STAFF REPORT NO. 099-16

TO: Mayor and City Council
FROM: Eric Holmes, City Manager
DATE: 7/11/2016

Subject: Code amendments prohibiting crude oil storage facilities and oil refinery facilities

Key Points:
- The City of Vancouver has been operating under an emergency moratorium prohibiting the establishment and expansion of crude oil storage facilities since September 2014.
- The moratorium expiring August 17, 2016, was extended 3 times to allow staff to glean more information from the pending Environmental Impact Statement (EIS) required for the proposed state regulated Tesoro Savage crude oil storage facility within the Port of Vancouver.
- The November 24, 2015, released draft EIS was found to be significantly deficient.

Objective: Under the direction of City Council staff developed city code amendments to prohibit new or expanded crude oil facilities (storage facilities that average less than 50,000 barrels a day) and prohibit oil refineries. This action supports implementation of Goal 2, Objective 2.2, as well as Goals 7 and 8 of the Strategic Plan.

Present Situation: The Planning Commission forwards a recommendation of approval by a 5-0 vote to the Vancouver City Council for adoption of the following code amendments. Note that City staff recommends an alternative bulk crude oil storage definition adjusted from the Planning Commission’s recommended definition.

- Amend VMC 20.440.030-1 Industrial Zoning Districts Use Table – to prohibit bulk crude oil storage facilities and to prohibit expansion of existing bulk crude oil storage facilities
- Amend VMC 20.440.030–2 North American Industry Classification System (NAICS) Table for Industrial Uses – to prohibit oil refineries
- Amend VMC 20.150.040A, Definitions Meanings of Specific Words and Terms A through D – to add a definition of bulk crude storage
  - Planning Commission recommended definition (underlined text is Planning Commission added text) - Bulk Crude Storage. Bulk crude storage and handling facility, means any structure, group of structures, equipment, or device that stores or transfers any naturally occurring liquid petroleum extracted from geological formations beneath the earth’s surface which requires further refinement before consumer use, including but not limited to; conventional crude oil, extra heavy oil, and oil sands/bitumen. Crude oil does include but is not limited to conditioned, degassed, and stabilized crude. The term does not include facilities that store and handle finished products derived from petroleum.
  - City Staff recommended definition - Bulk Crude Storage. Bulk crude storage and handling facility, means any structure, group of structures, equipment, or device that stores or transfers any naturally occurring liquid petroleum extracted...
from geological formations beneath the earth’s surface which requires further refinement before consumer use, including but not limited to: conventional crude oil, extra heavy oil, and bitumen. The term does not include facilities that store and handle finished products derived from petroleum including but not limited to asphalt.

- Amend VMC 20.150.040D, Definitions Meanings of Specific Words and Terms M through P - to add the official North American Industrial Classification System (NAICS) definition of petroleum/oil refineries.
  - Petroleum/Oil Refinery. An industry engaged in refining crude petroleum/oil into refined petroleum/oil. Petroleum/oil refining involves one or more of the following activities: 1) fractionation; 2) straight distillation of crude oil; and 3) cracking.

**Advantage(s):** The recommended code amendments address the City Council’s emergency moratorium prohibiting the establishment and expansion of crude oil storage facilities

**Disadvantage(s):** None.

**Budget Impact:** There are no budget impacts.

**Prior Council Review:**
- September 2014 – Ordinance M-4090 - Established an emergency moratorium prohibiting establishment or expansion of crude oil storage facilities except those vested or contingently vested.
- Moratorium extended 3 times - expiring August 17, 2016
- City Council Worksession April 11, 2016
- City Council Worksession June 13, 2016

**Action Requested:**
1) On Monday, July 11, 2016, approve the ordinance including the Planning Commission recommended Vancouver Municipal Code amendments and the City Staff recommended definition for Bulk Crude Storage, setting date of second reading and public hearing for Monday, July 18, 2016.
2) On Monday, July 18, 2016, subject to second reading and public hearing, approve ordinance.

**Attachment(s):**
- Ordinance
- Written Testimony
- Final Planning Commission Minutes
ORDINANCE NO. M-[Ordinance Number]

AN ORDINANCE of the City of Vancouver, prohibiting new or expanded crude oil facilities in the City of Vancouver; providing for severability, and providing for an effective date.

WHEREAS, on September 11, 2014, the Vancouver City Council adopted M-4090 to establish a moratorium on applications for additional crude oil facilities or expansion of existing crude oil facilities; and

WHEREAS, on October 20, 2014, pursuant to the requirements of RCW 36.70A.390 and RCW 35.63.200, the City council held a public hearing and adopted findings in support thereof: and

WHEREAS, that moratorium has been extended and remains in effect; and

WHEREAS, establishment or expansion of petroleum uses in Vancouver will increase the risk of possible derailments, spills, explosions and fallout and will pose a serious threat to the community; and

WHEREAS, Pursuant to the Washington State Constitution, the general police powers granted to cities empower and authorize the City of Vancouver to adopt land use controls to provide for the regulation of land uses within the City and to provide that such uses shall be consistent with applicable law; and

WHEREAS, the City of Vancouver possesses all of the powers granted to the cities of the first class by the constitution and general laws of this state and all powers implied thereby; and
WHEREAS, the City of Vancouver therefore possesses the requisite constitutional and statutory land use regulatory authority to either allow and regulate land uses within the city limits, or to prohibit and ban such uses; and

WHEREAS, the City Council finds and concludes that the proposed changes are consistent with all relevant criteria for Comprehensive Plan and Zoning Plan and Text Amendments (VMC 20.285) and consistent with the policies and provisions of the Comprehensive Plan and the Growth Management Act pursuant to the requirements of Chapter 36.70A. RCW; and

WHEREAS, environmental impacts of the proposed non-project Development code amendments have been reviewed and determined to be nonsignificant pursuant to the State Environmental Policy Act. Notice of Determination of Nonsignificance (DNS) was issued on May 11, 2016, for the proposed code amendments, and no comments or appeals were received; and

WHEREAS, the Vancouver Planning Commission held a duly advertised work session on May 3, 2016, and a duly advertised public hearing on May 24, 2016, to consider Vancouver Municipal Code 20.440.030-1 Industrial Zoning Districts Use Table and 20.440.030–2 NAICS Table for Industrial Uses and associated 20.150.040A, Definitions Meanings of Specific Words and Terms A through D, and 20.150.040D, Definitions Meanings of Specific Words and Terms M through P amendments, and did take public testimony, and did close public testimony on May 24, 2016, and voted unanimously to forward approval of the recommended amendments to VMC 20.440.030-1 Industrial Zoning Districts Use Table and VMC 20.440.030–2 NAICS Table for Industrial Uses and associated VMC 20.150.040A, Definitions Meanings of Specific Words and
Terms A through D, and VMC 20.150.040D, Definitions Meanings of Specific Words and Terms M through P with added clarification text to VMC 20.150.040A; and

WHEREAS, the City Council held a work session on June 13, 2016, and a duly advertised first reading of this ordinance on July 11, 2016, followed by a duly advertised second reading and public hearing of this ordinance on July 18, 2016, to consider the Planning Commission recommendations of May 24, 2016, and public testimony; and

WHEREAS, after taking testimony and reviewing the Planning Commission record the City Council approves VMC 20.440.030-1 and VMC 20.440.030–2, VMC 20.150.040A, and VMC 20.150.040D as amended; and

WHEREAS, the Vancouver City Council approves this Ordinance as set forth below.

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF VANCOUVER:

Section 1. The City Council declares that the purpose of this ordinance is to preserve the health, safety, and welfare of its citizens.

Section 2. Findings and Conclusions.

(a) The foregoing recitals are approved as findings of the Vancouver City Council.

(b) The development of new crude petroleum facilities, petroleum refineries, and expansion of existing crude petroleum facilities is contrary to the health, safety, and welfare of its citizens and business community.
**Section 3.** Vancouver Municipal Code Chapter 20.440, Industrial Districts, Section 20.440.030, Uses; Table 20.440.030-1 Industrial Zoning Districts Use Table as last amended by Ordinance M-4147, shall be amended as follows:

**Industrial**  
**20.440.030, USES**

A. **Types of uses.** For the purposes of this chapter, there are four kinds of use:

1. A permitted (P) use is one that is permitted outright, subject to all of the applicable provisions of this title.

2. A limited (L) use is permitted outright providing it is in compliance with special requirements, exceptions or restrictions.

3. A conditional use (C) is a discretionary use reviewed through the process set forth in Chapters 20.245 VMC and 20.210 VMC, governing Conditional Uses and Decision-Making Procedures, respectively.

4. A prohibited use (X) is one that is not permitted in a zoning district under any circumstances.

5. Uses may also be subject to restrictions and standards set forth in the Water Resource Protection Ordinance (Title 14).

B. **Use table.** A list of permitted, limited, conditional, and prohibited uses in the industrial zoning districts is shown in Table 20.440.030–1.

Table 20.440.030–1  
Industrial Zoning Districts Use Table

<table>
<thead>
<tr>
<th>USE</th>
<th>OCT&lt;sup&gt;20&lt;/sup&gt;</th>
<th>IL&lt;sup&gt;1&lt;/sup&gt;</th>
<th>IH</th>
<th>ECX&lt;sup&gt;27&lt;/sup&gt;</th>
</tr>
</thead>
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<td><strong>RESIDENTIAL</strong></td>
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</tr>
<tr>
<td>Household Living</td>
<td>L&lt;sup&gt;2&lt;/sup&gt;</td>
<td>L&lt;sup&gt;2&lt;/sup&gt;</td>
<td>L&lt;sup&gt;2&lt;/sup&gt;</td>
<td>L&lt;sup&gt;28&lt;/sup&gt;</td>
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<tr>
<td>Group Living</td>
<td>P&lt;sup&gt;21/X&lt;/sup&gt;</td>
<td>X</td>
<td>X</td>
<td>P&lt;sup&gt;21/X&lt;/sup&gt;</td>
</tr>
<tr>
<td>Transitional Housing</td>
<td>P&lt;sup&gt;21/X&lt;/sup&gt;</td>
<td>X</td>
<td>X</td>
<td>P&lt;sup&gt;21/X&lt;/sup&gt;</td>
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<tr>
<td>Home Occupation</td>
<td>L&lt;sup&gt;3&lt;/sup&gt;</td>
<td>L&lt;sup&gt;3&lt;/sup&gt;</td>
<td>L&lt;sup&gt;3&lt;/sup&gt;</td>
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<td><strong>HOUSING TYPES</strong></td>
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<td>Single Dwelling, Attached</td>
<td>L&lt;sup&gt;2&lt;/sup&gt;</td>
<td>X</td>
<td>X</td>
<td>L&lt;sup&gt;28&lt;/sup&gt;</td>
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<td>USE</td>
<td>OCI²⁰</td>
<td>IL¹</td>
<td>IH</td>
<td>ECX²⁷</td>
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<td>------------------------------------------</td>
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<tr>
<td>Single Dwelling, Detached</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
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<tr>
<td>Accessory Dwelling Units</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Duplexes</td>
<td>L²</td>
<td>X</td>
<td>X</td>
<td>L²⁸</td>
</tr>
<tr>
<td>Multi-Dwelling Units</td>
<td>L²</td>
<td>L²</td>
<td>X</td>
<td>L²⁸</td>
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<td>Existing Manufactured Home Developments</td>
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<td>New Manufactured Homes</td>
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<td><strong>CIVIC (Institutional)</strong></td>
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<td>Basic Utilities</td>
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<tr>
<td>Colleges</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>C</td>
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<td>Community Recreation</td>
<td>L²⁴</td>
<td>P</td>
<td>X</td>
<td>L²⁴</td>
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<td>Cultural Institutions</td>
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<td>P</td>
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<tr>
<td><strong>Day Care</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>- Child Care Center</td>
<td>L⁴</td>
<td>L⁴</td>
<td>X</td>
<td>L⁴</td>
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<tr>
<td>- Adult Day Care</td>
<td>P</td>
<td>P</td>
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<td>P</td>
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<td>Emergency Services</td>
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<td>P</td>
<td>P</td>
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<td>Human Service Facilities</td>
<td>L²⁵</td>
<td>L²⁵</td>
<td>L²⁵</td>
<td>L²⁵</td>
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<td>Medical Centers</td>
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<td>X</td>
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<td><strong>Parks/Open Space</strong></td>
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<tr>
<td>- Neighborhood Parks</td>
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<td>C</td>
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<td>P</td>
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<tr>
<td>- Community Parks</td>
<td>C</td>
<td>C</td>
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<tr>
<td>- Regional Parks</td>
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<td>C</td>
<td>C</td>
</tr>
<tr>
<td>- Trails</td>
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<td>C</td>
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<td>Postal Service</td>
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<td>Religious Institutions</td>
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<td>Schools</td>
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<td>Social/Fraternal Clubs</td>
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<td>P/X²⁶</td>
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<td><strong>Park &amp; Ride Facilities</strong></td>
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<tr>
<td>Surface</td>
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<td>L¹</td>
<td>L³¹</td>
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<td>USE</td>
<td>OCI&lt;sup&gt;20&lt;/sup&gt;</td>
<td>IL&lt;sup&gt;1&lt;/sup&gt;</td>
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<td>Structure</td>
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<td>Eating/Drinking Establishments</td>
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<td>- Adult Entertainment</td>
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<td>- Indoor Entertainment</td>
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<td>- Major Event Entertainment</td>
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<td>Artisan Small Scale Manufacturing</td>
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<td><strong>General Retail</strong></td>
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<td>- Sales-Oriented</td>
<td>L</td>
<td>L&lt;sup&gt;6&lt;/sup&gt;</td>
<td>L/C&lt;sup&gt;6&lt;/sup&gt;</td>
<td>L&lt;sup&gt;6&lt;/sup&gt;</td>
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<td>X</td>
<td>L&lt;sup&gt;6&lt;/sup&gt;</td>
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<td>- Repair-Oriented</td>
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<td>L&lt;sup&gt;6&lt;/sup&gt;</td>
<td>X</td>
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<td>- Bulk Sales</td>
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<td>- Outdoor Sales</td>
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<td><strong>Motor Vehicle Related</strong></td>
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<tr>
<td>- Motor Vehicle Sales/Rental</td>
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<td>- Motor Vehicle Servicing/Repair</td>
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<td>L&lt;sup&gt;8&lt;/sup&gt;</td>
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<td>- Vehicle Fuel Sales</td>
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<td>- EV Basic Charging Stations</td>
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<td>(accessory and stand-alone)</td>
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<tr>
<td>- EV Rapid Charging Stations</td>
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<td>(accessory and stand-alone)</td>
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<tr>
<td>- EV Battery Exchange Stations</td>
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<td><strong>Office</strong></td>
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<td>- General</td>
<td>P</td>
<td>P</td>
<td>L/C&lt;sup&gt;9&lt;/sup&gt;</td>
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<td>- Medical</td>
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<td>- Extended</td>
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<td>P</td>
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<tr>
<td>USE</td>
<td>OCI</td>
<td>IL</td>
<td>IH</td>
<td>ECX</td>
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<td>------------------------------------------</td>
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<tr>
<td>Marina (See also VMC 20.760)</td>
<td>X</td>
<td>C</td>
<td>X</td>
<td>X</td>
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<tr>
<td>Non-Accessory Parking</td>
<td>C</td>
<td>L</td>
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<td>Self-Service Storage</td>
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<td>P</td>
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<td>Industrial Services</td>
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<td>Manufacturing and Production</td>
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<td>Bulk Crude Oil storage and handling facilities</td>
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<td>X</td>
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<td>Petroleum/Oil Refineries</td>
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<td>Detention &amp; Post Detention Facilities</td>
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<td>C</td>
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<td>L</td>
<td>L</td>
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<tr>
<td>Mining</td>
<td>C</td>
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</table>
Due to the unique character and combination of uses in the Columbia Business Center area, uses existing prior to March 11, 2004, on parcels zoned IL in the Columbia Business Center may be altered, expanded or replaced regardless of use limitations in Table 20.440.030–1.

In the OCI zone, multi-family housing allowed above ground floor only. In all industrial zones, one caretaker residence permitted per use.

Subject to the conditions in chapter 20.860 VMC Home Occupations.

Child care centers allowed as a Limited (L) use, subject to a Type II procedure. Child care centers are permitted in order to provide service for those employees working in the IL district, subject to provisions in Chapter 20.840 VMC Child Care Centers.

If within an industrial building, these uses shall consume no more than 10% of the building’s total gross square footage. If freestanding, they shall be considered together with the rest of the project and shall consume no more than 10% of the site’s total gross square footage.

These limited uses, separately or in combination, may not exceed 20% of the entire building square footage within a development complex. No retail uses shall exceed 40,000 gross square feet (gsf) per building or business; retail uses greater than 40,000 gsf but less than 60,000 gsf require conditional use review.

Subject to provisions in Section 20.820 VMC Adult Entertainment.

Subject to provisions in Section 20.895.070 Motor Vehicle Fuel Sales and Repair.

Offices not accessory to a permitted use may not exceed 40,000 gsf; offices greater than 40,000 gsf but less than 60,000 gsf require conditional use review.

In the OCI zone, non-accessory surface parking is conditionally permitted on brownfields where subsurface environmental constraints effectively preclude other uses, provided such development complies with applicable local, state and federal environmental standards. In the IL zone, non-accessory surface parking is permitted, and non-accessory structured parking is prohibited.

Subject to NAICS Table 20.440-2.

Permitted as limited use provided all activities, except outdoor storage of materials, are wholly contained within building(s).

Secure Community Transition Facilities as per 20.150 are prohibited.
In addition to other detention and post-detention facilities, Secure Community Transition Facilities are allowed by conditional use permit, subject to criteria set forth in 20.855.020(B)(6)(a).

Subject to provisions in Chapter 20.850 VMC Dog Day Care.

Subject to requirements in Chapter 20.890 VMC Wireless Telecommunications Facilities.

Subject to provisions in Section 20.895.020 Kennels/Shelters.

Surface mining is only allowed by conditional use on sites of 20 acres or larger which are adjacent to existing mining operations. Reclamation activity for existing mining operations approved by the Washington State Department of Natural Resources is a permitted use in any non-residential zoning district.

Allow airport/airpark related activities such as hangars, air cargo, and warehousing, pilot schools, aircraft sales and repairs, aviation clubs, and museum in the Light Industrial District (IL). New airports/airparks are prohibited.

All uses locating the OCI zone shall comply with the special use limitations of 20.440.040© VMC and 20.440.050(A) VMC. Development agreements in existence on the effective date of this ordinance shall control the uses and development standards of the affected properties. In order to protect the investments made in reliance upon such agreements, improvements made or site plans approved consistence with these agreements shall not be deemed nonconforming.

Existing legally established group living and transitional housing uses are permitted. New group living and transitional housing uses are prohibited.

10-day hazardous waste handling and transfer facilities, excluding facilities handling radioactive or high explosive materials, are allowed, provided such facilities: a) do not repackage waste (except as necessary to address damaged or improper packaging); b) are located at least 200’ from any residential zoning district; and c) do not store hazardous wastes (except for “universal wastes,” as that term is defined in Code of Federal Regulations, Title 40, Part 273) for more than ten days.

Prohibited within 200’ of a residential zone.

Subject to provisions of Chapter 20.895.040 VMC Community Recreation and Related Facilities.

Subject to provisions of Chapter 20.870 VMC Human Service Facilities.

Transportation facilities are permitted except for large or land-intensive facilities such as water taxi and ferry stations.

All uses locating in the ECX zone shall comply with VMC 20.690, Section 30 Employment Center Plan District. Development agreements in existence on the effective date of this ordinance shall control the uses and development standards of the affected properties, unless property owners choose differently as provided under VMC 20.690.030. In order to protect the investments made in reliance
upon such agreements, improvements made or site plans approved consistent with these agreements shall not be deemed nonconforming.

28 In the ECX zone, multi-family housing is allowed above ground floor only; and one caretaker residence permitted per use.

29 Vehicle fuel sales is limited to one operation within the Section 30 Plan District

30 Non-accessory structural parking only is permitted.

31 See Section 20.430.040.E. Park & Ride Facilities Development Standards.

32 Major Utility Facilities are prohibited with the exception that sewer treatment plants and lagoons are allowed outright.

33 Biomass and coal energy generating plants are prohibited on Heavy Industrial zoned properties within the Vancouver City Center Subarea and Hough Neighborhood Association boundaries located west of Lincoln Street and east of the Burlington Northern Santa Fe Railroad tracks.

34 Medical marijuana collective gardens are subject to location and special standards of Chapter 20.883, Medical Marijuana Collective Gardens. Recreational marijuana growing and processing facilities shall be licensed by the Washington State Liquor Control Board, and shall be subject to VMC 20.883.060 Medical Marijuana Collective Gardens Special Standards, subsections A, B, C, and D. In the event of conflict or overlap with WAC 314.55 or other standards pursuant to state licensing, the more restrictive standards shall apply.

35 Existing bulk crude oil storage facilities including vested projects as of July 18, 2016 are prohibited to expand the amount of crude oil storage.

Section 4. Vancouver Municipal Code Chapter 20.440, Industrial Districts, Section 20.440.030-2 NAICS Industrial Use Table shall be amended as follows:

Table 20.440.030–2

North American Industrial Classification System (NAICS) for Industrial Zoning Uses

The following list of uses is based on the North American Industrial Classification System (NAICS). NAICS is organized in a hierarchical structure much like the existing SIC (Standard Industrial Classification). NAICS industries are identified by a 6-digit code, in contrast to the 4-digit SIC code. The longer code accommodates the larger number of sectors and allows more flexibility in designating subsectors. The use of NAICS codes for permitted uses refers only to the use of a particular site, rather than the type of industry involved. For example, office uses for manufacturing firms are treated as offices and are not permitted in the industrial zones.

— The first two digits designate a major economic sector (formerly division) such as agriculture or manufacturing.

ORDINANCE - 10
— The third digit designates an economic subsector (formerly major group) such as crop production or apparel manufacturing.
— The fourth digit designates an industry group, such as grain and oil seed farming or fiber, yarn and thread mills.
— The fifth digit designates the NAICS industry such as wheat farming or broadwoven fabric mills. Retail uses are marked with a “1” in the table below. Please see the footnotes at the end of the table for an explanation of permitted development.

* Industrial uses may be further regulated by the Water Resource Protection Ordinance (Title 14).
* For Artisan and Specialty Goods Manufacturing Uses refer to Section 20.160.020C-10.

<table>
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<th>Manufacturing Uses</th>
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<td><strong>311</strong> Food Manufacturing</td>
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<tr>
<td>3111 Animal food manufacturing</td>
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<tr>
<td>3112 Grain and oilseed milling</td>
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<td>3113 Sugar and confectionery product manufacturing</td>
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<td>3114 Fruit and vegetable preserving and specialty food manufacturing</td>
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<td>3115 Dairy product manufacturing</td>
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<td>3116 Animal slaughtering and processing</td>
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<tr>
<td>31161 Animal slaughtering and processing</td>
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<tr>
<td>3117 Seafood product preparation and packaging</td>
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<td>3118 Bakeries and tortilla manufacturing</td>
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<tr>
<td>3119 Other food manufacturing</td>
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<td><strong>312</strong> Beverage and Tobacco Product Manufacturing</td>
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<td>3121 Beverage manufacturing</td>
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<td>31211 Soft drink and ice manufacturing</td>
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<td>3122 Tobacco manufacturing</td>
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<td>3131 Fiber, yarn, and thread mills</td>
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<td>3133 Textile and fabric finishing and fabric coating mills</td>
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<td><strong>314 Textile Product Mills</strong></td>
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<td>3141 Textile furnishings mills</td>
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<td>3149 Other textile product mills</td>
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<td><strong>315 Apparel Manufacturing</strong></td>
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<td>3151 Apparel knitting mills</td>
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<td>3152 Cut and sew apparel manufacturing</td>
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<td>3159 Apparel accessories and other apparel manufacturing</td>
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<td><strong>316 Leather and Allied Product Manufacturing</strong></td>
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<td>3161 Leather and hide tanning and finishing</td>
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<td>31621 Footwear manufacturing</td>
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<td><strong>321 Wood Product Manufacturing</strong></td>
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<td>3212 Veneer, plywood, and engineered wood product manufacturing</td>
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<td>Custom compounding of purchased resins</td>
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<td>Unsupported plastics film, sheet, and bag manufacturing</td>
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<td>Plastics pipe, pipe fitting, and unsupported profile shape manufacturing</td>
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<td>Urethane and other foam product (except polystyrene) manufacturing</td>
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<td>32622 Rubber and plastics hoses and belting manufacturing</td>
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<td>327 Nonmetallic Mineral Product Manufacturing</td>
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<td>331 Primary Metal Manufacturing</td>
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<td>3311 Iron and steel mills and ferroalloy manufacturing</td>
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<td>3312 Steel product manufacturing from purchased steel</td>
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<td>3313 Alumina and aluminum production and processing</td>
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<td>3326</td>
<td>Spring and wire product manufacturing</td>
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<td>Machine shops; turned product; and screw, nut, and bolt manufacturing</td>
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<td>3328</td>
<td>Coating, engraving, heat treating, and allied activities</td>
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<td>Industrial pattern manufacturing</td>
<td>P</td>
</tr>
<tr>
<td>332998</td>
<td>Enameled iron and metal sanitary ware manufacturing</td>
<td>P</td>
</tr>
<tr>
<td>332999</td>
<td>All other miscellaneous fabricated metal product manufacturing</td>
<td>P</td>
</tr>
<tr>
<td>333</td>
<td>Machinery Manufacturing</td>
<td></td>
</tr>
<tr>
<td>3331</td>
<td>Agriculture, construction, and mining machinery manufacturing</td>
<td>P</td>
</tr>
<tr>
<td>3332</td>
<td>Industrial machinery manufacturing</td>
<td>P</td>
</tr>
<tr>
<td>3333</td>
<td>Commercial and service industry machinery manufacturing</td>
<td>P</td>
</tr>
<tr>
<td>3334</td>
<td>Ventilation, heating, air-conditioning, and commercial refrigeration equipment manufacturing</td>
<td>P</td>
</tr>
<tr>
<td>3335</td>
<td>Metalworking machinery manufacturing</td>
<td>P</td>
</tr>
<tr>
<td>3336</td>
<td>Engine, turbine, and power transmission equipment manufacturing</td>
<td>P</td>
</tr>
<tr>
<td>3339</td>
<td>Other general purpose machinery manufacturing</td>
<td>P</td>
</tr>
<tr>
<td>334</td>
<td>Computer and Electronic Product Manufacturing</td>
<td></td>
</tr>
<tr>
<td>Manufacturing Uses</td>
<td>IL²</td>
<td>IH</td>
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<tr>
<td>-----------------------------------------------------------------------------------</td>
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</tr>
<tr>
<td>3341 Computer and peripheral equipment manufacturing</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>3342 Communications equipment manufacturing</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>3343 Audio and video equipment manufacturing</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>3344 Semiconductor and other electronic component manufacturing</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>3345 Navigational, measuring, electromedical, and control instruments manufacturing</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>3346 Manufacturing and reproducing magnetic and optical media</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td><strong>335 Electrical Equipment, Appliance, and Component Manufacturing</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3351 Electric lighting equipment manufacturing</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>3352 Household appliance manufacturing</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>3353 Electrical equipment manufacturing</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>3359 Other electrical equipment and component manufacturing</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td><strong>336 Transportation Equipment Manufacturing</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3361 Motor vehicle manufacturing</td>
<td>X</td>
<td>P</td>
</tr>
<tr>
<td>3362 Motor vehicle body and trailer manufacturing</td>
<td>X</td>
<td>P</td>
</tr>
<tr>
<td>3363 Motor vehicle parts manufacturing</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>3364 Aerospace product and parts manufacturing</td>
<td>X</td>
<td>P</td>
</tr>
<tr>
<td>3365 Railroad rolling stock manufacturing</td>
<td>X</td>
<td>P</td>
</tr>
<tr>
<td>3366 Ship and boat building</td>
<td>X</td>
<td>P</td>
</tr>
<tr>
<td>33661 Ship and boat building</td>
<td>X</td>
<td>P</td>
</tr>
<tr>
<td>336611 Ship building and repairing</td>
<td>X</td>
<td>P</td>
</tr>
<tr>
<td>336612 Boat building</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>3369 Other transportation equipment manufacturing</td>
<td>X</td>
<td>P</td>
</tr>
<tr>
<td>33699 Other transportation equipment manufacturing</td>
<td>X</td>
<td>P</td>
</tr>
<tr>
<td>336991 Motorcycle, bicycle, and parts manufacturing</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>336992 Military armored vehicle, tank, and tank component manufacturing</td>
<td>X</td>
<td>P</td>
</tr>
<tr>
<td>336999 All other transportation equipment manufacturing</td>
<td>X</td>
<td>P</td>
</tr>
<tr>
<td>Manufacturing Uses</td>
<td>IL&lt;sup&gt;2&lt;/sup&gt;</td>
<td>IH</td>
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<tr>
<td>----------------------------------------------------------------------------------</td>
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</tr>
<tr>
<td>337 Furniture and Related Product Manufacturing</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3371 Household and institutional furniture and kitchen cabinet manufacturing</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>3372 Office furniture (including fixtures) manufacturing</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>3379 Other furniture related product manufacturing</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>339 Miscellaneous Manufacturing</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3391 Medical equipment and supplies manufacturing</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>3399 Other miscellaneous manufacturing</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>42 Wholesale Trade</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>444 Building Material and Garden Equipment and Supplies Dealers</td>
<td></td>
<td></td>
</tr>
<tr>
<td>44411 Home Centers</td>
<td>P</td>
<td>X</td>
</tr>
<tr>
<td>44419 Other building materials dealers (with sales of bulk construction materials to contractors)</td>
<td>P</td>
<td>X</td>
</tr>
<tr>
<td>5324 Commercial and Industrial machinery and equipment rental and leasing (except 53242 - Office machinery and equipment)</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>611 Educational Services</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6111 Elementary and secondary schools (and IH)</td>
<td>C</td>
<td>X</td>
</tr>
<tr>
<td>6112 Junior colleges (and IH)</td>
<td>C</td>
<td>X</td>
</tr>
<tr>
<td>6113 Colleges, universities, and professional schools (and IH)</td>
<td>C</td>
<td>X</td>
</tr>
<tr>
<td>6114 Business schools and computer and management training</td>
<td>C</td>
<td>X</td>
</tr>
<tr>
<td>811 Repair and Maintenance</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8112 Electronic and precision equipment repair and maintenance</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>8114 Personal and household goods repair and maintenance</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>812 Personal and Laundry Services</td>
<td></td>
<td></td>
</tr>
<tr>
<td>81232 Dry cleaning and laundry services (except coin-operated)</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Miscellaneous</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Manufacturing Uses

<table>
<thead>
<tr>
<th></th>
<th>IL</th>
<th>IH</th>
</tr>
</thead>
<tbody>
<tr>
<td>Offsite hazardous waste treatment and storage facilities (subject to state siting criteria)</td>
<td>P</td>
<td>X</td>
</tr>
<tr>
<td>Branch Banks</td>
<td>P</td>
<td>P</td>
</tr>
</tbody>
</table>

1. Electroplating and related uses not permitted.

2. Due to the unique character and combination of uses in the Columbia Business Center area, uses existing prior to March 11, 2004, on parcels zoned IL in the Columbia Business Center may be altered, expanded or replaced regardless of use limitations in Table 20.440.030-2.

Section 5. Chapter VMC 20.150 Definitions, Section 20.150.040A Meanings of Specific Words and Terms A through D, as last amended by Ordinance M-4034, shall be amended as follows:

20.150.040A Section – Meanings of Specific Words and Terms A through D

Abutting. Contiguous or adjoining with a common boundary line, except that where two or more lots adjoin only at a corner or corners, they shall not be considered as "abutting" unless the common property line between the two parcels measures 8 feet or more in a single direction. It shall include the terms adjacent, adjoining and contiguous.

Accept. To receive as complete and in compliance with all submittal requirements.

Access or Access Way. The place, means or the way by which pedestrians and vehicles shall have safe, adequate and usable ingress and egress to a property or use as required by this title.

Accessory Dwelling Unit (ADU). One or more rooms with private bath and kitchen facilities comprising an independent, self-contained dwelling unit within or attached to a single-family dwelling or in a detached building on the same lot as the primary dwelling unit. An ADU is distinguishable from a duplex in that, unlike a duplex, it is clearly subordinate to the primary dwelling unit, both in use and appearance.

Accessory Equipment Structure. An unstaffed structure that is subordinate and clearly incidental to the principal use or structure on the lot and may be used to house and protect the equipment necessary for processing wireless communications signals. Associated equipment may include air conditioning and emergency generators.

Accessory Structure. A building or structure, no larger than 800 square feet, which is clearly incidental to the primary structure on the same lot.
**Accessory Use.** A use of land or portion thereof which is clearly incidental and subordinate to the principle use of the land located on the same lot or premises.

**Acre.** A measure of land area containing 43,560 square feet.

**Actual Construction.** The actual placing of building materials in their permanent position, fastened in a permanent manner, including any excavation.

**Addition.** Means the same as enlargement.

**Adjacent.** Abutting or located directly across a street right-of-way.

**Adjoin.** Means the same as abutting.

**Adult Bookstore.** Any premises from which minors are excluded and in which the retail sale of books, magazines, newspapers, movie films, devices, slides or other photographic or written reproductions distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas is conducted as a principal use of the premise; or as an adjunct to some other business activity, but which constitutes the primary or a major attraction to the premises.

**Adult Entertainment Shows.** Any premises from which minors are excluded and in which live entertainment is provided, or any device is provided in which the subject matter is distinguished or characterized by the emphasis on matter depicting, describing or relating to specified sexual activities or displaying specified anatomical areas as the principal use of the premises or is shown as an adjunct to some other business activity which is conducted on the premises and constitutes a major attraction; and wherein fees of any kind are charged.

**Adult Motion Picture Theater.** Any establishment from which minors are excluded in which motion pictures, slides or similar photographic reproductions are shown depicting adult entertainment as the principal use of the premises, or are shown as an adjunct to some other business activity which is conducted on the premises and constitutes a major attraction; and wherein fees of any kind are charged; and wherein such movies are shown on a regular basis, and not to include a theater showing adult movies less than 5% of the total showing time of the theater.

**Agent.** Any person authorized in writing to act on behalf of the legal owner.

**Agriculture, Existing and Ongoing.** Those activities conducted on lands defined in RCW 84.34.020(2), and those activities involved in the production of crops or livestock, for example, the operation and maintenance of farm and stock ponds or drainage ditches; the operation and maintenance of ditches, irrigation systems (including irrigation laterals, canals, or irrigation drainage ditches); changes between agricultural activities; and normal maintenance, repair, or operation of existing serviceable structures, facilities, or improved areas. Activities that bring an area into agricultural use are not part of an ongoing operation. An operation ceases to be ongoing when the area on which it is conducted is converted to a nonagricultural use or has lain idle for more than five years, unless the idle land is registered in a federal or state soils conservation program, or unless the activity is maintenance of irrigation ditches, laterals, canals, or drainage ditches related to an existing and ongoing agricultural activity. Forest practices are not included in this definition.
Airport Approach Surface. The surface which is longitudinally centered on an airport’s extended runway centerline, extending outward and upward from the end of the primary surface. An approach surface is applied to each end of the runway based upon the type of approach procedure permitted. Because landings under instrument flight rules, using the Portland International Airport Localizer Directional Aid, are an approved procedure at Pearson Field, the following approach surface dimensions have been applied:
- Width of approach surface: 500’ at inner end, 4,000’ at outer end (inner end begins at end of primary surface)
- Length of approach surface: 10,000 feet
- Slope of approach surface: 34:1 (one foot vertically for every 34 feet horizontally)

Airport Conical Surface. The conical surface is an inclined plane beginning at the edge of the horizontal surface and extending outward at a 20:1 slope for a distance of 4,000 feet.

Airport Horizontal Surface. The horizontal plane 150 feet above the established airport elevation. The shape of the plane is determined by striking arcs from the end of each primary surface. The radius of each arch is connected by lines tangent to the arcs. For Pearson Field, the radius of these arcs is 5,000 feet for runways 08 and 26.

Airport Transitional Surface. The transitional surface is an inclined plane extending outward from the primary and approach surfaces at a 7:1 slope. From the primary surface and approach surface, the transitional surface slopes upward to the horizontal surface. The transitional surface extends outward from the approach surface a distance of 5,000 feet.

Aisle. The corridor by which vehicles enter into and depart from parking spaces.

Alley. A public right-of-way or private easement not over 30 feet wide which provides a secondary means of access to abutting lots, not intended by the city for general traffic circulation.

Alteration, Structural. Any change in a supporting member of a building, such as a bearing wall, column, beam or girder, floor or ceiling joist, roof rafts, roof diaphragms, foundations, piles, or retaining wall or similar components.

Altered. Structurally changed.

Alternative Mode. Refers to any means of commute transportation other than that in which the single-occupant vehicle is the dominant mode.

Alternative Work Schedules. Programs such as compressed work weeks that eliminate commuting trips for affected employees. For the purposes of this chapter, changing the time of when an affected employee begins his work shift shall not be considered an alternative work schedule if it only moves trips out of the peak period and does not eliminate trips.

Amateur or Ham Radio. Radio facilities operated for non-commercial purposes by individuals licensed by the FCC with an interest in construction and operation of radio equipment, usually as a hobby or avocation.
**Amendment.** A change in the wording, context or substance of this title or the comprehensive plan, or a change in the boundaries of a district upon the zoning district map or the boundaries of a designation on the comprehensive plan map.

**Amenity.** A natural or created feature that enhances the aesthetic and functional quality or makes more attractive or satisfying a particular property, place or area.

**Americans with Disabilities Act (ADA).** A 1990 federal law designed to bring disabled americans into the economic mainstream by providing them equal access to jobs, transportation, public facilities and services. The ADA contains requirements for most developments including accessible parking stalls, entrances and exits, pathways, and public facilities such as restrooms.

**Anadromous.** Fish that migrate up rivers and streams from the ocean to breed in fresh water.

**Annexation.** The incorporation of a land area into the City of Vancouver with a resulting change in the boundaries of the city.

**Annual Average Day/Night Sound Level (Ldn).** Calculated in decibels, the Ldn is the 24-hour logarithmic average sound level from midnight to midnight, obtained after adding 10 decibels to sound levels in the night from midnight to 7 a.m., and from 10 p.m. to midnight (0000 to 0700, and 2200 to 2400 hours), and then logarithmically average day-to-day over a 12-month period.

**Antenna.** A device used to transmit and/or receive radio or electromagnetic waves between land- and/or satellite-based structures; any device commonly consisting of poles, panels, rods, reflecting discs or similar device use for the transmission or reception of radio frequency signals, typically mounted on a supporting tower, pole, mast or building.

**Apartment.** A dwelling unit in a multiple-family building.

**Apartment House.** Means the same as Dwelling, Multiple-Family.

**Appeal.** A request for an impartial review of a land use decision or interpretation of land use-related codes rendered by Community and Economic Development, its employees or any review body of the City of Vancouver.

**Applicable Pretreatment Standards.** For any specified pollutant, city prohibitive standards, city specific pretreatment standards (local limits), State of Washington pretreatment standards, or EPA's Categorical Pretreatment Standards, whichever standard is most appropriate or most stringent.

**Applicant.** A person submitting an application for development.

**Approach Surface.** The surface which is longitudinally centered on an airport's extended runway centerline, extending outward and upward from the end of the primary surface at a slope of 20 feet horizontally for each foot vertically. In plan, the perimeter of the approach surface coincides with the perimeter of the approach zone.
Approach Zone. An area at the end of an airport's runway which is 250 feet wide and expands outward uniformly to a width of 1,250 feet at a horizontal distance of 5,000 feet. The centerline of the zone is a continuation of the centerline of the runway.

Approved Plan. A plan that has been granted final approval by the appropriate approval authority.

Archaeological Interest. Capable of providing scientific or humanistic understandings of past human behavior, cultural adaptation, and related topics through the application of scientific or scholarly techniques such as controlled observation, contextual measurement, controlled collection, analysis, interpretation, and explanation [WAC 25-48-020(12)].

Archaeological Object. An object that comprises the physical evidence of an indigenous and subsequent culture including material remains of past human life including monuments, symbols, tools, facilities, and technological by-products [WAC 25-48-020(8)].

Archaeological Resources. Any material remains of human life or activities that are of archaeological interest. This shall include all sites, objects, structures, artifacts, implements, and locations of prehistoric or archaeological interest, whether previously recorded or still unrecognized, including, but not limited to, those pertaining to prehistoric and historic American Indian or aboriginal burials, campsites, dwellings, and their habitation sites, including rock shelters and caves, their artifacts and implements of culture such as projectile points, arrowheads, skeletal remains, grave goods, basketry, pestles, mauls, and grinding stones, knives, scrapers, rock carvings and paintings, and other implements and artifacts of any material [WAC 25-48-020(10)]. This shall also include any material remains of human life or activities from historic periods which are located at least partially below the ground surface necessitating the use of archaeological methods for study or recovery.

Archaeological Resource Survey. A procedure by which an archaeologist makes a determination of the actual existence (presence or absence) of an archaeological site in a disturbance area, a preliminary assessment of the site’s potential significance, and a recommendation for further evaluation, avoidance, mitigation, or recovery of resources in compliance with the provisions of this chapter.

Archaeological Site. Land or water areas that show evidence of artifacts of human, plant or animal activity, usually dating from periods of which only vestiges remain.

Archaeological Site, Known, Recorded. An archaeological site that has been recorded with the Washington State Department of Archaeology and Historic Preservation (DAHP) or its successor.

Archaeological Site, Potentially Significant. An archaeological site which:

1. contains archaeological objects at a density of at least 100 per cubic meter per stratigraphic or cultural unit; or
2. includes at least one feature; or
3. includes at least one relatively uncommon archaeological object; or
4. contains skeletal remains; or
5. is otherwise considered potentially significant by the archaeologist.

Archaeologist, Professional. "Professional archaeologist" means a person with qualifications meeting the federal secretary of the interior's standards for a professional archaeologist. Archaeologists not
meeting this standard may be conditionally employed by working under the supervision of a professional
archaeologist for a period of four years provided the employee is pursuing qualifications necessary to
meet the federal secretary of the interior's standards for a professional archaeologist. During this four-year
period, the professional archaeologist is responsible for all findings. The four-year period is not subject to
renewal. RCW 27.53.030(8).

**Areas of Special Flood Hazards.** Lands in the flood plain subject to a 1% or greater chance of flooding
in any given year. Designations on Flood Insurance Rate Maps always include the letter A. Also referred
to as "Frequently Flooded Areas."

**Arterial.** Any principal arterial, minor arterial, or collector arterial streets.

**Assessed Value.** The value at which property is appraised for tax purposes.

**Attached Antenna.** An antenna is that affixed to an existing structure other than a wireless
communication support structure.

**Attached Sidewalks.** Those sidewalks abutting the back of a curb.

**Automobile Wrecking.** The dismantling or disassembling of motor vehicles, or the storage, sale, or
dumping of dismantled, partially dismantled, obsolete, or wrecked vehicles or their parts. Three or more
dismantled, obsolete or inoperable motor vehicles on one lot shall constitute a wrecking yard.

**Average.** The arithmetic mean.

**Average Daily Attendance (ADA).** Regarding School Impact Fees, the average number of students
attending an elementary or secondary school and used for the design of the facility.

**Awning.** A hood or cover which projects from the wall of a building, of a type which may be retracted,
folded or collapsed against the face of a supporting building.

**Banner.** An on-site sign such as those used to announce an open house or a grand opening, or to make a
special announcement. Normally, it is constructed of fabric and is without a rigid frame.

**Base Flood.** The flood having a 1% chance of being equaled or exceeded in any given year. Also
referred to as the "100-year flood." Designated on Flood Insurance Rate Maps by the letter A.

**Base Flood Elevation.** The elevation that the base flood is expected to reach. Also referred to as the
"100-year flood elevation."

**Basement.** A portion of a building included between a floor, with its level 2 feet or more below the level
from which the height of the building is measured, and the ceiling next above said floor. For the purposes
of VMC 20.740.120, Frequently Flooded Areas, **basement** means any area of a building having its floor
subgrade (below ground level) on all sides.

**Base zone.** The zoning designation applicable to a parcel of property irrespective of an Overlay District
as reflected on the Vancouver Zoning Map.
**Beach Nourishment.** With respect to bank erosion hazard areas, beach nourishment is the placement of sand or soil to fill an eroding bank.

**Berm.** A mound of earth, typically linear in form and generally used as a buffer between uses or properties.

**Best Management Practices.** Systems of practices and management measures that:

1. control soil loss and reduce water quality degradation caused by nutrients, animal waste, toxics, and sediment; and

2. minimize adverse impacts to surface water and groundwater flow, circulation patterns, and to the chemical, physical, and biological characteristics of fish and wildlife habitat conservation areas, wetlands and buffers.

**Bike Lane.** Lanes on an improved street which are designated for use by cyclists and separated from vehicular traffic either by striping or small concrete barrier.

**Bikeway.** A pathway, paved and separated from streets and sidewalks, designed to be used by cyclists.

**Binding Site Plan.** A type of land division that segregates a portion of a legal lot created for the sale or lease of commercially- or industrially-zoned property; placement of manufactured homes or travel trailers on leased sites; and creation of condominiums pursuant to 58.17.040 RCW.

**Bioengineering Techniques.** Techniques that apply the principles of the biological, ecological, and soils sciences and structural engineering to build structures which, using live plant materials as a main structural component, stabilize the soil against erosion, sedimentation, and flooding. Also referred to as "soft armoring techniques."

**Biomass Generation.** A major utility facility that provides for the production or collection of organic materials such as wood and agricultural residues and municipal solid waste that are primarily organic materials and the conversion or use of that material for the production of heat, electricity, or substitute fuels through several processes including, but not limited to, burning, pyrolysis, or anaerobic digestion.

**Block.** A group of lots, tracts or parcels within well defined and fixed boundaries.

**Bog.** A type of wetland where (1) organic (peat or muck) soil layers comprise at least 16 of the first 32 inches of the soil profile; or (2) there is more than 70% cover of mosses at ground level and more than 30% of the total shrub and herbaceous cover consists of species listed in Table 3 – Characteristic Bog Species in Washington State found in Hruby, 2004, Washington State Wetlands Rating System for Western Washington, Ecology publication #04-06-025, or as revised by Ecology. Many bogs have soils classified as peat or muck, are nutrient poor, have a low pH (acidic), and are fed largely by rainfall rather than streams or groundwater.

**Boundary Adjustment.** The minor alteration of the boundary between two lots or tracts which does not result in the creation of any additional lot(s); also known as boundary line adjustment.
Breezeway. A structure for the principal purpose of connecting the main building or buildings on a property with other main buildings or accessory buildings.

Buffer. An area that is contiguous to and protects a critical area and which is required for the continued maintenance, functioning, and/or structural stability of a critical area.

Building. Any structure having a roof and walls, used or built for the shelter or enclosure of persons, animals or property of any kind.

Building Envelope. That portion of a legal lot exclusive of the areas required for front, side, and rear yards and other required open spaces and which is available for siting and constructing a building or buildings.

Building Height. The vertical distance from the average grade to the average height of the roof peak of the building, except in a shoreline jurisdictional area, in which case the height shall be measured from average existing grade (prior to development) to the highest point of a structure (see also WAC 173.27.030). For exceptions subject to airport height limits located within the approach, transitional and horizontal surfaces refer to Airport definitions and Sections 20.570 and 20.630.050 VMC.

Building, Main. A building within which is conducted the principal use permitted on the lot, as provided in this title.

Building Permit. The permit required for new construction and additions pursuant to Title 17 of the Vancouver Municipal Code (VMC).

Bulk Crude Storage. Bulk crude storage and handling facility, means any structure, group of structures, equipment, or device that stores or transfers any naturally occurring liquid petroleum extracted from geological formations beneath the earth’s surface which requires further refinement before consumer use, including but not limited to: conventional crude oil, extra heavy oil, and bitumen. The term does not include facilities that store and handle finished products derived from petroleum including but not limited to asphalt.

Business Complex. Any building containing more than one business, or any group of buildings in close proximity to one another sharing parking, ownership, and ingress or egress.

Caliper. The diameter of a tree trunk measured at 6 feet above the ground for up to and including 4 inches caliper size, and one foot above the ground for larger trees.

Canopy. A permanent roofed structure attached to and supported by the building.

Canopy, Auto Dealership Plan District. A structure, enclosure, or shelter constructed of fabric or pliable materials supported by any manner, except by air or the contents it protects, and open without sidewalls or drops on 75% or more of the perimeter, consistent with Vancouver Fire Code Title 16, Section 16.04.060 and the International Fire Code (IFC).

Capital Facilities Plan. The City of Vancouver Capital Facilities Plan element of the Comprehensive Plan adopted pursuant to Chapter 36.70A RCW and RCW 82.02.050, and as such plan is amended.
Caretaker Residence. A single unit providing a complete independent living space for one or more persons, including permanent facilities for living, sleeping, eating, cooking and sanitation (same as Dwelling).

Central Business District. This area is the section of Vancouver defined as the commercial business district bounded by 4th Plain Boulevard to the north, Columbia River to the south, I-5 to the east, and Lincoln Avenue to the west. This can apply to other areas as developed in the city, with similar zoning.

Certificate of Concurrency. A document issued by the transportation manager pursuant to Section 20.980.120 VMC indicating: the location or other description of the property on which a development is proposed; the type of development application for which the certificate of concurrency is issued; an identification of any affected transportation corridor and TMZ; the specific uses, densities, intensities, and any transportation system improvements, strategies, or other mitigation measures that were considered in the determination to issue the certificate, and which are authorized or required for development of the property; the amount of capacity within the affected transportation corridor or TMZ that is reserved for the development described in the certificate, and a statement that the reservation of capacity is non-transferable to other development(s); any conditions required pursuant to Section 20.980.120 VMC; and an effective date.

Change of Use. Any use that differs from the previous use as defined in Chapter 20.160, Use Classifications.

Citizens Band Radio. Two-way radio facilities operated for a short-range personal and business communications, without necessity of a federal license, pursuant to 47 CFR Part 95.

City. The City of Vancouver, Washington.

City Council or Council. The City Council of the City of Vancouver, Washington.

City Standards. Shall mean standard specifications, technical drawings, detail drawings and other information the city has adopted as minimum standards.

Clark County Cultural Resources Inventory. The comprehensive inventory of historic resources within the boundaries of Clark County including resources identified in the Clark County cultural resources inventory and other inventories by local jurisdictions within Clark County.

Clearing. The destruction or removal of vegetation from a site by physical, mechanical, chemical or other means. This does not include landscape maintenance or pruning consistent with accepted horticultural practices, such as those recommended by the Washington State University Extension Service, which does not impair the health or survival of the trees or native vegetation.

Closed Record Approval Hearing. An administrative hearing to approve or deny a project permit that is on the record to the City Council following an open record predecision hearing as defined by WAC 197-11-775 before the planning commission or hearings examiner.

Co-location. The use of a single wireless communications support structure or the use of a site by more than one wireless communications provider.
Commercial Nursery, or Tree Farm. A licensed plant or tree nursery or farm in relation to those trees planted and growing on the premises of the licensee, which are planted and grown for sale through retail or wholesale channels in the ordinary course of the licensee's business.


Compatible. The capability of being able to function in a consistent and harmonious manner with others and surroundings.

Compatible Design. A building and/or site design which blends with the surrounding area. This might include a pitched roof of a similar pitch to surrounding roofs, trim, shutters or other architectural window detail; horizontal siding and/or brick exterior; and similar unit size or scale.

Comprehensive Plan. A long-range plan intended to guide the growth and development of a community or region that typically includes inventory and analytic sections leading to recommendations for the community’s future economic development, housing, recreation and open space, transportation, community facilities and land use, all related to the community’s goals and objectives for these elements.

Concurrent. Means that the existing capacity of an affected transportation corridor or transportation management zone is sufficient to accommodate the projected transportation impacts of a proposed development; or that transportation system improvements, strategies, or other mitigation measures which will achieve or maintain an operating level at or above the applicable level of service for the affected transportation corridor or management zone: and are planned, reasonably funded, and scheduled for completion no later than six years after development approval as reflected in the most recent version of the Six-Year Street Plan; and will be available and complete no later than six years after development approval, as provided by a voluntary financial commitment (where appropriate) by the applicant that is in place at the time development is approved by the Development Review Authority.

Conditional Use. An activity specified by this title as a principal or an accessory use, permitted when authorized by the appropriate approval authority and subject to certain conditions.

Contiguous. Means the same as abutting.

Contributing. A property which dates to the historic period and retains sufficient physical integrity so as to convey its historic character.

Contributing Area. When referring to wetlands, the land and/or water area adjacent to a wetland that drains into that wetland.

Conversion Option Harvest. A timber harvest as established in Washington State Department of Natural Resources Forest Practices Regulations and Chapter 20.770 VMC, Tree Conservation, whereby a property owner is allowed to harvest a limited amount of timber from their property within the City of Vancouver, while still maintaining the rights to convert their property to a use inconsistent with growing timber.

Conveyance. A mechanism for transporting water or other liquids from one point to another, including pipes, ditches, and channels.

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**Co-tenant.** A person who resides with the applicant for the deferral and who has an ownership interest in the residence.

**Court.** An open, uncovered, and unoccupied space within an allotted property line.

**Court Height.** A measurement from the floor level of the lowest story in the building in which there are windows from rooms served by the court, to the highest point of the enclosing walls of the court.

**Critical Aquifer Recharge Areas.** Areas with a critical recharging effect on aquifers used for potable water as defined by the Washington State Growth Management Act. Critical aquifer recharge areas are regulated under VMC 14.26.

**Critical Areas.** Critical areas include fish and wildlife habitat conservation areas, wetlands, frequently flooded areas, critical aquifer recharge areas, and geologic hazard areas as defined by the Washington State Growth Management Act. Critical aquifer recharge areas are regulated under VMC 14.26. The others are regulated under VMC 20.740.

**Critical Facility.** Facilities that serve vulnerable populations, house emergency services, meet the definition of a Class I or Class II Operation under VMC 14.26, or perform other functions that would pose significant safety issues in even a slight landslide, flooding, erosion, seismic, or other natural hazard event. Critical facilities include, but are not limited to: schools, nursing homes, hospitals, police, fire, and emergency response installations, installations which produce, use, or store hazardous materials.

**Critical Root Zone.** The area where the tree’s roots are located. This root zone is generally the area surrounding a tree trunk at a distance equal to one foot for every inch of tree diameter at breast height (dbh). This area is described as the radius of a circle around the tree.

**Crown.** The area of a tree containing leaf- or needle-bearing branches.

**Crown Cover.** The area within the drip line or perimeter of the foliage of a tree.

**Cul-de-Sac.** The circular turnaround at the end of a dead-end street.

**Cultural Resources.** The historic or prehistoric or archeological sites and standing structures, cemeteries, burial grounds and funerary objects and distributions of cultural remains and artifacts.

**Decibels (dB).** The measure of noise loudness on a scale weighted to approximate human ability to perceive sound (A). Each decibel is a measure of the difference in energy of a sound compared to another sound which is used as a reference. The reference sound is barely audible to the human ear, and each interval of 10 decibels indicates sound energy ten times greater than before. The A-weighted scale generally places zero dB at the threshold of hearing and 135 dB at the threshold of pain.

**Dedication.** The limited grant by a property owner allowing the use of property by the public for specified purposes by means of a deed or transfer to the city.

**Dedication, Fee In Lieu Of.** Payments in cash as an alternative to dedication of land or construction of improvements.
**Deed.** A legal document conveying ownership of real property.

**Demolish.** To raze, destroy, dismantle, deface or in any other manner cause partial or total ruin of a structure or other improvement.

**Density.** A measurement of ratio comparing the number of dwelling units with land area in relationship to a specified amount of land, expressed as the number of residential dwelling units per acre of land or the amount of land area expressed in the square feet of land assignable to each dwelling unit in a residential development.

**Density, Net.** The development density derived by dividing the net buildable area of the subject property (gross area less the total aggregate area required by the city for public or private streets, schools or other public facilities, not including parks and public or private recreation facilities dedicated or created as an integral part of the development) by the applicable lot size or area per unit.

**Density, Gross.** The development density derived by dividing the gross area of the subject property by the applicable minimum lot size. Gross density is used to determine the maximum number of lots that may be achieved on a parcel being developed.

**Department.** The Development Review Services Department, Long Range Planning Department, Public Works Department, or any division, subdivision, or organizational unit of the city established by ordinance, rule or order.

**Detached Sidewalks.** A sidewalk separated from the back of curb by a uniform width planting strip.

**Developer.** Any person, firm or corporation undertaking the development of any parcel of land.

**Development.** Any humanmade change to improved or unimproved real estate including but not limited to: mining, dredging, filling, drilling, grading, paving, or excavation, storage of equipment or materials; any subdivision or short platting of land; the construction or re-construction of residential, commercial, industrial, public or any other building or building space, and the placement of all types of manufactured homes defined herein. Development also includes the change in use of a building or land if approval is required pursuant to the Vancouver Municipal Code, Title 17 (Building Code). As related to the Tree Conservation Ordinance, development shall mean the division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; any mining, excavation, landfill, clearing or land disturbance.

**Development Application.** Any application (including supporting materials) for approval of a development to which the provisions of Title 20 VMC apply.

**Development Review Authority.** The planning official, the City Hearings Examiner, the Planning Commission, or City Council, each having authority to approve a development application pursuant to Title 20 VMC.

**Diameter at Breast Height (DBH).** A tree’s diameter in inches at 4 ½ feet above the ground. On multi-stemmed or -trunk trees, the diameter shall be the diameter equivalent to the sum of trunk areas measured at 4 ½ foot above the ground.
**Direct-to-Home Satellite Service.** The distribution or broadcasting of programming or services by satellite directly to the subscriber’s premises without use of ground-receiving or distribution equipment, except at the subscriber’s premises or in the uplink process to the satellite.

**Disturbance Area.** Regarding archaeological resource protection, the geographical area in which archaeological resources could potentially be adversely impacted by a proposed ground-disturbing action or activity. It includes equipment or material staging areas; utility installation areas; temporary roads or haul routes; or other areas outside of the proposed building footprint(s) that could be disturbed during construction. The disturbance area shall not be smaller, and will generally be larger than the area of the property proposed for development. In no case shall the disturbance area be smaller than one acre or the area of the parcel(s) upon which the property proposed for development is located, whichever is less.

**Dog Day Care.** A facility where dogs may be groomed, trained, exercised, and socialized, but not kept or bred, sold, or let for hire.

**Domestic Animal.** Any animal other than livestock that lives and breeds in a tame condition including, but not limited to: dogs, cats, small birds and other animals kept as pets.

**Doorway Identification Nameplates.** A non-electric sign that is limited to the name, address, and number of the building, institution or person and is limited to the activity carried on in the building or institution or to the occupancy of the person.

**Downed Woody Vegetation.** Shrubs, trees, or their branches that have fallen and are on the ground or in, across, or dangling above streams, rivers, lakes, or ponds; also known as *large woody debris*.

**Drive-Through Facility.** A facility or structure that is designed and intended to allow drivers to remain in their vehicles before and during participation in an activity on the site.

**Driveway.** A private way providing ingress and egress from one or two lot parcels or tracts to a public or private street.

**Dwelling.** A single unit providing a complete independent living space for one or more persons, including permanent facilities for living, sleeping, eating, cooking and sanitation.

**Dwelling, Efficiency Living Unit.** Any room having cooking facilities, and used for combination living, dining, and sleeping purposes for not more than two persons, and designed as a separate apartment, not merely rooming accommodations. Each efficiency living unit shall be provided with a separate bathroom meeting the requirements of the Building Code.

**Dwelling, Houseboat Moorage.** A facility that provides moorings for houseboats.

**Dwelling, Multiple-Family.** A building or portion thereof designed or used as a residence by three or more households and containing three or more dwelling units.

**Dwelling, Single-Family.** A building designed or used for residence purposes by not more than one household and containing one dwelling unit only. Such dwelling units may be either detached (i.e., free-standing) or attached (i.e., sharing) common walls with other such units.

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**Dwelling, Single-Room Occupancy Housing (SRO).** A building wherein furnished rooms without cooking facilities are rented for compensation to three or more non-transient persons not included in the family unit of the owner or tenant of the premises.

**Dwelling, Two-Family, or Duplex.** A building designed or used for residence purposes by not more than two households and containing two dwelling units.

**Section 6.** Chapter VMC 20.150 Definitions, Section 20.150.040D Meanings of Specific Words and Terms M through P shall be amended as follows:

**Section 20.150.040D Meanings of Specific Words and Terms M through P**

**Main.** See Water Main.

**Maintain.** To allow to continue in existence. When the context indicates, the word shall mean to preserve and care for a structure, or to improve in condition an area to such an extent that it remains attractive, safe, and presentable and carries out the purpose for which it was installed, constructed or required.

**Major Thoroughfare.** The principal, minor, collector arterials, and State highways, as shown on the Arterial Street Plan adopted in compliance with Chapter 35.77 RCW.

**Management Plan.** A plan detailing how operations and maintenance activities subject to the provisions of VMC 20.740 will be performed.

**Manufacture.** Includes production, processing, assembling, packaging or treatment of semi-finished or finished products from raw materials or previously prepared materials or components.


**Manufactured Home, Mobile** – Means a structure transportable in one or more sections, which is built on a permanent chassis, and is designed for use with or without a permanent foundation when attached to the required utilities. (Generally built before June 15, 1976). "Mobile manufactured homes" are not "recreational vehicles”.

**Manufactured Home, Modular** – Means any home built in modules at a factory. Modular homes conform to all state and local building codes. Modules are transported on truck beds, and then joined together at the site. They are inspected by local officials. (Regulated under the IBC standards – State Building Code).
Manufactured Home, New – means any manufactured home required to be titled under Title 46 RCW, which was not titled to retail purchaser before July 1, 2005, and was not a “used mobile home” as defined in RCW 82.45.032. (Regulated under the HUD construction and safety standards).

Manufactured Home Development. An existing site containing spaces with required improvements and utilities that are leased for the long-term placement of manufactured homes. This term shall also include "mobile home parks" as that term is used in other titled of the Vancouver Municipal Code (VMC).

Manufactured Home Subdivision. An existing subdivision created for the placement of manufactured homes on individual lots.

Marquee. A roofed structure attached to and supported by the building and projecting over public property.

Master Plan. A comprehensive, long-range site plan for a development project. The project may be located on a single parcel or on several contiguous parcels which are owned by one or more parties working cooperatively and collectively, and is usually implemented in phases.

Meandering Sidewalks. Those sidewalks separated by a non-uniform planting strip from the back of the curb.

Micro Facility. Regarding wireless communication facilities, a single antenna, or group of antennae, collocated on an existing tower, building or other appurtenance that is small in size and visually unobtrusive.

Mitigation. Mitigation is a six-step sequencing process used to reduce the severity of effects from activities that potentially affect sensitive resources:

a. Avoiding the impact altogether by not taking a certain action or parts of an action;

b. Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology or by taking affirmative steps to avoid or reduce impacts;

c. Rectifying the impact by repairing, rehabilitating or restoring the affected environment;

d. Reducing or eliminating the impact over time by preservation, and maintenance operations during the life of the action;

e. Compensating for the impact by replacing, enhancing or providing substitute resources or environments; and/or

f. Monitoring the impact and taking appropriate corrective measures.

Mitigation, Compensatory. Compensation for potential impacts to functions and values of critical areas (including fish and wildlife habitat, frequently flooded areas, geologic hazard areas, and wetlands) and their buffers.
Mixed-Use Development. The development of a tract of land, building or structure with a variety of complementary and integrated uses, such as, but not limited to, residential, office, manufacturing, retail, public or entertainment, in a compact urban form.

Mixed-Use Structure. A single structure containing at least two complementary, integrated, or mutually-supporting uses (such as housing, offices, manufacturing, retail, public service, or entertainment). The structure must achieve physical and functional integration within itself.

Moderate-Intensity Land Use. Land uses which are associated with moderate levels of human activity or substantial habitat impacts including Open Space Parks and Open Space Greenways: General zoning districts.

Mode. Refers to the means of transportation used by employees, including single-occupant vehicle, carpool, vanpool, transit, bicycle, and walking.

Monopole Tower. A wireless communications support structure, consisting of a single pole to support antennae and connecting appurtenances.

National Register of Historic Places. The national listing of properties significant to the nation’s cultural history because of their documented importance to history, architectural history, engineering or cultural heritage.

Naturally occurring ponds. Ponds less than twenty acres and their submerged aquatic beds that provide fish or wildlife habitat, including those artificial ponds intentionally created from dry areas in order to mitigate impacts to ponds. Naturally occurring ponds do not include ponds deliberately designed and created from dry sites, such as canals, detention facilities, wastewater treatment facilities, farm ponds, temporary construction ponds, and landscape amenities, unless such artificial ponds were intentionally created for mitigation.

Native. Native plants are those species on the City of Vancouver’s Native Plant Species list (available from the Planning Official).

New Construction. For the purposes of VMC 20.740.120, Frequently Flooded Areas, "new construction" means structures for which the "start of construction" commenced on or after September 5, 2012.

Noise Contour. The graphic depiction of the spatial extent to which an average noise level affects the area surrounding a source of noise. The contour is a line depicting equal points of impact.

Noise Contour, 65 Ldn. The most current 65 Ldn Noise Contour, as annually updated by the Port of Portland for the Portland International Airport using the criteria and methodology adopted by the Federal Aviation Administration for the purpose of establishing noise contours as a part of airport planning, or as provided by other objective sources for noise generations other than the Portland International Airport.

Noise, Environmental. Shall mean the intensity, duration, and character of sounds from any land use, measured at the property line of the receiving property.

Noise Impact. The extent to which a level of noise interferes with the full utilization of land.
Nonconforming, Legal. A use of land, building, structure or use which lawfully existed at the time of the adoption of this title or of any amendment thereto, but which does not conform with the use or development regulations imposed by this title or such amendment thereto.

Noncontributing. A property which either does not date to the historic period or has not retained sufficient physical integrity so as to convey its historic character.

Normal water year. A twelve-month period (October 1-September 30) with average precipitation based upon data from the past 50 years.

Noxious weeds. Non-native plants which are destructive, competitive, and difficult to control as defined by the Washington State Noxious Weed Control Board.

Nudity. Regarding Adult Businesses, the showing of the human male or female genitals or pubic area, the showing of the female breast, with less than a fully opaque covering of any part of the nipple, or the showing of the covered male genitals in a discernibly turgid state.


Obligate, facultative wet, and facultative. Groupings of plants according to their frequency of occurrence in wetlands. Obligate wetland plants almost always (99% probability) occur in wetlands under natural conditions. Facultative wetland plants usually (67%-99% probability) occur in wetlands. Facultative plants are equally likely (34%-66% probability) to occur in wetlands or non-wetlands. Such groupings are more fully defined in the Wetlands Delineation Manual defined in this chapter.

Obstruction. Any dam, wall, embankment, levee, dike, pile, abutment, projection, excavation, channel modification, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure or matter which is in, along, across or projecting into any channel, watercourse or regulatory flood hazard area; and which may impede, retard or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water or which is placed where the flow of water might carry the same downstream to the damage of life or property.

Occupant. Any individual living or sleeping in a building or having possession of a building or space therein. Unless otherwise stated, occupant is synonymous with tenant.

Occupancy Certificate. A city certificate allowing the use of a building or structure after it has been determined that all the requirements of applicable ordinances have been met.

Off-Site Impact. A condition that creates, imposes, aggravates or leads to inadequate, impractical, unsafe or unhealthy conditions on a site proposed for development or on off-site property or facilities. This includes, but is not limited to, noise, glare, and odor.

Off-Site Improvement. Improvements required to be made off-site to address impacts identified from an application for development and including, but not limited to, road widening and upgrading, storm water facilities, and traffic system improvements.
100-Year Flood. The flood having a 1% chance of being equaled or exceeded in any given year. Also referred to as the “base flood.”

100-Year Flood Elevation. The elevation that the 100-year flood is expected to reach. Also referred to as the “base flood elevation.”

Open Record Predecision Hearing. An open record hearing as defined by 197-11-775 WAC, which is held before the Planning Commission or Hearings Examiner prior to the closed record approval hearing before the City Council.

Ordinary high water mark. That mark which is found by examining the bed and banks of a water body and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years that the soils and vegetation have a character distinct from that of the abutting upland area. Where the ordinary high water mark cannot be found, it shall be the line of mean high water in areas adjoining fresh water. [WAC 173-22-030(11)]

Ordinary Repair and Maintenance. The work for which a permit issued by the City of Vancouver is not required by law, and where the purpose and effect of such work is to correct any deterioration or decay of or damage to the real property or structure appurtenance therein and to restore the same, as nearly as may be practicable, to the condition prior to the occurrence of such deterioration, decay or damage.

Original Parcel. A lot, parcel or tract created in compliance with all regulations in effect at the time it was initially conveyed, that constitutes the basis for considering the appropriate provisions of this title for platting or short platting; provided, that any lot, parcel or tract conveyed in its present configuration prior to December 18, 1978 (the passage of the short plat ordinance, M-1930) which complies with current zoning requirements, shall be conclusively presumed to have been lawfully created.

Overlay Area. A special geographic area designated in a capital facilities plan to be served by a system improvement, which area is not generally contiguous with an established service area. An overlay area may be local (i.e., covering only a portion of a single service area), regional (i.e., covering portions or all of several service areas), or county wide (i.e., covering both incorporated and unincorporated areas).

Overlay Zone or District. A designated area within a base zoning district for which specific land use regulations apply, in addition to the base zoning requirements.

Owner. The owner of record of real property as shown on the tax rolls of the County, or a person purchasing a piece of property under contract. For the purpose of this title, in terms of violations and binding agreements between the city and the owner, the owner shall also mean a leaseholder, tenant, or other person in possession or control of the premises or property at the time of agreement, violation of agreement, or the provisions of this title.

Ownership Interest. A property interest in an existing single-family residence under a recorded deed or under a contract of purchase, recorded mortgage, recorded deed of trust or recorded lease by which the applicant is responsible under penalty of forfeiture, foreclosure or default for payment of real property taxes and/or local improvement district assessments. The term shall also include a share ownership in a cooperative housing association, corporation or partnership if the applicant can establish that his or her share represents the specific unit or portion of such structure in which he or she resides.
**Painted Wall or Wall Graphic.** An advertisement painted directly on the wall of a building.

**Parking Area, Public.** An open area other than a street or other public way, used for the parking of automobiles and available to the public whether for a fee, free of charge or as an accommodation for clients or customers.

**Parking Space.** A permanently surfaced and marked area not less than that specified in Chapter 20.945 VMC Parking and Loading, excluding paved area necessary for access, for the parking of a motor vehicle.

**Parking Storage.** A location where vehicles are placed or left for maintenance, repair, sale, rental or future use.

**Partition.** See subdivision.

**Party of Record.** A person or group who makes an appearance in a proceeding through the submission of either written or verbal evidence. Groups shall designate one person as a representative or contact.

**Pedestrian Area.** Any sidewalk, walking trail, courtyard, plaza or other area intended primarily for use by pedestrians.

**Perimeter.** The boundaries or borders of a lot, tract or parcel of land.

**Permitted Use.** Those uses allowed as a matter of right within certain zoning districts provided that such use is in accordance with requirements of the particular district and general conditions stated elsewhere in this title.

**Permittee.** The person who is proposing to use or who is using the land pursuant to any permit required herein.

**Person.** Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all federal, state or local governmental entities.

**Person with Functional Disabilities.** A person who, because of a recognized chronic physical, mental condition or disease, is functionally disabled to the extent of:

1. needing care, supervision or monitoring to perform activities of daily living or instrumental activities of daily living;

2. needing supports to ameliorate or compensate for the effects of the functional disability so as to lead as independent a life as possible;

3. having a physical or mental impairment which substantially limits one or more of such person's major life activities;

4. having a record of having such an impairment;
5. being regarded as having such an impairment, but such term does not include current, illegal use of or active addiction to a controlled substance.

**Petroleum/Oil Refinery.** An industry engaged in refining crude petroleum/oil into refined petroleum/oil. Petroleum/oil refining involves one or more of the following activities: 1) fractionation; 2) straight distillation of crude oil; and 3) cracking.

**Planned Action Ordinance.** The applicable city ordinance establishing the geographic boundaries, impact thresholds, and mitigation measures for the particular planned action subarea in which a planned action project is located.

**Planned Action Project or Development Application.** A project or application for a project which meets the criteria for designation as a planned action under the provisions of Section 43.21.031 RCW, Section 197-11-164 WAC, Section 20.790.630, and the particular planned action ordinance for the planned action subarea in which the project is located.

**Planned Action Subarea.** A specific geographic area, less extensive than the city’s jurisdictional boundaries, for which a subarea plan under Chapter 36.70A RCW and an EIS under Chapter 43.21C RCW have been prepared and adopted to provide for prospective environmental review and comprehensive planning for future development.

**Planning Commission.** The Planning Commission of the City of Vancouver, Washington.

**Planning Official.** The city official within the Community and Economic Development Department charged with administratively approving land use permits or her/his designate.

**Planting strip.** The area from the back of curb and the front of sidewalk or the area in the raised median used for grass or approved landscaping plants.

**Plat.** A final map, diagram or written document containing all the descriptions, specifications, and provisions concerning a subdivision of land.

**Plat, Final.** The final drawing of the subdivision or short subdivision and dedication prepared for filing for record with the Clark County Auditor and containing all elements and requirements set forth in this title and in state law.

**Plat, Preliminary.** An orderly and approximate drawing to scale of either a proposed subdivision or short subdivision showing the general layout of streets and alleys, lots and blocks, and other required submittals which shall furnish a basis for the approval or disapproval.

**Poultry.** Domesticated fowl such as chickens, ducks, geese and similar, and all game birds which are legally held in captivity.

**Predetermination, Archaeological.** A procedure by which an archaeologist makes a determination of the probable existence (presence or absence) of an archaeological site in a disturbance area and a recommendation to proceed or not to proceed with an archaeological resource survey in compliance with the provisions of this chapter.
**Predominant.** Regarding Infill Development, the most frequently occurring residential design characteristic along both sides of the road frontage from intersection to intersection (or block face).

**Predictive Model.** The Predictive Model for Archaeological Resources developed in 1994 by Archaeological Investigations Northwest, Inc., (David V. Ellis and Douglas Wilson) for Clark County and the Heritage Trust of Clark County, including both its database and map and any subsequent revisions or amendments.

**Predictive Model Probability Level A.** Regarding archaeological preservation, those areas depicted as such on the Predictive Model map.

**Predictive Model Probability Level B.** Regarding archaeological preservation, those areas depicted as such on the Predictive Model map.

**Premises.** A lot or number of lots on which is situated a building or group of buildings designed as a unit, or on which a building or group of buildings are to be constructed.

**Preserved.** Leaving in the present condition.

**Primary.** The largest or most substantial use or element on the property, as in “primary” activity, residence, entrance, etc. All other similar elements are secondary in size or importance.

**Priority Habitats and Species.** Priority Habitats and Species are important fish and wildlife species and habitats as determined by the Washington State Department of Fish and Wildlife. Priority Habitats include habitats of state and federal listed species as well as other important species.

**Private Open Space.** The space included within a development for recreational use.

**Process Type.** Shall mean the process by which a land use decision is rendered.

**Process Type, Legislative.** A legislative action or decision is the making of law, as opposed to the application of existing law to a particular use, such as the adoption of or amendment to a comprehensive plan or development regulation.

**Process Type, Quasi-Judicial.** Refers to an action or decision that requires substantial discretion or judgment in applying the standards or criteria of this title, and usually involves a public hearing.

**Prohibited Use.** A use that is not permitted in a base zoning, overlay or plan district. Any use that is not specifically enumerated in this title as a permitted or conditional use or has not been determined by the planning official to be a legal non-conforming use.

**Project Area.** The portion of a site where development activity will take place.

**Project Improvements.** Project improvements shall mean site improvements and facilities that are planned and designed to provide service for a particular development project and that are necessary for the use and convenience of the occupants or users of the project, and are not system improvements. No improvement or facility included in the capital facilities plan shall be considered a project improvement.
**Project Permit.** Any land use or environmental permit or approval for a proposed action which is subject to the procedural provisions of Chapter 20.210 VMC.

**Protected Area, Tree Root.** All land within and surrounding the critical root zone of those trees to be preserved.

**Public Facilities.** Regarding the Public Facilities Master Plan Ordinance:

1. Governmental facilities such as civic centers; libraries; auditoriums; police, fire and other public safety facilities; public streets; parks, open space and recreational facilities; and water, sewer; and storm water treatment facilities;  
2. Public transit facilities including airports, train stations and transit centers;  
3. Publicly and privately-owned medical centers;  
4. Public and private elementary, middle and high schools;  
5. Public and private colleges and universities; and  
6. Religious institutions.

**Public Improvement Plans.** The technical drawings of the design and proposed construction of such items as streets, water and sewer systems, drainage and erosion control systems, meeting the requirements established by the City of Vancouver, Washington.

**Public Place of Amusement, Public Amusement/Entertainment, and Public Entertainment.** An amusement, diversion, entertainment, show, performance, exhibition, display or like activity, for the use or benefit of a member or members of the public, or advertised for the use or benefit of a member or members of the public, held, conducted, operated or maintained for a profit, either direct or indirect.

**Section 7.** Severability. If a section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

**Section 8.** Effective date. This ordinance shall become effective immediately upon passage. The City Clerk is directed to publish a summary hereof including the title at the earliest possible publication date.
Read first time:
Ayes: Councilmembers
Nays: Councilmembers
Absent: Councilmembers

Read second time:
PASSED by the following vote:
Ayes: Councilmembers
Nays: Councilmembers
Absent: Councilmembers

SIGNED this ______ day of ______________________, 2016.

_________________________________
Timothy D. Leavitt, Mayor

Attest:

_________________________________
R. Lloyd Tyler, City Clerk
By: Carrie Lewellen, Deputy City Clerk

Approved as to form:

_________________________________
E. Bronson Potter, City Attorney
SUMMARY

ORDINANCE NO. __________

AN ORDINANCE of the City of Vancouver to preserve the health, safety, and welfare of its citizens and business community by amending Vancouver Municipal Code (VMC) VMC 20.440.030-1 Industrial Zoning Districts Use Table and VMC 20.440.030–2 NAICS Table for Industrial Uses and associated VMC 20.150.040A, Definitions Meanings of Specific Words and Terms A through D, and VMC 20.150.040D, Definitions Meanings of Specific Words and Terms M through P by prohibiting the development of new crude petroleum facilities or expansion of existing crude petroleum facilities and adding a definition for bulk crude oil and oil refineries.

The full text of this ordinance will be mailed upon request. Contact Raelyn McJilton, Records Officer at 487-8711, or via www.cityofvancouver.us (Go to City Government and Public Records).
From Don Steinke
To Mayor Leavitt, Councilmember Jack Burkman, and Alishia Topper
Cc Brent Boger, Sandra Towne, Eric Holmes
Cc Dan Serres, Eric LaBrant, Alona Steinke, Linda McLain
Re: Crude Oil compared with Bitumen, Industrial Code Amendments

Hi all,

I’ve read that Tar sands crude needs to be diluted up to 30% to facilitate its flow through a pipeline. That crude is called diluted bitumen or dilbit.

I’ve read that tar-sands-crude needs to be diluted up to 17% to facilitate draining from a tank car. Tank cars handling heavy oil come with built-in pipes which apparently hook up to steam for heating.

After the Exxon pipeline spill in March of 2013 in Mayflower Arkansas, I read that advanced payment had not been put into the cleanup fund because the regulations applied to crude oil, not diluted bitumen.

That is why I suggested your definition of crude oil include bitumen. Sorry if I forgot to say “diluted bitumen”.

I agree that you don’t want to prohibit tar for roofing and roads. Good catch. Maybe the definition of crude oil could be tweaked to say, including, but not limited to, diluted bitumen intended for combustion, or bulk trans-loading.

Other findings:
Twice in the winter of 2014-2015, a train carrying tar-sand crude derailed and caught fire in Northern Ontario. Apparently, the diluent evaporates at low temperatures and finds sparks during a derailment.

In the 2010 pipeline spill in the Kalamazoo River, the diluents evaporated and the residual tar gradually sank out of sight in the fast moving stream.

According to Ecology, at best 20% of the oil is recovered in a spill.
To Sandra Towne, Brent Boger, Jack Burkman -- Long-range Planning

Please forward to planning commission members as appropriate.

re: I support the prohibition on Bulk Crude storage, handling, and refining

Brent and Sandra,

Great job in the definition:

prohibiting crude "including: conventional crude oil, extra heavy oil, and oil sands/bitumen."

In light of the fact that Bakken Crude has been degassed slightly, some attorney could argue that Bakken Crude is not naturally occurring crude.

Consider adding Bakken Crude, conditioned crude, degassed crude, and stabilized crude to the list proscribed.

**Topic 2**
On May 3, a Planning Commissioner said it might be better to build a terminal here than to have the trains pass through to other ports.

Time Magazine featured us the PNW in a four-page story a few months story as being the Thin Green Line stopping fossil fuel exports.

Public opposition has stopped 22 regional fossil projects in the last six years. Some day one might get approved, but we seem to have stopped them all. The Sightline Institute says we have a *shutdown defense*.

**Topic 3**
Next steps to consider: Mainly for City Council members

Consider a new moratorium -- prohibiting all new fossil fuel infrastructure if used primarily to transload fossil fuels to or from marine vessels.

Propane trains are more dangerous than oil trains. Public opposition stopped the Pembina Propane Export Terminal in Portland and
another two in Longview in the last 15 months.

All of three would have involved propane trains travelling through Vancouver. A propane train derailment would be more explosive than an oil train derailment because propane ignition is more rapid and thorough.

Our friends on Hayden island told us Pembina wanted to build at the Port of Vancouver. It is quite possible that the Governor will reject the Tesoro Savage Oil Terminal and the next day, Pembina will drop an application on your desk for a propane terminal.

After a ten year fight, Oregon LNG (with an office in Vancouver) withdrew its application to export LNG from Warrenton Oregon, sister city of Astoria. Do we want an LNG export terminal in Vancouver?

Last November, the City of Portland passed a resolution (like a moratorium) saying No New Fossil Fuel Infrastructure if that infrastructure would be used primarily for the storage or transport of fossil fuels. Now their staff is preparing ordinances to that effect.

I would go as far as saying we shouldn't be building more gas stations. Japan has more charging stations than gasoline stations. Norway will ban sales of new cars using internal combustion engines by 2025.

**Topic 4** for City Council members
An ethanol refiner has suggested in an LTE, that he would to like to build an ethanol refinery at Terminal 5.
Biofuels were the rage ten years ago, but now we need to be selective. **We may need a moratorium on Bio-refineries.**

We need to consider the entire life cycle carbon footprint.

Corn alcohol may have a higher carbon footprint than gasoline.

Here is list of rejected fossil fuel projects in our region.

fyi

1. Pipeline under Puget Sound, rejected by Governor Spellman 1982
2. Centralia Coal Power Plant – agreements to gradually close, signed ~2008
3. Board Coal Power – agreements to close in 2020, signed ~2009
5. Bradwood Landing LNG Terminal 2011 -- gone
8. Clatskanie Coal withdrew – 2013
11. Longview LNG – rejected 2015 by Port of Longview
15. Imperium Oil in Grays Harbor changing product -- 2015
16. Longview Propane Export -- rejected 2016
18. Oregon Legislature voted to get off of coal based electricity by 2030.
19. Jordon Cove Oregon LNG denied in 2016 but is re-applying
20. U.S. Development changes plans – Grays Harbor
21. Puget Sound Energy agrees to develop a plan to shut down Colstrip units 1 and 2.
22. Children’s Trust Court win April 8, 2016*
24. The proposed Tongue River Railroad in Montana was denied by the Surface Transportation Board. This victory was 24 years in the making. It would have enabled more coal by rail.
25. Gateway Pacific Terminal rejected by the Army Corps in respect for the Lummi treaty rights.
26. Williams Western Pipeline expansion project, abandoned by applicant because of #7

fyi
Don Steinke
360 892 1589
crVanWash@gmail.com
May 22, 2016

Sandra Towne   Brent Boger    Planning Commission Members
Planning Manager  Assistant City Attorney   7 Member Commission
City of Vancouver   City of Vancouver   City of Vancouver
Vancouver Washington   Vancouver Washington   Vancouver Washington

Comments on code amendments VMC20.440.030 and VMC20.150.040A

I am William Brake PE, a retired Professional Engineer with a 35 year career in the energy business and have lived in Felida for the past 11 years. Although technically I do not live within the incorporated boundaries of the City of Vancouver, I am within the ½ mile Mandatory Crude Oil Evacuation Zone and Vancouver is the place that I call home.

I offer several comments for consideration on the wording of the proposal to make an ordinance as strong as possible.

Item #1 – Planning Commission and City Council
I am in total support of the Crude Oil Moratorium M-4090 September 2014, M-4118 Moratorium Extension March 2015, M-4132 Moratorium Extension August 2015, and M-4157 Moratorium Extension February 2016.

I support the Portland Oregon Fossil Fuel Resolution No 37168 November 2015

I support the Resolutions, Policy, Moratorium, Declarations, or Ordinance of the following 25 regional communities plus Vancouver Washington equals 26 total.

<table>
<thead>
<tr>
<th>Auburn</th>
<th>Spokane</th>
<th>Edmonds</th>
<th>Westport</th>
<th>Hood River, OR</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bainbridge</td>
<td>Mount Vernon</td>
<td>Ocean Shores</td>
<td>King County</td>
<td>Mosier, OR</td>
</tr>
<tr>
<td>Mukilteo</td>
<td>Olympia</td>
<td>Stevenson</td>
<td>Whatcom County</td>
<td>Aberdeen</td>
</tr>
<tr>
<td>Chehalis</td>
<td>Bellingham</td>
<td>Hoquiam</td>
<td>Port of Olympia</td>
<td>Montesano</td>
</tr>
<tr>
<td>Seattle</td>
<td>Anacortes</td>
<td>Kent</td>
<td>Elma</td>
<td>Washougal</td>
</tr>
</tbody>
</table>

Item #2 – Planning Commission
The Definition of Crude Oil proposed for VMC20.150.040A should include as a minimum all the six crude oils proposed by Tesoro Savage in the Initial Application in Appendix Section G-1 in October 2013.

Although Tesoro Savage is exempt from the VMC Code Amendments by being vested, the type of crude oils would be typical for a Bulk Crude Storage proposal.

<table>
<thead>
<tr>
<th>Product Trade Name</th>
<th>Manufacturer</th>
<th>MSDS Date</th>
<th>Max Amount On Site</th>
</tr>
</thead>
<tbody>
<tr>
<td>Crude Oil: Bakken</td>
<td>Enbridge</td>
<td>6/8/2011</td>
<td></td>
</tr>
<tr>
<td>Crude Oil: Generic</td>
<td>Tesoro</td>
<td>12/7/2012</td>
<td></td>
</tr>
<tr>
<td>Crude Oil: Sour Heavy</td>
<td>Tesoro</td>
<td>2/2/2013</td>
<td>2.16 million bbl</td>
</tr>
<tr>
<td>Crude Oil: Sour Light</td>
<td>Tesoro</td>
<td>2/2/2013</td>
<td></td>
</tr>
<tr>
<td>Crude Oil: Sweet Heavy</td>
<td>Tesoro</td>
<td>2/2/2013</td>
<td></td>
</tr>
<tr>
<td>Crude Oil: Sweet Light</td>
<td>Tesoro</td>
<td>2/2/2013</td>
<td></td>
</tr>
</tbody>
</table>
In Addition Alberta Tar Sand Bitumen with Light Oil Diluent or Light Oil Diluent Only should be included on the list.

US Development at the Port of Grays Harbor proposes to Import 50,000 barrels per day Asian Light Oil by Marine Vessel and transload to empty Rail Cars to return to the Canadian Tar Sands. This proposal uses empty marine vessels and empty rail cars for import purposes.

Item #3 – Planning Commission Future Item
The Definition of Hazardous Material in VMC 20.150.040B is as follows:

**Hazardous Material.** Any product, substance, commodity or waste in liquid, solid or gaseous form that exhibits a characteristic that presents a risk to water resources. Risk may be due to ignitability, toxicity, reactivity, instability, corrosivity, or persistence. This definition extends to all “dangerous wastes” and “hazardous substances” that are defined in WAC 173-303 (State Dangerous Waste Regulations). It also includes the chemicals and/or substances that are defined in the Federal Emergency Planning and Community Right to Know Act (EPCRA) and/or the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA).

This should be reviewed to see if it is adequate to prohibit a facility within the City of Vancouver and/or the Port of Vancouver from Receiving, Storing, Handling, or Shipping large quantities of Hazardous Materials that could exceed the Vancouver Fire Department Manpower and Apparatus current capabilities. Safety is first to protect the Citizens of Vancouver.

Item #4 - Comment
Since the Port of Vancouver has a lot of vacant land, a $275 Million Dollar West Vancouver Rail Freight Loop and Access to the 43 foot deep Shipping Channel on the Columbia River to the Pacific Ocean many companies see this as a “Golden Opportunity” with much of a proposed business project already complete.

Is Vancouver ready to be a Bulk Storage, Refining, Energy, or Petrochemical Hub of the Pacific Northwest?

If Pembina Propane, NIW Methanol, or an LNG Plant and Terminal presented an application for the Tesoro Savage Surface Lease Area the day after the Tesoro Savage Energy Proposal is denied by EFSEC or the Governor of Washington, is the City of Vancouver Municipal Codes sufficient to stop this type of Industrial growth?

The challenge is to find the right industry and right company that can complement and be a “Good Neighbor” to the community.

Thank You for the Opportunity for public input to the Vancouver Planning Commission.

William Brake PE

William Brake PE
3407 NW 116th Way
Vancouver WA 98685
Williamb98685@aol.com
May 18, 2016

Sandra Towne  
Community and Economic Development  
PO Box 1995  
Vancouver, WA 98668-1995

RE:   Proposed City of Vancouver City Industrial Code Amendments  
Vancouver Municipal Codes, VMC 20.440.030-1 & VMC 20.150.040A  
Crude Oil and Oil Refinery Facilities

Dear Ms. Towne:

Thank you for the opportunity to comment on the City of Vancouver (“City”) proposal to amend the above captioned Vancouver Municipal Codes that would essentially would prohibit new, and expansion of, existing bulk crude oil storage and handling facilities.

Tidewater Barge Lines (“Tidewater”) is a marine transportation and terminal company based in Vancouver, Washington. Tidewater has been in business since 1932 and operates a fleet of 18 towboats, 170 barges and five marine terminals on the Columbia and Snake River system. Tidewater’s vessels safely move millions of tons of freight every year on Washington waterways and is committed to environmental stewardship in the Pacific Northwest. Furthermore, our industry’s statistics and safety record supports the contention that the towing and terminal industries in Washington have one of the best programs for transporting energy related commodities.

We have reviewed the City’s requested changes and are concerned that these amendments will restrict economic development in Southwest Washington. We feel that energy projects can be built and operated safely in the City. Energy projects have the ability to create a positive economic impact and support new and existing family wage jobs in our region.

In addition, Federal and State agencies have stringent regulatory requirements for new and existing crude oil facilities. These requirements ensure that these facilities are built, expanded and operated in a way that provides safety to the region’s citizens and protection of the environment. Furthermore, these agencies continue to work with industry to develop regulations that will enhance their safety and environmental stewardship for energy facilities and the transporters that service them.

The bottom line is that if a facility, regardless of commodity type, can be built and operated safely in Southwest Washington and provide numerous other benefits, it should be given the opportunity to be considered for development in the City.

Thank you for your time.

Sincerely,

Robert A. Curcio  
President & Chief Executive Officer
Good morning Sandra,

Please include my comments in the record on my own behalf as a resident of Vancouver, and are not on behalf of any other organization or agency.

I support the proposed amendments to prohibit the construction of non-vested crude oil handling facilities, as well as the moratorium that is currently in effect.

Regarding the proposed changes to VMC.150.040A and VMC 20.440.030-1, please consider including the following items in the definition of which products to prohibit, for the sake of clarity: condensate, diluted bitumen, and partially-refined crude oil.

I appreciate the City's ongoing attention to this issue, and its ongoing efforts to create a vibrant, prosperous city that will be successful in the decades ahead. Part of what this moratorium does is to help ensure that Vancouver remains marketable going forward.

Many thanks,

Eric LaBrant
Dear Members of the Planning Commission and Staff,

Please see the attached comments of Columbia Riverkeeper regarding the code amendments addressing bulk crude oil storage facilities and refineries.

Our comments are in the first attachment entitled "2016.5.18 Comments to Planning Commission Final." The rest of the attachments are additional information to support our comments and your deliberation of the proposed code changes.

Thank you,

Dan Serres  
(503) 890-2441

Daniel Serres  |  Conservation Director  |  Columbia Riverkeeper
1125 SE Madison Suite 103A Portland, OR 97214  
503.890.2441  |  dan@columbiariverkeeper.org

www.columbiariverkeeper.org
May 18, 2016

Vancouver Planning Commission
Vancouver City Hall
415 W 6th Street
Vancouver, WA 98660

Sent via email to: planningcommission@cityofvancouver.us; Sandra.Towne@cityofvancouver.us

RE: Code Amendments Addressing Bulk Crude Oil Storage Facilities and Refineries

Dear Chair Paulsen, Planning Commission, and Staff,

Thank you for the opportunity to comment on the City of Vancouver’s proposed amendments to VMC 20.440.030 and VMC 20.150.040A that would prohibit siting or expansion of crude oil storage facilities and oil refineries. Columbia Riverkeeper (“Riverkeeper”) strongly supports efforts to protect human, environmental, and economic health in Vancouver, and we applaud the City’s concrete steps to prevent the storage and refining of crude oil.

a. The City’s Proposed Code Changes Addressing Crude Oil are Timely and Appropriate.

Crude oil storage and refining are not compatible with Vancouver’s lifestyle, safety, or current and future economy. The City should prohibit new storage facilities and refineries and prevent existing facilities from expanding. The proposed code amendments are necessary to protect the public health, safety, and welfare of Vancouver residents, the business community, and the Columbia River. We support the City’s draft ordinances and offer the following comments to ensure that these code amendments will achieve their intended result.

Vancouver residents deserve the protections that the City’s proposed code changes would provide. Oil refineries and crude oil storage facilities emit toxic and carcinogenic chemicals into the air, decreasing life expectancies and property values. Crude oil storage facilities and refineries are also prone to catastrophic accidents. In 2010, an explosion and fire at Tesoro’s Anacortes refinery killed seven workers. In 2005, an over-filled tank at a crude oil storage facility in Herfordshire, England, exploded and burned, blowing out windows five miles away and unleashing a cloud of toxic smoke that persisted for several days. Vancouver is especially vulnerable because so much of the City’s economy would be devastated by a crude oil spill, fire, or explosion along the river: downtown commerce, Port activity, fishing, tourism, and the City’s...
new waterfront development all face enormous risks from the storage, handling, or refining of crude oil.

The City may decide what land uses to allow. For example, the City decided that marijuana shops were not appropriate within industrial zones and amended its code to prohibit them. The City can also decide that storing or refining crude oil in industrial areas is not in Vancouver residents’ best interests. The amendments need not explicitly exempt proposed projects; the amendment will apply, or not, to existing proposals under established state vesting law.

We support the proposed changes to the City Code and believe the City’s intent is clearly stated. City staff recommended using language similar to a crude oil prohibition adopted by the City of Hoquiam:

“Bulk Crude Storage. Bulk crude storage and handling facility, means any structure, group of structures, equipment, or device that stores or transfers any naturally occurring liquid petroleum extracted from geological formations beneath the earth’s surface which requires further refinement before consumer use, including: conventional crude oil, extra heavy oil, and oil sands/bitumen. The term does not include facilities that store and handle finished products derived from petroleum.”

Staff then recommends amending the City’s municipal zoning code to prohibit the use defined above. Staff also recommends code amendments prohibiting crude oil refineries and the expansion of existing crude oil storage facilities. Such language clearly addresses the targeted uses and unambiguously avoids regulating railroad companies, inter-state pipelines, retail gas stations, or handlers of refined crude oil products.

To ensure these proposed rule changes will apply to all crude oil facilities in the City’s jurisdiction, we recommend that the City simultaneously amend its Shorelines Master Plan to prohibit crude oil storage facilities and refineries. This additional step will help buttress the City’s rules against legal challenges under Washington’s vesting law.

b. Vancouver’s Resolutions and Other Resolutions Support Action to Prohibit Bulk Crude Transport & Storage.

The City of Vancouver already passed the region’s strongest statement opposing projects involving crude oil. In its June 2014 resolution, the City Council concluded that “possible derailments, spills, explosions and fallout pose a serious threat” to Vancouver. That resolution offers significant and compelling reasons for the Planning Commission to recommend approval of the proposed code amendments. Indeed, since the original resolution passed, at least five oil-
by-rail accidents have reinforced the City’s concerns about safety, spill risk, and the economic downside of storing and handling crude oil in Vancouver.

Since the City’s 2014 resolution, many other municipalities—including the City of Portland, City of Spokane, City of Spokane Valley, City of Stevenson, the Skamania County Rural Fire Protection Board, and Multnomah County—have passed resolutions or made statements opposing crude oil projects. The City of Portland is currently revising its code to prohibit crude oil terminals, as well as other fossil fuel exports. Riverkeeper is proud to support Vancouver’s leadership in protecting its citizens and, by extension, the citizens of many Washington communities from crude oil storage and refining proposals.

After Vancouver addresses crude oil, we encourage the City to further amend its zoning code and shorelines ordinance to protect Vancouver from other bulk fossil fuel projects that conflict with Vancouver’s public safety, economy, and the health of the Columbia River. Like Portland, Vancouver should consider prohibiting the storage of coal, oil, propane, liquid petroleum gas, and even radioactive waste on Vancouver’s industrial lands and shorelines. Regardless, we support the staff’s recommendation to first address crude oil.

Attached are statements and resolutions from several municipalities supporting the important action that the City is contemplating. Please contact me with any questions or concerns.

Sincerely,

[Signature]

Dan Serres
Conservation Director, Columbia Riverkeeper
Dan@ColumbiaRiverkeeper.org
(503) 890-2441

**Attachments to Comments**

4. City of Spokane Comments on Draft EIS and Letter to Port Commission
5. City of Spokane Valley Comments on Draft EIS and Letter to Port Commission
6. City of Stevenson Opposition to Oil.
7. Skamania County Rural Fire Protection District Statement.
RESOLUTION No. 37164  As Amended

Adopt a policy opposing all project proposals that would increase the amount of crude oil being transported by rail through the City of Portland and the City of Vancouver, Washington (Resolution)

WHEREAS, there has been a significant increase in the transportation of crude oil by rail through the Pacific Northwest to existing terminals and refineries on the west coast. Most, if not all of this oil is transported through the Columbia River Gorge National Scenic Area.

WHEREAS, 15 oil-by-rail terminals are proposed, under construction, or currently operating in Oregon and Washington.

WHEREAS, serious risks are caused by oil-by-rail projects including but not limited to delayed emergency vehicles, oil fires, oil spills, oil explosions resulting from train derailments, increased air pollution, increased water pollution, and contributions to climate disruption-induced injury and disease.

WHEREAS, according to the U.S. Department of Transportation (DOT), oil transportation by rail has increased 50 to 60 times above the levels that existed prior to 2010.

WHEREAS, much of the oil being transported by rail is highly volatile oil from the Bakken oil fields in North Dakota.

WHEREAS, the oil is often being transported in tank cars, called DOT 111s, which were never intended to transport volatile crude oil.

WHEREAS, since 2013, oil train accidents have caused 47 deaths, the evacuation of thousands of residents, and billions of dollars in property damage and environmental destruction.

WHEREAS, new rules adopted by the U.S. DOT fail to ensure the safety of communities or the environment from catastrophic accidents, spill, explosions, and fires.

WHEREAS, the U.S. DOT identifies the blast zone resulting from an oil train accident, fire and explosion involving Bakken oil as being 0.5 to 1 mile in all directions.

WHEREAS, in the event of an accident, explosion and fire involving an oil train, local emergency responders would be ill-equipped to protect human health, property, or the environment. Emergencies responders would likely focus on evacuation while allowing the oil fire to burn itself out.

WHEREAS, Vancouver Energy, proposed on the banks of the Columbia River in Vancouver, Washington, would be the largest oil-by-rail terminal in the country. If approved, it would transport an average of 360,000 barrels of oil (15 million gallons) per day by rail and transfer it to ocean-going vessels. From Vancouver, the vessels would travel down the Columbia River and across the perilous Columbia Bar.
WHEREAS, the terminal would result in five loaded oil trains per day, each carrying approximately 3 million gallons of volatile Bakken oil, travelling along the Columbia River through communities, parks, and endangered species habitat.

WHEREAS, Oil tanker traffic would increase by 300% on the Columbia River, raising the likelihood of a catastrophic oil spill;

WHEREAS, two additional terminals have been proposed on the Columbia River in Vancouver and in Longview.

WHEREAS, oil is transported by rail through Portland to an existing terminal in Columbia County and to refineries in California.

WHEREAS, oil-by-rail spills would have the potential to cause irreversible damage to the water quality and fish and wildlife habitat on the Columbia River.

WHEREAS, transport of oil-by-rail directly threatens the outstanding resources of the Columbia River Gorge National Scenic Area.

WHEREAS, the International Longshore and Warehouse Union (ILWU) Local 4 in Vancouver, WA, has opposed the two oil terminal proposals in Washington.

WHEREAS, the Vancouver City Council on June 2nd, 2014 adopted policies opposing all project proposals that would increase amount of crude oil being transported through Clark County, and directing their City Attorney’s office to file for Energy Facility Site Evaluation Council (EFSEC) Intervener Status.

WHEREAS, Washington’s EFSEC will conduct Environmental Impact Statement, hold a series of public hearings, and make a final recommendation to Governor Inslee, who is the final decision-maker on the proposed terminal.

WHEREAS, the Environmental Protection Agency, National Park Service, and others have raised serious concerns regarding the negative environmental impacts the proposed oil-by-train project may cause.

WHEREAS, Resolution 36962, adopted by Council on September 19th, 2012 adopted a policy opposing coal trains through the City of Portland until a programmatic, comprehensive, and area-wide Environmental Impact Statement is completed.

WHEREAS, this Resolution seeks to address the immediate issue of new oil-by-rail proposals in a timely manner as well as those oil trains already moving through Portland;

WHEREAS, at the 2015 United States Conference of Mayors, Mayor Charlie Hales proposed and passed the Resolution, “Keeping Communities Safe Through Comprehensive Actions to Improve Rail Safety” to encourage government leaders to examine the potential dangers of
transporting Volatile Materials by rail.

WHEREAS, neighbors in the City of Portland, including North East Coalition of Neighbors, have spoken out in opposition to oil trains in the City of Portland.

NOW, THEREFORE, BE IT RESOLVED that the City of Portland opposes oil-by-rail transportation through and within the City of Portland and the City of Vancouver, WA.

Be it further resolved the City of Portland supports the preparation of a programmatic, comprehensive, and area-wide Environmental Impact Statement to identify the cumulative effects that would result from existing and proposed oil-by-rail terminals.

BE IT FURTHER RESOLVED that the City of Portland supports the development and review of a comprehensive Health Impact Assessment prior to approval of any new oil transfer and storage permits by any state, regional or federal agency; and

BE IT FURTHER RESOLVED that the City of Portland intends to address to the extent practicable any impacts to public health, safety and property caused by the transport of oil through Portland by actively enforcing applicable local public health, safety, building, electrical and fire codes; and

BE IT FURTHER RESOLVED that the City of Portland intends to address to the extent allowed by law any impacts to surface, air, and groundwater caused by the transport of oil through Portland by actively enforcing any applicable environmental statues delegated to the City of Portland; and

BE IT FURTHER RESOLVED that the City of Portland will request that railroad companies and/or oil companies make public any development plans for increased rail traffic through Portland to accommodate oil transport and storage, and to provide adequate notice to Portland citizens of any plans for new or expanded rail facilities or any anticipated increases in rail traffic volume; and

BE IT FURTHER RESOLVED that the City of Portland will request that the railroad companies and/or oil companies provide representatives to meet periodically with local citizen groups and local governmental officials to address local concerns regarding oil trains through Portland; and

BE IT FURTHER RESOLVED that the City of Portland will request that the railroad companies mitigate any public safety hazards created by existing and future transport of oil through Portland; and

BE IT FURTHER RESOLVED that the City of Portland will request that railroad and oil companies submit an emergency environmental cleanup plan in case of accidental spills or train derailment; and that they submit a bond to pay for any and all spills, explosions, etc.

BE IT FURTHER RESOLVED that the City of Portland supports economic growth that
contributes to citizens' health, safety, and well-being, and that on balance, adheres to principles of sustainable development and overall reduction of carbon emissions; and

BE IT FURTHER RESOLVED that the Policy opposing all project proposals that would increase the amount of crude oil being transported by rail through the City of Portland the City of Vancouver, Washington is binding City policy.

Adopted by the Council: NOV 04 2015

Commissioner Amanda Fritz
Mayor Charlie Hales

Prepared by: Cristina Nieves, Commissioner Fritz's office
Date Prepared: September 24th, 2015

Mary Hull Caballero
Auditor of the City of Portland
By
Deputy
March 17, 2016

Port of Vancouver
Board of Commissioners
3103 N.W. Lower River Rd.
Vancouver, WA 98660

Dear Commissioners Wolfe, LaBrant, and Oliver:

I want to strongly urge the Port of Vancouver Commission to terminate the lease for the Tesoro Savage Oil Terminal. The Port of Vancouver is in a very unique position to extend the hand of public safety and economic prosperity to the people of Spokane through the termination of this lease.

The Port of Vancouver is an integral import partner for communities and businesses across Eastern Washington. As Eastern Washington businesses move products west, we must ensure that Washington’s railways remain safe from dangerous cargoes and refrain from unnecessary risks.

Since 2013, literally hundreds of thousands of people have asked the State of Washington’s Energy Facility Site Evaluation Council (EFSEC) to halt this project. My office has been flooded with concerns. The Spokane City Council has taken multiple actions to publicize our strong concerns related to this project. Unfortunately EFSEC’s review process could continue on for many months or even years. More than 500 people in Spokane County attended a recent hearing on this project. An overwhelming majority urged state and regional leaders to reject bringing more dangerous oil trains through our communities. Like Vancouver, the Spokane Firefighters and our public safety officials have tremendous concerns about the safety of oil-by-rail in the wake of multiple oil train disasters since 2013.

I want to commend your foresight in negotiating a lease that offers the body an opportunity to revisit your decision on this controversial project. I hope that you consider the statewide impacts of this project and terminate the lease with Tesoro Savage by August 1st, 2016 deadline.

Sincerely,

Ben Stuckart
President, Spokane City Council
RESOLUTION NO. M-3821

A RESOLUTION expressing the deep concern of the Vancouver City Council about the threat to life, safety and the environment due to accidents, potential spills and explosions posed by the oil terminal proposed to be located adjacent to downtown Vancouver; requesting the Port of Vancouver to terminate its lease with Tesoro Savage; urging EFSEC to recommend against the siting of the oil terminal; urging the Governor to not approve a site certification agreement; and urging Congress, the Legislature, and regulators to adopt laws and regulations to increase the safety of the transportation of crude oil.

1. WHEREAS, the City values its ongoing relationship with the Port of Vancouver, Washington, and is committed to maintaining this partnership that is essential to the vitality and growth of our community and the region. The City recognizes that the views expressed in this resolution are specific to the proposed terminal project and are not intended to impact the broad and long-term working relationship between the City of Vancouver and the Port of Vancouver; and

2. WHEREAS, the Port of Vancouver approved a lease with Tesoro Corp. and Savage Companies, who propose to construct a terminal on Port property to handle the transport of Bakken crude oil by rail, and this proposal is currently undergoing review by the Washington State Energy Facility Site Evaluation Council (EFSEC); and
3. WHEREAS, human error, acts of nature and unforeseen disasters are beyond the control of measures proposed for the Vancouver oil terminal project and could have devastating effects on the entire community; and

4. WHEREAS, the rail lines that will carry this volatile crude oil run through and by the City of Vancouver neighborhoods, parks, the I-5 corridor, commercial and industrial areas, the waterfront, the Columbia River, creeks and other natural areas; and

5. WHEREAS, according to the Association of American Railroads (“AAR”) the volume of crude oil shipped by rail has increased from 9,500 carloads in 2008 to 400,000 carloads in 2013; and

6. WHEREAS, the volume of petroleum transported by rail through Vancouver is expected to increase in the future, and the planned oil terminal in the Port of Vancouver will increase that volume by more than 360,000 barrels per day, with the potential for future expansion; and

7. WHEREAS, possible derailments, spills, explosions and fallout pose a serious threat to this community; and

8. WHEREAS, the primary source of the petroleum anticipated to be transported by rail through Vancouver is from the Bakken formation, which the U.S. Department of Transportation (DOT) Pipeline and Hazardous Materials Safety Administration (“PHMSA”) has determined may be more flammable than traditional heavy crude oil; and

9. WHEREAS, the PHMSA’s 2013 investigation into the transportation of Bakken oil, known as Operation Classification, showed that crude oil taken from cargo tanks en route to rail loading facilities was not properly classified on numerous occasions leading DOT to issue an
emergency order requiring shippers to test Bakken oil and classify it as a packing group I or II commodity; and

10. WHEREAS, the fatal incident in Lac-Megantic, Quebec, resulted in loss of forty-seven lives and buildings and required the evacuation of 1,000 resident; and

11. WHEREAS, in November 2013, a derailment of a unit train in Aliceville, Alabama, caused a crude oil spill when tank cars ruptured and caught fire; and

12. WHEREAS, Galveston Bay, Texas, recently experienced a maritime collision that emptied more than 150,000 gallons of crude oil into the bay, and the Columbia River would be used as the major shipping channel for the proposed oil terminal in Vancouver; and

13. WHEREAS, in December 2013, a derailment of a BNSF unit train carrying crude oil caused a spill and explosion causing the evacuation of most of Casselton, North Dakota; and

14. WHEREAS, in January 2014 a freight train carrying crude oil in New Brunswick, Canada, derailed causing a spill and fire resulting in the evacuation of 45 homes in a 1.25-mile radius surrounding the crash; and

15. WHEREAS, in April 2014, a freight train transporting crude oil in Lynchburg, Virginia, derailed causing a spill and fire and resulted in the evacuation of a portion of the downtown area and spill into the James River; and

16. WHEREAS, on May 9, 2014, a train carrying crude oil derailed near LaSalle, Colorado, resulting in a spill; and

17. WHEREAS, according to the PHMSA more than 1.15 million gallons of crude oil was spilled in U.S. rail incidents in 2013; and
18. WHEREAS, the increase in the production of Bakken crude oil has placed such a demand on tank cars that older DOT 111 cars are being used to transport Bakken crude oil; and

19. WHEREAS, according to the AAR, approximately 92,000 DOT-111 tank cars are used to move flammable liquids, such as crude oil and ethanol, with only approximately 14,000 (15%) of those tank cars being built to the latest industry safety standards; and

20. WHEREAS, in light of the incident in Lac-Megantic, Quebec, the Canadian government has ordered the phase out of the use of older DOT 111 tank cars that do not provide necessary protections against punctures, failures and explosions for the transportation of crude oil within three years; and

21. WHEREAS, while, PHMSA has not ordered the phase out of older DOT 111 tank cars; and

22. WHEREAS, oil tank cars built since 2011 are designed to the CPC 1232 standard and Tesoro Savage has indicated that it would only accept CPC 1232 cars. However, in comments to the PHMSA the AAR “now supports even more [than CPC 1232] stringent standards...retrofits of existing cars...and an aggressive phase-out of cars that cannot meet retrofit requirements”; and

23. WHEREAS, one of the tank cars that ruptured in Lynchburg, Virginia, was a CPC 1232 tank car and was travelling 24 mph, well below the recently agreed upon 40 mph speed limit for urban areas; and

24. WHEREAS, it will be at least five to seven years before new model tank cars ordered by BNSF could be delivered and, even after they are delivered, BNSF will have to accept older cars from shippers transporting crude oil so long as those cars meet minimum safety requirements; and

RESOLUTION - 4
25. WHEREAS, even today, the design of those new cars is unsettled and does not have a proven record of safe utilization; and

26. WHEREAS, the oil terminal project will result in eight to twelve unit trains per day traveling through the city each being a mile and a half long which could cause delay in responding to emergencies at any of the four public and twenty-one private rail crossings; and

27. WHEREAS, in January 2014 the National Transportation Safety Board stated “Because there is no mandate for railroads to develop comprehensive plans or ensure the availability of necessary response resources, carriers have effectively placed the burden of remediating the environmental consequences of an accident on local communities along their routes”; and

28. WHEREAS, the City of Vancouver is just beginning the process to study the demands placed upon its emergency responders by crude oil unit trains traveling through the City and has not yet identified the risk posed nor training, manpower and equipment needed to respond to that risk; and

29. WHEREAS, in 2007, the City adopted the Vancouver City Center Vision and Subarea Plan and the City is concerned about the potential negative impacts the oil terminal project could have on the vision, principles and policies expressed in that plan; and

30. WHEREAS, in October 2009, the City unanimously approved the master plan for the Columbia Waterfront Development project, which calls for the development of 3,300 residential units and 1 million square feet of commercial space on 32 acres of riverfront property; and

31. WHEREAS, On November 4, 2013, the Vancouver City Council unanimously approved the Waterfront Park Plan that calls for a 7.3-acre park and trail within the Waterfront Development project; and
32. WHEREAS, the City has invested approximately $45 million in transportation infrastructure to serve the Waterfront Development Project; and

33. WHEREAS, the Port of Vancouver has been a key partner in assisting the City to make the transportation improvements for the Waterfront Development project. The Port interrupted their construction schedule for the West Freight Access Project to facilitate the City’s construction; the Port also allowed the City to use Port property temporarily for detouring rail traffic while the City constructed the new rail line; and the Port also engaged in land exchanges with the City for the new right-of-way within the site; and

34. WHEREAS, the Waterfront Development Project site is bordered by the BNSF railroad tracks that will be used to transport the oil to the terminal and could be impacted by the Project; and

35. WHEREAS, the City has concerns regarding the potential impacts of the oil terminal upon the residents of the adjacent Fruit Valley Neighborhood; and

36. WHEREAS, the National Transportation Safety Board in January 2014 recommended that unit trains transporting Bakken crude oil be rerouted to avoid populated areas where technically feasible; and

37. WHEREAS, the City has a paramount interest in the health, safety and welfare of its citizens and believes that the development of the proposed Tesoro Savage crude by rail oil terminal is contrary to the health, safety and welfare of its citizens and business community;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF VANCOUVER:

Section 1. The City of Vancouver asks the Port of Vancouver Commissioners to terminate the property lease to Tesoro Savage which will result in Bakken oil being shipped through urban centers.

RESOLUTION - 6
Section 2. The City of Vancouver strongly requests that the Governor of Washington, the Washington Department of Ecology, the Washington State Energy Facility Site Evaluation Council (EFSEC), and any other relevant state agencies decline to permit crude by rail oil terminal projects, and specifically the proposed Tesoro-Savage project.

Section 3. The City of Vancouver calls on municipalities, agencies and officials to deny all permits for new facilities that will result in an increase in the transportation of Bakken crude oil through Clark County until such time as there is a consensus among the industry and regulators as to the appropriate method of safely transporting Bakken crude oil and a proven track record that demonstrates the safety of the methodology.

Section 4. The City of Vancouver strongly urges Congress, the State Legislature and agencies with jurisdiction to adopt legislation and regulations related to rail transport requiring disclosure of the volumes, types of petroleum, petroleum products, and petroleum derivatives; transport routes; and the frequency and duration of transfers of petroleum, so the state and local communities can be fully informed of and plan for the risks posed by the transport of petroleum by rail.

Section 5. The City of Vancouver strongly urges the U.S. Department of Transportation (DOT) Pipeline and Hazardous Materials Safety Administration to promptly adopt regulations to increase safety standards for tank car design and operations regulations for petroleum product shipments and aggressively phase out older-model tank cars used to move flammable liquids that are not retrofitted to meet new federal requirements.

Section 6. The City of Vancouver urges the federal government to follow through on rules jointly proposed by the U.S. National Transportation Safety Board and the Transportation Safety Board of Canada under which trains from the Bakken fields would be required to avoid populated areas and oil transported by rail would be regulated in the same way as other toxic or
explosive materials.

Section 7. The City of Vancouver wants transportation of crude oil by rail to meet all state, federal and local transportation rules and regulations and to exhibit a sufficient accident-free record for a sustained period of time. The City of Vancouver does not believe that there are sufficient answers to the important questions regarding environment and physical safety to proceed with any type of development at this time.

ADOPTED at a regular session of the Vancouver City Council this 3rd day of June, 2014.

Timothy D. Leavitt, Mayor

Attest:

R. Lloyd Tyler, City Clerk
By: Carrie Lewellen, Deputy City Clerk

Approved as to form:

Ted H. Gathe, City Attorney
BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 2016-001

Opposing Oil Shipment by Rail, and Endorsing Comments on the Tesoro Savage Vancouver Energy Distribution Terminal Draft Environmental Impact Statement.

The Multnomah County Board of Commissioners Finds:

a. With the rapid development of the Bakken Oil fields in North Dakota and Canada, and ongoing development of Canadian oil sands, shipments of crude oil by rail have increased dramatically in the Northwest since 2012.

b. Due to this oil boom Oregon has become a throughway for crude oil traveling by rail.

c. Up to 12 trains carrying 1,000,000 gallons or more of Bakken crude oil pass through Multnomah County each week.

d. Risks posed to Multnomah County residents from oil by rail shipments include the potential for oil train explosions, fires, and/or spills as a result of derailment; increased particulate emissions from locomotive exhaust; congestion and collision along roadways and rail lines; and associated health impacts including injury and death.

e. Nine significant train derailments have occurred in North America since July 2013, one of which resulted in multiple fatalities and injuries.

f. In case of an oil train fire, the half mile surrounding the incident should be considered for evacuation. Concern about safety is heightened given population proximity to rail lines because 26% of Multnomah County's population lives within a half mile of a rail line that carries crude oil.

g. A total of 108 schools (pre-school through high school), and 100 childcare facilities are within the half mile evacuation zone.

h. The area of impact in the case of an oil train fire or explosion is increased because of a toxic plume of smoke from the fire, and because of distress and trauma caused to local residents.

i. The Tesoro Savage Vancouver Energy Distribution Terminal at the Port of Vancouver, if approved, would be the largest oil by rail terminal in the country, and would transport on average 360,000 barrels of oil per day by rail for transfer onto ocean going vessels.

j. The Tesoro Savage Vancouver Energy Distribution Terminal, in combination with a total of 13 new or expanded oil facilities proposed in Oregon and Washington, would increase oil by rail traffic to over one million barrels of oil per day on Northwest rails lines, and increase oil transport through Multnomah County.
k. The potential for oil by rail derailment and spill in the Columbia River corridor poses grave risk to natural and cultural resources, including endangered fish populations.

l. Because of the rapid rise of oil by rail, local emergency responders capability, equipment, and funding to deal with large scale oil fires is inadequate.

The Multnomah County Board of Commissioners Resolves:

1. To oppose oil by rail transportation through and within Multnomah County

2. To declare that it is the policy of Multnomah County to oppose projects and proposals that have the potential to increase the amount of crude oil being transported by rail through Multnomah County.

3. To support the development and review of a comprehensive Health Impact Assessment, at the expense of the initiating entity, prior to approval of any new oil transfer and storage permits by any state, regional, or federal agency.

4. To endorse the attached comments to the Tesoro Savage Vancouver Energy Distribution Terminal draft environmental impact statement, and to instruct the Office of Sustainability to submit those comments to the Washington Energy Facility Site Evaluation Council on behalf of the County.

5. To accept the findings of the attached risk assessment.

ADOPTED this 21st day of January, 2016.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Deborah Kafoury, Chair

REVIEWED:
JENNY M. MADKOUR, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By Katherine Thomas, Assistant County Attorney
January 14, 2016

William Lynch, Chairperson
State of Washington
Energy Facility Site Evaluation Council
1300 S. Evergreen Park Dr. SW
P.O. Box 43172
Olympia, WA 98504

RE: City of Spokane Comments Regarding Tesoro Savage DEIS

Dear Chairperson Lynch:

The City of Spokane appreciates the opportunity to comment on the Draft Environmental Impact Statement (DEIS) issues by EFSEC for the proposed Tesoro Savage Vancouver Energy Distribution Terminal (the Proposed Facility). The City recognizes the significance of the application for the Proposed Facility and encourages EFSEC to carefully consider all comments submitted in response to the DEIS including those comments not just related to the facility location in the Port of Vancouver, but also those comments relating to the transportation of crude oil through the Spokane region and along the Columbia River.

The City of Spokane’s comments to the DEIS are set forth below as well in separate letters from Assistant Fire Chief Brian Schaeffer and Rick Romero, the City’s Utility Division Director.

1) The DEIS fails to include an analysis of accident data from oil train derailments when it calculated the low probability of a derailment and spill even though this information is available from the National Transportation Safety Board. The DEIS uses data from all freight trains to identify the risk of the use of Highly Hazardous Flammable Trains (HHFTs) instead of data specifically related to HHFTs. It would be more accurate if the DEIS included a tank train derailment incident history with information regarding tank car behavior. Actual accident data of crude oil and ethanol train accidents would suggest a greater average number of derailed cars in accidents than is estimated by the DEIS.
2) The DEIS discusses track structure improvements in the Port of Vancouver but not along the main tracks throughout the state and within the City of Spokane.

3) The DEIS does not describe worst case scenarios for a derailment within communities along the route and no maximum train speed has been identified for crude oil trains operating within the limits of communities in Washington along the route.

4) The DEIS "Crude Oil Spill Risk Assessments," the executive summary of the DEIS, states "The average number of years that would elapse between a derailment of one loaded car that results in a crude oil spill volume of 700 barrels or less is 27 years." There is no calculation as to how this calculation is derived. Experience in actual unit train derailments involving the DOT-111 and CPC-1232 tank cars shows that between 2006 and 2015 there were 24 unit train derailments. In these combined incidents, a total of 443 tank cars derailed with 314 tank cars releasing product. These cars released a total of 6.5 million gallons of product. Based on this data the failure rate of the derailed cars is about 70%.

5) The DEIS assumes the use of DOT-117 tank cars. While adding the DOT-117 cars to the fleet will reduce the risk of tank car failure in a derailment, it will not eliminate all risk. Some of the 117's will fail. The demands for manufacturing the new 117 tank cars will be high for some time into the future and may cause delays for new cars entering the fleet. The DEIS does not address this possibility; i.e., what is the schedule for replacing the DOT 111 and CPC-1232 rail cars that will be used to transport crude oil through Washington?

6) The DEIS provides that older tank cars must be retrofitted to meet the new DOT 117 tank car standards based on cargo hazard characteristics. Dates vary from 3 years out, to 5 years out, to 8 years out, to 10 years out. The DEIS does not provide an estimated date on when all crude oil shipments transported through Washington can be expected to be transported in DOT 117 or equivalent tank cars. Recent crude oil train accident history shows crashworthiness performance of CPC 1232 and DOT 111 tank cars to be similar. The new DOT 117 cannot be expected to survive all derailments and there is no assessment on the crashworthiness of the DOT 117 in train derailments in comparison to the crashworthiness of DOT 111 and CPC 1232 tank cars.

7) Chapter 4 of the DEIS, regarding rail transportation, estimates the number of years between derailments resulting in a spill as follows:
According to the DEIS:

- A derailment resulting in a spill of any size is expected to occur once every 12.1 years;
- A derailment resulting in a spill of one car or less is expected to occur every 27 years;
- A derailment resulting in a spill of three cars or less is expected to occur every 121 years; and
- A derailment resulting in a spill of 28 cars or less is expected to occur every 21,959 years.¹

In reality, the following has been the experience with HHFTs in the nine years between October 2006 and September 2015:²

- 24 derailments resulting in a spill of any size (2.66 per year average);
- 22 derailments resulting in a spill of at least one car (2.44 per year average);
- 13 derailments resulting in a spill of at least three cars (1.44 per year average); and
- 2 derailments resulting in a spill of at least 28 cars (.22 per year average).

8) The DEIS minimizes the impact from a small to large fire/explosion along the rail corridor by describing the impact as negligible. A small explosion in the Spokane Downtown core with its proximity to the Spokane River, two regional hospitals, numerous medical clinics, major educational facilities, Interstate 90 and the City’s commercial/retail core would cause a significant if not catastrophic impact.

9) The DEIS was to include an analysis of emergency responders’ current capabilities; the capabilities required for responding to incidents at the facility and along the rail route; and how to close the gap between the two. Instead of providing an independent GAP analysis, the DEIS simply relates various responses to the survey of first responders and provides no meaningful analysis of the specific training, staffing or equipment needed to respond to spills and fires at the facility, along the rail route or upon vessels. The DEIS treatment of this most vital concern is in and of itself cause to find it inadequate.

¹ DEIS at 4-28-29.
² Note that PHMSA used 2006 through 2013 for its analysis of HHFT derailment, USDOT-PHMSA Draft Regulatory Impact Analysis PHMSA-2012-
The City of Spokane encourages EFSEC to analyze all of the DEIS comments and to correct the DEIS before moving forward with the project application.

Sincerely,

Michael J. Piccolo
Assistant City Attorney
May 25, 2016

Sandra Towne, Planning Manager
City of Vancouver
Community & Economics Development
PO Box 1995
Vancouver, WA  98668

Dear Ms. Towne:

Thank you for the opportunity to comment on the determination of nonsignificance for the Industrial Code Amendments/Crude Oil and Oil Refinery Facility Project. The Department of Ecology (Ecology) reviewed the environmental checklist and has the following comment(s):

**WATER QUALITY/INDUSTRIAL OPERATIONS UNIT:**
Jacek Anuszewski (360) 407-6288

Ecology’s policy requires Petroleum Bulk stations and Terminals (SIC 5171: establishments primarily engaged in the wholesale distribution of crude petroleum and petroleum products, including liquefied petroleum gas, from bulk liquid storage facilities) to obtain an individual National Pollutant Discharge Elimination System (NPDES) or State waste discharge permit. NuStar Energy is required to obtain two such permits, one for the main terminal at the Port of Vancouver and one for the Fruit Valley Annex. NuStar Energy has not applied for any of the permits yet.

**WATER QUALITY/WATERSHED RESOURCE UNIT:**
Chris Montague-Breakwell (360) 407-6364

Ecology recognizes this is a non-project action.

The following construction activities require coverage under the Construction Stormwater General Permit:

1. Clearing, grading and/or excavation that results in the disturbance of one or more acres and discharges stormwater to surface waters of the State; and
2. Clearing, grading and/or excavation on sites smaller than one acre that are part of a larger common plan of development or sale, if the common plan of development or
sale will ultimately disturb one acre or more and discharge stormwater to surface waters of the State.

a) This includes forest practices (including, but not limited to, class IV conversions) that are part of a construction activity that will result in the disturbance of one or more acres, and discharge to surface waters of the State; and

3. Any size construction activity discharging stormwater to waters of the State that Ecology:

a) Determines to be a significant contributor of pollutants to waters of the State of Washington.

b) Reasonably expects to cause a violation of any water quality standard.

If there are known soil/ground water contaminants present on-site, additional information (including, but not limited to: temporary erosion and sediment control plans; stormwater pollution prevention plan; list of known contaminants with concentrations and depths found; a site map depicting the sample location(s); and additional studies/reports regarding contaminant(s)) will be required to be submitted.

You may apply online or obtain an application from Ecology's website at: http://www.ecy.wa.gov/programs/wq/stormwater/ - Application. Construction site operators must apply for a permit at least 60 days prior to discharging stormwater from construction activities and must submit it on or before the date of the first public notice.

Ecology’s comments are based upon information provided by the lead agency. As such, they may not constitute an exhaustive list of the various authorizations that must be obtained or legal requirements that must be fulfilled in order to carry out the proposed action.

If you have any questions or would like to respond to these comments, please contact the appropriate reviewing staff listed above.

Department of Ecology
Southwest Regional Office

(SM:16-2443)

cc: Jacek Anuszewski, WQ
    Chris Montague-Breakwell, WQ
PLANNING COMMISSION
Meeting Summary/Meeting Minutes

May 24, 2016
6:30 p.m.
Council Chambers, City Hall

Staff Present: Brent Boger, Sandra Towne, Rosemary Armour

REGULAR MEETING

CALL TO ORDER

The regular meeting of the Vancouver Planning Commission was called to order at 6:30 p.m. by Chair Erik Paulsen in City Hall Council Chambers, 415 W 6th Street, Vancouver, Washington.

PLEDGE OF ALLEGIANCE

ROLL CALL

Present: Richard Bailey, Dimitry Mishchuk, Bob Haverkate, Mario Raia, Chair Erik Paulsen,
Absent: Steve Schulte, John Lee

APPROVAL OF MINUTES – April 26, 2016

Chair Paulsen called for approval of the minutes. Minutes were approved unanimously.

COMMUNICATIONS FROM PLANNING COMMISSIONERS

There were none.

COMMUNICATIONS FROM CITIZENS

There were none.

COMMUNICATIONS FROM STAFF

There were none.

UNFINISHED BUSINESS

No unfinished business to be addressed.
NEW BUSINESS

No new business to be addressed.

PUBLIC HEARING

Industrial Code Amendments/crude oil and oil refinery facilities

Sandra Towne gave a PowerPoint presentation summarizing the staff report. Please see “Staff Report and Recommendations to the Planning Commission” dated May 9, 2016.

Staff Findings

The establishment or intensification of crude oil storage in Vancouver will increase the risk of possible derailments, spills, explosions and fallout and will pose a serious threat to the community. The City has a paramount interest in the health, safety, and welfare of its citizens and the City Council believes that the development of new crude petroleum facilities or expansion of existing crude petroleum facilities is contrary to the health, safety, and welfare of its citizens and business community.

Recommendation

Staff recommends that the Planning Commission forward a recommendation to the Vancouver City Council to approve proposed changes to amend VMC 20.440.030-1 and 2, Industrial Zoning District Use Tables to prohibit establishment or expansion of crude oil facilities and prohibit petroleum/oil refineries and add associated definitions bulk crude oil to VMC 20.150.040A and petroleum/oil refinery to VMC 20.150.040D, Definitions.

Questions/Comments from Commission for Staff

Commissioner Mario Raia wanted to make sure that it was clear that any existing projects would be grandfathered and not part of the changes that the board is considering.

Sandra Towne responded that if a crude oil storage project is vested then the prohibition code change would not affect that vested project. However if a vested or existing project wished to expand the storage of crude oil the expansion would be prohibited.

Chair Erik Paulsen asked if there was an application for use that is pending then it is vested, but existing uses where there is no application would be covered by any action that council eventually takes.

Sandra responded that if it is not vested that is correct.

Commissioner Richard Bailey asked in terms of a moratorium when they are allowed and not allowed in terms of the board prohibiting something entirely across the whole city and asked if that would be ok to do or is it going to be subject to challenge.

Brent Boger, City Attorney, responded that there was no blanket prohibition on doing that. If anything it is challengeable but there is no blanket prohibition on banning something across the state.

Chair Paulsen stated that he wanted to reiterate before he opens the floor for public testimony that there is a very compressed timeframe here that they are working under because of the expiring moratorium and so the board is taking a much focused approach to certain types of uses that were covered in the moratorium. Eric also wanted to be clear that there are two components to the recommendation that is before the board, one is to prohibit new use or
expansion of existing use and the other is a refined definition of what is considered crude that would be covered in the prohibition.

Public Testimony

Chair Paulsen opened the floor for public testimony

• Don Steinke, 4833 NE 238th Ave, Vancouver, WA 98682. Don stated he agreed with the focused approach. He stated he has only read one anthropology book in his life, which stated without cities you don't have civilization and implied that cities lead. He was at the Portland City Council meeting last November when they passed a Resolution prohibiting all fossil fueled projects that would be primarily dedicated to the handling, transfer and shipment of all fossil fuels but it was like the city's moratorium and the theme of the night was “City’s Lead.” He stated we cannot wait for Congress to lead on the safety issues and we cannot wait for Congress to lead on climate change. The city has a sustainability plan and in 2010 stated they were going to wait for the federal government to take action as they didn't want to conflict with them. So cities have to lead and he supports the staff recommendation and hopes they can come back to the other categories later. He heard a comment from someone at the Port of Vancouver similar to the one he heard here at the last meeting, that if the trains don't come through here or stop here they will just go somewhere else. Barry Cain told the port commissioners “you should be helping us stop them going elsewhere too” and he would urge the board not to just throw up their hands and say well if we don't stop them here they will just go through at a faster speed and be more dangerous, help us stop them. He stated he thought there were three terminals proposed in Grays Harbor six months ago and now it is down to one. Public opposition has stopped two of them there. Public opposition stopped three fossil fuel projects within the last year in Longview and so we don't just have to say it is inevitable, public opposition is strong. Times Magazine called the west coast of the United States in the Pacific Northwest “The Thin Green Line” because they have stopped 24 fossil fuel projects in the last six years that would have affected Vancouver.

• Jared Smith, 115 NE Stafford St, Portland, OR 97211. Jared stated he works down at the port and is President of International Longshore and Warehouse Union Local 4 in Vancouver, who have been intimately involved in the last three years with oil by rail for obvious reasons and have been adamantly opposed to oil by rail since then. He has seen more than 10 explosions over the last couple of years and their membership does not want to work around oil facilities, they don't want to work around oil tanks, and they don't want to work around oil cars. He stated he is in favor of staff's recommendation tonight and stated one other thing to think about is that it gives us an opportunity to choose the players that come into our communities, which we typically don't always get to choose, especially at the port. When you do business with a lot of these companies that are in oil you end up having a port that writes a lease that blacklines out and redacts the fact that it can be twice the size; you have a port commissioner that says there are going to be 5,000 rail cars that are going to come and it is going to be safer and then when he finds out they are not showing up he doesn't share that with the public; you have a company that has prayed on our national security fears and stated that it is going to be all domestic oil and then they are lobbying behind the scenes to have the embargo lifted; they are claiming about how much they care about the American worker and unions and they are trying to get the Jones Act repealed, and as far as being a job creator a terminal has not even gone in yet and there are already negative jobs because of grain cars and containers being sidetracked and moving container work into Canada out of Seattle and Tacoma and companies that are going out of business because of oil by rail, so the Local 4 is in favor of this recommendation.
• Cager Clabaugh, 2217 NW 112th Cr, Vancouver, WA 98665. Cager stated he is a Longshoreman at the Port of Vancouver and is here tonight to speak in favor of the moratorium mainly for reasons of safety and does not believe that the companies, some that are doing business already at the Port of Vancouver and ones that want to come, as far as the movement of fuel have the workers or the communities best at heart and wanted to share something that is going on right now at the Port of Vancouver. He stated that Nustar had to do some work on a pipeline and when they dug it up they had a very large pile of carborundum and they are supposed to cap that stuff to keep it in the ground. They put tarps over the pile up and it sat there for three months and the tarps deteriorated, blew off and now there is carborundum all around this pile. It was brought up to the port and they asked them how long they were going to leave the pile there and the port responded that it was Nustar’s problem and they couldn’t do anything about it but will let them know about the concerns. The following day there were new tarps on it, although not completely covered and today it is still sitting there partially uncovered. The port explained that because of their lease there is nothing they can do to make them do the right thing.

Cager stated that Tesoro has had quite a few citations for safety and has even had deaths in their facility up in Anacortes and believes this shows what they think about safety. On December 13 there was an explosion over by the St. John’s Bridge where a fuel truck went off the road and was burning out of control. The fire fighters didn’t know what to do and there were some cars there that were filled with asphalt and looked like crude oil cars and they were afraid that they were going to explode. They were calling everywhere such as the Port of Vancouver, the Port of Portland, just begging for help to battle the fire and it wasn’t until they contacted the Port of Portland at the airport that they were able to get a foam truck and this was at 10:00 a.m. on a Sunday morning over to St. John’s to put out the fire. This was in the middle of Portland’s fuel import area and they are not equipped to fight even the simplest of fires and that is the problem here and firefighters will tell you that they don’t know what to do and all they are going to do is evacuate and let it burn. Cager stated that he relies on the port for his job and if there is one spill in the river they are done until it is cleaned up and we have all seen in past history that they don’t clean those things up super-fast and he thinks that in order to protect our area, our rivers, and our city that this moratorium is definitely is a good thing.

• Eric LaBrant, 2315 Simpson Ave, Vancouver. Eric stated he is the Port of Vancouver Commissioner and Chair of the Fruit Valley Neighborhood Association here this evening speaking on his own behalf. He stated that Fruit Valley has long been a blue collar neighborhood and for decades they have demonstrated that industry and residence can be good neighbors and when we cooperate everyone wins, but some industries take a big toll on the communities that surround them. Some of these costs come from toxic spills and clean up, others from damaged reputations, so when you hear mention of Houston or New Jersey you are probably thinking of refineries and pollution, not some place you would want to invest in. Fruit Valley currently has multiple cleanup sites from industrial projects that various agencies are paying to clean up and Fruit Valley is where another oil terminal or refinery would go.

Eric stated that as a kid he learned that there is no such thing as a free lunch, everything has a cost whether we admit it or not. Some industries incur massive environmental debt and stick local communities, such as Vancouver, with the bill. If an industrial project makes a mess someone gets stuck with that debt. Time and time local governments get stuck paying environmental debts after once friendly, once profitable businesses pack up and go home. Early in his involvement with the neighborhood he wrote a letter supporting a federal grant to research contaminated brownfields nearby. Vancouver needs housing, shovel ready industrial land, healthy economy, what we don’t need are more brownfields and cleanup costs. This step forward keeps our focus on a city we envisioned for the century ahead and protects us from distractions and get rich quick schemes. Instead of a hub for fossil fuel shipments to
Asia, we can focus on industry that grows Vancouver long-term without incurring unnecessary environmental debt. Taking a stand recognizes environmental debt and responsibly stewards our resources to spend elsewhere, rather than gambling on those costs of future cleanups. As mentioned earlier there is a precedent for doing so, many years ago your predecessors prohibited the environmental debts of chrome plating facilities. Many oil towns have a cancer alley but Vancouver is not one of those places and we should keep it that way. Taking a stance sends a strong and important marketing message for Vancouver that it is an attractive place to bring a business. Fruit Valley is in particular a great place to live and raise a family without sacrificing your health. After college when his kids are looking for places to build their homes, careers and family he is confident that Vancouver will be at the top of the list, just as it already is too many others. As someone who hopes to retire here someday, Eric appreciates the board’s willingness to address this proactively and to keep our city moving forward in the right direction.

- Don Orange, 4418 NE 179th St, Vancouver, WA 98686. Don stated he is a founding member of an organization called Vancouver 101, which are over 100 Vancouver businesses that are standing up against this oil terminal. He thinks the board and staff is on the right track and thanked them. He stated that if we assume that everything and all the safety concerns are false and this can be operated safely we will damage Vancouver’s reputation, it will damage Vancouver’s businesses, will damage our ability to attract new businesses. There is a business on the top floor of this building, they are a marketing group with 60 employees and they can be located anywhere in the country. They are here, they have a beautiful view of the river and the whole works. They are about a mile from the port and he is not saying that they are going to move but there are hundreds of businesses like them in Vancouver and there are other businesses that are going to decide where to go so we need to keep this a beautiful city by the river.

- Mark Leed, 3419 E 21st St, Unit 4, Vancouver, WA 98661. Mark stated that he didn’t prepare any comments because he wasn’t planning to comment but would just like to say that he agrees with all the previous speakers and supports the crude oil moratorium, including the refinement of the definition of crude oil. He thinks it is the right thing to do for the safety and livability in this community and is concerned about the expansion of fossil fuel infrastructure and believes this is the right step to prevent the continuing expansion of fossil fuel infrastructure.

- Dale McLain, 7410 NW 16th Ave, Vancouver, WA 98665. Dale stated that he definitely supports this moratorium. He is so proud of our City Council and our City. They have come out strongly against this and as Don Steinke mentioned the thin green line extends from the northwest all the way through California and that is only one of the links in that chain. If we can hold together starting with the communities and cities and put together moratoriums like this, we are just one and if we can get all of them to keep moving in the same direction we can really help the environment and our communities. We can help move us into a greener position in the world and the board has an opportunity here to strengthen that chain to help us along and appreciates everything the board is doing and hopes that not only can we expand it for oil but eventually to all fossil fuels because none of them are really good for us and we need to move in a different direction.

- Daniel Serres, 1125 SE Madison St, Suite 103A, Portland, OR 97014. Dan stated he is a Conservation Director with Columbia Riverkeeper and thanked the board for their time tonight and is here in support of staff’s recommendation to the proposed industrial code amendments. He thinks the city has done a very good job of making this narrow and suiting the purpose that was laid out in the moratorium and addressing those things without having a bunch of collateral impact and regulation that they didn’t want. The importance of this is really stark, the type of impacts associated with very large scale
storage and handling of crude oil would have an enormous impact for us and from the Columbia River perspective are enormously concerned about the brownfield, the superfund site that will be if there is this type of facility in Vancouver on this scale. It is one of the biggest risks they face up and down the river are facilities like these. I think other purpose of this which is really well accomplished with what is proposed is providing clarity to folks like Eric LaBrant who is on the port commission and others who might come to the City of Vancouver looking to play something within the city. Knowing what we know now we know that this type of use is rightly prohibited in the City of Vancouver and it allows everyone to avoid years of hearings. The one addition that he thought might strengthen this is to also update the Shoreline's plan that goes along with this. This just creates another layer of legal teeth to what the board is trying to accomplish and it is something to consider for their recommendation to the City Council, and lastly that this falls in line with a growing regional consensus about the risks of very large scale oil projects that have targeted the Lower Columbia River. The City of Spokane, Spokane Valley, not left-wing radical places, particularly Spokane Valley has expressed concern about the amount of oil that has been moving through the region. The Columbia River Intertribal Fish Commission has come out expressing their desire to see the region move in a different direction and your neighbors across the river in Portland have passed a resolution and are working towards this type of policy, so what the board is doing is setting an example that others can follow.

- Peter Cornelison, 1003 5th St, Hood River, OR 97031. Peter stated that he is a Hood River City Council member and also a member of Friends of The Columbia Gorge Staff. Peter stated that Hood River has passed a resolution opposing oil trains in the national scenic area and they are one of eight other jurisdictions that has done so. Starting to the east with The Dalles, Mosier, Bingen, Stevenson, The Washougal School District, Skamania County Fire District No 4 and The Columbia River Gorge Commission who are very supportive of the effort of this initiative because as he sees it oil transport through the Gorge is a threat to all of us, either with the threat of fire, which in the case of oil fires are explosive and it could ignite with the Gorge winds. A fire that would spread down both sides of the Gorge or an oil spill on The Columbia, which is the Army Corps of Engineers worst nightmare is to have a spill happen close to their dams which would render the fish ladders unusable to the fish, the hydrocarbons would soak into the concrete and they would have to replace the fish ladders, so he is supportive of staff’s recommendations and appreciate the steps the board is taking in this regard.

Chair Paulsen closed public testimony.

Chair Paulsen stated that there are two components and staff has recommended that they consider whether or not they want to further refine, in particular the definition portion, and asked board members if they had any thoughts on that.

Mario stated that he is not an expert in this area but as has been pointed out by a couple of the written correspondence received it looks like the original definitions they were working with left a little to be desired. There was an email from Mr. Bill Brake that sought to add a couple of other things and one of them was crude oil diluent in bulk.

Sandra responded that what she understood that Mr. Brake was suggesting is adding the Product Trade Name chart that is in his email and has no recommendation on that and is not sure if those things are included in this description already.

Brent responded that he believed they would be included because it is the way we define crude oil, it is anything that is not ready for final consumption.

Chair Paulsen stated that the language that was added was a little broader than crude because it included the conditions degassed and stabilized.
Mario asked if we should state more crude or partially treated and keep it more generic.

Bob commented that the email from Don Steinke states consider adding bakken crude, conditioned crude, degassed crude and stabilized crude.

Richard commented that the thing about lists is you can add a list that goes on forever and it is important to have a catch all that covers the whole category.

Chair Paulsen stated that it is about intent and what they are intending is not process or store something for eventual processing somewhere else and what they don’t want is raw material or a quasi-raw material being brought here for processing. So the existing language speaks to that but as has been mentioned in some of the testimony and written correspondence sometimes things are preprocessed in preparation for transport and then subsequently further refined downstream and he would suggest that whatever language they supplement the existing statement would speak to that specific issue because what they are intending to do is to prohibit that type of product from being transported, stored or processed in our community.

Sandra asked if they want to have something more general in case they have forgotten something or something new comes up that they are not aware of today that is potentially partially processed or refined. Sandra stated that they have to be careful with that too because then they are getting into refined oils.

Chair Paulsen stated he would read what he thought the language should be, starting mid-sentence in the first sentence after the structures piece “any naturally occurring liquid petroleum extracted from geological formations beneath the earth’s surface, which require further refinement before consumer use including but not limited to conventional crude oil, extra heavy oil and oil sand. Crude oil includes but is not limited to conditioned, degassed and stabilized crude.

Sandra stated that they also have a definition for petroleum refining and wanted the board to be aware that this is the NAICS definition for petroleum refining.

**Commissioner Deliberations**

Motion by Commissioner Raia, seconded by Commissioner Bailey to forward a recommendation to the Vancouver City Council to accept the proposed amendment VMC 20.440.030-1 and VMC 20.440.030-2 and the associated definitions of bulk crude oil to VMC 20.150.040A and VMC 20.150.040D with the addition on page 25 under bulk crude storage definition the phrase “but is not limited to,” to be encompassing in its definition of oil and petroleum products.

**Discussion on the Motion**

Mario stated that the board has heard some excellent testimony and we had some excellent written responses from the community and appreciated the time that was taken to do that. There are significant concerns in our community about this and he thinks it is a good move for the city. He appreciates that there is one thing that probably needs to be updated, not now but in the future, and that is the Shoreline plan needs to be congruent with this ordinance and he also thinks that in the future they should expand and look into this and include other hazardous waste products.

Richard stated that he was a supporter of the downtown development project and also a fisherman and he thinks that having this petroleum stored, refined and whatever in this area along the river is inconsistent with what he thinks is important and also thinks the city can attract better industries that are less toxic.

Commissioner Mishchuk stated that as he is looking at the quote on the wall where states “I find the great in the world is not so much where we stand as in what direction we are moving” and he thinks that is the important part here is not where we are only today is thinking about the
future of the city and our community and where we are going to be and what kind of businesses we are going to attract with it and as someone who loves the outdoors, the river and everything that is here he believes that we should look at a different industry and like one of the testimonies today said we can be the front runners on this and show examples as to being a greener and more environmentally friendly and safer community.

Bob stated that the environment is very important to both the health and wellness of our community and that the crude oil transport and the oil refinery facilities pose an unnecessary environmental risk and totally supports the moratorium and thinks if we did not pose a moratorium it would be contrary to the health, safety and welfare of Vancouver.

Chair Paulsen stated a point for clarification as it has been used interchangeably throughout the evening is that this is not a moratorium this is a ban that is seeking to make what was a moratorium permanent and the moratorium is expiring soon and somewhat hastily have to address this issue, which is a broad issue with a narrow focus. Eric stated that he does support both amendments. As far as the prohibition is concerned against the establishment or expansion of facilities when he thinks about that question what frames his thinking are two concepts; vitality and livability and vitality in this context means economic development, jobs, and as an ancillary benefit of increased tax revenue. Livability is the safety of our community members and the preservation of our natural resources and the two should be complimentary and not mutually exclusive. In the case of these types of uses the ledger does not balance. Not only does it create heightened safety risk to the community and endanger our precious natural resources, it may be also be a deterrent to other more desirable economic activity, which is complimentary to, rather than in conflict with our vision for a healthy and thriving community. In short, the risk outweighs the reward. When it comes to job creation, quantity and quality both matter and responsible community leaders and decision makers make strategic visionary decisions which are not compromised by the interest of stakeholders with narrow short-term interests.

As for the definition of crude what we have is sufficient to meet the short-term need and react to the catalysts of this change, however, it is neither broad enough not sufficiently forward looking to anticipate to proactively address similar issues which will arise in the future. The city’s industrial uses section of the code has not been comprehensively updated in many years, which has in part put us in the present position of responding to an issue with haste and an overly narrow focus. He urges City Council and the City Manager to direct planning department to take a comprehensive look at the industrial uses to include proactive analyses which includes energy uses that may be on the horizon and for which similar or related concerns exist and also look at the hazardous materials. We should address now rather than waiting until the activity is proposed. Vancouver will continue to be an attractive candidate as a cargo transfer point due to its prime location on a major rail-line and a deep water river port. As a community we can leverage that to our advantage by attracting uses which enhance the vitality and livability of our community or we can make short-sighted decisions which detract from those goals as was stated earlier; city’s lead, what will our legacy be? This is a time to choose, this is a time to take action.

Roll Call Vote:

- Dimitry Mishchuk: Yes
- Richard Bailey: Yes
- Mario Raia: Yes
- Robert Haverkate: Yes
- Erik Paulsen: Yes

Motion passed

Critical Areas Protection Ordinance (CAO) Update
Sandra Towne made a PowerPoint presentation summarizing the staff report. Please see “Staff Report and Recommendations to the Planning Commission” dated April 19, 2016.

**Staff Findings**

The proposed zoning text changes are consistent with the Vancouver Comprehensive Plan and other applicable laws, and the public interest. The changes are consistent with Comprehensive Plan policies; EN-1; EN-6; and EN-8. The proposed amendments maintain mandated consistency between the most recent state law and best available science.

**Recommendation**

Staff recommends that the Planning Commission forward a recommendation to the Vancouver City Council to approve proposed changes to VMC 20.740.140 Wetlands Section and related amendment VMC 20.150.040F.

**Public Testimony**

Chair Paulsen opened the floor for public testimony, and receiving none closed the floor for public testimony.

**Commissioner Deliberations**

Motion by Commissioner Bailey, seconded by Commissioner Mishchuk to recommend to City Council to approve staff’s recommendation set forth in the staff report to update VMC 20.740.140 and VMC 20.150.040(F) consistent with the 2014 adopted updated Washington State Wetland rating system for Western Washington.

**Discussion on the Motion**

Richard stated that he thinks this is a great idea.

Dimitri stated that it is something that needs to be done.

Bob stated that he supports this as well and thinks it is a great idea.

Mario stated that it is important that we are congruent with the State of Washington and the amendment brings us into compliance and cleans up the code as well.

Erik stated that this is well harmonized and thanked staff.

**Roll Call Vote:**

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<th>Commissioner</th>
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<td>Dimitry Mishchuk</td>
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<td>Richard Bailey</td>
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<td>Robert Haverkate</td>
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<td>Erik Paulsen</td>
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Motion passed

There being no additional business, the meeting adjourned at 7:42 p.m.
Approved:  

Erik Paulsen, Chair