics of the site. WSDOT's drainage policy states that there will be no net gain in the stormwater runoff transported to the WSDOT right of way from adjacent property. If the applicant is proposing changes to drainage patterns that will either increase or decrease the amount of runoff to the State's right of way, then WSDOT will require the following:

- The applicant shall contact WSDOT directly, or through the permitting agency, to obtain WSDOT approval of the proposed changes.
- Hydraulic calculations and plans must be submitted for WSDOT review and approval. The drainage plans and calculations will need to meet the requirements set forth in the WSDOT Hydraulics Manual (Engineer Publication M23-03) and the Highway Runoff Manual (Engineer Publication M31-16).
- Documentation that WSDOT's drainage requirements have been satisfied should be provided to the permitting agency, by the applicant, prior to granting final approval of this project.

Please let me know if you have any questions about these comments, and feel free to pass along my contact information to the applicant.

**Logan Cullums, AICP**  
Land Use Planner  
WSDOT SW Region  
[CullumL@wsdot.wa.gov](mailto:CullumL@wsdot.wa.gov)  
Cell: (360) 949-6871

## EXHIBIT 10

**From:** [LC](#)  
**To:** [Jones, Keith \(CED\)](#)  
**Cc:** [L Chad](#)  
**Subject:** Fisher's Creek Subdivision and Planned Development PRJ-166679/LUP-81488  
**Date:** Saturday, July 24, 2021 9:40:35 AM

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Keith, forgive me for calling you Kevin. One more thing I would like to add I don't think The Lakes should be responsible for future fencing around the property below us.

Lisa Chadek

**From:** LC <chadlm@comcast.net>  
**Date:** July 24, 2021 at 7:05:41 AM PDT  
**To:** keith.jones@cityofvancouver.us  
**Cc:** L Chad <chadlm@comcast.net>  
**Subject:** Fisher's Creek Subdivision and Planned Development PRJ-166679/LUP-81488

Hi Kevin,  
I reside at The Lakes at Fisher's Landing. My concerns are:  
privacy, noise impact, traffic conditions, protecting the wildlife.

The following was suggested & I agree: privacy fencing between The Lakes & new subdivision. A sound wall from Hwy 14, build Brady Road extension from 192nd west to subdivision to alleviate traffic on 178th.

I'm sure once completed this project will be beautiful...it's just getting through it. Thank you for keeping us informed.

Lisa Chadek  
4317 SE 178th Pl  
Vancouver WA 98683

**From:** [Kimila](#)  
**To:** [Jones, Keith \(CED\)](#)  
**Cc:** [Kimila](#)  
**Subject:** Fisher's Creek Subdivision and Planned Development PRJ-166679/LUP-81488  
**Date:** Saturday, July 24, 2021 12:27:07 PM

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

Dear Mr. Jones,

We are residents of Fisher Creek and we wanted to submit these questions and concerns to the developer and the officer for the following.

Privacy fencing between lakes property and new subdivision

Sound wall from hwy 14?

What if hwy 14 is widened in future? Is there adequate room?

Noise impacts, standard is construction from 7 am to 8 pm

Left turn out of 178, new impact of 235 trips or whatever they estimate per day

Animal corridor from fisher creek impact

Will brady road extension from 192 west to subdivision be built in time to help alleviate added traffic on 178?

They will tie into sewer water lines to our area, impact?

Please contact us if you have any questions.

Best Regards,

Kimila and Kristian de Groot  
4324 SE 178th Pl, Vancouver, WA 98683  
(360)907-1200

**From:** [Hahn, Eric](#)  
**To:** [Dennis Miller](#)  
**Cc:** [Jones, Keith \(CED\)](#); [Lopossa, Ryan](#); [Campos, Jennifer](#); [Jorgenson, Andrew](#)  
**Subject:** RE: Fisher's Creek Subdivision Public Hearing  
**Date:** Thursday, July 29, 2021 4:18:33 PM

---

Mr. Miller,

Please see answers to your traffic-related questions in **red font** below.

**Eric Hahn, PE** | Sr. Civil Engineer  
CITY OF VANCOUVER, WASHINGTON  
*Public Works | Streets & Transportation | TDRS*  
Marine Park Engineering – 4500 SE Columbia Way  
P.O. Box 1995 • Vancouver, WA, 98668-1995  
P: (360) 487-7702 | Fax: (360) 487-7139 | TTY: (360) 487-8602  
[www.cityofvancouver.us](http://www.cityofvancouver.us)

---

**From:** Jones, Keith (CED) <[Keith.Jones@cityofvancouver.us](mailto:Keith.Jones@cityofvancouver.us)>  
**Sent:** Thursday, July 29, 2021 3:30 PM  
**To:** Dennis Miller <[dennismiller@hotmail.com](mailto:dennismiller@hotmail.com)>  
**Cc:** Hahn, Eric <[Eric.Hahn@cityofvancouver.us](mailto:Eric.Hahn@cityofvancouver.us)>  
**Subject:** RE: Fisher's Creek Subdivision Public Hearing

Hi Dennis,

Below are answers to your questions in **green**

Eric will follow up with responses to your other questions related to traffic.

---

**From:** Dennis Miller <[dennismiller@hotmail.com](mailto:dennismiller@hotmail.com)>  
**Sent:** Wednesday, July 28, 2021 8:39 AM  
**To:** Jones, Keith (CED) <[Keith.Jones@cityofvancouver.us](mailto:Keith.Jones@cityofvancouver.us)>  
**Cc:** Hahn, Eric <[Eric.Hahn@cityofvancouver.us](mailto:Eric.Hahn@cityofvancouver.us)>  
**Subject:** Fisher's Creek Subdivision Public Hearing

Keith and Eric,  
Here are the initial questions I talked about in the original email. With some answers, our formal letter to the Planning Commission can probably be much shorter.  
Thanks,  
Dennis Miller

**FIRST DRAFT**

Questions and comments regarding planned development south of Lakes at Fisher's Landing to be sent to Keith Jones, City of Vancouver Senior Planner

Our concerns revolve around the 178<sup>th</sup> Avenue stub extension and transportation/traffic issues concerning the new development, not the fact that there will be a new development.

A. 178<sup>th</sup> Avenue stub

1. When will extension to new neighborhood be constructed and street opened to traffic?

**The extension of 178<sup>th</sup> Ave into the new subdivision will be made as part of the construction of public facilities for the subdivision. Once land-use approval is issued, the applicant will prepare civil construction plans. Construction will begin after the civil plans are approved. Once street construction is completed and has been inspected/accepted by the City's inspectors from the Construction Services Division, the applicant will record the new plat and the extension of 178<sup>th</sup> Ave will be open for public use.**

2. Will construction traffic for new neighborhood be allowed to use 178<sup>th</sup> Avenue or required to go through 192<sup>nd</sup>?

**City staff intends to require all construction traffic to access the site from 192<sup>nd</sup> Ave, through the old quarry.**

3. Will 178<sup>th</sup> Ave. open before new development finished?

**Once street construction is completed and has been inspected/accepted by the City's inspectors from the Construction Services Division, the applicant will record the new plat and the extension of 178<sup>th</sup> Ave will be open for public use. So, it is likely the street will be open before all the new residences are constructed.**

4. Will new development have traffic access from rest of Riverview Gateway development?

**Yes. The extension of Brady Road through Riverview Gateway will be the primary access street to the Fisher's Creek Subdivision.**

5. Can there be speed bumps such as on Hiddenbrook at entrance to Hiddenbrook/Fisher's Creek Neighborhood Association off 34<sup>th</sup> Street?

**It is not anticipated that the relatively small amount of traffic generated by the proposed Fisher's Creek Subdivision will create a new speeding problem in the existing neighborhoods. However, if the existing Neighborhood Associations have previously submitted a Neighborhood Traffic Calming application to the City and have demonstrated that there is an existing speeding problem, the City can require the developer to install new speed bumps or participate in the installation of new speed bumps. A link to the City's webpage for the Neighborhood Traffic Calming Program is included [here](https://www.cityofvancouver.us/publicworks/page/neighborhood-traffic-calming-program). If the link does not work, here is the page address:**

**<https://www.cityofvancouver.us/publicworks/page/neighborhood-traffic-calming-program>**

6. Is opening of 178<sup>th</sup> Avenue supposed to be a short cut to 34<sup>th</sup> St.

**No. The extension of 178<sup>th</sup> Avenue from its current dead-end will provide secondary access to the Fisher's Creek Subdivision and improve overall circulation for all residents living in this area. This is what was intended when the existing neighborhoods were originally constructed. This is how the City connects individual neighborhoods as they develop, to create and maintain good circulation for vehicles, bicyclists, pedestrians, and emergency vehicles. Based on historic travel patterns in the area, it is expected that the**

majority of traffic generated by the Fisher's Creek Subdivision will use Brady Road – a wide arterial street – to access 192<sup>nd</sup> Ave, rather than winding through the existing local neighborhood roads to 34<sup>th</sup> Street.

B. New neighborhood

1. What exactly does R-9 zoning mean? Are they single family homes, attached or detached?

Zoned R-9, a single family residential zone. Single-family detached is allowed. The applicant is proposing a planned development that also allows single-family attached. The applicant proposes both.

2. Maximum of how many units per acre (approximately 4.6 acres)?

The applicant is proposing 34 units. The maximum density is 37 units.

3. Will a pocket park, sidewalks be required?

Yes, I included the site plan and landscape plan for the project.

4. Will buffer / fencing be required between back of homes and Lakes @ Fisher's Landing?

As shown on the site plan there will be open space between the proposed development and the development to the north, fencing is not shown on the plans.

5. Can the new neighborhood be gated at each end?

C. Riverview Gateway

1. Will all roads and utilities be installed before any construction starts?

**Generally, yes. The required public facilities, including streets and utilities, must be completed before the applicant can file the plat and sell the lots or start construction on the buildings.**

2. Will Riverview tenants or homeowners have access to 178<sup>th</sup> Stub extension?  
And why?

**Yes. All of the proposed street connections will be public streets available for public use. Again, this is how the City connects individual neighborhoods to create and maintain good circulation for vehicles, bicyclists, pedestrians, and emergency vehicles. Also, without this connection it is likely that the long dead-end that would be created on Brady Road would not meet minimum emergency access requirements.**

- 3.

---

**From:** Jones, Keith (CED) <[Keith.Jones@cityofvancouver.us](mailto:Keith.Jones@cityofvancouver.us)>

**Sent:** Monday, July 26, 2021 2:57 PM

**To:** Dennis Miller <[dennisrmiller@hotmail.com](mailto:dennisrmiller@hotmail.com)>

**Cc:** Hahn, Eric <[Eric.Hahn@cityofvancouver.us](mailto:Eric.Hahn@cityofvancouver.us)>

**Subject:** RE: Fisher's Creek Subdivision Public Hearing

Hello Dennis,

It sounds like you have questions about traffic.

I have copied Eric Hahn in Transportation who can better answer your question.

---

**From:** Dennis Miller <[dennismiller@hotmail.com](mailto:dennismiller@hotmail.com)>

**Sent:** Monday, July 26, 2021 2:52 PM

**To:** Jones, Keith (CED) <[Keith.Jones@cityofvancouver.us](mailto:Keith.Jones@cityofvancouver.us)>

**Subject:** Fisher's Creek Subdivision Public Hearing

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Keith,

We live in the Lakes @ Fisher's Landing townhouse development in the southeast corner of the Hiddenbrook area, along SE 178th Court and Place. I am speaking on behalf of several owners with concerns and questions, not the Board of the association. Would it be possible to speak with you before we send the formal list of questions to you next week-10 days?

We have general questions about the development and specifically the 178th Avenue stub located outside our gate. Perhaps I can save you some time but asking questions on behalf of several neighbors here, rather than your having to go through several emails. Concerns include timing of, and even the need for opening the stub outside our gate. Residents of the new-ish townhouse area at the SE corner of 164th have to drive a few blocks east, then north to get to a major arterial, so why do the neighborhoods along SE 43rd, 42nd and 180th have to take on the burden from SE 192nd? A compromise might be to have a double gate at the east end of the new Fisher's Creek subdivision, keeping the larger source of traffic away from established neighborhoods. Our Lakes at Fisher's Landing is especially concerned about security, as the average age of residents is about 62, including five single women and some folks around 80 years old. From prior experience, some of us have experienced and/or know others who have had the homes burgled by nearby construction workers.

My cell phone number is 360-513-1572 and I will be available most of the week except Wed and Fri mornings. I

look forward to talking to you about the development and the process to get our questions answered so that we and other affected neighborhoods can address the issues about the new R-9 area and traffic from the entire development to the east.

Dennis Miller  
[dennismiller@hotmail.com](mailto:dennismiller@hotmail.com)

**From:** [Sonya Zalubowski](#)  
**To:** [Jones, Keith \(CED\)](#)  
**Subject:** Re: Aug 16 fisher creek subdivision. Comments  
**Date:** Wednesday, July 28, 2021 4:49:13 PM

---

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Hi Keith

I looked again at the narrative..do you think that amount of space they give in riparian area is enough? For animals You had told me the developer Hurley didn't have in end to do mitigation

And along the sides will it-be fenced so residents can't walk thru riparian area into our space, our roadway and the dam and ponds

I think of kids..we had trouble before w nhood teens swimming in ponds..big liability

We of course want fencing all around their development next to ours with NO access

Otherwise it is even more deleterious for the wetland animal corridor which is so sensitive and meagre

I want to enter these comments for the aug 16 deadline on fisher creek subdivision under the sepa part

Thnx

Sonya Zalubowski

Lakes resident

4214 se 178 ct

98683

Sent from my iPad

> On Jul 28, 2021, at 3:55 PM, Sonya Zalubowski <szalubowski@gmail.com> wrote:

>

> Hi Keith

> On my comments, I raised the issue in that sepa portion of the hearing re the wildlife corridor. Can you tell me what Hurley plans viz a vis how the animals would access their subdivision to get to further habitat? I want to protect the wildlife, squeezed out of so much habitat by Greedy ever burgeoning humanity..we have a doe now with two spotted fawns scampering around to forage...they use fisher creek and it's wooded area to survive and make it to the Columbia river

>

> Now they will run into homes and peep..we have wetland buffers, do they plan same?

>

> What is Hurley doing? Want to specially address that in a comment addenda to you

>

> Much thnx!

> Best

> Sonya

>

> Sent from my iPad



**From:** [Sonya Zalubowski](#)  
**To:** [Jones, Keith \(CED\)](#)  
**Subject:** Re: Question on skinny houses  
**Date:** Monday, August 2, 2021 8:40:01 AM

---

Thnx for explaining  
Sonya

Sent from my iPad

> On Aug 2, 2021, at 8:02 AM, Jones, Keith (CED) <Keith.Jones@cityofvancouver.us> wrote:  
>  
> Yes,  
>  
> The applicant is requesting approval of a Planned Development that allows for a 15% density increase. The  
Planned Development is not held to the lot size requirements just the overall maximum density. Planned  
Developments require 10% open space and are required to go the City Council for approval.  
>  
>  
>  
> -----Original Message-----  
> From: Sonya Zalubowski <szalubowski@gmail.com>  
> Sent: Thursday, July 29, 2021 6:40 PM  
> To: Jones, Keith (CED) <Keith.Jones@cityofvancouver.us>  
> Subject: Question on skinny houses  
>  
> CAUTION: This email originated from outside of the City of Vancouver. Do not click links or open attachments  
unless you recognize the sender and know the content is safe.  
>  
> Hi Keith  
> My hoa works on comments  
> Question arose: how can developer qualify for its proposed skinny lots of 2250 to 3750 sq feet vs 5000 sq ft under  
r9?  
> Is it just as stated in the narrative that the size of parcel altogether is considered and would have allowed 37 lots if  
total land was just used for lots, not the open spaces?  
>  
> Could you pls respond?  
>  
> Thnx  
> Sonya  
>  
> Sent from my iPad

Aug. 13, 2021

Bradd Hill  
President, The Lakes at Fishers Landing Homeowners Association  
4116 SE 178<sup>th</sup> Court  
Vancouver, WA 98683-2800  
bradd1229@gmail.com

Keith Jones  
Senior Planner  
City of Vancouver  
P.O. Box 1995  
Vancouver, WA 98665-1995  
[keith.jones@cityofvancouver.us](mailto:keith.jones@cityofvancouver.us)

re: Fisher's Creek Subdivision and Planned Development PRJ-166679/LUP-81488

Dear Mr. Jones,

On behalf of the 40 homeowners and the directors of The Lakes at Fishers Landing Homeowners Association, I would like to place in the record the following issues and concerns regarding the proposed 34-unit residential subdivision proposed by Hurley Development adjacent to our property in Southeast Vancouver. The project abuts the southern border of The Lakes property and is currently under consideration by the City of Vancouver. The developer has expressed its interest in being transparent and a good neighbor before and during the construction phase of the development until it's completion. 1-3 years. It's with that same spirit of transparency and goodwill that we offer our observations and recommendations before the project receives final approval.

We understand that the project is in its final phase of consideration, but recommendations from the public with vested interests are still being heard. While we realize that the project is moving forward, it is our desire to point out several issues that directly impact The Lakes and its homeowners.

We have identified the following issues that we would like to be heard, considered and resolved prior to the final approval of the project:

**1) Sound barrier along Washington Highway 14.** We assume that Hurley Development and/or the eventual homebuilder(s) plan to work with the Washington Department of Transportation to recommend and secure a sound barrier along Highway 14 to mitigate traffic noise as well as enhance the value and overall desirability of the project. A sound barrier – regardless of its exact form – would be consistent with the existing sound barrier (wall) that currently exists along the north side of Highway 14 from SE 164<sup>th</sup> Avenue to the proposed Hurley development property line..

**2) Install a permanent barrier of at least six feet in height on the northern boundary of the Hurley development and the southern boundary of The Lakes/Lakes II property.** The Lakes and Lakes II are both gated communities. Since we are not able to guarantee that the Hurley development will be likewise gated, we insist that the developer bear the cost and erect a fence along the entire length of the Hurley development's northern border and The Lakes and Lakes II southern border. It is incumbent that the developer be required to pay for installation and guarantee ongoing maintain of a six-foot high fence that is suitable to serve as a barrier to entry into The Lakes and Lakes II gated properties from the proposed Hurley development. Current plans indicate that the area of the fence would be located in an approximately 50-foot wide buffer zone between the developments.

**3) Mitigation of construction noise to The Lakes homeowners during infrastructure buildout and homebuilding.** During the infrastructure buildout and the eventual construction of homes (7 a.m. to 8 p.m. Monday-Friday and 9 a.m. to 6 p.m. on weekends), we ask for a written plan of noise mitigation both on the construction site and SE 178th Avenue, which runs parallel to the entrance to The Lakes. This plan should be of sufficient detail to clarify what is meant by noise mitigation and contain details for reporting, enforcement and resolution of complaints. We also would like to require all construction related traffic be required to use SE Brady Road or other access routes from east of the development through the quarry and not on SE 178th Avenue adjacent to The Lakes. No parking on SE 178th Avenue should be allowed by anyone associated with the development during the entire length of the infrastructure and home construction period.

**4) Parking on SE 178<sup>th</sup> Avenue.** We are opposed to any restrictions on parking on SE 178th Avenue along the existing portion of the street from The Lakes security gate south to where the proposed new portion of SE 178<sup>th</sup> Avenue begins. The streets within The Lakes and Lakes II communities are narrow and don't allow for street parking. Therefore, it is sometimes necessary for homeowners to park on the street outside the gate. Guest parking for the Hurley development should be restricted strictly to the streets within the Hurley development and not the portions of SE 178<sup>th</sup> Avenue adjacent to The Lakes property.

**5) Remove large Cottonwood trees along the common border.** The roots from these invasive trees are wreaking havoc with landscaping in common areas and on homeowners' adjacent property in The Lakes as well as threatening to invade foundations. This has been an ongoing battle for years. They serve no useful purpose and are a threat to both homes and landscaping. Since these are on property that is part of the proposed development, we would like them removed and mitigated from returning at the expense of the developer. Since the grade is being elevated to the level of our property, this would be the easiest and best way to remove this problem and the threat it poses to the future relationship between The Lakes, Lakes II and the proposed Hurley development.

We look forward to hearing your thoughts about our recommendations as well as any questions you may have about them. Please don't hesitate to be in touch if I can answer any questions you may have.

Sincerely,  
Bradd Hill

cc: Bobbi Thale, The Lakes Board  
Phil Smith, The Lakes Board  
Lyman Potts, The Lakes Board  
Greg Allison, The Lakes Board  
Chelsea Greenhill, AMS Management

**From:** [Bradd Hill](#)  
**To:** [Hildreth, Johnnie](#)  
**Cc:** [Jones, Keith \(CED\)](#)  
**Subject:** Re: Keith Jones: August 16th Deadline  
**Date:** Monday, August 16, 2021 1:55:50 PM

---

Thank you!

On Mon, Aug 16, 2021, 1:52 PM Hildreth, Johnnie <[Johnnie.Hildreth@cityofvancouver.us](mailto:Johnnie.Hildreth@cityofvancouver.us)> wrote:

Hi Bradd,

Keith will receive your email with your comments/concerns which he will include those in is staff report comments.

Thank you,

**Johnnie Hildreth | Assistant Planner**  
CITY OF VANCOUVER, WASHINGTON

Community and Economic Development Department

415 W. 6<sup>th</sup> St. | Vancouver, WA 98668-1995

P: 360-487-7824 | TTY: 360-487-8602

[www.cityofvancouver.us](http://www.cityofvancouver.us)

**Permit Center Moves to Virtual Operations in Response to Virus. Please visit our [website for more information.](#)**

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**From:** Bradd Hill <[bradd1229@gmail.com](mailto:bradd1229@gmail.com)>  
**Sent:** Monday, August 16, 2021 12:51 PM  
**To:** City CDD Planning <[cddplanning@cityofvancouver.us](mailto:cddplanning@cityofvancouver.us)>

**Subject:** Fwd: Keith Jones: August 16th Deadline

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

From: **Bradd Hill** <[bradd1229@gmail.com](mailto:bradd1229@gmail.com)>

Date: Mon, Aug 16, 2021 at 12:36 PM

Subject: Keith Jones: August 16th Deadline

To: <[cvdplanning@cityofvancouver.us](mailto:cvdplanning@cityofvancouver.us)>

We were told that August 16th was the deadline to submit comments on the HQ (Hurley Development) project, by Keith, and send to his email. Now his email reply says he is out until August 23rd. Is there another email to submit our HOA comments.

Attached is another copy of our submission for consideration.

Thanks

Bradd Hill

--

Bradd Hill  
4116 SE 178th Ct.  
Vancouver, WA 98683  
cell: 503-803-9477

--

Bradd Hill  
4116 SE 178th Ct.  
Vancouver, WA 98683  
cell: 503-803-9477

**From:** [Sonya Zalubowski](#)  
**To:** [Jones, Keith \(CED\)](#)  
**Subject:** Comment on fisher creek subdivision by hurley  
**Date:** Wednesday, August 4, 2021 2:25:09 PM

---

Hi Keith

Sorry this is so disjointed but I keep learning more and thus want to add to my comments due by aug 16

I want to question the Hurley request for a 15% increase in density for their proposed fisher creek subdivision off 178 street in former fisher quarry. This is an environmentally fragile area since it is part of the shrinking wildlife animal corridor

That fisher creek represents. The Hurley plans show a skinny buffer along the backs of homes and a small riparian area. What is the justification of packing in even more homes? The quarry area was empty all night long, homes will not be. And use of the quarry was not continual as will residency now be,affording the wildlife some necessary relief from human presence.

Than you  
Sonya Zalubowski

Sent from my iPad

> On Aug 2, 2021, at 8:02 AM, Jones, Keith (CED) <Keith.Jones@cityofvancouver.us> wrote:

>

> Yes,

>

> The applicant is requesting approval of a Planned Development that allows for a 15% density increase. The Planned Development is not held to the lot size requirements just the overall maximum density. Planned Developments require 10% open space and are required to go the City Council for approval.

>

>

>

> -----Original Message-----

> From: Sonya Zalubowski <szalubowski@gmail.com>

> Sent: Thursday, July 29, 2021 6:40 PM

> To: Jones, Keith (CED) <Keith.Jones@cityofvancouver.us>

> Subject: Question on skinny houses

>

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

>

> Hi Keith

> My hoa works on comments

> Question arose: how can developer qualify for its proposed skinny lots of 2250 to 3750 sq feet vs 5000 sq ft under r9?

> Is it just as stated in the narrative that the size of parcel altogether is considered and would have allowed 37 lots if total land was just used for lots, not the open spaces?

>

> Could you pls respond?

>

> Thnx

> Sonya

>

> Sent from my iPad

**From:** [Sonya Zalubowski](#)  
**To:** [Jones, Keith \(CED\)](#)  
**Subject:** Comments from Sonya Zalubowski on fisher creek subdivision  
**Date:** Friday, July 23, 2021 5:07:34 PM  
**Attachments:** [COVID-19 NOA, Hearing, SEPA template.pdf](#)

---

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

Hi Keith

Pls accept my comments below for the hearing examiner on the Hurley proposal for said subdivision off se 178th :

>> Privacy fencing to be paid for by builder between lakes property and new subdivision  
>> Sound wall from hwy 14  
>> What if hwy 14 is widened in future? Is there adequate room?  
>> Noise impacts, standard is construction from 7 am to 8 pm  
Flying dirt, debris during construction  
>> Left turn out of lakes at 178, new impact of 235 trips or whatever they estimate per day  
>> Animal corridor from fisher creek impact  
>> Will brady road extension from 192 west to subdivision be built in time to help alleviate added traffic on 178?

What are impacts on using existing sewer, water lines in area?

>>

>> Thnx

>> Sonya Zalubowski

4214 se178 ct

98683

>> Lakes resident

>>

>>

>>

>>

>> Sent from my iPad



**From:** [Ryoichi Kuwabara](#)  
**To:** [Jones, Keith \(CED\)](#)  
**Subject:** Comments on the proposed Fisher's Creek Subdivision and Planned Development PRJ-166679/LUP-81488  
**Date:** Tuesday, August 3, 2021 7:19:52 AM

---

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

Hi Keith,

I'm forwarding you the comment shown below that I sent to Scot Brantley of HQ Vancouver, LLC regarding the proposed Fisher's Creek Subdivision. Please include this comment in your list. Thank you in advance.

Hi Scot,

I'm a resident of The Lakes at Fishers Landing, the gated community that borders your proposed residential development in the former Fishers Rock Quarry site. My unit is located at the back side of Units 11, 12 and 13 in your Site Plan/Landscape Plan. I was invited to the conference call but I'm unable to attend, so I'm sending you my concern regarding the white-colored area enclosed with the dotted line with the remark "Protect existing vegetation."

When we moved in The Lakes about 13 years ago, there were only a few cottonwood trees in the area mentioned above, which is behind the cedar trees that were planted by our developer along the property line. Now there are more than a dozen cottonwood trees that are taller than the cedar trees, some of which are close to the cedar trees and are obstructing their growth. Their roots also spread so fast and have been invading the Lakes side; we continually see new shoots all over the place. Since these cottonwood trees are not on our property, we can't do anything to prevent them from growing so fast or stopping the roots from spreading into our area. I wanted to let you know that once the irrigation system is installed at your side, these cottonwood trees will start spreading towards backyards of your Units 11-18.

Our HOA president will provide additional concerns/issues voiced by other residents within our community, one of which is requesting for a fence/barrier along the property line. To install a fence/barrier, cottonwood trees growing right next to the cedar trees need to be removed and something should be done to prevent these cottonwood trees from growing/spreading fast.

I would appreciate it if you would look into my comments. We honestly are looking forward to sharing a common border with your planned new development next to our community.

Thank you,  
Ryoichi Kuwabara/Julius Kaneshiro  
4325 SE 178<sup>th</sup> Place



## Memorandum

**To:** Keith Jones, Senior Planner | City of Vancouver  
**From:** Tim Leavitt, PE  
**Copies:** Scot Brantley; File  
**Date:** September 5, 2021  
**File:** *I:\project\19800\19809\planning\19809.200 fisher's creek subdivision\city of vancouver\lup application\19809.200\_fcs\_publiccommentsresponse\_09-05-2021.docx*  
**Subject:** ***Public Comments Responses  
Fishers Creek Planned Development Subdivision  
(LUP-81488, PRJ-166679)***

The purpose of this memorandum is to provide responses to public comments received regarding the Fishers Creek Planned Development Subdivision. This memorandum is prepared by Otak, Inc. (Otak), on behalf Hurley Development (project proponent). We appreciate this opportunity to respond and supplement the public record for this proposed development.

As of September 2, 2021, Otak is in receipt of comments delivered to the City of Vancouver from six (6) individuals, one (1) homeowner association, and three (3) public agencies.

This response is organized such that comments received from The Lakes at Fishers Landing Homeowners Association and public agencies will be addressed specifically.

Comments received from individuals happen to be similar to each other and/or similar to those provided by The Lakes at Fishers Landing Homeowners Association. Thus, responses are provided for unique questions or in general categories of concern(s).

### The Lakes at Fisher's Landing Homeowners Associations

**Comment 1:** Installation of Hwy 14 sound barrier? **Response:** There is no intention by the project proponent to install a sound barrier wall. There are many examples of residential development adjacent to SR 14 that do not have sound barrier walls.

**Comment 2:** Installation of a 6-ft permanent barrier along the FCS north property line? **Response:** The project proponent is not planning to install a permanent barrier along the project's north property line, at the Open Space area. It is reasonable to anticipate that the individual homes will have fencing installed to separate privately owned back yard spaces.

**Comment 3(a):** Mitigation of construction noise? **Response:** The city code (Table 10.935.030-1) defines allowed hours of construction (7am to 8pm) for all construction projects in the city of Vancouver. The city also defines the process for which complaints about construction noise can be made with city code enforcement. During the project pre-construction conference, the city typically reviews allowable

conditions for standard construction. Should any non-standard construction effort be necessary, these matters would be reviewed during the pre-construction conference and specific conditions set that address duration/time, methods and means, and mitigation.

**Comment 3(b):** Use of public street parking by construction contractors? **Response:** Public streets provide parking for the public and including those conducting business and/or construction. Because SE 178<sup>th</sup> Street is presently a dead-end street, the city might consider allowing temporary parking on both sides of the street to create more organized/regulated parking that will support the construction activity for this project.

**Comment 4(a):** Restrictions to parking on SE 178<sup>th</sup> Avenue? **Response:** The project proponent agrees with the Homeowners Association about requesting no restrictions on public parking on SE 178<sup>th</sup> Avenue. Public parking is available to all members of the public and cannot legally be reserved for use by only specific members of the public, excepting for provisions of the Americans with Disabilities Act (ADA). City code provides for restrictions to public parking (e.g., long-term parking, abandoned vehicles) and code enforcement requirements.

**Comment 4(b):** Guest parking for the FCS project should be limited to only onsite parking and not allowed on SE 178<sup>th</sup> Street? **Response:** As noted above, public parking is provided for public use and cannot be exclusive to specific residents, excepting for ADA. However, the proposed Fishers Creek Planned Development Subdivision does meet the city code requirements for both resident and *on-street* guest parking. As detailed on project plan sheet C-01 (Site Plan), a total of fifteen (15) on-street guest parking spaces are proposed, exceeding the city code requirement of 12 guest parking spaces.

**Comment 5:** Remove large cottonwood trees along common border? **Response:** Per requirement of city code, a professional arborist (Teragon & Associates) was retained to evaluate the existing tree conditions. The arborist identified 16 cottonwood trees in the vicinity of the north property line, and recommended removal of 7 of those trees. The proposed landscape plan thus indicates retention of 9 of the existing cottonwood trees, if they do not conflict with earthwork associated with the development. There is limited proposed earthwork in the Open Space area long the common border.

The project proponent is willing to work with the City and the HOA on a shared solution.

#### Southwest Washington Clean Air Agency

**Comment:** Construction Dust. **Response:** The project proposes erosion and sediment control best management practices, recommended by the City and Washington Department of Ecology, to be implemented by the construction contractor for the duration of the construction project, until the site soils are stabilized. Appropriated and diligent application of these measures should result in minimization and/or elimination of construction dust, meeting the requirements of SWCCA Regulation 400-040.

#### Washington State Department of Transportation

**Comment:** Stormwater drainage. **Response:** The proposed project will manage surface water runoff (water quality and water quantity) to rules of the Washington Department of Ecology's Surface Water

Management Manual for Western Washington (SWMMWW), as adopted and modified by the City of Vancouver. As such, the project will collect, treat, convey and detain post-developed surface waters, then release runoff to lesser than pre-development site conditions. The design intention is to have no impact on the adjacent WSDOT SR 14 right-of-way. As a courtesy, Otak will provide WSDOT SW Region with a copy of the proposed stormwater plan and stormwater hydrological report for their review and confirmation of the development conditions.

#### Washington State Department of Ecology

**Comment 1:** Shorelines and Environmental Assistance. **Response:** Shorelines are not applicable to this proposed project. Environmental assistance has been sought with Ecology, including both meeting onsite and garnering informal review and approval of the existing site conditions. The project land use application includes a Critical Areas Report that details these matters.

**Comment 2:** Solid Waste Management. **Response:** The project proponent intends to utilize only clean materials for any proposed earthwork fill onsite. Any excess cut material (imbalance of cut to fill) will be disposed of per permit allowance from the City of Vancouver.

**Comment 3:** Water Quality/Watershed Resources Unit. **Response:** Ecology and City approved erosion and sediment control best management practices (BMPs) will be installed prior to initiation of onsite construction activity, in order to prevent stormwater runoff from carrying soil and other pollutants into surface water or stormdrains (not applicable) that lead to waters of the state.

A Stormwater Construction General Permit will be submitted to Ecology, and including the preparation of a Stormwater Pollution Prevention Plan (SWPPP) will be prepared for the project construction, and implementation by the construction contractor.

Construction phasing and staging will be reviewed with city construction inspection staff during the project pre-construction conference.

#### Individual Citizen Comments

As noted previously, the comments provided by individual citizens have some redundancy with each other and with the comments provided by The Lakes at Fisher's Landing Homeowners Association. The responses below are either to singular and unique comments, or the response caters to a general issue common between individual comments.

**Comment:** Lot sizes less than 5000 SF. **Response:** The proposed project is a planned development, prepared following criteria and requirements of Vancouver Municipal Code (VMC 20.260). The base zone of the project site is R-9, which would allow for up to 37 single-family lots based on the project area. The project proponent is instead proposing a planned development with a total of 34 single-family lots, with a combination of both attached (e.g., 'townhome' style) and detached homes. (Note: the Planned Development allows for a 15% *increase* in density above the base zone). In addition, a total open space area of over 12% of the site is proposed; the minimum required by the planned development code is 10%. These adjustments allow the project proponent to preserve natural areas, create a sizable open space, limit overall construction earthwork, and create a more enjoyable and livable community.

**Comment:** Construction access. **Response:** The project proponent is committed to constructing as much of this project as possible through access from the property to the east. There is no formal/paved roadway through the property to the east (HQ), only unimproved gravel/dirt roadway access.

**Comment:** Expansion of Hwy 14? **Response:** The proposed project is located outside of the state's right-of-way. Washington State Department of Transportation has been engaged in the planning of development along the north side of their right-of-way and made no indication of desire to acquire/purchase additional land for expansion of the state highway.

**Comment:** Sanitary sewer connection? **Response:** The public sanitary sewer connection is in SE 177<sup>th</sup> Lane, per instruction from the city public works department. Present understanding is the existing public sanitary sewer system has the capacity to accommodate the proposed project.

**Comment:** Protection of wildlife. **Response:** A critical areas assessment was completed, and a Critical Areas Report (CAR) was submitted with the project land use application (Otak, 2020). To complete this effort, professional and experienced biologists met onsite with agency environmental and planning staff from the City of Vancouver and Washington State Department of Ecology. Fisher Creek (downstream) is characterized as a Type F (perennial fish bearing), requiring a total of 175-ft buffer. The proposed project respects the restrictions and allowances of the required buffer, minimizing development activity in this location. Temporary construction impacts to the outside habitat buffer will occur. The project proposes to mitigate for these impacts with improved vegetation/plantings around the previously delineated and permitted wetland located northeast and adjacent to the project site.

At request of the City, additional assessment of the local habitat was completed and submitted to the City on August 19<sup>th</sup>, 2021 (Otak). This effort affirmed that there are no known State or Federally listed wildlife or plant species, or their designated habitat present on the site. Onsite observations confirmed that potential habitat areas onsite did not reveal the presence of rare plants of high conservation value.

**Comment:** Traffic impacts. **Response:** A traffic impact assessment has been submitted with the project land use application, completed by a professional and experienced traffic engineer (Mackenzie). City Transportation Staff have already provided accurate response to public inquiry about traffic (Eric Hahn, July 29<sup>th</sup>, 2021); creation network of public streets provides connectivity between neighborhoods and alternative routes to destination points, for vehicles, bicycles, pedestrians, and emergency response. Extension of SE 178<sup>th</sup> Avenue to the proposed SE Brady Road (HQ project) will create connection for local neighborhoods to access services and amenities more readily in HQ and along SE 192<sup>nd</sup> Avenue, as well as State Route 14.

While it is not expected that traffic calming is necessary within the abbreviated roadways of the proposed project, the HQ project to the east is planned with traffic calming roadway improvements.

Thank you for this opportunity to address the public comments on this important project. Please don't hesitate to contact us with questions or for further information.

## **EXHIBIT 12**

### Tree Plan

dated

April 22 2021

**\*\*Because of the size of the exhibit, it is not included with this report. The documents are available for review via email. Please email the case manager for this project to receive electronic copies of the requested exhibits.**

# **EXHIBIT 13**

## **Critical Areas Report**

dated  
April 30, 2021

\*\*Because of the size of the exhibit, it is not included with this report. The documents are available for review via email. Please email the case manager for this project to receive electronic copies of the requested exhibits.



## EXHIBIT 14

### City of Vancouver Transportation Services Trip and Traffic Impact Fee Calculation Worksheet

Application Number: PRJ-166679

|                       |                              |                   |                      |
|-----------------------|------------------------------|-------------------|----------------------|
| Project Name:         | Fishers Creek Subdivision    | Date:             | 8/9/2021 12:00:00 AM |
| Project Address:      | 17700 SE EVERGREEN HWY       | TAZ:              | TA247                |
| Project Number:       | PRJ-166679                   | Primary Corridor: | 192ND                |
| ENG Number:           |                              | Parcel 1 ID:      | 126780000            |
| TIF District:         | Cascade                      | Parcel 2 ID:      |                      |
| TIF Overlay District: | Overlay - Mill Plain / I-205 | Parcel 3 ID:      |                      |

| Existing Site Trips ^^                                                                          |             |                       |                       |                   |                 |        |  |                        |                        |              |
|-------------------------------------------------------------------------------------------------|-------------|-----------------------|-----------------------|-------------------|-----------------|--------|--|------------------------|------------------------|--------------|
| LU Description                                                                                  | ITE LU Code | Existing AM Peak Rate | Existing PM Peak Rate | Existing ADT Rate | Unit of Measure | Size** |  | Existing AM Peak Trips | Existing PM Peak Trips | Existing ADT |
|                                                                                                 |             |                       |                       |                   |                 |        |  |                        |                        |              |
| ^^ equals zero if this is a new development on greenfield or if old use has been gone > 1 year. |             |                       |                       |                   |                 |        |  | Existing Trips Total   |                        |              |

| New Trip Generation Calculation                                                                                                                                          |             |              |              |          |                  |        |  |                                                   |             |         |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|--------------|--------------|----------|------------------|--------|--|---------------------------------------------------|-------------|---------|
| LU Description                                                                                                                                                           | ITE LU Code | AM Peak Rate | PM Peak Rate | ADT Rate | Unit of Measure* | Size** |  | New AM Peak                                       | New PM Peak | New ADT |
| Single Family Det.Homes                                                                                                                                                  | 210         | 0.75         | 1            | 10       | 1                | 6      |  | 4                                                 | 6           | 60      |
| Multifamily Housing (Low-Rise)                                                                                                                                           | 220         | 0.46         | 0.56         | 7.32     | 1                | 28     |  | 13                                                | 16          | 205     |
| *Unit of measure = ITE Unit by which total size is divided by in order to calc. trip generation                                                                          |             |              |              |          |                  |        |  | New Project Trips                                 |             |         |
| **Size - Total size of development, eg 10 dwelling units or 50,000 sqf.                                                                                                  |             |              |              |          |                  |        |  | 17                                                | 22          | 265     |
| ***% reduction applied to trip generation, eg. .35 passby reduction for 100 trips - (1 - .35) * 100 - .65 - from approved traffic impact study only                      |             |              |              |          |                  |        |  | Net New Project Trips (new trip = existing trips) |             |         |
| ****% reduction applied to trip generation, eg. .10 internal capture reduction for 100 trips - (1 - .10) * 100 - .9 * 100 - 90 - from approved traffic impact study only |             |              |              |          |                  |        |  | 17                                                | 22          | 265     |

| Traffic Impact Fee Calculation |             |                      |                  |               |                       |                                                            |               |             |                 |
|--------------------------------|-------------|----------------------|------------------|---------------|-----------------------|------------------------------------------------------------|---------------|-------------|-----------------|
| LU Description                 | ITE LU Code | Proposed Project ADT | Net New Proj ADT | TIF Rate/Trip | TIF Overlay rate/trip | BEF Reduction = .3 for retail commercial uses & ITE LU 912 | Tax Reduction | TIF Due     | Overlay TIF Due |
| Single Family Det.Homes        | 210         | 60                   | 60.00            | 275           | 0                     |                                                            | 0.15          | \$14,025.00 | \$0.00          |
| Multifamily Housing (Low-Rise) | 220         | 205                  | 205.00           | 275           | 0                     |                                                            | 0.15          | \$47,918.75 | \$0.00          |
| Sum                            |             | 265                  | 265              | TIF Totals:   |                       |                                                            |               | \$61,943.75 | \$0.00          |

| Concurrency Monitoring Fees |               |           |                      |
|-----------------------------|---------------|-----------|----------------------|
| Corridor                    | PM Peak Trips | Cost/Trip | max. \$1500/corridor |
| SR-14 to SE 1st St          | 5             | \$57.00   | \$285.00             |
| SR-14 to NE 18th St         | 11            | \$57.00   | \$627.00             |
| Total Monitoring Fee =      |               |           | \$912.00             |

Total Modeling Fee = \$912.00

Disclaimer: This information is provided based on the TIF program in place as of the date shown above and is only an estimate of the fee. The fee will be recalculated based on approved development dimensions and reflecting any changes to the TIF program that are applicable. Per VMC20.97.060 B,...for non-residential development, the impact fee shall be calculated at the time of site plan approval or building permit application if the proposed development is not sufficiently defined to permit such calculations. Notwithstanding the foregoing, the fee shall be re-calculated for building permit applications filed more than 3 years following the date of the applicable preliminary plat, preliminary short plat or site plan approval. See VMC20.97 for more information. Note: TIF Overlay fees cannot be paid with TIF Credits from a district other than the TIF Overlay district.





City of Vancouver Transportation Services  
Trip and Traffic Impact Fee Calculation Worksheet

Application Number: PRJ-166679

|                       |                              |                   |                      |
|-----------------------|------------------------------|-------------------|----------------------|
| Project Name:         | Fishers Creek Subdivision    | Date:             | 8/9/2021 12:00:00 AM |
| Project Address:      | 17700 SE EVERGREEN HWY       | TAZ:              | TA247                |
| Project Number:       | PRJ-166679                   | Primary Corridor: | 192ND                |
| ENG Number:           |                              | Parcel 1 ID:      | 126780000            |
| TIF District:         | Cascade                      | Parcel 2 ID:      |                      |
| TIF Overlay District: | Overlay - Mill Plain / I-205 | Parcel 3 ID:      |                      |

| Proportionate Shares             |            |            |            |             |
|----------------------------------|------------|------------|------------|-------------|
| Case Number                      | Project    | Fee/Unit   | Trips/Lots | Final Fee   |
|                                  | 192nd/SR14 | \$2,000.00 | 8          | \$16,000.00 |
| Total Proportionate Share Fees = |            |            |            | \$16,000.00 |

COMMENTS:

Type IV planned development subdivision for proposed 35 lots development (single dwelling-attached)

|                              |                |             |
|------------------------------|----------------|-------------|
| District: Cascade            | District TIF = | \$61,943.75 |
| Overlay - Mill Plain / I-205 | Overlay TIF =  | \$0.00      |
|                              | Total TIF =    | \$61,943.75 |

SF Dwellings  
Fee per SFDU  
Plat Calculation Total: \$61,943.75

Disclaimer: This information is provided based on the TIF program in place as of the date shown above and is only an estimate of the fee. The fee will be recalculated based on approved development dimensions and reflecting any changes to the TIF program that are applicable. Per VMC20.97.060 B,...for non-residential development, the impact fee shall be calculated at the time of site plan approval or building permit application if the proposed development is not sufficiently defined to permit such calculations. Notwithstanding the foregoing, the fee shall be re-calculated for building permit applications filed more than 3 years following the date of the applicable preliminary plat, preliminary short plat or site plan approval. See VMC20.97 for more information. Note: TIF Overlay fees cannot be paid with TIF Credits from a district other than the TIF Overlay district.

## EXHIBIT 15

---

**From:** Odegard, Aaron  
**Sent:** Tuesday, July 27, 2021 4:15 PM  
**To:** Mark Zeman  
**Cc:** Tim Leavitt; Kevin Brady; Jones, Keith (CED)  
**Subject:** LUP-81488 Appendix R Receipt Confirmation RE: Fishers Creek Subdivision; Sanitary Sewer Coordination

Mark,

The coordination summary below and its attachments have been safely received. This submittal is well received and just what the FCS application needs. The combination provides a clear explanation of the project's proposed sanitary sewer service coordination.

This email and the submitted attachments will be titled '*16 Appendix R Sanitary Sewer Coordination*' and will be added to the LUP-81488 ePlans Documents Folder on your behalf.

Thanks and good luck with the projects,

**Aaron A. Odegard P.E.** Civil Engineer  
CITY OF VANCOUVER, WASHINGTON  
Public Works Department/Engineering Services Division  
TTY: 360-487-8602



---

**From:** Mark Zeman <Mark.Zeman@otak.com>  
**Sent:** Friday, July 23, 2021 9:09 AM  
**To:** Odegard, Aaron <Aaron.Odegard@cityofvancouver.us>  
**Cc:** Tim Leavitt <Tim.Leavitt@otak.com>; Kevin Brady <Kevin.Brady@otak.com>  
**Subject:** Fishers Creek Subdivision; Sanitary Sewer Coordination

Aaron,

We appreciate you taking the time to discuss this project on the phone today. Per your request, the following is a brief summary of the Sanitary Coordination for FCS and the adjoining proposed development to the east (HQ).

- The attached "HQPS Service Map" shows the area highlighted in red as being the gravity flow service area that will discharge raw sewage to the HQ pump station.
- A force main is proposed to convey the sewage from the pump station up the hill along Brady Road towards the west.
- The western edge of the red area near Lot 12 is where the force main will terminate and gravity sewer will begin.
- The utility plan for HQ is proposing to construct the gravity sewer to connect to the pipe stub constructed by FCS in Brady Road.
- See plan UT-02 for Brady Road, sewer note #2 calls for the proposed sewer to be constructed 3' beyond the FCS property line and capped for future connection.

- The Brady Road sewer flows towards the west to connect with the sewer proposed on sheet UT-01 which makes the connection to the existing city sewer system in 177<sup>th</sup> Lane.
- The FCS plans were completed before flow data for the HQ site was calculated.
- According to the HQPS technical memo, the peak instantaneous discharge from the force main will be 746 GPM.
- The FCS sewer system will need to convey the force main flow as well as the flow from 34 residential units and Lots 10, 11 and 12 of the HQ site.
- Washington State adopted a minimum design flow rate of 240 gallon/day for residential units which averages to 0.16 GPM per household.
- Recommended assumption for peak flow rates are 4 times the average flow rate which is still less than 1 GPM per household.
- For this exercise, let us assume a design flow rate of 1 GPM per residential unit.
- According to the HQPS TM the daily flow from Lots 10-12 will be 39,025 gallons per day, averaging 27 GPM with an assumed peak of 108 GPM (4 times the average).
- Together the peak design conveyance should be  $746 + 34 + 108 = 888$  GPM.
- The FCS sanitary sewer system is proposed with 8" diameter pipe.
- Using the Manning's equation for pipe flow capacity, a minimum of slope of 2% is recommended for this Development with a flow capacity of 1010 GPM at 100% full.
- When the pipe is 90% full capacity is 1076 GPM.
- This is adequate to convey the expected design flow of 888 GPM with a 1.2 factor of safety.



**Mark Zeman, PE** | Sr Civil Engineer/Project Manager

Direct: 360.912.9575 | Cell: 503.867.0211 | Main: 360.737.9613

[www.otak.com](http://www.otak.com)

**From:** Kevin Brady [Kevin.Brady@otak.com](mailto:Kevin.Brady@otak.com)

**Sent:** Monday, July 12, 2021 7:38 AM

**To:** Odegard, Aaron [Aaron.Odegard@cityofvancouver.us](mailto:Aaron.Odegard@cityofvancouver.us)

**Cc:** Tim Leavitt [Tim.Leavitt@otak.com](mailto:Tim.Leavitt@otak.com); Mark Zeman [Mark.Zeman@otak.com](mailto:Mark.Zeman@otak.com)

**Subject:** RE: LUP-81488 Sanitary Sewer FC Supplemental Requirements Fisher's Creek Subdivision KEITH JONES

Thanks for the follow up, Aaron ... I see our civil team has responded, and will be getting back to you with the submittal item (i.e. Appendix R, Narrative).



**Kevin Brady** | Senior Planner

700 Washington Street, Suite 300 | Vancouver, WA 98660

Direct: 360.906.9423 | Main: 360.737.9613 | Mobile: 503-504-1951

[www.otak.com](http://www.otak.com)

**From:** Odegard, Aaron <[Aaron.Odegard@cityofvancouver.us](mailto:Aaron.Odegard@cityofvancouver.us)>

**Sent:** Friday, July 9, 2021 3:16 PM

**To:** Kevin Brady <[Kevin.Brady@otak.com](mailto:Kevin.Brady@otak.com)>; GRP Otak Civil <[otakcivil@otak.com](mailto:otakcivil@otak.com)>

**Subject:** RE: LUP-81488 Sanitary Sewer FC Supplemental Requirements Fisher's Creek Subdivision KEITH JONES

Kevin,

The email should have asked...

Please briefly acknowledge your safe receipt of the email below.

Thanks, aao

**From:** Odegard, Aaron

**Sent:** Monday, June 28, 2021 2:36 PM

**To:** [kevin.brady@otak.com](mailto:kevin.brady@otak.com); [otakcivil@otak.com](mailto:otakcivil@otak.com)

**Cc:** Jones, Keith (CED) <[Keith.Jones@cityofvancouver.us](mailto:Keith.Jones@cityofvancouver.us)>; Hale, Sheryl <[Sheryl.Hale@cityofvancouver.us](mailto:Sheryl.Hale@cityofvancouver.us)>

**Subject:** LUP-81488 Sanitary Sewer FC Supplemental Requirements Fisher's Creek Subdivision KEITH JONES

Good Afternoon,

Below are the Sanitary Sewer requirements posted to your Application's FC review (determination).

*Yes, this app is FC for Sanitary Sewer with the following Supplemental Requirements.*

***Project Coordination Narrative:*** *Submit an addendum summarizing proposed east adjoining project coordination. At a minimum summarize the following elements.*

*East adjoining project proposal.*

*Proposal provided in the Draft Tech Memo dated 08 June 2021.*

*Current application's provisions to accommodate the east adjoining proposal.*

***Submittal Requirements:*** *Prepare the narrative as Appendix R. Upload the Addendum R (and a copy of its transmittal) to the ePlans Documents Folder.*

Send questions about these requirements to me. (We can discuss on the phone as needed.)

Finally, please prepare and submit at your earliest. We look forward to approving the supplement.

Good luck with the project,

**Aaron A. Odegard P.E.** Civil Engineer

CITY OF VANCOUVER, WASHINGTON

Public Works Department/Engineering Services Division

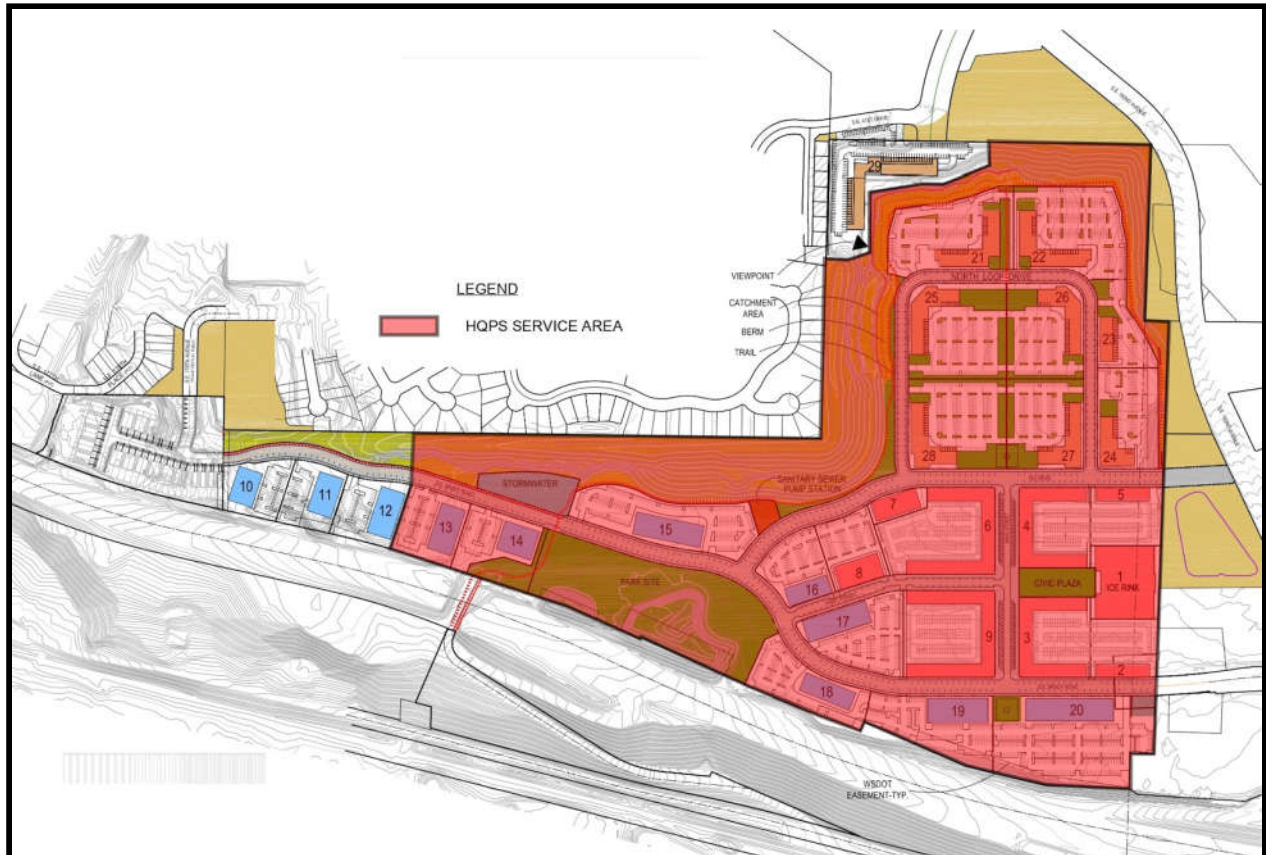
TTY: 360-487-8602



## Service Area

As stated previously, the service area for HQ encompasses approximately 100 acres of residential, mixed use, commercial, and industrial zoned properties. However, not all portions of the development will contribute flow to the HQPS. The service area for the HQPS is shown in **Figure 1**.

**Figure 1. HQPS Service Area**

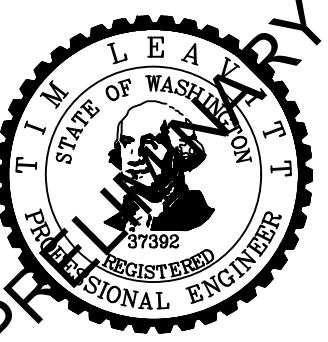


## Flow Projections

Criteria used for determining projected wastewater flows were taken from the City's General Sewer Plan (GSP)<sup>1</sup> and density assumptions provided by Otak. Criteria are shown in **Table 1**.

<sup>1</sup> City of Vancouver, Washington General Sewer Plan Volume 1 dated 15 April 2011 by Kennedy Jenks Consultants





HURLEY DEVELOPMENT  
275 W 3RD ST, STE 300  
VANCOUVER, WA 98660

FISHER'S CREEK SUBDIVISION  
17700 SE EVERGREEN HWY  
CITY OF VANCOUVER, WASHINGTON

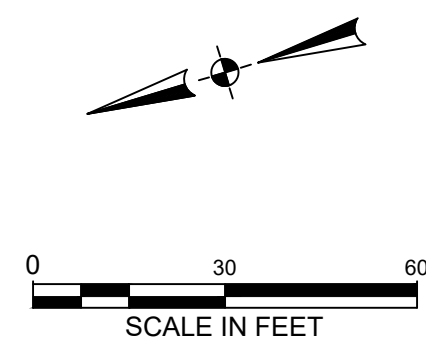
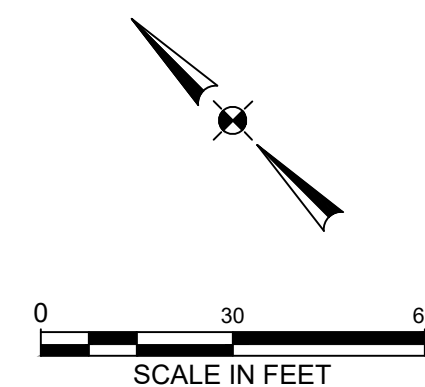
FISHER'S CREEK UTILITY PLAN AND PROFILE

LAND-USE SUBMITTAL

| TITLE          |      |             |
|----------------|------|-------------|
| #              | DATE | DESCRIPTION |
|                |      |             |
| REVISIONS      |      |             |
| DRAWN BY       |      | TOL         |
| CHECKED BY     |      |             |
| LAND-USE       |      |             |
| STATUS         |      |             |
| MAY 2021       |      |             |
| DATE           |      |             |
| 19809.002      |      |             |
| PROJECT NUMBER |      |             |

UT-01

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GENERAL NOTES:

1. SEE SHEET G-02 FOR NOTES AND LEGENDS.
2. SEE SHEET STRM-01 FOR PROPOSED STORMWATER SYSTEM.

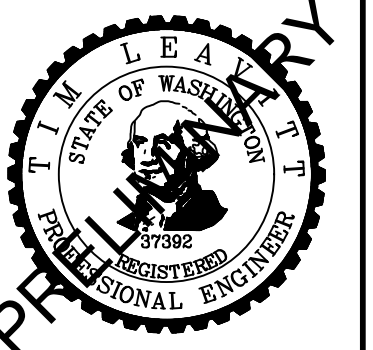
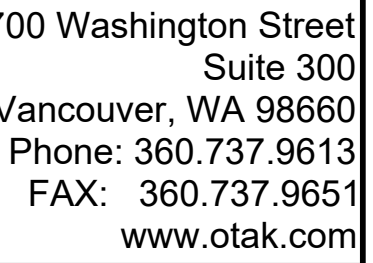
### WATER KEY NOTES:

- ① INSTALL 1" WATER SERVICE WITH DOMESTIC METER PER COV STANDARDS W-1 AND W-4.
- ② INSTALL FIRE HYDRANT ASSEMBLY PER COV STANDARD W-10.
- ③ INSTALL STANDARD VALVE BOX AND COVER PER COV STANDARD W-12.
- ④ INSTALL STANDARD BLOW OFF ASSEMBLY PER COV STANDARD W-14.

### SANITARY SEWER KEY NOTES:

- 1 CONSTRUCT STANDARD PRECAST MANHOLE PER COV STANDARD S-2.1A.
- 2 CONNECT TO EXISTING SANITARY MH.

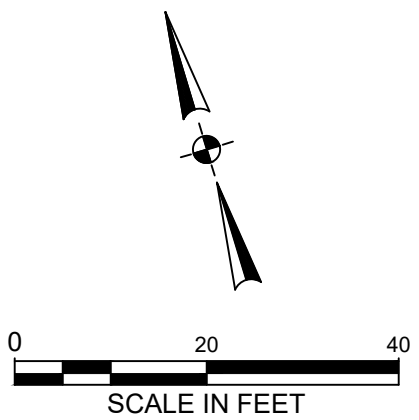




HURLEY DEVELOPMENT  
275 W 3RD ST, STE 300  
VANCOUVER, WA 98660

- ① INSTALL 1" WATER SERVICE WITH DOMESTIC METER PER COV STD PLANS W-1 AND W-4.
- ② INSTALL FIRE HYDRANT ASSEMBLY PER COV STD PLAN W-10.
- ③ INSTALL STANDARD VALVE BOX AND COVER PER COV STD PLAN W-12.
- ④ INSTALL STANDARD BLOW OFF ASSEMBLY PER COV STD PLAN W-14.

- 1 CONSTRUCT STANDARD PRECAST MANHOLE PER COV STD PLAN S-2.1A
- 2 EXTEND PIPE 3' PAST PROPERTY LINE AND CAP IN PLACE FOR FUTURE CONNECTION.



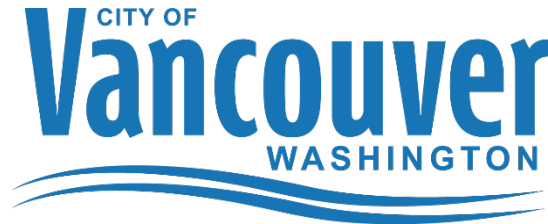
## LAND-USE SUBMITTAL

| TITLE          |      |             |
|----------------|------|-------------|
| #              | DATE | DESCRIPTION |
|                |      |             |
| REVISIONS      |      |             |
| DRAWN BY       |      | TOL         |
| LAND-USE       |      | CHECKED BY  |
| STATUS         |      |             |
| MAY 2021       |      |             |
| DATE           |      |             |
| 19809.002      |      |             |
| PROJECT NUMBER |      |             |

UT-02

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P.O. Box 1995 • Vancouver, WA 98668-1995  
[www.cityofvancouver.us](http://www.cityofvancouver.us)

August 31, 2021

**Notice of Final Determination of Nonsignificance (DNS)  
Fisher's Creek Subdivision and Planned Development  
PRJ-166679/LUP-81488**

The city issued a determination of nonsignificance for this project July 16, 2021, this determination is retained. The city received public comments as well as comments from the Department of Ecology, Southwest Clean Air Agency and WSDOT. The majority of these comments will be address with the forth coming staff report and recommendation to the Hearing Examiner. However, some of these comments were related to the SEPA determination. The applicant has provided a response, attached, that addresses the environmental concerns raised.

It has been determined the following described project will not have a probable significant adverse impact on the environment. Under the authority of WAC 197-11-330(1) and 197-11-350, a determination of nonsignificance has been issued.

**Request:** 34-lot single-family residential attached and detached subdivision and planned development. The property is zoned Low Density Residential (R-9).

**Location:** 17700 SE Evergreen Hwy. 126779000, 126780000 & 126778000

**Applicant/Owner:** Scot Brantley, HQ Vancouver, LLC, 275 W. 3rd Street, Suite 300, Vancouver, WA 98660 360-608-6026

Requests to appeal this decision must be made in writing within 14 calendar days after the date the decision is mailed. The letter of appeal shall state the case number designated by the city, the name of the applicant, name and signature of each petitioner, a statement showing that each petitioner is entitled to file the appeal under VMC Chapter 20.210, the specific aspect(s) of the decision and/or SEPA issue being appealed, the reasons each aspect is in error as a matter of fact or law, and the evidence relied on to prove the error. A substantive appeal of the SEPA determination must be filed in conjunction with and within the limitation period applicable to an available administrative appeal of the applicable permit or approval (VMC 20.790.640.D).

**All appeals, along with the required fee, must be received by 4 p.m., Sept. 14, 2021.**

During the current COVID-19 crisis, the appeal request shall be emailed to [epians@cityofvancouver.us](mailto:epians@cityofvancouver.us) as well as to the case manager's e-mail address below and the appeal fee electronically paid to the City.

Responsible Official: Keith Jones, Senior Planner  
E-mail: [keith.jones@cityofvancouver.us](mailto:keith.jones@cityofvancouver.us)

A handwritten signature in blue ink that reads "Keith Jones".

Aug. 31, 2021

Name

Date





STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

PO Box 47775 • Olympia, Washington 98504-7775 • (360) 407-6300  
711 for Washington Relay Service • Persons with a speech disability can call 877-833-6341

August 16, 2021

Keith Jones, AICP, Senior Planner  
City of Vancouver  
Community & Economic Development  
PO Box 1995  
Vancouver, WA 98668

Dear Keith Jones:

Thank you for the opportunity to comment on the optional determination of nonsignificance/notice of application for the Fisher's Creek Subdivision Project (PRJ-166679, LUP-81488) located at 17700 Southeast Evergreen Highway as proposed by HQ Vancouver, LLC. The Department of Ecology (Ecology) reviewed the environmental checklist and has the following comment(s):

**SHORELANDS & ENVIRONMENTAL ASSISTANCE:**  
**Miranda Adams, Wetlands/Shorelands Specialist**  
**(360) 690-7164 | [miranda.adams@ecv.wa.gov](mailto:miranda.adams@ecv.wa.gov)**

In absence of a critical areas report submitted as part of the SEPA package, regulatory agencies are unable to effectively comment on the proposed impacts associated with a project. Future submittals should include all pertinent information needed to assess resource impacts associated with project proposals.

**SOLID WASTE MANAGEMENT: Derek Rockett (360) 407-6287**

All grading and filling of land must utilize only clean fill. All other materials may be considered solid waste and permit approval may be required from the local jurisdictional health department prior to filling. All removed debris resulting from this project must be disposed of at an approved site. Contact the local jurisdictional health department for proper management of these materials.

**WATER QUALITY/WATERSHED RESOURCES UNIT:**  
**Greg Benge (360) 690-4787**

Erosion control measures must be in place prior to any clearing, grading, or construction. These control measures must be effective to prevent stormwater runoff from carrying soil and other pollutants into surface water or stormdrains that lead to waters of the state. Sand, silt, clay particles, and soil will damage aquatic habitat and are considered to be pollutants.

Any discharge of sediment-laden runoff or other pollutants to waters of the state is in violation of Chapter 90.48 RCW, Water Pollution Control, and WAC 173-201A, Water Quality Standards for Surface Waters of the State of Washington, and is subject to enforcement action.

Section A #10 of the SEPA checklist does not reflect the need for coverage under the Construction Stormwater General Permit (CSWGP), which will likely be required for the proposed project. If site disturbance is over one acre or the project reasonably expects to cause a violation of any water quality standards, and stormwater discharges to surface Waters of the State, a CSWGP is required.

Construction Stormwater General Permit:

The following construction activities require coverage under the Construction Stormwater General Permit:

1. Clearing, grading and/or excavation that results in the disturbance of one or more acres **and** discharges stormwater to surface waters of the State; and
2. Clearing, grading and/or excavation on sites smaller than one acre that are part of a larger common plan of development or sale, if the common plan of development or sale will ultimately disturb one acre or more **and** discharge stormwater to surface waters of the State.
  - a) This includes forest practices (including, but not limited to, class IV conversions) that are part of a construction activity that will result in the disturbance of one or more acres, **and** discharge to surface waters of the State; and
3. Any size construction activity discharging stormwater to waters of the State that Ecology:
  - a) Determines to be a significant contributor of pollutants to waters of the State of Washington.
  - b) Reasonably expects to cause a violation of any water quality standard.

If there are known soil/ground water contaminants present on-site, additional information (including, but not limited to: temporary erosion and sediment control plans; stormwater pollution prevention plan; list of known contaminants with concentrations and depths found; a site map depicting the sample location(s); and additional studies/reports regarding contaminant(s)) will be required to be submitted. For additional information on contaminated construction sites, please contact Carol Serdar at [Carol.Serdar@ecy.wa.gov](mailto:Carol.Serdar@ecy.wa.gov), or by phone at (360) 742-9751.

Additionally, sites that discharge to segments of waterbodies listed as impaired by the State of Washington under Section 303(d) of the Clean Water Act for turbidity, fine sediment, high pH, or phosphorous, or to waterbodies covered by a TMDL may need to meet additional sampling and record keeping requirements. See condition S8 of the Construction Stormwater General Permit for a description of these requirements. To see if your site discharges to a TMDL or 303(d)-listed waterbody, use Ecology's Water Quality Atlas at: <https://fortress.wa.gov/ecy/waterqualityatlas/StartPage.aspx>.

The applicant may apply online or obtain an application from Ecology's website at: [http://www.ecy.wa.gov/programs/wq/stormwater/construction/- Application](http://www.ecy.wa.gov/programs/wq/stormwater/construction/-Application). Construction site operators must apply for a permit at least 60 days prior to discharging stormwater from construction activities and must submit it on or before the date of the first public notice.

Keith Jones  
August 16, 2021  
Page 3

Ecology's comments are based upon information provided by the lead agency. As such, they may not constitute an exhaustive list of the various authorizations that must be obtained or legal requirements that must be fulfilled in order to carry out the proposed action.

If you have any questions or would like to respond to these comments, please contact the appropriate reviewing staff listed above.

Department of Ecology  
Southwest Regional Office

(GMP:202103846)

cc: Miranda Adams, SEA  
Derek Rockett, SWM  
Greg Bengel, WQ

**From:** [LC](#)  
**To:** [Jones, Keith \(CED\)](#)  
**Cc:** [L Chad](#)  
**Subject:** Fisher's Creek Subdivision and Planned Development PRJ-166679/LUP-81488  
**Date:** Saturday, July 24, 2021 9:40:35 AM

---

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

Keith, forgive me for calling you Kevin. One more thing I would like to add I don't think The Lakes should be responsible for future fencing around the property below us.

Lisa Chadek

**From:** LC <chadlm@comcast.net>  
**Date:** July 24, 2021 at 7:05:41 AM PDT  
**To:** keith.jones@cityofvancouver.us  
**Cc:** L Chad <chadlm@comcast.net>  
**Subject:** Fisher's Creek Subdivision and Planned Development PRJ-166679/LUP-81488

Hi Kevin,  
I reside at The Lakes at Fisher's Landing. My concerns are:  
privacy, noise impact, traffic conditions, protecting the wildlife.

The following was suggested & I agree: privacy fencing between The Lakes & new subdivision. A sound wall from Hwy 14, build Brady Road extension from 192nd west to subdivision to alleviate traffic on 178th.

I'm sure once completed this project will be beautiful...it's just getting through it. Thank you for keeping us informed.

Lisa Chadek  
4317 SE 178th Pl  
Vancouver WA 98683

**From:** [Kimila](#)  
**To:** [Jones, Keith \(CED\)](#)  
**Cc:** [Kimila](#)  
**Subject:** Fisher's Creek Subdivision and Planned Development PRJ-166679/LUP-81488  
**Date:** Saturday, July 24, 2021 12:27:07 PM

---

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

Dear Mr. Jones,

We are residents of Fisher Creek and we wanted to submit these questions and concerns to the developer and the officer for the following.

Privacy fencing between lakes property and new subdivision

Sound wall from hwy 14?

What if hwy 14 is widened in future? Is there adequate room?

Noise impacts, standard is construction from 7 am to 8 pm

Left turn out of 178, new impact of 235 trips or whatever they estimate per day

Animal corridor from fisher creek impact

Will brady road extension from 192 west to subdivision be built in time to help alleviate added traffic on 178?

They will tie into sewer water lines to our area, impact?

Please contact us if you have any questions.

Best Regards,

Kimila and Kristian de Groot  
4324 SE 178th Pl, Vancouver, WA 98683  
(360)907-1200

**From:** [Hahn, Eric](#)  
**To:** [Dennis Miller](#)  
**Cc:** [Jones, Keith \(CED\)](#); [Lopossa, Ryan](#); [Campos, Jennifer](#); [Jorgenson, Andrew](#)  
**Subject:** RE: Fisher's Creek Subdivision Public Hearing  
**Date:** Thursday, July 29, 2021 4:18:33 PM

---

Mr. Miller,

Please see answers to your traffic-related questions in **red font** below.

**Eric Hahn, PE** | Sr. Civil Engineer  
CITY OF VANCOUVER, WASHINGTON  
*Public Works | Streets & Transportation | TDRS*  
Marine Park Engineering – 4500 SE Columbia Way  
P.O. Box 1995 • Vancouver, WA, 98668-1995  
P: (360) 487-7702 | Fax: (360) 487-7139 | TTY: (360) 487-8602  
[www.cityofvancouver.us](http://www.cityofvancouver.us)

---

**From:** Jones, Keith (CED) <[Keith.Jones@cityofvancouver.us](mailto:Keith.Jones@cityofvancouver.us)>  
**Sent:** Thursday, July 29, 2021 3:30 PM  
**To:** Dennis Miller <[dennismiller@hotmail.com](mailto:dennismiller@hotmail.com)>  
**Cc:** Hahn, Eric <[Eric.Hahn@cityofvancouver.us](mailto:Eric.Hahn@cityofvancouver.us)>  
**Subject:** RE: Fisher's Creek Subdivision Public Hearing

Hi Dennis,

Below are answers to your questions in **green**

Eric will follow up with responses to your other questions related to traffic.

---

**From:** Dennis Miller <[dennismiller@hotmail.com](mailto:dennismiller@hotmail.com)>  
**Sent:** Wednesday, July 28, 2021 8:39 AM  
**To:** Jones, Keith (CED) <[Keith.Jones@cityofvancouver.us](mailto:Keith.Jones@cityofvancouver.us)>  
**Cc:** Hahn, Eric <[Eric.Hahn@cityofvancouver.us](mailto:Eric.Hahn@cityofvancouver.us)>  
**Subject:** Fisher's Creek Subdivision Public Hearing

Keith and Eric,  
Here are the initial questions I talked about in the original email. With some answers, our formal letter to the Planning Commission can probably be much shorter.  
Thanks,  
Dennis Miller

**FIRST DRAFT**

Questions and comments regarding planned development south of Lakes at Fisher's Landing to be sent to Keith Jones, City of Vancouver Senior Planner

Our concerns revolve around the 178<sup>th</sup> Avenue stub extension and transportation/traffic issues concerning the new development, not the fact that there will be a new development.

A. 178<sup>th</sup> Avenue stub

1. When will extension to new neighborhood be constructed and street opened to traffic?

**The extension of 178<sup>th</sup> Ave into the new subdivision will be made as part of the construction of public facilities for the subdivision. Once land-use approval is issued, the applicant will prepare civil construction plans. Construction will begin after the civil plans are approved. Once street construction is completed and has been inspected/accepted by the City's inspectors from the Construction Services Division, the applicant will record the new plat and the extension of 178<sup>th</sup> Ave will be open for public use.**

2. Will construction traffic for new neighborhood be allowed to use 178<sup>th</sup> Avenue or required to go through 192<sup>nd</sup>?

**City staff intends to require all construction traffic to access the site from 192<sup>nd</sup> Ave, through the old quarry.**

3. Will 178<sup>th</sup> Ave. open before new development finished?

**Once street construction is completed and has been inspected/accepted by the City's inspectors from the Construction Services Division, the applicant will record the new plat and the extension of 178<sup>th</sup> Ave will be open for public use. So, it is likely the street will be open before all the new residences are constructed.**

4. Will new development have traffic access from rest of Riverview Gateway development?

**Yes. The extension of Brady Road through Riverview Gateway will be the primary access street to the Fisher's Creek Subdivision.**

5. Can there be speed bumps such as on Hiddenbrook at entrance to Hiddenbrook/Fisher's Creek Neighborhood Association off 34<sup>th</sup> Street?

**It is not anticipated that the relatively small amount of traffic generated by the proposed Fisher's Creek Subdivision will create a new speeding problem in the existing neighborhoods. However, if the existing Neighborhood Associations have previously submitted a Neighborhood Traffic Calming application to the City and have demonstrated that there is an existing speeding problem, the City can require the developer to install new speed bumps or participate in the installation of new speed bumps. A link to the City's webpage for the Neighborhood Traffic Calming Program is included [here](https://www.cityofvancouver.us/publicworks/page/neighborhood-traffic-calming-program). If the link does not work, here is the page address:**

**<https://www.cityofvancouver.us/publicworks/page/neighborhood-traffic-calming-program>**

6. Is opening of 178<sup>th</sup> Avenue supposed to be a short cut to 34<sup>th</sup> St.

**No. The extension of 178<sup>th</sup> Avenue from its current dead-end will provide secondary access to the Fisher's Creek Subdivision and improve overall circulation for all residents living in this area. This is what was intended when the existing neighborhoods were originally constructed. This is how the City connects individual neighborhoods as they develop, to create and maintain good circulation for vehicles, bicyclists, pedestrians, and emergency vehicles. Based on historic travel patterns in the area, it is expected that the**

majority of traffic generated by the Fisher's Creek Subdivision will use Brady Road – a wide arterial street – to access 192<sup>nd</sup> Ave, rather than winding through the existing local neighborhood roads to 34<sup>th</sup> Street.

B. New neighborhood

1. What exactly does R-9 zoning mean? Are they single family homes, attached or detached?

Zoned R-9, a single family residential zone. Single-family detached is allowed. The applicant is proposing a planned development that also allows single-family attached. The applicant proposes both.

2. Maximum of how many units per acre (approximately 4.6 acres)?

The applicant is proposing 34 units. The maximum density is 37 units.

3. Will a pocket park, sidewalks be required?

Yes, I included the site plan and landscape plan for the project.

4. Will buffer / fencing be required between back of homes and Lakes @ Fisher's Landing?

As shown on the site plan there will be open space between the proposed development and the development to the north, fencing is not shown on the plans.

5. Can the new neighborhood be gated at each end?

C. Riverview Gateway

1. Will all roads and utilities be installed before any construction starts?

**Generally, yes. The required public facilities, including streets and utilities, must be completed before the applicant can file the plat and sell the lots or start construction on the buildings.**

2. Will Riverview tenants or homeowners have access to 178<sup>th</sup> Stub extension?  
And why?

**Yes. All of the proposed street connections will be public streets available for public use. Again, this is how the City connects individual neighborhoods to create and maintain good circulation for vehicles, bicyclists, pedestrians, and emergency vehicles. Also, without this connection it is likely that the long dead-end that would be created on Brady Road would not meet minimum emergency access requirements.**

- 3.

---

**From:** Jones, Keith (CED) <[Keith.Jones@cityofvancouver.us](mailto:Keith.Jones@cityofvancouver.us)>

**Sent:** Monday, July 26, 2021 2:57 PM

**To:** Dennis Miller <[dennisrmiller@hotmail.com](mailto:dennisrmiller@hotmail.com)>

**Cc:** Hahn, Eric <[Eric.Hahn@cityofvancouver.us](mailto:Eric.Hahn@cityofvancouver.us)>

**Subject:** RE: Fisher's Creek Subdivision Public Hearing



Hello Dennis,

It sounds like you have questions about traffic.

I have copied Eric Hahn in Transportation who can better answer your question.

---

**From:** Dennis Miller <[dennismiller@hotmail.com](mailto:dennismiller@hotmail.com)>

**Sent:** Monday, July 26, 2021 2:52 PM

**To:** Jones, Keith (CED) <[Keith.Jones@cityofvancouver.us](mailto:Keith.Jones@cityofvancouver.us)>

**Subject:** Fisher's Creek Subdivision Public Hearing

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

Keith,

We live in the Lakes @ Fisher's Landing townhouse development in the southeast corner of the Hiddenbrook area, along SE 178th Court and Place. I am speaking on behalf of several owners with concerns and questions, not the Board of the association. Would it be possible to speak with you before we send the formal list of questions to you next week-10 days?

We have general questions about the development and specifically the 178th Avenue stub located outside our gate. Perhaps I can save you some time but asking questions on behalf of several neighbors here, rather than your having to go through several emails. Concerns include timing of, and even the need for opening the stub outside our gate. Residents of the new-ish townhouse area at the SE corner of 164th have to drive a few blocks east, then north to get to a major arterial, so why do the neighborhoods along SE 43rd, 42nd and 180th have to take on the burden from SE 192nd? A compromise might be to have a double gate at the east end of the new Fisher's Creek subdivision, keeping the larger source of traffic away from established neighborhoods. Our Lakes at Fisher's Landing is especially concerned about security, as the average age of residents is about 62, including five single women and some folks around 80 years old. From prior experience, some of us have experienced and/or know others who have had the homes burgled by nearby construction workers.

My cell phone number is 360-513-1572 and I will be available most of the week except Wed and Fri mornings. I

look forward to talking to you about the development and the process to get our questions answered so that we and other affected neighborhoods can address the issues about the new R-9 area and traffic from the entire development to the east.

Dennis Miller  
[dennismiller@hotmail.com](mailto:dennismiller@hotmail.com)

**From:** [Sonya Zalubowski](#)  
**To:** [Jones, Keith \(CED\)](#)  
**Subject:** Re: Question on skinny houses  
**Date:** Monday, August 2, 2021 8:40:01 AM

---

Thnx for explaining  
Sonya

Sent from my iPad

> On Aug 2, 2021, at 8:02 AM, Jones, Keith (CED) <Keith.Jones@cityofvancouver.us> wrote:  
>  
> Yes,  
>  
> The applicant is requesting approval of a Planned Development that allows for a 15% density increase. The  
Planned Development is not held to the lot size requirements just the overall maximum density. Planned  
Developments require 10% open space and are required to go the City Council for approval.  
>  
>  
>  
> -----Original Message-----  
> From: Sonya Zalubowski <szalubowski@gmail.com>  
> Sent: Thursday, July 29, 2021 6:40 PM  
> To: Jones, Keith (CED) <Keith.Jones@cityofvancouver.us>  
> Subject: Question on skinny houses  
>  
> CAUTION: This email originated from outside of the City of Vancouver. Do not click links or open attachments  
unless you recognize the sender and know the content is safe.  
>  
> Hi Keith  
> My hoa works on comments  
> Question arose: how can developer qualify for its proposed skinny lots of 2250 to 3750 sq feet vs 5000 sq ft under  
r9?  
> Is it just as stated in the narrative that the size of parcel altogether is considered and would have allowed 37 lots if  
total land was just used for lots, not the open spaces?  
>  
> Could you pls respond?  
>  
> Thnx  
> Sonya  
>  
> Sent from my iPad

Aug. 13, 2021

Bradd Hill  
President, The Lakes at Fishers Landing Homeowners Association  
4116 SE 178<sup>th</sup> Court  
Vancouver, WA 98683-2800  
bradd1229@gmail.com

Keith Jones  
Senior Planner  
City of Vancouver  
P.O. Box 1995  
Vancouver, WA 98665-1995  
[keith.jones@cityofvancouver.us](mailto:keith.jones@cityofvancouver.us)

re: Fisher's Creek Subdivision and Planned Development PRJ-166679/LUP-81488

Dear Mr. Jones,

On behalf of the 40 homeowners and the directors of The Lakes at Fishers Landing Homeowners Association, I would like to place in the record the following issues and concerns regarding the proposed 34-unit residential subdivision proposed by Hurley Development adjacent to our property in Southeast Vancouver. The project abuts the southern border of The Lakes property and is currently under consideration by the City of Vancouver. The developer has expressed its interest in being transparent and a good neighbor before and during the construction phase of the development until it's completion. 1-3 years. It's with that same spirit of transparency and goodwill that we offer our observations and recommendations before the project receives final approval.

We understand that the project is in its final phase of consideration, but recommendations from the public with vested interests are still being heard. While we realize that the project is moving forward, it is our desire to point out several issues that directly impact The Lakes and its homeowners.

We have identified the following issues that we would like to be heard, considered and resolved prior to the final approval of the project:

**1) Sound barrier along Washington Highway 14.** We assume that Hurley Development and/or the eventual homebuilder(s) plan to work with the Washington Department of Transportation to recommend and secure a sound barrier along Highway 14 to mitigate traffic noise as well as enhance the value and overall desirability of the project. A sound barrier – regardless of its exact form – would be consistent with the existing sound barrier (wall) that currently exists along the north side of Highway 14 from SE 164<sup>th</sup> Avenue to the proposed Hurley development property line..

**2) Install a permanent barrier of at least six feet in height on the northern boundary of the Hurley development and the southern boundary of The Lakes/Lakes II property.** The Lakes and Lakes II are both gated communities. Since we are not able to guarantee that the Hurley development will be likewise gated, we insist that the developer bear the cost and erect a fence along the entire length of the Hurley development's northern border and The Lakes and Lakes II southern border. It is incumbent that the developer be required to pay for installation and guarantee ongoing maintain of a six-foot high fence that is suitable to serve as a barrier to entry into The Lakes and Lakes II gated properties from the proposed Hurley development. Current plans indicate that the area of the fence would be located in an approximately 50-foot wide buffer zone between the developments.

**3) Mitigation of construction noise to The Lakes homeowners during infrastructure buildout and homebuilding.** During the infrastructure buildout and the eventual construction of homes (7 a.m. to 8 p.m. Monday-Friday and 9 a.m. to 6 p.m. on weekends), we ask for a written plan of noise mitigation both on the construction site and SE 178th Avenue, which runs parallel to the entrance to The Lakes. This plan should be of sufficient detail to clarify what is meant by noise mitigation and contain details for reporting, enforcement and resolution of complaints. We also would like to require all construction related traffic be required to use SE Brady Road or other access routes from east of the development through the quarry and not on SE 178th Avenue adjacent to The Lakes. No parking on SE 178th Avenue should be allowed by anyone associated with the development during the entire length of the infrastructure and home construction period.

**4) Parking on SE 178<sup>th</sup> Avenue.** We are opposed to any restrictions on parking on SE 178th Avenue along the existing portion of the street from The Lakes security gate south to where the proposed new portion of SE 178<sup>th</sup> Avenue begins. The streets within The Lakes and Lakes II communities are narrow and don't allow for street parking. Therefore, it is sometimes necessary for homeowners to park on the street outside the gate. Guest parking for the Hurley development should be restricted strictly to the streets within the Hurley development and not the portions of SE 178<sup>th</sup> Avenue adjacent to The Lakes property.

**5) Remove large Cottonwood trees along the common border.** The roots from these invasive trees are wreaking havoc with landscaping in common areas and on homeowners' adjacent property in The Lakes as well as threatening to invade foundations. This has been an ongoing battle for years. They serve no useful purpose and are a threat to both homes and landscaping. Since these are on property that is part of the proposed development, we would like them removed and mitigated from returning at the expense of the developer. Since the grade is being elevated to the level of our property, this would be the easiest and best way to remove this problem and the threat it poses to the future relationship between The Lakes, Lakes II and the proposed Hurley development.

We look forward to hearing your thoughts about our recommendations as well as any questions you may have about them. Please don't hesitate to be in touch if I can answer any questions you may have.

Sincerely,  
Bradd Hill

cc: Bobbi Thale, The Lakes Board  
Phil Smith, The Lakes Board  
Lyman Potts, The Lakes Board  
Greg Allison, The Lakes Board  
Chelsea Greenhill, AMS Management

**From:** [Bradd Hill](#)  
**To:** [Hildreth, Johnnie](#)  
**Cc:** [Jones, Keith \(CED\)](#)  
**Subject:** Re: Keith Jones: August 16th Deadline  
**Date:** Monday, August 16, 2021 1:55:50 PM

---

Thank you!

On Mon, Aug 16, 2021, 1:52 PM Hildreth, Johnnie <[Johnnie.Hildreth@cityofvancouver.us](mailto:Johnnie.Hildreth@cityofvancouver.us)> wrote:

Hi Bradd,

Keith will receive your email with your comments/concerns which he will include those in is staff report comments.

Thank you,

**Johnnie Hildreth | Assistant Planner**  
CITY OF VANCOUVER, WASHINGTON

Community and Economic Development Department

415 W. 6<sup>th</sup> St. | Vancouver, WA 98668-1995

P: 360-487-7824 | TTY: 360-487-8602

[www.cityofvancouver.us](http://www.cityofvancouver.us)

**Permit Center Moves to Virtual Operations in Response to Virus. Please visit our [website for more information.](#)**

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**From:** Bradd Hill <[bradd1229@gmail.com](mailto:bradd1229@gmail.com)>  
**Sent:** Monday, August 16, 2021 12:51 PM  
**To:** City CDD Planning <[cddplanning@cityofvancouver.us](mailto:cddplanning@cityofvancouver.us)>

**Subject:** Fwd: Keith Jones: August 16th Deadline

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

From: **Bradd Hill** <[bradd1229@gmail.com](mailto:bradd1229@gmail.com)>

Date: Mon, Aug 16, 2021 at 12:36 PM

Subject: Keith Jones: August 16th Deadline

To: <[cvdplanning@cityofvancouver.us](mailto:cvdplanning@cityofvancouver.us)>

We were told that August 16th was the deadline to submit comments on the HQ (Hurley Development) project, by Keith, and send to his email. Now his email reply says he is out until August 23rd. Is there another email to submit our HOA comments.

Attached is another copy of our submission for consideration.

Thanks

Bradd Hill

--

Bradd Hill  
4116 SE 178th Ct.  
Vancouver, WA 98683  
cell: 503-803-9477

--

Bradd Hill  
4116 SE 178th Ct.  
Vancouver, WA 98683  
cell: 503-803-9477

**From:** [Sonya Zalubowski](#)  
**To:** [Jones, Keith \(CED\)](#)  
**Subject:** Comment on fisher creek subdivision by hurley  
**Date:** Wednesday, August 4, 2021 2:25:09 PM

---

Hi Keith

Sorry this is so disjointed but I keep learning more and thus want to add to my comments due by aug 16

I want to question the Hurley request for a 15% increase in density for their proposed fisher creek subdivision off 178 street in former fisher quarry. This is an environmentally fragile area since it is part of the shrinking wildlife animal corridor

That fisher creek represents. The Hurley plans show a skinny buffer along the backs of homes and a small riparian area. What is the justification of packing in even more homes? The quarry area was empty all night long, homes will not be. And use of the quarry was not continual as will residency now be,affording the wildlife some necessary relief from human presence.

Than you  
Sonya Zalubowski

Sent from my iPad

> On Aug 2, 2021, at 8:02 AM, Jones, Keith (CED) <Keith.Jones@cityofvancouver.us> wrote:

>

> Yes,

>

> The applicant is requesting approval of a Planned Development that allows for a 15% density increase. The Planned Development is not held to the lot size requirements just the overall maximum density. Planned Developments require 10% open space and are required to go the City Council for approval.

>

>

>

> -----Original Message-----

> From: Sonya Zalubowski <szalubowski@gmail.com>

> Sent: Thursday, July 29, 2021 6:40 PM

> To: Jones, Keith (CED) <Keith.Jones@cityofvancouver.us>

> Subject: Question on skinny houses

>

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

>

> Hi Keith

> My hoa works on comments

> Question arose: how can developer qualify for its proposed skinny lots of 2250 to 3750 sq feet vs 5000 sq ft under r9?

> Is it just as stated in the narrative that the size of parcel altogether is considered and would have allowed 37 lots if total land was just used for lots, not the open spaces?

>

> Could you pls respond?

>

> Thnx

> Sonya

>

> Sent from my iPad



**From:** [Sonya Zalubowski](#)  
**To:** [Jones, Keith \(CED\)](#)  
**Subject:** Comments from Sonya Zalubowski on fisher creek subdivision  
**Date:** Friday, July 23, 2021 5:07:34 PM  
**Attachments:** [COVID-19 NOA, Hearing, SEPA template.pdf](#)

---

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

Hi Keith

Pls accept my comments below for the hearing examiner on the Hurley proposal for said subdivision off se 178th :

>> Privacy fencing to be paid for by builder between lakes property and new subdivision  
>> Sound wall from hwy 14  
>> What if hwy 14 is widened in future? Is there adequate room?  
>> Noise impacts, standard is construction from 7 am to 8 pm  
Flying dirt, debris during construction  
>> Left turn out of lakes at 178, new impact of 235 trips or whatever they estimate per day  
>> Animal corridor from fisher creek impact  
>> Will brady road extension from 192 west to subdivision be built in time to help alleviate added traffic on 178?

What are impacts on using existing sewer, water lines in area?

>>

>> Thnx

>> Sonya Zalubowski

4214 se178 ct

98683

>> Lakes resident

>>

>>

>>

>>

>> Sent from my iPad

**From:** [Ryoichi Kuwabara](#)  
**To:** [Jones, Keith \(CED\)](#)  
**Subject:** Comments on the proposed Fisher's Creek Subdivision and Planned Development PRJ-166679/LUP-81488  
**Date:** Tuesday, August 3, 2021 7:19:52 AM

---

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

Hi Keith,

I'm forwarding you the comment shown below that I sent to Scot Brantley of HQ Vancouver, LLC regarding the proposed Fisher's Creek Subdivision. Please include this comment in your list. Thank you in advance.

Hi Scot,

I'm a resident of The Lakes at Fishers Landing, the gated community that borders your proposed residential development in the former Fishers Rock Quarry site. My unit is located at the back side of Units 11, 12 and 13 in your Site Plan/Landscape Plan. I was invited to the conference call but I'm unable to attend, so I'm sending you my concern regarding the white-colored area enclosed with the dotted line with the remark "Protect existing vegetation."

When we moved in The Lakes about 13 years ago, there were only a few cottonwood trees in the area mentioned above, which is behind the cedar trees that were planted by our developer along the property line. Now there are more than a dozen cottonwood trees that are taller than the cedar trees, some of which are close to the cedar trees and are obstructing their growth. Their roots also spread so fast and have been invading the Lakes side; we continually see new shoots all over the place. Since these cottonwood trees are not on our property, we can't do anything to prevent them from growing so fast or stopping the roots from spreading into our area. I wanted to let you know that once the irrigation system is installed at your side, these cottonwood trees will start spreading towards backyards of your Units 11-18.

Our HOA president will provide additional concerns/issues voiced by other residents within our community, one of which is requesting for a fence/barrier along the property line. To install a fence/barrier, cottonwood trees growing right next to the cedar trees need to be removed and something should be done to prevent these cottonwood trees from growing/spreading fast.

I would appreciate it if you would look into my comments. We honestly are looking forward to sharing a common border with your planned new development next to our community.

Thank you,  
Ryoichi Kuwabara/Julius Kaneshiro  
4325 SE 178<sup>th</sup> Place



## Technical Memorandum

**To:** Keith Jones – City of Vancouver  
**From:** Travis Kessler, PWS – Otak, Inc.  
**Copies:** Tim Leavitt, Kevin Brady, and Jeff Gray, PWS — Otak, Inc.  
**Date:** August 19, 2021  
**Subject:** Fisher's Creek Subdivision  
**Project No.:** 019809.200

This technical memorandum was prepared to address public concerns that have arisen on the Fisher's Creek Subdivision in Vancouver, Washington regarding the potential for wildlife impacts to occur as a result of the proposed project. This memorandum accompanies the *Critical Areas Report and Buffer Mitigation Plan* prepared by Otak on April 30, 2021. The sections outlined below briefly summarize and clarify the determinations made by Otak according to field studies, desktop analysis, and critical areas reporting in accordance with the City of Vancouver Municipal Code.

### **Site Location**

The project site for the Fisher's Creek Subdivision is addressed as 17700 SE Evergreen Highway in the City of Vancouver, Clark County, Washington (see Figure 1 of critical areas report). It is located north of State Route (SR) 14, west of SE 192<sup>nd</sup> Avenue, and south of SE 178<sup>th</sup> Street, and comprises of three tax parcels: 126779000, 126780000, and 126778000. The site is currently zoned R-9 (Low Density Residential) and has a Comprehensive Plan designation of Residential. The project is located in Section 7 of Township 01 North, Range 03 East of the Public Land Survey System, and in Water Resource Inventory Area (WRIA) 28 (Salmon-Washougal). The study area for the report includes the three tax parcels covering approximately 4.67 acres, plus 200 feet around the parcel boundaries to identify critical areas that could have buffers that extend across parcel boundaries.

### **Site History**

The site was used in the past as a storage yard for large mining equipment, vehicles, and trailers, and includes compacted gravel and dirt driveways. Fisher's Quarry has been in operation since the 1880's, and this portion of the quarry has been cleared of vegetation and in intensive land uses since at least 1955 per a review of historical aerial photography (Clark County 2021). SR 14 that abuts the southern edge of the project boundary was constructed around 1960. Ongoing reclamation activities in the gravel mining portion of Fisher's Quarry will not affect the project site per Reclamation Permit #70-010379 issued by the Washington Department of Natural Resources (WDNR) in October 2019.

Due to past mining operations that have occurred since 1955, there is no wildlife habitat present onsite. The entire site has been cleared of all native vegetation and native habitat that occurred historically before 1955. Operations of Fisher's Quarry consisted of the operation of heavy machinery and construction equipment, which produce loud noise, dust and emissions from equipment exhaust fumes. These industrialized conditions with heavy machinery are not favorable for wildlife. Any wildlife present on the site would stray away from these conditions and would pass through quickly to find more favorable habitat areas adjacent to the site for food, water and cover.

**Sensitive Plants, Fish and Wildlife**

According to the field investigation by Otak on October 6, 2020 and the desktop analysis presented within the *Critical Areas Report and Buffer Mitigation Plan* prepared on April 30, 2021, there are no known state or federally listed (Endangered or Threatened) wildlife or plant species or their designated critical habitats present on the site.

According to Washington Department of Fish and Wildlife Priority Habitat and Species Mapping, coho salmon (*Oncorhynchus kisutch*), rainbow trout (*Oncorhynchus mykiss*), and winter steelhead (*Oncorhynchus mykiss*) are mapped as occurring within Fisher's Creek, which is a Type F (perennial fish bearing) stream that flows north to south along the west site boundary. Caves or cave-rich areas are also mapped within the boundaries of the site, but were not determined to be present according to field observations.

Per the Washington Natural Heritage Program, known rare plants and nonvascular species of high conservation value are mapped on the Washington Wetlands of High Conservation Value Map Viewer within the project vicinity (WDNR 2020a). The rare plant mapped within the study area is known as western wahoo. Western wahoo was not observed onsite in suitable habitat areas (e.g., moist forest, Fisher's Creek ravine) during the field investigation by Otak on April 1, 2021.

**Conclusion**

According to the data gathered from field investigations and desktop analyses conducted by Otak that were presented in the *Critical Areas Report and Buffer Mitigation Plan* prepared by Otak on April 30, 2021, no known state or federally listed (Endangered or Threatened) wildlife or plant species or their designated critical habitats occur on the site.

In addition, there is no wildlife habitat present on the site due to the historic clearing and grading activities that have occurred since 1955, based on Clark County historic aerial photography. Any wildlife that would be present on the property would only be passing through to adjacent habitat areas along the riparian corridor of Fisher's Creek or other vegetated areas surrounding the active expansion areas, which will not be impacted by the proposed subdivision.

To compensate for project impacts, 11,185 square feet of riparian forested buffer associated with Fisher's Creek; 1,430 square feet of temporarily impacted buffer around Wetland B; and 4,063 square feet of Wetland B buffer will be restored with native species. This restoration strategy will expand the wildlife corridor adjacent to the site to restore what's historically been impacted. This will allow the site to have a net increase in function and value over the existing site.

Due to the factors discussed above and presented within the critical areas report, the Fisher's Creek Subdivision project will have no effect to wildlife or wildlife habitat. In the instance that wildlife are present within the active construction areas during proposed work, construction will be halted until the wildlife are able to travel safely outside the impact areas to offsite locations.

**From:** [Sonya Zalubowski](#)  
**To:** [Jones, Keith \(CED\)](#)  
**Subject:** Re: Aug 16 fisher creek subdivision. Comments  
**Date:** Wednesday, July 28, 2021 4:49:13 PM

---

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Hi Keith

I looked again at the narrative..do you think that amount of space they give in riparian area is enough? For animals You had told me the developer Hurley didn't have in end to do mitigation

And along the sides will it-be fenced so residents can't walk thru riparian area into our space, our roadway and the dam and ponds

I think of kids..we had trouble before w nhood teens swimming in ponds..big liability

We of course want fencing all around their development next to ours with NO access

Otherwise it is even more deleterious for the wetland animal corridor which is so sensitive and meagre

I want to enter these comments for the aug 16 deadline on fisher creek subdivision under the sepa part

Thnx

Sonya Zalubowski

Lakes resident

4214 se 178 ct

98683

Sent from my iPad

> On Jul 28, 2021, at 3:55 PM, Sonya Zalubowski <szalubowski@gmail.com> wrote:

>

> Hi Keith

> On my comments, I raised the issue in that sepa portion of the hearing re the wildlife corridor. Can you tell me what Hurley plans viz a vis how the animals would access their subdivision to get to further habitat? I want to protect the wildlife, squeezed out of so much habitat by Greedy ever burgeoning humanity..we have a doe now with two spotted fawns scampering around to forage...they use fisher creek and it's wooded area to survive and make it to the Columbia river

>

> Now they will run into homes and peep..we have wetland buffers, do they plan same?

>

> What is Hurley doing? Want to specially address that in a comment addenda to you

>

> Much thnx!

> Best

> Sonya

>

> Sent from my iPad

April 27, 2021

City of Vancouver  
Attention: Eric Hahn  
4500 SE Columbia Way  
Vancouver, WA 98661

Re: **HQ Vancouver – Fisher’s Creek Subdivision**  
*Trip Generation and Distribution Letter*  
Project Number 2200431.01

Dear Eric:

Mackenzie has prepared this letter to satisfy the concurrency requirements as described in the March 4, 2021 Pre-Application Conference for the proposed Fisher’s Creek Planned Development at 17700 SE Evergreen Highway in Vancouver, Washington. This letter presents trip generation and distribution estimates for the proposed development.

## INTRODUCTION

The proposed development will include up to 28 attached townhomes and six (6) single-family detached houses. All units will be located on separate lots. The proposed site is located at 17700 SE Evergreen Highway. The site is approximately 4.67 acres and comprises tax lots 126778000, 12679000, and 126780000. The site is currently undeveloped and zoned Low Density Residential (R-9). The proposed subdivision will be located west of the future HQ Master Plan area, which will construct the extension of SE Brady Road west of SE 192nd Avenue to the subject site. The site will have access from this future SE Brady Road extension to the east and from SE 176th Avenue to the north.

## TRIP GENERATION

Trip generation estimates were developed using trip rates presented in the Institute of Transportation Engineers’ (ITE) *Trip Generation Manual*, 10th Edition. As confirmed with City staff, trip rates for ITE’s “Single-Family Detached Housing” (LUC 210) will be used for the detached units and trip rates for ITE’s “Multifamily Housing (Low-Rise)” (LUC 220) will be used for the attached townhomes. Per the City’s March 4, 2021 pre-application notes, a daily trip rate of 10.0 trips/unit will be applied for the proposed single-family detached unit.

Table 1 below summarizes the trip generation estimates for the proposed subdivision.

| TABLE 1 – PROPOSED TRIP GENERATION |                                |         |           |              |           |           |              |          |           |            |
|------------------------------------|--------------------------------|---------|-----------|--------------|-----------|-----------|--------------|----------|-----------|------------|
| ITE Code                           | Land Use                       | Size    | Trip Type | AM Peak Hour |           |           | PM Peak Hour |          |           | Daily      |
|                                    |                                |         |           | In           | Out       | Total     | In           | Out      | Total     |            |
| 210                                | Single-Family Detached Housing | 6 d.u.  | Total     | 1            | 3         | 4         | 4            | 2        | 6         | 60         |
| 220                                | Multifamily Housing (Low-Rise) | 28 d.u. | Total     | 3            | 10        | 13        | 10           | 6        | 16        | 205        |
| <b>TOTAL</b>                       |                                |         |           | <b>4</b>     | <b>13</b> | <b>17</b> | <b>14</b>    | <b>8</b> | <b>22</b> | <b>265</b> |



As presented in Table 1, the proposed development is estimated to generate 17 AM peak hour, 22 PM peak hour, and 265 daily trips.

## TRIP DISTRIBUTION

Primary trip distribution for the proposed development will be based on travel demand model plots obtained from the Southwest Washington Regional Transportation Council (RTC). The attached figures present the proposed trip distribution percentages and traffic assignment for the AM and PM peak hours.

- 30% to/from the west on SR-14
- 10% to/from the east on SR-14
- 5% to/from the west on SE Cascade Park Drive
- 5% to/from the west on SE McGillivray Boulevard
- 10% to/from the north on SE 164th Avenue
- 5% to/from the west on Mill Plain Boulevard
- 5% to/from the north on SE 192nd Avenue
- 5% to/from the east on SE 1st Street
- 5% to/from the west on SE 1st Street
- 5% to/from the west on SE 15th Street
- 5% to/from the east on SE 20th Street
- 10% to/from the east on SE 34th Street

## Trip Impact

Based on the proposed trip distribution above and the future roadway network for the adjacent HQ Master Plan area, the following intersections are projected to be impacted by 5 or more PM peak hour trips:

- SE 192nd Avenue/SE 15th Street
- SE 192nd Avenue/SE 20th Street
- SE 164th Avenue/SE McGillivray Boulevard
- SE 164th Avenue/SE Cascade Park Drive/SE 34th Street
- SE 34th Street/SE Hiddenbrook Drive
- SE 192nd Avenue/SE 34th Street
- SE 192nd Avenue/SE Columbia Palisades Drive
- SE 192nd Avenue/SE Brady Road
- SE 192nd Avenue/SR-14 WB Ramps
- SE 192nd Avenue/SR-14 EB Ramps

## TRANSPORTATION CONCURRENCY REQUIREMENTS

For concurrency purposes, the City requires that proposed developments generating five (5) or more PM peak hour trips list the number of trips assigned to the appropriate Transportation Management Zone (TMZ), also known as a concurrency corridor. The project is anticipated to add trips to 192nd Avenue between SR 14 and NE 18th Street, as presented in the March 2021 pre-application comments. The project trips assigned to this corridor are presented in Table 2.

| TABLE 2 – TRIPS ADDED TO CONCURRENCY CORRIDORS             |                               |                                  |
|------------------------------------------------------------|-------------------------------|----------------------------------|
| Concurrency Corridor or Transportation Analysis Zone (TAZ) | Corridor Limits               | Added Weekday PM Peak Hour Trips |
| Mill Plain Boulevard                                       | Fourth Plain to I-5           | N/A                              |
|                                                            | I-5 to Andresen               | N/A                              |
|                                                            | Andresen to I-205             | N/A                              |
|                                                            | I-205 to 136th Avenue         | N/A                              |
|                                                            | 136th Avenue to 164th Avenue  | N/A                              |
|                                                            | 164th Avenue to 192nd Avenue  | N/A                              |
| St. Johns Way/Ft. Van Way                                  | Mill Plain to 63rd Street     | N/A                              |
| Fourth Plain Boulevard                                     | Mill Plain to I-5             | N/A                              |
|                                                            | I-5 to Andresen               | N/A                              |
|                                                            | Andresen to I-205             | N/A                              |
|                                                            | I-205 to 162nd Avenue         | N/A                              |
| Andresen Road                                              | Mill Plain to SR 500          | N/A                              |
|                                                            | SR 500 to 78th Street         | N/A                              |
| 112th Avenue                                               | Mill Plain to 28th Street     | N/A                              |
|                                                            | 28th Street to 51st Street    | N/A                              |
| 164th/162nd Avenue                                         | SR 14 to SE 1st Street        | 5                                |
|                                                            | SE 1st Street to Fourth Plain | N/A                              |
| Burton Road/28th Street                                    | 18th Street to 112th Avenue   | N/A                              |
|                                                            | 112th Avenue to 138th Avenue  | N/A                              |
|                                                            | 138th Avenue to 162nd Avenue  | N/A                              |
| 18th Street                                                | 112th Avenue to 138th Avenue  | N/A                              |
|                                                            | 138th Avenue to 164th Avenue  | N/A                              |
| 136th/137th Avenue                                         | Mill Plain to 28th Street     | N/A                              |
|                                                            | 28th Street to Fourth Plain   | N/A                              |
| 192nd Avenue                                               | SR14 to NE 18th Street        | 11*                              |

\*The proposed development is located within the identified TMZ.

## PROPORTIONATE SHARE

The City of Vancouver is collection proportionate share fees for the planned improvements of the SR-14/SE 192nd Avenue interchange. Improvements at this location will include signalization of the westbound ramp intersection, a second westbound right-turn lane, a second southbound through lane to the eastbound ramp, elimination of the northbound left-turn lane at the westbound ramp, installation of a raised median, and a bike lane on the northbound approach. For these improvements, the City is collection a fee of \$2,000 per PM peak hour trip projected to impact the subject interchange. Based on the estimated 22 new PM peak hour trips and the trip distribution presented above, we estimate eight (8) PM peak hour trips will impact the SR-14 Westbound Ramp/SE 192nd Avenue intersection. Therefore, the proportionate share fee for the Fisher’s Creek Subdivision is \$16,000.



## SUMMARY

In summary, the proposed residential development will add 22 new PM peak hour trips to the adjacent roadway network and is not anticipated to adversely affect transportation concurrency along 192nd Avenue. Based on the estimated eight (8) PM peak hour trip impact to the SR 14/192nd Avenue interchange, the Fisher's Creek Subdivision will pay a proportionate share fee of \$16,000 toward the improvements at this location.

Please contact me at [bahrend@mcknze.com](mailto:bahrend@mcknze.com) or 971-346-3781 if you have any questions or comments regarding the information presented in this letter.

Sincerely,



Brent Ahrend, PE  
Associate Principal | Traffic Engineer



Janet Jones  
Associate | Traffic Engineer

Enclosure(s): Attachment A – Site Plan dated April 2021  
Attachment B – Trip Distribution Figure dated April 20, 2021

c: Jennifer Patrick – City of Vancouver  
Arthur Ryapolov, Scot Brantley – Hurley Development  
Kevin Brady – Otak, Inc.



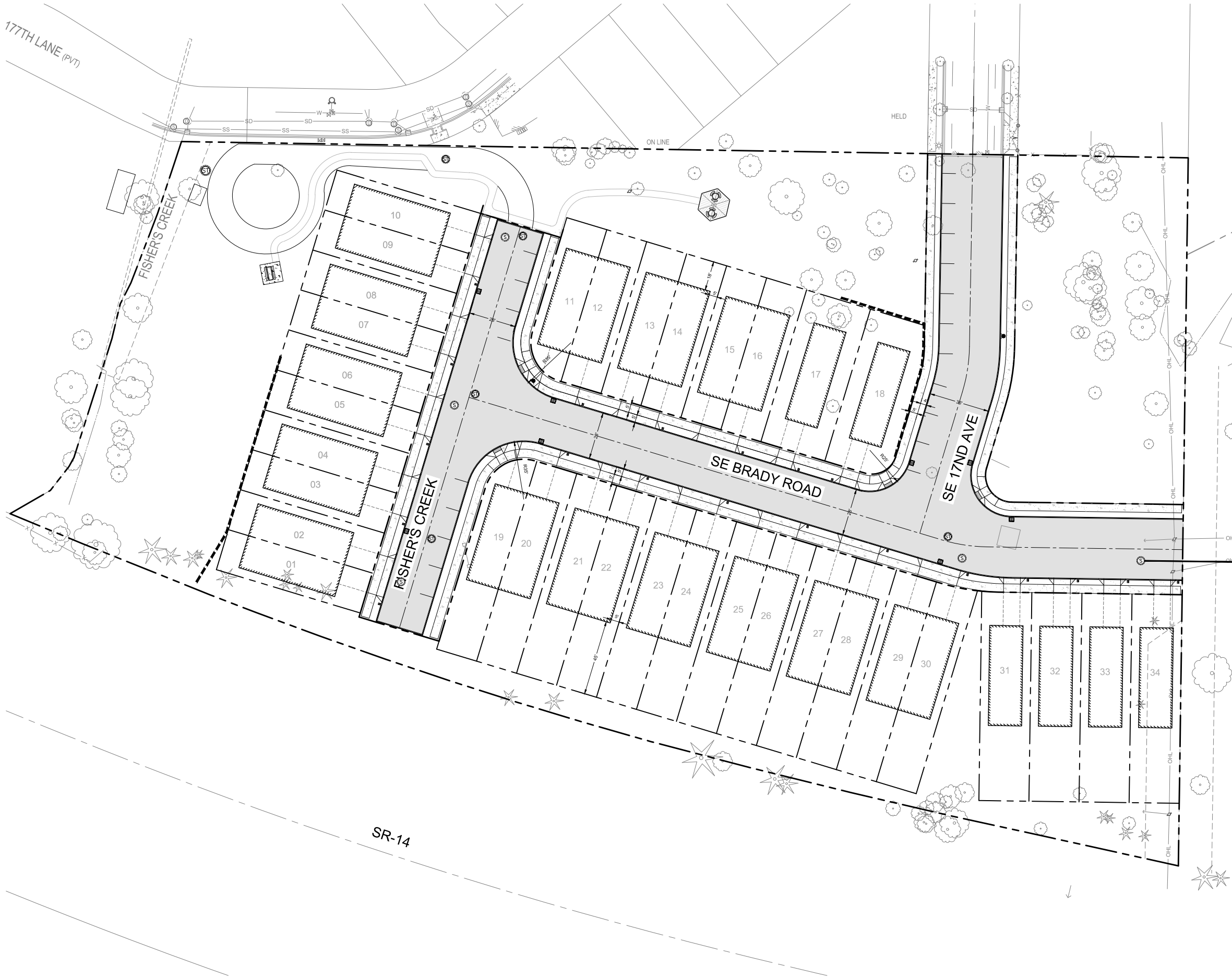
4-28-21



HURLEY DEVELOPMENT  
275 W 3RD ST, STE 300  
VANCOUVER, WA 98660

FISHER'S CREEK SUBDIVISION  
17700 SE EVERGREEN HWY  
CITY OF VANCOUVER, CLARK COUNTY, WASHINGTON  
SITE PLAN  
LAND-USE SUBMITTAL

| TITLE             |      |             |
|-------------------|------|-------------|
| #                 | DATE | DESCRIPTION |
| REVISIONS         |      |             |
| NAB               | TDL  |             |
| DRAWN BY          |      | CHECKED BY  |
| LAND-USE          |      |             |
| STATUS            |      |             |
| APRIL 2021        |      |             |
| DATE              |      |             |
| 19809.002         |      |             |
| PROJECT NUMBER    |      |             |
| C-01              |      |             |
| © 2021 OTAK, INC. |      |             |



GENERAL NOTE:

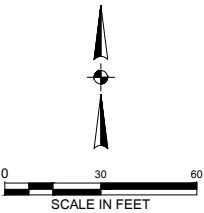
- SEE SHEET G-02 FOR NOTES AND LEGEND.
- PROTECT EXISTING CATCH BASINS PER DETAIL ON SHEET STD-01 BEFORE BEGINNING DEMOLITION.
- SEE SHEET UT-01 FOR UTILITIES PLAN.
- SEE SHEET STRM-01 FOR STORMWATER PLAN.
- PRIOR TO INITIATING WORK IN THE PUBLIC RIGHT-OF-WAY, CONTRACTOR TO PREPARE, SUBMIT, AND OBTAIN APPROVAL FROM THE CITY OF VANCOUVER FOR TRAFFIC CONTROL.

KEY NOTES:

- INSTALL NEW SIDEWALK PER COV STD PLAN T02-01A ON SHEET STD-03.
- PAVEMENT RESTORATION AREA PER COV STD PLAN T05-01B AND T05-07 ON SHEET STD-02.
- INSTALL TYPE E-1 CURB PER COV STD PLAN T01-01A ON SHEET STD-03.
- INSTALL COMMERCIAL DRIVEWAY (THROAT WIDTH PER PLAN). SEE DETAIL T01-07 ON SHEET STD-03.
- GARAGE ENTRY.
- TRASH TRUCK AND FIRE ENGINE ENTRY.
- INSTALL DETECTABLE SURFACE WARNING PER DETAIL COV T02-15 ON SHEET STD-03.
- INSTALL HARDSCAPE AS SPECIFIED ON LANDSCAPE PLANS.
- REMOVABLE BOLLARDS AS SPECIFIED ON LANDSCAPE PLANS.
- EXISTING STREET TREE (TYP).

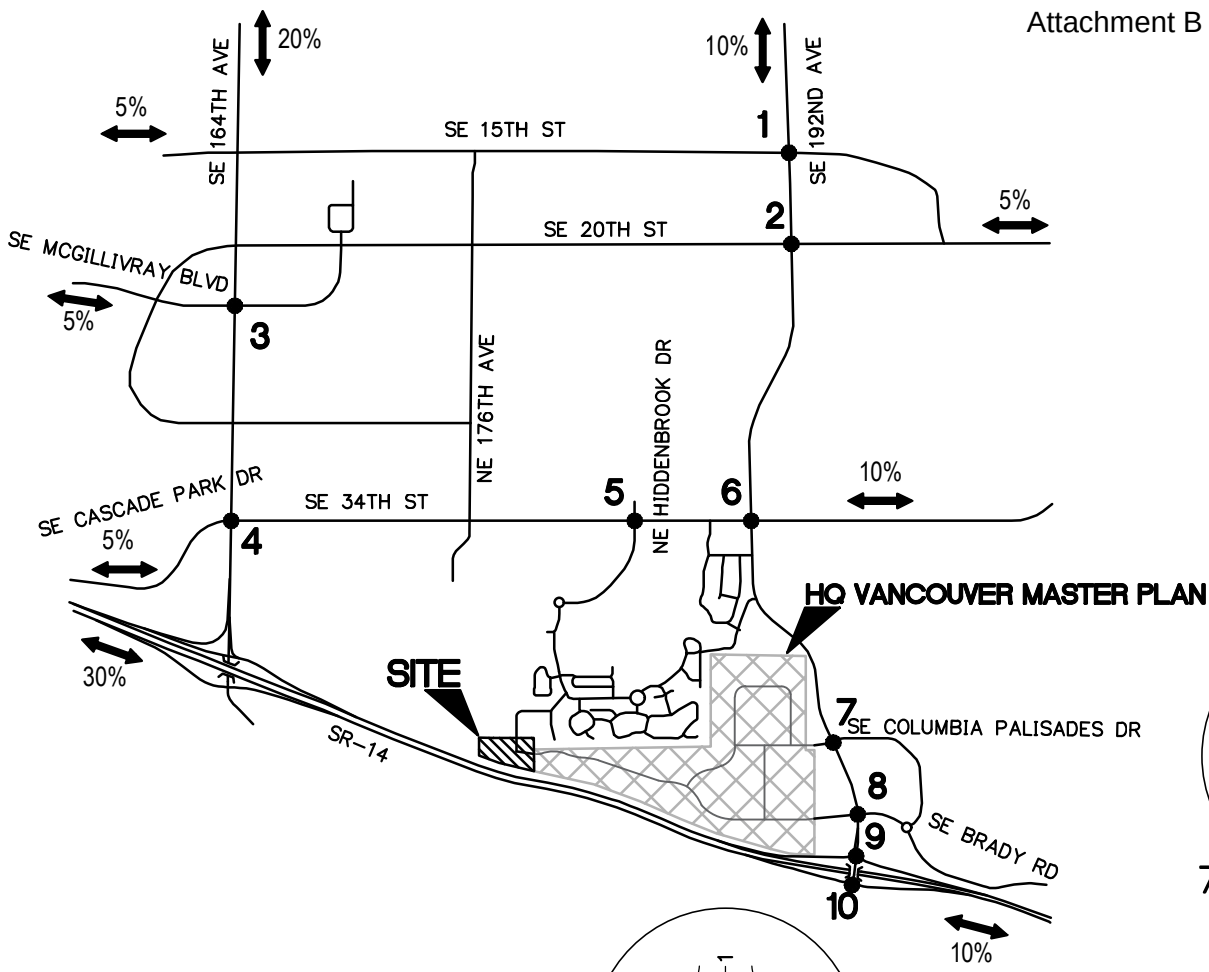
LEGEND:

- 
- SIDEWALK
- 
- AC REPAIR PAVEMENT
- 
- P.C. CONC. DRIVEWAYS
- 
- PROPOSED ASPHALT
- 
- HARDSCAPE AS SPECIFIED ON LANDSCAPE PLANS
- 
- ROOF/BLDG LINE ABOVE
- 
- UNDERGROUND PARKING LIMIT
- 
- ACCESSIBLE ROUTE
- 
- DIVISION LINE



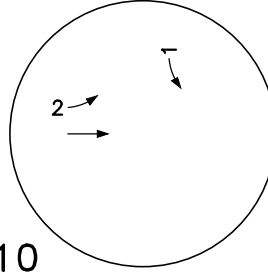
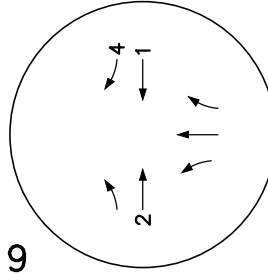
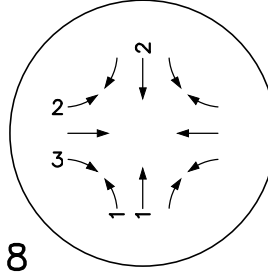
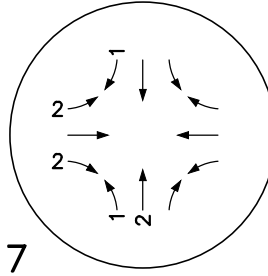
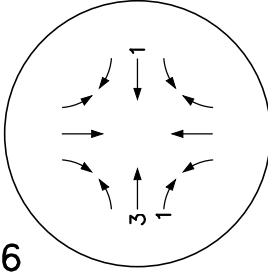
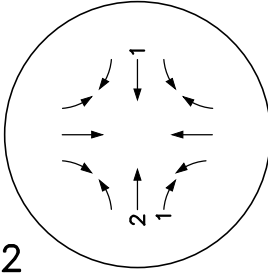
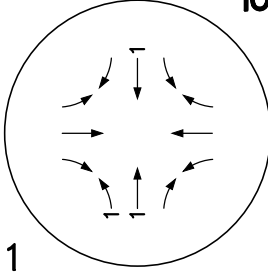
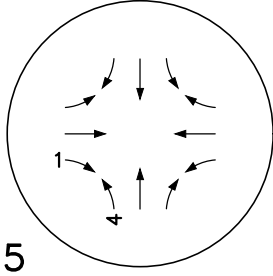
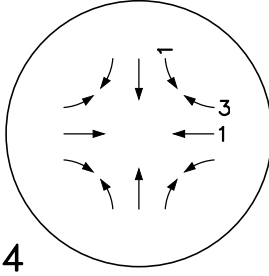
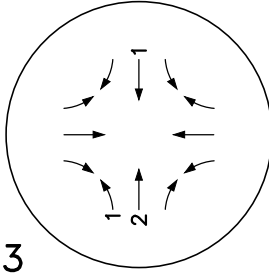


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AM PEAK HOUR

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Planning - Engineering

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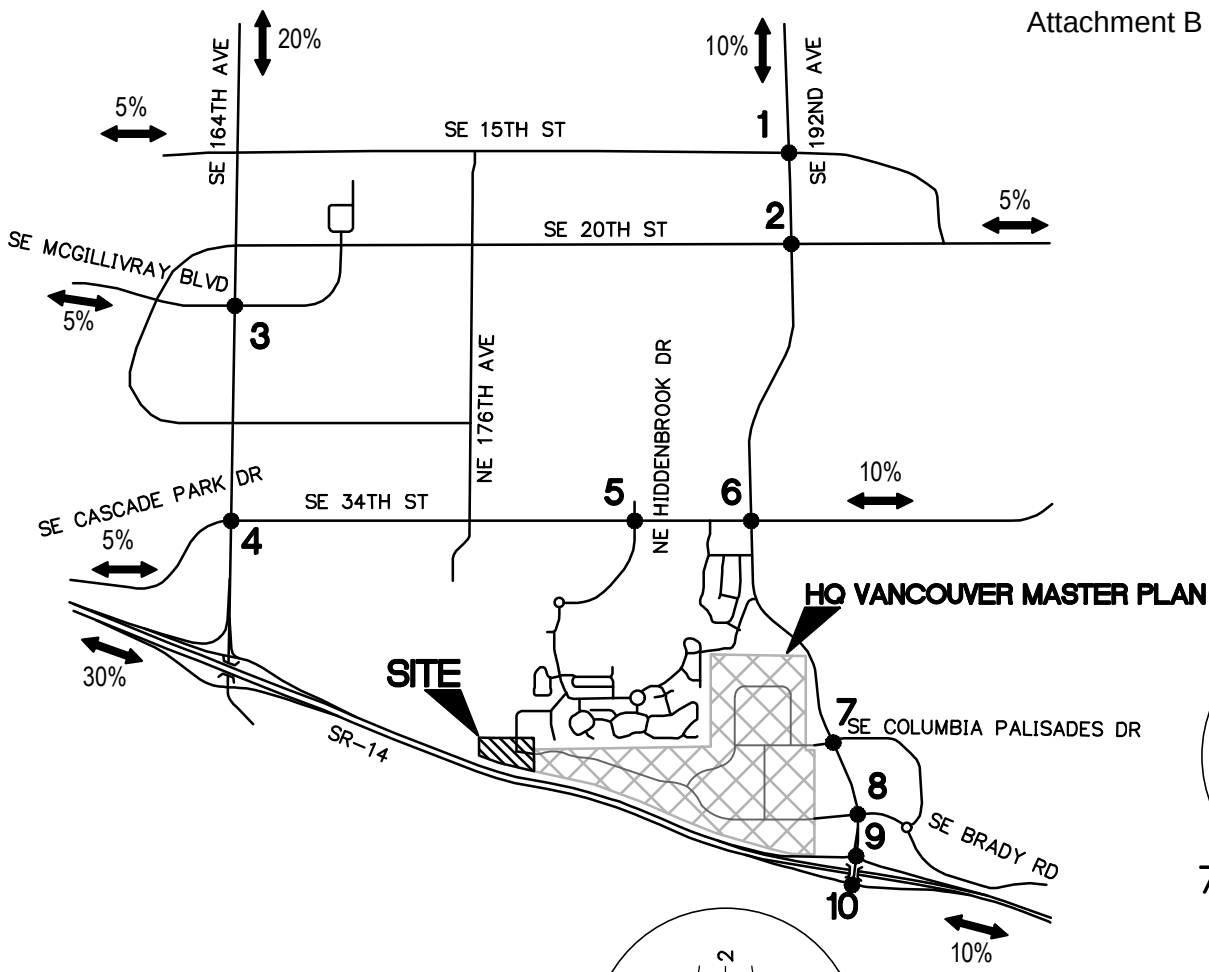
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DRAWN BY: JHA  
CHECKED BY: JTJ  
JOB NO:  
220043100

PROJECT TRIP DISTRIBUTION +  
TRAFFIC ASSIGNMENT -  
AM PEAK HOUR  
FISHER'S CREEK SUBDIVISION  
VANCOUVER, WASHINGTON

FIGURE  
A

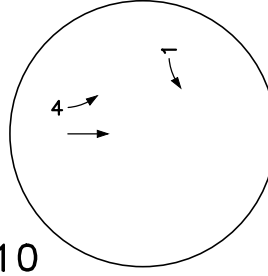
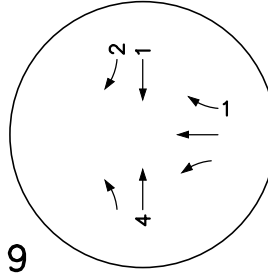
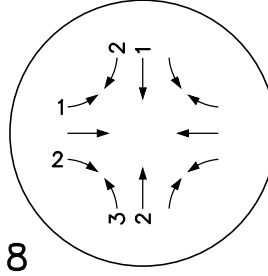
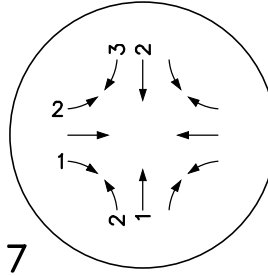
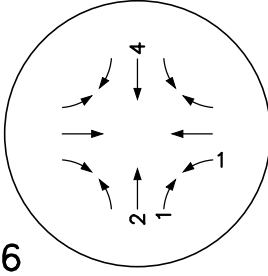
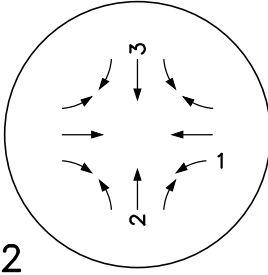
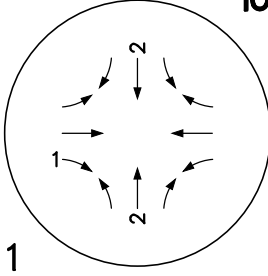
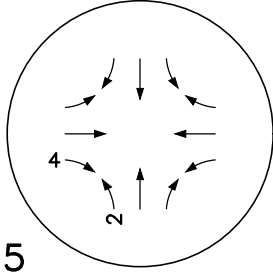
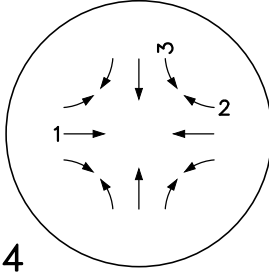
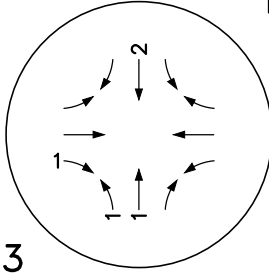


NOT TO SCALE



PM PEAK HOUR

Enter - 14  
Exit - 8  
Total - 22



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DATE: 04.20.2021  
DRAWN BY: JHA  
CHECKED BY: JTJ  
JOB NO:  
220043100

PROJECT TRIP DISTRIBUTION +  
TRAFFIC ASSIGNMENT -  
PM PEAK HOUR  
FISHER'S CREEK SUBDIVISION  
VANCOUVER, WASHINGTON

FIGURE  
B

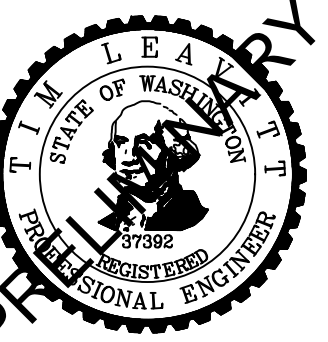
**EXHIBIT 18**  
Geotechnical Report  
dated  
March 29, 2021

\*\*Because of the size of the exhibit, it is not included with this report. The documents are available for review via email. Please email the case manager for this project to receive electronic copies of the requested exhibits.

**EXHIBIT 19**  
Stormwater Report  
dated  
May 2021

\*\*Because of the size of the exhibit, it is not included with this report. The documents are available for review via email. Please email the case manager for this project to receive electronic copies of the requested exhibits.





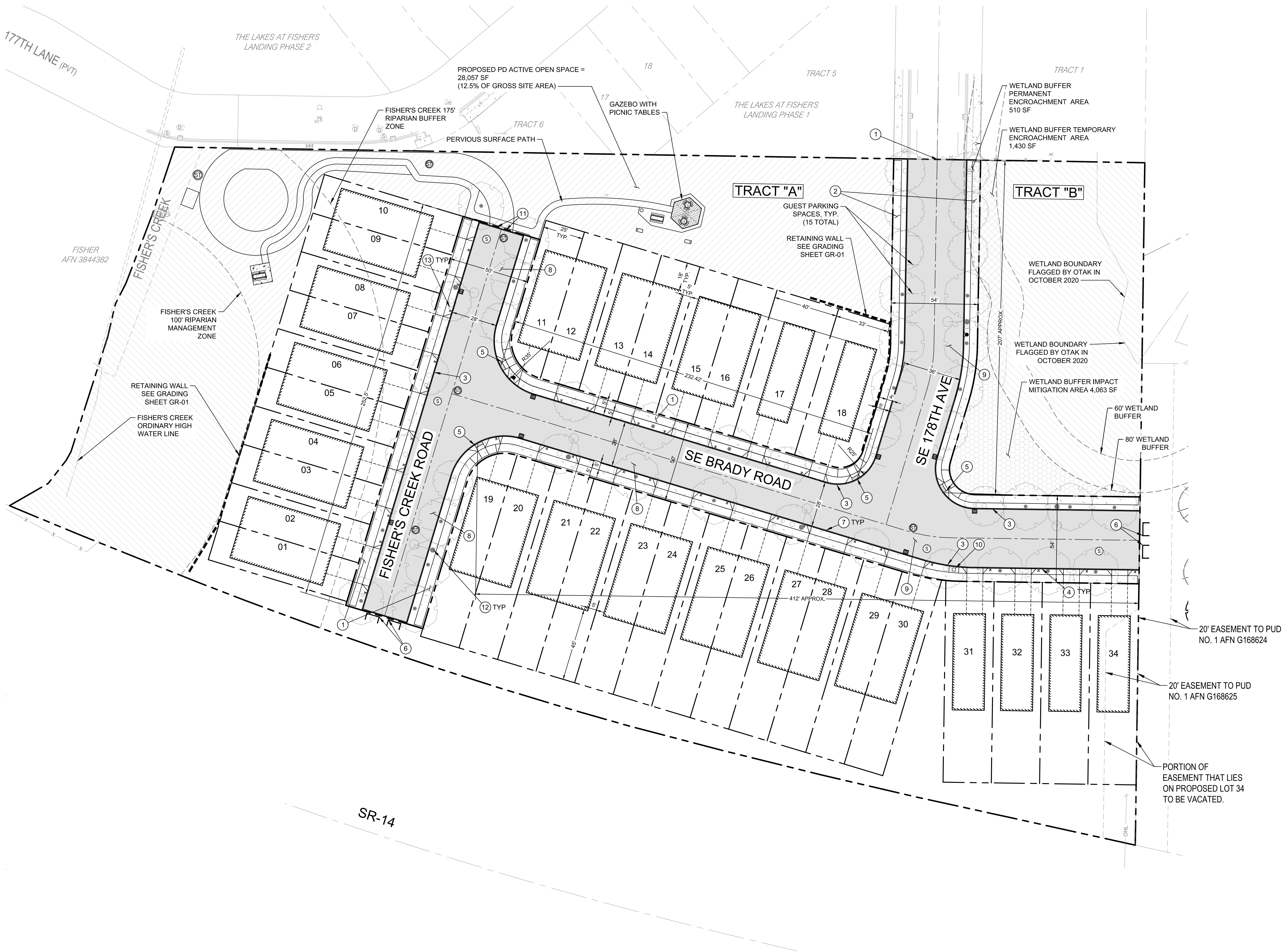
**MURLEY DEVELOPMENT**  
275 W 3RD ST, STE 300  
VANCOUVER, WA 98660

FISHER'S CREEK SUBDIVISION  
17700 SE EVERGREEN HWY  
CITY OF VANCOUVER, WASHINGTON  
**SITE PLAN**  
**LAND-USE SUBMITTAL**

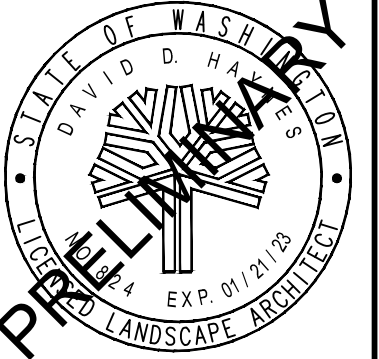
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|----------------|-------------|
| DATE           | DESCRIPTION |
|                |             |
| REVISIONS      |             |
| DRAWN BY       | TDL         |
| CHECKED BY     |             |
| AND-USE        |             |
| STATUS         |             |
| MAY 2021       |             |
| DATE           |             |
| 9809.002       |             |
| PROJECT NUMBER |             |

C-01

2021 OTAK, INC.







HURLEY DEVELOPMENT  
275 W 3RD ST, STE 300  
VANCOUVER, WA 98660

FISHER'S CREEK SUBDIVISION  
17700 SE EVERGREEN HWY  
CITY OF VANCOUVER, WASHINGTON

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LANDSCAPE PLAN

---

LAND-USE SUBMITTAL

| TITLE |      |             |
|-------|------|-------------|
| #     | DATE | DESCRIPTION |

REVISIONS

|          |            |
|----------|------------|
| NAB      | TDL        |
| DRAWN BY | CHECKED BY |

| LAND-USE<br>STATUS | AREA<br>(km <sup>2</sup> ) | PERCENT<br>OF TOTAL<br>LAND-AREA |
|--------------------|----------------------------|----------------------------------|
| 1. Forest          | 1,100,000                  | 60.0                             |
| 2. Agriculture     | 400,000                    | 22.0                             |
| 3. Urban           | 100,000                    | 5.5                              |
| 4. Water           | 150,000                    | 8.5                              |
| 5. Barren          | 150,000                    | 8.5                              |

|          |
|----------|
| MAY 2021 |
| DATE     |

|                |
|----------------|
| 19809.002      |
| PROJECT NUMBER |

L-01

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1. ALL PLANTED AREAS TO RECEIVE ESTABLISHMENT IRRIGATION.
2. ALL STREET AND PRIVATE PLANTED AREAS TO BE IRRIGATED BY FULLY AUTOMATIC UNDERGROUND IRRIGATION SYSTEM.
3. PRIOR TO INITIATING WORK IN THE PUBLIC RIGHT-OF-WAY, CONTRACTOR TO PREPARE, SUBMIT, AND OBTAIN APPROVAL FROM THE CITY OF VANCOUVER FOR TRAFFIC CONTROL.

## TREE PLANTING NOTES

1. SEE SHEET L-02 FOR TREE INSTALLATION DETAILS AND NOTES.
2. PROTECT INSTALLED TREES THROUGHOUT DURATION OF CONSTRUCTION.
3. FERTILIZE, PRUNE, PROVIDE PEST CONTROL, AND WATER TREES THROUGHOUT CONSTRUCTION AND MAINTENANCE PERIOD IN ACCORDANCE WITH SPECIFICATIONS.
4. SCHEDULE TREE INSTALLATION TO AVOID OBSTRUCTING CONSTRUCTION ACCESS AND POTENTIAL DAMAGE TO TREES.
5. COST OF PROCUREMENT, INSTALLATION, AND 3-YEAR MAINTENANCE OF TREES ESTIMATED TO BE \$600 PER TREE.

## TREE DENSITY CALCULATION

SEE PLAN REPORT DATED APRIL 22, 2021 BY TERAGAN & ASSOC., INC.

1. SITE AREA = 4.67 ACRES
2. TREE UNITS REQUIRED = 140 (30 UNITS PER ACRE)
3. UNITS PROVIDED BY EXISTING TREES TO BE PRESERVED = 128
4. ADDITIONAL TREE UNITS REQUIRED = 12
5. ADDITIONAL TREE UNITS PROVIDED = 44

## RESTORATION AND MITIGATION PLANT LIST

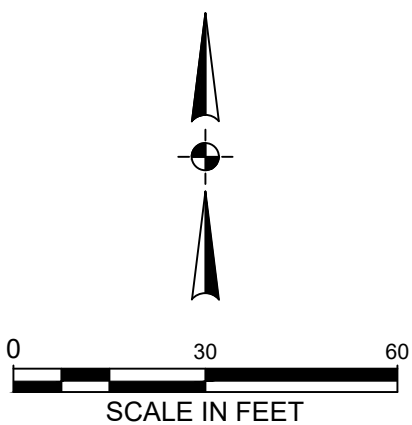
|                       | AREA 1    | AREA 2    |        |            |
|-----------------------|-----------|-----------|--------|------------|
|                       | 14,950 SF | 4,063 SF  |        |            |
| TREES                 | PLANT QTY | PLANT QTY | SIZE   | SPACING    |
| ABIES GRANDIS         | 40        | 10        | 1 GAL. | 10 FT O.C. |
| ACER MACROPHYLLUM     | 30        | 10        | 1 GAL. | 10 FT O.C. |
| ALNUS RUBRA           | 40        | 10        | 1 GAL. | 10 FT O.C. |
| PSEUDOTSUGA MENZIESII | 40        | 10        | 1 GAL. | 10 FT O.C. |
| SHRUBS                |           |           |        |            |
| ACER CIRCINATUM       | 100       | 30        | 1 GAL. | 4 FT O.C.  |
| CORYLUS CORNUTA       | 100       | 30        | 1 GAL. | 4 FT O.C.  |
| LODIGISCUS DISCOLOR   | 100       | 30        | 1 GAL. | 4 FT O.C.  |
| MAHONIA AQUIFOLIUM    | 100       | 30        | 1 GAL. | 4 FT O.C.  |
| SAMBUCUS RACEMOSA     | 100       | 30        | 1 GAL. | 4 FT O.C.  |
| SYMPHORICARPOS ALBUS  | 135       | 30        | 1 GAL. | 4 FT O.C.  |
| HERBACEOUS            |           |           |        |            |
| FRAGARIA VESCA        | 100       | 30        | 1 GAL. | 4 FT O.C.  |
| POLYSTICHUM MUNITUM   | 100       | 30        | 1 GAL. | 4 FT O.C.  |
| RUBUS URSINUS         | 100       | 30        | 1 GAL. | 4 FT O.C.  |

## RESOURCE PLANTING NOTES

- 1) SEE PLANTING DETAILS AND NOTES SHEET L-02.
- 2) PLANT TREES IN GROUPS OF 3-5 AND SHRUBS IN GROUPS OF 7-15 IN ACCORDANCE WITH DETAILS AND NOTES. SEE SHEET L-02.
- 3) UNIFORMLY DISTRIBUTE PLANT SPECIES IN EACH CONTIGUOUS AREA AND AS DIRECTED BY LANDSCAPE ARCHITECT.
- 4) PLANT MATERIAL INSTALLATION MEANS AND METHODS TO BE IN ACCORDANCE WITH CITY OF VANCOUVER STANDARDS.

## PLANT SCHEDULE

| TREES                                                                                 |     | QTY                                        | BOTANICAL / COMMON NAME | CONT | CAL |
|---------------------------------------------------------------------------------------|-----|--------------------------------------------|-------------------------|------|-----|
|  | 24  | KOELREUTERIA PANICULATA / GOLDEN RAIN TREE | 2" CAL.                 | 2"   |     |
|                                                                                       | 20  | OSTRYA VIRGINIANA / AMERICAN HOPHORNBEAM   | B&B                     | 2"   |     |
| GRASSES                                                                               |     |                                            |                         |      |     |
|  | TBD | SUNMARK TURF SEED MIX                      | 7 LBS PER 1000 SF       |      |     |
|                                                                                       | TBD | SUNMARK NATIVE UPLAND SEED MIX             | 45 LBS PER ACRE         |      |     |







## **Staff Report 194-21**

**TO:** Mayor and City Council

**FROM:** Eric Holmes, City Manager

**DATE:** 12/13/2021  
12/20/2021

**SUBJECT** Amendments to VMC Title 3.12, Air Park Fund

### **Key Points**

- Staff is proposing changes to Title 3.12.095; Title 10.05.041; Title 10.05.050; and multiple sections of Title 14 of the Vancouver Municipal Code (VMC).
- The proposed changes help ensure accuracy, comply with current practices, correct errors, and make the code language gender neutral.
- There are three separate ordinances, one for each title proposed for updates. This action pertains to proposed amendments to VMC Title 3.

### **Strategic Plan Alignment**

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

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

### **Present Situation**

Staff regularly proposes code updates, clarifications, and changes as needed. For VMC Title 3, staff is proposing the following changes:

- Vancouver Municipal Code (VMC) 3.12.095 (Air Park Fund):
  - Revise language to match current practices for how the Air Park Fund is managed.

### **Advantage(s)**

1. Help ensure accuracy in the application of the code.
2. Help maintain compliance with current practices.

**Disadvantage(s)**

None

**Budget Impact**

None

**Prior Council Review**

Council memo describing the proposed changes dated November 22, 2021.

**Action Requested**

On Monday, December 13, 2021, approve ordinance on first reading, setting date of second reading and public hearing for Monday, December 20, 2021.

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

**ATTACHMENTS:**

- ▢ Title 3 ordinance

12/06/21  
12/20/21

ORDINANCE NO. M-\_\_\_\_\_

AN ORDINANCE relating to the air park fund, amending Section 3.12.095 of the Vancouver Municipal Code; providing for a savings clause, and an effective date.

WHEREAS, it is in the public interest to amend Title 3 of the Vancouver Municipal Code to reflect current policies and practices; and

WHEREAS, with proper notice to the public, the City Council conducted a first reading of the proposed ordinance on December 13, 2021, and a public hearing concerning the ordinance and proposed code changes on December 20, 2021.

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF VANCOUVER:

**SECTION 1.** Vancouver Municipal Code Section 3.12.095, as enacted by Ordinance 1576, is hereby amended to read as follows:

**3.12.095      Air park fund—Use.**

Expenditures and disbursements may, from time to time, be made from said fund for construction, maintenance and operation of the municipal airport, ~~upon recommendation and approval of the airport committee~~, and the city clerk is empowered and directed to issue ~~warrants thereon in~~ payment of such expenditures as in like cases.

**SECTION 2.** Savings. Those ordinances or parts of ordinances which are amended by this ordinance shall remain in full force and effect until the effective date of this ordinance.

**SECTION 3.** Effective date. This ordinance shall become effective as of January 1, 2022, following the date of final adoption.

Read First Time:

Ayes: Councilmembers

Nays: Councilmembers

Absent: Councilmembers

Read Second Time:

PASSED BY THE FOLLOWING VOTE:

Ayes: Councilmember

Nays: Councilmembers

Absent: Councilmembers

SIGNED this \_\_\_\_\_ day of \_\_\_\_\_, 2021

---

Anne McEnerny-Ogle, Mayor

Attest:

---

Natasha Ramras, City Clerk

Approved as to form:

---

Jonathan Young, City Attorney

## SUMMARY

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE relating to the air park fund, amending Section 3.12.095 of the Vancouver Municipal Code; providing for a savings clause, and an effective date.

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



## **Staff Report 195-21**

**TO:** Mayor and City Council

**FROM:** Eric Holmes, City Manager

**DATE:** 12/13/2021  
12/20/2021

**SUBJECT** Amendments to VMC Title 10.05, Pearson Field Airport

### **Key Points**

- Staff is proposing changes to Title 3.12.095; Title 10.05.041; Title 10.05.050; and multiple sections of Title 14 of the Vancouver Municipal Code (VMC).
- The proposed changes help ensure accuracy, comply with current practices, correct errors, and make the code language gender neutral.
- There are three separate ordinances, one for each title proposed for updates. This action pertains to proposed amendments to VMC Title 10.05.

### **Strategic Plan Alignment**

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

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

### **Present Situation**

Staff regularly proposes code updates, clarifications, and changes as needed. For VMC Title 10.05, staff is proposing the following changes:

- VMC 10.05.041 (3) (Aviation Advisory Committee):
  - Correct length of terms for initial Aviation Advisory Committee members
- VMC 10.05.050 (Grants):
  - Clarify language to recognize federal, state, or local grant opportunities

### **Advantage(s)**

1. Help ensure accuracy in the application of the code.
2. Help maintain compliance with current practices.
3. Help correct errors in the code.

**Disadvantage(s)**

None

**Budget Impact**

None

**Prior Council Review**

Council memo describing the proposed changes dated November 22, 2021.

**Action Requested**

On Monday, December 13, 2021, approve ordinance on first reading, setting date of second reading and public hearing for Monday, December 20, 2021.

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

**ATTACHMENTS:**

- ▣ Title 10 ordinance



12/06/21  
12/20/21

ORDINANCE NO. M-\_\_\_\_\_

AN ORDINANCE relating to the aviation advisory committee, amending Sections 10.05.040 and 10.05.050 of Vancouver Municipal Code; providing for savings, severability, and an effective date.

WHEREAS, it is in the public interest to amend Sections 10.05.040 and 10.05.050 of the Vancouver Municipal Code to clarify membership appointments and federal and state grant opportunities, respectively; and

WHEREAS, with proper notice to the public, the City Council conducted a first reading of the proposed ordinance on December 13, 2021, and a public hearing concerning the ordinance and proposed code changes on December 20, 2021.

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF VANCOUVER:

**SECTION 1.** Vancouver Municipal Code Section 10.05.040, adopted by Ordinance M-2733 and last amended by Ordinance M-4347, Section 5, is hereby amended to read as follows:

**10.05.040          Aviation advisory committee.**

A. *Purpose.* The purpose of the aviation advisory committee is to provide advice and recommendations to the airport manager, city manager, and city council, as well as other city departments, regarding the management and operations of the airport and other aviation-related issues affecting Pearson Field Airport. The committee shall provide advice and recommendations on:

1. Issues pertaining to maximizing the historic, economic, public safety, educational, and cultural value of the airport.
2. Airspace compatibility of any economic development projects with potential to affect the airport (ex. zoning, building standards, etc.).
3. General financial oversight of the airfield, including all proposed fees, commercial leases, rental rates, and rental agreement formats.
4. Proposals to construct or remove any building, capital improvements, or to enlarge airport facilities.
5. The adoption or amendment of airport rules and regulations, commercial minimum standards, and the development of airport-related plans including the master plan and airport layout plan.
6. Formal agreements with the National Park Service, or any other entity, with either operational or financial implications for the airport
7. Operations, changes and advancements in aviation technology and airspace use.
8. Aviation matters referred to the committee by city council, city manager, or their designee.
9. Other aviation matters that originate from within the committee.
10. Review all airport grants before application and before submission to the city council for acceptance of the grant. The exception will be if grant acceptance and council action are required sooner than the AAC can meet.

B. *Members – Appointment.* The aviation advisory committee shall consist of nine members selected by city council subcommittee and appointed by the city council. Committee members will serve without compensation. Members will have a demonstrable interest in the airport, and/or aviation and aeronautical activities, and preferably have skills in one or more relevant areas such as airport management, legal, marketing, finance, FAA knowledge, real estate, business, and engineering. Members shall demonstrate the ability to work effectively with others in a volunteer committee role.

If a suitable candidate is available, one member shall be a representative from the Port of Portland and one member will be from a surrounding neighborhood. In support of assuring a balanced range of community perspective on the AAC and subject to exception by the city council in their process of appointing members of the committee, no more than three members of the committee may be a tenant of the airport, subject to council exception. No members will be employees of the city of Vancouver.

C. *Terms.* Aviation advisory committee members shall be appointed for three-year terms; provided of the nine initial members, three shall be appointed to a three-year term, three to a two-year term and ~~one~~three to a one-year term. Subsequent appointments shall be to fill any unexpired term or to a three-year term. Service of members may not exceed three consecutive full terms.

D. *Officers.* Each year, the committee shall elect by majority vote a chair and vice chair and such other officers as the committee finds necessary. Officers shall serve for one-year and may not serve for more than two consecutive years.

E. *Removal.* Any member may be removed, prior to the expiration of their term of appointment, by a majority vote of the city council

F. *Meeting – Quorum.* The committee shall hold meetings at least quarterly and may hold such other meetings as it finds necessary. A majority of the current members of the aviation advisory committee shall constitute a quorum.

G. *Bylaws.* The aviation advisory committee shall adopt bylaws that outline the transaction of its business. The bylaws will be consistent with city values and subject to review by the city manager or designee. The aviation advisory committee may thereafter amend the bylaws or repeal and replace the bylaws subject to review by the city manager or designee and referral, if appropriate, to the city council for ratification. The bylaws may only contain provisions for the regulation and management of the affairs of the aviation advisory committee as consistent with law and this chapter.

H. *Assistance.* The airport manager or the manager’s designee shall serve as staff liaison and secretary to the committee (“secretary”). The city’s staff and consultants, under direction of the secretary, shall furnish professional and technical information and advice to the committee.

**SECTION 2.** Vancouver Municipal Code Section 10.05.050, as enacted by Ordinance M-2733 and last amended by Ordinance M-4347, Section 6, is hereby amended to read as follows:

**10.05.050      Federal and state grants.**

All funds shall be disbursed only for the purposes approved by the FAA, and other federal, state, or local granting agency. ~~or granting state or local agency.~~ Such funds shall not be dispersed or loaned for any other reason unless permitted under the grant and approved by the city council.

**SECTION 3.** Savings. Those ordinances or parts of ordinances which are amended by

this ordinance shall remain in full force and effect until the effective date of this ordinance.

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

**SECTION 5.** Effective date. This ordinance shall become effective as of January 1, 2022, following the date of final adoption.

Read First Time:

Ayes: Councilmembers

Nays: Councilmembers

Absent: Councilmembers

Read Second Time:

PASSED BY THE FOLLOWING VOTE:

Ayes: Councilmember

Nays: Councilmembers

Absent: Councilmembers

SIGNED this \_\_\_\_\_ day of \_\_\_\_\_, 2021

---

Anne McEnery-Ogle, Mayor

Attest:

---

Natasha Ramras, City Clerk

Approved as to form:

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Jonathan Young, City Attorney

## SUMMARY

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE relating to the aviation advisory committee, amending Sections 10.05.040 and 10.05.050 of Vancouver Municipal Code; providing for savings, severability, and an effective date.

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



## **Staff Report 196-21**

**TO:** Mayor and City Council

**FROM:** Eric Holmes, City Manager

**DATE:** 12/13/2021  
12/20/2021

**SUBJECT** Amendments to VMC Title 14, Water and Sewers

### **Key Points**

- Staff is proposing changes to Title 3.12.095; Title 10.05.041; Title 10.05.050; and multiple sections of Title 14 of the Vancouver Municipal Code (VMC).
- The proposed changes help ensure accuracy, comply with current practices, correct errors, and make the code language gender neutral.
- There are three separate ordinances, one for each title proposed for updates. This action pertains to proposed amendments to VMC Title 14.

### **Strategic Plan Alignment**

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

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

### **Present Situation**

Staff regularly proposes code updates, clarifications, and changes as needed. For VMC Title 14, pertaining to Water/Sewer Utilities, staff is proposing a number of changes to ensure accuracy, comply with current practices, correct grammatical errors, and provide additional clarity. The attached summary provides a complete list of the proposed amendments to Title 14.

### **Advantage(s)**

1. Help ensure accuracy in the application of the code.
2. Help maintain compliance with current practices.
3. Help correct errors in the code.
4. Make the code language gender neutral.



**Disadvantage(s)**

None

**Budget Impact**

None

**Prior Council Review**

Council memo describing the proposed changes dated November 22, 2021.

**Action Requested**

On Monday, December 13, 2021, approve ordinance on first reading, setting date of second reading and public hearing for Monday, December 20, 2021.

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

**ATTACHMENTS:**

- ▢ Title 14 summary of changes
- ▢ Title 14 ordinance

## 2021 summary of proposed changes for VMC Chapter 14 – Water and Sewers

1<sup>st</sup> Reading is December 13, 2021; public hearing is December 20, 2021

### Chapter 14.04 – Water and Sewer Use – Regulations and Charges

This list contains the substantive changes proposed. See the ordinance for the complete wording of all changes.

| Changed Section                                         | Topic                                                                             | Proposed Change                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|---------------------------------------------------------|-----------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Chapter 14.04 – WATER AND USE - REGULATIONS AND CHARGES | Revise/capitalize title of Director in VMC 14.04 list of sections for consistency | Revise section title to “Power and duties of director of <del>public works</del> ”                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| Section VMC 14.04.010                                   | Revise/capitalize section title for consistency                                   | Revise to read “...the Director of <del>public works</del> .”                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| Section VMC 14.04.020                                   | Revise/capitalize title of Director for consistency                               | Revise to read “...the director of <del>public works</del> .”                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| Section VMC 14.04.035                                   | Clarify “Right of Entry to Public Utility Easements”                              | Revise to read “...the <del>Public Works</del> Director”; Insert “ <u>public information, education and outreach, code enforcement</u> ” after “..... sampling, testing,.... ”                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Section VMC 14.04.040                                   | Add ADU definition from VMC 14.04.235(B)                                          | Add new definition - “ <u>Accessory Dwelling Unit (ADU)</u> ” means one or more rooms with private bath and kitchen facilities comprising an independent, self-contained dwelling unit within or attached to a single-family dwelling, or in a detached building on the same lot as the primary dwelling unit. An ADU is distinguishable from a duplex in that, unlike a duplex, it is clearly subordinate to the primary dwelling unit, both in use and appearance. Approved ADU’s shall not be subject to separate metering requirements of VMC 14.04.190(I)”.<br><br>Revise Building permit definition |
|                                                         |                                                                                   | Revise to read – “ <del>his</del> <u>their</u> ” two locations                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |

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| Revise title of Director for consistency     | Revise to read – <del>“Director of utilities”</del> or “Director...”                                                                                                                                                                                                                                                                                                                                                                                                                         |
| Add Dwelling Unit definition                 | Add new definition – <u>“Dwelling Unit” means one room or a suite of one or two or more rooms, designed for use by one family, or housekeeping unit for living and sleeping purposes and having one kitchen. Each unit shall provide a complete independent living space for one or more persons, including permanent facilities for living, sleeping, cooking and sanitation.</u>                                                                                                           |
| Revise Final Acceptance definition           | Revise to read – “Director of <del>Public Works</del> ”                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| Add Multiple Family (multifamily) definition | Add <u>“Multiple family (multifamily) dwelling” means a building or portion thereof designed or used as a residence by two or more families and containing two or more dwelling units. This also includes ADU’s that share water or sewer service from service connections for the primary residence.”</u>                                                                                                                                                                                   |
| Revise Premises definition                   | Revise to read – <del>“therefore</del> <u>therefor</u> ”                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| Revise Right of way use permit definition    | Revise to read – <del>“his</del> <u>their</u> ”                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| Add Single-family dwelling definition        | Add ... <u>“Single-family dwelling” means a building designed or used for residence purposes by not more than one family and containing one dwelling unit only, including mobile homes when not located in a mobile home park and including condominium units subject to fee simple ownership, and excluding multiple-family dwellings, apartments and motels. This also includes ADU’s that take water and sewer service from service connections separate from the primary residence.”</u> |

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| Section VMC 14.04.060       | Remove gender references                        | Revise to read “ <del>designate their designee</del> , and by <del>him or her them</del> ”                                                                                                                                                                                                                                                                                                            |
| Section VMC 14.04.100(C)    | Remove gender reference                         | Revise to read “ <del>his</del> <u>their</u> ”                                                                                                                                                                                                                                                                                                                                                        |
| Section VMC 14.04.100(D)    | Revise title of Department for consistency      | Revise to read “Department of <del>Public Works</del> ”                                                                                                                                                                                                                                                                                                                                               |
| Section VMC 14.04.100(E)    | Remove gender reference                         | Revise to read “ <del>he</del> <u>the customer</u> ”                                                                                                                                                                                                                                                                                                                                                  |
| Section VMC 14.04.100(F)    | Grammar correction/remove gender reference      | Revise to read “ <del>re-laid</del> <u>re-laid</u> ” and “ <del>his</del> <u>the customer’s</u> ”                                                                                                                                                                                                                                                                                                     |
| Section VMC 14.04.100(G)    | Remove gender reference                         | Revise to read “ <del>his</del> <u>the customer’s</u> ”                                                                                                                                                                                                                                                                                                                                               |
| Section VMC 14.04.100(H)    | Grammar correction                              | Revise to read “ <del>value</del> <u>valve</u> ”                                                                                                                                                                                                                                                                                                                                                      |
| Section VMC 14.04.100(L)    | Revise title of Director for consistency        | Revise to read “Director of <del>Public Works or designee</del> ” and “The Director of <del>Public Works</del> ” and “the <del>Public Works</del> Director”                                                                                                                                                                                                                                           |
| Section VMC 14.04.100(M)    | Revise title of Director for consistency        | Revise to read “Director of <del>Public Works</del> ”                                                                                                                                                                                                                                                                                                                                                 |
| Section VMC 14.04.105       | Remove gender reference                         | Revise to read “ <del>him</del> <u>the permittee</u> ”                                                                                                                                                                                                                                                                                                                                                |
| Section VMC 14.04.110       | Grammar corrections                             | Revise to read “ <del>forthwith</del> ” and “ <del>theretofore</del> ” and add “ <u>delivered to the premises</u> ”                                                                                                                                                                                                                                                                                   |
| Section VMC 14.04.130       | Remove references to gender/grammar corrections | Revise “ <del>their</del> <del>his or her</del> ” and “ <del>their</del> <del>his or her</del> ” and “ <del>he</del> <u>the customer</u> ” and “ <del>his or her</del> <u>their</u> ” and “ <del>after</del> ” and “ <u>leave post a written notice in a conspicuous location on the premises, documenting the reason for such termination of service as to its action and the reason therefore</u> ” |
| Section VMC 14.04.140(B)    | Grammar correction                              | Revise to read “in conformity with <del>Section 9 of this ordinance, codified as</del> VMC 14.04.155”                                                                                                                                                                                                                                                                                                 |
| Section VMC 14.04.140(G)    | Revise title of Department for consistency      | Revise to read “Department of <del>Public Works</del> ”                                                                                                                                                                                                                                                                                                                                               |
| Section VMC 14.04.140(N)(3) | Revise title of Director for consistency        | Revise to read “Director of <del>Public Works</del> ”                                                                                                                                                                                                                                                                                                                                                 |
| Section VMC 14.04.140(N)(5) | Revise title of Director for consistency        | Revise to read “Director of <del>Public Works</del> ”                                                                                                                                                                                                                                                                                                                                                 |
| Section VMC 14.04.140(N)(6) | Revise title of Director for consistency        | Revise to read “Director of <del>Public Works or his designee</del> ”                                                                                                                                                                                                                                                                                                                                 |

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| Section VMC 14.04.155 B.(new) | Add new paragraph B. requiring adoption of rules and regulations for cross connection control | Insert “ <u>B. Adoption of City Cross Connection Control Procedures Manual.</u> Rules and regulations for cross connection control shall be outlined in a <u>written manual, approved by the Director.</u> This manual is hereby adopted, as it presently exists and as it may be periodically amended by the Director at the Director’s.” <u>Discretion.</u> ”                                                                                                                                                                                                                                                                                                                                |
| Section VMC 14.04.155 B.      | Relabel paragraph “B.” as “C.” and revise                                                     | Replace “ <del>B.</del> ” with “ <u>C.</u> ” before ....” ... <i>Backflow prevention assemblies....</i> ” and delete, “ <del>In addition to situations requiring backflow prevention assemblies as set forth in subsection A of this section...</del> ”. Also delete the second sentence as follows, “ <del>Premises isolation for all service connections by an approved air gap or reduced pressure backflow assembly is required for all customers with access to unapproved auxiliary water supplies, as defined by WAC 246-290-010, connected to a piping system whether or not an interconnection exists between an unapproved auxiliary water supply and the city water system.</del> ” |
| Section VMC 14.04.155 C.      | Delete paragraph “C.”                                                                         | Delete entire paragraph C. as this is covered in the current procedures manual                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| Section VMC 14.04.155 C.      | Delete paragraph “D.”                                                                         | Delete paragraph D. as these requirements are included in the current procedures manual                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| Section VMC 14.04.155 C.      | Delete paragraph “E.”                                                                         | Delete paragraph E. as these requirements are included in the current procedures manual                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| Section VMC 14.04.155 F.      | Revise paragraph “F.” to relabel as paragraph “D.”                                            | Delete “ <del>F.</del> ” and replace with “ <u>D</u> ” and add “ <u>the manual Adopted pursuant to subsection B of this section.</u> ”                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| Section VMC 14.04.160 C.      | Revise/capitalize title of Director for consistency                                           | Revise to read “the director <del>or utilities</del> , suitably...”.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| Section VMC 14.04.160 E.      | Revise/capitalize title of Director for consistency                                           | Revise to read “...it is the duty of the director <del>of utilities.....</del> ”                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| Section VMC 14.04.170 A.      | Revise/capitalize title of Director for consistency                                           | Revise to read “...the <u>D</u> irector <del>of Public Works.</del> ”                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |

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| Section VMC 14.04.170 C.     | Minor clean-up/revise title of Director                                                                                 | Delete “ <del>+</del> ” and revise to read “...the Director of <del>Public Works</del> .” And revise “Meters”                                                                                                                                                                   |
| Section VMC 14.04.170 D.     | Minor code clean-up                                                                                                     | Revise to read “subsection C-4”                                                                                                                                                                                                                                                 |
| Section VMC 14.04.180 D.     | Revise language per staff recommendation                                                                                | Revise to read “... <del>department</del> <u>customer</u> for its <u>their</u> ..”                                                                                                                                                                                              |
| Section VMC 14.04.191        | “Termination of utility service to rental Dwellings” – Remove reference to gender                                       | Delete “ <del>his/her</del> ” and replace with “ <u>their</u> ”                                                                                                                                                                                                                 |
| Section VMC 14.04.192 A. 1.  | “Termination of utility service to rental Dwellings – Exceptions” - Remove reference To gender                          | Delete “ <del>his or her</del> ” and replace with “ <u>their</u> ”                                                                                                                                                                                                              |
| Section VMC 14.04.192 A. 2.  | “Termination of utility service to rental Dwellings – Exceptions” - Remove reference To gender                          | Delete “ <del>his or her</del> ” and replace with “ <u>their</u> ”                                                                                                                                                                                                              |
| Section VMC 14.04.192 B.     | “Termination of utility service to rental Dwellings – Exceptions” - Remove reference To gender                          | Delete “ <del>his/her</del> ” and replace with “ <u>their</u> ” 3 locations                                                                                                                                                                                                     |
| Section VMC 14.04.193        | “Termination of utility service to rental Dwellings – Service restored” - remove reference To gender                    | Delete “ <del>his/her</del> ” and replace with “ <u>their</u> ” 2 locations                                                                                                                                                                                                     |
| Section VMC 14.04.194(C)     | “Termination of utility service to rental Dwellings – Actions by utilities administration” - remove reference to gender | Revise to read “ <del>his</del> <u>and provide your landlord’s</u> ”                                                                                                                                                                                                            |
| Section VMC 14.04.195        | Code clean-up and remove reference to gender                                                                            | Revise to read “ <del>the tenant he or she</del> ” and “ <del>his or her</del> <u>their</u> ” 2 locations and “ <del>except by handicap persons as provided in</del> unless exempt due to disability, in accordance with Section 14.04.192” and “Section 14.04.0300 <u>20</u> ” |
| Section VMC 14.04.210 (B)(3) | To include an ADU with shared water/sewer Services in definition of “single-family customer”                            | Add at the end – “ <u>This also includes ADU’s that take water and sewer service from service connections Separate from the primary residence.</u> ”                                                                                                                            |
| Section VMC 14.04.210 (B)(4) | To include an ADU with separate water/sewer Services in definition of “Multifamily customer”                            | Add at the end – “ <u>This also includes ADU’s that share water or sewer service from service connections for the primary residence.</u> ”                                                                                                                                      |

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| Section VMC 14.04.210 C.2.a. | Grammar corrections                                                                                    | Revise to read “ <del>the charge</del> <u>there</u> shall be no charge for the first such request, <u>if requested</u> during regular <u>working office</u> hours.”                                 |
| Section VMC 14.04.210 C.2.b. | Revise/capitalize title of director for consistency                                                    | Revise to read “...the director <del>-public works or designee</del> ”                                                                                                                              |
| Section VMC 14.04.210 C.2.c. | Grammar correction                                                                                     | Revise to read “during <u>regular</u> office hours.”                                                                                                                                                |
| Section VMC 14.04.230 A.2.c. | Grammar correction                                                                                     | Revise to read “ <del>int his</del> <u>in this</u> ”                                                                                                                                                |
| Section VMC 14.04.230 B. H.  | Revise/capitalize title of Director for consistency                                                    | Revise to read “...the <del>Public Works</del> Director ....”                                                                                                                                       |
| Section VMC 14.04.235 A.4.   | Revise/capitalize title of Director for consistency                                                    | Revise to read “...the director of <del>public works</del> ....”                                                                                                                                    |
| Section VMC 14.04.235(B)     | Definitions - Clarify ADU exemption for separate metering                                              | Add the last sentence to “Accessory Dwelling Unit “definition... “ <u>Approved ADU’s shall not be subject to the separate metering requirements of VMC 14.04.190(I).</u> ”                          |
| Section VMC 14.04.235(B)     | in “Equivalent Dwelling Unit EDU” – definition<br>-Revise/capitalize title of director for consistency | Revise to read “...the director of <del>public works</del> ....”                                                                                                                                    |
| Section VMC 14.04.235(B) -   | Definitions - To clarify ADU<br>in definition of “multifamily dwelling”                                | For definition of “multifamily dwelling”, add - “ <u>This also includes ADU’s that share water or sewer service from service connections for the primary residence.</u> ”                           |
| Section VMC 14.04.235(B) -   | Definitions - To include ADU<br>in definition of “Single-family dwelling”                              | For definition of “Single-family dwelling”, add - “ <u>This also includes approved ADU’s that take water and sewer service from service connections separate from the primary residence.</u> ”      |
| Section VMC 14.04.235 D      | Revise/capitalize title of Director for consistency                                                    | Revise to read “...the director of <del>public works</del> ....”                                                                                                                                    |
| Section VMC 14.04.235 D.3.-  | Revise/adjust average annual compensation for 26 yrs. of inflation since original code adoption        | Revise “...in excess of <del>\$30,000-</del> <u>\$51,742</u> including...” and revise “...exceeded <del>\$30,000-</del> <u>\$51,742</u> including..” And revise “... <del>1996</del> <u>2023</u> .” |

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| Section VMC 14.04.235 D.3. | Revise CPI for Employment Base Requirement                                                                    | Revise “for the <del>Portland Metropolitan Area for Urban</del> Wage Earners and Clerical Workers (CPI-W), All items ( <del>Revised Series West Region</del> ).”                                                                                                                                 |
| Section VMC 14.04.235 D.3. | Revise/capitalize title of Director for consistency                                                           | Revise to read “...the director of <del>public works</del> ....”                                                                                                                                                                                                                                 |
| Section VMC 14.04.235 D.3. | Revise/capitalize title of Director for consistency                                                           | Revise to read “...the director of <del>public works</del> ....”                                                                                                                                                                                                                                 |
| Section VMC 14.04.235 E.   | Revise/capitalize title of Director for consistency                                                           | Revise to read “...the director of <del>public works</del> ....”                                                                                                                                                                                                                                 |
| Section VMC 14.04.235 E.1. | Revise/capitalize title of Director for consistency                                                           | Revise to read “...the <del>public works</del> director....”                                                                                                                                                                                                                                     |
| Section VMC 14.04.235 F.   | Revise/capitalize title of Director for consistency                                                           | Revise to read “...the <del>public works</del> director....”                                                                                                                                                                                                                                     |
| Section VMC 14.04.235 G.   | Revise/capitalize title of Director for consistency                                                           | Revise to read “...the director of <del>public works</del> ....”                                                                                                                                                                                                                                 |
| Section VMC 14.04.235 I.2. | Note 3: Revise/capitalize title of Director for consistency                                                   | Revise to read “...the director of <del>public works</del> .”                                                                                                                                                                                                                                    |
| Section VMC 14.04.235 I.2. | Note 5: Delete note 5. Not needed since definitions Provide clarity for ADUs.                                 | Delete “ <del>5 An accessory dwelling unit (ADU) shall be charged the same sewer system development charge as a multifamily dwelling.</del> ”                                                                                                                                                    |
| Section VMC 14.04.235 L.   | Revise/capitalize title of Director for consistency                                                           | Revise to read “...the <del>public works</del> director....”                                                                                                                                                                                                                                     |
| Section VMC 14.04.240 -    | Sewer connection fee installment contract – revise PWD title for consistency; and remove references to gender | Revise “Director of <del>Public Works</del> or <u>their</u> designate.”, delete “ <del>his/her</del> ” and replace with “ <u>their</u> ” in four locations                                                                                                                                       |
| Section VMC 14.04.241 -    | Water connection fee installment contract – remove references to gender                                       | Substitute “ <u>their</u> ” for “ <del>his/her</del> ” “ <del>his</del> ” in five locations                                                                                                                                                                                                      |
| Section VMC 14.04.241 -    | Water connection fee installment contract – remove reference to gender                                        | Revise “city manager or his designee” to “ <u>city manager or their designee</u> ”                                                                                                                                                                                                               |
| Section VMC 14.04.242A.    | Update for increase in Clark County recording fees                                                            | Revise paragraph A. to read, “A document recording fee in the amount of <del>one two</del> hundred dollars ( <del>\$100</del> <u>\$200</u> ) will be collected in advance of any document needed to be recorded for purposes of water, sewer, and/or stormwater construction and/or connection.” |



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| Section VMC 14.04.260B. -                                                                                                                                                                             | Automatic sprinkler systems – add requirement to report, be billed and pay for fire protection system flushing, or for any other non-firefighting purpose. | Revise to... “...other than <del>firefighting protection</del> . <u>Customers shall report water use volume for any non-firefighting related purpose and shall be charged at the applicable customer class rate of their primary domestic service.</u> No fire protection <u>monthly base user service charge</u> .....” |
| Section VMC 14.04.265 -                                                                                                                                                                               | Automatic sprinkler systems – remove reference to Sections VMC 14.04.210(4) and 14.04.260                                                                  | Delete....”, and <del>Section VMC 14.04.210(4) and Section 14.04.260 are not applicable to connections under this section, to the extent inconsistent herewith.</del> ”                                                                                                                                                  |
| Section VMC 14.04.280 A.                                                                                                                                                                              | Revise/capitalize title of Director for consistency                                                                                                        | Revise to read “the Director of <del>Public Works</del> ....”,                                                                                                                                                                                                                                                           |
| Section VMC 14.04.280 A.                                                                                                                                                                              | Modify requirement for main extensions, remove gender reference “to him”                                                                                   | Revise to read as “...larger than <del>six</del> <u>eight</u> inches....”; and revise “...if it appears <del>to him</del> ...”                                                                                                                                                                                           |
| Section VMC 14.04.280 C.                                                                                                                                                                              | Add language to authorize off site sewer main extension                                                                                                    | Add” ... to provide an <u>offsite sewer line extension.</u> ”                                                                                                                                                                                                                                                            |
| Section VMC 14.04.280 D.                                                                                                                                                                              | Revise/capitalize title of Director for consistency                                                                                                        | Revise to read “the Director of <del>Public Works</del> ....”,                                                                                                                                                                                                                                                           |
| Section VMC 14.04.280 E.                                                                                                                                                                              | Revise/capitalize title of director for consistency                                                                                                        | Revise to read “...the <u>Director of Public Works</u> ....” in two locations                                                                                                                                                                                                                                            |
| Section VMC 14.04.280 G.                                                                                                                                                                              | Revise/capitalize title of director for consistency                                                                                                        | Revise to read “...the <del>Public Works</del> Director ....”                                                                                                                                                                                                                                                            |
| Section VMC 14.04.280 J.                                                                                                                                                                              | Revise/capitalize title of Director for consistency                                                                                                        | Revise to read “the Director of <del>Public Works</del> ....”,                                                                                                                                                                                                                                                           |
| Section VMC 14.04.285 D.1.b.                                                                                                                                                                          | Grammar correction                                                                                                                                         | Revise to read “must <u>be</u> ”                                                                                                                                                                                                                                                                                         |
| Section VMC 14.04.230 E.4.                                                                                                                                                                            | Grammar correction                                                                                                                                         | Revise to read “with <del>in</del> ”                                                                                                                                                                                                                                                                                     |
| <b>Chapter 14.08– Connection to Public Sewers</b><br>This list contains the substantive changes proposed. The complete proposal, including complete wording for all changes, is available separately. |                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                          |
| Section VMC 14.08.010                                                                                                                                                                                 | Grammar correction                                                                                                                                         | Revise to read “ <del>therefore to do so.</del> ”                                                                                                                                                                                                                                                                        |
| Section VMC 14.08.061                                                                                                                                                                                 | Grammar correction                                                                                                                                         | Revise to read “dollars <del>and</del> ”                                                                                                                                                                                                                                                                                 |
| Section VMC 14.08.064 A. 2b.                                                                                                                                                                          | Revise/capitalize title of Director for consistency                                                                                                        | Revise to read “the Director of <del>Public Works</del> ....”                                                                                                                                                                                                                                                            |
| Section VMC 14.08.064 C.                                                                                                                                                                              | Revise/capitalize title of Director for consistency                                                                                                        | Revise to read “the Director of <del>Public Works</del> ....”                                                                                                                                                                                                                                                            |

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| Section VMC 14.08.064 D.2.                                                                                                                                                                                                                                  | “Combined disposable income” Revise for gender neutral language | Revise to read “ <del>his or her</del> <u>their</u> ” 2 locations                                                                                             |
| Section VMC 14.08.064 D.2.                                                                                                                                                                                                                                  | “Economically disadvantaged” Revise for gender neutral language | Revise to read “ <del>his or her</del> <u>their</u> ” 2 locations                                                                                             |
| Section VMC 14.08.064 D.2.                                                                                                                                                                                                                                  | “Ownership interest” Revise for gender neutral language         | Revise to read “ <del>his or her</del> <u>their</u> ” and “ <del>he or she</del> <u>the applicant</u> resides.”                                               |
| Section VMC 14.08.064 D.3.                                                                                                                                                                                                                                  | Revise for gender neutral language                              | Revise to read “ <del>his or her</del> <u>their</u> ”                                                                                                         |
| <b>Chapter 14.09– Stormwater Management – Regulations and Charges</b><br>This list contains the substantive changes proposed. The complete proposal, including complete wording for all changes, is available separately.                                   |                                                                 |                                                                                                                                                               |
| Section VMC 14.09.020                                                                                                                                                                                                                                       | Grammar correction                                              | Revise to “ <del>effect</del> affect”                                                                                                                         |
| Section VMC 14.09.120                                                                                                                                                                                                                                       | Revise/capitalize title of Director for consistency             | Revise to read “the Director of <del>Public Works</del> ....”,                                                                                                |
| <b>Chapter 14.12– Discharge of Industrial Wastes to the Industrial Wastewater Pretreatment Facility</b><br>This list contains the substantive changes proposed. The complete proposal, including complete wording for all changes, is available separately. |                                                                 |                                                                                                                                                               |
| Section VMC 14.12.020                                                                                                                                                                                                                                       | Add definition for Director for consistency                     | Add new definition “4. “ <u>Director</u> ” means the <u>Director of Public Works or duly authorized representative.</u> ”; and renumber remaining paragraphs. |
| Section VMC 14.12.020                                                                                                                                                                                                                                       | Renumber paragraph 4. as paragraph 5.                           | Delete”4.” and insert “5.”                                                                                                                                    |
| Section VMC 14.12.020                                                                                                                                                                                                                                       | Renumber paragraph 5. as paragraph 6.                           | Delete”5.” and insert “6.”                                                                                                                                    |
| Section VMC 14.12.020                                                                                                                                                                                                                                       | Renumber paragraph 6. as paragraph 7.                           | Delete”6.” and insert “7.”                                                                                                                                    |
| Section VMC 14.12.020                                                                                                                                                                                                                                       | Renumber paragraph 7. as paragraph 8.                           | Delete”7.” and insert “8.”                                                                                                                                    |
| Section VMC 14.12.020                                                                                                                                                                                                                                       | Renumber paragraph 8. as paragraph 9.                           | Delete”8.” and insert “9.”                                                                                                                                    |
| Section VMC 14.12.020                                                                                                                                                                                                                                       | Renumber paragraph 9. as paragraph 10.                          | Delete”9.” and insert “10.”                                                                                                                                   |
| Section VMC 14.12.030                                                                                                                                                                                                                                       | Revise/capitalize title of Director for consistency             | Revise to read “.....from the <u>Director</u> <del>department of public works</del> .....”                                                                    |
| Section VMC 14.12.040                                                                                                                                                                                                                                       | Clarify authority for issuance of prior written approval        | Revise to read “...the <u>D</u> irector of <del>public works</del> ....”                                                                                      |
| Section VMC 14.12.040 A.                                                                                                                                                                                                                                    | Revise/capitalize title of Director for consistency             | Revise to read “...the director of <del>public works</del> ....”                                                                                              |
| Section VMC 14.12.040 B.                                                                                                                                                                                                                                    | Revise/capitalize title of Director for consistency             | Revise to read “...the director of <del>public works</del> ....”                                                                                              |
| Section VMC 14.12.040 C.                                                                                                                                                                                                                                    | Revise/capitalize title of Director for consistency             | Revise to read “...the director of <del>public works</del> ....”                                                                                              |
| Section VMC 14.12.040 F.                                                                                                                                                                                                                                    | Revise/capitalize title of Director for consistency             | Revise to read “...the director of <del>public works</del> ....”                                                                                              |
| Section VMC 14.12.040 H.                                                                                                                                                                                                                                    | Revise/capitalize title of Director for consistency             | Revise to read “...the director of <del>public works</del> ....” In                                                                                           |

|                          |                                                     |                                                                                                                                                                       |
|--------------------------|-----------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                          |                                                     | three locations                                                                                                                                                       |
| Section VMC 14.12.050 B. | Revise/capitalize title of Director for consistency | Revise to read “...the director of <del>public works</del> ....”                                                                                                      |
| Section VMC 14.12.060 B. | Grammar correction/gender neutral language          | Revise to read “the director of <del>public works</del> ; and <u>upon</u> a finding by <del>him</del> <u>the director</u> ” and “ <del>he</del> <u>the customer</u> ” |
| Section VMC 14.12.080 A. | Revise/capitalize title of Director for consistency | Revise to read “...the director of <del>public works</del> ....”                                                                                                      |
| Section VMC 14.12.080 B. | Revise/capitalize title of Director for consistency | Revise to read “...the director of <del>public works</del> ....”                                                                                                      |
| Section VMC 14.12.090 B. | Revise/capitalize title of Director for consistency | Revise to read “...the Director of <del>public works</del> ....”                                                                                                      |

12/06/21  
12/20/21

ORDINANCE NO. M-\_\_\_\_\_

AN ORDINANCE relating to the sewer and surface water utility user charges, amending Chapters 14.04, 14.08, 14.09, and 14.12 of the Vancouver Municipal Code; providing for savings, severability and an effective date.

WHEREAS, it is in the public interest to amend certain sections of Title 14 of the Vancouver Municipal Code to clarify definitions; maintain consistency; utilize gender neutral language; and ensure compliance with current practices; and

WHEREAS, with proper notice to the public, the City Council conducted a first reading of the proposed ordinance on December 13, 2021, and a public hearing concerning the ordinance and proposed code changes on December 20, 2021.

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF VANCOUVER:

**SECTION 1.** Chapter 14.04 of the Vancouver Municipal Code is hereby amended to read as follows:

**Chapter 14.04**

**WATER AND SEWER USE – REGULATIONS AND CHARGES**

**Sections:**

**14.04.010                      Water-sewer department created – Appointment of personnel.**

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|           |                                                                                             |
|-----------|---------------------------------------------------------------------------------------------|
| 14.04.020 | Power and duties of director <del>of public works.</del>                                    |
| 14.04.022 | General Sewer Plan.                                                                         |
| 14.04.030 | Departmental regulations – Altering.                                                        |
| 14.04.035 | Right of entry to public utility easements.                                                 |
| 14.04.040 | Definitions.                                                                                |
| 14.04.060 | Deposit of moneys.                                                                          |
| 14.04.070 | Information on charges or delinquent accounts.                                              |
| 14.04.080 | Inspection and Approval.                                                                    |
| 14.04.090 | Charges for water meter and service line installation.                                      |
| 14.04.100 | Condition of water and/or sewer service.                                                    |
| 14.04.105 | Permit required for plumbing work.                                                          |
| 14.04.110 | Unauthorized use of water.                                                                  |
| 14.04.120 | Sharing or selling water to another.                                                        |
| 14.04.130 | Effect of leakage on bills.                                                                 |
| 14.04.140 | Unlawful acts.                                                                              |
| 14.04.145 | Cause of action for tampering, unauthorized connections and diversion<br>of services.       |
| 14.04.150 | Fluoridation authorized.                                                                    |
| 14.04.155 | Cross Connection Control Program.                                                           |
| 14.04.160 | Department employee rules.                                                                  |
| 14.04.170 | Meter connections – Exceptions – Placement.                                                 |
| 14.04.180 | Meter tests and adjustments.                                                                |
| 14.04.190 | Billing procedure and conditions.                                                           |
| 14.04.191 | Termination of utility service to rental dwellings.                                         |
| 14.04.192 | Termination of utility service to rental dwellings – Exceptions.                            |
| 14.04.193 | Termination of utility service to rental dwellings – Service restored.                      |
| 14.04.194 | Termination of utility service to rental dwellings – Action by utilities<br>administration. |
| 14.04.195 | Termination of utility service to rental dwellings – Transfer charges.                      |
| 14.04.196 | Termination of utility service – City’s rights.                                             |

- 14.04.197            Termination of utility service to customers other than residential rental tenants occupying single-family units or individually metered multifamily units – Action by utilities administration.**
- 14.04.210            Water service – User charges.**
- 14.04.230            Sanitary sewer service – User charges.**
- 14.04.230B          Conditions and charges applicable to water, sewer and stormwater accounts.**
- 14.04.235            System development charges – Connection fees.**
- 14.04.236            In-city rates for some property – When.**
- 14.04.237            In-city rates for property outside city – When.**
- 14.04.240            Sewer connection fee installment contract.**
- 14.04.241            Water connection fee installment contract.**
- 14.04.242            Recording Fees.**
- 14.04.250            Fire hydrants.**
- 14.04.260            Automatic sprinkler systems for fire protection services.**
- 14.04.265            Automatic sprinkler systems for fire protection purposes – Unmetered water connections – No charge.**
- 14.04.270            Polluting or obstructing water supply.**
- 14.04.280            Procedure for extending mains.**
- 14.04.285            Water and Sewer Reimbursement Contracts.**

**14.04.010          Water-sewer department created – Appointment of personnel.**

There is hereby established a Water-Sewer Department of the City of Vancouver which shall be under the supervision of the Director of ~~Public Works~~ for the purposes hereinafter enumerated. The officers and other employees of the department shall consist of a superintendent and such officials, clerks, accountants, engineers, laborers and assistants, to be appointed by the city manager, as may be necessary for the efficient administration of the department.

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**14.04.020      Power and duties of director of ~~public works~~.**

The director ~~of public works~~ shall have full supervision, charge and control of the water-sewer department, and shall make, in addition to the rules and regulations contained in this chapter, such additional written rules and regulations from time to time as they may deem necessary for the efficient administration and regulation of the department.

**14.04.022      General Sewer Plan.**

A. The City hereby adopts by reference the “City of Vancouver April 2011 General Sewer Plan as amended August 2011” (2011 General Sewer Plan) as its general sewer plan. The 2011 General Sewer Plan is a required comprehensive plan for a system of sewers adopted by the local government entity. The 2011 General Sewer Plan is adopted by ordinance as required by RCW 35.67.030. The Washington State Department of Ecology has approved the 2011 General Sewer Plan as required by RCW 90.48.110, as being in compliance with WAC 173-240-030, 173-240-040, and 173-240-050.

B. At least one copy of the 2011 General Sewer Plan shall be filed in the Office of the City Clerk for use and examination by the public. The 2011 General Sewer Plan may also be made available for use and examination by the public at the Office of the Director, and on the City website.

**14.04.030      Departmental regulations – Altering.**

The following rules and regulations are the effective rules and regulations of the municipal water-sewer department of Vancouver. No officer, employee or agent of the water-sewer department has any authority to waive, alter or amend in any respect the provisions of these rules and regulations. Changes, amendments or additions may be made at any time by action of the city council. The city

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council shall have authority to decide any question which may arise and which is not fully settled by any of the provisions of this chapter and its decision in such cases shall be final.

#### **14.04.035 Right of entry to public utility easements.**

After January 1, 2013 all new public utility easements required under this Title shall provide that the ~~Public Works~~ Director and other duly authorized employees of the City of Vancouver bearing proper credentials and identification shall be permitted to enter all utility easements located on private properties for the purposes of inspection, observation, measurement, sampling, testing, public information, education and outreach, code enforcement and maintenance in accordance with the provisions of this title.

#### **14.04.040 Definitions.**

For the purposes of construing this chapter, the following definitions are made a part thereof:

“Accessory Dwelling Unit (ADU)” means one or more rooms with private bath and kitchen facilities comprising an independent, self-contained dwelling unit within or attached to a single-family dwelling, or in a detached building on the same lot as the primary dwelling unit. An ADU is distinguishable from a duplex in that, unlike a duplex, it is clearly subordinate to the primary dwelling unit, both in use and appearance. Approved ADU’s shall not be subject to separate metering requirements of VMC 14.04.190(I).

“Agent” means any person empowered to act on behalf of the legal owner in matters concerning utility service.



“Building permit” means those permits issued pursuant to Title 17 of the Vancouver Municipal Code, authorizing the customer or ~~his~~ their agent to perform work upon ~~his~~ their premises.

“Combined sewer” means those sewers which are designed to carry both waste matter permitted by this title to enter the system and surface drainage water.

“Commercial” means all property zoned or used for nonresidential purposes.

“Consumer” means any person who uses services of the city’s utility; provided that in the case of calculating the pro rata charges for service when one line serves multiple premises owned by multiple customers, it shall mean each single family unit, or unit of a multi-family residential complex, or each separate business which occupies a commercial or industrial building.

“Customer” means the fee owner of property or premises served by the city’s utility through and by the department, provided that the fee owner may designate an agent for purposes managing the customer’s account and provided further that a tenant may put service in ~~his/her~~ their own name under the provisions of Sections 14.04.192 through 14.04.195 of this chapter.

“Customer line” means the pipe, valves and fittings leading from the water meter into the premises served.

“Department” means the water/sewer/stormwater division of the department of public works of the City of Vancouver, and the City of Vancouver, acting by and through its water/sewer/stormwater utility, its authorized agents and employees.

~~“Director of utilities”~~ or “Director” means the Director of Public Works or duly authorized representative.

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“Dwelling unit” means one room or a suite of two or more rooms, designed for use by one family or housekeeping unit for living and sleeping purposes, and having one kitchen. Each unit shall provide a complete independent living space for one or more persons, including permanent facilities for living, sleeping, cooking and sanitation.

“Fee owner” means the owner of record, as shown by the records of Clark County. (See also “customer.”)

“Final Acceptance” means the acceptance of civil improvements by the City of Vancouver upon completion of all required development conditions, document submittals, and final inspections of all civil improvements installed as part of a project. Final acceptance shall be documented by signature of the Director of ~~Public Works~~ or designee on the Final Acceptance letter. Once final acceptance is issued the City of Vancouver will assume operation and maintenance of said civil improvements.

“Latecomer fee,” for purposes of VMC 14.04.285, means a charge collected by the City, whether separately stated or as part of a connection fee for providing access to a City system, against a real property owner who connects to or uses a water or sewer facility subject to a reimbursement contract created under RCW 35.91.020 as implemented by VMC 14.04.285.

“Main Line Fee” means reimbursement to the City paid by new customers under the terms of VMC 14.04.280 for the costs of City-extended water and/or sewer mains.

“Monthly base charge” means the minimum charge for water/sewer service as established by this chapter or as hereafter amended.

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“Municipality,” for purposes of VMC 14.04.285, means the governing body of any county, city, town, or drainage district.

"Multiple family (multifamily) dwelling" means a building or portion thereof designed or used as a residence by two or more families and containing two or more dwelling units. This also includes ADU's that share water and sewer service from service connections for the primary residence.

“Person” means any individual, firm, company, partnership, association, society, corporation or group.

“Premises” means a continuous tract of land, building or groups of adjacent buildings under a single ownership or control with respect to water or sewer service and responsibility for payment ~~therefore~~ therefor. Subdivisions of such use or responsibility shall constitute a division into separate premises as defined here.

“Public sewer” means a sewer constructed for conveyance of liquid wastes and which is located in a public right-of-way, street, alley or easement and is controlled by the city or other public authority. The public sewer does not include sewer laterals serving individual buildings, properties or premises.

“Reimbursement contract,” for purposes of VMC 14.04.285, means a contract entered into under RCW 35.91.020 as implemented by VMC 14.04.285 which provides for the pro rata reimbursement to an owner of real estate or the owner’s assigns within a period of twenty years for a portion of the costs of the water or sewer facilities improved or constructed by the owner from latecomer fees received by the City from property owners who subsequently connect to or use the water or sewer facilities, but who did not contribute to the original cost of the facilities.

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“Right of way use permit” means any permit required by any public agency authorizing the customer or ~~his~~ their agent to perform work within public rights-of-way. For the purpose of this title, the term “right of way use permit” includes, but is not limited to, street-cut permit, sidewalk permit, driveway permit, curb permit, utility permit.

“Sanitary sewer” means those sewers used to collect and transport only domestic, commercial or industrial waterborne wastes permitted to be discharged thereto by this title.

“Service line” means the pipe, fittings and water meter connecting the main to the customer’s meter.

“Sewer lateral” means the pipe and fittings necessary for connecting the customer’s building sewer to the public sewer main.

“Sewer system” means the system of conduits, pipes, pumps, treatment facilities and structures used for the purpose of conveying from their source, treating in any manner, and conveying to final points of disposal all wastes of any nature permitted by this title.

“Single-family dwelling” means a building designed or used for residence purposes by not more than one family and containing one dwelling unit only, including mobile homes when not located in a mobile home park and including condominium units subject to fee simple ownership, and excluding multiple-family dwellings, apartments and motels. This also includes ADU’s that take water and sewer service from service connections separate from the primary residence.

“Storm sewer” means those sewers used to collect and transport stormwater runoff, surface drainage, or other water which may be permitted under this title.

“Utility” means the water/sewer/stormwater utility consisting of the water/sewer/stormwater division of the city department of public works and the utility administration division of the city department of public works, or successor department or division which are charged with the furnishing of water and sewer service within the City of Vancouver’s water and sewer and stormwater service areas.

“Water main” means the pipe laid in a public right-of-way, street, alley, or easement owned by the city, and used or intended for the distribution of water to customers through service lines, and may also be referred to as “main.”

“Water meter” means any device used for the measurement of water delivered to an individual location, customer or user.

“Water or sewer facilities,” for purposes of VMC 14.04.285, means storm, sanitary, or combination sewers, pumping stations, and disposal plants, water mains, hydrants, reservoirs, or appurtenances.

“Water system” means the system of conduits, pumps, treatment facilities, and structures used for the purpose of production and conveying potable water from their source, treating in any manner, and conveying to users in the city and adjacent areas.

#### **14.04.060      Deposit of moneys.**

All charges, deposits, late fees, penalties and other moneys of whatever kind accruing to the benefit of the department shall be paid to the City of Vancouver through the Director of Financial and Management Services, or ~~designate their designee~~, and by ~~him or her~~ them deposited to the credit of the water-sewer fund.

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**14.04.070 Information on charges or delinquent accounts.**

The city shall upon request of any interested person give information as to whether any water service lien or other charge is outstanding against any given piece of property.

**14.04.080 Inspection and Approval.**

All work done under a permit issued pursuant to this chapter shall be subject to the inspection by the director or designee, and the work shall not be deemed completed until it has been inspected and approved as satisfactory.

**14.04.090 Charges for water meter and service line installation.**

If any street or alley is to be improved, the service lines to all adjacent tracts, lots or parcels of lands, either vacant or occupied, shall be installed prior to such improvement at the property owner's expense.

A. Effective January 1, 2017, rates for meter and service installation shall be as follows:

| <b>Meter/Service Diameter</b> | <b>Meter and Service</b> | <b>Service Only</b> | <b>Meter Only</b> |
|-------------------------------|--------------------------|---------------------|-------------------|
| 5/8 x 3/4 with 1" service     | \$2,000.00               | \$1,930.00          | \$135.00          |
| 1 inch                        | \$2,045.00               | \$1,930.00          | \$180.00          |
| 1-1/2 inch                    | \$3,220.00               | \$2,835.00          | \$450.00          |
| 2 inch                        | \$3,535.00               | \$3,140.00          | \$460.00          |
| 3 inch                        | Note 1                   | Note 1              | \$2,700.00        |

| <b>Meter/Service Diameter</b> | <b>Meter and Service</b> | <b>Service Only</b> | <b>Meter Only</b> |
|-------------------------------|--------------------------|---------------------|-------------------|
| 4 inch                        | Note 1                   | Note 1              | \$3,200.00        |
| 6 inch                        | Note 1                   | Note 1              | \$4,900.00        |
| 8 inch and larger             | Note 1                   | Note 1              | Note 2            |

Note 1. The city does not install service larger than 2 inch. For larger services the customer is responsible for submitting drawings for city approval and for installation of the service.

Note 2. Prices available upon request.

B. *Meter and Service Relocates*. Effective January 1, 2017, rates for relocation of water service shall be as follows:

|                                           |            |
|-------------------------------------------|------------|
| Service relocates ten feet (10') and less | \$265.00   |
| Service relocates over ten feet (10')     | \$1,180.00 |
| Meter box raise/raise yoke fee            | \$130.00   |
| One (1") inch yoke replacement fee        | \$260.00   |

The city does not perform half-street restoration work. If the service installation or relocation requires half-street restoration, the applicant shall hire a contractor approved by the city to work within the right-of-way, obtain a right-of-way permit, and complete all work themselves (including service installation or relocation). The service installation or relocation and the half-street restoration work must be complete prior to the city setting the water meter.

C. Commencing January 1, 2018, and effective January 1st of each year thereafter, the fees set by subsections A and B of this section shall be adjusted annually at a rate based upon the change in the Consumer Price Index for Urban Wage Earners and Clerical Workers for the Seattle-Bellevue Metropolitan Area as prepared by the United States Department of Labor, Bureau of Labor Statistics and as published as of the preceding June 30th. The annual fee adjustment for each rate category shall be rounded to the nearest \$5.00. This annual adjustment shall not apply to the “Meter Only” fees.

**14.04.100 Condition of water and/or sewer service.**

A. *Accounts to be in name of the fee owner.* Effective October 1, 2006, all accounts for water/sewer/stormwater shall be kept in the name of the fee owner of the property or premises served; provided that:

1. Rental tenants whose accounts are in their own names as of October 1, 2006, may retain their existing accounts in their names until they change service address or their accounts are otherwise terminated;
2. Tenants may put service in their own names pursuant to Sections 14.04.192 through 14.04.195 of this chapter;
3. As provided by RCW 35.21.217, the fee owner may request to have duplicate bills mailed to a tenant, lessee, contract buyer, or agent, provided that:
  - a. This shall not relieve the fee owner from liability for charges incurred; and



b. Current contact information for the fee owner and for the tenant, lessee, contract buyer, or agent must be provided to the city, on forms approved by the city, in order for a customer/owner to have bills mailed to a tenant, lessee, or agent; and

4. Nothing in this section shall prevent a tenant from paying a utility charge which has been billed to a fee owner.

B. *Ownership of Lines.* The department shall install, own and maintain all water service lines from the main to and including the meter. Water service lines from the main to and including the meter box may be installed by the customer's contractor, subject to payment of fees, inspection and approval by the city. Customer lines from the meter to the building or premises shall be installed, owned and maintained by the customer. Insofar as is possible, customer lines leading to such service lines shall be installed so that they will not be under any concrete walk or driveway or other obstruction.

C. *Individual Service Required.* Each service line or sewer lateral shall be connected to only one house or building or a multi-tenant commercial building and for only one consumer insofar as practicable; provided, that the owner of a multifamily building may at ~~his~~ their option supply such building from a single connection, in which case the billing provisions of Section 14.04.190 shall apply. Any meters that are inter-tied within the customer's system shall be combined into one account; separate accounts for inter-tied meters will not be allowed.

D. *Installation on Private Property.* Service lines and meters shall not be installed on private property except where the Department of ~~Public Works~~ finds that service can be afforded in no

other practical way, in which case an easement granted to the city shall be secured from the legal owner.

*E. Charge for Installation of Larger Service Line or Relocation of Existing Service Line.*

Whenever a customer desires to have a service line changed to a larger size, ~~he~~ the customer shall pay all charges and fees applicable for installation of such larger size line and meter. Whenever a customer desires to have an existing service line relocated without a change in size of service the customer shall pay the costs as required in Section 14.04.210.G. In either case, the work shall be done by the department at the customer's expense as provided in Section 14.04.090. In all cases, the customer shall pay the costs thereof in advance.

*F. Transferring Customer Line.* Whenever a service line is ~~re-laid~~ re-laid or changed in position for any reason by the department, the customer shall immediately upon notice and at ~~his~~ the customer's own expense transfer the customer line to the newly laid or newly positioned service line.

*G. Customer Responsible for Installation and Maintenance.*

1. The water customer to be served by the department's mains shall install and maintain, at the customer's own expense, all water pipe, fixtures, and plumbing on ~~his~~ the customer's premises and shall own and maintain the customer line to the meter.
2. The sewer customer to be served by the department's mains shall install and maintain, at the customer's own expense, the sewer lateral from the premises to the public sewer main and shall own and maintain the sewer lateral from the premises to the public sewer main.

3. The customer or authorized agent shall be responsible for obtaining all building and right of way use permits required for work performed either on the premises or within public rights-of-way; provided, that the city may reimburse the customer for the cost of repair of that portion of the sewer lateral within dedicated public right-of-way, if damage to the sewer lateral was the result of deficiencies caused by acts or omissions of the city or third parties not acting as agents of the customer, and specifically excluding damage to the sewer lateral resulting from deficiencies caused by acts of God, root intrusion from the customer's trees or any other act or omission of the customer or customer's agent(s) or contractor(s). A claim for such reimbursement shall be submitted to the city within ten days of the incurrence of such costs and shall meet all of the following criteria:

- a. Eligible costs shall include only those actual expenses paid by the customer for any required city permits or to a licensed, bonded contractor.
- b. Only that portion of costs for repair work done within the dedicated right-of-way shall be eligible.
- c. The customer shall submit copies of the itemized invoices from the contractor. Such invoices shall indicate the type and cause or suspected cause of such damage.
- d. The amount of the reimbursement shall not exceed the estimated cost for installation of a new sewer lateral from the public sewer to the property line.
- e. All work shall be in conformance with city codes, ordinances and standards, including obtaining all necessary permits, inspections and approvals.

f. The director shall investigate all claims submitted for reimbursement and shall determine the validity of such claims and the amount of reimbursement, if any, which is due the customer.

H. *Specifications for Customer Lines and Sewer Laterals.* All customer lines shall be laid to a depth of two feet below the surface of the ground and shall be equipped with a readily accessible ~~valve~~ valve for each house or building so that the customer may at any time shut off the entire water supply. Customer lines larger than two inches shall be equipped with an accessible gate valve controlling the full supply on the premises.

All sewer laterals shall be installed in accordance with the department's standard details and with Chapter 17.20 of this code. When a property is connected to public sewer each sewer lateral shall be provided with a clean out to within six inches of finish grade at the property line, except that when a cleanout is provided at a distance not to exceed thirty feet from the property line, no additional cleanout will be required at the property line.

I. *Installation of Service Lines and Sewer Laterals.* All installations performed within public rights-of-way shall be performed by a licensed contractor acting as the owner's agent. The contractor shall be responsible for obtaining all necessary permits for work within the right-of-way. All installation shall be performed in accordance with the department's standard details.

J. *Liability for Leakage or Stoppage.* Under no condition shall the department be held responsible or liable for any partial or complete stopping of flow, any leakage, or damage to any customer's pipeline, fixtures, sewer lateral, plumbing, premises or contents therein, served by the water/sewer utility.

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K. *Approval of New, Re-laid Lines.* Approval of all new, re-laid or relocated customer lines must be secured from the department before water will be turned into the service.

L. *Temporary Water Use from Hydrants.* Temporary use of water from fire hydrants may be authorized by the Director ~~of Public Works or designee~~. “Temporary Water Use from Hydrants” is defined as use of water from a fire hydrant where an established service point or permanent water meter is not available. The Director ~~of Public Works~~ shall approve a written policy that will include, but not be limited to; when temporary water use from hydrants will be permitted, the appropriate deposit for the renting of a temporary meter, conditions of forfeiture of water meter deposit, rental fees for the temporary meter, and fees for temporary water use from hydrants. Persons requesting temporary water use from hydrants shall apply for a temporary water use permit on forms prescribed by the city at the City of Vancouver Utilities Administration offices. Such permits shall be subject to conditions of use set forth therein, and subject to the written policy of the ~~Public Works~~ Director, including provisions for cross connection control and other measures prescribed by the Director to ensure the public safety and health and water conservation. This subsection shall not apply to authorized fire-fighting agencies.

M. *Temporary Service.* Where water service is desired from a permanent service line for a period of less than three years, upon approval of the Director ~~of Public Works~~, it shall be considered temporary service, except that permanent buildings or establishments where service is discontinued because of change of occupancy shall not be considered as coming under this regulation.

N. *Tap and Line for Temporary Service.* When a new tap and service line is required for a temporary service, the department shall collect, at the time application is made, an amount

covering the estimated installation cost as provided in Section 14.04.090. The installation cost shall include all labor and material necessary for connection and disconnection and shall not be less than the regular charge for a new service.

O. *Advance Payment for Temporary Service.* In all cases of temporary service, the department shall collect in advance the minimum charge for one month for the size of meter in use and in no case shall the charge be less than this amount. Temporary services shall be billed at the rate applicable to the current use of the premises.

P. *Transfer of Temporary to Permanent Status.* Temporary service may be transferred to permanent service status upon payment of system development charges effective as of the date of transfer to permanent status as assessed by VMC 14.04.235.

Q. *Existing Service Out of Use.* When any existing service line of two inches or less has been out of use for three years or more, the same shall be considered out of service and shall not be used again for water service purposes, unless the department determines that the existing service line is acceptable.

#### **14.04.105      Permit required for plumbing work.**

It shall be a violation of this chapter for a plumber or any other person to make connection, installation, replacement, extension or repair to any city water service pipe, or to connect one service pipe with another building, without having first obtained a permit from the department. Upon issuance of a permit to a plumber or other person authorized by the department to do plumbing work, the permittee shall make a report in writing to the department of all connections,

attachments and extensions made by ~~him~~ the permittee in accordance with the permit within three days after the completion of work.

**14.04.110      Unauthorized use of water.**

If any person makes or lays or installs any pipe or pipes or connections thereto or makes or breaks any connection to any meter or breaks any seal attached to any meter or seal or reseals any meter with the purpose or intent of obtaining water without paying the just charges for the same, the department shall, ~~forthwith~~ upon becoming aware of the fact, have the authority to shut off and stop the entire supply to the premises affected without prejudice to its right to collect any and all charges due for water legally or illegally or properly or improperly ~~theretofore~~ obtained or delivered to the premises. Such authority shall include the right to shut off the water supply serving the premises in any public street or right-of-way and charge the costs of labor and materials to such person or customer. If the improper connection is on public property, the department will make the necessary changes, removals or repairs, but if on private property, the owner shall do the work directed immediately upon demand. The customer having had such unauthorized supply shall pay on an estimated basis for the water used for the period during which such unauthorized service may have been obtained. The customer shall also pay all costs for labor and material used in removing the unlawful connections wherever found and in restoring the service line and meter to perfect conditions and all this work must be done and the cost thereof must be paid before service may be restored. Violation of any provisions of this section and failure to pay for all costs incurred shall constitute a violation of this chapter. These penalties shall be in addition to amounts assessed under VMC Title 22.

**14.04.120      Sharing or selling water to another.**

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No person shall sell or permit any person or persons to carry water from, or to connect to any water pipe or hose heading from the customer's piping, whether on the same premises or adjoining property unless such person first obtain written permission or approval from the department. Where such use has been made the customer shall discontinue the practice on demand and pay for all charges and use as estimated to be reasonable by the department. Any person so doing shall be guilty of a violation of this chapter.

#### **14.04.130      Effect of leakage on bills.**

When any customer in any given billing period because of a broken water pipe on ~~their~~ ~~his or her~~ premises, has used according to ~~their~~ ~~his or her~~ meter, an amount of water which is more than double the average amount of water which had been used on such premises in similar period in prior years, ~~he~~ the customer may apply to the city in writing for an adjustment under this section. If the customer reports that there are broken water pipes on ~~his or her~~ their premises which have caused the high consumption of water and if repairs are verified by inspections by the city, the city shall thereupon reduce the bill in question to the average amount billed to such property for similar periods in previous years plus, for the excess over such average caused by such breakage, a special rate of only twenty cents per hundred cubic feet. In cases where repairs are not visible, proof of repairs must be supplied. A given piece of property shall be entitled to the benefits of this section unless it appears that continued waste of water is due to a continued negligent failure to repair. Reductions shall not be permitted on account of leaking toilets, plumbing fixtures, or unexplained usage and shall not exceed two bills.

The department may discontinue service to any premises if the owner, customer or consumer refuses to make repairs necessary to avoid waste of water. If ~~after~~ reasonable efforts to contact the

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customer or consumer at the premises are not successful, and it is observable that water is being lost through leakage, the department at its option may terminate water service and shall ~~leave~~ post a written notice in a conspicuous location on the premises, documenting the reason for such termination of service ~~as to its action and the reason therefore.~~

#### **14.04.140      Unlawful acts.**

A. *Trespass.* Any person or persons found trespassing upon the watershed, polluting the water, damaging or attempting to sabotage or destroy any reservoir, tank pump, pump house, pipeline, treatment plant, or any other property of the department shall be guilty of a violation of this chapter.

B. *Cross Connections.* No person shall connect in any manner any fire pump or other apparatus drawing from any other water supply or carrying any foreign liquid or material to any main or pipe connected to the city water system even though such connection may be protected to some extent by check valves or closed gate valves, except in conformity with ~~Section 9 of this ordinance,~~ ~~codified as~~ VMC 14.04.155. Particular attention is called to the danger of pollution from ice machines, compressors, sewage pumps and other apparatus causing pressures higher than those in the system. Any customer having or making any such cross connection shall immediately remove it and pay the department all costs, direct and consequential, incurred because of the connection. The existence of any cross connection, whether open or not, shall be deemed cause to hold the customer solely responsible and liable for any and all expense, claims, or suits and damages, either direct or resultant, that could in any possible manner have been caused by such cross connection.

C. *Authority to Disconnect.* The department shall have the right to shut off the supply of water whenever it is necessary to make repairs, improvements, enforce rules or for any operating reason.

In all such cases, reasonable previous notice will be given to consumers, except in emergencies shut-off to prevent damage to plumbing. The department shall be responsible for closing at the meter all service lines which are affected by a shut-down to preclude drainage of water from tanks. The necessary work will be done as rapidly as practicable and whenever feasible, at times which will cause the least inconvenience. The department shall not be held responsible or liable for any direct or resultant damage to any person, company or consumer or to any pipe, fixture or plumbing caused by cessation of supply or reduced or insufficient pressure.

D. *Dangerous Industrial Uses.* Water for steam boilers, gas engines, ice plants or other industrial use involving possible danger will not be furnished by direct pressure from the mains.

E. *Defective Customer Equipment.* The department shall have the right to refuse water service or to discontinue water service without notice at any time to any customer upon finding any apparatus or appliances, the operation of which will be detrimental to the water system or an annoyance to any or all of its customers. Standpipes, hydrants, gate valves or any other apparatus or equipment that causes water-hammer or any danger to the water system or other customer's plumbing shall be immediately repaired or removed upon notice from the department.

F. *Liability for Damage.* The customer shall be responsible for and pay for any damage to meter, meter boxes, seals, curb stops, yokes, pipe, and other appliances belonging to the department caused by any unauthorized use, carelessness or neglect by the customer.

G. *Unauthorized Alteration of Equipment.* The department shall, under all circumstances and conditions, exercise through its authorized employee, full authority and complete jurisdiction over the entire water system. No one other than an authorized employee of the Department of Public

~~Works~~ shall remove, relocate, turn off, turn on, test, regulate, repair, damage, or otherwise molest or alter any meter, curb stop, yoke, valve, or other property of the department. Any person so doing shall be guilty of a violation of this chapter and subject to amounts assessed under VMC Title 22.

H. *Department Access.* The department shall have access to all portions of the premises of the consumer at any reasonable time for inspection of the use of water and the customer's pipe, fixtures, plumbing and any other apparatus, in any manner connected with the city water system. The department shall have the right and option to demand termination of use or to require any repair, change, removal or improvement of any pipe, fixture, plumbing or other apparatus that will in the opinion of its engineer in any manner affect the water supply or water system or the supply or fixtures of other consumers.

I. *Noncompliance.* If any customer fails to comply with any of the rules and regulations in force the department shall give notice of such failure. If the customer does not comply as the rules provide and within reasonable time, the department shall have the right to shut off the water and collect the scheduled charge for restoration of service or to remove the meter and make the same charge for resetting as if the meter were removed at the customer's request. Any person who fails to comply with any of the rules and regulations in force consistent with this chapter shall be guilty of a violation of this chapter.

J. *Tampering with Fire Hydrants.* It shall be a violation of this chapter for any person other than an employee of the department or the city Fire Department to operate, alter, change, remove, disconnect, connect with, or interfere or attempt to interfere in any manner with any fire hydrant owned or used by the city without first obtaining a permit from the department.

K. *Unlawful to Turn on Water Without Authority or After Shut Off for Nonpayment.* Subject to the provisions contained in Sections 14.04.191 through 196, if water is shut off for nonpayment and is subsequently turned on by any water customer or other person without authority from the department and any outstanding bill for prior water service charges remains unpaid, the department may then stop water service by either shutting off the water at the main, by removing the meter, or by any other appropriate method. The charge for stopping water service by any other method and the charge for subsequent restoring of the water service shall be as set forth in this title. All such charges shall be charged to the customer or such other person and when the delinquent customer and/or such other person occupies the premises, water shall not again be furnished to the premises until the charges have been paid. The remedies and charges set forth in this section shall be in addition to and not in lieu of amounts assessed under VMC Title 22.

L. *Unauthorized use of water.* If any person makes or lays or installs any pipe or pipes or connections thereto or makes or breaks any connection to any meter or breaks any seal attached to any meter or seal or reseals any meter with the purpose or intent of obtaining water without paying the just charges for the same, the department shall forthwith upon becoming aware of the fact, have the authority to shut off and stop the entire supply to the premises affected without prejudice to its right to collect any and all charges due for water legally or illegally or properly or improperly theretofore obtained or delivered. Such authority shall include the right to shut off the water supply serving the premises in any public street or right-of-way and charge the costs of labor and materials to such person or customer or to both. If the improper connection is on public property, the department will make the necessary changes, removals or repairs, but if on private property, the customer shall do the work directed immediately upon demand. The customer having had such unauthorized supply shall pay on an estimated basis for the water used for the period during which

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such unauthorized service may have been obtained. The department's estimate of charges due shall be deemed conclusive unless rebutted by the customer by clear and convincing evidence. The customer shall also pay all costs for labor and material used in removing the unlawful connections wherever found and in restoring the service line and meter to perfect conditions and all this work must be done and the cost thereof must be paid before service may be restored. Violation of any provisions of this subsection and failure to pay for all costs incurred shall constitute a violation of this title.

M. *Sharing or selling water to another.* No person shall sell or permit any person or persons to carry water from, or to connect to any water pipe or hose heading from the customer's piping, whether on the same premises or adjoining property unless such person first obtain written permission or approval from the department. Where such use has been made the customer shall discontinue the practice on demand and pay for all charges and use as estimated to be reasonable by the department. Any person so doing shall be guilty of a violation of this chapter.

N. Access to and obstruction of meters, hydrants, manholes, and easements.

1. No material or obstruction shall be placed on or over the meter box at any time regardless of whether the box is installed on public or private land.
2. No vegetation will be allowed to overgrow a meter box. Vegetation will be trimmed at the Department's discretion within an area that is 2' horizontal and 5' vertical of the meter box.
3. No person shall open, enter into, place, or allow anything to be placed in a manhole of the City's sanitary sewer system without written approval from the Director of Public Works or his designee.

4. No person shall damage, obstruct or cover a manhole of the City's sanitary sewer system.
5. No person shall plant trees, shrubs, or other plants within a water or sewer easement or obstructing a meter without prior written approval from the Director of Public Works or his designee.
6. No person shall place any part of a structure or any permanent equipment within a water or sewer easement or obstructing a meter without prior written approval from the Director of Public Works or his designee. Prohibited structures include buildings, houses, decks, garages, tool or storage sheds, swimming pools, walls, and fences. Prohibited permanent equipment includes air conditioning units and heat pumps.

**14.04.145 Cause of action for tampering, unauthorized connections and diversion of services.**

RCW 80.28.240 is hereby adopted by reference. Pursuant to RCW 35.21.180, an amendment, addition or repeal by the Washington State Legislature of such statute shall be deemed to amend, add or repeal this subsection without further action of the city. The remedies provided by RCW 80.28.240 and this subsection shall be in addition to and supplemental to all other remedies set forth in this chapter for tampering, unauthorized connections and diversion of services.

**14.04.150 Fluoridation authorized.**

The city council of the City of Vancouver hereby authorizes and directs that a source of fluoridation approved by the state department of health be added to the City of Vancouver water supply, under the rules and regulations of the Washington State Department of Public Health, such

addition to be administered in a manner approved by the State Director of Public Health, and in accordance with the laws of the State of Washington.

#### **14.04.155 Cross Connection Control Program.**

A. *Adoption of state regulations.* Rules and regulations of the Washington State Department of Health regarding public water supplies, entitled “Cross-Connection Control,” WAC 246-290-490, as they presently exist and as they may, from time to time, be amended, are hereby adopted and incorporated herein by this reference as if set forth in full.

B. *Adoption of City Cross Connection Control Procedures Manual.* Rules and regulations for cross connection control shall be outlined in a written manual, approved by the Director. This manual is hereby adopted and incorporated into the city code by reference, as it presently exists and as it may be periodically amended by the Director at the Director’s discretion.

~~B.C. Backflow prevention assemblies to be installed. In addition to situations requiring backflow prevention assemblies as set forth in subsection A of this section, the~~ The city reserves the right, as a condition of water service, to require any party seeking water service to install a backflow prevention assembly when the city, or the city’s designee, determines a need to protect the city’s water system and/or facilities. ~~Premises isolation for all service connections by an approved air gap or reduced pressure backflow assembly is required for all customers with access to unapproved auxiliary water supplies, as defined by WAC 246-290-010, connected to a piping system whether or not an interconnection exists between the unapproved auxiliary water supply and the city water system.~~ All backflow prevention assemblies shall be installed and maintained by, and at the expense of, the customer.

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~~C. Backflow prevention assemblies to be inspected.~~ Backflow prevention assemblies installed shall be inspected and tested:

- ~~1. At the time of initial installation;~~
- ~~2. Annually after initial installation;~~
- ~~3. After the device is repaired;~~
- ~~4. After the device is moved, relocated, or reinstated; and~~
- ~~5. More often if tests indicate repeated failures.~~

~~D. The city shall provide 30-day advance notification to the customer of the required annual test of the backflow prevention assembly. Failure of the city to provide notification shall not affect the customer's duty to obtain testing under this section. The customer shall have such test performed by any person certified by the Washington State Department of Health, and the results shall be delivered to the city on a form prescribed by the city. If such test is not performed within the time required herein, the city may initiate proceedings for termination of water service.~~

~~E. The customer shall be responsible for the repair, overhaul or replacement of backflow prevention assemblies as required by the city whenever they are found to be defective within a time period as required by the city.~~

FD. Pursuant to VMC 14.04.020, the director may promulgate administrative rules and procedures and set fees to have the customer's backflow prevention assembly device tested by a properly certified independent contractor. The fees for such service may be added to the customer's water utility bill. Such service shall be at the customer's option and shall not preclude the customer from



making their own arrangements for testing in accordance with the manual adopted pursuant to subsection D B of this section.

**14.04.160 Department employee rules.**

A. *Office Transactions Only.* All transactions concerning water service and the business of the department shall be made only through the office of the department and no service shall be commenced other than by and through the procedure herein provided and in conformity with these regulations.

B. *Identification.* Every employee of the department being authorized to enter upon private property to inspect or have charge of the services, mains, plant or equipment of the department shall be furnished with means of identification and shall carry such identification at all times when engaged upon the duties of their position and produce and exhibit the same upon request.

C. *Tips Prohibited.* Every employee of the department is strictly prohibited from demanding or accepting if offered any gratuity, tip or compensation in any form whatsoever from any person during or in connection with his performance of their duties and any disrespect or unwarranted act of any employee shall be, upon complaint made to the director ~~or utilities~~, suitably dealt with.

D. *Department Employees are Not Permitted to Work on Customer Equipment.* No employee of the department shall do any work whatsoever on any customer's pipe lines, fixtures, or plumbing.

E. *Communicating Regulations.* It shall be the duty of the director ~~of utilities~~ to see that every employee is aware of all regulations governing their conduct.

**14.04.170 Meter connections – Exceptions – Placement.**

A. *Unmetered Connections.* There shall be no unmetered connections to the city water system except to automatic sprinkler systems for fire protection services which are approved by the Director of Public Works. This subsection shall not apply to single-family residential structures; all single-family residential fire protection services shall be metered.

B. *Meters.* All meters and meter boxes shall be owned, installed and maintained by the department.

C. *Meter Location Specifications.*

4. Whenever practicable the meter shall be installed in a convenient place in the public right-of-way between the curb line and the property line. When the meter cannot be placed in the usual position within public right of way, then the legal owner of the premises shall give consent in writing and grant an easement to the city and the meter and the meter box shall be placed at a suitable place which will be permanently accessible at all reasonable times for meter inspection, reading and testing. Meters shall not be located within any finished surface area other than dirt, grass, barked or landscaping rock and shall not be located within a driveway or sidewalk area unless prior approval is obtained from the Director of Public Works. Meters shall not be obstructed, as set forth under VMC 14.04.140.N. Where meters are at present or may be installed within a building, the department shall not be held responsible for damage from leaking meter, pipe or fittings. No rent or other charge whatever shall be made by any customer against the department for placing or maintaining meters upon the customer's premises.

D. *Maintenance of Service Line.* The service line from the main to the meter shall be maintained by the department. The department may charge the customer for damage to the service line or meter which is located outside the public right-of-way. In the event of a maintenance repair on a water service or meter that is located within a surface area other than allowed in subsection C-4 above, the property owner will be responsible for the repair of the surface area or the City may repair at the property owner's expense. The customer shall be charged for such damage on a time and material basis and shall be provided with a specific account of such charges.

E. *Meter Connection Shut Off By City.* If a service has been shut off for nonpayment, and the customer has turned the water service on without city authorization, the department may cut off service to the premises from the public right of way. The minimum base fee charged the customer for such cut off shall be \$1300, plus any additional actual and reasonable costs incurred by the city on a time and materials basis. The customer shall be provided with a specific account of such additional charges.

#### **14.04.180      Meter tests and adjustments.**

A. *Customer Request for Test.* The department shall test meters as it finds necessary or upon the request of any customer.

B. *Result of Test – Meter Repair.* If the meter is found by such test to be defective, it shall be replaced or repaired at the city's expense and affected bills outstanding or paid during the previous six months shall be adjusted. Such adjustments shall be based, at the option of the department, upon either the nearest preceding six-month average use when the meter was in good order, or upon the same month of the preceding year if the use is seasonal.

C. *Meters for Seasonal Requirements.* Meters of different sizes will not be installed to meet seasonal or temporary requirements except on payment of the cost of all charges by the customer.

D. *Deduct Meter.* Deduct meters, for the purpose of subdividing the registration of the master meter, may be installed by the ~~department~~ customer for its their convenience. Where one or more deduct meters are installed the master meter consumer shall be billed by deducting the amount registered on the deduct meter or meters from the master meter registration.

E. *Meter Damaged by Hot Water.* Whenever a meter is found to have been damaged by hot water from the customer's heating equipment, the customer shall pay the actual cost of removing, repairing and replacing the meter. The previous water bills shall be corrected on an estimated basis to cover the period during which the meter was evidently so damaged and all such charges and amounts shall be thereupon due and payable.

F. *Check and Relief Valve Installation.* The department may, at its option, install a check valve in any service where there has been damage to the meter caused by hot water, or where there is reason to believe danger of such damage exists. The customer shall be notified at the time of installation of a check valve and shall be warned of the danger of possible bursting of hot water tanks and piping. The department will not resume service prior to such installation by the customer of a relief valve, and will not be liable for any damage, direct or consequential, from any accident due to the placing of a check valve or failure of the consumer to receive notice and install a relief valve.

#### **14.04.190      Billing procedure and conditions.**

A. *Billing Period.* Bills for metered water service shall be rendered according to the registration of the meter at regular intervals and shall be due and payable upon mailing. Bills shall clearly state when they will be considered delinquent; provided, that no bill shall be considered delinquent until at least 15 days after mailing.

B. *Reading Meters.* Residential meters shall be read as nearly as possible at regular intervals, unless otherwise arranged by the department. There shall be no special vacation rate or reduction made on any water bill because of part-time or restricted use. If a meter is pulled and the account is closed at the customer's request or if the account has been inactive for more than five years, upon installation of a new meter, all new meter installation fees shall apply.

C. *Billing When Meter Unread.* On metered service where the meter has not been read, the bill rendered shall be an average bill for the preceding year or applicable portion of year.

D. *Billing for Special Periods.* Opening and closing bills and bills for water service for periods less than the regular intervals shall be calculated on a pro rata basis.

E. *Bills for Special Services.* All bills for service charges, material and labor furnished, contributions to extensions and other authorized charges, shall be due and payable immediately upon presentation. If such bills are not paid, the department may refuse to furnish water service, and may shut off and discontinue service already being supplied until all bills are paid, and this without prejudice to its right to collect all amounts theretofore due.

F. *Separate Billing for Separate Meters.* When one customer is served by more than one meter on separate service lines, the meter minimum for each meter and the surcharge for water supplied may be calculated and billed separately.

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G. *Responsibility for Joint Use.* When more than one consumer, whether a family, business, or other person, receives water through one meter on a single service line, in one building, and it is found impractical by the department to separate the water piping for each consumer, the customer shall be solely responsible and shall pay the total bill for such joint water service.

H. *Joint Consumer Responsibility.* All service to joint consumers shall be on the basis that if it becomes necessary to enforce these rules and regulations against any or all joint consumers that the department shall have the right to shut off the entire supply to all the joint consumers. Separate meters shall be installed and separate bills rendered to each consumer if the customer separates the piping and installs individual supply pipes from the property line.

I. *Separate Billings Required.* When two or more houses, buildings or other premises occupied by separate consumers are supplied from a single service connection, the customer shall immediately, upon notice from the department, separate each customer's lines and connect up individually to meters at the property line, and if separate services are not established within a reasonable time thereafter, the department may shut off the water and refuse further service to all such consumers.

J. *Billing Before Lines Are Separated.* Until the joint consumer lines are separated, computation of the total bill shall be made by multiplying the quantity in each bracket of the rate schedule by the number of consumers on one meter. The minimum charge shall be the regular minimum charge multiplied by the number of consumers served.

K. *Customer Emergency Assistance.*

1. *Eligibility.* Upon satisfactory proof, emergency assistance may be issued to each household for which:

- a. A member of the household is billed by the city for water services;
- b. The household has been verified by the city or the city's agent:
  - i. To have an annual income that, when combined with the annual income of all household members, meets the eligibility standards for the Low Income Home Energy Assistance Program (LIHEAP) authorized by the Low Income Home Energy Assistance Act of 1981, the Omnibus Budget Reconciliation Act of 1981, the Energy Policy Act of 2005, Public Law 109-58; and
  - ii. To not receive subsidized housing assistance;
- c. The household has received notice from the city that payment or payment arrangements must be made to prevent disconnection;
- d. The household is served with city water service at a residential, single-family account.

2. *Emergency Credit – Maximum.* Upon verification of eligibility, the household may receive an emergency credit of a maximum of \$400.00 of the delinquent bill for the service address; provided, that the household may only receive such credit once in a 24-calendar-month period. The household emergency credit maximum may be adjusted not more than once per calendar year by the director to address the impacts of future rate increases.

3. *Administrative Rules and Procedures.* Pursuant to VMC 14.04.020 and this section, the director of public works jointly with the director of financial and management services shall

promulgate administrative rules and procedures not inconsistent with this section to implement the customer emergency assistance program.

**14.04.191 Termination of utility service to rental dwellings.**

Except in cases involving public health or safety, or as otherwise provided in this chapter, the city will terminate utility service to a residential tenant occupying a rented dwelling pursuant to RCW 35.21.290 and 35.21.300 for a delinquent bill only when: (a) the bill was incurred by a current occupant; or (b) the dwelling is vacant. When a rented dwelling is occupied by a tenant who has opened an account in their ~~his/her~~ own name, no termination or threat of termination will occur because of the nonpayment of a bill for water or sewer utility services if the bill is the obligation of the tenant's landlord or the obligation of a prior occupant of the premises not currently residing therein; provided, however, that the term "threat of termination" shall not include the notices authorized by subsequent sections of this chapter.

**14.04.192 Termination of utility service to rental dwellings – Exceptions.**

*A. Delinquent Status.*

1. When a rented dwelling for which a delinquent utility bill is owed is occupied by a tenant, and the delinquent bill is in the landlord's name, no termination will occur until the tenant is first provided an opportunity to place the account in ~~his or her~~ their name without liability for the landlord's delinquent bill.
2. When a rented dwelling for which a delinquent utility bill is owed is occupied by a tenant and the delinquent bill is in the name of, and incurred by, a prior tenant no longer occupying the dwelling, no termination will occur until the current tenant is first provided the opportunity



to have the account placed in ~~his or her~~ their own name without liability for the delinquent bill.

B. *Application for Exception.* The current tenant must make application in person at a designated city office during normal office hours unless this is proved to be impossible because of a disability, to complete any forms required by the city in order to place service in ~~his/her~~ their name. Arrangements for continued service cannot be made by phone except that on Fridays such applicants can arrange by phone to have service over the weekend, pending applications to be made on the next Monday. Such applicant will be required to present personal identification, a copy of ~~his/her~~ their rental agreement, and/or a bill from another utility in ~~his or her~~ their name, and to provide the name, address, and telephone number of the landlord.

#### **14.04.193 Termination of utility service to rental dwellings – Service restored.**

If service is terminated before the current tenant has exercised the right provided for in the preceding section to have the account placed in ~~his or her~~ their own name, the current tenant can have water restored without liability for the delinquent bill by applying to place the account in ~~his or her~~ their own name for future service, as provided in Section 14.04.192, and by paying the usual reconnect charges.

#### **14.04.194 Termination of utility service to rental dwellings – Action by utilities administration.**

The city will not take any action which encourages or permits, whether by regulation, informal policy or oral statement, the termination of water services to residential tenants occupying single-family units or individually metered multifamily units because a prior occupant of the residence owes an unpaid bill or where the tenant's landlord has contracted for water service to the dwelling

and the account is delinquent, unless the following procedures are complied with. Procedures applicable to termination of utility services to consumers other than residential tenants occupying single-family units or individually metered multifamily units are set forth in VMC Section 14.04.197.

A. If payment on a utility account has not been received by the twenty-fifth day after the bill date the utility division will send or mail a reminder notice to the service address, and to the address (if any) listed for the property's owner of record or agent in the department's file. This notice will advise that payment is past due and will alert interested parties that service may be terminated unless payment is received or arrangements acceptable to city have been made. A statement describing tenants' rights as provided in this chapter will be presented on the back of the reminder notice.

B.

1. If payment on a utility account has not been received by the thirty-seventh day after the bill date, the utility division will send or mail a final notice to the service address, and to the address (if different) listed for the property's owner of record or agent in the department's file. This final notice will advise that the payment is past due and payment must be received to avoid disruption of service.

2. Such final notice shall advise that the account is past due and that service will be terminated not less than eight (8) days from the final notice date and will advise the customer of the process for service restoration.

3. A statement describing tenants' rights will be printed on the back of the disconnection notice.

C. The statement of tenants' rights included with the reminder notice(s) and printed on the disconnection notice shall be substantially in the following form:

#### NOTICE OF TENANTS' RIGHTS

If you are a tenant residing at the service address and water is presently being delivered to your home: You are not responsible for water and sewer utility bills incurred by a previous tenant who moved out before you moved in and you also are not responsible for water and sewer utility bills incurred by your landlord.

If this bill is the obligation of a prior tenant or your landlord, and you have made reasonable efforts to resolve the issue with the landlord, you have the right to obtain continued water and sewer utility services by contacting the utility division and having the account placed in your name. If you do place the account in your own name services will not be disconnected because of an unpaid bill for which you are not responsible. You will be responsible for future bills coming due during your tenancy.

To place service in your own name you must go to the City of Vancouver Utilities Administration offices, and make application in person for continued service during normal work hours. You will be required to present personal identification, your current written rental agreement, and/or a bill from another utility in your name. You also will be required to identify your landlord, ~~his~~ and provide your landlord's current address, and telephone number.

If service is disconnected before you have contacted the Utility Division a reconnection fee will be charged before service is restored.

You have the right to appeal the decision of the utility division relating to responsibility for past due utility bills or the right to have service placed in your own name. Utility service will not be disconnected during the appeal process.

#### **14.04.195 Termination of utility service to rental dwellings – Transfer charges.**

If a tenant elects to contract for future water service under the preceding sections, the tenant ~~he or she~~ must agree to pay appropriate transfer of account charges, reconnection charges if service has been terminated before the tenant has exercised the right to have the account placed in ~~his or her~~ their name, and all future utility bills coming due during ~~his or her~~ their occupancy of the premises. Application must be made in person at the City of Vancouver Utilities Administration offices during normal working hours ~~except by handicapped persons as provided in~~ unless exempt due to disability, in accordance with Section 14.04.192. The tenant will not be required to pay a deposit to obtain service unless that tenant's own credit worthiness justifies the imposition of a deposit under rules or policies regularly adopted under Section 14.04.030020 and applied to all customers.

All notices required by this chapter will also give notice of the Utility Division's customer appeal process. A tenant may request a hearing under this customer appeal process if the tenant has a dispute with the utility regarding the new account for the premises.

#### **14.04.196 Termination of utility service – City’s rights.**

Nothing set forth in this chapter shall be construed to limit the city’s rights to proceed either by judicial process or by the remedies prescribed by RCW 35.21.290 and 35.21.300 to the extent that such actions do not interfere with tenant’s rights as provided in this chapter. A “tenant” means any person who is entitled to occupy a dwelling unit primarily for living or dwelling purposes under a rental agreement. A “landlord” is the owner of record of the dwelling unit, as shown by the records of Clark County, or the owner’s agent.

#### **14.04.197 Termination of utility service to customers other than residential rental tenants occupying single-family units or individually metered multifamily units – Action by utilities administration.**

A. *Applicability.* This section specifies procedures applicable to termination of utility services to consumers other than residential rental tenants occupying single-family units or individually metered multifamily units. Procedures applicable to termination of utility services to residential tenants occupying single-family units or individually metered multifamily units are set forth in VMC Section 14.04.191 through VMC Section 14.04.196.

B. *Past Due Reminder Notice For All Service Types.*

1. This past due reminder procedure is applicable to all service types governed by this VMC Section 14.04.197.
2. If payment on a utility account has not been received by the twenty-fifth day after the bill date the utility division will send or mail a past due reminder notice to the service address, and to the address (if any) listed for the property’s owner of record or agent in the department’s

file. This past due reminder notice will advise that payment is past due and will alert interested parties that service may be terminated unless payment is received or arrangements acceptable to city have been made.

*C. Termination of Service For Single Family units and Multi Family units that are individually metered.*

1. For single family units and multi family units that are individually metered, if payment on a utility account has not been received by the thirty-seventh day after the bill date the utility division will send or mail a final notice to the service address, and to the address (if different) listed for the property's owner of record or agent in the department's file. This final notice will advise that the payment is past due and payment must be received to avoid disruption of service.

2. If payment on the utility account has not been received by the forty-fifth (45) day the account will be transferred to the shut off list and service will be terminated.

3. Thereafter, a utility service inspector will physically deliver to the services address a disconnection notice and will terminate the service

4. Such disconnection notice shall advise that the account is past due and that service has been terminated and will advise the customer of the process for service restoration.

*D. Termination of Service For Multi-Family units that share a single meter.*

1. For multi-family units that share a single meter, if payment on a utility account has not been received by the thirty-seventh day after the bill date the account will be transferred to the shut off list.
2. Thereafter, a utility service inspector will physically deliver to the service address(es) or will post at the service address door(s) a 10 day disconnection notice.
3. Such 10 day disconnection notice shall advise that the account is past due and that service will be terminated not less than ten (10) days after such delivery or posting of the notice unless payment is made or other arrangements satisfactory to the city have been made. Such notice will advise other tenants sharing the service, if any, of their rights for continuing service

E. *Termination of Service For Commercial units.*

1. For commercial units, if payment on a utility account has not been received by the thirty-seventh day after the bill date the account will be transferred to the shut off list.
2. Thereafter, a utility service inspector will physically deliver to the service address or will post at the service address door a twenty four (24) hour disconnection notice.
3. Such twenty four (24) hour disconnection notice shall advise that the account is past due and that service will be terminated not less than twenty four (24) hours after such delivery or posting of the notice unless payment made or other arrangements satisfactory to the city have been made. Such notice shall advise other tenants sharing the service, if any, of their rights for continuing service.

F. The statement of tenants' rights included with the reminder notice(s) and printed on the disconnection notice shall be substantially in the following form:

If you are a tenant residing at the service address and water is presently being delivered to your home: You are not responsible for water and sewer utility bills incurred by a previous tenant who moved out before you moved in and you also are not responsible for water and sewer utility bills incurred by your landlord.

If this bill is the obligation of a prior tenant or your landlord, and you have made reasonable efforts to resolve the issue with the landlord, you have the right to obtain continued water and sewer utility services by contacting the utility division and having the account placed in your name. If you do place the account in your own name services will not be disconnected because of an unpaid bill for which you are not responsible. You will be responsible for bills coming due during your tenancy.

To place service in your own name you must go to the City of Vancouver Utilities Administration offices, during normal work hours and make application in person for continued service. You will be required to present personal identification, your current written rental agreement, and/or a bill from another utility in your name. You also will be required to identify your landlord, their current address and current phone number.

If service is disconnected before you have contacted the Utility Division a reconnection fee will be charged before service is restored.



You have the right to appeal the decision of the utility division relating to responsibility for past due utility bills or the right to have service placed in your own name. Utility service will not be disconnected during the appeal process.

**14.04.210 Water service – User charges.**

*A. Base Charge, All Customer Classes.*

1. For all water customers, each customer shall pay a monthly base charge as follows:

Effective January 1, 2020

| <b><u>Meter Size</u></b>    |           | <b><u>Base Charge</u></b>     | <b><u>Base Charge</u></b>      |
|-----------------------------|-----------|-------------------------------|--------------------------------|
|                             |           | <b>Inside City<br/>Limits</b> | <b>Outside City<br/>Limits</b> |
| a. 5/8 x 3/4 inch and under | per month | 9.15                          | 13.73                          |
| b. 3/4 inch                 | per month | 12.15                         | 18.22                          |
| c. 1 inch                   | per month | 18.55                         | 27.83                          |
| d. 1-1/2 inch               | per month | 34.48                         | 51.72                          |
| e. 2 inch                   | per month | 53.44                         | 80.16                          |
| f. 3 inch                   | per month | 97.97                         | 146.96                         |
| g. 4 inch                   | per month | 161.42                        | 242.12                         |
| h. 6 inch                   | per month | 320.31                        | 480.46                         |

| <b><u>Meter Size</u></b> |           | <b><u>Base Charge</u></b>     | <b><u>Base Charge</u></b>      |
|--------------------------|-----------|-------------------------------|--------------------------------|
|                          |           | <b>Inside City<br/>Limits</b> | <b>Outside City<br/>Limits</b> |
| i. 8 inch                | per month | 510.92                        | 766.37                         |
| j. 10 inch               | per month | 764.90                        | 1,147.35                       |
| k. 12 inch               | per month | 1,486.27                      | 2,229.41                       |

Effective January 1, 2021

| <b><u>Meter Size</u></b>    |           | <b><u>Base Charge</u></b>     | <b><u>Base Charge</u></b>      |
|-----------------------------|-----------|-------------------------------|--------------------------------|
|                             |           | <b>Inside City<br/>Limits</b> | <b>Outside City<br/>Limits</b> |
| a. 5/8 x 3/4 inch and under | per month | 9.61                          | 14.42                          |
| b. 3/4 inch                 | per month | 12.75                         | 19.13                          |
| c. 1 inch                   | per month | 19.48                         | 29.22                          |
| d. 1-1/2 inch               | per month | 36.21                         | 54.31                          |
| e. 2 inch                   | per month | 56.11                         | 84.17                          |
| f. 3 inch                   | per month | 102.87                        | 154.31                         |
| g. 4 inch                   | per month | 169.49                        | 254.23                         |
| h. 6 inch                   | per month | 336.32                        | 504.48                         |

| <b><u>Meter Size</u></b> |           | <b><u>Base Charge</u></b>     | <b><u>Base Charge</u></b>      |
|--------------------------|-----------|-------------------------------|--------------------------------|
|                          |           | <b>Inside City<br/>Limits</b> | <b>Outside City<br/>Limits</b> |
| i. 8 inch                | per month | 536.46                        | 804.69                         |
| j. 10 inch               | per month | 803.15                        | 1,204.72                       |
| k. 12 inch               | per month | 1,560.58                      | 2,340.88                       |

Effective January 1, 2022

| <b><u>Meter Size</u></b>    |           | <b><u>Base Charge</u></b>     | <b><u>Base Charge</u></b>      |
|-----------------------------|-----------|-------------------------------|--------------------------------|
|                             |           | <b>Inside City<br/>Limits</b> | <b>Outside City<br/>Limits</b> |
| a. 5/8 x 3/4 inch and under | per month | 10.09                         | 15.14                          |
| b. 3/4 inch                 | per month | 13.39                         | 20.09                          |
| c. 1 inch                   | per month | 20.45                         | 30.68                          |
| d. 1-1/2 inch               | per month | 38.02                         | 57.02                          |
| e. 2 inch                   | per month | 58.92                         | 88.38                          |
| f. 3 inch                   | per month | 108.01                        | 162.02                         |
| g. 4 inch                   | per month | 177.96                        | 266.94                         |
| h. 6 inch                   | per month | 353.14                        | 529.70                         |

| <u><b>Meter Size</b></u> |           | <u><b>Base Charge</b></u>     | <u><b>Base Charge</b></u>      |
|--------------------------|-----------|-------------------------------|--------------------------------|
|                          |           | <b>Inside City<br/>Limits</b> | <b>Outside City<br/>Limits</b> |
| i. 8 inch                | per month | 563.28                        | 844.93                         |
| j. 10 inch               | per month | 843.30                        | 1,264.95                       |
| k. 12 inch               | per month | 1,638.61                      | 2,457.92                       |

2. The monthly base charge set in subsection (A)(1) of this section does not include any charge for consumption of water.

3. The monthly base charge for any single-family residential customer shall not exceed the charge set in (b) above.

**B. *Volume Charge (Uniform Volume).***

1. In addition to the monthly base charge in subsection (A)(1) of this section, each customer shall pay the following additional charge on his/her bill, based upon the amount of water consumed per each billing period:

Effective January 1, 2020

| <b>Customer Class</b> | <b>Inside City Limits</b> | <b>Outside City Limits</b> |
|-----------------------|---------------------------|----------------------------|
| Single-Family:        | 2.59/CCF                  | 3.88/CCF                   |
| Multifamily:          | 2.22/CCF                  | 3.34/CCF                   |

| <b>Customer Class</b>                                 | <b>Inside City Limits</b> | <b>Outside City Limits</b> |
|-------------------------------------------------------|---------------------------|----------------------------|
| Nonprofit Shelters:                                   | 0.57/CCF                  | 0.86/CCF                   |
| Commercial <sup>1</sup> and Industrial <sup>1</sup> : | 2.22/CCF                  | 3.34/CCF                   |
| Government <sup>1</sup> :                             | 1.98/CCF                  | 2.97/CCF                   |

Effective January 1, 2021

| <b>Customer Class</b>                                 | <b>Inside City Limits</b> | <b>Outside City Limits</b> |
|-------------------------------------------------------|---------------------------|----------------------------|
| Single-Family:                                        | 2.71/CCF                  | 4.07/CCF                   |
| Multifamily:                                          | 2.34/CCF                  | 3.50/CCF                   |
| Nonprofit Shelters:                                   | 0.60/CCF                  | 0.90/CCF                   |
| Commercial <sup>1</sup> and Industrial <sup>1</sup> : | 2.34/CCF                  | 3.50/CCF                   |
| Government <sup>1</sup> :                             | 2.08/CCF                  | 3.12/CCF                   |

Effective January 1, 2022

| <b>Customer Class</b> | <b>Inside City Limits</b> | <b>Outside City Limits</b> |
|-----------------------|---------------------------|----------------------------|
| Single-Family:        | 2.85/CCF                  | 4.28/CCF                   |
| Multifamily:          | 2.45/CCF                  | 3.68/CCF                   |
| Nonprofit Shelters:   | 0.63/CCF                  | 0.94/CCF                   |

| Customer Class                                        | Inside City Limits | Outside City Limits |
|-------------------------------------------------------|--------------------|---------------------|
| Commercial <sup>1</sup> and Industrial <sup>1</sup> : | 2.45/CCF           | 3.68/CCF            |
| Government <sup>1</sup> :                             | 2.18/CCF           | 3.27/CCF            |

1 Note: As this use is classified under VMC Title 20.

2. All volume charges are computed per 100 cubic feet (CCF).

3. “Single-family customer” class shall include single dwelling unit with one meter, mobile homes either on individual lots or in mobile home parks. This also includes ADU’s that take water and sewer service from service connections separate from the primary residence. This definition is for utility billing purposes only.

4. “Multifamily customer” class shall apply to customers with two or more living units per meter. This also includes ADU’s that share water or sewer service from service connections for the primary residence. This definition is for utility billing purposes only.

5. *Nonprofit Shelter.* For the purpose of applying the rates as set forth in subsection (B)(1) of this section, the term “nonprofit shelters” shall be defined to mean a facility operated by a nonprofit organization that provides clients with on-site food, beds or shelter for free or at significantly below market rates.

#### C. *Charges for Cutting Off and Restoring Service.*

1. *Service Cut-Off.*

- a. *Cutting Off Service for Nonpayment.* There shall be a \$40.00 charge to cut off service for nonpayment. There shall be no additional charge for restoring service after such cut-off.
- b. *Emergencies – Cut-Off.* No cut-off charge shall be made if service is cut off to meet an actual emergency.
- c. *Customer Request.* No cut-off charge shall be made if service is cut off at customer's request for the first such request.

2. *Starting or Restoring Service.*

- a. For starting or restoring service at the customer's request, ~~the charge there~~ shall be no charge for the first such request, if requested during regular ~~working~~ office hours, and a fee of \$50.00 for each such request outside of regular office hours.
- b. *Altered Service.* If the meter or service has been altered without the written authorization of the director ~~public works or designee~~, the charge shall be \$15.00 additional to all other charges in this section.
- c. *Multiple Cut-Off/Restoration Requests.* For customers who require more than one trip to the service address to cut off or restore service at their request, there shall be a fee of \$25.00 per each additional trip during regular office hours.

D. *Testing Meters – Customer's Request.* Schedule of meter test charges for test of a meter at the request of a customer where meter is found not defective:

|                  |         |
|------------------|---------|
| 1 inch and under | \$50.00 |
| 1-1/2 inch       | \$60.00 |
| 2 inch           | \$60.00 |
| 3 inch           | \$80.00 |
| 4 inches or more | At cost |
| Meter resets     | \$50.00 |

Meters tested and found to be defective will be replaced at no cost to the customer for testing or for replacement.

E. *Testing Meters – Other Than at Customer’s Request.* The city reserves the right to test meters at any time. No charge will be made to the customer for meters tested pursuant to this subsection.

F. Temporary water use from hydrant fees shall be set by the director pursuant to VMC 14.04.100(L).

#### **14.04.230 Sanitary sewer service – User charges.**

A. *Monthly User Charges.*

1. *Residential Customers.* Each residential customer shall pay a monthly user charge as follows:

Effective January 1, 2020



| <b>Customer Class</b>        | <b>Inside City Limits</b>         | <b>Outside City Limits</b>        |
|------------------------------|-----------------------------------|-----------------------------------|
| a. Single-Family Residential | \$58.04 per mo. or \$5.80 per CCF | \$87.06 per mo. or \$8.71 per CCF |
| b. Multifamily Residential   | \$46.43 per mo. or \$5.80 per CCF | \$69.65 per mo. or \$8.71 per CCF |
| c. Nonprofit Shelter         | \$1.57 per CCF                    | \$2.35 per CCF                    |

Effective January 1, 2021

| <b>Customer Class</b>        | <b>Inside City Limits</b>         | <b>Outside City Limits</b>        |
|------------------------------|-----------------------------------|-----------------------------------|
| a. Single-Family Residential | \$47.84 per mo. or \$5.98 per CCF | \$71.76 per mo. or \$8.97 per CCF |
| b. Multifamily Residential   | \$47.84 per mo. or \$5.98 per CCF | \$71.76 per mo. or \$8.97 per CCF |
| c. Nonprofit Shelter         | \$1.62 per CCF                    | \$2.42 per CCF                    |

Effective January 1, 2022

| <b>Customer Class</b>        | <b>Inside City Limits</b>         | <b>Outside City Limits</b>        |
|------------------------------|-----------------------------------|-----------------------------------|
| a. Single-Family Residential | \$49.28 per mo. or \$6.16 per CCF | \$73.92 per mo. or \$9.24 per CCF |
| b. Multifamily Residential   | \$49.28 per mo. or \$6.16 per CCF | \$73.92 per mo. or \$9.24 per CCF |
| c. Nonprofit Shelter         | \$1.66 per CCF                    | \$2.50 per CCF                    |

2. Sewer charges for each single-family or multifamily residential customer shall be based upon that customer's average water usage, recorded when meters are normally read for billing purposes, within the previous January through March window. Each customer, other than qualifying low-income seniors as defined in subsection (A)(2)(e) of this section, is subject to a minimum volume charge of three CCF per month.

a. Single-family or multifamily residential customers shall be charged an average 60-day consumption of the billing periods specified above at the applicable inside city or outside city rate per CCF for sewer as set forth in subsection (A)(1) of this section. For new accounts in which the two-month water consumption history has not been established, the director may establish an interim rate in accordance with department policies. The director shall approve a written policy for the setting of this interim rate that will include, but not be limited to, how the interim rate is calculated.

b. The applicable inside city or outside city flat rate set forth in subsection (A)(1) of this section shall be used as the monthly sewer billing rate for any customer for whom for any reason the provisions of this subsection cannot be used.

c. The utilities division shall develop written rules consistent with this subsection and the ordinance codified ~~in this~~ in this section for the fair and efficient administration of such sewer rate.

d. For the purpose of applying the rates as set forth in subsection (A)(2)(c) of this section, the term "nonprofit shelter" shall be defined to mean a facility operated by a nonprofit

organization that provides clients with on-site food, beds or shelter for free or at significantly below-market rates.

e. For the purpose of applying the low income senior minimum sewer flow waiver as set forth in subsection (A)(2) of this section, applicants shall meet the following:

i. Applications shall be obtained from and filed with the director or their designee. The application shall be on a form prescribed by the director, and shall contain the information necessary to evaluate the applicant's qualification for the low income senior minimum sewer flow waiver.

A. Submission of an application for a utility discount shall constitute a verification by the applicant that all information provided in such application is true and correct to the best of the applicant's knowledge.

B. Once approved by the department, the application shall become effective the next billing cycle after approval of the application.

C. Each application is effective for 12 months commencing the first month the reduced rate becomes effective for the applicant. It shall be the sole responsibility of the applicant to reapply for successive 12-month periods of eligibility.

D. The rate reduction shall only apply to utility charges for service to a residence. The residence for which the rate reduction is requested must be the applicant's principal place of residence.

E. The applicant must be the head of the household for the residence for which the rate reduction is requested.

F. The utility account must be in the applicant's name or the name of the applicant's spouse.

ii. For purposes of this section, the term "low-income senior" shall be defined as follows:

A. Be 62 years of age or older at all times during any period for which a minimum sewer flow waiver is requested; and

B. Have been a sewer customer of the city at all times during any period for which a minimum sewer flow waiver is requested; and

C. Have an income during the calendar year or portion thereof for which a minimum sewer flow waiver is requested, from all sources whatsoever, either (1) not exceeding 200 percent of the federal poverty guidelines for a household of any size as published by the Secretary of Housing and Urban Development or (2) not exceeding the income qualification for low-income seniors set forth in RCW 84.36.381(5)(a), whichever is greater.

3. *Commercial, Industrial, Electronics and Government Customers.* Each such customer shall pay a monthly user charge per hundred cubic feet (CCF) as follows; provided, each such customer is subject to a minimum user charge equal to the applicable inside or outside city flat monthly rate for one single-family service set forth in subsection (A)(1) of this section:

Effective January 1, 2020:

| <b>Customer Class</b> | <b>Inside City Limits</b>    | <b>Outside City Limits</b>   |
|-----------------------|------------------------------|------------------------------|
| a. Commercial         | \$6.80 per CCF               | \$10.20 per CCF              |
| b. Government         | \$4.16 per CCF               | \$6.24 per CCF               |
| c. Industrial         | \$7.04 per CCF               | \$10.56 per CCF              |
| d. Electronics        | \$5.18 per CCF <sup>15</sup> | \$7.77 per CCF <sup>16</sup> |

Notes for Electronic Customer Class – Effective January 1, 2020 – December 31, 2020:

**15** For monthly average flows above 2.88 million gallons per day, the rate shall be \$4.14 per CCF.

**16** For monthly average flows above 2.88 million gallons per day, the rate shall be \$6.21 per CCF.

Effective January 1, 2021:

| <b>Customer Class</b> | <b>Inside City Limits</b>    | <b>Outside City Limits</b>   |
|-----------------------|------------------------------|------------------------------|
| a. Commercial         | \$7.01 per CCF               | \$10.51 per CCF              |
| b. Government         | \$4.28 per CCF               | \$6.42 per CCF               |
| c. Industrial         | \$7.25 per CCF               | \$10.87 per CCF              |
| d. Electronics        | \$5.33 per CCF <sup>17</sup> | \$8.00 per CCF <sup>18</sup> |

Notes for Electronic Customer Class – Effective January 1, 2021 – December 31, 2021:

**17** For monthly average flows above 2.88 million gallons per day, the rate shall be \$4.27 per CCF.

**18** For monthly average flows above 2.88 million gallons per day, the rate shall be \$6.40 per CCF.

Effective January 1, 2022:

| <b>Customer Class</b> | <b>Inside City Limits</b>    | <b>Outside City Limits</b>   |
|-----------------------|------------------------------|------------------------------|
| a. Commercial         | \$7.22 per CCF               | \$10.82 per CCF              |
| b. Government         | \$4.41 per CCF               | \$6.62 per CCF               |
| c. Industrial         | \$7.47 per CCF               | \$11.20 per CCF              |
| d. Electronics        | \$5.49 per CCF <sup>19</sup> | \$8.24 per CCF <sup>20</sup> |

Notes for Electronic Customer Class – Effective January 1, 2022 – December 31, 2022:

**19** For monthly average flows above 2.88 million gallons per day, the rate shall be \$4.39 per CCF.

**20** For monthly average flows above 2.88 million gallons per day, the rate shall be \$6.59 per CCF.

4. The rate for discharging septage at the city’s publicly owned treatment works (POTW) as provided for in Chapter 5.72 VMC effective January 1, 2021, shall be \$155.00 for each 1,000

gallons, or fraction thereof, discharged into the POTW. The rate for discharging septage at the city's POTW may be adjusted not more than once per calendar year by the director to address the unique operational and capital needs associated with providing this service.

5. "Industrial customer" is defined as an industrial user of the public sewer system who:

- a. Has a discharge flow of 10,000 gallons of processed wastewater or more per average workday; or
- b. Has a concentration of biochemical oxygen demand (BOD) and suspended solids (SS) in excess of 200 milligrams per liter per average work day; or
- c. Is found by the city, State Department of Ecology or U.S. Environmental Protection Agency to have potential for a significant impact on the wastewater treatment system.

6. "Electronics user" is defined as an industrial user of the public sewer system who:

- a. Has a discharge flow of 500,000 gallons or more per average work day; and
- b. Has a concentration of biochemical oxygen demand (BOD) and suspended solids (SS) less than 200 milligrams per liter per average work day.

B. *Liquids Not Originating From City Water System.* Any person discharging into the city sanitary sewerage system sewage which has in it liquids which did not originate from the city water system shall meter or measure by some method approved by the director all water used in the premises, whether the water is obtained from the municipal water supply system or from wells, private water systems or other sources.

C. *Used Water Not Flowing Into Sewer System.* Where the user of water is such that a portion of all of the water used does not flow into a city sewer but is lost by evaporation or is used in manufacture or processes such as ice, beverages, foods or the like and the person in control provides proof of this fact and installs a meter or other measuring device approved by the director to measure the amount of water so used or lost, no charge shall be made for sewerage because of water so used or lost.

D. *Computation of Utility Rates.* For the purpose of computing water and sewer bills, all residences, regardless of number of units, shall be deemed residential, and each unit therein shall be deemed a residence. All other uses shall be deemed commercial, industrial or government.

**14.04.230B Conditions and charges applicable to water, sewer and stormwater accounts.**

A. *Deposits.*

1. *Customer.* Applications for water, sewer or stormwater/drainage service by a customer who is the owner or owner's agent of the serviced property and who has previously been delinquent in paying for such service shall be accompanied by a deposit equal to twice the largest bill at the service address applied for the prior two years. Payments must be made by owner or owner's agent.

2. As authorized by 11 U.S.C. section 366, unless otherwise directed by the director of the affected department, the minimum deposit for adequate assurance of payment in the event of bankruptcy shall be:

a. Two months estimated utility charges for Chapter 7 and Chapter 11 filings; and



b. One month estimated utility charges for Chapter 13 filings.

3. *Rental tenants.* Applications for service made by the tenant of a rented or leased residential or commercial premises who has previously been delinquent in paying for such service, shall be accompanied by a deposit equal to twice the amount of the largest bill at the service address applied for or at the tenant's previous service address for the prior two years.

4. *Processing of deposits.* Deposits shall not bear interest. Upon termination of service to the customer/owner or rental tenant, the amount of the deposit shall be applied against any water, sewer, stormwater/drainage or other utility charges then due or to become due from the customer/owner or rental tenant, including any late fees, interest, penalties, reconnection/disconnect fees, or other charges or fees, and shall be remitted to the appropriate fund. If the amount of the deposit is not sufficient to pay the total unpaid charges, remittance shall be made to the appropriate fund or funds pursuant to rules prescribed pursuant to VMC 14.04.020. If there is a balance remaining on the deposit after payment of all charges, such balance shall be refunded, less a city processing fee of five dollars.

5. *Application of deposit prior to termination of service.* In the event that the Director determines, based on rules and criteria prescribed pursuant to VMC 14.04.020, that a deposit is no longer needed to ensure payment prior to termination of services to the customer, the deposit may, with customer consent, be applied to current utility charges.

6. Nothing in this ordinance shall prevent the city from requiring new or additional deposits should the conditions so warrant.

B. *Late fee.* There shall be added to any delinquent water, sewer, or stormwater bill a one-time late fee equal to ten percent (10%) of the delinquent bill.

C. *Missed appointments.* There shall be a twenty five dollar (\$25) fee for customers who miss an appointment for which a city employee is dispatched to the service address unless the service call is cancelled by the customer twenty four (24) hours prior to the appointment.

D. *Incorrect bank numbers.* For those customers who choose to utilize an electronic bill paying system, and who provide the city an incorrect routing transit number of the bank or incorrect bank account number, there shall be a fifteen (\$15) dollar fee assessed for each time the city utilizes such bank number until the customer provides the correct number.

E. *Requested reads.* For customers who request for meter reads not resulting from the sale or transfer of property will be charged seven dollars and fifty cents (\$7.50) for the first meter read, and twenty five dollars (\$25) for each additional meter read.

F. *Dishonored checks.* Utility customers whose checks to the city are dishonored shall be subject to the fees established under VMC 3.08.060. The city reserves the right to require payment by cash or certified funds from any customer who has previously tendered a dishonored check.

G. *Application of payments.* Payments, when received, shall be applied by date in the following sequence:

1. Deposits;
2. Service charges;
3. Stormwater penalties;

4. Sewer penalties;
5. Water penalties;
6. Stormwater;
7. Sewer; and then
8. Water.

H. *Budget payment plan.* The ~~Public Works~~ Director is hereby authorized to create and implement a budget payment plan in accordance with state law. Such plan shall permit the authorized customer to make payments of utility charges on an annual averaged basis rather than on a per billing cycle basis, with at least one annual adjustment to ensure that the amount paid by the customer on an annual basis reflects the actual charges incurred.

**14.04.235      System development charges – Connection fees.**

A. *General.* The following facts are found by city council based upon staff reports furnished to it and upon the testimony and evidence presented at public hearings:

1. Findings of fact made in Section (1) of Ordinance M-2267 and in the whereas clauses thereto are ratified and confirmed and this section is adopted pursuant to and consistent with RCW 35.92.025.
2. The need for connection charges has been previously established through engineering studies, task force reports, consultant reports and council action.

3. This chapter is consistent with the intent of previous ordinances and resolutions relating to system development charges.

4. It is found desirable to provide the director of ~~public works~~ with the authority to establish rules and regulations necessary to administer collection of system development charges; provided, that such rules and regulations shall be consistent with the intent of this chapter and related resolution.

5. The "unit" or "equivalent dwelling unit" measure used in this chapter is found to be the best method available to council to provide that customers will bear their equitable shares of the cost of the utility system and is found to comply with RCW 35.92.025.

B. *Definitions.* The following definitions are adopted for the following words and phrases as used for computing system development charges (connection fees):

“Accessory Dwelling Unit” (ADU) means one or more rooms with private bath and kitchen facilities comprising an independent, self-contained dwelling unit within or attached to a single-family dwelling or in a detached building on the same lot as the primary dwelling unit. An ADU is distinguishable from a duplex in that, unlike a duplex, it is clearly subordinate to the primary dwelling unit, both in use and appearance. Approved ADU’s shall not be subject to the separate metering requirements of VMC 14.04.190(I).

"Average daily attendance (ADA)" means the average number of students attending an elementary or secondary school used for the design of the facility.

"Commercial unit" means any building or facility used for any purpose other than dwelling.

"Dry industry" means any industry which does not produce industrial waste as defined in VMC 14.12.010.

"Dwelling unit" means one room or a suite of two or more rooms, designed for or used by one family or housekeeping unit for living and sleeping purposes and having one kitchen. Each unit shall provide a complete independent living space for one or more persons, including permanent facilities for living, sleeping, eating, cooking and sanitation.

"Equivalent dwelling unit (EDU)" means any residential or nonresidential use which has been reasonably found by the director of public works to place a demand on the city's sewerage system or water system approximately equal to the demands thereon by a single-family dwelling.

"Expanded service" means any additional use, expanded use or change in use which will cause an additional demand on the water-sewer utility. Such additional demand shall be recognized to include, but shall not be limited to, the following changes in service:

1. Additional water meter;
2. Increased size of existing water meter;
3. Additional number of dwelling units on an existing water meter or sewer lateral;
4. Any change of occupancy or use which would increase the number of equivalent dwelling units connected or to be connected to an existing water meter or sewer lateral;
5. Expansion of an existing use where the system development charge is independent of the meter equivalent size.

"Fast food restaurant" means a restaurant in which the majority of items sold are served on paper or other nonwashable materials.

"Full-time equivalent (FTE)" means the equivalent number of full-time students attending a post secondary school such as a trade school, college or university.

"Industrial unit" means any building or facility other than a single-family dwelling, multiple-family dwelling, or hotel which discharges or is expected to discharge to the sanitary sewerage system a flow containing a total of more than 50 pounds of suspended solids and BOD in any one day.

"Industrial user" means a nonresidential user of the public sewer who discharges a waste that is distinct from sanitary sewage, resulting in an industrial waste.

"Industrial waste" means any liquid, solid or gaseous material or combination thereof resulting from any process of industry, manufacturing, commercial, food processing, business, agriculture, trade or research, including, but not limited to, development, recovering, or processing of natural resources and leachate from landfill or other disposal site.

"Irrigation meter" means a water meter used exclusively for irrigation of landscaped areas.

"Meter equivalent size (MES)" means the hydraulic equivalency of any meter related to a 5/8" by 3/4" meter. By definition a 5/8" by 3/4" meter has an MES of 1.

| <u>Meter Size</u> | <u>Meter Equivalent Size<br/>(MES)</u> |
|-------------------|----------------------------------------|
| 5/8 " x 3/4"      | 1.0                                    |

| <u><b>Meter Size</b></u> | <u><b>Meter Equivalent Size<br/>(MES)</b></u> |
|--------------------------|-----------------------------------------------|
| 1"                       | 2.5                                           |
| 1-1/2"                   | 5.0                                           |
| 2"                       | 8.0                                           |
| 3"                       | 15.0                                          |
| 4"                       | 25.0                                          |
| 6"                       | 50.0                                          |
| 8"                       | 80.0                                          |
| 10"                      | 144.0                                         |
| 12"                      | 231.0                                         |

"Mobile home" means any unit used or designed to be used for living or sleeping purposes or both, and which is designed to be equipped with wheels for the purpose of transporting the unit.

"Mobile home park" means a commercial enterprise in which rented or leased space, area, and/or buildings are designed, equipped or maintained for the harboring, parking or storing of two or more trailer coaches, or vehicles which haul such trailer coaches, or motor homes being used as living and/or sleeping quarters for humans; provided, two or more mobile homes located on a single parcel, allowed under a variance, conditional use or nonconforming use, shall be considered as single-family dwellings.

"Multiple family (multifamily) dwelling" means a building or portion thereof designed or used as a residence by two or more families and containing two or more dwelling units. This includes ADU's that share water or sewer service from service connections for the primary residence.

"Noncontact cooling water" means a separate water system exclusively for temperature conditioning that remains in a closed system from the water meter to the point of discharge into a storm sewer or dry well.

"Significant industrial user" means any industrial user of the public sewer system who:

1. Has a discharge flow of 25,000 gallons or more per average workday; or
2. Has a concentration of biochemical oxygen demand (BOD) and suspended solids (SS) in excess of 300 milligrams per liter per average workday; or
3. Is found by the city, State Department of Ecology, or U.S. Environmental Protection Agency to have significant impact on the waste system's effluent quality.

"Single-family dwelling" means a building designed or used for residence purposes by not more than one family and containing one dwelling unit only, including mobile homes when not located in a mobile home park and including condominium units subject to fee simple ownership, and excluding multiple-family dwellings, apartments and motels. This also includes ADU's that take water and sewer service from service connections separate from the primary residence.

"System development charge (SDC)" means that connection fee charged so that the property upon which it is imposed will pay its equitable share of the costs of water-sewer system facilities which



are system-wide in nature and are not site-specific needs, including such property's equitable share of the amount required to upgrade such system to meet the demands imposed by the development.

"Wet industry" means any industry which generates industrial wastes in addition to domestic wastes.

C. *Payment Required Prior to Connection.* A system development charge is imposed as a connection charge pursuant to RCW 35.92.025 upon all lands in the city and all lands outside the boundaries of the city which connect to either the city water system or sewerage system or to both. The system development charge shall be paid in full with an application for connection to the sewer system or water system; provided, that a building permit application or an application for expanded service has been filed. In any case in which a building permit expires from passage of time any utility connection permit which had been issued for the use provided for in that building permit shall likewise expire and a new system development charge must be paid and a new utility connection permit secured.

D. *Waiver and/or Mitigation.* The city council may authorize the city manager to enter into a contract to mitigate or waive systems development charges as set forth in this section provided that a written application for such mitigation or waiver is submitted to the director of public works from an applicant proposing a new or expanded development within the city of Vancouver.

In order to be eligible for mitigation or waiver, an applicant shall meet all of the following criteria:

1. *Type of Industry.* The applicant proposes a new development or an expansion of an existing development within the city of Vancouver that is environmentally compatible with the surrounding area and the city as a whole.

2. *Capital Investment Requirement.* Any new development or expansion of an existing development within the city of Vancouver will result in a minimum capital investment of \$100,000,000 over a five-year period. At least \$30,000,000 in capital investment will be completed within the first two years (adjusted for inflation).

3. *Employment Base Requirement.* The employment base generated by any new development or expansion of an existing development within the city of Vancouver shall provide an average annual compensation amount for employees of that new or expanded development equal to or in excess of ~~\$30,000~~ \$51,742 including all fringe benefits. For existing companies, average annual compensation for employees shall have equaled or exceeded ~~\$30,000~~ \$51,742 including fringe benefits, bonuses, etc., over the previous two-year period. Effective January 1, ~~1996~~ 2023, and every January 1st thereafter, the average annual compensation amount set forth above shall be adjusted by an amount equal to the percentage change in the Consumer Price Index for ~~the Portland Metropolitan Area for Urban~~ Wage Earners and Clerical Workers (CPI-W), All Items (~~Revised Series - West Region~~), 1967=100, July to July, prepared by the Department of Labor, Bureau of Labor Statistics (the "CPI") or a replacement index.

If the director of ~~public works~~ finds that the applicant meets such criteria, the director is authorized to negotiate a performance contract with any such qualifying company. The terms of such performance contract may include, if applicable, a timeline by which the entire capital investment commitment and the established annual compensation requirement shall be met. The extent of mitigation or the waiver of a systems development charge will be determined on a case-by-case basis which determination shall include, but not be limited to, the following:

- a. The estimated amount and characteristics of waste flow generated by the industry;

- b. The then current capacity and capability of the water-sewer utility;
- c. The number of jobs created by the proposed development and the extent to which such jobs exceed the average annual compensation requirement;
- d. Probability of significant increases in assessed valuation and generation of property tax revenues to reduce the tax burden;
- e. A determination that the location or expansion of the company is in compliance with the land use, transportation and other elements of the city of Vancouver comprehensive plan;
- f. An agreement by the company to contribute to the mitigation of impacts on the provision of public services attributable to the proposed development or expansion as the city of Vancouver deems justifiable.

Each such contract or agreement will include a recapture provision or other remedies to ensure that appropriate systems development charges will be paid by the industry in the event that it fails to meet its contractual obligations. Such recapture provisions shall not be imposed if the industry has made a good faith effort to comply and has failed to do so for reasons beyond its control. Each such contract shall be submitted to the city council for consideration at a public meeting.

E. *Credit for Existing and Prior Uses.* A credit against the system development charge (SDC) may be allowed by the director of public works for the elimination or conversion of existing water services or sewer connections in conjunction with improvement, expansion of use or

redevelopment on such parcel. The credit shall be calculated using the prevailing SDC rate schedule and is subject to the following limitations:

1. Existing and prior use sewer and water credit shall be allowed if the ~~public works~~ director finds that sewer and water capacity is available in the service area; and
  - a. If the existing or prior use has paid monthly water and sewer fees, respectively, within the 10-year period immediately prior to the date of application for connection, the customer may apply for a 100 percent credit against any new SDCs associated with the new use; or
  - b. If the existing or prior use has paid monthly water and sewer fees, respectively, prior to 10 years before the date of application for connection, the customer may apply for a partial credit for previous payments of SDCs, using the entire amount previously paid to be applied as credit against the current SDC charge calculated using the prevailing SDC rate schedule; or
  - c. If the city council approves a development agreement authorized under RCW 36.70B.170 that provides for a use credit for prior water and sewer uses if the city council finds that the proposed development will substantially advance the policies of the comprehensive plan.
2. Calculation of system development charge credits for water or sewer shall be separate, that is, not interchangeable or counter balancing toward one another; and
3. The credit against the SDC shall apply only to the parcel that the existing or prior water service or sewer connection serves; and

4. No refunds shall be allowed for credits which exceed the amount of the SDC for which an application for connection is made.

F. *Credit for System Improvements.* The ~~public works~~ director will consider requests for project participation by the city for the construction of water and/or sewer extensions or local improvement districts, in the form of a credit against the system development charge (SDC) for system improvements. The restrictions in subsections (E)(2), (E)(3) and (E)(4) of this section shall apply to any SDC credits. Consideration may be given when the improvements meet one of the following criteria:

1. There is a high economic return to the utility. A project will qualify for consideration under this criteria when the following equation is true:

$$2 \times (\text{City Participation Costs}) < \text{1st Year of Estimated Revenue from SDCs}$$

2. There is future city cost avoidance, such as installing utilities in advance of new road construction.

3. Master plan sizing is required under VMC 14.04.280(B) and the pipe size required is 12 inches or larger in diameter.

G. *Administration.* The ~~director of public works~~ is authorized to establish rules and regulations consistent with this title, for the express purpose of interpretation and administration of this title.

H. *Additional Fees Permitted.* The city reserves the right to maintain, develop and impose other charges as may be found necessary for the support and improvement of the water-sewer system.

I. *System Development Charge Schedule.* The following system development charge schedule shall be used to determine the connection fees for new connections and expanded use or conversion of use:

1. *Water System Development Charge.* The system development charge for all types of use except multifamily shall be based upon the meter equivalent size of the water meter serving the premises without regard to type of use as follows:

**Effective January 1, 2010**

|                                 |            |
|---------------------------------|------------|
| One meter equivalent size (MES) | \$2,360.00 |
|---------------------------------|------------|

The water system development charge for each unit of a multifamily dwelling shall be 57 percent of the system development charge for a single-family dwelling.

2. *Sewer System Development Charge.* The system development charge shall be based upon equivalent dwelling units (EDU) as follows:

a. Charge per equivalent unit:

**Effective January 1, 2010**

|                      |            |
|----------------------|------------|
| One meter equivalent | \$2,740.00 |
|----------------------|------------|

The sewer system development charge for each unit of a multifamily dwelling shall be 70 percent of the system development charge for a single-family dwelling.

b. Distribution of equivalent dwelling units shall be as set forth in Table 14.04.235.

**Table 14.04.235.**

| <b>Type of Unit</b>                                     | <b>Unit</b>        | <b>EDU Per Unit</b> |
|---------------------------------------------------------|--------------------|---------------------|
| I. Residential                                          |                    |                     |
| 1. Single-family residential (including condominium     | Each               | 1.00                |
| 2. Multifamily dwelling                                 | Each dwelling unit | 0.70                |
| 3. Mobile home park                                     | Space              | 1.00                |
| 4. Living group with shared kitchen and bath facilities | Bed                | 0.33                |
| II. Nonresidential                                      |                    |                     |
| 5. Hotel, motel, resort                                 |                    |                     |
| a. Without kitchen                                      | Room               | 0.40                |
| b. With kitchen                                         | Room               | 0.60                |
| 6. Schools                                              |                    |                     |

| <b>Type of Unit</b>                             | <b>Unit</b>          | <b>EDU Per Unit</b> |
|-------------------------------------------------|----------------------|---------------------|
| a. Day (nonresidential)                         |                      |                     |
| i. Grades 13 and up (post-secondary)            | 25 students (FTE)    | 1.00                |
| ii. Grades 9 through 12 (high)                  | 25 students          | 1.00                |
| iii. Grades K through 8 (elementary)            | 50 students<br>(ADA) | 1.00                |
| b. Board (residential)                          | Student (ADA)        | 0.50                |
| 7. Churches, lodges, club houses,<br>theaters   |                      |                     |
| a. Without kitchen facilities                   | 100 seats            | 0.90                |
| b. Kitchen facilities                           | Each                 | 0.60                |
| (added to the amount calculated for<br>seating) |                      |                     |
| 8. Institutions                                 |                      |                     |
| a. Medical hospitals                            | Bed                  | 1.00                |
| b. Convalescent/rest homes                      | Bed                  | 0.60                |
| 9. Restaurant, lounge, tavern                   |                      |                     |
| a. Full service (indoor seating)                | 12 seats             | 1.00                |



| <b>Type of Unit</b>                   | <b>Unit</b> | <b>EDU Per Unit</b> |
|---------------------------------------|-------------|---------------------|
| b. Fast-food or tavern (indoor seats) | 12 seats    | 1.00                |
| c. Fast-food without seats            |             | 1.00                |
| 10. Commercial and industrial         |             | (2)                 |
| a. Commercial and dry industrial      |             |                     |
| b. Special commercial                 |             |                     |
| i. Laundries (commercial)             |             |                     |
| ii. Car wash                          |             |                     |
| iii. Laundromat (self service)        |             |                     |
| c. Service stations and garages       |             | (3)                 |
| d. Wet industry                       |             |                     |
| 11. Irrigation systems                |             | (4)                 |
| 12. Noncontact cooling water systems  |             | (4)                 |

Notes to system development charge schedule:

**1** Restaurants, lounges or taverns located within a main commercial or industrial building shall be charged a separate SDC, in addition to the SDC for the main building.

2 Fast-food restaurants without seats (9c) and commercial and industrial uses (10a through 10c) shall be charged system development charges, based upon water meter equivalent size (MES).

3 System development charges for any wet industrial use (10d) shall be based on a separate engineering study by the director of public works. Such study shall assess the utility's actual costs to serve the specific use, but shall not be less than if calculated as a commercial or dry industrial use (10a).

4 Irrigation meters (11) and noncontact cooling water (12) shall be charged system development charges for water only.

~~5 An accessory dwelling unit (ADU) shall be charged the same sewer system development charge as a multifamily dwelling.~~

J. *Determination of SDC for Other Uses.* Other establishments not defined specifically in this chapter shall be determined on a specific use basis, consistent with the criteria of this section.

K. *Combined Uses.* Developments which include a combination of two or more uses as defined in this chapter shall be charged system development charges based on the summation of SDC calculated on each separate use.

L. *System Development Charge Capital Surcharge.* In lieu of paying a sewer system development charge prior to connection as required pursuant to subsection C of this section, any new nonresidential sewer customer that uses the equivalent of 50 EDUs per month or less of capacity may apply for the option to pay a higher monthly sewer service user charge that includes a capital surcharge equivalent to the carrying cost of sewer capacity recovered through the sewer system

development charge. In calculating the applicable SDC capital surcharge, the department will generally use the methodology for sewer connection fee installment contracts described in VMC 14.04.240. The system development charge capital surcharge program is voluntary. As such no customer may remain on the program for longer than 10 years. After 10 years the sewer customer shall pay the entire SDC as originally calculated or request an extension in writing from the ~~public works~~ director. The city reserves the right to record a notice against the title for any property owner who has agreed to participate in this program. Any nonresidential customer authorized by the city to pay the sewer capital surcharge rate may elect to return to the standard sewer service user charge by paying in full the sewer system development charge at the rate in effect as of the date of the election.

**14.04.236 In-city rates for some property – When.**

Property in any area for which city council per RCW 35.13.125 has accepted a ten percent annexation petition, which property receives city water or sewer service, shall receive such service at the in-city utility rates for the next six months after such acceptance, provided that the city council specifically approves such rates at the time it accepts a ten percent annexation petition. Thereafter, city council by motion may continue such in-city rates or it may discontinue them.

**14.04.237 In-city rates for property outside city – When.**

For property outside the city limits for which a ten percent annexation petition has been accepted by city council under RCW 35.13.125, connection charges computed under Section 14.04.235 shall be at the inside city limits rates for the six-month period so provided in Section 14.04.236.

**14.04.240 Sewer connection fee installment contract.**

Any person who has a sewer available to ~~his/her~~ their property but who on the date of ~~his or her~~ their application to connect to a sewer is using a subsurface sewage disposal system and/or any person whose property is included in a sewer LID established after the effective date of the ordinance codified in this section, may, in either case, enter into a written installment contract with the city on a form approved by the city attorney and signed for the city by the Director of Public Works or their ~~his~~-designate. Such contract shall include or incorporate the legal description of the property, be signed by the owner of the property and provide for the property owner to pay ~~his or her~~ their connection fee (systems development charge computed under Section 14.04.235) as specified in the contract over a term of ten years in annual installments or as may be provided in the contract. Such contract shall provide for interest to be paid at the rate shown for revenue bonds in the then most recent Revenue Bond Chart issued weekly as the "Municipal Bond Index Merrill Lynch 500," plus one percent. Such interest shall be computed and compounded annually on the unpaid balance. Such contract shall provide that the property owner may at any time pay off such contract without penalty and shall provide that upon any sale or transfer of ownership of the property the contract shall become due and be paid in full. Such contract shall provide that the property owner shall pay off such contract upon any future land division, prior to final plat approval. Such contract shall be filed by the city with the county auditor. Delinquent payments under such installment contracts shall be a lien upon the described property as provided in RCW 35.67.200, enforceable in accordance with RCW 35.67.220 through 35.67.280, and as an additional or concurrent method of enforcement, water service to the property may be terminated in accordance with RCW 35.67.290 until the delinquent payments have been paid. Upon full payment of the contract the director of Financial and Management Services or ~~his/her~~ their

designate shall execute and mail to such property owner a release of such lien. The interest shall be the only compensation to the city for its administrative costs.

The provisions of this section are only to provide an alternative for eligible property owners and they may choose to pay such fee in cash.

In any local improvement district approved by ordinance after the effective date of the ordinance codified in this section, such a contract may be entered into with any property owner in the LID and shall provide for payments to be made annually at the same time as payment of the LID assessment or as is otherwise provided in such contract, but such contractual obligation shall not be a part of the assessment nor be included in the assessment roll.

#### **14.04.241      Water connection fee installment contract.**

Any person who has water available to ~~his/her~~ their property but who on the date of ~~his/her~~ their application to connect to the city water system is using well water and/or any person whose property is included in a water LID established after the effective date of the ordinance codifying this section, may, in either case, enter into a written installment contract with the city on a city attorney approved form and signed for the city by the city manager or ~~his~~-their designee. Such contract shall include or incorporate the legal description of the property, be signed by the owner to pay ~~his-or-her~~ their connection fee (systems development charge computed under section 14.04.235) as specified in the contract over a term of ten years in annual installments or as may be provided in the contract. Such contract shall provide for interest to be paid at the rate shown for revenue bonds in the most recent Revenue Bond Chart issued weekly as the "Municipal Bond Index Merrill Lynch 500", plus one percent. Such interest shall be computed and compounded

annually on the unpaid balance. Such contract shall provide that the property owner may at any time pay off such contract without penalty and shall provide that upon any sale or transfer of ownership of the property the contract shall become due and be paid in full. Such contract shall be filed by the city with the county auditor. Delinquent payments under such installment contracts shall be a lien upon the described property as described in RCW 35.67.200, enforceable in accordance with RCW 35.67.220 through 35.67.280, and as an additional or concurrent method of enforcement, water service may be terminated in accordance with RCW 35.67.290, until the delinquent payments have been paid. Upon full payment of the contract, the city manager or ~~his~~ their designee shall execute and mail to such property owner a release of such lien. The interest charged shall be the only compensation to the city for its administrative costs.

The provisions of this section are only to provide an alternative for eligible property owners and they may elect to pay the entire connection charges at the time of application for connection to the city water system.

In any local improvement district approved by ordinance after the effective date of the ordinance codified in this section, such contract may be entered into with any property owner in the LID and shall provide for payments to be made annually at the same time as payment of the LID assessment or as is otherwise provided in such contract, but such contractual obligation shall not be part of the assessment nor be included in the assessment roll.

#### **14.04.242      Recording Fees.**

A. A document recording fee in the amount of ~~one~~ two hundred dollars (~~\$100~~ \$200) per document will be collected in advance of any document needing to be recorded for the purposes of water, sewer, and/or stormwater construction and/or connection.

**14.04.250 Fire hydrants.**

A. *Fire Hydrants – City Ownership.* All public fire hydrants with their gate valves, tees and connections from the mains shall, when inside the city, be installed, owned, maintained and used only by the various departments of the city, or may be used by a fire district when acting under an agreement with the city. The city shall solely be responsible for the costs of installation and maintenance of hydrants inside the city limits, except that in newly developed parcels of land and subdivisions the costs of installation shall be borne by the property owner. All hydrants, whether inside or outside the city limits, are to protect the public safety and are not to protect any specific property or class. The city shall never be liable for any failure or refusal to install any hydrant or for the failure of any hydrant to perform as designed. If the city is unable to supply water within or without the city for the prevention or suppression of fire, the city will in no manner be liable for damages by reason of any such failure to any patron of the water system, or to any person or persons whose property may have been damaged or destroyed by fire. Any duty created by this ordinance is a general duty running in favor of the public.

B. *Fire Hydrants – Outside City.* The city may install such hydrants outside the city in areas in which the city provides water service as the applicable fire district finds necessary if consistent with the fire plans for such areas; provided, no hydrant shall be installed except with the prior written concurrence of the city fire chief. The city shall solely be responsible for the costs of installation and maintenance of hydrants except that in newly developed parcels of land and

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subdivisions the costs of installation shall be borne by the property owner. All hydrants, whether inside or outside the city limits, are to protect the public safety and are not to protect any specific property or class. The city shall never be liable for any failure or refusal to install any hydrant, or for the failure of any hydrant to perform as designed. If the city is unable to supply water within or without the city for the prevention or suppression of fire, the city will in no manner be liable for damages by reason of any such failure to any patron of the water system, or to any person or persons whose property may have been damaged or destroyed by fire. Any duty created by this ordinance is a general duty running in favor of the public.

**14.04.260      Automatic sprinkler systems for fire protection services.**

A. *City Installation.* Upon application of any customer installing an automatic sprinkler system for fire protection service only, the department shall permit laying of service lines to the affected property line. Such installations shall be made in accordance with city standards and shall be approved prior to connection to the building.

B. *Meters not Required.* A meter shall not be required on such automatic sprinkler system installed for fire protection service, provided that there is an approved backflow assembly and a water motorized flow alarm on sprinkler system pipes going into the building and that no water is drawn from such service for any purpose other than ~~firefighting protection~~. Customers shall report water use volume for any non-firefighting related purposes and shall be charged at the applicable customer class rate of their primary domestic service. No fire protection monthly base user service charge will be made for customers receiving separate metered domestic water to the structure or property served. Customers not receiving domestic metered water shall be charged the minimum monthly user charge based upon the size of the fire service line in accordance with

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rates in Section 14.04.210(A)(1) of this chapter, in addition to any reimbursement or main line fees. This subsection shall not apply to single-family residential structures; all single family residential fire protection services shall be metered.

C. The department requires that all new single family dwelling residential structure combination domestic/fire sprinkler service and meters be served by a minimum 1-inch service and 1-inch meter. The customer is required to pay all fees to construct said 1-inch service and 1-inch meter and all applicable main charges. The monthly customer charge will be at the standard charge for a 1-inch meter as set forth in VMC 14.04.210A.1.

D. If a residential customer has an existing 3/4-inch x 5/8-inch service and meter that shows inadequate flow capacity, the customer will be required to pay the additional fees to retire the 3/4-inch service and install a new 1-inch service. The monthly customer charge will be at the standard charge for a 1-inch meter as set forth in VMC 14.04.210.A.1.

E. *Meter Bypass.* The department may at any time place a small meter bypass around the main gate valve to detect leakage or unauthorized use of water.

F. *Repairing Defective Equipment.* Immediately upon notice from the department, the customer shall repair or replace any defective piping and cease unauthorized use of water.

G. *Service Termination on Failure to Comply.* For failure of the customer to comply with the rules and regulations as directed, the department may terminate the service and render an estimated bill for the water used or wasted, and may install a meter in the service at the customer's expense and charge thereafter at the regular rate for metered service.

H. *Liability in Fire.* The city shall not be held responsible or liable for any fire loss or damage of any nature directly or indirectly caused by the condition of the customer's fire mains or other apparatus, by flow or fluctuating pressure, by amount of water available, or by shutoff for nonpayment, to make tests or to enforce rules.

**14.04.265 Automatic sprinkler systems for fire protection purposes – Unmetered water connections – No charge.**

Unmetered water connections for automatic sprinkler systems for fire protection purposes which meet the requirements of Section 14.04.260 (that is, where the alarm system is connected to a fire alarm system and there is an approved backflow assembly and a water motorized flow alarm on the alarm system), shall be furnished with water for fire protection and fire fighting purposes only at no charge, ~~and Section 14.04.210(4) and Section 14.04.260 are not applicable to connections under this section, to the extent inconsistent herewith.~~

**14.04.270 Polluting or obstructing water supply.**

A. *Polluting Water.* It is unlawful for any person to bathe in, fish in, or throw any substance into any reservoir or standpipe, or to place any foreign substance upon any ground belonging to or under the control of the water supply system of the City of Vancouver.

B. *Obstructing Access.* It is unlawful for any person to obstruct the access to any fire hydrant by placing around, thereon, or within twenty feet thereof, any stone, brick, lumber, dirt, rubbish or other material, or to open or operate any fire hydrant, or to draw or attempt to draw water therefrom, or to willfully or carelessly injure the same. Property owners shall maintain a three foot (3') minimum landscaping clearance around fire hydrants.

#### **14.04.280 Procedure for extending mains.**

A. *Size of Main Extensions.* All sewer and water main extensions installed whether within or without the corporate limits of the city shall be eight inches in diameter or larger unless otherwise authorized by the Director of Public Works; provided, the director may require the main extensions to be larger than ~~six~~ eight inches if it appears to him that the water and/or sewer needs of the area will require larger mains within the expected life of the main.

B. *Design Criteria.* Proposed water and sewer lines must be designed in accordance with master plan sizes, elevations, alignments, and capacities as found necessary by city staff for overall system development and network extensions.

C. *Development Extension Criteria.* Developing properties must at a minimum extend utility lines to the site, across the property frontage, and through the property, to allow connection and also to allow extensions for the development of adjacent parcels. Additional offsite work may be required at the department's discretion to provide an offsite sewer line extension, or a looped water main for water quality, fire protection, or system redundancy purposes. All development main extensions must be made from existing public mains.

D. *City Participation Criteria.* The Director of Public Works will consider requests for project participation under the conditions of VMC 14.04.235.G whereby SDC credits may be granted. In addition to SDC credits, the director may instead, under the same criteria as for SDC credits, authorize the contribution of city-supplied materials.

E. *Customer Expense.* All new mains and all new extensions of mains required to serve new customers shall be laid at the expense of the customers. The cost of such mains shall be assessed

either by the formation of a local improvement district under Chapter 35.50, RCW, as applicable, or in lieu of formation of such district such new customers may pay to the city in cash the actual costs of the pipes, valves and fittings to be installed and the actual costs of the mains to be installed, according to the records which shall be kept by the city.

Anyone later desiring to connect a house or building to a main which has been constructed or extended by the city by means other than by formation of a local improvement district may do so only upon payment to the city, in addition to normal connection charges, of a "main line fee." Said fee shall have been computed by the Director of Public Works upon completion of construction of the main by dividing the cost thereof by the number of parcels of property and considering the lineal feet of each such parcel which in his opinion could connect thereto either at the time of construction or later. Said fee shall be filed in the office of the Department of Public Works and be a public record. When applicable the "main line fee" must be paid in cash prior to connection to the main. The cost for each customer shall be ratable and computed in proportion to the whole cost according the entire number of continuous lineal feet of frontage owned by the customer which abuts upon the street, alley or easement in which the main lies or by some other equitable method selected by the Director of Public Works.

F. *Terms of Payment.* The charge mentioned in subsection E of this section is in addition to any other new tap, service line, or connection charge and either must be paid in full in cash or by LID warrants before such customer shall receive water service.

G. *Requirement to Install Larger Main.* If in the judgment of the city it is to the best interests of the city and of the general locality where a new main is contemplated to install a larger main than that needed by the owners immediately abutting upon the street, alley or easement in which the

main is to be placed, the city may require installation of such larger main and shall with the ~~Public Works~~ Director's approval pay the increased difference in cost between installation of the smaller and of the larger main or supply the pipe or apply SDC credits.

H. *Development Agreement.* The city may enter into a development agreement pursuant to RCW 36.70B.170 under which a developer will construct water or sewer facilities to serve an area in which the development is located and the expense of such facilities may be reimbursed by the city through system development charge (SDC) credits pursuant to section 14.04.235 of this title. Anyone later desiring to connect to and use facilities constructed pursuant to such a development agreement may do so only upon payment to the city of normal connection charges. This must be paid in full in cash before such customer shall receive water or sewer service.

I. *Supervision of Connection.* The department shall not connect to or provide service to any main or pipe unless that pipe was installed under the supervision of the department engineer and approved in writing with the consent of the state health department.

J. *Conditions for Approval.* The Director of ~~Public Works~~ shall not grant such approval if the main or pipe be of inferior material or improperly constructed or likely to produce future difficulties for the department through complaints of insufficient supply or pressure, leakage or waste.

K. *Meter Accessibility.* The department shall not connect to or provide service to any main unless that pipe was installed in a public road or alley in such manner that each and every meter shall be easily accessible to the meter reader.

L. *Quality of System.* In the interest of development of desirable districts the department shall not supply nor connect to its own or by private line any recorded or unrecorded subdivision or part thereof hereafter laid out, inside or outside the city limits, unless the plat or plan of same is substantially equal in standard to that adopted by the City of Vancouver of suburban areas.

M. *Negotiating Contract.* If the foregoing regulations are complied with, and not otherwise, the department may negotiate the terms of a contract (to be approved by the city attorney and accepted by the council) for the supply of water through lines owned by others. Such supply may be at wholesale rates through a single meter or through individual service meters owned by the city. Such contract shall specify that the prevailing schedule or rate shall apply. If the supply is through individual meters, a percentage of the annual total of bills for water sold through such a system may under such contract be paid annually in one sum to the owners thereof to amortize the purchase of the system.

N. *Easement Requirements.* When public sanitary sewer and water mains are extended outside of public right-of-ways to serve new development, the mains shall be extended in easements dedicated to the City of Vancouver. The minimum easement width for a single utility main is 15 feet. Two utilities require a minimum 20-foot wide easement. Obstructions, including fences and other structures, shall not be placed over grantee's facilities or in, upon, or over the property within such an easement without the prior written consent of the City of Vancouver. An access easement shall also be dedicated to the City of Vancouver to provide proper access to the sewer and water easement location and infrastructure for maintenance.

#### **14.04.285      Water and Sewer Reimbursement Contracts.**

A. *Purpose.* The purpose of this section VMC 14.04.285 is to implement the authority for water and sewer reimbursement contracts granted to municipalities under the most current version of Ch. 35.91 RCW, the Municipal Water and Sewer Facilities Act. This section shall be interpreted in a manner that is consistent with the purposes and provisions of the most current version of Ch. 35.91, the Municipal Water and Sewer Facilities Act.

B. *Delegation of Authority.* The City Council of the City of Vancouver, as the governing body of the City of Vancouver, hereby delegates its authority to enter into and administer water and sewer reimbursement contracts under Ch. 35.91 RCW to the Vancouver City Manager or designee. This authority shall include the ability to establish policies and procedures, including setting fees that are reasonable and proportionate to the total expenses incurred by the City in complying with this section VMC 14.04.285.

C. *General Description of Water and Sewer Reimbursement Contracts.* Under the conditions and provisions set forth in this section VMC 14.04.285, the City will enter into a water and/or sewer reimbursement contract with the owner of real estate for the construction or improvement of water or sewer facilities that the owner elects to install solely at the owner's expense. The contract will provide for the pro rata reimbursement to the owner or the owner's assigns for a period of twenty years from latecomer fees received by the City from property owners who subsequently connect to or use the water or sewer facilities, but who did not contribute to the original cost of the facilities.

D. *Conditions Required for Entering Into Contract.* The City must enter into a water or sewer reimbursement contract when all of the following conditions are met.

1. *General Conditions.*

- a. The owner must submit a request for a contract to the City prior to approval of the water or sewer facility for final acceptance by the City.
- b. The water or sewer facilities subject to a contract under this section VMC 14.04.285 must be in locations where the City's ordinances require the facilities to be improved or constructed as a prerequisite to further property development.
- c. Water or sewer facilities improved or constructed in accordance with this section VMC 14.04.285 must be located within the City's corporate limits or within ten miles outside of the City's corporate limits.
- d. The contract shall be filed and recorded by the City with the Clark County auditor. The provisions of the contract may not be effective as to any owner of real estate not a party thereto unless the contract has been recorded in the office of the Clark County auditor prior to the time the owner taps into or connects to the water or sewer facilities.
- e. The requirement for the City to contract with an owner of real estate for the construction or improvement of water or sewer facilities under this section VMC 14.04.285 is only applicable if the facilities are consistent with all applicable comprehensive plans and development regulations of the City. Determination of such consistency will be made by the City Community and Economic Development Department during the development review process.

2. *Conditions Related to Water or Sewer Facilities.* In order to be eligible for a water or sewer reimbursement contract under this section VMC 14.04.285, the water or sewer facility



must connect to the City system. Connection of water and sewer facilities to the City system must be conditioned upon compliance with all of the following:

- a. Compliance with all requirements of VMC 14.04.280, procedure for extending mains, and VMC 14.08.040, conditions for permit issuance;
- b. Construction of the water or sewer facility according to plans and specifications approved by the City;
- c. Inspection and approval of the water or sewer facility by the City;
- d. Transfer to the City of the water or sewer facility, without cost to the municipality, upon acceptance by the municipality of the water or sewer facility;
- e. Full compliance with the owner's obligations under the contract and with the municipality's rules and regulations;
- f. Provision of sufficient security as required by the City to ensure completion of the water or sewer facility and other performance under the contract;
- g. Payment by the owner to the municipality of all of the City's costs associated with the water or sewer facility including, but not limited to, engineering, legal, and administrative costs; and
- h. Verification by the owner, and approval by the City, of all contracts and costs related to the water or sewer facility, as follows: Within one hundred twenty days of the completion of a water or sewer facility, the owners of the real estate must submit the total cost of the water or sewer facility to the City. This information must be used by the City

as the basis for determining reimbursements by future users who benefit from the water or sewer facility, but who did not contribute to the original cost of the water or sewer facility.

E. *Contract Requirements.* A standard form of water or sewer reimbursement contract will be provided by the City to the owner, containing such contract provisions as required by the City. The contract shall be filed and recorded by the City with the Clark County auditor. The contract shall include, at a minimum, the following mandatory provisions.

1. The contract will provide for the pro rata reimbursement to the owner or the owner's assigns.
2. The contract will be in effect for twenty years from the date of its filing for recording by the City.
3. The reimbursements must be received by the City within the period of time that the contract is effective.
4. The contract will set forth the reimbursement obligation as calculated by the City for each affected parcel for a portion of the costs of the water or sewer facilities improved or constructed in accordance with ~~in~~ the contract. The amount of the total reimbursement obligation under the contract is limited to the dollar amount verified and approved as costs related to the water or sewer facility.
5. The reimbursements will be paid from latecomer fees received by the City from property owners who subsequently connect to or use the water or sewer facilities, but who did not contribute to the original cost of the facilities. All latecomer fees received by the City within

the period of time that the contract is effective shall be paid out by the city under the terms of its contract within sixty days after receipt thereof.

6. The contract will include a provision requiring that every two years from the date the contract is executed a property owner entitled to reimbursement under this section provide the City with information regarding the current contact name, address, and telephone number of the person, company, or partnership that originally entered into the contract. If the property owner fails to comply with the notification requirements of this subsection within sixty days of the specified time, then the City may collect any reimbursement funds owed to the property owner under the contract. The funds collected under this subsection must be deposited in the capital fund of the City.

F. *Payment of Reimbursement Obligation a Condition of Facility Use.* No person shall be granted a permit or be authorized to tap into or use any such water or sewer facility without first paying to the City, in addition to any and all other costs and charges made or assessed for such tap or connection, or for the water lines or sewers constructed in connection therewith, the fair pro rata charge above referred to, computed under such contract for the parcel of land.

G. *Non-liability of City.* Nothing in this section VMC 14.04.285 creates a private right of action for damages against the City for failing to comply with the requirements of this section. The City, its officials, employees, or agents may not be held liable for failure to collect a latecomer fee unless the failure was willful or intentional. Failure of the City to comply with the requirements of this section does not relieve the City of any future requirement to comply with this section.

H. *Separate Obligation for Additional Charges.* Nothing in this section VMC 14.04.285 prevents the City from collecting amounts for services or infrastructure that are additional expenditures not subject to the ordinance, contract, or agreement, nor does it prevent the collection of fees that are reasonable and proportionate to the total expenses incurred by the City in complying with this section.

**SECTION 2.** Chapter 14.08 of the Vancouver Municipal Code is hereby amended to read as follows:

## **Chapter 14.08**

### **CONNECTION TO PUBLIC SEWERS**

#### **Sections:**

|                  |                                                                           |
|------------------|---------------------------------------------------------------------------|
| <b>14.08.010</b> | <b>Permit required.</b>                                                   |
| <b>14.08.011</b> | <b>Inspection and Approval.</b>                                           |
| <b>14.08.015</b> | <b>Sewer availability.</b>                                                |
| <b>14.08.020</b> | <b>Application – Fee.</b>                                                 |
| <b>14.08.040</b> | <b>Conditions for permit issuance.</b>                                    |
| <b>14.08.041</b> | <b>Contract in lieu of connection fee for industrial sewer customers.</b> |
| <b>14.08.050</b> | <b>Separate connections by Tee – or Wye-branch required.</b>              |
| <b>14.08.061</b> | <b>Sewer incentive fund – Established.</b>                                |
| <b>14.08.064</b> | <b>Sewer connection incentive fund – SCIP Phase II.</b>                   |
| <b>14.08.070</b> | <b>Sewerage – Filing of notice – Alternate enforcement.</b>               |

**14.08.010      Permit required.**

No person shall make or cause to be made or maintain any sewer connection with any sewer of the city or with any sewer which is connected directly or indirectly with any sewer of the City of Vancouver without first having obtained a permit ~~therefore~~ to do so.

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**14.08.011      Inspection and Approval.**

All work done under a permit issued pursuant to this chapter shall be subject to the inspection and approval by the director or designee, and the work shall not be deemed completed until it has been inspected and approved as satisfactory.

**14.08.015      Sewer availability.**

For the purposes of Chapters 14.04 and 14.08, a sewer is available if one is within two hundred feet of the nearest property line for existing structures. Sewer is available if one is within three hundred feet of the nearest property line for new structures.

**14.08.020      Application – Fee.**

Application for any such permit shall be made to the department of public works upon a form to be provided by the city. A fee of twenty-five dollars for each connection shall be paid by the applicant. All work shall be done and inspection of the work shall be made in accordance with the plumbing code of the city of Vancouver.

**14.08.040      Conditions for permit issuance.**

The following subsections relate to proper payment of connection charges by persons connecting to a sewer constructed by any means other than a Local Improvement District (LID) for which such property was assessed:

A. As a condition precedent to issuance of a permit to connect any premises to any sewer or water facility constructed as part of a local improvement district for which the applicant's property was not assessed, the applicant shall pay the system development charge and a sum equal to the amount

that would have been assessed against such property if it had been included in such LID regardless of other provisions of Ordinance M-2267.

B. As a condition precedent to issuance of a permit to connect any premises to a sewer or water facility constructed by a developer under a reimbursement contract pursuant to a contract with the city under Section 14.04.285, as amended, the applicant shall pay a system development charge and the fee provided for in the reimbursement contract.

C. As a condition precedent to issuance of a permit to connect any premises to a sewer or water facility constructed by a developer pursuant to a development agreement with the city under Section 14.04.280, as amended, the applicant shall pay a system development charge.

D. As a condition precedent to issuance of a permit to connect any premises to any sewer constructed by the applicant, through the developer extension process, to serve the applicant's property, the applicant shall pay a system development charge.

E. As a condition precedent to issuance of any permit to connect any premises directly to any trunk or interceptor sewer, the applicant shall be required to pay, in addition to the system development charge, the following trunk line fee:

1. If standard construction which involves any pavement removal or replacement, a sum equal to the amount that would have been assessed against such property in such LID using the zone and termini average cost of sewer LIDs imposed in the two previous years in which the trunk to which such connection is permitted had been constructed;
2. If construction did not involve pavement removal and replacement, a figure equal to eighty-three percent of such LID figure;

3. If construction did not involve the installation of sewer laterals, a figure equal to eighty-three percent of such average LID cost;
4. If no construction of sewer laterals was involved, and removal and replacement of pavement was also not required, a figure equal to sixty-six percent of such average LID cost.

**14.08.041      Contract in lieu of connection fee for industrial sewer customers.**

Any new or potential industrial sewer customer who wishes to reserve treatment plant capacity may, in lieu of paying connection fees set forth in Section 14.08.040, enter into a contract or contracts with the city to reserve such capacity. Such contract shall be approved as to form by the city attorney and shall not be entered into except upon a finding by the Director of Public Works that the capacity to be reserved either is or will be available for such customer. Such contracts shall provide that such customer, after the effective date of the agreement, shall make monthly payments of its proportionate share of capital improvements made to the system, and its proportionate share of capital improvements to be made to the system within the term of the contract as are necessary for the system to treat sewage produced or to be produced by such customer during the contract term, and its proportionate share of base operation and maintenance costs, as defined in Section 14.12.010, Ordinance M-1977, and as are set and agreed to in said contract.

**14.08.050      Separate connections by Tee – or Wye-branch required.**

It is unlawful for any person to make or cause to be made any individual connection to a city sewer unless such connection is made by means of a Tee-or Wye-Branch, using city-approved methods and materials. Every main building shall be separately connected to or with the public sewer unless otherwise approved by the Director of Public Works. A private garage, out-building or Accessory

Dwelling Unit located on the same property may have its plumbing connected to or with the plumbing of the main building if approved by the Director.

**14.08.061      Sewer incentive fund – Established.**

There is established a new fund designated the sewer connection incentive fund. The sum of six hundred thousand dollars ~~and~~ is provided to be paid the sewer connection incentive fund from moneys presently in the water/sewer fund which are proceeds of fees paid since 1979 by property owners who have a city sewer available to their property but who have not been connected to it. Such fees have been imposed by the city, pursuant to city ordinances codified as Sections 14.08.015 and 14.08.035 of this code and to state statute codified as RCW 35.67.190. Such fees shall be discontinued effective January 1, 1999, pursuant to Sections 1 and 2 of this amendatory ordinance. The city may pay such additional water sewer fund moneys into said sewer connection incentive fund as council finds necessary from time to time to accomplish the program's purposes as set forth in VMC 14.08.062 and in Section 5 of this amendatory ordinance codified as VMC 14.08.064.

**14.08.064      Sewer connection incentive fund – SCIP Phase II.**

Sewer Connection Incentive Program Phase II (SCIP II) funds shall be spent only for the purposes authorized in subsection A of this section, in conformity with the eligibility criteria set forth in subsection B of this section, subject to the priorities set pursuant to subsection C of this section, and subject to the deferral criteria set forth in subsection D of this section. For purposes of this section, "existing single family residential property" shall mean the property on which a



conforming single family residence is situated as of the effective date of this section of this ordinance.

A. *Authorized Expenditures.* Moneys in the sewer connection incentive fund established in VMC Section 14.08.061 shall be spent only for the following purposes under the Sewer Connection Incentive Program Phase II (SCIP II):

1. To finance a system development charge imposed by VMC Section 14.04.235 upon an existing single family residential property or a property that uses 50 EDUs of sewer capacity or less.
2. To finance city sewer main line fees for city-extended sewers outstanding pursuant to VMC 14.04.280(E) for an existing single-family residential property or property that uses 50 EDUs of sewer capacity or less, subject to the following limitations and conditions:
  - a. In the case of main line fees for the city's sewer line construction costs related to the 60th Street sewer and the Northgate sewer, such funds may be spent to pay any costs of main line fees for sewer line construction for such projects in excess of \$3,424.00.
  - b. In the case of main line fees for city-extended sewer projects constructed after the effective date of this amendatory ordinance, and notwithstanding the provisions of VMC 14.04.280(B), there shall be a maximum guaranteed main line fee assessed for single family residences accepted into SCIP Phase II based on the sewer construction costs for a single family residential lot with a nominal 75 foot frontage served by a standard 8-inch sewer, installed at a typical depth of nine feet, in residential street paving. The fee

maximum calculation shall be made by the Director of Public Works or designate using latest cost factors.

c. In the event any main line fee for a single family residential property accepted into SCIP Phase II calculated pursuant to VMC 14.04.280(E) exceeds the main line fee calculated pursuant to subsections A.2.a or A.2.b of this section, the excess main line fee shall become a lien on the property which shall become due and payable upon final approval for any further short platting or subdivision of the property. Any financing contracts executed after January 1, 2013 under SCIP II associated with the original parcel (prior to development) shall be paid in full prior to final plat approval.

d. The maximum guaranteed main line fee as calculated in 14.08.064.A.2.b will be available to a single family residence up to two years after the project's public sewer is available for connection. After two years the main line fee will be raised to the actual per lot cost or the guaranteed main line fee for that year in which connection is being sought, whichever is less.

e. Payment of the sewer main line fee is not allowed unless the appropriate applications and permits are also completed for connection of the parcel to the public sewer.

f. Properties, other than single family residential, that use 50 EDUs of sewer capacity or less shall be required to pay the actual sewer main fee for the SCIP II associated with that parcel and shall not be eligible for the maximum guaranteed main line fee as calculated in 14.08.064.A.2.b.

3. To finance payment of any sewer reimbursement contract outstanding under VMC Section 14.04.285.

4. To finance the actual costs to any owner of an existing single family residential property or a property that uses 50 EDUs of sewer capacity or less to connect the property to a city sewer lateral and to pay for the costs of abandonment of the septic system for the property as documented by an invoice from a licensed plumber.

5. To finance the costs of payment deferrals of system development charges, main line fees, and sewer reimbursement contracts, and actual on-site sewer connection and septic decommissioning costs for the owner/occupants of existing single family residences who are found to be economically disadvantaged, subject to the deferral criteria and standards set forth in subsection (D) of this section.

B. *Eligibility for SCIP II.* Payments and waivers as set forth in subsection (A) of this section shall be made only subject to the following eligibility criteria:

1. The property is an existing single family residential property.

2. The property is a property that uses 50 EDUs of sewer capacity or less.

3. The property is on a septic or other on-site sewage disposal system and is not connected to sewer or a substandard connection is being corrected.

4. The property has sewer available as defined by VMC 14.08.015 whether constructed by the city or by a developer.

5. The applicant for financial assistance is the owner of the property.

6. The applicant enters into an agreement with the city that the applicant will connect to the city sewer within one hundred eighty (180) days of execution of the agreement and that the use of the septic tank or other on-site sewage disposal system will immediately cease upon connection of the property to sewer and that such on-site system will immediately be properly treated and terminated.

7. The applicant pays all application and permit fees pursuant to VMC 14.08.020.

8. The applicant enters into loan and security agreements with the city providing for repayment and financing of the SCIP II funds expended for the property and for any excess main line fees calculated pursuant to subsection (A)(2)(c) of this section. Such agreements shall provide that the applicant at any time may elect to pay the debt in full together with accrued interest. For contracts executed after November 1, 2012, repayment shall be due upon sale or transfer of the benefited property and shall be paid prior to final plat approval if the property is subdivided.

C. *Prioritization Criteria.* The Director of ~~Public Works~~ or designate shall develop administrative criteria for prioritizing selection of projects and applications for assistance under SCIP II taking into consideration:

1. Projected risks to water resources.
2. Viability of existing septic systems in an area or particular property.
3. Coordination with roadway and other utility projects.
4. Total cost of connection.

5. Other available resources for sewer construction and connections.

D. *Deferrals.*

1. *Eligibility.* An economically disadvantaged applicant for SCIP II funds under this section may defer repayment installments for sums advanced from the sewer connection incentive fund pursuant to this section up to eighty percent of the amount of the applicant's equity value in the existing residential property which is benefited by such sewer connection incentive fund monies, and collection of installments for repayment of such funds may be deferred, upon application to the director of Financial and Management Services for a deferral certificate; provided that the director or his or her designate finds all of the following:

- a. The applicant has, at the time of application, an ownership interest in the existing residential property which is subject to repayment for the allowable costs set forth in subsection (A) of this section;
- b. The applicant resides in such residence and the property is used for residential use only;
- c. The applicant is economically disadvantaged as defined by this section.
- d. Each certificate shall be for no longer period than one year, with provision for annual reviews of continued eligibility; and provided further that no deferral certificate period so granted shall extend beyond the term of the loan and security agreements entered into by the applicant for repayment and financing of SCIP II funds.

2. *Definitions.* As used in this section, except where the context clearly indicates a different meaning:

“Applicant” means a person who applies to defer repayment of installments of funds from the sewer connection incentive fund which benefit the applicant’s existing single family residence by filing an application for a certificate of deferral as provided by this section. When two or more individuals of a household file or seek to file a certificate of deferral, they may determine between them as to who the applicant shall be.

“Combined disposable income” means the disposable income of the person applying for the deferral, plus the disposable income of ~~his or her~~ their spouse, and the disposable income of each co-tenant occupying the residence for the calendar year, less amounts paid by the person claiming the exemption or ~~his or her~~ their spouse during the calendar year for:

- a. Drugs supplied by prescription of a medical practitioner authorized by the laws of this state or another jurisdiction to issue prescriptions; and
- b. The treatment or care of either person received in the home or in a nursing home.

“Co-tenant” means a person who resides with the applicant for the deferral and who has an ownership interest in the residence.

“Disposable income” means adjusted gross income as defined in the federal internal revenue code, as amended prior to January 1, 1989, or such subsequent date as the director of Financial and Management Services or designate may provide by rule consistent with

the purpose of this subsection, plus all of the following items to the extent they are not included in or have been deducted from adjusted gross income:

- a. Capital gains, other than nonrecognized gain on the sale of a principal residence under section 1034 of the federal internal revenue code, or gain excluded from income under section 121 of the federal internal revenue code to the extent it is reinvested in a new principal residence;
- b. Amounts deducted for loss;
- c. Amounts deducted for depreciation;
- d. Pension and annuity receipts;
- e. Military pay and benefits other than attendant-care and medical-aid payments;
- f. Veterans benefits other than attendant-care and medical-aid payments;
- g. Federal social security act and railroad retirement benefits;
- h. Dividend receipts; and
- i. Interest received on state and municipal bonds.

“Economically disadvantaged” means at the time of application the applicant’s combined disposable income shall not exceed 80% of the area median income adjusted for family size as determined by the Department of Housing and Urban Development (HUD). An applicant is presumed to be economically disadvantaged if ~~his or her~~ their entire income

and that of ~~his or her~~ their spouse and any co-tenant is derived from benefits under the Federal Social Security Act.

“Equity value” means the amount by which the fair market value of a residence as determined from the records of the county assessor exceeds the total amount of any liens or other obligations against the property.

“Ownership interest” means a property interest in an existing single family residence under a recorded deed or under a contract of purchase, recorded mortgage, recorded deed of trust or recorded lease by which the applicant is responsible under penalty of forfeiture, foreclosure or default for payment of real property taxes and/or local improvement district assessments. The term shall also include a share ownership in a cooperative housing association, corporation or partnership if the applicant can establish that ~~his or her~~ their share represents the specific unit or portion of such structure in which ~~he or she~~ the applicant resides.

3. *Security Provisions.* The director of Financial and Management Services or designate shall not issue such a deferral certificate, however, unless the applicant and ~~his or her~~ their spouse and co-tenant, if any, has signed a contract with the city providing that:

a. Unpaid interest on any deferred payments shall accrue and be added annually to the unpaid principal balance. The deferred payments together with any unpaid interest shall bear the same rate of interest as under the payment agreement.



- b. The city shall have a lien on the benefited property in an amount equal to the amount paid from the sewer connection incentive fund, plus interest at the same rate of interest as under the payment agreement, computed to the date the payment is made;
- c. The applicant shall have and keep in force fire and casualty insurance on the benefited property in sufficient amount to protect the interest of the city in the property; provided, if the applicant fails to keep such insurance in force, the amount deferred shall not exceed one hundred percent (100%) of the applicant's equity in the land or lot only;
- d. The obligations deferred pursuant to this section shall become due and payable in full, including principal and accrued interest, upon the earliest of the following dates:
  - 1. Upon the sale of property which is the subject of the deferral;
  - 2. Upon the death of the applicant with an outstanding deferred certificate except a surviving spouse who is qualified under this ordinance may elect to continue the deferral and who agrees that the deferral lien shall then be payable by that spouse or co-tenant as provided in this section.
  - 3. Upon the condemnation of property with a deferral lien upon it by a public or private body exercising eminent domain power, except as otherwise provided in RCW 84.60.070 for properties subject to a lien for taxes.
  - 4. At such time as the applicant ceases to reside permanently in the residential property upon which the deferral certificate has been granted; provided that a spouse or co-tenant may apply for the continuance of the deferral.

5. Upon the failure of any eligibility criteria or condition set forth in subsection (A) of this section.

e. If any obligations deferred pursuant to this section are not paid in full (including principal and interest) within thirty (30) days of the occurrence of any of the events listed in subsection (D)(3)(d) of this section, the entire remaining amount of the debt shall become due and payable and the city may begin foreclosure upon the entire remaining debt.

f. No deferral period shall be granted or shall extend beyond the end of the loan term of the original payment agreement.

g. The applicant to whom a deferral certificate is granted at any time may elect to pay the debt in full together with accrued interest.

h. *Filing of Contract and Certificate.* Each contract and deferral certificate executed pursuant to this section shall be filed by the city with the county auditor.

i. *Rules.* The director of Financial and Management Services, with assistance of the city attorney, shall adopt reasonable rules and forms for administration of the deferral program consistent with this section.

**14.08.070 Sewerage – Filing of notice – Alternate enforcement.**

A. All delinquent and unpaid rates and charges for sewer service and connection charges, including interest charges, if any, shall become a lien upon the property to which such sewer service is furnished or such connection is made, superior to all other liens or encumbrances except

those for general taxes and special assessments. Enforcement and foreclosure of such lien or liens shall be in the manner provided by law for enforcement of the same and for delinquent sewerage service charges, as provided in Chapter 35.67 RCW.

B. The sewerage lien provided in this section shall be effective for a total not to exceed twelve (12) months' delinquent service charges without the necessity of any writing or recording of the lien with the county auditor; provided that if such delinquent charges are not paid upon demand, the Finance Director shall cause to be filed with the Clark County Auditor a notice of sewerage lien in the form prescribed by law for a total charges not to exceed one year's delinquent charges, plus future charges. All costs associated with the filing and release of the lien shall be charged to the delinquent property's sewer account at the time the lien is filed.

C. As an additional and concurrent method of enforcing its lien upon any premises for sewer service charges, the city may, in accordance with RCW 35.67.290 and in the manner provided by Chapter 14.04 VMC, terminate water service to such premises for so long as any delinquent fees or charges remain unpaid.

D. The city reserves the right to terminate sewer service to premises for nonpayment of sewer charges.

**SECTION 3.** Chapter 14.09 of the Vancouver Municipal Code is hereby amended to read as follows:

#### **Chapter 14.09**

### **STORMWATER MANAGEMENT – REGULATIONS AND CHARGES**

#### **Sections:**

ORDINANCE -  
112

|                  |                                                                       |
|------------------|-----------------------------------------------------------------------|
| <b>14.09.010</b> | <b>Purpose.</b>                                                       |
| <b>14.09.020</b> | <b>Stormwater management.</b>                                         |
| <b>14.09.030</b> | <b>Ownership of city stormwater facilities and assets.</b>            |
| <b>14.09.035</b> | <b>Inspection and Approval.</b>                                       |
| <b>14.09.040</b> | <b>Definitions.</b>                                                   |
| <b>14.09.050</b> | <b>Surface water program and stormwater capital plan.</b>             |
| <b>14.09.060</b> | <b>Rates for storm and surface water management.</b>                  |
| <b>14.09.070</b> | <b>Authority for charges for connection to the stormwater system.</b> |
| <b>14.09.080</b> | <b>Surface water management fund.</b>                                 |
| <b>14.09.090</b> | <b>Billing.</b>                                                       |
| <b>14.09.100</b> | <b>Credits allowed.</b>                                               |
| <b>14.09.110</b> | <b>Remedies.</b>                                                      |
| <b>14.09.120</b> | <b>Appeals.</b>                                                       |
| <b>14.09.130</b> | <b>Liens for service/interest.</b>                                    |

**14.09.010 Purpose.**

Council finds that this chapter is necessary to protect public and private property, to preserve streams, wetlands and floodways, to minimize water quality degradation from urban runoff and to ensure the sound development of property within the city to the benefit of all citizens.

The recognition of the city's stormwater system as an additional component of the municipal water-sewer utility is necessary to provide for the proper management and funding of the stormwater system, and for the orderly development of required stormwater systems and facilities.

**14.09.020 Stormwater management.**

Pursuant to RCW 35.67, the City of Vancouver water and sewer utility establishes provisions for storm and surface water management. Such provisions shall give the utility authority and responsibility for carrying out the comprehensive stormwater plan, including responsibility for

planning, design, construction, maintenance, administration and operation of all city stormwater facilities, as well as establishing standards for design, construction and maintenance of improvements on private property where these may ~~effect~~ affect stormwater management.

#### **14.09.030      Ownership of city stormwater facilities and assets.**

Title and all other incidents of ownership of the following assets are vested in the water and sewer utility:

All properties, interests, and physical and intangible rights of every nature owned or held by the city, however acquired, insofar as they relate to or concern storm or surface water runoff.

#### **14.09.035      Inspection and Approval.**

All work done under a permit issued pursuant to this chapter shall be subject to the inspection and approval by the director or designee, and the work shall not be deemed completed until it has been inspected and approved as satisfactory.

#### **14.09.040      Definitions.**

As used in this chapter:

"Commercial/multifamily" means all property zoned or used for multifamily, commercial, industrial, retail, governmental, or other nonresidential purposes.

"Director" shall mean the city of Vancouver public works' director.

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

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

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

"Single-family" means all property zoned or used for single-family detached housing units. Except as noted in VMC 14.09.060(C)(2), all other residential development shall be classified as "multifamily."

"Single-family equivalent unit (SFU)" means the area of impervious surface on a property divided by 2,500 square feet.

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

"Stormwater Permit" means the city of Vancouver's National Pollutant Discharge Elimination System (NPDES) Western Washington Phase II Municipal Stormwater Permit issued August 1,

2013, which was modified, effective January 16, 2014, by the Washington State Department of Ecology and as hereafter amended or reissued.

"Utility" means City of Vancouver water-sewer-surface water utility.

**14.09.050      Surface water program and stormwater capital plan.**

The stormwater capital plan shall be reviewed and updated by staff periodically as necessary to meet the needs of the system and returned for public hearing and may then be added to or amended. Such plan provides a practical and reasonable means to relieve the stormwater flooding issues in the City, and to preserve the integrity of the City's water supply, to protect its wastewater collection and treatment system, and to prevent surface water quality degradation.

**14.09.060      Rates for storm and surface water management.**

A. Because all real property in the city contributes stormwater runoff to and/or benefits from the city's stormwater system, the owners thereof shall pay monthly charges as set forth in this section.

Monthly charges will have two components as follows:

1. *Operation and Maintenance.* To provide for administrative and field operations, billing, accounting, and for the maintenance, repair and upgrade of existing stormwater facilities.
2. *Capital Expenditures.* To provide for basin-wide and system master planning and subsequent capital improvement projects as identified in the stormwater capital plan.

B. The water and sewer utility is authorized to establish charges for the use and discharge to the city's stormwater system. Such charges shall be based on the cost of providing stormwater service

to all properties within the city and may be different for properties receiving different classes of service. Monthly charges shall be established as follows:

Effective January 1, 2020

| <b>Single-Family</b> | <b>Multifamily</b>                                                 | <b>Commercial</b>                                                  | <b>Industrial</b>                                                  |
|----------------------|--------------------------------------------------------------------|--------------------------------------------------------------------|--------------------------------------------------------------------|
| \$11.80 per month    | \$11.80 per 2,500 sq. ft. hard surface per month (\$11.80 minimum) | \$11.80 per 2,500 sq. ft. hard surface per month (\$11.80 minimum) | \$11.80 per 2,500 sq. ft. hard surface per month (\$11.80 minimum) |

Effective January 1, 2021

| <b>Single-Family</b> | <b>Multifamily</b>                                                 | <b>Commercial</b>                                                  | <b>Industrial</b>                                                  |
|----------------------|--------------------------------------------------------------------|--------------------------------------------------------------------|--------------------------------------------------------------------|
| \$12.39 per month    | \$12.39 per 2,500 sq. ft. hard surface per month (\$12.39 minimum) | \$12.39 per 2,500 sq. ft. hard surface per month (\$12.39 minimum) | \$12.39 per 2,500 sq. ft. hard surface per month (\$12.39 minimum) |

Effective January 1, 2022

| <b>Single-Family</b> | <b>Multifamily</b>                                                 | <b>Commercial</b>                                                  | <b>Industrial</b>                                                  |
|----------------------|--------------------------------------------------------------------|--------------------------------------------------------------------|--------------------------------------------------------------------|
| \$13.01 per month    | \$13.01 per 2,500 sq. ft. hard surface per month (\$13.01 minimum) | \$13.01 per 2,500 sq. ft. hard surface per month (\$13.01 minimum) | \$13.01 per 2,500 sq. ft. hard surface per month (\$13.01 minimum) |

C. “Multifamily customer” class shall apply to customers with living units that share a common wall.



1. Multifamily customers with two or more living units per meter will be charged the effective rate per 2,500 square feet of impervious surface.

2. Multifamily customers with one water meter per living unit will be charged the prevailing “single-family customer rate” per unit. “Single-family customer rate” shall apply to mobile homes either on individual lots or in a mobile home park.

D. *State Highway Charge.* Pursuant to RCW 90.03.525, the monthly charge for all state highway properties within the city shall be 30 percent of the charge provided in subsection B of this section, unless the city and state agree to a different rate or unless the court of competent jurisdiction holds otherwise.

E. *Application to Publicly Owned Properties.* Other publicly owned properties shall be charged at the industrial rate as set forth herein.

F. *Application to Active Gravel Mining Operations and Publicly Owned Streets, Alleys and Rights-of-Way.* Active gravel mining operations, publicly owned streets, alleys and rights-of-way shall be charged at the state highway charge rate provided in subsection D of this section.

G. *Application to Certain Qualifying Properties.* For qualifying properties meeting all of the following criteria, the monthly charge shall be 30 percent of the charge provided in subsection B of this section.

1. The qualifying property is subject to a stormwater management program regulated by and in compliance with the requirements for a Phase 1, Phase 2, or secondary permittee as defined by Special Condition S6 of the NPDES Western Washington Phase II Municipal Stormwater Permit, and as hereafter amended; and

2. The qualifying property does not discharge stormwater into the city of Vancouver surface water drainage system; and
3. If infiltrating on site, water quality treatment shall meet current city of Vancouver and Department of Ecology standards and requirements for the land use.

**14.09.070 Authority for charges for connection to the stormwater system.**

The utilities shall be authorized to establish a systems connection charge for properties seeking to be developed and discharge stormwater to the city's stormwater system. Such connection charges shall be adopted by separate ordinance as either part of the service charge ordinance referenced in Section 14.09.060 or the city's general development fee ordinance. The fees for connection to the city's stormwater system shall be modified from time-to-time to reflect the true cost of service to new development. The city's stormwater master plan shall form the basis for such modifications to these charges.

**14.09.080 Surface water management fund.**

There is established a surface water management fund as part of the water and sewer utility into which all revenue from user fees, connection charges, grants, taxes and other funding sources shall be deposited and from which all expenditures related to the city's stormwater system shall be paid. This fund shall be kept in the manner prescribed by state law as to accounting and reporting expenditures.

**14.09.090 Billing.**

The charges imposed by this chapter shall be billed in conjunction with the property or user's customary water and sanitary sewer bill issued by the city. Such charges shall be due and payable as provided in this chapter. In the event a property does not have water or sanitary sewer service, but is subject to the charges imposed in this chapter, a new account shall be established and that property shall be billed separately for the surface water service charges.

**14.09.100 Credits allowed.**

A reduction in the rates described herein may be granted for the following reasons and purposes:

A. Multi-family, commercial and industrial accounts may receive a fifty percent rate reduction if the affected property either meets or exceeds the water quantity and water quality requirements established by the Stormwater Manual or city ordinance, whichever is more restrictive, applicable to civil plan approval of new development or redevelopment. In order to be eligible for such discounts, an applicant must submit the following:

1. Stormwater quantity and quality facilities site plan; and,
2. Report prepared by a professional registered civil engineer verifying by appropriate calculations that the facilities meet or exceed the requirements of the Stormwater Manual applicable to civil plan approval of new development or redevelopment.
3. Documentation that an existing water quality or quantity facility is properly maintained in accordance with the applicable requirements of the Stormwater Manual as defined in VMC 14.25.105. Failure to provide documentation demonstrating proper maintenance may result in revocation of credits.

B. Properties with facilities that provide water quality treatment to publicly-owned property or right of way and which have been identified in the surface water program as facilities of basin or system-wide importance may be eligible for a percentage reduction in the surface water charge.

C. Accounts identified for special rates in VMC 14.09.060 sections D, F and G shall not be eligible for additional credits allowed herein.

D. Properties relying on publicly-owned or maintained stormwater facilities for water quality or quantity treatment shall not be eligible for credits.

E. *Rainwater harvesting credits.* Pursuant to RCW 35.67.020, accounts not eligible for any other credit allowed herein shall be eligible for a 10 percent reduction in the monthly charge for any new or remodeled commercial building that utilizes a permissive rainwater harvesting system. Rainwater harvesting systems shall be properly sized to utilize the available roof surface of the building(s). The reduced rate shall apply only to the portion of the site impervious area draining to the rainwater harvesting system.

#### **14.09.110 Remedies.**

In the event a customer or property owner shall fail to pay the surface water service charge, the city shall have the authority to terminate domestic water service to said property or customer. Termination of such water service shall not limit other remedies available to the city under state law.

#### **14.09.120 Appeals.**

Any customer or property owner who feels that the surface water service charge as set forth in VMC 14.09.060 for their property has been incorrectly computed or applied, and/or that credits have not been properly granted may petition, in writing, to the Director of ~~Public Works~~ for a review of said computations, application or credit. The petitioner shall provide drawings and calculations demonstrating the factual basis of the claimed error in the service charge.

If not satisfied with the determination of the director, the petitioner may appeal to the hearing officer in accordance with the provisions of Chapter 14.20 of this code. Any credits authorized by the appeals process shall only be applied toward billings subsequent to the date the appeal is filed.

**14.09.130      Liens for service/interest.**

Pursuant to RCW 35.67.200, the city shall have a lien for delinquent or unpaid surface water service charges. Enforcement and foreclosure of said lien(s) shall be as provided by law. Interest on the unpaid balance shall be eight percent per year or such higher rate as authorized by state law. Penalties, as authorized by state law in the amount of five percent will also be assessed

**SECTION 4.** Chapter 14.12 of the Vancouver Municipal Code is hereby amended to read as follows:

**Chapter 14.12**

**DISCHARGE OF INDUSTRIAL WASTES TO THE INDUSTRIAL WASTEWATER  
PRETREATMENT FACILITY**

**Sections:**

**14.12.010              Purpose and policy.**

**14.12.020              Definitions.**

|                  |                                                                                                 |
|------------------|-------------------------------------------------------------------------------------------------|
| <b>14.12.030</b> | <b>Wastewater characteristics.</b>                                                              |
| <b>14.12.040</b> | <b>Sewer use service charges – High strength industrial waste charges.</b>                      |
| <b>14.12.050</b> | <b><i>Reserved capacity charge – Rates.</i></b>                                                 |
| <b>14.12.060</b> | <b><i>Reserved capacity charge – When imposed – After imposed reserved capacity charge.</i></b> |
| <b>14.12.070</b> | <b>Allocated capacity charge.</b>                                                               |
| <b>14.12.080</b> | <b>Excessive waste discharge.</b>                                                               |
| <b>14.12.090</b> | <b>Sewer use service charges – Billing – Amount.</b>                                            |

**14.12.010 Purpose and policy.**

A. The ordinance codified in this chapter sets forth uniform requirements for discharges into the city of Vancouver's (city) industrial wastewater collection system and pretreatment facility, sometimes known as the pretreatment lagoon, but hereinafter referred to as facility. Charges for facility users are also set forth in this chapter.

B. By Ordinance M-1977 in June of 1979, the city entered into contracts with certain industrial users of the pretreatment facility by which such users agreed to pay certain charges for reserve and allocated capacity in such pretreatment facility. Such contracts are not affected by this ordinance and are ratified and confirmed, as modified by the parties since execution; provided, that the capital costs remain constant, as established in Ordinance M-1977 and as thereafter adjusted by the parties in KCM report dated August 19, 1980; operational and maintenance costs shall continue to be charged based upon actual annual operating costs.

C. The provisions in Chapter 14.10 of this title, in addition to the provisions of this chapter, shall apply to all dischargers with discharges to the facility. In the event of a conflict between the two chapters, Chapter 14.12 of this title shall govern facility users.

#### **14.12.020 Definitions.**

Unless the context specifically indicates otherwise, the meaning of terms used in this chapter shall conform to the definitions in Chapter 14.10 of this title, with supplemental definitions as follows:

1. "Allocated capacity" means that capacity in the facility which by contracts has been allocated to specific industrial users and for which such users have agreed to pay charges representing fixed capital costs, base operation and maintenance costs, and demand operation and maintenance charges based upon actual usage. (See contracts incorporated into Ordinance M-1977).

2. "Base operation and maintenance" means those operation and maintenance functions of a general upkeep nature which are performed regardless of amount of usage to preserve the full value of the capital facilities.

3. "Demand operation and maintenance" means those operation and maintenance functions which vary directly with usage and would not be incurred if such usage ceased.

4. "Director" means the Director of Public Works or duly authorized representative.

~~5.4.~~ "Facility" means the city of Vancouver's industrial wastewater collection system and industrial wastewater pretreatment facility constructed in 1979, and sometimes known as the pretreatment lagoon.

~~6.5.~~ "Final treatment cost" means those operation and maintenance functions which vary with usage that are required for secondary treatment of the effluent discharges from the facility.

~~7.6.~~ "Peak hourly rate" means that maximum mass emission made by any individual user during any single continuous sixty-minute period.

~~8.7.~~ "Peak monthly rate" means that maximum mass emission made by any individual user during any single continuous thirty-day period.

~~9.8.~~ "Reserve capacity" means that capacity for which the facility has been designed and for which specific existing industrial users have contracted to pay the capital costs thereof. (See contracts incorporated into Ordinance M-1977).

~~10.9.~~ "Unallocated capacity" means that capacity for which the facility has been designed which has not been assigned to any specific user as allocated or reserve capacity and for which city pays capital and base O & M costs.

#### **14.12.030 Wastewater characteristics.**

Unless prior written approval is obtained from the Director ~~department of public works~~, no discharger shall discharge into the facility wastes with the following characteristics:

- A. pH lower than 5.5 or higher than 11.5;
- B. BOD of more than three thousand mg/1;
- C. Suspended solids of more than three thousand mg/1;
- D. Or any other discharge prohibited by Chapter 14.10 of this title.

#### **14.12.040 Sewer use service charges – High strength industrial waste charges.**

A. Industrial waste charges shall be based on flow, BOD and suspended solids. All measurement methods shall first be approved by the director ~~of public works~~ before any consideration of



industrial waste charges. The rates of charge and methods of determining sewage strength are set forth below in this section and in Section 14.12.060.

B. To cover allocated capacity capital costs, an annualized charge (to be collected in equal monthly payments) is levied on each customer discharging into the facility, based on a peak hourly rate of sixteen thousand three hundred six dollars per million gallons per day of allocated capacity, plus an annualized charge (to be collected in equal monthly payments) based on a peak monthly rate of four thousand seven hundred ninety-one dollars per million gallons per day of allocated capacity; plus an annualized charge (to be collected in equal monthly payments) based on a peak monthly rate of four hundred twenty-seven dollars per each one hundred pounds of BOD per day of allocated capacity; plus an annualized charge (to be collected in equal monthly payments) based on a peak monthly rate of one hundred sixty-eight dollars per each one hundred pounds suspended solids (SS) per day of allocated capacity, in terms of committed loadings in the total industrial wastewater stream, as determined by the director of public works. Recovery of such capital costs from the users shall cease upon payment by the city of revenue bonds issued in 1979 to pay for the facility.

C. To cover base operating and maintenance (O & M) costs, an annualized charge (to be collected in equal monthly payments) is levied, based on a peak hourly rate of five hundred seventy-two dollars per million gallons per day of allocated capacity; plus an annualized charge (to be collected in equal monthly payments) based on a peak monthly rate of one thousand four hundred fifty-six dollars per million gallons per day of allocated capacity; plus an annualized charge (to be collected in equal monthly payments) based on a peak monthly rate of fifty dollars per each one hundred pounds of BOD per each day of allocated capacity, in terms of committed BOD loading in the total

industrial wastewater stream, as determined by the director ~~of public works~~; plus an annualized charge (to be collected in equal monthly payments) based on a peak monthly rate of thirty-seven dollars per each one hundred pounds of suspended solids (SS) per day of allocated capacity.

D. To cover demand O & M costs, a monthly charge is levied based on a rate of one hundred thirty dollars per million gallons of measured volume of total industrial wastewater plus rates for strength of industrial wastes as established at five dollars and ninety cents per each one hundred pounds of BOD and four dollars per each one hundred pounds of suspended solids.

E. To cover final treatment costs of all facility effluent discharged to the Westside Wastewater Treatment Plant, a monthly final treatment cost is established based on a rate of seventy-one dollars and eighty-three cents per million gallons of measured volume of total industrial wastewater plus an industrial strength rate established at eighteen dollars and thirty cents for each one hundred pounds of BOD and nine dollars and twenty cents per each one hundred pounds of suspended solids. Waste loads will be determined on the basis that the average annual facility performance is ninety-one percent removal for BOD and eighty percent removal for suspended solids. Removal rates shall be reviewed annually by the city.

F. Waste water samples are to be taken by authorized representatives of the director ~~of public works~~. The samples taken shall be twenty-four-hour flow proportioned composite samples. Except for seasonal industrial wastes, charges shall apply as determined on the basis of at least eight twenty-four-hour flow proportioned sample analyses to be obtained each month, and at least twelve times per month in the case of seasonal users during respective canning seasons, and such analyses averaged for each month.

G. All sampling authorized in this chapter shall be in addition to, and shall not limit, the city's authority under Chapter 14.10 of this title.

H. Sampling procedures and methods conducted by or under direction of the director ~~of public works~~ shall involve a twenty-four-hour flow-proportioning sampling device and be in accordance with methods established by good engineering practices. Sampling shall be conducted at sampling manholes or other locations adjudged by the director ~~of public works~~ to be suitable points from which samples would be representative, either singly or with other samples of the industrial waste to be sampled. Samples shall be analyzed at an approved laboratory as designated by the director ~~of public works~~.

I. Rates established under this chapter shall be reviewed annually and may be amended as determined to be necessary and proper by the city council, but subject to contractual obligations to users. The annual review shall include, among other things, the principals and methodology included in the August 1980 Industrial Pretreatment Facility Rates Analysis and other sound engineering practices. Base O & M, demand O & M, and final treatment cost shall be reviewed annually.

**14.12.050      Reserved capacity charge – Rates.**

A. The charges established in Section 14.12.040 are to recover from users the capital and operation cost of the facility as referred to in Section 14.12.040; however, such user charges do not include the capital cost of currently unallocated capacity.

B. Each user of the facility shall pay the city such fees for its use thereof as are set by Section 14.12.040. In addition, each such customer who wishes to reserve capacity in the facility for its

own use may, by contract approved by the director of ~~public works~~ and the city attorney, agree to pay each month after the effective date of the ordinance codified in this chapter, a reserve capacity charge as set by this section. Such user shall thereafter be allowed to discharge flow, BOD and suspended solids up to its thus reserved amount, at the rates set by Section 14.12.040, and such capacity is guaranteed to such users by the city from September 1979 to and beyond the life of bonds issued for the construction of the facility.

C. Customers who thus have reserved capacity shall pay for the amount beyond their allocated capacity at the following reserve capacity charges; an annual charge of ten thousand two hundred dollars for each million gallons of peak hourly flow rates, plus two thousand four hundred sixty dollars for each one million gallons of peak monthly flow rates, plus two hundred eighty-five dollars per each one hundred pounds of BOD, and seventy-nine dollars for each one hundred pounds of suspended solids. Such charge shall be terminated by the city upon final payment by it of revenue bonds issued to pay for the facility.

D. All the above "reserve capacity charges" are to pay the capital costs (only) of such increased capacity.

**14.12.060      Reserved capacity charge – When imposed – After imposed reserved capacity charge.**

A. For the purposes of this chapter, an industry is considered to be using its reserve capacity, and thus is subject to base operating and maintenance (O & M) costs on a permanent ongoing basis, when its monthly mass emissions exceed its allocated capacity by five percent for either flow, BOD or suspended solids for any three months in a twelve-month period. Such base O & M costs shall be levied for the third such month thereof and on a monthly basis continuously thereafter. In

the case of a seasonal user, the base O & M costs shall be levied when its weekly mass emissions exceed its allocated capacity by ten percent for any three weeks in a twelve-month period.

B. Any existing industrial customer who chooses not to contract for sufficient reserve capacity to meet its needs and to pay therefore under this section, or any new customer, who thereafter seeks to discharge or is determined by monitoring by the city to be discharging more than its allocated capacity (plus reserve capacity, if any) flow or more BOD or more suspended solids into the system may do so upon approval of the director of public works, and upon a finding by ~~him~~ the director that the facility can accommodate the increased use and will not infringe upon any allocated or reserved capacity of any other user. For such connection or for such increased use, ~~he~~ the customer shall pay a fee (composed of the allocated capacity plus base O & M fees and lease costs) of sixteen thousand six hundred eighty-six dollars for each million gallons of peak hourly flow rate, plus five thousand eight hundred twelve dollars for each million gallons of peak monthly flow rate, plus four hundred sixty-three dollars per each one hundred pounds of BOD, and one hundred ninety-four dollars per each one hundred pounds of suspended solids. This shall be an accumulated annual charge with a starting date of September 1, 1979. Such fee is set as an after-imposed reserved capacity charge required for such user to pay its fair share of the capital cost and base operating and maintenance costs which have been incurred in preserving full value of such capital facility with such increased capacity. In addition, a fee of one thousand dollars shall be collected at time of such new connection to pay city administrative costs in connection therewith.

#### **14.12.070      Allocated capacity charge.**

A minimum monthly charge is set for each industrial customer.

A. Each industrial customer has contracted with the city for a specified amount of allocated capacity in the facility. Each industrial user shall pay an allocated capacity charge for its actual use up to such allocated amount at the rates set in this chapter.

B. Such specified amount of allocated capacity may be reduced only with the agreement of the city and upon a finding that the city can transfer such capacity to another customer. Such specified amount of allocated capacity may be increased up to the amount of reserve capacity agreed to by the city and customer under Section 14.12.050, or in the absence of such an agreement only as set forth in that section.

**14.12.080 Excessive waste discharge.**

A. The city, by written order of the director of public works, may prohibit any industrial customer from increasing its flow or BOD or suspended solids beyond its amount of permitted loading as indicated in Exhibit A of Ordinance M-1977 plus (if previously contracted) its reserve capacity; and the department of public works may install devices on facilities serving such customer to prevent excess flows.

B. An industrial customer is considered to be discharging excessive waste quantities when its monthly mass emissions, for any one of the cost allocation parameters, exceed its allocated plus any reserve capacity for a continuous eight-week period by more than five percent. In the case of seasonal users, such excessive emissions shall be deemed exceeded by ten percent of its allocated plus any reserve capacity for a continuous ten-day period, provided, that, if the seasonal user has advised the director of public works in writing of an anticipated excessive use fifteen days prior to

the start of the excessive use period, then it shall not be deemed to exceed its allocated or reserve capacities.

**14.12.090 Sewer use service charges – Billing – Amount.**

A. Sewer use service charges under this chapter shall be billed monthly by the city director of Financial and Management Services. The amount of the charge will be determined by the director of public works at the end of each month and will be submitted to the city director of Financial and Management Services after sufficient time has been given for laboratory analysis of all sewage samples and/or computations. Charges will be computed and billed based on records of flow for the previous month and mean waste strengths as determined in Section 14.12.040.

B. The Director of ~~Public Works~~ may check wastewater strength as outlined in this section and adjust charges where applicable at any time in accordance with all the provisions of this chapter.

**SECTION 5.** Savings. Those ordinances or parts of ordinances which are amended by this ordinance shall remain in full force and effect until the effective date of this ordinance.

**SECTION 6.** Severability. If any clause, sentence, paragraph, section, or part of this ordinance or the application thereof to any person or circumstance shall be adjudged by any court of competent jurisdiction to be invalid, such order or judgment shall be confined in its operation to the controversy in which it was rendered and shall not effect or invalidate the remainder of any parts thereof to any person or circumstances and to this end the provisions of each clause, sentence, paragraph, section or part of this law are hereby declared to be severable.

**SECTION 7.** Effective date. This ordinance shall become effective as of January 1, 2022, following the date of final adoption.

Read first time:

Ayes: Councilmembers

Nays: Councilmembers

Absent: Councilmembers

Read second time:

PASSED by the following vote:

Ayes: Councilmembers

Nays: Councilmembers

Absent: Councilmembers

SIGNED this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Anne McEnery-Ogle, Mayor

Attest:

\_\_\_\_\_  
Natasha Ramras, City Clerk

Approved as to form:

\_\_\_\_\_  
Jonathan Young, City Attorney



## SUMMARY

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE relating to the sewer and surface water utility user charges, amending Chapters 14.04, 14.08, 14.09, and 14.12 of the Vancouver Municipal Code; providing for savings, severability and an effective date.

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



**Staff Report 197-21**

**TO:** Mayor and City Council

**FROM:** Eric Holmes, City Manager

**DATE:** 12/13/2021  
12/20/2021

**SUBJECT** Parks, Recreation & Cultural Services Comprehensive Plan Update (2022-2031)

**Key Points**

- The Park Plan is proposed for adoption by reference in the Vancouver Comprehensive Plan (Appendix E).
- The current Park Plan was adopted in 2014 and must be updated for grant eligibility through the Washington State Recreation and Conservation Office (WAC 286-13-040(2)), and the proposed plan is consistent with required elements as identified in RCO guidelines.
- The Park Plan is consistent with the Vancouver Strategic Plan, the Vancouver Comprehensive Plan, necessary to further the public interest (VMC 20.220.010 and 20.285.070), and Growth Management Act (GMA) requirements (RCW 36.70A.070).
- The Parks and Recreation Advisory Commission (PRAC) and Planning Commission voted unanimously to recommend support of the proposed update.
- No significant amendments are proposed to current standards, policies, or the Vancouver Municipal Code.
- Equity, and park quality, safety, and sustainability metrics are included to evaluate level of service to better inform park need and capital priorities.
- The park inventory and classifications were updated.
- Additional park classifications for civic plazas and linear parks are proposed to better support urban center mixed land use developments and increasing urban density.
- Park Improvement Levels were amended to create unique neighborhood identity, maximize use of existing infrastructure, and provide the full spectrum of community benefits offered by a robust and interconnected system.
- Goals and objectives were refreshed to reflect Strategic Plan goals and Council themes for diversity, equity and inclusion; climate readiness and public safety.
- The Capital Facilities Plan is proposed for the required 10-year planning period based upon need for acquisition, development and repairs throughout the park system.
- Amendments formally redefine the planning area to be Vancouver city limits.
- An extensive public outreach plan supported the plan update process to evaluate the effectiveness of existing policies, programs and priorities, trends and the community vision, needs, and goals for the future.
- An estimated 40%-50% of the proposed 10-year CFP project list can be supported through

existing projected funding sources.

### **Strategic Plan Alignment**

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

**Goal 4:** Ensure that Vancouver's parks and trails system is the highest quality and most complete in the region.

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

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

**Goal 7:** Build on our status as the largest city on the Columbia River by strengthening connections to the river and the waterfront.

### **City Council Themes and Values:**

- Inclusivity
- Resilience: Climate action, safety, open spaces, stewardship
- Courage: Legacy, innovation, leadership
- Resourcefulness
- Partnerships

### **Present Situation**

The current Park Plan was adopted in 2014. The 2022-2031 update of the Vancouver Parks, Recreation, & Cultural Services Comprehensive Plan will guide how best to serve the community needs over the next ten years. The proposed 2022 update is also required for the City to be eligible for grant applications and awards through the Washington State Recreation and Conservation Office (RCO). RCO is a significant funding source for acquisition and development projects for the City, and has funded more than \$10 million in park projects.

In addition, the Parks Plan offers an opportunity to renew the City's vision of the kind of community we want to be, ensure good stewardship of our park system, be intentional to reflect the community we serve, incorporate innovative policies to better meet the growing demand for access to the outdoors, and be strategic in our investments.

The Park Plan is adopted by reference in the Vancouver Comprehensive Plan (Appendix E) and part of a phased coordination with the update of the City Comprehensive Plan that will begin in 2022, including compliance with the parks and recreation elements of the GMA. This phased approach accommodates an abbreviated timeline for the Park Plan to accomplish grant eligibility, and allow for additional analysis and adjustments to the Park Plan as needed during the Vancouver Comprehensive Plan review process to align the two documents more closely.

Adoption of or amendments to the Park Plan involve Parks and Recreation Advisory Commission

(PRAC), Planning Commission and Council review. Pursuant to VMC 2.16.070, the Parks and Recreation Commission is the primary developer of the Parks Plan, providing high level oversight and policy recommendations to City Council in development, adoption, and revisions to the Park Plan.

Proposed changes must be consistent with the policies and provision of VMC 20.220.010 and 20.285.070 for Planning Commission review to evaluate consistency with the Vancouver Strategic Plan and Comprehensive Plan and consistency with the Growth Management Act (RCW Chapter 36.70A.070) Park and Recreation elements; and Planning requirements of the Recreation and Conservation Office.

The Parks and Recreation Advisory Commission reviewed the proposed changes at work sessions on April 21, May 19, July 21, and August 18, 2021, and public hearings on September 15 and October 20, 2021. On October 20, 2021, PRAC voted unanimously to recommend approval of the Park Plan amendments described herein for adoption by City Council.

The Planning Commission reviewed the proposed changes at a work session on October 26, 2021, and at a public hearing on November 9, 2021, and at that hearing the commission voted unanimously to recommend approval of the Park Plan amendments for adoption to the City Council.

An extensive public outreach plan supported the planning process, including a project website, project branding, a visioning video, email and social media campaigns, community survey (four languages), priorities survey (two languages), five stakeholder meetings, in-person outreach at 12 events across the city that included a translator, flyers to recreation program participant households and eighty signs (four languages) placed throughout the parks and trails. The public outreach process and findings are described in detail in Exhibit B of this staff report.

Pursuant to the State Environmental Policy Act (SEPA) and WAC 197-11, the City of Vancouver as lead agency determined that the 2022-2031 Park Plan as updated does not have a probable significant adverse impact on the environment. A Determination of Nonsignificance (DNS) was published on October 13, 2021, and no comments have been received to date.

Proposed amendments to the Park Plan are intended to improve equitable access to the park system with expanded criteria for the need analysis and the additional enrichment of community culture, arts and heritage amenities. These changes reflect the changing social, economic, and environmental conditions of the community. A more detailed description of the plan amendments is provided in Exhibit A.

### **Summary of the proposed amendments:**

1. **Planning period:** Updated to 2022 through 2031.
2. **Level of Service Metrics:** Equity and park quality metrics were added to the level of service analysis to identify areas more accurately with the greatest need for additional park acquisition, new development, reinvestment and repairs to inform capital project priorities.
3. **Park Inventory:** Inventory adjustments are proposed for public elementary school field acres to be added to the park inventory at a discounted rate based on available daylight hours in a calendar year.

**4. Park Classifications:** New Civic Plazas and Linear Park classifications are proposed for urban center mixed land use areas to better serve high density day use and residential population areas emerging throughout the city. These park types are proposed for funding support through consideration of future amendments to the Park Impact Fee program for commercial, industrial and mixed land use development projects.

**5. Park Improvement Levels:** Typical improvements proposed for park projects by park classification are amended to include:

a. Themed play structures in all parks throughout the park system to create unique neighborhood identity and vitality, and recreation and educational variety.

b. Support services such as restrooms, picnic shelters, and designated parking areas at strategically located neighborhood parks, particularly where community parks are limited.

c. Universally accessible play structures and other assets in all community parks to serve people of all abilities.

d. Support for pollinator species in landscaped areas throughout the park systems as much as feasible, with a target of 25%.

e. Improvements to underutilized Urban Natural Areas for enhanced public access and safety to facilitate more passive recreational opportunities. This initial effort is to maximize existing infrastructure, connectivity, and public investment in existing ownerships with relatively minimal investment. Enhancements could include soft surface trails and improved connectivity, seating areas, natural resource enhancements and signage.

**6. Goals and Objectives:** Vision, Mission and Goals and Objectives were refreshed to be more concise, reflect public feedback, changing conditions, and the current Strategic Plan goals and themes of City Council as they relate to all aspects of the department services.

**7. Capital Facilities Plan:** Based on public input and the results of the technical analysis a 10-year Capital Facilities Plan (CFP) project list is proposed for acquisition, development and repairs throughout the park system. In review of available and projected revenue it becomes clear that a significant funding shortfall exists, and additional funding support may be needed to improve equitable access to recreation to supplement the Park Impact Fee program. The capital facilities plan must anticipate potential opportunities and future needs to qualify for grant programs. However, projects will not move forward until committed funding sources are identified and approved through the budget process.

**8. Definition of the Planning Area:** When the 2014 Plan was adopted the City-County interlocal agreement was still in effect, therefore the planning area encompassed the entire county. The proposed 2022 Park Plan update will formally amend the planning area of the Vancouver Parks, Recreation and Cultural Services Comprehensive Plan to be consistent with the Vancouver city limits.

### **Advantage(s)**

The proposed updates to the Park Plan are found to be consistent with:

1. Applicable provisions of the Growth Management Act, state and federal law, SEPA and other legal mandates;
2. Applicable provisions and policies of the Vancouver Comprehensive Plan and Strategic Plan;
3. Washington State Recreation and Conservation Office (RCO) planning requirements;
4. Changing social, economic, and environmental conditions in the City of Vancouver;
5. Necessary to further the public interest based on current and future needs including the urbanizing character of our city land use patterns and conditions; and
6. Accurately reflect the general priorities of the community identified in our public outreach and needs analysis.

### **Disadvantage(s)**

Additional funding sources will be required to supplement current funding sources to address equitable access, ADA compliance and asset repair and replacement needs.

### **Budget Impact**

Of the \$166 million project total, an estimated 40%-50% of the cost can be supported through reasonable projections of existing funding sources. Additional funding sources should be explored to supplement proposed projects, particularly to address equitable access, ADA compliance and delayed asset repair and replacement needs.

This is a planning document. Most projects and the ongoing maintenance costs associated have not been included in the current budget. The budget for capital and maintenance budget consistent with this document will be requested through the formal budget process in the upcoming years.

### **Prior Council Review**

City Council conducted duly advertised public work sessions on July 12, September 27 and November 22, 2021.

### **Action Requested**

On December 13, 2021, approve ordinance on first reading, setting date of second reading and public hearing for December 20, 2021.

*Monica Tubberville, Senior Park Planner, 360-487-8353*

**ATTACHMENTS:**

- ▣ Final Draft - Vancouver Parks, Recreation & Cultural Service Comprehensive Plan (2022-2031) and appendices
- ▣ Ordinance
- ▣ Exhibit A - Park Plan Text Amendment Summary
- ▣ Exhibit B - Park Plan Outreach Summary
- ▣ Exhibit C - How Essential Spaces benefit the community
- ▣ Exhibit D - Park Plan Acronyms

The Final Draft City of Vancouver Parks, Recreation & Cultural Service Comprehensive Plan (2022-2031) and appendices are available for review here:

<https://www.cityofvancouver.us/parksrecculture/page/2022-31-parks-recreation-cultural-services-comprehensive-plan-review-documents>

## **2022-31 Parks, Recreation & Cultural Services Comprehensive Plan Review Documents**

-  [Cover, Acknowledgments & Table of Contents](#) (880 KB)
-  [Executive Summary](#) (245 KB)
-  [Section 1 - Introduction](#) (566 KB)
-  [Section 2 - Community Profile](#) (16 MB)
-  [Section 3 - Planning Framework](#) (939 KB)
-  [Section 4 - Community Engagement](#) (863 KB)
-  [Section 5 - Classifications and Standards](#) (21 MB)
-  [Section 6 - Park Facility Inventory](#) (1 MB)
-  [Section 7 - Park Need and Level of Service](#) (26 MB)
-  [Section 8 - Recreation](#) (1 MB)
-  [Section 9 - Cultural Services](#) (547 KB)
-  [Section 10 - Special Events](#) (1 MB)
-  [Section 11 - Urban Youth](#) (585 KB)
-  [Section 12 - Volunteer Programs](#) (506 KB)
-  [Section 13 - Implementation](#) (12 MB)
-  [Section 14 - Maintenance & Operations](#) (930 KB)
-  [Section 15 - Appendices Table of Contents](#) (216 KB)
-  [Appendix A - Terms and Acronyms](#) (79 KB)
-  [Appendix B - Surveys & Community Engagement Tools](#) (936 KB)
-  [Appendix C - Stakeholder Meeting Notes](#) (223 KB)
-  [Appendix D - Partnerships](#) (101 KB)
-  [Appendix E - Funding Programs](#) (147 KB)
-  [Appendix F - Park Impact Fee Program](#) (108 KB)
-  [Appendix G - PIF Technical Document](#) (360 KB)
-  [Appendix H - Total Cost of Ownership](#) (2 MB)
-  [Appendix I - Population Growth](#) (70 KB)
-  [Appendix J - Capital Facilities Plan](#) (6 MB)
-  [Appendix K - Park Inventory and Analysis](#) (131 KB)
-  [Appendix L - Land Acquisition & Development](#) (136 KB)
-  [Appendix M - Reference Documents & Relevant Policies](#) (122 KB)
-  [Section 16 - Maps](#) (3 MB)



**ORDINANCE FOR COMPREHENSIVE PLAN TEXT CHANGES FOR ADOPTION OF  
THE 2022-2031 VANCOUVER PARKS, RECREATION & CULTURAL SERVICES  
COMPREHENSIVE PLAN BY REFERENCE.**

12/13/21

12/20/21

ORDINANCE NO. M\_\_\_\_\_

AN ORDINANCE adopting the 2022-2031 Vancouver Parks, Recreation & Cultural Services Comprehensive Plan (“Park Plan”) by reference into Appendix E of Vancouver Comprehensive Plan, providing for severability, and establishing an effective date.

WHEREAS, the Park Plan was adopted in 2014 (Ordinance M-4080); and

WHEREAS, the Park Plan update is an overall update that more specifically addresses:

1. The 2022-2031 planning period;
2. Revised level of service metrics to include equity and park quality;
3. Inventory updates for projects since 2014 and the addition of public elementary school field acres at a discounted rate based on available daylight hours outside of school use;
4. Park reclassifications of seven sites and new park classifications for civic plazas and linear parks for high density land use areas;
5. Updated Park Improvement Levels to include:
  - a) Addition of themed play structures through the park system,
  - b) Support services at neighborhood parks where community park access is limited,
  - c) Universally accessible play structures in all community parks,
  - d) Support of pollinator species through park design and maintenance practices, and
  - e) Improvements at underutilized urban natural areas for increased passive use opportunities;

6. Refreshed vision, mission, and goals and objectives to reflect public feedback, changing conditions, and Council themes and objectives;

7. A 10-year Capital Facilities Plan; and

8. Definition of the planning area to be consistent with Vancouver city limits.

WHEREAS, the adoption of this updated Park Plan will allow the City to remain eligible for grants awarded through the Washington State Recreation and Conservation Office (RCO) which is a significant funding source for acquisition and development projects for the city; and

WHEREAS, pursuant to the Growth Management Act the City Council has adopted a Comprehensive Plan for the City of Vancouver (Ordinance M-3994) that includes adoption of the Park Plan by reference; and

WHEREAS, the proposed changes must be consistent with the policies and provision of Vancouver Municipal Code 2.16.070 for review by the Parks and Recreation Advisory Commission for adoption and revisions to the Park Plan; policies and provisions of Vancouver Municipal Code 20.220.010 and 20.285.070 for Planning Commission review to evaluate consistency with the Vancouver Strategic Plan and Comprehensive Plan to encourage orderly development within the community and necessary to further the public interest based on present needs and conditions; and consistency with the Growth Management Act pursuant to the requirements of RCW Chapter 36.70A.070 Park and Recreation elements; and consist with the Planning requirements of the Recreation and Conservation Office for the City of Vancouver to be eligible for grant application and awards; and

WHEREAS, the Parks and Recreation Advisory Commission reviewed the proposed changes at duly advertised work sessions on April 21, May 19, July 21, and August 18, 2021, and duly advertised public hearings on September 15, and October 20, 2021 and at those

hearings, in consideration of cumulative impacts of all the proposed Park Plan changes, voted unanimously to recommend approval of the amended and restated Park Plan described herein for adoption to the City Council; and

WHEREAS, the Planning Commission reviewed the proposed changes at a duly advertised work session on October 26, 2021, and a duly advertised public hearing on November 9, 2021 and at that hearing, in consideration of cumulative impacts of all the proposed Park Plan changes, voted unanimously to recommend approval of the amended and restated Park Plan described herein for adoption to the City Council; and

WHEREAS, the City Council conducted duly advertised public work sessions on July 12, September 27 and November 22, 2021, a first reading of the proposed ordinance on December 13, and a public hearing on December 20, 2021, following which the Council agrees with the Park and Recreation Commission and Planning Commission recommendations; and

WHEREAS, pursuant to VMC 20.780 the cumulative environmental impacts of the proposed Comprehensive Plan have been reviewed and determined to be nonsignificant pursuant to the State Environmental Policy Act. A Notice of Determination of Non-significance (DNS) was issued on October 13, 2021 for the proposed Park Plan update, and no SEPA comments or appeals were received; and

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF VANCOUVER:

**Section 1. Council Findings and Conclusions.**

The Council makes the following findings:

1. The requirements of VWC 20.780 (SEPA Regulations) have been met; and

2. The adoption of the 2022-31 Park Plan is consistent with the applicable provisions of the Growth Management Act, state and federal law, or other legal mandates; and

3. The adoption of the 2022-31 Park Plan is consistent with the applicable provisions of the Vancouver Strategic Plan and Vancouver Comprehensive Plan and necessary to further the public interest based on present needs and conditions; and

4. The adoption of the 2022-31 Park Plan is consistent with the planning requirements of the Recreation and Conservation Office; and

5. The Parks and Recreation Advisory Commission findings and conclusions as set forth in the public hearing staff reports for September 15, 2021 and October 20, 2021, and Planning Commission findings and conclusions as set forth in the public hearing staff report for November 9, 2021 are hereby adopted as the City Council's findings of fact.

## **Section 2. Comprehensive Plan Text Changes.**

A. Vancouver Comprehensive Plan 2011-2030 Appendix E, Other Plans and Documents adopted by Reference, Item I, adopted by Ordinance M-4147, is amended as follows: ~~Vancouver Parks, Recreation and Natural Areas Comprehensive Plan 2014, and 2017-2022 Capital Facilities Plan.~~ Vancouver Parks, Recreation & Cultural Services Comprehensive Plan (2022-2031), and attached hereto as Exhibits A – Exhibit X.

## **Section 3. Repeal of 2014 Park Plan.**

Ordinance M-4080 adopting the 2014 Park Plan is hereby repealed.

**Section 3. Severability.** If any clause, sentence, paragraph, section, or part of this ordinance or the application thereof to any person or circumstances shall be adjudged by any court of competent jurisdiction to be invalid, such order or judgment shall be confined in its operation to the controversy in which it was rendered and shall not affect or invalidate the remainder of any

parts thereof to any other person or circumstances and to this end the provisions of each clause, sentence, paragraph, section or part of this law are hereby declared to be severable.

**Section 5. Effective Date.** This ordinance shall go into effect on January 1, 2022.

**Section 6. Instruction to City Clerk.** The City Clerk shall transmit a copy of the revised development code to the Washington Department of Commerce.

**Read First Time:**

Ayes: Councilmembers

Nays: Councilmembers

Absent: Council Members

**Read Second Time:**

PASSED BY THE FOLLOWING VOTE:

Ayes: Councilmembers

Nays: Councilmembers

Absent: Councilmembers

SIGNED this \_\_\_\_\_ day of \_\_\_\_\_, 2021

\_\_\_\_\_  
Anne McEnery-Ogle, Mayor

Attest:

\_\_\_\_\_  
Natasha Ramras, City Clerk

Approved as to form:

\_\_\_\_\_  
Jonathan Young, City Attorney

ORDINANCE - 5

## SUMMARY

ORDINANCE NO. M\_\_\_\_\_

An ORDINANCE relating to amending and restating the entire text of Vancouver Comprehensive for adoption of the 2022-2031 Vancouver Parks, Recreation & Cultural Services Comprehensive Plan by reference into Appendix E; providing for severability; and establishing an effective date.

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

# VANCOUVER COMPREHENSIVE PARKS, RECREATION AND NATURAL AREAS PLAN

## 2022 – 2031

### EXHIBIT A – SUMMARY OF AMENDMENTS

The City of Vancouver serves a community with diverse recreational interests and a strong legacy of valuing parks, natural spaces and cultural services. Vancouver Parks, Recreation & Cultural Services Comprehensive Plan establishes a community-informed framework for the provision of a premier parks, recreation and cultural services to enhance the quality of life for the residents of our community.

Amendments to the Comprehensive Plan provide components required to satisfy grant eligibility and responds to community needs as identified through the assessment process. These amendments include:

1. Definition of the planning area
2. Description of the public involvement plan and planning process to allow residents adequate opportunity to comment, including user surveys.
3. Park Inventory Updates and Reclassifications
4. New Park Classifications for urban centers
5. Evaluation of the Level-of-Service (LOS) and Need for acquisition and development of park facilities over the project planning period of 2022 through 2031
6. Park Improvement Levels
7. Updated Goals and Objectives
8. An updated 10-year capital facilities plan (CFP)

The plan update includes goals to reflect the needs, values and priorities of the community. In addition, the plan includes new park classifications and development definitions for innovative approaches to meet the needs of a growing and diversified community and maximize the accessibility of the park system. The level of service review criteria was expanded to assure access, equity, and safety and sustainability. The updated vision, mission and goals support themes and objectives identified by the Vancouver City Council including climate readiness; diversity, equity and inclusion; and public safety.

#### 1. Planning Area

When the 2014 Plan was adopted the city-county interlocal was still in effect, therefore the planning area encompassed the entire county. Through amendments to the PIF Technical Document following dissolution of the interlocal in 2016, the City redefined the planning area as the incorporated area. The proposed 2022 Park Plan update will formally amend the planning area of the Vancouver Parks, Recreation and Cultural Services Comprehensive Plan to be within the Vancouver city limits.

#### 2. Public Involvement

Involving our community in the planning process was critical in evaluating the effectiveness of existing policies, programs and priorities and to capture a snapshot of the community vision, needs, and goals for the future. Multiple methods were utilized to encourage public involvement throughout the update process. The steps utilized in the public involvement process included:

- A project website including a visioning video regarding the important role that the park system plays in the quality of life in our community, and a call to action to get involved in the planning process.
- Project branding: Essential Spaces was selected for the comprehensive plan update to reflect the importance of Parks, Recreation & Cultural Services in the community.

- Community engagement tabling events at eight locations for twelve events that included: Party in the Park, Movie in the Park, Community centers, and Farmer's markets.
- Opportunities for public input at Parks Recreation Advisory Commission public meetings.
- Two user surveys provided in several languages.
- Multiple stakeholder meetings.
- On-line draft plan review; and
- Planning Commission and City Council Public Meetings

### 3. Park Inventory Updates and Reclassifications

A thorough update of the park inventory was completed, and park classifications were used to categorize existing park and recreation facilities based upon their natural characteristics, functions, and typical assets.

**Inventory Changes Since 2014:** New subsection describes the additions to the inventory since the 2014 Plan was adopted, as well as corrections of omissions and name changes.

**Public elementary school field acres** estimated at 155 acres are added to the Neighborhood inventory at a discounted rate of 46% based on public access outside of school hours and events, and available daylight hours in a calendar year.

**Geographic Information System (GIS)** acreage: The entire park system inventory migrated to the GIS acres data set to provide more consistent maintenance and coordination with level of service analysis. Previous inventories utilized Assessor acres.

**Proposed Reclassifications:** During review of park inventory some properties were reclassified to reflect site resources, functions, and typical assets amendments. Recommended changes to site classifications are reflected below:

| PIF District | Park Name                       | Existing Classification | Proposed Classification | Total Acres |
|--------------|---------------------------------|-------------------------|-------------------------|-------------|
| C            | Behrens Woods                   | NH                      | UNA                     | 2.05        |
| C            | Evergreen School Park           | NH                      | UNA                     | 10.56       |
| C            | Hanna Acres                     | NH                      | UNA                     | 4.10        |
| B            | Sam Brown                       | NH                      | RNA                     | 2.46        |
|              |                                 |                         |                         |             |
| B            | Oak Brook                       | NH                      | CP                      | 13.35       |
| A            | Dollie and Ed's Park            | NH                      | CP                      | 9.56        |
|              |                                 |                         |                         |             |
| B            | David Douglas Park Natural Area | CP                      | UNA                     | 25.00       |
| A, B, C      | Burnt Bridge Creek Greenway     | UNA                     | RNA                     | 423.72      |
|              |                                 |                         |                         |             |

#### Acronyms:

- |             |                          |         |                        |
|-------------|--------------------------|---------|------------------------|
| • CP        | Community Park           | • UNA   | Urban Natural Area     |
| • NH        | Neighborhood Park        | • I-UNA | Improved Urban Natural |
| • PIF Dist. | Park Impact Fee District | Area    |                        |
| • RNA       | Regional Natural Area    |         |                        |



## 4. New Park Classifications

New Urban Center Park classifications added to the plan to address the needs of a rapidly developing city.

### **Urban Center Parks:**

Civic Plazas and Linear Parks classifications serve high density day use and residential population areas emerging throughout the city. These park types are proposed for funding support through amendments to the Park Impact Fee program for commercial, industrial and mixed land use developments for consideration by City Council in the future. Urban center parks may serve as the neighborhood park for local residents and day use population, but also provide opportunities for community events that draw from outside the project area, improve connectivity and have a unique identify or sense of place. These essential spaces aim to provide access to natural spaces, visit with neighbors, and relief from the built environment.

### **Civic Plazas or Community Squares:**

Civic Plazas are typically located in higher density urban landscapes or town centers. They provide the day-to-day recreational needs of nearby residents and the day use population generated by employees, shoppers, transit-users, and visitors, but also provide opportunities that draw from outside the project area.

Civic Plazas provide a unique sense of community connection and identify, offer a variety of natural and built spaces and landscapes, and designed with the necessary infrastructure to support community events. They often include benches or other seating areas, landscaping, performance and vendor space, public art, and fountains or water features.

These facilities should be centrally located with good connectivity to the surrounding pedestrian network and services, and generally target one acre in size or an average city block or larger to provide sufficient space to functionally support and draw community events.

Civic plazas may be developed and managed by other public or private entities in partnership with the city when consistent with funding policies but are intended to be public spaces. Civic plazas must contribute to park system improvements based on standards and need versus designed to primarily serve a project development.

### **Linear Parks:**

Linear parks are developed landscaped areas and other lands that follow linear corridors such as abandoned railroad rights-of-ways, canals, streams and rivers, power lines, and other elongated features. Linear Parks add to the network and connectivity of the park systems rather than isolated features and designed and coordinated with designated pedestrian corridors and signature trails, including the regional trail system. They include park amenities such as way finding and interpretive signage, benches or respite areas, landscaping, small play areas and viewpoints.

## 5. Level of Service and Park Need

A detailed analysis was completed for both the population-based and geographic distribution standards as currently adopted. New metrics were added to the analysis process to better inform the plan update and future planning. These results were used to inform and prioritize the capital facilities project list for the next ten years. The metrics and criterion are provided here.

**Equity and Park Quality metrics** are added to the level of service analysis to identify areas more accurately with the greatest need for additional park acquisition, new development, redevelopment and repairs to inform capital project priorities.

**Park Equity Analysis Criteria** *(evaluated by census tract):*

Density per Acre, Populations Age (% 19 and Under), Populations Age (% 65 and over); BIPOC Population (%); Income Below Poverty Level (%); Median Household Income: Households with 1+ Disability (%); Obesity (%).

**Park Quality Analysis Criteria** *(evaluated by park service area):*

- Level of Service (Park ac/1000 People)
- Geographic Distribution: ½ mile / 10-minute walk
- Park Development Level (Level-1 through Level-4)
- Length of time sites have remained undeveloped
- Urban Natural Areas: Identified sites for accessibility and safety improvements
- Variety of recreational experience and landscape
- Safety – Age/Lifespan of play structure
- Safety – Other built assets
- Sustainability – built assets
- Sustainability of Natural Landscape and resources
- Accessibility

## 6. Park Improvement Levels

Typical improvements proposed for park projects by park classification are amended to include:

**Themed play structures** will be included in all parks as much as funding and space availability allow throughout the park system to create unique neighborhood identity, vitality, and recreational and educational variety.

**Support services** such as restrooms, picnic shelters, and designated parking areas will be in strategically located throughout the park system in larger neighborhood parks, particularly where community parks are limited, to provide more equitable access to expanded recreational opportunities.

**Universally accessible play structures** and other assets will be incorporated into all new community parks and replacements of aging structures.

**Pollinator species** will be supported through park design and maintenance practices throughout the park system. Compatible plant species will be included in landscaped areas as well as natural spaces as much as feasible, with a target of 25%.

**Underutilized Urban Natural Areas.** Natural areas that are appropriate candidates for improved public access and safety will be identified (designated as I-UNA) to facilitate more passive recreational opportunities and access to nature. This effort is to maximize existing infrastructure, connectivity, and public investment in existing ownerships. Improvements could include soft surface trails and connectivity, seating areas, natural resource enhancements and signage.

## 7. Goals & Objectives

Most of the proposed plan changes are housekeeping amendments intended to add clarity and remove outdated references, errors, or redundancies. No significant amendments are proposed to current standards, policies or the Vancouver Municipal Code. Goals and objectives were refreshed to reflect the current Strategic Plan goals and preliminary themes of City Council. By implementing these goals and objectives, VPRCS can develop meaningful public spaces that best serve our community.

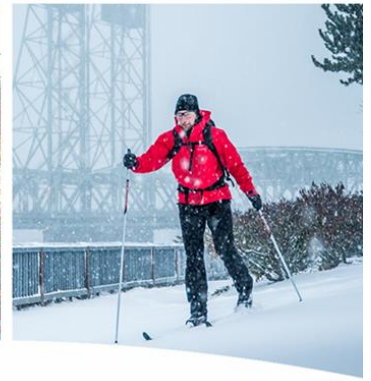
## 8. Capital Facilities Plan

The Capital Facilities Plan is a ten-year work plan that is based on compiling public input, recreational trends, level-of-service, existing inventory, and the Need Analysis based upon current and projected population.

The proposed capital facilities plan exceeds projected revenues, including REET, General Fund, Park Impact Fees, Grants and Conservation Futures. It is important to emphasize that the CFP must plan for the future and anticipate opportunities of additional funding through grants, donations, or changes in economic conditions. The proposed project list reflects actions needed to support adopted standards and goals, anticipate future opportunities and partnerships, comply with expenditure requirements of the Park Impact Fee (PIF) program, and maintain and enhance current and proposed facility infrastructure. Projects will not move forward until committed funding sources are identified and approved through the budget process.

### 2022 - 2031 CAPITAL FACILITIES PLAN SUMMARY

| Project Name                      | Uninflated Local Cost | 2022              | 2023              | 2024              | 2025              | 2026              | 2027              | 2028              | 2029              | 2030              | 2031              |
|-----------------------------------|-----------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|
| Project Type                      |                       |                   |                   |                   |                   |                   |                   |                   |                   |                   |                   |
| Park Acquisition                  | 33,716,221            | 4,722,622         | 3,988,804         | 2,517,115         | 680,356           | 1,679,347         | 721,790           | 1,773,200         | 1,491,372         | 586,036           | 603,617           |
| Park Development                  | 114,996,800           | 4,878,000         | 7,920,700         | 8,752,425         | 9,534,043         | 16,520,593        | 18,711,650        | 18,437,163        | 14,205,043        | 18,013,471        | 17,515,014        |
| Urban Park Improvements & Repair  | 4,896,000             | 622,000           | 1,104,160         | 394,655           | 413,051           | 429,944           | 442,843           | 468,069           | 482,111           | 496,574           | 511,471           |
| Capital Repairs, Planning, Trails | 7,263,000             | 320,000           | 366,886           | 292,808           | 1,537,904         | 472,714           | 1,350,091         | 322,394           | 356,417           | 1,401,048         | 2,107,209         |
| Special Facility Devel. & Imp.    | 3,333,000             | 617,000           | 541,780           | 531,511           | 743,054           | 769,848           | 307,208           | 17,911            | 18,448            | 19,002            | 19,572            |
| <b>GRAND TOTAL</b>                | <b>164,205,021</b>    | <b>11,159,622</b> | <b>13,922,330</b> | <b>12,488,514</b> | <b>12,908,408</b> | <b>19,872,446</b> | <b>21,533,580</b> | <b>21,018,736</b> | <b>16,553,391</b> | <b>20,516,130</b> | <b>20,756,883</b> |



## Parks, Recreation & Cultural Services Comprehensive Plan Public Engagement Update



- Be Heard Vancouver: [Essential Spaces page](#) and initial survey launch: 5/20/2021
- Number of responses for survey (5/20 to 8/30/2021): **2,339**
  - Over 3,000 individuals have visited the Essential Spaces page
  - Number of responses for the priorities survey (9/1-30/2021): **1,478**
  - Please see page 2 for what we've learned so far

### Emails

- Survey Launch Email to 45,000 recipients
- Diverse community groups to extend our reach
- Newsletters: Vancouver Connects (COV), Parks & REcord and Office of Neighborhoods

### Social Media *(posts will continue to be spread across platforms throughout the project)*

- Multiple posts to encourage participation.

### In-person Outreach

- Party in the Park & Movies in the Park (11 events)
- Parks and Recreation Community Centers
- Farmer's Markets

### Other Outreach

- Signs placed in parks and along trails (80 signs)
- Presentations

### Stakeholder Discussions:

- Public Works: Maintenance & Urban Forestry
- Transportation, Surface Water Management, Utilities
- Community & Economic Development
- Public School Districts
- Diversity Equity & Inclusion

### Outreach to diverse community members:

- Signs were posted within local parks and on trails in multiple languages: English, Spanish, Russian and Vietnamese
- Surveys provided in multiple languages
- Flyers were distributed to schools, provided at day camps and local libraries
- Posters at the community recreation centers
- In-person outreach with bi-lingual staff support in 8 parks for 11 events, Farmer's Markets & Community Centers
- Diverse stakeholders group discussion





## Survey #1 Results: May 1 to August 30, 2021 / 2,339 Responses

- 98% of respondents agree that public parks, trails, natural areas, community centers, programs, activities and events make the City of Vancouver a more desirable place to live.
- 94% have visited a park in the past 30 days
- 82% used a public trail (some let us know they like the trails in their local park within the comments)
- 53% walk, 41% drive and 5% ride a bike or roll to get to their local park.
- 98% responded that it is important to have a park or trail within walking distance from their home
- 44% of the respondents have children living in their home

Top reasons survey respondents use local parks: *Note – Respondents could select their top 2 choices*

1. To enjoy the outdoors or nature: 57%
2. To exercise: 56%
3. To take children in their care to the playground: 25%
4. To reduce stress and improve mental health: 19%
5. To participate in activities with friends or family: 11%

Most valued in outdoor parks and recreation: *Note - Respondents could select their top 5 choices*

1. Hiking, walking and biking trails (86%)
2. Public access to streams, rivers & lakes (60%)
3. Picnic areas and shelters (46%)
4. Children's play structures (48%)
5. Wildlife viewing (41%)

Areas of concern:

- Facilities need updating
- Facilities are too far away
- Too few walking (25%) or biking connections (13%)
- Homelessness in parks and along trails
- Other maintenance needs



Top items respondents would change: *Note – Respondents could select their top 3 choices*

1. Add restrooms (36%)
2. Provide more park benches (25%)
3. Add nature play areas: (25%)
4. Water play / splash pad (23%)
5. Include exercise equipment stations / Inclusive play areas for all ages (20%)

## Survey #2 Results Budget Priorities: September 1 to 30, 2021 / 1,478 Responses

More than two thirds (68%) of respondents support increasing funding to provide a higher quality of maintenance for existing and future parks and trails, 20% were unsure and 12% were not supportive of increased funding.

The following table provides the prioritized goals by rank per community feedback:

| Rank | Priority Goal                                                                                            | Rank | Priority Goal                                                                                                        |
|------|----------------------------------------------------------------------------------------------------------|------|----------------------------------------------------------------------------------------------------------------------|
| 1    | Repair or replace worn or older park features.                                                           | 5    | Enhance parks, recreation amenities & trails along natural waterways to create more opportunities for water contact. |
| 2    | Purchase land & develop new parks in areas where residents have limited access to parks & natural areas. | 6    | Buy land to connect and/or extend existing local or regional trails.                                                 |
| 3    | Add improvements such as restrooms, picnic shelters & parking in more neighborhood parks.                | 7    | Expand the size and/or variety of amenities at existing parks, where feasible.                                       |
| 4    | Develop / build new local or regional trails.                                                            | 8    | Develop/build more playgrounds that are centered on themes like dinosaurs, outer space, etc.                         |



# ESSENTIAL SPACES

Parks, trails, recreation and cultural services improve quality of life in Vancouver. These Essential Spaces contribute to a vibrant and connected community and open doors to economic vitality.

## Society

### COMMUNITY AND CONNECTION

Relationships developed between people and the places they live foster a sense of belonging, attachment and stewardship. Recent studies reveal that residents with access to parks, trails and greenspaces feel more connected to their community and neighbors.

### ARTS AND CULTURAL PROGRAMS

Urban parks have always been an important setting for arts and cultural programs and displays. Concerts, movies and festivals in the parks are popular events that bring community members together and enrich our quality of life. Arts and culture help to communicate emotions, ideas, history and more, enriching our experience of public spaces.

### EQUITY

Parks must offer **safety** and a be welcoming gathering place for people of all ages, abilities and backgrounds to enjoy and thrive. Concentrations of lower income households, high density developments, seniors, those under age 19, people of color and those with higher disposition to chronic disease and obesity rely most on the benefits provided by the public park system. Any disparity in the access to public parks and natural areas demands focused and creative funding approaches to ensure equity for all residents.

## Environmental Sustainability

### ECOSYSTEM CONSERVATION

Just as growing communities need to upgrade and expand infrastructure like roads and utilities to serve their residents, they also need to enhance and expand their green infrastructure to **balance the impact of the built environment**. The park system enhances and compliments natural green spaces to improve water quality, reduce flood risk, shade homes and streams during extreme heat and enhance fish and wildlife habitat for environmental and economic sustainability.

An interconnected system of parks, trails, and green spaces help to **conserve the natural ecosystem** resulting in cleaner air and water for improved short- and long-term health benefits. The park system provides **transportation alternatives** with trails and bikeways to **reduce the use of carbon fuels**; offers areas for infiltration of surface water such as rain gardens to **recharge ground water** and protect stream levels; **creates habitat** for urban bird and wildlife species; and supports diverse plant life. These amenities can translate into direct cost savings to city residents.

### STEWARDSHIP

Fond childhood memories are often connected to an experience in the outdoors. Whether it be climbing a tree, seeing your first eagle or the exciting view behind the dugout; each experience connects the outdoors to our own wellbeing. Nature is an outdoor classroom where youth and adults can learn the ecological value of the beautiful natural landscapes we enjoy in the Pacific Northwest. Access to natural environment fosters community connection and stewardship through activities like tree planting; advocating for a larger tree canopy to improve **air quality** and protect scenic views; building bat boxes; planting native species to support pollinators, wildlife and diverse ecosystems; volunteering at a clean-up event; or selling locally grown produce at a farmer's market.

## Economy

### ECONOMIC DEVELOPMENT

Essential spaces can be a source for renewed neighborhood or community vitality. Quality parks, recreation and cultural services attract and help retain businesses; encourage home ownership; draw new tenants and retirees; provide space for community and corporate events; and encourage a diverse and qualified workforce.

### LAND VALUE

Parks and recreation services are often cited as one of the most important factors in attracting new residents and creating a quality of life that makes them want to stay in a community. Access to interconnected parks, trails and community event spaces **increases property values**.

### TOURISM

Iconic community spaces like Vancouver Waterfront Park draw visitors from outside the area to enjoy our city and all it has to offer! Whether it's a family picnic in the park or an extended stay where visitors enjoy nearby restaurants, hotels and shopping, parks play an important role in attracting tourism. A vibrant and culturally enriched park system boosts the city revenues that **support improved community services** for all.

### COMMUNITY VITALITY

Urban parks broadly include parkland, trails, waterfront promenades, natural areas and riparian corridors, and public gardens. These areas define the layout of a city, its real estate value, traffic flow, land use buffers, public event spaces and the civic culture of our communities. A rich and interconnected green infrastructure **creates cities and neighborhoods with beauty, breathing room and value**.

## Health

### PUBLIC HEALTH

People value the time they spend in city parks, whether walking a dog, playing basketball, having a picnic or sitting quietly under the shade of a White Oak. Along with these expected leisure amenities, parks provide measurable **physical and mental health benefits** simply through direct contact with nature, a cleaner environment, and opportunities for **physical activity and social interaction**. Access to parks and trails promote increased activity levels for adults and youth, **reduce obesity and the impacts of chronic diseases**, especially in vulnerable populations. Parks and recreation opportunities have been strongly linked to reduced juvenile delinquency, reduced health care costs and improved quality of life in a community.

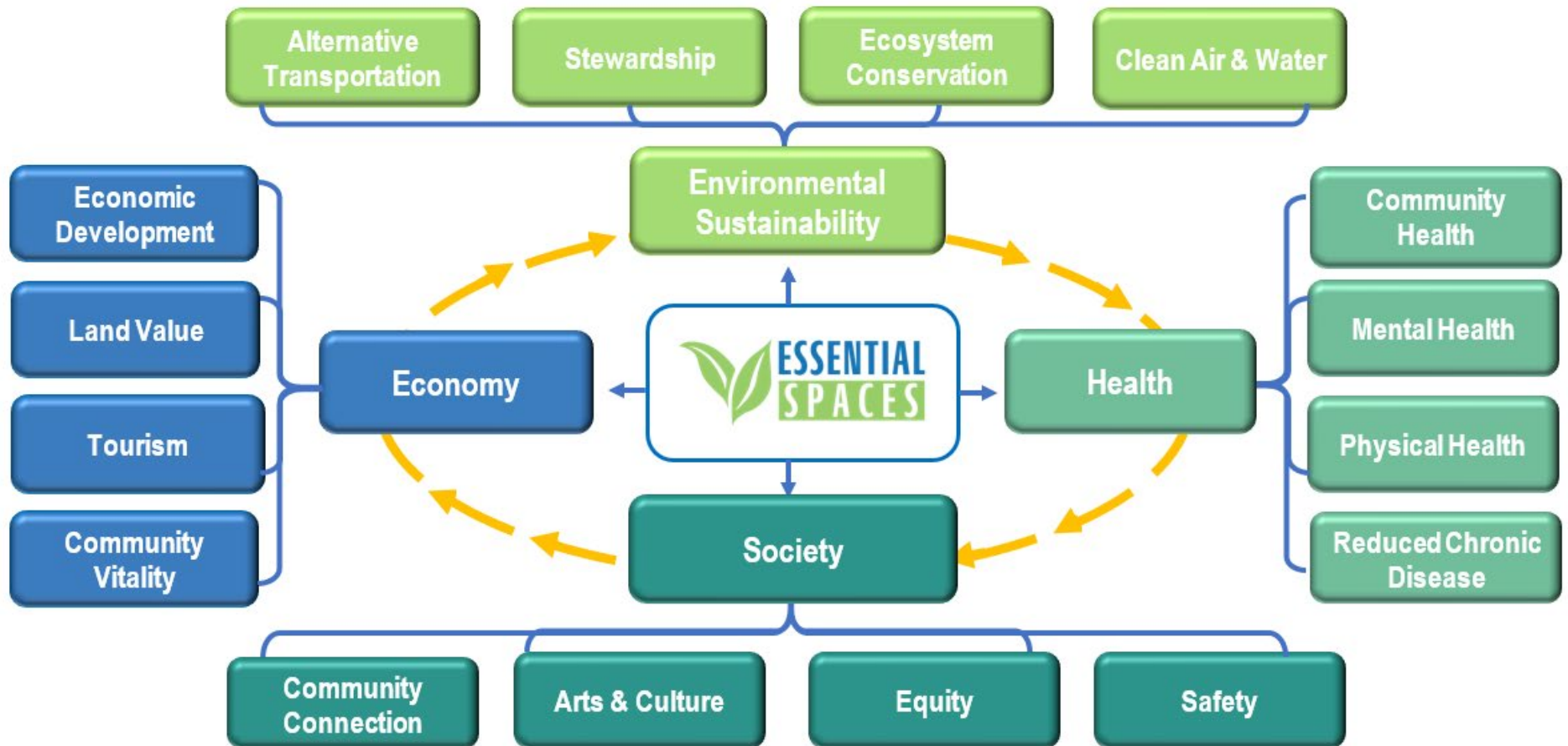
### SAFETY

Recent studies report that green spaces adjacent to residential areas create neighborhoods with **lower crime rates**, where neighbors tend to support and protect one another because they are more socially connected. Parks and recreation opportunities have been strongly linked to reduced juvenile delinquency and health care costs and an increased quality of life in a community.





Parks, trails, recreation and cultural services improve quality of life in Vancouver.  
These Essential Spaces contribute to a vibrant and connected community and open doors to economic vitality.

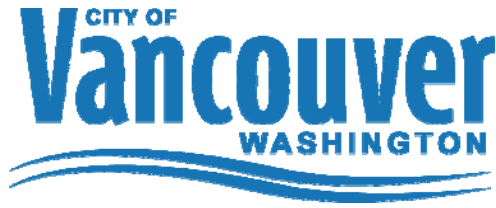




| Parks, Recreation & Cultural Services Department - Common Acronyms |                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|--------------------------------------------------------------------|-------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Acronym                                                            | Full Name                                       | Brief Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| ADA                                                                | Americans with Disabilities Act                 | Program to make new and existing facilities readily accessible to and usable by persons with disabilities.                                                                                                                                                                                                                                                                                                                                                                       |
| CAF                                                                | Cost Adjustment Factor (PIF)                    | Discount for taxes and fees currently paid by new homeowners towards park acquisition and development within the park impact fee formula.                                                                                                                                                                                                                                                                                                                                        |
| CDBG                                                               | Community Development Block Grant               | Units of local government receive federal funds through the State. The funds help develop and preserve affordable housing and provide services to the most vulnerable in our communities. The funds also help to create and retain jobs. The requirements of 24 CFR 570.486 must be followed.                                                                                                                                                                                    |
| CFP                                                                | Capital Facilities Plan                         | A required component of the comprehensive plan dealing with proposed projects and services and their related costs.                                                                                                                                                                                                                                                                                                                                                              |
| CP                                                                 | Community Park                                  | Urban Park Type, typically 20+ acres, serving residents within a 3 mile radius area. Common amenities typically include walking paths, themed play areas, open lawns, benches, shelters, picnic tables, play courts, & sport fields. Parking and restrooms are needed due to the larger service area.                                                                                                                                                                            |
| DOC - WA                                                           | Washington State Department of Commerce         | The Department of Commerce strengthens communities and works to grow Washington's economy. Grant programs support local projects.                                                                                                                                                                                                                                                                                                                                                |
| GIS                                                                | Geographic Information Systems                  | A computer application used to store, view, and analyze geographical information. Maps are an important function of the system.                                                                                                                                                                                                                                                                                                                                                  |
| GMA                                                                | Growth Management Act                           | State law that requires the fastest growing counties in the state to construct comprehensive plans ( <i>see RCW 36.70A</i> ).                                                                                                                                                                                                                                                                                                                                                    |
| ILA                                                                | Interlocal Agreement                            | An agreement between local public agencies in the interest of sharing resources for their mutual benefit.                                                                                                                                                                                                                                                                                                                                                                        |
| I-UNA                                                              | Improved Urban Natural Area                     | This is a proposed new category to include improved natural areas for passive recreation that may include trails, benches, and picnic tables.                                                                                                                                                                                                                                                                                                                                    |
| LOS                                                                | Level of Service                                | A method of measuring and defining the type and quality of a particular public service.                                                                                                                                                                                                                                                                                                                                                                                          |
| M & O                                                              | Maintenance and Operations                      | The various activities commonly undertaken to maintain and operate park and recreation facilities                                                                                                                                                                                                                                                                                                                                                                                |
| MOU                                                                | Memorandum of Understanding                     | A document describing a bilateral or multilateral agreement between parties                                                                                                                                                                                                                                                                                                                                                                                                      |
| NH                                                                 | Neighborhood Park                               | Urban Park Type, typically 2-5 acres, service area = 1/2 mile radius. Common amenities include walking paths, play areas, open lawns, benches, picnic tables and sport courts. This is a walk to destination to serve the local community and do not typically include supportive facilities such as restrooms and parking. Some high use areas may warrant expanded amenities and support services where community parks are not available or in higher density land use areas. |
| NRPA                                                               | National Recreation and Parks Association       | NRPA is the leading advocacy organization dedicated to the advancement of public parks and recreation opportunities.                                                                                                                                                                                                                                                                                                                                                             |
| OFM                                                                | Washington State Office of Financial Management | State office that officially provides the County and City population projections that as a minimum must be used in growth management planning.                                                                                                                                                                                                                                                                                                                                   |
| Park AC                                                            | Park Acreage                                    | Number of acres per type of park. For example the current level of service is Park Ac / 1000 residents.                                                                                                                                                                                                                                                                                                                                                                          |
| PC                                                                 | Planning Commission                             | A group of people appointed by the city council to administer planning and land use regulations for the jurisdiction.                                                                                                                                                                                                                                                                                                                                                            |
| PIF                                                                | Park Impact Fee                                 | A fee levied on the developer of a single or multi-family residential unit as compensation for the expected effect of that development on the provision of park, trails and open space ( <i>RCW 82.02</i> ) .                                                                                                                                                                                                                                                                    |
| PIF District                                                       | Park Impact Fee District                        | A defined area in which park impact fees are collected and expended to provided urban park and open space services.                                                                                                                                                                                                                                                                                                                                                              |
| PRAC                                                               | Parks & Recreation Advisory Commission          | A collection of city appointed citizen and agency representatives who advise the city council and board of commissioners on matters related to the provision of park & recreation services.                                                                                                                                                                                                                                                                                      |
| RCO                                                                | Recreation & Conservation Office                | An executive branch state agency that serves five boards; it implements policies and programs established by the boards, the Legislature, and the Governor; and it administers state and federal grant programs for recreation and habitat conservation.                                                                                                                                                                                                                         |
| RCW                                                                | Revised Code of Washington                      | The most recent edition, in a consolidated form, of all laws of the state of a general and permanent nature ( <a href="https://apps.leg.wa.gov/rcw/">https://apps.leg.wa.gov/rcw/</a> )                                                                                                                                                                                                                                                                                          |
| REET                                                               | Real Estate Excise Tax                          | A tax on all sales of real estate, measured by the full selling price, including the amount of any liens, mortgages and other debts given to secure the purchase, at a pre-determined rate, subject to state law.                                                                                                                                                                                                                                                                |
| REET-C                                                             | City Real Estate Excise Tax                     | Real Estate Excise Tax collected within the city limits                                                                                                                                                                                                                                                                                                                                                                                                                          |
| REET-R                                                             | Regional Real Estate Excise Tax                 | Real Estate Excise Tax collected outside city limits and urban growth areas.                                                                                                                                                                                                                                                                                                                                                                                                     |
| REET-U                                                             | Urban Unincorporated Real Estate Excise Tax     | Real Estate Excise Tax collected outside the Vancouver City limits, but within the Vancouver Urban Area                                                                                                                                                                                                                                                                                                                                                                          |
| RG PK                                                              | Regional Park                                   | including sport fields, extensive trail systems and large picnic areas. Amenities vary by site. Location examples include Vancouver Lake Regional Park and Frenchman's Bar within the City of Vancouver boundaries.                                                                                                                                                                                                                                                              |
| SEPA                                                               | State Environmental Policy Act                  | Washington State Environmental Policy Act which requires that the environmental impacts of a proposed action be considered, analyzed, and, if necessary, mitigated prior to enactment.                                                                                                                                                                                                                                                                                           |
| UC                                                                 | Urban Center (Proposed new category)            | Mixed use, high density residential, commercial/industrial area that includes plazas, civic squares and public areas.                                                                                                                                                                                                                                                                                                                                                            |

|       |                                                  |                                                                                                                                                                                                                                                                                       |
|-------|--------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| UGA   | Urban Growth Area                                | Areas established as part of the growth management process to allow for the efficient provision of urban levels of governmental services and where urban growth will be encouraged.                                                                                                   |
| UGB   | Urban Growth Boundary                            | The line designating the extent of the urban growth area.                                                                                                                                                                                                                             |
| UNA   | Urban Natural Area                               | Any parcel or area of land or water that is essentially unimproved and devoted to an open space use such as preservation of natural resources, outdoor recreation not requiring development, or public health and safety - i.e.. flood control. Also known as Urban Open Space (UOS). |
| UUA   | Urban Unincorporated Area                        | The area within the Vancouver Urban Growth Area that is outside of the City limits.                                                                                                                                                                                                   |
| VPRCS | Parks, Recreation & Cultural Services Department | City of Vancouver, Parks, Recreation and Cultural Services Department name.                                                                                                                                                                                                           |
| VMC   | Vancouver Municipal Code                         | A codification of the General Ordinances of the City of Vancouver                                                                                                                                                                                                                     |
| WAC   | Washington Administrative Code                   | Laws adopted by state agencies to implement state legislation.                                                                                                                                                                                                                        |
|       |                                                  |                                                                                                                                                                                                                                                                                       |

NOTES:      *Dense Urban Center Park Types will be added when available.*  
              *Some of the 'typical' amenities of current park types may change, including themed structures, hybrid NH/CP, etc.*



## MEMORANDUM

**DATE:** Monday, December 6, 2021

**TO:** Mayor and City Councilmembers

**FROM:** Council Subcommittee 1 (Hansen, Glover and Fox)

**CC:** Eric J. Holmes, City Manager  
Shannon Ripp, Boards & Commissions

|                                                                                      |
|--------------------------------------------------------------------------------------|
| <b>RE: Recommendation for Appointment to the City Center Redevelopment Authority</b> |
|--------------------------------------------------------------------------------------|

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

Committee 1 recently interviewed four candidates for two upcoming vacancies on the CCRA and recommends the reappointment of Richard Krippaehne with a term beginning December 31, 2021 and expiring December 31, 2025; and the appointment of Alisa Pyszka with a term beginning December 31, 2021 and expiring December 31, 2025.

If there are no objections, we would like to make this appointment at the **Monday, December 13, 2021** Council meeting.

Attachments:  
Letter of Continued Interest  
Application  
Roster



## MEMORANDUM

**DATE:** Monday, December 6, 2021

**TO:** Mayor and City Councilmembers

**FROM:** Council Subcommittee 2 (Stober, Paulsen and Lebowsky)

**CC:** Eric J. Holmes, City Manager  
Shannon Ripp, Boards and Commissions

|                                                                                         |
|-----------------------------------------------------------------------------------------|
| <b>RE:</b> Recommendation for Appointment to the Downtown Redevelopment Authority Board |
|-----------------------------------------------------------------------------------------|

The Downtown Redevelopment Authority Board (DRA) serves as a citizen advisory body and makes recommendations to the City Council. The DRA is responsible for the oversight of Vancouver Hilton Hotel and Convention Center operations, finances and promotion.

Council Subcommittee 2 recently conducted interviews for one full-term position and recommends the reappointment of Brad Hutton; with a term beginning December 31, 2021 and expiring December 31, 2025.

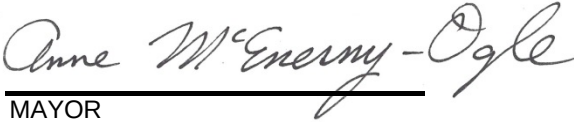
If there are no objections we would like to make this reappointment at the **Monday, December 13, 2021** Council meeting.

Attachments:  
Letter of Continued Interest  
Current DRA Roster

## VOUCHER APPROVAL

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

**\$ 9,464,743.01** this 13th day of December 2021.

  
MAYOR

  
AUDITING OFFICER

  
COUNCILMEMBER

  
COUNCILMEMBER

| DATE                                 | INCLUSIVE CHECK NUMBERS                | CHECK TOTAL            |
|--------------------------------------|----------------------------------------|------------------------|
| November 30, 2021 - December 6, 2021 | Accounts Payable Checks (see attached) | \$ 9,405,461.68        |
| November 30, 2021 - December 6, 2021 | Hansen City Payments (see attached)    | \$ 9,337.27            |
| November 30, 2021 - December 6, 2021 | Visa Refunds (see attached)            | \$ 917.50              |
| November 30, 2021 - December 6, 2021 | Payroll Checks (see attached)          | \$ 49,026.56           |
|                                      |                                        |                        |
| <b>TOTAL</b>                         |                                        | <b>\$ 9,464,743.01</b> |

## INVOICE PAYMENTS REPORT

| <u>Payment Category</u> | <u>Payment Type</u> | <u>Check Number</u> | <u>Payment Date</u>         | <u>Payment Amount</u> | <u>Payment Payee</u>                                       | <u>Payment Memo if applicable</u> |
|-------------------------|---------------------|---------------------|-----------------------------|-----------------------|------------------------------------------------------------|-----------------------------------|
| Supplier Payment        | Manual Wire         | No Reference        | 11/30/2021                  | 225,000.00            | Chicago Title Company of WA                                |                                   |
| Supplier Payment        | Manual Wire         | No Reference        | 11/30/2021                  | 195.65                | MuniServices LLC                                           |                                   |
| Supplier Payment        | Manual Wire         | No Reference        | 11/30/2021                  | 706,529.15            | State of Washington Department of Retirement System (PERS) |                                   |
| Supplier Payment        | Manual Wire         | No Reference        | 11/30/2021                  | 380,127.25            | State of Washington Department of Revenue                  |                                   |
| Supplier Payment        | Manual Wire         | No Reference        | 12/1/2021                   | 8,181.75              | Athlactron Holding                                         |                                   |
| Supplier Payment        | Manual Wire         | No Reference        | 12/1/2021                   | 208,266.89            | Blue Cross Blue Shield of Oregon                           |                                   |
| Supplier Payment        | Manual Wire         | No Reference        | 12/1/2021                   | 56,834.94             | Gallagher Bassett Services Inc                             |                                   |
| Supplier Payment        | Manual Wire         | No Reference        | 12/1/2021                   | 3,094.47              | Internal Revenue Service                                   |                                   |
| Supplier Payment        | Manual Wire         | No Reference        | 12/1/2021                   | 6,464,845.62          | US Bank - Remit-To: US Bank - St Paul                      |                                   |
| Supplier Payment        | Manual Wire         | No Reference        | 12/1/2021                   | 12,782.00             | Washington Dental Service                                  |                                   |
| Supplier Payment        | Manual Wire         | No Reference        | 12/3/2021                   | 409,296.60            | Vancouver Firefighters Union Health & Welfare Trust        |                                   |
| Supplier Payment        | Manual Wire         | No Reference        | 12/3/2021                   | 184,175.00            | Western States Health & Welfare Trust                      |                                   |
| Supplier Payment        | Manual Wire         | No Reference        | 12/6/2021                   | 199,962.04            | Blue Cross Blue Shield of Oregon                           |                                   |
| Supplier Payment        | Manual Wire         | No Reference        | 12/6/2021                   | 27,178.03             | Gallagher Bassett Services Inc                             |                                   |
| Supplier Payment        | Manual Wire         | No Reference        | 12/6/2021                   | 8,568.99              | VSP Vision Care Inc                                        |                                   |
| Supplier Payment        | Manual Wire         | No Reference        | 12/6/2021                   | 14,001.60             | Washington Dental Service                                  |                                   |
|                         |                     |                     | <b>Manual Wire Total</b>    | <b>8,909,039.98</b>   |                                                            |                                   |
| Expense Payment         | Direct Deposit      | EFT-00126076        | 12/2/2021                   | 15.00                 | Hayley Woodbridge                                          | Employee Reimbursement            |
| Expense Payment         | Direct Deposit      | EFT-00126077        | 12/2/2021                   | 194.22                | Kyle Peters                                                | Employee Reimbursement            |
| Expense Payment         | Direct Deposit      | EFT-00126078        | 12/2/2021                   | 79.50                 | Mike Blum                                                  | Employee Reimbursement            |
| Expense Payment         | Direct Deposit      | EFT-00126079        | 12/2/2021                   | 225.00                | Luke Koistinen                                             | Employee Reimbursement            |
| Expense Payment         | Direct Deposit      | EFT-00126080        | 12/2/2021                   | 211.36                | Douglas Van Aalst                                          | Employee Reimbursement            |
| Expense Payment         | Direct Deposit      | EFT-00126081        | 12/2/2021                   | 51.50                 | Travis Moore                                               | Employee Reimbursement            |
| Expense Payment         | Direct Deposit      | EFT-00126082        | 12/2/2021                   | 224.43                | Shane McKee                                                | Employee Reimbursement            |
| Expense Payment         | Direct Deposit      | EFT-00126083        | 12/2/2021                   | 156.23                | John Honrath                                               | Employee Reimbursement            |
| Cash Advance Payment    | Direct Deposit      | EFT-00126084        | 12/2/2021                   | 231.00                | David Chamblee                                             | Travel Advance                    |
| Cash Advance Payment    | Direct Deposit      | EFT-00126085        | 12/2/2021                   | 409.50                | Travis Brown                                               | Travel Advance                    |
| Cash Advance Payment    | Direct Deposit      | EFT-00126086        | 12/2/2021                   | 513.50                | Skip Navarrette                                            | Travel Advance                    |
| Cash Advance Payment    | Direct Deposit      | EFT-00126087        | 12/2/2021                   | 349.00                | Greg Catton                                                | Travel Advance                    |
| Cash Advance Payment    | Direct Deposit      | EFT-00126088        | 12/2/2021                   | 241.50                | Gunnar Skollingsberg                                       | Travel Advance                    |
|                         |                     |                     | <b>Direct Deposit Total</b> | <b>2,901.74</b>       |                                                            |                                   |
| Supplier Payment        | EFT                 | EFT-00126089        | 12/2/2021                   | 320.00                | Rotschy Inc                                                |                                   |
| Supplier Payment        | EFT                 | EFT-00126090        | 12/2/2021                   | 11,179.00             | Sumuri LLC                                                 |                                   |
| Supplier Payment        | EFT                 | EFT-00126091        | 12/2/2021                   | 300,000.00            | Second Step Housing                                        |                                   |
|                         |                     |                     | <b>EFT Total</b>            | <b>311,499.00</b>     |                                                            |                                   |
| Supplier Payment        | Check               | 26829               | 12/1/2021                   | 672.04                | Cellco Partnership - Remit-To: Cellco - Dallas             |                                   |
| Supplier Payment        | Check               | 26830               | 12/1/2021                   | 87.00                 | City of Vancouver - Remit-To: COV Main                     |                                   |

## INVOICE PAYMENTS REPORT

| <u>Payment Category</u> | <u>Payment Type</u> | <u>Check Number</u> | <u>Payment Date</u> | <u>Payment Amount</u> | <u>Payment Payee</u>                                                                                      | <u>Payment Memo if applicable</u>                |
|-------------------------|---------------------|---------------------|---------------------|-----------------------|-----------------------------------------------------------------------------------------------------------|--------------------------------------------------|
| Supplier Payment        | Check               | 26831               | 12/1/2021           | 12,204.00             | Clark County - Remit-To: Clark County - Treasurer Vancouver                                               |                                                  |
| Supplier Payment        | Check               | 26832               | 12/1/2021           | 4,962.79              | Clark Public Utility District No. 1                                                                       |                                                  |
| Supplier Payment        | Check               | 26833               | 12/1/2021           | 181.52                | Comcast Holdings Corporation - Remit-To: Comcast Business - City of Industry                              |                                                  |
| Supplier Payment        | Check               | 26834               | 12/1/2021           | 265.62                | Dex Media West                                                                                            |                                                  |
| Supplier Payment        | Check               | 26835               | 12/1/2021           | 55,255.92             | Gordon Truck Centers                                                                                      |                                                  |
| Supplier Payment        | Check               | 26836               | 12/1/2021           | 1,128.93              | Municipal Emergency Services Inc - Remit-To: Municipal Emergency Services - Chicago                       |                                                  |
| Supplier Payment        | Check               | 26837               | 12/1/2021           | 13,593.75             | Murraysmith Inc                                                                                           |                                                  |
| Supplier Payment        | Check               | 26838               | 12/1/2021           | 22.00                 | Northwest Natural Gas Company - Remit-To: NW Natural - Portland                                           |                                                  |
| Supplier Payment        | Check               | 26839               | 12/1/2021           | 3,553.78              | Northwest Staffing Resources Inc - Remit-To: NW Staffing - Portland                                       |                                                  |
| Supplier Payment        | Check               | 26840               | 12/1/2021           | 2,449.44              | PPC Solutions Inc                                                                                         |                                                  |
| Supplier Payment        | Check               | 26841               | 12/1/2021           | 1,025.42              | Roth Staffing Companies LP - Remit-To: Ultimate Staffing Services                                         |                                                  |
| Supplier Payment        | Check               | 26842               | 12/1/2021           | 19,512.00             | SafeFire LLC                                                                                              |                                                  |
| Supplier Payment        | Check               | 26843               | 12/1/2021           | 7,887.75              | Sequence Graphics LLC                                                                                     |                                                  |
| Supplier Payment        | Check               | 26844               | 12/1/2021           | 371.84                | Software House International SHI - Remit-To: SHI - Dallas                                                 |                                                  |
| Supplier Payment        | Check               | 26845               | 12/1/2021           | 113.60                | State of Washington Department of Labor & Industries - Remit-To: State of WA LNI - Boiler Pressure Vessel |                                                  |
| Supplier Payment        | Check               | 26846               | 12/1/2021           | 6,624.28              | State of Washington Department of Natural Resources - Remit-To: Dept of Natural Resources - Box 47041     |                                                  |
| Supplier Payment        | Check               | 26847               | 12/1/2021           | 10,000.00             | United States Postal Service - Remit-To: United States Postal Service Carol Stream IL                     |                                                  |
| Supplier Payment        | Check               | 26848               | 12/1/2021           | 248.00                | Vast Data Concepts                                                                                        |                                                  |
| Supplier Payment        | Check               | 26849               | 12/1/2021           | 10,563.94             | Wesco Distribution, Inc.                                                                                  |                                                  |
| Supplier Payment        | Check               | 26850               | 12/1/2021           | 1,772.84              | Western Cascade Container LLC                                                                             |                                                  |
| Supplier Payment        | Check               | 26851               | 12/1/2021           | 5,564.04              | Wilson Oil Inc                                                                                            |                                                  |
| Supplier Payment        | Check               | 26852               | 12/1/2021           | 3,512.09              | W Todd Pascoe                                                                                             |                                                  |
| Supplier Payment        | Check               | 26853               | 12/1/2021           | 651.00                | YOLO Washington LLC                                                                                       |                                                  |
| Ad Hoc Payment          | Check               | 26854               | 12/1/2021           | 15.50                 | ASHLEY RICH                                                                                               | VOUCHER 2008700.030                              |
| Ad Hoc Payment          | Check               | 26855               | 12/1/2021           | 270.00                | Bowlby Brews LLC                                                                                          | Refund: Bus Lic Fees Ref COVID-19 surch ref prog |
| Ad Hoc Payment          | Check               | 26856               | 12/1/2021           | 207.19                | Charles Rainwater Jr, Charles Rainwater Sr, Christina Rainwater                                           | Utility Refunds: 0079001900-04                   |
| Ad Hoc Payment          | Check               | 26857               | 12/1/2021           | 40.00                 | Daniel Dechynne and Katherine Hare                                                                        | Utility Refunds: 0074052200-05                   |
| Ad Hoc Payment          | Check               | 26858               | 12/1/2021           | 82.66                 | David Sorrell and Hailey Edmeades                                                                         | Utility Refunds: 0024022100-15                   |
| Ad Hoc Payment          | Check               | 26859               | 12/1/2021           | 80.02                 | D R Horton Inc                                                                                            | Utility Refunds: 0500004706-01                   |
| Ad Hoc Payment          | Check               | 26860               | 12/1/2021           | 46.48                 | Earl Hastings III and Stacey Hastings                                                                     | Utility Refunds: 0000003982-03                   |
| Ad Hoc Payment          | Check               | 26861               | 11/30/2021          | 87.00                 | Evergreen School District                                                                                 | Refund: CIVICGOV inv77036117 cust 759640         |
| Ad Hoc Payment          | Check               | 26862               | 12/1/2021           | 69.38                 | Hasselbach, Martha                                                                                        | Utility Refunds: 0000005676-03                   |
| Ad Hoc Payment          | Check               | 26863               | 12/1/2021           | 43.62                 | Hasselbach, Martha and John                                                                               | Utility Refunds: 0000005676-03                   |
| Ad Hoc Payment          | Check               | 26864               | 12/1/2021           | 68.04                 | Hopkins, Troy                                                                                             | Utility Refunds: 0000005546-05                   |
| Ad Hoc Payment          | Check               | 26865               | 12/1/2021           | 90.54                 | Hovey, Richard and Sylvia                                                                                 | Utility Refunds: 0061060716-20                   |
| Ad Hoc Payment          | Check               | 26866               | 12/1/2021           | 379.15                | Howard and Donna Rachinski Revocable Living Trust                                                         | Utility Refunds: 0012031190-02                   |
| Ad Hoc Payment          | Check               | 26867               | 12/1/2021           | 9,038.49              | iPay Solutions                                                                                            | Refund: iPay duplicated batch                    |
| Ad Hoc Payment          | Check               | 26868               | 12/1/2021           | 110.91                | Jose R Gonzalez and Patricia Gonzalez Richmond                                                            | Utility Refunds: 0063058745-05                   |

## INVOICE PAYMENTS REPORT

| <u>Payment Category</u> | <u>Payment Type</u> | <u>Check Number</u> | <u>Payment Date</u>         | <u>Payment Amount</u> | <u>Payment Payee</u>                                            | <u>Payment Memo if applicable</u>                           |
|-------------------------|---------------------|---------------------|-----------------------------|-----------------------|-----------------------------------------------------------------|-------------------------------------------------------------|
| Ad Hoc Payment          | Check               | 26869               | 12/1/2021                   | 90.00                 | Like Tea Company INC                                            | Refund: Bus Lic Fees Ref COVID-19 surch ref prog            |
| Ad Hoc Payment          | Check               | 26870               | 12/1/2021                   | 228.00                | Lindstrom,Matthew and Alison                                    | Utility Refunds: 0500001483-02                              |
| Ad Hoc Payment          | Check               | 26871               | 12/1/2021                   | 46.36                 | McCarthy,Carolyn                                                | Utility Refunds: 0097001404-02                              |
| Ad Hoc Payment          | Check               | 26872               | 12/1/2021                   | 166.01                | Moore,Bradly W and Shannon L                                    | Utility Refunds: 0063800030-04                              |
| Ad Hoc Payment          | Check               | 26873               | 12/1/2021                   | 20.00                 | Oak Knoll Apartments                                            | Refund: Alarm billing acct 16687 inv 99456725               |
| Ad Hoc Payment          | Check               | 26874               | 12/1/2021                   | 20.00                 | PCS                                                             | Refund: Jordan/Brandon Farley acct T-5215 inv 994464278     |
| Ad Hoc Payment          | Check               | 26875               | 12/1/2021                   | 66.45                 | Prairie Electric, Inc                                           | MPE-309077                                                  |
| Ad Hoc Payment          | Check               | 26876               | 12/1/2021                   | 61.80                 | Rachinski,Howard D                                              | Utility Refunds: 0012031190-02                              |
| Ad Hoc Payment          | Check               | 26877               | 12/1/2021                   | 80.00                 | Shane Tiumalu                                                   | Partial Damage Deposit Refund                               |
| Ad Hoc Payment          | Check               | 26878               | 12/1/2021                   | 20.00                 | Sharetea                                                        | Refund: Alarm billing acct 22103 inv 99455696               |
| Ad Hoc Payment          | Check               | 26879               | 12/1/2021                   | 69.74                 | Sheirman Family Trust                                           | Utility Refunds: 0000001698-02                              |
| Ad Hoc Payment          | Check               | 26880               | 12/1/2021                   | 144.91                | Siemers,Meaghan                                                 | Utility Refunds: 0000003207-03                              |
| Ad Hoc Payment          | Check               | 26881               | 12/1/2021                   | 90.88                 | Sorenson,Debra L and Audun I                                    | Utility Refunds: 0000005516-03                              |
| Ad Hoc Payment          | Check               | 26882               | 12/1/2021                   | 1,000.00              | Spiller,Valerie                                                 | Utility Refunds: 0070002428-02                              |
| Ad Hoc Payment          | Check               | 26883               | 12/1/2021                   | 3,032.33              | TEAM CONSTRUCTION LLC                                           | CMI-305900                                                  |
| Ad Hoc Payment          | Check               | 26884               | 12/1/2021                   | 250.00                | Tiffany David                                                   | Damage Deposit Refund                                       |
| Ad Hoc Payment          | Check               | 26885               | 12/1/2021                   | 180.00                | TLJJ LLC                                                        | Refund: Bus Lic Fees Ref COVID-19 surch ref prog            |
| Ad Hoc Payment          | Check               | 26886               | 12/1/2021                   | 87.00                 | Vancouver Development Co                                        | Refund: Cust dup paid inv 77035046 cust 759632              |
| Supplier Payment        | Check               | 26887               | 12/1/2021                   | 3,514.91              | Northwest Natural Gas Company - Remit-To: NW Natural - Portland |                                                             |
|                         |                     |                     | <b>Check Total</b>          | <b>182,020.96</b>     |                                                                 |                                                             |
|                         |                     |                     | <b>Manual Wire Total</b>    | <b>8,909,039.98</b>   |                                                                 |                                                             |
|                         |                     |                     | <b>Direct Deposit Total</b> | <b>2,901.74</b>       |                                                                 |                                                             |
|                         |                     |                     | <b>EFT Total</b>            | <b>311,499.00</b>     |                                                                 |                                                             |
|                         |                     |                     | <b>TOTAL</b>                | <b>9,405,461.68</b>   |                                                                 |                                                             |
| Hansen                  |                     |                     | 12/6/2021                   | 9,337.27              | City Payments                                                   | Posted 11-29-21 thru 12-05-21                               |
|                         |                     |                     | <b>HANSEN SUBTOTAL</b>      | <b>9,337.27</b>       |                                                                 |                                                             |
| VISA                    |                     |                     | 12/6/2021                   | 226.50                | Miscellaneous                                                   | Parks Class Refunds - FCC 11-29-21 thru 12-05-21            |
| VISA                    |                     |                     | 12/6/2021                   | 691.00                | Miscellaneous                                                   | Parks Class Refunds - MCC 11-29-21 thru 12-05-21            |
| VISA                    |                     |                     | 12/6/2021                   | 0.00                  | Miscellaneous                                                   | Parks Class Refunds - Special Events 11-29-21 thru 12-05-21 |
| VISA                    |                     |                     | 12/6/2021                   | 0.00                  | Miscellaneous                                                   | Parks Class Refunds - WREC 11-29-21 thru 12-05-21           |
|                         |                     |                     | <b>VISA SUBTOTAL</b>        | <b>917.50</b>         |                                                                 |                                                             |
|                         |                     |                     | <b>PAYROLL TOTAL</b>        | <b>49,026.56</b>      |                                                                 | See backup attached                                         |
|                         |                     |                     | <b>GRAND TOTAL</b>          | <b>9,464,743.01</b>   |                                                                 |                                                             |
|                         |                     |                     |                             |                       |                                                                 |                                                             |
|                         |                     |                     |                             |                       |                                                                 |                                                             |



City of Vancouver  
Payroll Council Report  
November 30, 2021 - December 6, 2021

| Check No.     | Date     | Explanation                     | Amount       |
|---------------|----------|---------------------------------|--------------|
| 3507-3510     | 11/30/21 | 11 2021 Pension Payroll         | \$ 5,809.72  |
| 125880-125926 | 11/30/21 | 11 2021 Pension Direct Deposits | \$ 43,216.84 |
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\$ 49,026.56