

## **August 16, 2021 - Vancouver City Council Meeting Minutes**

### **WORKSHOPS**

*Workshops were conducted in a hybrid environment, with Councilmembers, staff and guests participating in-person at City Hall and over video conference utilizing a GoToMeeting platform. Members of the public were invited to view the meeting at City Hall or 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](http://www.facebook.com/VancouverUS), or listen via the GoToMeeting conference call.*

Mayor McEnerny-Ogle was absent. Mayor Pro Tem Linda Glover presided over workshops and the Regular Meeting.

Councilmember Lebowsky was absent from workshops.

### **4:00-4:30 p.m. HQ Development Agreement**

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

#### **Summary**

Staff presented Council with an overview of the proposed Headquarters (HQ) development agreement and Master Plan for the site located in east Vancouver.

### **4:30-6:00 p.m. A Stronger Vancouver Update**

*Eric Holmes, City Manager*

### **Summary**

The City Manager presented to Council a summary of the Stronger Vancouver initiative, where the project was left prior to the COVID-19 pandemic, and a range of options for moving forward.

## **COUNCIL DINNER/ADMINISTRATIVE UPDATES**

6:00-6:30 PM

## **REGULAR COUNCIL MEETING**

*This meeting was conducted in a hybrid environment, with Councilmembers, staff and guests participating in-person at City Hall and over video conference utilizing a GoToMeeting platform. Members of the public were invited to view the meeting at City Hall or 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. Public access and testimony on Consent Agenda and Public Hearing items was also facilitated in person and via the GoToMeeting conference call.*

### **Pledge of Allegiance**

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

The regular meeting of the Vancouver City Council was called to order at 6:30 p.m. by Mayor Pro Tem Linda Glover. This meeting was conducted remotely over video conference.

**Present:** Councilmembers Fox, Paulsen, Lebowsky, Glover, Stober, Hansen

**Absent:** Mayor McEnerny-Ogle

**Motion by Councilmember Hansen, seconded by Councilmember Paulsen, and carried unanimously to excuse Mayor McEnerny-Ogle.**

### **Approval of Minutes**

Minutes - July 19, 2021

**Motion by Councilmember Paulsen, seconded by Councilmember Stober, and carried unanimously to approve the meeting minutes of July 19, 2021.**

Minutes - July 26, 2021

**Motion by Councilmember Stober, seconded by Councilmember Fox, and carried unanimously to approve the meeting minutes of July 26, 2021. Councilmember Paulsen abstained.**

## **Community Communication (Items 1-8)**

Mayor Pro Tem Glover opened Community Communication and, receiving no testimony, closed Community Communication.

## **Consent Agenda (Items 1-8)**

Council requested Items 6 and 7 be pulled from the Consent Agenda for separate discussion, as summarized below.

Regarding Item 6, Judi Bailey, Neighborhoods Coordinator, introduced Randall Franklin, Chair of the Walnut Grove Neighborhood Association. Ms. Bailey provided background information regarding the formation of the new neighborhood association. Mr. Franklin thanked the City for the recognition.

Regarding Item 7, Councilmember Fox asked staff for an estimate on the repairs needed and what the City is expecting to be reimbursed by the State.

Ryan Lopossa, Transportation Manager, stated the needed repairs to the signalized intersection at Thursday Way and Vancouver Mall Drive are estimated to cost about \$17,000. The City is still gathering information pertaining to the damage of the Fourth Plain bridge spanning the BNSF mainline, but staff estimates those costs will be around \$50,000 to \$60,000. He stated WSDOT requires the Council resolution declaring the emergency before they will process reimbursement requests, so City staff is unable to estimate how much will be reimbursed. During previous emergencies, WSDOT often has reimbursed at 100 percent, but that can vary. If the City does not receive funds from the state, it will have to cover the repairs with local funds.

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

### **1. 2019 TIB Complete Streets Columbia Tech Center, construction acceptance and release of retainage**

Staff Report 119-21

#### ***Summary***

*Halme Excavating Inc. of Battle Ground, WA, has satisfactorily completed the subject improvements in accordance with the contract plans and specifications. The original contract bid amount was \$355,946.00. The final project cost was \$315,496.24, which was \$40,449.76 (approximately 11%) less than the original contracted amount. The difference between the*

*original contract amount and final contract amount is significantly attributed to an underrun in the total flagging hours required for the project. The contractor was able to execute the work using approximately one third of the total flagging hours originally estimated for the project. There were no apprenticeship requirements for this project as the project fell below the \$500,000 policy threshold.*

Request: On August 16, 2021, accept the 2019 TIB Complete Streets Columbia Tech Center Project as constructed by Halme Excavating, Inc., of Battle Ground, Washington, and authorize release of retainage in the amount of \$15,774.81, subject to receipt of all documentation required by law.

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

**Motion approved the request.**

**2. Water Station 9 Chemical Building, construction acceptance and release of retainage bond**

Staff Report 120-21

**Summary**

*The new Water Station 9 Chemical Building replaces existing fluoridation and disinfection facilities, consolidating two systems into one central location. In addition to a modern installation, a low-strength sodium hypochlorite solution (0.8%) replaces chlorine gas as the historic disinfectant. The sodium hypochlorite solution will be generated and stored within the new building utilizing salt, water and electricity. In April 2020, City Council approved a contract with Rotschy Inc.to construct the chemical building .*

*The contractor has satisfactorily completed this project in accordance with the plans and specifications. Contract costs are summarized below:*

<b>TOTAL CONTRACT COSTS</b>	
Labor, Equipment and Materials	\$1,693,455.19
Sales Tax	\$ 142,335.31
Total	\$1,835,790.50
<b>RETAINAGE</b>	<b>BOND</b>

*The final contract amount was marginally higher than the original \$1,803,329.15. The largest contract change replaced more asphalt paving on the access road than anticipated.*

*Apprenticeship Utilization goals of 4%, were exceeded with 11% of qualified working hours delivered by apprentice employees.*

Request: Accept the Water Station 9 Chemical Building project as constructed by Rotschy Inc., of Vancouver, WA. and authorize the release of the retainage bond, subject to documentation receipt as required by law.

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

**Motion approved the request.**

**3. Bid Award - East Vancouver PH3 Sewer Improvements**

Staff Report 121-21

**Summary**

*The East Vancouver Phase 3 project is proposed to be constructed under the Sewer Connection Incentive Program (SCIP). This project will provide reliable sewer service to 37 parcels by installing approximately 2,300 linear feet of 8-inch gravity sewer mains in NE 70th St, NE 63rd Ave, NE 62nd Ave, NE 60th Ave and NE 58th Ave.*

*On July 27, 2021, the City received 3 bids for the subject project. The bids ranged between \$1,450,000 and \$2,050,000. The low bidder was responsive. The bids are as follows:*

<b>SUMMARY OF BIDS</b>	
<b>BIDDER</b>	<b>AMOUNT</b>
<i>Advanced Excavating Specialists, LLC, Longview, WA</i>	<i>\$1,453,355.49</i>
<i>Clark &amp; Sons</i>	<i>\$1,766,054.34</i>
<i>Nutter Corporation, Vancouver, WA</i>	<i>\$2,047,550.22</i>
<i>Engineers' Estimate</i>	<i>\$1,400,000.00</i>

*Based on the engineer's estimate of construction costs, this project falls within the \$500,000 to \$1,500,000 apprenticeship policy threshold and will therefore be required to meet the apprenticeship utilization requirement of 3%.*

Request: Award a construction contract for the East Vancouver Phase 3 Sanitary Sewer Improvement project to the lowest responsive and responsible bidder, Advanced Excavating Specialists of Longview, WA at their bid price of \$1,453,355.49, which includes Washington State sales tax; and authorize the City

Manager or designee to execute a contract with Advanced Excavating Specialists for the same.

*Sheryl Hale, Senior Engineering Manager, 36-0487-7151*

**Motion approved the request.**

**4. DuBois Neighborhood Park, construction acceptance and release of retainage**

Staff Report 122-21

***Summary***

*The original construction contract bid amount was \$467,917.54. Change orders and quantity adjustments during construction increased the contract amount by .5% to \$470,243.55. Lee Contracting LLC of Battle Ground, Washington, has satisfactorily completed the subject improvements in accordance with the plans and specifications.*

Request: On August 16, 2021, accept the DuBois Neighborhood Park project as constructed by Lee Contractors LLC of Battle Ground, WA, and authorize release of the retainage bond, subject to receipt of all documentation required by law.

*Terry Snyder, Senior Park Developer, 360-487-8317*

**Motion approved the request.**

**5. Kearns & West Professional Services Contract Increase**

Staff Report 123-21

***Summary***

*The City currently contracts with Kearns & West to support the Community Task Force on Policing, the City's Strategic Plan, and strategic communications and community engagement planning. Their services provide needed engagement strategies to ensure transparency in carrying out City Council priorities.*

*The current on-call contract with Kearns & West is nearly depleted, and staff is requesting an increase of the professional services contract to \$500,000 to support current and future needs through the end of the contract April 30, 2024. Currently, there is \$170,000 of immediate professional services work to facilitate the Strategic Plan and strategic communications planning efforts. This requested increased amount has already been approved in the City Manager's Office (CMO) and Communications Department budgets.*

*To ensure on-call facilitation remains an option for Citywide use as priority projects and initiatives unfold, the request is to increase the contract amount beyond what is immediately visioned. Use of the professional services contract beyond what is outlined will require that department budgets can support accessing the services.*

Request: Authorize the the City Manager or designee to execute a contract amendment increasing the maximum amount payable to Kearns & West for professional services by \$300,000 to a not-to-exceed contract amount of \$500,000.

*Cara Rene, Communications Director, 360-487-8614*

**Motion approved the request.**

## **6. Recognition of the Walnut Grove Neighborhood Association**

Staff Report 124-21

**A RESOLUTION** recognizing the Walnut Grove Neighborhood Association by City Council and providing that City Council intends to consult with the neighborhood association and to consider recommendations of the Walnut Grove Neighborhood Association on any matter found to affect the livability of the Walnut Grove neighborhood.

### **Summary**

*The City of Vancouver annexed this area as part of the Van Mall North Annexation in 2017. At the time of annexation the members of the Walnut Grove Neighborhood Association were part of Clark County's East Minnehaha Neighborhood Association. Upon annexation these residents were no longer members of the county neighborhood association, and were not ready to move forward with forming a new neighborhood association.*

*Residents of the area met on May 18, June 8 and July 8, 2021, and voted to form a neighborhood association, to be called the Walnut Grove Neighborhood Association. They established boundaries, adopted bylaws, and voted in officers. They have met all requirements to become formally recognized by City Council.*

Request: Adopt a resolution formally recognizing the Walnut Grove Neighborhood as the City's 69th official neighborhood association.

*Judi Bailey, Neighborhoods Coordinator, 360-487-8608*

**Motion adopted Resolution M-4141 approving the request.**

**7. Declaration of Civil Emergency - Excessive Heat Event**

Staff Report 125-21

**A RESOLUTION** relating to heat-related damage to transportation infrastructure; declaring an emergency pursuant to Section 2.12.030(A)(1) of the Vancouver Municipal Code; and directing staff to work with the appropriate State agencies to address the damage and secure funding for needed repairs.

**Summary**

*Beginning on June 24, 2021, the City of Vancouver along with much of Western Washington and Western Oregon experienced an excessive and unprecedented weather event, featuring a heat wave that caused daytime temperatures to soar above 110 degrees Fahrenheit for multiple consecutive days.*

*The excessive heat resulted in damages to multiple transportation assets throughout the State of Washington. Locally, the signalized intersection at Thurston Way/Vancouver Mall Drive was damaged by an electrical fire that was initiated by an overloaded capacitor that had failed. The fire resulted in the entire signal system becoming inoperative for multiple days. In addition, the excessive heat resulted in structural damage to one of the abutments that supports the Fourth Plain Blvd Bridge that spans the BNSF mainline in West Vancouver. A portion of the concrete on the abutment suffered delamination and detached itself from the abutment structure. The bridge remains structurally sound but the abutment will need to be repaired to preserve its structural integrity.*

*On July 16, 2021, Governor Jay Inslee issued an Emergency Proclamation in response to heat-related damages to multiple transportation assets throughout the State of Washington, including Clark County and the City of Vancouver. Issuance of the Governor's Proclamation combined with this Declaration of Civil Emergency enables the City to seek reimbursement from the State for the repairs of the two damaged areas noted herein.*

Request: Adopt a Resolution that issues a Declaration of Civil Emergency as it relates to the excessive heat event of late June 2021.

*Ryan Lopossa, Streets & Transportation Manager, 360-487-7706*



**Motion adopted Resolution M-4142 approving the request.**

**8. Approval of Claim Vouchers**

Request: Approve claim vouchers for August 16, 2021.

**Motion approve claim vouchers for August 16, 2021, in the amount of \$5,111,327.56.**

**Public Hearings (Items 9-11)**

**9. Amendments to VMC Title 20.160 - Commercial and Transient Lodging Use Classification**

Staff Report 116-21

**AN ORDINANCE** relating to the listing of use classifications in commercial use types, removing the qualifying language regarding the typical length of stay, bringing this code section in line with the newly passed HB 1220, removing the potential barrier of siting of homeless shelters within the City, and removing any ambiguity with other commercial lodging which are not limited on the length of stay time; providing for savings, severability and an effective date.

**Summary**

*In 2018, the City Council approved an ordinance which eliminated the City's Human Service Facilities use classification and integrated all human service uses, including homeless shelters, into the use classification of the most similar commercial use. The change was initiated due to concerns that had been raised by the City Attorney's Office about the City's Human Services Facilities (HSF) Siting Ordinance in regard to applicable laws that prohibit discrimination against people based on their familial status or disabilities, including Title VIII of the Civil Rights Act, the Fair Housing Act, and a ruling from the 9th Circuit federal Court of Appeals. As part of the ordinance, homeless shelters were deemed to be most similar to other types of commercial lodging and were added to the City's Development Code Commercial and Transient Lodging use classification. The term "where tenancy is typically less than one month" was already in the ordinance at the time and remained with the change.*

*Recently, the Vancouver Housing Authority decided to acquire the existing Howard Johnson hotel at 9201 NE Vancouver Mall Drive to operate a homeless shelter. Upon learning about the proposed shelter, a Planning Official's code interpretation was requested to interpret and clarify the scope of "Commercial and Transient Lodging" uses, specifically for "homeless*

*shelters where tenancy is typically less than one month” with the emphasis on what “typically” means in this context.*

*The subsequent code interpretation decision stated that the term “typically” in the case of homeless shelters simply recognizes the fact that most individuals would not stay at a homeless shelter for more than a month similar to other commercial lodging uses. The code interpretation is currently under appeal and is pending the outcome of this proposed ordinance.*

*The Washington State House of Representatives recently passed legislation (House Bill 1220) with regard to the supporting of emergency shelters and housing through local planning and development regulations. As stated in the House Bill, cities such as Vancouver need to make a decision before September 30, 2021, as to either treat homeless shelters the same as hotels, or adopt an Ordinance authorizing indoor emergency shelters/emergency housing in a majority of zones located within one mile of public transit.*

*The recent interpretation issues relative to the tenancy of homeless shelters as well as recent state law has led to the initiation of the subject code text amendment to remove the tenancy language from the Commercial and Transient Lodging use classification definition. The proposed ordinance will clear up the code language relative to homeless shelters by removing the seemingly qualifying language regarding the typical length of stay and will remove the potential barrier of siting of homeless shelters within the City. The use of terms regarding the length of stay in homeless shelters is outdated as most homeless individuals do not have the ability to move out of shelters within a specific timeframe. This would also remove any ambiguity with other commercial lodging which are not limited on the length of stay time.*

Request: On Monday, August 16, 2021, subject to second reading and public hearing, approve ordinance.

*Greg Turner, Land Use Manager, 260-487-7883*

Mayor Pro Tem Glover read the title of the ordinance into the record.

Greg Turner, Land Use Manager, provided an overview of the proposed code amendments.

Mayor Pro Tem Glover opened the public hearing and, receiving no testimony, closed the public hearing.

Councilmember Stober stated he was in support of the proposed change. He stated the larger question the City needs to consider is why housing currently

is not acceptable in this particular zone, as that seems counter to the current needs of the city.

Councilmember Hansen echoed Councilmember Stober's comments, and thanked staff for moving this code change forward quickly to meet the community's rapidly changing needs.

**Motion by Councilmember Stober, seconded by Councilmember Fox, and carried unanimously to approve Ordinance M-4344.**

10. **62nd Street Apartments proposal to change zoning map designation from R-18 to R-22 for a 2.5-acre site comprising three adjacent properties at 6115 NE 72nd Avenue, and 7215 and 7309 NE 63rd Street**

Staff Report 117-21

**AN ORDINANCE** relating to zoning for the City of Vancouver and Vancouver Municipal Code (VMC) Title 20; amending the Vancouver Zoning map designation for adjacent properties at 6115 NE 72nd Avenue, 7215 NE 63rd Street, and 7309 NE 63rd Street, tax lots 105120000, 105120010, and 105137000; providing for severability; and providing for an effective date.

**Summary**

*The applicant argues that the rezone application would provide additional higher density housing that would increase options in the area and respond to the affordable housing crisis. The existing R-18 zoning could allow approximately 36 units, versus roughly 45 under the proposed R-22 zone. Future units would likely be somewhat smaller and less expensive under the higher density zones.*

*Public facilities and services appear adequate to meet the increased demand. Vehicle traffic would be approximately 25% higher under R-22 than R-18, but no congestion or safety problems in the area are anticipated. Local existing middle and high schools can accommodate the additional students generated, and Walnut Grove Elementary School is in the process of being rebuilt with a larger facility. Compliance with City stormwater standards addressing runoff from the site will be required during Site Plan Review of any future apartment proposal. City Public Works staff recently visited the existing City drainage facility immediately west of the rezone site across 72nd Avenue and confirmed it was operating properly and not a likely potential sources of area flooding. Staff will monitor the drainage facility, and the retaining wall alongside 63rd Street.*

*The sources that should be considered in evaluating a standalone rezone request are: (1) the City Comprehensive Plan, and (2) the City Strategic*

*Plan. (VMC 20.285.060). Locational criteria for higher density residential zoning districts are contained in VMC 20.420.025, last updated in 2005. As the factors contained in VMC 20.420.025 are referenced within the City Comp Plan, they may be considered in evaluating the prudence of granting a standalone zoning change. However, in evaluating the appropriate weight to afford the factors set forth in VMC 20.420.025, it is relevant to consider the history of recent amendments to Title 20 of the Vancouver Municipal Code. In 2018 changes were made to standards for reviewing zone changes under VMC 20.285 to eliminate direct reference to locational criteria for these and other zoning districts. The change was made because the locational criteria described how various zones might ideally be located if designing a new urban area for the first time, but were less relevant in evaluating proposed individual site-specific zoning changes in an increasingly developed setting. In addition, they generally do not reflect recent trends related to housing affordability and urbanization that have emerged over the last decade or more. Locational criteria for each zoning district will be updated as part of a planned Title 20 (Land Use and Development Code) overhaul, which will follow the forthcoming major update of the City's Comprehensive Plan.*

*Locational criteria for the existing and proposed zone in this case are as follows:*

*A. R-18 (Higher Density Residential) Zone Location Criteria. The R-18 designation is most appropriate in areas with the following characteristics and relationships to the surrounding area:*

- 1. Areas occupied by a substantial amount of multifamily development, but where factors such as narrow streets, on-street parking congestion, local traffic congestion, lack of alleys and irregular street patterns restrict local access and circulation and make a lower intensity of development desirable.*
- 2. Areas where properties are well-suited to multifamily development, but where adjacent single-family developments or public open space make a transitional scale of development (height and bulk) desirable. There should be a well-defined edge such as an arterial, open space, change in block pattern, topographic change or other significant feature that provides physical separation from the single-family area. (This is not a necessary condition where existing moderate scale multifamily structures have already established the scale relationship with abutting single-family areas).*
- 3. Properties must have access from collector or arterial streets, such that vehicular travel to and from the site is not required to use local access streets through lower density residential zones.*

*B. R-22 (Higher Density Residential) Zone Location Criteria. The R-22 designation is most appropriate in areas with the following characteristics and relationships to the surrounding area:*

- 1. Areas already developed predominantly to the permitted R-22 density and where R-22 scale is well established.*
- 2. Areas with close proximity and pedestrian connections to neighborhood services, public open spaces, schools and other residential amenities.*
- 3. Properties that are adjacent to existing business and commercial areas with comparable height and bulk, or where a transition in scale between areas of larger multifamily and/or commercial structures and smaller multifamily development is desirable.*
- 4. Areas well served by public transit and having direct access to arterials, such that vehicular traffic is not required to that pass through lower density residential zones; street widths must be sufficient to allow for two (2) way traffic and on-street parking in accordance with City street standards.*
- 5. Areas with significant topographic breaks, major arterials or open space that provide a separation and transition to Lower Density Residential areas*

*C. R-30 (Higher Density Residential) Zone Location Criteria. The R-30 designation is most appropriate in areas with the following characteristics and relationships to the surrounding area:*

- 1. Areas that are already developed predominantly to the permitted R-30 density, or areas that are within an urban center, or identified in an adopted sub-area plan as appropriate for higher density multifamily housing.*
- 2. Properties in close proximity to major employment centers, open space and recreational facilities.*
- 3. Areas with well-defined edges such as an arterial, open space, change in block pattern, topographic change or other significant feature providing sufficient separation from adjacent areas of small scale residential development, or areas should be separated by other zones providing a transition in the height, scale and density of development.*
- 4. Areas that are served by major arterials, where transit service is good to excellent, and where street capacity could absorb the traffic*

*generated by higher density development.*

*5. Principal streets in the area shall be sufficient to allow for two (2) way traffic and parking on both sides of the street. Vehicular access to the area shall not require use of streets passing through lower density residential zones.*

*6. Areas of sufficient size to promote a high quality, higher density residential environment with close proximity (and good pedestrian connections) to public open spaces, neighborhood oriented commercial services, and other residential amenities.*

*The 2018 changes that reduced the weight of the locational criteria for rezones were also intended to reflect increasing concerns over housing choice and affordability.*

*The proposal site annexed to the City in 2017 as part of the Van Mall North annexation, and was zoned Urban High Density by Clark County as far back as 2007.*

Request: On Monday, August 16, 2021, subject to second reading and public hearing, approve ordinance.

*Bryan Snodgrass, Principal Planner, 360-487-7946*

Mayor Pro Tem Glover read the title of the ordinance into the record.

City Attorney Jonathan Young stated Council would be hearing a proposal to change the zoning map designation for the 62nd Street Apartments from R-18 to R22 and noted the Council would be sitting as a quasi-judicial body for this hearing. He stated the Council's decision will be based upon the written materials provided to them, the testimony and arguments that will be made during the hearing. Mr. Young outlined the process for proceeding with this hearing. He stated the Council would be asked to disclose any ex parte communication or other Appearance of Fairness issues. Following public testimony, Council should discuss and make a decision as to whether it is in agreement with that the proposed change a) is more consistent with the applicable policies of the Vancouver Strategic Plan and Comprehensive Plan than the existing designation; and b) that a change in circumstances has occurred since the existing designation was established.

Mayor McEnemy-Ogle declared the hearing open.

Mr. Young stated the City Attorney's Office conducted an email search for any emails sent or received by any member of the City Council, starting with the date of the application on this matter, which was May 25, 2020, pertaining to this application, and determined there were no messages requiring disclosure.

Mr. Young then asked each member of the Council to disclose any direct or indirect financial benefit they could derive from the decision to grant or deny the requested rezone; any ex parte communication they have had about the requested rezone since the date of the application on May 25, 2020; and whether they are prepared to listen to all of the testimony and consider all of the evidence presented before making up their mind about the matter.

Councilmember Fox reported nothing to disclose.

Councilmember Paulsen reported nothing to disclose.

Councilmember Lebowsky reported nothing to disclose.

Councilmember Stober reported nothing to disclose.

Councilmember Hansen reported nothing to disclose.

Mayor Pro Tem Glover reported nothing to disclose.

The hearing was opened to all members of the public present on the video conference or on the phone to provide any testimony regarding any of the Council's Appearance of Fairness disclosures. No testimony was received.

Bryan Snodgrass, Principal Planner, provided an overview of the proposal.

Mayor Pro Tem Glover then opened public testimony and invited the applicant to comment first.

- LeAnne Bremer, representing the applicant, stated the change in zoning from R-18 to R-30, as originally proposed by the applicant, would better fulfill the Comprehensive Plan and increase diversity in the housing supply. She noted there is a Transit Overlay District that applies to the Vancouver Mall area that would ensure transit is available to the development. Ms. Bremer requested the Council approve the zone change to the original R-30.

There being no additional testimony, Mayor Pro Tem Glover closed the public testimony.

Councilmember Stober asked staff for clarification, as the Council had been presented with a change to R-22, but the applicant had made a different request to change to R-30. Jonathan Young, City Attorney, stated Council should be considering the proposed ordinance before them, with the zoning change to R-22. But if Council was swayed by arguments at this hearing, they could move to amend the proposal and request staff bring that back at a future date.

**Motion by Councilmember Stober to amend the current proposal to a change in zoning designation to R-30 died for lack of a second.**

Councilmember Stober stated there is a tremendous need for housing, and noted this site is situated at two major intersections within easy access to services, and within a Transit Overlay District. Because of this, he stated he believes it justifies the higher density zoning.

Councilmember Fox stated she is familiar with this area and has observed there have been quite a few town homes built in the current zoning designation that have increased density. She stated the R-22 designation would be denser than R-18 and there had been a lot of discussion at the last hearing about the compatibility of R-22 with the Comprehensive Plan.

**Motion by Councilmember Fox, seconded by Councilmember Hansen, and carried 5-1 to approve Ordinance M-4345.**

Councilmember Stober asked if there is an appeals process for this decision. Mr. Young stated the Council's decision is the final decision for the City, but there would be a judicial process to appeal through the court.

**11. Vancouver Innovation Center (VIC) Comprehensive Plan and Map change from Industrial/IL to Commercial/MX, and accompanying mixed use Master Plan and Development Agreement (D.A.) at 179-acre former Hewlett-Packard site at 18110 SE 34th Street**

Staff Report 118A-21

**AN ORDINANCE** relating to zoning for the City of Vancouver and Vancouver Municipal Code (VMC) Title 20; amending the Vancouver Comprehensive Plan and Zoning map designation for parcels adjacent tax lots 126455000 and 126816000, located at 18110 SE 34th Street; also adopting a Mixed Use Master Plan (Master Plan) and Development Agreement (D.A.), providing for severability; and providing for an effective date.

***Proposal :***

*Future land uses on the site would be distributed as indicated in the Land Use Allocation Plan Map, Exhibit C of this report, with the Light Industrial, Multi-family Residential, Single-family Residential, and Mixed Use areas to be generally developed in that order, under the development standards of the analogous citywide zoning districts with limited exceptions noted in the D.A. A Master Plan for the Town Center portion of the Mixed Use area is required within three years of approval of the full site Master Plan.*

*The proposed park in the northeast corner of the site is subject to ongoing negotiation between the City and applicant, with parameters established in the D.A. The proposed school site in the northwest corner is anticipated to be developed for a middle school campus to meet future demand. The*



*Evergreen School District and applicant indicate they are in conceptual agreement for a purchase of the land pending rezone approval.*

*Locations of buildings, infrastructure and open spaces are as indicated in the Master Plan Map, Exhibit D of this report. General appearances of buildings and surrounding open spaces are as indicated in the applicant renderings.*

*Key features of the proposed Development Agreement include:*

- 15-year term  
Parking, Open Space, and Tree Canopy Plans*
- The northeast forested area envisioned for a future park is required to be set aside in perpetuity through a covenant, and improved under City or applicant ownership with public access easement, to include at minimum a large universally accessible playground, dog park area, loop trails with benches and picnic areas, interpretive signage, reservable pavilions, unique bike/low ropes course feature or other equal or better features. Cost parameters are outlined in the D.A, with negotiations to begin in 150 days.*
- Design Standards and Principles addressing mobility, energy, water, building design, building finishes, heights, signage, tree canopy, open space, and street cross sections.  
Phasing requirements to ensure at least ¼ of employment uses are built before ½ of residential uses are permitted.*
- Requirements for future public hearing review of significant changes to the Master Plan, including changes to uses or locations on the northern property line which abuts existing residences without an intervening street.*

*The proposal will be adequately served by public facilities and services:*

- Anticipated trip generation at buildout of 27,000 vehicle trips per day and 2,000 trips during peak hours represents approximately 10% fewer daily trips and 50% fewer peak hour trips than buildout development under existing IL zoning. 60% of trips entering and exiting the site will do so via the west. The applicant will make proportionate share contributions to impacted roads and intersections near proposal site, dedicate and improve roads within site, and be subject to Transportation Impact Fees.*
- The proposal would generate 319 students at buildout, which serving schools have capacity to serve through temporary portable classroom capacity.*
- Proposal park and open space features are sufficient to meet demands created by the proposal, and partially address park deficits in the surrounding area.*

*Provisions addressing sustainability and climate impacts include:*

- Proposed mix of uses facilitating less traffic than development under*

*existing zoning, and reuse of existing 700,000 square foot industrial building complex.*

- D.A requirement that application will not vest for City standards related to sustainability and climate, ensuring future development can be subject to the most recent standards as they evolve.*
- Applicant implementation commitments to work with C-Tran to increase bus service, upgrade lights and HVAC in existing industrial buildings, install electric vehicle stations not required by City Code, and treat and perform infiltration of all stormwater onsite, and upgrade all parking lot stormwater to current standards.*

*Public and stakeholder engagement has been provided through:*

- City notice through original May 2020 pre-application conference and subsequent Planning Commission workshops, newspaper publication, mailings, site postings, SEPA distribution, and presentation at a March 2021 Homeowners Association meeting.*
- Applicant outreach through hardcopy mail, site tours, virtual open houses. Applicant has also conducted outreach through open houses and on-site tours.*
- Over 50 written comments received, most with concerns about traffic, tree retention, impacts on public services, sustainability and climate. Positive comments cite opportunities created by proposed park, housing and employment in mixed use setting.*

Request: On Monday, August 16, 2021, subject to second reading and public hearing, approve the ordinance.

*Bryan Snodgrass, Principal Planner, 360-487-7946*

Mayor Pro Tem Glover read the title of the ordinance into the record.

Mr. Snodgrass provided an overview of the proposed Vancouver Innovation Center (VIC) development agreement and Comprehensive Plan zoning amendment.

Steve Horenstein, representing the applicant, stated he was available to answer any questions. He introduced Read Stapleton who presented a detailed overview of the project.

Mayor Pro Tem Glover opened the public hearing and received the following testimony:

- Jaynee Haygood, Parks and Recreation Advisory Commissioner, urged the Council to approve the original recommendations presented by the Planning Commission, and reiterated the Parks and Recreation Department has limited funds to purchase the forested parcel of the VIC. She also expressed concerns with arguments made at the first reading of this ordinance for not accepting the Planning Commission's

recommendations pertaining to the zoning designation of the forested parcel at the time of purchase and the boundaries of the Town Center area of the site.

- Teresa Hardy, Vancouver, urged the City to require preservation of all of the trees on the site and ensuring a range of housing options available to a mix of incomes. She urged closer coordination with the Evergreen School District to fully understand potential impacts the development would have on schools.
- Kerri Altom, representing Friends of Clark County, spoke in support of the proposal, and stated the developer has worked well with the community and the project shows great promise.
- Maren Calvert, representing the applicant, stated that while some trees will need to be replaced, the tree canopy proposed for the project should result in a net gain of acreage. She stated she understands the Evergreen School District has considered the impacts of the development and will continue to consider impacts as the site builds out. She stated the applicant is encouraged by the community reception and is committed to innovation in the community.

There being no further testimony, Mayor Pro Tem Glover closed the public hearing.

Councilmember Stober asked the City Forester to clarify what is currently in the forested parcel, what is proposed, and what kinds of trees would be used on the site. Charles Ray, City Forester, stated roughly 14 acres of the forested tract are proposed to be preserved. He stated Urban Forestry has not seen a detailed plan of what would be replanted, but there would be a mix of evergreen, flowering trees and shade trees included on the City's approved tree list throughout the development. He stated there are targets for such developments to have a diverse tree plan and include 60 percent native conifers and include insect- and disease-resistant trees.

Councilmember Lebowsky stated she is excited about the proposed development, and the plan will provide an opportunity to activate that area of the city and increase housing density and options, as well as create jobs and walking and trail connections.

Motion by Councilmember Lebowsky, seconded by Councilmember Fox, and carried unanimously to approve Ordinance M-4346.

## **Communications**

### **A. From the Council**

### **B. From the Mayor**

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

### **a. Pearson Field Airport Update**

Jennifer Belknap Williamson, Public Works Director, and Guy Lennon, Airport Manager, provided Council with an update on proposed amendments to the City's code pertaining to Pearson Airfield. Council provided feedback on the proposed regulations.

### **b. Supportive Camping Ordinance Update**

Jonathan Young, City Attorney, and Jamie Spinelli, Homeless Response Coordinator, provided Council with an update on the Supportive Campsite pilot program, including proposed revisions to the the City's municipal code pertaining to camping and recommendations regarding siting criteria for future supportive campsites. Council provided feedback on the siting criteria and proposals for themed camps.

## **Adjournment**

9:22 p.m.

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Anne McEnery-Ogle, Mayor

Attest:

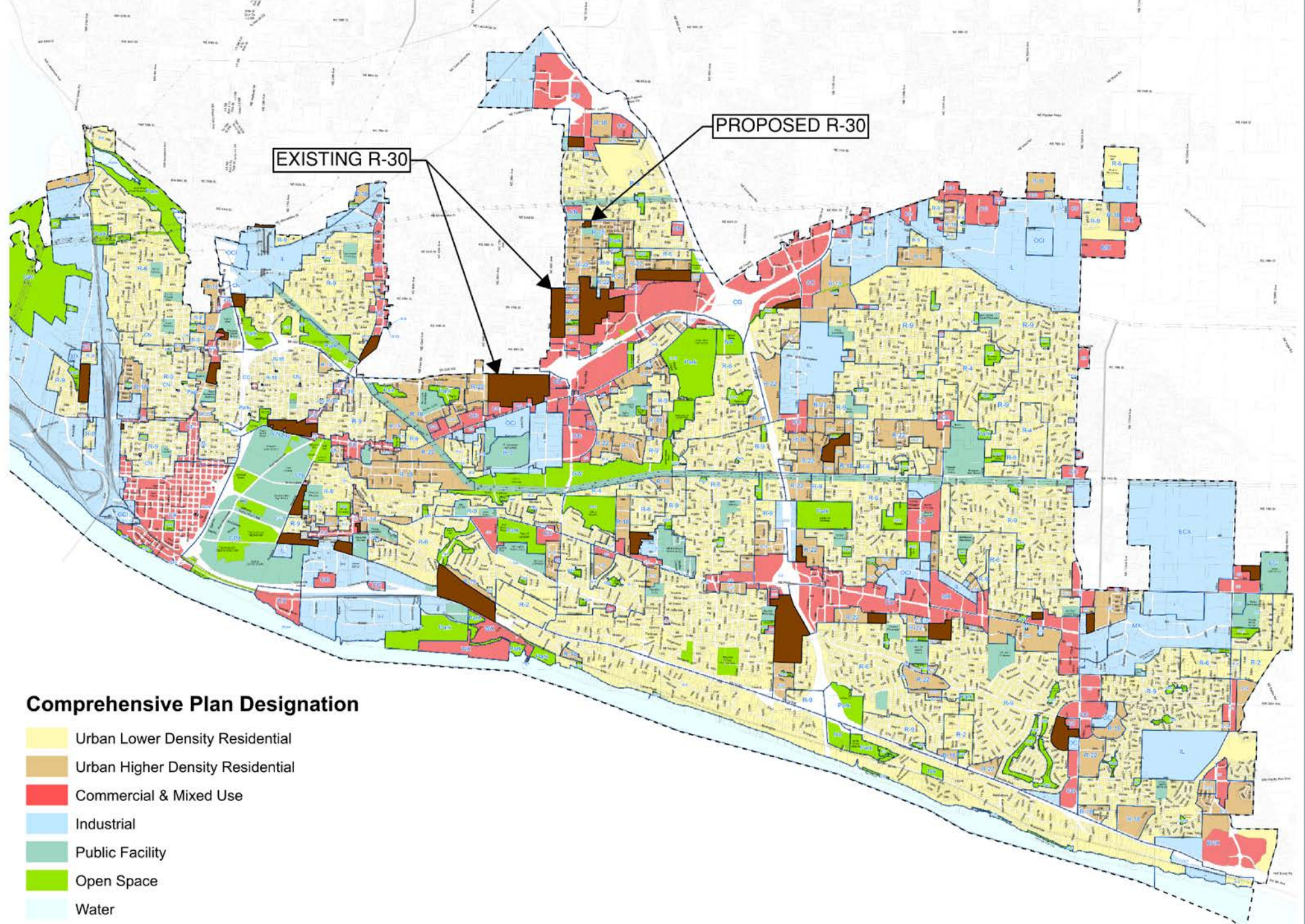
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Natasha Ramras, City Clerk

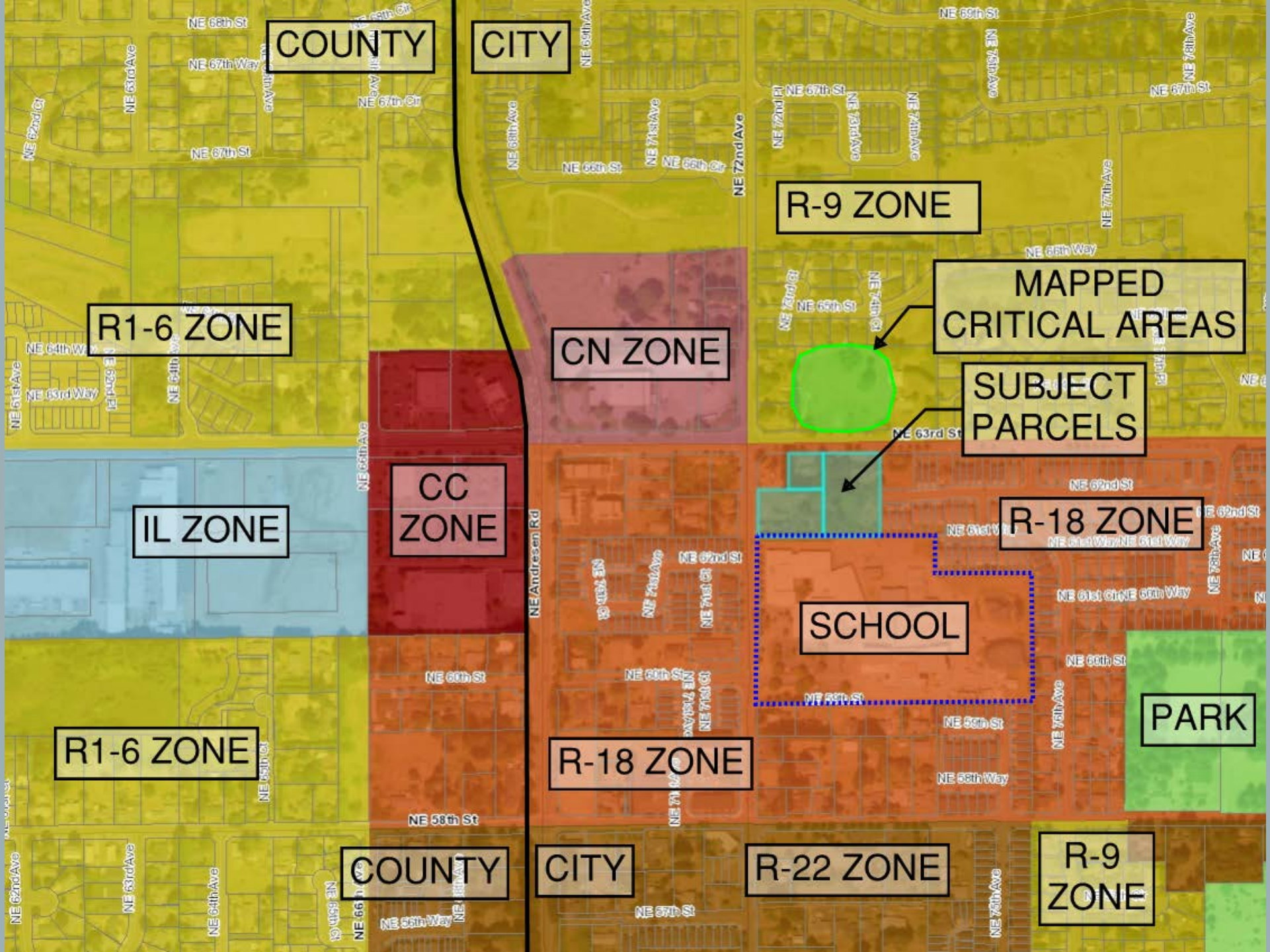
Meetings of the Vancouver City Council are electronically recorded on audio and video. The audio files are kept on file in the office of the City Clerk for a period of six years.

# 62<sup>ND</sup> STREET REZONE











R-18 APARTMENTS  
18 UNITS/ACRE

WALGREENS  
AND BANK  
CC ZONE

FIRE STATION  
CN ZONE

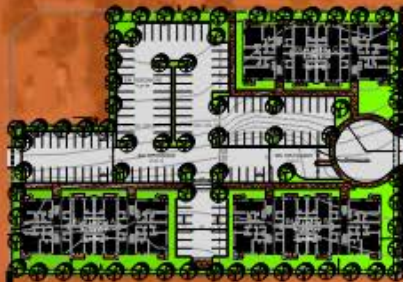
R-9 DETACHED HOMES  
7 UNITS/ACRE

CRITICAL  
AREAS



SAFEWAY AND  
MULTI TENANT  
COMMERCIAL  
CC ZONE

R-18 TOWNHOMES  
18 UNITS/ACRE



R-18 TOWNHOMES  
14 UNITS/ACRE

SCHOOL



CRITICAL AREAS

WETLAND

80' ROW

STORM-WATER FACILITY

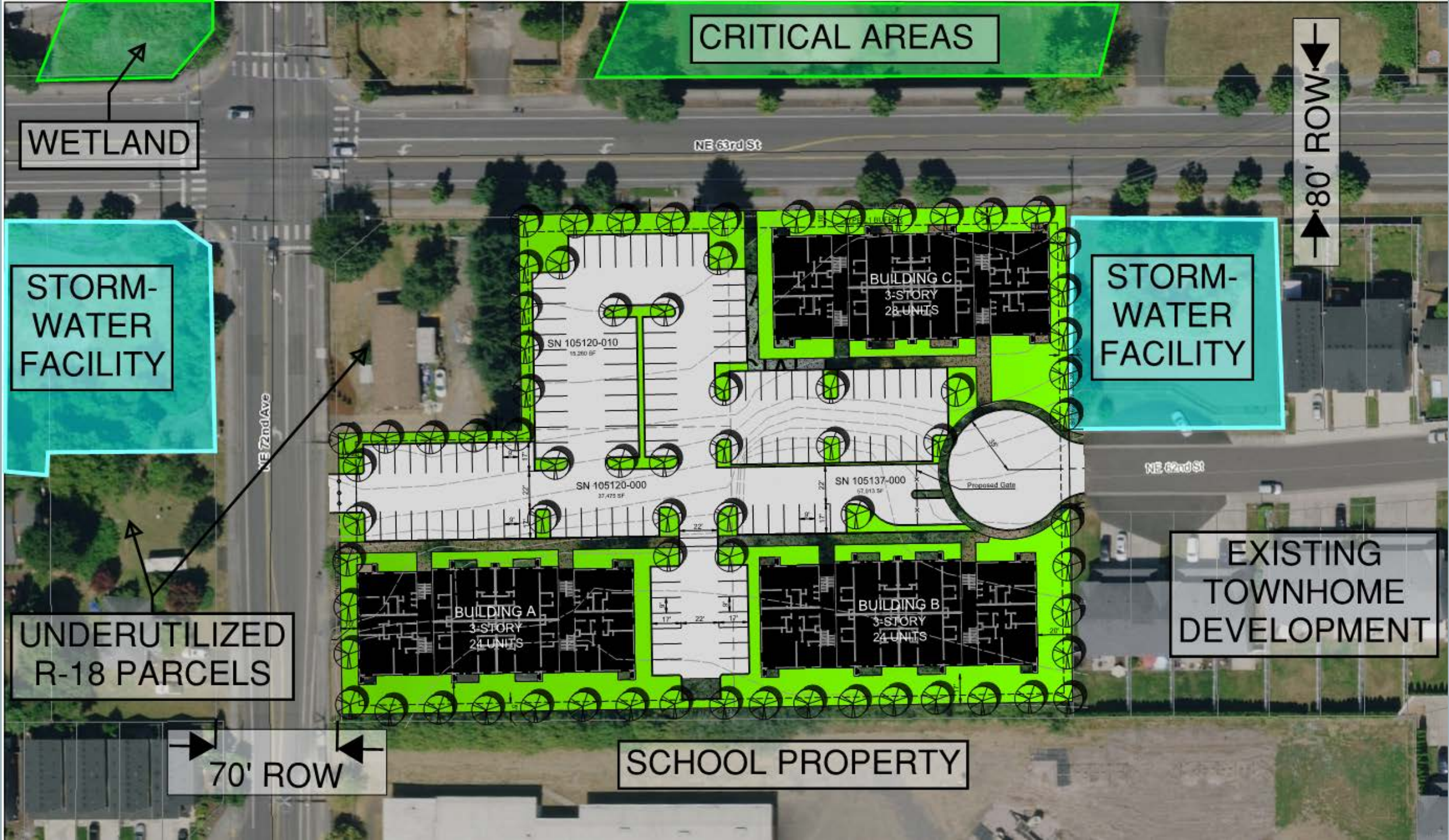
STORM-WATER FACILITY

UNDERUTILIZED R-18 PARCELS

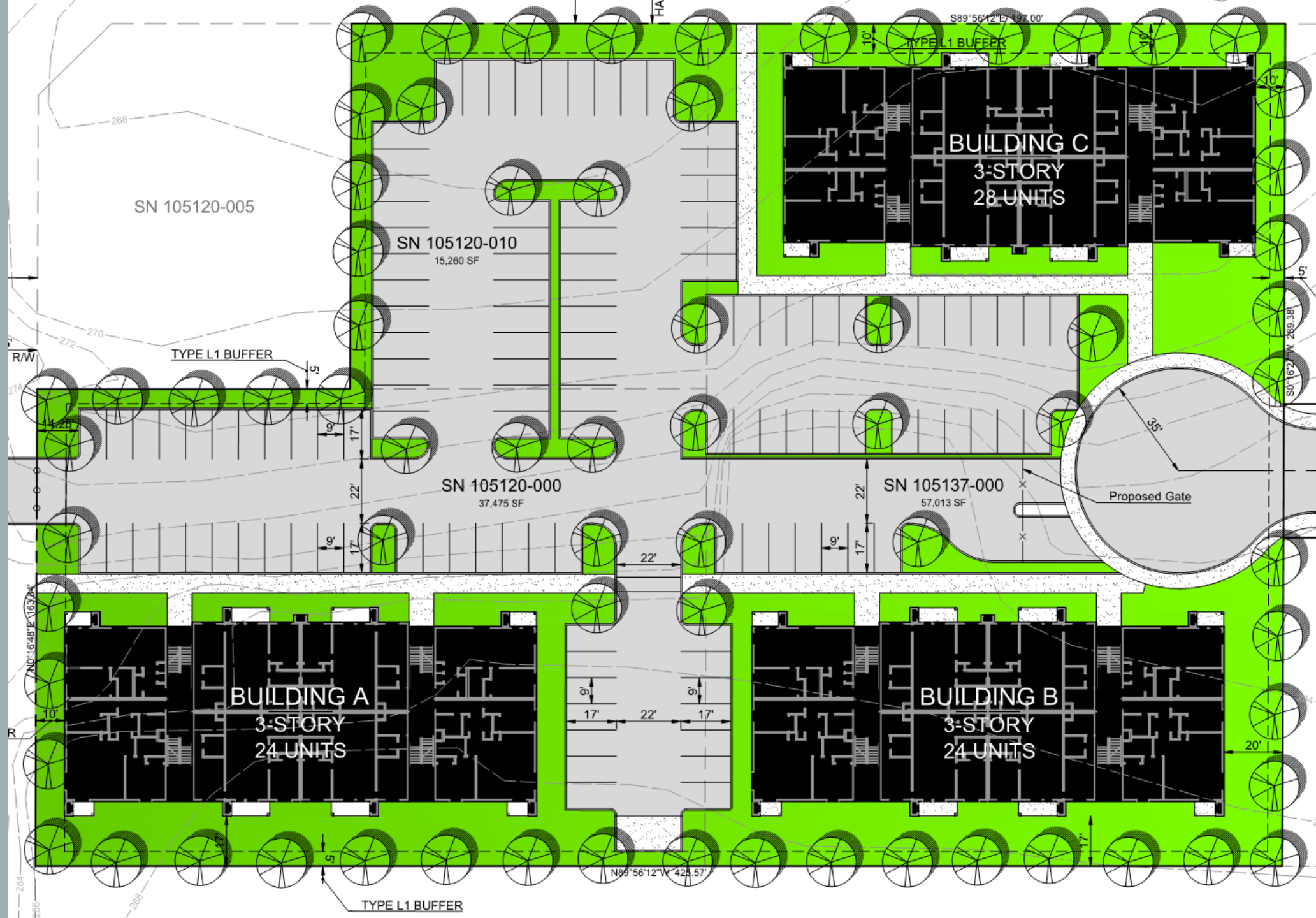
EXISTING TOWNHOME DEVELOPMENT

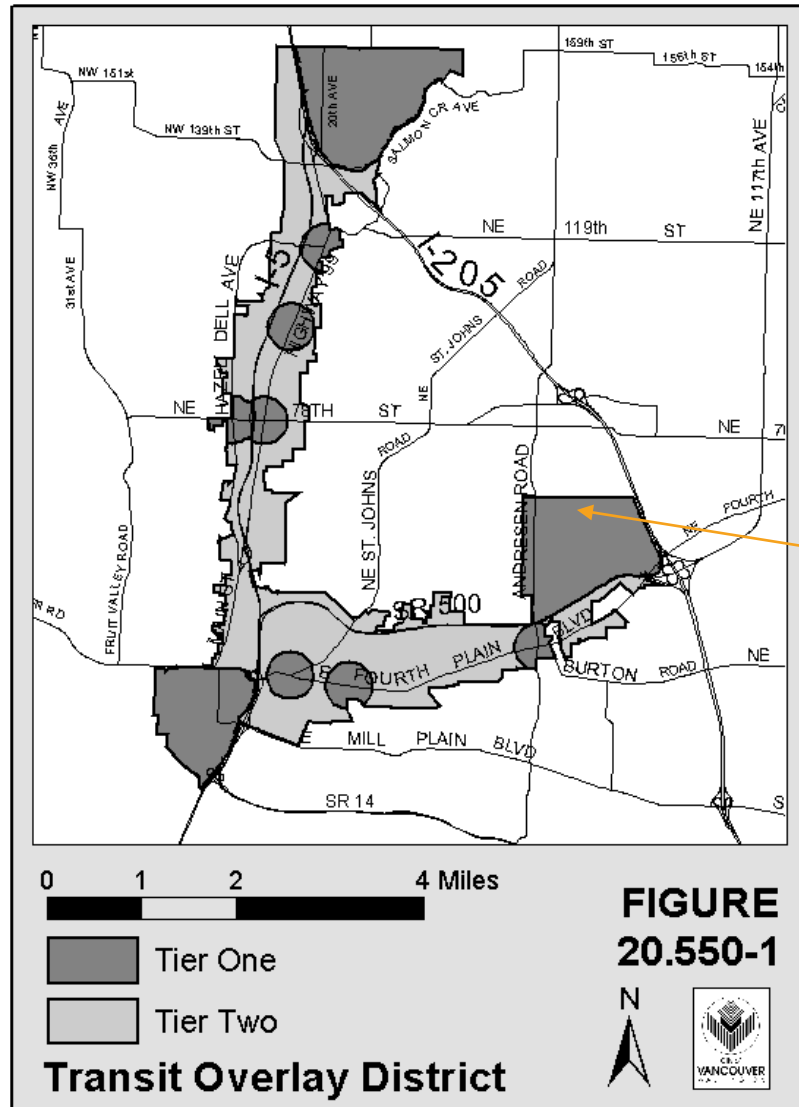
70' ROW

SCHOOL PROPERTY









Site

## Transit Overlay District and Locational Criteria

TOD Urban Centers. Those areas identified as major activity centers on the Clark County and City of Vancouver Comprehensive Land Use Plans commonly known as: Downtown Vancouver, **Vancouver Mall** and Washington State University.  
VMC 20.550.020.B.1.

R-30 Locational criteria: Areas that are already developed predominantly to the permitted R-30 density, **or areas that are within an urban center**, or identified in an adopted sub-area plan as appropriate for higher density multifamily housing.  
VMC 20.420.025.C.1

## **20.285.060 Approval Criteria – Standalone Zoning Map Amendments**

Zoning map amendments not involving associated comprehensive plan map amendments shall demonstrate the following:

1. How the proposal is more consistent with applicable policies of the Vancouver strategic plan and comprehensive plan than the existing designation; and
2. That a change in circumstances has occurred since the existing designation was established.

Thank you Mayor and Councilors. Jaynee Haygood 18112 SE 41st Way

I want to take this opportunity to reflect on the comments the developer's lawyer, Steve Horenstein made during the 8/9/21 Council meeting regarding the Planning Commission's recommendations.

At hand are two main issues:

- 1). Selling the forested parcel to the city at the light industrial value.
- 2). Moving the town center boundary to the south of 29th street to ensure public parking and access to the park, while allowing the other town center buildings to increase in height to compensate for the loss of units by moving the boundary.

First, with regards to selling the forested parcel to the city, Mr. Horenstein noted that a key point to take into account in this valuation of the property is that the developers would be providing parking, access, and utilities for the bathrooms. Which I would argue need not be the case when you hear my later arguments on the boundary change for the towncenter. Mr. Horenstein then mentions three main points for why a valuation based on zoning is not reasonable:

- 1). He claims: The developer is paying for the land.

Yes, they are, and I would argue that they are paying for the land at the light industrial value, not the mixed use rate therefore making this point mute.

- 2). He claims: The property is going to be up zoned.

Yes, at the request OF the developer thereby increasing the value of these 179 acres immensely! The city will significantly increase the developers property value of the remaining 165 acres with the requested zoning change. Only to, in turn, have the developer then sell it back to the city at the higher rate?!

- 3). Mr. Horenstein stated: It's going to have a covenant on it.

Yes, of which Mr. Horenstein himself stated that the developers are "committed to leaving it a forested area." I would argue that they are committed to leaving it a forested area because it is a valuable asset to their development as they have marketed it as, "The natural splendor of the Pacific Northwest...." which is difficult to achieve without the forest.

Mr. Horenstein repeatedly claimed that this forested parcel purchase is "a real estate transaction" which is absolutely correct because real estate transactions are based on the zoning usage of the acreage. To then try to disregard that fact and claim that the values for this commercial property should and "will be mutually agreed to by the parties" is 1), idealistic, 2), unrealistic, and 3), not going to be in the best interest of *any* entity who wants to purchase this property. Park land can currently only be purchased by the city using park impact fees. This puts immense constraints on the Parks and Rec department when it comes to purchasing land for parks. While the city manager stated you can also find funds within the budget and with impact fee credits, this only works if the developer wants/values the impact fee credits, and the city councilors can actually find the remaining funds in the budget. By using the light

industrial valuation this provides a clear and concise number for the city to use when negotiating the purchase from the developer.

Now, with regards to the town center boundary, even Mr. Horenstein himself stated, “The only way that that property can become a real park, as opposed to just open space, is with access, with parking with utilities for bathrooms.” He is correct, and I challenge you to look at the current proposal (see Option 1 below) and find any viable public parking to the park with the exception of the parking lots for customers and employees. By moving the town center boundary to the south of 29th, and increasing the height of the town center buildings to compensate for the loss of units (see Option 3 below), it will provide for such public parking and access to the forested parcel WHICH will therefore no longer need to be paid for by the developer and thus irrelevant in their negotiations (as mentioned above in Mr. Horenstein’s argument for valuation of the property).

Mr. Horenstein’s went on to state, “It needs to have a substantial, identifiable, gateway entrance to match the rest of the project.” On the developers own website they claim, “The VIC is an exciting new mixed-use development where good living, work, play, and community come together...” I can hardly think of a better “gateway” into that type of development than with the 14 acres of forests and trees on the north side. Mr. Horenstein stated that the developers were okay moving the boundary to the north thereby having the street go AROUND the mixed use buildings (see Option 2 below), but this would leave them with parking lots as their gateway entrance, and thus require a redesign, thereby making his gateway urgency argument invalid. With regards to the developers gateway concerns, they just don’t add upon review.

I strongly urge you to approve the Planning Commission’s proposal by purchasing the forested parcel at the light industrial valuation, and by moving the boundary of the town center to be south of 29th street and permitting the remaining buildings to be allowed to increase only in the needed height to compensate for the loss of units due to the boundary change. Thank you.

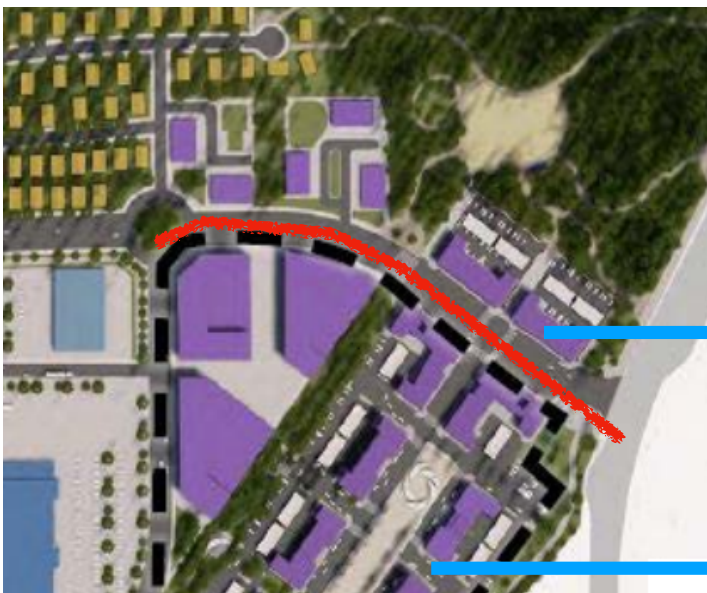


**OPTION 1: CURRENT PROPOSAL-NO VISIBLE PUBLIC PARKING-EXCEPT TO PARK BEHIND THE BUILDINGS WHERE CUSTOMERS AND EMPLOYEES PARK.**





**OPTION 2: ROAD GOES AROUND NORTHERN BLDGS. FOREST AREA IS NOW SMALLER AND THE TOWNCENTER PARKING LOT BECOMES THE GATEWAY ENTRANCE. FOREST TO THE NORTH, TOWN CENTER PARKING LOT TO THE SOUTH. (HORENSTEIN SAID THEY ARE OKAY WITH THIS, BUT IT WILL ACTUALLY NEED A REDESIGN SINCE THE TOWN CENTER PARKING LOTS ARE NOW THEIR GATEWAY ENTRANCE)**



Remove to allow for parking/access to forest.

Allow these to increase in height to compensate for lost units.

**\*\*OPTION 3: SOUTH OF THE RED BECOMES MIXED USE BOUNDARY LINE. GATEWAY HAS FOREST TO NORTH, UNCHANGED GATEWAY ENTRANCE TO THE SOUTH. \*DEVELOPERS NO LONGER NEED TO PAY FOR PARKING/ACCESS/UTILITIES TO FOREST WHICH WILL HELP WITH PRICE NEGOTIATIONS.**

**From:** [Jean M. Avery](#)  
**To:** [City of Vancouver - Office of the City Manager](#)  
**Subject:** Fwd: Comment for 8/16 City Council meeting  
**Date:** Friday, August 13, 2021 7:30:42 AM

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

**From:** Jean M. Avery <[jeanmavery@gmail.com](mailto:jeanmavery@gmail.com)>  
**Date:** Fri, Aug 13, 2021, 6:48 AM  
**Subject:** Comment for 8/16 City Council meeting  
**To:** JMA <[JeanMAvery@gmail.com](mailto:JeanMAvery@gmail.com)>

Good evening, Madam Mayor and City Council,

I would like to comment on the development project in East Vancouver, the Vancouver Innovation Center.

As a resident of East Vancouver and an admitted "tree hugger," I am pleased that there will be a future park nearby -- with trees and walking trails.

At the August 9 City Council meeting, the VIC's representative, Mr. Hornstein, stated that a "covenant" will be placed on the wooded section of the property to protect the land in its natural state. This is good news for hikers, birders, and the trees! Looking toward the future, this wooded area will be a welcome addition to our city and our park system.

Thank you for keeping this parcel in its natural state.

Jean M. Avery  
Vancouver