

02/06/2023

RESOLUTION NO. M-_____

A RESOLUTION making findings of fact in support of the adoption of Ordinance M-4396 declaring an emergency and imposing a temporary moratorium for the duration of six months upon the acceptance and processing of applications for permits for the development or expansion of large warehouse and distribution facilities totaling more than 100,000 square feet under the Warehouse/Freight Movement use classification in the Light Industrial (IL) and Heavy Industrial (IH) zoning districts, as defined in Vancouver Municipal Code Title 20 or as otherwise allowed, such as by prior development agreement, based on certain findings of fact justifying such action and adopted by City Council, and establishing an immediate effective date.

WHEREAS, on December 12, 2022, the City Council adopted Ordinance M-4396 as an emergency action in the absence of a public hearing; and

WHEREAS, the City has the authority to adopt temporary moratoria pursuant to RCW 36.70A.390 and RCW 35.63.200, provided that such action is justified by adopted findings of fact and a public hearing is scheduled and held within 60 days of adopting this emergency moratorium in accordance with these statutes; and

WHEREAS, the Council held a public hearing on February 6, 2023, and sets forth in this resolution its findings as follows.

NOW, THEREFORE,

BE IT RESOLVED BY THE CITY OF VANCOUVER:

Section 1. The City currently has eight such proposed development projects in the land use application or building permit process, one with 80,000 square feet and seven with between

275,000 to 681,000 square feet of planned large warehouse and distribution facility space resulting in a total of 3.34 million allocated square feet.

Section 2. The City currently allows facilities for the Warehouse/Freight Movement use classification in the Light Industrial (IL) and Heavy Industrial (IH) zoning districts, as defined in Vancouver Municipal Code Title 20 or as otherwise allowed, such as by prior development agreement.

Section 3. Nationally, warehouse capacity is reportedly at a premium with ninety-six percent of available space in use and the continued post-COVID-19 growth in e-commerce represents a fundamental shift in warehouse and shipping logistics requiring more and larger facilities not contemplated by the existing code or evaluated in the context of the City's Climate Action Framework, which indicates that 90% of Vancouver's emissions are from either transportation or buildings.

Section 4. Commercial real estate market data and warehouse development standards indicate that warehouses are typically constructed at less than 25,000 square feet or greater than 100,000 square feet for large-scale distribution and that those large warehouse and distribution facilities of greater than 100,000 square feet are developing at an unprecedented and unforeseen rate.

Section 5. Warehouse and distribution facilities have a role in the local and regional economy but, because they are typically a low skill and low employment use, they are not a high priority sector in the *Clark County Economic Development Plan*.

Section 6. the City currently allows warehouse and distribution facilities as a permitted use in the Light Industrial (IL) and Heavy Industrial (IH) zones with no limit on size and such facilities may be a permitted pursuant to existing development agreements.

Section 7. The City does not have unlimited industrial land, particularly larger, contiguous parcels, and the consumptive nature of these facilities may foreclose opportunities for higher value employment sectors with lesser climate impacts.

Section 8. The City currently has eight such proposed development projects in the land use application or building permit process, one with 80,000 square feet and seven with between 275,000 to 681,000 square feet of planned large warehouse and distribution facility space resulting in a total of 3.34 million allocated square feet.

Section 9. The rapid expansion of large warehouse and distribution facilities throughout the United States and regionally is primarily related to an increase in home delivery of retail goods and changes in supply chain systems

Section 10. The surge in new, large warehouse developments and national trends suggest that more such proposals will be forthcoming with unconsidered and potentially irreversible implications for the City's supply of industrial land for higher employment uses, climate action goals, transportation systems, and stated goal of attracting high-skilled, high-wage employment uses.

Section 11. Without a temporary moratorium the City could, in the near future, receive applications for development that would vest to existing standards that may conflict with the achievement of the long-range vision for these areas according to the City's Strategic Plan, Comprehensive Plan, and Climate Action Framework and the City finds that in order to preserve the ability the most beneficial land use and future development, it is necessary to temporarily restrict development and expansion of large warehouse and distribution facilities and to further evaluate and potentially refine appropriate warehouse and distribution use and development standards within certain zones or transportation corridors.

Section 12. City Council recognizes that bulk storage warehouses are integral to the operations of the Port of Vancouver USA, which, since it was established in 1912 as an authorized Port district pursuant to Chapter 53.04 RCW, has played a key role in the region's economy and is the primary point of entry for goods arriving by ship and rail in Southwest Washington, and that the Port of Vancouver USA requires warehouse space to store goods that are arriving or being shipped to other destinations in fulfillment of its mission as a public jobs-creating agency.

Section 13. The enactment of Ordinance M-4396 provided an exception from the temporary moratorium for permits required for upkeep, repair, or basic maintenance of existing large warehouse and distribution facilities or to work mandated by the City as necessary to maintain public health and safety.

Section 14. The City Council finds that an additional exception to Ordinance M-4396 for warehouse development projects specifically for the transshipment and storage bulk goods on land owned and retained by the Port of Vancouver USA is merited based on the unique character of the Port of Vancouver USA as a public agency, however this exception does not allow the Port of Vancouver USA to transfer any vested rights obtained while Ordinance M-4396 is effective, in its current form or as subsequently amended or extended, that would otherwise be prohibited under the temporary moratorium.

Section 15. The enactment of Ordinance M-4396 constituted an emergency due to potential irreversible land use impacts that would result from continued development of large warehouse and distribution facilities without a thorough evaluation of current economic, transportation, and climate impacts, an assessment of buildable industrial land within City limits, and an assessment of whether existing land use standards are adequate for the changing market.

Section 16. The temporary moratorium will allow the City additional time to research and

develop standards for the development of large warehouse and distribution facilities, implement additional new regulation elements, and amend existing zoning ordinances, if necessary.

Section 17. A temporary moratorium will enable the City to engage in community outreach, evaluate strategies implemented by comparable municipalities, and maximize public input in the development of standards without jeopardizing any possible land use options that may be precluded by unrestricted development.

Section 18. The City Council finds that the adoption of this temporary moratorium promotes the public health, safety, and general welfare and convenience of the people of Vancouver, and will encourage the most desirable and productive use of land and properties.

ADOPTED at by the Vancouver City Council this 6th day of February, 2023.

Anne McEnery-Ogle, Mayor

Attest:

Natasha Ramras, City Clerk

Approved as to form:

Jonathan Young, City Attorney