

Addendum

City of Vancouver Fossil Fuel Code Standards Proposal

To the SEPA Checklist and Determination of Non-Significance Issued August 16, 2022

Addendum Date: September 9, 2022

Introduction and Proposal Clarifications

The Addendum describes modifications to the proposals to amend the City's fossil fuel regulations. The clarifications to the proposals are similar to the options studied in the SEPA checklist.

Per WAC 197-11-706, this Addendum is an environmental document that provides additional information or analysis that does not substantially change the analysis of significant impacts and alternatives in the existing environmental document.

The clarifications include:

- Existing fossil fuel facilities are meant to be allowed. For extra clarity, the use matrix would be broken out to show that Bulk Fossil Fuel Storage and Handling Facility "existing legal" as permitted.
- The use classification of Bulk Fossil Fuel Storage would be amended to reference state and federal laws to assist the City in interpreting and applying the use description. The use classification can be amended to remove "used to generate energy."
- Adjustments are proposed to development standards to clarify that the share of the facility used for cleaner fuels should be maintained over the overall site but can be moved around the site.
- The small fossil fuel or cleaner fuel facilities definition would be amended so that it does not restrict emergency generators.

Checklist Clarifications

Clarifications and corrections to the SEPA Checklist are attached in track changes and shading. Based on comments and responses, corrections to the SEPA Checklist include, in summary:

- Restoring the numbering of Parts A, B, C, and D that was inadvertently omitted in the originally issued checklist.
- Clarifying the CNG Trillium property is IL zoned.
- Further integrating some of the proposed standards into the discussion of mitigation (e.g., buffering from residential areas, seismic upgrades, fire / emergency response plans, spill prevention, and similar).
- In Part D adding some of the text from Part B that has been cross referenced.

Comments and Responses

While not required, the City has developed responses to comments on the DNS. The City has adjusted the proposal and made clarifications to the Checklist as noted in the table below. The comments are drawn from full letters submitted to the City. For complete context of the letters and footnotes please see the City’s website: <https://www.cityofvancouver.us/cdd/page/fossil-fuel-facility-code-changes> and Planning Commission materials, here: <https://www.cityofvancouver.us/pc/page/planning-commission-meeting-september-13-2022>.

City of Vancouver Proposed Fossil Fuel Zoning Code Amendments - Responses to SEPA Comments

Comment	Response
Western States Petroleum Association, 8/30/22	
<p>Western States Petroleum Association (WSPA) again appreciates the opportunity to provide comments on the City of Vancouver’s (City) Determination of Non-significance (DNS) for the Vancouver Fossil Fuel Code Standards Proposal (Proposal). The Proposal consists of proposed zoning code amendments, Planning Commission version (revised July 5, 2022).</p> <p>WSPA filed comments on, and appealed, the previous DNS for an earlier version of the Proposal. The City withdrew the prior DNS and reissued a new DNS concluding:</p> <p style="padding-left: 40px;">The City of Vancouver has determined that this proposal will not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030. An Environmental Checklist is available from City staff.</p> <p style="padding-left: 40px;">This determination is based on the following findings and conclusions: Uses would be prohibited in most districts in the city and where allowed in the Industrial Heavy Zoning District would be regulated according to development standards addressing size, location, operation, and health and safety.</p> <p>The current DNS suffers from the same infirmities as the prior DNS as detailed in this comment letter.</p> <p>WSPA is a nonprofit trade association representing companies that explore for, produce, refine, transport, and market petroleum and petroleum products in five western states, including Washington. WSPA members have operated petroleum terminals in the City for many years. These facilities supply fuel to the region, provide critical emergency infrastructure, and have many positive impacts on the economy, including providing family-wage jobs.</p> <p>WSPA and operators of facilities targeted by the existing moratorium and the Proposal have previously outlined for the City the significant harm these regulations are having and will continue to have on structure safety, transition to lower-carbon fuels, reduction of greenhouse gases (GHG), improvements to existing infrastructure, and displacement of fuel transportation to less- safe methods—all of which have direct and significant environmental impacts.</p>	<p>Please see responses to comments 1 and 2 below. The comment letter refers to the July 5, 2022 draft code. Please note the draft code was revised in August 2022 after hearing from interested stakeholders. The proposal in mid-August was described in the SEPA checklist. There appear to be misunderstandings of the proposals that may be due to the date of the code the commenter references or misreading’s of the draft code that are clarified below. The SEPA Checklist and DNS were completed in a substantial manner with evaluation and maps, and nearly 30 pages in length compared to the prior DNS and checklist that was abbreviated at 10 pages.</p> <p>The proposal and effects are described below in response to the more complete comments shared by WSPA.</p>

Comment

Response

In completing a revised environmental checklist (Checklist) and issuing the DNS, the City has still yet to analyze these undesired impacts. WSPA respectfully asks the City to withdraw the DNS, issue a Determination of Significance (DS), and prepare an Environmental Impact Statement (EIS).

1. The City failed to acknowledge, investigate, and assess the full range of potential environmental impacts.

At the heart of SEPA is the legislative mandate that governmental entities “[u]tilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and in decision making which may have an impact on the environment[.]” RCW 43.21C.030(a). To that end, agencies and local governments must include with every legislative proposal a “detailed statement” fully analyzing environmental impacts and alternative courses of action. RCW 43.21C.030(c) (emphasis added).

Accordingly, throughout the SEPA process, cities are required to “carefully consider the range of probable impacts, including short-term and long-term effects[.]” both inside and outside the local jurisdiction and state.¹ A city’s careful consideration must include both direct and indirect consequences.²

As part of the threshold determination process, a city must identify, investigate, and thoroughly consider all potential environmental impacts.³ Obviously, this requires the City to first fully evaluate the operation and future development effects of a proposed legislative amendment.⁴ In determining the likely environmental impacts therefrom, a city is not permitted to blindly rely on its uninformed completion of an environmental checklist, but must obtain all information necessary to make an informed decision.⁵

The City has still not fulfilled these obligations here. Its completion of the Checklist and analysis of the potential environmental impacts of the Proposal is inadequate on its face. First, the City fails to include any analysis in the Checklist on how the Proposal will adversely impact existing facilities. The City, for instance, does not discuss how designating existing facilities as nonconforming uses will complicate and inject significant uncertainty into the review and approval of proposed improvements/alterations of current infrastructure, nor how requiring a highly discretionary conditional use permit for other projects will also result in deterrence, abandonment, or relocation of desirable projects, including cleaner fuel projects.

In completing the required supplemental sheet in the Checklist for non-project actions, the City simply refers to earlier sections of the Checklist with reference to Section B without meaningful analysis or factual support. Moreover, there is no Section B in the version of the Checklist we have to confirm exactly what sections the supplemental sheet refer to. This is a significant defect in the Checklist where the supplemental sheet relies heavily on the nonexistent Section B. The City also completely ignored the issues repeatedly raised by industry experts throughout the City’s ongoing fossil fuel regulation process.⁶¹

The commenter suggests that the SEPA evaluation does not address impact on existing facilities but there is a misunderstanding about the code proposal in the comment. While new fossil fuel facilities would continue to be restricted, existing fossil fuel facilities would be allowed per Table 20.440.030-1. note 34 (they would not be non-conforming). While this has been consistent in the July and August 2022 draft codes, for extra clarity, the use matrix is proposed to be broken out for clarification to show that Bulk Fossil Fuel Storage and Handling Facility “existing legal” as permitted.

Existing facilities would be allowed to make non-capacity improvements for safety or security, to reduce air or water emissions, to meet new regulatory requirements, or add other accessory structures or activities. See Table 20.440.030-1. note 34 note 34, plus VMC 20.895.110.

Existing facilities can be converted in whole or part to cleaner fuels and expand with cleaner fuels. Seismic upgrades would be required for expanded facilities.

A conditional use permit process would apply to conversion or expansion associated with cleaner fuels.

That a conditional use permit would deter projects for cleaner fuels is speculative. A conditional use permit process is a common permit type in the Vancouver Municipal Code, and within the IH zone is applied to

¹ **Footnote 6 in letter: 6** The ban on new terminals significantly impacts the environment by preventing new facilities and upgrades that would increase efficiency, reduce GHG, and comply with lower-emission federal and state fuels law;

Comment	Response
<p>Another infirmity is that in the Checklist, the City notes several times that the proposed code could, as an option, allow new cleaner fuels storage and handling facilities. Page 5. Yet the proposed code does not include this option, causing further unstudied impacts through elimination of potentially beneficial projects. See Section 20.895.110.F.1 of the Proposal.</p> <p>In sum, there is insufficient analysis for the threshold determination process. For this and all the other issues identified above, the City must obtain the available information necessary to adequately analyze all the environmental impacts of the Proposal. It clearly has not done so yet. Accordingly, the DNS should be withdrawn again.</p>	<p>some forms of office, retail, R&D and others. It is not an unusual process and creates a record for applicants and the public. SEPA determinations are also discretionary. Such facilities may require other discretionary non-city permits (e.g., air permits from SWCAA).</p> <p>It appears the per capita rate of fossil fuel use in the state is flat (see federal EIA data and population growth in Planning Commission presentation of 7/11/22 and City Council presentation of 8/1/22). If there is demand for cleaner fuels it is likely they would be proposed, and the code would allow for such applications.</p> <p>Regarding SEPA Checklist Section B, the numbering format was inadvertently omitted. Numbering is corrected in a Revised DNS and Addendum, available at the SEPA Register and the project website and mailed to parties of record.</p>

2. The Proposal will cause probable significant adverse impacts.

SEPA requires a lead agency to issue a DS and prepare an EIS when a proposal is likely to have probable significant adverse environmental impacts.⁷ A threshold determination cannot rely on the fact that a proposal’s purported benefit may outweigh the environmental impacts.⁸ Indeed, SEPA expressly acknowledges that even proposals that are purportedly designed to improve the environment “may also have significant adverse environmental impacts.”⁹ As such, the responsible official must consider all probable significant adverse impacts, regardless of whether they are direct, indirect, or cumulative.¹⁰ In this case, an EIS is necessary because the Proposal will cause probable significant adverse impacts.

For example, the Checklist wrongly concludes that there will be no significant impacts to energy resources. Page 14. The DNS offers no evidence or analysis for this statement, which is contrary to industry testimony provided throughout the legislative process. The DNS ignores the probable significant adverse impacts to energy resources that will result from the City’s prohibition on new bulk terminal and fuel handling facilities,

The comment letter incorrectly states that “reduction of fuel supply is part of the City’s stated purpose for adopting the Proposal.”

Proposed VMC 20.895.110.A (in the July or August 2022 versions of the code) indicates that a purpose is to support a transition to renewable fuels. The proposed code allows existing fossil fuel facilities to continue, to make non-capacity changes, and to convert to cleaner fuels plus add 15% capacity. This could mean more fuel supply adding existing fossil fuel and the potential for expanding with cleaner fuels; in any case at least existing uses would continue and

discouraging safety improvements, such as seismic retrofitting; blocking the introduction of future technologies to the current fuel infrastructure framework; forcing fuel facilities to stay in areas with heightened seismic and groundwater risk by prohibiting fuel suppliers from relocating to safer locations; and distorting the supply of fuel to less-efficient and potentially riskier methods of transportation and storage.

Comment	Response
<p>even though a reduction of fuel supply is part of the City’s stated purpose for adopting the Proposal. Further, by treating existing facilities as nonconforming uses, and requiring conditional use permits for other projects, the Proposal imposes extremely restrictive and uncertain limitations on the alteration and improvement of existing infrastructure. This will clearly delay and effectively discourage the investment in facility modifications to meet changing markets and improve production efficiency.</p> <p>The Proposal would also create barriers to fuel facility upgrades that would improve safety, lower facility emissions, and allow for the introduction of new fuel technology. Each time fuels with lower emissions are developed or required by a governmental entity, new or updated infrastructure is needed to provide that fuel. The Proposal would prohibit improvements and beneficial innovation to the City’s fuel infrastructure. Its effect is to freeze the current fuel supply system in place. Further, by uniformly blocking new fuel infrastructure in the City, the Proposal would force fuel distribution into less-efficient routes around the City and modes such as truck that increase GHG and other emissions.</p> <p>These are just a few of the “probable significant adverse environmental impacts” caused by the Proposal. From its completion of the Checklist and issuance of the DNS, it is apparent that the City has still not studied or even meaningfully considered these issues. Accordingly, the DNS must be withdrawn and an EIS must be completed to evaluate these impacts.</p>	<p>could operate with similar fuel capacities as present.</p> <p>The proposed rules in VMC 20.895.110 allow for new non-capacity infrastructure or improvements demonstrating one or more purpose below:</p> <ul style="list-style-type: none"> ■ Maintenance repair, or replacement. ■ Improvement of the safety or security of the infrastructure, including seismic upgrades. ■ Decrease in air or water emissions. ■ Allow the facility infrastructure or buildings to meet new regulatory requirements. ■ Addition of accessory structures or activities that do not add to the baseline capacity of the facility.

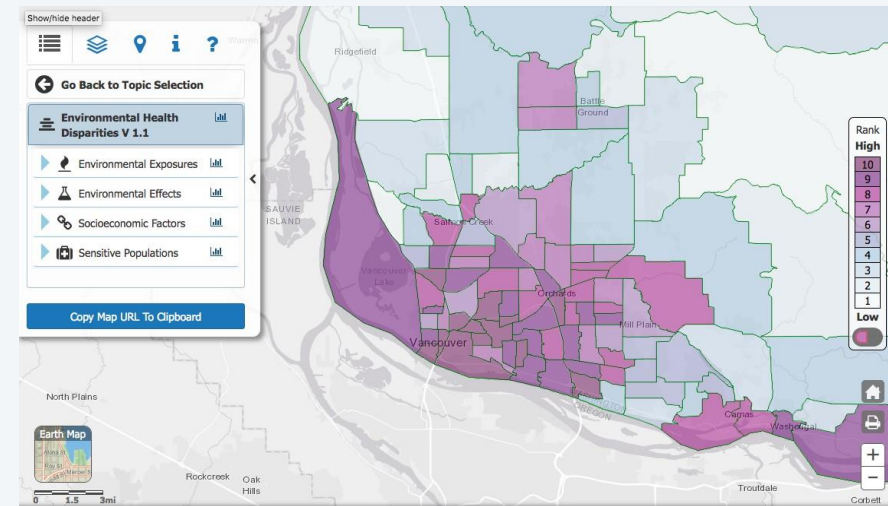
Columbia Riverkeeper, Washington Environmental Council, Sierra Club Loo Wit, Washington Physicians for Social Responsibility, Oregon Physicians for Social Responsibility, Friends of the Columbia Gorge, Sunrise Southwest Washington, Vancouver Audubon Society, and the Alliance for Community Engagement, August 30, 2022

<p>Columbia Riverkeeper, Washington Environmental Council, Sierra Club Loo Wit, Washington Physicians for Social Responsibility, Oregon Physicians for Social Responsibility, Friends of the Columbia Gorge, Sunrise Southwest Washington, Vancouver Audubon Society, and the Alliance for Community Engagement support Vancouver’s ongoing effort to develop a permanent ordinance prohibiting new or expanded bulk fossil fuel infrastructure in Vancouver.</p> <p>We offer the following comments on the Determination of Nonsignificance (DNS) and the State Environmental Policy Act (SEPA) Checklist for Vancouver’s proposed Fossil Fuel Code Standards (“proposed code standards”).</p> <p>The proposed code standards represent an important step forward for protecting community health and safety from large-scale fossil fuel facilities in Vancouver. We agree with City staff that banning new large-scale fossil fuel facilities in Vancouver warrants a DNS, as reflected in Option A. We encourage Vancouver to ground the policy and the SEPA analysis firmly in health and safety concerns about these types of fossil fuel facilities and ensure that the final determination and code reflect these concerns.</p>	<p>The comment is noted.</p>
---	------------------------------

Comment	Response
<p>1. Prohibiting new or expanded large-scale fossil fuel facilities will not have a probable significant adverse impact on the environment.</p> <p>The proposed code standards will help to protect Vancouver communities from the health and safety impacts of new or expanded fossil fuel facilities, including air pollution, water pollution, and public safety hazards related to storing and handling large quantities of fossil fuels. Vancouver’s SEPA Checklist demonstrates that the ordinance will address public and environmental health and safety impacts associated with fossil fuel facilities. In addressing whether there are environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste that could occur as a result of this proposal, the SEPA Checklist states, “Some industrial uses involving chemical manufacturing, smelting, or fossil fuel or renewable fuel processing, handling, and storage have risks, impacts, and vulnerabilities, such as: explosive and fire risks, spill, exposure to toxic chemicals, odor, stormwater, and waste products.”¹ By highlighting the types of risks avoided through the passage of the fossil fuel ordinance, the City’s SEPA analysis supports the DNS.</p> <p>Vancouver has experience in reviewing the potential health and safety impacts of fossil fuel terminals. For example, the City of Vancouver participated extensively in the review process for the Tesoro-Savage oil train terminal. The environmental impact statement for that project concluded that fossil fuel trains could impose significant negative impacts: “The direct and indirect impact analysis determined that some significant impacts could be unavoidable, related to rail accidents, emergency response delays resulting from additional train traffic, and environmental justice impacts to minority or low-income populations along the rail corridor.”² The proposed ordinance would avert these impacts for new large-scale fossil fuel facilities.</p> <p>Specific examples of new potential large-scale fossil fuel facilities include liquefied petroleum gas or liquefied propane gas (LPG) facilities, liquefied natural gas (LNG) proposals, coal terminals, and other facilities such as natural gas liquids or fracked gas-based methanol facilities. The SEPA Checklist states that the ordinance is intended to “avoid and minimize any impacts to adjacent communities from fire or explosion.” For facilities that invite long trains and large storage volumes of fossil fuels, the risks are tremendous. For instance, potential LNG train traffic drew sharp opposition from the National Association of State Fire Marshals³ and the National Transportation Safety Board due to unstudied and potentially catastrophic public health and safety risks.⁴ Storing LNG in rail cars or storage tanks poses significant public health and safety risks for communities within a large area near the LNG facility or rail car. In 2021, the Washington Post reported that scientists were alarmed by the potential ramifications of an LNG leak resulting in a vapor cloud and fire.⁵ E&E News reported in 2022, “...near-misses and environmental problems highlight the risk. Most recently, a fireball at a plant near Freeport, Texas, touched off a fire that burned for 40 minutes, led to the temporary closure of the plant and knocked about 20 percent of U.S. export capacity offline for months.”⁶ These concerns underscore Vancouver’s conclusion that the ordinance would not have a negative impact on the environment and instead avoid significant risks.</p>	<p>The comment is noted.</p>

Comment	Response
<p>Train terminals that involve the storage and handling of large volumes of LPG would also pose major health and safety risks, including fire and explosion risks. A recent study published by the American Chemical Society notes, LPG...possesses flammable and explosive properties. With its flammability, LPG is easily ignited, while it is leaking in the course of transportation and processing, thus causing fire or explosion, especially in a confined space. The explosion of LPG is characterized by a high diffusion rate and rapid combustion speed. The explosion disaster induced by LPG leakage has resulted in a high number of economic losses and casualties.⁷</p> <p>Storage and transport of LPG both carry risks of explosion. Avoiding these types of risks will benefit Vancouver's environment and the health and safety of its communities. Accordingly, the DNS is correct in concluding that the avoidance of these risks will not have a negative impact on the environment.</p> <p>The DNS correctly concludes that large-scale fossil fuel facilities pose spill risks, and that avoiding these risks would not have a negative impact on the environment. In passing the moratorium related to large-scale fossil fuel facilities, the City referenced significant spill risks from a large seismic event, such as a Cascadia Subduction Zone earthquake. The SEPA analysis provides clear evidence for the potential seismic risks that exist throughout industrial zones in Vancouver. Exhibit 2 of the SEPA Checklist depicts soil liquefaction hazards in Vancouver's industrial zones.⁸ The placement of additional flammable or toxic fuels in liquefaction zones could exacerbate existing spill, fire, and emergency response concerns related to existing facilities. The ordinance would help Vancouver avoid these significant new health and safety impacts while also providing flexibility for terminal operators to reduce these risks. The SEPA analysis highlights that the ordinance would not encumber seismic and safety upgrades at existing facilities, stating, "The City of Vancouver identified 6 existing large-scale (bulk) fossil fuel facilities. This non-project action will allow existing facilities and maintenance/upgrades provided there is compliance with City codes including seismic, fire protection, and spill prevention."⁹ Additionally, facilities that undergo seismic upgrades and convert to cleaner fuels may expand storage up to 15%.</p>	
<p>2. Prohibiting new or large-scale fossil fuel facilities will protect the health and safety of Vancouver residents, including BIPOC, lower-income, and other traditionally marginalized communities who already experience environmental health disparities.</p> <p>The proposed code standards will help the City of Vancouver protect communities from the health and safety impacts of new or expanded fossil fuel facilities, including air pollution, water pollution, and public safety hazards related to storing and handling large quantities of fossil fuels. Although Vancouver has been working towards implementation of a Climate Action Plan (CAP) to diminish its fossil fuels for climate-related reasons, the prohibition on new large-scale fossil fuel facilities was originally conceived as a policy that would assist Vancouver in avoiding compounding environmental inequities already present, by reducing and averting health and safety risks.</p>	<p>The comment is noted.</p>

Already, the environmental health impacts of fossil fuel facilities place disparate burdens on communities within Vancouver. Vancouver communities of color and low-income communities experience some of the most significant environmental health disparities in Washington, which would only be exacerbated by any new or expanded fossil fuel facilities.¹⁰ The proposed ordinance avoids worsening environmental health disparities already present in Vancouver and demonstrates an awareness of the difficulties these communities face.



Environmental Health Disparities in Vancouver.¹¹ Source: [Washington Environmental Health Disparities Map](#). July 2022.

Data from the Washington Department of Health’s Environmental Health Disparities Map support the prohibition of new bulk fossil fuel storage and handling facilities. Communities near industrial and high-traffic areas experience elevated exposure to air pollution that causes respiratory illness, such as low-level ozone, diesel particulates, and other pollution. Vancouver’s own experience with a proposed large, train-supplied fossil fuel terminal shows that fossil fuel train terminals have significant environmental justice implications. The Final Environmental Impact Statement for the Tesoro-Savage proposal concluded that there would be “environmental justice impacts to minority or low-income populations along the rail corridor.”¹²

3. The DNS supports Option A regarding new cleaner fuel facilities and the requirement for a conditional use permit for facilities that choose to undergo conversion and expansion. The comment is noted.

The DNS states, “Uses would be prohibited in most districts in the city and where allowed in the Industrial Heavy Zoning District would be regulated according to development standards addressing size, location, operation, and health and safety.” The DNS and SEPA Checklist describe spill, fire, and other potential impacts that could result from new cleaner fuels facilities where they would be allowed—an indication that consideration of new facilities is better suited to a separate process from the proposed code standards. New cleaner fuel facilities could result in significant impacts distinct from current fossil fuel storage (and limited expansions), because they involve potentially new locations and differing risks. Given

Comment	Response
<p>the SEPA Checklist’s finding that industrial uses involving renewable fuel processing carry risks, impacts, and vulnerabilities,¹³ the DNS supports Option A.</p> <p>We support the requirement for conditional use permits for projects that convert to new cleaner fuels with a potential 15% expansion. The conditional use process will provide the community with an opportunity to understand and provide input on the potential impacts of cleaner fuel expansions. The requirements for facilities to meet seismic, spill prevention, fire protection, and emergency response will help to ensure that converted facilities do not adversely impact communities in Vancouver. However, potential expansions could add millions of gallons of fuel storage to Vancouver, and Vancouver communities deserve the opportunity to weigh in on any conversion-expansion proposal in a public hearing.</p>	
<p>4. New facilities deserve specific consideration in a separate process.</p> <p>As articulated above, a DNS correctly upholds the focus on banning large-scale fossil fuel facilities and enabling, through a conditional use permit review process, the expansion of existing facilities that convert to cleaner fuels. However, we urge caution regarding new facilities under this SEPA determination. Energy facilities of all kinds come with a suite of impacts, including: transportation impacts, water use and quality impacts, and air pollution. Expanding 12 Washington Energy Facility Siting Council. 2017. Final Environmental Impact Statement for the Tesoro-Savage Oil Train Terminal. p. ES-21.13 SEPA Checklist, p. 14. the code to allow new types of facilities that are linked to the City’s CAP may have unintended consequences of impacting the health and safety of the neighborhoods and communities nearby.</p> <p>For example, the SEPA Checklist acknowledges that new cleaner fuel facilities may increase spill risks in new areas in Vancouver.¹⁴ That fact is highlighted by the February 2022 spill near Scappoose, Oregon, where a hazmat team was called to the site of a renewable diesel spill.¹⁵ The incident demonstrates that renewable diesel spills pose environmental risks to soil and water resources while also requiring a significant emergency response. Additionally, the potential aggregation of multiple new cleaner fuel facilities does not appear to be sufficiently addressed in Option B, creating potential concerns for areas that could see multiple new proposals. While the code limits each new facility to 1 million gallons of “cumulative” storage, it does not address the potential for multiple facilities to aggregate in an area.</p> <p>To allow for a more robust assessment of impacts of facilities linked to the City’s CAP, we recommend a separate process that can establish the right type of protective measures as part of the transition to a clean energy economy. We also recommend that the City ensure a robust SEPA review process and conditional use permit process for any new facilities that are ultimately allowed under this code change, should the Council choose Option B. This should include adequate time (e.g. at least a 60 day public comment period) and public notification and a public engagement process. These steps will help ensure that the risks of new facilities are understood on a case-by-case basis, and that the community has time to engage meaningfully in that process.</p>	<p>Option B in VMC 20.895.110 would allow new cleaner fuel facilities by conditional use permit.</p> <p>The code proposal limits the maximum size of the facilities and property size, and distance from facilities to sensitive populations (1,000 feet). This distance would mean nearly 0.19 miles to any new facilities; none would be closer than the existing CNG or Tesoro facility. The maximum capacity and distance of facilities to sensitive populations would limit the number of future facilities. This optional proposal was considered with these parameters in the SEPA Checklist.</p> <p>The future individual conditional use permit review plus other federal, state, and local permits, including SEPA would provide additional information about future project level proposals.</p> <p>If city decision makers wish to further limit the potential for new cleaner fuel facilities the parameters could be modified.</p>
<p>5. Conclusion</p>	<p>The comment is noted.</p>

Comment	Response
<p>We strongly support the proposed ordinance and Option A moving forward, and we appreciate the time and diligence City staff have devoted to the process of developing the SEPA Checklist, DNS, and proposed ordinance language. Prohibiting new large-scale fossil fuel facilities warrants a DNS, and the DNS is supported by information in the City’s SEPA analysis. The proposed ordinance could avoid worsening environmental health disparities in Vancouver, a core goal of the proposed ordinance and the moratorium currently in place. And, the City should be cautious about overextending this policy effort to an issue that requires more research and community engagement.</p>	
<p>Port of Vancouver</p>	<p>August 30, 2021</p>
<p>These comments are provided on the Determination of Non-Significance (DNS) issued by the City of Vancouver (City) on August 16, 2022, under the State Environmental Policy Act (SEPA) for the Proposed Amendment to the City of Vancouver zoning code pertaining to fossil fuels. The comments are provided pursuant to Washington Administrative Code Section 197-11-340 and the City’s published DNS comment period.</p> <p>The Port of Vancouver, USA (the Port) reviewed the DNS, the accompanying SEPA checklist, the proposed code language, legislative history for the proposal, and the moratoriums. After reviewing this information, the Port has the following comments.</p> <p>The Port supports the City’s strong commitment to environmental leadership and appreciates and supports the City’s interest in protecting natural resources by promoting the safe storage and use of fossil fuels and moving away from reliance on fossil fuels. This is evidenced in part by the Climate Action Plan¹ and Renewable/Clean Energy Policy² adopted by the Port. Furthermore, the Port’s Strategic Plan establishes a vision to “build a community connected to a world of economic opportunity that supports a healthy environment, trade and living wage jobs.”</p> <p>The Port is fully in support of the City’s proposal to permanently ban new bulk fossil fuel terminals as currently addressed by the moratorium and the allowances for addressing maintenance, repair, conversions, and expansions of existing facilities that support a pathway to use of cleaner fuels.</p>	<p>The comment is noted.</p>
<p>However, the Port still has concerns that the proposed code language lacks a size threshold, lacks clarity, is too restrictive for conversions and small-scale facilities, will impact activities that pose little risk and have limited emissions and will be a disincentive for projects to take positive steps toward reducing fossil fuel use and encouraging renewable/cleaner fuels. The Port would also like the City to consider these regulations within the framework of the City’s draft Climate Action Plan and the identified Early Action Items. This regulatory action is not identified as one of the 13 Early Action Items and does not support the City’s identified actions to encourage alternative fuels (draft actions 23, 26-28 and 30). The City should narrow the scope of this action to the permanent ban on bulk fossil fuel facilities and rely on existing regulations for smaller facilities and cleaner fuel facilities. Changes for these activities should be evaluated in the future once a Climate Action Plan is adopted by the City and in evaluating regulations that apply to all land uses and industries. The Port has provided specific comments should the City move forward as planned.</p>	<p>The use classification of Bulk Fossil Fuel Storage proposed in Chapter 20.160, D.9 excludes facilities that use materials that are finished products derived from fossil fuel. It also allows small fossil fuel/cleaner fuel facilities that are accessory to industrial processes.</p> <p>The size threshold is greater than 60,000 gallons cumulative storage (above the small facility). As a result of early comment on the July 5, 2022 draft code, the threshold of greater than 60,000 gallons was added to the Bulk Fossil Fuel</p>

Comment	Response
<p>In order to provide input into the proposed code language, the following specific concerns have been identified by the Port:</p> <p>1. The definition of “Bulk Fossil Fuel Storage” is not clear. It uses the phrases “structure, group of structures, equipment, or device” and “stores or transfers” to identify which elements that handle fossil fuels are included in the land use category. As written, this goes beyond regulating traditional bulk fossil fuel facilities as a land use to regulating individual activities or portions of activities and is not consistent with how facilities subject to the moratorium have been described. Storage and handling facilities are typically uses with these activities as their specific purpose – such as a crude oil terminal. It is unusual for this to include uses that merely use a material as part of their operations, including accessory storage such as a manufacturing facility with on-site propane storage, or diesel storage for emergency generators, a semiconductor manufacturing plant, or data center. However, the definition does not specifically exclude this while at the same time including an exclusion for finished products. The definition should specifically exclude facilities that simply use these materials such as manufacturing facilities.</p> <p>The definition does not provide a size threshold, so any volume of material storage or transfer would be considered “bulk”. This is contrary to typical understanding of the use type and adds uncertainty and confusion to the code. The moratorium specifically included a size threshold which is not carried forward into the permanent regulations.</p> <p>The terms “stores” and “transfers” are not defined by the municipal code and could be interpreted very broadly. One example could be the small fuel tanks associated with emergency generators or fire pumps on industrial properties. These devices clearly store fossil fuels for energy purposes, yet they are vital elements for managing risk and responding to emergencies that are required by other codes. The use definition should exclude small scale storage and transfer that is part of a direct on-site use that is not otherwise considered bulk fossil fuel storage, such as use of natural gas for combustion in support of industrial processes or typical railyard activities. This is consistent with the City’s decision to specifically exclude direct to consumer sales of fossil fuels from this regulation.</p> <p>Fossil fuels are further defined to include those that are “used to generate energy”. It is not clear whether it is intended to define the material (fossil fuel) or whether it defines the purpose of the facility. For example, if a facility was developed to store or transfer fossil fuel that is used for a chemical feedstock and not for power generation would it be considered a “bulk fossil fuel storage and handling facility” use or a “manufacturing and production” use?</p>	<p>Storage and Handling Facility use classification.</p> <p>The terms referenced as being unclear (stores, transfers) are common terms. The municipal code at VMC 20.150.010 does indicate terms have common dictionary meanings unless specifically defined.</p> <p>Alternatively, the City could add reference to state and federal laws to assist the City in interpreting and applying the Bulk Fossil Fuel Storage use description in the proposed Chapter 20.160. As well the use classification can be amended to remove "used to generate energy."</p>
<p>2. The requirements for a facility converting to cleaner fuels disincentivize these efforts. Requiring a Conditional Use Permit for cleaner fuel expansions would create undue uncertainty for an undertaking that should be encouraged in order to meet climate goals, especially for existing uses. Furthermore, the City’s proposed standards for conversions and expansions already establish controls and a Conditional Use Permit is not necessary.</p>	<p>The proposal makes the current code more flexible by allowing the possibility of a cleaner fuel facility (small, or expanded, or under Option B, new).</p> <p>See also WSPA Response to Comment 2 above regarding conditional use permits.</p>

Comment	Response
<p>3. The City should consider adding a provision to allow for the establishment of new bulk facilities that handle “Cleaner Fuels”. Under the current proposal a new clean fuel facility could not be established in any zone within the city. They should be allowed in the IH zone with limitations and by Conditional Use Permit in the IL zone. These allowances would encourage transition to cleaner fuels within the city consistent with climate action goals. These facilities will be necessary for clean fuel distribution in the IH and IL zones, especially for vehicles and equipment that lack viable options for or are difficult to electrify. This is especially relevant for low-income residents and small businesses in the region who may lack resources to quickly electrify their vehicles.</p>	<p>Option B allows for new cleaner fuels in the IH zone by conditional use permit.</p> <p>The focus of the regulations is on the IH zone since it is meant for intensive industrial uses and heavy truck/rail whereas the IL zone is meant for light clean industries that do not require rail or marine access. Nearly all existing fossil fuel facilities are in the IH zone. Only the CNG facility is located in the IL zone.</p> <p>In the IL zone, the facility can be retained and may convert to cleaner fuels and potentially expand 15% in the code if following the parameters in the code.</p> <p>See the staff report for the clarification of existing IH zoned sites (5) and IL zoned sites (1), now carried into the code revisions and Revised DNS/Checklist.</p>
<p>4. The Port supports the creation of a baseline to ensure that fossil fuel capacity is not expanded at existing bulk facilities. Facilities often may be used for multiple products based on the specific needs of the customer and nature of the facility. The port suggests removing language that restricts an existing facility’s ability move products to different storage tanks throughout the facility and limits the ability to handle a mix of cleaner and fossil fuels based on market conditions so long as the existing baseline storage capacity for fossil fuels of a facility is not exceeded.</p>	<p>Adjustments are proposed to the text in VMC 20.895.110 F.3.b to clarify that the share of the facility used for cleaner fuels should be maintained over the overall site but can be moved around the site.</p>
<p>5. The requirement for mitigation (direct) and the potential for mitigation (for indirect) emissions will be a significant disincentive for facilities to convert to cleaner fuels. A facility can avoid this expense and risk by simply maintaining the status quo and continuing to operate only with fossil fuels. The City should eliminate or narrowly define mitigation to only apply to expansion activities, only to direct emissions, and only if they are shown to result in an increase over the existing facility when considering both direct and indirect emissions.</p>	<p>The proposal for GHG evaluations and mitigation is similar to other communities that have fossil fuel facilities (e.g., City of Tacoma and Whatcom County). It is relevant to the SEPA checklist evaluation of the proposed regulations and relates to an element of the environment, Air Quality. As a SEPA lead agency, the City can require such a study and apply mitigation.</p>
<p>6. The requirement for reporting will require companies to disclose sensitive product, transportation and business information and provide further disincentives to transition to cleaner fuels.</p>	<p>The contents of the report are similar to other reporting done for state and federal purposes for Ecology, USEPA, and USEIA for similar sized facilities. It is similar to other communities that have fossil</p>

Comment	Response
<p>7. The new Small Fossil Fuel or Cleaner Fuel Storage and Distribution Facility use describes uses that are an “accessory facility necessary to support an onsite allowed primary use.” This indicates the City’s intent to broadly regulate storage tanks for fossil and cleaner fuels and this would apply to all uses that propose to include these facilities (except direct-to-consumer motor vehicle fuel sales). As noted above, this use could be interpreted to include small fuel tanks associated with emergency generators or fire pumps on industrial properties. These devices clearly store fossil fuels for energy purposes yet are vital elements for managing risk and responding to emergencies and are required by other codes. The use definition should exclude small scale storage and transfer that is part of a direct use on site that is not otherwise considered a bulk fossil fuel storage such as use of natural gas for combustion in support of heating and industrial processes, fuel tanks used for fueling of on- site or fleet vehicles and equipment or typical railyard facilities. This is consistent with the City’s decision to specifically exclude direct to consumer sales of fossil fuels from the provisions in these code changes.</p> <p>The requirement for a conditional use permit and the limitation of the IH zone for these smaller facilities would restrict facilities for the port, require more burdensome process and add uncertainty, time, and expense for project proponents. The City should consider allowing them as a Limited use in both IH and IL zones because of the specific restrictions being proposed.</p>	<p>fuel facilities (e.g., City of Tacoma and Whatcom County).</p> <p>The small fossil fuel or cleaner fuel facilities are clearly for local distribution or for an onsite use and less than 60,000 gallons. This is not meant to restrict emergency generators. That is proposed for clarity in the updated code amendments.</p>
<p>In addition to the comments noted on the proposed code language above, the SEPA checklist does not adequately address potential impacts of the non-project action. Contrary to Ecology guidance, the SEPA checklist does not consider the probable impacts of the future development that would be allowed under the proposal, but rather repeatedly states “not applicable – not a site-specific proposal” and then provides general information on the applicable environmental element with respect to the City. The SEPA checklist should have analyzed the likely impacts of the development allowed and implications of land use restrictions under the proposal within the supplemental sheet for non-project actions. The City has therefore not adequately considered the potential environmental implications of these regulatory changes.</p>	<p>A non-project proposal is “broader than a single site specific project” (WAC 197-11-774).</p> <p>Per the 2018 SEPA handbook: “If the nonproject action is a comprehensive plan or similar proposal that will govern future project development, the probable impacts need to be considered of the future development that would be allowed. For example, environmental analysis of a zone designation should analyze the likely impacts of the development allowed within that zone. The more specific the analysis at this point, the less environmental review needed when a project permit application is submitted.”</p> <p>The original SEPA Checklist in August 2021 was approximately 10 pages. The SEPA Checklist issued in August 2022 is nearly 30 pages and provides information across all the environmental topics, supported by maps, information, and code links. Consistent with SEPA guidance</p>

Comment	Response
	<p>for non-project proposals, the Checklist notes that some questions are suited for site specific development but identifies for a non-project proposal what the implications are for future development allowed under the proposed code, as well as other codes that serve as mitigation.</p> <p>Part B was robustly completed. Part D refers back to the analysis in Part B for several questions. As part of a Revised DNS/Addendum, Part D quotes from Part B for greater clarity.</p>
<p>The Port is in support of the overall policy intent behind the proposal and wants to work with the City to ensure that the proposed code revisions are clear, direct, and easy to understand so that the Port and Port tenants can make appropriate plans and investments for existing and future facilities, and City staff can apply regulatory provisions consistently. Port staff are available to support the City in review and input into revisions, both to avoid unintended consequences and to support our ongoing partnership in achieving shared climate and environmental goals.</p> <p>The Port would like to thank the responsible official and City staff for considering these comments.</p> <p>Please contact me at mbomar@portvanusa.com or (360) 839-3577 if you have questions, or to discuss the Port’s concerns further.</p>	<p>The comment is noted.</p>

Revised SEPA Checklist

See attached.

SEPA Environmental Checklist

City of Vancouver, Revised

September_2022

Purpose of checklist:

Governmental agencies use this checklist to help determine whether the environmental impacts of your proposal are significant. This information is also helpful to determine if available avoidance, minimization or compensatory mitigation measures will address the probable significant impacts or if an environmental impact statement will be prepared to further analyze the proposal.

Instructions for applicants:

This environmental checklist asks you to describe some basic information about your proposal. Please answer each question accurately and carefully, to the best of your knowledge. You may need to consult with an agency specialist or private consultant for some questions. You may use "not applicable" or "does not apply" only when you can explain why it does not apply and not when the answer is unknown. You may also attach or incorporate by reference additional studies reports. Complete and accurate answers to these questions often avoid delays with the SEPA process as well as later in the decision-making process.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

Instructions for Lead Agencies:

Please adjust the format of this template as needed. Additional information may be necessary to evaluate the existing environment, all interrelated aspects of the proposal and an analysis of adverse impacts. The checklist is considered the first but not necessarily the only source of information needed to make an adequate threshold determination. Once a threshold determination is made, the lead agency is responsible for the completeness and accuracy of the checklist and other supporting documents.

Use of checklist for nonproject proposals:

For nonproject proposals (such as ordinances, regulations, plans and programs), complete the applicable parts of sections A and B plus the [supplemental sheet for nonproject actions \(part D\)](#). Please completely answer all questions that apply and note that the words "project," "applicant," and "property or site" should be read as "proposal," "proponent," and "affected geographic area," respectively. The lead agency may exclude (for non-projects) questions in Part B - Environmental Elements –that do not contribute meaningfully to the analysis of the proposal.

A. Background

1. *Name of proposed project, if applicable:*

City of Vancouver Fossil Fuel Code Standards Proposal

2. *Name of applicant:*

City of Vancouver

3. *Address and phone number of applicant and contact person:*

Chad Eiken, Director, Community Development Department, chad.eiken@cityofvancouver.us

Bryan Snodgrass, Principal Planner, Community Development Department,
bryan.snodgrass@cityofvancouver.us

4. *Date checklist prepared:*

August 11, 2022, **with revisions September 6, 2022**

Prepared by: BERK Consulting Inc. on behalf of the City of Vancouver

5. *Agency requesting checklist:*

City of Vancouver

6. *Proposed timing or schedule (including phasing, if applicable):*

The City aims to enact non-project code changes to Title 20 of the Vancouver Municipal Code (VMC) before an existing related moratorium on fossil fuel facilities sunsets in November 2022.

7. *Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.*

This is a non-project action. Future development allowed by the proposal would implement zoning and land use regulations.

8. *List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.*

In August 2021, a SEPA Checklist was prepared for prior proposed fossil fuel code amendments, but the associated Determination of Non-Significance was withdrawn. The following checklist has been prepared for proposed code changes as of August 2022.

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.

Not applicable

10. List any government approvals or permits that will be needed for your proposal, if known.

The proposal is a legislative action and requires Planning Commission review, hearing and recommendation and consideration by the City Council prior to approval.

11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)

Fossil Fuel Moratorium Background

The June 2020 moratorium adopted by the City Council prohibits new or expanded facilities engaged in distribution, extraction, refinement, processing or bulk movement of fossil fuels, or bulk storage of over two million gallons of fossil fuels in Vancouver. Facilities producing energy from landfill gas, fossil fuel by-products such as asphalt or others, or direct consumer sales such as gas stations, are all explicitly exempted from the moratorium. Upkeep, repair, maintenance, or City-mandated health and safety improvements of any existing facilities are also exempted.

The current fossil fuel facility moratorium follows a narrower moratorium and subsequent zoning code prohibition on crude oil facilities that was adopted in 2014. It was spurred by a proposed large scale crude oil transshipment terminal proposed at the Port of Vancouver in 2013. That facility was ultimately denied by the Governor in 2018 following a unanimous denial recommendation from the state Energy Facility Site Evaluation Council which is tasked with review of the very largest energy facilities.

Summary of Proposed Code Changes

The purpose of proposed fossil fuel standards is to minimize the risk of spill or discharge of fuels into groundwater sources or waters of the state; to avoid and minimize any impacts to adjacent communities from fire or explosion; to support a reduction in greenhouse gas emissions and a transition to renewable fuel and energy production consistent with Federal, state and local targets; and to protect and preserve fish and wildlife habitat areas to ensure viable Tribal fisheries consistent with Treaty fishing rights.

In summary, the proposed changes include:

- New bulk fossil fuel storage and handling facilities, including oil, gas or coal storage or transshipment, would be prohibited. Current City code standards prohibit crude oil storage and handling facilities, as well as oil refineries, in all zones
- Existing bulk facilities could be maintained and upgraded, e.g., to meet new regulatory requirements or to add accessory structures that don't add capacity.
- Existing facilities could be expanded slightly if converted to cleaner fuel and brought up to seismic standards-subject to certain standards to mitigate identified impacts.

- 'Cleaner fuels' would be specifically defined, and bulk fossil fuel storage and handling facilities can convert to cleaner fuels and may expand up to 15% if converting. As an option, the proposed code considers whether to allow new cleaner fuels facilities if limited in size and location, and meeting other health, safety, and reporting requirements noted below.
- Small fossil fuel or cleaner fuel storage and distribution facilities, intended for local markets, would be allowed subject to new standards in parcels zoned Industrial Heavy (IH). New facilities could be limited in location to ensure distance from residentially zoned land. **This is not meant for application to emergency generators.**
- New development standards would be added for all three types of fossil fuel facilities including establishing baseline capacity, seismic upgrades, mitigation for greenhouse gases, proof of financial assurance, and annual reporting.
- Coal and other solid fuel storage yards, and coal and biomass electricity generating facilities would be prohibited in all districts.

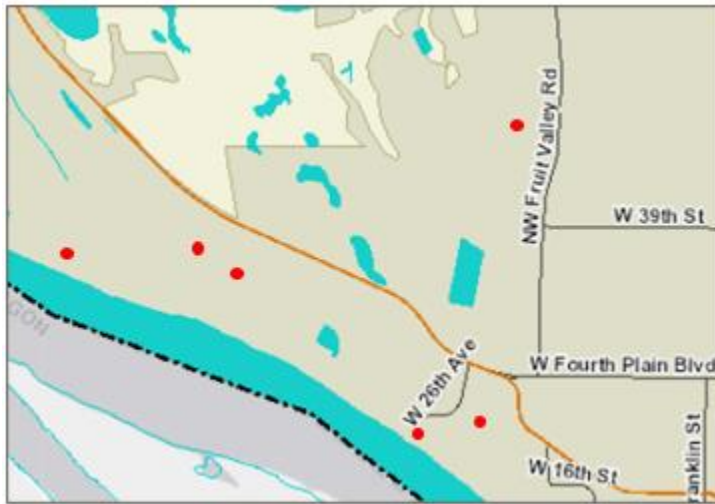
12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

This non-project action provides amendments to the City of Vancouver Municipal Code that will have a citywide effect. Primarily, all fossil fuel facilities will be prohibited in residential, commercial mixed-use and open space zoning districts. This includes:

- Low Density Residential Districts (R-2, R-4, R-6, R-9)
- Higher Density Residential Districts (R-18, R-22, R-30 and R-35)
- Commercial and Mixed Use Districts (CN, CC, CG, CX, WX, CPX, MX, RGX, HX)
- Open Space Districts (NA, GW)

There are currently six large-scale fossil fuel facilities within the City of Vancouver, 5 within areas zoned IH along the Columbia River and 1 zoned IL west of Fruit Valley Road (CNG site). These existing larger-scale facilities could apply for a permit application primarily for maintenance and safety improvements, and additional changes to convert to cleaner fuel options. Exhibit 1, below shows the locations of the six existing facilities.

Exhibit 1. Locations of Six Existing Large-Scale Fossil Fuel Facilities



Source: City of Vancouver, 2021.

New large-scale facilities would be prohibited in industrial zoned parcels. Potential cleaner fuel facilities within the City of Vancouver would be allowed within IH or IL zoned parcels as conversions from existing fossil fuel facilities, and The existing facilities that may propose to convert would be subject to permit review and compliance with code standards; if converting to cleaner fuels expansion may be allowed up to 15% of the baseline capacity. As an option, the proposed code considers whether to allow new cleaner fuels facilities if limited in size and location (e.g. buffered from residential zones by a distance, e.g. at least 1,000 feet), and meeting other health, safety, and reporting requirements.

New smaller-scale fossil fuel facilities permit applications in IH zoned parcels would require permit review and compliance with code standards. Future site-specific proposals would be subject to review.

The IH zone is generally located along the Columbia River waterfront; the portion of the IL zone with the existing fossil fuel facility is located west of NW Fruit Valley Road (CNG Trillium site approximately 5420 NW Fruit Valley Rd, Vancouver, WA 98660; abbreviated CNG in this report). See the City zoning map under Section 8-8. Land and Shoreline Use.

B. Environmental Elements

1. Earth

a. General description of the site:

(circle one): Flat, rolling, hilly, steep slopes, mountainous, other _____

This is a non-project action. The proposal affects land use regulations city-wide.

It would be anticipated new permit applications would be in areas zoned industrial, particularly IH; to a limited degree the proposal affects the IL zone, particularly the current site of a fossil fuel facility (CNG). Industrial land uses typically require topographically flat areas.

b. *What is the steepest slope on the site (approximate percent slope)?*

This non-project action anticipates structural safety and operational improvements to the 6 existing large-scale fossil fuel facilities and the potential of small-scale facilities in industrial zoned parcels. Areas designated IH, **and the IL zone west of Fruit Valley Road**, tend to have slopes 0-5% based on Clark County Environmental Maps, Slopes and Geologic Hazards Group:
<https://gis.clark.wa.gov/mapsonline/index.cfm?site=Environmental>.

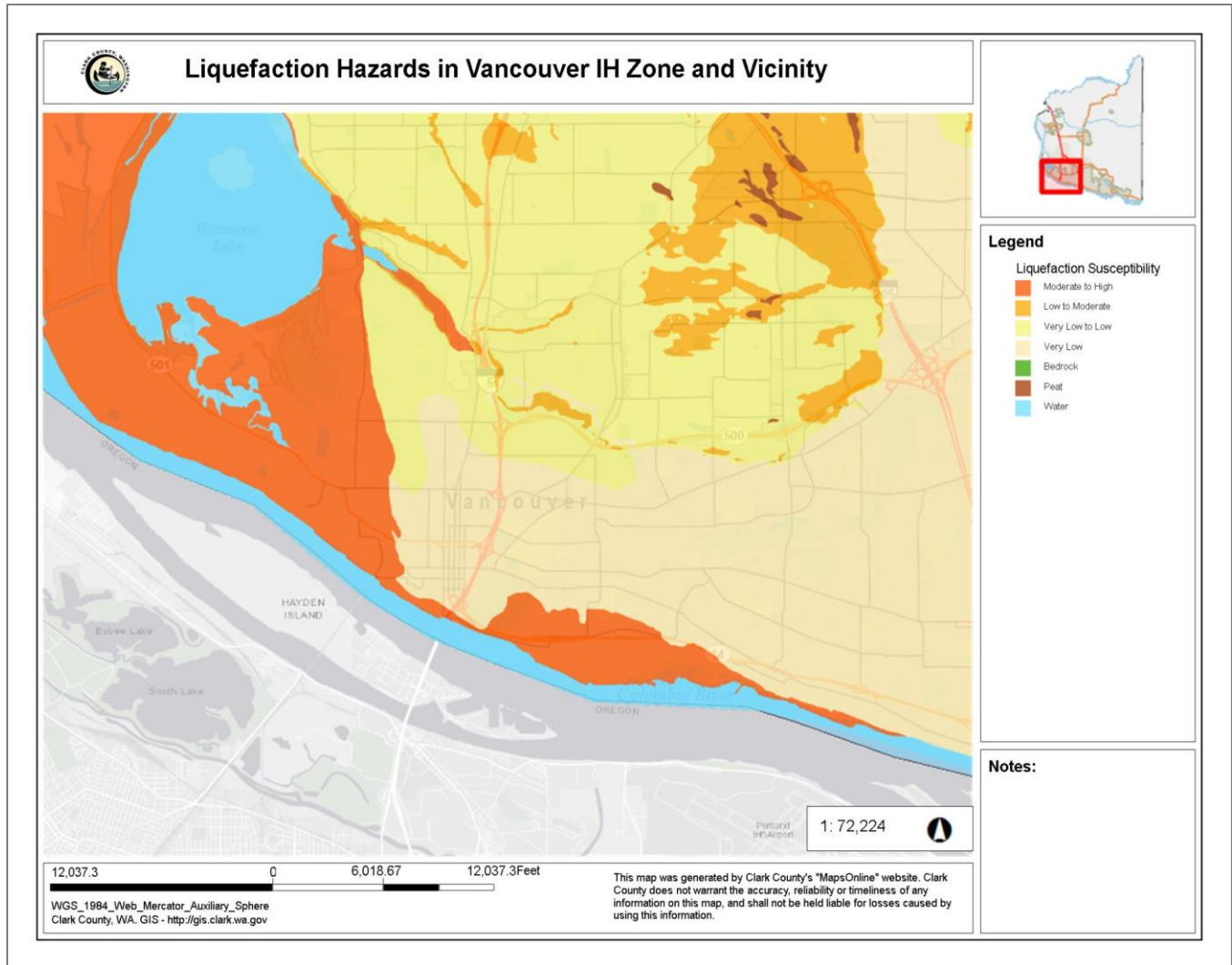
c. *What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils.*

The available soil maps show **well, moderately, to and poorly drained soils in IH and IL zoned** areas. See WWHM Soil Group, available at: <https://gis.clark.wa.gov/mapsonline/index.cfm?site=Environmental>.

d. *Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.*

Future development would be subject to City of Vancouver Critical Areas Regulations addressing Geologic Hazard Areas. For example, the areas in the IH zone **and the IL zone west of Fruit Valley Road** include lands susceptible to liquefaction. See Exhibit 2.

Exhibit 2. Liquefaction Areas



Source: Clark County GIS, 2022: <https://gis.clark.wa.gov/mapsonline/index.cfm?site=Environmental>.

There are also small areas of landslide hazards. See Slopes and Geologic Hazards Group: <https://gis.clark.wa.gov/mapsonline/index.cfm?site=Environmental>.

e. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill.

Non applicable- not a site specific proposal. **Any filling, excavation, and grading associated with future development would occur under City regulations (e.g. grading and erosion control permits).**

f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.

Future development allowed under any studied option could clear sites and construct new development subject to existing development regulations.

g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?

Not applicable – not a site specific proposal. No changes to development standards regarding impervious areas are proposed under any options.

h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:

No significant impacts are identified for the non-project proposal. Under the proposed code conditions of approval for changes to existing fossil fuel facilities or conversion to cleaner fuels, or smaller fuel facilities, or optionally new cleaner fuel facilities, would include seismic upgrades.

Future site-specific development allowed under proposed regulations are also subject to regulations meant to protect health and safety, and address geologic hazards:

- City of Vancouver Municipal Code (VMC) 14.24 Erosion Control
- 20.740.130 Geologic Hazard Areas
- VMC 14.25 Stormwater Control

2. Air

a. What types of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known.

The proposed amendments to Vancouver's land use regulations are designed to reduce greenhouse gas (GHG) emissions, and address public and environmental health and safety impacts associated with fossil fuel facilities. The City is planning to transition to renewable energy and fuel production to meet Federal, state and local targets. The City of Vancouver is home to six large-scale fossil fuel facilities involved with the distribution, extraction, refinement, processing or bulk storage. Under this non-project action, these facilities will only be allowed to expand existing storage only until the condition that their fuel is converted to cleaner fuels meeting state and federal standards. New cleaner fuel facilities may be allowed optionally in the IH zone, subject to similar standards.

This non-project action will also restrict the construction of new large-scale fossil fuel facilities within industrial zones. Furthermore, fossil fuel facilities in general will be prohibited in residential, commercial/mixed use, and open space zoned parcels.

b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.

Not applicable – not a site specific proposal. Future site-specific developments would be required to prepare their own SEPA checklist **and document off-site sources of emissions or odors.**

c. Proposed measures to reduce or control emissions or other impacts to air, if any:

No significant impacts are identified for the non-project action. **To support existing fossil fuel facilities, non-capacity improvements can be made to improve air emissions.** Southwest Clean Air Agency and State and Federal Air Quality regulations would continue to apply. For example, the Southwest Clean Air Agency must approve Air Discharge Permits, which sets air emission limits, and ongoing monitoring of

potential leaks, and conditions of approval to use best practices for bulk fuel/transshipment and other facilities.

Under this proposal, the proposed regulations could help reduce impacts:

- GHG report and mitigation requirements for subject facilities.
- The expansion of capacity, or new facilities, under the condition of converting to or providing cleaner fuels.
- Updating development standards to reduce impacts and increase safety and operations.

3. Water

a. Surface Water:

1) *Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.*

This non-project action does not have a specific site and impacts the City of Vancouver. There are several bodies of water that are adjacent to the city, most notable the Columbia River along the southern border.

2) *Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.*

Not applicable – not a site specific proposal. Future development that may develop within 200 feet of the surface waters are subject to the City’s Shoreline Master Program and Critical Area regulations.

3) *Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.*

Not applicable – not a site specific proposal. Future development that would propose fill or dredging would be subject to City clearing and grading regulations as well as Shoreline Master Program and Critical Area regulations.

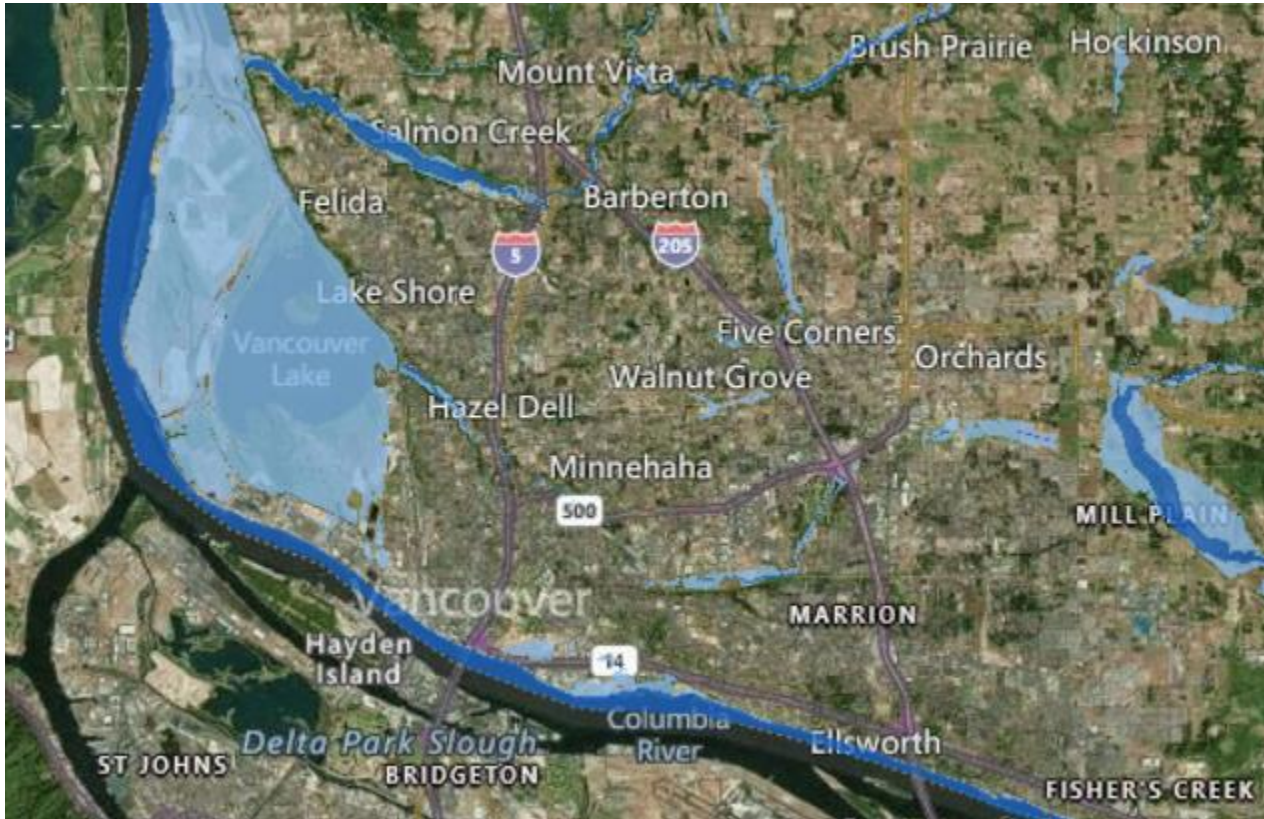
4) *Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.*

Not applicable – not a site specific proposal. Any changes to surface waters would also be subject to the Shoreline Master Program and Critical Area regulations.

5) *Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.*

Not applicable – not a site specific proposal. Exhibit 3, below shows the 100-year flood plain map for the greater Vancouver area.

Exhibit 3. Vancouver 100-year Floodplain Map (indicated by the blue)



Source: Washington State Department of Ecology, accessed July 2022.

6) *Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.*

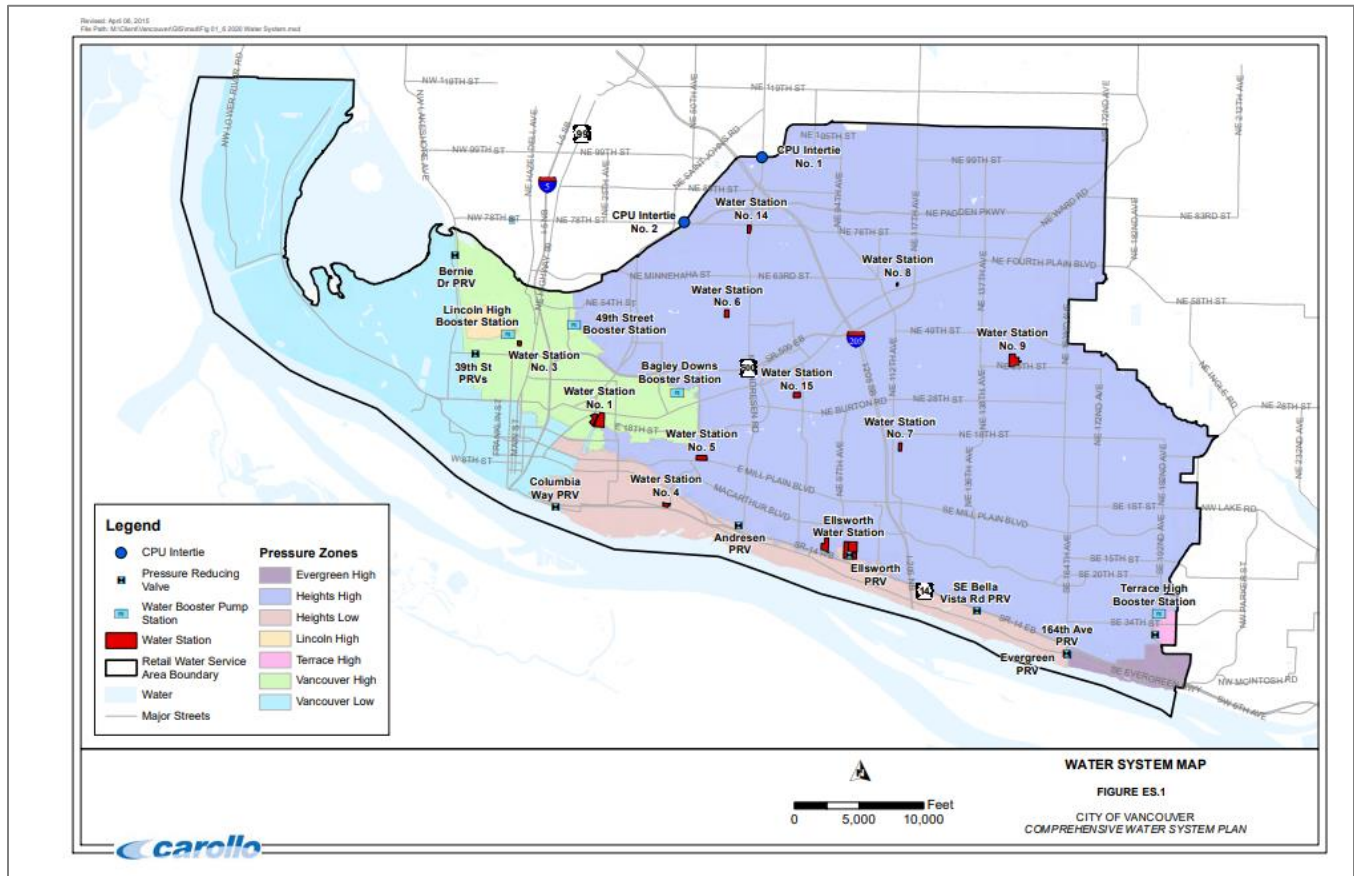
Not applicable – not a site specific proposal. Future development that would discharge waste materials to surface waters would be subject to City clearing and grading regulations as well as Shoreline Master Program and Critical Area regulations.

b. Ground Water:

1) Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known.

This non-project proposal is not site specific. The study area is served by City of Vancouver Water System in the Retail Service Area Boundary. Exhibit 4 below shows water system boundary

Exhibit 4. City of Vancouver Comprehensive Water System Plan



Source: City of Vancouver Comprehensive Water System Plan (last updated 2015)

2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals. . . ; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

Not applicable- not a site specific proposal. In the event of a new small-scale fossil fuel facility, **or new cleaner fuel facility (if allowed optionally)**, applicants would be required to meet City permit standards including connection to wastewater systems. Potential improvements at one of the six existing large-scale fossil fuel facilities are subject to guidelines from this non-project proposal.

c. Water runoff (including stormwater):

1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.

Not applicable – not a site specific proposal. Water runoff could occur from point sources and non-point sources. However, all development is subject to surface water regulations and manuals.

2) *Could waste materials enter ground or surface waters? If so, generally describe.*

Not applicable – not a site specific proposal. Future development would be subject to aquifer protection regulations and surface water quality regulations.

3) *Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe.*

Not applicable – not a site specific proposal. Future development would be required to meet stormwater drainage regulations.

4) *Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any:*

No significant impacts are identified for the non-project proposal. **To support existing fossil fuel facilities, non-capacity improvements can be made to improve water emissions.** Future permit applications would be required to meet surface, ground and runoff water requirements and adhere to Vancouver Municipal Code (VMC) 20 Land Use Code. This includes but is not limited to:

- VMC 14.25 Stormwater Control
- VMC 14.26 Water Resources Protection

4. Plants

a. *Check the types of vegetation found on the site:*

- deciduous tree: alder, maple, aspen, other
- evergreen tree: fir, cedar, pine, other
- shrubs
- grass
- pasture
- crop or grain
- Orchards, vineyards or other permanent crops.
- wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other
- water plants: water lily, eelgrass, milfoil, other
- other types of vegetation

b. *What kind and amount of vegetation will be removed or altered?*

Not applicable- not a site specific proposal. Future permit applications must submit a Tree, Vegetation and Soil Plan per Vancouver Municipal Code (VMC) 20.770.050. If there are wetlands, they would be subject to protection standards of VMC 20.740.140 Wetlands.

c. *List threatened and endangered species known to be on or near the site.*

Critical habitat has been identified for water bodies containing endangered and threatened fish species as identified by VMC 20.740.110

d. *Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:*

No significant impacts are identified for the non-project proposal. Any future development is subject to a State Environmental Policy Act (SEPA) checklist through Vancouver Municipal Code (VMC) 20.245.030. Future permit applications must also submit a Tree, Vegetation and Soil Plan per Vancouver Municipal

Code (VMC) 20.770.050. Native vegetation and wildlife habitat must be preserved to comply with VMC 14.24, Erosion Prevention & Sediment Control and the Shoreline Management Plan.

e. List all noxious weeds and invasive species known to be on or near the site.

Not applicable- not a site specific proposal. Noxious weed laws apply to help prevent the spread of invasive species through WAC 16.750. General mapping of noxious weeds shows some may exist within the City of Vancouver through the Washington State Noxious Weed Control Board (<https://www.nwcb.wa.gov/mapping-noxious-weeds>).

5. Animals

a. List any birds and other animals which have been observed on or near the site or are known to be on or near the site.

Examples include:

X birds: hawk, heron, eagle, songbirds, other:

X mammals: deer, bear, elk, beaver, other:

X fish: bass, salmon, trout, herring, shellfish, other _____

b. List any threatened and endangered species known to be on or near the site.

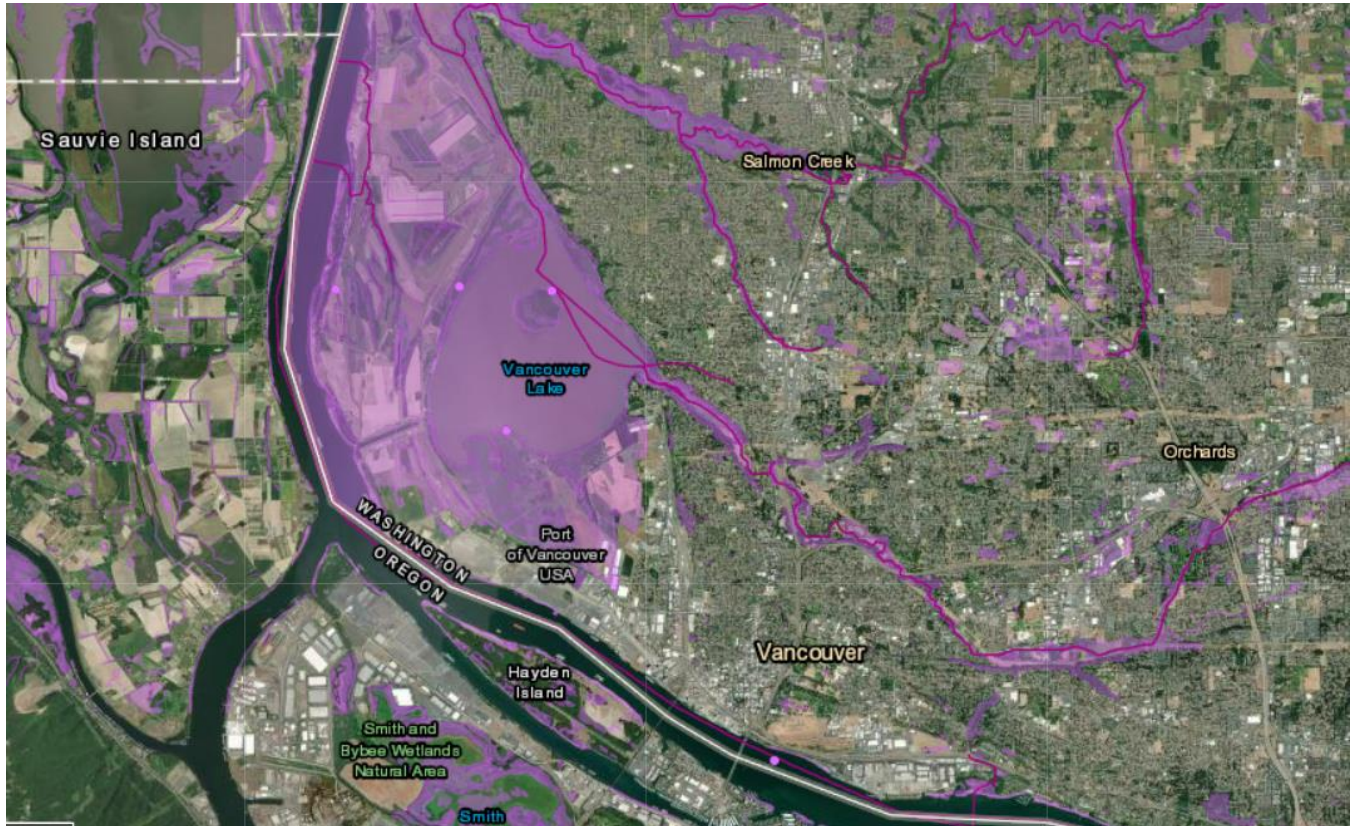
A range of fish, birds and mammals are or may be found in the City of Vancouver. The US Fish and Wildlife Service identified the following threatened or endangered species that could be found in Vancouver and Clark County:

- Northern Spotted owl
- Bull trout
- Steelhead trout
- Coho salmon
- Chinook salmon
- Chum salmon
- North American wolverine
- Brush Prairie pocket gopher

c. Is the site part of a migration route? If so, explain.

This non-project proposal is not site specific. However, potential future development and permit applications pertaining to fossil fuel facilities will be within parcels zoned for industrial uses. According to the Washington Department of Fish and Wildlife Priority Habitat and Species Map, Vancouver Lake, just north of the Port of Vancouver, is a part of a migration route for various waterfowl, including geese, swans and ducks. Exhibit 5 ~~Exhibit 5~~, below, shows the migration route nearby the IH zone and IL zone west of Fruit Valley Road.

Exhibit 5. Priority Habitat and Species Map for Vancouver, WA



Source: Washington Department of Fish and Wildlife

d. Proposed measures to preserve or enhance wildlife, if any:

This non-project proposal is not site specific. However, any new small scale fossil fuel facilities or expanded or new cleaner fuel facilities will be in parcels zoned for industrial uses, which are nearby the shoreline and Lake Vancouver. Any future development is subject to a SEPA checklist through VMC 20.245.030. **Future development must** minimize any impact to critical areas defined by VMC 20.740.110 Fish and Wildlife Habitat Conservation Areas. In the event of a permit application within the Shoreline Management Area, the applicant will adhere to policies and procedures set forth by Vancouver Municipal Code 20.760.060.

e. List any invasive animal species known to be on or near the site.

Not applicable – not a site specific proposal. The [Washington Invasive Species Council](#) has identified certain species considered invasive.

6. Energy and Natural Resources

a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.

This non-project proposal does not involve construction activity. Future development could use electric, gas, oil, and solar energy. Major energy users in the city include industrial; transportation, residential, and commercial uses represent smaller shares of energy users. An indirect impact of this proposal could

be to incentivize conversion to cleaner fuels, and potentially an overall decrease in fossil fuel dependency. Existing large-scale fossil fuel facilities are able to expand their storage capacity under the condition that they convert to cleaner fossil fuels, which is clarified in this non-project action. **To support existing fossil fuel facilities, non-capacity improvements can be made to improve air or water emissions, address maintenance/replacement, meet federal or state requirements, etc.**

b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.

Not applicable – not a site specific proposal. City regulations allowing for solar energy would not change.

c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any:

No significant impacts are identified for the non-project action. The proposal would allow existing facilities but incentivize the conversion to cleaner fossil fuels **with up to 15% expansion**. As an option, the City may consider allowing new cleaner fuel facilities in the IH zone subject to size, location **(e.g. with a buffer distance to residential zones)**, and other environmental **standards (seismic, fire safety, spill prevention)**. The proposal would support the City's draft climate action plan anticipated for adoption in 2022.

7. Environmental Health

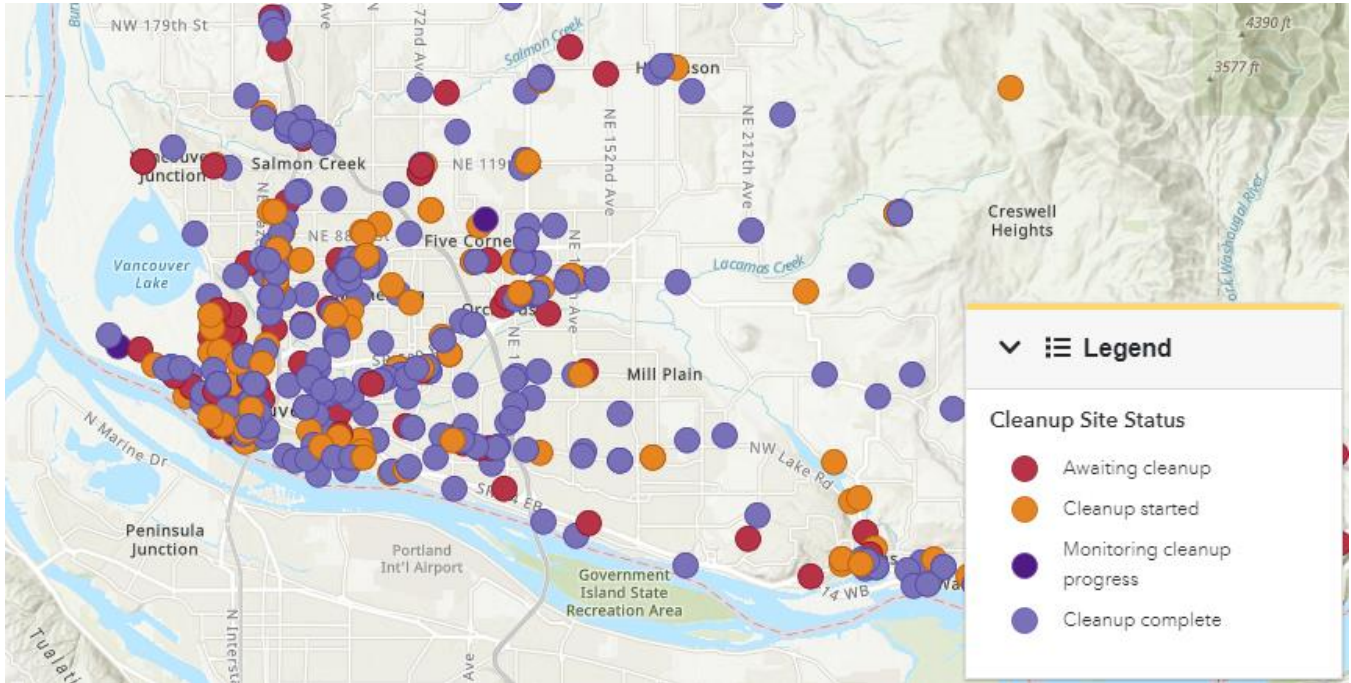
a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe.

Some industrial uses involving chemical manufacturing, smelting, or fossil fuel or renewable fuel processing, handling, and storage have risks, impacts, and vulnerabilities, such as: explosive and fire risks, spill, exposure to toxic chemicals, odor, stormwater, and waste products.

1) Describe any known or possible contamination at the site from present or past uses.

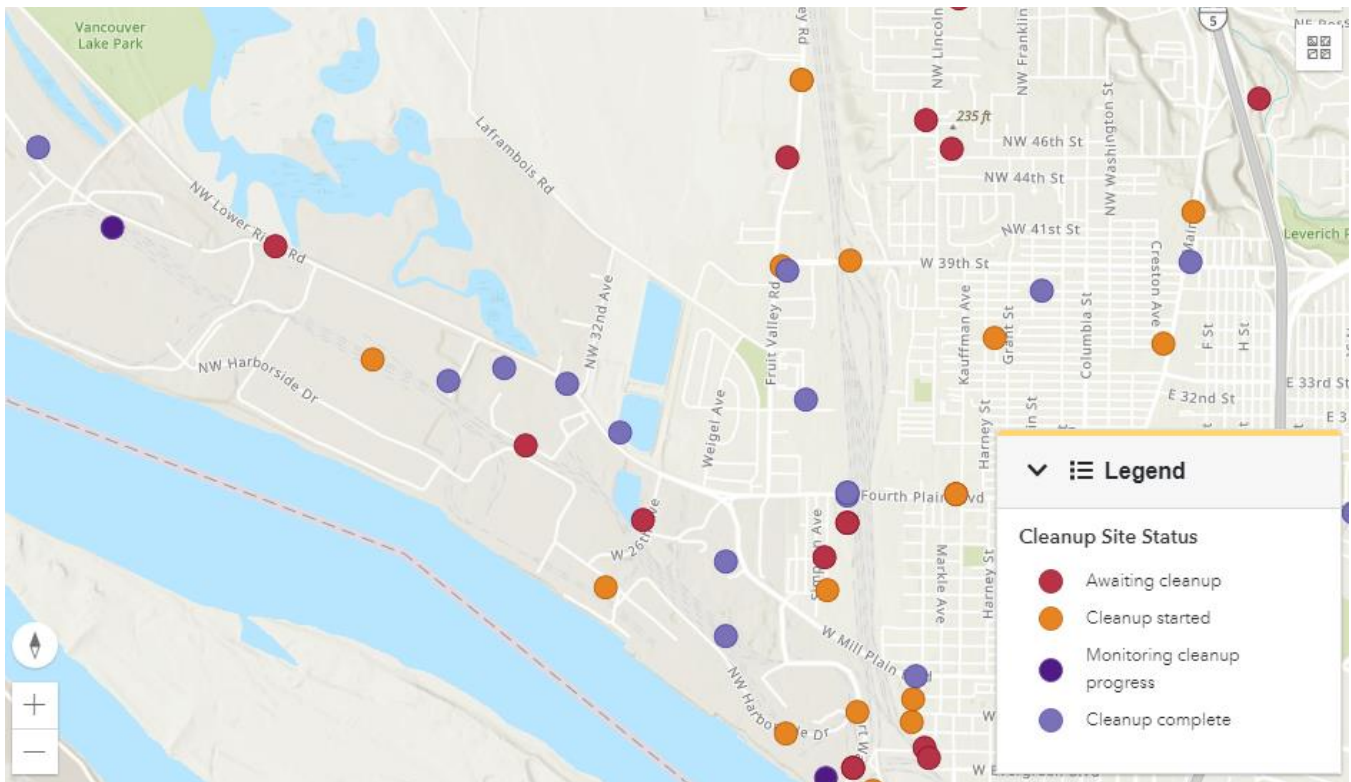
The State of Washington Department of Ecology maintains a database of contaminated sites. In all parts of the study area there are completed, in progress, and pending clean-up efforts. See Exhibit 6 and Exhibit 7.

Exhibit 6. Ecology Clean Up Sites Map- City of Vancouver



Source: State of Washington Department of Ecology (2022)

Exhibit 7. Ecology Clean Up Sites Map- Fruit Valley Vicinity

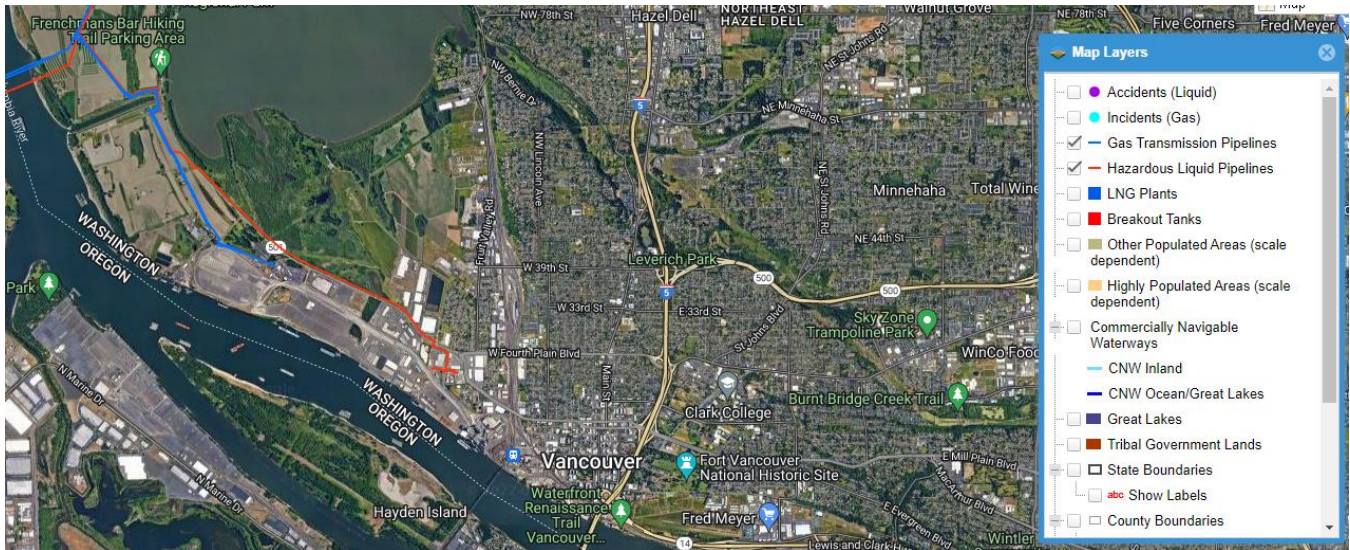


Source: State of Washington Department of Ecology (2022)

2) Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity.

The National Pipeline Mapping System from the Pipeline and Hazardous Materials Safety Administration (PHMSA) identified one hazardous liquid (Olympic Pipeline Company) and one gas transmission (Northwest Pipeline LLC) pipeline within the City of Vancouver. See Exhibit 8, below for location context.

Exhibit 8. Hazardous Liquid and Gas Pipeline Map



Source: Pipeline and Hazardous Materials Safety Administration (2022)

3) Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project.

Not applicable – not a site specific proposal. The City of Vancouver identified 6 existing large-scale (bulk) fossil fuel facilities. This non-project action will allow existing facilities and maintenance/upgrades provided there is compliance with City codes including seismic, fire protection, and spill prevention. Small fossil fuel and cleaner fuel facilities, and potentially new cleaner fuel facilities, would be subject to similar development standards. **Buffer distances from residential zones would be required (e.g. 1,000 feet minimum).** Any new or expanded facilities would be subject to SEPA review.

4) Describe special emergency services that might be required.

The City of Vancouver has the [Emergency Operations Plan](#), which identifies various hazardous and environmental health emergencies.

5) Proposed measures to reduce or control environmental health hazards, if any:

No significant impacts are identified for the non-project proposal. **The code proposal includes buffer distances of minimum 1,000 feet between small scale facilities or new or expanded cleaner fuel facilities and residential zones. The code proposal also addresses seismic upgrades pursuant to current building code requirements, and a comprehensive spill prevention plan and fire response plan.** The following regulations **also** apply to future development and can help mitigate impacts:

- State [Model Toxics Control Act](#) (Chapter 70.105D RCW)

- State Underground Storage Tank Regulations (Chapter 173-360A WAC)
- VMC 2.32.070 Hazardous Materials Incidents
- VMC 5.88.075 Distribution and transportation- Reporting Requirements for Natural Gas companies.
- 16.04.010 Adoption of the international fire code.

b. Noise

1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?

Noise sources in the study area include traffic on roads and rail lines, and industrial and commercial equipment and operation in industrial areas.

2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.

Not applicable – not a site specific proposal. Future development could produce more noise as identified from industrial commercial uses. The City of Vancouver has a Noise Impact Overlay District, which includes an area west of I-5, east of Lincoln Ave, north of the Columbia River in the Esther Short neighborhood. None of the six existing bulk facilities are located within the Noise Impact Overlay District. New smaller fossil fuel facilities will only be allowed in industrial zoned parcels, which are not in the overlay district.

3) Proposed measures to reduce or control noise impacts, if any:

No significant impacts are identified for the non-project proposal. Industrial Heavy uses are required to not be at conflict with any nearby commercial or residential activities. The City of Vancouver has a Noise Control Ordinance (VMC 7.05.010) and maximum permissible noise levels in VMC 20.935.030 Performance Standards.

8. Land and Shoreline Use

a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe.

This non-project proposal includes changes to existing zoning standards and adding new land use categories. This primarily affects the IH zone. Current uses allowed in the IH zone include but are not limited to: Industrial Uses, commercial uses with outdoor sales, electric vehicle charging stations, airports, and rail lines. Institutional uses, including, trails, parks, community centers and transportation facilities are also allowed in IH zones. Exhibit 9 provides a zoning map for the entire city. Residential and commercial zoned parcels do abut IH zones. However, IH zoning boundaries were drawn to avoid impacting residential activities as started in Vancouver Municipal Code (VMC) 20.440.

The existing fossil fuel facility in the IL Zone (CNG) could continue, may add non-capacity improvements, and may convert to cleaner fuels with limited expansion potential. The IL zone allows industrial services, manufacturing, research and development, warehouses, and wholesale sales. The zone is not intended for uses requiring marine or rail transport.

b. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses as a result of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use?

The study area does not contain working farmlands or working forest lands of long-term significance. Any future development would be located in IH zoned areas; the existing fossil fuel facility in the IL zone may add non-capacity improvements or convert to cleaner fuels with limited capacity changes (15%).

1) Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how:

There are no working farmlands or working forest lands of long-term significance abutting the study area.

c. Describe any structures on the site.

There are large industrial and manufacturing structures in the industrial zones.

d. Will any structures be demolished? If so, what?

Not applicable – not a site specific proposal.

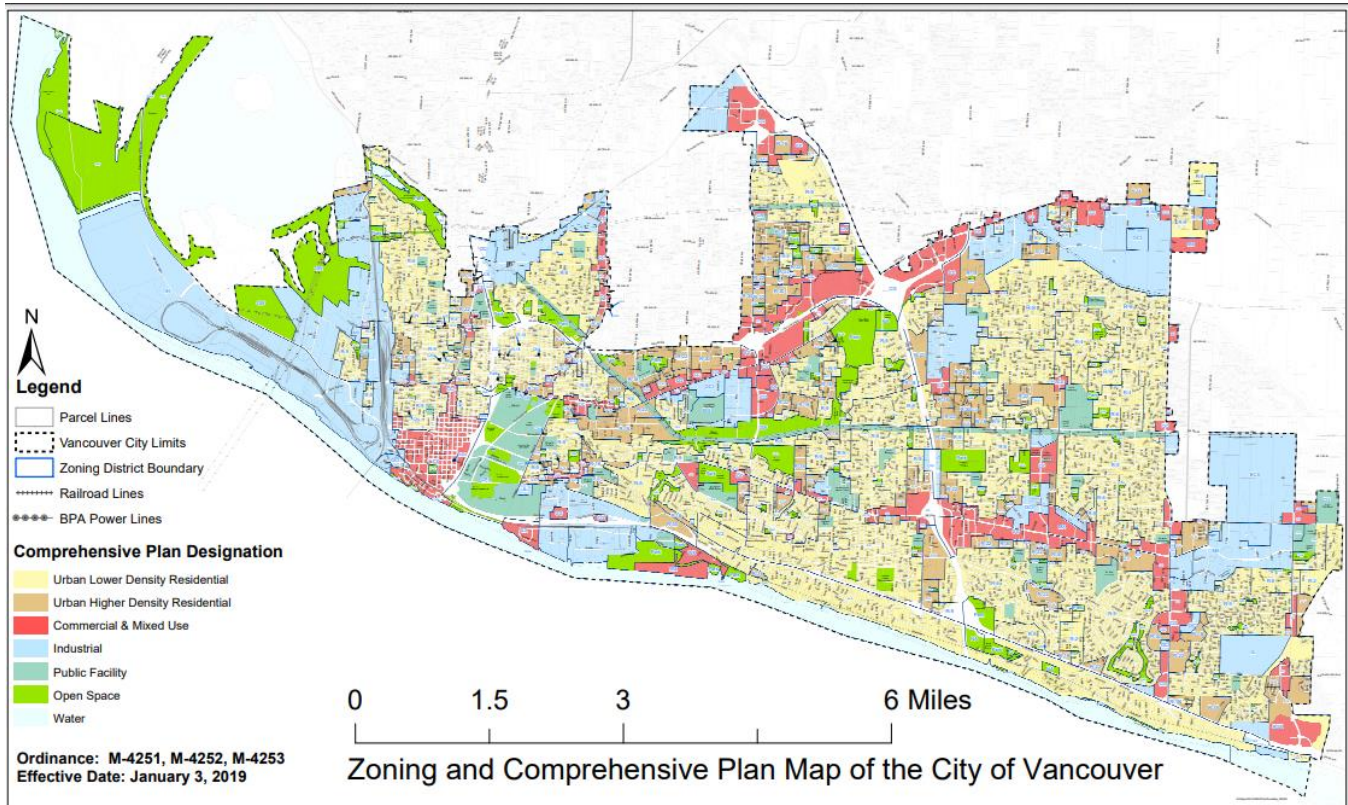
e. What is the current zoning classification of the site?

Not applicable – not a site specific proposal. All future development will be in parcels zoned IH; the IL zone affected would include an existing fossil fuel facility west of Fruit Valley Road (CNG).

f. What is the current comprehensive plan designation of the site?

This non-project action is not site specific. However, any future development for fossil fuel facilities will be located within areas zoned IH within the City of Vancouver; the IL zone affected would include an existing fossil fuel facility west of Fruit Valley Road (CNG). Exhibit 8 shows the general zoning designation for the city:

Exhibit 9. Zoning and Comprehensive Plan Map of the City of Vancouver

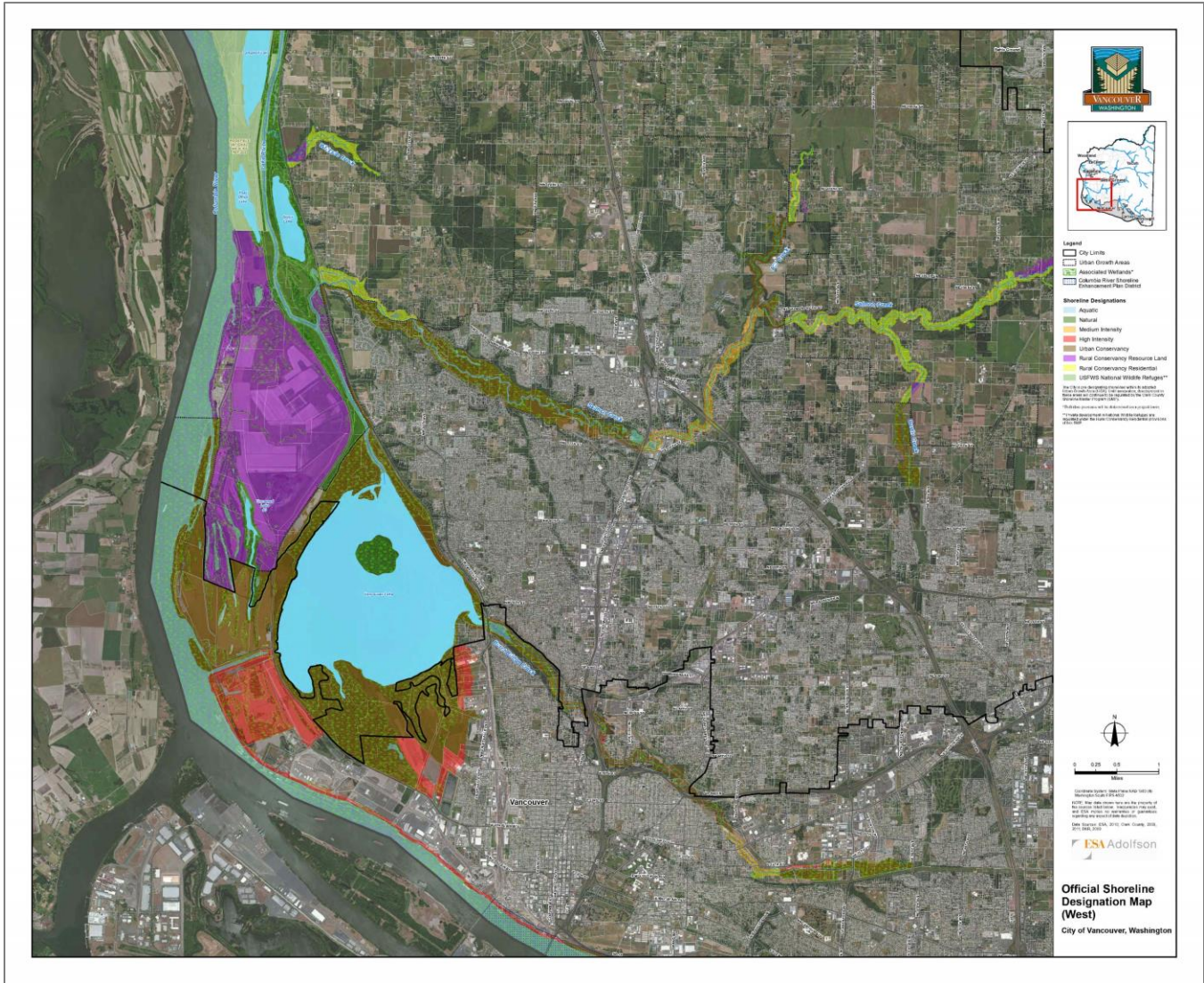


Source: City of Vancouver, 2019

g. If applicable, what is the current shoreline master program designation of the site?

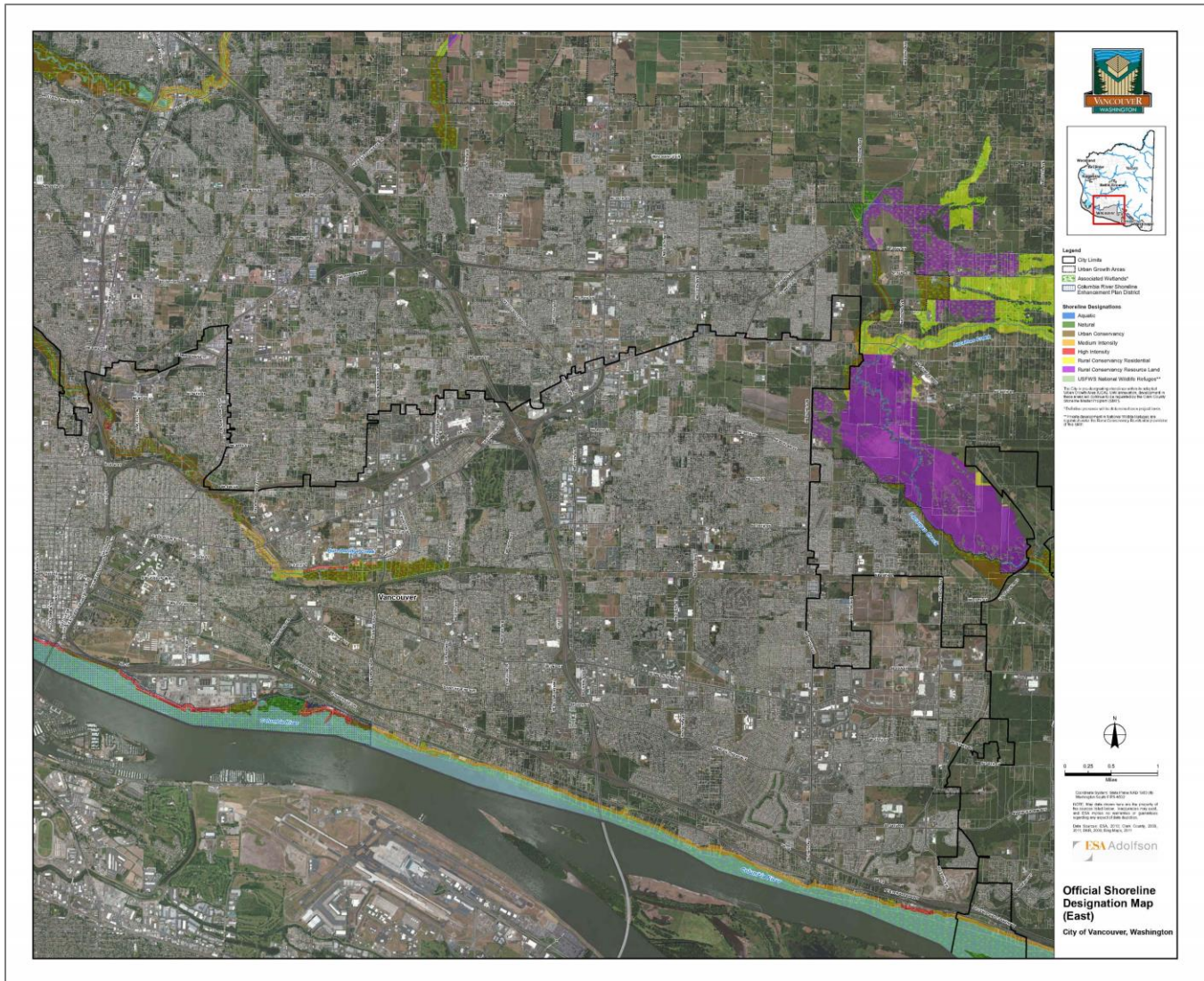
This non-project action is not site specific. The City of Vancouver adopted their Shoreline Master Plan (SMP) in 2012 and recently reviewed and updated it in June 2021. The City of Vancouver SMP 6.3.6.1 provides general requirements for industrial uses. Future development could result in new or altered facilities in compliance with the new “Bulk Fossil Fuel Storage and Handling Facility,” “Cleaner Fuel Storage and Handling Facilities” and “Small Fossil Fuel and Cleaner Fuel Storage and Distribution Facilities” land use categories. **Some limitations may apply to using piers and docks for new transshipment.** In the event of a permit application within the Shoreline Management Area, the applicant will adhere to policies set forth by Vancouver Municipal Code 20.760.060 Shoreline Permit Procedures. Exhibit 10 and Exhibit 11 show the areas on the west and east halves, respectively, within the City of Vancouver.

Exhibit 10. Shoreline Designation Map (west) for the City of Vancouver



Source: City of Vancouver

Exhibit 11. Shoreline Designation Map (east) for the City of Vancouver



Source: City of Vancouver

h. Has any part of the site been classified as a critical area by the city or county? If so, specify.

This non-project proposal does not involve construction activity. Future development could lead to the addition of smaller fossil fuel facilities, or facilities converting or adding cleaner fuels, on IH zoned land; **the existing fossil fuel facility in the IL zone may add non-capacity improvements or convert to cleaner fuels with limited capacity changes (15%).** If the proposed site falls under a critical area, the applicant will be subject to follow all state and federal permits as a condition of a critical area permit per Vancouver Municipal Code (VMC) 20.740 Critical Areas Protection. **Exhibit 10** and **Exhibit 11**, above, also identify ecological conservation districts within the City of Vancouver.

i. Approximately how many people would reside or work in the completed project?

This non-project proposal does not involve construction activity of any new housing or commercial uses. Under Vancouver Municipal Code (VMC) 20.440 Industrial Uses, housing is allowed as a limited use in IH or **IL** zoned land. Future development of small fossil fuel facilities, or facilities converting or adding

cleaner fuels, will be reviewed per applicable permit requirements and standards. **This includes a distance of a minimum 1,000 feet.**

j. Approximately how many people would the completed project displace?

This non-project proposal does not involve construction activity that will result in the displacement of residential and commercial uses.

k. Proposed measures to avoid or reduce displacement impacts, if any:

This non-project proposal will prohibit industrial uses pertaining to fossil fuels in non-industrial zoned parcels. An indirect impact of the non-project action would be that housing and commercial uses continue to be prioritized within residential, commercial, and mixed use zoned parcels within the City of Vancouver.

l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:

This non-project proposal will prohibit industrial uses pertaining to fossil fuels in non-industrial zoned parcels. An indirect impact of the non-project action would be that housing and commercial uses continue to be prioritized within residential, commercial, and mixed use zoned parcels within the City of Vancouver. **The proposal includes standards included to avoid incompatibilities (e.g., buffer distances from industrial to residential zones, spill prevention and seismic upgrades).**

The proposed land use code changes would help the City reduce greenhouse gas emissions (GHG) and minimize potential public and environmental health and safety impacts. The non-project action will then be used to align with the Vancouver Strategic Plan Update, Climate Action Plan and other Title 20 code amendments. Furthermore, protecting fish and wildlife habitats from the risk of spills from fossil fuel facilities through increasing seismic safety would indirectly support Treaty fishing rights with Tribal fisheries.

m. Proposed measures to reduce or control impacts to agricultural and forest lands of long-term commercial significance, if any:

Not applicable. There are no designated agricultural or forest lands of long-term commercial significance.

9. Housing

a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.

This non-project proposal does not involve construction activity. The non-proposal action will prohibit industrial fossil fuel facility uses from residential zoning districts and will be allowed only in industrial zoned parcels. Residential uses are allowed as a Limited use under all Industrial land uses. In OCI and ECX zoned parcels, multifamily housing is permitted on the ground floor only. In ~~HI~~IL and IH zoned parcels, only caretaker residences are allowed.

There are residential zoned parcels that abut industrial zoned parcels. However, IH zoning boundaries and associated development standards are meant to avoid impacting residential activities as started in

Vancouver Municipal Code (VMC) 20.440. Proposed standards for new small facilities or cleaner fuel facilities include distance requirements from residentially zoned land (e.g. minimum 1,000 feet).

b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.

This non-project proposal does not involve construction activity. No housing units will be eliminated.

c. Proposed measures to reduce or control housing impacts, if any:

This non-project proposal does not involve construction activity, and the proposed code would limit fossil fuel facilities in the residential zones and include distance requirements from residentially zoned land (e.g. minimum 1,000 feet).

10. Aesthetics

a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?

Not applicable – not a site specific proposal. No changes to allowed heights are proposed.

b. What views in the immediate vicinity would be altered or obstructed?

The non-project action will limit the development of new fossil fuel facilities as well as limit the size of cleaner fuel facilities. There is currently no vision overlay district over parcels zoned for industrial uses. Any future development will be subject to height and landscape standards.

c. Proposed measures to reduce or control aesthetic impacts, if any:

No significant impacts are identified for the non-project proposal. The zoned based height standards and landscape standards would apply in the VMC Title 20 Land Use Code.

11. Light and Glare

a. What type of light or glare will the proposal produce? What time of day would it mainly occur?

This non-project action is not site specific. Any future development will need to adhere to Title 20 of the Vancouver Municipal Code (VMC).

b. Could light or glare from the finished project be a safety hazard or interfere with views?

This non-project action is not site specific. No changes to regulations addressing light and glare are proposed. Any future development will need to adhere to Title 20 of the Vancouver Municipal Code (VMC).

c. What existing off-site sources of light or glare may affect your proposal?

This non-project action is not site specific. No changes to regulations addressing light and glare are proposed. Any future development will need to adhere to Title 20 of the Vancouver Municipal Code (VMC).

d. Proposed measures to reduce or control light and glare impacts, if any:

This non-project action is not site specific, and no significant impacts have been identified. Any future development will need to adhere to Title 20 of the Vancouver Municipal Code (VMC) including 20.935.030 Performance Standards with a standard to avoid light and glare.

12. Recreation

a. What designated and informal recreational opportunities are in the immediate vicinity?

This non-project action is not site specific. An indirect impact of this non-project proposal will prohibit fossil fuel facilities within open space districts.

b. Would the proposed project displace any existing recreational uses? If so, describe.

The regulations would not displace existing uses. Existing park and recreation uses would continue.

c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:

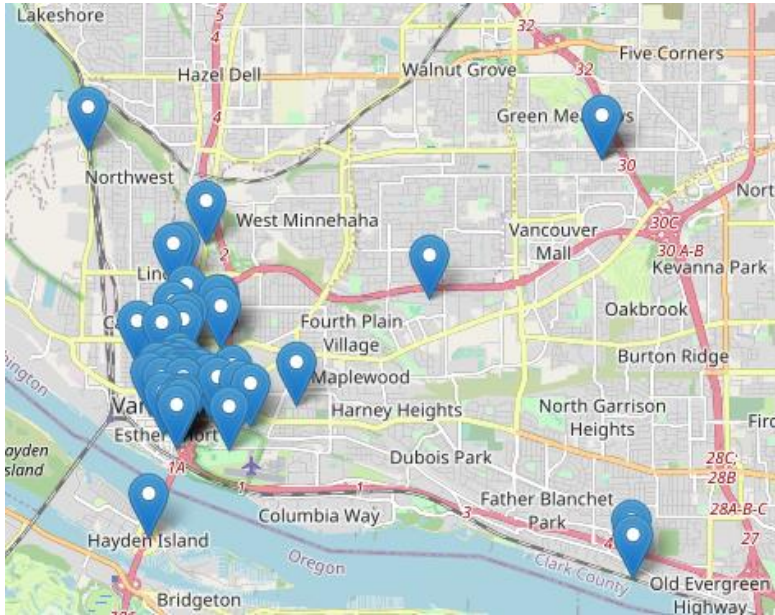
A key goal of this non-project proposal is to reduce greenhouse gas (GHG) emissions by prohibiting new bulk fossil fuel facilities. This includes disallowing fossil fuel facilities in open space districts.

13. Historic and cultural preservation

a. Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers? If so, specifically describe.

Future development under this new non-project action will occur only in industrial zoned districts within the City of Vancouver. According to the Clark County Historic Preservation Program, there are no buildings, structures or sites located within a parcel zoned for industrial land use. ~~Exhibit 12~~ ~~Exhibit 12~~, below shows the location of all historic structures within the city. The majority of sites are located west of Central Park in the Esther Short neighborhood and to the north.

Exhibit 12. Historical buildings, structures and sites within the City of Vancouver



Source: Clark County Historical Preservation Program (2022)

b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources.

The City of Vancouver is located within the ancestral lands of the primarily the Chinook and Cowlitz tribes. Washington State Department of Archaeology and Historic Preservation (DAHP) Statewide Predictive Modal classifies the city boundaries overall in the very high-risk category.

c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc.

The methods included review of inventoried data with the Department of Archaeology and Historic Preservation (<https://wisaard.dahp.wa.gov/>).

d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required.

There are no anticipated impacts as a result of non-project proposals; no changes to historic or cultural resource regulations are proposed. Development would be subject to federal, state, and local laws protecting historic and cultural resources, including:

- National Historic Preservation Act (NHPA) (Title 54 United States Code [U.S.C.]); Section 106 of the NHPA (36 Code of Federal Regulations [CFR] Part 800)
- Native American Graves Protection and Repatriation Act (NAGPRA; 25 U.S.C. 2001-13)
- American Antiquities Act of 1906 (16 U.S.C. 432)
- Archaeological Resources Protection Act of 1979 (ARPA, 16 U.S.C. 470aa-470mm)
- Section 4(f) of the Department of Transportation Act (DOT Act, 49 U.S.C. 303)

- Abandoned Shipwreck Act, of 1988 (ASA, 43 U.S.C. 2101-2106)
- Procedures for State, Tribal, and Local Government Historic Preservation Programs (36 CFR Part 61)
- State Environmental Policy Act (RCW 43.21C, WAC 197-11-330)
- Governor’s Executive Order 05-05
- Washington Heritage Register (Senate Bill 363; RCW 27.34.200, WAC 25-12)
- Archaeological Sites and Resources (RCW 27.53)
- Archaeological Site Public Disclosure Exemption (RCW 42.56.300)
- Human Remains (RCW 68.50)
- Indian Graves and Records (RCW 27.44)
- Abandoned and Historic Cemeteries and Historic Graves (RCW 68.60)
- Archaeological Excavation and Removal Permit (WAC 25 48)
- Archaeological activities on state-owned aquatic lands – Agreements, leases, or other conveyances (RCW 79.105.600)
- City of Vancouver Municipal Code (VMC) 17.39 Historic Preservation

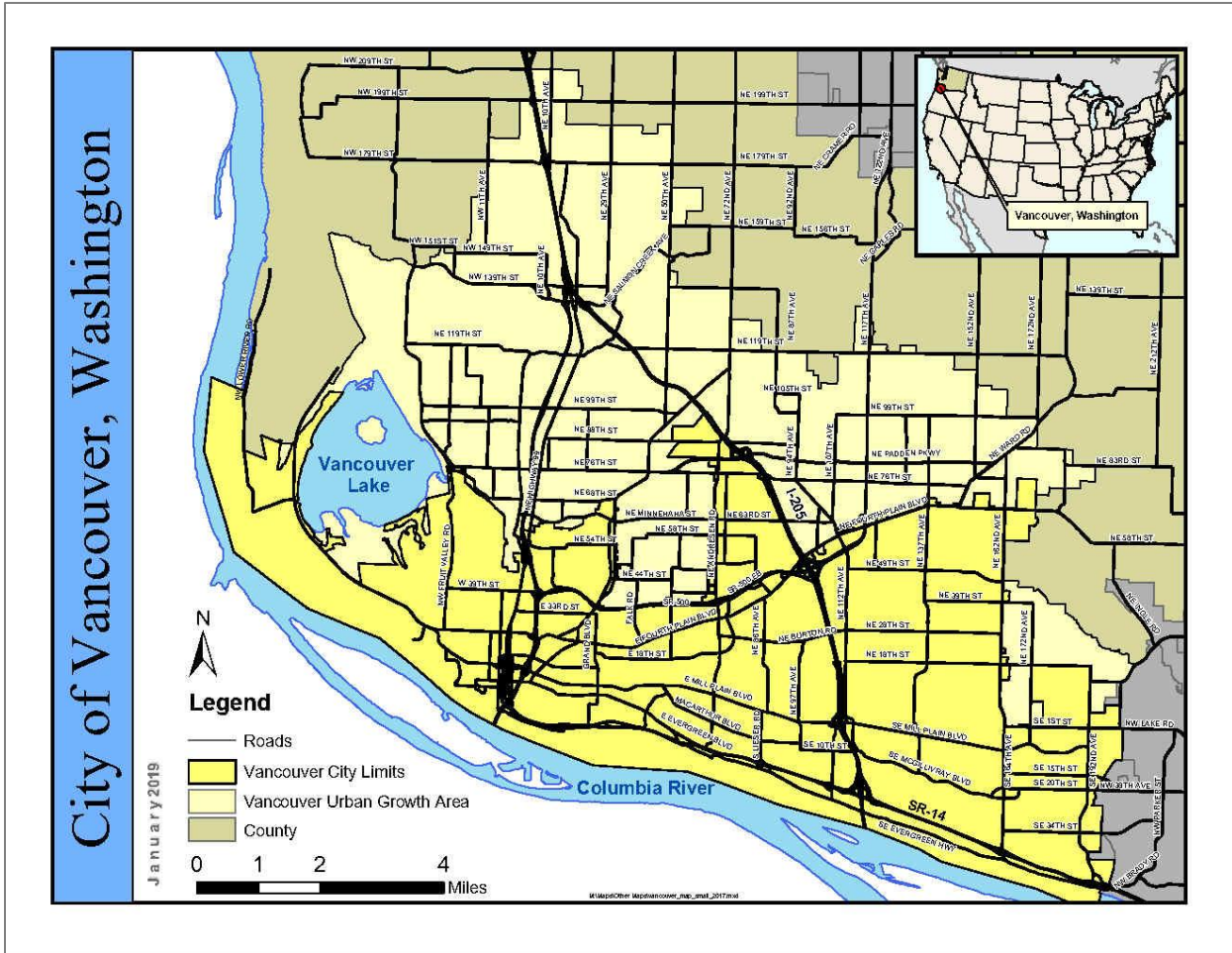
14. Transportation

- a. *Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any.*

The non-project action is not site-specific and does not propose any new transportation system improvements. The City of Vancouver is primarily a vehicle-oriented environment, with about 86% of its residents commuting to work by car¹. The I-5 and I-205 highways extend north-south through the city, and State Routes 500, 501 and 14 extend east-west through the city. Exhibit 13, below, shows a street map for Vancouver.

¹ City of Vancouver State of Mobility Report 2020

Exhibit 13. City of Vancouver Street Map



Source: City of Vancouver

b. *Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop?*

Not applicable – not a site specific proposal. The study area is served by both C-TRAN and Sound Transit.

c. *How many additional parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate?*

Not applicable – not a site specific proposal. No changes are proposed to parking standards.

d. *Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private).*

Not applicable – not a site specific proposal. No changes are proposed to existing transportation systems.

- e. *Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.*

The study area includes areas served by water and rail transportation. **If existing fossil fuels facilities are converted or expanded with cleaner fuels, they would be required to submit transportation analysis documenting use of water or rail; there would also be annual reporting of activities.**

- f. *How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and non-passenger vehicles). What data or transportation models were used to make these estimates?*

Not applicable – not a site specific proposal. The City’s Comprehensive Plan is based on growth targets that are the basis for planned improvements; growth projections are not anticipated to change **as a result of the code proposals. If existing fossil fuels facilities are converted or expanded with cleaner fuels, they would be required to submit traffic impact analysis documenting any changes in transport on roads; there would also be annual reporting of activities.**

- g. *Will the proposal interfere with, affect or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe.*

The study area contains port facilities that move a wide range of goods, including fossil fuels. No changes to the movement of resource products are anticipated.

- h. *Proposed measures to reduce or control transportation impacts, if any:*

There are no anticipated impacts as a result of non-project proposals; no changes to transportation regulations are proposed. **There would also be annual reporting of activities.** Any future development would be subject to:

- VMC 20.550 Transit Overlap District
- VMC 11.80.130 Traffic impact analysis.

15. Public Services

- a. *Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe.*

Not applicable – not a site specific proposal. This non-project proposal will limit fossil fuel facilities within the City of Vancouver. Vancouver Fire Department has been identified as the lead agency to address any hazardous material incidents. There would be a requirement for a spill prevention plan and review by the Fire Marshall.

- b. *Proposed measures to reduce or control direct impacts on public services, if any.*

There are no anticipated adverse impacts as a result of non-project proposals. **The proposal includes requirements for spill prevention and fire response plans.** Future development would be required to meet:

- VMC 16.04.010 Adoption of the international fire code.
- VMC 2.32.070 Fire Department

16. Utilities

a. Circle utilities currently available at the site:

electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system,
other _____

Utilities are available in the city including power, sewer, and wastewater.

b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.

Not applicable – not a site specific proposal. Future development would be required to meet City utility standards including Title 14 Water and Sewers. See B.6 Energy regarding power.

C. Signature

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature: _____  _____

Name of signee _____ Bryan Snodgrass _____

Position and Agency/Organization _____ Principal Planner _____

Date Submitted: _____ 8/16/2022; revised 9/9/22 _____

D. Supplemental sheet for non-project actions

(IT IS NOT NECESSARY to use this sheet for project actions)

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?

See B.2, B.3, and B.7. Per B.2 Air, the proposed amendments to Vancouver's land use regulations are designed to reduce greenhouse gas (GHG) emissions.

Per B.3 Water, water runoff could occur from point sources and non-point sources. However, all development is subject to surface water regulations and manuals.

Per B.7 Environmental Health, the proposed code could allow small scale fossil fuel or cleaner fuel uses or expanded or new cleaner fuel facilities that have risks, impacts, and vulnerabilities, such as: explosive and fire risks, spill, exposure to toxic chemicals, odor, stormwater, and waste products. Future development could produce more noise as identified from industrial commercial uses.

Proposed measures to avoid or reduce such increases are:

See B.2, B.3, and B.7. Per B.2 Air, GHG evaluations would be required for cleaner fuel facilities (conversions, expansions, new). Air discharge permits would continue to be required including associated required monitoring. Per B.3 Water, future permit applications would be required to meet surface, ground and runoff water requirements and adhere to Vancouver Municipal Code (VMC) 20 Land Use Code. Per B.7, the proposal includes buffer distances of minimum 1,000 feet between small scale facilities or new or expanded cleaner fuel facilities and residential zones. The code proposal also addresses seismic upgrades pursuant to current building code requirements, and a comprehensive spill prevention plan and fire response plan. Environmental Health, noise control regulations apply.

2. How would the proposal be likely to affect plants, animals, fish, or marine life?

See B.4 and B.5. Per B.4 Plants, there are a range of vegetation types found in the applicable zones, and critical habitat. Per B.4 Animals, a range of fish, birds and mammals are or may be found in the City of Vancouver; there are migration routes near the applicable zones.

Proposed measures to protect or conserve plants, animals, fish, or marine life are:

See B.4 and B.5. Per B.4 Plants, future development would submit a Tree, Vegetation and Soil Plan per Vancouver Municipal Code (VMC) 20.770.050. Native vegetation and wildlife habitat must be preserved to comply with VMC 14.24, Erosion Prevention & Sediment Control and the Shoreline Management Plan. In addition, per B.5 Animals, future development must minimize any impact to critical areas defined by VMC 20.740.110 Fish and Wildlife Habitat Conservation Areas as well as other critical areas and shoreline plans.

3. How would the proposal be likely to deplete energy or natural resources?

See B.6. Per B.6 Energy, existing large-scale fossil fuel facilities are able to expand their storage capacity under the condition that they convert to cleaner fossil fuels. The proposal would allow existing facilities but incentivize the conversion to cleaner fossil fuels with up to 15% expansion. As an option, the City may consider allowing new cleaner fuel facilities in the IH zone subject to size, location, and other environmental standards.

Proposed measures to protect or conserve energy and natural resources are:

See B.6. The proposal would not reduce energy storage. It could increase cleaner fuels. The proposal would support the City's draft climate action plan anticipated for adoption in 2022.

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?

See B.4, B.5, B.8, and B.12. Per B.4, B.5, and B.8 there are critical areas in the affected zones. Per B.12 Recreation, existing parks and recreation uses would continue, and no park displacement is anticipated. Per B.13 Historic and Cultural Preservation, there are no historic buildings, structures or sites located within a parcel zoned for industrial land use. However, the area is considered in a high-risk category for archeological resources.

Proposed measures to protect such resources or to avoid or reduce impacts are:

See B.4, B.5, B.8, and B.12. Per B.4 Plants, B.5 Animals, B.8 Land Use, any expanded or new facilities would be required to meet critical area and shoreline protection standards that promote avoidance or minimization of impacts on environmentally sensitive areas. Per B.12 Recreation the code proposal disallows fossil fuel facilities in open space districts. Per B.13, development would be subject to federal, state, and local laws protecting historic and cultural resources.

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

See B.8. Per B.8 Land Use, the code proposals would allow for industrial uses in industrial zones. The proposal will prohibit industrial uses pertaining to fossil fuels in non-industrial zoned parcels.

Proposed measures to avoid or reduce shoreline and land use impacts are:

See B.8. Per B.8 Land Use, the proposal includes standards included to avoid incompatibilities (e.g., buffer distances from industrial to residential zones, spill prevention and seismic upgrades).

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

See B.14, B.15, and B.16. Per B.14 Transportation, the area is served by multiple modes of transportation. The proposal does not include any new transportation system improvements. Future proposals would provide documentation of transportation system impacts. there would also be annual reporting of activities. Per B.15 and B.16, the study area is served by public services and utilities.

Proposed measures to reduce or respond to such demand(s) are:

See B.14, B.15, and B.16. Per B.14 Transportation there would be transportation impact analysis and there would also be annual reporting of activities. Per B.15 Public Services, application of the fire code would be required. In addition, the proposal includes requirements for spill prevention and fire response

plans. Per B.16 Utilities, Future development would be required to meet City utility standards including Title 14 Water and Sewers. See B.6 Energy regarding power.

Z. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

The non-project action will align with the Vancouver Strategic Plan update and Climate Action Plan. Furthermore, these changes will support existing Tribal fishing treaties. It will promote cleaner fuels that fit state and federal rules and help achieve climate change reduction goals.