

Platform	Comments
Facebook	<p>Your putting it next to the brand new children's park in ester short park? Where moms and babies are trying to play and feel safe?</p> <p>Where there is already a guy drinking icehouse every morning urinating on the rock columns on 8th and ester.</p> <p>Where ALL of the cities outside park events are hosted?</p> <p>A couple blocks from the waterfront where the city has been investing millions and tourists come to see? Portland made that EXACT mistake with the housing village they have now torn down because they realized it was a terrible idea to put it near a tourist center.</p> <p>Your going to put this ADJACENT to all of the major tourist spots of Vancouver?</p> <p>Yes they deserve shelter but don't make the same mistake portland did and concentrate homeless in the same area people from all over the country are visiting to see what the city is about.</p> <p>Two weeks ago there was a guy with a rusty axe being arrested between city hall and the waterfront trying to attack the other homeless in the field..it is insane to invite more of that.</p> <p>statistically the amount of rusty axe people that will live in that village is a non-zero number and by you intentionally casting out common sense on this you are endangering the children traveling across the city to play in the bright shiny new park being built two blocks away and everyone else trying to enjoy the very best part of the city.</p> <p>Of ALL the places in this very large city. RIGHT next to all of the biggest Vancouver tourist attractions is hands down theeeeeee WORST choice.</p> <p>Unless of course there is a law banning encampments within a mile of the safe stay to make sure people doing drugs and creating violence are not mixing with people trying to not do those things. That is the only way that could make sense.</p> <p>Otherwise your not just shooting this city in the foot you are delivering it a fatal blow. This is the HEART of Vancouver your going to throw this into. Your going to turn the heart of Vancouver into a slum.</p> <p>This is the only large Cascadian city that is not a complete dumpster fire yet. Please do not turn it into one.</p> <p>If anything maybe stop allowing the guy getting wasted on 8th and ester every day to continuously urinate in public in front of an entire coffee shop..</p> <p>Use common sense.</p> <p>please feel free to share this with anyone in the city</p> <p>Enough is enough. Do you go to plaid pantry and see what they are dealing with there on a daily basis? It is crazy!</p> <p>Absolutely put it in if you will ban camping outside of that area.</p>
Council Form	<p>I agree with nearby businesses and residents: this is not the right location for a shelter.</p> <p>I can foresee spillover into this historic neighborhood and Esther Short Park, which has become a focal point for a renewed downtown.</p> <p>Why not build a much-needed grocery store instead?</p>

	Jean M. Avery Vancouver resident
Email	Hello~
Geri Ellen Baer	<p>I am concerned about the location of the new Safe Community in Vancouver on 11th Street.</p> <p>I really like the idea, but I have a question. Forty people will move in. They now have a safe, clean place to live. Good. But what do they do during the day? Do the forty of them walk down the two blocks to Esther Short Park every day to hang around? Our downtown park can't stay clean, and open for children and adults if so many people descend on it every day. Will porta-potties be installed in the park to cover the additional traffic? They are not very pretty and our park is beautiful. Will there be enough programming to keep them off the street and wandering throughout downtown during the daylight hours? How will you ensure that the downtown residents will be safe and unhassled, especially at night. Will we get a designated patrol car to keep an eye on downtown at night?</p> <p>Please consider the downtown residents as well as our homeless. We pay exorbitant rent and mortgages to live where we do. Downtown Vancouver is a special place. We need some assurance that this program won't cause more difficulties than it solves. Please, please don't let Esther Short Park fall back into being what it was before.</p> <p>Thank you, Geri-ellen Baer</p>
Email	<p>- I have my office at 212 W13th st. Currently we have homeless wandering around the neighborhood and we have seen more criminal activity. Graffiti, theft, public urination and drug use. This used to be a pretty safe area. My concern is that the proposed camp will magnify the above criminal behavior. I live in Portland and have seen what it has done to our city, Vancouver still is ten times better but this camp will draw the wrong type into this neighborhood.</p> <p>My car got stolen from Burbuck motors in SE Portland. This theft was done by a homeless person that lived in the camp across the street from the shop in the micro housing project which is the same as you are proposing. The guy that stole my car while it was in front of the shop lived in the camp. Mike Burbuck the owner can attest this camp has drawn 100x more crime and drug use. Nobody wants to be around these areas and the crime that it brings. It is scary! It is not safe to have these camps near normal business activity, it will drive business away. Look at downtown Portland for what happens. Vacancy 40%, murders weekly, cars broken into or stolen. Not safe!</p> <p>Please take this into consideration before you guys allow this camp.</p> <p>Thank you Quinn Irvine</p>
Phone Call	Would not be a good fit in downtown. We already have low income and a shelter in this area. Further west or east would be a better fit
Raberta Lopez	
Email	Hello Vancouver City Team,

Sonia Cisneros	<p>No, I would not like the safe community pods to be located downtown off (11th street)! I am also disappointed with how our tax dollars are being utilized. I was homeless when I was seventeen. Stop enabling and giving away our tax dollars. It's time they get a job!! Work with developers to help build government assistance homes. They all need to start working! I would not like to walk over to the New Seasons Market and be harassed by some drug addict like they harass us at Esther Short park! We call the police department since they are under staffed sometimes they don't show up.</p> <p>Pass legislation that stops large firms that come in and buy our property to resell or put them up for rentals. This is creating a shortage for housing, driving costs through the roof! I love the Pacific Northwest but it's starting to become NOT affordable even for a working professional like myself! I pay \$2,500 per month in a two bedroom 900square feet unit!</p> <p>I am personally tired of seeing all the homeless taking a dump or peeing at Esther Short park! Not to mention the homeless shooting up drugs in front of kids! :(Building pods in residential neighborhood only brings more drugs and violence! Build pods in the middle of nowhere on large vacant land away from us!!</p> <p>Cheers, Sonia Sonia Cisneros</p>
Email Gail Cannady	<p>Greetings,</p> <p>> My husband and I live at Heritage Place Condominiums, less than two blocks from the proposed site.</p> <p>> We walk the neighborhoods in the early morning, and are very aware of the increasing number of people sleeping outside. On the curbs, in doorways, on the grass, even at the Fort in the Rose Garden. We should not be treating humans in this manner. It is appalling.</p> <p>> Our first choice would be to have a bricks & mortar shelter built on the block in question. Something like the Open Ministries Shelter nearby on 12th St. It is does good work, and is always clean and well kept. However, it would take months or years to build, and the crisis is now. We can't always have our first choice. As a temporary solution, the Stay Stay community seems to be the next best choice. Your assurances about no camping close to the new site are good, and we're sure efforts will be made to keep the exterior clean. Our home is on a floor high enough that we will be able to look inside the fences from above. We hope the inside is kept as clean as from the street. We hope that the crime rate decreases as it did in other neighborhoods.</p> <p>> We are not concerned about the length of time it takes people to transition into more permanent housing. If they have been homeless for years, they are not going to turn their lives completely around in a few months. We are more concerned that the Stay Stay concept becomes a long-term solution. In the long run, people deserve "real" housing like an apartment, not living in a storage shed. Even if the apartment is completely subsidized. "Real" housing raises self esteem and goes a long ways towards absorption back into main stream life.</p> <p>> Our bottom line is: we have a crisis in our community. If we're not part of the solution, we're part of the problem. We'd rather be part of the solution.</p>

	<p>> Best wishes, > Gail and Mike Cannady</p>
Email	
Dick Irvine	<p>I OWN A COMMERCIAL BUILDING AT 13TH AND COLUMBIA. I STRONGLY OPPOSE HAVING A CAMP SO CLOSE TO COMMERCIAL PROPERTIES. I HAVE PROBLEMS AT MY BUILDING WITH THE CURRENT POPULATION OF STREET PEOPLE WITHOUT ADDING A CAMP PROVIDING A GREATER POPULATION OF HOMELESS PEOPLE USING MY PROPERTY TO RELIEVE THEMSELFS.THROWING NEEDLES IN MY FLOWER BEDS. I HAD TO PULL TWO ATTRACTIVE BUSHES FROM MY PROPERTY THAT STREET PEOPLE USED TO HIDE WHILE USING MY PROPERTY AS A TOILET. THIS CAMP WILL INCREASE THE POPULATION AND WONT KEEP MORE STREET PEOPLE TO USE MY PROPERTY AS A TOILET. THEY ALSO ADD TO THE ALREADY RIME RATE IN THE AREA, IM AGAINST THE CAMP,</p>
Email	<p style="text-align: right;">19-Oct-22</p> <p>Good Day,</p> <p>My name is Cheryl Golliher and I reside at 400 W. 8th Street. This letter is in response to the safe stay project that I will be able to view from my third floor condominium at Heritage Place. This is my second response to voice my concerns...hoping this response to the project is more logical vs my knee jerk response last week.</p> <p>I purchased my condominium 5 years ago after saving for approx. 10 years for the property value was much greater being downtown than my home in more rural Clark County. I moved downtown due to the revitalization of the area, the safety and walkability, and the ability to get about without driving. It is the place I plan to age in. I am a 61 year old Registered Nurse for the Portland VA and not only is my condominium my home it is also my office where I work 9 hours per day, and yest my office window overlooks the vacant lot where the safe stay project is planned.</p> <p>I am now contemplating selling my property for several reasons. One major reason is the crime and filth and the feeling of no longer being safe to walk about my neighborhood. Several of my friends have said to me "you better get a concealed weapon permit" for your neighborhood will be going even further downhill if 50+ homeless folks move in next door. This is not the neighborhood I bought into just 5 years ago feeling 100% safe to walk about even after dark, well NO more do I have that safe feeling!! I have been verbally attacked by homeless, I have had my car broken into parked out in front of my unit on 9thstreet, I have had my new electric assist bike stolen out of our locked garage, and to top it all off I have been involved in mail fraud as well. And now you want to bring at least 50 more homeless people into my immediate neighborhood? I watch the homeless urinate in front of me, scream and yell obscenities, and park down below my balcony and camp out for weeks littering and spilling waste all over the street. Well I say we are already saturated with homeless people in my neighborhood so I say NO MORE!!! Take this shelter to another zip code!!</p>

	<p>WE currently have the Share House, a men’s shelter as well as dozens of homeless people living on our neighborhood streets and in the park. Most of the homeless folks who reside in my neighborhood will not get placed in this tiny home homeless camp (safe stay shelter)...no they are drug addicts and they will not qualify. Therefore, we will still have all the campers we currently have plus 50+ more. I say shame on the city and county for picking one of our busiest, up and coming neighborhoods for a homeless camp. What a perfect way to downgrade our most desirable neighborhoods. I ask you who will want to purchase my beautiful condo that looks down at a FEMA like tiny home village? NO ONE will that is the answer. And you say campers won’t be allowed to camp within 1000 ft of this tiny homeless village, well big deal 1000 ft is NOTHING, how about ½ mile!!! This statistic is almost laughable, but I am in no laughing mood right now!!!</p> <p>Take this FEMA tiny home like village and place it in another zip code on the bus line. We here in 98660 have our share of homeless neighbors already and you all are placing an even greater burden on those of us in this zip code. Again shame on the city and county.</p> <p>Cheryl Golliher,</p>
email	<p>As owner of 701 Columbia St #108 I'm 100% against the proposal.</p> <p>This is will make Esther Short Park a tent city within 3 months. my property value will tank 30-40%.</p> <p>I'm not paying property tax to have the government work against my personal interest. This is really UNFAIR. Extremely unfair to homeowners in the neighborhood.</p> <p>Extremely unfair proposal. Why not you move that project to the mayor's neighborhood park?</p> <p>Are you serious?</p>
Council Form Robert Rhodes	<p>I am a resident of Heritage Place Condominiums in downtown and I am writing to express my support for the Stay Safe shelter proposed for our neighborhood. I applaud the Council for its best practices approach to addressing homelessness by acknowledging the first step in helping a person transition from houselessness to stability is to get them safely housed. As a former Chair of the Council for the Homeless, I know that many people resist the thought of any services being located in their neighborhood. I am one member of the downtown community that will support this effort. Bob Rhodes</p>
Council Form	<p>Good morning, I wanted to make a comment on our growing homeless presence within the City. It's very concerning that tents are being set up on sidewalks and the amount of waste that accompanies these sites. Even this morning on my way to work there is a tent on the sidewalk completely blocking the walkway and into the road and a big pile of trash along with this tent. I am told City property is open for camping overnight. How can this be when all the City parks have no overnight camping? Is there action being taken to protect our beautiful city from this failure? Thank you, Breeanne Jordan</p>

Jordan	
Email Chad Burton	<p>I would like to RSVP to the 11/3 session regarding the Safe Stay site.</p> <p>I am very against having this site. My building was lit on fire by a homeless person in May 2020. It took me 16 months to get rebuilt.</p> <p>I have constant trespassing issues (see attached from 2 days ago) and the building next to me has been broken into several times in the last 2 years since the homeless issue has gotten worse. The last thing we need a “draw” to have more homeless in an area of business.</p> <p>The city should be protecting the business that provide tax revenue.</p>
Email Phil Schofield	<p>I represent the Schofield Group LLC which owns and leases five commercial properties on Main Street in Vancouver. Two of these are at 1000 Main and 1014 Main. These two properties are the home to four very successful businesses (our tenants) that are very close to your proposed Safe Stay homeless community site at 415 W 11th St. Our family business was started in 1865 and has been passed down through the family generations for almost 160 years. I have been the managing member for the Schofield Group LLC since 2009.</p> <p>We have worked tirelessly and at great expense to offer safe and inviting commercial spaces for all of our tenants, and we are all too familiar with the many problems resulting from the homeless populations that are decimating the longtime commercial business cores like that of downtown Portland. This is a nearby example you should have learned from. Our company understands the need the homeless population has for safe shelter but surely there is another more appropriate parcel of land where you could locate this homeless “Safe Stay Community” not three blocks from our city’s longtime central downtown commercial / business core.</p> <p>The Schofield Group LLC strongly objects to this poorly conceived plan which will result in serious negative impacts for the future of the downtown Vancouver commercial shopping district. Please think farther into the future.</p> <p>Phil Schofield / Managing Member Mary Schofield Remke & Teresa Schofield Coon / members The Schofield Group LLC</p>
Email Sallie Reavey	<p>Hello,</p> <p>My husband and I own the Briar Rose Inn bed and breakfast across the street from the proposed site. We purchased our home in 1997 with the intention of renovating it and eventually creating a bed and breakfast.</p>

	<p>It took us nine years to do the work ourselves as we did not have funds to hire people. We finally opened our Inn in 2006 and have enjoyed the business. As I planned for our retirement, this income is critical to our life. Can you image loosing your pension and social security when you are ready to retire? This is what we are looking at currently. All our hard work and dreams will be washed away.</p> <p>We have guests who visit Vancouver from around the country and sometimes from foreign countries. This is not the image I want for our clients. Many times they are here to explore the possibilities of retirement. We assist them in that exploration. It would be an embarrassment to have them here and to view a homeless camp in this lovely historic neighborhood.</p> <p>This is not the proper location in this downtown core. Everyone has worked hard to develop the downtown into what it has now become. Please do not spoil this area and turn us into Portland. I warn our guests about going into Portland so they are aware of the crime.</p> <p>We will all start moving away, little by little downtown will erode into a ghetto, or a Portland.</p> <p>The city would benefit more by creating residential housing that would better suit that lot and provide tax revenue. This will be discussed with Michael Lynch.</p> <p>I am not familiar with the workings of the City Counsel. It has been shocking to me to learn that no one believes what the city says they will do. There is NO credibility! I will be remembering the names of the council members who vote in favor of this site. When election time rolls around, I will campaign furiously for their opponent.</p> <p>Simply put, the city needs to find another location...this is the wrong place. I am stunned that elected official cannot do better than this.</p> <p>Sallie Reavey</p>
Email	To Kerry Peck and the Vancouver City Council:
Teresa Coon	<p>As a downtown Vancouver business owner who will be adversely affected by your actions, I am writing to express my extreme disappointment and opposition to the Vancouver City Councils' and the Lynch estate's plans to convert the downtown city lot at 415 W. 11th Street into a "Safe Stay Community."</p> <p>Downtown Vancouver is finally coming into its own; you could say it is thriving. And now this. Along with the beautification project being proposed for Main Street, it feels like a double-whammy is being thrown at the businesses in downtown Vancouver. What do you think will happen when Main Street becomes a pedestrian-friendly area with nice, wide sidewalks and no parking? According to your own plans, the homeless not accepted into the Stay Safe Community will be pushed 1,000 feet from the site. They will find ample space to loiter/camp on the beautiful new Main Street sidewalks. With no parking, along with an increase in homeless interactions, customers will instead drive and park at The Waterfront or the malls. But I'm sure the Council was well aware of this before making their decision . . .</p>

Why does the Vancouver City Council think that this will turn out differently than the experiments in Los Angeles, San Francisco, Seattle, San Diego and our neighbor Portland? They all have larger budgets than Vancouver and their efforts have fallen short – and worse.

And then there is the liability issue. No court will recognize indemnity for Council members or members of the Edward C. Lynch estate for actions you took while having full knowledge the harm your actions will cause.

I urge you to reconsider your decision. Although, through conversations with other downtown business owners, it seems be a done deal – with further discussions falling on deaf ears. Turn the vacant lot into a wonderful urban park for all people, instead of fenced-off area that is guaranteed to become a public nuisance. Dedicate and memorialize the park to Edward C. Lynch and his family as a tribute to his life, instead of making it a point of contention and division in downtown Vancouver, courtesy of the Lynch family.

Sincerely,
Teresa Schofield Coon
Schofield Group LLC

Janis Raffauf Hess

Dear Ms. Peck,

I'm writing for a last-minute weigh-in on the proposed Stay Safe Community at 415 W. 11th Street in downtown Vancouver.

I live about 3 blocks from the site in an apartment building on Esther Street — this is my neighborhood. There's a "soup kitchen" that provides meals for homeless people right down the block and an ever-changing number of people camped out along Mill Plain or living in improvised shelters by the Courthouse, and many roaming the streets and sleeping in the bushes or doorways at night. My heart goes out to these people.


I can understand the misgivings of those who are against a planned community for the homeless, but I feel that those folks are reacting out of fear and I strongly believe that a Stay Safe Community would solve so many more problems than it would cause. Why would someone prefer having the homeless roaming the streets of their neighborhood looking for a place to get out of the rain and cold over providing these same people with a structured, supervised drug- and alcohol-free, safe place to stay while they're given assistance to find a way out of their situation? Why would anyone prefer to "put up with the mess" as it is, rather than find a cleaner and safer solution? These people are human beings with basic needs for food and shelter. How they came to be in their predicament is not for us to individually judge; rather to work together as a community to find a solution to the problem. I believe these Stay Safe Communities are an excellent way to try to help.

I'm all for this community. I will feel SAFER, myself, knowing that these people have been given sanctuary and help in my neighborhood as opposed to having them on the streets at night. (And yes, I go out alone every single night to walk my dog.)

On one final note, I am hoping that should this Stay Safe Community be approved, some sort of consideration will be given to the owners of the Bed and Breakfast that's adjacent to the property. I don't really have an answer for their concerns about the impact on their business aside from a more positive attitude, (a privacy fence? Tax write off?) but I do hope that their concerns and fears will be heard and addressed.

Thanks for giving me the opportunity to put in my two cents worth.

Very truly yours,

Janis 

Janis Raffauf Hess

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7 REGARDING:

8 Stay Safe Community No. 3: 415 W. 11th
9 Street, Vancouver, WA 98660

WRITTEN TESTIMONY OF JOEL KENT
ON BEHALF OF SECOND EMPIRE, LLC

10 Comment Period Closing October 28, 2022
11

12 I, Joel Kent, submit the following testimony as owner and representative of Second
13 Empire, LLC the owner of the Charles Brown House at 400 West 11th St. Vancouver,
14 Washington, 98660 situated almost directly across from the proposed location for the Stay Safe
15 Community No. 3("SSC3") at 415 W. 11th St. (the "Proposed Location.").

16 Second Empire, LLC has reviewed the concerns and legal argument set forth by Mr.
17 Schlotfeldt in the *Written Testimony of Albert F. Schlotfeldt on Behalf of the Riverview Tower,*
18 *LLC*. Second Empire, as a local property owner as well as the tenant, Stahancyk, Kent and Hook
19 P.C which operates out of the Charles Brown House have many similar concerns which, despite
20 discussions, remain unanswered.

21 We believe that this process has been rushed, public engagement is less than ideal,
22 especially for a downtown project on private property.
23

1 We support the concept of the SafeStay community and it appears to be a promising tool
2 to assist those in need. Although the service may be needed, the proposed location for SSC3, if
3 not unlawful, is certainly ill advised. Are the property owners aware of potential liability that
4 they may be subjected to? Why has there not been any economic impact study for the placement
5 of this SSC3? The proposed location is antithetical to the efforts to renew and restore our historic
6 building and the downtown in total.

7 We respect the private property owners' desires, but insist that the required regulatory
8 processes for this temporary use are complied with fully. We understand though, that none of
9 this regulatory process has even begun, and that neither party, the property owner or the City are
10 bound by the initial agreement.

11 Given all available information, we would ask that the City suspend making any
12 decisions and direct staff to form a task force to actively pursue other candidate
13 properties. Additionally, we would ask that all operational and enforcement procedures and
14 regulatory processes be published and be a part of ultimate Council approval.

15 Additionally, before any decisions are made, we believe that the master plan for this area
16 that improves public safety, and minimizes crime be explained and published.

17
18 I declare under penalty of perjury under the laws of the state of Washington that the facts
19 I have provided on this form are true.

20 DATED: October 28, 2022.

21
22 
23 JOEL J. KENT (WSBA#26134/OSBA#963262)
Executed in Bend, Oregon

STAHANCYK, KENT & HOOK P.C.
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Via Email

October 28, 2022

Eric Holmes
City of Vancouver City Manager
City Hall
415 W. 6th Street, 2nd Floor
Vancouver, WA 98660
Eric.holmes@cityofvancouver.us

Re: Proposed SSC#3 415 W 11th Street, Vancouver, WA 98660

Dear Eric:

In regard to the above- noted matter, please find enclosed herewith Written Testimony of Joel Ken on Behalf of Second Empire, LLC.

Very truly yours,

 for :

Joel Kent

MLP/abs
Enclosure

Cc: Lon Pluckhahn Pluckhahn, Lon.Pluckhahn@cityofvancouver.us
Jamie Spinelli Jamie.Spinelli@cityofvancouver.us
Tyler Chavers Tyler.Chavers@cityofvancouver.us
Kerry Peck Kerry.Peck@cityofvancouver.us

CITY OF VANCOUVER WASHINGTON

REGARDING:

**Stay Safe Community No. 3: 415 W. 11th St.,
Vancouver, Washington 98660**

Comment Period Closing October 28, 2022

WRITTEN TESTIMONY OF ALBERT F.
SCHLOTFELDT ON BEHALF OF THE
RIVERVIEW TOWER LLC.

I, Albert Schlotfeldt, submit the following testimony as legal counsel to and on behalf of Riverview Tower LLC.

Riverview Tower LLC owns the Riverview Bank building located at 900 Washington Street in downtown Vancouver and is situated one block from the proposed location for the Stay Safe Community No. 3 (“SSC3”) at 415 W. 11th St., Vancouver, Washington 98660, Tax Parcel No.’s 51320000, 51310000, 46670000, 46210000, 51330000 (the “Proposed Location”).

The Proposed Location may not lawfully be approved for the SSC3 as it fails to adhere to the requirements of Vancouver Municipal Code (“VMC”) 20.885, VMC 20.265 and VMC 8.22:

- The Proposed Location fails to meet the City of Vancouver (the “City”) selection criteria for stay safe communities.
- Viable alternatives exist to the Proposed Location given 45% of the City outside downtown meets stay safe community selection criteria.
- The economic vulnerability of the City’s downtown area is “high risk”, and

Council-approved placement guidelines must avoid such areas.

- The Proposed Location is likely within 200 feet of a designated sensitive ecological area.
- Both the majority of City residents who support stay safe communities and those who oppose them agree that communities must be established outside downtown:

Community Feedback on Supportive Campsites

- Feedback from multiple platforms
- Majority supportive
 - Significant desire for creation of low-barrier employment opportunities, healthcare services, and community building opportunities on-site
 - Several requests/suggestions for showers, restrooms, laundry
 - In favor of camp concept, but outside of town
- Not Supportive
 - Prefer enforcement
 - Taxpayers should not be responsible for
 - Will draw more homelessness in
 - In favor of camp concept, but outside of town



Supportive Campsites - 6

- Stay safe communities must be built where unsanctioned campsites currently exist, and no sizable campsites exist near the Proposed Location:

Supported Campsites: Location Selection

- Use City-owned properties and partner with churches and/or other willing private property owners
- As close to where camps already exist as possible
- Within a half-mile from transit access
- No more than one per neighborhood or within certain distance from each other
- Prohibit camping within certain radius of a supported campsite and sensitive areas
- Preference will always be for spaces that will provide the least amount of negative impact on environment, residential areas and businesses
- Commitment to community outreach, input and solution-focused participation in selection process



Vancouver Homelessness Plan - 17

- The Proposed Location is subject to a restrictive covenant that prohibits stay safe communities. (See Exhibit “A” attached herewith.)
- The Vancouver City Manager failed to provide notice to all owners and residents of record of property, as shown on the most recent property tax assessment roll, located within 1,200 feet of the proposed SSC3 location upon the City’s receipt of the application for the SSC3 operator permit. (See VMC 8.22.070.B.2(a).)

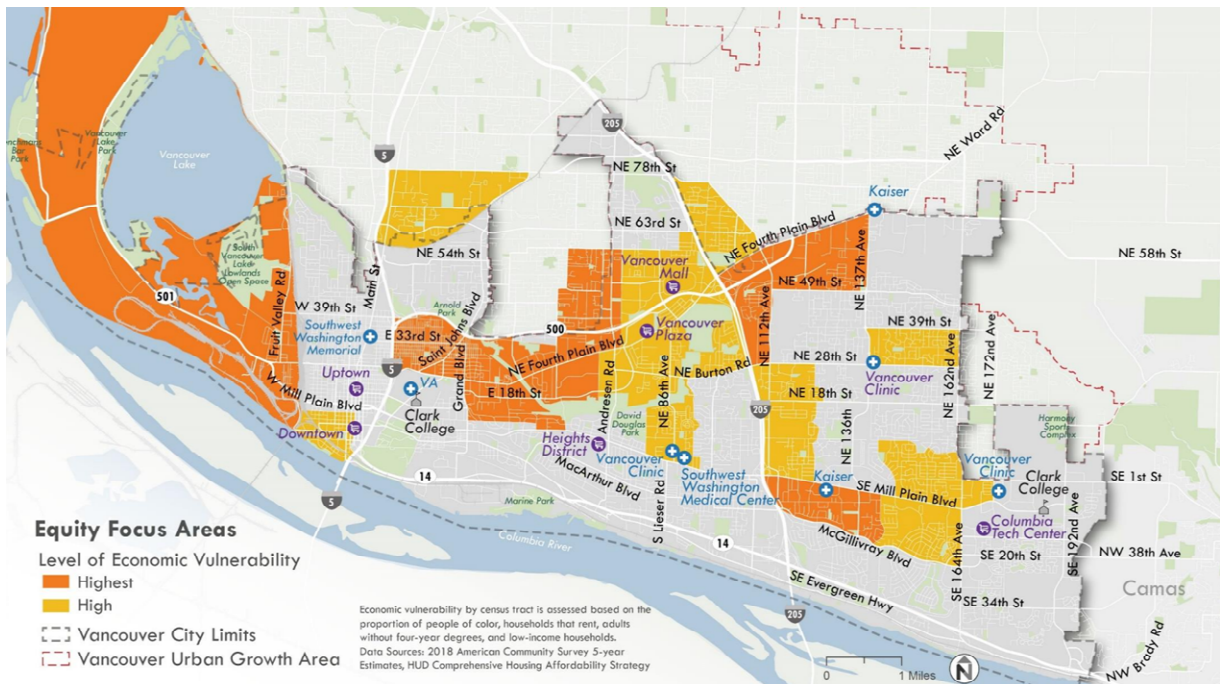
- Crime rates will increase around the Proposed Location if the SSC3 is approved.

**THE PROPOSED LOCATION FAILS TO MEET THE CITY’S SELECTION CRITERIA
FOR STAY SAFE COMMUNITIES.**

Supportive Campsites are not intended to remain in any single location permanently. Therefore, Supportive Campsites must be located at administratively selected sites in accordance with Council-approved placement guidelines.¹

1. City Council-Approved Placement Guidelines Must Avoid areas with Heightened Economic Vulnerability Such as Downtown.

Jonathan Young, City Attorney, confirmed that areas of heightened economic vulnerability, such as downtown, are not proper locations for stay safe communities²:



Stay safe communities must also to be located within .5 miles of public transit.³ Looking

¹ See Jonathan Young’s (City Attorney) memo to Eric Holmes (City Manager) dated August 2, 2021 entitled “Supportive Campsite Pilot program – Legal Considerations” at page 3.

² *Id.*

³ See memorandum and attachments from Jonathan Young (City Attorney) to Mayor and City Counsel dated August 16, 2021:

<https://vancouvercity.novusagenda.com/agendapublic/AttachmentViewer.aspx?AttachmentID=4952&ItemID=2106>

1 to the City's site selection reductive maps⁴, while the Proposed Location fails to meet City
2 selection criteria, 45% of Vancouver does. Thus, nearly half of Vancouver is a better alternative
3 for the SSC3.

4 To the extent that a stay safe community *must* be located downtown - which is NOT the
5 case - there already exist viable alternatives on public rights-of-way that, unlike the Proposed
6 Location, are not in the heart of downtown just blocks away from Esther park and the Esther
7 park playground and the 8th St. Farmers Market, which all need to be kept safe for families.
8 Ensuring family wellbeing is not practical with "stay safe communities" due to their low-barrier
9 safety requirements that do not screen potential residents for felony crimes against a person, sex
10 crimes and felony property crimes.

11 What is more, some of these public rights-of-way already house unsanctioned campsites,
12 whereas the Proposed Location does not. Importing the homeless population from the outskirts
13 of downtown to its core plainly lacks common sense.

14 **2. Temporary Use Permit.**

15 Once Council-approved guidelines were established providing policy-level direction on
16 the appropriate locations of City-approved Supportive Campsites, City Staff were to initiate the
17 process of setting up a Supportive Campsite using one of two processes that already exist within
18 the Vancouver Municipal Code: (1) Right-of-way use permits issued under VMC 11.60.060 on
19 City-owned rights-of-way; or (2) Temporary Use Permits issued under VMC 20.885 when
20 Supportive Campsites are to be located outside of the public right-of-way.⁵

21 Here, the Proposed Location is outside of the public right-of-way. Hence, VMC 20.885
22 controls. VMC 20.885.050(D) addresses approval criteria for a temporary building in a
23 commercial zone, requiring, in part, that the use pose no hazard to pedestrians in the area.

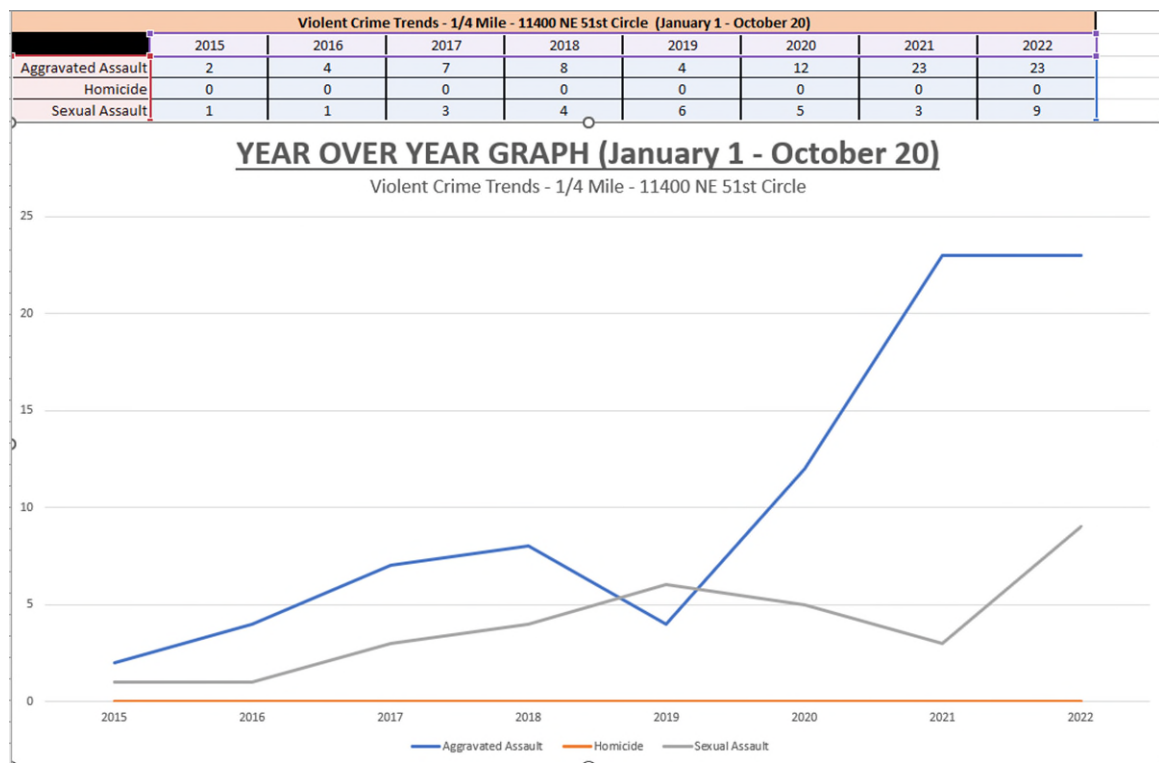
24 There is no reasonable question that SSC3 shall cause an increase in crime if allowed at
25 the Proposed Location, which in turn poses a hazard to pedestrians. The City's plan is just not
26

27 ⁴ <https://vancouvercity.novusagenda.com/agendapublic/AttachmentViewer.ashx?AttachmentID=6012&ItemID=2133>

28 ⁵ See Jonathan Young's (City Attorney) memo to Eric Holmes (City Manager) dated August 2, 2021 entitled
"Supportive Campsite Pilot program – Legal Considerations" at page 3.

right. Residents of the SSC3 are not required to be clean and sober but are not permitted to do illicit substances at the Proposed Location, so they will do drugs on the street. This will happen all the time. This is a sad fact.

What is more, since the opening of the 51st Circle - Stay Safe Community 1 - to present nine (9) sexual assaults occurred within a ¼ mile radius, which is three times more than the prior year and more than any other year dating back to 2015⁶:



The fact that the City does not intend perform criminal screening of residents is undoubtedly contributing to the rise in crime noted above.

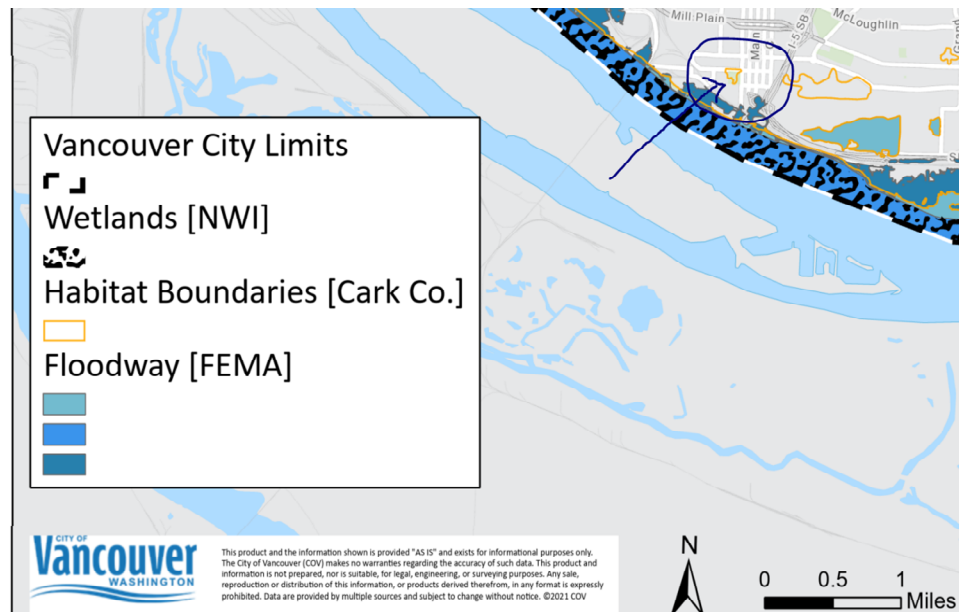
3. The Proposed Location is likely within 200 Feet of a Designated Sensitive Ecological Area; thus, it is not a Proper Site for SSC3.

Pursuant to the City Attorney, camping within 200 feet of designated sensitive ecological

⁶ Data is from Lexis Community Crime Map and the FBI Crime Data Explorer.
WRITTEN TESTIMONY OF ALBERT F. SCHLOTFELDT ON
BEHALF OF THE RIVERVIEW TOWER LLC. – 5

1 areas must be prohibited.⁷ This is consistent with the policy underpinnings of VMC 20.740
2 Critical Areas Protection as well as the City Council's 2021-2022 biennial budget policy
3 directive to further our community's environmental resilience.

4 Here, the Proposed Location is likely within 200 Feet of a designated sensitive ecological
5 area based on the City's Impact Areas map shown below, thus, the Proposed Location is not a
6 proper site for SSC3:⁸



18 **THE PROPOSED LOCATION FOR SSC3 FAILS TO MEET DESIGN REVIEW**
19 **REQUIREMENTS FOR DOWNTOWN VANCOUVER – VMC 20.65.**

20 Provisions of VMC 20.265 apply to projects located in the downtown area:

21 ///

22 ///

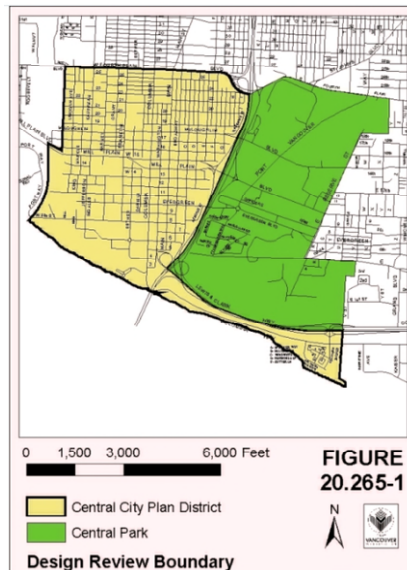
23 ///

24 ///

25 ///

27 ⁷ See Jonathan Young's (City Attorney) memo to Eric Holmes (City Manager) dated August 2, 2021 entitled
"Supportive Campsite Pilot program – Legal Considerations" at page 2 paragraph 2.

28 ⁸ See September 13, 2021 City Council Meeting "Camping Impact Areas Map – Ordinance Option B:
<https://vancouvercity.novusagenda.com/agendapublic/AttachmentViewer.ashx?AttachmentID=6011&ItemID=2133>



Specifically, VMC 20.265 applies to all projects that involve modification of a parking lot located within the area defined above and are subject to approval by the Planning Official. As the Proposed Location is within the downtown corridor and constitutes real property presently being used for vehicle parking, VMC 20.265 applies.

Pursuant to VMC 20.265.040, the Planning Official shall base all reviews on 1) the relationship found to exist between existing structures and open space, and between existing structures and other structures in the vicinity, and the expected effect of the proposed construction upon such relationships; 2) the impact of the proposed construction on adjacent uses; and 3) the protection of neighboring uses from identifiable adverse effects.

Here, the Proposed Location is in historic and commercial district which is antithetical to a stay safe community. For example, Herontide II, LLC is suing the City for injunctive relief, public and private nuisance, and intentional interference with business expectancy regarding the 51st Circle stay safe community. (See Exhibit "B" attached herewith.) Thus, the Proposed Location of SSC3 fails to meet the requirements of VMC 20.265.040 and may not be approved.

What is more, placing a Stay Safe Community in what is essentially the heart of Vancouver will seriously degrade residential areas and downtown businesses. This proposal puts this community two blocks away from Ester Short Park and near many restaurants, offices and other businesses that will be disrupted and or negatively impacted. The Stay Safe Community

1 will also increase the number of homeless in the downtown, which is simply too close to the
2 Farmers Market and Esther Short Park that are intended to be a safe environment for families
3 that visit these places. Esther park is just now rebuilding at over \$1million the playground that
4 was vandalized and 8th St. is already over-burden by the crowds that visit the Famers Market.

5 The placement of this community will affect the desirability of the area, impacting
6 residents, property, and business owners alike. The second Stay Safe Community was opened on
7 April 28, 2022, at 4915 E Fourth Plain Blvd. Running a quick search through a property sale site
8 such as Zillow shows that the value of homes in the area began to trend downwards beginning
9 May of 2022, immediately after the community opened.

10 CONCLUSION

11 For the above reasons, the Proposed Location may not lawfully be approved for the SSC3
12 as it fails to adhere to the requirements of Vancouver Municipal Code (“VMC”) 20.885, VMC
13 20.265 and VMC 8.22.

14 Instead of a true public-private partnership that utilizes highly valuable real property to
15 fund homeless resources (like permanent housing) while also keeping the downtown area safe
16 and thriving, here, the City proposes turning prime real estate into a campsite to relocate and
17 concentrate a homeless population there. This is unconscionable.

18 DATED: October 27, 2022

19
20 

21 _____
22 ALBERT F. SCHLOTFELDT, WSBA #19153
23 Executed in Vancouver, Washington
24
25
26
27
28

EXHIBIT “A”

After Recording Return To:
City of Vancouver
P.O. Box 1995
Vancouver, WA 98668



3270384
Page: 1 of 10
11/22/2000 03:55P
Clark County, WA



FIDELITY NATIONAL TITLE COMPANY OF WASHINGTON

01-04552mm

RECORDING COVERSHEET

DOCUMENT TITLE(S):

COVENANT RUNNING WITH THE LAND

REFERENCE NUMBER(S) OF DOCUMENTS ASSIGNED OR RELEASED:

1.

GRANTOR(S): (last name, first name and initial)

1. HASH; MARTIN

GRANTEE: (last name, first name and initial)

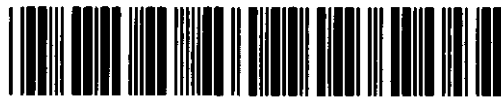
1. CITY OF VANCOUVER

LEGAL DESCRIPTION: (abbreviated; additional legal description is on page(s) _____
of this document)

Lots 3 and 4, Blk 5 Stiles Addn

ASSESSOR'S PROPERTY TAX PARCEL NUMBER(S):

051330-000; 046210-000



3270384

Page: 2 of 10

11/22/2000 03:55P

FIDELITY NATIONAL TITLE

COV

17.00 Clark County, WA

COVENANT RUNNING WITH THE LAND

This is a Covenant to City of Vancouver, Washington, a municipal corporation, hereinafter "City", from MARTIN HASH, purchasers of certain real property in Vancouver, Clark County, Washington, legally described in Exhibit "A" also known as the Columbia Arts Center, hereinafter known as the "Property", whereby MARTIN HASH covenants to City that the Property described herein will be used only in accordance with the terms and provisions of this Covenant and subject to the conditions described herein.

WHEREAS, the City is the owner and fee simple of the property described herein commonly known as the Columbia Arts Center; and

WHEREAS, the property has substantial and important historic, aesthetic, architectural, and cultural character and is potentially eligible for inclusion on a National Register of Historic Places by the United States Department of the Interior and the Clark County Historic Preservation Commission; and

WHEREAS, the City desires to preserve and maintain the historic, aesthetic, and cultural character of the property and to limit certain uses of the property consistent with its characteristics;

NOW THEREFORE, in recognition of the foregoing and in consideration of conveyance of the property by City to MARTIN HASH,

MARTIN HASH hereby covenants and agrees to City on behalf of themselves and all their heirs, assigns, successors and interests, into whose ownership the site may

pass as follows, it being specifically agreed and covenanted that this is a Covenant which touches, concerns, enhances, benefits and runs with the land herein described and which is intended to preserve the aesthetic, architectural and cultural values of the property in perpetuity. The terms and conditions of the Covenant are as follows:

1. Restrictions on alteration and use. Without the express written permission of the City, its successors or assigns, signed by a duly authorized representative thereof, no construction, alteration or remodeling or any other thing shall be undertaken or permitted to be undertaken which would affect either the exterior surfaces or increase the height or alter the exterior façade (including without limitation exterior walls and roofs) or the appearance of the Property as depicted in the photographs attached hereto and incorporated by this reference herein as Exhibit "B" or which would adversely affect the structural soundness of the Property; Provided, however, that the reconstruction, repair, repainting or refinishing of presently existing parts or elements of the Property, damage to which has resulted from casualty loss, deterioration, or wear and tear, shall be permitted without the prior approval of the City, provided that such reconstruction, repair, repainting or refinishing is performed in a manner which will not alter the exterior appearance of the Property as it is as of this date. Exterior changes which require the consent of City shall include, but not be limited to, any substantial structural change or any change in design, color or materials. Replacement of exterior signage shall require the consent of City, but such consent will not be withheld if the proposed signage conforms to VMC Title 20 and conforms to the Downtown Design Guidelines and is consistent with the character of the facade.



The Property may be used for any lawful purpose consistent with the provisions and requirements of the City of Vancouver Zoning Code as amended; Provided, that

MARTIN HASH, its heirs, assigns and/or successors are prohibited from using the Property for any adult entertainment business as that term is defined in the Vancouver Municipal Code.

2. Demolishing the Property. The Property shall not be demolished or partially demolished without the prior written consent of City.

3. Maintenance. MARTIN HASH agrees at all times to maintain the Property and the exterior appearance of the Property (including without limitation the exterior walls and roofs of the Property) in a good and sound state of repair so that no more than minimal deterioration in its present exterior appearance, as depicted in Exhibit "B", shall take place, subject to the casualty provisions set forth in Paragraph 7 herein.

4. Right to Alter the Interior of the Property. It is understood and agreed between the parties that MARTIN HASH may alter the interior of the Property. Nothing in this Agreement shall be deemed to restrict MARTIN HASH's right to make such alterations or modifications as long as such alterations or modifications do not substantially alter the exterior appearance of those areas protected by this Preservation Covenant, as listed in Paragraph 1 herein.

5. Maintenance and Repair of the Property. MARTIN HASH and/or assigns shall be responsible for maintenance, repair, repainting, and refinishing of the Property as necessary to comply with paragraph 3 herein, MARTIN HASH shall



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Clark County, WA

provide maintenance, repair, repainting, and refinishing of the Property because of wear and tear.

6. Waste. The Grantor agrees not to commit or permit waste (i.e., abuse, unreasonable or improper use or deterioration of the Property.

7. Extinguishment. In the event the Property is destroyed or damaged by fire or other casualty to an extent that the repair or reconstruction of the existing improvements or the façade and exterior surfaces subject to this Covenant is rendered impracticable, in City's reasonable judgment, or in the event a subsequent unexpected change in the conditions surrounding the Property renders it impossible or impractical to continue to use the Property for the purpose of preserving the historic, aesthetic, architectural and cultural value of the Property, the restrictions set forth herein may be extinguished by a judicial proceeding.

8. Inspection. MARTIN HASH hereby agrees that representatives of City, its successors or assigns shall be permitted at all reasonable times to inspect the property. Inspections will normally take place from the street; however, MARTIN HASH agrees that representatives of City, its successors or assigns shall be permitted to enter and inspect the interior of the improvements to the Property to insure maintenance of structural soundness; inspection of the interior will not, in the absence of evidence of deterioration, take place more often than annually. Inspection of the interior will be made at a time mutually agreed upon by MARTIN HASH and City, its successors or assigns, and MARTIN HASH agrees to not withhold consent unreasonably in determining a date and time for such inspection. Other inspections required or permitted by law are in not way limited hereby.



9. Consent, Disapproval, and Appeal. Where the terms of this Agreement require the consent of City, such consent shall be requested by written notice, as provided in Paragraph 12 herein, to City and consent shall be deemed to have been given within thirty (30) days after mailing of the notice by MARTIN HASH or its successors or assigns unless City gives written notice to MARTIN HASH specifying reasons for disapproval.

10. Nature and Duration. The covenants expressed herein shall be deemed to run with the Property in perpetuity and be binding upon MARTIN HASH and the MARTIN HASH's successors and assigns for the benefit of the City.

11. Assignments, Successors, and Assigns. Except as provided in Paragraph 7 herein:

MARTIN HASH agrees that this Covenant will be inserted by it in any subsequent deed or in any legal instrument by which it divests itself of either the fee simple title to or its possessory interest in the Property or any part thereof.

12. Notice. Any notice required hereunder shall be in writing and shall be given by certified or registered mail, with postage prepaid and return receipt requested, addressed to MARTIN HASH, as follows:

MARTIN HASH
2800 E. EVERGREEN
VANCOUVER, WA 98661

Or addressed to the City, as follows:

City Attorney
City of Vancouver
P.O. Box 1995
Vancouver, WA 98668

13. Construction. This Agreement shall be construed to promote the preservation of the historic, cultural, architectural, and aesthetic character of the Property and to conserve its natural, scenic, and open condition for both this generation and future generations, while maintaining the usefulness of the Property to MARTIN HASH or its successors or assigns.

14. Governing Law. The terms of this Agreement shall be construed in accordance with the laws of the state of Washington.

15. Entire Agreement. This constitutes the entire agreement between the parties.

16. Nonwaiver of Breach Clause. The failure of the City to at anytime enforce any provision of this Agreement shall not be deemed a waiver of its right to later enforce that or any other provision of this Agreement.

17. Legal Remedies. This Covenant may be enforced by the City in any or all of the following ways:

1. By bringing this suit in any court of competent jurisdiction for monetary damages to cover the expected costs of the City's performance of any and all obligations covenanted herein and _____ to be performed by MARTIN HASH.

2. For injunction to cause specific performance of this Covenant or for any appropriate relief as may be deemed desirable by the City.

3. Such other relief in law and equity as the City deems necessary to enforce the terms of this Covenant.



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Clark County, WA

With regard to any of the aforementioned remedies, MARTIN HASH

agrees to be responsible for any and all attorney's fees and costs expended by the City and enforcing any of these provisions.

18. Filing. A copy of this Covenant will be filed with the Clark County Auditor so that it will appear as a Covenant within the chain of title for the real property described herein.

19. Severability. In the event that any provision of this Covenant is held invalid or unenforceable by any court of competent jurisdiction, such holding shall not affect any other provision, and the other provisions hereof shall continue in full force and effect.

DATED this 22 day of NOVEMBER, 1999, 2000.

GRANTOR:

Martin Hash

MARTIN HASH

By _____

Its: _____

GRANTEE:

CITY OF VANCOUVER, WASHINGTON

APPROVED AS TO FORM:

Ted H. Gathe Brent B. Gage
City Attorney Asst. City Atty

STATE OF WASHINGTON

SS

COUNTY OF CLARK

On this 22nd day of November, 2000 personally appeared before me MARTIN HASH to me known to be the individual(s) described in and who executed the within and foregoing instrument and acknowledged to me that (he/she/they) signed the same as (his/hers/their) free and voluntary act and deed for the purposes therein mentioned.

Melissa A Miller

Notary Public in and for the State of Washington,
Residing at Battle Ground
My Commission Expires: 1/29/2003

MELISSA A. MILLER
NOTARY PUBLIC
STATE OF WASHINGTON
COMMISSION EXPIRES
JANUARY 29, 2003

THE ABOVE SPACE RESERVED FOR NOTARY SEAL

Fidelity National Title Company of Washington

EXHIBIT "A"

PARCEL I:

BEGINNING at the Southeast corner of Fractional Block 5, STILES ADDITION TO THE CITY OF VANCOUVER, according to the plat thereof, recorded in Volume "G" of Plats, Page 609, records of Clark County, Washington; thence East 100 feet; thence North 100 feet; thence West 100 feet; thence South 100 feet to the point of beginning.

ALSO BEGINNING at a point 95 feet South of the intersection of the West line of Park Street with the South line of 11th Street in the City of Vancouver, said County and State; thence West 100 feet; thence South 5 feet; thence East 100 feet; thence North 5 feet to the point of beginning.

PARCEL II:

Lots 3 and 4, Block 5, STILES ADDITION TO THE CITY OF VANCOUVER, according to the plat thereof, recorded in Volume "G" of Plats, Page 609, records of Clark County, Washington.

EXHIBIT “B”

E-FILED

10-17-2022, 08:10

Scott G. Weber, Clerk
Clark County

23

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR THE COUNTY OF CLARK

HERONTIDE II, LLC

Plaintiff,

vs.

CITY OF VANCOUVER, a Washington
municipality,

Defendant.

No. 22-2-02593-06
[Clerk's Action Required]

COMPLAINT

Plaintiff Herontide II, LLC, ("Herontide II") alleges as follows:

INTRODUCTION

1. This matter concerns access to real property owned by Herontide II. Herontide II is ready to but cannot build apartments on the Property because the City of Vancouver ("City") has blocked and refuses to unblock Herontide II's ingress and egress access.

2. NE 51st Circle is a public right-of-way in Vancouver, Washington. It provides the only public street access to the Herontide II property.

3. In December 2021, the City granted itself an indefinite Right of Way Use and Occupation Permit to exclusively use NE 51st Circle for "Safe Stay" temporary housing for the homeless.

4. Herontide II supports the City's efforts to improve access to housing and the Safe Stay community. In fact, Herontide II has repeatedly offered to partner with the City and

COMPLAINT - 1

SCHWABE, WILLIAMSON & WYATT, P.C.
Attorneys at Law
Pacwest Center
1211 SW Fifth Ave Ste 1900
Portland, OR 97204
Telephone 503.222.9981 Fax 503.798.2900

1 Vancouver Housing Authority to create low-income or homeless housing projects on
2 Herontide II's Property. The Vancouver Housing Authority declined Herontide II's offer and
3 the City has not responded.

4 5. Since at least December 2021, the City has refused to allow Herontide II to use
5 NE 51st Circle.

6 6. To avoid conflict and avoid bothering the Safe Stay community, Herontide II
7 asked to drive across City land, *around* the Safe Stay community (the "bypass" route) – the
8 same route the City was using to work on Burnt Bridge Creek and stormwater maintenance.

9 7. The City said it might agree, but only if Herontide II satisfied several conditions
10 that were not required by law and were not required for City construction vehicles driving in
11 the same location.

12 8. Given these facts, Herontide II has no choice but to seek legal and equitable
13 relief from this Court.

14 **PARTIES AND JURISDICTION**

15 9. Herontide II is a Washington limited liability company licensed to do business
16 in the State of Washington.

17 10. Defendant City is and was at all material times a municipal corporation of the
18 State of Washington.

19 **VENUE AND JURISDICTION**

20 11. This action affects title to real property in Clark County, Washington. This
21 court has jurisdiction over the parties and the subject matter of this dispute pursuant to RCW
22 2.08.010.

23 12. Venue is proper under RCW 4.12.010 and 4.12.025 because the causes of action
24 arise in Clark County, and the real property at issue is situated in Clark County.

25 13. Plaintiff has exhausted all administrative remedies and has complied with RCW
26 4.96.020 as to tort claim filing requirements.

FACTS

14. Herontide II owns real property located at 5264 NE 121st Avenue, in Vancouver, Washington, also known as tax parcel number 158354000 (the “East Parcel”).

15. Herontide II owns real property in Vancouver, Washington known as tax parcel number 157532000 (the “West Parcel”).

16. The East and West Parcels are collectively referred to herein as the “Herontide II Property.”

17. The City owns real property due south of NE 51st Circle, located at 11400 NE 51st Circle, Vancouver, Washington, also known as tax parcel number 162702009, and the land immediately adjacent to its south, known as tax parcel number 162702020. These properties are collectively referred to herein as the “City’s Land.”

18. A copy of a map, showing the relative locations of the Herontide II Property, the City Land, and NE 51st Circle is attached as Exhibit A.

Herontide II’s Construction Permit Applications

19. On or about February 2020, Herontide II notified the City that it wanted to develop the Herontide II Property.

20. The City-approved building plans show construction access to the Herontide II Property would be through NE 51st Circle.

The City’s Use Permit

21. On December 9, 2021, the City granted itself a Type D Long Term Right of Way Use and Occupation Permit (the “Use Permit”) for the exclusive use of a portion of public right-of-way immediately north of the City’s Land and west of Herontide II’s Property, known as NE 51st Circle. A true and correct copy of the Use Permit is attached as Exhibit B.

22. The Use Permit grants the City exclusive use of approximately 350 feet at the east, cul-de-sac end of NE 51st Circle (the “Permit Area”). Exhibit B at 2,6.

23. The Herontide II Property is located adjacent to the east, cul-de-sac end of NE

1 51st Circle. *See* Exhibit A.

2 24. The City closed the Permit Area for all other public use, completely blocking
3 all public street and ingress/egress access to the Herontide II Property, indefinitely.

4 25. The City contracted with the nonprofit, Outsiders Inn, to create the “Safe Stay”
5 Community directly **in** the right-of-way.

6 26. Due to the City’s actions, Herontide II has been and continues to be prohibited
7 from accessing the Herontide II Property from the only public roadway servicing its property.

8 27. The City did not provide sufficient notice or due process to Herontide II or the
9 public regarding its application for the Use Permit and/or the proposed use of the Permit Area.

10 28. The City did not allow anyone other than itself to appeal the Use Permit.

11 29. Right-of-way use permits must conform to VMC Chapter 11 and applicable
12 City Code and regulations. The proposed right-of-way use may not unduly interfere with the
13 rights and safety of the public.

14 30. Under VMC 11.60.120(B)(1), the proposed use of a right-of way must not:

- 15 a. impede reasonable ingress and egress to abutting properties, or
- 16 b. create the imminent possibility of conduct likely to endanger public
17 safety or to result in significant property damage, or
- 18 c. have a significant adverse impact upon residential or business access
19 and traffic circulation in the area governed by the permit.

20 31. Under VMC 11.60.090(E)(6), applications for a right-of-way use permit must
21 include a traffic control plan if the use will affect vehicle or pedestrian traffic.

22 32. Under VMC 11.60.060(B)(4)(b), long term right-of-way use permits may not
23 be issued for any permanent structure in the right-of-way.

24 33. The City violated relevant regulations of City Code, including VMC 11.60.120,
25 11.60.090, 11.60.060, when granting the Use Permit.

26 34. The City exceeded its authority when granting the Use Permit.

COMPLAINT - 4

SCHWABE, WILLIAMSON & WYATT, P.C.
Attorneys at Law
Pacwest Center
1211 SW Fifth Ave Ste 1900
Portland, OR 97204
Telephone 503.222.9981 Fax 503.798.2900

1 35. On or about October 13, 2022, Herontide II submitted a code enforcement
2 complaint to the City regarding these Code violations.

3 The City Refused to Remedy Its Errors

4 36. After Herontide II obtained stormwater and civil permits for the housing
5 development on its property, Herontide II asked the City to restore its access to NE 51st Circle.

6 37. The City declined, stating that traffic through the right-of-way would disturb
7 the tenants of the Safe Stay Community it had created in the middle of the public street.

8 38. The City refused to revoke or even amend the Use Permit.

9 39. As an alternative, Herontide II asked to drive across City Land adjacent to NE
10 51st Circle along the bypass route to access the Herontide II Property. The City declined this
11 request, stating that the use of the unpaved roads by construction vehicles would disturb the
12 twenty tenants of the Safe Stay Community and may result in negative environmental impacts.

13 40. Beginning in July 2022, the City began driving large construction vehicles
14 along the bypass route.

15 41. On August 11, 2022, Herontide II notified the City that it intended to file tort
16 claims against the City for its actions described in this Complaint.

17 42. Also on August 11, 2022, Herontide II again asked to use the bypass route to
18 access its property, in light of the City's use of the same route for a similar purpose.

19 43. In September 2022, the City said it would agree to allow Herontide II to use the
20 bypass route, but only under numerous, conditions – conditions the City had not imposed on
21 itself or its construction vehicles.

22 CAUSES OF ACTION

23 **I. Declaratory and Injunctive Relief**

24 44. Herontide II re-alleges the allegations stated above.

25 45. The City's exclusive use of the Permit Area unduly interferes with Herontide
26 II's access to the Herontide II Property, in violation of applicable law.

1 46. The City's grant of the Use Permit failed to comply with procedural and
2 substantive requirements, including but not limited to VMC 11.60.120, 11.60.090, and
3 11.60.060.

4 47. The City failed to provide Herontide II and the public sufficient due process
5 related to the issuance and appeal of the Use Permit.

6 48. Herontide II seeks an order declaring the Use Permit void *ab initio* pursuant to
7 RCW chapter 7.24 and a mandatory injunction pursuant to RCW chapter 7.40 directing the
8 City to permit Herontide II access to the Herontide II Property through the public right-of-way
9 known as NE 51st Circle.

10 **II. Private Condemnation for Way of Necessity, RCW 8.24.010**

11 49. Herontide II re-alleges the allegations stated above.

12 50. The City's actions have purposefully and intentionally landlocked Herontide
13 II's property.

14 51. Given the facts above and to be proven at trial, it is necessary for the proper use
15 and enjoyment of the Herontide II Property that Herontide II be granted a private way of
16 necessity.

17 52. Herontide II requests an order of private condemnation across NE 51st Circle on
18 the City Land, sufficient in area for the construction and maintenance of such private way of
19 necessity.

20 53. If the Court concludes the private way of necessity should be on City Land, the
21 City should be responsible for any costs associated with providing and permitting such a route,
22 because those costs would not have been necessary but for the City's actions described herein.

23 **III. Inverse Condemnation**

24 54. Herontide II re-alleges the allegations stated above.

25 55. Herontide II has a right and interest to enforce its property rights as the owner
26 of the Herontide II Property.

1 56. The City has engaged in a taking and/or damaging of Herontide II's private
2 property.

3 57. The taking and/or damaging of Herontide II's private property, even if only
4 temporary, occurred without the payment of just compensation to Herontide II.

5 58. The taking and/or damaging of Herontide II's private property without just
6 compensation, temporarily or otherwise, constitutes a violation of Article I, Section 16 of the
7 Constitution of the State of Washington and the Fifth Amendment to the Constitution of the
8 United States of America.

9 59. Herontide II is entitled to just compensation for the temporary taking and/or
10 damaging of Herontide II Property from the date of the issuance of the permit to the date the
11 Use Permit is revoked and its access to NE 51st Circle is restored.

12 60. In the alternative, if the Use Permit is not revoked, Herontide II is entitled to
13 just compensation for the value of the Herontide II Property as a result of the City's permanent
14 taking.

15 61. Herontide II is entitled to interest, costs, and fees pursuant to RCW chapter 8.25
16 in an amount to be determined at trial.

17 **IV. Public Nuisance**

18 62. Herontide II re-alleges the allegations stated above.

19 63. The City's actions and omissions have obstructed a public street, constituting a
20 public nuisance pursuant to RCW 7.48.140.

21 64. The nuisance is continuing.

22 65. Herontide II has been specially damaged because the City's actions cut off the
23 only public street access to Herontide II's property.

24 66. Herontide II is entitled to an award of damages and a warrant of abatement or
25 injunction to prevent the continuing nuisance.

1 **V. Private Nuisance**

2 67. Herontide II re-alleges the allegations stated above.

3 68. The City's actions and omissions have unreasonably interfered with Herontide
4 II's comfortable use and enjoyment of its private property by obstructing ingress to and egress
5 from the Herontide II Property.

6 69. The City's actions constitute a nuisance pursuant to RCW 7.48.010 and that
7 nuisance is continuing.

8 70. Herontide II has incurred money damages as a result of the City's interference
9 with the use and enjoyment of the Herontide II Property, in an amount to be proven at trial.

10 71. Herontide II is entitled to an award of compensation, and a warrant of
11 abatement or injunction to prevent the continuing nuisance.

12 **VI. Intentional Interference with Business Expectancy**

13 72. Herontide II re-alleges the allegations stated above.

14 73. Herontide II had a valid business expectancy in its right to exercise all the
15 benefits of real property ownership, including development, access, and use rights.

16 74. Herontide II had a valid business expectancy that if it complied with
17 applicable codes, it would timely receive approval from the City to develop its Property

18 75. Herontide II had a valid business expectancy with its investors, contractors
19 and subcontractors, to build apartments on the Herontide II Property.

20 76. Herontide II had a valid business expectancy in its right to of access to NE
21 51st Circle as a public right of way and as approved by the City in the approved building
22 permit(s) for the Herontide II Property.

23 77. The City knew Herontide II wanted, and still wants, to develop its Property
24 and is intentionally interfering with that right, and those business expectancies, through its
25 actions described above.

26 78. The City acted for the improper purpose of enforcing its invalid Use Permit

1 and denying Herontide II its lawful real property rights.

2 79. The City acted through improper means by approving the Use Permit contrary
3 to controlling law and refusing to modify or terminate the Use Permit when it became aware
4 of the harm it was causing Herontide II.

5 80. As a result of the City's actions, Herontide II incurred actual damages in an
6 amount to be proven at trial.

7 WHEREFORE, plaintiff Herontide II prays for judgment as follows:

- 8 1. For an order granting declaratory relief and an injunction in favor of Herontide
9 II quieting title to Herontide II's access rights to NE 51st Circle, enjoining the
10 City from interfering with those rights; an award of damages; and an award of
11 costs and attorneys' fees;
- 12 2. For an award of damages incurred to be incurred by the City's temporary or
13 permanent taking of private property without compensation, and costs in an
14 amount to be determined by the court;
- 15 3. For a judgment awarding a private way of necessity across NE 51st Circle or
16 the City Land;
- 17 4. For an award of damages incurred or to be incurred by Herontide II as a
18 consequence of the City's conduct, in an amount to be determined by the
19 Court; and a warrant of abatement to prevent the continuing nuisance;
- 20 5. For such other and further relief as the Court deems appropriate.

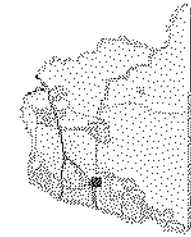
21 Dated this 14th day of October, 2022.

22 SCHWABE, WILLIAMSON & WYATT, P.C.

23
24 By: s/ Maren Calvert
25 Maren Calvert, WSBA #53940
26 Email: mcalvert@schwabe.com
Attorney for Plaintiff



Tax Lot 157532000



Legend

- Taxlots
- All Roads
 - Interstate
 - State Route
 - Arterial
 - Forest Arterial
 - Minor Collector
 - Forest Collector
 - Private or Other

Notes:

752.3 0 376.17 752.3 Feet

WGS_1984_Web_Mercator_Auxiliary_Sphere
Clark County, WA. GIS - <http://gis.clark.wa.gov>

This map was generated by Clark County's "MapsOnline" 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.

**Type D Long Term Right of Way Use and Occupation Permit
Pursuant to VMC 11.60.060.B.4**

RECITALS

The following recitals set forth the agreed-upon underlying facts upon which this Permit is based.

A. Description of Permit. This is a Type D Long Term Right of Way Use and Occupation Permit issued to the City Manager's Office of the City of Vancouver, hereinafter referred to as Permittee, and issued by the City of Vancouver, a Washington municipal corporation that is a charter city of the first class, hereinafter referred to as the City, pursuant to Vancouver Municipal Code (VMC) 11.60.060.B.4 and 11.60.110.E, by which said Permittee may utilize certain improved dedicated public rights of way within the area operated by Permittee as a part of the Permittee's "NE 51st Circle Safe Stay Community" project, hereinafter referred to as the Project.

B. Description of Property Subject to Permit. The property subject to the Permit is a portion of under-improved public right of way associated with NE 51st Circle adjacent to the Project. The Project site is located at 11400 NE 51st Circle, in the NW ¼ of Sec. 15, T2N, R2E, Willamette Meridian, more specifically described as:

- Public right-of-way adjacent to County Tax Parcel No. 162702009, legally described and/or depicted on Exhibit A, attached hereto and incorporated herein by this reference.

C. Description of Permittee. The Permittee is the Executive Office of a Washington municipal corporation that is a charter city of the first class. Kerry Peck is hereby designated by the Permittee as contact for all communications regarding this Permit. Permittee shall provide the City with written notice within fourteen (14) days of any change in its designated contact.

Notices shall be mailed to:

City of Vancouver - Office of the City Manager
PO Box 1995
Vancouver, WA 98668
Attn: Kerry Peck, Senior Admin. Assistant
Email: kerry.peck@cityofvancouver.us

D. Final Decision. This Type D Long Term Right of Way Use and Occupation Permit is subject to the approval criteria contained in Vancouver Municipal Code (VMC) 11.60.120. Based upon review of the application materials, the criteria for approval have been satisfactorily met or shall be met as conditioned. This permit request is therefore **approved with conditions**, as described below. This Permit shall become effective as of the date of the last signature hereto below. A 14-day appeal period begins on the effective date. Pursuant to VMC 11.60.190, only the applicant and the city are entitled to an appeal.

PERMIT

The City hereby issues this Type D Long Term Right of Way Use and Occupation Permit to Permittee pursuant to Vancouver Municipal Code (VMC) 11.60.060.B.4 and 11.60.110.E. This Permit authorizes Permittee to utilize certain improved dedicated public rights of way for improvements described on and in locations as provided for in Exhibit B, (the "Encroachments") subject to the following terms and conditions:

1. As shown on Exhibit B, attached hereto and incorporated herein by this reference, the Permittee plans to construct a "safe stay community" with 20 pallet-style structures to serve as shelters and 1 pallet-style structure to serve as an office. The community intends to provide temporary shelter for up to 40 unsheltered citizens. In addition to the shelter structures, the area will include porta-potties, handwashing facilities, a storage shed, fencing, electricity, and water and sewer facilities. Eventually, the porta-potties and handwashing facilities will be replaced with restrooms. The area encompassing these facilities will consist of the under-improved right-of-way for NE 51st Circle, starting from the existing concrete barricades located approximately 350-feet east of 112th Avenue and extending approximately 350-feet further eastward from there.
2. The Permittee is responsible for all design, permitting and construction of the Encroachments. The Permittee assumes total liability and responsibility for maintenance of the Encroachments, and all appurtenances thereof.
3. The City will be responsible for the maintenance of the City-owned utilities installed within the street rights of way. Non-city owned utilities will be the responsibility of the utility owner. To verify the physical location(s) of City owned and non-City owned utilities, contact the Utility Notification Center 1-800-424-5555.
4. Pursuant to this Permit, Permittee has exclusive use of the dedicated right of way subject to the Permit for uses as described and identified on Exhibit B; however, no construction of any Improvements other than other those identified shall be permitted within the Permit area.
5. As a condition of utilizing the right of way as set forth in this Permit, the Permittee is responsible to obtain approval for a Supportive Campsite under VMC 8.22.070. This Permit will expire upon expiration of the permit or approval issued under VMC 8.22.070.
6. The Permittee is a City department. The City maintains insurance sufficient to satisfy the requirements of VMC 11.60.170. It is agreed that no vested or prescriptive rights shall accrue in the Permittee or in their heirs, successors and assigns by virtue of this Permit. This permit shall be in effect until the City and the Permittee mutually agree to terminate, except in accordance with VMC 11.60.150, if the City requires the use of the improved rights of way covered in the Permit for utility or street purposes. In that case, the City will provide

the Permittee twelve month advance written notice. This advance notice requirement shall be waived in the case of emergency, as determined in the sole discretion of the City.

7. This Permit is binding upon the parties. This Permit will be recorded with the real property recordings in Clark County. The exhibits attached to this Permit will be recorded and the Permit as recorded will constitute a memorandum of the complete agreement including the exhibits. The City Custodian of the Records will keep an original of the agreement with all exhibits. The Permittee acknowledges that this permit shall be, at city expense, filed by the city in the real estate records of the Auditor of Clark County.
8. This Permit may be assigned by Permittee to any subsequent owner or management company of the Project upon proof of that entity's compliance with the following insurance provisions. Pursuant to VMC 11.60.170, the Assignee shall provide the City with satisfactory evidence in writing that the Assignee has in force and will maintain in force throughout the duration of the permitted use, commercial general liability insurance satisfactory in form and substance to the City, duly issued by an insurance company authorized to do business in Washington. The policy shall name the City of Vancouver as an additional insured, and apply as primary insurance, regardless of any insurance the City may carry. Also, the policy must include:
 - a. A "cross-liability" (severability of interest) clause; and
 - b. A provision that the City be notified not less than 30 days prior to cancellation of the policy, except in the case of non-payment, when less than 10 days prior notice is required; and
 - c. All policies shall be written on an occurrence form, with the exception of any cyber liability/errors and omissions policy(ies); and
 - d. shall maintain a policy of commercial general liability insurance with the following minimum limits:
 - i. Each occurrence, \$1,000,000.
 - ii. General aggregate, \$1,000,000.
 - iii. Products and completed operations aggregate, \$2,000,000.
 - iv. Personal and advertising injury, each offense, \$1,000,000.
 - v. Excess or umbrella liability coverage at limits of \$5,000,000 per occurrence and annual aggregate.

Permittee shall request assignment in writing not less than 120 days prior to the requested assignment date. As a condition of assignment, the Assignee shall obtain a Supportive Campsite permit under VMC 8.22.070 and agree to defend, indemnify, and hold harmless the City, its officers, employees and agents, for any and all suits, claims, or liabilities caused by, or arising out of, any use authorized by any such permit.

9. The following comments from the City of Vancouver Fire Marshall's Office shall be established as additional conditions of approval under this permit:

- **Property Owner** - City of Vancouver – Right-of-Way
- **Address** – 11400 NE 51st Circle – General site address signage required and individual pods shall be addressed numerically – all signage shall be clearly visible minimum of 4 inches in-height with contrasting colored numbers/letters to background.
- **Staffing 24/7** – Full time staffing, provide weekly inspections of individual pods by Stay Safe Site Manager (Pods remain free of fire hazards/hoarding)
- **Living Area Lighting** – Proposed street lighting package – three (3) street lamps
- **Pod Placement Configuration** – Ten (10) feet separation between pods
- **Emergency Access** – Pavement, emergency gate access shall be a minimum of 20 feet wide to accommodate emergency vehicles, (required Knox entry on two (2) vehicle entry/exit points), a minimum of a 20 foot clear drive through access inside the camp (turn-around – cul-de-sac). Emergency vehicle drive through route shall remain free of storage/debris. Procedurally, the on-site 24/7 management staff person shall open the front gate for emergency vehicles in the event of a emergency prior to arrival.
- **Water Supply** – Hydrant located ~75 feet from proposed pod area
- **Fire and Life Safety Protection Equipment** – Pod equipped with code compliant smoke/CO alarm, pod equipped with front door and with emergency escape kick-out panel
- **Ignition Sources Prohibited** - Signage required inside pods – “No Smoking” – “No Open Flame Usage”
- **Approved Smoking Receptacles Required** – Within the exterior camp/community area, shall provide approved non-combustible containers (ash trays) for residents to extinguish/discard smoking materials. (**if smoking is allowed*)
- **Cooking Prohibited** – Cooking within the pods is prohibited – *Future plan to address communal cooking (shall discuss at a later time with Fire Marshal's Office prior to operationalizing)*
- **Pod Heat** – Pod provided with electric all mount heating unit, use of heating appliance; shall remain clear of combustible storage (signage required – “Per Fire Marshal – Maintain 3 Foot Clearance of Combustibles”)
- **Recreational Fires** – All fires are prohibited.
- **Site Fencing** - Verify area of refuge is adequate per Building Plans Examiner
- **City/Building & Fire Permitting** – Separate permits shall be required and obtained for installation of electrical utilities and acceptance testing of the smoke/CO alarms, verify area of refuge is adequate.

List of Exhibits:

Exhibit A – Property Subject to Permit

Exhibit B – Illustration of the Encroachments

Exhibit C – Critical Areas Statement of Exemption (Staff Report w/Exhibits)

Dated this 9th day of December, 2021

By: [Signature]
Ryan Lopossa, P.E.
Streets & Transportation Manager
City of Vancouver Public Works

STATE OF WASHINGTON)
) SS
COUNTY OF CLARK)

I hereby certify that I know or have satisfactory evidence that

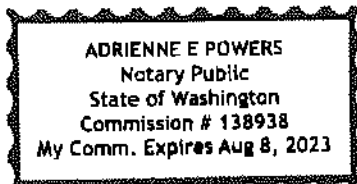
Ryan Lopossa
(Print Name)

signed this instrument, on oath stated that (she/he) is authorized to execute the instrument as a

Streets & Transportation Manager of City of Vancouver
(Position/Title) (Name of Corporation)

and acknowledge it to be (her/his) free and voluntary act of such party for uses and purposes mentioned in the instrument.

DATED: December 9, 2021.



[Signature]
NOTARY PUBLIC for the State of Washington,
Residing in the County of Clark
My Commission Expires: Aug 8, 2023

EXHIBIT A

11400 NE 51st Circle

Property subject to the Permit is improved public right of way associated with NE 51st Circle, located in the NW ¼ of Sec. 15, T2N, R2E, Willamette Meridian. The Project site is located at 11400 NE 51st Circle (parcel 162702009).

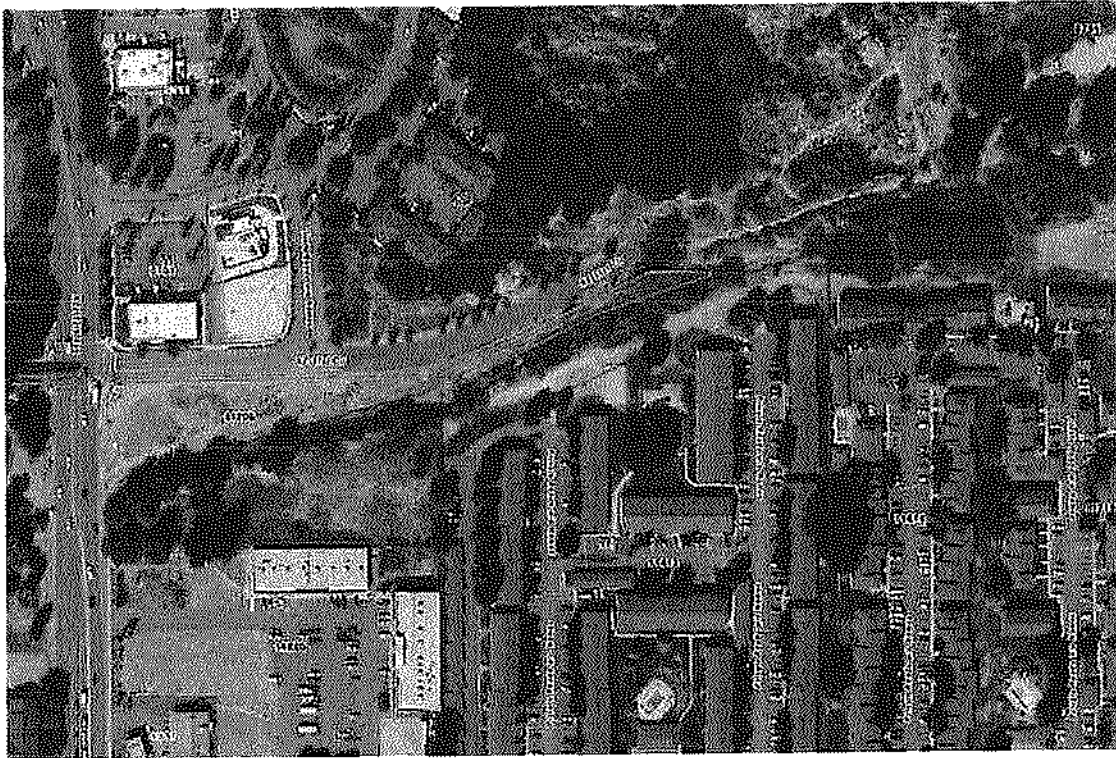


Exhibit C



City of Vancouver • P.O. Box 1995 • Vancouver, WA 98668-1995
www.cityofvancouver.us

**Critical Areas Statement of Exemption
Safe Stay Community
PRJ-167730/LUP-81993**

Date: December 1, 2021

Request: Critical areas statement of exemption for the establishment of a 20-unit safe stay shelter community with accessory structures to be located within NE 51st Circle.

Location: NE 51st Circle adjacent to city-owned parcel 162702009 with the address 11400 NE 51st Circle.

Applicant: Kerry Peck, City of Vancouver, PO Box 1995, Vancouver, WA 98668-1995. 360-487-8616.

Owner: City of Vancouver right-of-way

Decision: Exempt

Applicable Regulations

VMC 20.740.030 Applicability and Exemptions
VMC 20.740.110 Fish and Wildlife Habitat Conservation Areas
VMC 20.740.140 Wetlands

Staff Findings

Burnt Bridge Creek lies approximately 45 feet south of the subject site, although no portion of the site is located within the floodway or floodway fringe as mapped by FEMA. Mapping indicators for wetlands and fish and wildlife habitat exist to the north and south of NE 51st Circle.

The proposed improvements are all located on the pavement of NE 51st Circle except for two short sections of fencing at the east and west ends of the subject site. This proposed fencing is located partially on pervious areas that exist from the pavement of the street to the existing fence that runs east-west along the north side of the right-of-way.

Per VMC 20.740.110A.1.e(1)(A), when impervious surfaces from previous development completely functionally isolate the Riparian Management Area or the Riparian Buffer from the waterbody, the regulated riparian area shall extend from the ordinary high-water mark to the impervious surfaces. If the waterbody is not completely physically isolated, but is completely functionally isolated, the Planning Official may adjust the regulated riparian area to reflect site conditions and sound science.

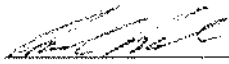
Per VMC 20.740.140C.1.b(i)(E), areas which are completely functionally separated from a wetland and do not protect the wetland from adverse impacts may be excluded from buffers otherwise required.

Based on the code sections above, the proposed improvements, being on the pavement of NE 51st Circle, are functionally isolated from any habitat or wetlands to the north or south of the street. Therefore, the improvements are not proposed within wetlands, habitat or associated buffers.

Regarding the proposed fencing within pervious areas located between the pavement of NE 51st Circle and the existing fence running east-west along the north side of the right of way, the proposed fencing is outside the mapped habitat on the north side of the street, and, based on VMC 20.740.140C.1.b(i)(E) above, functionally separated from the mapped wetland by the existing fence.

Conclusion

Based on the findings above, the proposal is found to be exempt from the provisions of the City of Vancouver's critical areas ordinance.



Andrew Reule, Senior Planner

December 1, 2021

Date

Exhibits

- 1 Application
- 2 Applicant's narrative
- 3 Site plan

c: Ryan Lopossa, Streets and Transportation Manager
Eric Hahn, Senior Transportation Engineer

EXHIBIT 1



Planning Permit Application

LAND USE PRELIMINARY APPLICATION (LUP)

415 W 6th ST ~ Vancouver, WA 98660, P.O. Box 1995 ~ Vancouver, WA 98668, Phone (360) 487-7800

Email completed application to plans@cityofvancouver.us

REVIEW TYPE (Check one review and one process type)				
Review Type: <input type="checkbox"/> Type I <input type="checkbox"/> Type II <input type="checkbox"/> Type III <input type="checkbox"/> Type IV <input type="checkbox"/> Tree Removal Only (nuisance or hazard)				
Process Type: <input type="checkbox"/> Standard <input type="checkbox"/> Streamline (Type II Applications only - Pre-submittal Meeting required)				
USE				
<input type="checkbox"/> Single-Family	<input type="checkbox"/> Commercial	<input type="checkbox"/> Multi-family	<input type="checkbox"/> Industrial	<input type="checkbox"/> Residential
<input type="checkbox"/> Duplex	<input type="checkbox"/> Wireless Communications Facility (new) see VMC 20.890			
PROJECT INFORMATION				
Site Acres:	Disturbed Acres:	Zoning:	Sewer: <input type="checkbox"/> Septic <input checked="" type="checkbox"/> Public	Water: <input type="checkbox"/> Well <input checked="" type="checkbox"/> Public
Proposed # of Lots: 7 Dwelling Units: 20 pallet shelters				
Non-Residential Bldg. Square Footage:		Ground Floor: 64 sq ft		Total of All Upper Floors:
Hard Surface Area Square Feet - New: 14,000		Replacement:		Total:
PROJECT NAME AND LOCATION				
Proposed project name: Safe Stay Community				
Project site address: 11400 NE 51st Circle			Parcel #(s):	
PROJECT DESCRIPTION				
(Briefly describe the proposed project. Provide more detail in project narrative)				
this is a 20 shelter safe stay community for the unhoused. This is a supported community for the unhoused to live in shelters while waiting for permant housing. This location will have 20 shelter units of 64 sq ft , one office space, portable restrooms and handwashing station.				
PRIMARY APPLICANT			CONTACT	
Business Name: City of Vancouver			Business Name: City of Vancouver	
Contact Name: Kerry Peck			Contact Name: Kerry Peck	
Address: PO Box 1995			Address: PO Box 1995	
City/State/Zip: Vancouver, WA 98668-1995			City/State/Zip: Vancouver, WA 98668-1995	
Phone: 487-8616			Phone: 487-8616	
Email: kerry.peck@cityofvancouver.us			Email: kerry.peck@cityofvancouver.us	
ELECTRONIC PLANS SUBMITTER (required) (responsible for ePlans uploading and correspondence)			OWNER (attached additional sheets for multiple owners)	
Name:			Name:	
Address:			Address:	
City/State/Zip:			City/State/Zip:	
Email (required):			Email:	
Phone:			Phone:	
ONLINE PAYMENT				
Existing ePermits User Name:			Request an ePermits Account	
REQUIRED SIGNATURES				
As evidenced by my signature below, I/we agree that City of Vancouver staff has my/our full permission to enter upon the subject property at any reasonable time to consider the merits of the application, to take photographs and to post public notices.				
Applicant Signature:			Date:	
Property Owner Signature:			Date:	

LUP APPLICATION SUB TYPES

Please check all applicable applications and information where necessary

<input type="checkbox"/> Airport Height Overlay District
<input type="checkbox"/> Archaeological Pre-determination
<input type="checkbox"/> Binding Site Plan
<input type="checkbox"/> Boundary Line Adjustment # of lots to be adjusted:
<input type="checkbox"/> Comprehensive Plan Amendment (Including Zone Map Amendment with Comp Plan)
<input type="checkbox"/> Conditional Use Permit <input type="checkbox"/> Initial (Type III) (Comm. Centers, Group Meal Service, Shelters) <input type="checkbox"/> Major Modification (Type III) <input type="checkbox"/> Minor Modification (Type I) Engineering Review Required <input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> Covenant Release
<input checked="" type="checkbox"/> Critical Areas (not used when in Shoreline) Check one → <input type="checkbox"/> Duplex/Single Family <input type="checkbox"/> All Other Uses Check one → <input type="checkbox"/> Permit <input checked="" type="checkbox"/> Statement of Exemption (No Fee) Check the applicable critical area(s) <input type="checkbox"/> Fish & Wildlife <input type="checkbox"/> Frequently Flooded <input type="checkbox"/> Geological Hazards <input type="checkbox"/> Wetlands <input type="checkbox"/> Minor Exception (not common) <input type="checkbox"/> Reasonable Use (not common)
<input type="checkbox"/> Design Review <input type="checkbox"/> Exterior Modification Only <input type="checkbox"/> All Others
<input type="checkbox"/> Development Agreement <input type="checkbox"/> Initial <input type="checkbox"/> Modification <input type="checkbox"/> Extension
<input type="checkbox"/> Historic Preservation
<input type="checkbox"/> Legal Lot Determination # of lots to be reviewed:
<input type="checkbox"/> Master Plan/Public Facilities MP <input type="checkbox"/> Conceptual (without Site Plan Review) <input type="checkbox"/> Detailed (with Site Plan Review) <input type="checkbox"/> Hybrid (Some areas with Site Plan Review)
<input type="checkbox"/> Planned Development <input type="checkbox"/> Commercial <input type="checkbox"/> Residential <input type="checkbox"/> Mixed Use* *Ground Floor SF: 64 sq ft Upper Floor SF:
<input type="checkbox"/> Plat Alteration
<input type="checkbox"/> Post Decision Review/Modification (Includes Planned Development/Master Plan Modifications) <input type="checkbox"/> Type I <input type="checkbox"/> Type II <input type="checkbox"/> Type III Engineering Review Required <input type="checkbox"/> Yes <input type="checkbox"/> No

<input type="checkbox"/> Road Modification <input type="checkbox"/> Minor (Administrative) <input type="checkbox"/> Technical (Minor) <input type="checkbox"/> Major (Design) Submitted: <input type="checkbox"/> Before <input type="checkbox"/> After Decision (submitted after decision is not common)
<input type="checkbox"/> Shoreline Permits <input type="checkbox"/> Substantial Development Permit <input type="checkbox"/> Shoreline Permit Exemption (no fee) <input type="checkbox"/> Shoreline Conditional Use <input type="checkbox"/> Shoreline Variance
<input type="checkbox"/> Site Plan Review <input type="checkbox"/> Type I <input type="checkbox"/> Type II Check Use Type below <input type="checkbox"/> Residential <input type="checkbox"/> Non-Residential <input type="checkbox"/> Qualified Planned Action <input type="checkbox"/> Unoccupied Commercial/Utility Structure <input type="checkbox"/> Commercial Pad <input type="checkbox"/> Land Extensive Stormwater <input type="checkbox"/> Yes <input type="checkbox"/> No Transportation <input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> State Environmental Policy Act (SEPA) <input type="checkbox"/> Check if for Single-Family Residential house (only) <input type="checkbox"/> Residential Site Plan Review (SPR) <input type="checkbox"/> Grading Only <input type="checkbox"/> Subdivision or Planned Development <input type="checkbox"/> Non-Project Actions (not common) <input type="checkbox"/> All Other (Includes Comm/Indust SPR) <input type="checkbox"/> Qualified Planned Action (When more than one applies check All Other)
<input type="checkbox"/> Subdivision/Short Subdivision <input type="checkbox"/> Short Subdivision (2-9 lots) <input type="checkbox"/> Subdivision (10+ Lots)
<input type="checkbox"/> Temporary Use <input type="checkbox"/> Commercial/Industrial <input type="checkbox"/> Unforeseen Emergency <input type="checkbox"/> Seasonal or Special Event <input type="checkbox"/> Model Home or Sales Office
<input type="checkbox"/> Tree Plan Enter Tree Plan Level (1 to 7): (Tree Removal for nuisance or hazard tree(s) is Level 3)
<input type="checkbox"/> Variance <input type="checkbox"/> Check if for Single Family Residential house <input type="checkbox"/> Type I - # requested: <input type="checkbox"/> Type II - # requested: Stormwater <input type="checkbox"/> Yes <input type="checkbox"/> No Transportation <input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> Zoning Certificate
<input type="checkbox"/> Zoning Map Amendment (Not Involving Comprehensive Plan Amendment)
<input type="checkbox"/> Zoning Verification

EXHIBIT 2

Safe Stay Community Narrative:

The COV has contracted with a nonprofit, Outsiders Inn, to operate a Safe Stay Community (SSC) at (address). The SSC will consist of 20 small shelter units that house up to 40 total individuals, 1 office unit, restrooms, dumpster w/regular trash service, a storage shed, and a canopied/tented community space. Each unit will have power, heat, beds, emergency egress, windows and a lockable door. The site will be fenced and have gates for emergency vehicle access on both ends.

The purpose of this SSC is to provide a safer and more sanitary place for individuals experiencing unsheltered homelessness to stabilize and work to resolve their homelessness. Outsiders Inn will staff the site 24/7 and ensure safety, cleanliness, and code of conduct expectations are adhered to. Outsiders Inn has a specific application and referral process for admission, and will work with outside service providers to ensure connection between residents and needed services/supports. Outsiders Inn will also work to engage the surrounding community and participate in neighborhood meetings. Contact info that can be used by neighbors and other community members will be made available to the public for any questions, concerns, volunteer opportunities, etc. Per the amended camping ordinance, no unsanctioned camping will be allowed within 1000 feet of the SSC, and that will be regularly monitored and enforcement by the City's HART team. Outsiders Inn also has an outreach team/program, and that team will focus some of their outreach efforts on the neighborhoods surrounding the SSC to offer services, refer to open SSC units, and connect folks with other resources.

